

Planning and Assessment

IRF19/7782

Gateway determination report

LGA	Camden
PPA	Camden Council
NAME	Housekeeping proposal to amend the zoning, height of building, minimum lot size and special area maps under the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> for land interfacing with part of the Denbigh Transition Area (6 residue lots, 0 jobs).
NUMBER	PP_2019_CAMDE_006_00
LEP TO BE AMENDED	<i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>
ADDRESS	33 Bangor Terrace, Cobbitty
DESCRIPTION	Part Lot 745 DP 1231306
RECEIVED	10 December 2019
FILE NO.	IRF19/7782
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The proposal seeks to make an amendment to the zoning, height of building, minimum lot size and special areas maps under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) to align and be consistent with the adopted Oran Park Part B Development Control Plan (Part B DCP) for the Denbigh Transition Area.

1.2 Site description

The site is located at 33 Bangor Terrace, Cobbitty and is legally described as part Lot 745 DP 1231306. The site is within Stage 8 of the Arcadian Hills estate which forms part of the Denbigh Transition Area in the Oran Park Precinct under the Growth Centres SEPP. There is existing and future residential development to the west and south of site. Access to the site will be via Bangor Terrace (local road) and Charles McIntosh Parkway (sub-arterial road) which connect to The Northern Road, located east of the site (**Figure 1**).



LEGEND

- Subject Site (33 Bangor Terrace, Stg 8 of Arcadian Hills Development)
- Denbigh Curtilage
- Denbigh Transition Area (Southern Viewscape)

Figure 1: Subject Site

The site falls partially within the heritage curtilage of Denbigh (refer above), which is listed on the State Heritage Register and consists of a homestead, associated outbuildings and landscape setting. Due to this interface with the Denbigh curtilage, the site forms part of the Denbigh Transition Area (**Figure 2**). Planning outcomes for the Denbigh Transition Area are determined through the adopted Part B DCP.

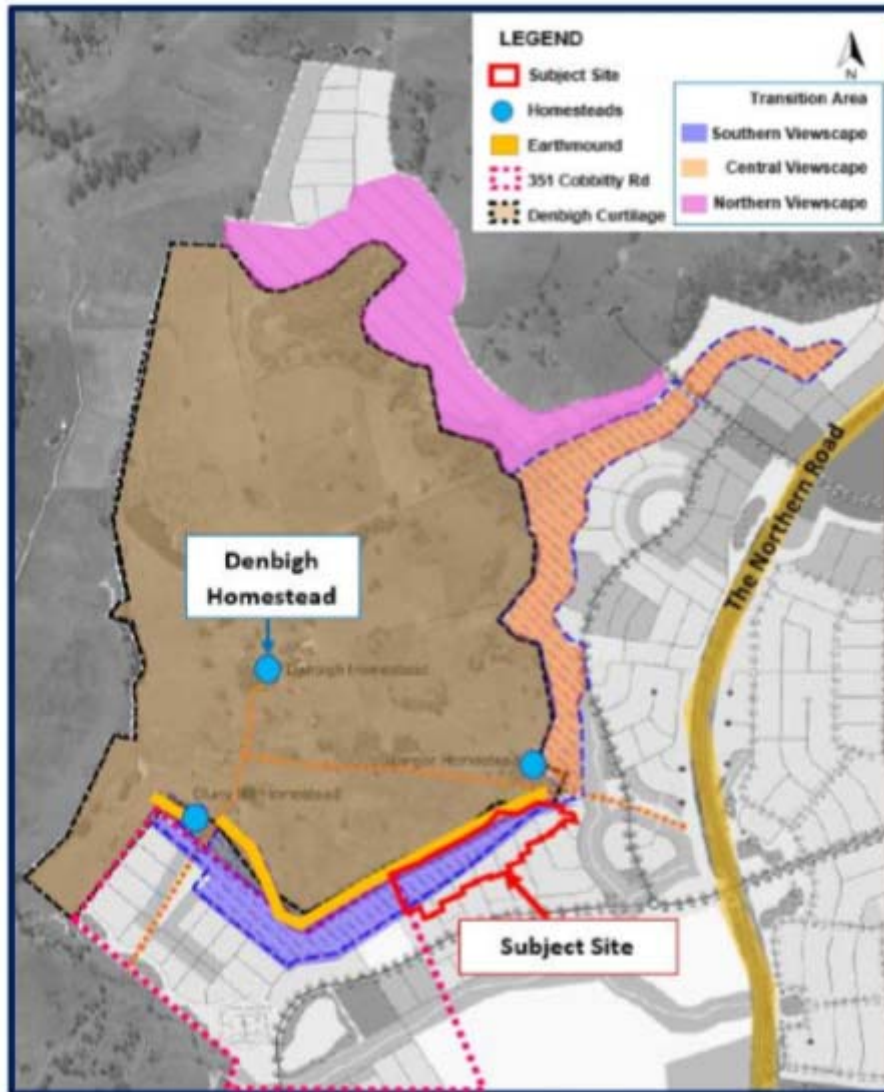


Figure 2: Site Context Map

1.3 Existing planning controls

Under the Growth Centres SEPP, the following planning controls apply to the site:

- zoned E4 Environmental Living and R1 General Residential (refer to Figure 4);
- a minimum lot size of 1000m² for land zoned E4 and 125m² for land zoned for land zoned R1 (reefer to Figure 6);
- a maximum building height of 6m for land zoned E4 and 9.5m for land zoned R1 (refer to Figure 8); and
- is partially within the Denbigh Transition Area (refer to Figure 10).

1.4 Summary of recommendation

It is recommended that the planning proposal proceeds with conditions as it seeks to align the Growth Centres SEPP with the adopted Part B DCP. The proposed amendments to the SEPP maps are appropriate and consistent with the existing

planning controls and surrounding land uses. The proposal indicates that there will be no adverse impacts on view lines with the nearby Denbigh Homestead.

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal is seeking to amend the Growth Centres SEPP, as follows:

- amend the Land Zoning Map to realign the zoning boundaries between E4 Environmental Living and R1 General Residential;
- amend the Minimum Lot Size Map to apply a minimum lot size of 1000m² to the proposed E4 zoned land and 125m² to the proposed R1 zoned land;
- amend the Height of Building Map to apply a maximum building height of 6m to the proposed E4 zoned land and 9.5m to the proposed R1 zoned land; and,
- amend the Special Areas Map to realign the boundary of the Denbigh Transition Area to reflect the location of an approved landscape mound and the proposed E4 zoned land.

The intended outcome of this Planning Proposal is to align the zoning boundaries between the E4 zoned land within the Denbigh Transition Area and the R1 zoned land south of the Denbigh Transition Area, to be consistent with the adopted Part B DCP. This will facilitate the development of six residue lots currently zoned E4 within Stage 8 of the Arcadian Hills estate (Figure 3).

While the immediate objective and intent of the planning proposal is clear i.e. 'align zone boundaries with the adopted Oran Park DCP', it is considered that further explanation is required over the planning reasons supporting the proposed amendment. A determination condition is recommended.

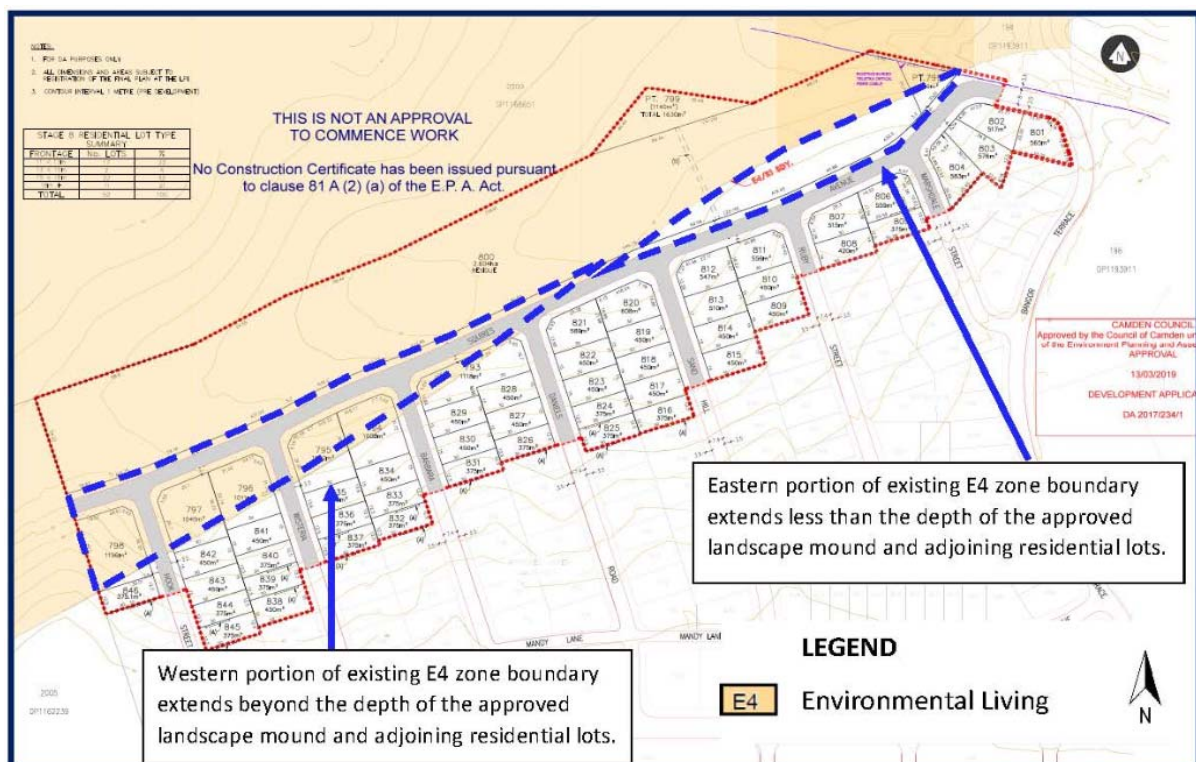


Figure 3: Approve Subdivision Plan for Stage 8 Arcadian Hills and Current E4 Zoning Overlay

2.2 Explanation of provisions

The planning proposal seeks to amend the existing planning controls under the Growth Centres SEPP for the subject site as follows:

1. Amendment of the Land Zoning Map to realign the zoning boundaries between E4 Environmental Living and R1 General Residential.

The proposal seeks to rezone 0.66ha of land zoned E4 Environmental Living in the western portion of the site to R1 General Residential. It also seeks to rezone 0.53ha of land zoned R1 General Residential in the eastern portion of the site to E4 Environmental Living (see Figures 4 and 5).

Council Views:

Council has advised that the proposal will result in a net increase of 1,300m² of land zoned R1 General Residential. This will facilitate the development of six (6) lots that are currently zoned E4 and assist in providing for the housing needs of the Oran Park community.

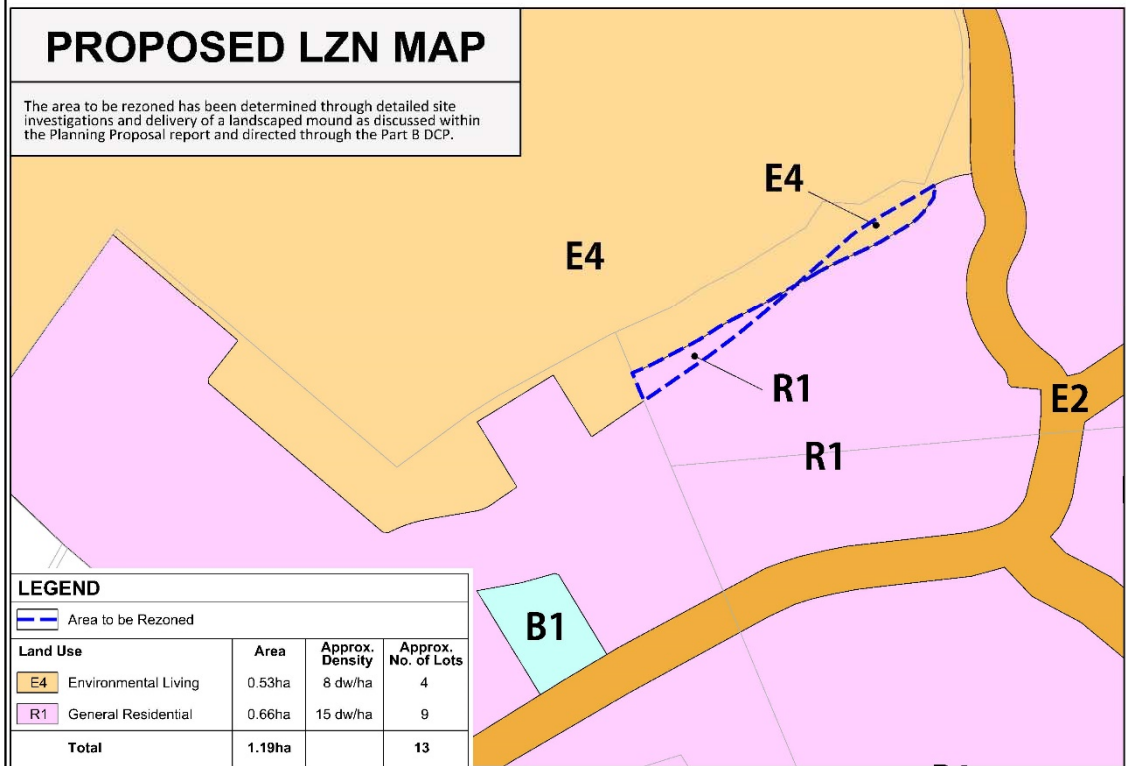
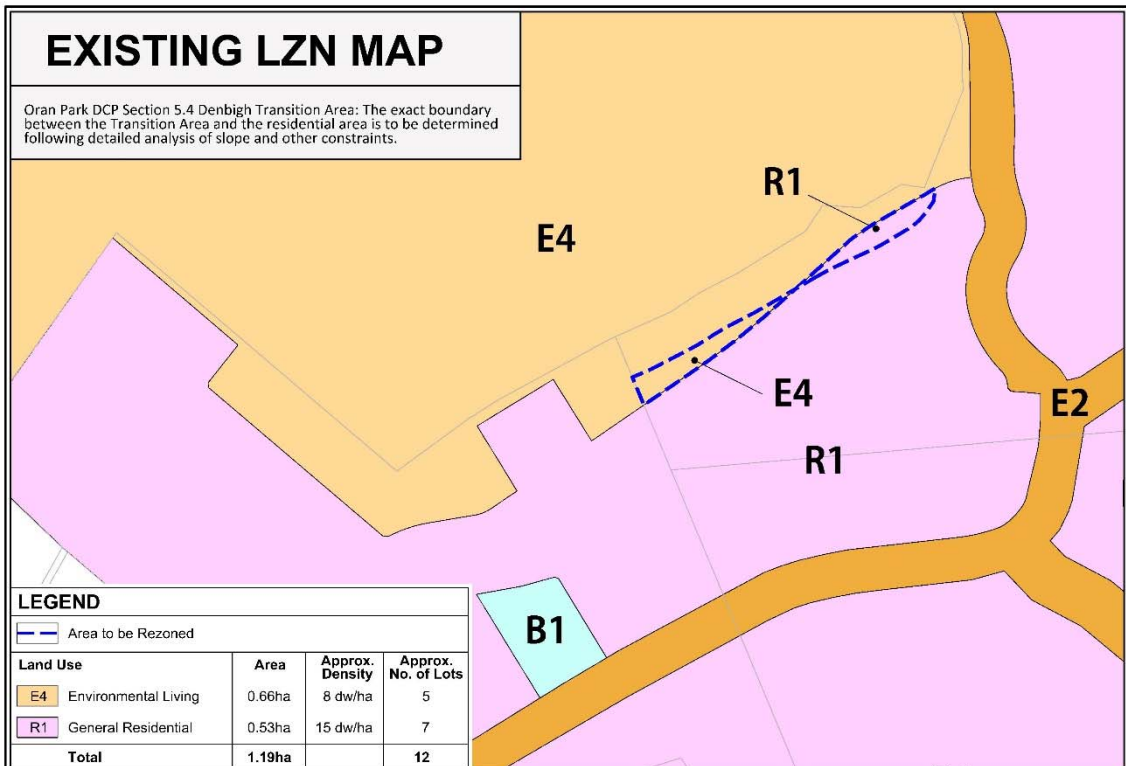
Department Comment:

The amendment of the Land Zoning Map seeks to align the zoning boundaries between the E4 zoned land within the Denbigh Transition Area and the R1 zoned land south of the Denbigh Transition Area, to be consistent with the adopted Part B DCP is deemed appropriate.

This proposal is supported as it is not inconsistent with the Western City District Plan. The proposal seeks to provide housing supply (Planning Priority W5); respect the district's heritage (Planning Priority W6) and protect and enhance scenic landscapes (Planning Priority W16).

The Department notes that the subject land is located within the Rural Metropolitan Area and involves a slight intensification of development.

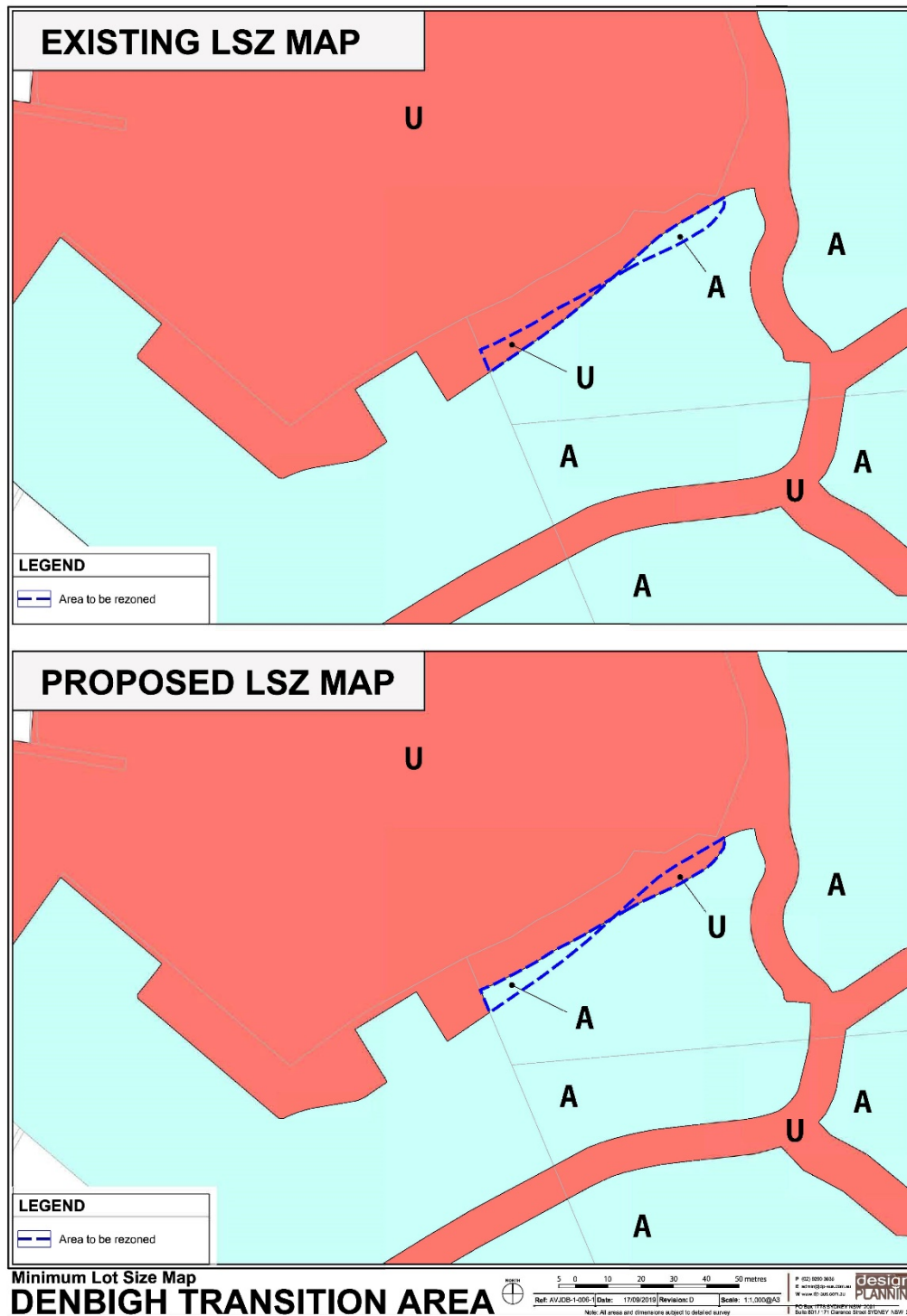
While this is the case, the land is subject to the Growth Centres SEPP, involving a minor boundary adjustment. In these circumstances, it is considered that the proposal is not inconsistent with Metropolis of Three Cities - The Greater Sydney Region Plan, which seeks to limit urban development within the Metropolitan Rural Area.



Figures 4 and 5: Existing and Proposed Land Zoning Maps

2. Amending the Minimum Lot Size Map to apply a minimum lot size of 1000m² to the proposed E4 zoned land and 125m² to the proposed R1 zoned land.

The proposal seeks to apply a minimum lot size of 125m² (A) to the proposed R1 zoned land and a minimum lot size of 1000m² (U) to the proposed E4 zoned land (see Figures 6 and 7).



Figures 6 and 7: Existing and Proposed Minimum Lot Size Maps

Council Views:

The proposal will facilitate low-impact, large lot residential development within the proposed E4 zone, which will be responsive to the rural aesthetic and heritage value of Denbigh. This will also support planning for a variety of housing types and densities in the Arcadian Hills estate, which has been identified for low to medium density development.

Department Comment:

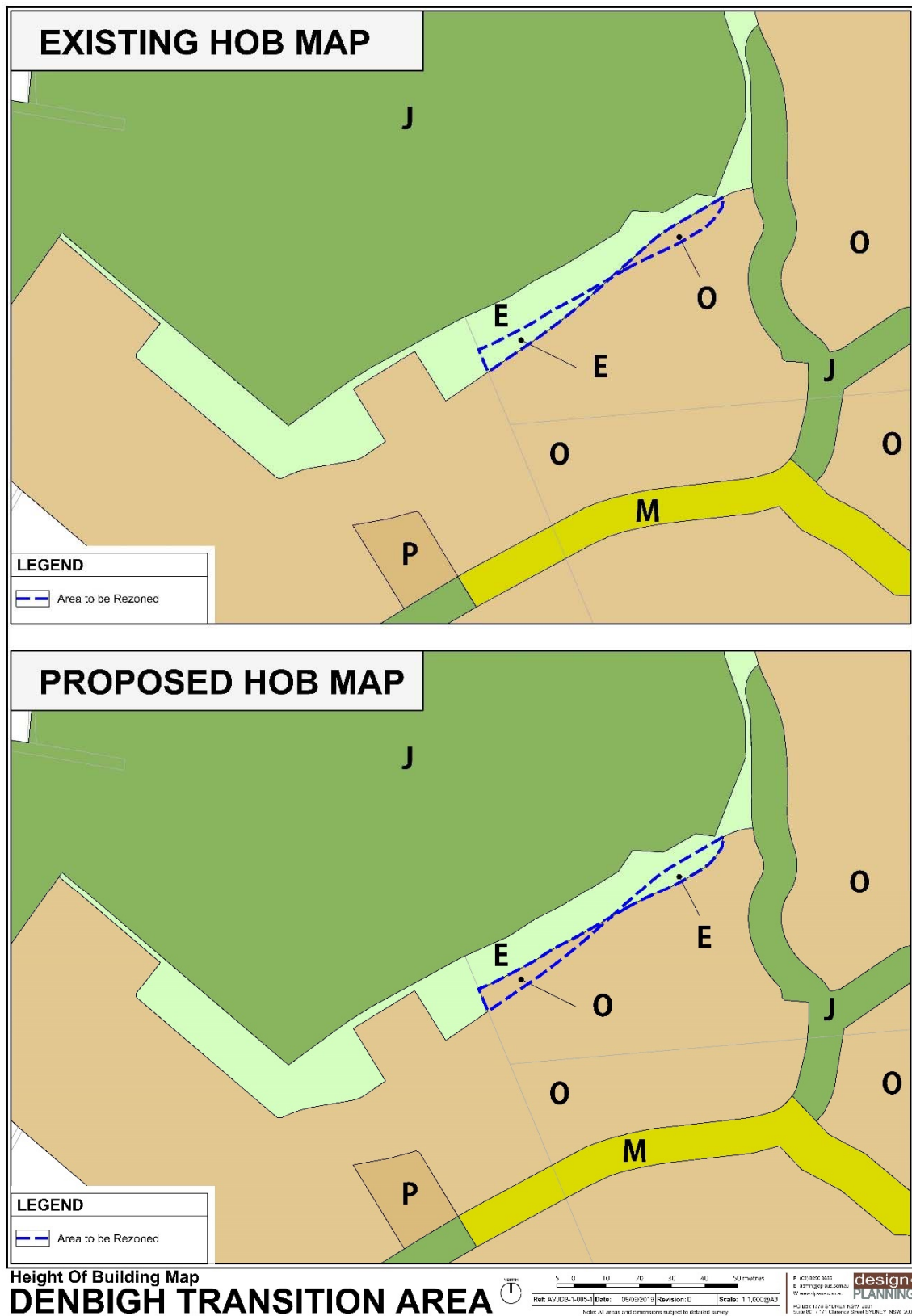
This proposal is supported as it is consistent with the Western City District Plan:

- Planning Priority W6 – Creating and renewing great places and local centres and respecting the District's heritage; and,
- Planning Priority W16 - Protecting and enhancing scenic and cultural landscapes

The proposed minimum lot sizes for the R1 General Residential zoned land (125m²) and E4 Environmental Living zoned land (1000m²) are both appropriate and seek to maintain the transition area between the rural landscape of Denbigh and urban development in the Arcadian Hills estate.

3. Amending the Height of Building Map to apply a maximum building height of 6m to the proposed E4 Environmental Living zoned land and 9.5m to the proposed R1 General Residential zoned land.

The proposal seeks to apply a maximum building height of 9.5m (O) to the proposed R1 General Residential zoned land and 6m (E) to the proposed E4 Environmental Living zoned land (see Figures 8 and 9).



Figures 8 and 9: Existing and Proposed Height of Building Maps

Council Views:

Council has advised that the proposed building height outcomes will align with the cross-sections of the Part B DCP. The proposed building heights will also not cause any adverse impacts on the aesthetic values of Denbigh.

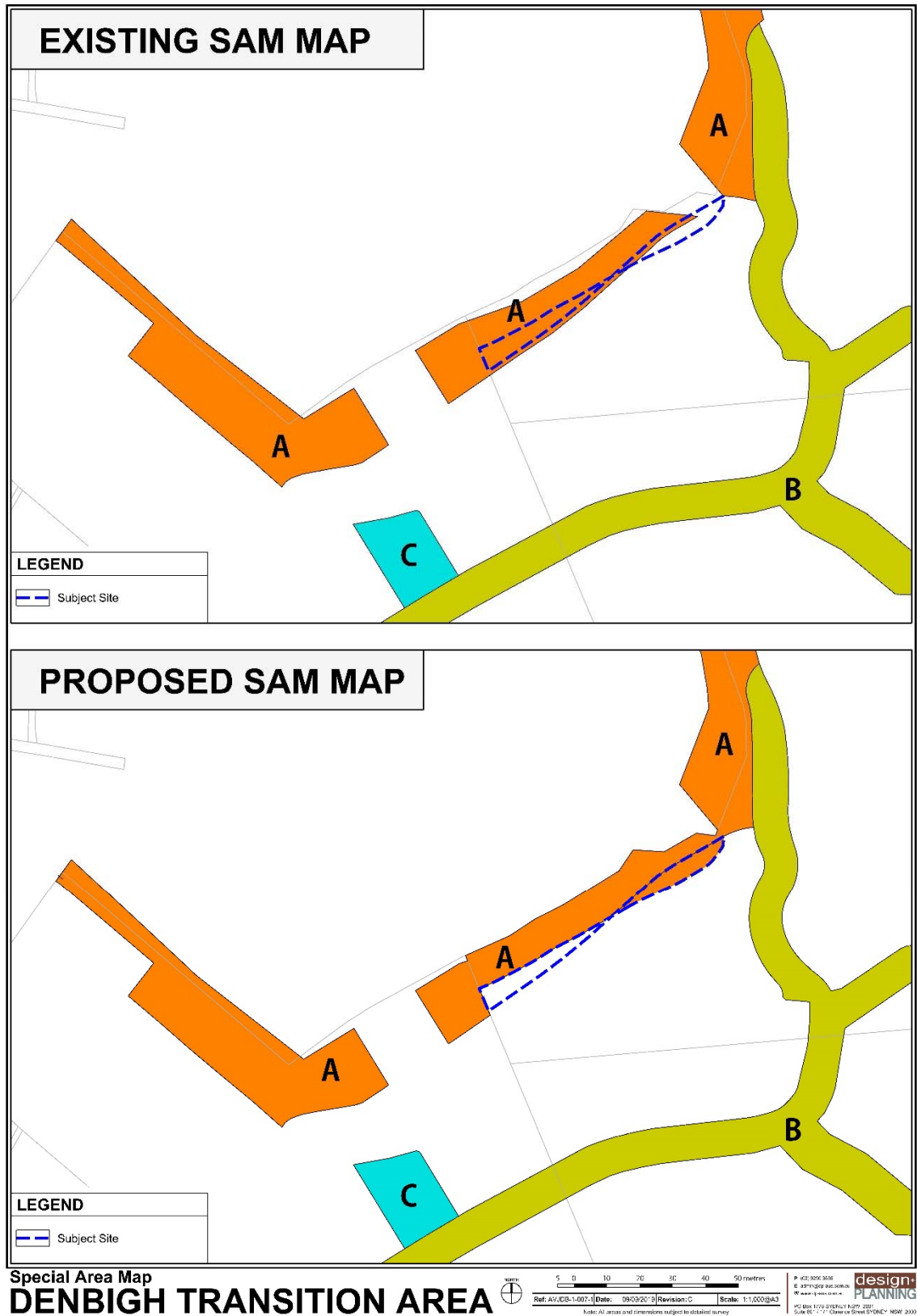
Department Comment:

As previously indicated, the proposal is supported as it is consistent with the Western City District Plan.

The proposed maximum building heights for both the R1 General Residential zoned land (9.5m) and E4 Environmental Living zoned land (6m) are appropriate and consistent with the existing Growth Centres SEPP maps and will not impact the heritage or aesthetic values of Denbigh.

4. Amending the Special Area Map to realign the boundary of the Denbigh Transition Area to reflect the location of the approved landscape mound and the proposed E4 Environmental Living zoned land.

The proposal seeks to amend the Special Area Map to realign the Denbigh Transition Area boundary to reflect the location of the approved landscape mound and the proposed E4 Environmental Living zoned land (see Figures 10 and 11).



Figures 10 and 11: Existing and Proposed Special Area Maps

Council Views:

Council has advised that the proposal maintains the transition area between the rural landscape of Denbigh and urban development in the Arcadian Hills estate.

Department Comment:

The proposed boundary realignment is appropriate and consistent with the Growth Centres SEPP and will not impact the heritage or aesthetic values of Denbigh.

2.3 Mapping

The current and proposed maps are provided in Section 4.2 and 4.5 of the Planning Proposal. The planning proposal will amend the following Growth Centres SEPP maps:

- Land Zoning Map (Sheet LZN_004);
- Minimum Lot Size Map (Sheet LSZ_004);
- Height of Building Map (HOB_004); and
- Special Areas Map (SAM_004).

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. The planning proposal is reflective of detailed work undertaken as part of the adopted Part B DCP. The amendments to the relevant Growth Centres SEPP maps are best undertaken and the identified intended outcomes may be effectively achieved through a planning proposal.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan

The proposed amendments are consistent with the planning priorities and actions under this plan.

4.2 Local

The planning proposal is for a minor amendment and is not inconsistent with the relevant Camden Council local strategic planning policies.

4.3 Section 9.1 Ministerial Directions

Camden Local Planning Panel

The local planning panel considered the proposal on 15 October 2019 and held no objections to the proposal proceeding to Gateway determination.

The following 9.1 Directions are relevant:

2.1 Environment Protection Zones

This direction applies as the proposal seeks to rezone a small area (0.66ha) of E4 Environmental Living zoned land to R1 General Residential.

The Department notes, however, the proposal also seeks to also rezone a similar area (0.53ha) of R1 General Residential zoned land to E4 Environmental Living. The resultant overall loss (0.13ha) of E4 Environmental Living zoned land is minor in context to the wider Oran Park Precinct and will not cause any detrimental impacts of the Denbigh Heritage Homestead or the Denbigh Transition Area.

Given the circumstances, it is considered that any inconsistency is of a minor nature and is recommended to the delegate accordingly.

2.3 Heritage Conservation

This direction applies in view of the relationship between the subject land and the nearby heritage item, i.e. the Denbigh heritage curtilage.

The proposal is consistent with this direction as it seeks to manage the conservation of the Denbigh Heritage Curtilage and refines the function of the Denbigh Transition Area - in protecting the heritage value of the Denbigh Heritage Curtilage.

Additionally, the proposal seeks to undertake amendments that will provide a consistent approach to development within the Denbigh Transition Area and avoid any detrimental impacts to the heritage value of the area.

To ensure that this matter is thoroughly considered, however, consultation with the Heritage Division of the Department of Premier and Cabinet by Council is recommended.

3.1 Residential Zones

This direction applies as the proposal seeks to amend the boundary between land zoned R1 General Residential and E4 Environmental Living. The proposal follows provisions established within the Part B3 DCP. The proposed zoning boundary amendments also seek to ensure that a consistent residential subdivision outcome is achieved in the E4 Environmental Living zoned land within the Denbigh Transition Area.

The Department notes that the proposal responds to the outcomes of the Part B3 DCP and would not compromise the heritage protection of the Denbigh Transition Area.

Given the nature of the proposal, it is not considered that the proposal is inconsistent with the Direction.

4.4 Planning for Bushfire Protection

This direction applies as the proposal will affect or is in proximity to land mapped as bushfire prone land.

To ensure consistency with this direction, consultation with the Commissioner of the NSW Rural Fire Service is required and it is recommended that the Gateway determination be conditioned accordingly.

6.3 Site Specific Provisions

This direction applies as the proposal maintains consistency with site specific provisions established within the Part B3 DCP of the Oran Park DCP. The objectives of the proposal will ensure that greater consistency between the Part B3 DCP and the Growth Centres SEPP is achieved.

Given the nature of the proposal, it is not considered that the proposal is inconsistent with the Direction.

4.4 State Environmental Planning Policies (SEPPs)

The proposal is consistent with the relevant SEPPs as follows:

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The proposal does not prevent the delivery of the South West Growth Centre. The proposed SEPP mapping amendments are all consistent with the existing relevant Growth Centres SEPP maps.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development

The proposal includes an amended boundary for R1 General Residential zoned land which permits residential flat buildings, making SEPP 65 applicable. However, controls have been included within the Part B3 DCP, the main body Oran Park DCP and Indicative Layout Plan to ensure that residential flat buildings, whilst permissible within the R1 zone, do not compromise viewscales to and from the Denbigh Heritage Curtilage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The Planning Proposal site forms part of the Arcadian Hills estate and will facilitate the development of six residue lots within Stage 8 of the estate. This is acceptable given the context of the existing and future residential development planned in the area. The proposal is unlikely cause any adverse social impacts as the subject site is in close proximity to existing and planned infrastructure and services within the Oran Park Precinct.

5.2 Environmental

The proposal will cause a resultant overall loss (0.13ha) of E4 Environmental Living zoned land, however this land does not have any vegetation or existing agricultural land use and therefore any environmental impacts are negligible.

5.3 Economic

The Planning Proposal will facilitate the development of six residue lots within the Arcadian Hills Estate. These lots will contribute to providing housing supply and variety. The proposal will also contribute to the local economy of the Oran Park Precinct.

6. CONSULTATION

6.1 Community

Council advised that the Planning Proposal and associated documents will be publicly exhibited for a period of 28 days. The proposal is considered low impact and it is recommended that the Minister's delegate agrees to the length of the proposed exhibition period.

The exhibited material will be available at various locations includes libraries and published on Council's website. Notifications will also be placed in the local newspaper.

6.2 Agencies

Consultation with the following agency is required:

- NSW Rural Fire Service; and,
- Heritage Division of the Department of Premier and Cabinet.

7. TIME FRAME

The recommended timeframe for making the LEP is twelve months.

8. LOCAL PLAN-MAKING AUTHORITY

As the Planning Proposal seeks to amend the Growth Centres SEPP, it is recommended that Council not be issued authorisation to exercise the plan making delegation.

9. CONCLUSION

The preparation of the planning proposal is supported as it demonstrates merit as follows:

- it is not inconsistent with regional, district and local plans and their relevant objectives;
- the proposed amendment seeks to ensure consistency with the Part B3 DCP and appropriately align the proposed R1 zoned land with the existing R1 zoned allotments;
- the proposed mapping amendments are consistent with the surrounding land uses shown on the corresponding Growth Centres SEPP maps; and;
- the proposed development of six residue lots will have no adverse heritage and visual impacts as the proposal maintains and is consistent with planning objectives and controls within the Part B3 DCP.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 2.1 Environmental Protection Zones is minor.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, under *4.3 Justification* of the proposal, include a more detailed explanation of the planning grounds that support the proposal, including the relationship with the heritage curtilage area;
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Heritage Division at the Department of Premier and Cabinet;
 - NSW Rural Fire Service.

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

Noted:



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