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Our ref: PP\_2016\_WOLLY\_005\_00 (16/15141)  
Your ref: TRIM 9004

Luke Johnson  
General Manager  
Wollondilly Shire Council  
PO Box 21  
Picton NSW 2571

Attention: Nicole Aiken, Strategic Planner

Dear Mr Johnson

**Planning proposal to amend *Wollondilly Local Environmental Plan 2011* –  
The Oaks North (80 Silverdale Road and 1-22 Browns Road, The Oaks)**

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) regarding a planning proposal to amend *Wollondilly Local Environmental Plan 2011* for The Oaks North, which seeks to rezone part of 80 Silverdale Road, The Oaks to R5 Large Lot Residential, and amend the height of buildings and minimum lot size, and also amend the minimum lot size for 1-22 Browns Road, The Oaks.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to Councils in October 2012. I note that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make the plan.

The amending Local Environmental Plan 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 Plan should be made directly to Parliamentary Counsel's office six weeks prior to the projects publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Commission may take action under s54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr James Sellwood in the Department's Sydney Region West team on (02) 9860 1559.

Yours sincerely



08/12/16

**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**

**Delegate of the Greater Sydney Commission**

Encl:

Gateway determination

Written authorisation to exercise delegation

Reporting template for delegated Local Environmental Plan amendments

## Gateway Determination

**Planning proposal (Department Ref: PP\_2016\_WOLLY\_005\_00):** to rezone part of 80 Silverdale Road, The Oaks to R5 Large Lot Residential and amend the height of buildings and minimum lot size for that site, and also amend the minimum lot size for 1-22 Browns Road, The Oaks.

I, the Director, Sydney Region West at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *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, The Oaks should proceed subject to the following conditions:

1. Prior to community consultation, Council is to undertake the following specialist studies, and amend the planning proposal to reflect the findings of these studies:
  - Updated Stage 2 Contamination Assessment;
  - Traffic and Road Safety Audit;
  - Geotechnical and Salinity Assessment;
  - Stormwater and Flood Assessment;
  - Bushfire Assessment Report;
  - Noise and Vibration Study; and
  - Neutral or Beneficial Effect (NorBe) on Water Quality Assessment.

The amended planning proposal and supporting studies are to be referred to the Department for endorsement prior to the commencement of community consultation.

2. Prior to community consultation, Council is to amend the planning proposal to address the draft South West District Plan, which was released by the Greater Sydney Commission on 21 November 2016.
3. Prior to community consultation, Council is undertake further assessment of the planning proposal against the following section 117 Directions:
  - 1.2 Rural Zones;
  - 4.3 Flood Prone Land;
  - 4.4 Planning for Bushfire Protection; and
  - 5.2 Sydney Drinking Water Catchments.

The planning proposal is to be amended to indicate whether the proposal is consistent with these directions, and if not how any inconsistencies are to be addressed.

4. Prior to community consultation, Council is undertake further assessment of the planning proposal against the following State Environmental Planning Policies:

- State Environmental Planning Policy No 44 — Koala Habitat Protection;
- State Environmental Planning Policy No 55 — Remediation of Land; and
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

The planning proposal is to be amended to indicate whether the proposal is consistent with these policies, and if not how any inconsistencies are to be addressed.

5. Community consultation is required under sections 56(2) and 57 of the 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 5.5.2 of the Department's 'A Guide to Preparing Local Environmental Plans'.

6. Consultation is required with the following public authorities under section 56(2)(d) of the Act and / or to comply with the requirements of section 117 Directions and State Environmental Planning Policies:

- Office of Environment and Heritage;
- Rural Fire Service;
- Sydney Water;
- Water NSW; and
- Endeavour Energy.

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.

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 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 amending Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Dated 8<sup>th</sup> day of December 2016



**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**

**Delegate of the Greater Sydney Commission**

## Written Authorisation to Exercise Delegation

Wollondilly Shire Council is authorised to exercise the functions of the Greater Sydney Commission 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_2016_WOLLY_005_00	Planning proposal to rezone part of 80 Silverdale Road, The Oaks to R5 Large Lot Residential and amend the height of buildings and minimum lot size for that site, and also amend the minimum lot size for 1-22 Browns Road, The Oaks.

In exercising the Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Dated 8<sup>th</sup> December 2016



**Catherine Van Laeren**  
Director, Sydney Region West  
Planning Services

**Delegate of the Greater Sydney Commission**

# Planning proposal to amend *Wollondilly Local Environmental Plan 2011* – The Oaks North (80 Silverdale Road and 1-22 Browns Road, The Oaks

## Reporting template for delegated Local Environmental Plan amendments

### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2016_WOLLY_005_00
Date Sent to DP&E under s56	23 November 2016
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	6 December 2016

**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&E requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

### Additional relevant information: