



Contact: Mato Prskalo
Phone: (02) 9860 1560
Email: Mato.Prskalo@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2012_WOLLY_002_00 (12/11578)
Your ref: TRIM 6610 JRMS

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

Dear Mr McMahon,

Planning proposal to amend the Wollondilly Local Environmental Plan (LEP) 2011

I am writing in response to your Council's letter dated 11 July 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 amend the Wollondilly LEP 2011 to rezone land at 2044-2054 Silverdale Road, Silverdale for low density residential and environmental living purposes and to amend the minimum building height and lot size for the subject land.

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.

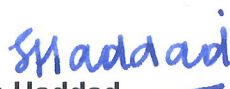
I have agreed that the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

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 agency consultation. 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 Regional Office of the department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director-General

6/8/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLY_002_00): to amend the Wollondilly LEP 2011 to rezone land at Silverdale.

I, the Director General, 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 2011 to rezone land at 2044-2054 Silverdale Road, Silverdale for low density residential and environmental living purposes and to amend the minimum building heights and lot sizes for the subject land should proceed subject to the following conditions:

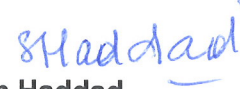
1. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to undertaking exhibition of the planning proposal.
2. Council is to ensure the planning proposal includes sufficient additional information on flooding and drainage to adequately demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land, prior to undertaking exhibition of the planning proposal.
3. Council is to ensure the planning proposal includes sufficient additional information on flora and fauna to adequately demonstrate consistency with Section 117 Direction 2.1 Environmental Protection Zones and is also to consult with NSW Office of Environment and Heritage and the Federal Department of Sustainability, Environment, Water, Population and Communities and amend the planning proposal, if necessary, to take into consideration any comments prior to undertaking exhibition of the planning proposal.
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
5. Council is to amend the planning proposal to indicate whether the electricity transmission line easement that cross part of the site has been taken into account in the estimation of the dwelling yield, prior to undertaking exhibition of the planning proposal.
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:
 - Hawkesbury-Nepean Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Sydney Water
 - Transgrid

- Road and Maritime Services
- Department of Primary Industry (NSW Office of Water)
- Federal 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. 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 6th day of August 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and Infrastructure