

ORD01

SUBJECT: PRE PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL FOR 3 EMERALD HILLS BOULEVARD, LEPPINGTON

FROM: Director Planning and Environment

EDMS #: 23/540605

PROPERTY ADDRESS

3 Emerald Hills Boulevard, Leppington
Lot 96, DP 1203161

PROPONENT

The Planning Hub

OWNER

D&AI Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to advise Council of a draft Planning Proposal for land at 3 Emerald Hills Boulevard, Leppington.

The proposal seeks to amend Schedule 1 of the *Camden Local Environmental Plan 2010* (Camden LEP 2010) by inserting an Additional Permitted Use (APU) to allow a '*vehicle repair station*' on the site. The draft Planning Proposal is accompanied by a draft amendment to Schedule 8 (Emerald Hills) of the Camden Development Control Plan 2019 (Camden DCP).

The draft Planning Proposal and draft DCP amendment are provided as **attachments** to this report. The report recommends that Council endorse the draft Planning Proposal for referral to the Department of Planning and Environment (DPE) for Gateway Determination and public exhibition (subject to a Gateway Determination being provided).

BACKGROUND

The draft Planning Proposal was lodged with Council in May 2023 by The Planning Hub (the proponent) on behalf of the landowners D&AI Pty Ltd.

The proposal seeks to amend Schedule 1 of the Camden LEP 2010 by allowing a '*vehicle repair station*' as an additional permitted use on the site.

The site is zoned E1 Local Centre under the Camden LEP 2010. Development for the purpose of a vehicle repair station is currently prohibited within this zone. It is noted that vehicle repair stations are not prohibited in the equivalent zone under *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Precincts SEPP).

The draft Planning Proposal is accompanied by an amendment to Schedule 8 (Emerald Hills) of the Camden DCP to guide the future development of the site.

On 28 September 2023, the Camden Local Planning Panel (CLPP) considered the proposal and recommended the draft Planning Proposal proceed to Gateway Determination.

Councillors were briefed on the draft Planning Proposal and DCP amendment on 24 October 2023.

Site and Locality

The site is located within the Emerald Hills urban release area, as shown in **Figure 1**. Emerald Hills was rezoned in July 2012 for approximately 1,280 dwellings and 10,000 sqm of commercial floor area.

Surrounding areas include Camden Lakeside to the south (under development), Catherine Fields and Leppington to the west (undeveloped) and East Leppington to the north (developed). To the east is non-urban land located within the Campbelltown LGA.

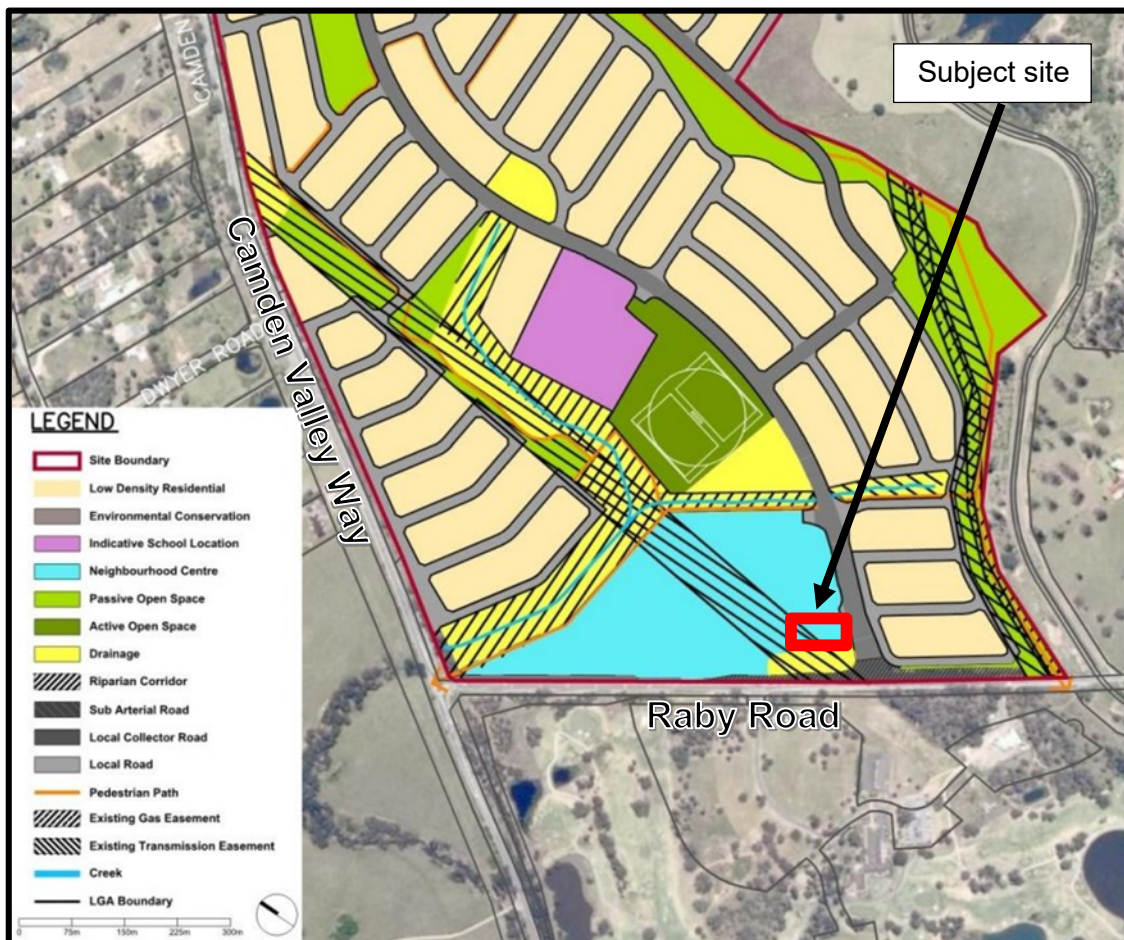


Figure 1: An extract from the indicative master plan for Emerald Hills (Camden DCP 2019)

The site is legally described as Lot 96 in DP 1203161 and is known as 3 Emerald Hills Drive, Leppington. It is part of the Emerald Hills local centre and is approximately 2,613m² in area. This site is accessed via Emerald Hills Boulevard and is currently vacant as shown in **Figure 2**.

The site is located approximately 50 metres from the Raby Road and Emerald Hills Boulevard intersection. A Transgrid transmission easement is located within the western portion of the site. Surrounding land uses include the Emerald Hills shopping village and residential development.



Figure 2: Site Location Map

Initial Notification

The draft Planning Proposal was placed on initial notification for 14 days from 14 July to 28 July 2023. Surrounding landowners were advised and the draft Planning Proposal was placed on Council's online platform (YourVoice Camden), along with all supporting technical studies.

It is noted that the HomeWorld exhibition village to the east of the site has ceased operating and the majority of lots notified are now in private ownership.

No submissions were received during the initial notification. Subject to Council's endorsement and receipt of a favourable Gateway Determination, the draft Planning Proposal and draft DCP amendment will be placed on public exhibition.

MAIN REPORT

The proposal seeks to facilitate the future use of the site for a vehicle repair station with ancillary food and drink premises and a car wash. An extract from the concept architectural plans is shown in **Figure 3**.

A 'vehicle repair station' is defined in the Camden LEP 2010 as a "building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises".

The site is zoned E1 Local Centre under the Camden LEP 2010. Development for the purpose of a vehicle repair station is currently prohibited within this zone. Food and drink premises and car wash uses are permitted with consent.

The proposal seeks to amend the Camden LEP 2010 to permit a ‘*vehicle repair station*’ on the site. The draft Planning Proposal is accompanied by a draft amendment to Schedule 8 (Emerald Hills) of the Camden DCP 2019 to guide future development on the site.

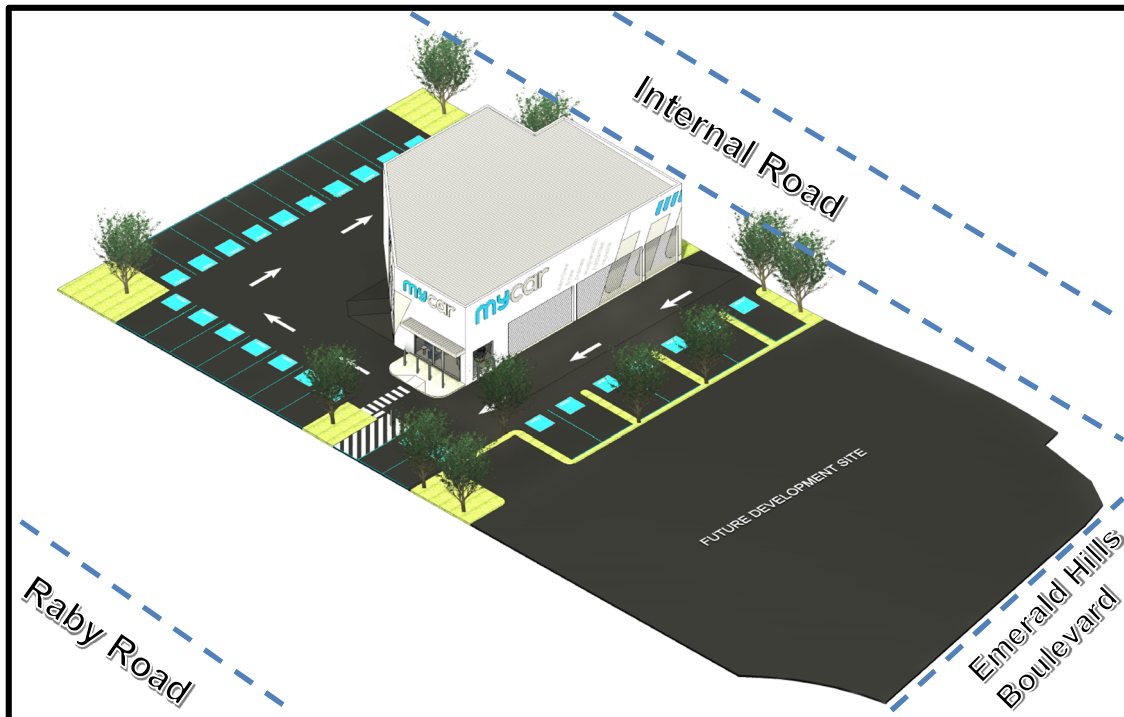


Figure 3: Annotated extract from the Concept Architectural Plans

Technical Studies

The proposal is accompanied by concept plans and studies listed in Table 1 and **attached** to this report.

Appendices	Author	Date
Concept Architectural Drawings	Bellevue Architects	4 May 2023
Acoustic Assessment	SLR Consulting	10 May 2023
Traffic and Parking Impact Assessment	Stanbury Traffic Planning	May 2023
Economic Impact Comment	Hill PDA	22 May 2023

Key Issues

In determining the strategic and site-specific merits of the proposal, consideration must be given to the objectives of the E1 Local Centre zone, which are as follows:

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.

- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.
- To encourage a safe, attractive, accessible and efficient pedestrian environment.
- To ensure that development contributes to the hierarchy of centres under the Camden Development Control Plan 2019.

A vehicle repair station is consistent with the zone objectives. The vehicle repair use will serve the needs of the local community and provide employment opportunities. The use will contribute to and complement the mix of non-residential uses within the Emerald Hills local centre as envisioned by the hierarchy of centres detailed in the Camden DCP.

Land Use Conflict

The acoustic assessment submitted with the draft Planning Proposal concluded the acoustic impacts of the proposed use were acceptable. Council officers are satisfied that the future development can comply with the relevant noise criteria and will not generate unacceptable impacts on acoustic amenity. In accordance with the Camden DCP, any future DA for this use on the site will be required to demonstrate acoustic compliance through the submission of an acoustic assessment.

The traffic assessment submitted with the draft Planning Proposal concluded that the proposed use was acceptable, whilst the economic impact assessment concludes that the proposal will not detract from the operation and function of nearby commercial and retail businesses. Council officers have reviewed the assessments and are satisfied that the proposal will not generate unacceptable amenity or economic impacts.

Camden DCP 2019 Schedule 8 – Emerald Hills

The Camden DCP 2019 includes controls for the Emerald Hills Centre and identifies a number of site planning principles as shown in **Figure 4**. The figure identifies a "*landscaped entry buffer*" and "*landmark corner building*" within the site and a "*primary pedestrian link*" adjoining the northern boundary of the site.

The DCP amendment guides future development on the land and include controls to minimise the number of driveways, provide a landmark corner building and landscaped entry buffer. Future DAs will be assessed against the DCP controls.

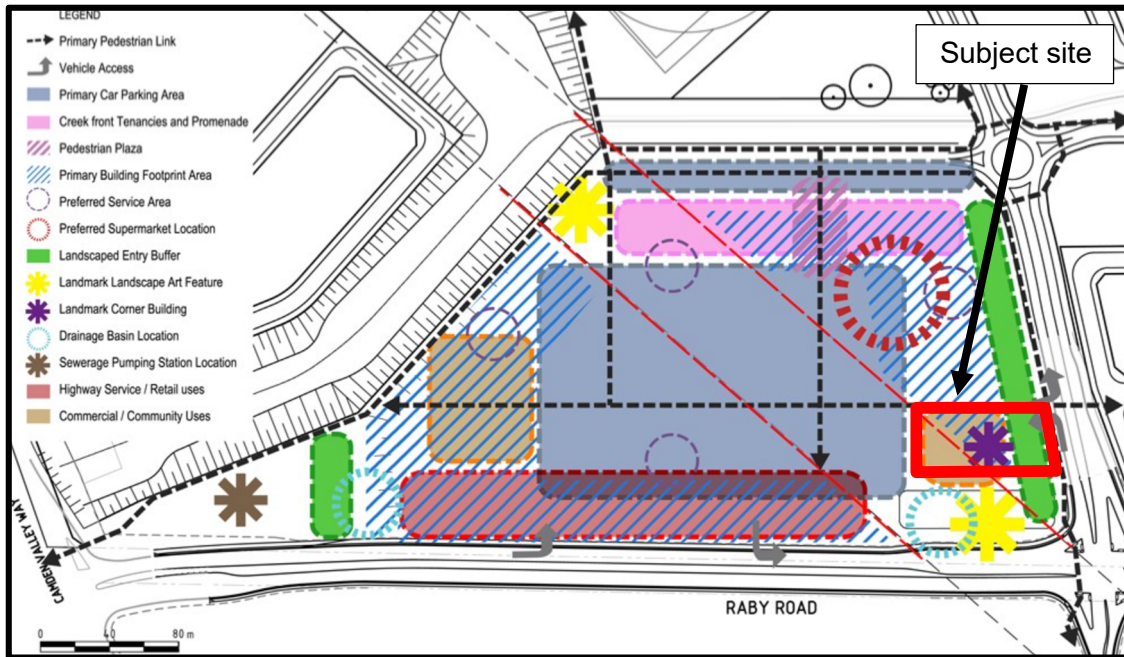


Figure 4: Extract of Figure 8-16 Site Planning Principles for Emerald Hills Centre, from Schedule 8 of the Camden DCP 2019.

Camden Local Planning Panel (CLPP)

On 28 September 2023, the draft Planning Proposal was considered by the CLPP. The CLPP recommended that the draft Planning Proposal proceed to Gateway Determination as it demonstrates strategic and site specific merit and will allow a use that will serve the daily needs of the local residential and business community.

A copy of the minutes from the Camden Local Planning Panel meeting is provided as an **attachment** to this report.

Assessment Against Key Strategic Documents

The draft Planning Proposal has been assessed against key strategic documents, including the Greater Sydney Region Plan, Western City District Plan, Camden Community Strategic Plan, Camden Local Strategic Planning Statement and Camden Centres and Employment Land Strategy. It is generally consistent with these plans and strategies and their key objectives. A detailed assessment is provided as an **attachment** to this report.

Assessment of Planning Merit

The proposal demonstrates planning merit to proceed to Gateway Determination as it:

- Is not inconsistent with the objectives of the E1 Local Centre zone;
- Will not result in any unacceptable economic impacts on the area or existing centre;
- Facilitates a land use that complements the existing centre;
- Provides a local service that will cater for the day to day needs of the community;
- Contributes to the vitality and viability of the centre; and,
- Is not inconsistent with the Precincts SEPP.

Next Steps

Subject to Council endorsement, the draft Planning Proposal will be submitted to the DPE for a Gateway Determination. Subject to a favourable Gateway Determination, the draft Planning Proposal and draft DCP amendment will be placed on public exhibition. Consultation with relevant State agencies will occur at this stage.

If unresolved submissions are received, a further report to Council will be prepared. If no unresolved submissions are received, the draft Planning Proposal will be submitted to DPE for finalisation and the DCP Amendment will be finalised under delegation.

Recommended Community Participation Methods

On 14 September 2021, Council endorsed the Camden Community Participation Plan 2021 (CPP). The CPP identifies that where a draft Planning Proposal demonstrates strategic merit, the Gateway report to Council will recommend the community participation methods for the public exhibition period.

Subject to Council endorsement and a Gateway Determination, it is recommended that the following engagement methods be undertaken at public exhibition of the draft Planning Proposal and DCP Amendment:

- Notification letters to surrounding properties;
- Site signage; and
- Social media posts directing the community to Council's YourVoice Camden website for further information on the proposal.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

CONCLUSION

The draft Planning Proposal seeks to amend the Camden LEP 2010 to permit a 'vehicle repair station' on Lot 96, DP 1203161, 3 Emerald Hills Boulevard, Leppington. The draft Planning Proposal is accompanied by a draft amendment to the Camden DCP 2019.

The proposal is consistent with the current zone, will serve the local community, provide employment opportunities, and will not generate any unacceptable amenity impacts. The proposal has strategic and site-specific merit to proceed to Gateway Determination.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal to be forwarded to the Department of Planning and Environment for Gateway Determination;
- ii. endorse the draft amendment to the Camden Development Control Plan 2019 – Schedule 8 Emerald Hills;
- iii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition of the draft Planning Proposal and the draft Development Control Plan amendment in accordance with the requirements of the Gateway Determination and the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*;
- iv. subject to no unresolved submissions being received, forward the draft Planning Proposal to the Department of Planning and Environment for finalisation;
- v. upon notification of the Local Environmental Plan amendment being made:
 - a. grant delegation to the General Manager to adopt the amendment to the Camden Development Control Plan 2019 – Schedule 8 Emerald Hills; and
 - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; or
- vi. if unresolved submissions are received, consider a further report outlining the results of the public exhibition period; or
- vii. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ATTACHMENTS

1. Final CLPP Minutes - 3 Emerald Hills Boulevard, Leppington
2. Extent of Notification Area - 3 Emerald Hills Boulevard, Leppington
3. Assessment Against Key Strategic Documents - 3 Emerald Hills Boulevard, Leppington
4. Amended Planning Proposal - 3 Emerald Hills Boulevard, Leppington
5. Acoustic Assessment - 3 Emerald Hills Boulevard, Leppington
6. Concept Architectural Drawings - 3 Emerald Hills Boulevard, Leppington
7. Economic Impact Comment - 3 Emerald Hills Boulevard, Leppington
8. Traffic and Parking Impact Assessment - 3 Emerald Hills Boulevard, Leppington
9. Draft DCP Amendment - Summary of Amendments - 3 Emerald Hills Boulevard, Leppington

10. Draft DCP Amendment - Schedule 8 (Emerald Hills) - 3 Emerald Hills Boulevard, Leppington

Ordinary Council Resolution

Motion: Moved Councillor McLean, Seconded Councillor Fedeli that Council:

- i. endorse the draft Planning Proposal to be forwarded to the Department of Planning and Environment for Gateway Determination;
- ii. endorse the draft amendment to the Camden Development Control Plan 2019 – Schedule 8 Emerald Hills;
- iii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition of the draft Planning Proposal and the draft Development Control Plan amendment in accordance with the requirements of the Gateway Determination and the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*;
- iv. subject to no unresolved submissions being received, forward the draft Planning Proposal to the Department of Planning and Environment for finalisation;
- v. upon notification of the Local Environmental Plan amendment being made:
 - a. grant delegation to the General Manager to adopt the amendment to the Camden Development Control Plan 2019 – Schedule 8 Emerald Hills; and
 - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; or
- vi. if unresolved submissions are received, consider a further report outlining the results of the public exhibition period; or
- vii. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ORD196/23 THE MOTION ON BEING PUT WAS **CARRIED**