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Department Generated Correspondence (Y)

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Our ref: PP_2012_CAMDE_003_00 (12/01451)

Your ref:

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

Dear Mr Wright,

Re: Planning Proposal to amend the Camden Local Environmental Plan 2010 to adjust the zone boundaries at Spring Farm South and West Village

I am writing in response to your Council's letter dated 19 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 Camden Local Environmental Plan 2010 to:

- Rezone land at Spring Farm South Village from R1 General Residential to E2 Environmental Conservation;
- Rezone land at Spring Farm South Village from E2 Environmental Conservation to R1 General residential;
- Rezone land at Spring Farm West Village from R1 general residential to E2 Environmental Conservation;
- Rezone land at Spring Farm West Village from E2 Environmental Conservation to R1 General Residential.
- Amend the Minimum Lot Size Map, the Height of Buildings Map and the Additional Permitted Uses Map to reflect the proposed zone boundary adjustments.

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 initial rezoning of the Spring Farm Residential Release Area was accompanied by a supporting Preliminary Contamination Assessment, which indicated that contamination would not pose a risk to human health. However, Council has not considered/addressed the requirements of SEPP 55 Remediation of Land in relation to this planning proposal and has not satisfied the requirements of S117 Direction 6.3 Site Specific Provisions. Therefore, Council is to amend the planning proposal to reflect consideration of Clause 6 of SEPP 55 and justify any inconsistency with the Local Planning Direction.

It is noted that an additional subclause to Clause 6.5(1) of Camden LEP 2010 has been proposed by Council, to include a head of consideration matter to mitigate potential conflict between future residential development and sand mining operations. The Department does not object to the inclusion of an additional subclause. If Council wishes to proceed with an amendment to Clause 6.5, the planning proposal is to be revised prior to the commencement of public exhibition and a copy of the revised planning proposal provided to the Department's Regional Office.

It is noted that Spring Farm Urban Release Area is subject to development standards contained in Camden DCP 2011, and amendments are proposed to the DCP should the planning proposal

proceed. Council is encouraged to include the draft DCP amendments with the planning proposal for the purposes of community consultation. Council should also consider amending the draft DCP to ensure that the compaction of fill on the subject land results in a final land form that will support urban development.

Prior to the commencement of community consultation, Council is to amend Figure 3 on page 10 of the planning proposal to accurately indicate the boundary of Lot 1 DP 625278, and the boundary of the land subject to the rezoning to provide clarity to the community.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 2.1 Environmental Protection Zones, 3.1 Residential Zones, 4.3 Flood Prone Land and 6.2 Rezoning Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

In addition, Council is to undertake consultation with the NSW Department of Primary Industries – Minerals and Petroleum, Mine Subsidence Board and NSW Rural Fire Service to determine consistency with S117 Directions – 1.3 Mining, Petroleum Production and Extractive Industries, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection. This consultation should occur prior to the public exhibition and the planning proposal should be amended (if necessary) prior to exhibition to reflect the outcomes of the consultation.

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 completion of the required pre-exhibition agency consultation. 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 Claire Mirow of the Regional Office of the Department on 02 9873 8597.

Yours sincerely,


Sam Haddad
Director-General

17/2/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_CAMDE_003_00): to amend the Camden Local Environmental Plan 2010 to adjust the zone boundaries at Spring Farm South and West Village

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 land at Spring Farm South Village from R1 General Residential to E2 Environmental Conservation;
- Rezone land at Spring Farm South Village from E2 Environmental Conservation to R1 General residential;
- Rezone land at Spring Farm West Village from R1 general residential to E2 Environmental Conservation;
- Rezone land at Spring Farm West Village from E2 Environmental Conservation to R1 General Residential.
- Amend the Minimum Lot Size Map, the Height of Buildings Map and the Additional Permitted Uses Map to reflect the proposed zone boundary adjustments.

should proceed subject to the following conditions:

1. Prior to commencing community consultation, Council is to amend Figure 3 on page 10 of the planning proposal to accurately indicate the boundary of Lot 1 DP 625278, and the boundary of the land subject to the rezoning to provide clarity to the community.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Endeavour Energy
 - Hawkesbury-Nepean Catchment Management Authority
 - Office of Environment and Heritage
 - NSW Department of Primary Industries – Minerals and Petroleum
 - NSW Department of Primary Industries – Office of Water
 - Mine Subsidence Board
 - NSW Rural Fire Service

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.

4. Further to Condition 3 above, Council is to consult with the Director General of the NSW Department of Primary Industries prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 1.3 Mining, Petroleum Production & Extractive Industries and amend the planning proposal prior to exhibition if necessary.
5. Further to Condition 3 above, 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 and amend the planning proposal prior to exhibition if necessary.
6. Further to Condition 3 above, Council is to consult with the Mine Subsidence Board prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal prior to exhibition if necessary.
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 17th day of February 2012.


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