

Draft Amendment No 6 to Camden LEP 2010 - Housekeeping Amendments

Proposal Title : **Draft Amendment No 6 to Camden LEP 2010 - Housekeeping Amendments**

Proposal Summary : **The Planning Proposal seeks to make minor housekeeping amendments to Camden LEP 2010. The proposed amendments are to rectify anomalies and errors in the LEP and associated maps that has occurred when the development controls existed in the previous LEPs/DCPs were transitioned to Camden LEP 2010. Some of these changes are to reflect the approved subdivision patterns, zoning of unzoned lands and changes to the land use tables.**

Details of the amendments are in the Council's Planning Proposal at Tag A in the "Documents" section of this report.

PP Number : **PP_2011_CAMDE_002_00**

Dop File No : **11/15092-1**

Proposal Details

Date Planning : **21-Oct-2011**

LGA covered : **Camden**

Proposal Received :

Region : **Sydney Region West**

RPA : **Camden Council**

State Electorate : **CAMDEN**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **359 Narellan Road, Currans Hill and other various matters, Camden LGA**

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

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

If Yes, comment :

To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning the proposal.

Supporting notes

Internal Supporting Notes :

As discussed above, the Planning Proposal is to make minor housekeeping amendments to Camden LEP 2010, to mainly rectify anomalies which has occurred when the development controls contained in the previous LEPs were being transferred into the Camden LEP 2010.

Some of the changes include outcomes of previous Council resolution prior to the Principal LEP being made but were not progressed for various reasons.

The proposed amendments will ensure that the planning provisions contained within Camden LEP 2010 are consistent with the previous Camden LEPs/DCPs which were in place prior to the making of Camden LEP 2010 and to maintain the 'status quo' approach taken by Council, as far as possible. See Tag C for detailed assessment of the Planning Proposal.

External Supporting Notes :

The Department's Land Release Team was consulted on 9 September, 2011, on the zoning of unzoned lands along Cobbity Road on the boundary of Oran Park. No issues were raised. The Land Release Team further requested Camden Council to zone an additional parcel of unzoned land along Northern Road. Council's Planning Proposal has made this requested change. A copy of the advice received from the Land Release Team is at Tag 8(a).

Adequacy Assessment

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

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

Comment : **Council's objective is clear - to make minor housekeeping amendments to Camden LEP**

2010 mainly to rectify anomalies and errors occurred when transferring previous planning controls into the principal LEP.

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

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

Comment : Details of the Council's proposed amendments/justification are at Tag A in the "Documents" section of this report. Relevant sites, current and proposed zonings are tagged 1-8.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

5.1 Implementation of Regional Strategies

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?

N/A

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

Assessment of the Planning Proposal in accordance with the relevant S117 Directions are in the following section.

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

If No, explain :

The relevant s.117 directions are as follows:

1.1 BUSINESS AND INDUSTRIAL ZONES

This direction applies only to the site known as "Landturn" site located between Camden Valley Way, The Northern Road, and The Old Northern Road, Narellan. The location of the site/zoning are shown at Tag 3.

The site is zoned B5 Business Development under Camden LEP 2010 and is subject to an additional permitted use under Schedule 1 of LEP 2010 which allows, among other things, a total gross floor area of "retail premises" on the land of not more than 11,300 square metres (copy at Tag 3(a)).

The additional permitted use for this land was described in the Schedule 1 as "shops" under the previous Camden LEP 46 (copy at Tag 3(b)), and was converted to "retail premises" during the conversion into the Camden LEP 2010.

The use of the definition "retail premises" (a group term) instead of "shops" has created a situation where a wide range of types of "retail premises" will be counted towards the 11,300m2 floor space cap on this site. Council has asserted that this was not intended by the additional permitted use listed in LEP 46 and that this anomaly will result in an overall development of "shops" which is significantly smaller than envisaged for this site.

To address this anomaly, Council has proposed that Schedule 1 Clause 19 of Camden LEP 2010 be amended by substituting the term "retail premises" with the term "shops".

Council has further proposed to amend the land use table for the B5 Business Development Zone by adding "retail premises" as a prohibited use and allowing "food and drink premises" and "neighbourhood shops" as permitted with consent to retain the

the "status quo" approach as adopted during the conversion of the former Camden LEPs into the new LEP template format. The definition of "shops" in the Camden LEP 2010 does not contain "food and drink premises". Detailed discussion on these issues are in the Council's Planning Report at Tag A.

The Planning Proposal is of a housekeeping nature. The Planning Proposal has the affect of reducing the floor area for "Business premises" (group term for "retail premises") permitted on the land, and is inconsistent with the direction but the inconsistency is considered to be of minor significance as these changes are mainly to achieve and retain the "status quo" approach as adopted by Council in converting the previous planning provisions into the new LEP template format.

Should the Gateway determine that the proposal proceeds, it is considered that the inconsistency is of a minor nature and the Director General's delegate endorsement is recommended on that basis.

1.2 RURAL ZONES

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

As the Proposal seeks to rezone a RU1 Primary Production zoned land within Macarthur Resource Recovery Park and generally will affect land zoned rural - this Direction applies.

The Proposal seeks to rezone RU1 land to a SP2 Zone to allow the expansion of the adjoining Waste Management Facility for the purpose of slope stabilisation. It will have the effect of reducing the rural agriculture land (site location is at Tag 9), however, the rezoning involves a very small area of agricultural land within the broader rural zone surrounding the site, has not been used for agricultural purposes and is not considered to have impact on the the general rural character of the locality. The adjoining land is also used as a Waste Management Facility. Accordingly, the inconsistency with this direction is considered to be of a minor significance.

The proposed uses to be prohibited within RU1 and RU2 zones for "public administration building", "warehouse or distribution centres", "truck depots" and "highway Service Centres" are considered to be valid and are supported as these use are not mandated uses and are not particularly relevant to the objectives of the rural zones and do not support rural agricultural uses. Additional uses proposed within these zones are "heliports", "sawmill or log processing works" and "signage", which are considered to minor and are supported.

Should the Proposal be allowed to proceed, it is recommended that the Director General's delegate approve this minor inconsistency.

3.1 RESIDENTIAL ZONES

This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or in any other zone in which significant residential development is permitted or proposed to be permitted.

This Planning Proposal seeks to rezone some R2 Low Residential Density zoned land (e.g. Harrington Park, Struggletown, Mount Annan, Narellan Vale and Spring Farm Release Areas) to R3 Medium Density Residential Zone. The proposed rezonings are basically to reinstate the density, minimum lot size and height controls which were in existence before Camden LEP 2010 was made and were erroneously omitted in the transition process. It does not reduce the existing residential density, and therefore, the Proposal is not inconsistent with this Direction.

3.4 INTEGRATING LAND USE AND TRANSPORT

This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

As discussed above, this Planning Proposal seeks to rezone some R2 Low Residential Density zoned land within Harrington Park, Struggletown, Mount Annan, Narellan Vale and Spring Farm Release Areas higher density residential zones such as R1 General Residential and R3 Medium Density Residential Zones. The proposed rezonings are basically to reinstate the density, minimum lot size and height controls which were in existence before Camden LEP 2110 was made and were omitted in the transition process. It is of minor nature and involves small areas within these release areas and will not be inconsistent with the objectives of improving access to housing, jobs and services by walking, cycling and public transport, and reducing travel demand including the number of trips generated by development and the distances travelled by car etc. and, therefore, the Planning Proposal is not inconsistent with this Direction.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

This direction applies as the Planning Proposal includes land zoned RU1 to be rezoned SP2 as part of Waste Management Facility at Glenlee, as shown on the Land Zoning Map at Tag 9.

The Macarthur Resource Recovery Park (MRRP) requested Council to amend the LEP 2010 to enable an amended Planning Project Approval obtained from the Department of Primary Industries for waste services operations on the site, which adjoins the current "waste and resource management facilities". The amended approval includes the use of this land for the purposes of slope stabilisation. "Waste or resource management facilities" is currently permissible in RU1 Zone, however, Council has proposed that this land be rezoned to SP2 to allow "waste or resource management facilities" so that the zoning is consistent with the rest of the MRRP land zoned SP2.

This rezoning will create additional reservation but would not alter or reduce the existing reservation, and as such the inconsistency with the direction is of a minor significance.

Should the Proposal be allowed to proceed, it is recommended that the Director General's delegate approve this minor inconsistency.

6.3 SITE SPECIFIC PROVISIONS

This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

The Planning Proposal involves changes to additional uses which have been permissible with consent on certain lands in the Schedule 1 of the Camden LEP. Under this direction, a Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must not include site specific provisions that are not already in the instrument being amended. The Planning Proposal proposes:

- (1) Senior's housing to be permissible with consent on land at 359 Narellan Road, Currans Hill; and
- (2) restricts the retail floor area of 11,300 sqm for shops within "Landturn" site, Narellan.

Council has advised that these are to merely reinstate the previous permissibility and controls intended for the sites and are not new proposals, and therefore, not considered to be inconsistent with this direction.

Although the Seniors housing was previously a permitted use in the previous Camden LEP 48 and a DA has been approved for construction of Seniors housing on the site, it will effectively add a land use which is otherwise not permissible within the current RU2

zone to be carried out on the site. Therefore, it is considered that the Proposal is inconsistent with this Direction, however, considering the fact that this is a use previously permitted on the land and that a development approval has been previously issued for construction of seniors housing on the site, the inconsistency with the direction is of minor significance.

Should the Proposal be allowed to proceed, it is recommended that the Director General's delegate approve this minor inconsistency.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : An exhibition period of two weeks has been proposed by Council. Considering the housekeeping nature of the Planning Proposal, Council has not proposed for government agency consultation.

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 : The Planning Proposal was previously submitted twice but, on both occasions, were considered to be poor with various inconsistencies and without required details and justification relating to the proposed changes.

The complete package of the Planning Proposal was received on 21 October, 2011.

The Planning Proposal is not a result of any agreed strategy, study or report. It addresses matters which are of a housekeeping nature.

It is considered that the Planning Proposal provides the best way of achieving the intended outcome as it seeks to address several minor anomalies and amendments in a relatively prompt and efficient manner. Given the minor housekeeping nature of the matters contained within this planning proposal, it is not considered that a "Net Community Benefit Test" need to be undertaken.

The Planning Proposal will strengthen the Camden LEP 2010 by ensuring that it is up-to-date and consistent with the Standard Instrument LEP, and provide greater certainty for the community.

The Planning Proposal is not inconsistent with both the draft South Western Regional Strategy and the Metropolitan Plan for Sydney 2036.

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal. No likely environmental effects are envisaged as a result.

Proposal Assessment**Principal LEP:**

Due Date :

Comments in relation to Principal LEP : The principal plan was made in September, 2010.

The Planning Proposal is to amend the Camden LEP 2010.

Assessment Criteria

Need for planning proposal :

It is considered that the Planning Proposal provides the best way of achieving the intended outcome as it seeks to address the minor anomalies and amendments in a relatively prompt and efficient manner.

Consistency with strategic planning framework :

The Planning Proposal is not a result of any strategic study or report. The planning proposal addresses matters which are of a housekeeping nature.

The Planning Proposal is not inconsistent with both the draft South West Subregional Strategy and the Sydney Metropolitan Plan for Sydney 2036.

The inconsistency of the Planning Proposal with S117 Directions are addressed in the "Justification - S55(2)(c)" section of this report.

A detailed assessment of the proposal by the regional team is in the table at Tag C.

As discussed in Tag C (item 2), Council's proposal to allow a seniors housing development on the land at Currans Hill, as an additional use in Schedule 1, is not considered to be a preferred option. Legal advice has been sought as to whether this land can be developed under the SEPP (Housing for Seniors or People with a Disability), however, this advice is yet to receive by the regional team. It is proposed that in the event that the option for seniors development is considered valid, the Planning Proposal be amended to remove the Council's proposed option to add "senors housing" on the land in the Schedule.

In general, it is considered that the proposed rezonings and map changes are supported as it will rectify anomalies occurred when Camden LEP 2010 was made.

Some of the proposed uses to the Land Use Table (item 1 at Tag C) will have the effect of duplicating the uses already permitted or prohibited in the zone (e.g. prohibiting "retail premises" from B5 zone will duplicate with "Cellar door premises" and "roadside stalls" already prohibited in the zone). It is recommended the proposed changes to the land use table be reviewed to be consistent with the Department's guidelines and circulars for preparing LEPs before it is publicly exhibited.

Environmental social economic impacts :

There is no likelihood of any adverse affect on the environment, critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
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Timeframe to make LEP :	6 Month	Delegation :	DDG
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Public Authority Consultation - 56(2)(d) :

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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. :

If Other, provide reasons :

Identify any internal consultations, if required :

Metropolitan and Regional Strategy

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Tag_A_-_Planning_Proposal_-_Amendment_No_6.pdf	Proposal	Yes
Tag_1_-_Proposed_Land_Use_Table_amendments.pdf	Proposal	Yes
Tag_2_-_Narellan_Road,_Currans_Hill.pdf	Proposal	Yes
Tag_3_-_Landturn_site,_Narellan.pdf	Proposal	Yes
Tag_4(a)_-_R3_Zone_at_Harrington_Park_Release_Area.pdf	Proposal	Yes
Tag_4(b)_-_R3_Zone_at_Struggle_Town,_Narellan.pdf	Proposal	Yes
Tag_4(c)_-_R3_Zone_at_Mount_Annan.pdf	Proposal	Yes
Tag_5_-_Height_of_buildings_at_Elderslie.pdf	Proposal	Yes
Tag_6_-_Minimum_lot-size_and_rezoning_Narellan_Vale,_Spring_Farm.pdf	Proposal	Yes
Tag_7_-_Rezoning_at_Macarthur_Resource_Recovery_Park.pdf	Proposal	Yes
Tag_8_-_Boundary_adjustments_Oran_Park_and_Spring_farm.pdf	Proposal	Yes
Tag_A_-_Council_Report_23_November_2010_incl_minutes.pdf	Proposal	Yes
Tag_A_-_Council_report_Res_2_site_Mt_Annan_South.pdf	Proposal	Yes
Tag_A_-_Council_report_Res_2_sites_Struggletown.pdf	Proposal	Yes
Tag_A_-_Planning_Proposal_letter_from_Council.pdf	Proposal Covering Letter	Yes
Tag_3(a)_-_Extract_from_Camden_LEP_2010.pdf	Proposal	Yes
Tag_3(b)_-_Extract_from_repealed_Camden_LEP_46.pdf	Proposal	Yes
Tag_2(a)_-_Extract_from_Repealed_Camden_LEP_48.pdf	Proposal	Yes
Tag_8(a)_-_Consultation_with_Land_Release_Team.pdf	Proposal	No
Tag_C_-_Summary_table_of_proposed_changes_with_Planning_Team's_consideration.xls	Proposal	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
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 5.1 Implementation of Regional Strategies
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : The Planning Proposal should proceed subject to the following conditions:

- (1) the Director General's delegate agrees that any inconsistency with section 117 directions:
 - . 1.1 Business and Industrial Zones;
 - . 1.2 Rural Zones;
 - . 6.2 Reserving land for public purposes; and
 - . 6.3 Site specific provisionsare justified as minor matters.
- (2) the Planning Proposal is to be revised based on the outcome received from the Legal Branch, as to the whether the land at Currans Hill (item 2 at Tag C) adjoins land zoned primarily for urban purpose, to be considered under the SEPP (Housing for Seniors or People with a Disability). If this is not a valid option, then the Planning Proposal is to remain as proposed by Council i.e. additional use option);
- (3) community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
- (4) consultation is not required with the public authorities under section 56(2)(d) of the EP&A Act;
- (5) a public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act; and
- (6) the timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

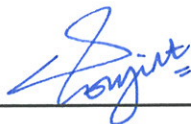
In view of a number of anomalies in the proposed Land Use Table, it would be appropriate for Council to review the proposed land uses and group terms with reference to the Department's Planning Circulars, in particular "PS 11-011 Amendment to Standard Instrument (Local Environmental Plans) Order 2006", to ensure existing land use terms do not overlap across definitions and cross referencing the group term/sub-term relationships.

Supporting Reasons : The Planning Proposal is supported as it will rectify anomalies occurred when transferring previous LEPs and provisions into Camden LEP 2010 and allow previous development controls and land uses to apply on the land.

The Planning Proposal will strengthen the Camden LEP 2010 by ensuring that it is up-to-date and consistent with the Standard Instrument LEP, and provide greater certainty for the community.

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Signature:



Printed Name:

CHD CHD MCINT

Date:

27/10/11