

## Gateway Determination

**Planning proposal (Department Ref: PP\_2018\_CAMDE\_003\_00):** to introduce minimum lot size and frontage controls for dual occupancy and multi-dwelling housing.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Camden Local Environmental Plan (LEP) 2010 to introduce minimum lot size and frontage controls for dual occupancy and multi-dwelling housing should proceed subject to the following conditions:

1. Prior to public exhibition, Council is required to amend the planning proposal to:
  - (a) include a large-scale map identifying the boundaries of the subject residential, rural and B4 Mixed Use-zoned land;
  - (b) under the 'Background' section of the proposal provide:
    - i. the number of potential lots that would be achieved under the minimum standards within the Low Rise Medium Density Housing Code considering the Codes SEPP exclusions (such as sites below the minimum lot size and land subject to heritage provisions);
    - ii. the number of potential lots under the proposed development standards; and
    - iii. the number of dual occupancy and multi-dwelling housing developments approved in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones in the LGA in the past five years.

These numbers are to be shown under each relevant zone and by housing type.
  - (c) under Part 2 – Explanation of Provisions:
    - i. include the intention to introduce a new savings and transitional clause to ensure that proposed amendments do not affect any development applications or appeal processes;
    - ii. include a note that the draft clause will be subject to legal drafting and may alter under this process; and
    - iii. include further justification in relation to the necessity for the application of the proposed minimum lot controls to the rural zones;
  - (d) explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community.



## Planning & Environment

2. The planning proposal is to be updated in accordance with condition 1 and forwarded to the Department for review and approval prior to exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
  - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016); and
  - (c) Council is to write to all affected landowners about the exhibition of the proposal outlining the effect of the proposed changes.
4. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
6. The LEP is to be completed by 1 July 2019.

Dated 18<sup>th</sup> day of October 2018.

**Stephen Murray**  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment

**Delegate of the Greater Sydney Commission**

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

Attn: Mr Martin Cooper

Dear Mr Moore

**Planning proposal PP\_2018\_CAMDE\_003\_00 to amend Camden Local Environmental Plan 2010**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal seeking amendments to the Camden Local Environmental Plan (LEP) 2010 in response to the Low Rise Medium Density Housing Code.

Council's deferral of the code until 1 July 2019 gives it the opportunity to work closely with the community and industry to provide housing controls that reflect the character of the area.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Before the planning proposal can be exhibited, additional information is required to support and clearly explain the effect of the amendments on the community in relation to housing supply and diversity within the Camden local government area (LGA). I have conditioned the determination accordingly.

This additional information is necessary to ensure a full understanding of the outcomes of changing the minimum lot sizes for certain types of housing under the Camden LEP 2010 and how this may impact on the future provision of housing diversity in the LGA.

Council will also need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones and write to all affected landowners about the exhibition of the planning proposal to explain the effect of the proposed changes.

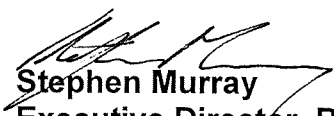
It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of this planning proposal and given the implications it may have on state policy, I have decided not to authorise Council to be the local plan-making authority.

The proposal should be finalised by 1 July 2019 to coincide with the completion of the deferral period from the code. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight 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 Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Chantelle Chow to assist you. Ms Chow can be contacted on 9860 1548.

Yours sincerely

 18 October 2019  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

Encl: Gateway determination