



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

Attention: Mr Karl Fetterplace

Dear Mr Johnson

Re: Planning Proposal to rezone No. 45 Noongah Street and No. 25 Gwynn Hughes Street, Bargo to part R5 Large Lot Residential zone and part E3 Environmental Management zone to enable residential development.

I am writing in response to Council's letter dated 3 October 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 amend the Wollondilly Local Environmental Plan 2011 to rezone No. 45 Noongah Street and No. 25 Gwynn Hughes Street, Bargo to part R5 Large Lot Residential zone and part E3 Environmental Management zone to enable 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.

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 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 Gateway determination requires that the planning proposal be made publicly available for a period of 28 days. Under Section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 24 months of the week following the date of the Gateway Determination. Council should aim to

commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department 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 Tessa Parmeter, of the Metropolitan (Parramatta) Office of the Department of Planning and Environment on 9860 1555.

Yours sincerely



Terry Doran
Acting Director
Metropolitan (Parramatta)
Planning Services

As delegate of the Minister for Planning

Gateway Determination

Planning Proposal (Department Ref: PP_2014_WOLLY_007_00): to rezone No. 45 Noongah Street and No. 25 Gwynn Hughes Street, Bargo to part R5 Large Lot Residential zone and part E3 Environmental Management zone to enable residential development.

I, the acting Director, Metropolitan (Parramatta) 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. Prior to exhibition the planning proposal is to be amended to:
 - correctly identify the existing planning controls (zone, minimum lot size, height of building), on lot 95 DP 13116;
 - include an existing zoning map;
 - include a proposed minimum lot size map that identifies both options for minimum lot sizes; and
 - provide an assessment of consistency against *A Plan for Growing Sydney* and State Environmental Planning Policy No. 44 - Koala Habitat Protection.
2. Prior to exhibition, Council is to prepare the following additional studies:
 - preliminary contamination report;
 - flora and fauna;
 - Aboriginal heritage;
 - riparian ecology;
 - drainage or flooding;
 - waste water disposal; and
 - bushfire.

Council is to also consider the need for a traffic and access study.

The results/ recommendations of these additional studies should be reflected in an amended planning proposal. If the outcomes of these studies require a revised planning proposal and Gateway determination, Council will be required to resubmit the planning proposal to request a revised Gateway determination prior to proceeding to exhibition.

3. Council is to consult with the following public authorities and, where indicated, demonstrate consistency with the relevant Section 117 Directions:
 - Department of Trade and Investment - Resource and Energy (Direction 1.3 - Mining, Petroleum and Extractive Industries);
 - Office of Environment and Heritage (As required under Section 34A of the EP&A Act and for Direction 2.1 - Environmental Protection Zones, 2.3 - Heritage Conservation, and 4.3 - Flood Prone Land);
 - Greater Sydney Local Land Services (formerly known as the Hawkesbury-Nepean Catchment Management Authority) (Direction 2.1 - Environmental Protection Zones);

- Mine Subsidence Board (Direction 4.2 - Mine Subsidence and Unstable Land);
- Rural Fire Service (Direction 4.4 - Planning for Bushfire Protection);
- Sydney Water;
- NSW Office of Water;
- State Emergency Services;
- Endeavour Energy; and
- Local Aboriginal Land Council.

4. Further, Council is to consult with Sydney Water prior to community consultation in relation to the provision of reticulated water, and the capacity of the Bargo Sewerage Scheme, and seek agreement that the site can be connected to the Bargo Sewerage Scheme. If required, the planning proposal is to be revised to indicate the minimum lot size based on the agreed servicing approach.

5. Following agency consultation and prior to exhibition, Council – where necessary - is to revise the planning proposal to demonstrate consistency with or justify any inconsistency with the following Section 117 Directions:

- 1.3 - Mining, Petroleum Production and Extractive Industries
- 2.1 - Environmental Protection Zones
- 2.3 - Heritage Conservation
- 3.1 - Residential Zones
- 4.2 - Mine Subsidence and Unstable Land
- 4.3 - Flood Prone Land
- 4.4 - Planning for Bushfire Protection.

Council may still need to obtain the Secretary's agreement to satisfy the requirements of relevant Section 117 Directions.

6. Community consultation is required under Section 56(2)(c) and 57 of the EP&A Act 1979, for a period of 28 days.

7. The timeframe for completing the local environmental plan is to be 24 months from the week following the Gateway determination.

Dated 29th day of January 2015.



**Terry Doran
Acting Director
Metropolitan (Parramatta)
Planning Services**

Delegate of the Minister for Planning