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

Our ref: PP\_2013\_WOLLY\_010\_00 (13/10675)  
Your ref: 6895 GR

Attention: Grant Rokobauer

Dear Mr McMahon,

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

I am writing in response to your Council's letter dated 21 June 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 Cliffe and Menangle Streets, Picton, for commercial, private recreation and public recreation uses.

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.

I have also agreed the planning proposal's inconsistency with S117 Directions:

- 1.2 Rural Zone is in accordance with the draft South West Subregional Strategy, and
- 3.1 Residential Zones is justified on the basis that it is of minor nature.

No further approval is required in relation to the above Directions.

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.

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, please contact Mato Prskalo of the regional office of the department on 02 9860 1534.

Yours sincerely,

Handwritten signature of Rachel Cumming in black ink.

09/08/13

Rachel Cumming  
**Acting Regional Director**  
**Sydney Region West**

## Gateway Determination

**Planning proposal (Department Ref: PP\_2013\_WOLLY\_010\_00):** to rezone land at Picton for commercial, private recreation and public recreation uses and amend the development standards applying to the land.

I, the Acting Regional Director, Sydney Region West, 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 Cliffe and Menangle Streets, Picton, for commercial, private recreation and public recreation uses, should proceed subject to the following conditions:

Prior to undertaking public exhibition, Council is to satisfy conditions 1 to 5 below.

1. Council is to amend the planning proposal to:
  - i. clarify that the subject land is also currently zoned part Zone RE1 Public Recreation and part Zone RE2 Private Recreation;
  - ii. indicate that the relevant sheet of the Height of Buildings Map will need to be changed to identify a maximum building height of 9 metres for land in Zones B2 Local Centre and RE2 Private Recreation;
  - iii. indicate that the relevant sheet of the Local Reservation Acquisition Map will need to be changed to identify proposed changes relating to Zone SP2 Infrastructure (Road) and, if appropriate, Zone RE1 Public Recreation;
  - iv. indicate that amendments to the Natural Resources - Water and Biodiversity Maps may also be necessary, depending on the outcome of specialist studies;
  - v. exclude land currently zoned B2 Local Centre where the zoning of this land (or relevant development controls) is not proposed to change;
  - vi. exclude land currently zoned SP2 Infrastructure (Cemetery) from proposed Zone B2 Local Centre where it is not required for the proposed future development and rezone it to SP2 Infrastructure (Place of Public Worship), which will rectify the current prohibition of the church; and
  - vii. exclude the proposed permissibility of cemeteries in Zone B2 Local Centre.
2. In addition to undertaking studies, assessments and investigations identified in the planning proposal and the Council report, Council is to consider the potential economic impact of the proposal on the existing Picton commercial area, particularly Argyle Street, and consult with relevant adjoining councils in relation to the potential for economic impacts on their local government areas. Council is to subsequently demonstrate consistency with section 117 Direction 1.1 Business Zones.
3. 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:
  - i. the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;

- ii. the Office of Environment & Heritage, Office of Water and the Hawkesbury - Nepean Catchment Management Authority and subsequently demonstrate consistency with section 117 Direction 2.1 Environmental Protection Zones. Council is to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999;
- iii. the Mine Subsidence Board and subsequently demonstrate consistency with section 117 Direction 4.2 Mine Subsidence and Unstable Land;
- iv. the Commissioner of the NSW Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection; and
- v. Sydney Water, Endeavour Energy, Roads & Maritime Services, Telstra and any other relevant service/public authorities.

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. Council is to demonstrate consistency with:
  - i. section 117 Direction 2.3 Heritage Conservation after undertaking the proposed Aboriginal and European archaeological and heritage assessment; and
  - ii. section 117 Direction 4.1 Acid Sulfate Soils after undertaking the relevant study.
5. Council is to ensure that the existing flood study relates to the entire area proposed for rezoning, and subsequently demonstrate consistency with section 117 Direction 4.3 Flood Prone Land.
6. Council is to clarify whether it proposes to acquire land proposed to be zoned RE1 Public Recreation (which would need to be identified on the Land Reservation Acquisition Map), before seeking the approval of the Director General to alterations relating to Zones SP2 Infrastructure (Road) and RE1 Public Recreation, pursuant to section 117 Direction 6.2 Reserving Land for Public Purposes.
7. 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 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 LEPs (Department of Planning & Infrastructure 2013)*.
8. 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).



9. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 9<sup>th</sup> day of August, 2013.

*R Cumming*

**Rachel Cumming  
Acting Regional Director  
Sydney Region West  
Planning Operations and Regional  
Delivery  
Department of Planning and  
Infrastructure**

**Delegate of the Minister for Planning and  
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:

<b>Number</b>	<b>Name</b>
PP_2013_WOLLY_010_00	Planning proposal to rezone land to rezone land at Cliffe and Menangle Streets, Picton, for commercial, private recreation and public recreation uses.

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

Dated 9<sup>th</sup> Day of August, 2013

Rachel Cumming  
**Acting Regional Director**  
**Sydney West Region**  
**Planning Operations and Regional Delivery**  
**Department of Planning and 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_010_00
Date Sent to Department under s56	19 July 2013
Date considered at LEP Review Panel	N/a
Gateway determination date	

**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: