



CAMDEN COUNCIL

DRAFT PLANNING PROPOSAL

**Amendment No. 33 – Amendment to rezone Canal
Land Gregory Hills – Amendment to Camden Local
Environmental Plan 2010**

Date: April 2014 (Version C)

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BACKGROUND

This Planning Proposal has been prepared on behalf of Dart West Developments in relation to a parcel of land which forms part of the Marist Brothers land holding, directly adjoining the Gregory Hills development. The parcel of land is identified as Lot 51 in DP1134649, which sits between the existing residential zoned land within the Turner Road Precinct West and the Sydney Catchment Authority Upper Sydney Canal land holding to the east.

The land ownership details of the subject site had not been confirmed during the rezoning of the Turner Road Precinct, and as such, the subject land was inadvertently not included in the Turner Road Precinct.

As a result, the land is currently incorrectly zoned as infrastructure land associated with the Sydney Catchment Authority Upper Sydney Canal. The subject site does not form part of the Upper Sydney Canal lands, and is therefore required to be rezoned to correct this anomaly.

The site is located within the Camden Council Local Government area approximately 6km northeast of the Camden town site, 20km southwest of the Liverpool CBD and 50km southwest of the Sydney CBD. The future South West Growth Centre regional centre of Leppington is approximately 7.5km to the northeast.

This lot has an area of 15,137m² and is generally 445m in length and has a varying width of between 30 and 60m. The lot is currently zoned SP2 under the Camden LEP 2010 as it had previously been identified as part of the Upper Sydney Canal land.

This Planning Proposal seeks to amend the land use controls and zoning mapping under the Camden Local Environmental Plan 2010, to be generally consistent with those in the adjoining residential lands which form the Turner Road Precinct. Without proceeding with this proposed rezoning, the land would become an isolated and unusable pocket of land between Gregory Hills and the Canal. The rezoning of the land to facilitate residential development would ensure orderly planning of the Gregory Hills project. The zoning of the canal lands would remain unchanged, ensuring that the statutory land use arrangements correctly reflect the land ownership pattern. It is proposed to rezone the land from SP2 Infrastructure to R1 General Residential to be consistent with the adjoining land use.

The following chapters in this Planning Proposal report provide a more detailed justification of the proposal, and expand on the matters outlined above.

Locality Plan



Site Plan



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

As discussed in the introduction, the subject site (Lot 51, DP 1134649) is currently zoned as infrastructure land under the Camden Local Environmental Plan 2010 and has been incorrectly associated with the Upper Sydney Canal.

The subject site was not re-zoned under the Turner Road Precinct Plan Sydney Growth Centres SEPP as the land ownership was unclear at this point in time, and the land area was located outside of the Growth Centres Precinct boundary.

Following the rezoning of the Turner Road Precinct, further detailed investigations have been undertaken which confirmed that the subject lot forms part of the land which is owned by the Marist Brothers, and which is logically included in the Gregory Hills development, rather than being retained as part of the school operational land.

Given that the land area does not form part of the Sydney Canal lands, the objective of this Planning Proposal is to amend the zoning and land use controls to reflect the zoning adopted for the adjoining residential land within the Turner Road Precinct.

If Council receives a favourable gateway determination, amendments to the Turner Road DCP and the VPA will be made to give effect to the proposed additional public open space and development contributions.

PART 2 – EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal are to be achieved by amending the Camden Local Environmental Plan (LEP) 2010 mapping as described below and in the maps accompanying this planning proposal.

Copies of the existing LEP Maps relevant to this Planning Proposal are included in Attachment 4. The specific amendments to the LEP Maps are included in Attachments 1 to 3 and a summary of the Maps to be amended under this proposal are outlined below.

1. Amendment to the following Camden LEP Zoning Map :

Land Zoning Map - Sheet LZN_017

2. Amendment to the following Camden LEP Lot Size Map:

Lot Size Map - Sheet LSZ_017

3. Amendment to the following Camden LEP Height of Building Map:

Height of Buildings Map - Sheet HOB_017

It is proposed to zone the land R1 – Residential and provide for a minimum lot size of 450 square metres and a maximum building height of 9.5 metres reflecting the nature of the development adjoining this land.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal has been prepared on behalf of Dart West Developments in relation to land within the Marist Brothers Land holding that was previously incorrectly identified as infrastructure land associated with the Upper Sydney Canal.

While the Planning Proposal has not been prepared as a direct result of a strategic study, the rezoning of the Turner Road Precinct has identified this land ownership/zoning anomaly.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The modifications sought in this Planning Proposal are the best means of achieving the objectives and intended outcomes. Given the proposed amendments relate to statutory land use mapping outcomes contained in the LEP, other available processes are not considered an appropriate means of achieving the objectives and intended outcomes promoted by this Planning Proposal.

The Planning Proposal seeks amendment to the current Camden LEP 2010, rather than seek modification of the South West Growth Centre boundary to include the land. This is reflective of recent decisions by the Department of Planning & Infrastructure and current rezoning proposals within the region adjoining the Growth Centre.

3. Is there a net community benefit?

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adapted from the Draft Centres Policy (April 2009). In some cases the Evaluation Criteria have been modified or removed to ensure the criteria are meaningful to this Planning Proposal.

The Canal Land Planning Proposal generates a need for an additional 2,055m² of open space based on a provision rate of 2.83ha/1000 people, which is consistent with the Growth Centres Development Code. The Turner Road DCP 2007 and Dart West (Gregory Hills) VPA will be amended to include this additional open space provision which will benefit the local community. The Turner Road DCP will be updated as part of a future 'housekeeping' review of the document.

The discussion below demonstrates that there is significant net community benefit resulting from the Planning Proposal.

Net Community Benefit Evaluation Criteria	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The proposal is consistent with the State and regional strategic direction for development relating to housing growth in the area. The subject land will form part of an identified urban growth area.

Net Community Benefit Evaluation Criteria	Response
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The subject site for this Planning Proposal is not located in a global/ regional city, strategic centre of corridor nominated within the Metropolitan Strategy or other regional / subregional strategy. The land is however located adjacent to the Turner Road Precinct of the South West Growth Centre.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The proposal will not create a precedent or change land owner expectations of development.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will not result in any increase, or decrease in existing zoned employment lands within the Camden LEP.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The Planning Proposal will facilitate a minor increase in the supply of residential land within the locality and therefore enhance affordability within the region.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject site adjoins the Turner Road Precinct release area of the South West Growth Centre. Detailed planning and provision of public infrastructure has been undertaken as part of the rezoning process and the wider Growth Centres release area. The proposed road and public transport infrastructure network will adequately accommodate the minor increase in developable land associated with this proposal.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not result in any modifications to the planned road network and travel distances, times and road safety matters. The proposal does facilitate the provision of residential housing in an area which has high levels of planned access to local educational, retail and open space facilities within the Gregory Hills project. The land is also well located in terms of access to future planned public transport networks.

Net Community Benefit Evaluation Criteria	Response
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are significant investments occurring in public infrastructure within the locality associated with development of the Growth Centre. The rezoning of land proposed will have a positive benefit in supporting the viability of these investments through enhanced patronage of public transport, schools and other infrastructure.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	There are no environmental constraints associated with the subject land or this proposal.
Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is compatible and complementary with adjacent proposed residential land development. The rezoning of the land will facilitate the orderly development of the Gregory Hills project. There will be no impact on the operational or zoning arrangements of the adjoining Sydney Catchment Authority land. The Planning Proposal will not impact on water quality associated with the Canal.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal does not incorporate any modifications to retail or commercial land uses in the area.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The public has an interest in this proposal progressing as it will allow for the facilitation of increased housing development which will provide housing choice and affordability. This Planning Proposal also provides clarity for the land owners regarding the extent of the Upper Sydney Canal lands and associated infrastructure zonings.

Section B – Relationship to strategic planning framework.

- 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

Draft Metropolitan Strategy for Sydney 2031

The NSW Government released the draft Metropolitan Strategy for Sydney 2031 in March 2013. This Metropolitan Strategy sets the framework for Sydney's growth and prosperity to 2031 and beyond.

The draft Metropolitan Strategy for Sydney 2031 sets down ambitious housing delivery targets across the Sydney Metropolitan region of 545,000 new dwellings, with 64,000 being delivered within the South West sub-region.

The South West Subregion Plan identifies the subject site as being adjacent to the South West Growth Centre. The Growth Centre has been established to provide for urban growth and work is currently being undertaken to deliver residential and employment development.

The Planning Proposal is consistent with the objectives and direction of the draft Metropolitan Strategy for Sydney 2031 as it will support the balanced growth of Sydney, ensure housing growth can meet market demand, and provide for housing opportunities in an area with high levels of access to planned employment, transport and infrastructure.

The proposed amendments to Camden Council LEP are relatively minor in nature, and will not adversely impact on the objectives and actions of any strategy.

This Planning Proposal will assist in the on-going delivery of housing in the South West subregion in a project which is well located relative to infrastructure being provided to service growth.

- 4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

Camden Council's endorsed local strategic plan is 'Camden 2040 - Working Together to Achieve the Community's Vision for the Future'.

Camden 2040 has a vision to effectively manage its growth whilst promoting a prosperous local economy, with thriving local businesses and local employment. Part of successfully managing growth is to overcome a key challenge of "Achieving a balance between large population increases and keeping the valued characteristics of Camden as it is now will be an ongoing tension and challenge over the coming decades."

The specific key challenges for growing the Camden Area which relate to the Proposal include:

- Creating good quality, liveable urban environments with a greater density than is currently available in the Camden area, including providing a range of efficient, affordable and innovative housing styles and public urban and open spaces.

- The importance of building and maintaining certainty and investment confidence within the area through efficient and stable strategic planning and development control processes.

The key strategies to meet the above challenges include:

- Learning from and improving the urban planning process over time so that lessons learned from each precinct planning process, as well as industry best practice, are used in subsequent precincts to ensure improved outcomes over time
- Prioritising environmental outcomes through the planning and development process to maximise improvement and restoration opportunities and to minimise the ecological impacts of increased urban form, economic activity, and people and lifestyles.
- Ensuring greater choice and diversity in housing to meet a range of existing and future community needs

This Planning Proposal will fulfil these key strategies through ensuring that there is certainty and consistency in the delivery of urban growth areas within Camden and delivering further choice in housing diversity.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) that are relevant to this Planning Proposal are identified below.

State Environmental Planning Policy	Applicable	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	Y	The land subject to this Planning Proposal is not located within the Growth Centres SEPP boundary, but does directly adjoins land rezoned under Appendix 1 of the SEPP, being the Oran Park & Turner Road Precinct Plan. The objective of this Planning Proposal is to amend the zoning and land use controls to reflect the zoning adopted for the adjoining residential land within the Turner Road Precinct. This will ensure consistency in the character of development with the adjoining Turner Road Precinct.	Y

Standard Instrument—Principal Local Environmental Plan	n/a		
State Environmental Planning Policy No 1—Development Standards	n/a		
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	n/a		
State Environmental Planning Policy No 6—Number of Storeys in a Building	n/a		
State Environmental Planning Policy No 14—Coastal Wetlands	n/a		
State Environmental Planning Policy No 15—Rural Landsharing Communities	n/a		
State Environmental Planning Policy No 19—Bushland in Urban Areas	Y	The land subject to this Planning Proposal is subject to the provisions of SEPP 19. The land does not contain any bushland or vegetation, and is therefore consistent with the objectives of the SEPP.	Y
State Environmental Planning Policy No 21—Caravan Parks	n/a		
State Environmental Planning Policy No 22—Shops and Commercial Premises	n/a		
State Environmental Planning Policy No 26—Littoral Rainforests	n/a		
State Environmental Planning Policy No 29—Western Sydney Recreation Area	n/a		
State Environmental Planning Policy No 30—Intensive Agriculture	n/a		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	n/a		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	n/a		

State Environmental Planning Policy No 36—Manufactured Home Estates	n/a		
State Environmental Planning Policy No 39—Spit Island Bird Habitat	n/a		
State Environmental Planning Policy No 44—Koala Habitat Protection	n/a		
State Environmental Planning Policy No 47—Moore Park Showground	n/a		
State Environmental Planning Policy No 50—Canal Estate Development	n/a		
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	n/a		
State Environmental Planning Policy No 55—Remediation of Land	n/a		
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	n/a		
State Environmental Planning Policy No 60—Exempt and Complying Development	n/a		
State Environmental Planning Policy No 62—Sustainable Aquaculture	n/a		
State Environmental Planning Policy No 64—Advertising and Signage	n/a		
State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	n/a		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	n/a		
State Environmental Planning Policy No 71—Coastal Protection	n/a		
State Environmental Planning Policy (Affordable Rental Housing) 2009	n/a		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	n/a		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	n/a		

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	n/a		
State Environmental Planning Policy (Infrastructure) 2007	n/a		
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	n/a		
State Environmental Planning Policy (Kurnell Peninsula) 1989	n/a		
State Environmental Planning Policy (Major Development) 2005	n/a		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	n/a		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	n/a		
State Environmental Planning Policy (Rural Lands) 2008	n/a		
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	n/a		
State Environmental Planning Policy (State and Regional Development) 2011	n/a		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	n/a		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	n/a		
State Environmental Planning Policy (Temporary Structures) 2007	n/a		
State Environmental Planning Policy (Urban Renewal) 2010	n/a		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	n/a		
State Environmental Planning Policy (Western Sydney Parklands) 2009	n/a		
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	n/a		
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	n/a		
Sydney Regional Environmental Plan No 16—Walsh Bay	n/a		

Sydney Regional Environmental Plan No 18—Public Transport Corridors	n/a		
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	n/a		
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	Y	The land subject to this Planning Proposal is within the SREP No 20 applicable area. Future detailed development proposals will comprehensively consider the requirements of SREP No 20 to ensure appropriate environmental considerations to water quality, heritage, flora and fauna, etc. are undertaken. Existing controls relating to Environmental Management in Section B1 the Camden DCP 2011 will ensure that water quality targets are achieved. Accordingly, the Planning Proposal is consistent with SREP No 20.	Y
Sydney Regional Environmental Plan No 24—Homebush Bay Area	n/a		
Sydney Regional Environmental Plan No 25—Orchard Hills	n/a		
Sydney Regional Environmental Plan No 26—City West	n/a		
Sydney Regional Environmental Plan No 28—Parramatta	n/a		
Sydney Regional Environmental Plan No 30—St Marys	n/a		
Sydney Regional Environmental Plan No 33—Cooks Cove	n/a		
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	n/a		

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Each s117 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming its consistency.

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.1 Business and Industrial Zones	NA	This direction does not apply as the planning proposal does not affect land within an existing or proposed Business or Industrial zone.
1.2 Rural Zones	NA	This direction does not apply as the planning proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	NA	This direction does not apply as the planning proposal does not propose any modification to the permissibility or operational restrictions relating to extractive industries.
1.4 Oyster Aquaculture	NA	This direction does not apply as the planning proposal does not incorporate any land within a Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy").
1.5 Rural Lands	NA	This direction does not apply as the planning proposal does not affect land within an existing or proposed rural or environmental protection zone.
2.1 Environment Protection Zones	NA	This direction does not apply as the planning proposal does not affect land within an existing or proposed Environmental Protection zone.
2.2 Coastal Protection	NA	This direction is does not apply as the planning proposal does not affect land within a coastal zone.
2.3 Heritage Conservation	Y	The Planning Proposal is consistent with this direction as the Heritage Conservation provisions will be retained within the LEP. The impact on heritage items is discussed further below.
2.4 Recreation Vehicle Areas	NA	This direction does not apply as the planning proposal does not seek to develop land for the purpose of a recreation vehicle area.

s.117 Direction Title	Applies	Consistency of Planning Proposal
3.1 Residential Zones	Y	The Planning Proposal is consistent with this Ministerial Direction as the proposal will allow for the provision of a variety and housing types make the best use of existing infrastructure and will not impact on the environment or resource lands.
3.2 Caravan Parks and Manufactured Home Estates	Y	The planning proposal is consistent with this direction as it does not modify provisions relating to the permissibility of caravan parks and the like.
3.3 Home Occupations	Y	The planning proposal is consistent with this direction as it does not modify provisions relating to the permissibility of home occupations within dwellings.
3.4 Integrating Land Use and Transport	Y	The Planning Proposal is consistent with this Ministerial Direction. The design and zoning controls of the site, adjoining the Turner Road Precinct will facilitate the State Governments Integrated Land Use Policies.
3.5 Development Near Licensed Aerodromes	N/A	This direction is not applicable as the planning proposal will not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.5 Shooting Ranges	N/A	This direction is not applicable as the planning proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
4.1 Acid Sulphate Soils	NA	This direction is not applicable as the land has not been identified as acid sulphate soils under the Standard Instrument Camden LEP 2010.
4.2 Mine Subsidence and Unstable Land	NA	This direction is not applicable as the land is not identified as being within a Mine Subsidence area.
4.3 Flood Prone Land	NA	This direction is not applicable as the planning proposal does not remove or alter provisions relating to flood prone land.

s.117 Direction Title	Applies	Consistency of Planning Proposal
4.4 Planning for Bushfire Protection	Y	The upper north-western corner of the subject land is identified as being Bush Fire Prone Land – Vegetation Buffer under the Camden Council Bushfire Prone Land Map 2009. As required by the direction consultation with the Rural Fire Service is to be undertaken.
5.1 Implementation of Regional Strategies	NA	This direction is not applicable as the planning proposal does not fall under any specific regional strategy.
5.2 Sydney Drinking Water Catchments	NA	This direction does not apply to the Camden Council Area, therefore is not applicable to the land.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	This direction is not applicable to the subject land.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	This direction is not applicable to the subject land.
5.8 Second Sydney Airport: Badgerys Creek	NA	This direction is not applicable to the subject land.
6.1 Approval and Referral Requirements	Y	The Planning Proposal is consistent with this direction as it does not alter any approval or referral requirements.
6.2 Reserving Land for Public Purposes	Y	The Planning Proposal is inconsistent with the direction as it seeks to rezone land previously identified as SP2 Infrastructure land as part of the Upper Sydney Canal. However, the land does not form part of the Canal.
6.3 Site Specific Provisions	Y	The Planning Proposal is consistent with this direction as does not seek to insert any additional site specific provisions within the Camden LEP 2010.
7.1 Implementation of the Metropolitan Strategy	Y	The Planning Proposal is consistent with this direction as it meets objectives of the Metropolitan Plan.

Section 117 Directions - 2.3 Heritage Conservation

Upper Sydney Canal

Item (4) of Section 117 Direction 2.3 – Heritage conservation requires that a planning proposal must contain provisions that facilitate the conservation of:

(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

As described above, following the rezoning of the Turner Road Precinct, further detailed investigations have been undertaken which confirmed that the subject lot forms part of the Marist Brothers land holding, and does not include any part of the Upper Sydney Canal Sydney Catchment Authority land.

Notwithstanding, Section 5.10 - Heritage Conservation of the Camden LEP outlines the objectives to protect heritage items in the Camden Local Government Area. No modifications to Section 5.10 of the LEP are sought under this Planning Proposal.

Therefore, the Planning Proposal is considered to be consistent with Section 117 Direction - 2.3 Heritage Conservation.

Remnant Bunya Pine

The GCC Turner Road Precinct Heritage Assessment prepared by Godden Mackay Logan in 2007 identified that an existing remnant Bunya Pine located on the southern boundary of the subject land marked the location of the former St Gregory's Cottage adjoining the Upper Sydney Canal.

While the Bunya Pine is not a listed Heritage Item, it was recommended that the tree be retained for the purposes of interpreting this remnant cultural planting as a landscape element associated with the former cottage.

The retention of the Bunya Pine will be addressed as part of the detailed design for the surrounding residential development.

Section C – Environmental, social and economic impact.

7. 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?

As identified in the subject site photo in Section 1.2 of this proposal, the land area is predominantly cleared and has been subject to grazing and agricultural activities associated with the St Gregory's College.

Camden Council's Environmentally Sensitive Land Map 2013 does not identify any endangered or core habitat vegetation within the subject land.

It is therefore not expected that the Planning Proposal will adversely impact on any critical habitat or threatened species, populations or ecological communities, or their habitats, environmental values or matters of environmental significance.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject land has been cleared and does not contain any environmentally significant features.

Existing controls relating to Environmental Management in Section B1 of the Camden DCP 2011 will ensure that environmental impacts associated with the development of the site for residential purposes will be ameliorated.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal seeks to amend the zoning of the subject site zoned SP2 Infrastructure as part of the Upper Sydney Canal land.

The site adjoins the canal, however, should the proposal be accepted by the Gateway and the amendments take place there should be no social or economic effects on the canal.

Section D – State and Commonwealth interests.

10. Is there adequate public infrastructure for the planning proposal?

The subject site is adjacent to a major urban growth area of South West Sydney. A comprehensive assessment on infrastructure needs was undertaken at the Precinct Planning stages of planning for the Turner Road Precinct and public infrastructure needs to accommodate the demands of an increased urban development have been determined.

The Planning Proposal seeks to allow for the facilitation of general residential development which is likely to accommodate up to 22 additional dwellings. This is a very minor increase in the total dwelling yield of the Turner Road Precinct which is approximately 4,400 dwellings.

As such, the proposal will not create any additional needs for public infrastructure for the locality.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

Given the minor nature of this Planning Proposal no State or Commonwealth public authorities have been consulted.

PART 4 – MAPS

The specific amendments to the LEP Maps are included in Attachments 1 to 3 and a summary of the Maps to be amended under this proposal are outlined below.

4. Amendment to the following Camden LEP Zoning Map :

Land Zoning Map - Sheet LZN_017

5. Amendment to the following Camden LEP Lot Size Map:

Lot Size Map - Sheet LSZ_017

6. Amendment to the following Camden LEP Height of Building Map:

Height of Buildings Map - Sheet HOB_017

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal is considered to be “low impact” as it is consistent with surrounding land uses and the strategic planning framework, and presents no infrastructure issues. Accordingly, an exhibition period of the amended SEPP documentation should extend for a maximum of 28 days. It is likely that an amendment to the Dart West (Gregory Hills) VPA will be exhibited concurrently with the Planning Proposal as this will facilitate the dedication and embellishment of open space to meet the demand generated by the proposed development.

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Camden Council website; and
3. in writing to adjoining landowners.

PART 6 – PROJECT TIMELINE

Anticipated commencement date (date of Gateway determination)	May 2014
Anticipated timeframe for the completion of required technical information	N/A
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	June/July 2014
Commencement and completion dates for	June/July 2014

public exhibition period	
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	August 2014
Timeframe for the consideration of a proposal post exhibition	August 2014
Date of submission to the department to finalise the LEP	September 2014
Anticipated date RPA will make the plan (if delegated)	1 October 2014
Anticipated date RPA will forward to the department for notification	1 October 2014

CONCLUSION

As discussed in detail above, this Planning Proposal has been prepared on behalf of Dart West Developments in relation to land within the Marist Brothers land holding that was previously identified as infrastructure land associated with the Sydney Catchment Authority Upper Sydney Canal.

As such, this Planning Proposal seeks to amend the land use controls and zoning mapping under the Camden Local Environmental Plan 2010, to be generally consistent with those in the adjoining residential lands which form the Turner Road Precinct. A minimum lot size of 450 square metres and maximum height of buildings of 9.5 metres is proposed, which will result in a built form that is consistent with the adjacent residential development.

An amendment to the Camden LEP Maps through the Gateway Process is the most appropriate method to affect the intended outcome of this proposal. In addition, the proposal will have a positive community benefit outcomes and is supported by Section 117 Directions and State Environmental Planning Policies.

Accordingly, progression of the proposal to the LEP Gateway is sought.

SCHEDULE OF ATTACHMENTS

Attachment 1: Proposed Amendments to Camden Local Environmental Plan 2010 Land Zoning Map

Attachment 2: Proposed Amendments to Camden Local Environmental Plan 2010 Lot Size Map

Attachment 3: Proposed Amendments to Camden Local Environmental Plan 2010 Height of Building Map

Attachment 4: Existing Camden Local Environmental Plan 2010 Maps

Attachment 1

Proposed Amendments to Camden Local Environmental Plan 2010 Land Zoning Map



Attachment 2

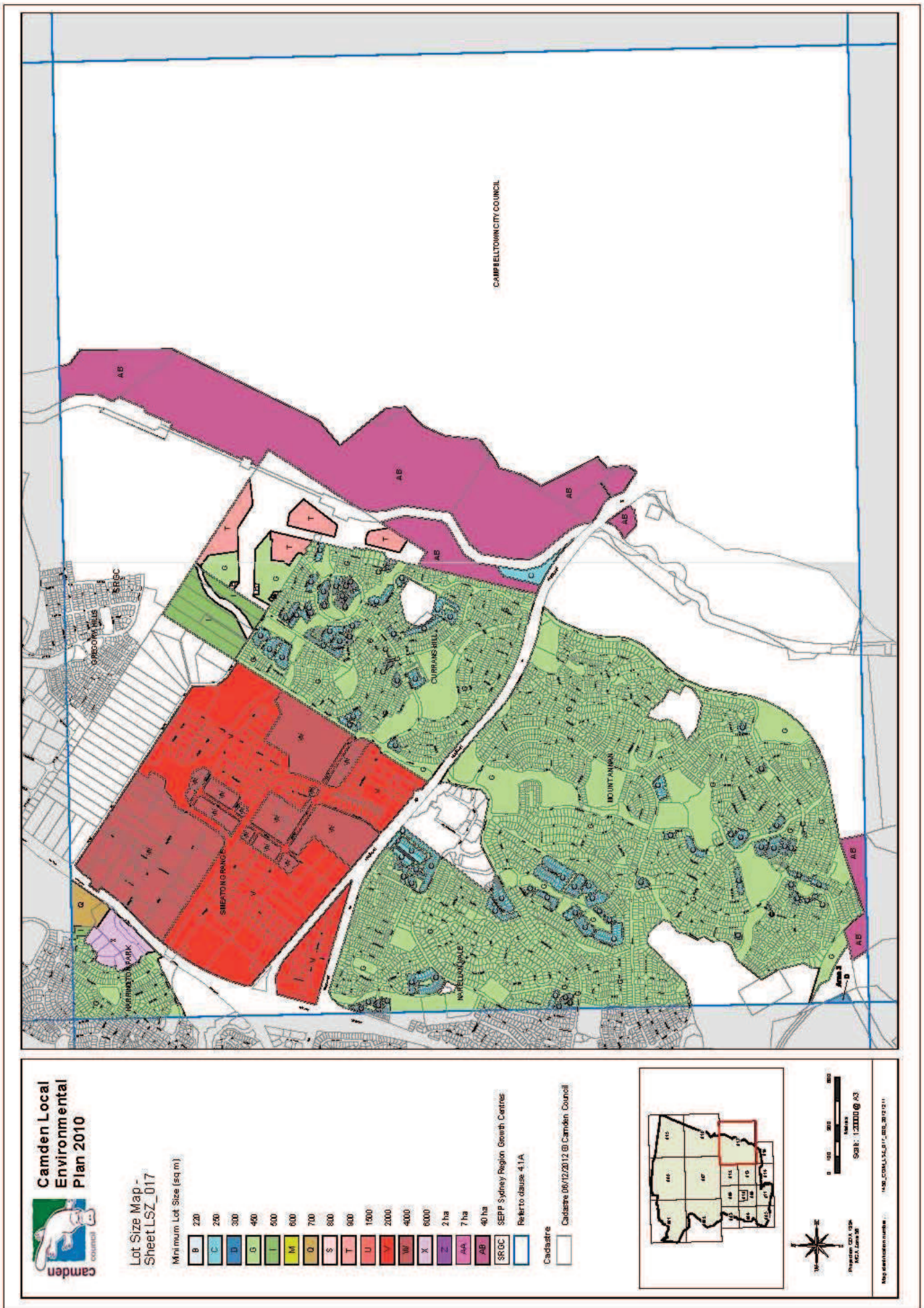
Proposed Amendments to Camden Local Environmental Plan 2010 Lot Size Map

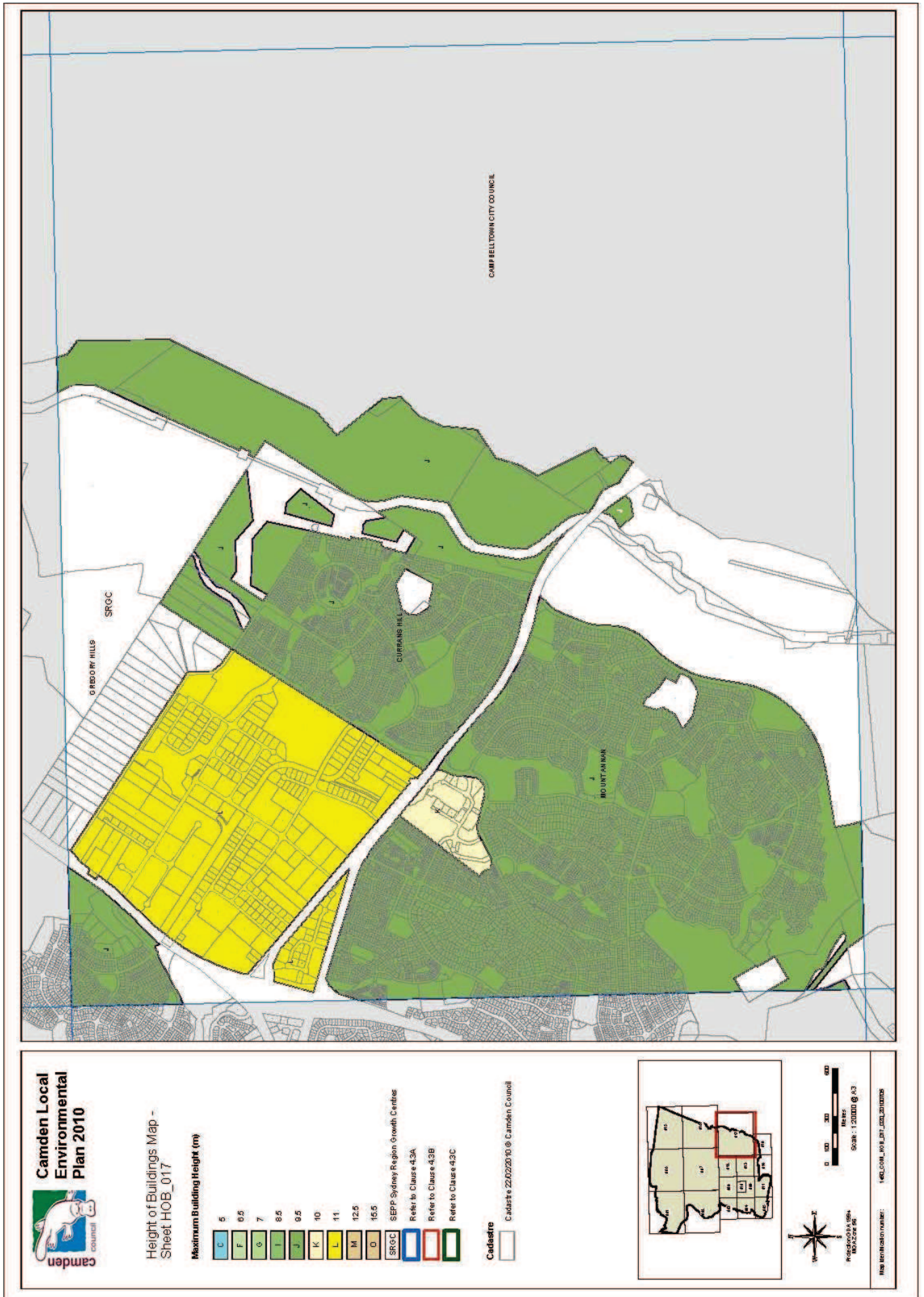


Attachment 3

Proposed Amendments to Camden Local Environmental Plan 2010 Height of Building Map







ORDINARY COUNCIL

ORD02

SUBJECT: AMENDMENT NO. 33 TO CAMDEN LEP 2010 - AMENDMENT TO REZONE CANAL LAND GREGORY HILLS

FROM: Acting Director Governance

TRIM #: 14/8516

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of the draft Planning Proposal to rezone Lot 51 of DP 1134649, Turner Road from SP2 Infrastructure to R1 Residential. The subject land forms part of the Marist Brothers land holding, and is directly adjoining the Gregory Hills development and Sydney Water Canal. The draft Planning Proposal is provided as **Attachment 1 to this report**.

BACKGROUND

The Turner Road Precinct was rezoned by the Department of Planning and Infrastructure (now known as the Department of Planning and Environment) in December 2007. At the time of the initial rezoning process when the boundaries of the precinct were determined a small parcel of land sitting between the residential zoned land and the Sydney Catchment Authority Upper Sydney Canal land was incorrectly excluded from the Turner Road Precinct (**see Figure 1**).

This small parcel of land is currently zoned SP2 Infrastructure however, it does not form part of the Upper Sydney Canal lands, and is not land required for infrastructure provision. The land is in private ownership and is not necessarily accessible to the public.

On 7 November 2013 Council received a planning proposal from Dartwest Developments proposing to rezone the subject lands from SP2 Infrastructure to R1 General Residential (the adjacent residential zone). Discussions have been held with the developer regarding appropriate treatment of development contributions that would be required as a result of developing this land. Agreement has been reached that local open space will be provided within the Gregory Hills precinct and the balance to be paid as contributions in accordance with the Camden Contributions Plan 2011. The rezoning proposal was workshopped with Councillors on 8 April 2014.

MAIN REPORT

The subject site is located within lands administered under the Camden LEP 2010 and does not fall within the SEPP Sydney Region Growth Centres (2006). Therefore the proposal seeks to amend the Camden LEP 2010. If Council resolves to rezone the land, the Camden Development Control Plan (DCP) will apply to the land. There is no need to amend the DCP to facilitate this rezoning proposal.

The following changes to Camden LEP are proposed:

- change the zoning from SP2 Infrastructure to R1 Residential;
- provide a minimum lot size of 450 squares metres; and
- provide a maximum height limit of 9.5 metres.

The proposed rezoning will ensure that this parcel of land will not become an isolated and unusable pocket of land, and will instead be integrated into the ongoing development of the adjacent Turner Road precinct.



Figure 1: Subject Site is highlighted in bright pink. The Sydney Catchment Authority Upper Sydney Canal Land is coloured purple. The subject site does not form part of the canal.

Consultation with Sydney Catchment Authority

The Sydney Catchment Authority (SCA) has been consulted to make them aware of the rezoning proposal, as they are the adjoining land owner and are responsible for the operation of the canal.

The SCA has confirmed that the land is not owned by the SCA and does not form part of the Upper Canal corridor. They raise no objections to the rezoning proposal provided that any future development on the land does not impact on water quality and water supply infrastructure within the Upper Canal corridor.

At this time, there have been no impacts identified for the Upper Canal corridor as the proposed zoning is consistent with the zoning of adjacent land and the development form will also be consistent. Council has previously negotiated development controls with the SCA to manage development in the vicinity of the canal land. Notwithstanding, the SCA will be given a further opportunity to review and comment on the rezoning proposal during the public exhibition period. Specific impacts on the canal would be considered as part of any future development application, as will occur with adjacent development, and SCA would be given an additional opportunity to comment at that time.

Development Contributions and future amendment to the Dartwest VPA

The Canal Land Planning Proposal generates a need for an additional 2,055m² of open space based on a provision rate of 2.83ha/1000 people, which is consistent with best practice and the Growth Centres Development Code. The open space is to be located at Area 1 on the plan as shown in **Figure 2**. This new open space, while smaller than Council's guidelines, adjoins a connected corridor of proposed open space and riparian lands forming a larger contiguous open space. The proposed additional open space is not land which is already proposed to be dedicated to Council under the existing Gregory Hills VPA but was originally designated as R1 General Residential.

Should Council agree to the rezoning of the land, it is intended that embellished local open space will be provided within the Gregory Hills development (shown as Area 1) and will require an amendment to the Dartwest Voluntary Planning Agreement (VPA). The VPA is a legally binding agreement that will ensure that the land is embellished and dedicated for the purposes of open space. As a matter of practice, the Turner Road Development Control Plan will be updated as part of the next 'housekeeping' review of the DCP to identify the new open space land on all relevant figures.

The remaining contributions for recreation facilities, community facilities, emergency services and plan administration will be levied as monetary contributions in accordance with Camden Contributions Plan 2011. The contribution for recreation facilities will take into account the value of the embellishment works to be provided via amendment to the Voluntary Planning Agreement.

Based on a minimum lot size of 450 sqm, the site is expected to yield 22 lots. A development contributions package with an estimated value of \$474,982 will be provided as a combination of land dedication, embellishment works and monetary contributions. This equates to \$21,590 per lot. Contributions under the Camden Contributions Plan 2011 are currently \$17,024 per lot. The contributions package meets the needs of the new residents and is considered to be appropriate. It should be noted that the final rates will be calculated as part of the development assessment stage and will be based on the current Consumer Price Index that applies at the time.

If Council resolves to proceed with the Planning Proposal, an amendment to the Dartwest VPA will be prepared and reported to Council for public exhibition along with the Planning Proposal (after Gateway Determination is received).



Figure 2: Subject site (shown in Orange) and proposed additional Open space.

The rezoning proposal has strategic merit as it is consistent with the draft Metropolitan Strategy for Sydney 2031 and Camden 2040. The proposed amendments to Camden LEP 2010 are considered relatively minor, but will contribute to the ongoing delivery of housing in South West Sydney.

Marketing Expectations

No land east of the 330kv electricity easement has been marketed, which is 400m from the canal land. The nearest current resident (Stage 1C) is 900m from the canal land.

The nearest lot that has been sold, but with no house yet built, is located 650m from the canal land.

It should also be noted that there is a crest of a hill that lies between the land that has been sold and the canal land, so that the canal land is not visible from any land that has been sold or marketed to date.

Further Studies

Given the minor nature of this Planning Proposal it is recommended that no studies are required for this change to the LEP. Should the Gateway Determination by the Department of Planning and Environment (DoPE) stipulate that the applicant needs to update existing planning studies or provide new planning studies the applicant will do so at their own cost. Should any further studies be provided to Council these will be reported to Council prior to the public exhibition period via a further report to Council.

LEP Delegation

Council intends to use its delegation pursuant to Section 23 Environmental Planning and Assessment Act 1979 for this Planning Proposal. This will enable Council to streamline the processing of the amendment to the Camden LEP. The request for delegation will be made as part of the Gateway submission. The General Manager is Council's nominated officer.

Next Steps

If the Planning Proposal is supported by Council, it will be forwarded to the DoPE for Gateway Determination. If required by the Gateway Determination, the existing planning studies may need to be reviewed and updated, or new planning studies prepared. If this work is required, the cost is to be borne by the applicant. If the applicant does not undertake this work, the Council will not proceed further with the Planning Proposal and will advise DoPE accordingly.

Following completion of any planning study review, the Planning Proposal will be amended as required. Consultation will be undertaken with relevant State and Federal agencies as required by the Gateway Determination.

A further report will be brought to Council to consider the proposed amendment to the Dartwest VPA and to consider placing both the Planning Proposal and Draft VPA on public exhibition. If Council resolves to proceed with this rezoning proposal, it is recommended that the Planning Proposal and Draft VPA amendment be placed on public exhibition for a period of 28 days.

Following conclusion of the public exhibition, a further report will be submitted to Council to allow consideration of any submission received.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

Council has received an application to rezone Lot 51 of DP 1134649 (having an area of 15,137 sqm) from SP2 Infrastructure to R1 Residential. This strip of land lies between the Turner Road precinct and the Canal. The land appears to have been inadvertently

omitted from the Turner Road Precinct when the boundaries were determined for the purposes of precinct planning.

Unless the land is rezoned, it will remain a privately owned, isolated and unusable pocket of land between Gregory Hills and the Canal. The rezoning of the land to facilitate residential development would ensure orderly planning of the Gregory Hills project. It is proposed to rezone the land from SP2 Infrastructure to R1 General Residential to be consistent with the adjoining land use. The land will be subject to the Camden LEP and the Camden DCP. The land will be developed for residential purposes, contiguous to the residential development of the Turner Road precinct.

A package of development contributions has been negotiated with the applicant including the dedication and embellishment of local open space to be delivered via an amendment to the Dartwest VPA and monetary contributions to be levied in accordance with the Camden Contributions Plan 2011. This contributions package will meet the infrastructure needs of the additional residents arising from the development of this land.

Should Council resolve to proceed with the draft Planning Proposal it will be forwarded to Gateway for determination.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal to rezone Lot 51 DP1134649 which forms the Marist Brothers land holding, directly adjoining the Gregory Hills development from SP2 Infrastructure to R1 Residential.**
- ii. forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination and advise that the matter be placed on public exhibition for 28 days;**
- iii. as a result of the Gateway Determination, require the applicant to prepare or update planning studies at their own cost;**
- iv. prepare amendments to the Dartwest Voluntary Planning Agreement for the Gregory Hills development to include land dedication and embellishment works as outlined in this report;**
- v. prepare amendments to the Turner Road Development Control Plan as part of a future 'housekeeping' review to reflect the provision of the public open space associated with this planning proposal; and**
- vi. submit a further report to allow consideration of the Planning Proposal and VPA amendment prior to public exhibition.**

ATTACHMENTS

- 1. Attachment -Planning Proposal - Amendment No. 33 - Camden Local Environmental Plan 2010 - for Rezoning**