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DEPARTMENT OF PLANNING & INFRASTRUCTURE

Planning Operations & Regional Delivery

CAMDEN GATEWAY DETERMINATION: PP 2013 CAMDE 014 00

The attached draft Gateway determination and letter is submitted for the acting Regional Director's signature, if approved.

Contact Officer: Tai Ta
Planning Officer
Sydney West Regional Team
Phone number: 02 9860 1567

19/8/2013

Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional Delivery



Mr Ron Moore
General Manager
Camden Council
37 John Street
CAMDEN NSW 2570

Our ref: PP_2013_CAMDE_014_00
Your ref: Amendment 21 Gledswood Hills

Dear Mr Moore,

Planning Proposal to amend Camden Local Environmental Plan 2010

I am writing in response to your Council's letter dated 9 July, 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 rezone land at 190 Raby Road, Gledswood Hills, from Rural Landscape to a range of residential zones.

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. You will note a condition has been attached to the determination for Council to review the proposed height control in view of the nature of the site and its location. Should you wish to discuss this condition, please contact the regional office.

I have also agreed the planning proposal's inconsistency with section 117 Direction 1.2 Rural Zones is of minor significance. No further approval is required in relation to this Direction. However, Council may need to obtain the Director General's agreement to satisfy the requirements of other s117 Directions. If this is the case, Council is to ensure this occurs prior to the plan being made.

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. Council is reminded that it must not use its delegation where there is an unresolved agency objection to the proposal. In this instance, Council is to contact the regional office of the department to seek assistance in resolving this matter so that the plan may proceed under delegation.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 at least 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 Tai Ta of the regional office of the Department on 02 9860 1567.

Yours sincerely,



19/8/2013

Rachel Cumming
Acting Regional Director
Sydney West Region
Planning Operations and Regional Delivery

Once the above information has been obtained and consultation has been undertaken with public authorities, and prior to undertaking public exhibition, Council is to review its consideration of s117 Directions: 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environmental Protection zones, 3.4 Integrating Land Use and Transport, and 4.4 Planning for Bushfire Protection.

5. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Proposal (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate the site is suitable for rezoning for the proposed zones. This report is to be included as part of the public exhibition material.
6. 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).
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities
 - Sydney Catchment Authority
 - Office of Environment and Heritage (Environment)
 - Office of Environment and Heritage (Heritage)
 - NSW Department of Trade and Investment – Mineral Resources and Energy
 - Fire and Rescue NSW
 - NSW Rural Fire Service
 - Roads and Maritime Services
 - Transport for NSW
 - Integral Energy
 - Transgrid;
 - Jemena
 - Sydney Water
 - Adjoining LGAs

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.

Gateway Determination

Planning Proposal (Department Ref: PP_2013_CAMDE_014_00): to rezone land at 190 Raby Road, Gledswood Hills (Lot4 DP260703) from RU2 Rural Landscape to a range of residential zones.

I, the acting Regional Director, Sydney Region West Team 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 Camden Local Environmental Plan 2010 to rezone land at 190 Raby Road, Gledswood Hills from RU2 Rural Landscape to R1 General Residential, R2 Low Density residential and R5 Large Lot Residential, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal as follows:
 - (a) amend labels on diagrams from 'The' to 'The site' where applicable;
 - (b) under 1.0 Introduction, clarify the words 'as a standalone matter';
 - (c) update the advice given about the El Caballo Blanco/Gledswood/East Side rezoning (p.13 – 2.3.3);
 - (d) remove the word 'draft' from the cover of the proposal; and
 - (e) include a project timeline, consistent with section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*.
2. Further, prior to public exhibition, Council is to:
 - (a) indicate within the planning proposal that clause 6.1 of Camden LEP 2010 will apply to the proposal, and
 - (b) review the proposed imposition of a single height control for the site and consider a mix of height controls to protect the scenic nature of the land and/or clearly indicate in the planning proposal the proposed means to be employed to control housing form, location and height in this regard, particularly to protect views from the east of the site.
3. Council is to investigate the need for the provision of State contributions in terms of Planning Circular PS 08-017 (23 December 2008).
4. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - contamination and salinity
 - Aboriginal archaeology and significance
 - Ecological assessment
 - Traffic/road access and public transport provision.

Once the above information has been obtained and consultation has been undertaken with public authorities, and prior to undertaking public exhibition, Council is to review its consideration of s117 Directions: 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environmental Protection zones, 3.4 Integrating Land Use and Transport, and 4.4 Planning for Bushfire Protection.

5. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Proposal (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate the site is suitable for rezoning for the proposed zones. This report is to be included as part of the public exhibition material.
6. 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).
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities
 - Sydney Catchment Authority
 - Office of Environment and Heritage (Environment)
 - Office of Environment and Heritage (Heritage)
 - NSW Department of Trade and Investment – Mineral Resources and Energy
 - Fire and Rescue NSW
 - NSW Rural Fire Service
 - Roads and Maritime Services
 - Transport for NSW
 - Integral Energy
 - Transgrid;
 - Jemena
 - Sydney Water
 - Adjoining LGAs

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.



8. 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).
9. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Dated 19th day of August 2013.

RJCumming

**Rachel Cumming
Acting Regional Director
Sydney Region West
Planning Operations and Regional Delivery
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_014_00	Planning proposal to rezone land at 190 Raby Road, Gledswood Hills, from RU2 Rural Landscape to a range of residential zones R1 General Residential, R2 Low Density Residential and R5 Large Lot 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*".

Dated 19th August 2013



Rachel Cumming
Acting Regional Director
Sydney West Regional Team
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_014_00
Date Sent to Department under s56	02/7/2013
Date considered at LEP Review Panel	Not applicable
Gateway determination date	19/8/2013

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: