



# **CAMDEN COUNCIL**

## **PLANNING PROPOSAL**

**Amendment No. 11 – Elyard Gardens**

December 2011

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## 1 Background

On the 3 September 2010, the Camden LEP 2010 was gazetted. The primary purpose of Camden LEP 2010 was to adopt the ‘standard template LEP’ for the Camden Local Government Area. In the process of preparing this template LEP, Camden Council intended for the amendment to be a ‘like for like’ instrument. That is, land uses permitted under the original Local Environmental Plans should still be permissible under the new Camden LEP 2010 that was based on the template.

In some instances the Camden LEP 2010 was not exactly a ‘like for like’ planning change and has resulted in some further amendments to correct anomalies as they are discovered.

Council has recently discovered that in the process of changing the zoning of land from Camden LEP 46 to Camden LEP 2010, the use of the subject site (1 Elyard St, Narellan) for residential accommodation is no longer permissible. The purpose of this planning proposal is to correct this anomaly.

In 2002, Council embarked on an “Enquiry By Design” process for the Narellan Town Centre to investigate the potential of Narellan which was a multi day collaborative design process that provided opportunities to create a well resolved and broadly supported design for this important precinct. The outcome of the workshop was a series of indicative plans, which formed part of the exhibition of draft Development Control Plan 126. On 9 February 2004 Council adopted a Masterplan and vision statement for the Narellan Township and, amongst other things, resolved to prepare a Local Environmental Study and draft Local Environmental Plan 136 to effect the zoning changes inferred in the Masterplan. Following this work, Council adopted the Narellan Township Masterplan in September 2004.

Development consent was issued on 27 November 2006 which allowed for the remediation of the former tip site, earth works, demolition, road and civil works, subdivision, commercial and retail development with residential units above, residential flat buildings, residential townhouses, basement car parking and landscaping. However no work commenced and the consent lapsed on 29 November 2008.

More recently, the applicant has created a new Masterplan which is provided at **Annexure A**. Since discovering the site no longer permits residential accommodation, a letter from Council dated 1 September 2011 was sent to the DPI to seek permission to amend the rezoning on the site by way of dispensing with the need to go through the planning proposal process. A response was received by Council on 29 September 2011 which stated that a planning proposal must be prepared and endorsed by Council, with the intention of permitting ‘residential accommodation’ on the subject site and it be submitted to the Regional Office for the consideration of the Gateway Panel under Part 3, Division 4, of the Act.

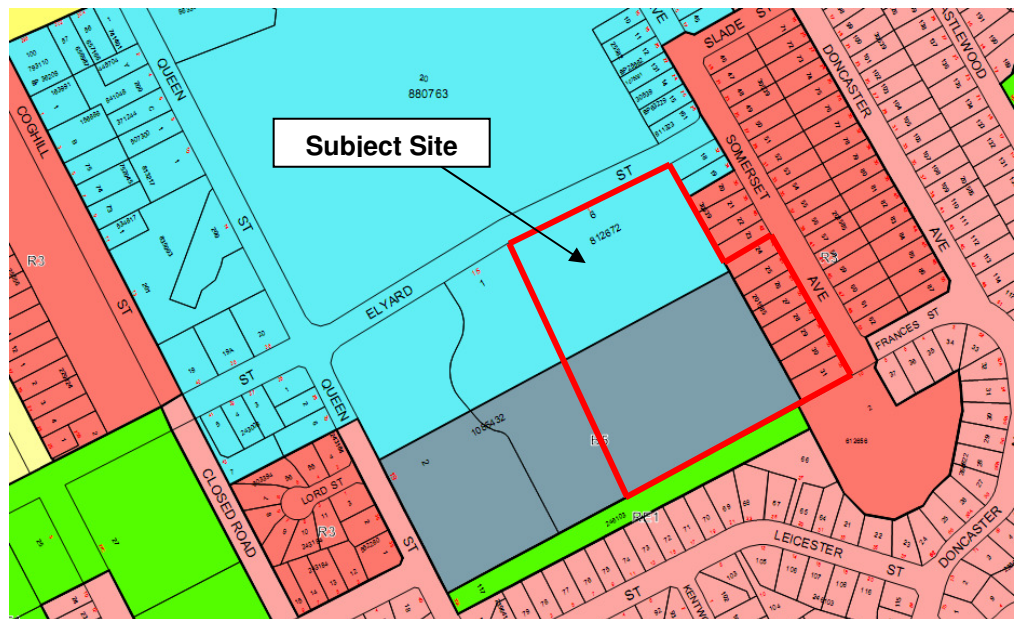
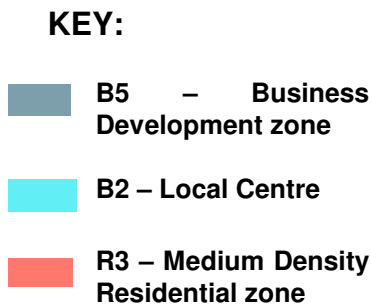
Since this time, the applicant, on behalf of the owners of the Elyard Gardens site has prepared a Planning Proposal for Council to consider. Council has since amended the applicant’s planning proposal to submit to Gateway for Determination. The applicant’s planning proposal can be found at Attachment 1 within Council’s report dated 13 December 2011, which is provided at **Annexure B**.

The intention of this planning proposal is to allow the lands to be developed in a manner compatible with the site’s context and that which was previously approved by Camden Council under LEP 46. This in our view would provide a logical development opportunity as opposed to the options presently available under the current zoning.

## 2 Subject Lands and Context

The Elyard Gardens site is identified as Lot 6 Deposited Plan 812672 and Lots 24, 25, 26, 27, 28, 29, 30, 31 on Deposited Plan 201585. This subject site has a prominent frontage to Elyard Street within the Narellan Town Centre Shopping Centre. The site has an important development role due to its size and location. The immediate locality could be described as being mixed use (commercial and retail) orientated, with residential development in the form of single dwelling houses, located on the fringe of the Centre. The land on which these current single dwellings are located is zoned to encourage higher density development in the form of multi-dwelling housing and residential flat buildings. **Figure 1** illustrates the current zoning of the site.

**Figure 1:** Land Zoning Map from Camden LEP 2011 of Elyard Gardens Site



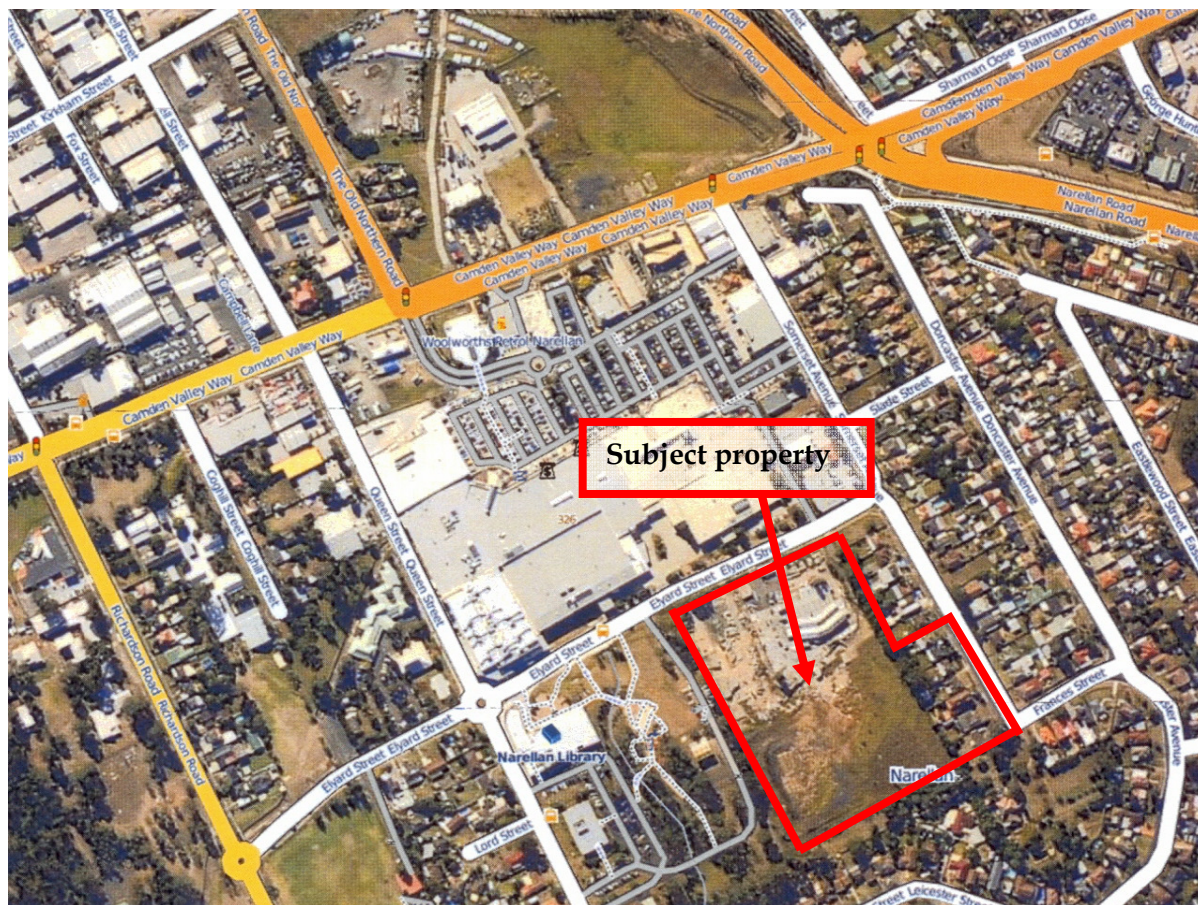
Opposite the subject property to the north is the Narellan Town Centre Shopping Centre. Somerset Avenue runs along the north-eastern boundary of the site and is generally residential. The land to the south and west of the site is also residential land. The Camden Council Administration Building and Library are located in Queen Street. The aerial photograph below at **Figure 2** provides a contextual overview of the immediate area.

There are multiple services and facilities located in close proximity of the site. Within the immediate environs of Narellan Town Centre are two primary schools. One public (Narellan Public School) and the other private. Both these schools are located in Richardson Road. Nott Oval is located on the corner of Elyard Street and Richardson Road. This oval provides for sporting activities (mainly soccer), with tennis courts attached. The Camden Golf Course (Studley Park), which can be used by the public, is also located a short distance away along Lodges Road. In addition Community Health Care facilities are provided in Queen Street. The area also contains a community hall.

Narellan continues to grow in terms of retail, commercial and industrial activities and its position within the retail hierarchy is a major District Centre, with Camden Town Centre providing a supporting role. The Narellan Town Centre Precinct is surrounded by Harrington Park to the north, Narellan Vale to the East and Elderslie to the South West. Development of the property will complement and strengthen the Town Centre as a vibrant mixed-use precinct.



**Figure 2 – Location of subject Site – aerial photo**



Council has considered the proposal to permit residential accommodation on the land and has provided 'in principle' support given the strong evidence of it contributing to a vibrant Narellan Town Centre. As a result, this planning proposal is being forwarded to the Department of Planning and Infrastructure for a Gateway Determination. If Council receives a Gateway Determination that supports proceeding with the planning proposal, then Council will require the landowner to undertake a traffic, access and parking study.

Council is therefore seeking a Gateway Determination to indicate whether there is support for proceeding with the planning proposal. It is suggested that should this Gateway Determination recommend proceeding with the planning proposal, it should specify the planning studies that need to be undertaken.

Council will require the landowner to fund the preparation of any further planning studies required. If the landowner decides not to fund any further planning studies, then Council will not proceed with this planning proposal. In the event that this occurs, Council will write to the Department and inform them of this decision.

It should also be noted that as the site was previously used as a rubbish tip, part of the subject site is now contaminated. This issue is being addressed separately from this planning proposal. A remediation report has been prepared by the applicant which will be implemented subject to Council development consent.

### 3 Part 1 – Statement of Objectives or Intended Outcomes

It is intended to enable residential development on the subject site, which is consistent with the previous planning controls in LEP 46 (now repealed).

The intended outcome of the planning proposal is to be incorporated into Camden LEP 2010 to ensure that controls that were in place in Camden (under LEP 46), prior to the gazettal of the LEP are maintained.

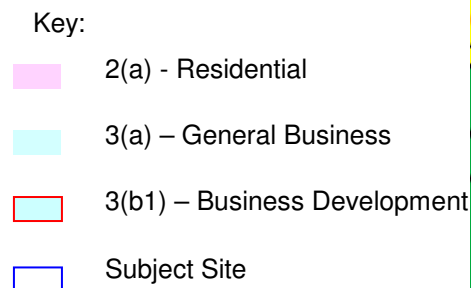
It is proposed to amend Camden LEP 2010 to allow residential accommodation as a permissible use on part of the land known as Lot 6 in Deposited Plan 812672 (1 Elyard Street, Narellan).

### 4 Part 2 – Explanation of Provisions

Camden LEP 46 was in force prior to the gazettal of Camden LEP 2010 regarding the Elyard Gardens site. Camden LEP 46 affirmed the Elyard Gardens site was made up of three zones including zone 3(a) - General business along Elyard Street, 3(b1) – Business Support towards the back of the site along Elyard Street and 2(a) – Residential along Somerset Avenue. Refer to **Figure 3** below:

**Figure 3:**

Land Zoning Map of Elyard Gardens Site under Camden LEP 46



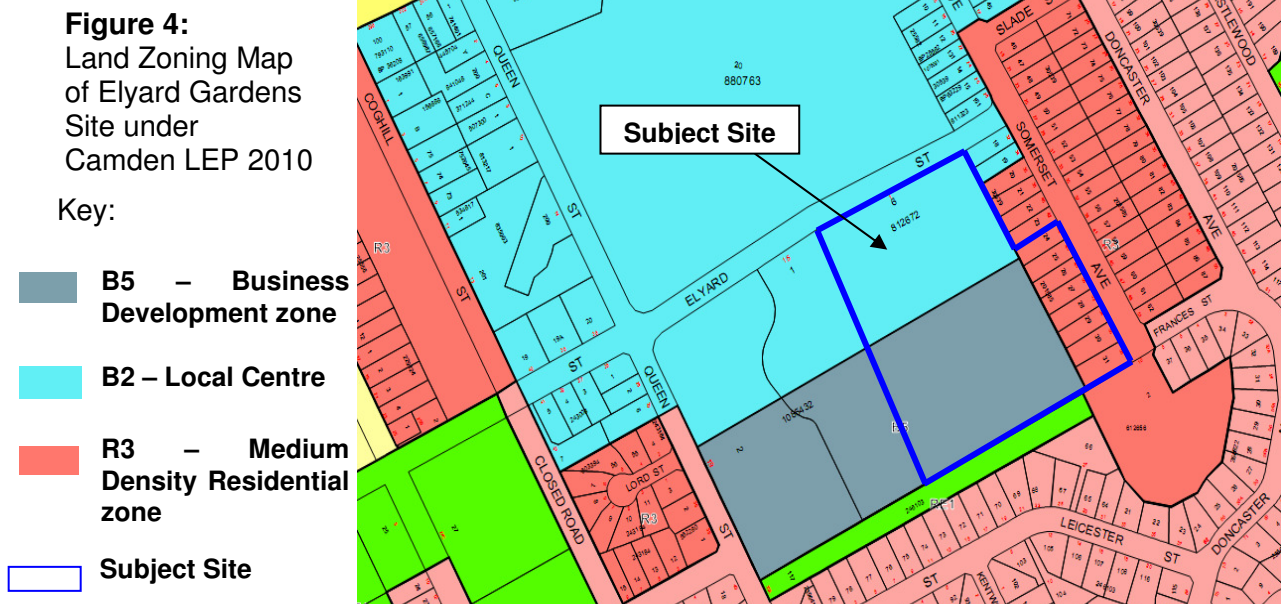
The 3(a) – General Business zone and the 3(b1) – Business Development zone allowed most forms of residential development (generally excluding dwelling houses – unless they were used in conjunction with shops or commercial premises, bed and breakfast, boarding houses, two-dwelling development). More specifically zone 3(b1) – Business Support stated the following as an objective:

*“(e) to provide opportunities for residential development which is either ancillary to a permitted use in this zone or in accordance with a comprehensive masterplanned residential estate integrated with surrounding land uses.”*

The Camden LEP 2010 was intended to be a ‘like for like’ LEP. Under this instrument 3(a) – General Business zone was zoned B2 – Local Centre, the 3(b1) – Business Support zone



was zoned B5 – Business Development and 2(a) – Residential zone was zoned R3 – Medium Density Residential. Refer to **Figure 4** below:



The B2 – Local Centre and B5 – Business Development zones now prohibit the group term ‘residential accommodation’. Therefore residential development is now generally prohibited compared to being permissible under Camden LEP 46.

In this particular instance Council would be inclined to introduce an Additional Permitted Use in Schedule 1 of Camden LEP 2010 as this would facilitate the design and develop the site in a reasonable, effective and efficient manner. However Council is aware the DPI does not favour this outcome. As a result the following option is presented below.

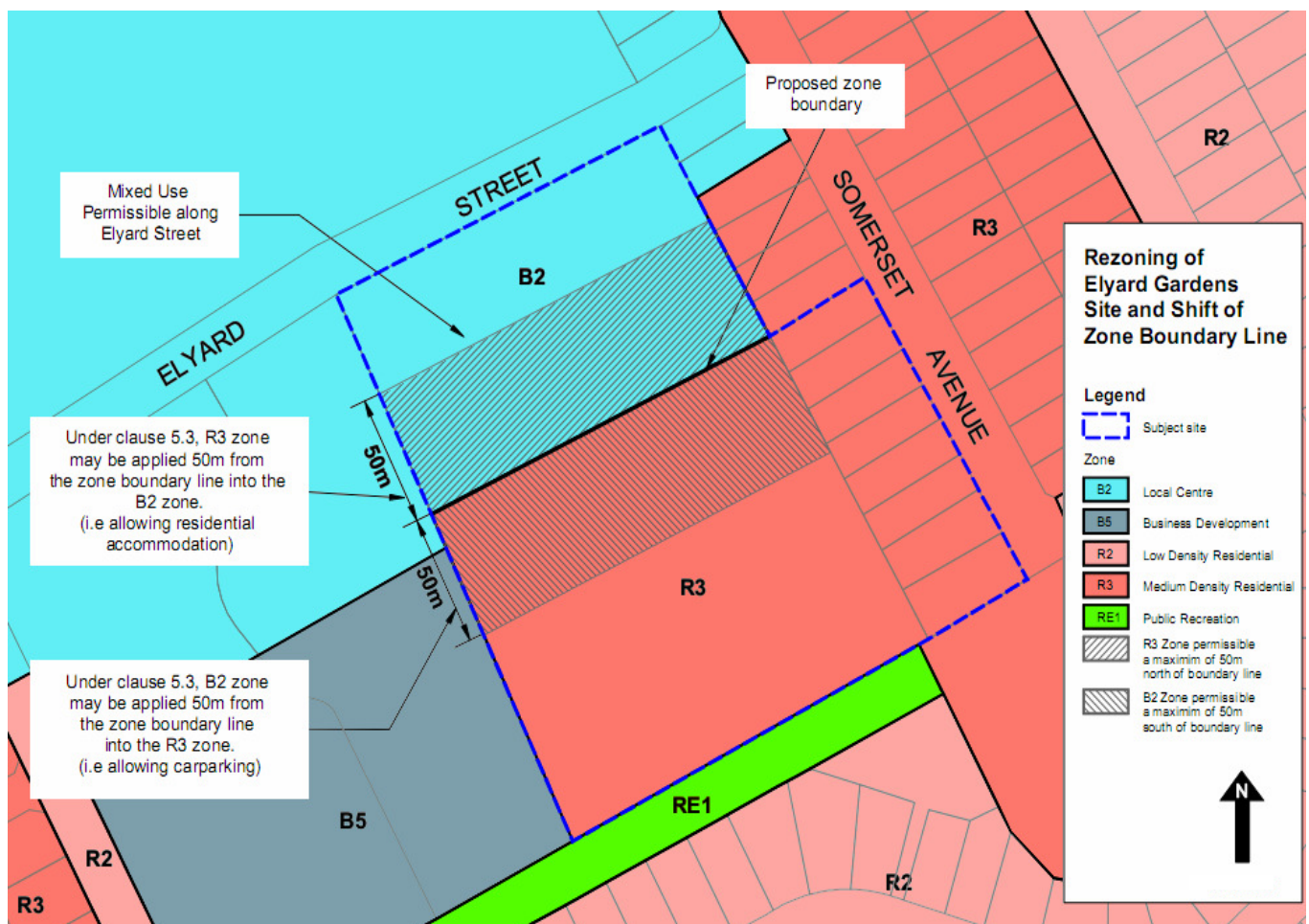
#### **Option: Rezone the B5 – Business Development zone and shift the zone boundary line**

It is proposed that an amendment be prepared to:

- Retain the land that is zoned B2 – Local Centre along Elyard Street, as residential accommodation can be achieved through shop top housing.
- Retain zone R3 – Medium Density Residential along Somerset Avenue as this already permits residential accommodation.
- Rezone the land currently zoned B5 – Business Development to R3 Medium Density Residential.
- Shift the zone boundary between the B2 – Local Centre and the proposed R3 – Medium Density Residential zone (currently B5 – Business Development zone) on Lot 6 Deposited Plan 812672. This will ensure particular land uses are made permissible on certain areas of the site as a result of implementing *Clause 5.3 Development near zone boundaries* from Camden LEP 2010.

**Figure 5** below illustrates the proposed changes.

**Figure 5:** Proposed rezoning of Elyard Gardens Site and Shift of zone boundary line:



This option is considered to be the most appropriate as the R3 – Medium Density Residential zone is consistent with the previous objective that applied to the site under Camden LEP 46. The R3 zoning would also correspond with the R3 zone that currently exists along Somerset Avenue.

Council has considered that rezoning the site to R3 – Medium Density Residential will facilitate the development of the site in an effective manner as a masterplanned estate. In order to provide for a variety of land uses that support the surrounding Narellan commercial precinct, there will be a heavy reliance on using *Clause 5.3 Development near zone boundaries* from Camden LEP 2010. As a result, Council have considered and shifted where the zone boundary will be placed between zone B2 – Local Centre and the proposed R3 – Medium Density Residential on Lot 6 in Deposited Plan 812672. This is due to a number of reasons stated below:

- Council’s vision has always been to retain the mixed use/commercial use strip along both sides of Elyard Street. Therefore shifting the zone boundary needs to consider that it is setback more than 50 metres from Elyard Street. This will ensure that residential accommodation (excluding shop top housing) will not be the predominant use along Elyard Street as a result of the R3 – Medium Density Residential rezoning.
- The R3 – Medium Density Residential zone does not permit car parking. However a car park will be constructed within the proposed R3 – Medium Density Residential zone, which will not necessarily be provided as part of the residential



accommodation. This car park will also contribute to the broader Narellan Town Centre.

Considering much of the Elyard Gardens site is contaminated, the possibility of underground car parking is severely limited. Therefore *Clause 5.3 Development near zone boundaries* would be used to ensure car parking can be provided at grade within the R3 zone. This will ensure that the development contributes to the demand for car parking as a result of the Narellan Town Centre expansion.

- The B2 – Local Centre zone does not permit residential accommodation, only shop top housing. *Clause 5.3 Development near zone boundaries* will be used to ensure that the R3 – Medium Density Residential zone can be implemented 50 metres from the zone boundary line on to the B2 - Local Centre zone. This will provide flexibility by ensuring residential accommodation can be made permissible on more of the site.

## **5 Part 3 - Justification**

### **5.1 PROPOSED ZONING**

As stated above, the current zoning under LEP 2010 does not reflect the aspirations of Council and the owners to redevelop the land for residential accommodation purposes and that previously permitted by LEP 46.

### **5.2 SECTION A – NEED FOR THE PLANNING PROPOSAL**

#### **5.2.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT**

The planning proposal is not a result of any strategic study or report. It is to address a minor anomaly that has become evident following the gazettal of Camden LEP 2010 on 3 September 2010.

#### **5.2.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?**

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor discrepancy in a relatively prompt efficient manner.

#### **5.2.3 IS THERE A NET COMMUNITY BENEFIT?**

Given the minor nature of the matters contained within this planning proposal it is considered that a Net Community Benefit Test is not needed. It is a given that the matter addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that existing controls are maintained which provides the community with greater certainty.

Since the consent has lapsed, a new master plan has been proposed that will benefit the community through the provision of open space, increased local employment opportunity and demand as a result of increasing densities and increasing the level of services provided. It will also be consistent with the strategic context of the Narellan Town Centre, Camden Local Government Area and broader Sydney area strategy.

The net community benefits are clearly the development of the site, rather than remain in its current state, being used as a waste tip on part of the site. An application is currently with Camden Council to remediate the site and that part of the site will be used as an open space

area to benefit the residents of the remainder of the site to be developed for apartments. The open space area will also provide a space for residents and workers in the area. The proposal is considered to be consistent with the strategic context, as discussed above.

The proposal results in increased residential activity and will provide employment opportunities for a diverse range of businesses on that part of the site to be developed for retail and commercial uses and potential medical centre. Given the location of the site within the Narellan Town Centre environs, the increase in residential densities, this is seen to provide a positive impact to businesses within the Town Centre. This is consistent with the Strategies discussed below.

### **5.3 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

#### **5.3.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?**

The planning proposal is consistent with both the draft South Western Regional Strategy and the Sydney Metropolitan Strategy and is discussed below.

##### **5.3.1.1 METROPOLITAN PLAN FOR SYDNEY 2036**

*“The Metropolitan Strategy seeks to strategically locate employment, ensure good management of existing land resources, ensure there is sufficient supply of suitable commercial sites and employment lands and efficiently utilising existing infrastructure”.*

The Metropolitan Strategy City of Cities: A Plan for Sydney’s Future was released in 2005 and set the overall strategic vision for the Growth Centres.

In December 2010, the NSW Government released Metropolitan Plan for Sydney 2036 - updating the Metropolitan Strategy and integrating it with the \$50.2 billion Metropolitan Transport Plan.

As a 25 year planning strategy, the aims and objectives of *City of Cities* remain integral to the delivery of new communities in the Growth Centres under the *Metropolitan Plan*:

- More jobs are expected to be located in the regional cities and specialised centres of Western Sydney, including areas that will have direct access to and from the Growth Centres.
- Major Centres, including Leppington in the South West Growth Centre and Rouse Hill in the North West Growth Centre, will be a focus for shopping, health and tertiary education and some medium and high density housing.
- Improved suburban towns, villages and neighbourhoods will provide healthier environments and access to high quality and suitable housing, jobs, transport choices and open space.
- The Sydney Metropolitan region’s transport network will be expanded and improved to provide access to jobs and services. Investment in the rail network and strategic bus corridors will provide faster and direct public transport linking towns, villages and neighbourhoods to areas where jobs are concentrated.
- By concentrating the bulk of new development in the Growth Centres, valued rural and resource lands will be protected. Green areas will be preserved to provide habitat for native animals and recreational opportunities for residents and visitors.
- Subregional planning will incorporate the plans for the Growth Centres in the wider North West and South West subregions. Planning for new jobs and population growth

in the Growth Centres will be considered alongside Sydney-wide objectives.

Strategic Direction B – Growing and Renewing Centres provides the following relevant aims for this Planning Proposal:

- locating at least 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport
- focusing activity in accessible centres
- planning for centres to grow and change over time
- planning for new centres in existing urban areas and greenfield release areas
- planning for urban renewal in identified centres where public transport capacity exists or is being expanded

Strategic Direction D – Housing Sydney’s Population provides the following relevant aims:

- locating at least 70% of new housing within existing urban areas and up to 30% in new release areas
- locating at least 80% of new homes within the walking catchments of existing and planned centres of all sizes with good public transport
- setting new housing targets in *Subregional Strategies* and *Local Environmental Plans*
- ensuring local planning controls include more low rise medium density housing in and around smaller local centres
- improving the quality of new housing development and urban renewal by strengthening the Governments role in ensuring good design outcomes

The Planning Proposal is consistent with the above aims of Strategic Directions B & D.

#### **5.3.1.2 DRAFT SOUTH WEST SUB-REGIONAL STRATEGY**

The aims of the draft south west sub-regional strategy are:

- To provide a forum for councils to allocate the local distribution of housing and employment capacity targets based on the principles of the Metropolitan Strategy, and to work together on complementary future directions especially in centres crossing LGA boundaries.
- To provide for balanced growth among LGAs to build upon regional strengths and bolster opportunities.
- To identify the future role of Strategic Centres and Corridors, as well as Towns, Villages and Neighbourhood Centres in relation to the overall metropolitan structure.
- To focus coordinated State agency involvement and asset management with respect to Strategic Centres and corridors including providing a basis for the prioritisation of investment.
- To assist planning for regional facilities, within and between subregions.

The Strategy has several areas of matters for consideration in local planning matters; namely:

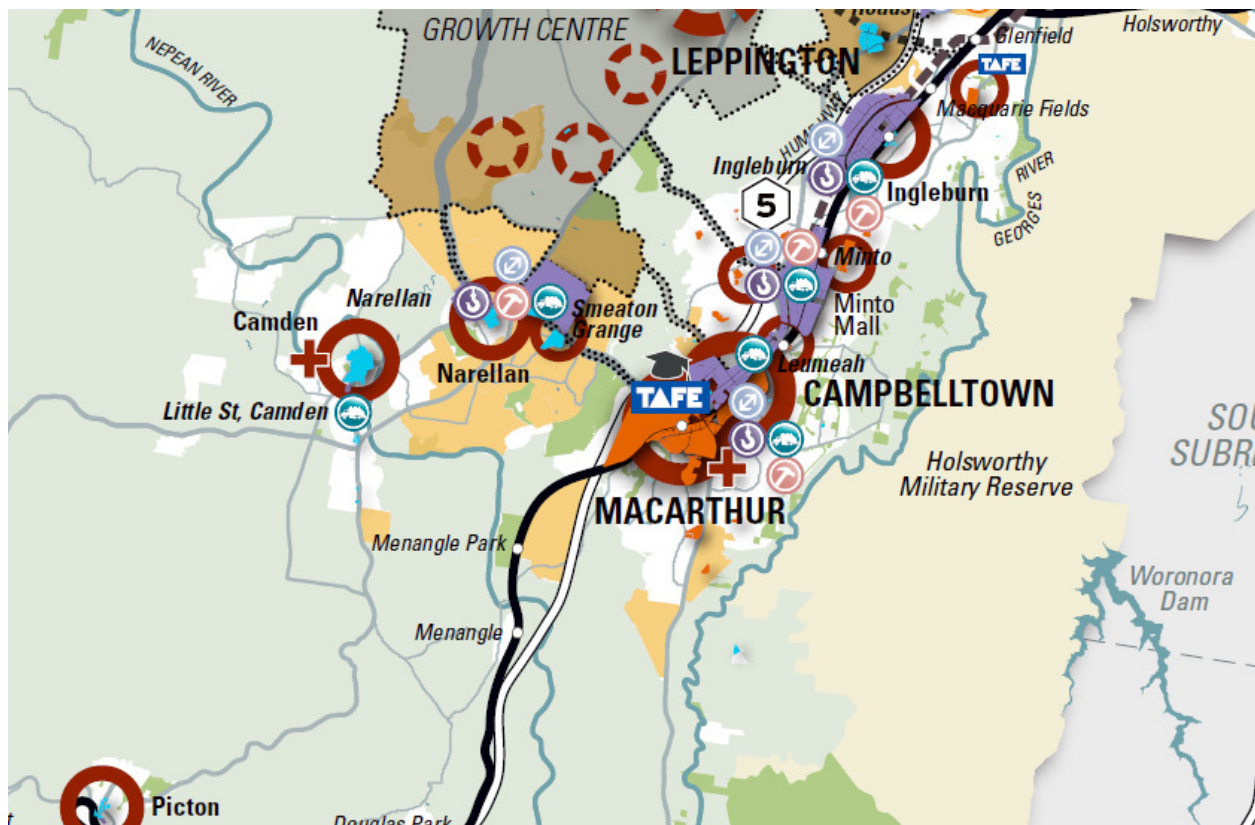
- Economy and Employment
- Centres and Corridors
- Housing
- Transport
- Environment, Heritage and Resources
- Parks, Public Places and culture

- Implementation and Governance

This strategy does not specifically identify the subject land; however, Narellan is identified as a centre for employment (refer to **Figure 6** below). The subject land is on the fringe of the Narellan Town Centre. This centre is defined as a sub-regional centre within Council's Retail/Commercial Hierarchy.

Therefore it is considered as part of this document. However, the subject land provides opportunities to be consistent with a number of the above in terms of housing and employment. Therefore the Planning Proposal is consistent with this Draft Strategy.

**Figure 6 – Identification of Narellan within Sub-Regional strategy**



### **5.3.2 IS THE PLANNING PROPOSAL CONSISTENT WITH LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?**

#### **5.3.2.1 CAMDEN COUNCIL STRATEGIC PLAN: CAMDEN 2040**

The Camden Strategic Plan portrays a vision of Camden in the year 2040, as adopted at the Council meeting of 14 December 2010. To realise this vision 6 key direction areas are established around which strategies and actions are fashioned.

The areas of most relevance include:

- Actively Managing Camden's Growth.
- Healthy Urban and Natural Environments.



- A Prosperous Economy.
- Effective and Sustainable Transport.
- An Enriched and Connected Community
- Strong Local Leadership

#### **5.3.2.1.1 ACTIVELY MANAGING CAMDEN'S GROWTH**

The development proposal is consistent with the relevant aspects of the Growing Pains – Key Challenges Objectives. This can be demonstrated by the consent that was issued for a master planned estate on the site involving the construction of 400 multi-unit dwellings. The subject site is located within an established area and redevelopment of the site will occur overtime in accordance with the staged planning of the site and as demand arises for housing.

#### **5.3.2.1.2 HEALTHY URBAN AND NATURAL ENVIRONMENTS**

The proposal will not impact on any nearby natural systems.

#### **5.3.2.1.3 A PROSPEROUS ECONOMY**

The development proposal is focused upon contributing to a positive urban design outcome to allow the site to be developed for a mixed-use development, including residential accommodation. The increase in population will also encourage employment in the vicinity.

#### **5.3.2.1.4 EFFECTIVE AND SUSTAINABLE TRANSPORT**

The site provides development that is readily accessible to public transport. A bus service operates along nearby streets, including Elyard Street and this will be further enhanced by the rezoning the land to allow residential accommodation.

#### **5.3.2.1.5 AN ENRICHED AND CONNECTED COMMUNITY**

Future residents will have the opportunity to be involved with and linked to facilities and services in the Narellan Town Centre and broader vicinity.

#### **5.3.2.1.6 A STRONG LOCAL LEADERSHIP**

Not applicable to this development planning proposal.

### **5.3.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?**

The following State Environmental Planning Policy (SEPP) applies to the planning proposal:

- State Environmental Planning Policy (Infrastructure) 2007; and
- State Environmental Planning Policy 55 – Remediation of Land.

#### **5.3.3.1 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

SEPP (Infrastructure) 2007 rationalises consultation required in relation to traffic generating developments. The proposal may be one that requires referral to the RTA for consideration if access to Camden Valley Way is proposed. It would be noted that the RTA has already approved access arrangements to this road. If access is via Elyard Street, this will require consideration by the Local Traffic Committee.

Therefore this planning proposal does not affect the outcomes of the requirements that need to be satisfied under this SEPP and is therefore considered to be consistent.

#### **5.3.3.2 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND**

Due to the nature of former land uses on the site, the proposed development is subject to the provisions of SEPP 55 – Remediation of Land. Specifically the Policy provides under Clause 7(1) that development consent must not be granted by Council unless:

- (a) It has considered whether the land is contaminated, and
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) If the land requires remediation to be suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In accordance with Council's policy and SEPP 55 a separate development application has been submitted to Council to remediate part of the land. Therefore this planning proposal will not affect the outcomes of the requirements that need to be met under this SEPP and is therefore otherwise considered to be consistent.

The following Regional Environmental Plan apply to the planning proposal:

#### **5.3.3.3 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY-NEPEAN RIVER**

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 1997) applies to the site. The Plan aims “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future landuses are considered in a regional context”.

The Plan lists several objectives and policy directions for matters such as water quality, catchment management, flora and fauna management and riverine quality. The planning proposal is not likely to affect matters detailed for further policy and strategic planning under the SREP. The planning proposal is consistent with the general aims of the Plan.

#### **5.3.4 IS THE PLANNING CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S 117 DIRECTIONS)?**

Attached as **Annexure C** is a compliance table addressing the applicable s 117 Directions. It is considered that the planning proposal is consistent with the applicable Ministerial Directions.

## **5.4 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

### **5.4.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?**

The subject site is devoid of vegetation and therefore it is unlikely that there will be an impact of critical habitat. The Planning Proposal is to rezone the land for residential accommodation previously approved by Council as part of LEP 46.

### **5.4.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?**

As discussed above the subject land was used as a pit for builder's waste material. The land is the subject of a separate development application to remediate that part of the land and is therefore not considered as part of this process. There are no other likely environmental effects as a result of this planning proposal.

### **5.4.3 HOW HAS THE PLANNING ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?**

The proposal has positive social and economic contributions as discussed above in the various sections by providing much needed housing choice in the LGA, particularly affordable housing.

## **5.5 SECTION D – STATE AND COMMONWEALTH INTERESTS**

### **5.5.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

No additional infrastructure is required to accommodate the planning proposal. All services are readily available to the site. The site also has good road access.

### **5.5.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?**

The Narellan Town Centre was part of an extensive consultation process through the masterplanning process, as discussed above. The consultation process involved a number of State Government agencies and resulted in land being 'earmarked' for residential accommodation in accordance with LEP 46.

The Council approved the development for such purposes which was the subject of referral to a number of agencies. Additional consultation is envisaged as part of the development application process at relevant stages.

Therefore given the minor nature of the issues listed in this planning proposal, no State or Commonwealth public authorities have been consulted.

## **6 Part 4 – Community Consultation**

The matter dealt with in this planning proposal is maintaining the "status quo" with regard to planning controls that applied to the site prior to Camden LEP 2010 being gazetted. The planning proposal seeks to amend an anomaly that occurred in relation to the Elyard Gardens site when Camden LEP 2010 was prepared, in that the selected zones for the site did not permit residential accommodation.

This planning proposal will go on exhibition for the amount of time set by the Department of Planning and Infrastructure in the Gateway Determination. Council recommends this period be 28 days.

## **7 Conclusion**

The preceeding commentary and background material referenced has clearly established a case for reviewing the planning provisions as they pertain to the subject land. As such, Council is requesting to take the necessary steps to rezone the subject lands as detailed in this planning proposal to allow residential accommodation in accordance with LEP 2010.

**Annexure “A”**  
**Concept Masterplan for Elyard Gardens**





## KEY

|  |                         |
|--|-------------------------|
|  | MEDICAL                 |
|  | MIXED USE               |
|  | RESIDENTIAL             |
|  | ROADS AND PARKING       |
|  | PARKLAND / OPEN SPACE   |
|  | BUILDING FOOTPRINT      |
|  | PRIVATE OPEN SPACE      |
|  | PEDESTRIAN PATH         |
|  | STREET TREES / PLANTING |

## CONCEPT MASTER PLAN



## NARELLAN TOWN CENTRE MASTER PLAN



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For the Council Officers

adpm

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**Annexure “B”**  
**Council Report dated 13<sup>th</sup> December 2011**

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## ORDINARY COUNCIL

**ORD09**

**SUBJECT:** ELYARD GARDENS PLANNING PROPOSAL

**FROM:** Director Governance

**BINDER:** Amendment No. 11 Elyard Gardens

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### PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) to rectify an anomaly in Camden Local Environmental Plan 2010 (Camden LEP 2010) in relation to the 1 Elyard St, Narellan, otherwise known as Elyard Gardens.

### BACKGROUND

On the 3 September 2010, the Camden LEP 2010 was gazetted. The primary purpose of Camden LEP 2010 was to adopt the 'standard template LEP' for the Camden Local Government Area. In the process of preparing this template LEP, Council intended for the amendment to be a 'like for like' instrument. That is, land uses permitted under the original Local Environmental Plans should still be permissible under the new Camden LEP 2010 that was based on the template.

In some instances the Camden LEP 2010 was not exactly a 'like for like' planning change and has resulted in some further amendments to correct anomalies as they are identified.

Council has recently identified that in the process of changing the zoning of land from Camden LEP 46 to Camden LEP 2010, the use of the subject site (1 Elyard St, Narellan) for residential accommodation is no longer permissible. The purpose of this planning proposal is to correct this anomaly.

Development consent was issued for this site on 27 November 2006 which allowed for the remediation of the former tip site, earth works, demolition, road and civil works, subdivision, commercial and retail development with residential units above, residential flat buildings, residential townhouses, basement car parking and landscaping. However no work commenced and the consent lapsed on 29 November 2008.

More recently, since identified the site no longer permits residential accommodation, a letter from Council dated 1 September 2011 was sent to the DPI to seek permission to amend the rezoning on the site by way of dispensing the need to go through the planning proposal process. A response was received by Council on 29 September 2011 which stated that a planning proposal must be prepared and endorsed by Council, with the intention of permitting 'residential accommodation' on the subject site and it be submitted to the Regional Office for the consideration of the Gateway Panel under Part 3, Division 4, of the Act.

Since this time, the applicant, on behalf of the owners of the Elyard Gardens site, has prepared a Planning Proposal for Council to consider. This report will explain its contents and what is proposed to be forwarded to DPI for the Gateway Process.

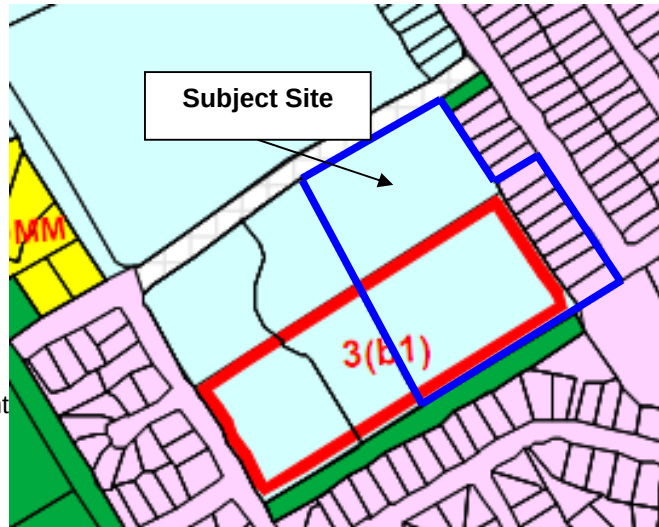
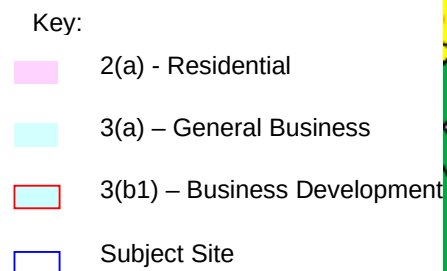
## MAIN REPORT

### Rezoning Planning Proposal

Camden LEP 46 was in force prior to the gazettal of Camden LEP 2010 regarding the Elyard Gardens site. Camden LEP 46 affirmed the Elyard Gardens site was made up of three zones including zone 3(a) - General business along Elyard Street, 3(b1) – Business Support towards the back of the site along Elyard Street and 2(a) – Residential along Somerset Avenue. Refer to **Figure 1** below:

**Figure 1:**

Land Zoning Map of Elyard Gardens Site under Camden LEP 46



The 3(a) – General Business zone and the 3(b1) – Business Development zone allowed most forms of residential development (generally excluding dwelling houses – unless they were used in conjunction with shops or commercial premises, bed and breakfast, boarding houses, two-dwelling development). More specifically zone 3(b1) – Business Support stated the following as an objective:

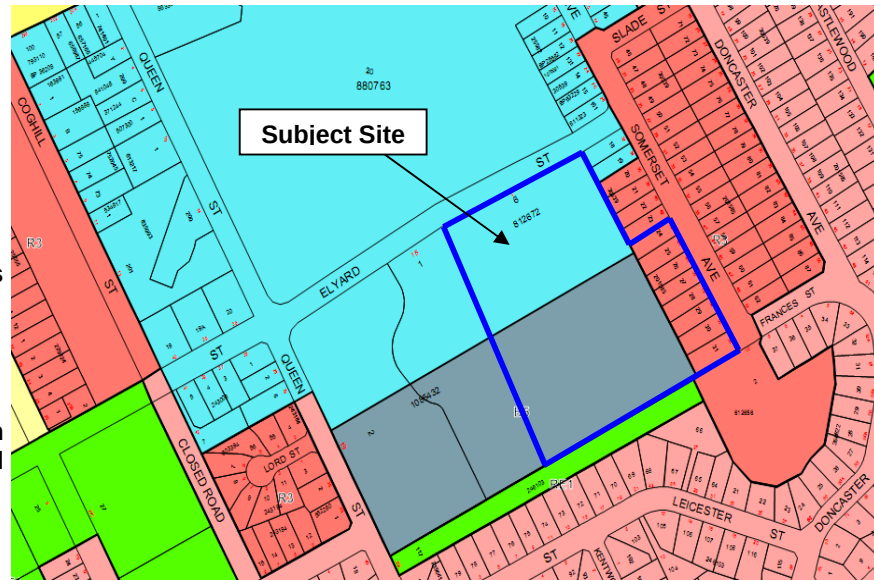
*“(e) to provide opportunities for residential development which is either ancillary to a permitted use in this zone or in accordance with a comprehensive masterplanned residential estate integrated with surrounding land uses.”*

The Camden LEP 2010 was intended to be a ‘like for like’ LEP. Under this instrument 3(a) – General Business zone was zoned B2 – Local Centre, the 3(b1) – Business Support zone was zoned B5 – Business Development and 2(a) – Residential zone was zoned R3 – Medium Density Residential. Refer to **Figure 2** below:

**Figure 2:**  
Land Zoning Map  
of Elyard Gardens  
Site under  
Camden LEP 2010

Key:

- B5 – Business Development zone**
- B2 – Local Centre**
- R3 – Medium Density Residential zone**
- Subject Site**



The B2 – Local Centre and B5 – Business Development zones now prohibit the group term 'residential accommodation'. Therefore residential development is now generally prohibited compared to being permissible under Camden LEP 46.

On 13 October 2011 Michael Brown Planning Strategies, on behalf of the owners, submitted to Council a Planning Proposal that is provided as **Attachment 1 to this report**. It requested the following be amended in Camden LEP 2010 in relation to the Elyard Gardens site:

- Rezone part of the land on Lot 6 Deposited Plan 812672 from B5 – Business Development to R3 – Medium Density Residential to permit residential accommodation on the land.
- Amend the height map to reflect the intended heights proposed by the Masterplan which is provided as **Attachment 2 to this report**.

Council staff have reviewed and subsequently amended the planning proposal that was submitted, which is provided as **Attachment 3 to this report**. The issue the applicant raised regarding height is not proposed to be addressed as part of this process and has been deleted from the submitted planning proposal as a blanket increase in height limit is not supported, particularly in relation to land interfacing with existing houses on the southern part of the site. The applicant has been notified that this issue can instead be dealt with as a Development Control Plan variation using Clause 4.6 of Camden LEP 2010 for specific parts of the site.

In this particular instance Council would be inclined to introduce an Additional Permitted Use in Schedule 1 of Camden LEP 2010 as this would facilitate the design and develop the site in a reasonable, effective and efficient manner. However Council is aware the DPI does not favour this outcome. As a result the following option is presented below.

#### **Option: Rezone the B5 – Business Development zone and shift the zone boundary line**

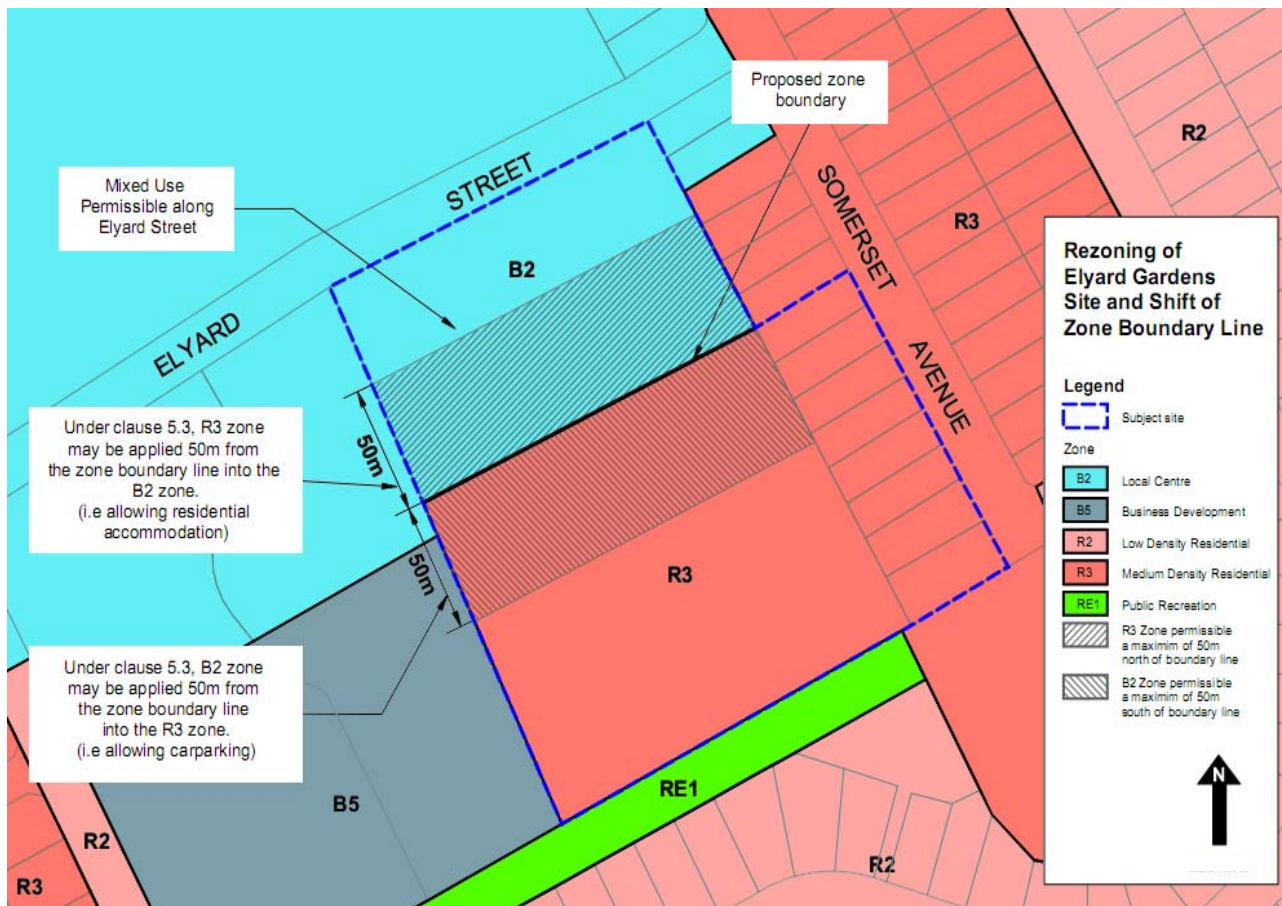
It is proposed that an amendment be prepared to:



- Retain the land that is zoned B2 – Local Centre along Elyard Street as residential accommodation can be achieved through shop top housing.
- Retain zone R3 – Medium Density Residential along Somerset Avenue as this already permits residential accommodation.
- Rezone the land currently zoned B5 – Business Development to R3 Medium Density Residential.
- Shift the zone boundary between the B2 – Local Centre and the proposed R3 – Medium Density Residential zone (currently B5 – Business Development zone) on Lot 6 Deposited Plan 812672. This will ensure particular land uses are made permissible on certain areas of the site as a result of implementing *Clause 5.3 Development near zone boundaries* from Camden LEP 2010.

**Figure 3** below illustrates the proposed changes.

**Figure 3:** Proposed rezoning of Elyard Gardens Site and Shift of zone boundary line:



This option is considered to be the most appropriate as the R3 – Medium Density Residential zone is consistent with the previous objective that applied to the site under Camden LEP 46. The R3 zoning would also correspond with the R3 zone that currently exists along Somerset Avenue.

Council has considered that rezoning the site to R3 – Medium Density Residential will facilitate the development of the site in an effective manner as a masterplanned estate.



In order to provide for a variety of land uses that support the surrounding Narellan commercial precinct, there will be a heavy reliance on using *Clause 5.3 Development near zone boundaries* from Camden LEP 2010. As a result, Council have considered and shifted where the zone boundary will be placed between zone B2 – Local Centre and the proposed R3 – Medium Density Residential on Lot 6 in Deposited Plan 812672. This is due to a number of reasons stated below:

- Council's vision has always been to retain the mixed use/commercial use strip along both sides of Elyard Street. Therefore shifting the zone boundary needs to consider that it is setback more than 50 metres from Elyard Street. This will ensure that residential accommodation (excluding shop top housing) will not be the predominant use along Elyard Street as a result of the R3 – Medium Density Residential rezoning.
- The R3 – Medium Density Residential zone does not permit car parking. However a car park will be constructed within the proposed R3 – Medium Density Residential zone, which will not necessarily be provided as part of the residential accommodation. This car park will also contribute to the broader Narellan Town Centre.

Considering much of the Elyard Gardens site is contaminated, the possibility of underground car parking is severely limited. Therefore *Clause 5.3 Development near zone boundaries* would be used to ensure car parking can be provided at grade within the R3 zone. This will ensure that the development contributes to the demand for car parking as a result of the Narellan Town Centre expansion.

- The B2 – Local Centre zone does not permit residential accommodation, only shop top housing. *Clause 5.3 Development near zone boundaries* will be used to ensure that the R3 – Medium Density Residential zone can be implemented 50 metres from the zone boundary line on to the B2 - Local Centre zone. This will provide flexibility by ensuring residential accommodation can be made permissible on more of the site.

## Key Planning Issues

Proposing to allow residential accommodation on the Elyard Gardens site requires consideration of contamination and traffic, access and parking.

The subject site was previously used as a rubbish tip which has resulted in part of the Elyard Gardens site being contaminated. This issue is being addressed separately from this planning proposal. A remediation report has been prepared by the applicant which will be implemented subject to development consent.

The developers have lodged a Stage 1 development application for part of the Elyard Gardens Site. The master plan indicates that a half road will be constructed from Elyard Street to the rear of the site. It is also proposed to extend Frances Street along the rear of the site which will connect to the half-road.

Given the uncertainty at this stage regarding whether Council will proceed with permitting residential accommodation on the land, it is not desirable for the applicant to incur the cost of planning studies addressing these issues at this time. Instead it is proposed that should Council be willing to provide 'in principle' support for residential accommodation, then the Planning Proposal will be forwarded to the DPI for Gateway Determination. If the Planning Proposal receives a favourable outcome, the planning

study will then be undertaken to address the traffic, access and parking issues relevant to the site. The cost of preparing planning studies is to be borne by the applicant.

## **CONCLUSION**

By undertaking a planning proposal to allow residential accommodation as a permissible use on the subject land, Council will be correcting an anomaly in Camden LEP 2010 in relation to the Elyard Gardens site in Narellan.

The Camden LEP 2010 was intended to be a 'status quo' planning instrument that would adopt the standard template under the Camden LEP 2010 format. The intention of this planning proposal would be to reinstate the previously permissible use.

Permitting residential accommodation would allow development of the Elyard Gardens site in accordance with the vision established in 2004. It would also provide significant improvements to the appearance of the site and provide a boost to the Narellan Town Centre area environmentally, economically and socially.

## **RECOMMENDED**

**That Council:**

- i. supports the planning proposal to allow residential accommodation as a permissible use on part of the Elyard Gardens site.**
- ii. forward the Elyard Gardens Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;**
- iii. subject to receiving a favourable Gateway Determination, require the applicant to bear the cost of undertaking any required planning studies;**
- iv. place the Planning Proposal on public exhibition for 28 days subject to receiving Gateway Determination giving approval to proceed;**
- v. report back to Council at the conclusion of the public exhibition to allow further consideration of the proposal and any submissions that may have been received.**

## **ATTACHMENTS**

1. Applicant Planning Proposal Submitted to Council for Elyard Garden
2. Concept Masterplan for Elyard Gardens
3. Camden Council Planning Proposal for Elyard Gardens

**Annexure “C”**  
**Applicable Section 117 Direction –**  
**Compliance Checklist**

### Applicable Section 117 Directions – Compliance Checklist

| Direction                                | What the relevant planning authority must do if this direction applies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Comments (Y, N, N/A)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1 Employment and Resources</b>        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>1.1 Business and Industrial Zones</b> | <p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) give effect to the objectives of this direction,</li> <li>(b) retain the areas and locations of existing business and industrial zones,</li> <li>(c) not reduce the total potential floor space area for employment uses and related public services in business zones,</li> <li>(d) not reduce the total potential floor space area for industrial uses in industrial zones, and</li> <li>(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</li> </ul> | <p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy which: <ul style="list-style-type: none"> <li>(i) gives consideration to the objective of this direction, and</li> <li>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</li> <li>(iii) is approved by the Director-General of the Department of Planning, or</li> </ul> </li> <li>(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or</li> <li>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the</li> </ul> | <p>If the Department would consider inserting a new Additional Permitted Use clause within Schedule 1 of Camden LEP 2010, then the amount of Business zone land available in the Narellan Town Centre would remain unchanged.</p> <p>However, this planning proposal includes reducing the amount of business zone in the Narellan Town Centre area. It has been considered that this will not have a detrimental impact on the nature of the locality.</p> <p>Instead the proposed R3 Medium Density Residential zone will contribute and enhance the remaining existing Business zone in the</p> |

| Direction                                              | What the relevant planning authority must do if this direction applies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Comments (Y, N, N/A)                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | objective of this direction, or (d) of minor significance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Narellan Town Centre. This proposed zoning also permits retail premises which will positively increase the economic viability in terms of employment uses and related public services that may become available in the Town Centre.                                                                                                                                                                                              |
| <b>3 Housing, Infrastructure and Urban Development</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>3.1 Residential Zones</b>                           | <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> <li>(a) broaden the choice of building types and locations available in the housing market, and</li> <li>(b) make more efficient use of existing infrastructure and services, and</li> <li>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</li> <li>(d) be of good design.</li> </ul> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> <li>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements</li> </ul> | <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> <li>(a) justified by a strategy which: <ul style="list-style-type: none"> <li>(i) gives consideration to the objective of this direction, and</li> <li>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</li> <li>(iii) is approved by the Director-General of the Department of</li> </ul> </li> </ul> | This planning proposal is seeking to allow residential accommodation on part of Lot 6 Deposited Plan 812672, which forms part of the Elyard Gardens site. The housing proposed for the site will include a variety of 1, 2 and 3 bedroom apartments. This will ensure the Narellan Town Centre is used more efficiently in terms of existing infrastructure and services, be of a good design and provide affordable housing. It |

| Direction                                     | What the relevant planning authority must do if this direction applies                                                                                                                                                                                                                                                                                                            | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Comments (Y, N, N/A)                                                                                                                                                                                                                                                                          |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                               | <p>satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>                                                                                                                                                                           | <p>Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>                                                                                                                                                                                                                                                     | <p>will also contribute to creating a diverse Town Centre which is economically and socially sound and promote activity. Therefore this planning proposal is consistent with this direction.</p>                                                                                              |
| <b>3.4 Integrating Land Use and Transport</b> | <p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> | <p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objective of this direction, and</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-</p> | <p>This planning proposal aims to allow residential accommodation on the site. This in turn will support the aims, objectives and principles within the guidelines and policy stated under this direction. Therefore this planning proposal is seen to be consistent with this direction.</p> |



| Direction                                     | What the relevant planning authority must do if this direction applies                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Comments (Y, N, N/A)                                                                                                                                                                                                    |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>                                                                                                                                          |                                                                                                                                                                                                                         |
| <b>4 Hazard and Risk</b>                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                         |
| <b>4.2 Mines Subsidence and Unstable Land</b> | <p>(4) When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:</p> <p>(a) consult the Mine Subsidence Board to ascertain:</p> <p>(i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and</p> <p>(ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and</p> <p>(b) incorporate provisions into the draft</p> | <p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objective of this direction, and</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates</p> | <p>The lands are within a Mines Subsidence District. Approval has been granted by the Board to the current approval which has lapsed. As such it is unlikely that the Board would object to this planning proposal.</p> |

| Direction                                        | What the relevant planning authority must do if this direction applies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Comments (Y, N, N/A)                                                                                                            |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
|                                                  | <p>Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and</p> <p>(c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(5) A planning proposal must not permit development on unstable land referred to in paragraph 3(b).</p> | <p>to a particular site or sites), and</p> <p>(iii) is approved by the Director-General of the Department of Planning, or</p> <p>(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p> |                                                                                                                                 |
| <b>5 Regional Planning</b>                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                 |
| <b>5.1 Implementation of Regional Strategies</b> | <p>(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:</p> <p>(a) is of minor significance, and</p>                                                                                                                                       | <p>The planning proposal is consistent with regional strategies. Refer to comments above in the planning proposal document.</p> |

| Direction                                              | What the relevant planning authority must do if this direction applies                                                                                                                                                      | Consistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Comments (Y, N, N/A)                                                                                                                                                                                                                                                       |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        |                                                                                                                                                                                                                             | (b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                            |
| <b>7 Metropolitan Planning</b>                         |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                            |
| <b>7.1 Implementation of the Metropolitan Strategy</b> | <p>(4) Planning proposals shall be consistent with:</p> <p>(a) the NSW Government's Metropolitan Strategy: <i>City of Cities, A Plan for Sydney's Future</i>, published in December 2005 ('the Metropolitan Strategy').</p> | <p>(5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Strategy:</p> <p>(a) is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.</p> | The subject land is not identified in the Metropolitan Strategy, but is located on the fringe of the Camden CBD. This proposal is consistent with this Strategy as it meets the needs of existing and future residents (refer to comments above in the planning proposal). |

