



Planning & Infrastructure

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Our ref: PP_2012_WOLLY_003_00 (12/12849)
 Your ref: 6986 AL:AL

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

Dear Mr McMahon,

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

I am writing in response to your Council's letter dated 30 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 Local Environmental Plan (LEP) 2011 to reclassify land at 9 Production Avenue, Warragamba from 'community' to 'operational' 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.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's Practice note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

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, 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 Tessa Parmeter of the Regional Office of the Department on 02 6841 2180.

Yours sincerely,


 Sam Haddad
 Director-General

23/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLY_003_00): to amend the Wollondilly Local Environmental Plan (LEP) 2011 to reclassify land at Warragamba to 'operational' land.

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 (LEP) 2011 to reclassify land at 9 Production Avenue, Warragamba from 'community' to 'operational' land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to address the Director-General's requirements regarding matters that must be addressed in the justification of planning proposals to reclassify public land, consistent with Figure 4 of the *Guide to preparing local environmental plans*. This information is to be included in Part 3 'Justification' of the planning proposal.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include:
 - a. a map which clearly identifies the land proposed to be reclassified,
 - b. a current zoning map of the site, which clearly identifies the subject land, and
 - c. a locality map, which identifies other active planning proposal submitted for Gateway determination in the Wollondilly local government area.

Maps should be placed on public exhibition with the planning proposal.

3. 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 the commencement of public exhibition.
4. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise whether the proposal is consistent with Directions 1.1 Business and Industrial Zones and 5.2 Sydney Drinking Water Catchments or whether it seeks the Director General to be satisfied that any inconsistencies with these Directions are of minor significance. These Directions applies because the site is zoned for industrial purposes and is located on the Sydney drinking water catchment map.
5. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise that Direction 3.1 Residential Zones is not applicable to the planning proposal because residential accommodation is not permitted in the zone.
6. 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*. It is noted that the contamination of the subject site has previously been assessed by Council. This assessment is to be place on public exhibition with the planning proposal.
7. 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)*.

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

- Office of Environment and Heritage
- NSW Rural Fire Services

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.

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

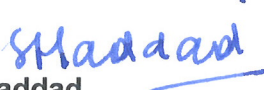
Dated

23rd

day of

August

2012.


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