



ORDINARY COUNCIL

ORD06

SUBJECT: PROGRESS REPORT - OPTIONS TO REDUCE LAND USE CONFLICT AT LITTLE STREET, CAMDEN

FROM: Director Planning and Environment

TRIM #: 18/253688

PREVIOUS ITEMS: ORD14 - Notice of Motion - Little Street, Camden - Ordinary Council - 13 Jun 2017 6.00pm
 ORD06 - Options to reduce land use conflict at Little Street, Camden - Ordinary Council - 12 Sep 2017 6.00pm

PURPOSE OF REPORT

The purpose of this report is to update Council on the progress of Council's resolution of 12 September 2017, *Options to reduce land use conflict in Little Street, Camden*.

This report also seeks Council's endorsement to exhibit a draft amendment to the Camden Development Control Plan 2011 (Camden DCP) – Little Street Precinct.

BACKGROUND

On 12 September 2017, Council considered a report outlining options to reduce land use conflict at Little Street Camden, following concerns raised by residents regarding heavy vehicle movements, traffic, parking, noise and the scale of development in the area. The report is included as an **attachment**.

At that time, Council resolved to:

- i. *continue to work with local industry in Little Street, Camden to work through land use conflict issues and to ensure conditions of development consent are being complied with;*
- ii. *investigate the preparation of a neighbourhood charter for Little Street;*
- iii. *investigate the preparation of site specific DCP controls for Little Street as part of the comprehensive review of the Camden DCP 2011;*
- iv. *investigate the inclusion of a new LEP clause for industrial development adjacent to residential uses as part of Phase 2 of the comprehensive review of Camden LEP 2010;*
- v. *investigate the zoning of Little Street as part of Phase 2 of the comprehensive review of Camden LEP 2010; and*
- vi. *provide a report on the progress of this item in 12 months.*

Councillors were provided with a briefing on this matter on 14 August 2018.

MAIN REPORT

Working with local industry to minimise land use conflict

Over the last 12 months, Council officers have continued to monitor compliance with DA conditions, liaised with business operators and residents, and investigated complaints from residents.

Preparation of a Neighbourhood Charter

Little Street Precinct Workshop

On 1 August 2018, Council officers held a workshop with business owners, operators and residents to identify concerns and possible solutions to current land use issues in Little Street. Approximately 25 people attended the workshop, which was facilitated by an independent consultant.

The key matters raised in the workshop include:

- Concern regarding vehicle movement by trucks;
- Concern regarding parking, pedestrian safety, and noise from trucks; and
- The need for businesses to continue to operate and grow.

The key short term actions discussed include:

- Traffic monitoring to report on truck movements;
- Noise monitoring; and
- Investigation of possible traffic calming measures.

Next Steps

Council officers will undertake traffic and noise monitoring to collect data on truck movements and noise emissions from vehicles using Little Street. The results of this monitoring will provide evidence to inform the preparation of a Neighbourhood Charter.

Site Specific DCP Controls

Council officers have investigated and prepared draft controls for inclusion in the Camden DCP that address the potential land use conflict in Little Street. The draft controls (provided as an **attachment** to this report) seek to minimise the impact of industrial developments and uses on residents.

The objectives of the draft controls include:

- To ensure the use and development of industrial land does not have an unacceptable detrimental impact on the amenity of the surrounding residential area;
- To ensure the bulk and scale of development is in keeping with the mixed use character of the area;
- To recognise the significance of light industry in this location and minimise any adverse impacts of industry on other land uses; and
- To ensure that land use conflicts are appropriately managed.



Theme	Summary of draft Controls
Operations	Limit the maximum length of vehicles accessing properties in Little Street to 12.5m. Limit the hours of operation for development opposite or adjacent to residential development to between 7.30am and 5.30pm Monday to Saturday (no operation permitted on Sundays).
Building Design	Require a minimum side setback for new industrial developments adjacent to a dwelling of 2 metres; Restrict height to 4.5 metres at the rear (for the first 6m) where an industrial development backs onto an existing residential use; and Require landscaping to soften the impact of the development to neighbouring lots.
Amenity	Require new industrial developments adjacent to a dwelling to provide appropriate solar access to the dwellings.
Vehicle body repair workshop	Limit consent for vehicle body repair shops adjoining residential dwellings (appropriate arrangements are to be made to store all vehicles awaiting or undergoing repair).

Table 1 – Summary of draft DCP controls

It is noted that the DCP controls will apply to Development Applications only and will not form part of the assessment of Complying Development Certificates under the Exempt and Complying SEPP.

Next Steps

Subject to Council endorsement, the draft DCP will be exhibited for 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000*. Letters will be sent to affected landowners, residents and businesses (including those who attended the workshop).

A report will be submitted back to Council detailing the results of the public exhibition.

Comprehensive LEP Review

At its meeting on 26 June 2018, Council resolved to participate in the Accelerated LEP Review Program for Camden LEP 2010. Council is committed to undertaking this work within a two year timeframe, concluding in June 2020.

The scope of the project is to review the Camden LEP 2010 against the relevant actions in the Western City District Plan. This will include the preparation of a local housing strategy and review of employment lands.

As part of this work, Council will investigate long term solutions to reduce land use conflict in Little Street, including reviewing the appropriateness of the current zoning and investigating the inclusion on specific LEP clauses to address industrial development adjacent to residential uses.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

Council officers have liaised with business owners, operators and residents within Little Street, including holding a workshop to discuss current issues and possible solutions.

Feedback received at the workshop has identified the need to undertake monitoring of vehicle traffic and noise emissions in the area and to investigate traffic calming options. The results of the noise and traffic monitoring will inform the preparation of a Neighbourhood Charter.

Draft DCP controls have been prepared to assist in managing the land use conflict in Little Street and ongoing concerns raised by residents. Subject to Council endorsement, these draft controls will be placed on public exhibition.

Furthermore, as part of the current review of the Camden LEP, Council will investigate longer term options which may include rezoning of land within Little Street and/or the introduction of specific clauses within the LEP.

RECOMMENDED

That Council:

- i. note the progress as outlined in the report;**
- ii. endorse the proposed amendment to the Camden Development Control Plan 2011 (draft DCP) to be publicly exhibited for 28 days in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*;**
- iii. note that a further report will be provided outlining the results of the public exhibition of the draft DCP and the traffic and noise monitoring.**

ATTACHMENTS

1. Draft DCP Controls for Little Street
2. Previous Council Report - 12 September 2018

**DRAFT AMENDMENT TO CAMDEN DEVELOPMENT CONTROL PLAN 2011 –
SITE SPECIFIC CONTROLS FOR LITTLE STREET, CAMDEN**

The draft amendment to Camden DCP 2011 has been prepared for the purposes of initial Council endorsement and public exhibition. The following amendments are proposed:

- Insert draft site specific controls for Little Street (outlined below) into Part D4.5 – Site Specific Industrial Controls (creation of new subsection D4.5.4).
- Update Table of Contents
- Update Part D – Figures

D4.5.4 Little Street Camden Zone IN2 Light Industrial Land

Background

The Little Street industrial area is zoned light industrial under the Camden Local Environmental Plan 2010 and is made up of some residential uses, industrial uses and community type uses. This section applies to land zoned IN2 Light Industrial on Little Street, Camden as shown in Figure 56a. The land zoned light industrial is adjacent to the Camden Heritage Conservation Area. The broader precinct is also unique with an array of uses, such as mixed uses, detached dwellings, multi-dwelling housing, medical services, a NSW Ambulance station, rural uses and the Camden Hospital.

The below controls were developed with the aim of reducing the impact of new industrial developments on existing residential properties within Little Street and the surrounding area.

This section must be read in conjunction with D4.1 General Industrial Controls. In the event of any inconsistency between D4.1 and this section, the below controls prevail.

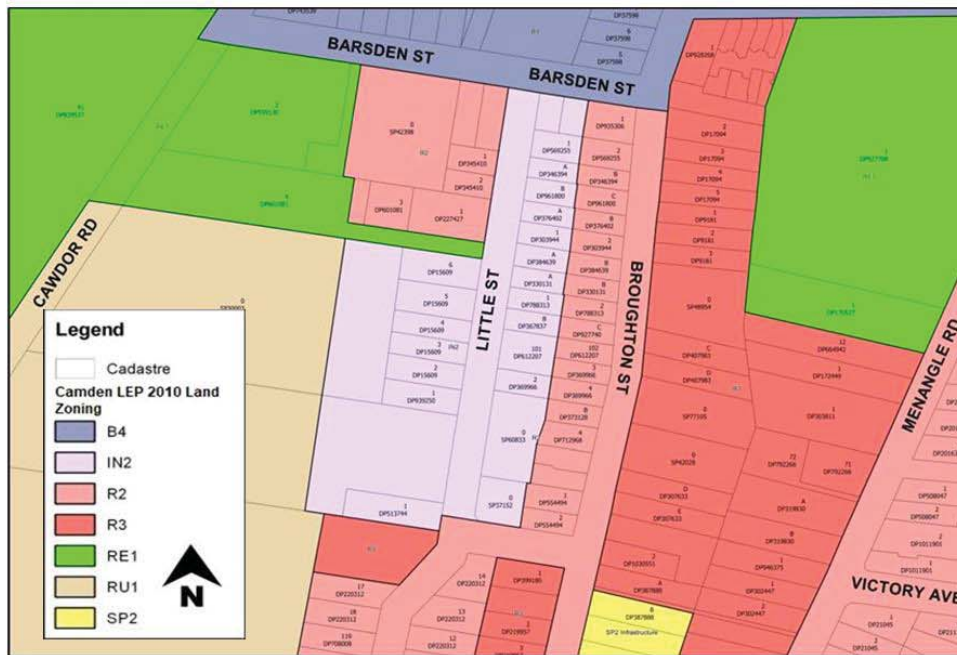


Figure 56a: Little Street Camden IN2 Light Industrial Land

Objectives

1. To ensure that the use and development of the industrial land does not have an unacceptable detrimental impact on the amenity of the surrounding residential uses.
2. The bulk and scale of development must be in keeping with the mixed use character of the locality.
3. To recognise the significance of light industry in this location and minimise any adverse impacts of industry on other land uses.
4. To ensure that land use conflicts are appropriately managed.

Operations

1. Details of the proposed operation including, mechanical operations, deliveries, vehicle movements, acoustic impacts and hours of operation must be provided for all development.
2. The maximum length of vehicles accessing properties from Little Street must not be longer than 12.5m.
3. The maximum permitted hours of operation (including deliveries) for development opposite or adjacent to residential development are between the hours of 7:30 am to 5:30 pm Monday to Saturday with no operation permitted on Sundays.
4. Where development is opposite or adjacent to a dwelling:
 - There must be no operations on public holidays.
 - Proposals to operate outside these hours will be required to demonstrate there will be no adverse impacts on adjoining dwellings.
 - Loading and unloading time is not to impact on the amenity of a dwelling. Schedules of vehicle movements and their routes are to be provided in the development application.

Building design

5. A minimum 2 metre side setback is required for industrial development adjacent to an existing dwelling. Landscaping is to be used to soften the impact of the development to neighbouring lots.
6. For industrial development which shares a common boundary with an existing dwelling, a minimum rear setback of 6 metres is required for any part of a building above 4.5 metres in height. It must be demonstrated that there will be no adverse impacts on adjoining dwellings from the operation of the use within the rear setback and controls 7 and 8 within this section are complied with.

Amenity

7. Direct sunlight must reach at least 50% of the PPOS of any adjoining dwelling, for not less than 3 hours between 9:00am and 3:00pm on 21 June.
8. At least one window to a living area of a dwelling on a neighbouring property must receive a minimum 3 hours of sunlight between 9:00am and 3:00pm on 21 June.

There may be circumstances where existing solar access on neighbouring properties will not be able to be retained due to:

- Existing living areas of neighbouring properties being inappropriately located with regard to solar access;
- Existing site topography;
- Existing shadowing from other buildings, dwellings, structures and trees; and
- Orientation of existing lots

NOTE: All proposed developments must comply with Councils Acoustic Amenity controls within this DCP. Applications must comply with the NSW EPA *Noise Policy for Industry (2017)*, or any other applicable policies. Council may require the submission of an Acoustic Report to support the development application.

Vehicle body repair workshops and vehicle repair station

9. Council must not grant consent to development for the purpose of a vehicle body repair workshop or a vehicle repair station, if the land adjoins a dwelling, unless appropriate arrangements are made to store all vehicles awaiting or undergoing repair, awaiting collection, or otherwise involved with the development on the site of the proposed development, and they will be stored either:
 - Within a building, or,
 - Within a suitably screened area.



ORDINARY COUNCIL

ORD06

SUBJECT: OPTIONS TO REDUCE LAND USE CONFLICT AT LITTLE STREET, CAMDEN

FROM: Director Planning & Environment

TRIM #: 17/205421

PREVIOUS ITEMS: ORD14 - Notice of Motion - Little Street, Camden - Ordinary Council - 13 Jun 2017 6.00pm

PURPOSE OF REPORT

The purpose of this report is to outline options to reduce land use conflict in Little Street, Camden as resolved through a Notice of Motion on this issue at the meeting of 13 June 2017.

BACKGROUND

On 13 June 2017, Council resolved that:

- i. *the General Manager or his nominee, prepare a report for Councillors into possible solutions to reduce conflict between these zones as required by the objectives contained within the Camden Local Environmental Plan 2010 Land Use Table.*
- ii. *the report be completed and submitted to Council no later than three months from this meeting.*

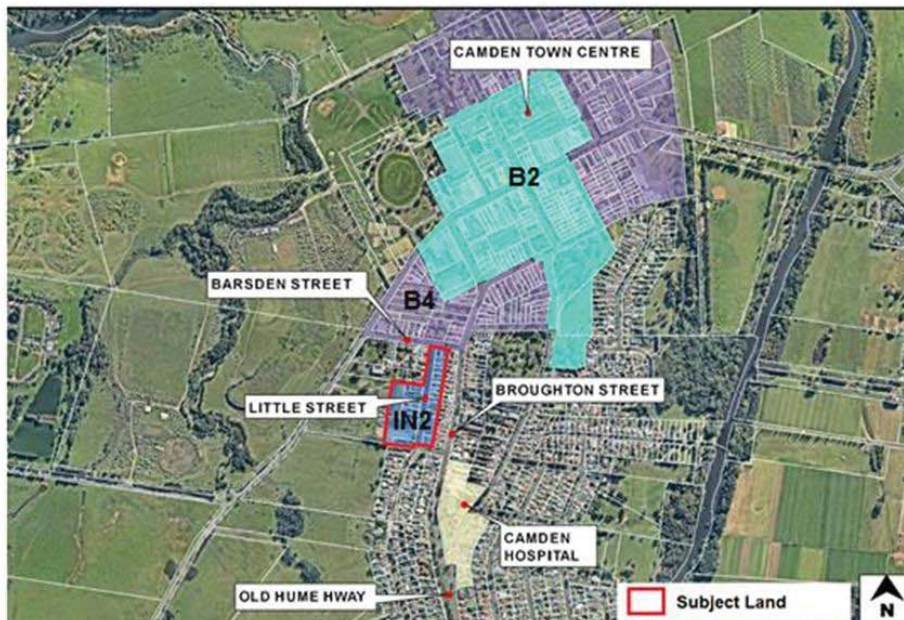


Figure 1 – Little Street, Camden – Location Map

This is the report submitted to the Ordinary Council held on 12 September 2017

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Little Street is located approximately 0.5km south of the Camden Town Centre and is within close proximity to the Camden Hospital (refer to **Figure 1**). The precinct is located approximately 7km from Smeaton Grange, Camden's largest industrial area.

Zoned under the Camden Local Environmental Plan 2010 (Camden LEP 2010), Little Street is made up of a number of zones including IN2 Light Industrial, R2 Low Density Residential, and R3 Medium Density Residential (refer to **Figure 2**). To the rear of the lots on the western side of Little Street is an area of RU1 Primary Production zoned land. The RU1 boundary is broadly consistent with the 1 in 100 year flood line.

Little Street precinct contains 24 lots zoned IN2 Light Industrial, the remaining 35 lots are zoned for residential purposes. Of the 24 industrial lots, 16 lots have residential uses on them, one lot has been issued with development consent (June 2017) for the construction of an industrial development, and the remaining seven lots are used for a range of industrial and urban services uses.

A number of residents in the area have expressed concern regarding land use conflict in the area and that the objectives of the IN2 Light Industrial zone are not being met. There are specific concerns about traffic and parking, pedestrian safety, noise, the scale of development, and heavy vehicle movements.

Councillors were briefed on this matter on 15 August 2017.

MAIN REPORT

History of Zoning

Prior to Camden LEP 2010, the industrial land in Little Street was zoned 4(b) Service Industrial under Camden Local Environmental Plan No 46 (Camden LEP 46), gazetted in 1989.

In response to the standardised LEP template introduced by the NSW Government in 2006, Camden LEP 2010 was adopted, repealing Camden LEP 46 on 3 August 2010.

Given the standardisation of zones and permissible uses within the new LEP template (Camden LEP 2010), Council applied the zone that was the closest equivalent to the previous 4(b) Service Industrial zone. The IN2 Light Industrial zone was considered to be the 'best fit' zone and encouraged a wide variety of light industrial, warehouse and related land uses.

The objectives of the IN2 Light Industrial zone in the Camden LEP 2010 include:

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

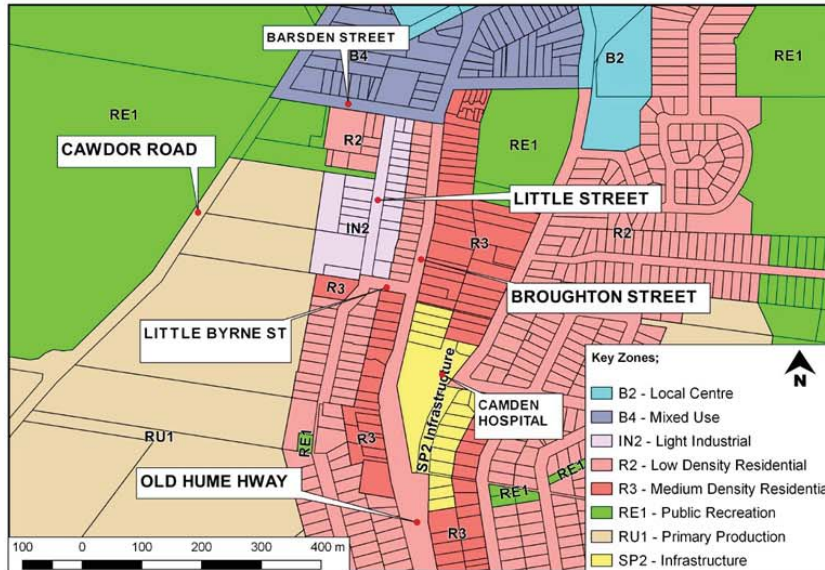


Figure 2 – Little Street – Existing zoning (Source – Camden LEP 2010)

Residential accommodation is prohibited in the IN2 Light Industrial zone under the Camden LEP 2010.

Under Camden LEP 46, the only form of residential accommodation permissible was a dwelling house used in conjunction with industry and situated on land on which such industry was conducted.

The existing dwellings within the IN2 zoned land enjoy 'existing use rights'. Uses that demonstrate 'existing use rights' can continue to operate provided the nature of the use remains continuous and the same.

Options to reduce land use conflict in Little Street

There are a number of options available to Council to reduce and investigate land use conflict between the industrial and residential uses in Little Street.

Option 1 - Consultation and enforcement

Ongoing surveillance and enforcement in and around Little Street, to ensure that conditions of development consent are complied with (for example, restrictions on truck size and loading areas).

This action has had positive results, and it is considered that ongoing consultation and enforcement will help to further alleviate any negative impacts on residents in the area.

The following actions are suggested:

- Continue working with local industry to work through specific issues and to ensure conditions of development consent are being complied with; and



- Continue patrols of Little Street and the surrounding area. Where there is non-compliance, Orders and fines could be issued in accordance with Council's Compliance and Enforcement Policy.

Option 2 - Prepare a 'good neighbour charter'

A 'good neighbour charter' could be developed in conjunction with local industry and residents through a community workshop.

The charter would seek a commitment from all parties (including Council) to communicate and be responsive to neighbour concerns, and proactively resolve any issues.

Whilst not legally binding, a 'good neighbour charter' would promote a collaborative approach and encourage parties to keep communication lines open.

Option 3 – Review the Camden Development Control Plan 2011 (Camden DCP 2011)

Council could investigate the inclusion of specific controls for future development in Little Street within the Camden DCP 2011, such as limited hours of operation, limiting truck sizes / movements, noise etc. These controls would apply when a DA is lodged for development in Little Street.

It is noted however that State Environmental Planning Policy - Exempt and Complying Development Codes 2008 (Codes SEPP) would continue to apply. Under the Codes SEPP, a person can apply for a complying development certificate (CDC), in which case the controls in the Code SEPP override the Camden DCP 2011.

Option 4 – New LEP Clause – industrial development adjacent to residential uses.

Council could investigate the inclusion of a new clause in the Camden LEP 2010 which would require development applications for industrial development adjacent to residential uses to take into consideration specific matters such as height, scale, siting, character, screening, storage of plant equipment, noise generation, hours of operation, traffic and parking.

Any amendment to the Camden LEP 2010 would require a Planning Proposal and approval by the Department of Planning and Environment (DPE). The clause would be a local provision and Council would need to work with DPE to ensure the clause could be supported.

Option 5 – Review zoning

A review of zoning would require Council to undertake detailed strategic analysis to ensure there is planning merit and to understand the potential impacts, including loss of employment land, flooding, and net community benefit. In addition, studies such as contamination and traffic, would need to be prepared to examine whether the land is suitable for an alternate use, such as residential.

Investigating a rezoning is an extensive process, and it is unlikely that residents would notice any significant change in the area in the short to medium term. This is because 'existing use rights' provisions enable existing uses on the land to continue to operate.

Should Council resolve to review the zoning of land in Little Street, it is recommended that it is undertaken as part of a wider strategic review of Camden's industrial and

This is the report submitted to the Ordinary Council held on 12 September 2017 - Page 4



employment lands. This could be included in the Phase 2 of Council's comprehensive LEP review, and would require approval by the DPE.

Options 4 and 5 would be undertaken in conjunction with Phase 2 of the review of the Camden LEP 2010. The timing of this project is dependent on the finalisation of the draft District Plan.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report. Implementation of the options outlined in this report may have financial implications, however these will be considered through future budget allocations.

CONCLUSION

There are a number of options to address land use conflict in Little Street including ongoing consultation and enforcement, preparation of a 'good neighbour charter', site specific DCP controls, drafting of a new LEP clause for development adjacent to residential uses, and reviewing the zoning of the current IN2 Light Industrial land.

The options as outlined in this report provide potential short term and longer term benefits to reduce conflicts between land uses in Little Street. It is therefore recommended that in the short term Council officers continue to work with the community and business owners in Little Street to reduce ongoing conflict. Beyond that, it is recommended that Council officers further investigate amendments to planning controls including a potential rezoning.

RECOMMENDED

That Council:

- i. continue to work with local industry in Little Street, Camden to work through land use conflict issues and to ensure conditions of development consent are being complied with;**
- ii. investigate the preparation of a good neighbour charter for Little Street;**
- iii. investigate the preparation of site specific DCP controls for Little Street as part of the comprehensive review of the Camden DCP 2011;**
- iv. investigate the inclusion of a new LEP clause for industrial development adjacent to residential uses as part of Phase 2 of the comprehensive review of Camden LEP 2010; and**
- v. investigate the zoning of Little Street as part of Phase 2 of the comprehensive review of Camden LEP 2010.**

ORD04 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2018

AMENDMENT

Resolution: Moved Councillor C Cagney, Seconded Councillor A Cagney that Council:

- i. note the information in this report;
- ii. nominate Councillor C Cagney as the delegate to vote on motions at the 2018 Local Government NSW Annual Conference;
- iii. note that Council officers will advise Local Government NSW by 2 October 2018 of the voting delegate; and
- iv. submit the following motion to the 2018 Local Government NSW Annual Conference:

‘Local Government NSW write to and engage with the NSW Department of Planning, Minister for Education and Minister for Roads, Maritime and Freight to develop a mandatory provision that any new schools constructed in a local government area provide appropriately-sized off-street drop off and pick up zones.’

ORD172/18 THE MOTION ON BEING PUT WAS **CARRIED**

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

ORD05 POST EXHIBITION REPORT - ORAN PARK VPA AMENDMENT – SPORTS PARK (DOOHAN RESERVE)

Resolution: Moved Councillor C Cagney, Seconded Councillor Fedeli that Council:

- i. endorse the draft VPA and authorise the relevant VPA documentation to be completed under Council’s Power of Attorney;
- ii. publicly notify the adoption of the VPA in accordance with the provisions of the Act and Regulations; and
- iii. advise submitters of the outcome of this report.

ORD173/18 THE MOTION ON BEING PUT WAS **CARRIED**

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

ORD06 PROGRESS REPORT - OPTIONS TO REDUCE LAND USE CONFLICT AT LITTLE STREET, CAMDEN

Resolution: Moved Councillor Farrow, Seconded Councillor Fedeli that Council:

- i. note the progress as outlined in the report;
- ii. endorse the proposed amendment to the Camden Development Control Plan 2011 (draft DCP) to be publicly exhibited for 28 days in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000*; and
- iii. note that a further report will be provided outlining the results of the public exhibition of the draft DCP and the traffic and noise monitoring.