

Greater Sydney, Place and Infrastructure

IRF20/2629

Gateway determination report

LGA	Wollondilly
PPA	Wollondilly Shire Council
NAME	Wollondilly Anglican School, Bargo (0 homes, 28 jobs)
NUMBER	PP_2019_WOLLY_003_00
LEP TO BE AMENDED	Wollondilly Local Environmental Plan 2011
ADDRESS	3000 Remembrance Driveway, 1 and 5 Olive Lane and part 3 Olive Lane, Bargo
DESCRIPTION	Lot 12 DP 1122904, Lot 2 DP 8775785, Lot 4 DP 1010127 and part of Lot 3 DP 1010127
RECEIVED	17 October 2019 (updated proposal received 9 June 2020)
FILE NO.	IRF20/2669
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A1**) seeks to amend the Wollondilly Local Environmental Plan (LEP) 2011 to rezone land at Bargo from RU1 Primary Production to a combination of RU2 Rural Landscape and E2 Environmental Conservation to permit the expansion of the Wollondilly Anglican College.

The proposal would permit the expansion of the existing school including increasing the student population from 900 students and 94 staff to 1,200 students and 122 staff and facilitating the construction of a new entrance to the complex from Olive Lane, which will support a new sportsground, indoor gymnasium, car parking, classrooms and bus interchange.

1.2 Site description

The site is legally described as Lot 12 DP 1122904, Lot 2 DP 8775785, Lot 4 DP 1010127 and part of Lot 3 DP 1010127, 3000 Remembrance Driveway, 1 Olive Lane, 5 Olive Lane and part of 3 Olive Lane being the land dissected by the school (Figure 1, over page).



Figure 1: Aerial photo of site (Source: proposal documents)

The site is 38.16 ha and contains an existing 1-2 storey pre-kindergarten to year 12 co-education school campus.

The education campus is situated in the eastern portion of the site. The remaining part of the site consists of densely wooded environmental lands. This area of vegetation forms a direct linkage to extensive tracts of bushland on adjacent land to the southwest, west and northwest of the site.

Two watercourses of significance affect the site. The Bargo River borders to the west and connects to the Nepean River. A small tributary of the Bargo River also traverses the site.

Existing development on the site is configured as follows:

Lot 12

The eastern quarter of Lot 12 is cleared land and contains the existing college classrooms, administration and core facilities buildings and external sports facilities. The Year 5/ 6 block (i.e. Stage 11 of the site masterplan) received development consent by Council in January 2018 and is under construction.

The future Year 3/4 block (see Site Master Plan, page 4) remains the only building proposed under the site masterplan yet to be developed on Lot 12.

Lots 2 and 4

Lots 2 and 4 are currently utilised primarily as agricultural land (i.e. predominantly planted as an olive grove). Existing building development on these lots comprises several outbuildings (sheds).

Part Lot 3

A small part of Lot 3 DP DP1010127 (3 Olive Lane) being a driveway that serves the rural property behind the school is also included to allow for potential future

educational use and consolidation with the school site, subject to alternate access arrangements being resolved to the satisfaction of the owner of 3 Olive Lane.

The site is mapped by Wollondilly Shire Council as bushfire prone land, constrained by Category 1 Vegetation. This vegetation (hazard) is located on, and adjacent to, the subject site (Figure 2, below).

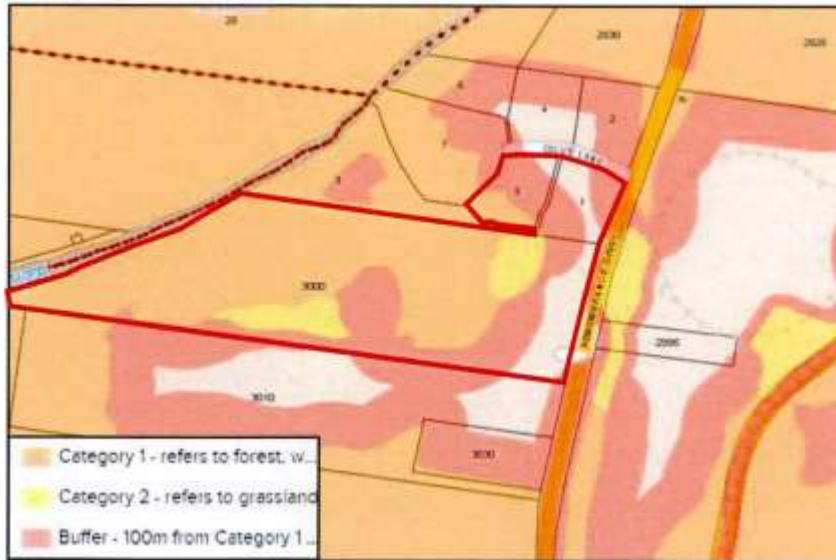


Figure 2: Map of bushfire prone area in relation to the site (red outline). (Source: Planning proposal documents).

Site Masterplan

The site masterplan (Figure 3, over page) forms a basis for future development on the site under the proposed rezoning of land.

Development proposed under the site masterplan for Lots 2 and 4 includes:

- A gymnasium and performing arts block;
- External sporting facilities including a playing field (and associated spectator stand, amenities and equipment store);
- Other courts used for various sporting activities; and
- College access road, car parks and a school bus shelter.

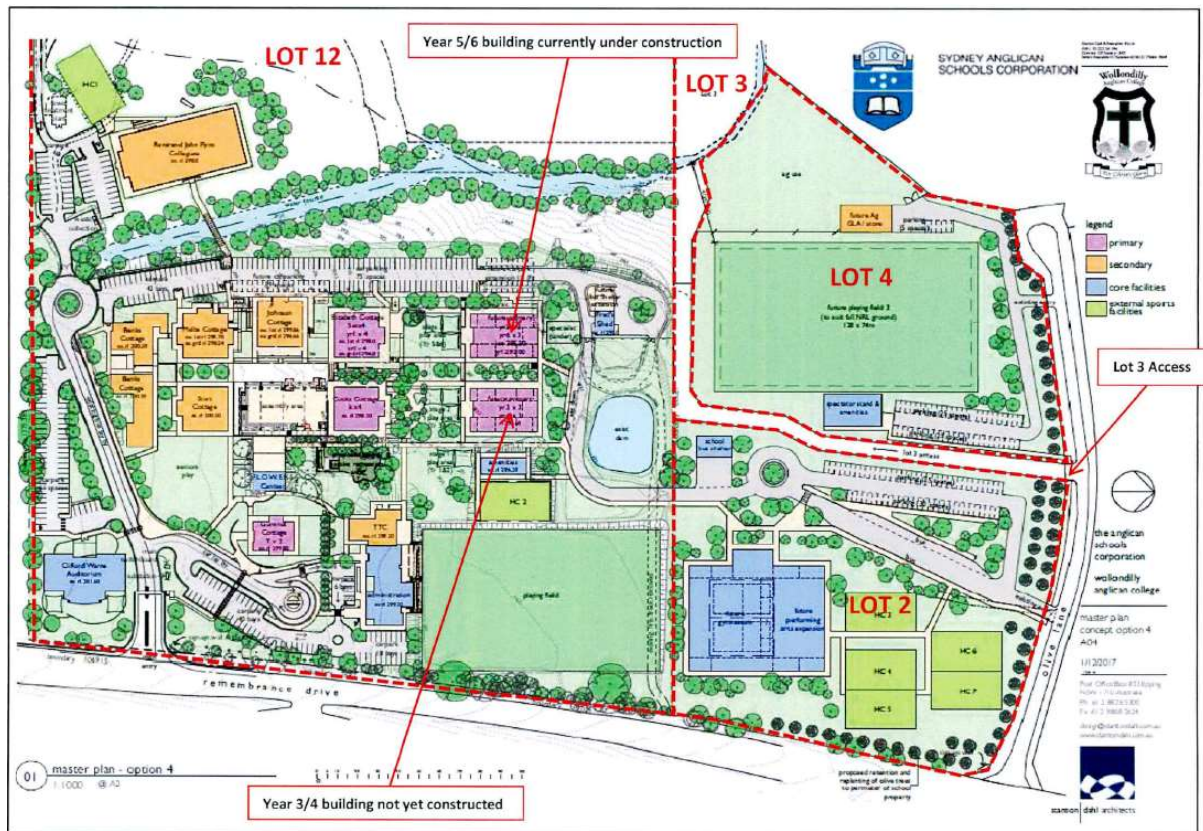


Figure 3: Site Masterplan (Source: Proposal documents)

Site Access

A new site access driveway is proposed off 3 Olive Lane (Lot 3), whilst the existing intersection of Remembrance Driveway/Olive Lane is to be upgraded to provide improved left-turn and right-turn bay treatments.

1.3 Existing planning and proposed planning controls

The existing and proposed planning controls under the Wollondilly LEP 2011 applicable to the subject land are summarised in Table 1, below:

Table 1 – Existing and proposed planning controls

The Site	Land use zoning	Minimum lot size	Maximum height of building	Natural Resources – Water Map
Existing	RU1 Primary Production (Figure 5, (over page))	20 ha	None	100m buffer to Bargo River and 10m buffer to tributary watercourse on site (Figure 6, over page)
Proposed	RU2 Rural Landscape	No change	No change	No change

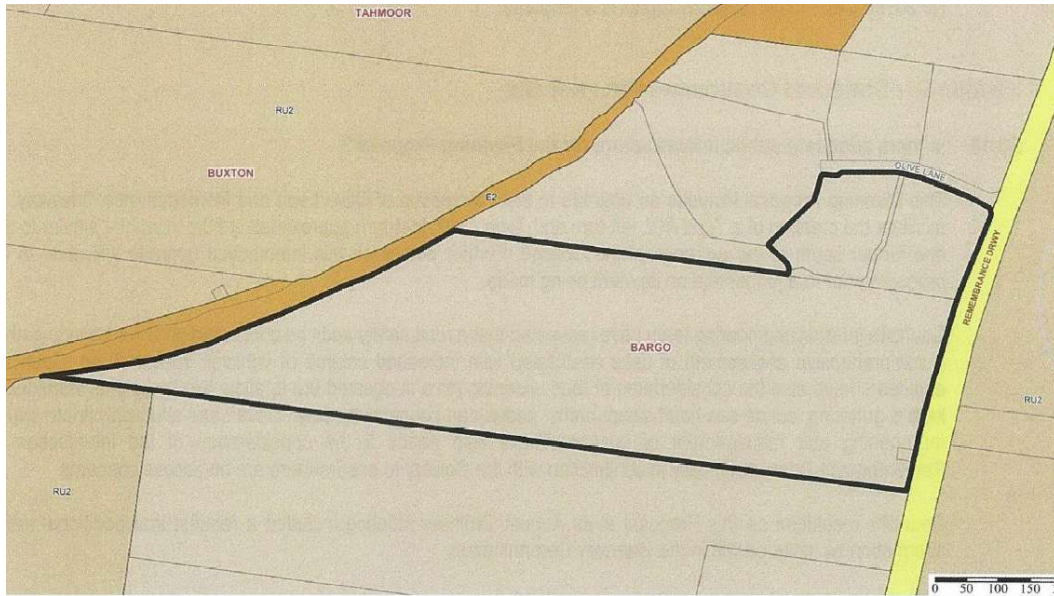


Figure 4: Existing RU1 Primary Production zone over the site - outlined in black (Source: Proposal document).

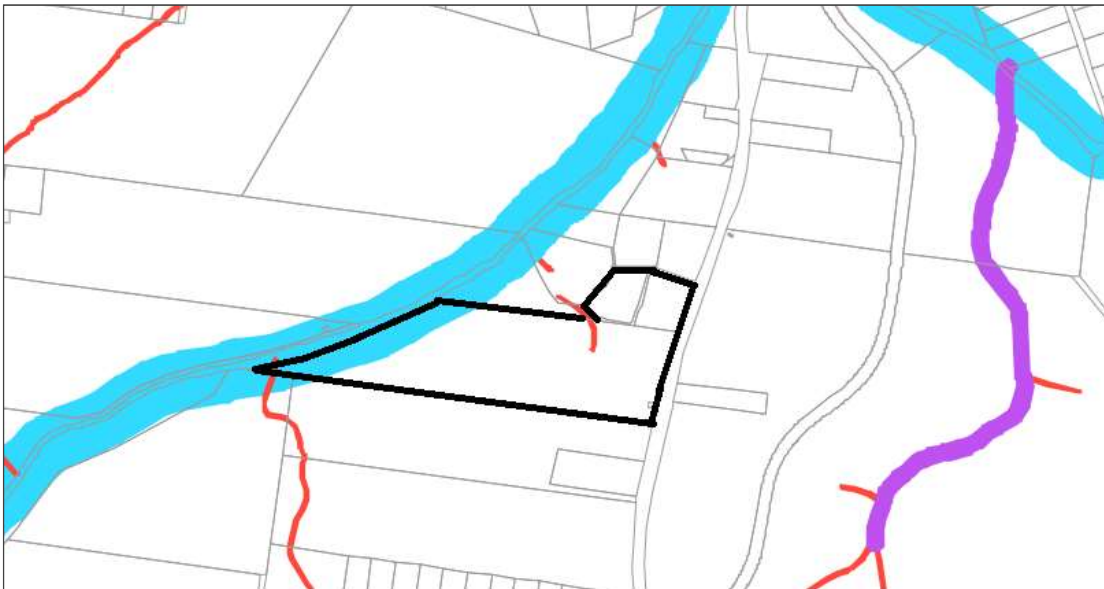


Figure 5: Existing Natural Resources – Water Map

1.4 Surrounding area

The site is bounded by rural uses to the north (RU1 zone) used for olive farms, to the east is Remembrance Driveway (SP2 zone) and the Tahmoor Colliery (RU2 zone). To the south is a service station, auto wrecking yard and poultry farm (RU1 zone) and the western border stretches to the Bargo River (E2 Environmental Conservation zone). Figure 6 (over) shows an aerial view of the site and surrounding context.



Figure 6: Subject site and surrounding area (Source: Proposal documents).

Bargo is approximately 2.7km to the south and Tahmoor is approximately 3km north the site. The site is approximately 8km north of the M31 Hume Highway

1.5 Summary of recommendation

The planning proposal has strategic and site-specific merit to proceed to Gateway determination for the following reasons:

- the proposal is a place-based response to growing local demand for an existing community use which also incentivises biodiversity protection for remnant bushland vegetation;
- the proposed rezoning will permit expansion of an existing educational campus close to existing populations whilst protecting and maintaining the rural landscape character;
- the proposal is consistent with relevant objectives and planning priorities of the Greater Sydney Region Plan and Western City District Plan for Metropolitan Rural Areas;
- the proposal aligns with the strategic vision of the Wollondilly Local Strategic Planning Statement; and
- the proposal will provide 28 or more jobs.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intention of the planning proposal is to enable the expansion of school infrastructure including making a new entrance to the college via Olive Lane which will support a new sportsground, indoor stadium, carparking, classrooms and bus interchange.

The intention to utilise Lot 3 for site access is dependent on a negotiated outcome between the proponent and the owner of Lot 3. This matter will be addressed further through the development application process.

2.2 Explanation of provisions

The proposed amendments to the Wollondilly LEP 2011 will be achieved by amending the land zoning map to rezone the subject site from RU1 Primary Production to a combination of RU2 Rural Landscape and E2 Environmental Conservation.

The intended outcome of the proposal to “enable expansion of school infrastructure” does not correlate to the intended provision to rezone part of the site to E2 Environmental Conservation.

Council is required to update the Part 1 – Objectives and Intended Outcomes to clarify its intention to rezone part of the site to E2 zone. Accordingly, the Gateway determination has recommended that the planning proposal be amended and submitted to the Department for approval prior to public exhibition.

2.3 Mapping

It is considered that Council has provided adequate mapping to identify the site area and Council's intentions for the site.

The proposed land zoning map is included in the proposal as follows:

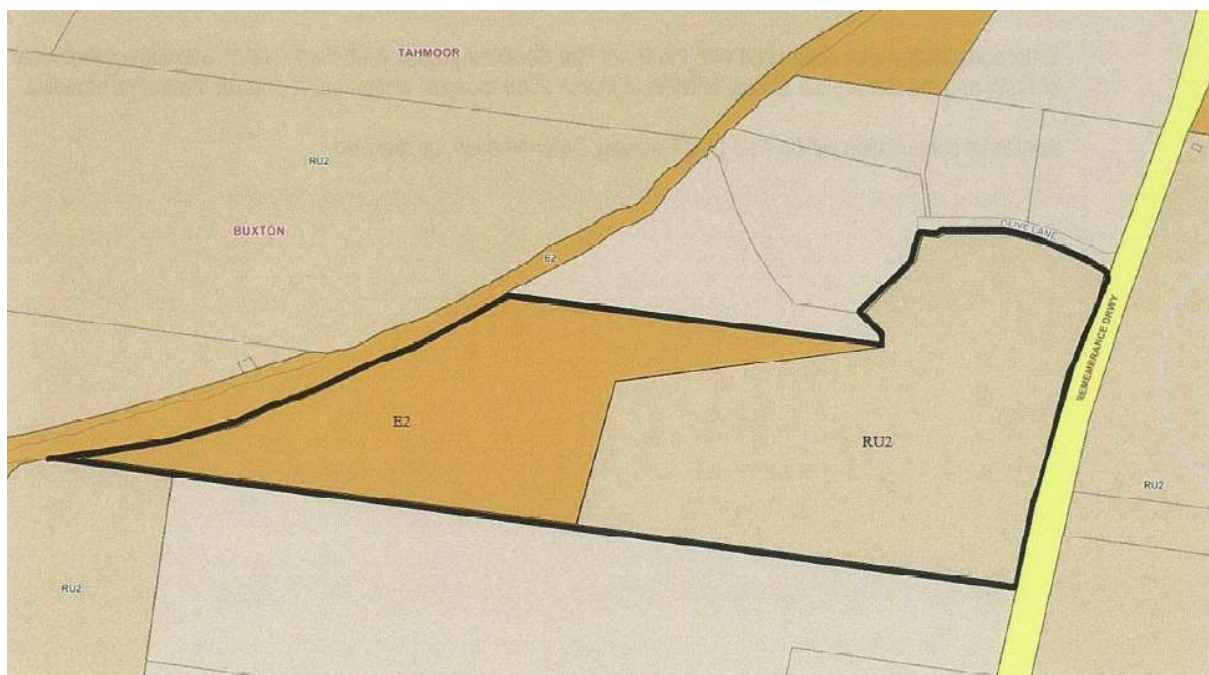


Figure 7: Proposed land zoning map (Source: Proposal documents)

This map is considered suitable for public exhibition, however it may be subject to change in line with any further changes as a result of reviewing the Ecological Assessment – see Site Specific Assessment, page 14 below.

3. BACKGROUND

- On 19 August 2019, Council noted the advice of the Wollondilly Local Planning Panel and resolved to support the planning proposal subject to adjustments to zone boundaries as determined through further consultation (further discussed section 5.2, below).
- On 15 October 2019 Council wrote to the Department (**Attachment A**) seeking a Gateway determination which included a request that the Department include conditions of Gateway requiring:
 - An updated traffic study and plans for the Olive Lane intersection upgrade;
 - The authority to determine the land zoning for the western portion of 3000 Remembrance Driveway, Bargo;
 - The need for the proponent to provide a Master Plan for the whole college site;
 - Delegation for Council officers for plan making; and
 - Encourage the proponent to enter into negotiations with the owner of lot 3.
- It should be noted that the Department has responded to the requested conditions of Gateway in its Letter to Council (**Attachment C**).

4. NEED FOR THE PLANNING PROPOSAL

The proposal was initiated by the landowner and is not the result of any strategic study or report. The proposal will give effect to the Western City District Plan, specifically in relation to Planning Priority W17 – Better Managing Rural Areas.

The site is currently zoned RU1 Primary Production. The proposed RU2 Rural Landscape and E2 Environmental Conservation zones are intended to accommodate the development types that Council is seeking to encourage in this area, including educational establishments.

The current RU1 zone prohibits educational establishments. Therefore, a planning proposal is required to amend the Land Use Table to enable the expansion of the school consistent with the Western City District Plan.

5. STRATEGIC ASSESSMENT

5.1 Regional and District Strategic Plans

Western City District Plan

The Western City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It implements the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal intends to rezone the site from RU1 Primary Production to RU2 Rural Landscape and E2 Environmental Conservation. Table 2, below, compares the objectives of these zones.

Table 2: RU1, RU2 and E2 zone objectives for the Wollondilly LEP 2011

RU1 zone objectives	RU2 zone objectives	E2 zone objectives
<ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To encourage diversity in primary industry enterprises and systems appropriate for the area. • To minimise the fragmentation and alienation of resource lands. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • To provide for a range of land uses (including tourism-related uses) that support the agriculture industry. • To provide areas within which the density of development is limited in order to maintain a separation between urban areas. 	<ul style="list-style-type: none"> • To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To maintain the rural landscape character of the land. • To provide for a range of compatible land uses, including extensive agriculture. • To provide areas where the density of development is limited in order to maintain a separation between urban areas. 	<ul style="list-style-type: none"> • To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. • To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

The site is within the Metropolitan Rural Area (MRA). According to the planning proposal document, the future development seeks to redistribute the agricultural capacity of existing rural lands to accommodate the provision of education services.

By adopting the E2 and RU2 zones, the proposal addresses the requirements of Action 78 of Planning Priority W17 to maintain or enhance the values of the MRA. In particular, the intended zones will maintain zone objectives that provide for the protection of rural character and ecological, scientific, cultural or aesthetic values.

Notwithstanding the requirement of Action 79 of Planning Priority W17 to limit urban development to within the Greater Sydney Urban Area, the proposal is considered to be a place-based response to growing local demand for an existing community use, and incentivises biodiversity protection for remnant bushland vegetation.

The proposal has been assessed against the Western City District Plan, and the proposal gives effect to the District Plan, specifically Planning Priority W12 – Protecting the District’s waterways, W14 Protecting bushland and biodiversity, and W17 Better managing rural areas.

The Department is satisfied that the planning proposal will give effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Greater Sydney Commission's (GSC) Comments

The GSC noted that while the proposed school uses on the land is not consistent with maintaining the rural values of the MRA, it raised no objection to the proposal proceeding to Gateway determination having regard to:

- The existing use rights applying to the land and likely continued use of the land for school purposes;
- The inclusion of the E2 Environmental Conservation zone over part of the land which is consistent with the MRA; and
- The proposed development not containing residential uses or retail uses in the MRA land but involving uses that can contribute to the social infrastructure of the area.

The GSC further advised that it would be desirable for the proposed sportsground to be situated adjoining Remembrance Drive on Lot 2 rather than any building structures when consideration is given to any development application for the land in order to maintain the open, rural character of the setting as viewed from Remembrance Drive. This would be more consistent with the MRA values instead of locating structures in this area.

Furthermore, the GSC recommended any proposed fencing within and along the boundary of the school property should continue to maintain the open visibility of the land within its setting and arrangements should be made for the continuation of access to Lot 3 Olive Lane along the boundary of the site.

The Department has recommended a condition of Gateway determination requiring Council to review the GSC's comments and consider preparing site-specific development controls to better maintain the rural landscape character.

5.2 Local

Wollondilly 2040 Local Strategic Planning Statement

The Wollondilly 2040 Local Strategic Planning Statement (LSPS) is a Council-adopted document (March 2020). The LSPS and Wollondilly LEP will evolve to meet the community's 20-year land use vision in the LGA over a ten-year period. The LSPS will focus future planning on the Wilton Growth Area, increase local jobs, aim for better infrastructure and services, support the growth of agricultural businesses close to Western Sydney International Airport, and grow tourism across the Shire.

The proposal is consistent with the following priorities of the LSPS:

- Planning Priority 1: Aligning infrastructure provision with community needs;
- Planning Priority 10: Attracting investment and growing local jobs; and
- Planning Priority 16: Enhancing and protecting the diverse values of the Metropolitan Rural Area.

Wollondilly Community Strategic Plan 2033

The proposal is consistent with Council's community strategic plan, having regard to the intention of Strategy GR2 – Built Environment to achieve quality built form outcomes that protect the rural landscape. The proposed E2 zone is also consistent with Strategy EN2 which aims to protect the environment from development pressures.

Local Planning Panel

The planning proposal was reported to the Wollondilly Local Planning Panel for advice on 30 May 2019 (**Attachment F**). The Panel recommended that Council support the proposal subject to further negotiation between landowners regarding the Olive Lane intersection upgrade and clarification of the intended use west of the existing sports field and inclusion of a masterplan for the entire campus.

On 15 October 2019 Council wrote to the Department (**Attachment A1**) requesting that conditions of Gateway be imposed requiring an updated traffic study and plans for the Olive Lane intersection upgrade and a master plan for the entire campus. The Department notes that it is the responsibility of the Planning Proposal Authority to determine the level of detail required to justify the proposal.

5.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant section 9.1 Directions, except Directions 1.3, 1.5, 2.1, 2.3, and 4.4 as discussed below.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

In its current form the planning proposal is inconsistent with the Direction as it permits a land use that is likely to be incompatible with the development of coal resources.

Following the release of the Government's Strategic statement on coal exploration and mining in NSW in June 2020, it is recommended that this Direction remains unresolved pending further consultation with the Division of Resources and Geoscience.

Direction 1.5 Rural Lands

The objectives of this direction are to protect the agricultural production value of rural land, and to facilitate the orderly and economic use and development of rural lands for rural and related purposes. In its current form the planning proposal is inconsistent with the Direction as it will affect land within an existing or proposed rural zone (poultry farm 300m away).

To ensure consistency with this Direction, the Gateway determination has recommended that Council refer the planning proposal to the NSW Environmental Protection Authority and Department of Primary Industries – Agriculture.

It is recommended that this Direction remains unresolved pending further consultation with relevant authorities.

Direction 2.1 Environment Protection Zones

In its current form, the planning proposal is inconsistent with the Direction as it does not include provisions that adequately facilitate the protection and conservation of environmentally sensitive areas.

To ensure consistency with this Direction, the Gateway determination has recommended that Council consult with the Environment, Energy and Science Group (EES) within the Department prior to exhibition and update the proposal in accordance with any advice provided by EES. See also Site Specific Assessment, page 14 below.

It is recommended that this Direction remains unresolved pending further consultation with relevant authorities.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

An Aboriginal Heritage Information Management System (AHIMS) search conducted by the proponent's heritage consultant confirms 52 recorded Aboriginal sites within or near the proposed site. An Aboriginal Cultural Heritage Assessment of the site was undertaken in November 2018 (**Attachment A1**). The Cultural Heritage Assessment identified undisturbed land within Lot 12 DP 1122904 of the site has the potential for retaining Aboriginal archaeological resources.

In its current form, the proposal is inconsistent with the Direction as it is not clear if provisions that facilitate the conservation of Aboriginal areas are required.

To ensure consistency with this Direction, the Gateway determination recommends that Council refer the planning proposal to Department of Premier and Cabinet - Heritage NSW and amend in accordance with any comments received. This Direction remains unresolved pending further consultation with relevant authorities.

Direction 4.2 Mine Subsidence and Unstable Land

The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

The site is within the Bargo Mine Subsidence District and adjacent to the Tahmoor Colliery. The purpose of a District is to manage surface development and mine subsidence through development controls to reduce the risk of damage to surface improvements.

On this basis, Council referred the rezoning proposal to Subsidence Advisory NSW (SANSW) and the Division of Resources and Geoscience (DRG) for initial comment.

In its submissions to Council, SANSW (**Attachment A1**) has confirmed that coal extraction under the site has been completed and subsidence impact considered to be complete. DRG has also confirmed in writing (**Attachment A1**) that coal extraction under the site has mostly occurred.

Following the release of the Government's Strategic statement on coal exploration and mining in NSW in June 2020, it is recommended that updated advice on mining and subsidence be obtained from SANSW and DRG to ensure consistency with this direction.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.

A bushfire assessment of the site was submitted with the proposal (**Attachment A1**) to assess suitability of the site for expansion of the school. The bushfire assessment confirms that design, management and protection measures can be provided on the site to demonstrate compliance with *Planning for Bushfire Protection 2006*. The Department notes that *Planning for Bushfire Protection 2019* replaces the 2006 version.

In its current form the planning proposal is inconsistent with the Direction as it proposes development on bushfire prone land without proposing new bushfire controls. This inconsistency remains unresolved until consultation with the Rural Fire Service (RFS) is undertaken.

In accordance with the Direction, it is recommended that Council be required to consult with the RFS following Gateway determination.

5.4 State environmental planning policies (SEPPs)

SEPP (Koala Habitat Protection) 2019

SEPP (Koala Habitat Protection) 2019 encourages the conservation and management of koala habitat to ensure populations remain in their present range and the trend of population decline is reversed.

The SEPP Koala Development Application Map applies where there is no approved Koala Plan of Management (KPoM) for the land and identifies which areas trigger the development assessment requirements for core koala habitat. As there is no approved KPoM for Wollondilly, compliance with this SEPP will be required to be demonstrated at the development application stage.

SREP No 20 – Hawkesbury-Nepean River

The objective of this Plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The planning proposal acknowledges the importance for appropriate riparian measures to be in place on the site to protect the Bargo River.

The Bargo River is included on the Wollondilly LEP 2011 Natural Resources - Water Map, as requiring a 100m buffer and a tributary of Bargo River which crosses the site is mapped as requiring a 10m buffer.

To assess the potential impacts on the Bargo River, specifically the adequacy of riparian measures in place to protect the river system, a condition of Gateway has been recommended requiring consultation with DPIE – Department of Industry.

SEPP Educational Establishments and Child Care Facilities 2017

The future school expansion will be assessed against the SEPP Educational Establishments and Child Care Facilities 2017 and will be required to demonstrate consistency with this Policy at development application stage.

- Presence of koalas, threatened species and endangered ecological communities;
- Adequacy of the ecological studies provided; and
- Adequacy of environmental offsets.

Odour Buffers

The site is within 300m of a poultry farm located on the adjoining property at the southern boundary which may impact on the proposal when the extent of odour is defined and accommodated. The level of impact at this stage is unknown and it is recommended Council prepare an odour study to determine any potential land use conflict and consult with the NSW Environment Protection Authority and DPI – Agriculture on the study methodology, and to determine if site specific controls will be required. A condition of has been recommended to this effect.

Water Quality

The management of stormwater and sewage generated on the site is currently treated via on-site systems. A Water Management Plan submitted with the proposal (**Attachment A1**) identifies that proposed sewage and stormwater management measures to support the expansion are being investigated.

It is recommended that the planning proposal be referred to the NSW EPA and amended in accordance with any comments received.

6.2 Economic

The planning proposal will have a beneficial economic impact by creating 28 or more jobs through the proposed school expansion, in addition to employment creation in the development/construction industry.

6.3 Infrastructure

Service infrastructure

The current use of the site has sufficient access to infrastructure and services. Council will be required to consult with relevant public authorities to ensure the expanded school uses will be adequately serviced.

A Gateway condition has been proposed for consultation with relevant service providers.

Stormwater and Sewage

There is adequate land for expanded stormwater and sewage treatment systems to accommodate the demand generated from future development. It is considered that specifications for any future stormwater and sewage treatment requirements on the site could be considered as part of any future development application.

Traffic

The Traffic Impact Study (February 2019), submitted with the planning proposal assesses the likely impacts on the transport network from the proposed school expansion.

The increase in student numbers will be accommodated on existing bus services, and the Study confirms that the existing on-site bus bay has sufficient capacity to accommodate additional bus services.

The Study also confirms that projected additional traffic flows from the increase in student numbers can be accommodated on the adjacent road network and will not have any unacceptable traffic implications on road network capacity.

As the site adjoins Remembrance Driveway, a classified regional road, it is recommended that Transport for NSW be consulted on the proposal.

7. CONSULTATION

7.1 Community

A community consultation period of 28 days is considered an appropriate amount of time to seek community feedback.

7.2 Agencies

The following agencies are required to be consulted:

- Department of Premier and Cabinet - Heritage NSW;
- NSW Rural Fire Service;
- DPIE – Environment, Energy and Science Group;
- NSW Environment Protection Authority;
- DPIE – Department of Industry;
- Department of Primary Industries – Agriculture;
- Transport for NSW;
- DPIE – Division of Resources and Geoscience;
- Subsidence Advisory NSW, and
- relevant service and utility providers.

Each public authority will 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.

8. TIME FRAME

The Council's request for a timeframe to finalise this planning proposal is 10 months from the date of the Gateway determination. The Department recommends 12 months to finalise the planning proposal, particularly as the proposal and the Ecological Assessment are required to be amended prior to community consultation.

9. LOCAL PLAN-MAKING AUTHORITY

Council has requested the use of plan making delegations. Given the nature of unresolved inconsistencies with section 9.1 Directions, it is recommended that authorisation not be given to Council to finalise the proposal.

10. CONCLUSION

Subject to conditions of Gateway, the proposal has merit and is supported to proceed for the following reasons:

- the proposal is considered to be a place-based response to growing local demand for an existing community use which also incentivises biodiversity protection for remnant bushland vegetation;
- the proposed rezoning will permit expansion of an existing educational campus close to existing populations whilst protecting and maintaining the rural landscape character;
- the proposal is consistent with relevant objectives and planning priorities of the Greater Sydney Region Plan and Western City District Plan for Metropolitan Rural Areas;
- the proposal aligns with the strategic vision of the Wollondilly Local Strategic Planning Statement; and
- the proposal will provide 28 or more jobs.

11. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Note that the inconsistency with section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Land, 2.1 Environment Protection Zones, 2.3 Heritage Conservation, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection remain unresolved until further justification has been provided.

It is recommended that the delegate of the Minister for Planning and Public Spaces, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation Council is required to:
 - (a) Update Part 1 – Objectives and Intended Outcomes within the planning proposal to clarify its intention to rezone part of the site to E2 zone;
 - (b) Consult with DPIE Environment, Energy and Science Group (EES) and update the planning proposal in accordance with any advice provided by EES including the following:
 - i. Presence of koalas, threatened species and endangered ecological communities;
 - ii. Adequacy of the ecological studies provided; and
 - iii. Adequacy of environmental offsets.
 - (c) Review the Greater Sydney Commission comments dated 8 January 2020 and consider preparing site-specific development controls to better maintain rural values of the surrounding area to the site;
 - (d) Prepare an odour study in consultation with NSW Environment Protection Authority and Department of Primary Industries - Agriculture to assess

potential land use conflict arising from the poultry farm on the adjoining property; and

- (e) Consult with the NSW Rural Fire Service (RFS) and update the planning proposal in accordance with any comments received.

The amended planning proposal and related documentation are to be referred to the Department for endorsement prior to the commencement of community consultation.

2. Community consultation is required under Sections 3.34(2)(c) and Schedule 1, Clause 4 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
- (b) the planning proposal authority must comply with the notice of 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 5.5.2 of A guide to preparing local environmental plans (Department of Planning, Industry and Environment 2016).

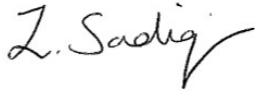
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Department of Premier and Cabinet - Heritage NSW;
- NSW Rural Fire Service;
- DPIE - Environment, Energy and Science Division;
- NSW Environment Protection Authority;
- DPIE – Department of Industry;
- Department of Primary Industries – Agriculture;
- Transport for NSW;
- DPIE – Division of Resources and Geoscience;
- Subsidence Advisory NSW, and
- relevant service and utility providers.

Each public authority/organisation 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.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
5. Given the nature of the planning proposal, Council is not authorised to exercise delegation to make this plan.

6. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway Determination.



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