

Camden Local Environmental Plan 2010 (Amendment No. 21) Gledswood Hills, Lot 4, 190 Raby Road

Proposal Title : **Camden Local Environmental Plan 2010 (Amendment No. 21) Gledswood Hills, Lot 4, 190 Raby Road**

Proposal Summary : **The planning proposal seeks to rezone Lot 4, DP260703, No.190 Raby Road, Gledswood Hills from RU2 Rural Landscape to a range of residential zones: R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential, together with the introduction of associated building height and lot size controls.**

PP Number : **PP_2013_CAMDE_014_00** Dop File No : **13/11636**

Proposal Details

Date Planning Proposal Received : **19-Jul-2013** LGA covered : **Camden**

Region : **Sydney Region West** RPA : **Camden Council**

State Electorate : **CAMDEN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **190 Raby Road**

Suburb : **Gledswood Hills** City : **Camden** Postcode : **2566**

Land Parcel : **Lot 4 DP260703**

DoP Planning Officer Contact Details

Contact Name : **Tai Ta**

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RPA Contact Details

Contact Name : **Mary-Anne Madden**

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**

Contact Number : **0298601149**

Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy : **No**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	260	No. of Dwellings (where relevant) :	260
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Date of Receipt

The planning proposal was received on 3 July 2013. Further information was requested and council responded on 19 July 2013.

Context

The planning proposal seeks to rezone land currently zoned RU2 Rural Landscape to: R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential. Surrounding land has been progressively rezoned to mainly: R1, some R2 and R5, thereby adding weight to the proposal. Rezoning of the site will provide a zoning consistent with the surrounding land and provide an opportunity to enhance the supply of housing and housing choice.

Internal Consultation

No objections raised by the Department's SLR Strategies & Land Release Division.

No objections raised by the Department's Infrastructure Planning & Coordination Unit. Endorsed for the Director General's satisfactory arrangements clause of Camden LEP 2010 to apply (see clause 6.1 of the LEP).

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objectives of the planning proposal are to:

(1) protect the scenic and landscape character of the area, particularly viewed from public land such as key arterial roads;

(2) achieve staged, orderly development having regard to the site's

opportunities and constraints to integrate with neighbouring sites;

(3) plan a residential development that is sympathetic and complementary to the scenic qualities of the Gledswood Hills land;

(4) create a desirable place for all ages and a wide range of household types;

(5) optimise the use of infrastructure; and

(6) provide a choice of housing.

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

Is an explanation of provisions provided? Yes

Comment :

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

Is the Director General's agreement required? Yes

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

d) Which SEPPs have the RPA identified?

- SEPP No 55—Remediation of Land
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (Major Projects) 2005
- SEPP (Sydney Region Growth Centres) 2006
- SEPP (Temporary Structures and Places of Public Entertainment) 2007
- SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)
- SEPP (Affordable Rental Housing) 2009

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

The site is 40 hectares in area and located adjacent to the Sydney Catchment Authority (SCA) open upper canal. The canal conveys water from the upper nepean dams to the Prospect Filtration Plant. Consultation with the SCA will therefore be required. Further, the canal is a State listed heritage item and consultation with OEH, in this regard, is recommended.

The site has not been the subject of an environmental site assessment in relation to potential contamination. It is acknowledged that the site has been the subject of two isolated dumping of fill activities, which may have potential for contamination, requiring further investigation and potential remediation action.

The landscape visual analysis accompanying the proposal, examines the proposal's

impact upon the ridge line (Scenic Hills) and beyond. The analysis concludes that there will be no visual impact from the Campbelltown LGA. However, the analysis does comment (p.29) that it is possible to identify some vertical elements within the site that occur at or near the ridge top. The analysis recommends that some controls be placed on development along the ridge line to ensure that development does not become visible from areas east of the ridge. However, it is noted that the proposal does not address this matter in detail and that it is proposed to apply a 9.5m building height over the entire site. It is recommended that council reconsiders the proposed imposition of a single building height across the site and/or clearly indicates in the planning proposal the manner in which it intends to control development to protect the scenic qualities of the site.

By virtue of its landlocked position the site's development will rely on the future extension of Gregory Hills Drive, or alternatively an internal road linking the site with Raby Road to the northern part of the site. Therefore, a traffic study investigating the options of accessibility to the site from Raby Road, or Gregory Hills Drive, is warranted.

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

If No, explain :

SECTION 117 DIRECTIONS:

Direction 1.2 Rural Zones

The direction applies as the planning proposal seeks to rezone RU2 Rural Landscape zoned land to a mix of residential, low density residential and large lot residential zones and is therefore inconsistent with the direction.

However, it is considered that the inconsistency is justified as:

- . the site is immediately adjacent to the Turner Road Precinct of the South West Growth Centre and the El Caballo Blanco/Gledswood/East Side housing release areas (these sites were historically rural zoned land and have been rezoned to allow urban residential development);
- . the subject land is effectively surrounded on three sides by urban development;
- . the subject land is one of only three small rural sites located within the Camden LGA between Leppington in the north and the future Gregory Hills Drive to the south;
- . the subject land does not currently provide for productive rural activities, with the exception of occasional agistment; and
- . although the site is of sufficient size to accommodate a cattle feed lot, it is no longer considered appropriate for such a use (or similar), given the location and nature of surrounding residential uses.

In these circumstances, it is recommended that the Director General's delegate agree to the inconsistency as a minor matter.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

The direction is relevant as it will prohibit mining, petroleum production or extractive industries on the site.

The planning proposal notes that a recent announcement has been made by the NSW Government to introduce stricter regulations on coal seam gas mining. This will have the effect of preventing the Camden Gas Project 3 Northern Expansion within the 2 kilometre exclusion zone, which would prohibit the site from this mining activity.

While acknowledging this intention, it is recommended that council consults with the Department of Primary Industries, to ensure that the proposed prohibition of mining activities will not be inconsistent with the direction, and if necessary, council to satisfactorily address the section 117 direction.

Direction 2.1 Environment Protection Zones

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

The planning proposal (p.22) indicates that there is a scattering of remnant eucalypt growth of Cumberland Plain Woodland on the site, with a small patch of locally significant core habitat located towards the northern extremity of the site. However, in an assessment of s.117 directions, the planning proposal indicates that there are no site features that warrant consideration of the application of an environmental protection zone (see p.43).

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

Direction 2.3 Heritage Conservation

The planning proposal indicates that there are no known items of Aboriginal or European heritage present on the site. Notwithstanding, the planning proposal indicates that an aboriginal archaeological study will be prepared. This is recommended in this report.

Further, the Sydney Catchment Authority (SCA) open upper canal is located next to the site. The canal is a State listed heritage item and consultation with OEH, in this particular regard, is recommended.

4.4 Planning for Bushfire Protection

While the planning proposal indicates that the subject land is not identified as being bushfire prone on council's bushfire prone lands map, it does acknowledge that the site abuts land to the east within the Campbelltown LGA that is bushfire prone. Consequently, it is recommended that council consults with Commissioner of the NSW Rural Fire Service.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Formal LEP mapping to support the rezoning is not provided but the RPA indicates in the planning proposal that the following maps will be amended:

- (1) land zoning map to show part of the site as R1 General Residential, part R2 Low Density Residential, and part R5 Large Lot residential;
- (2) height of buildings Map to provide for a 9.5 metre height limit across the site; and
- (3) a lot size map to show a minimum of lot size of 450 sq.m over the proposed R1 General Residential portion, a minimum lot size of 700 sq.m over the R2 Low Density portion, and a minimum of 2,000 sq.m over the proposed R5 Large Lot Residential portion of the site.

A site locality map (p.9), site context diagrams (pp.10/12), zoning diagram (p.16) and indicative layout diagram (p.19), together with other diagrams, are provided. It is considered that these maps/diagrams are adequate to support the proposal. However, the label "The" is required to be amended to show "The site" in a number of diagrams within the proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal is proposed by council to be exhibited for 28 days through advertisements in the local newspaper Camden Advertiser, Narellan and Camden Council Customer Service Centres and libraries, letters to surrounding residents and landowners, and Council's website.**

The RPA also proposes consultation with:

**Office of Environment and Heritage (Environment Branch)
Office of Environment and Heritage (Heritage Branch)
Sydney Catchment Authority
Roads and Maritime Service.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Camden Local Environmental Plan 2010 was notified on 3 September 2010.**

Assessment Criteria

Need for planning proposal : **The planning proposal is required to rezone the land from RU2 Rural Landscape to R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential. The planning proposal is the only statutory planning means to effect a rezoning of the site.**

Consistency with strategic planning framework : **The planning proposal is not inconsistent with a number of State Government strategic initiatives and the objectives and actions of the South West Subregion Draft Subregional Strategy.**

Environmental social economic impacts : **Rezoning of the site will provide an opportunity for housing choice thereby conferring a social benefit on the community.**

The planning proposal indicates that a social impact statement will be prepared should a Gateway Determination be issued for the planning proposal to proceed.

In terms of economic benefits, the planning proposal will potentially result in employment opportunities in the construction industry.

Consistent with the State Government's objectives to enhance housing supply in appropriate locations.

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Assessment Process

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

Timeframe to make **18 months** Delegation : **RPA**
LEP :

Public Authority **Sydney Catchment Authority**
Consultation - 56(2)(d) **Department of Education and Communities**
: **Office of Environment and Heritage**
NSW Department of Primary Industries - Minerals and Petroleum
Department of Trade and Investment
Integral Energy
Fire and Rescue NSW
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water
Transgrid
Adjoining LGAs
Other

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Residential Land Release (MDP)

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

If Yes, reasons : **The Regional Team has requested the views of the Infrastructure Planning & Coordination Unit of the Department on the planning proposal. Planning & Coordination has responded that satisfactory arrangements are required for this site, as the location in question is connected to an existing Urban Release Area. In this regard, clause 6.2 of the Camden Local Environmental Plan 2010 is applicable.**

Documents

Document File Name	DocumentType Name	Is Public
Camden Gledswood Hills Letter.pdf	Proposal Covering Letter	No
Camden Gledswood Planning Proposal (Am.21)Pt 1.pdf	Proposal	No
Camden Gledswood study1.pdf	Study	No
Camden Gledswood study2.pdf	Study	No
Camden Gledswood Jemena Gas.pdf	Study	No
Council Minutes - 25 June 2013.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **1.2 Rural Zones**
 1.3 Mining, Petroleum Production and Extractive Industries
 2.1 Environment Protection Zones
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
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Additional Information : **It is recommended that:**

. the Director General's delegate approves the inconsistency with section 117 direction 1.2 Rural Zones, on the basis that it is of minor significance;

. delegation be given for council to exercise the Minister's plan making powers in this instance (council has indicated its intention to exercise delegation pursuant to Section 23 of the EP&A Act 1979).

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

1. The Planning Proposal be amended, as follows:

(a) diagram labels be amended from 'The' to 'The site' where appearing in the proposal;

(b) under 1.0 Introduction of the proposal, the words 'as a standalone matter' be clarified;

(c) reference in the planning proposal (p.22) to the El Cabalo Blanco rezoning is updated; and

(d) the word 'draft' be removed from the cover of the proposal.

2. community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;

3. the time frame for completing the local environmental is to be 18 months from the week following the date of the Gateway Determination;

4. council is to clearly indicate within the planning proposal that clause 6.1 of Camden LEP 2010 will apply to the proposal and council is to investigate the need for the provision of State contributions in terms of Planning Circular PS 08-017 (23 December 2008).

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

6. council is to undertake the following studies:

- . contamination and salinity,
- . Aboriginal archaeology and significance,
- . an ecological assessment;
- . traffic/road access and public transport provision (note: in preparing this study, council is to consider the relevant provisions of section 117 direction 3.4 Integrating Land Use and Transport);

7. council is to consult with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) and, if necessary, review the proposal's consistency with section 117 direction 1.3 Mining, Petroleum Production and Extractive Industries;

8. council is to consult with the Office of Environment and Heritage and, if necessary, demonstrate consistency with section 117 Direction 2.1 Environmental Protection Zones;

9. council is to consult with the Office of Environment and Heritage and the Sydney Catchment Authority, particularly in respect of the State listed heritage item: the Upper Water Canal;

10. council is to consult with the Commissioner of the NSW Rural Fire Service and give consideration to the provisions of section 117 direction 4.4 Planning for Bushfire Protection;

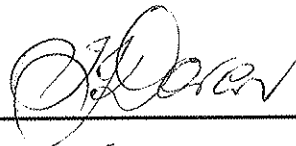
11. further, council is to consult with the following:

- . Department of Education and Communities
- . Integral Energy
- . Trangrid
- . Fire and Rescue NSW
- . Transport for NSW - Road and Maritime Services
- . Sydney Water
- . Jemena ?

Supporting Reasons :

The planning proposal is required to rezone land currently zoned for rural use that is no longer reasonably viable. Progressive rezoning of lands surrounding the site to urban residential in recent years lends support to the proposal.

Signature:



Printed Name:

T DORAN

Date:

30/7/13