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

Our ref: PP_2012_CAMDE_006_00 (12/04280)
 Your ref: DX25807

Dear Mr Wright,

Planning Proposal to rezone rural land at 'Emerald Hills', Leppington, for urban development.

I am writing in response to your Council's letter dated 29 February 2012 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 Camden Local Environmental Plan 2010 to rezone rural land at 'Emerald Hills', Leppington, for urban development.

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.

The following amendments are to be made to the planning proposal, prior to public exhibition to clarify the subject land to which the planning proposal applies:

- the maps and property description for the subject land is to be clarified (i.e. the whole or part of lots 1 DP 301830 and 2 DP 650698) and the proposal amended to rectify any errors; and
- the maps and property description for the subject land be revised to ensure that land within Campbelltown Local Government Area is not included within the proposed rezoning and amendment to the Camden LEP 2010.

In accordance with the requirements of S117 Direction 1.1 Business and Industrial Zones, S117 Direction 3.4 Integrating land Use and 6.3 Site Specific Provisions, Council is to ensure that sufficient information is placed on public exhibition to show how the planning proposal responds to and justifies:

- applying the B1 Neighbourhood Business Zone given the proposed 10,000m² maximum floor space area for retail uses; and
- the potential cumulative impact of traffic and transport associated with the development of the site on the surrounding road network.

The additional information for public exhibition must address the requirements of the above listed S117 Directions. Further, it must have regard to the existing and planned centres (local and major) in the vicinity of the site located within the South-West Growth Centre. The information must also consider and respond to the findings from the East Leppington Precinct Centres Viability Study. Where necessary, the planning proposal is to be amended to reflect this analysis prior to exhibition.

In light of comments received by the Department from the Heritage Branch of the Office of Environment and Heritage regarding the Sydney Water Supply Upper Canal, (which adjoins the site and is listed on the State Heritage Register), the following must be addressed prior to exhibition commencing:

- information relating to flora and fauna investigations showing:
 - any potential affects on adjoining land; and
 - an assessment of the quality of vegetation and the method of protecting the Cumberland Plain Woodland (CPW) to ensure the ongoing protection and management of the CPW.

The planning proposal is to be amended to reflect the desired approach, if appropriate.
- consultation with the following agencies:
 - the Director General of the Office of Environment and Heritage under Section 34A of the Environmental Planning and Assessment Act 1979;
 - the Federal Department of Sustainability, Environment, Water, Population and Communities in relation to the CPW; and
 - the Office of Water (in relation to the riparian areas and provide details on the proposed E4 Environmental Living zone; and
- in accordance with the requirements of S117 Direction 2.1 Environment Protection zones, Council is to amend the planning proposal to reflect the outcomes of the Flora and Fauna Study and public authority consultation, and address the consistency of the revised planning proposal with the Local Planning Direction.

In accordance with S117 Direction 2.3 Heritage Conservation, Council is to provide a suitable assessment of the heritage significance of the former school buildings and the CPW located on and adjacent to the site. Council is to consult with the Office of Environment and Heritage and incorporate any comments into the planning proposal, demonstrating consistency with the S117 Direction.

As has been noted the subject site adjoins the South-West Growth Centre on the eastern side of Camden Valley Way and is therefore likely to generate a need for the provision of state public infrastructure. Accordingly, the subject land is to be mapped as an urban release area under Camden LEP 2010 for the purposes of including satisfactory arrangements for the provision of infrastructure.

Council is required to produce an Infrastructure Servicing and Delivery Plan for the site to assist in determining any additional infrastructure requirements or levies. The plan should confirm the delivery, timing, location and funding of infrastructure. In preparing this plan, Council is to consult with the following public agencies:

- Department of Education and Communities
- Office of Environment and Heritage
- Fire and Rescue NSW
- NSW Police Force
- NSW Rural Fire Service
- Transport for NSW – RailCorp
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Telstra
- Transgrid
- Adjoining LGAs

The Servicing and Delivery Plan is to accompany the planning proposal for the purposes of public exhibition. In addition, Council is to map the subject land as an urban release area under Camden LEP 2010 for the purposes of including satisfactory arrangements for the provision of infrastructure. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition.

It has been noted that Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) applies to the proposal and, among other things, requires Council to give consideration to the need for a Total Water Cycle Management Study or Plan. Council is to demonstrate how these requirements have been considered as part of the public exhibition material.

In accordance with the requirements of S117 Direction 4.3 Flood Prone Land, Council must undertake a flood assessment for the site, along with a stormwater and drainage assessment. The planning proposal is to be amended to reflect any findings from both of these studies, if necessary, prior to public exhibition.

Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

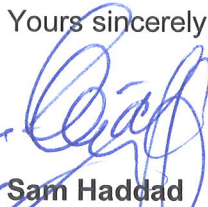
I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 6.2 Reserving Land for Public Purposes and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 24 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 relevant agencies and providers. 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 Peter Goth of the Regional Office of the Department on 02 9873 8593.

Yours sincerely,


PO5
8-7.12
Sam Haddad
Director-General

Gateway Determination

Planning Proposal (Department Ref: PP_2012_CAMDE_006_00): to rezone rural land at 'Emerald Hills', Leppington, for urban development.

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 rezone rural land at 'Emerald Hills', Leppington, for urban development should proceed subject to the following conditions:

1. The following amendments are to be made to the planning proposal, prior to public exhibition to clarify the subject land to which the planning proposal applies:
 - the maps and property description for the subject land is to be clarified (i.e. the whole or part of lots 1 DP 301830 and 2 DP 650698). The proposal is to be amended to rectify any errors;
 - the maps and property description for the subject land be revised to ensure that land within Campbelltown Local Government Area is not included within the proposed rezoning and amendment to Camden LEP 2010;
2. In accordance with the requirements of S117 Direction 1.1 Business and Industrial Zones, 3.4 Integrating land Use and Transport and 6.3 Site Specific Provisions, Council is to ensure that sufficient information is placed on public exhibition to show how the planning proposal responds to and justifies:
 - applying the B1 Neighbourhood Business Zone given the proposed 10,00m² maximum floor space area for retail uses; and
 - the potential cumulative impact of traffic and transport associated with the development of the site on the surrounding road network.

The additional information needs to address the requirements of the above listed S117 Directions. Further, it needs to have regard to the existing and planned centres (local and major) in the vicinity of the site located within the South-West Growth Centre. The information needs to also consider and respond to the findings from the East Leppington Precinct Centres Viability Study. Where necessary, the planning proposal is to be amended to reflect this analysis prior to exhibition.

3. In regards to the proximity of the subject land to the adjoining Sydney Water Supply Upper Canal, Council is to address the following prior to exhibition commencing:
 - information relating to flora and fauna investigations showing:
 - any potential affects on adjoining land; and
 - an assessment of the quality of vegetation and the method of protecting the Cumberland Plain Woodland.

The planning proposal is to be amended to reflect the agreed approach; and

 - consultation with the public agencies identified under Condition 13.
4. In accordance with the requirements of S117 Direction 2.1 Environment Protection Zones, Council is to amend the planning proposal to reflect the outcomes of the flora and fauna investigations and public authority consultation and address the consistency of the revised planning proposal with the Local Planning Direction.

5. As per the requirements of S117 Direction 2.3 Heritage Conservation, Council is to provide a suitable assessment of the heritage significance of the former school buildings on the subject land. Council is to consult with the Office of Environment and Heritage. Any required changes to the planning proposal are to be carried out prior to public exhibition.
6. Prior to public exhibition, Council is to map the subject land as an urban release area under Camden LEP 2010 for the purposes of including satisfactory arrangements for the provision of infrastructure.
7. Council is to produce an Infrastructure Servicing and Delivery Plan for the site to assist in determining any additional infrastructure requirements or levies.
8. Upon completion of the Infrastructure Servicing and Delivery Plan for the subject site, consistency with S117 Direction 3.1 Residential Zones needs to be demonstrated and the planning proposal amended accordingly, if appropriate.
9. As per the requirements of S117 Direction 4.3 Flood Prone Land, Council needs to undertake a flood assessment for the site, along with a stormwater and drainage assessment. The planning proposal is to be amended to reflect any findings from both of these assessments, prior to public exhibition, if appropriate.
10. In accordance with the requirements of S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made.
11. Council is to address the requirements of the Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997).
12. 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)*.
13. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Fire and Rescue NSW
 - NSW Police Force
 - NSW Rural Fire Service
 - Transport for NSW – RailCorp
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - Telstra
 - Transgrid
 - 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.

14. 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).
15. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated

7th

day of

July

2012.



Sam Haddad

Director-General

Delegate of the Minister for Planning and
Infrastructure