



SOUTH WEST PRIORITY GROWTH AREA

## Lowes Creek Maryland

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Finalisation Report

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## Executive Summary

Along with supporting documents, this report outlines amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) to rezone the Lowes Creek Maryland Precinct, primarily for urban purposes.

Rezoning the precinct will supply 7,000 homes, facilitate 2,200 jobs, provide a central hub of co-located social infrastructure, including a local centre, open space and recreational facilities and a potential school site, that can be readily serviced and developed in the South West Growth Area (SWGA).

The rezoning of the precinct facilitates the NSW Government's vision of integrated and connected cities where most residents live within 30 minutes of their jobs, services, education and health facilities and green space.

The draft Lowes Creek Maryland rezoning package, including a discussion paper, draft structure plan and draft Growth Centre SEPP maps, was exhibited between 28 September 2018 and 9 November 2018. A total of twenty-six submissions were received, including:

- 15 submissions from developers, industry groups, landowners and the community; and
- 11 submissions from Government agencies and utility providers, including Camden Council and NSW Heritage.

The key issues raised in submissions included:

- flooding and water cycle management;
- odour;
- the provision of adequate infrastructure;
- heritage;
- traffic and transport; and
- prescriptive planning controls.

The draft precinct rezoning package was also reviewed by the NSW Government Architects Office.

A discussion of the major issues is at **Section 4** and a summary of the review undertaken by the NSW Government Architects Office, as well as, all submissions and the Department of Planning, Industry and Environment (the Department) response is at **Attachment Submissions**.

The main changes to the structure plan, made at post-exhibition stage, include:

- Optimising the design of the water basins in collaboration with the proponent, Camden Council and the Department.
- Provision of additional open space to conserve Aboriginal scar trees and to ensure local parks achieve a minimum area of 5,000m<sup>2</sup>.
- Redistribution of residential densities to address issues with topography, visual amenity, concerns about the ability to deliver small lot housing, and to provide more certainty for built form.
- The introduction of two small scale neighbourhood centres, with adjoining medium density residential development and open space in the north and south of the precinct, to service the needs of people who live or work in the

surrounding neighbourhood, as well as, supporting walkability and social interaction.

- Amendments to the layout of the sub precincts to improve lot layouts, open space provision, connectivity and interface with the sub arterial and collector roads.

This Finalisation Report outlines the consultation process, summarises the issues raised during the exhibition and at post exhibition stage, including the development of the Indicative Layout Plan and, the manner in which these issues have been addressed to finalise the planning for the precinct.

# 1 Introduction

## 1.1 Overview

The rezoning of the Lowes Creek Maryland Precinct (the precinct) responds to the demand for housing and facilitates the Government's vision for the Western Parkland City.

That vision, as well as a number of objectives identified in A Metropolis of Three Cities: A Greater Sydney Region Plan and the Western City District Plan, include:

- contribution to housing supply, needed to support future communities;
- the delivery of liveability and sustainability outcomes, including the protection of Lowes Creek, a tributary of Wianamatta-South Creek; and
- the provision of employment opportunities closer to people's homes, as well as, contributing to the NSW economy.

Lowes Creek Maryland will provide a variety of housing types for its estimated population of approximately 22,400 people.

Residents will be able to utilise the extensive network of high-quality sporting fields, parks, rehabilitated riparian zones, and cycling and walking paths that will offer links across the Precinct, including the local centre and a potential site for a school.

Rezoning will conserve Aboriginal scar trees within dedicated public open space. European heritage sites will also be sensitively integrated with new development. This will ensure that the rural character and collective history of the area will be protected.

The draft Lowes Creek Precinct rezoning package was exhibited between 28 September 2018 and 9 November 2018. If approved, the precinct will be rezoned for urban development under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Rezoning of the precinct will:

- permit development for a range of urban purposes, including housing for up to 7,000 new homes for approximately 22,400 people;
- provide a local centre comprising 20,000m<sup>2</sup> of gross floor area (GFA) for retail uses;
- provide a mixed-use retail area at the main entry to the precinct from The Northern Road, comprising approximately 4,000m<sup>2</sup> GFA;
- enable highway services adjacent to the mixed-use fronting The Northern Road and a bulky goods area at a northern sub-arterial road entrance;
- provide two small scale neighbourhood centres in the north-west and south-west of the precinct; and
- facilitate a potential school site and community facility.
- introduce controls to define minimum and maximum residential density targets and ensure the application of appropriate standards for subdivision and urban development;
- protect Aboriginal heritage sites within local parks and riparian areas;

- protect three European heritage sites: Maryland Homestead, 'Birling 1812' footings and 'Birling 1937' structures, including buildings, archaeological remains, settings, landscapes and views;
- conserve approximately 34% of the Precinct as green space and drainage infrastructure, including local parks, six sporting fields and 22 hard courts, stormwater detention and water quality treatment areas, riparian corridors along Lowes Creek and its tributaries, and environmental conservation – forming part of the blue and green grid of the Western Parkland City; and
- identify and facilitate delivery of infrastructure that is required to support development.

Following public exhibition, the Department of Planning, Industry and Environment (the Department), in collaboration with Camden Council (Council), undertook an extensive review of issues raised in submissions.

This report documents the consultation process and the manner in which the issues raised in submissions have been addressed to finalise the precinct plan.

## 1.2 Amendments to State Environmental Planning Policy (Sydney Region Growth Centre) 2006

The rezoning will amend Appendix 9 Camden Growth Centres Precinct Plan of the Growth Centres SEPP, by introducing planning controls and provisions to guide the development of the precinct, as follows:

- rezone the land for housing and employment purposes;
- introduce density bands;
- introduce building heights, floor space ratio and minimum lot size requirements;
- introduce controls to protect riparian protection areas;
- introduce additional permitted uses to certain sites;
- include the Maryland Homestead, Birling 1812 and Birling 1937 within the heritage schedule.

Further, various maps under the Growth Centre SEPP will be amended to support and illustrate the application of controls.

In addition, an Indicative Layout Plan (ILP) identifies the indicative location of roads, residential and business areas, open space, infrastructure, a potential school site, as well as, a community facility.

The Department is also preparing amendments to the Camden Council Growth Centres Precincts Development Control Plan (Camden Growth Centres DCP) in consultation with Council. This will provide detailed design controls for development within the precinct.

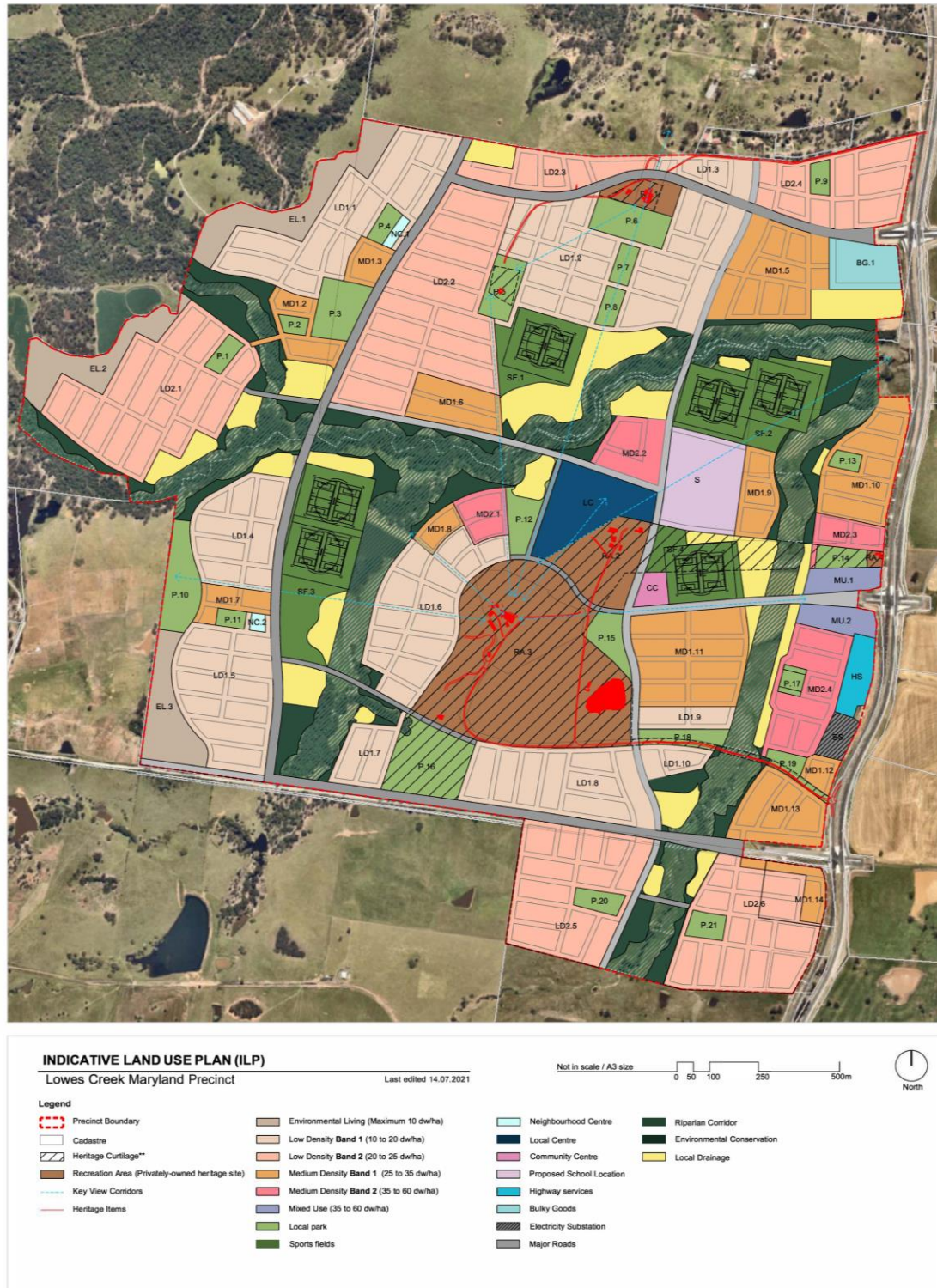
Camden Council is preparing a section 7.11 contributions plan for the site, which will establish a funding mechanism for local infrastructure, including local roads, drainage and local open space. It is anticipated that the contributions plan will be finalised by late 2021.

The Department is engaged in ongoing discussions with the developer about entering into a voluntary planning agreement to provide State infrastructure, such as the construction of major roads by the developer; dedication of land for that purpose; or dedication of land for other purposes such as a potential site for a school. At this



time, an executed VPA is not in place and negotiations between the developers and the Department are continuing. Should it not be possible to execute a planning agreement, the Western Sydney Growth Area Special Infrastructure Contribution (SIC) will apply. The SIC imposes a contribution requirement at the subdivision development application stage.

The final Lowes Creek Precinct ILP is shown at **Figure 1** and **Appendix A**.



**Figure 1. Final Lowes Creek Maryland Indicative Layout Plan**

## 1.3 Amendments to other environmental planning instruments

The Growth Centres SEPP will amend the Camden Local Environmental Plan 2010 (CLEP) by removing the Lowes Creek Maryland precinct from the provisions of the CLEP 2010.

### **Mapping Amendments**

The rezoning will exclude the Lowes Creek Maryland Precinct from the following CLEP 2010 maps:

- Land Application;
- Land Zoning;
- Height of Buildings;
- Lot Size; and
- Heritage.

### **Written Amendments**

The following local heritage listing will be removed from Schedule 5 Environmental Heritage of the CLEP 2010 and be included in the Growth Centres SEPP:

- local listing Item No. 1 (I1) "Maryland" (including the homestead, grounds, outbuildings, stone cottage, former winery, stone store and gate keepers cottage), at 773 The Northern Road, Bringelly (Lot 1, DP 218779 and Lot 29 DP 872135).

See **Section 5.2** - Growth Centres SEPP of this report for further discussion.

## 2 Exhibition Details

### 2.1 Exhibition and Submissions Period

The draft rezoning package was exhibited from 28 September to 9 November 2018. All submissions received by the Department have been considered in the Summary of Submissions Report at **Attachment Submissions**.

A total of 26 submissions were received as summarised in **Table 1**.

**Table 1. Summary of submissions**

Submission author	Number of submissions
Local councils	2
Government agencies	11
Public utility authorities	2
Industry groups	4
Landowners	7
<b>Total</b>	<b>26</b>

### 2.2 Exhibited Materials

The following documentation was publicly exhibited as part of the draft rezoning package:

- Discussion Paper, as an Explanation of Intended Effect (a 'plain English' version of the planning controls and amendments to the Growth Centres SEPP);
- Draft Lowes Creek ILP;
- Draft Growth Centres SEPP maps; and
- Draft amendments to Part A of the Growth Centres DCP and the site specific DCP, as well as, supporting technical studies.

The draft rezoning package was available on the Department's [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) website.

### 2.3 Public Notice

A media release announcing the start of exhibition was issued by the then Minister for Planning and Housing on 28 September 2018.

Notices were placed in the following newspapers advising of the details of the public exhibition:

- Camden Advertiser – 10 October 2018;
- Liverpool Leader – 10 October 2018; and
- Macarthur Chronicle - 9 October 2018.

## 2.4 Notification to Landowners

The Department hosted a landowner workshop on the 26 May 2016 to discuss the precinct planning process and offer an opportunity for landowners to ask questions.

The Department notified all landowners in writing, within and adjoining the precinct. The letter provided details of the exhibition period and information sessions, and invited submissions on the draft Precinct Plan.

## 2.5 Notification of Key Stakeholders

The Department advised stakeholders of the exhibition, including local councils, State government agencies, public utility authorities, and developer industry groups, as listed at **Attachment Stakeholders**.

### Greater Sydney Commission (GSC)

Consultation with the GSC occurred under clause 3.30 *Consultation requirements* of the *Environmental Planning and Assessment Act 1979*. Accordingly, the Greater Sydney Commission was consulted in June 2021. The Department has not received any objections from the GSC to the rezoning proceeding.

## 2.6 Information Sessions

The Department hosted two community drop-in sessions during the exhibition period, as follows:

- Community drop-in session – Tuesday, 16 October 2018, from 4pm to 7pm at the Oran Park Library; and
- Community drop-in session – Saturday, 20 October 2018, from 9am to 1pm at the Oran Park Library.

The sessions provided an opportunity for members of the public to meet with the project team and discuss the draft rezoning package.

Approximately 40 landowners and community members participated in the drop-in sessions.

## 3 Submissions Summary

### 3.1 Number of Submissions

A total of 26 submissions were received as a result of the exhibition. All submissions received are listed and summarised at **Attachment Submissions** along with the Department's response.

### 3.2 Issues raised in submissions

All submissions received were reviewed by Department staff, in consultation with Council and other State agencies including the Department of Education, Transport for NSW and Sydney Water.

The key issues raised in submissions related to:

- flooding;
- air quality issues;
- quantum of open space;
- the proposed planning controls;
- the development controls for the potential school site;
- protection of environmentally sensitive land and vegetation;
- provision of infrastructure;
- transport and traffic;
- heritage - Aboriginal and European;
- urban design; and
- consultation.



## 4 Consideration of Issues

This section discusses the issues raised during the exhibition, post exhibition and throughout the development of the Indicative Layout Plan.

The Department received submissions and advice from

- Camden Council;
- Liverpool City Council;
- Department of Education (now School Infrastructure NSW);
- the former Department of Environment and Heritage (OEH);
- Department of Primary Industries – Fisheries;
- Heritage NSW;
- Transport for NSW;
- Subsidence Advisory NSW;
- Environment Protection Authority (EPA);
- Natural Resources Regulator (NRAR);
- Rural Fire Service (RFS);
- Dams Safety Committee;
- Office of Sport;
- Sydney Water;
- Government Architect NSW; and
- Endeavour Energy.

Submissions were also received from Cricket NSW, Urban Taskforce Australia, Urban Development Institute of Australia (UDIA), Macarthur Developments – which represents the landowners Cambrae Properties Pty. Ltd, Greenfield Development Company, Boyuan Holdings Limited and Calibre and other landowners.

Post exhibition changes have been made to the exhibited SEPP maps and Indicative Layout Plan as a result of the Department's consideration of submissions in consultation with relevant government agencies and council.

The changes made to the Indicative Layout Plan since exhibition are summarised in **Section 5** and discussed below.

### 4.1 Key Issues

The key issues raised in submissions have been considered in detail in this section, while **Attachment Submissions** provides responses to individual submissions. Reference should be made to the final Indicative Layout Plan at Figure 1 (and **Appendix A**).

#### 4.1.1 Flooding, the Water Cycle Management Strategy and detention basin optimisation

Submissions were received from Camden Council, the Office of Environment and Heritage and Macarthur Developments (now Cameron Brae Group) in relation to flood modelling; the validity of the Water Cycle Management Strategy; and, the size of the detention basins. Concerns identified:

- the flood modelling undertaken for the precinct was not consistent with the Camden DCP controls which require peak post development flows to be

maintained at the pre-development flows for the 1%, 20%, and 50% AEP peak flows, as well as, the 100% and Probable Maximum Flood (PMF) level.

- flood modelling was not undertaken in accordance with the latest regional flood model;
- land identified for residential development was in areas identified to be flood affected; and
- the number and size of proposed detention basins was excessive and could be optimised.

#### Flooding

In response to these concerns, revised flood modelling was undertaken using the regional flood model for all relevant flood events. The revised flood modelling demonstrated that all developed areas would be filled at or above the flood planning level and the results indicate that there are no adverse impacts in any of the downstream areas resulting from the proposed works on the Lowes Creek Maryland Precinct. Further, in most of the downstream areas, flooding impacts are reduced.

#### Water Cycle Management Strategy and detention basin optimisation

In response to the submissions that contested the size of the detention basins, drainage infrastructure, including flood impacts, water quality and minimum detention storage requirements, were reviewed in consultation with Council.

The review determined minimum detention storage requirements and provided improved concept designs for the proposed basins. Subsequently, the proposed basins were reduced in size with minor adjustments to location.

### 4.1.2 Air Quality

Five Submissions were received from, or on behalf of the Hi Quality Group, which operates a waste management facility located within the precinct, at 761 The Northern Road, Bringelly. The site holds development consent and is licensed by the EPA to accept and process construction and demolition waste, soils and to produce compost, potting mixes and fertilisers.

The site was proposed to be rezoned R2 Low Density Residential.

The submissions raised the following concerns:

- The odour and air quality technical studies, prepared to guide the precinct planning, did not adequately assess the site and its use as a waste resource facility.
- The sites use is incompatible with residential development.
- Clarification of Hi Quality's intention to continue to maintain and possibly expand the facilities on the site.

An odour impact assessment was provided, and Hi-Quality requested the Department consider alternative land zones for the site.

The Department reviewed the odour and air quality technical studies, including the submitted odour impact assessment and sought advice from Camden Council and the EPA.

Consideration was given to the introduction of higher order zones other than the proposed R2 Low Density Residential zone, for the site. In response, the Department undertook an urban planning design exercise and considered the use of other zones, such as the B5 Bulky Goods and R3 Medium Density Residential zones.

The application of a business zone was not supported owing to traffic impacts and inconsistencies with the retail and economic study prepared as part of the precinct planning work.

The application of the R3 Medium Density Residential Zone, however, held planning merit and has been applied to part of the Hi Quality site. In summary, the application of the R3 Zone to part of the Hi Quality site provides beneficial planning outcomes, as follows:

- contributes to housing diversity and housing targets within the housing cap for the precinct;
- provides a consistent approach of having higher density residential development along road corridors and adjacent to areas of high amenity within the precinct;
- provides a building buffer to the low density residential development located to the immediate west of the site; and,
- provides direct access to public transport along The Northern Road.

The application of the medium density zone in this area will not adversely impact upon:

- Aboriginal and European heritage;
- flooding;
- traffic and transport; or
- environmentally sensitive land.

#### 4.1.3 Provision of Open Space

Camden Council's submission outlined the following about the open space provision within the precinct:

- The proposed densities would result in a short fall of public open space.
- The use of drainage basins as public open space was not supported by Council.
- Council Space and Place Strategy requires local parks be a minimum of 5,000m<sup>2</sup>.

##### Provision of public open space

In response, the Department reviewed the occupancy rates and dwelling densities for the precinct. Department determined the precinct was required to deliver a minimum of 59ha of open public open space to meet Council's adopted standard of 2.83ha open space per 1,000 people.

The precinct will deliver 62ha of public recreation land (active and passive), which exceeds the required provision rate. Additionally, areas of public recreation have been strategically placed to ensure all residents will be within 400m walking distance to a park in accordance with the Premier's Priorities. Accordingly, it is considered this issue is satisfactorily addressed.

Further, the exhibited ILP identified a number of parks under Council's 5,000m<sup>2</sup> minimum. To achieve compliance with this requirement, parks under the minimum were increased in size. In some instances, this involved amendments to the sub precinct layout to ensure suitable lot and road layouts.



### Use of drainage basins as public open space

A subsequent water cycle management strategy review determined the basins could be reduced in size, allowing use of surplus land for open space purposes.

Additionally, while drainage basins will not contribute to the provision of formal public open space, these basins will be appropriately landscaped to aid in cooling and greening the precinct and may be informally used for recreational purposes.

### Parks and sporting fields to be zoned RE1 Public Recreation

The Indicative Layout Plan (ILP) identifies six sports fields and 21 parks, however as part of the rezoning of the precinct only the sports fields and the 11 parks holding heritage values are proposed to be zoned RE1 Public Recreation and identified on the Land Reservation Acquisition map. This revised outcome will ensure the adequate protection and management of these more sensitive sites while providing areas for recreational purposes.

Other proposed future parks are not proposed to be zoned RE1 to enable flexibility for their exact location to be moved or reconfigured at the Development Application stage without requiring a Planning Proposal. Their identification of these remaining parks on the ILP ensures they will be delivered generally consistent with the ILP.

Further, the sports fields and parks are located on land owned by the two major land holders.

The Department has worked with Camden Council to ensure parks meet or exceeded the expected minimum 5,000m<sup>2</sup> site area for each park in accordance with Council's requirements.

## 4.1.4 Proposed planning controls

Submissions raised issues with the following proposed planning controls:

- zoning;
- floor space ratio provisions;
- additional permitted uses (APU);
- minimum lot sizes for dual occupancies in the higher density band;
- density bands; and,
- introduction of a new definition of net developable area.

### Zoning

Numerous submissions expressed concern that the zoning map was overly prescriptive, not allowing for variation at the development application stage.

To overcome this situation, consideration to a flexible zone approach was requested, whereby land for open space and infrastructure was zoned to the adjoining land zone, allowing for minor changes at the detailed design stage.

Simplified or flexible zoning has been used in growth areas, such as the Oran Park, Turner Roads and Catherin Fields precincts and is supported by the Department.

Consequently, in consultation with Council, it was agreed to apply this approach for the precinct, with parks and basins being zoned in accordance with the adjoining zone and identified on the Indicative Layout Plan with the intended use, such as a park. In this way, certainty is provided over the intended use, while allowing appropriate flexibility. This approach also negates the need for planning proposals to correct minor anomalies identified at the detailed design stage.

### Floor space ratio provisions

Concern was raised that the FSR controls applying to the local centre, highway services and mixed use sites did not adequately reflect permitted uses and were inconsistent with other development controls on the site, specifically height controls.

The proposed FSR controls for both the local centre and highway services and mixed use sites, have been reviewed by the Department's Urban Design Team, in consultation with Council. The outcome of this review is as follows:

- Mixed Use site - the FSR has been increased from 0.5:1 to 0.7:1 to enable a more feasible development, that correlates to the 21m height control;
- Highway Services – the FSR has been increased from 0.2:1 to 0.3:1, to enable a wider range of permissible uses to complement highway services.

### Additional permitted uses

The proponent requested the range of additional permitted uses for heritage sites, which are to be zoned to RE2 Private Recreation, be expanded to provide greater flexibility in the adaptive reuse of these buildings.

In response, the Department reviewed a range of land uses for compatibility with the three heritage sites, which would seek to encourage and facilitate the adaptive reuses of these sites.

Table 2 outlines the exhibited additional permitted uses for the sites and the proposed additional permitted uses at post exhibition stage.

**Table 2. Additional Permitted Uses for the Precincts heritage sites**

Heritage Site	Exhibited APU	Additional APU
Maryland Gatehouse	Food and drink premises	nil
Birling 1937	Food and drink premises Neighbourhood shops	Industrial retail facility Place of public worship Function centres
Maryland Estate	Food and drink premises Neighbourhood shops Function centres Cellar door premises	Industrial retail facility Place of public worship Bed and breakfast accommodation

Following discussion, and agreement, with the Heritage Office, the above-shown additional permitted uses have been made permissible with consent.

The proponent also requested the inclusion of an additional permitted use, for a supermarket, on the B5 site in the north of the precinct, as the B5 zone does not permit retail premises.

The inclusion of a supermarket to service the needs of the residents in the northern part of the precinct is a desirable planning outcome. Consequently, an additional permitted use for the purpose of a shop with a maximum gross floor area of 3,500m<sup>2</sup> has been introduced to the northern B5 site.

### Minimum lot sizes for dual occupancies in the higher density band

Council did not support the proposed minimum lot size standard of 250m<sup>2</sup> for dual occupancies or the inclusion of small lot housing in the higher density band (40-60) which would enable dwellings on allotments of 125 m<sup>2</sup> in area. Council recommended the provision of a new control, or the introduction of small lot housing, be removed from the precinct.

This recommendation has been accepted. Consequently, proposed amendment to Clause 4.1AB, allowing dual occupancy dwellings on land with a minimum lot size of 250sqm for dwellings within the 40 – 60 band, is not being progressed.

The following minimum lot size controls have been introduced for dual occupancy development:

- 500m<sup>2</sup> - if the dwelling density is 10– 20 or 20– 25 dwellings per hectare; and,
- 400m<sup>2</sup>- where the dwelling density is 25 – 35 dwellings per hectare.

### Density bands

Submissions suggested the removal of both the lower and upper density bands, on the basis that:

- the lower density bands do not prevent development below the maximum density during the development application stage, and therefore, the provision of a lower density band is redundant; and,
- the application of higher density bands may lead to reduced housing diversity outcomes and the delivery of fewer dwellings than intended.

The Department has taken the view that residential density bands, both at a minimum and maximum level, provide certainty about the amount, type and location of housing and infrastructure required to be delivered across the precinct.

Further, density bands will not prevent a diversity of housing typologies and there are controls in the DCP that ensure a diverse mix of housing is provided.

The Department also noted that this practice is consistent across the North West and South West Growth Areas and will be maintained to provide a level of certainty for Government and service providers.

## 4.1.5 Proposed planning provisions for the potential school site

The Department of Education submission requested the provision of the following items for the potential school site:

- 6 ha of land, generally rectangular in shape;
- the application of the R3 Medium Density Residential land zone;
- a maximum building height of 16m;
- access to open space; and
- the roads around the potential school site are bus capable.

Council, in its submission, requested the potential school site be zoned SP2 Infrastructure and the land be included on the LRA map, to ensure the potential school site is developed for its intended purpose

In response, a potential school site has been provided that is generally rectangular in shape, and approximately 7ha in size, which exceeds the required 6ha minimum.

The Department notes that the R3 Medium Density Zone is a prescribed zone under the State Environmental Planning Policy (Educational Establishments and Child Care

Facilities) 2017 (The Education SEPP), which allows for a range of uses including schools, childcare facilities and other community uses.

Further, the R3 Zone provides more flexibility to respond to changing demographic trends and adaptive management, which may allow for the school to be shared with the community. Consequently, the site is proposed to be zoned as R3 Medium Density.

In addition, three sports fields adjoin the potential school site to the north and south providing access to open space. Bus capable roads will immediately adjoin the site and a maximum height limit of 16m has been applied to the proposed school location.

The Department of Education has endorsed these arrangements.

#### 4.1.6 Protection of environmentally sensitive land and vegetation

A number of submissions raised concerns, or made recommendations, seeking to protect and conserve environmentally sensitive land and vegetation, as follows:

- The application of the E2 Environmental Conservation Zone, and retention of land in public ownership, was recommended for some environmentally sensitive land, to:
  - reduce the loss of this land, and
  - to prevent activities such as land filling, significant dumping, tree canopy loss and under scrubbing.
- A recommendation was also made for the preparation of a Vegetation Management Plan for riparian land.
- The protection of key fish habitat.
- Sediment run-off into the Lowes Creek/South Creek catchment.
- In addition, the following recommendations were made to assist with offsetting climate change:
  - the provision of vegetation, green spaces and street planting;
  - water sensitive urban design features; and
  - the use of light coloured or permeable pavements.

In addition, Council recommended the precinct development be staged to provide simultaneous offsetting of habitat creation, such as the Australasian Bittern, where there is sequential destruction of habitat, and, OEH suggested the use of native species for revegetation works.

In response to these suggestions and recommendations, controls addressing these items have been applied under the amendments to the SWGA SEPP or have been introduced to the site specific DCP, as follows:

- Areas of existing and native vegetation and riparian land have been zoned E2 Environmental Conservation and are identified on the Native Vegetation Protection and Riparian Protection Area maps.
- Under Clause 6.2 Development controls, native vegetation retention areas - which seeks to manage existing native vegetation and prevent its clearing, will be amended to include riparian areas as identified on the Riparian Protection Map.
- The preparation of a vegetation management plan is required at the development application stage, and must include:
  - rehabilitation measures for riparian areas; and

- a staging plan that will enable simultaneous offsetting of habitat creation for potential threatened species.
- An application for development that has the potential to affect fish habitat, must consider the relevant guidelines for fish habitat conservation and management and waterway crossings.
- Street planting is required to incorporate native species.
- Climate change impacts will be offset by:
  - Providing 171ha of green space in the form of parks, sports fields, drainage and land identified for environmental conservation;
  - The design of public places in the centres and employment zones will be required to incorporate trees and plantings, reflective or light-coloured surfaces and building materials, permeable pavements and seek to retain water within the landscape.
  - A public domain and landscape plan must be submitted for each local sporting field, neighbourhood park, local park, and other passive open space areas, at the time of subdivision of the adjoining residential land. The Plan must provide details for:
    - plant species and size;
    - hard and soft landscaping treatments;
    - board walks or pedestrian bridges;
    - drainage basins; and,
    - areas for proposed irrigation and water harvesting;
- In response to sediment impact concerns, Clause 2.3.3 of the Camden Growth Areas DCP requires the preparation of soil and water management plans for development, which sets out measures to be incorporated to mitigate against erosion and sediment impacts.

#### 4.1.7 Provision of infrastructure

The provision of infrastructure was a key concern in the submissions. Submissions sought clarification over the provision of certain infrastructure and the ability to collect funding for various infrastructure items. The following items were raised:

- the provision of natural gas;
- conservation and management funding for Lowes Creek;
- preparation of an update to structure plan to guide development and co-ordinate infrastructure delivery in the South West Growth Area; and,
- dedication of the school site and requirement for the site to be fully serviced with perimeter roads, water, natural gas, sewer and power.

##### Natural Gas

Jemena Gas Networks has confirmed it will supply natural gas to the precinct.

##### Conservation and management funding for Lowes Creek

The riparian land will be dedicated and managed by Council in accordance with Camden Council's Dedication of Constrained Lands Policy (P4.0253.1). The policy provides a framework for managing the dedication of these types of land, so that Council is not burdened unreasonably by the maintenance costs for environmental and hazard management purposes of these lands.

Further, it is noted that under the Western City Deal, the NSW Government's strategy for South Creek, of which Lowes Creek is a tributary of South Creek, is currently being prepared to investigate its restoration and protection as part of the broader strategy of integrating land use and water management within the 63,000-hectare catchment.

#### South West Growth Area Structure Plan

The Department acknowledges that a current structure plan is not available, however, this is not considered to be an impediment to the rezoning of the precinct to proceed. Planning for the precinct has been undertaken with relevant authorities and Council to ensure that a wholistic and informed approach has been taken.

The Department intends to prepare a revised South West Structure Plan in the 2021/22 financial year and will work closely with Camden Council, as well as Campbelltown and Liverpool City Councils.

#### Dedication of the potential school site

The Department is engaged in ongoing discussions with the developer about entering into a voluntary planning agreement (VPA) to provide State infrastructure, such as the construction of major roads by the developer; dedication of land for that purpose; and/or, dedication of land for other purposes such as a site for a potential school.

At this time, an executed VPA is not in place and negotiations between the developers and the Department are on-going.

Should it not be possible to execute a planning agreement, the Western Sydney Growth Area Special Infrastructure Contribution (SIC) will apply. The SIC imposes a contribution requirement at the subdivision development application stage and the identification of the potential school site on the Indicative Layout Plan provides a satisfactory mechanism to assist with the provision of a school.

#### Services Infrastructure Implementation Plan

The Precinct has been released under the Government's Precinct Acceleration Protocol (PAP). A key condition of the PAP is that the release of the precinct is to be at no cost to Government.

A planning agreement was entered into between the Minister and the proponents, i.e. Macarthur Developments (developer) and others, which provides that the developer will fund the planning process and prepare a Services Infrastructure Strategy and Services Infrastructure Implementation Plan (SIIP) for servicing the Precinct to support orderly development. Following consultation with authorities, the Services Infrastructure Strategy was approved by the Department under delegation.

The developer subsequently prepared a SIIP in accordance with the planning agreement. The SIIP satisfactorily addresses the requirements of the planning agreement by providing advice that the SIIP is consistent with the services infrastructure strategy; the manner in which the SIIP will be implemented; proposed costs; and, the areas to be serviced.

Relevant authorities have endorsed the SIIP and the Minister's approval of the SIIP, under delegation, is being arranged as a separate matter.

#### Local contributions

Council is preparing a section 7.11 plan to be exhibited in late 2021 to inform local developer contributions for the precinct. Local developer contributions will provide local open space, regional drainage and some local roads.



### State infrastructure contributions

As indicated, the site is located within the South West Growth Centres Special Contributions Area and the State Infrastructure Contribution levy will be applied to fund the delivery of State infrastructure. Contributions can be collected to fund items like roads, schools, emergency services, open space and conservation and health facilities. The levy requires financial contribution by any developer/landowner seeking development or subdividing land in the SWGA.

#### 4.1.8 Traffic and transport

Transport for NSW made a formal submission as part of the exhibition and provided advice throughout the rezoning process, including:

- Requested the highway services be left in only to reduce adverse traffic impacts and to reduce accidents.
- Recommended the mixed use site be altered to remove the road situated between the two mixed use areas to improve pedestrian connectivity.
- Requested roads identified for bus routes are required to be bus capable.
- Provided the following recommendations to improve road design:
  - roads are to be in accordance with Austroads;
  - recommended the provision of safe cycling and walking paths along all roads;
  - discouraged continuous parking along collector roads and encouraged the use of parking bays and kerb extensions; and
  - made recommends for sub arterial road configuration.

The precinct's road hierarchy was underpinned by a traffic and transport study and developed in consultation with Transport for NSW (TfNSW). Comments provided by TfNSW have generally been incorporated in planning controls.

The Camden Growth Centres DCP contains written provisions (supported by a precinct road hierarchy map and road design diagrams) which provide design specifications for the various road typologies within the precinct. Specifically, the DCP contains controls which require the following:

- left in only entry from the Northern Road, to the highway services site;
- the design and construction of streets to be consistent with council's engineering specifications and Austroads;
- sub arterials are to be two lanes in either direction, separated by a median island;
- parking requirements along collector roads are to use a flexible zone approach, which advocates the use of parking bays, kerb extensions and street trees;
- off road share paths along all sub arterial roads within the precinct and footpaths on one side of all local roads and the potential school site, community centre, local shopping centre, mixed use area and the sports fields, all have an off-road share path along at least one boundary; and
- sub arterial and collector roads to be designed to be bus capable and certain local roads have been identified as being bus capable, where bus routing is required and are identified on the precinct road hierarchy map.

#### 4.1.9 Heritage (Aboriginal and European)

A number of issues relating to heritage matters were raised by Council, the former OEH, Heritage for NSW, the proponent and members of the community. Key concerns related to the following:

- recommended a reduction in the proposed building height controls along the northern boundary of the proposed local centre, from 21m (6 storeys) to 12m (3 storeys), to the preserve key views from The Northern Road to the Maryland Estate knoll;
- recommended that the ILP be modified to ensure the view lines between the two Birling heritage items are maintained, of particular concern was the 9m building height.
- recommended the retention of the farm dams for historical reasons;
- the proposed 5m height control for the Maryland and Birling sites is inconsistent with the height of existing buildings;
- modifications be made to various DCP controls to strengthen controls, provide clarity and improve legibility;
- further investigations be undertaken to confirm the nature, extent and significance of the Aboriginal heritage sites, in consultation with Aboriginal stakeholders;
- water infrastructure be relocated to avoid a scar tree; and
- a greater area of land be allocated surrounding the scar trees to ensure the health, vitality and conservation of these trees.

##### Reduction in building height on the Local Centre site

The local centre is situated in one of the key view lines within the precinct which provides a view corridor from Maryland Gatehouse (adjoining The Northern Road) to the Maryland Estate knoll. While a proposed 21m height limit will apply to part of the local centre site, the development control plan provides sufficient certainty that view lines will be respected. Maintaining the 21m height limit will consequently allow design flexibility and ensure that the important view corridor is maintained.

##### View corridor between the Birling 1812 and Birling 1937

Council raised concerns that the view corridor between the Birling 1812 and 1937 would be obstructed by the low density residential development proposed for this part of the site. Of particular concern was the proposed 9m building height.

A new lower density residential band ( $\leq 20$  dw/ha) for residential suburban character (lot size average  $\leq 350$  sqm up to approx. 600 sqm) is proposed to be apply to the view corridors surrounding Birling and Maryland Homesteads. This will consist of a mix of single or two storey height and single or double garage designs with landscaping to be provided within the side setbacks. The introduction of this new density type will assist in maintaining the visual connection between the two Birling sites.

##### Proposed 5m building height on European heritage sites

The existing buildings on the heritage site comprise of single and double storey homestead and farm buildings. Based on a review of the photographs of the existing buildings onsite in the CMP by Tropman and Tropman, it is considered that some of the buildings on the Maryland Site, Northern Gatehouse and Birling 1937 would exceed 5m but be less than 9m. The heritage reports do not recommend a maximum building height. Consequently, the 5m building height has been retained as future



alterations and additions would need to be sympathetic to the heritage significance of the building and height is unlikely to be a control to be considered. Where new structures are proposed, the 5m height limit will ensure the protection of the heritage values including views within the precinct.

#### Relocation of Sydney Water's Infrastructure

Sydney Water's indicative infrastructure map identified water infrastructure located in the riparian corridor, where an Aboriginal scar tree is situated. Sydney Water has agreed to move its proposed water structure further north, away from the scar tree.

#### Scar Tree Park

During workshops Aboriginal representatives identified that the park proposed to protect the scar trees was too small to ensure the health, viability and conservation of the three Aboriginal scar trees situated within the park and requested the park be expanded and linked to the riparian corridor.

In response, the park was increased in size and a new park was introduced providing a link between the riparian corridor and the scar tree park.

#### Heritage NSW submission

Heritage NSW's submission sought to:

- strengthen and clarify existing controls;
- introduce new controls to provide a clear focus on protecting and conserving Aboriginal cultural heritage;
- emphasise the protection and conservation of Aboriginal cultural heritage;
- foster consultation with Aboriginal groups;
- protect view lines; and,
- include both native and exotic plant species to reflect or interpret heritage character on the site.

In response to the Heritage NSW submission, amendments were made to the proposed DCP. These included the addition of references to protecting Aboriginal cultural heritage, and controls requiring consultation with Aboriginal groups at specific stages, such as the development application stage. New objectives seeking to emphasise maintaining connections and access to cultural landscapes and cultural heritage for Aboriginal people were also included.

Heritage NSW requested the view lines be identified on the European Heritage map, and requested provisions seeking to prevent tree planting and landscaping from blocking view lines. The proposed DCP will include a specific map for view lines supported by clause 2.12 *View lines and vistas* which will protect and prevent adverse impacts on significant view lines between key heritage sites and landscapes.

The DCP is also focused on Indigenous planting, however, in response to suggestions Heritage NSW suggestions that exotic species also be included to reflect or interpret heritage character of the site, controls relating to vegetation have been updated. Controls now specify planting may consist of species that are locally indigenous or other plant species with identified providence with the Maryland Estate over time, to reflect, or interpret the heritage character of the site.

#### 4.1.10 Urban Design

A number of submissions and the recommendations from the Government Architects Office required changes to the ILP to improve urban design outcomes, as follows:

- Reviewing the densities across the precinct.
- The provision of neighbourhood centres in the western part of the precinct to improve amenity for residents.
- Relocation of parks to improve green connections.
- Relocation of local roads to run parallel to sub arterials to improve residential amenity.

##### Density Review

In response to the short fall of open space, a precinct dwelling cap of 7,000 dwellings, a requirement to provide a range of housing typologies and the application of dwelling density bands, the densities across the site were reviewed.

As a result of this review, minor changes to align medium density with open space, services and the neighbourhood centres were made. Care was taken to ensure medium density housing did not compromise the precinct's strong heritage values or exceed the dwelling cap.

In addition density bands have been introduced to the precinct in the R2 Low Density Residential and R3 Medium Density zones (refer to Table 3 Density Bands). The density bands have been introduced to the relevant minimum lot size clauses and Residential Density SEPP map under the Camden Growth Centres SEPP Precinct Plan.

**Table 3: Density Bands**

Zone	Density Band
R2 Low Density Residential	Low Density Band 1 – 10 – 20 dwellings per ha
R2 Low Density Residential	Low Density Band 2 – 20 – 25 dwellings per ha
R3 Low Density Residential	Medium Density Band 1 – 25 – 35 dwellings per ha
R3 Low Density Residential	Medium Density Band 1 – 35 – 60 dwellings per ha

##### Provision of Neighbourhood Centres

A key recommendation made by the NSW Government Architect Office was the provision of neighbourhood centres, in the western part of the precinct, aligned with open space and increased density. As exhibited, the western part of the precinct has no immediate access to local services. The provision of neighbourhood centres will enable delivery of local facilities, improve walkability, encourage active transport activities, improve social connections and liveability in the western part of the precinct.

In response to the NSW Government Architect Office comments, two neighbourhood centres have been introduced in the north and south of the western portion of the precinct. The Neighbourhood Centres adjoin open space and a R3 Medium Density Residential zone has been applied to adjoining land to assist in making these centres viable. The gross floor area of the centres will be capped at 500m<sup>2</sup> for retail premises and 1,000m<sup>2</sup> for community facilities to ensure an appropriate mix of small scale

retail and community facilities that appropriately serve the needs of the people in the surrounding neighbourhoods.

#### Relocation of parks to improve green connections

To improve connectivity between green space within the precinct, two parks have been reconfigured to allow these to adjoin the riparian corridor. The intent is to promote connectivity between the green spaces within the precinct, facilitate recreational activities, and encourage the use of the off-road share paths proposed within the riparian corridor.

#### Alignment of local roads to run parallel to the sub arterials to improve residential amenity

To improve residential amenity within the precinct, Council recommended realigning the local roads, to be parallel with the sub arterial roads, for the following reasons:

- to reduce the number of rear fences backing onto the higher order sub arterial roads;
- to improve passive surveillance along sub arterial roads;
- to improve visual amenity;
- to provide opportunities for a variety of treatments to the sub arterial roads; and,
- to provide a buffer between residential development and the sub arterial roads.

In consultation with Council, and the proponents, a number of scenarios were explored, with suitable local roads have been realigned to be parallel to the sub arterial roads.

Further, to improve residential development outcomes along the north-south running collector road, the block widths were widened from 30m to 60m to allow development to face the collector road and internal local roads to prevent walls of back fences and poor passive surveillance outcomes.

The realignment of the roads required the sub precinct layouts to be redesigned to accommodate the local roads, parks and residential block widths of 30m.

### 4.1.11 Consultation

Landowner submissions indicated a lack of consultation during the planning of the precinct.

A review of the consultation undertaken for the precinct indicates:

- an information session specifically for landowners was held on Thursday 26 May 2016, at the Oran Park Smart Hub;
- two community sessions were held at the Oran Park Library in October 2018 (Tuesday 16 and Saturday 20);
- all landowners were notified of the exhibition of the Precinct, in writing.

Consequently, it is considered that sufficient arrangements were made for community consultation.

Heritage Australia and Aboriginal stakeholders requested ongoing consultation and collaboration with Registered Aboriginal Parties. To ensure this occurs, the proposed DCP includes an objective to ensure relevant Aboriginal stakeholders are appropriately consulted through the site planning and design process, and at the

subdivision application stage on land that contains a known item of Aboriginal cultural, as follows:

- during the preparation of an Aboriginal heritage interpretation plan;
- when landscaping works are proposed, a concept landscape plan must be prepared by a suitably qualified person in consultation with Council and the relevant Aboriginal stakeholders; and
- naming of local roads, parks and recreation areas in the Precinct should consider featuring reference to local Aboriginal culture and occupation of the land, with the selection of names and locations identified in consultation with Council and the relevant Aboriginal stakeholders.

## 5 Post-exhibition amendments to the rezoning package

### 5.1 Indicative Layout Plan and SEPP Map Amendments

The following table summarises the changes made to the Indicative Layout Plan after exhibition as shown in **Figure 1** and details the corresponding changes to the relevant SEPP maps.

**Table 4. Description of changes made to the Indicative Layout Plan and SEPP maps since exhibition**

Description/ location of change	ILP/ SEPP map amended	Comments	Refer to Section
Optimisation of the drainage basins	ILP Land Zoning map Riparian Protection map Native Vegetation Protection Map	Supported by revised flood modelling and an updated Water Cycle Management Strategy	4.1.1
Changes to parks sizes and locations	ILP Land Zoning map Land Reservation Acquisition Map	Some local parks were increased to comply with council's open space minimum of 5,000m <sup>2</sup> for local parks.  Parks were moved to improve connectivity to the riparian corridor to provide better urban design outcomes	4.1.3
Changes to zones	Land Zoning map	To allow the basins and some local parks to adopt the adjoining zone to provide flexibility at the DA stage	4.1.4
Additional permitted uses	ILP Additional Permitted Uses map	Additional permitted uses were introduced to the Birling 1937 and Maryland Estate sites to facilitate their adaptive reuse and to the northern B5 zone to allow development for the purpose of a supermarket	4.1.4
Provision of additional open to conserve Aboriginal scar trees	ILP Land zoning map Land Reservation Acquisition Map	Open space around the scar trees was expanded to conserve the health and vitality of the scar trees.	4.1.9

Description/ location of change	ILP/ SEPP map amended	Comments	Refer to Section
Redistribution of residential densities	ILP Land zoning and accompanying maps	Residential densities were redistributed to address issues with topography, visual amenity, concerns about the ability to deliver small lot housing and to provide more certainty for built form	4.1.10
Introduction of Neighbourhood centres	ILP Land zoning and accompanying maps	Neighbourhood Centres were introduced in response to the Government Architects' review and seek to enhance access to local services, walkability and social connectivity.	4.1.10
Sub precinct layouts	ILP Land zoning and accompanying maps	Amendments to sub precinct layouts have been made to improve lot layouts, open space provision, connectivity and interface with the sub arterial and collector roads	4.1.10

## 5.2 Growth Centres SEPP

The draft rezoning package outlined proposed amendments to the Growth Centres SEPP. Table below summarises the changes made to the Growth Centres SEPP.

**Table 5. Description of amendments to the Growth Centres SEPP**

Description of amendment	SEPP clause	Comments	See Section
Introduce the Lowes Creek Maryland Precinct to Appendix 9 of the SEPP	1.3 1.3 note 4.1AB(1)(b) and (d)	This ensures the Precinct Plan applies and minimum lot size controls for residential development in the R2 and R3 zones apply to the Lowes Creek Maryland Precinct.	N/A
Introduce density bands for residential development in the R2 and R3 zones	4.1AB(3) 4.1AB(4)(a) and (b) 4.1AB(5)(a1) and (b) 4.1AB(6)(a) and (b) 4.1AB(7)(a) and (b) 4.1AB(8) 4.1AB(9)	This introduces dwelling density bands to minimum lots size provisions for residential development in the R2 and R3 zones for the following housing typologies: <ul style="list-style-type: none"> <li>• dwelling houses;</li> <li>• dual occupancies;</li> <li>• semi-detached dwellings;</li> <li>• attached dwellings;</li> <li>• multi dwelling;</li> <li>• manor homes; and</li> <li>• residential flat buildings.</li> </ul>	4.1.10
Introduce density bands to exceptions to minimum lot size provisions	4.1AD(1)(a) and (b) 4.1AE(1) 4.1AF(1)(a)	This introduces dwelling density bands to clauses providing exceptions to minimum lot sizes for: <ul style="list-style-type: none"> <li>• dwelling houses;</li> <li>• for dwelling houses on other lots in the R2 zone; and</li> <li>• for dwelling houses on small lots.</li> </ul>	4.1.10
Introduce density bands to attached dwelling, manor homes and multi-dwelling housing in the R2 zone	6.7(2) 6.7(4)(a)	Introduce density bands under additional local provisions clauses 'Attached dwellings, manor homes and multi-dwelling housing in the R2 Low Density Zone'.	4.1.10
Introduce a new definition of 'net developable area'	4.1B(4)	Omit the existing definition of net developable area and introduce a new definition for net developable area.	4.1.4
Introduce 'riparian protection areas' to local provisions	6.2(2)	This seeks to prevent land identified for protection on the Riparian Protection Areas Map from being subject to clearing unless Council is satisfied the vegetation meets certain requirements.	4.1.6

Description of amendment	SEPP clause	Comments	See Section
Introduction of a maximum gross floor area provision for retail and community facilities in the B1 zone	6.6A	The gross floor area of the centres will be capped at 500m <sup>2</sup> for retail premises and 1000m <sup>2</sup> for community facilities to ensure an appropriate mix of small-scale retail and community facilities that serve the needs to the people in the surrounding neighbourhood.	4.1.10
Additional permitted on the three heritage sites and the northern B5 Bulky Goods zone	Schedule 1 Additional Permitted Uses	Introduce the following additional permitted uses for the Birling 1937, Northern Gatehouse and Maryland Estate sites:  Birling 1937: food and drink premises, neighbourhood shops, industrial retail facility, place of public worship and function centres  Maryland Gatehouse: food and drink premises  Maryland Estate: Food and drink premises, neighbourhood shops, function centres, cellar door premises, industrial retail facility, place of public worship and bed and breakfast accommodation.  B5 Bulky Goods zone: residential premises with a maximum GFA of 3,500m <sup>2</sup> .	4.1.4
Introduction of heritage sites to Schedule 5 Environmental Heritage	Schedule 5 Environmental Heritage	The three European sites are to be included under schedule 5.	1.2

## 5.3 Camden Growth Centres DCP – Schedule 6 Lowes Creek Maryland

The Camden Development Control Plan (DCP) was originally adopted by the Deputy Director General Planning Strategies, Housing and Infrastructure (under delegation from the Director-General) of the Department of Planning & Environment on 21 March 2013 and came into force on 3 April 2013. The DCP applies to the South West Growth Centre Precincts, or parts of the Precincts, within Camden Local Government Area where precinct planning has been completed.

A draft Schedule 6 Lowes Creek Maryland Precinct DCP was exhibited as part of the exhibition package. The DCP has been subject to extensive consultation with Council and the proponent and is in the final stages of completion. It is anticipated that Schedule 6 – Lowes Creek Maryland will be finalised in the coming weeks and the approval of the DCP, under delegation, is being arranged as a separate matter.



## 6 Consistency with other Instruments, Acts and Policies

### 6.1 Greater Sydney Region Plan and Western City District Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (Region Plan), establishes a broad strategic planning framework to align land use, transport and infrastructure planning for the Greater Sydney Region. The Metropolis of Three Cities is supported by the five district plans, and the Lowes Creek Maryland Precinct is located in the Camden Local Government Area which is guided by the Western City District Plan (District Plan).

The District Plan builds upon the vision set by the Region Plan to cities to achieve the vision of a “30 minute city” where most residents live within 30 minutes of their jobs, education, health facilities, services and great places. The District Plan sets out a series of planning priorities to deliver Plan’s vision.

The Lowes Creek Maryland precinct is consistent with the Region and District Plans and supports their vision, directions and priorities by:

- improving access to affordable and diverse housing types, whilst leveraging access to jobs, services and public transport;
- improving access and opportunities for local employment and development in the local economy by providing local and neighbourhood centres in the precinct;
- providing necessary social infrastructure, including public open space, a community centre and a potential school site to support future communities;
- delivering high quality place based outcomes through the preservation and enhancement of local heritage and connections to country;
- protecting and enhancing bushland and biodiversity; and
- increasing green grid connections and urban tree canopy, whilst protecting the tributaries that connect to Wianamatta - South Creek.

### 6.2 Camden Local Strategic Planning Statement

Council’s Local Strategic Planning Statements (LSPS) implements the strategic direction of the Region and District Plans at a local level by setting clear local priorities for the jobs, homes, services and open space for the LGA.

The Lowes Creek Maryland Precinct supports the vision and the priorities of the LSPS by:

- preserving areas of local heritage to contribute to the creation of great places to live and preserve important character elements;
- establishing a local centre within a future network of centres, improving people’s access to necessary services and jobs;
- providing for additional housing supply in the south west growth area;
- ensuring housing delivery is aligned with necessary infrastructure to support the future population; and,
- protecting environmental assets within the site to improve accessibility and connectivity of Camden’s Green and Blue Grid.

## 6.3 Camden Local Housing Strategy

Camden's Local Housing Strategy (LHS) establishes projected housing demand and housing supply within the LGA. The LHS identifies most of the growth will occur in the South West Growth Area. The LHS notes that Lowes Creek Maryland will delivering a mix of low-medium density housing.

The precinct is consistent with the LHS by:

- the delivery of low and medium density housing and its contribution towards broader housing targets;
- the provision of infrastructure to support the growing population; and,
- the precinct will be supported by a DCP, which will promote healthy and connected neighbourhoods by applying the principles of ecologically sustainable development and balancing density with amenity.

## 6.4 Future Transport Strategy 2056 and Greater Sydney Services and Infrastructure Plan

Future Transport Strategy 2056 is an overarching strategy prepared by the NSW Government to achieve a 40 year vision for the NSW transport system.

The Strategy outlines a vision, strategic directions and customer outcomes, with infrastructure and services plans underpinning the delivery of these directions across the state.

The Strategy, in concert with the Region and District Plans, aims to deliver integrated solutions to transport. A focus is on the role of transport in delivering movement and place outcomes that support the character of the places and communities of the future. The Strategy is focused on specific customer outcomes for Greater Sydney including:

- efficient, reliable and easy-to-understand journeys for customers;
- efficient and reliable freight journeys;
- a safe transport system;
- 30 minute access to centres;
- fast and convenient interchanging;
- integrated walking and cycling facilities;
- vibrant centres;
- fully accessible transport;
- use of new technology;
- integration of future forms of mobility with other modes of transport;
- affordable delivery, operation and maintenance; and,
- a resilient transport system that contributes to net-zero emissions by 2050.

The Lowes Creek Maryland Precinct has been designed to ensure people are well connected to housing, jobs, essential services and connected to the transport network, including the local and regional road network, public transport and active transport options.

Opportunities to support outcomes set out by the Future Transport Strategy 2036 have been applied throughout the precinct planning process by adhering to the following principles:

- **Improved convenience** – the precinct provides a local centre, two smaller neighbourhood centres, highway services, a bulky goods site and a mixed use precinct to support the activities of everyday life, i.e. accessing shops, parks, childcare and jobs.
- **People-based experiences** – the extensive network of high-quality sports fields, parks and rehabilitated riparian zones, cycling and walking paths will provide connected green spaces to facilitate outdoor activity and encourage active transport. Increased tree canopy in local streets seek to create comfortable walking environments.
- **Improved public transport** – the precinct will deliver bus capable roads and rapid bus routes will be available via The Northern Road. The South West rail line will run through the adjoining precinct, providing rail services in the future.
- **Strategic location** - the location of certain land uses, such as highway services and bulky goods, take advantage of ready access to The Northern Road, improving car and truck movements, while reducing conflicts between cars and trucks on local streets.

The Precinct will be supported by a DCP, which includes design measures to promote active transport use and opportunities for the future community.

## 6.5 Growth Centres Development Code

The Growth Centres Development Code (the Development Code) provides a guide to the preparation of the Precinct Plan. The Development Code provides for consistent standards of development across the Growth Centres.

The Lowes Creek Maryland Precinct has been prepared applying the principles and guidance set by the Development Code, which has informed preparation of the indicative layout plan. This includes:

- introduction of appropriate density bands to support appropriate levels of housing density;
- the introduction of local and neighbourhood centres to support community use, employment and access to local services;
- identification of areas to provide necessary social and transport infrastructure;
- integration of land use and the transport network to improve access to active and public transport;
- the provision for water sensitive urban design in the urban environment and measures to protect environmental assets, i.e. the protection of riparian corridors; and,
- the provision for public open space and community facilities to support the needs of future residents.

The Precinct is also supported by a range technical studies including Aboriginal and European heritage assessments; social infrastructure assessment, bushfire protection assessment, biodiversity assessment and a land capability assessment.

The Precinct has also been planned to take into consideration other development controls including those of Camden Council, to enable controls to be consistent with surrounding areas. In certain instances, variation of the design controls in the Development Code have been necessary to address particular site characteristics.

The Precinct Plan is consistent with the Development Code with the exception of matters where site specific controls are required, or where it has been determined that consistency with the Council's current controls takes precedence.

## 6.6 Section 9.1 Ministerial Directions for Plan Making

The proposed SEPP amendment is not required to comply with the Minister's directions under section 9.1 of the *Environmental Planning and Assessment Act 1979 Act*, as these apply to the preparation of local environmental plans. For transparency, however, consideration has been given to the relevant directions at **Appendix C**.

## 6.7 State Environmental Planning Policies (SEPPs)

The rezoning of the precinct will amend the Growth Centres SEPP which will amend and apply controls under Appendix 9. Comments in relation to the Precinct's alignment with the Growth Centres SEPP is provided below in Section 6.7.1. The Department has also undertaken an assessment of consistency with other relevant SEPPs as outlined in **Appendix D**.

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

The aims of the Growth Centres SEPP are to:

- co-ordinate the release of land for residential, employment and other urban development in the Growth Areas including the South West;
- enable the Minister from time to time to designate land in growth centres as ready for release for development;
- provide for comprehensive planning for growth centres;
- enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community wellbeing and high quality local amenity;
- provide controls for the sustainability of land in growth centres that has conservation value;
- provide for the orderly and economic provision of infrastructure in and to growth centres;
- provide development controls in order to protect the health of the waterways in growth centres;
- protect and enhance land with natural and cultural heritage value; and,
- provide land use and development controls that will contribute to the conservation of biodiversity.

These objectives have informed the planning process for the precinct, including the planning of land use options and supporting infrastructure, heritage protection and environmental conservation areas.

## 6.8 Biodiversity Certification for the Sydney Growth Centres

Biodiversity Certification under the *Biodiversity Conservation Act 2016* (formerly the *Threatened Species Conservation Act 1995* (TSC Act)) was conferred upon the Growth Centres SEPP in December 2007 and confirmed in July 2008 via an amendment to the TSC Act. The Certification effectively removes the need to undertake assessment and obtain approvals required under the TSC Act for development on land that is certified.

The Biodiversity Certification includes a number of requirements, or Relevant Biodiversity Measures that must be satisfied in order to maintain the Certification.

Measure 35 requires that a report be prepared assessing the consistency of the Precinct Plan with the Biodiversity Certification. This report has been prepared for the Precinct and is included at **Appendix F**. A discussion on this report is also below in Section 6.8.1.

The proponent has previously submitted a Biodiversity Assessment for the precinct. This report identifies the site as wholly within the certified land and for this reason, there is no requirement under the Growth Centres Biodiversity Order to retain existing native vegetation (ENV). However, the focus for the precinct has been to retain and enhance riparian areas over the long term with the aim to improve connectivity and ecosystem functionality across the precinct. This involves retaining existing vegetation, revegetating the landscape and completing improvements to aquatic habitat. The precinct also aims to retain native vegetation where possible within open space and is supported by measures in a DCP.

### 6.8.1 Growth Centres Strategic Assessment Program

In December 2011, the Federal Government endorsed the Sydney Growth Centres Strategic Assessment Program Report and in February 2012 approved the classes of actions in the Growth Centres that, if undertaken in accordance with the approved program, do not require separate approval under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The Program includes a range of commitments for matters of national environmental significance protected under the EPBC Act. The commitments are drawn from the analysis in the Supplementary Assessment Report and Draft Strategic Assessment Report (Part B) and build upon the Relevant Biodiversity Measures for the Growth Centres Biodiversity Certification.

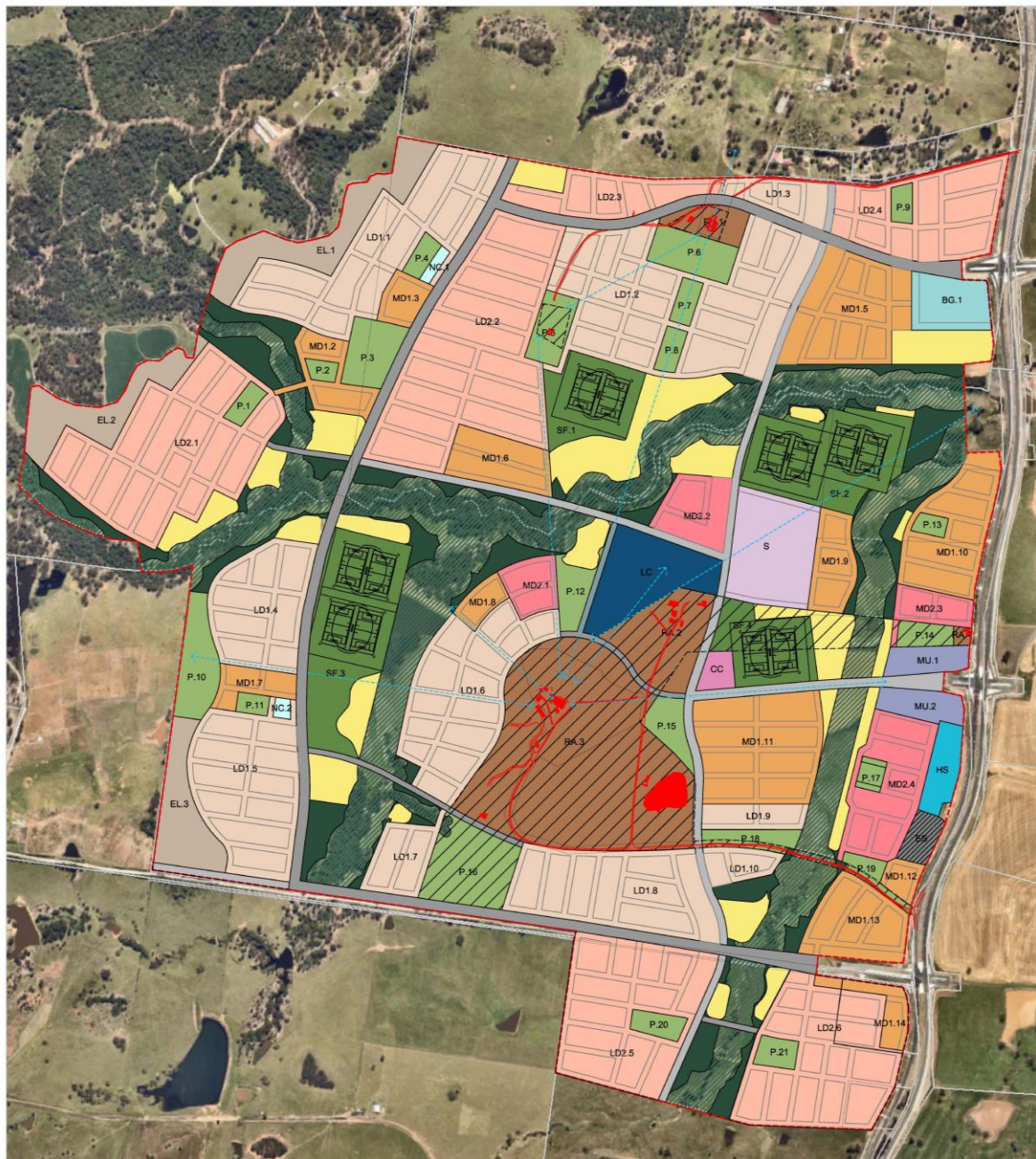
Generally, if a development proposal complies with the Biodiversity Certification under the Biodiversity Conservation Act 2016 (formerly the TSC Act) (refer above), the requirements of the Strategic Assessment Program will have also been met. This means that:

- on land that is certified under the TSC Act, there is no need for further assessment of impacts under the EPBC Act.
- any proposal to clear vegetation on land that is non-certified must be in accordance with the Relevant Biodiversity Measures of the Growth Centres Biodiversity Certification.
- any proposed development on non-certified land that is not in accordance with the RBMs would require full assessment and approvals under both the TSC Act and the EPBC Act.

An assessment of consistency of the final Precinct Plan with the Strategic Assessment Program has been prepared. The assessment concluded that 4.33ha of Cumberland Plain Woodland will be protected within the precinct. The amendment to the Growth Centres SEPP will also include a Native Vegetation Protection Map which will prevent the clearing of Cumberland Plain Woodland in certain areas. The areas identified as containing Cumberland Plain Woodland are zoned E2 Environmental Conservation.



# Appendix A - Final Indicative Layout Plan



## INDICATIVE LAND USE PLAN (ILP)

Lowes Creek Maryland Precinct

Last edited 14.07.2021

Not in scale / A3 size

0 50 100 250 500m



### Legend

- |   |   |                          |                            |
|---|---|--------------------------|----------------------------|
| Precinct Boundary                               | Environmental Living (Maximum 10 dw/ha) | Neighbourhood Centre     | Riparian Corridor          |
| Cadastre  | Low Density Band 1 (10 to 20 dw/ha)     | Local Centre             | Environmental Conservation |
| Heritage Curtilage**                            | Low Density Band 2 (20 to 25 dw/ha)     | Community Centre         | Local Drainage             |
| Recreation Area (Privately-owned heritage site) | Medium Density Band 1 (25 to 35 dw/ha)  | Proposed School Location |                            |
| Key View Corridors                              | Medium Density Band 2 (35 to 60 dw/ha)  | Highway services         |                            |
| Heritage Items                                  | Mixed Use (35 to 60 dw/ha)              | Bulky Goods              |                            |
|   | Local park                              | Electricity Substation   |                            |
|   | Sports fields                           | Major Roads              |                            |

## Appendix B - Key stakeholders notified of public exhibition

Key stakeholders	Stakeholder notified
Local Councils	Camden Council
	Liverpool City Council
State Agencies	Dams Safety Committee
	Department of Education
	Department of Primary Industries - Fisheries
	<ul style="list-style-type: none"> <li>Natural Resources Access Regulator (NRAR)</li> </ul>
	<ul style="list-style-type: none"> <li>Office of Environment and Heritage (OEH)</li> </ul>
	<ul style="list-style-type: none"> <li>Office of Sport</li> </ul>
	<ul style="list-style-type: none"> <li>Roads and Maritime Services and Transport for NSW</li> </ul>
	<ul style="list-style-type: none"> <li>Rural Fire Services</li> </ul>
Utility Authorities	<ul style="list-style-type: none"> <li>Subsidence Advisory</li> </ul>
	<ul style="list-style-type: none"> <li>Endeavour Energy</li> </ul>
	<ul style="list-style-type: none"> <li>Sydney Water</li> </ul>
Industry Groups	<ul style="list-style-type: none"> <li>Cricket NSW</li> </ul>
	<ul style="list-style-type: none"> <li>Urban Development Institute of Australia NSW</li> </ul>
	<ul style="list-style-type: none"> <li>Urban Taskforce of Australia</li> </ul>
Landowners/ developers/ community members	<ul style="list-style-type: none"> <li>Boyuan Holdings Limited and Calibre</li> </ul>
	<ul style="list-style-type: none"> <li>High Quality Group - 761 The Northern Road, Bringelly, Lot 11 in DP 1218155)</li> </ul>
	<ul style="list-style-type: none"> <li>Domiano Tedesco on behalf of 5 land owners. 1 very large owner and 4 smaller ones which includes himself at 905A and B The Northern Road, Bringelly</li> </ul>
	<ul style="list-style-type: none"> <li>Greenfields Development Company No 2 Pty Ltd (GDC2)</li> </ul>
	<ul style="list-style-type: none"> <li>John Tedesco</li> </ul>
	<ul style="list-style-type: none"> <li>Macarthur Developments</li> </ul>
	<ul style="list-style-type: none"> <li>Urbanco on behalf of Stockland - 765 The Northern Road (Lot 280, DP 1043744)</li> </ul>

## Appendix C - Assessment against the intent of applicable Section 9.1 Ministerial Directions

Section 9.1 Direction	Comments
1.2 Rural Zones	<p>The rezoning of the Lowes Creek Maryland Precinct will rezone rural land to a mix of land uses, including residential and business.</p> <p>The intent of the direction is to protect agriculture production values of rural land unless a change in zones is in accordance with relevant regional strategies.</p> <p>The rezoning is consistent with the Region and District plans, which identify the precinct as suitable for increased development for the purposes of residential and business use.</p>
<b>2 Environment and Heritage</b>	
2.1 Environment Protection Zones	<p>The intent of the Direction is to protect and conserve environmentally sensitive areas.</p> <p>Rezoning of the precinct will comply with the Direction. Environmentally sensitive land within the Lowes Creek Maryland Precinct has been zoned E2 Environmental Conservation. The application of this zone is consistent to the zoning applied under the Growth Centres SEPP. These lands are also identified within Riparian corridors which ensures adequate mechanisms are in place to protect and conserve environmentally sensitive land in the precinct.</p>
2.3 Heritage Conservation	<p>The intent of the Direction to conserve items, objects and places of environmental heritage significance and indigenous heritage significance. Rezoning of the precinct complies with this intent.</p> <p>The Lowes Creek Maryland historic precinct is identified under the Camden LEP 2010 as a Local heritage item. This heritage listing will be retained within the SEPP, recognising its recent listing as a State heritage item. The heritage curtilage has been amended to be in accordance with the State heritage listing.</p> <p>Existing provisions under the Growth Centres SEPP will apply to ensure adequate measures are in place to conserve the significance of heritage items.</p> <p>The rezoning is also supported by relevant technical studies, which have informed the finalisation of the indicative layout plan and provisions included in the amendment to the Growth Centres SEPP.</p> <p>The Precinct will also be supported by a DCP. This will contain provisions to conserve heritage items, including the buildings, places, works, relics and moveable objects within the precinct. The DCP will also protect areas identified as containing Aboriginal cultural heritage, including scarred trees and connections to the riparian corridors. These provisions will support the ongoing connection and interpretation of heritage, preserving the significance of European and Aboriginal Heritage across the precinct.</p>



Section 9.1 Direction	Comments
2.6 Remediation of Contaminated Land	<p>The Contaminated Land Planning Guidelines identifies uses which may or have had the potential to cause land contamination that would pose a threat to human health. For this reason, consideration is given to the proposed uses and relevant remediation measures to ensure sites are capable of the change.</p> <p>The Lowes Creek Maryland precinct is currently zoned for rural purposes and was formerly used for agricultural activities. Whilst preliminary site investigations have not been completed at the time of finalisation to determine the extent or likely potential for land contamination, the Department notes any future development application relating to the site would be considered under the provisions of State Environmental Planning Policy No 55 – Remediation of Land. This approach will ensure that any future development application will include further detailed investigations and remediation measures.</p>
<b>3 Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	<p>The intent of the Direction is to encourage a variety and choice of housing; make efficient use of infrastructure and services; and minimise impact of residential development.</p> <p>The rezoning of the precinct will replace the rural residential zone to a mix of other zones, including R2 Low Density Residential and R3 Medium Density Residential. Other business zones including the B2 Local Centre and B4 Mixed Use Zones will also permit residential uses.</p> <p><u>Variety and Choice</u></p> <p>The Precinct will provide for 7,000 homes to support market demand in a strategic location. Housing delivery will be guided housing density bands to ensure development yield targets are met in accordance with the projected population and there is a diversity of housing choice.</p> <p><u>Services</u></p> <p>In planning for the precinct, consideration has been given to a services infrastructure strategy and Services Infrastructure Implementation Plan to ensure necessary infrastructure is provided to support housing growth.</p> <p>In addition, the South West Growth Centre Stare Infrastructure contribution applies to the precinct, ensuring there is a funding mechanism to deliver State significant infrastructure.</p> <p><u>Amenity</u></p> <p>The precinct will also be supported by a development control plan which will promote good design outcomes.</p>

Section 9.1 Direction	Comments
3.4 Integrated Land Use and Transport	<p>The Direction seeks to ensure that development improves access to jobs and services by various means.</p> <p>The rezoning of the Lowes Creek Maryland Precinct will increase housing supply and access to local jobs and services. The location of the precinct also leverages access to nearby centres and the future Western Sydney Aerotropolis, which will improve access to jobs. This is in addition to a local centre and two neighbourhood centres located in the precinct. The ready access to smaller centres within the precinct will support a reduction in travel demand for private vehicles and promote active forms of transport. This is supported by providing essential infrastructure such as footpaths and bus stops to promote these journeys.</p> <p>The transport network has been designed to promote efficient use of different transport modes. For example, bulky goods and highway services have been located adjacent to The Northern Road to ensure effective movement of freight and large vehicles.</p> <p>The precinct is relatively near the Leppington Train station, which can be accessed by local bus services, promoting the use of public transport within the precinct.</p> <p>Additional provisions will also be included in the DCP to promote walking and cycling through the creation of a permeable and a well-designed movement network.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>The Lowes Creek Maryland Precinct is affected by the Obstacle Limitation Surface of the Western Sydney Airport, as identified in the Western Sydney Aerotropolis SEPP.</p> <p>In recognition, controls for the precinct include maximum height of building controls to ensure that buildings will not protrude into the Obstacle Limitation Surface.</p> <p>The precinct is also impacted by the wildlife buffer zone which limits the types of uses within the precinct. Future development applications will be required to demonstrate consistency with each provision of the Western Sydney Aerotropolis SEPP.</p> <p>Camden Council, as the consent authority, will be required to ensure concurrence with the relevant Commonwealth Authority to ensure development will support the future operation of the airport.</p>
4 Hazard and Risk	
4.3 Flood Prone Land	<p>Submissions from Camden Council, the Office of Environment and Heritage, and Macarthur Developments, raised concerns with flood planning and water cycle management associated with the development. Submissions identified concerns primarily related to the documentation supporting the proposed development, the completion of flood modelling and size of detention basins.</p> <p>In response to submissions, the proponent prepared a water cycle management plan and undertook revised flood modelling using a regional flood model applying to the precinct and its broader sub-catchments. The regional model considered scenarios at both pre and post development stages, in addition to the 50%, 10% and 1% Annual Exceedance Probability (AEP) and Probable Maximum Flood (PMF) events. The revised flood modelling demonstrated that all developed areas would be filled at or above the flood planning level and the flood extents post development, would be contained within the proposed drainage corridors and basins up to the 1% AEP event. All access roadways and roads within the development are not expected to be inundated for all events, up to the 1% AEP event. However, some parts of proposed lots and roadways in the northern portion of the Precinct are considered vulnerable to flooding during a PMF event. The water cycle management plan identifies a flood</p>

Section 9.1 Direction	Comments
	<p>emergency response strategy will be prepared with a future development application for the site in consultation with Camden Council and the NSW State Emergency Service which will address vulnerabilities to the precinct during a PMF event.</p> <p>In addition, the water cycle management plan and associated modelling suggests discharges from the site would not exceed the pre-development scenario results. This includes reducing or improving the cumulative impact of flooding to land downstream. The water cycle management plan also notes the identification of basin size and locations have been worked through in an iterative process post exhibition in consultation with Council. This includes associated flood impacts, water quality and minimum detention storage requirements.</p> <p>The assessment of flooding impacts and water cycle management is generally considered capable of demonstrating compliance with the development controls of the Camden Growth Centres Development Control Plan. Further refinements to the grading design and proposed earthworks would be considered at the time of the detailed assessment of a development application.</p> <p>In terms of the Direction 4.3 it is necessary to consider that flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. This is in addition to ensuring the provisions of the plan appropriately considers the flood impacts within and outside the relevant site. Future development is also required to demonstrate compliance with the provisions under Part 5 of the Growth Centres SEPP relating to flooding.</p> <p>The Department has recently exhibited changes to this direction to update considerations for flooding in land use planning practice. The changes include identifying suitable development that may occur in a floodway, that may mitigate the flood risk for other properties influenced by development. Additionally, the changes also seek to amend the relevant local environmental plans to reflect the introduction of two clauses for flood related development controls. The Department has considered the impacts associated with flooding in the context of the existing and amended direction 4.3 as outlined below.</p> <p>The Precinct is located on flood prone land in the Upper South Creek Catchment area. However, planning for the Precinct proposes measures including changes to the topography and redefining drainage corridors to ensure flood risks can be mitigated and facilitate additional development as intended. The planning of the Precinct has also considered the cumulative flooding impacts associated with future development of the site and is supported by a water cycle management strategy. The water cycle management strategy applies a risk based approach to flood planning and the measures applied to the precinct, including riparian protection areas, channel and basin design, and emergency response are consistent with the principles of the Floodplain Development Manual 2005.</p> <p>Future development will include necessary earthworks to facilitate the proposed increase in development, which has the potential to alter the flooding impacts experienced outside the site. However, the proponent's flood modelling as noted above identifies the extent of flooding impacts are contained within the specified drainage corridors up to and including the 1% AEP event, with mitigation measures proposed during a PMF event. Future mitigation measures associated with grading, basin design and emergency response will be considered as part of a future development application.</p> <p>Camden Council has also adopted a flood study and risk management plan for the Upper South Creek floodplain which applies to the site. The proponent's water cycle management plan and associated modelling have been completed giving consideration to Council's study and risk management plan. Whilst the strategic planning for the precinct has considered and seeks to give effect to the intent of Council's policy, future development activity will alter the formation of the land and</p>

Section 9.1 Direction	Comments
	<p>impacts associated with flooding. These changes will mean the perceived extent of flooding impacts up to the 1% AEP and PMF events will be contrary to the current flood risk on the site as specified in Council's Policy. The Department considers the Precinct has included sufficient measures to ensure flood risk is mitigated at a strategic level, with further work to be completed to align development outcomes with the actions of Council's flood study and risk management plan at the detailed design stage of any future development application for the Precinct.</p> <p>As the amendment to direction 4.3 has been introduced at the completion of the precinct planning process, additional work may be initiated by Council to undertake a holistic review of flood related development controls applying to the precinct and broader LGA. This work is identified in Councils LSPS as local priority S6 Improving Camden's resilience to hazards and extreme weather events. This will enable Council to align the recommendations and actions of its Upper South Creek flood study and risk management plan with the flood related development controls under the relevant planning instruments.</p> <p>The Department considers the Precinct is generally consistent with the intent of both the existing and amended direction as it remains aligned with the principles of the Floodplain Development Manual 2005.</p>
4.6 Planning for Bushfire Protection	The precinct is identified as containing Vegetation Category 1, Vegetation Category 3 and Vegetation Buffers. Individual development applications will need to consider and address <i>Planning for Bushfire Protection 2006</i> .
<b>5 Regional Planning</b>	
5.10 Implementation of Regional Plans	The Lowes Creek Maryland Precinct rezoning is consistent with A Metropolis of Three Cities and the Western City District Plan. See Section 6.1 of this report.
<b>6 Local Plan Making</b>	
6.2 Reserving Land for Public Purposes	Whilst the Lowes Creek Maryland Precinct is rezoned by the Minister, areas identified for a public purpose (i.e. RE1 Public Recreation land and SP2 Infrastructure) have also been identified on the land acquisition map and a relevant acquisition authority identified.
<b>7 Metropolitan Planning</b>	
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	The rezoning of the Lowes Creek Maryland Precinct is generally consistent with the Western Sydney Aerotropolis Plan as it will not directly alter land use zoning identified under the Western Sydney Aerotropolis SEPP. The precinct is, however, impacted by development controls under Part 3 of the Western Sydney Aerotropolis SEPP. This includes the Wildlife Buffer Zone and Obstacle Limitation Surface. Individual development applications will need to consider and address these clauses.

## Appendix D - Assessment against applicable State Environmental Planning Policies (SEPP)

State Environmental Planning Policy	Statement of Consistency
State Environmental Planning Policy (Koala Habitat Protection) 2021	Camden LGA is not identified as land to which this SEPP applies.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	On 1/09/2020, Subsidence Advisory confirmed that the land within the boundary of the Lowes Creek Maryland Precinct is not within a declared mine subsidence district. There is no current exploration authority over the land and there is no current mining lease
State Environmental Planning Policy No 19 – Bushland in Urban Areas	This SEPP seeks to preserve bushland within the urban area and identifies Camden as an area the SEPP applies. The precinct is largely cleared agricultural land, however, existing and native vegetation areas on the site will be zoned E2 and identified on the Native Vegetation Protection Map, subject to clause 6.2 <i>Development controls – native vegetation retention areas</i> and clause 6.3 <i>Development controls – existing native vegetation</i> under Appendix 9 of the Growth Centres SEPP, which seek to manage existing vegetation and prevent clearing.
State Environmental Planning Policy No 55 – Remediation of Land	A Land Capability Assessment was undertaken as part of the precinct planning process which identified areas of environmental concern that will require further investigation and/or management. Areas of environmental concern and geotechnical constraints have been mapped and included in the DCP with accompanying clauses seeking to ensure areas of environmental concern and geotechnical constraints are appropriately addressed and remediated to a standard suitable for occupation.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	The site is not within the Sydney Drinking Water Catchment; therefore, this SEPP does not apply.
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	This SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and Camden is identified as land to which this policy applies. As discussed, the site is predominantly cleared agricultural land, however, areas of existing vegetation are being retained and protected through the use of the E2 land zone and clauses under Growth Centre SEPP clauses, which seek to retain the biodiversity values of trees and other vegetation.

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## Appendix E - Biodiversity Certification for the Sydney Growth Centres

Biodiversity Certification under the *Biodiversity Conservation Act 2016* (BC Act), formerly the *Threatened Species Conservation Act 1995* (TSC Act) was conferred upon the Growth Centres SEPP in December 2007 and confirmed in July 2008, via an amendment to the TSC Act. The biodiversity certification of land under the TSC Act is taken to be 'biodiversity certification' of land under the Biodiversity Conservation Act 2016.

This certification effectively removes the need to undertake assessment and obtain approvals required under the BC Act for development on land that is certified.

The Biodiversity Certification of Sydney Region Growth Centres includes a number of requirements, or Relevant Biodiversity Measures, that must be satisfied in order to maintain the Certification.

Measure 35 requires that a report be prepared assessing the consistency of the Precinct Plan with the Biodiversity Certification. The Lowes Creek Maryland Biodiversity Consistency Report was prepared and confirmed that the entire Lowes Creek Maryland Precinct was biodiversity certified and therefore did not require the protection of any Existing Native Vegetation (ENV) to meet the 2000 hectare target for the Sydney Region Growth Centres biodiversity certification. The draft ILP will, however, protect 21.58 ha of ENV and, therefore, meets the minimum requirements of the Biodiversity Certification Order 2007 and the Commonwealth Strategic Assessment Program 2012 under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). A further 5.96ha of Additional High Conservation Value Vegetation will also be protected within the precinct.

A subsequent minor variation of basin design was undertaken, marginally impacting on vegetation, which has been reflected in the draft ILP. It has been confirmed that the draft ILP remains consistent with the conditions of the Biodiversity Certification Order 2007 and the Commonwealth Strategic Assessment Program 2012 under the *Environment Protection and Biodiversity Conservation Act 1999* (PBC Act), as the ILP will result in a greater amount of ENV being protected than is required under the Growth Centres Biodiversity Certification for this precinct.