



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

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



Dear Mr McMahon,

I am writing in response to your Council's letter 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 amend the Wollondilly Local Environmental Plan 2011 to rezone land at 1 Abbotsford Road, Picton from RU2 Rural Landscape to part R5 Large Lot Residential, part E3 Environmental Management and part RE1 Public Recreation and to amend the minimum lot size and building heights controls.

I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway Determination.

I note Council proposes to undertake a number of specialist studies to inform the future lot yields and development standards for the subject land including minimum lot sizes, flood risk and bushfire management measures and infrastructure requirements generated by the proposed rezoning.

As proposed, Council is to undertake the following studies prior to the commencement of community consultation:

- State and Regional Planning Context
- Biodiversity
- Bushfire
- Aboriginal and European Heritage
- Water Quality and Flood Risk
- Parking Traffic and Transport
- Agricultural Land Capability
- State and Local Infrastructure
- Socio-Economic Assessment
- Contaminated Land
- Salinity
- Geotechnical Report
- Onsite Wastewater Feasibility
- Onsite Flooding

In doing so, Council is to ensure the studies respond directly to the requirements of the relevant S117 Direction and/or SEPP, and where inconsistencies are identified, sufficient justification is provided to approve of the inconsistency. Council is to amend the planning proposal to consider the S117 Directions and applicable SEPPs and notify the Department of any changes prior to public exhibition.

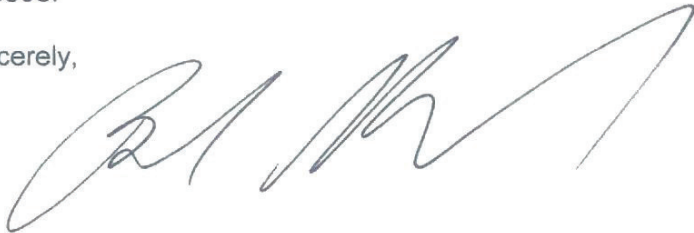
It is noted that the land is currently zoned RU2 Rural Landscape, which seeks to protect the rural character of the land. Therefore, Council is to undertake a visual assessment of the proposed change in land use to justify the removal of the landscape zone.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway Determination. Council should commence the necessary studies immediately and provide the Department's Regional Team with copies and the revised planning proposal prior to the commencement of public exhibition. Council's request for the Department to draft and finalise the LEP should be made six (6) 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, I may take action under s54(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 Peter Goth of the Department of Planning and Infrastructure, to assist. Mr Goth can be contacted on 02 9873 8593.

Yours sincerely,



HON BRAD HAZZARD MP
Minister

24.4.12

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_017_00): to rezone land at 1 Abbotsford Road, Picton from RU2 Rural Landscape to part R5 Large Lot Residential, part E3 Environmental Management and part RE1 Public Recreation and to amend the minimum lot size and building heights controls

I, 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 2011 to rezone land at 1 Abbotsford Road, Picton from RU2 Rural Landscape to part R5 Large Lot Residential, part E3 Environmental Management and part RE1 Public Recreation and to amend the minimum lot size and building heights controls should proceed subject to the following conditions:

1. Council is to undertake the following studies prior to the commencement of community consultation:
 - State and Regional Planning Context
 - Biodiversity
 - Bushfire
 - Aboriginal and European Heritage
 - Water Quality and Flood Risk
 - Parking Traffic and Transport
 - Agricultural Land Capability
 - State and Local Infrastructure
 - Socio-Economic Assessment
 - Contaminated Land
 - Salinity
 - Geotechnical Report
 - Onsite Wastewater Feasibility
 - Onsite Flooding
 - Visual Assessment Study
2. Council is to ensure that the studies respond directly to the requirements of the relevant S117 Direction and/or SEPP, and where inconsistencies are identified, sufficient justification is provided to approve of the inconsistency. All applicable S117s and SEPPs are to be considered and addressed in the planning proposal.
3. Council is not to commence public exhibition until the studies, as required by Condition 1, have been completed and copies have been provided to the Department's Regional Office.
4. Council is to amend the planning proposal to reflect the outcomes of the studies and provide a copy to the Department's Regional Office prior to public exhibition.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Education and Communities
- Office of Environment and Heritage
- NSW Department of Primary Industries – Agriculture
- Integral Energy
- Mine Subsidence Board
- Transport for NSW
- NSW Health
- NSW Rural Fire Service
- Roads and Maritime Authority
- Sydney Water
- Telstra
- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 **18 months** from the week following the date of the Gateway determination.

Dated

24 APR 2012
day of

2012.



HON BRAD HAZZARD MP
Minister for Planning and Infrastructure



Mr Les McMahon
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Contact: Mato Prskalo
Phone: 02 9860 1534
Email:
mato.prskalo@planning.nsw.gov.au
Our ref.: 13/15947

Attention: Grant Rokobauer

Dear Mr McMahon

Subject: Extension of Gateway timeframe for two planning proposals

I refer to Council's letter dated 23 September 2013, seeking an extension of time to complete planning proposals for land at Abbotsford Road, Picton (PP_2011_WOLLY_017_00) and Macquariedale Road, Appin (PP_2011_WOLLY_014_00).

As delegate of the Minister for Planning and Infrastructure, I have, under section 56(7) of the *Environmental Planning and Assessment Act 1979*, altered the Gateway determinations by extending the timeframes under section 56(2)(f) of the Act for completion of the planning proposals, as indicated below:

PLANNING PROPOSAL	EXTENSION OF TIMEFRAME
PP_2011_WOLLY_017_00	6 months
PP_2011_WOLLY_014_00	9 months

If you have any questions in relation to this matter, please contact Mr Mato Prskalo of this Office on (02) 9860 1534.

Yours sincerely


4/10/2013

Rachel Cumming
A/Regional Director
Sydney Region West

Delegate of the Minister for Planning and Infrastructure

Mr Les McMahon
 General Manager
 Wollondilly Shire Council
 PO Box 21
 PICTON NSW 2571

Contact: Mato Prskalo
 Phone: 02 9860 1534
 Email: mato.prskalo@planning.nsw.gov.au
 Our ref.: 14/03917
 Your ref.: 5400, 6649 & 6589 DS :KF;
 TRIM 6497 CW

Attention: Mr David Smith

Dear Mr McMahon

Subject: Extension of Gateway timeframe for various planning proposals

I refer to Council's requests dated 18 and 28 February 2014, seeking an extension of time to complete various planning proposals. I note that an extension of time is also required for the Menangle Landscape Conservation Area planning proposal, which has already been submitted for finalisation.

As delegate of the Minister for Planning and Infrastructure, I have, under section 56(7) of the *Environmental Planning and Assessment Act 1979*, altered the Gateway determinations by extending the timeframes under section 56(2)(f) of the Act for completion of the planning proposals, as indicated below:

	Planning Proposal	Proposed extension	Proposed new due date
1	PP_2011_WOLLY_011_00 Land between Tahmoor and Thirlmere (PTTAG)	9 months	21 December 2014 (was 21 March 2014)
2	PP_2013_WOLLY_004_00 Land Adjoining Oakdale Public School	9 months	11 January 2015 (was 11 April 2014)
3	PP_2012_WOLLY_001_00 Menangle Street, Picton	3 months	30 June 2014 (was 30 March 2014)
4	PP_2011_WOLLY_005_00 Abbotsford Road, Picton	9 months	1 February 2015 (was 1 May 2014)
5	PP_2012_WOLLY_007_00 Menangle Landscape Conservation Area	3 months	28 May 2014 (was 28 February 2014)

If you have any questions in relation to this matter, please contact Mr Mato Prskalo of this Office on (02) 9860 1534.

Yours sincerely



12/3/2014

Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Growth Planning and Delivery

Delegate of the Minister for Planning and Infrastructure



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2011_WOLLY_017_00) (Abbotsford Road, Picton)

I, Terry Doran, Acting Director, Metropolitan Region (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined, under section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 24 April 2012, as amended, for the proposed amendment to the Wollondilly Local Environmental Plan 2011 as follows:

1. Delete:

condition "8"

and replace with:

a new condition 8 "The timeframe for completing the LEP is by 1 August 2015".

Dated 29th day of January 2015.

A handwritten signature in black ink, appearing to read "Terry Doran".

Terry Doran
Acting Director
Metropolitan Region (Parramatta)
Planning Services

Delegate of the Minister for Planning

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2011_WOLLY_017_00) (Abbotsford Road, Picton)

I, Tim Archer, the Acting Director, Metropolitan (Parramatta) Planning Services, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 29 January 2015 (as amended), for the proposed amendment to the Wollondilly Local Environmental Plan 2011 as follows:

1. Delete:

condition "8"

and replace with:

a new condition 8 "The timeframe for completing the LEP is by 1 August 2016".

Dated 16th day of October 2015.



Tim Archer
**A/ Director, Metropolitan (Parramatta)
Planning Services**

Delegate of the Minister for Planning



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

Contact: Stephen Gardiner
Phone: (02) 9860 1536
Email: stephen.gardiner@planning.nsw.gov.au

Our ref: 15/14600
Your ref: TRIM 1234 CG :CG

Attention: Ms Kitty Carter

Dear Mr Johnson

Alteration of Gateway Determination – Abbotsford

I refer to Council's correspondence on 18 September 2015, seeking a revision to planning proposal no. PP_2011_WOLLY_017_00 for rezoning of the Abbotsford Planning Proposal from, Zone RU2 - Rural Landscape to Zone E4 - Environmental Living to make various amendments to the planning proposal.

I have determined, as delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 24 April 2012, for planning proposal no. PP_2011_WOLLY_017_00. The alteration of Gateway determination is **enclosed**.

In this regard, I note that Council have met the requirements of Condition 4 in the Gateway determination.

I also agree that the planning proposal's inconsistencies with Section 117 Direction 1.2 – Rural Zones, Direction 2.1 – Residential Zones and 3.1 – Environment Protection Zones, are justified on the basis that the inconsistencies are of minor significance. No further approval is required in relation to these Directions.

Council is reminded to consult with NSW Trade and Investment with regard to section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

I note that Council have consulted with NSW Rural Fire Service, however, Condition 6 of the Gateway Determination still applies in accordance with Section 117 Direction – Planning for Bushfire Protection for the amended planning proposal.

I have decided not to delegate the Commission's plan making powers to Council in this instance based on the outstanding consultation requirements with agencies and the need to consider ministerial directions described above.

If you have any questions in relation to this matter, please contact Stephen Gardiner of the Metropolitan Region (Parramatta) office on (02) 9860 1536.

Yours sincerely

R Cumming 5/02/16

Rachel Cumming
Director
Metropolitan (Parramatta)
Planning Services
Department of Planning and Environment

Encl: Alteration of Gateway Determination
Written Authorisation to Exercise Delegation



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2011_WOLLY_017_00)

I, Rachel Cumming, Director, Metropolitan Region (Parramatta), Planning Services, Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act"), to alter the Gateway Determination dated 24 April 2012 (as amended), for the proposed amendment to the Wollondilly Local Environmental Plan 2011 as follows:

1. Delete paragraph 1 and 2:

Planning Proposal (Department Ref:PP_2001_WOLLY_017_00): to rezone land at 1 Abbotsford Road, Picton from RU2 Rural Landscape to part R5 Large Lot Residential, Part E3 Environmental Management and Part RE1 Public Recreation and to amend the minimum lot size and building heights controls

I, 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 2011 to rezone land at 1 Abbotsford Road, Picton from RU2 Rural Landscape to part R5 Large Lot Residential, part E3 Environmental Management and Part RE1 Public Recreation and to amend the minimum lot size and building heights controls should proceed subject to the following conditions:"

and replace with:

a new paragraph 1:

"I, Rachel Cumming, Director, Metropolitan Region (Parramatta), Planning Services, Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act"), that an amendment to the Wollondilly Local Environmental Plan 2011 to rezone land at 1 Abbotsford Road, should proceed as follows:"

2. Amend Condition 6:

And add:

"NSW Trade and Investment"

RJCumming

Dated 5th day of February 2016.

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services
Department of Planning and Environment

As delegate of the Greater Sydney Commission



Alteration of Gateway Determination

***Planning proposal (Department Ref: PP_2011_WOLLY_017_00):
Abbotsford Road, Picton***

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(7) of the *Environmental Planning and Assessment Act 1979* (the Act), to alter the Gateway determination dated 16 October 2015 (as amended), for the proposed amendment to the Wollondilly Local Environmental Plan 2011 as follows:

1. Delete condition 8 and replace with a new condition 8:

“The timeframe for completing the LEP is by **30 June 2017**”.

Dated 19th day of September 2016

A handwritten signature in black ink, appearing to read "Catherine Van Laeren".

**Catherine Van Laeren
Director Sydney Region West
Planning Services**

Delegate of the Greater Sydney Commission



Alteration of Gateway Determination

***Planning proposal (Department Ref: PP_2011_WOLLY_017_00):
Abbotsford Road, Picton***

I, the Director of Hunter Region, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined, under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act), to alter the Gateway determination dated 24 April 2012, (as amended 19 September 2016), for the proposed amendment to the *Wollondilly Local Environmental Plan 2011* as follows:

1. Delete condition 8 and replace with a new condition 8:

“The timeframe for completing the LEP is by **31 March 2018**”.

Dated 3rd day of July 2017

A handwritten signature in black ink, appearing to read "Monica Gibson".

**Monica Gibson
Director, Hunter Region
Planning Services**

Delegate of the Greater Sydney Commission