



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

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

Dear Mr McMahon,

I am writing in response to your Council's letter 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 2011 to rezone land at 1 Abbotsford Road, Picton from RU2 Rural Landscape to part R5 Large Lot Residential, part E3 Environmental Management and part RE1 Public Recreation and to amend the minimum lot size and building heights controls.

I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway Determination.

I note Council proposes to undertake a number of specialist studies to inform the future lot yields and development standards for the subject land including minimum lot sizes, flood risk and bushfire management measures and infrastructure requirements generated by the proposed rezoning.

As proposed, Council is to undertake the following studies prior to the commencement of community consultation:

- State and Regional Planning Context
- Biodiversity
- Bushfire
- Aboriginal and European Heritage
- Water Quality and Flood Risk
- Parking Traffic and Transport
- Agricultural Land Capability
- State and Local Infrastructure
- Socio-Economic Assessment
- Contaminated Land
- Salinity
- Geotechnical Report
- Onsite Wastewater Feasibility
- Onsite Flooding

In doing so, Council is to ensure the studies respond directly to the requirements of the relevant S117 Direction and/or SEPP, and where inconsistencies are identified, sufficient justification is provided to approve of the inconsistency. Council is to amend the planning proposal to consider the S117 Directions and applicable SEPPs and notify the Department of any changes prior to public exhibition.

It is noted that the land is currently zoned RU2 Rural Landscape, which seeks to protect the rural character of the land. Therefore, Council is to undertake a visual assessment of the proposed change in land use to justify the removal of the landscape zone.

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 commence the necessary studies immediately and provide the Department's Regional Team with copies and the revised planning proposal prior to the commencement of public exhibition. 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 8593.

Yours sincerely,



HON BRAD HAZZARD MP
Minister

24.4.12

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_017_00): to rezone land at 1 Abbotsford Road, Picton from RU2 Rural Landscape to part R5 Large Lot Residential, part E3 Environmental Management and part RE1 Public Recreation and to amend the minimum lot size and building heights controls

I, 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 2011 to rezone land at 1 Abbotsford Road, Picton from RU2 Rural Landscape to part R5 Large Lot Residential, part E3 Environmental Management and part RE1 Public Recreation and to amend the minimum lot size and building heights controls should proceed subject to the following conditions:

1. Council is to undertake the following studies prior to the commencement of community consultation:
 - State and Regional Planning Context
 - Biodiversity
 - Bushfire
 - Aboriginal and European Heritage
 - Water Quality and Flood Risk
 - Parking Traffic and Transport
 - Agricultural Land Capability
 - State and Local Infrastructure
 - Socio-Economic Assessment
 - Contaminated Land
 - Salinity
 - Geotechnical Report
 - Onsite Wastewater Feasibility
 - Onsite Flooding
 - Visual Assessment Study
2. Council is to ensure that the studies respond directly to the requirements of the relevant S117 Direction and/or SEPP, and where inconsistencies are identified, sufficient justification is provided to approve of the inconsistency. All applicable S117s and SEPPs are to be considered and addressed in the planning proposal.
3. Council is not to commence public exhibition until the studies, as required by Condition 1, have been completed and copies have been provided to the Department's Regional Office.
4. Council is to amend the planning proposal to reflect the outcomes of the studies and provide a copy to the Department's Regional Office prior to public exhibition.
5. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and 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)*.

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Education and Communities
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- Integral Energy
- Mine Subsidence Board
- Transport for NSW
- NSW Health
- NSW Rural Fire Service
- Roads and Maritime Authority
- Sydney Water
- Telstra
- Adjoining LGAs

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.

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

Dated

24 APR 2012
day of

2012.



HON BRAD HAZZARD MP
Minister for Planning and Infrastructure