

Harrington Grove - Minor Zoning and Related Adjustments

Proposal Title : **Harrington Grove - Minor Zoning and Related Adjustments**

Proposal Summary : **To make various amendments to zone boundaries and minimum lot sizes across the Harrington Grove development.**

PP Number : **PP_2011_CAMDE_003_00** Dop File No : **11/21253**

Proposal Details

Date Planning Proposal Received : **01-Dec-2011** LGA covered : **Camden**

Region : **Sydney Region West** RPA : **Camden Council**

State Electorate : **CAMDEN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : **Various lots in Harrington Grove**

DoP Planning Officer Contact Details

Contact Name : **Mato Prskalo**

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298738557**

Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy : **Yes**

Harrington Grove - Minor Zoning and Related Adjustments

MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	20	No. of Dwellings (where relevant) :	20
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **A copy of the Planning Proposal is provided at Attachment A.**

The Planning Proposal was originally received by the Department on 28 November 2011. However, on 30 November 2011, Council submitted a revised Planning Proposal to the Department, which included an additional matter. The additional matter relates to a consequential change to the Principal Plan and seeks to remove the application of an additional permitted use (i.e. animal boarding or training establishments) from the subject land as a result of the proposed amendments to the Lot Size Map.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The Proposal seeks to:**

- Update Camden LEP 2010 in accordance with existing development approvals and land tenure arrangements.
- Rationalise zone boundaries and associated principal development standard boundaries to reflect constructed and approved development outcomes.
- Modify statutory provisions to reflect the requirements of an environmental approval issued by the Federal Department responsible for the environment.
- Implement the changed development philosophy within Harrington Grove by enabling the creation of 700sqm or greater residential allotments within certain parts of the release area to achieve better environmental outcomes.

The intended outcome is to achieve an LEP containing mapping that depicts boundaries and designated land uses within Harrington Grove that is consistent with cadastral boundaries, environmental approvals, and/or physically constructed development.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The objectives of the Proposal will be achieved through zoning and minimum lot size amendments and the removal of an additional permitted uses clause. The current zoning is shown on the maps at Attachment B. The proposed changes to zoning and minimum lot size are shown on the maps at Attachments C and D. A map showing the location of the various precincts comprising Harrington Grove is provided at Attachment E.

The Proposal seeks to change the following parts of Camden LEP 2010:

1. Land Zoning Map:

Sheet LZN_007

Sheet LZN_012

Sheet LZN_016

Sheet LZN_017

2. Lot Size Map:

Sheet LSZ_007

Sheet LSZ_012

Sheet LSZ_016

Sheet LSZ_017

3. Delete item 9 from Schedule 1 (Additional permitted uses).

The specific changes are outlined below.

Precinct J:

- In Precinct J, the Proposal seeks to amend the zone boundaries between the E2 Environmental Conservation and E4 Environmental Living zones in accordance with the approval issued by the Federal Department of Sustainability, Environment, Water, Population and Communities, to better protect Cumberland Plain Woodland Vegetation. To offset the consolidation of lands containing Cumberland Plain Woodland within an expanded area zoned E2 Environmental Conservation, a greater concentration of residential development is proposed within a reduced area zoned E4 Environmental Living. This will provide approximately 20 additional lots.

Precinct I:

- In Precinct I, the Proposal seeks to resolve a split zoning anomaly affecting land identified for residential development by rezoning a small portion of land zoned E2 Environmental Conservation to E4 Environmental Living. The area being rezoned has been found to contain vegetation that is less significant than previously thought and will be protected through covenants that will be placed on the title of each affected allotment.

Harrington Park Homestead:

In the Harrington Park Homestead Precinct, the Proposal seeks to:

- Rezone land from RE1 Public Recreation to R5 Large Lot Residential as this land does not form part of the area to be dedicated to Council as a public reserve under a Voluntary Planning Agreement (VPA) for the release area.

- Reduce the minimum lot size for land zoned R5 Large Lot Residential from 40ha to 5ha to enable the part of the land containing a nursery and other land not contributing to the archaeological significance of the Homestead to be subdivided from the main allotment.

Precinct F South:

In Precinct F South, the Proposal seeks to:

- Realign a zoning boundary by rezoning approximately 9100sqm of land from R5 Large Lot Residential to R2 Low Density Residential to allow more regular shaped lots and a more regular subdivision pattern. The area being rezoned forms part of a larger landscaped buffer to a road corridor but only represents a small proportion of the buffer.

- Reduce the minimum lot size for the area being rezoned from 6000sqm to 700sqm to

correspond with the change in zoning.

- The above changes will provide approximately 10 additional lots.

District Playing Field:

In the District Playing Field Precinct, the Proposal seeks to:

- Rezone land from RU1 Primary Production to RE1 Public Recreation to allow the developer to construct playing fields and dedicate this land to Council in accordance with the VPA.

Precinct G:

In Precinct G, the Proposal seeks to:

- Reduce the minimum lot size from 2000sqm to 700sqm so that it is consistent with a development approval applying to the site. The amendment will also allow an irregular lot boundary between two allotments within the Precinct to be rectified. Council believes that this may provide "a few extra lots".

Precinct O:

In Precinct O, the Proposal seeks to:

- Amend the minimum lot size for the majority of the Precinct from 2000sqm to part 6,000sqm and part 700sqm to allow more flexible subdivision. This will be in keeping with the pattern of subdivision on adjoining land and the landform within the Precinct. This will provide approximately 7 additional lots.

- Delete clause 9 of Schedule 1 (Additional permitted uses), which applies to this Precinct. The clause allows development for the purposes of animal boarding or training establishments (limited to horse stables and development ancillary to horse stables) as an additional permitted use on the land. A copy of the clause is provided at Attachment G.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

Direction 1.2 Rural Zones

The Proposal is inconsistent with this Direction as it will rezone part of the subject land from RU1 Primary Production to RE1 Public Recreation. However, the rezoning is intended to allow the developer to construct playing fields and dedicate the land to Council in accordance with the local VPA. Therefore, it is considered that the inconsistency is justified on the basis of being minor.

The Director General (or his delegate) is required to approve the inconsistency pursuant to clause 5(d) of the Direction.

Direction 2.1 Environment Protection Zones

The Direction applies to the Proposal as it will result in a redistribution of land zoned E2 Environmental Conservation. The redistribution will better protect Cumberland Plain Woodland identified as Priority Conservation Land under the Cumberland Plain Recovery Plan. Therefore, the Proposal is consistent with both the Direction and the Recovery Plan. Notwithstanding this, it is considered that Council should be required to

Harrington Grove - Minor Zoning and Related Adjustments

consult the Office of Environment and Heritage during exhibition.

Direction 2.3 Heritage Conservation

The Direction applies to the Proposal as it reduces the minimum lot size for land containing the State heritage listed Harrington Park Homestead. While the Proposal is not inconsistent with the Direction, it is considered that, if the Proposal proceeds, Council should be required to consult the Heritage Council (within the Office of Environment and Heritage) during exhibition.

Direction 3.1 Residential Zones

This Direction applies to the Proposal as it rezones land within an existing residential zone and rezones other land to residential. The Proposal is consistent with the Direction as the rezoning will facilitate environmental conservation and a more orderly pattern of subdivision and development.

Direction 6.2 Reserving Land for Public Purposes

The Proposal seeks to both rezone land that is currently zoned RE1 Public Recreation and create a new zoning of such land. Pursuant to clause 4 of the Direction, the changes require the approval of the relevant planning authority (i.e. Council) and the Director-General of the Department (or his delegate). As the changes are consistent with the local VPA, it is recommended that the Director-General (or his delegate) approve the zoning changes.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

This Direction requires the Proposal to be consistent with the Metropolitan Plan for Sydney 2036. The Proposal is considered not to be inconsistent with this Plan, as it relates to minor zoning and related adjustments within an existing release area.

SEPPS

Sydney Regional Environmental Plan (SREP) No. 20 - Hawkesbury-Nepean River (No. 2 - 1997).

SREP 20 applies to the Proposal as the subject land is located within the catchment area of the Nepean River. The Proposal is considered to be consistent with the SREP as it relates to minor zoning and related adjustments within an existing release area.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to exhibit the Proposal for 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : **The Principal Plan, Camden LEP 2010, was notified on 3 September 2010.**

Assessment Criteria

Need for planning proposal :	The Proposal is required in order to facilitate necessary minor zoning and related adjustments to the Harrington Grove release area.
Consistency with strategic planning framework :	The Proposal is consistent with the Metropolitan Plan 2036 and the Draft South West Subregional Strategy as it facilitates necessary minor zoning and related adjustments to an existing release area.
Environmental social economic impacts :	ENVIRONMENTAL Council referred the development proposal to the Federal Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) in accordance with the provisions of the Federal Environment Protection and Biodiversity Conservation (EPBC) Act. The referral was undertaken mainly due to the presence of the critically endangered Cumberland Plain Woodland (CPW) on the site. While DSEWPC supported most of the development across Harrington Grove, it did not consider that the existing proposed outcome for Precinct J would best conserve the CPW. This is because large tracts of CPW would be in private ownership, which would not allow it to be effectively managed. As a result of this concern, DSEWPC issued an approval on the basis of an amendment which substantially reduces the footprint of residential development within Precinct J and allows higher value CPW to come under sole management (i.e. the Community Title Scheme). The Proposal seeks to facilitate the amendment by rezoning land from E4 Environmental Living to E2 Environmental Conservation. DSEWPC's approval is attached at Tag F. Maps showing the location and proposed zoning for Precinct J are provided at Tags E and C respectively. As part of its approval, DSEWPC has agreed to a greater concentration of residential development on land in the E4 Environmental Living in Precinct J. This has resulted in a need to change the minimum lot size of the land from 2000m² to 700m² (as shown on the map at Attachment D). The proposed changes mean that the development footprint will decrease from 17.23ha to 13.65ha (with a corresponding increase in the amount of land zoned E2 Environmental Conservation) but result in additional dwelling potential (approximately 20 lots). The creation of smaller residential lots is expected to be beneficial to the bushland conservation objectives as they will form part of a Community Title Scheme that will be

Harrington Grove - Minor Zoning and Related Adjustments

financially responsible for the bushland maintenance. If these lots are not created, there will not be a secure source of funding for the bushland conservation works. There is general agreement that this will be a better outcome for the conservation of the CPW.

Notwithstanding the above, it is considered that, if the Proposal proceeds, Council should be required to consult the NSW Office of Environment and Heritage (OEH) during exhibition.

SOCIAL AND ECONOMIC IMPACTS

No adverse social or economic impacts are expected as a result of the Proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **6 Month** Delegation : **DDG**

Public Authority : **Office of Environment and Heritage**
Consultation - 56(2)(d) : **Department of Transport - Roadas and Traffic Authority**
: **Sydney Water**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The Proposal will result in a total of approximately 40 extra lots/dwellings. However, Council considers that this will not impact on the level of facilities to be provided under the local VPA as there will be spare capacity to accommodate the additional growth.**

In terms of State infrastructure, the subject land (formerly known as Harrington Park Stage 2) was rezoned in 2007, predominantly for housing purposes.

Subsequently, a State Planning Agreement was executed. This Agreement was based on an anticipated lot yield of 1,000 lots and contributions determined on that basis.

It is anticipated that, in total, a further 40 lots may be created as a result of the Planning Proposal. Given the relatively low number of additional lots that may be realised, the Regional Team is of the view that there will be no additional demand upon State infrastructure and amendment of the existing agreement is not required.

Further, the subject land is located immediately adjacent to the South West Growth

Harrington Grove - Minor Zoning and Related Adjustments

Centre Area - where a per hectare contribution rate is in place within the Growth Centre Area. This approach indirectly seeks to increase housing density in appropriate locations, similar to the current Planning Proposal. This situation supports the Regional Team's contention that revision of the State Planning Agreement is not required.

Notwithstanding the above, the Department's Manager of Strategic Infrastructure Planning was notified of the Proposal on 28 November 2011 for his information.

Despite the above, it is considered that, if the Proposal proceeds, it would be prudent for Council to be required to consult the Department of Transport (Roads and Maritime Services) and Sydney Water during exhibition in relation to the potential impacts on their respective infrastructure and service provision.

Documents

Document File Name	DocumentType Name	Is Public
Council's_covering_letter.pdf	Proposal Covering Letter	Yes
Tag_A_(part_1)_- Planning_Proposal.pdf	Proposal	Yes
Tag_A_(part_2)_- Attachments.pdf	Proposal	Yes
Tag_B_- Current_zoning.pdf	Map	Yes
Tag_C_- Proposed_zoning_changes.pdf	Map	Yes
Tag_D_- Proposed_lot_size_changes.pdf	Map	Yes
Tag_E_- Precinct_location_map.pdf	Map	Yes
Tag_F_- DSEWPC's_approval.pdf	Proposal	Yes
Tag_G_- Clause_9_of_Schedule_1_to_Camden_LEP_2010.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the Planning Proposal proceed subject to the following conditions:

- 1) The Director General's delegate, pursuant to clause 5(d) of section 117 Direction - 1.2 Rural Zones, agrees that the inconsistency with the Direction is justified on the basis of being of minor significance;
- 2) The Director General's delegate approves the rezoning and creation of land zoned for public recreation, pursuant to clause 4 of section 117 Direction 6.2 Reserving Land for Public Purposes;
- 3) Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;
- 4) The Office of Environment and Heritage should be consulted during exhibition on the impact of the Proposal on Cumberland Plain Woodland and the State heritage listed Harrington Park Homestead;
- 5) The Department of Transport (Roads and Maritime Services) should be consulted during exhibition in relation to the potential impacts on road infrastructure;
- 6) Sydney Water should be consulted during exhibition in relation to the potential impacts on its services;

Harrington Grove - Minor Zoning and Related Adjustments

7) The timeframe for completing the local environmental plan is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The Proposal facilitates necessary minor zoning and related adjustments to the Harrington Grove release area.

Signature:



Printed Name:

T DORAN

Date:

1/12/11

