

Minutes

Ordinary Council Meeting

Camden Council
Administration Centre
70 Central Avenue
Oran Park

11 February 2025



camden
council

ORD5/25 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors Cagney, Campbell, Fedeli, Ferreri, McLean, Quinnell, Rahman, Sicari and Suri voted in favour of the Motion.

No Councillors voted against the Motion.

ORD01 PRE-PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL - 585, 593 COBBITTY ROAD & 1 FRESHWATER DRIVE, COBBITTY (MIRVAC)

Motion: Moved Councillor Fedeli, Seconded Councillor Quinnell that Council:

- i. endorse the draft Planning Proposal to be forwarded to the Department of Planning, Housing and Infrastructure for Gateway Determination;
- ii. endorse the draft amendment to the Oran Park Precinct Development Control Plan;
- iii. subject to receiving a Gateway determination from the Department of Planning, Housing and Infrastructure, proceed to public exhibition of the draft Planning Proposal and the draft Development Control Plan amendment in accordance with the requirements of the Gateway determination and the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*:
 - a. notify the Department of Planning, Housing and Infrastructure of the exhibition of the draft Development Control Plan amendment
- iv. subject to no unresolved submissions being received, forward the Planning Proposal and Development Control Plan Amendment (unless under delegation given to Council) to the Department of Planning, Housing and Infrastructure for finalisation;
- v. if unresolved submissions are received, consider a further report outlining the results of the public exhibition period; and
- vi. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ORD6/25 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors Cagney, Fedeli, Ferreri, McLean, Quinnell, Rahman, Sicari and Suri voted in favour of the Motion.

Councillor Campbell voted against the Motion.

ORD02 ADVOCATING FOR CAMDEN – THE TIME IS NOW – CAMDEN’S STATE AND FEDERAL GOVERNMENT ELECTION PRIORITIES

Motion: Moved Councillor Rahman, Seconded Councillor Quinnell that Council:

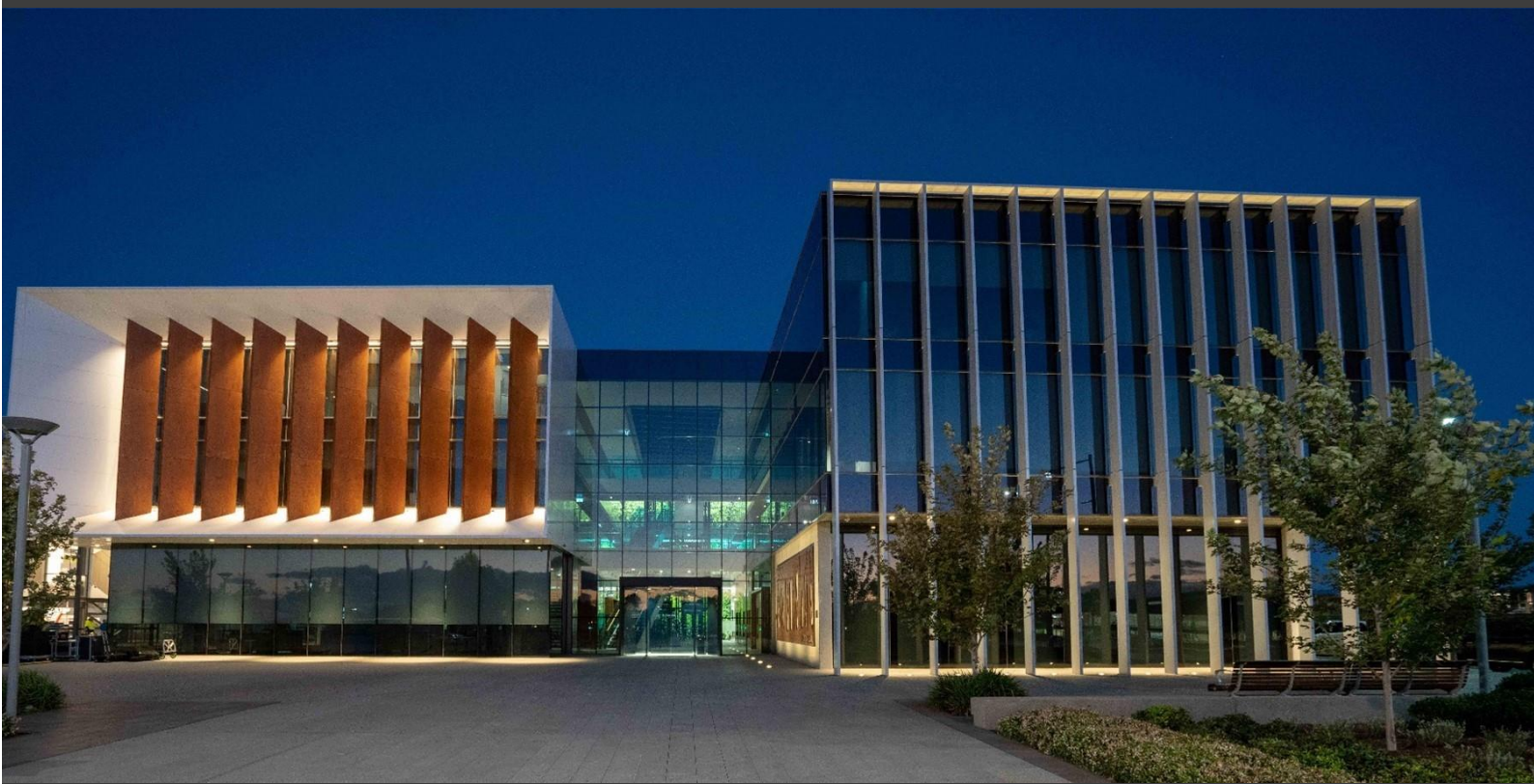
- i. note the information contained within the report; and
- ii. endorse the attached advocacy publication 'The Time is Now' and supporting advocacy campaign.

Business Paper

Ordinary Council Meeting

Camden Council
Administration Centre
70 Central Avenue
Oran Park

11 February 2025



The public can also view the meeting via Council's webcast. A link to this webcast can be found on Council's webpage – <http://webcast.camden.nsw.gov.au/video.php>

camden
council

ORD01

ORD01

SUBJECT: PRE-PUBLIC EXHIBITION - DRAFT PLANNING PROPOSAL - 585, 593 COBBITTY ROAD & 1 FRESHWATER DRIVE, COBBITTY (MIRVAC)
FROM: Director Planning and Environment
EDMS #: 24/660183
PREVIOUS ITEMS: ORD03 - Post Public Exhibition - Cobbitty Road DCP Amendment - Ordinary Council - 12 Dec 2023

PROPERTY ADDRESS 585 Cobbitty Road, Cobbitty (Lot 2 DP 1298600)
593 Cobbitty Road, Cobbitty (Lot 6 DP 1276275)
1 Freshwater Drive, Cobbitty (Lot 174 DP 1289775)

PROPONENT Urbis Pty Ltd

OWNER Mirvac Homes Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to advise Council of a draft Planning Proposal for land at 585, 593 Cobbitty Road, and 1 Freshwater Drive (formerly 589 Cobbitty Road), Cobbitty (subject site).

The draft Planning Proposal seeks to amend *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Precincts SEPP) to realign the zoning boundaries between land zoned C4 Environmental Living and R1 General Residential to provide consistency with the Oran Park Precinct Development Control Plan (DCP). Amendments to the Oran Park Precinct Indicative Layout Plan (ILP) are proposed as part of the draft Planning Proposal and will form an amendment to the DCP.

The draft Planning Proposal package is provided as an **attachment** to this report. If endorsed, the proposal will be referred to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway Determination and placed on public exhibition.

BACKGROUND

The site is located within the South West Growth Area (SWGA) and has been zoned for urban development since 2007. The site is currently under development and will provide a new residential precinct (approximately 948 homes), with supporting infrastructure, including a primary school, neighbourhood centre and open space.

In December 2023, Council endorsed an amendment to the Oran Park Precinct DCP that included:

- updating the controls for the Denbigh Transition Area (DTA), and the transition between the development, Cobbitty Road and the Metropolitan Rural Area (MRA);
- designating land previously identified for the expansion of Macarthur Anglican School for urban development;
- introducing the Hassall Driveway heritage boulevard;

ORD01

- changing the water cycle management, riparian corridor, open space network and road network; and
- introducing of a new section known as Part B6 Southern Neighbourhood Centre which provides a vision and design principles for the future centre.

On 20 March 2024, Urbis (proponent) on behalf of Mirvac Homes Pty Ltd (owner) lodged the draft Planning Proposal with Council. The draft Planning Proposal is intended to align with the recent DCP amendment and associated ILP.

On 15 October 2024, the Camden Local Planning Panel (CLPP) considered the Planning Proposal and recommended the proposal proceed to Gateway determination. In doing so, the Panel acknowledged the proposal represents a fine tuning of the existing controls to facilitate the Rural Fire Service (RFS) requirements, heritage considerations within the Denbigh Transition Area (DTA), recognition that land reserved for the expansion of Macarthur Anglican School is no longer required, and to provide consistency with the recently adopted DCP.

Councillors were briefed on the draft Planning Proposal on 6 August 2024 and 28 January 2025.

Site context

The site is located on the western edge of the South West Growth Area (SWGA). The site includes a total area of 78 hectares with direct frontage to Cobbitty Road. The surrounding area includes a mix of land uses including:

- Metropolitan Rural Area (MRA) located to the west;
- Denbigh homestead (State listed heritage item) to the north; and
- Macarthur Anglican School to the east.

The site is approximately 2.5 kilometres west of Oran Park Town Centre and 1.5 kilometres east of Cobbitty village. A locality map is provided in **Figure 1**.

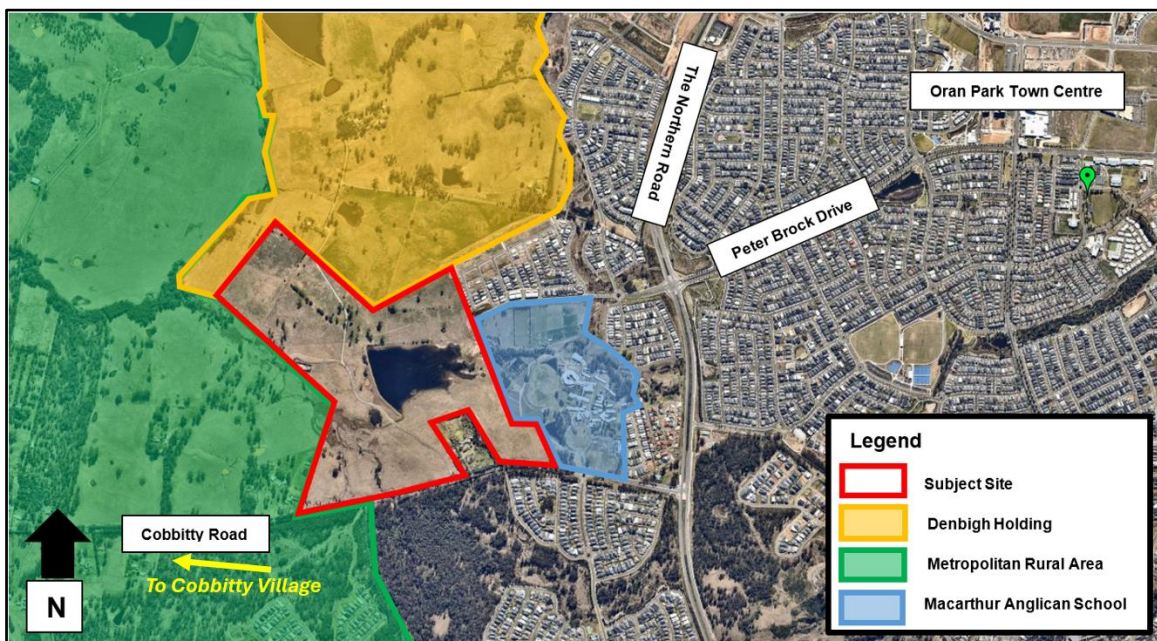


Figure 1: Site locality

Subject site

The site is known as the 'Cobbitty by Mirvac' estate and is currently under development.

The draft Planning Proposal relates to two areas within the site (identified in **Figure 2**):

1. Denbigh Transition Area (DTA)
2. Cobbitty Road Interface Area

Proposed amendments within the DTA relate to the ridgeline, located to the north of the estate and the adjoining Denbigh estate.

Proposed amendments within the Cobbitty Road Interface Area relate to the south-eastern portion of the estate. This land was previously designated for the future expansion of Macarthur Anglican School however it is not required by the school and is now intended for urban development (including large 1,000m² lots).

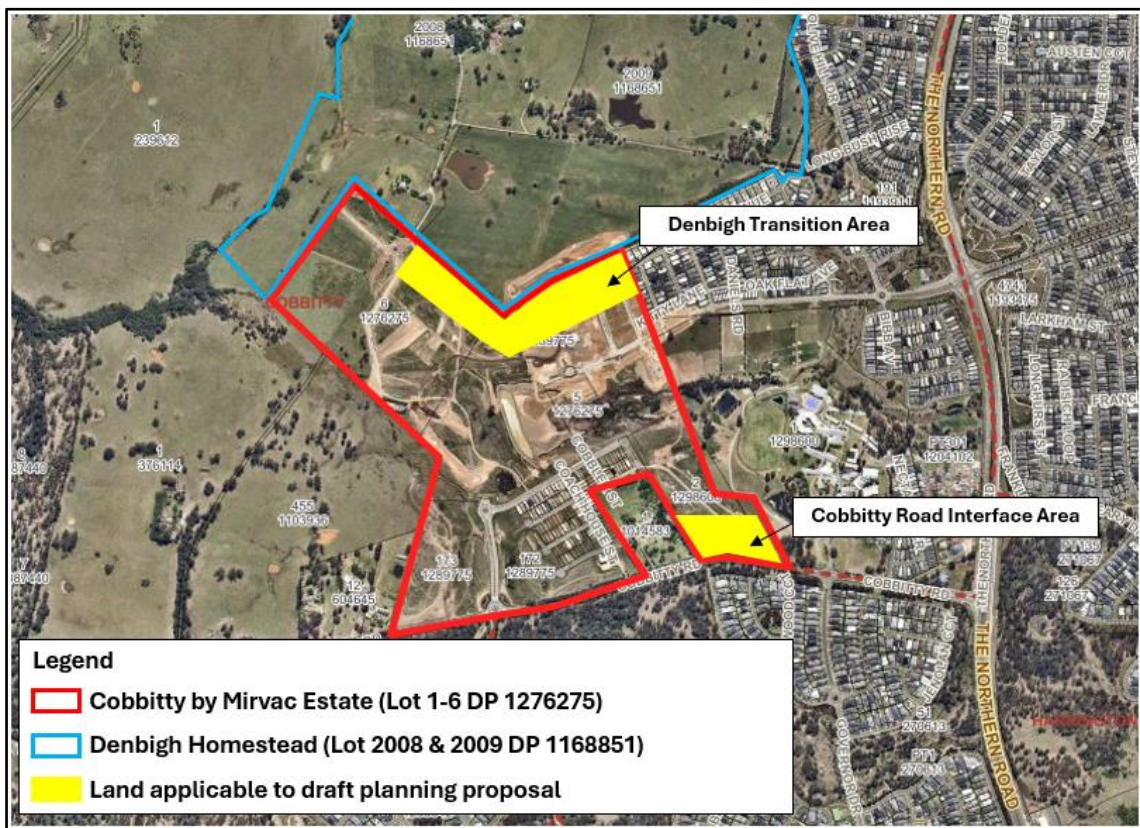


Figure 2: Subject site

Denbigh Transition Area

The Denbigh Transition Area (DTA) is designed to achieve a transition between the residential development and the heritage curtilage of the adjoining Denbigh estate. The DCP includes detailed controls to ensure development in the DTA preserves the heritage values and views from the Denbigh estate.

The DCP requires a landscaped earth mound to avoid adverse visual impacts on the rural setting of the Denbigh estate and was informed by a Heritage Impact Study. The Study recommended the mound achieve a naturalistic ridgeline that retains and respects the Denbigh estate (see **Figure 3**).

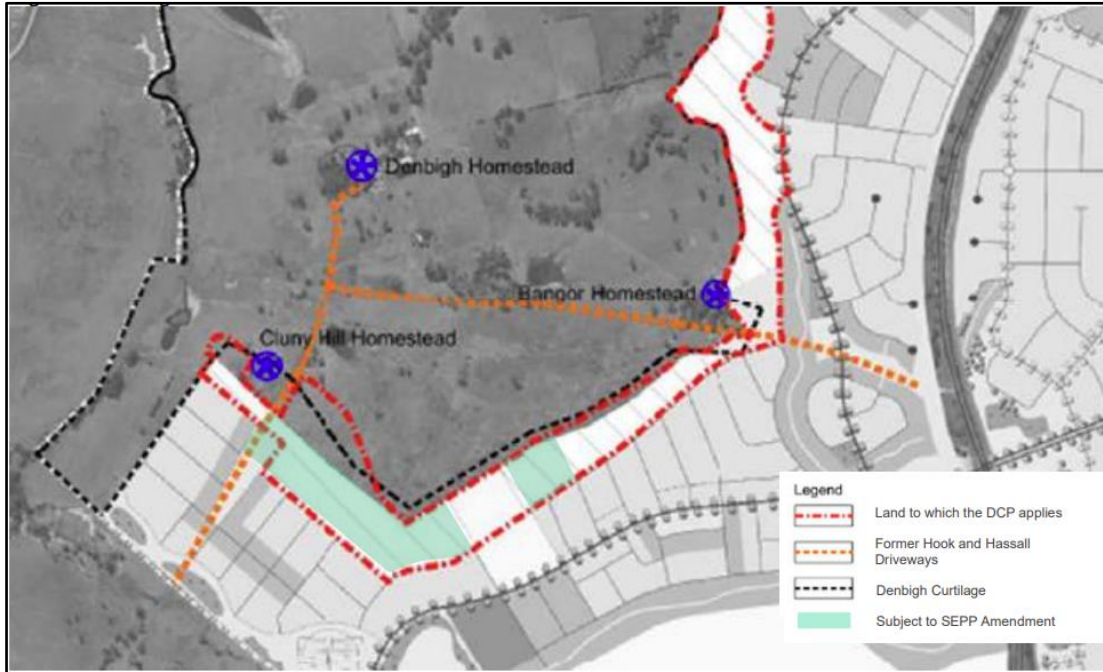


Figure 3: Denbigh transition area land subject to the draft planning proposal

Development History

The site is part of the Oran Park precinct, which was rezoned in 2007 by the Department of Planning. The site is currently under development and several development applications have been approved or are under assessment. The development history is provided as an **attachment** to this report.

Landscaped earth mound

On 13 March 2024, a development application (DA/2023/470/1) was approved for the landscaped earth mound and associated landscape planting and fencing along the boundary between the Cobbitty estate and Denbigh estate, with works generally located within the Denbigh estate (see **Figures 4 and 5**).

Landscape and civil plans are provided as **attachments** to demonstrate the earthworks and vegetation outcomes. The landscaped earth mound will provide a transition between the residential development and the heritage curtilage of the Denbigh homestead.



Figure 4: Landscaped earth mound

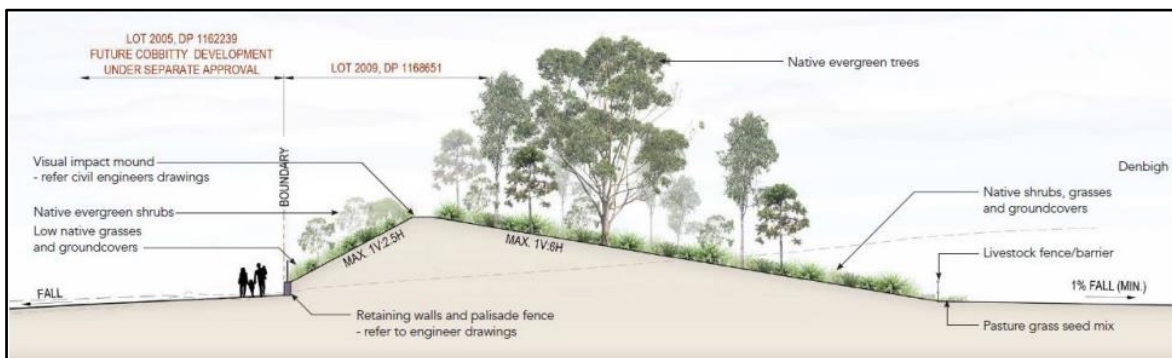


Figure 5: Section plan of landscaped earth mound

MAIN REPORT

The draft Planning Proposal seeks to amend the Precincts SEPP to realign the zoning boundaries on land zoned C4 Environmental Living and R1 General Residential within the Denbigh Transition Area (DTA) and Cobbitty Road Interface Area.

The objectives of the draft Planning Proposal are to:

- maintain the heritage considerations within the DTA;
- facilitate the delivery of land for residential purposes, recognising that land reserved for the expansion of Macarthur Anglican school is no longer required;
- facilitate changes to the DCP to meet NSW RFS requirements; and
- provide consistency with the recently adopted Oran Park DCP amendment.

In response to the draft Planning Proposal, a minor amendment is proposed to the Oran Park DCP to facilitate the proposed changes.

Zoning and Permissibility

The draft Planning Proposal seeks to amend the Precincts SEPP to:

1. Amend the land zoning map (LZN) to realign the zoning boundaries between C4 Environmental Living and R1 General Residential;
2. Amend the lot size map (LSZ) to apply a minimum lot size of 1,000m² and 125m² to respond to the zoning realignment; and
3. Amend the building height map (HOB) to apply:
 - a consistent height limit across the C4 Environmental Living zone of 6 metres for all development within the Denbigh Transition Area and 9.5 metres for all development within Cobbitty Road Interface Area; and
 - a consistent height limit across the R1 General Residential zone of 16 metres for residential flat buildings* and 9.5 metres for all other development. (*noting, no residential flat buildings are provided in the R1 General Residential zone).

The 'R1 General Residential' zone is the primary residential zone applied across most residential areas and allows for a variety of housing types and densities. The 'C4 Environment Living' zone is applied in areas with special ecological or aesthetic value and requires larger lots (minimum 1,000m²) and development that does not adversely impact the special value of the area.

The existing and proposed Precinct SEPP maps are provided in **Figures 6 to 11**. The zoning amendments align with the approved landscaped earth mound (discussed earlier in the report). The amendments have no impact on the heritage significance of the Denbigh Homestead to the north.

The proposed zoning amendment in the Cobbitty Road Interface Area will ensure larger lots (minimum 1,000m²) are provided and maintained adjacent to Cobbitty Road. In addition, specific DCP controls apply to this area, including a requirement for an 8 metre wide landscaped verge on the internal road and large trees to be planted within the front setbacks of the large residential lots facing Cobbitty Road.

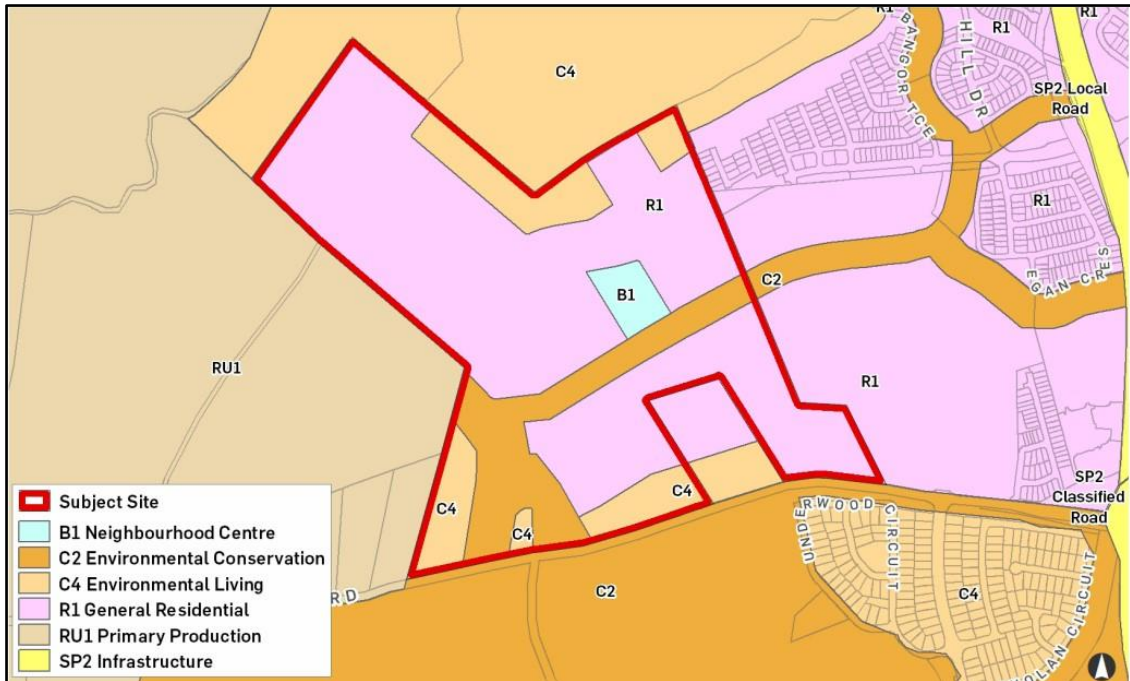


Figure 6: Existing Land Use Zoning Map

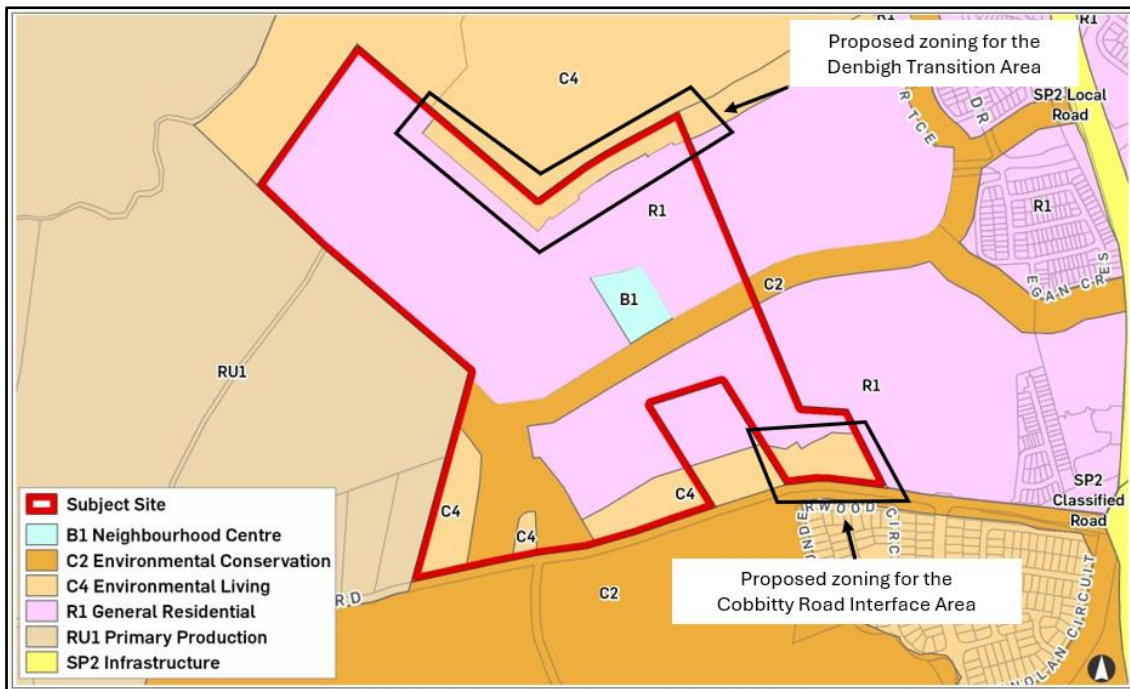


Figure 7: Proposed Land Use Zoning Map

ORD01



Figure 8: Existing Height of Buildings Map



Figure 9: Proposed Height of Buildings Map

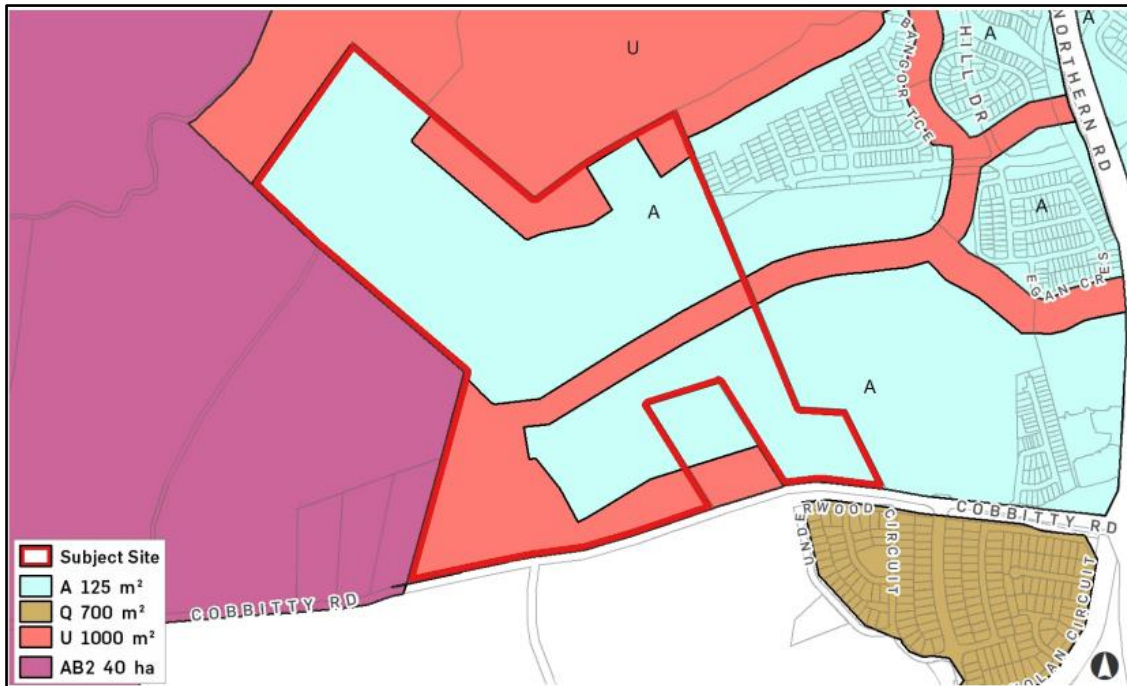


Figure 10: Existing Lot Size Map



Figure 11: Proposed Lot Size Map

Oran Park Precinct Development Control Plan Amendment

The Planning Proposal is accompanied by an amendment to the Oran Park ILP, including:

- A perimeter road in the Denbigh Transition Area (DTA) in response to NSW Rural Fire Service (RFS) recommendations;
- Widening the northern verge to include a share path to promote connectivity;
- Re-aligning a local road in the DTA between the Cobbitty estate and neighbouring Arcadian Hills estate to correct a misalignment;
- Including a landscaped road reserve to reflect landscape screening provisions from the recently adopted Oran Park DCP amendment;
- Updating road alignments to reflect recent DA approvals and land swap between Mirvac and Macarthur Anglican School along the eastern boundary; and
- Updating the proposed land use configuration to reflect recent DA approvals.

The existing and proposed Oran Park Precinct ILP maps are shown in **Figures 12 to 13**.

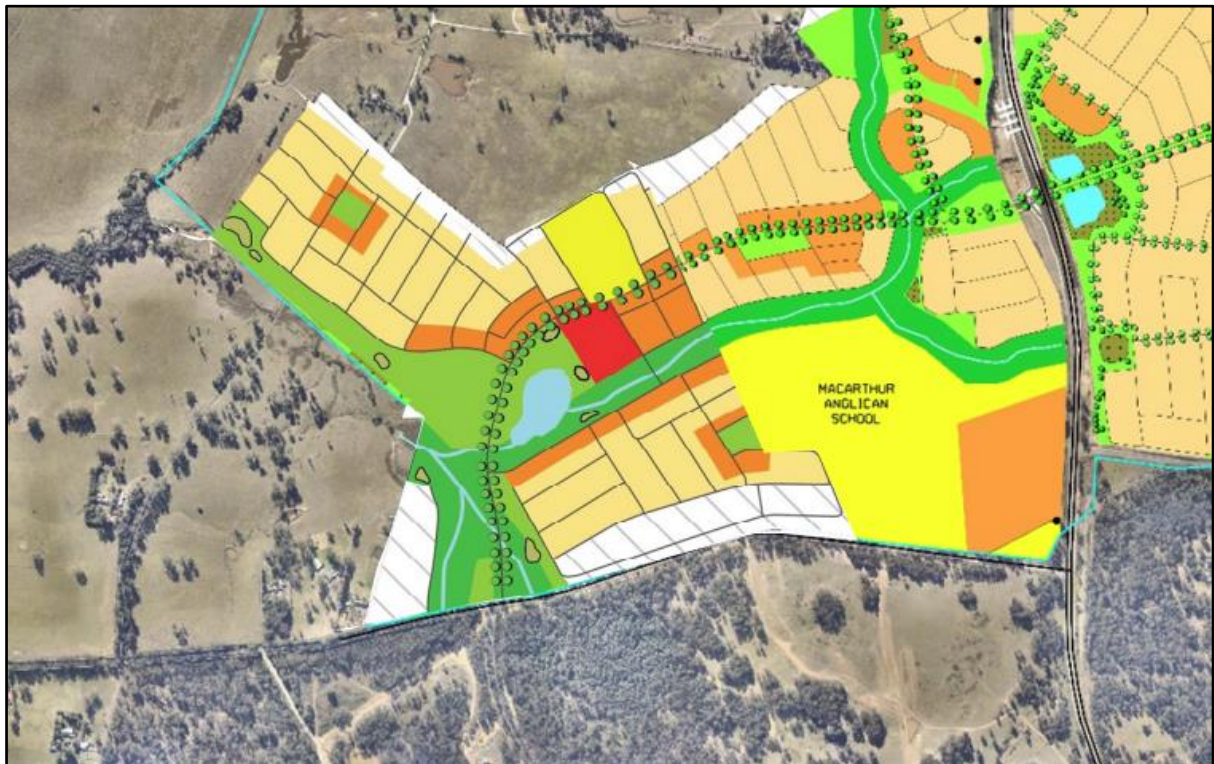


Figure 12: Existing ILP

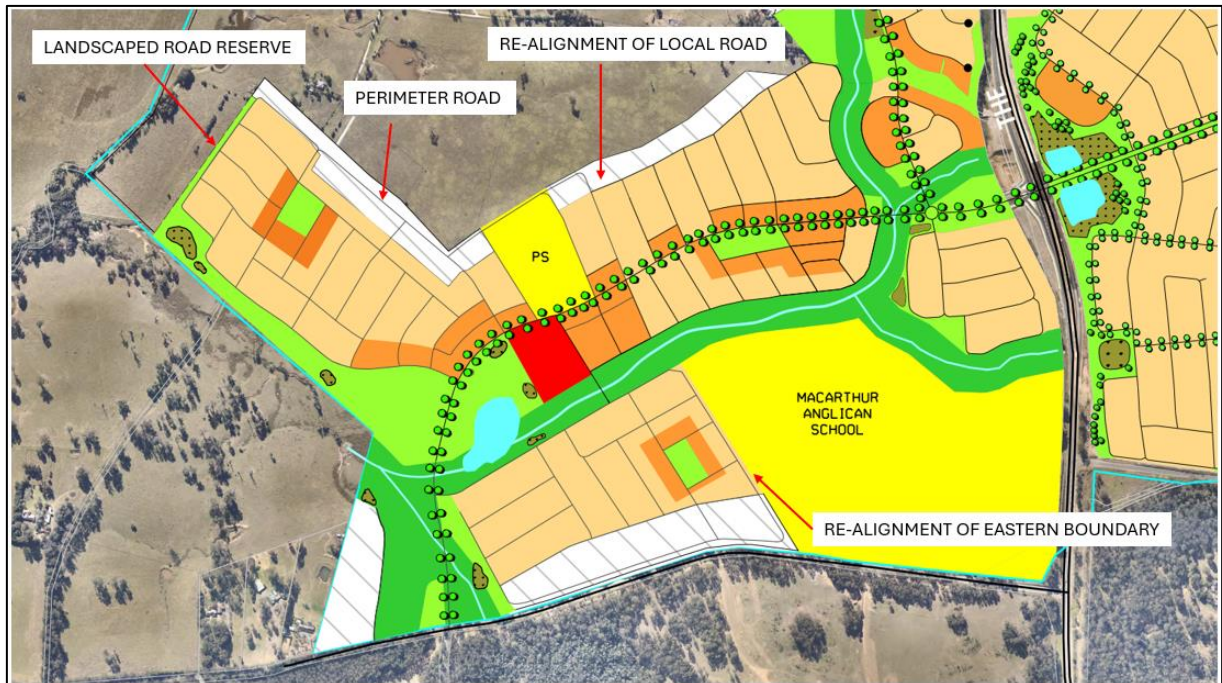


Figure 13: Proposed draft ILP

Key Assessment Considerations

Future Primary School Site (PS)

The draft Planning Proposal includes a zoning amendment to a portion of the site identified for the future school, from R1 General Residential to C4 Environmental Living (see **Figures 14 and 15**).

School Infrastructure (SINSW) raised no objection to the draft planning proposal. SINSW acknowledged there is minimal impact from the proposal and would like to be engaged further if the proposal changes.

The exact size and configuration of the future school site is not determined by the draft Planning Proposal, rather the zoning amendment is to reflect the surrounding road network required to facilitate future development.

Officer comment

Council officers will continue to liaise with SINSW officers on the draft Planning Proposal and the future school site, including during the public exhibition period. Council will be updated as these discussions progress.

ORD01

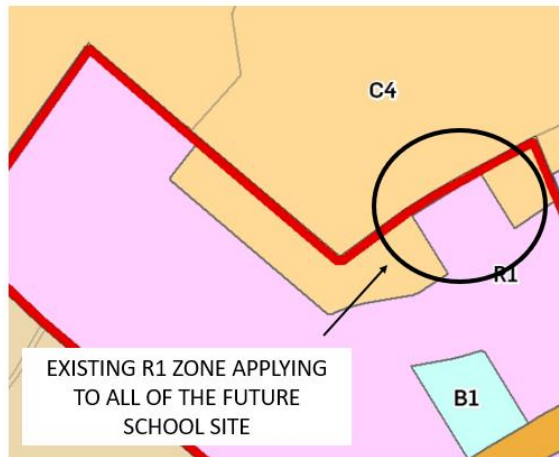


Figure 14: Extract of existing zoning map

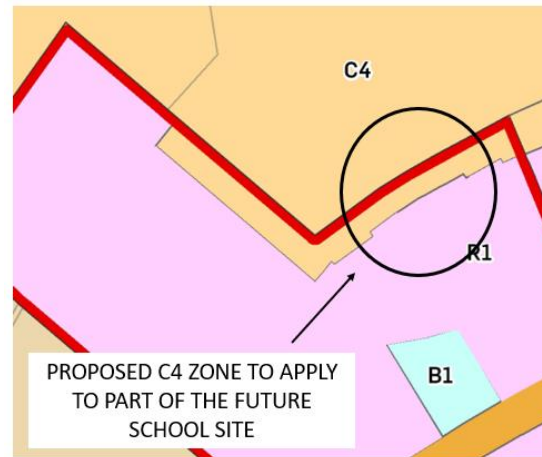


Figure 15: Extract of proposed zoning map

Dwelling Yield

The draft Planning Proposal involves the realignment of the zoning boundaries between land currently zoned R1 General Residential and C4 Environmental Living. Residential development is permissible within both zones.

Specifically, the proposal will provide:

- Approx. 2.3 hectares of land zoned R1 General Residential (approximately 50 lots), currently zoned in the C4 Environmental Living, and 4,000 sqm of C4 Environmental Living zoned land (approximately 4 lots), currently zoned R1 General Residential within the Denbigh Transition Area; and
- Approx. 2.3 hectares of land zoned C4 Environmental Living (11 lots) currently zoned R1 General Residential within the Cobbitty Road Interface Area.

Officer comment

The site is located within the South West Growth Area and the zoning amendments are consistent with the vision and planning for the estate. Residential development is permissible within the current zoning and the dwelling yield has been considered through the previous DCP amendment (endorsed in December 2023) and Voluntary Planning Agreement (executed 27 August 2024).

Within the Denbigh Transition Area, the lots zoned C4 Environmental Living will have a minimum size of 1,000m². The lots zoned R1 General Residential will have an average lot size between 250m² to 550m² (approximately).

Within the Cobbitty Road Interface Area, the lots zoned C4 Environmental Living will have a minimum lot size of 1,000m². The DCP requires these lots to incorporate two (2) trees (mature height 8 metres) within the front setback, as well as an eight (8) metre wide landscaped verge on the internal road (**Figure 16**). The objective of these controls is to provide a vegetated buffer between the development and Cobbitty Road.



Figure 16: Cross section Cobbitty Road, perimeter road (existing DCP)

Heritage and Visual Impacts

The draft Planning Proposal seeks zoning amendments within the Denbigh Transition Area which adjoins the State Heritage listed Denbigh Homestead.

Heritage NSW (HNSW) recommended a Statement of Heritage Impact to assess the impact on the heritage values of Denbigh, including significant views to and from Denbigh. HNSW also recommended a comprehensive Aboriginal Cultural Heritage Assessment Report (ACHAR) to address the conservation of Aboriginal objects and that the draft Planning Proposal consider impacts to the Aboriginal Cultural Landscape, including impacts on view corridors.

Officer comment

A Heritage Impact Study (February 2023) was prepared as part of the recent DCP amendment. The Study assessed the impacts and concluded that the landscaped earth mound will visually screen future development from the Denbigh estate. HNSW were consulted as part of the assessment of the DCP amendment and noted further detailed assessment will be undertaken at the DA stage.

HNSW were also consulted during the assessment of the DA for the landscaped earth mound (DA/2023/470/1). The DA was approved on 13 March 2024 and HNSW granted general terms of approval in accordance with *Section 4.47 of the Environmental Planning and Assessment Act 1979*.

An ACHAR was prepared as part of the original rezoning of the Oran Park and Turner Report Precinct Plans. The ACHAR was undertaken in consultation with registered Aboriginal stakeholders. HNSW granted an Aboriginal Heritage Impact Permit (AHIP) which is valid until 7 July 2031.

The DCP contains a map of Aboriginal Archaeological Conservation Areas that was informed by the ACHAR. No changes are proposed to this section of the DCP. All DAs need to comply with this map and further cultural heritage assessment would be required at this stage.

HNSW will be further consulted during the public exhibition, subject to the draft Planning Proposal being endorsed for referral to DPHI.

Assessment against Key Strategic Documents

The draft Planning Proposal has been assessed against key strategic plans, including the Greater Sydney Region Plan, Western City District Plan, Local Strategic Planning Statement (LSPS), Community Strategic Plan (CSP), Local Housing Strategy (LHS) and Rural Lands Strategy. This assessment is provided as an **attachment** to this report.

Assessment of Planning Merit

It is considered that the draft Planning Proposal has strategic and site-specific planning merit to proceed to Gateway determination and public exhibition for the following reasons:

- The proposal represents a fine tuning of the existing controls;
- The proposal will facilitate the delivery of housing and supporting infrastructure within an identified Growth Area;
- The proposal aligns with the objectives of the DCP to provide a suitable transition area that responds to the heritage context of Denbigh and Cobbitty Road; and
- The proposal includes larger lots transitioning into natural landscaped buffers on the fringe of the site to transition to rural lands. This transition is supported by a landscaped earth mound that responds to the natural environment.

Camden Local Planning Panel (CLPP)

On 15 October 2024, the CLPP considered the draft Planning Proposal. The CLPP recommended that the draft Planning Proposal proceed to Gateway determination as it demonstrates strategic and site-specific merit. A copy of the minutes from the CLPP meeting is provided as an **attachment** to this report.

Initial Notification

The draft Planning Proposal has not yet been placed on formal public exhibition. In accordance with the planning legislation, public exhibition and State agency engagement will occur following receipt of a favourable Gateway determination from DPHI.

Notwithstanding the above, Council placed the draft Planning Proposal on initial notification from 2 September to 16 September 2024. There were 24 community submissions received with 20 objections, two in support and two requesting information or suggested amendments. All submitters will be notified of the formal public exhibition.

Matters raised in objection to the draft Planning Proposal include:

- Proposed development controls and loss of community character;
- Inadequate infrastructure to support increased density;
- Environmental and heritage impacts;
- Inconsistency with local planning strategies (LHS and LSPS);
- Traffic and safety concerns with increased traffic generation;
- Noise, dust and waste pollution generated from development and additional growth; and
- Potential decline in property values.

Matters raised in support of the draft Planning Proposal include:

- Consistent with the strategic planning for the South West Growth Area that rezoned the subject site for future urban development; and
- Minor amendment that realigns zoning anomalies, particularly along the Cobbitty Road.

A summary of initial notification submissions and Council officer assessment is provided as **attachment** to this report. The submissions are provided as a **confidential attachment**.

The draft Planning Proposal seeks to amend the Precincts SEPP to align the zoning boundaries to ensure consistency with recent updates to the Oran Park Precinct DCP. The proposal is consistent with the objectives of the DCP controls to mitigate the impacts of future residential development on the Denbigh Estate and Cobbitty Road and facilitate the delivery of land for residential purposes aligning with the DCP and Precincts SEPP.

Initial State Agency Consultation

The draft Planning Proposal was referred to School Infrastructure NSW, NSW Rural Fire Service and Heritage NSW for initial comment. The State agency submissions and Council officer assessment are provided as **attachments** to this report.

Formal consultation with State agencies will occur during public exhibition, should the draft Planning Proposal be supported.

Voluntary Planning Agreement

On 24 July 2023, Council received a letter of offer (VPA Offer) from Mirvac to enter into a voluntary planning agreement (VPA). The VPA Offer includes the proposed dedication of land for water cycle management, riparian corridor, open space and road network and completion of works, as well as monetary contributions towards plan administration and off-site local infrastructure, such as a future community centre and local sports fields.

On 11 June 2024, the VPA was reported to Council. The VPA facilitates the delivery of 948 lots and the required infrastructure to support the future community. The additional dwelling yield resulting from this proposal is inclusive of the total dwelling yield for the subject site. On 27 August 2024, the VPA for the site was executed.

Next Steps

Subject to Council endorsement, the draft Planning Proposal will be submitted to DPHI for Gateway determination. Subject to a favourable Gateway determination, the draft Planning Proposal and draft DCP amendment will be placed on public exhibition. Consultation with relevant State agencies will occur at this stage.

A further report to Council will be prepared to consider submissions received during the exhibition. If no unresolved submissions are received, the draft Planning Proposal and DCP amendment will be finalised.

Recommended Community Participation Methods

On 14 September 2021, Council endorsed the Camden Community Participation Plan 2021 (CPP). The CPP identifies that where a draft Planning Proposal demonstrates strategic merit, the Gateway report to Council will recommend the community participation methods for the public exhibition period.

Subject to Council endorsement and receipt of a favourable Gateway determination, it is recommended that the following engagement methods be undertaken at public exhibition of the draft Planning Proposal:

- Notification letters to surrounding properties and submitters from the initial notification period;
- Site signage;
- Hard copies available at Council's public libraries;
- Online via Council's YourVoice Camden website; and
- Social media posts directing the community to Council's YourVoice Camden website for further information on the proposal.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

The draft Planning Proposal seeks to amend the Precincts SEPP to align the zoning boundaries to ensure consistency with recent updates to the Oran Park Precinct DCP.

The proposal is consistent with the objectives of the DCP controls to mitigate the impacts of future residential development on the Denbigh Estate and Cobbitty Road, and facilitate the delivery of land for residential purposes aligning with the DCP and Precincts SEPP.

It is considered that the draft Planning Proposal has strategic and site-specific merit to proceed to Gateway determination and public exhibition. A further report will be brought back to Council to consider unresolved submissions received during the public exhibition.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal to be forwarded to the Department of Planning, Housing and Infrastructure for Gateway Determination;
- ii. endorse the draft amendment to the Oran Park Precinct Development Control Plan;
- iii. subject to receiving a Gateway determination from the Department of Planning, Housing and Infrastructure, proceed to public exhibition of the draft Planning Proposal and the draft Development Control Plan amendment in accordance with the requirements of the Gateway determination and the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*:
 - a. notify the Department of Planning, Housing and Infrastructure of the exhibition of the draft Development Control Plan amendment
- iv. subject to no unresolved submissions being received, forward the Planning Proposal and Development Control Plan Amendment (unless under delegation given to Council) to the Department of Planning, Housing and Infrastructure for finalisation;
- v. if unresolved submissions are received, consider a further report outlining the results of the public exhibition period; and
- vi. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ATTACHMENTS

1. Planning Proposal Report - Mirvac Cobbitty
2. Existing and Proposed SEPP Maps - Mirvac PP
3. Draft Oran Park Precinct ILP - Mirvac Cobbitty
4. Civil Plans - Earth Mound DA
5. Landscape Plans - Earth Mound DA
6. Assessment Against Strategic Documents
7. Mirvac Cobbitty Development History Summary
8. Initial Notification Public Submissions Response Table
9. Initial Notification State Government Agency Submissions Response Table
10. Combined State Agency Submissions Initial Notification
11. Camden Local Planning Panel Minutes - 15 October 2024
12. Combined Community Submissions Initial Notification - *CONFIDENTIAL*