

Camden LEP 2010 (Amendment No 1) - Various Amendments to Camden LEP 2010

Proposal Title : Camden LEP 2010 (Amendment No 1) - Various Amendments to Camden LEP 2010

Proposal Summary : The proposal is to:

1. Camden Lakeside Urban Release Area: amend Lot Size Map and insert a new clause which restricts the maximum number of dwellings to 380.
2. Spring Farm Urban Release Area: insert a new clause to ensure that not less than 3717 dwellings are produced in the Spring Farm Urban Release Area.
3. Elderslie Urban Release Area: insert a new clause to ensure that not less than 1978 dwellings are produced in the Elderslie Urban Release Area.
4. Monooka Valley Urban Release Area: amend lot size map to reflect minimum lot sizes for the Monooka Valley Urban Release Area.
5. B2 Zone at Mount Annan: permit multi dwelling housing on three lots at Mount Annan.
6. Heritage Item "Hilsyde" - 56 Hilder Street Elderslie: amend the heritage map by reducing the heritage curtilage for this heritage item.

PP Number : PP_2010_CAMDE_005_00 Dop File No : 10/15999

Proposal Details

Date Planning Proposal Received :	06-Aug-2010	Person entering data :	asaini01
RPA :	Camden Council	LGA covered :	Camden
Region :	Sydney Region West	Planning Officer responsible :	asaini01
State Electorate :	CAMDEN	Section of the Act:	55 - Planning Proposal
LEP Type :	Housekeeping		

Contact Details

Contact : Peter McKenna
 Contact Phone: 0246547800
 Contact Email: Peter.McKenna@camden.nsw.gov.au

Location Details

Street : 56 Hilder Street
 Suburb : Elderslie City : Camden Postcode : 2570
 Land Parcel :

Land Release Data

Growth Centre	N/A	Release Area Name	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy	Yes

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

Supporting notes

Internal Supporting Notes :

Additional Information:

The planning proposal was received on 7 July 2010 by the regional team. Further information was sought from Camden Council and received on 6 August 2010.

Lobbyists

At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. No such communication/meetings have occurred.

External Supporting Notes :

Adequacy Assessment

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

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

Comment :

The objectives of the planning proposal are adequately addressed. They are:

1. Camden Lakeside Urban Release Area: to amend the Camden LEP 2010 Lot Size Map to provide for minimum lot sizes and to insert a new clause in the LEP which restricts the maximum number of dwellings to 380. A map showing the subject land and the proposed amendment to the minimum lot size map for Camden Lakeside is attached.
2. Spring Farm Urban Release Area: to insert a new clause in LEP 2010 to ensure that not less than 3717 dwellings are produced in the Spring Farm Urban Release Area. This requirement currently exists in the DCP. The inclusion of the requirement is considered appropriate to ensure the desired density is achieved.
3. Elderslie Urban Release Area: to insert a new clause in LEP 2010 to ensure that not less than 1978 dwellings are produced in the Spring Farm Urban Release Area. This requirement currently exists in the DCP. It is considered appropriate to include this requirement in the LEP to ensure the desired density is achieved.
4. Manooka Valley Urban Release Area: to amend the Lot Size Map to reflect the current minimum lot sizes for the Manooka Valley Urban Release Area. A map showing the subject land and the proposed amendments to the minimum lot size map for Manooka Valley is attached.
5. B2 Zone at Mount Annan: to amend LEP 2010 to permit multi dwelling housing on three lots at Mount Annan. Multi dwelling housing was a permissible use in the previous LEP however, it was inadvertently omitted from LEP 2010.
6. Heritage Item "Hilsyde" - 56 Hilder Street, Elderslie: to amend the Heritage map by reducing the heritage curtilage of the heritage item to reflect the current subdivision layout for which development consent has been issued. A map showing the subject land and the proposed amendment to the heritage Map is attached.

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

Is an explanation of provisions provided? **Yes**

Comment :

The explanation of the provisions is considered adequate. Draft provisions have been provided by Council to assist with interpreting its intention with the planning proposal.

Justification - s55 (2)(c)

a) Has the council's strategy been agreed to by the Director General? **N/A**

b) S.117 directions :
2.3 Heritage Conservation
3.1 Residential Zones
7.1 Implementation of the Metropolitan Strategy

Is the Director General's agreement required? **No**

c) Standard Instrument (LEPs) Order 2006: **Yes**

d) SEPP including deemed SEPP :

e) Development Programs (e.g. MDP) : **N/A**

f) Other matters in
the Guide to
Preparing Local
Environmental Plans:

Are inconsistencies in a) to f) justified? **No**

If No, explain :

S. 117 direction: 3.1 Residential Zones

The Camden Lakeside Urban Release Area item of the planning proposal is inconsistent with the Direction, as it seeks to impose a 'cap' on development - thereby, technically restricting permissible density. The direction specifies that: a planning proposal must not contain provisions which will reduce the permissible residential density of the land'.

This segment of the planning proposal is not recommended (see 'Assessment'). However, should the Gateway agree to this segment proceeding, the Director General's delegate should consider the proposal in terms of the section 117 direction i.e. 'a minor matter', and endorse to allow the proposal to proceed.

If this was the case, consideration should be given to drafting the provision to ensure that the exceptions to development standards clause of the draft principal LEP applies. This would be necessary to allow further housing development permitted by the land use table beyond the cap. Attached is an extract from the draft principal LEP (i.e. clause 4.6). Particular legal drafting may be required to ensure that the 'cap' is a development standard and that clause 4.6 applies.

The other similar items in the proposal (i.e. Springfarm and Elderslie) seek to impose a minimum dwelling threshold and therefore it is considered that these items are not inconsistent with the Direction. Similar clauses exist in the Growth Centres SEPP (see attachment).

The Mount Annan matter simply seeks to revive permissibility for multi dwelling housing on three lots. Permissibility was inadvertently omitted from the principal. The previous LEP (i.e. the current local plan) permitted this development. Consequently, it is not considered that section 117 Direction 3.1 is relevant in this instance.

The heritage item is 'local' and the proposal seeks to reflect the current and approved subdivision pattern. It is not considered to be inconsistent with section 117 direction 2.3.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Satisfactory

Community consultation - s55(2)(e)

Should there be community consultation? Yes

Comment : Council has submitted that community consultation is not necessary in this instance given that the proposed amendments to LEP 2010 reflect the status quo and/or do not seek to impose new planning provisions that have not already been subject to public exhibition at a previous stage.

While this is the case, all the items were not exhibited in the form recommended in the planning proposal and as the public has not had an opportunity to comment, it is recommended that the planning proposal be exhibited for the minimum period.

Additional Director-General's requirements

Are there any additional Director-General's requirements? N/A

Consistency :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

Explain :

Proposal Assessment

Principal LEP:

Proposed principal LEP Due Date :

Comments in relation to Principal LEP : The PP seeks to make minor amendments to the Principal LEP. The draft principal plan is currently with the Minister for determination. The planning proposal will amend the principal when published.

Assessment Criteria

Need for planning proposal : The amendments proposed under the planning proposal are generally considered to be necessary, with the exception of the proposal to cap dwellings in the Lakeside Release Area. The other amendments either reflect planning controls and provisions that exist in the DCP, seek to amend an oversight in the preparation of the draft principal plan and regularise an approved subdivision pattern for a local heritage item. For the sake of the orderly development of the land, it is agreed with Council that the recommended components of the proposal are required.

Consistency with strategic planning framework : The planning proposal is generally consistent with both the draft South Western Regional Strategy and the Sydney Metro Strategy.

Environmental social economic impacts : There is no likelihood of any adverse environmental social economic impacts.

Assessment Process

Proposal type : Minor Community Consultation Period : 7 Days

Timeframe to make LEP : 3 Month Delegation : DDG

Public Authority Consultation - 56(2) (d) :

Public Hearing : Not Required

(2)(a) whether the matter should proceed and the reasons: Yes

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Reason : The matter should proceed with variation, as follows:
Camden Lakeside Urban Release Area: Council has sought to amend the LEP lot size map to impose minimum lot sizes and to insert a new clause (draft clause 7.10 - see attached) which restricts the maximum numbers of dwellings to 380.

No objections are held to the mapping proposal. However, the introduction of the clause is not supported. Legal opinion has been given (see attached) which advises that the clause would introduce a subzone operating to prohibit development that is otherwise permissible in the land use table (e.g. dwellings or dual occupancy, beyond the cap). In these circumstances, a Court could declare the clause beyond power given its inconsistency with direction 1 to clause 2.1 in the Standard Instrument Order (see attachment).

No objection is held to this requirement being introduced in Council's DCP. This matter has been discussed with council officers who understand and accept this position.

In regard to the second and third items of the proposal - Spring Farm and Elderslie Release Areas - legal advice is not supportive (see attachment). These items involve the imposition of a minimum number of dwellings for the release areas. Council's proposed clauses (i.e. 7.11 and 7.12) are attached.

It is noted that there are no substantive legal reasons for not supporting the introduction of these clauses. Legal opinion is that it is simply unnecessary and sufficient provisions are currently provided in the draft principal plan (see attachment - clause 6.3 of the draft principal plan).

This matter has been discussed with council officers who advise that council's DCP currently provides for these minimum dwelling numbers, but seek to include the matter in the LEP for the sake of clarity. A similar provision exists in the Growth Centres SEPP (see attachment) and, in these circumstances, and in view of there being no substantial legal impediments to the proposal, no objections are held to these items being included in the planning proposal.

Further, it is considered that there would not appear to be any planning grounds for objection - as these provisions will operate to ensure that the release areas are developed to their potential and achieve satisfactory densities.

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

Reason :

Identify any additional studies, if required. :

Internal consultation required.

NIL

Any other recommendations as relevant to the proposal?

Council has submitted that in view of the amendments being of a minor nature, consideration be given to processing the planning proposal under s73A of the Act.

It is considered that this is not appropriate (i.e. the PP would not come under the specified circumstances in section 73A) and the proposal can proceed without delay under the planning proposal section of the Act.

Is the provision and funding of state infrastructure relevant to this plan? **No**

Explain : **The nature of the proposal does not raise any issues of State infrastructure funding**

Camden LEP 2010 (Amendment No 1) - Various Amendments to Camden LEP 2010**Documents**

Document File Name	DocumentType Name	Is Public
Letter from Council.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council's Planning Report .pdf	Proposal	Yes
Maps for 56 Hilder Street.pdf	Map	Yes
s117 Directions.pdf	Proposal	No
56 Hilder Street - Heritage Curtilage Study.pdf	Study	Yes
Location Plan for Elderslie & Springfarm Release Area .pdf	Map	Yes
Location Plan for Three Lots at Mount Annan.pdf	Map	Yes
Maps for Camden Lakeside Release Area.pdf	Map	Yes
Extract from SEEP (Sydney Region Growth Centres) 2006 concerning Residential Density in the Oran Park Precinct.pdf	Determination Document	No
Extract from Draft Camden LEP 2010 concerning Exceptions to development standards.pdf	Determination Document	No
Legal Advice 10 8 10.pdf	Determination Document	No
Standard Instrument- 2.1.pdf	Determination Document	No
CLEP cl 6.3.pdf	Determination Document	No
Maps for Manooka Valley Urban Release Area.pdf	Map	Yes

Planning Team Recommendation

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

Additional Information : It is recommended that the planning proposal proceed:

1. without benefit of section 73A of the Act;
2. is exhibited for a period of seven days, and
3. the Camden Lakeside 'cap' provision only is deleted from the proposal.

Supporting Reasons :

Signature:



Printed Name:

T DORAN

Date:

13/8/10