

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

Our ref: 15/03631
Your ref: TRIM4895 CW:DS

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 12 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 2-14 Coull Street, Picton, for medium density residential development and public and private recreation purposes.

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 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 investigation of opportunities for improvement of Stonequarry Creek. 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 (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. The request for the Department to draft and finalise the LEP should be made at least 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 Mr Mato Prskalo of the Department's Metropolitan Region (Parramatta) Office on (02) 9860 1534.

Yours sincerely,



Simon Manoski
A/General Manager
Metropolitan Region
Planning Services

Encl: Gateway determination

Gateway Determination

Planning proposal (Department ref: PP_2015_WOLLY_002_00): to rezone Lot 102, DP 1092990, and Lots 59-63, Sec 1, DP 2893 (Nos. 2-14 Coull Street, Picton), from Zone IN2 Light Industrial to Zones R3 Medium Density Residential, RE1 Public Recreation and RE2 Private Recreation, and amend associated development controls.

I, Simon Manoski, the A/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:

Prior to undertaking community consultation, Council is required to satisfy conditions 1 to 4 below.

1. Council is required to justify the inconsistency of the proposal with section 117 Direction 1.1 Business and Industrial Zones after undertaking the proposed economic impact study relating to the loss of industrial land.
2. Council is required to consult with the State Emergency Service and demonstrate consistency of the proposal with section 117 Direction 4.3 Flood Prone Land after it has undertaken the proposed flood investigation.
3. Council is required to consult with the NSW Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection.
4. Council is required to demonstrate consistency of the proposal with section 117 Direction 7.1 Implementation of A Plan for Growing Sydney after it has undertaken the proposed economic impact study relating to the loss of industrial land.
5. Community consultation is required under sections 56(2)(c) and 57 of the Act, for a period of 28 days.
6. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.
7. Council is required to consult with the Office of Environment and Heritage and Local Land Services and subsequently demonstrate consistency of the proposal with section 117 Direction 2.1 - Environment Protection Zones.
8. Council is required to demonstrate consistency of the proposal with section 117 Direction 2.3 - Heritage Conservation after it completes its proposed further consideration of potential heritage impacts.

9. Pursuant to section 117 Direction 6.2 Reserving Land for Public Purposes, the Secretary's delegate approves the creation of the proposed local open space.
10. Council is to consult with the following additional public authorities: Roads and Maritime Services, Sydney Water, Endeavour Energy and AGL Energy.

Dated this 16th day of April 2015.



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

Delegate of the Minister for Planning