

Camden LEP 2010 Amendment No. 11 - Elyard Gardens rezoning

Proposal Title : **Camden LEP 2010 Amendment No. 11 - Elyard Gardens rezoning**

Proposal Summary : **To rezone part of the Elyard Gardens site at Elyard St Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential.**

PP Number : **PP_2011_CAMDE_004_00** Dop File No : **11/17188**

Proposal Details

Date Planning : **21-Dec-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 : **Spot Rezoning**

Location Details

Street : **Elyard St**
 Suburb : **Narellan** City : **Sydney** Postcode : **2567**
 Land Parcel : **Lot 6, DP 812672; Lots 24, 25, 26, 27, 28, 29, 30, 31, DP 201585**

DoP Planning Officer Contact Details

Contact Name : **Shane Nugent**
 Contact Number : **0298738527**
 Contact Email : **shane.nugent@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Kate Speare**
 Contact Number : **0246547801**
 Contact Email :

DoP Project Manager Contact Details

Contact Name : **Terry Doran**
 Contact Number : **0298738557**
 Contact Email : **terry.doran@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name :
 Regional / Sub : **Metro South West subregion** Consistent with Strategy : **Yes**
 Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)
:

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The proposal is to rezone part of the Elyard Gardens site from B2 Local Centre and B5 Business Development to R3 Medium Density Residential to permit a proposed masterplanned residential estate. Such a masterplanned estate was permitted by the previous LEP prior to the gazettal of the Standard Instrument Camden LEP 2010. However the current LEP does not permit residential accommodation other than shop top housing.

The site is a former rubbish tip immediately to the south of the Narellan Town shopping centre. The site is currently largely unused.

The site is currently zoned B2 Local Centre, B5 Business Development and R3 Medium Density Residential in Camden LEP 2010 (Standard Instrument LEP). The B2 and B5 zones do not permit residential accommodation other than shop top housing. The previous zoning in Camden LEP 46 was 3(a) General business, 3(b1) Business support and 2(a) Residential. The 3(a) and 3(b1) zones permitted most forms of residential development other than dwelling houses.

Camden LEP 2010 was a 'rollover' LEP, intended to convert the existing zones to equivalent Standard Instrument zones.

Camden Council have requested the Department to make the changes proposed as a minor matter under S. 73A of the Act. However the Department has advised that a planning proposal is required.

A development consent for this site was issued on 27 November 2006. This consent lapsed in November 2008. The applicant has now submitted a new Masterplan for the site proposing residential and mixed use development. However a planning proposal is required because the 2010 LEP does not permit residential.

LOBBYIST INFORMATION

The Regional Team has had no communications and/or meetings with lobbyists regarding this Planning Proposal, and is not aware of any such meetings having occurred.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The statement of objectives states that it is to enable residential development on the site, and to ensure that the controls that were in place under Camden LEP 46 are maintained. In fact the explanation of the provisions proposed does not achieve the second part of these objectives. As explained below, the proposal to rezone the land to R3 means that many commercial uses which are currently permitted with consent, and were permitted by the previous zoning, would no longer be permitted.

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

Is an explanation of provisions provided? Yes

Comment : The proposal is to rezone the land as follows:

- Retain the land currently zoned B2.
- Retain land currently zoned R3.
- Rezone the land currently zoned B5 - Business Development to R3 Medium Density Residential
- Shift the boundary between the B2 Local Centre zone and the proposed R3 Medium Density Residential zone as shown in Figure 5 on page 6 on the planning proposal.

The explanation of provisions is quite confusing in relation to the site covered by the proposal and the nature of the proposal. Much of the land identified as the subject site (see maps on pages 4, 5 and 6) is in fact not proposed for any change in zoning. All of the R3 land and most of the B2 land are proposed to retain their current zoning. There is no need to include these areas in the planning proposal. It would be clearer if the subject site was identified only as the area actually proposed for rezoning, as shown in Figure 5 on page 6 of the proposal. This is part of Lot 6, DP 812670.

If the subject site is revised to exclude the areas which are not proposed to be rezoned, it is no longer necessary to refer to shifting of boundaries, which is very confusing. It can simply refer to rezoning the subject site from B2 and B5 to R3. The Gateway determination should include a condition requiring the removal of the land which is not to be rezoned from the planning proposal.

Note that these provisions would prohibit many commercial uses which are currently permitted on the site, and which were permitted by the former LEP e.g. hardware and building supplies. As noted above, this is not consistent with the objective to maintain the controls which were in place prior to the making of Camden LEP 2010.

An alternative approach would be to retain the existing zoning and to add multi-dwelling housing and residential flat buildings as additional permitted uses in Schedule 1 of the LEP. This would achieve the objective of continuing to permit existing uses.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

5.1 Implementation of Regional Strategies

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

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SEPP (Infrastructure) 2007

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

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

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

If No, explain :

S. 117 direction 1.1 (4)(b) requires that a planning proposal must retain the areas and locations of existing business and industrial zones. This proposal is inconsistent in that it rezones land from business to residential use. However the inconsistency is justified because it is consistent with the Metropolitan Plan and Draft Sub-regional strategy to encourage residential development in centres, and is of minor significance.

SEPP 55 (Clause 6) requires that a preliminary report on land remediation be prepared when a site is proposed to be rezoned to permit residential development. While the planning proposal refers to SEPP 55, it refers only to clause 7 (relating to development application) and indicates that the proposal is consistent. This is incorrect - while residential development was previously permitted, this is not currently the case. It is a rezoning to permit residential development and therefore a preliminary report is required, and should be a condition of the gateway determination. This should not be an onerous requirement, since the information is available from the previous development application.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Small scale maps included as part of planning proposal document. The maps are not adequate. The gateway determination should require maps to be revised.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

Council has proposed a 28 day consultation period.

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? No

If No, comment :

Maps are currently inadequate, but this should be remedied through a condition in the gateway determination.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Camden LEP 2010 was made on 3 September 2010.

Assessment Criteria

Need for planning proposal :	Residential development other than shop top housing is currently not permitted on the parts of the site zoned B2 Local Centre and B5 Business Development. The planning proposal is necessary to permit residential development on the site, as permitted by the previous zoning of the site.
Consistency with strategic planning framework :	The site is part of the Narellan Centre, which is identified as a town centre in the Draft South West Subregional Strategy. Medium density housing is consistent with the strategic planning framework for the centre.
Environmental social economic impacts :	The proposal would provide for higher density living in close proximity to the services provided in the Narellan town centre. The land is currently zoned for urban purposes. The planning proposal would not result in any significant additional environmental impact.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	6 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Essential Energy Department of Education and Communities Office of Environment and Heritage Mine Subsidence Board Reporting Services Branch Sydney Water Telstra		

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 :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Elyard_Gardens_Planning_Proposal.pdf	Proposal	Yes

Elyard_Gardens_covering_letter.pdf

Proposal Covering Letter

Yes

Planning Team RecommendationPreparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

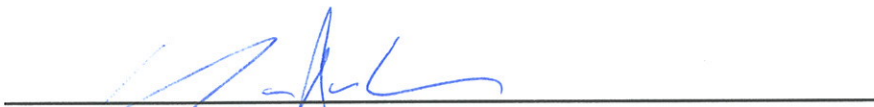
- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 5.1 Implementation of Regional Strategies
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

It is recommended that the planning proposal should proceed subject to the following conditions:

1. Amendment of the objectives of the planning proposal in Part 1 to be consistent with the proposed provisions in Part 2. This can be done by amending the objectives to ensure that they refer only to maintaining the previous controls prior to the making of Camden LEP 2010 in relation to residential development.
 2. Simplification of the description of the proposed rezoning in the planning proposal by removing the reference to moving the boundary between zones, and replacing it with "to rezone the land shown on the map from B2 Local Centre and B5 Business Development to R3 Medium Density Residential".
 3. Amend the description of the subject lands in the planning proposal so that it refers only to the area actually proposed for rezoning i.e. part Lot 6, DP 812672.
 4. Amend the maps in the planning proposal such that the subject site is only the actual area to be rezoned.
 5. Remove the reference in the planning proposal to introducing an additional permitted use for the subject site in in Schedule 1 of Camden LEP 2010 (page 5), as this option is not proposed by the planning proposal.
 7. Amend section 5.3.3.2 of the planning proposal, in relation to SEPP 55 - Remediation of Land, to refer to clause 6 of the SEPP, and prepare a report on the findings of a preliminary investigation of the land as required by clause 6(2) of SEPP 55.
- Supporting Reasons : The planning proposal to rezone the site to permit medium density residential development should proceed. It is a use which was previously permitted on the site and is necessary to implement a masterplanned mixed use development incorporating commercial, medical and residential uses.

Signature:



Printed Name:

Tim Archer Date: 16 / 1 / 12