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Our ref: PP_2011_CAMDE_004_00 (11/17188)
Your ref:

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

Dear Mr Wright,

Re: Planning Proposal to rezone part of the Elyard Gardens site at Elyard Street, Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential.

I am writing in response to your Council's letter dated 19 December 2011 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 2010 to rezone part of the Elyard Gardens site at Elyard Street, Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential.

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 that the land subject to the planning proposal is actually smaller than that described and identified in the maps included in the planning proposal. It is acknowledged that the identified subject land is part of a concept masterplan for the future development of the site. However, not all this land is subject to the rezoning. Therefore, Council is to amend the planning proposal to correctly define the subject land being rezoned. In doing so, Council is to amend the maps to reflect the subject land being rezoned, and provide an explanation of the relationship of the proposed rezoning to the concept masterplan. In addition, Council is to amend the property description and simplify the description by removing references to adjusting boundaries between zones.

Council is to review and amend the objectives of the planning proposal in Part 1 to ensure consistency with the proposed provisions in Part 2. In doing so, Council should explain that the planning proposal seeks to amend the Camden LEP 2010, to permit residential development on the subject land as per the previous controls under the former plan prior to the making of Council's Standard Instrument LEP.

It is noted that Council's preferred option would be to amend Schedule 1 and include an additional permitted use on the subject land. This approach is not supported by the Department, as noted in the planning proposal. Council is to remove reference to amending Schedule 1 as this is not an option proposed by the planning proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones are of minor significance. No further approval is required in relation to this Direction.

It is noted that Council addresses the requirements of SEPP 55 Remediation of Land on page 12 of the planning proposal. However, given that the planning proposal proposes a change of

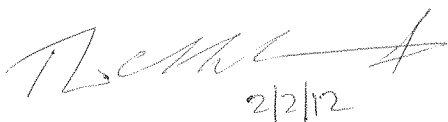
use that may increase the risk to health or the environment from contamination, the SEPP requires consideration of a report on a preliminary investigation where a rezoning allows a change of use. Therefore, Council is to amend the planning proposal to consider the requirements of Clause 6(2) of SEPP 55, and in doing so prepare a report into the findings of a preliminary investigation of the land, prior to the commencement of public exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Shane Nugent of the Regional Office of the Department on 02 9873 8527.

Yours sincerely,



2/2/12

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_CAMDE_004_00): to rezone part of the Elyard Gardens site at Elyard Street, Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential.

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 2010 to rezone part of the Elyard Gardens site at Elyard Street, Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential should proceed subject to the following conditions:

1. Council is to amend the planning proposal to correctly define the area being rezoned by amending the property description and corresponding maps and by removing references to adjusting boundaries between zones.
2. Council is to review and amend the objectives of the planning proposal in Part 1 to ensure consistency with the proposed provisions in Part 2.
3. Council is to remove reference to amending Schedule 1 as this is not an option proposed by the planning proposal.
4. Council is to amend the planning proposal to consider the requirements of Clause 6(2) of SEPP 55, and in doing so prepare a report into the findings of a preliminary investigation of the land, prior to the commencement of public exhibition.
5. 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)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Essential Energy
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Mine Subsidence Board
 - Sydney Water
 - Telstra

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.

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 **9 months** from the week following the date of the Gateway determination.

Dated 2nd day of February 2012.

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