



Our ref: 14/09800
Your ref: SC613

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

Dear Mr Moore

**Gateway Determination - Camden Local Environmental Plan 2010
Amendment No.33 – Canal Land at Gregory Hills**

I am writing in response to Council's request for a Gateway determination for a planning proposal to rezone land at Lot 51 DP1134649 Gregory Hills Drive, Gregory Hills, from SP2 Infrastructure to R1 General Residential under Camden Local Environmental Plan 2010.

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

The former Minister delegated his plan making powers to councils in October 2012. It is noted that Council intends to use its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979 as the matter is considered to be of local significance.

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 of the determination.

I have also agreed that the planning proposal's inconsistency with s117 Directions: 3.1 Residential Zones and 6.2 Reserving Land for Public Purposes, is 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 as soon as possible. Council's request for the Department to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six (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 relation to this matter, please contact Mr Tai Ta on (02) 9860-1560.

Yours sincerely

R Cumming
3/9/14

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_CAMDE_002_00): to rezone land at Lot 51 DP 1134649 Gregory Hills Drive, Gregory, from SP2 Infrastructure to R1 General Residential.

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 Camden Local Environmental Plan (LEP) 2010 to rezone Lot 51 DP 1134649, Gregory Hills Drive to R1 General Residential, should proceed subject to the following conditions:

1. Prior to community consultation Council is to:
 - (a) remove the word 'draft' from the planning proposal;
 - (b) amend the words 'R1 - Residential' to 'R1- General Residential' on page 6 of the planning proposal;
 - (c) amend the words 'Department of Planning & Infrastructure' to 'Department of Planning and Environment' on page 7 of the planning proposal;
 - (d) consult with the Commissioner of the NSW Rural Fire Services and give consideration to the provisions of section 117 direction 4.4 Planning for Bushfire Services.
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 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage (Heritage Branch);
 - Sydney Catchment Authority.
4. Each public authority 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.
5. 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).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

R Cumming 3/9/14

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

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Camden Council is authorised to exercise the functions of the Minister for Planning 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_2014_CAMDE_002_00	Planning proposal to rezone Lot 51 DP 1134649 Gregory Hills Drive, Gregory Hills, from SP2 Infrastructure to R1 General Residential.

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*".

R Cumming
3/9/14

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

Delegate of the Minister for Planning

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_2014_CAMDE_002_00
Date Sent to Department under s56	29/5/2014
Date considered at LEP Review Panel	N/A
Gateway determination date	3/9/2014

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:

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area: *Camden*

Name of draft LEP: *Amendment No 33*

Address of Land (if applicable): *Lot 51 DP 1134649*

Intent of draft LEP: *Rezone site from SP2 to
R1 General Residential*

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y		✓	
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y		✓	
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y		✓	
Does the planning proposal contain details related to proposed consultation?	Y		✓	
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?		✓	✓	
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			✓
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y		✓	
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		✓	✓	
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	✓		✓	
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		✓	✓	
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		✓	✓	

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	NA		✓	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?	-			
Is the planning proposal proposed to rectify an anomaly in a classification?	NA		✓	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	NA		✓	
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	NA		✓	
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?	NA		✓	
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	NA		✓	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	NA		✓	
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	✓		✓	
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Y		✓	
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	✓		✓	
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	-		-	

Does the planning proposal create an exception to a mapped development standard?	✓		✓	
Section 73A matters				
Does the proposed instrument a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land? (NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).	/			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.