



Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2450

Our ref: 17/00708
Your ref: TRIM 9362 NA:DS

Dear Mr Johnson

**Planning Proposal to amend Wollondilly Local Environmental Plan 2011 –
Darley Street – (PP_2017_WOLLY_001_00)**

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) for a Planning Proposal that seeks to rezone and amend the development standards applying to land at Darley Street, Thirlmere for residential purposes.

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

I have included a condition that the Planning Proposal be updated to propose zones and associated development controls based on the characteristics and serviceability of the site. Council is encouraged to investigate and seek a higher residential yield on the land than what is currently proposed given the location of the site to the existing residential area and village centre of Thirlmere and that *A Plan for Growing Sydney*, the *Draft South West District Plan* and Council's own *Wollondilly Growth Management Strategy 2011* support new urban development at the site.

The Planning Proposal will need to confirm what attributes have been used as criteria for applying the zone/s and associated development standards and should be determined in consultation with Sydney Water and the Department of Planning and Environment.

The amended Planning Proposal and any supporting maps and studies will need to be referred to the Department for endorsement prior to the commencement of community consultation.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of section 117 Directions 1.2 Rural Zones, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the Plan being made.

Plan-making powers were delegated to councils in October 2012. I note that Council has requested to be issued with authorisation to exercise the delegation for this Planning Proposal. I have considered the nature of Council's Planning Proposal and have decided to not issue an authorisation in this instance, given the requirement to update the proposal to demonstrate the suitability of any proposed zone/s and associated development standards.

The amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to complete the required studies and update the Planning Proposal so that exhibition of the Planning Proposal can commence as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 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 Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Council should consult with the Department's regional office on the requirements of the Gateway determination conditions where necessary. Should you have any queries about this matter, please contact Mr Stuart McIntosh of the Department's regional office on (02) 9860 1551.

Yours sincerely



Anthea Sargent 11/7/17
Acting Executive Director, Regions
Planning Services

Delegate of the Greater Sydney Commission

Encl: Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2017_WOLLY_001_00): to rezone and amend the development provisions at Darley Street, Thirlmere for residential purposes.

I, the Acting Executive Director, Planning Services at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2)(b) of the *Environmental Planning and Assessment Act 1979* (the Act), that an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone and amend the development provisions at Darley Street, Thirlmere for residential purposes, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the Planning Proposal is to be revised to seek to apply a zone/s and associated development standards to achieve the highest residential yield at the site based on its land attributes and serviceability.

The Planning Proposal is to confirm what attributes have been used as criteria for applying the proposed zone/s and associated development standards. This should be determined in consultation with Sydney Water and the Department of Planning and Environment and informed by the following site investigative studies and preliminary management plans:

- Wastewater management;
- Land use conflict risk assessment, considering impacts on adjoining land and the wider Metropolitan Rural Area;
- Geotechnical and salinity;
- Stormwater and flood management;
- European and Aboriginal cultural heritage and archaeological impact;
- Bushfire protection;
- Preliminary site contamination; and
- Traffic and access.

The amended Planning Proposal and any supporting maps and studies are to be referred to the Department for endorsement prior to the commencement of community consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the 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

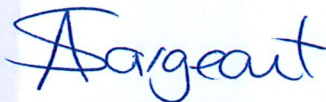
proposals as identified in section 5.5.2 of *A Guide to Preparing Local Environmental Plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
 - (a) Sydney Water;
 - (b) Office of Environment and Heritage; and
 - (c) NSW Rural Fire Service.

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.

4. 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).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 17 day of July, 2017



Anthea Sargent
Acting Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission