



Planning & Infrastructure

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Our ref: PP_2013_WOLLY_012_00 (13/18154)
Your ref: 7549 kc:ds

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

Attention: Kitty Carter

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 11 October 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 in Stargard Crescent, Picton, for large lot residential development (Zone R5 Large Lot Residential), to rectify a zoning anomaly.

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 may still need to obtain the Director General's agreement to satisfy 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 requested to be issued with delegation for this planning proposal. 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 9 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 section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.



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Should you have any queries in regard to this matter, please contact Mato Prskalo of the regional office of the department on 02 9860 1534.

Yours sincerely,

RJ Cumming 10/12/13

Rachel Cumming
Acting Regional Director
Sydney Region West



Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_012_00): to rezone land in Stargard Crescent, Picton, for large lot residential development (Zone R5 Large Lot Residential) and introduce a minimum lot size of 3,000m², to rectify a zoning anomaly.

I, the Acting Regional Director, Sydney Region West, 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 in Stargard Crescent, Picton, for large lot residential development (Zone R5 Large Lot Residential), to rectify a zoning anomaly and introduce a minimum lot size of 3,000m², should proceed subject to the following conditions:

Prior to undertaking public exhibition, Council is to satisfy conditions 1 to 3 below.

1. Council is to amend the planning proposal to:
 - i. clarify that the property description of the subject land includes only 'part' of Lots 28 and 29 DP 1173845, rather than the whole of these allotments;
 - ii. clarify that, in addition to retaining the part of Lot 29 zoned RE1 Public Recreation, this will also apply to part of Lot 28;
 - iii. show the correct boundary of the subject land shown on the site map in Figure 1 on page 3;
 - iv. clarify whether the Proposal is likely to result in additional development potential for the subject land; and
 - v. Include a map of the proposed minimum lot size.
2. Council is to consider rezoning small residue areas to Zone RE1 Public Recreation, where they adjoin land within this zone.
3. Council is to undertake a Flora and Fauna Assessment for Lots 28 and 29, if they are considered to have potential for resubdivision and/or additional development, and subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones.
4. 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 **14 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 2013).
5. 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).



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6. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act 1979.
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated th day of November 2013.

RJ Cumming 10/12/13

**Rachel Cumming
Acting Regional Director
Sydney Region West
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

**Delegate of the Minister for 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_012_00
Date Sent to Department under s56	11 October 2013
Date considered at LEP Review Panel	N/a
Gateway determination date	10 December 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:



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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_012_00	Planning proposal to rezone land in Stargard Crescent, Picton, for large lot residential development (Zone R5 Large Lot Residential), to rectify a zoning anomaly.

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 10th Day of December, 2013

Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure