

DATE OF DETERMINATION	Tuesday, 23 November 2021
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Sue Francis and Grant Christmas
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Theresa Fedeli: Council has recently voted on a Planning Proposal for this site - A Saddle Close, Currans Hill.</p> <p>Lara Symkowiak: Council has recently voted on a Planning Proposal for this site - A Saddle Close, Currans Hill.</p> <p>Michael File: I was on the Local Planning Panel that made a recommendation to Council</p>

Public meeting held by Public Teleconference on 22 November 2021, opened at 11:06am and closed at 11:14am.

PLANNING PROPOSAL

PP-2021-3233 – Camden Council – AT A Saddle Close, Currans Hill (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4, and the material presented at meetings and matters observed at site inspections listed at item 5 in Schedule 1.

As the planning proposal authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made. The decision was Unanimous

REASONS FOR THE DECISION

The subject rezoning proposal is directed to part of Lot 627 - a larger 34.1 hectare parent parcel that provides an important scenic and vegetated buffer against the residential character of Currans Hill to the west which is important to the character of its rural setting. It includes significant stands of protected Cumberland Plain Woodland and a significant heritage listed Upper Sydney Canal.

The 1.4 hectare part of Lot 627 subject to the proposal is locationally distinct from the remainder of the allotment, being to the east of the transmission easement, and being bounded to its north by existing residential development of the Turners Road precinct on larger lots than the remainder of Currans Hill, and to its north east by lots of around 450 m² characteristic of the general cadastral arrangement of the township.

This image shows the subject site in its locational context:



The whole of Lot 627 was the subject of a planning proposal rejected by a differently constituted Panel by a determination made on 21 May 2018.

That rejected proposal (which was opposed by both the recommendation Council assessment officers and the elected Council) proposed a change in zoning of the larger allotment, but did not propose a maximum building height, FSR or lot size. In contrast this planning proposal leaves the planning for the larger part of the land holding unchanged and proposes only a change in zoning and minimum lot size.

When rejecting the 2018 proposal the Panel's reasoning included the following:

"While the site offers the advantage of connection to an existing suburban development, there are also significant advantages of preserving the current E4 zoning at least in part to allow a meaningful transition between the metropolitan density of the existing Currans Hill subdivision and the adjacent rural lands. That is particularly so given the significant contribution that the nationally listed critically endangered remnant Cumberland Plain Woodland makes to the visual and ecological catchment. The transition will also increase the amenity and desirability of the areas where increased densities have been permitted.

Some more dense residential development of parts of this site might be justified."

This rezoning review request as originally made responded to that resolution by seeking to amend the Camden Local Environmental Plan 2010 to rezone the identified 1.4 hectare portion of the subject allotment adjacent to Caulfield Close to E4 Environmental Living, and to change the minimum lot size development standard from 900m² and 1500m² to 500m². That proposal was recommended for approval by Council staff but rejected by the elected Council.

On 9 December 2020, the majority of the Panel determined that the subject planning proposal was of sufficient strategic and site specific merit to be submitted for a Gateway Determination, whilst determining that the appropriate minimum lot size would warrant further consideration. On Monday 18 January 2021 the Planning Panel was appointed as the planning proposal authority.

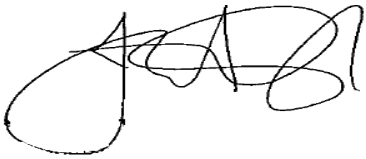




On 10 May 2021, the Panel (as planning proposal authority) determined under section 3.34 of the *Environmental Planning and Assessment Act 1979* that the planning proposal should be exhibited, but only after it was first amended to provide for a 900 sq metre minimum lot size for exhibition purposes. In deciding to increase the minimum lot size in the exhibited draft planning proposal the Panel considered at that time

- a) the surrounding pattern of development observed by the Panel,
- b) the E2 Environmental Conservation and E4 Environmental Living zonings,
- c) the objectives of those zones as recorded in the zoning table at LEP which encourage “low-impact residential development”,
- d) the substantial remnant of Cumberland Plain Woodland in the south east portion of the lot, and
- e) the reported lack of examples within the E4 zone in the Manooka valley with a min lot size below 900sqm.

Following exhibition, the Panel retains the opinion that (having regard to those same important considerations and the Department’s Post Exhibition Submissions Report PP-2021-3233) 900m2 is an appropriate minimum lot size for the site in its context, and particularly taking reference from the 900 m2 lots characterising the Turners Road precinct within the same E4 zoning.

The proximity of the bushland is still seen as reinforcing the need for lot sizes that will act as a transition from the more dense RU1 zoned housing.

The referral authorities raised various ecological and bushfire issues which will be associated with any residential accommodation of this site. But noting that even the existing zoning permits residential housing on more generous lot sizes, and that the majority of the site is already cleared, the Panel is of the view that those matters can be taken into account at DA stage when they will no doubt receive close examination.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 Nicole Gurran	 Sue Francis
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. - ADDRESS	PP-2021-3233 – Camden Council – AT A Saddle Close, Currans Hill
2	LEP TO BE AMENDED	Camden Local Environmental Plan 2010
3	PROPOSED INSTRUMENT	Planning proposal to amend Camden Local Environmental Plan 2010 to amend the Camden LEP 2010 by rezoning a portion of the site from E4 Environmental Living (approximately 1.2ha) and E2 Environmental Conservation zones (0.1ha)
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Submissions report: 8 November 2021 • Written submissions during public exhibition: 5 • Verbal submissions at the public panel meeting: <ul style="list-style-type: none"> ○ Heath James – Camden Council ○ On behalf of the applicant – John O’Grady Director – OG Urban
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Monday, 22 November 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Sue Francis and Grant Christmas ○ <u>Department staff</u>: Murray Jay and Terry Doran • Site inspection: Tuesday, 27 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Louise Camenzuli, Nicole Gurran, Sue Francis, and Grant Christmas ○ <u>Council assessment staff</u>: Murray Jay and Terry Doran <p>Panel Chair advised he inspected the site in relation to an earlier planning proposal.</p>