

Mr Andrew Carfield
General Manager
Camden Council
PO Box 183
Camden NSW 2570

Our ref: IRF22/4229

Attention: Nicole Aiken

Dear Mr Carfield

Planning proposal PP-2021-5998 to amend Camden Local Environmental Plan 2010

I am writing in response to the planning proposal submitted to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) for the amendment of planning controls at 229 Macquarie Grove Road, Cobbitty.

The Department has assessed the proposal and I commend Council's intent to protect the sensitive biodiversity nature of the land. During assessment, however, an issue concerning acquisition responsibilities has been identified that requires resolution. Consequently, I have determined under section 3.34(2)(b) of the Act that the proposal is not to proceed in its current form and I ask that Council considers revising the proposal to address acquisition matters and resubmits the proposal for determination.

While I appreciate that the proposal seeks to address private schools on the site, interpretation of section 3.15(1) of the Act indicates that proposed rezoning to SP2 *Educational establishment* would require nomination of an acquisition authority. While consideration may be given to applying a special uses zone for non-government schools, and not education establishments, there remains concern over whether acquisition could be sought under the *Land Acquisition (Just Terms compensation) Act 1991*. Council may care to seek legal opinion in this regard.

As a policy matter, the assignment of a special zone for these schools is generally not supported by the Department. Development potential permitted under the existing zones would not apply should the land be zoned for special purposes, which may in the future necessitate rezoning under the planning proposal process to allow these permissible uses, incurring costs and delay in development.

Council's further consideration of this issue will provide an opportunity for Council to make necessary changes to the proposal and provide its endorsement prior to resubmission for Gateway determination. Council may care to consider an alternative and appropriate zone for the school sites.

In undertaking further consideration, Council may also care to consider addressing the need for acquisition provisions for the proposed RE1 Public Recreation and SP2 Drainage Zones, as well as, making a minor correction to the eastern boundary of Bio Bank site 217 within the planning proposal.

Should you wish to discuss my letter, I have arranged for Terry Doran, Manager Western, to assist you. Mr Doran can be contacted on 9860 1579.

Yours sincerely



11/05/2023

Catherine Van Laeren
Executive Director
Planning and Land Use Strategy

Encl: Gateway determination