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Council Reference: SC 1389
Record Number: 14/114726

Rachel Cumming
Planning and Environment
GPO Box 39, Sydney NSW 2001

28 July 2014

Dear Ms Cumming,

RE: CAMDEN LEP 2010 (AMENDMENT NO. 29)

I refer to the attached Planning Proposal for Planning and Environment's consideration.

On the 22 July 2014 Council resolved to submit this Planning Proposal to Planning and Environment for Gateway Determination to allow various minor amendments to Camden LEP 2010.

In addition, Council intends to use its delegation pursuant to Section 23 of the EP&A Act 1979 as the matter is considered to be of local significance. The delegation will be sub-delegated to the General Manager.

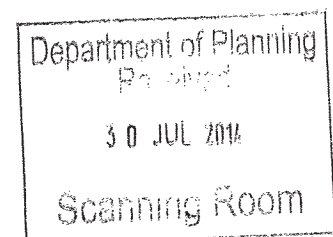
In this regard, please find enclosed a compact disk containing the following material:

- Council Report and Resolution dated 22 July 2014;
- Planning Proposal and attachments;
- Attachment 4 – Evaluation Criteria for the Delegation of Plan Making Functions; and
- Attachment 5 – Delegated Plan Making Reporting Template.

Should you or your officers require any further information, please do not hesitate to contact 4654 7804.

Yours sincerely,

Tanya Uppal
Strategic Planner



ORDINARY COUNCIL

ORD02

SUBJECT: AMENDMENT 29 HOUSEKEEPING AMENDMENT TO CAMDEN LEP 2010

FROM: Acting Director Governance

TRIM #: 13/42007

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal which includes minor housekeeping amendments to Camden Local Environmental Plan 2010 (LEP 2010). Housekeeping amendments address matters which are of an administrative and minor nature. The draft Planning Proposal to support the amendments is included as an **Attachment to this report**. This matter was workshoped on 24 June 2014.

BACKGROUND

Camden LEP 2010 was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden Local Government Area (LGA). Council staff undertake regular reviews of the LEP and the associated maps. As part of this review Council officers have identified inaccuracies of a minor nature and have initiated the proposed amendments to correct the identified errors. This is the fourth 'housekeeping' amendment of the Camden LEP 2010.

Should Council resolve to proceed with the draft Planning Proposal it will be forwarded to the Department of Planning and Environment (DoPE) for gateway determination.

MAIN REPORT

The Planning Proposal includes several minor amendments to Camden LEP 2010 and the accompanying maps. The amendments are to correct minor mapping and land use table anomalies. The proposed amendments are outlined below:

Item 1: Mapping Anomalies

This item seeks to make minor amendments to various Camden LEP 2010 maps to correct anomalies which have occurred during the finalisation of the maps prior to their publication. The following table contains a summary of the mapping anomalies. *Comparison maps indicating current and proposed changes are included within Appendix A of the Planning Proposal.*

	Anomaly	Action	Historical Notes	Map changes
1	Portion of Nepean River (within Camden Local Government Area) in Spring Farm is blank with no zoning reference.	Amend Land Zoning Map to reinstate RU1 Primary Production to indicate correct land zoning.	The error was a mapping oversight at the time of the LEP conversion to the standard instrument.	Land Zoning Map Tile No 11

	Anomaly	Action	Historical Notes	Map changes
2	Sections of land in Gledswood Hills and Leppington are blank, with no height of buildings reference.	Amend Height of Buildings Map to reinstate J – 9.5m to reflect correct maximum height of buildings. This is consistent with surrounding lands and will ensure the correct height of buildings is identified.	The error was made during the finalisation of Consolidated Amendment No 5 which incorporated the following planning proposals Mater Dei Boundary Anomalies (Amendment No 5), Spring Farm South and West (Amendment No 7), Harrington Grove (Amendment No 8) and Elyard Gardens (Amendment No 11), gazetted on 18 January 2013.	Height of Building Map Tile No 16
3	Small triangular portion of land in Gledswood Hills shows incorrect zone and minimum lot size.	Amend Land Zoning Map to reinstate R5 Large Lot Residential and amend Lot Size Map to reinstate minimum lot size of W – 4000sqm.	The error was made during the finalisation of Amendment No 3- El Caballo Blanco/Gledswood, gazetted on 22 March 2013.	Land Zoning Map Tile No 16 Lot Size Map Tile No 16
4	Portions of land in Mount Annan South zoned E1 National Parks and Nature Reserves and E2 Environmental Conservation currently has a minimum lot size and height of buildings reference. As the lands are identified for non residential development, height of buildings and minimum lot size controls do not apply.	Delete height of buildings and minimum lot size reference to portions of land identified E1 and E2. This is consistent with adjoining properties and reflects the intention of the site.	The error was a mapping oversight at the time of the LEP conversion to the standard instrument.	Lot Size Map Tile No 17 Height of Buildings Tile No 13 and 17

Table 1: Summary of Mapping anomalies within Camden LEP 2010. (Source: Camden Council, 2014).

Item 2: 'Vehicle sales or Hire premises' in B5 Business Development zone

'Vehicle sales or hire premises' are currently prohibited within the B5 Business Development zone under Camden LEP 2010. 'Vehicle sales or hire premises' is defined in the Dictionary to the Camden LEP 2010 as follows:

“means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.”

It is proposed to amend Item 3 of the Camden LEP 2010 land use table within the B5 Business Development zone to allow development for the purposes of a ‘vehicle sales or hire premises’. The B5 zone covers areas in Narellan (The Exchange), Narellan industrial precinct and Smeaton Grange.

Vehicle sales or hire premises were permissible uses in the zone (or their equivalent) in previous LEP’s, however it was inadvertently omitted from the Camden LEP 2010. This has resulted in areas of Smeaton Grange and Narellan having existing vehicle sales or hire premises, where the current zoning would prohibit any new businesses.

Note: No amendments to Camden LEP 2010 Maps required for this item.

Item 3: Health consulting rooms in R2 Low Density zone

‘Health consulting rooms’ are currently prohibited within the R2 Low Density Residential zone under Camden LEP 2010. ‘Health consulting rooms’ is defined in the dictionary to the Camden LEP 2010 as follows:

“Means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.”

This use was described as ‘professional consulting rooms’ under Camden LEP 46, and was converted to ‘health consulting rooms’ during the conversion of LEP 46 into the Standard Instrument format. ‘Professional consulting rooms’ was a permissible use in the previous LEP; however, it was inadvertently omitted from the Camden LEP 2010.

The proposed land use is considered appropriate given ‘medical centres’ are permitted in the R2 zone. Further the proposed land use meets the objectives of the R2 zone and will provide a valuable service to low density residential areas in the Camden LGA. As such, this planning proposal seeks to amend the land use table for the R2 zone by adding ‘health consulting rooms’ to Item 3 – Permitted with consent. This item will ensure the LEP is consistent with the ‘status quo’ approach adopted during the conversion of the former Camden LEPs into the new LEP template format.

Note: No amendments to Camden LEP 2010 Maps required for this item.

Item 4: Heritage item descriptions

A review of local heritage items listed under Schedule 5 of Camden LEP 2010 has identified some minor anomalies. The table below details the proposed changes (highlighted in bold) and the reason for correction. The proposed amendments do not make any changes to the heritage boundary or the heritage significance of the items. This administrative amendment will ensure the local heritage items are correctly identified.

Item No and Name	Address	Reason for correction	Proposed amendment
Item 142 House and curtilage	Lot 1, DP 625278 196 Macarthur Road, Spring Farm	Include correct dwelling name as recommended in Section 1.8 by Gordon Mackay Logan Spring Farm Urban Release Area Heritage Assessment June 2002	Under Item name insert the following: “Galvin Cottage” House and curtilage
Item 145 Mural and Wishing Well	Corner Broughton Street and Menangle Road, Camden Note: Although a separate listing, this item is located within Item 67 – Camden District Hospital (part of hospital site).	Include suburb name and Lot/DP as described	Under suburb name insert: Camden Under property description insert: Lot 2 DP 530480
Item 105 “Yamba”	Lot 10, DP 11038895 181 Camden Valley Way	DP identification incorrect	Amend property description to: Lot 10 DP 1103895

Table 2: Summary of changes to Schedule 5 of Camden LEP 2010. (Source: Camden Council, 2014)

Note: No amendments to Camden LEP 2010 Maps required for this item.

Exhibition Period

The draft Planning Proposal recommends that the proposal be exhibited for a 14 day period in accordance with the provisions of the Environment Planning and Assessment Act 1979 and Regulations as the matters dealt with in this planning proposal are of a housekeeping nature. Council will notify in writing those residents and property owners directly affected by the proposed amendments.

LEP Delegation

Council intends to use its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979 for this Planning Proposal. This will enable Council to streamline the processing of the Planning Proposal. The request for delegation will be made as part of the Gateway submission. This would allow Council to deal directly with Parliamentary Counsel for making of the plan. The General Manager is Council's nominated officer.

Where to from here

If Council resolves to send the draft Planning Proposal to DoPE for Gateway Determination the following steps will occur:

1. If a Gateway Determination to proceed is received the Planning Proposal will proceed directly to public exhibition; and
2. Upon completion of the public exhibition period a report to Council will be prepared to seek a resolution to forward the Planning Proposal to Parliamentary Counsel for making of the plan.

The draft Planning Proposal includes a recommended timeframe that the process is predicted to follow. This timeframe, provided in Part 6 of the Planning Proposal, includes an indicative course of action including the public exhibition period and report back to Council. Taking these into consideration it is anticipated that the process will take 6 months from the time of Gateway Determination to publication.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

This Planning Proposal seeks to make several minor amendments of a housekeeping nature to Camden LEP 2010. Should Council endorse the recommendation, the Planning Proposal will be forwarded to DoPE for Gateway Determination.

RECOMMENDED

That Council:

- i. **endorse the draft planning proposal to forward to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979;**
- ii. **pending a favourable response from the Department of Planning and Environment proceed directly to publicly exhibit the planning proposal in accordance with the terms of the Gateway Determination notice; and**
- iv. **prepare a further report for Council consideration at the conclusion of the public exhibition period.**

ATTACHMENTS

1. Amendment 29 Draft Planning Proposal Version 1 July 2014.1