

Greater Sydney, Place and Infrastructure

IRF20/4291

Plan finalisation report

Local government area: Camden

1. NAME OF DRAFT LEP

Camden Local Environmental Plan Amendment (Sydney Region Growth Centre - Oran Park Precinct) 2020 (draft LEP) to zoning, height of building, minimum lot size and special area maps under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* for lands interfacing with part of the Denbigh Transition Area. The draft written instrument is at **Attachment LEP**.

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 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (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, below).



LEGEND

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

Figure 1: Subject site (red outline) with access via Bangor Terrace and Charles McIntosh Parkway.

The site is partially within the heritage curtilage of Denbigh (refer to Figure 1), 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, below) of the Oran Park Precinct. Planning outcomes for the Denbigh Transition Area are determined through the adopted Oran Park Precinct Development Control Plan (DCP) Part B.

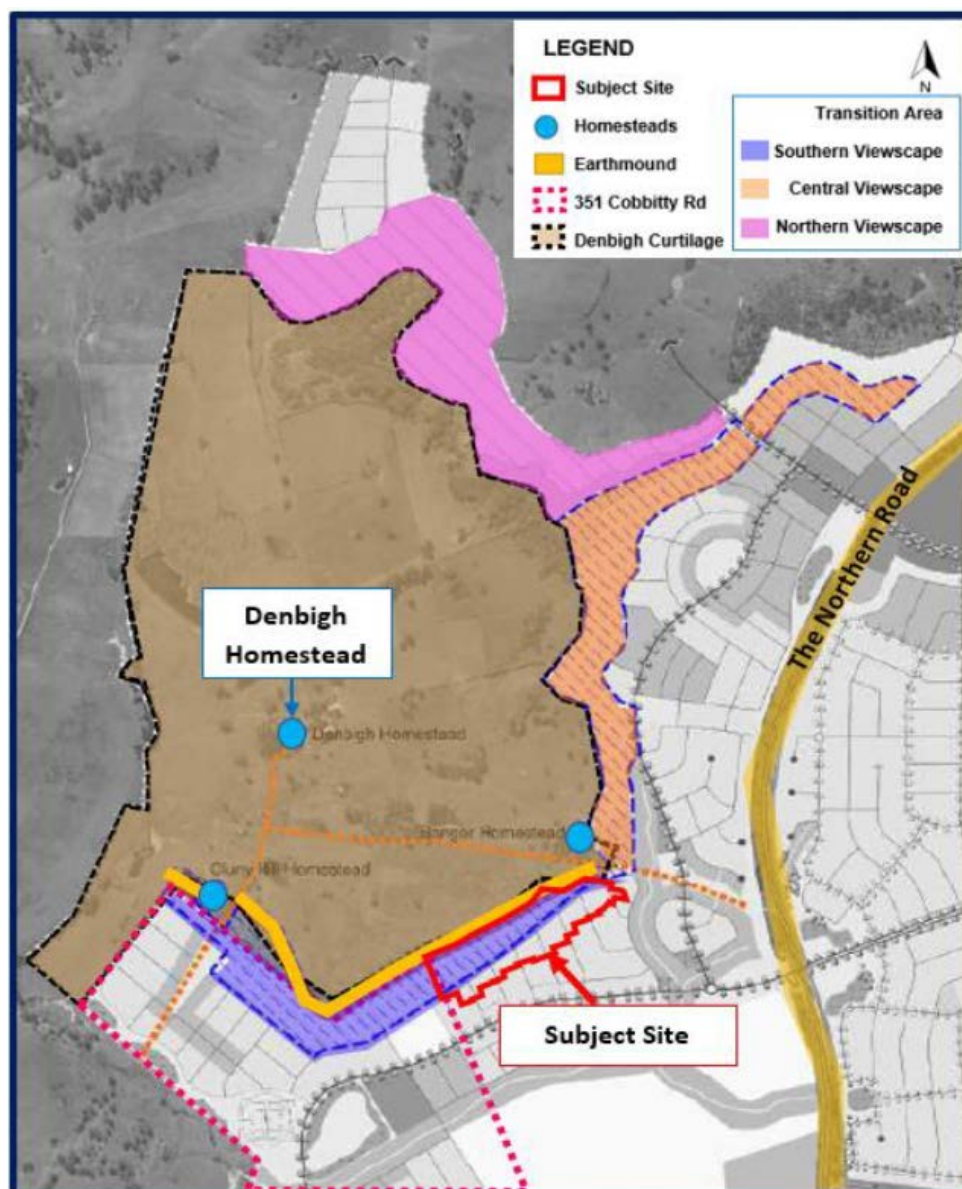


Figure 2: Subject site with interface to Denbigh Curtilage (Source: Oran Park DCP Part B3).

3. PURPOSE OF PLAN

The draft LEP seeks 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 the proposal is a housekeeping amendment 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 (Figure 3, below) to be consistent with the adopted DCP Part B.

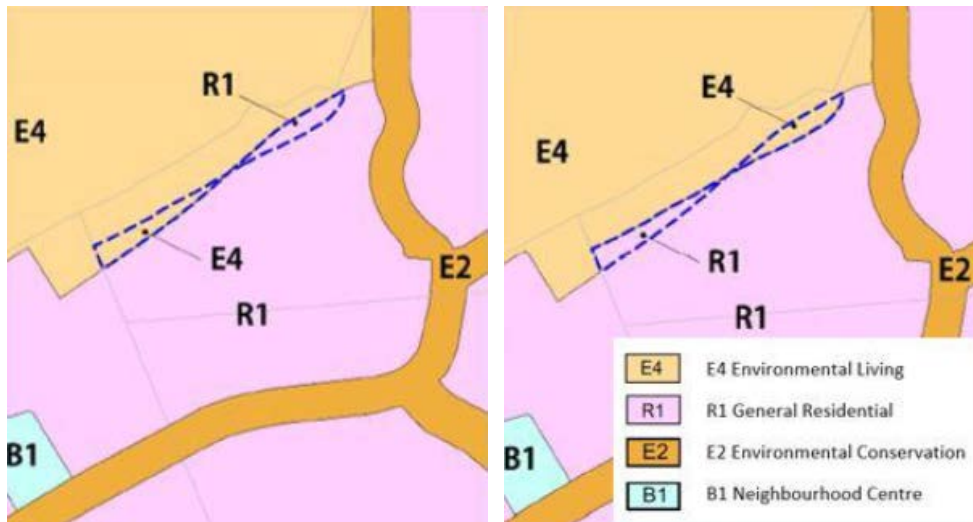


Figure 3: Current zoning (left) and proposed zoning (right)

This will facilitate the development of six residue lots currently zoned E4 within Stage 8 of the Arcadian Hills estate (Figure 4, below).

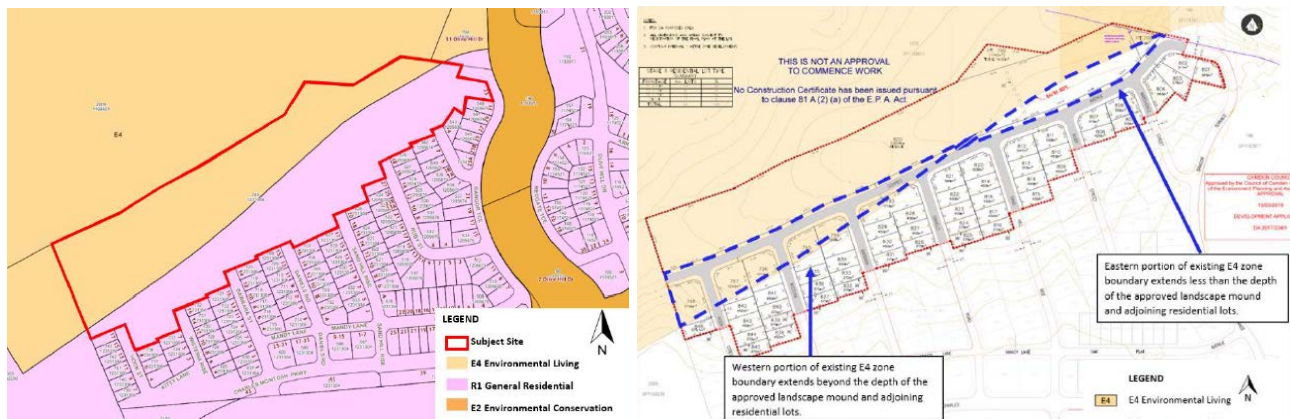


Figure 4: Subject site with existing part E4 part R1 zoning (left) and approved six residual lots within E4 zone (right)

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Camden state electorate and within the Hume federal electorate. Mr Peter Sidgreaves MP is the State Member. The Hon Angus Taylor MP is the Federal Member.

To the team's knowledge, neither State or Federal Member have made any 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.

GATEWAY DETERMINATION

The Gateway determination issued on 24 February 2020 (**Attachment B**) determined that the proposal should proceed subject to conditions. All Gateway determination conditions have been satisfied.

PUBLIC EXHIBITION

6.1 Exhibited proposal

The planning proposal was publicly exhibited by Council for 6 weeks from 18 May to 29 June 2020.

6.2 Community submissions

Council received no submissions from the community.

6.3 Council resolution

At its meeting of 26 November 2019, Council resolved (**Attachment C**) to make the plan subject to no unresolved submissions being received during public exhibition. As a result, Council wrote to the Department on 16 July 2020 (**Attachment D**) requesting the planning proposal proceed to the plan making process.

Delegation to finalise the planning proposal was not issued to Council by the Department.

5. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with the NSW Rural Fire Service and Heritage Division at the Department of Premier and Cabinet in accordance with the Gateway determination.

These public agencies were consulted and did not raise any objections to the planning proposal.

The public agency submissions are provided at **Attachments E1-E2**.

6. ASSESSMENT

The draft LEP has sufficiently demonstrated site-specific merit to deliver additional housing in a location adjacent to an existing urban area and adequate provisions in place to ensure environmental protection to the heritage curtilage of Denbigh. As outlined below, the LEP has strategic merit as it is consistent with relevant Section 9.1 Directions and State Environmental Planning Policies and gives effect to the Western City District Plan.

6.1 Section 9.1 Directions

Direction 2.3 Heritage Conservation

This Direction applies in view of the relationship between the site and the nearby heritage item, i.e. the Denbigh heritage curtilage. To ensure consistency with the Direction, Council was required to consult with the Heritage Division of the Department of Premier and Cabinet and a response raising no objections was received on 1 April 2020 (**Attachment E2**). On this basis, it is recommended that no further approval is required in relation to this Direction.

Direction 4.4 Planning for Bushfire Protection

This Direction applies as the site is identified as bushfire prone land (Category 1, Category 2 and Buffer). To ensure consistency with the Direction, Council was required to consult

with the Rural Fire Service and a response was received dated 5 May 2020 (**Attachment E1**). On this basis, it is recommended that no further approval is required in relation to this Direction.

9.2 State environmental planning policies

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The proposed amendment supports delivery of the South West Growth Centre. The proposed SEPP mapping is consistent with the existing relevant Growth Centres SEPP maps.

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

The draft LEP 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 DCP Part B3, the main body Oran Park DCP and Indicative Layout Plan to ensure that residential flat buildings, whilst permissible within the R1 zone, will not compromise views to and from the Denbigh Heritage Curtilage.

9.3 State, regional and district plans

Greater Sydney Regional Plan and Western City District Plan

The draft LEP is consistent with the planning priorities and actions under this plan. The planning proposal gives effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (Act) as it will permit compatible urban development within the current boundary of the urban area of Greater Sydney.

7. MAPPING

The amending plan seeks to amend the following maps:

- 1) South West Growth Centre Land Zoning Map – Sheet LZN_004;
- 2) South West Growth Centre Height of Building Map – Sheet HOB_004;
- 3) South West Growth Centre Lot Size Map – Sheet LSZ_004; and
- 4) South West Growth Centre Special Areas Map – Sheet SAM_004

The maps and map cover sheet are correct, have been checked by the Department's E-Planning Team and sent to Parliamentary Counsel.

8. 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 F**). Council confirmed on 8 September 2020 that it supports the making of the plan (**Attachment G**).

9. PARLIAMENTARY COUNSEL OPINION

On 4 September, 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

10. 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 Gateway determination conditions have been satisfied.
- the amending plan is consistent with the relevant section 9.1 Directions and State Environmental Planning Policies.
- the amending plan gives effect to the Western City District Plan.



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17 September 2020

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