

Draft Camden Local Environmental Plan 2010 Amendment No.7 – Spring Farm South and West Village zone boundary adjustment

Proposal Title :	Draft Camden Local Environmental Plan 2010 Amendment No.7 – Spring Farm South and West Village zone boundary adjustment		
Proposal Summary :	The Planning Proposal seeks to amend the Camden Local Environmental Plan 2010 to facilitate minor boundary adjustments through the rezoning of land in the vicinity of the South and West Villages of the Spring Farm Release Area. The Planning Proposal will provide for an additional 3.88 hectares of residential zoned land in the Spring Farm Release Area, as follows: In total, rezone 4.66 ha of land currently zoned E2 Environmental Conservation to a residential zone and 7 791 sqm of land, currently zoned for residential purposes, to the E2 Zone.		
PP Number :	PP_2012_CAMDE_003_00	Dop File No :	12/01451

Proposal Details

Date Planning Proposal Received :	24-Jan-2012	LGA covered :	Camden
Region :	Sydney Region West	RPA :	Camden Council
State Electorate :	CAMDEN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Spring Farm Release Area		
Suburb :	Spring Farm	City :	Camden
		Postcode :	2570
Land Parcel :	Lots 1, 2, 3, 4 and 5 in DP 1132985 and Lot 1 in DP 587631		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	Other
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) :	Residential
No. of Lots :	58	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

LOBBYIST STATEMENT

At this time, to the best of the Regional Team's knowledge, there have been no meetings or communications with lobbyists regarding this Planning Proposal.

Supporting notes

Internal Supporting Notes : BACKGROUND

On 31 May 2009, Camden Council was issued with a Ministerial Direction to investigate the viability of decreasing flood prone open space and riparian land through flood plain works and increase the developable land within Spring Farm.

A proposal to amend the Master Plan for Spring Farm South and West Villages was submitted to Council in May 2011, which incorporated a revised grid street layout and a reduction in the area of land proposed to be zoned as open space.

At a meeting on 13 December 2011, Council resolved to forward a Planning Proposal to the Department of Planning & Infrastructure, seeking proposed boundary adjustments to the subject Spring Farm South and West Villages.

On 19 December 2011, Council wrote to the Department's Sydney West Regional Director, advising of its resolution to forward a Planning Proposal to the Department, seeking to amend the Camden Local Environmental Plan 2010 to facilitate proposed boundary adjustments to the Spring Farm South and West Villages. A copy of Council's covering letter, dated 19 December 2011, Planning Proposal, and supporting studies, is attached.

DATE RECEIVED

the Planning Proposal was received by the Department's Sydney West Regional Team for Gateway Determination on 21 December, 2011.

On 18 January 2012, the Department's Sydney West team wrote to Camden Council, with a request that additional information be provided in respect of the Planning Proposal. The additional information requested from Council, in respect of the Planning Proposal, is outlined as follows:

- A description of existing extraction operations (including location and timing), in respect to the part of the site where the sand mine is located;
- Council's consideration of whether the proposal is consistent with the applicable State Environmental Planning Policies, including SEPP No.55 and SREP No.20.
- How the potential flooding issue will be addressed.
- An assessment and advice on how Council intends to manage the remediation of the subject lands.
- Advice on how Council intends to manage timing of housing development, if made permissible, on the subject site.
- Advice on the demand and supply of recreational opportunities available for the local population, given that the Planning Proposal seeks to remove part of the E2 Environmental Conservation Zone, subject to an additional permissible recreational use.

On 24 January 2012, additional information was submitted to the Department by Council, which outlined the existing recreational opportunities available within Spring Farm, and addressed the landform, contamination issues and the timing/staging of future residential development within the Spring Farm Release Area.

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October, 2008. The legislation requires public disclosure of donations or gifts for certain circumstances relating to the Planning system.

The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

"A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

No disclosures were provided for this planning proposal.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The application clearly identifies the objectives of the Planning Proposal (refer to page 4 of the attached Planning Proposal).

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

Is an explanation of provisions provided? **Yes**

Comment : The Planning Proposal contains an adequate explanation of provisions. Refer to pages 4 to 7 of the attached Planning Proposal for details.

The Planning Proposal seeks to amend the Camden LEP 2010 as outlined as follows:

- Rezone approximately 7 224 square metres of land in the Spring Farm South Village from R1 General Residential to E2 Environmental

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Conservation;

- Rezone approximately 2.405 hectares of land in the Spring Farm South Village from E2 Environmental Conservation to R1 General Residential;
- Rezone approximately 567 square metres of land in the Spring Farm West Village from R1 General Residential to E2 Environmental Conservation;
- and
- Rezone approximately 2.252 hectares of land in the Spring Farm West Village from E2 Environmental Conservation to R1 General Residential.

An indicative map of the proposed land use rezonings in the Spring Farm South and West Villages under the Camden LEP 2010, is included on page 6 of the attached Planning Proposal.

Other consequential changes include amendments to the lot size and height of buildings maps, as a result of the proposed zone boundary adjustments.

Further, under Camden LEP 2010, the use of 'recreation facilities (outdoor)' is permitted (with consent) as an additional use within the E2 Zone. Consequently, it is intended to amend the LEP's 'Additional Permitted Uses Map' to reflect the proposed change of zone boundaries.

It is also noted that the Planning Proposal seeks to amend the proposed residential lot, road design and open space layout, and location of sport fields and hard court facilities for Spring Farm, within the Camden Development Control Plan 2010.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified? **N/A**

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

SECTION 117 DIRECTIONS

1.2 RURAL ZONES

Attachment 3 of the Planning Proposal (see Attachment 3 - page 19) has identified this Direction as a matter for consideration, as the report notes that the proposed Spring Farm Master Plan amendments involve a portion of land currently zoned for rural purposes.

The regional team does not consider that the Planning Proposal is inconsistent with this Direction as the proposal does not seek to rezone rural land for residential purposes, nor are additional provisions proposed to increase the density of any rural zoned land.

1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

The Direction applies to the Proposal if, among other things, it would have the effect of restricting the potential development of coal or other resources which are of State or

regional significance by permitting a land use that is likely to be incompatible with such development.

Attachment 3 of the Planning Proposal suggests that any future subdivision of land resulting from this Planning Proposal will have a negligible impact upon future underground coal mining or sand extraction.

Under this Direction, Council is required to consult the Department of Primary Industries during the preparation of a Planning Proposal, to determine the development potential of any of the natural resources within the subject lands, and if they are of State/regional significance.

The Planning Proposal did not contain any evidence of existing or proposed communications with the Department of Primary Industries in respect of the proposal.

While the Planning Proposal is of a relatively minor matter in this regard, it is recommended that Council consult the Department of Primary Industries in relation to the Planning Proposal to satisfy the Direction, prior to community consultation.

2.1 ENVIRONMENT PROTECTION ZONES

The Direction is relevant as certain land, currently zoned E2 Environmental Conservation, is proposed to be zoned to R1 General Residential.

The Planning Proposal indicates that... 'vegetation mapping undertaken as part of initial environmental investigations for Spring Farm does not identify the region of the proposal as having an impact on high biodiversity conservation lands. In this regard, there will be minimal to no impact on threatened species, populations or ecological communities, or their habitats' (see pages 9 and 10 of the Planning Proposal).

Further, the Planning Proposal indicates that the land affected by the proposed rezoning is not environmentally significant (see Attachment 3 - page 21).

It is noted that the area adjoining the west village is in a disturbed state (see aerial photo - page 10 of the Planning Proposal, for example) and the land adjoining the south village is relatively small in area (see Attachment 1 - page 14 of the Planning Proposal).

In these circumstances, it is considered that any inconsistency with the Direction is of minor significance and it is recommended that the Director General's delegate agrees that the proposal may proceed on this basis.

Notwithstanding the above, it is recommended that Council consult with the Office of Environment and Heritage.

2.3 HERITAGE CONSERVATION

This Direction requires that consideration be given to whether the Planning Proposal will adversely impact upon any items, areas, objects, places of environmental heritage significance and indigenous heritage significance.

The Planning Proposal has identified that a local heritage item is located within the vicinity of the land subject to the Planning Proposal. Details are provided at page 10 of the proposal. A supporting diagram/aerial photo is provided (see Figure 3, page 10 - of the Planning Proposal).

The diagram is very poorly presented and not sufficiently annotated. A 'red highlight' has not been correctly affixed to the diagram, the red arrow is misleading. Further, there is a red line across the diagram without explanation. It is assumed this red line may be a 'flood line' (in the upper portion of the diagram) that becomes the extent of proposed rezoning as it progresses across the diagram. It is also assumed that the blue dotted line is the current zone(s) boundary.

It is recommended that, should the Gateway agree to the Planning Proposal proceeding, Council be directed to amend the diagram (as a condition of the determination) prior to agency and community consultation.

In regard to the Planning Proposal's consistency with the Direction, the regional team agrees that given the separation of the local item with the land (subject to the Planning Proposal) and the item's relationship to land currently zoned for residential purposes, the Planning Proposal is not inconsistent with the Direction.

3.1 RESIDENTIAL ZONES

The Planning Proposal generally is consistent with this Direction as the proposed land use rezoning seeks to maximise the efficiency of the land and increase the availability of land for residential purposes.

Further, Camden LEP 2010 contains clause 6.2 Public utility infrastructure, which provides that development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

However, the Planning Proposal does reduce the permissible residential density of land by rezoning certain land from a residential zone to an environmental zone.

Given the minor nature of the Planning Proposal in this regard, this inconsistency is considered to be of minor significance and the regional team recommends that the Director General's delegate agrees that the proposal may proceed on this basis.

3.4 INTEGRATING LAND USE & TRANSPORT

The Planning Proposal is considered consistent with this Direction as the proposed rezonings involve minor extensions to existing residentially zoned land, and as such, will have no significant impact on existing transport infrastructure. Rather, the Planning Proposal seeks to increase the availability of land for residential purposes within the Spring Farm Release Area, which will assist in supporting the efficient and viable operation of existing services and infrastructure.

4.2 MINE SUBSIDENCE & UNSTABLE LAND

The Planning Proposal is not inconsistent with the intent of the Direction as the Planning Proposal indicates that the proposed amendment will facilitate a minor increase in the area of residential zoned land within Spring Farm, to a size that has previously been agreed to by the Mine Subsidence Board (see Attachment 3 - page 24 of the Planning Proposal).

However, to satisfy the Direction, it is recommended that Council consult with the Mine Subsidence Board, on this particular Planning Proposal.

Council may care to provide a copy of the information received from the Mine Subsidence Board to the Regional Director of the Department's Sydney West Regional Office, prior to Council undertaking community consultation.

4.3 FLOOD PRONE LAND

Attachment 3 of the Planning Proposal indicates that the Planning Proposal is generally consistent with this Direction (refer to Attachment 3 - pages 25 to 27 of the Planning Proposal).

It is noted that the Planning Proposal (see Attachment 3 - page 24 of the Planning Proposal) indicates that the finished levels would be compliant with the post-mining 1% AEP flood level of RL74.3m AHD - previously adopted for the Spring Farm Release Area.

The proposed amendment seeks to facilitate the use of under-burden land for residential uses by raising the ground level of part of the subject, while utilising the existing flood prone land for more appropriate environmental purposes.

Furthermore, the Planning Proposal includes a 'Flood Impact Overview Report' (Lean & Hayward, March 2011). This report addresses flood storage and concludes that excavation of approximately 600 000 cubic metres of resource material and the use of 200 000 cubic metres of additional fill will provide additional back water floodplain storage in the flood plain. Consequently, the development proposal should be assessed favourably and 'with confidence' that there will be no detrimental outcomes resulting from its approval (see page 7 of the Flood Impact Overview Report).

The Direction specifies (in part) that a Planning Proposal must not rezone land within the flood planning areas which permit a significant increase in the development of that land and that the RPA must not determine a flood planning level that is inconsistent with the Floodplain Development manual 2005 unless the RPA provides adequate justification for the proposed departure from that manual to the satisfaction of the Director General.

As the proposal will implement the AEP 1% flood level for the land that is proposed to be zoned for residential purposes, and

- that was previously determined for the residential component of the release area, and
- there will be no detrimental impacts upon storage capacity and back water flooding,

the regional team considers that any inconsistency with the Direction is of a minor nature and it is recommended that the Director General's delegate agrees that the proposal may proceed on this basis.

4.4 PLANNING FOR BUSHFIRE PROTECTION

This Direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land.

As outlined in the Planning Proposal (see Attachment 3 - page 27 of the Planning Proposal), portions of the subject lands have been identified as bushfire prone land, with any future application for residential development within the subject lands required to comply with the relevant bushfire assessment procedures.

Under this Direction, a relevant planning authority is required to consult with the Commissioner of the NSW Rural Fire Service (RFS) following receipt of a Gateway Determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act.

The Direction also requires the planning proposal to have regard to Planning for Bushfire Protection 2006 and to introduce development controls to ensure bushfire hazard protection and provision of Asset Protection Zones (APZ).

It is noted that the Planning Proposal does not contain any reference to the provisions of Planning for Bushfire Protection 2006, or any previous or proposed communications with the NSW Rural Fire Service.

To satisfy the requirements of this Direction, the regional team recommends that Council consult the Commissioner of NSW RFS prior to undertaking community consultation. This will provide Council with the opportunity, following Council's receipt of advice from the Commissioner, and if necessary - to supplement the Planning Proposal by addressing the need for an APZ (and associated requirements under the Direction - see items (6)(a) to (f) of the Direction), prior to community consultation.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The Planning Proposal is consistent with this Direction as the proposal does not include additional provisions in the Camden LEP 2010 which require concurrence, consultation or referral of development applications for the subject land to a Minister or public authority.

6.2 REZONING LAND FOR PUBLIC PURPOSES

As outlined in Attachment 3 of the Planning Proposal (see Attachment 3 - page 31), the proposal seeks to rezone land from a public recreational use to residential purposes in response to the Ministerial Direction issued to Council in 2009. This Direction encouraged Council to investigate opportunities to minimise open space and increase the developable land within the subject site.

The Section 117 Direction, however, specifies that a Planning Proposal must not create, alter or reduce existing zonings for public purposes without the approval of the relevant public authority and the Director General (or delegate).

The Objectives of the E2 zone are to:

- protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values;
- prevent development that could destroy, damage or otherwise have an adverse effect on those values; and
- protect and enhance the ecology, hydrology and scenic views of waterways, riparian land, groundwater resources and dependent ecosystems.

Further, under Camden LEP 2010, the use of 'recreation facilities (outdoor)' is permitted (with consent) as an additional use within the E2 Zone.

In regard to the above, Council has provided supplementary advice (refer to the attached email from Council dated 24 January, 2012) that indicates the proposed reduction in open space will not adversely impact upon recreational opportunities.

Given the relatively minor nature of the proposal and the circumstances discussed in this report, the regional team supports the proposed reduction in the E2 Zone and the approval of the Director General's delegate is recommended.

6.3 SITE SPECIFIC PROVISIONS

The Planning Proposal does not recommend the introduction of site specific provisions.

The Direction specifies that a Planning Proposal must rezone the site to an existing zone without imposing requirements in addition to those already contained in that zone, unless the Director General's delegate can be satisfied that the provisions are of minor significance.

To meet the circumstances in this instance, consideration is given in the regional team's report to the need to impose a provision(s), as follows:

The Planning Proposal seeks to extend the R1 Zone into an area currently designated for resource mining, on land adjoining the West Village and currently zoned E2. Final landforms are to be completed at this location and on land adjoining the South Village, similarly - currently zoned E2 and proposed to be zoned R1. This raises three issues: (1) contamination, (2) timing, and (3) appropriate compaction of fill to support future urban development.

CONTAMINATION

Council has advised (see attached email from Council dated 24 January, 2012) that the initial rezoning of the Spring Farm Residential Release Area was accompanied by a supporting Preliminary Contamination Assessment (see copy of the preliminary contamination assessment as attached). This assessment indicated that contamination

would not pose a risk to human health, nor restrict development. Further, detailed contamination reports would accompany any applications for the site being developed for residential purposes.

This approach is consistent with SEPP 55 - Remediation of Land, which provides that, at the time of proposed rezoning, a planning authority has considered whether the land is contaminated (see clause 6 of the SEPP). Further, the consent authority is to consider land contamination issues at the time of proposed development (see clause 7 of the SEPP).

It is noted that this issue, however, has not been brought to Council's attention for this Planning Proposal in the council report of 13 December, 2011.

TIMING

In respect of the extension of the R1 zone into an area currently designated for resource mining, thus raising issues of conflict between these works and future residential development, the relevant council officer has now suggested that an additional head of consideration be added to clause 6.5 - Matters to be specifically considered for Residential Development at Spring Farm, within Camden LEP 2010 (see email message of 24 January 2012 in 'Documents'), as follows:

(1) Before granting consent for the subdivision of the urban release area shown as 'Spring Farm' on the Urban Release Area Map, the consent authority must consider whether:

(c) adverse noise and dust impacts from the sand mining operations will be mitigated.

COMPACTION

Council's email to the Department dated 24 January 2012, refers to conditions 17 to 19 of the consent issued in 1988 for the mining operations. In particular, condition 17 specifies that:

'Before any imported fill is placed in position on the extraction area, Council's prior written approval shall be obtained to the type of fill to be used, the degree of compaction to be achieved, the depth of fill material and the area where such fill is to be placed....'

A copy of this determination is attached in the 'Documents' section of the regional team's report.

COMMENTS OF THE REGIONAL TEAM

The rezoning of the land to R1 is supported on the basis that further residential development as part of the release area is not inappropriate, and there would be little adverse impacts associated with the reduction in land currently zoned for environmental purposes.

Further, objections are also not raised to the rezoning of land where a final land form is yet to be completed, provided fill is suitably controlled and any adverse impacts and timing issues are satisfactorily addressed. Rezoning of the land will provide the developer(s) with certainty and allow appropriate standards to be put in place (such as appropriate compaction rates) to support future residential development. Particular comments, as follows:

Contamination

The regional team considers that council has not technically complied with SEPP 55 and this matter should be brought to council's attention by council officers following community consultation. This will allow the council to formally consider whether the land is contaminated.

Timing

The council officer has acknowledged that while the progression of residential development is controlled through a staging plan (see attached staging plan), it is possible that residential development may encroach on sand mining operations. To safeguard residential amenity, the council officer has suggested that clause 6.5 be amended as shown above/overleaf. This approach is supported by the Regional Team.

Compaction Standards

Fill compaction standards normally differ for land proposed for open space purposes as opposed to land designated for urban development. The council officer's advice (see attached email from Council dated 24 January, 2012) indicates that suitable conditions are currently in place to ensure that appropriate compaction standards will be met. Reference has been made to conditions 17 to 19 of a consent for these works.

While this is the case, it is considered that the suitability of reconstructed land forms is of such significance that Council should be required to amend its DCP so that on-going compaction of any reconstructed land form is managed by Council to ensure the sites will meet the appropriate standard thereby supporting future urban development.

This issue has been discussed with the relevant council officer who has not raised an objection to this course of action and it is recommended to the Gateway that Council be advised accordingly.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The Planning Proposal identifies the Proposal's compliance with '7.1 Implementation of the Metropolitan Strategy' (see Attachment 3 - page 31) and discusses the proposal's relationship with the Metropolitan Plan in detail (see Section B of the Planning Proposal).

The regional team is of the view that the proposal is not inconsistent with the Metropolitan Strategy.

COMPLIANCE WITH RELEVANT SEPPs/SREPS

The Planning Proposal states that the proposal is consistent with applicable state planning policies (see page 9 of the attached Planning Proposal).

This interpretation does not give sufficient weight to SEPP 55 Remediation of Land and SREP No 20 Hawkesbury Nepean River (No 2 1997).

Consideration has been given to SEPP 55 under section 117 Direction 6.3 in this report.

SREP 20 applies to the Camden LGA and seeks (in part) to protect water quality. Council has advised that impacts on the Hawkesbury-Nepean will be mitigated through the provision of water detention and waste quality treatment basins (see attached email from Council dated 24 January, 2012).

The Regional Team agrees with Council that the Planning Proposal will be consistent with the intent of the SREP in this regard.

STANDARD INSTRUMENT (LEPs) ORDER 2006

It is considered that the Planning Proposal is generally consistent with the Standards Instrument (LEPs) Order 2006.

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

As outlined above and overleaf, the Planning Proposal is considered inconsistent with the following Section 117 Directions:

- 2.1 Environmental Protection Zones;

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- 3.1 Residential Zones;
- 4.3 Flood Prone Land;
- 6.2 Rezoning Land for Public Purposes; and
- 6.3 Site Specific Provisions.

These inconsistencies are justified and/or require to be addressed prior to consultation.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **An indicative map showing the proposed boundary adjustments and rezonings is included on page 6 of the attached Planning Proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to advertise the Planning Proposal and amendments to the Camden DCP 2010 for a period of 28 days.**

Council has also proposed to consult with:

- the Rural Fire Service,
- Office of Environment and Heritage,
- Office of Water, and
- Endeavour Energy;

in respect to the Planning Proposal (refer to page 13 of the attached Planning Proposal).

The regional team recommends that Council consults with the following additional agencies:

- the Department of Primary Industries (Minerals and Petroleum);
- the Mine Subsidence Board; and
- Hawkesbury Nepean Catchment Management Authority.

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 : **It is considered that the Planning Proposal holds merit for progression.**

In this light, it is recommended that the Planning Proposal proceed, subject to conditions identified in the 'Recommendations' section of this report.

Proposal Assessment

Principal LEP:

Due Date : **September 2010**

Comments in relation to Principal LEP : **Camden Principal LEP was made in September 2010.**

Assessment Criteria

Need for planning proposal :

The need for the Planning Proposal has been adequately addressed by Council (Refer to pages 7 and 8 of the attached Planning Proposal).

The Planning Proposal is required in order to facilitate the necessary minor zoning and related boundary adjustments to land within the Spring Farm South and West Villages, in response to the recent amendments to the proposed Spring Farm Master Plan and Ministerial Direction issued in 2009, which requested Council investigate the viability of reducing flood prone open space and riparian land through flood plain works, to increase the developable land within Spring Farm.

Consistency with strategic planning framework :

The Planning Proposal is generally consistent with the strategic planning framework, including the Metropolitan Plan for Sydney 2036 and Draft South West Subregional Strategy (refer to pages 8 and 9 of the attached Planning Proposal).

The Metropolitan Plan seeks to ensure an adequate supply of land and sites for residential development to accommodate Sydney's projected population growth with 70% of new housing to be incorporated within existing urban areas and up to 30% of new housing to be accommodated in new release areas.

The key directions for housing as contained in the Draft South West Subregional Strategy include:

1. accommodate housing needs of existing and future communities;
2. plan for 155,000 new dwellings; and
3. support population growth within the subregion.

It is considered that this Planning Proposal will assist in achieving the key directions of the Metropolitan Plan for Sydney 2036 and Draft South West Subregional Strategy to meet the expected future housing needs by increasing the availability of land in Camden for residential purposes.

Environmental social economic impacts :

The potential environmental, social and economic implications of the Planning Proposal have been adequately addressed (refer to pages 9 to 12 of the attached Planning Proposal).

Preliminary environmental investigations have concluded that the Planning Proposal will not generate any significant impacts on threatened species, populations or ecological communities, or their habitats.

The land proposed to be rezoned for residential purposes within the Spring Farm Release Area is currently subject to the Nepean River's 1% AEP Flood, and as such, will require filling to the post mine subsidence level.

The Flood Impact Overview Report prepared in support of the Planning Proposal, investigated the potential implications that the required filling activities would have upon upon the floodplain and floodplain storage capacity of the Nepean River Catchment Area (refer to the Flood Impact Overview Report as attached).

It was noted that the Minister for Planning had issued consent for continued extraction operations in the nearby quarry site at 186 Macarthur Road, Spring Farm (which is located within the Spring Farm Release Area) until the year 2019, which would permit the extraction of approximately 1 000 000 tonnes of soil (or 600 000 cubic metres of fill material) from this site.

It was found that the Nepean River Catchment Area would have sufficient flood storage capacity in the event of a flood. The Planning Proposal requires approximately 400,000 cubic metres of filling to facilitate the proposed residential rezonings.

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Additionally, it is noted that the potential traffic implications of any future development on the subject lands, as a result of this Planning Proposal, are considered to be minor.

In light of the above it is not expected that the Planning Proposal will generate any likely significant environmental impacts.

As outlined in the Planning Proposal, the proposed boundary adjustments and subsequent rezonings will facilitate an increase the dwelling yield in the Spring Farm Release Area, which will have positive social impacts, including an increased supply of housing within the Camden LGA.

Provided timing of development and suitable compaction standards are met, it is considered that no adverse social or economic impacts are anticipated as an outcome to this Planning Proposal.

Assessment Process

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

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
Mine Subsidence Board
NSW Rural Fire Service**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons : **The release area is subject to the Western Sydney Greater Area Special Contributions arrangement. Consequently, contribution arrangements cater for the Planning Proposal.**

Further, the Planning Proposal indicates the subject lands will be adequately serviced by existing civil infrastructure, as well as, existing and proposed road infrastructure.

Documents

Document File Name	DocumentType Name	Is Public
Cover_Letter.pdf	Proposal Covering Letter	Yes
Planning_Proposal.pdf	Proposal	Yes

Draft Camden Local Environmental Plan 2010 Amendment No.7 – Spring Farm South and West Village zone boundary adjustment

Ministerial_Direction.pdf	Study	No
Proposed_LEP_&_DCP_Amendment_Spring Farm_Map.pdf	Map	Yes
Spring_Farm_Urban_Release_Area_Application_to_amend_Camden_DCP_2011.pdf	Study	Yes
Council_Report_.pdf	Study	Yes
Planning_Proposal_Attachments 1 to 3.pdf	Study	Yes
Attachment	Study	Yes
5_Assessment_of_Proposal_Against_Adopted_DCP2011.pdf		
Planning_Proposal_Attachment	Study	Yes
4_Flood_Impact_Study.pdf		
Email_from_Council_24-01-12.pdf	Study	Yes
Notice_of_Modification.pdf	Study	Yes
Preliminary_Contamination_Assessment_Spring_Farm_Release_Area.pdf	Study	Yes
Proposed_Staging_of_Development.pdf	Study	Yes
Consent_for_Mining_Operations.pdf	Study	Yes
Extract_from_Minutes_of_Ordinary_Council_Meeting_13-12-11.pdf	Study	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that:**

The Planning Proposal proceeds, subject to the following conditions:

1. The Director General's delegate agrees that the inconsistencies with Section 117 Directions:
 - 2.1 Environmental Protection Zones;
 - 3.1 Residential Zones;
 - 4.3 Flood Prone Land;
 - 6.2 Rezoning Land for Public Purposes; and
 - 6.3 Site Specific Provisions;
 are justified as of minor significance.
2. Prior to agency and community consultation, Council amends the Planning Proposal by including Council's intention to include a site specific clause that will safeguard the amenity of proposed residential development near sand mining operations.
3. Council amends its Development Control Plan, prior to the Planning Proposal being finalised, to ensure that the compaction of fill on the land, subject to the Planning Proposal, is undertaken in such a manner that the final land form will appropriately support urban development.

Draft Camden Local Environmental Plan 2010 Amendment No.7 – Spring Farm South and West Village zone boundary adjustment

4. Prior to agency and community consultation, Council amends Figure 3 of the Planning Proposal (page 10) to clearly show the boundary of lot 1 DP 625278; its relationship to the Planning Proposal boundary; and, identifies all boundaries shown on the diagram.
5. Before other agency consultation occurs, and prior to community consultation, Council consults with:
 - the Department of Primary Industries (Minerals and Petroleum);
 - Mine Subsidence Board; and
 - the Commissioner of Rural Fire Services.
6. Council consult with:
 - the Department of Primary Industries (Minerals and Petroleum);
 - the Commissioner of the NSW Rural Fire Service;
 - the Mine Subsidence Board;before publicly exhibiting the Planning Proposal; and consults with:
 - Office of Environment and Heritage;
 - Hawkesbury Nepean Catchment Management Authority;
 - Department of Primary Industries - Office of Water; and
 - Endeavour Energy;concurrently with community consultation.
7. The Planning Proposal be publicly exhibited for a period of 28 days.
8. The Planning Proposal be completed within 9 months.

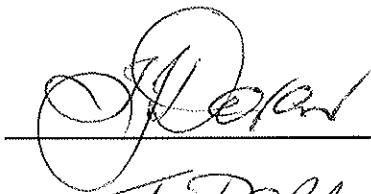
Further, the regional team considers that Council has not technically complied with SEPP 55, as Council has not turned its mind to contamination issues for this particular Planning Proposal (see discussion under '6.3 SITE SPECIFIC PROVISIONS' of this regional team report).

It is consequently considered that this matter should be raised with Council in the Gateway's covering determination letter - suggesting that Council, following community consultation, may wish to formally consider whether the land is contaminated.

Supporting Reasons :

The Planning Proposal is considered to have merit for progression.

Signature:



Printed Name:

T DORAN

Date:

3/2/12