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Department Generated Correspondence (Y)

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Our ref: PP_2011_CAMDE_002_00 (11/15092-1)

Mr Greg Wright
General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570

Dear Mr Wright,

Re: Planning Proposal to make minor housekeeping amendments to Camden LEP 2010, to rectify anomalies and errors in the written instrument and associated maps

I am writing in response to your Council's letter 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 make minor housekeeping amendments as follows:

- **Item 1.** To rectify minor inconsistencies in the land use table;
- **Item 2.** To include 'seniors housing' as an additional permitted use under Schedule 1 of Camden LEP 2010;
- **Item 3.** To replace 'retail premises' with 'shops' under Clause 19 of Schedule 1 of Camden LEP 2010;
- **Item 4.** To amend the Land Zoning Map and Lot Size Map for various sites at:
 - (a) Harrington Park
 - (b) Struggletown
 - (c) Garden Gates Estate, Mount Annan South;
- **Item 5.** To apply a 6.5m height limit to certain land in the Elderslie Release Area;
- **Item 6.** To amend the Minimum Lot Size and land zoning for land that forms part of the Spring Farm Release Area;
- **Item 7.** To rezone land at the Macarthur Resource Recovery Park from RU1 Primary Production to SP2 Infrastructure (Waste or Resource Management Facility); and
- **Item 8.** To correct minor map amendments to zone boundaries, words, fonts and colours.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to variations as required by conditions in the attached Gateway Determination.

In regards to item 1, it is noted that some of the proposed amendments to the Land Use Table will have the effect of duplicating uses already permitted or prohibited in the zone (e.g. prohibiting 'retail premises' from the B5 zone will duplicate the existing prohibition of 'cellar door premises' and 'roadside stalls' in the zone. Council is to review the proposed land use definitions and group terms to ensure consistency with the Department's guidelines and circulars for preparing LEPs prior to the commencement of public exhibition.

In regards to item 2, the use of Schedule 1 to include 'Seniors Housing' as an additional permitted use on the subject land is not supported. Given the subject site 'adjoins land zoned primarily for urban purposes' Council is to consider the application of SEPP (Housing for Seniors or People with a Disability) 2004 in order to progress the matter. Alternatively, Council

should rezone the subject site to an appropriate zone in order to permit the use of the land for the purposes of 'seniors housing'. Council is to amend the planning proposal accordingly prior to the commencement of public exhibition and provide the Department's regional team with a copy of the revised proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 6.2 Reserving Land for Public Purposes 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 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 Cho Cho Myint of the Regional Office of the Department on 02 9873 8500

Yours sincerely,



30/11/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_CAMDE_002_00): to make minor housekeeping amendments to Camden LEP 2010 to rectify anomalies and errors in the written instrument and associated maps

I, the Deputy Director General, Plan Making & Urban Renewal 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 make minor housekeeping amendments as follows:

- **Item 1.** To rectify minor inconsistencies in the land use table;
- **Item 2.** To include 'seniors housing' as an additional permitted use under Schedule 1 of Camden LEP 2010;
- **Item 3.** To replace 'retail premises' with 'shops' under Clause 19 of Schedule 1 of Camden LEP 2010;
- **Item 4.** To amend the Land Zoning Map and Lot Size Map for various sites at:
 - (d) Harrington Park
 - (e) Struggletown
 - (f) Garden Gates Estate, Mount Annan South;
- **Item 5.** To apply a 6.5m height limit to certain land in the Elderslie Release Area;
- **Item 6.** To amend the Minimum Lot Size and land zoning for land that forms part of the Spring Farm Release Area;
- **Item 7.** To rezone land at the Macarthur Resource Recovery Park from RU1 Primary Production to SP2 Infrastructure (Waste or Resource Management Facility); and
- **Item 8.** To correct minor map amendments to zone boundaries, words, fonts and colours

should proceed subject to variations as required by the following conditions:

1. In regards to item 1, Council is to review the proposed land use definitions and group terms with reference to the Department's Planning Circular "PS 11-011 Amendment to Standard Instrument (Local Environmental Plans) Order 2006". Council is to ensure existing land use terms do not overlap across definitions and should cross reference the group term/sub term relationships.
2. In regards to item 2, the use of Schedule 1 to include 'Seniors Housing' as an additional permitted use on the subject land is not supported. Given the subject site 'adjoins land zoned primarily for urban purposes' Council is to consider the application of SEPP (Housing for Seniors or People with a Disability) 2004 in order to progress the matter. Alternatively, Council should rezone the subject site to an appropriate zone in order to permit the use of the land for the purposes of 'seniors housing'.
3. Council is to amend the planning proposal as required by conditions 1 and 2 above for the purposes of public exhibition and provide the Department's regional team with a copy of the revised proposal.
4. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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)*.
5. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act:
6. 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).
7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 30th day of November 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure