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Mr J L (Les) McMahon
General Manager
Wollondilly Shire Council
PO Box 21
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Our ref: 14/10611
Your ref: 7884 KC:KC

Attention: Kitty Carter

Dear Mr McMahon

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 10 June 2014, 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 land located in the vicinity of Cross Street, Tahmoor, for the purposes of residential development and environmental protection.

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 may still need to obtain the Acting Secretary's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers 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 15 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 for Parliamentary Counsel 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, 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 Mato Prskalo of this Office on 02 9860 1534.

Yours sincerely,

R Cumming
17/7/2014

Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Growth Planning

Gateway Determination

Planning proposal (Department Ref: PP_2014_WOLLY_003_00): to rezone land located between River Road, Cross Street, Tahmoor Road and Progress Street, Tahmoor, from Zone RU4 Primary Production Small Lots to Zone R2 Low Density Residential, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation and Zone E3 Environmental Management and amend associated development controls.

I, the Director, Metropolitan Delivery (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act, that an amendment to the Wollondilly Local Environmental Plan (LEP) 2012 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 EP&A Act 1979, for a period of 28 days;
2. The timeframe for completing the Local Environmental Plan is to be 15 months from the week following the date of the Gateway determination;
3. Delegation is to be given for Council to exercise the Minister's plan making powers; and
4. The Acting 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 8 below are to be addressed prior to undertaking community consultation.

5. 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,
 - Department of Education and Communities;
6. If the site is to be identified as an Urban Release Area, Council is to amend the proposal document accordingly;
7. Council is to consult with the Department of Trade & Investment - Resources & Energy and subsequently demonstrate consistency with Direction 1.3 Mining, Petroleum Production and Extractive Industries;
8. In addition to existing and proposed studies and assessments, Council is to undertake an assessment of potential flooding on site and identification of land likely to be flood prone. Council is to subsequently demonstrate consistency with Direction 4.3 Flood Prone Land;

9. Council is to consult with the following public authorities and, where indicated, demonstrate consistency with relevant section 117 directions:

- Office of Environment and Heritage (Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation),
- Office of Water (Direction 2.1 Environment Protection Zones),
- Hawkesbury-Nepean Catchment Management Authority (Direction 2.1 Environment Protection Zones),
- Rural Fire Service (Direction 4.4 Planning for Bushfire Protection),
- State Emergency Service,
- Fire and Rescue NSW,
- NSW Police Force,
- Sydney Water; and

10. Council is to consider preparing a separate planning proposal for rural land to the north of the site which will be isolated if the proposal proceeds.

Dated 17th day of July 2014.



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

Delegate of the Minister for Planning