



Office of the Director General

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

Contact: Shane Nugent
Phone: (02) 9860 1560
Email: Shane.Nugent@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2012_WOLLY_006_00 (12/12801)
Your ref: TRIM 6771

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 18 September 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 introduce a new B5 Business Development zone to the LEP and rezone land at Remembrance Drive, Tahmoor for commercial purposes.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 1.2 Rural Zones are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation. 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 Shane Nugent of the regional office of the department on 02 9860 1560.

Yours sincerely,

Richard Pearson
A/Director General

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLY_006_00): to amend Wollondilly Local Environmental Plan 2011 to introduce a new B5 Business Development zone and rezone land for commercial purposes.

I, the Acting 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 introduce a new B5 Business Development zone to the LEP and rezone land at Remembrance Drive, Tahmoor for commercial purposes should proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend reference on page 27 of the planning proposal to note that the proposal addresses certain matters required under Sydney REP 20.
2. It is noted that the proposed site has been identified as containing sensitive vegetation. Council is to give consideration to an alternative zone or zones in order to address land that may be affected by environmental constraints. Consideration should also be given to land that may provide a buffer between the proposed development and adjoining existing land uses.
3. It is noted that Council has identified additional information regarding the following is to be undertaken to support the planning proposal:
 - Flood Management and Stormwater
 - On-site Waste Water Package Treatment Plant (dependent on advice from Sydney Water)
 - Aboriginal Archaeological and European Heritage
 - Transport and Movement
 - Traffic
 - Bushfire Hazard
 - Phase 1 Contamination
 - Salinity
 - Acoustics
 - Flora and Fauna
 - Riparian Ecology
 - Easements
 - Economic Feasibility
 - Economic Impacts;

Additionally, Council is to address the issue of odour from the site and how this may affect adjoining land owners. Council is to assemble this information prior to undertaking public exhibition and include this additional information as part of the public exhibition material.

4. 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)*.

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act. This should be done prior to exhibition:

- Essential Energy
- Hawkesbury – Nepean Catchment Management Authority
- Office of Environment and Heritage
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW – Roads and Maritime Services
- 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.

6. 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).
7. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

26

day of

October

2012.



Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure