



29 August 2011

Mr P Goth
Regional Director Sydney Region West
Department of Planning
Locked Bag 5020
PARRAMATTA NSW 2124



Dear Peter

Campbelltown (Urban Area) Local Environmental Plan 2002 – Amendment No. 24

At its Ordinary Meeting held 26 July 2011, Council resolved to prepare an amending Local Environmental Plan, to rezone certain land zoned 6a – Local Open Space within the Glenfield Urban Release Area to 2B – Residential B. Please see copy of the attached Council report.

As detailed in the attached Council report, the draft amendment to Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002) proposes to rectify zoning anomalies that have arisen during the development of the release area. In this instance, as a result of additional capacity being identified within the already developed stormwater detention/treatment system, the subject land is now available for residential development.

Therefore, in accordance with the provisions of clause 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council has prepared a planning proposal with regard to this matter (please see copy attached).

At present the anomalies referred to above have resulted in a number of properties being kept from the market and as such is delaying the release of further land within the Release Area, hence the need to address these issues in a timely manner.

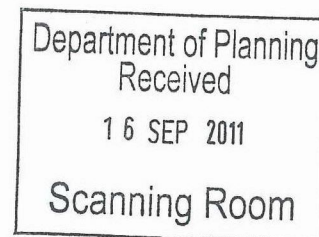
In consideration of the above, Council notes the provisions of clause 73A of the EP&A Act (Expedited amendments of environmental planning instruments), and requests the Department's opinion as to whether this proposed amendment to CLEP, being of a minor nature, could fall within the provisions of either subclause 1(b) (which refers to matters of a minor nature), or subclause 1(c) (which refers to matters that will not have any significant adverse impact on the environment or adjoining land). Council looks forward to receiving the Department's opinion with respect to this matter.

If you require any further information or explanation please contact Mathew Egan, Strategic Environmental Planner on (02) 4645 4611.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Phil Jemison".

Phil Jemison
Manager Environmental Planning



Part 1 - Objectives or Intended Outcomes

The objective of this proposal is to amend Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002) as it applies to the Glenfield Urban Release Area. Specifically, the amendment to CLEP 2002 proposes to rectify anomalies that have arisen during the development of the release area. These anomalies have resulted in an area, currently zoned open space to facilitate the development of a detention basin, being made available for residential development.

As the release area has developed additional capacity within the already developed stormwater detention/treatment system has been identified. This has effectively half the land take required for the proposed detention basin within the western extent of the release area.

This proposal only applies to a small portion of land within the release area. All the land is currently in the ownership of a single owner (the applicant – Mirvac Homes) making this an appropriate time to adjust the zoning boundaries prior to the land being sold to individual landowners.

Part 2 - Explanation of Provisions

In accordance with the zoning map (as attached) it is intended that the land subject to this amendment be rezoned from 6(a) Local Open Space to 2(b) Residential B.

In this regard it is proposed to amend CLEP 2002 by inserting in appropriate order in the definition of "the map" in Schedule 3, the following words:

Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No. 24)

Part 3 – Justification

Section A - Need for the planning proposal

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

The planning proposal is not the result of any 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?

This process is the only way to achieve the desired objectives. The current zoning of 6(a) Local Open Space does not allow for any development other than community type facilities. To allow for residential development on the surplus land the area must be rezoned.

3. Is there a net community benefit?

This amendment will remove the need for Council to acquire approximately 1,300 sqm of open space. This effectively removes \$224,250 from the Section 94 plan that applies to this area. This equates to a saving of \$203.86 per dwelling.

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)

It is considered that the proposed amendment is not inconsistent with the Sydney Metropolitan Strategy or the South West Sub Regional Plan.

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

It is considered that the proposed amendment is not inconsistent with the Campbelltown 2025 Looking Forward, the draft Local Planning Strategy or Council's draft Open Space Review.

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

It is considered that the proposed amendment is not inconsistent with any State Environmental Planning Policies that apply to this area.

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

It is considered that the proposed amendment is not inconsistent with any relevant s177 direction (i.e. Planning for Bush Fire Protection/ Reserving Land for Public Purposes) that applies to this area.

Section C - Environmental, social and economic impact.

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?

It is considered that the proposal will not have any impact on critical habitat or threatened species, populations or ecological communities, or their habitats. The site is currently cleared and devoid of any vegetation of note.

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

It is considered that the proposal will have no environmental impacts and as such no proposal to manage potential environmental impacts has been identified.

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

This rezoning will remove the need for approximately 1,300sqm of open space to be acquired and maintained by Campbelltown City Council. This will save the community \$224,250 directly. In addition the ongoing cost of maintenance will be reduced due to the reduction in open space.

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

This proposal does not have any impact on public infrastructure or create a need for the provision of any public infrastructure.

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

Given the minor nature of the proposal no consultation has been undertaken with State or Commonwealth authorities. It is considered that this proposal will not require consultation with State or Commonwealth authorities given its minor nature.

Part 4 – Community Consultation

Council is of the opinion that there is no need for public consultation in regard to this proposal.

This area is currently being developed and under one ownership. Further more while the present zoning indicates that the area will be used for a public open space purpose, it was always the intention that the area would be set aside as a stormwater detention basin. As such there is no public expectation in regard to this area being publicly accessible.

Given the minor nature of this proposal, Council is also of the opinion that consultation with government agencies is not required.

It is therefore requested that this proposal be exempt from community consultation in accordance with the resolution of Council.

TITLE Glenfield Road Urban Release Area - Proposed Rezoning**Reporting Officer**Manager Environmental Planning

Attachments

1. Site Map
2. Existing Zoning - Extract Map - Campbelltown (Urban Area) Local Environmental Plan (2002) (distributed under separate cover).
3. Proposed rezoning – Campbelltown (Urban Area) Local Environmental Plan (2002) Amendment No. 24 (distributed under separate cover).

Purpose

To seek Council's endorsement of a proposed minor zoning adjustment for land currently zoned 6(a) Local Open Space to 2(b) Residential B within the Glenfield Road Urban Release Area.

History

In March 2010 Council engaged engineering consultants (BTM WMB) to undertake a review of the then current flooding and stormwater management strategies for the Glenfield Road Release Area. The primary purpose of the review was to ascertain if the then current plans were the most appropriate to meet the future stormwater and drainage needs of the release area. At the same time, one developer, Mirvac, was completing a number of temporary and permanent drainage works in the release area (including Basin 3B which is located adjacent to Campbelltown Road on the western edge of the Release Area). These works were also considered as part of the drainage and stormwater management review. As a result of the review, a number of minor amendments are required to be made to the Campbelltown (Urban Area) Local Environmental Plan to address zoning adjustments to accommodate changed drainage outcomes.

Report

Council has recently been presented with the final report from specialist drainage consultant BMT WBM in regard to drainage and stormwater management in the Glenfield Road Urban Release Area. The final report presents a number of recommendations that provide cost effective and timely solutions to stormwater drainage issues that are affecting the Glenfield Urban Release Area.

The report confirms that the existing location/size of the land provided for detention/water quality basins planned within the Release Area will adequately deal with the intended

development in the eastern catchment sector of the release area. Consequently there is no need to rezone any land within the eastern catchments.

As far as the western parts of the Glenfield Road Urban Release Area are concerned, the following comments can be made.

Located within Stage 2 of the Panorama Estate, Basin 3B was constructed in early 2010. During the design phase of this project it was identified that there was spare detention capacity downstream of Basin 3B within the Crossroads Industrial Park in the Liverpool Local Government Area. This enabled the developer, through a minor shift in the original location of the proposed basin, to reduce its proposed footprint by approximately 50%. Given not as much land was needed for drainage purposes, there was opportunity for additional residential development. Accordingly it is now proposed to rezone this land to Residential 2(b) Residential B from Local Open Space 6(a).

The area to be rezoned, known legally as part Lot 101, 102, 112, 113 and 114 DP 270660, would allow for the development of between 4-6 additional dwellings. The rezoning of the land would have added the benefit of reducing Council's land acquisition within the Glenfield Urban Release Area.

It should be noted that the current owner/developer has provided correspondence to Council in support of the rezoning. The change in zoning is considered not to have any adverse impact on any adjoining or nearby owners.

Department of Planning

Council officers have discussed this issue with representatives from the Department of Planning to gain advice on the most appropriate method for expediting the proposed zoning amendment, should Council agree to the proposal. The Department acknowledged the minor and positive nature of the proposed zoning boundary amendments and it was suggested that Council seek an exemption to the formal public exhibition to allow for the efficient progression of the zoning amendments. Given the absence of any identified adverse impacts relating to the rezoning proposal there is considered not to be a need for public exhibition.

Conclusion

The need to continually amend and update Council's zoning plans is an inevitable outcome of the development process in urban release areas as more detailed engineering analysis and modelling is undertaken as part of the development process. In instances such as this, it is important to understand the intention and reasoning behind the zoning and to ensure that, where this original purpose/role/function is no longer required, the land be rezoned to allow for it to be used for a more suitable and appropriate purpose.

In consideration of the positive impacts outlined in this report, it is considered appropriate to rezone the land to allow for future residential development. The current open space zoning was previously identified as being appropriate to facilitate the use of the land to serve a drainage function (i.e. to accommodate a drainage basin). In light of the findings that a more efficient drainage solution can be implemented that requires less land, there no longer remains a need for the subject land to be identified in Council's LEP for acquisition, and the land can now be zoned to allow an alternate use of the site. Therefore, it is recommended that Council prepare a draft amending Local Environmental Plan to rezone part of land known as Part Lot 101,112,113 and 114 DP 270660, within the Glenfield URA from 6(a) Local Open Space to 2(b) Residential B.

Officer's Recommendation

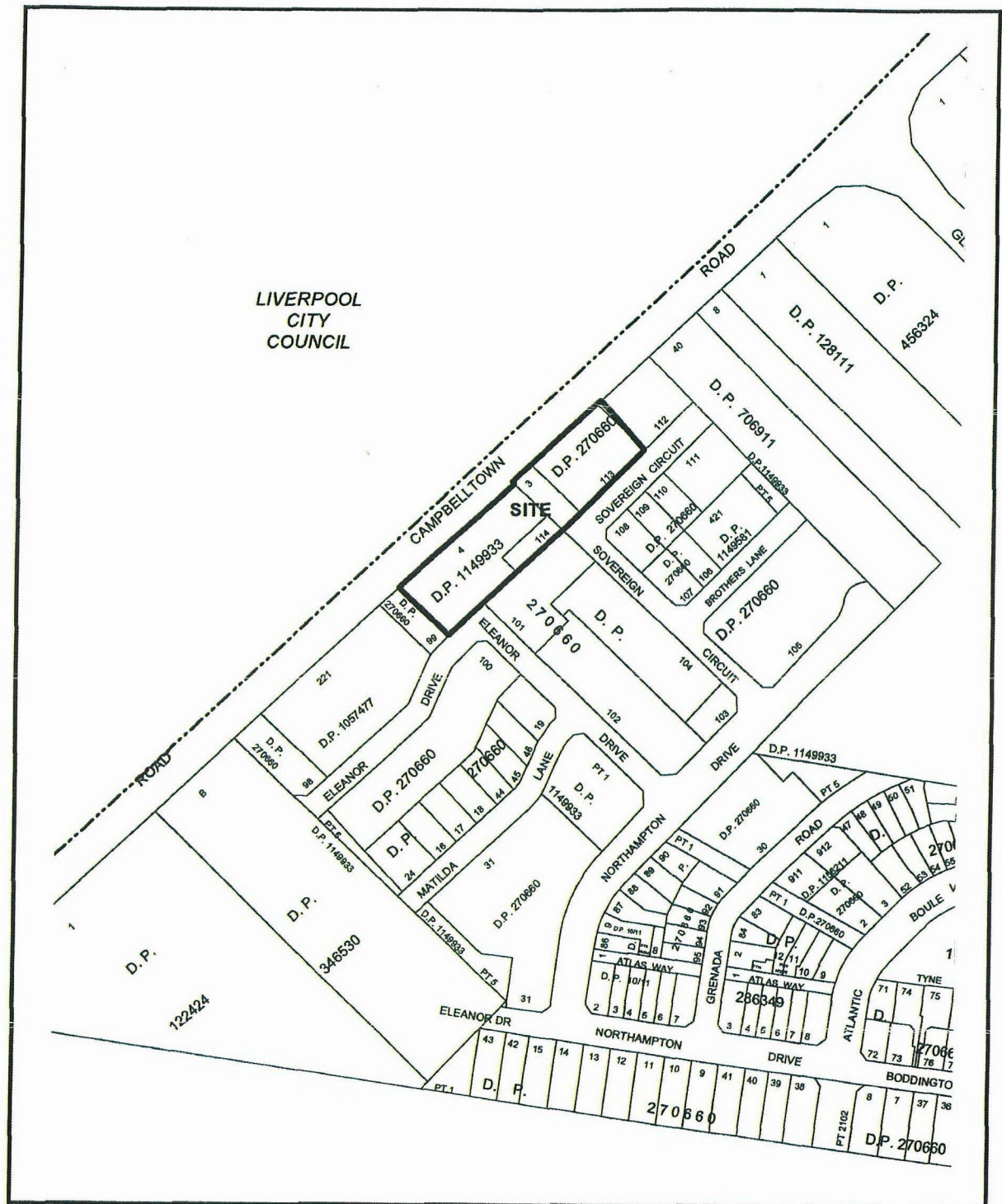
1. That Council prepare a draft amending Local Environmental Plan to rezone land known as Part Lot 101,112,113 and 114 DP 270660, within the Glenfield URA from 6(a) Local Open Space to 2(b) Residential B.
2. That Council prepare a planning proposal and submit the proposal to the Department of Planning via the Gateway Process, with an additional recommendation that that no public and/or State Agency consultation be required due to the minor nature of the amendment and the involvement of only a single owner, who has provided correspondence in support of the proposed zoning amendment.

Committee's Recommendation: (Hawker/Matheson)

That the Officer's Recommendation be adopted.

CARRIED

ATTACHMENT 1



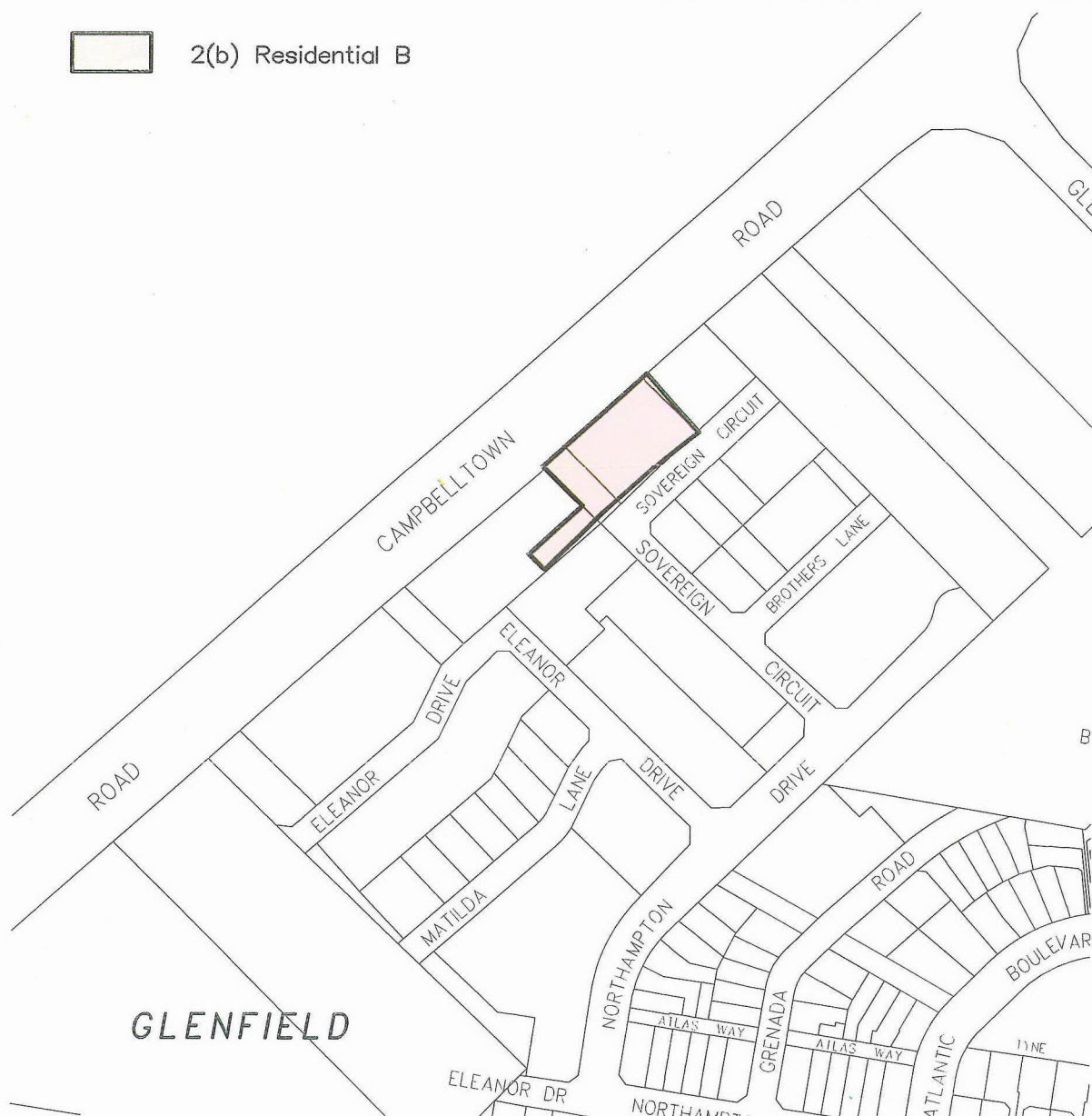
SITE MAP



SUBJECT: GLENFIELD ROAD URBAN RELEASE AREA - PROPOSED REZONING



2(b) Residential B



ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DRAFT

CAMPBELLTOWN (URBAN AREA) LOCAL ENVIRONMENTAL PLAN 2002
AMENDMENT No 24

PLANNING OFFICER: JEFF LAWRENCE

RESOLUTION TO PREPARE: 26/07/11

PUBLISHED ON THE NSW LEGISLATION
WEBSITE: **,**,**

COUNCIL FILE:

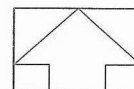
DEPARTMENT FILE:

STATEMENT OF RELATIONSHIP WITH OTHER PLANS:

AMENDS CAMPBELLTOWN (URBAN AREA)
LOCAL ENVIRONMENTAL PLAN 2002

REF: CARTO/LEP/AMEND24

CERTIFIED IN
ACCORDANCE WITH THE
ENVIRONMENTAL PLANNING
& ASSESSMENT ACT
1979, AND REGULATIONS.



NORTH
SCALE
1:3000

AUTHORISED PERSON

29-8-11

DATE