

PLANNING AND ENVIRONMENT
Housing, Growth and Economics
SECTION 59 REPORT

Local Government Area: Camden

File Number: 12/14268

1. NAME OF DRAFT PLAN

Camden Local Environmental Plan 2010 (Amendment No. 36) (the draft LEP) is at **Tag LEP**.

2. SUBJECT LAND DESCRIPTION

The draft LEP applies to land at Lot 10, DP1173819, Lot 10, DP1161557 and Lot 1, DP301830, 1100 - 1150 Camden Valley Way, Leppington (being land fronting Camden Valley Way and Raby and St Andrews Roads and known as the Emerald Hills estate).

3. PURPOSE OF PLAN

The planning proposal, adopted by Camden Council on 22 April 2014 (**Tag D**), seeks to rezone land at the Emerald Hills Estate, Leppington, from RU2 Rural Landscape to part R2 Low Density Residential, part B2 Local Centre, part E2 Environmental Conservation and part SP2 Infrastructure (Raby Road widening).

In addition, the planning proposal seeks to allow an additional permitted use of part of Lot 10, DP1173819 for the development of exhibition homes subject to development consent.

A Gateway determination was issued on 7 July 2012 for completion of the planning proposal within a period of 24 months, a copy of which is attached at **Tag C**. An extension of time was recently issued by the Director, Metropolitan Delivery (Parramatta) for the planning proposal to be completed by 14 October 2014. (**Tag C1**).

4. AMENDMENT OF THE PLANNING PROPOSAL

At its meeting of 22 April 2014, Camden Council resolved (among other things) to endorse an amended planning proposal and forward the matter to the Department for the plan to be made (**Tag D**).

The Gateway determination of 7 July 2012 (**Tag C**) allowed the proposal to proceed for the land to be rezoned for 'urban development'. The Planning proposal, subject to the determination, sought (in part) to rezone part of the site from RU2 Rural Landscape to:

- R1 General Residential, and
- E4 Environmental Living zones.

In resolving to have the plan made, Council agreed to the application of a R2 Low Density Residential zone (and associated amendment of the building height map), in lieu of the proposed R1 zone and an E2 Environmental Conversation zone, in lieu of an originally proposed E4 Environmental Living zone.

This decision was taken on the basis that the range of permitted uses in the R1 zone was not to be undertaken (or suitable) on the site and an E2 zone was more appropriate in order to protect the environmentally sensitive nature of part of the site. The Office of Environment and Heritage (OEH) has agreed to the application of an E2 zone.

Further, amendment of the planning proposal by applying a R2 zone results in the 'exhibition homes' use being prohibited. The planning proposal was accordingly amended to include this use as an additional use in Schedule 1 (Additional Permitted Uses) of Camden Local Environmental Plan 2010.

The proposed R2 zone and the additional use were not exhibited by Council. However, it is noted that the applicant has agreed to this course of action, and in view of the circumstances and the minor nature of the amendments, it is not considered necessary for further community consultation.

5. STATE ELECTORATE AND LOCAL MEMBER

The subject land is situated within the Camden State Electorate. The State Member of Parliament for Camden is Mr. Chris Patterson MP. Mr Patterson has not made any representations on this matter and his views are not known.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this draft LEP.

6. STATE ENVIRONMENTAL PLANNING POLICIES AND S117 DIRECTIONS

The draft LEP is not considered to be inconsistent with any State Environmental Planning Policies.

The draft Local Environmental Plan is consistent with all section 117 Directions, with the exception of 1.1. Business and Industrial Zones and 6.3 Site Specific Provisions. It is considered that Council has adequately addressed these directions and the draft plan may proceed to finalisation, subject to the delegate's approval.

7. PUBLIC PARTICIPATION

Camden Council exhibited the Planning Proposal from 30 October 2013 to 7 November 2013. There were two (2) submissions made by individuals during the public exhibition period.

The issues raised were:

- traffic noise and acoustic treatment; and
- wider servicing issues.

Council has satisfactorily addressed the individual submissions as advised in Council's summary of submissions (**Tag D**).

Recently, Ms Jacqui Kirkby of the Scenic Hills Association, Camden wrote to the Secretary of the Department to express her concerns particularly over the likely visual impacts of the planning proposal on the Scenic Hills.

Ms Kirby asked that the plan not be made in its current form and, in summary, raised the following issues:

- a need for the DCP to be amended to better ameliorate visual impacts;
- Council failed to inform 'affected landowners in the Campbelltown's LGA (i.e. local government area) of the public exhibition'; and
- Council failed to implement a request by the NSW Office of Water to consider expanding the proposed perimeter roads and passive open space adjacent to riparian land.

These matters have been adequately addressed by Council and do not impede the plan being made.

8. ADVICE FROM PUBLIC AUTHORITIES

The Gateway determination required consultation with eleven (11) of government agencies (including Campbelltown Council). Camden Council has carried out the consultation process and Council's summary of submissions is attached at **Tag E**. Copies of advice received from the consulted authorities are attached (**Tag E1**).

No formal objections were raised by the consulted authorities and, where applicable, Council has complied with the relevant comments made by the consulted authorities, chiefly in amending studies, the planning proposal or addressing matters through the DCP/development process (see **Tag D**).

9. CONSULTATION WITH COUNCIL

Under section 59(1) of the EP&A Act 1979, Council was consulted on the terms of the draft instrument. Council's response to the draft LEP was received by email on 6 August 2014 that the draft instrument satisfies Council's intentions regarding the planning proposal. (**Tag F**).

10. PARLIAMENTARY COUNSEL OPINION

On 4 August 2014, Parliamentary Counsel provided an Opinion that the draft Local Environmental Plan could be legally made. This Opinion is provided at **Tag PC**.

11. CONCLUSION

Council has satisfactorily completed its the plan making functions in terms of the Gateway determination, there are no outstanding objections from public authorities and Parliamentary Counsel issued an opinion that the plan can be legally made.

It is recommended that the plan be made.

RJ Jamming

27/8/2014

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Tag A:	s59 Report
Tag B:	Planning Proposal
Tag C:	Gateway Determination
Tag C1:	Extension of time letter to Council
Tag D:	Council's resolution
Tag E:	Council's summary of submissions
Tag E1:	Letters from authorities
Tag PC:	Parliamentary Counsel Opinion
Tag LEP:	Planning Instrument
Tag Map:	Map Cover Sheet and Maps
Tag Council:	DPE Letter to Council
Tag F:	Council's response to consultation under Section 59(1)
Tag G:	Council's compliance with Gateway conditions
Tag H:	Infrastructure Service and Delivery Plan