South West Priority Growth Area Amendments Finalisation Report

State Environmental Planning Policy
(Sydney Region Growth Centres)
2006
# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Overview and Summary</td>
<td>2</td>
</tr>
<tr>
<td>2  Details of Exhibition and Submissions</td>
<td>3</td>
</tr>
<tr>
<td>3  Summary of Amendments</td>
<td>4</td>
</tr>
<tr>
<td>3.1 Appendix 1 Oran Park and Turner Road Precinct Plan – Camden Local Government Area</td>
<td>4</td>
</tr>
<tr>
<td>3.1.1 Size of secondary dwellings</td>
<td>4</td>
</tr>
<tr>
<td>3.1.2 Transition area to Denbigh Homestead</td>
<td>4</td>
</tr>
<tr>
<td>3.2 Appendix 8 Liverpool Growth Centres Precinct Plan</td>
<td>5</td>
</tr>
<tr>
<td>3.2.1 Leppington North Precinct zoning correction</td>
<td>5</td>
</tr>
<tr>
<td>3.3 Appendix 9 Camden Growth Centres Precinct Plan</td>
<td>6</td>
</tr>
<tr>
<td>3.3.1 Permissible uses in the R2 Low Density Residential Zone</td>
<td>6</td>
</tr>
<tr>
<td>3.3.2 Catherine Fields (Part) Priority Precinct open space rezoning</td>
<td>6</td>
</tr>
<tr>
<td>3.3.3 Catherine Fields (Part) Priority Precinct riparian corridor adjustment</td>
<td>7</td>
</tr>
<tr>
<td>3.3.4 Replacement of ‘net developable area’ definition</td>
<td>10</td>
</tr>
<tr>
<td>3.3.5 Leppington North Priority Precinct – Heritage item description amendment</td>
<td>10</td>
</tr>
<tr>
<td>3.3.6 Catherine Fields Priority Precinct – Oran Park homestead</td>
<td>10</td>
</tr>
<tr>
<td>3.4 Appendix 10 Campbelltown Growth Centres Precinct Plan</td>
<td>10</td>
</tr>
<tr>
<td>3.4.1 East Leppington Precinct heritage numbering amendment</td>
<td>10</td>
</tr>
<tr>
<td>4  Consistency with other Instruments, Acts and Policies</td>
<td>11</td>
</tr>
<tr>
<td>4.1 South West Growth Centres Structure Plan</td>
<td>11</td>
</tr>
<tr>
<td>4.2 Growth Centres Development Code</td>
<td>11</td>
</tr>
<tr>
<td>4.3 Section 117(2) Directions</td>
<td>11</td>
</tr>
<tr>
<td>4.4 Biodiversity Certification for the Sydney Growth Centres</td>
<td>11</td>
</tr>
<tr>
<td>Appendix A: Riparian Corridor Analysis</td>
<td>13</td>
</tr>
<tr>
<td>Appendix B: Calibre Letter – Flood Mapping</td>
<td>15</td>
</tr>
<tr>
<td>Figures</td>
<td></td>
</tr>
<tr>
<td>Figure 1: Priority Growth Area Precincts affected by minor amendments</td>
<td>2</td>
</tr>
<tr>
<td>Figure 2: Denbigh Homestead transition area existing and proposed height limit</td>
<td>5</td>
</tr>
<tr>
<td>Figure 3: Amendment of R2 zoned land in the Leppington North Precinct</td>
<td>5</td>
</tr>
<tr>
<td>Figure 4: Amendment of RE1 zoned land to part R2 and E4</td>
<td>7</td>
</tr>
<tr>
<td>Figure 5: Catherine Park Estate location of riparian corridor amendments</td>
<td>8</td>
</tr>
<tr>
<td>Figure 6: Riparian corridor offsetting amendments</td>
<td>8</td>
</tr>
<tr>
<td>Figure 7: Flood prone land under post-development conditions in Catherine Fields (Part) Precinct</td>
<td>9</td>
</tr>
</tbody>
</table>

Sydney Region Growth Centres SEPP - South West Priority Growth Area Amendments Finalisation Report
August 2016
1 Overview and Summary

Minor miscellaneous amendments are proposed to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) for a number of the Priority Precincts in the South West Priority Growth Area and covered by the following appendices:

- Appendix 1 Oran Park and Turner Road Precinct Plan;
- Appendix 8 Liverpool Growth Centres Precinct Plan;
- Appendix 9 Camden Growth Centres Precinct Plan; and
- Appendix 10 Campbelltown Growth Centres Precinct Plan.

The amendments were exhibited for 14 days from 22 June – 6 July 2016 as detailed in Section 2 of this report.

The amendments include instrument and mapping amendments to correct errors and ensure consistency across the Growth Centres SEPP. All amendments are summarised in Section 3 of this report.

The affected council areas include Liverpool, Camden and Campbelltown. The local councils have all been consulted on the amendments and raise no objection. All submissions are discussed in Section 2 of this report.

The amendments affect the Priority Precincts as shown in Figure 1.

Figure 1: Priority Growth Area Precincts affected by minor amendments
2 Details of Exhibition and Submissions

2.1 Exhibition details

The amendments were exhibited for 14 days from 22 June – 6 July 2016. A copy of the documents were available on the Department of Planning and Environment’s (the Department) website along with:

- the Department’s Bridge Street and Parramatta offices;
- Camden Council;
- Campbelltown Council; and
- Liverpool Council.

Advertisements were placed in local papers (the Camden Narellan Advertiser and the Campbelltown Macarthur Advertiser) on 22 June 2016. The Department wrote to landowners directly affected by the amendments, ie the riparian corridor amendments in the Catherine Fields (Part) Precinct and the Denbigh House transition area height reduction in the Oran Park Precinct.

2.2 Submissions

Four submissions were received from:

- Department of Primary Industries - Water;
- Sydney Water;
- Office of Environment and Heritage - Heritage Branch; and
- Water NSW (landowner of the Upper Canal in the East Leppington Precinct).

No objection to the amendments was raised by any of these agencies.

Two informal submissions were received by:

- Camden Council; and
- Liverpool Council.

All the councils had previously commented on these amendments and had confirmed previously no objections were raised to the amendments. Camden and Liverpool Councils confirmed this position following exhibition. Campbelltown Council emailed the Department advising no submission would be made due to earlier correspondence which raised no objection.
3 Summary of Amendments

3.1 Appendix 1 Oran Park and Turner Road Precinct Plan – Camden Local Government Area

3.1.1 Size of secondary dwellings

Camden Council requested an amendment to Clause 5.4-Controls relating to miscellaneous permissible uses to Appendix 1 of the Growth Centres SEPP to insert a new control relating to the size of secondary dwellings. This is to ensure Appendix 1 Oran Park and Turner Road Precinct Plan is consistent with Appendix 9 Camden Growth Centres Precinct Plan, and to limit secondary dwellings to an appropriate size. There is currently no limit to the size of secondary dwellings under Appendix 1.

The proposed control is:

(9) If development for the purposes of a secondary dwelling is permitted under this Precinct Plan, the total gross floor area of the dwelling (excluding any areas used for parking) must not exceed whichever of the following is the greater:

(a) 75 square metres
(b) 30% of the total gross floor area of both the self-contained dwelling and the principal dwelling.

An example of how this amendment would apply is: a development application is lodged for a principal dwelling and secondary dwelling with a combined total gross floor area (GFA) of 300m$^2$. Council must confirm the secondary dwelling GFA cannot be greater than 90m$^2$ as that is 30% of the total GFA.

This control is supported by the Department.

3.1.2 Transition area to Denbigh Homestead

Denbigh Homestead is a State listed heritage item. It is mapped as a heritage item under the Growth Centres SEPP and a transition area is also mapped on the Special Areas Map of the Growth Centres SEPP. The transition area aims to facilitate development sensitive to the curtilage of the Denbigh property and the majority of the controls relating to the transition area are found in the Oran Park DCP – Part B (Denbigh Transition Area).

Council wishes to amend the Growth Centres SEPP and DCP to ensure building heights within the transition area are limited to a single storey. The current height limit is 9.5m which would allow a two storey building. The amended height limit is proposed at 6m. The Department raised no objection to the proposed amendment as it presents a suitable design response to the heritage property.

Council will separately carry out amendments to the Oran Park DCP – Part B and the Department will amend the Growth Centres SEPP mapping which will include the Height of Buildings map. See Figure 2.
3.2 Appendix 8 Liverpool Growth Centres Precinct Plan

3.2.1 Leppington North Precinct zoning correction

The Austral and Leppington North Priority Precincts were rezoned jointly in 2013. A mapping error was discovered for an area of land that was exhibited as R3 Medium Density Residential but gazetted as R2 Low Density Residential within the Leppington North Precinct. The affected land includes the block bound by Sixth Avenue, Edmondson Avenue, Fifth Avenue and the riparian corridor. See Figure 3.

The affected lots include Lots A and B in DP 416093, Lots 1 and 2 in DP 1199136, and Lots 1063, 1064, 1065, 1066, 1067, 1114, 1115, and 1116 in DP 2475.

The intention now is to rezone the land R3 Medium Density Residential to correct the error. No other maps require correction.

Figure 3: Amendment of R2 zoned land in the Leppington North Precinct

Current

Proposed
3.3 Appendix 9 Camden Growth Centres Precinct Plan

3.3.1 Permissible uses in the R2 Low Density Residential Zone

The Department is moving towards a more flexible approach to land zoning and the uses permissible in the zones in the Priority Growth Areas. It is proposed to amend the permissible uses within the R2 Low Density Residential zone within Appendix 9 Camden Growth Centres Precinct Plan to include recreation uses and some infrastructure in the residential zone. This will allow developers and/or landowners to locate recreation uses and infrastructure, in consultation with Council to suit a subdivision/area of land to be developed.

The following uses are proposed to be added to the R2 land use table as permissible:

- environmental facilities;
- flood mitigation works;
- information and education facilities;
- recreation areas;
- recreation facilities (indoor);
- recreation facilities (outdoor); and
- water bodies (artificial).

The addition of recreation uses is particularly relevant now as a subdivision development application currently being assessed by Council in the Catherine Fields (Part) Priority Precinct (where Appendix 9 applies) is reliant on changes to the land use table to permit the uses listed above in the low density residential zone.

3.3.2 Catherine Fields (Part) Priority Precinct open space rezoning

The majority of existing or planned open space was not zoned RE1 Public Recreation in the Catherine Fields (Part) Priority Precinct in 2013. This was to allow for flexibility of where open space would be located. For this reason, the majority of land was zoned R2 Low Density Residential with the intent that open space be a permissible use in the R2 zone.

However, when Catherine Fields (Part) Priority Precinct was rezoned, recreation areas were not included in the R2 permissible uses. This is being corrected with the amendment as detailed above in Section 2.3.1 of this report.

An area of open space across Lots 11 and 12 in DP 31996 that was zoned RE1 Public Recreation is now proposed to be rezoned R2 Low Density Residential and part E2 Environmental Conservation to enable flexibility where the open space will be located within a subdivision that is planned in the area as part of a subdivision development application being assessed by Camden Council (See Figure 4). The same area of open space will still be provided but in a different location in the vicinity. The small area of E2 is proposed to accommodate the land that is located within the riparian corridor and is also located on the NVP Map. There will be no impact to existing native vegetation (ENV) protected under the Growth Centres SEPP. The Residential Density, Height of Buildings and Land Reservation Acquisition maps will also be amended to correlate with the zoning change.
3.3.3 Catherine Fields (Part) Priority Precinct riparian corridor adjustment

a) Riparian corridor adjustments
During the precinct planning of the Catherine Fields (Part) Priority Precinct in 2012, an analysis of the riparian corridors within the precinct was undertaken. It has since been determined that the final zoning plans and the Indicative Layout Plan (ILP) incorporated some areas of poor environmental value within the Riparian Protection Area (RPA). This has caused an imbalance in the application of the ‘averaging rule’ for riparian corridors set out by Department of Primary Industries – Water (DPI Water).

A comprehensive review of the riparian corridors across the precinct has been completed. Appendix A of this report contains the ‘Riparian Protection Area Analysis’ which was prepared on behalf of the proponent of Catherine Park Estate, a major subdivision within the Precinct (see Figure 5). The analysis was prepared in consultation with Ecological Australia who prepared the original riparian assessment for the precinct rezoning. Changes are proposed to the corridor within the Catherine Park Estate only.

The approach to average the outer riparian corridors was undertaken on this land in accordance with the ‘averaging rule’ contained within the DPI Water ‘Guidelines for riparian corridors on waterfront land (2012)’. It allows non-riparian corridor activities and uses within the outer 50 percent of a riparian corridor, providing an equal amount of non-riparian land is positively offset to compensate for the ‘loss’ of any riparian land.

The Catherine Park Estate currently has 23.8716ha of RPA land. Based on the ‘averaging rule’, only 23.2062ha needs to be provided. Therefore an excess of 0.6654ha has been provided. See Figure 6.

Based on this review and including some adjustments, 23.2384ha will be provided. Therefore 0.6382ha of land currently zoned E2 Environmental Conservation is no longer required for riparian protection purposes and will be zoned R2 Low Density Residential. Based on current dwelling densities seen across the Priority Growth Areas, this could result in the addition of 12 dwellings to the precinct. This addition is considered minor.

The RPA amendments were referred to DPI Water in 2015 and again during exhibition. No objection was raised by DPI Water to the proposed adjustments on both occasions. Camden Council officers, including environmental and drainage specialists, have reviewed the proposal and do not object to the proposed amendments.

The amendments do not affect any existing native vegetation as mapped on the Native Vegetation Protection (NVP) map. There will however be some adjustments to the native vegetation retention area (areas to be vegetated) as mapped on the NVP map as it must match the riparian corridor.

The SEPP maps affected by this change include: Land Zoning, Riparian Protection Area, Residential Density, Height of Buildings, Native Vegetation Protection, and Land Reservation Acquisition.
Figure 5: Catherine Park Estate location of riparian corridor amendments

Figure 6: Riparian corridor offsetting amendments
b) Riparian corridor amendments and flood mapping

Two larger areas of the riparian corridor amendments can be seen in **Figure 6** (Areas 1 and 2). Under the Growth Centres SEPP map that maps flood prone land these areas are mapped as flood prone.

It is important to note however that flood mapping under the Growth Centres SEPP is a representation of flood affectation under **pre-precinct planning and pre-development conditions**.

For the Catherine Fields (Part) Precinct, a flood assessment was prepared by Calibre Consulting (then Brown Consulting) to support the precinct planning process. It refined the flood impacts to correspond with the ILP and post-development conditions. Figure 2-2 in Schedule 4 of the Camden Growth Centres DCP (reproduced in **Figure 7** below), shows Areas 1 and 2 are not identified as being flood affected under post-development conditions.

**Appendix B** of this report details the involvement Council has had with the Precinct proponents in refining the flood modelling for the Precinct.

The Department is satisfied that the land proposed to be rezoned for residential purposes will not be flood affected under post-development conditions.

**Figure 7: Flood prone land under post-development conditions in Catherine Fields (Part) Precinct**
3.3.4 Replacement of ‘net developable area’ definition

Clause 4.1B Residential Density of Appendix 9 Camden Growth Centres Precinct Plan defines terms that are relevant to the density controls set out in the Growth Centres SEPP. It includes the following definition of ‘net developable area’:

‘means the land occupied by the development, including internal streets, but excluding land that is not zoned for residential purposes’

As requested by Camden Council and to ensure the definition is consistent with the Camden Growth Centres Development Control Plan and the Department’s Housing Diversity Package, an amended definition is proposed below:

‘means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned or otherwise identified for residential purposes’

The Department supports the proposed amendment because it is consistent with the Housing Diversity Package.

3.3.5 Leppington North Priority Precinct – Heritage item description amendment

Item no. 9 – Leppington Public School as listed in Schedule 5 has an address of 1442-1448 Rickard Road. This is incorrect and should be 142-144 Rickard Road. The address will be updated.

3.3.6 Catherine Fields Priority Precinct – Oran Park homestead

Item no. 18 – Oran Park homestead as listed in Schedule 5 has a property description of Lot 27 DP 213330 and is a local heritage item.

The item is now a State listed heritage item under the Heritage Act 1977. It was listed on 5 March 2015 and has a legal description of part lot 27 DP 213330 and part lot 7 DP 1173813. The listing and legal description will be corrected in Schedule 5.

3.4 Appendix 10 Campbelltown Growth Centres Precinct Plan

3.4.1 East Leppington Precinct heritage numbering amendment

Schedule 5 lists heritage items within the East Leppington Priority Precinct. Due to an overlap in the numbering of the listed item, the ‘Upper Nepean Scheme – Upper Canal’ and the item ‘Cement-rendered house, 40 Browns Road’ within the Leppington North Priority Precinct (Liverpool Growth Centres Precinct Plan), both items are numbered ‘1’.

It is proposed to amend the SEPP map (tiles 008 and 013) and instrument to renumber the ‘Upper Nepean Scheme – Upper Canal’ item ‘16’. This is consistent with the remainder of the canal as it is presently numbered ‘16’ through the Leppington North and East Leppington Priority Precincts.
4 Consistency with other Instruments, Acts and Policies

4.1 South West Growth Centres Structure Plan

The proposed amendments are consistent with the South West Growth Centre Structure Plan 2006 as they do not alter dwelling targets, locations of roads or town centres, for example. The amendments are considered minor.

4.2 Growth Centres Development Code

The proposed amendments are consistent with the Growth Centres Development Code as they do not alter density targets or indicative lot sizes, or urban design outcomes, for example.

4.3 Section 117(2) Directions

The proposed amendments are not strictly required to comply with these directions as they apply only to the preparation of Local Environmental Plans. However, the Precinct Plans may at some point be incorporated into the relevant Council Local Environmental Plan and it is therefore appropriate that the Precinct Plans be consistent with the Section 117 directions to the maximum possible extent.

The proposed amendments are consistent with relevant Section 117 directions.

4.4 Biodiversity Certification for the Sydney Growth Centres

Biodiversity Certification under the Threatened Species Conservation Act 1995 (TSC Act) was conferred upon the Growth Centres SEPP in December 2007 and confirmed in July 2008 via an amendment to the TSC Act. The Certification effectively switches off the need to undertake assessment and obtain approvals required under the TSC Act for development on land that is certified. The Biodiversity Certification includes a number of requirements (or Relevant Biodiversity Measures) that must be satisfied in order to maintain the Certification.

The proposed amendments do not impact the Biodiversity Certification for the subject Priority Precincts.
Appendix A: Riparian Corridor Analysis
Appendix B: Calibre Letter – Flood Mapping