

Camden Council
37 John Street, Camden NSW 2570 DX 25807
PO Box 183, Camden 2570 ABN: 31 117 341 764
Telephone: 02 4654 7777 Fax: 02 4654 7829
Email: mail@camden.nsw.gov.au



BINDER: Oran Park Precinct Planning

18 January 2012

Peter Gogh
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124



Dear Sir,

Planning Proposal – Amendment to Oran Park and Turner Road Precinct Plan – State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Please find attached Planning Proposal – *Amendment to Oran Park and Turner Road Precinct Plan – State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and all its supporting documents. Preliminary discussions in relation to the proposal have been carried out with representatives of the Sydney Region West Office and the Strategies and Land Release (Policy) team.

This package includes a CD which contains the revised planning proposal and planning proposal attachments. Hard copies of the Planning Proposal and Council resolution are also included. Council looks forward to hearing from you soon on this matter.

If you have any questions, or require further information, please contact the undersigned on 4654 7804 or Peter McKenna on 4654 7800.

Yours Sincerely,

Jeff Williams
Team Leader – Growth Areas
Strategic Planning

ORDINARY COUNCIL

ORD08

**SUBJECT: PLANNING PROPOSAL TO AMEND STATE ENVIRONMENTAL
PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 -
ORAN PARK AND TURNER ROAD**

FROM: Director Governance

BINDER: Oran Park and Turner Road

PURPOSE OF REPORT

To consider a Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006, as it applies to the Oran Park and Turner Road Precincts to cover rezoning of areas adjoining riparian areas and other administration adjustments.

BACKGROUND

The Oran Park and Turner Road precincts were rezoned, pursuant to the Growth Centres SEPP on 21 December 2007. As a response to the change in NSW Government planning policy during the precinct planning process that removed the ability for the acquisition of riparian corridors to be incorporated within Section 94 Plans, the areas adjoining riparian corridors (the subject of this planning proposal) were accordingly zoned RE2 or E4, to enable private ownership of the riparian areas and buffer zones in larger land holdings. The 20 metre buffer zone was intended to be utilised for the construction of a dwelling house, with the riparian area being undeveloped. The buffer area was zoned consistent with the adjoining riparian area to ensure that there was not a split zoning on an affected allotment.

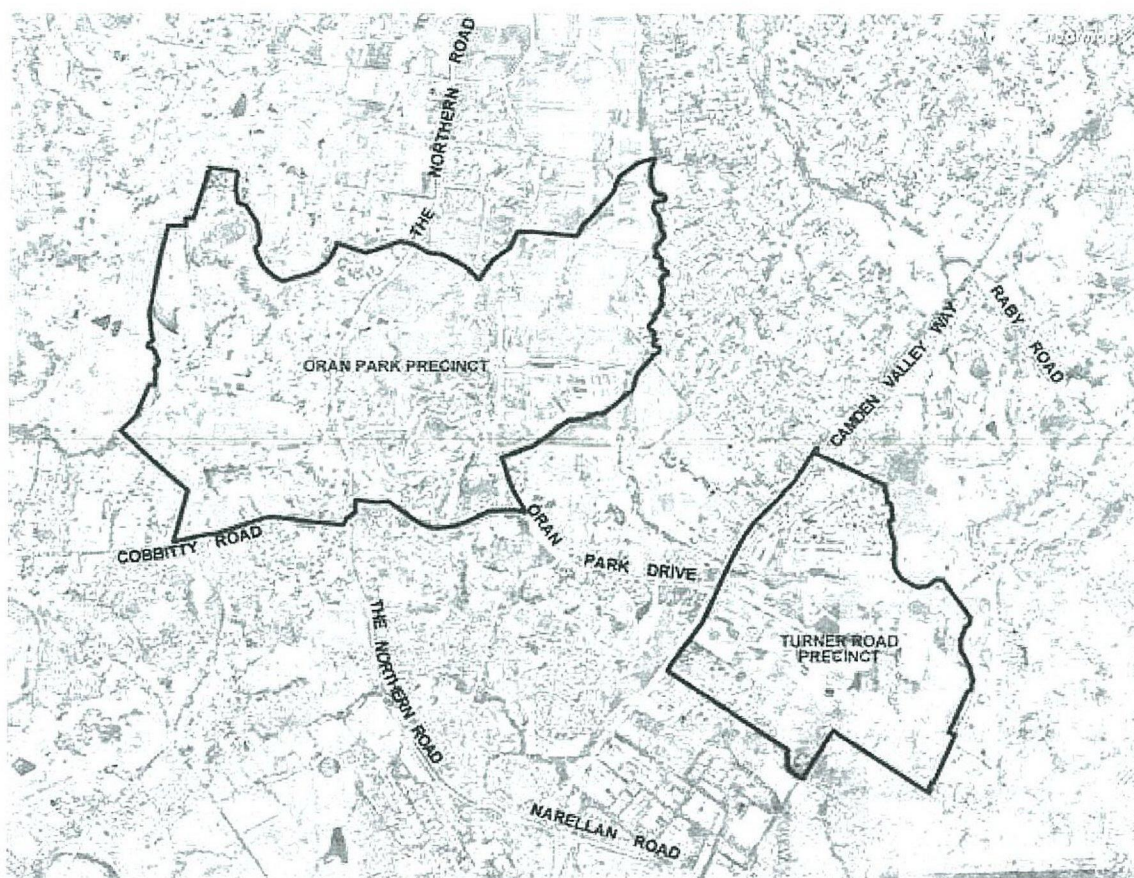
Generally, the precincts are being developed whereby the 20 metre buffer strip is forming part of a lot that is also within the R1 zone, with the riparian area on the opposite side of a road reserve. This has resulted in lots for residential purposes, being subject to a split zoning and requiring a minimum lot size of 1000 square metres for those lots, limiting the ability of the required yield for each precinct to be attained.

Further, as a result of negotiations and agreement between Council and some landholders, including by way of the recently executed Oran Park VPA, the majority of the riparian areas will be protected by way of public ownership on GDC/Landcom land and not physically connected to private lots containing a dwelling house as originally envisaged. Negotiations are currently underway with other large landowners within the precincts towards similar outcomes.

This Planning Proposal primarily seeks to remedy the above matters.

MAIN REPORT

The planning proposal as submitted relates to the Oran Park and Turner Road Precincts as gazetted pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The precincts contain significant riparian corridors associated with the important catchments of South Creek in the central and eastern portion of the area and Cobbitty Creek to the west. A map showing the location of the precincts is provided below:



The planning proposal at **Attachment 1 to this report**, as amended following advice from the DPI, seeks to achieve the following:

1. Rezone the majority of E4 riparian land to E2 and the current 'development strip' adjoining the riparian areas to the adjoining residential zone; and
2. Realign the boundary between the IN1 and B5 zones at Turner Road to reflect the approved subdivision pattern; and
3. Rationalise the boundary between R1 and E4 in the western portion of the GDC holding at Oran Park and to realign the riparian protection layer accordingly.

Each of the three parts of the Planning Proposal is discussed in detail below.

Rezoning of the 'development strip' adjoining riparian areas

As mentioned in the background section earlier in this report, the current zoning structure of riparian corridors was an innovative response to the changes to Development Contributions made by the State Government during the Precinct Planning process. The changes meant that riparian areas could not be acquired by way of developer contributions and as such were to remain in private ownership. Essentially, the riparian areas and an adjoining development strip were zoned E4 or RE2 to allow for a dwelling to be erected within the development strip and the remaining area of the private allotment to contain the riparian area. The Development Control Plan for the Precincts provides detail on how such a development outcome could be achieved.

Examples of the existing arrangement, overlaid with the ILP is shown below:

Example of 20 metre strip against a Riparian Corridor in Oran Park Precinct



Source: NSW Legislation website www.legislation.nsw.gov.au

Example of 20 metre strip against a Riparian Corridor in Turner Road Precinct



Source: NSW Legislation website www.legislation.nsw.gov.au

However, as the development of the precincts has been rolled out, generally in accordance with the ILP, there has been the creation of split zoned allotments, generally between R1 and E4 zones as roads were built within the previously identified development strip area. This resulted in the E4 zone covering a portion of residential

lots, the road and the riparian area. Such a result has meant that no development could occur between the road and riparian area and limits opportunity for meaningful private ownership of the riparian land.

Council has approved Development Applications previously that have proposed split zoned allotments that achieved the minimum allotment size for residential land. However following the receipt of legal advice, Council now requires any such split zoned allotments to achieve the minimum allotment size that corresponds with the E4 zoning layer, generally being 1000 square metres in area. This is resulting in development not being able to be carried out in accordance with the ILP and importantly not achieve the target yields for the precinct.

As a result of discussions with Council staff following on from the receipt of legal advice, the large landowners in the precinct have submitted this Planning Proposal as a response to this situation. Originally, the Planning Proposal only intended to alter the development strip to R1 and to retain the riparian areas within the E4 zone. A copy of the original proposal was forwarded to the DPI for initial review. DPI advised that it would not support the retention of the E4 zone unless there was development potential on the land.

Accordingly, the options available were to maintain the current situation with a development strip, or to investigate other possible zones for the riparian area. An E2, Environmental Conservation zone is considered to be the most appropriate zone for this land. There is, however, an acquisition risk that could arise as a result of zoning land E2 and therefore needed further investigation by Council prior to advancing the Planning proposal further. A copy of correspondence and maps received indicating the change to the planning proposal is shown at **Attachments 2 & 3 to this report**. The amended maps are shown at **Attachment 4 to this report**.

A review of the Land Acquisition (Just Terms Compensation) Act indicates that the E2 zone does not fall within a prescribed zone that automatically creates a need for acquisition, it could be viewed as being for a purpose that is reserved for a public purpose. This does not create an automatic acquisition risk, yet with the hardship provisions within the Act, council could be approached by landowners to acquire the land where hardship could be demonstrated. Hardship provisions do not apply to corporations, except in special circumstances.

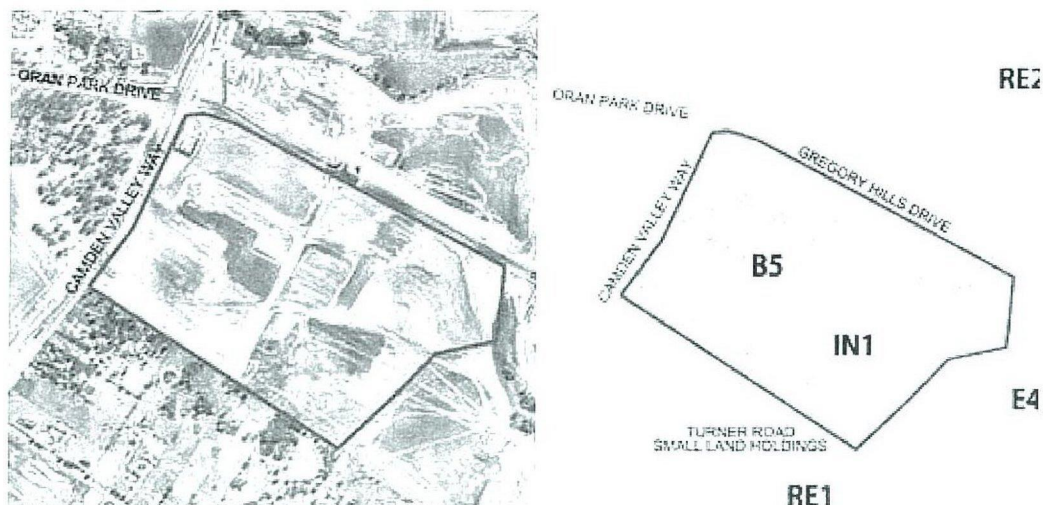
As a result of the risk that may be created, it is not considered appropriate to rezone the riparian area and development strip adjoining these areas in the east of the precinct. This area is dominated by small land parcels and there could be a significant risk of acquisition, particularly noting the layout of the allotments, with the riparian areas being at the rear of rural residential lots that are primarily in a precinct that has yet to be released.

The risk of acquisition within the other landholdings is minor as the large landholdings are held by corporations and, in addition, are subject to existing or proposed Voluntary Planning Agreements where the developer has offered to dedicate the subject riparian lands to Council free of cost. The Planning Proposal, as amended, is considered to achieve the best possible development, social and environmental outcomes for the riparian lands, whilst appropriately rationalising the zoning in this area to permit orderly development.

Realigning boundary between B5 and IN1 at Turner Road

The next part of the Planning Proposal is to rationalise the boundary between the IN1 and B5 zones at Turner Road to better reflect the approved subdivision pattern and separation of Industrial land from Bulky Goods development. The two maps demonstrating the existing development, location and proposed zone boundaries is shown below:

Turner Road Employment Lands Site Area and subdivision/zoning overlay

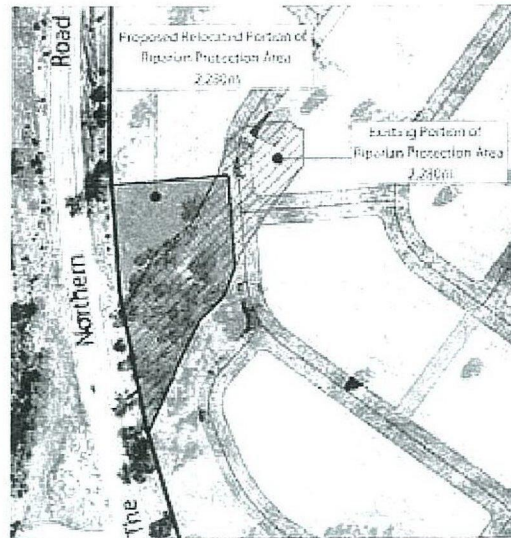


As can be seen from the maps above, the approved subdivision boundaries are not entirely consistent with the zone boundary. In order to ensure future development of the allotments are not affected by their current split zoning, it is considered to be an orderly and correct response to seek to rationalise and realign the boundaries as proposed. The proposal will result in a net loss of industrial land of approximately 600 square metres.

Rationalising riparian protection area and R1 and E4 zones at Oran Park

At the western portion of the Greenfields land within the Oran Park precinct, is a mapped riparian area at the top of the catchment. This area is zoned E4 and R1. The location and current and proposed zoning map is shown below:

Reconfigured Riparian Corridor in Oran Park Precinct



Following discussions between Council staff, the landowner and the NSW Office of Water, it has been agreed that the area is incorrectly mapped in relation to the actual location of the riparian area. As part of this Planning Proposal, the zoning and riparian layer maps are proposed to be reconfigured as shown on the figure above.

There is no net loss of riparian area as a result of the proposal. The proposal is supported in principle. Subject to a positive Gateway Determination, the proposal will be required to be referred to the Office of Water for further comment.

Consistency with State and Local Strategies

The proposed rezoning is consistent with the following State and local government strategies:

- The NSW State Plan 2021;
- The Metropolitan Plan for Sydney 2036;
- The draft South West Sydney Subregional Strategy;
- The South West Growth Centre Structure Plan and Development Code
- Camden 2040.

The Process from Here

If Council determines to proceed with the Planning Proposal, it will be sent to DPI for Gateway Determination. Based on previous experience it is expected that a response would be received from DPI within six (6) weeks, although there are no time guidelines. If there is a Gateway Determination to proceed, the proposal will be exhibited for 28 days, in the following manner:

- The exhibition material will be displayed at Narellan and Camden Customer Service Centres, and Narellan and Camden Libraries;
- An advertisement will be placed in the local newspaper;
- The exhibition material will be available on Council's website for the duration of the exhibition period.

As part of Gateway Determination, there may also be recommendations to consult with other public authorities or government departments. The Office of Water will be consulted following the Gateway Determination.

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

CONCLUSION

The Planning Proposal incorporates three parts, all of which seek to amend the provisions of the Oran Park and Turner Road Precinct Plans as gazetted pursuant to the Growth Centres SEPP. As outlined in the report above, the proposed changes are considered to be appropriate and will achieve the preferred development outcome for the precincts in a more structured manner than that which is currently able to be achieved.

RECOMMENDED

That Council:

- i. **support the Planning Proposal to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as outlined in this report;**
- ii. **forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;**
- iii. **upon receipt of a favourable Gateway Determination:**
 - a. **publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination notice,**
 - b. **consult relevant Public Authorities in accordance with the terms of the Gateway Determination;**
- iv. **prepare a further report for Council consideration at the conclusion of the public exhibition period.**

ORD08 PLANNING PROPOSAL TO AMEND STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 - ORAN PARK AND TURNER ROAD

Resolution: Moved Councillor Cagney, Seconded Councillor Dewbery that Council:

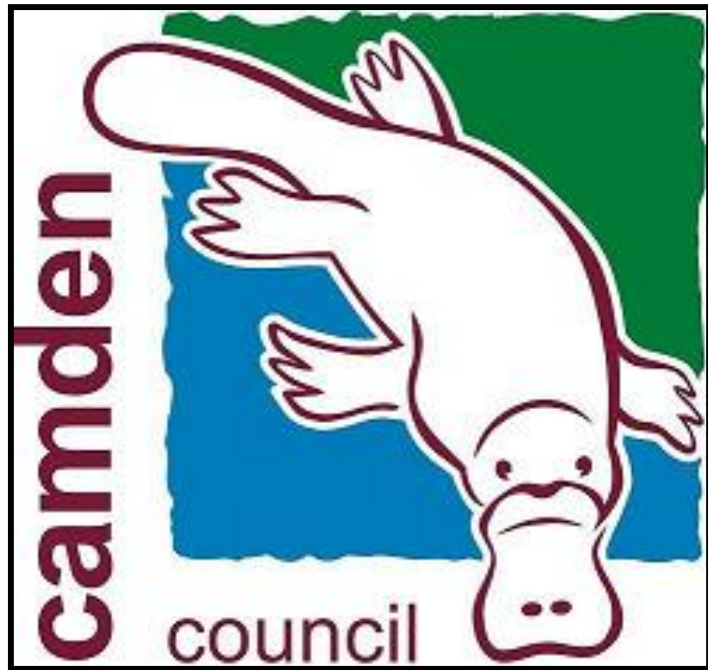
- i. support the Planning Proposal to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as outlined in this report;
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;
- iii. upon receipt of a favourable Gateway Determination:
 - a. publicly exhibit the Planning Proposal in accordance with the terms of the Gateway Determination notice,
 - b. consult relevant Public Authorities in accordance with the terms of the Gateway Determination;
- iv. prepare a further report for Council consideration at the conclusion of the public exhibition period.

ORD1/11 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Anderson, Cagney, Campbell, Cottrell, Dewbery, Funnell, Symkowiak, Warren and Patterson voted in favour of the Motion. No Councillors voted against for the Motion.)

ATTACHMENTS

1. Original Planning Proposal
2. Change of E4 to E2
3. Turner Road Zoning Map
4. Oran P ark Map 1



Oran Park & Turner Road Precincts

PLANNING PROPOSAL

APPENDIX 1 - ORAN PARK AND TURNER ROAD PRECINCT PLAN

SEPP (Sydney Region Growth Centres) 2006

October 2011

Prepared for

AV Jennings, Dart West Developments,

& Landcom / Greenfields Development Company

Table of Contents

Introduction	1
Part 1 – Objectives or Intended Outcomes	4
Part 2 – Explanation of Provisions	9
Part 3 – Justification.....	9
Section A - Need for the planning proposal.....	11
Section B - Relationship to strategic planning framework.	16
Section C - Environmental, social and economic impact.	21
Section D - State and Commonwealth interests.....	22
Part 4 – Community Consultation	22
Conclusion	24
Attachments	25
Attachment 1 – Letter to Council regarding dual zoning issue	
Attachment 2 – Email correspondence from Camden Council on preparation of a Planning Proposal	
Attachment 3 – Email correspondence on reconfigured Riparian Corridor in Oran Park Precinct	
Attachment 4 – Existing SEPP Maps	
Attachment 5 – Proposed amendments to the South West Growth Centre Land Zoning Maps	
Attachment 6 – Proposed amendments to the South West Growth Centre Lot Size Maps	
Attachment 7 – Proposed amendments to the South West Growth Centre Special Areas Maps	
Attachment 8 – Proposed amendments to the South West Growth Centre Height of Buildings Maps	
Attachment 9 – Proposed amendments to the South West Growth Centre Riparian Protection Area Maps	

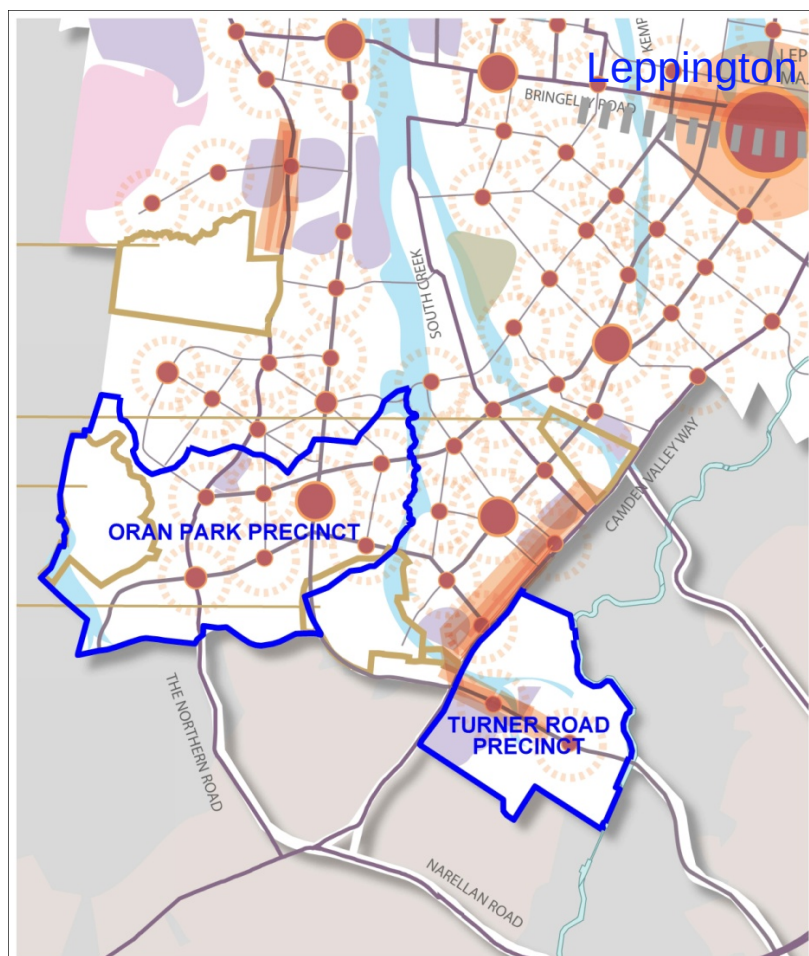
INTRODUCTION

This submission was originally prepared by Development Planning Strategies on behalf of AV Jennings, Landcom and Greenfields Development as part of a Planning Proposal submitted to Council. The matter was considered by Council at its Ordinary Meeting of 13 December 2011, where Council resolved to support the Planning Proposal and forward to the Department of Planning & Infrastructure for a Gateway Determination.

The land subject to this Planning Proposal comprises various small portions of land throughout the Oran Park and Turner Road Precincts within the South West Growth Centre. The Planning Instrument that applies the statutory planning provisions and land use zones to the subject land is 'Appendix 1 Oran Park and Turner Road Precinct Plan' under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

The subject land is within two of the first release precincts in the South West Growth Centre. Both the Oran Park and Turner Road Precincts were zoned in December 2007 to facilitate the coordinated growth of housing and employment in the region with each Precinct having respective housing targets 7,540 and 4,020 dwellings. Urban development of the Oran Park and Turner Road Precincts physically commenced in 2008 and 2009 respectively, and now both Precincts are delivering a significant amount of new residential housing and employment generating development to the South West of Sydney.

Location Plan



Source: NSW Legislation website www.legislation.nsw.gov.au

The subject Precincts are located within the Camden Council Local Government Area and the overall site is approximately 6km northeast of the Camden townsite, 20km southwest of the Liverpool CBD and 50km southwest of the Sydney CBD. The future South West Growth Centre regional centre of Leppington is approximately 7.5km to the northeast.

The subject land encompasses major arterial and sub-arterial roads of the South West Growth Centre including Camden Valley Way, The Northern Road, Oran Park Drive and Gregory Hills Drive. Land within the Turner Road Precinct and eastern half of the Oran Park Precinct generally drains to the South Creek catchment. The western half of the Oran Park Precinct generally drains to the Cobbitty Creek catchment. Both of these catchments contain a network of defined riparian corridors.

Site Plan



As part of the initial rezoning process in 2007, riparian corridors were zoned E4 Environmental Living or RE2 Private Recreation and a 20 metre wide strip adjacent to the riparian area was zoned to correspond with the zone in the riparian area. This would allow private ownership of the riparian protection area whilst providing a developable area to enable contiguous development with the riparian corridor.

This Planning Proposal seeks to rezone the 20 metre strips as there is a preference to develop these areas in association with the adjacent non-riparian land as opposed to the riparian corridor land. Accordingly, it is more appropriate that the 20 metre strips adopt a zone that is consistent with the adjacent broader non-riparian land. The remaining riparian

protection areas are to be rezoned to an environmental zoning that implements a higher level of environmental protection to that currently existing under the SEPP.

In addition to the proposed amendment to the zones of the 20 metre strip and riparian protection areas, there are some other minor zoning amendments relating to the Employment Lands area within the Turner Road Precinct and a reconfigured riparian corridor in the Oran Park Precinct. These minor amendments are to realign the zone boundaries to reflect agreed outcomes, existing planning approvals and/or development that is under construction or constructed.

The following chapters in this Planning Proposal report provide a more detailed justification of the proposal, and expand on the above points.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The Planning Proposal incorporates three main components which all propose amending the Maps under Appendix 1 of the SEPP. There are no amendments to the text of the SEPP in this proposal. The four main Parts of the Planning Proposal include:

1. Rezoning the outer interface 20 metre strips to the riparian areas within the Oran Park and Turner Road Precincts.
2. Rezoning the riparian protection areas to implement a higher level of environmental protection or management.
3. Rationalising B5 and IN1 zone boundaries within the employment lands within the Turner Road Precinct.
4. Reconfiguring the zoning of a Category 3 riparian corridor to reflect detailed site investigations within the Oran Park Precinct.

Part 1: Rezoning of 20 Metre Strips Abutting Riparian Corridors

The majority of riparian protection areas throughout the Oran Park and Turner Road Precincts are currently zoned 'E4 Environmental Living' or 'RE2 Private Recreation'. The E4 and RE2 zones extend outside the riparian areas to form a 20 metre strip on one side of the riparian corridor. This zoning configuration was adopted as part of the initial zoning for the Oran Park and Turner Road Precincts, which was Gazetted on 21 December 2007.

The zoning of the 20 metre strips was in response to the NSW Government's Planning Circular (PS07-018) which mandated that riparian protection areas could not be included in a Section 94 Contributions Plan. Accordingly, prior to finalising the zoning for the Oran Park and Turner Road Precincts, Camden Council and the Growth Centres Commission amended the Precinct Plan documentation to zone the riparian protection areas either E4 or RE2 and extend the respective zone by 20 metres from one side of the riparian boundary. The intention was to allow subdivision of the riparian protection areas for individual lots in private ownership.

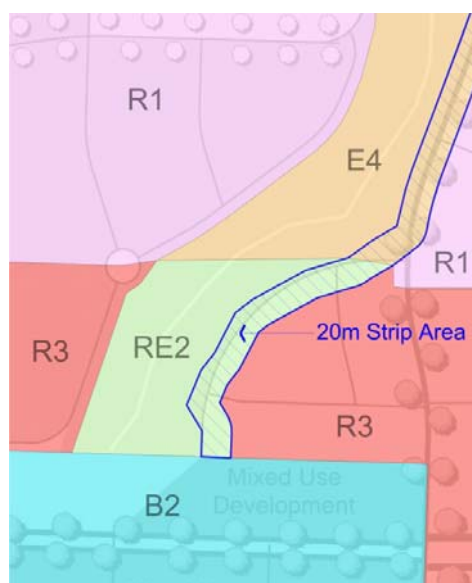
The purpose of the 20 metre strip for the E4 zone was to enable the subdivision of the riparian protection areas in accordance with the E4 Environmental Living provisions whilst also providing a building area to construct a dwelling outside the riparian area. This would ensure that any future subdivision of the riparian areas affected by the E4 zone could contain a dwelling on a lot that has the same zone. Furthermore, the zoning regime was to enable private landowners to own and manage a portion of the riparian protection areas rather than the riparian land being dedicated to a public authority. In regard to the 20 metre strip associated with the RE2 Private Recreation areas, it is appreciated that this approach was adopted for consistency in zoning the riparian protection areas.

The 20 metre strips of E4 and RE2 land adjacent to the riparian protection areas creates an impost where subdivision of the riparian protection areas for a residential purposes and private ownership is not desirable. Where the 20 metre strip areas are to be developed for standard residential allotments and the riparian protection areas are to be contained in a single holding, the E4 and RE2 zones will typically partially affect a proposed residential allotment. As the E4 and RE2 zones partially affect a proposed allotment, more stringent

planning provisions prevail, such as a minimum lot size requirement of 1000m². The imposition of this minimum lot size requirement is onerous as the land has been determined to be suitable for residential development for significantly smaller lot sizes. Furthermore, it is contrary to the delivery of affordable housing throughout the South West Growth Centre.

The issue of the 1000m² minimum lot size requirement impacting on the delivery of residential development was formally raised with Council in August 2011. In response, Council suggested that the Growth Centres SEPP be amended through the preparation of a Planning Proposal, which partly forms the basis for this Planning Proposal. It is understood this advice from Council has been discussed with the Department of Planning and a copy of the correspondence with Council and Council's response is included in Attachments 1 and 2 respectively.

Example of 20 metre strip against a Riparian Corridor in Oran Park Precinct



Source: NSW Legislation website www.legislation.nsw.gov.au

Example of 20 metre strip against a Riparian Corridor in Turner Road Precinct



Source: NSW Legislation website www.legislation.nsw.gov.au

The primary objective is to rezone the 20 metre strip abutting the riparian protection areas as the riparian corridors may not be subdivided and/or developed for E4 Environmental Living or RE2 Private Recreation purposes. This means that the riparian protection areas may not be fragmented into 'environmental living' allotments, and may remain within a single management body. In some cases agreements have been finalised to transfer ownership of the riparian areas to Camden Council (i.e. Oran Park Voluntary Planning Agreement). It is noted that this proposal does not amend the 20 metre strip relating to the small landholdings in the eastern portion of the Oran Park Precinct as future ownership of the adjoining protection areas is undetermined.

As the respective 20 metre strips may not be developed in association with the abutting riparian areas, the 20 metre strip is proposed to be rezoned to reflect the broader adjacent zoning, whether that be 'R1 General Residential', 'R3 Medium Density Residential' or 'B5 Business Development'. In addition to amending the Land Use Zoning Maps, the Building Height, Special Areas, and Minimum Lot Size Maps will need to be amended to correspond with the changes to the respective zones.

The intended outcome is to enable the 20 metre strip non-riparian areas to be developed in coordination with the broader, non-riparian areas that are identified for residential or employment development. Furthermore, it is also intended to ensure that future landholdings associated with the 20 metre strip areas will not be dual zoned, which would be problematic due to implementing incompatible statutory planning provisions on the same parcel of land.

Part 2: Rezoning of Riparian Protection Areas

Under the Voluntary Planning Agreements for Oran Park and Turner Road, it is proposed that the riparian protection areas be vested in public ownership. Where the 20m strip is being rezoned from "E4 Environmental Living" or "RE2 Private Recreation", rezoning of the riparian protection areas to "E2 Environmental Conservation" is proposed. This method has been suggested by the Department of Planning and Infrastructure.

Part 3: Rationalisation of the E4 Environmental Living zone to reflect amended riparian area in Oran Park Precinct

This component of the Planning Proposal relates to a portion of a Category 3 Riparian Corridor located in the Oran Park Precinct, which abuts the eastern boundary to The Northern Road. The defined boundaries of this 'top-of-catchment' portion of the riparian corridor have been reconfigured following more detailed site investigation between Camden Council and NSW Office of Water representatives, and specialist environmental consultants. Consequently, the new riparian corridor boundaries do not reflect the current zone boundaries. The plan that was used to define the reconfigured riparian area is shown below and a copy of the email correspondence between representatives of Camden Council, NSW Office of Water and the specialist consultants is included in Attachment 3.

Reconfigured Riparian Corridor in Oran Park Precinct



The primary objective is to amend the E4 Environmental Living zone applying to the portion of the subject riparian corridor to reflect the new boundaries defining the riparian corridor. This will ensure the environmental zone accurately reflects the riparian area and the areas now not forming part of the riparian corridor can be zoned 'R1 General Residential', which is the broader zone surrounding the riparian corridor. In addition to amending the Land Use Zoning Maps, the Building Height, Special Areas, Riparian Protection Area and Minimum Lot Size Maps will need to be amended to correspond with the changes to the respective zones.

The intended outcome is to rationalise zone boundaries between the riparian corridor and non-riparian areas to enable the land to be utilised and developed in accordance with appropriate statutory planning provisions.

Part 4: Rationalisation of the Turner Road Employment Lands zone boundaries

The third part to the Planning Proposal seeks to rationalise the zone boundaries applying to the Turner Road Employment Lands. The Turner Road Employment Lands are located in the southwest of the Turner Road Precinct and abut Camden Valley Way. The area of employment lands subject to this Planning Proposal is south of Gregory Hills Drive and north of the Turner Road small landholdings. This area has development consent for the subdivision layout and is under construction with some parts nearing completion, which can be seen in the figure below.

Currently the zoning of the Employment Lands comprising the 'B5 Business Development' and 'IN1 General Industrial' zones does not reflect the approved subdivision or the portion of employment lands that has been constructed. Therefore, amendment to the zone boundaries is proposed to essentially match the zoning and the approved subdivision layout to avoid dual zoned allotments. In addition, there are anomalies with the zone boundary between the interface of the 'IN1 General Industry' zone and the 'R1 General Residential' zone to the east. Accordingly, the primary objective is to amend the B5, IN1 and R1 zones associated with the Turner Road Employment Lands. This will ensure that future land uses and appropriate zones accurately correspond with each other.

Turner Road Employment Lands Site Area and subdivision/zoning overlay



The intended outcome is to rationalise zone boundaries within the Turner Road Employment Lands to enable the land to be utilised and developed in accordance with intended planning outcomes and provisions.

PART 2 – EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal are to be achieved by amending the Map set under 'Appendix 1 Oran Park and Turner Road Precinct Plan' of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Copies of the existing SEPP Maps relevant to this Planning Proposal are included in Attachment 4. The specific amendments to the SEPP Maps are included in Attachments 5-9 and a summary of the Maps to be amended under this proposal are outlined below.

1. Amendment to the following South West Growth Centre Land Zoning Maps:

Land Zoning Map - Sheet LZN_003

Land Zoning Map - Sheet LZN_004

Land Zoning Map - Sheet LZN_008

Land Zoning Map - Sheet LZN_009

2. Amendment to the following South West Growth Centre Lot Size Maps:

Lot Size Map - sheet LSZ 003

Lot Size Map - sheet LSZ 004

Lot Size Map - sheet LSZ 008

Lot Size Map - sheet LSZ 009

3. Amendment to the following South West Growth Centre Special Areas Maps:

Special Areas Map - Sheet SAM 003

Special Areas Map - Sheet SAM 004

Special Areas Map - Sheet SAM 008

Special Areas Map - Sheet SAM 009

4. Amendment to the following South West Growth Centre Height of Building Maps:

Height of Buildings Map - Sheet HOB_003

Height of Buildings Map - Sheet HOB_004

Height of Buildings Map - Sheet HOB_008

Height of Buildings Map - Sheet HOB_009

5. Amendment to the following South West Growth Centre Riparian Protection Area Maps:

Riparian Protection Area Map - Sheet RPN 004

In addition to amending the Appendix 1 of the Growth Centres SEPP, amendment to the Oran Park Development Control Plan 2007 and Turner Road Development Control Plan 2007 will be necessary following Gateway approval. Currently both DCPs include mapping that replicates the zoning from the SEPP, and therefore, the mapping in the DCPs will need to be amended to ensure consistency between the levels of planning provisions. Accordingly, a summary of the sections within the respective DCPs that should require amendment include:

1. Oran Park DCP 2007:

Part A Precinct Wide DCP

- Figure 17: Open Space Network Plan mapping.

Part B Site Specific DCPs – B2 Controls for Land Containing a Riparian Protection Area

- Figure 1 – Riparian Protection Areas.

2. Turner Road DCP 2007:

Part B Site Specific DCPs – B2 Controls for Land Containing a Riparian Protection Area

- Figure 1 – Riparian Protection Areas.

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

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

This Planning Proposal for the Oran Park and Turner Road Precincts is not a result of any particular study or report that has specifically been prepared to support the proposed amendments. This Planning Proposal has been prepared in response to agreed, approved and constructed development outcomes currently being delivered across the Oran Park and Turner Road Precincts.

Notwithstanding, extensive and comprehensive studies and reporting were undertaken as part of the Precinct Planning for the Oran Park and Turner Road Precincts. The minor amendments are consistent with the outcomes of the Precinct Planning process.

The objective of this proposal is to ensure a consistent zoning and waterfront land mapping scheme across both Precincts that does not result in future residential allotments being affected by more than one zone. The riparian aspects of the Planning Proposal are in accordance with the adopted Oran Park and Turner Road Waterfront Land Strategy. The broader planning and development of the Oran Park and Turner Road Precincts commenced with high level planning through to the detailed development approvals in accordance with State and local strategic requirements. The riparian approvals are now supplemented through the adoption of the Oran Park and Turner Road Waterfront Land Strategy, which provides detailed mapping of riparian corridor areas throughout the Precincts.

In regard to the proposed amendments relating to the Turner Road Employment Lands, these are minor amendments to ensure the constructed development outcomes are consistent with future zoning.

In light of the above, this Planning Proposal is essentially proposing minor amendments to the statutory framework that are already implemented under existing planning approvals or already constructed development within the Oran Park and Turner Road Precincts.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The modifications sought in this Planning Proposal are the best means of achieving the objectives and intended outcomes. Given the proposed amendments relate to statutory land use mapping outcomes contained in the Growth Centres SEPP, other available processes are not considered an appropriate means of achieving the objectives and intended outcomes promoted by this Planning Proposal.

3. Is there a net community benefit?

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adapted from the Draft Centres Policy (April 2009). In some cases the Evaluation Criteria have been modified or removed to ensure the criteria are meaningful to this Planning Proposal.

Net Community Benefit Evaluation Criteria	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?	The proposal is consistent with the State and regional strategic direction for development relating to housing growth in the area. The subject land forms part of an identified urban growth area for employment lands and residential development over a 30 year period. Moreover, the respective areas subject to the Planning Proposal have been specifically identified as being suitable for either residential or employment types of development under the existing and previously exhibited reporting for the Precincts.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The subject site for this Planning Proposal is within an area covered by the Sydney Metropolitan Plan 2036 and the South West Sub-Regional Strategy for Sydney. These documents identify the subject land as a 'Future Urban Area' and 'New Release Area' respectively. Accordingly, the proposed amendments are consistent with the Metropolitan strategies for Sydney.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The Planning Proposal is in accordance with outcomes in other release areas within Sydney's Growth Centres. The proposed amendments will enable the respective landowners to fulfil their expectations for the areas subject to this proposal, which are substantiated in the Indicative Layout Plans for each Precinct. The proposal will not create a precedent or change land owner expectations of development outcomes across the Oran Park and Turner Road Precincts.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will not result in any increase, or decrease in the existing quantum of zoned employment lands within the Oran Park and Turner Road Precincts. However, the proposal will enable the employment lands within the Turner Road Precinct to be managed more effectively under a single zoning for each allotment proposed for employment activities.

Net Community Benefit Evaluation Criteria	Response
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The Planning Proposal will impact positively on the supply of residential land. The planning proposal will assist housing supply through removing existing dual zoning anomalies over residential allotments. It will also eliminate the impost where residential land is partially zoned E4 being and therefore attracts a 1000m ² minimum lot size requirement.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject site is within an identified major urban growth area of Sydney, which has been comprehensively planned for public infrastructure requirements. The Oran Park and Turner Road Precincts of the South West Growth Centre were assessed for key infrastructure requirements as part of the comprehensive Precinct Planning processes. The planned provision of infrastructure includes major road upgrades and essential public infrastructure services, which includes a direct bus route from the South West Growth Centre to Campbelltown Station. In addition, this includes the provision of an extensive public accessible cycling and pedestrian pathway network throughout the Precinct and surrounding areas. Accordingly, there is adequate public infrastructure to accommodate the proposed amendments.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not result in any modifications to the planned road network and will therefore have nil impact on travel distances, times and road safety matters.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are significant investments in infrastructure in the locality, however there will be no expected impacts resulting from this proposal.

Net Community Benefit Evaluation Criteria	Response
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	Part of the proposal relates to riparian protection areas. The riparian protection areas will be rezoned to the E2 zone which implements a higher level of environmental controls. This will ensure a higher level of environmental protection for the riparian areas, and therefore, the proposal will have a positive impact on land with environmental significance. There are no other environmental constraints associated with this proposal.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is compatible and desirably complementary with adjacent land uses, which includes industrial, residential and riparian lands. There will be no impacts on amenity or the broader community.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal does not incorporate any modifications to retail or commercial land uses that will impact on the number of retail and commercial premises operating in the area.

Net Community Benefit Evaluation Criteria	Response
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	There are four main public interest reasons for progressing the Planning Proposal, including: 1. It will provide a more logical and consistent statutory mapping outcome over the residential land and employment land within the Oran Park and Turner Road Precincts. 2. The proposal will remove the existing dual zoning outcomes across standard residential allotments within the Oran Park and Turner Road Precinct. Furthermore, the proposed zoning amendments in the Turner Road Employment Lands will ensure consistency with the constructed outcomes and future land use intentions. 3. A higher level of environmental protection for the riparian areas will result from the proposal with more stringent environmental protection controls, which will ensure the conservation of riparian habitat. 4. It will eliminate the impost where residential land that has been identified for standard residential development is partially zoned E4 Environmental Living thereby attracting a 1000m² minimum lot size requirement.

There is a significant net community benefit resulting from the Planning Proposal, particularly as it will remove existing inconsistencies and anomalies in the statutory mapping and provisions across the Oran Park and Turner Road Precincts.

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 (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Sydney Metropolitan Strategy, Draft South West Subregional Strategy and Metro Strategy Discussion Paper

The Sydney Metropolitan Plan 2036 and the associated South West Subregional Strategy apply to the area subject to this proposal.

The Sydney Metropolitan Plan 2036 identifies the South West Growth Centre as a new release growth area and sets broad objectives and actions to guide the development of growth areas.

Relevant key objectives in the Sydney Metropolitan Plan 2036 that relate to the subject land are provisions for locating 30% of new dwellings in release areas and achieving housing targets set by the sub-regional strategies. The Planning Proposal is consistent with these objectives as it will assist in the delivery of new dwellings within the Oran Park and Turner Road Precincts and therefore assist in achieving relevant dwelling yield targets.

The South West Subregional Structure Plan identifies the subject site as being within the South West Growth Centre. The Growth Centre has been identified for urban growth and work is currently being undertaken to deliver residential and employment development.

Relevant key actions in the South West Subregional Strategy include:

- Growth Centres Commission to provide detailed planning for up to 5,500 lots per year and infrastructure from 2007–08.
- Councils to plan for sufficient zoned land to accommodate their housing target in Principal LE P's.

This Planning Proposal will provide greater certainty for development outcomes throughout the Oran Park and Turner Road Precincts through addressing existing anomalies relating to dual zoning of allotments adjacent to riparian protection areas, in particular where the additional 20 metre E4 or RE2 strip has been applied. This will assist in ensuring delivery of the required dwelling yield targets and sufficient zoned residential land.

The subject site is consistent with objectives and actions contained within both the Sydney Metropolitan Plan 2036 and the South West Subregional Strategy. The proposed amendments to Growth Centres SEPP are relatively minor in nature, and will not adversely impact on the objectives and actions of any strategy.

South West Growth Centre

The subject land is located within the South West Growth Centre, which incorporates a strategic planning framework to guide the location of residential, business, industrial and recreational land uses.

As part of the Precinct Planning process for the Turner Road and Oran Park Precincts, detailed background assessments were undertaken to substantiate how each of the

Precincts are to be developed. This included detailed assessments to identify land suitable for residential development.

As determined by the Precinct Planning process, the subject land is suitable to accommodate the proposed modified mapping outcomes for residential and employment lands.

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

Camden Council's endorsed local strategic plan is Camden 2040 - Working Together to Achieve the Community's Vision for the Future'.

Camden 2040 has a vision to effectively manage its growth whilst promoting a prosperous local economy, with thriving local businesses and local employment. Part of successfully managing growth is to overcome a key challenge of "Achieving a balance between large population increases and keeping the valued characteristics of Camden as it is now will be an ongoing tension and challenge over the coming decades."

The specific key challenges for growing the Camden Area which relate to the Proposal include:

- Creating good quality, liveable urban environments with a greater density than is currently available in the Camden area, including providing a range of efficient, affordable and innovative housing styles and public urban and open spaces.
- The importance of building and maintaining certainty and investment confidence within the area through efficient and stable strategic planning and development control processes.

The key strategies to meet the above challenges include:

- Learning from and improving the urban planning process over time so that lessons learned from each precinct planning process, as well as industry best practice, are used in subsequent precincts to ensure improved outcomes over time
- Prioritising environmental outcomes through the planning and development process to maximise improvement and restoration opportunities and to minimise the ecological impacts of increased urban form, economic activity, and people and lifestyles.
- Ensuring greater choice and diversity in housing to meet a range of existing and future community needs

The measure for success for the above strategies will be represented by ensuring that there is certainty and consistency in the delivery of urban growth areas within Camden. The proposal will contribute to Council achieving these objectives through providing a simplified and more consistent statutory mapping scheme across the Oran Park and Turner Road Precincts.

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

The State Environmental Planning Policies (SEPPs) that are relevant to this Planning Proposal are identified below.

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SEPP (Sydney Region Growth Centres) 2006	The Oran Park and Turner Road Precincts are located within the South West Growth Centre. The Planning Proposal seeks to amend Appendix 1 and associated mapping of this SEPP. The proposal is consistent with the aims of the SEPP to coordinate the release of land for employment generation in the in the South West Growth Centre.
SREP No 20—Hawkesbury-Nepean River	The land subject to this Planning Proposal is within the SREP No 20 applicable area. Future detailed development proposals will comprehensively consider the requirements of SREP No 20 to ensure appropriate environmental considerations to water quality, heritage, flora and fauna, etc. are undertaken. Accordingly, the Planning Proposal is consistent with SREP No 20.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Each s117 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming its consistency.

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.1 Business and Industrial Zones	Y	The Planning Proposal is consistent with this Ministerial Direction. The proposal will not adversely impact on viability of business zones in the region. The proposal will however ensure a consistent zoning for future business and industrial land uses and activities within the Turn Road Employment Lands.
1.2 Rural Zones	NA	Not applicable

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.3 Mining, Petroleum Production and Extractive Industries	NA	Not applicable
1.4 Oyster Aquaculture	NA	Not applicable
1.5 Rural Lands	NA	Not applicable
2.1 Environment Protection Zones	Y	The outcomes of the Planning Proposal will maintain provisions to protect and conserve environmentally sensitive areas, in particular the part of the proposal that relates to riparian protection areas. The riparian protection areas will be rezoned to the E2 Environmental Conservation zone which implements a higher level of environmental controls, which will ensure a higher level of environmental protection for the riparian areas.
2.2 Coastal Protection	NA	Not applicable
2.3 Heritage Conservation	NA	Not applicable
2.4 Recreation Vehicle Areas	NA	Not applicable
3.1 Residential Zones	Y	The Planning Proposal is consistent with this Ministerial Direction. The Proposal seeks to modify anomalies in statutory mapping across the Oran Park and Turner Road Precincts. The realignment of the R1 General Residential zone boundaries to reflect adopted riparian protection area boundaries will broaden the choice of building types and locations available and make more efficient use of existing infrastructure and services.
3.2 Caravan Parks and Manufactured Home Estates	NA	Not applicable
3.3 Home Occupations	NA	Not applicable
3.4 Integrating Land Use and transport	Y	The Planning Proposal is consistent with this Ministerial Direction. The Proposal will not result in any modifications to the adopted road and transport network infrastructure across the Oran Park and Turner Road Precincts.
3.5 Development Near Licensed Aerodromes	NA	Not applicable

s.117 Direction Title	Applies	Consistency of Planning Proposal
4.1 Acid Sulfate Soils	NA	Not applicable
4.2 Mine Subsidence and Unstable Land	NA	Not applicable
4.3 Flood Prone Land	NA	Not applicable
4.4 Planning for Bushfire Protection	NA	Not applicable
5.1 Implementation of Regional Strategies	NA	Not applicable
5.2 Sydney Drinking Water Catchments	NA	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	Not applicable
5.6 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	Not applicable
5.9 Second Sydney Airport: Badgerys Creek	NA	Not applicable
6.1 Approval and Referral Requirements	NA	Not applicable
6.2 Reserving Land for Public Purposes	NA	Not applicable
6.3 Site Specific Provisions	Y	The Planning Proposal is consistent with this Ministerial Direction. The objective of this direction is to remove existing anomalies in the statutory mapping across the Oran Park and Turner Road Precincts.
7.1 Implementation of the Metropolitan Strategy	Y	The Planning Proposal is consistent with this Ministerial Direction. It meets objectives of the Metropolitan Plan through facilitating economic growth by providing residential and employment development as detailed in the Sydney Metropolitan Plan Maps.

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?

The Planning Proposal does not adversely impact on any environmental values or matters of environmental significance. The part of the proposal that relates to riparian protection areas will rezone these areas from E4 Environmental Living to E2 Environmental Conservation, which implements a higher level of environmental controls and will ensure a higher level of environmental protection.. Accordingly, the Planning Proposal will not result in any adverse environmental impacts.

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

The Planning Proposal does not impact on any environmental values or matters of environmental significance, and there are no environmental considerations relating to the proposal. Accordingly, there are no likely environmental effects that could result from this proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

Assessment of the economic and social impacts for the Oran Park and Turner Road Precincts was undertaken as part of the comprehensive Precinct Planning process, which included the rezoning the site for residential and employment development.

The proposed modifications will assist in providing consistency across the statutory mapping scheme, ensuring certainty for development outcomes across the Oran Park and Turner Road Precincts.

Given the above, the only economic and social effects are considered to be desirably positive for existing and future communities within the region

Section D - State and Commonwealth interests.

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

The subject site is within a major urban growth area of South West Sydney. Comprehensive assessment on infrastructure needs was undertaken at the Precinct Planning stages of planning for the Oran Park and Turner Road Precincts and public infrastructure needs to accommodate the demands of an increased urban development have been determined. The Planning Proposal will not create any additional needs for public infrastructure for the locality.

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

Given the minor nature of this Planning Proposal no State or Commonwealth public authorities have been consulted.

.

PART 4 – COMMUNITY CONSULTATION

The Planning Proposal is considered to be “low impact” as it is consistent with surrounding land uses and the strategic planning framework, and presents no infrastructure issues. Accordingly, an exhibition period of the amended SEPP documentation should extend for a maximum of 14 days.

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Camden Council website; and
3. in writing to adjoining landowners.

CONCLUSION

The Planning Proposal seeks the following amendments to Appendix 1 of the Growth Centres SEPP that include the following:

1. Rezoning the outer interface 20 metre strips to the riparian areas within the Oran Park and Turner Road Precincts.
2. Rezoning the riparian protection areas to implement a higher level of either environmental protection or management.
3. Rationalising B5 and IN1 zone boundaries within the employment lands within the Turner Road Precinct.
4. Reconfiguring the zoning of a Category 3 riparian corridor to reflect detailed site investigations within the Oran Park Precinct.

The primary reasons for the proposal include:

- To ensure future residential land and employment land is zoned in accordance with agreed, approved and/or constructed development outcomes.
- To alleviate the occurrence of future residential and employment landholdings being unnecessarily affected by more than one zone.
- To eliminate the impost where residential land that has been identified for standard residential development is partially zoned E4 Environmental Living thereby attracting a 1000m² minimum lot size requirement.

An amendment to the Growth Centres SEPP Maps through the Gateway Process is the most appropriate method to effect the intended outcome of this proposal. In addition, the proposal will have a positive community benefit outcomes and is supported by Section 117 Directions and State Environmental Planning Policies.

The proposed amendments will create a positive outcome for housing and employment for the South West Region of Sydney and there will be no negative environmental impacts. Accordingly, progression of the proposal to the LEP Gateway is sought.

ATTACHMENTS

Attachment 1 – Letter to Council regarding dual zoning issue

Attachment 2 – Email correspondence from Camden Council on preparation of a Planning Proposal

Attachment 3 – Email correspondence on reconfigured Riparian Corridor in Oran Park Precinct

Attachment 4 – Existing SEPP Maps

Attachment 5 – Proposed amendments to the South West Growth Centre Land Zoning Maps

Attachment 6 – Proposed amendments to the South West Growth Centre Lot Size Maps

Attachment 7 – Proposed amendments to the South West Growth Centre Special Areas Maps

Attachment 8 – Proposed amendments to the South West Growth Centre Height of Buildings Maps

Attachment 9 – Proposed amendments to the South West Growth Centre Riparian Protection Area Maps

Attachment 1

Letter to Council regarding dual zoning issue

Our Ref: LANOPDZR / 110831 LCC

31 August 2011

Mr Carey McIntyre
Camden Council
PO Box 183
CAMDEN NSW

ATTENTION: MR CAREY MCINTYRE

Dear Carey,

RE: REVIEW OF EXISTING SPLIT ZONING ARRANGEMENTS (E4 ENVIRONMENTAL LIVING AND R1 GENERAL RESIDENTIAL ZONES) AND ASSOCIATED LOT SIZE OUTCOMES

1. Introduction

On behalf of the major landowners and development partners actively undertaking land development projects within the Oran Park and Turner Road Precincts, we request that Council undertake a review of their interpretation of the regulatory framework applicable to split zoned residential allotments adjoining Riparian Corridors.

At present, the Zoning framework for the Riparian Corridors and the roadway widths established under the Oran Park Development Control Plan have resulted in the creation of split zoned residential allotments along the Riparian Corridor interface.

As a result of Council's interpretation of the SEPP and DCP standards, the creation of split zoned allotments is no longer achieving the desired outcome in relation to residential lot sizes and riparian corridor interface treatments.

Given our involvement in the preparation of the Oran Park Precinct planning documentation and design of a number of residential developments within the Precinct, we have undertaken a review of the existing SEPP and DCP controls with a view to providing resolution on this matter.

This letter specifically relates to the 20m portion of E4 zoned land, which does not incorporate any Riparian Protection Areas. This land was identified as R1 General Residential zoned land in the SEPP exhibition documentation.

We have provided a plan as Attachment 1 to this letter, which identifies the existing split zoning arrangements, as approved by Camden Council under Development Consent 981/2008 and registered under DP 1149188 within Tranche 1 of Oran Park Town, which represents the preferred development outcome.

We provide below options to move forward both under the current SEPP and DCP controls, and through minor modification of relevant clauses of the SEPP to allow development to proceed in a logical manner.

These options are as follows:

1. Camden Council continue to process Development Proposals, consistent with the previous interpretation of split zoned allotments approved under existing Development Consents issued for Oran Park Town and the Gregory Hills projects.
2. Camden Council seek a Practice Note from the Department of Planning, which outlines the intention of the E4 zone extension and supports the view that Clauses 4.1 and 4.1A of the Oran Park Appendix of the Growth Centres SEPP do not provide guidance on addressing split zoned allotments created as a result of the extension to the E4 zone and that these clauses relate only to an allotment which is wholly contained within either the E4 or R1 zoned land and the respective minimum lot size areas which apply to each.

Furthermore, that the intended development outcomes in the Part B2 DCP as prepared by Camden Council and the Department of Planning are to allow subdivision outcomes which result in split zoned allotments, where the minimum lot size specifications adopt the General Residential zone requirements.

3. Should Council wish to proceed with a SEPP amendment to address the issue of split zoned allotments, the Oran Park Appendix of the Growth Centres SEPP be amended to incorporate similar wording to the Alex Avenue & Riverstone Appendix of the Growth Centres SEPP.

This would mean that where residential subdivision is proposed on land with a split zoning that includes residentially-zoned land, the minimum site area of the residentially-zoned land component must be no less than the minimum allotment size specified for that zone.

2. Background

The Oran Park Precinct appendix of the Growth Centres SEPP came into force in December 2007, in conjunction with the adopted Oran Park Development Control Plan and Indicative Layout Plan

Prior to adoption, the NSW Government issued a Planning Circular (PS07-018) which mandated that riparian areas could not be included in any Section 94 Contributions Plan. In response, Camden Council and the Growth Centres Commission amended the Precinct Plan documentation with the intent of allowing subdivision of the riparian areas to form individual lots.

To achieve this, the zoning plan was amended to provide an E4 zoning over the riparian areas, which was arbitrarily extended 20m from one side of the riparian corridor, encompassing land which had previously identified as R1 General Residential under the exhibited SEPP. Lot size maps were also modified to reflect the amended zoning boundaries.

The intention of this zoning regime, as outlined during briefing meetings held by Camden Council following gazettal of the SEPP, was specifically to allow construction of dwellings within the 20m portion of the E4 zone.

3. Current Planning Standards

a) Oran Park and Turner Road SEPP

In conjunction with the gazettal of the zoning plans associated with the Oran Park and Turner Road Precincts, Minimum Lot Size plans were also prepared. In this regard, Clauses 4.1 and 4.1A of Appendix 1 of the Growth Centres SEPP outline minimum lot sizes for subdivision and specific development within the Oran Park and Turner Road Precincts.

- Clause 4.1 and the associated SEPP Lot Size Maps require subdivision of land within the R1 General Residential Zone to achieve a minimum lot size of 250m².

- Clause 4.1 and the associated SEPP Lot Size Maps require subdivision of land within the E4 Environmental Living Zone to achieve a minimum lot size of 1,000m².
- Clause 4.1A states that development for the purpose of a Dwelling House must not be carried out within the R1 zone on a lot which is less than 250m² and within the E4 zone on a lot which is less than 1,000m².

The SEPP Maps and documentation for the Oran Park and Turner Road Precincts **do not provide guidance on addressing split zoned allotments created as a result of the extension to the E4 zone.** We submit that these clauses relate only to an allotment which is wholly contained within either the E4 or R1 zoned land and the respective minimum lot size areas which apply to each.

Clause 4.1A is **not intended to be applied** to allotments where only a portion of the lot frontage is affected by the E4 zone. This has been supported by Camden Council in the Development Consents issued to date for the Oran Park Town and Gregory Hills projects including:

- DC 981 / 2008 (Tranche 1 Oran Park)
- DC 453 / 2010 (Tranche 9 Oran Park)
- DC 1193 / 2007

The SEPP provides broad zoning and development standards, consistent with the intent of a standard Local Environmental Plan. For matters where more detailed development controls are required, further reference should be sought from the adopted Oran Park Development Control Plan. The relevant controls which apply to land adjoining a Riparian Corridor in the Oran Park and Turner Road DCP are discussed below.

b) Oran Park and Turner Road DCP's

Part B2 of the Oran Park and Turner Road DCP's were prepared by Camden Council and the Department of Planning following gazettal of the Oran Park SEPP. The Part B DCP's outline Camden Council and the Department of Planning's vision for development outcomes on land within and adjoining a Riparian Corridor.

Clause (3), Controls (1) & (2) state as follows

- (1) *"This section applies to development on land containing a riparian protection area that is generally consistent with the Indicative Layout Plan in Part A of this DCP. This section applies to the land adjacent to the riparian protection area only."*
- (2) ***Development to which this section applies will, in most circumstances, consist of roads or drainage or open space. In some cases, small areas of residential, commercial or industrial land immediately abuts riparian protection areas. Compliance with the relevant sections of Part A of this DCP is required.***

Clauses 3.0 of Part B2 of the Oran Park and Turner Road DCP's clearly states that the provision of a perimeter roadway consistent with the adopted ILP will result in split zoned residential land. In this scenario, Part B2 states that development proposals should be assessed under the provisions of the Part A of the Oran Park and Turner Road DCP's.

The minimum width of a Local Street adjoining open space (Riparian Corridor), as detailed under Section 3.1 of Part A of the Oran Park and Turner Road DCP's is 11.9m.

Given the 20m extension to the E4 zoning boundary, the provision of a perimeter roadway to a Riparian Corridor, in accordance with Clause 3.1 of Part A and Clause 3.0 of Part B2 of the DCP's, will result in a maximum 8.1m strip of land along the lot frontage which is zoned E4 and subject to a minimum lot size affectation of 1,000m².

The plan provided in Attachment 1 demonstrates the split zoning outcome as approved under Development Consent 981/2008 and registered under DP 1149188, within Tranche 1 of Oran Park Town.

Notwithstanding the broad zoning and lot size controls in the SEPP, the detailed development controls for split zoned lots in the DCP under Clause 3.0 of Part B2, state that residential development should achieve compliance with relevant section of Part A. In this matter, Clause 7.1 of Part A of the DCP requires subdivision of lots with a dual zoning to achieve a minimum lot size of 250m² for detached housing.

It is therefore clear that the intended development outcomes in the Part B2 DCP as prepared by Camden Council and the Department of Planning are to allow subdivision outcomes which result in split zoned allotments, where the minimum lot size specifications adopt the General Residential zone requirements.

In order to progress this matter, we suggest that Camden Council continue to process and assess Development Applications, in a manner which is consistent with existing approvals issued for the Oran Park and Gregory Hills projects, adopting the interpretation of the Oran Park SEPP and DCP outlined above.

Should this not be supported, we recommend that Camden Council then seek a Practice Note from the Department of Planning, which outlines the intention of the E4 zone extension and supports the interpretation of Oran Park SEPP and DCP outlined above.

This would allow construction and further subdivision of existing small super lots already developed at Oran Park Town to proceed.

4. Options for SEPP Amendment

Notwithstanding the discussion above, we have also reviewed the opportunities to amend the current SEPP standards, should Camden Council consider that a modification of the SEPP is required to facilitate the development outcomes currently envisaged under the adopted Oran Park and Turner Road DCP's.

Following gazettal of the Oran Park Precinct Appendix to the Growth Centres SEPP, a number of other Precincts have been rezoned and incorporated into the Growth Centres SEPP.

Clause 4.1A of the Alex Avenue & Riverstone Precinct Plan (Appendix 4 of the Growth Centres SEPP) sets out minimum lot sizes for various types of development. The specified minimum lot sizes are generally consistent with the Oran Park and Turner Road SEPP Appendix.

The Alex Avenue and Riverstone SEPP does make provision for assessment of minimum lot size provisions on land which is subject to a split zoning. Clause 4.1A, standard (3) states as follows:

(3) Where residential development is proposed on land with a split zoning that includes residentially-zoned land, the minimum site area of the residentially-zoned land component must be no less than the minimum allotment size set out in subclause (2).

Should Council wish to proceed with a SEPP amendment to address the issue of split zoned allotments, the Oran Park Appendix of the Growth Centres SEPP could be amended to read as follows:

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

(a) to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,

(b) to facilitate and encourage a range of residential lot types, in particular, small lot housing,

(c) to encourage the efficient use of land for residential purposes.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.

(3) The size of any lot resulting from any such subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land, **except for split zoned lots as described in Clause 4.1 (4).**

(4) This clause does not apply in relation to the subdivision of individual lots in a strata plan.

4.1A Minimum lot sizes for other development

(1) Development must not be carried out on a lot within Zone R1 General Residential, Zone R3 Medium Density Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use for any of the following purposes if the area of the lot is less than the area specified below in relation to those purposes:

(a) dwelling house—250m²,

(b) dual occupancy—600m²,

(c) attached dwelling—125m²,

(d) residential flat building—1,000m².

(2) Development must not be carried out on a lot within Zone E4 Environmental Living **which incorporates land within a Riparian Protection Area** for the purposes of a dwelling house if the area of the lot is less than 1,000m².

(3) Development for the purposes of multi dwelling housing must not be carried out on a lot in the following zones if the area provided for each dwelling is less than 125m²:

(a) Zone R1 General Residential,

(b) Zone R3 Medium Density Residential,

(c) Zone B1 Neighbourhood Centre,

(d) Zone B2 Local Centre,

(e) Zone B4 Mixed Use.

(4) **Where residential subdivision or development is proposed on land with a split zoning that includes residentially-zoned land, the minimum site area of the residentially-zoned land component must be no less than the minimum allotment size set out in subclause (1).**

5. Summary

As discussed above, Council's current interpretation of the SEPP and DCP standards applicable to the creation of split zoned allotments is no longer achieving the desired outcome in relation to residential lot sizes and interface development outcomes.

We have reviewed the existing Oran Park SEPP and DCP documents and maintain the view that there is adequate scope to approve the creation of split zoned allotments consistent with those already approved within the Oran Park Town and Gregory Hills projects.

The approval of these lots with a lot size under 1,000m² would be appropriate under the current controls as follows:

- The SEPP Maps and documentation do not provide guidance on assessment of split zoned allotments. We submit that these clauses relate only to an allotment which is wholly contained within either E4 or R1 zoned land.
- Clauses 4.1 and 4.1A are not intended to apply to allotments where only a portion of the lot frontage is affected by the E4 zone. This has been supported by Camden Council in the Development Consents issued to date for the Oran Park Town and Gregory Hills projects.
- The SEPP provides broad zoning and development standards. For matters where more detailed development controls are required, further reference should be sought from the adopted Oran Park Development Control Plan.

In this regard, Clause 3.0 of Part B2 of the DCP, states that residential development should achieve compliance with relevant section of Part A. Clause 7.1 of Part A of the DCP requires subdivision of lots with a dual zoning to achieve a minimum lot size of 250m² for detached housing.

We suggest that Camden Council progress this matter as follows:

1. Continue to process Development Proposals, consistent with the previous interpretation of split zoned allotments approved under existing Development Consents issued for Oran Park Town and the Gregory Hills projects.
2. Seek a Practice Note from the Department of Planning, which outlines the intention of the E4 zone extension and supports the view that Clauses 4.1 and 4.1A of the Oran Park Appendix of the Growth Centres SEPP do not provide guidance on addressing split zoned allotments and that these clauses relate only to an allotment which is wholly contained within either the E4 or R1 zoned land.

Furthermore, that the intended development outcomes in the Part B2 DCP are to allow subdivision outcomes which result in split zoned allotments, where the minimum lot size specifications adopt the General Residential zone requirements.

Should Council wish to proceed with a SEPP amendment to address the issue of split zoned allotments, we suggest that the Oran Park Appendix of the Growth Centres SEPP be amended to incorporate similar wording to the Alex Avenue & Riverstone Appendix of the Growth Centres SEPP.

The resolution of this matter is now of critical importance to the on-going development of the Oran Park and Turner Road Precincts, and the South West Growth Centre as a whole and is now directly delaying the delivery of over 25 residential allotments within the Oran Park Precinct alone. We respectfully seek Council's urgent consideration of this matter. Should you wish to discuss this matter please feel free to contact either Michael Rodger or myself.

Yours faithfully

DEVELOPMENT PLANNING STRATEGIES



NIGEL MCANDREW
DIRECTOR

c.c. Mr Robert Black – Department of Planning and Infrastructure

L	164°
V	350
W	338
X	323
Y	227
Z	233
AB	327
	295
AC	244
AD	102°
	45°
AE	338

R1

(General Residential)

E4

(Environmental Living)

Surveyor: PAUL MICHAEL DALY

Date of Survey: 09-03-2010

Surveyor's Ref: 04320 TR1 (S1) DP (ISSUE N)
File 2010M7100 (239) 5 Sheets

PLAN OF

SUBDIVISION OF
LOT 17 IN DP 1151500

USE OF LAND
WAY VARIABLE WIDTH (DP 1151500)
ANT (DP 1151500)

0 60 90 100 110 120 130 140 150

Zoning Overlay
DP1149188

0 5 10 20

*Plan No: LANOP765
*Date: 31/08/2011 • Scale 1:50@A3
Note: All areas and dimensions subject to detail survey.



Attachment 2

Email correspondence from Camden Council on preparation of a Planning Proposal

Guy Evans

From: Jeff Williams [Jeff.Williams@camden.nsw.gov.au]
Sent: Tuesday, 4 October 2011 4:32 PM
To: Nigel McAndrew
Cc: Peter McKenna; Chris Lalor
Subject: Oran Park - split zonings

Hi Nigel

Firstly, my apologies for not sending this on Friday!

Further to our discussion by telephone and your letter in relation to Split Zonings in the Oran Park and Turner Road Precincts (specifically E4/R2), I wish to advise that Council is of the opinion that a Planning proposal is required to address this issue. The proposal would seek to amend the SEPP. As discussed, an amendment to the maps would be the best way to approach this issue. A fee, in accordance with Council's adopted fees and charges will need to be paid for the planning proposal to be considered.

I also raised during our discussion that we would be looking at addressing any other identified minor matters as part of any such Planning Proposal.

I trust this short response is sufficient for your needs. Should you require anything further please let me know.

We are happy to have a meeting with you before you lodge the planning proposal if you so wish.

Regards

Jeff Williams

Team Leader - Growth Areas

Camden Council | PO Box 183, Camden NSW 2570

P: 02 4654 7806 | F: 02 4654 7811 | E: jeff.williams@camden.nsw.gov.au | www.camden.nsw.gov.au

Attachment 3

**Email correspondence on reconfigured Riparian Corridor in Oran Park
Precinct**

Steven House
Director

Eco Logical Australia Pty Ltd
Suite 204, 62 Moore St Austinmer NSW 2515
T +61 2 4201 2201 | F +61 2 4268 4361 | M +61 405 125 701
stevenh@ecoaus.com.au
<http://www.ecoaus.com.au>

From: Dominic Bruszewski [mailto:dominic.bruszewski@camden.nsw.gov.au]
Sent: Friday, 14 October 2011 9:52 AM
To: 'Wayne Azzopardi'; Steven House
Cc: Ron Dowd; Joanne Vella; Sugule Mohamed; 'Greg Brady'; Richard Smith; 'nlennon@landcom.nsw.gov.au'
Subject: The Category 1 & 3 Waterfront Areas of Oran Park, from OSD 4 to Basin 4 Kolombo Creek, including the Cat 3 Waterfront Area from Wayne Gardener Footy field area down to Kolombo Creek.

Ref: 952/2007

Hi Wayne/Steve/Nick

Continuing on from yesterday's site meeting, the following details and decisions reached are forwarded for your information and action.

(1) With the information available to us yesterday, Greg and myself have no problem with the proposed 'swap' of area to form one block of residential on one side of the road and one block of Open Space and Waterfront area on the other side of the road near the Northern Road.

But this is not an approval, nor does it imply an approval for this to happen.

There is an approval process in place that will be responsible for the final decision. Wayne, It would assist if you could send Ron Dowd and Joanne Vella a copy of the plan you showed us yesterday. Ron and Joanne are the ones you will need to talk to about this now and when they receive your application for the swap, they will still be referring it on to Greg Brady because the proposal does vary too much from the Waterfront Strategy.

(2) We can now include the Category 3 Waterfront area in our Completion, Maintenance and Handover email for the OSD 4 to Basin 4 Waterfront Area. So please keep both sections in the one process with the same dates.

(3) Greg and I had a discussion regarding the road crossing linking the 2 aged developments across the Category 3 Waterfront Area. While neither of us are satisfied or happy about the culvert approach, the 2010 Joint Panel approved engineering plans will stand. However, any further assessment of Waterfront Strategy Plans will need to have all engineering details attached. There can't be any exceptions.

(4) Steve, you could consider advising the Applicant that they should revise the plans you showed us yesterday for the pocket park approach to the Waterfront landscaping to the culvert crossing area. I will need new plans showing the landscaping to be in line with the Waterfront Strategy. The Plans should be included with the entire Category 3 area right down to South Circuit culverts.

The Plans must also clearly show that the Category 3 Waterfront area between the two aged care developments complies with the Waterfront Strategy for allocated total area and treatment.

That is about all at the moment

See you next Thursday for our site meeting for Julia Creek area.

Regards

Dominic (Nick) Bruszewski
Landscape Development Officer

Camden Council | PO Box 183, Camden NSW 2570

P: 02 4654 7742 M: 0419 628 9751 Email: dominic.bruszewski@camden.nsw.gov.au | www.camden.nsw.gov.au

This mail, including any attached files may contain confidential and privileged information for the sole use of the intended recipient(s). If you are not the intended recipient (or authorised to receive information for the recipient), please contact the sender by reply e-mail and delete all copies of this message. Any views or opinions presented are solely those of the author.

Attachment 4

Existing SEPP Maps

Attachment 5

Proposed amendments to the following South West Growth Centre Land Zoning Maps

LEGEND

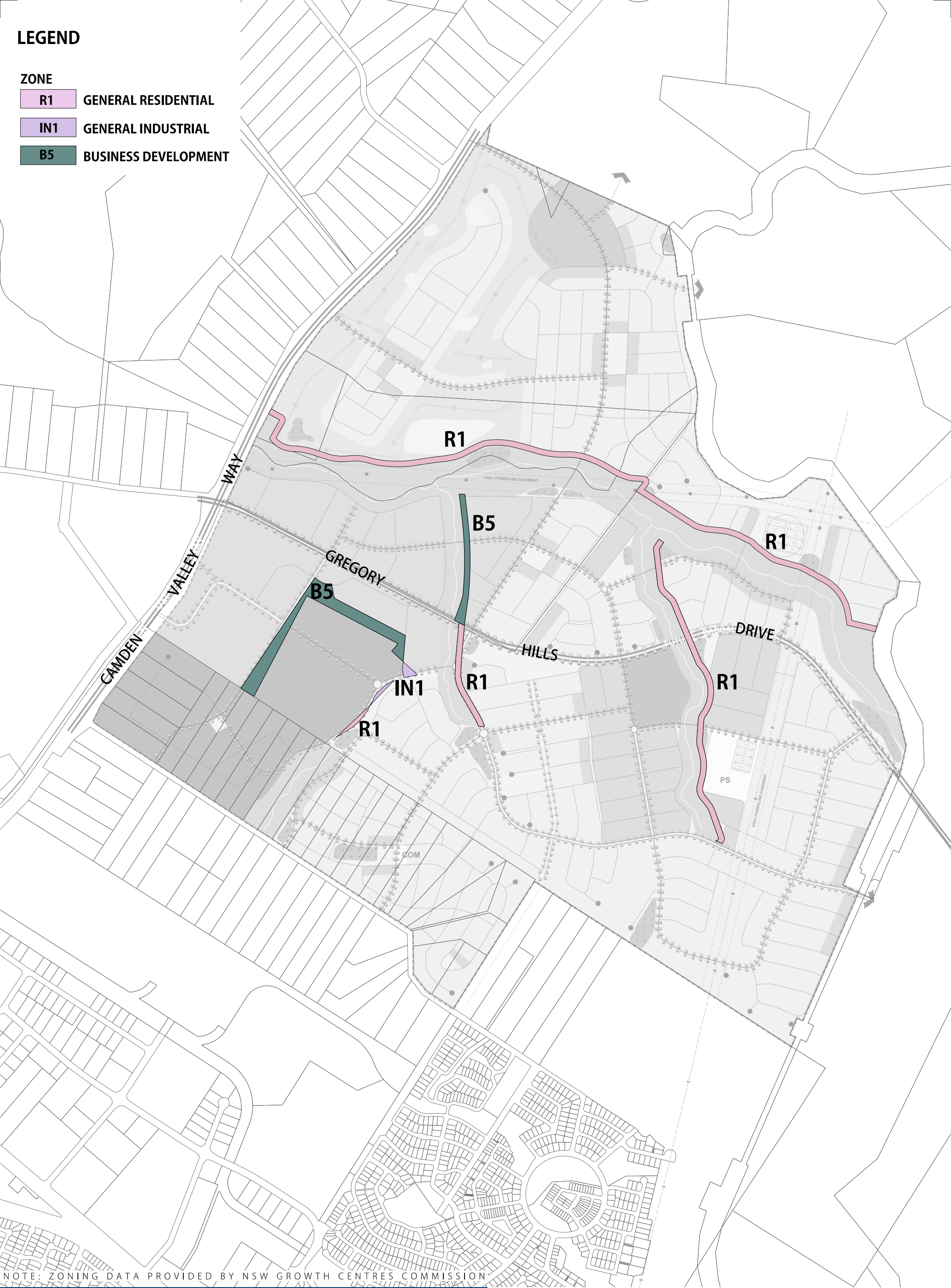
ZONE	
R1	GENERAL RESIDENTIAL
R3	MEDIUM DENSITY RESIDENTIAL
E4	ENVIRONMENTAL LIVING
E2	ENVIRONMENTAL CONSERVATION



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION
PROPOSED AMENDMENTS TO LAND ZONING MAP
ORAN PARK PRECINCT

LEGEND

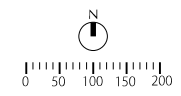
- ZONE
- R1 GENERAL RESIDENTIAL
 - IN1 GENERAL INDUSTRIAL
 - B5 BUSINESS DEVELOPMENT



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION

PROPOSED AMENDMENTS TO
LAND ZONING MAP
TURNER ROAD PRECINCT

PLAN NO. DARGH103 | REVISION A
DATE:14/10/2011 | SCALE 1:4000@A0



Attachment 6

Proposed amendments to the following South West Growth Centre Lot Size Maps

LEGEND

MINIMUM LOT SIZE (sq m)

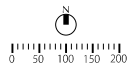
- A 125
- U 1000



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION

PROPOSED AMENDMENTS TO LOT SIZE MAP
ORAN PARK PRECINCT

PLAN NO. LANOP792_B | REVISION B
DATE: 30/11/2011 | SCALE 1:2500@A0



Suite 702, 171 Clarence Street
Sydney NSW 2000
T (+612) 9290 3311
F (+612) 9290 3155
E dps@dpsnsw.com.au

LEGEND

MINIMUM LOT SIZE (sq m)

A 125

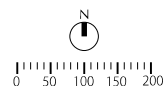
AREA TO BE REMOVED FROM LOT SIZE ANNOTATION



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION

PROPOSED AMENDMENTS TO LOT SIZE MAP
TURNER ROAD PRECINCT

PLAN NO. DARGH106 | REVISION A
DATE:14/10/2011 | SCALE 1:4000@A0



Suite 702, 171 Clarence Street
Sydney NSW 2000
T (+612) 9290 3311
F (+612) 9290 3155
E dps@dpsnsw.com.au

Attachment 7

Proposed amendments to the following South West Growth Centre Special Areas Maps

LEGEND

ZONE

- B

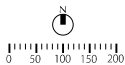
LAND CONTAINING A RIPARIAN PROTECTION AREA
- AREA TO BE REMOVED FROM SPECIAL AREAS ANNOTATION



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION

PROPOSED AMENDMENTS TO SPECIAL AREAS MAP
ORAN PARK PRECINCT

PLAN NO. LANOP793 | REVISION A
DATE: 30/11/2011 | SCALE 1:2500@A0



LEGEND

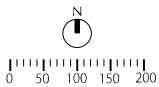
- ZONE
- G** TURNER ROAD EMPLOYMENT AREA
 - AREA TO BE REMOVED FROM SPECIAL AREAS ANNOTATION



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION

PROPOSED AMENDMENTS TO
SPECIAL AREAS MAP
TURNER ROAD PRECINCT

PLAN NO. DARGH107 | REVISION A
DATE:14/10/2011 | SCALE 1:4000@A0



Suite 702, 171 Clarence Street
Sydney NSW 2000
T (+612) 9290 3311
F (+612) 9290 3155
E dps@dpsnsw.com.au

Attachment 8

Proposed amendments to the following South West Growth Centre Height of Buildings Maps

LEGEND

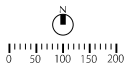
- MAXIMUM BUILDING HEIGHT (m)
- J 9.5
 - O 16 RESIDENTIAL FLAT BUILDINGS
9.5 ALL OTHER DEVELOPMENTS



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION

PROPOSED AMENDMENTS TO HEIGHT OF BUILDING MAP
ORAN PARK PRECINCT

PLAN NO. LANOP794_B | REVISION B
DATE: 30/11/2011 | SCALE 1:2500@A0



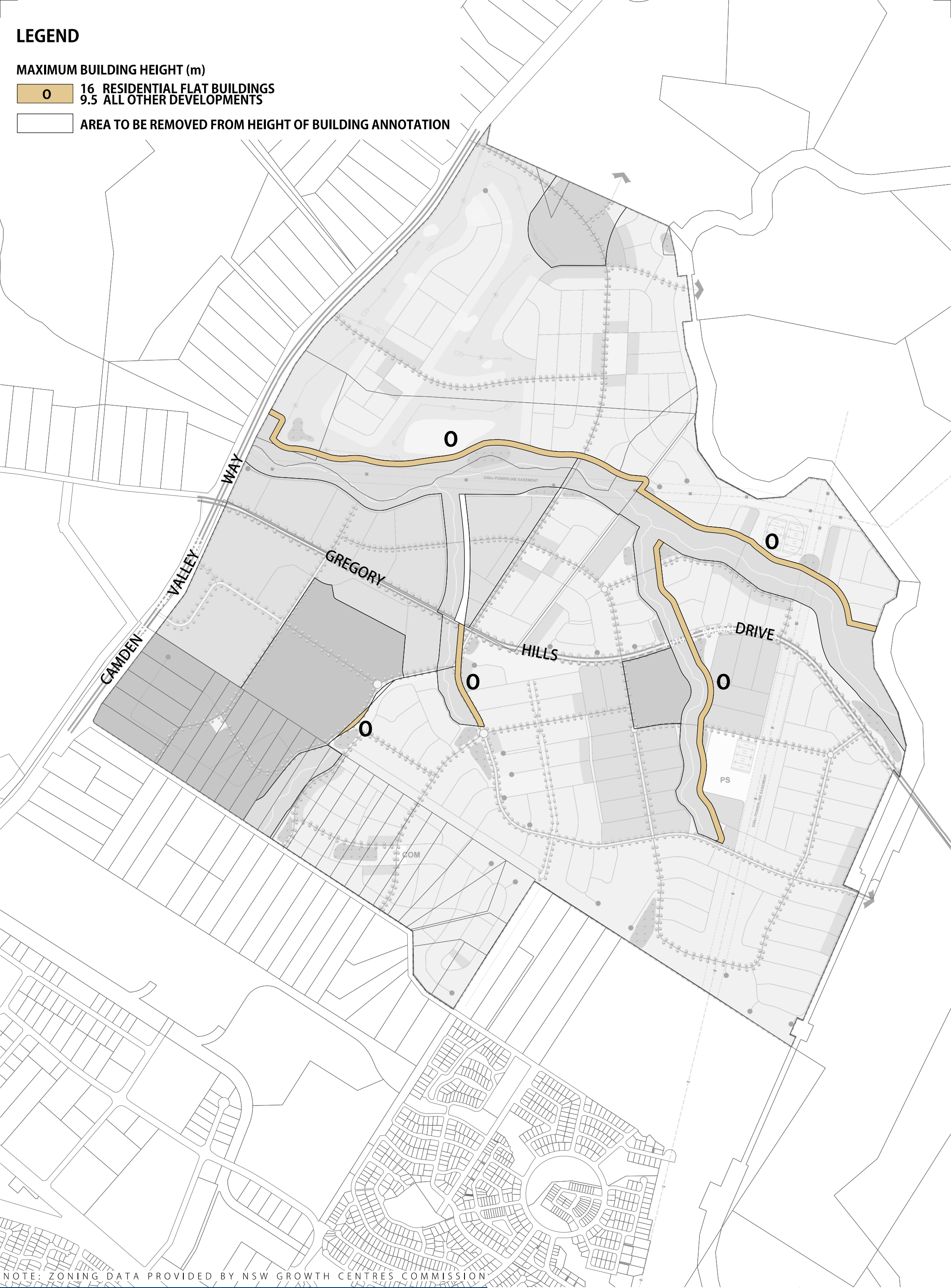
Suite 702, 171 Clarence Street
Sydney NSW 2000
T (+612) 9290 3311
F (+612) 9290 3155
E dps@dpsnsw.com.au

LEGEND

MAXIMUM BUILDING HEIGHT (m)

0 16 RESIDENTIAL FLAT BUILDINGS
9.5 ALL OTHER DEVELOPMENTS

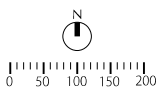
AREA TO BE REMOVED FROM HEIGHT OF BUILDING ANNOTATION



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION

PROPOSED AMENDMENTS TO
HEIGHT OF BUILDINGS MAP
TURNER ROAD PRECINCT

PLAN NO. DARGH108 | REVISION A
DATE:14/10/2011 | SCALE 1:4000@A0

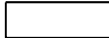


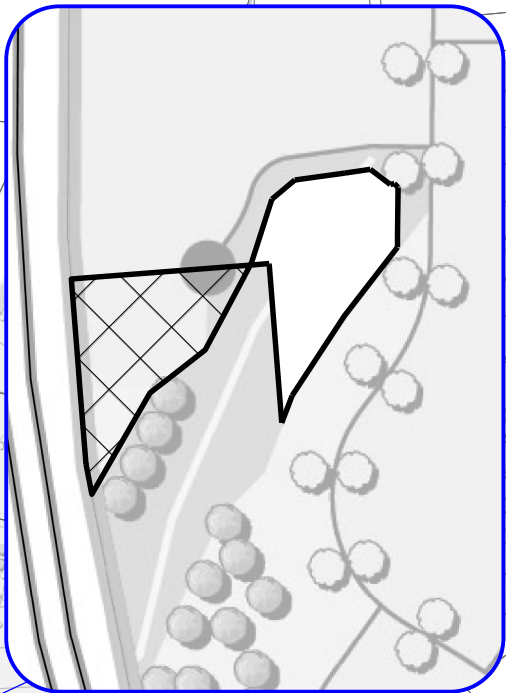
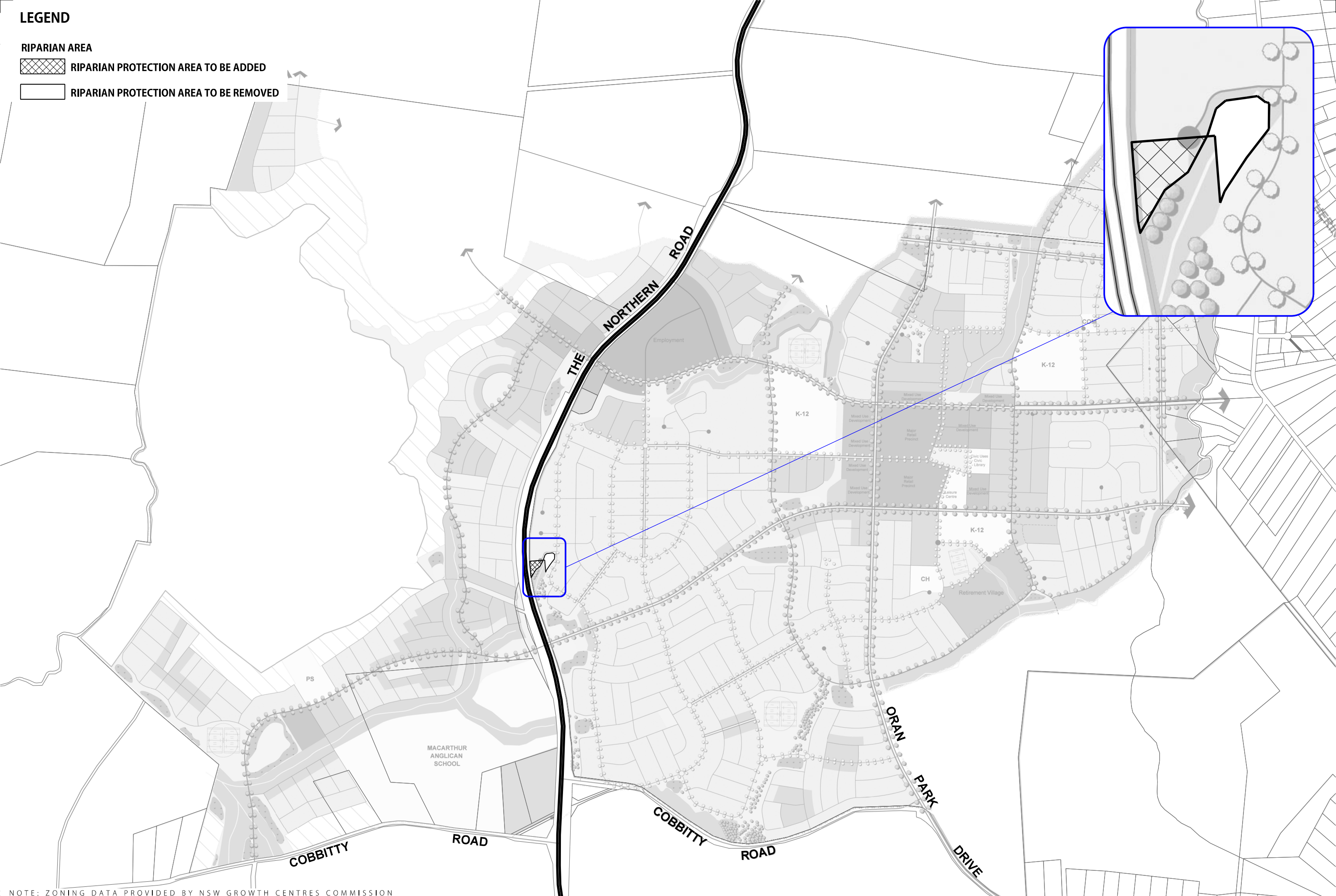
Suite 702, 171 Clarence Street
Sydney NSW 2000
T (+612) 9290 3311
F (+612) 9290 3155
E dps@dpsnsw.com.au

Attachment 9

Proposed amendments to the following South West Growth Centre Riparian Protection Area Maps

LEGEND

- RIPARIAN AREA
-  RIPARIAN PROTECTION AREA TO BE ADDED
 -  RIPARIAN PROTECTION AREA TO BE REMOVED



NOTE: ZONING DATA PROVIDED BY NSW GROWTH CENTRES COMMISSION

PROPOSED AMENDMENTS TO RIPARIAN CORRIDOR MAP
ORAN PARK PRECINCT

PLAN NO. LANOP795 | REVISION A
DATE: 21/10/2011 | SCALE 1:2500@A0

