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

Our ref: PP\_2012\_WOLLY\_010\_00 (13/01073)  
Your ref: 6742 JRMS

Dear Mr McMahon,

**Planning proposal to amend Wollondilly Local Environmental Plan 2011**

I am writing in response to Council's letter dated 14 December 2012 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 land at Eltons Road and Taylors Road, Silverdale from RU2 Rural Landscape to R2 Low Density Residential, R5 Large Lot Residential and for environmental purposes.

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.

It is noted that Council's current Growth Management Strategy does not support the planning proposal in that the majority of the site is not identified for potential future residential growth. However, the site may have potential for growth in the future and Council is currently undertaking a review of the Growth Management Strategy and has resolved to support the preparation of a Master Plan for the Silverdale and Warragamba area. Therefore, Council is to complete the review of the Strategy and prepare the Master Plan to ensure the proposal is prepared within a strategic framework. In doing so, Council is to address how infrastructure will be provided to serve future residents, and should consider the planning proposal and Master Plan in the context of the proposed rezoning of nearby land including the Silverdale and St Heliers Road site and the Bushrangers Creek site.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 NSW 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 9860 1534.

Yours sincerely,

  
**Richard Pearson**  
Deputy Director General  
Planning Operations and Regional Delivery

16/4/13

## Gateway Determination

**Planning proposal (Department Ref: PP\_2012\_WOLLY\_010\_00):** to rezone land at Silverdale for residential 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 land at Eltons Road and Taylors Road, Silverdale from RU2 Rural Landscape to R2 Low Density Residential, R5 Large Lot Residential and for environmental purposes 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 this site prior to proceeding to public exhibition. The outcome of this work is to inform the objectives and provisions of the planning proposal, which should be amended accordingly.
2. Prior to undertaking public exhibition, Council is to ensure that the 'explanation of provisions' section of the planning proposal reflects Councils intended outcome for the rezoning of the subject land.
3. The planning proposal is inconsistent with a number of S117 Directions. Council is to review and address the consistency of the planning proposal with the following S117 Directions, in view of the abovementioned strategic documents:
  - 1.2 Rural Zones;
  - 2.1 Environment Protection Zones;
  - 3.1 Residential Zones;
  - 3.4 Integrating Land Use and Transport;
  - 4.3 Flood Prone Land;
  - 4.4 Planning for Bushfire Protection;
  - 5.8 Second Sydney Airport: Badgerys Creek;
  - 6.2 Reserving Land for Public Purposes; and
  - 7.1 Implementation of the Metropolitan Plan for Sydney.

Council is to amend the planning proposal accordingly prior to public exhibition, and provide a copy of the revised planning proposal to the department's regional office.

4. 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 and Infrastructure 2012)*.

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements or demonstrate consistency with relevant S117 Directions:

- TransGrid
- Endeavour Energy
- Roads and Maritime Services
- Department of Trade and Investment (Minerals and Energy Division) (1.3 Mining, Petroleum Production and Extractive Industries)
- Office of Environment and Heritage (2.1 Environment Protection Zones)
- Aboriginal Land Council (2.3 Heritage Conservation)
- NSW Rural Fire Service (4.4 Planning for Bushfire Protection)
- Sydney Catchment Authority (5.2 Sydney Drinking Water Catchment)
- Commonwealth Department of Sustainability, Environment, Water, Population and Communities

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.

6. 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).
7. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

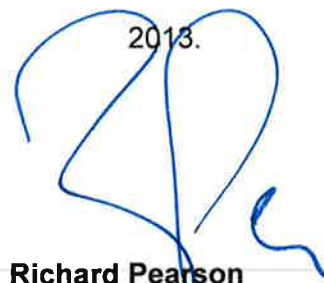
Dated

16

day of

April

2013.



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

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