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Department Generated Correspondence (Y)

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Our ref: PP_2012_CAMPB_001_00 (11/02806-1)
Your ref: P02/00187-8

Mr Paul Tosi
General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Mr Tosi,

Re: Planning Proposal to rezone land within the Menangle Park Urban Release Area to a mix of zones for urban purposes and to introduce development controls for the subject land

I am writing in response to your Council's letter dated 21 December 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 Campbelltown (Urban Area) Local Environmental Plan 2002 to rezone land within the Menangle Park Urban Release Area to enable it to be developed for urban purposes including residential allotments, a small commercial centre, employment land, community and recreation facilities, open space, the protection of riparian land and the listing of items of heritage.

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 planning proposal includes provisions to ensure that satisfactory arrangements are made for the provision of local infrastructure before the subdivision of land. Given that Campbelltown (Urban Area) Local Environmental Plan 2002 contains an urban release area clause to provide for state public infrastructure, Council is to amend the planning proposal to refer to the provision of 'state' infrastructure in addition to providing for 'local' infrastructure, and include an additional explanation in the planning proposal as to how the making of satisfactory arrangements will contribute to designated State public infrastructure in relation to the subject urban release area. In doing so, Council is to map the area as an urban release area under the LEP and explain how the clause will relate to the subject land.

Council's proposed provision to include 'service station', 'retail plant nursery' and 'landscape supply establishment' as additional permitted uses on Lots 7, 8 and 9 DP 791365, Menangle Road is not supported by the Department as the means of achieving the desired outcome. Council is to consider zoning the site appropriately to reflect the intended land use. Council should seek to rezone the site to an appropriate Business zone under its current LEP, being 3(a) General Business or 3(c) Neighbourhood Business Zone or identify an appropriate zone under the draft SI LEP. Council should liaise with the Department's Regional Office to identify an appropriate zone and amend the planning proposal prior to the commencement of community consultation.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

Consultation is required with the NSW Department of Primary Industries – Minerals and Petroleum and the Mine Subsidence Board to determine consistency with S117 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.2 Mine Subsidence and Unstable Land. This consultation should occur prior to exhibition to reflect the outcomes of the consultation.

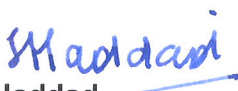
It is noted that that NSW Rural Fire Service has been consulted in relation to the provisions for bushfire protection, with comments taken into consideration in the planning proposal. Therefore, the Director General has agreed that the inconsistency with S117 Direction 4.4 Planning for Bushfire Protection is of minor significance and no further approval is required in relation to the Local Planning Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of 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.

Should you have any queries in regard to this matter, please contact Michelle Dellagiacoma of the Regional Office of the Department on 02 9873 8573.

Yours sincerely,


Sam Haddad
Director-General

20/2/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_CAMPB_001_00): to rezone land within the Menangle Park Urban Release Area to a mix of zones for urban purposes and to introduce development controls for the subject land.

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 Campbelltown Local Environmental Plan 2002 to:

- Rezone the subject land from 1(a) Rural to 2(b) Residential B, 2(c) Higher Density Residential, 4(a) General Industry, 5(a) Special Uses A, 5(b) Special Uses Arterial Roads, 6(a) Local Open Space, 6(c) Private Open Space and 10(c) Local Comprehensive Centre;
- Include minimum lot size controls for the subject land;
- Include maximum building height controls for the subject land;
- Include provisions to ensure satisfactory arrangements are made for the provision of local infrastructure;
- Include provisions to protect riparian lands shown hatched on the Land Zoning Map from development;
- Include provisions to prohibit 'habitable buildings' from land marked "area of Restricted development" on the Land Zoning Map;
- Include 'service station', 'retail plant nursery' and 'landscape supply establishment' as additional permitted uses on Lots 7, 8 and 9 DP 791365, Menangle Road;
- Amend Schedule 1 Heritage items and heritage conservation areas to include a number of heritage items;
- Amend the Interim Campbelltown Order No 15 – City of Campbelltown to remove land that is subject to the planning proposal; and
- Amend Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) to remove land that is subject to the planning proposal should proceed subject to the following conditions:

1. Council is to amend the planning proposal to refer to the provision of 'state' infrastructure in addition to 'local' infrastructure, and alter the planning proposal to provide additional information in relation to satisfactory arrangements, to describe how Council will provide for infrastructure requirements.
2. Council's proposed provision to include 'service station', 'retail plant nursery' and 'landscape supply establishment' as additional permitted uses is not supported. Council is to amend the planning proposal to rezone the land to an appropriate zone being either 3(a) General Business or 3(c) Neighbourhood Business Zone under its current LEP prior to the commencement of community consultation.
3. 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Sydney Metropolitan Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries – Minerals and Petroleum
- Integral Energy
- Mine Subsidence Board
- Fire and rescue NSW
- Roads and Maritime Authority
- Sydney Water
- Telstra
- 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.

5. Further to Condition 5 above, Council is to consult with the NSW Department of Primary Industries – Minerals and Petroleum and the Mine Subsidence Board prior to undertaking community consultation. Council is to take into account any comments made as per the requirements of S177 Directions 1.3 Mining, Petroleum Production and Extractive Industries and 4.2 Mine Subsidence and Unstable Land.
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 20th day of February 2012.

SHaddad

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