



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

COPY

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 35 Egans Road, Oakdale (Lot 93 DP 1000055) from RU1 Primary Production to R2 Low Density Residential and to amend the minimum lot size from 20ha to 700sq.m

I am writing in response to your Council's letter dated 30 August 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 35 Egans Road, Oakdale (Lot 93 DP 1000055) from RU1 Primary Production to R2 Low Density Residential and to amend the minimum lot size from 20ha to 700sq.m.

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 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Directions.

In regard 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.

I note the subject land is within the Lake Burragorang sub-catchment and that currently stormwater is managed on site by grassed swales and the farm storage dam. Council is to consult with the Sydney Catchment Authority prior to the commencement of public exhibition in regard to the design and implementation of a stormwater management system. In addition, Council should consider undertaking a preliminary assessment of the practicability of complying with the Neutral or Beneficial effect test as required for development under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this 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, action may be taken 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, I have arranged for Mr Peter Goth, of the Department of Planning and Infrastructure, to assist. Mr Goth can be contacted on (02) 9873 8589.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B. Hazzard', written in a cursive style.

HON BRAD HAZZARD MP
Minister

25 OCT 2011

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_013_00): to rezone land at 35 Egans Road, Oakdale (Lot 93 DP 1000055) from RU1 Primary Production to R2 Low Density Residential and to amend the minimum lot size from 20ha to 700sq.m

I, the Minister for Planning and Infrastructure, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 ('EP&A Act') that an amendment to the Wollondilly Local Environmental Plan ('LEP') 2011 to rezone land at 35 Egans Road, Oakdale (Lot 93 DP 1000055) from RU1 Primary Production to R2 Low Density Residential and to amend the minimum lot size from 20ha to 700sq.m should proceed subject to the following conditions:

1. 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.
2. Council is to consult with the Sydney Catchment Authority prior to the commencement of public exhibition in regards to the design and implementation of a stormwater management system.
3. Community consultation is required under sections 56(2)(c) and 57 of the 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Hawkesbury / Nepean
 - Office of Environment and Heritage
 - NSW Rural Fire Service

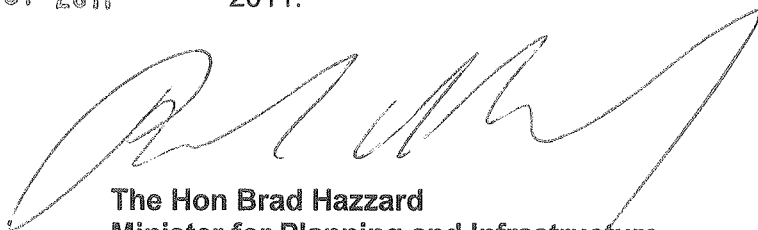
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may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

5. 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).

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

Dated

day of **25 OCT 2011** 2011.



The Hon Brad Hazzard
Minister for Planning and Infrastructure