



IRF22/941

Plan finalisation report – PP-2021-7017

Camden Local Environmental Plan Amendment
(Precincts – Western Parkland City) (Map Amendment
No 1) - Rezoning of land at Kontista Street, Batavia
Avenue and Cappariss Lane, Leppington

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Camden Local Environmental Plan Amendment (Precincts – Western Parkland City) (Map Amendment No 1).

The planning proposal seeks to make various mapping amendments to land zoning, lot size, height of building and residential density maps under the *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (Western Parkland City SEPP), for two subject sites bounded by Kontista Street, Batavia Ave and Capparis Lane, Leppington. These amendments seek to facilitate the development of medium density character in an appropriate location and to correct several split zoning and additional planning control anomalies.

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to various sites bounded by Kontista Street, Batavia Avenue and Capparis Lane, Leppington
Type	Sites
Council / LGA	Camden

The planning proposal seeks to rezone two neighbouring sites, identified as subject sites A and B in this report.

Subject site A is identified as 2-8 Kontista Street, Leppington (Lots 17-20 DP 1247517) as depicted by the red outline in **Figure 1**. It is approximately 1,200m² in area and located on the corner of Kontista Street and Heath Road, Leppington. Subject Site A is currently subject to a development consent (DA/2017/1135/1) that has resulted in numerous approved residential allotments being subject to more than one zone. Subject site A is currently split zoned as part R2 Low Density Residential and part R3 Medium Density Residential. This split zoning anomaly has also resulted in split height of building and residential density planning controls for the site.



Figure 1 Subject Site A (Source: PP-2021-7017)

Subject site B contains multiple allotments, identified as: 10, 12 and 33 Kontista Street, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43 and 47 Batavia Avenue and 53, 55 and 56 Capparais Lane, Leppington, as depicted by the yellow outline in **Figure 2** below.

Subject site B was not part of the original planning proposal. Camden Council planning officers recommended the planning proposal be extended to include this site, as irregular split zoning patterns found in subject site A also existed in site B. The recommendation to include the lots bounded by subject site B was endorsed at the Ordinary Council Meeting of 12 October 2021.



Figure 2 Subject Site B (Yellow outline) (Source: PP-2021-7017)

Subject sites A and B are both located in the south-eastern corner of Stage 1 of the Leppington Precinct and are approximately 3km from Leppington Railway Station.

The Willowdale Shopping Centre is located to the south-east, which includes a supermarket and speciality stores. **Figure 3** (over leaf) provides the geographic context of the subject sites to the surrounding area.



Figure 3 Geographic context of the subject sites

1.1.3 Purpose of plan

The planning proposal seeks to implement various mapping amendments under the Western Parkland City SEPP, as follows:

- rezone subject site A from part R2 Low Density Residential and R3 Medium Density Residential to wholly R3 Medium Density Residential by amending the Land Zoning Map (LZN_008), Lot Size Map (LSZ_008), and Residential Density Map (RDN_008); and
- rezone Subject Site B from various split zones to wholly R2 Low Density Residential by amending the Land Zoning Map (LZN_008), Lot Size Map (LSZ_008), Height of Buildings Map (HOB_008) and Residential Density Map (RDN_008).

Note:

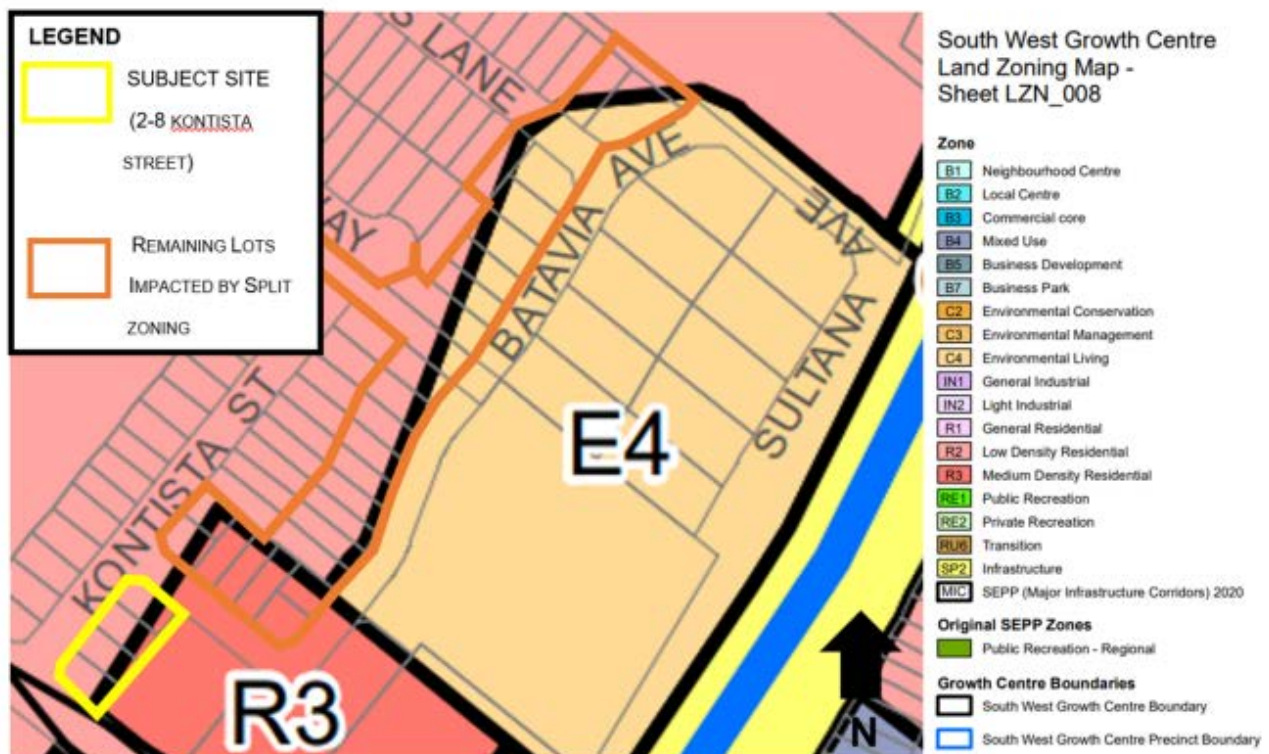
In particular, the planning proposal includes a ‘down zoning’ by seeking to remove an existing R3 Medium Density Residential Zone and its replacement with an R2 Low Density Residential Zone. This proposed rezoning applies to seven lots facing and/or near Kontista Street, as illustrated in the diagrams – overleaf.

Council’s planning proposal advises that: ‘Rezoning (to) R2 Low Density Residential is logical and aligns with the existing subdivision and road layout’ (refer to **Attachment A**, p.7).

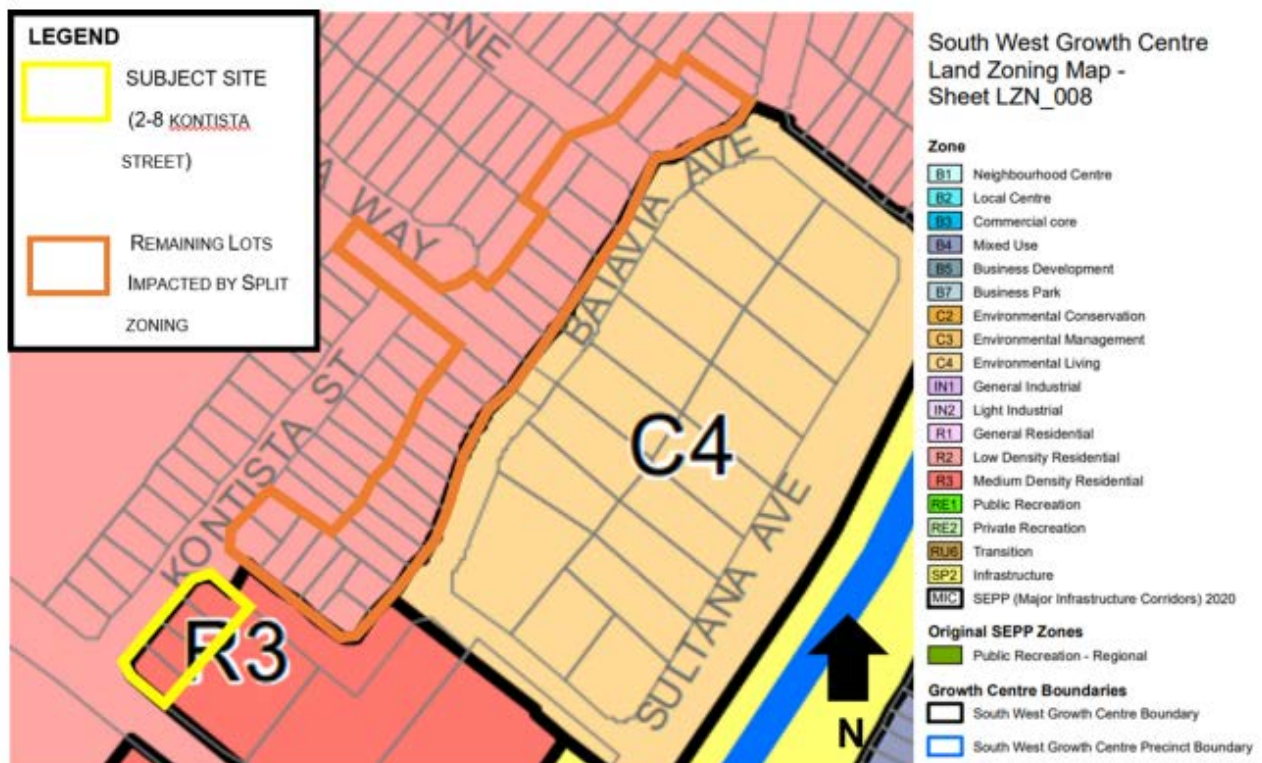
Since the original rezoning, a super lot has been subdivided into the seven lots and this arrangement does not facilitate medium density development of the land. Further, the land owners have been informed in writing of the proposal and no objections have been received by Council.

At the time the Gateway determination was issued, the Secretary’s delegate agreed that given the nature of the proposal, any technical inconsistencies with Section 9.1 Directions: 2.1 *Environmental Protection Zones* and 3.1 *Residential Zones* were of a minor nature and the proposal may proceed on that basis.

Existing Zoning Map



Proposed Zoning Map



1.1.4 Current and proposed planning controls

The planning proposal seeks to rezone two neighbouring sites (subject sites A and B), as described in Section 1.1.2, with each seeking different mapping amendments under the Western Parkland City SEPP, as shown in **Tables 2** and **3**.

Table 2 Subject Site A - Current and proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential (part) R3 Medium Density Residential (part)	R3 Medium Density Residential
Maximum height of the building	9.5m (part) 12m (part)	12m
Residential Density	15 dwellings/ha (part) 25 dwellings/ha (part)	25 dwellings/ha

Table 3 Subject Site B - Current and proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential (part) R3 Medium Density Residential (part) C4 Environmental Conservation (part)	R2 Low Density Residential
Maximum height of the building	9.5m (part) 12m (part) No Height of Building control (part)	9.5m
Minimum lot size	1000m ² (part) No Lot Size control (part)	No Lot Size control
Residential Density	15 dwellings/ha (part) 25 dwellings/ha (part) No Residential Density control (part)	15 dwellings/ha

1.1.5 State electorate and local member

The site falls within the Hume State Electorate. Angus Taylor MP is the State Member.

The site falls within the Macarthur Federal Electorate. Mike Freelander MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway Determination

The Gateway determination, issued on 15/12/2021 (**Attachment B**), determined that the proposal should proceed subject to conditions which required the planning proposal to be amended prior to public exhibition, as follows:

- amend the proposed land zoning map (LZN_008) to replace the small portion of E4 zoned land with R2 zoned land at the corner of Batavia Ave and Sultana Ave;
- amend the proposed height of buildings map (HOB_008) to extend the boundary to include the missing lot at the corner of Batavia Ave and Sultana Ave; and
- amend the proposed residential density map (RDN_008) to centre the position of both subject sites on the map.

The Gateway determination also required consultation with the Environment, Energy and Science (EES) Group of DPE.

In accordance with the Gateway Determination, the proposal is due to be finalised on 15/12/2022.

The conditions of the Gateway Determination have been met at the time of finalisation.

3 Public exhibition

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 9/02/2022 to 9/03/2022, as required by section 29 of the *Local Government Act 1993*.

One community submission was received during the exhibition period. This submission supported the intent to remove split zoning to ensure that residential allotments are zoned to reflect the current low density residential uses which have been approved (DA/2017/1135/1).

3.1 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with EES, which reviewed the proposal and raised no comments or concerns (**Attachment C**).

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway Determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway Determination report, the planning proposal submitted to the Department for finalisation:

- Remains consistent with the Regional Plan and Western District Plan relating to the subject sites.
- Remains consistent with the Council's Local Strategic Planning Statement.
- Remains consistent with all relevant Section 9.1 Directions.
- Remains consistent with all relevant SEPPs.

Tables 4 and 5 (over leaf) identify whether the proposal is consistent with the assessment undertaken at the Gateway Determination stage.

Table 4 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 5 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 6 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Four maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment D).</p> <p>Council confirmed on 12/05/2022 that it approved the draft and that the plan should be made (Attachment E).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 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 draft LEP has strategic merit being consistent with the Regional Plan, Western District Plan and local plans and their relevant objectives.
- It is consistent with the Gateway Determination and all conditions have been met.
- There are no outstanding agency objections to the proposal.
- The proposal will not create any adverse economic, social or environmental impacts on the local area.
- The amendments will rationalise the zoning and associated maps of the Western Parkland City SEPP to deliver better urban design outcomes by ensuring the intent of the planning controls are clear and provide certainty for future development applications.
- The proposed rezoning of R3 Medium Density Residential (Subject Site A) and R2 Low Density Residential (Subject Site B) are both logical and align with the existing subdivision and road layout.



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Attachments

Attachment	Document
A	Planning Proposal
B	Gateway Determination – 15 December 2021
C	Advice from EES
D	Section 3.36(1) consultation with Council
E	Council comments on the draft LEP
LEP	Draft LEP
Maps	Draft SEPP maps