



Gateway determination report – PP-2024-676

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal Report
Attachment B – Gateway Determination
Attachment C – Letter to Council
Attachment D – Council Business Paper Meeting Minutes

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Wollondilly Shire Council
PPA	Wollondilly Council
NAME	Approval Pathways for Horticulture in Rural Zones
NUMBER	PP-2024-676
LEP TO BE AMENDED	Wollondilly LEP 2011
ADDRESS	Council wide
DESCRIPTION	Various lands within Wollondilly Shire
RECEIVED	28/03/2024
FILE NO.	IRF24/686
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

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- The make it easier to undertake horticulture in the Wollondilly Local Government Area by introducing fast-tracked planning approval pathways.
- The initiate actions from the Council adopted Rural Lands Strategy to investigate amendments to the approval pathways currently required within the Wollondilly LEP 2011.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Wollondilly LEP 2011 per the changes overleaf. The draft proposal seeks to enable horticulture to be undertaken as exempt or complying development in rural zones, where it is low impact and can meet a series of pre-determined development standards.

Under the LEP, horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

To achieve this, the draft proposal seeks to amend the Wollondilly LEP 2011 to enable horticulture to be undertaken as:

- Exempt development in the RU1 Primary Production zone;
- Complying development in the RU2 Rural Landscape zone; and
- Complying development in the RU4 Primary Production Small Lots zone.

The planning proposal seeks to amend the Wollondilly LEP 2011 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Horticulture in the RU1 Primary Production Zone	No exempt development provision in LEP	Exempt development schedule included. Qualifying criteria includes; <ul style="list-style-type: none"> • setbacks from side boundaries for enclosed structures • setbacks from watercourses • reticulated water system for enclosed horticulture • maximum gradient of land • maximum building height • maximum size of an enclosed structure • not be within Wilton or Greater Macarthur Growth Areas • Must not be located within the Wildlife Buffer Zone on the Wildlife Buffer Zone map under SEPP (Precincts – Western Parkland City) 2021 (other than where the use is undertaken in a controlled environment) • Toilet provision • An approved on-site effluent disposal or a stormwater drainage system • Approval from Subsidence Advisory Board where in a mine subsidence district • use shall not give rise to water, air or noise pollution • development on contaminated land • not removing native vegetation • not be in a heritage conservation area where horticulture is enclosed
Horticulture in the RU2 Rural Landscape Zone and RU4 Primary Production Small Lots Zone	No complying development provision in LEP	Complying development schedule included. Qualifying criteria includes; <ul style="list-style-type: none"> • setbacks from side boundaries for enclosed structures • setbacks from watercourses • reticulated water system for enclosed horticulture • maximum gradient of land • maximum building height • maximum size of an enclosed structure • not be within Wilton or Greater Macarthur Growth Areas

		<ul style="list-style-type: none"> • Must not be located within the Wildlife Buffer Zone on the Wildlife Buffer Zone map under SEPP (Precincts – Western Parkland City) 2021 (other than where the use is undertaken in a controlled environment) • Toilet provision • An approved on-site effluent disposal or a stormwater drainage system • Approval from Subsidence Advisory Board where in a mine subsidence district • use shall not give rise to water, air or noise pollution • development on contaminated land • not removing native vegetation • not be in a heritage conservation area where horticulture is enclosed
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The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. However prior to exhibition, it is recommended that Council includes a LGA map of the land subject to the planning proposal to provide clarity to the community on what properties are impacted. In addition, include a note that the final clauses are subject to legal drafting.

1.4 Background

The draft proposal has been prepared in response to recommendations within the Wollondilly Rural Lands Strategy (RLS) 2021. The RLS identified significant opportunities for horticulture in the Wollondilly Local Government Area, however, the current approach requiring a development application for horticulture is seen as a barrier to producers, particularly where horticulture is proposed on a small scale and is low impact.

Therefore, providing an opportunity for horticultural activities to be undertaken as exempt development in the RU1 zone and as complying development in the RU2 and RU4 zones should help facilitate expanding horticultural activities in the shire. Council has undertaken community consultation to inform the draft Planning Proposal, including consultation with Council's Agricultural and Rural Industries Advisory Group who assisted in identifying the pre-determined development standards.

As part of the consultation undertaken with rural landholders in developing the RLS, legislation constraints and red tape were identified as one of the key issues facing the future of rural land and agriculture in Wollondilly. Council also advised that legislation changes also were identified as a key area that would make farming in Wollondilly more productive. As a result, there was an action included in the RLS to investigate amendments to the approval pathways currently required by WLEP 2011.

A Scoping Proposal was prepared in accordance with the Local Environmental Plan Making Guidelines (August, 2023) and was forwarded to the Department in January, 2024. In response, the Department forwarded to Wollondilly Council, comments that they had received from the Department of Primary Industries – Agriculture on the proposal.

2 Need for the planning proposal

The Planning Proposal is a direct result of the actions contained in Wollondilly's Local Strategic Planning Statement and adopted Rural Lands Strategy. At present, horticulture is permitted under the land use tables in each of the rural zones in WLEP 2011 by being listed under the heading 'Permitted with Consent'. There is no provision in WLEP 2011 or any other Environmental Planning

Instrument (such as a SEPP) which enables horticulture as either exempt or complying development in these zones. To rectify this, an amendment to WLEP 2011 is proposed. This can only occur by implementing a planning proposal prepared in accordance with the Local Environmental Plan Making Guideline.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 24 Economic Areas are Targeted for Success	<p>The amendments in this planning proposal will encourage horticulture particularly where it is low scale and of minor impact to be undertaken on rural landholdings. This will assist to ensure that supply chains of fresh food from local producers is retained.</p> <p>The amendments proposed may also encourage activities such as the leasing of portions of larger rural lots for small scale horticulture on a more intensive scale as it would not implicate landowners in the legal processes associated with development applications and the like.</p>
Objective 29 Environmental, social and economic values in rural areas are protected and enhanced	<p>The amendments outlined in the planning proposal respond to these opportunities by reducing barriers to horticulture where it could be undertaken with low impact. It will assist in realising the opportunities to access new markets such as those associated with the future Western Sydney International Airport.</p>

3.2 District Plan

The site is within the Western City District and the former Greater Cities Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
W8 Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis.	<p>The amendments outlined in this planning proposal look to enhance the opportunities associated with the development of the Western Sydney International Airport by removing barriers associated with horticulture where it is low impact.</p>

W17 Better Managing Rural Areas	The amendments outlined in the planning proposal seek to remove any unnecessary barriers for horticulture in the Metropolitan Rural Area where it is of low impact by creating an exempt and/or complying development pathway. This will assist in retaining the rural values, in particularly the agricultural production values of these rural lands by encouraging horticulture.
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3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>Planning Priority 16 in Wollondilly 2040 LSPS requires enhancing and protecting the diverse values of the Metropolitan Rural Area (MRA). Much of the land in Wollondilly Shire, other than within the growth areas is identified as Metropolitan Rural Area for its agricultural, environmental and scenic values. Wollondilly 2040 also recognises that the MRA lands in Wollondilly provide a range of agricultural products, including products from horticultural uses to Greater Sydney. These uses contribute to local jobs and the local economy.</p> <p>Action 16.3 in Wollondilly 2040 required Council to develop a Rural Lands Strategy which would set the framework for the development of rural lands over the period to 2040. This strategy, adopted by Council in 2021 requires identification of opportunities to realise the potential of underutilised agricultural land as well as opportunities for agricultural and non-agricultural diversification. The planning proposal can partially implement this action.</p>

3.4 Local planning panel (LPP) recommendation

At the February 2024 meeting The Wollondilly Local Planning Panel supported the proposal. The minutes of the Panel meeting was provided in a separate cover to the February 27 Council meeting. Some of the suggestions from the LPP meeting such as removing restrictions on operational hours and machinery repairs were then adopted in Councils minutes and included in Councils submission to the Department.

These include but not limited to requesting additional clarifications and mapping which can be done without changing the proposal. The Panel also asked for a reconsideration of the list of development standards that will apply to determine whether a development will be either ‘Exempt’ or ‘Complying’. It is considered that the exhibition period will also provide guidance of which standards could be altered.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.10 Implementation of the Western Sydney Aerotropolis Plan.	No	<p>The Direction's application requires a planning proposal being subject to the chapter 4 of the State Environmental Planning Policy (Precincts- Western Parkland City) 2021. In this chapter, the proposal needs to be assessed against section, 4.19 Wildlife Hazards. While this proposal is not for a development application as stated in the clause, the principles of allowing exempt or complying development of land in the 13 km wildlife buffer zone in this planning proposal needs consideration under this direction.</p> <p>The SEPP requires for development in the buffer zone, that the consent authority,</p> <ul style="list-style-type: none"> (a) has consulted the relevant Commonwealth body, and (b) has considered a written assessment of the wildlife that is likely to be present on the land and the risk of the wildlife to the operation of the Airport provided by the applicant. <p>Therefore, Western Sydney Airport Corporation (WSAC) should be consulted on this proposal to ascertain what planning restrictions (if any) should be placed on horticulture within the 13km wildlife buffer zone of Western Sydney International Airport.</p> <p>Advice from WSAC will be sought also on the risk of the wildlife to the operation of the Airport.</p>
3.2 Heritage Conservation	Yes	<p>A provision has been included to ensure that where horticulture is proposed to be undertaken in a built structure such as igloos, glasshouses and the like, be not located in a Heritage Conservation Area. This will ensure that any impacts of such a development on heritage values can still be assessed via the development application and the requirements of the Ministerial Direction will not be compromised by the proposal.</p>
3.3 Sydney Drinking Water Catchments	Yes	<p>The standards to undertake horticulture as exempt development within a controlled environment structure such as igloos, glasshouses and the like will be subject to a requirement that the development include a reticulated system for the treatment and reuse of water to minimise runoff and reduce the impact on receiving waters.</p> <p>The direction also has a general principle that water quality within the Sydney drinking water catchment must be protected. The extent to which water could be reused will depend on the type of horticultural system being run. A recirculation production system that</p>

		recovers nutrients and reduces water demand should be encouraged.
4.4 Remediation of Contaminated Land	Yes	<p>The amendments proposed apply to a broad area of rural zoned land and there is the possibility that this could include sites which have previously been used for a potentially contaminating use. It is acknowledged that enabling horticulture to be undertaken as exempt or complying development will remove the ability for a comprehensive planning assessment to be carried out under SEPP (Resilience and Hazards) 2021.</p> <p>As such, it is proposed to include the following provision that must be satisfied in order for horticulture to be undertaken as exempt or complying development in the rural zones where:</p> <p>(13) Where the land is, or has been used for a purpose identified under table 1 of the EPA Contaminated Land Planning Guidelines and the horticultural use will involve the growing of produce from the ground, a statement must be obtained from a person who is qualified to assess contaminated sites, stating:</p> <ul style="list-style-type: none"> • the land is suitable for the development, or • the land will be suitable for the development if specified remediation works are carried out.
4.6 Mine Subsidence and Unstable Land	Yes	<p>The proposal will apply to certain areas of land that have been identified as being within Mine Subsidence Districts.</p> <p>Horticulture where it is carried out on a field basis (i.e. growing plants in the ground) poses no risk in terms of mine subsidence. Structures such as glasshouses, igloos etc, pose a minimal risk and can be exempt from requiring Subsidence Advisory Approval in some cases. However, consultation will be carried out with Subsidence Advisory during the public exhibition stage in accordance with the requirements of the direction and the following provision has also been included in the requirements for exempt/complying development:</p> <p>‘where the use is proposed in structures such as, igloos, glasshouses, polytunnels and the like and is proposed on land in a mine subsidence district within the meaning of the Mine Subsidence Compensation Act 1961, have the prior approval of the Subsidence Advisory Board (where required)’</p>
5.3 Development Near Regulated Airports and Defence Airfields	No	<p>The direction requires in the preparation of a planning proposals that sets controls for development of land near a core regulated airport (Sydney West Airport is one), the relevant planning authority must consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport. It is understood this has not occurred.</p> <p>Clarification is also sort from the to ensure prevention of development types that are incompatible with the current and future operation of that airport.</p>

8.1 Mining, Petroleum Production and Extractive Industries	Yes	<p>It is considered unlikely that the Planning Proposal would prohibit or restrict the development of resources, including coal, other minerals etc.</p> <p>Consultation will be carried out with the Department of Mining, Exploration and Geoscience during the formal public exhibition of the Planning Proposal following the Gateway Determination to ensure that the requirements of the Ministerial Direction are satisfied.</p>
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3.6 State environmental planning policies (SEPPs)

With exception of (Precincts – Western Parkland City) 2021, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
(Precincts – Western Parkland City) 2021	Clause 4.19 - Land within Wildlife Buffer Zone on the Wildlife Buffer Zone map being subject to safeguards for the future operations of the Western Sydney International Airport.	To Be Determined	<p>The Wildlife Buffer Zone comprises a 13km radius around the Western Sydney International Airport and affects land in the northern part of the Wollondilly Local Government Area.</p> <p>Development standards to undertake horticulture as exempt or complying development include a requirement for the land to be located outside the Wildlife Buffer Zone where field-based horticulture is proposed. In this instance a Development Application would still be required for the use, to enable the appropriate risk assessment under the SEPP can be undertaken.</p> <p>For horticulture undertaken within a controlled environment (such as greenhouses) in the Wildlife Buffer Zone where it is fully enclosed may be acceptable as exempt or complying development where the other criteria can be met, as they will be enclosed and less likely to attract birds and insects.</p> <p>The risk could be argued to be mitigated via being within an enclosed structure but may still contradict the provisions contained in the SEPP in relation to the Western Sydney Airport safeguards. A referral is recommended to Western</p>

			<p>Sydney Airport Corporation necessary to see if this proposal is satisfactory.</p> <p>It is noted this 13km radius applies to other Council areas than Wollondilly so any outcome here may have impacts to horticultural development in rural land in other Council areas.</p>
(Biodiversity and Conservation) 2021		Yes	<p>The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Further consultation will be undertaken with Water NSW. Also, the development standards proposed will capture the requirements under Part 6.5 'Sydney Drinking Water Catchment' of the SEPP.</p>
Exempt and Complying Development Code 2008	Exempt and complying development for horticulture currently not provided for.	Yes	<p>This proposal does not contain any provisions that would directly conflict with the exempt or complying development provisions in the SEPP. Council also advises the requirements in clause 1.16 'General Requirements for Exempt Development' have applied to the exempt development provisions for horticulture in the RU1 zone in the proposed amendments to WLEP 2011.</p>
(Resilience and Hazards) 2021		Yes	<p>The amendments proposed apply to a broad area of rural zoned land and there is the possibility that this could include sites which have previously been used for a potentially contaminating use. Enabling horticulture as exempt or complying development will remove the ability for a planning assessment to be carried out under Chapter 4 – Remediation of Land contained in SEPP (Resilience and Hazards) 2021.</p> <p>As such, it is proposed to include the following provision that must be satisfied in order for horticulture to be undertaken as exempt development in the RU1 zone, or as complying development in the RU2 or RU4 zone:</p> <p>(13) Where the land is, or has been used for a purpose identified under table 1 of the EPA Contaminated Land Planning Guidelines and the horticultural use will involve the growing of produce from the ground, a statement must be obtained</p>

from a person who is qualified to assess contaminated sites, stating:

- the land is suitable for the development, or
- the land will be suitable for the development if specified remediation works are carried out.

This is a similar approach taken in the SEPP (Exempt and Complying Development Codes) 2008 for Industrial and Commercial Development undertaken as Complying Development.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Odour	Odour in rural areas associated with the use of land for horticulture can arise from use of agricultural chemical sprays, fertilisers (organic and inorganic), effluent disposal and composting plants. However, the potential for odour to arise where horticulture is undertaken in a controlled environment such as igloos or glasshouses, is generally less. A provision has also been proposed to ensure that the use shall not give rise to water, air or noise pollution as defined in the Protection of the Environment Operations Act, 1997. Side setbacks are also proposed which should reduce potential impacts.
Noise	Activities associated with a horticultural activity (particularly field-based horticulture) that emit noise are normally intermittent and can be controlled through best practice farming. The proposed 10m setback for field-based horticulture is considered appropriate to mitigate noise impact in the rural zones. A greater setback is appropriate for property boundaries adjoining any residential zone due to potential amenity concerns and has been accommodated in the proposed standards.
Chemical Spray Drift	Chemical spray drift is unlikely to be an issue of concern for horticulture where it is undertaken within a hydroponic/glass house type set up where the chemicals being sprayed are in an enclosed environment. Following a workshop with Council's Agriculture and Rural Industries Advisory Group it was considered that the operational requirements for the application of pesticides/herbicides and the like should be sufficient in mitigating any potential impact where a 10m setback was incorporated for field-based horticulture and has been accommodated in the proposed standards.

Water quality	<p>Enabling field-based horticulture without a development application poses some risk to water quality. At the workshop held with Councils Agriculture and Rural Industries Advisory Group, it was determined that to be undertaken as exempt development, any physical works to establish the use as well as the actual use itself, must be no less than 40 metres from the top of bank of a defined watercourse (adopting the relevant definitions in the NSW Water Management Act, 2000. The development standards to undertake horticulture as exempt development or complying development within a controlled environment (both within the Drinking Water Catchment Area and more broadly) will be subject to a requirement that the development include a reticulated system for the treatment and reuse of water to minimise runoff and reduce the impact on receiving waters.</p> <p>The Ministerial Direction 3.3 Sydney Drinking Water Catchments also requires the Planning Proposal Authority to consult with Water NSW in preparing a Planning Proposal which has been undertaken.</p>
Biodiversity	<p>Development consent for the removal of vegetation in rural zones is only required where:</p> <ol style="list-style-type: none"> 1. The land is identified as a Strategic Conservation Area under State Environmental Planning Policy (Biodiversity) 2021; 2. The use for which the vegetation removal is being undertaken requires development consent. <p>One of the development standards that must be achieved for horticulture to be undertaken as exempt development is that it must not involve the removal of any native vegetation (other than vegetation which could ordinarily be removed without the need for any permit or approval, such as a dead, dying, or dangerous tree. This would need to be included should the proposal be finalised.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Visual Impacts	<p>Igloos and greenhouses are in keeping with the desired rural landscape character in all of the rural zones. Proposed setbacks of between 10-20m from site boundaries are seen as reasonable and the proposed height controls should maintain the rural character.</p>
Economic	<p>Potentially the proposal will result in additional horticultural production which should be beneficial to the economy.</p> <p>However, it is unclear that exempt and complying development of horticulture could impact on airport safeguarding of Western Sydney International Airport. Guidance from the Department of Infrastructure, Transport, Regional Development, Communications and the Arts and Western Sydney Airport Corporation will be sought.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Public infrastructure	It is advised from Council that adequate public infrastructure is in place to support the proposal.
Private infrastructure	A development standard has been included that for a horticulture use to be undertaken as exempt or complying development, it must have access to a suitable water source to sustain the use, this could include a river or groundwater extraction license or an on-site storage dam). A development standard has also been included for a reticulated system to be established for hydroponics/igloos to be undertaken as exempt or complying development, in recognition of the opportunity that exists for water reuse with these developments.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Western Sydney Airport Corporation
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Department of Primary Industries
- Department of Mining, Exploration and Geoscience
- Water NSW

6 Timeframe

Council proposes a nine month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard proposal.

The Department recommends an LEP completion date of 28 February 2025 in line with its commitment to reducing processing times and regarding the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the site/planning proposal is potentially impacting on airport safeguarding to Western Sydney International Airport the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- Will result in it being easier to undertake horticulture in the Wollondilly Local Government Area by introducing fast-tracked planning approval pathways.
- It will initiate actions from the Rural Lands Strategy to investigate amendments to the approval pathways currently required to undertake horticulture within LEP 2011.
- It is generally consistent with the Greater Sydney Regional Plan and Western City District Plan.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions - 1.10 Implementation of the Western Sydney Aerotropolis Plan and 5.3 Development Near Regulated Airports and Defence Airfields is unresolved and will require further justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, amend the planning proposal to include:
 - (a) a map showing lands where the planning proposal applies is to be provided. This shall include showing a layer of land subject to the Wildlife Buffer Zone from Western Sydney Airport under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.
 - (b) a note that the final clauses are subject to legal drafting.
2. Prior to public exhibition, consultation is recommended with the Western Sydney Airport Corporation and Department of Infrastructure, Transport, Regional Development, Communications and the Arts. The planning proposal should be updated to include the advice from these agencies.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 20 days; and

- (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence before the end of August 2024.

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Western Sydney Airport Corporation
 - Department of Infrastructure, Transport, Regional Development, Communications and the Arts
 - Department of Primary Industries
 - Department of Mining, Exploration and Geoscience
 - Water NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

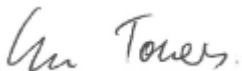
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The LEP should be completed on or before 28 February 2025.

Given the nature of the planning proposal, it is recommended that the Gateway authorise the Department to be the local plan-making authority and that an LEP completion date of 28 February 2025 be included on the Gateway.



20/05/2024

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24/5/24

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