State Environmental Planning Policy (Precincts – Western Parklands City) 2021

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| **State Environmental Planning Policy (Precincts – Western Parklands City) 2021 – Camden Growth Centres Precinct Plan** | | |
| **Section** | **Assessment** | **Compliance** |
| **Section 3.30 Consent for clearing native vegetation**  (1) A person must not clear native vegetation on land to which this Part applies without—  (a)  approval under Part 3A of the Act, or  (b)  development consent.  (2) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of bushland caused by the clearing of the vegetation—  (a)  that there is no reasonable alternative available to the disturbance of the bushland,  (b)  that as little bushland as possible will be disturbed,  (c)  that the disturbance of the bushland will not increase salinity,  (d)  that bushland disturbed for the purposes of construction will be re-instated where possible on completion of construction,  (e)  that the loss of remnant bushland caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant bushland,  (f)  that no more than 0.5 hectare of bushland will be cleared unless the clearing is essential for a previously permitted use of the land.  (3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under Part 3, have regard to the objectives for development in that zone. | Development consent is sought as part of this DA. The application seeks the removal of 46 trees across the site, with the majority of trees sought for removal consisting of juvenile Casuarina’s (She-Oaks).   1. Vegetation proposed to be removed is located where a future regional detention basin as per the ILP is located, which is currently proposed as a temporary OSD/WSUD in the interim scenario. In addition, other vegetation sought for removal is located where ILP roads are envisaged, with further vegetation removal within the creek corridor as a result of siltation/waterway obstruction and reforming the creek channel. 2. As identified above, the extent of necessary works conflicts with mapped vegetation. No alternative exists. 3. The proposed works will not result in an increase in salinity. Vegetation removal will be offset through the planting of an additional 4207 trees within specific management zones. 4. A Vegetation Management Plan has been submitted with the application, which specifies replacement vegetation and planting densities. The application is required to replace lost vegetation in accordance with the VMP as part of the subdivision works. 5. Revegetation of the creek corridor will occur in accordance with the VMP, with 4207 trees to be planted within specific management zones. 6. An area of bushland less than 0.5 hectares is proposed to be removed.   3) The objectives of the C2 Environmental Conservation have been considered. Proposed vegetation removal is unavoidable in this instance, however vegetation aligning the creek will be restored with a significant number of trees to be planted, which well exceeds the number of trees sought for removal. | Yes |
| **Appendix 5, 2.3 Zone Objectives and Land Use Table**  The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.  The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.  The zone objectives for this site are:  **R2 Low Density Residential**   * To provide for the housing needs of the community within a low density residential environment. * To enable other land uses that provide facilities or services to meet the day to day needs of residents. * To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. * To provide a diverse range of housing types to meet community housing needs within a low density residential environment.   **C2 Environmental Conservation**   * + To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.   + To prevent development that could destroy, damage or otherwise have an adverse effect on those values. | The larger site is zoned R2 Low Density Residential, R3 Medium Density Residential and C2 Environmental Conservation. The location of the proposed works are zoned R2 Low Density Residential and C2 Environmental Conservation.  Works over the R2 zoned land seeks the creation of residential lots, a public park with ancillary works including the provision of roads. The development will assist in the delivery of housing, that will support a range of family compositions.  Further, the design and layout of proposed lots will allow residents to undertake a range of activities from their homes, where there will be minimal adverse impacts on surrounding land uses. The lots range in size and therefore will be able to accommodate a range of dwelling types that are permissible in the zone, in accordance with the planning controls prescribed in the Camden Growth Centres DCP.  Overall, the development is generally consistent with the R2 zone, pursuant to the Precincts SEPP.  Works sought over the C2 zoned land relate to the construction of a temporary OSD/WSUD basin in the interim period until the ultimate regional bio-retention basin is constructed and removing / reforming the creek corridor, which is currently obstructed. Proposed vegetation removal is unavoidable in this instance, however vegetation aligning the creek will be restored with a significant number of trees to be planted, which well exceeds the number of trees sought for removal.  Accordingly, the development is considered to be generally consistent with the objectives for the C2 zone. | Yes |
| **2.6 Subdivision – Consent Requirements**  Land to which this Precinct Plan applies may be subdivided, but only with development consent. | The application seeks consent for Torrens title subdivision. | Yes |
| **2.7 Demolition**  The demolition of a building or work may be carried out only with development consent. | No demolition works are proposed. | NA |
| **4.1 Minimum Subdivision Lot Size**  This section applies to a subdivision of any land shown on the [Lot Size Map](https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-precincts-western-parkland-city-2021) that requires development consent and that is carried out after the commencement of this Precinct Plan. | The development site is not subject to a minimum lot size, pursuant to the Precincts SEPP. | Yes |
| **4.1AA Subdivision resulting in lots between 225-300m2**  Development consent may be granted to the subdivision of land to which this section applies resulting in the creation of a lot that has an area of less than 300m2 (but not less than 225m2), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot. | 134 lots have a minimum lot size less than 300m2 but not less than 225m2.  Building Envelope Plans have been submitted for lots less than 300m2. The building envelope plans demonstrate that a satisfactory future dwelling house can be achieved on lots less than 300m2. | Yes |
| **4.1AB**   **Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**  (2) This section applies to land in the following zones—  (a) Zone R2 Low Density Residential,  (5) The minimum lot size for a semi-detached dwelling is—  (b) 150m2 if, on the Residential Density Map—  (ii) the dwelling density range (per hectare) in relation to the land is 20–25, | The site is in the R2 Low Density Residential zone with a dwelling density range (per hectare) of 20–25.  Integrated semi-detached dwellings are proposed on lots 1133 and 1134 with a minimum lot size of 223m2. | Yes |
| **4.1AD Exceptions to minimum lot sizes for dwelling houses**  (b) a lot in Zone R2 Low Density Residential that has an area less than 300m2 (but not less than 225m2) if, on the [Residential Density Map](https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-precincts-western-parkland-city-2021)—,  (ii)  the dwelling density range (per hectare) in relation to the land is 20–25.  Q2 – 20(Minimum) – 25(Maximum) | Residential subdivision development and residential development is proposed to occur within the R2 Low Density zoned portion of the site. The subdivision of land seeks lots less than 300m2, but greater than 225m2 pursuant to Clause 4.1AA.  The site is in the R2 Low Density Residential zone with a dwelling density range (per hectare) of 20–25.  Proposed lots range from 225m2 – 521.6m2. | Yes |
| **4.1B Residential Density**  The consent authority must not grant development consent to residential development on land for which a dwelling density range is shown on the [Residential Density Map](https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-precincts-western-parkland-city-2021) if the development will result in the density of dwellings on the land being—  (a)  less than the minimum density specified by the dwelling density range, or  (b)  more than the maximum density specified by the dwelling density range. | The density range is 20(min) – 25(max) as per the Residential Density Map.  The development proposes the creation of 257 residential lots over a net developable area of 14.82ha, with a further six residue lots (Area 17,926m2) for future residential development.  The master plan envisaged for the site identifies that those residue lots will accommodate 98 lots for semi-detached dwellings. Accordingly, the development in the ultimate development scenario will achieve a residential density of 23.95 dwellings per hectare.  355 / 148,200m2 – 23.95dw/ha | Yes |
| **4.3 Height of buildings**  (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map - J1 = 9m | Maximum height of the proposed dwellings is 9m for the dwellings with 22.50 pitched roofs. | Yes |
| **5.9 Preservation of Trees**  A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent. | The site is biocertified, with all existing trees (46 across the site) proposed to be removed. Despite tree removal, revegetation of the creek corridor will occur in accordance with the VMP, with 4207 trees to be planted within specific management zones. | Yes |
| **5.10 Heritage Conservation**  Subdividing land on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance. | The subject site contains two identified Aboriginal sites within the impact area. The application has been referred to Heritage NSW for comment and General Terms of Approval have been provided, including a requirement for a s.90 Aboriginal Heritage Impact Permit to be obtained prior to works commencing. | Yes |
| **6.1 Public Utility Infrastructure**  The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required. | A standard condition is included in the consent, requiring adequate arrangements to be made to ensure all public utility infrastructure is available to accommodate the development. | Yes |
| **6.2 Development Controls – Native Vegetation Retention Areas and Riparian Protection Areas**  This section applies to land—  (a)  in a native vegetation retention area as shown on the [Native Vegetation Protection Map](https://www.planningportal.nsw.gov.au/publications/environmental-planning-instruments/state-environmental-planning-policy-precincts-western-parkland-city-2021).  (5) A person must not clear native vegetation on land to which this section applies without—  (a)  approval under Part 3A of the Act, or  (b)  development consent.  (6) Development consent under this section is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation-  (a) that there is no reasonable alternative available to the disturbance of the native vegetation,  (b)  that as little native vegetation as possible will be disturbed,  (c)  that the disturbance of the native vegetation will not increase salinity,  (d)  that native vegetation disturbed for the purposes of construction will be re-instated where possible on completion of construction,  (e)  that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant vegetation vegetation,  (f)  that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land. | The central part of the site is identified as to having a native vegetation retention and riparian protection area pursuant to this clause.   1. Vegetation proposed to be removed is located where a future regional detention basin as per the ILP is located, which is currently proposed as a temporary OSD/WSUD in the interim scenario. In addition, other vegetation sought for removal is located where ILP roads are envisaged, with further vegetation removal within the creek corridor as a result of siltation/waterway obstruction and reforming the creek channel. 2. As identified above, the extent of necessary works conflicts with mapped vegetation. No alternative exists. 3. The proposed works will not result in an increase in salinity. Vegetation removal will be offset through the planting of an additional 4207 trees within specific management zones. 4. A Vegetation Management Plan has been submitted with the application, which specifies replacement vegetation and planting densities. The application is required to replace lost vegetation in accordance with the VMP as part of the subdivision works. 5. Revegetation of the creek corridor will occur in accordance with the VMP, with 4207 trees to be planted within specific management zones. 6. An area of native vegetation less than 0.5 hectares is proposed to be removed. | Yes |
| **6.8 Studio dwellings**  (1) Development consent must not be granted to development for the purposes of studio dwellings unless the consent authority is satisfied—  (a) the garage above which the studio dwelling will be erected is located at the rear of the lot, and  (b) there will be direct access to the studio dwelling from a street or lane.  (2) In deciding whether to grant development consent, the consent authority must consider the visual impact of the studio dwelling on the surrounding streetscape. | Three garage studios are proposed at the rear of lots 2079, 2080 and 2089, with direct access is provided to the studio dwelling from a street or a lane. The design of the studio dwelling is considered satisfactory and is worthy of inclusion in the emerging streetscape of the Lowes Creek Maryland Precinct. | Yes |