



**Planning &  
Infrastructure**

## **Austral and Leppington North Precinct Plan**

*State Environmental Planning Policy (Sydney Region Growth Centres)*

**Post-exhibition Planning Report**

**December 2012**

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# 1 Introduction

## 1.1 Overview

In October 2011, the Minister for Planning & Infrastructure approved the public exhibition of the draft Precinct Planning package for the Austral and Leppington North Precincts. The draft Precinct Planning package was a key step towards the introduction of new planning controls to enable urban development in the Precincts, which are part of the South West Growth Centre. If approved by the Minister and the Governor, the exhibited documents will result in rezoning of the land under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP).

When finalised, the new planning controls will:

- Permit development for a range of urban purposes, including housing, shops, industries, offices, human services and infrastructure in the Precincts;
- Establish controls to meet residential density targets and ensure appropriate standards for subdivision and urban development; and
- Identify infrastructure that is required to support development and establish a plan for infrastructure delivery.

The public exhibition period was intended to enable land owners and other interested people to view, understand and provide comment on the draft planning controls. Following public exhibition, the Department of Planning & Infrastructure, in collaboration with Liverpool City Council and Camden Council, has undertaken an extensive review to address issues raised in submissions and finalise the documents.

This report documents the public consultation process, summarises the issues raised both in submissions and during further discussion with state agencies and other stakeholders, and reports on how those issues have been addressed when finalising the precinct plan.

## 1.2 Summary of the Precinct Plan

The Precinct Planning package consists of a number of documents and plans, including:

- Amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP) to insert the Liverpool Growth Centres Precinct Plan and the Camden Growth Centres Precinct Plan (referred to in this document as the Precinct Plans).
- Amendments to the various maps referred to in the Growth Centres SEPP, to include controls for the Precincts.
- The Camden Growth Centre Precincts Development Control Plan (DCP) and the Liverpool Growth Centre Precincts DCP, which provide more detailed design controls for development in the Precincts.
- A revised Infrastructure Delivery Plan.
- Updates to technical studies prepared for the draft Precinct Plan: In some cases the reports prepared for exhibition have been amended and re-issued; for other studies addendum reports document investigations since exhibition.

Both Camden Council and Liverpool Council have prepared draft Section 94 Contributions Plans that establish funding mechanisms for local infrastructure required to service development in the Precincts. Draft Contributions Plans have been exhibited and the Councils are working, with assistance from the Department, to finalise these plans as close as possible to when the Precinct Plans come into force. The revised Indicative Layout Plan (ILP) is at **Appendix A** of this report and is contained in the DCPs. **Table 1-1** summarises the main planning outcomes that the ILP will deliver. **Section 4.1** includes a

comparison with the draft ILP and further explanation of the reasons for changes that have been made since exhibition of the draft plan.

**Table 1-1: Summary of planning outcomes for the Austral and Leppington North Precincts**

| <b>Summary statistics</b>                 | <b>Final ILP</b>  |
|---|-------------------|
| Gross site area                           | 2025 hectares     |
| Low density residential land              | 725 hectares      |
| Medium density residential land           | 203 hectares      |
| Environmental living land                 | 131.2 hectares    |
| Dwelling yield*                           | 17,350 dwellings  |
| Average dwelling density*                 | 16.1 dwellings/ha |
| Population*                               | 54,300 people     |
| Drainage basins, channels and creek lines | 103 hectares      |
| Open space                                | 135.4 hectares    |
| Local and neighbourhood centres**         | 17 hectares       |
| Light industrial                          | 99.4 hectares     |
| Commercial core                           | 23.8 hectares     |
| Mixed use                                 | 18 hectares       |
| Business park                             | 72.5 hectares     |
| Business development                      | 26.5 hectares     |
| Civic, health, cultural and TAFE          | 13.5 hectares     |

\*Dwelling yield, average dwelling density and population outcomes include an assumed dwelling density of 20 dwellings per hectare within the Mixed Use areas.

\*\*The areas of the local centre and neighbourhood centres include land identified in the ILP for community centres.

## 2 Exhibition Details

### 2.1 Exhibited Materials

The following documentation was publicly exhibited as part of the draft Precinct Planning Package:

- A Precinct Planning Report
- A draft Indicative Layout Plan
- An Explanation of the Intended Effect of the proposed amendment to the Growth Centres SEPP (a “plain English” version of the draft Precinct Plan)
- Draft Growth Centres SEPP maps
- Draft Liverpool Growth Centre Precincts DCP, which will apply to land in the Precincts that is in Liverpool Council area
- Draft Camden Growth Centre Precincts DCP, which will apply to land in the Precincts that is in Camden Council area
- Background Technical Reports
- A draft Infrastructure Delivery Plan
- A Biodiversity Certification Consistency Assessment Report

A Guide to the exhibition and a brochure highlighting the proposed new Leppington Major Centre were also available.

### 2.2 Exhibition and Submissions Period

The draft Precinct Planning Package was publicly exhibited from 26 October to 2 December 2011. The Department allowed extensions to the submission deadline (on request) up to 23 December 2011. A number of submissions were received after this date, and all submissions received by the Department up to the end of January 2012 have been included in the submissions report at **Appendix B**.

### 2.3 Exhibition Venues

The draft Precinct Planning Package was available to the public at the following locations:

- Department of Planning & Infrastructure, Level 5, 10 Valentine Avenue, Parramatta
- Department of Planning & Infrastructure, 23 - 33 Bridge St, Sydney
- Camden Council, John Street, Camden and Queen Street, Narellan
- Liverpool Council, Moore Street, Liverpool
- Growth Centres web site ([www.growthcentres.nsw.gov.au](http://www.growthcentres.nsw.gov.au))

Nine community information sessions were also held during the exhibition period at the Leppington Progress Hall, Ingleburn Road Leppington. Details of these sessions are provided in **Section 2.7**.

## 2.4 Public Notice

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

| Media                 | Dates      |
|-----------------------|------------|
| Sydney Morning Herald | 26/10/2011 |
| Daily Telegraph       | 26/10/2011 |
| Camden Advertiser     | 26/10/2011 |
| Liverpool Champion    | 26/10/2011 |
| Liverpool Leader      | 1/11/2011  |
| South West Advertiser | 26/10/2011 |

## 2.5 Notification of Land Owners

The Department of Planning & Infrastructure wrote to all land owners (as recorded on the Councils' rates databases) in the Precincts at the start of the exhibition period. The letter provided details of the exhibition period, the times and dates of the Information Sessions, contact details for the Department, and a copy of the Guide to Exhibition. The letter also invited submissions on the draft plans.

## 2.6 Notification of Key Stakeholders

The Department of Planning & Infrastructure advised stakeholders of the exhibition, including the Local Councils, State Agencies, and environmental and development industry interest groups, as listed at **Appendix C**. The letter invited submissions from these stakeholders.

## 2.7 Information Sessions

The Department of Planning & Infrastructure held nine information sessions at the Leppington Progress Hall during the exhibition period. The sessions were held on Tuesdays (4-8pm), Thursdays (10am-2pm) and Saturdays (12-3pm). The sessions were an opportunity for members of the public to meet with the project team and discuss the draft plans. Other government agencies responsible for key infrastructure projects in the Precincts including: Roads and Maritime Services; the Transport Construction Authority; and Sydney Water, attended some or all of the sessions. Camden Council staff attended the majority of the sessions and Liverpool Council was represented at one session.

The information sessions were very well attended by the community: approximately 800 people attended the sessions, representing nearly 500 properties within the Precincts. Some who attended own land outside the Precincts (in other Growth Centre Precincts) or had a more general interest in the draft plans or the Growth Centres. At the sessions, Department of Planning & Infrastructure staff offered information, advice and help to land owners including assistance to write submissions (particularly for people with language/literacy difficulties) and assistance interpreting technical information.



## 3 Submissions Summary

### 3.1 Number of Submissions

A total of 113 submissions were received by mail, fax, email or hand delivered. All submissions received up to 24 January 2012 are listed and summarised at **Appendix B**. A summary of submissions grouped into major stakeholder groups is provided at **Table 3-1**.

**Table 3-1: Summary of submissions**

| Submission author                | No. of submissions |
|----------------------------------|--------------------|
| Commonwealth Government Agencies | 0                  |
| State Members of Parliament      | 1                  |
| State Government Agencies        | 9                  |
| Local Government                 | 2                  |
| Land owners                      | 91                 |
| Services & Utilities             | 2                  |
| Industry Groups                  | 5                  |
| Environmental Groups             | 1                  |
| Land Owner Groups                | 2                  |
| <b>TOTAL</b>                     | <b>113</b>         |

### 3.2 Late Submissions

While the formal closing date for submissions was the close of public exhibition on 2 December 2011, submissions received up to 24 January 2012 were able to be considered and are included in the submissions report at **Appendix B**. A small number of submissions were received after this date. The issues raised in those have been considered in the preparation of the final Precinct Plan but they are not recorded in the submissions summary at **Appendix B**.

### 3.3 Response to Submissions

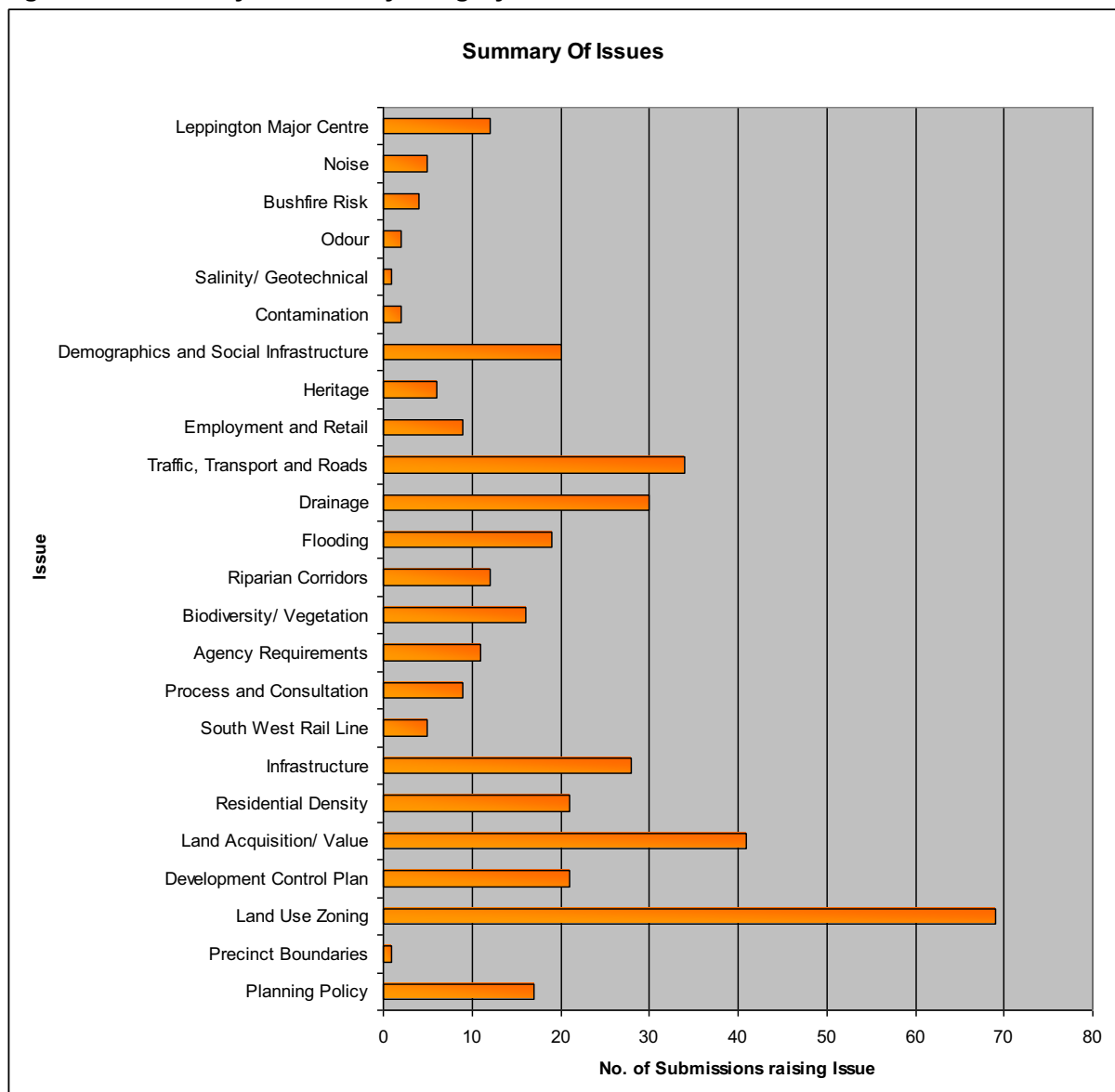
Authors of all submissions received within the period up to and including 24 January 2012 were sent an acknowledgement letter. Following gazettal of the Precinct Plans, further correspondence will be sent to all land owners and all those who made submissions to advise of the Minister's decision and to advise in general terms how matters raised have been responded to.

It is not practical for the Department to provide individual responses to each submission within the Precinct Planning program. The submissions report at **Appendix B** lists all issues raised in submissions, and the Department's response. Those who made submissions and would like to understand how the Department has dealt with the issues should consult **Appendix B**. The issues raised in each submission have been categorised and where the same (or similar) issue is raised by more than one submission, in some cases these have been grouped together. The submission ID can be used to track how the issues in individual submissions have been categorised, grouped and responded to.

### 3.4 Issues Raised in Submissions

All submissions received were read by Department staff and issues raised were categorised according to a category list defined prior to the start of the exhibition period. The issue categories, and a graphical representation of the number of submissions that raised issues in each category, are shown on **Figure 3-1**. More detailed responses to key issues and issues that were frequently raised are provided in **Section 4**.

**Figure 3-1: Summary of issues by category**



Prominent issues that have arisen out of submissions include:

- The proposed zoning of land, particularly for public purposes such as drainage or public recreation
- Land acquisitions or impacts on land values
- Drainage and flooding
- Traffic and transport
- Infrastructure provision (eg. water, sewer, and electricity)
- Demographics and community facilities

## 4 Consideration of Issues

This section identifies the issues raised in submissions, and also those raised in ongoing discussions with state agencies and key stakeholder groups. The Department's responses to the issues have been formed by balancing a range of competing views, in the context of state planning policies and guidelines, and informed where necessary by additional specialist advice.

Changes have been made to the Precinct Planning Package since exhibition, and these are summarised below. **Appendix B** contains specific responses to issues raised in submissions, including other amendments to the Precinct Plan that have arisen from submissions.

It is important to note that, because of the number of submissions received and the complexity of issues dealt with in Precinct Planning, in many cases it is not possible to respond specifically to issues in individual submissions. Where appropriate, issues have been grouped and a single response has been provided to avoid repetition. Reference should be made to the revised Indicative Layout Plan and associated documentation for specific information on how the changes to the plans since exhibition affect individual properties.

### 4.1 Indicative Layout Plan

The design philosophy of the Indicative Layout Plans (ILP) is to enhance and build on the existing social, environmental, landscape and cultural values of the Precinct. The current street and subdivision pattern, established village areas and community facilities, the existing rural character, and landownership patterns, all pre-determine urban design outcomes.

As the ILP underpins all other aspects of the Precinct Plan, changes to the ILP since exhibition are discussed first in this report as a precursor to the description of amendments to other aspects of the Precinct Plan.

The key issues raised in submissions in relation to the ILP were the location and size of town centres and neighbourhood centres, the indicative road layout, and the amount of land for public purposes (parks and sports fields, school, open space and drainage). Amendments have been made taking into consideration the issues raised by individual land owners, however, it was not always possible to directly address and resolve individual issues. Where changes to respond to individual issues were supported by the Department in the context of all competing priorities, these have been made.

The final ILP (at **Appendix A**) maintains the general structure and arrangement of land uses and infrastructure as the exhibited draft. However, within the context of the overall ILP structure, changes have been made to some key elements of the ILP, and these are described below. Other changes, relative to the overall ILP, are minor, but are likely to still be important because they will change the outcomes of the Precinct Plan for individual properties.

**Table 4-1** summarises key elements of the final ILP, and compares these to the draft ILP, to provide an overview of the impact of the changes made since exhibition on the development potential of the Precincts.

**Table 4-1: Comparison of the draft ILP and final ILP**

| Summary statistics                        | Draft ILP         | Final ILP         |
|---|-------------------|-------------------|
| Gross site area                           | 2025 hectares     |                   |
| Low density residential land              | 704 hectares      | 725 hectares      |
| Medium density residential land           | 173 hectares      | 203 hectares      |
| Environmental living land                 | 163 hectares      | 131.2 hectares    |
| Dwelling yield*                           | 16,300 dwellings  | 17,350 dwellings  |
| Average dwelling density*                 | 14.8 dwellings/ha | 16.1 dwellings/ha |
| Population*                               | 51,000 people     | 54,300 people     |
| Drainage basins, channels and creek lines | 108 hectares      | 103 hectares      |
| Open space                                | 148 hectares      | 135.4 hectares    |
| Local and neighbourhood centres**         | 15.4 hectares     | 17 hectares       |
| Light industrial                          | 91.5 hectares     | 99.4 hectares     |
| Commercial core                           | 21.7 hectares     | 23.8 hectares     |
| Mixed use                                 | 18.5 hectares     | 18 hectares       |
| Business park                             | 76.5 hectares     | 72.5 hectares     |
| Business development                      | 24 hectares       | 26.5 hectares     |
| Civic, health, cultural and TAFE          | 13.5 hectares     | 13.5 hectares     |

\*Dwelling yield, average dwelling density and population outcomes include an assumed dwelling density of 20 dwellings per hectare within the Mixed Use areas.

\*\*The area of the local centre and neighbourhood centre includes land identified in the draft and final ILPs for community centres.

#### 4.1.1 Local and neighbourhood centres

A number of changes to the layout and area of land zoned for the neighbourhood centres have been made since the draft ILP was exhibited. The issues raised in submissions and the proposed changes are described in the following sections.

##### **Gurner Avenue Neighbourhood Centre, indicative school site and playing fields**

During the exhibition period, Liverpool Council advised the Department that a private school had been approved on land that in part was shown as an indicative location for a new public school, north of the intersection of Gurner Avenue and Fourth Avenue. The draft ILP also showed public open space containing playing fields adjacent to a minor watercourse, to the east of the school site. The public open space was also partly located on the approved private school site. A neighbourhood centre containing shops and a community centre was proposed south of Gurner Avenue opposite the school and playing fields. Liverpool Council requested further consideration of the location and configuration of the proposed centre to confirm site suitability and that sufficient land had been allocated to enable retail and other related development in each centre.

A number of options were considered for the relocation of the neighbourhood shops. The slope of the land was also considered to determine if it would create significant difficulties for the construction of a supermarket and specialty retail. This review concluded that the current site, with some modifications to the boundaries of the B1 Neighbourhood Centre zone, is suitable for retail development. As a result, the final Precinct Plan shows the neighbourhood centre in the location shown on the draft Precinct Plan, but with some adjustments to the zone boundaries. The area of land within the neighbourhood centre is approximately 2.15 hectares (including a nominal allocation of land of 0.45 hectares for a community centre).

The location and size of the local park south of the neighbourhood centre has also been adjusted in response to the changes to the neighbourhood centre and to avoid substantial dwellings on Fourth Avenue to the south of the park.

Further consultation with the Department of Education and Communities has resulted in the potential high school/K-12 school (as shown on the draft Precinct Plan) being reduced to a primary school only. The primary school is now located south of Gurner Avenue and immediately east of the neighbourhood centre. The school site is approximately 2.93 hectares. Land for the school is zoned SP2 Infrastructure. The zoning of school sites is further discussed in **Section 4.1.5**.

The sports field that was proposed to be north of the neighbourhood centre has been relocated west along Gurner Avenue to land that is affected by flooding from Kemps Creek. This land was proposed to be zoned either for Public Recreation or Rural Transition in the draft Precinct Plan.

Land that was proposed in the draft ILP for the centre, school and playing field is now either Low Density Residential or Medium Density Residential in the final ILP.

### **Austral Local Centre**

Liverpool Council raised concern with the allocation of land for the Austral Local Centre, at the intersection of Fifteenth Avenue and Edmondson Avenue. Council requested the Department to review the area of land in each block within the centre to ensure that the planned retail floorspace and associated parking and loading facilities are able to be accommodated.

Cox Richardson undertook a review of the land size and shape for local centre land on both sides of Edmondson Avenue. The review determined land area requirements based on advice from Hill PDA in relation to the floorspace requirements for supermarkets and discount department stores, specialty retail and local commercial offices, and the associated car parking and loading requirements based on the draft Liverpool Growth Centre Precincts DCP. The review assumed single storey retail development and at grade car parking, as this is the likely configuration of retail developments in these centres.

The review concluded that there is sufficient space, and that the shape of the land is appropriate, within each block in the Austral Local Centre to accommodate the likely retail and commercial development in the centre.

### **Austral Village neighbourhood centre**

A submission from a land owner suggested that Austral village should be the location for the Local Centre, rather than the proposed location at the intersection of Edmondson Avenue and Fifteenth Avenue. This submission is not supported by the South West Structure Plan or by the retail demand and centre hierarchy assessment by Hill PDA. Hill PDA's assessment confirms that the Austral Local Centre is best located where shown on the ILP as it is a more central location to the likely retail trade area, when the locations of other proposed centres in the Growth Centre are considered. Locating a Local Centre at Austral Village would be too close to Leppington Major Centre and the centres would compete for retail trade rather than complement each others' functions in the retail hierarchy. Austral local centre is better located further north to capture trade from the north of the Austral Precinct and potentially parts of the Rossmore North and Kemps Creek Precincts to the west. In addition, it is located at the intersection of two transit boulevards, meaning that it will be highly accessible by both public transport and cars.

The proposed size of Austral Village Neighbourhood Centre has been reviewed based on projected retail floorspace from Hill PDA's assessment. The review has concluded that opportunities for the redevelopment or expansion of the existing centre to cater for increased population in surrounding areas would benefit from zoning a larger area of land for Neighbourhood Centre than was proposed in

the draft Precinct Plan. The area of land for the centre has therefore been expanded to the east to occupy the existing parcel of land that is immediately east of the current village centre. The total area of land zoned neighbourhood centre is approximately 3.61 hectares (including a community centre with a nominal land allocation of 0.41 hectares). This expansion provides a block size suitable for redevelopment to include a full line supermarket and associated specialty retail and car parking on the land comprising the existing shops and the adjoining block. Land on the western side of Edmondson Avenue is shown as part of the neighbourhood centre (as per the draft ILP), and would be suitable for specialty retailers, local commercial uses, medical centres and other similar uses. This could include adaptive re-use of heritage buildings in this area, which may be better suited to small scale office and commercial uses than for retail.

The multi-purpose community centre, which in the draft Precinct Plan was proposed to be located within the park south of Tenth Avenue, is now proposed to be located north of Tenth Avenue in the neighbourhood centre zone, so as to better integrate with commercial and retail activity in the centre.

The park proposed adjacent to Austral Public School has been retained (but the proposed community centre relocated as described above). The expansion of the neighbourhood centre further east along Tenth Avenue reinforces its role as the “Main Street” of the centre, and will enable retail development to better relate to the park and school than the configuration proposed in the draft ILP.

### **Eighth Avenue neighbourhood centre**

The location of the Eighth Avenue neighbourhood centre, at the corner of Eighth Avenue and the new north-south extension of Eastwood Road, has not changed from that shown on the draft ILP. However, the review of the size and configuration of this centre has concluded that the centre as shown on the draft ILP was not suitable for likely retail development based on advice from Hill PDA. The final ILP includes an area of 2.7 hectares for the neighbourhood centre (including land for a community facility of 0.38 ha). The site has a more square shape than the elongated rectangle in the draft Precinct Plan, to enable development of a supermarket and specialty retail, and a community centre, with associated car parking and loading facilities. The boundaries of the centre are also now contained within two existing properties rather than partially occupying three properties as in the draft ILP. Minimising the number of existing properties to be consolidated will assist in development of the centre.

#### **4.1.2 Road layout**

A number of submissions requested changes to the locations of roads as shown on the draft ILP. While the locations of new roads are mostly indicative (except where the road is zoned for Infrastructure), getting the locations right in the draft ILP assists Council and developers to deliver appropriately designed subdivisions and reduces the potential for ongoing amendments to the ILP. Some other changes to the hierarchy and function of roads are proposed to improve vehicle and pedestrian access and movement around the Precincts. Changes to the road hierarchy and treatment of intersections are shown on **Figure 4-1**.

The main change to the locations of local roads has been a shift from roads predominantly centred on existing property boundaries, to locating roads in the centre of existing properties. This has been based on advice from Liverpool Council on the effectiveness of this approach in facilitating development of individual land parcels. Council’s experience in areas such as Middleton Grange (which has the same pattern of rural land subdivision as Austral and Leppington North) has shown that locating roads in the centre of lots enables development to proceed with less negotiation between adjoining land owners, and fewer complications in the design of roads and intersections. It also minimises the need for temporary access arrangements.

The other significant change to the road layout is the arrangements for the north-south collector road in the east of the Precinct between Eleventh Avenue and Sixteenth Avenue. In the draft Precinct Plan, this collector road was proposed to be located entirely to the west of the Jemena gas easement. In

the final Precinct Plan, the road carriageways have been split so that the north-bound carriageway is on the western side of the gas line and the south-bound carriageway is located to the east. South of Twelfth Avenue, where the gas line diverts further east and out of the Precinct, this road will transition to the standard collector road cross section.

North of Twelfth Avenue, the costs of construction of each road carriageway (including 6.5 metres of road carriageway and a 4.5m wide verge and shared path) will be the responsibility of the developers of the land parcels adjoining the road. The median (the land between the carriageways that includes the gas easement and pipeline) will be dedicated to Council as part of the public road. Schedule 1 of the Liverpool Growth Centre Precincts DCP includes a diagram showing the typical cross section for this road. Just south of Twelfth Avenue, adjacent to land zoned for open space, the split carriageways join into a single carriageway as the gas easement diverts to the south-east. A small section of road in this location will be funded through developer contributions to enable Council to manage the integration of the carriageways and to ensure there is an appropriate funding source for the section of road that adjoins public open space.

The other related change is that where this collector road crosses Fifteenth Avenue, traffic signals are now proposed to allow turning movements in all directions at this location (previously this was a T intersection with traffic signals proposed at another intersection further east. The collector road classification now extends north to Sixteenth Avenue, which is also proposed to be a collector road linking east to Twenty-eighth Avenue and west to Craik Avenue, which is also now a collector road north of this intersection to Gurner Avenue. Signals are also proposed at the intersection of Fifteenth Avenue and Twenty-eighth/Twenty-ninth Avenue, and will allow traffic to access the residential areas north and south of Fifteenth Avenue. Seventeenth Avenue was a collector road at exhibition but now reverts to a local road.

In response to other submissions, roads have been relocated where possible. Changes include:

- Adjusting the locations of some roads to minimise the creation of narrow parcels of land that are difficult to subdivide without amalgamating with adjoining properties.
- Changes to the orientation of some roads, removal of some sections of roads and changes to intersection arrangements to reduce the number of four way intersections (for road safety reasons).
- Modifications to the locations of some roads to reflect zone boundaries and to be consistent with the relevant section 94 contributions plans that will either partly or wholly fund some road construction.
- Re-alignment of some roads where they adjoin drainage channels that have been redesigned following exhibition.
- Reduction in the number of four-way intersections between local roads to improve traffic safety and to establish a more legible hierarchy of local street connections to collector roads.

In some cases roads are located on drainage lines and could not be relocated. Changes to indicative road layout lead to minor changes elsewhere throughout the Precinct as all elements of the ILPs are interrelated. It should be noted that the proposed layout of local roads is indicative only and when subdivision occurs road design may differ from that shown on the ILP if approved by Council.



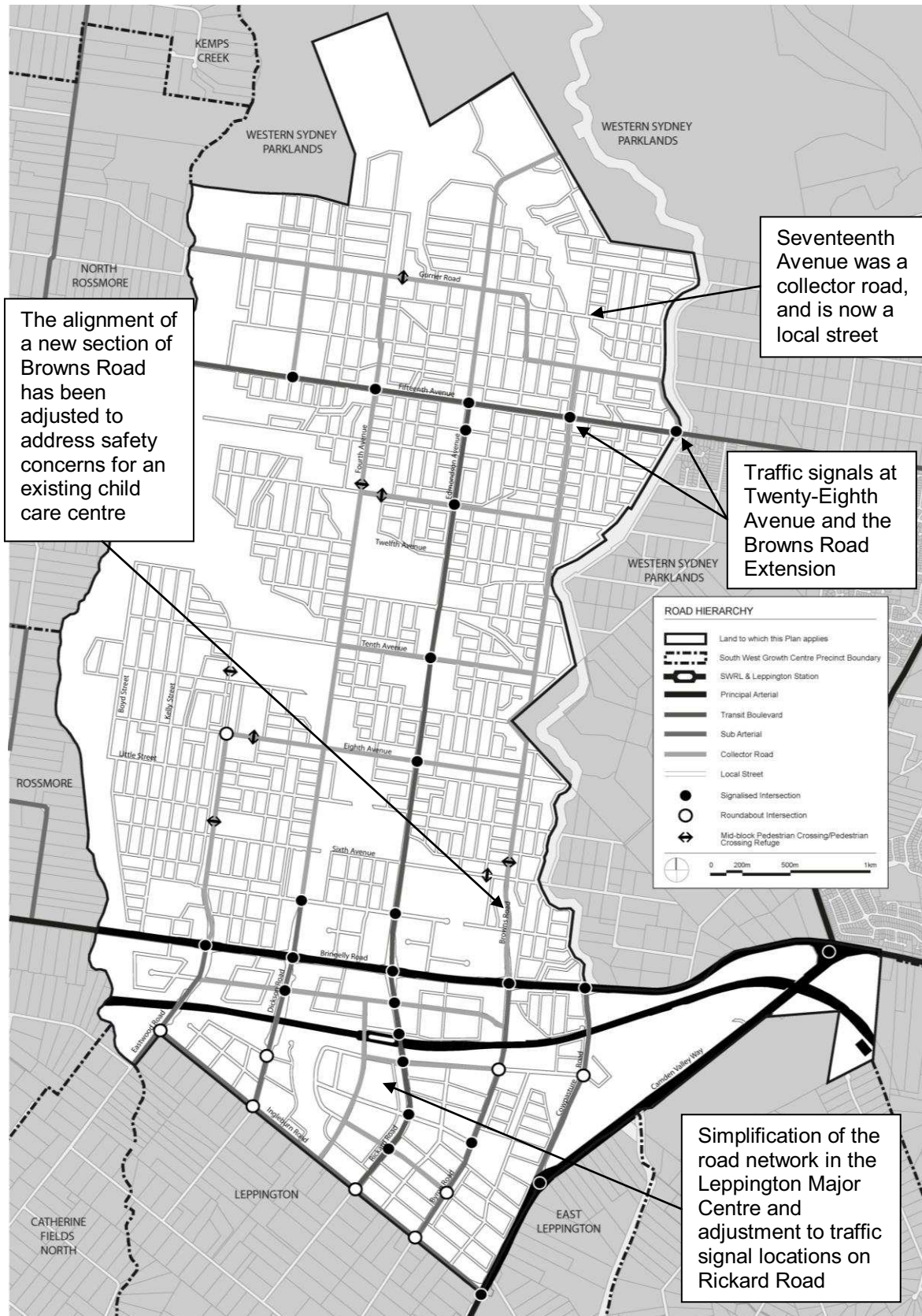


Figure 4-1: Changes to the road network and intersections

#### 4.1.3 Parks and sports fields

The number and location of parks and sports fields is based on the demand generated by the projected population of the Precincts and criteria for access to these facilities established by the Growth Centres Development Code. The Precinct Planning Report describes the rationale for location of these facilities in the draft ILP. The same rates of provision for open space, and the same location criteria, have been applied to any amendments since exhibition.

A relatively large number of submissions objected to the location of open space land. Almost all submissions that raised this issue were from the owners of the affected land. The rate of provision of open space land in the draft ILP was approximately 2.92 hectares per thousand people, based on the minimum dwelling and population yield for the draft ILP. This is slightly above the benchmark rate of provision of 2.83 hectares per thousand people in the Growth Centres Development Code. Given the location of the Precincts adjacent to the Western Sydney Parklands, it is reasonable to provide local and district open space within the Precincts at a rate below the benchmark, providing appropriate access to open space is available for all residents and the range of passive open space and sporting opportunities meets the needs of residents.

The total area of land identified for open space in the final ILP is 135.4 hectares, 12.6 hectares less than in the draft ILP. The estimated resident population is 54,300. The rate of provision of open space is 2.49 hectares per thousand people. The number of playing fields remains consistent with the rates of provision required by Liverpool and Camden Councils. Note that this varies from the recommendations by Elton Consulting in the Demographic and Social Infrastructure Assessment report prepared prior to exhibition, but is based on standards agreed by the Councils.

The locations of some parks and sports fields have changed from the draft to the final ILP, as shown on . The main changes are:

- A small park has been added to the Plan, on land affected by the Jemena Gas easement in the east of the Precinct, south of Twelfth Avenue.
- A small park has been located adjacent to a drainage channel south of Fifteenth Avenue in the east of the Precinct to ensure that residents in this area have adequate access to a local park.
- North of Tenth Avenue (in the east of the Precincts), on residual land at the rear of a property affected by a drainage channel, a small park is proposed adjacent to the drainage channel. This park makes use of land that would otherwise be severed as a result of acquisition for the drainage channel and therefore has little development potential.
- A local park at the eastern boundary of the Precinct (north of Eighth Avenue) has been deleted (except for a small portion of residual land adjacent to the new collector road) because this open space would be better distributed for access by residents by the new parks described above. Protection of remnant native vegetation on this land will be achieved by other zoning controls and provisions in the Precinct Plan.
- A sports field north of the intersection of Fourth Avenue and Gurner Avenue has been relocated to the Kemps Creek floodplain (west along Gurner Avenue) as described in **Section 4.1.1** of this report.
- A sports field that was proposed to be located in the north-east of the Precinct (north of Eighteenth Avenue) is now located within the Kemps Creek floodplain north of Gurner Avenue, adjacent to the other relocated sports field described above. This sports field has been relocated because the original site created a conflict with a drainage channel that is required to convey stormwater to the unnamed creek. The land at the previous location for the sports field is now zoned Low Density Residential.
- Deletion of a small park at the western end of Fifth Avenue (on land partly affected by the Endeavour Energy overhead transmission line. This park was positioned at this location in the draft Plan to conserve some remnant vegetation and to assist in managing the constraint

imposed by the transmission line. However, Office of Environment and Heritage has indicated that conservation of this vegetation will not count towards maintaining the Growth Centres Biodiversity Certification. The open space needs of the surrounding community will be met by a larger park with a playing field that is immediately to the south, so the small park is now zoned Low Density Residential. The DCP provides controls to address the constraints of the transmission line.

- Two areas of land that were proposed to be zoned Public Recreation, and which are already in Government ownership, are now to be zoned Environmental Conservation. These lands contain Existing Native Vegetation that is required to be protected to maintain the Growth Centres Biodiversity Certification. As these lands are already publicly owned, there is no need for Council to acquire them to facilitate protection of the native vegetation. The areas are east of the Upper Canal (north of Camden Valley Way) and north of Gurner Avenue (in a large land holding south of Kemps Creek Substation).
- A playing field that was located on land east of Fourth Avenue and north of Seventh Avenue has been relocated to north of Sixth Avenue, south of where Bonds Creek and Scalabrini Creek join. The new sports field location was proposed to be zoned Public Recreation in the draft Precinct Plan. The former playing field location is now zoned part Low Density Residential and part Environmental Living, except for the northern-most lot (south of Eighth Avenue) which contains significant vegetation: the public recreation zoning has been retained on this property.
- Land that was proposed to be zoned Private Recreation, east of Scalabrini Creek in Leppington Major Centre, is now zoned Public Recreation. This new area of public open space, in association with passive open space linkages along Scalabrini Creek to the south, will provide district open space related to the retail and mixed use areas of the Major Centre, and in part catering for district open space demand from the Leppington Precinct to the south. Adjustments to the location and number of stormwater basins around the Major Centre have also led to changes in the locations of public open space along Scalabrini Creek.
- Minor changes to the boundaries of some land zoned Public Recreation to better respond to existing property boundaries and other constraints identified in submissions and to ensure that parks are of a suitable size and dimensions to be useable.

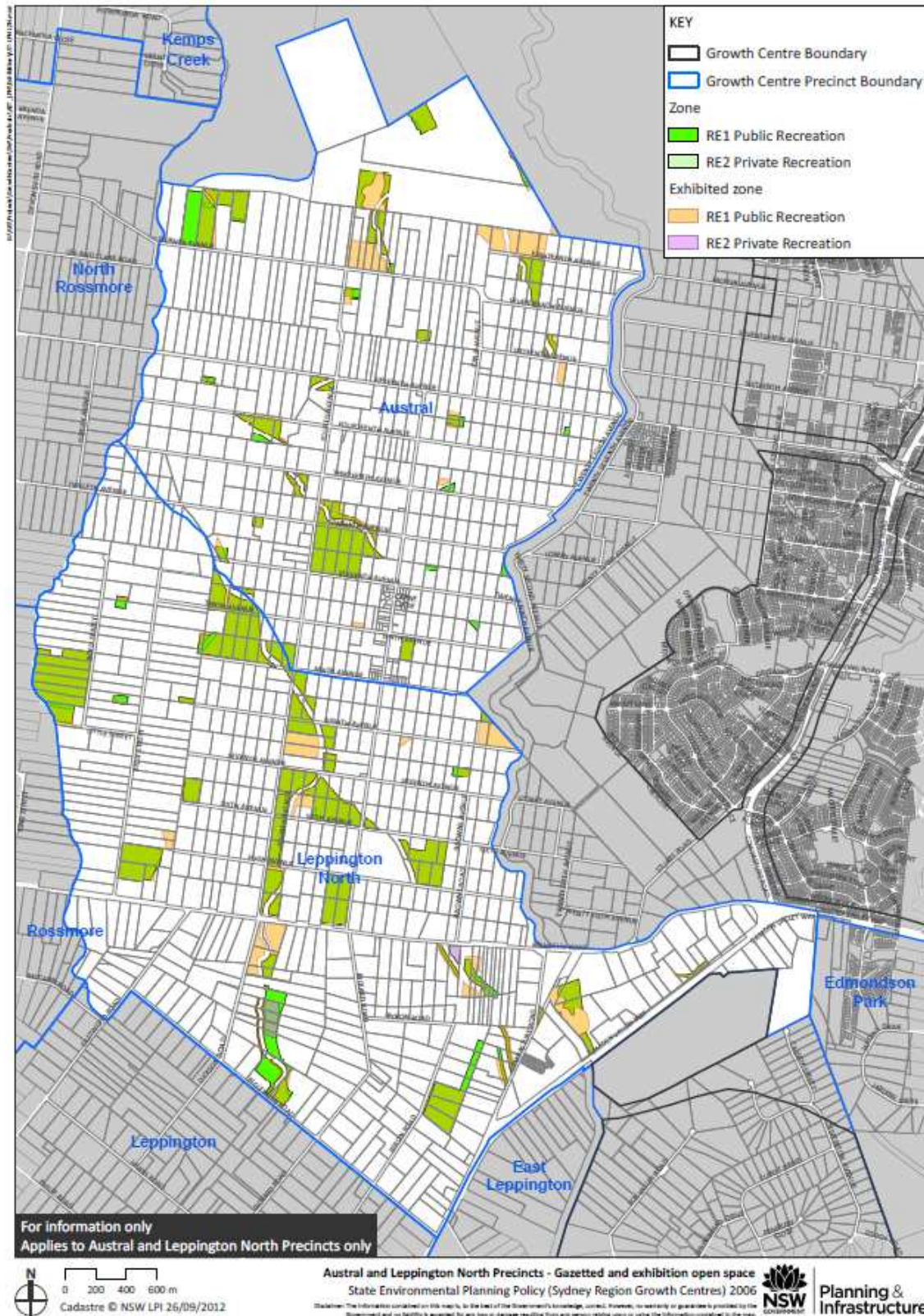
Changes to the locations of parks and playing fields have resulted in some properties that were proposed to be residential at exhibition now identified as open space, and vice-versa. Amendments have been made since exhibition to ensure that the final ILP provides an appropriate mix and distribution of parks and playing fields across the Precincts. Changes in zoning for individual properties should be considered in the context of overall Precinct Planning outcomes. The redistribution of parks and playing fields provides the following benefits for the overall Precinct Plan:

- A ratio of open space provision that is less than the benchmark in the Development Code, but which will ensure adequate access to open space and recreation facilities for all residents, particularly given the Precincts are next to the Western Sydney Parklands.
- Increased dwelling yield as a result of land that was proposed to be zoned for open space now being zoned for residential purposes.
- A greater proportion of residents are within 400 metres of a park than in the draft Precinct Plan.
- Better use of land that is constrained by flooding or native vegetation for open space purposes, meaning that more land that is free from these constraints is able to be developed for residential purposes.

The reduction in land zoned for Public Recreation, and associated increase in land zoned for residential purposes, results in higher dwelling yields and reduced section 94 contributions, both of which will contribute to improved viability of residential development in the Precincts.



The rate of open space provision is less than the benchmark of 2.83 hectares per 1,000 people in the Development Code. The rate of provision is considered reasonable given that the Precincts are directly adjacent to the Western Sydney Parklands, and therefore have the advantage of proximity to a major regional recreation and parkland area. Open space is concentrated more in the western side of the Precincts, where flood prone land has been utilised for open space and where there is less opportunity for access to the Western Sydney Parklands. Residential areas in the east of the Precincts still have access to public open space within a 400 metre walk, but the proportion of larger parks and sporting facilities is less in these areas, with the emphasis more on local passive recreation parks.



**Figure 4-2: Changes to locations of parks and playing fields since exhibition**

#### 4.1.4 Drainage basins, drainage channels and creek corridors

The draft ILP included two drainage channels near the western end of Fourteenth Avenue: one was proposed immediately south of Fourteenth Avenue; the other was proposed to pass through and along the rear boundaries of several properties on the northern side of Fourteenth Avenue. Review of the design of the trunk drainage system in this area, through consultation with the Office of Water and Liverpool Council, has resulted in deletion of the southern drainage channel and consolidation of stormwater flows into the northern channel. This change better reflects the natural flow paths of watercourses, and the location of the floodplain, in this area. This change means that the northern channel will convey both outflows from Basin 17 and flows that will now cross Fourteenth Avenue and link into this channel.

As a result of revised flood modelling, the extent of the floodplain has been reduced in some locations. This has meant that the locations of detention basins can be adjusted in some situations. Basin 17, located north of Fourteenth Avenue, has been extended further west as a result of this change. The property previously entirely affected by the basin is now zoned partly Low Density Residential and partly SP2 Infrastructure (drainage). The property to the west of this (that was partly affected by the drainage channel in the exhibited draft plan) is also zoned partly low density residential and partly drainage. The location of the channel where it exits this basin has also been adjusted to reduce severance impacts on properties. The channel previously passed through the middle of two existing properties downstream of the basin, following the current location of the channel, which appears to have been artificially excavated and re-directed from the natural flow path. Review of the topography in this location indicates that the channel is able to be relocated to the northern boundary of these properties. This change will minimise impacts of the channel on existing uses of this land and minimise severance that may have resulted in Council being required to acquire the channel plus all residual land north of it.

Basin 29 was proposed to be located immediately upstream of Seventeenth Avenue in the draft Precinct Plan. The location of this basin has been reviewed through consultation with the Office of Water and Liverpool Council because of potential conflicts with the gas pipeline. The review concluded that, because the gas pipeline constrains the level of the basin outlet, surrounding residential land would need to be filled substantially to enable drainage to flow into the basin. As a result, this basin has been relocated south, to land upstream of Sixteenth Avenue that was previously zoned part Drainage and part Public Recreation in the draft Precinct Plan. The former basin location at Seventeenth Avenue is now zoned part Environmental Living and part Low Density Residential.

A number of submissions questioned the length and width of drainage channels in the draft Precinct Plan. Through consultation with the Office of Water, Liverpool Council and Camden Council, the length of some drainage channels has been decreased by assuming a larger pipe diameter and conveyance of 100 year flood flows in a road reserve. For some drainage channels that do not meet the definition of a watercourse, the width of the drainage channel has been reduced.

The Office of Water has issued revised guidance for the width of riparian corridors, based on a different approach to the categorisation of watercourses. This new approach has been applied to the final Precinct Plan, and has resulted in reductions in the widths of riparian corridors along the major creeks, including Kemps Creek, Bonds Creek, Scalabrini Creek and the two unnamed major creeks in the north of the Precincts. Streams that were previously Category 1 watercourses (eg. Kemps Creek and Bonds Creek) and had a riparian zone of 50 metres either side of the creek bank now have a 30 or 40 metre wide riparian zone. Streams that were previously Category 2 watercourses (eg. Scalabrini Creek) and had a riparian zone of 30 metres either side of the creek bank now have a 20 metre wide riparian zone. These changes are reflected in the width of the Environment Protection Overlay on the Indicative Layout Plan, and on the Riparian Protection Areas Map under the Growth Centres SEPP.

The revised riparian corridor widths and drainage channel widths are shown on **Figure 4-3** and further described in the post exhibition water cycle management report by Cardno.

The draft Precinct Plan included stormwater basins designed to detain and treat stormwater from industrial, commercial and retail zones. The Precinct Planning Report and the Water Cycle Management WSUD Report (Cardno April 2011) indicated that on-site detention for individual developments could be applied in these zones to reduce the size of trunk stormwater detention basins. Since exhibition, Cardno has revised the drainage strategy to include requirements for on site detention in the industrial areas and the centre zones (zones B3, B4, B5 and B7). This has resulted in significant reductions in the size of trunk detention basins that capture drainage from land in these zones (principally basins around Leppington Major Centre and the Austral Light Industrial zone). In addition, four basins that were proposed along Scalabrini Creek south of the South West Rail Line have been deleted and replaced with a single “on-line” basin south of Bringelly Road. This change has been made in response to submissions that questioned the amount of land set aside for drainage in the draft Precinct Plan, and to reflect revised guidelines on the location of stormwater basins from the Office of Water.

Consideration was given to whether more on-line basins could be included in the Precinct Plan to reduce the area of land required for drainage infrastructure. However, opportunities are limited because in most cases it would result in substantial increases in the extent of flooding upstream of the basin, or because of other constraints such as existing native vegetation or Aboriginal heritage issues. **Figure 4-3** shows the locations of basins in the final Precinct Plan.

Large parts of the Precincts do not drain directly to a stormwater detention basin, as shown on **Figure 4-3**. While stormwater detention is dealt with for these areas by increasing the size of basins in other catchments, water quality treatment is still required for these catchments. The draft Precinct Plan proposed that certain streets (indicated in the draft DCP) would include vegetated swales in the road verge to treat water quality. However, submissions from both Liverpool Council and Camden Council objected to this approach because of issues with their operation and maintenance. The final Precinct Plan incorporates bioretention areas at key locations in each of these catchments to ensure that water quality is treated to meet the standards set in the DCP. Cardno has determined the size of each bioretention measure based on the size of the catchment and the likely development footprint. **Figure 4-3** shows approximate locations for the bioretention measures. The bioretention measures will typically consist of a shallow vegetated depression with material in the base that filters pollutants from water as it seeps through and is discharged into the receiving waterway (usually a second or third order stream).

The final ILP mostly incorporates these areas into land that will be in public ownership (usually for public recreation purposes). In some cases the bioretention facilities are not on land zoned for a public purpose. In most of these cases, it is anticipated that the bioretention facility can be constructed by a developer and handed over to Council, with appropriate Works in Kind credits under the relevant section 94 contributions plan.

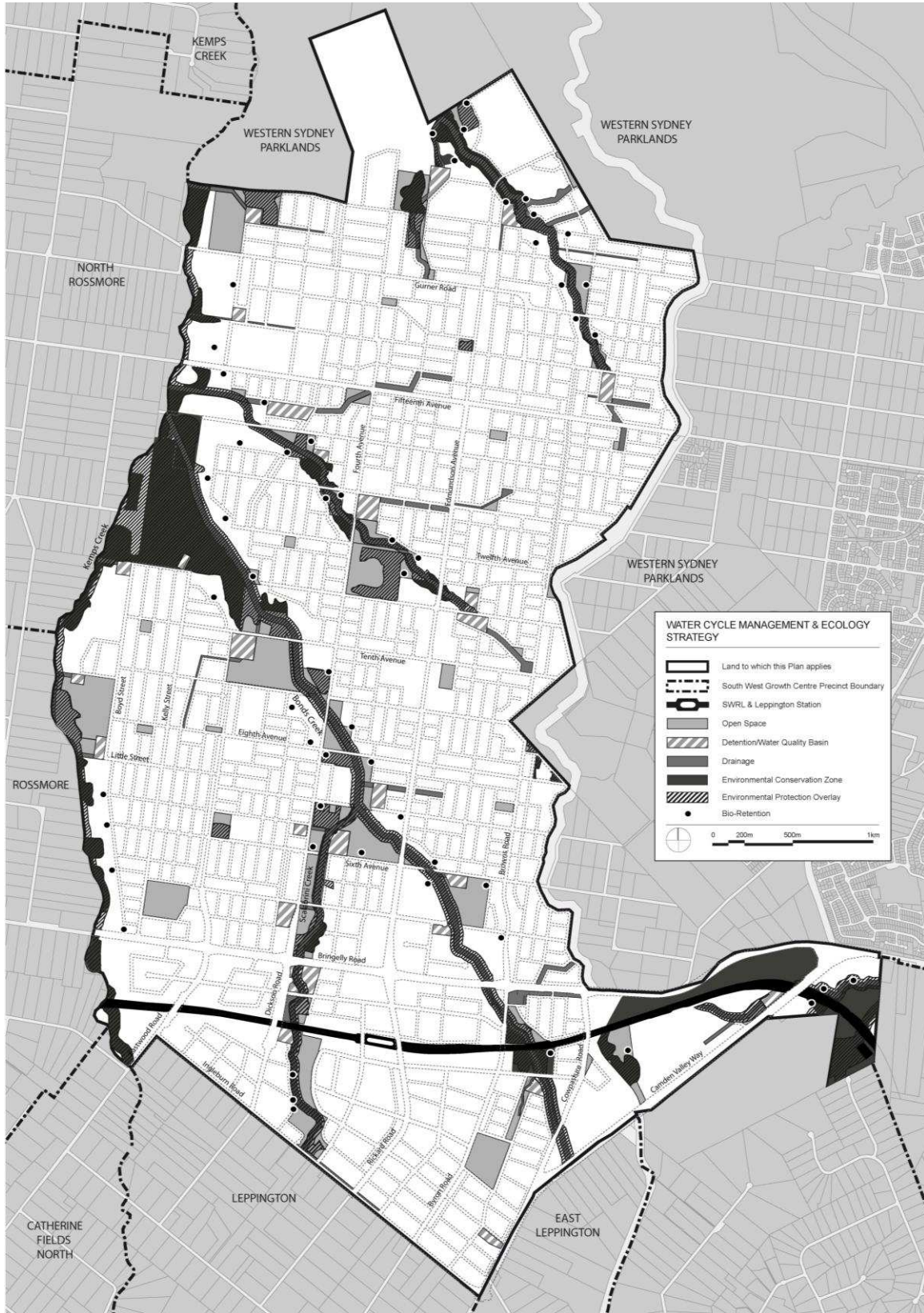


Figure 4-3: Amended stormwater management strategy



#### 4.1.5 Locations and sizes of schools

The locations and sizes of the sites identified for future public schools have been revised through consultation with the Department of Education and Communities (DEC). DEC has advanced its planning for these Precincts since exhibition and this has led to changes in the requirements for new schools. These changes are discussed below.

As discussed in **Section 4.1.1** the location of the school near Gurner Avenue has been amended to because the site shown on the draft ILP contains existing or approved developments on the site shown on the draft ILP. The new school site, south of Gurner Avenue, is also smaller than the site shown on the draft ILP. This is because the Department of Education and Communities has advised that this school would only need to be a primary school rather than potentially accommodating a high school or K-12 school, as they had advised for the draft Precinct Plan.

The draft ILP showed a primary school at the corner of Browns Road and Sixth Avenue. DEC has since confirmed that capacity can be expanded at the existing Austral Public School to accommodate demand from the south-eastern part of the Precincts. As a result the school on Browns Road is no longer required and has been deleted from the Precinct Plan.

The sizes of the sites for new schools at Sixth Avenue and Thirteenth Avenue have been reduced. The draft ILP showed land take of approximately 3.6 hectares for these schools, which is larger than the size required under DEC guidelines for a primary school. Both these school sites have been reduced in size to approximately 2.43 hectares. This is slightly smaller than the size preferred by DEC but the land area will be sufficient to accommodate new primary schools.

A number of submissions raised concerns that the draft ILP showed locations for new schools, but the zoning map did not zone the school sites or nomination an acquisition authority. New public school sites are now zoned SP2 Infrastructure and the DEC is nominated as the acquisition authority, as further discussed in **Section 4.3.1** and **Section 4.3.2**.

#### 4.1.6 Environmental Living areas adjacent to the Upper Canal

The area of land zoned for Environmental Living along the eastern boundary of the Precincts has been reduced. This change has resulted from further review of the capability and suitability of these lands, which concluded that the lands are appropriate for residential development. Issues of potential impacts on water quality in the Upper Canal, potential impacts on visual amenity, and possible instability due to steep slopes, have been addressed through additional investigations undertaken by the Department. The subject sites are now zoned Low Density Residential. Reference should be made to the ILP at Appendix A to identify the properties affected by this change.

Some submissions from land owners proposed to be zoned Environmental Living were not supported by the Department. In particular, land that slopes and drains towards the Upper Canal has retained an Environmental Living zoning. Some properties that are affected by the Jemena Gas easement in the east of the Precinct remain Environmental Living because of the constraints the easement imposes on typical low density residential development.

#### 4.1.7 Environmental Living areas along major creeks

In the draft ILP, land that is affected by the 100 year ARI flood extent was proposed to be zoned Environmental Living (except where it is required for a public purpose such as drainage or open space). The boundary of the Environmental Living area was set by the 100 year flood extent plus a building footprint sufficient to accommodate a dwelling, outside the flood extent. The intent of this approach was to:

- Recognise that flooding is a constraint to typical residential development in the future;
- To enable some residential development and for continued private ownership of land constrained by flooding; and
- Recognise that there is existing development within the floodplain and that development rights for these properties should be maintained to the extent that is reasonable considering the flooding issues.

Assessment of the potential to fill land on the margins of the floodplain to enable urban development on this land was undertaken prior to exhibition by Cardno. That assessment identified some land within the floodplain capable of being filled (to a maximum depth of 300 millimetres) without significant increases in flood levels or velocities. The results of this assessment were adopted in the draft ILP within Leppington Major Centre, and resulted in additional developable land along the margins of both Scalabrini Creek and Bonds Creek. The results were not adopted for other parts of the Precincts as the potential impacts of filling and development had not been considered by Liverpool Council and the Department in sufficient detail at that stage.

A number of submissions requested consideration of whether land within the floodplain could be filled to enable residential development. To respond to these submissions, the Department and Liverpool Council considered whether areas identified by Cardno as being capable of limited filling would be suitable for residential development. In addition, refinements to the flood model following exhibition have reduced the extent of the 100 year flood line in some locations and indicated that additional areas are potentially capable of minimal filling and urban development. More detailed survey and design, and subsequent modelling of impacts on flood levels and velocity, would be required prior to subdivision approval. However, the Department and Council consider that the areas identified by Cardno are generally suitable for residential development, providing certain conditions can be met.

The boundaries of the Environmental Living zone and adjoining residential zones have been adjusted to reflect the results of analysis to identify areas where limited filling is likely to be feasible to enable residential development. Some areas along Bonds Creek that are marginally affected by the 100 year flood extent are zoned residential. However, residential development will only be possible on this land where a detailed analysis of flooding is undertaken to support a development application for subdivision of the land. The Growth Centres SEPP includes specific provisions that must be addressed in relation to the consideration of flooding issues before development can be approved on this land

In some locations within the Environmental Living zone (as proposed in the draft Precinct Plan) Existing Native Vegetation (ENV) requires protection. These areas of ENV are shown as Existing Native Vegetation Areas on the Native Vegetation Protection Map. The submission from the Office of Environment and Heritage stated that the Environmental Living zone as proposed in the draft Precinct Plan does not sufficiently protect ENV. As a result, the zoning of those parts of the properties that contain ENV (that is in “non-certified” areas and requires protection) has been changed to Environmental Conservation. In most cases this land had limited development potential because of the combined constraints of flooding and protected vegetation, so the zoning change will not have a substantial impact on the future use of this land. Parts of these properties that do not contain ENV can still be subdivided and developed in accordance with the controls for the Environmental Living zone.

#### **4.1.8 Extent of the Rural Transition land along Kemps Creek**

Three properties immediately adjoining Starr Park, on Thirteenth and Fourteenth Avenue, Austral were proposed to be zoned Rural Transition at exhibition and are now zoned part Drainage and part Environmental Conservation. The Bonds Creek channel and adjoining lands are proposed to be zoned Drainage through these properties to enable Council to manage the creek corridor as a key element of the trunk drainage network. Council will acquire the land that is zoned Drainage. The remainder of these properties contain existing vegetation that is to be protected and the Environmental

Conservation zone will ensure that this vegetation is retained. The capacity to develop these properties is significantly restricted by flooding constraints, so the Environmental Conservation zone is consistent with the limited development potential of these properties.

Adjustments to the flood modelling have been made since exhibition based on spot survey levels to confirm the accuracy of Aerial Laser Survey data that informed the flood modelling prior to exhibition. The survey results have shown some inaccuracies in the ALS data and the landform data has been adjusted to correct these inaccuracies. This has resulted in a general reduction in the extent of the 100 year flood line. Cardno has also undertaken further assessment of the potential to fill the fringe of the floodplain north of Fifteenth Avenue. This assessment indicates that, subject to appropriately detailed investigations at the development application stage, industrial development is able to extend further west. The boundary of the Light Industrial zone has therefore been amended to include some properties in this area that were previously proposed to be zoned Rural Transition.

Further review of the extent and depth of flooding in the area around Eastwood Road indicates that one property that was proposed to be zoned Rural Transition is partly capable of light industrial development on the eastern portion of the property, subject to detailed flood impact investigations. This property is now zoned partly Light Industrial.

The Precinct Plan contains provisions in relation to development on flood prone land that must be satisfied before Council can approve development on these properties.

#### **4.1.9 Reduced area of the Business Park**

The submission from Transport for NSW highlighted the importance of providing residential land within close proximity to Leppington Station, to promote public transport use and activity within Leppington Major Centre. The Employment and Industrial Assessment report prepared prior to exhibition by Hill PDA indicates demand for around 60 hectares of land for a Business Park. The draft Precinct Plan included approximately 75 hectares of land for Business Park in Leppington Major Centre, including an area of land west of Byron Road and north of the proposed park and sports field.

Given the draft Precinct Plan provided around 15 hectares more Business Park land than required based on Hill PDA's recommendations, there is an opportunity to reduce the area of Business Park land and increase the amount of residential land, to respond to the issues raised by Transport for NSW. To achieve this, 5.84 hectares of land east of Byron Road is now zoned Medium Density Residential, with a small area of Government owned land that contains remnant vegetation zoned Environmental Conservation. The area of land zoned for Business Park is still slightly more than recommended by Hill PDA in the Employment and Industrial Assessment (December 2010). The additional land zoned for Medium Density Residential increases the dwelling yield for the Precincts by approximately 145 dwellings.

#### **4.1.10 Future commuter car park at Byron Road**

The draft ILP showed two indicative locations for commuter car parks associated with Leppington Station. The car parks are intended to show preferred locations for commuter parking to (in the longer term as the town centre develops) replace the two commuter car parks that are being constructed as part of the South West Rail Line, immediately north and south of the station. As discussed in the Precinct Planning Report, these car parks are appropriately located in the short term. As the Major Centre develops the Department prefers that the car parks are relocated to enable a better relationship between the station and surrounding development.

Submissions from land owners affected by the proposed commuter car park on Byron Road pointed out that this car park might be better located to the north of the rail corridor, on land that has been acquired for the rail line project but which will be surplus to ongoing operational requirements. This land is in part occupied by a construction compound (for the duration of construction of the rail line). Access to this car park would be possible from either the south or the north via Rickard Road or the

northern extension of Byron Road. This location is considered appropriate from a transport and access perspective, is still within easy walking distance of the station entry, and makes use of government owned land that is surplus to long term requirements. As a result the final ILP shows the commuter car park in this new location. The zoning of this land (on the Land Zoning Map) is Business Park, as this provides flexibility for the development of this site to incorporate commercial office uses in addition to commuter parking, or to be developed solely for commercial purposes should the commuter car park not be required on this site.

## 4.2 Precinct Plans

When the draft Precinct Plan was exhibited, it included an Explanation of Intended Effect (EIE). The EIE contained a description of the provisions proposed to be included in the Precinct Plan. Since the completion of the exhibition, the Department has prepared two Precinct Plans based on the EIE, with amendments to address issues raised during the exhibition. The following sections describe the changes.

### 4.2.1 Council-area based Precinct Plans

The most notable change since exhibition is that two Precinct Plans have been prepared: the Camden Growth Centre Precinct Plan; and the Liverpool Growth Centre Precinct Plan. The intention in doing this is to minimise repetition as additional precincts are rezoned, and to enable differences in local Council policy on certain issues to be reflected in the Precinct Plans. It is intended that, as additional Precincts in each local government area are rezoned, they will be added to the relevant Precinct Plan principally through mapping amendments. The Austral and Leppington North Precincts are the first Precincts in the South West Growth Centre to which the new Council-area Precinct Plans apply.

Other Precincts where planning is currently underway, including the Catherine Fields (Part) Precinct, Leppington Precinct and parts of East Leppington Precinct (within the Camden and Liverpool Council areas), will be covered by the relevant Council-area Precinct Plan when they are rezoned.

### 4.2.2 Changes to zoning tables

The Explanation of Intended Effect included draft land use tables, indicating land uses proposed to be either permissible with or without consent or prohibited, for each zone. Some changes to the permissible land uses have been made since exhibition:

- Residential flat buildings are permissible with consent in the R3 Medium Density Residential zone in both the Camden and Liverpool Growth Centre Precinct Plans (this land use was proposed to be prohibited in the draft Precinct Plan). This is consistent with Camden Local Environmental Plan 2010 and is appropriate given the proximity to Leppington Major Centre of medium density residential land in the Camden part of the Precincts. This is inconsistent with Liverpool LEP 2008 however, the Department considers it appropriate to have consistent permissible land uses across the Growth Centres in this case.
- Bed and breakfast accommodation is now permissible with consent in the R3 zone (previously prohibited) to be consistent with Camden LEP 2010 and other Growth Centre Precinct Plans.
- Exhibition homes are permissible with consent in the B4 Mixed Use zone (previously prohibited) to provide opportunities for marketing and sales of apartments within the Leppington Major Centre.
- Sex services premises are prohibited in the IN2 Light Industrial zone in the Camden Growth Centre Precinct Plan (previously permitted with consent) to be consistent with Council policy in relation to this land use.
- Child care centres, extensive agriculture, horticulture, places of public worship and educational establishments are permissible with consent in the E4 Environmental Living Zone, in response to the submission from Liverpool Council.

#### 4.2.3 Acquisition authorities for land that has a public purpose

Clause 5.1 of the Precinct Plans nominates relevant acquisition authorities for land that needs to be bought to enable the delivery of public infrastructure. In the Austral and Leppington North Precincts, public infrastructure that requires acquisition includes roads, drainage, public recreation facilities, community facilities, educational establishments (schools and TAFE college), and health facilities.

Prior to public exhibition, both Camden and Liverpool Councils advised the Department that they did not agree to being nominated as the acquisition authority for local infrastructure (this includes local roads, drainage, public recreation and community facilities). The draft Precinct Plan was publicly exhibited on the basis that the nomination of an appropriate acquisition authority would be resolved prior to finalising the Precinct Plan.

Camden Council, at its meeting of 27 March 2012, resolved to publicly exhibit the draft Camden Section 94 Contributions Plan (Leppington North Precinct). Council's resolution includes acceptance of being nominated as the acquisition authority for infrastructure to be funded by the plan. Council staff advised the Department that the previous objection no longer stands. Clause 5.1 of the Precinct Plan nominates Camden Council as the relevant acquisition authority for local infrastructure in the Camden Growth Centre Precinct Plan, as shown on the Land Reservation Acquisition Map.

Liverpool Council has not yet formally agreed to the acquisition responsibilities in the Precinct Plan, despite publicly exhibiting a draft section 94 Contributions Plan that demonstrates how local infrastructure would be funded. Council was primarily concerned with how the costs of infrastructure above the \$30,00 per lot contribution cap would be funded. In the 2012-13 State budget, the NSW Government committed funding, as an interim measure until a new infrastructure contributions system is established, to ensure infrastructure costs above the cap can be funded. The Department has written to Council advising of this funding source and seeking agreement to the infrastructure acquisition responsibilities of the Precinct Plan. However, Council has not responded to date.

Prior to exhibition, the Department of Education and Communities (DEC) advised that it would not accept acquisition responsibility for new school sites because projections of demand for new schools are more than ten years into the future. Since exhibition, DP&I and DEC have agreed that land required for new schools should be zoned SP2 Infrastructure and that DEC be nominated as the acquisition authority for these lands. The Precinct Plans reflect this agreement.

The submission from Transport for NSW (TfNSW) on the draft Precinct Plan objected to the Roads and Traffic Authority (now Roads and Maritime Services) being nominated as the acquisition authority for land required to upgrade roads or construct new roads, that are in part funded by the Special Infrastructure Contribution. Since exhibition, DP&I and TfNSW have agreed that responsibility for funding the upgrade of these roads rests with the NSW Government, and that a NSW Government authority is the most appropriate acquiring authority. The Precinct Plans nominate Transport for NSW as the acquisition authority for "classified roads" and "Future Classified Roads" as shown on the Land Reservation Acquisition Map.

#### 4.2.4 Provisions relating to sex services premises and restricted premises

Two clauses have been added to the Camden Growth Centre Precinct Plan (Clause 6.4 and Clause 6.5) that provide additional controls for sex services premises and restricted premises. These provisions are the same as those in Camden Local Environmental Plan, and have been included at the request of Camden Council to ensure the Precinct Plan is consistent with Council's policy on these land uses.

#### 4.2.5 Listed heritage items

A number of errors and omissions were included in the draft listing of heritage items in the Explanation of Intended Effect. The draft listing for some items was not consistent with recommendations from Australian Museum Business Services (AMBS – the consultant that prepared the heritage assessment

for the Precinct Plan). The heritage schedule has been amended to include all heritage items as recommended by AMBS. Note that the Heritage Map showed the locations of heritage items correctly, so no changes have been made to the Heritage Map since exhibition, apart from a change to the area of land subject to the listing for Leppington Public School, which has been reduced to be consistent with the reduced heritage curtilage in the AMBS report.

### 4.3 SEPP Maps

A number of changes to the Maps that form part of the Growth Centres SEPP have been made since exhibition. These are described in the sections that follow.

#### 4.3.1 Land Zoning Map

Numerous submissions objected to the proposed zoning of land in the draft Precinct Plan, in particular where land was proposed to be zoned for drainage or open space purposes. For some properties, the zoning has changed from that proposed in the draft Precinct Plan. The Department has aimed to keep zoning changes to a minimum. The Department does not consider it appropriate to change the zoning of land (particularly for a public purpose such as open space) on the basis of an objection from a land owner who simply has a preference for another zone for their land. Changes to zoning have been made where the change is assessed by the Department to provide a better outcome for the Precinct Plan as a whole. Reference should be made to the revised Land Zoning Map for the proposed zones.

In some cases, the zoning of land has changed to reflect changes to the ILP, as described in **Section 4.1**. These include changes to the zoning of centres, open space and drainage land. A number of other changes to zoning are not necessarily reflected in the final ILP, and these are further described below.

#### Removal of Infrastructure zoning for community centres

The draft Land Zoning Map zoned land identified on the ILP for community centres as SP2 Infrastructure. The purpose of this proposed zoning was to secure sites for community centres in the Austral Local Centre and the three neighbourhood centres. Since exhibition, the Department has consulted further with Liverpool Council in relation to the likely delivery of these centres. Council can levy developers under section 94 for the cost of land for community facilities but not for the construction of those facilities. However, as a land owner within the local centre and neighbourhood centres, Council may be able to negotiate with developers of retail and commercial floorspace within the centres to facilitate construction of community centres through partnership arrangements. A specific infrastructure zoning would limit flexibility in any negotiations of this kind.

For this reason, the final zoning plan does not zone land for community centres in the local and neighbourhood centres for Infrastructure, but adopts the underlying Neighbourhood Centre or Local Centre zoning. Land that is required for community centres and squares within each centre is still shown for acquisition on the Land Reservation Acquisitions Map, however, this land can still be developed for purposes that are permissible within the zone, meaning that a community centre could be delivered by a developer on behalf of Council integrated with commercial or retail development, or could be accommodated within space leased from a shopping centre owner by Council.

#### Mixed use zoning in the Civic Precinct in Leppington Major Centre

Land for public facilities in the Leppington Major Centre, including a new TAFE campus, Integrated Primary Health Care Facility and a Civic/Cultural Centre, was proposed to be zoned SP2 Infrastructure in the draft Precinct Plan. A number of submissions suggested adopting a commercial centre zoning to provide more flexibility for commercial or residential uses to be developed in conjunction with the public facilities. The lands required for these facilities are zoned B4 Mixed Use. The Land Reservation Acquisition Map still identifies public authority acquisition responsibilities for this land.

### **New public schools**

At exhibition, indicative school sites were shown on the ILP but the land was proposed to be zoned for residential purposes. As discussed elsewhere in this report, the land that is required for new schools is now zoned SP2 Infrastructure (Educational Establishment). This change has been made in consultation with DEC. Despite the long term demand for some of the school sites, DP&I considers it is necessary to zone the land to ensure that schools are appropriately located, and to give certainty to current owners of land affected by schools.

School sites will be acquired when needed by the Department of Education and Communities. The Land Reservation Acquisition Map and clause 5.1 of the Precinct Plans identify land acquisition responsibilities.

### **Zoning of land that contains protected Existing Native Vegetation**

As discussed in **Section 4.1.7**, the Office of Environment and Heritage submission did not support the zoning of some lands that contain Existing Native Vegetation that needs to be protected under the Growth Centres biodiversity certification. This included land that was zoned Environmental Living, Low Density Residential, Medium Density Residential, Business Development, and Business Park. Where possible, the land that contains Existing Native Vegetation has been rezoned to Environmental Conservation to provide better protection of the vegetation. In some cases, the remnant of Existing Native Vegetation is not able to be protected even with a change of zoning. In these cases the ENV is no longer protected by the Precinct Plan.

Where the zoning of land has changed to Environmental Conservation, the practical impact on the development potential of the land is minimal. In most cases, the land is also subject to flooding, and this is the primary constraint to urban development on the land. In addition, the Existing Native Vegetation clause was proposed to apply to these lands in the draft Precinct Plan, and would have prohibited the clearing of vegetation on this land. Therefore, the Environmental Conservation zone reflects the constraints to development of the land that were evident in the draft Precinct Plan.

#### **4.3.2 Amendments to other SEPP maps**

Amendments to other Growth Centres SEPP maps have been made to ensure the controls they relate to are consistent with changes to the Land Zoning Map. In particular, where the boundaries of controls shown on other SEPP maps relate to zone boundaries, the maps have been amended so that the boundaries of the relevant controls match the boundaries of the land use zones. Changes to SEPP maps that go beyond ensuring consistency with the zoning map are described in the sections that follow.

### **Development Control Map**

The extent of land shown as Flood prone and major creeks land on the Development Control Map has changed from that shown on the exhibition draft. The exhibition draft map showed the extent of flooding based on the 100 year ARI flood modelling results but including assumptions about the ability to fill land to remove flood risks. As described in **Section 4.1.7**, the Precinct Plan has been amended to enable development of some areas that are currently affected by the 100 year ARI flood extent. However, until sufficient justification is provided to demonstrate that the land can be filled and developed, it is appropriate that this land continues to be shown as being affected by flooding. The Development Control Map therefore shows the extent of Flood prone and major creeks land based on the 100 year ARI flood without any filling in the floodplain.

The flood modelling completed before exhibition has been revised based on the results of survey to confirm actual ground elevation, and this has resulted in some changes to the extent of the 100 year

ARI flood. Generally, the extent of flooding has been reduced. The Flood prone and major creeks land as shown on the Development Control Map represents the updated 100 year flood extent.

### Height of Buildings Map

The height of buildings map has been amended as follows:

- The maximum height in the IN2 Light Industrial zone has been amended to 13 metres consistent with established standards elsewhere in industrial zones.
- The maximum height of buildings in R3 Medium Density Residential zoned land in Camden LGA has been increased to 21 metres because this zone now permits residential flat buildings (the R3 zone in the draft Precinct Plan prohibited this land use)
- Maximum building heights are now specified for Leppington Major Centre, based on the maximum number of building storeys specified in Schedule 2 of the draft DCP, with amendments to respond to issues raised in submissions.

The changes above have been made in response to issues raised by Camden Council.

### Land Reservation and Acquisition Map

The Land Reservation and Acquisition Map has been amended to reflect changes to the locations of lands that are to be acquired by public authorities and changes to items that are to be funded through section 94 contributions or other government funding. The main changes relate to amendments to the locations of drainage and open space land (as discussed in **Section 4.1.4**), which is to be acquired by either Camden Council or Liverpool Council. Reference should be made to the revised Land Reservation and Acquisition Map for details of land to be acquired for public purposes.

The relevant acquisition authority for all roads that are included in the Special Infrastructure Contribution Determination has been confirmed as Transport for NSW. At exhibition the issue of which agency is the appropriate responsible authority for acquisition of land for these roads was unresolved. Ongoing discussions with Transport for NSW since exhibition have confirmed that these roads are the responsibility of the NSW Government and that Transport for NSW is the most appropriate authority to be responsible for acquisition of the additional land required to construct them.

As previously discussed, the Department of Education and Communities is now the acquisition authority for land that is zoned for Educational Establishments.

Two new electricity substations are proposed to provide electricity supply to the Precincts: one at Bringelly Road/Dickson Road in Leppington and the other at Fifteenth Avenue Austral. The zoning of these substation sites is IN2 Light Industrial (as it was in the draft Precinct Plan) however the Land Reservation Acquisition Map and clause 5.1 of the Precinct Plans now show Endeavour Energy as the acquisition authority. This change has been made at the request of Endeavour Energy and will ensure that land for essential electricity infrastructure is available when it is needed.

### Lot Size Map

Some areas were previously proposed to be zoned Environmental Living but are now proposed to be zoned Low Density Residential. The minimum lot size control no longer applies to these lands, but they are now subject to the Minimum Residential Density Control (Clause 4.1B).

### Native Vegetation Protection Map

The mapping of Existing Native Vegetation Areas and Native Vegetation Retention Areas on the Native Vegetation Protection Map has been amended based on changes to the ILP. The Biodiversity



Consistency Assessment Report contains details of how much Existing Native Vegetation is protected by the final Precinct Plan.

On the draft Native Vegetation Protection Map, two small parks were shown as Existing Native Vegetation areas. The Office of Environment and Heritage has advised that because the ENV within these parks will be relatively small in area and isolated from other vegetation remnants, they are not “protected” in accordance with the certification. However, these vegetation remnants create opportunity for attractive public parks and Council has indicated that it prefers to retain parks in this location and to keep the trees as part of the embellishment of these parks. The Existing Native Vegetation categorisation has therefore been removed from these parks to provide Council with more flexibility to provide passive recreation facilities in these parks while retaining the existing vegetation to the maximum possible extent.

### Residential Density Map

A number of submissions suggested increasing the area of land zoned for medium density residential, or increasing residential densities, particularly in areas close to Leppington Major Centre or near major transport routes. In response, the Residential Density Map has been amended to show a minimum residential density of 20 dwellings per hectare in some areas, particularly along Edmondson Avenue and south of Sixth Avenue. The Department decided not to change the zoning of these areas because the low density residential zone better reflects the mix of housing types that the market is anticipated to demand in these areas.

Some areas of land that are zoned Medium Density Residential had a minimum density control of 20 dwellings per hectare in the draft Precinct Plan. The minimum density in these locations has been increased to 25 dwellings per hectare as this is more consistent with the expected density of housing in the medium density zone, particularly in locations that are close to transport routes and centres.

The minimum residential density does not apply to land that is within electricity or gas easements because dwellings can not be built within these easements.

### Riparian Protection Area Map

The Riparian Protection Area, as shown on the Riparian Protection Area Map, has been expanded to cover all Category 1 and Category 2 streams. This is in response to the submission from the Office of Water. This change also provides greater clarity in terms of land where there is a need to obtain controlled activity approvals under the *Water Management Act*. The Riparian Protection Areas currently have no bearing on development under the Precinct Plan, but provide a link between the Precinct Plan and the Water Management Act. Therefore this amendment has no practical impact on the development potential of land, when compared to the controls proposed under the draft Precinct Plan.

## 4.4 Development Control Plans

Amendments to the draft Development Control Plans since exhibition respond to issues in submissions. Camden Council and Liverpool Council provided detailed comments in their submissions in relation to the draft DCPs and a number of other submissions also raised issues. Amendments to the DCPs have also been made where required to ensure consistency with the ILP and the Precinct Plans. Details of the amendments to the DCPs are contained in the Submissions Report at **Appendix B**, under the Development Control Plan, Camden Council and Liverpool Council issue categories. Changes to the DCPs include:

- Amendments to the controls for flood prone land to incorporate relevant provisions from Liverpool Council’s DCP, to be consistent with Camden Council’s Floodplain Risk Management Policy, and to ensure that development on flood prone land does not have an unacceptable impact on, or exposure to risks from, flooding.

- Inclusion of more detailed controls relating to heritage items based on the recommendations from AMBS.
- Amendments to the minimum lot frontage widths for various dwelling types based on feedback from Camden Council's experience in other current release areas.
- Deletion of Appendix B (Riparian Protection Area controls) as these matters are now addressed by guidelines released by the Office of Water.
- Incorporation of controls in Appendix B (previously Appendix C) relating to salinity management consistent with recommendations in the salinity assessment report (GeoEnviro) and as agreed with Camden Council in response to their submission.
- A revised list of preferred plant species in Appendix C (previously Appendix D), consistent with Camden Council's DCP.
- Amendments to the maps in Schedules 1 and 2 to reflect changes to the ILP since exhibition.
- Inclusion of controls in Schedule 2 arising from the Public Domain Strategy prepared for Leppington Major Centre by AECOM. The draft DCP referred to the preparation of this Strategy.

#### 4.5 Infrastructure Delivery Plan

Since exhibition, key infrastructure agencies including Sydney Water and Endeavour Energy have advanced their planning for critical infrastructure that will enable development in the Precincts. The Infrastructure Delivery Plan has been updated since exhibition to reflect the latest planning for critical infrastructure that will enable development in the Precincts. The revised Infrastructure Delivery Plan is available on the Growth Centres web site.

#### 4.6 Timing of Land Acquisition and Value of Land to be Acquired

Certain land in the Precincts has been identified for acquisition by public authorities for purposes such as roads, open space and drainage. The Department of Planning and Infrastructure received a number of submissions from landowners concerned about the timing of land acquisition and the value of land when it is acquired.

As stated in the Precinct Planning Report, land will be acquired when it is required. Acquisition value will be the market value of the land as determined in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. Further details on the acquisition process and timing should be sought from the relevant acquisition authority.

Where land is required for a public purpose, the need to acquire the land and provide the public infrastructure (eg. parks, drainage basins) is usually related to development in the surrounding areas. This means that land will be progressively acquired as development occurs across the Precincts and as funding is available. As the rate of development is not able to be accurately predicted, it is not possible to provide specific timing for the acquisition of land. For the majority of infrastructure, funding will be derived at least in part from developer levies (either through the SIC or Section 94 Contributions), and is also therefore related to the rate of development.

Further discussion of the likely first stages of development, based on the planned availability of water, sewer and electricity, is provided in **Section 4.5** and in the Infrastructure Delivery Plan (which has been revised and updated since exhibition). It is likely that land zoned for public purposes in the areas to be first serviced by essential infrastructure will be acquired earlier in the process of development in the Precincts.

## 5 Consistency with other Instruments, Acts and Policies

### 5.1 Growth Centres Structure Plan

The proposed plans are generally consistent with the South West Growth Centre Structure Plan. The Structure Plan clearly states that it is an “indicative regional land use plan”, to guide Precinct Planning. The Precinct Planning process for Austral and Leppington North has been guided by the Structure Plan. The Precinct Plan is consistent with the Structure Plan in the following ways:

- The locations and functions of the major roads are generally as shown on the Structure Plan.
- Leppington Major Centre is in the location shown on the Structure Plan and is planned to serve the same sub-regional function as proposed in the Structure Plan.
- Austral Local Centre is in the same location and will serve the same function as proposed in the Structure Plan.
- Flooding constraints have been refined from the areas shown on the Structure Plan but the controls on development on flood constrained land are consistent with the Structure Plan.
- Employment lands are proposed north of Fifteenth Avenue on the western side of the Austral Precinct, however, the extent of employment land in the Precinct Plan is less than anticipated by the Structure Plan.
- While the number of “walkable neighbourhood” centres is less than shown on the Structure Plan, the locations of those centres that are proposed are mostly consistent with the locations indicated on the Structure Plan.

However, the Precinct Plan differs from the Structure Plan in several ways, including:

- The location of the “walkable neighbourhood” centre in the north of the Precinct is at the intersection of Fourth Avenue and Gurner Avenue, rather than on the northern extension of Edmondson Avenue, because the location at Fourth Avenue is more central to the surrounding residential catchment and would minimise competition with Austral local centre.
- Mixed Use Employment Corridors are not proposed along Fifteenth Avenue and Bringelly Road, because advice from Hill PDA concluded that employment uses are better located more centrally rather than spread out along road corridors, or in dedicated employment zones such as light industrial areas.
- The dwelling yield has increased from the draft Precinct Plan by more than 1,000 dwellings to a minimum of 17,350 dwellings, less than the 20,000 dwelling target in the Structure Plan. This is because the Precinct Plan sets relatively conservative minimum residential density requirements around the Leppington Major Centre (and other centres) so as to encourage early development in these locations. There is potential for the dwelling yield to exceed 17,350 if development occurs at densities higher than the minimums specified in the Precinct Plan.

### 5.2 Growth Centres Development Code

The Growth Centres Development Code has been referred to as a guide to the preparation of the Precinct Plans. The Development Code provides for consistent standards of development across the Growth Centres. The Austral and Leppington North Precinct Plan has also been prepared with reference to other development controls including those of Liverpool and Camden Councils, to enable controls to be consistent with surrounding areas. In other instances, variation of the design controls in the Development Code has been necessary to address particular site characteristics.

In summary, 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 Councils' current controls takes precedence. A summary of consistency with the Development Code is provided below.

**Table 5-1:** Consistency with the Growth Centres Development Code

| Development Code requirements   | Proposed Precinct Planning controls  |
|---|--|
| <b>A. Key Inputs</b>  |  |
| Density targets: <ul style="list-style-type: none"> <li>• Low: 12.5-20 dwellings/ha</li> <li>• Medium: 20-40 dwellings/ha</li> <li>• High: 40 dwellings/ha</li> </ul>   | Minimum density controls for Austral and Leppington North are: <ul style="list-style-type: none"> <li>• Low (Zone R2): 10-20 dwgs/ha</li> <li>• Medium (Zone R3): 25 dwgs/ha</li> </ul> Development to the minimum densities under the draft SEPP will achieve a minimum yield of 17,350 dwellings. Development at higher densities than the minimums specified in the draft SEPP Amendment will be possible and would result in higher yields. Higher density development is not considered likely to occur in the short to medium term as access to transport, employment and other services would not be sufficient to support these densities. However, as the Leppington Major Centre develops, demand for higher density housing may arise and can be accommodated by the Precinct Plan. |
| Indicative lot sizes: <ul style="list-style-type: none"> <li>• Townhouses, semi-detached and detached small dwellings: up to 350 m<sup>2</sup></li> <li>• Detached medium: 350-450m<sup>2</sup></li> <li>• Detached large: 450m<sup>2</sup>+</li> </ul> | Minimum lot sizes for the Austral and Leppington North Precincts are: <ul style="list-style-type: none"> <li>• Residential flat buildings: 1000m<sup>2</sup></li> <li>• Multi-unit dwellings: 1000m<sup>2</sup></li> <li>• Attached dwellings: 375m<sup>2</sup> (125m<sup>2</sup> per dwelling)</li> <li>• Dual Occupancy: 500m<sup>2</sup></li> <li>• Secondary dwellings: 450m<sup>2</sup></li> <li>• Semi-detached dwellings: 400m<sup>2</sup> (200m<sup>2</sup> per dwelling)</li> <li>• Detached dwellings: 200m<sup>2</sup></li> </ul>   |

| Development Code requirements  | Proposed Precinct Planning controls  |
|--|--|
| <p>Employment and retail</p> <p>Town and village centres contain services for a number of adjacent communities and contain secondary retail (supermarkets, specialist shops, mini-majors).</p> <p>Walkable communities are linked to a small scale mixed activity zone to encourage local community integration.</p> <p>Mixed use employment corridors provide for a variety of commercial and industrial opportunities that take advantage of exposure along arterial and sub-arterial roads.</p> | <p>One local centre (equivalent to a town centre in the Development Code hierarchy) with 25-30,000 square metres of retail floor space is proposed in the Austral Precinct at the corner of Edmondson Avenue and Fifteenth Avenue.</p> <p>Three neighbourhood centres with small scale retail are proposed: At Gurner Avenue, Eighth Avenue and at the existing Austral Village. Each neighbourhood centre has capacity for around 8,000m<sup>2</sup> of retail floorspace.</p> <p>Schools and sports facilities provide a focus for those neighbourhoods that do not have a retail centre as their focus. Community, sporting and retail activities have been clustered together wherever possible.</p> <p>Retail analysis undertaken for Precinct Planning indicates that demand for neighbourhood level retail is likely to be limited. Shops are permissible with consent in the R2 and R3 zones under certain conditions.</p> <p>The Structure Plan identifies mixed use corridors along Fifteenth Avenue and Bringelly Road, however, retail and employment analysis concludes that these uses are not appropriate along this corridor for amenity and urban form reasons, and because these uses are provided for in the Leppington Major Centre.</p> |
| <b>B. Urban Form Analysis</b>  |  |
| <p><b>B.9 Street pattern</b></p> <p>A hierarchy of town centre streets that include main streets, secondary streets and lanes.</p>   | <p>The DCPs nominate a main street and secondary streets within each of the neighbourhood centres, Austral Local Centre and Leppington Major Centre and identifies major roads, access routes for circulation, parking access and service access roads.</p>  |
| <p><b>B.10 Lot layout and orientation</b></p> <p>Optimal lot size and orientation is defined for solar access.</p>   | <p>Blocks have been designed to maximise the north-south or east-west orientation of lots, to achieve appropriate solar access. East-west oriented lots have a wider frontage to minimise overshadowing.</p>   |
| <b>C Mixed Use Town Centres, Neighbourhoods and Housing</b>  |  |
| <p><b>C.1</b> The DCP should set FSR controls, height and minimum landscape development controls for lots greater than 350 square metres.</p>  | <p>The Precinct Plan establishes height controls in the R2, R3, B1 and B2 zones, and FSR controls for the B1 and B2 and IN2 zones. In Leppington Major Centre, height and floorspace controls, and landscaping requirements, are established by the DCP. Minimum landscaped area controls are set by the DCP for all residential land uses.</p>  |
| <p><b>C.3 Streets</b></p> <p>Road cross sections and dimensions are identified for use in Precinct Plans</p>   | <p>The road cross sections and dimensions developed for the Austral and Leppington North Precincts vary in some cases from the cross-sections in the Development Code. Cross-sections have been developed with reference to the Development Code, Camden and Liverpool Council standards and to the design of existing and proposed roads in adjoining areas.</p>  |

### 5.3 Section 117(2) Directions

The proposed SEPP amendment is not strictly required to comply with these directions, as they apply only to the preparation of Local Environmental Plans. However, the Precinct Plan may at some point be incorporated into the relevant Council Local Environmental Plans and it is therefore appropriate that the Precinct Plan be consistent with the Section 117 directions to the maximum possible extent.

An assessment of consistency with Directions issued by the Minister (or Director-General of DP&I under delegation) under Section 117 of the EP&A Act was prepared as part of the Precinct Planning Report, prior to exhibition. That assessment is still valid for the final Precinct Plan, and the Precinct Plan is generally consistent with the Directions.

### 5.4 Biodiversity Certification for the Sydney Growth Centres

Biodiversity Certification under the *Threatened Species Conservation Act 1995* 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 switches off 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 – RBMs) that must be satisfied in order to maintain the Certification.

RBM 35 requires that a report be prepared assessing the consistency of the Austral and Leppington North Precinct Plan with the Biodiversity Certification. This report has been prepared for the final Precinct Plan and is included at **Appendix D**.

The Austral and Leppington North Precinct Plan proposes to protect 116.62 hectares of ENV. This is 10 hectares more than is required to maintain 2,000 hectares of protected ENV across the Growth Centres. ENV to be protected is generally located on land that has limited development potential due to other constraints (particularly flooding) or has been integrated with land that is required for other public purposes such as open space or drainage. Therefore, while more ENV is protected than is required, it is not at the expense of development potential in the Precincts. The protection of more ENV than is required also provides a buffer to assist in maintaining the certification where clearing of ENV occurs without appropriate approvals.

### 5.5 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 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 (RBMs) 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.

More information on the Growth Centres Strategic Assessment Program is available at [www.growthcentres.nsw.gov.au](http://www.growthcentres.nsw.gov.au).

The Strategic Assessment took effect following public exhibition of the Austral and Leppington North Precinct Plan. Therefore it was not considered in the documentation prepared for exhibition. An assessment of consistency of the final Precinct Plan with the Strategic Assessment Program has been prepared and is included at **Appendix E**. The assessment concludes that 39.62 ha of CPW will be protected, 17.49 ha more than required by the Strategic Assessment.