



Mr Ben Taylor
Chief Executive Officer
Wollondilly Shire Council
62-64 Menangle Street
PICTON NSW 2571

via email: council@wollondilly.nsw.gov.au


Dear Mr Taylor

Wollondilly Legacy Planning Proposals

I refer to Wollondilly Council's referral of the 7 legacy planning proposals with a Gateway determination more than 4 years old and unresolved State issues to the Department for determination.

As you are aware, the NSW Government's Planning Reform Action Plan, aims to create a more timely, certain and transparent planning system. Proposals will now only be accepted into the plan making process where the relevant State and local strategic framework and provision of supporting infrastructure can be adequately demonstrated. Longstanding proposals, previously put on hold for one or more reasons, are now being determined.

The Government has made it a priority to finalise all legacy planning proposals by 31 December 2020. At the time of issuing the original Gateway determinations, these planning proposals were consistent with relevant local and State planning strategies, however the strategic planning framework has shifted considerably. In that time, the Government has committed to the *Western City District Plan, Wilton 2040* and *Greater Macarthur 2040* which focuses objectives and actions around the conservation of the Metropolitan Rural Area and development in growth areas such as the Wilton and Greater Macarthur Growth Areas.

The Department has undertaken a detailed assessment of the planning proposals and considered issues raised by State agencies. While the Department acknowledges the extensive work and time taken to resolve matters, many of these remain unresolved for each proposal. I have considered these assessments and each proposal carefully and resolved to alter the Gateway determinations for these proposals to not proceed.

This decision is based on key issues not being addressed or resolved to the extent required to support a rezoning. A critical issue related to these proposals is the cumulative impact of bushfire protection measures that may be required to mitigate risks and hazards, and ensure safe management of fire events including evacuation and shelter in place measures.

Aside from site specific issues, the Department considers the following fundamental steps would be required to be addressed before these proposals could be reconsidered:

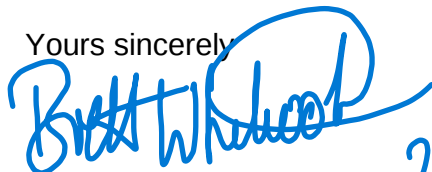
- Completion of Council's planned natural and hazard risk study in consultation with the Department and the Rural Fire Service and other emergency services providers;
- The Department's review and approval of Council's local housing strategy to reflect growth scenarios proposed by these proposals; and
- Finalisation of Sydney Water's environmental protection licence variation application for Picton Water Recycling Plant and related business case to assure capacity for wastewater.

The Department recognises that State agency support and involvement is critical to enable Council to plan for growth of towns and villages in Wollondilly. The Department also acknowledges the considerable body of technical studies and evaluation that has been undertaken for the proposals. When sites are revisited as part of the housing strategy or a Council-led rezoning, any relevant existing work should be carried over where possible.

A detailed overview of the Department's decision in relation to each proposal is outlined in Attachment A. The Department is committed to working with Council to explore future options for rezoning these sites, if required, and subject to addressing the key unresolved issues identified in Attachment A.

Should you have any enquiries about this matter, please contact Adrian Hohenzollern Director Western, Greater Sydney, Place and Infrastructure on 9860 1505.

Yours sincerely



Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure

21 December 2020

Encl: Gateway Alterations for the 7 legacy planning proposals
Attachment A – Overview of the Department's Decision

Attachment A

PP 2012 WOLLY 009 03 - Land Adjoining Bargo Sportsground

The Gateway determination for this planning proposal was issued on 9 February 2013 and after 5 extensions, was due to be finalised on 30 June 2019.

The former Office of Environment and Heritage (OEH) has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- potential impacts on biodiversity and koala linkages have not been addressed;
- inadequate measures for servicing to address wastewater impacts from on-site effluent disposal to significant vegetation areas;
- the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA; and
- inconsistencies with 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection remain unresolved, therefore all related issues to these Directions remain unresolved.

PP 2013 WOLLY 002 02 - Picton East

The Gateway determination for this planning proposal was issued on 28 March 2013 and after 5 extensions was due to be finalised on 1 May 2020.

The former Roads and Maritime Services (RMS) has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- the concept design of the new intersection at Menangle Street has not been addressed;
- the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA;
- inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced in an interim or permanent state; and
- inconsistencies with 9.1 Direction 3.1 Residential Zones and 4.4 Planning for Bushfire Protection remain unresolved, therefore all related issues to these Directions remain unresolved.

PP 2013 WOLLY 006 01 - Land Adjoining Oakdale Sports fields

The Gateway determination for this planning proposal was issued on 15 May 2013 and after 6 extensions was due to be finalised on 31 July 2020.

The OEH has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- potential impacts on Shale Sandstone Transition Forest [a Critically Endangered Ecological Community (CEEC)] has not been addressed;
- the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA; and
- inconsistency with 9.1 Directions 2.1 Environmental Protection Zones and 4.4 Planning for Bushfire Protection remains unresolved, therefore all related issues to these Directions remain unresolved.

PP 2013 WOLLY 014 01- Burragorang & Steveys Forest Roads

The Gateway determination for this planning proposal was issued on 23 February 2014 and after 4 extensions was due to be finalised on 30 April 2020.

The OEH has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- potential impacts on Cumberland Plain Woodland (a CEEC) and Aboriginal Cultural Heritage have not been addressed; and
- inconsistencies with 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 5.5 Sydney Drinking Water Catchment and 4.4 Planning for Bushfire Protection remain unresolved, hence all related issues remain unresolved.

PP 2014 WOLLY 003 01 - Cross Street, Tahmoor

The Gateway determination for this planning proposal was issued on 17 July 2014 and after 5 extensions was due to be finalised on 30 April 2020.

The Rural Fire Service (RFS) has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- inadequate measures for bushfire evacuation to minimise potential risk to life arising from rezoning the site;
- arrangements for offsetting impacts to biodiversity have not been reached;
- inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced in an interim or permanent state;
- the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA; and
- the planning proposal is inconsistent with Ministerial Section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 3.1 Residential Zones, 4.4 Planning for Bushfire Protection and 4.2 Mine Subsidence and Unstable Land,

PP 2016 WOLLY 003 01 - 600 West Parade, Buxton

The Gateway determination for this planning proposal was issued on 9 August 2016 and after 2 extensions was due to be finalised on 30 June 2019.

The RFS and OEH have provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- there is an unresolved land use conflict between the E3 rezoning objective to support the regeneration of native vegetation to the rear of the site and the minimum asset provision zone requirements for future development within the site;
- inadequate measures for bushfire evacuation can be implemented to minimise potential risk to life arising from rezoning the site;
- there are inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced in an interim or permanent state;
- the proposal is inconsistent with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA; and

- the proposal is inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 3.1 Residential Zones, and 4.4 Planning for Bushfire Protection remain unresolved, hence all related issues remain unresolved.

PP 2016 WOLLY 005 02 - The Oaks North

The Gateway determination for this planning proposal was issued on 8 December 2016 and after 2 extensions was due to be finalised on 15 December 2019.

The OEH has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- potential impacts on Shale Sandstone Transition Forest and Aboriginal Cultural Heritage have not been addressed;
- many remaining matters are unresolved due to the absence of required studies and documentation required by the Gateway determination;
- the proposal is inconsistent with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA; and
- there planning proposal inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 5.5 Sydney Drinking Water Catchment, hence all related issues remain unresolved.

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2016_WOLLY_005_00 [IRF20/5697])

I, the Deputy Secretary, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment, as delegate of the Minister, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 8 December 2016 (as altered) for the proposed amendment to Wollondilly Local Environmental Plan 2011 as follows:

1. Change the description of the planning proposal from:

"I, the Director, Sydney Region West, Planning Services at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979, that an amendment to the Wollondilly Local Environmental Plan 2011 to rezone part of 80 Silverdale Road, The Oaks to R5 Large Lot Residential, amend the height of buildings and minimum lot size, and also amend the minimum lot size for 1-22 Browns Road, should proceed"

to:

"I, the Deputy Secretary, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment, as delegate of the Minister, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 8 December 2016 (as altered) for the proposed amendment to Wollondilly Local Environmental Plan 2011 to to rezone part of 80 Silverdale Road, The Oaks to R5 Large Lot Residential, amend the height of buildings and minimum lot size, and also amend the minimum lot size for 1-22 Browns Road, should not proceed."

2. Delete conditions 1- 8.
3. Insert new condition 1:

"Council is not authorised to be the local plan making authority and the Written Authorisation to Exercise Delegations issued on 8 December 2016 is now revoked."

Dated 21st day of December 2020.



Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning and
Public Spaces**