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Our ref: PP_2011_PARRA_002_00 (10/22473)
Your ref: F2011/03256

Dr Robert Lang
General Manager
Parramatta City Council
PO Box 32
PARRAMATTA NSW 2124

Dear Dr Lang,

Re: Planning Proposal to include 'shop top housing' as an additional permitted use on land at 181 James Ruse Drive, Camellia

I am writing in response to your Council's letter dated 11 October 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 Parramatta City Local Environmental Plan LEP 2011 to include 'shop top housing' as an additional permitted use on land at 181 James Ruse Drive, Camellia.

As delegate of 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 noted that the subject land is included within the area for investigation under the River Road, Rosehill, Camellia Study (RRCS) for which heritage, contamination and flood investigations are to be carried out. Council is encouraged to expedite the preparation of the additional information, and include the outcomes and findings relevant to the subject site in the planning proposal prior to finalisation.

In regards to the planning proposal's inconsistencies with S117 Direction 4.3 Flood Prone Land, Council is to demonstrate that the planning proposal has been prepared in accordance with a floodplain risk management plan and is consistent with the principles and guidelines of the Floodplain Development Manual 2005. Council is to amend the planning proposal to justify the inconsistency with the Local Planning Direction prior to the commencement of community consultation.

It is noted that the Office of Environment and Heritage has not endorsed the Remediation Action Plan submitted with the planning proposal for the subject land. Council is to undertake further analysis of contamination on the site and revise the Remediation Action Plan as per the requirements of the Office of Environment and Heritage to ensure consistency with SEPP 55 Remediation of Land. Council is encouraged to include the revised Remediation Action Plan with the planning proposal for the purposes of public exhibition.

Council is not to commence public exhibition until confirmation from the Office of Environment and Heritage that the revised Remediation Action plan has been endorsed. Council is to include the confirmation letter with the planning proposal for the purposes of public exhibition.

It is noted that the introduction of residential development in this location may lead to potential land use conflicts with surrounding predominantly industrial land uses. Council is to demonstrate that there will be appropriate measures included in the planning proposal to

address any future potential land use conflicts. Council is to ensure that this work is undertaken prior to the commencement of public exhibition.

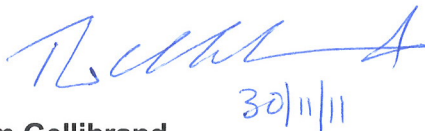
A copy of the amended planning proposal is to be provided to the Sydney Region West Planning Team prior to exhibition.

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 undertake the additional work as required by the Gateway determination and commence the exhibition of the Planning Proposal within four (4) weeks from the week following this 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 Michael Druce of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_PARRA_002_00): to include 'shop top housing' as an additional permitted use on land at 181 James Ruse Drive, Camellia

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Parramatta City Local Environmental Plan LEP 2011 to include 'shop top housing' as an additional permitted use on land at 181 James Ruse Drive, Camellia should proceed subject to the following conditions:

1. Council is to undertake further analysis of contamination on the site and revise the Remediation Action Plan as per the requirements of the Office of Environment and Heritage to ensure consistency with SEPP 55 Remediation of Land.
2. Council is not to commence public exhibition until confirmation from the Office of Environment and Heritage that the revised Remediation Action plan has been endorsed. Council is to include the confirmation letter with the planning proposal for the purposes of public exhibition.
3. Council is to address any potential land use conflicts associated with the proposed industrial land uses that adjoin the subject site and ensure that this work is undertaken prior to the commencement of public exhibition.
4. Council is to demonstrate that the planning proposal has been prepared in accordance with a floodplain risk management plan and is consistent with the principles and guidelines of the Floodplain Development Manual 2005. Council is to amend the planning proposal to justify the inconsistency with the S117 Direction 4.3 Flood Prone Land prior to the commencement of community consultation.
5. 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 **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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - State Emergency Services
 - Sydney Metro Catchment Management Authority

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.

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 **12 months** from the week following the date of the Gateway determination.

Dated 30th day of November 2011.



**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**