



Contact: Stephen Gardiner
Phone: (02) 9860 1536
Email: stephen.gardiner@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

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

Our ref: qA325424
Your ref:

Attention: Andrew Spooner

Dear Mr Tosi

Planning proposal for 194 Campbelltown Road, Denham Court

I am writing in response to Council's letter dated 8 July 2014, requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act"), in respect of the planning proposal seeks to allow "service station" as an additional permitted use for land at 194 Campbelltown Road, Denham Court .

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

I have also agreed that the planning proposal's inconsistencies with section 117 Direction 1.1 Business Zones, are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated 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 the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 for Parliamentary Counsel 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 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 Stephen Gardiner of this Office on 02 9860 1560.

Yours sincerely,

R Cumming
17/9/2014

Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Housing, Growth and Economics

Gateway Determination

Planning proposal (Department ref: PP_2014_CAMPB_002_00): to allow the site, 194 Campbelltown Road, Denham Court, to be used for the purpose of a service station.

I, the Director, Metropolitan Delivery (Parramatta), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act, that an amendment to the Campbelltown (Urban Areas) Local Environmental Plan (LEP) 2002 to facilitate the above proposal, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979, for a period of 14 days.

This should include an explanation on the relationship between the planning proposal, the draft Principal Local Environmental Plan and Campbelltown (Urban Areas) Local Environmental Plan 2002;

2. Consultation is required with the following public authorities under section 56(2) (d) of the Environmental Planning and assessment Act:
 - Office of Environment and Heritage
 - Transport for NSW - Roads and Maritime Services
 - Liverpool City Council
 - Sydney Water
3. 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. Delegation is to be given to Council to exercise the Minister's plan making power's.
5. The Secretary's delegate approves the inconsistency with section 117 direction 6.3 on the basis that it is of minor significance.
6. Prior to undertaking community consultation, Council is to amend the planning proposal to :
 - remove reference to section 117 direction 1.1 - Business Zones, as the Direction does not apply,
 - amend the reference contained within the description for State Environmental Planning Policy 44 - Koala Habitat. It is noted that Tree 103 - eucalyptus tereticomis - Forest Red Gum - is a species listed in Schedule 2 of the SEPP. The statement 'study did not find any of the native vegetation listed in schedule 2' is incorrect,



Planning & Environment

- allow the proposal to be an amendment to either the current LEP, or the Principal LEP,
 - ensure justification for the use of schedule 1 Additional Permitted Uses as opposed to zoning the land for the purpose, and
 - amend Part 6 to accord to the time frame specified in Condition 7, below, and ensure that correct reference is made to the issue of delegation referred to in Condition 3.
7. A public hearing is not required to be held into the matter by any person or body under the 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 time frame for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.

Dated 17th day of September 2014.

Rachel Cumming
Director
Metropolitan Delivery (Parramatta)
Housing, Growth and Economics

Delegate of the Minister for Planning