

Contact: Mark Dennett
Phone: (02) 9860 1534
Email: mark.dennett@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

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

Our ref: PP_2016_WOLLY_001 (16/02815)
Your ref: TRIM4985 CW:GR

Dear Mr Johnson,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 7 December 2015 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 rationalise the area required for a public car park at Penny Lane, Thirlmere, and remove acquisition requirements.

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

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the planning proposal proceeding on the basis that Council amends the proposal in accordance with condition 1 of the Gateway determination.

Plan making powers were delegated 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 not to issue an authorisation for Council to exercise delegation to make this plan. This will allow Council to seek approval for any inconsistency with S117 Direction 6.2 at the time Council submits the draft plan to the Department for the instrument to be made.

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, action may be 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, please contact Mark Dennett of the regional office of the department on 02 9860 1534.

Yours sincerely,



24/03/16

Catherine Van Laeren
Director
Sydney Region West
Planning Services

Encl
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_WOLLY_001_00): to rationalise the area required for a public car park at Penny Lane, Thirlmere, by reducing the area identified in the acquisition.

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* that an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rationalise the area required for a public car park at Penny Lane, Thirlmere, by reducing the area identified for the acquisition, should proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal:
 - a. to include an explanation to demonstrate that the remaining area identified for a future car park will be sufficient to meet the current and future demands of the Thirlmere commercial area; and
 - b. to include a red outline of the subject area in Figures 3 and 4 of the proposal.
2. 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 is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013) and 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).
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 24 day of March 2016.



Catherine Van Laeren
Director, Sydney Region West
Planning Services

Delegate of the Greater Sydney Commission