

Contact: Mato Prskalo
Phone: (02) 9860 1534
Email: Mato.Prskalo@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

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

Our ref: PP_2013_WOLLY_013_00 (13/20465)
Your ref: TRIM 6585 AL:AL

Attention: Alexandra Long

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 7 November 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 land at 12 Bulli-Appin Road, Appin, and investigate the inclusion of an adjoining Crown Road Reserve, to Zone R2 Low Density 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.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 1534.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'RCumming', with a small dot above the 'i'.

24/1/2014

Rachel Cumming

Director

Metropolitan Delivery (Parramatta)

Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_013_00): to rezone land at 12 Bulli-Appin Road, Appin, and investigate the inclusion of an adjoining Crown Road Reserve, to Zone R2 Low Density Residential and introduce a minimum lot size of 975m².

I, the Director, Metropolitan Delivery (Parramatta), 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 12 Bulli-Appin Road, Appin, and investigate the inclusion of an adjoining Crown Road Reserve, to Zone R2 Low Density Residential and introduce a minimum lot size of 975m², should proceed subject to the following conditions:

Prior to undertaking public exhibition, Council is to satisfy conditions 1 to 4 below.

1. Council is to amend the planning proposal to:
 - i. clarify that low density housing, rather than medium density housing, is proposed for the subject land, and
 - ii. include a consideration of consistency with Greater Metropolitan REP No 2—Georges River Catchment.
2. Council is to undertake the following studies/assessments (in addition to those already provided by the applicant):
 - i. Drainage Report and Design,
 - ii. Traffic Impact Study
 - iii. Stormwater/Flooding Study
 - iv. Bush Fire Hazard Assessment
 - v. Provision of Reticulated Water and Sewer Services
 - vi. Flora and Fauna Assessment, and
 - vii. Preliminary Contamination Report.
3. After undertaking the above studies/assessments and any relevant consultation with public authorities required below, Council is to demonstrate consistency with the following s.117 Directions (and SEPP 55 - Remediation of Land):
 - 1.3 Mining, Petroleum Production and Extractive Industries,
 - 2.1 Environmental Protection Zones,
 - 4.2 Mine Subsidence and Unstable Land,
 - 4.3 Flood Prone Land,
 - 4.4 Planning for Bushfire Protection, and
 - 6.2 Reserving Land for Public Purposes.

4. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy.
5. 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)*.
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. Council is to consult with the following public authorities under section 56(2)(d) of the EP&A Act 1979:
 - i. Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum),
 - ii. Office of Environment & Heritage (Environment Branch),
 - iii. Commissioner of the NSW Rural Fire Service,
 - iv. Sydney Water,
 - v. Mine Subsidence Board,
 - vi. Roads & Maritime Services, and
 - vii. Department of Lands (and obtain its approval to the inclusion of the Crown Road reserve).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.
9. Delegation is to be given for Council to exercise the Minister's plan making powers.

Dated 24th day of January 2014



Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

