



Office of the Director General

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Our ref: PP_2012_WOLLY_009_00 (13/01074)
Your ref: 6743

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 20 December 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 rezone land at 1A Kader Street, Bargo to part R2 Low Density Residential and part R5 Large Lot Residential and apply a minimum lot size of 450sqm for land proposed to be zoned R2 and 1,000sqm for land proposed to be zoned R5 and a maximum building height of 9m and if appropriate, amend the Natural Resources – Biodiversity Map and Water Map.

As delegate of the Minister for Planning and Infrastructure, 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 inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction.

I understand that Council will prepare a Total Water Cycle Management Plan and Waste Water Management Report which will investigate options for managing flooding and drainage and make recommendations on future wastewater and stormwater management. Council is to liaise with the regional team of the department when preparing these documents and once this work has been completed it should be forwarded to the department for information purposes.

The amending 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. 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 Mato Prskalo of the regional office of the department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director General

9 | 2 | 2013 .

Gateway Determination

Planning proposal (Department Ref: PP_2012_WOLLY_009_00): to rezone land at Bargo and apply a minimum lot size and maximum building height on the subject land.

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 EP&A Act that an amendment to the Wollondilly Local Environmental Plan (LEP) to rezone land at 1A Kader Street, Bargo to part R2 Low Density Residential and part R5 Large Lot Residential and apply a minimum lot size of 450sqm for land proposed to be zoned R2 and 1,000sqm for land proposed to be zoned R5 and a maximum building height of 9m and if appropriate, amend the Natural Resources – Biodiversity Map and Water Map should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to complete the assessment checklist at Attachment 6 '*Assessment checklist in accordance with the draft South West Subregional Strategy*'.
2. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 18 month timeframe allocated for completing the LEP.
3. Council has identified that additional information regarding traffic and transport and bushfire hazard is required to investigate the impacts of the planning proposal. Council is to undertake the necessary work prior to undertaking public exhibition and amend the planning proposal to reflect the outcomes of this additional information.
4. Given the subject site adjoins a wastewater disposal system, Council is to amend the planning proposal to include additional information to address the impacts of odour from the wastewater disposal system onto the site.
5. Council is to consult with the Department of Trade and Investment (Mineral Resources and Energy) as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
6. Council is to amend the planning proposal to include additional information regarding flora and fauna, habitat and riparian ecology to demonstrate consistency with S117 Direction 2.1 Environmental Protection Zones and SEPP 44 Koala Habitat Protection. Council is also to consult with the NSW Office of Environment and Heritage and the Commonwealth Department of Sustainability, Environment, Water, Population and Communities and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition. If required, Council is to amend the Natural Resources - Biodiversity Map and Water Map to reflect the outcomes of this additional information.
7. Council has identified the need to undertake a Total Water Cycle Management Plan and Waste Water Management Report to accompany the planning proposal. Council is to prepare this additional information to adequately demonstrate consistency with S117 Direction 4.3 Flood Prone Land and amend the planning proposal, if necessary, to take into consideration the outcomes of this work prior to undertaking public exhibition.

8. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration additional information received, prior to undertaking public exhibition.
9. Council is to consult with the Mine Subsidence Board in accordance with S117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
10. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
11. 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
12. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Hawkesbury Nepean Catchment Management Authority
 - Office of Environment and Heritage
 - Department of Primary Industries - Office of Water
 - Department of Trade and Investment
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Transport for NSW – Roads and Maritime Services
 - Sydney Water
 - Endeavour Energy

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.



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13. 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).
14. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 9th day of February 2013.


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