

Amendment No. 18 to Camden LEP 2010 - Spring Farm East

Proposal Title : Amendment No. 18 to Camden LEP 2010 - Spring Farm East

Proposal Summary : The Proposal seeks to:

(1) correct zoning anomalies created during the transition from Camden LEP 121 - Spring Farm to Camden LEP 2010, and

(2) carry out minor rezonings to reflect the 2011 amended Spring Farm Masterplan.

Note: with the making of Camden LEP 2010, Camden LEP 121 - Spring Farm was repealed.

PP Number : PP_2012_CAMDE_011_00 Dop File No : 12/14367

Proposal Details

Date Planning Proposal Received :	07-Sep-2012	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 :	Various streets		
Suburb :	Spring Farm	City :	Sydney
		Postcode :	2570
Land Parcel :	Various lots		

DoP Planning Officer Contact Details

Contact Name : Mato Prskalo
 Contact Number : 0298601534
 Contact Email : mato.prskalo@planning.nsw.gov.au

RPA Contact Details

Contact Name : Kate Speare
 Contact Number : 0246547801
 Contact Email : kate.speare@camden.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Terry Doran
 Contact Number : 0298601149
 Contact Email : terry.doran@planning.nsw.gov.au

Amendment No. 18 to Camden LEP 2010 - Spring Farm East**Land Release Data**

Growth Centre :	N/A	Release Area Name :	Other
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) :	Residential
No. of Lots :	26	No. of Dwellings (where relevant) :	26
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
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 will rectify zoning anomalies and ensure consistency with the Spring Farm Master Plan.**

External Supporting Notes :

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? **Yes**

Comment : **The stated objective is to:**

1) correct zoning anomalies that resulted during the transition from Camden LEP 121 - Spring Farm to Camden LEP 2010, and

2) carry out minor rezonings to reflect the amended 2011 Spring Farm Masterplan.

The Proposal states that the intended outcome is to create a more regularised road and layout design, which will also enable improvements to be made to the location of an electricity easement.

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

Is an explanation of provisions provided? **Yes**

Comment : **The Proposal will achieve the objectives by making various mapping amendments,**

involving a "zoning swap" between land zoned E2 Environmental Conservation and R1 General Residential as indicated below. The areas referred to below are shown on the map on page 6 of the Proposal's documents (refer to the Documents section of this report).

Area 1 (North)

- Rezone 8,124sqm of land from Zone E2 Environmental Conservation to Zone R1 General Residential, and
- Rezone 884sqm of land from Zone R1 General Residential to Zone E2 Environmental Conservation.

Area 2 (South)

- Rezone 8,739sqm of land from Zone E2 Environmental Conservation to Zone R1 General Residential, and
- Rezone 10,697sqm of land from Zone R1 General Residential to Zone E2 Environmental Conservation.

Area 3 (East)

- Rezone 1,195sqm of land from Zone E2 Environmental Conservation to Zone R1 General Residential, and
- Rezone 8,212sqm of land from Zone R1 General Residential to Zone E2 Environmental Conservation.

Area 4 (West)

- Rezone 31,824sqm of land from Zone E2 Environmental Conservation to Zone R1 General Residential, and
- Rezone 33,866sqm of land from Zone R1 General Residential to Zone E2 Environmental Conservation.

Town Centre

- Rezone 1,774.64sqm of land from Zone B1 Neighbourhood Centre to Zone E2 Environmental Conservation.

The proposed rezonings will be facilitated by amending the following maps under Camden LEP 2010:

- Land Zoning Map: sheets LZN_013 and LZN_014,
- Height of Buildings Map: sheets HOB_013 and HOB_014,
- Lot Size Map: sheets LSZ_013 and LSZ_014

The Proposal indicates that the Additional Permitted Uses Map will also be amended but does not indicate the relevant sheet to be amended.

COMMENT

The Proposal does not detail the proposed changes to the Lot Size and Height of Buildings Maps. As the changes to these maps relate to the changes to the zoning boundary changes, it is assumed that the proposed development controls will change correspondingly. However, Council should be required to amend the Proposal prior to exhibition to indicate the changes.

Council should also be required to amend the Proposal, prior to exhibition, to indicate the relevant sheet of the Additional Permitted Uses Map that is being amended.

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

2.1 Environment Protection Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

4.4 Planning for Bushfire Protection

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? N/A

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

SECTION 117 DIRECTIONS

DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

This Direction requires planning proposals to protect and conserve environmentally sensitive areas. The Direction applies to the Proposal as it creates and removes zonings relating to Zone E2 Environmental Protection.

The Spring Farm Release Area contains high biodiversity conservation lands and the Proposal indicates that there will be no impact on such lands (as identified by vegetation mapping, undertaken as part of initial investigations for the release area).

The Proposal will enable the removal of 0.35 ha of poor condition Cumberland Plain Woodland from the site. However, the former Department of Environment, Climate Change and Water (DECCW) has advised that this would not jeopardise DECCW's deemed concurrence for development in the release area (note: the deemed concurrence was granted in 2004 as part of an offset arrangement to protect and enhance significant vegetation in Spring Farm). A copy of DECCW's correspondence, dated January 2011, is included as Attachment B to the Proposal document in the Documents section of this report.

Notwithstanding the above, DECCW sought further information about proposed environmental offsets relating to the rezonings, particularly the area of the proposed relocated electricity easement. Endeavour Energy has subsequently addressed this matter in a draft Review of Environmental Factors prepared for the proposed under grounding of the existing power lines and Council proposes to further consult DECCW's successor, the Office of Environment and Heritage (OEH), on the matter.

It is considered that Council should be required to consult with OEH, prior to exhibition, and, following exhibition, demonstrate the consistency of the Proposal with the Direction.

DIRECTION 3.1 RESIDENTIAL ZONES

This Direction requires planning proposals to meet certain residential objectives. The Direction applies to the Proposal as it affects land within existing and proposed residential zones. It is considered that the Proposal is consistent with the Direction as it will rectify zoning anomalies and ensure consistency with detailed master planning for the land.

The Proposal notes that a total of 1.2ha of additional residential land will be created. However, the rezoning area details provided in the table on page 5 of the Proposal do not agree with this figure. It is, therefore, considered that Council should be required to amend the Proposal, prior to exhibition, to ensure consistency between the different figures.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction applies to planning proposals that affect zones or provisions relating to urban land. The Direction applies to the Proposal as it creates and removes zonings relating to Zone R1 General Residential. The Direction requires the Proposal to be consistent with the following documents:

- (a) Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001); and
(b) The Right Place for Business and Services - Planning Policy (DUAP 2001).

It is considered that the Proposal is consistent with the Direction as the Proposal seeks to rectify zoning anomalies and ensure consistency with the existing master plan for the land.

DIRECTION 4.2 MINE SUBSIDENCE AND UNSTABLE LAND

This Direction applies to the Proposal as it affects land within a Mine Subsidence District. Council proposes to consult with the Mine Subsidence Board and it is considered that this should be made a condition of the Gateway determination. The Direction requires the consultation to occur prior to exhibition. It is considered that Council should be required to demonstrate the consistency of the Proposal with the Direction once the Proposal is submitted to the Department after exhibition.

DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction applies to the Proposal as it affects land mapped as bushfire prone land. The Direction requires Council to, among other things, consult with the Commissioner of the NSW Fire Service. Council is proposing to undertake such consultation and it is considered that this should be made a condition of the Gateway determination. The Direction requires the consultation to occur prior to exhibition. It is considered that Council should be required to demonstrate the consistency of the Proposal with the Direction once the Proposal is submitted to the Department after exhibition.

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.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The Proposal includes a small map showing the zoning changes and another, inadequate map. It is considered that Council should be required to amend the Proposal to include a larger version of the "zoning changes" map and similarly large maps showing the corresponding changes to minimum lot size and height of buildings.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to publicly exhibit the Proposal for a period of 28 days. It is considered that this length of time is reasonable.**

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 notified in September 2010.**

Assessment Criteria

Need for planning proposal :	The preparation of a planning proposal is the only means of making the proposed zoning changes.
Consistency with strategic planning framework :	The Proposal is not inconsistent with the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy. The Proposal indicates that it is also consistent with Camden Council's Strategic Plan known as "Camden 2040".
Environmental social economic impacts :	The Proposal indicates that it will facilitate relocation of a power line, restoration of Elderslie Bank Scrub Forest and provide an appropriate buffer to residential development.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council proposes to include Endeavour Energy and the NSW Department of Primary Industries - Minerals and Petroleum in its agency consultation. Council will consult with these authorities because of the proposed undergrounding of the power lines across the site and the sand mining operations within the Spring Farm Release Area respectively. It is considered that consultation with the above agencies should be made a condition of the Gateway determination.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Amendment No. 18 to Camden LEP 2010 - Spring Farm East

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:

- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.4 Planning for Bushfire Protection
- 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 9 months from the week following the date of the Gateway Determination;

3. Council is to amend the Proposal prior to undertaking consultation with the community and public authorities as follows:

3.1. The Proposal is to be amended so that Part 2 - Explanation of Provisions describes the proposed changes to the Lot Size and Height of Buildings Maps and clarifies that the Additional Permitted Uses Map will also be amended (the relevant map sheet must be specified);

3.2. A larger copy of the map showing proposed zoning changes on page 6 of the planning proposal document is to be included in the document, along with similarly large maps showing the proposed changes to minimum lot size and maximum building height;

3.3 Page 5 of the Proposal is to be amended to clearly indicate how the sum of the individual areas proposed to be rezoned for residential purposes is 1.2 ha in total or, if this is not the case, adjusted accordingly;

4. To satisfy relevant section 117 directions, Council is to consult with the following agencies, prior to consultation:

4.1 Mine subsidence Board: consistency must be demonstrated with section 117 Direction 4.2 Mine Subsidence and Unstable Land, which includes, among other things, a requirement to consult with that Board;

4.2. Rural Bushfire Service: consistency must be demonstrated with section 117 Direction 4.4 Planning for Bushfire Protection, which includes, among other things, a requirement to consult with the Commissioner of the NSW Rural Fire Service;

4. Further, as part of the agency consultation process:

Amendment No. 18 to Camden LEP 2010 - Spring Farm East

4.1. Consultation is recommended with the Office of Environment and Heritage. When submitting the Proposal to the Department after exhibition, Council is to demonstrate the consistency of the Proposal with section 117 Direction 2.1 Environment Protection Zones; and

4.2 Consultation is recommended with Endeavour Energy and the Department of Primary Industries - Minerals and Petroleum.

Supporting Reasons : **The Proposal will rectify zoning anomalies and ensure consistency with the Spring Farm Master Plan.**

Signature:



Printed Name:

Terry DORAN

Date:

14/9/12