



CAMDEN COUNCIL PLANNING PROPOSAL Amendment 24

**Amendment to Camden LEP 2010 in relation to
the 'Struggletown Precinct' Lot 1 in DP 740423
(No. 2 Sharman Close), Lot 2 in DP 740422 (No 4
Sharman Close) and Lot 1 in DP 329195 (No 1a
Stewart Street), Harrington Park**

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Introduction

This planning proposal refers to the land identified as Lot 1 in DP 740423 (No 2 Sharman Close), Lot 2 in DP 740422 (No 4 Sharman Close) and Lot 1 in DP 329195 (No 1a Stewart Street), Harrington Park (refer to **Figure 1**). The subject site has a dual frontage to Sharman Close to the south and Stewart Street to the west and is irregular in shape with a total area of 2349m². The subject site is generally level and contains a number of buildings used for commercial and restaurant purposes. This area is outlined in black and hatched in Figure 2 below. The group are listed in Camden Council Local Environmental Plan 2010 as part of a heritage conservation area, being the Struggletown Heritage Conservation Area (Schedule 5 – No 1120), except No 1a Stewart Street, which adjoins the Item. The Heritage Conservation Area is outlined in red and hatched in Figure 2 below. The Site adjoins a number of residential properties in Harrington Park.



Figure 1 – Location Map

The zoning of the Site under the Camden Local Environmental Plan 2010 (LEP 2010) is R2 – Low Density Residential, notwithstanding the ‘commercial’ use of the properties. Under Schedule 1 (12) Additional Permitted Uses there are a limited number of permitted uses to that permitted in the R2 Zone, as follows:

- (2) Development for the purposes of function centres, restaurants or cafes, and retail premises (but limited to retail premises that sell arts and crafts) is permitted with development consent.

The area covered by Schedule 1(12) is outlined in green in Figure 2 below.

The limited range of uses, together with the zoning restricts opportunities to value add to the strategic nature of the Site, having regard to developments opposite the Site, which provide a full range of retail and commercial uses.

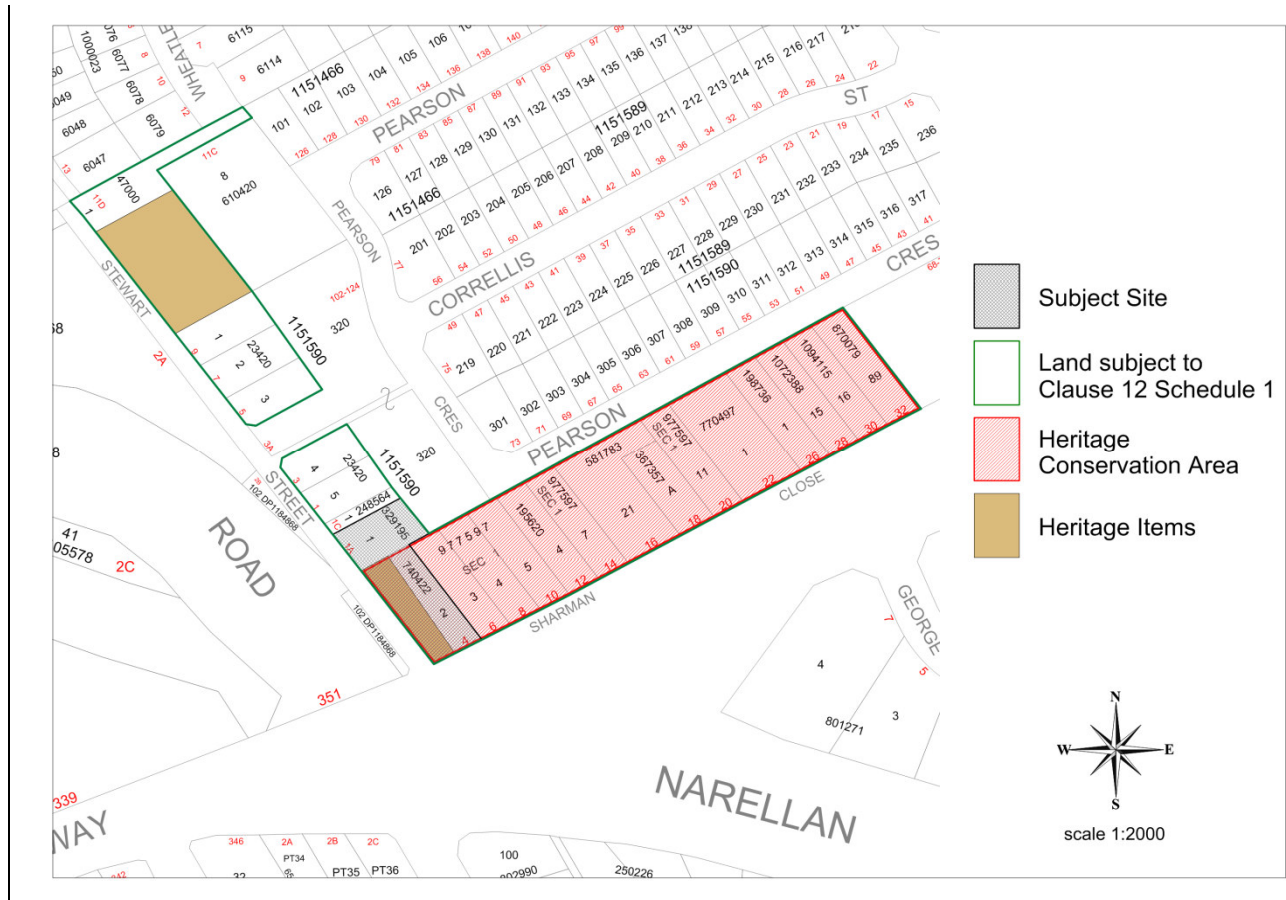


Figure 2: Map designating the subject site, heritage items, the conservation area, and area covered by Camden LEP 2010 Schedule 1(12)

The purpose of this planning proposal is to allow the Site to provide additional landuses in a manner compatible with the site context for the purposes of takeaway food and drink premises, and business premises and office premises. This would provide a logical development opportunity to expand the existing permitted uses and to ensure that the Heritage Item is conserved and preserved. The limited permitted uses under Schedule 1(12) Camden LEP 2010 has made it difficult for the owners to market the development, particularly if any of the existing uses should cease. The art gallery that has operated from one of the buildings for a number of years has ceased trading.

However, the use of the Site must be provided in a way that does not allow for inappropriate development given the residential nature of the immediate area. Hence a limited number of additional landuses, as indicated above, would be appropriate without impacting on the amenity of these residential premises.

Council expects that it will not need to undertake consultation with a range of State Government agencies given that the proposal is to add additional landuses under Schedule 1(12). Council has reviewed the option of additional landuses by amending the Schedule and this is the most appropriate option rather than rezoning to a commercial zone.

Given that no technical studies will be required for this Planning Proposal Council considers a six month timeframe would be appropriate for the proposal to be finalised.

Part 1 - Objectives or Intended Outcomes

It is intended to allow additional landuses on the Site that includes a takeaway food and drink premises, and business premises and office premises.

The objective of the proposal is to facilitate value adding to the Site in a way that sensitively interfaces with surrounding residential development and to maintain the conservation and preservation of the Heritage Item (2 Sharman Close). The Planning Proposal as submitted to Council maintains the current R2 – Low Density Residential zone, which provides the following stated objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

The intended outcomes of the proposal include:

- Allow additional landuses that provide for the continued conservation and preservation of the Heritage Item; and
- Preserve the residential amenity of the immediate area.

Part 2 - Explanation of Provisions

The site is currently zoned '*R2 Low Density Residential*' under Camden LEP 2010. An extract of the LEP map as it relates to the subject site is provided in **Figure 3** below.

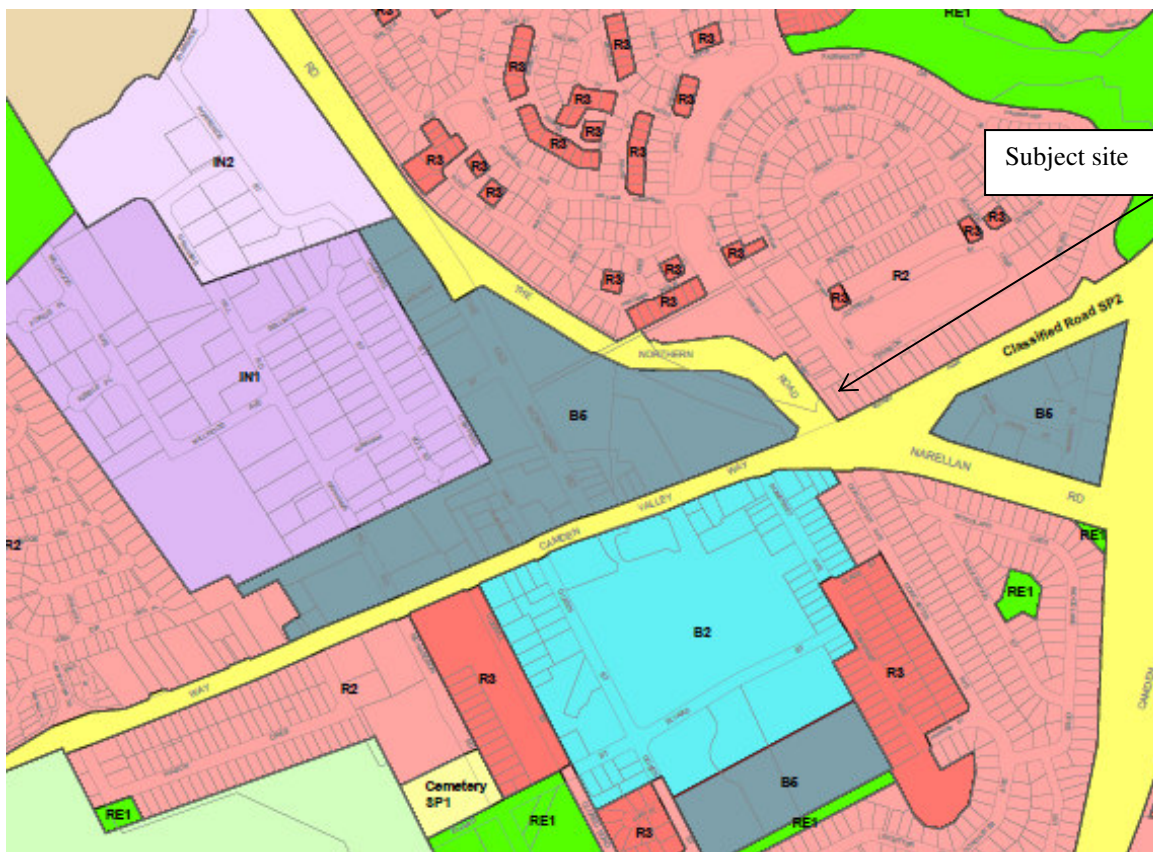


Figure 3 – Current Zoning Map (extract from LZN – 012)

It is proposed to amend Camden LEP 2010 Schedule 1(12) to permit the following additional uses on lots 1 and 2 DP740422 and Lot 1 in DP329195 Harrington Park:

- Business premises
- Office premises
- Takeaway food and drink premises

Currently the uses on the subject site include two restaurants and an office premises. The office premise is within a heritage item and exists because of the Heritage Incentives Clause, otherwise it would not be a permissible use. The subject site warrants the added additional permitted uses because of the current uses on the site, the existing character of the site and the existence of appropriate onsite parking.

Schedule 1(12) applies to a wider area than the three lots that are the subject of this proposal, as can be seen in Figure 2. Given that the wider area covered by Schedule 1(12) is predominantly residential in character and has limited onsite parking opportunities it is felt that the added additional permitted uses are not appropriate outside of the subject site.

Part 3 – Justification

The proposed additional permitted uses would ensure that there was additional development potential for the land, other than that permitted by the current zoning for residential purposes, particularly given the strategic location of the Site.

The Site is ideally located on the corner of a major intersection of Camden Valley Way and Narellan Road. The Council has recently supported the rezoning of the land to the west known as the Narellan Triangle from B5 to B2 to allow a major shopping

precinct to be developed. It is also located immediately opposite other commercial landuses that include restaurants and bulky goods retail outlets.

Whilst it is located in the immediate vicinity of these retail/commercial uses, vehicular access to the site is difficult and it is considered that a commercial zone would be inappropriate given limited onsite parking opportunities. Hence the need to limit the types of landuses, but having regard to the unique qualities of the site within a heritage conservation area (No 2 Sharman Close is a heritage item) and the need to have re-adaptive uses to conserve the item and setting. The proposed landuses are such that there would be minimal impact on other residential properties adjoining the Site.

The following uses are permissible in the R2 zone in Camden LEP 2010, apart from those listed in Schedule 1(12):

Bed and breakfast accommodation; Boarding houses; Dual occupancies; Dwelling houses; Group homes; Home industries; Medical centres; Places of public worship; Roads; Seniors housing; Any other development not specified in item 2 or 4

Whilst the following landuses are prohibited.

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Extractive industries; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Information and education facilities; Mortuaries; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

It is proposed to amend the existing planning controls to facilitate the land uses listed below:

Takeaway food and drink premises

Restaurants are permissible, but takeaway food is not permissible. There is very little difference between these uses and the addition of this use would overcome the definition in the LEP.

Business and Office premises

Currently a home loan firm operates from No 2 Sharman Close and this use was approved under the Heritage Incentives provisions of Camden LEP 2010, which allowed for the conservation of the heritage item. However, such uses would not be

permitted in the remaining buildings on the Site, particularly if one or more of the current uses ceased and finding a suitable and permissible use would be restricted. The art gallery that has operated from one of the buildings for a number of years has ceased trading and the building is currently vacant.

Since the previous planning review for Narellan in 2004, a number of matters of significance have become apparent:

1. The South West Growth Centre has become firmly established. The findings of retail and commercial floor space investigations associated with the rezoning of the Leppington Town Centre (as part of The Austral and North Leppington Precincts exhibition) have identified shortfalls in floor space provision that necessitate the need to review the current suite of zones and development standards that apply to town centre lands within the Camden LGA;
2. In many respects the 2004 Narellan masterplan that has been the foundation upon which the current LEP 2010 controls and maps are based has been superseded by the final design, configuration and construction of the Narellan Bypass and Camden Valley Way. The road design limits access and prohibits on-street parking; making obsolete the subsequent LEP and DCP controls and much of the desired future character for the centre; and
3. Development of new suburbs and residential areas in close proximity to the Narellan Town Centre has commenced. New households and residents will require the provision of convenient access to centre based services and employment to be achieved.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The proposal is embedded in the numerous strategic sub-regional planning documents, including the Metropolitan Strategy and Draft South West Sydney Strategy. The proposal has not been the result of a specific strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The subject site is unique in character. Given this character and the sites restricted access it is not conducive to a B1 zone. The B1 zone was given due consideration by Council but it was considered not appropriate as most of the permitted uses would not be suitable and would not be given consent. However to ensure the ongoing viability of the site and its important character a suitable range of permitted uses needed to be permitted. After due consideration of the site this proposal to add a small range of additional permitted uses is considered the best outcome for ensuring the site remains viable and that the character is not eroded

3. Is there a net community benefit?

Yes. The following **Table 1** addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009).

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic directions for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is compatible with the Metropolitan Plan 2036 and the Draft South West Subregional Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Y	The subject Site is identified within a key strategic centre or corridor being proximate to the Narellan Town Centre that provides a full range of services and facilities and the emerging Gregory Hills Centre that provides for mainly bulky goods premises.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?	N	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the site as it is currently zoned for low-density residential purposes, with additional permitted uses.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	All other spot rezonings before Council in the Camden Local Government Area generally comply with Council's strategic directions. This proposal also complies with the higher level Government Strategies.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Y	The site when rezoned will facilitate employment close to residential areas and growth areas.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	The proposal will have no impact on the residential supply of land, as the Site has been used for non-residential uses for a number of years.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The existing public infrastructure is adequate to meet the needs of the proposal. The site is serviced and is connected to the sewerage system located within the immediate area. It is unlikely that roads will need to be upgraded by this proposal.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N	The proposal will result in less travel distances with employment being located near existing residential areas. A bus service also operates along Narellan Road and Camden Valley Way.

Evaluation Criteria	Y/N	Comment
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	The proposal does not require significant investment in public infrastructure, but it will utilise the existing infrastructure and services.
Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Y	The site has been identified for heritage conservation purposes and this will be maintained by allowing additional permitted uses. The land is not mapped as flood prone or subject to other hazards that would restrict development.
Will the LEP be compatible or complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	The proposal is compatible with adjoining residential land uses the Harrington Park estate. The site is not an isolated area and is well serviced by existing infrastructure.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The development will contribute to the improved trade of nearby facilities/centres.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Y	The proposal will provide additional landuses to assist in the conservation of the heritage item.
Will the public domain improve?	Y	The proposal will achieve the requirements of the LEP by ongoing conservation of the heritage item.

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is generally in keeping with the adjoining residential and heritage character.
- The proposal will contribute to the identified need for additional landuses in the immediate area.
- The proposal will not result in any significant adverse environmental impacts.
- It will create local employment opportunities to the benefit of the local economy.

Section B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. There are a number of State Government Strategies and Policies that provide the strategic context for the development of the Precinct. They comprise:

- The NSW State Plan 2021;
- The Metropolitan Plan for Sydney 2036;
- The Draft South West Subregional Strategy; and
- The Draft Centres Policy 2009.

The NSW State Plan 2021

The planning proposal is consistent with many of the 32 goals in the five strategies of the Plan; particularly with regard to providing quality transport services, building liveable centres and growing business investment.

The Metropolitan Plan for Sydney 2036

The planning proposal contributes to the achievement of a number of the Plan's strategic directions and objectives.

"The Metropolitan Strategy seeks to strategically locate employment, ensure good management of existing land resources, ensure there is sufficient supply of suitable commercial sites and employment lands and efficiently utilising existing infrastructure".

The Metropolitan Strategy City of Cities: A Plan for Sydney's Future was released in 2005 and set the overall strategic vision for the Growth Centres. In December 2010, the NSW Government released Metropolitan Plan for Sydney 2036 - updating the Metropolitan Strategy and integrating it with the \$50.2 billion Metropolitan Transport Plan.

As a 25 year planning strategy, the aims and objectives of *City of Cities* remain integral to the delivery of new communities in the Growth Centres under the *Metropolitan Plan*:

- More jobs are expected to be located in the regional cities and specialised centres of Western Sydney, including areas that will have direct access to and from the Growth Centres.
- Major Centres, including Leppington in the South West Growth Centre and Rouse Hill in the North West Growth Centre, will be a focus for shopping, health and tertiary education and some medium and high density housing.

- Improved suburban towns, villages and neighbourhoods will provide healthier environments and access to high quality and suitable housing, jobs, transport choices and open space.
- The Sydney Metropolitan region's transport network will be expanded and improved to provide access to jobs and services. Investment in the rail network and strategic bus corridors will provide faster and direct public transport linking towns, villages and neighbourhoods to areas where jobs are concentrated.
- By concentrating the bulk of new development in the Growth Centres, valued rural and resource lands will be protected. Green areas will be preserved to provide habitat for native animals and recreational opportunities for residents and visitors.
- Subregional planning will incorporate the plans for the Growth Centres in the wider North West and South West subregions. Planning for new jobs and population growth in the Growth Centres will be considered alongside Sydney-wide objectives.

The Planning Proposal is consistent with the above aims of Strategic Direction B.

Draft Subregional Strategy

The Draft Subregional Strategy sets an employment capacity target of 208,500 jobs, an increase of 89,000 jobs (+74%) from 2001. It recognises that the Narellan Town Centre has a strategic role within the subregion, and that this role will evolve as urban development proceeds. Specifically, it:

- includes key directions on intensifying areas around retail centres and strengthening centres with public transport (p. 9);
- identifies Narellan as a Town Centre within the Centres' Hierarchy below Campbelltown/Macarthur and the new planned centre at Leppington (p.13);
- recognises that the Landturn 'triangle' site will accommodate retail and other uses to support the centre (p.33). This site is located directly opposite the subject Site and has been the subject of a Planning Proposal to rezone that land to B2 – Local Centre;
- recognises that Narellan is a retail based industry concentration accommodating over 2,000 jobs (p. 37);
- notes that Narellan is located at the convergence of four main roads that, while offering good access, and making the Centre an important regional transport node, segment the centre (p.62);
- presents a 'Desired Future Character' statement as follows: "*The construction of Narellan [provides] an opportunity to develop a main street along Camden Valley Way – with complementary activities either side of it – and revitalisation of key sites. A new public transport interchange is to be developed on Camden Valley Way. Narellan is planned to become a focus for the developing urban areas of Spring Farm, Elderslie, Harrington Park and Oran Park.... Narellan should develop complementing Camden Town Centre, rather than competing or duplicating functions*". (p.62);
- recognises that "*Narellan... will change with significant new residential development at Elderslie, Spring Farm, Harrington Park, Oran Park and Turner Road, and the completion of the Narellan Bypass*" (p.64); and

- recognises the strong public transport link between Camden/Narellan and Campbelltown/Macarthur and opportunities to increase public transport use and improve services (p.89).

The subject document does not specifically identify the subject land; however, Narellan is identified as a centre for employment (refer to **Figure 3** below). The subject land is on the fringe of the Narellan Town Centre (directly opposite).

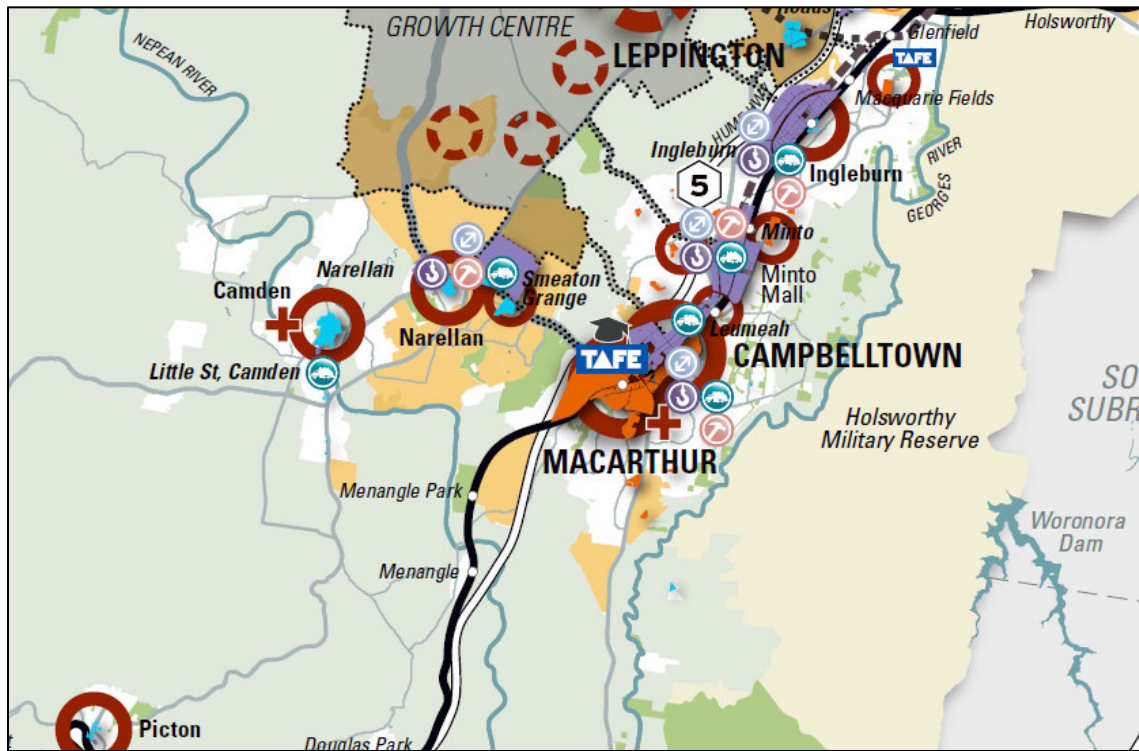


Figure 3 – Context to Subregional Strategy

Draft Centres Policy 2009

The planning proposal responds to the six key principles of the Draft Policy as follows:

- it seeks to focus retail and commercial activity in the existing Narellan Town Centre facilitating the efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of the centre;
- it seeks to introduce flexibility to enable the centre to grow, and enable the new centre at Leppington to form;
- community demand for floor space has determined the need for additional retail floor space;
- it seeks to promote a planning system that ensures that the supply of available floor space always accommodates the market demand, to help facilitate new entrants into the market and promote competition;
- it seeks to promote a planning system that supports a wide range of retail and commercial premises in all centres (Narellan, Leppington, Campbelltown-

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- Macarthur, Camden and the South West Growth Centre), contributing to ensuring a competitive retail and commercial market; and
 - the development vision proposes a well-designed retail and commercial facility to ensure it contributes to the amenity, accessibility, urban context and sustainability of the Narellan Town Centre.

Regional Policies and Strategies

A number of regional policies and strategies have been developed, particularly focussing on the employment and industrial development of the south west sector of Sydney, and the region known as “MACROC” (or Macarthur Regional Organisation of Councils). MACROC comprises Camden, Camden and Wollondilly LGAs (the Outer South Western Sydney accommodating approximately 240,000 people).

In this regard the subject land is located on the fringe of Urban Release Areas and close to employment workforce. Employment opportunities for future residents of these areas are essential to meet the objectives of the above Policies.

Greater Western Sydney Regional Economic Profile 2006

The Greater Western Sydney Regional Economic Profile provides a comprehensive coverage and analysis of economic and business conditions for Greater Western Sydney, concluding that Greater Western Sydney offers a competitive business environment and is the largest manufacturing region in Australia. The proposal is consistent with this document by providing employment opportunities.

5. Is the planning proposal consistent with the local council’s Community Strategic Plan or other local strategic plan?

The Camden Strategic Plan portrays a vision of Camden in the year 2040, as adopted at the Council meeting of 14 December 2010. To realise this vision 6 key direction areas are established around which strategies and actions are fashioned.

The areas of most relevance include:

- Actively Managing Camden’s Growth.
- Healthy Urban and Natural Environments.
- A Prosperous Economy.
- Effective and Sustainable Transport.
- An Enriched and Connected Community
- Strong Local Leadership

Actively Managing Camden’s Growth

The development proposal is consistent with the relevant aspects of the Growing Pains – Key Challenges Objectives. The subject site is located within an established area and by permitting additional landuses will be consistent with managing growth.

Healthy Urban and Natural Environments

The proposal will not impact on any nearby natural system.

A Prosperous Economy

The development proposal is focused upon contributing to a positive urban design outcome to conserving the heritage item through continued use of the buildings for commercial uses.

Effective and Sustainable Transport

The site provides development that is readily accessible to public transport. A bus service operates along Narellan Road and Camden Valley Way.

An Enriched and Connected Community

Customers will have the opportunity to be involved with and linked to facilities and services in the Narellan Town Centre and broader vicinity.

A Strong Local Leadership

Not applicable to this development planning proposal.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The consideration of these State Environmental Planning Policies and deemed SEPPs has identified that the Planning Proposal would not conflict with any of these Policies.

State Environmental Planning Policy	Applicable	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	☐	The Planning Proposal intends to amend Council's LEP by adding additional permitted uses to Schedule 1(12) for Lots 1 and 2 DP 740422 and Lot 1 DP 329195 Harrington Park.	✓
Standard Instrument—Principal Local Environmental Plan	☐	The Planning Proposal intends to amend Council's LEP by adding additional permitted uses to Schedule 1(12) for Lots 1 and 2 DP 740422 and Lot 1 DP 329195 Harrington Park.	✓
State Environmental Planning Policy No 1—Development Standards	N/A		

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	N/A		
State Environmental Planning Policy No 6—Number of Storeys in a Building	N/A		
State Environmental Planning Policy No 14—Coastal Wetlands	N/A		
State Environmental Planning Policy No 15—Rural Landsharing Communities	N/A		
State Environmental Planning Policy No 19—Bushland in Urban Areas	N/A		
State Environmental Planning Policy No 21—Caravan Parks	N/A		
State Environmental Planning Policy No 22—Shops and Commercial Premises	N/A		
State Environmental Planning Policy No 26—Littoral Rainforests	N/A		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	N/A		
State Environmental Planning Policy No 30—Intensive Agriculture	N/A		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	N/A		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	N/A		
State Environmental Planning Policy No 36—Manufactured Home Estates	N/A		
State Environmental Planning Policy No 39—Spit Island Bird Habitat	N/A		
State Environmental Planning Policy No 44—Koala Habitat Protection	N/A		
State Environmental Planning Policy No 47—Moore Park Showground	N/A		
State Environmental Planning Policy No 50—Canal Estate Development	N/A		

State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	N/A		
State Environmental Planning Policy No 55—Remediation of Land	N/A		
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	N/A		
State Environmental Planning Policy No 60—Exempt and Complying Development	N/A		
State Environmental Planning Policy No 62—Sustainable Aquaculture	N/A		
State Environmental Planning Policy No 64—Advertising and Signage	N/A		
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	N/A		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	N/A		
State Environmental Planning Policy No 71—Coastal Protection	N/A		
State Environmental Planning Policy (Affordable Rental Housing) 2009	N/A		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N/A		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N/A		
State Environmental Planning Policy (Infrastructure) 2007	N/A		
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N/A		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A		
State Environmental Planning Policy (Major Development) 2005	N/A		

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A		
State Environmental Planning Policy (Rural Lands) 2008	N/A		
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	N/A		
State Environmental Planning Policy (State and Regional Development) 2011	N/A		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A		
State Environmental Planning Policy (Temporary Structures) 2007	N/A		
State Environmental Planning Policy (Urban Renewal) 2010	N/A		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A		
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A		
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A		
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	N/A		
Sydney Regional Environmental Plan No 16—Walsh Bay	N/A		
Sydney Regional Environmental Plan No 18—Public Transport Corridors	N/A		
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	N/A		
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	N/A		
Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A		
Sydney Regional Environmental Plan No 25—Orchard Hills	N/A		
Sydney Regional Environmental Plan No 26—City West	N/A		

Sydney Regional Environmental Plan No 28—Parramatta	N/A		
Sydney Regional Environmental Plan No 30—St Marys	N/A		
Sydney Regional Environmental Plan No 33—Cooks Cove	N/A		
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Ministerial Directions.

S.117 Direction	Contents	Planning Proposal	Consistent
2.3 Heritage Conservation	The objective of this direction is to conserve items, area, objects and places of environmental heritage significance and indigenous heritage significance.	Part of the subject site (Lots 1 & 2 DP 740422) are within the Struggletown Heritage Conservation Area. Additionally Lot 1 DP 740422 is a local heritage item. It is important that the heritage character of the site and its surroundings are conserved but also that the site is activated by the use of the buildings on the site. This will enable the ongoing upkeep of the buildings and hence the existence of the area. Allowing a thoughtful and limited additional permitted uses will enable this.	Yes
3.1 Residential Zones	The objectives of this direction are: a) to encourage a variety and choice of housing types to provide for existing and future housing needs; b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and c) to minimise the impact of residential development on the environment and resource lands.	The planning proposal will not rezone the land to a business zone, but will permit additional landuses that will conserve the heritage item through continued use.	Yes
3.4 Integrating land use and transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following objectives: a) improving access to housing, jobs	The proposal provides for the provision of other services and facilities, that will be available to the public. This will reduce travel length to these services for the local community.	Yes

	and services by walking, cycling and public transport; b) increasing the choice of available transport and reducing dependence on cars; c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; d) supporting the efficient and viable operation of public transport services; and e) providing for the efficient movement of freight.		
4.1 Acid Sulphate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	The subject site is not known to be affected by acid sulphate soils.	Yes
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	It is not intended to include provisions in the LEP.	Yes
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The subject site is unique in character. Given this character and the sites restricted access it is not conducive to a B1 zone. The B1 zone was given due consideration by Council but it was considered not appropriate as most of the permitted uses would not be suitable and would not be given consent. However to ensure the ongoing viability of the site and its important character a suitable range of permitted uses needed to be permitted. After due consideration of the site this proposal to add a small range of additional permitted uses is considered the best outcome for ensuring the site remains viable and that the character is not eroded.	Yes
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	The Struggletown site is a small area partly within a Heritage Conservation Area and contains one local heritage item. This site is unique and not suited to medium to large commercial enterprises. As such it does not fit within the centres model but does not constrain any of the directions objectives.	Yes

Section C – Environmental, Social and Economic Impact

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8. **Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No, the site is well removed from ecological corridors.

9. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The site is not affected by any environmental constraints.

10. **How has the planning proposal adequately addressed any social and economic affects?**

The proposal has positive social and economic contributions and will provide additional diversity and supply of a much needed employment and will contribute to local businesses.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

All services are readily available or can be augmented to the site.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal is minor in nature. However given that the subject site is partially within the Struggletown Heritage Conservation Area and contains a locally listed heritage item, the Office of Environment and Heritage (Heritage Branch) will be consulted. The limited additional permitted uses will not create greater levels of access to the site at any one time so it is felt that the RMS will not need to be consulted.

Part 4 – Mapping

No maps will be amended.

Part 5 – Community Consultation

Should a Gateway Determination be received that supports proceeding with the planning proposal, it is recommended that it will be publicly exhibited for a period of 28 days.

It is considered that no consultation is required with public authorities under section 56(2)(d) of the EP&A Act 1979, as amended, given the minor nature of the proposal.

Part 6 – Project Timeline

It is recommended that the timeline for this Planning Proposal should be 6 to 8 months from the time of Gateway Determination.

Approximate Timeline post Gateway Determination

Action	Timeframe
Notice in the local paper	10 days
Consultation with OEH	28 days
Public exhibition	28 days
Review of submissions	14 days
Council report rotation	28 days
Proposal sent to DPI for plan to be made	6 weeks
Approximate timeframe	6 months