

Camden LEP amendment No.15 Glenlee

Proposal Title : Camden LEP amendment No.15 Glenlee

Proposal Summary : To facilitate the creation 60ha of industrial employment land (and other zones on land located in two LGAs [see following]).

In respect of this planning proposal, by rezoning that portion of the site located within the Camden LGA from RU1 – Primary Production and SP2 – Infrastructure to: IN1 – General Industrial, SP2 – Infrastructure and E3 – Environmental Management.

The subject site straddles the boundary between Camden and Campbelltown LGAs.

The site (in total) is 110 hectares in area. Approximately 101 hectares of the site is located within Campbelltown Council LGA and 8.8 hectares in the Camden LGA.

Each council has chosen to lodge separate planning proposals. Camden Council has a standard Instrument comprehensive LEP in place, while Campbelltown is yet to finalise its standard Instrument and seeks to amend its existing, non-standard EPI(s).

This planing proposal should be considered in conjunction with the Campbelltown planning proposal and report, see PP_2013_CAMPB_001_00.

PP Number : PP_2013_CAMDE_012_00 Dop File No : 13/08727

Proposal Details

Date Planning Proposal Received :	12-Jun-2013	LGA covered :	Camden
Region :	Sydney Region West	RPA :	Camden Council
State Electorate :	CAMDEN	Section of the Act :	55 - Planning Proposal
LEP Type :	Principal		

Location Details

Street :
 Suburb : City : Postcode :
 Land Parcel : LOT 38 DP 1098588 LOT 1 DP 250033 PART LOT 1 DP 405624 LOT 1102 DP 883495 LOT 54 DP 864754

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
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) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
	7,000m ²		
Gross Floor Area :	900.00	No of Jobs Created :	20 14

The NSW Government Yes

Lobbyists Code of Conduct has been complied with :

If No, 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 any lobbyist in relation to this proposal, nor has advise been given concerning any meetings between other departmental officers and lobbyists.

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : Date Received
 The planning proposal was received by the regional team on 21 May 2013. However, further information was requested from Council and finalised on 12 June 2013.

Background and Context

The land within the Camden LGA is currently zoned RU1 – Primary Production and SP2 – Infrastructure (Waste or Resource Management Facility). The objective of the proposal is

to rezone this portion of the total site to IN1 – General Industrial, SP2 – Infrastructure and E3 – Environmental Management.

The area is noted as employment land in the draft Sydney Metropolitan Strategy and the combined Camden and Campbelltown proposals will provide approximately 60ha of employment land.

While the site is currently used for industrial purposes (placement of coal reject and as a landfill for domestic waste) it is of a low employment generation and the proposal will create new job opportunities by allowing industrial and commercial land uses, such as warehousing and light industrial activities, which will be more sympathetic to surrounding residential landuses.

The site is served by an existing rail spur into the site and a possible, but not confirmed, road connection to major road networks.

The land adjoins two large existing and proposed residential areas. North of the site is Spring Farm, (a residential growth area which is approximately 50% developed) and to the south of the site is Menangle Park (a Landcom [now Urban Growth NSW] proposed development which, when completed, will yield approximately 3,500 new dwellings).

Having an existing heavy industrial use (landfill and coal wash) between a future and an established residential area is not ideal, especially one with no physical buffers such as roads or natural features to manage the effects of the industrial landuses. One of the key benefits of the planning proposal is that it will create an environmental management zone buffer around the site and change the landuses to relatively 'clean' industrial uses, which may be more sympathetic to the surrounding residential areas.

The limitations for development include a lack of public transport in the area and timing and location of road upgrades.

Both Councils (Camden and Campbelltown) agree that road infrastructure in the area is currently inadequate to serve the total development of the site under the proposed industrial zone and seek to limit GFA until supporting road infrastructure or agreements are in place.

This aspect of the proposal is supported in part and is further discussed in this report.

Employment Lands

Advice from the Department's Employment Lands Unit is provided (in part) as follows:

The Planning Proposal is generally supported as it would zone land to industrial which currently is largely used for industrial activities and add to stocks of zoned industrial land for the South West subregion.

The subject land has also been included in the ELDP for a number of years as 'proposed' employment lands, following its identification in the draft South West Subregional Strategy, and is included in stocks of 'Strategy Identified Lands'.

The assumption that the zoning of 60 ha of land to industrial would have capacity to provide approximately 1,200 jobs, would equate to a job density of 20 jobs per hectare. This would appear realistic in this location given job densities for recent warehouse developments in Western Sydney.

Note: A number of technical studies were previously prepared during 2008/2009 supporting

a previous proposal for the land. This rezoning proposal did not proceed and council officers have agreed that these studies will need to be reviewed and up-dated. These studies are not included in the documents section of this report.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objective of the proposal is to rezone land from a rural to an industrial zone (and other appropriate zones i.e. Infrastructure and Environmental Management) to create an employment area in close vicinity to existing and proposed residential development.

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

Is an explanation of provisions provided? Yes

Comment : The Camden Local Environmental Plan 2010 will be amended in the following way:

Land Zoning Map – from RU1 – Primary Production and SP2 – Infrastructure (Waste or Resource Management Facility) to:

- o IN1 – General Industrial;
- o SP2 – Infrastructure; and
- o E3 – Environmental Conservation.

Lot Size Map – for the land subject to IN1 – General Industrial from 100 hectares to 2000m2. Minimum lot size will be removed from the land subject to SP2 – Infrastructure and E3 – Environmental Conservation.

Heights of Buildings Map – for the land subject to IN1 – General Industrial from 9.5 metres to 11 metres. Height of building limits will be removed from the land subject to SP2 – Infrastructure and E3 – Environmental Conservation.

Floor Space Ratio Map – for the land subject to IN1 – General Industrial an FSR of 1:1 will be given. FSR limits will be removed from the land subject to SP2 – Infrastructure and E3 – Environmental Conservation.

Land Reservation Acquisition Map – for the land subject to SP2 – Infrastructure acquisition maps will be amended to identify Liz Kernohan Drive.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 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 55—Remediation of Land

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

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

SREP No 20 - Hawkesbury Nepean River

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

If No, explain :

Council has addressed all section 117 directions in its planning proposal. Consideration of the relevant directions is as follows:

1.1 Business and Industrial Zones

The proposal is industrial in nature and not inconsistent with the permissible landuses under the Standard Template adopted by Council in LEP 2010. The planning proposal increases the amount of industrial floor space available for the region.

Both the Metropolitan Strategy (2005) and the draft South West Subregional Strategy identify the Glenlee Precinct for investigation for future employment opportunities. Further, the land is defined as proposed employment in the draft Metropolitan Strategy to 2031.

It is considered that the proposal is consistent with the direction.

1.2 Rural Zones

The site is currently used for industrial related purposes and the current rural zone does not reflect these uses. The land is not classified as high class agricultural land on the Land Classification Map.

While both the Metropolitan Strategy (2005) and the draft South West Subregional Strategy identify the Glenlee Precinct for investigation for future employment opportunities, the proposal may be held to be technically inconsistent with the direction.

In view of the above, any inconsistency is considered to be minor and the approval of Director General (or delegate) is recommended on this basis.

1.3 Mining, Petroleum Production and Extractive Industries

Coal Seam Gas operations are located within the Glenlee area. It is proposed that development will comply with all legislative, regulatory and best practice guidelines. Council has advised that subsurface mining is proposed to be permissible.

The planning proposal is therefore considered to be consistent with this direction, however, it is recommended that the council consults with the Department of Primary Industries in this regard.

1.4 Rural Lands

The planning proposal proposes to rezone the land from rural to partly employment related uses. This is justified by the land being identified in the Sydney Metropolitan Strategy, etc. (see items 1.1 and 1.2, above).

While this is the case, to ensure full compliance with the direction, it is recommended that the approval of Director General (or delegate) is given on the basis that any inconsistency is of minor significance.

2.1 Environmental Protection Zones

Flora and fauna corridors are proposed as part of the proposal. The planning proposal will provide appropriate habitat corridor linkages with the Spring Farm Bush Corridor and the Nepean River.

It is considered that the proposal is consistent with the objective of this direction in this regard.

2.3 Heritage Conservation

Glenlee House was identified in previous technical studies as the only item of European heritage of relevance. It is understood that the house and part of its estate is listed on the State Heritage Register.

While it is advised that the item is not located within the area subject to this planning proposal, it is noted that an amended heritage study will accompany the planning proposal, following a gateway determination. Consultation with OEH is recommended.

Generally the proposal is considered consistent with the objective of this direction and will not result in any loss of heritage values.

3.4 Integrating Land Use and Transport

It is noted that consideration is to be given to the extension of a local road to access the site (i.e. Liz Kernohan Drive) and consideration will also be given to use of an existing rail spur.

Should a favourable Gateway Determination be issued, it is recommended that council be requested to review this direction as part of its further proposed work on the provision of transport facilities, to ensure compliance with the direction.

4.2 Mines Subsidence and Unstable Land

The Site is located within a Mines Subsidence Area. In terms of the direction, it is recommended that Council consults with the Mine Subsidence Board and takes necessary action, in accordance with the direction.

4.3 Flood Prone Land

Council has advised that flooding aspects have been addressed in previous technical studies.

It is understood that flooding is contained within a local creek system and other riparian corridors, such as the toe of the emplacement batter (located around the perimeter of the site), not affecting the proposed industrial zone.

While this may be the case, it is recommended that an appropriate and contemporary study be undertaken in this regard and it particularly addresses the requirements of the direction.

4.4 Planning for Bushfire Protection

Previous technical studies included a bushfire assessment report, which indicated that APZs can be managed on site and buildings can be designed and constructed to meet standards.

It is recommended that an appropriate and contemporary study be undertaken in this regard and it particularly addresses the requirements of the direction.

5.1 Implementation of Regional Strategies

The planning proposal is not inconsistent with regional strategies. Apart from the site's identification in the Metropolitan Strategy, the site has been included on the ELDP for a number of years as 'proposed' employment lands' following its identification in the draft South West Subregional Strategy.

6.2 Reserving Land for Public Purposes

Part of the subject site is proposed to be zoned SP2 - Infrastructure to accommodate a section of the proposed Spring Farm Parkway (discussed in the consideration of the following direction - 6.3).

Given the uncertainty of this proposed roadway, it will be necessary for council to consult with Roads and Maritime Services in this regard and council will be required to abide by the provisions of the direction.

It is recommended that, as a condition of a favourable Gateway determination, that this consultation occurs prior to exhibition (particularly to establish acquisition responsibilities), as such consultation may require council to further consider the proposal and, possibly, amendment of the proposal.

6.3 Site Specific Provisions

The planning proposal seeks to insert an additional local provision into the LEP which will serve to protect the local road network and residential amenity. Council's proposal in this regard requires clarification.

This issue is addressed on page 6 and pages 19 to 20 of Camden's planning proposal, which highlights that an assessment of the proposal and the local road network indicates that existing road capacity could only support traffic generation resulting from a maximum potential of 12,500 m² gross floor area of warehousing or 10 000 m² gross floor area of general industrial use (or a proportion of both). In order to achieve the planned potential (i.e. 60 ha of industrial land), a connection through to the Hume Highway at Menangle Park is required.

In recognition of this impediment, Camden Council has resolved to:

'include within the Planning Proposal an additional local provision to prevent development over 12,500 m² gross floor area or warehousing of 10,000m² gross floor area of general use (or a proportionate combination of both) until such time that a connection through to the Hume Highway at Menangle Park is established'.

Similarly, Campbelltown Council's planning proposal (p.7) aims to 'restrict industrial development on the subject land to a total of 12,500m² of GFA of warehousing or 10,000m² GFA of general industrial use (or a combination of both) until such time as a road link to the F5 Freeway is established'.

In informal discussions with both Camden and Campbelltown council officers it has been established that it is intended to introduce a 'satisfactory arrangements' type clause in the LEP(s), to permit development above the GFA limits (see above), when road improvements have been made in the future.

Comment

The issue of traffic access is of major concern, particularly to Camden Council in the short term, as the current access to the site is via the Camden LGA. For the subject land to be fully developed, the construction of a major roadway (known as the Spring Farm Parkway proposal) between the urban release area of Spring Farm and the F5 Freeway is required (an indicative alignment diagram is attached - see 'Documents'). As there is no commitment for the development of this road from any government agency, both councils have sought the restriction.

Recommendation

Given that a traffic assessment clearly indicates that access is currently limited, there is no objection to the implementation of a cap as proposed to control traffic generation in the short term. As the cap would apply to both Campbelltown and Camden, it will be necessary for the councils (in consultation with the proponent) to nominate the proportion of the total cap(s) applying to the two LGA portions of the site.

However, the inclusion of a further 'satisfactory arrangements' type clause is not

supported. It is envisaged there may be legal objections to allowing councils to interpret when and how satisfactory arrangements have been made to permit further development under the zone. Further, there is no certainty over the construction of the road and its timing. Therefore, it would be more desirable if the cap was applied without the local clause allowing further development in an unspecified and unwieldy manner, e.g. one council may consider that road arrangements were satisfactory and the other may not.

Informal discussions with council officers indicate that no objections are held to the introduction of a local clause to cap development - only, and that removal of the cap can be undertaken by a further planning proposal(s) when future road improvements have been made.

7.1 Implementation of the Metropolitan Strategy

The subject land is identified in the Metropolitan Plan for Sydney 2036 as employment land. The proposal is considered to be consistent with the Strategy.

It should also be noted that the proposal is not inconsistent with the draft Metropolitan Strategy for Sydney to 2031. for example, objective 13 under the draft Metropolitan Strategy seeks to 'provide any new industrial lands to meet future demand'.

The Proposal is generally consistent with all State Environmental Planning Policies. However, Council should give careful consideration to the provisions of SEPP 55 - Remediation of Land and SREP 20 - Hawkesbury Nepean River.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : The mapping provided is generally sufficient to understand the proposal, its location and strategic context.

While the mapping is considered to be adequate for the purposes of a Gateway determination, a number of supporting studies are required and further detailed mapping, as part of these studies, will clarify the proposal to assist with subsequent consultation.

In particular, it is noted that figures showing the location of proposed access roads, in the short, medium and long term, from the Camden Bypass to the site (and ultimately, to the F5 Freeway) are not included in the planning proposal. It is recommended that these figures be included in the planning proposal with suitable notation.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council proposes to undertake community consultation for a period of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : Overall the proposal, supplemented by the further information provided by the councils, adequately meets the requirements of the Department's guidelines for planning proposals and contains sufficient information for Gateway consideration.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Camden LEP 2010 came into force in September 2010.

Assessment Criteria

Need for planning proposal : The planning proposal is required for the orderly development of the land to facilitate proposed employment opportunities and other uses.

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

Environmental social economic impacts : The range of studies to be updated will determine the existence of environmental, social and economic impacts. However, it would appear that any potential impacts may be adequately managed.

Assessment Process

Proposal type : Precinct Community Consultation Period : 28 Days

Timeframe to make LEP : Delegation : DDG

Public Authority Consultation - s56(2)(d) : Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum
Department of Trade and Investment
Landcom
Mine Subsidence Board
Transport for NSW
Fire and Rescue NSW
NSW Rural Fire Service
Transport for NSW
Transport for NSW - Roads and Maritime Services
Sydney Water
Telstra
Adjoining LGAs
Other

Is Public Hearing by the PAC required? No

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

If no, provide reasons : It is recommended that the planning proposal proceeds subject to conditions, including modification of council's intent to insert a local clause which aims to prevent development above specified GFA until certain road infrastructure is provided.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Flora

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Fauna

Heritage

Flooding

Air Quality

Economic

Other - provide details below

If Other, provide reasons :

Traffic and transport and impacts;

Heritage – both indigenous and non-indigenous;

Geotechnical and mine subsidence issues;

Infrastructure needs (including water and sewerage)

Identify any internal consultations, if required :

Employment Lands (ELDP)

Is the provision and funding of state infrastructure relevant to this plan? Yes

If Yes, reasons : Council will need to consult with the relevant State agencies responsible for the provision of key infrastructure to establish servicing requirements.

Council should also be required to consult with Campbelltown Council as the majority of the site is within that local government area

Documents

Document File Name	DocumentType Name	Is Public
v1 - Final Planning proposal - Glenlee.pdf	Proposal	Yes
Council Report of 23 April 2013.pdf	Proposal	Yes
Council's Resolution of 23 April 2013.pdf	Proposal	Yes
Section 117 Directions.pdf	Proposal	Yes
Council letter.pdf	Proposal Covering Letter	Yes
Indicative location - Springfarm Parkway.pdf	Map	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies
- 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 : Recommended as advice:

- (a) Council to consider the provisions of: SEPP 55 - Remediation of Land, SEPP (Mining, Petroleum Production and Extractive Industries) 2007 and SREP 20 - Hawkesbury Nepean River.
- (b) Council alters the number of the planning proposal, on the cover sheet, from 'Amendment No.20 - Glenlee' to 'Amendment No.15 - Glenlee'

Recommended: The Director General (or delegate) approves the inconsistency with section 117 directions: 1.2 Rural Zones, 1.4 Rural Lands and 6.3 Site Specific Provisions, on the basis of minor significance.

Delegation: Council has not formally resolved to exercise the the Minister's plan making powers. Council officers have not objected to these powers being delegated and it is recommended that delegation be given to Council in this regard.

Recommended conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act for a period of 28 days.

2. The timeframe for completing the local environmental plan is to be 18 months from the week following the date of the Gateway determination;

3. Prior to exhibition, Council is to amend the planning proposal by:

- 3.1 clarifying that the proposed cap on GFA does not extend to permitting the GFA to be exceeded by virtue of a local clause and can only be removed by a fresh planning proposal, and
- 3.2 Council is to nominate the portion of the cap applying to the the site within the Camden LGA in consultation with Campbelltown City Council, or alternatively, indicate that the proposed cap(s)(in total) applies to all that land subject to both the Camden planning proposal (PP_2013_CAMDE_012_00) and the Campbelltown planning proposal (PP_2013_CAMPB_001_00); and
- 3.3 Include figures to show road access to the site in the short, medium and long term.

4. Council is to undertake the following studies:

- Flora, fauna and habitats,
- Geotechnical,
- Contamination,
- Surface, groundwater and flooding,
- Bushfire hazard management,
- Aboriginal and European heritage,
- Scenic Quality,
- Visual Assessment,
- Acoustic Assessment,
- Air Quality Issues,
- Transport, access and movement,
- Capacity of infrastructure, services and facilities.

5. Council is to consult with the Department of Trade and Investment - Mineral Resources and Energy (Minerals & Petroleum) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

6. Council is to consult with the Office of Environment and Heritage and the Hawkesbury-Nepean Catchment Management Authority and subsequently demonstrate consistency with section 117 direction 2.1 Environmental Protection Zones.

7. Council is to consult with the Office of Environment and Heritage to demonstrate consistency with section 117 direction 2.3 Heritage Conservation, particularly in relation to the State listed heritage item known as Glenlee House.

8. In the preparation of a transport study, consideration of section 117 direction 3.4 (Integrating Land Use and Transport) is to be included in that study to demonstrate consistency with the direction.

9. Prior to exhibition, Council is to consult with the Mine Subsidence Board and, if necessary, take action as required by the direction.

10. Prior to exhibition, Council is to consult with Roads and Maritime Services to determine an appropriate SP zone (and acquisition responsibilities) and, if necessary, amend the planning proposal accordingly.

10. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

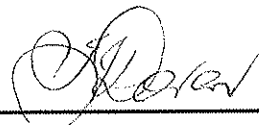
- Hawkesbury Nepean Catchment Management Authority
- Office of Environment and Heritage
- Landcom
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries – Minerals and Petroleum
- Endeavour Energy
- Mine Subsidence Board
- Fire and Rescue NSW
- Transport for NSW
- NSW Rural Fire Service
- Roads and Maritime Services
- Sydney Water
- Telstra
- Endeavour Energy
- AGL
- Department of Trade and Investment
- The owner of the rail spur
- Australian Botanic Gardens
- Adjoining LGAs

Supporting Reasons :

The planning proposal should proceed as it will contribute to the employment land anticipated in the Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy. The site therefore accords with the Department's strategic goals. The proposal has been listed in the draft Metro Strategy as employment land.

It is anticipated that detailed background studies, and external and internal consultation will resolve any impediments and provide a 'blueprint' for future development of the site.

Signature:



Printed Name:

T DORAN

Date:

21/6/13