



## **CAMDEN COUNCIL PLANNING PROPOSAL**

**Amendment to Camden LEP 2010 to include minimum lot and  
minimum frontage controls to dual occupancies and multi  
dwelling housing**

**VERSION 1**

August 2018

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## BACKGROUND

This planning proposal seeks to amend the Camden Local Environmental Plan 2010 (Camden LEP 2010). The proposal introduces a new clause (Clause 4.1D) to provide minimum lot size and minimum frontage controls for dual occupancies and manor houses.

The proposed controls aim to encourage low rise medium density housing that are in keeping with the established character of localities outside of the Growth Areas and to ensure that sufficient space is provided for good quality architectural design, landscaping and ancillary developments such as car parking.

The proposed controls will also work in conjunction with the local housing strategies to be developed under the Western City District Plan.

### Camden Council's Current Controls

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

Council is currently undertaking a comprehensive review of the LEP as part of its obligations to ensure controls remain reflective of local development trends. This review is expected to be completed towards the end of 2018.

Camden LEP 2010 does not contain minimum lot or minimum frontage controls for specific development types. Site controls are contained in Camden Development Control Plan 2011 (Camden DCP 2011). The current site requirements for low rise medium density development are as follows:

Development Type	Minimum Lot Size – Camden DCP 2011
Dual Occupancies	600sqm or 800sqm on corner lots
Multi Dwelling Housing	Min. lot frontage of 25m

**Figure 1: Existing Controls in Camden DCP 2011**

### Low Rise Medium Density Housing Code

In October 2016, the Department of Planning and Environment (DPE) exhibited a Draft Medium Density Housing Code (draft Housing Code) for public comment. The draft Housing Code proposed that dual occupancies, manor houses and multi dwelling housing, known as low rise medium density housing, be approved under a Complying Development Approvals

pathway and without the need for Council approval. The aim of the draft Housing Code was to fast track development and increase housing supply in Greater Sydney.

On 13 December 2016, Council resolved to forward a submission to DPE. Council's submission raised the following concerns:

1. The draft Housing Code would affect Camden's ability to sustainably manage development in appropriate locations. This is important given the challenges the Council is facing in protecting its rural lands, providing sufficient infrastructure and facilitating further development in the Growth Areas;
2. The draft Housing Code does not recognise the existing number of dwellings currently provided by Camden Council. Camden is currently meeting its required housing targets and is actively engaged in providing housing diversity to meet the community via its work with the Department of Planning in the Growth Areas;
3. Council has an average determination time of 34.5 days and is already meeting its legislative requirements. The draft Housing Code does not recognise Camden's ability to provide sufficient, and diversified housing to meet the needs of the community;
4. The CDC process does not provide sufficient opportunities for community consultation. This is particularly important given the significant impacts that medium density development would have on low density established areas;
5. The draft Housing Code would put additional strain on Council's resources including increased referrals to Council staff for information and advice on matters such as waste collection, drainage infrastructure and capacity, and local traffic impact and advice;
6. The proposed car parking controls, which require one space per dwelling, do not align with Camden's car parking demand which sees residents with 2 or more vehicles. The proposed controls also do not provide sufficient space to provide kerbside parking for the community;
7. The additional complexities associated with assessing medium density housing developments would require further education for Certifiers; and
8. A number of technical issues, such as basement excavation, acoustic treatments and laneway setbacks contained in the Design Guide need to be clarified.

In light of the above, the submission requested that Camden Council be excluded from the requirements of the draft Housing Code.

The DPE released a revised Housing Code in May 2018. The Housing Code included the ability to construct dual occupancies, manor houses and medium density housing (terraces) under a CDC approval and mandate minimum lot sizes and frontages below that currently enforced in the Camden LGA.

Following release of the Code, Council again formally sought an exemption from application of this part of the Code sighting concerns over density and character impacts particularly in existing residential areas.

On 5 July 2018, the DPE formally gazetted an amendment to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) to defer its application to the Camden LGA for a 12 month period.

The deferral provides the opportunity for Council to review its LEP to ensure appropriate controls are in place prior to the conclusion of the 12 month period.

The Planning Proposal aims to ensure that these controls are in place prior to the cessation of the 12 month period.

### Effects of the Housing Code

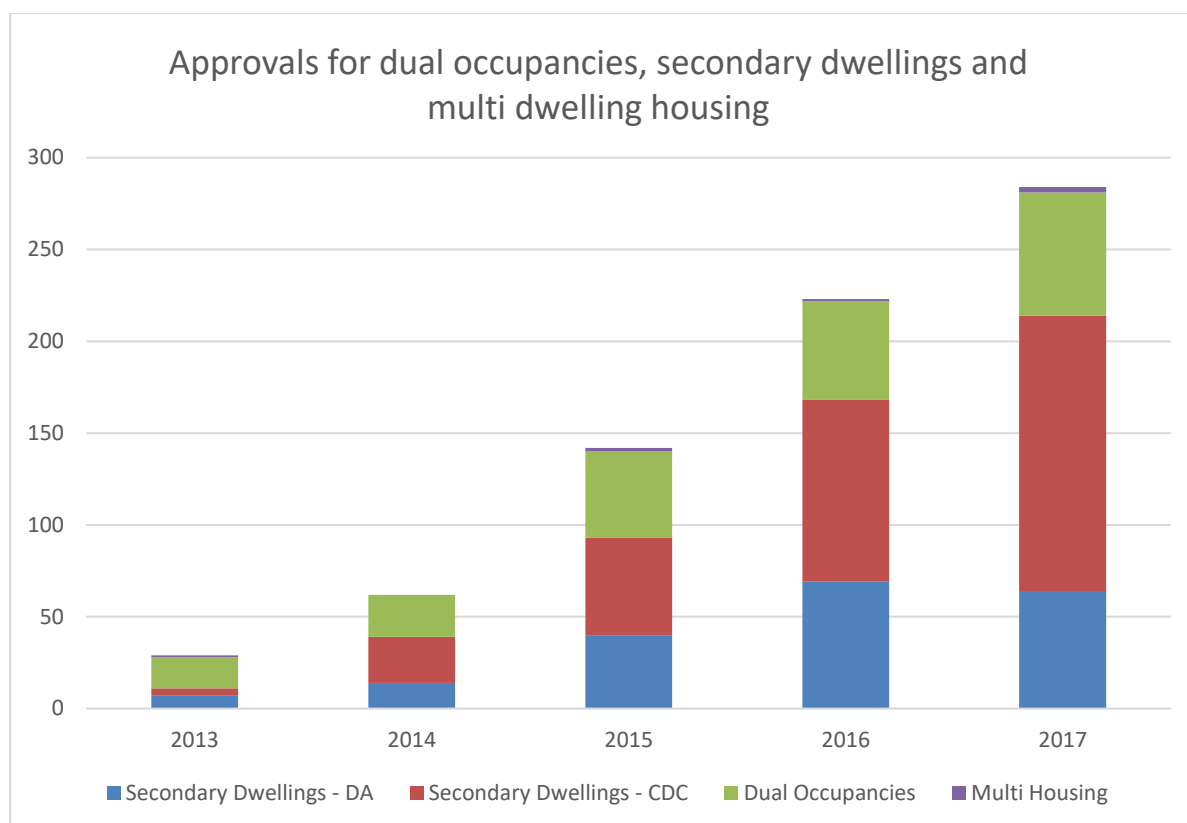
Camden Council is one of the fastest growing Councils in Greater Sydney. In 2016 – 2017, the population of Camden grew by 8.4%, and is double the growth of City of Sydney at 4% and Parramatta at 3.6% (ABS, 2018).

Camden is also providing a significant number of dwellings to accommodate for this growth. From 2013 – 2017, development applications in the Camden LGA grew by 57% (from 1,183 to 1,793). A large portion of these approvals relate to residential development.

Camden Council is carefully managing this rapid growth through a combination of Council policies and planning controls. The Housing Code will undermine Council's ability to control this growth leading to density, infrastructure provision and neighbourhood character impacts. These are further discussed below:

### *Density Concerns*

Secondary dwellings, dual occupancies and multi dwelling housing have become increasingly popular in the last four years. From 2013 – 2017, development approvals in the Camden LGA for secondary dwellings and dual occupancies rose by approximately 294% and 814% respectively and in 2018 alone, approvals for these housing types are at 43 and 42 respectively (see **Figure 2**). This shift towards smaller dwellings is driven by factors such as housing affordability and increase in land values.



**Figure 2: Approvals of dual occupancies, secondary dwellings and multi dwelling housing between 2013 - 2017**

The Housing Code is likely to further increase the number of dual occupancies and multi dwelling housing by streamlining the approval process and by allowing these types of developments on lots smaller than what is currently permitted in Council's controls.

Under the Housing Code, the mandated minimum lot size of 400sqm will enable development of an additional 8,000 approximate lots, that would previously not have met minimum lot size requirements for dual occupancy development.

At a take up rate of 50%, an additional 4,000 dwellings could be constructed under Camden LEP 2010 (outside of the Growth Areas). These additional 4,000 dwellings equate to approximately 12,000 new residents across the LGA.

This unplanned growth will have density impacts across the Camden LGA, and particularly on the character of established and newer release areas such as Elderslie and Spring Farm.

#### *Infrastructure Provision*

The Camden Contributions Plan 2011 (Camden CP) enables the collection of funds to provide infrastructure for the expected community. The Camden CP applies to land outside of the Growth Areas. The contribution rates and identified infrastructure, contained in the Camden CP are calculated according to Camden's forecast population.

Under the Ministerial Direction dated 21 August 2012, restrictions were placed on Councils as to the amount of monies that could be collected under existing contributions plans.

At this time the Camden CP was “grandfathered” by the Ministerial Direction to protect the collection of monies in areas such as Elderslie and Spring Farm where the rate significantly exceeded the mandated cap.

The grandfathering of the Camden CP significantly restricts Council’s ability to review the CP to consider increases in residential densities, that may be created as a result of the Housing Code.

Whilst Council could still collect monies under the CP there would be an under provision of infrastructure for the population generated, as the funds collected can only be spent on items within the plan.

#### Camden Local Planning Panel (CLPP)

In accordance with the Ministerial Directions dated 23 February 2018, Council is required to refer planning proposals to the Camden Local Planning Panel (formally IHAP) after 1 June 2018. The Planning Proposal was submitted to CLPP for information on 21 August 2018.

## **PART 1 – OBJECTIVES AND INTENDED OUTCOMES**

The aim of this Planning Proposal is to ensure that appropriate controls are in place to facilitate the effective management of low rise medium density development, once the Housing Code comes into effect.

The controls help ensure that sufficient space can be provided to accommodate for setbacks, private open space, ancillary buildings and driveway access while still maintaining the amenity and character of neighbourhoods outside of the Growth Areas.

The proposed controls seek to reinforce the principles contained in Council’s Rural Land Strategy by protecting Council’s important agricultural land and ensuring that density and development are facilitated in the right locations.

Further, the proposed amendments will satisfy objectives 2(a), (b), and (h) of the Camden LEP 2010 which are to ensure that:

- Camden retains its valued character, traditional qualities and scenic qualities;
- new communities are planned and developed in an orderly manner; and
- recreation needs of all existing and future residents of Camden are appropriately planned for.

The amendments will provide sustainable growth, compatible with the character of the established and that transitioning areas of the Camden LGA are maintained.

## PART 2 – EXPLANATION OF PROVISIONS

The Planning Proposal recommends that Camden LEP 2010 is amended by inserting clause '4.1D Minimum lot sizes for dual occupancies and multi dwelling housing'. The proposed will introduce:

- Dual occupancies:
  - A 600sqm minimum lot control or 800sqm on corner lots;
  - A 18m frontage control where dwellings are directly behind one another or 22m where dwellings are side by side;
- Multi dwelling housing:
  - A 1,500sqm minimum lot control; and
  - A 25m minimum frontage control.

A comparison table of the Housing Code, existing controls in Camden DCP 2011 and proposed controls in the draft Planning Proposal are contained in **Figure 3**.

Comparison Table of Controls			
	Housing Code	Camden DCP 2011	Proposed LEP Controls
Dual Occupancies	400sqm	600sqm or 800sqm for corner lots	600sqm or 800sqm for corner lots
	12m minimum frontage	22m minimum frontage	18m (one behind another)  22m (side by side)
Multi Dwelling Housing	600sqm	25m frontage  (no minimum lot control)	1,500sqm
	18m minimum frontage		25m minimum frontage

**Figure 3: Comparison table for controls for dual occupancies and multi dwelling housing.**

The proposed controls will only apply in zones which currently permit these types of developments. In this instance, the proposed dual occupancy controls will apply to all residential and rural zones. The multi dwelling housing controls will apply to R1 General Residential, R3 Medium Density Residential and B4 Mixed Use zones.

It is noted that the proposed amendments only apply to land zoned under the Camden LEP 2010. *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) contain minimum lot sizes and minimum lot frontage for dual occupancies and



multi dwelling housing. The proposed controls do not seek to amend the existing controls contained in this SEPP. Development Applications submitted in the Growth Areas will continue to be assessed according to the controls specified in the Growth Centres SEPP.

## **PART 3 – JUSTIFICATION**

### **SECTION A – NEED FOR THE PLANNING PROPOSAL**

#### **1. Is the planning proposal a result of any strategic study or report?**

No. However, the Planning Proposal is a result of Council's recognition that the Housing Code would significantly increase the popularity of low rise medium density housing and the construction of these dwellings will be undertaken in an unplanned manner.

An explanation of the numerical controls, and how Council arrived to these numbers are contained below:

#### **Minimum Lot Size Justification**

##### *Dual Occupancies*

The Camden DCP 2011 currently allows dual occupancies to be constructed on lots greater than 600sqm or 800sqm where the proposed development is on a corner site.

The Housing Code permits dual occupancies to be constructed on lots:

1. With a minimum lot area of 400sqm; or
2. The minimum lot area specified for dual occupancies in the environmental planning instrument (Camden LEP) that applies to the land concerned.

The Housing Code stipulates that where a LEP has a larger minimum lot size than that identified in the Code, it is the LEP minimum lot size which applies to the proposed development. A DCP control is not taken into consideration.

The Housing Code permits dual occupancy development on 400 sqm lots, as Council currently has no minimum lot size control for dual occupancies within the Camden LEP it is this minimum lot size that would apply.

It is therefore proposed to insert the minimum lot size control of 600 sqm and 800 sqm (corner sites) for dual occupancy development into the Camden LEP 2010. These controls will ensure that a consistent approach is provided for all dual occupancies on land outside of the Growth Areas.

##### *Multi Dwelling Housing*

The Camden DCP 2011 does not currently contain any minimum lot size controls for multi dwelling developments. Instead, the DCP requires lots comply with minimum lot frontage requirements.

The Housing Code will introduce minimum lot requirements and permits multi dwelling housing on lots:

1. With a minimum lot area of 600sqm; or
2. The minimum lot area specified for multi dwelling housing in the environmental planning instrument (Camden LEP) that applies to the land concerned.

The Planning Proposal seeks to incorporate a minimum lot size of 1,500sqm for multi dwelling housing (terraces). This control will apply to R1 General Residential, R3 Medium Density Residential and B4 Mixed Use zones.

In determining the minimum lot size, Council officers have reviewed four other Sydney Councils' controls and the existing lots requirements in Oran Park and Camden Growth Areas.

As shown in the comparison table in **Figure 4**, there is no numerical consistency between Councils. It is noted however that the majority of minimum lot sizes are 1,000sqm or greater.

<b>Comparison of minimum lot sizes for multi dwelling housing</b>		
<b>Council</b>	<b>Environmental Planning Instrument</b>	<b>Minimum Lot Size</b>
Camden – Oran Park	SEPP (Sydney Region Growth Centres) 2006	1,500sqm
Camden – Camden Growth Areas	SEPP (Sydney Region Growth Centres) 2006	1,500sqm in lower density bands
Canterbury - Bankstown Council	Bankstown LEP 2015	1,200sqm
Blacktown City Council	Blacktown LEP 2015	1,800sqm (in R3 zones)  Or  Min. lot width of 20m (all other zones)
Campbelltown City Council	Campbelltown (Sustainable City) DCP 2015	700sqm
Liverpool City Council	Liverpool DCP 2008	1,000sqm or 650sqm for smaller housing product.

**Figure 4: Comparison of minimum lot size controls for multi dwelling developments**

The proposed minimum lot size of 1,500 sqm is consistent with the current control contained in the Oran Park and Camden Growth Centres SEPP and will offer a consistent approach to multi dwelling housing across the LGA.

The proposed minimum lot size of 1,500 sqm is larger than the minimum lot size contained in the Housing Code. However, it is considered that larger lots can provide better design outcomes such as building separation, open space, landscaping, solar access, cross ventilation and car parking.

### **Minimum Frontage Justification**

#### *Dual Occupancies*

The Camden DCP 2011 requires a minimum frontage of 22m or greater for a dual occupancy. The Housing Code requires a minimum frontage of 12m for a dual occupancy.

The Planning Proposal will introduce frontage controls of 18m and 22m in the Camden LEP 2010. The 18m frontage control is designed to permit a dual occupancy where one dwelling is built behind the other. The 18m frontage allows for a 15m dwelling frontage and a 3m wide access handle (driveway) to permit vehicular access to the dwelling at the rear.

The draft Planning Proposal will also introduce a 22m frontage control for dual occupancies in a side by side formation. This frontage width is consistent with the existing control contained in the Camden DCP 2011.

#### *Multi Dwelling Housing*

The Camden DCP 2011 requires a minimum frontage of 25m for small multi dwelling developments with direct street access. To provide consistency, this control will also be introduced into the Camden LEP 2010.

The 25m minimum frontage will provide sufficient space for landscaping, streetscape, front entry, driveway and/or pedestrian access.

## **2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. An amendment to Camden LEP 2010 to introduce minimum lot sizes is considered the best means of achieving the objectives and outcomes specified in Part 1 of this section.

The controls ensure that consistency is provided between development applications and complying development applications for dual occupancies and terraces.

There are no other relevant means of accommodating lot size or frontage requirements which would be considered by both development applications and Complying Development Certificates (CDCs).

## **3. Is there a net community benefit?**

Given the minor nature of the proposed amendment, it is not considered that a Net Community Benefit Test needs to be undertaken. The matters addressed in the

Planning Proposal strengthen the Camden LEP 2010 by providing consistent and robust minimum lot controls for dual occupancies and multi dwelling housing.

## **SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

### **4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

#### A Metropolis of Three Cities – The Greater Sydney Region Plan

A Metropolis of Three Cities is the first Regional Plan developed by the Greater Sydney Commission. The Plan provides a vision and actions for managing growth in Greater Sydney and enhancing its status as a global city. The Plan envisions Sydney as three cities connected by transport links. Camden is located in the Western City.

The Planning Proposal is consistent with the following objectives of the Greater Sydney Region Plan:

#### *4. Liveability:*

Objective 10 Greater Housing Supply

Objective 11 Housing Is More Diverse and Affordable

Objective 12 Great Places that Bring People Together

**Comment:** The Planning Proposal does not remove permissibility of any form of housing forms. Instead it aims to create better quality developments and well designed neighbourhoods for the better of the community. The majority of Camden's housing supply is of single detached housing, in this instance the proposal will not significantly impact on housing supply or Camden's ability to meet housing targets.

#### *6. Sustainability:*

Objective 26 A cool and green parkland city in the South Creek Corridor

Objective 30 Urban tree canopy cover is increased

**Comment:** The larger lots enable more space to accommodate for high quality landscaping and more usable open space. The amendments will contribute to the green parkland city land the South Creek Corridor and play a role in maintaining tree canopy cover.

#### *6. Sustainability:*

Objective 28 Scenic and cultural landscapes are protected

Objective 29 Environmental, social and economic values in rural areas are protected and enhanced

**Comment:** Council has recently endorsed a Rural Lands Strategy. The Strategy aims to ensure that Camden's remaining agricultural land is protected and to ensure that the

important scenic landscapes which make Camden unique are retained. The Strategy will work in conjunction with the above objectives to ensure that Camden's important landscapes and rural areas are protected.

The Planning Proposal is in keeping with Camden's Rural Lands Strategy by encouraging growth in appropriate residential locations to reduce landuse conflicts, maintain significant views and create developments in keeping with the prevailing neighbourhood character.

#### Western City District Plan

The Western City District Plan provides subregional objectives which steam from the Sydney Regional Plan. The document also provides a list of Planning Priorities, these priorities work together to create a liveable, vibrant Western City.

The Planning Proposal is consistent with 3. *Liveability - W5 Providing housing supply, choice and affordability with access to jobs, services and public transport* of the Western City Plan:

**Comment:** The Western City District Plan notes that new housing is important to meet the needs of Greater Sydney, however this housing must be in the right place to meet the demand for different housing types, tenure, price points, preferred locations and design. More importantly, the District Plan notes that Council is in the best position to determine which areas are best to accommodate for medium density housing and would benefit from DPE's Housing Code.

The Planning Proposal amendments will also work in conjunction with the housing strategies required under the District Plan. The housing strategies are to:

- make provision for the anticipated growth associated with the 0–5 and 6–10 year housing targets (when agreed);
- align projected growth with existing and proposed local infrastructure and open space improvements (refer to Planning Priorities W1, W3 and W18);
- identify the right locations for growth, including areas that are unsuitable for significant change in the short to medium term;
- identify capacity to contribute to the District's 20-year strategic housing target;
- inform the Affordable Rental Housing Target Schemes for development precincts; and
- coordinate the planning and delivery of local and State infrastructure.

By introducing the controls, Council intends to allow medium density housing in appropriate locations to enable Council to meet their housing targets. The controls do

not prohibit housing, instead it ensures that developments are sufficient to provide the infrastructure and services needed for medium density development.

**5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Yes. The Planning Proposal is consistent with Council's Community Strategic Plan, *Camden 2040*.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

Yes. The Planning Proposal is consistent with the relevant State Environmental Planning Policies and deemed State Environmental Policies. These Policies have been addressed at **Appendix 1** to this Planning Proposal.

**7. Is the planning proposal consistent with applicable Ministerial Directions (S9.1 Directions)?**

Yes. The Planning Proposal is consistent with the applicable Ministerial Directions (S9.1 Directions).

The S9.1 directions applicable to the Planning Proposal have been addressed at **Appendix 2** of this Planning Proposal.

## **SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no likelihood of any adverse effect on any critical habitat or threatened species, population or ecological communities, or their habitats, as a result of the proposal.

**9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

Given the minor nature of the proposal, there are no likely environment effects.

**10. How has the Planning Proposal adequately addressed any social and economic effects?**

The proposal is unlikely to create any social or economic effects. In some cases, lots may not be able to develop multi dwelling housing as a result of the Planning Proposal. These lots will require amalgamation for further development. However, the benefits of introducing these minimum lot sizes result in significant social benefits for the greater community and are considered to outweigh the negatives.

## **SECTION D - STATE AND COMMONWEALTH INTERESTS**

### **11. Is there adequate public infrastructure for the planning proposal?**

The proposal is unlikely to generate any need for additional public infrastructure.

### **12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

No consultation with State or Commonwealth agencies have been carried out to date. Council will consult with any public agencies and the community as directed by the Gateway Determination.

## **PART 4 – MAPPING**

The Planning Proposal will not require any changes to the mapping.

## **PART 5 – COMMUNITY CONSULTATION**

The Planning Proposal and draft LEP amendments will be publicly exhibited for a period of 28 days or in accordance with the Gateway Determination. A notification will be in accordance with the directions of the Gateway Determination. Notification of the Proposal will also be placed in the local newspaper and the exhibition material available at:

- Oran Park Administration Centre, 70 Central Avenue, Oran Park (Hard Copy);
- Oran Park Library, 72 Central Avenue, Oran Park (Hard Copy);
- Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Library, John Street, Camden (Hard Copy); and
- Council website for the length of the exhibition period (Electronic Copy).

At the conclusion of the exhibition period, a report will be submitted back to Council detailing the submissions received.

## PART 6 – PROJECT TIMEFRAME

	Aug. 2018	Sep. 2018	Oct. 2018	Nov. 2018	Dec. 2018	Jan. 2019	Feb. 2019
Anticipated commencement date (date of Gateway determination)							
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)							
Commencement and completion dates for public exhibition period							
Timeframe for consideration of submissions							
Timeframe for the consideration of a proposal post exhibition							
Date of re-submission to the department to finalise the LEP							
Anticipated public exhibition of amendment to Camden LEP 2010							



## **APPENDICES**

**Appendix 1:** Consistency against State Environmental Planning Policies

**Appendix 2:** S9.1 Directions

**Appendix 3:** Council Report and Minutes

## APPENDIX 1: CONSISTENCY AGAINST STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Applicable to this Proposal?	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	Yes	The proposal intends to introduce a new clause into the Camden LEP 2010 but is generally consistent with the standard instrument.	Yes
Standard Instrument—Principal Local Environmental Plan	Yes	The proposal intends to introduce a new clause into the Camden LEP 2010 but is generally consistent with the standard instrument.	Yes
State Environmental Planning Policy No 1—Development Standards	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 21—Caravan Parks	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 30—Intensive Agriculture	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Yes	This SEPP applies to the state, however, the proposal is not hazardous or offensive. This Planning Proposal is not inconsistent with the SEPP.	Yes
State Environmental Planning Policy No 36—Manufactured Home Estates	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy No 44—Koala Habitat Protection	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy No 47—Moore Park Showground	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy No 50—Canal Estate Development	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	Not applicable to this Planning Proposal.	N/A
State Environmental Planning Policy No 55—Remediation of Land	Yes	This Planning Proposal will not modify the need to consider	Yes

<b>State Environmental Planning Policy</b>	<b>Applicable to this Proposal?</b>	<b>Comment</b>	<b>Consistent</b>
		contaminated land during the assessment process	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	Not applicable to this Planning Proposal.	N/A
State Environmental Planning Policy No 64—Advertising and Signage	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	Not applicable to this Planning Proposal.	N/A
State Environmental Planning Policy (Coastal Management) 2018	No	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	The proposal seeks to call upon the Housing Code requirement to consider Council's minimum lot sizes and is not inconsistent with the applications of this SEPP.	Yes
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Infrastructure) 2007	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N/A	This policy does not apply to the Camden LGA.	N/A

<b>State Environmental Planning Policy</b>	<b>Applicable to this Proposal?</b>	<b>Comment</b>	<b>Consistent</b>
State Environmental Planning Policy (Integration and Repeals) 2016	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (State Significant Development) 2005	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (Rural Lands) 2008	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Three Ports) 2013	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A	This policy does not apply to the Camden LGA.	N/A

<b>State Environmental Planning Policy</b>	<b>Applicable to this Proposal?</b>	<b>Comment</b>	<b>Consistent</b>
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	No	This policy is not applicable to the Planning Proposal.	N/A
Sydney Regional Environmental Plan No 16—Walsh Bay	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 18—Public Transport Corridors	No	This policy is not applicable to the Planning Proposal.	N/A
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	No	This policy is not applicable to the Planning Proposal.	N/A
Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 26—City West	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 30—St Marys	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 33—Cooks Cove	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	This policy does not apply to the Camden LGA.	N/A

## APPENDIX 2 : S9.1 DIRECTIONS

No.	Title	Comment
<b>1 – Employment and Resources</b>		
1.1	Business and Industrial Zones	The amendments will not impact on the continued viability of the B4 zone or on its ability to provide further commercial opportunities.
1.2	Rural Zones	The purpose of the amendments are to mitigate impacts associated with residential development on existing agricultural land uses and provide better quality developments to reduce potential land use conflicts.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
<b>2 – Environment and Heritage</b>		
2.1	Environment Protection Zones	The amendments aim to conserve and enhance environmentally sensitive areas by ensuring that sufficient space is provided for setbacks from significant areas.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
<b>3 – Housing Infrastructure and Urban Development</b>		
3.1	Residential Zones	The purpose of the amendments is to provide good quality medium density development on suitable sites. It seeks to maintain the low density character of established neighbourhoods in Camden

No.	Title	Comment
		whilst still facilitating housing growth through DPE's Housing Code.
3.2	Caravan Parks and Manufactured Home Estates	Consistent
3.3	Home Occupations	Consistent
3.4	Integrating Land Use and Transport	Consistent
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
<b>4 – Hazard and Risk</b>		
4.1	Acid Sulfate Soils	A detailed assessment will still be required to ensure developments do not affect acid sulfate soils.
4.2	Mine Subsidence and Unstable Land	Consistent
4.3	Flood Prone Land	A detailed assessment will still be required to ensure developments do not affected by flooding.
4.4	Planning for Bushfire Protection	A detailed assessment will still be required to ensure developments do not affected by bushfire risk
<b>5 – Regional Planning</b>		
5.1	Implementation of Regional Strategies	The Planning Proposal is consistent with the relevant goals, directions and actions of the Western City District Plan and the Greater Sydney Region Plan.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable

No.	Title	Comment
5.9	North West Rail Link Corridor Strategy	Not applicable
6 – Local Plan Making		
6.1	Approval and Referral Requirements	Consistent
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	The amendment has been introduced to reduce the need for unnecessary site specific controls. It is considered that all sites, suitable for medium density development will be able to do so under these amendments.
7 – Metropolitan Planning		
7.1	Implementation of A Metropolis of Three Cities	Consistent



### **APPENDIX 3: COUNCIL MEETING REPORT AND MINUTES**



## ORDINARY COUNCIL

ORD02

**SUBJECT:** ADDITION OF MINIMUM LOT CONTROLS IN CAMDEN LEP 2010  
**FROM:** Director Planning and Environment  
**TRIM #:** 18/181945

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### PURPOSE OF REPORT

This report seeks Council endorsement of a draft Planning Proposal to amend the Camden Local Environmental Plan 2010 (Camden LEP 2010). The amendment seeks to include minimum lot size and frontage controls for dual occupancies and multi dwelling housing.

### BACKGROUND

In October 2016, the Department of Planning and Environment (DPE) exhibited a draft Medium Density Housing Code (draft Housing Code) for public comment. The draft Housing Code proposed that dual occupancies, manor houses and multi dwelling housing, known as low rise medium density housing, be approved under a Complying Development Approvals pathway and without the need for Council approval.

On 13 December 2016, Council resolved to forward a submission to the DPE. Council's submission, included as an **attachment** to this report, objected to Council's inclusion in the draft Housing Code.

In May 2018, the DPE released a revised Housing Code, which allows dual occupancies, manor houses and medium density housing (terraces) as Complying Development and provides minimum lot sizes and frontages below that currently applicable in the Camden LGA. Following its release, Council again sought an exemption from the Code.

On 5 July 2018, the DPE gazetted an amendment to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) to defer its application to the Camden LGA for a 12 month period.

The deferral provides the opportunity for Council to review the LEP to ensure appropriate controls are in place prior to the conclusion of the 12 month period.

This matter was presented to a Councillor briefing on 26 June 2018.

### MAIN REPORT

#### **Key Issues**

The Housing Code is likely to increase the number of dual occupancies and multi dwelling housing developments, as it permits these types of development on lots smaller than what is currently permitted by Council's controls.

This unplanned growth is likely to impact on density across the Camden LGA and particularly on the character of established and new release areas such as Elderslie

and Spring Farm. Further, the Housing Code will affect Council's ability to provide sufficient local infrastructure to the community.

These key concerns are further discussed in the **attachment** to this report.

### Draft Planning Proposal

The draft Planning Proposal seeks to amend the Camden LEP 2010 to insert minimum lot size and minimum frontage controls for dual occupancies and multi dwelling housing. The Planning Proposal is included as an **attachment** to this report.

The draft Planning Proposal includes:

- Dual occupancies – inclusion of the following controls:
  - 600 sqm minimum lot size or 800 sqm on corner lots;
  - 18m minimum frontage where dwellings are directly behind one another or 22m where dwellings are side by side;
- Multi dwelling housing – inclusion of the following controls:
  - 1,500 sqm minimum lot size; and
  - 25m minimum frontage control.

A comparison of the Housing Code, existing controls in the Camden DCP 2011 and proposed controls in the draft Planning Proposal are contained in **Figure 1**.

Comparison Table of Controls			
	Housing Code	Current Camden DCP 2011 Controls	Proposed LEP Controls
Dual Occupancies	Min Lot Size: 400sqm	Min Lot Size: 600sqm or 800sqm for corner lots	Min Lot size: 600sqm or 800sqm for corner lots
	Min Frontage: 12m	Min Frontage: 22m	Min Frontage: 18m (one behind other) 22m (side by side)
Multi Dwelling Housing	Min Lot Size: 600sqm	Min Lot Size: No minimum lot size	Min Lot Size: 1,500sqm
	Min Frontage: 18m minimum	Min Frontage: 25m	Min Frontage: 25m

**Figure 1: Comparison table of controls for dual occupancies and multi dwelling housing.**

The proposed controls will only apply to zones that currently permit these types of developments. The proposed dual occupancy controls will apply to all residential and rural zones. The multi dwelling housing controls will apply to R1 General Residential, R3 Medium Density Residential and B4 Mixed Use zones.

It is noted that the proposed amendments only apply to land zoned under the Camden LEP 2010. *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*



(Growth Centres SEPP) contains minimum lot sizes and frontage controls for dual occupancies and multi dwelling housing in the growth areas.

This Planning Proposal does not seek to amend the Growth Centres SEPP. Development Applications submitted in the growth areas will continue to be assessed against the existing controls in the Growth Centres SEPP.

## **Minimum Lot Size Justification**

### *Dual Occupancies*

The Camden DCP 2011 currently requires a minimum lot size of 600 sqm for a dual occupancy, or 800 sqm for corner sites.

The Housing Code permits a dual occupancy on lots where:

1. With a minimum area of 400sqm; or
2. The minimum area specified for dual occupancies in the environmental planning instrument (Camden LEP 2010) that applies to the land.

The Housing Code stipulates that where a LEP has a larger minimum lot size than that identified in the Code, it is the LEP minimum lot size that applies to the proposed development. A DCP control is not taken into consideration.

The Housing Code permits dual occupancy development on 400 sqm lots, as Council currently has no minimum lot size control for dual occupancies within the Camden LEP. It is this minimum lot size that would apply. It is therefore proposed to insert the minimum lot size control of 600 sqm and 800 sqm (corner sites) for dual occupancy development into the Camden LEP 2010.

### *Multi Dwelling Housing*

The Camden DCP 2011 does not currently contain a minimum lot size control for multi dwelling developments. However, the DCP requires that lots comply with minimum frontage requirements.

The Housing Code permits multi dwelling housing on lots:

1. The minimum lot area specified for multi dwelling housing in the environmental planning instrument (Camden LEP) that applies to the land concerned; or
2. If no minimum lot area is specified in the environmental planning instrument - 600sqm.

This Planning Proposal seeks to insert a minimum lot size control of 1,500 sqm for multi dwelling housing in the Camden LEP. This control will apply to R1 General Residential, R3 Medium Density Residential and B4 Mixed Use zones.

In determining the appropriate minimum lot size, Council officers have considered other Sydney councils' controls and the current requirements in Oran Park and the Camden Growth areas.

As shown in Figure 2, there is a range of minimum lot sizes between councils. However, most require a minimum lot size of 1,000sqm or more.

Comparison of minimum lot sizes for multi dwelling housing		
Council	Environmental Planning Instrument	Minimum Lot Size
Camden – Oran Park	SEPP (Sydney Region Growth Centres) 2006	1,500sqm
Camden – Camden Growth Areas	SEPP (Sydney Region Growth Centres) 2006	1,500sqm in lower density bands
Canterbury - Bankstown Council	Bankstown LEP 2015	1,200sqm
Blacktown City Council	Blacktown LEP 2015	1,800sqm (in R3 zones) Or Min. lot width of 20m (all other zones)
Campbelltown City Council	Campbelltown (Sustainable City) DCP 2015	700sqm
Liverpool City Council	Liverpool DCP 2008	1,000sqm or 650sqm for smaller housing product.

**Figure 2: Comparison of minimum lot size controls for multi dwelling housing**

The proposed minimum lot size of 1,500 sqm is consistent with the current control contained in the Oran Park and Camden Growth Centres SEPP and will offer a consistent approach to multi dwelling housing across the LGA.

The proposed minimum lot size of 1,500 sqm is larger than the minimum lot size contained in the Housing Code. However, it is considered that larger lots can provide better design outcomes such as building separation, open space, landscaping, solar access, cross ventilation and car parking.

### Minimum Frontage Justification

#### *Dual Occupancies*

The Camden DCP 2011 requires a minimum frontage of 22m or greater for a dual occupancy. The Housing Code requires a minimum frontage of 12m for a dual occupancy.

The draft Planning Proposal inserts a minimum frontage control of 18m and 22m for a dual occupancy in the Camden LEP. The 18m frontage control is designed to permit a dual occupancy where one dwelling is built behind the other. The 18m frontage allows for a 15m dwelling frontage and a 3m wide access handle (driveway) to permit vehicular access to the dwelling at the rear.

The draft Planning Proposal will also insert a 22m frontage control for a dual occupancy designed with both dwellings fronting the street. This frontage control is consistent with the existing control in the Camden DCP 2011.

#### *Multi Dwelling Housing*

The Housing Code allows multi dwelling housing to be constructed on lots with a minimum frontage of 18m.



The draft Planning Proposal seeks to introduce a 25m lot frontage control into Camden LEP 2010. This control is consistent with the existing frontage control for multi dwelling housing contained in Camden DCP 2011.

### **Camden Local Planning Panel (CLPP)**

In accordance with the Ministerial Direction dated 23 February 2018, Council is required to refer Planning Proposals to the Camden Local Planning Panel (formerly IHAP) after 1 June 2018. If Council resolves to endorse the Planning Proposal, the proposal will be referred to the CLPP in accordance with the current requirements.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

This draft Planning Proposal seeks to amend the Camden LEP 2010 to insert minimum lot size and frontage controls for dual occupancies and multi dwelling housing. The draft Planning Proposal is proposed to respond to potential increased density and character impacts associated with the new Housing Code proposed to come into effect on 1 July 2019.

Should Council resolve to proceed with the draft Planning Proposal, it will be forwarded to the DPE for Gateway Determination and placed on public exhibition.

### **RECOMMENDED**

**That Council:**

- i. **endorse the draft Planning Proposal and forward to the Department of Planning and Environment for a Gateway Determination;**
- ii. **pending a favourable response from the Department of Planning and Environment, proceed to public exhibition of the Planning Proposal for a period of 28 days or in accordance with the terms of the Gateway Determination notice; and**
- iii. **at the conclusion of the public exhibition period:**
  - a. **subject to no unresolved submissions being received, forward the Planning Proposal to the Department of Planning and Environment for the plan to be made; or**
  - b. **if unresolved submissions are received, require a further report which outlines the results of the public exhibition.**

### **ATTACHMENTS**

1. Submission to DPE
2. Attachment - concerns
3. Proposed Amendment - Minimum Lot and frontage controls



# Camden Council

## Attachments

**Ordinary Council Meeting**  
**24 July 2018**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**





**Submission to  
Department Planning & Environment**

***Draft Medium Density Housing Code  
and Draft Medium Density Design  
Guide***

13 December 2016





## SUBMISSION – OPTIONS FOR LOW RISE MEDIUM DENSITY HOUSING AS COMPLYING DEVELOPMENT

## Introduction

Camden Council welcomes the opportunity to comment on the Draft Medium Density Housing Code (MDHC) and the Explanation of Intended Effects – Proposed Medium Density Design Guide (MDDG).

Camden Council objects to the inclusion of medium density housing as complying development and to permit subdivision of allotments below that of the minimum allotment size control.

The legislative changes to the Housing Code and controls in the MDDG appear to be designed for infill developments in inner Sydney rather than Councils, such as Camden, where greenfield development is the norm. The changes affect Council's ability to control and predict population density, undermining the master planning process and affecting the efficient delivery of planned infrastructure.

This objection is in addition to Council's submission, dated 26 February 2016 to DPE's discussion paper *"Options for Low Rise Medium Density Housing as Complying Development"*. Council is concerned that the draft documents have not sufficiently addressed a number of key concerns raised in the last objection. Particularly, the challenges associated with introducing unplanned development in locations where precise infrastructure and community planning is required.

A copy of Council's objection to the discussion paper is **contained in Attachment 1**.

## Key concerns relating to the draft documentation

Council has identified the following key concerns and issues, with the draft documentation:

### 1. Strategic Intent of the proposed amendment

The Draft South-West District Plan has identified a need for an additional 143,000 dwellings in the next 20 years, with Camden proposed to provide a large percentage of this housing target.

From 2012-2016, approximately 8,220 residential lots were approved by Camden Council, this equates to an average of 2,055 lots per year.

In addition, Camden Council's average determination time (November 2015 – 2016) for a development application is approximately 34.5 days, meeting legislated requirements.

While Council recognises the need for greater housing diversity and streamlined approvals, the above statistics show that Camden is already achieving these targets by providing a large proportion of housing within targeted timeframes.

Camden Council is unique in that the large majority of the LGA is within the South West Priority Growth Area. The challenges faced within a greenfield area are not the same



as an infill area in inner Sydney and therefore, the changes are not considered the most appropriate way to facilitate increased development in the LGA.

A better approach would be to ensure that each area of Camden has targets for the provision of a range of housing types and densities in appropriate locations. This would then provide Councils with greater control over densities and urban design outcomes, whilst still achieving target for the provision of affordable housing.

#### Recommendation

That the Camden LGA should be excluded from the draft changes to the Codes SEPP.

### **2. Impacts on housing density and associated planned infrastructure.**

The proposed subdivision amendments, to allow torrens title subdivision below Council's minimum allotment size, could result in unpredictable density increases across the Camden LGA.

In established suburbs, these changes will enable the approval of torrens title subdivision below the minimum allotment size. The proposed changes will increase the viability of this form of housing and result in an increase of medium density housing and dual occupancies, and a corresponding increase in residential density.

The changes will affect Council's planning infrastructure provision and affect neighbourhood character.

In greenfield areas, increase without consultation will affect the preparation of VPAs and contribution plans. Unpredictable population increases make the provision of open space, community facilities, and road networks provision difficult. Incorrect contribution plans can also affect housing affordability, as increased contribution levies equate to higher build prices.

#### Recommendation

The proposed amendments to the Codes SEPP will create significant contribution planning and infrastructure provision issues within the LGA.

Greenfield areas are subject to extensive master planning to ensure infrastructure is sized and appropriately located to cater for the new community. Master planning also ensures an appropriate mix of densities and housing types in the right locations, with improved urban design outcomes. The proposed changes would negate the masterplanning process by providing additional densities outside those predicted by the masterplan.

### **3. Inadequate community consultation proposed under the Housing Code changes**

Under clause 130AB of the *Environmental Planning and Assessment Regulation 2000* (the Reg), CDCs are only notified to properties within 20m of the site and Council. This process does not allow for making of or consideration of submissions from neighbours.



Given medium density housing have inherently greater impacts on the local community, require a greater level of resources, and have the potential to significantly affect the streetscape character; the absence of proper community consultation is unacceptable and not in the public interest.

Recommendation

That the Reg be amended to include an exhibition period, similar to Development Applications, to allow the community and Council to make comment on medium density developments.

#### 4. Impacts on Council resources

The proposed amendments will impact on Council resources.

Approvals under the current Codes SEPP are less complex and require limited information and/or involvement from Council officers. The proposed changes to include medium density housing will require increased referrals to council staff for information and advice on waste collection, drainage infrastructure and capacity and local traffic impact and advice.

Recommendation

Should the proposed amendments proceed, it is recommended that the regulations also be reviewed to allow Council to levy for advice on matters that affect Council assets and infrastructure.

#### 5. Mandated carparking controls not reflective of Camden LGA

The MDDG controls require only 1 car space per dwelling, irrespective of the number of bedrooms.

Camden DCP 2011 requires a minimum of 1 car parking space per dwelling plus 0.2 spaces per 2 bedroom dwelling plus 0.5 spaces per 3 or more bedroom dwelling. Therefore, a 4 bedroom dwelling would require 2 spaces.

Given that 68% of households in Camden LGA have access to two or more motor vehicles compared to 44% in Greater Sydney, additional car parking, over and above the MDDG control, is required to accommodate for the needs of the local community.

Additionally, the 6m minimum lot frontage width required by the MDDG (for dual occupancies and terraces) restricts the ability to provide on-street parking, when a driveway is proposed at the dwelling frontage.

The insufficient car parking requirements in the Codes SEPP will place unreasonable pressure on on-street parking.



#### Recommendation

Council's DCP parking and frontage requirements should apply to CDC developments.

### **6. Technical Concerns regarding controls**

In addition to the wider strategic concerns discussed earlier in this report, there are a number of technical concerns regarding the implementation of the proposed changes which are summarised below and discussed in greater detail in the submission:

- Issues associated with basement car parking has not been sufficiently considered

The MDDG does not consider matters such as salinity, flooding and groundwater movements, which are of key concern.

- Acoustic Treatments

The requirement for 2.1m high acoustic walls along classified roads is not supported. This will result in poor urban design outcomes and eliminate passive surveillance to the street.

- Setbacks in laneways

The requirement for a zero setback from laneways is not supported. This would not provide sufficient setbacks for large vehicles to pass through laneways or for waste vehicles to empty waste without damaging private property.

- Concerns re accessible parking and adaptable housing

The guidelines do not consider the provision of adaptable housing. Should the proposed changes proceed it is recommended that a provision be included for the mandatory provision of adaptable housing for multi-dwelling developments.

### **7. Review of Certifier Qualifications**

The proposed changes to the Codes SEPP will enable certifiers to approve medium density housing as complying development as outlined earlier in this report. The current system for CDC approvals does not require certifiers to undertake merit based assessment or consider urban design outcomes.

#### Recommendation

It is recommended that the DPE review the current requirements for certifiers in NSW and ensure suitable training for certifiers undertaking medium density approvals.



SUBMISSION – OPTIONS FOR LOW RISE MEDIUM DENSITY HOUSING AS COMPLYING DEVELOPMENT

### Concluding comments

For the reasons set above, Camden Council objects to the proposed Draft Medium Density Design Guide, the proposed changes to include medium density housing types as complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and the addition of Clause 4.1C – Subdivision in the Standard Instrument.

Council Officers have reviewed the draft documents and raised concern, relating to the relevance of the documentation to achieve housing targets in the LGA, infrastructure provision, urban design outcomes, community consultation and Council resourcing.

While Council recognises the need for housing diversity in the Sydney metropolitan area, other methods such as the implementation of strategic housing policies and encouraging housing diversity during the rezoning process are preferred to achieve this outcome. These approaches are consistent with the initiatives of the Draft South-Western District Plan.

In considering the above, it is requested that the DPE does not proceed with the proposed changes to the Codes SEPP. However, if the proposed changes were to proceed, it is recommended that they do not apply to the Camden LGA.

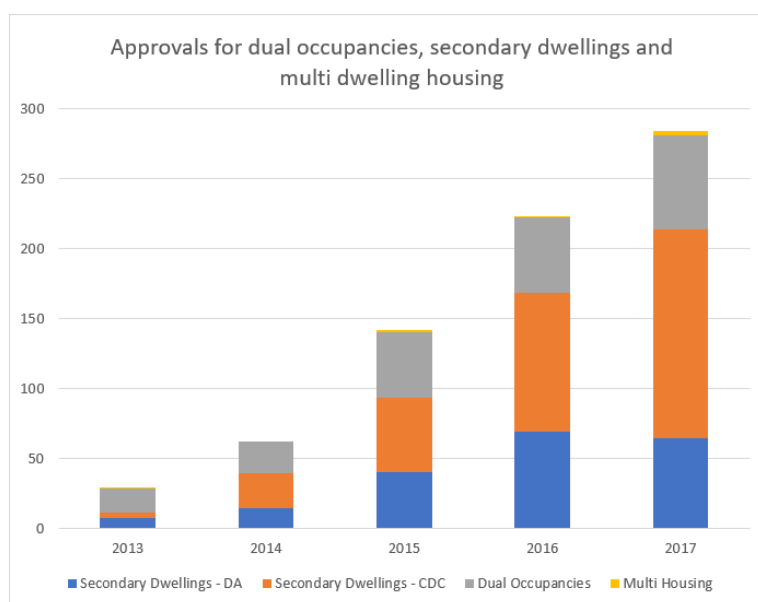
## Attachment: Key Concerns as a Result of the Housing Code

### Density

Camden Council is one of the fastest growing councils in Greater Sydney. In 2016 – 2017, ABS estimated that the population of Camden grew by 8.4%, and was double the growth of City of Sydney at 4% and Parramatta at 3.6% (ABS, 2018).

A large percentage of this growth is through the construction of single dwellings, however dual occupancies, secondary dwellings and multi dwelling housing have also become increasingly popular in recent years.

**Figure 1** shows the volume of dual occupancies, secondary dwellings and multi dwelling housing approved by Council and the number of CDC approvals for secondary dwellings from 2013 – 2017.



**Figure 1: Approvals of dual occupancies, secondary dwellings and multi dwelling housing between 2013 - 2017**

The Housing Code is likely to further increase the number of dual occupancies and multi dwelling housing by streamlining the approval process and allowing these types of developments on lots smaller than what is currently permitted in Council's controls.

Under the Housing Code, the minimum lot size of 400sqm will enable development of an additional 8,000 lots (approximately), that would previously not have met the minimum lot size requirements for dual occupancy development.

At a take up rate of 50%, an additional 4,000 dwellings could be constructed under Camden LEP 2010 (outside of the Growth Areas). These additional 4,000 dwellings equate to approximately 12,000 new residents across the LGA.

This unplanned growth will have density and character impacts, particularly on the character of established and newer release areas such as Elderslie and Spring Farm.

### **Infrastructure Provision**

The Camden Contributions Plan 2011 (Camden CP) enables the collection of funds to provide infrastructure for the expected community. The Camden CP applies to land outside of the Growth Areas. The contribution rates and identified infrastructure, contained in the Camden CP are calculated according to Camden's forecast population (pre-Housing Code).

The existing Camden CP does not provide for sufficient local infrastructure to address the potential density increases resulting from the Housing Code.



## **CAMDEN COUNCIL PLANNING PROPOSAL**

**Amendment to Camden LEP 2010 to include minimum lot and  
minimum frontage controls to dual occupancies and multi  
dwelling housing**

**VERSION 1**

**July 2018**



Amendment to include minimum lot sizes for low rise medium density housing

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## BACKGROUND

This planning proposal seeks to amend the Camden Local Environmental Plan 2010 (Camden LEP 2010). The proposal introduces a new clause (Clause 4.1D) to provide minimum lot size and minimum frontage controls for dual occupancies and manor houses.

The proposed minimum lot size controls aim to encourage low rise medium density housing which responds to the established character of localities outside of the Growth Areas and to ensure that sufficient space is provided for good quality architectural design, landscaping and ancillary developments such as car parking.

The proposed controls will also work in conjunction with the local housing strategies to be developed under the Western City District Plan. These controls help to ensure development is appropriately located where services and facilities are available.

### Camden Council's Current Controls

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

Council is currently undertaking a comprehensive review of the LEP as part of its obligations to ensure controls remain reflective of local development trends. This review is expected to be completed towards the end of 2018.

Camden LEP 2010 does not contain minimum lot or minimum frontage controls for specific development types. Site controls are contained in Camden Development Control Plan 2011 (Camden DCP 2011). The current site requirements for low rise medium density development are as follows:

Development Type	Minimum Lot Size – Camden DCP 2011
Dual Occupancies	600sqm or 800sqm on corner lots
Multi Dwelling Housing	Min. lot frontage of 25m

**Figure 1: Existing Controls in Camden DCP 2011**

### Low Rise Medium Density Housing Code

In October 2016, the Department of Planning and Environment (DPE) exhibited a Draft Medium Density Housing Code (draft Housing Code) for public comment. The draft Housing Code proposed that dual occupancies, manor houses and multi dwelling housing, known as low rise medium density housing, be approved under a Complying Development Approvals

Amendment to include minimum lot sizes for low rise medium density housing

pathway and without the need for Council approval. The aim of the draft Housing Code was to fast track development and increase housing supply in Greater Sydney.

On 13 December 2016, Council resolved to forward a submission to DPE. Council's submission raised the following concerns:

1. The draft Housing Code would affect Camden's ability to sustainably manage development in appropriate locations. This is important given the challenges the Council is facing in protecting its rural lands, providing sufficient infrastructure and facilitating further development in the Growth Areas;
2. The draft Housing Code does not recognise the existing number of dwellings currently provided by Camden Council. Camden is currently meeting its required housing targets and is actively engaged in providing housing diversity to meet the community via its work with the Department of Planning in the Growth Areas;
3. Council has an average determination time of 34.5 days and is already meeting its legislative requirements. The draft Housing Code does not recognise Camden's ability to provide sufficient, and diversified housing to meet the needs of the community;
4. The CDC process does not provide sufficient opportunities for community consultation. This is particularly important given the significant impacts that medium density development would have on low density established areas;
5. The draft Housing Code would put additional strain on Council's resources including increased referrals to Council staff for information and advice on matters such as waste collection, drainage infrastructure and capacity, and local traffic impact and advice;
6. The proposed car parking controls, which require one space per dwelling, do not marry with Camden's car parking demand which sees residents with 2 or more vehicles. The proposed controls also do not provide sufficient space to provide kerbside parking for the community;
7. The additional complexities associated with assessing medium density housing developments would require further education for Certifiers; and
8. A number of technical issues, such as basement excavation, acoustic treatments and laneway setbacks contained in the Design Guide need to be clarified.

In light of the above, the submission requested that Camden Council be excluded from the requirements of the draft Housing Code.

The DPE released a revised Housing Code in May 2018. The Housing Code included the ability to construct dual occupancies, manor houses and medium density housing (terraces) under a CDC approval and mandate minimum lot sizes and frontages below that currently enforced in the Camden LGA.

Amendment to include minimum lot sizes for low rise medium density housing

Following release of the Code, Council again formally sought an exemption from application of this part of the Code sighting concerns over density and character impacts particularly in existing residential areas.

On 5 July 2018, the DPE formally gazetted an amendment to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) to defer its application to the Camden LGA for a 12 month period.

The deferral provides the opportunity for Council to review its LEP to ensure appropriate controls are in place prior to the conclusion of the 12 month period.

The Planning Proposal aims to ensure that these controls are in place prior to the cessation of the 12 month period.

#### Effects of the Housing Code

Camden Council is one of the fastest growing Councils in Greater Sydney. In 2016 – 2017, the population of Camden grew by 8.4%, and is double the growth of City of Sydney at 4% and Parramatta at 3.6% (ABS, 2018).

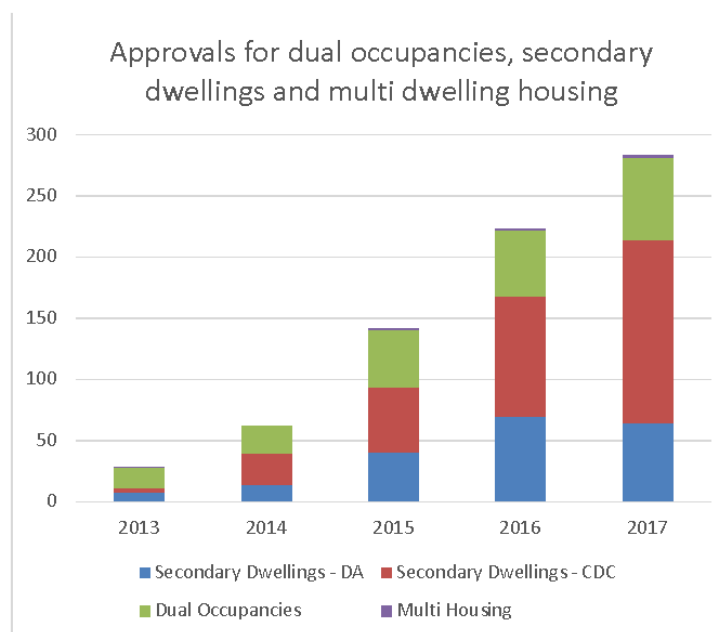
Camden is also providing a significant number of dwellings to accommodate for this growth. From 2013 – 2017, development applications in the Camden LGA grew by 57% (from 1,183 to 1,793). A large portion of these approvals relate to residential development.

Camden Council is carefully managing this rapid growth through a combination of Council policies and planning controls. The Housing Code will undermine Council's ability to control this growth leading to density, infrastructure provision and neighbourhood character impacts. These are further discussed below:

#### *Density Concerns*

Secondary dwellings, dual occupancies and multi dwelling housing have become increasingly popular in the last four years. From 2013 – 2017, development approvals in the Camden LGA for secondary dwellings and dual occupancies rose by approximately 294% and 814% respectively and in 2018 alone, approvals for these housing types are at 43 and 42 respectively. (see **Figure 2**). This shift towards smaller dwellings is driven by factors such as housing affordability and increase in land values.

Amendment to include minimum lot sizes for low rise medium density housing



**Figure 2: Approvals of dual occupancies, secondary dwellings and multi dwelling housing between 2013 - 2017**

The Housing Code is likely to further increase the number of dual occupancies and multi dwelling housing by streamlining the approval process and by allowing these types of developments on lots smaller than what is currently permitted in Council's controls.

Under the Housing Code, the mandated minimum lot size of 400sqm will enable development of an additional 8,000 approximate lots, that would previously not have met minimum lot size requirements for dual occupancy development.

At a take up rate of 50%, an additional 4,000 dwellings could be constructed under Camden LEP 2010 (outside of the Growth Areas). These additional 4,000 dwellings equate to approximately 12,000 new residents across the LGA.

This unplanned growth will have density impacts across the Camden LGA, and particularly on the character of established and newer release areas such as Elderslie and Spring Farm.

#### *Infrastructure Provision*

The Camden Contributions Plan 2011 (Camden CP) enables the collection of funds to provide infrastructure for the expected community. The Camden CP applies to land outside of the Growth Areas. The contribution rates and identified infrastructure, contained in the Camden CP are calculated according to Camden's forecast population.

Under the Ministerial Direction dated 21 August 2012, restrictions were placed on Councils as to the amount of monies that could be collected under existing contributions plans.

Amendment to include minimum lot sizes for low rise medium density housing

At this time the Camden CP was “grandfathered” by the Ministerial Direction to protect the collection of monies in areas such as Elderslie and Spring Farm where the rate significantly exceeded the mandated cap.

The grandfathering of the Camden CP significantly restricts Council’s ability to review the CP to consider increases in residential densities, that may be created as a result of the Housing Code.

Whilst Council could still collect monies under the CP there would be an under provision of infrastructure for the population generated, as the funds collected can only be spent on items within the plan.

#### Camden Local Planning Panel (CLPP)

In accordance with the Ministerial Directions dated 23 February 2018, Council is required to refer planning proposals to the Camden Local Planning Panel (formally IHAP) after 1 June 2018. The Planning Proposal was submitted to CLPP for information on 21 August 2018.

### **PART 1 – OBJECTIVES AND INTENDED OUTCOMES**

The aim of this Planning Proposal is to ensure that appropriate controls are in place to ensure the effective management of low rise medium density development once the Housing Code comes into effect.

The controls help ensure that sufficient space can be provided to accommodate for setbacks, private open space, ancillary buildings and driveway access while still maintaining the amenity and character of neighbourhoods outside of the Growth Areas.

The proposed controls seek to reinforce the principles contained in Council’s Rural Land Strategy by protecting Council’s important agricultural land and ensuring that density and development are facilitated in the right locations.

Further, the proposed amendments will satisfy objectives 2(a), (b), and (h) of the Camden LEP 2010 which are to ensure that:

- Camden retains its valued character, traditional qualities and scenic qualities;
- new communities are planned and developed in an orderly manner; and
- recreation needs of all existing and future residents of Camden are appropriately planned for.

The amendments will provide sustainable growth compatible with the character of the established and transitioning areas of the Camden LGA are maintained.

Amendment to include minimum lot sizes for low rise medium density housing

## PART 2 – EXPLANATION OF PROVISIONS

The Planning Proposal recommends that Camden LEP 2010 is amended by inserting clause 4.1D Minimum lot sizes for dual occupancies and multi dwelling housing. The proposed will introduce:

- Dual occupancies:
  - A 600sqm minimum lot control or 800sqm on corner lots;
  - A 18m frontage control where dwellings are directly behind one another or 22m where dwellings are side by side;
- Multi dwelling housing:
  - A 1,500sqm minimum lot control; and
  - A 25m minimum frontage control.

A comparison table of the Housing Code, existing controls in Camden DCP 2011 and proposed controls in the draft Planning Proposal are contained in **Figure 3**.

Comparison Table of Controls			
	Housing Code	Camden DCP 2011	Proposed LEP Controls
<b>Dual Occupancies</b>	400sqm	600sqm or 800sqm for corner lots	600sqm or 800sqm for corner lots
	12m minimum frontage	22m minimum frontage	18m (side by side)  22m (one behind other)
<b>Multi Dwelling Housing</b>	600sqm	25m frontage  (no minimum lot control)	1,500sqm
	18m minimum frontage		25m minimum frontage

**Figure 3: Comparison table for controls for dual occupancies and multi dwelling housing.**

The proposed controls will only apply in zones which currently permit these types of developments. In this instance, the proposed dual occupancy controls will apply to all residential and rural zones. The multi dwelling housing controls will apply to R1 General Residential, R3 Medium Density Residential and B4 Mixed Use zones.

It is noted that the proposed amendments only apply to land zoned under the Camden LEP 2010. *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) contain minimum lot sizes and minimum lot frontage for dual occupancies and

Amendment to include minimum lot sizes for low rise medium density housing

multi dwelling housing. The proposed controls do not seek to amend the existing controls contained in this SEPP. Development Applications submitted in the Growth Areas will continue to be assessed according to the controls specified in the Growth Centres SEPP.

## PART 3 – JUSTIFICATION

### SECTION A – NEED FOR THE PLANNING PROPOSAL

#### 1. Is the planning proposal a result of any strategic study or report?

No. However, the Planning Proposal is a result of Council's recognition that the Housing Code would significantly increase the popularity of low rise medium density housing in an unplanned manner.

An explanation of the numerical controls, and how Council arrived to these numbers are contained below:

#### **Minimum Lot Size Justification**

##### *Dual Occupancies*

The Camden DCP 2011 currently allows dual occupancies to be constructed on lots greater than 600sqm or 800sqm where the proposed development is on a corner site.

The Housing Code permits dual occupancies to be constructed on lots:

1. With a minimum lot area of 400sqm; or
2. The minimum lot area specified for dual occupancies in the environmental planning instrument (Camden LEP) that applies to the land concerned.

The Housing Code stipulates that where a LEP has a larger minimum lot size than that identified in the Code, it is the LEP minimum lot size which applies to the proposed development. A DCP control is not taken into consideration.

The Housing Code permits dual occupancy development on 400 sqm lots, as Council currently has no minimum lot size control for dual occupancies within the Camden LEP it is this minimum lot size that would apply. It is therefore proposed to insert the minimum lot size control of 600 sqm and 800 sqm (corner sites) for dual occupancy development into the Camden LEP 2010.

##### *Multi Dwelling Housing*

The Camden DCP 2011 does not currently contain any minimum lot size controls for multi dwelling developments. Instead, the DCP requires lots comply with minimum lot frontage requirements.

The Housing Code will introduce minimum lot requirements and permits multi dwelling housing on lots:

1. With a minimum lot area of 600sqm; or



Amendment to include minimum lot sizes for low rise medium density housing

2. The minimum lot area specified for multi dwelling housing in the environmental planning instrument (Camden LEP) that applies to the land concerned.

The Planning Proposal seeks to incorporate a minimum lot size of 1,500sqm for multi dwelling housing. This control will apply to R1 General Residential, R3 Medium Density Residential and B4 Mixed Use zones.

In determining the minimum lot size, Council officers have reviewed four other Sydney Councils' controls and the existing lots requirements in Oran Park and Camden Growth Areas.

As shown in the comparison table in **Figure 4**, there is no numerical consistency between Councils. It is noted however that the majority of minimum lot sizes are 1,000sqm or greater.

Comparison of minimum lot sizes for multi dwelling housing		
Council	Environmental Planning Instrument	Minimum Lot Size
Camden – Oran Park	SEPP (Sydney Region Growth Centres) 2006	1,500sqm
Camden – Camden Growth Areas	SEPP (Sydney Region Growth Centres) 2006	1,500sqm in lower density bands
Canterbury - Bankstown Council	Bankstown LEP 2015	1,200sqm
Blacktown City Council	Blacktown LEP 2015	1,800sqm (in R3 zones)  Or  Min. lot width of 20m (all other zones)
Campbelltown City Council	Campbelltown (Sustainable City) DCP 2015	700sqm
Liverpool City Council	Liverpool DCP 2008	1,000sqm or 650sqm for smaller housing product.

**Figure 4: Comparison of minimum lot size controls for multi dwelling developments**

The proposed minimum lot size of 1,500 sqm is consistent with the current control contained in the Oran Park and Camden Growth Centres SEPP and will offer a consistent approach to multi dwelling housing across the LGA.

### Amendment to include minimum lot sizes for low rise medium density housing

The proposed minimum lot size of 1,500 sqm is larger than the minimum lot size contained in the Housing Code. However, it is considered that larger lots can provide better design outcomes such as building separation, open space, landscaping, solar access, cross ventilation and car parking.

#### **Minimum Frontage Justification**

##### *Dual Occupancies*

The Camden DCP 2011 requires a minimum frontage of 22m or greater for a dual occupancy. The Housing Code requires a minimum frontage of 12m for a dual occupancy.

The Planning Proposal will introduce frontage controls of 18m and 22m in the Camden LEP 2010. The 18m frontage control is designed to permit a dual occupancy where one dwelling is built behind the other. The 18m frontage allows for a 15m dwelling frontage and a 3m wide access handle (driveway) to permit vehicular access to the dwelling at the rear.

The draft Planning Proposal will also introduce a 22m frontage control for dual occupancies in a side by side formation. This frontage width is consistent with the existing control contained in the Camden DCP 2011.

##### *Multi Dwelling Housing*

The Camden DCP 2011 requires a minimum frontage of 25m for small multi dwelling developments with direct street access. To provide consistency, this control will also be introduced into the Camden LEP 2010.

The 25m minimum frontage will provide sufficient space for landscaping, streetscape, front entry, driveway and/or pedestrian access.

#### **2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. An amendment to Camden LEP 2010 to introduce minimum lot sizes is considered the best means of achieving the objectives and outcomes specified in Part 1 of this section.

There are no other relevant means of accommodating lot size requirements which would be considered by both development applications and Complying Development Certificates (CDCs).

#### **3. Is there a net community benefit?**

Given the minor nature of the proposed amendment, it is not considered that a Net Community Benefit Test needs to be undertaken. The matters addressed in the Planning Proposal strengthen the Camden LEP 2010 by providing consistent and robust minimum lot controls for dual occupancies and multi dwelling housing.

Amendment to include minimum lot sizes for low rise medium density housing

## SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

### 4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

#### A Metropolis of Three Cities – The Greater Sydney Region Plan

A Metropolis of Three Cities is the first Regional Plan developed by the Greater Sydney Commission. The Plan provides a vision and actions for managing growth in Greater Sydney and enhancing its status as a global city. The Plan envisions Sydney as three cities connected by transport links. Camden is located in the Western City.

The Planning Proposal is consistent with the following objectives of the Greater Sydney Region Plan:

#### *4. Liveability:*

Objective 10 Greater Housing Supply

Objective 11 Housing Is More Diverse and Affordable

Objective 12 Great Places that Bring People Together

**Comment:** The Planning Proposal does not remove permissibility of any form of housing forms. Instead it aims to create better quality developments and well designed neighbourhoods for the better of the community. The majority of Camden's housing supply is of single detached housing, in this instance the proposal will not significantly impact on housing supply or Camden's ability to meet housing targets.

#### *6. Sustainability:*

Objective 26 A cool and green parkland city in the South Creek Corridor

Objective 30 Urban tree canopy cover is increased

**Comment:** The larger lots enable more space to accommodate for high quality landscaping and more usable open space. The amendments will contribute to the green parkland city land the South Creek Corridor and play a role in maintaining tree canopy cover.

#### *6. Sustainability:*

Objective 28 Scenic and cultural landscapes are protected

Objective 29 Environmental, social and economic values in rural areas are protected and enhanced

**Comment:** Council has recently endorsed a Rural Lands Strategy. The Strategy aims to ensure that Camden's remaining agricultural land is protected and to ensure that the important scenic landscapes which make Camden unique are retained. The Strategy will work in conjunction with the above objectives to ensure that Camden's important landscapes and rural areas are protected.

### Amendment to include minimum lot sizes for low rise medium density housing

The Planning Proposal is in keeping with Camden's Rural Lands Strategy by encouraging growth in appropriate residential locations to reduce landuse conflicts, maintain significant views and create developments in keeping with the prevailing neighbourhood character.

#### Western City District Plan

The GSC released the Western City Plan in March 2018. The Western City District Plan provides subregional objectives which steam from the Sydney Regional Plan. The document also provides a list of Planning Priorities, these priorities work together to create a liveable, vibrant Western City.

The Planning Proposal is consistent with 3. *Liveability - W5 Providing housing supply, choice and affordability with access to jobs, services and public transport* of the Western City Plan:

**Comment:** The Western City District Plan notes that new housing is important to meet the needs of Greater Sydney, however this housing must be in the right place to meet the demand for different housing types, tenure, price points, preferred locations and design. More importantly, the District Plan notes that Council is in the best position to determine which areas are best to accommodate for medium density housing and would benefit from DPE's Housing Code.

The Planning Proposal amendments will also work in conjunction with the housing strategies required under the District Plan. The housing strategies are to:

- make provision for the anticipated growth associated with the 0–5 and 6–10 year housing targets (when agreed);
- align projected growth with existing and proposed local infrastructure and open space improvements (refer to Planning Priorities W1, W3 and W18);
- identify the right locations for growth, including areas that are unsuitable for significant change in the short to medium term;
- identify capacity to contribute to the District's 20-year strategic housing target;
- inform the Affordable Rental Housing Target Schemes for development precincts; and
- coordinate the planning and delivery of local and State infrastructure.

By introducing the controls, Council aims to allow medium density housing in appropriate locations and to enable Council to meet their housing targets. The controls do not prohibit housing, instead it ensures that developments are sufficient to provide the infrastructure and services needed for medium density development.

Amendment to include minimum lot sizes for low rise medium density housing

**5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Yes. The Planning Proposal is consistent with Council's Community Strategic Plan, *Camden 2040*.

**6. Is the planning proposal consistent with applicable state environmental planning policies?**

Yes. The Planning Proposal is consistent with the relevant State Environmental Planning Policies and deemed State Environmental Policies. These Policies have been addressed at **Appendix 1** to this Planning Proposal.

**7. Is the planning proposal consistent with applicable Ministerial Directions (S9.1 Directions)?**

Yes. The Planning Proposal is consistent with the applicable Ministerial Directions (S9.1 Directions).

The S9.1 directions applicable to the Planning Proposal have been addressed at **Appendix 2** of this Planning Proposal.

**SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no likelihood of any adverse effect on any critical habitat or threatened species, population or ecological communities, or their habitats, as a result of the proposal.

**9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

Given the minor nature of the proposal, there are no likely environment effects.

**10. How has the Planning Proposal adequately addressed any social and economic effects?**

The proposal is unlikely to create any social or economic effects. In some cases, lots may not be able to develop multi dwelling housing as a result of the Planning Proposal. These lots will require amalgamation for further development. However, the benefits of introducing these minimum lot sizes result in significant social benefits for the greater community and are considered to outweigh the negatives.

**SECTION D - STATE AND COMMONWEALTH INTERESTS**

**11. Is there adequate public infrastructure for the planning proposal?**

Amendment to include minimum lot sizes for low rise medium density housing

The proposal is unlikely to generate any need for additional public infrastructure.

**12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

No consultation with State or Commonwealth agencies have been carried out to date. Council will consult with any public agencies and the community as directed by the Gateway Determination.

**PART 4 – MAPPING**

The Planning Proposal will not require any changes to the mapping.

**PART 5 – COMMUNITY CONSULTATION**

The Planning Proposal and draft LEP amendments will be publicly exhibited for a period of 28 days or in accordance with the Gateway Determination. A notification will be in accordance with the directions of the Gateway Determination. Notification of the Proposal will also be placed in the local newspaper and the exhibition material available at:

- Oran Park Administration Centre, 70 Central Avenue, Oran Park (Hard Copy);
- Oran Park Library, 72 Central Avenue, Oran Park (Hard Copy);
- Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Library, John Street, Camden (Hard Copy); and
- Council website for the length of the exhibition period (Electronic Copy).

At the conclusion of the exhibition period, a report will be submitted back to Council detailing the submissions received.

Amendment to include minimum lot sizes for low rise medium density housing

### PART 6 – PROJECT TIMEFRAME

	Aug. 2018	Sep. 2018	Oct. 2018	Nov. 2018	Dec. 2018	Jan. 2019	Feb. 2019
Anticipated commencement date (date of Gateway determination)							
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)							
Commencement and completion dates for public exhibition period							
Timeframe for consideration of submissions							
Timeframe for the consideration of a proposal post exhibition							
Date of re-submission to the department to finalise the LEP							
Anticipated public exhibition of amendment to Camden LEP 2010							

Amendment to include minimum lot sizes for low rise medium density housing

## **APPENDICES**

**Appendix 1:** Consistency against State Environmental Planning Policies

**Appendix 2:** S9.1 Directions

**Appendix 3:** Council Report and Minutes



Amendment to include minimum lot sizes for low rise medium density housing

# APPENDIX 1: CONSISTENCY AGAINST STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy	Applicable to this Proposal?	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	Yes	The proposal intends to introduce a new clause into the Camden LEP 2010 but is generally consistent with the standard instrument.	Yes
Standard Instrument—Principal Local Environmental Plan	Yes	The proposal intends to introduce a new clause into the Camden LEP 2010 but is generally consistent with the standard instrument.	Yes
State Environmental Planning Policy No 1—Development Standards	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 19—Bushland in Urban Areas	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 21—Caravan Parks	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 30—Intensive Agriculture	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Yes	This SEPP applies to the state, however, the proposal is not hazardous or offensive. This Planning Proposal is not inconsistent with the SEPP.	Yes
State Environmental Planning Policy No 36—Manufactured Home Estates	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy No 44—Koala Habitat Protection	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy No 47—Moore Park Showground	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy No 50—Canal Estate Development	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	No	Not applicable to this Planning Proposal.	N/A
State Environmental Planning Policy No 55—Remediation of Land	Yes	This Planning Proposal will not modify the need to consider	Yes

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State Environmental Planning Policy	Applicable to this Proposal?	Comment	Consistent
		contaminated land during the assessment process	
State Environmental Planning Policy No 62—Sustainable Aquaculture	No	Not applicable to this Planning Proposal.	N/A
State Environmental Planning Policy No 64—Advertising and Signage	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No	Not applicable to this Planning Proposal.	N/A
State Environmental Planning Policy (Coastal Management) 2018	No	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes	The proposal seeks to call upon the Housing Code requirement to consider Council's minimum lot sizes and is not inconsistent with the applications of this SEPP.	Yes
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Infrastructure) 2007	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N/A	This policy does not apply to the Camden LGA.	N/A

Amendment to include minimum lot sizes for low rise medium density housing

<b>State Environmental Planning Policy</b>	<b>Applicable to this Proposal?</b>	<b>Comment</b>	<b>Consistent</b>
State Environmental Planning Policy (Integration and Repeals) 2016	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Kumell Peninsula) 1989	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (State Significant Development) 2005	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (Rural Lands) 2008	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (State and Regional Development) 2011	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Three Ports) 2013	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (Urban Renewal) 2010	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	No	This policy is not applicable to the Planning Proposal.	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A	This policy does not apply to the Camden LGA.	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	N/A	This policy does not apply to the Camden LGA.	N/A

Amendment to include minimum lot sizes for low rise medium density housing

State Environmental Planning Policy	Applicable to this Proposal?	Comment	Consistent
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	No	This policy is not applicable to the Planning Proposal.	N/A
Sydney Regional Environmental Plan No 16—Walsh Bay	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 18—Public Transport Corridors	No	This policy is not applicable to the Planning Proposal.	N/A
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	No	This policy is not applicable to the Planning Proposal.	N/A
Sydney Regional Environmental Plan No 24—Homebush Bay Area	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 26—City West	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 30—St Marys	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan No 33—Cooks Cove	N/A	This policy does not apply to the Camden LGA.	N/A
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	N/A	This policy does not apply to the Camden LGA.	N/A

Amendment to include minimum lot sizes for low rise medium density housing

## APPENDIX 2 : S117 DIRECTIONS

No.	Title	Comment
<b>1 – Employment and Resources</b>		
1.1	Business and Industrial Zones	The amendments will not impact on the continued viability of the B4 zone or on its ability to provide further commercial opportunities.
1.2	Rural Zones	The purpose of the amendments are to mitigate impacts associated with residential development on existing agricultural land uses and provide better quality developments to reduce potential land use conflicts.
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
<b>2 – Environment and Heritage</b>		
2.1	Environment Protection Zones	The amendments aim to conserve and enhance environmentally sensitive areas by ensuring that sufficient space is provided for setbacks from significant areas.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Consistent
2.4	Recreation Vehicle Areas	Not applicable
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
<b>3 – Housing Infrastructure and Urban Development</b>		
3.1	Residential Zones	The purpose of the amendments is to provide good quality medium density development on suitable sites. It seeks to maintain the low density character of established neighbourhoods in Camden

Amendment to include minimum lot sizes for low rise medium density housing

No.	Title	Comment
		whilst still facilitating housing growth through DPE's Housing Code.
3.2	Caravan Parks and Manufactured Home Estates	Consistent
3.3	Home Occupations	Consistent
3.4	Integrating Land Use and Transport	Consistent
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
<b>4 – Hazard and Risk</b>		
4.1	Acid Sulfate Soils	A detailed assessment will still be required to ensure developments do not affect acid sulfate soils.
4.2	Mine Subsidence and Unstable Land	Consistent
4.3	Flood Prone Land	A detailed assessment will still be required to ensure developments do not affected by flooding.
4.4	Planning for Bushfire Protection	A detailed assessment will still be required to ensure developments do not affected by bushfire risk
<b>5 – Regional Planning</b>		
5.1	Implementation of Regional Strategies	The Planning Proposal is consistent with the relevant goals, directions and actions of the Western City District Plan and the Greater Sydney Region Plan.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.8	Second Sydney Airport, Badgerys Creek	Not applicable

Amendment to include minimum lot sizes for low rise medium density housing

No.	Title	Comment
5.9	North West Rail Link Corridor Strategy	Not applicable
6 – Local Plan Making		
6.1	Approval and Referral Requirements	Consistent
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	The amendment has been introduced to reduce the need for unnecessary site specific controls. It is considered that all sites, suitable for medium density development will be able to do so under these amendments.
7 – Metropolitan Planning		
7.1	Implementation of A Metropolis of Three Cities	Consistent

Amendment to include minimum lot sizes for low rise medium density housing

**APPENDIX 3: COUNCIL MEETING REPORT AND MINUTES**





# Camden Council Minutes

**Ordinary Council Meeting**  
**24 July 2018**

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**Camden Council  
Administration Centre  
70 Central Avenue  
Oran Park**



**ORD01     MINOR AMENDMENTS TO CAMDEN RURAL LANDS STRATEGY  
AMENDMENT**

Resolution: Moved Councillor Sidgreaves, Seconded Councillor Morrison that Council:

- i. defer this matter to allow for the amended Camden Rural Lands Strategy to be re-exhibited for a period of 28 days; and
- ii. during the re-exhibition period, conduct a meeting with affected stakeholders, inviting the owners of the O'Grady property, Council officers, Councillors and any other person that would like to participate.

ORD139/18     THE MOTION ON BEING PUT WAS **CARRIED**

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

**ORD02     ADDITION OF MINIMUM LOT CONTROLS IN CAMDEN LEP 2010**

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

- i. endorse the draft Planning Proposal and forward to the Department of Planning and Environment for a Gateway Determination;
- ii. pending a favourable response from the Department of Planning and Environment, proceed to public exhibition of the Planning Proposal for a period of 28 days or in accordance with the terms of the Gateway Determination notice; and
- iii. at the conclusion of the public exhibition period:
  - a. subject to no unresolved submissions being received, forward the Planning Proposal to the Department of Planning and Environment for the plan to be made; or
  - b. if unresolved submissions are received, require a further report which outlines the results of the public exhibition.

ORD140/18     THE MOTION ON BEING PUT WAS **CARRIED**

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

**ORD03     INVESTMENT MONIES - JUNE 2018**

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

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;
- ii. note the list of investments for June 2018; and
- iii. note the weighted average interest rate return of 3.02% p.a. for the month of June 2018.

ORD141/18     THE MOTION ON BEING PUT WAS **CARRIED**