

3.0 PLANNING CONTEXT

3.1 HISTORY OF PLANNING INITIATIVES TO PROTECT THE SCENIC QUALITIES OF THE CAMPBELLTOWN LGA

The value of the City of Campbelltown's rural setting has been recognised formally since the 1945 introduction of the County of Cumberland Planning Scheme. This was the first attempt at a major town planning scheme in NSW and was intended to introduce the principles of well-managed development to the Sydney Basin. Today the Plan is perhaps remembered most for its 'green belt', which extended around the anticipated outer limits of Sydney's growth from Mona Vale to Liverpool.

The land beyond the belt was intended to remain rural with villages and small towns acting as satellite centres for local employment. Campbelltown was one of these local centres and was to provide local industrial and commercial employment in the town centre to minimise dependency of the area on the Sydney metropolitan area.¹⁶ Both the gazetted plan and the supporting documentation highlighted the need to preserve the rural quality of the area.

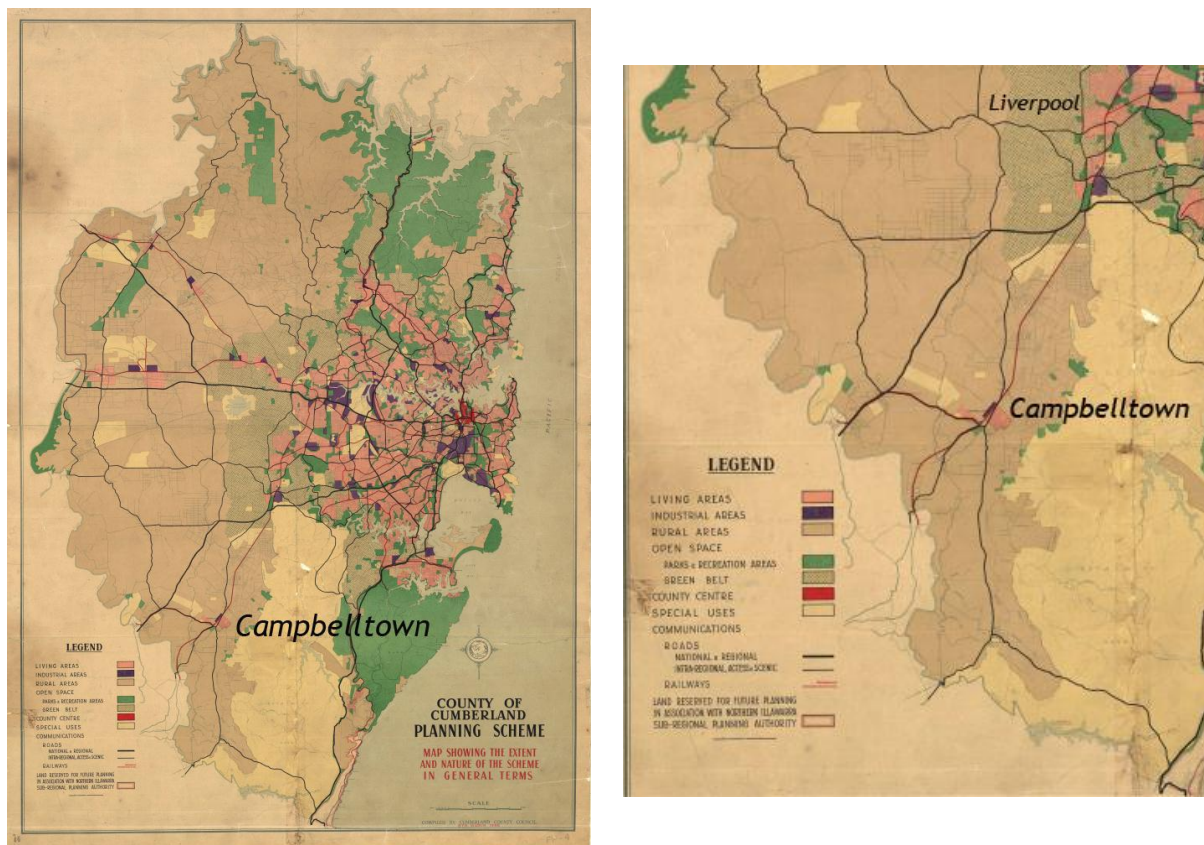


Figure 3.1 and 3.2 (detail). The County of Cumberland Planning Scheme envisaged that Campbelltown would remain as a small town set in the rural landscape (shown light brown) beyond Sydney's Green Belt (light green). Major recreation areas were reserved along the Georges River and where the University campus is today. The lighter yellow areas were reserved for Special Uses and include the sites of St Gregory's College, Hurlstone Agricultural High School and Maryfields.

Source: Dictionary of Sydney. Accessed online at <http://www.dictionaryofsydney.org/image/25982>. Map dated 1948.

¹⁶ Winston, Denis. 1957. Sydney's Great Experiment. P.49

Sydney's expansion continued unabated after the Plan's adoption and by 1957 Denis Winston in his critique of the scheme concluded (amongst other things) that the continuing growth in population meant that if the green belt was to be protected then it would be necessary to allow controlled urban development in the area beyond the belt. He confirmed Campbelltown as a potential industrial centre¹⁷, but noted also that no progress had been made on this since the need for local employment had been first identified in 1945.¹⁸ He recommended therefore that to encourage the process a "really imaginative" new town be built using the model of the British New Town, with specific focus on ensuring quality planning and architectural outcomes.

The Cumberland County Council was charged with developing this plan, and by 1961 had published a report (known as the Webb Report) which recommended the development of a satellite city at Campbelltown. Many reasons influenced this decision, but the one supported most eloquently in the report was the quality of its landscape setting:

*"the site of Campbelltown is pleasantly hilly and undulating, and it is surrounded by some of the most attractive countryside around Sydney...the approaches to the town from almost every direction are most attractive, and it is particularly important that they should be preserved and rural production maintained on the land between Campbelltown and the fringe of metropolitan Sydney. It is sound agricultural land, suitable for broad acre farming and subdivision into small parcels of land should not be permitted if this area is to retain its pleasant rural character. On nearing Campbelltown, in the journey from Sydney, the traveller feels that the dismal, endless suburbs of the outer city have been left behind, and that here, at last, is the country – country that is a pleasure to see. The road winds down through the gentle hills and the town appears at the most logical place, nestling comfortably amongst the hills, sheltered by them and enhanced by their proximity."*¹⁹

The report noted the propensity in Australia for uncontrolled development in the vicinity of rural centres with concern and highlighted the need to control this near any new city at Campbelltown:

"A method should be devised of exercising control over the expansion of the satellite so that compact and not scattered development is assured, and so that the new city does not become another happy hunting ground for subdividers interested only in land speculation."

This recommendation was accompanied by the illustration shown on the front cover of this Visual Study to demonstrate the importance of protecting the rural setting of Campbelltown.

The 1960 Webb Report thus highlighted the need for the new city to be compact and contained within clearly defined edges. Suburban sprawl was to be prohibited. It also emphasised the critical need to ensure permanent protection of the scenic and non-urban areas from development that would inevitably otherwise be demanded and which would compromise these values.

By 1968, in the light of the recommendations of the Webb Report, a further regional plan had been prepared to replace the County of Cumberland Planning Scheme – the Sydney Region

¹⁷ Op cit p.89

¹⁸ Op cit p.81

¹⁹ Webb, for the Cumberland County Council, 1960. Campbelltown – A New City in the County of Cumberland. pp.10, 19

Outline Plan. This formally identified Campbelltown, Camden and Appin as a development sub-region.

A more detailed Structure Plan was released by the NSW State Planning Authority in 1973 which established the parameters for the development of Campbelltown as a satellite city following the recommendations of the Webb Report, including the following objectives:

(d) to bring about a close relationship between town and country; and

*(g) to balance growth needs with conservation of the special assets of history and landscape.*²⁰

The Structure Plan supported the recommendations of both the 1960 report and the Sydney Region Outline Plan and placed a high priority on the protection of the scenic and rural/undeveloped hillsides surrounding Campbelltown. The design principles for the development included:²¹

3.31 (e) the urban pattern has been designed so that those who live in the cities will still be only a short distance from the countryside. A linked system of open spaces will be employed where possible, bringing the countryside further into the urban areas;

3.32 (d) the Complex [the cities of Campbelltown, Camden and Appin] will have its setting formed by conservation and planting of ridges, high points, Georges River and Nepean River valleys.....The rural setting around the Cities (Central and Southern Hill Lands, the Razorback ridge etc) will be encouraged. This means retaining as many as possible of the existing trees.....

A detailed study of the landscape values of the Scenic Hills undertaken as part of the planning process found that:

The Central Hill Lands form the valuable visual resource of a rural skyline with heavy vegetation cover in parts. Development is constrained by areas of steep, unstable land and difficulties in providing water above certain levels. The special study on the Central Hill Lands, the prominent ridge on the western edge of Campbelltown City, highlighted the problems arising from the impact of large urban developments on the surrounding countryside. It is indicated that the rural areas adjoining the city must be considered an integral part of the plan.

and defined the following policy direction for the Scenic Hills:

The instability of substantial parts of the Razorback Range and the Central Hill Lands strengthens the case for conserving these areas. The land should remain in its present basically agricultural use and private ownership to ensure a skyline free from

²⁰ Campbelltown Camden Appin Structure Plan

²¹ Campbelltown Camden Appin Structure Plan. p48

urban development. The public will enjoy the area as a visual setting to the city but will not have access rights except at particular vantage points (e.g. the St James Road Viewing Platform).^{22,23}



Figure 3.0.3 and Figure 3.0.4. The introduction of even one dwelling into a view can have an adverse impact on the scenic qualities of the landscape (both taken looking to Mount Annan from Glen Alpine).

Particular attention was paid to the need to discourage speculative land purchase and residential development. The Plan had designated large areas of land for residential development on the foothills of the Scenic Hills to the west of the (then proposed) freeway, with connections to the main valley only retained near Varroville (SH-LU1) and Blairmount (SH-LU3). The remaining areas of the Scenic Hills were to be protected as a rural and scenic landscape through a combination of land use zoning and minimum lot sizes.

The Scenic Hills were zoned for rural (non-urban) purposes and residential subdivision was prohibited. This was reinforced by requiring that any lot created by subdivision was to be at least 100 hectares in area. Existing land owners were to be encouraged to continue rural land uses and were to be able to erect farmhouses and rural outbuildings on their land.

This 100 hectare minimum was carried forward in later planning schemes and has remained an effective planning tool in the protection of the scenic qualities of the landscape of the Scenic Hills.

Less detailed policy direction was provided for the Georges River catchment lands – which include the East Edge Scenic Protection Lands. The detailed landscape study for the catchment concluded that the conservation of the low-density character of the area was a priority, and recommended that:

the plateau areas be retained for low-density living in un-sewered 2 hectare subdivisions and be designated as Scenic Protection Areas in order to retain the existing appearance.

The Structure Plan confirmed this, making the following policy statement:

²² The land was reserved for open space but the viewing platform was never built

²³ Campbelltown Camden Appin Structure Plan p.48

The Georges River Open Space extends from Glenfield to Appin and includes some 27 kilometres of river frontage of fine rugged sandstone landscape and vegetation. To protect the area from pollution, low density development on 2 hectare allotments is proposed to continue on the adjoining plateau within the Catchment area.

The East Edge Scenic Protection Land study area is within this adjoining plateau.

The Structure Plan also addressed the need to retain the strong sense of city-country connection through planning for the interweaving of open space into the new development to facilitate links between the new development and its rural setting:

the dominant parts of the landscape should be retained and integrated into the design so that people will be aware of the surrounding natural areas.²⁴

²⁴ Ibid. p.95

3.2 CURRENT PLANNING CONTROLS

The detailed planning for Campbelltown's development then passed into the hands of Campbelltown City Council.

A series of planning schemes covering the Scenic Hills and East Edge Scenic Protection Lands have been prepared over the years and each has respected the principles relating to the landscape and its protection established in the 1960 Campbelltown – A New City in the County of Cumberland report and subsequent major strategic initiatives such as the Campbelltown Camden Appin Structure Plan.

The current development controls are found in several instruments addressing different parts of the Campbelltown LGA. Although they are being reviewed in detail by Council as part of the preparation of the new comprehensive LEP for the Campbelltown LGA it is relevant here to outline briefly the main controls as they affect the study areas. The detailed implications for each unit and recommendations for new zones and other controls are described in the Landscape Unit analyses.

3.2.1 LEP DISTRICT 8: (CENTRAL HILL LANDS)

The primary existing instrument for the Scenic Hills area is LEP District 8: (Central Hill Lands) (LEP D8); gazetted in 1988.

LEP D8 focuses on the Scenic Hills area; and through its stated aim the LEP makes clear its respect for the planning principles and history described above:

This plan aims to ensure that the Central Hills Lands District of the City of Campbelltown retains the rural character that was envisaged for it during the planning that preceded the urbanisation of that City.

Most of the land within the Scenic Hills Study Area is zoned 7 (d1) (Environmental Protection (Scenic)), the objectives of which are:

- (a) to set aside certain land as a protected scenic environment,*
- (b) to ensure that land will remain a rural environment providing visual contrast to the urban areas of Campbelltown, Camden and Liverpool,*
- (c) to ensure that the inhabitants of Campbelltown will continue to have views of, and access to, a rural environment,*
- (d) to maintain a stock of land that is capable of being developed for the purpose of providing recreation establishments of the kind that require large areas of open space, and*
- (e) to preserve existing farming and agricultural research activities.*

The objectives of this zone are strongly worded, positive in their intent and consistent with the earlier planning strategies to protect the undeveloped qualities of the Scenic Hills. The emphasis placed on agricultural viability has been lessened from that of the 1973 Structure Plan and recognition of the need to protect the spatial qualities of the hills and the

importance of their accessibility to the community emphasised. Council is required to consider whether proposed development will satisfy the objectives of the zone before new development can be approved.

Development approved in the Scenic Hills since the introduction of the Environmental Protection zone has mostly been modest in its scale and impact; being mainly the construction of dwellings under the concessional provisions and alterations and additions to existing structures. Although some intrusive buildings have been constructed in places, the landscape has retained its scenic qualities and continues to read as a 'rural' landscape that provides a relieving and softening contrast to the developed urban areas and enriches the setting of the City as a whole. The landscape of the Scenic Hills is however coming under increasing pressure for extensive commercial and residential development with a variety of applications and proposals being submitted in recent years.

Only one large-footprint recreational development has been built in the area thus far – the private golf course known as the Macarthur Grange Country Club. The impact of this on the landscape is described in detail in Section 4.2. A recent application for a major residential development over part of the golf course was refused because Council recognised the importance of the less prominent, or 'hidden' values and the impact that development of this type would have on the ability to read Campbelltown's scenic landscape as a three-dimensional one.

Other recent proposals have included a concept plan to develop a business park on the land surrounding Varroville; an application to build a truck servicing facility in the south-eastern corner of the property and a concept plan to develop most of the Blairmount valley for residential purposes. Each of these proposals was refused/rejected by Campbelltown Council due to the significant adverse impact that they would have on the scenic and environmental values of the Scenic Hills.

The vision of the early plans to protect the close connection to the rural landscape and scenic views from throughout the Campbelltown LGA has for the most part been achieved, with numerous open spaces and view corridors allowing opportunities to engage and develop a sense of connection with the landscape. The provision of physical access has however been less generous, with opportunities for interaction limited to the public domain: mainly from the roadsides and from the small area of open space near the peak of Bunbury Curran Hill.

The objective to retain the farming and agricultural research activity identified as the final objective of the 7(d1) zone has been less actively pursued. Analysis of aerial photographs suggests that there has been a decline in active agricultural uses since the mid-20th century. Most of the area is now used for low-density grazing of livestock, with only one active dairy farm (Kenny Hill) extant. Two properties are used for horse-riding businesses: the Scenic Hills Riding Ranch at the northern end of the Scenic Hills and Mount Sugarloaf Farm at the southern. The Veterinary Research Station at the northern end of the Scenic Hills closed in 1990 when the research moved to the Elizabeth Macarthur Research Institute at Camden.

One notable exception to the decline in agricultural activity is the re-emergence of viticulture, which was one of the most important uses in Scenic Hills during the colonial period. Encouraging viticulture as a future land use within the Scenic Hills should be considered by Council as part of the preparation of its new comprehensive LEP for the Campbelltown LGA.

A significant land use in the Scenic Hills area which is not addressed in the objectives for the zone is institutional. St Gregory's Catholic College campus is situated on the top of the ridgeline near Badgally Hill; and the Carmel of Mary and Joseph, the Mount Carmel Retreat and Mount Carmel Catholic High School are all situated in the rural lands between St Andrews and Raby Roads. The footprints of the Carmel and Retreat are modest and their siting is not aggressive, allowing them to reinforce their contemplative purpose and blend successfully into the landscape. The high school is more visually prominent in its setting since it sits in an exposed paddock landscape, but it is set low in the local topography and its location adjacent to Raby's urban edge means that it reads as being as part of the urban, not rural, area.

The LEP then goes on to describe the range of permitted (without the need to obtain any approval), permissible (with Council's consent) and prohibited land uses.

The LEP also aims to protect the scenic values of the landscape by requiring that the minimum lot size for subdivision or the erection of a dwelling is 100 hectares (cl 10,11). Concessions were granted at the time the LEP was made to allow a house to be built on land less than 100 hectares in area in certain circumstances, including on specified lots; lots existing in 1974 that were less than 100 hectares and not in the same ownership as adjoining lands; and secondary cottages for farm workers. An analysis of the location and density of development in the area as part of this study has revealed that most of these entitlements have been fully taken up. Section 4 describes the impact of this development in each Landscape Unit.

The 7(d1) Environmental Protection (Scenic) zone (and minimum lot size provisions) extends around the south of the LEP area to include the lands between Mount Annan and Mount Sugarloaf. This area is dominated by smaller lots, mostly between 2-10 hectares in size. This is an important precinct which is also coming under pressure for more intensive development in part because it forms the transition between suburban Glen Alpine and the proposed Menangle Park Release Area further to the south.

Mount Annan is a visually prominent feature that plays an important role in defining a clear edge to the existing urban area of Campbelltown. It is the site of the Mount Annan Botanical Garden, the Australian Native garden of the NSW Royal Botanic Garden. LEP D8 also covers that part of the Mount Annan Botanical Garden that is located within the Campbelltown LGA with a site-specific zone (Special Uses (g): Botanic Gardens). The remainder of the Garden is located within the Camden LGA and is therefore subject to Camden's planning instruments.

One of the most important, if largely hidden, roles of the Scenic Hills is the provision of a path for infrastructure; including Sydney's water supply (the Upper Canal System, part of Sydney's water supply) and the high-pressure Gas pipeline from Moomba to Sydney. The gas line is underground and is not subject to a special zone, although development must not encroach on the line. The Sydney Water supply channel is zoned Special Uses A (Water Supply); for which the only permissible uses are water supply, drainage and roads. The Upper Canal Water Supply System is identified in LEP D8 as a Heritage Item. It is also listed on the State Heritage Register.

The final major zoning in the precinct applies to the land near the peak of Bunbury Curran Hill: 6(c) (Open Space (Regional)). This zone is intended to "recognise the regional open space that has been identified by the Department of Environment and Planning" and allow for a limited range of development, including refreshment rooms and roads. The land at

present however remains mainly in private ownership, and the area that is accessible to the community looks to the west over Camden LGA rather than the Campbelltown's Scenic Hills.

The LEP also identifies much of the Scenic Hills as an "Escarpment Preservation Area" (cl 13) as an overlay to the 7(d1) Environmental Protection (Scenic) zone. This applies to most of the land between the main ridgeline and the suburban development and prescribes criteria for the materials and finishes of any development, requiring it to be dark coloured and of low reflective qualities so that it will blend with the surrounding landscape. Consent is also necessary for the clearing of vegetation. The third requirement of this overlay is that no new building is to be more than 7.6m above natural ground level.

Clause 14 provides additional considerations and restrictions for any development proposed on steep land (>1:6) – most of which is within the study area.

The LEP identifies several heritage items, and includes standard clauses for their conservation and management. The items are: Varroville; Blairmount; Campbelltown Reservoir (Kenny Hill); Ingleburn Dam and the Sydney Water Supply Upper Canal. The Upper Canal and Varroville are also listed as items of State Heritage Significance on the State Heritage Register. Kenny Hill Reservoir is also listed on Sydney Water's s170 Register. Sugarloaf Farm is listed on the Department of Planning's s170 Register but not on LEP D8. None of these listed items has been the subject of significant development proposals since the LEP was gazetted. Other significant estates were within the Scenic Hills as it existed prior to the suburbanisation of the 1970s and 1980s, but have now been surrounded by residential development. These include Epping Forest, Eschol Park and the former convent of Mount St Joseph. Two other properties, Glenroy and Hillview, are also in the original Scenic Hills and although in the now urbanised area have retained a good curtilage which allows them to still be seen and understood as early properties in an undeveloped setting.

It should be noted that the original curtilages of both Varroville and Blairmount, two of the three surviving early rural estates in the land covered by LEP D8, have been significantly reduced by subdivision over the years. The existing heritage listings cover only the current properties and LEP D8 addressed this by requiring that the likely impact of proposed development that is in the vicinity of a heritage item (and may therefore have the potential to affect the visual setting or other heritage value of the item) must also be taken into consideration by Council before granting approval to the development.

3.2.2 CAMPBELLTOWN (URBAN AREA) LEP 2002

Campbelltown (Urban Area) LEP 2002 (LEP 2002) is the main LEP for the urban areas of the Campbelltown LGA. Its western and southern edges abut LEP D8, and its provisions apply to the East Edge Scenic Protection Lands study area as well as to land immediately adjacent to the Scenic Hills, some of which is also zoned for environmental protection purposes. A detailed assessment of the impacts of the LEP can be found in the relevant Landscape Unit section.

The plan focuses on urban development issues although it also addresses the management of the urban/non-urban interface. The majority of its objectives are relevant to this study, including:

(b) to protect areas from inappropriate development, and

- (d) to maintain and improve opportunities for the community living in the City of Campbelltown to enjoy an appropriate range of social, cultural and recreational facilities, and*
- (e) to ensure that environmentally sensitive areas (including waterways, riparian corridors, biological linkages, remnant native vegetation and associated buffers) are protected and, where damaged, rehabilitated, and*
- (g) to ensure that heritage items are identified and protected, and*
- (i) to ensure that all development satisfies the principles of ecologically sustainable development, energy conservation and efficiency, and that the cumulative impact of development in sub-catchments is considered, and*
- (j) to conserve the environmental heritage of the urban area of the City of Campbelltown, and*
- (k) to retain the cultural significance of the urban area of the City of Campbelltown, and*
- (l) to conserve existing significant fabric, settings, relics and views associated with the heritage significance of heritage items and heritage conservation areas, and*
- (m) to ensure that any development does not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings, and*
- (n) to ensure that archaeological sites and places of Aboriginal significance are conserved, and*
- (o) to allow for the protection of buildings, works, relics, trees, places and archaeological sites which have heritage significance but which are not identified as heritage items by an environmental planning instrument, and*
- (p) to ensure that the heritage conservation areas throughout the urban area of the City of Campbelltown retain their heritage significance, and*
- (q) to ensure that measures are adopted to minimise potential soil salinity problems.*

The land within the EESPLs is mainly zoned 7(d4) Environmental Protection (2ha min) with some parts 7(d6) Environmental Protection (0.4ha min).

The objectives of the 7(d4) zone are:

- (a) to identify and protect land and watercourses forming part of the Georges River catchment area, and*
- (b) to conserve the rural character of the area by maintaining a minimum area of 2 hectares for lots used for rural living, and*
- (c) to protect environmentally important land and watercourses possessing scenic, aesthetic, ecological or conservation value, and*
- (d) to allow some diversity of development, but only where it is unlikely to have a detrimental effect on the quality and character of the locality or the amenity of any existing or proposed development in the locality.*

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion

that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

A further objective of this zone is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

The need to protect the environmental quality of this zone means that a range of land uses is prohibited, including high-impact rural uses, large-scale commercial activities and many smaller activities likely to have an adverse impact on both the scenic and ecological and environmental qualities of the area.

The development carried out under this zone has generally met its objectives. See Sections 4 and 5 below for a more detailed analysis of the efficacy of these provisions in the Study Areas.

The objectives of the 7(d6) zone reflect the more intensive nature of its development potential. They are:

(a) to permit intensive rural-residential living on land which can be provided with sewage reticulation (but, because of scenic quality or for other reasons, has not been zoned residential) by allowing a minimum lot size of 0.4 hectare, and

(b) to allow some diversity of development, but only where it is unlikely to have a detrimental effect on the quality or character of the locality or the amenity of any existing or proposed development in the locality.

Except as otherwise provided by this plan, consent must not be granted for development on land within this zone unless the consent authority is of the opinion that carrying out the proposed development would be consistent with one or more of the objectives of this zone.

A further objective of this zone is to encourage a high quality standard of development which is aesthetically pleasing, functional and relates sympathetically to nearby and adjoining development.

The range of permissible land-uses is similar to that of 7(d4), the main difference between the two zones being the density of development. The physical and visual impacts of this increased density have resulted in a noticeably different aesthetic quality to the landscapes. This has been a result of not only approximately five times more dwellings in the 7(d6) area; but also the cumulative impact of ancillary development such as garages, outbuildings and domestic gardens associated with each of these dwellings. The development within the 7(d6) zone reads as more residential than rural or natural in its character.

Clause 33 applies to both zones. It sets the minimum lot size for subdivision within each zone. New lots in the 7(d4) zone must be a minimum of 2ha and those in the 7(d6) zone must be 0.4 ha, or 4000m².

Clause 35 regulates the erection of dwellings (which can be an attached dual occupancy) on land in each zone by requiring the same minimum lot sizes as prescribed in Clause 33.

Clause 36 specifies additional matters to be taken into consideration when assessing an application for agriculture, animal boarding or training establishments, intensive horticulture

and intensive livestock keeping in the area. Of these uses, only 'agriculture' is permissible in the environmental protection zones.



Figure 3.3. The prevailing character of the land zoned 7(d4) 2ha minimum lot size is bushland/semi-rural (Oakley Road E-LU1).



Figure 3.4. The prevailing character of the 7 (d6) 0.4ha minimum lot size zones is residential with the dwellings and ancillary development dominating many sites (Longhurst Road E-LU4).

Campbelltown (Urban Area) Local Environmental Plan 2002 also covers land within the Scenic Hills at its interface with LEP D8. The applicable zones are:

- 7(d1) Environmental Protection (100 hectares minimum) in the vicinity of Eaglevale Road. The provisions of this zone are similar to those of the 7(d1) Environment Protection (Scenic) zone in LEP D8 (Central Hill Lands) described above. This land is well below 100 ha in area and remains undeveloped.
- 7(d4) Environmental Protection (2ha min) between the Glen Alpine urban area and the railway line. This area has also been substantially developed for residential purposes with some small-scale farming such as market gardens.
- 7(d6) Environmental Protection (0.4ha min) adjoining the urban development near Raby Road, Kearns. This land has been developed for rural-residential purposes.
- 2(b) Residential B near Columbia Place, Kearns, in a small area adjoining Eaglevale Road, Eaglevale and in the Blairmount valley. Although zoned 2(b) since the commencement of this LEP, these lands have not yet been developed and read as part of the rural scenic landscape. It is understood that their development is proposed to occur in the near future.
- 1(d) Rural-Future Urban in the Blairmount valley is a rural zone at present. The implications of the possible development of this zone are discussed below.
- Small pockets of land within the Scenic Hills area are zoned open space and reservation for drainage purposes as extensions of similar zones in the adjacent urban areas.

The 1(d) Rural - Future Urban zone is a model no longer used in the planning lexicon, and no equivalent zone is provided in the Standard Instrument by the Department of Planning. Its aim was essentially to reserve land for possible but not guaranteed urban development of

an unspecified type at an unspecified time in the future. The only permissible uses in the interim are agriculture; bushfire hazard reduction; drainage; forestry; mines and utility installations. Land within this zone cannot be used for urban purposes unless the land is rezoned.

The reason that the land near Blairmount was zoned in this manner is unknown. It bears no relationship to the physical landscape or property boundaries (either historic or contemporary). It is however in a highly sensitive and important location covering the foothills and providing the setting and context for three of the most important elements in the Scenic Hills landscape: Badgally Hill, Kenny Hill and the unnamed hill to the west of Kenny Hill. This area is a prominent element in both close and distant views towards these hills. It is also one of the only places where the full depth and complexity of the Scenic Hills is able to be appreciated from the busy Southwestern Freeway. The implications of this zone are described in more detail in section 4.3 (SH-LU3).

The Campbelltown (Urban Area) LEP 2002 also identifies heritage items, some of which are located within the Study Areas.

These include:

- Blairmount (Badgally Road) (SH-LU3);
- The Jug (Stone Cottage): Ben Lomond Road, Minto Heights. The rear corner of this property is within E-LU4; although the cottage itself is under the path of the proposed new road;
- Milestones along Campbelltown Road (Scenic Hills);
- Eagleview house (Eagleview Road) (E-LU4);
- Stone cottage (26 Mercedes Rd) (E-LU3)

The provisions relating to the conservation and management of these items are consistent with the standard provisions applicable at the time the LEP was made. Consent is required for development including subdivision, and Council, before granting consent for development to the item or in the vicinity of the item must consider the impact of new work on the heritage significance of the item and its setting. Part of the curtilage of Blairmount is within the boundary of a recent concept proposal to develop the valley which forms its visual setting for residential purposes. This proposal has not been determined at the time of writing.

3.3 RECENT DEVELOPMENT PRESSURES IN THE STUDY AREAS

One of the fundamental principles underlying the development of Campbelltown as a Satellite City was that the urban footprint must be constrained in its footprint and defined by a tight urban edge. This has been enforced successfully by Campbelltown City Council in the intervening years and the urban areas reflect largely the vision of the initial planning principles. This is in contrast to the development of most of the Scenic Hills landscape on the western side of the main ridge in the area under the control of Camden City Council. The only land zoned for urban development but not yet constructed are pockets near Kearns and Blairmount. These are likely to be developed in the near future.

The pressure for large greenfield development sites on the fringes of Sydney continues unabated. The NSW State Government's Metropolitan Planning Strategy has identified targets for additional housing within each LGA, including Campbelltown. In the light of this, major land releases are being planned and developed at Menangle Park, Edmondson Park and East Leppington. These developments, together with the redevelopment of existing urban areas such as Minto and other infill projects closer to transport infrastructure and urban centres, are capable of satisfying the housing targets set by the State Government as part of the Metropolitan Planning Strategy. They will also have a significant physical impact on the landscape of the Scenic Hills, with both the Menangle Park and East Leppington developments including land within the Scenic Hills study area.

The Menangle Park development extends into the land between Glenlee, Mount Annan and Mount Sugarloaf (SH-LU5), with most of the affected area zoned for large-lot residential development. The East Leppington development will cover over 280ha of SH-LU1 on the plateau above Bunbury Curran Hill. This area was designated a future urban growth area by the New South Wales Government's (former) Growth Centres Commission. At the time of writing, no detailed plans were available for review. Although situated on a west-facing slope on the plateau above Bunbury Curran Hill any major development within this landscape will have significant primary and secondary impacts on the integrity of the wider Scenic Hills cultural landscape. These include the loss of one of the few remaining large land holdings in the study area and the permanent compromise of the scenic values of this part of the precinct. The secondary implications are equally concerning, in particular the likelihood that intensification of land use in adjacent parts of the Scenic Hills such as along the Bunbury Curran ridge and into the Varroville valley and Denham Court Road area will be sought as 'ancillary' or supporting development to the large residential subdivision. This would have a significant adverse impact on the scenic, historic and physical qualities of this landscape through both the construction of buildings and ancillary impacts such as traffic generation and the need for extensive road upgrades, carparking areas and the like. Such development would have the potential to lead to the loss of one of the highest quality scenic landscapes in the Sydney region. It will also irreversibly compromise the planning principles that were used to justify the establishment of Campbelltown in the first place.

In addition to the impacts of 'planned' development, the challenge of preventing the integrity of the scenic landscape from incremental erosion by piecemeal development is a significant one. Both the Scenic Hills and the EESPLs have been subject to pressure from landowners and developers for a range of proposals. Most of these requests have been to allow individual parcels to be developed for suburban housing. The scale of these developments has ranged from modest to many hundreds of dwellings with ancillary development. Support for non-residential development is also being sought, including a major business park in the Varroville valley which was refused in 2008. This development was proposed to consist of

large-footprint office buildings and ancillary development and was planned to extend over most of the historic curtilage of the Varroville Estate up to the edge of the current garden around the house. Council refused the proposal because it recognised the impact that a development of this type would have on the integrity of the landscape and the intrinsic scenic values of the study area as well as its potentially devastating effects on the viability and economy of the town centre. The future of the historic curtilage of the Estate remains unresolved as the land is understood to still be owned by a property development group.

It is understood that other proposals to rezone and/or develop land along the interface between the urban edge and the Scenic Hills have been discussed with Council staff but they have not been supported or followed by formal applications.

One part of the Scenic Hills study area subject to significant demand for speculative residential subdivision is the valley below the historic property 'Blairmount'. Part of this land was zoned for suburban development (2(b) Residential) in LEP 2002 and the adjacent land was zoned 'rural-future urban' as described above. Much of the 2(b) area has been developed but the remainder of the valley is still used for rural purposes. A preliminary and informal concept plan for the rezoning and development of the 1(d) Rural - Future Urban land and the adjacent non-urban land extending significantly further up the slopes of both Badgally and Kenny Hills to a nominated height of 118m was received by Campbelltown Council in recent years. If the now standard form of the two-storey house were to be constructed on these lots the effective height of such development would potentially extend close to 130m. For the purposes of comparison, the base of the large white house with an orange roof constructed recently on the most prominent point within this valley is at the 120m contour and serves as a ready reference point when assessing the possible implications of similar development within this valley or elsewhere within the Scenic Hills landscape.

No application for development in either Study Area should be considered in isolation. If one owner is permitted to develop beyond the existing prescribed urban footprint it is inevitable that other owners in the Scenic Hills or EESPLs will demand similar 'rights'. This issue needs to be resolved at the strategic planning stage – when preparing the new LEP. If left to the statutory planning (development approval) stage the question of precedent becomes significantly more problematic to manage and is potentially likely to expose Council to considerable expense in legal proceedings.

Allowing urban-style development to expand over the carefully protected Scenic Hills or into the bushland areas of the EESPLs will have the potential to have a catastrophic impact on the scenic values and unique character of the Campbelltown LGA. By way of example, Figure 3.5 (below) demonstrates that almost all of the Scenic Hills is located below the 120m contour and could be subject to demands for development if a precedent is created by accepting this contour-based rationale for urban expansion. It must also be recognised that further improvements in the technology of water supply will then lead to additional demands to expand development still further up the hillside. Such development would be clearly contrary to the core planning principles established in the original post-War development of Campbelltown to protect the scenic and environmental values of the Scenic Hills in perpetuity.

The ownership of land in the EESPLs appears to be undergoing a major generational change and many of the owners, children of the original owners and new purchasers have also expressed their desires to capitalise on what they see as 'vacant' land. The

development proposals in this area have been smaller in scale than those in the Scenic Hills due to the significantly smaller lot sizes, almost all of which are less than 2 hectares.

The most important development proposal in the EESPLs is the Minto Renewal Project. This Project extends into the western part of Landscape Unit E-LU4, and at the time of inspection was undergoing preparatory site work in preparation for sale. The area of the Project within the EESPLs has been divided into lots of approximately 4000 m² which is consistent with that of the adjacent 7(d4) zone to the west. Several proposals for speculative development of individual lots are understood to have been prepared although none are of the scale proposed in the Scenic Hills. They are described in more detail in the relevant landscape unit section.



Figure 3.5. The protection of the undeveloped, rural character of the landscape of the Scenic Hills has been a priority since the earliest planning schemes in the Post-WW2 period. The area of the Scenic Hills that has been successfully protected as a rural landscape is shown on the map on the left. Improvements in water reticulation technology means that increasing pressure is being brought to bear from owners and developers to allow their rural lands to be redeveloped for residential or other development. The map on the right shows the area of land above RL120. If development was to be allowed on the basis of the current availability of services it would be likely that only the areas shown in green on the map on the right would be likely to remain undeveloped, or at least to remain free of pressure for intensification of land uses (Mount Annan Botanic Gardens is shown dark green). The topography and complex spatial relationships within the area mean that the impacts of such development could never be ameliorated by planting or 'sensitive' urban design. If this was to occur the unique scenic and historic qualities and amenity value of the setting of the existing urban areas, and a fundamental part of the Campbelltown LGA community's sense of place would be lost.

3.4 PRINCIPLES FOR THE PROTECTION OF SCENIC VALUES IN A CULTURAL LANDSCAPE

The protection of scenic values can be a challenge for both Council and the community. Unlike the protection of a definable built element, a 'scenic' value is broad in its scope and the benefits it can bring for the whole community. In the context of the Campbelltown LGA for example these scenic values also provide physical evidence of the historic cultural landscape. Few parts of the study area have retained wholly natural values without any evidence of human occupation creating a cultural overlay.

Cultures by their very nature change over time and so do cultural landscapes. The challenge for the conservation planning process is to ensure that the policies and strategies allow the scenic and cultural values that create Campbelltown's 'sense of place' to be retained. Once broadacre development is constructed it is unlikely ever to be undone – particularly if in private ownership.

Protecting the scenic values of a landscape requires proactive planning through the provisions of the Local Planning Strategy and the new comprehensive LEP for the Campbelltown LGA. Land use zones, objectives for development in the zone and detailed density and design provisions all need to work together to:

- protect in perpetuity the historic cultural landscape of the Scenic Hills and the environmental bushland landscape of the EESPLs;
- ensure the land uses in each area are consistent with the need to ensure that structures and evidence of activity are appropriate in design and purpose and visually subservient, low-key elements in the landscape;
- ensure that the community can continue to 'read', interpret and understand the visual complexity and highly scenic qualities of the study areas through preventing development that will obstruct, obscure or distract from the ability to see into, out of, and over the study areas, including both constructed and accidental views and vistas;
- preserve the three-dimensionality of the landscape by protecting the qualities of the less prominent hills and valleys; and
- prevent urban creep into the area through the identification of appropriate densities for new development.

3.5 RECOMMENDED PLANNING INITIATIVES TO PROTECT THE SCENIC AND ENVIRONMENTAL QUALITIES OF THE STUDY AREAS

The scenic qualities of the setting of the Campbelltown LGA provided planners and developers in the post-war years with an outstanding opportunity to develop a high quality 'city in the countryside'.

One of the primary aims of the planning process was to constrain the footprint of the urban areas and encourage only development that would be sympathetic to these scenic values. This was achieved through major initiatives such as identifying the Scenic Hills as a rural landscape that needed to be protected in perpetuity and the EESPLs as an environmentally and ecologically sensitive area that required protection from the impacts of urban development.

Intended to contain urban growth and protect the scenic and cultural values of the City's setting; the well-defined distinction between the urban and rural areas has been enforced relatively successfully by Council through its statutory and strategic planning processes. This separation should be recognised as being critical to the success of the early visions for the area as a compact city in a country setting.

The primary way of ensuring the conservation of the scenic, cultural and environmental qualities of the two study areas is through the local planning system. Land use zones, density controls and design requirements can work together to ensure that the values are protected in perpetuity whilst facilitating development that will not cause adverse impacts. The detailed review and analysis of each Landscape Unit (Sections 4 and 5) have informed the following recommendations for how to protect their identified scenic and environmental values.

3.5.1 PROTECTING CAMPBELLTOWN'S URBAN EDGE

The existing boundary between Campbelltown's urban and non-urban areas was defined during the major planning initiatives of the 1960s and 1970s.

This section outlines the principles relevant to the management of the interface between the urban and non-urban landscapes.

The development approved recently by the State Government under the Metropolitan Growth Strategy is not addressed in detail in this report because details, including how the edges to the Study Areas are to be managed, were not available at the time of writing.

ISSUES FACING THE DEFINITION OF THE URBAN EDGE: THE PASTORAL LANDSCAPE

The quality of an urban edge depends not only on the zoning of the two areas of land, but how the interface is designed and managed. For this edge to be able to be read clearly there should be an appreciable distinction between the two. This is particularly important when the topography is complex and offers rich opportunities for views.

Transitional zonings such as large lot residential have been used by many local Councils in an attempt to soften the interface between urban and rural development and this form of development can be found in parts of the Campbelltown LGA, including the edge to the rural landscape of the Scenic Hills near Raby Road. When the minimum lot size in this zone is too small to allow traditional rural activities such as the keeping of livestock or the maintenance of a market garden, and the scale of houses and ancillary development (such

as multi-car garages) is large, the effectiveness of larger lots as a 'soft' edge, or transition, between urban and rural landscapes is lost.

Even if the boundary between the rural and residential areas is defined clearly, the detailed design of the interface needs to be considered carefully to allow the community to still access the scenic qualities of the landscape in a meaningful way.

It is important for example that the pastoral landscape is not separated from the public domain by a row of houses. Although many of the earlier subdivisions placed a high priority on maintaining the visual qualities of the landscape setting through the simple device of edging the development by a 'ring road', leaving the outside free of houses and allowing extensive views over the adjacent hills, more recent subdivisions have maximised returns to the developer by building on both sides. This has created a 'wall' of development which creates a permanent and impenetrable barrier to the hills beyond. The impact of this layout is made worse by the shrinking lot sizes of contemporary subdivisions and the increasing scale and footprint of project houses.



Figure 3.6 (left) and 3. 7 (right) Contemporary two-storey designs are up to twice the height and footprint of their 1970s equivalent, with double garages accommodated under the main roof (instead of via a driveway to a garage in the back garden). This means that most development under these provisions is effectively boundary-to-boundary, and whereas previously it was usually possible to see over rooftops and between houses to the non-urban landscape and views beyond, in today's development this is often impossible.



Figure 3.8. The use of larger lot sizes along the urban-rural interface can be a good option in theory, but when these 'larger lots' are not big enough to allow genuine rural uses they 'read' as part of the urban, not rural landscape and effectively extend the sense of sprawl.



Figure 3.9 The only link to the landscape beyond that is provided in these recent subdivisions is at the head of the cul-de-sacs which protrude with a sense of anticipation into the adjacent pastoral landscape. This is of significant concern to the future conservation of the Scenic Hills.



Figure 3.10. Defining the edge of suburban subdivision by a local collector road allows the links to the rural landscape to remain accessible and enhances the potential for the community to appreciate the scenic qualities of the landscape.

It is important that the quality of the rural setting when viewed from the rural landscape is also managed carefully. This is particularly important in a topographically varied landscape with effectively infinite views such as is found in the Scenic Hills. If a row of houses defines the boundary between rural and urban uses, when viewed from the rural landscape the view includes a landscape of back fences and secondary elevations, potentially devaluing its scenic quality significantly. This has impacts on the setting of the urban area when these 'back fences' are visible as the backdrop to views over the rural lands, for example when looking over the Scenic Hills from east-west roads such as Raby Road.

Defining the edge of the urban development with a public road allows the rural setting of the Campbelltown LGA to be visually accessible by community. It also prevents a 'back elevation' view when looking towards the urban area from the rural landscape and is therefore the preferred model for the design of the urban-rural land use interface.

ISSUES FACING THE DEFINITION OF THE URBAN EDGE: THE BUSHLAND LANDSCAPE

Defining an appropriate edge between urban and non-urban uses in a bushland landscape requires a different approach to a pastoral landscape. The character of the Campbelltown LGA's eastern edge has historically been one of small-scale settlement and farming activities interlocked with its bushland setting. Sometimes this is expressed 'on the ground' by cleared farmlets inter-lacing with fingers of bushland, and elsewhere it is expressed vertically, with dwellings and low-key rural activity nestled under the canopy of mature trees that continues to dominate the landscape.

The topography of the bushland EESPLs is as important to the definition and management of its edges as it is in the Scenic Hills although the characteristics of the two areas are very different. The landscape of the main ridge along which the EESPLs are located is relatively level and slopes gently to the east away from the main Campbelltown valley which limits opportunities for panoramic views across the valley to a relatively few locations such as east-west access roads including Leumeah, Ben Lomond and Minto Roads, and viewpoints such as Kyngmount Reserve.

Regardless of their particular character, most of the units in the bushland study areas are readily differentiated from the significantly denser suburban areas to their West. Their active

non-urban uses also distinguish them from the nearby Georges River open space/recreation area/rural areas of Kentlyn to the east. The issues facing the management of the eastern edge of the EESPLs are quite different to those of the urban interface.

The eastern edge of the study area is abutted by the reservation for the Georges River Parkway, a major distributor road which has been planned since the early 1970s. No commitment has been made to a starting date for construction and the reservation remains heavily vegetated and contiguous with the Georges River recreation area beyond, providing a vegetated backdrop of high scenic and environmental value to views towards and from the study area. If the road is built it will redefine the character of the edge by introducing a rigid physical barrier and gap in the tree canopy between the study area and the Georges River Plateau. The road will also potentially affect the environmental values of the area by introducing a main road through a wildlife corridor. Particular attention will need to be given to the interface between the study area and the road corridor in order to protect the visual and ecological biodiversity of the EESPLs.

Two issues are of particular importance in the design and management of the urban edge of the EESPLs: the need to protect the soft character of the ridge when viewed from the main valley and Scenic Hills to the west; and the integration of low-impact development with the environmental and aesthetic values of the bushland edge of the Georges River catchment area to the east.

The protection of the ridgeline quality requires that any structures be set on the eastern side of the ridge and that their height needs to be restrained to ensure that hard edges of buildings are not visible in views towards the ridge. It is also important that the site is deep enough or is buffered by land dedicated to the growth of tall trees characteristic of the bushland landscape such as *Eucalyptus tereticornis*, or Forest Red Gums which will grow to a good height and provide a soft edge to the views. This species is appropriate in the EESPLs, being historically dominant in the Campbelltown area, tall-growing and capable of creating/maintaining a high-quality ridgeline in distant views without blocking local views from the area to the Scenic Hills. This planted ridgeline protection area needs to be deep enough to allow the canopies to overlap so that they 'read' as natural in views towards the ridge and to ensure that any tree deaths in the future do not create a gap in the canopy line.

In this regard it is important to note that the comments earlier in this study about the potential impacts of contemporary trends for two-storey houses with small setbacks and minimal areas available for soft landscaping on the quality of views towards and outwards from an aesthetically sensitive landscape are also relevant in the EESPLs. At the time of preparation the ridge immediately to the west of Eagleview Road at Minto had been cleared for the Minto Renewal Project and spectacular views were available along the length of this part of the road. The objectives of the DCP for this project include 'to ensure that the visual character of the 'green' ridge top is maintained through controls on development within the scenic protection zone and to maximise access to existing views and vistas.' The published Street Tree Planting Strategy shows that Forest Red Gums are to be planted along the ridgeline roadsides.

The statutory edge between the two types of development in the EESPLs at present is largely arbitrary. As in the Scenic Hills, it is defined on the ground mostly by the rear fences of suburban development or by the carriageway of a road. The impact of this type of edge in the EESPL area is significantly less than in the Scenic Hills because existing development in the EESPLs reads as being low-intensity, with modestly scaled dwellings in most places

allowing the bushland to dominate most views; unlike the open and pastoral landscapes of the Scenic Hills.

In parts of the EESPLs the distinction between urban and non-urban development has been blurred where the existing LEP provides for lots of approximately 4000 m² between the suburban and scenic protection areas. The development on these properties is characterised by large houses facing away from the study area to capture the spectacular views over the Scenic Hills. Their primary interface with the urban areas to the west is already well defined.

Most of the Minto Renewal Area near the ridgeline is also to be developed for 4000m² lots and will also read as part of the urban area, although it is designated in the DCP as 'rural-residential'. The land has been cleared and properties are for sale but no construction or details of proposed developments were available at the time of writing.

Large-lot residential can be an appropriate form of development in the bushland-edge landscape providing that it is subject to strict design and development controls to ensure that any structure or active use remains secondary to the environmental and aesthetic values.

3.5.2 APPROPRIATE ZONING AND DEVELOPMENT CONTROLS – PRINCIPLES FOR THE SCENIC HILLS STUDY AREA

Cultural landscapes are formed by a combination of natural and historic processes, and if the values of the landscape are to be protected into the future it is important that the LEP facilitates development consistent with the scenic values and prevents development that is likely to conflict with or detract from these values. The impacts of any land use on a visually or environmentally significant landscape are potentially significant, with few uses having no physical, visual or environmental impact. Any new use that may be introduced, or the intensification of an existing use, will not only increase the number of structures in the landscape of the Scenic Hills, but also generate ancillary development such as outbuildings, roadworks, hard paved areas and other elements - each of which will have the potential to erode the scenic and historic cultural significance of the area.

Built forms can be controlled by both regulating the land uses and by regulating elements such as footprint, scale, form, siting and materials. It is critical also that the density of development is managed carefully.

The scenic and cultural values of the Scenic Hills area are particularly vulnerable to the impacts of inappropriate development; density controls must be adequate to prevent a landscape with a house (or houses) being built on every prominence. Pseudo rural uses, including what is commonly called 'large lot residential' are not appropriate within the area because they cannot be accommodated in an open, pastoral setting without significant visual impact. Such development results in a landscape which reads as urban sprawl without genuine rural qualities.

The preference of owners and developers to maximise views encourages many owners to site their new dwelling on the highest part of the property. This is not only contrary to the historic model used in the Colonial cultural landscape (where the house was set below the ridge, which then provided a backdrop to views toward it), but also means that many recently

constructed houses have become unduly prominent elements in views within the Scenic Hills.

The topography of the Scenic Hills means that any development is likely to demand extensive earthworks and manipulation of the natural topography, particularly if building on steep slopes. This should be minimised by preventing development in areas that would require extensive cut and fill or other earthworks.

Changes in the quality or type of non-structural landscape elements can also have a significant impact on scenic views. Even the replacement of native and traditional rural grasses by mown lawn and manicured gardens with introduced plantings associated with new dwellings can change the textures and colours of the scenic landscape. The concept of a 'home garden' hugging (and largely screening) the carefully sited house with simple, grassed paddocks covering the landscape beyond is consistent with the values of the historic cultural landscape of the Scenic Hills and should be encouraged through detailed development controls for the area.

The development of zoning and development controls for the Scenic Hills must also take the impacts of development ancillary to the primary use into account, such as outbuildings, roadworks, carparking areas and the like. These can have a significant impact on the aesthetic qualities of the landscape.

Other land uses are able to be 'absorbed' within a landscape without significant impact and these should be identified as development that can potentially be carried out without the need to obtain Council's approval. Others are possible providing that any structures or infrastructure associated with that use are sited sensitively and built using visually recessive materials and colours. Other activities and structures are of a scale or impact that they cannot be undertaken without an unacceptably intrusive outcome and these should not be permissible uses. These should be identified during the planning process after careful consideration of the implication that each may have on the identified scenic and cultural landscape qualities of the area.

3.5.3 APPROPRIATE ZONING AND DEVELOPMENT CONTROLS – PRINCIPLES FOR THE EESPLS STUDY AREA

The principle underlying all future management of the environmental and visual values of the EESPLs should be the retention of its prevailing character as an area of significant natural bushland interwoven both laterally and vertically with modestly scaled residential and rural activity. Most properties are developed to their full entitlement under the existing LEP, and like in the Scenic Hills some owners are lobbying Council to be allowed to develop higher density housing. Several models were developed and examined to determine whether this would be possible without harming the area's visual and environmental values. These are discussed in detail below within the context of the recommended zonings.

The retention of existing vegetation should be the highest priority of any development in the EESPLs. Any use that would require significant land clearing is not likely to be appropriate. Development of a type and density that allows space for the planting of additional bushland trees should also be encouraged, including adjoining the public domain and to provide links between the surviving pockets of ecologically diverse forest. This will also improve travel

corridors for native animals which will otherwise be significantly compromised by the construction of the proposed Parkway to the east.

One land use that needs particular consideration is institutional. A range of these activities are present in the EESPLs already, including the religious temples and meeting places in Eagleview Road (E-LU4 and E-LU5), the church in Acacia Street (E-LU6) and the Leumeah High School. The latter is nominally outside E-LU5 but is adjacent and visually contiguous to the area. Attracted to the low-cost of land outside the urban area and large sites, these forms of development can have a significant visual impact on an environmentally vulnerable landscape through the scale and bulk of institutional buildings, the amount of site clearing required, the need for carparking and signage and the secondary impacts of increases in traffic generation and the like on the visual quality and ecological values of a landscape. New development for institutional, educational or similar purposes should not be encouraged in the EESPLs.

Potential land uses likely to be sympathetic to the environmental qualities of the EESPLs include a range of low-impact activities, including very low density residential and rural activities such as the small-scale grazing of livestock (common in the area at present). The impact of rural activity will need to be assessed on a case-by-case basis since although the visual impacts of a use such as small-scaled market gardening can be quite minor, the environmental impacts of runoff and the use of fertilizers required to make the use viable on the relatively poor soils in the area may have a significant adverse impact on the local ecology of the Georges River and its catchment; and need to be considered carefully before being approved.

3.5.4 OPTIONS FOR LAND USE ZONES IN THE LEP

The Department of Planning's Standard Instrument (a template for the preparation of LEPs) identifies a set of zones for councils to use in their local planning instruments. It is no longer possible to tailor a zone to the needs of a small area, although a certain amount of fine-tuning is still permissible.

Two of the zones identified in the Instrument were considered for the Scenic Hills: a rural land-use focus (Rural RU2); and/or a focus on the protection and management of the scenic values of the area (Environmental Management E3).

Three possible zones were considered for the EESPLs: Environmental Management (E3); Environmental Living E4, which provides for large-lot residential development with low environmental impacts; and R5; large lot residential with no special environmental constraints.

When choosing the most appropriate zone for the study areas, Council should take into consideration the primary intended use and character of the land. Lot sizes and densities are set under a separate clause and not defined in the zones. The subdivision of land requires consent in all zones.

RU2 – RURAL LANDSCAPE ZONE.

This zone is intended to facilitate the ongoing traditional rural and agricultural activity in an area with landscape value.

The objectives of this zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.

extensive agriculture means:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops),
or
- (b) the grazing of livestock, or
- (c) bee keeping,

for commercial purposes, but does not include any of the following:

- (d) animal boarding or training establishments,
- (e) aquaculture,
- (f) farm forestry,
- (g) intensive livestock agriculture,
- (h) intensive plant agriculture.

The range of permissible uses in the RU2 zone focuses on traditional rural activities and environmental protection works with minor secondary land uses such as home occupations and dwelling houses allowed with consent (including the potential to nominate a minimum lot size for the erection of a house).

The analysis of land uses, patterns and environmental impacts of development in the Scenic Hills since formally identified in the 3 Cities Structure Plan (the Campbelltown-Camden-Appin Strategy Plan) revealed that the rural/agricultural use of the land has diminished to a point where relatively few active agricultural uses are still in evidence. The significant topographical and environmental constraints in the area mean that the existing lot sizes are also not likely to entice new 'extensive' agricultural activity to the area, notwithstanding its proximity to markets and major transport routes.

Adopting this RU2 zone would provide a focus on the agricultural qualities and values of the area. The scenic and environmental values would remain secondary to agricultural viability in the assessment of applications for development. Although this would be consistent with the patterns of the historic cultural landscape, it may not protect the scenic values adequately of the area from the impacts of contemporary development.

A minimum lot size may be specified for lots in the RU2 zone (Instrument Clause 4.1). This is recommended in order to protect the important and increasingly vulnerable historic and scenic qualities of the landscape from further demands for subdivision and erection of dwelling houses. The objective of the clause should be:

- To protect the traditional historic pastoral and scenic values of the Scenic Hills cultural landscape.

It is recommended that the minimum lot size for subdivision if this zone is adopted should remain 100ha. The reason for this is that the lot size must be adequate to allow sufficient area for a small-scale grazing or other low-intensity rural activity; and that the over-subscription of the existing concessional lot provisions has led to few properties in the area not having already been built upon regardless of their area, with at least 49 dwellings in an area nominally able to hold 13. Those lots that exist but have not been developed will be able to do so unless a local provision to prevent this is included in the LEP.

The analysis of these dwellings, their locations and impacts on the scenic values of the area suggest strongly that there is no capacity for further development without significant harm to the scenic and environmental values of the Study Area. It should also be noted that this clause applies to the subdivision of land only, and not the erection of a dwelling.

If the RU2 zone is adopted the LEP may, (or must, depending on the use of several other clauses) also contain a special clause which allows a minimum lot size to be identified for the erection of a dwelling; but also allows subdivision and sale of parcels less than this area for primary production purposes providing that no dwelling has been, or ever will be, erected on the undersized lot.

Protection of the scenic values of the landscape will require the addition of an environmental protection overlay to prescribe siting, landscaping and material requirements. These could be defined in a special local provision or in a separate Development Control Plan.

The RU2 zone is not appropriate in the EESPLs. The small lot sizes are not capable of supporting extensive commercial grazing and the clearing of land for this purpose should not be implied through the emphasis on this activity.

E3 – ENVIRONMENTAL MANAGEMENT

The Standard Instrument also includes a suite of zones intended for use to protect environmental values. These range from the highly restrictive E1 (National Parks) to the residentially focussed E4 (Lifestyle Living).

The Department of Planning has advised that zone E3 – Environmental Management is suitable for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and uses compatible with these values. This zone is potentially appropriate therefore for both the Scenic Hills and the EESPLs (with different density controls).

The Minister's s117 direction of 9 May 2008 included the following requirement:

2.1 Environmental Protection Zones

Objective

- (1) The objective of this direction is to protect and conserve environmentally sensitive areas.

Where this direction applies

- (2) This direction applies to all councils.

When this direction applies

- (3) This direction applies when a council prepares a draft LEP.

What a council must do if this direction applies

- (4) A draft LEP shall include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- (5) A draft LEP that applies to land within an existing environmental protection zone or land otherwise identified for environmental protection purposes in a LEP shall not reduce the environmental protection standards that apply to the land (including by modifying any development standards or subdivision controls that apply to the land).

This direction can only be varied if a fully researched and justified argument is provided to the satisfaction of the Department of Planning.

Both study areas are currently substantially zoned 7(d1) Environmental Protection (or equivalent) under the existing controls, and are subject to the provisions of this Direction.

The E3 Environmental Management zone is consistent with both the Minister's Direction and the need to protect the environmental and scenic values of the Scenic Hills area.

The objectives of the E3 Environmental Management zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.

The zone must permit environmental protection works and roads, although Council can decide whether or not they require development consent. Given the importance of the scenic values of the area, and the potential impact of major earthworks such as cut-and-fill, whether on the hillsides and/or the ridgelines, it is recommended that road construction require consent.

The Standard Instrument defines environmental protection works as works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like. This could potentially be allowed without the need to seek approval.

Home occupation (within an existing dwelling) is also identified as a land use that must be allowed without the need to seek Council's approval. This will not have an adverse impact on the scenic values of the area and is appropriate for both the Scenic Hills and the EESPLs.

The only land use that must require consent is dwelling houses, although Councils can also include home industries, kiosks, cellar door premises, neighbourhood shops and roadside stalls in this category. Providing that density, locational requirements (see below) and visual environmental controls are complied with, these additional uses are likely to be able to be carried out without adverse impacts on the scenic values of the Study Areas.

Prohibited uses under this zone include: Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; and any other development not specified as permissible. It is recommended that commercially focused activities uses likely to demand large footprint construction, excavation, land re-profiling and/or ancillary development (eg large carparks) including uses such as offices, hotels and motels also be specifically prohibited in the zone.

It is also recommended that the historic cultural landscape of the Scenic Hills continues to be respected and the existing rural activities such as dairy farming and livestock grazing be allowed to continue (and potentially be attracted to the area) by including extensive agriculture as a land use that can be carried out without consent. This approach may require further discussion with officers of the Department of Planning, but given the importance of pastoral activity to the aesthetic values of the scenic landscape it is logical to continue to allow this land use as an ongoing one.

This zone is considered the most appropriate for each landscape unit in the Scenic Hills with the exception of Mount Annan (LU4). It is also the most appropriate for the whole of the EESPLs (with different density controls depending on the environmental and aesthetic qualities of each Unit). The densities recommended for each Unit are in the relevant sections (4.1 to 5.6) of this report. Different minimum lot sizes are recommended for the Scenic Hills and EESPLs; with areas of high scenic or environmental values having little potential for increased densities. Other areas, particularly in parts of the EESPLs, may be able to absorb a higher number of dwellings than at present providing that strict design controls are enforced that will ensure the ongoing protection of the essential qualities of the landscape. The details of how this could be achieved are described in the Models for bushland interface development and rural landscape interface development in Appendix 1.

The Mount Annan Botanic Gardens should be zoned SP1 (Botanic Garden) in recognition of its specialised function that does not fit comfortably under other environmental or special use zones. The objectives of the zone are:

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.

- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

E4: ENVIRONMENTAL LIVING

The E4 - Environmental Living zone is similar to E3-Environmental Management but is intended to facilitate residential development (including commercial uses such as caravan parks and tourist accommodation) in environmentally sensitive areas. This zone is contrary to the needs of the Scenic Hills, but was considered for the EESPLs.

The adoption of this zone would encourage development that would have considerable impacts on the scenic qualities of the landscape. It is also considered that the Study Areas are not an appropriate location for tourist accommodation, being far from major public transport and other infrastructure, and would lead to the loss of significant vegetation. Allowing this type of use would also be likely to encourage the development of mobile home/caravan parks and other forms of de facto medium density development in the EESPLs that would be likely to have considerable impacts on the sensitive environmental qualities of the landscapes.

R5: LARGE LOT RESIDENTIAL

The Department of Planning has advised that the objective of the R5-Large Lot Residential zone is to provide residential housing in a rural setting. It is intended for use where expectations of the amenity and character of the area are for the prevailing character of the landscape is to be residential, not rural. Councils are allowed to determine the minimum lot size appropriate for any land zoned R5.²⁵

LEGISLATING FOR SENIORS LIVING

Legislative requirements for the location of seniors living is complicated and not discussed in detail here except to note that environmentally sensitive zones and zones with a rural focus are not generally considered appropriate for seniors living purposes, particularly those in fire-prone areas.

Rurally zoned land which is not subject to environmental constraints and which adjoins a residential zone is an exception to this principle and under some circumstances development approval can be sought for aged care facilities, hostels and other similar uses on these properties.

3.5.4 IMPLICATIONS OF SEPP – EXEMPT AND COMPLYING DEVELOPMENT FOR THE ZONING OPTIONS

The State Environmental Planning Policy for Exempt and Complying Development (2008, as amended) allows a range of development to be carried out without the need to seek Council's approval. Most is minor in its nature and unlikely to have a significant adverse impact on the scenic values of the landscape.

The provisions relating to 'complying development' however differ significantly between the RU2 zone and E3/E4 zones and this should be taken into consideration before the zoning is determined.

²⁵ New South Wales Department of Planning, LEP Practice Note PN 07-001, issued 26 March 2007.

Providing that a lot is greater than 450m² (and not a heritage item or draft item), dwellings in a RU2 zone can be demolished, altered and added to (including adding a second storey) as complying development. This category of development cannot be refused providing that certain numerical standards (such as setbacks from side boundaries) are met. No assessment of environmental or other impacts of the development are made, and the standards cannot address issues such as the siting of structures sensitively in a rural landscape; nor can they require the development to be dark in colour and use non-reflective materials or otherwise minimise its visual impact.

At this stage the erection of a new house in a rural zone still requires consent, but it is likely that this also will be allowed as complying development in the near future.

The Department of Planning recognises that the demolition, alteration and addition to dwellings in an environmental zone such as E3 can have a significant impact on the aesthetic, scenic or other environmental values of the area. Councils are allowed to regulate the siting, scale, form and other potential visual impacts of development in Environmental Protection zones; and consent is required for major work such as demolition, alterations and additions and the erection of a new dwelling. This may seem onerous to developers, but allows Council to prevent or use negotiation to mitigate development that will harm the scenic values of an area.

More minor work, such as fencing and sheds/small outbuildings, are allowed in either zone without any need to seek approval as 'Exempt Development'.