



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

Contact: Stephen Gardiner
Phone: 02 9860 1536

Our ref: 14/18355
Your ref: 6454 MR:DS

Attention: Mr David Smith

Dear Mr Johnson

Planning Proposal No. PP_2013_WOLLY_005_00 - Alteration of Gateway Determination

I refer to Council's letter of 13 October 2014, and recent discussions with Council staff, seeking an alteration to the Gateway determination for the North Silverdale Planning Proposal. I apologise for the delay in my response.

I have determined, as the delegate of the Minister for Planning, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 1 May 2013, as amended, for PP_2013_WOLLY_005_00. The Alteration of Gateway Determination is **enclosed**.

I have agreed to remove the need for an odour study, and instead, replace it with an odour buffer clause. However, rather than express the buffer as a development standard, the clause should refer to a map of the buffer area and enable development on land within the buffer area at Council's discretion, subject to specific amenity-related criteria being met. This amendment will provide for greater flexibility of the development control, while strengthening its effectiveness.

I have also agreed that the planning proposal's inconsistency with Section 117 Direction 6.3 – Site Specific Provisions, which is a consequence of the proposed clause, is justified on the basis that the inconsistency is of minor significance. No further approval is required in relation to this Direction.

Furthermore, I have included various minor consequential and housekeeping matters in the Alteration of Gateway Determination. These include clarification of the need to consult with State infrastructure providers (now including the State Emergency Service) specifically in relation to potential impacts on infrastructure provision.

I have noted the minor errors that Council has identified in the addresses of two properties, and note that Lot 199 DP 1092447 is known as 2320 Silverdale Road, but do not consider it to be necessary to amend the Gateway determination in this regard.

Council is reminded of the need to submit an amended copy of the planning proposal to the Department, which should ordinarily accompany Council's request to alter the Gateway determination.

If you have any questions in relation to this matter, please contact Mr Stephen Gardiner of the Department's Metropolitan Region (Parramatta) Office on (02) 9860 1536.

Yours sincerely


Simon Manoski 12.6.15

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

As delegate of the Minister for Planning

Encl: Alteration of Gateway Determination

Alteration of Gateway Determination

Planning proposal (Department Ref: : PP_2013_WOLLY_005_00)

I, Simon Manoski, 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(7) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), to alter the Gateway determination dated 1 May 2013, as amended, for the proposed amendment to Wollondilly Local Environmental Plan 2011, as follows:

1. Change the description of the planning proposal from:

“... an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone various sites at Silverdale Road, Silverdale to R2 Low Density Residential Development, R3 Medium Density Residential, IN2 Light Industrial, B2 Local Centre and E2 Environmental Conservation and amend the minimum lot size and maximum building height ...”

to:

“... an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone various sites at Silverdale Road, Silverdale, to Zone R2 Low Density Residential Development, Zone R3 Medium Density Residential, Zone B4 Mixed Use, Zone B2 Local Centre and Zone E3 Environmental Management and amend the minimum lot size and maximum building height and include an odour buffer clause ...”

2. Delete from condition “1”:

“... Additional information regarding flora and fauna, potential land use conflict between proposed residential and industrial land and odour is to be placed on exhibition with the planning proposal.”

and replace with:

“... Additional information regarding flora and fauna and potential land use conflict between proposed residential and industrial land is to be placed on exhibition with the planning proposal.”

3. Delete condition "2" and replace with new condition:

"2. Council is to amend the planning proposal to indicate that the amending local environmental plan will include an odour buffer clause in relation to the adjoining poultry farm. The clause is to identify a suitable odour buffer area on a map and enable development on land within that area at Council's discretion, subject to specific amenity-related criteria being met".

4. Insert before condition "3":

"Prior to undertaking community consultation, Council is to satisfy conditions 3 and 4 below, and a copy of the updated planning proposal is to be provided to the Department's regional office."

5. Delete from condition "4":

"The planning proposal is to be updated accordingly prior to undertaking public exhibition, and a copy of the revised planning proposal is to be provided to the department's regional office."

6. Amend condition "3" to remove the dot points:

"clearly identify the location of land proposed to be zoned E4 Environmental Living on the proposed land Zoning Map. If land is not proposed to be zoned E4, reference to this zone is to be removed from the planning proposal,"

and:

"reference land proposed for 'large lot residential' development to instead refer to zone R5 Large Lot Residential. If land is not proposed to be zoned R5, reference to large lot residential development is to be removed from the planning proposal,"

7. Delete condition "7" and replace with new condition:

"7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply or demonstrate consistency with the requirements of relevant Section 117 Directions and/or to establish potential infrastructure requirements (Note: infrastructure providers must be specifically requested to comment on this matter):

Infrastructure

- Sydney Water*
- NSW Health*
- NSW Police Force*
- Fire and Rescue NSW*

- NSW Department of Education and Communities
- Transport for NSW
- Roads and Maritime Services Division
- NSW State Emergency Service
- Office of Environment and Heritage

Section 117 Directions

- NSW Department of Primary Industries – Agriculture
(Direction 1.2 Rural Zones)
- NSW Trade & Investment – Mineral Resources & Energy
(Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- NSW Local Land Services (formerly known as the Hawkesbury Nepean Catchment Management Authority)
(Direction 2.1 Environment Protection Zones)
- NSW Department of Primary Industries - Office of Water
(Direction 2.1 Environment Protection Zones)
- NSW Environment and Heritage
(Direction 2.1 Environment Protection Zones)
- NSW Rural Fire Service
(S117 Direction 4.4 Planning for Bushfire Protection)

Other

- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal."

Dated 12th day of June 2015.



Simon Manoski
A/General Manager
Metropolitan Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning