EXPLANATION OF INTENDED EFFECT

STATE ENVIRONMENTAL PLANNING POLICY TO AMEND
STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 – TO INSERT LEPPINGTON PRECINCT PLAN AND AMEND LEPPINGTON NORTH PRECINCT PLAN

Introduction

The proposed SEPP will amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) by:

A. Amending the Camden Growth Centres Precinct Plan 2013 (Precinct Plan) to make it apply to certain land in Leppington Precinct (the Precinct).

B. Making other amendments to the provisions and the maps to the Growth Centres SEPP, to make the Leppington amendments to the Precinct Plan effective.

C. Making amendments to zoning and land acquisition maps for North Leppington Precinct in the Precinct Plan to reflect the updated route alignment of Rickard Road.

A. The Precinct Plan

The Precinct Plan will identify the land to which the planning controls will apply, establish objectives for development of that land and specify which land uses are permissible with or without development consent (including exempt and complying development) and those land uses that are prohibited. The Precinct Plan will also establish controls for development within the Precinct, such as the maximum height of buildings, minimum lot sizes for the subdivision of land and minimum dwelling densities (number of dwellings per hectare of land) for residential areas. The purpose and application of these controls is explained in later sections of this document.

The Precinct Plan sets the framework for development of land within that part of the Growth Centres that is located within the Camden LGA. This will include land in the Leppington Precinct if the proposed amendments are approved and enacted. The Precinct Plan will be amended to incorporate planning controls that are specifically related to the future development of the land in Leppington Precinct.

Once this land in Leppington is rezoned, the Precinct Plan (as amended) will apply to all future development.

The proposed Leppington amendment contains six parts. This Explanation of Intended Effect provides a “plain English” description of the planning controls that are intended to apply to the Precinct.

Each of the following sections of this document explains the planning controls that exist and will be adopted under the Camden Growth Centres Precinct Plan 2013, those that are to be updated or amended and any new controls:

Proposed amendment to the Growth Centres SEPP –Leppington Precinct Plan
1. Preliminary. This part of the proposed Precinct Plan will describe the land that the planning controls apply to, who the consent authority is for development and other administrative matters.

2. Permitted and prohibited development. This part establishes the zoning of land and which types of development are permitted with or without development consent or are prohibited in each zone.

3. Repealed. This part previously set out development that was either exempt or complying, however the SEPP (Exempt and Complying Development Codes) 2008 now sets out these kinds of development.

4. Principal development standards. This part establishes controls on the size and scale of development.

5. Miscellaneous provisions. These provisions set controls for particular types of development in more detail and deals with such matters such as identifying the acquiring authority for certain lands.

6. Local provisions. These provisions specify controls for development that are required to address issues that are unique to or of particular importance in this Precinct.

The Precinct Plan also contains schedules with additional land uses that may be carried out in addition to those identified in Part 2, and the location and type of heritage items in the Precinct.

The proposed SEPP will establish planning controls for all land in the Precinct. The controls are based on the draft Indicative Layout Plan (ILP), which provides an indication of how the Precinct may develop over time. The draft ILP is proposed to be part of the Camden Growth Centre Precincts Development Control Plan (DCP), which when amended as proposed will apply to the land. The draft DCP amendments will be publicly exhibited at the same time as this Explanation of Intended Effect. The draft DCP schedule provides more detailed guidance for development in Leppington, and supports the planning controls in the Precinct Plan.

If the proposed SEPP is made by the Governor, the new planning controls will take effect once they are published on the NSW Legislation website. Until then, the controls under Camden Local Environmental Plan 2010 (Camden LEP 2010), and the controls that currently apply under the Growth Centres SEPP, will continue to apply to land in Leppington. The draft DCP schedule will be adopted by the Secretary of the Department of Planning and Environment when the proposed SEPP commences.
1 Preliminary

Name of Precinct Plan

The aims of the Precinct Plan are to:

• Rezone land within the Precinct to allow for urban development to occur generally in accordance with the South West Growth Centre Structure Plan and the draft ILP by establishing new residential, local centre, environmental conservation, infrastructure and recreational zones.
• Deliver housing choice and affordability by allowing a wide range of housing types that cater for housing diversity and achieving minimum residential targets.
• Control the bulk and scale of future development by setting maximum building heights for some land use zones.
• Protect and enhance riparian corridors and natural vegetation through development controls that prevent the further clearing of existing native vegetation on this land.
• Protect areas of high visual or environmental value by establishing appropriate zones and development controls in these areas that minimise adverse impacts.
• Protect and enhance areas of heritage significance by establishing development controls that conserve cultural values.
• Identify land for acquisition within the Precinct to enable the provision of civic and educational uses, roads, parks, and drainage.

Land to which the Precinct Plan applies

The land to which the Leppington Precinct Plan applies will be shown on a Land Application Map. The Precinct Plan will apply to all land in the Precinct.

Definitions

The Dictionary at the end of the Growth Centres SEPP will define the words and expressions for the purposes of the Precinct Plan, including the relevant maps.

Consent Authority

Camden Council will be the consent authority for development under the Precinct Plan.

Repeal of other planning instruments applying to the land

The proposed SEPP will affect the application of some other environmental planning instruments that currently applying in the Precinct, and identify those that will no longer to apply to land within the Precinct.
Camden LEP 2010 contains the planning controls currently applying to the Precinct. Under the proposed SEPP, the LEP will no longer apply to the Precinct and the planning controls will be contained in the SEPP.

**Savings provision relating to pending development applications**

A savings provision will ensure that any development applications lodged but not determined before the commencement of the Precinct Plan will be assessed and determined as if the Precinct Plan had not commenced.

**Application of SEPPs**

The Precinct Plan is subject to all State environmental planning policies, other than State Environmental Planning Policy No 1—Development Standards, State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development, and State Environmental Planning Policy No 60—Exempt and Complying Development.

**Suspension of Covenants, agreements and instruments**

A provision will be included in the Precinct Plan that suspends any agreement, covenant or other similar instrument that restricts the carrying out of development permitted under the Precinct Plan or any consent granted under the Environmental Planning and Assessment (EP&A) Act. There are a number of exceptions to this provision, including:

(a) a covenant imposed by the Council or that the Council requires to be imposed,
(b) any prescribed instrument under section 183A of the *Crown Lands Act 1989,*
(c) any conservation agreement under the *National Parks and Wildlife Act 1974,*
(d) any Trust agreement under the *Nature Conservation Trust Act 2001,*
(e) any property vegetation plan under the *Native Vegetation Act 2003,*
(f) any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995,*
(g) any planning agreement under Division 6 of Part 4 of the EP&A Act.

This provision will not affect the rights or interests of any public authority under any registered instrument.
2 Permitted or Prohibited Development

Land Use Zones

The Precinct Plan sets out the land use zones that will apply to land in the Precinct.

The Precinct Plan will rezone land within the Precinct to one of the following zones, as shown on the Land Zoning Map:

- R2 Low Density Residential, intended to provide for low density residential housing supported by local facilities and services to meet the needs of the local community;
- R3 Medium Density Residential, intended to provide a variety of housing types within a medium density residential environment, supported by facilities and services to meet the needs of the local community;
- B2 Local Centre, intended to provide a range of retail, business, entertainment and community uses that meet the needs of the local community, as well as local employment opportunities and access to public transport;
- SP2 Infrastructure, intended to provide land required for infrastructure and similar uses, such as drainage, major roads, a community centre and education;
- RE1 Public Recreation, intended to provide land for public open space or recreational purposes;
- E2 Environmental Conservation, intended to protect, manage and restore areas of high ecological, cultural or aesthetic values throughout the Precinct; or
- E4 Environmental Living, intended to provide for low-impact residential in areas with special ecological, scientific or aesthetic values throughout the Precinct.

Zoning of land to which Precinct Plan applies

The land to which the Precinct plan applies will be zoned as shown on the Land Zoning Map.

Zone objectives and Land Use Table

Land use zones are the controls which define land uses that can be carried out on certain land within the Precinct. Land use tables also include zone objectives that must be considered when assessing development applications within the zone.

Unzoned land

The Precinct Plan will contain a provision that enables any development to be carried out on “unzoned land” with consent. It is not proposed to include any “unzoned land” in the Precinct at this stage.
Additional permitted uses for particular land

At this stage, the Precinct Plan does not include provisions that permit certain land uses (to be listed in a schedule to the Precinct Plan) to be carried out on certain land despite the provisions in the land use tables.

Subdivision – Consent requirements

Subdivision of land in the Precinct will require development consent, unless the Precinct Plan or another applicable planning instrument (for example the Exempt and Complying Codes SEPP) makes provision for subdivision.

Demolition

The demolition of a building or work in the Precinct will require development consent, except where the Precinct Plan or another applicable environmental planning instrument makes provision for demolition.

Temporary use of land

The temporary use of land will be permitted in certain circumstances, where the use does not compromise the future development of that land, or have detrimental economic, social, amenity or environmental effects on the land.
Land use tables

The Precinct Plan will specify for each zone development that is permissible without consent, with consent or are prohibited.

The proposed land use table uses “group terms” to describe a range of similar or related land uses. For example “residential accommodation” includes all dwelling types (for example “dwelling houses”, “attached dwellings” and “residential flat buildings”). Where group terms are used this means that all the uses included under that group term are permitted or prohibited (depending upon which column the term is used in). Exceptions to this apply in some instances.

The words used in the zoning tables have particular meanings that are not always exactly the same as that found in common usage. The meaning of the terms used can be found in the Dictionary to the Growth Centres SEPP, which gives the legal interpretation to the meaning of the terms.
<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone R2 Low Density Residential</td>
<td>Home-based child care; Home occupations</td>
<td>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Veterinary hospitals</td>
<td>Any other development not specified in Column 2 or 3</td>
</tr>
<tr>
<td>Zone</td>
<td>Permitted without consent</td>
<td>Permitted with consent</td>
<td>Prohibited</td>
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<tr>
<td>Zone R3 Medium Density Residential</td>
<td>Home-based child care; Home occupations</td>
<td>Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Roads; Seniors housing. Any other development not specified in item 2 or 4</td>
<td>Agriculture; Air transport facilities; Airstrips; Amusement centres; Boat repair facilities; Boat sheds; Business premises; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Helipads; Highway service centres; Home occupations (sex services); Industries; Information and education facilities; Marinas; Moorings; Mortuaries; Office premises; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Retail premises; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wholesale supplies</td>
</tr>
<tr>
<td>Zone B2 Local Centre</td>
<td>Column 1</td>
<td>Column 2</td>
<td>Column 3</td>
</tr>
<tr>
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</tr>
<tr>
<td></td>
<td>Zone</td>
<td>Permitted without consent</td>
<td>Permitted with consent</td>
</tr>
<tr>
<td></td>
<td>B2</td>
<td>Home-based child care; Home businesses; Home occupations</td>
<td>Boarding houses; Business premises; Car parks; Child care centres; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Office premises; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Retail premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure</td>
<td>Roads</td>
<td>The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose;</td>
<td></td>
</tr>
<tr>
<td>Zone RE1</td>
<td>Zone E2</td>
<td></td>
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<tr>
<td>Public Recreation</td>
<td>Environmental Conservation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit without consent</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permitted with consent</td>
<td>Permitted without consent</td>
<td>Permitted with consent</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Environmental protection works.</td>
<td>Drainage; Environmental facilities; Environmental protection works; Flood mitigation works; Information and education facilities; Kiosks; Recreation areas; Research stations; Roads; Signage; Waterbodies (artificial)</td>
<td>Building identification signs; Business identification signs; Child care centres; Community facilities; Drainage; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants; Roads; Take away food and drink premises; Water recreation structures; Waterbodies (artificial)</td>
<td>Any development not specified in Column 2 or 3.</td>
</tr>
</tbody>
</table>

Proposed SEPP to amend the Growth Centres SEPP –Leppington and Catherine Fields (Part)
Precinct Plan
11
<table>
<thead>
<tr>
<th>Zone</th>
<th>Permitted without consent</th>
<th>Permitted with consent</th>
<th>Prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone E4 Environmental Living</td>
<td>Home-based child care; Home Occupations.</td>
<td>Bed and breakfast accommodation; Child care centres; Community facilities; Drainage; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extensive agriculture; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Waterbodies (artificial)</td>
<td>Industries; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3</td>
</tr>
</tbody>
</table>
4 Principal Development Standards

The Precinct Plan will contain the following development standards:

- Minimum lot sizes for subdivision and minimum lot sizes for different types of residential housing.
- Minimum residential density (ie. number of dwellings per hectare).
- Maximum height of buildings.

These development standards will be supported by maps which show how the controls apply to land in the Precinct. Copies of these maps, showing the intended development controls, are attached.

Minimum subdivision lot size

The Precinct Plan will specify minimum lot sizes for subdivision of land. Varying minimum lot sizes are proposed to respond to different environmental constraints including protection of visually sensitive areas, protection of native vegetation, protection of riparian corridors, and existing infrastructure easements. The proposed minimum subdivision lot sizes are as shown on the Minimum Lot Size Map.

Minimum lot sizes for residential development

The Housing Diversity Amendment Package has introduced standardised minimum lot sizes for a range of dwelling types on land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential. The minimum lot sizes will be aligned with the residential densities outlined below.

Residential Density

Minimum dwelling densities will be specified in the Precinct Plan on a location basis and will be shown on the Dwelling Density Map. Minimum density standards are proposed to facilitate achievement of the minimum dwelling yield for the Precinct.

The term ‘density’ means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

The minimum densities must be achieved by each development application for subdivision and dwelling construction within the Precinct.

Height of buildings

The purpose of the maximum building height controls is to control the scale of development. The height controls proposed relate to desired densities in a scale of building that is consistent with the expected pattern of development. For example, higher buildings are permitted where a higher density development is appropriate to support development within and near centres, and in locations where residents have appropriate access to public transport.

The proposed building heights are as shown on the Height of Buildings map.

The height control is expressed in metres and is measured from the existing ground level to the highest point of the building. The method of calculating building height is defined in the Dictionary to the Growth Centres SEPP.

Exceptions to development standards
Exceptions to development standards will be permitted in certain circumstances to provide flexibility to achieve better development outcomes.
5 Miscellaneous provisions

Relevant acquisition authority

The Precinct Plan will identify the public authorities required to acquire land for public purposes (such as roads, open space and drainage) under the owner-initiated acquisition provisions of the *Land Acquisition (Just Terms Compensation) Act 1991*. The land reserved for acquisition by public authorities is identified on the Land Reservation Acquisition Map and the following table identifies the acquisition authorities.

<table>
<thead>
<tr>
<th>Type of land shown on Map</th>
<th>Acquiring authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone RE1 Public Recreation and marked “Local Open Space”</td>
<td>Camden Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Classified Road”</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local Road”</td>
<td>Camden Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Local Drainage”</td>
<td>Camden Council</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Educational Establishment”</td>
<td>NSW Department of Education and Communities</td>
</tr>
<tr>
<td>Zone SP2 Infrastructure and marked “Community Facility”</td>
<td>Camden Council</td>
</tr>
</tbody>
</table>

Classification and reclassification of public land

Land that is owned by Camden Council for a public purpose can be classified under the *Local Government Act 1993* as either “community” or “operational” land. The Precinct Plan contains standard provisions that enable public land to be reclassified from community to operational, consistent with the Local Government Act 1993. The Precinct Plan does not propose to classify or reclassify any land.

Development near zone boundaries

There will be a provision in the Precinct Plan applying to land, to a certain distance, on either side of zone boundaries which will provide for flexibility in applying zone provisions in limited circumstances. This flexibility is particularly needed where investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site. The flexible zone boundary clause enables development to occur in these situations without the need to rezone land.

The existing zone boundary provisions in the Precinct Plan will apply to land in Leppington precinct. These include a distance of 10m between Public Recreation and any other zone, 10m between Environmental Conservation and any other zone and 30m between any two zones (except for public recreation and environmental conservation).
Heritage Conservation

The Precinct Plan identifies heritage items that will be protected by heritage conservation provisions contained in the plan. The controls include requirements to assess the impacts of proposed development on heritage items and consideration of the heritage values of the item by the consent authority when determining an application.

These items are listed and shown in a map. The heritage items to be listed are:

- Leppington Progress Hall – 123 Ingleburn Road (Local significance)
- Cottage – 66 Rickard Road (Local significance)
- Cottage – 43 Rickard Road (Local significance)
- Homestead and outbuildings – 125 Heath Road (Local significance)

The provision also includes the consideration of archaeological sites, Aboriginal places of heritage significance and Aboriginal objects.

Other miscellaneous provisions

The Precinct Plan contains a number of miscellaneous provisions as described below. These provisions establish controls for certain forms of development including development standards, enabling certain types of development to be carried out with or without consent or as complying development:

1. Controls relating to miscellaneous permissible uses including bed and breakfast accommodation, home businesses, home industries, kiosks, neighbourhood shops, roadside stalls and secondary dwellings.

2. Controls relating to architectural roof features to ensure that they are decorative elements only and that the majority are contained within the prescribed building height.

3. A standard provision relating to the conversion of fire alarms.

4. Trees and vegetation located on land to which this Plan applies will be subject to strict controls in order to preserve the amenity of the area.

5. Ensuring the Precinct Plan does not place any restrictions on infrastructure development by a public authority that is enabled by State Environmental Planning Policy (Infrastructure) 2007 and use of buildings by the Crown.

6. Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without consent.
6 Additional local provisions

The Precinct Plan contains local provisions that relate to matters that require Precinct specific development controls due to the nature of the Precinct.

Public utility infrastructure

A provision provides that Council must not grant consent to development unless public utility infrastructure (which includes water and electricity supply or sewage disposal and management) is available to the site or will be made available when required.

Protection of native vegetation retention areas and existing native vegetation

There will be provisions applying to the mapped Native Vegetation Retention Areas and Existing Native Vegetation Areas detailing matters that must be addressed before development consent can be granted. The objects of the provisions are to:

- Prevent clearing of native vegetation
- To facilitate regeneration of riparian vegetation
- To facilitate the recovery of native flora and fauna

A separate provision will provide for the protection of Existing Native Vegetation (ENV) in accordance with the biodiversity certification of the Growth Centres SEPP. The provision controls the clearing of ENV on land that is not the subject of biodiversity certification.

Restricted premises

A provision restricts the approval of restricted premises if the premises will be located on land that abuts, or is separated only by a road from land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or used for the purposes of a community facility, school or place of public worship. The provision also requires Council to consider the impacts of restricted premises on the surrounding neighbourhood.
B. Consequential amendments

Map amendments

Consistent with the development controls described above, the following maps to the Growth Centres SEPP that apply to the Precinct will be replaced:

- Land Zoning Map
- Development Control Map
- Land Application Map
- Precinct Boundary
- Land Reservation Acquisition Map
- Heritage Map
- Height of Buildings Map
- Lot Size Map
- Residential Density Map
- Native Vegetation Protection Map
- Riparian Protection Area Map

Copies of these maps, showing the intended development controls, are attached.

Other amendments

Other amendments will be required to be made to the Growth Centres SEPP to reflect that the Precinct Plan is adopted and where it is located within the Growth Centres SEPP. New terms will also be inserted into the Dictionary to the Growth Centres SEPP to identify the Precinct.

Camden LEP 2010 Map Amendments

The proposed SEPP will amend the Camden LEP 2010 by removing the Leppington Precinct from the LEP and including it in the SEPP. This usually occurs by removing the LEP map sheets that no longer apply, and preparing new maps showing how the SEPP applies to the land. The remaining Camden LEP maps will refer to the applicability of the Growth Centres SEPP, where relevant.
C. Amendment to Leppington North Land Reservation Acquisition Map and Land Zoning Map

The Rickard Road Route Study refined the alignment of Rickard Road between Bringelly and Ingleburn Roads. The changes occurred due to further design work associated with the road bridge over the South West Rail Link. The updated road alignment will be reflected in the Land Reservation Acquisition Map and Land Zoning Map for North Leppington Precinct in the Precinct Plan.