

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

Our ref: PP_2012_CAMDE_008_00 (12/08103)

Mr Greg Wright
General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570

Dear Mr Wright,

Planning proposal to permit 'seniors housing', 'health services facility' and 'retail premises' on land at 5 Smalls Road, Grasmere

I am writing in response to your Council's letter dated 23 April 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the above mentioned planning proposal to amend the Camden Local Environmental Plan 2010.

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.

Use of Schedule 1

The Department supports Council's intended outcome but not does support the use of Schedule 1 to achieve the objectives of the planning proposal in this circumstance as it does not provide sufficient clarity, certainty and transparency regarding the future use of the land. Council is encouraged to consider one of the following alternative options to achieve the objectives of the planning proposal using standard instrument zones:

- Rezone the site to SP1 Special Activities, (Seniors Housing): this zone will allow for seniors housing and any other development that is ordinarily incidental or ancillary to that use;
- retain the existing R5 Large Lot Residential zoning for the medical services component of the proposal as 'Health Services Facility' is a permitted land use and rezone remaining land using Standard Instrument zones for the purposes of seniors living, retail development and environmental conservation, if necessary; or
- a combination of the above options.

Council should consider the above options, and consult the Department's Regional Office to determine the desired approach to achieve the intended outcome.

S117 Directions

I have agreed that the planning proposal's inconsistencies with S117 3.4 Integrating Land Use and Transport, 6.3 Site Specific Provisions and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

Revised Planning Proposal

Council is to amend the planning proposal and undertake any additional assessment as required by the attached Gateway determination. Council is to provide a copy of any additional information together with the revised planning proposal to the Department's Regional Office prior to the commencement of community consultation.

Finalisation

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 following consultation with the authorities listed in 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.

Department Contact

Should you have any queries in regard to this matter, please contact Mato Prskalo of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,



Sam Haddad
Director-General

29/6/2012.

Gateway Determination

Planning Proposal (Department Ref: PP_2012_CAMDE_008_00): to permit 'seniors housing', 'health services facility' and 'retail premises' on land at 5 Smalls Road, Grasmere

I, the Director General, Department of Planning and Infrastructure 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 Camden Local Environmental Plan 2010 to permit 'seniors housing', 'health services facility' and 'retail premises' on land at 5 Smalls Road, Grasmere should proceed subject to the following conditions:

1. The use of Schedule 1 to achieve the objectives of the planning proposal is not supported in this circumstance. Council is to rezone the land appropriately to reflect the intended use of the land. Council needs to consult the Department's Regional Office in considering the zoning options to determine the appropriate mechanism to proceed.
2. Council needs to consult the Federal Department of Sustainability, Environment, Water, Population and Communities and the NSW Office of Environment and Heritage (Environment Branch) in regards to the environmental sensitivity of the site and the potential implications for threatened species as a result of the planning proposal.
3. Council needs to demonstrate consistency with S117 Direction 2.1 Environment Protection Zones and, if necessary, amend the planning proposal, prior to public consultation.
4. Council is to update the following environmental studies prior to the commencement of community consultation:
 - a Flora and Fauna Assessment;
 - a Vegetation Management Plan;
 - a Conservation and Land Use Management Plan; and
 - an Offsetting Strategies report.
5. Council is to ensure that the Aboriginal Archaeological Survey and Assessment is updated and an assessment into potential additional heritage value of the land is undertaken prior to community consultation.
6. It is noted that the subject site contains Aboriginal archaeological items on parts of the site that are proposed for development. In addition, it is noted that the site contains remnants of a former cottage that is not listed but may contain some historical value. Therefore, Council needs to ensure that the Aboriginal Archaeological Survey and Assessment is updated and an assessment into potential additional heritage value of the land forms part of the public exhibition material. Council should also consult the NSW Office of Environment and Heritage and the relevant Local Aboriginal Land Councils and address any issues raised. Council needs to address any inconsistencies with S117 Direction 2.3 Heritage Conservation and amend the planning proposal accordingly, if necessary, prior to public consultation.
7. Council is to consult with Sydney Water and Transport for NSW – Roads and Maritime regarding the inconsistencies of the planning proposal with S117 Direction 3.1 Residential Zones. Following the completion of consultation with these public authorities, Council needs to demonstrate consistency with the S117 Direction and amend the planning proposal accordingly, if necessary, prior to public consultation.

8. As per the requirements of S117 Direction 4.1 Acid Sulfate Soils, Council is to provide the Departments Regional Office with an acid sulphate soils assessment and demonstrate consistency with the S117 Direction. Council is to amend the planning proposal, if necessary, prior to public consultation.
9. Council is to provide the Department's Regional Office with sufficient and updated information regarding S117 Direction 4.3 Flood Prone Land. Council is to amend the planning proposal, if necessary, prior to public consultation.
10. As per the requirements of S117 Direction 4.4 Bushfire Prone Land, Council is to consult with the Commissioner of the NSW Rural Fire Service. Council is to take into account any comments made and amend the planning proposal, if necessary, prior to undertaking community consultation.
11. Council is to provide further information on the current location of the Asset Protection Zone and justify its absence in other locations, such as within the Cumberland Plain Woodland.
12. Council is to amend the planning proposal following the implementation of the Gateway conditions. Subsequently, Council is to provide a copy of the revised planning proposal to the Department's Regional Office.
13. 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)*.
14. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Federal Department of Sustainability, Environment, Water, Population and Communities
 - Integral Energy
 - NSW Rural Fire Service
 - NSW Office of Environment and Heritage (Heritage Branch)
 - NSW Office of Environment and Heritage (Environment Branch)
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - Telstra
 - Local Aboriginal Councils
 - Adjoining LGAs

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.

15. 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



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may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Dated 29th day of June 2012.

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Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure