



Camden Council

Business Paper

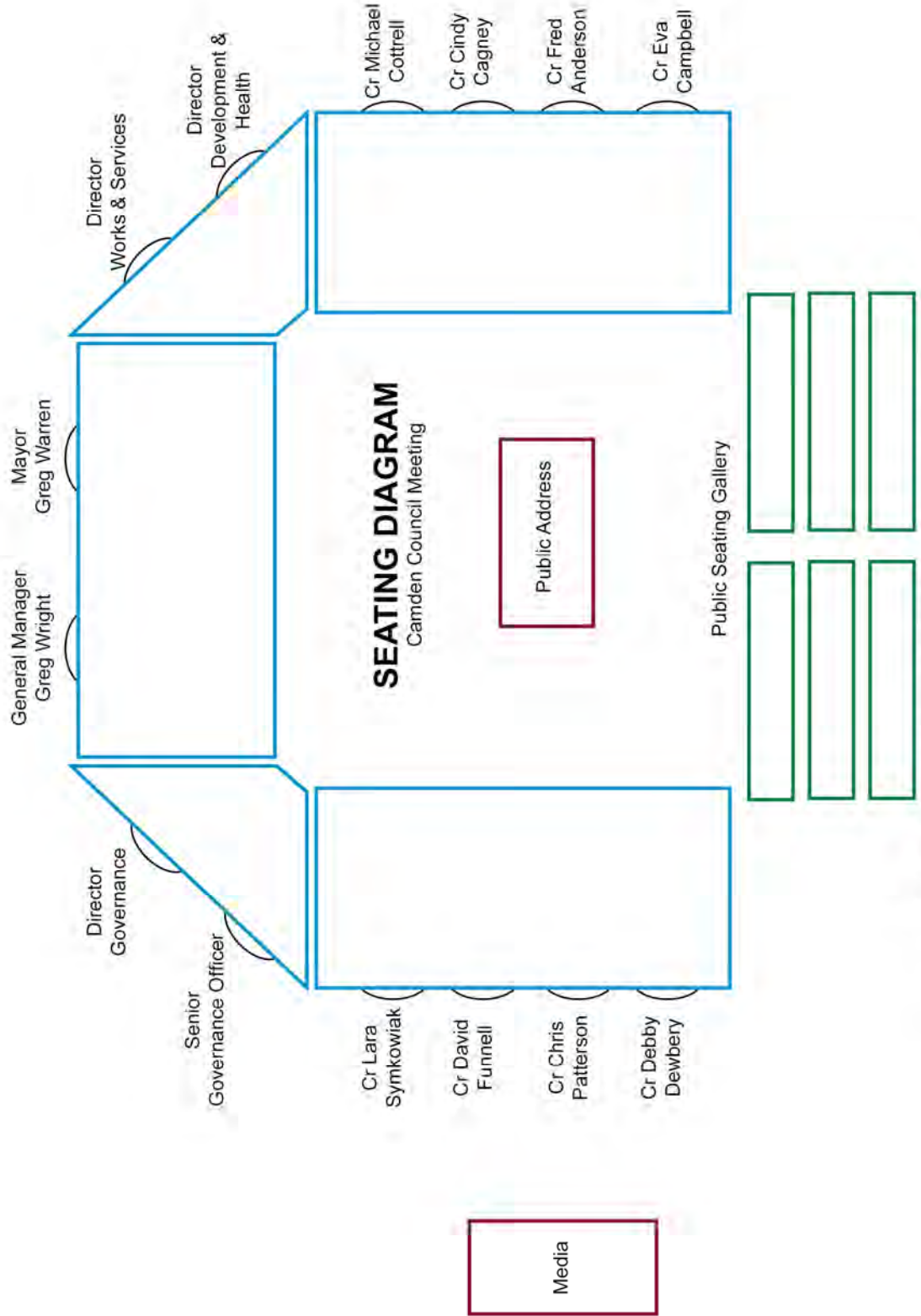
Ordinary Council Meeting
10 April 2012

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



**Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.**



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.



ORDINARY COUNCIL

SUBJECT: APOLOGIES

Leave of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.



ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 27 March 2012, and the Local Traffic Committee Meeting held 20 March 2012.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 27 March 2012, and the Local Traffic Committee Meeting held 20 March 2012, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

ORD01

ORD01

SUBJECT: HARRINGTON GROVE PLANNING PROPOSAL - AMENDMENT 8
FROM: Director Governance
BINDER: Planning Proposals - Amendment 8
PREVIOUS ITEMS: ORD07 - Harrington Grove Planning Proposal - Ordinary Council - 22 November 2011

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition and government agency consultation of the Harrington Grove Planning Proposal (Amendment 8) and seek a resolution to send the Planning Proposal to the DPI for the plan to be made. The Planning Proposal is **included as Attachment 1 to this report**. Within the Planning Proposal is a Site Location Map identifying each precinct (Attachment 1 to the Planning Proposal), a Zoning Map (Attachment 2 to the Planning Proposal), and a Lot Size Map (Attachment 3 to the Planning Proposal).

BACKGROUND

A Council workshop to consider the Harrington Grove Planning Proposal was held on the 8 November 2011. As a result of this workshop the proponent undertook some amendments to the Planning Proposal.

At its meeting of the 22 November 2011 Council resolved to place the amended Harrington Grove Planning Proposal on exhibition. Subsequently the proposal was exhibited from the 18 January 2012 to the 15 February 2012 and public agencies were consulted within this timeframe.

MAIN REPORT

Details of the proposed changes are found in the Planning Proposal and are summarised as follows:

- Amendment to the zone boundary and minimum lot size for Precinct J in accordance with an approval issued by the Federal Department of Sustainability, Environment, Water, Population and Communities (DSEWPC);
- Amendments to the northern zone boundary for Precinct I to avoid dual zoning for residential lots;
- Amendments to the southern boundary for Precinct F and an associated minimum lot size amendment to facilitate more regular lots and subdivision pattern;
- Amendment to the zone boundary for Harrington Park Homestead and an associated minimum lot size amendment to facilitate land tenure arrangements;
- A zone amendment for the designated District Playing Fields in Harrington Grove West to reflect the planned and intended use of the site;
- A minimum lot size amendment for Precinct G to reflect an approved subdivision layout;
- A minimum lot size amendment in Precinct O to facilitate a more flexible approach to the vision of the precinct.

Public Exhibition



ORD01

The public exhibition of the Harrington Grove Planning Proposal was held from 18 January 2012 to 15 February 2012 and was exhibited at Narellan and Camden Customer Service Centres and Libraries and on Council's website. A notice of exhibition was also placed in the local paper on the 18 January 2012 and 1 February 2012.

No submissions were received as a result of the public exhibition.

Agency Consultation

As part of the consultation process and a requirement of the Gateway Determination the following public agencies were contacted to provide comment on the Planning Proposal:

- Office of Environment and Heritage (OEH) – Heritage Branch;
- Office of Environment and Heritage (OEH) – Environment Branch;
- Roads and Maritime Service (RMS);
- Sydney Water.

Letters of consultation and the exhibition material were sent out to public agencies at the beginning of the public consultation period. The following table summarises the public agency comment and changes in the Planning Proposal as a result of these comments.

Agency	Comment	Changes to the Planning Proposal as a result of these comments
OEH – Heritage Branch	<p>Harrington Park Homestead OEH, Heritage Branch generally has no objection to the proposed change in the zone of the northern portion of Harrington Park Homestead to R5 Large Lot Residential on the basis that the majority of the land known as Harrington Park Homestead will be zoned R5 Large Lot Residential.</p> <p>Notwithstanding the above the Heritage Office believes that consideration should be given to use zones such as RU4 Rural Small Holdings or SP1 Special Activities that align better with the heritage significance of Harrington Park Homestead.</p> <p>The Heritage Office does not support the proposed reduction in minimum lot size for Harrington Park Homestead from 40 hectares to 5 hectares. The Heritage Office is concerned that 5 ha minimum lot size could result in a 3 lot subdivision of that portion of the site. The Heritage Office believes</p>	<p>Consideration of other zones for part of the northern portion of Harrington Park Homestead site has been undertaken. However, given that the majority of the Harrington Park Homestead site is zoned R5 Large Lot Residential and is consistent with the DPI policy, there will be no change to the Planning Proposal. It should be noted that this zoning in conjunction with the proposed minimum lot size will allow the heritage significance of the homestead to be preserved.</p> <p>The minimum lot size in the Planning Proposal will be changed to 7 ha. This will alleviate the Heritage Office concerns of a 3 lot subdivision occurring with the homestead site. A minimum lot size of 7 ha also gives some flexibility if the nursery site was to be subdivided from the homestead, while only permitting a 2 lot subdivision.</p>

	that a minimum lot size of 7.5 ha would have less impact on the heritage significance of Harrington Park Homestead.	
OEH – Environment Branch	<p>Precinct J – zone boundary and minimum lot size amendments OEH considers that the proposed amendments to Precinct J are beneficial and raises no objections.</p> <p>Precinct I – amendments to the northern zone boundary. Additional information was required attesting to the value of the vegetation. The additional information provided adequately addresses the OEH concerns. OEH therefore raises no objection to the proposed zoning amendment.</p> <p>Precinct G – minimum lot size amendment No objection to the Planning Proposal as a result of this comment</p>	No changes to the Planning Proposal as a result of these comments.
RMS	<p>RMS raises no objection to the proposal provided any new building or substantial structures are erected clear of the land required for road.</p> <p>RMS is currently undertaking investigation for the upgrade of The Northern Road. RMS advises that any development application lodged on any of the proposed lots fronting The Northern Road shall be referred to RMS to determine any future road widening affectation (if any) on the proposed development.</p>	<p>No changes to the Planning Proposal as a result of this comment</p> <p>Any development application for this land will be referred to RMS for comment.</p>
Sydney Water	Sydney Water has reviewed the information provided and has no objection to the Proposal. Sydney Water will specify detailed requirements to service the development at the Section 73 Certificate application phase.	No changes to the Planning Proposal as a result of this comment.

The only change to the Planning Proposal as a result of public agency comments is the change of minimum lot size for the Harrington Park Homestead site from 5 ha to 7 ha.

The Process from Here

If Council determines to proceed with the Planning Proposal, it will be sent to the DPI for the plan to be made.

Various changes will also be required to be made to the Camden DCP 2011 to reflect the matters contained in the Planning Proposal.

Specifically these changes will be to Part C9 of the DCP and include:

- Removal of reference to Precinct O being an equestrian precinct;
- Removal of reference to very large lots in Precinct J;
- Changes to various maps to reflect the changes to Precinct J
- Addition of a control for Precinct I to require a covenant to be placed on lots. The covenant should include: retaining of significant vegetation; revegetation of the northern boundary of each property; and provide that rural type fencing is required for the northern boundary.

Once the DCP changes are exhibited a report outlining these changes and any submissions will be brought to Council and the DCP changes can then be adopted once gazettal of the amended LEP occurs.

CONCLUSION

During the 28 day public exhibition period of the Harrington Grove Planning Proposal (Amendment 8) Council received no submissions from the general public. A range of public agencies were consulted and comments were received. As a result of these comments, the proposal for the minimum lot size for the Harrington Park Homestead site will be changed from 5 ha to 7 ha.

The changes proposed in the Planning Proposal will help ensure good development outcomes for the site and for Camden and ensure that heritage and the environment are protected. Amendments to the DCP will help ensure that the Planning Proposal changes are reflected in the development controls.

RECOMMENDED

That Council:

- adopt the Harrington Grove Planning Proposal (Amendment 8) with the changes outlined in the report and the Planning Proposal;**
- send the adopted Planning Proposal and attachments to the DPI so that the plan can be made;**
- prepare and exhibit a DCP to reflect changes made by the Planning Proposal; and as detailed in this report**
- provide a further report to Council once the DCP is exhibited.**

ATTACHMENTS

1. Planning Proposal



ORD01

Attachment 1

Harrington Grove

LOCAL PLAN PLANNING PROPOSAL

CAMDEN LOCAL ENVIRONMENTAL PLAN 2010

November 2011

Prepared for
Harrington Estates Pty Ltd

Prepared By
Development Planning Strategies (NSW)

ORD01

Attachment 1

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ORD01

Attachment 1

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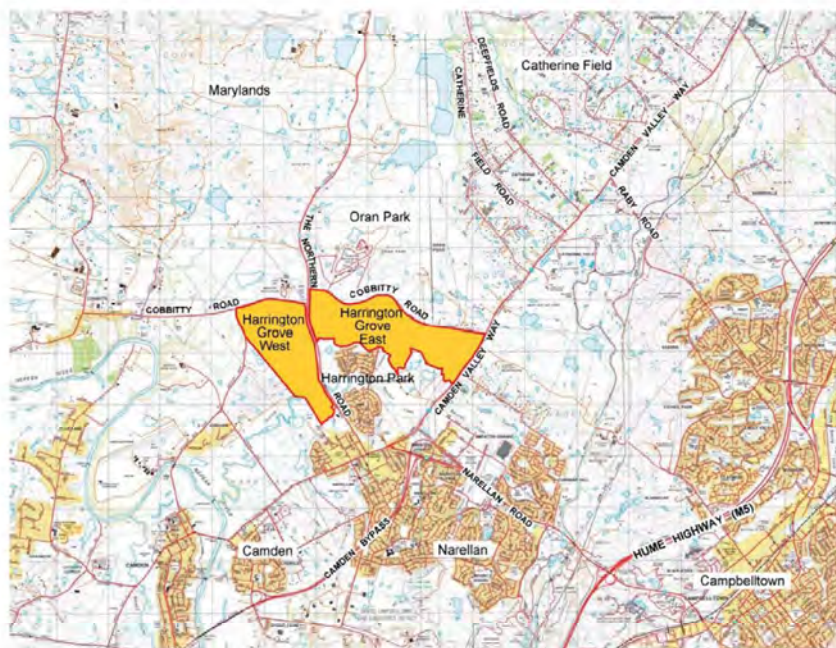
Attachment 1

INTRODUCTION

The land subject to this planning proposal is identified as Harrington Grove and the Harrington Park Homestead property. Harrington Grove is an approved community title residential development that includes over 1,200 residential lots. Harrington Grove occupies part of the former grazing property that was associated with the Harrington Park Homestead.

The subject land is located within the Camden Council Local Government Area and the site is 6km northeast of Camden, 20km southwest of the Liverpool CBD, and 50km southwest of the Sydney CBD. The residential development of Harrington Park is located immediately to the south of the site, with the South West Growth Centre abutting the northern boundary. Harrington Grove is bound by Cobbitty Road and Oran Park Drive to the north, Camden Valley Way to the east and Macquarie Grove Road to the west. The Northern Road divides the Harrington Grove development area in a north-south alignment.

Location Plan



Harrington Grove was rezoned for residential development in September 2007. Since then, a multi-purpose community facility incorporating a restaurant, cafe, function rooms and recreational activities has been constructed in addition to over 250 residential allotments. As part of the development over 280 hectares of land containing Cumberland Plain Woodland vegetation is being protected for conservation and rehabilitation, which is to be mostly maintained as part of the community title scheme but still accessible to the broader local community and general public.

As part of rezoning Harrington Grove, the land was comprehensively investigated to confirm its suitability for a residential development. Site investigation studies undertaken to determine the constraints of the subject land were used to support the evolution of a concept design for an environmentally responsive development outcome. The Concept Plan below illustrates the area of bushland to be retained and green spaces to be created, which is substantially greater than other urban developments within the region.

Harrington Grove Concept Plan



As seen in the Concept Plan, the site has been sensitively designed to allow residential development within areas of low environmental significance and areas with higher levels of environmental significance protected. Due to the size of the Harrington Grove site, the areas for residential development have been identified as Precincts (Refer to Attachment 1 - Site Location Plan). These Precincts have been adopted in the Camden Development Control Plan 2006.

This Planning Proposal seeks several modifications to the Camden Local Environmental Plan 2010 (CLEP 2010) to amend the maps relating to the zoning and minimum lots sizes for Harrington Grove and the Harrington Park Homestead property. The proposed amendments will better reflect the development already approved by Council, and rectify some anomalies between the existing CLEP 2010 controls and existing/future land uses within the Harrington Grove and Harrington Homestead lands.

In addition, part of the Planning Proposal amendments relate to an environmental approval issued by the Federal Department of Sustainability, Environment, Water, Population and Communities (DSEWPC), which was formerly the Department of the Environment, Water, Heritage and the Arts. The Department's approval required a change to the development philosophy in Precinct J as the existing outcome for this precinct was not considered to be an acceptable environmental outcome. Notwithstanding, DSEWPC considered the environmental outcome for the remaining areas of the Harrington Grove development to be of a high standard.

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In summary, the amendments relate to the following LEP components:

1. Zoning maps
2. Minimum lot size maps

In general, the Planning Proposal is required to allow development to continue as was planned and intended prior to CLEP 2010 taking effect. Accordingly, amendment to CLEP 2010 is required to enable an appropriately zoned, coordinated and environmentally sensitive residential development to progress within Harrington Grove and Harrington Park.

Attachment 1

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The Harrington Grove site was initially rezoned for urban development in September 2007 as an amendment to the now superseded Camden Local Environmental Plan No. 74. During 2009/2010 Council prepared a new LEP in accordance with the NSW State Government's Standard LEP Template. CLEP 2010 was finalised in September 2010 and is now the principal Environmental Planning Instrument for Camden Council.

In preparing the new CLEP 2010, Council transitioned to the new Standard LEP format with a 'like for like' approach. Consequently, the preparation of the new LEP did not provide an opportunity to consider a change in zones or development standards that would facilitate principle changes in land use and/or permissibility between the current and previous LEPs. Now that CLEP 2010 is finalised, minor amendments to the maps of CLEP 2010 are sought to reflect the original development philosophy, environmental approvals issued by DSEWPC and approved subdivision layouts applying to Harrington Grove and the Harrington Park Homestead land.

The objectives of this Local Plan Planning Proposal are as follows:

- To update the Camden LEP 2010 in accordance with existing development approvals and land tenure arrangements.
- To rationalise zone boundaries and associated principal development standard boundaries to reflect constructed and approved development outcomes.
- To modify statutory provisions to reflect the requirements of an environmental approval issued by the Federal Department responsible for the environment.
- To implement the changed development philosophy within Harrington Grove by enabling the creation of 700m² or greater residential allotments within selected areas of the residential development to achieve a better environmental outcome.

The intended outcome is to achieve an LEP containing mapping that depicts boundaries and designate land uses within Harrington Grove that is consistent with cadastral boundaries, environmental and planning approvals, and/or physically constructed development.

PART 2 – EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal are to be achieved by amending selected CLEP 2010 maps. The following maps and schedule will require amendment under this proposal:

1. Zoning maps:
 - Sheet LZN_007
 - Sheet LZN_012
 - Sheet LZN_016
 - Sheet LZN_017
2. Minimum Lot Size Maps:
 - Sheet LSZ_007
 - Sheet LSZ_012
 - Sheet LSZ_016
 - Sheet LSZ_017

3. Delete Schedule 1 Clause 9

The specific amendments to each LEP map are outlined below.

1. Amendments to Zoning Maps (Refer to Attachment 2)

Precinct J

It is proposed to amend the zone boundaries of the E2 Environmental Conservation and E4 Environmental Living zones in accordance with an environmental approval from the *Environmental Protection and Conservation Act* approval issued by the Federal Department of Sustainability, Environment, Water, Population and Communities (DSEWPC), which was formerly the Department of the Environment, Water, Heritage and the Arts (Refer to Attachment 4 - letter dated 25 May 2010 by Ecological Australia & Attachment 5 – DSEWPC Approval).

Prior to issuing their approval, DSEWPC conducted a comprehensive environmental assessment of the entire Harrington Grove development with particular regard to the conservation of the Cumberland Plain Woodland remnants. Following this environmental assessment, DSEWPC confirmed its support for the proposed development and environmental outcome throughout the entire Harrington Grove with exception to Precinct J.

Initially Precinct J proposed large allotments with each containing a large tract of Cumberland Plain Woodland vegetation. DSEWPC did not consider this arrangement to be a satisfactory environmental outcome for the ongoing protection of the Cumberland Plain Woodland vegetation. In particular, DSEWPC considered this arrangement fragmented the management of the Cumberland Plain Woodland vegetation, which would be detrimental to the ongoing conservation of this significant vegetation. Because

of this view, the DSEWPC was not prepared to issue their approval under the *Environmental Protection and Conservation Act* until a satisfactory environmental outcome was resolved for the Precinct J area.

To address their concerns, DSEWPC sought an environmental outcome for Precinct J that consolidates the Cumberland Plain Woodland within the precinct under a single management and tenure arrangement, which is to be offset by allowing a greater concentration of residential development within a defined 'development footprint'. Further, the 'development footprint' area was determined to be predominately of low environmental significance, and therefore, the more concentrated residential development area would ensure preservation of the Cumberland Plain Woodland and uphold the environmental conservation principles of the overall development. This arrangement is the key outcome for DSEWPC to enable the issue of the environmental approval under the *Environmental Protection and Conservation Act*.

As a result of the DSEWPC approval, the total area of land for residential uses has been substantially reduced. However, this has been offset by allowances for a greater density of residential development within the smaller defined development footprint, which has been formalised under the DSEWPC approval. The land within the development footprint has been deemed to be suitable for standard residential development providing the land outside the development footprint, which contains the significant Cumberland Plain Woodland, is contained under a single tenure and management arrangement.

The DSEWPC approval includes requirements for the future use and ownership of land within Precinct J. Annexure 1 in the DSEWPC approval defines the developable area, which corresponds with the boundaries in this proposal, as 'Development Footprint'. The remaining area of Precinct J, which contains the Cumberland Plain Woodland vegetation, is defined as 'Council Reserve'. Accordingly, DSEWPC has determined that the best environmental outcome for the area containing the significant vegetation should be that it is vested with Council.

Development resulting from the proposed amendments to Precinct J will continue to be consistent with the overarching objectives for the Harrington Grove Development. The principle objectives for Harrington Grove are outlined in Camden Development Control Plan 2011. Each objective with a corresponding explanation of how consistency with the objectives is achieved is listed in the table below.

Objectives	Response
1. Facilitate the development of Harrington Grove in a way that is environmentally sensitive and responds positively to the site's heritage and scenic character, while conserving large sections of regionally significant remnant bushland.	The proposed amendment will facilitate a better environmental outcome by ensuring a better management response to Cumberland Plain Woodland vegetation. This will therefore enhance the scenic character of the overall development and better conserve large portions of consolidated regionally significant bushland.

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Attachment 1

Objectives	Response
2. Provide a viable regionally significant habitat corridor in an east – west direction across the site, that retains the high value remnant Cumberland Plain Woodland and includes riparian corridors.	The consolidation of the Cumberland Plain Woodland into a single tenure and management arrangement will improve the viability of the habitat corridor that traverses Harrington Grove. There will be no fences and no clearing within the areas of highest environmental significance, which will preserve the ecological habitat in the highest possible standard and the lowest amount of interference.
3. Protect the scenic character and significant views.	The revised development will not adversely impact on the character of scenic views of the locality. The development footprint area is not visible from the Camden Valley to the south or elevated areas within Oran Park to the north. In addition, the character of Cobbitty Road will be maintained with the retention of mature trees within the roadside verges, which is where the majority of vegetation along Cobbitty Road is located.
4. Provide appropriate curtilages in accordance with the Conservation Management Plans around the areas of heritage significance.	The proposed amendment to Precinct J will not have any impacts of the heritage curtilages of Harrington Park or Orielson Homesteads.
5. Facilitate the ongoing management and conservation of the natural and cultural heritage of the site.	The proposed amendments will result in superior outcome for the ongoing management of the Cumberland Plain Woodland. As determined by the DSEWPC, the proposed development outcome will result in a management arrangement that will better protect and conserve the bushland of highest significance.
6. Avoid development in areas of high salinity potential, areas with excessive steepness and associated instability.	The proposed development area has already been determined suitable for residential development, which is demonstrated by the existing E4 zoning.

Objectives	Response
7. Ensure future residents of the site are able to conveniently access employment, shops, educational, community facilities and recreational opportunities both within the site and in the surrounding area.	Access to the future residents within Precinct J will not change. Residents will be able to access the full range of facilities through highly connected pathway networks, which link to the community facility in Harrington Grove, retail and community facilities in Harrington Park, and future facilities and services within Oran Park.
8. Ensure that development is staged in a manner which is efficient in terms of infrastructure use and provision.	Precinct J will be delivered and coordinated in accordance with the timely and efficient provision of infrastructure, as initially intended. Preliminary investigations have confirmed that the residential area of Precinct J can be adequately and appropriately serviced. More detailed investigations into servicing and infrastructure will be undertaken as part of the comprehensive investigations following the Gateway Approval.
9. Provide opportunities for equestrian acreage and eco environmentally sensitive housing in a bushland setting.	The proposed development outcome will result in an enhanced eco environmentally sensitive setting and provide an extensive interface with the adjacent bushland setting. It is noted that the equestrian activities relate to the Precinct O area and not Precinct J.

Revising the zoning for Precinct J land by rebalancing the E2 Environmental Conservation and E4 Environmental Living zones increases the area zoned for E2 and is critical in delivering the outcomes associated with the DSEWPC approval. Further, it will result in a greater area (3.5ha) of Cumberland Plain Woodland protected under the E2 zone. This is therefore a considerably improved environmental outcome for the conservation of significant vegetation within Harrington Grove.

In light of the above, it is proposed to rezone the portions of land within the area of Precinct J currently zoned E4 Environmental Living to E2 Environmental Conservation and conversely other portions from E2 Environmental Conservation to E4 Environmental Living (Refer to Attachment 2 for proposed zone amendments).

Precinct I

Precinct I is predominantly zoned E4 Environmental Living to facilitate a sensitive form of residential development. Precinct I abuts Cobbitty Road on its northern boundary and borders the environmentally significant land of the community woodland on the remaining boundaries, which is zoned E2 Environmental Conservation.

ORD01

Attachment 1

Within this Precinct the boundary of the E4 zone is inconsistent with the boundary of the area approved for residential development. As a result, Precinct I contains a narrow strip of E2 zoned land along the interface with Cobbitty Road. Whilst it is appreciated that Council's intention was to protect the mature vegetation between the carriageway of Cobbitty Road and the residential areas of Harrington Grove to maintain the character of Cobbitty Road, the significant vegetation is primarily located within the roadside verge and not the Harrington Grove site. Furthermore, the land within the Harrington Grove site contains vegetation of lesser significance, which will become part of residential allotments under the existing subdivision approval for Harrington Grove. The existence of mature vegetation in the verge is illustrated in the photographs below.

Precinct I Interface with Cobbitty Road



In addition to the significant trees being located within the roadside verge, the strips of E2 zoned land, which are located entirely within an area approved for residential development, result in residential allotments that are affected by two different zones. The application of two different zones to a single landholding, in particular a residential allotment, presents a complicated situation for the landowner in managing, maintaining and using their land. It also presents a difficult situation for Council in administering their LEP and assessing development proposals.

In light of the above, it is proposed to rationalise the E4 zone to incorporate the entire area identified for residential development within this Precinct (Refer to Attachment 2 for proposed zone amendments). This will therefore result in zone boundaries that accord with boundaries approved by existing development consents and the cadastral boundaries of the residential allotments.

Harrington Park Homestead

Currently there are two different zones applying to the Harrington Park Homestead property. The main portion of the property, which contains the homestead and associated buildings, is zoned R5 Large Lot Residential with the northern portion of the property zoned RE1 Public Recreation. This is an anomaly that eventuated from adopting the zoning in Council's now superseded LEP No. 74.

It is therefore proposed that the northern portion of the homestead allotment be zoned R5 Large Lot Residential to reflect existing zoning of the main Harrington Park Homestead area and future dedication of land for public reserve. This will provide certainty to the owner regarding the use of the property and eliminate a situation where private land is identified for 'Public Recreation', which is normally a zone applied to land that is owned and managed by a public authority.

In addition, the northern portion of the homestead allotment comprises an operational parcel of land in relation to the Harrington Grove development, which contains activities such as a horticultural operation to provide mature street trees and maintenance sheds. It is intended to subdivide this operational land from the core Harrington Park Homestead land, which contains the areas of heritage significance.

Precinct F South

The southern boundary of Precinct F adjacent to the area known as Stage 34 of Harrington Park has an irregular alignment, which has resulted in a block of irregular shaped allotments. These allotments have varying widths and relatively long depths due to the difficulty in responding the urban layout to the existing boundary.

The land subject to the proposed rezoning is contains no remnant native vegetation but contains some immature plantation trees. The landform is gently undulating and slopes slightly toward the existing residential development of Harrington Park to the west and Camden Valley Way to the east. The land is at a lower elevation to the other areas of Precinct F and generally level with the existing adjacent residential development within Harrington Park.

A large landscape mound that has been planted with native trees is situated to the south, which was constructed as part of the works for the Sir Warwick Fairfax Drive connection to Camden Valley Way. This mound provides a physical visual screen to the Precinct F South area from the south, in particular when travelling towards the subject site on Sir Warwick Fairfax Drive. It also provides screening from Camden Valley Way in a northbound direction.

Due to the physical attributes of the landform, landscaped mound and the elevation of the subject land, the development of the Precinct F South area will result in no adverse visual impacts. In fact, the existing Precinct F area that is already zoned for regular residential development is more elevated and would be more visually prominent than the area subject to this proposal.

ORD01

Attachment 1

Precinct F South Area Site Photos



An indicative subdivision layout is illustrated in the diagram below. The subdivision layout is an orderly and regular subdivision pattern which results in a logical 'rounding-off' of the residential area for Precinct F that will have no adverse environmental or visual impacts.

Indicative Subdivision Layout



To accommodate this subdivision layout, an area of approximately 9100m² of the Stage 34 area needs to be rezoned. Accordingly, it is proposed that the 9100m² portion of land, which is identified as Precinct F South on the location plan (Refer Appendix 1), be rezoned from 'R5 Large Lot Residential' to 'R2 Low Density Residential' to reflect the current zoning for the balance of Precinct F within Harrington Grove.

In addition to creating a more orderly residential layout, the ability for the new residential allotments to mitigate traffic noise emissions from Camden Valley Way will be significantly improved. Whilst it has already been demonstrated that the existing irregular allotments are able to provide the necessary noise attenuation required for traffic noise

emissions from Camden Valley Way, a more regular subdivision layout that results in more contained private open spaces and built form will achieve a more optimal response to noise emissions.

This is demonstrated in the subdivisional layouts along the Camden Valley Way interface to the north. These approved residential allotments that front and side Camden Valley Way underwent rigorous noise modelling to ensure that noise emissions could be attenuated successfully. In comparison to the irregular shaped allotments, which form the existing southern boundary to Precinct F area, the regular shaped allotments were significantly better performing in mitigating the noise impacts.

In addition to the subdivision layout delivering a better response to traffic noise impacts, the design will achieve a better lot layout pattern that includes a logical 'rounding-off' of the interface between Precinct F and Stage 34 in Harrington Park.

The proposed amendment will facilitate a residential development that does not result in any adverse visual or environmental impacts and subdivision layout that will provide optimal noise attenuation opportunities for the future residents of Precinct F South. In addition, the proposal will result in an improved and more efficient use of land, and will contribute to increasing housing supply without any adverse impact on infrastructure or Council resources.

District Playing Fields

District playing fields and associated facilities are planned for Lot 8 DP 1132349, which are to be provided in accordance with the Voluntary Planning Agreement for Harrington Grove. The site is zoned RU1 Primary Production in CLEP 2010, which does not permit a full range of sporting facilities. Prohibited uses include indoor recreational facilities, such as swimming pools and gymnasiums, and major recreation facilities. Furthermore, the RU1 zone does not reflect the planned and intended use for this site, which is for a major public recreation and sporting complex.

A more appropriate zone for the site is RE1 Public Recreation, which permits a range of sporting facilities associated with the playing fields and aims to "provide a full range of recreational settings and activities". Accordingly, it is proposed that Lot 8 be zoned RE1 to reflect the future use of the land and to enable the successful delivery of the facilities required under the Harrington Grove Voluntary Planning Agreement.

2. Amendments to Minimum Lot Size Maps (Refer to Attachment 3)

Precinct J

It is proposed to amend the minimum lot size requirement for the Precinct J area from 2000m² to 700m² to enable the environmental outcome in the *Environmental Protection and Conservation Act* approval issued by the Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) to be implemented (Refer to Attachment 4 - letter dated 25 May 2010 by Ecological Australia & Attachment 5 – DSEWPC Approval).

As detailed in the previous section explaining the proposed zoning amendments to Precinct J, DSEWPC has completed a comprehensive environmental assessment of

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Harrington Grove and has confirmed its support for the proposed development except for Precinct J. The proposed larger allotments that fractured the ownership of the area containing significant vegetation was not considered by DSEWPC to be a satisfactory arrangement for the ongoing protection of the Cumberland Plain Woodland vegetation.

To obtain full support from DSEWPC to then enable the issue of an environmental approval under the *Environmental Protection and Conservation Act*, a smaller development footprint was identified where a greater concentration of residential development is allowed. The area of land outside the development footprint is to be contained under a single tenure and management arrangement. The difference in the development footprint under the existing LEP and the proposed amendment is as follows:

	Development Footprint	Conservation Area
Existing LEP	17.23ha	32.55ha
Proposed Amendment	13.65ha	36.13ha

In light of the above, the existing 2000m² minimum lot size in CLEP 2010 does not enable an increase in residential development within the smaller development footprint in accordance with the DSEWPC approval. Therefore, a minimum lot size of 700m² within the E4 zoned area of Precinct J is proposed to facilitate the improved environmental outcome approved by DSEWPC.

Precinct G

CLEP 2010 currently allocates a minimum lot size of 2000m² to Precinct G, which was adopted from the minimum lot size requirement in Camden DCP 2006 on a like-for-like basis. However, prior to the finalisation of CLEP 2010 Council approved a subdivision layout within Precinct G that contained lot sizes of around 700m² to 800m² or greater under Development Application 1267(5)/2006 (issued 16 June 2010) (Refer to Attachment 6 – Approved Subdivision Plan).

Accordingly, it is proposed to update the minimum lot size for Precinct G so it is consistent with the development approval applying to the site, being a minimum of 700m². In addition, the amendment to the minimum lot size will enable an irregular lot boundary for two allotments within the Precinct G area to be rectified.

Precinct O

CLEP 2010 allocates a minimum lot size of 2000m² to Precinct O, which was adopted from the minimum lot size requirement in Camden DCP 2006 on a like-for-like basis. However, the 2000m² minimum lot size requirement does not enable the necessary flexibility to deliver a lot layout that responds to the topography and development constraints applying to this Precinct.

It is intended to implement a minimum lot size regime that will deliver a lot layout reflective of the existing lot pattern in Kirkham Estate for area forming the floodplain of Narellan Creek, which are allotments that are typically 6000m² in area or greater. This

Will ensure an existing development pattern is continued that respects the existing residents adjacent to Precinct O.

It is also the intention to enable the delivery of allotments with a range of differing land areas in response to changes in the landform for the more elevated areas of the Precinct. Accordingly, the allotments in the northern portion of the Precinct are expected to have a range of areas from the 700m² to 800m² and in excess of 2000m².

The lot sizes will be dependent on detailed the detailed subdivision design and will respond to the following considerations:

- provision of a suitable road access,
- provision of reticulated sewer to allotments,
- providing residential allotments that have a suitable buildable area that will not result in exorbitant dwelling construction costs, and
- providing suitable building pads for housing with adequate freeboard to flood levels.

Accordingly, it is proposed to amend the existing minimum lot size for Precinct O of 2000m² to:

- 6000m² for the allotments incorporating the flood liable land associated with Narellan Creek, and
- 700m² for the portion of the Precinct relating to the elevated areas of the Precinct.

It is noted that one portion of the Precinct abutting the Kirkham Estate is to retain the current lot size of 2000m² to ensure a similar subdivision pattern is formed on the boundary with existing residents of Kirkham Estate. This revised minimum lot size regime will ensure a subdivision layout that is sympathetic to the existing residents of Kirkham Estate and the landform pertaining to the Precinct.

It is also necessary to delete Clause 9 from Schedule 1 as this is related to the previous vision of the site as an equestrian residential area.

Harrington Park Homestead

CLEP 2010 allocates a minimum lot size of 40ha for a portion of the Harrington Park homestead allotment. There is no minimum lot size annotated for the northern portion of the site, which reflects the area zoned 'RE1 Public Recreation'.

The Harrington Park homestead lot, not including the land to be dedicated as public reserve, is approximately 14.5ha in area and contains the homestead, a caretakers residence, sheds and a nursery, which supplies trees for the Harrington Grove residential estate to the north.

In addition to rezoning the northern portion of the parent lot to R5 Large Lot Residential, as explained in the previous section, it is proposed that the minimum lot size map be amended to incorporate a minimum lot size of 7ha and apply this minimum lot size requirement to the entire Harrington Park Homestead allotment.

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Amendment to the minimum lot size requirement for the homestead allotment would enable the subdivision of the site to excise land containing the established nursery and land that does not constitute to the archaeological significance of the homestead. This portion of the homestead allotment is part of the working and operation landholding of the Harrington Grove development and does not form part of the core or significant area associated with the Harrington Park homestead.

A Heritage Impact Statement (HIS) has been prepared by Tropman & Tropman Architects to assess the potential heritage impacts and implications of subdividing the homestead allotment as well as defining the best option for boundary alignments for the proposed subdivision (Refer to Appendix 7).

A preferred lot layout for the Harrington Park Homestead lot has been identified in the HIS, proposing the creation of a two allotments of approximately 9ha and 5.5ha. The 9ha allotment would encapsulate all areas of archaeological potential associated with the homestead, whilst the 5.5ha allotment will encompass the existing nursery and land that does not constitute to the archaeological significance of the homestead.

The HIS confirms that the proposed subdivision of the homestead allotment for the purposes of excising land associated with the nursery and open space areas from the Harrington Park homestead would not affect the heritage curtilage of the estate or any significant views and vistas to the State heritage listed item. It also complies with the relevant policies of the Harrington Park Homestead Conservation Management Plan 2006.

The current minimum lot size requirements for the Harrington Park homestead allotment in the CLEP 2010 does not permit the subdivision of the site to excise the existing nursery and areas of minimal heritage significance. Therefore, a minimum lot size of 7ha for the entire allotment is proposed to facilitate the future subdivision of the site that has been comprehensively investigated by a heritage specialist.

Precinct F South

In addition to rezoning a portion of land to be incorporated into Precinct F South for residential purposes, as explained in previous section on the zoning changes, it is proposed that the minimum lot size of this area be amended to reflect the existing minimum lot size applying to the Precinct F area. Accordingly, it is proposed that the amended area corresponding with the R2 zone in Precinct F South for be allocated a minimum lot size of 700m² to ensure consistency with proposed zoning. The 700m² minimum lot size is consistent with the existing residential areas of Precinct F.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal for Harrington Grove and Harrington Park is not the result of any study or report that has specifically been prepared to support the proposed amendments as the Proposal is to mostly rectify anomalies and inconsistencies affecting the subject land. However, as discussed in the previous section, a major part of the Planning Proposal (Precinct J) is the result of the *Environmental Protection and Conservation Act* approval that has been issued by DSEWPC. DSEWPC determined that the entire Harrington Grove development was acceptable from an environmental viewpoint with the exception of Precinct J. The improved environmental outcome for Precinct J, which enabled DSEWPC to issue their approval, forms part of this Planning Proposal.

The broader planning and development of the Harrington Grove residential development commenced with high level planning through to the detailed development approvals in accordance with State and local strategic requirements.

Harrington Grove has been identified for urban development in the State Government's Metropolitan Development Program (MDP) since 2002. In the MDP the overall site is earmarked for approximately 1500 dwellings. Sydney Metropolitan Strategy, which was introduced in December 2005 to guide the growth of Greater Sydney, identifies Harrington Grove as an 'Existing Urban Area'. Similarly, the Draft South West Subregional Strategy identifies the site as a 'New Release Area'.

Following a detailed Local Environmental Study (LES) process, Harrington Grove was rezoned in September 2007. The LES comprehensively considered the environmental characteristics and attributes of the site to determine the suitability of portions of the site for residential development. This included detailed investigations of the following:

- Flora and Fauna
- Bushfire
- Riparian Ecology
- Soil and Salinity
- Archaeological and Cultural Heritage

The findings from the above studies were used as the basis for the zoning and detailed design to support the development approvals which currently apply to the Harrington Grove site.

In light of the above, the Planning Proposal is essentially proposing minor amendments to the statutory framework that has been already implemented under previous LEP processes and is a refinement of the work informed by the original LEP studies.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

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The changes included in this Planning Proposal are the proper and best means of achieving the included objectives and intended outcomes. Given the proposed amendments relate to land use issues and principal development standards set by CLEP 2010, the appropriate means to achieve the sought amendments to these statutory requirements is to amend Council's LEP.

Other available processes are not considered an appropriate means of achieving the objectives and intended outcomes of this Planning Proposal.

3. Is there a net community benefit?

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adapted from the Draft Centres Policy (April 2009). In some cases the Evaluation Criteria have been modified or removed to ensure the criteria are meaningful to this Planning Proposal.

Net Community Benefit Evaluation Criteria	Response
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The subject site for this Planning Proposal is within an area covered by the Sydney Metropolitan Strategy and the South West Sub-Regional Strategy for Sydney. These documents identify the subject land as 'Existing Urban Area' and 'New Release Area' respectively.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The Planning Proposal is in accordance with the established Metropolitan, regional and local planning frameworks, which is supported by Council and the Department of Planning. Therefore, it is not likely to set an undesirable precedent.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The Planning Proposal is consistent with the overall broad zoning regime adopted for the Harrington Grove and Harrington Park developments. Accordingly, no cumulative effect of similar spot rezoning proposals is to be expected.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will not directly facilitate permanent employment growth and will not result in any loss or impact on employment lands. The development of the land however results in considerable local employment.

Net Community Benefit Evaluation Criteria	Response
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The Planning Proposal will create a minor increase the supply of residential allotments and therefore have a positive impact on housing affordability and diversity.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject site is within a major urban growth area of Sydney, which has been comprehensively planned for public infrastructure requirements. The Harrington Park and Harrington Grove developments, along with the Oran Park and Turner Road Precincts of the South West Growth Centre, have or will contribute to the provision of major road upgrades and essential public infrastructure services. In addition, this includes the provision of an extensive public accessible cycling and pedestrian pathway network throughout Harrington Park, Harrington Grove and surrounding areas. Accordingly, there is adequate public infrastructure to accommodate the proposed amendments.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	As stated above, there are significant investments in infrastructure for the locality. However, any potential increases in patronage resulting from the proposal is not expected to have any actual impact.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The Harrington Grove site has been comprehensively investigated for environmental impacts from the overall development. The proposal will reduce the overall footprint of private owned land and ensure a greater portion of the Cumberland Plain Woodland being protected in perpetuity. The proposal does not relate to land affected by flooding.

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Net Community Benefit Evaluation Criteria	Response
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is compatible and desirably complementary with adjacent land uses, which include urban development in Oran Park to the north. Residential development of the same nature also lies within the subject site. There will be no impacts on amenity or the broader community and the quality public domain area of Harrington Grove and Harrington Park will be maintained.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	There are three main public interest reasons for progressing the Planning Proposal, including: <ol style="list-style-type: none"> 1. The supply of housing will increase, which will have a positive impact on affordability and diversity. 2. The public will have access to a significantly larger area of open space that will incorporate the protection of Cumberland Plain Woodland in accordance with an environmental approval issued by DSEWPC. 3. Considerable employment during the construction phase of the development and as part of the management of the woodland areas over time.

There is a significant net community benefit resulting from the Harrington Grove Planning Proposal, particularly as it will have a minor increase housing supply in the locality whilst reducing the overall footprint of residential development across Harrington Grove. It will also meet regional objectives to expand housing and it will not adversely impact an environmentally sensitive land as development has been carefully designed to respond to environmental considerations.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy apply to the area subject to this proposal. Metropolitan Plan for Sydney 2036 was recently reviewed and that the Draft South West Subregional Strategy is now under review.

Metropolitan Plan for Sydney 2036 identifies Harrington Grove as an 'Existing Urban Area' and sets broad objectives and actions to guide urban growth.

Relevant key objectives in Metropolitan Plan for Sydney 2036 relate to the subject land are the provision of housing and protecting the environment. The Planning Proposal is consistent with these objectives as it will deliver increased housing opportunities and better protect the Cumberland Plain Woodland.

The Structure Plan within Draft South West Subregional Strategy identifies the subject site as a 'New Release Area' for urban development. Harrington Grove is a relatively new release area that is identified for urban growth, and in particular residential development.

Relevant key aims in the Draft South West Subregional include:

- Accommodating housing needs of existing and future communities.
- Planning for major housing growth.
- Councils to plan for sufficient zoned land to accommodate their housing target in Principal LEPs.
- Protect and enhance the environmental assets.
- Conserve Sydney's heritage.

The Planning Proposal will result in a minor increase in housing in a planned growth area and will contribute to Council's housing target under the Draft South West Sub-Regional Strategy. In addition, the proposal will facilitate a better environmental outcome for the Cumberland Plain Woodland and rectify an anomaly in the zoning and minimum lot size of the Harrington Park Homestead.

The subject site is consistent with objectives and actions contained within both the Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy. Whilst the proposed amendments to Council's LEP are minor in the context of both strategies, the outcomes of this proposal will contribute significantly to achieving the objectives and actions.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

There are two local strategic plans relevant to the Planning Proposal, prepared by Camden Council.

Camden 2040 represents the community's vision for the Camden area over the coming three decades and details the strategies that will need to be prioritised by a range of agencies.

groups and individuals in order to achieve this vision, Camden 2040 establishes a strategic framework for the expected large-scale population growth and urban development that is coming to the local government area in the coming decades, under the State Government's Metropolitan Plan. Furthermore, it identifies the strategies that will be required to achieve balanced and quality environmental, social, economic and governance outcomes for the community and place of Camden.

Camden 2040 includes six key directions as follows:

Key Direction 1	Actively Managing Camden's Growth
Key Direction 2	Healthy Urban & Natural Environments
Key Direction 3	A Prosperous Economy
Key Direction 4	Effective and Sustainable Transport
Key Direction 5	An Enriched and Connected Community
Key Direction 6	Strong Local Leadership

Each Key Direction outlines strategies, responsibilities and performance indicators for measuring success. Further, the relevant objectives to the Planning Proposal include:

- Ensuring greater choice and diversity in housing to meet a range of existing and future community needs.
- A commitment to strong leadership and partnerships in the urban planning and development process that carefully balances environmental, social and economic outcomes.
- Prioritising the protection and enhancement of biodiversity throughout the local government area and South West Growth Centre through the active management and restoration of bushland and riparian corridors.
- Reducing the environmental footprint of residents, businesses, organisations and government agencies in Camden.
- Encouraging and facilitating biodiversity conservation efforts on private lands through effective partnerships, assistance and education.

The objectives of this Planning Proposal are consistent with the strategies outlined in Camden 2040. The proposed changes will ensure that a range of housing options are provided for current and future residents, and will help create a sustainable community set in a natural landscape that ensures environmental impacts are minimised.

Camden Residential Strategy 2008 does not provide a detailed account of the Harrington Grove development but acknowledges it will contribute to a significant increase in the population due to residential development.

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

The State Environmental Planning Policies (SEPPs) that are relevant to the Harrington Grove Planning Proposal are identified below.

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SEPP No 1 - Development Standards	The new CLEP 2010 contains provisions that supersede SEPP No.1.

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SEPP No 55 - Remediation of Land	As part of the previous planning processes to zone the subject land, the site was comprehensively investigated for contamination and Areas of Environmental Concern have been identified. The current proposal does not create a need to undertake any further investigations for contamination.
SEPP (Building Sustainability Index: BASIX) 2004	BASIX will continue to apply to the construction of all residential dwellings.
SREP No 20—Hawkesbury-Nepean River	The development approvals applying to the subject land have considered the requirements of SREP No 20. The proposed amendments mostly reflect development that has already been approved except in the instance where the development in Precinct J has a smaller footprint, and therefore, a better environmental outcome.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Each s117 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Harrington Grove Planning Proposal and confirming its consistency.

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.1 Business and Industrial Zones	NA	Not applicable
1.2 Rural Zones	NA	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	NA	Not applicable
1.4 Oyster Aquaculture	NA	Not applicable
1.5 Rural Lands	NA	Not applicable
2.1 Environment Protection Zones	Y	The Planning Proposal is consistent with this Ministerial Direction. The Planning Proposal will not affect the areas within the site that have been identified as environmentally sensitive areas, as determined by site investigation. In addition, a larger area of Cumberland Plain Woodland will be managed under a single management regime.
2.2 Coastal Protection	NA	Not applicable

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s.117 Direction Title	Applies	Consistency of Planning Proposal
2.3 Heritage Conservation	Y	<p>The Planning Proposal is consistent with this Ministerial Direction. The proposed rezoning of the northern portion of the Harrington Park Homestead and amendment of the minimum lot size requirement for this allotment will not adversely impact on the heritage significance of the homestead.</p> <p>In addition, a Heritage Impact Statement has been prepared to ensure there will be no adverse impacts to items of heritage significance.</p>
2.4 Recreation Vehicle Areas	NA	Not applicable
3.1 Residential Zones	Y	<p>The Planning Proposal is consistent with this Ministerial Direction. The Planning Proposal is consistent with the strategic growth policy framework identified for South West Sydney. In addition, the proposal will increase housing choice, have a reduced environmental impact and use existing infrastructure.</p>
3.2 Caravan Parks and Manufactured Home Estates	NA	Not applicable
3.3 Home Occupations	NA	Not applicable
3.4 Integrating Land Use and transport	Y	<p>The Planning Proposal is consistent with this Ministerial Direction. Road infrastructure within the site will be suitable for bus routes and pedestrian/cycle paths will link residential areas within the site to the surrounding areas of Oran Park and Harrington Park.</p>
3.5 Development Near Licensed Aerodromes	NA	Not applicable
4.1 Acid Sulfate Soils	NA	Not applicable
4.2 Mine Subsidence and Unstable Land	NA	Not applicable
4.3 Flood Prone Land	NA	Not applicable

s.117 Direction Title	Applies	Consistency of Planning Proposal
4.4 Planning for Bushfire Protection	Y	The Planning Proposal is consistent with this Ministerial Direction. Comprehensive bushfire assessments have been undertaken for each residential interface with the woodland and grassland areas. As a result Asset Protection Zones and Bushfire Attack Level construction standards are implemented throughout the development.
5.1 Implementation of Regional Strategies	Y	The Planning Proposal is consistent with this Ministerial Direction. The Planning Proposal applies to an area identified for residential development and will contribute to increasing the supply of housing in the locality.
5.2 Sydney Drinking Water Catchments	NA	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	Not applicable
5.6 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	Not applicable
5.9 Second Sydney Airport: Badgerys Creek	NA	Not applicable
6.1 Approval and Referral Requirements	NA	Not applicable
6.2 Reserving Land for Public Purposes	Y	The Planning Proposal is consistent with this Ministerial Direction. It will facilitate the removal of the RE1 zone from privately owned land which is not intended for acquisition by Council.
6.3 Site Specific Provisions	NA	Not applicable
7.1 Implementation of the Metropolitan Strategy	Y	The Planning Proposal is consistent with this Ministerial Direction. It meets objectives of the Metropolitan Strategy through facilitating urban growth by providing residential development as detailed in the Sydney Metropolitan Strategy Map.

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Section C - Environmental, social and economic impact.

8. 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?

Extensive flora and fauna assessment of Harrington Grove was undertaken at the LES stage of the rezoning process, which confirmed the ecological attributes of the subject site. The assessment classified the level of significance of flora and fauna species found within the site and identified the presence of Cumberland Plain Woodland. Cumberland Plain Woodland has been classified as a threatened species by the NSW Department of Environment, Climate Change and Water.

The proposal will result in an improved conservation outcome for the Cumberland Plain Woodland. It will enable the consolidation of this threaten species into a single management regime, which represents some of the higher quality tracts of Cumberland Plain Woodland within the Harrington Grove development. This has been confirmed by the DSEWPC approval, which consolidates the Cumberland Plain Woodland vegetation into a single tenure and management arrangement.

In light of the above, the Planning Proposal will not result in any adverse environmental impacts.

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

There are no other likely environmental effects that could result from this proposal. The lands subject to this proposal are not affected by flooding and appropriate bushfire management and protection measures will be implemented as part of existing or any future development approvals. In addition, there are no other contamination or salinity issues that have not been dealt with as part of the overall planning for Harrington Grove and Harrington Park.

10. How has the planning proposal adequately addressed any social and economic effects?

Assessment of the economic and social impacts for the overall Harrington Grove development was undertaken as part of the initial rezoning process. Works resulting from the Planning Proposal will create employment during the construction phase of development and will also result in a larger area of publicly accessible land of environmental significance. In addition, it will boost the housing supply in the locality.

It is expected that the proposal will have minor economic and social effects over and above those derived from the whole of the Harrington Grove development. However, these effects will result in positive impacts for the local and wider community.

In addition, Harrington Park is almost fully built-out with residential dwellings and a full complement of community facilities and services have been established for the development.

Section D - State and Commonwealth interests.**11. Is there adequate public infrastructure for the planning proposal?**

The subject site is within a major urban growth area of South West Sydney. It abuts the Oran Park and Turner Road Precincts of the South West Growth Centre, with construction of residential land and major public infrastructure provision well underway. In addition, as part of the development of Harrington Grove, there have been significant contributions towards public infrastructure to accommodate the demands of an increased population resulting from the residential development. Public infrastructure for the locality has sufficient capacity to accommodate any increased demand resulting from this proposal and is therefore not considered to affect the level of infrastructure already being provided.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section of the planning proposal is to be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination. There has been no early consultation with State and Commonwealth public authorities other than the DSEWPC, which forms part of the basis for amending CLEP 2010.

DSEWPC determined that the overall environmental outcome of Harrington Grove was deemed appropriate except for the Precinct J area. Following extensive consultation with DSEWPC, an agreement to modify the development proposed for Precinct J that consolidates the Cumberland Plain Woodland within single ownership and under a common management regime was the outcome needed for DSEWPC to issue their environmental approval under the *Environmental Protection and Conservation Act* (Refer to Attachment 4 – DSEWPC Approval).

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PART 4 – COMMUNITY CONSULTATION

The Planning Proposal is considered to be "low impact" as it is consistent with surrounding land uses and the strategic planning framework, and presents no infrastructure issues. Accordingly, an exhibition period of the full Local Plan documentation should extend for a maximum of 14 days.

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Camden Council website; and
3. in writing to adjoining landowners.

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CONCLUSION

The Planning Proposal seeks:

1. Rezoning of selected areas to rationalise zone boundaries with cadastre and existing development approvals for subdivision.
2. Amending the minimum lot size of selected areas to enable an approval from DSEWPC and the current development philosophy and approvals applying to Harrington Grove.

An LEP amendment through the Gateway Process is the most appropriate method to effect the intended outcome of this proposal. In addition, the proposal is supported by State and local strategic planning guidelines as well as the statutory planning framework requirements, including Section 117 Directions and State Environmental Planning Policies.

The proposal has a positive outcome for the environment and community. Accordingly, progression of the proposal to the LEP Gateway is sought.

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ATTACHMENTS

Attachment 1 – Site Location Plan

Attachment 2 – Amendments to Zoning Map

Attachment 3 – Amendments to Lot Size Map

Attachment 4 – Letter dated 25 May 2010 by Eco Logical Australia to DSEWPC

Attachment 5 – DSEWPC Approval

Attachment 6 – Approved Subdivision Plan

Attachment 7 – Heritage Impact Statement

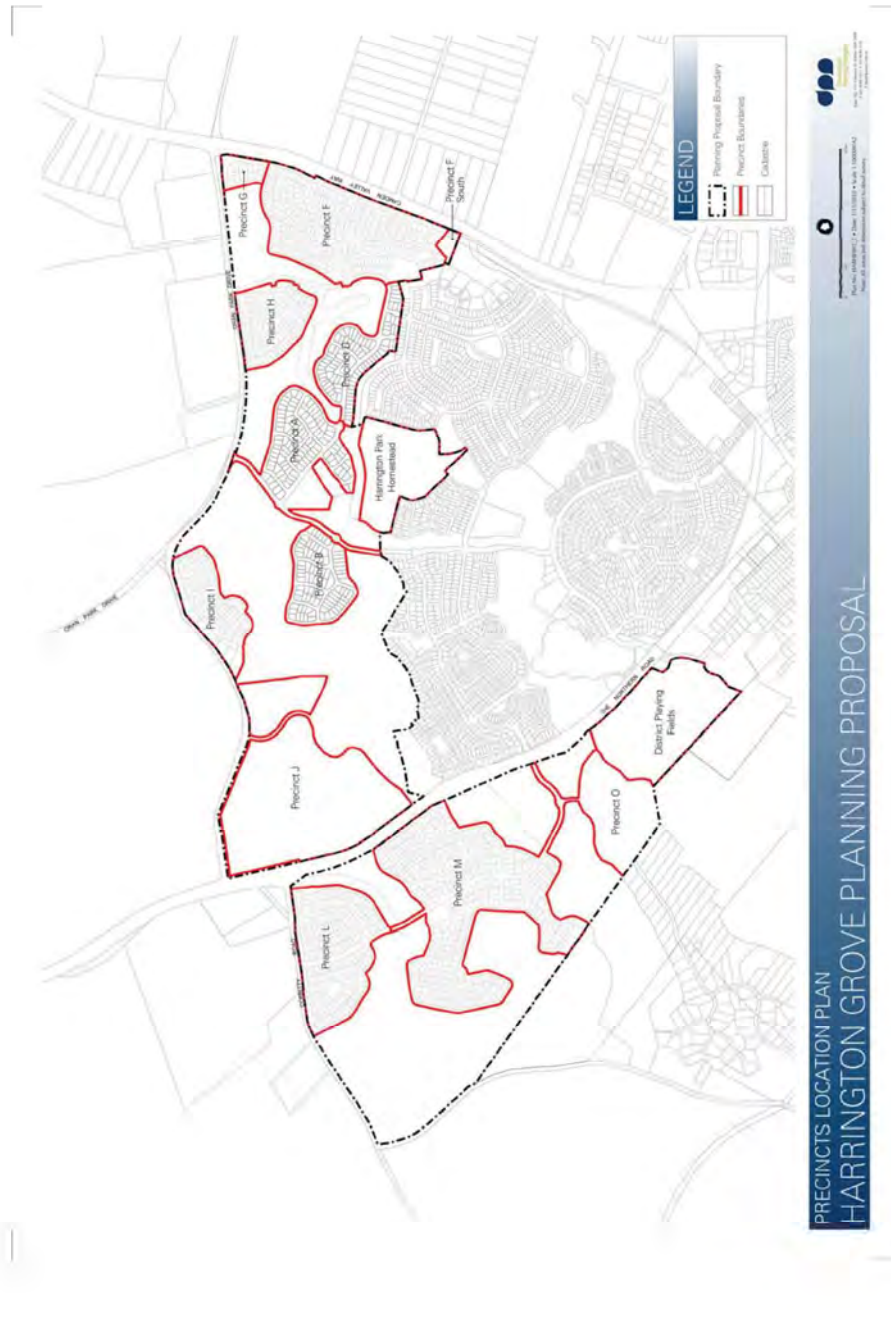
Attachment 1 – Site Location Plan

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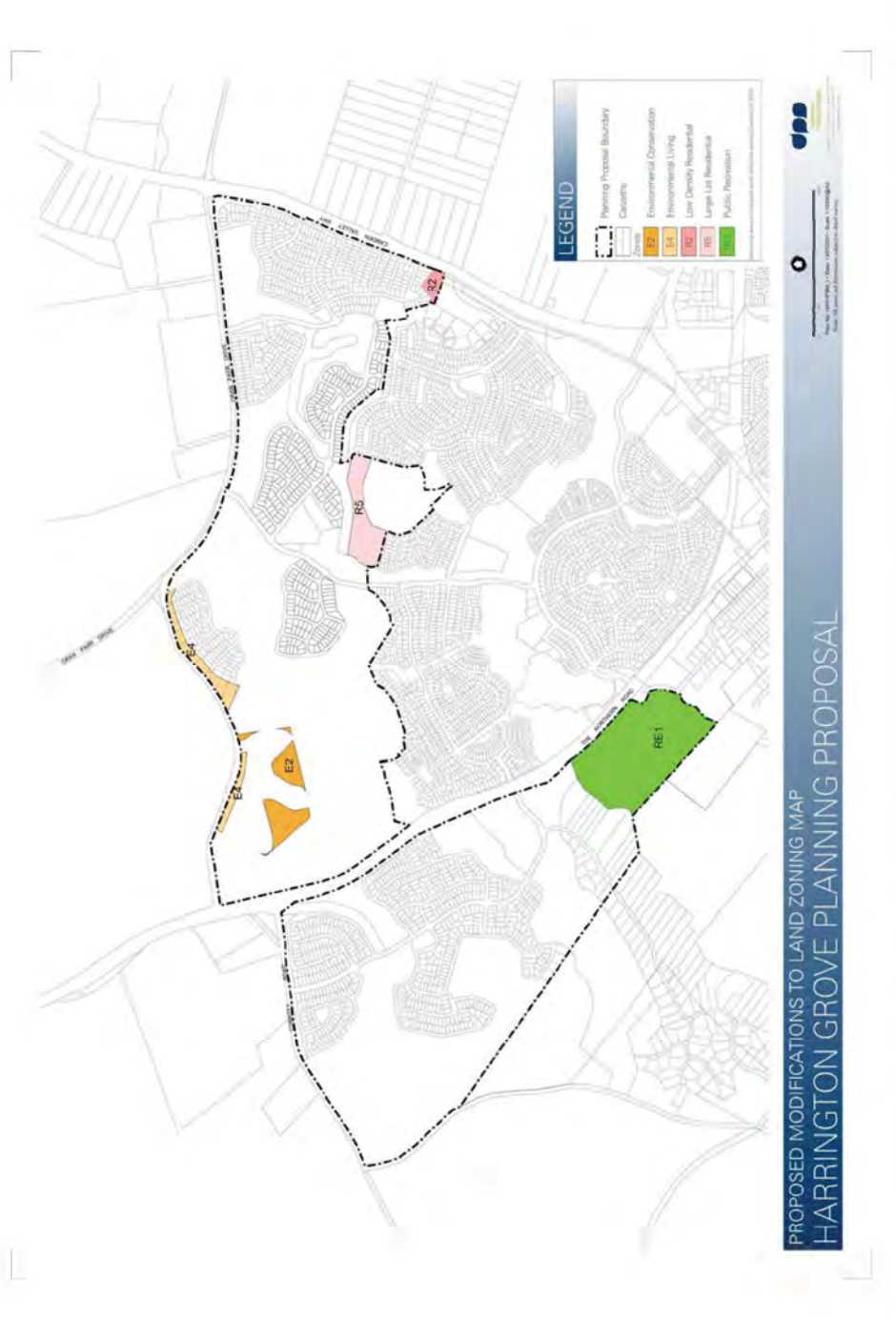
Attachment 2 – Amendments to Zoning Map

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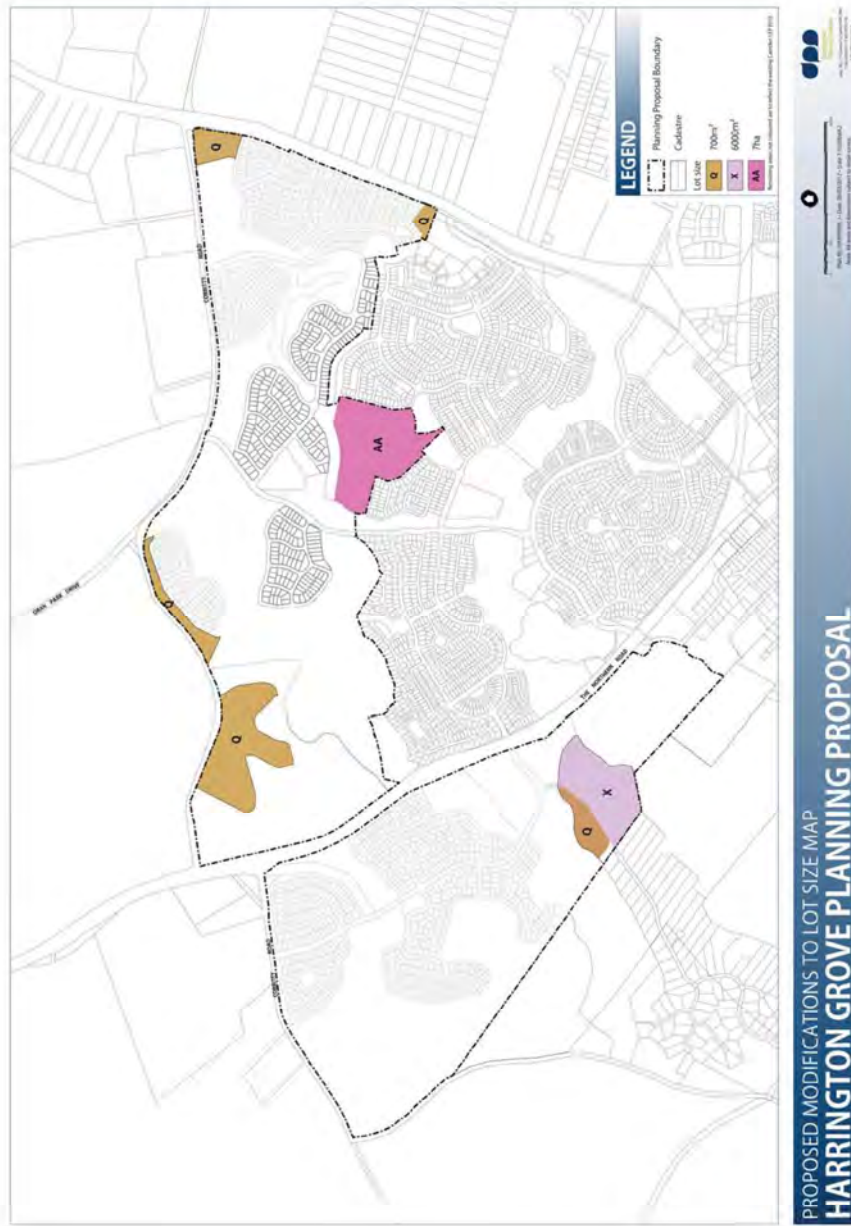


Attachment 3 – Amendments to Lot Size Map

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**Attachment 4 – Letter dated 25 May 2010 by Eco Logical Australia
to DSEWPC**

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25 May 2010

Dear Ms Bear,

**Further information in relation to proposed residential development at
 Harrington Grove, Western Sydney (EPBC 2009/4862)**

Please find the following response to your request for additional information in relation to the assessment of the Harrington Grove Residential Development.

Question 1 – redesign of Precinct J

The original layout of Precinct J allowed seven housing lots defined within distinct development envelopes. These development envelopes were located to minimise the impact to CPW. Of the 36.77 ha of CPW within Precinct J, approximately 2.72 ha was proposed to be lost through this original layout. However, the only mechanism available for the on-going protection and management of the retained woodland within Precinct J (34.05 ha) was to impose a set of obligations on each of the seven private landowners.

As discussed in the meeting held on 6 April 2010, this mechanism to protect the conservation areas is less favourable from a regulatory perspective compared with public management. For this reason, Precinct J has been re-designed to enable security and on-going management of the retained woodland through council ownership.

The new design of Precinct J is shown at Attachment 1.

The outcome for CPW as a result of this redesign is presented in Table 1. Compared with the original layout, the new design for Precinct J will lead to a further 6.46 ha of loss of CPW. This increase in the impact reflects the need to improve the lot yield of Precinct J to make council management of the conservation areas feasible. Through this revised layout and management arrangement, it is considered that an improved conservation outcome for CPW is achieved.

Development at Harrington Grove will now lead to the loss of around 46 ha of CPW (comprising 16.14 ha of high quality, 24.12 ha of moderate quality, 5.41 ha of low quality and 0.39 ha of very low quality CPW), while providing for the protection and on-going management of around 153 ha. This area of retained CPW comprises over 86% of the higher quality woodland.

Table 1: Areas of Cumberland Plain Woodlands conserved and lost within Precinct J.

Cumberland Plain Woodlands within Precinct J				
	High	Moderate	Low	<i>Total</i>
Future council reserve	23.25	3.42	0.90	27.57
Development	5.72	3.46	0	9.18
<i>Total</i>	<i>28.97</i>	<i>6.88</i>	<i>0.90</i>	<i>36.75</i>

Question 2 –covenanted, management and funding of conservation areas

The redesign of Precinct J will enable transfer of an additional 36 ha of conservation land to Camden Council as public reserve following completion of the CMP program by Dandaloo Pty Ltd.

The key revised figures relating to the development and conservation outcome at Harrington Grove are now approximately:

- 149 ha of development land;
- 132 ha of land managed for conservation purposes by the Harrington Grove Community Association; and
- 101 ha of land managed for conservation purposes by Camden Council.

The conservation areas will be protected and managed in-perpetuity. For the land that becomes the property of the Community Management Scheme, the Community Association must undertake maintenance of the conservation areas in accordance with the CMPs. This is a requirement set out in Section 36 of the Community Management Statement. Under the community title laws, this requirement cannot be changed by the Community Association.

For the land that is transferred as a public reserve to Camden Council, it is proposed that a positive covenant under the NSW *Conveyancing Act 1919* be placed on the title of the land requiring implementation of the CMP. This will ensure that ownership of the land entails management in accordance with the CMP, irrespective of who owns it.

As described in Section 6.4.5 of the Assessment Report, funding requirements associated with implementing the conservation and management activities are set out in Section 7 of the CMPs. For the land that becomes the property of the Community Management Scheme, the Community Association will obtain the necessary management funding through the levies which will be paid by each resident on an annual basis.

Camden Council is required to fund the management of the land transferred as a public reserve, in accordance with the *Local Government Act 1993*. Although the redesign of Precinct J will impose additional costs on Camden Council, the redesign will also provide additional revenue to fund these costs through council rates as a result of the increased lot yield.

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Question 3 – additional research funding

Dandaloo Pty Ltd have made a \$150,000 contribution which was originally proposed to fund a CPW corridor study. This money has been provided to the NSW DoP and the study was expected to be coordinated by NSW DECCW.

We understand that this CPW corridor study is now being delivered by development within the Sydney Growth Centres. As a result, DoP and DECCW are currently discussing options for spending these funds on other recovery actions relating to CPW.

Dandaloo Pty Ltd are now prepared to commit an additional \$150,000 of research funding. As discussed at the meeting on 6 April 2010, it is proposed that this money go towards the implementation of a recovery action consistent with the Draft Cumberland Plain Recovery Plan (DECCW, 2009) and that this activity be undertaken on-site at Harrington Grove. This additional funding will be combined with the initial \$150,000 to resource a more substantial CPW recovery project.

With this funding we propose to establish a best-practice direct seeding restoration site with the overall objective of developing a mechanism to significantly increase the diversity of species used in CPW revegetation works. A key strategy to achieve this objective will be the inclusion of herbaceous species that are typically not used in revegetation works due to their limited seed set and difficulties in seed selection. Improvements such as these in restoration techniques will contribute significantly to the successful recovery of areas of CPW and is particularly applicable in light of the extensive revegetation works that are proposed to undertaken as part of the Sydney Growth Centres. This project would be undertaken in consultation with Camden Council.

This project would address the following recovery actions identified in the Draft Recovery Plan:

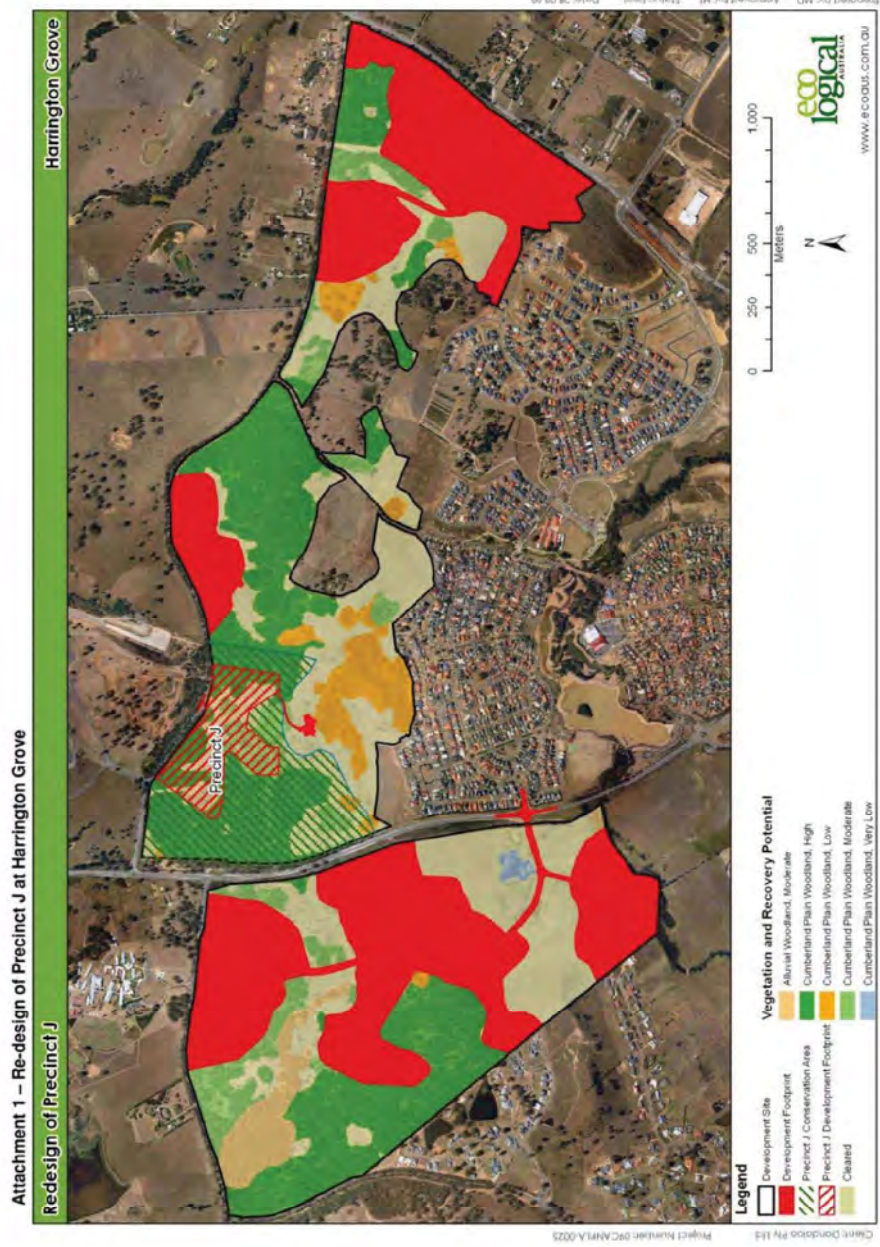
- 2.1: Preferentially target any future investment associated with the management of the Cumberland Plain's threatened biodiversity to the priority conservation land where practicable
- 2.2: Support and promote the adoption of best practice standards for bushland management and restoration on public and private lands within the Cumberland Plain
- 3.4: Work collaboratively with local government authorities to inform communities about the value and role of remnant vegetation on the Cumberland Plain, the best practice standards for its management, and any opportunities to participate in the recovery program
- 3.6: Establish and promote best practice demonstration sites for the recovery plan's threatened biodiversity

Please do not hesitate to contact me if you have any further questions.

Yours sincerely,



Steve House
Director



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Attachment 5 – DSEWPC Approval

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Australian Government

Department of the Environment, Water, Heritage and the Arts

Approval

Harrington Grove Residential Development, western Sydney, NSW (EPBC 2009/4862)

This decision is made under sections 130(1) and 133 of the *Environment Protection and Biodiversity Conservation Act 1999*.

Proposed action

person to whom the approval is granted Dandaloo Pty Ltd

proponent's ACN (if applicable) ACN: 002338543

proposed action A residential development of approximately 900 lots located at Harrington Grove, western Sydney, NSW.

Approval decision

Controlling Provision	Decision
Listed threatened species and communities (sections 18 & 18A)	Approved

conditions of approval This approval is subject to the conditions specified below.

expiry date of approval This approval has effect until 2039.

Decision-maker

name and position Michelle Wicks
Assistant Secretary
Environment Assessment Branch

signature *[Signature]*

date of decision 24 June 2010

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Approval Conditions

No	Condition
1	<p>The person taking the action must carry out the action in accordance with the conditions of this approval and as described in the referral documentation dated 16 April 2009, Preliminary Documentation dated 29 November 2009, the Planning Agreement with NSW Department of Planning (reference 15266/15343/80056275) and the additional information dated 25 May 2010. Where the referral, Preliminary Documentation, planning agreement and/or additional information and these conditions are contradictory, these conditions shall prevail to the extent of the contradiction.</p>
2	<p>Prior to works commencing, the person taking the action must demonstrate in writing to the Minister that a conservation covenant or covenants have been registered on the titles of all land identified as 'Community Reserve', 'Council Reserve' and 'Cultural Landscape' on Annexure 1. The conservation covenant/s must provide for the protection and active management of Cumberland Plain Woodlands and other matters of national environmental significance in perpetuity.</p> <p>Works may not commence until the Minister has notified the person taking the action, in writing, that the Minister is satisfied with the covenant and how it will protect and provide for the active management of Cumberland Plain Woodlands and other matters of national environmental significance in perpetuity.</p>
3	<p>Prior to the works commencing, the person taking the action must provide in writing to the Minister for approval a plan that includes a detailed schedule of expenditure for management activities and associated outcomes that will aid active recovery of Cumberland Plain Woodlands (CPW) on-site. The plan must demonstrate how no less than \$150,000 will be spent on on-ground recovery of CPW on-site. Activities are to complement the objectives of the draft <i>NSW and National Recovery Plan – Cumberland Plain Recovery Plan</i>. Activities and funding outlined in this plan must be demonstrated as being additional to that required by other approval conditions and already committed to in the Harrington Grove West Conservation Management Plan and Bushfire Management Plan, the Harrington Grove East Conservation Management Plan and Bushfire Management Plan and the \$150,000 contribution to conservation in accordance with the Planning Agreement with NSW Department of Planning.</p> <p>The plan is to include a monitoring and reporting component to measure and report the success of proposed outcomes.</p> <p>The plan must be implemented and outcomes reported to the department annually until such time as it is demonstrated that the activities and associated outcomes have been achieved to the satisfaction of the Minister.</p> <p>Works may not commence until the Minister has notified the person taking the action, in writing, that the Minister is satisfied with the proposed plan.</p>
4	<p>The person taking the action must undertake the action in accordance with the Voluntary Planning Agreement with Camden Council, dated 22 August 2006, specifically the implementation of the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007).</p> <p>Any change, that has potential to have any impact to matters of national environmental significance and made prior to the transfer of conservation land to community or council ownership (as detailed in the Voluntary Planning Agreement with Camden Council), to:</p> <ol style="list-style-type: none"> the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007); or the elements of the Voluntary Planning Agreement which relate to the implementation of the Harrington Grove West Conservation Management Plan and Bushfire Management

	Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007); requires the approval of the Minister. Approval of any amendment must be obtained by the Minister in writing prior to implementation of the amendment.
5	<p>The person taking the action must ensure that the Community Management Statement requires the Harrington Grove Community Association and Camden Council to manage and maintain their respective transferred land, as defined in Annexure 1 and 2, in accordance with the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007).</p> <p>Any change, that has potential to have any impact to matters of national environmental significance and made prior to the transfer of conservation land to community or council ownership (as detailed in the Voluntary Planning Agreement with Camden Council), to:</p> <p>a) the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007); or</p> <p>b) the elements of the Community Management Statement which relate to the implementation of the Harrington Grove West Conservation Management Plan and Bushfire Management Plan (August 2007) and the Harrington Grove East Conservation Management Plan and Bushfire Management Plan (August 2007);</p> <p>requires the approval of the Minister. Approval of any amendment must be obtained by the Minister in writing prior to implementation of the amendment.</p>
6	The person taking the action must ensure that any element of the Voluntary Planning Agreement with Camden Council, the Community Management Statement or conservation management plans that deal with management of conservation land include reference and equal level of protection and management to the conservation land to be dedicated to Camden Council as shown on Annexure 2.
7	Within 10 days of commencement of the action , the person taking the action must advise the department in writing of the actual date of commencement.
8	If, after 3 years from the date of this approval, the person taking the action has not substantially commenced the action to the satisfaction of the Minister , the person taking the action must obtain the written agreement of the Minister to commence or continue taking the action.
9	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent auditor must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit report must address the criteria to the satisfaction of the Minister.
10	If the person taking the action wishes to carry out any activity otherwise than in accordance with the plans, reports or strategies referred to in this approval, the person taking the action must submit for the Minister's approval a revised version of any such plan, report or strategy. The varied activity shall not commence until the Minister has approved the varied plan, report or strategy in writing. If the Minister approves such a revised plan, report or strategy, that plan, report or strategy must be implemented in place of the plan, report or strategy originally approved.
11	If the Minister believes that it is necessary or desirable for the better protection of listed threatened species and ecological communities to do so, the Minister may request that the person taking the action make specified revisions to the plans, reports or strategies approved pursuant to the conditions of this approval and submit the revised plan, report or strategy for the Minister's approval. The person taking the action must comply with any such request. The revised approved plan, report or strategy must be implemented. Unless the Minister has approved the revised plan, report or strategy, then the person taking the action must

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	continue to implement the plan, report or strategy originally approved under this approval.
12	Within three months of every 12 month anniversary after the commencement of the action, the person taking the action must submit to the department an annual report addressing compliance with each of the conditions of this approval, including implementation of any management plans that have been approved by the Minister. Annual reports must be provided until the Minister is satisfied that the person taking the action has complied with all conditions of this approval.
13	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the conditions of this approval, including measures taken to implement the management plans required by this approval, and make them available upon request to the department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Departments website. The results of audits may also be publicised through the general media.

Definitions:

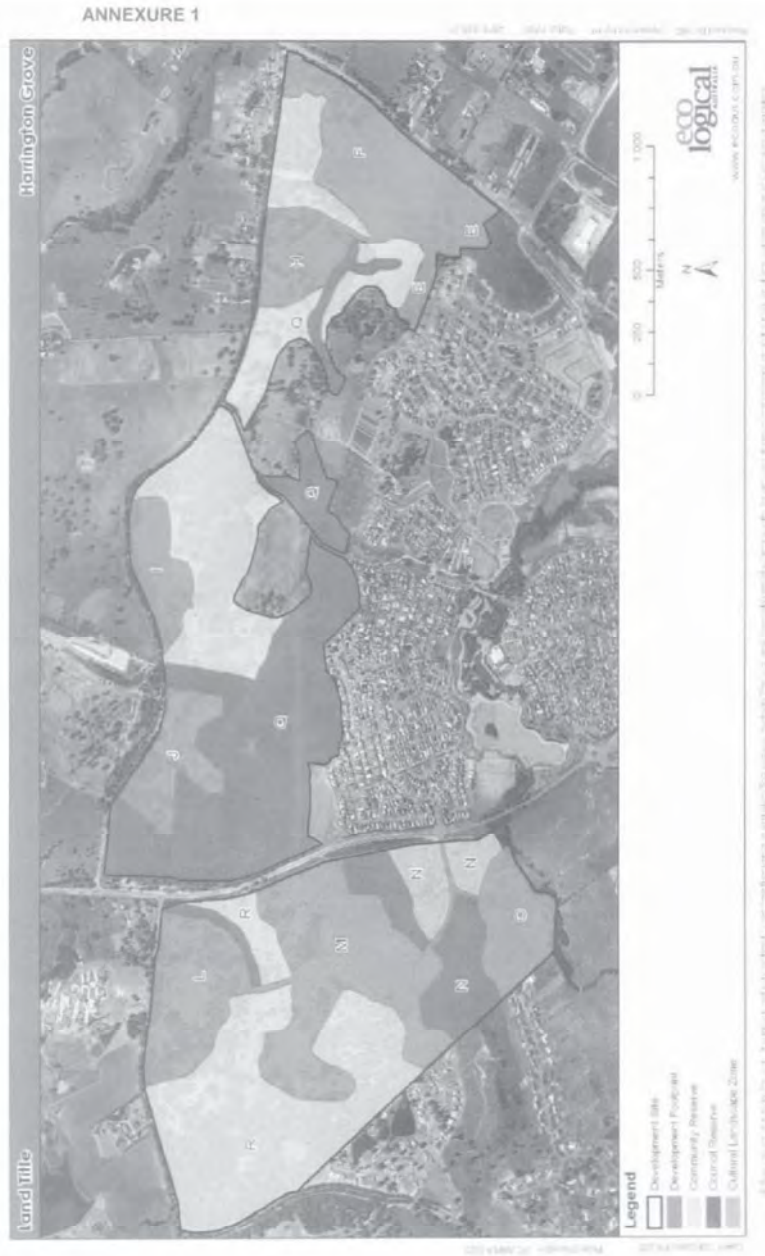
Commencement of action: Undertaking of any activity identified below under the definition of works.

Department: The Australian government Department responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Minister: The Minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999*.

Substantially commenced: the commencement of the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting or burning of native vegetation within Precincts E, F, G, H, I, J, L, M or O.

Works: Includes any preparatory works required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy equipment for the purpose of breaking the ground for buildings or infrastructure.



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Attachment 6 – Approved Subdivision Plan

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Attachment 7 – Heritage Impact Statement

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**Heritage Impact Statement
for subdivision plan of the
Harrington Park Homestead Lot**
Harrington Park, Camden, NSW



prepared for
Dandaloo

to accompany DA submission to
Camden Council and
NSW Heritage Office

July 2011
REF: 0825:HIS
Issue 03

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Website: www.tropmanarchitects.com.au Email: tropman@tropmanarchitects.com.au
TROPMAN AUSTRALIA PTY LTD ABN 71 088 542 885 INCORPORATED IN NEW SOUTH WALES
Lester Tropman Architects Registration: 3788 John Tropman Architects Registration: 5152



Tropman & Tropman Architects
Heritage Impact Statement for subdivision plan to the
Harrington Park Homestead Lot, Harrington Park, NSW

Ref: 0825.HIS
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Report Register

The following table is a report register tracking the issues of the *Heritage Impact Statement for the subdivision plan of the Harrington Park Homestead Lot* prepared by Tropman & Tropman Architects. Tropman & Tropman Architects operate under a quality management system, and this register is in compliance with this system.

Project Ref No.	Issue No.	Description	Prepared by	Checked by	Issued To	Issue Date
0825:HIS	01	Harrington Park Homestead Lot Subdivision Draft Heritage Impact Statement	Joanne Lloyd	Lester Tropman	Terry Goldacre Darren Youens Via Email	04.03.11
0825:HIS	02	Harrington Park Homestead Lot Subdivision Final Heritage Impact Statement	Joanne Lloyd	Lester Tropman	Terry Goldacre Darren Youens Via Email	15.03.11
0825:HIS	03	Harrington Park Homestead Lot Subdivision Final Heritage Impact Statement	Christine Piewinski	Lester Tropman	Terry Goldacre Darren Youens Via Email	08.07.11

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Tropman & Tropman Architects
Heritage Impact Statement for subdivision plan to the
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Heritage Impact Statement for subdivision plan to the
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1.0 INTRODUCTION

1.1 Brief

This Heritage Impact Statement has been prepared for the proposed subdivision of the Harrington Park Homestead Lot of the Harrington Park Homestead Estate located at Harrington Park near Camden. This report has been prepared for Dandaloo for submission to the NSW Heritage Office and Camden Council. The aim of this report is: to review the proposed subdivision and to produce a statement of heritage impact relating to heritage issues for the Harrington Park Homestead Lot.

1.2 Development Proposal

The proposal seeks to subdivide a portion of the northern edge of the homestead lot. No changes to the heritage curtilage are proposed.

1.3 Author Identification

This report has been prepared by:

Tropman & Tropman Architects:
Lester Tropman Director, Architect, Heritage Conservation Consultant, Landscape Architect
Joanne Lloyd Project Manager (Heritage and Interpretation)

1.4 Methodology

The method for the Heritage Impact Statement follows that set out in the "NSW Heritage Manual" Update August 2000 produced by the NSW Heritage Office. The method is outlined below:

Heritage Impact Statement

The statement of heritage impact should identify what impact the proposed works will have on the significance of the item/site, what measures are proposed to mitigate negative impacts and why more sympathetic solutions are not viable. Recommendations are developed in order to maintain the heritage significance of the site.

1.5 Study Area

The study area is the Harrington Park Homestead Estate Lot. Refer to the following figures.

For the purposes of this study, the **local** area refers to the council area of Camden. The **state** refers to the state of New South Wales.

1.6 Cultural Significance

The Harrington Park Homestead Estate has State significance as one of the earliest Cowpasture Homesteads that became a Gentleman's residence on the Cumberland Plain. The Harrington Park Homestead Estate continues to be a landmark and a focus in the Camden Valley as part of the cultural landscape of scenic setting, remnant pastureland, residential development and open space.

The Homestead, associated structures, gardens, landscape features, grazing paddocks and surviving contextual setting have historical, social, aesthetic and technical significance to the State of New South Wales.

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The Harrington Park Homestead is a significant example of an early two storey country residence with generally intact interior. Alterations and additions to original are superficial. Its architectural quality, setting and its connection with William Campbell, an important settler, mariner and trader; Abraham Davy, for restoring the gentrification of the Homestead; the Rudd/Bretton family for using the place to express their social status; and Sir Warwick and Lady Mary Fairfax for their use of the place to pursue and develop their cultural interests, make it a property of great importance.

Tropman & Tropman Architects, Harrington Park Homestead Estate Conservation Management Plan, 2006, pp. 115.

1.7 Previous Reports, Available Information and References

This report should be read in conjunction with the following documentation:

- Tropman & Tropman Architects, 2006, *Harrington Park Homestead Estate Conservation Management Plan*.
- Colleen Morris and Geoffery Britton for the National Trust of Australia (NSW), 2000, *Colonial Landscapes of the Cumberland Plain*
- Australia ICOMOS 2000, *Australia ICOMOS Charter for the Conservation of Cultural Significance (The Burra Charter) and Guidelines to the Burra Charter: Cultural Significance, Conservation Policy, and Undertaking Studies and Reports*, Australia ICOMOS, ACT.
- Heritage Office 2001, *Assessing Heritage Significance*, Heritage Office, Sydney.
- Heritage Office, *Statements of Heritage Impact Guideline*, Heritage Office, Sydney.

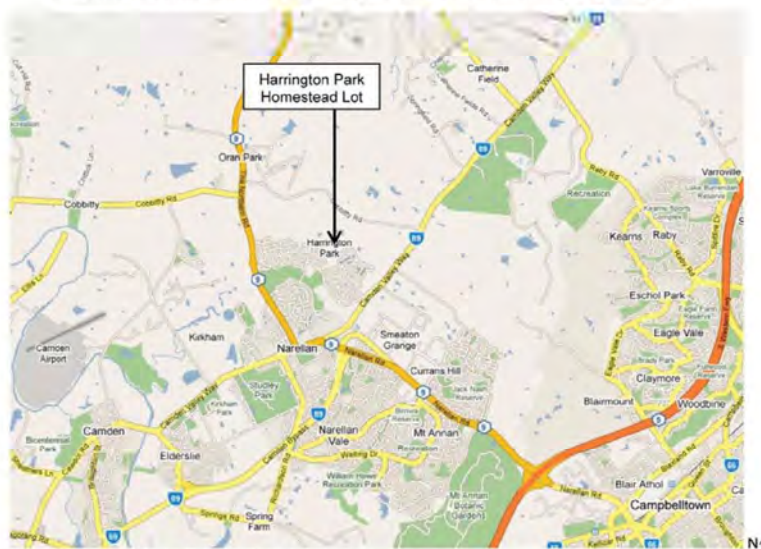


Figure 1: Location Plan. Subject site is circled. www.maps.google.com.au



N↑

Figure 2: 2008 aerial image of the subject property. www.maps.google.com.au.

Harrington Park
homestead lot



N↑

Figure 3: 2008 aerial image of the subject property. www.maps.google.com.au.

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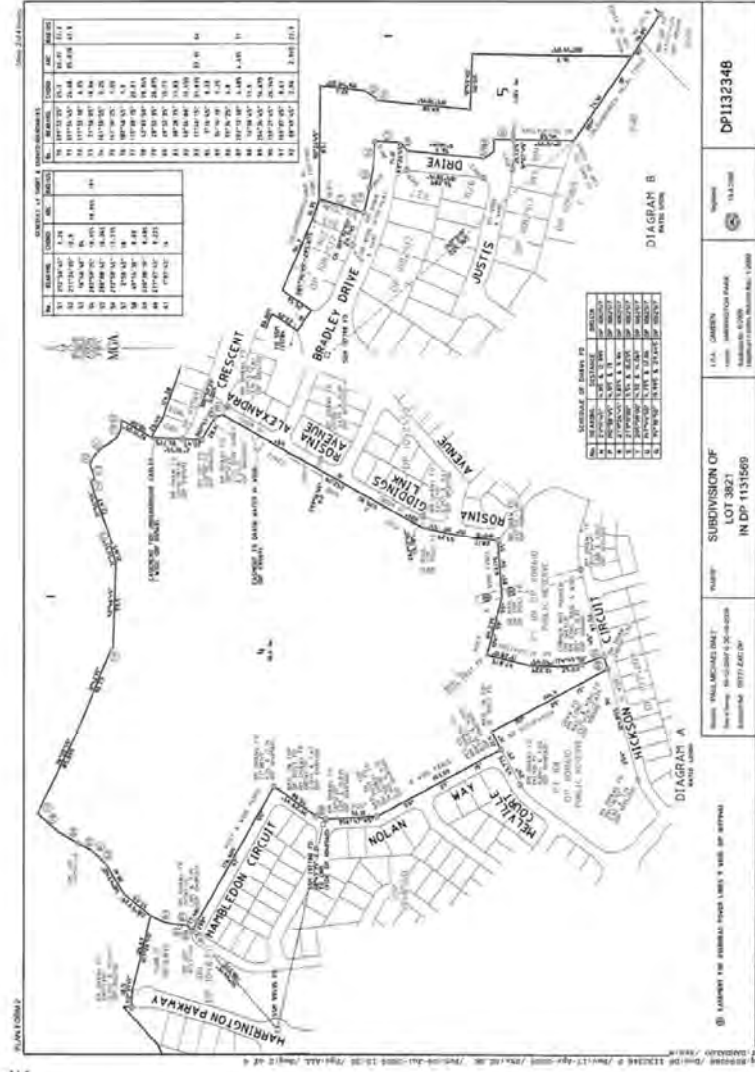


Figure 4: Harrington Park Plan showing existing homestead lot. Source: Harpak.

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Figure 5: State Heritage Register map showing extent of Harrington Park Homestead curtilage.

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2.0 HARRINGTON PARK HOMESTEAD SETTING

The landscape setting of the Harrington Park homestead and gardens is based on the Summit Model. The homestead is located on a knoll in the centre of the estate and is a landmark feature in the landscape framed by mature plantings. (See Morris & Britton *Colonial Landscapes of the Cumberland Plain*; pp.126-128 for further details)

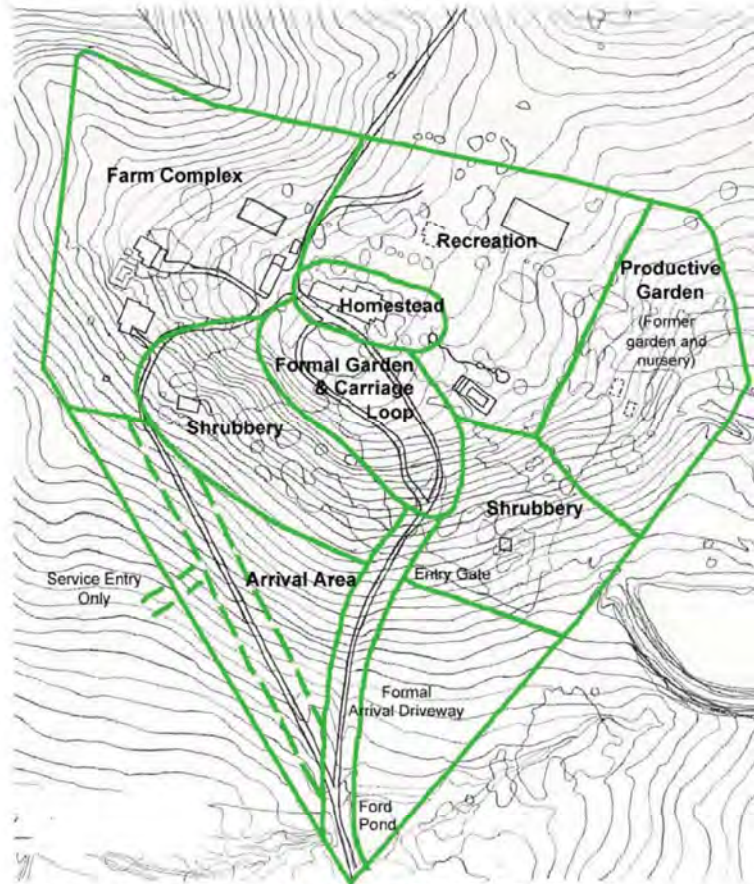


Figure No.6: Areas of the Homestead complex. (Harrington Park CMP, Fig 47, Pg 64.)

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Figure 7: Masterplan showing Harrington Park Homestead and the proposed cycle track (in red)

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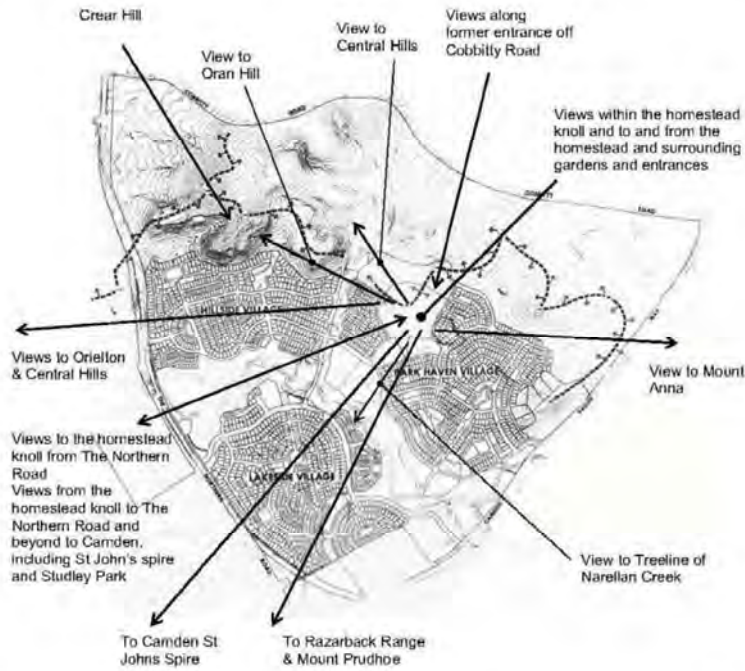


Figure 8: Significant views and vistas from Harrington Park Homestead. (Harrington Park CMP, Fig 131, Pg 125.)

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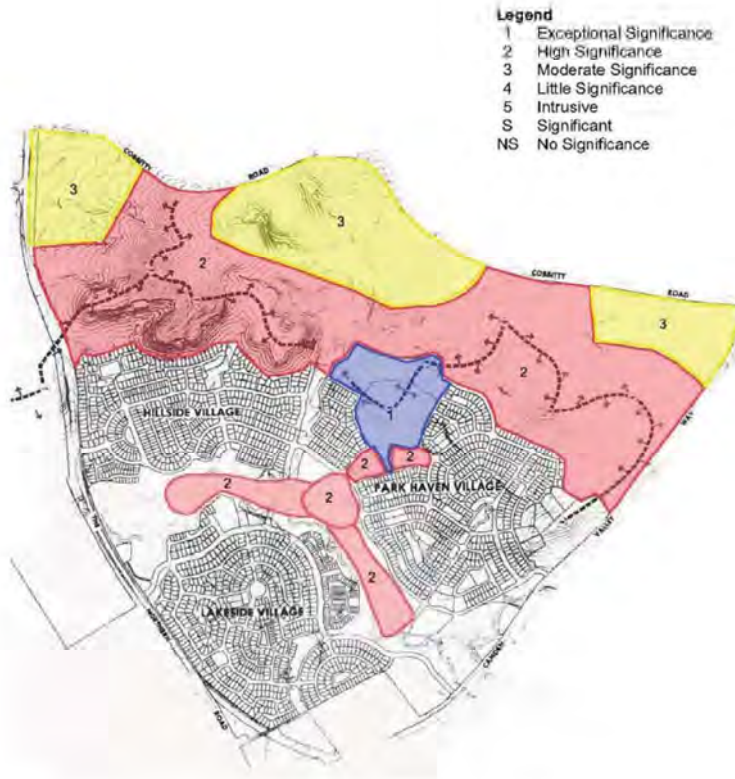


Figure 9: Levels of significance in Harrington Grove East. (Harrington Park CMP, Fig 126, Pg 118.)

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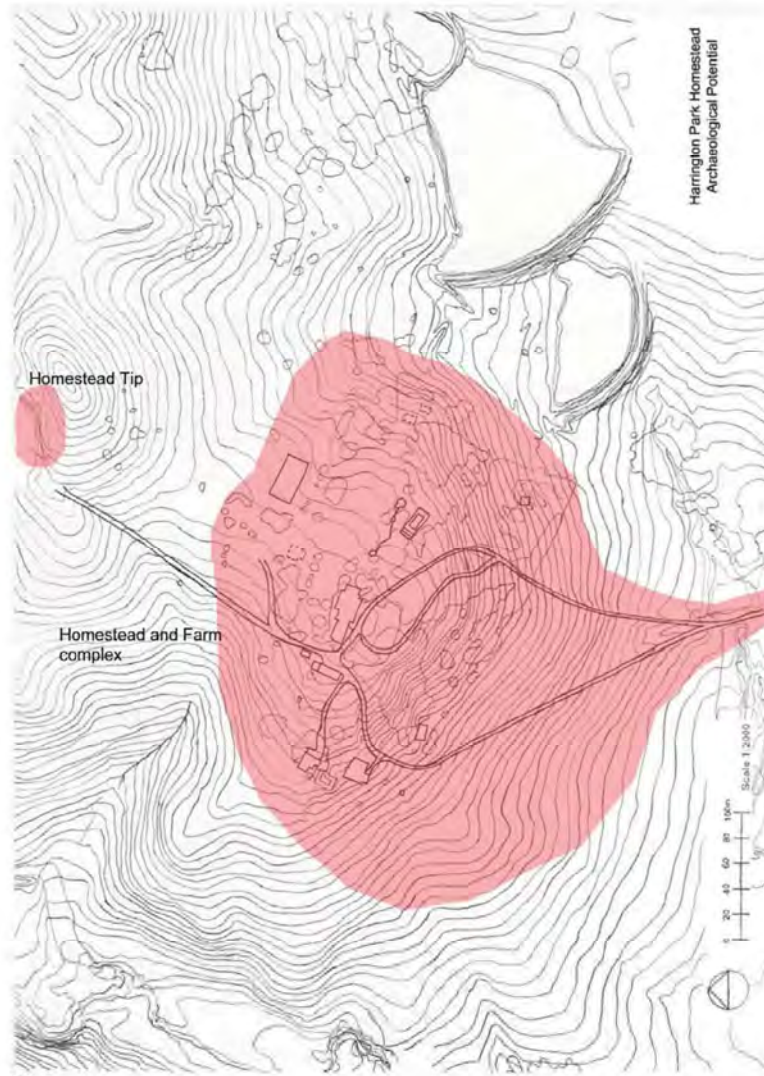
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Figure 10: Archaeological potential around the Harrington Park Homestead. Archaeological potential is also located along the former entrance routes from Cobbitty Road and Camden Valley Way. (Harrington Park CMP, Fig 93, Pg 84.)

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Figure 11: 1947 aerial of the site and surrounding area showing the early fence lines and road ways. (Harrington Park CMP, Fig 106, Pg 93. Source: Department of Lands).
N ↑



Figure 12: 1966 aerial of the site showing the early fence lines and road ways around the homestead. (Harrington Park CMP, Fig 107, Pg 94. Source: Department of Lands).

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Figure 13: 1990s aerial of the site and surrounding area showing the fence lines and road ways around the homestead. (Source: Harpak)

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Figure 14. Detail of the 1990s aerial of the site and surrounding located in Figure 13. Note the area surrounding the homestead forming part of its arrival sequence, setting and recreational grounds is mowed lawn. The shed located near the tennis court to the north of the homestead is also visible. (Source: Harpak).

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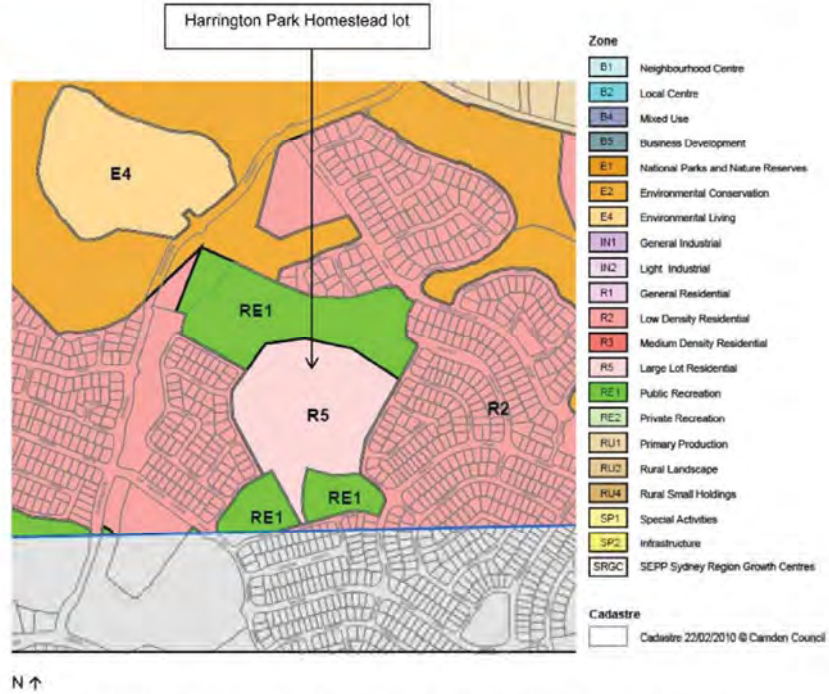


Figure 15: Camden Council Zoning Map 2010. (Source: Camden Council Local Environmental Plan 2010, Land Zoning Map, Sheet LZN_007)

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3.0 COMPLIANCE OF THE PROPOSED SUBDIVISION WITH THE CONSERVATION MANAGEMENT POLICIES

Please note only those policies relevant to this study have been included:

Policy	Compliance of Proposal	Discussion
Tropman & Tropman Architects, <i>Harrington Park Homestead Estate Conservation Management Plan, 2006</i>	Complies Capable of Complying Not Complying	
7.2 Subject Site		
7.2.1 General		
7.2.1.1 The character of the subject site, which is that of a partly subdivided rural estate, should be managed to maintain the enclosure of the homestead by landscaped gardens, grazing paddocks and hedging. The original setting which relates to the topography, open space and distant views in the vicinity of the Homestead should be conserved.	Complies	The portion of land proposed to be subdivided from the northern edge of the Harrington Park Homestead Lot is proposed to form part of the open space area that exists to the north of the homestead and to allow the retention of the established plant nursery that exists on the site. The identified views are maintained in this proposal.
7.2.1.6 The area surrounding and including Harrington Park Homestead and the farm complex are of exceptional significance. Development in this area is limited and should be managed and guided to maintain significant values.	Complies	This area is being managed by the heritage curtilage zone.
7.2.1.7 Development in the vicinity of the subject site should be carefully monitored, adapted or refused to ensure there is minimal negative impact on the significance of the subject site.	Complies	The northern portion of the existing homestead lot proposed to be subdivided from the property is proposed to be maintained as heritage curtilage as well as maintaining the existing nursery to the north of the homestead.
7.2.1.10 The relationship between the subject buildings and landscape areas should be retained.	Complies	The identified views to the surrounding landscape are maintained.
7.2.1.14 The curtilage to the Estate should be respected and conserved. Discussion: The surrounding paddocks and gardens provide the setting for the estate, especially the homestead and its gardens. They contribute to the significance of the Harrington Grove East and aid in its interpretation as a rural property. Development in this area should be strictly limited and controlled to maintain and continue to enhance the existing functions, landscape character and use. It is noted that the paddocks to the east, south-west have been developed for villages of Harrington Park.	Complies	No change is proposed to the heritage curtilage of the estate. No change of use is proposed for the portion of land to be subdivided from the homestead lot. This portion of the land is to be maintained as part of the heritage curtilage with retention of the existing nursery.

Attachment 1 **ORD01**

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 Heritage Impact Statement for subdivision plan to the
 Harrington Park Homestead Lot, Harrington Park, NSW

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Policy	Compliance of Proposal	Discussion
Tropman & Tropman Architects, <i>Harrington Park Homestead Estate Conservation Management Plan, 2006</i>	Complies Capable of Complying Not Complying	
7.2.3 Homestead Complex		
7.2.3.1 Development in the paddocks immediately surrounding the homestead should be strictly limited and controlled to maintain and continue to enhance the existing functions, landscape character and use.	Complies	The views, topography and bushland are retained in a coherent pattern to maintain and respect the Harrington Park Homestead's setting and context.
7.3 Subject Landscape		
7.3.4 The relationship between the homestead, north knoll, saddle and paddocks, and the east, south and west paddocks should be maintained.	Complies	These relationships are maintained in this proposal by the heritage curtilage and public-reserves.
7.3.5 The hills behind the homestead should not be obscured from the homestead. They should remain the dominant skyline landform element framing and providing a backdrop to the homestead	Complies	The views to the hills are maintained in this proposal by the heritage curtilage.
7.3.7 There is limited opportunity for development along the north escarpment and ridge. Built development should be restricted so that the ridge line is not broken and views and vistas as shown in CMP fig.126 are retained to maintain the broad landscape setting.	Complies	The ridge line and the significant views and vistas are maintained in this proposal by the heritage curtilage.
7.3.2.1 Appropriate controls should be developed to maintain the landscape character and to guide future development in areas of adjacent properties identified as falling within the broad heritage curtilage and current boundaries of Harrington Park.	Capable of complying	Controlled by Council DCP and the requirements of the Conservation Management Plan and the heritage curtilage as the existing house is under the same zone.

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4.0 HOMESTEAD LOT NORTH BOUNDARY OPTIONS

It is proposed to subdivide a portion of land from the northern extent of the existing Harrington Park Homestead lot. The purpose of the subdivision is to ensure that the existing uses (nursery and open space) are maintained in the future. No changes to the heritage curtilage or use of the land are proposed.

Various alignments for the northern boundary of the proposed subdivision of the homestead lot were investigated on site and through documentary evidence. Three final options were presented, with Option 3 being the preferred option.

Each of the three options is discussed in the following pages.

ORD01

Attachment 1

ORD01

Attachment 1

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4.1 Option 1



Figure 16:
Option 1.

N↑

4.1.1 Positive effects

- 4.1.1.1 Generally follows early fence lines or roadways.
- 4.1.1.2 Encapsulates the areas marked as being of archaeological potential (refer fig.10).
- 4.1.1.3 Encapsulates the recreational grounds associated with the homestead (refer fig.6).
- 4.1.1.4 Significant views and vistas are maintained.

4.1.2 Negative effects

- 4.1.2.1 Includes the recent (1990s) established nursery as part of the homestead lot.
- 4.1.2.2 The nursery established in the 1990s will likely be removed in this proposal. The nursery supplies plants throughout the Harrington Park estate residential development.

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4.2 Option 2



Figure 17:
Option 2.

N↑

4.2.1 Positive Effects

- 4.2.1.1 Follows early fence lines.
- 4.2.1.2 The 1990s nursery is located outside of the homestead lot.
- 4.2.1.3 Significant views and vistas are maintained.

4.2.2 Negative Effects

- 4.2.2.1 Does not encapsulate areas of archaeological potential (refer fig. 10).
- 4.2.2.2 Does not encapsulate the recreational grounds related to the homestead (refer fig. 6).
- 4.2.2.3 Boundary is located too close to the homestead and does not provide an appropriate setting for the homestead.

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4.3 Option 3 – PREFERRED OPTION



Figure 18:
Option 3
PREFERRED
OPTION.

N↑

4.3.1 Positive Effects

- 4.3.1.1 Northern boundary generally follows past fence lines.
- 4.3.1.2 The proposed boundary encapsulates the areas marked as being of archaeological potential (refer fig.10).
- 4.3.1.3 The proposed boundary encapsulates the recreational zones of the homestead (refer fig.6).
- 4.3.1.4 The 1990s nursery is located outside of the homestead lot.
- 4.3.1.5 Significant views and vistas are maintained.

4.3.2 Negative Effects

- 4.3.2.1 The northern most edge of the boundary (adjacent the nursery) does not follow early fence lines however, it is running along the edge of the nursery established some twenty odd years ago on the site.

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5.0 IMPACT OF PREFERRED OPTION 3 ON HERITAGE VALUES

5.1 Significant Views and Vistas

5.1.1 Impact of proposed works

None – Low

5.1.2 Discussion

- 5.1.2.1 Significant views and vistas are maintained in this proposal. No changes to the use of the land subdivided from the Harrington Park Homestead lot are proposed – the land is to form part of the public reserve thereby maintaining the significant views and vistas from the homestead and northern ridgeline to the south, east and west.

5.1.3 Recommendations

- 5.1.3.1 The existing established nursery should remain.
- 5.1.3.2 The policies laid out in the CMP should be followed.

5.2 Heritage Curtilage

5.2.1 Impact of proposed works

None – Low

5.2.2 Discussion

- 5.2.2.1 The existing established immediate and broad heritage curtilages will not be affected in this proposal. The land proposed to be subdivided from the homestead lot will form part of the homestead curtilage. This land also forms part of the broader State Heritage Register curtilage (refer Fig.5).
- 5.2.2.2 The existing curtilage allows significant views and vistas to be maintained and provides an appropriate setting for the homestead and farm complex buildings and will aid in the interpretation of the estate once being a much larger holding. No changes to the heritage curtilage are proposed.

5.2.3 Recommendations

- 5.2.3.1 The policies laid out in the CMP should be followed.

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5.3 Subdivision and Zoning Boundaries

5.3.1 Impact of proposed works

Low

5.3.2 Discussion

5.3.2.1 The purpose of subdividing the small portion of land from the northern edge of the Harrington Park Homestead lot is twofold. Firstly, this allows a more traditional "squaring up" of the property by following traditional or later established fence lines within the former estate property. The second purpose is to allow the existing low intensity use of the nursery to continue into the future, associated with the development and in accordance with the heritage curtilage.

5.3.2.2 The preferred option, Option 3, is compliant with the Conservation Management Plan policies and it will allow the retention of an appropriate setting for the homestead (refer Fig. 14) and aid in its interpretation as a former gentleman's estate.

5.3.3 Recommendations

5.3.3.1 The area subdivided from the Harrington Park Homestead Lot should be zoned as Large Lot Residential R5 to match the zoning of the homestead.

5.3.3.2 The policies laid out in the CMP should be followed.

5.4 Summary of Impacts

The following table answers applicable questions from the NSW Heritage Office "Statements of Heritage Impact" guidelines.

Proposed Change to Heritage Item	Questions	Discussion
Subdivision	How is the proposed curtilage allowed around the heritage item appropriate?	No changes are proposed to the existing immediate and broad heritage curtilages previously established (refer State Heritage Register and CMP) for the estate property. The established curtilage is appropriate as it maintains the pastoral setting of Harrington Park. The northern ridgeline provides a backdrop to the homestead and farm building complex and helps to frame the homestead in a rural setting. The curtilage area is further enhanced by the areas of public reserve to the north and west.
	Could future development that results from this subdivision compromise the significance of the heritage item? How has this been minimised?	No. The portion of land subdivided from the Harrington Park homestead lot is to be used and maintained as it currently operates. No intensive development of this portion of the land will be permitted and will be controlled by Council's DCP for the area.

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Proposed Change to Heritage Item	Questions	Discussion
	Could future development that results from this subdivision affect views to, and from, the heritage item? How are negative impacts to be minimised?	No. The portion of land proposed to be subdivided from the northern portion of the Harrington Park Homestead lot is proposed to retain its existing uses and form part of the existing homestead zone. Important views and vistas are maintained in the proposal.

6.0 GENERAL RECOMMENDATIONS

- 6.1 The existing nursery established on the site in the 1990s should remain and continue to supply plants to the Harrington Park Estate residential development and to the Orierton Park Estate residential development in the future.
- 6.2 The portion of land subdivided from the Harrington Park Homestead lot should be zoned to match that of the homestead zoning.
- 6.3 Generally, the Conservation Management Plan policies should be fully implemented.

7.0 CONCLUSION

The proposed subdivision of the Harrington Park Homestead lot is respectful of the significance of the Harrington Park Homestead and grounds. The preferred option, Option 3, encapsulates the areas of archaeological sensitivity associated with the homestead lot, the recreational grounds associated with the homestead, and follows past established fence lines. The proposed subdivision will not affect the heritage curtilage to the homestead, significant views and vistas or the existing and proposed uses of the parcel of land subdivided from the homestead lot as open space/public recreation.

The proposal complies with the relevant policies of the Conservation Management Plan.

We support the proposal, provided the recommendations detailed in this report are undertaken.

ORD01

Attachment 1



ORD02

ORDINARY COUNCIL

ORD02

SUBJECT: PLANNING PROPOSAL - SEX SERVICE PREMISES
FROM: Director Governance
BINDER: Amendment No. 12 - Sex Services Premises

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) to map eligible lands for the appropriate siting of Sex Service Premises.

BACKGROUND

The adoption of the Camden Local Environmental Plan 2010 (LEP 2010) was a 'best fit' transition from the superseded Camden LEP's in an attempt to maintain a 'status quo'. In Camden's superseded LEP's, Sex Service Premises were mapped to indicate eligible sites possible to accommodate this use, however, in the preparation and gazettal of the LEP 2010, Council could not map the eligible sites under the DPI's instruction. Instead, Sex Service Premises were listed as a permissible use within the IN1 – General Industrial zone.

At the Ordinary Council meeting of 28 June 2011, Council refused a Development Application (DA) for the change of use of an office building to a sex services premises at No 1 (Lot 11, DP 834527) Kibble Place, Narellan.

Following the determination of the DA, the applicant lodged an appeal against the decision with the Land and Environment Court on 12 August 2011. The appeal was upheld on the 12 January 2012 subject to conditions of Development Consent.

On 26 February 2012, following representation from the Member for Camden, correspondence from the Minister for Planning and Infrastructure detailed Council's option to investigate possible mapping of eligible sites for the placement of 'Sex Service Premises' within the Camden Local Environmental Plan 2010. A copy of the correspondence is provided as **Attachment 1 to this report**.

MAIN REPORT

In Council's superseded LEPs, Sex Service Premises were mapped to indicate sites possible to accommodate this use. Since the adoption of the new Standard Template LEP format, Camden LEP 2010 no longer maps the areas which could potentially accommodate Sex Service Premises, rather the land use table permits this use within the IN1 – General Industrial zone.

The following figures are extracts from superseded Camden LEP No. 46 (Figure 1) and LEP No. 47 (Figure 2), which showed hatched areas on the maps locating potential brothel sites (Clause 28 referred to in both diagrams relate to the Brothel controls contained in both LEP 46 and LEP 47) :



Figure 1 – LEP No. 46 'Narellan Brothel Zone'

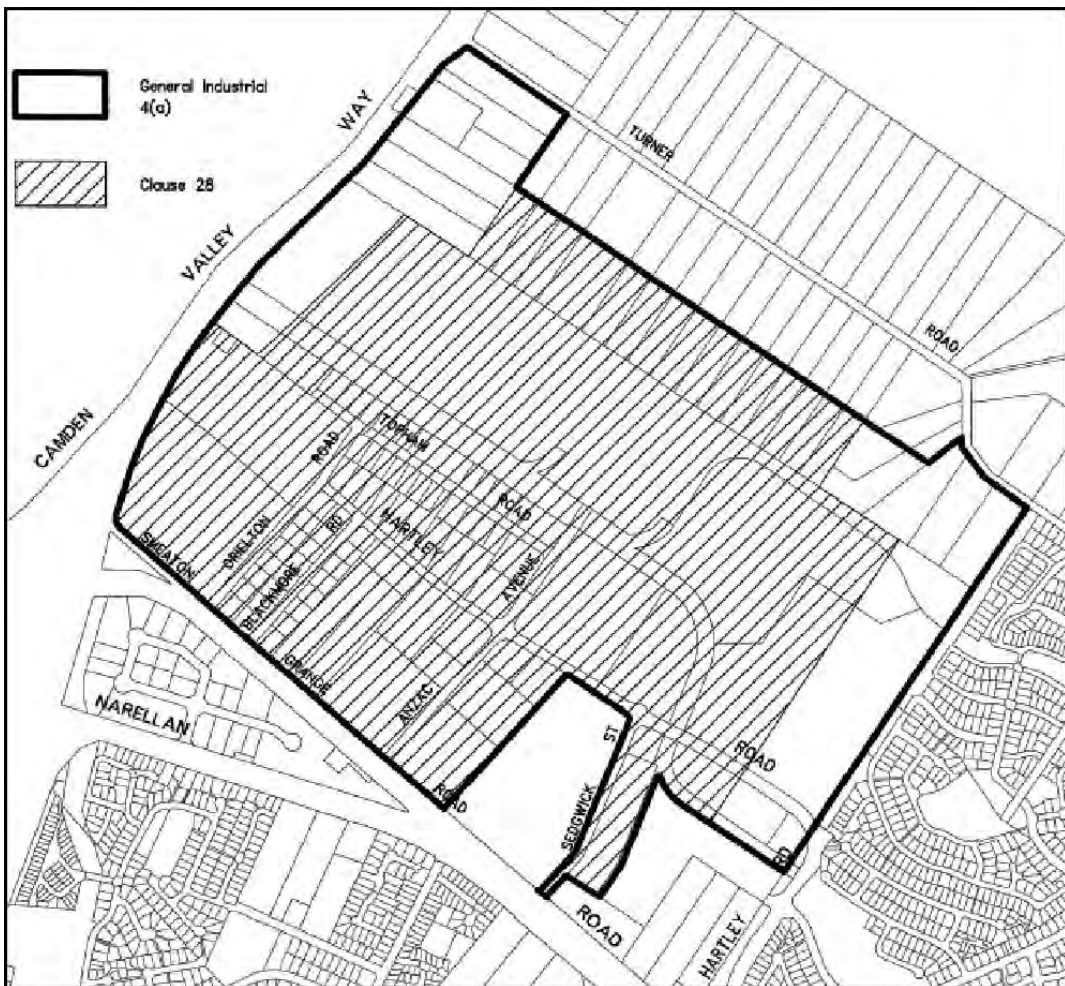


Figure 2 – LEP No. 47 'Smeaton Grange Brothel Zone'

ORD02

Currently, Sex Service Premises are only permitted within the IN1 – General Industrial zone under the provisions of Camden’s LEP 2010. Following advice contained in correspondence issued by the Minister for Planning and Infrastructure, it is proposed to reinstate the previously mapped areas identifying the potential location of Sex Services Premises. In order to achieve this, the LEP 2010 will be amended to only permit Sex Service Premises in the hatched red areas shown on **Figure 3** and **Figure 4** below.

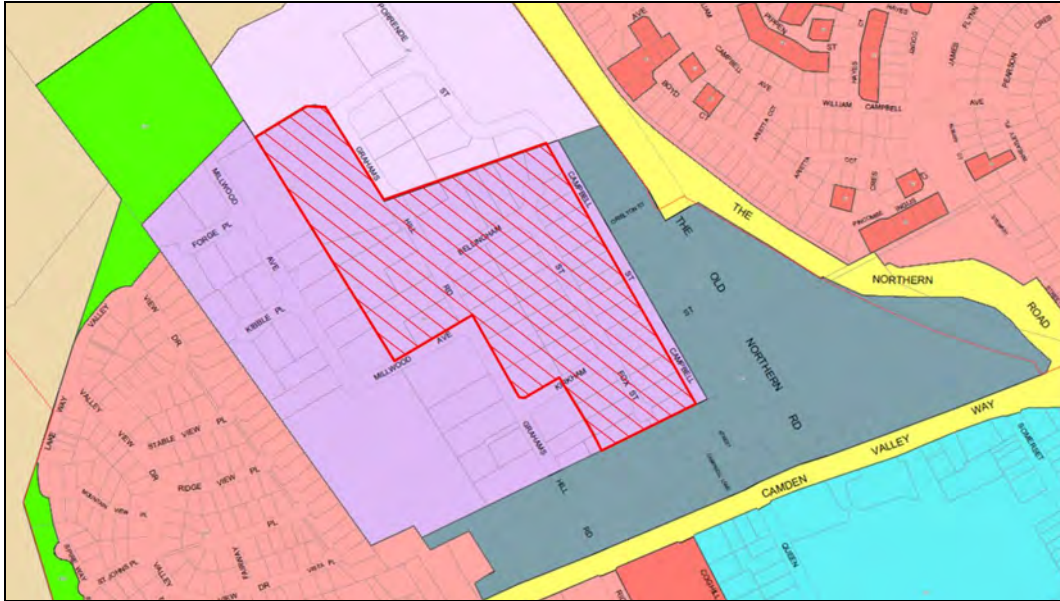


Figure 3 – Narellan Proposed Mapped Areas

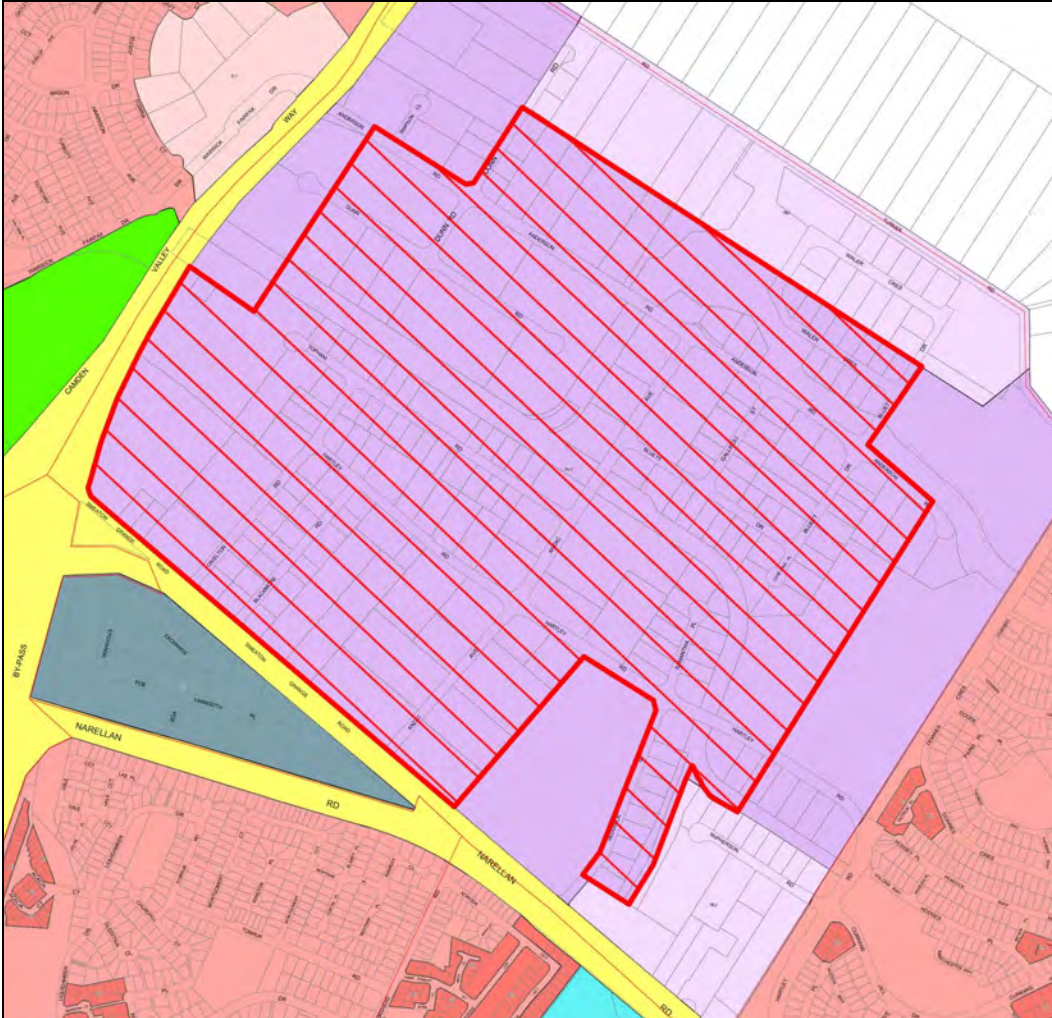


Figure 4 – Smeaton Grange Proposed Mapped Areas

The approved Sex Service Premises at 1 Kibble Place, Narellan will operate under existing use right provisions of the Environmental Planning and Assessment Act 1979.

The Process from Here

In order to map the locations where Sex Service Premises could be permitted, a Planning Proposal must be prepared and submitted to the DPI for consideration through the Gateway Determination process. A copy of the Planning Proposal is provided as **Attachment 2 to this report**.

In accordance with advice received from the Minister of Planning and Infrastructure, the Planning Proposal details the prohibition of Sex Service Premises within the Land Use Table and the amendment of Clause 7.6 to include the integration of mapped areas onto the LEP 2010 to clearly identify potential sites for this use.

Public Exhibition

It is proposed that the Planning Proposal will be publicly exhibited for a period of 28 days following receipt of a favourable Gateway Determination. During the public

exhibition period, relevant public agencies will also be contacted and given the opportunity to comment on the Planning Proposal. In this regard, it is proposed that the Crime Prevention Team of the NSW Police Force – Narellan Local Area Command will be directly consulted.

The Planning Proposal will be advertised in the local newspaper, with the public exhibition material available at the following locations:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy).
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy).
- Council's website for the length of the exhibition period (Electronic Copy).

The outcomes of the NSW Police consultation and the public exhibition will be reported to Council at the conclusion of the exhibition period.

CONCLUSION

The Planning Proposal is prepared for submission to the DPI which incorporates the mapping of eligible sites for the purposes of Sex Service Premises. This includes the amendment of Clause 7.6 of the LEP 2010 to permit this use only within a mapped area of the Narellan and Smeaton Grange Industrial estates.

Following the advice from the Minister of Planning and Infrastructure, the addition of this mapping provides certainty to the public and indicates areas to minimise a potential land use conflict.

The Planning Proposal will be publicly advertised for a period of 28 days in accordance with a favourable Gateway Determination by the DPI, which will be reported back to Council at the conclusion of this period.

RECOMMENDED

That Council:

- i. support the Planning Proposal for the mapping of land where Sex Service Premises will be permissible (subject to development consent);**
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;**
- iii. upon receipt of a favourable Gateway Determination:**
 - a. consult relevant public authorities in accordance with the terms of the determination; and**
 - b. publicly exhibit the Planning Proposal in accordance with the terms of the determination and the *Environmental Planning and Assessment Regulation 2000*; and**
- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period.**



ATTACHMENTS

1. Minister for Planning and Infrastructure Letter
2. Planning Proposal

ORD02

ORD02



The Hon Brad Hazzard MP
 Minister for Planning and Infrastructure
 Minister Assisting the Premier on Infrastructure NSW

Mr Chris Patterson MP
 Member for Camden
 66 John Street
 CAMDEN NSW 2570

12/02111

RECEIVED
 28 FEB 2012

Chris

Dear Mr Patterson

I refer to your letter concerning the approval of a development application for sex services premises at 1 Kibble Place, Narellan.

You will be aware *Camden Local Environmental Plan 2010* (the 'LEP') provides that sex services premises are permitted with consent on the subject site in the IN1 General Industrial zone. This is subject to the provisions of Clause 7.6 of the LEP, which was a model local clause at the time the LEP was made.

I have been advised by the Department of Planning and Infrastructure there are a number of examples of other councils proceeding with mapped areas permitting sex services within Standard Instrument LEPs. In this light, I suggest Camden Council consider the submission of a Planning Proposal to amend the current approach to sex services permissibility to provide mapping of the areas in which such premises are to be permitted.

If your office or Council have any questions on this matter, I have arranged for Mr Peter Goth, the Department's Regional Director, Sydney West Regional Office, who can be contacted on 9873 8589 or peter.goth@planning.nsw.gov.au to provide assistance.

Yours sincerely

HON BRAD HAZZARD MP
 Minister

26.2.12

Attachment 1



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 12 – Sex Service Premises

April 2012

Version 1 – 10 April 2012

ORD02

Amendment No.6 – housekeeping amendments to Camden LEP 2010

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Attachment 2

Background

Camden Local Environmental Plan 2010 (LEP 2010) was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden Local Government Area (LGA). The adoption of the LEP 2010 was a 'best fit' transition from the superseded Camden LEP's in an attempt to maintain a 'status quo' from the old to the new LEP.

In Camden's superseded LEP's, Sex Service Premises were mapped to indicate eligible sites possible to accommodate this use. In the preparation and gazettal of the LEP 2010, Council was required to use a zone rather than a mapping approach. Accordingly, the IN1 – General Industrial zone was used which substantially increased the area where Sex Service Premises was permissible.

On 26 February 2012, following representation from Member for Camden - Mr Chris Patterson MP, correspondence from the Minister for Planning and Infrastructure – the Hon. Brad Hazzard MP detailed an option for Council to investigate possible mapping of eligible sites for the placement of 'Sex Service Premises' within the Camden Local Environmental Plan 2010. A copy of this correspondence is provided as **Attachment A**.

At the Ordinary Council Meeting of 10 April 2012, Camden Council considered a report on the preparation of a planning proposal to reinstate mapped areas indicating eligible sites for Sex Service Premises into LEP 2010, Council resolved it would:

- i. support the Planning Proposal for the mapping of land where Sex Service Premises will be permissible (subject to development consent);*
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;*
- iii. upon receipt of a favourable Gateway Determination:*
 - a. consult relevant public authorities in accordance with the terms of the determination; and*
 - b. publicly exhibit the Planning Proposal in accordance with the terms of the determination and the Environmental Planning and Assessment Regulation 2000; and*
- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period.*

A copy of the Council report and resolution is included as **Attachment B**.

Following the resolution of Council, this planning proposal and associated indicative maps have been prepared so that the matter may proceed to Gateway Determination.

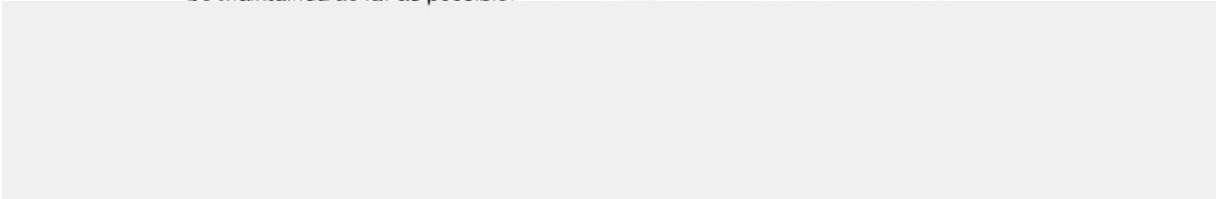
Amendment No.6 – housekeeping amendments to Camden LEP 2010

ORD02

Part 1 – Objectives or Intended Outcomes

The planning proposal seeks to amend LEP 2010 to introduce mapped regions identifying sites where Sex Service Premises are permissible with consent. Sex Service Premises will be prohibited within the IN1 – General Industrial zone and Clause 7.6 of the LEP 2010 will allow Sex Service Premises on identified sites in accordance with the proposed maps. The amendments are proposed to reinstate the previous land use permissibilities of superseded LEP 46 and 47 providing certainty to the public and minimising potential land use conflicts.

The Planning Proposal will ensure that the planning provisions contained within LEP 2010 are consistent with those of superseded Camden LEP 46 and 47, which were in place prior to the gazettal of LEP 2010. This is consistent with the philosophy adopted by Council during the preparation of LEP 2010 where the 'status quo' was to be maintained as far as possible.



Attachment 2

Part 2 – Explanation of provisions

The Camden LEP 2010 currently permits the use of 'Sex Service Premises' within the IN1 – General Industrial zone, which are located within the Narellan and Smeaton Grange Industrial Precincts. Clause 7.6 of Camden's LEP 2010 provides the legislative framework for the control of Sex Services Premises within this zone.

The objective of this clause is to *'minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.'* In summary, the clause currently restricts the establishment of a Sex Service Premises that directly adjoins, is opposite to, or is separated by only a local road from:

- R1 - General Residential zone;
- R2 - Low Density Residential zone;
- R3 - Medium Density Residential zone;
- RE1 - Public Recreation zone; and
- Any land used for the purposes of:
 - a child care centre
 - a community facility
 - a school; or
 - a place of public worship.

The approach adopted in Camden LEP 2010 is different to that of LEP 46 and 47 and resulted in Sex Service Premises being permitted on a greater number of sites.

Amendment of the LEP will include alterations to the Land Use Table, which will prohibit the use of a sex service premises within the IN1 – General Industrial zone. An amendment of Clause 7.6 of the LEP 2010 will also be required to include the integration of mapped areas onto the LEP 2010 maps to clearly identify potential sites for this use.

In this regard, Clause 7.6 of the LEP will be amended to read:

7.6 Sex services premises

- (1) *The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.*
- (2) *This clause applies to land that is edged and hatched red on the Land Zoning map.*
- (3) *The consent authority must not grant development consent for the use of 'Sex Service Premises' on any land other than that which is edged and hatched red on the Land Zoning map.*

Amendment No.6 – housekeeping amendments to Camden LEP 2010

ORD02

(4) *Notwithstanding subclause 3, development consent must not be granted to development for the purposes of sex services premises if the premises will 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 child care centre, a community facility, a school or a place of public worship.*

(5) *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 following Land Zoning maps of the LEP 2010 will be amended to include an edged and hatched area indicating the sites where Sex Service Premises are permissible with consent:

- Land Zoning Map – Sheet LZN_012
- Land Zoning Map – Sheet LZN_017

In accordance with the proposed LEP framework, **Figure 1** and **Figure 2** (on the following page) outline potential permissible areas within the LGA for Sex Service Premises:



Figure 1 – Narellan Proposed Mapped Areas

Attachment 2

Amendment No.6 – housekeeping amendments to Camden LEP 2010

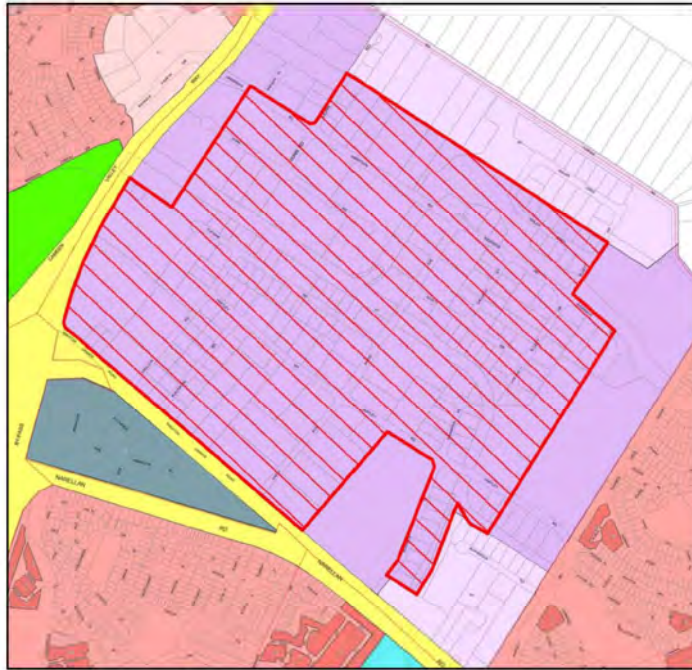


Figure 2 – Smeaton Grange Proposed Mapped Areas

ORD02

Attachment 2

ORD02

Attachment 2

Part 3 – Justification

Section A – Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. However, as previously stated, the Planning Proposal is made to provide certainty to the public and indicate areas to minimise potential land use conflicts. This proposal has been prepared in accordance with the correspondence received from the Minister of Planning and Infrastructure – the Hon. Brad Hazzard and reinstates previous land use provisions of Camden LEP 46 and 47.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the planning proposal provides the best way of achieving the objectives and intended outcomes.

3. Is there a net community benefit?

Given the minor nature of the matters contained within this planning proposal, it is not considered that a Net Community Benefit Test is required. The matters addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that it is up-to-date and robust, thereby providing the community with greater certainty.

Section B – Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with both the draft South Western Regional strategy and the Sydney Metro Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

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

The planning proposal is consistent with applicable state planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Amendment No.6 – housekeeping amendments to Camden LEP 2010

The planning proposal is consistent with applicable Ministerial Directions as explained in **Attachment C**.

Section C – Environmental, social and economic impact.

- 8. 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?**

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this planning proposal.

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

There are no likely environmental effects as a result of this planning proposal.

- 10. How has the planning proposal adequately addressed any social and economic affects?**

There are no likely social or economic effects as a result of this planning proposal.

Section D – State and Commonwealth interests.

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

Not applicable.

- 12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?**

Not applicable.

ORD02

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Part 4 – Community Consultation

The matters dealt with in this planning proposal are of a sensitive and highly political nature, with the amendment of Clause 7.6 and the proposed insertion of mapped areas into the LEP maps. Accordingly, it is considered that an exhibition period of 28 days is appropriate for this planning proposal.

During the public consultation, it is recommended that the Planning Proposal be referred to the Crime Prevention Team of the NSW Police – Narellan Local Area Command for consultation and comment.

Attachment 2

Amendment No.6 – housekeeping amendments to Camden LEP 2010

***Attachment A – Minister for Planning and Infrastructure
Correspondence***

ORD02

Attachment 2

Amendment No.6 – housekeeping amendments to Camden LEP 2010

ORD02

Attachment B – Council Report and Resolution

Attachment 2

Amendment No.6 – Housekeeping amendments to Camden LEP 2011

Attachment C – Applicable section 117 directions

Direction	Objective	Response
1.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable location, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. 	<p>The proposal is of minor significance and is consistent with all regional and local strategies. The amended mapping retains all existing industrial uses and maintains the potential development floor space for industrial uses within this existing industrial zone.</p> <p>The proposed mapping of areas capable of accommodating 'sex service premises' provides certainty to the public indicating an appropriate buffer is maintained from sensitive land uses in accordance with the proposed requirements of the LEP 2010.</p>
6.3 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>This Planning Proposal seeks to prohibit the use of Sex Service Premises within the IN1 – General Industrial zone, however, the amendment of Clause 7.6 will refer to mapped areas to be inserted into the Land Zoning Maps. The maps will define areas capable of accommodating this use. This does not pose any additional development standards on top of those currently in force.</p>

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Attachment 2

ORD02

Amendment No.6 – Housekeeping amendments to Camden LEP 2011

Direction	Objective	Response
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The proposal is compatible with the NSW Government's Metropolitan Strategy 2036 published in December 2010.



ORDINARY COUNCIL

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SUBJECT: PLANNING PROPOSAL TO AMEND STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 - ORAN PARK AND TURNER ROAD - POST-EXHIBITION UPDATE
FROM: Director Governance
BINDER: Oran Park and Turner Road

PURPOSE OF REPORT

To provide Council with a status update following the public exhibition of the planning proposal which seeks to make minor amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the SEPP) which relate to the maps for Oran Park and Turner Road, and to seek Council's resolution to prepare gazettal maps which will be forwarded to the Department of Planning and Infrastructure (DP&I) for gazettal

BACKGROUND

At the meeting of 13 December 2011 Council considered a report on a planning proposal which seeks to make the following housekeeping amendments to the SEPP maps for Oran Park and Turner Road:

- Rezone the 20 metre riparian buffer strips (currently zoned E4 and RE2) to R1 and R3 to address the split-zone and minimum lot size issue currently affecting land adjoining these riparian buffer strips;
- Rezone the riparian land from E4 to E2 to better reflect the future non-residential use of this land;
- Rationalising the B5 and IN1 zone boundaries within the Turner Road precinct to reflect the approved subdivision pattern; and
- Amending the boundary of the riparian land adjacent to The Northern Road to reflect the verified location of the riparian land following detailed site investigations.

The planning proposal **is included as Attachment 1 to this report.**

Council resolved to adopt the planning proposal, forward the planning proposal to the DP&I to seek a Gateway Determination, then proceed directly to public exhibition and prepare a further report to Council following the conclusion of the public exhibition period.

MAIN REPORT

Gateway Determination

The DP&I issued a Gateway Determination on 17 February 2012 which advised Council that the planning proposal may proceed to public exhibition for a period of fourteen days.

Public exhibition, agency consultation and submissions

The planning proposal was exhibited for a period of fourteen days from 7 March to 21 March 2012. No public submissions were received during this period.

The Office of Water were consulted during the exhibition period in relation to the riparian land adjacent to The Northern Road. The Office of Water advised that they support the proposed amendment.

Submission from proponents

The proponents of the planning proposal submitted a request to Council on 16 January 2012 to amend the land zoning map in the planning proposal relating the land zoning. The original map in the planning proposal erroneously showed the RE2 zoned land to the north of the future Oran Park town centre as being rezoned to E2.

The map which was part of the original planning proposal **is included as Attachment 2 to this report** and the land subject to the post-exhibition amendment is circled **red**.

The amended map which replaces the original map **is included as Attachment 3 to this report** and shows no change to the existing RE2 zoning for this land.

This request was received by Council after the planning proposal had already been forwarded to the DP&I for Gateway Determination, and therefore could not be included in the original planning proposal without adding a significant time delay to the process. Given the minor nature of the map amendment it was deemed appropriate to consider this request as a submission to the planning proposal, and to amend the planning proposal post-exhibition in response to this submission. The minor map amendment does not require re-exhibition of the planning proposal.

Finalisation of planning proposal

The DP&I have advised Council officers that the final gazettal maps and map cover sheet for the SEPP amendment should be prepared by Council. The DP&I are in the process of forwarding the SEPP mapping templates and data to Council officers to enable the map preparation process to begin. The final gazettal maps will be prepared in accordance with the maps which form part of the final planning proposal, including the amended land zoning map as outlined above.

Subject to the resolution of Council, the planning proposal, gazettal maps and map cover sheet will be forwarded to the DP&I so that the planning proposal can be gazetted.

CONCLUSION

The planning proposal seeks to address mapping anomalies at Oran Park and Turner Road which have resulted from inconsistencies between the SEPP maps and the approved subdivision and development layout in these precincts. The planning proposal will facilitate the orderly and structured development of residential land and enable the lot yield targets for these precincts to be achieved.

No public submissions were received in response to the exhibition of the planning proposal. The proponents have requested a minor map amendment to address an anomaly in the original planning proposal maps, and this amendment is sufficiently minor to not warrant re-exhibition of the planning proposal. The Office of Water

supports the proposed amendment to the riparian land map for land adjacent to The Northern Road.

Upon receipt of the mapping templates and data from the DP&I, Council officers can now proceed with the preparation of the final gazettal maps and map cover sheet and then forward the final planning proposal and gazettal maps to the DP&I so that the planning proposal can be gazetted.

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RECOMMENDED

That Council:

- i. adopt the final planning proposal including the post-exhibition amendment to the land zoning map as noted above;**
- ii. prepare the final gazettal maps upon receipt of the SEPP map templates and data from the DP&I; and**
- iii. forward the final planning proposal and final gazettal maps to the DP&I so that the planning proposal can be gazetted.**

ATTACHMENTS

1. Planning Proposal
2. Original Map
3. Amended Map

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Attachment 1



Oran Park & Turner Road Precincts

PLANNING PROPOSAL

APPENDIX 1 - ORAN PARK AND TURNER ROAD PRECINCT PLAN

SEPP (Sydney Region Growth Centres) 2006

October 2011

Prepared for
AV Jennings, Dart West Developments,
& Landcom / Greenfields Development Company

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Attachment 1

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Attachment 1

INTRODUCTION

This submission was originally prepared by Development Planning Strategies on behalf of AV Jennings, Landcom and Greenfields Development as part of a Planning Proposal submitted to Council. The matter was considered by Council at its Ordinary Meeting of 13 December 2011, where Council resolved to support the Planning Proposal and forward to the Department of Planning & Infrastructure for a Gateway Determination.

The land subject to this Planning Proposal comprises various small portions of land throughout the Oran Park and Turner Road Precincts within the South West Growth Centre. The Planning Instrument that applies the statutory planning provisions and land use zones to the subject land is 'Appendix 1 Oran Park and Turner Road Precinct Plan' under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

The subject land is within two of the first release precincts in the South West Growth Centre. Both the Oran Park and Turner Road Precincts were zoned in December 2007 to facilitate the coordinated growth of housing and employment in the region with each Precinct having respective housing targets 7,540 and 4,020 dwellings. Urban development of the Oran Park and Turner Road Precincts physically commenced in 2008 and 2009 respectively, and now both Precincts are delivering a significant amount of new residential housing and employment generating development to the South West of Sydney.

Location Plan



Source: NSW Legislation website www.legislation.nsw.gov.au

The subject Precincts are located within the Camden Council Local Government Area and the overall site is approximately 6km northeast of the Camden townsite, 20km southwest of the Liverpool CBD and 50km southwest of the Sydney CBD. The future South West Growth Centre regional centre of Leppington is approximately 7.5km to the northeast.

The subject land encompasses major arterial and sub-arterial roads of the South West Growth Centre including Camden Valley Way, The Northern Road, Oran Park Drive and Gregory Hills Drive. Land within the Turner Road Precinct and eastern half of the Oran Park Precinct generally drains to the South Creek catchment. The western half of the Oran Park Precinct generally drains to the Cobbitty Creek catchment. Both of these catchments contain a network of defined riparian corridors.

Site Plan



As part of the initial rezoning process in 2007, riparian corridors were zoned E4 Environmental Living or RE2 Private Recreation and a 20 metre wide strip adjacent to the riparian area was zoned to correspond with the zone in the riparian area. This would allow private ownership of the riparian protection area whilst providing a developable area to enable contiguous development with the riparian corridor.

This Planning Proposal seeks to rezone the 20 metre strips as there is a preference to develop these areas in association with the adjacent non-riparian land as opposed to the riparian corridor land. Accordingly, it is more appropriate that the 20 metre strips adopt a zone that is consistent with the adjacent broader non-riparian land. The remaining riparian

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protection areas are to be rezoned to an environmental zoning that implements a higher level of environmental protection to that currently existing under the SEPP.

In addition to the proposed amendment to the zones of the 20 metre strip and riparian protection areas, there are some other minor zoning amendments relating to the Employment Lands area within the Turner Road Precinct and a reconfigured riparian corridor in the Oran Park Precinct. These minor amendments are to realign the zone boundaries to reflect agreed outcomes, existing planning approvals and/or development that is under construction or constructed.

The following chapters in this Planning Proposal report provide a more detailed justification of the proposal, and expand on the above points.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal incorporates three main components which all propose amending the Maps under Appendix 1 of the SEPP. There are no amendments to the text of the SEPP in this proposal. The four main Parts of the Planning Proposal include:

1. Rezoning the outer interface 20 metre strips to the riparian areas within the Oran Park and Turner Road Precincts.
2. Rezoning the riparian protection areas to implement a higher level of environmental protection or management.
3. Rationalising B5 and IN1 zone boundaries within the employment lands within the Turner Road Precinct.
4. Reconfiguring the zoning of a Category 3 riparian corridor to reflect detailed site investigations within the Oran Park Precinct.

Part 1: Rezoning of 20 Metre Strips Abutting Riparian Corridors

The majority of riparian protection areas throughout the Oran Park and Turner Road Precincts are currently zoned 'E4 Environmental Living' or 'RE2 Private Recreation'. The E4 and RE2 zones extend outside the riparian areas to form a 20 metre strip on one side of the riparian corridor. This zoning configuration was adopted as part of the initial zoning for the Oran Park and Turner Road Precincts, which was Gazetted on 21 December 2007.

The zoning of the 20 metre strips was in response to the NSW Government's Planning Circular (PS07-018) which mandated that riparian protection areas could not be included in a Section 94 Contributions Plan. Accordingly, prior to finalising the zoning for the Oran Park and Turner Road Precincts, Camden Council and the Growth Centres Commission amended the Precinct Plan documentation to zone the riparian protection areas either E4 or RE2 and extend the respective zone by 20 metres from one side of the riparian boundary. The intention was to allow subdivision of the riparian protection areas for individual lots in private ownership.

The purpose of the 20 metre strip for the E4 zone was to enable the subdivision of the riparian protection areas in accordance with the E4 Environmental Living provisions whilst also providing a building area to construct a dwelling outside the riparian area. This would ensure that any future subdivision of the riparian areas affected by the E4 zone could contain a dwelling on a lot that has the same zone. Furthermore, the zoning regime was to enable private landowners to own and manage a portion of the riparian protection areas rather than the riparian land being dedicated to a public authority. In regard to the 20 metre strip associated with the RE2 Private Recreation areas, it is appreciated that this approach was adopted for consistency in zoning the riparian protection areas.

The 20 metre strips of E4 and RE2 land adjacent to the riparian protection areas creates an impost where subdivision of the riparian protection areas for a residential purposes and private ownership is not desirable. Where the 20 metre strip areas are to be developed for standard residential allotments and the riparian protection areas are to be contained in a single holding, the E4 and RE2 zones will typically partially affect a proposed residential allotment. As the E4 and RE2 zones partially affect a proposed allotment, more stringent

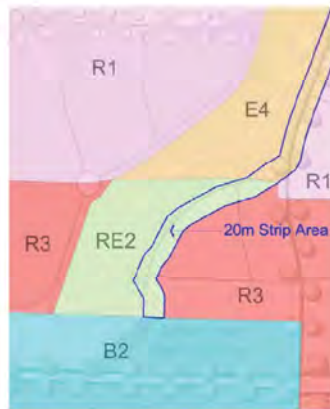
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Attachment 1

planning provisions prevail, such as a minimum lot size requirement of 1000m². The imposition of this minimum lot size requirement is onerous as the land has been determined to be suitable for residential development for significantly smaller lot sizes. Furthermore, it is contrary to the delivery of affordable housing throughout the South West Growth Centre.

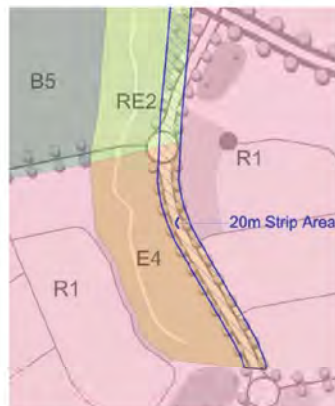
The issue of the 1000m² minimum lot size requirement impacting on the delivery of residential development was formally raised with Council in August 2011. In response, Council suggested that the Growth Centres SEPP be amended through the preparation of a Planning Proposal, which partly forms the basis for this Planning Proposal. It is understood this advice from Council has been discussed with the Department of Planning and a copy of the correspondence with Council and Council's response is included in Attachments 1 and 2 respectively.

Example of 20 metre strip against a Riparian Corridor in Oran Park Precinct



Source: NSW Legislation website www.legislation.nsw.gov.au

Example of 20 metre strip against a Riparian Corridor in Turner Road Precinct



Source: NSW Legislation website www.legislation.nsw.gov.au

The primary objective is to rezone the 20 metre strip abutting the riparian protection areas as the riparian corridors may not be subdivided and/or developed for E4 Environmental Living or RE2 Private Recreation purposes. This means that the riparian protection areas may not be fragmented into 'environmental living' allotments, and may remain within a single management body. In some cases agreements have been finalised to transfer ownership of the riparian areas to Camden Council (i.e. Oran Park Voluntary Planning Agreement). It is noted that this proposal does not amend the 20 metre strip relating to the small landholdings in the eastern portion of the Oran Park Precinct as future ownership of the adjoining protection areas is undetermined.

As the respective 20 metre strips may not be developed in association with the abutting riparian areas, the 20 metre strip is proposed to be rezoned to reflect the broader adjacent zoning, whether that be 'R1 General Residential', 'R3 Medium Density Residential' or 'B5 Business Development'. In addition to amending the Land Use Zoning Maps, the Building Height, Special Areas, and Minimum Lot Size Maps will need to be amended to correspond with the changes to the respective zones.

The intended outcome is to enable the 20 metre strip non-riparian areas to be developed in coordination with the broader, non-riparian areas that are identified for residential or employment development. Furthermore, it is also intended to ensure that future landholdings associated with the 20 metre strip areas will not be dual zoned, which would be problematic due to implementing incompatible statutory planning provisions on the same parcel of land.

Part 2: Rezoning of Riparian Protection Areas

Under the Voluntary Planning Agreements for Oran Park and Turner Road, it is proposed that the riparian protection areas be vested in public ownership. Where the 20m strip is being rezoned from "E4 Environmental Living" or "RE2 Private Recreation", rezoning of the riparian protection areas to "E2 Environmental Conservation" is proposed. This method has been suggested by the Department of Planning and Infrastructure.

Part 3: Rationalisation of the E4 Environmental Living zone to reflect amended riparian area in Oran Park Precinct

This component of the Planning Proposal relates to a portion of a Category 3 Riparian Corridor located in the Oran Park Precinct, which abuts the eastern boundary to The Northern Road. The defined boundaries of this 'top-of-catchment' portion of the riparian corridor have been reconfigured following more detailed site investigation between Camden Council and NSW Office of Water representatives, and specialist environmental consultants. Consequently, the new riparian corridor boundaries do not reflect the current zone boundaries. The plan that was used to define the reconfigured riparian area is shown below and a copy of the email correspondence between representatives of Camden Council, NSW Office of Water and the specialist consultants is included in Attachment 3.

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Reconfigured Riparian Corridor in Oran Park Precinct



The primary objective is to amend the E4 Environmental Living zone applying to the portion of the subject riparian corridor to reflect the new boundaries defining the riparian corridor. This will ensure the environmental zone accurately reflects the riparian area and the areas now not forming part of the riparian corridor can be zoned 'R1 General Residential', which is the broader zone surrounding the riparian corridor. In addition to amending the Land Use Zoning Maps, the Building Height, Special Areas, Riparian Protection Area and Minimum Lot Size Maps will need to be amended to correspond with the changes to the respective zones.

The intended outcome is to rationalise zone boundaries between the riparian corridor and non-riparian areas to enable the land to be utilised and developed in accordance with appropriate statutory planning provisions.

Part 4: Rationalisation of the Turner Road Employment Lands zone boundaries

The third part to the Planning Proposal seeks to rationalise the zone boundaries applying to the Turner Road Employment Lands. The Turner Road Employment Lands are located in the southwest of the Turner Road Precinct and abut Camden Valley Way. The area of employment lands subject to this Planning Proposal is south of Gregory Hills Drive and north of the Turner Road small landholdings. This area has development consent for the subdivision layout and is under construction with some parts nearing completion, which can be seen in the figure below.

Currently the zoning of the Employment Lands comprising the 'B5 Business Development' and 'IN1 General Industrial' zones does not reflect the approved subdivision or the portion of employment lands that has been constructed. Therefore, amendment to the zone boundaries is proposed to essentially match the zoning and the approved subdivision layout to avoid dual zoned allotments. In addition, there are anomalies with the zone boundary between the interface of the 'IN1 General Industry' zone and the 'R1 General Residential' zone to the east. Accordingly, the primary objective is to amend the B5, IN1 and R1 zones associated with the Turner Road Employment Lands. This will ensure that future land uses and appropriate zones accurately correspond with each other.

Turner Road Employment Lands Site Area and subdivision/zoning overlay



The intended outcome is to rationalise zone boundaries within the Turner Road Employment Lands to enable the land to be utilised and developed in accordance with intended planning outcomes and provisions.

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PART 2 – EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal are to be achieved by amending the Map set under 'Appendix 1 Oran Park and Turner Road Precinct Plan' of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Copies of the existing SEPP Maps relevant to this Planning Proposal are included in Attachment 4. The specific amendments to the SEPP Maps are included in Attachments 5-9 and a summary of the Maps to be amended under this proposal are outlined below:

1. Amendment to the following South West Growth Centre Land Zoning Maps:

Land Zoning Map - Sheet LZN_003

Land Zoning Map - Sheet LZN_004

Land Zoning Map - Sheet LZN_008

Land Zoning Map - Sheet LZN_009

2. Amendment to the following South West Growth Centre Lot Size Maps:

Lot Size Map - sheet LSZ 003

Lot Size Map - sheet LSZ 004

Lot Size Map - sheet LSZ 008

Lot Size Map - sheet LSZ 009

3. Amendment to the following South West Growth Centre Special Areas Maps:

Special Areas Map - Sheet SAM 003

Special Areas Map - Sheet SAM 004

Special Areas Map - Sheet SAM 008

Special Areas Map - Sheet SAM 009

4. Amendment to the following South West Growth Centre Height of Building Maps:

Height of Buildings Map - Sheet HOB_003

Height of Buildings Map - Sheet HOB_004

Height of Buildings Map - Sheet HOB_008

Height of Buildings Map - Sheet HOB_009

5. Amendment to the following South West Growth Centre Riparian Protection Area Maps:

Riparian Protection Area Map - Sheet RPN 004

In addition to amending the Appendix 1 of the Growth Centres SEPP, amendment to the Oran Park Development Control Plan 2007 and Turner Road Development Control Plan 2007 will be necessary following Gateway approval. Currently both DCPs include mapping that replicates the zoning from the SEPP, and therefore, the mapping in the DCPs will need to be amended to ensure consistency between the levels of planning provisions. Accordingly, a summary of the sections within the respective DCPs that should require amendment include:

1. Oran Park DCP 2007:

Part A Precinct Wide DCP

- Figure 17: Open Space Network Plan mapping.

Part B Site Specific DCPs – B2 Controls for Land Containing a Riparian Protection Area

- Figure 1 – Riparian Protection Areas.

2. Turner Road DCP 2007:

Part B Site Specific DCPs – B2 Controls for Land Containing a Riparian Protection Area

- Figure 1 – Riparian Protection Areas.

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PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal for the Oran Park and Turner Road Precincts is not a result of any particular study or report that has specifically been prepared to support the proposed amendments. This Planning Proposal has been prepared in response to agreed, approved and constructed development outcomes currently being delivered across the Oran Park and Turner Road Precincts.

Notwithstanding, extensive and comprehensive studies and reporting were undertaken as part of the Precinct Planning for the Oran Park and Turner Road Precincts. The minor amendments are consistent with the outcomes of the Precinct Planning process.

The objective of this proposal is to ensure a consistent zoning and waterfront land mapping scheme across both Precincts that does not result in future residential allotments being affected by more than one zone. The riparian aspects of the Planning Proposal are in accordance with the adopted Oran Park and Turner Road Waterfront Land Strategy. The broader planning and development of the Oran Park and Turner Road Precincts commenced with high level planning through to the detailed development approvals in accordance with State and local strategic requirements. The riparian approvals are now supplemented through the adoption of the Oran Park and Turner Road Waterfront Land Strategy, which provides detailed mapping of riparian corridor areas throughout the Precincts.

In regard to the proposed amendments relating to the Turner Road Employment Lands, these are minor amendments to ensure the constructed development outcomes are consistent with future zoning.

In light of the above, this Planning Proposal is essentially proposing minor amendments to the statutory framework that are already implemented under existing planning approvals or already constructed development within the Oran Park and Turner Road Precincts.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The modifications sought in this Planning Proposal are the best means of achieving the objectives and intended outcomes. Given the proposed amendments relate to statutory land use mapping outcomes contained in the Growth Centres SEPP, other available processes are not considered an appropriate means of achieving the objectives and intended outcomes promoted by this Planning Proposal.

3. Is there a net community benefit?

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adapted from the Draft Centres Policy (April 2009). In some cases the Evaluation Criteria have been modified or removed to ensure the criteria are meaningful to this Planning Proposal.

Net Community Benefit Evaluation Criteria	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?	The proposal is consistent with the State and regional strategic direction for development relating to housing growth in the area. The subject land forms part of an identified urban growth area for employment lands and residential development over a 30 year period. Moreover, the respective areas subject to the Planning Proposal have been specifically identified as being suitable for either residential or employment types of development under the existing and previously exhibited reporting for the Precincts.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The subject site for this Planning Proposal is within an area covered by the Sydney Metropolitan Plan 2036 and the South West Sub-Regional Strategy for Sydney. These documents identify the subject land as a 'Future Urban Area' and 'New Release Area' respectively. Accordingly, the proposed amendments are consistent with the Metropolitan strategies for Sydney.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	<p>The Planning Proposal is in accordance with outcomes in other release areas within Sydney's Growth Centres. The proposed amendments will enable the respective landowners to fulfil their expectations for the areas subject to this proposal, which are substantiated in the Indicative Layout Plans for each Precinct.</p> <p>The proposal will not create a precedent or change land owner expectations of development outcomes across the Oran Park and Turner Road Precincts.</p>
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will not result in any increase, or decrease in the existing quantum of zoned employment lands within the Oran Park and Turner Road Precincts. However, the proposal will enable the employment lands within the Turner Road Precinct to be managed more effectively under a single zoning for each allotment proposed for employment activities.

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Attachment 1

Net Community Benefit Evaluation Criteria	Response
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The Planning Proposal will impact positively on the supply of residential land. The planning proposal will assist housing supply through removing existing dual zoning anomalies over residential allotments. It will also eliminate the impost where residential land is partially zoned E4 being and therefore attracts a 1000m ² minimum lot size requirement.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject site is within an identified major urban growth area of Sydney, which has been comprehensively planned for public infrastructure requirements. The Oran Park and Turner Road Precincts of the South West Growth Centre were assessed for key infrastructure requirements as part of the comprehensive Precinct Planning processes. The planned provision of infrastructure includes major road upgrades and essential public infrastructure services, which includes a direct bus route from the South West Growth Centre to Campbelltown Station. In addition, this includes the provision of an extensive public accessible cycling and pedestrian pathway network throughout the Precinct and surrounding areas. Accordingly, there is adequate public infrastructure to accommodate the proposed amendments.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not result in any modifications to the planned road network and will therefore have nil impact on travel distances, times and road safety matters.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are significant investments in infrastructure in the locality, however there will be no expected impacts resulting from this proposal.

Net Community Benefit Evaluation Criteria	Response
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Part of the proposal relates to riparian protection areas. The riparian protection areas will be rezoned to the E2 zone which implements a higher level of environmental controls. This will ensure a higher level of environmental protection for the riparian areas, and therefore, the proposal will have a positive impact on land with environmental significance. There are no other environmental constraints associated with this proposal.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is compatible and desirably complementary with adjacent land uses, which includes industrial, residential and riparian lands. There will be no impacts on amenity or the broader community.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal does not incorporate any modifications to retail or commercial land uses that will impact on the number of retail and commercial premises operating in the area.

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Attachment 1

Net Community Benefit Evaluation Criteria	Response
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	<p>There are four main public interest reasons for progressing the Planning Proposal, including:</p> <ol style="list-style-type: none"> 1. It will provide a more logical and consistent statutory mapping outcome over the residential land and employment land within the Oran Park and Turner Road Precincts. 2. The proposal will remove the existing dual zoning outcomes across standard residential allotments within the Oran Park and Turner Road Precinct. Furthermore, the proposed zoning amendments in the Turner Road Employment Lands will ensure consistency with the constructed outcomes and future land use intentions. 3. A higher level of environmental protection for the riparian areas will result from the proposal with more stringent environmental protection controls, which will ensure the conservation of riparian habitat. 4. It will eliminate the impost where residential land that has been identified for standard residential development is partially zoned E4 Environmental Living thereby attracting a 1000m² minimum lot size requirement.

There is a significant net community benefit resulting from the Planning Proposal, particularly as it will remove existing inconsistencies and anomalies in the statutory mapping and provisions across the Oran Park and Turner Road Precincts.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Sydney Metropolitan Strategy, Draft South West Subregional Strategy and Metro Strategy Discussion Paper

The Sydney Metropolitan Plan 2036 and the associated South West Subregional Strategy apply to the area subject to this proposal.

The Sydney Metropolitan Plan 2036 identifies the South West Growth Centre as a new release growth area and sets broad objectives and actions to guide the development of growth areas.

Relevant key objectives in the Sydney Metropolitan Plan 2036 that relate to the subject land are provisions for locating 30% of new dwellings in release areas and achieving housing targets set by the sub-regional strategies. The Planning Proposal is consistent with these objectives as it will assist in the delivery of new dwellings within the Oran Park and Turner Road Precincts and therefore assist in achieving relevant dwelling yield targets.

The South West Subregional Structure Plan identifies the subject site as being within the South West Growth Centre. The Growth Centre has been identified for urban growth and work is currently being undertaken to deliver residential and employment development.

Relevant key actions in the South West Subregional Strategy include:

- Growth Centres Commission to provide detailed planning for up to 5,500 lots per year and infrastructure from 2007–08.
- Councils to plan for sufficient zoned land to accommodate their housing target in Principal LE P's.

This Planning Proposal will provide greater certainty for development outcomes throughout the Oran Park and Turner Road Precincts through addressing existing anomalies relating to dual zoning of allotments adjacent to riparian protection areas, in particular where the additional 20 metre E4 or RE2 strip has been applied. This will assist in ensuring delivery of the required dwelling yield targets and sufficient zoned residential land.

The subject site is consistent with objectives and actions contained within both the Sydney Metropolitan Plan 2036 and the South West Subregional Strategy. The proposed amendments to Growth Centres SEPP are relatively minor in nature, and will not adversely impact on the objectives and actions of any strategy.

South West Growth Centre

The subject land is located within the South West Growth Centre, which incorporates a strategic planning framework to guide the location of residential, business, industrial and recreational land uses.

As part of the Precinct Planning process for the Turner Road and Oran Park Precincts, detailed background assessments were undertaken to substantiate how each of the

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Precincts are to be developed. This included detailed assessments to identify land suitable for residential development.

As determined by the Precinct Planning process, the subject land is suitable to accommodate the proposed modified mapping outcomes for residential and employment lands.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Camden Council's endorsed local strategic plan is Camden 2040 - Working Together to Achieve the Community's Vision for the Future'.

Camden 2040 has a vision to effectively manage its growth whilst promoting a prosperous local economy, with thriving local businesses and local employment. Part of successfully managing growth is to overcome a key challenge of "Achieving a balance between large population increases and keeping the valued characteristics of Camden as it is now will be an ongoing tension and challenge over the coming decades."

The specific key challenges for growing the Camden Area which relate to the Proposal include:

- Creating good quality, liveable urban environments with a greater density than is currently available in the Camden area, including providing a range of efficient, affordable and innovative housing styles and public urban and open spaces.
- The importance of building and maintaining certainty and investment confidence within the area through efficient and stable strategic planning and development control processes.

The key strategies to meet the above challenges include:

- Learning from and improving the urban planning process over time so that lessons learned from each precinct planning process, as well as industry best practice, are used in subsequent precincts to ensure improved outcomes over time
- Prioritising environmental outcomes through the planning and development process to maximise improvement and restoration opportunities and to minimise the ecological impacts of increased urban form, economic activity, and people and lifestyles.
- Ensuring greater choice and diversity in housing to meet a range of existing and future community needs

The measure for success for the above strategies will be represented by ensuring that there is certainty and consistency in the delivery of urban growth areas within Camden. The proposal will contribute to Council achieving these objectives through providing a simplified and more consistent statutory mapping scheme across the Oran Park and Turner Road Precincts.

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

The State Environmental Planning Policies (SEPPs) that are relevant to this Planning Proposal are identified below.

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SEPP (Sydney Region Growth Centres) 2006	The Oran Park and Turner Road Precincts are located within the South West Growth Centre. The Planning Proposal seeks to amend Appendix 1 and associated mapping of this SEPP. The proposal is consistent with the aims of the SEPP to coordinate the release of land for employment generation in the in the South West Growth Centre.
SREP No 20—Hawkesbury-Nepean River	The land subject to this Planning Proposal is within the SREP No 20 applicable area. Future detailed development proposals will comprehensively consider the requirements of SREP No 20 to ensure appropriate environmental considerations to water quality, heritage, flora and fauna, etc. are undertaken. Accordingly, the Planning Proposal is consistent with SREP No 20.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Each s117 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming its consistency.

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.1 Business and Industrial Zones	Y	The Planning Proposal is consistent with this Ministerial Direction. The proposal will not adversely impact on viability of business zones in the region. The proposal will however ensure a consistent zoning for future business and industrial land uses and activities within the Turn Road Employment Lands.
1.2 Rural Zones	NA	Not applicable

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s.117 Direction Title	Applies	Consistency of Planning Proposal
1.3 Mining, Petroleum Production and Extractive Industries	NA	Not applicable
1.4 Oyster Aquaculture	NA	Not applicable
1.5 Rural Lands	NA	Not applicable
2.1 Environment Protection Zones	Y	The outcomes of the Planning Proposal will maintain provisions to protect and conserve environmentally sensitive areas, in particular the part of the proposal that relates to riparian protection areas. The riparian protection areas will be rezoned to the E2 Environmental Conservation zone which implements a higher level of environmental controls, which will ensure a higher level of environmental protection for the riparian areas.
2.2 Coastal Protection	NA	Not applicable
2.3 Heritage Conservation	NA	Not applicable
2.4 Recreation Vehicle Areas	NA	Not applicable
3.1 Residential Zones	Y	The Planning Proposal is consistent with this Ministerial Direction. The Proposal seeks to modify anomalies in statutory mapping across the Oran Park and Turner Road Precincts. The realignment of the R1 General Residential zone boundaries to reflect adopted riparian protection area boundaries will broaden the choice of building types and locations available and make more efficient use of existing infrastructure and services.
3.2 Caravan Parks and Manufactured Home Estates	NA	Not applicable
3.3 Home Occupations	NA	Not applicable
3.4 Integrating Land Use and transport	Y	The Planning Proposal is consistent with this Ministerial Direction. The Proposal will not result in any modifications to the adopted road and transport network infrastructure across the Oran Park and Turner Road Precincts.
3.5 Development Near Licensed Aerodromes	NA	Not applicable

s.117 Direction Title	Applies	Consistency of Planning Proposal
4.1 Acid Sulfate Soils	NA	Not applicable
4.2 Mine Subsidence and Unstable Land	NA	Not applicable
4.3 Flood Prone Land	NA	Not applicable
4.4 Planning for Bushfire Protection	NA	Not applicable
5.1 Implementation of Regional Strategies	NA	Not applicable
5.2 Sydney Drinking Water Catchments	NA	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	Not applicable
5.6 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	Not applicable
5.9 Second Sydney Airport: Badgerys Creek	NA	Not applicable
6.1 Approval and Referral Requirements	NA	Not applicable
6.2 Reserving Land for Public Purposes	NA	Not applicable
6.3 Site Specific Provisions	Y	The Planning Proposal is consistent with this Ministerial Direction. The objective of this direction is to remove existing anomalies in the statutory mapping across the Oran Park and Turner Road Precincts.
7.1 Implementation of the Metropolitan Strategy	Y	The Planning Proposal is consistent with this Ministerial Direction. It meets objectives of the Metropolitan Plan through facilitating economic growth by providing residential and employment development as detailed in the Sydney Metropolitan Plan Maps.

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Section C - Environmental, social and economic impact.

8. 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 Planning Proposal does not adversely impact on any environmental values or matters of environmental significance. The part of the proposal that relates to riparian protection areas will rezone these areas from E4 Environmental Living to E2 Environmental Conservation, which implements a higher level of environmental controls and will ensure a higher level of environmental protection. Accordingly, the Planning Proposal will not result in any adverse environmental impacts.

9. 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 does not impact on any environmental values or matters of environmental significance, and there are no environmental considerations relating to the proposal. Accordingly, there are no likely environmental effects that could result from this proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

Assessment of the economic and social impacts for the Oran Park and Turner Road Precincts was undertaken as part of the comprehensive Precinct Planning process, which included the rezoning the site for residential and employment development.

The proposed modifications will assist in providing consistency across the statutory mapping scheme, ensuring certainty for development outcomes across the Oran Park and Turner Road Precincts.

Given the above, the only economic and social effects are considered to be desirably positive for existing and future communities within the region

Section D - State and Commonwealth interests.**11. Is there adequate public infrastructure for the planning proposal?**

The subject site is within a major urban growth area of South West Sydney. Comprehensive assessment on infrastructure needs was undertaken at the Precinct Planning stages of planning for the Oran Park and Turner Road Precincts and public infrastructure needs to accommodate the demands of an increased urban development have been determined. The Planning Proposal will not create any additional needs for public infrastructure for the locality.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Given the minor nature of this Planning Proposal no State or Commonwealth public authorities have been consulted.

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PART 4 – COMMUNITY CONSULTATION

The Planning Proposal is considered to be "low impact" as it is consistent with surrounding land uses and the strategic planning framework, and presents no infrastructure issues. Accordingly, an exhibition period of the amended SEPP documentation should extend for a maximum of 14 days.

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Camden Council website; and
3. in writing to adjoining landowners.

CONCLUSION

The Planning Proposal seeks the following amendments to Appendix 1 of the Growth Centres SEPP that include the following:

1. Rezoning the outer interface 20 metre strips to the riparian areas within the Oran Park and Turner Road Precincts.
2. Rezoning the riparian protection areas to implement a higher level of either environmental protection or management.
3. Rationalising B5 and IN1 zone boundaries within the employment lands within the Turner Road Precinct.
4. Reconfiguring the zoning of a Category 3 riparian corridor to reflect detailed site investigations within the Oran Park Precinct.

The primary reasons for the proposal include:

- To ensure future residential land and employment land is zoned in accordance with agreed, approved and/or constructed development outcomes.
- To alleviate the occurrence of future residential and employment landholdings being unnecessarily affected by more than one zone.
- To eliminate the impost where residential land that has been identified for standard residential development is partially zoned E4 Environmental Living thereby attracting a 1000m² minimum lot size requirement.

An amendment to the Growth Centres SEPP Maps through the Gateway Process is the most appropriate method to effect the intended outcome of this proposal. In addition, the proposal will have a positive community benefit outcomes and is supported by Section 117 Directions and State Environmental Planning Policies.

The proposed amendments will create a positive outcome for housing and employment for the South West Region of Sydney and there will be no negative environmental impacts. Accordingly, progression of the proposal to the LEP Gateway is sought.

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ATTACHMENTS

- Attachment 1 – Letter to Council regarding dual zoning issue
- Attachment 2 – Email correspondence from Camden Council on preparation of a Planning Proposal
- Attachment 3 – Email correspondence on reconfigured Riparian Corridor in Oran Park Precinct
- Attachment 4 – Existing SEPP Maps
- Attachment 5 – Proposed amendments to the South West Growth Centre Land Zoning Maps
- Attachment 6 – Proposed amendments to the South West Growth Centre Lot Size Maps
- Attachment 7 – Proposed amendments to the South West Growth Centre Special Areas Maps
- Attachment 8 – Proposed amendments to the South West Growth Centre Height of Buildings Maps
- Attachment 9 – Proposed amendments to the South West Growth Centre Riparian Protection Area Maps

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Letter to Council regarding dual zoning issue

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Our Ref: LANOPDZR / 110831 LCC

31 August 2011

Mr Carey McIntyre
Camden Council
PO Box 183
CAMDEN NSW

ATTENTION: MR CAREY MCINTYRE

Dear Carey,

RE: REVIEW OF EXISTING SPLIT ZONING ARRANGEMENTS (E4 ENVIRONMENTAL LIVING AND R1 GENERAL RESIDENTIAL ZONES) AND ASSOCIATED LOT SIZE OUTCOMES

1. Introduction

On behalf of the major landowners and development partners actively undertaking land development projects within the Oran Park and Turner Road Precincts, we request that Council undertake a review of their interpretation of the regulatory framework applicable to split zoned residential allotments adjoining Riparian Corridors.

At present, the Zoning framework for the Riparian Corridors and the roadway widths established under the Oran Park Development Control Plan have resulted in the creation of split zoned residential allotments along the Riparian Corridor interface.

As a result of Council's interpretation of the SEPP and DCP standards, the creation of split zoned allotments is no longer achieving the desired outcome in relation to residential lot sizes and riparian corridor interface treatments.

Given our involvement in the preparation of the Oran Park Precinct planning documentation and design of a number of residential developments within the Precinct, we have undertaken a review of the existing SEPP and DCP controls with a view to providing resolution on this matter.

This letter specifically relates to the 20m portion of E4 zoned land, which does not incorporate any Riparian Protection Areas. This land was identified as R1 General Residential zoned land in the SEPP exhibition documentation.

We have provided a plan as Attachment 1 to this letter, which identifies the existing split zoning arrangements, as approved by Camden Council under Development Consent 981/2008 and registered under DP 1149188 within Tranche 1 of Oran Park Town, which represents the preferred development outcome.

We provide below options to move forward both under the current SEPP and DCP controls, and through minor modification of relevant clauses of the SEPP to allow development to proceed in a logical manner.

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AUSTRALIAN ASSOCIATION OF PLANNING CONSULTANTS

These options are as follows:

1. Camden Council continue to process Development Proposals, consistent with the previous interpretation of split zoned allotments approved under existing Development Consents issued for Oran Park Town and the Gregory Hills projects.
2. Camden Council seek a Practice Note from the Department of Planning, which outlines the intention of the E4 zone extension and supports the view that Clauses 4.1 and 4.1A of the Oran Park Appendix of the Growth Centres SEPP do not provide guidance on addressing split zoned allotments created as a result of the extension to the E4 zone and that these clauses relate only to an allotment which is wholly contained within either the E4 or R1 zoned land and the respective minimum lot size areas which apply to each.

Furthermore, that the intended development outcomes in the Part B2 DCP as prepared by Camden Council and the Department of Planning are to allow subdivision outcomes which result in split zoned allotments, where the minimum lot size specifications adopt the General Residential zone requirements.

3. Should Council wish to proceed with a SEPP amendment to address the issue of split zoned allotments, the Oran Park Appendix of the Growth Centres SEPP be amended to incorporate similar wording to the Alex Avenue & Riverstone Appendix of the Growth Centres SEPP.

This would mean that where residential subdivision is proposed on land with a split zoning that includes residentially-zoned land, the minimum site area of the residentially-zoned land component must be no less than the minimum allotment size specified for that zone.

2. Background

The Oran Park Precinct appendix of the Growth Centres SEPP came into force in December 2007, in conjunction with the adopted Oran Park Development Control Plan and Indicative Layout Plan

Prior to adoption, the NSW Government issued a Planning Circular (PS07-018) which mandated that riparian areas could not be included in any Section 94 Contributions Plan. In response, Camden Council and the Growth Centres Commission amended the Precinct Plan documentation with the intent of allowing subdivision of the riparian areas to form individual lots.

To achieve this, the zoning plan was amended to provide an E4 zoning over the riparian areas, which was arbitrarily extended 20m from one side of the riparian corridor, encompassing land which had previously identified as R1 General Residential under the exhibited SEPP. Lot size maps were also modified to reflect the amended zoning boundaries.

The intention of this zoning regime, as outlined during briefing meetings held by Camden Council following gazettal of the SEPP, was specifically to allow construction of dwellings within the 20m portion of the E4 zone.

3. Current Planning Standards

a) Oran Park and Turner Road SEPP

In conjunction with the gazettal of the zoning plans associated with the Oran Park and Turner Road Precincts, Minimum Lot Size plans were also prepared. In this regard, Clauses 4.1 and 4.1A of Appendix 1 of the Growth Centres SEPP outline minimum lot sizes for subdivision and specific development within the Oran Park and Turner Road Precincts.

- Clause 4.1 and the associated SEPP Lot Size Maps require subdivision of land within the R1 General Residential Zone to achieve a minimum lot size of 250m².

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DEVELOPMENT PLANNING STRATEGIES

- Clause 4.1 and the associated SEPP Lot Size Maps require subdivision of land within the E4 Environmental Living Zone to achieve a minimum lot size of 1,000m².
- Clause 4.1A states that development for the purpose of a Dwelling House must not be carried out within the R1 zone on a lot which is less than 250m² and within the E4 zone on a lot which is less than 1,000m².

The SEPP Maps and documentation for the Oran Park and Turner Road Precincts **do not provide guidance on addressing split zoned allotments created as a result of the extension to the E4 zone.** We submit that these clauses relate only to an allotment which is wholly contained within either the E4 or R1 zoned land and the respective minimum lot size areas which apply to each.

Clause 4.1A is **not intended to be applied** to allotments where only a portion of the lot frontage is affected by the E4 zone. This has been supported by Camden Council in the Development Consents issued to date for the Oran Park Town and Gregory Hills projects including:

- DC 981 / 2008 (Tranche 1 Oran Park)
- DC 453 / 2010 (Tranche 9 Oran Park)
- DC 1193 / 2007

The SEPP provides broad zoning and development standards, consistent with the intent of a standard Local Environmental Plan. For matters where more detailed development controls are required, further reference should be sought from the adopted Oran Park Development Control Plan. The relevant controls which apply to land adjoining a Riparian Corridor in the Oran Park and Turner Road DCP are discussed below.

b) Oran Park and Turner Road DCP's

Part B2 of the Oran Park and Turner Road DCP's were prepared by Camden Council and the Department of Planning following gazettal of the Oran Park SEPP. The Part B DCP's outline Camden Council and the Department of Planning's vision for development outcomes on land within and adjoining a Riparian Corridor.

Clause (3), Controls (1) & (2) state as follows

(1) "This section applies to development on land containing a riparian protection area that is generally consistent with the Indicative Layout Plan in Part A of this DCP. This section applies to the land adjacent to the riparian protection area only."

(2) Development to which this section applies will, in most circumstances, consist of roads or drainage or open space. In some cases, small areas of residential, commercial or industrial land immediately abuts riparian protection areas. Compliance with the relevant sections of Part A of this DCP is required.

Clauses 3.0 of Part B2 of the Oran Park and Turner Road DCP's clearly states that the provision of a perimeter roadway consistent with the adopted ILP will result in split zoned residential land. In this scenario, Part B2 states that development proposals should be assessed under the provisions of the Part A of the Oran Park and Turner Road DCP's.

The minimum width of a Local Street adjoining open space (Riparian Corridor), as detailed under Section 3.1 of Part A of the Oran Park and Turner Road DCP's is 11.9m.

Given the 20m extension to the E4 zoning boundary, the provision of a perimeter roadway to a Riparian Corridor, in accordance with Clause 3.1 of Part A and Clause 3.0 of Part B2 of the DCP's, will result in a maximum 8.1m strip of land along the lot frontage which is zoned E4 and subject to a minimum lot size affectation of 1,000m².

DEVELOPMENT PLANNING STRATEGIES

The plan provided in Attachment 1 demonstrates the split zoning outcome as approved under Development Consent 981/2008 and registered under DP 1149188, within Tranche 1 of Oran Park Town.

Notwithstanding the broad zoning and lot size controls in the SEPP, the detailed development controls for split zoned lots in the DCP under Clause 3.0 of Part B2, state that residential development should achieve compliance with relevant section of Part A. In this matter, Clause 7.1 of Part A of the DCP requires subdivision of lots with a dual zoning to achieve a minimum lot size of 250m² for detached housing.

It is therefore clear that the intended development outcomes in the Part B2 DCP as prepared by Camden Council and the Department of Planning are to allow subdivision outcomes which result in split zoned allotments, where the minimum lot size specifications adopt the General Residential zone requirements.

In order to progress this matter, we suggest that Camden Council continue to process and assess Development Applications, in a manner which is consistent with existing approvals issued for the Oran Park and Gregory Hills projects, adopting the interpretation of the Oran Park SEPP and DCP outlined above.

Should this not be supported, we recommend that Camden Council then seek a Practice Note from the Department of Planning, which outlines the intention of the E4 zone extension and supports the interpretation of Oran Park SEPP and DCP outlined above.

This would allow construction and further subdivision of existing small super lots already developed at Oran Park Town to proceed.

4. Options for SEPP Amendment

Notwithstanding the discussion above, we have also reviewed the opportunities to amend the current SEPP standards, should Camden Council consider that a modification of the SEPP is required to facilitate the development outcomes currently envisaged under the adopted Oran Park and Turner Road DCP's.

Following gazettal of the Oran Park Precinct Appendix to the Growth Centres SEPP, a number of other Precincts have been rezoned and incorporated into the Growth Centres SEPP.

Clause 4.1A of the Alex Avenue & Riverstone Precinct Plan (Appendix 4 of the Growth Centres SEPP) sets out minimum lot sizes for various types of development. The specified minimum lot sizes are generally consistent with the Oran Park and Turner Road SEPP Appendix.

The Alex Avenue and Riverstone SEPP does make provision for assessment of minimum lot size provisions on land which is subject to a split zoning. Clause 4.1A, standard (3) states as follows:

(3) Where residential development is proposed on land with a split zoning that includes residentially-zoned land, the minimum site area of the residentially-zoned land component must be no less than the minimum allotment size set out in subclause (2).

Should Council wish to proceed with a SEPP amendment to address the issue of split zoned allotments, the Oran Park Appendix of the Growth Centres SEPP could be amended to read as follows:

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,

(b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,

(c) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land, **except for split zoned lots as described in Clause 4.1 (4).**

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1A Minimum lot sizes for other development

(1) Development must not be carried out on a lot within Zone R1 General Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use for any of the following purposes if the area of the lot is less than the area specified below in relation to those purposes:

(a) dwelling house—250m²,

(b) dual occupancy—600m²,

(c) attached dwelling—125m²,

(d) residential flat building—1,000m².

(2) Development must not be carried out on a lot within Zone E4 Environmental Living **which incorporates land within a Riparian Protection Area** for the purposes of a dwelling house if the area of the lot is less than 1,000m².

(3) Development for the purposes of multi dwelling housing must not be carried out on a lot in the following zones if the area provided for each dwelling is less than 125m²:

(a) Zone R1 General Residential,

(b) Zone R3 Medium Density Residential,

(c) Zone B1 Neighbourhood Centre,

(d) Zone B2 Local Centre,

(e) Zone B4 Mixed Use.

(4) **Where residential subdivision or development is proposed on land with a split zoning that includes residentially-zoned land, the minimum site area of the residentially-zoned land component must be no less than the minimum allotment size set out in subclause (1).**

5. Summary

As discussed above, Council's current interpretation of the SEPP and DCP standards applicable to the creation of split zoned allotments is no longer achieving the desired outcome in relation to residential lot sizes and interface development outcomes.

DEVELOPMENT PLANNING STRATEGIES

We have reviewed the existing Oran Park SEPP and DCP documents and maintain the view that there is adequate scope to approve the creation of split zoned allotments consistent with those already approved within the Oran Park Town and Gregory Hills projects.

The approval of these lots with a lot size under 1,000m² would be appropriate under the current controls as follows:

- The SEPP Maps and documentation do not provide guidance on assessment of split zoned allotments. We submit that these clauses relate only to an allotment which is wholly contained within either E4 or R1 zoned land.
- Clauses 4.1 and 4.1A are not intended to apply to allotments where only a portion of the lot frontage is affected by the E4 zone. This has been supported by Camden Council in the Development Consents issued to date for the Oran Park Town and Gregory Hills projects.
- The SEPP provides broad zoning and development standards. For matters where more detailed development controls are required, further reference should be sought from the adopted Oran Park Development Control Plan.

In this regard, Clause 3.0 of Part B2 of the DCP, states that residential development should achieve compliance with relevant section of Part A. Clause 7.1 of Part A of the DCP requires subdivision of lots with a dual zoning to achieve a minimum lot size of 250m² for detached housing.

We suggest that Camden Council progress this matter as follows:

1. Continue to process Development Proposals, consistent with the previous interpretation of split zoned allotments approved under existing Development Consents issued for Oran Park Town and the Gregory Hills projects.
2. Seek a Practice Note from the Department of Planning, which outlines the intention of the E4 zone extension and supports the view that Clauses 4.1 and 4.1A of the Oran Park Appendix of the Growth Centres SEPP do not provide guidance on addressing split zoned allotments and that these clauses relate only to an allotment which is wholly contained within either the E4 or R1 zoned land.

Furthermore, that the intended development outcomes in the Part B2 DCP are to allow subdivision outcomes which result in split zoned allotments, where the minimum lot size specifications adopt the General Residential zone requirements.

Should Council wish to proceed with a SEPP amendment to address the issue of split zoned allotments, we suggest that the Oran Park Appendix of the Growth Centres SEPP be amended to incorporate similar wording to the Alex Avenue & Riverstone Appendix of the Growth Centres SEPP.

The resolution of this matter is now of critical importance to the on-going development of the Oran Park and Turner Road Precincts, and the South West Growth Centre as a whole and is now directly delaying the delivery of over 25 residential allotments within the Oran Park Precinct alone. We respectfully seek Council's urgent consideration of this matter. Should you wish to discuss this matter please feel free to contact either Michael Rodger or myself.

Yours faithfully
DEVELOPMENT PLANNING STRATEGIES

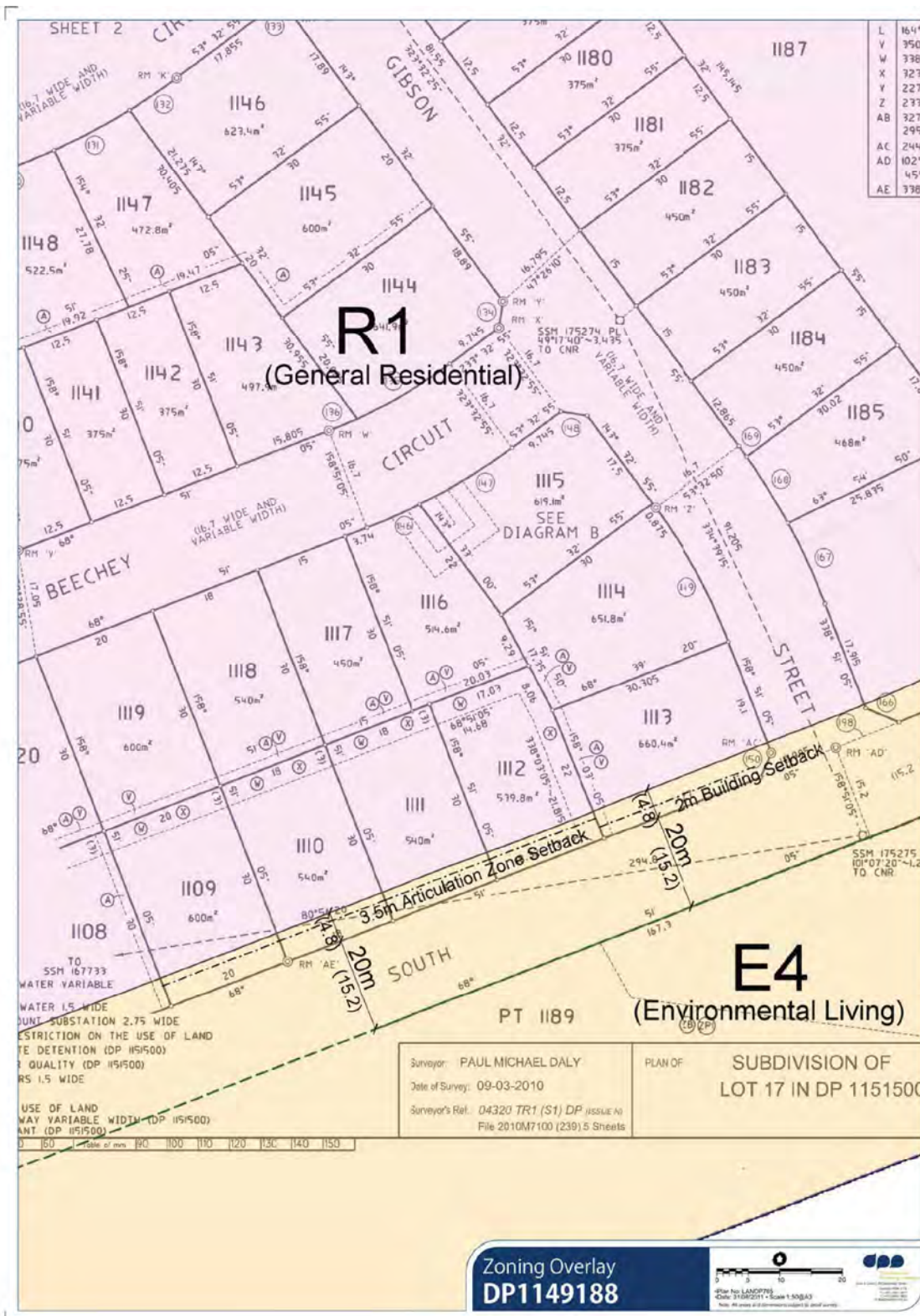


NIGEL MCANDREW
DIRECTOR

c.c. Mr Robert Black – Department of Planning and Infrastructure

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Attachment 1



Attachment 2

Email correspondence from Camden Council on preparation of a Planning Proposal

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Guy Evans

From: Jeff Williams [Jeff.Williams@camden.nsw.gov.au]
Sent: Tuesday, 4 October 2011 4:32 PM
To: Nigel McAndrew
Cc: Peter McKenna; Chris Lalor
Subject: Oran Park - split zonings

Hi Nigel

Firstly, my apologies for not sending this on Friday!

Further to our discussion by telephone and your letter in relation to Split Zonings in the Oran Park and Turner Road Precincts (specifically E4/R2), I wish to advise that Council is of the opinion that a Planning proposal is required to address this issue. The proposal would seek to amend the SEPP. As discussed, an amendment to the maps would be the best way to approach this issue. A fee, in accordance with Council's adopted fees and charges will need to be paid for the planning proposal to be considered.

I also raised during our discussion that we would be looking at addressing any other identified minor matters as part of any such Planning Proposal.

I trust this short response is sufficient for your needs. Should you require anything further please let me know.

We are happy to have a meeting with you before you lodge the planning proposal if you so wish.

Regards

Jeff Williams

Team Leader - Growth Areas

Camden Council | PO Box 183, Camden NSW 2570

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Attachment 1

Attachment 3

Email correspondence on reconfigured Riparian Corridor in Oran Park Precinct

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Attachment 1

Steven House
Director

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From: Dominic Bruszewski [mailto:dominic.bruszewski@camden.nsw.gov.au]
Sent: Friday, 14 October 2011 9:52 AM
To: 'Wayne Azzopardi'; Steven House
Cc: Ron Dowd; Joanne Vella; Sugule Mohamed; 'Greg Brady'; Richard Smith; 'nlennon@landcom.nsw.gov.au'
Subject: The Category 1 & 3 Waterfront Areas of Oran Park, from OSD 4 to Basin 4 Kolombo Creek, including the Cat 3 Waterfront Area from Wayne Gardener Footy field area down to Kolombo Creek.

Ref: 952/2007

Hi Wayne/Steve/Nick
Continuing on from yesterday's site meeting, the following details and decisions reached are forwarded for your information and action.

(1) With the information available to us yesterday, Greg and myself have no problem with the proposed 'swap' of area to form one block of residential on one side of the road and one block of Open Space and Waterfront area on the other side of the road near the Northern Road.

But this is not an approval, nor does it imply an approval for this to happen.

There is an approval process in place that will be responsible for the final decision. Wayne, It would assist if you could send Ron Dowd and Joanne Vella a copy of the plan you showed us yesterday. Ron and Joanne are the ones you will need to talk to about this now and when they receive your application for the swap, they will still be referring it on to Greg Brady because the proposal does vary too much from the Waterfront Strategy.

(2) We can now include the Category 3 Waterfront area in our Completion, Maintenance and Handover email for the OSD 4 to Basin 4 Waterfront Area. So please keep both sections in the one process with the same dates.

(3) Greg and I had a discussion regarding the road crossing linking the 2 aged developments across the Category 3 Waterfront Area. While neither of us are satisfied or happy about the culvert approach, the 2010 Joint Panel approved engineering plans will stand. However, any further assessment of Waterfront Strategy Plans will need to have all engineering details attached. There can't be any exceptions.

(4) Steve, you could consider advising the Applicant that they should revise the plans you showed us yesterday for the pocket park approach to the Waterfront landscaping to the culvert crossing area. I will need new plans showing the landscaping to be in line with the Waterfront Strategy. The Plans should be included with the entire Category 3 area right down to South Circuit culverts.
The Plans must also clearly show that the Category 3 Waterfront area between the two aged care developments complies with the Waterfront Strategy for allocated total area and treatment.

That is about all at the moment
See you next Thursday for our site meeting for Julia Creek area.
Regards

Dominic (Nick) Bruszewski
Landscape Development Officer

Camden Council | PO Box 183, Camden NSW 2570
P: 02 4654 7742 | M: 0419 628 9751 | Email: dominic.bruszewski@camden.nsw.gov.au | www.camden.nsw.gov.au

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ORD03

Attachment 1

ORD03

Attachment 1

Attachment 4
Existing SEPP Maps

Attachment 5

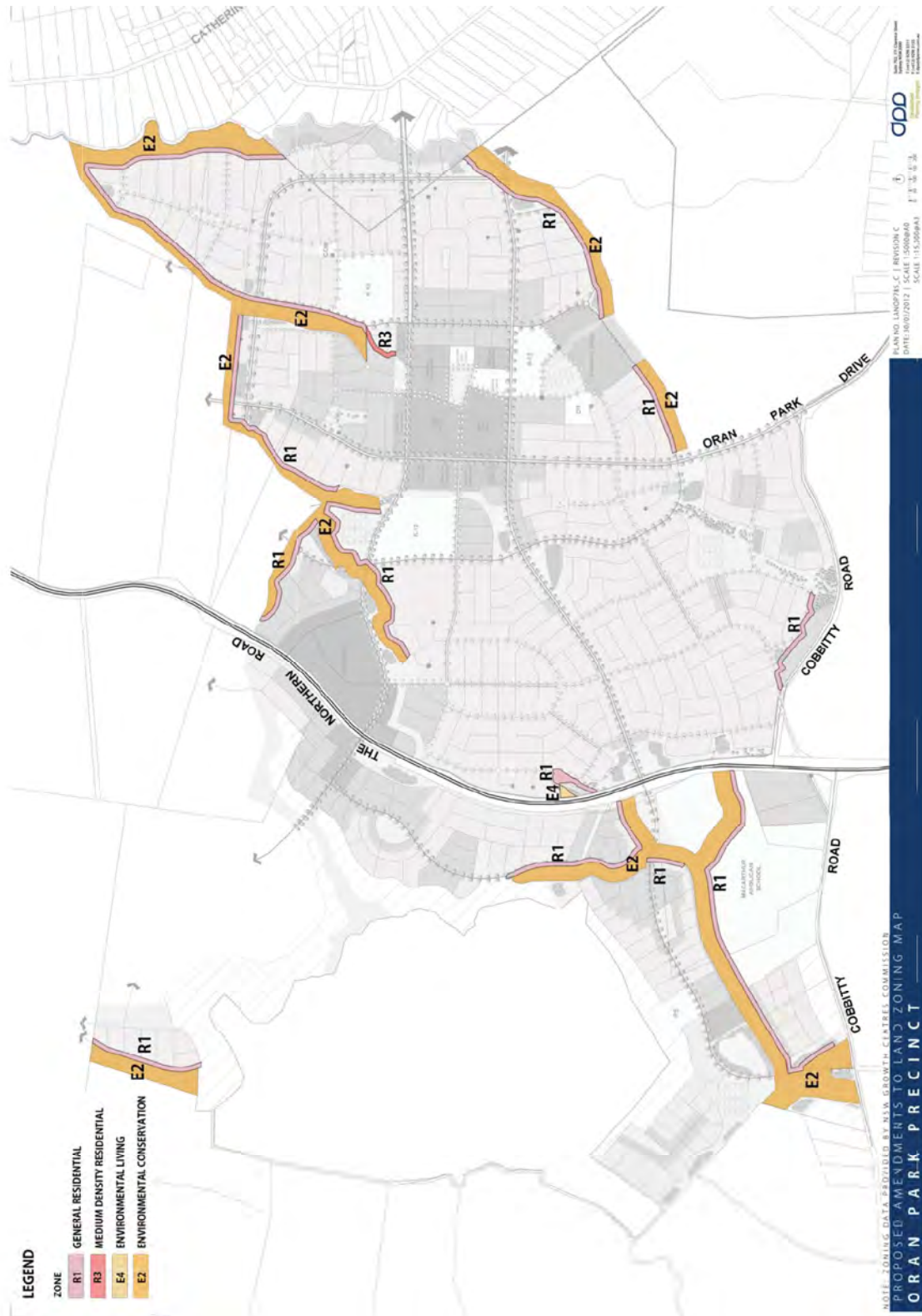
Proposed amendments to the following South West Growth Centre Land Zoning Maps

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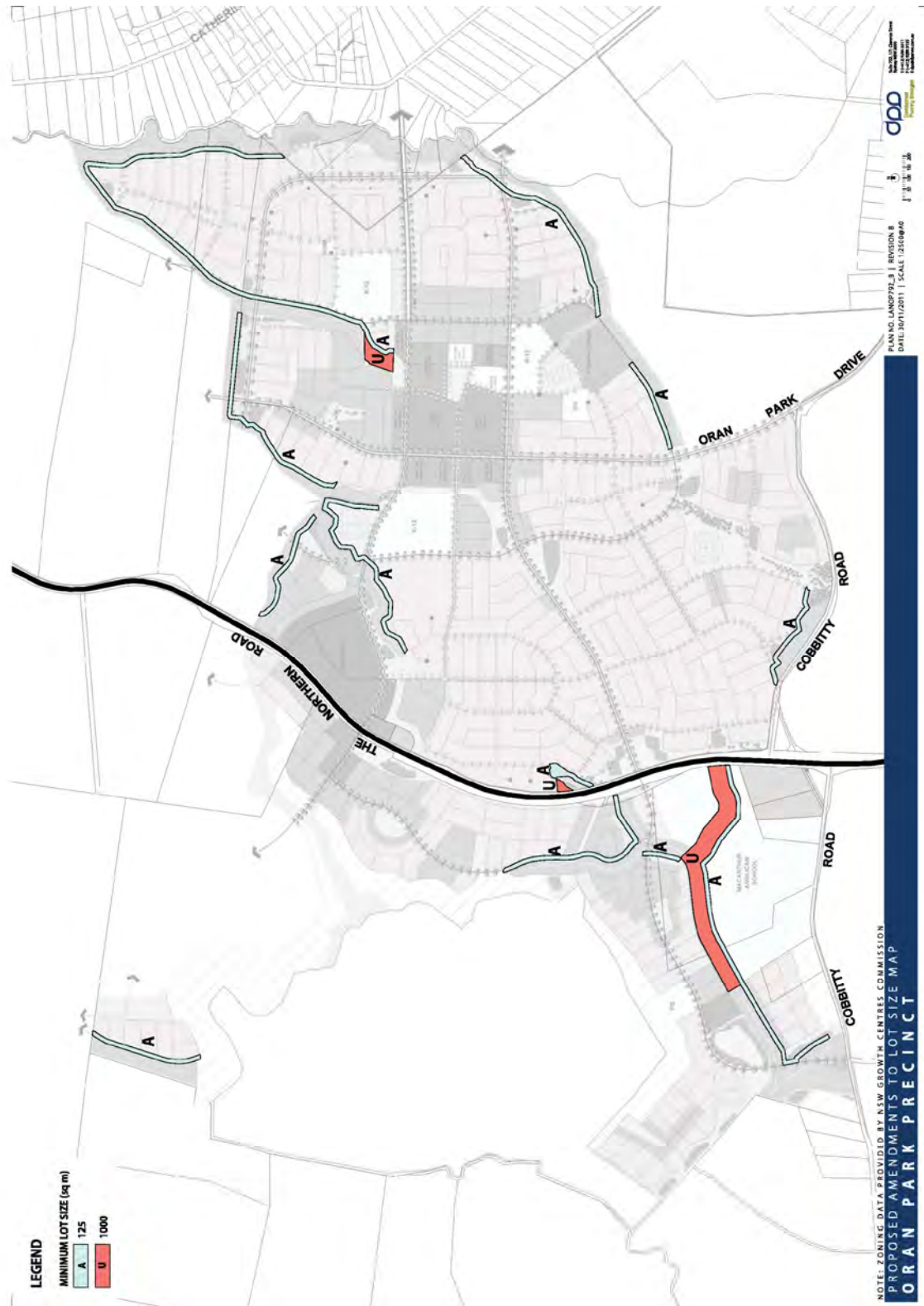
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Attachment 6

Proposed amendments to the following South West Growth Centre Lot Size Maps



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Attachment 1



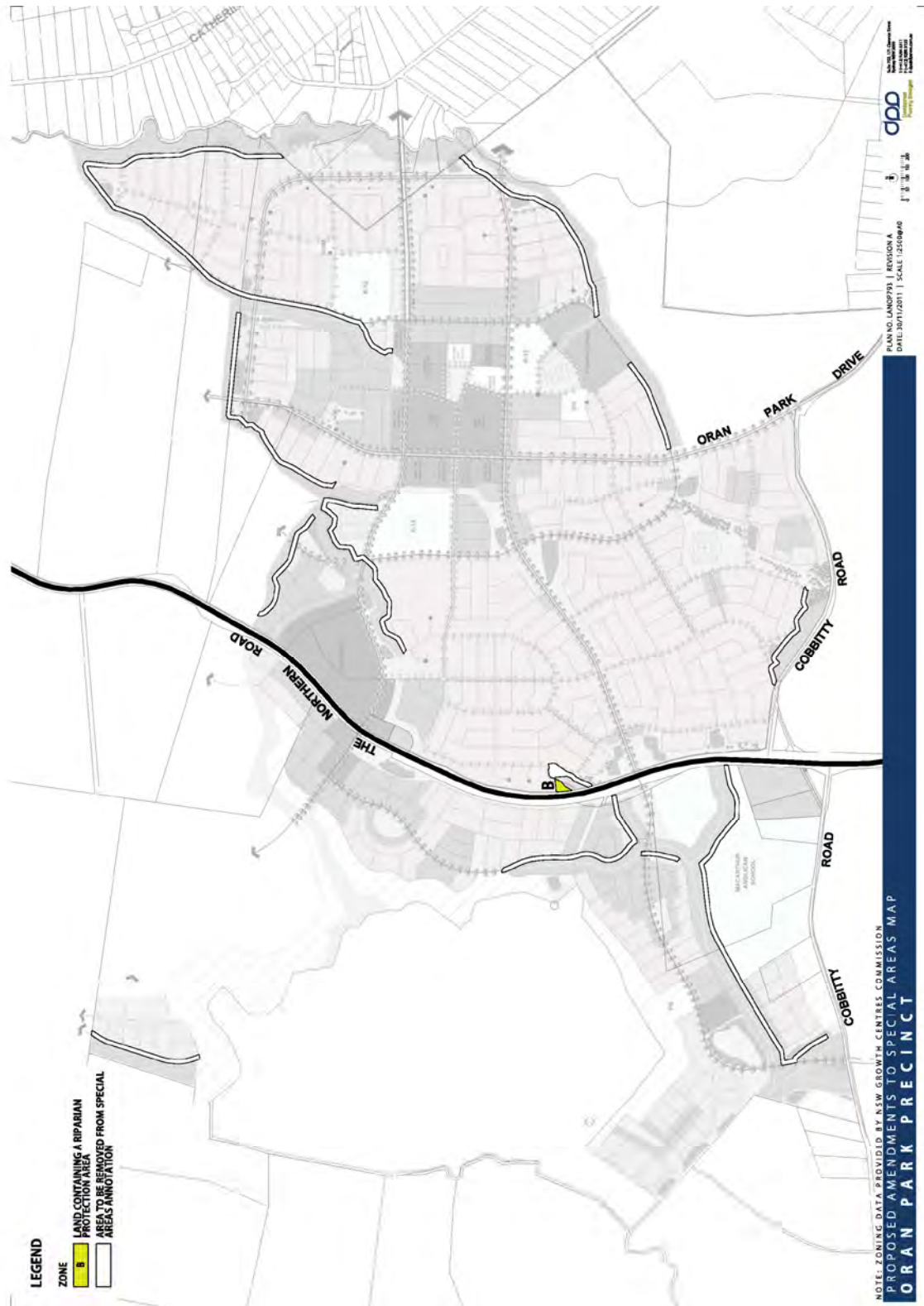
Attachment 7

Proposed amendments to the following South West Growth Centre Special Areas Maps

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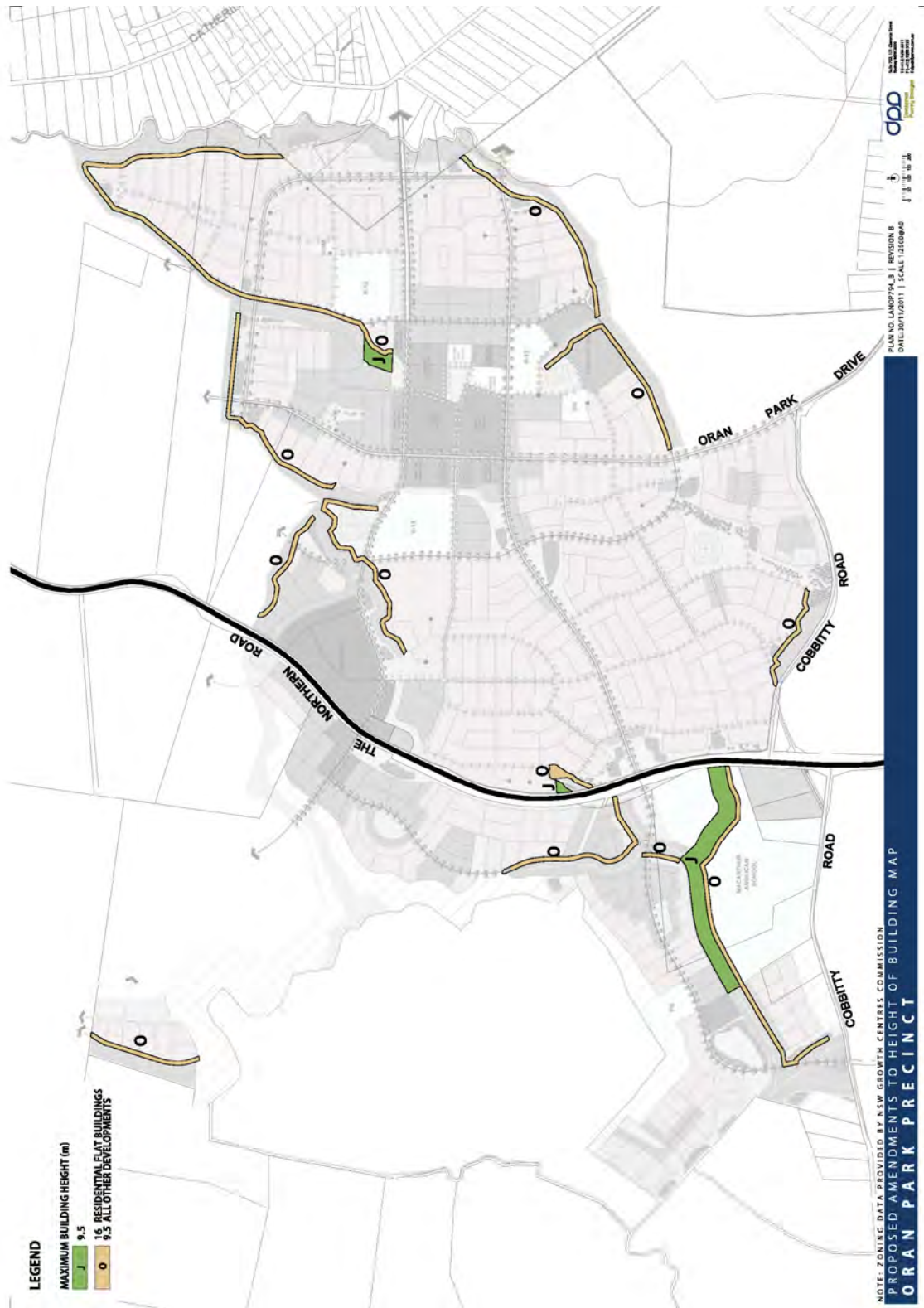
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Attachment 8

Proposed amendments to the following South West Growth Centre Height of Buildings Maps

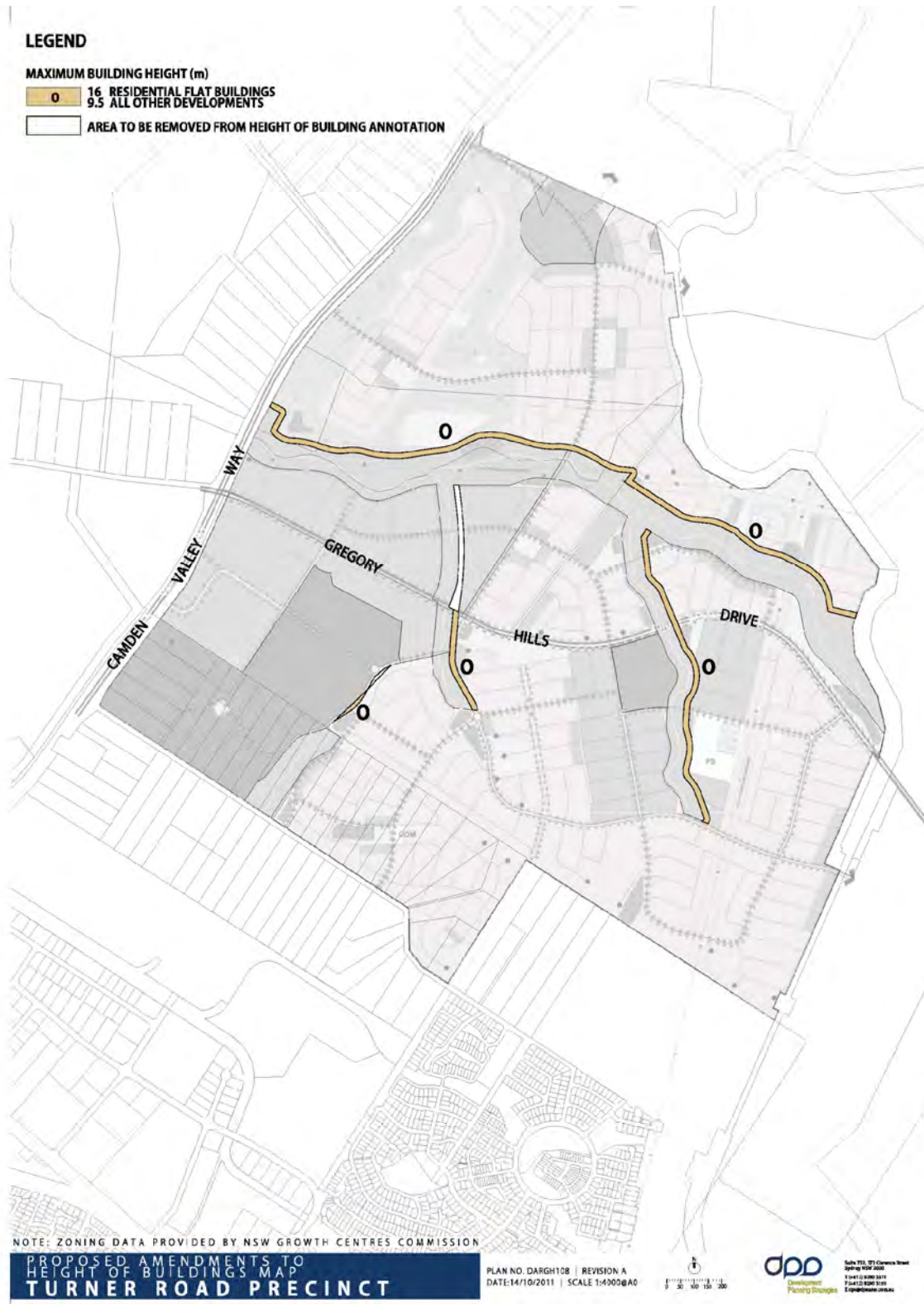


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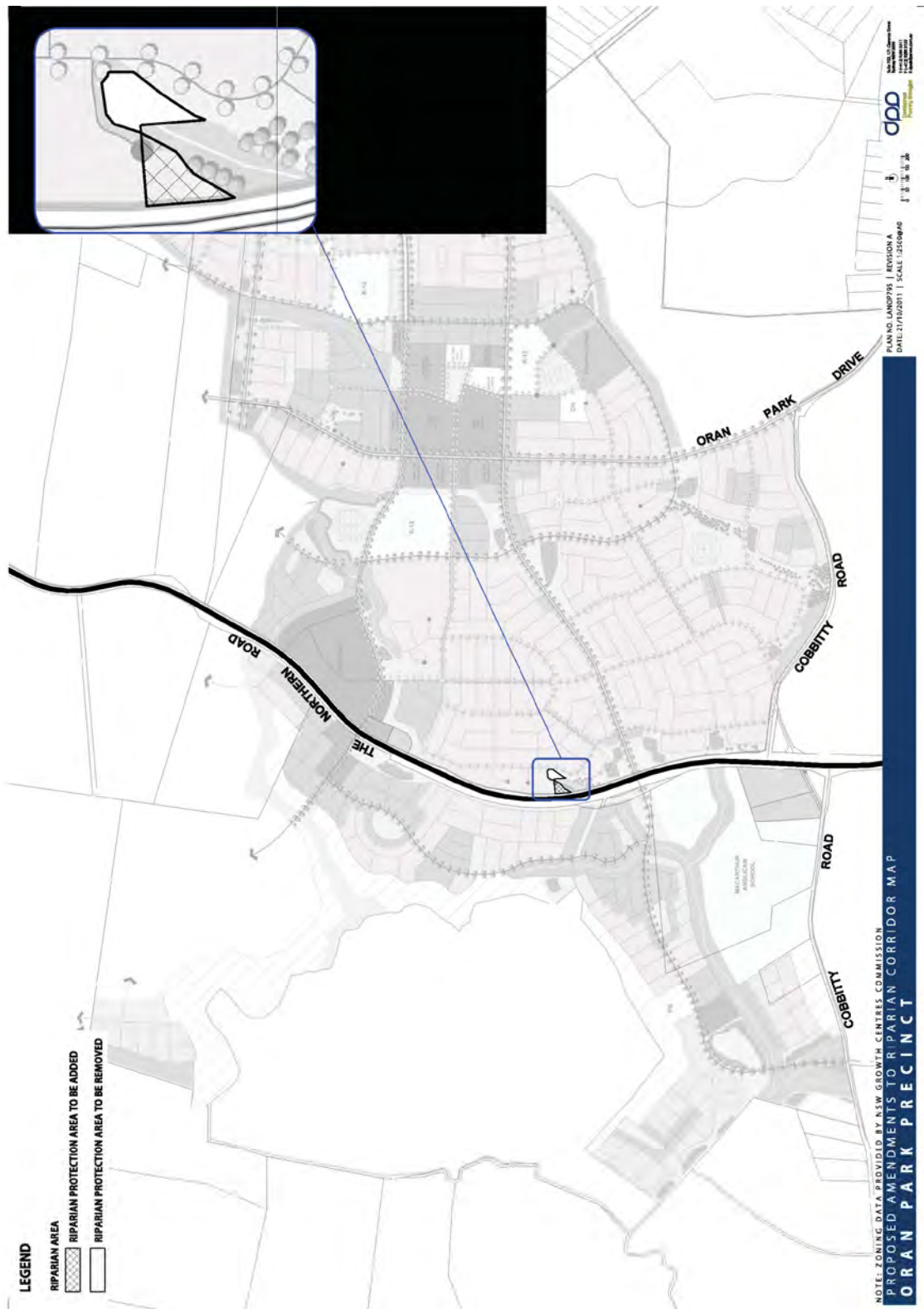


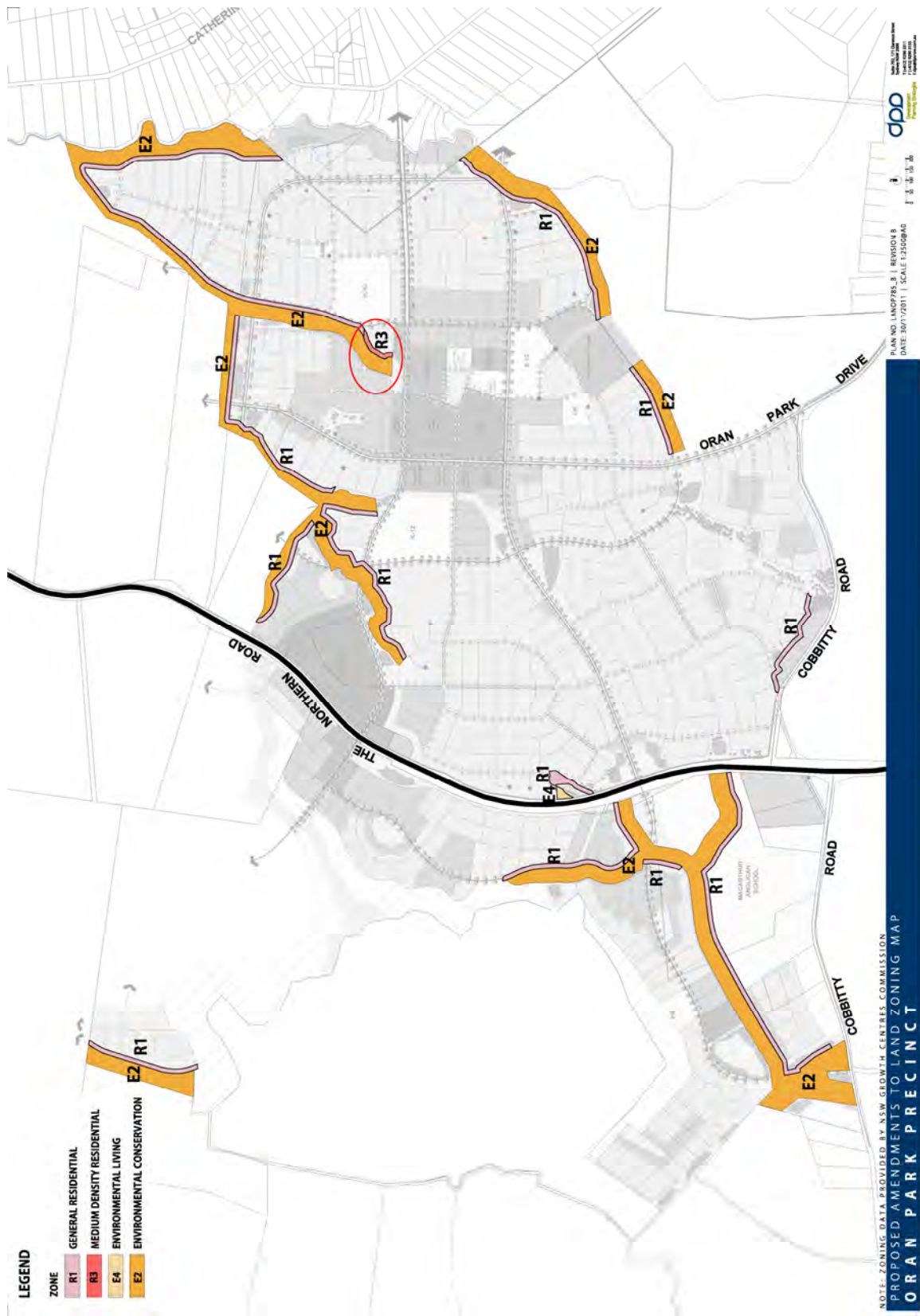
Attachment 9

Proposed amendments to the following South West Growth Centre Riparian Protection Area Maps

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Attachment 1



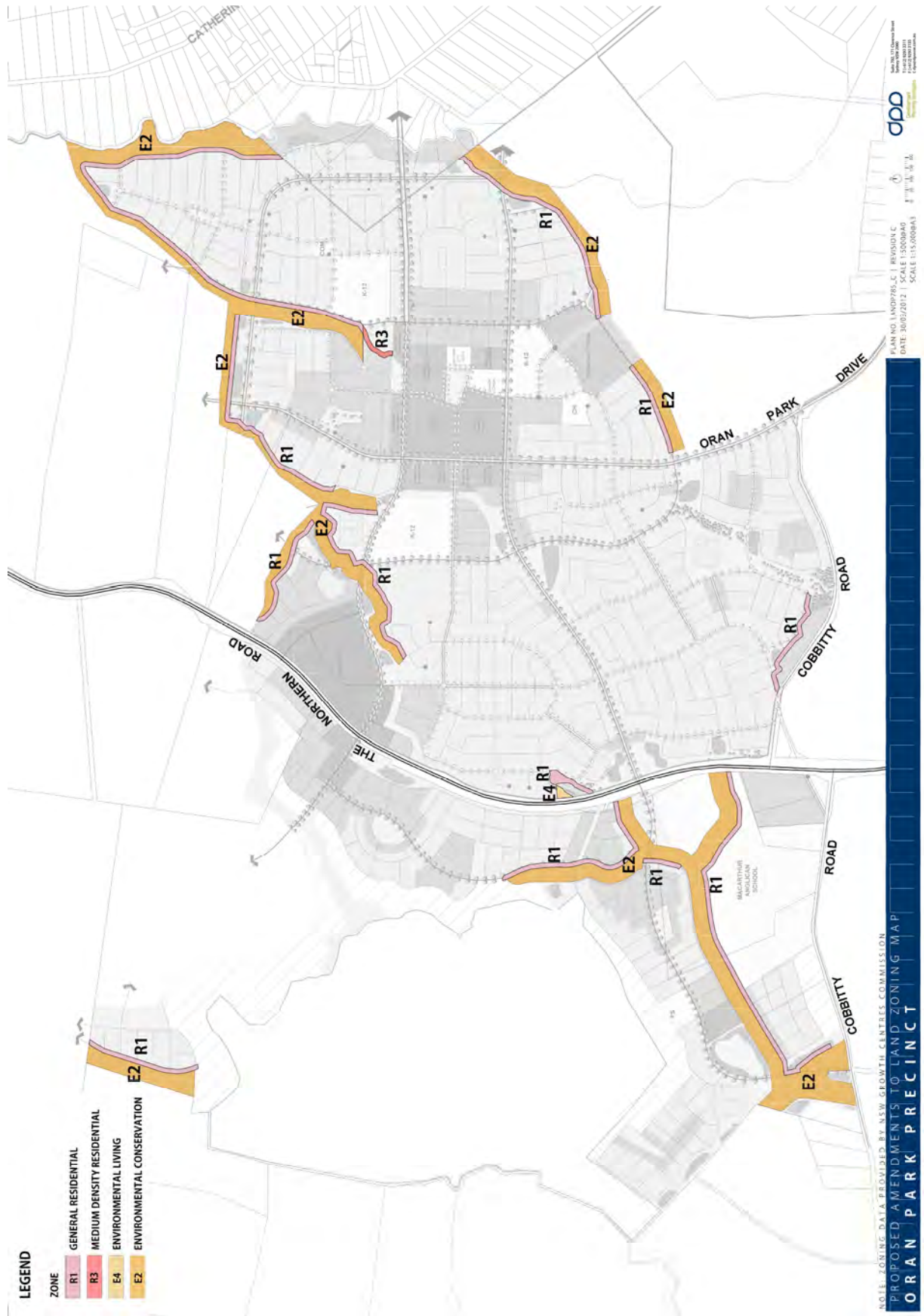


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Attachment 2

ORD03

Attachment 3





ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: PLANNING PROPOSAL TO ALLOW SENIORS HOUSING AND ASSOCIATED USES AT 5 SMALLS ROAD, GRASMERE AS AN EXPANSION TO THE CARRINGTON CENTENNIAL CARE FACILITY

FROM: Director Governance

BINDER: Amendment No 16 Carrington

PURPOSE OF REPORT

The purpose of this report is for Council to consider a request to allow additional permitted uses on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620) to permit a seniors living development, being an expansion of the Carrington Centennial Care facility.

BACKGROUND

In late December 2011, Council received a request to rezone land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620) to permit a seniors living development, as part of an expansion of the Carrington Centennial Care facility.

Under the previous Camden LEP 48, the site was zoned Rural 1(c), which permitted seniors housing. A masterplan DA was approved for the site (DA 639/2006) in July 2007. The consent was acted upon for the existing Carrington campus, but not for the Smalls Road land. Since that time, the masterplan for the site has been revised and would result in the need for a new Development Application.

However, Camden LEP 2010 was introduced in 29 November 2010 and the site was rezoned to R5 – Large Lot Residential. ‘Seniors housing’ is not permitted within this zone. As a result, a rezoning of the land is required in order to facilitate the proposed development of a seniors living campus as an expansion to the Carrington Centennial Care facility.

The proposed development includes a medical centre and a small amount of retail premises space in the form of a café/restaurant and neighbourhood shop. The only zone that allows all of the proposed uses is R1 – General Residential, however this zone would permit a range of other uses that would not be appropriate on this site, such as residential flat buildings. As a result, it is proposed to allow specific additional uses on the site related to the development under the provisions of Clause 2.5 and Schedule 1 of Camden LEP 2010.

MAIN REPORT

A Planning Proposal has been prepared to allow additional uses on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620) to permit a seniors living development and associated uses, as part of an expansion of the Carrington Centennial Care facility. The Planning Proposal is provided as **Attachment 1 to this report**.

A masterplan was prepared for the site in 2006 by Ingham Planning as part of a Masterplan DA (DA 639/2006), which Council approved in July 2007. The development of the Smalls Road site was not commenced. In more recent times, the masterplan for the site has been reviewed and updated by Jackson Teece. This masterplan forms Annexure A to the Planning Proposal. However, since the introduction of Camden LEP 2010 in November 2010, the owners of the site are unable to lodge a Development Application for the proposed seniors living development, as 'seniors housing' is not permissible within the R5 – Large Lot Residential Zone.

Prior to the introduction of Camden LEP 2010, the site was zoned Rural 1(c) under the provisions of Camden LEP 48, which permitted seniors housing on the site. The Camden LEP 2010 was intended to be a 'like for like' or 'status quo' planning instrument. It was not intended to prohibit seniors housing on the site, as this was a permissible use. The land will need to be rezoned to address this anomaly. However, the owners of the site are proposing uses on the site that are broader than just 'seniors housing', resulting in the need to lodge a formal rezoning request supported by a Planning Proposal, rather than simply addressing the anomaly through a 'housekeeping' LEP amendment.

The applicants have prepared a masterplan for the site and propose the following uses:

- a residential aged care facility (RACF) that contains approximately 120 beds;
- approximately 112 Independent Living Units (ILUs), and a further 95 'apartment' style ILUs;
- a 30 place child care centre;
- a medical centre; and
- a café/restaurants/local shops.

It is proposed that the child care centre, medical centre and any café/restaurant or local shops would be available to the public to use. This would help to integrate the seniors housing development into the broader community.

The R1 – General Residential zone was proposed for the site as it would accommodate the range of uses proposed for the site, including seniors housing, health services, child care centres and retail premises. However, this zone also permits a range of other uses, such as residential flat buildings, that would not be appropriate on this site. As a result, it is proposed to allow the following specific uses on the site as "additional permitted uses for particular land" under the provisions of Clause 2.5 of Camden LEP 2010:

- seniors living;
- health services facility; and
- retail premises (for the purposes of a café/restaurant and local shop) of no more than 500 square metres of gross floor area.

A number of planning studies were prepared for the site as part of the 2007 Masterplan DA. The relevant studies have been annexed to the Planning Proposal. However, it is acknowledged that should this Proposal receive Council and Gateway Determination support, these studies will need to be reviewed and updated. Please note that Annexures A – G to the Planning Proposal (being the masterplan and technical planning reports) have not been printed for inclusion in this Council report due to their size. Electronic copies of these Annexures are available on CD upon request.

The Planning Proposal has been reviewed internally in relation to conservation, heritage and traffic issues to determine if there were any 'show stopper' issues that

would cause Council not to proceed with permitting the proposed uses. No significant issues were identified that cannot be resolved through the preparation of revised planning studies and ultimately, as part of the Development Application process. In particular, there have been changes to the classifications of threatened species, which requires the flora and fauna studies to be updated. Additionally, the previous vegetation offsets strategy takes into account the existing Carrington campus and will require updating and re-calculation of vegetation offsets. This work will be undertaken following receipt of a Gateway Determination.

Next Steps

If the Planning Proposal is supported by Council, it will be forwarded to the Department of Planning and Infrastructure (DPI) for a Gateway Determination in accordance with the *Environmental Planning and Assessment Act*.

If the Planning Proposal receives a favourable Gateway Determination, the next steps will be to require the applicant to review and update the existing planning studies, and if necessary, prepare new planning studies. The cost of this work is to be borne by the applicant. If the applicant does not undertake this work, the Council will not proceed further with the Planning Proposal and will advise the DPI accordingly.

Following completion of the planning study review, the Planning Proposal will be amended as required. Consultation will be undertaken with relevant State and Federal agencies as required by the Gateway Determination, and the Planning Proposal will be publicly exhibited for a period of 28 days in accordance with legislative requirements. Following conclusion of the public exhibition, a further report will be submitted to Council to allow consideration of any submissions received.

CONCLUSION

The proposal to permit seniors housing, health services facilities and a limited amount of retail premises on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620) under the provisions of clause 2.5 of Camden LEP 2010 is supported. The prohibition of 'seniors housing' on the site was an unintended consequence of transitioning the zones to those within the Standard Template LEP that Camden LEP 2010 is based on. The R1 – General Residential zone would permit the range of uses proposed for the site, but would permit other uses such as residential flat buildings that are not appropriate on this site. As a result, it is intended to allow the specific uses on the site rather than a blanket rezoning.

The proposed seniors housing development will include services and facilities that will benefit residents and the broader community. The proposed development will increase the range of housing opportunities within the Camden LGA for older people and will generate local jobs within the aged care industry.

RECOMMENDED

That Council:

- i. support the proposal to allow 'seniors housing', 'health services facility' and 'retail premises up to 500 sqm of gross floor area' on land known as No. 5 Smalls Road, Grasmere (Lot 201 in DP 734620);**

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- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;
- iii. require the applicant to prepare or update planning studies following receipt of a favourable Gateway Determination at their own cost;
- iv. publicly exhibit the Planning Proposal in accordance with the provisions of the Gateway Determination and the *Environmental Planning and Assessment Act*, upon receipt of a favourable Gateway Determination and completion of planning studies; and
- v. receive a further report addressing any submissions received as a result of a public exhibition of the Planning Proposal.

ATTACHMENTS

1. Planning Proposal



CAMDEN COUNCIL

PLANNING PROPOSAL

**Amendment to Camden LEP 2010 in relation to
the 'Smalls Road Site' No. 5 Smalls Road, Grasmere
Lot 201 in DP 734620**

March 2012 (version 1)

ORD04

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to the Smalls Road Site, Grasmere

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Part 2 - Explanation of Provisions	5
Part 3 – Justification	6
Part 4 – Community Consultation	20

ANNEXURES

- A. Draft Masterplan prepared by Jackson Teece (dated 30 November 2011)
- B. Bushfire Assessment
- C. Conservation Management Strategy
- D. Conservation and Land Use Management Plan
- E. Flora and Fauna Assessment
- F. Vegetation Management Plan
- G. Vegetation Offset Strategy
- H. Heritage Curtilage Assessment
- I. Aboriginal Survey
- J. Traffic Report

NOTE: The Annexures listed above are provided in electronic copy only due to their size. A CD containing these studies is available from Camden Council.

Introduction

This planning proposal refers to the land identified as Lot 201 in DP 734620 (refer to **Figure 1**). The subject site has a dual frontage to Smalls Road to the North and Werombi Road to the North East. The subject site is irregular in shape with a total area of 27.21ha. The subject site is gently undulating with part of the site grading from the northern part of the site at the high point near the round-about intersection of Werombi Road and Smalls Road, south-west toward the existing natural watercourse traversing the centre of the site in an east-west direction. A small part of northern portion of the site grades towards Werombi Road.



Figure 1 – Location Map

The Smalls Road Site adjoins the Carrington Centennial Care, Aged Care Facility at Lot 10 in DP 845472 No. 90 Werombi Road, Grasmere.

A draft Masterplan prepared by Jackson Teece dated 30 November 2011 has been prepared for the site (**Annexure A**) and updates the Masterplan prepared by Ingham Planning Pty Ltd in May 2006 which provided a long-term vision for the development of the Werombi Road (Carrington Campus Site) and Smalls Road Site for a comprehensive range of aged care and support facilities to meet the unique heritage and environmental qualities of the land holdings in conjunction with the existing planning and environmental legislation at the time of drafting.

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Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to the Smalls Road Site, Grasmere

On 11 July 2007 Council approved Masterplan DA 639/2006. The approval described the proposal as follows:

"The creation of a Staged Development over a 20 year period of 400 High Care Accommodation Positions, 980 Independent Living Dwellings, Community Centres, Sports Facilities and Bush Revegetation and Rehabilitation Areas".

Actual works were commenced in accordance with the Development Consent on the Carrington Campus Site and therefore cannot lapse. The Smalls Road Site to the south of the Carrington Campus site has remained undeveloped subsequent to the granting of Development Consent DA 639/2006.

On 3 September 2010, the Camden LEP 2010 was gazetted. The zoning of the Carrington Campus site and Smalls Road site subsequently changed from Rural 1(c) (0.4ha) under the Camden Local Environmental Plan 48 (LEP 48) to R5 – Large Lot Residential under the provisions of the Camden LEP 2010. The use of the Smalls Road site for the purpose of seniors living is no longer permissible.

A request to rezone the land to R1 – General Residential was received by Council on 20 December 2012 from Michael Brown Planning Strategies on behalf of the owners of Carrington Centennial Care. The proposed rezoning will reinstate the previously permissible use of seniors housing, and will also permit a range of proposed uses for the site including health services facilities, neighbourhood shops, retail premises (including restaurants and cafes), administration and child care centre. However, Council has concerns regarding the rezoning of the entire site to R1 – General Residential, as this will permit other uses on the site, such as residential flat buildings that are not appropriate given the site context and location. As a result, Council is seeking to allow specified additional permitted uses on the site to facilitate the proposed development, while protecting the site from inappropriate uses.

The purpose of this planning proposal is to allow the Smalls Road Site to be developed in a manner compatible with the site context for the purposes of seniors housing and other associated uses including medical services, child care, neighbourhood shops, administration and café/restaurants. This would provide a logical development opportunity to expand the existing Carrington Centennial Care Aged Care Facility at the Carrington Campus to meet the envisaged future requirements for aged care services and associated facilities.

Council has considered the proposal to rezone the land to allow the expansion of the Carrington Centennial Care facility and has provided 'in principle' support given the need for facilities to support an ageing population. However, the use of the site must be provided in a way that does not allow for inappropriate development of the site. As a result, Council is seeking to allow specific additional permitted uses on the site to facilitate the development. The proposed development includes a medical centre, child care centre, neighbourhood shops and café/restaurants that will be made available for use by the general public, which will help to integrate this seniors living facility into the community. As a result, this planning proposal is being forwarded to the Department of Planning and Infrastructure for a Gateway Determination. If Council receives a Gateway Determination that supports proceeding with the proposal, then Council may require the landowner to update existing or prepare new planning studies including:

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Planning Proposal for amendment to Camden LEP 2010 in relation to the Smalls Road Site, Grasmere

- traffic and transport;
- flora and fauna (including update of the Vegetation Management Plan and Vegetation Offsetting Strategy);
- bushfire hazard assessment;
- heritage and archaeology; and
- water cycle management.

Council also expects that it will need to undertake consultation with a range of State Government agencies including the Roads and Maritime Services, NSW Office of Water and the Department of Environment and Heritage, Rural Fire Service and Camden Airport. In particular, clarification will need to be sought from the Office of Water regarding the categorising of the watercourses on the site, especially the northern most watercourse.

Council is seeking a Gateway Determination to indicate whether there is support for proceeding with the planning proposal. In particular, the approach Council is advocating is to allow additional permitted uses on the site under the provisions of clause 2.5 of Camden LEP 2010 as a blanket R1 – General Residential zone applied to the site may result in development that is not appropriate given the site context and location. It is suggested that should this Gateway Determination recommend proceeding with the planning proposal, it should specify those State and Commonwealth agencies to be consulted and the further planning studies to be undertaken. It is therefore suggested that the Gateway Determination should provide 12 months for Council to finalise the planning proposal and submit to the Department for the plan to be made.

Council will require the landowner to fund the updating of any existing, or preparation of any new, planning studies required. If the landowner decides not to fund any further planning studies, then Council will not proceed with this planning proposal. In the event that this occurs, Council will write to the Department and inform them of this decision.

Part 1 - Objectives or Intended Outcomes

It is intended to allow the existing Carrington Centennial Care facility to expand south across Werombi Road on to the Smalls Road site to establish a seniors housing campus that will include a Residential Aged Care Facility (RACF), Independent Living Units (ILUs), and a 'Community Hub' that includes a medical centre, administration/commercial building (as an ancillary use to the RACF), neighbourhood shops including café/restaurants and a child care centre. Some of the facilities located within the 'community hub' will be accessible by the public, helping to integrate this seniors housing development into the broader Camden community.

The objective of the proposal is to facilitate the comprehensive development of the site in a way that sensitively interfaces with surrounding development. The planning proposal as submitted to Council requested that the land be zoned R1 – General Residential which provided the following stated objectives:

Zone R1 – General Residential

- to provide for the housing needs of the community;
- to provide for a variety of housing types and densities;
- to enable other land uses that provide facilities or services to meet the day to day needs of residents;
- to allow for educational, recreational, community and religious activities that support the wellbeing of the community; and
- to minimise conflict between land uses within the zone and land uses within adjoining zones.

However, Council has concerns that the R1 – General Residential zoning of the site could lead to inappropriate development on the site, particularly if the site was sold rather than developed as an expansion to the Carrington Centennial Care facility. Council has had preliminary discussions with the Sydney Region West team of the Department of Planning and Infrastructure, which indicated some support for this approach provided that there was suitable justification that the zoning approach could result in an undesirable outcome. In this particular circumstance, the R1 – General Residential zone is the only zone that would accommodate all of the proposed uses on the site. However, it would also allow development such as residential flat buildings, that would be inappropriate on this site given the character of the surrounding development, impact on amenity and distance from existing centres.

The intended outcomes of the proposal to allow specific additional permitted uses on the site include:

- achievement of a sustainable and coordinated extension of the Carrington Campus and the surrounding Grasmere community;
- provision of additional aged care facilities in the Camden LGA;
- conservation and enhancement of the natural systems that will provide potential habitat linkages;
- enhancement of the water quality of the Nepean River through the provision of sustainable systems having regard to WSUD principles that underpin an integrated Total Water Cycle Management Strategy; and
- establishment of a framework for the comprehensive development of the land in accordance with the Masterplan.

Part 2 - Explanation of Provisions

The site is currently zoned '*R5 Large Lot Residential*' under Camden LEP 2010. An extract of the LEP map as it relates to the subject site is provided in **Figure 2** below.

Planning Proposal for amendment to Camden LEP 2010 in relation to the Smalls Road Site, Grasmere



Figure 2 – Current Zoning Map (extract from LZN – 004)

It is proposed to amend Camden LEP 2010 by adding the following to Schedule 1 – Additional Permitted Uses:

26 Use of certain land at 5 Smalls Road, Grasmere

- (1) This clause applies to land at 5 Smalls Road, Grasmere, being Lot 201, DP 734620.
- (2) Development for the purposes of the following is permitted with development consent:
 - (a) health service facilities,
 - (b) retail premises provided that the gross floor area does not exceed 500 square metres, and
 - (c) seniors housing.

It should be noted that it is not proposed to vary height of buildings or the minimum lot size of 4000m², prevailing in the area.

Part 3 – Justification

The current zoning of the site does not reflect the aspirations of the owners to develop the land to expand the Carrington Centennial Care facility as shown in their Masterplan. The proposed rezoning would ensure that there was additional development potential for the land, other than that permitted by the current zoning for rural residential purposes, particularly given the strategic location of the site adjoining the Carrington Campus.

The proposed rezoning would facilitate the provision of additional seniors housing and associated facilities that would also benefit the broader community in the area.

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Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to the Smalls Road Site, Grasmere

A broad range of planning studies have previously been undertaken for this site in support of a Masterplan Development Application that was approved by Council in 2007. The introduction of the Standard Template LEP was intended to provide a 'like for like' or status quo arrangement. The development of the site for seniors housing was previously permitted under Camden LEP No. 48. The proposal to allow specific additional permitted uses on the site will reinstate this previously permissible use and will also allow a range of complementary uses on the site including health service facilities and retail premises, which are proposed uses as part of the masterplan for the development.

As part of the use of the site for an aged care facility, there is a need, particularly within the broader community, to provide a range of facilities on the site. Some of these intended uses are permissible in an R5 zone; whilst others would be permissible, as either ancillary or would require a rezoning to facilitate.

The following uses are permissible in the R5 zone:

Bed and breakfast accommodation; Boarding houses; Dual occupancies (attached); Dwelling houses; Home industries; Roads; Any other development not specified in item 2 or 4

Whilst the following landuses are prohibited.

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Boat repair facilities; Boat sheds; Bulky goods premises; Business premises; Car parks; Caravan parks; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Exhibition homes; Extractive industries; Freight transport facilities; Function centres; Home occupations (sex services); Industries; Information and education facilities; Landscape and garden supplies; Mortuaries; Office premises; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Residential accommodation; Restricted premises; Retail premises; Rural industries; Rural supplies; Service stations; Sewerage systems; Sex services premises; Storage premises; Timber and building supplies; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Waste or resource management facilities; Wholesale supplies

Child care centre

Child care centres are permissible in the R5 zone, and it is proposed that the centre would be utilised by staff of Carrington, but would also service the broader community. It should be noted that there are no child care facilities within this rural community, with the closest being located in suburbs such as Camden and Elderslie.

Administration

This landuse is considered to be ancillary to the use of the site for a seniors living development and will be dealt with as part of the Development Application for the RACF.

Medical facility

This facility could also be considered to be ancillary, as it will be used by visiting general practitioners to the Smalls Road site. However, it is considered that there is a need within the community for a medical centre to service this community. Camden is located some 3km from the subject site as does not provide a medical centre.

The current medical centres are located on land that is reasonably steep or does not provide accessible carparking. In addition, such facilities are not provided within one building and require patients to drive or be driven to each centre/practice. Development of a medical centre on the subject land would be readily accessible and provide accessible carparking outside the proposed building.

A medical centre connected to the Smalls Road Campus would provide a broad range of services for the proposed community within the Smalls Road development and that of the broad community.

The broader community extends beyond the Camden LGA boundary to areas such as Theresa Park, Mount Hunter, Werombi, Brownlow Hill and further afield. These areas do not have ready access to such facilities and travel distances for such services. A medical centre on the subject land would provide a much needed facility for these burgeoning rural communities.

Neighbourhood shops

As with medical centres, there are no neighbourhood shops within the above rural communities, including Grasmere and Ellis Lane. Residents of these rural areas need to purchase goods from other centres, such as Camden or The Oaks, generally on their way after work or after visiting these centres. A neighbourhood shop of approximately would provide much needed close facilities, particularly for residents of Grasmere and Ellis Lane, who could walk or cycle to such shops. Council is proposing to allow retail premises on the site, including neighbourhood shops, restaurants and cafes, but to limit the total gross floor area to 500 square metres to ensure that these uses are ancillary and are appropriate given the site context.

The shops would also serve residents from the existing Werombi Road Campus and that of the proposed Smalls Road Campus. This would reduce the need of these residents having to drive or rely on others to take them to Camden for day-to-day needs. Weekly shopping needs would still be undertaken in Camden. Shops on the Smalls Road Campus would reduce the amount of vehicle trips that would be undertaken by the existing and future residents of both campuses as well as nearby communities.

The neighbourhood shops would include a small convenience shop, selling products that are typically sold in convenience stores attached to service stations, as well as a café/restaurant. The latter is considered desirable to service both campuses and the nearby communities. Such a facility would allow social integration, as senior living proposals tend to be inward serving rather than integrating with the community that it is established in.

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Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to the Smalls Road Site, Grasmere

It should also be noted that seniors living developments are for persons over 55 years of age and generally the persons who occupy the individual living units (ILUs) are very active and chose to live within a 'retirement village' as a lifestyle change and want to remain close to family and friends. A facility on the subject land will provide a social gathering place whereby residents can meet and enjoy the company of others. It would be noted that there are a number of seniors living developments that provide restaurant facilities that are open to the general public to encourage social interaction and therefore such would serve the same purpose.

As a result, it is proposed to amend the existing planning controls to facilitate expansion of the Carrington Centennial Care in a manner that is integrated and contributes to the local community.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The proposal is embedded in the numerous strategic sub-regional planning documents, including the Metropolitan Strategy and Draft South West Sydney Strategy.

A number of site-specific studies were prepared to inform the Masterplan approved by Council in 2007 (**provided in Annexures B – J**). These studies are now out-dated to some extent and will require reviewing and updating in the context of the planning proposal process. In this regard a preliminary assessment of flora and fauna, bushfire and traffic has been undertaken to inform the proposal. Further updates of existing technical studies and possible preparation of new studies will need to be undertaken following receipt of a favourable Gateway Determination.

Following is a summary of the key findings of planning studies undertaken to date:

- Flora and Fauna

The flora and fauna report prepared by Conacher and Travers notes the presence of the Cumberland Plain Woodland community. In regard to fauna, the habitat identified species that are likely to inhabit these areas. However, Council previously approved the removal of some of this vegetation as part of an offset strategy as detailed in the Vegetation Management Plan. A Conservation Management and Land Use Management Plan (CLUMP) was also previously adopted by Council for the site. The CLUMP set in place a framework to guide future development of the site. While it is acknowledged that these plans will need to be reviewed and updated, the principles adopted in the CLUMP have generally been adopted by this proposal.

Council's specialist staff have identified that there have been changes to the criteria of the Cumberland Plain Woodland listing since the report was prepared and will need to be updated. There have also been some

changes to the Masterplan for the site. The following recommendations are made in relation to the updating of studies (Note: this list is not necessarily exhaustive):

- review the classification of grasslands (both CPW derivative or exotic) and its extent;
- undertake targeted surveys other threatened species, in regards to threatened flora species, this should include *Eucalyptus benthamii* and *Pimelia spicata*;
- for *Eucalyptus benthamii*, a map should be provided showing the location of where the species is "possible" and a specialist from the Australian Botanic Gardens (Mount Annan) should be engaged to clarify if there is an *Eucalyptus benthamii* on the site;
- prepare a map showing the distribution and extent of the Cumberland Land Snail on the site, and if this information is lacking, undertake a new survey to provide this information;
- update the vegetation offsetting strategy, including a recalculation and revision to take into account the proposed changes in loss and gains of various areas of Cumberland Plain Woodland in the updated Masterplan for the site; and
- update the Vegetation Management Plan for the site.

- Bushfire

The subject land is bushfire prone in accordance with the Council Bushfire Hazard maps. The report by Conacher Travers provided an assessment in terms of *Planning for Bushfire 2001*, but recent changes to the Act requires this report to be updated. In particular, the assessment requirements have changed due to the adoption of the NSW Rural Fire Service "*Planning for Bushfire Protection Guidelines 2006*". These guidelines are currently under review. A detailed bushfire hazard assessment in accordance with the Planning for Bushfire guidelines will need to be undertaken.

- Traffic, Transport and Accessibility

The previous traffic report prepared by Varga Traffic Planning concluded that the additional traffic likely to be generated by future development would not have an unreasonable impact on the operation of the surrounding road network. This report has been updated. Council's specialist staff have reviewed the updated report and have some issues regarding site access that can be resolved through the Development Application process. There are no issues of significance that would prevent the rezoning of the site as proposed.

- Archaeology

The Site contains potential aboriginal artefacts. The report prepared by AHMS will need to be reviewed. The Site also contains some remnants of a former cottage, which has some relationship to the Carrington

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Campus. These matters would need to be addressed as part of the Gateway Process.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the most appropriate method to enable the planning controls to be amended for the site to facilitate the proposed development. It represents the most logical way of achieving the intended objectives and outcomes, with there being no readily available and better alternative under the prevailing legislation.

3. Is there a net community benefit?

Yes. The following **Table 1** addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009).

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic directions for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is compatible with the Metropolitan Plan 2036 and the Draft South West Subregional Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Y	The subject Site is not identified within a key strategic centre or corridor, but is contiguous with existing rural residential development that has occurred in Grasmere and more importantly with the Carrington Campus. The Site is also proximate to the Camden Township that provides a full range of services and facilities.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?	N	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the site as it is currently zoned for low-density residential purposes.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	All other spot rezonings before Council in the Camden Local Government Area generally comply with Council's strategic directions. This proposal also complies with the higher level Government Strategies.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Y	The site when rezoned will facilitate employment close to residential areas. The proposal will also create employment through the construction jobs to install the infrastructure and construct buildings. In addition, there will be a substantial number of full-time jobs for aged care staff, service and ground staff, administration

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Evaluation Criteria	Y/N	Comment
		and the like, including service providers. Therefore delivering an economic benefit to the community.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	<p>The proposal will have a positive impact on the residential supply of land, particularly in the aged housing sector.</p> <p>According to the 2006 Census, 11,377 people aged 50 years reside in the Camden Local Government area. This is 23.1% (ABS, 2008) of the total Camden population of 49,205 people. 11.1% of this population is in the 50-59 age group, 6.1% in the 60-69 age group, 4.8% in the 70-84 age group and 1.1% are 85 years or over. This is consistent with population trends throughout Australia as the baby boomers move toward retirement.</p> <p>Assuming only 7% of people eligible to live in a seniors village choose to, the Camden LGA will require dwellings for approximately 800 people in the short term. This only accommodates existing residents within the Camden LGA and does not factor in the desirability of Camden as a premium location in the south west. It is likely that Camden will have strong demand from retirees looking for suitable accommodation within reasonable proximity to their families, services and facilities.</p>
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The existing public infrastructure is adequate to meet the needs of the proposal. The site is serviced by town water and potentially can be connected to the sewerage system located within the immediate area. It is unlikely that roads will need to be upgraded by this development, although access to the site will need to comply with Australian standards.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N	The proposal will result in less travel distances with employment being located near existing residential areas. A bus service also operates along Werombi Road.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	The proposal does not require significant investment in public infrastructure, but it will utilise the existing infrastructure and services. The developer will extend and upgrade infrastructure to service the development at no cost to government.
Will the proposal impact on land that	Y	Part of the site has been identified for

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Evaluation Criteria	Y/N	Comment
the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?		conservation purposes and will provide linkages to existing flora and fauna corridors. Conservation initiatives will be focused on the remnant land identified in the technical studies and Management Plans adopted by Council. (Note: these studies and plans will need to be updated). The land is not mapped as flood prone, although further modelling of the watercourses will need to be undertaken.
Will the LEP be compatible or complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	The proposal is compatible with adjoining rural residential land uses the Grasmere estate. The site is not an isolated area and is well serviced by existing infrastructure. The site adjoins the existing Carrington Campus and will complement that Campus by providing extended and much needed aged care facilities and housing.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The development will contribute to the improved trade of nearby facilities/centres. The proposal will require additional servicing, that is readily available in Camden and nearby areas.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Y	The proposal will provide additional housing in a variety of forms to suit the needs of an aging population.
Will the public domain improve?	Y	Section 94 Contributions or Voluntary Planning Agreement commitments will be required in respect of a number of matters identified in the studies.

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is generally in keeping with the adjoining rural residential character and that of the Carrington Campus.
- The proposal will contribute to the identified need for senior housing and aged care facilities in the region and in particular Camden.
- Significant employment job opportunities will be realised.
- Flora and fauna corridors will be provided and rehabilitated.
- The proposal will not result in any significant adverse environmental

impacts.

- It will create local employment opportunities through the construction jobs associated with the civil and building works to the benefit of the local economy.

Section B – Relationship to Strategic Planning Framework

4. **Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

Yes. The Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy apply to the site.

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 contains Strategic Direction D – Housing Sydney's Population, which provides the following relevant aims:

- locating at least 70% of new housing within existing urban areas and up to 30% in new release areas;
- locating at least 80% of new homes within the walking catchments of existing and planned centres of all sizes with good public transport
- setting new housing targets in *Subregional Strategies* and *Local Environmental Plans*;
- ensuring local planning controls include more low rise medium density housing in and around smaller local centres;
- improving the quality of new housing development and urban renewal by strengthening the Governments role in ensuring good design outcomes.

The Planning Proposal is consistent with the above aims of Strategic Direction D.

South West Sub-Regional Strategy

The draft South West Sub-Regional Strategy is an intermediate step in translating the Metropolitan Strategy to a local level, and recognises that some issues extend beyond local government boundaries and require a 'subregional' approach. The draft Sub-Regional Strategies act as a broad framework for the long term development of the area, guiding government investment and linking local and state planning issues.

The aims of the sub-regional planning are:

- To provide a forum for councils to allocate the local distribution of housing and employment capacity targets based on the principles of the

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Metropolitan Strategy, and to work together on complementary future directions especially in centres crossing LGA boundaries.

- To provide for balanced growth among LGAs to build upon regional strengths and bolster opportunities.
- To identify the future role of Strategic Centres and Corridors, as well as Towns, Villages and Neighbourhood Centres in relation to the overall metropolitan structure.
- To focus coordinated State agency involvement and asset management with respect to Strategic Centres and corridors including providing a basis for the prioritisation of investment.
- To assist planning for regional facilities, within and between sub-regions.

The Strategy has several areas of matters for consideration in local planning matters; namely:

- Economy and Employment
- Centres and Corridors
- Housing
- Transport
- Environment, Heritage and Resources
- Parks, Public Places and culture
- Implementation and Governance

The subject document does not specifically identify the subject land; however, Camden is identified as a centre for employment (refer to **Figure 3** below). The subject land is on the fringe of the Camden Township (approximately 2km to the east).

Therefore it is considered as part of this document. However, the subject land provides opportunities to be consistent with a number of the above in terms of housing and employment. Therefore the Planning Proposal is consistent with this Draft Strategy document.

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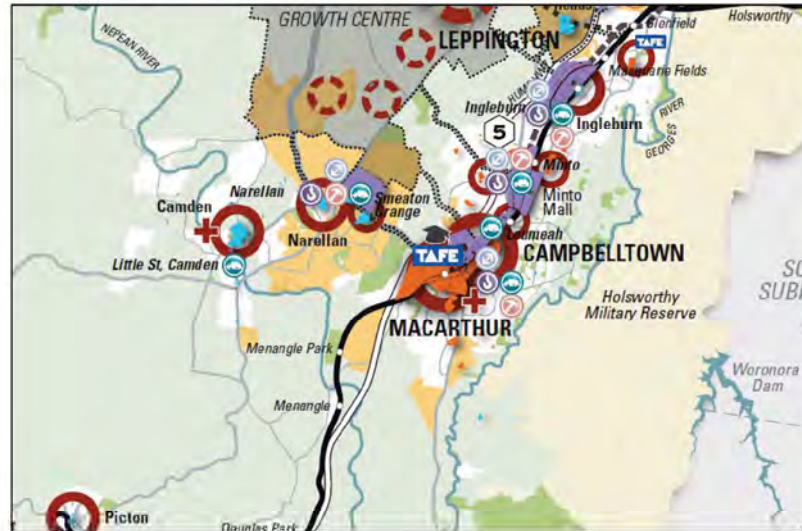


Figure 3 – identification of land with strategy

Regional Policies and Strategies

A number of regional policies and strategies have been developed, particularly focussing on the employment and industrial development of the south west sector of Sydney, and the region known as "MACROC" (or Macarthur Regional Organisation of Councils). MACROC comprises Camden, Camden and Wollondilly LGAs (the Outer South Western Sydney accommodating approximately 240,000 people).

In this regard the subject land is located on the fringe of Urban Release Areas and close to employment workforce. Employment opportunities for future residents of these areas are essential to meet the objectives of the above Policies.

Greater Western Sydney Regional Economic Profile 2006

The Greater Western Sydney Regional Economic Profile provides a comprehensive coverage and analysis of economic and business conditions for Greater Western Sydney, concluding that Greater Western Sydney offers a competitive business environment and is the largest manufacturing region in Australia. The proposal is consistent with this document by providing employment opportunities in the aged care sector, including service staff.

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5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

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

The planning proposal is consistent with applicable state planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Ministerial Directions.

S.117 Direction	Contents	Planning Proposal	Consistent
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The subject site contains remnant vegetation, riparian corridors and threatened flora and fauna. The proposed development of the site (as described in the masterplan) provides for vegetation conservation and preparation of an appropriate Vegetation Offset Strategy. Further planning studies will need to be updated for the site and are discussed in the planning proposal.	Yes
3.1 Residential Zones	The objectives of this direction are: a) to encourage a variety and choice of housing types to provide for existing and future housing needs; b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and c) to minimise the impact of residential development on the environment and resource lands.	The planning proposal will increase the range of housing opportunities for seniors, increasing choice. The proposed development will also provide ancillary uses such as a medical centre and childcare centre, which will provide services to support the new and surrounding residential community. The masterplan for the proposed development will ensure that impact on the environment is minimised.	Yes
3.4 Integrating land use and transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following objectives: a) improving access to housing, jobs and services by walking, cycling and public transport; b) increasing the choice of available transport and reducing dependence on cars;	The masterplan for the site (which accompanies the planning proposal) indicates the provision of other services and facilities, such as a medical centre and childcare centre that will be available to the public. This will reduce travel length to these services for the local community.	Yes

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	<ul style="list-style-type: none"> c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; d) supporting the efficient and viable operation of public transport services; and e) providing for the efficient movement of freight. 		
3.5 Development near licensed Aerodromes	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to ensure the effective and safe operation of aerodromes; b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and c) to ensure development for residential purposes or human occupation, if situated on land within the ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. 	Camden Airport is located a short distance away from the subject site, however, the site is not located within the ANEF contours. The site is located within the "Inner Horizontal Surface (115 AHD)" on the Camden Airport Obstacle Limitations Surfaces map. However, there are many developed areas with similar proposed building heights located within this zone. In addition, the subject site is not on the direct approach to the runway. There is no proposed change to the existing building height.	Yes
4.1 Acid Sulphate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	The subject site is not known to be affected by acid sulfate soils, but can be addressed in the technical reports.	Yes
4.4 Planning for Bushfire Protection	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and b) to encourage sound management of bush fire prone lands. 	The subject site contains land that is identified in Council's maps as being bushfire prone. The masterplan for the development of the site addresses this site constraint. A bushfire assessment report has been submitted by the applicant. Consultation with the Rural Fire Service will be required.	Yes.
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	It is not intended to include provisions in the LEP. However, the development of the subject site will be an Integrated Development and will require referral to the RFS and DW&E	Yes

Section C – Environmental, Social and Economic Impact

- 8. 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?**

Flora and fauna aspects of the proposal have been addressed in the previous technical studies. However, Eco Logical Australia has reviewed the previous work and provides the following:

The revised Master Plan shows that the area of CPW onsite to be impacted by all site development works will exceed 3ha. While the works may be completed in stages, whereby each stage involves an impact of less than this, Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) takes a more strategic and regional approach to conservation and will consider the eventual outcome of the redevelopment.

It is therefore likely that at some stage in the future, a referral to SEWPaC will be required, and, it is likely that the proposed works will be subject to either a Non-Controlled Action – Particular Manner or a Stage 2 Assessment.

It is noted that the previous masterplan approved the removal of some vegetated areas on the basis of an off-set strategy, which will need some review. Carrington Centennial Care has commenced the restoration of areas on the basis of the approved masterplan and the outcomes that derived from that approval. This aspect of the proposal will need to be addressed through the Gateway process.

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

Various technical studies have addressed the potential impacts of the development of the site and some of these reports will require further updates following receipt of a favourable Gateway Determination. Bushfire hazard can be managed through careful design of the riparian corridor and it is envisaged that the restoration of a natural and vegetated outcomes can be achieved whilst maintaining an APZ compliant vegetation.

- 10. How has the planning proposal adequately addressed any social and economic affects?**

The proposal has positive social and economic contributions and will provide additional diversity and supply of a much needed form of employment generating uses and will contribute to local business operation that will necessarily become an integral part of life in Camden. The proposal will also provide much need aged care facilities and housing. In addition, permanent jobs will stem from the residential aged care facility.

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Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Additional infrastructure is required to accommodate the Planning Proposal. All services are readily available or can be augmented to the site. The traffic report has not identified any additional works, other than construction of access to the site. Capacity for the sewerage connection to the West Camden Treatment Plant will be investigated. It is understood that there is capacity within the system.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

The relevant State and Commonwealth public authorities would be consulted following the receipt of a favourable Gateway Determination. Council would be responsible for carrying out this consultation in accordance with Section 57 of the EP&A Act.

Part 4 – Community Consultation

Should a Gateway Determination be received that supports proceeding with the planning proposal, Council will first require some further planning studies to be reviewed and updated. This may result in some revision to the Planning Proposal. Once Council is satisfied with the Planning Proposal, it is recommended that it will be publicly exhibited for a period of 28 days.

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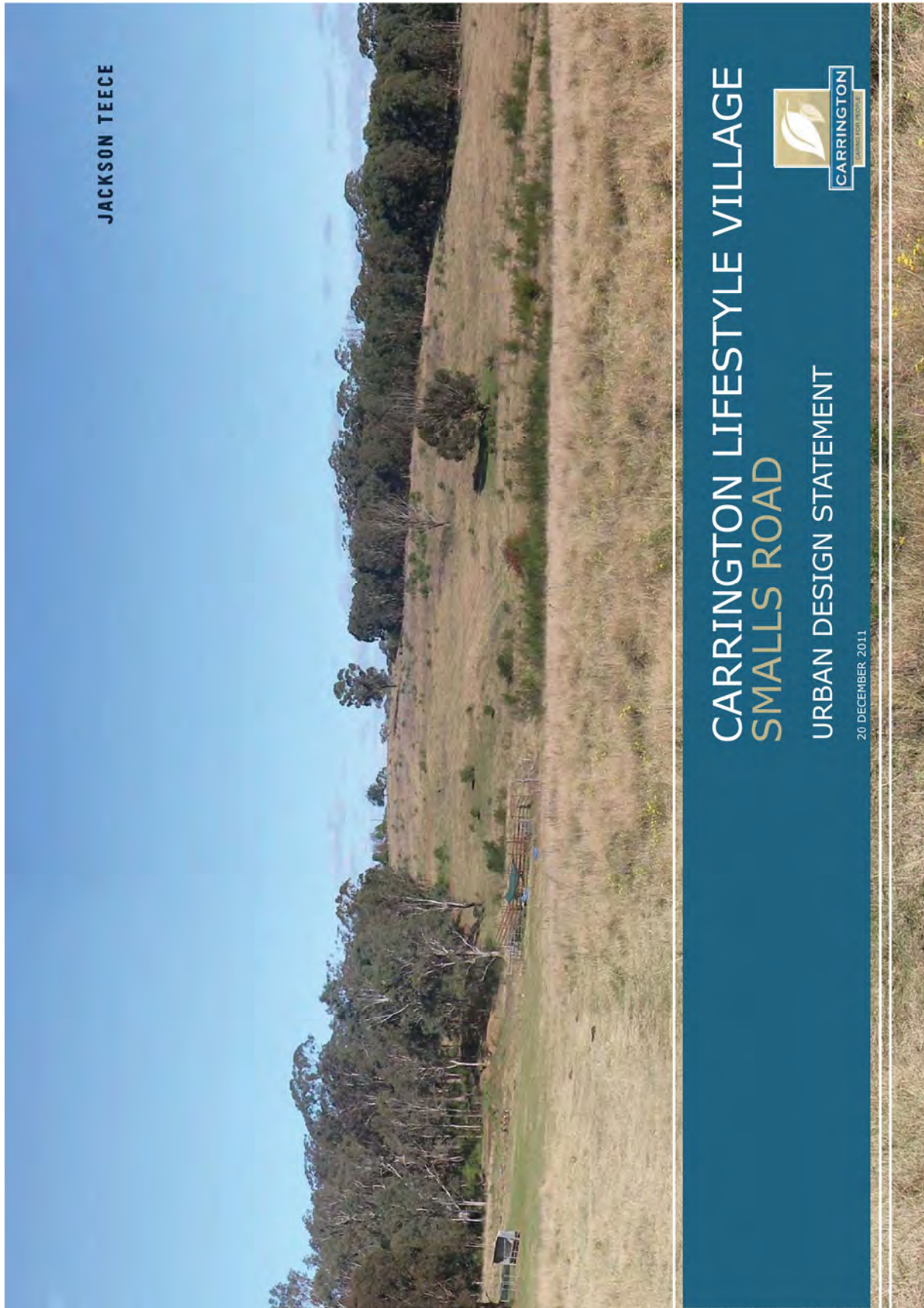
ANNEXURE A –

Draft Masterplan
prepared by Jackson Teece
(dated 30 November 2011)

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JACKSON TEECE

URBAN DESIGN STATEMENT CARRINGTON LIFESTYLE VILLAGE – SKALLS ROAD

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2011/055, CARRINGTON SKALLS ROAD

URBAN DESIGN STATEMENT

ISSUE	REVISION	DATE	REVIEWED BY
Draft	00	30 November 2011	NY
Final	00	20 December 2011	NY

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1. INTRODUCTION

1.1 BACKGROUND

Carrington Centennial Care, a charitable Public Benevolent Institution established in 1889, is proposing the development of a Carrington Lifestyle Village at the Smalls Road site in Grasmere. This project is one of three sites identified for expansion of the existing Carrington Centennial Care retirement village along Werombi Road to the north of the site. It is the largest site of the three and as such is a key component of the Carrington Centennial Care's growth strategy for the next 10 to 15 years, the objectives of which are to increase the variety and amenity of services offered to the aged in this part of New South Wales (NSW).

The proposed development would accommodate aged care accommodation in a variety of forms and would be supported by a village centre incorporating community facilities, commercial uses, and a Wellness Centre. These services not just the proposed Lifestyle Village, but are also intended to be an asset to the surrounding existing community.

1.2 PURPOSE OF THE REPORT

The purpose of this urban design statement is to present the urban design objectives, principles and design approach to the proposed development and to inform the planning process. The report is intended to provide a brief site analysis outlining the factors that informed the design, followed by the objectives and key design strategies of the Concept Master Plan.



Fig. 1.1: Aerial showing the Smalls Road site and its context

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2. SITE CONTEXT

2.1 LOCATION

The Smalls Road site, 27ha in size, is located approximately 65km from Sydney at its south western edge in the suburb of Graeme (Fig. 2.1). The region is known as the Macarthur Region of Sydney. The nearest town of Camden is located approximately 2.5km due east of the site.

The site is bounded by Werombi Road and Smalls Road to the north, single lot residential and woodland to the west, and a developing residential area to the east, the latter which is screened to a large extent by existing vegetation along the boundary.

2.2 REGIONAL PLANNING CONTEXT

The location of the site places it beyond the South West Growth Centre land release area identified in the NSW Government's Metropolitan Strategy (2005). The strategy identifies Camden as a rural town centre within Sydney's south west. The nearest Major Centre is Campbelltown-Macarthur to the east (approximately a 25 minute drive from the site).

2.3 ROAD NETWORK AND TRANSPORT

2.3.1 ROAD

The site is located in a rural area and the surrounding road network reflects this (Fig. 2.1), generally consisting of two lane roads (local roads). Werombi Road is the north-south local road separating the site from its northern eastern edge. This road becomes Sheathes Lanes, providing access to Camden by way of Cavdior Road. From Camden the Camden Valley Way and Camden Bypass provide access to Campbelltown and the wider strategic road network in the area, with the Hume Highway being the highway connecting the region to metropolitan Sydney.

2.3.2 PUBLIC TRANSPORT

Bus services to Camden are provided along Werombi Road by Busways routes 31, 32 and 40. The latter two services are scheduled to connect to buses that go from Camden to Campbelltown Railway Station. Service frequencies are limited, and concentrated around the morning and evening peak commute times. Bus service is further reduced on Saturdays with no service on Sundays.

In addition to these bus services, South West Community Transport provides transport that can be booked for the aged and disabled persons for a subsidised fee. The local area is not serviced by rail lines.

2.4 LAND USE AND FACILITIES

The wider area is largely agricultural and semi-rural. Grazing is the predominant use of the agricultural land. Graeme, within which the site is located, is a greenfield site of low density residential development situated between the Nepean River and local water courses. Other than the facilities in the existing Carrington Centennial Cave development, the suburb is purely residential and residents are required to go to Camden town to access various services.

The nearby historical town of Camden is the civic and cultural centre of the Camden Local Government Area (LGA), providing services and retail facilities for the town and its environs (Fig. 2.1). Much of its commercial and retail activity is concentrated along Argyle Street towards the northern end of the town. The town extends southwards in the form of low density residential neighbourhoods with development on lot sizes that are typically smaller than those seen in the nearby rural suburbs such as Graeme.

West of the town is the Camden Bicentennial Equestrian Park, and to the west of this is the Water Recycling Plant operated by Sydney Water. Other notable land uses in the relative vicinity of the site is the University of Sydney Camden

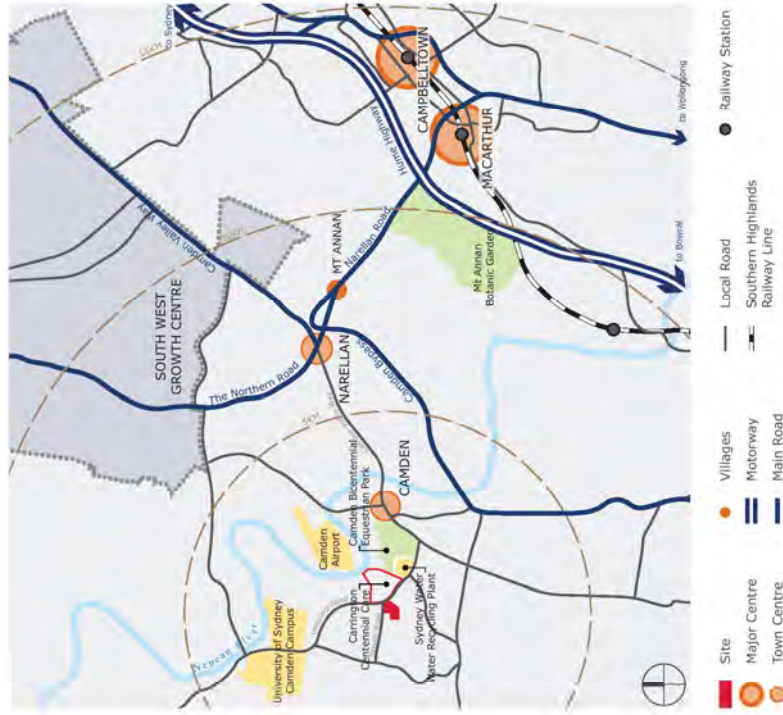


Fig. 2.1: Regional context

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URBAN DESIGN STATEMENT CARRINGTON LIFESTYLE VILLAGE – SKALLS ROAD

Campus to the north west, and Camden Airport to the north east, across the Nepean River. The small airport is mainly used for trainee pilots and general aviation. Noise from airport operation is not a constraint upon residential development on the site as it is outside the Australian Noise Exemption Limits (ANEL) 20 zone (Source: Camden Airport Master Plan, Oct 2010, Camden Airport Limited).

The existing Carrington Centennial Care facility to the north of the site across Werombi Road features a Hospital, as well as accommodating retirement housing and residential aged care facilities for people requiring both low care (hosted) and high care (in nursing homes). Carrington Centennial Care also offers community care to service the aged living in the Campbelltown, Camden and Wollondilly LGAs.

2.5 LANDSCAPE CHARACTER

The region is located in the south-west corner of the Cumberland Plain. The site is located within a topographical context of low undulating landforms and broad river-flat floodplains (Camden Riparian Areas: *Overarching & Specific Plans of Management*, April 2002, Pittendrigh Shinkfield Bruce). The landscape has largely been cleared of vegetation to accommodate the farming activities of the region and more recently, low density residential development (Fig. 2.2). Remnant vegetation exists in the form of pockets of remnant woodland and creepline vegetation. Significant areas of the south western and south eastern parts of the site feature these pockets of remnant woodland.

The Nepean River is the major watercourse in the region and flows within approximately 1km north of the Skalls Road site. In addition, a number of creeks of varying sizes cross the area in which the site is located.

2.6 HERITAGE

The Carrington Centennial Hospital is a heritage item listed on the Camden Local Environmental Plan 2010 (LEP) (Sept. 2010, Camden Council), categorised as being of local significance.

As a historical town, Camden has a number of heritage listed items of varying levels of significance, including the St. Johns Church spire which is visible from the surrounding district (Metropolitan Strategy, December 2005, NSW Government). The LEP identifies an area of Camden located upon Argyle Street as a Heritage Conservation Area.

Within the site, there are three Aboriginal sites according to mapping in the Conservation and Land Use Management Plan prepared by Conacher Travers in 2006. One site is located on the edge of the eastern woodlands, another within the western woodlands, and another along the edge of the creepline vegetation.



Fig. 2.2: Low density residential development along Skalls Road



Fig. 2.3: Carrington Centennial Hospital

3. SITE ANALYSIS

3.1 PLANNING REQUIREMENTS

The site is located within the Camden LGA. The LEP (Sept. 2010, Camden Council) currently zones the site as R5 Large Lot Residential (Fig. 3.1). This zoning precludes the type of development that Carrington Centennial Care needs to undertake in order to improve their aged care services.

In addition to general development controls, the *Camden Development Control Plan 2011* (DCP) (Feb. 2011, Camden Council) contains specific provisions for residential subdivision (Part C) in the Graeme suburb. Its key controls, as applicable to the Smalls Road site, are as follows:

- **Setbacks:** All structures shall have a minimum 20m building setback from the front boundary, with the exception of land that is fronting two roads in which case the setback to the secondary road shall be a minimum of 5m. All structures shall have a side boundary setback of minimum 5m. Structures fronting Smalls Road and Werombi Road shall have a minimum 8m setback from the front boundary.
- **Heights:** Although the LEP sets the maximum permitted building heights at 9.5m, the DCP states that the ridge height of structures shall not exceed 4.5m above natural ground level.
- **Pathways:** Pathways shall have a minimum paved width of 2.5m and a minimum 10m wide reservation. Other pathways shall have a minimum reservation width of 4m (Provide Source).
- **Water supply:** Town water supply shall be provided by the developer to all lots up to a level of approximately RL110m AHD (exact ground level to be determined by Sydney Water). Each dwelling erected above RL110 AHD is to be provided with a domestic water supply by a water storage tank of 25,000 litres minimum capacity as the provision of town water supply above this level is likely to require amplification of existing water main infrastructure.

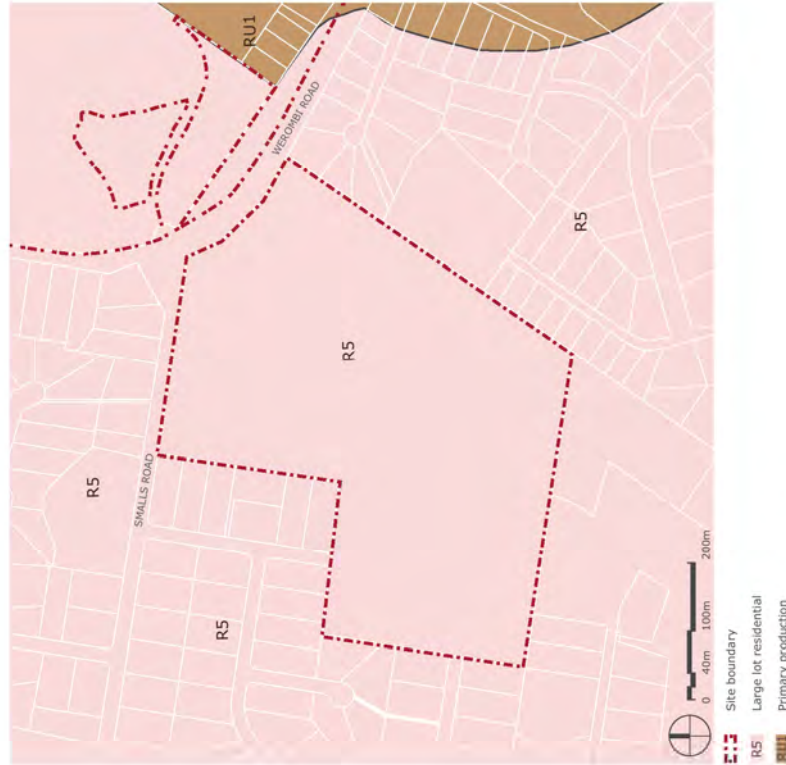


Fig. 3.1: Zoning (Source: Camden LEP, 2010)

Attachment 1

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JACKSON TEECE

URBAN DESIGN STATEMENT CARRINGTON LIFESTYLE VILLAGE - SKALLS ROAD

3.2 ACCESS

At its northern end, the site is bounded by Smalls Road and Werombi Road which intersect at a landscaped roundabout (Fig. 3.2 and 3.3). This roundabout forms one of the access points into the existing Carrington Centennial Care development. Both Smalls Road and Werombi Road are local roads with the latter being the more important road as it leads to Camden.

The only access to the site at present is a gated dirt track from Smalls Road leading to the roundabout. The DCP proposes to close this track and the plan indicates that access to the site is to be from the Smalls Road frontage. Vehicular access from Werombi Road is not permitted at present. The plan also envisions the closing of the Benwerrin Crescent loop to the south of the site. A new road connection is to extend from this future section of Benwerrin Crescent into the south of the site.



Fig. 3.3: Smalls Road site street frontage



Fig. 3.2: Intersection at Werombi Road and Smalls Road

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Fig. 3.4: Existing access and circulation

3.3 VEGETATION AND NATURAL FEATURES

The northern and central parts of the site consist of an open expanse of grassland with scattered trees (Fig. 3.5). The grassland is bounded by significant stands of Grey Box Woodland vegetation to the east and particularly to the west. These woodland areas separate the site from existing residential development to the east and west in the southern half of the site.

A watercourse bisects the site partially near the central section of the site. There is also a small dam near the end of this watercourse. There is a notable stand of woodland vegetation associated with the creek in the vicinity of where it crosses the western boundary.

Refer to *Planning Proposal – Master Plan Revision* by Eco Logical Australia Pty Ltd (2011) for further information.

3.4 TOPOGRAPHY AND VIEWS

The high points of the site are located at its northern and southern ends (Fig. 3.6). From these areas the landform slopes towards the centre of the site, down to the watercourse flowing east-west. At the northern end of the site the landform rises to a high point of approximately RL100m AHD just south of the Werombi Road-Small's Road roundabout, and along the eastern site boundary.



Fig. 3.5: View to the south, showing the open expanse of grassland with scattered trees and Grey Box Woodland vegetation to the east and west

At the southern end of the site the topography rises to approximately RL113m AHD. The lowest point of the site is at approximately RL82m AHD and located where the watercourse crosses the western boundary of the site. The landform slopes at an average gradient of approximately 7% from the northern and southern ends of the site down to the watercourse. Some of the steeper slopes of the site occur from the northern elevated areas down to Werombi Road.

These changes in level within the site have potential constraints with respect to accessibility (parking and disabled access), and establishing a walkable development and therefore needs to be considered in the layout of the lots and road network. At the same time, the topography creates opportunities to establish good quality views. Key views include:

- From the southern end of the site towards the lower ground in the centre of the site. Landforms beyond the immediate vicinity of the site are also visible in the distance.
- From the northern end of the site towards the lower ground in the centre of the site and the opposing elevated areas at the southern end of the site.
- Along the Small's Road boundary to the west from the elevated northern parts of the site, which provide views of distant landscapes.
- Long distance views to the east from the northern elevated areas.



Fig. 3.6: Vegetation, natural features and views on site

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JACKSON TEECE

URBAN DESIGN STATEMENT CARRINGTON LIFESTYLE VILLAGE – SKALLS ROAD

3.5 BUSH FIRE PRONE LANDS

The woodland vegetation to the east and west of the site are identified in Camden Council's Bush Fire Prone Land mapping as Category 1 vegetation necessitating a 100m buffer zone, while the creepline woodland and the scattered trees at the northern corner of the site are designated Category 2 bushfire vegetation requiring a 30m buffer (Fig. 3.9). Proximity to these bushfire hazards require the establishment of Asset Protection Zones (APZ) for development to occur.

Refer to *Planning Proposal – Master Plan Revision* by Eco Logical Australia Pty Ltd (2011) for further information.



Fig. 3.8: Creepline woodland - Category 2 bushfire vegetation



Fig. 3.7: Woodland vegetation to the east - Category 1 bushfire vegetation

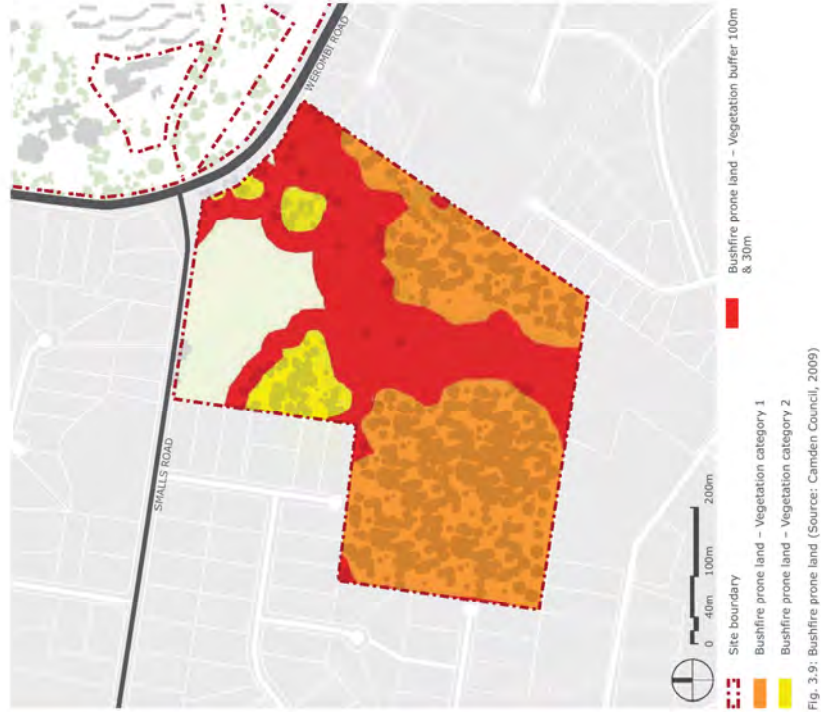


Fig. 3.9: Bushfire prone land (Source: Camden Council, 2009)

4. CONCEPT MASTER PLAN

4.1. DESIGN OBJECTIVES

- Design objectives formulated to guide the Concept Master Plan are listed below. These objectives are intended to achieve a development that meets the requirements of the client in a manner that is sensitive to the existing surrounding context and characteristics of the site. The objectives are:
- To establish an attractive and highly liveable environment for the proposed residential community.
 - To provide a Master Plan design that responds to the topography, views, and natural features of the site, as well as the surrounding built environment, to achieve a development with a positive relationship to its context.
 - To promote an integrated sense of community between the new residential communities and the existing including the existing Carrington Centennial Care residents.
 - To establish a high quality environment for future residents, including places for recreation, social interaction offering a diverse range of facilities and amenities.
 - To create a permeable, legible and inclusive development that is accessible to all.
 - To optimise development yield at a level that is appropriate for the site and achieves a housing mix that satisfies the requirements of the future aged population on the site.



Fig. 4.1: Design principles

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4.2 KEY DESIGN STRATEGIES

4.2.1 CONNECTIVITY TO CONTEXT

The Concept Master Plan (Fig. 4.2) is designed to seamlessly integrate the proposed development with its context:

- **Vehicular connectivity:** The plan proposes two access points along Smalls Road- one main entrance and the other a secondary entry point. An additional entry from Werombi Road is proposed primarily as a service access.
- **Pedestrian connectivity:** A key feature of the Concept Master Plan is the north-south pedestrian walk way spine through the centre of the site. This connects to a pedestrian walk proposed at the Carrington Centennial Care sites to the north of Werombi Road providing a continuous link to facilities and amenities between the sites to their residents. The pedestrian link is to be made via a proposed pedestrian crossing at / or to the south of the Werombi Road-Smalls Road roundabout.
- **Visual connectivity:** The buildings housing commercial and community uses, as well as the Residential Aged Care Facility, are located (with appropriate setbacks from the road) at the frontage of the Werombi Road-Smalls Road roundabout where the site is most accessible and has a street presence. This establishes a clearly legible visual presence for these facilities and services within the existing context.

4.2.2 ACCESS AND CIRCULATION

Access: A hierarchy of entry points is provided to ensure efficient access into the development. The main entry into the site is off Smalls Road, from the access point nearest to the Werombi Road-Smalls Road roundabout. This access point is flanked by village centre type development and uses that act as gateways into the site to establish a clearly legible entrance into the development. This main entry provides direct access to the Village hub of the development consisting of the commercial and community uses of the site.

A secondary entry is provided further west along Smalls Road. This provides additional access options for the residents on the site and offers them the choice of bypassing the Village hub when accessing their dwellings.

A third, primarily service related access point is proposed along Werombi Road. This would provide direct access to the Residential Aged Care Facility and commercial / community uses in the Village hub avoiding the need for service traffic to travel through the village centre.

The Concept Master Plan could also potentially provide for a link at the southern end of the site with the Council proposed future roadway (not final in the *Carrington Development Control Plan 2011* (DCP) (February 2011, Camden Council).

Vehicular circulation: The road network consists of a hierarchy of routes to establish a legible and efficient means of circulation through the site. The roads from the two Smalls Road access points are the primary vehicular circulation routes in the development. These intersect near the centre of the site to form a primary circulation loop that services the southern half of the site.

In the northern half of the site a network of secondary vehicular circulation routes link the primary routes to service the development in this area, establishing a highly permeable road network. In the southern half of the site, secondary spur routes off the primary route services the residential community. Together, the primary and secondary routes provide a highly permeable road network with access to the various uses within the site and the residential communities.

Pedestrian circulation: In addition to pedestrian access along the road network, the key element of pedestrian circulation in the Concept Master Plan is the north-south central pedestrian spine route. This provides ease of pedestrian access throughout the site that is segregated from traffic. It functions as a part of the public realm and links the various public spaces, community/commercial uses and residential communities together.

The route is designed to encourage walking through the site and to neighbouring areas, allowing pedestrians to experience the differing character of the development such as the riparian area and the Village hub in the process. The character of the route varies in response, the Village hub offering formal pedestrian amenity through a tree-lined landscaped pathway that relates to the surrounding bushland.

The Concept Master Plan takes into consideration the 'walkability' throughout the site by ensuring comfortable gradients that are no greater than a 1:14 and commonly 1:20 to allow wheelchair access throughout the site.

4.2.3 DISTRIBUTION OF LAND USES AND DENSITY

The different land uses of the proposed development are grouped in identifiable precincts (Fig. 4.2). The distribution is driven strongly by the desire to interface sensitively with the adjacent context at the boundaries of the site, maximise road frontage opportunities where appropriate, and respect natural features of significance. This approach was adopted to ensure a development that responds well to its context and makes a positive contribution to the character of Grasmere.

The different precincts of the Concept Master Plan are linked together by the circulation network including the central pedestrian route to ensure that the various developments and spaces are accessed easily. The key components of the Concept Master Plan and the rationale for their proposed location, uses and density are outlined below.

1) Village Hub

The Village hub of the development is located along the Werombi Road - Smalls Road frontage in the vicinity of the roundabout. It would have a street presence suitable to its function and location in this semi rural setting and be seen in relation to other existing aged care related facilities to the north of the site along Werombi Road.

The Village hub is the focal centre with the proposed retirement community with the

proposed commercial and community uses creating a more active public realm. It would also service the surrounding communities, fostering social interaction between the proposed aged care community and the surrounding residential community helping to integrate the different communities. The range of public uses and circulation patterns encourage passive surveillance.

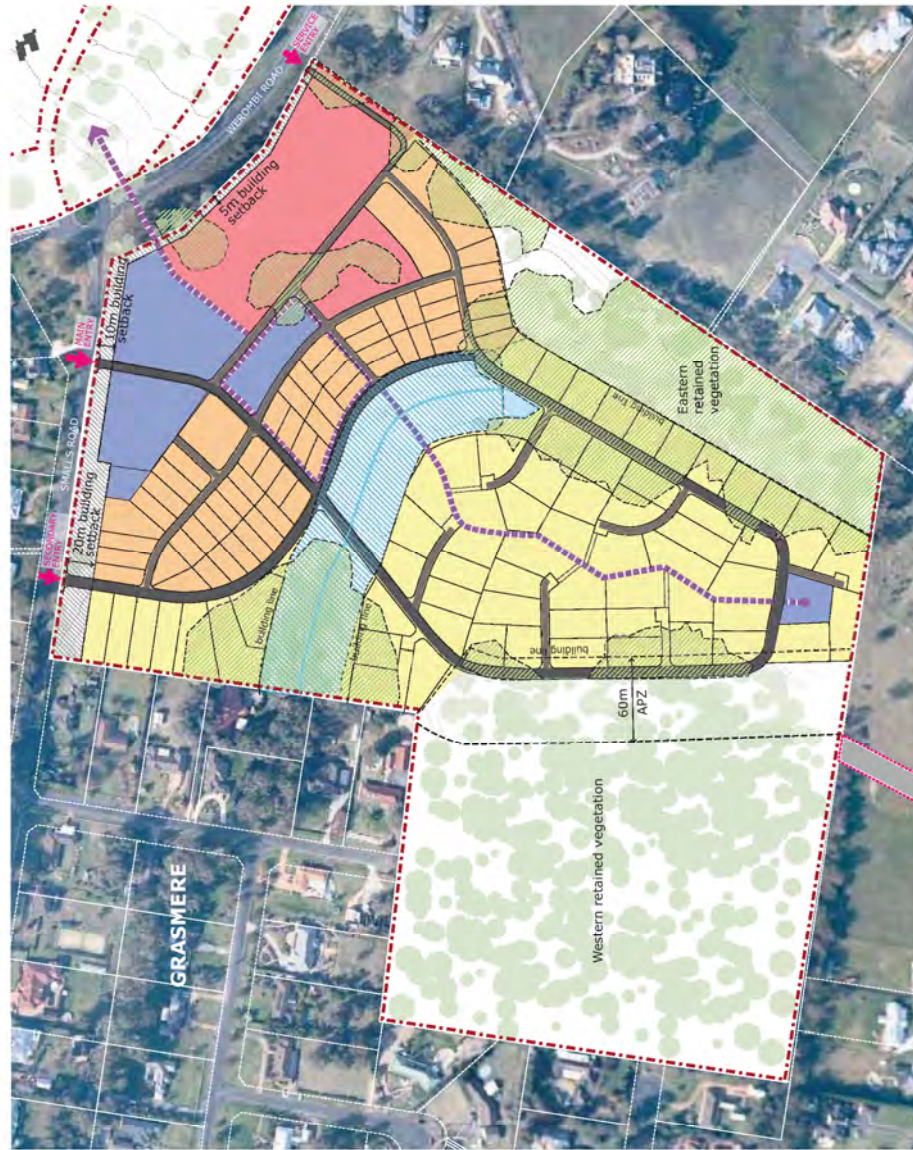
The Village hub is located predominantly to the north east part of the site away from existing residential development around the site providing for a better land use, massing and height response to the surrounding residential buildings. Many of the proposed uses for the Village hub are less noise-sensitive than residential uses, and therefore also acts as a noise barrier from Werombi Road and Smalls Road for the new residential buildings proposed to the south of the Village centre.

The Village hub accommodates:

- **Community uses:** Community-focused uses proposed for the Village hub include a Wellness Centre, function hall, child care centre, local shops, a restaurant/ cafe and two village greens. Concentrating these uses in the Village hub activates the heart of the development, and creates an inclusive focal point for a range of users.
- **Medical/ Administration/ Retail/ Commercial:** The medical, administration and retail building/s located at the corner of the site fronting the Werombi Road-Smalls Road roundabout acts as a gateway building to the site, and marks the entry point for the central pedestrian spine route. It also establishes a visual relationship with the entry into the existing Carrington Centennial Care development and the 'Gateway site' (one of the sites identified for future expansion of Carrington Centennial Care) across Werombi Road.
- **Residential Aged Care Facility (RACF):** This is a large aged care facility that fronts Werombi Road to signify the role and function of the Smalls Road site. The building would be designed to utilise the fall of the site in this location to its advantage.

JACKSON TEECE

CARRINGTON LIFESTYLE VILLAGE - SMALLS ROAD URBAN DESIGN STATEMENT



- KEY**
- Site Boundary
 - Commercial and community uses
 - RACF
 - Creeklife Precinct - medium sized lots
 - Woodland Precinct - large sized lots
 - 20 m building setback - Camden Council DCP, 2011
 - 10 m building setback - proposed (to be discussed with Council)
 - 5 m building setback - proposed (to be discussed with Council)
 - Existing vegetation
 - 60m Asset Protection Zone (APZ) - under review
 - Managed land - APZ compliant
 - Riparian Zone - APZ compliant
 - Primary vehicular circulation route
 - Secondary vehicular circulation route
 - Access
 - Key pedestrian spine
 - Proposed road - Camden Council DCP, 2011



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2) Creeklane Precinct - Independent Living Units

The residential community in the Northern Precinct would be comprised of high quality Independent Living Units (ILUs) consisting of two distinct typologies: medium lot size and apartment/ townhouse style development. These are responsive to the conditions on the site and introduce diversity into the character of the built environment.

Medium lot size ILUs: The majority of residential accommodation would be on medium lot sizes in the form of low density, single storey semi-detached dwellings. These would be designed to address their street frontages and typically built along contour lines and step down the slope to ensure that views to the riparian corridor are maximised. In terms of urban design, the medium lot size ILUs provide a transition between the higher density Village hub and the low density residential dwellings of the large lot size ILUs.

Apartment/ townhouse: The Creeklane Precinct is also proposed to contain some low to medium density two-storey apartment / townhouse style development to offer greater housing choice within the development. These are located adjacent to the Village hub where the apartment / townhouse massing would be more in keeping with the proposed development character of the Village hub. These locations are also situated away from interfaces with existing single lot residential development in the surrounding areas.

3) Woodland Precinct - Independent Living Units

The Woodland Precinct consists of large lot size ILUs designated as 'Woodland ILUs'. These would be low density detached and semi-detached dwellings with a more informal and organic character in terms of their arrangement across the site in order to relate better with their woodland context.

The Woodland ILUs are located on the steeper slopes within the site and step up the slope to utilise the developable land. The buildings would be oriented northwards to maximise solar access and capitalise upon views to the north across the riparian corridor and towards the Creeklane Precinct and beyond.

There is also a small area of large lot residential lots along the north western boundary of the site. These lots provide a buffer between the medium lots of the proposed Creeklane Precinct and the existing rural lots to the west of the site. Dwellings on these lots may be detached or semi-detached.

In addition to the ILUs, the Concept Master Plan proposes a Community Centre situated at the high point at the southern end of the Woodland Precinct. The Centre terminates the centrally located pedestrian route, ensuring that it is easily accessible from this key means of circulation. The Community Centre would be accessible to the local and wider community and offer a wide variety of community uses, such as gallery space, educational training and recreational space. Its elevated location would benefit from high quality views across the site and its wider context.

4.2.4 BUILDING SETBACKS TO ROAD EDGES

The Concept Master Plan proposes building setbacks along Werombi Road and Smalls Road to ensure that the existing rural character of these roads are respected.

20m building setbacks from the site boundary are proposed for residential development along Smalls Road. This responds to existing residential development across the road which are characterised by similarly deep setbacks to Smalls Road. The setbacks also allow for landscape between the buildings and the road reinforcing the existing landscape character of the road corridor.

Along Smalls Road, the Village hub buildings would be setback 10m from the road. This still provides a generous setback from the road treated with appropriate landscape while ensuring that the Village hub projects a legible identity for the Lifestyle Village along the road.

The Village hub buildings would be setback 5m from the site boundary along Werombi Road. An appropriate distance to the road is achieved due to the fact that the site boundary is already setback some distance from the road.

4.2.5 RETAINED VEGETATION AND APZ

The Concept Master Plan recognises the ecological value of the western and eastern woodlands to the site and the wider context, retaining these communities. This retains a primary element of the existing landscape character to integrate it into the residents' experience of the development. In some areas, particularly to the east of the site, development is proposed to encroach into existing woodland areas. Where this occurs - typically at the edges of the woodland area - it is proposed that existing trees would be selectively thinned out to allow strategically located, low density residential development that minimises impacts upon existing vegetation.

The woodland areas are identified as bushfire hazards in Council mapping. Preliminary investigations by the Environmental Consultant have identified a provisional 60m wide APZ at the edge of the western woodland area. This may be rationalised as the issue is investigated further during design development; however, at present, the Concept Master Plan establishes a building line that represents the limit beyond which development would not be permitted.

With respect to the eastern woodland area, the Environmental Consultant has recommended its designation as managed land that is APZ compliant. The Concept Master Plan identifies

a building line within this eastern area beyond which development would not be permitted. Any building proposed in this vegetation area within the building line would be strategically located to minimise the removal of vegetation.

The proposed riparian corridor along the existing watercourse would also be managed as APZ compliant land.

Refer to Planning Proposal - Master Plan Revision by Eco Logical Australia Pty Ltd (2011) for further information.

4.2.6 RIPARIAN CORRIDOR

The existing watercourse across the centre of the site would be retained and enhanced as a riparian corridor to become a natural feature and amenity for the community to enjoy. The corridor would become a naturally vegetated zone incorporating a public nature walk. It also provides a habitat refuge for local wildlife linking to areas of bushland. The existing small dam on the site near the watercourse would be retained to form another water feature for the development.

The use and management of the riparian corridor would ultimately be dependent upon the NSW Office of Water's categorisation of the watercourse. The Concept Master Plan considers the creek a Category 2 watercourse with a 20m natural core riparian zone either side from the top of the bank, with a further 10m buffer zone that would be managed as an APZ. Building development would not occur within this 30m zone either side of the top of the watercourse bank.

The riparian corridor would also function as an overall collection and detention point for storm-water run off, and incorporate Water Sensitive Urban Design principles where appropriate.

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CARRINGTON LIFESTYLE VILLAGE - SMALLS ROAD URBAN DESIGN STATEMENT



Fig. 4.3: Environmental attributes

Attachment 1

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Attachment 1

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CAMRINGTON LIFESTYLE VILLAGE - SMALLS ROAD URBAN DESIGN STATEMENT

5. REFERENCES

- *Camden Airport Master Plan*, Oct 2010, Camden Airport Limited
- *Camden Development Control Plan 2011*, Feb 2011, Camden Council
- *Camden Local Environmental Plan 2010*, Sept 2010, Camden Council
- *Camden Riparian Areas: Overarching & Specific Plans of Management*, Apr 2002, Pittendrieh Shinkfield Bruce
- *City of Cities: A Plan for Sydney's Future*, *Metropolitan Strategy*, December 2005, NSW Government
- *Metropolitan Plan for Sydney 2036*, Dec 2010, NSW Government
- *Review of Environmental Factors: West Camden Water Recycling Plant, Biosolids Treatment Upgrade and Amplification*, July 2011, Sydney Water

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ORD04



ORD05

ORDINARY COUNCIL

ORD05

SUBJECT: ELYARD GARDENS PLANNING PROPOSAL
FROM: Director Governance
BINDER: Amendment No 11 Elyard Gardens
PREVIOUS ITEMS: ORD09 - Elyard Gardens Planning Proposal - Ordinary Council - 13 December 2011

PURPOSE OF REPORT

A Planning Proposal which aims to rezone land known as “Elyard Gardens” located at 1 Elyard Street, Narellan has been publicly exhibited for a period of 28 days, from 29 February to 27 March, 2012. The purpose of this report is for Council to consider any submissions received during the public exhibition period and to consider whether to proceed with the proposed rezoning.

BACKGROUND

At its meeting on 13 December 2011, Council resolved to support a Planning Proposal for 1 Elyard Street, Narellan (known as “Elyard Gardens”) to allow residential accommodation as a permissible use on part of the site. The purpose of the Planning Proposal was to correct an anomaly that occurred when Camden LEP 2010 was prepared, as development for the purposes of medium density housing was previously permitted on the site.

The Planning Proposal was forwarded to the Department of Planning and Infrastructure (DPI) for a Gateway Determination, which was issued to Council on 2 February 2012 and is **provided as Attachment 1 to this report**. The Gateway Determination required Council to publicly exhibit the Planning Proposal for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act, 1979*. No submissions from the public were received during the exhibition period.

MAIN REPORT

On 3 September 2010, the Camden LEP was gazetted. The primary purpose of Camden LEP 2010 was to adopt the ‘standard template LEP’ for the Camden Local Government Area, and was intended to be a ‘like for like’ instrument. However, since the plan has come into effect, an anomaly was identified in relation to the zoning of 1 Elyard Street, Narellan (known as “Elyard Gardens”). Under the provisions of Camden LEP 46, residential accommodation was permitted on the site. However, under the provisions of Camden LEP 2010, this is now a prohibited use.

A development consent was previously granted for development of the Elyard Gardens site for the purposes of a mixed commercial, retail and residential development. This consent has lapsed. The owners of the site are now not able to lodge a development application for a similar development as the permissible uses on the site have inadvertently been changed to prohibit some of the residential aspects of the development. As a result, a rezoning proposal has been received to correct this unintended error.

At its meeting on 13 December 2011, Council resolved to forward a Planning Proposal to the Department of Planning and Infrastructure (DPI) to make corrections to the land use permitted on the Elyard Gardens site. A Gateway Determination dated 2 February 2012 was subsequently received by Council that supported the Planning Proposal subject to some minor changes, which are outlined below and have been incorporated into a revised Planning Proposal that is **provided as Attachment 2 to this report**.

Summary of amendments to the Planning Proposal required by the Gateway Determination:

- amendments to maps to make the proposed changes to zone boundaries clearer;
- review of the objectives of the Planning Proposal set out in Part 1 of that document to make it clear that the objective is to permit residential development;
- provision of further information relating to the preliminary investigation of possible site contamination; and
- deletion of references to the use of 'additional permitted uses' on the site. The Planning Proposal now seeks to rezone part of the site from B2 – Local Centre to R3 – Medium Density Residential. As a consequence, it may be necessary to rely on the provisions of Clause 5.3 (development near zone boundaries) of Camden LEP 2010 to facilitate the proposed development. Where zones neighbour each other, this clause allows the land uses of each zone to apply respectively to each other for land within 50m of the zone boundary. For example, residential flat buildings are permitted in the R3 zone and not the B2 – Local Centre zone. However, where compliance with clause 5.3 can be achieved, a residential flat building could be constructed on land zoned B2 within 50m of the zone boundary.

These changes are minor and do not alter the intent of the Planning Proposal. The changes were incorporated into the Planning Proposal document prior to it being placed on public exhibition.

Consultation Process

The Planning Proposal was publicly exhibited from 29 February to 28 March 2012. An advertisement was placed in the Camden Advertiser on Wednesday, 29 February 2012. Exhibition material was made available at:

- the Camden Customer Service Centre and Library,
- the Narellan Customer Service Centre and Library, and
- Council's website.

No submissions from the public were received during the public exhibition period.

In accordance with the Gateway Determination, Council was required to consult with the following agencies:

- Essential Energy;
- Department of Education and Communities;
- Office of Environment and Heritage;
- Mine Subsidence Board;
- Sydney Water; and
- Telstra.

A response was received from the Mine Subsidence Board and **is provided in Attachment 3 to this report.** The response does not raise any objections to the proposed rezoning of the land, but does provide limitations to the type of structures that can be erected on the site. This information is to be noted and will be addressed as part of consideration of any development application for the site.

Next Steps

Following the public exhibition of the proposed rezoning for the Elyard Gardens site, no objections have been received. It is therefore recommended that Council supports the Planning Proposal and forwards it to the DPI for the plan to be made.

CONCLUSION

The Planning Proposal for the Elyard Gardens site seeks to rezone part of the site from B2 – Local Centre to R3 – Medium Density Residential. As a result, the developer may need to rely on the provisions of Clause 5.3 of Camden LEP 2010 to achieve the flexibility needed to develop the site in accordance with the current masterplan. This clause will allow some flexibility in permissible land uses within 50 metres of a zoning boundary.

The Planning Proposal seeks to remedy an anomaly that occurred when Camden LEP 2010 was adopted. The proposal aims to allow medium density residential development of part of the site, while maintaining the commercial, ‘main street’ focus of Elyard Street in accordance with the Narellan masterplan.

RECOMMENDED

That Council:

- i. supports the Planning Proposal for 1 Elyard Street, Narellan which seeks to rezone part of the site to R3 – Medium Density Residential;**
- ii. forwards the Planning Proposal to the Department of Planning and Infrastructure and requests that the plan be made; and**
- iii. be informed when the plan comes into operation.**

ATTACHMENTS

1. Gateway Determination
2. Planning Proposal
3. Response letters



Planning &
Infrastructure

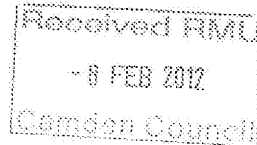


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Department Generated Correspondence (Y)

Contact: Shane Nugent
Phone: (02) 9873 8500
Fax: (02) 9873 8599
Email: Shane.Nugent@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Mr Greg Wright
General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570



Our ref: PP_2011_CAMDE_004_00 (11/17/88)
Your ref:

Dear Mr Wright,

Re: Planning Proposal to rezone part of the Elyard Gardens site at Elyard Street, Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential.

I am writing in response to your Council's letter dated 19 December 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Camden Local Environmental Plan 2010 to rezone part of the Elyard Gardens site at Elyard Street, Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that the land subject to the planning proposal is actually smaller than that described and identified in the maps included in the planning proposal. It is acknowledged that the identified subject land is part of a concept masterplan for the future development of the site. However, not all this land is subject to the rezoning. Therefore, Council is to amend the planning proposal to correctly define the subject land being rezoned. In doing so, Council is to amend the maps to reflect the subject land being rezoned, and provide an explanation of the relationship of the proposed rezoning to the concept masterplan. In addition, Council is to amend the property description and simplify the description by removing references to adjusting boundaries between zones.

Council is to review and amend the objectives of the planning proposal in Part 1 to ensure consistency with the proposed provisions in Part 2. In doing so, Council should explain that the planning proposal seeks to amend the Camden LEP 2010, to permit residential development on the subject land as per the previous controls under the former plan prior to the making of Council's Standard Instrument LEP.

It is noted that Council's preferred option would be to amend Schedule 1 and include an additional permitted use on the subject land. This approach is not supported by the Department, as noted in the planning proposal. Council is to remove reference to amending Schedule 1 as this is not an option proposed by the planning proposal.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones are of minor significance. No further approval is required in relation to this Direction.

It is noted that Council addresses the requirements of SEPP 55 Remediation of Land on page 12 of the planning proposal. However, given that the planning proposal proposes a change of

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use that may increase the risk to health or the environment from contamination, the SEPP requires consideration of a report on a preliminary investigation where a rezoning allows a change of use. Therefore, Council is to amend the planning proposal to consider the requirements of Clause 6(2) of SEPP 55, and in doing so prepare a report into the findings of a preliminary investigation of the land, prior to the commencement of public exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Shane Nugent of the Regional Office of the Department on 02 9873 8527.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal



Gateway Determination

Planning Proposal (Department Ref: PP_2011_CAMDE_004_00): to rezone part of the Elyard Gardens site at Elyard Street, Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Camden Local Environmental Plan 2010 to rezone part of the Elyard Gardens site at Elyard Street, Narellan from B2 Local Centre and B5 Business Development to R3 Medium Density Residential should proceed subject to the following conditions:

1. Council is to amend the planning proposal to correctly define the area being rezoned by amending the property description and corresponding maps and by removing references to adjusting boundaries between zones.
2. Council is to review and amend the objectives of the planning proposal in Part 1 to ensure consistency with the proposed provisions in Part 2.
3. Council is to remove reference to amending Schedule 1 as this is not an option proposed by the planning proposal.
4. Council is to amend the planning proposal to consider the requirements of Clause 6(2) of SEPP 55, and in doing so prepare a report into the findings of a preliminary investigation of the land, prior to the commencement of public exhibition.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Essential Energy
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Mine Subsidence Board
 - Sydney Water
 - Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation if

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may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 2nd day of February 2012.

A handwritten signature in black ink, appearing to read 'Tom Gellibrand'.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure

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**CAMDEN COUNCIL
PLANNING PROPOSAL**

Amendment No. 11 – Elyard Gardens

December 2011

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4	Part 2 – Explanation of Provisions	4
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7	Conclusion	14

Annexures

- Annexure A – Concept Masterplan for Elyard Gardens
- Annexure B – Council Report dated 13th December 2011
- Annexure C – Section 117 Compliance Checklist

Planning Proposal - Elyard Gardens Site, Narellan

1 Background

On 3 September 2010, the Camden LEP 2010 was gazetted. The primary purpose of Camden LEP 2010 was to adopt the 'standard template LEP' for the Camden Local Government Area. In the process of preparing this template LEP, Camden Council intended for the amendment to be a 'like for like' instrument. That is, land uses permitted under the original Local Environmental Plans should still be permissible under the new Camden LEP 2010 that was based on the template.

In some instances the Camden LEP 2010 was not exactly a 'like for like' planning change and has resulted in some further amendments to correct anomalies as they are discovered.

Council has recently discovered that in the process of changing the zoning of land from Camden LEP 46 to Camden LEP 2010, the use of the subject site (1 Elyard St, Narellan) for residential accommodation is no longer permissible. The purpose of this planning proposal is to correct this anomaly.

In 2002, Council embarked on an "Enquiry By Design" process for the Narellan Town Centre to investigate the potential of Narellan, which was a multi day collaborative design process that provided opportunities to create a well resolved and broadly supported design for this important precinct. The outcome of the workshop was a series of indicative plans, which formed part of the exhibition of draft Development Control Plan 126. On 9 February 2004 Council adopted a Masterplan and vision statement for the Narellan Township and, amongst other things, resolved to prepare a Local Environmental Study and draft Local Environmental Plan 136 to effect the zoning changes inferred in the Masterplan. Following this work, Council adopted the Narellan Township Masterplan in September 2004.

Development consent was issued on 27 November 2006 which allowed for the remediation of the former tip site, earth works, demolition, road and civil works, subdivision, commercial and retail development with residential units above, residential flat buildings, residential townhouses, basement car parking and landscaping. However no work commenced and the consent lapsed on 29 November 2008.

More recently, the applicant has created a new Masterplan which prompted a check of Camden LEP 2010 and is provided at **Annexure A**. Since discovering the site no longer permits residential accommodation, a letter dated 1 September 2011 was sent to the DPI to seek permission to amend the rezoning on the site by way of dispensing with the need to go through the planning proposal process. A response was received by Council on 29 September 2011 which stated that a planning proposal must be prepared and endorsed by Council, with the intention of permitting 'residential accommodation' on the subject site and it be submitted to the Regional Office for the consideration of the Gateway Panel under Part 3, Division 4, of the Act.

Since this time, the applicant, on behalf of the owners of the Elyard Gardens site has prepared a Planning Proposal for Council to consider. Council has since amended the applicant's planning proposal to submit to Gateway for Determination. The applicant's planning proposal can be found at Attachment 1 within Council's report dated 13 December 2011, which is provided at **Annexure B**.

The intention of this planning proposal is to allow the lands to be developed in a manner compatible with the site's context and that which was previously approved by Camden Council under LEP 46. This in our view would provide a logical development opportunity as opposed to the options presently available under the current zoning.

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2 Subject Lands and Context

This planning proposal refers to land located within the Elyard Gardens Masterplan site and is identified as Lot 6 Deposited Plan 812672 (refer to **Figure 1**). This subject site has a prominent frontage to Elyard Street within the Narellan Town Centre Shopping Centre. The site has an important development role due to its size and location. The immediate locality could be described as being mixed use (commercial and retail) orientated, with residential development in the form of single dwelling houses, located on the fringe of the Centre. The land on which these current single dwellings are located is zoned to encourage higher density development in the form of multi-dwelling housing and residential flat buildings. **Figure 1** illustrates the current zoning of the subject site.

Figure 1: Land Zoning Map from Camden LEP 2011 of Elyard Gardens Site

- KEY:**
- B5 – Business Development zone
 - B2 – Local Centre
 - R3 – Medium Density Residential zone



Opposite the subject property to the north is the Narellan Town Centre Shopping Centre. The majority of the north-eastern boundary forms part of the Elyard Gardens Masterplanned estate and currently contains detached dwellings. The land to the south and west of the site is also residential land. The Camden Council Administration Building and Library are located in Queen Street. The aerial photograph below at **Figure 2** provides a contextual overview of the immediate area.

There are multiple services and facilities located in close proximity of the site. Within the immediate environs of Narellan Town Centre are two primary schools. One public (Narellan Public School) and the other private. Both these schools are located in Richardson Road. Nott Oval is located on the corner of Elyard Street and Richardson Road. This oval provides for sporting activities (mainly soccer), with tennis courts attached. The Camden Golf Course (Studley Park), which can be used by the public, is also located a short distance away along Lodges Road. In addition Community Health Care facilities are provided in Queen Street. The area also contains a community hall.

Narellan continues to grow in terms of retail, commercial and industrial activities and its position within the retail hierarchy is a major District Centre, with Camden Town Centre providing a supporting role. The Narellan Town Centre Precinct is surrounded by Harrington Park to the north, Narellan Vale to the East and Elderslie to the South West. Development of

Planning Proposal - Elyard Gardens Site, Narellan

the property will complement and strengthen the Town Centre as a vibrant mixed-use precinct.

Figure 2 – Location of subject Site – aerial photo



Council has considered the proposal to permit residential accommodation on the land and has provided 'in principle' support given the strong evidence of it contributing to a vibrant Narellan Town Centre. Gateway Determination was received from the DPI on 2 February 2012 which directed that the planning proposal may proceed subject to exhibiting it for 28 days.

As a result of receiving Gateway Determination, Council has now required the landowner to fund the preparation of a traffic, access and parking study. This study will be undertaken and completed in conjunction with the planning proposal which relates to the expansion of the Narellan Town Centre.

It should also be noted that as the site was previously used as a rubbish tip, part of the subject site is now contaminated. This issue is being addressed separately from this planning proposal. A remediation report has been prepared by the applicant which will be implemented subject to Council development consent.

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3 Part 1 – Statement of Objectives or Intended Outcomes

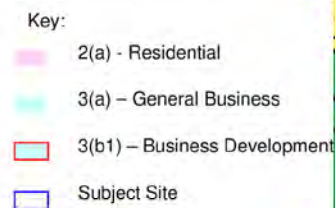
It is proposed to amend Camden LEP 2010 to allow residential accommodation as a permissible use on part of the land known as Lot 6 in Deposited Plan 812672 (1 Elyard Street, Narellan).

The intended outcome of the planning proposal is to be incorporated into Camden LEP 2010 ensuring the residential accommodation controls that were in place in Camden (under LEP 46), prior to the gazettal of Camden LEP 2010 are maintained.

4 Part 2 – Explanation of Provisions

Camden LEP 46 was in force prior to the gazettal of Camden LEP 2010 regarding the Elyard Gardens site. Camden LEP 46 affirmed the subject site was made up of two zones including zone 3(a) - General business along Elyard Street and 3(b1) – Business Support towards the rear of the site. Refer to **Figure 3** below:

Figure 3:
Land Zoning Map of Elyard Gardens Site under Camden LEP 46



The 3(a) – General Business zone and the 3(b1) – Business Development zone allowed most forms of residential development (generally excluding dwelling houses – unless they were used in conjunction with shops or commercial premises, bed and breakfast, boarding houses, two-dwelling development). More specifically zone 3(b1) – Business Support stated the following as an objective:

“(e) to provide opportunities for residential development which is either ancillary to a permitted use in this zone or in accordance with a comprehensive masterplanned residential estate integrated with surrounding land uses.”

The Camden LEP 2010 was intended to be a ‘like for like’ LEP. Under this instrument 3(a) – General Business zone was zoned B2 – Local Centre and the 3(b1) – Business Support zone was zoned B5 – Business Development. Refer to **Figure 4** below:

Planning Proposal - Elyard Gardens Site, Narellan

Figure 4:
Land Zoning Map
of Elyard Gardens
Site under
Camden LEP 2010

Key:

- B5 – Business Development zone
- B2 – Local Centre
- R3 – Medium Density Residential zone
- Subject Site



The B2 – Local Centre and B5 – Business Development zones now prohibit the group term 'residential accommodation'. Therefore residential development is now generally prohibited compared to being permissible under Camden LEP 46. As a result the following option to rectify this issue is presented below.

Option: Rezone the B5 – Business Development zone and shift the zone boundary line

It is proposed that an amendment be prepared to:

- Rezone the land currently zoned B5 – Business Development to R3 Medium Density Residential.
- Rezone part of the land currently zoned B2 – Local Centre which is located adjacent to the current B5 – Business Development zone. This will ensure particular land uses are made permissible on certain areas of the site as a result of implementing *Clause 5.3 Development near zone boundaries* from Camden LEP 2010. It will also slightly reduce the amount of land that is zoned B2 – Local Centre along Elyard Street, however residential accommodation can still be achieved through shop top housing.

Figure 5 below illustrates the proposed changes.

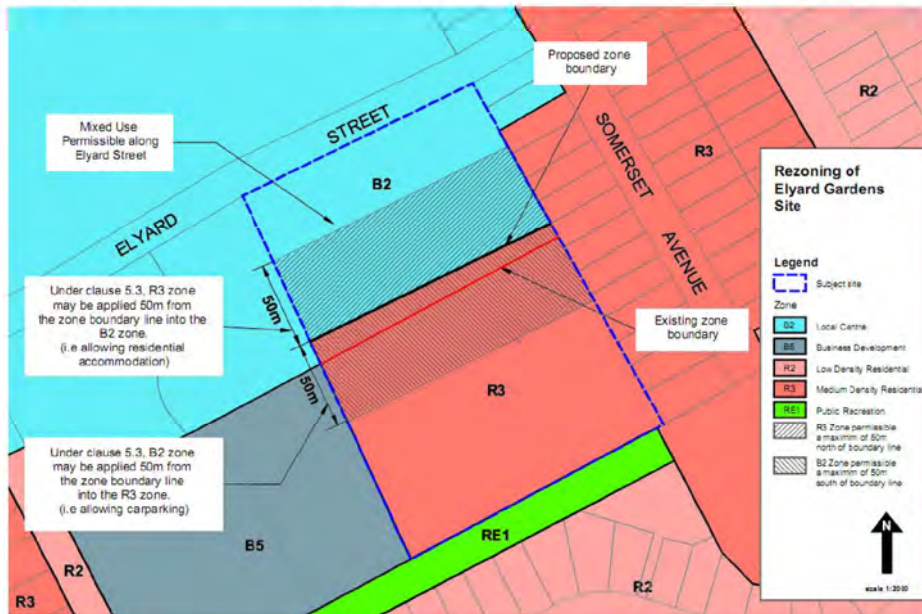


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Figure 5: Proposed rezoning of Lot 6, Deposited Plan 812672 on Elyard Gardens Site:



This option is considered to be the most appropriate as the R3 – Medium Density Residential zone is consistent with the previous objective that applied to the site under Camden LEP 46. The R3 zoning would also correspond with the R3 zone that currently exists along Somerset Avenue.

Council has considered that rezoning the site to R3 – Medium Density Residential will facilitate the development of the site in an effective manner as a masterplanned estate. In addition there will be a heavy reliance on using *Clause 5.3 Development near zone boundaries* from Camden LEP 2010 in order to provide for a variety of land uses that support the surrounding Narellan commercial precinct. As a result, Council proposes to rezone part of the land zoned B2 – Local Centre which is located adjacent to the proposed R3 – Medium Density Residential on Lot 6 in Deposited Plan 812672. This is due to a number of reasons stated below:

- Council's vision has always been to retain the mixed use/commercial use strip along both sides of Elyard Street. Rezoning part of the B2 – Local Centre land has considered that it is setback more than 50 metres from Elyard Street. This will ensure that residential accommodation (excluding shop top housing) will not be the predominant use along Elyard Street as a result of proposing to rezone the land to R3 – Medium Density Residential rezoning.
- The R3 – Medium Density Residential zone does not permit car parking. However a car park will be constructed within the proposed R3 – Medium Density Residential zone, which will not necessarily be provided as part of the residential accommodation

Planning Proposal - Elyard Gardens Site, Narellan

on the masterplanned site. This car park will also contribute to the broader Narellan Town Centre.

Considering much of the Elyard Gardens site is contaminated, the possibility of underground car parking is severely limited. Therefore *Clause 5.3 Development near zone boundaries* would be used to ensure car parking can be provided at grade within the R3 zone. This will ensure the development contributes to the demand for car parking as a result of the Narellan Town Centre expansion.

- The B2 – Local Centre zone does not permit residential accommodation, only shop top housing. *Clause 5.3 Development near zone boundaries* will be used to ensure that the R3 – Medium Density Residential zone can be implemented 50 metres from the zone boundary line onto the B2 - Local Centre zone. This will provide flexibility by ensuring residential accommodation can be made permissible on more of the site.

5 Part 3 - Justification

5.1 PROPOSED ZONING

As stated above, the current zoning under LEP 2010 does not reflect the aspirations of Council and the owners to redevelop the land for residential accommodation purposes and that previously permitted by LEP 46.

5.2 SECTION A – NEED FOR THE PLANNING PROPOSAL

5.2.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT

The planning proposal is not a result of any strategic study or report. It is to address a minor anomaly that has become evident following the gazettal of Camden LEP 2010 on 3 September 2010.

5.2.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor discrepancy in a relatively prompt and efficient manner.

5.2.3 IS THERE A NET COMMUNITY BENEFIT?

Given the minor nature of the matters contained within this planning proposal it is considered that a Net Community Benefit Test is not needed. It is a given that the matter addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that existing controls are maintained which provides the community with greater certainty.

Since the consent has lapsed, a new master plan has been proposed that will benefit the community through the provision of open space, increased local employment opportunity and demand as a result of increasing densities and increasing the level of services provided. It will also be consistent with the strategic context of the Narellan Town Centre, Camden Local Government Area and broader Sydney area strategy.

The net community benefits are clearly the development of the site, rather than remain in its current state, being used as a waste tip on part of the site. An application is currently with

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Camden Council to remediate the site and that part of the site will be used as an open space area to benefit the residents of the remainder of the site to be developed for apartments. The open space area will also provide a space for residents and workers in the area. The proposal is considered to be consistent with the strategic context, as discussed above.

The proposal results in increased residential activity and will provide employment opportunities for a diverse range of businesses on that part of the site to be developed for retail and commercial uses and potential medical centre. Given the location of the site within the Narellan Town Centre environs, the increase in residential densities, this is seen to provide a positive impact to businesses within the Town Centre. This is consistent with the Strategies discussed below.

5.3 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.3.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?

The planning proposal is consistent with both the draft South Western Regional Strategy and the Sydney Metropolitan Strategy and is discussed below.

5.3.1.1 METROPOLITAN PLAN FOR SYDNEY 2036

"The Metropolitan Strategy seeks to strategically locate employment, ensure good management of existing land resources, ensure there is sufficient supply of suitable commercial sites and employment lands and efficiently utilising existing infrastructure"

The Metropolitan Strategy City of Cities: A Plan for Sydney's Future was released in 2005 and set the overall strategic vision for the Growth Centres.

In December 2010, the NSW Government released Metropolitan Plan for Sydney 2036 - updating the Metropolitan Strategy and integrating it with the \$50.2 billion Metropolitan Transport Plan.

As a 25 year planning strategy, the aims and objectives of *City of Cities* remain integral to the delivery of new communities in the Growth Centres under the *Metropolitan Plan*:

- More jobs are expected to be located in the regional cities and specialised centres of Western Sydney, including areas that will have direct access to and from the Growth Centres.
- Major Centres, including Leppington in the South West Growth Centre and Rouse Hill in the North West Growth Centre, will be a focus for shopping, health and tertiary education and some medium and high density housing.
- Improved suburban towns, villages and neighbourhoods will provide healthier environments and access to high quality and suitable housing, jobs, transport choices and open space.
- The Sydney Metropolitan region's transport network will be expanded and improved to provide access to jobs and services. Investment in the rail network and strategic bus corridors will provide faster and direct public transport linking towns, villages and neighbourhoods to areas where jobs are concentrated.
- By concentrating the bulk of new development in the Growth Centres, valued rural and resource lands will be protected. Green areas will be preserved to provide habitat for native animals and recreational opportunities for residents and visitors.
- Subregional planning will incorporate the plans for the Growth Centres in the wider North West and South West subregions. Planning for new jobs and population growth

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Planning Proposal - Elyard Gardens Site, Narellan

In the Growth Centres will be considered alongside Sydney-wide objectives.

Strategic Direction B – Growing and Renewing Centres provides the following relevant aims for this Planning Proposal:

- locating at least 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport
- focusing activity in accessible centres
- planning for centres to grow and change over time
- planning for new centres in existing urban areas and greenfield release areas
- planning for urban renewal in identified centres where public transport capacity exists or is being expanded

Strategic Direction D – Housing Sydney's Population provides the following relevant aims:

- locating at least 70% of new housing within existing urban areas and up to 30% in new release areas
- locating at least 80% of new homes within the walking catchments of existing and planned centres of all sizes with good public transport
- setting new housing targets in *Subregional Strategies* and *Local Environmental Plans*
- ensuring local planning controls include more low rise medium density housing in and around smaller local centres
- improving the quality of new housing development and urban renewal by strengthening the Governments role in ensuring good design outcomes

The Planning Proposal is consistent with the above aims of Strategic Directions B & D.

5.3.1.2 DRAFT SOUTH WEST SUB-REGIONAL STRATEGY

The aims of the draft south west sub-regional strategy are:

- To provide a forum for councils to allocate the local distribution of housing and employment capacity targets based on the principles of the Metropolitan Strategy, and to work together on complementary future directions especially in centres crossing LGA boundaries.
- To provide for balanced growth among LGAs to build upon regional strengths and bolster opportunities.
- To identify the future role of Strategic Centres and Corridors, as well as Towns, Villages and Neighbourhood Centres in relation to the overall metropolitan structure.
- To focus coordinated State agency involvement and asset management with respect to Strategic Centres and corridors including providing a basis for the prioritisation of investment.
- To assist planning for regional facilities, within and between subregions.

The Strategy has several areas of matters for consideration in local planning matters; namely:

- Economy and Employment
- Centres and Corridors
- Housing
- Transport
- Environment, Heritage and Resources
- Parks, Public Places and culture
- Implementation and Governance

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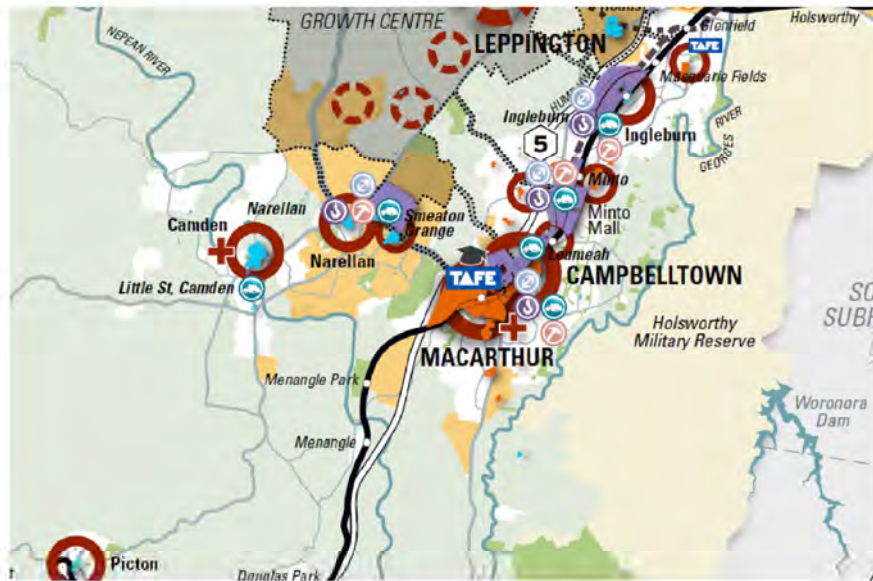
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This strategy does not specifically identify the subject land; however, Narellan is identified as a centre for employment (refer to **Figure 6** below). The subject land is on the fringe of the Narellan Town Centre. This centre is defined as a sub-regional centre within Council's Retail/Commercial Hierarchy.

Therefore it is considered as part of this document. However, the subject land provides opportunities to be consistent with a number of the above in terms of housing and employment. Therefore the Planning Proposal is consistent with this Draft Strategy.

Figure 6 – Identification of Narellan within Sub-Regional strategy



5.3.2 IS THE PLANNING PROPOSAL CONSISTENT WITH LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?

5.3.2.1 CAMDEN COUNCIL STRATEGIC PLAN: CAMDEN 2040

The Camden Strategic Plan portrays a vision of Camden in the year 2040, as adopted at the Council meeting of 14 December 2010. To realise this vision 6 key direction areas are established around which strategies and actions are fashioned.

The areas of most relevance include:

- Actively Managing Camden's Growth,
- Healthy Urban and Natural Environments..

Planning Proposal - Elyard Gardens Site, Narellan

- A Prosperous Economy.
- Effective and Sustainable Transport.
- An Enriched and Connected Community
- Strong Local Leadership

5.3.2.1.1 ACTIVELY MANAGING CAMDEN'S GROWTH

The development proposal is consistent with the relevant aspects of the Growing Pains – Key Challenges Objectives. This can be demonstrated by the consent that was issued for a master planned estate on the site involving the construction of 400 multi-unit dwellings. The subject site is located within an established area and redevelopment of the site will occur overtime in accordance with the staged planning of the site and as demand arises for housing.

5.3.2.1.2 HEALTHY URBAN AND NATURAL ENVIRONMENTS

The proposal will not impact on any nearby natural systems.

5.3.2.1.3 A PROSPEROUS ECONOMY

The development proposal is focused upon contributing to a positive urban design outcome to allow the site to be developed for a mixed-use development, including residential accommodation. The increase in population will also encourage employment in the vicinity.

5.3.2.1.4 EFFECTIVE AND SUSTAINABLE TRANSPORT

The site provides development that is readily accessible to public transport. A bus service operates along nearby streets, including Elyard Street and this will be further enhanced by the rezoning the land to allow residential accommodation.

5.3.2.1.5 AN ENRICHED AND CONNECTED COMMUNITY

Future residents will have the opportunity to be involved with and linked to facilities and services in the Narellan Town Centre and broader vicinity.

5.3.2.1.6 A STRONG LOCAL LEADERSHIP

Not applicable to this development planning proposal.

5.3.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The following State Environmental Planning Policy (SEPP) applies to the planning proposal:

- State Environmental Planning Policy (Infrastructure) 2007; and
- State Environmental Planning Policy 55 – Remediation of Land.

5.3.3.1 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

SEPP (Infrastructure) 2007 rationalises consultation required in relation to traffic generating

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Planning Proposal - Elyard Gardens Site, Narellan

developments. The proposal may be one that requires referral to the RTA for consideration if access to Camden Valley Way is proposed. It would be noted that the RTA has already approved access arrangements to this road. If access is via Elyard Street, this will require consideration by the Local Traffic Committee.

Therefore this planning proposal does not affect the outcomes of the requirements that need to be satisfied under this SEPP and is therefore considered to be consistent.

5.3.3.2 STATE ENVIRONMENTAL PLANNING POLICY NO 55 – REMEDIATION OF LAND

Due to the nature of former land uses on the site, the proposed development is subject to the provisions of SEPP 55 – Remediation of Land. Specifically the Policy provides under Clause 7(1) that development consent must not be granted by Council unless:

- (a) It has considered whether the land is contaminated, and
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) If the land requires remediation to be suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

In accordance with Council's policy and SEPP 55 a separate development application has been submitted to Council to remediate part of the land. Pursuant to the requirement of Section 6(2) of the State Environmental Planning Policy (SEPP) 55 – Remediation of Land, Council notes that extensive contamination investigations are currently being finalised for the site. Preliminary investigations which formed part of and influenced the submitted Remediation Action Plan (RAP) prepared by DLA Environmental, dated July 2011 identified a number of soil and groundwater contaminants on site including methane rich gas and elevated levels of petroleum hydrocarbons amongst others. The RAP considers three options of remediation including capping and containment, on-site bio-remediation and the complete excavation off-site of materials. The cap and containment strategy of remediation was chosen for the site which will involve the installation of a gas blanket and clay core. This development application also explains how the site's contamination will be managed long-term.

This planning proposal will not affect the outcomes of the requirements that need to be met under this SEPP and is therefore otherwise considered to be consistent.

The following Regional Environmental Plan apply to the planning proposal:

5.3.3.3 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY-NEPEAN RIVER

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 1997) applies to the site. The Plan aims "to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future landuses are considered in a regional context".

The Plan lists several objectives and policy directions for matters such as water quality, catchment management, flora and fauna management and riverine quality. The planning proposal is not likely to affect matters detailed for further policy and strategic planning under the SREP. The planning proposal is consistent with the general aims of the Plan.

Planning Proposal - Elyard Gardens Site, Narellan

5.3.4 IS THE PLANNING CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S 117 DIRECTIONS)?

Attached as **Annexure C** is a compliance table addressing the applicable s 117 Directions. It is considered that the planning proposal is consistent with the applicable Ministerial Directions.

5.4 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

5.4.1 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 subject site is devoid of vegetation and therefore it is unlikely that there will be an impact of critical habitat. The Planning Proposal is to rezone the land for residential accommodation previously approved by Council as part of LEP 46.

5.4.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

As discussed above the subject land was used as a pit for builder's waste material. The land is the subject of a separate development application to remediate that part of the land and is therefore not considered as part of this process. There are no other likely environmental effects as a result of this planning proposal.

5.4.3 HOW HAS THE PLANNING ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The proposal has positive social and economic contributions as discussed above in the various sections by providing much needed housing choice in the LGA, particularly affordable housing.

5.5 SECTION D – STATE AND COMMONWEALTH INTERESTS

5.5.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

No additional infrastructure is required to accommodate the planning proposal. All services are readily available to the site. The site also has good road access.

5.5.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

The Narellan Town Centre was part of an extensive consultation process through the masterplanning process, as discussed above. The consultation process involved a number of State Government agencies and resulted in land being 'earmarked' for residential accommodation in accordance with LEP 46.

The Council approved the development for such purposes which was the subject of referral to a number of agencies. Additional consultation is envisaged as part of the development application process at relevant stages.

Therefore given the minor nature of the issues listed in this planning proposal, no State or Commonwealth public authorities have been consulted.

6 Part 4 – Community Consultation

ORD05

Planning Proposal - Elyard Gardens Site, Narellan

The matter dealt with in this planning proposal is maintaining the "status quo" with regard to the residential development planning controls that applied to the site prior to Camden LEP 2010 being gazetted. The planning proposal seeks to amend an anomaly that occurred in relation to the Elyard Gardens site when Camden LEP 2010 was prepared, in that the selected zones for the site did not permit residential accommodation.

This planning proposal will go on exhibition for the amount of time set by the Department of Planning and Infrastructure in the Gateway Determination. Council recommends this period be 28 days.

7 Conclusion

The preceding commentary and background material referenced has clearly established a case for reviewing the planning provisions as they pertain to the subject land. As such, Council is requesting to take the necessary steps to rezone the subject lands as detailed in this planning proposal to allow residential accommodation in accordance with LEP 2010.

Attachment 2

Annexure "A"
Concept Masterplan for Elyard Gardens

ORD05

Attachment 2

ORD05

Attachment 2



Annexure "B"
Council Report dated 13th December 2011

ORD05

Attachment 2

ORD05

Attachment 2



ORDINARY COUNCIL

ORD09

SUBJECT: ELYARD GARDENS PLANNING PROPOSAL
FROM: Director Governance
BINDER: Amendment No. 11 Elyard Gardens

PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) to rectify an anomaly in Camden Local Environmental Plan 2010 (Camden LEP 2010) in relation to the 1 Elyard St, Narellan, otherwise known as Elyard Gardens.

BACKGROUND

On the 3 September 2010, the Camden LEP 2010 was gazetted. The primary purpose of Camden LEP 2010 was to adopt the 'standard template LEP' for the Camden Local Government Area. In the process of preparing this template LEP, Council intended for the amendment to be a 'like for like' instrument. That is, land uses permitted under the original Local Environmental Plans should still be permissible under the new Camden LEP 2010 that was based on the template.

In some instances the Camden LEP 2010 was not exactly a 'like for like' planning change and has resulted in some further amendments to correct anomalies as they are identified.

Council has recently identified that in the process of changing the zoning of land from Camden LEP 46 to Camden LEP 2010, the use of the subject site (1 Elyard St, Narellan) for residential accommodation is no longer permissible. The purpose of this planning proposal is to correct this anomaly.

Development consent was issued for this site on 27 November 2006 which allowed for the remediation of the former tip site, earth works, demolition, road and civil works, subdivision, commercial and retail development with residential units above, residential flat buildings, residential townhouses, basement car parking and landscaping. However no work commenced and the consent lapsed on 29 November 2008.

More recently, since identified the site no longer permits residential accommodation, a letter from Council dated 1 September 2011 was sent to the DPI to seek permission to amend the rezoning on the site by way of dispensing the need to go through the planning proposal process. A response was received by Council on 29 September 2011 which stated that a planning proposal must be prepared and endorsed by Council, with the intention of permitting 'residential accommodation' on the subject site and it be submitted to the Regional Office for the consideration of the Gateway Panel under Part 3, Division 4, of the Act.

Since this time, the applicant, on behalf of the owners of the Elyard Gardens site, has prepared a Planning Proposal for Council to consider. This report will explain its contents and what is proposed to be forwarded to DPI for the Gateway Process.

This is the report submitted to the Ordinary Council held on 13 December 2011 - Page 1

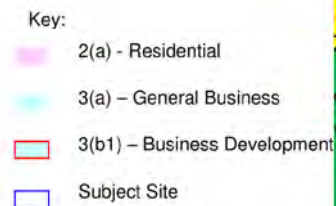


MAIN REPORT

Rezoning Planning Proposal

Camden LEP 46 was in force prior to the gazettal of Camden LEP 2010 regarding the Elyard Gardens site. Camden LEP 46 affirmed the Elyard Gardens site was made up of three zones including zone 3(a) - General business along Elyard Street, 3(b1) - Business Support towards the back of the site along Elyard Street and 2(a) - Residential along Somerset Avenue. Refer to **Figure 1** below:

Figure 1:
Land Zoning Map of Elyard
Gardens Site under Camden
LEP 46



The 3(a) - General Business zone and the 3(b1) - Business Development zone allowed most forms of residential development (generally excluding dwelling houses - unless they were used in conjunction with shops or commercial premises, bed and breakfast, boarding houses, two-dwelling development). More specifically zone 3(b1) - Business Support stated the following as an objective:

“(e) to provide opportunities for residential development which is either ancillary to a permitted use in this zone or in accordance with a comprehensive masterplanned residential estate integrated with surrounding land uses.”

The Camden LEP 2010 was intended to be a 'like for like' LEP. Under this instrument 3(a) - General Business zone was zoned B2 - Local Centre, the 3(b1) - Business Support zone was zoned B5 - Business Development and 2(a) - Residential zone was zoned R3 - Medium Density Residential. Refer to **Figure 2** below:

ORD05



Figure 2:
Land Zoning Map
of Elyard Gardens
Site under
Camden LEP 2010

Key:

- B5 – Business Development zone
- B2 – Local Centre
- R3 – Medium Density Residential zone
- Subject Site



The B2 – Local Centre and B5 – Business Development zones now prohibit the group term 'residential accommodation'. Therefore residential development is now generally prohibited compared to being permissible under Camden LEP 46.

On 13 October 2011 Michael Brown Planning Strategies, on behalf of the owners, submitted to Council a Planning Proposal that is provided as **Attachment 1 to this report**. It requested the following be amended in Camden LEP 2010 in relation to the Elyard Gardens site:

- Rezone part of the land on Lot 6 Deposited Plan 812672 from B5 – Business Development to R3 – Medium Density Residential to permit residential accommodation on the land.
- Amend the height map to reflect the intended heights proposed by the Masterplan which is provided as **Attachment 2 to this report**.

Council staff have reviewed and subsequently amended the planning proposal that was submitted, which is provided as **Attachment 3 to this report**. The issue the applicant raised regarding height is not proposed to be addressed as part of this process and has been deleted from the submitted planning proposal as a blanket increase in height limit is not supported, particularly in relation to land interfacing with existing houses on the southern part of the site. The applicant has been notified that this issue can instead be dealt with as a Development Control Plan variation using Clause 4.6 of Camden LEP 2010 for specific parts of the site.

In this particular instance Council would be inclined to introduce an Additional Permitted Use in Schedule 1 of Camden LEP 2010 as this would facilitate the design and develop the site in a reasonable, effective and efficient manner. However Council is aware the DPI does not favour this outcome. As a result the following option is presented below.

Option: Rezone the B5 – Business Development zone and shift the zone boundary line

It is proposed that an amendment be prepared to:

This is the report submitted to the Ordinary Council held on 13 December 2011 - Page 3

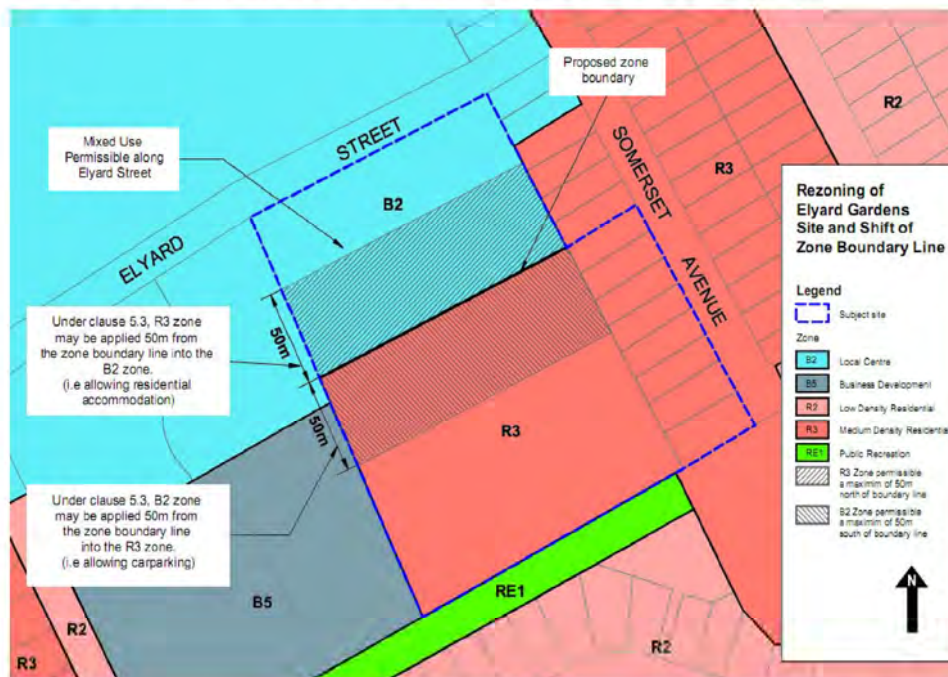
Attachment 2



- Retain the land that is zoned B2 – Local Centre along Elyard Street as residential accommodation can be achieved through shop top housing.
- Retain zone R3 – Medium Density Residential along Somerset Avenue as this already permits residential accommodation.
- Rezone the land currently zoned B5 – Business Development to R3 Medium Density Residential.
- Shift the zone boundary between the B2 – Local Centre and the proposed R3 – Medium Density Residential zone (currently B5 – Business Development zone) on Lot 6 Deposited Plan 812672. This will ensure particular land uses are made permissible on certain areas of the site as a result of implementing *Clause 5.3 Development near zone boundaries* from Camden LEP 2010.

Figure 3 below illustrates the proposed changes.

Figure 3: Proposed rezoning of Elyard Gardens Site and Shift of zone boundary line:



This option is considered to be the most appropriate as the R3 – Medium Density Residential zone is consistent with the previous objective that applied to the site under Camden LEP 46. The R3 zoning would also correspond with the R3 zone that currently exists along Somerset Avenue.

Council has considered that rezoning the site to R3 – Medium Density Residential will facilitate the development of the site in an effective manner as a masterplanned estate.

This is the report submitted to the Ordinary Council held on 13 December 2011 - Page 4

ORD05

Attachment 2



In order to provide for a variety of land uses that support the surrounding Narellan commercial precinct, there will be a heavy reliance on using *Clause 5.3 Development near zone boundaries* from Camden LEP 2010. As a result, Council have considered and shifted where the zone boundary will be placed between zone B2 – Local Centre and the proposed R3 – Medium Density Residential on Lot 6 in Deposited Plan 812672. This is due to a number of reasons stated below:

- Council's vision has always been to retain the mixed use/commercial use strip along both sides of Elyard Street. Therefore shifting the zone boundary needs to consider that it is setback more than 50 metres from Elyard Street. This will ensure that residential accommodation (excluding shop top housing) will not be the predominant use along Elyard Street as a result of the R3 – Medium Density Residential rezoning.
- The R3 – Medium Density Residential zone does not permit car parking. However a car park will be constructed within the proposed R3 – Medium Density Residential zone, which will not necessarily be provided as part of the residential accommodation. This car park will also contribute to the broader Narellan Town Centre.

Considering much of the Elyard Gardens site is contaminated, the possibility of underground car parking is severely limited. Therefore *Clause 5.3 Development near zone boundaries* would be used to ensure car parking can be provided at grade within the R3 zone. This will ensure that the development contributes to the demand for car parking as a result of the Narellan Town Centre expansion.

- The B2 – Local Centre zone does not permit residential accommodation, only shop top housing. *Clause 5.3 Development near zone boundaries* will be used to ensure that the R3 – Medium Density Residential zone can be implemented 50 metres from the zone boundary line on to the B2 - Local Centre zone. This will provide flexibility by ensuring residential accommodation can be made permissible on more of the site.

Key Planning Issues

Proposing to allow residential accommodation on the Elyard Gardens site requires consideration of contamination and traffic, access and parking.

The subject site was previously used as a rubbish tip which has resulted in part of the Elyard Gardens site being contaminated. This issue is being addressed separately from this planning proposal. A remediation report has been prepared by the applicant which will be implemented subject to development consent.

The developers have lodged a Stage 1 development application for part of the Elyard Gardens Site. The master plan indicates that a half road will be constructed from Elyard Street to the rear of the site. It is also proposed to extend Frances Street along the rear of the site which will connect to the half-road.

Given the uncertainty at this stage regarding whether Council will proceed with permitting residential accommodation on the land, it is not desirable for the applicant to incur the cost of planning studies addressing these issues at this time. Instead it is proposed that should Council be willing to provide 'in principle' support for residential accommodation, then the Planning Proposal will be forwarded to the DPI for Gateway Determination. If the Planning Proposal receives a favourable outcome, the planning

This is the report submitted to the Ordinary Council held on 13 December 2011 - Page 5



study will then be undertaken to address the traffic, access and parking issues relevant to the site. The cost of preparing planning studies is to be borne by the applicant.

CONCLUSION

By undertaking a planning proposal to allow residential accommodation as a permissible use on the subject land, Council will be correcting an anomaly in Camden LEP 2010 in relation to the Elyard Gardens site in Narellan.

The Camden LEP 2010 was intended to be a 'status quo' planning instrument that would adopt the standard template under the Camden LEP 2010 format. The intention of this planning proposal would be to reinstate the previously permissible use.

Permitting residential accommodation would allow development of the Elyard Gardens site in accordance with the vision established in 2004. It would also provide significant improvements to the appearance of the site and provide a boost to the Narellan Town Centre area environmentally, economically and socially.

RECOMMENDED

That Council:

- supports the planning proposal to allow residential accommodation as a permissible use on part of the Elyard Gardens site.**
- ii. forward the Elyard Gardens Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;**
- iii. subject to receiving a favourable Gateway Determination, require the applicant to bear the cost of undertaking any required planning studies;**
- iv. place the Planning Proposal on public exhibition for 28 days subject to receiving Gateway Determination giving approval to proceed;**
- v. report back to Council at the conclusion of the public exhibition to allow further consideration of the proposal and any submissions that may have been received.**

ATTACHMENTS

1. Applicant Planning Proposal Submitted to Council for Elyard Garden
2. Concept Masterplan for Elyard Gardens
3. Camden Council Planning Proposal for Elyard Gardens

ORD05

**Annexure "C"
Applicable Section 117 Direction –
Compliance Checklist**

Attachment 2

Applicable Section 117 Directions – Compliance Checklist

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
<p>1 Employment and Resources 1.1 Business and Industrial Zones</p>	<p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. 	<p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of Planning, or (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the 	<p>If the Department would consider inserting a new Additional Permitted Use clause within Schedule 1 of Camderi LEP 2010, then the amount of Business zone land available in the Narellan Town Centre would remain unchanged.</p> <p>However, this planning proposal includes reducing the amount of business zone in the Narellan Town Centre area. It has been considered that this will not have a detrimental impact on the nature of the locality.</p> <p>Instead the proposed R3 Medium Density Residential zone will contribute and enhance the remaining existing Business zone in the</p>

Attachment 2 **ORD05**

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments ('Y, N, N/A')
<p>3. Housing, Infrastructure and Urban Development 3.1 Residential Zones</p>	<p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements 	<p>objective of this direction, or (d) of minor significance.</p>	<p>Narellan Town Centre. This proposed zoning also permits retail premises which will positively increase the economic viability in terms of employment uses and related public services that may become available in the Town Centre.</p>
	<p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <ul style="list-style-type: none"> (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <ul style="list-style-type: none"> (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements 	<p>(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <ul style="list-style-type: none"> (a) justified by a strategy which: <ul style="list-style-type: none"> (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and (iii) is approved by the Director-General of the Department of 	<p>This planning proposal is seeking to allow residential accommodation on part of Lot 6 Deposited Plan 812672, which forms part of the Elyard Gardens site. The housing proposed for the site will include a variety of 1, 2 and 3 bedroom apartments. This will ensure the Narellan Town Centre is used more efficiently in terms of existing infrastructure and services, be of a good design and provide affordable housing. It</p>

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	<p>satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	<p>Planning, or justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(d) of minor significance.</p>	<p>will also contribute to creating a diverse Town Centre which is economically and socially sound and promote activity. Therefore this planning proposal is consistent with this direction.</p>
<p>3.4 Integrating Land Use and Transport</p>	<p>(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(a) justified by a strategy which:</p> <p>(i) gives consideration to the objective of this direction, and</p> <p>(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and</p> <p>(iii) is approved by the Director-</p>	<p>This planning proposal aims to allow residential accommodation on the site. This in turn will support the aims, objectives and principles within the guidelines and policy stated under this direction. Therefore this planning proposal is seen to be consistent with this direction.</p>

Attachment 2 ORD05

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
		General of the Department of Planning, or (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or (d) of minor significance.	
4 Hazard and Risk 4.2 Mines Subsidence and Unstable Land	(4) When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must: (a) consult the Mine Subsidence Board to ascertain: (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and (b) incorporate provisions into the draft	(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are: (a) justified by a strategy which: (i) gives consideration to the objective of this direction, and (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates	The lands are within a Mines Subsidence District. Approval has been granted by the Board to the current approval which has lapsed. As such it is unlikely that the Board would object to this planning proposal.

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments (Y, N, N/A)
	<p>Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(i), and</p> <p>(c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p> <p>(5) A planning proposal must not permit development on unstable land referred to in paragraph 3(b).</p>	<p>to a particular site or sites), and is approved by the Director-General of the Department of Planning, or</p> <p>(iii) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or</p> <p>(b) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or</p> <p>(c) of minor significance.</p> <p>(d)</p>	
<p>5 Regional Planning</p> <p>5.1 Implementation of Regional Strategies</p>	<p>(4) Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</p>	<p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the regional strategy:</p> <p>(a) is of minor significance, and</p>	<p>The planning proposal is consistent with regional strategies. Refer to comments above in the planning proposal document.</p>

Attachment 2 **ORD05**

Direction	What the relevant planning authority must do if this direction applies	Consistency	Comments ('Y, N, N/A)
<p>7 Metropolitan Planning</p> <p>7.1 Implementation of the Metropolitan Strategy</p>	<p>(4) Planning proposals shall be consistent with:</p> <p>(a) the NSW Government's Metropolitan Strategy: <i>City of Cities, A Plan for Sydney's Future</i>, published in December 2005 ('the Metropolitan Strategy').</p>	<p>(b) the planning proposal achieves the overall intent of the regional strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.</p>	
		<p>(5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Strategy:</p> <p>(a) is of minor significance, and</p> <p>(b) the planning proposal achieves the overall intent of the Strategy and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.</p>	<p>The subject land is not identified in the Metropolitan Strategy, but is located on the fringe of the Camden CBD. This proposal is consistent with this Strategy as it meets the needs of existing and future residents (refer to comments above in the planning proposal).</p>

ORD05

Attachment 2

ORD05

Attachment 3

Property (planning) no: Picton
 Out reference: FN81-02391P0 DB:KR
 Your reference: Elyard Gardens Amendment No. 11
 Contact: Darren Bullock (02) 4677 1967

Camden Council
 Attn: Kate Speare
 DX 25807
 CAMDEN



6 March 2012

Dear Sir or Madam

ENQUIRY NO: TENQ12-03686P2
PLANNING PROPOSAL – ELYARD GARDENS (AMENDMENT NO.11)

This property is located within a proclaimed Mine Subsidence District. The purpose of a District is to prevent damage through surface development controls that take account of the risk of damage by subsidence from old, current and future mining.

As a guide to persons intending to erect improvements on this property, the Board has adopted the following surface development guidelines and will consider applications for:

1. Single or two storey timber or steel framed improvements clad with weatherboards or other similar materials erected on reinforced concrete footings and/or slabs to comply with AS 2870.
2. Single or two storey brick veneer improvements erected on reinforced concrete footings and/or slabs to comply with AS 2870.
3. Up to six (6) storey steel framed improvements clad with masonry or steel or tilt up slab construction designed in accordance with the relevant codes and standards.

Architectural plans submitted to the Mine Subsidence Board for approval must show the location and detailing of articulation/control joints in brickwork to comply with the requirements of the Building Code of Australia and best building practices.



NEWCASTLE

Ground Floor
 NSW Government Offices
 117 Butt Street
 Newcastle West 2302
 PO Box 488G Newcastle 2300
Telephone: (02) 4908 4300
 Facsimile: (02) 4929 1032
 DX 4322 Newcastle West

PICTON

100 Angley Street
 Picton 2571
 PO Box 40 Picton 2571
Telephone: (02) 4677 1967
 Facsimile: (02) 4677 2040
 DX 26053 Picton

SINGLETON

The Central Business Centre
 Unit 6, 1 Pitt Street
 Singleton 2330
 PO Box 524 Singleton 2330
Telephone: (02) 6572 4344
 Facsimile: (02) 6572 4504

WYONG

Suite 3 Feldwin Court
 30 Hely Street
 Wyong 2259
 PO Box 157 Wyong 2259
Telephone: (02) 4352 1646
 Facsimile: (02) 4352 1757
 DX 7317 Wyong

HEAD OFFICE

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G 96 (Auto) Oct 2007

PUTTING SERVICE AND THE NEEDS OF PEOPLE FIRST

File No: FN81-02391P0

If you intend to subdivide or to alter or build improvements on this property, you need Mine Subsidence Board approval. During planning and design of proposed improvements, applicants should consult with our staff.

Yours faithfully



Darren Bullock
District Manager, Picton



ORD06

ORDINARY COUNCIL

ORD06

SUBJECT: COUNCIL SEAL - RELEASE OF EASEMENTS - BELMONT AVENUE AND HAMPSHIRE BOULEVARDE, SPRING FARM

FROM: Director Governance

BINDER: Council Properties - Easements

PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to a plan of subdivision and associated 88B instrument for the removal of two easements to drain water benefiting Council.

MAIN REPORT

Previous stages of the Spring Farm development created two drainage easements in Belmont Avenue and Hampshire Boulevarde, Spring Farm. These easements were created to drain Belmont Avenue through the lots to the drainage reserve. The easements are indicated in Deposited Plan 1137378, **as shown in Attachment 1 to this report.**

As a result of drainage works being constructed along the extension of Belmont Avenue and future road alignments to the drainage reserve, the easements have now become redundant in their current form and a new easement will be created upon registration of the plan of subdivision for Stages 3A and 3B. The easement to be created is indicated in the draft plan of subdivision, **as shown in Attachment 2 to this report.**

Council's rights to drain from Belmont Avenue to the drainage reserve will be maintained under the creation of the new easement.

As the release of the subdivision removes the two easements that benefit Council, the Council Seal must be affixed to the plan of subdivision and associated 88B instrument in order for registration with the Land and Property Information Authority.

Council officers are currently assessing the subdivision and the plan will need to be signed under Council Seal upon release of the Subdivision Certificates.

This is a procedural requirement and Council staff have investigated the existing and proposed easements and are satisfied all legislative requirements have been met.

RECOMMENDED

That the Council seal be affixed to the Plan of Subdivision and Section 88B Instrument of Lot 94 DP 1142381 and Lot 2301 DP 1137378 for the removal of two (2) drainage easements associated with Stages 3A and 3B Spring Farm, upon the release of the Subdivision Certificates.

ATTACHMENTS



-
1. Location Plan
 2. Current Deposited Plan 1137378
 3. Plan to be Registered

ORD06

ORD06

Attachment 1



Site Plan showing location of Easements

This map has been prepared from Council records by the Land Information section. If you intend to rely on this information you should have this verified.

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Scale: 1:6200

Printed Date: 04/04/12



ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: COUNCIL SEAL - EASEMENT FOR PADMOUNT SUBSTATION - CHARLES MOORE RESERVE, MOUNT ANNAN

FROM: Director Governance

BINDER: Council Properties - Easements

PURPOSE OF REPORT

To obtain a resolution to affix the Council Seal to a Transfer Granting Easement and related documentation for the acquisition and creation of an easement for an Endeavour Energy padmount substation.

MAIN REPORT

Council is the owner of Lot 2082 DP 1000787 Mount Annan Drive, Mount Annan, Charles Moore Reserve.

Endeavour Energy has identified Charles Moore Reserve as a site to install a new padmount substation and underground cables to alleviate electricity supply problems customers are experiencing in that area. The new substation will strengthen the reliability of electricity supply in the area by relieving the load on an existing padmount substation, located nearby, which is currently overloaded in times of peak load demand.

Council staff met with Endeavour Energy representatives on site to determine the exact location of the easement and to ensure minimal impact on the reserve. Agreement has been reached with Endeavour Energy on these issues and staff have no objection to the location of the padmount substation and easement.

The land in question is classified as "community" land under the Local Government Act 1993 and, as such, Council is permitted to grant easements for the provision of public utilities and works associated with public utilities. The easement would fall into this category.

In order for the work to proceed, Endeavour Energy must obtain the consent of the property owner to the proposed works and negotiate the creation of an easement in order to protect the assets.

Endeavour Energy has submitted an offer of compensation of \$10,040 plus GST to Council for the grant of the easement. This is in line with the compensation amount that Council has received in relation to other easements of this type. In addition, Endeavour Energy have undertaken in writing to cover all costs associated with the creation of the easement and will be required to reinstate the land, as nearly as practicable, to its original condition and to the satisfaction of Council.

This is a procedural requirement in order to obtain Council approval for the easement and authorisation to affix the Council Seal to the necessary documentation to allow the registration at the Land and Property Information Division.

ORD07

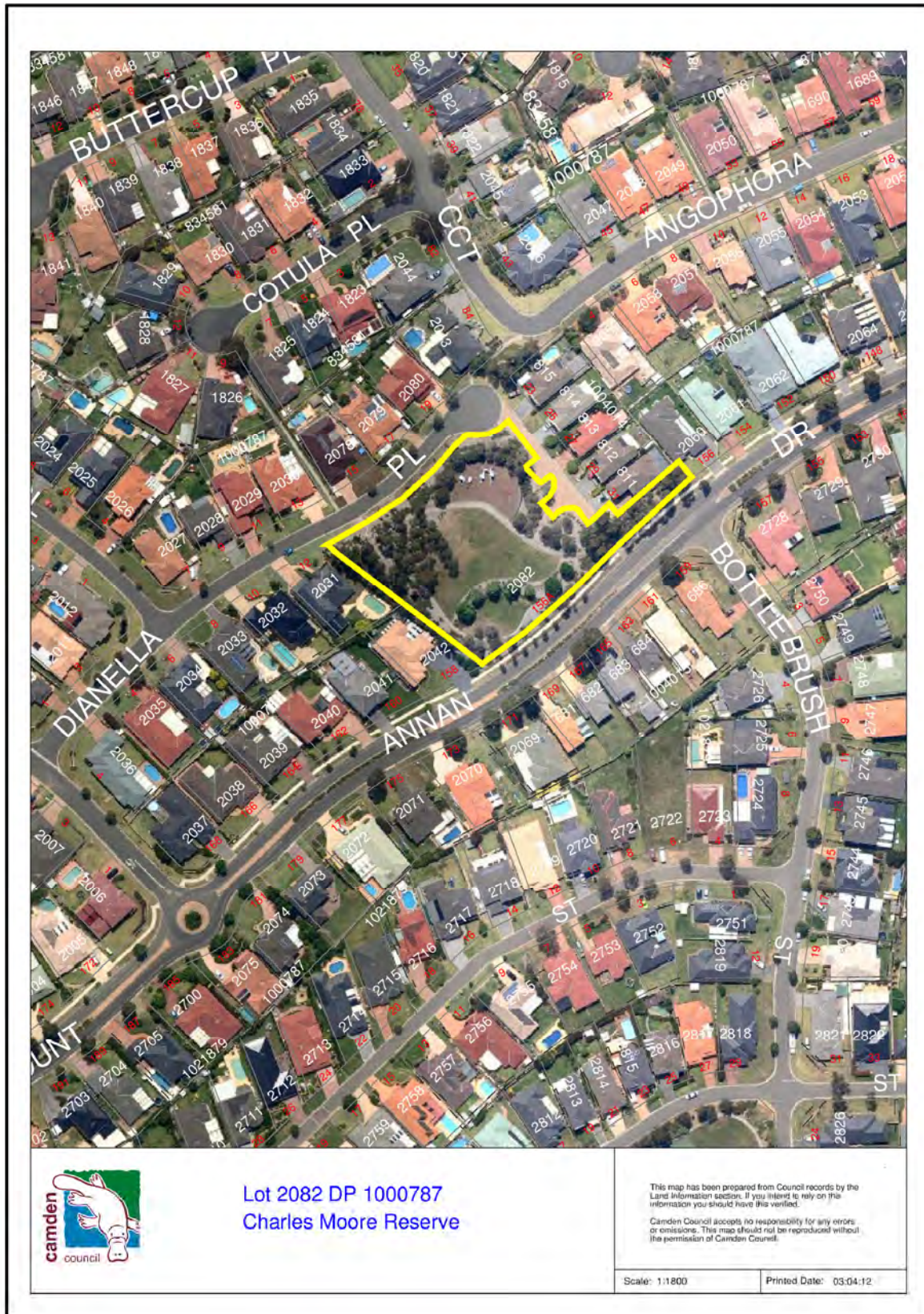
RECOMMENDED

That Council:

- i. approve the grant of easement for the purpose of providing a padmount substation and underground electricity cables through Lot 2082 DP 1000787 (Charles Moore Reserve) Mount Annan Drive, Mount Annan.**
- ii. authorise the affixing of the Council Seal to the Transfer Granting Easement and any other relevant documentation to create the proposed easement.**

ATTACHMENTS

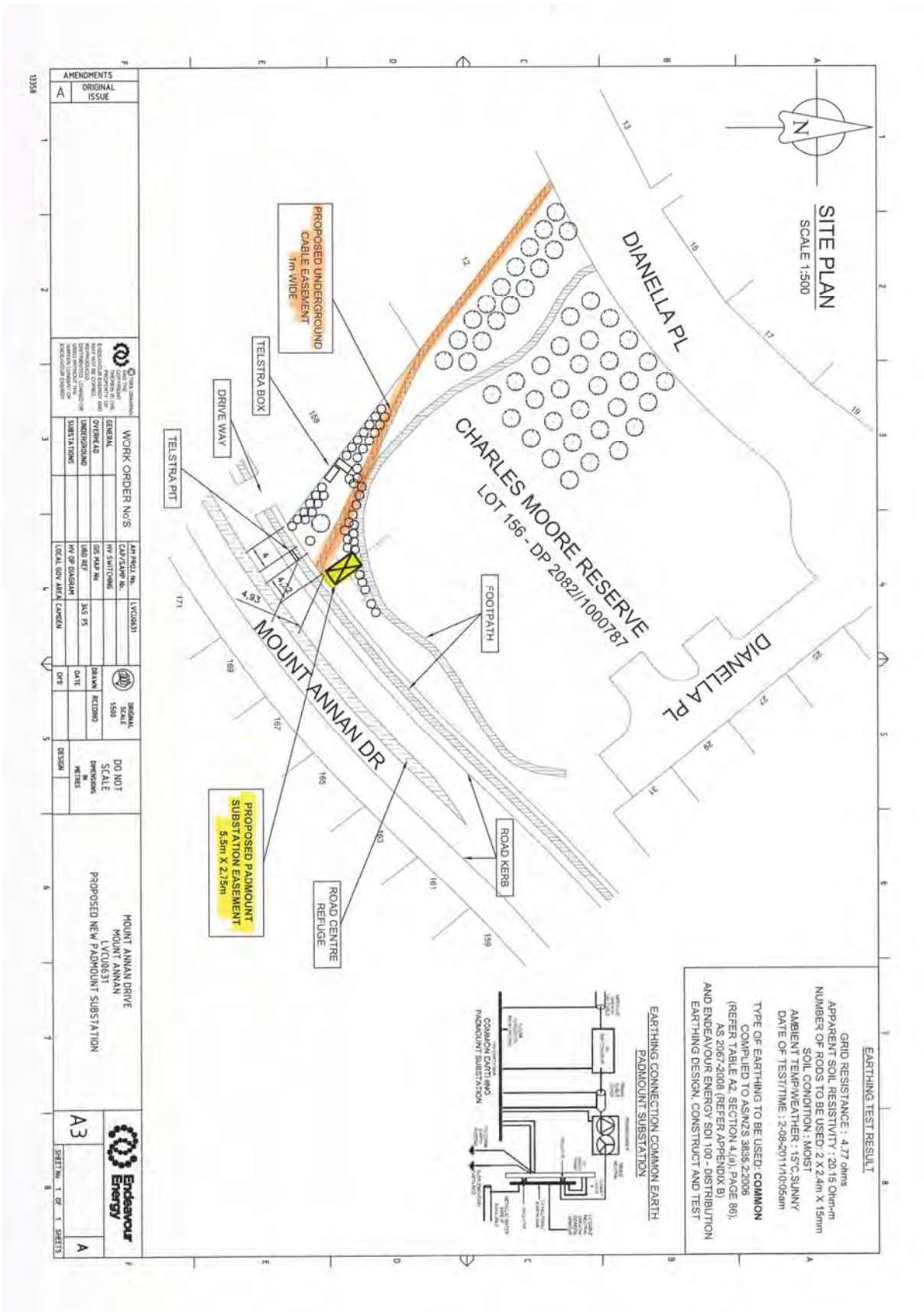
- 1. Location plan**
- 2. Plan showing location of easement**



ORD07

Attachment 1

ORD07 Attachment 2





ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: INDEPENDENT CONDUCT REVIEW PANEL
FROM: General Manager
BINDER: Conduct Review Panel

PURPOSE OF REPORT

To advise Council of the resignation of one member of the Council's Independent Conduct Review Panel and to seek the appointment of alternate members.

BACKGROUND

In accordance with section 440 of the Local Government Act, Council is required to adopt a Code of Conduct. Incorporated within Council's Code of Conduct is provision for the appointment of members to a review panel to act either as independent conduct reviewers or jointly as an independent conduct review committee.

In conjunction with the other Macarthur region Councils, Camden Council participated in a regional call for expressions of interest in 2008 for the appointment of Conduct Review Panel members. As a result, Messrs Barry Daley, Ray Patterson and Robert Rofe were appointed at that time. Mr Rofe has since resigned from the Panel and it is now necessary to appoint a replacement member. Having only three appointed members has presented some minor difficulties in the recent past when one member is unavailable. For that reason it is proposed to appoint two additional members for the sake of flexibility.

MAIN REPORT

Given that the original process for the appointment of members of the Conduct Review Panel was undertaken on a regional basis, enquiries have been made of the other Macarthur Councils and it has been determined that Campbelltown Council has since appointed additional members to its Panel. An expression of interest and outline of qualifications was subsequently sought from those parties with a view to assessing their suitability for addition to the Panel.

Chris Gough and Ian Woodward are partners in the legal firm of Storey and Gough. They are both qualified solicitors with longstanding experience in local government matters and have acted for a number of Councils as conduct reviewers. They both have considerable experience in a range of conduct reviews and are highly recommended by the General Managers of a number of Councils for which they have undertaken reviews. Copies of the CVs of the applicants have been provided separately to Councillors.

It will be necessary to review the appointment of conduct reviewers after the September general election and it is also noted that the NSW Division of Local Government is currently conducting a full review of the conduct provisions of the Local Government Act. The status of that review and the broad terms of a revised code have previously been reported to Council.

CONCLUSION

ORD08

It is proposed to replace a retiring member of the Independent Conduct Review Panel with two additional members to provide some flexibility for the commissioning of either a Conduct Review Committee or individual Conduct Reviewers for the duration of this Council term.

RECOMMENDED

That Council:

1. **appoint Christopher Gough and Ian Woodward as members of Council's Conduct Review Panel until such time as the calling of fresh expressions of interest early in the new term of the Council.**
2. **accept the resignation of Robert Rofe from the Panel and thank him for his contribution.**