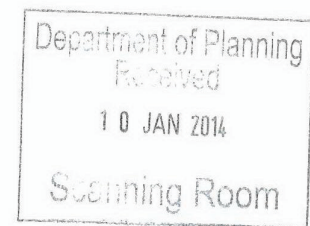


Our Reference: TRIM 4985:CW



Ms Rachel Cumming
Regional Director – Sydney West
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2150

3 January 2014



Dear Ms Cumming,

RE: REQUEST FOR A REVISED GATEWAY DETERMINATION (PP_2011_WOLLY_014_00)
PLANNING PROPOSAL - MACQUARIEDALE ROAD, APPIN

Wollondilly Shire Council would like to seek a revised Gateway Determination for the Planning Proposal at Macquariedale Road, Appin (PP_2011_WOLLY_014_00) under section 58(2) of the EP&A Act 1979 in response to the inclusion of additional land within the existing site boundary.

This request also offers an opportunity to refresh aspects of the existing Gateway Determination in line with current procedures to make the process more efficient.

Summary of Amendments

A revised Gateway Determination is required due to the inclusion of additional land within the Planning Proposal boundary. A location plan is included at Page 6 of this letter to illustrate the original and new Planning Proposal boundaries.

A revised Planning Proposal dated December 2013 is also included for your attention. In addition I have provided the following summary of the revised proposal to highlight the amendments involved. I have emphasised the changes or comments on the changes in red.

Land to which the Planning Proposal Applies

The Planning Proposal site boundary includes the following lots:

- Lot 4 DP1160566 (previously included as Lot 201 DP 7492272)
- Lot 1 DP 558807
- Lot 1 DP 209779
- Lot 1 DP 529457

- Lot 2 DP 529457
- Lot 3 DP 209779
- Lot 1 DP 245866

Objectives and Intended Outcomes

This Planning Proposal seeks to enable the development of the site at Macquariedale Road, Appin for a low **and medium density** residential development, the environmental management of a biodiversity corridor and the protection of a strategic road corridor.

Explanation of Provisions

The Planning Proposal seeks to rezone land owned by the proponent, Walker Corporation, to allow subdivision for residential purposes, the preservation of land for a biodiversity corridor and the protection of land for a strategic road corridor. In this regard, the following amendments are sought to the Wollondilly Local Environmental Plan 2011 (WLEP 2011):

- *Amending the of the Wollondilly LEP 2011 Land Zoning Map in accordance with the proposed zoning map shown in Part 4 by Map 2 of the Planning Proposal dated December 2013.*

Two of the three additional lots (i.e. Lot 2 DP 529457 and Lot 3 DP 209779) are proposed to be rezoned. A small area of the original site boundary is now to retain its current zoning (i.e. part of Lot 1 DP 529457).

- *Amending the Wollondilly LEP 2011 Lot Size Map in accordance with the proposed lot size map shown in Part 4 by Map 2 of the Planning Proposal dated December 2013.*

Two of the three additional lots (i.e. Lot 1 DP 529457 and all of Lot 3 DP 209779) and part of Lot 1 DP209779 are affected by the proposed changes to the Lot Size Map.

In addition, the minimum lot sizes associated with land within the proposed E2 Environmental Conservation Zone have been amended to ensure the lot sizes are practicable relative to the area of the land parcels.

- *Amending the Wollondilly LEP 2011 Height of Buildings map in accordance with the proposed height of building map shown in Part 4 by Map 3 of the Planning Proposal dated December 2013.*

This is the same as that which is proposed within the existing Gateway Determination as the additional land is already subject to a maximum height of 9m.

- *Amending the Wollondilly LEP 2011 Land Reservation Acquisition Map in accordance with the proposed Land Reservation Acquisition map shown in Part 4 by Map 5 of the Planning Proposal dated December 2013.*

This is the same as that which is proposed within the existing Gateway Determination as the additional land does not fall within the route of the proposed Appin Bypass.

- *Amending the Wollondilly LEP 2011 Natural Resources – Biodiversity Map in accordance with the proposed natural resources map shown in Part 4 by Map 6 of the Planning Proposal dated December 2013.*

This is the same as that which is proposed within the existing Gateway Determination.

Reason for Changes

The additional land has been included in response to discussions between the proponent and Council officers. In essence, the revised Planning Proposal seeks to rezone the additional land from B2 Local Centre to R3 Medium Density Residential. The revised Planning Proposal is considered to have a negligible, if any, impact on the Appin village centre whilst integrating the restoration of the heritage listed Appin Inn into the growth of Appin.

The revised Gateway Determination request also includes formalising the inclusion of part of Lot 1 DP 245866 which forms part of the Rixon Road sportsground in Appin. The effected land has always formed part of the Planning Proposal and has been shown on the associated rezoning maps, however, there has been no specific reference to the lot and deposited plan.

A request for a revised determination also offers an opportunity to tidy up the proposed amendments affecting this site more comprehensively.

Other Changes Sought

As part of this request for a revised Gateway Determination, there is an opportunity to refresh aspects of the existing Gateway Determination. In this regard, you are requested to consider the following:

Change Sought: Remove Condition 1 or reword in a style consistent with conditions 2 to 7.

Reason: The Council has consulted with the Office and Environment Heritage and resolved the adequacy of the flora assessment and design issues. There is some work still to be done to confirm the applicable vegetation offsets but this can be dealt with as part of the standard consultation process with agencies the same as with any other Planning Proposal.

Change Sought: Reorder the sequence of conditions so that Condition 10 is located before Condition 8; and

Change the wording in Condition 8 to clarify what 'public authority consultation' refers to. In particular I understand that the consultation required by condition 8 currently refers to actions required by condition 1 to 7 inclusively and condition 10.

Reason: The remove the ambiguity caused by the current wording and sequencing as to what is required by 'public authority consultation'.

Change Sought: Add Endeavour Energy (formerly Integral Energy) on the list of public authorities to be consulted; and

Remove the requirement within condition 10 to consult with the following public authorities under section 56(2)(d) of the EP&A Act;

- Essential Energy
- Delta Electricity
- Energy Australia
- Integral Energy
- Origin Energy
- Pacific Power
- Transgrid

Reason: So that this condition only refers to energy utilities (retailers) who service the Wollondilly area.

Change Sought: Remove the requirement to consult with certain public authorities prior to exhibition (by way of the existing condition 8 and 10). If it is still practice to consult these organisations, to include a new condition to require this consultation to take place during public exhibition. This relates to the following public authorities listed under the current condition 10:

- Ambulance Service of NSW
- Reporting Services Branch
- NSW Police Service
- State Transit Authority of NSW

Reason: To remove the need to consult twice with 'non critical' agencies as they are unlikely to provide comments that would result in major issues or changes to the planning proposal.

Change Sought: Update and remove public authority titles where relevant. This applies to:

<i>As listed in Gateway Determination</i>	<i>Change to</i>
Roads and Traffic Authority (RTA)	Roads and Maritime Service
Area Health Services	Sydney West Area Health Service
Catchment Management Authority – Hawkesbury /Nepean	Hawkesbury Nepean Catchment Management Authority
Department of Agriculture	Department of Primary Industries (Agriculture)
Department of Industry & Investment (Agriculture)	Remove (no long exists)
Department of Transport NSW	Transport for NSW
Transport NSW	Remove (as it duplicates the above)
State Rail	RailCorp

Reason: To update the Gateway Determination and remove the risk of non-compliance with conditions contained within.

Change Sought: Extend the specified gateway timeframe for completing the LEP to 1 November 2014.

Reason: The specialist studies required for the Planning Proposal have taken longer than anticipated. These are expected to be provided to the Council in the coming weeks.

Should you require any further information to respond to these enquiries please contact Carolyn Whitten of Council's Strategic Planning Team by phone on (02) 4677 1151 or email carolyn.whitten@wollondilly.nsw.gov.au.

Yours faithfully



Grant Rokobauer
Acting Manager Planning
STRATEGIC PLANNING