



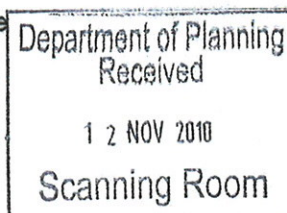
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Binder: Harrington Street Elderslie

11 November 2010

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



Dear Sir,

Planning Proposal – 23 Harrington Street Elderslie

Council at its meeting held on 26 October 2010 resolved to support a Planning Proposal that seeks an amendment to Clause 6, Schedule 1 of Camden LEP 2010 to include the following additional permitted uses on the site known as 23 Harrington Street Elderslie (Lot 2 DP 1008301):- Entertainment facility, Funeral chapel, Funeral home, Hotel or motel accommodation, Information and educational facility, Office premises, Place of public worship, Restaurant, Serviced apartments, Tourist and visitor centre, Veterinary hospital.

Please find enclosed the current Planning Proposal. Also enclosed are the Council Report and attachment and Council's resolution on this matter.

Council requests a Gateway determination of this Planning Proposal pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.

Council recommends to the Department that the applicant be directed to prepare a flooding impact assessment, traffic impact assessment & noise impact assessment to the satisfaction of Council prior to the public exhibition stage of the Planning Proposal.

Council recommends to the Department that a 28 day public exhibition period be adopted for the amending LEP.

Should you require any further information, please contact me on 4654 7833.

Yours sincerely,

Heath James
Senior Project Officer - Strategic Planning

Enclosures:- *Planning Proposal*
Council Report, attachments and Resolution – 26 October 2010

ORDINARY COUNCIL

ORD05

SUBJECT: PLANNING PROPOSAL - 23 HARRINGTON STREET
ELDERSLIE
FROM: Director Governance
FILE NO: 23 Harrington Street

PURPOSE OF REPORT

The purpose of this report is to consider a Planning Proposal for an amendment to Camden LEP 2010 to list additional uses at 23 Harrington Street Elderslie as being permissible with development consent.

BACKGROUND

23 Harrington Street Elderslie is currently zoned RE2 Private Recreation with an additional schedule of permitted uses pursuant to Camden LEP 2010.

Identification of the site and its relationship to the surrounding land is **provided on the map on page 6 of the document shown in Attachment 1 to this report.** A strip of Harrington Green Public Reserve separates the site from Camden Valley Way. The land opposite the site on the western side of Camden Valley Way is part of the Nepean Floodplain zoned RU1 Primary Production. Hilder Public Reserve is located on the opposite (eastern side) of Harrington Street. A Church, Camden Christadelphian Ecclesia and house is located on the south/south-western side of the site. The caravan/camper sales business adjoins the site to the north. Blinky Bill Child Care Centre and Camden Preschool Kindergarten with frontage to Lowe Street are each located nearby. A pedestrian pathway runs adjacent to the southern boundary of the site linking Harrington Green with Hilder Reserve.

On 27 May 1996 Council approved Development Consent 124/1995 for the erection of a single storey convention centre, comprising three function rooms, an attached two-storey motel with 45 rooms, a tennis court and a swimming pool. Construction commenced and the footings were built but no further work was carried out until the submission of a new Development Application (936/2002) on 20 June 2002. This application sought consent for the construction of a convention centre, restaurant and 25 serviced apartments. The serviced apartments had been the subject of a rezoning process with the gazettal of LEP 129 permitting the use and the strata subdivision of the serviced apartments (maximum four week stay period).

Following Council consideration Development Application 936/2002 was approved on 25 November 2002. Construction on the site resumed and additional footings in accordance with Development Consent 936/2002 were built and found to be satisfactory following inspections by Council staff. On 9 February 2006 Council received an application for modification of Consent 936/2002 to revise the approved 25 serviced apartments to 43 motel rooms. The application was considered and approved by Council on 27 March 2006. An additional application for modification was received on 5 June 2006 for minor alterations and additions to improve the use and operation of the development. This was approved by Council on 14 August 2006.

No further work has been undertaken on the site for some time. The landowner has advised that the development has proven to be unviable with attempts to attract an operator for the development proving unsuccessful.

The owner of the property lodged a submission requesting rezoning of the site during the exhibition of draft Camden LEP 2009. It was noted in the Council report of 24 November 2009 that while the request to review the zoning may have merit, it was beyond the scope of the draft LEP. The owner was advised that he should meet with Council to discuss the matter further.

MAIN REPORT

Camden LEP 2010

While 23 Harrington Street Elderslie is zoned RE2 Private Recreation, Clause 6 of Schedule 1 - Additional Permitted Uses of Camden LEP 2010, permits development for the purposes of functions centres, landscape and garden supplies, restaurants and serviced apartments with or without strata subdivision, with development consent. The RE2 zone table also lists a number of permissible uses that are discussed further below. Prior to Camden LEP 2010 taking effect, the site was zoned 6(c) Private Open Space pursuant to Camden LEP 46.

Site Location & Attributes

The Harrington Green strip of land between the site and Camden Valley Way and the gentle land grade associated with the floodplain means the site and its future development will be a prominent feature of the Camden Valley Way visual catchment at the northern entry point into the Camden town centre.

The site is flood affected and a flood study report was completed as part of the 2002 DA for the convention centre, serviced apartments and restaurant. A copy of the flood study report is provided as **Annexure B to Attachment 1 to this report**

With the above matters in mind, the owner has been in discussion with Council staff as to the most appropriate zoning for the land. The owner initially sought to have the land rezoned to a business zone however this was not supported given the proximity to the Camden town centre.

It was acknowledged that the current Private Recreation zoning for the site is not entirely appropriate and that the site's location and attributes/constraints lends itself to a site specific LEP amendment approach. It was considered that inserting a number of additional landuses to Schedule 1 - Additional Permitted Uses of Camden LEP 2010 as being permissible with consent was the most appropriate way to proceed.

Following a number of meetings between the owner and his representatives and Council staff, a range of possible land uses which could be undertaken on the site has been developed. It should be noted that while these could be listed as additional uses on the site, the uses would ultimately be subject to the DA assessment and determination process. The landowners consultant has submitted a Planning Proposal for Council's consideration seeking Council's support for the LEP amendment and to initiate the LEP amendment process.

Details of the Planning Proposal

A Planning Proposal in support of the LEP amendment is **shown in Attachment 1 to**

this report. The Planning Proposal is the initial report submitted seeking Council resolution to proceed with the LEP amendment of the land in accordance with the requirements of the Act.

The stated objectives of the Planning Proposal is *to enable the development of No 23 Harrington Street, Elderslie for commercial purposes having regard to the 'gateway' attributes the land possesses on the entrance to the Camden Township and within the established area of Elderslie and the new urban release area of Elderslie.*

The Planning Proposal is site specific in response to the site's location and attributes. The Planning Proposal seeks an amendment to Camden LEP 2010 Schedule 1 - Additional Permitted Uses, to include entertainment facility, funeral chapel, funeral home, hotel or motel accommodation, information and educational facility (but not child care centres), office premises, place of public worship, restaurant, serviced apartments, tourist and visitor centre, veterinary hospital as additional permitted uses on the site.

The Planning Proposal seeks to retain the RE2 Private Recreation Zone for the property. Under this zone community facilities, function centres, recreation facilities (indoor), recreation facilities (major), recreation facilities (outdoor) are permissible with consent. This means that Schedule 1 - Additional Permitted Uses only needs to address those additional uses that are not already permissible under the zone with development consent.

The Planning Proposal suggests that landscape and garden supplies is not a suitable development for the site and should be deleted from the draft clause. This is supported.

Attachment 2 to this report provides a table that summarises the current and proposed list of permissible land uses at 23 Harrington Street Elderslie. The suggested list of commercial uses is considered to be compatible with the site's location and attributes whilst protecting the core business function of Camden town centre.

Environmental Impact Assessment

Some environmental assessments would be appropriate to be undertaken at any future development application stage such as a salinity assessment and potential contamination assessment. For the purposes of assessing the Planning Proposal Council staff have given detailed consideration to flood risk assessment, traffic impact assessment and noise impact assessment and these are discussed in more detail below.

Assessing New Development with Council's Flood Risk Management Policy

The land is classified as high hazard flood fringe with the following flood levels applying to the property (Australian Height Datum - AHD):

Probable Maximum Flood:	75.6m
1% Average Exceedance Probability (1 in 100 year flood)	71.6m
5% Average Exceedance Probability (1 in 20 year flood):	69.9m

Based on Council's flood mapping, the highest point in Harrington Street on the frontage of the property is approximately 71m AHD. Finished floor levels for the original approved development were as follows: Basement carpark: 69.5m,

Conference Centre: 71.0m, First Floor of Units 72.2m.

Any new development on the property would ordinarily have to comply with the Council's Flood Risk Management Policy Development Guidelines. While the flooding on the property obviously is a development constraint, it is likely that a suitably scaled and designed development would be able to satisfy the relevant development guidelines with the exception of "reliable and safe access for pedestrians and vehicles required during the Probable Maximum Flood event". This is because the depth of water in a probable maximum flood event is approximately 4.6m in Harrington Street. This means that this requirement could not be satisfactorily addressed.

Section 4.6 in the Flood Risk Management Policy "Redevelopment of Commercial Areas of the Floodplain" makes concessions for the redevelopment requirements of sites in areas zoned commercial. As the land is zoned RE2 Private Recreation pursuant to Camden LEP 2010 and it is not proposed to rezone the land to a commercial zoning, this section would not directly apply to this site. However, it could be argued that the intent of the section would still apply, namely, that a commercial development on the site would be built with flood proof materials and that the development will not increase the number of people at risk residing in high hazard areas. This is also consistent with the primary objective of the NSW Floodplain Management Manual 2005 - "to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods".

Traffic Impact Assessment

Whilst the current development consent includes access from Camden Valley Way (across Harrington Green Public Reserve), any future development application cannot assume access from Camden Valley Way. Consideration has been given to the implications of restricting site access to Harrington Street and to increasing the range of permissible uses on the site. Addressing the potential traffic impacts associated with the access and traffic along Harrington Street and Macarthur Road in particular will be a key consideration. A final determination on access will be made on its merits as part of any future development application.

Noise Impact Assessment

A noise impact assessment was undertaken as part of the approved development. It is considered that a noise impact assessment for the range of proposed land uses and associated traffic impacts should be completed.

Further Studies Required

It is considered that Council should recommend to the DoP that studies are required to be completed to address traffic impact, noise impact and flooding impact assessment. These studies would need to be completed prior to the public exhibition of the Planning Proposal. Further studies may be requested by the DoP once the Planning Proposal goes through the Gateway Determination process. In terms of flood impact assessment, the Planning Proposal should be accompanied by an assessment of permissible uses, development potential of the site and the requirements of the NSW Floodplain Development Manual and Council's Flood Risk Management Policy.

Consultation

Council will recommend a 28 day exhibition period for the draft LEP amendment. It is

not considered necessary to consult with public authorities for this LEP amendment.

The Process From Here

Should Council determine to send the proposal to the DoP the following steps will occur:

- Gateway Determination by the DoP to ensure there is sufficient justification for the proposal early in the process. The Gateway Determination will determine whether the proposal should proceed, whether it needs to be resubmitted with additional information, and community and public authority consultation requirements;
- Report to Council to seek resolution to publicly exhibit the Studies and Planning Proposal;
- Public Exhibition of the Studies and Planning Proposal as required by Council and the DoP;
- Report to Council on the exhibition and to seek resolution to send the Planning Proposal to the DoP for final assessment;
- DoP final assessment of Planning Proposal
- DoP arrange the legal instrument in consultation with Council;
- Plan is made.

It should be noted that all costs associated with the preparation of studies and instruments will be borne by the proponent.

CONCLUSION

The Planning Proposal to prepare an LEP amendment to permit additional permitted uses at 23 Harrington Street Elderslie has merit for a number of reasons. The Planning Proposal considers that a commercial use is a good outcome for this site and will allow the site to be developed rather than allow the approved use remaining in an underdeveloped manner on the land. The site's location on the northern entry to Camden town centre lends itself to a site specific LEP amendment as the best means to increase the range of permissible uses for the site whilst at the same time protecting the core business function of Camden town centre. The ultimate development decision for the site will rest with Council at any future DA assessment and determination stage.

RECOMMENDED

That Council:

- i. support a planning proposal to include the following additional permitted uses on the site known as 23 (Lot 2 DP 1008301) Harrington Street Elderslie:- Entertainment facility, Funeral chapel, Funeral home, Hotel or motel accommodation, Information and educational facility, Office premises, Place of public worship, Restaurant, Serviced apartments, Tourist and visitor centre, Veterinary hospital as additional permitted uses;
- ii. forward the Planning Proposal to the Department of Planning for Gateway Determination with a recommendation for a 28 day public exhibition period of the amending LEP; and
- iii. recommend to the Department of Planning that the applicant be directed to prepare a flooding impact assessment, traffic impact assessment & noise impact assessment to the satisfaction of Council prior to the public exhibition stage of the Planning Proposal.

ATTACHMENTS

Attachment 1 - Planning Proposal

Attachment 2 - Table Explaining Permissible Uses – 23 Harrington Street Elderslie



23 Harrington Street Elderslie Attachment 2.doc 23 Harrington Street Planning Proposal Attachment 1.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Warren that Council:

- i. support a planning proposal to include the following additional permitted uses on the site known as 23 (Lot 2 DP 1008301) Harrington Street Elderslie:- Entertainment facility, Funeral chapel, Funeral home, Hotel or motel accommodation, Information and educational facility, Office premises, Place of public worship, Restaurant, Serviced apartments, Tourist and visitor centre, Veterinary hospital as additional permitted uses;
- ii. forward the Planning Proposal to the Department of Planning for Gateway Determination with a recommendation for a 28 day public exhibition period of the amending LEP; and
- iii. recommend to the Department of Planning that the applicant be directed to prepare a flooding impact assessment, traffic impact assessment & noise impact assessment to the satisfaction of Council prior to the public exhibition stage of the Planning Proposal.

THE MOTION ON BEING PUT WAS **CARRIED**.

(Councillors Cagney, Cottrell, Dewbery, Funnell, Patterson, Symkowiak and Warren voted in favour of the Motion.

Councillor Campbell voted against the Motion).

ORD235/10

ACTIONS

CRMS number , Finalised 10/29/2010 8:13:43 AM

Action: Finalised,

recission motion pending - no action to be taken at this stage

Link to CRMS document CRMS: 12568530 28/10/2010, 09:24:55 AM

Attachment 2: Table Explaining Permissible Uses – 23 Harrington Street Elderslie

Camden LEP 2010 RE2 Zone Land Use Table Permissible Uses	Camden LEP 2010 Schedule 1 Additional Permissible Uses	Planning Proposal
Caravan parks; Community facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Signage; Water recycling facilities; Water supply systems; Waterbodies (artificial)	Function centres, Landscape and garden supplies, Restaurants and serviced Apartments with or without strata subdivision	Entertainment facility, Funeral chapel, Funeral home, Hotel or motel accommodation, Information and educational facility, Office premises, Serviced apartment, Place of public worship, Restaurant, Tourist and visitor centre, Veterinary hospital

SUBMISSION TO CAMDEN COUNCIL - PLANNING PROPOSAL

**Land Situated at Lot 2 in DP 1008301, No 23
Harrington Street, Elderslie**

Prepared For:
Dibblar Pty Ltd and Jimbalia Pty Ltd
Prepared By:



October 2010

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1 Executive Summary

The purpose of this report is to support a request to Camden Council to rezone land at Elderslie by amending Camden Local Environmental Plan 2010 (LEP 2010) to permit the development of the land for commercial purposes. This request is in context of the current zoning of the land, which is zoned RE2 (Private Recreation) under the provisions of LEP 2010. The zoning, to some extent, reflects the private ownership of this land and adjoining lands to the south and the zoning under the previous LEP 46 as private open space. This report has been prepared in respect of instructions from the owners (Dibblar Pty Ltd & Jimbalia Pty Ltd) regarding the subject land.

Council has granted consent to Development Application DA 936/2002 for a proposed development on the land consisting of a 25 room serviced apartment complex in association with convention/function room facilities and restaurant. Car parking for 141 spaces was to be provided, 30 of which under the building. The latter spaces were to be allocated to the apartment clients. A bus parking/drop off area was to be provided. Vehicular access was provided from Camden Valley Way, via a one-way traffic movement.

No access was to be from Harrington Street (except in an emergency situation – flooding). This consent has physical commencement, as works in the form of footings and other works have commenced (refer to Figure 1 which shows these works). As such the consent cannot lapse. However, due to financial issues and attempts to attract an operator for the development, the development has not proceeded beyond these works and the property remains in an overgrown state. This is of particular concern to Council particularly as the site is on the entrance to the Camden Township.

The service apartments were the subject of a rezoning proposal with the gazettal of LEP 129 permitting the use and the strata subdivision of the serviced apartments (short term). Short-term was not defined in the LEP. The report to Council meeting of 25 November 2002 however, stated in respect of the occupancy of the apartments the following:

Long Term Occupancy of Apartments

The use of a Section 88B instrument and the supervision by central management will be implemented for the control of short-term occupancy. In addition, Council has the jurisdiction to commence legal action for failure to comply with the conditions of the development consent, should tenants maintain long-term occupancy. As most employment awards incorporate a four week provision for annual leave, it is considered that a maximum stay of four weeks is appropriate and will ensure that the apartments are not used for long term occupation.

Notwithstanding the short-term restriction imposed by Council, the owners have had a number of difficulties in attracting an operator/manager for the development proposal. This is due mainly to the cost of construction of the complex and on-going maintenance of the building with minimal financial return.

The owners have undertaken a market appraisal of the development and the capital investment of over \$10 million is not justified in this current economic climate. As such other options for the site need to be considered to enable this strategic (Gateway) site to be developed with some commercial development, as proposed by this Planning Proposal.

In brief, this report seeks an amendment to LEP 2010 to reflect future development aspirations of the owners to develop the land generally for commercial purposes. It would be noted that there is an adjoining property to the north that has been operating as a caravan display and sales centre for a number of years. This land is similarly zoned and operates under the existing use rights provisions of the EP&A Act 1979.

Under Camden LEP 2010, Council has maintained the same zoning that previously applied under LEP 46, but reflecting the zones under the Standard Template and accordingly an RE2 (Private Recreation) applies, basically to reflect the status quo.

In October 2009, this firm made a submission to Camden Council requesting that Council give consideration to zoning the land for commercial purposes under the LEP. At the Council meeting of 24 November 2009, the Council considered the submission and the report stated:

"A consultant, on behalf of the owner of 23 Harrington Street Elderslie, has made a submission comprising two issues. The first requests consideration be given to the rezoning of the property and adjoining lands which are RE2 Private Recreation under the draft LEP. They were previously zoned 6(c) Open Space Private under LEP 46.

The other issue relates specifically to 23 Harrington Street. The land currently has consent for serviced apartments which have been deemed to be substantially commenced. Work on the development has not progressed for some period of time and the owner would like to discuss other possible development options with Council.

While the above requests have merit they are considered to be beyond the scope of the draft LEP. However the owner will be advised that he should meet with Council to discuss both matters, however they cannot form part of this draft LEP."

The Council resolved that the draft LEP be adopted as exhibited and that it be submitted to the Department of Planning for making of the plan. LEP 2010 was gazetted and the subject land been identified under Schedule 1 to permit the following additional uses.

"(2) Development for the purpose of function centres, landscape and garden supplies, restaurants and serviced apartments is permitted with development consent."

Following on from the above resolution, a meeting was held with Council officers on 8 December 2009 to discuss options for the land. Council officers advised that a Planning Proposal application would need to be submitted to Council to rezone the land for commercial purposes. It has also been indicated that this rezoning process may form stage 2 of LEP 2010 and considered in conjunction with other rezoning submissions received by Council.

The intention of the planning proposal is to allow the lands to be developed in a form or manner compatible with the site's context and that within the immediate area. This in our view would provide a logical development opportunity as opposed to the options presently available under the current zoning involving the consideration of limited development options available under the zoning (Schedule 1). The rezoning of the land would provide certainty and finality for the owners, Council and the Community as to the future development aspirations for the land, which to date have met with issues relating to the development of the land generally. This would also in our view be consistent with the general thrust and direction of Council's overarching strategic vision as articulated by *Camden 2025*.

Planning Proposal – Elderslie – Justification Report

This report is to accompany a planning proposal to Camden Council (Council) for land known as Lot 2 in DP 1008301 No 23 Harrington Street, Elderslie.

The report is in four parts in accordance with the Department of Planning's Guidelines for preparing planning proposals. These are as follows:

Part 1 - Objectives or Intended Outcomes – Section 3.

Part 2 - Explanation of Provisions – Section 4.

Part 3 – Justification – Section 5.

Section A - Need for the planning proposal.

Section B - Relationship to strategic planning framework.

Section C - Environmental, social and economic impact.

Section D - State and Commonwealth interests.

Part 4 – Community Consultation – Section 6.

These Guidelines will be addressed below under the various headings.

This report confirms that the development will provide a number of benefits for the LGA, including employment opportunities, including provision of office accommodation for small or incubator type businesses.

Whilst there will be a need to address a number of issues during consideration of the rezoning proposal, the owners confirm that they will continue to work cooperatively with state agencies, the Department of Planning and Camden Council in relation to the rezoning of the land.

This report is the initial planning proposal report to be submitted to Council to enable Council to formally resolve to proceed with the rezoning of the land in accordance with the requirements of the Act. Once Council has resolved to prepare a Local Environmental Plan, the next stage will be the preparation of a Local Environmental Study and supporting documentation, as deemed necessary.

2 Subject Lands and Context

The subject land is described as Lot 2 in DP 1008301 No 23 Harrington Street, Elderslie. Legal access to the site is from Harrington Street, although Council has approved vehicular access from Camden Valley Way as part of the serviced apartments complex. The caravan display and sales centre to the north also has access from Camden Valley Way. An aerial photograph in **Figure 1** shows the context of the site to adjoining properties. The subject property is located opposite land zoned for rural purposes. This zoning is mainly due to the impact of flooding on these lands, as the Nepean River is located a short distance to the west. A church is located to the south, as is a residential property. These landuses are separated from the subject site by a public pathway. To the east is the Elderslie High School; whilst Hilder Reserve is located directly opposite to the east. Further to the northeast is Kirkham Park, which contains a number of sporting fields and netball courts. The township of Camden is located approximately 1.2km to the west.

FIGURE 1 - LOCATION OF SUBJECT SITE - AERIAL PHOTO



(Source: Google Maps)

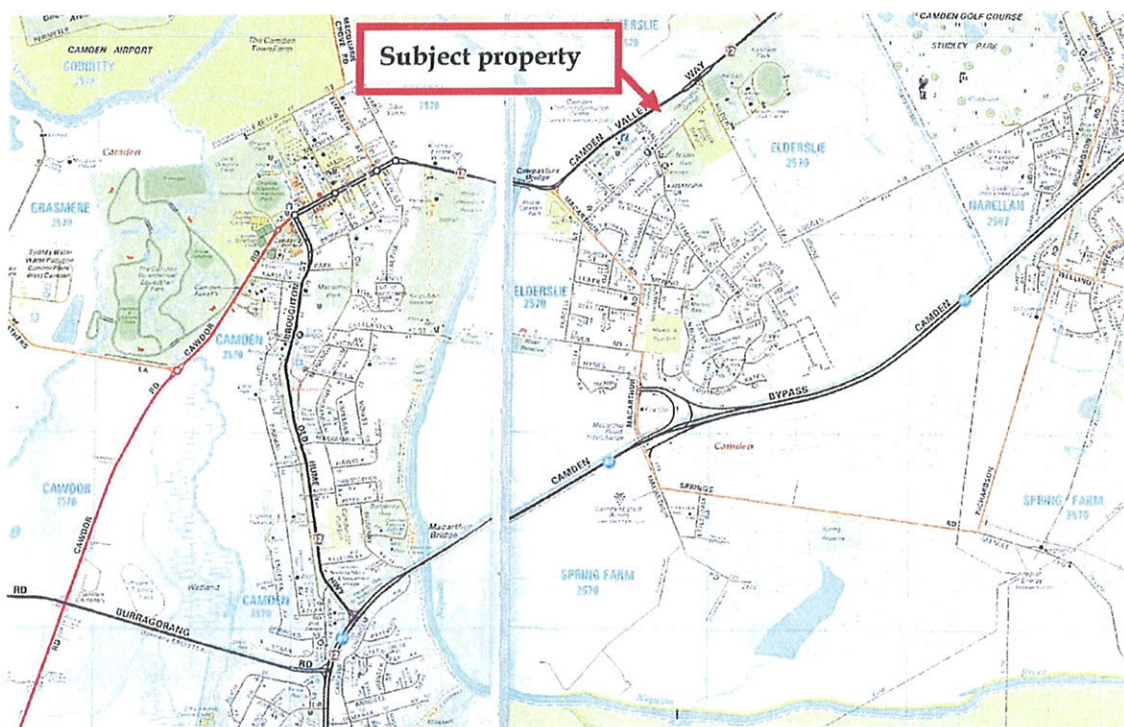
In terms of services, the subject property has all utility services available.

The subject land is located within the suburb of Elderslie. This suburb is well-established in terms of housing, although there is no commercial development in the area, except for a doctor's surgery located in Hilder Street, which is located a short distance to the east adjoining Kirkham Park and opposite Elderslie High School. There is a fruit barn located on the corner of Camden Valley Way and Macarthur Road. There is a small corner store and service station located further along Harrington Street to the south.

The land known as "Elderslie In-fill" is located along Hilder Street and Lodges Road. This land is currently being subdivided and will contain some 2600 dwellings. Figure 2 shows the area generally. Adjoining the Elderslie area is the suburb of Spring Farm. These lands are also being subdivided for approximately 4400 lots. The suburb of Narellan is located to the northeast (approximately 1.8km). As can be seen by Figures 1 and 2, the subject land is located within a highly developed established and new release areas.

In terms of roads, Camden Valley Way is a regional road with two travelling lanes. Camden Valley Way links Camden with Liverpool to the north. Further to the north, this road changes to a sub-arterial road and is being upgraded due to development within the urban release areas of Oran Park and Gregory's Hills. Other major roads in close proximity to the site area Camden Bypass, Narellan Road and The Northern Road. Macarthur Road connects to the Camden Bypass and Camden Valley Way. In this regard, the subject property is easily accessible to the road network. The Elderslie area will also be connected to the Camden Bypass under the DCP applying to the area, as well as the Spring Farm Release Area.

FIGURE 2 – LOCATION OF SUBJECT SITE – STREET MAP



(Source: Sydway Street Maps)

3 Part 1 – Statement of Objectives or Intended Outcomes

The stated objectives or intended outcomes are as follows:

To enable the development of No 23 Harrington Street, Elderslie for commercial purposes having regard to the 'gateway' attributes the land possesses on the entrance to the Camden Township and within the established area of Elderslie and the new urban release area of Elderslie.

Part of the subject land is subject to flooding in a 1 in 100 year flood event. However, this is not an impediment to development, as the existing footings and where a building is likely to be constructed, is above this flood level. The subject land is classified as "Flood Storage" under the Floodplain Development Manual, given the depth and velocity of water. Car parking however, would be below the flood level. Access from Harrington Street is flood-free. This aspect of the proposal is addressed in Section 5.4.2. In this regard, a flood study was prepared for the serviced apartments/convention development proposal (**Annexure B**). The Council in effect 'endorsed' the study and its recommendations in approving this application.

It would be noted that significant parts of Camden Central Business District are severely affected by flood waters and are classified as "High Hazard Floodway" under the Floodplain Manual. This has not prevented these lands being redeveloped for commercial, retail or light industrial development/purposes, subject to certain restrictions.

4 Part 2 – Explanation of Provisions

4.1 DRAFT LEP PROVISIONS FOR SUBJECT LANDS

It is proposed by this submission to maintain the existing zoning of the land under LEP 2010 (RE2 – Private Recreation) by amending Schedule 1 (4) relating to the subject property in the following manner.

Use of certain land at 23 Harrington Street, Elderslie

- (1) This clause applies to land at 23 Harrington Street, Elderslie, being Lot 2 DP 1008301.
- (2) Development for the purpose of Entertainment facility, Funeral chapel, Funeral home, Hotel or motel accommodation, Information and educational facility, Office Premises, Place of public worship, Restaurant, Service apartments, Tourist and visitor centre, Veterinary hospital as additional permitted uses with development consent.
- (3) Delete Landscape and gardens supplies as a permissible use.

5 Part 3 - Justification

5.1 PROPOSED ZONING

As stated above, the current zoning under LEP 2010 does not reflect the aspirations of the owners to redevelop the land for commercial purposes. The proposed zoning, as stated above, basically would ensure that there was development potential for the land, other than that permitted by the current zoning and that approved by Council for a serviced apartments/convention centre complex, including public restaurant. It would be noted that LEP 129 permitted the serviced apartments complex to have a strata title for the serviced apartment units.

5.2 SECTION A – NEED FOR THE PLANNING PROPOSAL

5.2.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT

The subject land is on the fringe of the Elderslie Urban Release Area (URA) and within the established Elderslie area. A Flood Study was prepared for the serviced apartments/convention centre proposal and 'endorsed' by Council. A Traffic Impact Assessment was also prepared and the access arrangements from Camden Valley Way approved by Council and the RTA. Further studies may be required if the planning proposal is supported.

It would be noted that the Elderslie URA has been the subject of extensive studies over an extended period of time. These studies do not impact on the subject lands being considered for rezoning for the intended landuses. In this regard the planning proposal is site responsive to provide a 'low-key' commercial enterprise with convenient car parking, accessible and amenity issues. Commercial development would allow small businesses or 'incubator' type businesses to be located in a 'garden-like' setting, close to all amenities and services provided in Camden Township and surrounding areas. Rent for office space is likely to be cheaper for start-up businesses and opportunities would exist for persons to purchase or rent office space, with on-site carparking available for staff and visitors.

5.2.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

Yes. The current zoning permits a limited range of landuses. The Council has approved a landscape and garden supply business and in 2002 serviced apartments/convention centre complex, which included a public restaurant. However, to provide certainty and finality to the owners, Council and Community as to the future development proposals it is considered that the best planning outcome would be to 'rezone' the land to permit the proposed uses.

The planning proposal is the best means of achieving the objectives as the approach is site specific, which is the intention of the proposal. The site has already been approved for the landuses listed above, and is best achieved by inclusion in Schedule 1 of Camden LEP 2010 as an additional use specific to this site.

It is also considered that a commercial use is a good outcome for this site and will allow full realisation of a strategic location to be developed rather than allow the approved use remaining in an underdeveloped manner on the land. The overgrown nature of the site does not present well for this 'gateway' location and a development that can be realised is a far better outcome for the community in general. This proposal is site responsive.

5.2.3 IS THERE A NET COMMUNITY BENEFIT?

The net community benefits are clearly the development of the site, rather than remain in its current overgrown state. Local land releases, detailed above, have been considered in their strategic context and the proposal is considered not to be inconsistent with that strategic context.

The proposal results in increased local activity through the development cycle as local builders will be used to construct the development and the end development will provide employment opportunities for a diverse range of businesses. Given the location of the site close to Elderslie URA and that of Spring Farm, there will be a need for commercial floor space within close proximity to these areas. This is consistent with the Strategies discussed below.

5.3 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.3.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?

As stated above, the subject lands are on the fringe of the Elderslie URA and within the established suburb of Elderslie. The URA has been identified for a number of years for urban release purposes and currently these lands are being subdivided for urban purposes.

5.3.1.1 METROPOLITAN STRATEGY

“The Metropolitan Strategy seeks to strategically locate employment, ensure good management of existing land resources, ensure there is sufficient supply of suitable commercial sites and employment lands and efficiently utilising existing infrastructure”.

The Metropolitan Strategy was broadly developed to facilitate and manage growth and development in the Sydney Metropolitan Region in anticipation of an increased population and demographic changes over the next 25 years. The Strategy highlights the importance of increasing the number of jobs located in Western Sydney through the provision of zoned land in western Sydney localities with high quality transport access (including the orbital motorway M4/M5/M7 network) for business, manufacturing, warehousing and transport activities.

It also notes that a predicted increase in Sydney in transport, storage and logistics employment opportunities related to the assembly and distribution of goods, particularly in ‘outer areas of the city’ will require an anticipated 7,500 hectares of industrial land for these purposes.

Three of the Strategy’s five aims designed to create a more sustainable Sydney require the sufficient availability of land for industrial and employment development which is accessible to residential areas. These aims are:

1. Enhance Liveability – through a range of housing that is close to services.
2. Strengthening economic competitiveness – by increasing the city and region’s competitiveness and global markets, leading to benefits spread across the city.
3. Ensure fairness – by providing housing, jobs and services that are close to where people live.

The subject proposal will create jobs within the local area is consistent with the Metropolitan Strategy document for small business employment opportunities. The focus on employment is at the centre of the Strategy.

5.3.1.2 DRAFT SOUTH WEST SUB-REGIONAL STRATEGY

Subregional planning is an important aspect of the planning and implementation of the 2005 Metropolitan Strategy, *City of Cities: A Plan for Sydney's Future*. The metropolitan area is too large and complex to resolve all the planning aims and directions down to a detailed local level through one Metropolitan Strategy.

Subregional planning is an intermediate step in translating the Metropolitan Strategy to a local level, and recognises that some issues extend beyond local government boundaries and require a 'subregional' approach. The draft Subregional Strategies act as a broad framework for the long term development of the area, guiding government investment and linking local and state planning issues.

The aims of the subregional planning are:

- To provide a forum for councils to allocate the local distribution of housing and employment capacity targets based on the principles of the Metropolitan Strategy, and to work together on complementary future directions especially in centres crossing LGA boundaries.
- To provide for balanced growth among LGAs to build upon regional strengths and bolster opportunities.
- To identify the future role of Strategic Centres and Corridors, as well as Towns, Villages and Neighbourhood Centres in relation to the overall metropolitan structure.
- To focus coordinated State agency involvement and asset management with respect to Strategic Centres and corridors including providing a basis for the prioritisation of investment.
- To assist planning for regional facilities, within and between subregions.

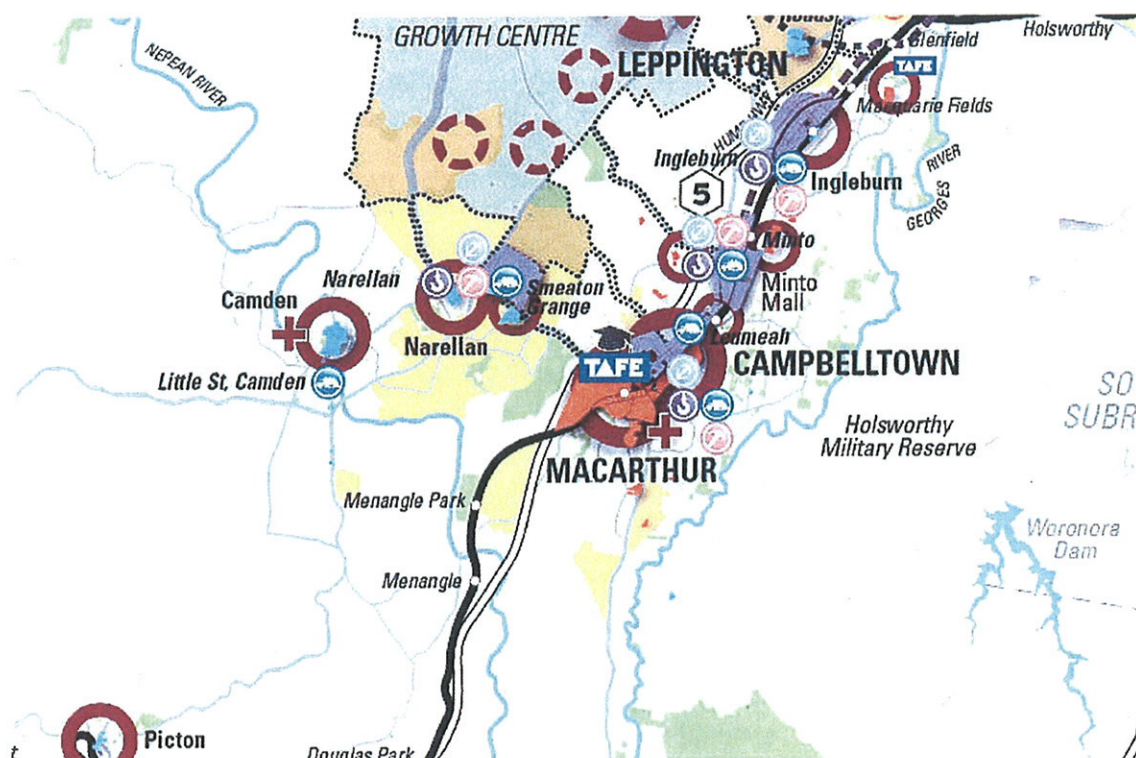
The Strategy has several areas of matters for consideration in local planning matters; namely:

- Economy and Employment
- Centres and Corridors
- Housing
- Transport
- Environment, Heritage and Resources
- Parks, Public Places and culture
- Implementation and Governance

The subject document does not specifically identify the subject land; however, Camden is identified as a centre for employment (refer to **Figure 3** below). The subject land is on the fringe of the Camden CBD and located just southwest of the Narellan CBD. These centres defined as local and sub-regional centres within Council's Retail/Commercial Hierarchy, respectively.

Therefore could be considered as part of this document. However, the subject land provides opportunities to be consistent with a number of the above in terms of economy and employment. Therefore the planning proposal is consistent with this Draft Strategy document.

FIGURE 3 - IDENTIFICATION OF LAND WITH STRATEGY



5.3.1.3 SOUTH WEST GROWTH CENTRE STRUCTURE PLAN

The South West Sydney Growth Centres Structure Plan is part of the SEPP (Sydney Region Growth Centres) 2006 and applies to the precincts identified on the "Sydney Region Growth Centres Precinct Boundaries Map - South West Growth Centre". The Structure Plan identifies:

- The general pattern and strategic direction of development in the growth centre over the next 30 years;
- The areas of future urban and employment development that are potentially available for release;
- The areas of future regional open space and of environmentally constrained land; and
- Future major infrastructure and transport routes.

The entire south-west region, including Camden, Liverpool and Camden LGA's, are currently facing unprecedented growth and will continue to do so over the next 20-30 years. The LGA's face significant challenges in delivering this growth and meeting the challenges of the impacts on infrastructure.

The provision of employment is consistent with this Structure Plan. The land is located with access to Camden Valley Way and has good accessibility to transport routes. Indeed the linkage of the F5 with the M7 Motorway has opened large tracts of industrial land along this strategic corridor, including Smeaton Grange and Gregory Hills. Both of these areas are located approximately 3.5km and 5km, respectively.

5.3.1.4 SOUTH WEST SYDNEY EMPLOYMENT LANDS STRATEGY 2003

The South-West Sydney Employment Lands Strategy (2003) was prepared by Hill PDA for Camden, Campbelltown and Liverpool Councils to identify, release, rezone and develop employment lands, including the associated infrastructure, in response to the anticipated increase in demand for this type of land over the next 25 years.

The Strategy outlines a number of criteria for the selection and nomination of appropriate employment lands in the Camden, Camden and Liverpool LGAs, including:

- Availability of the land;
- Size of land holdings;
- Physical characteristics (topography, drainage etc.);
- Infrastructure (main roads, location to urban areas etc.);
- Accessibility (to major transport infrastructure);
- Location (including accessibility but also buffering from residential areas); and
- Synergy to other land uses (such as links to a university, hospital or major commercial or recreational uses).

The Strategy notes that an increasing trend is occurring whereby greater flexibility in location choice is required, in part due to organisations requiring larger sites for consolidation of previously fragmented activities. It also notes that purpose-built facilities at well-located nodal points in suburban locations are increasingly sought after by organisations due to their benefits of agglomeration, corporate prestige, amenity, proximity to labour and cost-effectiveness. The Strategy also noted that decisions relating to future employment locations could be influenced by factors such as:

- On-going loss of employment land in inner-middle ring suburbs;
- Recognition of business park development locations by the market;
- Construction of the Western Sydney Orbital route contributing to improved accessibility;
- Potential availability of large sites;
- An apparent trend to leasing land, which may deter operations seeking ownership; and
- There have also been a number of involvements in the area that have been established.

The proposed development will assist in providing more job opportunities for the local area on the fringe of the release areas defined above.

5.3.1.5 REGIONAL POLICIES AND STRATEGIES

A number of regional policies and strategies have been developed, particularly focussing on the employment and industrial development of the south west sector of Sydney, and the region known as “MACROC” (or Macarthur Regional Organisation of Councils). MACROC comprises Camden, Camden and Wollondilly LGAs (the Outer South Western Sydney accommodating approximately 240,000 people).

In this regard the subject land is located on the fringe of the Elderslie URA and close to employment workforce. This release area and that of Spring Farm has the potential for some 7000 lots. Employment opportunities for future residents of these areas are essential to meet the objectives of the above Policies. It is noted that the Elderslie URA proposes a “Village Centre” in Lodges Road. This centre has been identified to provide retail, commercial and community centre. It is unlikely that the planning proposal will have an impact on this centre.

5.3.1.6 GREATER WESTERN SYDNEY REGIONAL ECONOMIC PROFILE 2006

The Greater Western Sydney Regional Economic Profile provides a comprehensive coverage and analysis of economic and business conditions for Greater Western Sydney, concluding that Greater Western Sydney offers a competitive business environment and is the largest manufacturing region in Australia. The proposal is consistent with this document.

5.3.2 IS THE PLANNING PROPOSAL CONSISTENT WITH LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?

5.3.2.1 CAMDEN COUNCIL

The Camden Strategic Plan portrays a vision of Camden (as an LGA) in the year 2025. To realise this vision 4 pillars of interest or focus areas are established around which strategies and actions are fashioned.

The areas of most relevance include:

- Managing Urban Growth.
- Accessibility.
- Economic and community development.
- Environmental systems.

Managing Urban Growth

The development proposal is consistent with the relevant aspects of the Urban Development Objective.

Accessibility

The planning proposal has good access to the local street network as described in Section 2 above.

Economic and Community Development

The development proposal is focused upon contributing to a positive urban and landscape design outcome and in so doing enhance quality of employment for future employees. Further, the proposal also seeks to contribute to the sense of community and local identity by creating a "place" of character and attraction. Consistent with the philosophy of complimentary centres, the development proposal is viewed as complimentary and will support services provided in the Camden Town Centre.

Environmental Systems

The development proposal is strongly focused on producing positive and sustainable environmental outcomes in fulfilment of the Environmental Systems Objective.

The planning proposal is considered to be in accordance with these strategies and is consistent with these directions.

5.3.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The following State Environmental Planning Policy (SEPP) applies to the planning proposal:

- State Environmental Planning Policy (Infrastructure) 2007; and
- State Environmental Planning Policy 55 – Remediation of Land.

5.3.3.1 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

SEPP (Infrastructure) 2007 rationalises consultation required in relation to traffic generating developments. The proposal may be one that requires referral to the RTA for consideration if access to Camden Valley Way is proposed. It would be noted that the RTA has already approved access arrangements to this road. If access is via Harrington Street, this will require consideration by the Local Development Committee.

5.3.3.2 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Due to the nature of former land uses on the site, the proposed development is subject to the provisions of SEPP 55 – Remediation of Land. Specifically the Policy provides under Clause 7(1) that development consent must not be granted by Council unless:

- (a) It has considered whether the land is contaminated, and
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) If the land requires remediation to be suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In accordance with Council's policy and SEPP 55 a contamination report may be required. However, Council has approved the development application for the serviced apartments/convention centre complex and it is our understanding that a contamination report was submitted with that application.

The following Regional Environmental Plans apply to the planning proposal"

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

5.3.3.4 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY-NEPEAN RIVER

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 1997) applies to the site. The Plan aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future landuses are considered in a regional context".

The Plan lists several objectives and policy directions for matters such as water quality, catchment management, flora and fauna management and riverine quality. The planning proposal is not likely to affect matters detailed for further policy and strategic planning under the SREP. The planning proposal is consistent with the general aims of the Plan.

5.3.4 IS THE PLANNING CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S 117 DIRECTIONS)?

Attached as **Annexure A** is a compliance table addressing these Directions.

5.4 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

5.4.1 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?

The subject site is devoid of vegetation and therefore it is unlikely that there will be an impact of critical habitat. The planning proposal is for a modification to the type of commercial and residential accommodation approved by Council.

5.4.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

As discussed above the subject land is affected by flooding. A flood study was prepared in 2002 for the serviced apartments/convention centre development proposal. This flood study was endorsed by Council, with Council setting floor levels for the 'commercial' component (convention and restaurant) and for the 'residential' component (serviced apartments). The residential floor level was set at 600mm above the flood level and this was easily achieved. A copy of this report is provided at **Annexure B**.

In terms of traffic, the approved development has access from Camden Valley Way with emergency access from Harrington Street. Harrington Street was essentially 'denied' by Council due to perceived traffic impacts of the development in residential streets such as Harrington Street, particularly given the hours of operation of the development. At this stage, access to the site has not been determined and it is considered that given the 'low-key' nature of the development, access should be from Harrington Street, with vehicular access from Camden Valley Way being denied by virtue of the public reserve between the subject site and Camden Valley Way.

5.4.3 HOW HAS THE PLANNING ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The proposal has positive social and economic contributions above and beyond the existing approved development given the proposed commercial use will provide additional diversity and supply of a much needed form of office floor space and will provide a continuing local business operation that will necessarily become an integral part of life in Camden.

Given that the style of development is changing in the proposed precinct, social needs will need to be assessed as part of further analysis later in the process.

5.5 SECTION D – STATE AND COMMONWEALTH INTERESTS

5.5.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

No additional infrastructure is required to accommodate the planning proposal. All services are readily available to the site. The site also has good road access.

5.5.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The Elderslie URA was part of an extensive consultation process. Whilst the subject site is not within this release area, it is on the fringe. The consultation process involved a number of State Government agencies and resulted in lands being set aside for development and those areas that needed to be preserved for riparian and habitat corridors.

The approved development was the subject of referral and approval by the RTA for access to Camden Valley Way. Additional consultation is envisaged as part of the process at the relevant stage.

6 Part 4 – Community Consultation

As noted above, the community has been consulted on numerous occasions relating to the existing approved development.

It is envisaged that further community consultation would occur through the public exhibition of detailed documents lodged with the development application for the development proposal.

This further consultation will, at a minimum include, advertising in local papers, exhibition material provided at Camden Council administration buildings and libraries and Camden Councils webpage and the required written notifications that would ordinarily be required.

7 Conclusion

The preceding commentary and background material referenced has clearly established a case for the limited review the planning provisions as they pertain to the subject land. Council is accordingly requested to take the necessary steps to commence the process of rezoning the subject lands as detailed in this submission at section 4.1.

SINCERELY YOURS,



MJ BROWN
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