



Contact: Mato Prskalo
Phone: (02) 9860 1534
Email: mato.prskalo@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

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

Our ref: 14/14743
Your ref: 7696 DS:KF

Attention: Mr David Smith

Dear Mr Johnson

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 18 August 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 part of Lot 1 DP 996286, No. 95 Great Southern Road, Bargo, for the purpose of 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.

I have also agreed that the planning proposal's inconsistency with Section 117 Direction 1.2 Rural Zones is generally consistent with the Draft South West Subregional Strategy. 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.

I have noted that Council has requested that the Gateway determination include a requirement to undertake an open space study. I have decided that it would not be appropriate for the Gateway determination to include such a requirement. However, this does not prevent Council from undertaking such a study separately.

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,



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

Gateway Determination

Planning proposal (Department ref: PP_2014_WOLLY_005_00): to rezone part of Lot 1 DP 996286, No. 95 Great Southern Road, Bargo, from Zone RU2 Rural Landscape to Zone R2 Low Density Residential and amend associated development controls for the entire site.

I, the Acting General Manager, Housing, Growth & Economics, at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of 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;
2. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination;
3. Delegation is not to be given for Council to exercise the Minister's plan making powers; and
4. 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.

The matters in conditions 5 to 12 below are to be addressed prior to undertaking community consultation.

5. Council is to amend the proposal as follows:
 - the eastern part of the site is to be rezoned from RU2 Rural Landscape to Zone R5 Large Lot Residential and a minimum lot size of 1,500sqm is to apply, and
 - the western part of the site is to include the following minimum lot sizes:
 - 1500sqm to the immediate west of the watercourse,
 - 700sqm lots fronting Anthony and Great Southern Roads as well as the middle third of the site, and
 - 450sqm for the remainder, except for the area around a locally heritage listed homestead in the northwestern corner of the site, which requires a larger lot to provide an appropriate curtilage;
6. Council is to consult with the following public authorities to determine whether regional contributions towards the provision of designated public infrastructure are likely to be required:

- Department of Health,
- Transport for NSW,
- Roads and Maritime Services,
- Office of Environment and Heritage, and
- Department of Education and Communities.

A copy of all responses should be returned to the Department's Regional Office;

7. If the site is to be identified as an Urban Release Area, Council is to amend the proposal document accordingly;
8. Council is to amend the proposal to update references to the status of the recently approved waste transfer station;
9. Council is to prepare the following studies:
 - flora and fauna
 - European and Aboriginal heritage
 - flooding
 - traffic
 - preliminary contamination investigation
 - drainage.
10. Council is to provide certainty in regard to the provision of a reticulated sewerage scheme to service the development and, where that scheme is not part of the Sydney Water sewerage scheme for Bargo, details of the location and capacity of the sewerage scheme have been provided for inclusion in the documents for public exhibition;
11. 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),
 - 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);
12. Council is to demonstrate consistency with Section 117 Direction 4.3 Flood Prone Land after undertaking the above flood study;

13. Council is also to consult with Sydney Water and Roads and Maritime Services; and
14. Council is to undertake an acoustic assessment prior to exhibition of the planning proposal, detailing the minimum level of acoustic treatment required for future housing, having regard to the potential operation of the waste transfer station to the north east of the site. The acoustic assessment shall also detail the proposed means of ensuring the installation of such controls.

Dated this second day of October 2014.



Simon Manoski
A/General Manager, Metropolitan
Planning Services.

Delegate of the Minister for Planning