



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

Our ref: 15/04126
Your ref: TRIM8055 CW:GR

Attention: Mr David Smith

Dear Mr Johnson

Planning Proposal – Land Adjacent to the Mushroom Tunnel, Picton

I am writing in response to Council's letter dated 13 February 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 rezone nos. 233-239 Argyle Street, Picton, for low density and large lot residential development.

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.

The Minister's plan-making powers were delegated to councils in October 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal. Notwithstanding this, 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 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 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 Mato Prskalo of this Office on (02) 9860 1534.

Yours sincerely,



25.3.15

Simon Manoski
A/General Manager
Metropolitan Region
Planning Services

Encl: Gateway determination
Written Authorisation to Exercise Delegation

Gateway Determination

Planning proposal (Department ref: PP_2015_WOLLY_001_00): to rezone Lots 1 and 2, DP 223667 (Nos. 233-239 Argyle Street, Picton), from Zone RU2 Rural Landscape to part Zone R5 Large Lot Residential and part Zone R2 Low Density Residential, and amend associated development controls.

I, Simon Manoski, the Acting General Manager, Metropolitan Region, 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 consult with the following public authorities and, where indicated, demonstrate consistency with the relevant Section 117 Directions:
 - Office of Environment and Heritage (Directions 2.1 – Environmental Protection Zones and 2.3 - Heritage Conservation),
 - Rural Fire Service (Direction 4.4 - Planning for Bushfire Protection),
 - Local Aboriginal Land Council (Direction 2.3 - Heritage Conservation),
 - Sydney Water,
 - Endeavour Energy,
 - Australian Rail Track Corporation, and
 - Transport for NSW.
2. Following agency consultation and the preparation of various proposed assessments, and prior to exhibition, Council, where necessary, is to revise the planning proposal to demonstrate consistency with, or justify any inconsistency with, the following section 117 Directions:
 - 2.1 - Environment Protection Zones,
 - 2.3 - Heritage Conservation,
 - 3.1 - Residential Zones,
 - 4.2 - Mine Subsidence and Unstable Land,
 - 4.3 - Flood Prone Land, and
 - 4.4 - Planning for Bushfire Protection.

Council may still need to obtain the Secretary's agreement to satisfy the requirements of relevant section 117 Directions.

3. The Secretary's delegate approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the proposal is generally consistent with the Draft South West Subregional Strategy.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, for a period of 28 days.

5. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Dated this 23rd day of March 2015.



Simon Manoski
**A/General Manager
Metropolitan Region
Planning Services**

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wollondilly Shire Council is authorised to exercise the functions of the Minister for Planning 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_2015_WOLLY_001_00	Planning proposal to rezone Lots 1 and 2, DP 223667 (Nos. 233-239 Argyle Street, Picton), from Zone RU2 Rural Landscape to part Zone R5 Large Lot Residential and part Zone R2 Low Density Residential, amend the minimum lot size to 700 sqm. for land in proposed Zone R2 Low Density Residential and 1,250 sqm. for land in proposed Zone R5 Large Lot Residential and apply a maximum building height of 6.8 metres.

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 23rd Day of March, 2015



Simon Manoski
A/General Manager
Metropolitan Region
Planning Services
Department of Planning and Environment