



Contact: Mato Prskalo  
Phone: (02) 9860 1560  
Email: Mato.Prskalo@planning.nsw.gov.au  
Postal: GPO Box 39 Sydney NSW 2001

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

Our ref: PP\_2013\_WOLLY\_014\_00 (13/20806)  
Your ref: 7553 JRMS

Dear Mr McMahon,

### **Planning proposal to amend Wollondilly Local Environmental Plan 2011**

I am writing in response to your Council's letter dated 6 December 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 1590 Burragorang Road, Oakdale from RU1 Primary Production to part R2 Low Density Residential, part R5 Large Lot Residential and part E3 Environmental Management zones;
- amend the minimum lot size to 700m<sup>2</sup> for the R2 Low Density Residential and 2,000m<sup>2</sup> for the R5 Large Lot Residential part of the subject site; and
- amend the maximum building height to 9m for the residential part of the subject site.

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

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.

Given the proposed rezoning of nearby and adjoining land at 1550 Burragorang Road (PP\_2013\_WOLLY\_004\_00), which is at an advanced stage and to prevent the adjoining rural land at 1580, 1582 and 1584 Burragorang Road from becoming isolated, Council should consider rezoning this residue land and include it as part of this planning proposal.

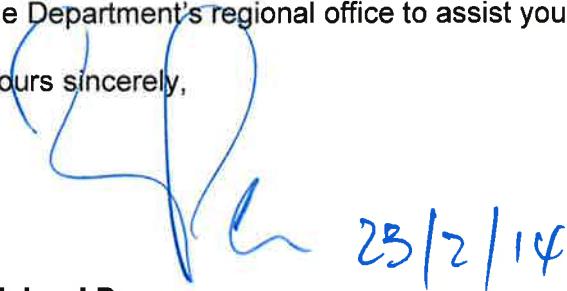
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation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

The amending Local Environmental Plan (LEP) is to be finalised within 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 section 54(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, I have arranged for Mr Mato Prskalo of the Department's regional office to assist you. Mr Prskalo can be contacted on (02) 9860 1560.

Yours sincerely,



**Richard Pearson**  
**Deputy Director General**  
**Growth Planning & Delivery**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

*Planning proposal (Department Ref: PP\_2013\_WOLLY\_014\_00): to rezone land and amend the minimum lot size and maximum building height for land at Burragorang Road, Oakdale.*

I, the Deputy Director General, Growth Planning and 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 1590 Burragorang Road, Oakdale from RU1 Primary Production to part R2 Low Density Residential, part R5 Large Lot Residential and part E3 Environmental Management zones;
- amend the minimum lot size to 700m<sup>2</sup> for the R2 Low Density Residential and 2,000m<sup>2</sup> for R5 Large Lot Residential part of the subject site; and
- amend the maximum building height to 9m for the residential part of the subject site,

should proceed subject to the following conditions:

1. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
  - Potable Water and Wastewater Servicing Assessment
  - Flood Impact Assessment and Stormwater Management Plan
  - Water Cycle Management Study
  - Traffic Impact Assessment
2. Once the above information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 3.1 Residential Zones and 4.3 Flood Prone Land to reflect the outcomes of the work and consultation undertaken.
3. 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 zones. This report is to be included as part of the public exhibition material.
4. Council is to update the planning proposal to include a more detailed consideration of the requirements under Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2-1997) and ensure consistency of the planning proposal with this plan.
5. Prior to undertaking public exhibition, Council is to update the planning proposal to include a Site Identification Map and existing and proposed Land Zoning, Lot Size and Height of Buildings Maps (and, if applicable, Natural Resources – Water and Natural Resources - Biodiversity Maps), which are at an appropriate scale and clearly identify the subject lands.
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 **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 2013)*.

6. 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 relevant S117 Directions:
- Roads and Maritime Services
  - Sydney Water (S117 Direction 3.1 Residential Zones)
  - Department of Education and Communities
  - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
  - Commissioner of 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.

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

23

day of

February

2014.

**Richard Pearson**  
**Deputy Director General**  
**Growth Planning & Delivery**  
**Department of Planning & Infrastructure**

**Delegate of the Minister for Planning & 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_014_00	Planning proposal to: <ul style="list-style-type: none"><li>• rezone land at 1590 Burraborang Road, Oakdale from RU1 Primary Production to part R2 Low Density Residential, part R5 Large Lot Residential and part E3 Environmental Management zones;</li><li>• amend the minimum lot size to 700m<sup>2</sup> for the R2 Low Density Residential and 2,000m<sup>2</sup> for R5 Large Lot Residential part of the subject site; and</li><li>• amend the maximum building height to 9m for the residential part of the subject site.</li></ul>

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

Dated *23 February* 2014

**Richard Pearson**  
**Deputy Director General**  
**Growth Planning & Delivery**  
**Department of Planning & 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_014_00
Date Sent to Department under s56	6/12/2013
Date considered at LEP Review Panel	13/02/2014
Gateway determination date	23/02/2014

**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: