

IRF21/4808

200, 300, 350 and 360 Chittick Lane Rezoning Review - Summary Report. PP-2021-6274 / RR-2021-93

Proposed amendment of zoning and other controls to facilitate the delivery of a new master planned residential community, including provision of a neighbourhood centre and open space (800 dwellings).

November 21

Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://www.dpie.nsw.gov.au/)

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# Rezoning Review – Briefing Report

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| **Date of request** | 24 September 2021 | |
| **Department ref. no** | RR-2021-93 | |
| **LGA** | Camden | |
| **LEP to be amended** | Camden Local Environmental Plan 2010 (Camden LEP 2010) | |
| **Address** | 220, 300, 350 and 360 Chittick Lane, Cobbitty. | |
| **Reason for review** | Council notified the proponent it will not support the proposed amendment | Council failed to indicate support for the proposal within 90 days, or failed to submit the proposal after indicating its support |
| **Consultation** | The proponent has a long history of consultation with Camden Council and has separately advocated that the site be included within the South West Growth Area (SWGA) for many years. The site has not been included in SWGA.  **Relevant proponent/council consultation:**  **5 September 2106** **–** Pre-lodgement meeting with Council.  **10 October 2016** **–** Issues letter sent to Hawes and Swan by Council.  **19 September 2020 –** Pre-lodgement meeting with Council.  **11 October 2020** **–** Council sent “Issues letter” to The Planning Hub consultants.  **September 2020 –** Draft Planning Proposal was lodged with Council by The Planning Hub for Lots 2-4, DP 239612.  **10 November 2020**, **23 March 2021, and 20 April 2021** **–** Councillors were briefed by council officers on the draft Planning Proposal.  **12 November 2020–** Council undertook site inspection of “Tidapa”.  **15 December 2020 –** Issues letter sent to The Planning Hub.  **16 March 2021–** The Camden Local Planning Panel (CLPP) reviewed the draft proposal and considered it did not demonstrate strategic or site-specific planning merit.  **11 May 2021–** Council considered a report on the draft Planning Proposal and resolved to defer consideration of the proposal to allow for a councillor briefing.  **1 June 2021–** Councillors undertook site inspection of “Tidapa”.  **8 June 2021–** Councillors briefing by council officers.  **13 July 2021 –** Ordinary Council Meeting resolved that the proposal does not proceed to Gateway determination. | |
| **Department contact:** | Terry Doran – Manager Western | |

# Planning Proposal

Table 1 Overview of planning proposal

|  |  |
| --- | --- |
| **Element** | **Description** |
| **Site Area** | The site has a total area of approximately 146.52ha. |
| **Site Description** | * 220, 300, 350 and 360 Chittick Lane, Cobbitty (“Tidapa”) - Lots 2,3,4 and 5 of DP: 239612 * The site is used for agricultural cattle farming and includes a single rural dwelling and associated outbuildings. * The site is gently undulating in parts with steep gradients in the north and central parts of the site. * The land features several farm dams and contains areas of high and moderate ecological value, including the critically endangered Cumberland Plain Woodland (CPW). * Cobbitty Creek traverses the south eastern part of the site. * The site is bounded by State heritage listed item Denbigh to the west. * The site is outside the SWGA boundary. The South Creek West Precinct boundary adjoins the site at the north-eastern corner. The South Creek West Precinct in the SWGA, adjoins the north-eastern corner of the site.   Aerial views of the property are provided, overleaf, **(Figures 1a and 1b)**. |
| **Supporting studies** | **Attachment A1**- Strategic Merit and Project Vision  **Attachment A2** - Consistency with SEPPs  **Attachment A3** - Consistency with Ministerial Planning Directions  **Attachment A4** - Constraints mapping  **Attachment A5** - Greenway Project High Level Assessment and Strategy  **Attachment A6** - Site Survey  **Attachment A7** - Rural Lands Scoping Report  **Attachment A8** - Ecological Constraints Report  **Attachment A9** - Bushfire Constraints Report  **Attachment A10** - Aboriginal Due Diligence Assessment  **Attachment A11**- Heritage Impact Statement and Views Analysis  **Attachment A12** – Civil Infrastructure Strategy Report  **Attachment A13** - Traffic and Transport Assessment  **Attachment A14** - Housing Market Analysis  **Attachment A15** - Social Infrastructure Study |



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| --- | --- |
| **Proposal summary** | The intended outcome of the planning proposal is to rezone the site from RU1 Primary Production to R2 Low Density Residential, R5 Large Lot Residential, E4 Environmental Living, E2 Environmental Conservation, B2 Local Centre and RE1 Public Recreation.  The land zoning amendments would facilitate the delivery of a new master planned residential community, including provision of a neighbourhood centre and open space. The planning proposal would deliver 700 to 800 residential lots of varying lot sizes, with an estimated population of 2,300 people.  The planning proposal objectives are:   * Transition – a residential neighbourhood that provides a clear transition from urban development to the east of the site to rural lands to the west. * Natural and Cultural Environment – a residential neighbourhood that positively responds to the natural and cultural characteristics of the site. * Accessibility and Amenity – a well-designed and accessible residential neighbourhood that provides an appropriate connection to the surrounding locality, access to community facilities, services, and public open space. * The planning proposal indicates the site has strategic and site-specific planning merit is demonstrated under the following key themes:   + provides for a logical extension of urban development to the proposed Outer Sydney Orbital (OSO);   + reduces rural land fragmentation and land use conflicts;   + provides additional residential land for the housing needs of the community; and   + incorporates the site’s significant environmental and cultural features.   The proposal also indicates it would deliver community benefits, including pedestrian and cyclist links, riparian corridors, open space, and retail uses. |
| **Relevant State and Local Planning Policies, Instruments** | The planning proposal addresses:   * Sydney Region Plan; * Western City District Plan; * Camden Local Strategic Planning Statement (2019); and, * Camden Rural Lands Strategy (RLS) (2018).   The following are also addressed:  Relevant State Environmental Planning Policies **(Attachment A2)** and Section 9.1 Ministerial Directions **(Attachment A3)**. |

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The planning proposal seeks to amend the Camden LEP 2010 as shown in **Table 2:**

**Table 2** **Current and Proposed controls**

| Control | Current | Proposed | |
| --- | --- | --- | --- |
| Zone | RU1 (Refer to **Figure 2a**) | R2 Low Density Residential  R5 Large Lot Residential  E4 Environmental Living  E2 Environmental Conservation  B2 Local Centre  RE1 Public Recreation  (Refer to **Figure 2b**) | |
| Minimum lot size | 40ha (Refer to **Figure 3a**) | R2 General Residential - 600m2  E4 Environmental Living – 700, 900, 1,500,  and 2,000m2  R5 Large Lot Residential – 1,500 and2,000m2  (Refer to **Figure 3b**) | |
| Maximum height of the building | 9.5 | 9.5 | |
| Number of dwellings | 0 | 700 - 800 | |
| Number of jobs | Not reported | Not reported | |
|  | | |  |
| Figure 2a. Current Zoning (Source: Camden Council Planning Report 13 July 2021) | | | Figure 2b. Proposed Zoning (Source: Camden Council Planning Report 13 July 2021) |

|  |  |
| --- | --- |
| Figure 3a. Current Minimum Lot SizeMap (Source: Camden Council Planning Report 13 July 2021) | Figure 3b. Proposed Minimum Lot SizeMap (Source: Camden Council Planning Report 13 July 2021) |

# Key Issues

The following section summarises the key issues, mainly drawn from Council’s Report **(Attachment** **E)**; the proponent’s planning proposal **(Attachment A)**; and, the Strategic Merit and Project Vision **(Attachment A1)**.

**Issue No. 1**

**The Proposal does not align with State and local strategic policies**

*Council’s view*

* The site forms part of the MRA under the Region Plan and the District Plan and is located outside the SWGA.
* The proposal does not align with the strategic objectives of the following:
* Region and District Plans;
* Camden LSPS;
* Camden Community Strategic Plan (CSP);
* Camden RLS; and the
* Camden Local Housing Strategy (LHS).
* The proposal does not demonstrate how the MRA’s values would be protected and enhanced in accordance with the strategic objectives set out in the Region and District Plans, as urban development is incompatible with the values of the MRA. An objective of the Region Plan is that the environmental, social and economic values of the MRA are protected and enhanced.
* The proposal is inconsistent with Council’s RLS which seeks to protect rural lands outside the SWGA. Council officers consider the proposal would contribute to the cumulative impact on the loss of rural land over time that is inconsistent with Council’s RLS.
* Council officers do not support the proposal’s assessment that it responds to a unique set of site-specific circumstances.
* The site is located outside the SWGA, west of the Oran Park Precinct boundary. Council acknowledges the site adjoins the SWGA boundary and land zoned for urban development. The site, however, is largely separated from development in the SWGA by the heritage feature, and curtilage of, Denbigh. The site is isolated from existing and planned urban development. The Denbigh heritage curtilage provides a transition between the SWGA and the MRA.
* Land to the north and south of the site are impacted by the same conditions of the SWGA boundary and the proposed OSO corridor.
* Camden’s LSPS and draft LHS also note that land required to meet housing demand should be located within the SWGA. The SWGA remains largely undeveloped, and therefore has significant capacity (approximately 65,000 dwellings according to the draft LHS) to meet Camden’s housing targets, without the need to rezone and develop land in the MRA - as the proposal intends. The proposal may set a precedent for the development of other rural lands located between the SWGA and the proposed OSO.
* Establishing a new development ‘front’ may undermine the delivery of the SWGA, by redirecting development outside its boundary and absorbing infrastructure capacity planned for SWGA.
* Council acknowledges farming within the Sydney Basin has several challenges which are impacting on farm viability. The RLS contains a planning principle to ‘Enhance Camden’s Rural Economy’ which notes the opportunities that may result from development of the Western Sydney Airport, including closer proximity to domestic and international markets that could support certain agricultural sectors.
* The proposal would contribute to the cumulative impact on the loss of rural land over time that is inconsistent with Council’s RLS.

*Proponent’s view*

* The proponent has sought for many years the inclusion of the site in the SWGA.
* The proposal is consistent with the GSRP and District Plan.
* The site is located directly adjacent the SWGA to the east and the proposed OSO to the west; an extension of the urban boundary is logical to the OSO.
* The development will recognise and respect the existing cultural and scenic values of the land and provides an appropriate transition to the OSO and rural lands further to the west.
* The current land use RU1 does not meet the objectives of the zone, i.e. it does not encourage sustainable primary industry production. Further, the site is no longer viable for agricultural use (i.e. primary production) due to the encroachment of urban development in the SWGA and the proposed OSO would further sever the site from the surrounding rural land. Relocation of rural enterprise is not feasible.
* The proposal seeks to eliminate rural land use conflicts with the existing site and neighbouring residential development.
* The proponent considers the proposal is consistent with the RLS because residential development in the SWGA is incompatible with the subject site’s agricultural use. The proposal’s Rural Lands Scoping Report **(Attachment A7)** indicates the site’s current use for beef cattle grazing is unviable in its present form.
* The site’s environmental, cultural, and scenic values would be retained.
* The proposal would improve the supply of large lots and enable residents seeking larger lots to remain in the Camden area.
* The proposal has been prepared in accordance with the Department of Primary Industry’s Land Use Conflict Risk Assessment Guide.

**Issue no. 2**

**Heritage impacts**

*Council’s view*

* The proposal will have an unacceptable impact on Denbigh’s heritage qualities and setting. Denbigh’s heritage statement of significance identifies that it retains its historic views across Cobbitty valley to the escarpment.
* Heritage NSW advise these views represent exceptional cultural significance as a rare, intact colonial landscape.
* The preservation of these view lines is of key importance, as these are fundamental to the historical interpretation of Denbigh as a state heritage item. The Denbigh Conservation Management Plan also identifies the subject site as containing areas of exceptional aesthetic value and cultural significance.

*Proponents’ view*

* The proposal has considered cultural and scenic significance of the site, through the strategic placement of zones surrounding these features of the site to provide an appropriate transition including RE1, E2 and E4.
* The proposed location of R2 low density residential zoning is proposed in the low lying areas of the site will reduce the visual impact of the proposal.
* Landscaping is proposed to minimise the visual impact on the surrounding area, noting the proximity of the site’s eastern boundary to the Denbigh heritage curtilage.
* Heritage Impact Statement and View Analysis **(Attachment A11)** concludes the proposal does not adversely impact upon existing views and vistas or curtilage of Denbigh.

**Issue no. 3**

**Environmental constraints**

*Council’s view*

* The site contains areas of high and moderate ecological value, including the critically endangered CPW.
* Smaller patches of high value vegetation are proposed to be zoned residential E4 Environmental Living.
* The application of this zone may lead to cumulative impacts on vegetation that results in a reduction in its quality over time. Based on the proposed structure plan, it is expected that native vegetation with high or moderate ecological value would be removed or modified, leading to a reduction in vegetation quality.
* Council supports the protection of the high and moderate ecological values of the site at the planning proposal stage, rather than relying on the Development Application (DA) process.
* **Figures 4a** and **4b** (over leaf) illustrate the ecological constraints **(Attachment A4)** of the subject site and the proposed Greenway Strategy **(Attachment A5).**

|  |  |
| --- | --- |
| Figure 4a. Ecological constraints of subject site (Source: Cumberland Ecology) | Figure 4b. Proposed Greenway Regional Strategy (Source: Planning Proposal/ McGregor Coxall) |

*Proponent’s view*

* The proposal has been designed with consideration of ecological constraints of the site and to minimise potential future ecological impacts.
* Areas of ecological sensitivity are proposed to be retained and zoned E2 Environmental Conservation and E4 Environmental Living.
* The proposal also seeks to retain and revegetate riparian corridors traversing the land in an east-west direction. A potential north-south active transport route (‘Greenway Link’) is proposed to traverse the site’s eastern boundary and be zoned RE1 Public Recreation. Nodes of open space are planned to be located along the riparian corridors and areas of existing vegetation.
* The planning proposal should not result in any adverse impacts on biodiversity and preserves the existing Cumberland Woodland in the north east of the site.
* Assessment against the biodiversity framework may offset vegetation loss by purchasing of biodiversity credits, securing a stewardship site or payment into a Biodiversity Conservation Trust.

**Issue no 4:**

**Visual Impact**

*Council’s view*

* The District Plan and Council’s LSPS recognise the significance of the scenic and cultural landscape of the MRA, noting the rural hills and ridgelines of Camden create a distinct setting for neighbouring urban communities.
* It is important to protect Camden’s valued scenic and cultural landscapes that create a distinct setting for neighbouring urban communities.
* A R2 Low Density Residential zone is proposed for parts of the site. Under a R2 zone, dwellings can be approved as complying development under the State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP). Council has no control over complying development standards, as such - site-specific controls for building design, material, and colours could not be enforced.
* Camden LEP 2010 permits dual occupancy development on lots greater than 600m2 in the R2 and R5 zones. As such, land zoned R2 Low Density Residential and R5 Large Lot Residential with a 600m2 minimum lot size could be developed for dual occupancies increasing the overall density and visual impact of the proposal. Council believe it is important to protect Camden’s valued scenic and cultural landscapes that create a distinct setting for neighbouring urban communities.

*Proponent’s view*

* A B2 Local Centre Zone has been proposed in the low lying area to reduce the visual impact to surrounding land uses.
* Proposal will provide a green backdrop to the Denbigh Estate. Visual impact can be addressed through future design of the residential area. The majority of visual impact can be screened through revegetation of the riparian corridor.
* Heritage Impact Statement and Views Analysis **(Attachment A11)** has been prepared to support the proposal. The proposal recognises significant views and vistas from adjoining heritage items and incorporation into landscaping.
* The proposal, and design considerations, have been informed by an ecological constraints report and Aboriginal Due Diligence Report **(Attachment A10)**. This is to ensure the site’s environmental, cultural, and scenic values are retained.
* This has been achieved through retention and revitalisation of significant riparian and vegetation corridors and their incorporation into open space.
* Design of the lot layout and road layout will protect and maintain the views and setting.

**Issue no 5**

**Alignment of the Outer Sydney Orbital is not supported or confirmed**

*Council’s view*

* The proposed OSO corridor, its alignment, acquisition, and construction are yet to be confirmed by the NSW Government. It is not possible to assess the potential impacts of the proposed OSO on the proposal (and vice-versa).
* There is no strategic justification for urban development to be located outside of the SWGA and encroaching on rural zoned land. On this basis, Council officers consider the proposal lacks strategic planning merit required to proceed to Gateway Determination.
* Council’s May 2018 submission to Transport for NSW’s (TfNSW) on the draft OSO corridor did not support the exhibited surface (at-grade) OSO corridor owing to the adverse impact it would have upon the Camden LGA.

*Proponent’s view:*

* The Aerotropolis Land Use and Infrastructure Implementation Plan has extended the urban boundary to the proposed OSO in that locality.
* The proposed OSO would further sever the site from the surrounding rural lands, and the proposal seeks to eliminate rural land use conflicts with the existing site and neighbouring residential development.

**Other potential Issues**

**Housing Diversity**

*Council view’s*

* The LSPS and LHS note there will be a growing population of smaller and ageing households that will require higher density and more diverse housing to meet their needs. The proposal, which is envisaged to contain largely single dwellings, does not contribute to increasing housing diversity.
* The Camden LEP 2010 permits dual occupancy development on lots greater than 600m2 in the R2 and R5 zones, which has the potential to increase housing density across the site. In addition, it is noted existing controls in the SWGA already facilitate large lot housing.

*Proponent view’s*

* The proposal provides additional residential land for the needs of the community.
* Hill PDA’s Housing Market Analysis **(Attachment A14)** indicates there will be a demand for larger lots. The proposal will have a positive economic impact as it would increase supply of larger lot housing assisting those who wish to remain in the area. The demand for large lots will be lower than for smaller lots.

**Infrastructure and Servicing Capacity**

*Council view’s*

* The proposal has poor connectivity to infrastructure due to its isolated location.
* Social infrastructure provision in the SWGA has not been planned to accommodate development outside its boundary.
* Existing community facilities (hall, community centre and library) are all located more than 2km from the site.
* The proposal does not provide active open space (such as a multisport court), which would be required given the site’s relative isolation.
* The proposal would place pressure on existing services, including school facilities. It is likely a new primary school would be required to support the proposal’s population. No planning has been undertaken for an additional school, as Schools Infrastructure NSW would assume the MRA would have low population growth.
* The proposal has not adequately demonstrated the servicing capacity required for future development. The site is removed from existing utility networks and servicing the site may not be commercially viable for Sydney Water and Endeavor Energy as significant upgrades may be required.
* Infrastructure and servicing capacity are crucial to supporting continued delivery of housing in the SWGA. Future development in the SWGA is generally supported by associated infrastructure upgrades and assurance from service providers on the delivery of utilities. Correspondingly, there are no plans to increase infrastructure and servicing capacity outside the SWGA.

*Proponent’s view*

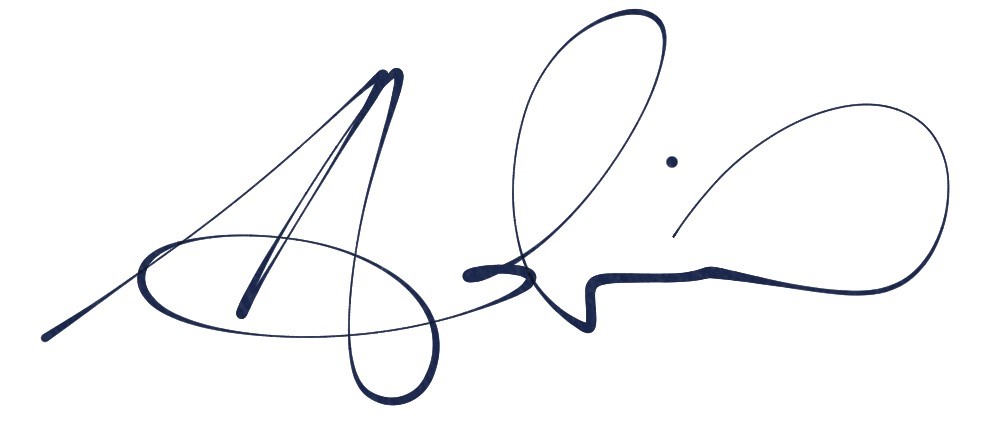
* The proposal provides an effective and efficient road network and connectivity of the site with neighbouring areas. The Structure Plan provides active transport to schools and shops within the subject area and to adjoining areas.
* The proposal provides development in proximity to the North South Rail and South West Rail Link extensions.
* The area is well serviced for childcare and out of hours school care, the proposal would facilitate child care development. A local neighbourhood centre is proposed.
* The new Oran Park High School will assist to meet future population demand. There is opportunity for the proposal to provide for school developments.
* The site would be well serviced with walkable open space. The proposal is unlikely to generate sufficient demand for additional sporting facilities. Future active recreation areas will be provided. A percentage of 31% of the total site is to be dedicated for open space and environmental conservation.
* The area is well serviced for health facilities.
* There are currently no suitable Sydney Water sewer or water assets within the site or within close proximity to the service the development, and no indication existing assts will be upgraded or extended. Sydney Water would need to plan upgrade or extension to assets, carry out the upgrades and developers reimburse the costs.
* Service upgrades for SWGA adjacent to the property may provide opportunity for access and modifications to allow servicing the site.
* Investigations indicate there will need to be an upgrade of the existing electricity supply to service the proposal. The proposal would need to need to connect to the new service station at Oran Park.
* Upgrades would also be needed for existing telecommunications. Feasibility assessments would need to be undertaken by utilities to determine the above servicing capacity and requirements.



25/11/21

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26 Nov 2011

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**ATTACHMENTS**

**Attachment A**: Planning Proposal

**Attachment A1**: Strategic Merit and Project Vision

**Attachment A2**: Consistency with SEPPs

**Attachment A3**: Consistency with Ministerial Planning Directions

**Attachment A4**: Constraints mapping

**Attachment A5**: Greenway Project High Level Assessment and Strategy

**Attachment A6**: Site Survey

**Attachment A7**: Rural Lands Scoping Report

**Attachment A8**: Ecological Constraints Report

**Attachment A9**: Bushfire Constraints Report

**Attachment A10**: Aboriginal Due Diligence Assessment

**Attachment A11**: Heritage Impact Statement and Views Analysis

**Attachment A12**: Civil Infrastructure Strategy Report

**Attachment A13**: Traffic and Transport Assessment

**Attachment A14**: Housing Market Analysis

**Attachment A15**: Social Infrastructure Study

**Attachment B**: Rezoning Review Application

**Attachment C:**  Rezoning Review Cover Letter

**Attachment D**: Letter from Camden Council confirmation of same Planning Proposal

**Attachment E:**  Council’s Report– 13 July 2021