



ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSED AMENDMENT TO STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 - EAST LEPPINGTON

FROM: Director Planning & Environmental Services

TRIM #: 16/284209

PURPOSE OF REPORT

The purpose of this report is for Council to consider a Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the SEPP) which applies to the Willowdale Estate (East Leppington precinct) and to seek Council's endorsement to forward the draft Planning Proposal to the Department of Planning and Environment (DPE), seeking a 'Gateway Determination'.

The Planning Proposal as prepared by the applicant is included as **Attachment 1** to this report.

BACKGROUND

The East Leppington Precinct is located within the South West Priority Land Release Area and traverses the boundary of the Camden, Campbelltown and Liverpool local government areas. The location of the East Leppington Precinct is shown with a red outline in Figure 1 below.

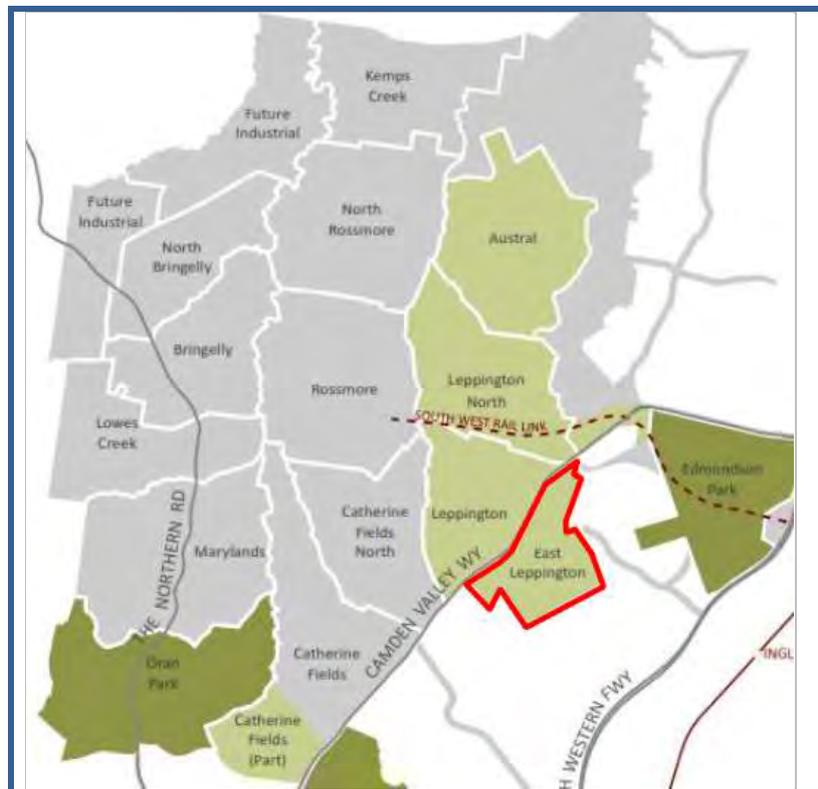


Figure 1 East Leppington Precinct

The subject land is located entirely within the Camden LGA, and forms part of the Willowdale Estate being developed by Stockland as shown with a red outline in Figure 2 below.



Figure 2 Aerial view of the Willowdale Estate

The portion of the precinct that is located in the Camden LGA was rezoned for urban development in March 2013. The Precinct Planning process identified the location and type of future residential development, land for public recreation as well as the location of future roads, electricity substations, and drainage infrastructure.

Following the rezoning of the precinct, development consent has been granted for various development applications relating to bulk earthworks, subdivision, an exhibition village and sales information centre, and works to the riparian corridor. Some of these development applications have utilised Clause 5.3 of the SEPP (the flexible zone boundary provisions) to facilitate a more logical subdivision layout. This has resulted in some residential lots having non-residential land zonings.

In order to simplify the planning process and avoid confusion for landowners, a Planning Proposal has been submitted to Council which seeks the amendment of these land zoning anomalies so that the zoning of the land accurately reflects the intended future use of the land for residential purposes.

Council officers have also identified further minor SEPP mapping anomalies, which have occurred as a result of inaccuracies in the underlying map cadastre during previous SEPP amendments. It is proposed that an additional housekeeping component be included in the Planning Proposal to resolve this issue.



MAIN REPORT

The Planning Proposal

The Planning Proposal seeks to amend the SEPP by:

- Rezoning surplus drainage land to allow for low density residential development;
- Redistributing the location of medium density residential forms so that they are wholly contained within residue lots;
- Amending the zoning on various parcels of land to align land use zones with approved property boundaries;
- Amending the Height of Buildings Map, Residential Density Map, and Land Acquisition Map to ensure the development controls accurately reflect the intended future use of the land and respond to the abovementioned amendments; and
- Amending a number of maps to address minor inconsistencies between property boundaries and cadastral data.

It is noted that the proposed amendments do not result in any additional dwelling density within the Precinct.

The proposed amendments are discussed below.

1. Rezoning surplus drainage land

The Planning Proposal includes the rezoning of two small parcels of land currently zoned and reserved for future drainage purposes **as shown with a red outline in Figures 3 and 4 below.**



Figure 3 : Existing drainage land – current SP2 Infrastructure zoning



Figure 4 : Proposed R2 Low Density Residential zoning (surplus drainage land)

During the detailed design of the Precinct, it was identified that, due to the natural topography of the site, a more appropriate and functional location for the southern basin was adjacent to the riparian corridor to the east of the site. The design work also identified surplus drainage land to the north west of the Precinct.

The relocation of this drainage infrastructure has since been approved through subdivision DAs issued by Camden (DA 788/2013 and 101/2014) and Campbelltown Council (DA 249/2014) and, as a result, the land currently designated and zoned for drainage is no longer required for this purpose. It is therefore proposed to rezone this surplus drainage land to R2 Low Density Residential.

The Height of Buildings and Dwelling Density Maps will also be amended by including the controls that currently apply to the surrounding R2 Low Density Residential land which are as follows:

- maximum building height of 9m; and
- minimum dwelling density of 15 dwellings/hectare.

The Planning Proposal will also amend the Land Reservation Acquisition Map by removing these two parcels of land as they no longer need to be acquired for drainage purposes.

2. Redistributing the location of medium density land

The Precinct includes a portion of land zoned R3 Medium Density Residential, located adjacent to Willowdale Drive as shown with a red outline in **Figures 5 and 6** below.

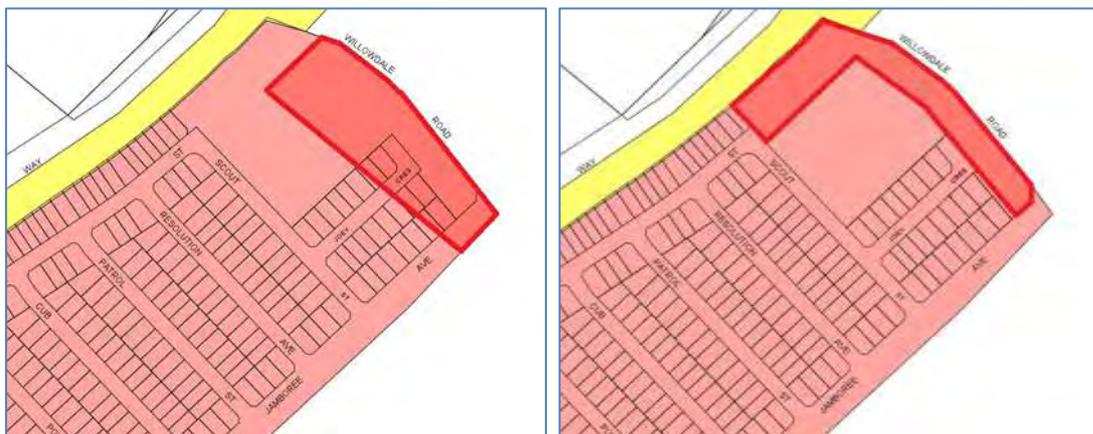


Figure 5 Existing R3 Medium Density Residential zoned land

Figure 6 Proposed amendment to R3 Medium Density Residential zoned land

Several lots located within this zone have been approved through earlier subdivision applications to allow for low density residential development. The Planning Proposal seeks to rezone the approved low density residential lots so that they are wholly contained within the R2 Low Density Residential zone. It is then proposed that the medium density zoning be reconfigured so that it is wholly located within the two residue lots yet to be developed. The proposed redistribution of the R3 Medium Density zone is **shown with a red outline in Figure 6**. It is noted that the proposal is consistent with the approved subdivision pattern **as shown in Figure 7**.

The redistribution of the medium density zone to these two lots is considered to provide a logical planning outcome as it reflects the approved subdivision pattern to date. The proposed location for the medium density land is contiguous and is contained by local and major roads.

The proposal does not result in any additional land being zoned for medium density development. Redistributing the R3 Medium Density zone as proposed will result in a total combined area of 13,735m² for land zoned for medium density, representing a reduction of approximately 22% in land zoned for these housing forms.



Figure 7 Proposed amendment to R3 Medium Density Residential zoned land (shown with red outline) and approved low density subdivision pattern

3. Rezoning recreation land to residential

The Indicative Layout Plan (ILP) and SEPP developed at the time of rezoning identifies a future local park on land zoned RE1 Public Recreation **and shown with a red outline in Figure 8.**



Figure 8: Existing RE1 Public Recreation zoned land for local park (approx. 11,400m²)



Figure 9 Proposed amendment to RE1 Public Recreation zoned land for local park (approx. 6,700m²)



Following detailed subdivision design, the location of the local park was adjusted in order to fit with the proposed road and subdivision layout. The amended location of the local park is consistent with the East Leppington Voluntary Planning Agreement (VPA) and was approved via DA 101/2014 using the flexible zone boundary provision included under Clause 5.3 of Appendix 9 of the Growth Centres SEPP.

Clause 5.3 provides flexibility where a site is located within proximity (being 50m for the East Leppington Precinct) to a land zone boundary, and where the land uses that are permissible in that adjoining zone would result in a more logical and appropriate development for the site.

Whilst dwelling houses are a permissible land use on lots with a RE1 Public Recreation zoning under the flexible zone boundary provisions of the SEPP, the planning proposal seeks the rezoning of these lots to R2 Low Density Residential, which is consistent with the surrounding residential zoning and reflects the intended use of the land, avoiding confusion for future landowners.

The proposed amendments reduce the extent of land zoned RE1 Public Recreation in the Camden portion of the East Leppington Precinct by approximately 4,700m². However, the total area of land zoned for open space within the Precinct as a whole has been increased. The reduction in this location was negotiated during the preparation of the VPA in exchange for the provision of an additional 8,000m² of junior playing fields to be provided in the Campbelltown portion of East Leppington. Council officers reviewed the proposed relocation during the VPA negotiations and determined this to be an improved outcome overall. The VPA containing the park (as per the proposed amendment) was endorsed by Council on 11 March 2014.

The proposed amendment to the R2 Low Density Residential and RE1 Public Recreation zones are shown in **Figure 9**.

The Height of Buildings and Dwelling Density Maps will also be amended by including the controls that currently apply to the surrounding R2 Low Density Residential land which are as follows:

- maximum building height of 9m; and
- minimum dwelling density of 15 dwellings/hectare.

The RE1 Public Recreation land is also identified for future acquisition by Council and, as such, the Land Reservation Application Map will also be amended to reflect the location of the park and remove the land acquisition requirement from the private lots.

4. Minor Amendments (Housekeeping)

Council officers have identified minor mapping anomalies along the northern and western property boundaries of the Precinct, which have occurred as a result of discrepancies with the underlying mapping cadastre in earlier mapping amendments.

The Planning Proposal will resolve these technical issues by requesting that the appropriate maps are correctly aligned to property boundaries and the current accurate mapping cadastre. The proposed housekeeping amendments are considered minor in nature and will ensure that the SEPP maps accurately reflect the intended future use of the land.



Camden Growth Centres Development Control Plan

Schedule 6 of the Camden Growth Centres Development Control Plan. (DCP) applies to the land.

The proposed amendments do not require any immediate changes to the current DCP. Whilst the proposal will alter the location of some land uses as shown on the Indicative Layout Plan (ILP) for the Precinct, it is considered that given the minor nature of the amendments and the advanced stage of development in the Precinct, amending the ILP is not necessary at this stage. It is proposed that these minor ILP changes will be included in a future review of the DCP.

Adjacent landowners will be notified of the proposed changes and will have the opportunity to comment through the public exhibition period.

Next Steps

Should Council endorse the recommendation, the following steps will occur:

1. Council officers will forward the Planning Proposal to the Minister for Planning and Environment, seeking a 'Gateway Determination' and authorisation that the SEPP amendment process may proceed;
2. Upon receipt of the Gateway Determination, Council will consult with relevant public authorities and the Planning Proposal will be publicly exhibited;
3. Submissions to the Planning Proposal exhibition will be reviewed;
4. If no unresolved submissions are outstanding, the Planning Proposal will be forwarded to the DPE to be made; or
5. If unresolved submissions are outstanding, a further report will be prepared for the consideration of Council.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of the Planning Proposal.

CONCLUSION

The Planning Proposal seeks an amendment to the Growth Centres SEPP which applies to the East Leppington Precinct.

The proposal will ensure that the controls relating to the East Leppington Precinct accurately reflect the intended use of the land and align with the approved subdivision pattern as well as providing greater certainty for landowners. The proposed amendments are considered to be minor and result in no overall increase in residential density in the Precinct.

RECOMMENDED

That Council:

- i. **endorse the Planning Proposal to amend Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006;**
- ii. **forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination;**



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- iii. following receipt of a Gateway approval, exhibit the Planning Proposal for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 and Regulations*;
 - iv. at the conclusion of the public exhibition period:
 - a. if there are no unresolved submissions, forward the Planning Proposal to the Department of Planning and Environment to be made; or
 - b. if unresolved submissions are received, require that a report be brought back to Council that outlines the results of the exhibition period.

ATTACHMENTS

- 1. East Leppington Planning Proposal Willowdale Precinct

ORD232/16 THE MOTION ON BEING PUT WAS **CARRIED**
(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

CONFIRMATION OF MINUTES

Resolution: Moved Councillor Fedeli, Seconded Councillor C Cagney that the Minutes of the Ordinary Council Meeting held 25 October, 2016, and the Minutes of the Local Traffic Committee meeting of 18 October, 2016, copies of which have been circulated, be confirmed and adopted.

ORD233/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD01 CONSTRUCTION OF A NEW CHILD CARE CENTRE AND ASSOCIATED SITE WORKS AT 4 RAINTREE WAY, MOUNT ANNAN.

(Cr Mills, having declared a pecuniary interest, left the Chamber – the time being 6.20pm.)

AMENDMENT

Resolution: Moved Councillor Sidgreaves, Seconded Councillor Morrison that Council approve DA 262/2016 for the construction of a 120 space child care centre and associated site works with a further condition to be added that the gates remain closed until 6am.

ORD234/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fedeli and Morrison voted in favour of the Motion. Councillors Campbell, C Cagney, A Cagney and Farrow voted against the Motion. The motion was carried on the casting vote of the Mayor/Chairperson.)

(Cr Mills returned to the Chamber – the time being 6.40pm.)

ORD02 PROPOSED AMENDMENT TO STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 - EAST LEPPINGTON

Resolution: Moved Councillor Fedeli, Seconded Councillor Sidgreaves that Council:

- i. endorse the Planning Proposal to amend Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- ii. forward the Planning Proposal to the Department of Planning and Environment for a Gateway Determination;
- iii. following receipt of a Gateway approval, exhibit the Planning Proposal for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations; and

- iv. at the conclusion of the public exhibition period:
- a. if there are no unresolved submissions, forward the Planning Proposal to the Department of Planning and Environment to be made; or
 - b. if unresolved submissions are received, require that a report be brought back to Council that outlines the results of the exhibition period.

ORD235/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD03 WESTERN SYDNEY RAIL NEEDS SCOPING STUDY SUBMISSION PAPER

Resolution: Moved Councillor Farrow, Seconded Councillor Fedeli that Council:

- i. endorse the submission attached to this report, submitted on 28 October 2016, in response to the Western Sydney Rail Needs Scoping Study – Discussion Paper;
- ii. forward copies of Council’s final submissions to the Federal Member for Hume, the Hon. Angus Taylor MP, the Federal Member for Macarthur, Dr Michael Freeland, and the State Member for Camden, Mr Chris Patterson, for information and support for Council; and
- iii. forward a copy to the Greater Sydney Commission.

ORD236/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD04 TENDER - T017/2016 - TREE MAINTENANCE SERVICES

Resolution: Moved Councillor Fedeli, Seconded Councillor Morrison that Council accept the tender submitted by CPE Tree Services Pty Ltd for the Tree Maintenance Contract T017/2016, for a three year contract.

ORD237/16 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD05 TENDER T001/2017 - NARELLAN SPORTS HUB - STAGE 1 CONSTRUCTION OF CIVIL WORKS, SERVICES AND NETBALL COURTS

Resolution: Moved Councillor Fedeli, Seconded Councillor Morrison that Council:

- i. decline to accept any of the tenders submitted in response to Tender T001/2017 being Narellan Sports Hub Stage 1 Construction of Civil Works, Services and