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## ORDINARY COUNCIL

**ORD04**

**SUBJECT: PLANNING PROPOSAL FOR STAGE 1 OF THE CAMDEN LOCAL ENVIRONMENTAL PLAN (LEP) 2010 REVIEW**

**FROM:** Director Planning & Environment

**TRIM #:** 19/269649

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of a draft Planning Proposal for Stage 1 of the Camden Local Environmental Plan (LEP) 2010 Review and to recommend that the draft Planning Proposal be forwarded to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.

The draft Planning Proposal is provided as an **attachment** to this report.

### BACKGROUND

In March 2018, the Greater Sydney Commission (GSC) released A Metropolis of Three Cities – The Greater Sydney Region Plan (the Region Plan), together with five supporting district plans to establish a clear future vision for Greater Sydney to 2056.

The Camden LGA, along with the Blue Mountains, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly forms the Western City District. The Western City District Plan (the District Plan) identifies four key themes to guide future planning: Infrastructure and Collaboration; Liveability; Productivity and Sustainability.

### The LEP Review Process

To align local plans with the strategic directions of the Region and District Plans, all councils are required to review and update their Local Environmental Plans (LEPs) and prepare a Local Strategic Planning Statement (LSPS).

On 26 June 2018, Council resolved to participate in the Accelerated LEP Review Program and accept up to \$2.5 million from the State government to review the Camden LEP 2010. The LEP review commenced in June 2018 and will be completed by June 2020.

The LEP Review program, developed by Greater Sydney Commission (GSC) and Department of Planning, Industry and Environment (the Department), identified six phases for the completion of the LEP review:

- Phase 1 – LEP Review Report.
- Phase 2 – Prepare Draft LSPS.
- Phase 3 – Finalise LSPS.
- Phase 4 – Amendment to Camden LEP 2010 – Seek Gateway Determination.
- Phase 5 – Exhibition of Planning Proposal for LEP Amendment.
- Phase 6 – LEP Amendment Finalised - Plan is made.

The first phase, to prepare a LEP Review Report, was endorsed by Council on 30 October 2018 and submitted to the GSC. The LEP Review Report provided a snapshot of how the Camden LEP 2010 and Council's plans, policies and programs align with the priorities and actions of the District Plan. On 21 December 2018, the GSC provided confirmation that Council's LEP Review Report complied with the Phase 1 Assurance for the LEP review program.

Phase Two of the LEP review program included the drafting and exhibition of a draft LSPS. Council exhibited its draft LSPS from 23 July to 27 August 2019. Council officers are currently reviewing submissions received prior to seeking final endorsement of the draft LSPS from Council and the GSC. The LSPS must be finalised by 1 March 2020.

The current phase of the LEP review project requires the submission of a Planning Proposal to amend Camden LEP 2010.

### **Previous LEP Review Program**

On 10 April 2018, Council endorsed a minor amendments package for the Camden LEP 2010 which was gazetted on 28 February 2019. The minor amendments package sought to address matters which were of an administrative or low-impact nature, with the aim to improve the overall operation and accuracy of the LEP, and included:

- Administrative review of heritage listings (Schedule 5);
- Review of LEP mapping;
- Review of LEP clauses;
- Review of the land use table; and
- Review of additional permitted uses.

The 10 April 2018 Council report identified that a broader review of the Camden LEP 2010 was required.

### **The Planning Proposal**

It is proposed to undertake the broader review of Camden LEP 2010 in two stages:

- Stage 1 – Alignment with the key strategic documents; and
- Stage 2 – Significant investigations as a result of technical strategy work.

This Planning Proposal forms Stage 1 and seeks amendments to align Camden LEP 2010 with the priorities identified in the Western City District Plan and draft LSPS.

Stage 2 of will be undertaken following the completion of the technical strategy work required to fully align Camden LEP 2010 with the District Plan and draft LSPS. The following work is currently being undertaken to inform Stage 2 of the Planning Proposal:

- Housing Strategy;
- Employment and Centres Strategy;
- Green and Blue Grid Analysis;
- Heritage Review;
- Scenic and Visual Analysis.



A series of Councillor briefings have been provided on the LEP review and the preparation of the draft LSPS. Specifically, Councillors were briefed on this Planning Proposal on 27 August 2019.

## **MAIN REPORT**

### **Summary of Proposal**

The objective of the draft Planning Proposal is to amend the Camden LEP 2010 to improve its alignment with the State Government's direction and, in particular the planning priorities outlined within the District Plan and draft LSPS. The proposal also includes minor amendments to improve the readability and application of Camden LEP 2010.

The proposed amendments sought through the Stage 1 Planning Proposal include:

- Introducing environmentally sensitive land mapping and relevant provisions;
- Introducing a floodplain risk management clause;
- Introducing health-focused objectives into relevant sections of the LEP;
- Providing for appropriate non-agricultural uses, including tourism uses, within the RU1 Primary Production and RU2 Rural Landscape zones;
- Introducing eco-tourist facilities as permitted uses with consent in the RU1 and RU2 zones;
- Strengthening the objectives of the IN2 Light Industrial zone to manage land use conflicts;
- Rezoning several sites owned by Sydney Water and used for water infrastructure to SP2 Infrastructure; and
- Updating the level of significance of St Johns Church Camden from local to State, reflecting its listing on the State Heritage Register.

Further detail on each of the proposed amendments is outlined below.

### **Environmentally Sensitive Land**

The draft Planning Proposal seeks to introduce Environmentally Sensitive Land mapping for biodiversity, watercourses and riparian land, as well as introducing two new clauses under Part 7 Additional Local Provisions.

These clauses outline heads of consideration that must be considered when assessing development applications on land to which the clause applies and requires development to avoid, minimise, mitigate and offset impacts to terrestrial biodiversity, watercourses and riparian lands.

The existing provisions within Camden Development Control Plan 2019 relating to environmentally sensitive land and riparian corridors will continue to apply to land affected by the proposed clauses. The new clauses and mapping will strengthen the protection of environmentally sensitive lands, which contribute to the scenic and landscape qualities of Camden.

The inclusion of biodiversity mapping is also consistent with *Planning Priority W12 – Protecting and improving the health and enjoyment of the District's waterways*, and *Planning Priority W14 – Protecting and enhancing bushland and biodiversity* of the District Plan.

The draft LSPS further acknowledges the importance of environmentally sensitive areas through *Local Priority S2 – Protecting and enhancing the health of Camden’s waterways, and strengthening the role and prominence of the Nepean River*, and *Local Priority S4 – Protecting and restoring environmentally sensitive land and protecting biodiversity*. Through the incorporation of the proposed amendment to Camden LEP 2010, Council will achieve the following actions of the draft LSPS:

- “Council will undertake a review of Camden’s waterways and riparian areas and investigate opportunities to incorporate protections into planning instruments”; and
- “Council will investigate amending its Local Environmental Plan to protect biodiversity and environmentally sensitive land”.

#### Floodplain Risk Management

The draft Planning Proposal seeks to introduce a new Floodplain Risk Management clause. The objective of this clause is to enable evacuation of flood affected land during flooding events.

On 12 March 2019, Council adopted the Upper South Creek Floodplain Risk Management Study and Plan (FRMS&P). The South Creek catchment covers a significant north eastern portion of the Camden LGA. Council officers are currently preparing a FRMS&P for the Nepean River, which will include the Nepean River and Narellan Creek catchment areas.

The proposed clause will align Camden LEP 2010 with the adopted FRMS&P and any additional flood plan without the need for future LEP amendments.

The addition of the clause is consistent with *Planning Priority W20 – Adapting to the impacts of urban and natural hazards and climate change* of the District Plan, *Local Priority S6 – Improving Camden’s resilience to natural hazards and extreme weather events* of the draft LSPS, and would achieve the following action of the draft LSPS: “Council will review planning controls related to flood prone land”

#### Inclusion of health objectives

In order to facilitate a greater focus on health and wellbeing within the built form of the Camden LGA, it is proposed include health-focused objectives within the aims and objectives of Camden LEP 2010.

It is proposed to include the following additional aim under Clause 1.2 of Camden LEP 2010, which will require development to demonstrate health and wellbeing objectives:

- *To protect and promote the health and well-being of current and future residents of Camden*

Whilst the B2 Local Centre and B4 Mixed Use zones currently contain objectives to maximise public transport patronage and encourage walking and cycling, the B1 Neighbourhood Centre zone does not have an objective relating to walkability. To maintain consistency with Clause 1.2 of the Camden LEP 2010, the following additional B1 objective is proposed:



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- *To encourage a safe, attractive, accessible and efficient pedestrian environment*

The built environment is increasingly being viewed as influencing the health of the population. As part of a stronger focus on prevention in relation to chronic disease, NSW Health has been developing its capacity to support urban environments which contribute to ensuring that communities start out and stay, healthy.

Whilst built form outcomes can be most effectively implemented at the design stage of development, there is opportunity to reflect the focus on healthy placemaking within the broader aims of the Camden LEP 2010.

The inclusion of provisions relating to health is consistent with *W4 – Fostering healthy, creative, culturally rich and socially connected communities of the District Plan*; and *Local Priority L3 – Providing services and facilities to foster a healthy a socially connected community* of the draft LSPS.

#### Supporting the visitor economy in Camden's rural lands

A review of Camden LEP 2010 has identified an opportunity to strengthen the objectives of the RU1 Primary Production and RU2 Rural Landscape zones to support appropriate non-agricultural uses.

Camden LEP 2010 currently contains the following objective in both the RU1 and RU2 zones:

- *To permit non-agricultural uses which support the primary production purposes of the zone.*

The draft Planning Proposal seeks to replace this objective with the following:

- *To permit non-agricultural uses (including tourism-related uses) that are compatible with the agricultural, environmental and conservation values of the land.*

Camden's rural setting, rich heritage and proximity to Sydney present several opportunities to grow the visitor economy. *Local Priority P6 – Leveraging Camden's natural and cultural assets to promote local agricultural production and increase tourism* - of the draft LSPS identifies that Council will investigate opportunities to build on these assets to grow the local visitor economy, with a focus on the area around Camden Town Centre (and surrounding rural land), Gledswood Homestead, and Mount Annan Botanic Gardens.

The permissibility of tourism-focused uses within Camden's rural areas diversifies the rural economy and promotes the landscape that is highly valued by the community and visitors.

#### Eco-tourist Facilities

The draft Planning Proposal seeks to permit eco-tourist facilities with consent by removing them as a prohibited land use within the RU1 and RU2 zone.

It is considered that given their low-impact nature, these uses are appropriate in these zones. Bed and breakfast and farm stay accommodation are already permitted in these

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zones and allowing eco-tourist facilities would further diversify the visitor accommodation options within Camden.

The inclusion of eco-tourist facilities as permissible land uses would achieve the following action of the draft LSPS:

*“Council will investigate the appropriate types of visitor accommodation for Camden and identify the appropriate location for future accommodation”*

#### Industrial land use conflict

The existing IN2 Light Industrial zone in the Camden LEP 2010 currently contains the following objective:

- *To minimise any adverse effect of industry on other land uses.*

It is proposed that, given Council’s commitment to mitigating land use conflict at residential/industrial interfaces, that this objective be strengthened. The draft Planning Proposal seeks to replace this objective with the following:

- *To minimise the impacts of development on surrounding residential or other sensitive land uses.*

It is proposed that the existing objective be removed from the IN2 Light Industrial zone and replaced with this objective to ensure that the impact of industrial development on residential development and sensitive land uses is a clear consideration for future development proposals.

Since 2017, Council has been investigating various options to manage land use conflict issues between industrial land uses and surrounding sensitive uses, including residential uses. Most recently, Council has updated the Camden Development Control Plan (DCP) 2019 to include development controls to help manage these conflicts.

At its meeting of 12 September 2017 and 26 September 2017, Council resolved the following:

*“investigate a new LEP clause for industrial development adjacent to residential uses as part of Phase 2 of the comprehensive review of Camden LEP 2010”*

As part of the comprehensive review of Camden LEP 2010, Council officers are currently undertaking an Industrial and Employment Lands Study, to inform the preparation of an Employment Strategy for the Camden LGA. This work will investigate longer term options for Camden’s employment lands, including industrial lands, and it is considered that any significant change to planning controls for these lands must be carefully considered through these investigations.

The inclusion of this objective in the IN2 zone reinforces that the purpose of this zone is to provide light industrial uses, which by nature are not intended to cause nuisance or adversely affect the surrounding amenity.

#### Zoning for water infrastructure

Council has received correspondence from Sydney Water seeking to rezone a number of sites in their ownership to SP2 Infrastructure in order to reflect their ongoing use as



vital and permanent infrastructure associated with the provision of water and sewer services to the community.

The sites are located across the LGA with the current zones ranging between RU4 Primary Production Small Lots, B4 Mixed Use, R2 Low Density Residential, IN1 General Industrial and R5 Rural Village. The specific sites identified for zone changes are identified in the draft Planning Proposal attached to this report.

The existing zoning of these sites cause confusion from nearby owners as to the ongoing use of the site as permanent water or sewer infrastructure. Distinguishing sites as SP2 Infrastructure gives the community better clarity as to the ongoing use for permanent infrastructure.

#### Minor amendment to Schedule 5 – Environmental Heritage

Schedule 5 Environmental Heritage currently identifies St John’s Anglican Church Precinct as a local heritage item. It is proposed to amend Schedule 5 to correctly list St John’s Church Precinct as a State heritage item.

In addition to the above, there is a minor spelling error in the item description. It is proposed to correct the listing to properly identify the lych gates.

The St John’s Anglican Church Precinct was listed on the State Heritage Register on 24 August 2018. The proposed amendment is therefore considered administrative in nature.

#### Assessment against Key Strategic Documents

An assessment against the Key Strategic Documents is provided as an **attachment** to this report, however below is a summary and the relevant consistency with the documents.

##### **Greater Sydney Region Plan**

The Greater Sydney Region Plan (Region Plan) was released by the Greater Sydney Commission (GSC) on 18 March 2018. The Region Plan has a vision and plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters.

The proposal is consistent with the relevant directions and objectives of the Region Plan:

- Direction 3: A city for people – celebrating diversity and putting people at the heart of planning. Relevant objective 7.
- Direction 5: A city of great places – Designing places for people. Objective 13.
- Direction 7: Jobs and skills in the city – Creating the conditions for a stronger economy. Relevant objectives 23 and 24.
- Direction 8: A city in its landscape – Valuing green spaces and landscape. Relevant objectives 25, 26, 27, 29, 30 and 32.
- Direction 10: A resilient city – Adapting to a changing world. Relevant objective 37.

##### **Western City District Plan**

The Western City District Plan (District Plan) was released by the GSC on 18 March 2018. The District Plan guides the 20-year growth of the district to improve its social, economic and environmental assets.

The draft Planning Proposal is consistent with the following priorities of the District Plan:

- Planning Priority W4: Fostering healthy, creative, culturally rich and socially connected communities.
- Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage.
- Planning Priority W8: Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis.
- Planning Priority W10: Maximising freight and logistics opportunities and planning and managing industrial and urban services land
- Planning Priority W12: Protecting and improving the health and enjoyment of the District's waterways
- Planning Priority W13: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element
- Planning Priority W14: Protecting and enhancing bushland and biodiversity
- Planning Priority W15: Increasing urban tree canopy cover and delivering Green Grid connections
- Planning Priority W17: Better managing rural areas
- Planning Priority W20: Adapting to the impacts of urban and natural hazards and climate change

### **Draft Camden Local Strategic Planning Statement (LSPS)**

The Draft Camden Local Strategic Planning Statement (draft LSPS) is a 20-year planning vision, emphasising land use, transport and sustainability objectives to demonstrate how Camden LGA will change to meet the community's needs over the next 20 years.

The draft Planning Proposal has been assessed against the relevant Local Priorities and Actions of the draft LSPS and is consistent with the following Local Priorities:

- Local Priority L2 - Celebrating and respecting Camden's proud heritage.
- Local Priority L3 - Providing services and facilities to foster a healthy and socially connected community.
- Local Priority P4 - Ensuring a suitable supply of industrial and urban service land.
- Local Priority P6 - Leveraging Camden's natural and cultural assets to promote local agricultural production and increase tourism.
- Local Priority S2 - Protecting and enhancing the health of Camden's waterways, and strengthening the role and prominence of the Nepean River.
- Local Priority S4 - Protecting and restoring environmentally sensitive land and enhancing biodiversity.
- Local Priority S6 - Improving Camden's resilience to natural hazards and extreme weather events.

### **Community Strategic Plan**





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The Community Strategic Plan (CSP) seeks to actively manage Camden LGA's growth by retaining Camden's heritage sites, scenic vistas and cultural landscapes. The Proposal is assessed against the relevant Directions of the CSP below:

*Key Direction 1: Actively Managing Camden LGA's Growth*

This direction of the CSP outlines that Camden LGA's valued heritage sites are to be retained. The Proposal seeks to correct the level of significance of St Johns Church Camden to accurately reflect its State heritage listing which will ensure that adequate protections are in place for the site.

*Key Direction 2: Healthy Urban and Natural Environment*

This direction of the CSP outlines the importance of Camden's natural environment and Council's role in caring for the environment. The Proposal introduces environmentally sensitive land mapping which will protect the natural areas of Camden, including vegetation and waterways.

*Key Direction 3: A Prosperous Economy*

This direction of the CSP contains an objective to support tourism and economic development. The Proposal seeks to support suitable non-agricultural uses, including tourism uses, within the rural areas of Camden to attract visitors and diversify the local economy.

*Key Direction 5: An Enriched and Connected Community*

This direction of the CSP focuses on providing the elements to encourage healthy lifestyles and community health. The Proposal seeks to reflect this direction and apply it to the built form by including health focused objectives in Camden LEP 2010.

**Camden Local Planning Panel**

From 1 June 2018, Planning Proposals are required to be referred to the Camden Local Planning Panel (the Panel) for advice pursuant to the Ministerial Direction under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The draft Planning Proposal was reported to the Panel on 17 September 2019. The Panel voted in favour of supporting the Planning Proposal being forwarded to the Minister for Planning for a Gateway Determination. No further recommendations were made by the Panel.

The Panel's recommendations are provided as an **attachment** to this report.

**Assessment of Planning Merit**

The draft Planning Proposal has been prepared with consideration to key strategic documents, including the Greater Sydney Region Plan, Western City District Plan, the Draft Camden Local Strategic Planning Statement and the Community Strategic Plan, and has been considered by the Camden Local Planning Panel.

It is considered that the draft Planning Proposal demonstrates planning merit to proceed to Gateway Determination for the following reasons:

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- Aligns Camden LEP 2010 with the strategic directions and objectives of the Region and District Plans and the draft LSPS;
  - Implements several actions identified within the draft LSPS;
  - Protects environmentally sensitive land within Camden LGA;
  - Introduces mechanisms to manage development on floodplains;
  - Supports the design of healthy neighbourhoods;
  - Allows alternative and appropriate uses within the rural zones of Camden to diversify the local economy;
  - Manages land use conflict between industrial uses and surrounding land; and
  - Continues to protect significant heritage items.

Subject to Council endorsement, the draft Planning Proposal will be submitted to the Department of Planning, Industry and Environment for a Gateway Determination. If a favourable Gateway Determination is received, the draft Planning Proposal will be placed on public exhibition in accordance with the conditions in the Gateway Determination.

A further report will be submitted to Council on completion of the public exhibition to consider submissions.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

The draft Planning Proposal seeks to amend the Camden LEP 2010 to align the instrument with the priorities and directions of the Region and District Plans and the draft LSPS.

Council officers have assessed the draft Planning Proposal and consider the proposal has sufficient planning merit to proceed to Gateway Determination as outlined in this report.

### **RECOMMENDED**

**That Council:**

- i. endorse the draft Planning Proposal for Stage 1 of the Camden Local Environmental Plan (LEP) 2010 Review to be forwarded to the Department of Planning, Industry and Environment for Gateway Determination; and**
- ii. subject to a favourable Gateway Determination from the Department of Planning, Industry and Environment, proceed to public exhibition in accordance with the requirements of the Gateway Determination.**

### **ATTACHMENTS**

1. Draft Planning Proposal - Stage 1 Camden LEP 2010 LEP Review
2. LEP Review Stage 1 Planning Proposal - Key Strategic Documents
3. CLPP Minutes 17 September 2019

### **ORD03 RATES AND CHARGES AND LEVIES WRITTEN OFF 2018/2019**

Resolution: Moved Councillor C Cagney, Seconded Councillor Symkowiak that Council note and write off rates, charges and levies outlined in this report totalling \$794,231.92 for the 2018/2019 financial year.

ORD177/19 THE MOTION ON BEING PUT WAS **CARRIED**

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

### **ORD04 PLANNING PROPOSAL FOR STAGE 1 OF THE CAMDEN LOCAL ENVIRONMENTAL PLAN (LEP) 2010 REVIEW**

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

- i. endorse the draft Planning Proposal for Stage 1 of the Camden Local Environmental Plan (LEP) 2010 Review to be forwarded to the Department of Planning, Industry and Environment for Gateway Determination; and
- ii. subject to a favourable Gateway Determination from the Department of Planning, Industry and Environment, proceed to public exhibition in accordance with the requirements of the Gateway Determination.

ORD178/19 THE MOTION ON BEING PUT WAS **CARRIED**

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

### **ORD05 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURNS 2018/2019**

Resolution: Moved Councillor Campbell, Seconded Councillor C Cagney that Council note the tabling of the Disclosures by Councillors and Designated Persons Returns.

ORD179/19 THE MOTION ON BEING PUT WAS **CARRIED**

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

### **ORD06 ROAD CLOSURE - SECTION OF THE OLD OAKS ROAD, GRASMERE**

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

- i. approve the closure of a section of The Old Oaks Road, Grasmere as shown on the attached plan;
- ii. resolve that the land be classified as Operational on completion of the road closure;
- iii. endorse all documents associated with the closure of a section of The Old Oaks Road Grasmere be executed under delegated authority; and
- iv. note that a further report will be presented to Council following the road closure to determine any future disposal of the land.

ORD180/19 THE MOTION ON BEING PUT WAS **CARRIED**

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