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Environment

IRF20/5171

Gateway determination report – PP_2020_LPOOL_007_00

320 Homes, Jobs TBC

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Local Planning Panel Advice – 29 June 2019
Social Impact Assessment – 27 March 2020
Ecological and Riparian Issues Report – December 2016
Voluntary Planning Agreement – Letter of Offer – 30 March 2020
Traffic Assessment – July 2019
Review of appropriate floorspace provision – May 2018

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	Liverpool
PPA	Liverpool City Council
NAME	Amendment 88 – 1370 Camden Valley Way, Leppington (320 homes, jobs TBC)
NUMBER	PP_2020_LPOOL_007_00 / PP-2020-3230
LEP TO BE AMENDED	Liverpool Local Environmental Plan 2008
ADDRESS	1370 Camden Valley Way, Leppington
DESCRIPTION	Lot E DP288997
RECEIVED	29/10/2020
FILE NO.	IRF20/5171
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Expand the existing neighbourhood centre area to accommodate additional retail floor area; and
- Reorganise the development of residential, commercial and recreational uses on the site.

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal seeks to amend the State Environmental Planning Policy (Sydney Region Growth Centres (SEPP) 2006 per the changes below:

- Rezoning part of the land from R3 Medium Density Residential to B1 Neighbourhood Centre.
- Rezoning part of the RE1 Public Recreation to R3 Medium Density Residential
- Rezoning the R2 Low Density Residential to RE1 Public Recreation
- Increase the upper limit of permissible total Gross Floor Area (GFA) for retail premises from 2,500m² to 4,800m².

The councillor resolution endorsed the planning proposal being sent to the Department for a Gateway determination with:

- a recommendation that amendments to the Liverpool Growth Centres Development Control Plan is included as a gateway condition to be updated prior to exhibition; and
- delegates to Council officers the authority to negotiate a Voluntary Planning Agreement for a letter of offer received from the proponent to undertake embellishments to open-space and report back on the negotiations prior to public exhibition. The embellishments included:
 - a walking loop;
 - pedestrian crossing;
 - a link across riparian corridor; and
 - social court.

Table 3 Current and Proposed controls

Control	Current	Proposed
Zone	RE1 Public Recreation (Approx: 2.08ha) SP2 Infrastructure (Approx: 1.83ha) R3 Medium Density Residential (Approx: 2.26ha) R2 Low Density Residential (Approx: 1.04ha) B1 Neighbourhood Centre (Approx: 1.57ha)	RE1 Public Recreation (Approx: 2.45ha) SP2 Infrastructure (Approx: 1.75ha) R3 Medium Density Residential (Approx: 2.16ha) R2 Low Density Residential (Approx: 0.11ha) B1 Neighbourhood Centre (Approx: 2.32ha)
Maximum height of the building	For B1 Zoned Land – 15m For R3 Zoned Land – 12m For R2 Zoned Land – 9m	For B1 Zoned Land – 15m For R3 Zoned Land – 12m For R2 Zoned Land – 9m
Residential Density	For R3 Zoned Land – 25 dwelling/ha	For R3 Zoned Land – 25 dwelling/ha
Minimum lot size	1,200m ²	N/A
Number of dwellings	TBC	340
Number of jobs	TBC	TBC
Permissible Retail GFA	2,500m ²	4,800m ²
Reclassify land from	N/A	N/A

The planning proposal contains an explanation of provisions for the proposal. However, the planning proposal did not adequately describe the change of the proposal including the size of existing zoned land, the size of proposed zoned land and the resulting number of homes, jobs or open space delivered as a result of the proposal. A request for information was issued to Council seeking confirmation to explain the changes. Council indicated the proposal will approximately

result in a maximum of 320 new homes for the area. It is recommended that prior to public exhibition, the planning proposal and supporting studies are updated to describe this difference and provide consistent figures throughout the supporting information.

1.3 Site description and surrounding area

The planning proposal applies to 1370 Camden Valley Way, Leppington (Lot E DP28997) (Figure 1). Total area of the site is 8.8ha.



Figure 1: Aerial view of the subject site

The site contains an existing service station and convenience store. The service station and a restaurant were approved by Council in 1997. The service station/convenience store is currently in operation, with vehicular access from Camden Valley Way.

Vegetation

A number of mature trees exist within the boundaries of the subject site and are located within the mid-eastern part of the property (**Figure 2**).

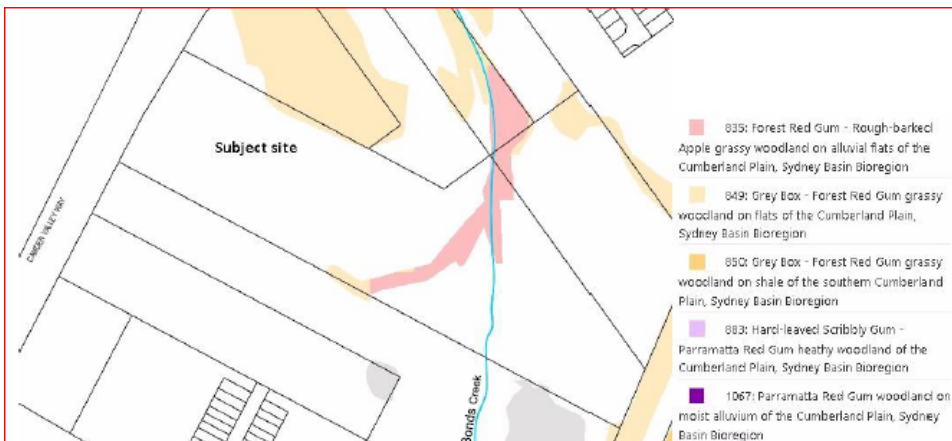


Figure 2: Types of vegetation

An area of protected vegetation designated as an Existing Native Vegetation has been identified within the site on the Native Vegetation Protection Map under the SEPP (**Figure 3**).



Figure 3: Existing native vegetation area within the site

Bushfire

The south-eastern part of the subject site is located within a Bushfire Prone Vegetation Buffer area (Figure 4)

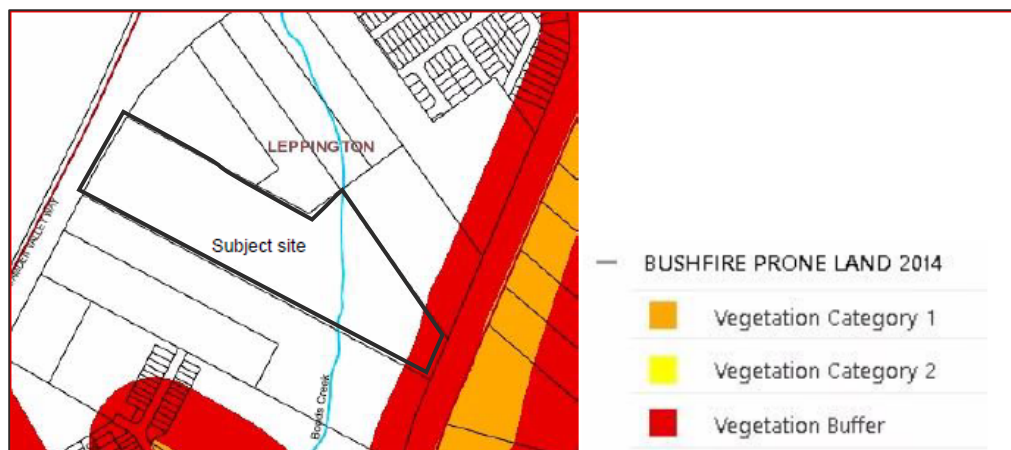


Figure 4: Bushfire prone land map

Flooding

Bond Creek traverses the site in a north-south direction and most of the riparian corridor is identified as being subject to flood risk. Flood analysis over the site suggests the site is subject to 1:100 Chance per year flood event and probable maximum flood event (PMF).

The hazard as a result of the 1:100 chance per year flood event is showing in **Figure 5** below. As can be seen the extent of flooding over the site during the 1:100 chance per year flood event is predominantly located in the open-space and drainage corridor.

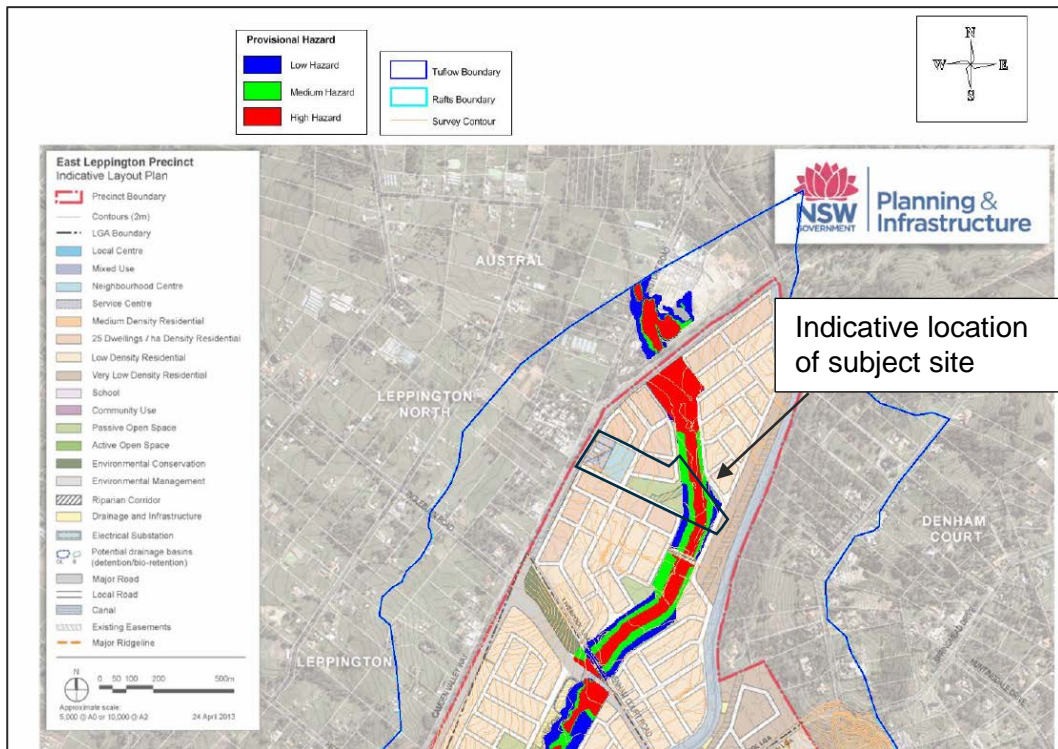


Figure 5: 1:100 Chance per year flood event (Source: Water Cycle Management Study – East Leppington).

The hazard as a result of the PMF is showing in **Figure 6** below. As can be seen the extent of flooding over the site is located across the majority of the site.

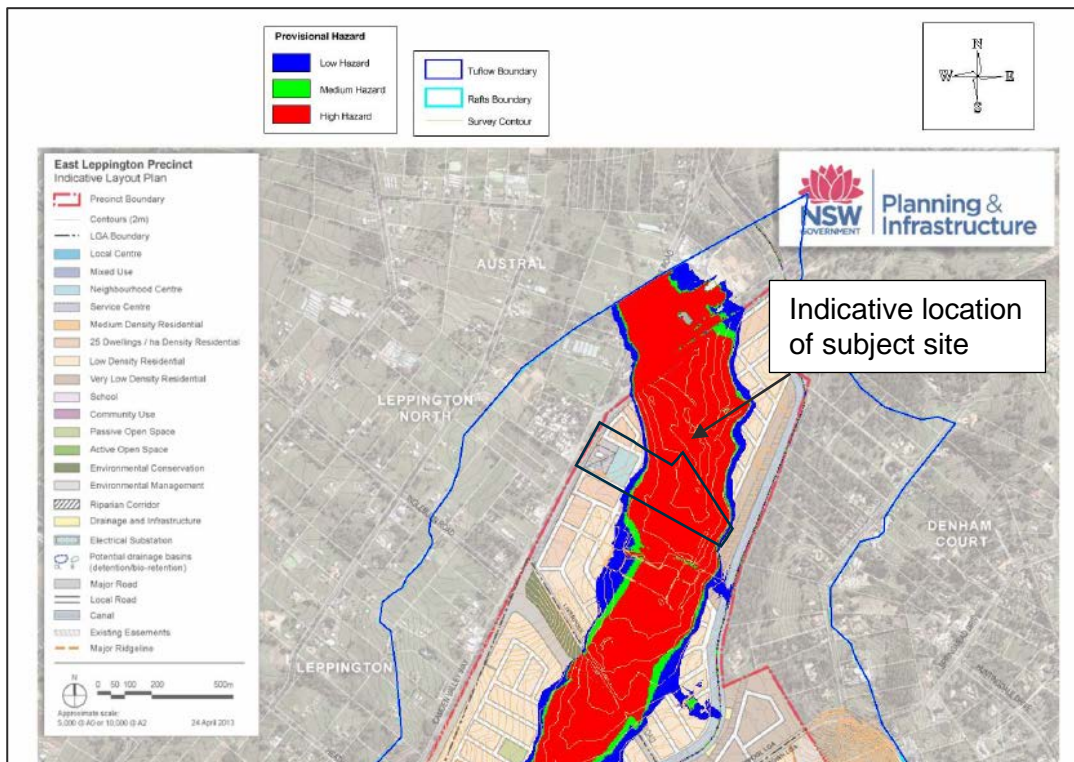


Figure 6: Probable Maximum Flood event (Source: Water Cycle Management Study – East Leppington).

1.4 Mapping

The planning proposal includes mapping showing the proposed changes to the SEPP maps, which are suitable for community consultation.

Zoning maps



Figure 7 Current zoning map

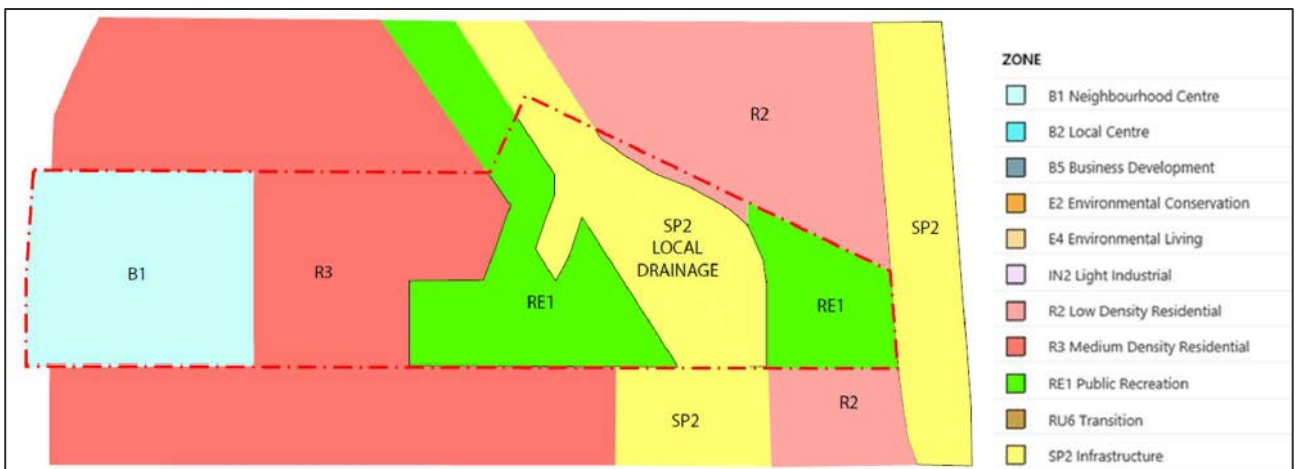


Figure 8 Proposed zoning map

Lot Size Maps



Figure 9 Current minimum lot size map

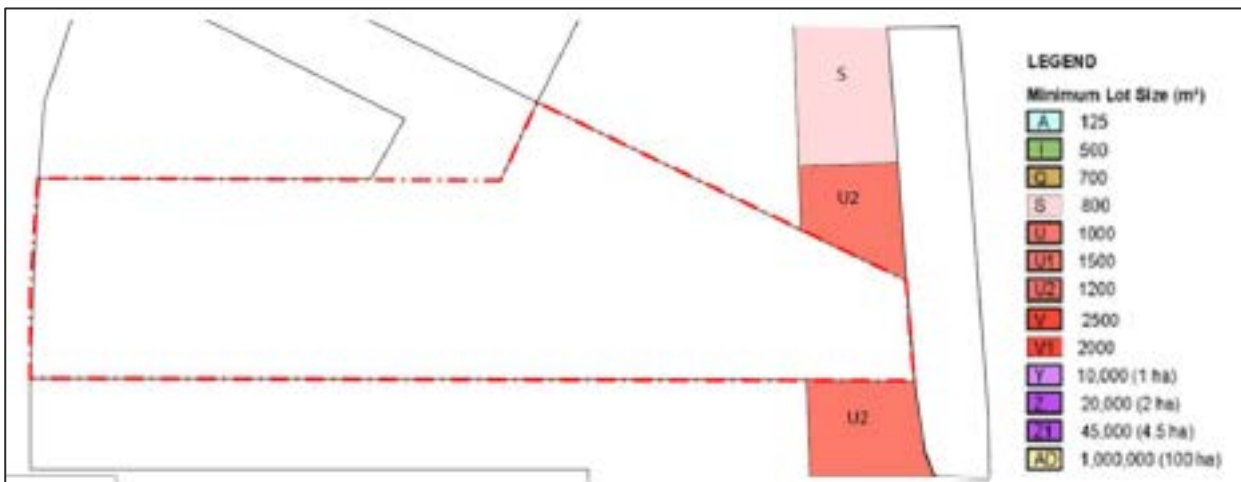


Figure 10 Proposed minimum lot size map

Height of building maps



Figure 11 Current height of building map

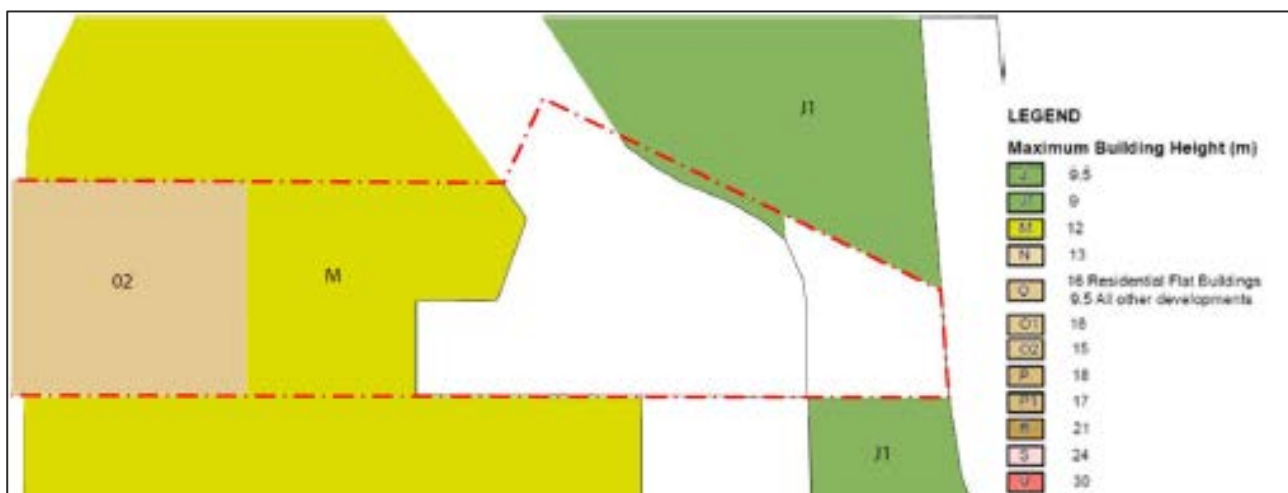


Figure 12 Proposed height of building map

Land Reservation Acquisition Maps



Figure 13 Current Land Reservation Acquisition Map

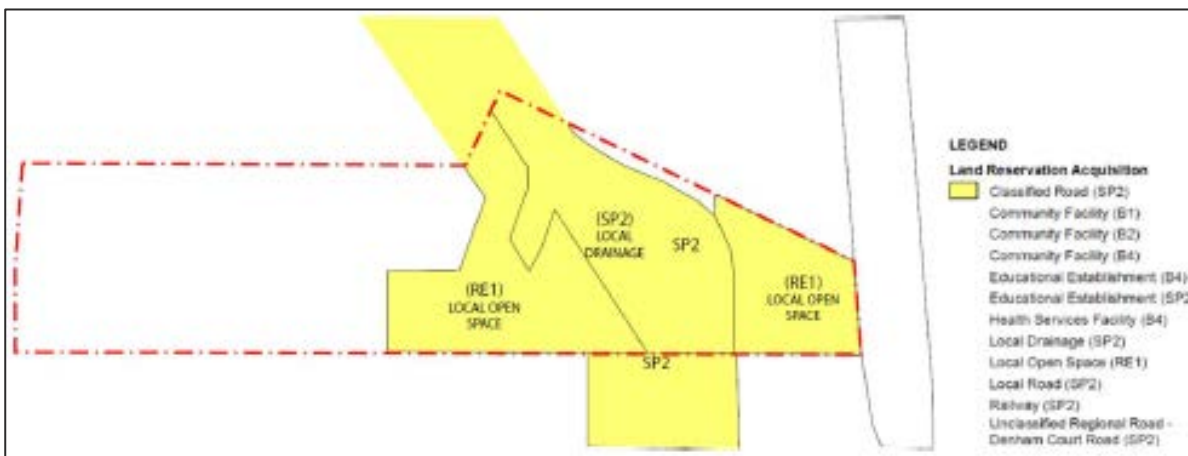


Figure 14 Proposed Land Reservation Acquisition Map



Figure 15 Current Residential Density Map



Figure 16 Proposed Residential Density Map

2 Need for the planning proposal

The planning proposal has identified an economic need for the amended B1 Neighbourhood Centre zone.

The Neighbourhood Centre was initially zoned to cater for the retail and service needs of the future population of the East Leppington precinct. Since the precinct plan was implemented, residential yield has been tracking at greater densities. An economic report has identified there is increased demand for retail floor space and service provision within the precinct as a result of the increased population. The assessment identified the proposed increase in retail floor area would not impact on nearby centres.

Council has advised that without the proposed rezoning and reconfigure of the layout of current zones, it would not possible to accommodate the increased demand for retail floor space within the current centre and to facilitate the development of residential lands within the site.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective10: Greater housing supply	The proposal has the potential to result in 320 homes for the site which provides increased homes to support Sydney's growing population.
Objective 22: Investment and business activity in centres	The proposal seeks to increase jobs closer to homes. Through the expansion of the B1 Neighbourhood Centre zone and corresponding retail floor area, the proposal has the potential to increase the number of jobs in-close proximity to existing residential zoned areas. A request for information was issued to council and subsequently a condition is proposed to identify the number of jobs the proposal will result in. The proposed expansion of the B1 zone is supported by an economic assessment which notes the proposal will not impact on the viability of other centres in the area.

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
<i>Planning Priority - W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</i>	The proposal will provide increased housing supply within the Precinct providing opportunity for 320 homes which have direct access to jobs, services and public transport.
<i>Planning Priority -W12 – Protecting and improving the health and enjoyment of the District's waterways</i>	The proposal aims to protect the Bonds Creek riparian corridor and its associated drainage land within the site. The surrounding RE1 Public Recreation land is proposed to be reconfigured to protect and enhance the health of the natural waterways, as well as provide opportunities for passive recreation.
<i>Planning Priority -W14 – Protecting and enhancing bushland and biodiversity</i>	The proposal does not directly impact the land shown as Existing Native Vegetation (ENV) on the site. The non-biodiversity certified land together with ENV land is proposed to form part of the open space. It is recommended the Council consult the Energy, Environment and Science group to confirm whether the proposed zoning and measures are considered adequate to protect and enhance the bushland and biodiversity of the site.
<i>Planning Priority -W18 – Delivering high quality open space</i>	<p>Further justification required</p> <p>This planning priority requires that public open space is accessible, protected and enhanced. The objective identifies higher density development should be located within 200metres of open space and all dwelling within 400m of open space to improve accessibility.</p> <p>High quality open space is further considered in the draft Greener Places Design Guide. The guide, page 27 identifies the minimum requirements and consideration of safety, constraints and design solutions to meet the needs of the future community.</p> <p>Based on the submitted material, it appears there is a net loss of usable (unconstrained/high quality) open space and the calculation of usable open space within the submitted material appears to have recreational limitations such as flooding and biodiversity value.</p> <p>To facilitate the proposal delivering high quality open space, it is recommended the proposal and supporting information is updated to determine the needs for passive and active open space for the rezoning and having regard to:</p> <ul style="list-style-type: none"> • Walkable access within 400m of homes; • The future population; • Recreational need; • The network of open space including needs for active vs passive open space. <p>Upon review, update the planning proposal to identify the amount of usable open space proposed differentiating between land that is infrastructure, biodiversity value, flood affected, or generally unconstrained or constrained land.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>Council advises that the planning proposal is consistent with the LSPS as:</p> <ul style="list-style-type: none"> • Reconfigured centre and public open space will provide for the opportunity to deliver a wide array of community facilities and social infrastructure for the thriving community (Local Planning Priority 6). • The proposed extension of the neighbourhood centre area will deliver a larger centre to attract more local business, investments and job opportunities (Local Planning Priority 11). • The proposal is protecting the Bonds Creek riparian corridor and its associated drainage land, which will create opportunities for the enhanced enjoyment and functionality of the green space. It also retains the designated Existing Native Vegetation area.
Our Home, Liverpool 2027	<p>Council advises that the planning proposal is consistent with Our Home, Liverpool 2027 as the proposal will:</p> <ul style="list-style-type: none"> • create opportunity to deliver an extended neighbourhood centre area whilst retaining the same quantity of public open space; • result in a reconfigured public open space and enhanced opportunities to use drainage land within the site for open space and recreation purposes; • create the opportunity to deliver a well-planned, attractive and people friendly urban environment by reconfiguring the residential, commercial, public recreation and open space land within the subject site; • deliver a larger centre which in turn will attract businesses and create job opportunities; • protect the Bonds Creek riparian corridor and its associated drainage land within the site; • Contribute towards meeting the housing need and create diversity in housing typologies for the growing population of Liverpool; and • Promote opportunities for employment generating activities and investment.

3.4 Local planning panel (LPP) recommendation

The LPP endorsed the proposal on 29 June 2020 agreeing the proposal had site and strategic merit.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Yes	<p>Inconsistency is of minor significance</p> <p>This direction aims to encourage employment growth in suitable locations; protect existing employment land; and support the viability of identified strategic centres. A planning proposal must not reduce the potential floor-space of employment uses and ensure proposed new employment areas are in accordance with a strategy endorsed by the Department.</p> <p>This Direction applies to this planning proposal as it proposes to rezone a portion of land from R3 Medium Density Residential to B1 Neighbourhood Centre. The planning proposal is inconsistent with the direction as the strategy is not endorsed by the Department, however the inconsistency is justified with the Direction as the proposal is supported by an economic study which assessed the viability of the proposal against other centres. The proposal concluded that given there is increased demand as a result of a growing population in area, there is opportunity to increase the size of the B1 Neighbourhood Centre and subsequent limit on retail floor-space.</p> <p>The study identified the proposed change would not impact on the existing or proposed retail hierarchy or the viability of the surrounding area.</p>
2.1 Environment Protection Zones	No	<p>Further consultation required</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>The site is subject to biodiversity certification order under the SEPP and identifies land as certified for development and non-certified land.</p> <p>The site contains vegetation for protection, and no additional impacts are proposed to this vegetation and proposed to be retained in an RE1 Public Recreation Zone. The ecological assessment supporting the proposal also identifies there are no ecological impediments which may hinder the planning proposal.</p> <p>The non-certified land has the potential to be located in RE1 zoned land and potentially the proposed R3 Medium Density Zone. To address the consistency of Direction 2.1, it is recommended the council consult the Environment, Energy and Science group of the Department to determine whether the proposed zoning may protect or conserve environmentally sensitive areas.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.6 Remediation of Contaminated Land	No	<p>Inconsistency is of minor significance</p> <p>The objective of this direction is to reduce risk of harm by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The site is predominantly zoned for urban purposes; however, it does contain a service station which has the potential to contaminate the land. The planning proposal notes an assessment of land contamination will be conditioned as part of the gateway determination. Given contamination of the area was considered during the East Leppington re-zoning process, the risk of contamination over the site is limited to the potential impacts of the service station. Given the service station was recently approved which would have regard to appropriate contamination assessment, it is considered the risk of further contamination is low.</p> <p>In addition, the Liverpool LEP 2008 notes that prior to development proceeding consideration of contamination over the site needs to be assessed. Given the requirement for a future DA to consider this risk, it is considered the proposals consistency with Direction 2.6 is of minor significance, given it can be considered at the Development Application stage.</p>
3.1 Residential Zones	Yes	<p>Inconsistency is of minor significance</p> <p>The objective of this direction is to encourage housing variety and choice and make efficient use of infrastructure and services.</p> <p>The proposal seeks to re-organise the zoning of the land to make efficient use of R3 zoned land and to co-locate open-space and other community assets.</p> <p>The proposal will also reduce the existing R2 residential zoned land over the site and re zone it to RE1. Although the change reduces the amount of R2 land, the proposal increases the size of the R3 land which provides the opportunity for increased housing on the site and to make efficient use of infrastructure by co-locating similar uses.</p> <p>The proposal provides the opportunity for housing variety through expanded B1 and R3 zoned land. The proposal makes efficient use of infrastructure and services through co-locating similar uses and through the proposed expansion of the B1 zoned land adjacent to existing zoned land.</p> <p>The proposal is supported by a letter of offer to facilitate a higher embellishment level of local open space under the existing contributions framework. This VPA offer also brings forward the delivery of the necessary recreational infrastructure for the precinct.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.4 Integrating Land Use and Transport	Yes	<p>Consistent</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improve access, support efficient and viable operation of public transport, reduce travel demand and others.</p> <p>Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:</p> <ul style="list-style-type: none"> (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and (b) The right Place for Business and Services – Planning Policy (DUAP 2001). <p>Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.</p> <p>The proposal is considered consistent as it is well-served by bus-transport services, provides opportunity for increased walking and access to the B1 Zone land and seeks to increase density in close proximity to amenity and services.</p>
4.3 Flood Prone Land	No	<p>Further consultation required</p> <p>The objectives of this direction are to ensure development of flood prone land is consistent with the floodplain development manual and to ensure the provisions of an LEP are commensurate with the flood hazard and considers potential flood plain impacts on and off the site.</p> <p>The site is subject to the 1:100 chance per year flood event and the Probable Maximum Flood (PMF) event as per Figures 5 & 6 of this report. The planning proposal seeks to re-locate development yield across the site and increase density closer to the B1 Zoned land. The proposal is supported by a flooding consideration which states the proposal will not result in any adverse flooding or stormwater impacts.</p> <p>However, the proposal has the potential to increase density in a high-hazard area during the PMF event. Although the proposal intends to re-distribute density and a portion of density is already zoned in this area, it is not clear whether the proposal increases the subsequent supply of housing in the area and therefore the risk to life and property is unknown.</p> <p>It is recommended that consultation occur with the Energy, Environment and Science group of the Department to consider whether the proposal is consistent with the objectives of this direction and a clear planning proposal which outlines the existing density and subsequent dwelling potential against the proposed dwelling potential in the flood-prone area.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4. Planning for Bushfire Protection	Yes	<p>Inconsistency is of minor significance</p> <p>The objectives of this direction are to protect life property and environment from bushfire hazards and to encourage sound management of bushfire prone areas.</p> <p>This direction is relevant to this planning proposal as the eastern most part of the site is included within a bushfire prone vegetation buffer area under Council's bushfire prone land mapping.</p> <p>The proposal's consistency with this direction is of minor significance as the part of the site which is subject to bushfire prone land is the small portion of land for biodiversity protection and subsequently proposed to be zoned RE1 Public Recreation Land. The proposal also has the potential to reduce the risk to property and life by removing the R2 zoned land in an affected area. The existing East Leppington Development Control Plan also provides for separation distances from the bushfire risk on the site and future development applications will be subject to bushfire assessment measures during the development application stage.</p>
6.2 Reserving land for public purposes	Yes	<p>Consistent</p> <p>The objectives of this direction is to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations where the land is no longer required for acquisition.</p> <p>The planning proposal seeks to re-distribute the land proposed for acquisition as a result of the re-located open space over the site. The existing acquisition authority is identified as Liverpool City Council. The proposed mapping identifies Council as the relevant acquisition authority for the proposed re-location of the open space and therefore the proposal is consistent with this direction.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
Sydney Region Growth Centres 2006	N/A	The Planning Proposal seeks to amend the SEPP to facilitate the objectives. The proposal does not contravene the achievement of the objectives of the SEPP.	Yes

Bushland in Urban Areas	Clause 10 of the SEPP requires that an LEP must have regard to the general and specific aims of this policy.	The Planning Proposal was supported by an ecological assessment which identified no additional impacts to vegetation would occur over the site. The site does not contain significant vegetation. Further consideration by the EES group during the review of the sites biodiversity certification order will identify if the proposal is consistent with the proposed protection and expansion of corridors over the site.	Yes
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4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>The site is subject to the Biodiversity Certification order conferred for the South West Growth Centre - https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-certification/register-of-biodiversity-certification-orders. The order identifies measures for protection and to improve the overall improvement or maintenance of biodiversity values in the area.</p> <p>Even though only part of the site contains vegetation, part of the site is identified as certified for urban development and the remainder of the site is identified as non-certified land. It is recommended that consultation occur with the Energy, Environment and Science group to validate how the biodiversity certification order affects the site and the non-certified component of the land as a direct result of the planning proposal.</p>
High Pressure Gas Pipelines	<p>The site is in close proximity to high-pressure gas pipelines which has the potential to place property and life at risk. The planning proposal notes the site is within the asset notification zone, however no assessment has been undertaken against the impacts of increased density in the proposed locations. During public exhibition, it is recommended consultation occur with Jemena/the Gas pipeline operator to quantify the potential impact of the proposal on the nearby gas pipeline and to determine whether a land use safety study is required to address the impact of density in-close proximity to gas pipelines.</p>

4.2 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Roads and Public Transport	<p>The planning proposal is supported by a Traffic Assessment which considered the increased retail floor space and the proposed increased number of dwellings. The report identifies the proposal could result in 2 additional trips per day. In summary the report identifies there is no additional measures considered necessary to accommodate the changed planning controls.</p> <p>It is however recommended that consultation with Transport for NSW occur to ensure the trip generation and modelling assumptions used to inform the traffic assessment are considered adequate for the planning proposal.</p>

Sewer and Water	<p>The planning proposal does not clearly and consistently identify the resulting change in number of homes or demand for services required as a result of the change planning controls. Prior to public exhibition, it is recommended the planning proposal is updated to quantify the exact change in potential demand from the site. During formal exhibition, it is recommended consultation occur with Sydney Water to identify whether the proposed re-organisation of density over the site will have any consequential impacts to Sydney Water's supply and servicing network.</p>
Open Space & other community services	<p>The planning proposal does not clearly identify the resulting change in number of homes or demand for services required as a result of the changed planning controls therefore the resulting impacts of the proposal are unclear. A request for information was issued to council to clarify the number of jobs and homes as a result of the proposal. Council advised the proposal has the potential for a maximum 320 homes.</p> <p>Prior to public exhibition, it is recommended the planning proposal is updated with consistent demand from the proposed change to planning controls and update supporting material as required. Consideration should be given to include a maximum dwelling cap in the proposed B1 zoned land to ensure alignment of the maximum 320 homes and to quantify the impacts from the additional density in the expanded B1 zone.</p> <p>Based on the submitted material, it appears there is a net loss of usable (unconstrained/high quality) open space and the calculation of usable open space within the submitted material appears to have recreational limitations such as flooding and biodiversity value.</p> <p>To facilitate the proposal delivering high quality open space, it is recommended the proposal and supporting information is updated to determine the needs for passive and active open space for the rezoning and having regard to:</p> <ul style="list-style-type: none"> • Walkable access within 400m of homes; • The future population; • Recreational need; • The network of open space including needs for active vs passive open space. <p>Upon review, update the planning proposal to identify the amount of usable open space proposed differentiating between land that is constrained or unconstrained.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate , and forms part of the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Campbelltown City Council and Camden City Council as the adjoining councils
- Environment, Energy and Science Group of the Department for flooding and biodiversity values;
- Transport for NSW given the access of Camden Valley Way;
- Sydney Water given the potential for increased density over the site; and
- Jemena – given the sites proximity to high pressure gas pipelines.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure sufficient time allowed to update the planning proposal and consistency in the supporting information whilst it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal seeks to amend the state planning policy, being the *State Environmental Planning Policy (Sydney Region Growth Centre) 2006*, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal gives effect to the Western City District Plan;
- The proposed additional floor-space and zoning for the B1 Neighbourhood Zone has a demonstrated need and ability to service the growing demand for the area;
- The site is in-close proximity to high-pressure gas pipelines and consultation is required with the operator to understand the potential assessment items;
- The site is subject to flooding hazards and biodiversity values and therefore consultation with the Energy, Environment and Science group is recommended to provide technical advice on these matters;
- The proposal has the potential to increase the number of homes and jobs over the site, therefore consultation with infrastructure agencies such as Sydney Water and Transport for NSW are recommended to be consulted and provide comment on the proposal;
- The re-distributed residential and open space zonig over the site has not been quantified which means the potential impacts and benefits cannot be accurately determined from the proposal. A condition has been recommended for the proposal to be updated and approved by the Department prior to exhibition to address this matter; and

- The site has an existing Service Station which has the potential to contaminate the land and therefore a contamination study is recommended to be prepared.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- Identify the existing and proposed number of homes and jobs over the site;
- Identify the size of the existing/proposed size of zones, particularly the RE1 Public Recreation;
- Re-address Direction 2.1 Environmental Protection zones and 4.3 Flood Prone Land, after the consultation with the Energy, Environment and Science group of the Department and additional information to quantify the impacts of additional dwellings.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Additional needs analysis for passive and active open for the rezoning;

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions: 1.1 Business and Industrial Zones; 2.6 Remediation of Contaminated Land; 3.1 Residential Zones; and 4.4 Planning for Bushfire Protection are minor or justified; and
- Note that the consistency with section 9.1 Directions: 2.1 Environment Protection Zones; and 4.3 Flood Prone Land is unresolved and will require further justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal and supporting information is to be updated to:
 - Identify the number of homes and jobs under existing and proposed controls. Supporting studies should also be updated to ensure consistency with the existing and proposed number of homes and jobs, as required;
 - determine the needs for passive and active open space for the rezoning and having regard to:
 - Walkable access within 400m of homes;
 - The future population;
 - Recreational need;
 - The network of open space including needs for active vs passive open space.
 - Upon review, update the planning proposal to identify the amount of usable open space proposed differentiating between land that is constrained or unconstrained.
2. Consultation is required with the following public authorities:
 - Campbelltown City Council
 - Camden City Council
 - Sydney Water
 - Jemena
 - Transport for NSW
 - Energy, Environment and Science group of the Department
3. The planning proposal should be made available for community consultation for a minimum of 28 days.

4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation 4 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



(Signature)

17 December 2020

(Date)

Frankie Liang
Manager, Western



(Signature)

22 December 2020

(Date)

Adrian Hohenzollern
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