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Mr J L (Les) McMahon
General Manager
Wollondilly Shire Council
PO Box 21
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Our ref: PP_2013_WOLLY_001_00 (13/03361)
Your ref: 7178 kc:kc

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 6 February 2013 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 rezone land at 90 Thirlmere Way, Tahmoor from RU4 Primary Production Small Lots to R2 Low Density Residential, reduce the minimum lot size to 700sqm and apply a maximum building height of 9m for the subject land.

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.

It is noted that Council's report advises that traffic and transport matters will require further consideration, including road and pathway linkages from Thirlmere Way to Bronzewing Street. Council is to consider accessibility to and from the subject site onto the local road network when considering the subdivision layout of the site.

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.

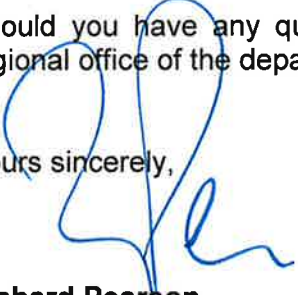
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP is to be finalised within 12 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 David Radich of the regional office of the department on 02 9860 1560.

Yours sincerely,



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

28/3/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_001_00): to rezone land at Tahmoor from rural to residential purposes and amend the development controls applying to the land.

I, the Deputy Director General, Planning Operations and Regional Delivery at the 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 rezone land at 90 Thirlmere Way, Tahmoor from RU4 Primary Production Small Lots to R2 Low Density Residential, reduce the minimum lot size to 700sqm and apply a maximum building height of 9m for the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 12 month timeframe allocated for completing the LEP.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (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.
3. Prior to undertaking public exhibition, Council is to include additional information on flora and fauna to demonstrate consistency with S117 Direction 2.1 Environment Protection Zones and address the proposals consistency with State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection.
4. Council has identified that additional information regarding heritage, hydrology, traffic and transport and bushfire hazard is to be prepared to support the planning proposal. This additional information is to be placed on public exhibition with the planning proposal.
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 must be made publicly available for a minimum of **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 & Infrastructure 2012).
6. 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 (S117 Direction 2.1 Environment Protection Zones)
 - Department of Trade and Investment (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Transport for NSW
 - Roads and Maritime Services
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - Endeavour Energy



Planning & Infrastructure

- Commonwealth Department of Sustainability, Environment, Water, Population and Communities
- Sydney Water

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

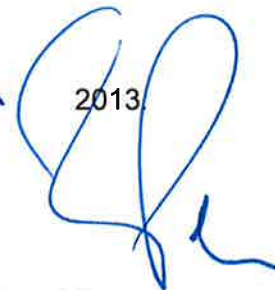
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

28

day of

March 2013



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wollondilly Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_WOLLY_001_00	Planning proposal to rezone land at 90 Thirlmere Way, Tahmoor from RU4 Primary Production Small Lots to R2 Low Density Residential, reduce the minimum lot size to 700sqm and apply a maximum building height of 9m for the subject land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 28 March 2013

Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WOLLY_001_00
Date Sent to Department under s56	06/02/2013
Date considered at LEP Review Panel	21/02/2013
Gateway determination date	28/03/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: