



qB175616

11/15331

Department Generated Correspondence (Y)

Contact: Louise Wells
Phone: (02) 4224 9450
Fax: (02) 4224 9470
Email: Louise.Wells@planning.nsw.gov.au
Postal: PO Box 5475, Wollongong NSW 2520

Our ref: PP_2011_YOUNG_004_00 (10/12635)
Your ref: 154.05:KC:KF

Mr Peter Vlatko
General Manager
Young Shire Council
Locked Bag 5
YOUNG NSW 2594

Dear Mr Vlatko,

Re: Planning Proposal to zone land that was deferred from the Young LEP 2010 (pending an Industrial Lands Investigation) at Chillingworks Road, Park Avenue, Spring Creek Road and Burrangong Hall Road.

I am writing in response to your Council's letter dated 20 June 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 Young Local Environmental Plan 2010 to zone land that was deferred from the Young LEP 2010 (pending an Industrial Lands Investigation) at Chillingworks Road, Park Avenue, Spring Creek Road and Burrangong Hall Road.

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.

Council is reminded of the requirements of *State Environmental Planning Policy (SEPP) – 55 Remediation of Land* when rezoning a site. Council is to ensure that the requirements of the SEPP, in particular clause 6 of the instrument, are complied with in terms of demonstrating the subject sites are, or can be made suitable for residential purposes by undertaking a Preliminary Site Contamination Assessment Report to support the proposed rezoning. Council should ensure a copy of all relevant information relating to site contamination assessment reports including the Preliminary Site Investigation Report are placed on public exhibition.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environment Protection Zones, 3.1 Residential Zones, 3.3 Home Occupations, 4.3 Integrating Land Use and Transport, 4.4 Planning for Bushfire Protection and 6.1 Approval and Referral Requirements are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. 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, 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 Louise Wells of the Regional Office of the Department on 02 4224 9450.

Yours sincerely,



29/8/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_YOUNG_004_00): to zone land that was deferred from the Young LEP 2010 (pending an Industrial Lands Investigation) at Chillingworks Road, Park Avenue, Spring Creek Road and Burrangong Hall Road.

I, the Deputy Director General, Plan Making & Urban Renewal 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 Young Local Environmental Plan 2010 to zone land that was deferred from the Young LEP 2010 (pending an Industrial Lands Investigation) at Chillingworks Road, Park Avenue, Spring Creek Road and Burrangong Hall Road should proceed subject to the following conditions:

1. Council is required to ensure that the provisions of *State Environmental Planning Policy (SEPP) No 55 – Remediation of Land* are complied with as part of the rezoning process in relation to the Park Avenue site. Council is to ensure that in accordance with the SEPP a Preliminary Site Contamination Assessment Report is prepared and submitted to the Regional Director, Southern Region prior to the planning proposal proceeding to public exhibition. The report is also to be placed on public exhibition with the planning proposal.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Agriculture
 - Office of Environment and Heritage
 - Department of Industry and Investment (Agriculture)
 - Department of Trade and Investment, Regional Infrastructure and Services
 - Roads and Traffic Authority

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.

4. 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).

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 29th day of August 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure