



Office of the Director General

Mr Greg Wright
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Our ref: PP_2012_CAMDE_010_00 (12/14268)
Your ref:

Dear Mr Wright,

Planning proposal to amend Camden Local Environmental Plan 2010

I am writing in response to Council's letter of 20 August 2012 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 (LEP) 2010 to reclassify various council owned sites from 'community' land to 'operational' land, introduce a local provision and amend reference to a local heritage item.

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 Council proposes to include an additional local provision to ensure land uses can be carried out at Camden's Town Farm in accordance with the adopted Master Plan. The department supports Council's intended outcome, however the department does not generally support the use of local clauses and provisions should an alternative means of achieving the outcome be available. Therefore, Council is to utilise the heritage incentives available under Clause 5.10(10) of Camden LEP 2010, to achieve the objectives of the Camden Town Master Plan. In doing so, Council is to remove reference in the planning proposal to the additional local provision and provide a copy to the department's regional office prior to the commencement of public exhibition.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. 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 NSW 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 Mato Prskalo of the Sydney West Regional office of the department on 02 9680 1560.

Yours sincerely,


Sam Haddad
Director-General
15/10/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_CAMDE_010_00): to amend Camden Local Environmental Plan 2010 to reclassify certain Council land from 'Community' to 'Operational' and make other minor amendments

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 (LEP) 2010 reclassify various council owned sites from 'community' to 'operational', introduce a local provision and amend reference to a local heritage item should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to make the following amendments to the planning proposal:
 - (a) Amend Part 1 to clearly indicate the proposed changes to the 'Camden Town Park' heritage item;
 - (b) Amend Part 2 to indicate the correct property description for the Elizabeth Park site, being DP 1138792, Waterworth Drive;
 - (c) Amend Part 3 to exclude consideration of SEPP (Rural Lands) 2008 as the SEPP does not apply to the Wollondilly LGA;
 - (d) Amend attachment D to exclude consideration of S117 Direction 1.5 Rural Lands, as the direction does not apply to the Camden LGA and
 - (e) Remove reference to the additional local provision clause, as this matter can be dealt with under the heritage incentives provided for by Clause 5.10(10) of Camden LEP 2010.
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:
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Australian Government Department of Infrastructure and Transport

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 Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

5. Further to Condition 3 above, Council is to consult with the Mine Subsidence Board as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
6. Further to Condition 3 above, Council is to consult the Department of Infrastructure and Transport in relation to S117 Direction 3.5 Development Near Licensed Aerodromes. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
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 **6 months** from the week following the date of the Gateway determination.

Dated

15th day of

October

2012.



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