

<b>DATE OF DETERMINATION</b>	Wednesday, 13 October 2021
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, George Griess and Darcy Lound
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held Public Teleconference on 27 September 2021, opened at 11:00am and closed at 12:00pm.

#### **PLANNING PROPOSAL**

PP-2020-2816 – Campbelltown City Council – At 71 St Andrews Road, Varroville (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

1. The panel considered the material listed at item 4, and the material presented at meetings and matters observed at site inspections listed at item 5 in Schedule 1. As the planning proposal authority, the Panel determined to recommend to the Minister that the proposed instrument, as described in Schedule 1, should be made.
2. There are two distinct parts of this planning proposal as exhibited – one part concerns the land fronting St Andrews Road to the north-west of a strip of land subject to various easements which bisect the allotment, and the other concerns the more vegetated remainder of the land fronting Sawsedge Avenue to the south-west with a higher conservation value.
3. The ‘north-western part’ of the rezoning proposal is proposed to be rezoned to R2 Low Density Residential with a minimum lot size of 420 square metres nominated in the Lot Size Map in Campbelltown LEP.
4. The ‘south-eastern part’ concerns the land including and to the south east of the Endeavour Energy easement. There are four zonings proposed for that portion of the site. First, a long strip of land would be zoned RE1 Public Recreation including the area of the Endeavour Energy easement and adjacent flood affected land, which would extend a corridor of publicly owned open space which extends from the site to the north east. Second an area has been proposed to be designated SP2 Infrastructure in which the proponent anticipates a drainage basin for the future subdivision of the R2 land in the north western part of the site would be located. Third, a single allotment measuring around 700m<sup>2</sup> is proposed at the eastern corner of the site as the future location of a single rural lifestyle residence. Fourth, the remainder of a portion of the south eastern part of the site would be zoned E2 to encourage the conservation of the retained vegetation located there. Changes to the Lot Size Map were proposed to permit each of the separate zonings to be contained within individual lots.
5. The Panel accepts and agrees with the advice of the Department that the zoning of the north western part of the site should proceed, but the remainder of the site should, at least for the present, retain its E3 zoning.

#### **REASONS FOR THE DECISION**

- (a) Rezoning of the north-western part of the site to permit a residential subdivision consistent with the prevailing density of the surrounding locality with lot sizes more characteristic of traditional detached housing will allow for an ordered transition towards the bushland to the south-west forming part of the ‘Scenic Hills’ of Campbelltown Local Government area.

- (b) In that way the final portion of the area to the east of St Andrews Road (north) surrounded by the residential subdivisions on adjoining land within the Camden side of the local government area boundary will be appropriately utilised for housing, consistent with objectives *Planning Priority W4. Fostering healthy, creative, culturally rich and socially connected communities* and *Planning Priority W5. Providing housing supply, choice and affordability, with access to jobs, services and public transport* of the *Western City District Plan*.
  - (c) In contrast, planning for the southwestern portion of the site including and to the south east of the easements is not sufficiently resolved to recommend its rezoning at this stage. The Council has declined to accept the role of acquisition authority for the proposed RE1 or SP2 zoned land and the civil engineering for the subdivision has not been approved. It may be that the drainage basin could be located to the north-west of the easements to reduce the ecological impact of the development. Bushfire planning for the north-western part of the site is not yet resolved to determine if a fire trail exit might be required over a portion of the land, and if so where it would be located. It is therefore premature to determine where any new residence would best be located (if the ecological impacts of a new dwelling can be overcome).
  - (d) Flood mitigation works, recreation areas and roads are permitted in the E3 zone. If it can be established at DA stage that it is appropriate for the drainage basin, a park or a fire trail to be located within the south-eastern part of the site (although the Panel has not considered that issue), then there is no reason why that could not be accommodated by the present zoning.
  - (e) There were a number of community submissions raising issues of ecology and flood impacts. The Panel accepted that the area to be retained as E3 has a higher value as a contribution to the local bushland. Associated issues can be resolved if ever a later proposal is made to rezone the E3 remainder of the site in the future.
  - (f) The advice from SLR Consulting Australia Pty Ltd given after completion of a stage 1 preliminary site investigation (PSI) of the property that any issues of contamination can be adequately managed at DA stage is accepted.
6. The Panel The minimum lot sizes for which subdivision may be granted in the land to be zoned R2 should reflect the minimum lot size commonly applied to residential development in Campbelltown local government area for subdivisions of this kind, which may be different to the minimum lot size applying in the Camden local government area. The Panel accepts the recommendation that 420 m2 would be suitable in context. The minimum lot size for the remainder zoned E3 should be reduced to allow for the creation of a single residue lot with that zoning.
7. It is on that basis that as the planning proposal authority, the Panel determined to recommend Campbelltown LEP 2015 be amended to:
- A. Rezone the part of the site to the north-west of the easement to Energy Australia from E3 Environmental Management to R2 Low Density Residential as proposed in the planning proposal.
  - B. Retain the zoning of the remainder of the site as E3 Environmental Management zone (instead of rezoning different parts of it to R2 Low Density Residential, RE1 Public Recreation, SP2 Local Drainage or E2 Environmental Conservation).
  - C. Allow for amendment to Part 4 of the LEP to provide for:
    - (a) minimum lot sizes upon which a residence can be constructed for the R2 Low Density Residential portion of the site of 420m2;
    - (b) minimum lot sizes for dwellings within a dual occupancy development to be erected on the R2 Low Density Residential portion of the site as allowed for in clause 4.1B of the LEP;
    - (c) subdivision of the remainder of land which is to retain the E3 zoning as a separate single lot.

8. The Department is requested to prepare a suitable draft instrument to implement that resolution.

The decision was 4:1 in favour, against the decision was Darcy Lound.






Darcy Lound disagreed with the majority decision for the following reasons:

- Inconsistency with the Greater Sydney Region Plan as it proposes to rezone land within the Metropolitan Rural Area (MRA);
- Inconsistency with the Western City District Plan as it proposes to rezone land within the Scenic Hills;
- Inconsistency with Councils Local Strategic Planning Statement which seeks to protect both the MRA and Scenic Hills; and
- Inconsistency with Council's Housing Strategy which does not support expansion of the existing urban area.

#### **PUBLIC SUBMISSIONS**

The panel heard submissions on the matter from the following parties:

- Support – Nil
- Object – Fletcher Rayner Campbelltown City Council
- On behalf of the proponent – Gerard Turrisi from GAT Associates – Town Planner, Chris Langeluddecke – AMBS – Aboriginal Heritage Consultant

PANEL MEMBERS	
 Justin Doyle (Chair)	 Louise Camenzuli
 Nicole Gurran	 George Griess
 Darcy Lound	

SCHEDULE 1		
1	PANEL REF – LGA – PLANNING PROPOSAL NO. - ADDRESS	PP-2020-2816 – Campbelltown City Council – AT 71 St Andrews Road, Varroville (Lot 71, DP706546)
2	LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
3	PROPOSED INSTRUMENT	Planning proposal to amend Campbelltown Local Environmental Plan 2015 to rezone the site from E3 Environmental Management to R2 Low Density Residential, RE1 Public Recreation, SP2 Infrastructure (drainage) and E2 Environmental Conservation to enable the redevelopment of the site for residential development.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Post Exhibition Submissions report: 8 September 2021</li> <li>• Written submissions during public exhibition: 12</li> <li>• Verbal submissions at the public panel meeting: <ul style="list-style-type: none"> <li>○ Fletcher Rayner Campbelltown City Council</li> <li>○ On behalf of the applicant – Gerard Turrisi from GAT Associates – Town Planner, Chris Langeluddecke – AMBS – Aboriginal Heritage Consultant</li> </ul> </li> <li>• Preliminary Site Investigation Report by SLR Consulting Australia Pty Ltd</li> <li>• Material posted on the Department of Planning Portal in response to the planning proposal including the responses from the relevant statutory authorities</li> <li>• Material accompanying the planning proposal</li> <li>• Previous determinations by the Panel made during the planning proposal process.</li> <li>• Minutes and Agenda of Campbelltown Council meeting of 11 June 2019</li> <li>• Council assessment staff report on the planning proposal</li> </ul>
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: Monday, 27 September 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, George Griess and Darcy Lound</li> <li>○ <u>Department assessment staff</u>: Neala Gautam and Naomi Moss</li> </ul> </li> </ul>