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Department Generated Correspondence (Y)

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Our ref: PP_2011_WOLLY_011_00 (10/24938)
Your ref: 5400:MPC

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

Dear Mr McMahon

Re: Planning Proposal to rezone rural land between Tahmoor and Thirlmere for rural residential purposes

I am writing in response to your Council's letter dated 22 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 rural land between Tahmoor and Thirlmere for rural residential purposes.

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.

Prior to proceeding to exhibition, Council is to update the planning proposal with details identified in this letter and the Gateway Determination including addressing relevant S117 Directions, providing details of any studies undertaken to inform the planning proposal, and summarising discussions and agreed outcomes with agencies. These documents are to form part of the planning proposal, and are to be submitted to the Regional Director, Sydney Region West, for consideration prior to community consultation under s56(2)(c) and s57 of the Environmental Planning and Assessment Act.

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. These maps are to be provided to the Regional Director for endorsement and included with the exhibition material.

Council is to consult with Office of Environment and Heritage, and identify any requirements under section 34A(2) of the Environmental Planning and Assessment Act. Any studies or assessments should form part of the planning proposal for exhibition purposes.

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 Tahmoor and Thirlmere 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 updated in the planning proposal prior to exhibition.

Council is to determine whether to exclude the land zoned SP2 infrastructure (Railway) as shown on the Land Zoning Map from this planning proposal.

Prior to proceeding to exhibition, Council is to update the planning proposal by further justifying the planning proposal's consistency with the following S117 Directions and State Environmental Planning Policies:

- 1.2 Rural Zones. Council should consult with Department of Primary Industries (Agriculture) regarding matters pertaining to the loss of agricultural land.
- 1.3 Mining, Petroleum Production and Extractive Industries. Council is to consult with the Director General of the Department of Primary Industries (Division of Resources and Industries).
- 2.1 Environmental Protection Zones and 2.3 Heritage Conservation. Council is to consult with Office of Environment and Heritage.
- 3.1 Residential Zones.
- 4.2 Mine Subsidence and Unstable Land. Council is to consult the Mine Subsidence Board.
- 4.3 Flood Prone Land. Council should determine any flood studies required and update the planning proposal to make clear the implications of any development standards applying to these lands in the flood planning areas.
- 4.4 Planning for Bushfire Protection. Council is to consult with the Commissioner of the NSW Rural Fire Service.
- 6.2 Reserving Land for Public Purposes. Council is reminded of its obligations for exhibiting and conducting a public hearing when reclassifying land from community to operational as per the Department's LEP Practice Note 09-003.
- Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury-Nepean River (No.2 – 1997).
- State Environmental Planning Policy No. 30 – Intensive Agriculture
- State Environmental Planning Policy No. 44 - Koala Habitat Protection
- State Environmental Planning Policy No. 55 – Remediation of Land
- Relevant strategic documents including the draft South West Subregional Strategy and the Metropolitan Plan Sydney 2036.

It is expected that additional consultation with relevant agencies will be required to progress this proposal. In particular, consultation with agencies is expected to further define the scope of any additional studies. The outcomes of this consultation and the completion of additional studies may require the planning proposal to be amended prior to proceeding. Council should consider whether amendments to the planning proposal will necessitate the issue of a revised Gateway Determination. Council should liaise with the Regional Director, Sydney Region West, in relation to this matter at the appropriate stage.

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,

14.9.11

Ian Reynolds
Deputy Director General
Strategies & Land Release

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_011_00): to rezone rural land between Tahmoor and Thirlmere for rural residential purposes.

I, the Deputy Director General, Strategies and Land 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 rezone rural land between Tahmoor and Thirlmere for rural residential purposes should proceed subject to the following conditions:

1. Council is to consult with relevant agencies to determine the scope of studies and assessments required to progress the planning proposal.
2. 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
3. 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)*.
4. 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
 - Department of Primary Industries (Agriculture)
 - Department of Primary Industry (Division of Resources and Energy)
 - Energy Australia
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Rail Corporation of NSW
 - Roads and Traffic Authority
 - Department of Transport
 - 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.

5. Prior to proceeding to public exhibition, an updated planning proposal is required to reflect additional information collated, including agency submissions and outcomes. This updated planning proposal is to be submitted to the Regional Director, Sydney Region West, for endorsement prior to community consultation under section 56(2)(c) and section 57 of the Environmental Planning and Assessment Act.
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

14th day of September 2011.



Ian Reynolds
Deputy Director General
Strategies & Land Release
Delegate of the Minister for Planning and
Infrastructure