

Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2450

Our ref: 17/08046
Your ref: TRIM 8154-2 NA:DS

Attention: Mr David Smith

Dear Mr Johnson

**Planning proposal to amend Wollondilly Local Environmental Plan 2011
West Tahmoor – (PP_2017_WOLLY_002_00)**

I am writing in response to your Council's letter dated 5 May 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* for a planning proposal to rezone land at West Tahmoor from R2 low Density Residential to E2 Environmental Conservation, and amend minimum lots sizes.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. The Gateway determination requires council to undertake relevant specialist studies to demonstrate consistency (or address any inconsistency) with the following s117 Directions:

- 2.1 Environment Protection Zones; and
- 2.3 Heritage Conservation;

The updated planning proposal will be required to be submitted to the Department for endorsement prior to community consultation. The updated proposal should address the proposed E2 zone in relation to Council's Natural Resourced – Biodiversity Map for the site, as well as the outcomes of council's proposed consultation with the Office of Environment and Heritage regarding the need for an Aboriginal archaeology assessment.

Further, the Gateway determination requires Council to consult with State agencies in accordance with the following s117 Directions:

- 1.3 Mining, Petroleum Production and Extractive Industries
- 4.2 Mine Subsidence and Unstable land; and
- 4.4 Planning for Bushfire Protection.

Plan making powers were delegated to Councils in October 2012. It is noted that Council has requested to be issued with authorisation to exercise the delegation

for this planning proposal. I have considered the nature of Council's planning proposal and I have decided to issue authorisation for Council to exercise delegation to make this plan.

As proposed in Council's project timeline, the amending LEP is to be finalised within 12 months of the week following the date of the Gateway determination. I note Council indicates that community consultation is anticipated to commence in January 2018. Council should aim to commence the specialist studies as soon as possible to meet this timeframe. Council should also consider the opportunities to refine the level of information required at the Development Application stage, based on information collated during strategic planning. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 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 Greater Sydney Commission 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 wish to clarify my letter, please contact Mr Stuart McIntosh, Planning Officer, Sydney Region West, Planning Services, on (02) 9860 1551.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, flowing script.

7/7/2017

**Monica Gibson
Director, Hunter Region
Planning Services**

Delegate of the Greater Sydney Commission

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2017_WOLLY_002_00): to amend Wollondilly Local Environmental Plan 2011 to rezone land at West Tahmoor from R2 low Density Residential to E2 Environmental Conservation, and amend minimum lots sizes.

I, the Director, Hunter Region, Planning Services at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979*, that an amendment to the *Wollondilly Local Environmental Plan 2011* should proceed subject to the following conditions:

1. Prior to community consultation, Council is to:
 - (a) undertake relevant specialist studies, and amend the planning proposal (if required) to reflect the findings of those studies;
 - (b) amend the planning proposal to demonstrate consistency, or address any inconsistency with section 117 Directions:
 - (a) 2.1 Environment Protection Zones; and
 - (b) 2.3 Heritage Conservation;

Approval from the Secretary may be required for any inconsistencies with the section 117 Directions;

- (c) provide an updated copy of the planning proposal to the Department for endorsement.
2. Consultation Community consultation is required under sections 56(2)(c) of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing Local Environmental Plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act, and to ensure consistency with relevant s117 Directions:
 - (a) NSW Resources and Energy;
 - (b) Subsidence Advisory NSW;
 - (c) Hawkesbury - Nepean Catchment Management Authority;
 - (d) NSW Rural Fire Service; and
 - (e) Sydney Water.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the amending Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Dated 7th day of July 2017.

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized flourish at the end.

Monica Gibson
Director, Hunter Region
Planning Services

Delegate of the Greater Sydney Commission



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wollondilly Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* (the Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_WOLLY_002_00	<i>To amend Wollondilly Local Environmental Plan 2011 to rezone land at West Tahmoor from R2 low Density Residential to E2 Environmental Conservation, and amend minimum lots sizes.</i>

In exercising the Minister's functions under section 59 of the Act, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 7 July 2017

Monica Gibson
Director, Hunter Region
Planning Services

Delegate of the Greater Sydney Commission

Delegated plan making reporting template

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_WOLLY_002_00
Date Sent to DP&E under s56	
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	7/7/2017

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:

