

Planning Services

IRF18/5742

Plan finalisation report

Local government area: Camden

1. NAME OF DRAFT LEP

Camden Local Environmental Plan Amendment (Sydney Region Growth Centres – Oran Park Precinct) 2019.

2. SITE DESCRIPTION

The planning proposal (PP_2018_CAMDE_001_00) (**Attachment B1 & B2**) applies to land identified as the Oran Park Northern Neighbourhood Centre (the site). The site consists of land at 421C-421D The Northern Road, Cobbitty (Lot 501 DP 1231858) and part of land at The Northern Road (Lot 104 DP 1217062). The site is also located within the Oran Park Precinct in the South West Growth Centre.

The Oran Park Northern Neighbourhood Centre is zoned B1 Neighbourhood Centre and has an area of approximately 3.23ha. It is also located on the northern side of The Northern Road (refer to Figure 1 below).

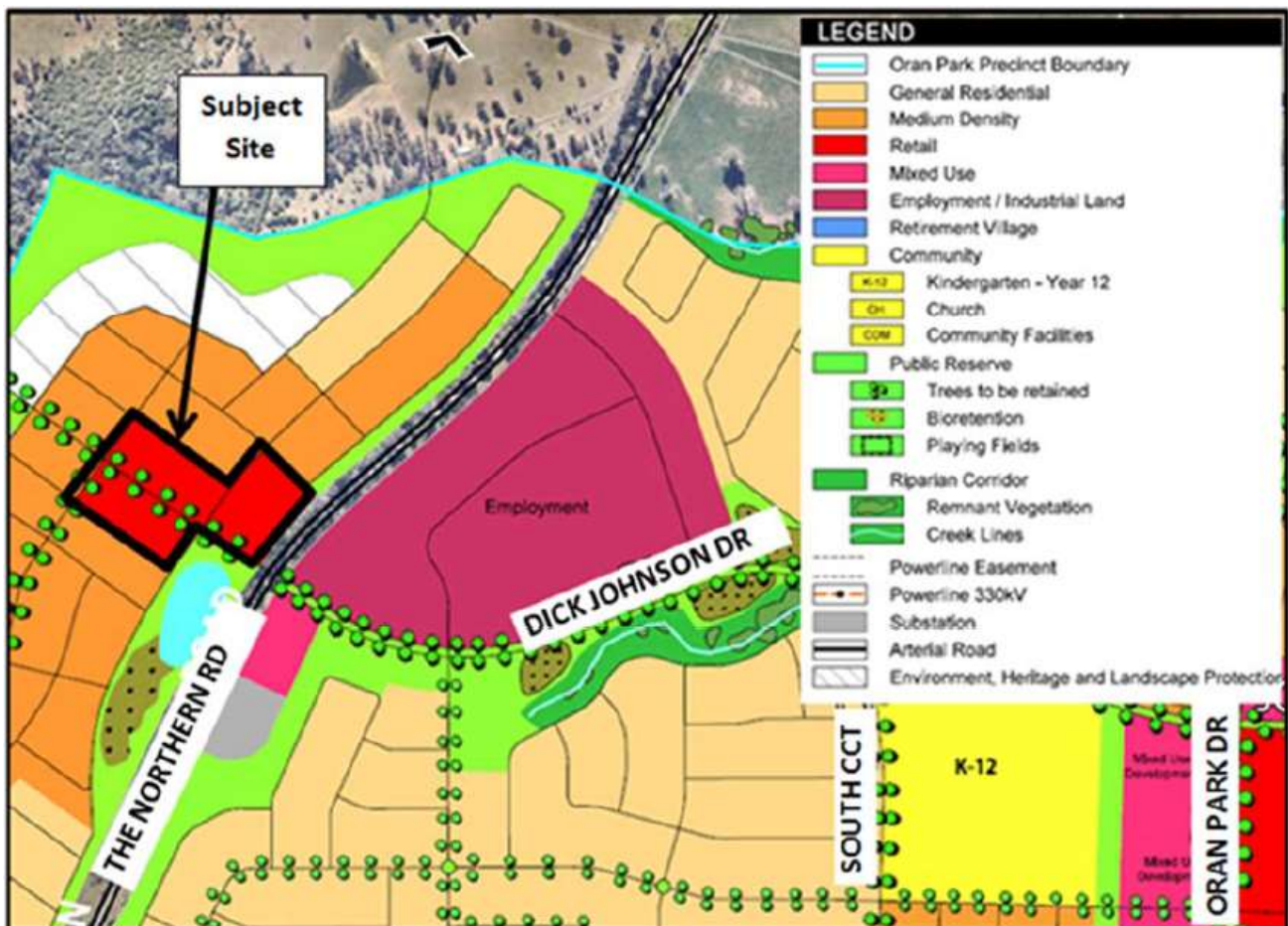


Figure 1 - Aerial Map of the Site

3. PURPOSE OF PLAN

The draft LEP seeks to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) by:

- realigning the B1 Neighbourhood Centre and R1 General Residential zone boundaries for the site to be consistent with the revised layout in the Indicative Structure Plan (refer to Figure 2 below);
- applying a maximum building height to the site of 18m for land zoned B1 and 16m for land zoned R1;
- removing the minimum lot size for land zoned B1 and applying a minimum lot size of 125sqm for land zoned R1; and
- applying a special area zone (i.e. Oran Park Northern and South Neighbourhood Centres) for land zoned B1 and removing the special area zone for land zoned R1.

It is noted that a maximum floor space ratio will not be applied to the site. Table 1 (overleaf) outlines the associated development standards for each proposed zone.

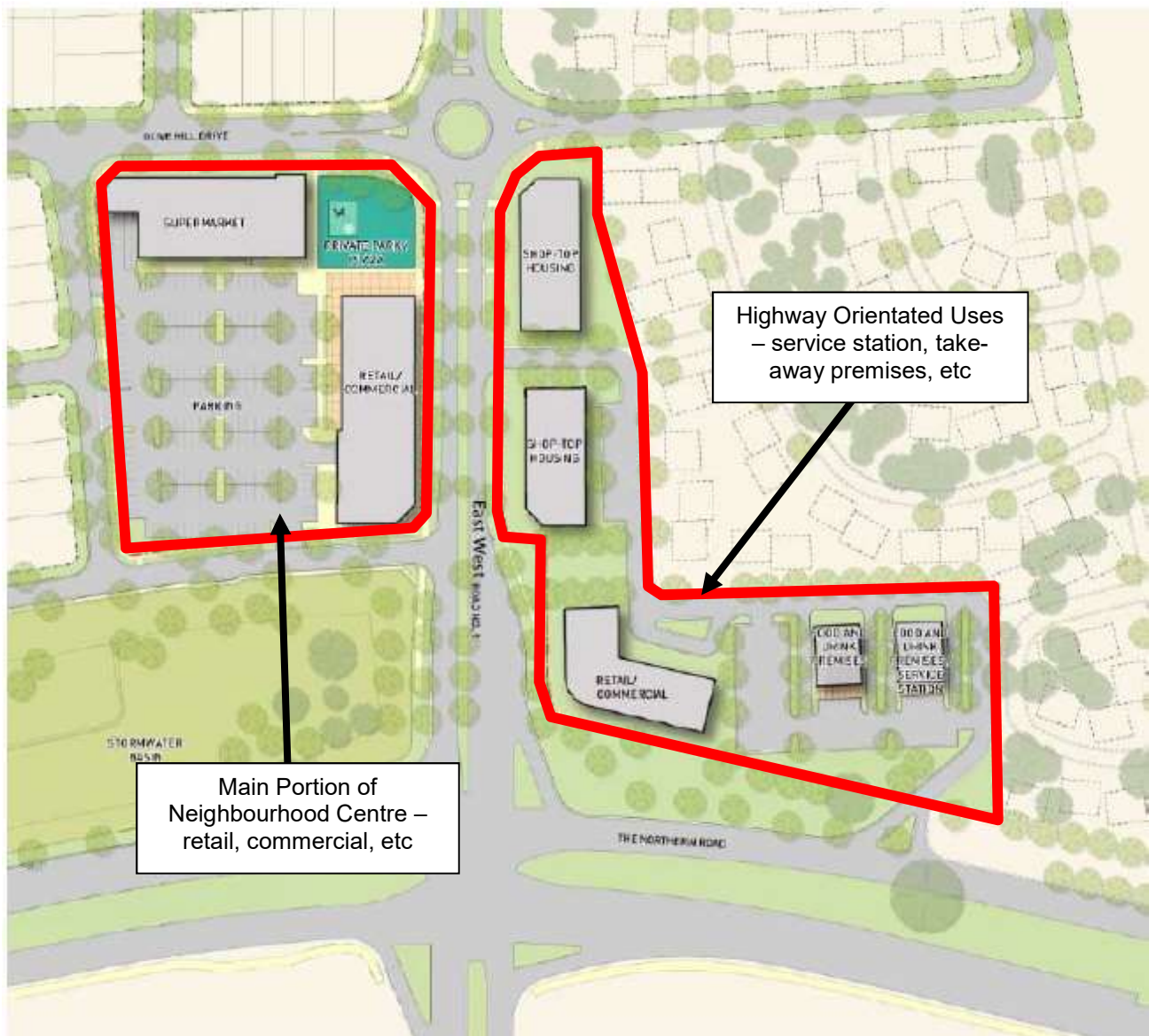


Figure 2 – Indicative Structure Plan

Table 1: Proposed Development Standards

Development Standard	B1 Neighbourhood Centre Zone	R1 General Residential Zone
Maximum Building Height	18m	16m
Minimum Lot Size	None	125sqm
Special Area	Oran Park Northern and Southern Neighbourhood Centres	None

The proposed zoning adjustment would result in a minor decrease in B1 zoned land, from 3.23ha to 3.11ha (i.e. 0.12ha decrease or less than 4%), and a corresponding increase in R1 within the Cobbitty Estate. The planning proposal will not result in any additional dwellings or jobs for the area.

The site is identified on the Special Area map and the associated clause requires that the consent authority must not grant development consent unless a development control plan has been prepared. Council has endorsed a site-specific development control plan (DCP) (**Attachment I**) for the Oran Park Northern Neighbourhood Centre which will be inserted into the existing Oran Park Precinct DCP.

The site specific DCP will outline the vision and associated development controls for the neighbourhood centre and implement the Indicative Structure Plan for the centre (refer to Figure 2 on page 2 of this report).

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Camden State Electorate. Christopher Patterson MP is the State Member for Camden.

The site falls within the Hume Federal Electorate. The Hon Angus Taylor MP is the Federal Member for Hume.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION

The Gateway determination issued on 17 May 2018 (**Attachment C**) determined that the proposal should proceed subject to conditions. There have been no Gateway Alterations issued for this planning proposal.

The proposal was due for finalisation by 17 November 2018.

The Department received the request by Council to finalise the planning proposal prior to the due date. The Department is now satisfied that Council has met the conditions of the Gateway determination and the planning proposal is adequate for finalisation.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 29 May 2018 to 26 June 2018.

Council did not receive any submissions from the community during the exhibition period.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult the NSW Rural Fire Service (RFS) in accordance with the Gateway determination. Council consulted that authority. Council received two (2) submissions: one from RFS (**Attachment J**) and one from Transport for NSW (TfNSW) (**Attachment K**).

It is noted that RFS did not raise any objections with the proposal provided that the future development of the land complies with Planning for Bushfire Protection 2006 and includes the provision of Asset Protection Zones within the future lots, and access and services in accordance with the design specifications.

In addition, TfNSW advised that there would unlikely be any significant traffic and transport implications. Comment was also provided that the future roads through the site have been nominated as potential bus routes and should be suitably designed for use by 14.5m buses.

Council advised the matters raised by both the public authorities will be addressed at the development application stage. In addition, the current Oran Park DCP includes a requirement to comply with Planning for Bushfire Protection 2006.

8. POST-EXHIBITION CHANGES

Council did not resolve to undertake any post-exhibition changes to the planning proposal.

Recommended changes proposed by the Department

The Department has altered the location of the B1 zoned land for the neighbourhood centre by moving the B1 zone slightly further north (refer to Figure 3 and 4). This would ensure that the location of the B1 zone is consistent with the land identified for the Oran Park Northern Neighbourhood Centre in the site-specific DCP and remove the inclusion of land being developed for a road intersection. It is noted that the area of the proposed B1 and R1 zoned land would not change. This is on the basis that the land immediately adjoining the Northern Road (refer to Figure 4) is in the ownership of the RMS and is not part of the site subject to the planning proposal.

Consideration

The Department notes that these post-exhibition changes are justified and do not require re-exhibition.

Re-exhibition is not warranted as the post-exhibition change would not alter the intent of the planning proposal and is a minor amendment to the planning proposal to correct the location of the neighbourhood centre. Further, council officers support the amendment and it is noted that the amendment is in accordance with the draft development control plan (**Attachment I**).

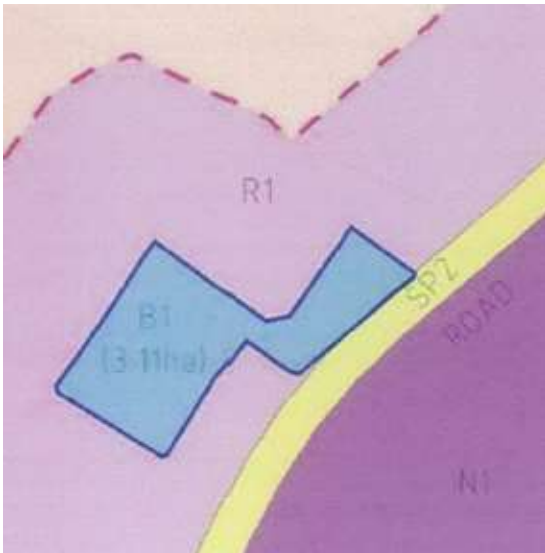


Figure 3 – Exhibited location of the B1 zone

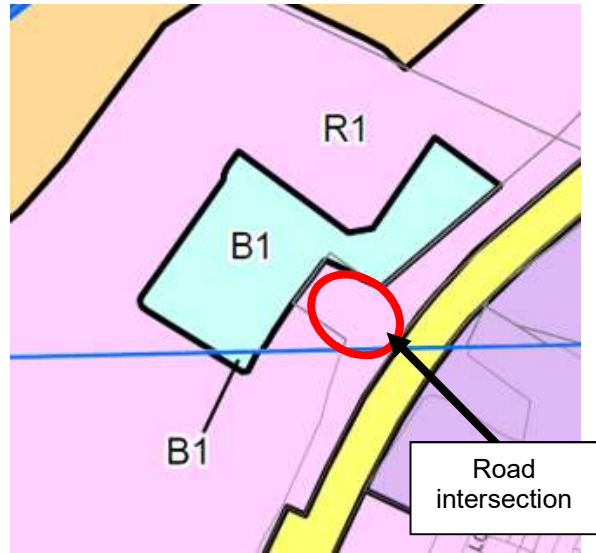


Figure 4 – Post-exhibition location of the B1 zone

9. ASSESSMENT

Section 9.1 Directions

At the time of the determination (**Attachment C**), the delegate of the Secretary agreed that the planning proposal's inconsistency with section 9.1 Directions 1.1 Business is justified in accordance with the terms of the Directions. Therefore, no further approval is required in relation to this Direction.

Consistent: The consistency of the planning proposal with the following Direction is further addressed as follows.

Direction 4.4 Planning Bushfire Protection

The objectives of this Direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.

The site contains Bushfire Prone Land (Vegetation Category 1 and Buffer) therefore this Direction applies to the planning proposal.

Council note that the planning proposal is consistent with this Direction as it will not affect the bushfire prone areas or increase bushfire risk. In addition, Council consulted RFS, which did not raise any objections to the planning proposal (**Attachment J**).

Therefore, the planning proposal is considered to be consistent with the Direction 4.4 Planning Bushfire Protection.

State environmental planning policies

The planning proposal is not inconsistent with all State Policies. The proposal only seeks a minor boundary realignment for the B1 zoned land of the Oran Park Northern Neighbourhood Centre and the adjoining R1 zoned land.

State, regional and district plans

The planning proposal is not inconsistent with the objectives and actions of the Greater Sydney Region Plan (March 2018) and the Western City West District Plan (March 2018), as it only proposes minor amendments to the B1 and R1 zoned land in the Growth Centres SEPP. The Department is satisfied that the planning proposal

gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

10. MAPPING

There are eight (8) maps associated with this planning proposal (**Attachment Map**), which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet the technical requirements.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment G**).

Council confirmed on 15 February 2019 that it was happy with the draft and that the plan should be made (**Attachment H**).

12. PARLIAMENTARY COUNSEL OPINION

On 28 December 2018, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the post-exhibition change is considered to be justified and is of a minor nature, which does not adversely impact upon the community and relevant authorities and, consequently, does not require re-exhibition;
- the proposed rezoning would result in a minor realignment of the B1 Neighbourhood Centre and R1 General Residential zoned land to be consistent with the indicative layout of the proposed Oran Park Northern Neighbourhood Centre, which would also improve the connectivity of the neighbourhood centre; and
- it is not inconsistent with the Greater Sydney Region Plan and gives effect to the Western City West District Plan.



Terry Doran
Team Leader, Sydney Region West



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Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

Assessment officer: Chantelle Chow
Senior Planner, Sydney Region West
Phone: 9860 1548