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Our ref: PP_2011_WOLLY_010_00 (10/16589)
Your ref: 4587:MPC

Mr McMahon
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Dear Mr McMahon

Re: Planning Proposal to rezone land at Silverdale for residential, industrial and environmental conservation purposes.

I am writing in response to your Council's letter dated 04 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 partially rezone land at Silverdale from RU2 Rural Landscape, R2 Low Density Residential and R5 Large Lot Residential to a mixture of R2 Low Density Residential, IN2 Light Industrial and E2 Environmental Conservation.

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 is to prepare appropriate draft maps for the subject land prior to exhibition, in accordance with the Department's Standard Technical Requirements for LEP Maps. These maps are to be provided to the Regional Director for endorsement and included with the exhibition material.

Potential land use conflicts that may occur between the proposed industrial and residential uses on the subject land are noted. In addition, the potential for land use conflict between proposed residential development on the subject land and odour emissions from the former waste management facilities on nearby land has been identified. Prior to exhibition, Council is to identify mechanisms it may undertake for managing and mitigating these potential conflicts. Council is to identify within the exhibition documentation appropriate mechanisms to be utilised to ensure suitable buffers between the land uses.

Consideration should be given to requirements for satisfactory arrangements under Part 6 of the Wollondilly Local Environmental Plan 2011, for State road infrastructure and public educational facilities within the Silverdale urban release area. Council should consult with Department of Transport, Department of Education and Communities, and Roads and Traffic Authority regarding this matter. Any outcomes should be reflected in the planning proposal prior to exhibition.

The Director General's delegate has determined that the planning proposal is consistent with S117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 4.3 Flood Prone Land, and 7.1 Implementation of the Metropolitan Strategy. The Director General's delegate has agreed that the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to these Directions.

Prior to exhibition, Council is to consult with the Office of Environment and Heritage to identify any flora and fauna information or assessment required justifying consistency with S117 Direction 2.1 Environmental Protection Zones. These documents are to form part of the planning proposal, and are to be submitted to the Regional Director, Sydney Region West, prior to community consultation under s56(2)(c) and s57 of the Environmental Planning and Assessment Act.

Council is to consult with Office of Environment and Heritage to determine the need for any Aboriginal or European Archaeological heritage assessments to inform the planning proposal. Any assessments undertaken should form part of the planning proposal for exhibition purposes.

Council is to consult with the Commissioner of the NSW Rural Fire Service to determine consistency with S 117 Direction Planning for Bushfire Protection.

Council is to undertake further assessment to determine consistency with S117 Direction 5.8 Second Sydney Airport: Badgerys Creek. Any assessments should form part of the planning proposal for exhibition purposes.

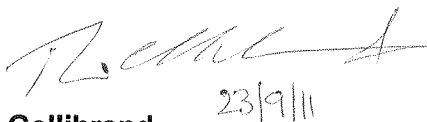
Council is to undertake further assessment regarding inclusion in the planning proposal of Government Road (on the northern boundary of Lot 5 DP 261728) and Marsh Road (on the western boundary of Lot 5 DP 261728). Consultation and approval of the relevant public authorities is required to demonstrate consistency with S117 Direction 6.2 Reserving Land for Public Purposes.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 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 Sydney Region West Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_010_00): to rezone to rezone land at Silverdale for residential, industrial and environmental conservation purposes.

I, the Deputy Director General, Plan Making and Urban Release 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 2011 to partially rezone land at Silverdale from RU2 Rural Landscape, R2 Low Density Residential and R5 Large Lot Residential to a mixture of R2 Low Density Residential, IN2 Light Industrial and E2 Environmental Conservation should proceed subject to the following conditions:

1. Prior to exhibition, Council is to identify mechanisms for managing and mitigating potential land use conflicts, particularly in relation to industrial and residential uses and former waste management facilities. Council is to identify within the planning proposal appropriate mechanisms to be utilised to ensure suitable buffers between the land uses.
2. Prior to exhibition, Council is to consult with the Office of Environment and Heritage to:
 - (a) identify any flora and fauna information or assessments required justifying consistency with S117 Directions 2.1 Environmental Protection Zones, and
 - (b) determine the need for any Aboriginal or European Archaeological heritage assessments.

These documents are to form part of the planning proposal, and are to be submitted to the Regional Director, Sydney Region West, prior to community consultation under s56(2)(c) and s57 of the Environmental Planning and Assessment Act.

3. Council is to prepare draft maps for the subject land prior to exhibition, in accordance with the Department's Standard Technical Requirements for LEP Maps
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 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Ambulance Service of NSW
 - Area Health Services
 - Catchment Management Authority – Hawkesbury/Nepean
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Energy Australia
 - Integral Energy
 - Origin Energy
 - Pacific Power
 - Telstra

- NSW Rural Fire Service
- Roads and Traffic Authority
- Sydney Water Corporation

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.

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 12 months from the week following the date of the Gateway determination.

Dated 23rd day of September 2011.



**Tom Gellibrand
Deputy Director General
Plan Making & Urban Release
Delegate of the Minister for Planning and
Infrastructure**