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Our ref: PP_2011_WOLLY_016_00 (12/01429)
Your ref: 6117 kc:kc

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

Dear Mr McMahon,

Re: Planning proposal to amend the Wollondilly Local Environmental Plan 2011 to facilitate the rezoning of land at 67 and 77 Avon Dam Road, and 214, 218, 235 and 245 Hawthorne Road, Bargo, to R2 Low Density Residential and R5 Large Lot Residential.

I am writing in response to your Council's letter dated 21 December 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 facilitate the rezoning of land at 67 and 77 Avon Dam Road, and 214, 218, 235 and 245 Hawthorne Road, Bargo, to R2 Low Density Residential and R5 Large Lot Residential. It is anticipated that approximately 40 lots may be permissible within the proposed R2 and R5 zones (in total).

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 consult with the Department of Primary Industries (Minerals and Petroleum) pursuant to the requirements of S117 Direction 1.3 Mining Petroleum Production and Extractive Industries and take into account any comments made. The planning proposal should be amended, if necessary, to reflect these comments, prior to exhibition.

Council is advised that consultation is required with the Mine Subsidence Board, pursuant to S117 Direction 4.2 Mine Subsidence and Unstable Land. Council is to take into account any comments made. The planning proposal should be amended, if necessary, to reflect these comments, prior to exhibition.

In regards 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.

Council is to give consideration to the application of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 -1997). In particular, whether the preparation of a Total Water Cycle Management Study or Plan is necessary. Council should consult with the Hawkesbury-Nepean Catchment Management Trust in relation to the preparation of this study.

Council is also to include the following as part of the public exhibition material;

- an Odour Report to address the impact of the adjacent turkey hatchery;
- a Noise Report to address the impact of the adjacent turkey hatchery;

- a Rail Noise and Rail Vibration Assessment;
- a preliminary investigation of the land to determine whether the land has been contaminated in accordance with the provisions of State Environmental Planning Policy 55-Remediation of Land;
- a Traffic Impact Assessment; and
- a Drainage/Flood Study

Following completion of this work Council is to review the planning proposal to determine whether any amendments are required prior to proceeding to exhibition. Council should liaise with the Departments Regional Planning Team in relation to the scope and potential impacts of any required amendments.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

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 following consultation with the Department of Primary Industries (Minerals and Petroleum), Mine Subsidence Board and NSW Rural Fire Service. 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 Claire Mirow of the Regional Office of the Department on 02 9873 8597.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning proposal (Department Ref: PP_2011_WOLLY_016_00): to amend the Wollondilly Local Environmental Plan 2011 to facilitate the rezoning of land at 67 and 77 Avon Dam Road, and 214, 218, 235 and 245 Hawthorne Road, Bargo (Lots 1, 2, 7, 8 and 9 in DP 877774 and Lot 132 in DP 851807), to R2 Low Density Residential and R5 Large Lot Residential.

I, the Deputy Director General, Plan Making & Urban Renewal 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 facilitate the rezoning of land at 67 and 77 Avon Dam Road, and 214, 218, 235 and 245 Hawthorne Road, Bargo (Lots 1, 2, 7, 8 and 9 in DP 877774 and Lot 132 in DP 851807), to R2 Low Density Residential and R5 Large Lot Residential should proceed subject to the following conditions:

1. In relation to S117 Direction 1.3 Mining Petroleum Production and Extractive Industries, Council is to consult with the Department of Primary Industries (Minerals and Petroleum) prior to undertaking community consultation for the planning proposal and to amend the planning proposal if necessary, taking into account any comments made prior to exhibition.
2. In relation to S117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult with the Mine Subsidence Board prior to undertaking community consultation for the planning proposal and to amend the planning proposal if necessary to take into account any comments made prior to exhibition.
3. In relation to 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 to amend the planning proposal if necessary to take into account any comments made prior to exhibition.
4. Council is to give consideration to the application of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2 -1997). In particular, whether the preparation of a total water Cycle Management Study or Plan is Necessary. Council should consult with the Hawkesbury-Nepean Catchment Management Trust in relation to the preparation of this study.
5. Council is also to place the following on exhibition as part of the planning proposal;
 - an Odour Report to address the impact of the adjacent turkey hatchery;
 - a Noise Report to address the impact of the adjacent turkey hatchery;
 - a Rail Noise and Rail Vibration Assessment;
 - a preliminary investigation of the land to determine whether the land has been contaminated in accordance with the provisions of State Environmental Planning Policy 55-Remediation of Land;
 - a Traffic Impact Assessment; and
 - a Drainage/Flood Study
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 **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)*.

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Primary Industries (Minerals and Petroleum)
- Mine Subsidence Board
- NSW Rural Fire Service
- Hawkesbury-Nepean Catchment Management Trust

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.

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

Dated 3rd day of February 2012.



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