



Mr Ben Taylor  
Chief Executive Officer  
Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

Attn: Toni Avery: [Toni.Averay@wollondilly.nsw.gov.au](mailto:Toni.Averay@wollondilly.nsw.gov.au)

Dear Mr Taylor,

**Planning proposal PP-2021-3086 to amend Wollondilly Local Environmental Plan 2011 – Events and Visitor Economy Proposal**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in relation to the above planning proposal.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

In relation to proposed Amendment 1, I have conditioned the Gateway to enable further investigation and consultation with the Department to consider how to best deliver Council's intended outcomes. In particular, in consideration of existing pathways to facilitate community events, such as under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and also in consideration that an event or function (that is, the gathering of people) is generally not considered to be development that can be regulated under the Standard Instrument.

I have also conditioned the Gateway to require Council to consult the Rural Fire Service (RFS). Once consultation with the Department and the RFS has occurred and any necessary amendments to the proposal have been made to address feedback received, Council is required to forward a copy of the revised planning proposal to the Department for review and endorsement prior to public exhibition.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with 9.1 Directions (1.2 Rural Zones, 2.1 Environmental Protection Zones) are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council will need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Directions (4.4. Planning for Bushfire Protection;

and 5.2 Sydney Drinking Water Catchments). Council should ensure this occurs prior to the plan being exhibited.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority given the outstanding consistency with relevant 9.1 directions.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, please contact Thomas Holmes, Senior Planning Officer on 9860 1583 or via [Thomas.holmes@planning.nsw.gov.au](mailto:Thomas.holmes@planning.nsw.gov.au) .

Yours sincerely



13 May 2021

**Adrian Hohenzollern**  
**Director, Western**  
**Central River City and Western Parkland City**

Encl: Gateway determination