



Contact: Mato Prskalo
Phone: (02) 9860 1560
Email: Mato.Prskalo@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2014_WOLLY_002_00 (13/20105)

Mr J L (Les) McMahon
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

Dear Mr McMahon,

Planning proposal to amend Wollondilly Local Environmental Plan 2011

I am writing in response to Council's letter dated 19 December 2013 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 rezone land known as 'South' Tahmoor and 'East' Tahmoor precincts from RU4 Primary Production Small Lots to R2 Low Density Residential, amend the minimum lot size to 450sqm, apply a maximum building height of 9m, identify the land as an 'Urban Release Area' and amend various natural resources maps.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I understand that the subject land was originally part of the former Picton Tahmoor Thirlmere New Urban Lands planning proposal, however was excluded from the proposal after an odour study indicated that the land was subject to odour impacts from nearby Ingham poultry operations. I am aware that Inghams has now lodged a planning proposal with Council which seeks to rezone its two duck farms for residential and other purposes, which will ultimately remove the odour and noise impacts associated with these facilities. Consequently, this planning proposal is supported subject to no development occurring within the relevant buffer area until the current duck farm operations cease. This is to be achieved via a new clause in Council's Local Environmental Plan (LEP).

However, land located within the 500m odour buffer (derived using Environment Protection Authority approved modelling) of the wastewater treatment ponds at Ingham's turkey processing plant is to be removed from the planning proposal. A future planning proposal is encouraged once the turkey processing plant ceases operation or updated work is undertaken to advise that this land is not subject to any odour or noise impacts.

Consequently, some lots will be affected by a split zoning of RU4 Primary Production Small Lots and R2 Low Density Residential and cannot be subdivided because the residual large lot will be below the minimum lot size. In order to address this matter, it is recommended that the planning proposal advise that the LEP will be amended to allow subdivision along the odour buffer boundary. The Department will assist Council in developing the appropriate mechanism to achieve this outcome.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is justified by the draft South West Subregional Strategy. No further approval is required in relation to this Direction.

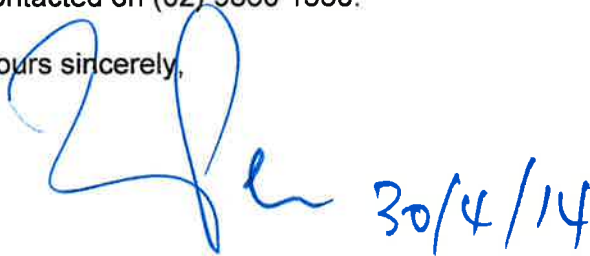
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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, I have arranged for Mr Mato Prskalo of the Department of Planning and Environment's regional office to assist you Mr Prskalo can be contacted on (02) 9860 1560.

Yours sincerely,

A handwritten signature in blue ink, followed by the date '30/4/14' written in blue ink.

Richard Pearson
Deputy Director General
Growth Planning and Delivery

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_WOLLY_002_00): to rezone land known as 'South' Tahmoor and 'East' Tahmoor precincts for low density residential purposes.

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone land known as 'South' Tahmoor and 'East' Tahmoor precincts from RU4 Primary Production Small Lots to R2 Low Density Residential, amend the minimum lot size to 450sqm, apply a maximum building height of 9m, identify the land as an 'Urban Release Area' and amend various natural resources maps should proceed subject to the following conditions:

1. The planning proposal to rezone land in 'South' Tahmoor and 'East' Tahmoor precincts for low density residential purposes is supported, subject to:
 - no development occurring within the relevant buffer area until the current duck farm operations cease. This is to be achieved via a new clause in the LEP and the planning proposal documentation is to be amended to reflect this position; and
 - land located within the 500m odour buffer (derived using Environment Protection Authority approved modelling) of the wastewater treatment ponds at Inghams turkey processing plant is to be removed from the planning proposal and accompanying maps; and
 - the planning proposal being updated to advise that Wollondilly LEP 2011 will be amended to include a mechanism to allow subdivision along the odour buffer boundary.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to reflect the above variations and include a map which clearly identifies the subject land and identifies the location of the duck farms and the relationship of the subject land with the odour buffers from the current operations.
3. Once consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection Zones, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection.
4. 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**;
 - (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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*; and
 - (c) all adjoining owners and landowners affected by the proposal are notified directly.

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- Department of Primary Industries – Agriculture
- NSW Environment Protection Authority
- Transport for NSW
- Roads and Maritime Services
- Department of Education and Communities
- NSW Health
- State Emergency Service
- Fire and Rescue NSW
- NSW Police Force
- Sydney Water
- NSW Office of Water (S117 Direction 2.1 Environment Protection Zones)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Trade and Investment – Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Hawkesbury-Nepean Catchment Management Authority (S117 Direction 2.1 Environment Protection Zones)
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)

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.

6. 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).

7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 30 day of April 2014.



Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wollondilly Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_WOLLY_002_00	Planning proposal to rezone land known as 'South' Tahmoor and 'East' Tahmoor precincts for low density residential purposes.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated

30 April

2014

A handwritten signature in blue ink, appearing to read "R Pearson".

Richard Pearson
Deputy Director General
Growth Planning and Delivery
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_WOLLY_002_00
Date Sent to DoP&E under s56	19/12/2013
Date considered at LEP Review Panel	6/3/2014
Gateway determination date	30/04/2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: