

Camden LEP 2010 - Amendment 5 (minor boundary adjustments - Mater Dei Release Area)

Proposal Title : Camden LEP 2010 - Amendment 5 (minor boundary adjustments - Mater Dei Release Area)

Proposal Summary : Camden Council, on 22 November, 2011, resolved to prepare a Planning Proposal to make minor zone boundary adjustments due to further 'ground truthing' and detailed planning of the residential and the JRPP approved Seniors Living subdivision within the Mater Dei Release Area. The Council's planning proposal is at Tag A.

The site

The Mater Dei Release Area (location map at Tags 1 and 1A), is bounded by Macquarie Road to the west and Cobbitty Road to the north. The current zoning map is at Tag 2.

The Planning Proposal

The planning proposal incorporates two sets of minor boundary adjustments to the Mater Dei Release Area as follows:

E4 Residential Precincts:

Changes proposed for these precincts will include:

- . small areas of E2 Environmental Conservation land rezoned to E4 Environmental Living Zone; and
- . small areas of E4 Environmental Living rezoned to E2 Environmental Conservation Zone.

Tag 3 shows those areas to be rezoned to E4 in red and areas to be rezoned E2 in blue.

R2 Seniors Living Precinct:

These adjustments will include:

- . small areas of E2 Environmental Conservation land rezoned to R2 Low Density Residential Zone; and
- . small areas of R2 Low Density Residential rezoned to E2 Environmental Conservation Zone.

Tag 3 shows those areas to be rezoned to R2 in purple, and areas to be rezoned to E2 in blue.

A diagram showing the extent of the approved land subdivision pattern/boundaries is at Tag 4.

Associated changes are proposed to the height of buildings and lot size maps for the land to be rezoned to E4 Environmental Living and R2 Low Density Residential Zones under this Planning Proposal. These controls are consistent with the controls for the adjoining E4 and R2 zoned lands.

Additionally, the minimum lot size and height of building controls applying to the proposed E2 zoned land will be changed to be consistent with the adjoining E2 zoned land.

PP Number : PP_2011_CAMDE_001_00 **Dop File No :** 11/11478-1

Camden LEP 2010 - Amendment 5 (minor boundary adjustments - Mater Dei Release Area)**Proposal Details**

Date Planning Proposal Received :	28-Nov-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 :	Macquarie Grove Road		
Suburb :	Cobbitty	City :	Camden
		Postcode :	2570
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name :	Cho Cho Myint
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RPA Contact Details

Contact Name :	Mary-Anne Madden
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DoP Project Manager Contact Details

Contact Name :	Terry Doran
Contact Number :	9873855700
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
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	150
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney**

Camden LEP 2010 - Amendment 5 (minor boundary adjustments - Mater Dei Release Area)

Region West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning the proposal. (The Department's Lobbyist Register checked on 29/11/11).

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The Planning Proposal will facilitate the orderly development of land within a release area.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The Council's Planning Proposal (at Tag A) involves minor changes to zone boundaries between R2 Low Density Residential, E2 Environmental Conservation and E4 Environmental Living to reflect the approved subdivision pattern for the Mater Dei residential release area and the seniors housing development approved by the JRPP.

Other consequential changes proposed include amendments to the lot size and height of buildings maps.

A diagram showing the extent of rezoning and the approved land subdivision pattern are attached at Tags 3 and 4 of the document section of this report.

Camden Council was aware of the boundary anomaly within the release area and that the boundary changes were required when the Camden LEP 2010 was being prepared. Council, on 24 November, 2009, resolved to address this anomaly, however, due to an administrative oversight, the intended mapping amendment did not occur when Camden LEP 2010 was made in September, 2010.

The Planning Proposal is to address this anomaly by way of an amendment to Camden LEP 2010.

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

Is an explanation of provisions provided? Yes

Comment :

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

4.4 Planning for Bushfire Protection

* May need the Director General's agreement

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?

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

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

If No, explain :

S117 Directions

2.1 Environmental Protection Zones

The planning proposal is inconsistent with S.117 Direction 2.1 Environment Protection Zones, in that it seeks to change zone boundaries between E2 Environmental Conservation zoned land, and R2 Low Density Residential and E4 Environmental Living Zones. The Direction allows the Director General (or his delegate) to consider the inconsistencies provided the inconsistencies are either:

- . justified by a strategy agreed by the Director General; or
- . justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the direction; or
- . in accordance with the relevant Regional or Subregional Strategy prepared by the Department which gives consideration to the objectives of this direction; or
- . of minor significance.

Council has advised that the land proposed to be rezoned from E2 to E4 and R2 and the land proposed to be rezoned from E4 and R2 to E2 will not result in a reduction of E2 Environmental Conservation zoned land and is a "boundary swap".

The planning proposal will make consequential changes to the development standards applying to land (to be rezoned) to reflect the zoning change. These changes are considered to be minor and will not have major impact on the environmental significance of the land.

The rezoning will facilitate the orderly delivery of 150 potential residential lots as well as a seniors housing development in the release area. It is considered that the proposal is of minor significance.

Accordingly, the Director General's (or his delegate) approval is recommended in accordance with paragraph (6)(d) of the Direction.

3.1 Residential Zones

The planning proposal is inconsistent with the Direction, as it will result in a minor reduction of R2 Low Density Residential zoned land in exchange for E2 zoned land. The proposal seeks to align the zone boundary with the approved subdivision pattern of the residential release area. Details of the boundary changes are shown on the map attached (Tag 3) in the document section of this report.

It is considered that the inconsistency with the provisions in the direction are of minor significance and the Director General's (or his delegate) approval is recommended in accordance with paragraph (6)(d) of the Direction.

4.4 Planning for Bushfire Protection

This direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. The site is located in an area identified as Bushfire Vegetation Category 2 and Vegetation Buffer 100 & 30m in the Council's Bushfire hazard map (Tag 5) and, therefore, the direction applies.

Under this direction, a relevant planning authority is required to consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a Gateway

Determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made. The direction also requires the planning proposal to have regard to Planning for Bushfire Protection 2006 and to introduce development controls to ensure bushfire hazard protection and provision of Asset Protection Zones (APZ).

A planning proposal may be inconsistent with the terms of the direction only if the relevant planning authority can satisfy the Director-General (or his delegate) that the council has obtained written advice from the Commissioner of the NSW Rural Fire Service, to the effect that, notwithstanding the non-compliance, and the NSW Rural Fire Service does not object to the progression of the planning proposal.

Council's planning proposal report (Tag A - s117 directions table) advises that the proposed zone boundary amendments are minor and do not impact upon the provision and maintenance of appropriate asset protection zones for future residential lots.

Council has advised that the RFS was previously consulted and has given approvals, as required under Section 100B of the Rural Fires Act, 1997, to the two development proposals on the site. Further, the boundaries considered by the RFS align with the proposed boundaries in this planning proposal. However, owing to mapping mistakes within Council these boundaries were inadvertently changed and the planning proposal was prepared to amend these.

The development proposals were supported by various bushfire assessment reports and studies to address the site conditions (vegetation, slope and aspects) and to provide adequate setbacks, Asset Protection Zones, emergency access, safety areas and water supply for fire fighting etc. on the site. Therefore, Council is of the view that no additional consultation with the RFS is considered necessary for the planning proposal to justify the inconsistency with the S117 direction.

While this may be the case, the Regional Team considers that the previous bushfire assessments/approvals were specifically for the development proposals and not for the planning proposal, and as such, the planning proposal is not consistent with the requirements of the direction.

It is accordingly recommended that Council consult the Commissioner of NSW RFS prior to undertaking community consultation in satisfaction of section 57 of the Act.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The proposal will result in changes to zone boundaries between R2, E4 and E2 zones (Land Zoning Map - Sheet LZN_007 and 008).

Associated changes to the height of buildings (Height of Buildings - Sheet HOB_007 and 008) and lot size (Minimum lot Size Map - Sheet LSZ_007 and 008) maps are required to ensure that a minimum lot size and maximum height of buildings is applied to the land to be rezoned to E4 Environmental Living and R2 Low Density Residential Zones.

The minimum lot size and height of buildings controls applying to the proposed E2 zoned land will also be altered.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council considers that the proposed amendment is of a minor nature and no public exhibition or consultation with State and commonwealth public authorities are required.

The Regional Team considers that although the planning proposal is of a minor nature, rezoning of existing environmental zoned land parcels warrants a community

Camden LEP 2010 - Amendment 5 (minor boundary adjustments - Mater Dei Release Area)

consultation process and consultation with the Office of the Environment and Heritage.

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 : Council's planning proposal at Tag A adequately outlines the objective of the proposal, details of the changes required, the reasons for the proposed changes and necessary maps.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Camden Principal LEP was made in September 2010. The draft LEP seeks to make minor amendments to the Principal LEP.

Assessment Criteria

Need for planning proposal : The planning proposal is for minor zone boundary adjustments, as a result of extensive 'ground truthing' and detailed analysis of the site for the Mater Dei Residential Release Area.

The proposed rezoning cannot be achieved without amending the Camden LEP 2010.

Consistency with strategic planning framework : While the planning proposal was not a result of any strategic study, it is not considered to be inconsistent with the objectives of Department's Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy. Council has advised that the planning proposal is consistent with Camden Council's Strategic Plan for 2040 as it will ensure the orderly delivery of housing development in the release area.

Environmental social economic impacts : The planning proposal will not result in the reduction of land zoned for E2 Environmental Conservation and is considered to be of minor significance.

It is not envisaged that the planning proposal will result in any environmental and social impacts. The planning proposal will ensure the orderly delivery of residential dwellings and seniors housing development in the release area.

Council has advised that the boundary adjustment will not impact on the heritage curtilage of Mater Dei, shown as R5 (white area) on the land zoning map at Tag 2.

Necessary environmental assessment has been carried out as part of the Council's development assessment process for the subdivision application for the release area and the seniors housing development approved by JRPP.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

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

Public Authority **Office of Environment and Heritage**
Consultation - s56(2)(d) **NSW Rural Fire Service**
:

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? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Tag_1_-_Location_map_of_Mater_Dei_and_surrounding_developments.pdf	Map	Yes
Tag_1A_-_Location_and_zoning_map.pdf	Map	Yes
Tag_2_-_Zoning,_Height_of_building_and_Lot_size_map.pdf	Map	Yes
Tag_3_-_Council's_proposed_rezoning.pdf	Map	Yes
Tag_4_-_Map_showing_the_approved_site_layout.pdf	Map	No
Tag_A_-_Covering_letter,_Council_report_and_Planning_Proposal.pdf	Proposal	Yes
Tag_5_-_Bushfire_Hazard_map.pdf	Map	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
4.4 Planning for Bushfire Protection
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

- (1) approval by the Director General's delegate in relation to S.117 Directions 2.1 Environmental Protection Zones and 3.1 Residential Zones;
- (2) consultation with the NSW Rural Bushfire Service, in accordance with S.117 Direction 4.4 Planning for Bushfire Protection, prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments made;
- (3) 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 14 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);
- (4) consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

Office of Environment and Heritage;
- (5) 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; and
- (6) the timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is not inconsistent with State and local strategies. The Planning Proposal will not result in an overall reduction of E2 Environmental Conservation zoned land and the rezoning is considered to be of a minor significance.

It is not envisaged that the planning proposal will result in any environmental and social impact. The Planning Proposal will ensure the orderly delivery of residential dwellings in the release area.

Necessary environmental assessment has been carried out previously as part of Council's development assessment processes for the subdivision application for the release area as well as the seniors housing development.

Signature:



Printed Name:

T DORAN

Date:

1/12/11