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Our ref: PP_2013_WOLLY_004_00 (13/05386)
Your ref: 6649

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

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 12 March 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 1550 Burragorang Road, Oakdale from RU1 Primary Production to R5 Large Lot Residential and R2 Low Density Residential, amend the minimum lot size to 450sqm for land proposed to be zoned R2 and 4,000sqm for land proposed to be zoned R5, amend the maximum building height to 9m for the entire site and include certain land on the natural resources maps.

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 Lands is of minor significance. No further approval is required in relation to this Direction.

Council may still need to obtain the concurrence of the Director General to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

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 Local Environmental Plan (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 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,



Neil McGaffin 4.4.13
Executive Director
Rural and Regional Planning

Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_004_00): to rezone land at Oakdale for residential purposes and amend the development controls applying to the subject land.

I, the Executive Director, Rural and Regional Planning 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 1550 Burragorang Road, Oakdale from RU1 Primary Production to R5 Large Lot Residential and R2 Low Density Residential, amend the minimum lot size to 450sqm for land proposed to be zoned R2 and 4,000sqm for land proposed to be zoned R5, amend the maximum building height to 9m for the entire site and include certain land on the natural resources maps should proceed subject to the following conditions:

1. In addition to the proposed rezoning, Council is to consider also rezoning rural land to the immediate east of the subject site to ensure an isolated pocket of rural land is not created by the proposal. If Council supports this suggestion, it is to amend the planning proposal to reflect the suggested approach.
2. Prior to undertaking public exhibition, Council is to update Attachments 3 and 4 of the planning proposal to include proposed lot size and height of buildings maps.
3. Prior to undertaking public exhibition, Council is to update the project timeline within the planning proposal to reflect the 12 month timeframe allocated for completing the LEP.
4. 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.
5. Council has identified a number of additional studies to be undertaken to support the planning proposal. Once this additional information is provided and Council has consulted with public authorities, consistency with S117 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones and 4.3 Flood Prone Land can be determined.
6. 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).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- Department of Education and Communities
- Office of Environment and Heritage
- Transport for NSW – Roads and Maritime Services
- Sydney Water
- Endeavour Energy
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Sydney Catchment Authority (S117 Direction 5.2 Sydney Drinking Water Catchments)

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.

8. 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).

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

Dated

4th

day of

April

2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
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_004_00	Planning proposal to rezone land at 1550 Burragorang Road, Oakdale from RU1 Primary Production to R5 Large Lot Residential and R2 Low Density Residential, amend the minimum lot size to 450sqm for land proposed to be zoned R2 and 4,000sqm for land proposed to be zoned R5, amend the maximum building height to 9m for the entire site and include certain land on the natural resources maps.

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 4 April 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
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_004_00
Date Sent to Department under s56	12/03/2013
Date considered at LEP Review Panel	28/03/2013
Gateway determination date	04/04/2013

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: