



Planning & Infrastructure

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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_006_00 (13/06824)
Your ref: 6969 JRMS

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to your Council's letter dated 8 April 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 1455-1475 Burragorang Road and 1838 Barkers Lodge Road, Oakdale to R2 Low Density Residential and E2 Environmental Conservation, amend the minimum lot size and maximum height of buildings controls applying to the land and amend the natural resources biodiversity and water maps.

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.

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 18 months of the week following the date of the Gateway determination. 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,


Daniel Keary
Acting Executive Director
Metropolitan Planning

15/5/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_WOLLY_006_00): to rezone land at Oakdale for residential and environmental conservation purposes.

I, the Acting Executive Director, Metropolitan Planning 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 1455-1475 Burraborang Road and 1838 Barkers Lodge Road, Oakdale to R2 Low Density Residential and E2 Environmental Conservation, amend the minimum lot size and maximum height of buildings controls applying to the land and amend the natural resources biodiversity and water maps should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to include all relevant parts as outlined under Section 2 'Parts of the Planning Proposal' in the department's *A guide to Preparing Planning Proposals*, including the 'objectives and intended outcomes'.
2. Prior to undertaking public exhibition, Council is to provide existing and proposed land zoning, lot size and height of buildings maps, which are at an appropriate scale and clearly identify the subject site.
3. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - bushfire hazard management
 - flora and fauna
 - flooding and stormwater
 - traffic and transport
 - on-site sewerage treatment
 - Indigenous heritage due diligence assessment
 - rural land use conflict
 - address requirements of S117 Direction 5.2 Sydney Drinking Water Catchments
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. An initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone is to be prepared. This report is to be included as part of the public exhibition material.
5. Prior to undertaking public exhibition, the planning proposal is to be updated to identify the subject land as an Urban Release Area and include the department's model clauses 6.1 Arrangements for designated State public infrastructure, 6.2 Public utility infrastructure, 6.3 Development control plan and 6.4 Relationship between part and remainder of plan.
6. 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).

7. 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:
- Sydney Water
 - Endeavour Energy
 - Sydney Catchment Authority
 - Department of Education and Communities
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Agriculture
 - NSW Department of Primary Industries – Minerals and Petroleum
 - Transport for NSW – Roads and Maritime Services
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Adjoining LGAs

Relevant public authorities should be consulted on whether the proposal will generate a demand for the provision of State infrastructure. A copy of submissions from State agencies is to be provided to the department's regional office.

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.

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 **18 months** from the week following the date of the Gateway determination.

Dated

15th day of

MAY

2013.



Daniel Keary
Acting Executive Director
Metropolitan Planning
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:

Number	Name
PP_2013_WOLLY_006_00	Planning proposal to rezone land at 1455-1475 Burragorang Road and 1838 Barkers Lodge Road, Oakdale to R2 Low Density Residential and E2 Environmental Conservation, amend the minimum lot size and maximum height of buildings controls applying to the land and amend the natural resources biodiversity and water maps.

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

15/5/

2013


Daniel Keary
Acting Executive Director
Metropolitan Planning
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_006_00
Date Sent to Department under s56	08/04/2013
Date considered at LEP Review Panel	09/05/2013
Gateway determination date	15/05/2013

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: