

Planning Services

IRF18/7079

Gateway determination report

LGA	Camden LGA
PPA	Camden Council
NAME	Orielton - 181 The Northern Road, Harrington Park (1 homes, 0 jobs)
NUMBER	PP_2019_CAMDE_001_00
LEP TO BE AMENDED	Camden LEP 2010
ADDRESS	181 The Northern Road, Harrington Park
DESCRIPTION	Part of Lot 41 DP 270613
RECEIVED	15 January 2019
FILE NO.	IRF18/7079
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.

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A1-A9**) seeks to alter the zone and development controls for part of land at 181 The Northern Road, Harrington Park (the site), by amending the Camden Local Environmental Plan (LEP) 2010, as follows:

- rezone part of the site from E2 Environmental Conservation to R5 Large Lot Residential;
- decrease the minimum lot size for part of the site from 7ha to 6,000sqm; and
- apply a maximum building height of 9.5m to part of the site.

The proposal will facilitate the development of one (1) additional residential dwelling and provide access to a proposed Equestrian Park.

Site description

The planning proposal applies to part of land at 181 The Northern Road, Harrington Park (the site), which is legally described as Part of Lot 41 DP 270613. The site has an area of approximately 3,900sqm. Refer to Figure 1 (overleaf) for the context of the site.

The site is part of the Harrington Grove West Urban Release Area development within the Camden LGA which was rezoned for residential development in 2007. The site is also identified as part of the State heritage item I135 – “Orielton”, which comprises of a homestead, associated outbuildings and the landscape setting.

It is noted that the site does not contain any of the State heritage items for the Orielton building. While the site is located within the heritage curtilage of the State item, the Orielton homestead and associated buildings are located further north on the larger allotment on the other side of Governor Drive (refer to Figure 1 below).

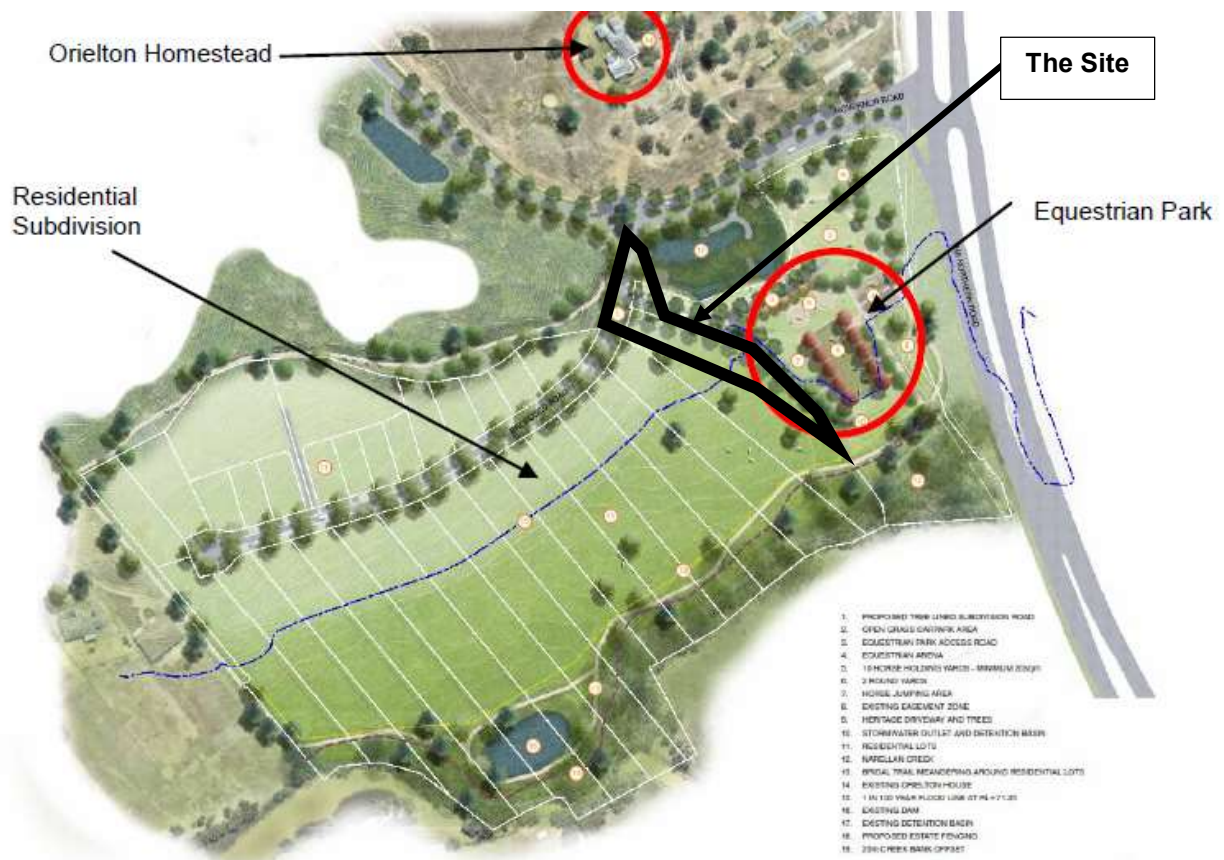


Figure 1 – Site Context

Existing planning controls

Under the Camden LEP 2010, the following zone and development controls apply to the site:

- E2 Environmental Conservation and R5 Large Lot Residential;
- a minimum lot size of 7ha for land zoned E2 and R5 in this location; and
- a height of 9.5m for land zoned R5.

No maximum building height applies for land zoned E2.

As indicated, the site is also identified as part of a State Heritage Item, I135 – “Orielton” (including homestead, grounds and outbuildings including stables, stockyards and silos), and the Harrington Grove West Urban Release Area. It is noted that a maximum floor space ratio does not apply to the site.

Summary of recommendation

It is recommended that the planning proposal proceed with conditions given that it is a minor amendment and will enable the private landowner to appropriately develop the site for residential purposes.

PROPOSAL

Objectives or intended outcomes

The objective of this planning proposal is to amend the existing development controls for the site to facilitate the development of one additional residential allotment. While the proposed minimum lot size is 6,000sqm, the proposed size of the additional lot is approximately 9,550sqm.

The objectives of this planning proposal are clear and adequate.

Explanation of provisions

The planning proposal seeks to amend the Camden LEP 2010 by:

- rezoning part of the site from E2 Environmental Conservation to R5 Large Lot Residential;
- decreasing the minimum lot size for part of the site from 7ha to 6,000sqm; and
- applying a maximum building height of 9.5m to part of the site.

It is noted that the proposal will not alter the existing State Heritage Item, Harrington Grove West Urban Release Area, or the maximum floor space ratio applying to the site.

The planning proposal seeks to enable an additional residential dwelling and provide access to a proposed Equestrian Park.

Mapping

The current and proposed maps are provided in Part 4.2 and 4.4 of the planning proposal. The planning proposal will amend the following maps:

- Land Zoning Map (LZN_007 and LZN_012);
- Lot Size Map (LSZ_007 and LSZ_012); and
- Height of Building Map (HOB_007 and HOB_012).

Refer to Figure 3-5 (below and overleaf) for the current and proposed maps.

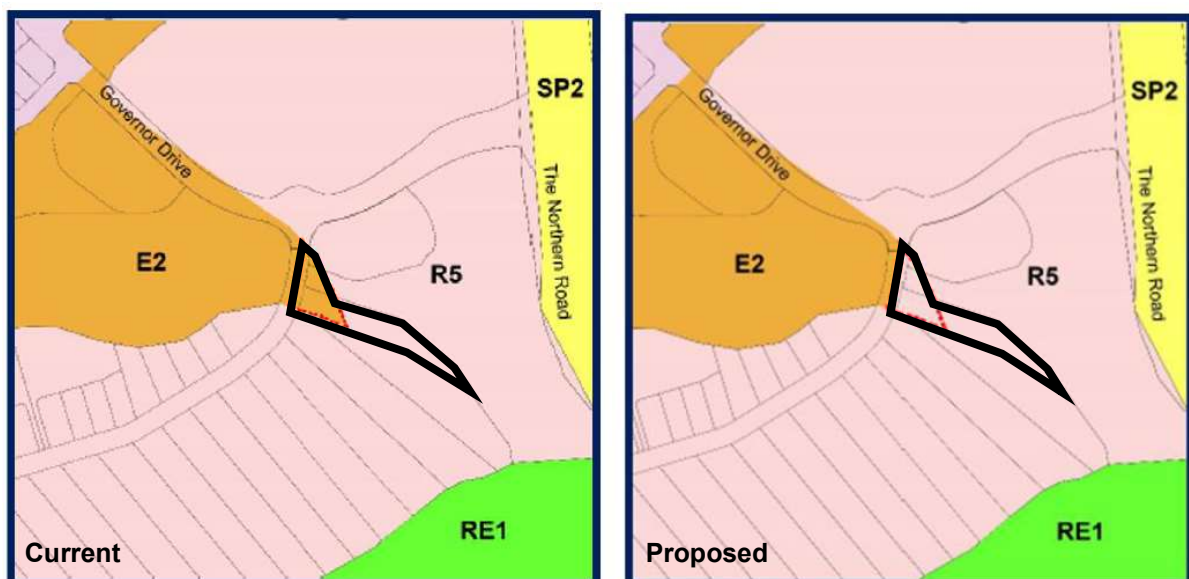


Figure 3 – Current and Proposed Land Zoning Map

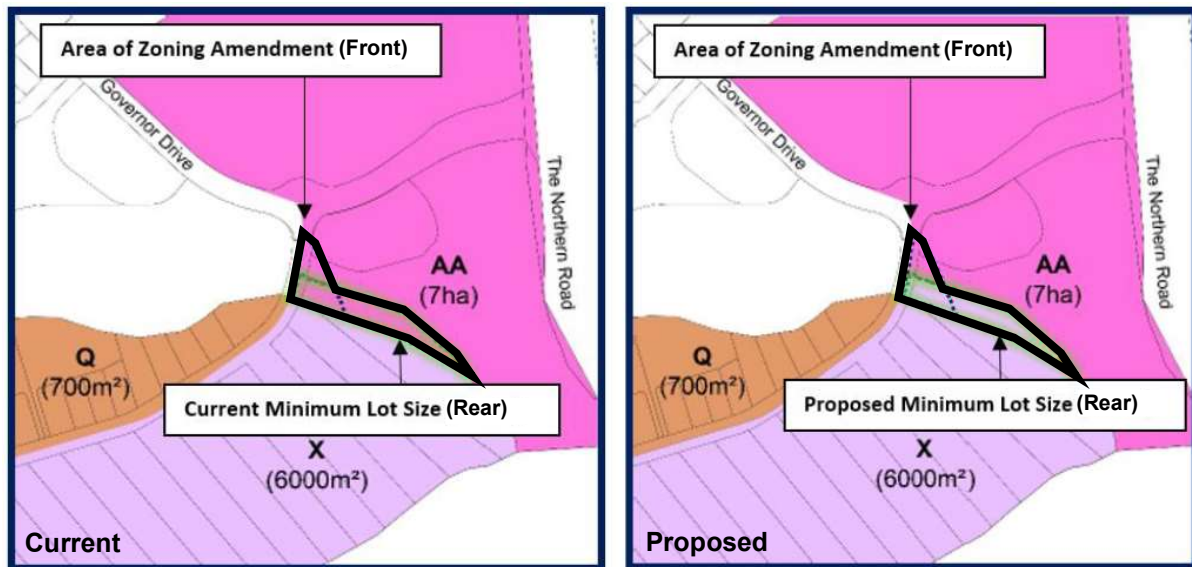


Figure 4 – Current and Proposed Lot Size Map

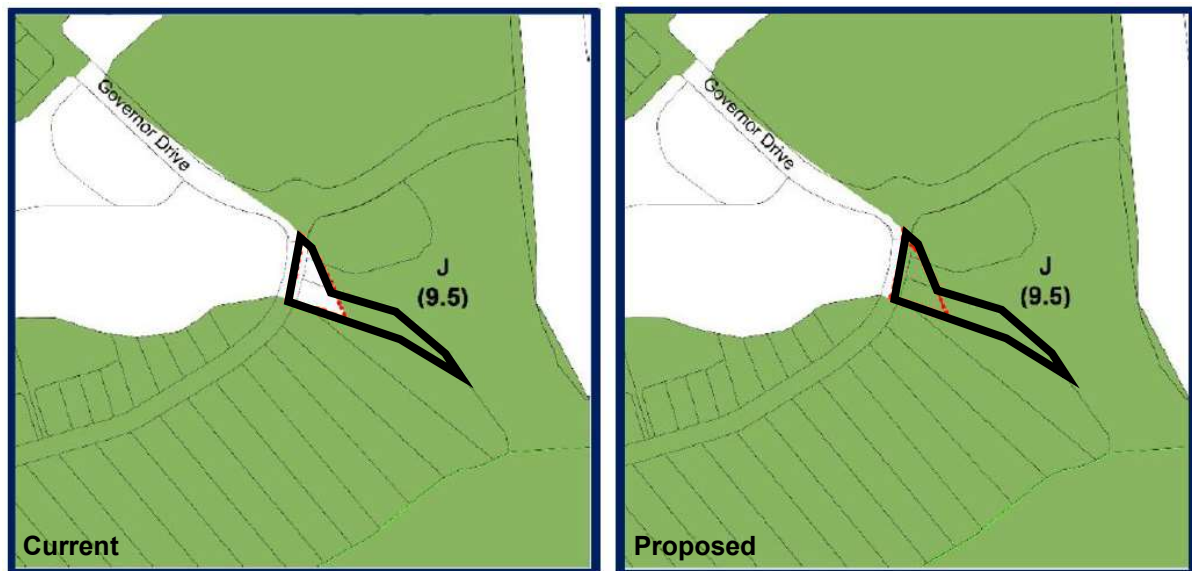


Figure 5 – Current and Proposed Height of Building Map

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. However, Council considers the proposal to be a logical extension of the adjacent R5 Large Lot Residential zoned land. In addition, it is noted that the proposal has minimal visual impacts and is not inconsistent with region, district and local strategic plans and their relevant objectives.

Council advise that the provisions that enable flexibility in applying standards under the Camden LEP 2010 do not extend to the E2 Environmental Conservation Zone. Furthermore, the Clause 4.6 Exceptions to development standards only allow minor variations the development controls. It is noted that these provisions do not apply to this particular situation.

The planning proposal advises that the proposed amendment is the best and most appropriate means of achieving Council's intended outcome i.e. rezone the land to facilitate an additional residential allotment on the site. A planning proposal is the only means available to achieve amendments to relevant provisions under the Camden LEP 2010. This will also ensure that the development of the site is consistent with the existing development controls.

STRATEGIC ASSESSMENT

Regional / District

Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission on 18 March 2018. It provides a 40-year vision for Greater Sydney and is designed to inform district and local plans and the assessment of planning proposals.

The planning proposal is consistent with the objectives of the plan as it would provide one (1) additional dwelling on the site (Objective 12). It will also have a minimal impact on the heritage value and character of Orielton (Objective 13), and the views of the scenic and cultural landscapes from the public realm, specifically distant views to Narellan Creek and Studley Park from Orielton (Objective 28).

Western City District Plan

The Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the Western City District while improving the district's social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity and sustainability in the plan, as it would:

- foster a culturally rich community in the Harrington Grove West Urban Release Area by providing future residents with access to an equestrian facility (Planning Priority W4);
- contribute to housing supply and choice by providing an additional dwelling (Planning Priority W5);
- have minimal visual impacts on the State heritage item, 135 – “Orielton”, as demonstrated by the Orielton Statement of Heritage Impact (**Attachment A5**) (Planning Priority W6);
- form part of a broader development that will provide significant new plantings of trees, shrubs and grasses in accordance with the Orielton Landscape Conservation Management Plan (**Attachment A4**) (Planning Priority W15); and
- not detract from the integrity of the scenic and cultural landscape of Orielton, as the future dwelling will be located outside the principal view corridor between Orielton and Narellan Creek (Planning Priority W16).

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

Local

Community Strategic Plan

The Community Strategic Plan (CSP) seeks to actively manage Camden LGA's growth by retaining Camden's heritage sites, scenic vistas and cultural landscapes.

The planning proposal is consistent with the relevant directions of the CSP as follows:

- Strategy 1.1.1 Ensure the provision of appropriate urban development for sustainable growth in the Camden LGA – The proposal forms part of a broader development that will provide for urban development and sustainable growth, ensuring compatibility with the heritage qualities of Orielton; and
- Strategy 1.1.2 Manage and plan for a balance between population growth, urban development and environmental protection – The proposal will maintain important view corridors from Orielton within the developing area which reflects a balanced consideration between population, urban development and environmental protection.

Local Planning Panel

The planning proposal was considered by the Camden Local Planning Panel on 25 November 2018. The Panel supported the proposal subject to consideration being given to a mechanism to limit the impact the proposed dwelling on the site on the view lines between Orielton Homestead and Studley Park (**Attachment A8**).

Council confirmed that the proposed dwelling is within the secondary vista between Orielton and Studley Park. However, the supporting heritage studies (**Attachment A4-A6**) recommended additional mature plantings be provided on the Equestrian Park land to screen the proposed dwelling from Orielton while maintaining the distance view (page 32 of **Attachment A7**). In addition, Council noted that the proposed dwelling would have a lower elevation than Orielton which will also assist in maintaining the view.

Council advised that the recommended mitigation measures relating to landscaping and fencing will be addressed as part of any future development application for the site. In addition, the Office of Environment and Heritage will be consulted further on the matter as part of any concurrence needed.

Therefore, it is concluded that Council has adequately considered and addressed the comments from the Camden Local Planning Panel.

Section 9.1 Ministerial Directions

Inconsistent: The planning proposal is inconsistent with the following section 9.1 Directions:

Direction 2.1 Environment Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. This Direction applies to the planning proposal as the site is partly zoned E2 Environmental Conservation.

The planning proposal is inconsistent with this Direction as it seeks to rezone land zoned E2 Environmental Conservation to R5 Large Lot Residential, thereby reducing the environmental protections standards applying to the site.

However, the inconsistency is considered to be minor as the site does not contain environmentally sensitive vegetation and is located within an urban release area which is currently being developed for residential purposes. The proposal also seeks to extend the adjacent R5 Large Lot Residential zone to ensure that the zone of the allotment is consistent with the future use of the land (i.e. dwelling house and equestrian centre).

Therefore, it is recommended that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 2.1 Environment Protection Zones is of minor significance.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. The site is partly classified as flood prone land (refer to Figure 6 below).

The planning proposal is inconsistent with this Direction as it seeks to rezone land within a flood planning area from an environmental protection zone to a residential zone.

It is noted that the flood prone land is located to the rear of the site and there is adequate land at the front of the land to accommodate an additional residential dwelling. In addition, further consideration of this matter will be addressed at the development application stage. Therefore, it is recommended that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 4.3 Flood Prone Land is of minor significance.



Figure 6 – Flooding Map

Consistency to be further justified: The planning proposal is potentially consistent with the following Section 9.1 Direction however further justification is required as outlined below.

Direction 4.4 Planning for Bushfire Protection

This Direction aims to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas, and encourage sound management of bushfire prone areas. The site contains bushfire prone land (refer to Figure 7 below) therefore this Direction applies to the proposal.

The Bushfire Protection Assessment Review for the proposed Equestrian Park and residential subdivision (**Attachment A9**) outlines the recommended bushfire protection measures for the site and concludes that the proposed subdivision complies with the acceptable solutions within 'Planning for Bush Fire Protection 2006'.

However, in the above circumstances, the Direction requires that the planning proposal authority (i.e. Council) must consult with the Commissioner of the NSW Rural Fire Services (RFS) prior to undertaking public exhibition.

A planning proposal may be inconsistent with the Direction if the authority can satisfy the Secretary's delegate that the Council has obtained written advice from the RFS, to the effect that, notwithstanding the non-compliance, the RFS does not object to the progression of the planning proposal.

Therefore, to ensure that the planning proposal complies with the requirements of this Direction it is recommended that Council consults RFS and, if necessary, seeks the agreement of the Secretary to justify any inconsistency with this Direction.

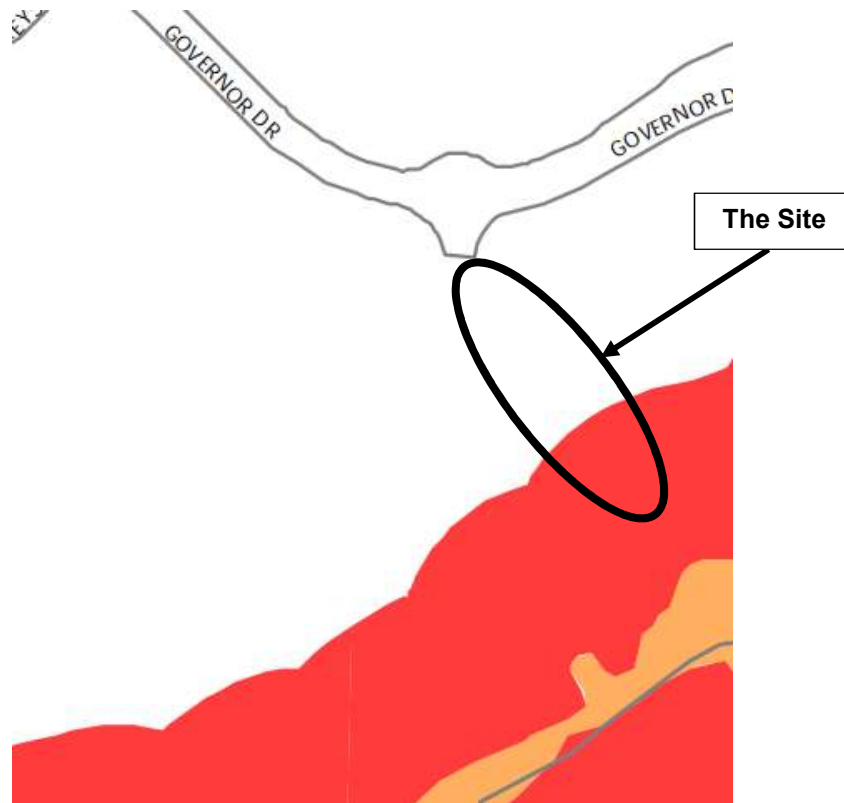


Figure 7 – Bushfire Map

Consistent: The planning proposal is consistent with the following section 9.1 Directions:

Direction 2.3 Heritage Conservation

This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The site is listed as part of a State heritage item, I135 – “Orielson” (including homestead, grounds and outbuildings including stables, stockyards and silos) (refer to Figure 8 below), therefore this Direction applies to the proposal.

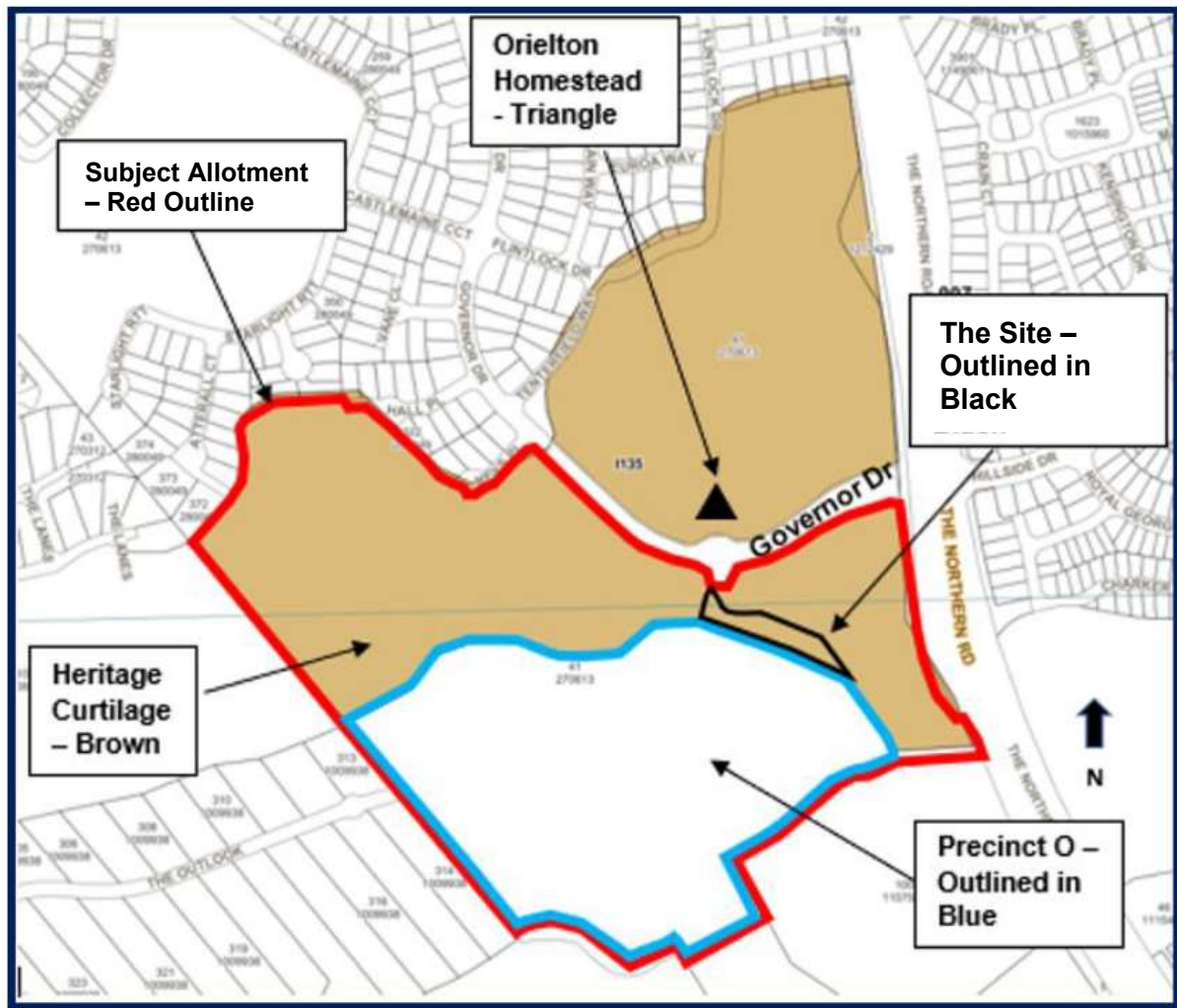


Figure 8 – Heritage Map

The planning proposal is considered to be consistent with this Direction as it does not intend to remove the heritage controls across the site, therefore the existing controls under Camden LEP 2010 (i.e. Clause 5.10 Heritage Conservation) and the *Heritage Act 1977* will continue to apply to the site. In addition, the proposal would not impact on the existing heritage items associated with the Orielson homestead as these items are not located on the site.

The Heritage Council of NSW has previously advised that the broader vision for the integrated equestrian park and residential development can be considered subject to the identified recommendations (**Attachment A3**). To ensure that heritage issues are fully considered under this proposal, it is recommended that the Heritage Council be consulted by Council.

Direction 3.1 Residential Zones

The objectives of this Direction are to encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services, and to minimise the impact of residential development on environment and resource lands. This Direction is relevant to the proposal as it applies to existing and proposed R5 Large Lot Residential zoned land.

The planning proposal is considered to be consistent with this Direction as it is located within an urban release area which is currently being developed for residential purposes, therefore, proposed development will make efficient use of future planned infrastructure.

Direction 3.4 Integrating Land Use and Transport

This Direction aims to increase the choice of available transport and reduce dependence on cars. The planning proposal is consistent with this Direction in view of its location, particularly as it is within walking distance of existing bus services along Hillside Drive.

State environmental planning policies (SEPPs)

The planning proposal is consistent with all State Policies given the nature of the proposal, however further commentary is provided below.

State Environmental Planning Policy No 55—Remediation of Land

The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.

As part of the initial Harrington Park West rezoning and subsequent development applications, the matter of contamination on the site was previously comprehensively investigated through a Contamination Phase 2 Environmental Site Assessment (i.e. DA/2014/1163). Council issued development consent on 10 December 2015 for the subdivision of Harrington Park West precinct.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

Council note that the removal of any existing development on the site would require development consent as the site is part of a larger heritage listed allotment. In addition, the Orielton Conservation Management Plan (**Attachment A4**) provides provisions for additional vegetation planting including trees, shrubs and grasses.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Council advises that proposed development will meet the requirements of the plan. Furthermore, development resulting from this proposal will also need to consider the strategies and policies in this plan.

SITE-SPECIFIC ASSESSMENT

Social and Economic

The planning proposal will have minimal social and economic impacts as it proposes minor amendments that aim to enable the development of one (1) additional dwelling in the Harrington Grove West Urban Release Area and provide access to an Equestrian Park.

Environmental

There are no threatened species or communities on the site, therefore the planning proposal does not have any adverse impacts upon the environment.

Infrastructure

The site will be serviced by necessary infrastructure and utilities as part of the development of the Harrington Grove West Urban Release Area.

Heritage and Visual Impacts

As noted previously, the site is located on land that is listed as a State heritage item, I135 – “Orielson” (including homestead, grounds and outbuildings including stables, stockyards and silos). It is noted that the site does not contain any of the State heritage items. While the site is located within the heritage curtilage of the State item, the Orielson homestead and associated buildings are located further north on the larger allotment on the other side of Governor Drive. Refer to Figure 9 below.

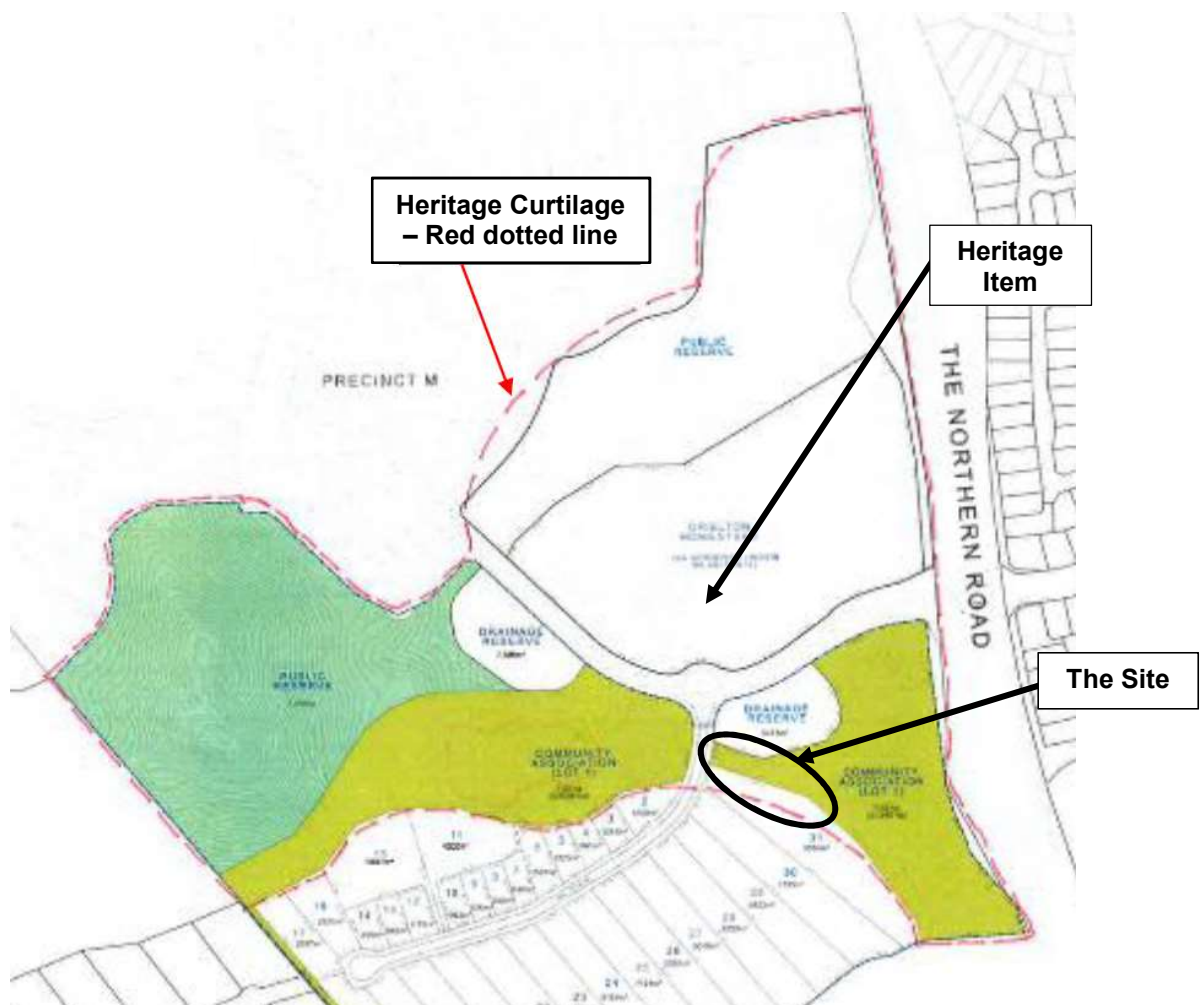


Figure 9 – Heritage Curtilage

A number of heritage studies and plans were provided to support the planning proposal, as detailed below.

The Orielson Conservation Management Plan (2006) (**Attachment A6**) establishes the cultural significance of Orielson and provides guidelines on the past restoration and future conservation of Orielson, to allow the significance of the heritage item to be retained in its future use and development.

The Orielton Landscape Conservation Management Plan (2017) (**Attachment A4**) provides additional guidelines in the context of the proposed integrated equestrian park and residential development, to ensure that it will not impact on Orielton's heritage qualities.

The Orielton Statement of Heritage Impact (2018) (**Attachment A5**) details the compliance of the proposed integrated equestrian park and residential development with the relevant conservation management guidelines. Specifically, it assessed the proposed additional lot and concludes that it will have minimal heritage and visual impacts. It recommends any future dwelling on the proposed additional lot be positioned close to the new access road. This would result in minimal visual impact to the principal vista from Orielton to Narellan Creek and the secondary vista from Orielton to Studley Park. Furthermore, it includes additional recommendations to minimise the impact of the overall development vision, including landscaping and fencing.

Therefore, Council conclude that the proposal will have minimal heritage and visual impacts subject to the appropriate mitigation measures being implemented at the development application stage (refer to Figure 10 below).

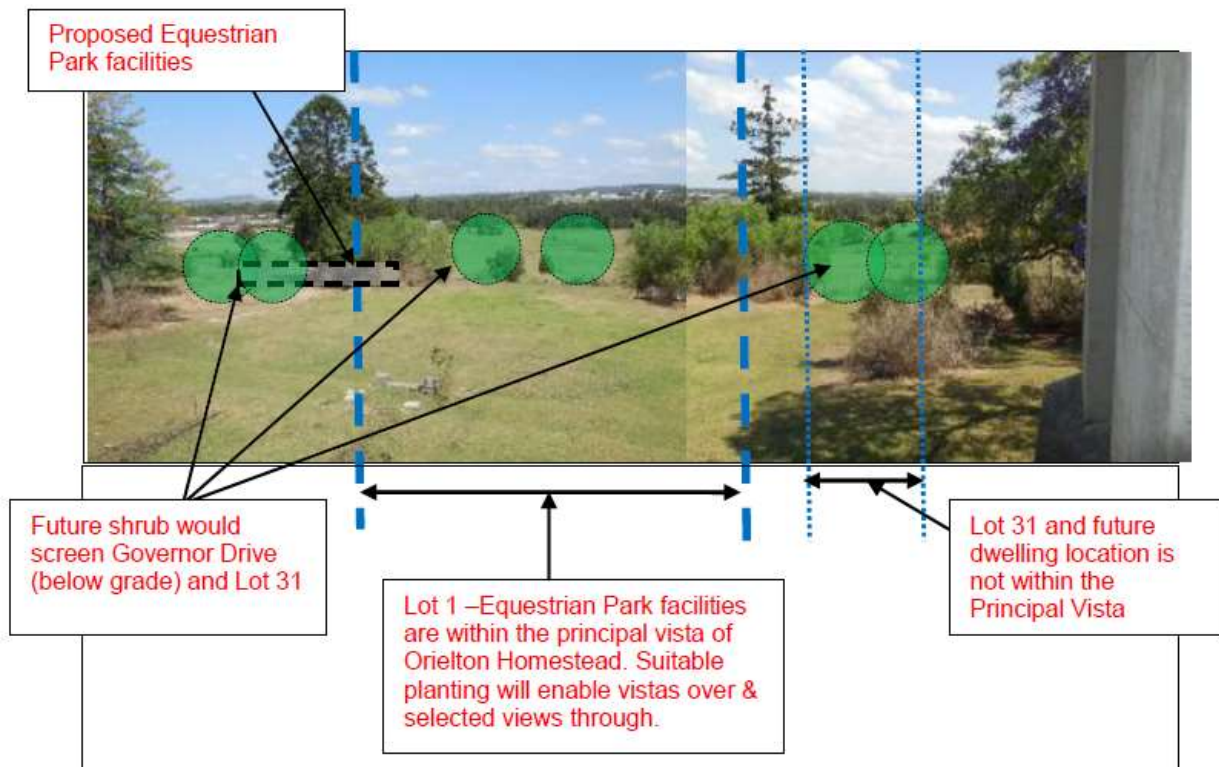


Figure 10 – Principal vista from Orielton Homestead

CONSULTATION

Community

A public exhibition period of 14 days is considered an appropriate amount of time to seek the views of the community.

Agencies

The Department recommends that Council consults with the Heritage Council of NSW and the NSW Rural Fire Service in relation to the planning proposal.

Should this agency require any additional information, or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

TIME FRAME

Council proposes a timeframe of 6 months to finalise this planning proposal. Given the nature of the planning proposal, a 6-month timeframe is considered appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation of the plan making function be issued to it in relation to this planning proposal. Given that the minor nature of the planning proposal, it is recommended that authorisation to exercise delegation should be issued to Council.

CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it has site-specific merit as it would enable the development of a single additional dwelling on the site and provide access to an Equestrian Park.

The planning proposal is also considered to have minor impacts on the surrounding area and is consistent with the surrounding development as part of the Harrington Grove West Urban Release Area.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land are minor or justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Consultation is required with the following public authorities:
 - Heritage Council of NSW; and
 - NSW Rural Fire Service.
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the minor nature of the planning proposal, Council should be the local plan-making authority.

5. Prior to public exhibition, Council is to amend the planning proposal as follows:
- a) update the justification for the inconsistency with section 9.1 Directions 2.1 Environment Protection Zones and 4.3 Flood Prone Land; and
 - b) consult the NSW Rural Fire Service in accordance with Direction 4.4 Planning for Bushfire Protection and update the consistency with this Direction.



11/02/2019

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