

## ORD01

ORD01

**SUBJECT: DRAFT PLANNING PROPOSAL - 955, 965 AND 975 THE NORTHERN ROAD, BRINGELLY (BIRLING)**  
**FROM:** Director Planning and Environment  
**EDMS #:** 23/369160

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**PROPERTY ADDRESS**

955 The Northern Road, Bringelly  
Lot: 4 DP: 1218798

965 The Northern Road, Bringelly  
Lot: 121 DP: 1284706

975 The Northern Road, Bringelly  
Lot: 120 DP: 1284706

**PROPONENT**

Cameron Brae Properties Pty Ltd

**OWNER**

Cameron Brae Properties Pty Ltd

**PURPOSE OF REPORT**

The purpose of this report is to advise Council of a draft Planning Proposal for land at 955, 965 and 975 The Northern Road, Bringelly (Lot: 4 DP: 1218798, Lot: 121 DP: 1284706 and Lot: 120 DP: 1284706).

The draft Planning Proposal seeks to amend *Schedule 5 – Camden Growth Centre Precincts of State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Precincts SEPP), which applies to the portion of the Lowes Creek Maryland Indicative Layout Plan (ILP) for the site. The draft Planning Proposal is accompanied by a draft amendment to Schedule 6 – Lowes Creek Maryland Precinct of the Growth Centres Development Control Plan (DCP).

The draft Planning Proposal and draft DCP amendment are provided as **attachments** to this report. The report recommends that Council endorse the draft Planning Proposal for referral to the Department of Planning and Environment for Gateway Determination and public exhibition (subject to Gateway Determination being provided).

**BACKGROUND**

The draft Planning Proposal was lodged in January 2022 by Cameron Brae Properties (the proponent) and seeks to amend the northern portion of the Lowes Creek Maryland ILP applying to the site.

The proposed amendments include a redistribution of residential densities across the site (but no increase in total dwelling yield) and changes to the road and open space network to better reflect the topography of the site. The proposal also includes amendments to the heritage curtilage, height of buildings mapping, and permitted uses for the Birling 1937 heritage item.

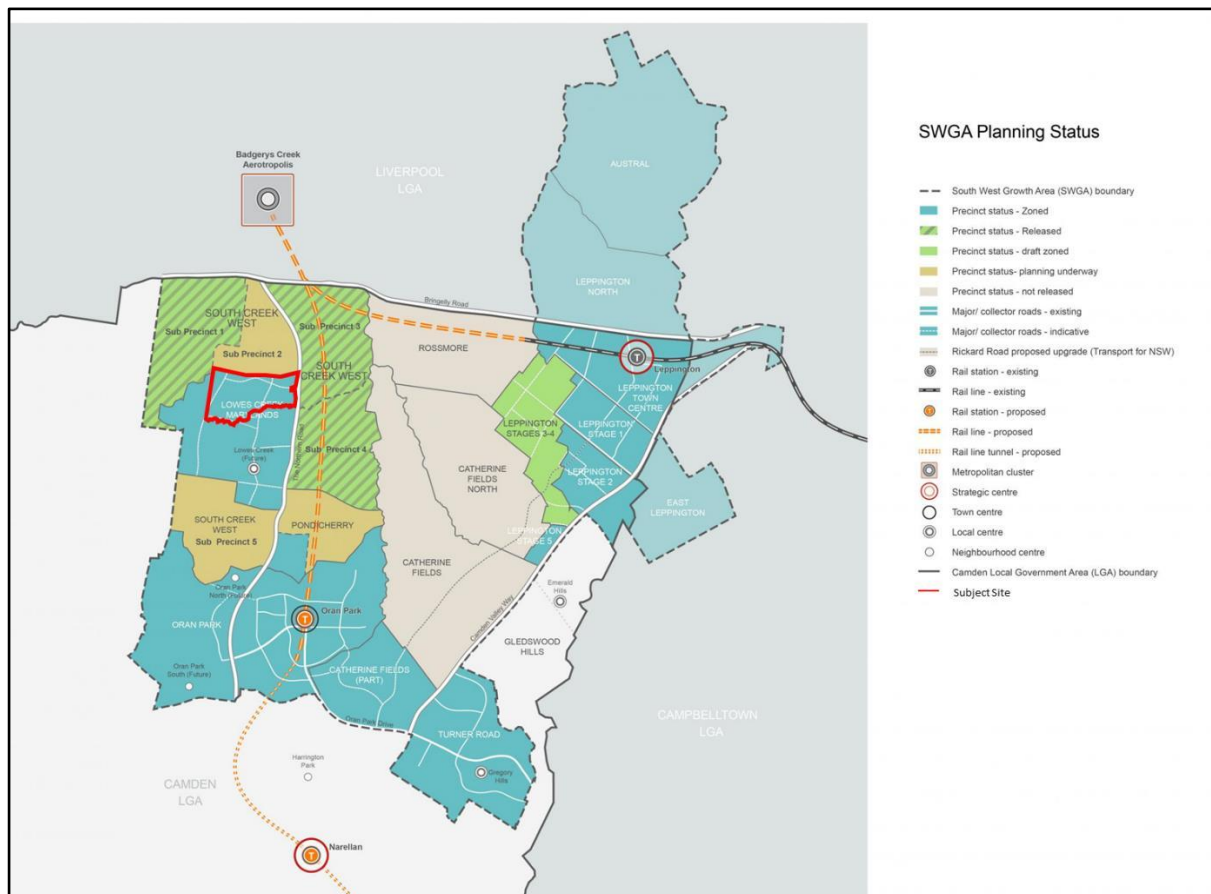
The draft Planning Proposal is accompanied by an amendment to Schedule 6 – Lowes Creek Maryland Precinct of the Camden Growth Centre Precincts Development Control Plan (Growth Centres DCP) to update the ILP and relevant figures. The DCP amendment includes controls relating to the Birling 1812 heritage item and design elements within the related local park.

The draft Planning Proposal was considered by the Camden Local Planning Panel on 18 July 2023. The minutes from the Local Planning Panel meeting are provided as an **attachment** to this report.

Councillors were briefed on the draft Planning Proposal on 19 September 2023.

### Locality

The site is located within the northern portion of the Lowes Creek Maryland Precinct which was rezoned by the Department of Planning and Environment (DPE) in July 2021. The Lowes Creek Maryland Precinct forms part of the South West Growth Area (SWGA) as shown in **Figure 1**.



### Figure 1: Locality Context

## Site Context

The site (outlined in red in **Figures 1 and 2**) forms part of the Lowes Creek Maryland Precinct and will provide approximately 2,103 dwellings of the total 7,000 dwellings throughout the broader Lowes Creek Maryland Precinct. No change is proposed to the total dwelling yield.

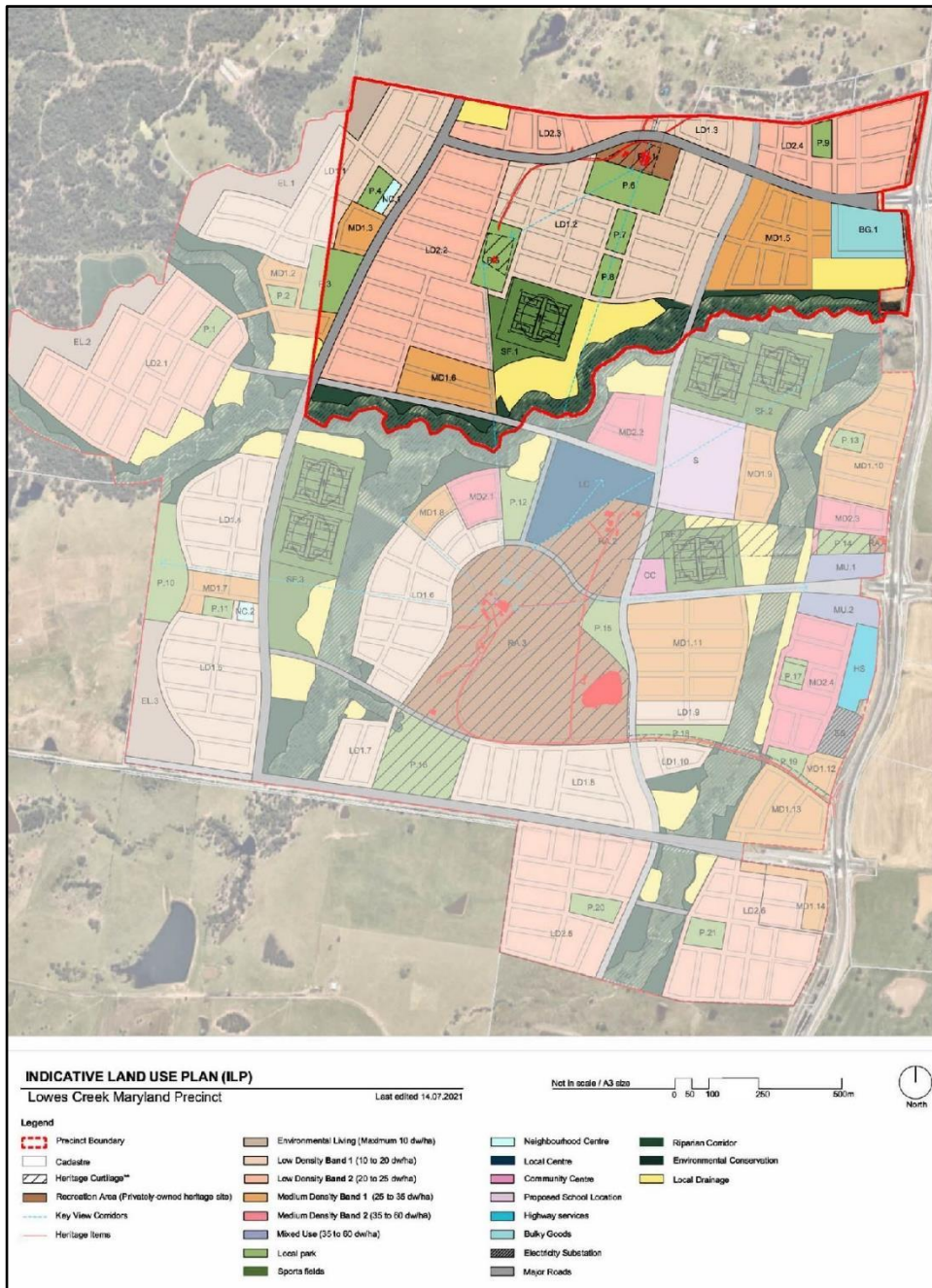


Figure 2: Current Lowes Creek Maryland ILP (Birling Outlined in Red)

The site is approximately 137.19 hectares in size with direct access to The Northern Road. The site is zoned a mix of B1 Neighbourhood Centre, B5 Business Development, C2 Environmental Conservation, C4 Environmental Living, R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation, RE2 Private Recreation and SP2 Infrastructure, under the Precincts SEPP (refer to **Figure 3**).

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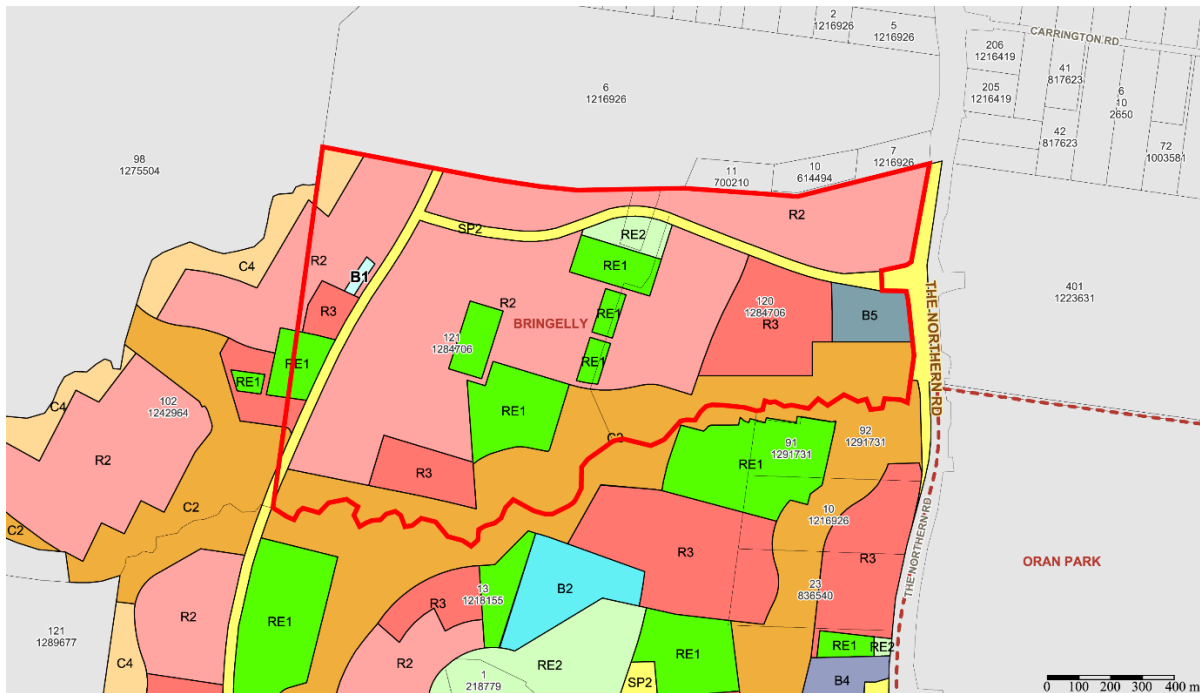


Figure 3: Current Site Zoning, SEPP (Precincts Western Parkland City) 2021

The site contains two local heritage items (refer **Figure 4**), the “Birling 1812” archaeological site and the “Birling 1937” homestead. These items are known as Local Items 23 and 24 within Schedule 5 Environmental Heritage of Appendix 5 of the Precincts SEPP.

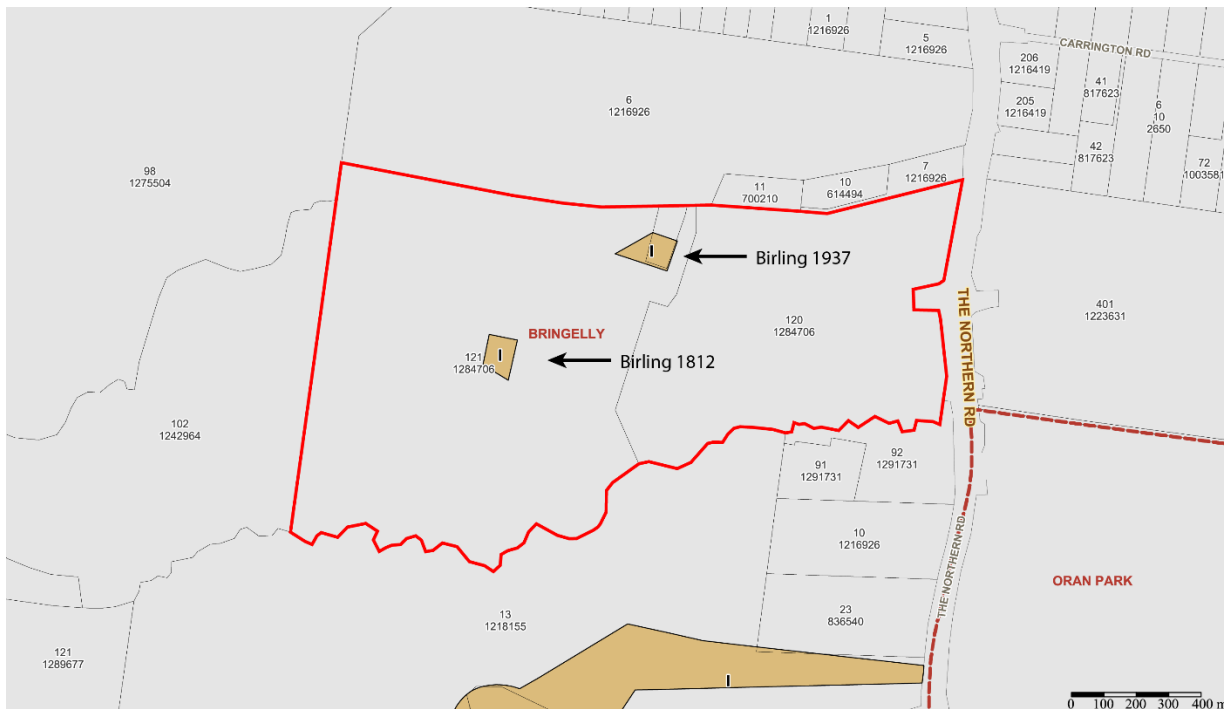


Figure 1: Heritage Mapping, SEPP (Precincts Western Parkland City) 2021



## Initial Notification

The proposal was placed on Initial Notification from 8 - 21 July 2022. Two submissions were received during this period from Heritage NSW and Transport for NSW. A summary of these submissions with officer responses is provided as an **attachment** to this report. The submissions received from both agencies noted the intent of the proposal and did not raise any concerns.

No public submissions were received during the initial notification period.

## MAIN REPORT

The draft Planning Proposal seeks to:

- Amend the Lowes Creek Maryland ILP applying to the site and related mapping within the Precincts SEPP by:
  - Amending the layout of the road and open space networks;
  - Redistributing residential densities across the site; and
  - Amending the heritage curtilage applying to Birling 1937;
- Amend Schedule 1 Additional Permitted Uses of Appendix 5 of the Precincts SEPP to permit Medical Centres, Commercial Premises and Centre Based Child Care Facilities as land uses applying to the Birling 1937 heritage item;
- Amend Height of Buildings mapping within the Precincts SEPP to reflect the current built form of the Birling 1937 Homestead;
- Increase the heritage curtilage applying to the Birling 1937 heritage item to align with the revised road network.

To facilitate these outcomes, the proponent is seeking to amend the portion of the Lowes Creek Maryland ILP applying to the site and make subsequent amendments to relevant mapping within the Precincts SEPP. A summary of the amendments is contained within the Planning Proposal Report, which is provided as an **attachment** to this report.

The draft Planning Proposal is accompanied by a draft amendment to Schedule 6 – Lowes Creek Maryland Precinct of the Growth Centres DCP to update the ILP and relevant figures.

## Key Issues

Council officers have assessed the draft Planning Proposal and the key issues arising from the officers' assessment are discussed below.

### **a) Amendments to Road Networks**

The proposal aims to improve the road network within the ILP and better respond to the site topography. The current road layout dissects Parks 6, 7 and 8 (refer **Figure 5**), which form the central open space spine and view corridor between Birling 1937 and the Maryland Homestead. The current ILP also does not accommodate the view corridor identified between Birling 1812 and Birling 1937.

In addition, the east-west sub-arterial road running north of the Birling 1937 heritage item is currently the main road through the site. The absence of another east-west collector road limits the ability for road, pedestrian and cycle connections.

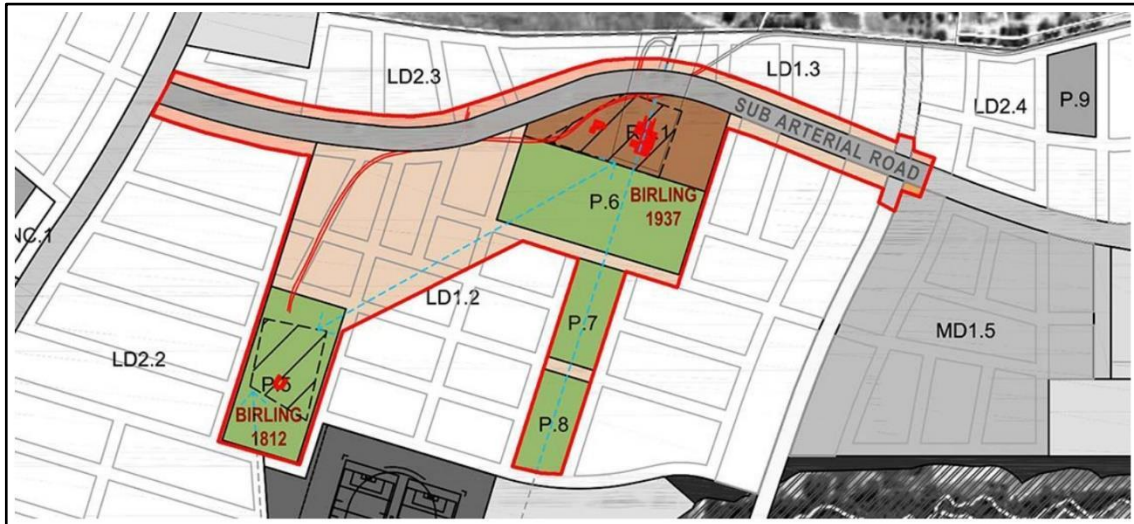
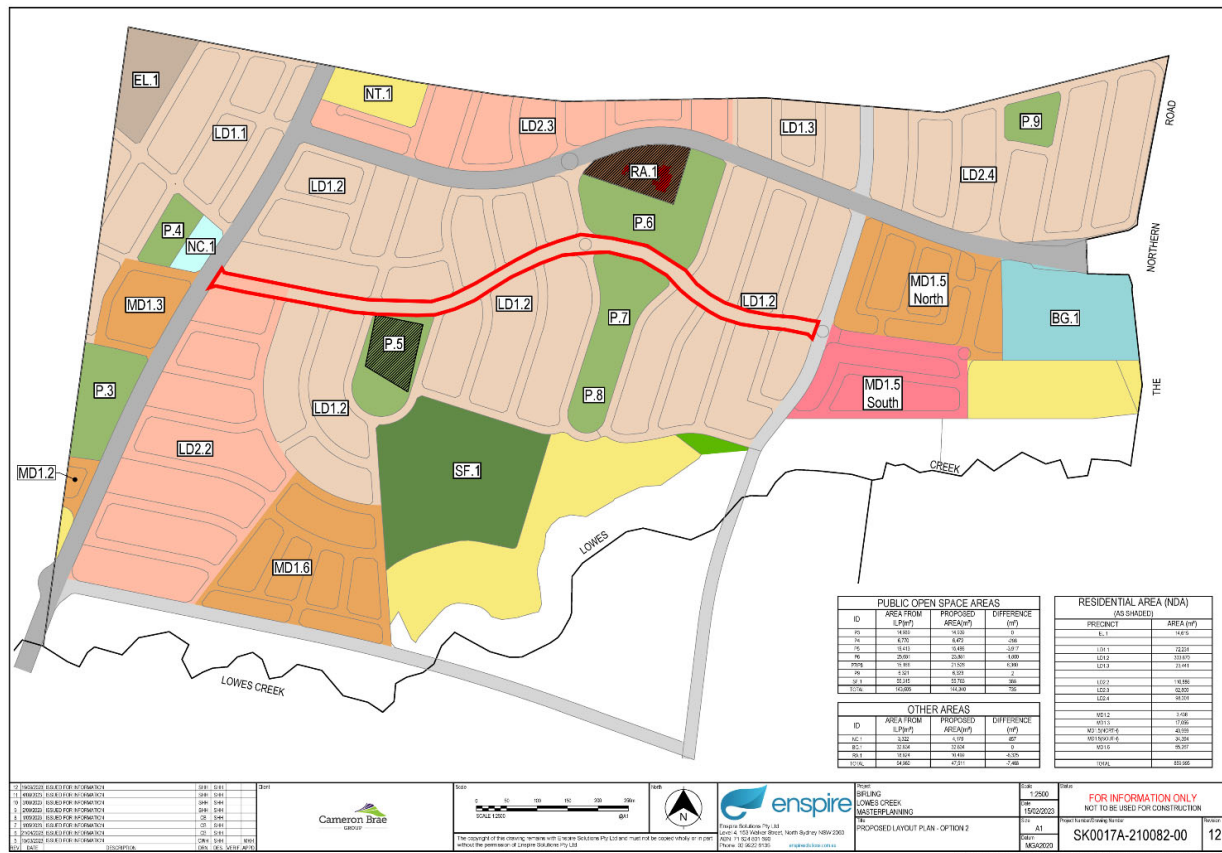


Figure 2: Existing ILP excerpt showing Birling 1812, Birling 1937 and the Sub-Arterial Road

The proposal includes an additional east-west collector road through the site and amendments to the local road network as shown in **Figure 6**. The amended road layout will:

- Improve heritage view corridor linkages and objectives through the open space and road network;
- Improve access and visibility for the Birling 1812 and 1937 heritage items and within the broader Lowes Creek Maryland Precinct;
- Merge the multiple vehicular crossing points in Parks 6, 7 and 8 (central green spine) into one new east-west collector road to improve access and function of the central open space corridor; and
- Improve the pattern of the local road network to address the issues of inefficient super-lot design and orientation (and impacts on landscape, landform and heritage).



**Figure 6: Revised ILP and Road Network (new east-west collector road highlighted in red)**

Officer Comment

The proposed amendments to the road network will facilitate positive heritage, place making and open space outcomes throughout the site.

As part of the draft Planning Proposal, the proponent submitted a Traffic Assessment Report. The report concludes that the proposed amendments to the local road network are acceptable. A copy of the Traffic Assessment Report is provided as an **attachment** to this report. Council's traffic engineers have reviewed the revised road layout and raise no objection to the amendments.

Consolidation of the east-west road network across the Maryland to Birling view corridor will enhance the view corridor, assisting in achieving the overall objectives of the Lowes Creek Maryland Precinct. The consolidation of the previous fragmented central open space corridor will enhance the open space connectivity and accessibility through the precinct.

The draft DCP amendment includes provisions to ensure the existing carriageway between the two heritage items on the site is acknowledged by including interpretive displays within open space and the Birling 1812 heritage curtilage.

The draft DCP amendment includes an additional street cross section for the new east-west road through the site (refer to **Figure 7**). This cross section includes provision for a shared path to provide pedestrian and cycle connections between the Birling 1812 and 1937 heritage items.

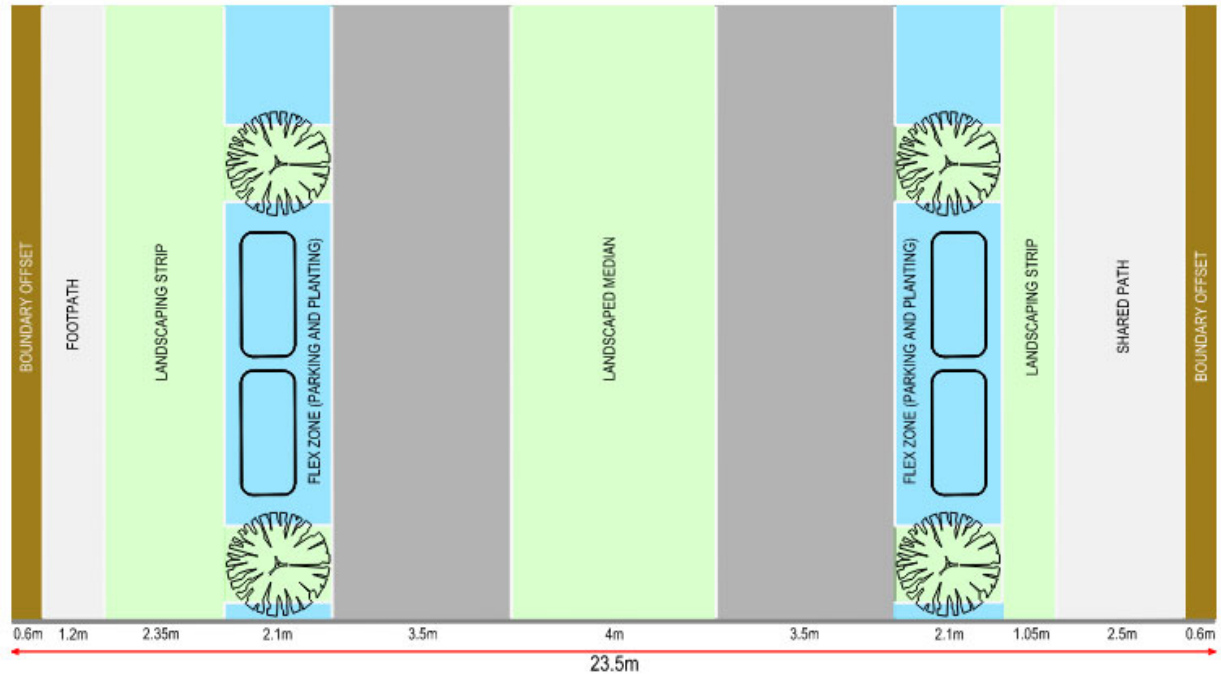


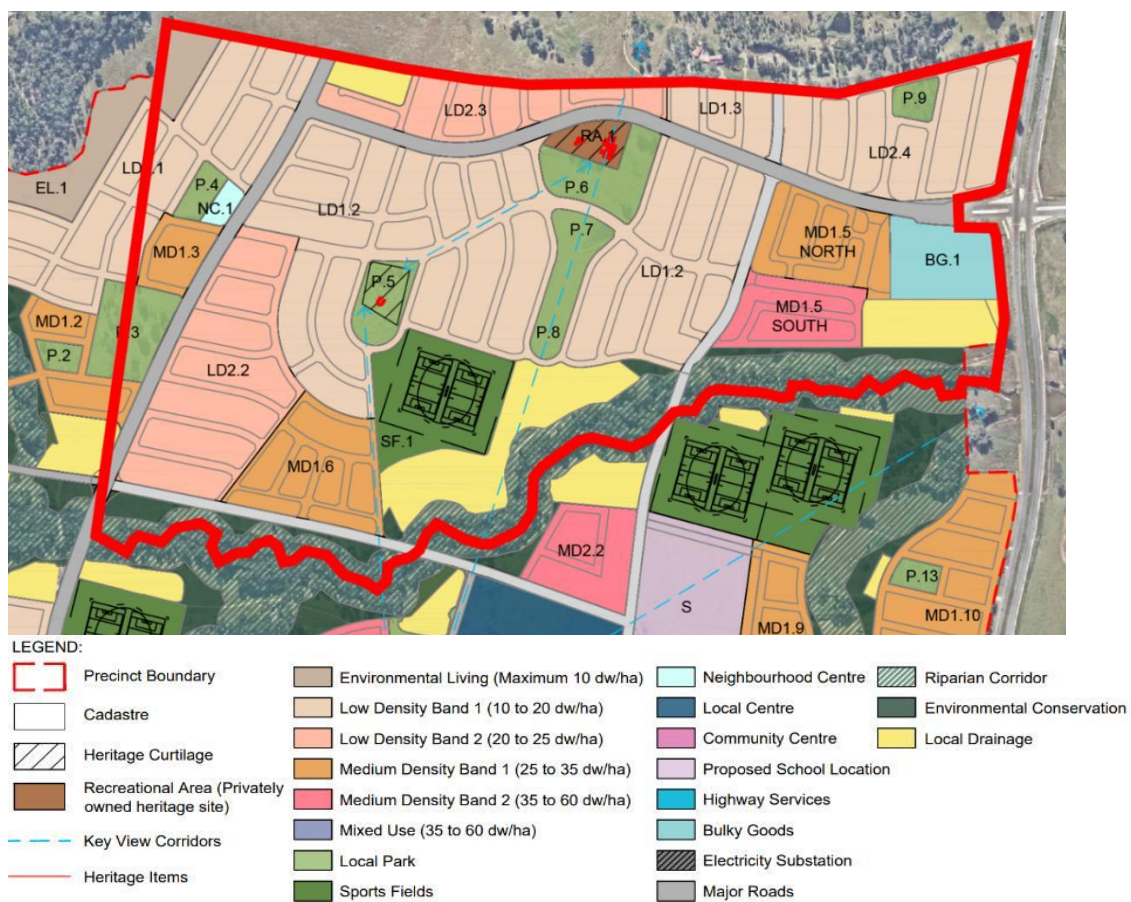
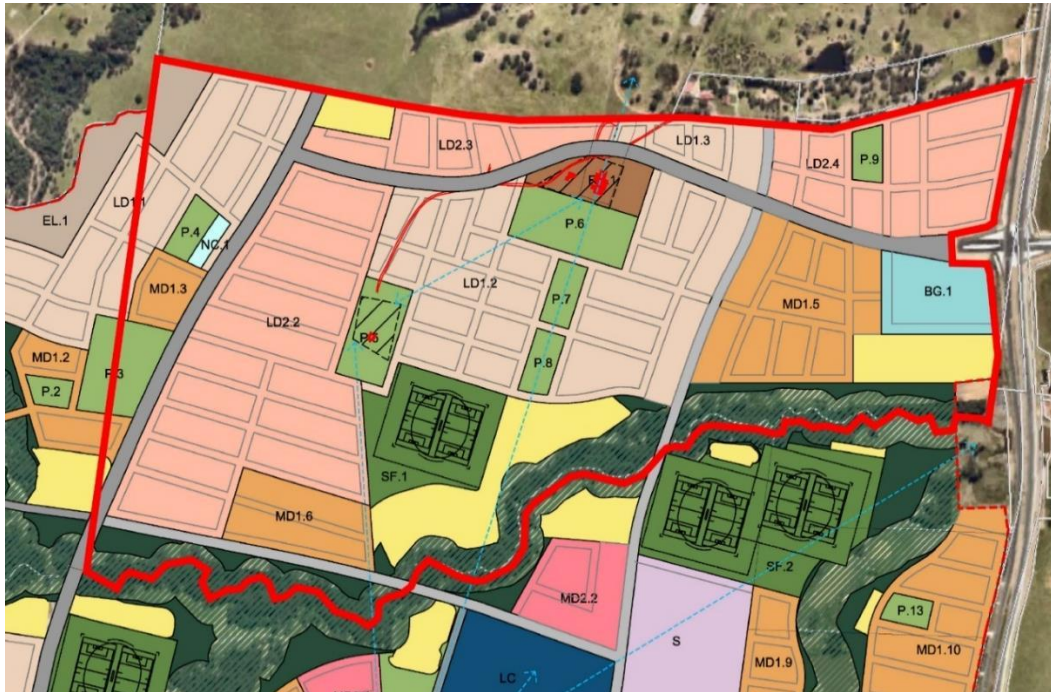
Figure 7: Proposed Cross Section - New East-West Collector Road

## b) Amendments to Open Space Network

The proposal notes that the current open space network does not allow for the retention of existing trees in the north-east portion of the site. In addition, the central open space spine is bisected by roads and fails to utilise the benefits of the Birling 1937 curtilage. To address these issues the proposal includes the following (refer **Figures 8 and 9**):

- Reposition open space in proposed precinct LD2.4 (Park 9);
- Rezone existing RE2 Private Recreation land adjacent to the Birling 1937 Heritage Curtilage to RE1 Public Recreation, allowing protection of the heritage curtilage through provision of a local park in this location; and
- Remove roads traversing the central park to improve functionality and safety, with improved aesthetics and view lines between Maryland and Birling 1937.





### Officer Comment

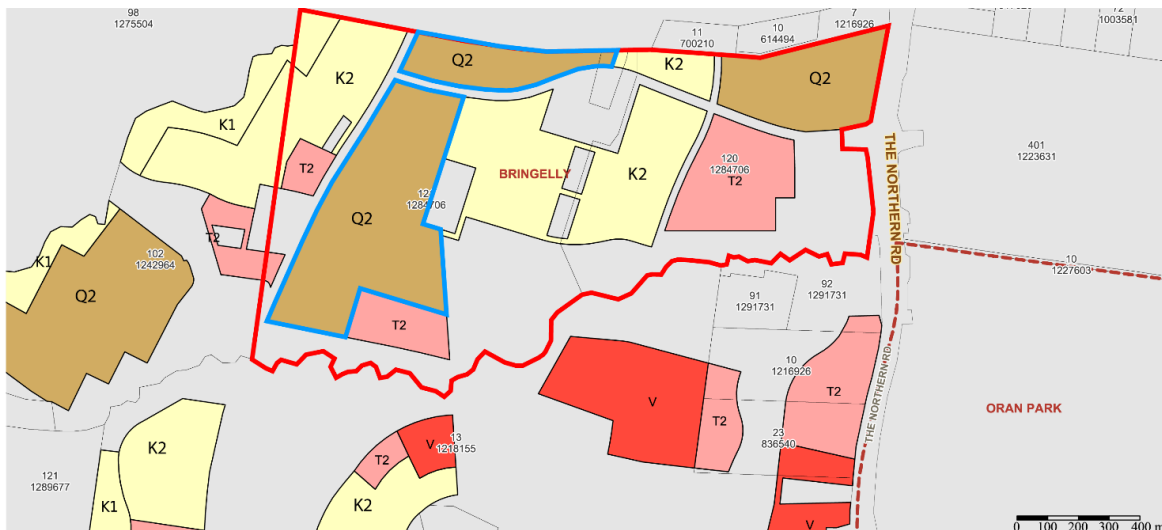
The proposed amendments are considered appropriate in facilitating better open space outcomes across the site through the protection of additional vegetation, increasing the appreciation of heritage buildings and view lines, and improving functionality.

The proposed amendments to the open space network will not result in a loss of open space across the site. A minor increase in total open space will be facilitated by the amendment. It is noted that the proposal will not result in increased dwelling yield, meaning that open space provision remains suitable for the proposed population.

Independent heritage advice received by Council officers has identified that rezoning the land adjoining to the east of Birling 1937 heritage curtilage from RE2 Private Recreation to RE1 Public Recreation is appropriate for the protection of its heritage values and setting.

### c) Redistribution of Residential Densities

The proposal notes that the current pattern of residential densities across the site will result in a large area of Low Density Band 2 (20-25 dw/ha) extending through the western portion of the site (refer to **Figure 10** – outlined in blue).



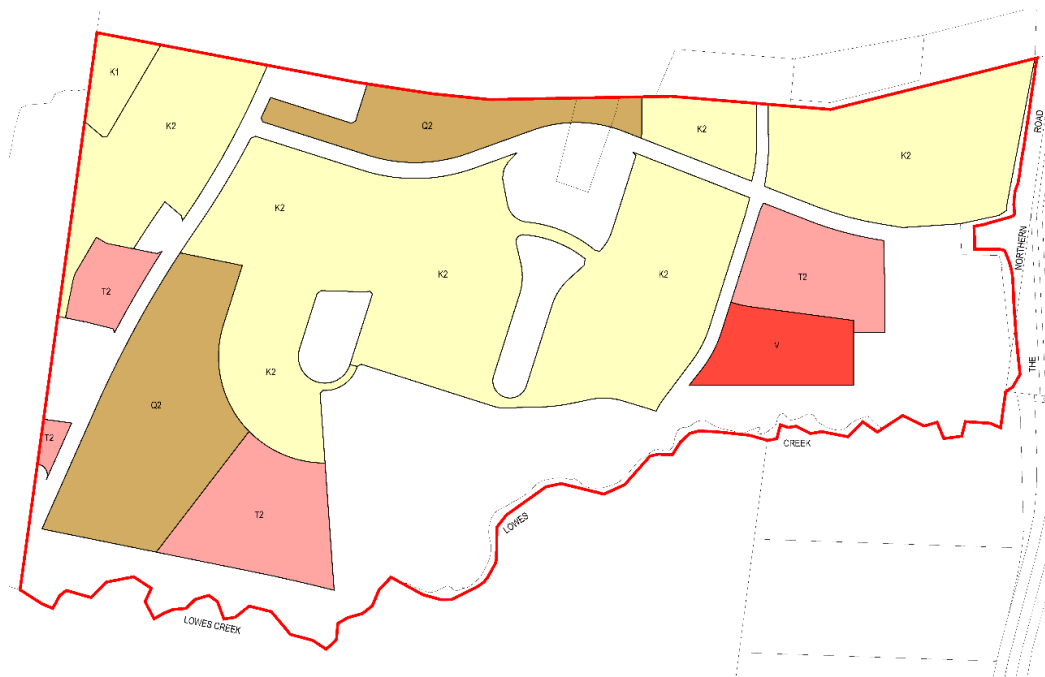
**Figure 10: Current Residential Density Mapping, SEPP (Precincts – Western Parkland City) 2021**

Dwelling Density Range (per hectare)	
K2	10 (Minimum) - 20 (Maximum)
Q2	12.5 (Minimum) - 16.5 (Maximum)
Q2	20 (Minimum) - 25 (Maximum)
T2	25 (Minimum) - 35 (Maximum)
V	35 (Minimum) - 60 (Maximum)

The current location of Low-Density Band 2 on the site is not conveniently located in terms of access to public transport, education services in the eastern part of the site, and facilities within the future local centre in Maryland.

The proposal includes the following (refer to **Figure 11**):

- To reduce density in the western portion of the site by introducing additional Low Density Band 1 (10-20 dw/ha, annotated as “K2” on the SEPP Map) to enhance diversity of housing types/choice; and
- To increase density in the south-eastern portion of the site by introducing an area of Medium Density Band 2 (35-60 dw/ha, annotated as “V” on the SEPP Map) adjoining the existing zoned bulky goods centre (that includes a small, capped amount of convenience retail floor space that can have a low scale neighbourhood retail role).



**Figure 11: Proposed Amendments to Residential Density**

**Dwelling Density Range (per hectare)**

K2	10 (Minimum) - 20 (Maximum)
O2	12.5 (Minimum) - 16.5 (Maximum)
Q2	20 (Minimum) - 25 (Maximum)
T2	25 (Minimum) - 35 (Maximum)
V	35 (Minimum) - 60 (Maximum)

**Officer Comment**

The proposed redistribution of residential densities will not result in an increase to the maximum dwelling yield across the site (refer to **Table 2**), with areas of increased density in the eastern portion of the site being offset by reduced densities in the western portion.



	Current ILP		Proposed ILP	
Density Band	Max Yield	% yield	Max Yield	% yield
Environmental Living (max 10 dw/ha)	14	0.7%	14	0.7%
Low Density Band 1 (10 to 20 dw/ha)	633	30%	859	40.8%
Low Density Band 2 (20 to 25 dw/ha)	939	44.7%	605	28.8%
Medium Density Band 1 (25 to 35 dw/ha)	517	24.6%	419	19.9%
Medium Density Band 2 (35 to 60 dw/ha)	0	0%	206	9.8%
<b>TOTAL</b>	<b>2,103</b>	<b>100%</b>	<b>2,103</b>	<b>100%</b>

Table 2: Yield Assessment - current against proposed

The proposal has demonstrated that densities of 35-60dw/ha (Medium Density Band 2), which could consist of apartments of up to 12 metres in height, are accessible to services in the eastern portion of the site. The area is close to public transport facilitated by the ILP collector and sub-arterial roads, as well as The Northern Road.

This area is also close to future convenience retail facilities within the adjoining zoned bulky goods area, traditional retail (600 metres walking distance to the future Maryland Local Centre), future public K-12 school in Maryland (400 metres walking distance), and the Lowes Creek riparian corridor and recreation fields (380 metres walking distance). An analysis of potential density outcomes facilitated by the proposed 35-60 dw/ha density band (Medium Density Band 2) is provided as an **attachment** to this report.

The proposed increase in density in the eastern portion of the site does not require a change to the current height of buildings provisions in this area (12 metres). Furthermore, the redistribution of density will result in larger lot sizes, which can accommodate detached dwellings, around the periphery of the Birling 1812 heritage item.

#### d) Amendments to Heritage Controls and Curtilages

The proposal has identified that the Birling 1937 heritage curtilage and RE2 Private Recreation zoning do not align, creating potential permissibility issues. It has also been identified that maximum permissible height controls require minor adjustment to align with existing building heights and to ensure that practical and useable built form can be established for new uses.

The Planning Proposal seeks to:

- Increase the Birling 1937 Heritage Curtilage (**Figure 12 and 13**) to the north west so that the curtilage adjoins the sub-arterial road. This aligns the heritage curtilage to the boundaries of the RE2 Private Recreation zone and provides better certainty for future uses within this precinct. The adjustments to the curtilage align with the historical southern fence line for the Birling 1937 House Yard and result in a minor increase to the area of the curtilage from approx. 0.98 hectare to 1.05 hectare.



- Increase the Maximum Height of Buildings Map from 5m to 6m where it applies to the Birling 1937 Heritage Item. This increase is to reflect the current ridge heights of the cottage building, and the ridge of the western wings of the main building for Birling 1937, which are 6m above current ground levels.
- Amend the Minimum Lot Size Map as it applies to the Birling 1937 site (within the RE2 Private Recreation zoned area) from 2 hectares to 1 hectare to ensure that the heritage curtilage (1.05 hectares) can be contained within its own lot in the future subdivision pattern.
- Amend Schedule 1 Additional Permitted Uses of the Precincts SEPP to allow opportunities for adaptive reuse of the Birling 1937 Heritage Item, including possible use for 'commercial premises', 'centre-based child care facility' and 'medical centre'.

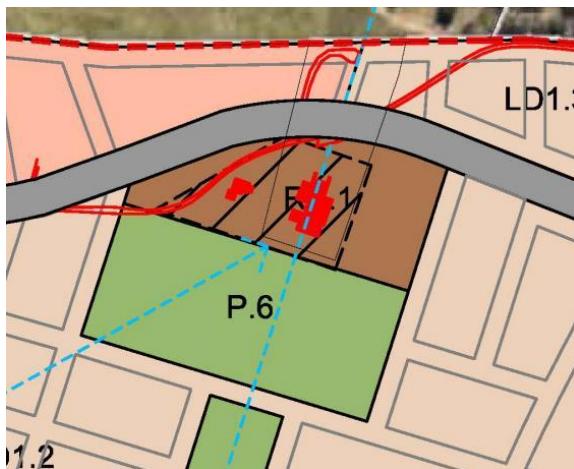


Figure 12: Birling 1937 - current heritage curtilage and RE2 zone and proposed heritage curtilage

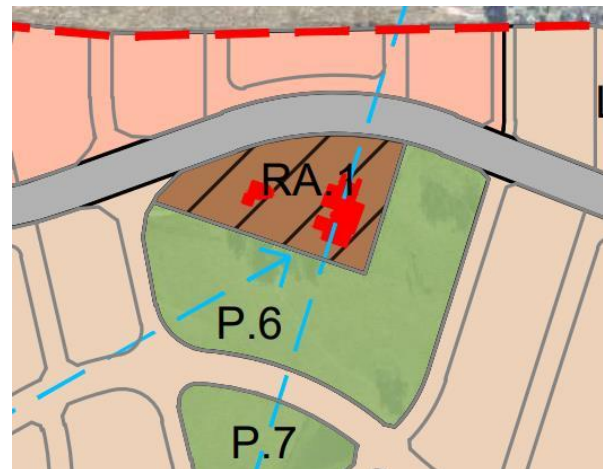


Figure 13: Birling 1937 - proposed heritage curtilage and RE2 zone and proposed heritage curtilage

#### Officer Comment

The proposed amendments and increase to the Birling 1937 Heritage Curtilage have been reviewed by Council's Heritage Officer and an external heritage consultant, are considered appropriate and are supported by Council officers. Rezoning existing RE2 Private Recreation land (directly adjoining the Birling 1937 Heritage Curtilage to the east) to RE1 Public Recreation, provides for a park and is considered suitable for the protection and appreciation of Birling 1937's heritage values and setting.

Proposed minor amendments to the Height of Buildings Map is considered appropriate, as this reflects the current built form of Birling 1937.

#### Assessment Against Key Strategic Documents

The proposal has been assessed against key strategic plans and strategies, including the Greater Sydney Region Plan, Western City District Plan, South West Growth Area Structure Plan, Local Strategic Planning Statement, Community Strategic Plan, Local Housing Strategy and the Centres and Employment Land Strategy. The proposal is generally consistent with the objectives of these key strategic documents. A detailed assessment is provided as an **attachment** to this report.

### **Camden Local Planning Panel**

On 18 July 2023, the Camden Local Planning Panel considered the draft Planning Proposal. The Panel was supportive of the proposal and concluded that it demonstrates strategic and site-specific merit to proceed to Gateway Determination. The Panel also recommended that Council consider whether the proposed curtilage for the Birling 1937 heritage item was capable of accommodating car parking and servicing associated with the proposed additional uses without resulting in unacceptable heritage impacts.

Additional information submitted by the proponent has demonstrated that the area of the heritage curtilage could provide for 56 potential car parking spaces. Council officers consider that the heritage curtilage of Birling 1937 can provide sufficient area for car parking to meet the demand generated by the proposed additional permitted uses.

Any future application for development within the heritage curtilage will be required to comply with the specific land use related car parking rates and heritage development controls established by the Camden Growth Centre Precincts DCP, and the existing heritage provisions of the Precincts SEPP.

A copy of the Panel's meeting minutes is provided as an **attachment** to this report.

### **Assessment of Planning Merit**

Council officers consider that the proposal demonstrates sufficient planning merit to proceed to Gateway Determination as:

- The proposal will result in benefits in relation to protection of heritage items and view lines throughout the Lowes Creek Maryland Precinct;
- The proposal will provide for greater opportunities for housing diversity and typologies through the redistribution of density bands across the site; and,
- The proposal will improve the open space network and pedestrian/cycle connections throughout the precinct and will allow for greater connectivity and access.
- The proposal will improve the road layout through the precinct by responding to the topography of the site.

### **Next Steps**

Subject to Council endorsement, the draft Planning Proposal will be submitted to the DPE for a Gateway Determination.

Subject to a favourable Gateway Determination, the draft Planning Proposal and draft DCP will be placed on public exhibition. If unresolved submissions are received, a further report to Council will be prepared. If no unresolved submissions are received, the draft Planning Proposal will be submitted to DPE for finalisation.

### **Recommended Community Participation Methods**

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

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

- Notification letters to surrounding properties;
- Site signage, including at the Northern Road entrance to the site; and
- Social media posts directing the community to Council's YourVoice Camden website for further information on the proposal.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications for Council as a result of this report.

### **CONCLUSION**

The draft Planning Proposal seeks to:

- Amend the Lowes Creek Maryland ILP applying to the site and mapping within the Precincts SEPP by:
  - Amending the layout of the local road network;
  - Amending the open space network to enhance amenity, and heritage viewlines and outcomes;
  - Redistributing residential densities across the site; and
  - Amending the heritage curtilage applying to Birling 1937;
- Amend Schedule 1 Additional Permitted Uses of Appendix 5 of the Precincts SEPP to permit Medical Centres, Commercial Premises and Centre Based Childcare Facilities as land uses applying to the Birling 1937 heritage item;
- Amend Height of Buildings mapping within the Precincts SEPP to reflect the current built form of the Birling 1937 Homestead;
- Increase the heritage curtilage applying to the Birling 1937 Heritage Item to align with the revised road network.

Council officers consider that the proposal demonstrates strategic and site-specific merit to proceed to Council for endorsement to submit the draft Planning Proposal for Gateway Determination and future public exhibition.

## RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal to be forwarded to the Department of Planning and Environment for Gateway Determination;
- ii. endorse the draft amendment to the Camden Growth Centre Precincts Development Control Plan - Schedule 6 Lowes Creek Maryland;
- iii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition of the draft Planning Proposal and the draft Development Control Plan amendment in accordance with the requirements of the Gateway Determination and the *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021*; and
  - a. notify the Department of Planning and Environment of the exhibition of the draft Development Control Plan amendment, in accordance with the amended delegations issued by the Secretary of the Department of Planning and Environment on 19 January 2015;
- iv. subject to no unresolved submissions being received, forward the draft Planning Proposal to the Department of Planning and Environment for finalisation;
- v. upon notification of the State Environmental Planning Policy amendment being made;
  - a. grant delegation to the General Manager to adopt the amendment to Camden Growth Centre Precincts Development Control Plan - Schedule 6 Lowes Creek Maryland;
  - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021*; or
- vi. if unresolved submissions are received, consider a further report outlining the results of the public exhibition period; or
- vii. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

## ATTACHMENTS

1. Birling Planning Proposal - Draft Planning Proposal Report
2. Birling Planning Proposal - Appendix 6 - Draft DCP Amendment - Schedule 6 Lowes Creek Maryland DCP
3. Birling Planning Proposal - Minutes of Camden Local Planning Panel Meeting - 18 July 2023
4. Birling Planning Proposal - Proposed Indicative Layout Plan
5. Birling Planning Proposal - Draft DCP Amendment - Summary of Amendments
6. Birling Planning Proposal - Summary and Officer Response to Agency



- Submissions - Initial Notification
7. Birling Planning Proposal - Traffic Assessment
  8. Birling Planning Proposal - Draft Planning Proposal Report Addendum - Analysis of Density Outcomes
  9. Birling Planning Proposal - Draft SEPP Mapping Amendments
  10. Birling Planning Proposal - Assessment Against Key Strategic Documents
  11. Birling Planning Proposal - Extent of Notification Area for Public Exhibition

ORD01

**ORD01 DRAFT PLANNING PROPOSAL - 955, 965 AND 975 THE NORTHERN ROAD, BRINGELLY (BIRLING)**

Motion: Moved Councillor McLean, Seconded Councillor Zammit that Council:

- i. endorse the draft Planning Proposal to be forwarded to the Department of Planning and Environment for Gateway Determination;
- ii. endorse the draft amendment to the Camden Growth Centre Precincts Development Control Plan - Schedule 6 Lowes Creek Maryland;
- iii. subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition of the draft Planning Proposal and the draft Development Control Plan amendment in accordance with the requirements of the Gateway Determination and the *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021*; and
  - a. notify the Department of Planning and Environment of the exhibition of the draft Development Control Plan amendment, in accordance with the amended delegations issued by the Secretary of the Department of Planning and Environment on 19 January 2015;
- iv. subject to no unresolved submissions being received, forward the draft Planning Proposal to the Department of Planning and Environment for finalisation;
- v. upon notification of the State Environmental Planning Policy amendment being made;
  - a. grant delegation to the General Manager to adopt the amendment to Camden Growth Centre Precincts Development Control Plan - Schedule 6 Lowes Creek Maryland;
  - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021*; or
- vi. if unresolved submissions are received, consider a further report outlining the results of the public exhibition period; or
- vii. should the draft Planning Proposal not receive Gateway Approval, notify the proponent that the draft Planning Proposal will not proceed.

ORD171/23 THE MOTION ON BEING PUT WAS **CARRIED**

Councillors A Cagney, C Cagney, Campbell, Dommaraju, Farrow, Fedeli, McLean, Symkowiak and Zammit voted in favour of the Motion.

No Councillors voted against the Motion.