

Amendment No. 16 to Camden LEP 2010 - 'Carrington'

Proposal Title : **Amendment No. 16 to Camden LEP 2010 - 'Carrington'**

Proposal Summary : **To rezone land at Grasmere for seniors housing and related facilities (a medical centre, cafe/restaurant, shop and a child care centre).**

The proposed development will form an extension to the existing Carrington Centennial Care facility and the associated facilities will be available for use by the general public.

PP Number : **PP_2012_CAMDE_008_00** Dop File No : **12/08103**

Planning Team Recommendation

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

S.117 directions : **2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

- 1. Council must undertake community consultation under sections 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 for a period of 28 days;**
- 2. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway Determination. Council must submit the final Proposal to the Department no later than 6 weeks before the expiry this time frame;**
- 3. Council is to consult with key infrastructure and service providers (i.e. Sydney Water, Telstra, TransGrid and Jemena (Gas)) in relation to servicing needs and with Wollondilly Shire Council and Camden Airport. Separate recommendations for Council to consult with other authorities and bodies are made below;**
- 4. Council is to amend the Proposal to ensure that it is consistent with Council's resolution to support retail premises (i.e. combined) with a gross floor area of up to 500sqm;**
- 5. Section 117 Directions**
 - 5.1. Council is to:**
 - update previous environmental studies (including consideration of whether SEPP 44 Koala Habitat Protection applies),**
 - consult with the Federal Department of Sustainability, Environment, Water, Population and Communities,**
 - consult with the NSW Office of Environment and Heritage (Environment Branch) (and consider whether consultation with that agency is required under section 34A of the Environmental Planning and Assessment Act 1979),**
 - consider the need for an Environmental Protection zone for the Cumberland Plain Woodland and proposed riparian corridor, and**
 - after completing the above, demonstrate the consistency of the Proposal with section 117 Direction 2.1 Environment Protection Zones;**

5.2. Council is to:

- update the Aboriginal Archaeological Survey & Assessment,
- undertake a non-Aboriginal heritage study,
- consult with the Office of Environment and Heritage (both the Heritage Branch and the Aboriginal Heritage Operations Branch) and the relevant Local Aboriginal Land Council(s), and
- after completing the above, demonstrate the consistency of the Proposal with section 117 Direction 2.3 Heritage Conservation;

5.3. Council is to demonstrate the consistency of the Proposal with section 117 Direction 3.1 Residential Zones after considering the results of consultation with Sydney Water. Council should also seek the views of Roads and Maritime Services in relation to potential impacts on State roads in the area;

5.4. Council is to undertake prepare an acid sulfate soils assessment and, if necessary, amend the Proposal to include provisions to control acid sulfate soils. Council should subsequently demonstrate the consistency of the Proposal with section 117 Direction 4.1 Acid Sulfate Soils;

5.5. Council is to assess flooding issues and demonstrate the consistency of the Proposal with section 117 Direction 4.3 Flood Prone Land;

5.6. Council is to:

- update the Bushfire Assessment,
- consult with the Commissioner of the NSW Rural Fire Service,
- obtain in-principle authorisation from the Commissioner for the seniors housing and child care centre (as an indication that approval will be likely under section 100B of the Rural Fires Act 1997),
- ensure that Asset Protection Zones are appropriately provided and are not located in non-offset Cumberland Plain Woodland;
- after completing the above, demonstrate the consistency of the Proposal with section 117 Direction 4.4 Bushfire Prone Land;

6. Further, it is considered that Council be requested to give further consideration to alternatives to the use of 'Schedule 1 - Additional permitted uses'. These include rezoning the land to SP1 Seniors Housing or multiple zonings that include Zone R2 Low Density Residential. Council is to also give consideration to a zoning solution that can be extended to the Werombi Road campus;

7. Council should also note that the group land use 'Health services facility' is currently permissible in Zone R5 Large Lot Residential and does not need to be included as an additional permitted use if 'Schedule 1 - Additional permitted uses' is amended. Similarly, 'Administration' is considered to be ancillary to seniors housing and it is not necessary to include it as an additional permitted use. Consequently, 'seniors housing' and 'retail premises' would be the only additional permitted uses. However, it is unclear whether 'retail premises' can be required to be associated with 'seniors housing' if separately defined. As such, inappropriate retail premises could result if separately defined in Schedule 1. Should Council wish to amend the Proposal in this regard, Council shall discuss the matter with the Regional Director, Sydney West; and

8. Council is to, where necessary, amend the Proposal to include any changes required as a result of implementation of the above recommendations and provide a copy to the Regional Director, Sydney West, for information.

Supporting Reasons :

The Proposal will provide seniors housing and associated uses in an appropriate location and will help to meet the needs of the area.

Panel Recommendation

Recommendation Date : **17-May-2012**

Gateway Recommendation : **Passed with Conditions**

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. The use of Schedule 1 to achieve the objectives of the planning proposal is not supported in this circumstance. Council is to rezone the land appropriately to reflect the intended use of the land. Council needs to consult the Department's Regional Office in considering the zoning options to determine the appropriate mechanism to proceed.
2. Council needs to consult the Federal Department of Sustainability, Environment, Water, Population and Communities and the NSW Office of Environment and Heritage (Environment Branch) in regards to the environmental sensitivity of the site and the potential implications for threatened species as a result of the planning proposal.
3. Council needs to demonstrate consistency with S117 Direction 2.1 Environment Protection Zones and, if necessary, amend the planning proposal, prior to public consultation.
4. Council is to update the following environmental studies prior to the commencement of community consultation:
 - a Flora and Fauna Assessment;
 - a Vegetation Management Plan;
 - a Conservation and Land Use Management Plan; and
 - an Offsetting Strategies report.
5. Council is to ensure that the Aboriginal Archaeological Survey and Assessment is updated and an assessment into potential additional heritage value of the land is undertaken prior to community consultation.
6. It is noted that the subject site contains Aboriginal archaeological items on parts of the site that are proposed for development. In addition, it is noted that the site contains remnants of a former cottage that is not listed but may contain some historical value. Therefore, Council needs to ensure that the Aboriginal Archaeological Survey and Assessment is updated and an assessment into potential additional heritage value of the land forms part of the public exhibition material. Council should also consult the NSW Office of Environment and Heritage and the relevant Local Aboriginal Land Councils and address any issues raised. Council needs to address any inconsistencies with S117 Direction 2.3 Heritage Conservation and amend the planning proposal accordingly, if necessary, prior to public consultation.
7. Council is to consult with Sydney Water and Transport for NSW – Roads and Maritime regarding the inconsistencies of the planning proposal with S117 Direction 3.1 Residential Zones. Following the completion of consultation with these public authorities, Council needs to demonstrate consistency with the S117 Direction and amend the planning proposal accordingly, if necessary, prior to public consultation.
8. As per the requirements of S117 Direction 4.1 Acid Sulfate Soils, Council is to provide the Departments Regional Office with an acid sulphate soils assessment and demonstrate consistency with the S117 Direction. Council is to amend the planning proposal, if necessary, prior to public consultation.
9. Council is to provide the Department's Regional Office with sufficient and updated information regarding S117 Direction 4.3 Flood Prone Land. Council is to amend the planning proposal, if necessary, prior to public consultation.
10. As per the requirements of S117 Direction 4.4 Bushfire Prone Land, Council is to consult with the Commissioner of the NSW Rural Fire Service. Council is to take into account any comments made and amend the planning proposal, if necessary, prior to undertaking community consultation.
11. Council is to provide further information on the current location of the Asset Protection

Zone and justify its absence in other locations, such as within the Cumberland Plain Woodland.

12. Council is to amend the planning proposal following the implementation of the Gateway conditions. Subsequently, Council is to provide a copy of the revised planning proposal to the Department's Regional Office.

13. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

14. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

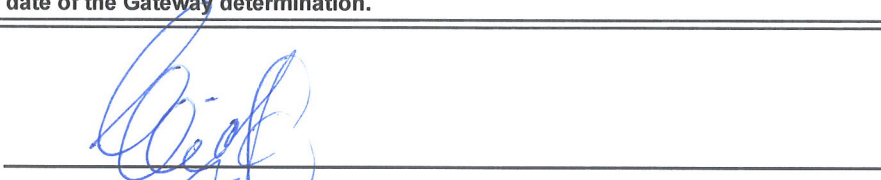
- Federal Department of Sustainability, Environment, Water, Population and Communities
- Integral Energy
- NSW Rural Fire Service
- NSW Office of Environment and Heritage (Heritage Branch)
- NSW Office of Environment and Heritage (Environment Branch)
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Telstra
- Local Aboriginal Councils
- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

15. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

16. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGaffin

Date:

27.6.12