

Greater Sydney, Place and Infrastructure

IRF20/2048

Gateway determination report

LGA	Campbelltown City Council
PPA	Sydney Western City Planning Panel
NAME	Rezoning land at 71 St Andrew Road, Varroville (Approximately 98, 0 jobs)
NUMBER	PP_2020_CAMPB_004_00
LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
ADDRESS	71 St Andrew Road, Varroville
DESCRIPTION	Lot 71, DP 706546
RECEIVED	27/04/2020
FILE NO.	IRF20/2048
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

Sydney Western City Planning Panel

Following Campbelltown Council's refusal to progress the planning proposal, the Sydney Western City Planning Panel has been appointed as the Planning Proposal Authority under the rezoning review process.

Subject Planning Proposal

The planning proposal (**Attachment A**) seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 by rezoning 71 St Andrews Road, Varroville, from E3 Environmental Management to part R2 Low Density Residential; RE1 Public Recreation; SP2 Infrastructure (Drainage); and, E2 Environmental Conservation. Proposed zones are illustrated in the following diagram (site denoted by blue boundary).

The proposal would facilitate the provision of approximately 98 dwellings on the proposed R2 zoned land. The proponent's original proposal (**Attachment A1**) would have facilitated approximately 124 dwellings.

The proponent's proposal has a long history (refer to **Attachment A**, pp.2/3), culminating in the proponent presenting a revised proposal (**Attachment A1**) to Campbelltown City Council. Council considered a further council officer initiated, revised proposal at its meeting held on 11 June 2019.

The proponent's proposal sought to:

- rezone the western part of the site to R2 Low Density Residential;
- amend the lot size map and height of buildings map to permit a minimum lot size of 300sqm and building height of 9m;
- zone a portion of the land to SP2 local drainage;
- zone a portion of the land to RE1 Public Recreation; and,
- retain the E3 Zone on the remainder of the site.

At that meeting, council officers recommended the proposal proceed to Gateway with the following changes (Council report at **Attachment H**):

- applying an E2 Environmental Conservation Zone instead of retaining an E3 Environmental Management Zone on part of the land on the basis that more stringent controls under this zone are appropriate to protect vegetation on the site; and,
- applying a minimum lot size of 450sqm in lieu of a proposed minimum allotment size of 300sqm on the basis that the 450sqm standard is consistent with the prevailing density of the locality; and, reflects the distance from shops, public transport and recreation opportunities.

The subject planning proposal (**Attachment A**) includes the above amendments, as recommended by the council officers.

Council resolved not to forward the proposal in its amended form to the Department for a Gateway Determination, initiating the rezoning review process (**Attachment I**).

The Sydney Western City Planning Panel (SWCPP) agreed to consider the version considered by Council rather than the one submitted by the proponent. The SWCPP resolved to refer that version of the proposal for a Gateway determination (**Attachment F**).

1.2 Site description

The site comprises a single lot (Lot 71, DP 706546), with an area of 13.5 hectares. The subject land contains a single dwelling house and contains bushland (Figure 1).

The site is also generally flat and level, although the central portion of the site is slightly lower when compared to land located on the boundary. A service easement dissects the site and this contains an overhead high voltage electricity transmission line and two underground high-pressure gas pipelines.

The site also contains a tributary of Kemps Creek and there are three ponds on the subject land, which supply water for irrigation purposes. A State heritage listed Sydney Water supply channel is located immediately to the south east of the site.

The site adjoins the East Leppington Precinct in the South West Growth Area to the north, commonly known as the Willowdale housing estate, on its northeast and north west boundaries (refer to Figure 1). The precinct was rezoned in March 2013 and will deliver up to 4,450 homes. The subject land is part of the Scenic Hills and located within the Metropolitan Rural Area (MRA).

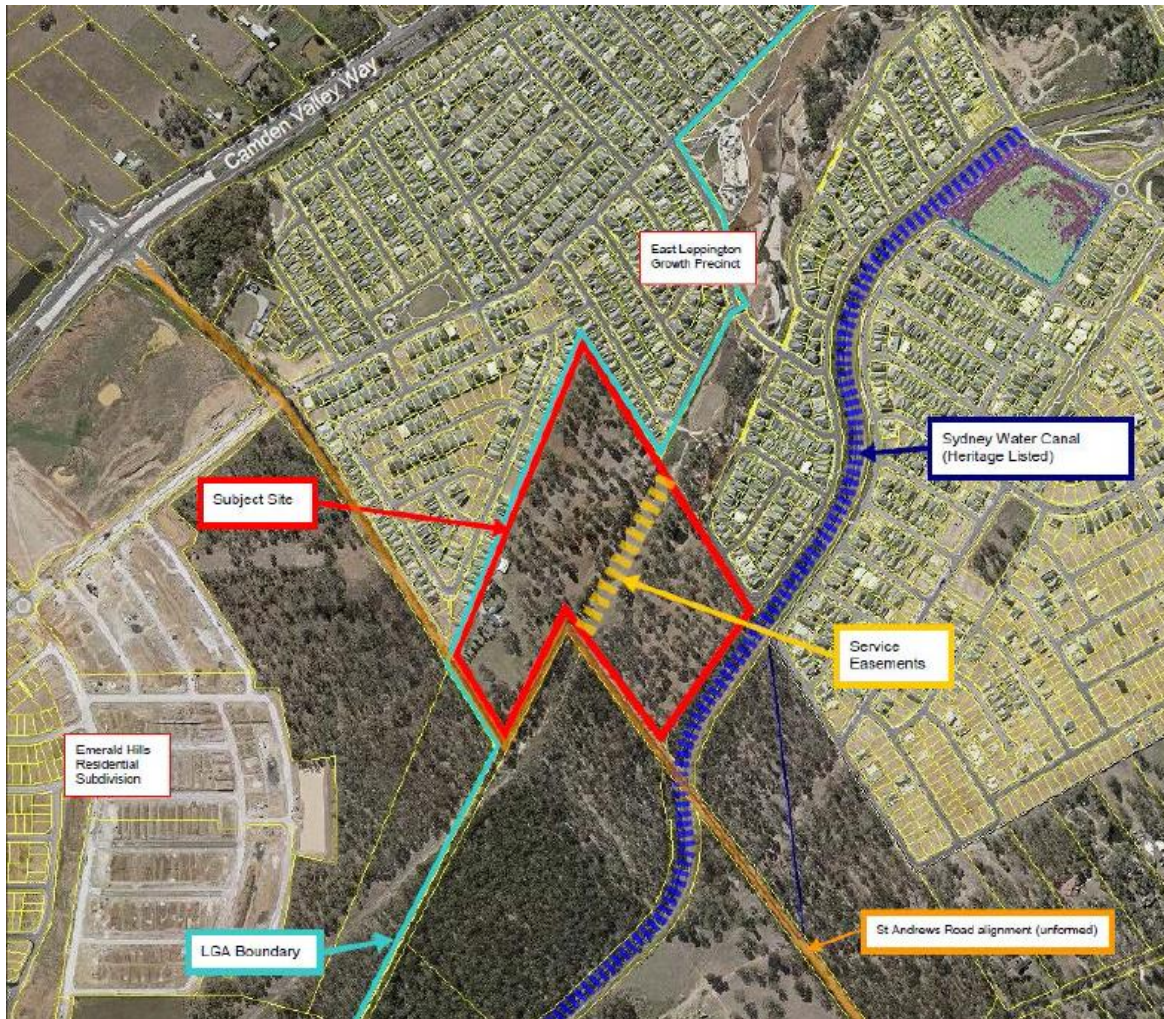


Figure 1. Number 71 St Andrew Road (in red) and surrounds.

1.3 Existing planning controls

Under the Campbelltown Local Environmental Plan (LEP) 2015, the following zones and development controls apply:

- zoned E3 Environmental Management (Figure 2);
- a maximum building height of 9m;
- a minimum lot size of 100ha; and
- a minimum lot size of 100ha for dual occupancy development.

The site is also identified as 'Development on Steep Land (Scenic Hills)' on the Environmental Constraints Map which requires the application of clause 7.8 to the site. In addition, the site is identified as bushfire prone land (Categories 1, 2 and buffer).



Figure 2. Zoning for the subject site and surrounds

1.4 Summary of recommendation

The proposal has been supported by the Sydney Western City Planning Panel and Campbelltown’s Local Planning Panel, as well as, being recommended to progress by Campbelltown’s council officers.

While acknowledging that the site is located within the MRA, the site’s unique location, i.e. immediately adjacent to existing residential development, and other related issues, provide sufficient planning merit for the proposal to proceed.

The site is located between two existing urban areas; development of the adjoining area is substantially complete, which has altered the previous rural character; future development is predominantly consistent with aspects of the metropolitan and district plans; and, development would have negligible impact upon the local road network, open space and community facilities.

Consequently, the proposal is recommended for a conditional Gateway determination.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the proposal is to rezone part of the allotment for low density residential development consistent with the adjoining R2 Low Density Residential zoned land to the north east and north west of the site. In addition, the proposal seeks to enable development for public recreation purpose and to protect remaining bushland on the site.

Department comment: The objectives and intended outcomes of the proposal are clear and are suitable for public exhibition.

2.2 Explanation of provisions

As indicated, the planning proposal (**Attachment A**) seeks to amend the Campbelltown LEP 2015 by:

- rezoning the western portion of the site from E3 Environmental Management to part R2 Low Density Residential; RE1 Public Recreation; SP2 Infrastructure (Drainage); and, zoning the eastern portion to an E2 Environmental Conservation (Figure 3 overleaf);
- decreasing the minimum lot size for the land rezoned to R2 zone from 100ha to 420m²;
- decreasing the minimum lot size for dual occupancy development for the proposed R2 zone on the western portion of the site from 100ha to 700m²;
- not applying a minimum lot size to the land to be rezoned to RE1 and SP2;
- identifying the RE1 and SP2 zone on the land reservation acquisition map;
- identifying the site on the terrestrial biodiversity map, excluding the service easement; and,
- identifying the site on the urban release area map.

The proposal would facilitate the provision of approximately 98 additional dwellings across the site.

Department comment: The proposed provisions are clear and do not require amendment prior to public exhibition.



Figure 3: Proposed land zoning map.

2.3 Mapping

The planning proposal will amend the following maps:

- Zoning map (Sheet: LZN_006);
- Lot Size map (Sheet: LSZ_012);
- Lot Size for Dual Occupancy Development map (Sheet: LSD_012);
- Land Reservation Map (Sheet: LRA_006);
- Urban Release Area Map (Sheet: URA_006); and
- Terrestrial Biodiversity Map (Sheet: BIO_006).

Department comment: The proposal includes current and proposed maps that are suitable for public exhibition purposes.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of a strategic study or report. The planning proposal advises that the proposed amendment is the best and most appropriate means of achieving the intended outcome i.e. to rezone the site for residential development and for public recreation, whilst protecting the remaining bushland on the site. A planning proposal is the only means available to achieve the intent.

4. STRATEGIC ASSESSMENT

4.1 Western City District Plan

As indicated, the site lies within the Western City District. The planning priorities and actions in the Western City District Plan aim to guide the district's growth while improving its economic, social and environmental assets.

The planning proposal notes that the proposal is consistent with, and/or supports:

Planning Priority W1: *Planning for a city supported by infrastructure.*

Planning Priority W5: *Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

Department comment: The proposal meets associated Objective 10: *Greater housing supply* under Priority W5; however, it is noted that the site lies 5 kilometres from Leppington and is not within a walkable distance of a centre. Similarly, the proposal is consistent with Objective 11: *Housing is more diverse and affordable*, however, it is unclear whether ready access to public transport and services is available.

Clarification is required over access and a Gateway condition is recommended.

Planning Priority W14: *Protecting and enhancing bushland biodiversity* and Action 72.

Department Comment: The flora and fauna assessment (**Attachment J1**) identified approximately 8.35ha of Cumberland Plain Woodland (CPW) across the site. While rezoning the western portion of the site to a R2 residential zone will impact upon 4.61ha of partly cleared CPW, it is noted that the impacted vegetation is considered to be of low quality; has low species diversity; and, may regenerate poorly.

It is also noted that the proposal will rezone part of the eastern portion of the site as E2, which would restrict the range of land uses on the site and assist in protecting the existing bushland.

The proponent has also proposed to prepare a bio-banking agreement for the E2 zoned land and the existing vegetation will be identified on the terrestrial biodiversity map.

Associated Action 72 aims to protect and enhance biodiversity by managing urban bushland and remnant vegetation as green infrastructure; and, manage urban development and urban bushland to reduce edge-effect impacts.

As indicated, an E2 Environmental Conservation Zone over part of the site would support this Action.

Planning Priority W15: *Increasing urban tree canopy and delivering Green Grid connections* and Actions 73 and 74.

Department Comment: This priority is supported by appropriately rezoning part of the site to E2 Environmental Conservation and seeking to provide an open space connection (i.e. RE1 zone) with the adjoining housing estate and further afield.

Planning Priority W16: *Protecting and enhancing scenic and cultural landscapes* and Actions 76; 77; 78; and, 79.

Department comment: The Department notes that the site is located within the Scenic Hills area and the low density residential component of the proposal does not support this priority. Actions 76 and 77 include protecting the Scenic Hills and views to these from the public realm.

A site inspection has confirmed that the site is a different landscape unit to the adjoining Scenic Hills ridgeline and development of the subject land would not compromise this Planning Priority.

Action 79 is relevant, which states: Limit urban development to within the urban area, except for the investigation areas at Horsley Park, Orchard Hills, and east of The Northern Road, Luddenham.

Further, the site is identified as being located within the MRA (Figure 4, below). The district plan states that:

Urban development in the Metropolitan Rural Area will only be considered in the urban investigation areas identified in A Metropolis of Three Cities. This approach complements Action 30 of this plan to protect and support agricultural production and mineral resources preventing inappropriately dispersed urban activities in rural areas (see page 126 of the District Plan).

The land is not identified as an urban investigation area in *A Metropolis of Three Cities*.

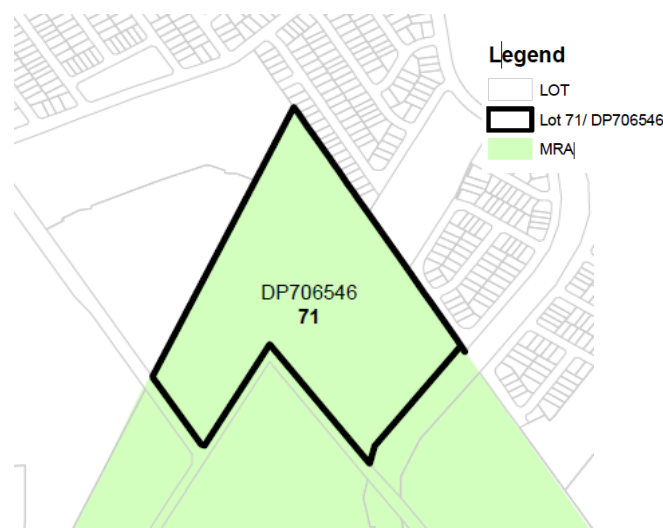


Figure 4: Metropolitan Rural Area.

While the intent of Action 30 is acknowledged, agriculture production or mineral resource extraction is not viable in this location, given the site's immediate proximity to existing urban development.

In addition, the Department notes that while Objective 29 under Planning Priority W17 states: *Environment, social and economic values in rural areas are protected and enhanced*, and an element of the proposal seeks to rezone part of the site to low density residential, a further element seeks to rezone the land to an E2 Environmental Conservation Zone, which would assist in protecting and enhancing environmental values – meeting the objective.

It is noted that Action 78: *Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic values*, is not specifically addressed in the proposal.

Planning Priority W18: Deliver high quality open space and Action 80;

Department Comment: Rezoning part of the site for public recreation supports this Objective.

Planning Priority W20: Adapting to the impacts of urban and natural hazards and climate change.

The site is bisected by a utility corridor containing two gas pipelines and one electricity power line. An assessment of the impacts to the gas pipeline (**Attachment J2**) advised that the rear boundaries of the proposed dwellings on the western portion of the site would be located approximately 10m from the location of the pipeline easement. The assessment concludes that the gas pipeline will not be adversely affected, and it will not pose a significant impediment to the proposed residential subdivision.

Department Comment: It is noted that an assessment of the risks for future land uses against societal risk criteria is not provided.

Clarification of this issue in an amended assessment report (refer to section 5.3 of this report) and consultation with the utility provider is recommended as a determination condition.

4.2 Local

4.2.1 Campbelltown Community Strategic Plan – Campbelltown 2027

The planning proposal indicates it is consistent with Council's policy and actions under the plan. The relevant outcome is:

Outcome 2: *A respected and protected natural environment*, with associated strategies:

- 2.1 Implement and advocate for initiatives that conserve the city's natural environment.
- 2.2 Activate the city's natural bushland and open spaces, fostering enhanced community stewardship of these areas.
- 2.3 Promote and educate our community on sustainable practices and encourage practicable take up of more sustainable life-choices.
- 2.4 Conserve and care for our city's biodiversity.
- 2.5 Plan for and ensure that development in our city is sustainable and resilient.

In this regard, the proposal indicates it is consistent, as while some bushland would be lost, stricter controls would be applied in the remaining land proposed to be zoned E2.

4.2.2 Campbelltown Local Planning Strategy 2013

The Local Planning Strategy 2013 was adopted by Council in conjunction with the Campbelltown LEP 2015 to assist in informing future planning decisions. The planning proposal indicates it is consistent with the relevant strategies. Of relevance, the proposal advises that it will support bio-banking; contribute to biodiversity by applying a E2 zone; provide additional housing while protecting existing bushland; and, is justifiably inconsistent with the retention of the Scenic Hills footprint.

4.2.3 Campbelltown Residential Development Strategy 2013

The proposal indicates that the site is not identified as a future residential urban release site, however, the strategy does not preclude minor additions to existing greenfield urban areas.

4.2.4 Campbelltown Local Strategic Planning Statement 2040

The proposal does not address Council's Local Strategic Planning Statement 2040 (LSPS), which commits Council to actions that give effect to the Greater Sydney Region Plan and Western City District Plan. Actions considered relevant are:

- Action 2.5. Contain urban development to existing urban areas and within identified growth and urban investigation areas, in order to protect the functions and values of scenic lands, environmentally sensitive lands and the Metropolitan Rural Area.

Department Comment: The site lies outside recognised urban growth and investigation areas. The development option is inconsistent with this Action.

- Action 3.6. Identify and promote the conservation of environmental heritage and sensitive environmental areas including the Scenic Hills.

Department Comment: The site lies in the Scenic Hills Area. Council has requested that its position on Scenic Hills Preservation be acknowledged "in all future initiatives" and specified that Council had rejected rezoning requests that sought to permit wide ranging residential development in the Scenic Hills. Council's study of the Scenic Hills recommended that the minimum lot size remain one hectare subject to strict compliance with Council's Model for Bushland Living (Visual Analysis of Campbelltown's Scenic Hills and East Edge Protection Lands, p 123). The option is inconsistent in part with Action 3.6.

- Action 6.24. Ensure natural bushland, open spaces and places are accessible, attractive and safe places for users.

Department Comment: The site is within the Green Grid Priority corridor and in the vicinity of proposed public space. The proposal is inconsistent with Council's LSPS and extends residential development into identified green space (Figure 5).



Figure 5: Site shown within the MRA (light green) (Campbelltown LSPS, 2020, p 52)

Department Conclusion: While these inconsistencies are acknowledged, as indicated in this report the location and nature of the proposal are such that these inconsistencies are justified.

4.3 Consideration of strategic planning merit

4.3.1 Local Planning Panel

On 25 July 2018, Campbelltown Council's Local Planning Panel (LPP) considered the proposal which sought to rezone the subject land from E3 Environmental Management to part R2 Low Density Residential and part E3 Environmental Management. The minutes of the meeting are at **Attachment K**.

The Panel considered that the proposal held broad level strategic planning merit due to its consistency with the urban-rural interface of the locality, adjoining the East Leppington Growth Centre. Relevant comments in support were:

- The site is adjoined on two sides by land developed for residential purposes pursuant to the Growth Centres SEPP and that an electricity easement forms a third boundary of the land proposed to be developed. As a result, the land proposed to be rezoned for residential purposes is currently isolated and appears to no longer be suitable for its current use.
- Appropriate future development of the land, with development consent, would provide an improved transition between the adjoining residential lands and other neighbouring land uses that is currently provided were the site to remain in its current zoning and use.
- While the land forms part of the Scenic Hills area, owing to local topography, sight lines to the Scenic Hills would not be compromised by the proposal.

The Panel's comments for Council's consideration were:

- The proposal has not satisfactorily addressed the current strategic framework established by the District Plan. Therefore, Council should satisfy itself of an appropriate strategic subjectification prior to seeking Gateway determination.
- The following additional matters should be addressed: impact of the gas pipeline on the development footprint; and, a strategy to ensure the existing urban edge is not replicated by future development and a sensitive interface is achieved.

In response, in the council report of 11 June 2019, council officers recommended that the proposal proceed to Gateway determination in an amended form (**Attachment A**). The council report (**Attachment H**) considered the proposal against the Western City District Plan and, in summary, advised:

- Any inconstancy was of minor significance and the overall intent of the District Plan would not be undermined.
- Environmental protection may be strengthened by Identifying areas of Cumberland Plain Woodland on Council's Terrestrial Biodiversity Map and zoning the south eastern part of the site to E2 Environmental Conservation. Identification on the map will require any future development application to demonstrate how the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened species population and habitats.
- To address a sensitive interface, incorporation of controls into a future DCP.

Department Comment: It is considered that the revised planning proposal adequately addresses the comments of the Panel. Further, consideration may be given to impact of the gas pipeline at the consultation stage.

The application was informally referred to the Greater Sydney Commission (GSC) for comment. The GSC advised (**Attachment G**):

- The site is located within the Metropolitan Rural Area under the Western City District Plan and Actions 78, 79; Objective 29; and, Planning Priority W17 of the District Plan apply.
- Rezoning of the land to permit the residential uses on the land is not consistent with maintaining the rural values of the MRA.
- The proposal appears to be inconsistent with the direction in the Greater Sydney Region Plan (Strategy 29.2) and Western City District Plan (Action 79) to limit urban in the MRA.
- The reasons outlined in the planning proposal to justify inconsistency with the District Plan are not supported.
- The proposal appears to be inconsistent with Council's Local Strategic Planning Statement (LSPS), which states: "The Scenic Hills, Wedderburn and the Eastern Protection Lands will be retained as non-urban areas and will continue to provide opportunities for agricultural uses into the future, with CLEP 2015 already making provision for these uses." (page 55).
- Action 5.6 of the LSPS is to: "Work in collaboration with relevant stakeholders to review and implement the recommendations of the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands study" (page 46). Any review of this Visual Analysis should be adopted by Council and endorsed by DPIE before it is used to justify changing land uses in the Scenic Hills.
- While the boundary of the MRA has some anomalies that could be reviewed in the future, a spot planning proposal would not be the appropriate way to review any boundary issues.

Department Comment: While acknowledging these comments, the Department agrees with the view of the panels and the recommendation of council officers.

This view has been taken primarily because of the site's location - immediately adjacent to existing housing development, indicating that the subject land is an appropriate location for further housing development; the topography of the site, presenting a different landscape unit to the Scenic Hills land form; the inability of the site to contribute to the intent of the MRA; and, the application of the proposed open space and environmental management E2 zones which will support, and aid, in embellishing the environmental attributes of part of the site.

While it is also acknowledged that anomalies in the MRA boundary may be addressed holistically, there is no indication this work will be undertaken within a reasonable time. For this reason and given the nature of the proposal, it would not be equitable to withhold progression of the planning proposal on this basis and the proposal is recommended for a conditional Gateway determination.

Further, it is considered that the proposal would give effect to the district plan, in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*, as:

- the nature and location of the site do not support the intent of the MRA, and, therefore the existing zone does not contribute to the plan's effect in this regard; and,

- subject to satisfaction of proposed determination conditions, the planning proposal is consistent with the priorities for liveability and infrastructure.

4.4 Section 9.1 Ministerial Directions

Direction 2.1 Environment Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. This Direction applies as the proposal seeks to reduce environmental protection standards by removing an E3 Environmental Management Zone and applying R2 Low Density Residential, SP2 local drainage and RE1 Public Recreation Zones and reducing the minimum allotment size standard.

The proposal is supported by a flora and fauna assessment (Travers – December 2018 – **Attachment J1**). While the assessment addresses the previous elements of the proposal, involving the retention of the E3 zone, the findings of the assessment remain valid.

The assessment indicates that the total area of Cumberland Plain Woodland vegetation within the site covers 8.35ha but is in a highly degraded condition. The past land management practice within the entire site - which has extended over a decade, has resulted in a low resilience land placed within portions of the site with low resilience. The impacted CPW vegetation is of low quality, has low species diversity and would also be expected to regenerate poorly. The current proposal avoids impacting 3.74 ha of degraded CPW vegetation.

The assessment concludes that proposed vegetation removal is unlikely to result in a significant impact on any threatened species, populations or EECs or their habitats.

The proposed zonings are also suitable for the site in terms of its condition and the ability of the zoning to result in a positive ecological outcome for the site.

In these circumstances, any inconsistency with the Direction is of minor significance.

Direction 2.3 Heritage Conservation

The site does not contain any heritage items or conservation areas and the proposal is not inconsistent with the Direction. The site, however, is adjacent to the State heritage listed item - Sydney Water Upper Canal System, and consultation with the Heritage Council of NSW is recommended as a determination condition. The Department also notes that an Aboriginal heritage assessment has not been carried out and this is recommended as a determination condition.

Direction 3.4 Integrating Land Use and Transport

This Direction applies as the proposal seeks to create a residential zone. The direction aims to improve access to housing, jobs and services through the reduced use of cars and increased use of public transport and active transport options.

The planning proposal does not provide advice on the availability of transport services; destinations; service frequency; and, if appropriate, walking catchment distances to these services.

To determine consistency with the Direction, a determination condition is recommended for this advice is to be provided and the proposal to be updated prior to exhibition. Consistency with the Direction is to be determined prior to an amending local environmental plan being finalised.

Direction 4.4 Planning for Bushfire Protection

The Direction applies as the proposed zoning is located on land that is mapped by Campbelltown Council as being bushfire prone, as illustrated below.

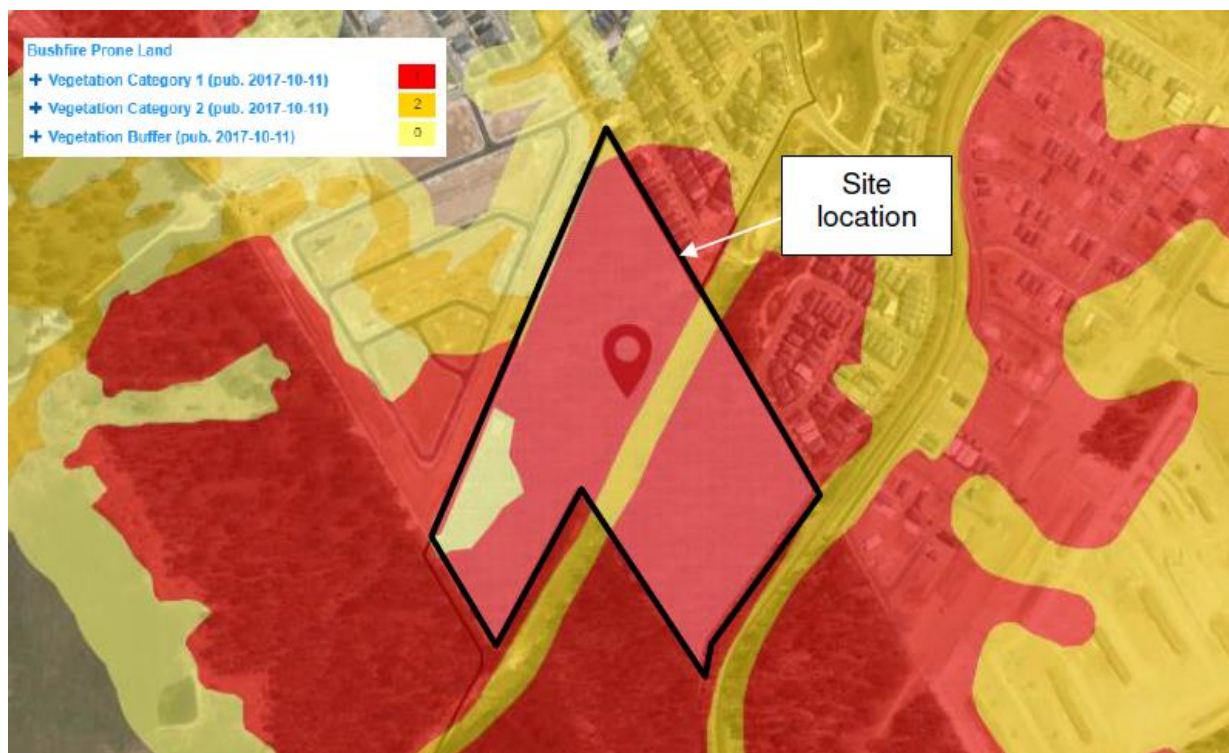


Figure 7: Location of the site in relation to bushfire prone land categories (Source: **Attachment S2**, Bushfire Protection Assessment, p. 13)

The proposal is supported by a bushfire protection assessment (Travers – December 2018) (**Attachment J3**).

The assessment concludes that bushfire can potentially affect the site from the woodland vegetation located beyond St Andrew Road to the south-west and the potential short heath associated with the electrical services easement adjoining the (then) proposed R2 zoned land to the south-east resulting in possible ember attack, radiant heat and potentially flame attack.

The bushfire risk posed to the rezoning proposal, however, can be mitigated if appropriate bushfire protection measures (including APZs) are put in place and managed.

The assessment has been based on an earlier proposal to rezone the site to R2 Low Density Residential and retain the current E3 zone on the remainder of the site. While the findings of the assessment remain valid, it is recommended that the assessment be updated to address the subject planning proposal to clarify the situation. Further, it is understood that an on-going issue has been whether access to the subject land is to be provided through the adjoining residential area, as illustrated in the following diagram.

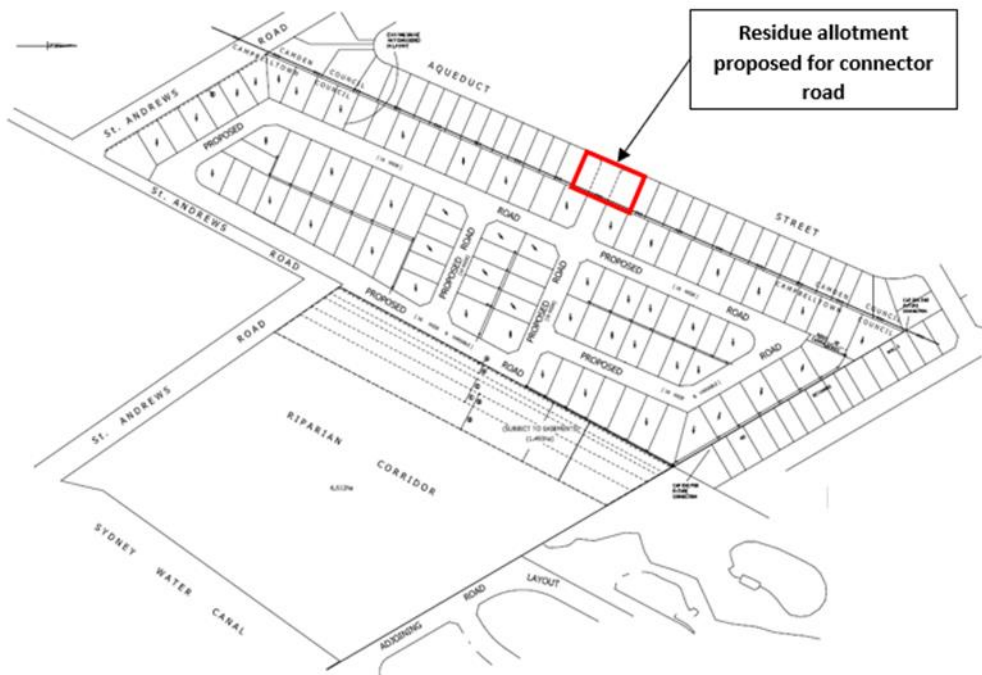


Figure 8: Proposed connector road location to Aqueduct Street

The planning proposal states that the provision of road access via St Andrews Road and/or via Aqueduct Street in the adjoining subdivision is being worked out with Camden Council (**Attachment A** – p. 28). Given that housing development within the adjoining housing estate is progressing, it is not clear whether vacant land will be available for a road connection.

As the assessment report (**Attachment J3**) indicates that bushfire can potentially affect the site from the woodland vegetation located beyond St Andrew Road to the south-west, and should an evacuation route not be available to the north (through the adjoining housing estate), clarification is required over whether St Andrew Road is a suitable evacuation route.

The Direction requires consultation with the Commissioner of NSW Rural Fire Services prior to exhibition. A Gateway condition is recommended accordingly. In view of the above, the recommended condition also requires the assessment report to be updated and to address the suitability of St Andrews Road as an evacuation route.

6.2 Reserving land for public purposes

The proposal seeks to reserve land for a public purpose, i.e. RE1 Public Recreation. The Direction is relevant, which requires approval of the relevant authority and the delegate of the Secretary. The proposal indicates that the Council would be the acquisition authority (**Attachment A**, p.26). As the Council has not endorsed the proposal, however, it has not approved the reservation nor accepted the acquisition role.

A Gateway condition is recommended for the matter to be clarified; the proposal to be updated; and, consistency with the Direction to be determined prior to finalisation of the plan.

4.5 State Environmental Planning Policies

SEPP No. 55 Remediation of Land

A preliminary site investigation has been undertaken (refer to **Attachment J4**: SLR 2015). The assessment indicated that the potential for contamination to be present at the site as a result of past and present land use activities, is considered to be low to moderate. A stage 2 detailed site investigation is recommended.

In accordance with the SEPP, any future development application will require consideration of whether the site is contaminated and whether remediation of the site is required during the development assessment phase.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The heritage listed Sydney Water Canal skirts the south east site boundary. The upper canal is subject to the *Water NSW Act 2014* and the *Water NSW Regulation 2013*. Consultation with WaterNSW is recommended as a determination condition.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

The proposal is not inconsistent with the SEPP. The nature of the proposal satisfactorily addresses the general and specific aims of the SEPP and adequacy of vegetation retention.

State Environmental Planning Policy (Koala Habitat Protection) 2019

The current SEPP commenced on 1 March 2020 before the Department received the rezoning request. A supporting flora and fauna assessment was prepared in December 2018 (**Attachment J1**), which indicated that the site does not comprise core koala habitat. Given the date of the assessment, and in view of the revised SEPP, it is recommended that the 2018 assessment be reviewed and, if necessary, amended prior to exhibition/consultation. Consultation with the Department of Planning, Industry and Environment – Environment, Energy and Science Group is recommended as a determination condition.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and Economic

The proposal will provide social and economic benefits by:

- introducing a low density housing zone, with the potential to provide housing choice and meeting housing demand;
- extending the open space corridor in the adjoining Willowdale development into the site and providing a continuous open space corridor through the site to connect to Emerald Hills and to land to the east in the Scenic Hills; and
- the potential to create a pedestrian and bicycle link along this corridor.

It is noted, however, that the proposal is not supported by a social impact assessment. This assessment is considered necessary to establish whether the social needs of the residents of the proposed residential development can be met by existing facilities/services or whether additional social infrastructure is required.

A determination condition is recommended to address this.

5.2 Environmental

The ecological assessment (**Attachment J1**) confirms the presence of 8.35 ha. of Cumberland Plain Woodland vegetation in a highly degraded condition on the site. The proposal would remove about 4.6 ha. of this vegetation. The impacted

vegetation is assessed as being of low quality; low species diversity; and, may regenerate poorly.

The assessment also contends that the vegetation on the land proposed to be zoned for environmental purposes has the ability to regenerate; can be speedily restored; and, forms part of a larger extensive parcel of vegetated land. In addition:

- the proposed R2 lands would be required to be offset under the Biodiversity Offset Scheme at the time of a subdivision application and the environmentally zoned land would contribute to that offset;
- biodiversity offsetting of the impacted vegetation would result in a significantly better ecological outcome than trying to retain a highly-degraded portion of land; and
- the proposed E2 land can be required to be conserved, restored and protected in perpetuity by conditions of approval or a voluntary planning agreement.

Consultation is recommended with the Department of Planning, Industry and Environment – Environment, Energy and Science Group, as a Gateway condition.

5.3 Infrastructure

Future development of the site would require implementation of a local road network, connection to external collector roads and a stormwater management strategy.

Stormwater

While the site is not flood prone, it drains into Bonds Creek and would require an on-site detention basin to meet peak flows from the development. The flood assessment (**Attachment J5**) indicates that a detailed hydrology and hydraulic assessment should be provided at DA stage.

High Pressure Gas Main

An assessment has been provided to address the potential impact of an existing gas pipeline located adjacent to proposed residential development on the site (**Attachment J2**). Residential development is proposed to be undertaken on the western portion of the site. An Easement for Pipeline (20.0m wide) exists to the immediate eastern extent of the residential development footprint. The assessment briefly concludes that the gas pipeline will not be adversely affected, and it will not pose a significant impediment to the proposed residential subdivision.

To allow further consideration to be given to safety issues, amendment of the supporting assessment, taking into consideration Planning Circular PS 18-010: *Development adjacent to high pressure pipelines transporting dangerous goods* (**Attachment L**), and consultation with Jemena, is recommended as a determination condition.

Traffic

The Traffic and Parking Assessment Report (**Attachment J6**) was prepared in February 2018 on the basis of 98 new residential allotments. The report concludes that the external traffic flows expected to be generated will have no unacceptable traffic implications in terms of road network capacity. The assessment, however, has been prepared on the basis of additional road access being provided through the East Leppington Precinct via a new connector road linking the site to Aqueduct Street.

As indicated, this connector road option may not be possible. Consequently, as a determination condition, it is recommended that the traffic assessment be reviewed and, if necessary, amended in this regard prior to recommended consultation with the Roads and Maritime Services.

6. CONSULTATION

6.1 Community

The planning proposal does not provide a proposed exhibition period, relying on the Gateway determination. A public exhibition period of 28 days is considered an appropriate period to engage the community.

6.2 Agencies

The Department recommends that the following agencies be consulted;

- Department of Planning, Industry and Environment – Environment, Energy and Science Group;
- Heritage Council of NSW (Department of Premier and Cabinet);
- NSW Office of Water;
- Sydney Water;
- Transport for NSW/RMS;
- NSW Rural Fire Service;
- Sydney Water;
- Jemena Gas
- Endeavour Energy; and,
- Camden, Campbelltown and Liverpool Councils

7. TIME FRAME

The planning proposal provides a 12 month timeframe. Given the nature of the proposal, including the requirement to amend supporting studies, this timeframe is considered appropriate and is recommended.

8. LOCAL PLAN-MAKING AUTHORITY

The Panel is required to submit the planning proposal to the Department for finalisation to make the plan.

9. CONCLUSION

It is recommended that the planning proposal proceeds with conditions. The site is located immediately adjacent to existing housing areas, providing a logical extension of housing development.

The nature of the site also indicates the land presents a different landscape unit to the Scenic Hills landform and the current zone does not contribute to the intent of the MRA.

Further, the application of the proposed open space and environmental management E2 zones will support, and aid, in embellishing the environmental attributes of part of the site.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 2.1 Environmental Protection Zones is minor or justified.

2. note that inconsistency with section 9.1 Directions: 3.4 Integrating Land Use and Transport; 4.4 Planning for Bushfire Protection; and, 6.2 Reserving Land for public Purposes, are unresolved and will require further justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended as follows:
 - (a) include a note that an acquisition authority for the land proposed to be rezoned RE1 Public Recreation is to be determined;
 - (b) confirm that adequate social infrastructure is in place, identify these facilities including active and passive open space, and the availability to future residents;
 - (c) provide further commentary on Planning Priority W5 of the Western District Plan, in relation to access to public transport;
 - (d) undertake an Aboriginal Cultural Heritage assessment and respond to the findings.
2. Prior to public exhibition, the supporting assessment reports are to be amended, as follows:
 - (a) Bushfire Protection Assessment: consider the availability of the additional road access being provided through the East Leppington Precinct, and if this connection is not viable, determine whether the evacuation route along St Andrews Road is adequate;
 - (b) Flora and Fauna Assessment: review the assessment to ensure the proposal is consistent with the current version of State Environmental Planning Policy (Koala Habitat Protection) 2019;
 - (c) Gas Pipeline Assessment: address safety issues taking into consideration Planning Circular PS 18-010: *Development adjacent to high pressure pipelines transporting dangerous goods*;
 - (d) Traffic and Parking Assessment: consider the availability of the additional road access being provided through the East Leppington Precinct, and if this connection is not viable, amend the assessment and proposal accordingly.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Department of Planning, Industry and Environment – Environment, Energy and Science Group;

- NSW Office of Water;
- Heritage Council of NSW
- Sydney Water;
- Transport for NSW;
- NSW Rural Fire Service;
- Sydney Water;
- Jemena Gas
- Endeavour Energy;
- Transgrid; and,
- Camden, Campbelltown and Liverpool Councils

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. Given the nature of the planning proposal, the Panel should not be authorised to be the local plan-making authority to make this plan.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge the SWCPP from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.



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Central River City & Western
Parkland City