

## Place and Infrastructure

IRF20/4246

### Plan finalisation report

Local government area: Camden

#### 1. NAME OF DRAFT LEP

Camden Local Environmental Plan Amendment (Sydney Region Growth Centres – Oran Park Precinct) 2020

#### 2. SITE DESCRIPTION

The planning proposal (PP\_2019\_CAMDE\_003\_00) applies to land within the Oran Park Town Centre. The site consists of:

- part of 351 Oran Park Drive, Oran Park, part of Lot 3 DP 270899;
- 88 Podium Way, Oran Park Lot 3 DP 280077;
- part of 341E Oran Park Drive, Oran Park, part of Lot 7 DP 270899;
- part of 76 Central Avenue, Oran Park, part of Lot 12 DP 270899;
- part of 51 Podium Way or Northern Road, Oran Park, part of Lot 9067 DP 1232285;
- part of 30 Podium Way, Oran Park, part of Lot 35 DP 1217280;
- part of 15 Revell Street, Oran Park, part of Lot 37 DP 1217280; and

The Oran Park Town Centre is zoned B2 Local Centre. The site is also located within the Oran Park Precinct in the South West Growth Centre.



### 3. PURPOSE OF PLAN

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

- increasing the maximum height of buildings map within the Oran Park Town Centre from 24m to 47m to enable an increase in height for one residential apartment tower;
- adjusting the land use zone boundaries to align with cadastral boundaries in the western part of the town centre by rezoning 1,300m<sup>2</sup> of land from R3 Medium Density Residential to B2 Local Centre. The corresponding minimum lot size, Special Areas and Height of Building will be amended for consistent development controls.

The draft LEP will result in an additional 57 dwellings.

A development application (DA/2020/318) for the residential tower has been submitted to Camden Council by the proponent. Approval of this DA for the residential tower remains reliant on the finalisation of this Planning Proposal.

A separate development application (DA/1223/2018) for the Podium Shopping Centre that occupies the remainder of the site has been approved by Camden Council.

### 4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Camden state electorate. Peter Sidgreaves MP is the State Member.

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 26 November 2019 (**Attachment B**) determined that the proposal should proceed subject to conditions. There have been no Gateway Alterations issued for this planning proposal.

The planning proposal is due for finalisation on the 26 November 2020.

This project is identified as part of Tranche 6 of the fast-tracked assessment process under the Planning System Acceleration Program. The project is required to be completed by 9 October 2020 to meet this commitment by the NSW Government.

The planning proposal was referred to the Camden Local Planning Panel prior to Gateway Determination for advice pursuant to the Ministerial Direction under Section 9.1 of the *Environmental Planning and Assessment Act 1979*. The Local Planning Panel supported progression of the Planning Proposal to Gateway subject a view impact analysis, height study, and recommendations around open space requirements. At the time of the Gateway, the Department noted that Council had adequately addressed the comments raised by the Panel.

## PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 4 May 2020 to 15 June 2020 for a period of 42 days. The Gateway determination required a minimum community consultation period of 28 days.

One submission was received from a community member.

The submitter objected to the proposed building height of 47m. Council's report indicated their residence is within 500m to the proposed residential apartment building. Council responded that a building of the proposed height is appropriate for a location within a town centre. A Visual Impact Assessment was also undertaken as required by Gateway and the assessment found that the increase does not result in overshadowing or other visual impacts.

### Department's Comment.

It is considered that council has considered the public submission satisfactory. The proposed height of building is considered appropriate for a town centre, and visual impact issues have been considered by Council.

## 6. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult Western Sydney Airport and the Commonwealth Department of Infrastructure, Regional Development and Cities in accordance with the Gateway determination.

Council has consulted these authorities.

The Commonwealth Department of Infrastructure, Regional Development and Cities raised no objection or comment. The Western Sydney Airport did not respond.

## 7. POST-EXHIBITION CHANGES

One amendment was made to the planning proposal by Council following public exhibition.

Council updated the Land Use Zone map to identify the area subject to the Major Infrastructure Corridors (MIC) SEPP. The MIC SEPP was gazetted on 3 July 2020 and rezones land to SP2 Infrastructure associated with the North South Rail Line/South West Rail Link extension and Western Sydney Freight Line (Stage One).

Consultation on the MIC SEPP was undertaken from 26 March until 1 June 2018 and submissions were considered in finalising the instrument. The consultation was led by Transport for NSW and supported by the Department.

The Department's corridor protection team advised that an amendment to Camden LEP 2010 has been signed off and will be notified in the Gazette. The amendment updates the relevant LEP zoning maps to show the application of the MIC SEPP (the actual SP2 zoning is applied through the MIC SEPP, not the LEP maps). The current MIC amendment does not affect the Growth Centres SEPP Maps. This will be progressed separately at a later date by the corridor protection team.

The Department's corridor protection team supports the identification of the area subject to the MIC SEPP on the Sydney Region Growth Centres SEPP map (**Attachment E**). The Legal Services Branch have also advised they have no concerns with the identification (**Attachment F**).

The post exhibition change is supported. The change does not affect planning controls applying to the land as the SP2 zone is applied through the MIC SEPP itself. The change is providing greater transparency to the Sydney Region Growth Centres SEPP in showing land subject to MIC SEPP. The Department recommends this change be made to the planning proposal.

## 8. ASSESSMENT

### Section 9.1 Directions

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

#### *9.1 Direction 3.5 development near regulated airports*

The objectives of this direction are to ensure the effective and safe operation of regulated airports and defence airfields.

Council were advised at the time of the determination that they may still need to obtain the Secretary's approval to comply with section 9.1 Direction 3.5 development near regulated airports. This direction was unresolved at the gateway.

The site is located within the Western Sydney Airport Obstacle Limitation Surface (OLS). The OLS is 230.5m AHD and the proposed building height is 142.4m AHD, therefore it will not inhibit the safe operation of the airport. Council advised that the inclusion of aircraft indication lights on the building due to the height will be addressed at the development application stage.

The direction requires that Council consult with the Commonwealth Department responsible for airports and the lessee/operator of that airport during the preparation of the planning proposal. As Council had not undertaken consultation with these agencies at the time of the Gateway determination it was considered that further information was required before consistency could be confirmed.

As required under requirements of this Direction and the Gateway determination, Council undertook consultation with the Commonwealth Department of Infrastructure, Regional Development and Cities and the Western Sydney Airport. These agencies had no objection to the planning proposal. Therefore, the planning proposal is now considered to be consistent with this Direction.

### State environmental planning policies

The *State Environmental Planning Policy (Major Infrastructure Corridors) 2020* seeks to protect three of the corridors, the North South Rail Line (providing for the future Sydney Metro – Western Sydney Airport), South West Rail Link extension and Western Sydney Freight Line (Stage One). As discussed under post-exhibition changes, the final planning proposal was updated to identify the area subject to the MIC SEPP.

The planning proposal is considered to be consistent with all other State Policies.

### State, regional and district plans

The planning proposal is considered to be consistent with the priorities of the Western City District Plan as it provides additional housing and diversity in close proximity to services, employment, education and commercial activities in the Oran Park Town Centre (Planning Priority W3 and W5) and the proposal will have positive design and outcome for the Town Centre (Planning Priority W6). The Department is satisfied that the proposal gives effect to the District Plan in accordance with section 3.8 of the Act.

## 9. MAPPING

There are 4 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.

The maps have been prepared to reflect changes made by the 33 Bangor Terrace, Corbity amendment (PP\_2019\_CAMDE\_006\_00) which affects the same map tile. The Bangor Terrace amendment was gazetted on 25 September 2020.

#### **10. CONSULTATION WITH COUNCIL**

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the Act. Council confirmed on 25 September 2020 that it was supportive of the draft and that the plan should be made (**Attachment C**).

#### **11. PARLIAMENTARY COUNSEL OPINION**

On 24 September 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

#### **12. 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 proposed rezoning results in a minor realignment of the B2 Local Centre and R3 Medium Density Residential zoned land to be consistent with the cadastral boundaries;
- the proposed increased in maximum height of buildings from 24m to 47m will result in the development of a proposed apartment building that is appropriate for a town centre;
- it gives effect to the Western City West District Plan.



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