

TITLE Glenfield Road Urban Release Area - Proposed Rezoning**Reporting Officer**Manager Environmental Planning

Attachments

1. Site Map (Distributed under separate cover).
2. Letter from the Department of Environment Climate Change and Water (DECCW).
3. Proposed rezoning – Campbelltown (Urban Area) Local Environmental Plan (2002) Amendment No. 22 (Distributed under separate cover).

Purpose

To seek Council's endorsement of a proposed minor zoning adjustment for land currently zoned 6(a) Local Open Space to 2(b) Residential B within the Glenfield Urban Release Area.

History

In October 2009 as part of DA 1212/2009, Council approved Stage 2 of the Panorama Estate at Glenfield, in which Mirvac was the applicant and landowner. This approval allowed for a subdivision that encroached on areas of open space.

Report

Council officers have reviewed the approved DA and have noted two areas where the approved subdivision has marginally encroached onto an area currently zoned for open space. It should be noted that while not desirable, these types of anomalies sometimes occur as development proceeds in 'greenfields' urban release areas. As masterplans are transferred into more detailed subdivision plans, road realignment, property boundary shifts and/or changes in building design are required to ensure the best possible on ground outcomes.

In circumstances such as this, it is important to consider in the first instance, for what purpose the land was originally zoned, secondly how the desire to achieve this purpose can be maintained thirdly, are there any environmental implications to be considered and fourthly are there any negative implications for surrounding development. In this case the areas that need to be addressed can be considered as two separate areas (Area 1 and Area 2 - see Attachment No. 1).

Area 1 - Atlantic Boulevard

Area 1 includes land proposed to be used as one of several parks planned within the release area. The development approval allows for the re-alignment of two roads (Atlantic Boulevard

& Boddington Road), which has resulted in a reduction of approximately 1,100sqm of the originally proposed park. While this loss is considered to be minor given the size of the park area (5,500m²), it is also important to note that as part of the Stage 2 approval process, the developer (Mirvac) has proposed to construct a new recreation facility, similar to the facility built as part of the Stage 1 approval, for use by occupants of the Mirvac subdivision. This provides for an additional 2,001sqm of community open space.

It should also be noted that, should Council approve the rezoning of this land, the overall open space acquisition cost for the Glenfield Urban Release Area would be reduced by approximately \$189,750. While reducing the size of the proposed park, the rezoning of land along the periphery of the park would have no impact on its proposed use. There would be no environmental impacts as a consequence of the proposed zoning amendment.

Given the minor loss of open space and when consideration is given to the proposed recreation facility to be provided by Mirvac for future residents of its development, it is believed that there are no issues that would preclude the minor rezoning of land within Area 1.

Area 2 - Boddington Road

Area 2 is a 10m wide strip of land located along the southern boundary of the urban release area which is adjacent to Hurlstone Agricultural High School. The realignment of Boddington Road created a need to extend the adjoining lots to the south which subsequently encroached on the area zoned for open space. This would result in a loss of approximately 1,475sqm of open space.

In this instance the area had been originally zoned to protect a corridor of trees along the southern boundary. Rezoning of this land, if not appropriately managed and controlled, may have the potential to impact on the purpose for which this land was zoned as well as the environmental values of the land.

A meeting was convened between Council officers and the Department of Environment Climate Change and Water (DECCW) in an effort to seek possible resolutions to this issue. The DECCW have offered, as a solution, placing a S88B restriction on the affected properties. This would place restriction on uses within the designated area as well as place a range of management requirements upon the owner. The DECCW have offered to support the rezoning, subject to the creation of a Section 88B instrument which provides protection to the vegetation on the future residents' property.

The use of a S88B restriction is advantageous to Council in a number of ways. There is no longer a need to acquire the land saving Council approximately \$254,437. Secondly, the on-going maintenance would become the owner's responsibility. In the long term this will save Council considerable funds and allow the owners to manage the property in accordance with the DECCW requirements.

In addition, Council officers have met with representatives from the Department of Planning to gain advice on the most appropriate method for expediting the proposed zoning amendment, should Council agree to the proposal. The Department acknowledged the minor nature of the proposed amendments and recommended that a draft LEP be prepared via the "Gateway process" prior to the land being sold, hence avoiding the situation of dealing with multiple landowners and providing certainty for the prospective purchasers of the land.

In recognition that the proposed zoning amendments are minor and that there will only be one owner affected (i.e. Mirvac - The Developer), it was suggested that Council should seek

an exemption to public exhibition, and given the consultation that has occurred with the DECC, Council also seek an exemption to the requirement for State Agency consultation.

Conclusion

The need to amend Council's zoning plans is an inevitable outcome of the development process in urban release areas. In instances such as this, it is important to understand the reasons behind the original zoning and ensure that the purpose/role/function of the land is not impacted on by any proposed rezoning.

In both Area 1 and Area 2, the proposed rezoning would maintain the purpose/role/function of the space albeit through different mechanisms. Initial discussions with Government agencies (including the Department of Planning) have indicated support for the rezoning proposal should Council ensure the ongoing protection of Area 2 (through an appropriate Section 88B instrument) in particular. The owner of the land (Mirvac) has applied for this rezoning request and strongly supports the proposed LEP amendment to rezone the land, as prescribed in this report.

In addition, the proposed rezoning will have no negative impact on any adjoining land.

The rezoning of these areas from 6(a) Local Open Space to 2(b) Residential will also minimise Council's ongoing maintenance requirements and remove the need for Council to acquire 2,575sqm of land which equates to a saving of \$444,187. It is therefore recommended that Council support the rezoning of Area 1 and Area 2 in the Glenfield Urban Release Area from 6(a) Local Open Space to 2(b) Residential.

Officer's Recommendation

1. That Council prepare a draft amending Local Environmental Plan to rezone part of land known as Lot 921, DP1137252 and Lot 10, DP17859, within the Glenfield URA from 6(a) Open Space to 2(b) Residential.
2. That Council prepare a planning proposal and submit the proposal to the Department of Planning via the Gateway Process, recommending that no public and/or State Agency consultation be required due to the minor nature of the amendment, only one owner (applicant/developer) affected, and consultation previously undertaken with the relevant State Agency (DECCW).

Committee's Recommendation: (Bourke/Kolkman)

That the Officer's Recommendation be adopted.

CARRIED

Voting for the Committee's Recommendation were Councillors: Bourke, Greiss, Kolkman, Matheson, Oates and Rowell.

Voting against the Committee's Recommendation: nil.

Council Meeting 04/05/10 (Bourke/Kolkman)

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3. That welcome packs for new residents in the Glenfield Urban Release Area include a letter which specifically alerts residents to the following:
 - a. That removal of dead wood and dumping of rubbish are illegal and especially damaging in the Cumberland Plain Woodland Reserve.
 - b. That garden plantings should exclude species that become weeds in natural areas.
4. That notices be installed around the perimeter of the Cumberland Plain Woodland Reserve informing residents:
 - a. That removal of dead wood is illegal.
 - b. That dead wood and old trees provide habitat for wildlife and nutrition to the soil.

The Motion on being Put was **CARRIED**.

Voting for the Council Resolution were Councillors: Borg, Bourke, Chanthivong, Glynn, Greiss, Hawker, Kolkman, Lake, Matheson, Oates, Rowell, Rule, Thomas and Thompson.

Voting against the Council Resolution: nil.