



ORDINARY COUNCIL

ORD03

SUBJECT: CAMDEN COMPREHENSIVE LEP REVIEW - PHASE 1 MINOR AMENDMENTS

FROM: Director Planning & Environmental Services

TRIM #: 16/160037

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal for minor amendments to the Camden Local Environmental Plan 2010 (Camden LEP 2010) as part of a wider comprehensive review. Minor amendments address matters which are of an administrative or low-impact nature with the aim to improve the overall operation and accuracy of the Plan.

The draft Planning Proposal to support the amendments is included as **Attachment 1 to this report**. Should Council resolve to proceed with the draft Planning Proposal, it will be forwarded to the Department of Planning and Environment (DPE) for Gateway Determination.

BACKGROUND

Camden LEP 2010 was gazetted on 3 September 2010 and applies to all land within the Camden Local Government Area (LGA), with the exception of land which falls under State Environmental Planning Policy (Sydney Region Grown Centres) 2006.

In 2010, Camden prepared a new LEP to comply with the Standard Instrument (SI) LEP, as required by the State Government. At that time, the previous LEPs were translated to fit within the new SI framework zones and clauses. Camden was therefore a “like for like” translation, as far as possible.

Since 2010, there has been a number of amendments to the Camden LEP 2010, however there has never been a comprehensive overall review that ensures the planning controls continue to be relevant and responsive to local development trends. This amendment forms the first phase of the comprehensive LEP review.

The LEP Review Program has been separated into three phases to be undertaken between 2016 and 2018.

- Phase 1 - Minor Amendments (2016)
- Phase 2 - Higher level investigations (2016 – 2017)
- Phase 3 - Significant investigations (2017 – 2018)

This report highlights the changes proposed as part of phase 1 (Minor Amendments), and each stage will be separately briefed and reported to Council.

MAIN REPORT

The draft Planning Proposal can be broken up into five key areas:

1. Administrative review of Schedule 5 (Environmental Heritage);
2. Comprehensive review of LEP mapping;
3. Review of LEP clauses;
4. Review of land use table; and
5. Review of Additional Permitted Uses

1. Administrative review of Schedule 5 (Environmental Heritage)

An administrative review has been undertaken of each item in Schedule 5 of the Camden LEP 2010, which lists items of heritage significance in the Camden LGA. Amendments are proposed to update Schedule 5 to reflect instances where the property description or the address of a heritage item has changed since Camden LEP 2010 was made and to correct any disparity between LEP maps and the heritage schedule.

This review is of a minor nature and includes administrative changes only. It is not proposed to add or remove items to the heritage schedule, or amend the intent of the listing.

A complete list of changes and justification for each change is provided in **Attachment 1 to this report**.

2. Comprehensive review of LEP Mapping

A comprehensive review of Camden LEP 2010 maps has been undertaken to ensure that LEP maps are accurate, aligned with cadastral boundaries, consistent with strategic intent, and in line with the current Department of Planning and Environment (DPE) technical mapping standards introduced in November 2015.

A complete list of changes and justification for each change is provided in **Attachment 1 to this report**.

3. Review of LEP clauses

A review of the Camden LEP 2010 has been undertaken to ensure that local clauses continue to be relevant and responsive to local development trends and update to reflect changes in public agencies.

Table 1 – Proposed LEP Clause changes

Clause	Proposed Change
Clause 5.1 – Relevant Acquisition Authority	<p>Clause 5.1 identifies the public authority that will be the relevant authority to acquire land reserved for certain public purposes.</p> <p>It is proposed to amend the Authority of the State for land zoned SP2 Infrastructure marked “Future Classified road widening” from ‘Roads and Traffic Authority’ to ‘Roads and Maritime Services’.</p>

Clause	Proposed Change
<p>Clause 7.1 – Flood Planning</p>	<p>The definition for “flood planning level” is proposed to be changed to bring this in line with the Growth Centres, best practice and recent Flood Studies / Floodplain Risk Management Studies in the LGA.</p> <p>The current definition of ‘flood planning level’ means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.6 metre freeboard.</p> <p><u>Proposed definitions</u></p> <p>Flood Planning Level means the level of 1% Annual Exceedance Probability (AEP) flood event plus Freeboard.</p> <p>Freeboard: For Freeboard refer to Council’s Floodplain Risk Management Policy.</p>
<p>Clause 7.2 – Airspace Operations</p>	<p>This Clause includes unnecessarily referral requirements for referral of development applications.</p> <p>Based on information provided by Sydney Metro Airports, a revised clause has been drafted with the intent to provide clarity on referral to the relevant Commonwealth body.</p> <p>Suggested revised wording for Clause 7.2 is provided in Attachment 1 to this report.</p>
<p>Clause 7.3 – Development in areas subject to airport noise</p>	<p>The current clause includes a link to the Noise Exposure Forecast Contour Map. This link is non-functioning and the map does not sit within the Camden LEP 2010. It is proposed to remove the link to avoid confusion.</p>
<p>Clause 7.5 – Child Care Centres</p>	<p>This clause is proposed to be removed.</p> <p>The current clause includes a requirement that, before granting development consent for the erection of a child care centre on residential zoned land, the consent authority must consider whether the land:</p> <ul style="list-style-type: none"> (a) has an area of not less than 1,200 square metres, and (b) has a boundary that adjoins an existing or proposed classified road. <p>Council has recently undertaken a review of DCP controls for Child Care Centres (Part D5.1 of Camden DCP 2011) which now includes detailed controls for bulk and scale, traffic and parking, and includes the requirement for a minimum site area of 1,200m² in residential zones. In this regard, it is considered that the provisions in Clause 7.5 of the Camden LEP 2010 are no longer relevant.</p>

Clause	Proposed Change
Clause 7.8 – Road Widening of Camden Valley Way, Catherine Field	<p>It is proposed to remove Clause 7.8 – Road Widening of Camden Valley Way, Catherine Field.</p> <p>This road widening is complete.</p> <p>It is proposed that Roads and Maritime Services (RMS) be consulted as part of the public authority consultation.</p>

Exempt provisions – Special events and temporary uses of land ‘exempt development’.

It is proposed to add a new clause, ‘Special events and temporary uses of land (*for community events such as concerts, fetes, exhibitions, parades etc.*)’, to Schedule 2 (Exempt Development).

Exempt development may be carried out without the need for development approval under the EP&A Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act (i.e. the Local Government Act 1993) and adjoining owners’ property rights and the common law still apply. In this regard, while a development application will not be required, other approvals may need to be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Lands Act 1989.

It is proposed that to be exempt development, the event must take place on a public road or public land owned by, or under the care or control of, the Council. In this regard, owners (Council) consent will be required.

4. Review of Land Use Table

A review of the Land Use Table (permissible and prohibited uses) in the Camden LEP 2010 has been undertaken to ensure relevance against the objectives of each zone.

It should be noted that there is a hierarchy of land-use terms in the Standard Instrument LEP. There are group terms and sub-terms (or ‘parent’ and ‘child’ definitions). For example, the group term ‘residential accommodation’ includes sub-terms like ‘boarding houses’ and ‘secondary dwellings’. If a group term is listed as prohibited, all its sub terms are also prohibited. However, sub-terms can also be listed individually as permitted or prohibited.

Table 2 below includes a summary of notable changes. An exhaustive list of changes is contained in the Planning Proposal, provided in **Attachment 1 to this report**.

Table 2 – Notable changes to the Land Use Table

Zone	Proposed Change	Justification
R2 Low Density Residential	Permit secondary dwellings with consent.	<p>This was inadvertently prohibited by the use of the residential accommodation group term.</p> <p>This proposed change will also bring the Camden LEP</p>

Zone	Proposed Change	Justification
		into line with the State Environmental Planning Policy (Affordable Rental Housing SEPP) 2009 which applies to Camden and permits secondary dwellings in R2 zones.
	Prohibit 'industrial retail outlets' and 'industrial training facilities'	<p>These uses do not align with the objectives of the R2 Low Density Residential zone.</p> <p>Currently, 'industrial retail outlets' and 'industrial training facilities' are not explicitly listed as prohibited development, and as a result are permissible development.</p>
E4 Environmental Living	Permit bed and breakfast accommodation with consent.	This use is considered a low-impact use that is suitable for the E4 zone.
	Permit secondary dwellings with consent	<p>E4 zoned land includes land with large lots and large frontages suitable for secondary dwellings.</p> <p>This use is considered a low-impact residential use that is broadly consistent with the objectives of the E4 zone.</p>

A complete list of changes and justification for each change is provided in **Attachment 1 to this report.**

5. Review of Schedule 1 (Additional Permitted Uses)

Schedule 1 of the Camden LEP 2010 provides a list of uses permitted on identified sites which are in addition to those uses identified in the LEP Land Use Table or other planning instruments.

An administrative review of Schedule 1 has been undertaken to correct property descriptions and reflect instances where the property description or the address may have changed since Camden LEP 2010 was made.

In addition, table 3 (below) outlines the additional permitted uses which are proposed to be removed.

Table 3 - Additional permitted uses proposed to be removed.

Clause	Location	Additional Permitted Use	Reason
15	166 Ingleburn Rd, Leppington	Liquid fuel depot	The land is now zoned medium density residential in the Leppington North Precinct of the South West Priority Growth Area.
16	51-61 St Andrews Rd	Industries (manufacturing and storing fireworks) and an associated dwelling house	The site is now low density residential in the East Leppington Precinct of the South West Priority Growth Area. All factory buildings on the site have been demolished.
22	Magdalene Catholic High School, Smeaton Grange	Educational establishments	The site has already been developed. The Infrastructure SEPP could be used for alterations and additions.

Changes to the LEP maps and schedule are also proposed in line with the new DPE technical mapping requirements. A complete list of changes is provided in **Attachment 1 to this report**.

Next Steps & Public Exhibition

Should Council resolve to forward the Planning Proposal to the DPE for Gateway Determination, the following steps will occur:

- Following Gateway Determination, the Planning Proposal will be placed on public exhibition for 28 days or as otherwise required by the Gateway Determination;
- If no unresolved submissions are received, the Planning Proposal will be forwarded to DPE to be made; or
- If unresolved submissions are received during the exhibition period, a further report to Council will be prepared.

During the exhibition period, a notification will be placed in the local newspaper and the exhibition material will be available at:

- Council Administration Centre/s (Hard Copy)
- Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Library, John Street, Camden (Hard Copy); and
- Camden Council website (Electronic Copy).

In addition, a letter will be sent to all landowners who are directly impacted by the proposed changes.

LEP Delegation

Council intends to use its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979 for this Planning Proposal. This will streamline the processing of the Planning Proposal by enabling Council to deal directly with Parliamentary Counsel for the making of the Plan. The request for delegation will be made as part of the Gateway submission. The General Manager is Council's nominated delegate.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

This Planning Proposal includes a comprehensive range of minor amendments to Camden LEP 2010 with the aim to improve the operation and accuracy of the plan and ensure that planning controls continue to be relevant and responsive to local development trends.

Should Council resolve to proceed with the draft Planning Proposal (included as **Attachment 1 to this report**) it will be forwarded to the DPE for Gateway Determination and will then be publically exhibited for a period of 28 days.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal to forward to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979; and**
- ii. pending a favourable response from the Department of Planning and Environment, proceed to publicly exhibit the Planning Proposal for a period of 28 days in accordance with the terms of the Gateway Determination notice; and**
- iii. subject to no unresolved submissions being received, forward the Planning Proposal, Camden Comprehensive LEP Review Phase 1 Minor Amendments, to the Department of Planning and Environment for the plan to be made; or**
- iv. if unresolved submissions are received, require a further report which outlines the results of the public exhibition.**

Resolution:

Moved Councillor Dewbery, Seconded Councillor Fedeli that Council:

- i. endorse the draft Planning Proposal to forward to the Department of Planning and Environment for Gateway Determination and advise that**

Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979;

- ii. pending a favourable response from the Department of Planning and Environment, proceed to publicly exhibit the Planning Proposal for a period of 28 days in accordance with the terms of the Gateway Determination notice; and
- iii. subject to no unresolved submissions being received, forward the Planning Proposal, Camden Comprehensive LEP Review Phase 1 Minor Amendments, to the Department of Planning and Environment for the plan to be made; or
- iv. if unresolved submissions are received, require a further report which outlines the results of the public exhibition.

ORD147/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Copeland, Symkowiak, Fischer, Dewbery, Campbell, Fedeli and Bligh ur of the Motion. No Councillors voted against the Motion.)

ATTACHMENTS

1. Comprehensive LEP Review Phase 1 - Minor Amendments - July 2016