



## APPLICATION FOR A PLANNING PROPOSAL

---

Amendment to Camden Local Environmental Plan 2010 to apply an Additional Permitted Uses Clause to land at No.55 Topham Road, Smeaton Grange

55 Topham Road, SMEATON GRANGE  
Lot 3513 in DP 830128

Prepared for: Camden Council

REF: M210598

Date: 27 October 2022





## APPLICATION FOR A PLANNING PROPOSAL

**Details:**

Prepared for: Camden Council

REF: M210598

Date: 27 October 2022





# Contents

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>2.</b>	<b>LOCALITY AND SITE ANALYSIS .....</b>	<b>2</b>
2.1	Regional Context .....	2
2.2	The Site .....	4
2.3	Surrounding Development .....	5
<b>3.</b>	<b>OPTIONS FOR FUTURE USES FOR THE SITE .....</b>	<b>7</b>
<b>4.</b>	<b>EXISTING PLANNING PROVISIONS AND REVIEW OF EMPLOYMENT LANDS ZONES.....</b>	<b>8</b>
4.1	Camden LocalEnvironmental Plan 2010 (CLEP 2010) .....	8
4.1.1	Existing Zoning .....	8
4.2	Review of Employment Zones .....	10
<b>5.</b>	<b>PLANNING PROPOSAL .....</b>	<b>14</b>
5.1	Part 1 – Objectives or Intended Outcomes .....	14
5.1.1	Objective:.....	14
5.1.2	Intended Outcomes: .....	14
5.2	Part 2 – Explanation of Provisions .....	14
5.3	Part 3 – Justification of strategic and site-specific merit.....	14
5.3.1	Section A - Need for the Planning Proposal .....	14
5.3.2	Section B – Relationship to the Strategic Planning Framework .....	16
5.3.3	Section D – State and Commonwealth Interests .....	31
5.4	Part 4 – Mapping.....	32
5.5	Part 5 – Community Consultation .....	32
5.6	Part 6 – Project Timeline.....	32
<b>6.</b>	<b>CONCLUSION.....</b>	<b>34</b>

## FIGURES

Figure 1: Extract from the Structure Plan for the Western City District.....	3
Figure 2: Aerial photo of site (outlined red) (Source: Nearmap photo date 25 October 2021) .....	4
Figure 3: Aerial view of No.55 Topham Road, Smeaton Grange (Source: Nearmap) .....	5
Figure 4: Extract from APU Map APU_017 to CLEP 2010. ....	10
Figure 5: Extract from Camden LSPS Structure Plan. ....	22





Figure 6: Extract from CIELS showing the diversity of existing land uses in Smeaton Grange industrial / employment precinct .....	24
Figure 7: Extract from CIELS showing projected employment in various industrial / employment precincts in Camden .....	25

## **TABLES**

Table 1 Summary of Current Planning Controls under CLEP 2010 .....	8
Table 2: Comparison of existing and draft zone objectives .....	11
Table 3: Comparison of existing and draft land use tables.....	11
Table 4 Strategic Merit Test .....	19
Table 5 Site-Specific Merit Test .....	20
Table 6: Consistency with State Environmental Planning Policies .....	26
Table 7: Consistency with Ministerial Directions .....	27
Table 9: Anticipated project timeline .....	33

## **Annexures:**

Annexure A: Agenda Item from Council's Ordinary meeting of 13 July 2021 and Minutes

Annexure B: LEP Amending Map APU\_017

©This document and the research reported in it remains the property of Planning Ingenuity Pty Ltd and are protected by copyright. Apart from fair dealings for the purposes of private study, research or review, as permitted under the Copyright Act 1968, no part of the document may be reproduced, by any process, without the written permission of the author. All inquiries in this regard are to be directed to the Managing Director, Planning Ingenuity Pty Ltd.





# 1. Introduction

---

This application has been prepared on behalf of Camden Council. The purpose of the application is to initiate a Planning Proposal process to amend *Camden Local Environmental Plan 2010* (CLEP 2010) to allow for additional permitted uses at No.55 Topham Road, Smeaton Grange (Lot 3513 in DP 830128). The proposal does not involve a change of zoning nor changes to development standards for height of buildings or floor space ratio. The change is limited to the inclusion of additional permitted uses (APUs) in Schedule 1 of CLEP 2010.

The planning proposal will seek approval to permit, only with development consent, '*animal boarding or training establishments*' on the site. The site is within Zone IN1 General Industrial which currently allows a wide range of land uses although '*animal boarding or training establishments*' are currently prohibited.

This application for a planning proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW Department of Planning, Industry and Environment (DPIE) publication "*Local Environmental Plan Making Guideline*" (September 2022) (LEP Making Guideline) and Camden Council's Planning Proposals Policy P2.0268.1. It explains the intended effect of the proposed amendment to CLEP 2010 and sets out the justification for amending that Plan.

The proposed LEP amendment is consistent with the DPIE Planning Practice Note PN11-003 '*Preparing LEPs using the Standard Instrument: Definitions*' (PN11-003) and Planning Practice Note PN11-002 '*Preparing LEPs using the Standard Instrument: Standard Zones*' (PN11-002). The proposed amendment is also consistent with the pending changes to Business and Industrial zones recently exhibited in collaboration with DPIE and Council in accordance with the reform of Employment zones across NSW.

The application demonstrates that the proposed LEP amendment has strategic and site specific merit. The inclusion of '*animal boarding or training establishments*' as a use permitted with consent is aligned with Council's operational and community service commitments and supported by stakeholder workshops. The proposed amendment was supported by Camden Local Planning Panel at its meeting of 18 October 2022.

The amendment will provide employment during design and construction phases as well as operational phases. The change will allow for a multi-use, multi-purpose facility on the site which serves the needs of the community, provides animal welfare and provides work and training opportunities for people working in animal care services including vets, vet nurses, animal trainers and carers. The co-location of community facilities on the site will allow community education and training opportunities related to animal welfare. The change will enhance the diversity of community services potentially provided by Council at the site. The change is consistent with Council's Resolution ORD87/21.

This LEP amendment is sought as a site-specific change due to its strategic importance as a key project in Council's adopted Operational Plan.

This report is divided into sections including a locality and site analysis, the background and community workshop outcomes, the existing planning provisions, the draft planning proposal (including justification for the proposal and project timeline) and a conclusion.

## 2. Locality and Site Analysis

### 2.1 REGIONAL CONTEXT

Smeaton Grange is a newly established and expanding industrial precinct within the Camden Local Government Area (LGA). It has access to the Hume Motorway, Camden Valley Way, Narellan Road and the Northern Road which are all major connecting routes to the wider region. The cluster of industrial uses is well separated from residential land by wide road corridors to the perimeter.

The site is approximately 6km north east of Camden town centre.

Regional strategic and planning issues relevant to the Camden LGA and Smeaton Grange industrial precinct are identified in 'A Metropolis of Three Cities – The Greater Sydney Regional Plan' and the *Western City District Plan* as follows:

- Camden LGA is expected to support the greatest increase in population (at 178% to 2036) with a high proportion of the new population being children of school age and young adults
- Investment will target major upgrades to Camden Valley Way, Bringelly Road and The Northern Road
- Action 51 to the *Western City District Plan* specifically states as follows:

*"51. Retain and manage industrial and urban service land, in line with the principles for managing industrial and urban services land, in the identified local government areas by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial land."*

- Action 53 to the *Western City District Plan* specifically states as follows:

*"53. Plan and manage industrial and urban service land in line, with the principles for managing industrial and urban services land, in the identified local government areas (refer to Figure 19) by creating additional industrial and urban services land where required in land release areas to service the growing population. In updating planning for release areas, relevant agencies are to conduct a strategic review of industrial land."*

This includes diversifying uses within industrial precincts in order to provide a range of employment opportunities and access to diverse services in locations dispersed throughout the Western City District.

- Education and training opportunities are to include options to collaborate with education institutions, industry and local government. An animal boarding or training establishment can include opportunities for partnerships with universities and TAFE for training people in animal care –related employment
- Increasing demand for local urban services and an innovative and adaptable industrial sector will require well-connected, serviced and economically viable land for a variety of uses.

Smeaton Grange is the industrial area between Harrington Park and Currans Hill coloured grey in the Structure Plan for the Western City District included in Figure 1.

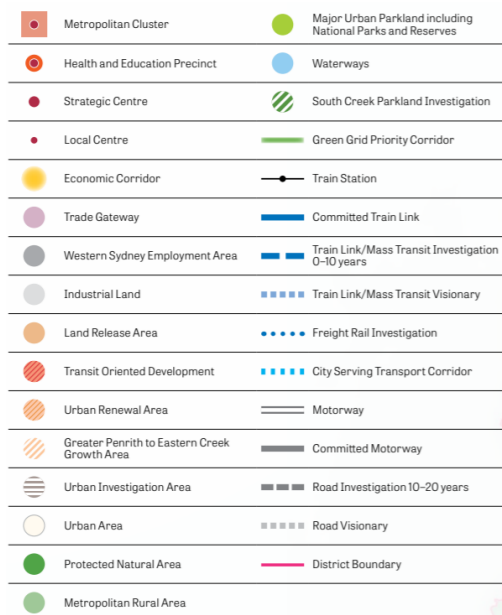
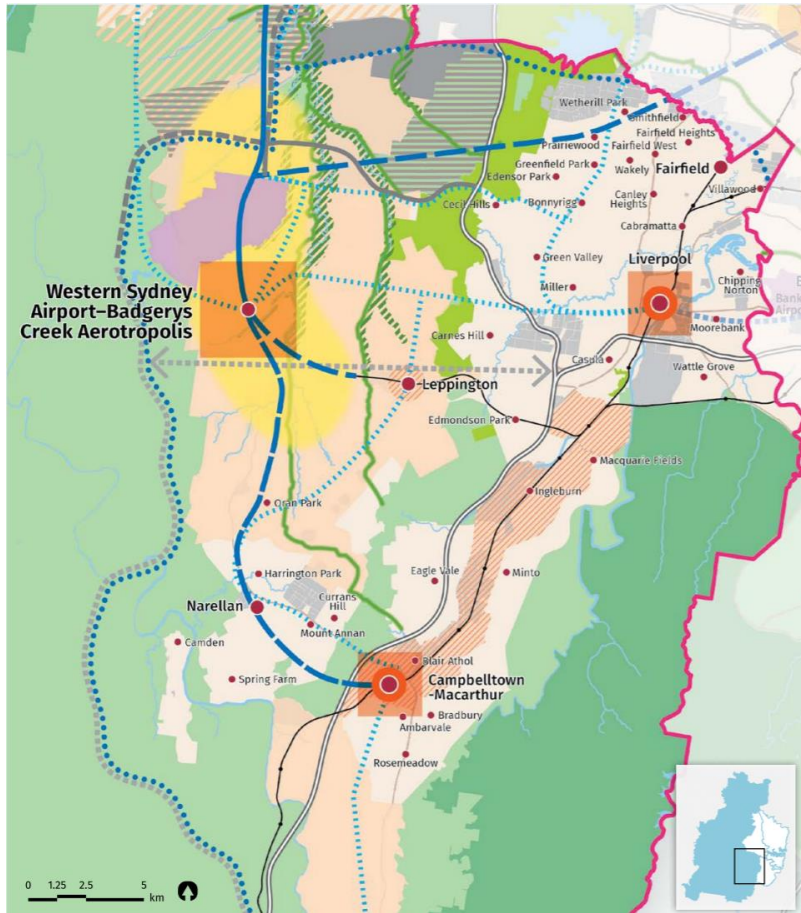


Figure 1: Extract from the Structure Plan for the Western City District



## 2.2 THE SITE

The address of the subject site is No.55 Topham Road, Smeaton Grange. It is located on the northern side of Topham Road between the intersections of Orielton Road and Anzac Avenue. The site is legally identified as Lot 3513 in DP 830128. The site area is approximately 8,620m<sup>2</sup>. The site is shown in the aerial photo in Figure 2 below.



Figure 2: Aerial photo of site (outlined red) (Source: Nearmap photo date 25 October 2021)

Camden Council established a depot on the site in 2020 and the site currently contains a large asphalt parking area for Council Operational vehicles and staff parking. This site also contains buildings for amenities and offices for Operational staff and administration support and several relocatable site office buildings. There are also storage sheds at the eastern portion of the site (see Figure 3). Open areas of the site are also used for storage of some materials and equipment. There is a deep soil planting zone across the rear of the site adjacent to the open drainage channel to



the north. The site is securely fenced and currently not open to general public access. There are council staff present on the site during typical business hours Monday to Friday.



Figure 3: Aerial view of No.55 Topham Road, Smeaton Grange (Source: Nearmap)

Bus route 897 connects Campbelltown Railway Station to Smeaton Grange. The closest bus stop to the site is located in Anderson Road approximately 300m north of the site. The route has bus services every day of the week including public holidays.

The site is connected to all essential services and utilities.

## 2.3 SURROUNDING DEVELOPMENT

Adjoining the site to the north is an open drainage channel which is part of Narellan Creek. The channel was altered and redirected from its natural state when the Smeaton Grange industrial lands were originally subdivided.

Adjoining the site to the west is a warehouse, manufacturing and wholesale distribution centre for bulk fencing products.

To the east of the site is a group of multi-purpose industrial units.



Opposite the site in Topham Road are a pallet restoration and recycling facility and multi-purpose industrial units.

The neighbourhood contains a diverse range of industrial uses. Streets are wide to accommodate heavy vehicles and most streets include canopy tree planting.





### 3. Options for Future Uses for the Site

---

The purpose of this planning proposal is to amend CLEP 2010 to permit an additional use on the site for the purposes of an animal boarding or training establishment.

The land is classified as Operational Land under the *Local Government Act, 1993* (LG Act). Operational Land includes land held as a Council asset or investment and land which facilitates the Council to carry out its functions such as a works depot, animal impoundment, nursery and waste management.

In June 2021 Council considered a report on a draft Master Plan for land at The Crest in Gledswood Hills. The draft Master Plan included an animal boarding or training establishment to be operated by or on behalf of Council. In response to community feedback, Council removed the animal boarding or training establishment from the draft Master Plan and resolved to identify an alternative site for animal boarding and training.

At the Ordinary Council Meeting of 13 July 2021, Council considered a report seeking endorsement to proceed with an alternative preferred site for Camden Council's future animal care facility at 55 Topham Road, Smeaton Grange. A copy of this report and Council's resolution in support are included in Annexure A.

Council resolved unanimously *"that Council endorse the site at 55 Topham Road, Smeaton Grange for the purpose of Camden's future animal care facility. ORD87/21"*.

The report also noted the site allows for ancillary and complimentary uses such as community facilities, educational and commercial opportunities. This is consistent with the Operational classification of the land as well as the variety of other uses permitted with development consent on the site including:

- Community facilities
- Creative industries
- Good repairs and re-use premises
- Plant nursery
- Industrial training facilities
- Recreation facilities (indoor)

The Western City District Plan also mentions offices could be encouraged to be located in employment and industrial zoned land in order to increase the density and diversity of employment. This is a matter being addressed on a broader scale with the review of employment zones currently underway with Council and the DPIE (see Section 4.2 below).





## 4. Existing Planning Provisions and Review of Employment Lands Zones

### 4.1 CAMDEN LOCALENVIROMENTAL PLAN 2010 (CLEP 2010)

The provisions of CLEP 2010 that currently apply to the site are as follows:

**Table 1 Summary of Current Planning Controls under CLEP 2010**

Control	Existing Requirement
Zone	Zone IN1 – General Industrial
Height of Buildings	11m
Floor Space Ratio	1:1
Minimum Lot Size	2000m <sup>2</sup>
Additional Permitted Use	Clause 27 to Schedule 1

#### 4.1.1 Existing Zoning

The objectives for all development in Zone IN1 are:

- “ To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.”

In accordance with the DPIE Planning Practice Note PN11-003 ‘Preparing LEPs using the Standard Instrument: Definitions’ (PN11-003), the land use definition ‘animal boarding or training establishment’ is not classified under the ‘group’ land use term of ‘industry’. It is a ‘stand alone’ definition.

As explained further in Section 5.3, DPIE Planning Practice Note PN11-002 ‘Preparing LEPs using the Standard Instrument: Standard Zones’ (PN11-002), land uses permitted with and without consent must maintain the integrity of each zone. With reference to the abovelisted objectives for Zone IN1, an animal boarding or training establishment can be consistent with the zone objectives because it has the potential to:

- Add to the range of land uses and provide additional employment opportunities
- Not introduce activities and effects that would be adverse to industrial and other land uses permitted in the IN1 Zone
- Not reduce the capacity for, nor detract from the potential for, continued use of surrounding land for industrial purposes.



Specific future uses would be subject to merit assessment with any future development application and would need to be consistent and not antipathetic to the abovelisted objectives.

The land use table for Zone IN1 is as follows:

**“2 Permitted without consent**

*Nil*

**3 Permitted with consent**

*Agricultural produce industries; Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Helipads; Heliports; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Rural supplies; Sawmill or log processing works; Take away food and drink premises; Tank-based aquaculture; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4*

**4 Prohibited**

*Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Function centres; Hazardous storage establishments; Health services facilities; Industries; Information and education facilities; Offensive storage establishments; Pond-based aquaculture; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Sex services premises; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities; Wholesale supplies”*

In accordance with PN11-002, the land use table above is an ‘open zone’ “where a broad variety of land use can be considered”. That is, Item 3 ‘Permitted with Consent’ allows “Any other development not specified in item 2 or 4”. This allows greater flexibility in land uses and enables the inclusion of land use categories not readily anticipated during the original preparation of the LEP. This is explained in more detail in Section 5.3.1.

Clause 27 to Schedule 1 of CLEP 2010 allows additional permitted uses with development consent on all land in Smeaton Grange within Zone IN1. Clause 27 to Schedule 1 states as follows:

**“27 Use of certain land at Narellan and Smeaton Grange**

- (1) *This clause applies to certain land at Narellan and Smeaton Grange, identified as Clause 27 on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of sex services premises is permitted with development consent if the premises will not be located on land that adjoins, is directly opposite or is separated only by a local road from land—*
  - (a) *in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or*
  - (b) *used for the purposes of a centre-based child care facility, a community facility, a school or a place of public worship.*
- (3) *In deciding whether to grant consent to development for the purposes of sex services premises, the consent authority must consider the impact the proposed development would have on any place likely to be regularly frequented by children.”*

The land to which Clause 27 applies is shown in Figure 4.





## Camden Local Environmental Plan 2010

### Additional Permitted Uses Map Sheet APU\_017

#### Legend

-  Refer to Schedule 1
-  SEPP Sydney Region Growth Centres
- Cadastre**  
 Cadastre 30/04/2018 © Camden Council

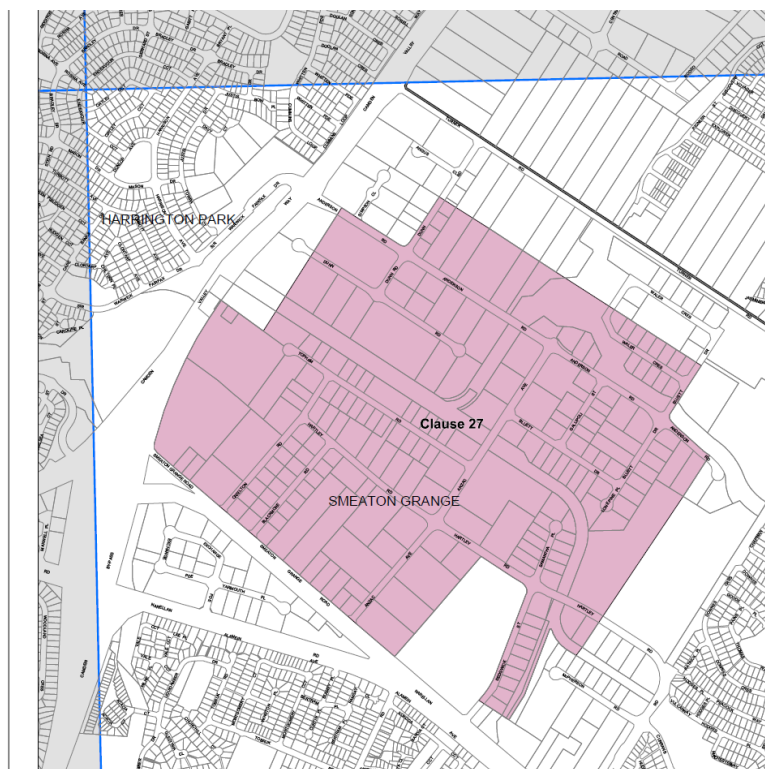


Figure 4: Extract from APU Map APU\_017 to CLEP 2010.

It is intended that this clause remain applicable to the site and that the additional land use of animal boarding or training establishment be added as a separate clause only for the subject site. There are currently no approved sex services premises on land adjoining, opposite or separated only by a local road from the subject site. The subject site can be used as a community facility subject to future development consent. Subclause 27(3) will be considered with any future application for sex services premises on any land surrounding the site at the time of lodgement of any such application. Therefore, if an animal boarding or training establishment or community facility is granted consent on the subject site and those uses potentially introduce activities that would encourage regular visitation by children, then these approved uses would need to be taken into consideration with any subsequent development application for sex services premises on nearby land. The introduction of the proposed new Additional Permitted Use (APU) for an animal boarding or training establishment is compatible with the provisions of Clause 27 to Schedule 1.

## 4.2 REVIEW OF EMPLOYMENT ZONES

DPIE are currently working with all Councils on reviewing Employment Zones and land use tables. See <https://www.planning.nsw.gov.au/employment-zones-reform> for details. The LEP amendments for Business and Industrial land uses will be introduced via the *Standard Instrument (Local Environmental Plans) Order 2006* (SI LEP Order). DPIE notes the intentions of these reforms are as follows:

- *maximise productivity while minimising land use conflicts and ensuring they are fit for purpose*
- *address current barriers within the planning system that limit the ability of businesses to establish, expand or adapt*





- *better support councils in the delivery of the strategic vision contained in their Local Strategic Planning Statements and background studies.*

Draft amendments to the zoning and land use provisions from Industrial and Business zones were publicly exhibited from 31 May to 12 July 2022. The proposed amendments specific to the site are as follows:

- Change land use zoning from Zone IN1 General Industrial to Zone E4 General Industrial
- Change to zone objectives as shown in Table 2 which do not introduce any objectives contrary to the proposed Additional Permitted Use
- Change to land use table as shown in Table 3 which introduces several new land uses as permitted with consent but *Animal boarding or training establishments* remain a prohibited use and therefore this PP application is required for a site-specific amendment

**Table 2:** Comparison of existing and draft zone objectives

Current Objectives for Zone IN1 General Industrial	Proposed Objectives for Zone E4 General Industrial
<ul style="list-style-type: none"> <li>• <i>To provide a wide range of industrial and warehouse land uses.</i></li> <li>• <i>To encourage employment opportunities.</i></li> <li>• <i>To minimise any adverse effect of industry on other land uses.</i></li> <li>• <i>To support and protect industrial land for industrial uses.</i></li> <li>• <i>To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.</i></li> <li>• <i>To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>To provide a range of industrial, warehouse, logistics and related land uses.</i></li> <li>• <i>To ensure the efficient and viable use of land for industrial uses.</i></li> <li>• <i>To minimise any adverse effect of industry on other land uses.</i></li> <li>• <i>To encourage employment opportunities.</i></li> <li>• <i>To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.</i></li> <li>• <i>To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.</i></li> <li>• <i>To minimise the impacts of development on surrounding residential or other sensitive land uses.</i></li> </ul>

**Table 3:** Comparison of existing and draft land use tables

Current Land use table for Zone IN1 General Industrial	Proposed Land use table for Zone E4 General Industrial
<p><b>Permitted without consent</b></p> <p><i>Nil</i></p>	<p><b>Permitted without consent</b></p> <p><i>Nil</i></p>
<p><b>Permitted with consent</b></p> <p><i>Agricultural produce industries</i></p> <p><i>Depots</i></p> <p><i>Freight transport facilities</i></p> <p><i>Garden centres</i></p> <p><i>General industries</i></p>	<p><b>Permitted with consent</b></p> <p><i>Agricultural produce industries</i></p> <p><i>Building identification signs</i></p> <p><i>Business identification signs</i></p> <p><i>Depots</i></p> <p><i>Freight transport facilities</i></p>



<i>Hardware and building supplies</i> <i>Helipads</i> <i>Heliports</i> <i>Industrial training facilities</i> <i>Kiosks</i> <i>Landscaping material supplies</i> <i>Light industries</i> <i>Neighbourhood shops</i> <i>Oyster aquaculture</i> <i>Places of public worship</i> <i>Roads</i> <i>Rural supplies</i> <i>Sawmill or log processing works</i> <i>Take away food and drink premises</i> <i>Tank-based aquaculture</i> <i>Vehicle sales or hire premises</i> <i>Warehouse or distribution centres</i> <i>Any other development not specified in item 2 or 4</i>	<i>Garden centres</i> <i>General industries</i> <i>Goods repair and reuse premises</i> <i>Hardware and building supplies</i> <i>Heliport</i> <i>Industrial retail outlets</i> <i>Industrial training facilities</i> <i>Kiosks</i> <i>Landscaping material supplies</i> <i>Light industries</i> <i>Local distribution premises</i> <i>Neighbourhood shops</i> <i>Oyster aquaculture</i> <i>Roads</i> <i>Rural supplies</i> <i>Sawmill or log processing works</i> <i>Take away food and drink premises</i> <i>Tank-based aquaculture</i> <i>Vehicle sales or hire premises</i> <i>Warehouse or distribution centres</i> <i>Any other development not specified in item 2 or 4</i>
<b>Prohibited</b>  <i>Agriculture</i> <i>Air transport facilities</i> <i>Amusement centres</i> <i>Animal boarding or training establishments</i> <i>Boat sheds</i> <i>Camping grounds</i> <i>Caravan parks</i> <i>Cemeteries</i> <i>Charter and tourism boating facilities</i> <i>Commercial premises</i> <i>Correctional centres</i> <i>Eco-tourist facilities</i> <i>Educational establishments</i> <i>Entertainment facilities</i> <i>Exhibition homes</i> <i>Exhibition villages</i> <i>Extractive industries</i> <i>Forestry</i> <i>Function centres</i>	<b>Prohibited</b>  <i>Agriculture</i> <i>Air transport facilities</i> <i>Amusement centres</i> <i>Animal boarding or training establishments</i> <i>Boat sheds</i> <i>Camping grounds</i> <i>Caravan parks</i> <i>Cemeteries</i> <i>Charter and tourism boating facilities</i> <i>Commercial premises</i> <i>Correctional centres</i> <i>Eco-tourist facilities</i> <i>Educational establishments</i> <i>Entertainment facilities</i> <i>Exhibition homes</i> <i>Exhibition villages</i> <i>Extractive industries</i> <i>Forestry</i> <i>Function centres</i>





<i>Hazardous storage establishments</i>	<i>Hazardous storage establishments</i>
<i>Health services facilities</i>	<i>Health services facilities</i>
<i>Industries</i>	<i>Industries</i>
<i>Information and education facilities</i>	<i>Information and education facilities</i>
<i>Offensive storage establishments</i>	<i>Offensive storage establishments</i>
<i>Pond-based aquaculture</i>	<i>Public administration buildings</i>
<i>Public administration buildings</i>	<i>Recreation facilities (major)</i>
<i>Recreation facilities (major)</i>	<i>Recreation facilities (outdoor)</i>
<i>Recreation facilities (outdoor)</i>	<i>Registered clubs</i>
<i>Registered clubs</i>	<i>Research stations</i>
<i>Research stations</i>	<i>Residential accommodation</i>
<i>Residential accommodation</i>	<i>Restricted premises</i>
<i>Restricted premises</i>	<i>Rural industries</i>
<i>Rural industries</i>	<i>Sex services premises</i>
<i>Sex services premises</i>	<i>Tourist and visitor accommodation</i>
<i>Tourist and visitor accommodation</i>	<i>Veterinary hospitals</i>
<i>Veterinary hospitals</i>	<i>Water recreation structures</i>
<i>Water recreation structures</i>	<i>Wharf or boating facilities</i>
<i>Wharf or boating facilities</i>	<i>Wholesale supplies</i>
<i>Wholesale supplies</i>	

The amendment proposed by this Planning Proposal application is anticipated to have no land use conflicts as any future DA for an *animal boarding or training establishment* will need to demonstrate consistency with the zone objectives which includes compatibility with surrounding industrial and warehouse uses. As explained in the report to Council's Ordinary Meeting of 13 July 2021 (Annexure A), Council has supported the potential future use of the site for an animal boarding or training establishment (subject to a DA) with an understanding that the site is potentially suited to that use. As explained in Section 5.3.2, the LEP amendment is aligned with Council's strategic vision and studies and investigations specific to this site as reported to Council on 13 July 2021. At its meeting of 18 October 2022, Camden Local Planning Panel unanimously resolved the proposal has strategic and site specific merit.

This LEP amendment is being pursued separate to the DPIE reforms of employment zones for reasons of timeliness and the demonstrated site-specific benefits and importance to Council's Key projects in the adopted Operational Plan as explained in Section 5.3.





## 5. Planning Proposal

### 5.1 PART 1 – OBJECTIVES OR INTENDED OUTCOMES

#### 5.1.1 Objective:

The purpose of this planning proposal is to amend CLEP 2010 to allow an additional permitted use at No.55 Topham Road, Smeaton Grange for the purpose of an *animal boarding or training establishment* only with development consent.

#### 5.1.2 Intended Outcomes:

- Increase the diversity of uses permitted with consent at the site aligned with Council's Operational Plan and Key Project delivery commitments for a new animal boarding or training establishment for the Camden community
- Facilitate the potential provision of an animal boarding or training establishment at the site consistent with Council Resolution ORD87/21
- Increase the range of employment and training opportunities and diversity of uses particularly for the community at a site with compatible infrastructure and land uses consistent with the Planning Priorities of the Western City District Plan

### 5.2 PART 2 – EXPLANATION OF PROVISIONS

The proposed outcome will be achieved by the inclusion of a site specific enabling clause under Schedule 1 'Additional permitted uses' of CLEP 2010 as follows:

#### **29 Use of certain land at 55 Topham Road, Smeaton Grange**

- (1) *This clause applies to land at 55 Topham Road, Smeaton Grange, being Lot 3513 in DP 830128, identified as Clause 29 on sheet 017 of the Additional Permitted Uses Map.*
- (2) *Development for the purposes of an animal boarding or training establishment is permitted with development consent.*

The 'Additional Permitted Uses Map – Sheet APU\_017' is to identify the site as being affected by proposed APU Clause 29 and is to be amended as shown at Annexure B.

### 5.3 PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

This section details the reasons for the proposed LEP amendment and is based on a series of questions as outlined in the DPIE LEP Making Guideline. The matters to be addressed include the strategic planning context of the amendment, the site-specific merits, potential State and Commonwealth agency interests, environmental, social and economic impacts.

#### 5.3.1 Section A - Need for the Planning Proposal

**Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?**

Yes – the Planning Proposal is the result of a report to the Ordinary Meeting of Council in July 2021 Agenda Item ORD03 and the associated Council resolution ORD87/21. See Annexure A for a copy of the Council Agenda Item and



Minutes. The amendment is required as a separate Planning Proposal to the Employment Lands Reforms amendments as explained in Section 4.2.

The Council Report ORD03 identifies the operational need for the additional permitted use to apply to the site. This operational priority can be summarised as follows:

- Providing animal care, impoundment, re-homing and community education are key operational and community-based services provided by Council in accordance with:
  - The *Local Government Act, 1993* (LG Act) and *Companion Animals Act, 1998* (CA Act), *Companion Animals Regulation 2018* and *Impounding Act, 1993*
  - the Camden Council (Revised) Delivery Program 2017-'18 to 2021-'22
  - the Camden Council 2021-'22 Operational Plan (Budget)
  - 2021-'22 to 2024-'25 Camden Council Capital Works Program which allocates \$150,000 to the project in 2022-'23
  - 2021-'22 Fees and Charges Schedule
  - 2021-'22 to 2030-'31 Long Term Financial Plan which includes future income and expenditure at the new depot site at No.55 Topham Road, Smeaton Grange
  - Council's adopted Companion Animal Policy P.2.0065.1 and Companion Animal Program
- The provision of services includes:
  - Impoundment and animal care (including veterinary treatment) for lost, seized and surrendered animals
  - Microchipping and de-sexing
  - Working with rescue organisations for re-homing
  - Based for Enforcement Rangers for regulating nuisance, menacing, dangerous and stray animals
  - Administration related to the above and to registration of animals
  - Community education and special events.

All of these activities and services are currently provided by Council under a contract agreement with Rossmore Veterinary Hospital. This contract will expire. Council is seeking to establish a new, multi-purpose facility that will fit the following criteria:

- Adequate site area to provide the facility, including on site car parking, loading/unloading;
- Centrally located and easily accessible from across the LGA;
- Located within an industrial area, away from residential areas;
- Allows for a purpose built, modular facility with associated green space;
- Allows for ancillary and complementary uses, including potential partnerships, educational or commercial opportunities;
- In Council's ownership so no requirement for future acquisition or leasing;
- Located outside of the South West Growth Area, providing greater certainty in respect to future zoning and land uses
- Can cater for the expected future population growth in the LGA.

No.55 Topham Road meets the abovementioned criteria as resolved by Council on 13 July 2021



***Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

An amendment to Schedule 1 of CLEP 2010 (and corresponding amendment to the Additional Permitted Uses map) is the best way to allow for an animal boarding or training establishment on the site.

Under the current provisions of CLEP 2010, animal boarding or training establishments are prohibited in the land use table for Zone IN1. The Employment Lands reforms explained in Section 4.2 will apply a land use table in which animal boarding or training establishments are prohibited on the site.

There are no provisions in *State Environmental Planning Policy (Exempt and Complying Codes) 2008* or *State Environmental Planning Policy (Transport and Infrastructure) 2021* that override the provisions of CLEP 2010 with regard to permissibility of an animal boarding or training establishment.

A change to the land use zoning is not appropriate because the predominant character and intended future uses at the site and surrounds is best aligned with Zone IN1.

The potential change to the land use table as part of the DPIE Planning Reforms for Employment Lands is not the most appropriate mechanism to facilitate the change because the change is very site-specific and a key project essential to Council's ongoing responsibilities to maintain this service to the community. Timing of the change is critical to Council's operations and should proceed as a separate LEP amendment.

Council is in the process of consulting with specialists for the design and master planning of future uses at the site including an animal boarding or training establishment. The potential merits of these future works and activities will be assessed with a future DA.

A Planning Proposal to amend CLEP 2010 is the only means by which a DA for an animal boarding or training establishment can be lodged, assessed and determined at No.55 Topham Road, Smeaton Grange.

It is noted that CLEP 2010 includes a number of site specific enabling clauses such as that requested by this planning proposal. Although the uses contained within Schedule 1 relate to different contexts, it demonstrates that the planning system and the Standard Instrument LEP is sufficiently flexible to allow for certain appropriate land uses in a particular location.

Therefore, the proposed amendment to Schedule 1 of the LEP is considered to be the best means of achieving the intended outcomes of the planning proposal.

**5.3.2 Section B – Relationship to the Strategic Planning Framework**

***Q3: Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?***

**5.3.2.1 A Metropolis of Three Cities - the Greater Sydney Region Plan (GSRP)**

The applicable Regional Strategy is 'A Metropolis of Three Cities - the Greater Sydney Region Plan' (GSRP) (March 2018). The Draft GSRP (Oct. 2017) has also been considered in this Section.

Camden LGA is part of the Western Parkland City and the proposed amendment to CLEP 2010 is aligned with the following Directions and Objectives in the GSRP and draft GSRP.







### **Direction 1 – Infrastructure supporting new developments**

*Objective 2 – Infrastructure aligns with forecast growth*

*Objective 3 – Infrastructure adapts to meet future needs*

*Objective 4 – Infrastructure use is optimized*

As identified in Section 2.1, the main roads in close proximity to the site are targeted for upgrading. These roads are Camden Valley Way, Bringelly Road and The Northern Road. These road upgrades will enhance accessibility to the site for the Camden community and optimises the use of these roads and the existing urban serviced land at No.55 Topham Road. This is consistent with the target for a 30 minute city.

### **Direction 2 A collaborative city**

*Objective 5 – Growth benefits are realised by collaboration of government, community and business*

As described in the Agenda Item ORD03 to the Council Ordinary Meeting of 13 July 2021 there is potential for a multi-use facility at the subject site which can accommodate a variety of collaborative opportunities with Council, local business (veterinary and other animal care businesses) and education (both Council's community educational functions and tertiary training opportunities in animal care and veterinary sciences). This LEP amendment is necessary to facilitate this opportunity.

### **Direction 3 – A City for people**

*Objective 6 – Services and infrastructure meet the communities' changing needs*

The Camden community's need for a multi-purpose animal boarding or training establishment has been identified in the Council workshops related to the previous site considerations at The Crest as well as the consideration of the selection of No.55 Topham Road as detailed in the Council Ordinary Meeting Agenda Item ORD03 of 13 July 2021.

### **Direction 6 – A well-connected city**

*Objective 14 – Integrate land use and transport to create a 30 minute city*

As noted above with Direction 1 the main road network close to the site is targeted for upgrading which will improve accessibility of the site to the Camden community.

### **Direction 7 – Jobs and skills for the City**

*Objective 23 – Industrial and urban services land is planned, retained and managed*

The proposed LEP change will retain and manage industrial land and facilitate a broader range of uses and employment in an established industrial area.

For these reasons the proposed LEP amendment is aligned to deliver the Directions and Objectives of both the GSRP and the draft GSRP.

#### **5.3.2.2 Western City District Plan (WCDP)**

The Western City District Plan (WCDP) applies to the Camden LGA.

The strategic context of the Smeaton Grange industrial / employment area is indicated in the Structure Plan to the WCDP as shown in Section 2.1.

As outlined in Section 2.1 the following key strategies and Directions are relevant to the proposed LEP amendment and are aligned as explained below.



- *Population Growth and Demand for Services:*

Camden LGA is expected to support the greatest increase in population (at 178% to 2036) with a high proportion of the new population being children of school age and young adults. The growth in population will correspond to an increase in pet ownership and increased demand for the services related to companion animals. A new animal boarding or training establishment is a key project identified by Council for delivery in the adopted Capital Works Program.

- *Infrastructure Upgrades:*

Major upgrades are committed to Camden Valley Way, Bringelly Road and The Northern Road which are all part of the road network connecting to Smeaton Grange industrial area. Spring Farm Parkway is a new road connection that is expected to improve access to and from the Hume Motorway. These works will assist in the broader community being able to access the services at the site.

- *Action 51 to the Western City District Plan states: “Retain and manage industrial and urban service land, in line with the principles for managing industrial and urban services land, in the identified local government areas by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial land.”*

The proposed amendment to the LEP will maintain the land use zoning as Zone IN1 and will safeguard the future use of the site for all existing permissible uses and will add to the diversity of potential uses. The additional use is considered to have potential to be compatible to the ongoing use of the site and surrounds for industrial, employment and warehousing uses and activities. A strategic review of industrial lands was conducted in the adopted *Camden Industrial and Employment Lands Study* (February 2020). This Study is discussed further in Section 5.3.3.

- *Action 53 to the Western City District Plan states: “53. Plan and manage industrial and urban service land in line, with the principles for managing industrial and urban services land, in the identified local government areas (refer to Figure 19) by creating additional industrial and urban services land where required in land release areas to service the growing population. In updating planning for release areas, relevant agencies are to conduct a strategic review of industrial land.”* This includes diversifying uses within industrial precincts to provide a range of employment opportunities and access to diverse services in locations throughout the Western City District.

- The WCDP identifies the need for education and training opportunities with options to collaborate with education institutions, industry and local government. An animal boarding or training establishment can include opportunities for partnerships with universities and TAFE to train people in animal care-related employment.

- The WCDP identifies an increasing demand for local urban services and an innovative and adaptable industrial sector will require well-connected, serviced and economically viable land for a variety of uses. The LEP amendment will introduce an additional use on a well-serviced site which is consistent with this expectation.

The Planning Priorities in the WCDP relevant to the proposed LEP amendment are listed below along with comments specific to the proposal.



#### *Planning Priority W1 Planning for a city supported by infrastructure*

As mentioned above, planned upgrades to existing main roads and the new Spring Farm Parkway will provide supportive infrastructure to assist and improve access to the site. This is consistent with the intentions to provide multiple uses and activities on the site (subject to assessment and determination of future DAs).

#### *Planning Priority W3 Providing services and social infrastructure to meet people's changing needs*

As discussed in Section 5.3.1 Council has identified the community need for increased capacity and diversity of services related to companion animal management as well as the need to provide a new, multi-functional facility that is owned and managed by Council. This LEP amendment will facilitate the delivery of an animal boarding or training establishment at the site to meet these identified needs.

#### *Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres*

Smeaton Grange is an important industrial centre within Camden LGA. The *Camden Industrial and Employment Lands Study* recommends future strategies for growing investment, opportunities and jobs in Smeaton Grange and these are discussed in the context of the LEP amendment in Section 5.3.2.5.

### **5.3.2.3 Strategic Merit**

The DPIE 'LEP Making Guideline' requires a Planning Proposal to address the assessment criteria for strategic merit.

Camden Local Planning Panel resolved on 18 October 2022 that the proposal has strategic merit.

The assessment criteria to determine if a Planning Proposal has strategic planning merit is addressed in Table 4 below (known as the 'strategic merit test').

**Table 4 Strategic Merit Test**

Assessment Criteria	Comment
Will the proposal "give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment"	Consistency with the Regional Plan 'A Metropolis of Three Cities – the Greater Sydney Regional Plan' has been demonstrated in Section 5.3.2.1. Consistency with the WCDP has been demonstrated in Section 5.3.2.2.
Will the proposal "give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district	Consistency with Camden Local Strategic Planning Statement has been demonstrated in Section 5.3.2.4.



**Table 4 Strategic Merit Test**

*plan or local strategic planning statement"*

Is the proposal  
"responding to a change in  
circumstances, such as  
the investment in new  
infrastructure or changing  
demographic trends that  
have not been recognised  
by existing strategic plans"

The proposal is responding to a change in circumstances where Council's agreement to use the Rossmore veterinary premises will expire and the anticipated population increase in the Camden LGA requires a new, multi-purpose facility of increased capacity for companion animal care services to be owned and operated by Council. The increased demand for companion animal services resulting from increased local population was not foreseeable with the original Camden LEP 2010 which preceded the WCDP.

#### Site-Specific Merit

The planning proposal has site-specific merit given the following:

- the site is located in the Smeaton Grange industrial and employment precinct which has been identified as a premier precinct in the Camden LGA
- Smeaton Grange has an established diversity of employment and industrial uses. Increasing the diversity of those uses is consistent with the character of the locality
- The site has excellent access to the regional road system, which provides access for the community in need of the companion animal services provided by Council;
- the site is suitable for a multi-use facility owned and operated by Council with sufficient space for vehicle parking, buffers to adjoining land and well separated from sensitive land uses such as dwellings
- it will not result in any significant adverse environmental impacts; and
- the additional use will increase employment capacity and community service provision on a site owned and operated by Council.

Camden Local Planning Panel resolved on 18 October 2018 that the proposal has site-specific merit.

The assessment criteria outlined in the DPIE 'LEP Making Guideline' to determine if a planning proposal has site-specific planning merit is addressed in Table 5 below.

**Table 5 Site-Specific Merit Test**

Site-Specific Merit Test	Comment
<i>Does the proposal have site-specific merit, having regard to the following:  the natural environment (including known significant environmental values, resources or hazards)</i>	The site has no natural features, risks or hazards which would constrain future land uses and activities.
<i>the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal</i>	The planning proposal has taken into consideration the surrounding context. It will not adversely impact any surrounding development (existing or proposed). Rather, it will allow for a much needed service for the Camden community.

**Table 5 Site-Specific Merit Test**

	<p>The proposal maintains employment in the zone and provides further employment opportunities.</p> <p>An animal boarding or training establishment has the potential to be compatible with the diversity of other land uses permitted in Zone IN1 subject to merit assessment of a future DA.</p>
<p><i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i></p>	<p>The site is currently used for urban employment, depot and related purposes and is located in a developed industrial precinct with sufficient connection to service infrastructure (water, electricity, sewer, gas) to accommodate the proposed additional use. No additional infrastructure would be required to support an animal boarding or training establishment at the site.</p>

As demonstrated in the above assessment, the planning proposal has both strategic and site-specific merit and is suitable to be progressed to a Gateway determination.

**Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

#### 5.3.2.4 Camden Local Strategic Planning Statement (LSPS)

Camden LSPS was adopted in March 2020. The Structure Plan for the Camden LGA shows the Smeaton Grange precinct as a large area for employment / industrial lands close to the strategic centre of Narellan as shown in Figure 5.

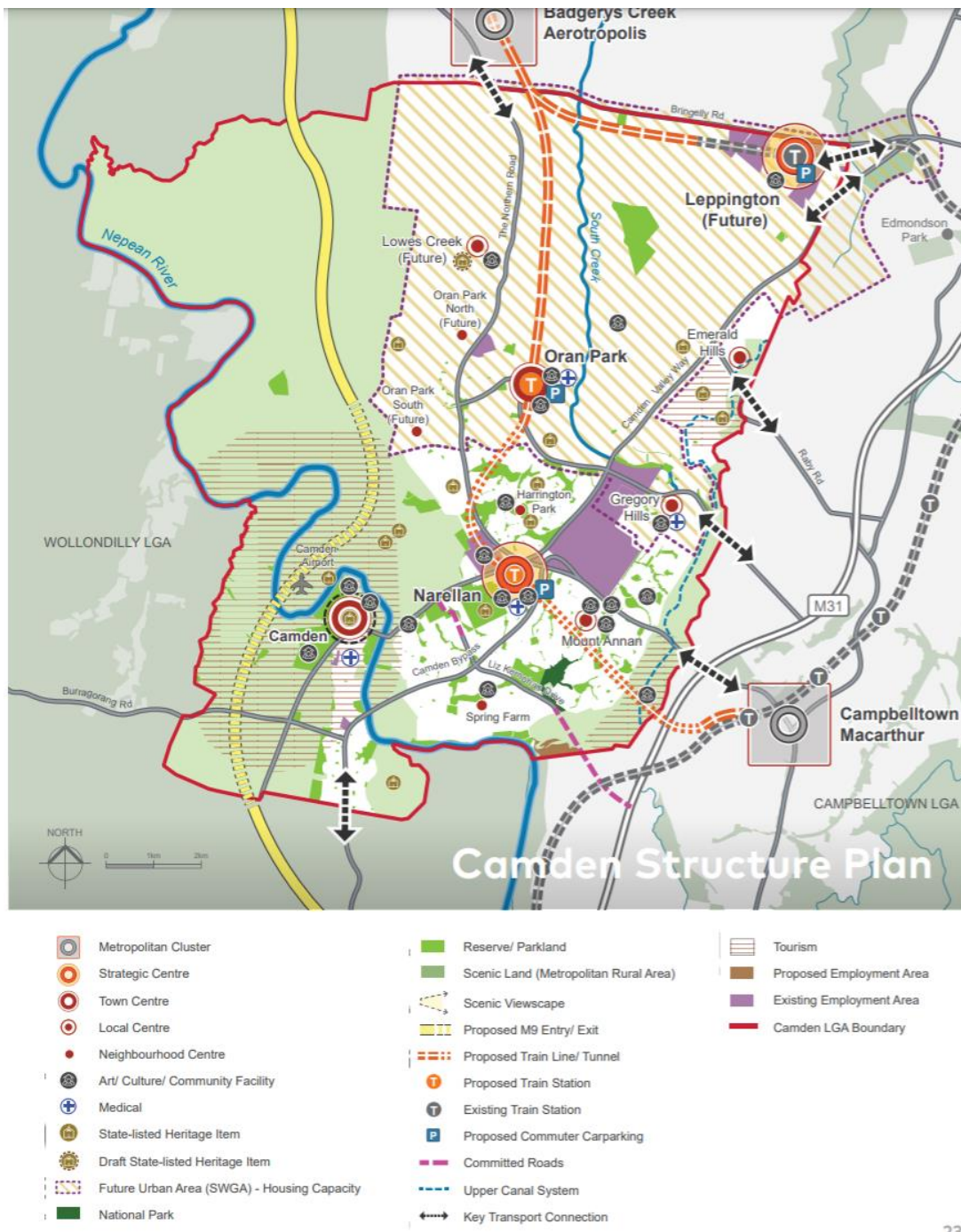


Figure 5: Extract from Camden LSPS Structure Plan.



The following Local Planning Priorities of the LSPS are relevant to the proposed amendment to Camden LEP 2010:

### **Infrastructure**

*Local Priority I1 Aligning infrastructure delivery with growth*

*Local Priority I4 Working in partnership to deliver a more liveable, productive and sustainable Camden*

The site is connected to major roads targeted for upgrades and the new Spring Farm Parkway which will enhance accessibility to the site.

The additional use will facilitate opportunities for partnerships with educational facilities and businesses in terms of direct employment and training in animal care related businesses.

### **Liveability**

*Local Priority L3 Providing services and facilities to foster a healthy and socially connected community*

Council's responsibilities under the Companion Animals Policy include community education. A new animal boarding or training establishment has the potential to include new services and facilities for community education.

### **Productivity**

*Local Priority P1 Increasing the quantity and diversity of local jobs, and improving access to jobs across the Western City District*

*Local Priority P4 Ensuring a suitable supply of industrial and urban services land*

The additional permitted use will potentially enable a wider diversity of employment and training opportunities at the site and will not detract from the supply of industrial and urban services land.

The above demonstrates the proposed additional permitted use at the site is aligned with the relevant Local Priorities of the Camden LSPS.

#### **5.3.2.5 Industrial and Employment Lands Study (Feb 2020)**

The Camden Industrial and Employment Lands Study (CIELS) notes that Smeaton Grange is the largest industrial precinct in Camden LGA. It contains approximately 80% of the LGA's industrial zoned land with a total of 236.2 hectares of land zoned for industrial and business uses. Demand for sales and tenancies has been sustained at a high level in the precinct for recent years.

The WCDP Actions 51 and 53 require industrial zoned land to be retained, planned and managed. The CIELS makes the following specific planning policy recommendations on retaining, planning and managing Smeaton Grange employment lands:

- *"Retain – retain IN1 General Industrial and IN2 Light Industrial land and promote the precinct as Camden's premier industrial precinct*
- *Plan – consider increasing maximum building height controls across the precinct to facilitate taller warehouse development over time*
- *Manage – adopt a flexible approach to considering a range of employment/industrial uses that may have different access and floor space requirements eg. Office-type floorspace, loading and circulation requirements"*

The proposed additional land use the subject of this Planning Proposal will:

- not reduce the areas of land in Zone IN1
- add flexibility and diversity to the range of employment and industrial uses and office uses will be ancillary to the main use as an animal boarding or training establishment

The CIELS identified that there is a wide diversity of existing uses in the Smeaton Grange precinct and the additional proposed use will be consistent with this established diversity. The diversity of land uses is shown in Figure 6.

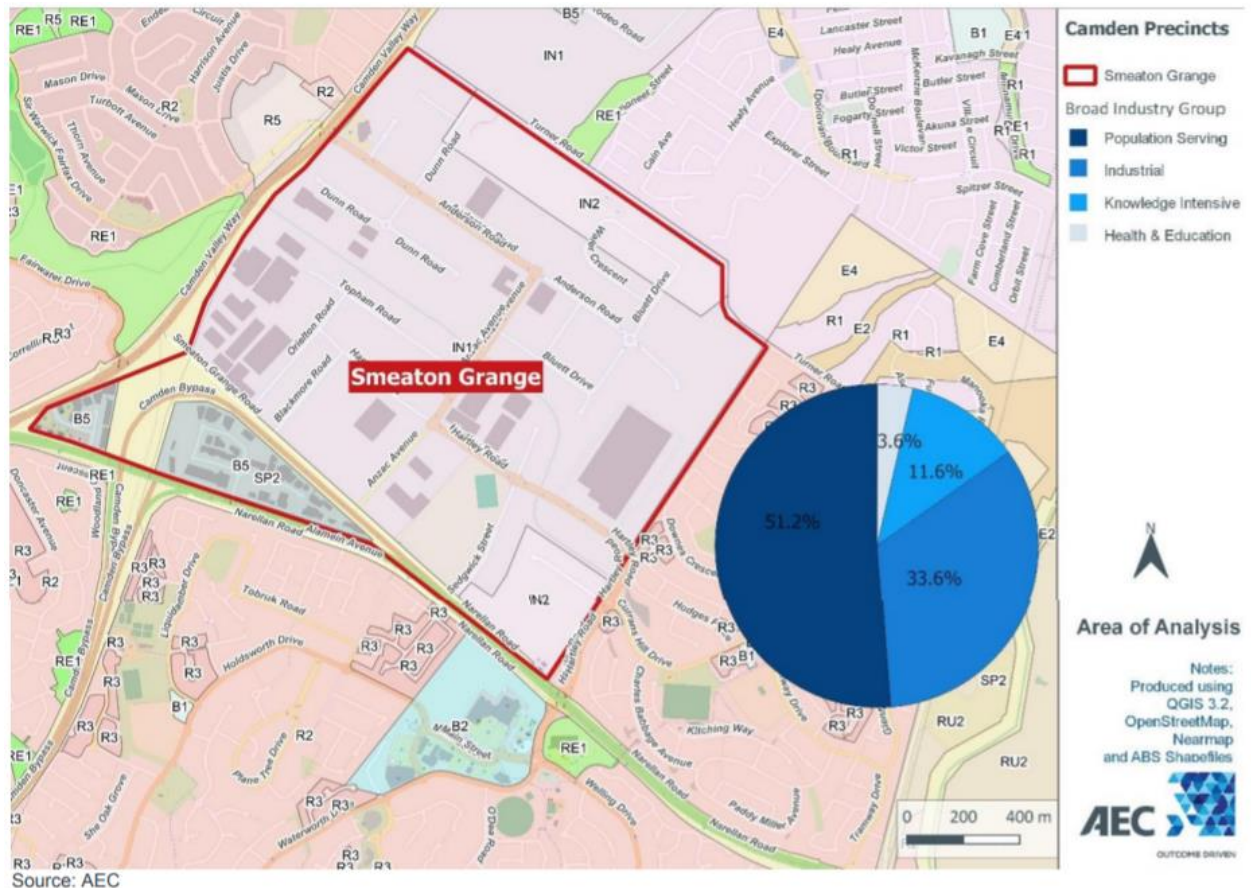
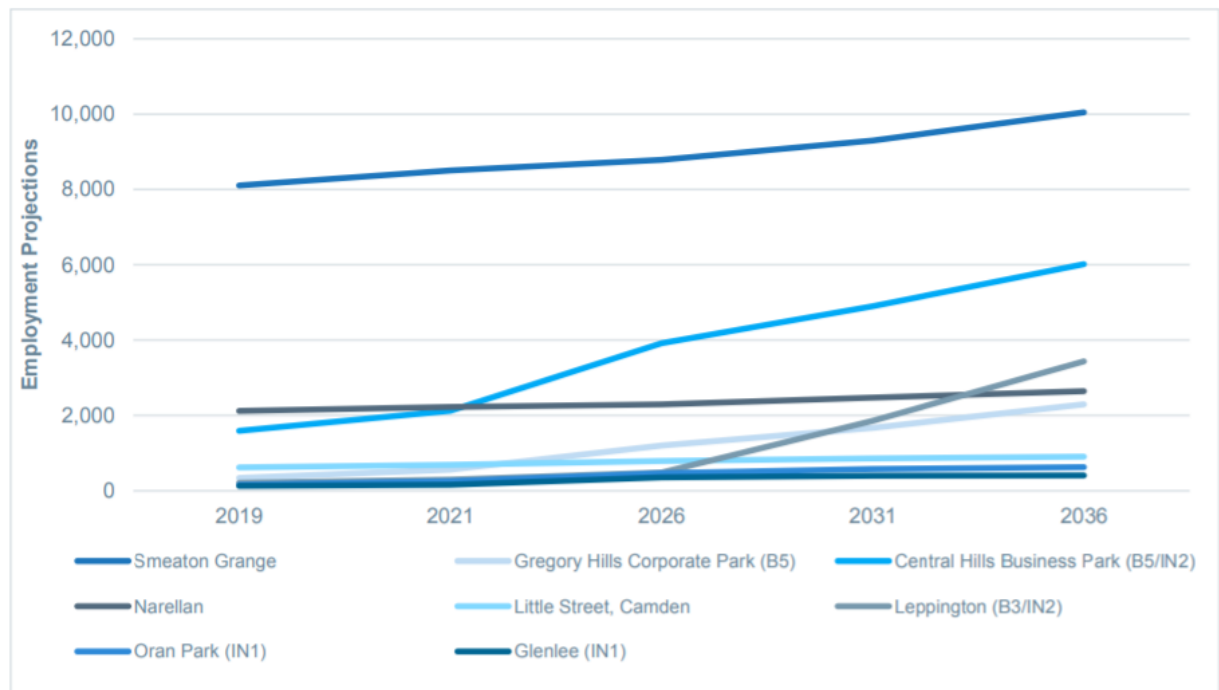


Figure 6: Extract from CIELS showing the diversity of existing land uses in Smeaton Grange industrial / employment precinct

The CIELS identified that Smeaton Grange precinct has the highest number of existing jobs in industrial and employment sectors which correlates to it being the largest precinct by area. The number of jobs is expected to increase as vacant land is development particularly in the northern portion of the precinct. Employment comparisons between the precincts is shown in Figure 7.



Source: AEC/TPA (2019)

Figure 7: Extract from CIELS showing projected employment in various industrial / employment precincts in Camden

The proposed additional land use will facilitate a use at the site consistent with diverse uses. It is highly desirable for Council to have a community service presence within the LGAs premier industrial and employment precinct which is well connected to transport routes and already has a diverse and dynamic range of businesses.

As demonstrated above, the proposed additional land use is consistent with the CIELS.

Sections 5.3.2.4 and 5.3.2.5 demonstrate that the Planning Proposal is consistent with the relevant provisions of the endorsed LSPS and Council's adopted CIELS.

### 5.3.2.6 Camden Centres and Employment Lands Strategy (March 2022)

Adopted in March 2022, the Camden Centres and Employment Lands Strategy (CCELS) is the 20 year strategy for retail centres and employment lands in Camden LGA. It has four main Directions and the PP is aligned with the following two Directions in particular:

- "2. A network of productive industrial and urban services land.*
- 4. Capitalising on existing and future infrastructure"*

The CCELS notes that Smeaton Grange has a high diversity of existing jobs with high representation of knowledge-based, health and education, services and industrial jobs. Smeaton Grange is well connected to the major road network and highly accessible. There is an expectation that Smeaton Grange will continue to grow and accommodate a diversity of employment uses through both development of vacant land and infill development.

The PP is aligned with the CCELS by adding to the diversity of employment opportunities, utilising a location that is readily accessible to the residents of the LGA and facilitates infill development.

**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**



There are no other applicable State and regional studies or strategies of specific relevance to the proposed LEP amendment.

**Q6. Is the planning proposal consistent with applicable state environmental planning policies?**

There are no State Environmental Planning Policies (SEPPs) or known Draft SEPPs that would prohibit or restrict the planning proposal. A discussion on the consistency of the proposal with the relevant policies is provided in Table 6.

Table 6: Consistency with State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Consistency (Yes/No)	Comment
SEPP (Biodiversity and Conservation) 2021	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	N/A	
SEPP (Exempt and Complying Development Codes) 2008	Yes	The justification, intended outcomes and proposed provisions are consistent with this SEPP and will not change the way in which it applies to the land.
SEPP (Housing) 2021	N/A	
SEPP (Industry and Employment) 2021	N/A	
SEPP No.65 Design Quality of Residential Apartment Development	N/A	
SEPP (Planning Systems) 2021	Yes	The justification, intended outcomes and proposed provisions are consistent with this SEPP and will not change the way in which it applies to the land.
SEPP (Precincts – Central River City) 2021	N/A	
SEPP (Precincts – Eastern Harbour City) 2021	N/A	
SEPP (Precincts – Regional) 2021	N/A	
SEPP (Precincts – Western Parkland City) 2021	N/A	
SEPP (Primary Production) 2021	N/A	
SEPP (Resilience and Hazards) 2021	Yes	An animal boarding or training establishment does not introduce





		<p>activities or uses that are more sensitive to the potential for exposure to contaminants than the current range of permitted land uses. Any future development application will need to demonstrate compliance with the requirements of SEPP.</p> <p>The justification, intended outcomes and proposed provisions are consistent with this SEPP and will not change the way in which it applies to the land.</p>
SEPP (Resources and Energy) 2021	N/A	
SEPP (Transport and Infrastructure) 2021	Yes	<p>The justification, intended outcomes and proposed provisions are consistent with this SEPP and will not change the way in which it applies to the land.</p>

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?**

The proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979* as outlined in Table 7.

Table 7: Consistency with Ministerial Directions

Ministerial Direction	Consistency (Yes/No)	Comment
<b>Focus Area 1: Planning Systems</b>		
1.1 Implementation of Regional Plans	Yes	The Planning Proposal is consistent with the Greater Sydney Region Plan 'A Metropolis of Three Cities' as detailed in Section 5.3.
1.2 Development of Aboriginal Land Council Land	N/A	
1.3 Approval and Referral Requirements	Yes	The Planning Proposal is consistent with Direction 1.3 and does not introduce additional concurrence requirements nor identify development as Designated Development.





1.4 Site specific Provisions	Yes	The planning proposal seeks to introduce a site-specific provision. It is consistent with Direction 1.4 because it does not seek new development standards to facilitate a specific development scheme and does not rely on specific plans of a particular development type.
<b><i>Focus Area 1: Planning Systems – Place Based</i></b>		
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A	
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A	
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	
1.14 Implementation of Greater Macarthur 2040	N/A	







1.15 Implementation of the Pyrmont Peninsular Place Strategy	N/A	
1.16 North West Rail Link Corridor Strategy	N/A	
1.17 Implementation of the Bays West Place Strategy	N/A	
<b>Focus Area 3: Biodiversity and Conservation</b>		
3.1 Conservation Zones	Yes	The planning proposal is consistent with Direction 3.1 and does not change the intent or function of the existing provisions of Camden LEP in relation to Conservation Zones.
3.2 Heritage Conservation	N/A	
3.3 Sydney Drinking Water Catchments	N/A	
3.4 Application of C2 and C3 Zones and Environmental Overlays for Far North Coast LEPS	N/A	
3.5 Recreation Vehicle Areas	N/A	
3.6 Strategic Conservation Planning	N/A	
<b>Focus Area 4: Resilience and Hazards</b>		
4.1 Flooding	N/A	
4.2 Coastal Management	N/A	
4.3 Planning for Bushfire Protection	N/A	
4.4 Remediation of Contaminated Land	N/A	
4.5 Acid Sulfate Soils	N/A	
4.6 Mine Subsidence and Unstable Land	N/A	





<b>Focus Area 5: Transport and Infrastructure</b>		
5.1 Integrating Land Use and Transport	Yes	The planning proposal is consistent with Direction 5.1 by enhancing the land use options for a site in an established urban industrial area with good access and connectivity to roads and bus routes and a land use that is compatible with the local road network for community access.
5.2 Reserving Land for Public Purposes	N/A	
5.3 Development Near Regulated Airports and Defence Airfields	N/A	
5.4 Shooting Ranges	N/A	
6.2 Caravan Parks and Manufactured Home Estates	N/A	
<b>Focus Area 7: Industry and Employment</b>		
7.1 Business and Industrial Zones	Yes	The planning proposal is consistent with Direction 7.1 in that it introduces a compatible land use to an industrial zone subject to consent and potentially enhances the employment opportunities for the site which is consistent with the Direction objectives.
7.2 Reduction in non-hosted short term rental accommodation period	N/A	
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
<b>Focus Area 8: Resources and Energy</b>		
8.1 Mining, Petroleum Production and Extractive Industries	N/A	
<b>Focus Area 9: Primary Production</b>		





9.1 Rural Zones	N/A	
9.2 Rural Lands	N/A	
9.3 Oyster Aquaculture	N/A	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	

#### Section C – Environmental, Social and Economic Impact

***Q8. 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 site is part of an established urban environment and does not contain habitat for threatened species, populations or ecological communities and is not in close proximity to such habitat.

***Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The planning proposal will not result in any unacceptable environmental effects. The potential environmental impacts of a specific animal boarding or training establishment are considered below and would be addressed in detail by a future development application.

The previous community workshops conducted by Council for land at The Crest, Gledswood Hills raised community concern with regard to traffic and noise. No.55 Topham Road is surrounded by industrial land uses and the road infrastructure is designed to cater for industrial traffic. There are no land uses sensitive to noise surrounding the site and the road network is anticipated to be compatible with additional vehicle movements subject to merit assessment of a future development application.

***Q10. Has the planning proposal adequately addressed any social and economic effects?***

##### Economic Impacts

An Economic Impact Assessment is considered unnecessary. The proposed animal boarding or training establishment is to be constructed and operated by or on behalf of Council. The design and construction process will be subject to public tender and service agreements in accordance with Council's policies and resolutions. The operational details will be in accordance with fees and charges to be adopted through public consultation and resolution of Council and in accordance with Council's future Operational Plans.

##### Social Impacts

Council has acknowledged the need for an animal boarding or training establishment as part of its ongoing Companion Animal Policy, Operational Plan and Capital Works Program. Council's resolution ORD87/21 specifically supports the need for the provision of an animal boarding or training establishment at the subject site.

#### 5.3.3 Section D – State and Commonwealth Interests

***Q11. Is there adequate public infrastructure for the planning proposal?***





The site is within an established industrial area well serviced by infrastructure, utilities and public transport. The additional development potential facilitated by the proposed LEP amendment will not exceed the capacity or availability of public infrastructure.

***Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

A future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation. However it is considered that the proposed LEP amendment would not require referral or consultation with any State or Commonwealth public authorities.

## **5.4 PART 4 – MAPPING**

The planning proposal will require amendment to the Additional Permitted Uses map accompanying CLEP 2010 to identify the subject site as one to which additional uses are permitted. The draft amending map has been prepared in accordance with the LEP mapping conventions in the DPIE LEP Making Guideline and is contained in Annexure B.

## **5.5 PART 5 – COMMUNITY CONSULTATION**

It is anticipated that a draft planning proposal would be publicly exhibited for a period of 28 days. The exhibition material will include documents as specified in the Gateway determination and will include a copy of the planning proposal report, the Gateway determination, an explanation of provisions, the draft LEP map and an indication of the timeframes for completion of the process as estimated in Section 5.6 and to be confirmed by the Gateway determination.

It is anticipated that the community consultation methods will include notice of public exhibition in a local newspaper and on Camden Council's website, copies of exhibition material in electronic and hard copy form at relevant Camden Council premises and letters of notification to nearby and potentially affected land owners. The Planning Proposal documents will be accessible on the Planning Portal website.

The Companion Animals Advisory Committee are to be consulted directly and the matter would be an item on the regular Committee meeting agenda.

As noted in Section 5.3.4 above, no State or Commonwealth agencies and department have a specific interest in the proposed LEP amendment and notification to agencies and departments is considered unnecessary in this case.

A public hearing is considered unnecessary in this case.

## **5.6 PART 6 – PROJECT TIMELINE**

The LEP amendment fits the category of a Standard LEP Amendment as set out in the DPIE LEP Making Guideline. In accordance with the benchmark timeframes set out in the DPIE LEP Making Guideline, the Project Timeline is anticipated as set out in Table 9. The timeline is based on:

- pre-lodgement having been completed as demonstrated by Council's Resolution ORD87/21; and
- the planning proposal having been completed based on Council's engagement of an independent planning professional to prepare this application for a Planning Proposal.



Table 8: Anticipated project timeline

Stage	Maximum Benchmark Working Days
Stage 3 Gateway Determination	25
Stage 4 Post Gateway	50
Stage 5 Public exhibition and assessment	95
Stage 6 Finalisation	55
<b>Total Target</b>	<b>225</b>



## 6. Conclusion

---

This planning proposal seeks to amend *Camden Local Environmental Plan 2012* (CLEP 2010) to allow for an additional permissible use at No.55 Topham Road, Smeaton Grange (Lot 3513 in DP 830128). The amendment seeks to add Clause 29 to Schedule 1 of CLEP 2010 to permit an animal boarding or training establishment only with development consent at No.55 Topham Road. The proposal includes amendment to the Additional Permitted Uses Map APU\_017. It does not involve a change of zoning nor any other change to the provisions of the LEP.

This application for a planning proposal has been prepared in accordance with Section 3.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as well as the NSW Department of Planning publications "*Local Environmental Plan Making Guideline*" and Camden Council's Planning Proposals Policy P2.0268.1.

The proposed LEP amendment is consistent with the DPIE Planning Practice Note PN11-003 '*Preparing LEPs using the Standard Instrument: Definitions*' (PN11-003) and Planning Practice Note PN11-002 '*Preparing LEPs using the Standard Instrument: Standard Zones*' (PN11-002). The proposed amendment is not inconsistent with the pending changes to Business and Industrial zones currently being introduced in collaboration with DPIE and Council in accordance with the reform of Employment zones across NSW given that it seeks a site-specific amendment which will not set a precedent for other sites in Zone IN1.

The LEP amendment is proposed to be implemented independently of the DPIE Reforms to Employment lands in order to expedite the change and facilitate this key Council project urgently needed for the rapidly growing Camden community. The urgency and importance of the project is evident in Council's resolution ORD87/21 and report agenda item ORD03 to the Ordinary Council meeting of 13 July 2021.

The application demonstrates that the proposed LEP amendment has strategic and site specific merit. The proposed additional use is consistent with the Greater Sydney Regional Plan, the Western City District Plan, the Camden Local Strategic Planning Statement, applicable State Environmental Planning Policies and Ministerial Directions as prescribed by Section 9.1 of the EP&A Act. Camden Local Planning Panel resolved unanimously on 18 October 2022 that the Planning Proposal has strategic and site-specific merit.

The inclusion of '*animal boarding or training establishments*' as a use permitted with consent is aligned with Council's operational and community service commitments and supported by stakeholder workshops. The amendment will provide employment during design and construction phases as well as operational phases. The change will allow for a multi-use, multi-purpose facility on the site which serves the needs of the community, provides animal welfare and provides work and training opportunities for people working in animal care services including vets, vet nurses, animal trainers and carers. The co-location of community facilities on the site will allow community education and training opportunities related to animal welfare. The site is also suitable to accommodate the continuation of the existing permitted and approved uses. The change will enhance the diversity of community services potentially provided by Council at the site in a unique development scheme that will not set an undesirable precedent.

The planning proposal will not result in any unacceptable environmental effects as identified within this report. The potential environmental impacts would be addressed in detail as part of the future detailed development application.

Accordingly, this application for a Planning Proposal is entirely worthy of Council's support and forwarding to the Department for a Gateway determination.





## ANNEXURE A

**Council Ordinary Meeting Agenda Item ORD03 and  
Council Resolution ORD87/21 of 13 July 2021**





## ORDINARY COUNCIL MEETING

ORD03

**SUBJECT: CAMDEN'S FUTURE ANIMAL CARE FACILITY**  
**FROM:** Director Planning & Environment  
**TRIM #:** 21/278723

### PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to proceed with the preferred site for Camden's future animal care facility at 55 Topham Road, Smeaton Grange.

### BACKGROUND

On 8 June 2021, Council considered a report on the draft masterplan for land at The Crest in Gledswood Hills. Following consideration of feedback received from the community, Council resolved to remove the proposed future animal care facility from the draft masterplan. At the same time, Council resolved to *'identify a new site for an animal care facility and provide a briefing and report back to Council as soon as possible'*.

A Councillor briefing was provided on 22 June 2021.

The recommended site is land owned by Council at 55 Topham Road, Smeaton Grange.

### MAIN REPORT

In 2016, Council resolved to operate a 'no kill' animal care facility whereby all attempts are made to re-home or rescue animals considered suitable for rehoming. This is supported by Council's Companion Animal Policy and Program.

Council's Companion Animal Program is overseen by the Companion Animal Advisory Committee and managed by Council's Ranger Services Team.

Since 2017, Council has utilised the services of Rossmore Veterinary Hospital as an animal care facility. The contract for the continued provision of this service at Rossmore was endorsed by Council on 9 February 2021. The term of the contract is three years with two one-year options at Council's discretion by mutual agreement.

Due to the planned future growth of Camden and the expected growth in companion animal, a purpose-built and centrally located facility will be required in the future.

The recommended site for a future animal care facility is 55 Topham Road, Smeaton Grange. This site is owned by Council and is currently operating as a Council depot, established in 2020 during the COVID-19 pandemic.

The site is approximately 8,600 square metres in area and is centrally located with good road access from across the LGA. The site is zoned IN1 – General Industrial under the Camden LEP 2010.



In summary, the benefits of locating the animal care facility on this site include:

- Adequate site area to provide the facility, including on site car parking;
- Centrally located and easily accessible from across the LGA;
- Located within an industrial area, away from residential areas;
- Allows for a purpose built, modular facility with associated green space;
- Allows for ancillary and complementary uses, including potential partnerships, educational or commercial opportunities;
- In Council's ownership so no requirement for future acquisition; and
- Located outside of the South West Growth Area, providing greater certainty in respect to future zoning and land uses.



Figure 1: Aerial Photo – 55 Topham Road Smeaton Grange

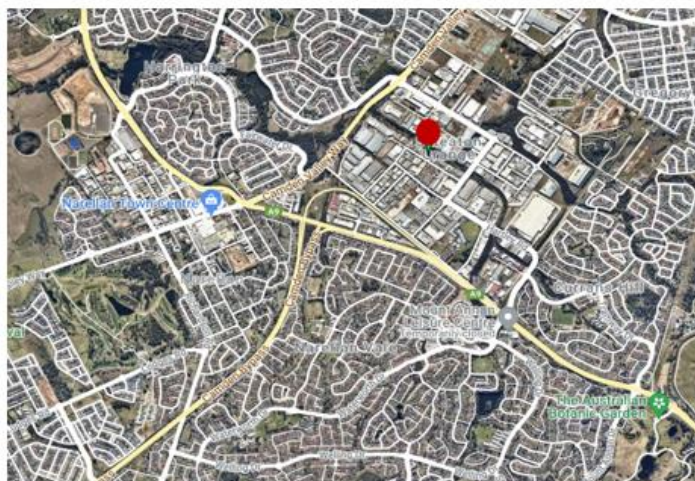


Figure 2: Aerial Photo – 55 Topham Road Smeaton Grange



Subject to Council's endorsement, Council officers and the Companion Animal Advisory Committee will commence the initial design, scope and planning considerations for the future facility.

Following further consideration by Council, a community consultation plan will be developed to seek community input on the proposed future animal care facility. This will include online and in person engagement opportunities, to ensure the community have their say on the future animal care facility.

#### **FINANCIAL IMPLICATIONS**

Council has funding available for the initial design and planning works.

Capital and ongoing operating funds will need to be allocated as part of future budgets and opportunities for external or grant funding will be investigated.

#### **CONCLUSION**

The preferred site for the future animal care facility is 55 Topham Road, Smeaton Grange. Subject to Council's endorsement, Council officers will commence initial design and planning for the facility.

Further Councillor briefings will be held to update Council on the progress of this project, and further reports will be brought back to Council for endorsement at the relevant stages of the project.

It is recommended that Council endorse 55 Topham Road, Smeaton Grange as the preferred site.

#### **RECOMMENDED**

**That Council endorse the site at 55 Topham Road, Smeaton Grange for the purpose of Camden's future animal care facility.**

#### **Ordinary Council Resolution**

Resolution: Moved Councillor Symkowiak, Seconded Councillor Campbell that Council endorse the site at 55 Topham Road, Smeaton Grange for the purpose of Camden's future animal care facility.

ORD87/21 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors ~~Symkowiak~~, Campbell, ~~Fedeli~~, C Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

## ANNEXURE B

Draft CLEP 2010 Additional Permitted Uses Map  
APU\_017





