**Greater Sydney, Place and Infrastructure** IRF20/2972

Gateway determination report

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| **LGA** | Camden |
| **PPA**  | Camden Council |
| **NAME** | Housekeeping Amendment to SEPP (Sydney RegionGrowth Centres) 2006 |
| **NUMBER** | PP\_2020\_CAMDE\_001\_00 |
| **LEP TO BE AMENDED**  | Camden Local Environment Plan 2010 |
| **ADDRESS** | Oran Park and Turner Road Precinct & Camden Growth Centres Precinct |
| **DESCRIPTION** | The proposal seeks to make housekeeping amendments to clauses and maps within the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). |
| **RECEIVED** | 4 June 2020 (complete information package received on 20 July 2020) |
| **FILE NO.** | EF20/23285 |
| **POLITICAL DONATIONS** | There are no donations or gifts to disclose and a political donation disclosure is not required |
| **LOBBYIST CODE OF CONDUCT** | There have been no meetings or communications with registered lobbyists with respect to this proposal  |

**1. INTRODUCTION**

**1.1 Description of planning proposal**

The planning proposal **(Attachment A)** seeks to make housekeeping amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP), as it applies to the Camden LGA. The proposed amendments seek to rectify:

* incorrect street names;
* zoning maps, which do not reflect existing land uses;
* zone boundaries, which do not align with lot or road boundaries; and
* to ensure that the Camden and Campbelltown LGA boundaries are accurately reflected in the Growth Centres SEPP.

The proposal also seeks to realign the boundary between the Camden and Campbelltown LGAs within East Leppington Precinct, as a result of Camden LEP 2010 (Amendment 39) which was published in 2017. This land is currently within Appendix 10 Campbelltown Growth Centres Precinct Plan of the SEPP. The proposal seeks to rectify this anomaly and include the land within Appendix 9. The subject land is located within the Camden LGA. Figure 1 (below) illustrates the precincts involved.

Further, the amendment includes four Sydney Water owned sites, proposed to be rezoned to SP2 Infrastructure - as requested by Sydney Water **(Attachment D).** This zone responds to an ongoing, permanent use of the facilities.



**Figure 1 Site Map**

Proposed amendments in detail are as follows:

* Rezone several sites owned by Sydney Water across Camden LGA to SP2 – Infrastructure, to provide certainty to the community about the future use of the land.
* Review building heights around the curtilage of Oran Park House (Catherine Park House) to provide an accurate interpretation of the heritage significance of Oran Park House (Catherine Park House) by clarifying which view lines must be maintained in accordance with the applicable heritage conservation management plan.
* Review minimum subdivision provisions to clarify that the standard does not apply to strata and community title subdivision.
* Introduce a local provision to provide clarity over design outcomes for studio dwellings.
* Clarify inconsistences between Appendix 1 and Appendix 9, as follows:
	+ amend the aims of a precinct plan;
	+ repeal certain local planning instruments;
	+ amend the application of the SEPP;
	+ amend subdivision consent requirements; and
	+ amend a temporary use of land clause.
* Review the height of buildings clause so that references to ‘finished ground level’ is replaced by ‘existing ground level’.
* Review the height of building clause so that street names are amended and clarifies the location of the land.
* Reformat clause 5.4 *Controls relating to miscellaneous permissible uses* to improve readability.
* Amend an exceptions to minimum lot sizes for dwelling houses on small lots – clause, so that it is more legible.
* Amend zone boundaries to reflect current uses.

**Site description**

The land, subject to this planning proposal, is within the South West Growth Area and involves land zoned under the Growth Centres SEPP, in Appendix 1 Oran Park and Turner Road Precinct Plan and Appendix 9 Camden Growth Centres Precinct Plan in relation to Catherine Fields Part, Leppington and East Leppington Precincts.

**1.3 Existing planning controls**

The planning proposal seeks to make multiple amendments to existing clauses and maps within Appendix 1, 9 and 10 of the Growth Centres SEPP. There have been inconsistencies between the clauses applying to the precincts and associated mapping, and boundary anomalies, resulting from development over time

The existing and proposed planning controls are provided in Appendices 4 and 5 of the planning proposal **(Attachment A)**.

**1.4 Surrounding area**

The planning proposal seeks to amend clauses and maps that effect Oran Park and Turner Road Precincts, Camden Growth Centres Precincts, Leppington and East Leppington Precincts of the Growth Centres SEPP (refer to Figure 1).

**1.5 Summary of recommendation**

It is recommended that the planning proposal proceeds with a conditional Gateway Determination.

These proposed housekeeping amendments will correct anomalies and are not inconsistent with the Western City District Plan and Camden’s Local Strategic Planning Statement (LSPS). Further, the proposed amendments are administrative in nature and seek to strengthen and correct inconsistencies between clauses and mapping boundaries within Appendices 1, 9 and 10 of the Growth Centres SEPP.

In summary, the proposal will improve the SEPP’s transparency and clarity for both future and current developments.

The proposed rezoning of sites, owned by Sydney Water will reflect the current and ongoing use of the sites.

**2. PROPOSAL**

**2.1 Objectives or intended outcomes**

The planning proposal seeks to amend Appendix 1, 9 and 10 of the Growth Centres SEPP, to improve its readability; update superseded information; correct anomalies; and, deliver better design outcomes within the Camden LGA.

**2.2 Explanation of provisions**

The proposed amendments affect individual clauses of Appendix 1 & 9; zoning maps; land application maps; and, height of buildings maps within the SEPP.

The proposed clause amendments are minor in nature and correct incorrect uses of terms and phrases and align the clauses between the two appendices, while the mapping changes are only to correct site boundaries and other minor inconsistencies.

It is noted that the proposed clauses will be subject to legal drafting.

Amendment to Appendix 10 seeks to realign the LGA boundary to reflect the boundary changes between Campbelltown and Camden LGAs, consistent with Camden LEP 2010 (Amendment No 39). The land is currently identified under Appendix 10 – Campbelltown Growth Centres Precinct Plan of the SEPP.

The proposal will result in the land being identified under Appendix 9 Camden Growth Centre Precinct Plan. Council advises the proposal affects the Willowdale Estate which has been developed. There will be no impact in terms of zoning, permissible land uses and applicable planning controls as a result **(Attachment F)**.

Sydney Water has requested that Council **(Attachment D)** rezones four sites to SP2 Infrastructure to reflect the existing permanent infrastructure use. The request reflects the current and ongoing uses of the sites and involves minor corrections to the maps (LZN 00, 009 and 013), in the Growth Centres SEPP.

Council has provided a detailed analysis and justification for each of the proposed provisions in Appendix 5 of the planning proposalat **Attachment A**.

The Department’s comments on the proposed amendments are at **Attachment G**.

**2.3 Mapping**

The proposal seeks to amend land zoning, land application and the height of buildings maps within the Growth Centres SEPP. Details of proposed mapping changes are in the planning proposal **(Attachment A)**.

The proposal will also make boundary realignments between Campbelltown and Camden LGAs on the Land Application Map (LAP 008).

The following maps are proposed to be amended to support the planning proposal:

* Land Zoning Map – Sheet LZN 003
* Land Zoning Map – Sheet LZN 004
* Land Zoning Map – Sheet LZN 008
* Land Zoning Map – Sheet LZN 009
* Land Zoning Map – Sheet LZN 013
* Height of Building Map – Sheet HOB 004
* Height of Building Map – Sheet HOB 008
* Land Application Map – Sheet LAP 008

**3. NEED FOR THE PLANNING PROPOSAL**

The planning proposal is a result of Camden Council’s review of Appendices 1, 9 and 10 in the Growth Centres SEPP.

The Department agrees that the planning proposal is the best means of achieving the intended outcome of addressing inconsistencies and improving the legibility of the Growth Centres SEPP.

**4. STRATEGIC ASSESSMENT**

**4.2 Western City District Plan**

The Western City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The planning proposal addresses Planning Priority 1, 5 and 16 of the Western City District Plan.

Planning Priority W1: Planning for a city supported by infrastructure

The planning proposal seeks to facilitate the rezoning of land owned by Sydney Water, which is responsible for delivering water and sewerage servicing to support urban development in Camden’s South West Growth Area (SWGA). The proposal is consistent with this planning priority as it seeks to provide clarity over Sydney Water’s delivery of water infrastructure to support the urban development in the SWGA.

Planning Priority W5: Providing housing supply, choice and affordability, with access to job, services and public transport

The planning proposal seeks to include local provisions for studio dwellings to Appendix 1 and 9 of the Growth Centres SEPP to strengthen development criteria for studio dwellings, delivering better design outcomes and encouraging alternative housing choices in Camden’s SWGA. The proposal is consistent as it seeks to clarify an alternative housing choice in the Camden SWGA.

Planning Priority W16: Protecting and enhancing scenic and cultural landscapes

The planning proposal seeks to increase height of buildings from the existing 5m to 9m to buildings to the north of Oran Park House **(Attachment H)**. Oran Park House is within the curtilage of Oran Park Estate which is a State Heritage listed item. The building heights to the north of the Oran Park House do not contribute to preserving significant view lines to and from the heritage site, as identified in the Heritage Conservation Management Plan(Tropman and Tropman Architects, May 2019) at Attachment 7 of the planning proposal (**Attachment A)**.

The proposal is not inconsistent with the Western District Plan as it seeks to clarify the preservation and protection of scenic and cultural landscapes.

**4.3 Local**

**Camden Community Strategic Plan**

Council advises the planning proposal is consistent with the following Key Directions of the Camden Community Strategic Plan:

Key Direction 1: Actively Managing Camden LGA’s Growth

The proposal seeks to make housekeeping amendments and rectify clauses, and inconsistent maps, that encompass Camden LGA. The proposal is consistent with the Community Strategic Plan.

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

Council advises that the planning proposal addresses the following Local Priorities of the Camden LSPS.

Local Priority I1: Aligning infrastructure delivery with growth

The planning proposal seeks to facilitate the rezoning of land owned by Sydney Water to ensure the provision and delivery of water and sewage services that support urban development in Camden’s SWGA.

Local Priority L1: Providing housing choice and affordability for Camden’s growing and changing population

The planning proposal seeks to add local provisions for studio dwellings to Appendix 1 & 9, to strengthen development criteria for studio dwellings which will deliver better design outcomes and encourage a variety of housing choices in Camden SWGA.

Local Priority L2: Celebrating and respecting Camden’s proud heritage

The proposed changes to the height of buildings applying to the buildings north of Oran Park House (Catherine Park House) accurately interprets the heritage significance of Oran Park House (Catherine Park House) in the Conservation Management Plan **(Attachment A)**.

**4.4 Section 9.1 Ministerial Directions**

The relevant Section 9.1 Directions are as discussed below.

2.1 Environmental Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

The provisions seek to amend the clauses and maps within Appendix 1, 9 and 10 of SEPP Growth Centres and do not seek to impact on environmental protection zones in Camden LGA. Further, the proposed mapping changes do not affect environmental protection zones in Camden LGA. Consequently, the proposal is consistent with this direction.

2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The proposed amendments seek to clarify view lines of heritage significance to and from the heritage listed Catherine Park House in accordance with the Conservation Management Plan **(Attachment A)**.

The proposal is consistent with this direction as it seeks to accurately interpret the conservation of an item of heritage significance.

It is recommended, however, that Heritage NSW be consulted as it relates to the State Heritage listed Oran Park House.

3.1 Residential Zones

The objectives of this direction are:

(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,

(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and

(c) to minimise the impact of residential development on the environment and resource lands.

The direction is relevant as the proposal applies to existing and proposed residential zones. The proposed amendment seeks to strengthen development criteria for studio dwellings to deliver better design outcomes and housing choice in Camden’s SWGA. The planning proposal is consistent with the direction as it aims to improve design outcomes in residential zones.

4.3 Flood Prone Land

The objectives of this direction are:

(a) to ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and

(b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

This Direction applies because the proposal seeks amend provisions that affect flood prone land.

The proposal is inconsistent with clause 5 of the Direction as flood impacted land is proposed to be zoned from RE2 Private Recreation to B5 Business Development zone. However, the amendments involve rezoning of slivers of land to correct boundary anomalies and will not significantly increase the development potential of the subject sites.

The proposed amendments are unlikely to result in significant flood impacts to the properties. Accordingly, any inconsistency with the direction is of a minor nature and is recommended accordingly.

4.4 Planning for Bushfire Protection

The objectives of this direction are:

(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and

(b) to encourage sound management of bush fire prone areas.

This direction applies when a relevant planning authority prepares a planning proposal that will affect or is in proximity to land mapped as bushfire prone land.

The proposed mapping changes affect multiple sites identified as or in the proximity of bushfire prone land. However, the rezoning of sites impacted by bushfire prone land are corrections to site boundaries and inconsistencies of clauses in SEPP Growth Centres. The proposed zoning changes are minor housekeeping amendments and are unlikely to introduce inappropriate developments in hazardous area.

The planning proposal’s inconsistency to this direction is of minor significance as it will not promote hazardous uses of bushfire prone land and instead, aims to correct minor inconsistencies in the Growth Centres SEPP to improve the clarity of planning for bushfire prone land in Clause 1.2.

Some of the Sydney Water sites are identified in proximity to bush fire prone land. The proposed zoning change to the land reflects the current and ongoing use of the sites and is unlikely to exacerbate fire hazards.

The Direction, however, does not include a provision to disregard requirements on the basis of minor significance and, to satisfy the Direction, it is recommended that NSW Rural Fire Service be consulted by Council prior to exhibition.

**4.5 State environmental planning policies (SEPPs)**

SEPP (Infrastructure) 2007

The aim of this SEPP is to facilitate the effective delivery of infrastructure across the State.

The planning proposal seeks to rezone four sites owned by Sydney Water to SP2 zone to facilitate the effective and long-term delivery of water supply infrastructure by Sydney Water. Sydney Water has requested Council rezone land under its ownership to reflect the correct current and ongoing use of the land as water infrastructure (Appendix 4, **Attachment A**).

The proposal is consistent with the SEPP as it will add clarity to the delivery of water infrastructure to support the urban development within Camden’s SWGA.

**5. SITE-SPECIFIC ASSESSMENT**

**5.1 Social**

The planning proposal is not supported by a social or economic assessment. The planning proposal is unlikely to have any negative social and/or economic impacts.

The proposal promotes better design outcomes and more diverse housing choices within Camden’s SWGA, which is expected to deliver positive social outcomes for residents and the local community.

**5.2 Environmental**

The planning proposal does not propose amendments to the Growth Centres SEPPthat will have adverse impacts on ecological communities, threatened species or critical habitat.

# 5.3 Economic

The planning proposal does not propose amendments to the Growth Centres SEPP that will have adverse economic impacts. The proposal seeks to add a new clause to the SEPP to provide additional clarification on design outcomes for studio dwellings, which may contribute to the economic benefits to housing affordability in the SWGA.

**5.4 Infrastructure**

The planning proposal seeks to rezone four sites, owned by Sydney Water, to assist with the delivery of water and sewerage services to support urban development in Camden’s SWGA.

**6. CONSULTATION**

**6.1 Community**

Council proposes to undertake a community consultation period of 28 days. Given the wide-ranging nature of the proposal, this period is appropriate.

**6.2 Agencies**

It is recommended the Heritage NSW to be consulted for the State heritage listed item Oran Park House in relation to the view lines to and from the property.

The Rural Fire Service (RFS) be consulted regarding the rezoning of Sydney Water owned sites located near bushfire prone land.

It is proposed that Campbelltown Council be consulted over the boundary realignment between the two LGAs.

**7. TIME FRAME**

Council has not provided a finalisation date for the planning proposal. The Department considers that a 12 months period, from the date of the Gateway determination, is acceptable for finalisation of the planning proposal.

**8. LOCAL PLAN-MAKING AUTHORITY**

Council has not requested to be the local plan-making authority. Given that the planning proposal seeks to amend the Growth Centres SEPP, authorisation to exercise the delegation by Council is not recommended.

**9. CONCLUSION**

Subject to conditions, progression of the planning proposal is supported as it seeks to make administrative amendments to the Growth Centres SEPP to improve the legibility and clarity and the accuracy of supporting maps.

The rezoning Sydney Water owned sites is supported as it reflects current and ongoing use.

The proposed amendments have strategic and site-specific merit, and are not inconsistent with the Western District Plan and Camden’s LSPS.

**10. RECOMMENDATION**

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 4.3 Flood Prone Land is of minor significance.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to identify:
2. the intent of the proposal to make changes to Appendix 10 Campbelltown Growth Centres Precinct Plan in relation to boundary adjustment between Campbelltown and Camden LGAs;
3. the proposed height of buildings of those properties north of Oran Park House; and
4. include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process.
5. The planning proposal should be made available for community consultation for a minimum of 28 days.
6. Consultation is required with the following:
* Campbelltown Council;
* Heritage, Department of Premier and Cabinet; and,
* NSW Rural Fire Service prior to exhibition in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency.
1. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
2. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.

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12/8/20



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