



Mr Ron Moore
General Manager
Camden Council
P O Box 183
CAMDEN NSW 2570

Our ref:13/15807
Your ref: SC969

Dear Mr Moore

Planning Proposal to amend Camden LEP 2010 – Amendment No. 27

I am writing in response to your Council's letter dated 13 September, 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 121 Raby Road, Leppington, from RU2 Rural Landscape to R5 Large Lot Residential.

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.

You will note a condition attached to the determination requires Council to review the proposed height control in view of the nature of the site and its location. Should you wish to discuss this condition, please contact the regional office. A further condition requires the removal of the intention to identify the site as an urban release area. Given the nature of the proposal it was not considered necessary to identify the site in this manner. Similarly, should you wish to discuss this condition, you may care to contact the regional office.

I have also agreed the planning proposal's inconsistency with section 117 Direction 1.2 Rural zones is of minor significance. No further approval is required in relation to this direction. However, Council may need to obtain the Director General's agreement to satisfy the requirements of other section 117 directions. If this is the case, Council is to 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 requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise the 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 this matter so that the plan may proceed under delegation.

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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office at least 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 Tai Ta of the Sydney West regional office of the Department on 02 9860 1567.

Yours sincerely,



18/11/2013

Rachel Cumming
Acting Regional Director
Sydney West
Planning Operations and Regional Delivery

Gateway Determination

Planning Proposal (Department Ref: PP_2013_CAMDE_017_00) to rezone land at 121 Raby Road, Leppington, from RU2 Rural Landscape to R5 Large Lot Residential

I, the Acting Regional Director, Sydney Region West Team 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 Camden LEP to rezone land at 121 Raby Road, Leppington should proceed subject to the following conditions:

1. Amendment of the planning proposal, as follows:
 - (a) all references to indentifying the site as an urban release area be removed from the planning proposal;
 - (b) under '1.0 Introduction' of the proposal, the words 'as a standalone matter' be removed or clarified; and
 - (c) under the assessment of section 117 directions (p. 44 of the proposal) the comment against section 117 direction 1.3 be amended to indicate that the proposal does not intend to make 'extractive industries' permissible within the R5 zone and that the comment is adjusted accordingly prior to exhibition.
2. Council is to review the proposed imposition of a single height control for the site and is to consider a mix of height controls to protect the scenic nature of the site and/or clearly indicate in the planning proposal the proposed means to be employed to control housing form, location and height in this regard, to protect views from the east of the site.
3. Council is to undertake the following studies:
 - contamination and salinity,
 - ecological assessment;
 - aboriginal archaeology and significance,
 - traffic and road access,
 - bushfire.
4. Council is to consult with the Office of Environment and Heritage and, if necessary, demonstrate consistency with section 117 direction 2.1 Environmental Protection Zones.
5. Council is to consult with Office of Environment and Heritage and the Sydney Catchment Authority, particularly in respect of the State listed heritage item: the Upper Water Canal.
6. Council is to consult with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) and, if necessary, review the proposal's consistency with section 117 direction 1.3 Mining, Petroleum Production and Extractive Industries.
7. Council is to consult with the Commissioner of the NSW Rural Fire Services and give consideration to the provisions of section 117 direction 4.4 Planning for Bushfire Services and particularly bring to attention the proposition of possible screen planting on the ridgeline of the site.

8. Further, Council is to consult with the following:

- Sydney Water;
- Jemena;
- Roads and Maritime Services;
- Transgrid;
- Endeavour Energy;
- Campbelltown City Council.

9. In consulting with Roads and Maritime Services, consideration is to be given to any proposed upgrade works for Raby Road and funding arrangements.

10. Community consultation is required under sections 56(2) and 57 of the EP&A Act 1979 for a period of 28 days.

11. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the gateway determination.

Dated 18th day of November 2013.

RJCumming

Rachel Cumming
Acting Regional Director, Sydney Region West
Planning Operations and Regional Delivery
Delegate of the Minister for Planning and Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Camden 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_CAMDE_017_00	Planning proposal to rezone land at 121 Raby Road, Leppington, from RU2 Rural Landscape to R5 Large Lot Residential.

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*".



18/11/2013

Rachel Cumming
Acting Regional Director
Sydney Region West
Department of Planning and Infrastructure