

Office of the Director General

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

Our ref: PP_2011_WOLLY_005_00

Your ref: 3751#762kc:kc

Attention: Kitty Carter

Dear Mr McMahon

Re: Planning Proposal to rezone rural land at Maldon to permit Industrial Development

I am writing in response to your Council's letter dated 29 November 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 LEP 2011 to rezone rural land at Maldon to permit industrial 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 should be noted that the Gateway Determination requires Council to consult with public authorities under section 56(2)(d) of the EP&A Act. This may occur concurrently with community consultation.

I have also determined that the Planning Proposal's inconsistencies with section 117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

In regards to S117 Direction 4.4 Planning for Bushfire Protection, it is noted that Council has previously undertaken consultation with the NSW Rural Fire Service in relation to the draft LEP. Given the previous consultation, Council should consider the applicability of the Local Planning Direction to the subject planning proposal, and either amend the planning proposal to reflect the outcome of the consultation specifically in relation to the S117 Direction, or undertake further consultation if Council considers it necessary.

Council should consider the applicability of the Local Planning Direction given the previous consultation undertaken with the NSW Rural Fire Service, and should amend the planning proposal to reflect the outcome of consultation and justify any inconsistency of the proposal

Should you have any queries in regard to this matter, please contact Mr Mato Prskalo of the Regional Office of the Department on 02 9873 8568.

Yours sincerely


Sam Haddad
Director General

28/2/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_005_00): to rezone rural land at Maldon to permit industrial development.

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 *Environmental Planning & Assessment Act 1979* ("EP&A Act"), that an amendment to the Wollondilly Local Environmental Plan 2011 to:

- enable the development of land fronting Picton Road in Maldon from RU2 Rural Landscape to the IN1 General Industrial Zone for employment generating uses; and
- enable rezoning of the riparian buffer adjacent to the Nepean River and Carriage Creek from RU2 Rural Landscape to E2 Environmental Conservation Zone

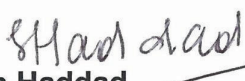
should proceed subject to the following conditions:

1. 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).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - The Office of Environment and Heritage;
 - NSW Department of Primary Industries - Agriculture;
 - NSW Department of Primary Industries - Fishing and Aquaculture;
 - NSW Department of Primary Industries - Minerals and Petroleum;
 - Mine Subsidence Board;
 - Transport for NSW - Roads and Maritime Services; and
 - Sydney Water

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.

3. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 28th day of February 2012.


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