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Department Generated Correspondence (Y)

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Our ref: PP\_2011\_WOLLY\_008\_00 (11/12681-1)  
Your ref: 6358

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

Dear Mr McMahon,

**Re: Planning Proposal to reclassify Council owned sites (part of Lot 67 and part of Lot 68 DP 3007, Wonga Road, Picton) from "community" to "operational". The reclassification is to allow for potential relocation of Council's work depot from its current site in Margaret Street, Picton to Wonga Road; to resolve an anomaly of the use of land classified as "community" being used for Council's animal shelter and nursery; and to allow for a range of other potential future operational uses on the subject land if required.**

I am writing in response to your Council's letter dated 11 July 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 Wollondilly Local Environmental Plan 2011 to reclassify Council owned sites (part of Lot 67 and part of Lot 68 DP 3007, Wonga Road, Picton) from "community" to "operational". The reclassification is to allow for potential relocation of Council's work depot from its current site in Margaret Street, Picton to Wonga Road; to resolve an anomaly of the use of land classified as "community" being used for Council's animal shelter and nursery; and to allow for a range of other potential future operational uses on the subject land if required.

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 its obligations for the preparation of an LEP involving the reclassification of public land as described in *PN 09-003 Classification and reclassification of public land through a local environmental plan* and the *Best Practice Guideline for LEPs and Council Land (January 1997)* issued by the Department.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 4.2 Mine Subsidence and Unstable Land, 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes 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 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this 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 Cho Cho Myint of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



**Tom Gellibrand** 8/8/11  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

*Planning Proposal (Department Ref: PP\_2011\_WOLLY\_008\_00): to reclassify Council owned sites (part of Lot 67 and part of Lot 68 DP 3007, Wonga Road, Picton) from "community" to "operational". The reclassification is to allow for potential relocation of Council's work depot from its current site in Margaret Street, Picton to Wonga Road; to resolve an anomaly of the use of land classified as "community" being used for Council's animal shelter and nursery; and to allow for a range of other potential future operational uses on the subject land if required.*

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 Wollondilly Local Environmental Plan 2011 to reclassify Council owned sites (part of Lot 67 and part of Lot 68 DP 3007, Wonga Road, Picton) from "community" to "operational" to allow for the potential relocation of Council's work depot from its current site in Margaret Street, Picton to Wonga Road; to resolve an anomaly of the use of land classified as "community" being used for Council's animal shelter and nursery; and to allow for a range of other potential future operational uses on the subject land if required should proceed subject to the following conditions:

1. 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Office of Environment and Heritage
  - Mine Subsidence Board
  - NSW Rural Fire Service
  - 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.

3. 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).



# Planning & Infrastructure

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

Dated 8<sup>th</sup> day of August 2011.

A handwritten signature in blue ink, appearing to read "Tom Gellibrand".

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