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

Our ref: 15/08364
Your ref: TRIM4985 CW:DS

Attention: Mr David Smith

Dear Mr Johnson

Planning proposal – Attached dual occupancies in rural zones and clarification of sewer requirements.

I am writing in response to Council's letter dated 1 May 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 allow dual occupancies (attached) in rural zones and to clarify the requirements for disposal and management of sewage in all zones.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council is advised that clause 7.1(3) of Wollondilly Local Environmental Plan 2011 does not apply to rural workers' dwellings or secondary dwellings. Therefore, it is unnecessary to delete this clause, and Council will be able to exclude the application of the clause to attached dual occupancy development through an appropriate amending clause.

The Minister's 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 the 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 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 at least 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 Mr Stephen Gardiner of this Office on (02) 9860 1536.

Yours sincerely,

R Cumming
22/6/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services

Encl: Gateway determination
Written Authorisation to Exercise Delegation



Gateway Determination

Planning proposal (Department ref: PP_2015_WOLLY_003_00): to allow dual occupancies (attached) in rural zones and clarify the requirements for disposal and management of sewage in all zones.

I, Rachel Cumming, the Director, Metropolitan Region (Parramatta), Planning Services, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 (the Act), that an amendment to the Wollondilly Local Environmental Plan 2011 to facilitate the above proposal, should proceed subject to the following conditions:

1. Council is to amend the planning proposal to facilitate the exclusion of attached dual occupancies from clause 7.1(3) of Wollondilly Local Environmental Plan 2011 in rural zones and Zone E4 Environmental Living through an appropriate amending clause.
2. Council Prior to undertaking community consultation, Council is to consult with the following public authorities pursuant to the relevant section 117 Directions:
 - Trade & Investment NSW (Minerals & Resources) (Direction 1.3 Mining, Petroleum Production and Extractive Industries),
 - NSW Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land),
 - NSW Rural Fire Service (4.4 Planning for Bushfire Protection),
 - Sydney Catchment Authority (5.2 Sydney Drinking Water Catchments), and
 - relevant adjoining LGAs.
3. The Secretary's delegate approves the inconsistency of the proposal with section 117 Direction 1.2 Rural Zones on the basis that the inconsistency is of minor significance.
4. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979*, for a period of 14 days.
5. The timeframe for completing the Local Environmental Plan is to be 9 months.

Dated this 22nd day of June 2015.

R Cumming
22/6/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services

Delegate of the Minister for Planning