



Office of the Director General

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

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_008_00 (13/01072)
Your ref: 6115 kc:kc

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 17 December 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 rezone land at 55 and 65 Bronzewing Street, Tahmoor to R2 Low Density Residential and amend the minimum lot size to 700sqm and maximum building height to 9m for the subject site and if appropriate, amend the Natural Resources – Biodiversity Map.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed 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.

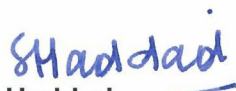
Council has identified that a heritage assessment will be undertaken to examine any potential impacts of the proposal on a heritage item which is located on land adjoining the subject site. Prior to undertaking a heritage assessment, Council may wish to consult with the NSW Office of Environment and Heritage and obtain advice on whether a heritage assessment is required in this instance.

The amending LEP is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. 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 NSW 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

14/2/2013.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLY_008_00): to rezone land at Tahmoor and amend the minimum lot size and maximum building height for the subject site.

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 rezone land at 55 and 65 Bronzewing Street, Tahmoor to R2 Low Density Residential and amend the minimum lot size to 700sqm and maximum building height to 9m for the subject site and if appropriate, amend the Natural Resources – Biodiversity Map should proceed subject to the following conditions:

1. It is noted that Council has identified that additional information regarding hydrology including drainage, stormwater and water sensitive urban design options, traffic and transport and bushfire hazard is required to fully investigate the impacts of the planning proposal. Council is to undertake the necessary work prior to undertaking public exhibition and amend the planning proposal to reflect the outcomes of this additional information.
2. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 12 month timeframe allocated for completing the LEP.
3. Council is to consult with the Department of Trade and Investment (Mineral Resources and Energy) as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
4. Council is to amend the planning proposal to include additional information on flora and fauna to demonstrate consistency with S117 Direction 2.1 Environmental Protection Zones and SEPP 44 Koala Habitat Protection. Council is also to consult with the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition. If required, Council is to amend the Natural Resources - Biodiversity Map to reflect the outcomes of this additional information.
5. Council is to consult with the Mine Subsidence Board in accordance with S117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
6. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
7. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. 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.

8. 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).
9. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
- Hawkesbury Nepean Catchment Management Authority
 - NSW Office of Environment and Heritage
 - Department of Trade and Investment
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Services
 - Sydney Water
 - Endeavour Energy
- 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.
10. 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).
11. 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

February

2013.



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