



Mr Ron Moore
General Manager
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SYDNEY NSW 2001
Our ref: PP_2013_CAMDE_018_00 (13/18804)
Your ref: SC1553

Attn: Mary-Anne Madden

Dear Mr Moore

Planning proposal to amend Camden Local Environmental Plan 2010

I am writing in response to your Council's letter dated 28 October 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 amend the minimum lot size for the Orielton Homestead site.

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.

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 delegation to make this plan.

I have attached conditions to the determination to clarify the proposal. In particular, I note that the land is described as Lot 101, DP 1003658 in Schedule 5 of Camden Local Environmental Plan 2010. The planning proposal, however, describes the site as part of lot 7 DP 270613. Furthermore, the land description and zone of the site, as well as adjoining land, are not clearly shown within the planning proposal and supporting diagram. Accordingly I ask that the proposal be reviewed to ensure that these details are correct and are clearly indicated within the planning proposal prior to public and agency consultation.

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 as soon as possible. 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 Shane Nugent of the regional office of the department on 02 9860 1173.

Yours sincerely,

R Cumming 19/12/13

Rachel Cumming
Director
Metropolitan Delivery



Gateway Determination

Planning proposal (Department Ref: PP_2013_CAMDE_018_00): to amend the minimum lot size for the Orielton Homestead site.

I, the Acting Regional Director, Sydney West Region, 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 Local Environmental Plan (LEP) 2010 to amend the minimum lot size for the Orielton Homestead site should proceed subject to the following conditions:

1. 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)*.
2. Consultation is required with the Office of Environment and Heritage (OEH) under section 56(2)(d) of the EP&A Act. The Office of Environment and Heritage 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.
3. Council is to include the heritage conservation management plan for Orielton in the supporting exhibition material.
4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.
6. Prior to exhibition, Council is required to make the following amendments to the planning proposal:
 - a. Amend Part 1 - Objectives or intended outcomes in the planning proposal to clarify that the objective is to excise the homestead site (lot and DP details are to be included);
 - b. Identify the 'approved Structure Plan' on page 4 of the planning proposal;
 - c. Provide justification for the choice of 7 hectares as a minimum lot size for the homestead site (currently 11 hectares) in the planning proposal;
 - d. Amend item 2 in Part 3 of the planning proposal to explain that the planning proposal is required as clause 4.6 of the Principal LEP does not apply in this instance;
 - e. Amend items 9 and 11 in Part 3 of the planning proposal to include a reference to Orielton Homestead as an item on the State Heritage register, including item number and other relevant details.



Planning & Infrastructure

- f. Replace the diagram on page 3 of the proposal with: (1) a diagram showing the existing controls and (2) a diagram showing the proposed controls (where appropriate, diagrams are to include the lot and DP description(s), indicatively showing the existing and proposed cadastral boundary of the site, as well as the zones applying to the site and the zones(s) of land immediately adjoining the site.

Dated 19th day of December 2013.

RJ Cumming

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

**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_018_00	Planning proposal to amend the minimum lot size of the Orierton Homestead site.

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

RJ Cumming 19/12/13

**Rachel Cumming
Acting Regional Director
Sydney Region West
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_CAMDE_018_00
Date Sent to Department under s56	28/10/2013
Date considered at LEP Review Panel	N/A
Gateway determination date	19/12/2013

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: No