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Our ref: PP_2013_CAMPB_001_00 (13/08773)

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

Dear Mr Tosi,

Planning proposal to amend Campbelltown (Urban Area) Local Environmental Plan 2002 and Interim Development Order No. 15 – City of Campbelltown

I am writing in response to your Council's letter dated 9 May 2013 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 rezone land at Glenlee to 4(a) General Industry, 5(b) Special Uses Arterial Roads and a new environmental conservation zone, include a land use table for the environmental conservation zone and a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area until a road link to the F5 Freeway is established.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

While I support Council's proposal to cap warehousing and industrial gross floor area on the subject site at Glenlee, it is considered that a satisfactory arrangements provision which permits development above the cap subject to road improvements being undertaken is not appropriate because of the lack of certainty over the construction and timing of these improvements. Consequently, while the cap on gross floor area is to remain in the planning proposal, the proposal is to clearly advise that the proposed local provision does not allow development to exceed the gross floor area cap, until a subsequent planning proposal is submitted to amend/remove the cap, once suitably provisions for infrastructure have been agreed on.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. In this instance, Council is to contact the regional office of the department to seek assistance in resolving the matter so that the plan may proceed under delegation.

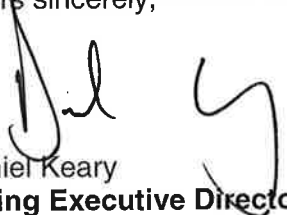
The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected

publication date. A copy of the request should be forwarded to the department for administrative purposes.

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 section 54(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 David Radich of the regional office of the department on 02 9860 1568.

Yours sincerely,

 3/7/13
Daniel Keary
Acting Executive Director
Metropolitan Planning

Gateway Determination

Planning proposal (Department Ref: PP_2013_CAMPB_001_00): to facilitate the development of land at Glenlee.

I, the Acting Executive Director, Metropolitan Planning at the 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 (Urban Area) Local Environmental Plan (LEP) 2002 and Interim Development Order No. 15 – City of Campbelltown to rezone land at Glenlee to 4(a) General Industry, 5(b) Special Uses Arterial Roads and a new environmental conservation zone, include a land use table for the environmental conservation zone and a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - (a) clearly advise that the proposed local provision does not allow warehouse and industrial development to exceed the gross floor area cap. The removal/amendment to the cap can only occur via a subsequent planning proposal, once suitably provisions for infrastructure have been agreed on.
 - (b) if considered appropriate, nominate the proposed standard instrument zones for the subject land under the draft Campbelltown LEP. The planning proposal is to clearly indicated which instruments are being amended;
 - (c) nominate, in consultation with Camden Council, the portion of the gross floor area cap applying to land within the Campbelltown local government area, or alternatively, indicate that the proposed cap applies to land within both Camden and Campbelltown local government areas (which is subject to planning proposals PP_2013_CAMDE_012_00 and PP_2013_CAMPB_001_00);
 - (d) include maps/figures which show road access to/from the site in the short, medium and long term. All maps are to be at an appropriate scale and clearly identify the subject site; and
 - (e) include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposal*.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - geotechnical
 - flora, fauna and habitat
 - surface, groundwater and flooding
 - bushfire hazard management
 - Aboriginal and European heritage
 - scenic quality, visual, acoustic and air quality
 - transport, access and movement
 - capacity of infrastructure, services and facilities
 - consideration of Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River
 - consideration of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Once the above information has been obtained and consultation has been undertaken with public authorities, and prior to undertaking public exhibition, Council is to update its consideration of S117 Directions 3.4 Integrating Land Use and Transport, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 4.3 Flood Prone Land to reflect the outcomes of the work and consultation undertaken.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and other relevant parties and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:
 - AGL
 - Landcom
 - Sydney Water
 - Telstra
 - Transport for NSW
 - Endeavour Energy
 - Fire and Rescue NSW
 - NSW Trade and Investment
 - Australian Botanic Gardens
 - NSW Department of Primary Industries – Agriculture
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation)
 - Hawkesbury - Nepean Catchment Management Authority (S117 Direction 2.1 Environment Protection Zones)
 - Adjoining LGAs (including Camden Council)
 - The owner of the rail spur
 - Roads and Maritime Services to confirm the special purpose zone and acquisition responsibilities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

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

Dated 3rd day of July 2013.

**Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure**

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Campbelltown City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_CAMPB_001_00	Planning proposal to rezone land at Glenlee to 4(a) General Industry, 5(b) Special Uses Arterial Roads and a new environmental conservation zone, include a land use table for the environmental conservation zone and a new provision which prohibits development of warehousing and industrial uses over a certain gross floor area.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated

3/7/ 2013



Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_CAMPB_001_00
Date Sent to Department under s56	09/05/2013
Date considered at LEP Review Panel	27/06/2013
Gateway determination date	03/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: