
ORDINARY COUNCIL

ORD06

SUBJECT: PLANNING PROPOSAL - MINOR HOUSEKEEPING
AMENDMENTS TO CAMDEN LEP 2010
FROM: Director Governance
FILE NO: Camden LEP

PURPOSE OF REPORT

The purpose of this report is to seek Council's resolution to prepare a planning proposal which includes minor housekeeping amendments to Camden Local Environmental Plan 2010 (LEP 2010), and to forward the planning proposal to the Department of Planning (DoP) for Gateway Determination so that the planning proposal may be exhibited.

BACKGROUND

LEP 2010 was gazetted on 3 September 2010 and subsequently became the principal planning instrument covering zoning and land use in the Camden LGA. Council staff have now had the opportunity to use and interpret the LEP and the associated maps, and several errors of a minor nature have been identified. This is a normal practice that occurs with the implementation of a new LEP. These errors will be addressed via the preparation of a planning proposal which seeks to amend the LEP.

MAIN REPORT

A detailed planning proposal will be prepared which includes several minor amendments to LEP 2010 and the accompanying maps. The amendments will ensure that the LEP is consistent with the 'status quo' approach adopted during the conversion of the former Camden LEPs into the new LEP template format.

The proposed amendments are grouped into two categories which are 'LEP Instrument Amendments' and 'LEP Map Amendments'.

LEP Instrument Amendments

Land use tables

The land use tables in LEP 2010 were created by translating the former Camden LEPs into the new LEP template format as a 'like for like' conversion. This was intended to ensure that the permissible and prohibited land uses under the former LEPs were carried over to LEP 2010 as far as the LEP template allowed.

A review of the land use table in LEP 2010 has identified minor errors which occurred during the final legal drafting of the LEP land use tables. A list of the minor errors and the proposed amendments **are included as Attachment 1 this report**. The amendment of the land use tables will ensure that they are more consistent with the 'status quo' approach adopted in the preparation of the LEP, and will better reflect the range of permissible and prohibited land uses under the former LEPs.

The planning proposal will seek to amend the land use tables contained in LEP 2010 in accordance with Attachment 1.

Schedule 1 – Seniors housing on Lot 1 DP 1019708 No. 359 Narellan Road Currans Hill

Schedule 3 of Camden LEP 48 permitted the use of the above site for the purpose of seniors housing subject to the granting of development consent. A map showing the site **is included as Attachment 2 to this report**. Consent was granted under DA 2770/1999 and construction of the seniors housing development commenced, however the development was never fully completed.

The 'Seniors Housing' was not listed as a 'scheduled use' in Camden LEP. It is considered that this use should be reinstated as an additional use to ensure consistency between Camden LEP 48 and Camden LEP 2010.

The planning proposal will seek to amend Schedule 1 of LEP 2010 by adding a new additional permitted use which allows seniors housing on the site subject to development consent.

Schedule 1 – Landturn Site, bordered by The Northern Road, The Old Northern Road and Camden Valley Way, Narellan

Schedule 5 of Camden LEP 46 permitted the use of the Landturn Site for the purpose of shops subject to meeting certain conditions and subject to the granting of development consent. A map showing the location of the Landturn Site **is included as Attachment 3 to this report**. In the conversion of the scheduled uses from the existing Camden LEPs to the new Camden LEP 2010, the 'scheduled use' was inadvertently changed from 'shops' to 'retail premises'.

Retail premises is a group term which encompasses other types of premises in addition to shops. One of the conditions applying to development on the Landturn Site is that the floor area of all retail premises must not exceed 11,300m². It was only intended that this cap apply to shops and not the broader group of uses encompassed in retail premises. The use of the group term 'retail premises' will result in a number of other uses being inadvertently captured by the term 'retail premises' and would therefore be included in the floor area calculation.

The planning proposal will seek to amend Schedule 1 in LEP 2010 by amending Clause 19 so that it refers to 'shops' rather than 'retail premises'.

Schedule 5 – Items of heritage significance

During the preparation of the final LEP 2010 instrument by Parliamentary Counsel drafting officers, the suburb names for several heritage items has been omitted from Schedule 5 of the LEP.

The planning proposal will seek to amend the list of heritage items in Schedule 5 by adding the suburb names where they have been omitted.

LEP Map Amendments

Miscellaneous map amendments

LEP 2010 is accompanied by a set of detailed maps which relates to various parts of the LEP. The gazetted version of the LEP maps contain some minor errors relating to suburb name spelling and the type of font used for the text. In addition, there are some minor discrepancies between the mapping cadastre (the road and lot boundary layout) and the boundaries on the maps.

The planning proposal will identify each of the minor mapping errors and will seek to amend them.

R3 Medium Density Residential zoning at Harrington Park

Camden DCP 2006 designates certain sites within the Currans Hill, Harrington Park and Mount Annan release areas as 'Res 2'. Under the previous LEPs, these sites had the same 2(d) Residential zoning as the surrounding land. DCP 2006 provides additional controls relating to reduced lot sizes and the suitability of these sites for medium density residential development types.

During the preparation of LEP 2010, the Res 2 sites were converted into R3 Medium Density Residential to better reflect the intended use of these lots, and the applicable minimum lot size was mapped via the Lot Size Maps rather than via the DCP. An area of land at Harrington Park was omitted from the conversion of the Res 2 lots to R3 Medium Density Residential. A map which shows the subject land **is included as Attachment 4.**

The planning proposal will seek to amend the Land Zoning Map to show the sites as R3 Medium Density Residential, and to amend the Minimum Lot Size Map to show a minimum lot size of 250m².

R3 Medium Density Residential zoning at 3A Stewart Street, Harrington Park (Lot 92 DP 1051164)

At the Ordinary Council Meeting held on 23 March 2010, Council resolved to approve DA 917/2009 which sought consent for the subdivision of the site for residential purposes. Three of the proposed lots were designated as 'Res 2' lots in accordance with DCP 2006. A map showing the land to which this applies **is included as Attachment 5 to this report.**

To maintain consistency with the approach outlined above regarding the zoning of Res 2 sites under LEP 2010, the planning proposal will seek to amend the Land Zoning Map to show the sites as R3 Medium Density Residential, and to amend the Minimum Lot Size Map to show a minimum lot size of 250m².

Mater Dei heritage curtilage and zone boundary

The proponents of the Mater Dei rezoning lodged a submission during the exhibition of LEP 2010 which sought two amendments to the exhibited maps applying to the site. A map showing the land **is included as Attachment 6 to this report.**

The first amendment included the adjustment of the heritage curtilage shown on the Heritage Map so that it corresponded with the revised heritage conservation management plan. The second amendment included the realignment of the zone boundary on the Land Zoning Map so that the existing stables would be located within the same R5 Large Lot Residential zone as the rest of the heritage listed buildings at

Mater Dei.

On 24 November 2009, Council resolved to support the above amendments. However, these amendments to the maps were omitted in error.

The planning proposal will seek to amend the LEP by including the above amendments.

Height of buildings on certain sites at Elderslie

As part of the rezoning process undertaken for the Elderslie Release Area, the accompanying chapter in DCP 2006 included a single storey height limit for certain land adjoining the existing residential areas at Elderslie and Narellan. This map showing this land **is included as Attachment 7 to this report**. The reduced height limit was omitted from the Height of Buildings Map in LEP 2010.

The planning proposal will seek to amend the Height of Buildings Map to show a maximum building height of 6.5m applying to this land.

Spring Farm – minimum lot size and zoning adjoining Narellan Vale

The Spring Farm Release Area and the locality of Narellan Vale each have different minimum lot sizes and land zonings applying to that land. The boundary between these two localities, and the corresponding land zoning and minimum lot size applying to land on either side of that boundary, has been shown incorrectly on the Minimum Lot Size Map and the Land Zoning Map. A map showing the subject land **is included as Attachment 8 to this report**.

The planning proposal will seek to amend the Minimum Lot Size Map and Land Zoning Map for the subject land by applying the zoning and minimum lot size controls that applies to the Spring Farm Release Area.

Minimum lot size for zero lot line development at Elderslie Release Area

The preparation of LEP 2010 included the conversion of the minimum lot size controls contained in DCP 2006 into the LEP template format. The existing Elderslie Release Area control for zero lot line development (minimum 240m² lot size) could not be included in the Lot Size Map due to the limitations of the mapping technical requirements and the allocation of lot sizes and colours on the map.

The planning proposal will seek to have the minimum lot size of 240m² included in LEP 2010 via an amendment to the Minimum Lot Size map for the Elderslie Release Area, or if this cannot occur, via the inclusion of an appropriate clause in the LEP.

Zoning of land at Macarthur Resource Recovery Park (MRRP) at Spring Farm

Council has received notification from WSN (the proponents of the MRRP facility) regarding an amended Project Approval obtained from the Department of Planning for the waste services operations on this site. The amended approval involves the use of an adjacent lot for the purpose of slope stabilisation. The adjacent lot is currently zoned RU1 Primary Production and 'waste or resource management facilities' are permissible in this zone. WSN have requested that this land be rezoned to SP2 Waste or Resource Management Facility so that the zoning is consistent with the rest of the MRRP site. A map showing the subject land **is included as Attachment 9 to this report**.

The planning proposal will seek to rezone this lot to SP2 Waste or Resource Management Facility. This is a housekeeping matter which will result in the entire operations of the MRRP being located within the same zone.

Community and government agency consultation

The proposed amendments to LEP 2010 are housekeeping only and reflect the 'status quo' and do not seek to impose new planning provisions that have not already been subject to public exhibition or a Council resolution at a previous stage. Accordingly, it is considered that a community and government agency consultation period of 14 days is appropriate.

CONCLUSION

Council officers will prepare a detailed planning proposal for submission to the Department of Planning which aims to make minor amendments to the LEP as outlined in this report. These amendments will address anomalies and omissions which occurred during the conversion of the former Camden LEPs into the new LEP template process. These amendments will ensure the LEP is robust.

RECOMMENDED

That Council:

- i. resolve to prepare a planning proposal and associated map amendments for Camden LEP 2010 which addresses the issues outlined in this report;**
- ii. forward the planning proposal to the DoP for Gateway Determination;**
- iii. pending a favourable response from DoP, proceed directly to public exhibition;**
- iv. if submissions are received, report back to Council at the conclusion of the public exhibition period; and**
- v. if no submissions are received, forward the planning proposal directly to the DoP for the plan to be made.**

ATTACHMENTS

Attachment 1 - Land Use Table
Attachment 2 - Seniors Housing Currans Hill
Attachment 3 - Landturn
Attachment 4 - Harrington Park
Attachment 5 - R3 Medium Density 3 A Stewart St
Attachment 6 - Mater Dei Curtilage
Attachment 7 - Elderslie Building Height
Attachment 8 - Spring Farm
Attachment 9 - MRRP



Attachment 1 - Land Use Table Amendments.doc



Attachment 2 - Seniors Housing Currans Hill.pdf



Attachment 3 - Landturn Site.pdf



Attachment 4 - R3 Zone Harrington Park.pdf



Attachment 5 - R3 Medium Density at 3A Stewart St Harrington Park.pdf



Attachment 6 Mater Dei Curtilage and Zoning.pdf



Attachment 7 - Elderslie Building Height.pdf



Attachment 8 - Spring Farm Land.pdf



Attachment 9 - MRRP.pdf

RESOLUTION

MOTION

Moved Councillor Warren, Seconded Councillor Symkowiak that the matter be deferred for further consultation clarification and brought back to the next Council meeting.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD261/10

ACTIONS

CRMS number , Finalised 11/25/2010 2:10:42 PM

Action: Finalised,

memo to council being prepared - meeting is being arranged - the matter will be reported back to council next meeting

[Link to CRMS document](#)

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