

Rezoning of Landturn 'Triangle' Site at Narellan

Proposal Title : Rezoning of Landturn 'Triangle' Site at Narellan

Proposal Summary : To rezone the Landturn 'Triangle' Site at 339 Camden Valley Way, Narellan, to enable expansion of the Narellan Town Shopping Centre.

PP Number : PP_2012_CAMDE_001_00

Dop File No : 11/18328

Proposal Details

Date Planning : 18-Jan-2012

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 : 339 Camden Valley Way

Suburb : Narellan

City : Sydney

Postcode : 2567

Land Parcel :

Street : 326 Camden Valley Way

Suburb : Narellan

City : Sydney

Postcode : 2567

Land Parcel : Narellan Town Shopping Centre

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	45,000.00	No of Jobs Created :	1,000
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :			
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	While there have been no known meetings or communications with registered lobbyists, a meeting was held with the proponent on 15 September 2011 at the Department's offices. The meeting was attended by the Director General, Mr David Taylor (General Manager, Property, DART WEST Developments Pty Ltd) and departmental staff.		

Supporting notes

Internal Supporting Notes : A copy of the Proposal is provided in the 'Documents' section. The Proposal was received by the Sydney West Regional Branch on 22 December 2012. Further information was requested from Council between 11-13 January 2012 and was received between 11 January - 18 February 2012.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objective is to allow the existing Narellan Town Shopping Centre to expand onto the subject land (7.28ha.), creating approximately 45,000sqm of additional retail floorspace on the Landturn site. The existing shopping centre (which contains approximately 34,900sqm of retail floorspace) is located across the road (Camden Valley Way) from the subject land (as shown on the map on page 4 of the Proposal) and both sites are in common ownership. The two sections of the proposed integrated shopping centre would be connected by a pedestrian bridge and the combined retail floorspace would be 88,280 sqm (which includes expansion on the site of the existing shopping centre).

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

Is an explanation of provisions provided? Yes

Comment : Under Camden LEP 2010, the subject land is currently zoned B5 Business Development as shown on the map on page 7 of the Proposal. 'Retail premises' are prohibited in the B5

Zone but are permissible on the subject land as an additional permissible use, however, a maximum retail gross floor area of 11,300sqm applies.

The Proposal would be facilitated by amending Camden LEP 2010 as follows:

1. Amend the Land Zoning Map to rezone the subject land to Zone B2 Local Centre;
2. Amend Schedule 1 - Additional Permitted Uses to remove the additional permitted use and retail gross floor area restriction;
3. Rezone the section of Camden Valley Way adjoining the subject land from Zone SP2 Infrastructure (Classified Road) to Zone B5 Business Development.
4. Amend the Height of Buildings Map to increase the maximum permissible building height for the subject land, the adjoining section of Camden Valley Way and the site of the existing Narellan Town Shopping Centre from 9.5m (in general) to 20m.
5. Amend the Floor Space Ratio Map to extend the maximum permissible floor space ratio of 1:1, which currently applies to the majority of the subject land, to the remainder of the subject land (i.e. a former road reserve).

The Proposed maps are shown on page 7 of the Proposal.

As part of the Proposal, Council plans to review planning controls for the subject land and all other land within the B2 Local Centre Zone at Narellan. This will occur prior to exhibition and will result in the preparation of a DCP. Council has indicated that amendments to the Proposal may also arise from this process. Therefore, there may be further proposed amendments to Camden LEP 2010 that are in addition to those identified above and an enlargement of the area to which the Proposal applies. Council will need to alter and resubmit the Proposal if this occurs.

COMMENTS

1. The subject land contains a former road reserve, which is currently zoned B5 Business Development and is included in the area to be rezoned to Zone B2 Local Centre. Council advises that the former road reserve is owned by the proponent.

2. Clause 19 of Schedule 1 - Additional Permitted Uses, in addition to currently allowing retail premises and specifying the maximum permissible retail gross floor area for the subject land, also includes a design requirement for retail development. The design requirement specifies that retail development 'is to be designed to address both The Northern Road and Camden Valley Way frontages, reinforcing their main street function and character'. It is unclear whether the Proposal seeks to retain this requirement. However, it would not be appropriate to retain the design requirement in isolation of any other site specific requirements and particularly given that Council proposes to address design requirements through a DCP.

3. It not considered to be necessary to rezone the section of Camden Valley Way adjoining the subject land from Zone SP2 Infrastructure (Classified Road) to Zone B5 Business Development to permit the development of a pedestrian bridge. This development is considered to be ancillary to the road and is, therefore, permissible with consent. It is noted that State Environmental Planning Policy (Infrastructure) 2007 supports this contention by including 'pedestrian bridges' within the definition of 'road infrastructure facilities', which, in turn, are included within the definition of 'road corridor'.

4. The existing shopping centre occupies the vast majority of an entire street block, bounded by Camden Valley Way, Somerset Avenue, Elyard Street and Queen Street. The block, which is wholly zoned B2 Local Centre, contains several smaller, separately owned properties adjacent to the shopping centre. The Proposal seeks to apply a maximum building height of 20m to the existing shopping centre and only some of the smaller properties. Notwithstanding Council's proposed review of planning controls for all land at Narellan in Zone B2 Local Centre, it is considered that a consistent application of building heights within the above block would be a more strategic approach.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Unknown

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

d) Which SEPPs have the RPA identified?

N/A

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

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

If No, explain :

S117 DIRECTIONS

DIRECTION 1.1 - BUSINESS AND INDUSTRIAL ZONES

This Direction applies to the Proposal as it will affect land within an existing business zone. Although the Proposal is consistent with the Direction, it is noted that the proposed rezoning from B5 Business Development to B2 Local Centre will result in the prohibition of light industries. However, the rezoning will not result in the loss of industrial land or opportunities for industrial development as the land is currently vacant and is more suited to commercial uses given its proximity to the core of the Narellan Town Centre.

DIRECTION 3.4 - INTEGRATING LAND USE AND TRANSPORT

This Direction applies to the Proposal as it relates to the proposed alteration of a zone relating to urban land. The Proposal is consistent with the Direction as it facilitates the expansion of an existing centre and, hence, generally complies with the relevant aims, principles and objectives of:

- (a) Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001), and
- (b) The Right Place for Business and Services - Planning Policy (DUAP 2001);

The draft Centres Policy - Planning for Retail and Commercial Development (April 2009) is proposed to replace the above documents once implemented. The consistency of the Proposal with the draft Centres Policy is considered separately below.

DIRECTION 4.2 MINE SUBSIDENCE AND UNSTABLE LAND

This Direction does not technically apply to the Proposal as the Landturn site itself is not located within a proclaimed mine subsidence district. However, the existing Narellan Town Shopping Centre is located within the proclaimed Mine Subsidence District of South Campbelltown. As such, it is considered that the Direction should be addressed given the proposed integral relationship between the two sites and the potentially significant consequences from mine subsidence for the proposed development. The Direction requires Council to consult with the Mine Subsidence Board and notify the Department of the results prior to community consultation.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

This Direction requires the Proposal to be consistent with the Metropolitan Plan for Sydney 2036. The Proposal is consistent with this Plan in so far as it makes provision for

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growth and urban renewal of an existing centre. The Metropolitan Plan also identifies the importance of fostering the development of the nearby planned major centre of Leppington. The potential for the subject Proposal to impact upon the development of the Leppington centre need to be considered and is discussed below.

SEPPs

DRAFT COMPETITION SEPP

The Proposal is generally consistent with draft State Environmental Planning Policy (Competition) 2010, which aims to promote economic growth and competition and remove anti-competitive barriers in environmental planning and assessment.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps that are provided on page 7 of the Proposal are small and of poor quality. Council should be requested to provide better maps for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes to undertake community consultation for a period of 28 days.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2011**

Comments in relation to Principal LEP : **The Principal LEP was notified in February 2011.**

Assessment Criteria

Need for planning proposal : **The preparation of a Planning Proposal is necessary in order to enable the proposed development.**

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Consistency with strategic planning framework :

DRAFT SOUTH WEST SUBREGIONAL STRATEGY

Narellan is identified as a Town Centre under the draft South West Subregional Strategy, which was released in December 2007. The level of proposed total retail floorspace in Narellan which would result from the Proposal would be in the order of that found in major centres. The draft Strategy identifies Campbelltown-Macarthur as a major centre and Leppington as a planned major centre. The Proposal is aimed at responding to current and future anticipated demand and, to this end, the Proposal is consistent with the draft Strategy, which acknowledges the plan for Narellan to become a focus for the nearby developing urban areas of Spring Farm, Elderslie, Harrington Park and Oran Park. However, as discussed below, the planned expansion of Narellan must have regard to the potential for impacts on the Campbelltown-Macarthur and proposed Leppington town centres.

The draft Strategy indicates that the development of Narellan as a second town centre in the Camden LGA provides opportunities for accommodating activities which do not fit with the Camden Town Centre's desired character. The draft Strategy also considers that the Narellan Town Centre should develop complementing the Camden Town Centre rather than competing with, or duplicating, its functions. Camden is the closest town centre to Narellan and is a civic and cultural hub (the latter is due to its heritage significance). It is considered that the Proposal is not inconsistent with the draft Strategy's vision for the Camden Town Centre.

Environmental social economic impacts :

ECONOMIC AND SOCIAL IMPACTS

The Proposal is supported by a Retail Analysis (attached at Appendix 2 of the Proposal), which finds that:

- the proposal is a better and higher use of the Landturn site than what is currently permitted there;
- there is currently unsatisfied demand for retail services at Narellan;
- Narellan is naturally positioned to serve the developing southern parts of the South West Growth Centre (SWGC);
- retail expansion at Narellan will not significantly affect the proposed Leppington Major Centre or further development in the Macarthur-Campbelltown Major Centre.

The Retail Analysis has been peer reviewed and its findings generally supported (copy at Appendix 3 to the Proposal). However, the Peer Review recommends that:

- an assessment of potential economic and social impacts on existing centres (particularly Camden) should be undertaken;
- applicable tests under the draft Centres Policy need to be addressed;
- the bisection of the combined site by Camden Valley Way poses an urban design challenge; and
- in the long term, there may be reverse impacts from future retail centres within the South West Growth Centre on an expanded centre at Narellan.

Internal Consultation

The Proposal was referred to the Department's Strategies and Land Release Division for comment. The Manager, Land Release (Planning and Delivery), has provided the following comments:

- the proposed scale of expansion would transform Narellan into the equivalent size of a Major Centre and may impact on proposed centres in the SWGC, in particular Leppington (which is identified as the Major Centre for the SW Subregion);
- the draft Precinct Plan for Austral & Leppington North Precincts was exhibited in late 2011 and provides for 120,000sqm of retail floor space within the Leppington Major Centre;
- the key challenge for retail planning in the South West will be delivery timeframes; and
- any requirement to undertake an economic impact assessment should consider Leppington and all of the proposed town centres within the SWGC.

Comment on Draft Centres Policy

The potential total retail floorspace that could result from the Proposal would result in Narellan becoming the equivalent of a Major Centre. The draft Centres Policy indicates that such higher order centres entail a high level of transport access, a very broad range of community services and additional retail services. The subject land is located on a major road intersection and is currently served by bus. The Proposal indicates that a proposed public transport interchange, which is identified by the draft South West Subregional Strategy, will be integrated into the development. Therefore, the Gateway Determination should require consultation with relevant transport authorities.

The Proposal indicates that a civic precinct is currently located adjacent to the existing shopping centre and Council has advised that commercial services (i.e. business, medical, etc) are also located in and around the existing centre. However, there is no consideration of the adequacy of land supply to cater for the growth of such uses resulting from the proposed shopping centre expansion. The need for adequate provision of commercial services in particular is noted by the draft Centres Policy, which points to the public benefits of supporting a wide range of retail and commercial premises (Principle 5).

The draft Centres Policy also recommends the use of Zone B3 Commercial Core in Major Centres where there is a shortage of floorspace for retail and commercial development, in the case where residential development can be adequately accommodated elsewhere within the centre. It is considered that this situation would apply to Narellan.

In view of the above, it is considered that Council should be required to:

- undertake an economic impact assessment and address the matters raised in the Peer Review (and extend the assessment to include potential impacts on the proposed Leppington Major Centre and all of the proposed town centres within the SWGC);
- undertake a strategic review of the potential requirement for additional land for community (and recreational) uses and ancillary commercial development; and
- consider rezoning the current and proposed future commercial centre of Narellan to Zone B3 Commercial Core.

ENVIRONMENTAL

Council proposes to undertake a stormwater impact study as the Landturn site contains a stormwater flow path. It is considered that the proposed study should be made a requirement under the Gateway determination.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Department of Family and Community Services Mine Subsidence Board Department of Transport NSW Police Force Transport for NSW - Roads and Maritime Authority Department of Transport - State Transit Authority Sydney Water Telstra Adjoining LGAs Other		

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

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

If no, provide reasons :

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

If Yes, reasons : **Notwithstanding this, the Sydney West Regional Branch may consider the need for resubmission once Council forwards the Proposal for endorsement after completing studies and agency consultation (prior to community consultation).**

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Council proposes to undertake the following studies:

- traffic, access and parking;
- economic impact assessment;
- noise;
- stormwater and drainage; and
- urban design principles.

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
Council's_Covering_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes
Appendix_1_-_Site_Plan.pdf	Map	Yes
Appendix_2_-_Retail_Analysis.pdf	Study	Yes
Appendix_3_-_Peer_Review.pdf	Study	Yes
Council_Report_-_13_December_2011.pdf	Study	Yes
Minutes_of_Council_Meeting.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
3.4 Integrating Land Use and Transport
4.2 Mine Subsidence and Unstable Land
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

1) Studies into the following matters are to be undertaken prior to agency and community consultation on the Planning Proposal:

- traffic, access and parking;
- economic impact assessment;
- noise;
- stormwater and drainage; and

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- urban design principles;

2) The economic impact assessment should, as a minimum, address the recommendations of the Independent Peer Review prepared by Hill PDA. The assessment should also include consideration of the potential economic impacts on the planned Major Centre at Leppington and all of the proposed town centres within the South West Growth centre;

3) Consideration should be given to the likely additional demand for community (and recreational) uses and commercial development (e.g. business and other professional services, etc) at Narellan to support the expanded future town centre. This exercise should include consideration of appropriate locations for such land uses, whether there will be sufficient land and whether the rezoning of other land is required. This should be combined with Council's proposed review of relevant planning controls for all land at Narellan in Zone B2 Local Centre. Council should also give consideration to whether Zone B3 Commercial Core is more appropriate than Zone B2 Local Centre for all land within the Narellan centre;

4) Consultation with the public authorities identified in this report should occur prior to exhibition. The consultation should include Campbelltown and Liverpool Councils and the relevant energy utility. The Mine Subsidence Board should be consulted with regarding the appropriate scale of development on the site of the existing Narellan Town Shopping Centre given the site's location in a proclaimed Mine Subsidence District;

5) Following the completion of the above steps, the Proposal should be revised, if necessary, and forwarded to the Department's Sydney West Regional Branch for endorsement prior to community consultation. Following such endorsement, the revised Planning Proposal may proceed subject to the conditions below;

6) The rezoning of Camden Valley Way for the purposes of a pedestrian bridge does not appear to be necessary as such development is already permissible with consent. Therefore, the rezoning of the road should be excluded from the Planning Proposal;

7) A consistent approach should be applied to zoning and development controls for all land bounded by Camden Valley Way, Somerset Avenue, Elyard Street and Queen Street;

8) Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days. Council is requested to include better maps in the exhibition material during community consultation; and

9) The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway Determination.

Supporting Reasons : The Proposal responds to a growing demand for higher order retail services in the area.

Signature:



Printed Name:

Tim Archer

Date:

19/1/12

