



ORDINARY COUNCIL

ORD06

SUBJECT: POST EXHIBITION REPORT - AMENDMENT TO CAMDEN LEP 2010 TO REFLECT LGA BOUNDARY REALIGNMENT NEAR EAST LEPPINGTON (WILLOWDALE) AND EMERALD HILLS

FROM: Director Planning & Environment

TRIM #: 17/329517

PREVIOUS ITEMS: ORD04 - Amendment to Camden LEP 2010 to reflect LGA boundary re-alignment near East Leppington (Willowdale) and Emerald Hills - Ordinary Council - 22 Sep 2015 6.00pm

PURPOSE OF REPORT

The purpose of this report is to consider the outcome of the public exhibition of the draft amendment to the Camden Local Environmental Plan (LEP) 2010 and Camden Growth Centre Development Control Plan (Camden Growth Centre DCP), in response to the Local Government Area (LGA) boundary adjustment between Campbelltown City Council and Camden Council.

The report recommends Council adopt the draft Planning Proposal (as amended) and the draft Camden Growth Centre DCP.

The draft Planning Proposal and the draft Camden Growth Centre DCP are included as **attachments to this report**.

BACKGROUND

On 9 December 2014, Council considered a report on the adjustment of the LGA boundary between Camden and Campbelltown Councils. At that time, East Leppington (Willowdale estate) and Emerald Hills estate were dissected by the LGA boundary.

At its meeting on 22 September 2015, Council considered a report on a draft amendment to the Camden LEP 2010 to reflect the boundary adjustment near East Leppington (Willowdale) and Emerald Hills. It was resolved:

THAT Council:

- i. Endorse the draft planning proposal regarding the gazettal of the re-aligned LGA boundary between Camden and Campbelltown;*
- ii. Upon gazettal of the LGA boundary adjustment, forwards the planning proposal to the Department of Planning and Environment to seek a Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979; and*
- iii. Consider future reports regarding the amendments to the Camden DCP 2011, the Camden Growth Areas DCP and the East Leppington VPA.*

A copy of the report from 22 September 2015 is included as an attachment to the Planning Proposal.

The gazettal of the Camden and Campbelltown LGA boundary adjustment occurred on 27 November 2015. A copy of the NSW Government Gazette of 27 November 2015 is included as an attachment to the Planning Proposal.

Summary of Planning Proposal

The draft Planning Proposal sought to amend the Camden LEP 2010 to reflect the boundary adjustment. Figure 1 shows the location of the previous boundary in yellow and the new boundary in orange.

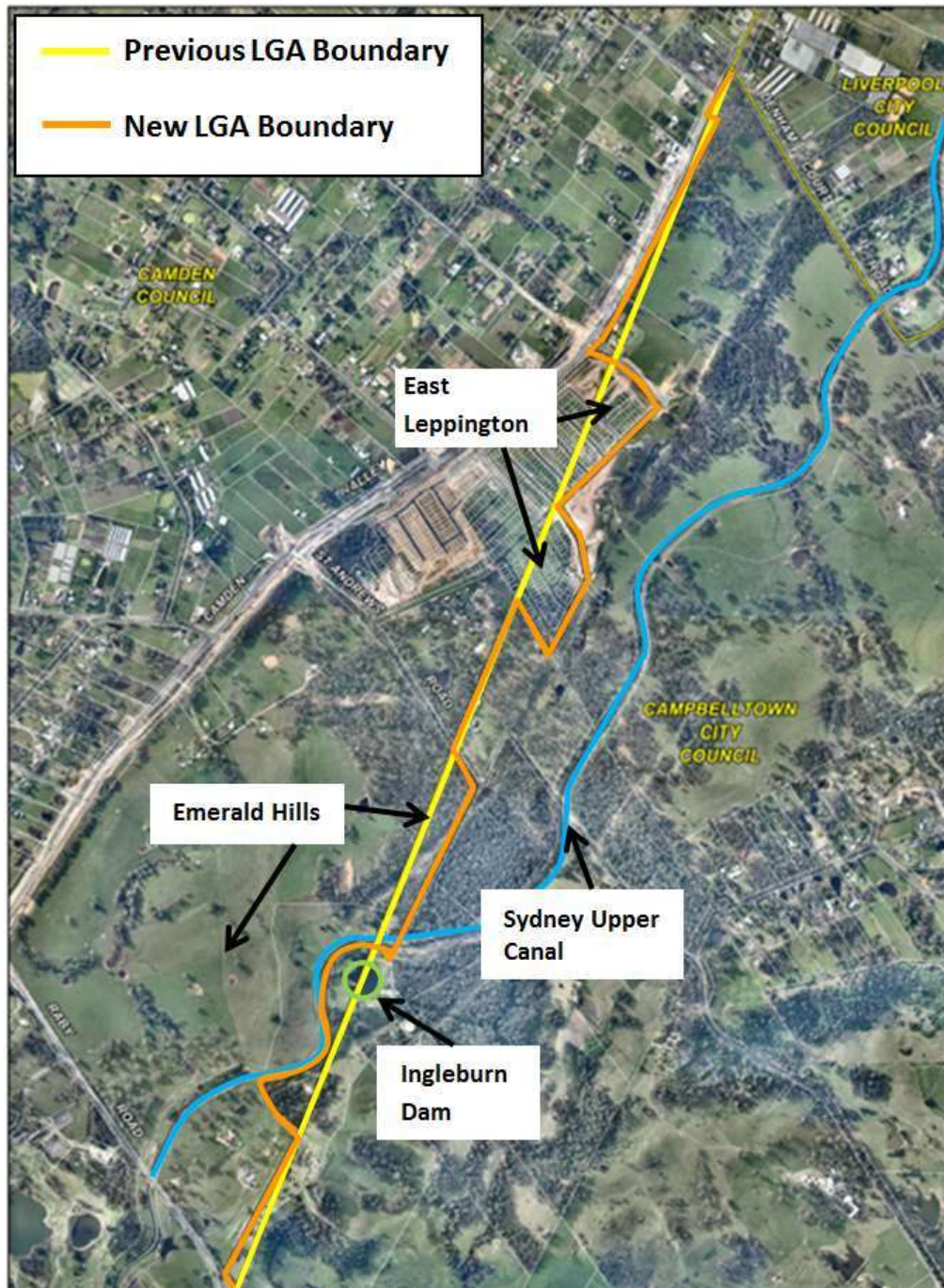


Figure 1 – Previous LGA Boundary (yellow) and new LGA boundary (orange)

East Leppington (Willowdale Estate) Amendments

The boundary adjustment required an amendment to various LEP maps. This is an administrative change and no planning controls are proposed to be amended. The



planning controls are under the State Environmental Planning Policy (SEPP) and there are no changes proposed to the SEPP.

The following LEP maps at East Leppington (Willowdale Estate) are proposed to be amended:

- Land Application Map;
- Land Zoning Map;
- Height of Building Map;
- Lot Size Map;
- Land Reservation Acquisition Map;
- Heritage Map; and
- Additional Permitted Uses Map.

Emerald Hills Amendments

The following land within and adjacent to Emerald Hills is now located within the Camden LGA:

- The Emerald Hills biobanking/environmental conservation land;
- The land within the Ingleburn Dam catchment lot; and
- The land within the Sydney Upper Canal lot.

For the Emerald Hills biobanking/environmental conservation land, an E2 Environmental Conservation zone and a minimum lot size of 2 hectares is proposed. This is consistent with the zoning and minimum lot size which applies to the remainder of the Emerald Hills biobanking/environmental conservation land.

The Sydney Upper Canal lot was proposed as a split zone between SP2 Infrastructure Water Supply and RU2 Rural Landscape, which was consistent with the zoning under the Camden LEP 2010.

The following maps are proposed to be amended:

- Land Application Map;
- Land Zoning Map;
- Height of Buildings Map;
- Lot Size Map;
- Land Reservation Acquisition Map;
- Heritage Map;
- Additional Permitted Uses Map; and
- Urban Release Areas Map.

Amendments to the Camden Growth Centre DCP

The boundary adjustment required an amendment to various figures within Schedule 3 East Leppington, including the land application map.

Currently, the land subject to the boundary adjustment is under the Campbelltown Growth Centre Precincts DCP. The mapping amendments to the Camden Growth Centre DCP will allow for the land now within the Camden LGA to be included under Schedule 3 East Leppington Precinct of the Camden Growth Centre DCP.

Amendments to Voluntary Planning Agreements and Camden DCP 2011

The Council report on 22 September 2015 discussed a potential amendment to the East Leppington Voluntary Planning Agreement (VPA) and Camden DCP 2011. It was subsequently determined that no amendment to the East Leppington VPA was required.

The Land Application Map of the Camden DCP 2011 will require updating however this is an administrative change that can be included in the review of the Camden DCP 2011, which is currently underway. Therefore no amendments to the East Leppington or Emerald Hills VPA's or Camden DCP 2011 were exhibited as part of this proposal.

MAIN REPORT

Gateway Determination (Planning Proposal)

In accordance with Council's resolution, after the gazettal of the boundary adjustment the draft Planning Proposal was forwarded to the Department of Planning and Environment (DPE) and a Gateway Determination was issued on 5 February 2016.

Public Exhibition

The draft Planning Proposal and draft Camden Growth Centre DCP were exhibited from 29 August 2017 to 26 September 2017 and four submissions were received. A copy of the submissions is included as an **attachment to this report**.

In accordance with the Gateway Determination, Council consulted with the following public agencies during the exhibition period:

- NSW Office of Environment and Heritage;
- NSW Office of Environment and Heritage (Heritage Branch);
- Sydney Metropolitan Catchment Management Authority; and
- Campbelltown City Council.

The DPE was also consulted in accordance with the delegations for the Growth Centre DCP.

Submissions of support for the Planning Proposal and draft DCP were received from:

- The Department of Planning and Environment;
- Office of Environment and Heritage – Heritage Branch; and
- Office of Environment and Heritage – Environment Branch.

The submission from WaterNSW objects in part to the Planning Proposal.

WaterNSW Submission

The Sydney Upper Canal is owned by WaterNSW (shown in blue below). Figure 2 shows the current zoning under Camden LEP 2010 and Campbelltown LEP 2015.

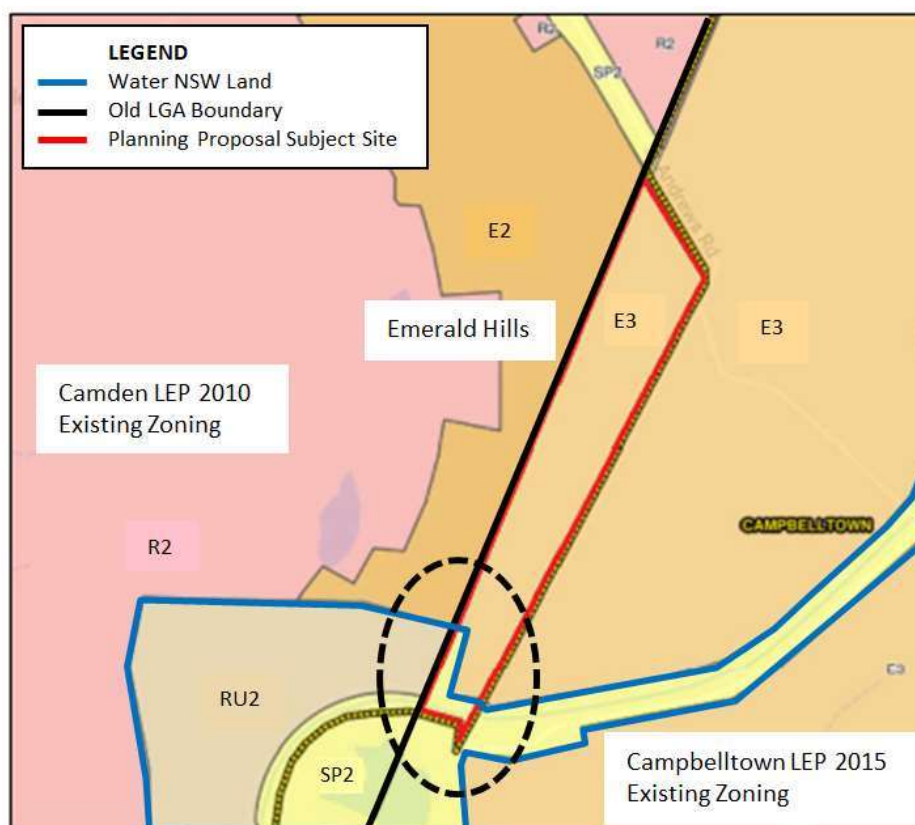


Figure 2: Current Planning Controls under LEPs (Camden and Campbelltown)

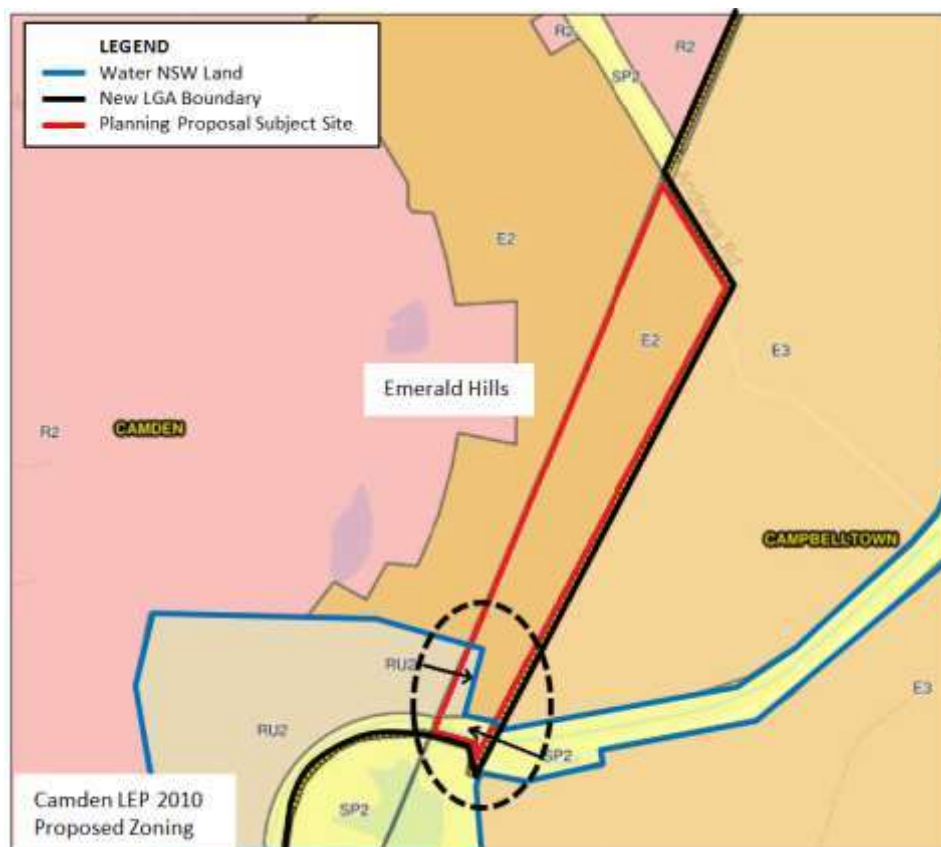


Figure 3: Exhibited Proposed Planning Controls for the Site

The Planning Proposal includes the rezoning of part of Lot 2 DP 1086624 from SP2 Infrastructure under the Campbelltown LEP 2015 to RU2 Rural Landscape under Camden LEP 2010, as demonstrated in Figure 3 above. This is consistent with the zoning of the remainder of the lot under the existing Camden LEP 2010.

Objection to SP2 zone change

The submission from WaterNSW objects to the proposed rezoning to RU2 Rural Landscape and requests the remainder of the lot be rezoned SP2 Infrastructure.

“WaterNSW objects to the proposal to amend portion of Lot 2 DP1086624 within Parcel C from SP2 to RU2. This portion should retain the SP2 zoning consistent with its function and ownership by WaterNSW”.

Officer Comment

Council officers have considered the objection from WaterNSW and recommend the original zone of SP2 Infrastructure (which is the current zone under the Campbelltown LEP 2015) be retained. The proposed change to the exhibited Planning Proposal is shown in Figure 2.

Rezoning request for land existing under Camden LEP 2010

WaterNSW also requested the zoning of the remainder of Lot 2 DP 1086625 (within the Camden LGA) be amended from RU2 Rural Landscape to SP2 Infrastructure to be consistent with its function and ownership by WaterNSW.

Officer Comment

The objective of this Planning Proposal is to amend the Camden LEP 2010 in response to the boundary adjustment between Camden and Campbelltown LGAs.

The land that is currently zoned RU2 Rural Landscape (ie the remainder of Lot 2 DP 1086625) under the Camden LEP 2010 is not part of this Planning Proposal and is therefore not recommended to be rezoned.

Post Exhibition Planning Proposal Amendments

It is recommended that the draft Planning Proposal be amended to facilitate the objection from WaterNSW for part Lot 2 DP 1086624. The relevant maps have been amended to retain the existing zone of SP2 Infrastructure. The amended draft Planning Proposal is included as **an attachment to this report**.

Post Exhibition DCP Amendments

No post exhibition amendments are proposed to the Camden Growth Centre DCP. The draft DCP is included as an **attachment to this report**.

FINANCIAL IMPLICATIONS

There are no direct financial implications to Council as a result of this matter.

CONCLUSION

The draft Planning Proposal and draft Camden Growth Centre DCP amendment were exhibited for a period of 28 days and four submissions were received.



Officers recommend an amendment to the exhibited draft Planning Proposal in response to the objection from WaterNSW. The proposed amendment is minor and does not require re-exhibition.

It is recommended that the amended draft Planning Proposal and draft Camden Growth Centre DCP be adopted by Council.

Council has authorisation to exercise its delegated plan making functions. Therefore, should Council endorse the recommendations, the Planning Proposal will be forwarded to Parliamentary Counsel for making of the plan.

RECOMMENDED

That Council:

- i. adopt the draft Planning Proposal (as amended) and draft Camden Growth Centre DCP;**
- ii. submit the Planning Proposal directly to Parliamentary Counsel for the plan to be made;**
- iii. forward the amendment to the Camden Growth Centre Precincts DCP to the Department of Planning and Environment in accordance with the amended delegations issued to Council on 19 January 2015 and request that the DCP be made;**
- iv. publicly notify the adoption of the DCP in accordance with the provisions of the Act and Regulations; and**
- v. advise submitters of the outcome of this report.**

ATTACHMENTS

- 1. Draft Planning Proposal - Boundary Adjustment East Leppington**
- 2. Camden Draft Growth Centre DCP Schedule 3**
- 3. submissions State Agencies -East Leppington Boundary Adjustment**