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Our ref: PP_2011_WOLLY_012_00 (11/05518)

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

Dear Mr McMahon,

Re: Planning Proposal to rezone rural land within six separate precincts at Picton, Tahmoor and Thirlmere for low density residential development

I am writing in response to your Council's letter 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 Shire Local Environmental Plan 2011 to rezone rural land within six separate precincts at Picton, Tahmoor and Thirlmere for low density residential development.

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.

It is noted that Council proposes to exhibit the proposal for the East Tahmoor precinct separately to the other precincts which form part of this planning proposal. Council has indicated that it seeks to ensure that the noise, odour and air quality assessment which is currently being undertaken for the East Tahmoor precinct, does not delay the progression of the remaining five precincts. However, given that the East Tahmoor precinct is the largest of the six precincts and that the noise, odour and air quality investigations are nearing completion, it is considered that all six precincts must be exhibited together to enable the community and public authorities to gain a better understanding of the implications of the combined rezonings.

The planning proposal recommends that four potential local heritage items and two new Aboriginal archaeological sites identified in the LES be further investigated and addressed in terms of a proposed site-specific DCP or at the development application stage. However, it is considered more appropriate that Council undertake the necessary heritage investigations prior to the exhibition of the proposal so that, if necessary, heritage items can be included in the Heritage Schedule under Wollondilly LEP 2011 as part of the present planning proposal. Council is to consult with the Office of Environment and Heritage (OEH) and is to update the planning proposal to further justify consistency with S117 Direction 2.3 Heritage Conservation prior to community consultation. In addition, consultation with OEH is to include information on potential Aboriginal archaeological sites.

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.

In relation to S117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult with the Mine Subsidence Board and amend the planning proposal if necessary, prior to the commencement of community consultation.

In relation to S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service to ensure consistency with the Direction, and take any comments into account in the planning proposal, prior to the commencement of community consultation.

In addition, Council is required to consult with the Director-General of the Department of Primary Industry (Division of Resources and Energy) as required by S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, and to demonstrate the proposal's consistency with this Direction.

It is noted that Council has undertaken extensive consultation with public authorities as part of the previous planning proposal and has investigated many of the related issues in the Local Environmental Study. Accordingly, as requested by Council, additional consultation with public authorities may be conducted during public exhibition rather than prior to public exhibition. However, Council is reminded that certain public authorities, as detailed in this letter, must be consulted prior to exhibition in order to comply with Section 117 Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council is to commence public exhibition of the planning proposal upon completion of the requirements 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 Regional Office of the Department on 02 9873 8576.

Yours sincerely,



26/10/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_012_00): to rezone rural land within six separate precincts at Picton, Tahmoor and Thirlmere for low density residential development.

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 Shire Local Environmental Plan LEP 2011 to rezone rural land within six separate precincts at Picton, Tahmoor and Thirlmere for low density residential development should proceed subject to the following conditions:

1. Once the noise, odour and air quality assessment has been completed for the East Tahmoor precinct, Council is to update the planning proposal accordingly and to submit it to the Department's Sydney West Regional Office for endorsement prior to the commencement of public exhibition.
2. All six precincts which form part of this planning proposal are to be exhibited in the same public exhibition and are to be forwarded as one planning proposal to authorities as identified in Condition 8 of this Gateway Determination.
3. In consultation with office of Environment and Heritage, Council is to undertake relevant investigations and confirm the heritage significance of potential heritage items prior to the exhibition of the proposal so that, where necessary, heritage items can be included in the Heritage Schedule under Wollondilly LEP 2011 as part of the present planning proposal. Council is to update the planning proposal and submit it to the Department's Sydney West Regional Office for endorsement prior to exhibition and consultation.
4. Council is to consult with the Mine Subsidence Board prior to undertaking community consultation to satisfy the requirements under S117 Direction 4.2 Mine Subsidence and Unstable Land and is to amend the planning proposal if necessary.
5. 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 in compliance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
6. Council is to consult with the Director-General, Department of Primary Industry (Division of Resources and Energy) as required by S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, and to demonstrate the proposal's consistency with this Direction.
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:
 - Essential Energy

- NSW Aboriginal Land Council
- Ambulance Service of NSW
- Area Health Services
- Catchment Management Authority – Hawkesbury/Nepean
- Country Energy
- Delta Electricity
- Department of Agriculture
- Department of Education and Communities
- Office of Environment and Heritage
- Department of Primary Industry (Division of Resources and Energy)
- Energy Australia
- Integral Energy
- Mine Subsidence Board
- Department of Health
- NSW Police Service
- NSW Rural Fire Service
- Transport NSW
- Origin Energy
- Pacific Power
- Rail Corporation of NSW
- Roads and Traffic Authority
- State Emergency Service
- State Rail
- Sydney Water Corporation
- Telstra

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

Dated 26th day of October 2011.



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