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Mr Luke Johnson
General Manager
Wollondilly Shire Council
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Our ref: 14/18015
Your ref: 7654 GR:KF

Attention: Mr Grant Rokobauer

Dear Mr Johnson

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 2 October 2014, requesting a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act), in respect of the planning proposal to rezone Lot 2 DP 596515, No. 55 Government Road, Bargo, for the purpose of environmental living.

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.

I have decided that Council is to amend the planning proposal to increase the proposed minimum lot size from two hectares to three hectares as this will provide a better environmental outcome.

I have also agreed that the planning proposal's inconsistency with Section 117 Direction 1.2 Rural Zones is justified as it is minor. No further approval is required in relation to this Direction. Council may still need to obtain the Secretary's agreement to satisfy the requirements of relevant Section 117 Directions.

The Minister delegated plan making powers to Councils in October 2012. I note that Council has requested to be issued with delegation for this planning proposal. I have considered the circumstances of the planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan.

The amending local environmental plan 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 submission of the finalised planning proposal to the Department should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete local environmental plans 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 Act if the time frame outlined in this determination is not met.

Should you have any queries in regard to this matter, please contact Mr Mato Prskalo of the Regional Office of the Department on 02 9860 1534.

Yours sincerely,

RT Cumming 26/11/14

Rachel Cumming
**A/ General Manager, Metropolitan
Planning Services**

Gateway Determination

Planning proposal (Department ref: PP_2014_WOLLY_006_00): to rezone Lot 2 DP 596515 (No.55 Government Road, Bargo), from Zone RU1 Primary Production to Zone E4 Environmental Living, and amend associated development controls.

I, the Acting General Manager, 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. Community consultation is required under Sections 56(2)(c) and 57 of the Act, for a period of 28 days; and
2. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Prior to undertaking community consultation, Council is to satisfy conditions 3 and 4, and, where relevant, condition 5, below.

3. Council is to amend the proposal to increase the proposed minimum lot size to 3ha;
4. Council is to prepare the following studies:
 - flora and fauna,
 - European and Aboriginal heritage,
 - waste water,
 - preliminary contamination investigation, and
 - drainage

and consider the need for a noise, odour, vibration, dust and traffic study (with regard to potential impacts from the existing and proposed waste facilities in the locality);

5. Council is to consult with the following public authorities and, where indicated, demonstrate consistency with relevant Section 117 directions:
 - Department of Trade & Investment - Resources & Energy (Direction 1.3 Mining, Petroleum Production and Extractive Industries),
 - Office of Environment and Heritage (Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation, including consultation specifically under Section 34A of the Act, where appropriate),
 - Greater Sydney Local Land Services (formerly known as the Hawkesbury-Nepean Catchment Management Authority) (Direction 2.1 Environment Protection Zones),
 - Mine Subsidence Board (Direction 4.2 Mine Subsidence and Unstable Land), and
 - Rural Fire Service (Direction 4.4 Planning for Bushfire Protection);



6. Council is to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land after undertaking the above drainage study; and
7. Council is also to consult with Sydney Water in relation to the provision of reticulated water. The consultation may be undertaken concurrently with the above community consultation.

Dated this 26th day of November 2014.

RJ Cumming

**Rachel Cumming
A/General Manager, Metropolitan
Planning Services**

Delegate of the Minister for Planning