

Camden LEP 2010: Amendment No. 27, 121 Raby Road, Leppington

Proposal Title : **Camden LEP 2010: Amendment No. 27, 121 Raby Road, Leppington**

Proposal Summary : **The planning proposal seeks to rezone land at 121 Raby Road, Leppington from RU2 Rural Landscape to R5 Large Lot Residential to facilitate a subdivision into 32 residential lots , with a minimum lot size of 4,000 square metres.**

PP Number : **PP_2013_CAMDE_017_00** Dop File No : **13/15807**

Proposal Details

Date Planning Proposal Received :	30-Oct-2013	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 :	121 Raby Road		
Suburb :	Leppington	City :	Camden
		Postcode :	2179
Land Parcel :	SP 37300		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**
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Land Release Data

Growth Centre :	Sydney South West	Release Area Name :	
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 : **32**

No. of Dwellings
(where relevant) : **30**

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 : **At this point in time, and to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.**

Supporting notes

Internal Supporting
Notes :

Date of Receipt

The planning proposal was received on 18 September 2013, however, further information was requested and finalised on 30 October 2013.

South West Growth Centre

The regional planning team has consulted with the Strategy and Land Release Team (SLR). SLR has reviewed the proposal and confirms that it falls outside the South West Growth Center boundary and has no comment with regards to the proposed rezoning.

However, SLR has advised that Raby Road is identified as a SIC funded road for upgrade by Roads and Maritime Services (RMS). Figure 10 of Camden Council Draft Planning Proposal, dated August 2013, shows the access for the proposed development to Raby Road will be through the existing south eastern access to the site and that the second existing access to the site (further north west along Raby Road) will be removed. It is recommended that Council consult with RMS with regard to the proposal and level of upgrades proposed for this length of road.

In-principle Support

The regional team supports the proposal in principle, as it will allow the subdivision of the site into large lot residential development which will provide a land use and visual transition from rural landscape to urban residential in the surrounding areas.

External Supporting
Notes :

Council supports the planning proposal for the following reasons:

- * Provision of greater housing choice and diversity;
- * Proximity to major employment lands;
- * Maximising the use of new services and infrastructure being provided;
- * Large lot residential will maintain the environmental and scenic qualities of the site and surrounding ridgelines; and
- * Large lot residential zone will provide a transition between higher density residential zones and environmental protection zones.

Council has indicated in its proposal that a strata scheme in SP37300 would be extinguished to create two Torrens title allotments over the existing two residences.

DELEGATION

Council has indicated its intention to exercise delegation pursuant to Section 23 of the EP&A Act 1979.

Adequacy Assessment

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

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

- Comment : **The objectives of the planning proposal are to:**
- * protect the scenic and landscape character of the area, particularly when viewed from public land such as key arterial roads;**
 - * achieve orderly development having regard to the site's opportunities and constraints that integrates neighbouring sites and provides a transition between higher density residential zones and environmental protection zones;**
 - * plan a residential development that is sympathetic and complementary to the scenic qualities of the surrounding 'scenic hills' topography, with any built environments largely subservient to this landscape;**
 - * create a desirable place for all ages and a wide range of household types;**
 - * optimise the use of infrastructure; and**
 - * provide diversity in housing choice.**

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

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

- Comment : **The proposed controls include:**
- * amending the land zoning map to zone the site to R5 Large Lot Residential;**
 - * retaining the current building height control of 9.5m;**
 - * amending the lot size map to show a minimum lot size of 4,000 sqm for the site; and**
 - * amending the urban release area map to include the subject site.**
- These amendments will be supported by site specific DCP controls, which would include built form requirements, to be incorporated into Part D of Camden DCP 2011. The proposed draft DCP controls would be prepared by council, should a Gateway determination be issued to allow the proposal to proceed.**

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

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development
SEPP No 6—Number of Storeys in a Building
SEPP No 19—Bushland in Urban Areas
SEPP No 55—Remediation of Land
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Temporary Structures and Places of Public Entertainment) 2007
SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)
SEPP (Affordable Rental Housing) 2009

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

SEPP 55 REMEDIATION OF LAND

The land has been used for potentially contaminating uses. The planning proposal states it is unlikely that the site is unable to be made suitable for the proposed development. Council has however advised that the site will be the subject of a contamination assessment post Gateway and prior to the exhibition period.

This action is supported by the regional team.

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

If No, explain :

Section 117 DIRECTIONS

DIRECTION 1.2 RURAL ZONES

The planning proposal is inconsistent with the terms of this Direction as it proposes to rezone land from RU2 Rural Landscape to R5 Large Lot Residential.

The Direction states that a planning proposal can be inconsistent if the relevant planning authority can satisfy the Director General (or an officer of the Department nominated by the Director General) that the provisions of the planning proposal that are inconsistent are of minor significance.

The inconsistency with this Direction has been justified by Council and has considered that the proposal is acceptable for the following reasons:

- The site is isolated by anticipated urban development, which limits the agricultural production value of the site.
- The site would be only three small rural zoned sites located within Camden LA between Leppington in the north and the future Gregory Hills Drive to the south, one of which is similarly the subject of a rezoning application.
- The site is used predominantly for rural residential purposes only, comprising two large dwellings within landscaped grounds with a small number of cattle present on the site.
- The site is relatively small by agricultural standards at 16.78 hectares.
- The site adjoins areas that were historically rural zoned land but which have since been identified for future urban development.

It is considered that the inconsistency with this Direction is of minor significance and the approval of the Director General's delegate is recommended accordingly.

1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

The planning proposal states (see p. 44) that the proposal is consistent with the direction as it will not prohibit mining, petroleum production or extractive industries on the site.

This is not correct. The R5 zone within Camden LEP 2010 prohibits extractive industries. It has been confirmed with council that the planning proposal does not intend to make extractive industries permissible within the zone or via a site specific amendment.

While it is acknowledged that extractive industries are prohibited under the current zone, i.e. RU2 Rural Landscape, to satisfy the direction, it is recommended that council consult with the Department of Primary Industries, to ensure that continuation of the prohibition will not be inconsistent with the direction. If necessary, council is to satisfactory address the section 117 direction.

DIRECTION 2.1 ENVIRONMENTAL PROTECTION ZONE

The direction requires a planning proposal to include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The planning proposal indicates (see p.45) that there are no known site features that warrant consideration of the application of these zones. However, it is noted that the proposal (see p.24) also indicates that there is a scattering of native trees on the site, including eucalypts of Cumberland Plain Woodland.

To ensure that the direction is satisfied, it is recommended that council consults with OEH for its views, and, if appropriate, takes necessary action to satisfy the requirements of the direction.

2.3 HERITAGE CONSERVATION

An Aboriginal Cultural Heritage Assessment Report was undertaken in 2012. There are no known matters of Aboriginal heritage significance for the site. Council has advised an Aboriginal archaeological study will be prepared should the proposal obtain Gateway approval.

Immediately adjacent to the western boundary of the site is the Sydney Catchment Authority (SCA) Water Supply Canal which is listed on the State Heritage Register.

It is advised that following the Gateway approval, Council will consult with the Office of Environment and Heritage (Heritage Branch).

DIRECTION 3.1 RESIDENTIAL ZONES

The proposed rezoning would permit rural residential development on the land commensurate with the zoning and development of immediately adjacent land. The site is relatively unconstrained in terms of vegetation and riparian conditions. Bushfire and contamination impacts identified are not considered as unreasonable constraints to development.

The planning proposal is considered generally consistent with this Direction as the rezoning would:

- Encourage and facilitate housing to satisfy future needs.
- Make efficient use of proposed transport infrastructure and utility services.
- The provision of infill residential development on what will be a well

served and located site.

The planning proposal states detailed technical studies for traffic impacts, ecological considerations and contamination will be prepared following Gateway approval.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The proposed development will provide housing in a location that is serviced by an existing public transport route along Raby Road. Bus routes have been proposed as part of the urban development of the El Caballo Blanco/Gledswood/East Side and Camden Lakeside sites, which will provide access to Campbelltown and the new Leppington Railway Station in the future major centre at Leppington.

Pedestrian and cycleway connections are to be provided in the vicinity of the site as part of nearby urban developments.

It is considered that the planning proposal is generally consistent with this Direction.

DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

Parts of the area are identified as bushfire prone areas on the Council's Bushfire Prone Lands Map. Advice from Australian Bushfire Protection Planners (bushfire consultants) have identified that the site is unlikely to be prone to bushfire due to its managed condition.

Council has advised a Bushfire Impact Assessment of the site will be prepared post Gateway determination and prior to public exhibition.

The planning proposal is considered generally consistent with the Direction; however, it is recommended that council consult with the Rural Fire Service with relevant documents and Bushfire Prone Land mapping to identify any other strategic issues to be considered following any Gateway approval.

DIRECTION 7.1 IMPLEMENTATION OF METROPOLITAN STRATEGY

The planning proposal is generally consistent with the relevant actions from the draft South West Subregional Strategy including facilitating greater population growth by increasing housing supply and choice in Camden.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised the planning proposal will be publicly exhibited for 28 days in the usual manner. In addition, the following public agencies are proposed to be consulted:

- * Office of Environment and Heritage (Environment and Heritage Branches)
- * Sydney Catchment Authority
- * Roads and Maritime Service
- * Adjoining Councils
- * Transgrid
- * Jemana
- * Rural Fire Service
- * Sydney Water
- * Endeavour Energy

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 :

Comments in
relation to Principal
LEP :

Camden Local Environmental Plan 2010 was notified on 3 September 2010.

Assessment Criteria

Need for planning
proposal :

The planning proposal is not the result of a specific strategic study or report.

The planning proposal is required to rezone the land from RU2 Rural Landscape to R5 Large Lot Residential. Recent land rezoning for El Caballo Blanco/Gledswood/East Side lands is considered to complement residential development of the site.

Consistency with strategic planning framework :

The Metropolitan Plan for Sydney 2036 and draft South West Subregional Strategy

The planning proposal is not considered to be inconsistent with the relevant objectives and actions contained in both the Metropolitan Plan for Sydney 2036 (s117 Direction 7.1) and the applicable draft South West Subregional Strategy, including:

- * the provision of new housing within proposed centres with good public transport (the site will be within walking distance [800m to 1km] of the proposed Emerald Hills local centre and
- * Action D1.2 of the Metropolitan Plan for Sydney 2036 which seeks to reflect new subregional housing targets in Subregional Strategies.

The draft South West Subregional Strategy identifies a target of 10,274 additional dwellings for the Camden LGA outside of the Growth Centres, of which 8,690 are identified to be in Greenfield areas. The rezoning of the site will contribute to the achievement of these dwelling targets, without the loss of existing dwelling stock.

Draft Metropolitan Strategy for Sydney 2031

The planning proposal is considered not to be inconsistent with the Draft Metropolitan Strategy for 2031 in meeting housing demand, providing housing choice and utilising the public transport infrastructure.

Council's Community Strategic Plan "Camden 2040"

A Strategic Plan for Camden was adopted by Council in 2010. It seeks to provide opportunities for appropriate housing development. The planning proposal is considered to be consistent with "Camden 2040".

Camden Council Economic Development Strategy 2013

This initiative was adopted by Council to manage population growth and market economic development in Camden. The goals of the strategic approach include:

- activation of underutilised spaces through planning and development;
- support of the expansion of existing businesses and industry;
- attracting new businesses and industry to grow employment in the LGA, including focusing on the development of associated executive housing requirements for new residents; and
- maintaining and developing the rural lifestyle setting

Any inconsistency with the goals of the strategy are considered to be of minor significance as the site lacks rural potential (the site is isolated by anticipated neighbouring urban development and is relatively small by agricultural standards at 16.78 hectares) and the proposal would complement surrounding areas of that are proposed for other residential densities.

Environmental social economic impacts :

Environmental impacts:

The site is primarily used for rural-residential with some cattle grazing. It contains a number of remnant Eucalypts of Cumberland Plain Woodland (CPW). These remnants are identified on Council's Environmentally Significant Lands Map as either local core habitat or local support for core.

Council has advised a comprehensive ecological assessment will be undertaken post Gateway approval.

The site is not flood prone.

Bushfire management at the site will require consultation with the Rural Fire Service and a Bushfire Impact Assessment to guide the development of the masterplan should be prepared following any Gateway approval.

Investigation to identify any need for remediation is proposed.

Visual Impacts:

A landscape and visual analysis study prepared by JMD design (Landscape Architects) was prepared to address scenic and landscape concerns. The study has identified the following:

- The upper areas of the site have more expansive views to the south and west over the tree canopy.
- There are limited view opportunities to the east due to the ridgeline marking the western extent of the 'Scenic Hills'.
- The SCA Water Supply Canal is of visual interest within the area. The canal is not situated on the subject land.

The visual analysis concludes that the Scenic Hills ridgeline forms the edge to the visual catchment of views to and from the subject land. The ridgeline does not make it possible to see any portion of the site east of the ridgeline as all of the viewpoints east of the Scenic Hills ridge are a considerable distance from the subject land. However, it is possible to identify some vertical elements within the site that occur at or near the ridge top.

The visual analysis recommends that some controls be placed on development along the ridgeline to ensure that the development does not become visible from areas east of the ridge. These issues may be addressed in development of the subdivision layout for the site.

While this may be the case, it is noted that the proposal intends to retain a single 9.5m building height over the entire site. Further, the supporting visual analysis recommends (see p.42) a 10m wide buffer planting of locally native tree and shrub species as shown in figure 4.16 of the analysis.

Given:

- * the significance of views from the east to the site,
- * that some vertical elements may be visible from that quarter, and
- * proposed plantings may not be ideal given their capacity to contribute to the fire prone nature of the land,

it is recommended that council reconsiders the proposed imposition of a single building height across the site in lieu of a combination of heights with a lesser height along the ridgeline and/or clearly indicates in the planning proposal the manner in which it intends to control development to protect scenic qualities.

Social Impacts:

The planning proposal will provide an opportunity for development of the site into large lot residential which will contribute to housing choice within the LGA.

Economic Impacts:

The planning proposal will potentially result in short and medium term employment opportunities in terms of construction activities.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Sydney Catchment Authority
Office of Environment and Heritage
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water
Transgrid
Adjoining LGAs
Other**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

**Flora
Heritage
Bushfire**

If Other, provide reasons :

Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **The planning proposal seeks to identify the site as an urban release area within Camden LEP 2010 so that consideration can be given (and the legal means are available) for the State to collect contributions, primarily to assist in the upgrading of Raby Road. This is not supported for the following reasons:**

- * although adjacent, the site is not within a SIC area, and**
- * the potential lot yield i.e. 32 rural residential lots, is not within any threshold for this purpose.**

It is accordingly recommended that removal of the intention to identify the site as an urban release area be removed from the planning proposal as a condition of a Gateway determination.

This matter has been discussed with council officers who have raised no objections to the removal of this item from the planning proposal.

Documents

Document File Name	DocumentType Name	Is Public
Am 27 Draft Planning Proposal.pdf	Proposal	Yes
Council Letter.pdf	Proposal Covering Letter	Yes

Council Report.pdf	Proposal	Yes
Visual Analysis 1.pdf	Study	Yes
Visual Analysis 2.pdf	Study	Yes
Visual Analysis 3.pdf	Study	Yes
Gateway and Delegation.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that:

- * the Director General's delegate approves the inconsistency with section 117 direction 1.2 Rural Zones, on the basis that it is of minor significance;
- * delegation be given for council to exercise the Minister's plan making powers in this instance (council has indicated its intention to exercise delegation pursuant to section 23 of the EP&A Act 1979).

Further, it is recommended that the planning proposal proceed subject to the following conditions:

1. The planning proposal be amended, as follows:

- (a) all references to identifying the site as an urban release area be removed from the planning proposal;
- (b) under '1.0 Introduction' of the proposal, the words 'as a standalone matter' be removed or clarified; and
- (c) under the assessment of section 117 directions (p. 44 of the proposal) the comment against section 117 direction 1.3 be amended to indicate that the proposal does not intend to make 'extractive industries' permissible within the R5 zone and that the comment is adjusted accordingly prior to exhibition.

2. Council is to review the proposed imposition of a single height control for the site and is to consider a mix of height controls to protect the scenic nature of the site and/or clearly indicate in the planning proposal the proposed means to be employed to control housing form, location and height in this regard, to protect views from the east of the site.

3. Council is to undertake the following studies:

- . contamination and salinity,
- . ecological assessment;
- . aboriginal archaeology and significance,

- . traffic and road access,
- . bushfire.

4. Council is to consult with the Office of Environment and Heritage and, if necessary, demonstrate consistency with section 117 direction 2.1 Environmental Protection Zones.
5. Council is to consult with Office of Environment and Heritage and the Sydney Catchment Authority, particularly in respect of the State listed heritage item: the Upper Water Canal.
6. Council is to consult with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) and, if necessary, review the proposal's consistency with section 117 direction 1.3 Mining, Petroleum Production and Extractive Industries.
7. Council is to consult with the Commissioner of the NSW Rural Fire Services and give consideration to the provisions of section 117 direction 4.4 Planning for Bushfire Services and particularly bring to attention the proposition of possible screen planting on the ridgeline of the site.
8. Further, Council is to consult with the following:
 - . Sydney Water;
 - . Jemena;
 - . Roads and Maritime Services;
 - . Transgrid;
 - . Endeavour Energy;
 - . Campbelltown City Council.
9. In consulting with Roads and Maritime Services, consideration is to be given to any proposed upgrade works for Raby Road and funding arrangements.
10. Community consultation is required under sections 56(2) and 57 of the EP&A Act 1979 for a period of 28 days.
11. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the gateway determination.

Supporting Reasons :

The regional team supports the proposal in principle, as it will allow the subdivision of the site into large lot residential development which will provide a land use and visual transition from rural landscape to urban residential in the surrounding areas.

Signature: _____

Printed Name: _____

Date: _____