

Amendment No. 19 to Camden LEP 2010 - Reclassification of Lands

Proposal Title : **Amendment No. 19 to Camden LEP 2010 - Reclassification of Lands**

Proposal Summary : **The Proposal seeks to:**

- 1) Reclassify 4 Council-owned sites from a 'community' to an 'operational' classification:
 - "Camden Town Farm",
 - "Elizabeth Park", Narellan Vale,
 - Mount Annan Leisure Centre, and
 - land in Topham Road, Smeaton Grange.
- 2) Amend the reference to the "Camden Town Park" local heritage item, and
- 3) Introduce a local clause for the "Camden Town Park" site to ensure consistency with a master plan for the land.

PP Number : **PP_2012_CAMDE_010_00**

Dop File No : **12/14268**

Proposal Details

Date Planning Proposal Received :	21-Sep-2012	LGA covered :	Camden
Region :	Sydney Region West	RPA :	Camden Council
State Electorate :	CAMDEN	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	75A Macquarie Grove Road		
Suburb :	Camden	City :	Sydney
Land Parcel :	Lot 1, DP532049	Postcode :	2570
Street :	40 Exeter Street		
Suburb :	Camden	City :	Sydney
Land Parcel :	Lot 2, DP 532049	Postcode :	2570
Street :	75 Macquarie Grove Road		
Suburb :	Camden	City :	Sydney
Land Parcel :	Lot A, DP 337924	Postcode :	2570
Street :	Land in Waterworth Drive		
Suburb :	Narellan Vale	City :	Sydney
Land Parcel :	Part Lot 2, DP 1138792	Postcode :	2567
Street :	156A Waterworth Drive		
Suburb :	Narellan Vale	City :	Sydney
Land Parcel :	Lot 53, DP 857052	Postcode :	2567

Amendment No. 19 to Camden LEP 2010 - Reclassification of Lands

Street : 363 Welling Drive

Suburb : Mount Annan

City : Sydney

Postcode : 2567

Land Parcel : Lot 1101, DP 884135

Street : 55 Topham Road

Suburb : Smeaton Grange

City : Sydney

Postcode : 2567

Land Parcel : Lot 3513, DP 830128

DoP Planning Officer Contact Details

Contact Name : Mato Prskalo

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RPA Contact Details

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DoP Project Manager Contact Details

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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) :

No. of Lots : 0

No. of Dwellings
(where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : No

If Yes, 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 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.

Supporting notes

Internal Supporting
Notes :

The Proposal was received on 24 August 2012, however, further information was sought and provided by Camden Council. The last advice was provided by Camden Council and received on 21 September 2012.

The Proposal, with amendments as recommended, will enable Council to manage its assets and will benefit the community.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The stated objectives are as follows:

"CAMDEN TOWN FARM"

Reclassify the land from "community" to "operational" to permit its use in accordance with the master plan for the land. The reclassification is required in order to address an oversight with a previous reclassification (by way of council resolution), which was inadvertently not publicly notified.

"ELIZABETH PARK", NARELLAN VALE

Reclassify the land from "community" to "operational" to allow consolidation of the subject land with adjoining lands and its development as a community centre.

MOUNT ANNAN LEISURE CENTRE

Reclassify the land from "community" to "operational" to clarify uncertainty about the status of the land and allow its consolidation, development and expansion of an existing use.

TOPHAM ROAD, SMEATON GRANGE

Reclassify the land from "community" to "operational" to address an oversight with a previous reclassification (by way of council resolution), which was inadvertently not publicly notified.

COMMENT

Part 1 (Objectives or Intended Outcomes) of the proposal does not indicate the full extent of proposed changes to the "Camden Town Park" site, i.e. (1) the alteration of the property description for the heritage listing and (2) the proposed introduction of a local clause to ensure consistency with the master plan for the land. It is considered that Council should be required to amend Part 1 of the Proposal prior to exhibition to rectify the omission. This matter is discussed further in this report.

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

Is an explanation of provisions provided? Yes

Comment :

Part 2 - Explanation of provisions

The stated explanation of provisions is as follows:

CAMDEN TOWN FARM

(i) Reclassification

Insert the following into Part 2 of Schedule 4:

Column 1 (Locality) - Camden

Column 2 (Description) - Lot 2, DP 532049, 40 Exeter Street; Lot 1 DP
532049, 75A Macquarie Grove Road; Lot A, DP

337924, 75 Macquarie Grove Road.

Column 3 (Any Trusts etc. not Discharged) - Nil

(ii) Additional Local Provision

Insert into Part 7 the following:

7.9 Camden Town Farm

(1) This clause applies to land identified as Lot 2, DP 532049, Lot 1, DP
532049, and Lot A, DP 337924, known as Camden Town Farm;

(2) The carrying out of development on land to which this clause applies
may be carried out:

(a) with development consent in accordance with the adopted Camden
Town Farm Master Plan, and

(b) if the adopted Camden Town Farm Master Plan so provides -
without development consent,

in accordance with the conditions (if any) specified in the adopted
Camden Town Farm Master Plan in relation to that development.

(3) This clause has effect despite anything to the contrary in the Land Use
Table or other provisions of this Plan.

(iii) Heritage Description

Amend the property description for Item 126 of Schedule 5 to read "Lots 1 and 2, DP532049;
Lot A, DP 337924".

"ELIZABETH PARK", NARELLAN VALE

Insert the following into Part 2 of Schedule 4:

Column 1 (Locality) - Narellan Vale

Column 2 (Description) - Part Lot 2, DP 532049, 40 Exeter Street - as shown
edged blue on the Land Reclassification (Part
Lots) Map.

Column 3 (Any Trusts etc. not Discharged) - Nil

MOUNT ANNAN LEISURE CENTRE

Insert the following into Part 2 of Schedule 4:

Column 1 (Locality) - Mount Annan

Amendment No. 19 to Camden LEP 2010 - Reclassification of Lands

Column 2 (Description) - Lot 53, DP 857052, 156A Waterworth Drive; Lot 1101, DP 884135, 363 Welling Drive.
Column 3 (Any Trusts etc. not Discharged) - Nil

TOPHAM ROAD, SMEATON GRANGE

Insert the following into Part 2 of Schedule 4:

Column 1 (Locality) - Smeaton Grange
Column 2 (Description) - Lot 3513, DP830128, 55 Topham Road.
Column 3 (Any Trusts etc. not Discharged) - Nil

COMMENT

"Camden Town Farm"

The proposed local provision is not supported as it seeks to prevail over the provisions of the Principal Plan.

The above matter was raised with council officers, who have proposed to address the matter through Schedule 1 - Additional Permitted Uses, as an alternative means of achieving Council's intention. The council officer has advised, that subject to a Gateway Determination which endorses this approach, Council will amend the planning proposal accordingly.

The proposed amendment is as follows:

Insert within Schedule 1 - Additional Permitted Uses:

2A Use of certain land at Exeter Street, Camden

(1) This clause applies to land known as Camden Town Farm at Exeter Street, Camden, being Lot 2, DP 5320409, Lot 1 DP 532049 and Lot A DP 337924, as shown edged heavy blue on sheet of the Additional Permitted Uses Map.

(2) Development for the purposes of food and drink premises, information and education facility and retail premises (but limited to retail premises that sells art and crafts) is permitted with development consent.

Justification

Departmental officers discussed alternatives to using schedule 1 to achieve Council's intentions, including the addition of 'roadside stalls' as a permissible use in lieu of permitting a restricted retail premises use. Council advised:

Council are attempting to retain the standardised format as much as possible, however there are some special circumstances, as in this case, where the intention of the definition of retail premises (but limited to retail premises that sell arts and crafts) is for the small scale sale of products derived from agricultural type uses that are not typical of this site. In saying this, it is intended for the sale of pottery, wools, patchwork blankets and quilts, and the like, which are often produced by the Country Women's Association and small community groups. These items are often made or produced off site, hence ruling out the definition of 'roadside stall'.

Furthermore Clause 5.3 states that development consent will not be given to

development unless the proposal meets the objectives of both zones (zones RU1 and B4 currently apply to the site). In this regard, this clause leaves a desired development up to chance as the vast variations in the objectives of RU1 and B4 zones may render development prohibitive. The intentions of the standard instrument is to provide certainty across the planning system and it is Council's intention is to provide certainty, both for Council and the community.

Finally, I would like to advise that this will only apply to lands situated in the RU1 zone, hence the phrase 'as shown edged heavy blue on sheet of the Additional Permitted Uses Map' written into the draft clause.

Given the unique circumstances, the regional team does not object to the use of schedule 1 in this instance.

"Elizabeth Park"

The property description for "Elizabeth Park" is incorrect and the DP and street address should instead read "1138792" and "Waterworth Drive" respectively. It is considered that Council should be required to amend the proposal prior to exhibition to rectify the error.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.5 Development Near Licensed Aerodromes

4.2 Mine Subsidence and Unstable Land

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

Is the Director General's agreement required? No

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 :

The proposal indicates that SEPP (Rural Lands) 2008 applies to the Camden Town Farm matter and discusses its applicability. However, the SEPP does not apply to Camden. It is, therefore, considered that Council should be required to amend the proposal prior to exhibition to remove reference to the SEPP.

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

If No, explain :

SECTION 117 DIRECTIONS

DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

This Direction technically applies to the proposal as it affects land within existing business and industrial zones, i.e. the Smeaton Grange site is zoned IN1 General Industrial and part of the Camden Town Farm site is zoned B4 Mixed Use. It is considered that the Proposal is consistent with the Direction as the proposal reclassifies the land subject to the zones and is not inconsistent with item 4 of the Direction. Note: the proposed use of schedule 1 to address the farm site will not extend to the B4 zone.

DIRECTION 1.2 RURAL ZONES

This Direction applies to the proposal as it affects land within an existing rural zone, i.e.

the Camden Town Farm site is primarily zoned RU1 Primary Production. However, it is considered that the proposal is generally consistent with item (4) of the Direction.

DIRECTION 1.5 RURAL LAND

The proposal addresses this Direction and considers that it applies, however, the Direction does not apply to the Camden LGA. Therefore, it is considered that Council should amend the proposal prior to exhibition to exclude consideration of the matter.

DIRECTION 2.3 HERITAGE CONSERVATION

This Direction applies to the proposal as it seeks to address an anomaly with a property description for a heritage item, i.e. Camden Town Farm. It is considered that the proposal is consistent with the Direction as the proposal will introduce a better description of the item and therefore offer enhanced protection.

DIRECTION 3.1 RESIDENTIAL ZONES

This Direction applies to the proposal as it affects land within an existing residential zone, i.e. the Narellan Vale site is zoned R2 Low Density Residential. It is considered that the proposal is consistent with the Direction as the proposal reclassifies the land and does not seek to make broader changes.

DIRECTION 3.5 DEVELOPMENT NEAR LICENSED AERODROMES

This Direction applies to the proposal as it affects land in the vicinity of a licensed aerodrome where additional controls are proposed to be introduced, i.e. part of the Camden Town Farm site is affected by the Australian Noise Exposure Forecast and Obstacle Limitation Surface zones for Camden Airport.

The Direction requires councils to, among other things, consult with the Federal Government and the lessee of the aerodrome. It is noted that Council proposes to consult with 'Sydney Metro Airports' during exhibition. It is recommended that Council be advised to give consideration to the Direction and also consult with the Department of the Commonwealth responsible for aerodromes in accordance with the Direction.

DIRECTION 4.2 MINE SUBSIDENCE AND UNSTABLE LAND

This Direction is relevant to the proposal as it applies to land that is located within a Mine Subsidence District, i.e. the Narellan Vale and Mount Annan sites are located within the Campbelltown Mine Subsidence District.

The Direction requires Council to consult with the Mine Subsidence Board. It is noted that Council proposes to undertake such consultation during exhibition and it is considered that this should be made a formal requirement of the Gateway determination.

As required by the Determination, consultation is required before exhibition. Further, Council will need to demonstrate consistency with the Direction when the final Proposal is submitted for approval.

DIRECTION 4.3 FLOOD PRONE LAND

This Direction applies to the proposal as it affects flood prone land, i.e. the Camden

Town Farm site. This site is located adjacent to the Nepean River (the site's north-western boundary) and Matahill Creek (a tributary of the Nepean River) which forms this site's western boundary. Flooding (1% AEP) from these watercourses extends across the entire site.

The Proposal currently indicates that the local provision proposed for the site provides for development and uses to be carried out in accordance with the Camden Town Farm Master Plan (see copy in 'documents'). However, as discussed in this report, it is now proposed to introduce additional uses for the site, in lieu, and reference is now not made to the master plan.

It is considered that the proposal is not inconsistent with items (4) to (8) of the Direction, with the exception of item (6)(a): "A planning proposal must not contain provisions that apply to flood planning areas which: (a) permit development in flood way areas....".

Council has advised that part of the site is in a flood way.

Given the low intensity of the uses proposed to be permitted, it is considered that the inconsistency is minor in nature and it is recommended that the Director General agrees that the proposal may be inconsistent in this regard in accordance with item (9)(b) of the Direction.

DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction is relevant to the Proposal as it applies to bushfire prone land, i.e. Camden Town Farm. The Direction requires Council to consult with the Commissioner of the Rural Fire Service. It is noted that Council proposes to undertake such consultation and it is considered that this should be made a formal requirement of the Gateway determination. Council will need to demonstrate consistency with the Direction when the final Proposal is submitted for approval.

DIRECTION 6.3 SITE SPECIFIC PROVISIONS

This Direction may apply to the Proposal, as submitted by Council (and as proposed to be amended), as it could be construed that the proposal seeks to include a site specific provision for the Camden Town Farm site

As discussed in this report, it is considered that this aspect of the proposal is minor in nature and will allow appropriate development of the site.

Accordingly, it is recommended that, in terms of item (6) of the Direction, the Director General forms the opinion that the proposal, in this regard, is of a minor nature, to allow the proposal to proceed.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

This Direction applies to all planning proposals and requires that they be consistent with the Metropolitan Plan for Sydney 2036. It is considered that the proposal is not inconsistent with the Metropolitan Plan for Sydney 2036 and, thereby, with the Direction.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council seeks to publicly exhibit the Proposal for a period of 28 days. The proposed

Amendment No. 19 to Camden LEP 2010 - Reclassification of Lands

length of the exhibition period is considered to be appropriate.

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 :

Proposal Assessment

Principal LEP:

Due Date : September 2010

Comments in relation to Principal LEP : The Principal Plan, Camden LEP 2010, was made in September 2010.

Assessment Criteria

Need for planning proposal : The preparation of a planning proposal is required in order to facilitate the objectives of Council's proposal and there are no other suitable alternatives.

Consistency with strategic planning framework : The proposal is consistent with the Metropolitan for Sydney 2036 and the draft South West Subregional Strategy.

Environmental social economic impacts : It is considered that the proposal will not result in any adverse environmental, social or economic impacts due to its minor nature.

Assessment Process

Proposal type : Minor Community Consultation Period : 28 Days

Timeframe to make LEP : 6 Month Delegation : DG

Public Authority : Mine Subsidence Board
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 : Council proposes to undertake a public hearing into the reclassification of land, as required.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Amendment No. 19 to Camden LEP 2010 - Reclassification of Lands

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
Planning_Proposal.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.5 Development Near Licensed Aerodromes**
- 4.2 Mine Subsidence and Unstable Land**
- 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. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;

2. The timeframe for completing the local environmental plan is to be 6 months from the week following the date of the Gateway Determination;

3. The Proposal is to be amended prior to community consultation, as follows:

Part 1 is to clearly indicate the proposed changes to the "Camden Town Park" heritage item;

Part 2 is to indicate the correct property description for the Elizabeth Park site, i.e. the DP and street address should read "1138792" and "Waterworth Drive" respectively.

Part 3 is to exclude consideration of SEPP (Rural Lands) 2008 as the SEPP does not apply to the Wollondilly LGA;

Attachment D is to exclude consideration of section 117 Direction 1.5 Rural Lands, as the Direction does not apply to the Camden LGA;

4. Proposed Clause 7.9 Camden Town Farm is not supported. In lieu, additional uses for 'food and drink premises', 'information and education facility' and 'retail premises' (but limited to retail premises that sells art and crafts) may be added to Schedule 1 of Camden LEP 2010 for the farm site. The proposal is to be amended accordingly prior to exhibition;

5. S117 DIRECTION 3.5 DEVELOPMENT NEAR LICENSED AERODROMES

In respect of the Camden Town Farm site, Council is to give consideration to the direction and consult with Department of the Commonwealth responsible for aerodromes, in

Amendment No. 19 to Camden LEP 2010 - Reclassification of Lands

accordance with the Direction.

6. S117 DIRECTION 4.2 MINE SUBSIDENCE AND UNSTABLE LAND

Consultation is required with the Mine Subsidence Board under section 117 Direction 4.2 Mine Subsidence and Unstable Land. Demonstration of the consistency of the proposal with the direction will be required when the final proposal is submitted for approval.

7. S117 DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

Consultation is required with the Commissioner of the Rural Fire Service under section 117 Direction 4.4 Planning for Bushfire Protection. Demonstration of the consistency of the proposal with the direction will be required when the final proposal is submitted for approval.

8. APPROVAL OF THE DIRECTOR GENERAL

It is recommended that the Director General (or delegate) approves the proposal's inconsistency with section 117 directions: 4.3 Flood Prone Land and 6.3 Site Specific Provisions, as matters of minor significance.

10. A public hearing into the proposed reclassification of land is required pursuant to the Local Government Act 1993.

Supporting Reasons :

The Proposal, with amendments as recommended, will enable Council to manage its assets and will benefit the community.

Signature:



Printed Name:

T DORAN

Date:

27/9/12

