

<b>DATE OF DECISION</b>	Friday, 25 March 2022
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Nicole Gurran, Brian Kirk and Michael Mantei
<b>APOLOGIES</b>	Sue Francis
<b>DECLARATIONS OF INTEREST</b>	<p>Mary-Lynne Taylor -The applicant is a former client and friend.</p> <p>Grant Christmas – Provided advice on the proposal at the Local Planning Panel in March 2021.</p> <p>Michael File – Came before the Local Planning Panel in March 2021.</p> <p>Clare Brown: Due to the Applicant’s perception that Urbis holds a conflict of interest on this matter she is obliged to withdraw from participating on this Panel.</p> <p>Louise Camenzuli: Declares a perceived conflict of interest due the law firm where she is a principal having acted for a nearby landowner.</p>

## REZONING REVIEW

RR-2021-93 – Camden Council – AT 220, 300, 350 and 360 Chittick Lane, Cobbitty (Tidapa) - As described in Schedule 1.

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

## PANEL CONSIDERATION AND DECISION

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

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
  - ☐ has demonstrated strategic merit but not site-specific merit

The decision was unanimous.

## REASONS FOR THE DECISION

- The site the subject of this planning proposal is situated outside the South West Growth Area boundary as presently mapped by the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)*, although it adjoins the South Creek West Precinct at the north-eastern corner of the site that is regulated by that SEPP. However, rather than proposing an extension of the South West Growth Area boundary through an amendment of the SEPP, an amendment to the Camden LEP is proposed such that the provisions of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* would not apply to the land.

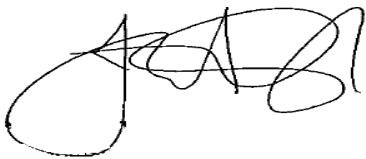

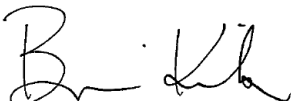

2. The principal argument advanced for the planning proposal is that because the site is located to the east of the anticipated route of the Outer Sydney Orbital (OSO) it is no longer viable in the medium to long term as a farm, and is (it is argued) more logically connected with the residential zonings associated with the Growth Centre to which the proposed more generous densities might act as a transition or buffer. It was argued that a residential subdivision of the site could reasonably draw upon existing or planned services and infrastructure.
3. Taking those arguments and the wider submissions of the Applicant and its consultants into account, the Panel has not been not persuaded that there is sufficient strategic merit in the proposed amendments to Camden LEP to warrant the proposed rezoning proceeding to Gateway at this time, and in isolation from a wider reassessment of the future planning for land between the western boundary of the South West Growth Area and the finally resolved route of the OSO.
4. The Panel has not been convinced that there are particular features of this site which would justify it being considered in isolation to, and in advance of, a number of other sites which are located to the west of the Growth Centres Boundary.
5. In relation to the OSO, the Panel has received advice from Transport for NSW including:
  - *“The designs of future motorway and freight rail infrastructure are still in the strategic design stage. This strategic design work has informed initial precinct planning for the Aerotropolis and will subsequently inform our ongoing protection of the corridor, but has not progressed to the stage where detailed road designs for the Outer Sydney Orbital are available. Given the strategic nature of future infrastructure designs within the corridor, the portal may need to be relocated or an alternative design could be adopted by a future government.*
  - *At this stage, at the point where the development proposal crosses the Outer Sydney Orbital corridor, the motorway and dedicated freight rail line would be coming out of a significant cut through the hill and would begin to dive into the tunnel to go under Cobbitty Creek. Any road access to the site from Chittick Lane would be severed, at least temporarily. The future design levels for motorway and freight rail infrastructure are yet to be confirmed. The location and clearance to any structures crossing the corridor would require significant additional design for some distance either side of the proposed structure. Technically it may be possible to bridge the Outer Sydney Orbital however there would be significant costs for such an exercise.*
  - *Council’s concerns are reasonable. The final alignment of the Outer Sydney Orbital is not gazetted and further adjustments may be required including its final design and timing of delivery. Ultimately, it may be appropriate for the Outer Sydney Orbital to form the future boundary of the South West Growth Area, but the current proposal is premature.*
  - *Council notes, the Planning Proposal states that access will be improved by an interchange between the Outer Sydney Orbital and Cobbitty Road; as correctly noted by Council, there is no proposal for an interchange at Cobbitty Road. Access between the South West Growth Area and the Outer Sydney Orbital is expected to be well north of the Tidapa site.*
  - *The Outer Sydney Orbital could potentially land lock the site, but I note that one of the arguments is that access from the east through the South West Growth Area might be feasible, whilst avoiding the historic Denbigh site. The Outer Sydney Orbital Corridor does not preclude a separate local road connection to Cobbitty Road with the agreement of adjoining landowners and the consideration of traffic and transport impacts and cost of implementation.”*

Taking that advice into account, the Panel is of the view that issues of access to the site need to be better resolved before its rezoning is considered as an isolated site.

6. Rather the site is physically separated from the presently gazetted western reaches of the Growth Centre by the State listed heritage item Denbigh House and its curtilage. Road connections which the site would require to access to the east are not yet planned, and the uncertain planning for

the OSO means that access to the West cannot now be reliably predicted. Even assuming roads can be constructed as planned by the Applicant, the site is around two kilometres from relevant community infrastructure such that there is no pressing case for the rezoning based on the availability of services.

7. While the Panel accepts that the Applicant has made genuine efforts to resolve the environmental, cultural and infrastructure issues associated with the site, the strategic obstacles to a rezoning at this time mean that it would be premature to investigate the site specific merits of the proposal.
8. It may be that in the future, as the planning for the adjacent South Creek West Precinct and the OSO are better resolved, and surrounding community infrastructure develops, the site will have a role to play in providing a transition between the densities planned in the Growth Centre and the more environmentally sensitive rural lands to the west. However, the strategic case for such a rezoning cannot yet be made out.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurrán
 Brian Kirk	 Michael Mantei

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2021-93 – Camden Council – AT 220, 300, 350 and 360 Chittick Lane, Cobbitty (Tidapa)
2	LEP TO BE AMENDED	Camden Council Local Environmental Plan 2010
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <p>(a) amend the Camden LEP 2010 Land Zoning Map for the subject site 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.</p> <p>(b) Amend the Camden LEP 2010 Minimum Subdivision Lot Size Map for the subject site to provide minimum lot sizes ranging from 600m<sup>2</sup> to 2,000m<sup>2</sup>.</p>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Additional documents sent to Panel: 2 February 2022</li> <li>• Rezoning review request documentation</li> <li>• Briefing report from Department of Planning, Industry and Environment</li> </ul>
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>• <b>Site inspection:</b> Wednesday, 16 February 2022 at 3:45pm <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran and Michael Mantei</li> <li>○ Department of Planning, Industry and Environment (DPIE) staff in attendance: Terry Doran</li> </ul> </li> <li>• <b>Briefing with Department of Planning, Industry and Environment (DPIE):</b> Monday, 21 March 2022 at 9:30am <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Brian Kirk and Michael Mantei</li> <li>○ DPIE staff in attendance: George Dojas, Jane Gibbs, Terry Doran, Louise McMahon and Murray Jay</li> <li>○ The issues raised in the Department's written report were surveyed. The Department reported that the planning for the OSO had not yet been resolved.</li> </ul> </li> <li>• <b>Briefing with Council:</b> Monday, 21 March 2022 at 10:00am <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Brian Kirk and Michael Mantei</li> <li>○ DPIE staff in attendance: George Dojas, Jane Gibbs, Terry Doran, Louise McMahon and Murray Jay</li> <li>○ Council representatives in attendance: Nicole Magurren, Martin Cooper, Simon Coleman, Health James, Nicole Aiken</li> <li>○ The Council staff gave a brief summary of the issues summarised in their written response to the planning proposal review emphasizing that the site was in the Council's view not adequately serviced, would place undue emphasis on local infrastructure, and was not required given the availability of</li> </ul> </li> </ul>

		<p>other land zoned for additional population uptake – particularly in the Leppington area which is better serviced.</p> <ul style="list-style-type: none"> <li>• <b>Briefing with Proponent:</b> Monday, 21 March 2022 at 11:00am <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Brian Kirk and Michael Mantei</li> <li>○ DPIE staff in attendance: George Dojas, Jane Gibbs, Mellissa Felipe, Terry Doran, Louise McMahon and Murray Jay</li> <li>○ Proponent representatives in attendance: Edward O’Grady, Ian Reynolds, Rod Simpson, Adrian Miler, James Phillips and Anna McLaurin</li> <li>○ The Applicant discussed the various environmental and cultural benefits of the proposed land development and the history of work on developing the proposed rezoning with the interested government bodies. The Applicant’s consultants Ian Reynolds and Rod Simpson who addressed the meeting summarised aspects of the history of the site and planning for the area, as well as the constraints on the present rural use of the land. It was submitted that the present boundary of the Growth Centre is illogical and not justified noting that it passes through the middle of a dam. It was contended that the best way to protect the identified values of land (scenic appearance, biodiversity, and water quality) was through a planned residential development.</li> </ul> </li> <li>• Papers were circulated electronically between Monday, 29 November 2021 and Wednesday, February 2022</li> </ul>
--	--	--