

## Greater Sydney Place and Infrastructure

IRF19/7800

### Gateway determination report

<b>LGA</b>	Camden
<b>PPA</b>	Camden Council
<b>NAME</b>	187 & 191 Turner Road, Currans Hill (6 homes, 0 jobs)
<b>NUMBER</b>	PP_CAMDE_2019_07_00
<b>LEP TO BE AMENDED</b>	Camden LEP 2010
<b>ADDRESS</b>	187 & 191 Turner Road, Currans Hill
<b>DESCRIPTION</b>	Lot 36 DP 28024 & Lot 105 DP 1210084
<b>RECEIVED</b>	10 December 2019
<b>FILE NO.</b>	IRF19/7800
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The proposal (**Attachment A**) seeks to rezone a portion of the subject site from E2 Environmental Conservation and E4 Environmental Living zoned land to R1 General Residential to facilitate approximately six additional residential allotments.

The proposal also seeks to rezone a portion of land zoned R1 General Residential to an E2 Environmental Conservation Zone, to improve environmental and recreational outcomes on the site. The proposal also seeks to amend the minimum lot size and maximum building height provisions to be consistent with the zoning amendments.

### 1.2 Site description

The subject site is located at 187 & 191 Turner Road, Currans Hill in the Camden Local Government Area (LGA). The site is legally known as Lot 36 DP 28024 and Lot 105 DP 1210084.

The subject site is approximately 12 hectares in size and comprises mostly cleared paddock with some scattered trees in the north-western portion of the site (refer to Figure 1). The site contains a small 0.2 hectare patch of Cumberland Plain Woodland and a riparian corridor traverses the site from north-east to south west. The riparian corridor is highly degraded and in poor condition.

The site is located within the Manooka Valley urban release area and is adjacent to the South West Growth Area (SWGA) (refer to Figure 2). Land to the north, south and east is characterised by low density residential development. The Smeaton Grange industrial precinct is located to the west of the subject site.



Figure 1: The subject site highlighted in blue



Figure 2: Subject land (highlighted in red) and surrounding area

### 1.3 Background

#### Growth in residential development in South West Sydney

The subject site is part of the Manooka Valley urban release area which was rezoned for residential development in 2005. The planning controls on the site reflected the rural nature of the surrounding area at that time. However, this has changed significantly since the Turner Road Precinct in the South West Growth Area (SWGA), located to the north-west of the subject site, was rezoned for residential development in 2007, and developed under the Growth Centres SEPP. Subsequently, the surrounding area is characterised by low density residential development.

The planning proposal seeks to increase the overall yield on the site by six allotments. The site currently has development potential for 63 general residential lots and the portion of the site not subject to this proposal (refer to Figure 3) has an approved subdivision for 40 lots.

An increase of 6 lots is not inconsistent with the surrounding development patterns or current residential density permissible on the site.

The proposal does not seek to increase the permissible residential density on the portions of the site zoned R1 General Residential and E4 Environmental Living as the existing minimum lot size of 500m<sup>2</sup> is being retained. The additional lots will be created in the current riparian corridor, which is zoned E2 Environmental Conservation.

The riparian corridor is being reduced by 0.9 hectares and the reduction in this riparian corridor land is in accordance with the NSW Office of Water 'Guidelines for Riparian Corridors on Waterfront Land' (Guidelines).

### 1.4 Development History

The subject site is located within Lot 36 DP 28024 and Lot 105 DP 1210084. The portion of these allotments not subject to the proposal (outlined in red, Figure 3) are subject to a development consent, issued on 28 November 2017, which allows the site to be subdivided to create 40 residential lots, ranging from 500m<sup>2</sup> to 1,474m<sup>2</sup>.

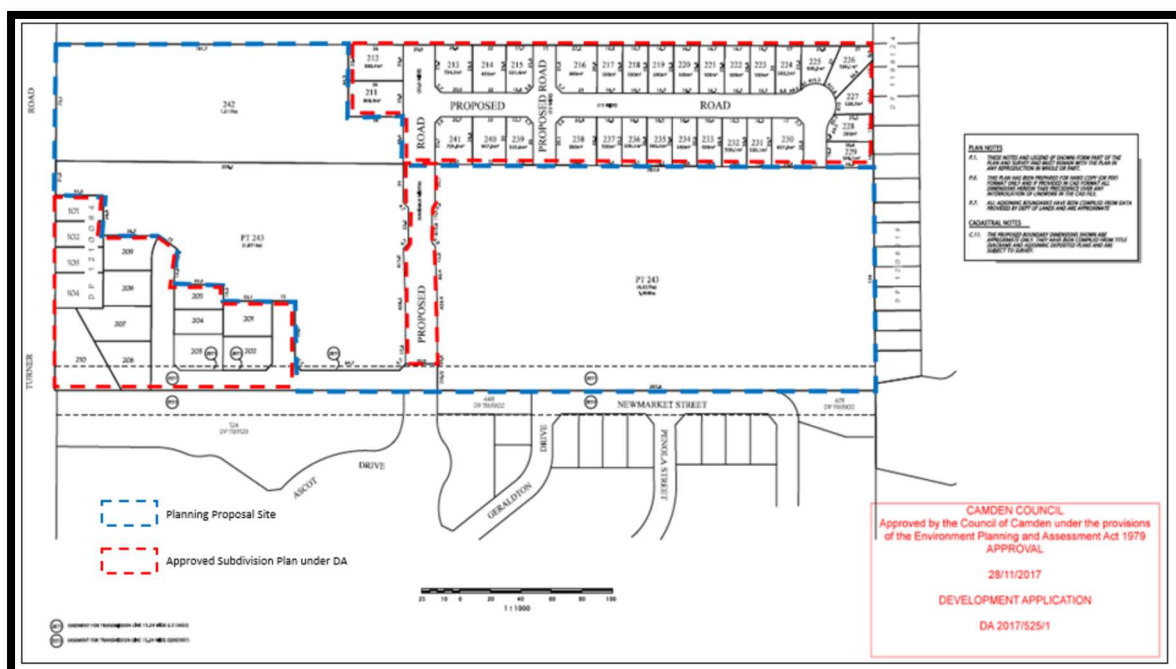


Figure 3: Approved subdivision plan under DA2017/525/1



### 1.5 Existing planning controls

The subject site is currently zoned R1 General Residential; E2 Environmental Conservation; and, E4 Environmental Living, with a minimum lot size of 500m<sup>2</sup> and a maximum building height of 9.5m. Refer to Figures 4, 5 and 6 on page four of this report.

### 1.6 Summary of recommendation

The proposal is recommended to proceed, with conditions, as the proposal is minor in nature and is consistent with the surrounding development. The amending plan will also protect the existing remnant vegetation on the site and seeks to provide improved recreational and environmental outcomes.

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The objective of the proposal is to enable the development of six additional residential lots, protect the remnant vegetation on the site and provide improved recreational and environmental outcomes on the site.

The objectives and intended outcomes of the proposal are clear and are suitable for community consultation.

### 2.2 Explanation of provisions

The proposal seeks amend the Camden 2010 LEP, as follows:

- by rezoning approximately one hectare of land zoned E2 Environmental Conservation and 0.7 hectares of land zoned E4 Environmental Living to R1 General Residential;
- by rezoning approximately 0.1 hectare of land zoned R1 General Residential to E2 Environmental Conservation;
- by amending the minimum lot size to be consistent with the zoning amendments; and
- by amending the building height to be consistent with the zoning amendments.

The LEP amendments proposed under the proposal, are clear and do not require amendment prior to community consultation.

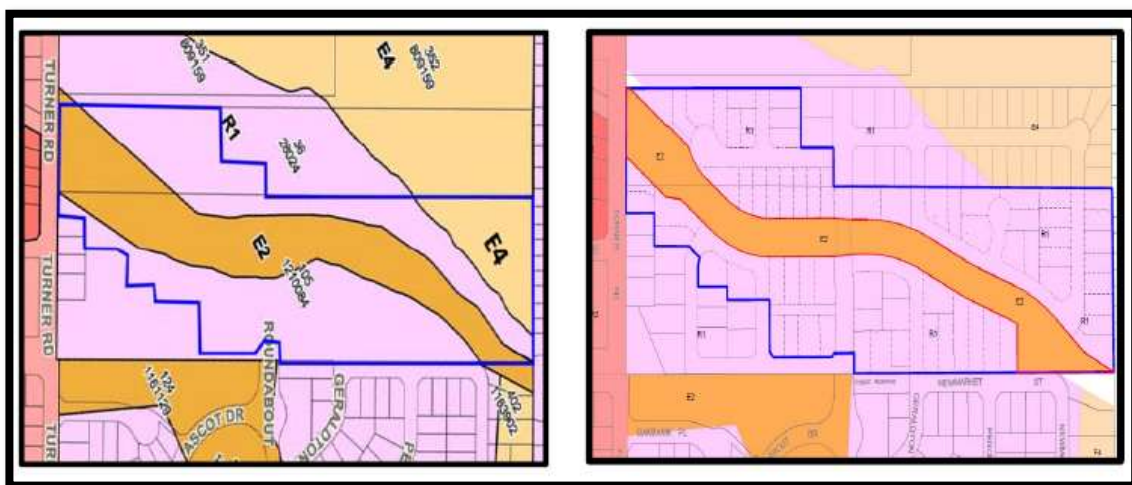


Figure 4: Existing and proposed zoning – subject land denoted by blue outline

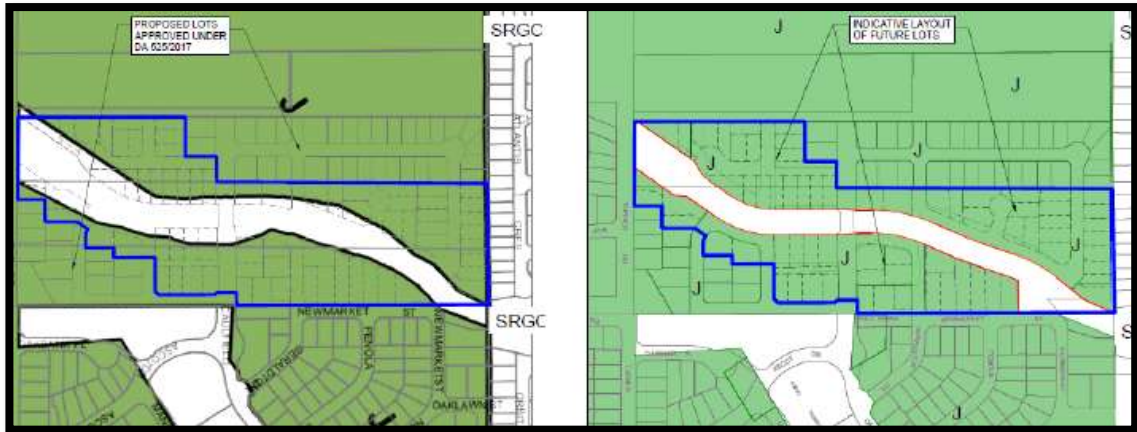


Figure 5: Existing and proposed Height of Building– subject land denoted by blue outline

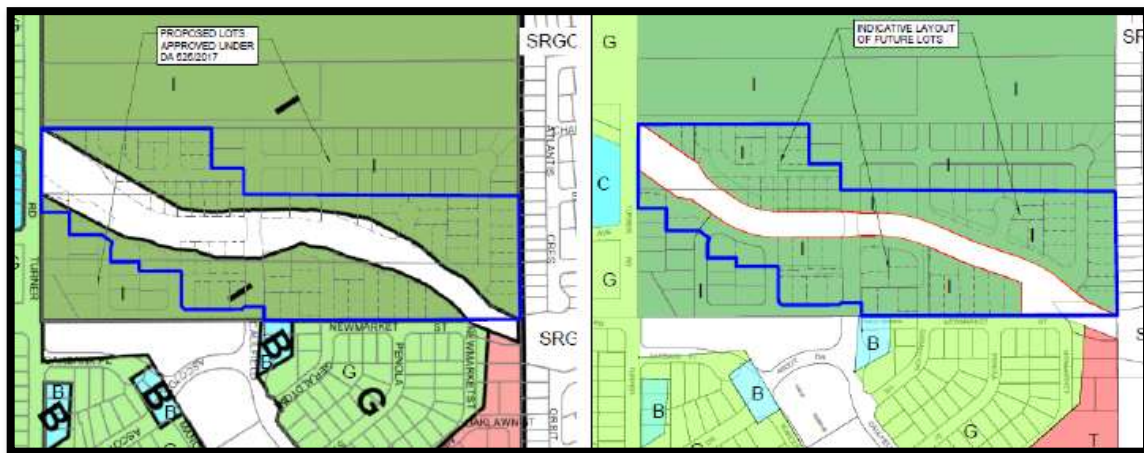


Figure 6: Existing and proposed Minimum Lot Size– subject land denoted by blue outline

## 2.4 Mapping

The proposal seeks to amend the following map tiles:

- Land Zoning Map – Sheet LZN\_017;
- Lot Size Map – Sheet LSZ\_017; and
- Height of Building Map – Sheet HOB\_017.

The proposal includes thumbnail maps that satisfactorily show the current and proposed zones and controls. These are suitable for community consultation. There, however, appears to be an error in the reference to Figures 8 and 9, in the text on page 8m, of the planning proposal. A condition is recommended to adjust this description.

## 3. NEED FOR THE PLANNING PROPOSAL

A planning proposal is the best way to facilitate the rezoning of the site. The rezoning of the site will create six additional residential allotments and is consistent with surrounding development.

## 4. STRATEGIC ASSESSMENT

### 4.1 District

The Western City District Plan is the relevant plan applying to subject site.

The proposal gives effect to the following Planning Priorities:

*Planning Priority W5 Providing housing supply, choice and adorability, with access to jobs, services and public transport*

The proposal will result in an additional six residential allotments, approximately 3km from Narellan Town Centre and 5km from Campbelltown Town Centre and train station with services and employment located at each centre.

*Planning Priority W14 Protecting and enhancing bushland and biodiversity*

The proposal seeks to rezone a portion of land (0.1 hectare) from R1 General Residential to E2 Environmental Conservation realigning the E2 Environmental Conservation corridor to protect the existing remnant vegetation. The proposal also seeks to embellish and revegetate the riparian corridor.

This Planning Priority is not discussed in the proposal. A Gateway condition is recommended to require the proposal to be updated to include a discussion on this priority prior to public exhibition.

The proposal is considered to satisfactorily give effect to Western City District Plan.

#### **4.2 Local Community Strategic Plan**

The proposal gives effect to the Camden Community Strategic Plan by addressing Key Direction 1 Actively Managing Camden Local Growth Area's Growth.

A key objective under this Plan is to ensure urban development is managed effectively to balance population growth, urban development and environmental protection.

The proposal is considered consistent with this objective as it is seeking to allow an additional six allotments on the site, close to existing infrastructure and services, while protecting the natural environmental values on the site.

#### **Draft Camden Local Strategic Planning Statement**

The proposal gives effect to the draft Camden Local Strategic Planning Statement as follows:

*Local Priority I2 Connecting Camden through integrated transport solutions*

The proposal seeks to include a shared pedestrian and bike path through the site providing a link from Currans Hill to Gregory Hills promoting and encouraging walking and cycling.

*Local Priority L3 Providing services and facilities to foster healthy and socially connected community*

A shared bike and pedestrian path, seating, play equipment and landscaping is proposed to promote greater physical activity and social connection.

*Local Priority S4 Protecting and restoring environmentally sensitive land and enhancing biodiversity*

The proposal seeks to protect and enhance an area of Cumberland Plain Woodland vegetation which is consistent with this priority.

The proposal is consistent with the draft Camden Local Strategic Planning Statement and other relevant local strategic planning documents.

## Camden Local Planning Panel

The proposal considered by the Camden Local Planning Panel (**Attachment E**) on 20 August 2019 sought to:

- rezone part of the site from E2 Environmental Conservation and E4 Environmental Living to R1 General Residential;
- amend the minimum lot size on the R1 zoned land from 500m<sup>2</sup> to part 300m<sup>2</sup>, 400m<sup>2</sup> and 500m<sup>2</sup>; and
- apply a building height of 9.5 on the land zoned R1 General Residential.

The Panel was of the view the proposal should not proceed as it failed to demonstrate strategic merit for the following reasons (**Attachment F**):

- It doesn't provide a diversity of lot sizes consistent with the planning of the surrounding area.
- The current zoning provides an appropriate transition to the immediately adjoining E2 zoned land containing Cumberland Plain Woodland.
- The existing E2 Environmental Conservation Zone should be retained, as CPW vegetation has been identified on the E2 zoned land.

Following the Panel's review, the proposal was revised to satisfy the Panel's comments. The revised proposal retains the 500m<sup>2</sup> minimum lot size and adjusts the E2 Environmental Conservation zone boundary to provide recreational opportunities and to conserve the remnant vegetation.

The Department is satisfied that the revised proposal adequately addresses the Panels concerns through the retention of the existing minimum lot size and the adjustment of the E2 zoning to preserve the remnant vegetation.

### **4.3 Section 9.1 Ministerial Directions**

Consistency with relevant 9.1 Directions is discussed, as follows:

#### 2.1 Environment Protection Zones

This direction is relevant, as it seeks to facilitate the protection and conservation of environmentally sensitive areas. The proposal seeks to reduce environmentally sensitive E2 Environmental Conservation zoned land.

The proposal seeks to narrow the width of the existing E2 Environmental Conservation zoned riparian corridor by rezoning approximately 10m on each side of the watercourse from E2 Environmental Conservation to R1 General Residential.

The reduced riparian corridor is proposed to be approximately 26m wide, including an approximate 6m wide channel and a 10m wide buffer from the top of the bank on each side of the watercourse. This is in accordance with the NSW Office of Water 'Guidelines for Riparian Corridors on Waterfront Land' (Guidelines).

Additionally, a portion of the E2 Environmental Conservation corridor will be realigned to include existing vegetation and a portion of land zoned R1 will be rezoned E2 to provide opportunities for environmental embellishment in the area directly adjacent to the existing remnant vegetation.

The Council report (page 7, **Attachment G**) advises a Vegetation Management Plan (VMP) was submitted as part of the proposal. The VMP proposes to preserve and

regenerate the existing Cumberland Plain Woodland Vegetation and enhance and revegetate the riparian corridor, and is supported by Council.

Council indicates that the riparian corridor is highly degraded and the proposed reduction of the E2 zoned riparian corridor is in accordance with the NSW Office of Water 'Guidelines for Riparian Corridors on Waterfront Land' (Guidelines). Further, the proposal is supported by an appropriate Flora and Fauna and Riparian Assessment (**Attachment H**).

The proposal seeks to improve the remaining riparian corridor and is unlikely to result in any unacceptable environmental impacts. Accordingly, any inconsistency with this direction is considered to be of minor significance.

A recommended Gateway condition requires the proposal be forwarded to the Department of Planning, Industry and Environment's Environment, Energy and Science Group and the Department of Primary Industry's, NSW Office of Water for comment

### 3.1 Residential Zones

This direction is relevant as the proposal affects land in an existing residential zone. This direction seeks to encourage a range of housing types that has appropriate access to infrastructure and services. The proposal is considered consistent with this direction as it will result in a minor increase (six dwellings) in residential density to provide for existing and future housing needs, in an area with appropriate access to existing infrastructure and services.

### 3.4 Integrating Land Use and Transport

This direction applies as the proposal seeks to create and alter a residential zone. This direction aims to improve access to housing, jobs and services through the reduced use of cars and increased use of public transport and active transport options.

The site is located within 5km of Campbelltown Town Centre and 3km to Narellan Town Centre. Both centres can be accessed by bus from Currans Hill Town Centre.

The draft VPA associated with the proposal seeks to include a shared pedestrian and cycle pathway through the site. This will provide an active transport link between Currans Hill to the south of the site to Gregory Hills to the north of the site.

It is accordingly considered that the proposal is consistent with the intent of the Direction.

### 4.4 Planning for Bushfire Protection

This Direction applies where a planning proposal will affect or is in proximity to land mapped as being bushfire prone land. The north-west portion of the subject land is identified as being bushfire prone land, refer to Figure 7.



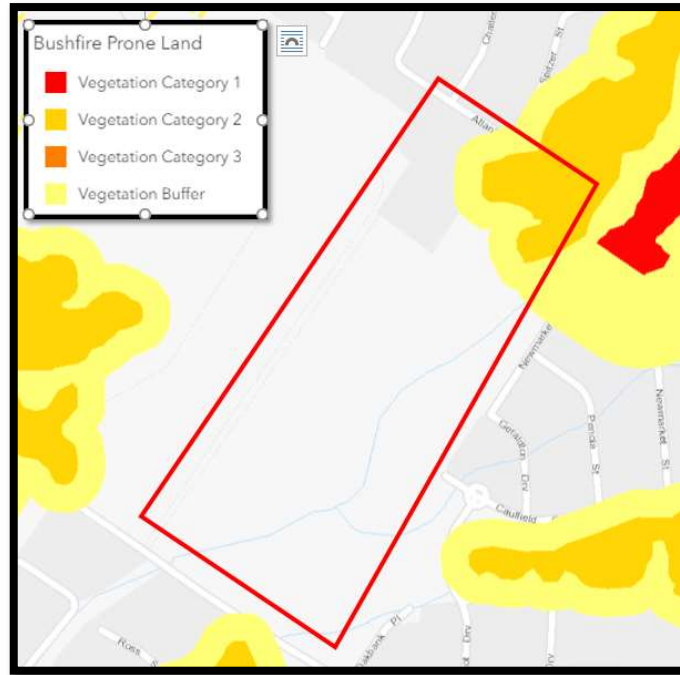


Figure 7: Bushfire prone land map - subject land in red

The planning proposal states the site is not mapped as bushfire prone land and that a bushfire assessment would be provided at the development application stage.

To ensure consistency with this Direction, it is recommended that the Gateway determination be conditioned to require Council to update the proposal, prior to public exhibition, to reflect the sites bushfire prone status and to consult with the NSW Rural Fire Service in accordance with the Direction.

#### 4.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with the relevant SEPPs.

The following SEPPs warrant further discussion:

##### State Environmental Planning Policy No 19 – Bushland in Urban Areas

As Camden is identified as an area to which this policy applies, consideration of this SEPP is relevant. The policy aims to protect and preserve bushland within urban areas, of particular relevance is the aim to protect the remnants of plant communities which were once characteristic of land now within an urban area.

The proposal is considered consistent with this policy as the proposal is seeking to retain the existing Flat Eucalypt Forest from the Cumberland Plain Woodland vegetation community. However, the proposal has not adequately addressed this policy. It is recommended that the Gateway determination include a condition requiring Council to update the proposal to address this policy prior to public exhibition.

##### State Environmental Planning Policy No 55 – Remediation of Land

A Contamination Assessment and Remedial Action Plan (**Attachment H**) was provided as part of the proposal package. The study identified the site has a number of contamination issues which need to be addressed to ensure the site is suitable for residential development.

A site Remediation Action Plan to remediate the site has been prepared and provides sufficient actions to ensure the site is suitable for residential development.

The Contamination Assessment and Remedial Action Plan adequately addresses the SEPP.

### State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

This SEPP is relevant as the SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State through the preservation of trees and other vegetation.

The proposal is consistent with this SEPP as the proposal seeks to preserve the existing pocket of remnant vegetation located on the site.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The rezoning of the small portion of R1 zoned land to the E2 zone, will provide opportunities to embellish the embellishment in the area directly adjacent to the remnant vegetation, for recreational use. Further, the draft Voluntary Planning Agreement offer seeks to incorporate a shared pedestrian and cycle path connecting Turner Road to Orbit Street in Gregory Hills and a portion of the riparian corridor to the north of the site is proposed to be enhanced with seating, outdoor gym equipment, artwork and associated landscaping.

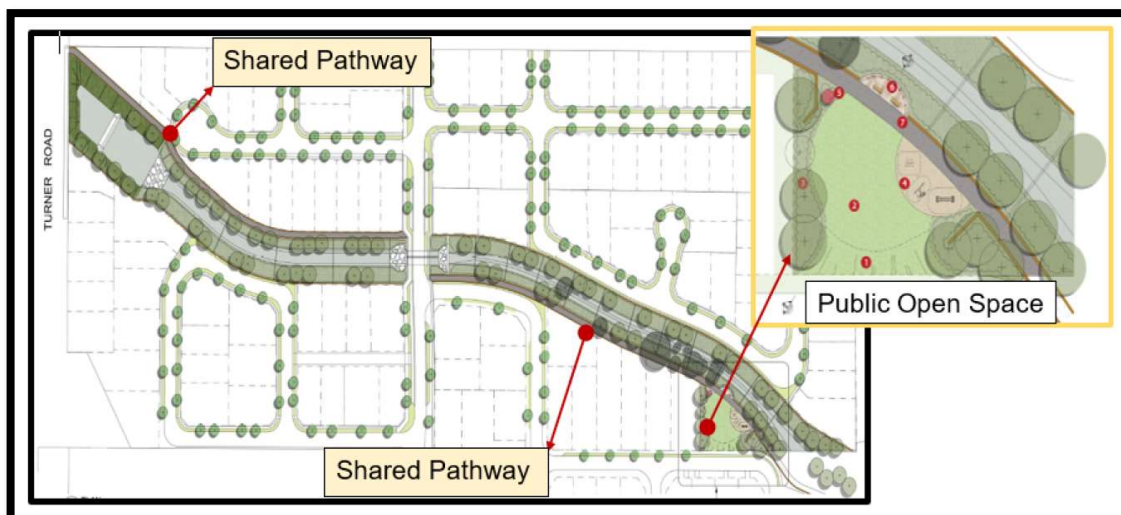


Figure 8: Indicative layout of proposed development depicting shared pathway and public open space

### **5.2 Environmental** Vegetation Management Plan

The proposal is supported by a Flora and Fauna and Riparian Assessment. A Vegetation Management Plan (**Attachment H**) seeks to preserve and regenerate the existing Cumberland Plain Woodland vegetation and enhance and revegetate the riparian corridor, resulting in improved environmental outcomes on the site.

### Contamination

The site is identified as having seven areas of contamination. A site remediation action plan (**Attachment H**) has been prepared, which indicates that the site can be remediated and suitable for residential development.

## Flooding

The site is not flood affected. A flooding and stormwater study (**Attachment H**) was prepared as part of the proposal. The study found the proposal will not generate detrimental flood impacts on surrounding properties and demonstrates how the proposed stormwater design within the riparian corridor will provide satisfactory drainage. The Council Report (page 7, **Attachment G**) advises further assessment of the detailed design of the proposed stormwater infrastructure will be required post-Gateway.

Flooding impacts have been satisfactorily addressed for the purposes of issuing a Gateway determination.

## Compatibility with existing and future surrounding uses

Land to the north, south and east is characterised by low density residential development. The site currently holds development potential for sixty three (63) residential lots. The proposal is minor in nature, seeking to increase development potential by six lots and is not inconsistent with the existing and future surrounding uses.

### **5.3 Infrastructure**

#### Traffic

A traffic impact report (TIR) (**Attachment H**) was undertaken to support the proposal. The report indicates that the additional traffic movement generated by the proposed development will not compromise the existing traffic service level, road safety and amenity at key intersections. The projected traffic volumes align with the recommended Roads and Maritime Services' (RMS) threshold for local and collector roads at post development.

The Council Report (page 6, **Attachment G**) advises the intersection of Narellan Road and Hartley Road is operating at capacity and further traffic assessment may be required to consider cumulative impacts.

The proposed Gateway determination includes a condition requiring the proposal to be forwarded to Transport for NSW/ RMS, for comment, as part of the public exhibition process.

## **6. CONSULTATION**

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### **6.1 Community**

The original version of the draft proposal was exhibited for 14 days from 24 April 2018 to 8 May 2018.

Council has advised the proposal will be exhibited in the local newspaper and exhibition material will be made available at Council's Administrative Centre, Oran Park, Narellan Library, Camden Library and on Council's website. Additionally, notification letters will be sent to land owners near the subject site and to submitters of the initial notification stage to advise of the proposal.

As the proposal is of a minor nature - consistent with: the pattern of surrounding land uses and the strategic planning framework; and, presents no issues with regard to infrastructure servicing, a 14-day exhibition period is considered satisfactory and is recommended.

## 6.2 Agencies

It is recommended that the proposal be forwarded to the following public agencies as part of the consultation process:

- Department of Planning, Industry and Environment – Environment, Energy and Science Group;
- NSW Office of Water;
- Transport for NSW/RMS; and,
- NSW Rural Fire Service.

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## 7. TIME FRAME

Council have proposed a 9-month timeframe to complete the amending plan. Given the minor nature of the proposal this time frame is considered appropriate.

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## 8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority. Given the minor nature of the proposal, it is recommended that Council be authorised to be the local plan-making authority.

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## 9. CONCLUSION

The planning proposal is supported to proceed with conditions as the proposal is minor, consistent with the surrounding development and the amending plan will protect the existing remnant vegetation on the site and seeks to provide improved recreational and environmental outcomes.

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## 10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 2.1 *Environment Protection Zones* 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. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
  - Department of Planning, Industry and Environment – Environment, Energy and Science Group;
  - NSW Office of Water;
  - Transport for NSW/RMS; and
  - NSW Rural Fire Service.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to public exhibition - the proposal is to be updated to include a discussion on the following:



- (a) the consistency of the proposal with the Western City District Plan, Planning Priority W14 *Protecting and enhancing bushland and biodiversity*;
- (b) the consistency of the proposal with the State Environmental Planning Policy No 19 – Bushland in Urban Areas;
- (c) the bushfire prone status of the site; and,
- (d) clarify, and amend, the references to Figures 8 & 9 under the heading: 4.2 *Explanation of Provisions*, on page 8 of the proposal.

**Noted:**



24/2/20

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