

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 at Appin to permit low density housing, the environmental management of ecologically important land, and the protection of a strategic road corridor**

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 ("LEP") 2011 to:

- rezone 60.14ha of land at Appin from RU2 Rural Landscape, R3 Medium Density Residential and RE1 Public Recreation to R2 Low Density Residential, SP2 Infrastructure and E2 Environmental Conservation;
- vary the minimum lot size from part 40ha and part 975sq.m to part 100ha and part 450sq.m;
- vary the maximum building height to apply a 9 metre maximum building height to the R2 Low Density Residential zoned land; and
- amend the Land Reservation Acquisition Map to show the land proposed to be zoned SP2 Infrastructure to facilitate acquisition by the Roads and Traffic Authority.

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 inconsistencies with s117 Directions 1.2 Rural Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

In regard to the planning proposal's inconsistencies with s117 Direction 1.3 Mining, Petroleum Production and extractive Industries, Council is to consult the Director General of the Department of Primary Industries (Minerals and Petroleum) on the proposal. Council is to take into account any comments made as per the requirements of the Local Planning Direction and reflect these comments in the planning proposal.

In regard to the planning proposal's inconsistencies with s117 Direction 4.4 Planning for Bushfire Protection, 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 as per the requirements of the Local Planning Direction.

In regard to the proposal's inconsistencies with s117 Direction 4.2 Mine Subsidence and Unstable Land, Council is to consult the Mine Subsidence Board on the proposal. Council is to take into account any comments made as per the requirements of the Local Planning Direction.

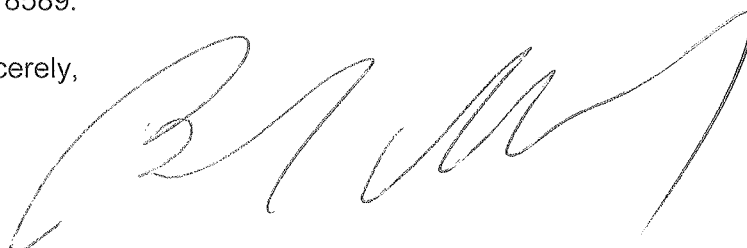
Council is not to commence exhibition until consultation with relevant public authorities as required by the Gateway Determination has been completed and consideration to any comments have been considered. Council is to submit the planning proposal to the Department's Sydney Region West Regional Office for consideration prior to public exhibition.

The amending LEP is to be finalised within 24 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, I 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, I have arranged for Mr Peter Goth, of the Department of Planning and Infrastructure, to assist. Mr Goth can be contacted on (02) 9873 8589.

Yours sincerely,



**HON BRAD HAZZARD MP**  
**Minister**

25.10.11

## Gateway Determination

***Planning Proposal (Department Ref: PP\_2011\_WOLLY\_014\_00): to rezone rural land at Appin to permit low density housing, the environmental management of ecologically important land, and the protection of a strategic road corridor***

I, the Minister for Planning and Infrastructure, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 ("EP&A Act") that an amendment to the Wollondilly Local Environmental Plan ("LEP") 2011 to:

- rezone 60.14ha of land at Appin from RU2 Rural Landscape, R3 Medium Density Residential and RE1 Public Recreation to R2 Low Density Residential, SP2 Infrastructure and E2 Environmental Conservation;
- vary the minimum lot size from part 40ha and part 975sq.m to part 100ha and part 450sq.m;
- vary the maximum building height to apply a 9 metre maximum building height to the R2 Low Density Residential zoned land; and
- amend the Land Reservation Acquisition Map to show the land proposed to be zoned SP2 Infrastructure to facilitate acquisition by the Roads and Traffic Authority.

should proceed subject to the following conditions:

1. Prior to any agency and community consultation, Council is to consult the Office of Environment and Heritage under section 34A of the EP&A Act, specifically to:
  - determine the adequacy of the flora assessment;
  - determine an appropriate boundary for the proposed R2 Low Density Residential zone in view of the Shale Sandstone Transition Forest on the site, that is consistent with the Cumberland Plain Woodland Recovery Plan;
  - determine the appropriateness of the proposed location of the Appin bypass reservation; and
  - confirm the applicable vegetation offsets
2. Council is to consult the Mine Subsidence Board and take into account any comments made as per the requirements of s117 Direction 4.2 Mine Subsidence and Unstable Land.
3. Council is to consult the Director General of the Department of Primary Industries (Minerals and Petroleum) and take into account any comments made as per the requirements of s117 Direction 1.3 Mining, Petroleum Production and extractive Industries.
4. In regards to the planning proposal's inconsistencies with s117 Directions 2.1 Environment Protection and 2.3 Heritage Conservation, Council is to consult the Office of Environment and Heritage in relation to the need for any further heritage study and whether the listing of any heritage or archaeological items or sites is required.
5. Council is to consult the Roads and Traffic Authority (RTA) in relation to the proposed SP2 Infrastructure zoning within the subject land pursuant to s117 Direction 6.2 Reserving Land for Public Purposes.
6. 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 as per the requirements of s117 Direction 4.4 Planning for Bushfire Protection.

7. Council is to undertake consultation with Sydney Water prior to exhibition in relation to its ability to provide servicing for essential infrastructure for the locality.
8. Council is not to commence exhibition until consultation as required by the Gateway Determination has been carried out, any submissions considered, and alterations made to the planning proposal as a result of the public authority consultation. Council is to submit the revised proposal to the Department's Regional Office for consideration and approval of the revised proposal.
9. Community consultation is required under sections 56(2)(c) and 57 of 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)*.
10. 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
  - Delta Electricity
  - Department of Agriculture
  - Department of Education and Communities
  - Office of Environment and Heritage
  - Department of Industry & Investment (Agriculture)
  - Energy Australia
  - Integral Energy
  - Mine Subsidence Board
  - Department of Transport NSW
  - NSW Police Service
  - NSW Rural Fire Service
  - Transport NSW
  - Origin Energy
  - Pacific Power
  - Reporting Services Branch
  - State Rail
  - State Transit Authority of NSW
  - Sydney Water
  - Telstra
  - Transgrid

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.

11. 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).
12. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated                      day of **25 OCT** 2011.



**The Hon Brad Hazzard**  
**Minister for Planning and Infrastructure**