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| **Item No.** | **Issue** | **Appendix 1 Oran Park and Turner Road** | **Appendix 9 Camden Growth Centres** | **Camden’s Proposed Amendment** | **Department Comment** |
| 1 | Aims within Camden Precinct Plans Appendix 1 Oran Park and Turner Road Precinct Plan Appendix 9 Camden Growth Centres Precinct Plan under the Growth Centres SEPP are not consistent | Appendix 1 Oran Park and Turner Road PP  The aims of this Precinct Plan are:  (a) to make development controls for land in the Oran Park and Turner Road Precincts within the South West Growth Centre that will ensure the creation of quality environments and good design outcomes, and  (b) to protect and enhance the en`vironmentally sensitive areas and natural and cultural heritage of those Precincts, and  (c)  to provide for multifunctional and innovative communities in those Precincts that encourage employment and economic growth, and  (d) to promote housing choice and affordability in those Precincts, and  (e) to provide for the sustainable development of those Precincts, and  (f)  to minimise the impact on existing and future communities of the full range of risks posed by natural hazards such as bushfires and flooding. | Appendix 9 Camden Growth Centres  **1.2**   **Aims of Precinct Plan**  The aims of this Precinct Plan are as follows:  (a) to make development controls that will ensure the creation of quality environments and good design outcomes,  (b) to protect and enhance environmentally sensitive natural areas and cultural heritage,  (c) to provide for recreational opportunities,  (d)  to provide for multifunctional and innovative development that encourages employment and economic growth,  (e)  to promote housing choice and affordability,  (f)  to provide for sustainable development,  (g)  to promote pedestrian and vehicle connectivity. | |  | | --- | | **1.2 Aims of Precinct Plan**  The aims of this Precinct Plan are as follows—  (a) to make development controls that will ensure the creation of quality environments and good design outcomes,  (b) to protect and enhance environmentally sensitive natural areas and cultural heritage,  (c) to provide for recreational opportunities,  (d) to provide for multifunctional and innovative development that encourages employment and economic growth,  (e) to promote housing choice and affordability,  (f) to provide for sustainable development,  (g) to promote pedestrian and vehicle connectivity. | | The Department is generally supportive of the proposed changes to align the aims of the two precincts within the Camden area.  Council may care to consider including item (f) under Appendix 1 Oran Park and Turner Road PP be included to align with work done in the Western City District Plan and Camden’s LSPS  (f)  to minimise the impact on existing and future communities of the full range of risks posed by natural hazards such as bushfires and flooding.  Amendment 5(a)  Included (f) |
| 2 | Appendix 1 does not have clause 1.5 notes | Appendix 1 **does** not have clause 1.5 Notes | Appendix 9  Clause 1.5 Notes  Notes in this Plan are provided for guidance and do not form part of this Plan. | |  | | --- | | Add clause 1.5 from Appendix 9 to Appendix 1 for consistency. | | Council may care to consider this amendment.  Amendment 5(b)  No change |
| 3 | The note repealing Camden LEP 2010 has not been included under clause 1.8 of Appendix 1. | **1.8**   **Repeal of other local planning instruments applying to land**  (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.  (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.  (3) This clause does not affect the operation of other provisions of this State Environmental Planning Policy. | **1.8**   **Repeal of other local planning instruments applying to land**  (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Precinct Plan applies are repealed.  (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies and to other land cease to apply to the land to which this Precinct Plan applies.  **Note.**  [*Camden Local Environmental Plan 2010*](https://www.legislation.nsw.gov.au/#/view/EPI/2010/514) ceases to apply to the land to which this Precinct Plan applies.  (3) This clause does not affect the operation of other provisions of this State environmental planning policy. | |  | | --- | | Add clause 1.5 from Appendix 9 to Appendix 1 for consistency. | | The Department is supportive of this amendment. |
| 4 | Clause 1.9(3) of Appendix 1 references repealed legislation from the NSW Environmental Planning and Assessment Act 1979. This clause has been omitted from clause 1.9 of Appendix 9. | **1.9**   **Application of SEPPs**  (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this State Environmental Planning Policy as provided by section 3.28 of the Act.  **Note.**  section 3.28 of the Act generally provides that SEPPs prevail over LEPs. However, a LEP may (by an additional provision included in the LEP) displace or amend a SEPP to deal specifically with the relationship between this Precinct Plan and the SEPP.  (2) [*State Environmental Planning Policy No 1—Development Standards*](https://www.legislation.nsw.gov.au/#/view/EPI/1980/010) does not apply to the land to which this Precinct Plan applies.  (3) Subject to **section 74 (1)** of the Act, in the event of an inconsistency between this Precinct Plan and another environmental planning instrument whether made before or after the commencement of this Precinct Plan, this Precinct Plan prevails to the extent of the inconsistency.  **Note.**  The other provisions of this State Environmental Planning Policy also contains provisions applying development controls to the South West Growth Centre, including the Oran Park and Turner Road Precincts. | **1.9**   **Application of SEPPs**  (1) This Precinct Plan is subject to the provisions of any State environmental planning policy that prevails over this Precinct Plan as provided by section 3.28 of the Act.  (2) [*State Environmental Planning Policy No 1—Development Standards*](https://www.legislation.nsw.gov.au/#/view/EPI/1980/010) does not apply to the land to which this Precinct Plan applies. | Delete sub-clause (3) from Appendix 1, clause 1.9. | A review of the historical notes of the EP&A Act found section 74 was repealed. Therefore, this clause is no longer relevant. Subject to further investigation the Department supports the proposed amendment.  Amendment 5(d) no issues |
| 5 | Appendix 1, clause 2.6(3) enables strata subdivision without consent provided the strata subdivision is not for a building under the SEPP (Affordable Rental Housing) 2009 or where the building has been designed or approved for occupation as a single unit. | **2.6**   **Subdivision—consent requirements**  (1) Land to which this Precinct Plan applies may be subdivided, but only with consent.  **Note.**  [*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*](https://www.legislation.nsw.gov.au/#/view/EPI/2008/572) specifies certain subdivision development as exempt development.  (2) (Repealed)  (3) Despite subclause (1), consent is not required for subdivision under the [*Strata Schemes (Freehold Development) Act 1973*](https://www.legislation.nsw.gov.au/#/view/act/1973/68) or the [*Strata Schemes (Leasehold Development) Act 1986*](https://www.legislation.nsw.gov.au/#/view/act/1986/219), except—  (a) in the case of a building to which Part 3 of [*State Environmental Planning Policy (Affordable Rental Housing) 2009*](https://www.legislation.nsw.gov.au/#/view/EPI/2009/364) applies, or  (b) where the building has been designed or approved for occupation as a single unit. | **2.6**   **Subdivision—consent requirements**  Land to which this Precinct Plan applies may be subdivided, but only with development consent.  **Note.**  [*State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*](https://www.legislation.nsw.gov.au/#/view/EPI/2008/572) specifies certain subdivision development as exempt development. | Delete sub-clause 3 from clause 2.6 of Appendix 1.  Deleting sub-clause 3 will update the operation of Appendix 1, clause 2.6 to be consistent with the operation of Appendix 9, clause 2.6 which requires development consent for all forms of subdivision. | The Department will need to do more research to determine if this clause can be removed. This is not recommended to be undertaken as part of any housekeeping amendments undertaken by Camden Council.  Amendment 5(e)  Conditioned to be removed from the planning proposal |
| 6 | Part 2, Clause 2.8 – Temporary use of land of Appendix 9 has been omitted from Appendix 1. | Omitted | **2.8**   **Temporary use of land**  (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.  (2) Despite any other provision of this Precinct Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.  (3) Development consent must not be granted unless the consent authority is satisfied that—  (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Precinct Plan and this or any other applicable environmental planning instrument, and  (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and  (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and  (d) at the end of the temporary use period, the site will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.  (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.  (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).  (6) This clause does not prescribe a development standard that may be varied under this Precinct Plan. | Add clause 2.8 – Temporary use of land from Appendix 9 to Appendix 1. | This amendment is recommended for consideration.  Amendment 5(f) |
| 7 | Clause 4.1(4) of Appendix 1 and 9 are not up to date with recent legislative changes made to the Standard Instrument in 2018.  The legislative change clarified that a minimum subdivision lot size does not apply to strata and community title subdivision.  Clause 4.1 (4) of Appendix 1 and Appendix 9 of the SEPP were not amended to reflect these legislative changes. | (4)  This clause does not apply in relation to the subdivision of individual lots in a strata plan. | (4)  This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme. | The inclusion of sub-clauses (a) and (b) will correct the operation of clause 4.4(4) under Appendix 1 and 9 of the Growth Centres SEPP to reflect the current legislation.  Standard Instrument clause  4.1  (4)  This clause does not apply in relation to the subdivision of any land—  (a) by the registration of a strata plan or strata plan of subdivision under the [*Strata Schemes Development Act 2015*](https://www.legislation.nsw.gov.au/#/view/act/2015/51), or  (b) by any kind of subdivision under the [*Community Land Development Act 1989*](https://www.legislation.nsw.gov.au/#/view/act/1989/201). | This is recommended for further consideration  ??????????? |
| 8 | **Appendix 1**  Clause 5.4 details controls relating to miscellaneous permissible uses.  1. the clause does not identify the permissible use before detailing the control.  2. Note is omitted from Appendix 1  3. Floor space requirements for certain land uses are inconsistent between the Appendix 1 and Appendix 9. | **5.4**   **Controls relating to miscellaneous permissible uses**  (1) If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.  (2) If development for the purposes of a home business is permitted under this Precinct Plan, the carrying out of the business must not involve the use of more than 50m2 of floor space.  (3) If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying out of the business must not involve the use of more than 50m2 of floor space.  (4) If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the gross floor area of the outlet must not exceed—  (a) 40 per cent of the combined gross floor area of the outlet or place and the building or place on which the industry is carried out, or  (b) 400m2, whichever is the lesser.  (5) If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.  (6) If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 20m2.  (7) If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail floor area must not exceed 80m2.  (8) If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 20m2.  (9) If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—  (a) 75 square metres,  (b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling. | **5.4**   **Controls relating to miscellaneous permissible uses**  (1) **Bed and breakfast accommodation** If development for the purposes of bed and breakfast accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.  **Note.**  Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.  (2) **Home businesses** If development for the purposes of a home business is permitted under this Precinct Plan, the carrying on of the business must not involve the use of more than 50 square metres of gross floor area.  (3) **Home industries** If development for the purposes of a home industry is permitted under this Precinct Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of gross floor area.  (4) **Industrial retail outlets** If development for the purposes of an industrial retail outlet is permitted under this Precinct Plan, the retail gross floor area must not exceed—  (a) 40% of the combined gross floor area of the industrial retail outlet and the building or place on which the relevant industry is carried out, or  (b) 400 square metres,  whichever is the lesser.  (5) **Farm stay accommodation** If development for the purposes of farm stay accommodation is permitted under this Precinct Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.  (6) **Kiosks** If development for the purposes of a kiosk is permitted under this Precinct Plan, the gross floor area must not exceed 30 square metres.  (7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.  (8) **Roadside stalls** If development for the purposes of a roadside stall is permitted under this Precinct Plan, the gross floor area must not exceed 8 square metres.  (9) **Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—  (a) 75 square metres,  (b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling. | These are identified below:  Home industries in the Oran Park and Turner Road Precinct is 50 square metres and Camden Growth Centres is 30 square metres.  Kiosks in the Oran Park and Turner Road Precinct is 20 square metres and Camden Growth Centres is 30 square metres.  Neighbourhood shop in the Oran park and Turner Road Precinct is 80m2 and Camden Growth Centre is 100m2.  Roadside Stalls in the Oran Park and Turner Road Precinct is 20m2 and Camden Growth Centres is 8m2. | The red text highlights the differences.  In reference to Council comments the following is recommended for further consideration.  1. the format under Appendix 9 is clearer as this identifies the use before detailing the control and this is recommended to be amended.  Amended  2. The note is recommended to be included under Appendix  Amended  3. If Council wishes to amend the floor space allowances under the Appendices it must provide a sound justification for why these should be amended. Especially if they are to be increased.  Not justified  4. references to square meters/m2 andpercentages/% are different under each Appendix. It is recommended further consideration be given to these.  Amendment 8(a)    Amended |
| **Item No.** | **Issue** | **Growth Centre SEPP Definition** | **SI Definition** | **Camden’s Proposed Amendment** | **Department Comment** |
| 9 | The current studio dwelling definition is vague and can be interpreted to permit the construction of studio dwellings above garages fronting the primary street frontage. | ***studio dwelling*** means a dwelling that—  (a) is established in conjunction with another dwelling (the ***principal dwelling***), and  (b) is on its own lot of land, and  (c)  is erected above a garage that is on the same lot of land as the principal dwelling, whether the garage is attached to, or is separate from, the principal dwelling, but does not include a semi-detached dwelling.  **Note.**    Studio dwellings are a type of ***residential accommodation***—see the definition of that term in this Dictionary. | No definition | Studio dwelling means a dwelling that:  (a)  is established in conjunction with another dwelling (the principal dwelling), and  (b)  is on its own lot of land, and  (c) is erected above the principal dwelling’s garage, whether the garage is attached to, or is separated from, the principal dwelling, and  (d) the principal dwelling’s garage is located at the rear of the lot and has direct access provided via a public street or laneway adjoining the rear or side of the lot, but does not include a semi-detached dwelling. | As this refers to a dictionary definition issue, the Department does not support this being included in a housekeeping amendment.  Amendment 4 |
| 10 | Building height measures taken at the finished ground level enables the height of the development to exceed the controlled height. | **Appendix 1 – Clause 4.3 Height of buildings**  (5) The consent authority may grant development consent for development on land within Zone B5 Business Development or Zone IN1 General Industrial, that does not exceed 15 metres in height above finished ground level, if the land has frontage to Badgally Road, Camden Valley Way, the Northern Road or East West Road (as shown in the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan), or to land within Zone RE1 Public Recreation or Zone RE2 Private Recreation. | ***building height*** (or ***height of building***) means—  (a)  in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or  (b)  in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,  including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like. | Replace finished ground level with existing ground level aligns with the definition for ***building height*** (or ***height of the building***).  Building height measures taken at the finished ground level enables the height of the development to exceed the development control height. | The Department will need to review this item and it is not recommended this item be included in a housekeeping amendment.  Amendment 6 |
| 11 | Update road names in clause 4.3 (5). | **Appendix 1 – Clause 4.3 Height of buildings**  (5) The consent authority may grant development consent for development on land within Zone B5 Business Development or Zone IN1 General Industrial, that does not exceed 15 metres in height above finished ground level, if the land has frontage to Gregory Hills Drive, Camden Valley Way, the Northern Road or Dick Johnson Drive (as shown in the Oran Park Precinct Development Control Plan or the Turner Road Precinct Development Control Plan), or to land within Zone RE1 Public Recreation or Zone RE2 Private Recreation. |  | Amend Appendix 1, Clause 4.3 Height of Buildings sub-clause (5) to update the local road names to reflect existing names.  NOTE: Turner Road Precinct Plans should also be updated for consistency. | This recommendation is supported. |