



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

COPY

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Our ref: PP_2011_WOLLY_015_00 (11/22533)
Your ref: 6267: MPC

Les
Dear Mr McMahon,

Re: Planning Proposal to rezone land at 165-185 River Road, Tahmoor, known as the 'JR Stud' site, for rural residential development purposes.

I am writing in response to your Council's letter dated 6 December 2011 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 land at 165-185 River Road, Tahmoor, known as the 'JR Stud' site, from part RU2 Rural Landscape and part E2 Environmental Conservation to part R5 Large Lot Residential and part E2 Environmental Conservation and to amend the minimum lot size from 16ha to 4,000sq.m for the R5 zoned land.

As the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is acknowledged that a number of studies have been undertaken in support of the planning proposal including an Odour Study that considers the impact on the subject land of the Wollondilly Abattoir. It is noted however, that the study did not consider the impact of other potentially significant odour impacts on part of the JR Stud site. Therefore, Council is to revise the Odour Study prior to the commencement of community consultation to consider the impact of the two separate duck sheds and the turkey processing plant on the proposed rezoning of the land for residential purposes. Council should amend the planning proposal (if necessary) to reflect the outcomes of the study, and forward a copy of the planning proposal and Odour study to the Department's Regional Office prior to public exhibition.

The Director General has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

Consultation is required with the NSW Department of Primary Industries – Minerals and Petroleum, Mine Subsidence Board and NSW Rural Fire Service to determine consistency with S117 Directions – 1.3 Mining, Petroleum Production and Extractive Industries, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection. This consultation should occur prior to the public exhibition and the planning proposal should be amended (if necessary) prior to exhibition to reflect the outcomes of the consultation.

It is noted that the Ecological Constraints Assessment identifies that a threatened fauna species exists on the subject land. Council should consider undertaking a comprehensive fauna study in relation to the planning proposal and determine whether threatened species will be affected by the proposed rezoning. Council is also to consult the Chief Executive Officer of the Office of

Environment and Heritage on the matter as per the requirements of S34A of the Environmental Planning and Assessment Act 1979.

It is noted that Council has taken into consideration the requirements of a number of State Environmental Policies in the preparation of the planning proposal. Council should also consider amending the planning proposal to assess the requirements of Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No.2 – 1997) and the applicability of preparing a Total Water Cycle Management Study or Plan in support of the planning proposal.

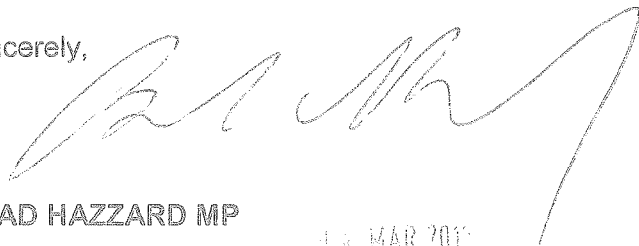
It is noted that Council proposes to include a 250-330 metre riparian buffer from the Bargo River, which is not included on Council's Natural Resource – Water Map under Wollondilly LEP 2011. Council should consider whether an amendment is required to the Natural Resource Map to reflect the proposed riparian buffer.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway 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 s54(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 Peter Goth of the Regional Office of the Department on 02 9873 8589.

Yours sincerely,



HON BRAD HAZZARD MP
Minister

13 MAR 2011

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WOLLY_015_00): to rezone land at 165-185 River Road, Tahmoor, known as the 'JR Stud' site, for rural residential development purposes.

I, the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wollondilly Local Environmental Plan 2011 to rezone land at 165-185 River Road, Tahmoor, known as the 'JR Stud' site from part RU2 Rural Landscape and part E2 Environmental Conservation to part R5 Large Lot Residential and part E2 Environmental Conservation and to amend the minimum lot size from 16ha to 4,000sq.m for the R5 zoned land should proceed subject to the following conditions:

1. Council is to revise the Odour study prior to the commencement of community consultation to consider the impact of the two separate duck sheds and the turkey processing plant on the proposed rezoning of the land for residential purposes. Council should amend the planning proposal (if necessary) to reflect the outcomes of the study, and forward a copy of the planning proposal and Odour study to the Department's Regional Office prior to public exhibition.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Aboriginal Land Council
 - Ambulance Service of NSW
 - Hawkesbury – Nepean Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Agriculture
 - NSW Department of Primary Industries – Minerals and Petroleum
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Sydney Water

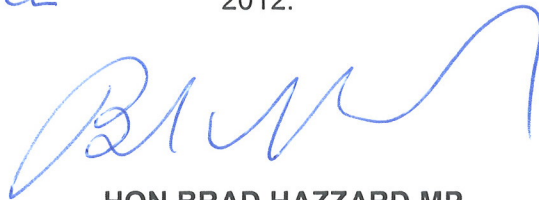
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service, the NSW Department of Primary Industries – Minerals and Petroleum and the Mine Subsidence Board prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for

Bushfire Protection, S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries and S117 Direction 4.2 Mine Subsidence and Unstable Land.

5. Further to Condition 3 above, Council is to consult with the Chief Executive Officer of the Office of Environment and Heritage in relation to potential environmental and aboriginal archaeological impacts and on the threatened species fauna identified on the site by the Ecological Constraints Assessment.
6. Council is to consult the Director General of the Department of Finance and Services (Crown Land Division) in relation to the proposed rezoning and the Crown Road Reserve that extends between Lots A and B and along the perimeter of Lot 86. Council is to amend the planning proposal to take into consideration the comments of the Crown Lands Division prior to the commencement of public exhibition.
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
8. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 4 day of March 2012.



HON BRAD HAZZARD MP
Minister for Planning and Infrastructure