

30 August 2024

Ref: 24660

Kiersten Fishburn
Secretary
NSW Department of Planning, Housing and Infrastructure
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Parramatta NSW 2150

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Dear Ms. Fishburn,

**Rezoning Review Request – Planning Proposal (PP-2021 - 7146)
Part Sub Precinct 5, South Creek West Land Release Area, Cobbitty - Bringelly**

On behalf of JJ Cobbitty Developments Pty Ltd (JJCD), major landowner and proponent of Planning Proposal PP 2021-7146, I write to request that the Sydney Western City Panel:

1. Undertake a review of planning proposal PP – 2021 – 7146;
2. Forward the planning proposal to the Minister for Planning and Public Spaces under section 3.34 of the Environmental Planning and Assessment Act 1979 requesting a Gateway Determination with conditions and recommendations be issued; and
3. Be appointed as the planning proposal authority for the Planning Proposal by the Secretary as delegate for the Minister under section 3.32(2) of the EP&A Act or alternatively the Sydney Western City Panel direct itself to be the planning proposal authority in the context of this rezoning review process pursuant to section 3.32(2) of the EP&A Act.

By way of background:

- The land comprising the Precinct was identified as suitable for urban development with the publication of State Environmental Planning Policy (Sydney Region Growth Centres) in 2006 (now absorbed into State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Precincts SEPP);
- The Precinct was subsequently biodiversity certified pursuant to the then Threatened Species Conservation Act 1995 (TSC Act) in December 2007; and
- On 2nd November 2019 the Precinct was released for rezoning, as part of the South Creek West Land Release Area by the Minister for Planning's announcement that the NSW Government would work collaboratively with Camden Council to fast track the rezoning of precincts where the vision for growth is agreed.

In response, JJCD has committed to be the proponent, and fund, the rezoning of the Precinct, given it is the major land owner in the Precinct.

Thus the Planning Proposal seeks to amend the Precincts SEPP, and the proposed change in zoning of the precinct demonstrates alignment with the NSW strategic planning framework and current government priority. Accordingly, at the outset, the proposal has demonstrable Strategic Merit.

The package identifies a potential supply of 2,312 new dwellings and associated local and state infrastructure and extensive environmental conservation areas and open spaces.

There are manageable and positive environmental, social and economic impacts on the Precinct and surrounds, and development of the Precinct has the ability to be accommodated within the capacity of the current and/or future infrastructure and services.

On 11th June 2024 the Planning Proposal was reported to Camden Council, where the Council supported the Council officer's conditional recommendation of support. The Panel noted that the Planning Proposal demonstrates strategic and site specific merit and Council recommended, subject to resolution of some outstanding matters, that it should be forwarded to the Minister for Gateway Determination.

The proposal can thus demonstrate agreed Strategic and Site Specific Merit.

Council has managed the rezoning process and it and representatives of JJCD have worked collaboratively to date. However in the two and a half years since lodgement the administrative process has been incapable of "fast tracking" the proposal and enabling it to be submitted to the NSW Government for Gateway Determination and it is unlikely to do so in the foreseeable future.

With this context in mind, JJCD has reluctantly taken the step to request this rezoning review.

It is appropriate to note that the collaboration noted above and a positive working relationship continues to this day, and Council is aware of JJCD's concerns with the excessive delay and the making of this request.

The Planning Proposal is of a scale and significance that warrants its identification as "Complex" as defined by the NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline August 2023*.

In that Guideline the maximum benchmark timeframes identify the submission of the Planning Proposal for Gateway determination to be made within 180 days of lodgement. It is JJCD's firm conclusion that the proposal, absent the rezoning review, will not be submitted to the Department for Gateway Determination until December 2025. This will be circa 1,350 days since lodgement.

The basis of the request for the Rezoning Review is therefore:

1. Camden Council's failure to make a decision on the Planning Proposal 115 calendar days from the date the proposal was lodged with Council (*Guideline Trigger No. 2*);
2. The Planning Proposal has agreed strategic and site-specific merit; and
3. The evidence that there is no prospect of a timely decision to forward the Planning Proposal for Gateway Determination.

The attached submission provides the evidence and material to support the request.

I trust this information is sufficient for your purposes. Should you require any further details or clarification, please do not hesitate to contact me.

Yours sincerely,

INSPIRE URBAN DESIGN + PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'S. McMahon', with a stylized flourish extending from the end.

Stephen McMahon

Director



Rezoning Review Request
Planning Proposal:
PP-2021 - 7146

Part Sub Precinct 5, South Creek
West Land Release Area,
Cobbitty-Bringelly

30 August 2024

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Prepared by: Stephen McMahon, Director FPIA, REAP
 Project No: 24660
 Version: Issue A.
 Date: 30 August 2024



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APPENDICES

The following documents are appended to this request:

1. A copy of advice to Camden Council confirming change in land ownership and applicant entities of the rezoning planning proposal dated 6 June 2024.
2. A copy of the Planning Proposal, including supporting documentation, prepared by Urbis Town Planning Consultants lodged with Camden Council on 13 May 2024 (being the fourth (amended) version of the planning proposal package). The package was uploaded to the NSW Planning Portal on 29th August 2024. The delay in updating the Portal resulted from the initial lodgement date of the Planning Proposal on 9th November 2021. At that time the Portal played no significant role in the processing of rezoning planning proposals and Council commenced processing the proposal outside the guiding structure of the Portal. The Portal has thus been updated in response to the preparation and submission of this rezoning request.
3. A summary of the comments received from Agencies as Part of the pre Gateway Agency consultation undertaken by Council.
4. Extracts of documents confirming that the proposal has been recognised as having Strategic and Site Specific Merit.

1. INTRODUCTION AND SUMMARY

1.1 Outline of this Request

This Request for a Rezoning Review of Planning Proposal PP - 2021 - 7146 has been prepared and submitted pursuant to the process identified in Planning Circular PS22-003 and the NSW Department of Planning and Environment's Local Environmental Plan Making Guideline August 2023.

The request has been prepared on behalf of the applicant of the rezoning proposal JJ Cobbitty Development Pty Ltd (JJCD) representing the landowners in the precinct. The land ownership and the applicant entities have changed since the planning proposal was first submitted and details are provided in the copy of correspondence to Camden Council dated 6th June 2024 to this effect. This advice is reproduced in **Appendix 1**. The change in ownership and applicant details was submitted to the NSW Planning Portal on 29th August 2024.

The planning proposal, and all its attendant obligations including commitment to existing executed and known future Voluntary Planning Agreements associated with the delivery of local and special (State) infrastructure, have been novated to the new landowners and JJCD.

The Planning Proposal seeks to amend the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Precincts SEPP) to rezone 173 hectares of land comprising part of the Cobbitty - Bringelly Sub-Precinct 5 in the South Creek West Land Release Area from rural to urban uses.

The part of Sub-Precinct subject to the rezoning proposal is known as The "Part Sub- Precinct 5" and will be referred to as such in this request.

A link to the copy of the current (updated version No. 4) Planning Proposal package is presented in **Appendix 2**.

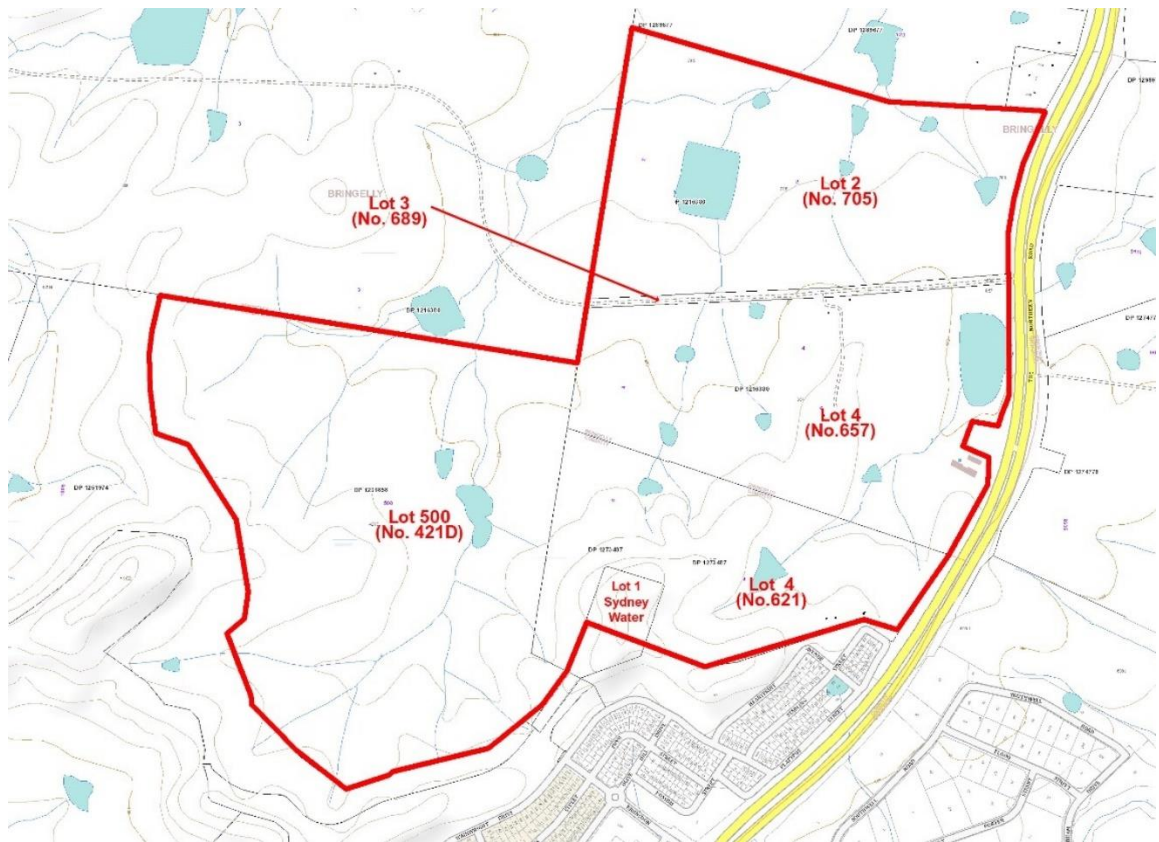
1.2 Background to this Request

On 2nd November 2019 Sub-Precinct 5 was released for rezoning as part of the South Creek West Land Release Area by the Minister for Planning's announcement that the NSW Government would work collaboratively with Camden Council to fast track the rezoning of precincts where the vision for growth is agreed.

The precinct is owned by multiple landowners. However the majority of owners comprise associated entities and there are a number of large amalgamated strategic land holdings that are in common ownership that are not reflected in either the ownership or cadastral lot patterns.

One of the landowners in Sub-Precinct 5 elected not to be involved in the rezoning proposal and thus only part of Sub-Precinct 5 is proposed to be rezoned.

A plan of the part of Sub-Precinct 5 subject to the rezoning proposal and property identification is presented in **Figure 1**.



> **Figure 1: Boundary of Rezoning Precinct and Lot /Street Numbers**

JJCD is the proponent of the rezoning. It represents the four largest properties, being No's 421D, 621, 657 and 705 The Northern Road Cobbitty/Bringelly, in the Precinct. This comprises approximately 168 hectares of land (96 percent) in the Precinct. JJCD took on the role and financial obligation of proponent in recognition that it represents the major landowners in the Precinct.

On 09 November 2021 Urbis Town Planning Consultants submitted a Planning Proposal package on behalf of the BHL Group Pty Ltd (the previous owner) to Camden Council to rezone part of the Bringelly Sub-Precinct 5 (Council reference PP/2021/8/1).

The Camden Council Planning Proposal reference subject to this request differs from the NSW Planning Portal reference number noted in this request as the submission took place prior to the introduction of the function of the Portal to process Planning Proposals. The Planning Proposal NSW Planning Portal reference is PP - 2021 – 7146.

The land comprising Part Sub Precinct 5 will provide for a potential approximate dwelling yield of 2,312 dwellings, a neighbourhood shopping centre and a primary school. Approximately 42 hectares (over 24 percent) of the Precinct will be preserved for green space (parks, sports oval, riparian corridor and conservation area).

In the two and a half years since lodgement:

- The Planning Proposal was exhibited for public comment by Council two years ago between 29 June 2022 - 13 July 2022;
- Council has been managing a PCG (Project Control Group) and PWG (Project Working Group) process that has assessed the proposal. This has resulted in a number of amendments to the rezoning planning proposal and the submission of four amended planning proposal packages since 2021;
- On 21 February 2023 the Planning Proposal was reported to the Camden Local Planning Panel, where the Panel recommended to Council that the Proposal demonstrates strategic and site specific merit subject to resolution of various matters;
- On 9th March 2023 Council appointed an independent planning and urban design consultancy team to review the proposed rezoning and its ILP Master Plan. The lead consultant, APP Corporation, submitted its final report on 21 May 2024. It advised that the proposal demonstrates strategic merit, site specific merit and the urban design outcome is desirable and worthy of progression to Gateway; and
- On 11th June 2024 the Planning Proposal was reported to the Camden Council where Council endorsed submission of the proposal for Gateway Determination subject to conditions.

The conditions (matters requiring resolution) raised by both the Panel and Council can be summarised as:

1. Provision of a satisfactory letter of offer to enter into a Planning agreement;
2. Satisfactory progress on resolution of the ridgeline land use; and
3. Satisfactory progress on resolution of the approach to the provision of drainage basins in riparian corridors and subsequent modelling .

However, in the two years leading up the Council meeting on 11th June 2024 and since the Council meeting there has also been little progress in resolving these matters.

Furthermore there seems to be little prospect in resolving these matters in a timely manner as:

- Council has reversed its position on supporting the use of the ridgetop for open space in contradiction to the Panel's recommendation. It now prefers the ridgeline to remain in private ownership and used for low density residential development;
- Council officers on 23 June 2024, post the Council meeting, raised two, new additional matters that will now be required to be addressed that will further prevent the timely progress of the rezoning proposal. These include:
 1. The need to appoint new geotechnical consultants to investigate land stability beyond the comprehensive investigation already provided;
 2. Involvement of the local aboriginal community in determining the future use of the ridgeline within the framework of Connecting to Country; and
 3. The need to further consult with agencies.

It is considered that these matters are not of such significance that they are determinate and warrant further delay in the progress of the Planning Proposal to a Gateway Determination.

The outstanding matters will have only a minor influence in the rezoning outcome and can be addressed as part of the post Gateway Determination tasks.

It is JJCD's concern that currently it is entirely plausible that these two matters will delay the planning proposal for another 12 months following the current process and it will not receive Gateway Determination until late 2025. As a result the rezoning will not be finalised until early 2027. This is over five years after JJCD submitted the proposal for consideration.

JJCD and Council have worked collaboratively to date and this collaboration, and a positive working relationship, continues to this day. Council is aware of JJCD's concerns with the excessive delay and the making of this request.

1.3 Basis of this Request

The Planning Proposal is of a scale and significance that warrants its identification as "Complex" as defined by the NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline August 2023*.

In that Guideline, the maximum benchmark timeframes identify the submission of the Planning Proposal for Gateway determination to be made within 180 days of lodgement. Given JJCD's firm conclusion that the proposal will not be submitted to the Minister for Gateway Determination until late 2025, this will be circa 1,350 days (43 months) since lodgement.

There is no disagreement that the planning proposal has strategic and site specific merit and, as noted above, the relationship between Camden Council and JJCD remains positive and Council officers continue to process the proposal collaboratively.

However, it has become clear that the administrative procedures to process the Planning Proposal are preventing progress of the proposal to achieve a timely Gateway Determination as the process is:

- Inconsistent in focus and application of direction;
- Uncertain in terms of the raising of new and ad hoc matters after reasonable, comprehensive consideration has concluded;
- Placing unnecessary significance on, and giving unnecessary weight to, matters that are not materially significant to the process at this time and can be undertaken as part of due process required post Gateway Determination; and
- Exhibiting paralysis in terms of its inability to resolve particular matters resulting in a default to further investigation and analysis and a perpetual circle of consultation with stakeholders.

JJCD has therefore decided that it has no choice but to exercise its right of review. The basis of the request for the Rezoning Review is therefore:

1. Camden Council's failure to make a decision on the Planning Proposal 115 calendar days from the date the proposal was lodged with Council (Guidelines Trigger No. 2);
2. The Planning Proposal has agreed strategic and site-specific merit; and
3. The evidence that there is no prospect of a timely decision on non-determinative matters to enable forwarding of the Planning Proposal for Gateway Determination.

Specifically, the review requests that the Sydney Western City Panel:

1. Take into the consideration the resolutions of the Camden Local Planning Panel, Council, Council officers and Council's third party peer review consultants that provide evidence of a broad agreement and recognition that the proposal has strategic and site-specific subject to the recognised conditions that can be addressed as part of any Post Gateway Determination;
2. Forwards the planning proposal to the Minister for Planning and Public Spaces under section 3.34 of the Environmental Planning and Assessment Act 1979 requesting a Gateway Determination with the conditions and recommendations be issued; and
3. Be appointed as the planning proposal authority for the Planning Proposal by the Secretary as delegate for the Minister under section 3.32(2) of the EP&A Act, or alternatively the Sydney Western City Panel direct itself to be the planning proposal authority in the context of this rezoning review process pursuant to section 3.32(2) of the EP&A Act.

The third request is made with the expectation that, should the Panel be of a mind to grant the Gateway Determination and it determines that the application should be returned to Council as the planning proposal authority, the same process, challenges and delays that have befallen the proposal 'pre' Gateway Determination, will continue to be experienced 'post' Gateway Determination.

In other words, while the process of the Planning Proposal will have made some progress in terms of timing in the short term by the granting of the Gateway Determination, the inability of the process being followed to resolve the issues and deliver a timely outcome after the granting of the Determination will remain as a hindrance to its progress.

In Part 3 of this Request we forecast that a potential and plausible timeframe to achieve Gateway Determination will be early 2026 and the rezoning will be finalised and published in early 2027 in the absence of the rezoning review. This will be six years after the Planning Proposal was lodged. A potentially alternative timetable in the event that the Rezoning Review is referred to a Gateway Determination and the Panel is appointed as the planning proposal authority for the Planning Proposal suggests that the timeframe to submit for Gateway Determination will be the final quarter of 2024 and the rezoning will be finalised and published in mid-2025. This will be four years after the Planning Proposal was lodged, yet two years earlier than the current process.

Thus at the current time, with the NSW Government's priority policy position being to expedite the delivery of land for housing and given the land has release significance to the State (as the planning proposal relates to amendments to the SEPP (Precincts – Western Parkland City) 2021, the Department is best placed to process the rezoning proposal post Gateway Determination on behalf of the Panel.

If the Sydney Western City Planning Panel recommends that the proposal should be submitted for a Gateway Determination, this will enliven the ability for the Sydney Western City Planning Panel to be the planning panel authority under s3.32(2)(c) of the EP&A Act.

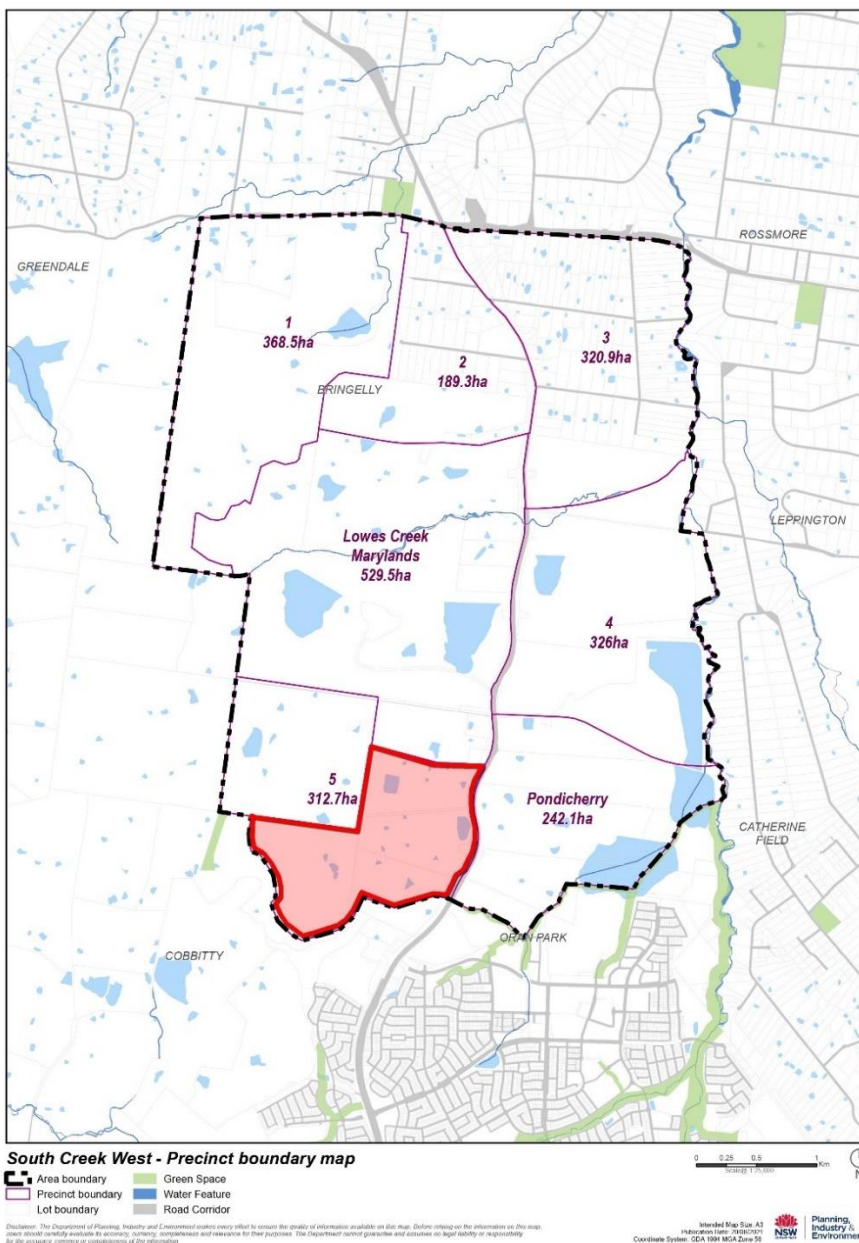
Alternatively, it is open to the Secretary to make such a direction on one or more of the other grounds under s3.32 of the EP&A Act in accordance with the opinion of the Secretary, having regard to the State environmental planning significance of the proposal and the long history (circa three years) in seeking a rezoning.

2. DESCRIPTION OF PRECINCT

2.1 Location in the South Creek West Land Release Area

The Planning Proposal seeks to rezone land for urban purposes in Part of Sub-Precinct 5 in the South Creek West Land Release Area. The location of the Precinct is identified in **Figure 2**.

The land comprising the Part Precinct was identified as suitable for urban development with the publication of the State Environmental Planning Policy (Sydney Region Growth Centres) in 2006 (now absorbed into State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Precincts SEPP).



The Precinct was subsequently biodiversity certified pursuant to the then Threatened Species Conservation Act 1995 (TSC Act) in December 2007.

On 2nd November 2019 the Precinct was released for rezoning as part of the South Creek West Land Release Area by the Minister for Planning's announcement that the NSW Government would work collaboratively with Camden Council to fast track the rezoning of precincts where the vision for growth is agreed.

Thus the question of the Strategic Merit of the Proposal has historically been addressed.

The Site Specific Merit of the Proposal is addressed in Part 3.2 below.

> Figure 2: Location of the Precinct within the South Creek West Land Release Area

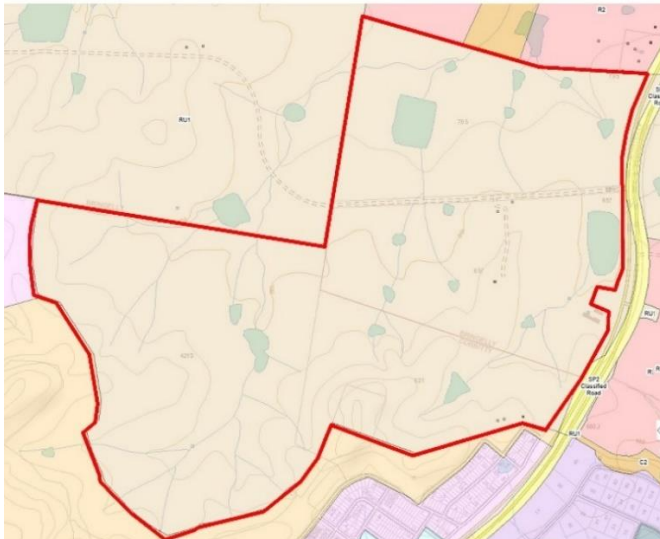
2.2 Description of the Precinct in the Camden LGA



Comprehensive material prepared by Urbis and the consultant team is contained in **Appendix 2** attached to this request. The material in this part is a brief summary of that information.

The Part of Sub-Precinct 5 comprises approximately 173 hectares and is located in the north western corner of the Camden Local Government Area (LGA).

The Precinct has an irregular shape and is legally comprised of 6 lots. The site is bound by the Lowes Creek Maryland (LCM) Precinct to the north, The Northern Road to the east, the Oran Park Precinct to the south and rural land to the west.



The Precinct is identified in the aerial photograph, extract of Camden Local Environmental Plan (LEP) 2010 zoning map and extracts from the biodiversity and riparian assessment reports in **Appendix 2** in **Figure 3**.

Existing Uses (top)

The Precinct comprises large areas of existing rural and agricultural land use activities.

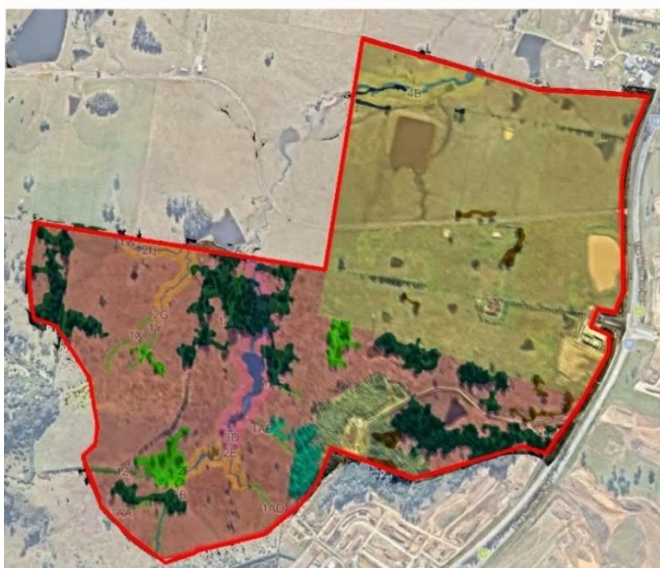
Other existing land uses within the precinct include a service station on The Northern Road which includes fast food and a Sydney Water Potable Water Reservoir at the southern boundary.

Zoning (middle)

The Sub-Precinct is currently zoned 'RU1 Primary Production' in the Camden LEP 2010.

Environment (bottom)

The Precinct is Biodiversity Certified pursuant to the terms of the Biodiversity Conservation Act 2016. There is negligible remnant vegetation within the Precinct. Riparian corridor classification is low order given the position of the Precinct at the top extremity of the Catchment of Lowes Creek.



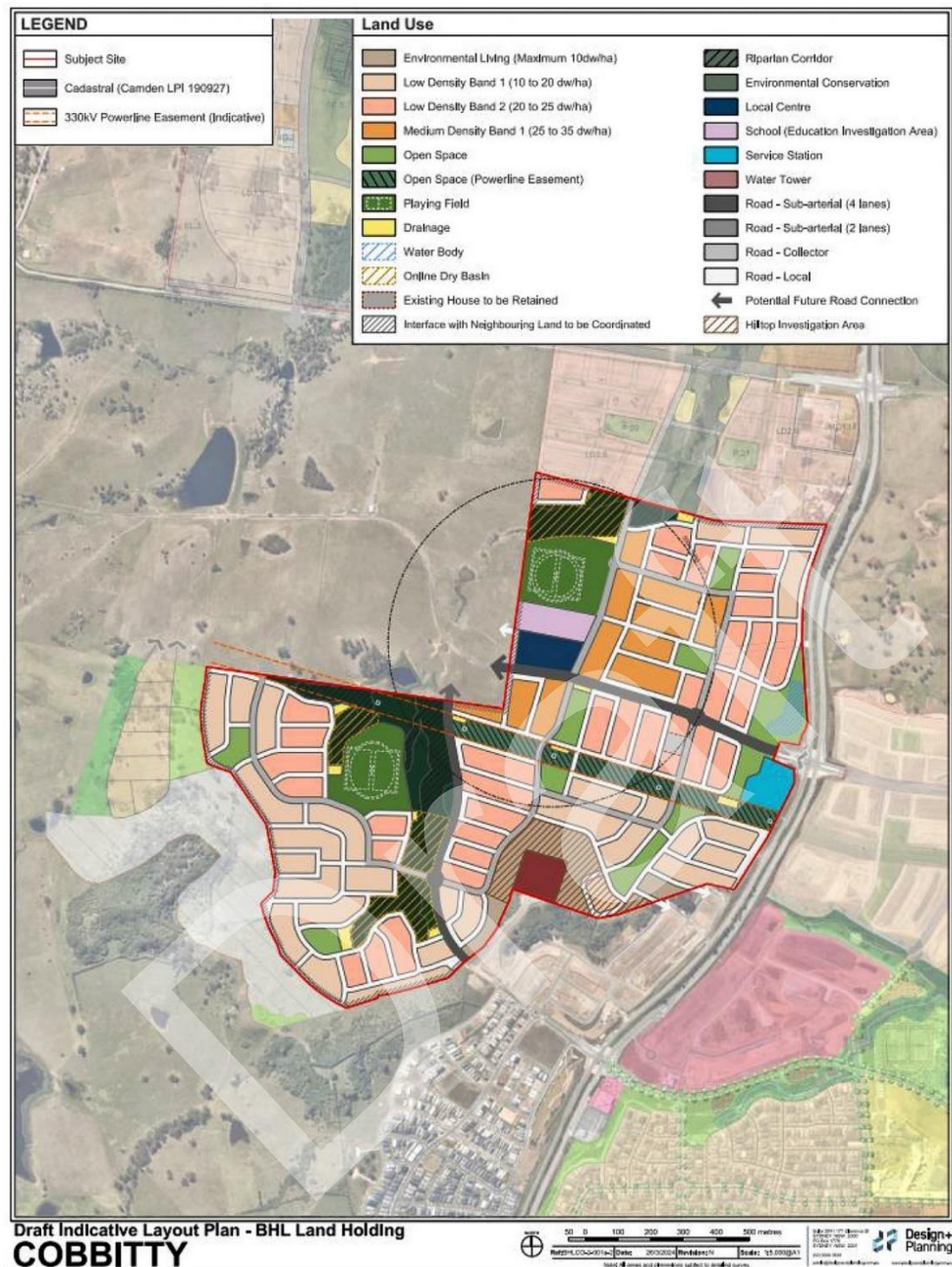
> Figure 3: Location of the Precinct within Camden LGA

3. DESCRIPTION OF PROPOSAL AND PROCESS

3.1 The Draft Indicative Layout Plan (ILP)

The current draft Indicative Layout Plan (ILP Version N) prepared by Design and Planning, and included within the Planning Proposal uploaded to the Planning Portal, is reproduced in **Figure 4**.

The Draft ILP has informed the planning provisions proposed in the Precincts SEPP amendment. Urbis notes that the ILP has been shaped by a comprehensive site analysis and identification of the site opportunities and challenges, ensuring the appropriate and considered use of land.



> Figure 4: Draft ILP (Version N) (Source: Urbis)

3.2 Chronology of Past and Current Actions

The Planning Proposal was lodged by the BHL Group Pty Ltd (previous owner at the time) with Camden Council on 9th November 2021.

Since that time:

- A Project Plan has been adopted by Camden Council that establishes the probity and governance protocols by which the project is undertaken, and how the involvement of the proponent is managed in the process;
- Consistent with the requirements of the Project Plan, an inter Government Agency and Council PCG (Project Control Group) and a Council staff PWG (Project Working Group) have been established; and
- Council has been progressing the Planning Proposal via the PCG and PWG structure.

The PCG/PWG structure is as follows:

- **The Project Control Group (PCG)** is responsible for providing direction to the Planning Process and overall delivery of the Planning documents. The PCG is comprised of senior management representatives from Council and a representative from the Department of Planning and Environment. Key functions of the PCG include coordinating an efficient decision making process and agreement on a project programme. The PCG may also engage at the expense of the proponent a peer review and any other third party assistance it considers is required to progress the planning proposal. The PCG is the key decision making forum on all matters regarding the planning process including endorsement of the final ILP and planning documents; and
- **The Project Working Group (PWG)** is responsible for the day to day operation and guides the detail of the Precinct Planning Process. It comprises Council staff and is managed by Council's rezoning Project Manager. JJCD, as the lead proponent, participates in the PWG by invitation. The PWG is not a decision making forum and it does not influence the PCG decision making role and function.

JJCD, as proponent, has participated in the PWG by invitation through the process, but has not participated in the PCG.

A chronology of the key actions, and decisions of the Council PCG/PWG and production of relevant documents and reports as evidenced by JJCD is describe in **Table 1** below.

The colour legend is as follows:

Council action
Proponent (Urbis on behalf of JJCD) action

> Table 1: Chronology of Actions to Date

Action No.	Date	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
1.	March 2019	N/A	N/A	Rezoning application via Precinct Acceleration Protocol ('PAP') process commenced	Consultant team commissioned generally in accordance with DPE (at the time) consultant briefs).
2.	17 November 2019	N/A	N/A	South Creek West released via 'Collaborative Planning' process with Camden Council.	
3.	27 July 2021	Day - 94	N/A	Pre lodgement meeting and presentation of draft Planning Proposal (PP) Package.	
4.	09 November 2021	Day 0	N/A	First Planning Proposal (PP) package submitted to Camden Council by Urbis Town Planning Consultants on behalf of JJCD and others.	The proposal is lodged directly with Camden Council and accepted (Council reference PP/2021/8/1). The proposal is submitted to the NSW Planning Portal, but not used as the Portal did not provide for processing proposals at that time (Portal reference PP-2021-7146).
5.	11 May 2022	Day 170	24 Weeks	Draft project program endorsed in project Plan June 2022	Identifies timeframe to report proposal to Council for submission for Gateway determination as December to February 2023 (achieved 11 June 2024)
6.	14 June 2022	Day 217	31 weeks	Preliminary Assessment.	Council provides a "Request for Further Information" (RFI No.1).
7.	29 June 2022	Day 231	2 weeks	Public Exhibition	Concludes 13 July 2022. 29 State agencies notified. 13 submissions received. Some raised issues but no objections. 5 community submissions received. The Business Paper to Council meeting 11 June 2024 (Item 24 in this table below) notes that all matters raised have been responded to.
8.	August 2022	Day 260	3 weeks	Further Assessment.	Council provides a second "Request for Further Information" (RFI No.2).
9.	15 September 2022	Day 307	3 Weeks	Updated /additional PP documents submitted by Urbis in response to RFI No. 1 and 2.	Material comprises: 1. Responses to preliminary agency and public submissions from the initial notification period. 2. A revised Indicative Layout Plan (ILP) that incorporates 10 key design updates. 3. A draft Urban Heat Report.
10.	September to 08 November 2022	Day 360	08 Weeks	The Updated /additional PP documents are progressively	

Action No.	Date	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
				reviewed by Council PWG and PCG.	
11.	08 November 2022	360 days	0 weeks	Proponent presentation to Councillors	Issues raised included proposed lot sizes and density, urban tree canopy, the proposed school's kiss and drop facility and pedestrian connectivity.
12.	22 December 2022	Day 381	03 Weeks	<u>Second PP</u> package submitted by Urbis.	The <u>Second PP</u> package submitted in anticipation of potential LPP meeting in February 2023.
13.	21 February 2023	Day 441	8 Weeks	<u>Second PP</u> package reported to the Camden Local Planning Panel with recommendation of support with conditions.	Council officer report to panel notes <i>"Council officers consider the proposal demonstrates strategic and site-specific merit to proceed to Council for endorsement subject to"</i> (relevant to this request): (i) Increase lot size to 1,000 sqm minimum at 'Denbigh Transition Area – Northern Viewscape Precinct'; (ii) Amend the ridgeline park to an RE1 Public Recreation zoning and C2 Environmental Conservation zoning; and (iii) Amend the draft ILP for the land surrounding the ridgeline park to a C2 Environmental Conservation zone; (iv) Relocate the drainage basin located in the northern playing field (AOS1) outside the proposed open space; (v) Exclude the online water body at the entrance to the Precinct (OS3) from the open space network; (vi) Undertake further assessment with Council's flooding consultants once the location of the basins have been agreed. The Panel generally accepts the recommendation of support with one amendments to the conditions regarding the type of zoning of the residential use on the ridgeline and recommends that Council proceeds to Gateway Determination. The Business Paper to Council meeting 11 June 2024 (Item 23 in this table below) notes that the Panel's recommendations regarding the ridgeline open space have been superseded by a subsequent Council decision not to support and remove ridgeline open space from the Oran Park Contributions Plan.

Action No.	Date	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
14.	09 March 2023	Day 462	N/A	PCG appoints an independent planning and urban design consultancy team to peer review the <i>Second PP package</i> .	APP team appointed.
15.	20 June 2023	Day 562	N/A	BHL prepares ridgetop concepts to address ridgetop use issues following meeting.	No resolution.
16.	05 December 2023	Day 730	38 Weeks	Updated /additional PP documents submitted by Urbis in response to Panel resolution and various incremental subsequent requests for changes.	
17.	27 February 2024	Day 804	11 Weeks	Councillor briefing on proposal	
18.	30 March 2024	Day 832	4 Weeks	<i>Third PP</i> package submitted by Urbis.	
19.	13 May 2024	Day 874	6 Weeks	<i>Fourth PP</i> package submitted by Urbis.	
20.	21 May 2024	Day 888	N/A	APP review received.	APP concludes " <i>proposal demonstrates strategic merit, site specific merit and the urban design outcome is desirable and worthy of progression to Gateway</i> " (P.88-89 / P.320 in Business paper attachments).
21.	21 May 2024	Day 888	N/A Weeks	Councillor briefing on proposal.	
22.	6 June 2024	Day 902	N/A Weeks	Advice to Council confirming commitment to develop a Planning Agreement	The advice confirms the intention of the land owning parties that are listed in the letter to enter into a planning agreement with Council.
23.	11 June 2024	Day 908	3 Weeks	<i>Fourth PP</i> package is reported to Council with report noting that the proposal has 'strategic merit' and 'planning merit'; recommending submission to Gateway following fulfilling conditions precedent.	The conditions precedent are: (i) subject to receipt of a satisfactory letter of offer to enter into a Planning Agreement; (ii) Satisfactory progression of the investigation areas and outstanding matters, comprising: (a) Ridgeline land (minimum lot size to be confirmed); (b) Riparian areas (two on-line basins not supported. Detailed basin design required to be formally completed, assessed and finalised with state agency and Council support); (c) Floodplain management (pre gateway updated modelling is

Action No.	Date	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
					required prior to formal state agency consultation and before public exhibition as ILP may need to be changed. <u>Resolution of the ridgeline and riparian matters noted above needs to be completed prior</u>); (d) Water cycle management (noting it is 'logical to delay further modelling until such time as that layout has progressed'); and (e) Further agency consultation on the above matters prior to forwarding the proposal.
24.	23 June 2024	Day 922	2 Weeks	Meeting with Council to discuss ridgeline and riparian (noting NRAR support for on-line basins)	Council advises: - Douglas Partner's ridgeline stability Geotech advice requires additional third party work and peer review. Some progress on RFQ. However, Strategic Planning and Engineering sign off required; - It will be seeking Aboriginal community views on a minimum lot size or layout pattern for the ridgeline after geotechnical finalised . - Require integrated solution (geotechnical, Country, urban design). No commitment to timeframe. - Concerns with maintenance cost and water quality of dry on-line basins. Support will be difficult.
25.	7 August 2024	Day 936	2 Weeks	Meeting with Council to discuss riparian and basin matters	Council advises RFQ process has not commenced yet.
The Planning Proposal is here.					

> Table 1: Chronology of Actions to Date

3.3 Potential Chronology of Future Actions Without Rezoning Review

The preliminary assessment has thus not yet concluded. Given the experiences and timeframes noted above, JJCD forecasts that a potential and plausible timeframe to achieve Gateway Determination will be circa March 2026 and the rezoning will be finalised and published in circa April 2027 in the absence of the rezoning review. This will be five years after the Planning Proposal was lodged and 2 years from today.

Table 2 below provides a potential chronology of actions and timeframes in the future that illustrates this possible outcome.

The colour legend for **Table 2** is as follows:

Council action
Proponent (Urbis on behalf of JJCD) action
Department action

> Table 2: Plausible Chronology of Actions in the Future Absent of Rezoning Review

Action No.	Estimated Date / Milestone	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
1.	30 Sept 2024	Day 985	13 weeks	Council signs off on RFQ and JJCD appoints geotechnical consultant to provide additional survey of geotechnical conditions.	This action responds to the Council advice 23 June 2024 that additional geotechnical investigation is required and advice on 7 th August that appointment process has not commenced.
2.	28 February 2025	Day 1125	58 weeks	Aboriginal community views on a minimum lot size or layout pattern for the ridgeline after geotechnical finalised.	This action responds to the Council advice 23 June 2024. No procurement process underway at this time and no clarity on approach. Lengthy communication process with RAPs anticipated (4 months) plus Christmas / New Year.
3.	14 March 2025	Day 1139	2 weeks	Ridgeline amended in ILP (Urban Design Exercise)	This action responds to the Council advice 23 June 2024.
4.	14 May 2025	Day 1195	8 weeks	Approach and design to on or off-line dry basins confirmed with Council via PWG process	This action responds to the Council advice 11 June 2024. Lengthy process with Council expected (2 months).
5.	14 June 2025	Day 1123	4 weeks	JJCD Consultants re- model stormwater based on new ILP (ridgeline and basin design).	This action responds to the Council advice 11 and 23 June 2024.
6.	14 September 2025	Day 1309	12 Weeks	Council hydraulic consultant peer reviews modelling results and approach is agreed.	This action responds to the Council advice 11 and 23 June 2024. Three month process with Council expected. Assumes procurement of consultant already completed.
7.	14 October 2025	Day 1339	4 Weeks	Agencies are consulted on the preliminary final planning proposal.	This action responds to the Council advice 11 June 2024. A one month timeframe is expected. This will be the second agency consultation prior to the formal agency consultation as part of the Gateway Determination.

Action No.	Estimated Date / Milestone	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
8.	30 October 2025	Day 1356	2 Weeks	<u>Fifth PP</u> package submitted by Urbis	Assumes a 4 week assessment period.
9.	30 November 2025	Day 1386	4 weeks	Council officer delegation report prepared and GM exercises delegation and forwards proposal to DPHI.	Assumes a 4 week reporting and decision period.
10.	30 December 2025	Day 1351	N/A	DPHI receives package submitted to Minister for Gateway Determination.	
11.	March 2026	Day 1607	9 weeks	Gateway Determination assessed by Department and agencies consulted.	Department administrative procedures and progress will be subject to Christmas 2025 and new year close down period.
12.	March 2026	Day 1607	N/A	Gateway Determination issued.	
13.	April 2026	Day 1635	4 Weeks	<u>Sixth PP</u> package submitted by Urbis to Council.	<u>Sixth PP</u> package responds to Gateway Determination decision and any matters raised in Gateway Determination. (Assumed to be minor as ridgeline and basin issues have been resolved).
14.	June 2026	Day 1694	8 Weeks	Council Assessment.	Council assesses adequacy in terms of addressing Gateway Determination Requirements.
15.	July 2026	Day 1722	4 Weeks	<u>Sixth PP</u> placed on formal exhibition.	Assumes package is adequate and 28 day notification period by the Council.
16.	August 2026	Day 1750	4 weeks	Assessment of submissions received during exhibition and amendments to rezoning package made by Urbis.	This assumes that only minor (if any) changes to the PP package are made following exhibition. The final Amended PP Package is <u>Version No. 7</u> .
17.	October 2026	Day 1795	6 weeks	<u>Seventh PP</u> package reported to the Camden LPP with Officer recommendation of support.	Assumes post exhibition assessment raises no issues and recommendation reported to LPP as first step and not direct to Council. A 6 week reporting preparation and agenda period is assumed.
18.	October 2026	Day 1795	N/A	Camden LPP supports recommendation.	Assumes LPP assessment raises no issues and recommendation reported.
19.	December 2026	Day 1855	8 weeks	Report and business item prepared for Council agenda for December meeting.	This assumes that: - No further changes to the PP package are required following LPP meeting; and - The 8 week report preparation time is required.
20.	December 2026	Day 1855	N/A	Council determines that the LEP can proceed to publication.	Assumes Council accepts the recommendation of support with no requested changes.

Action No.	Estimated Date / Milestone	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
21.	February 2027	Day 1915	8 weeks	Planning Proposal submitted to Minister for Publication.	Assumes administrative procedures will be subject to Christmas 2026 and new year close down period.
22.	March 2027	Day 1943	4 weeks	Rezoning processed by Department.	
23.	April 2027	Day 1971	N/A	Rezoning is published.	
The Precinct rezoning is finalised.					

> Table 2: Plausible Chronology of Actions in the Future Absent of Rezoning Review

At this time therefore:

- A total of four (Amended) PP Packages and numerous incremental changes to documents have been submitted by Urbis to address the unconfined requests and matters raised during the last 2.8 years;
- Council, Council staff, a third party peer review and the Camden Local Planning Panel support the Planning Proposal, and all consider that the Planning Proposal has strategic and site specific merit subject to resolution of matters that are not considered to be materially significant, influential or determinative to prevent progress on the rezoning application at this time. Furthermore, the changes impact only one landowner (the proponent) that can adequately be addressed in the subsequent investigations required post Gateway Determination or beyond that at the time of the development application;
- The need to resolve the outstanding matters at this time is unnecessary as the topics will be revisited (including public exhibition and assessment) during consideration of the proposal post Gateway Determination (consistent with the steps and actions identified as required in Section 1 of the NSW Department of Planning and Environment's *Local Environmental Plan Making Guideline August 2023*); and
- It is intended to consult the agencies for an additional time. (Thus the Agencies will have been consulted four times during the rezoning process to finalisation). Due to the duplicitous and cumbersome nature of the administrative process Council staff are unable to provide a commitment to a timeframe as to when the final PP Package will be submitted to the Department for Gateway Determination, in circumstances where the proposal has been underway for approximately 3 years;
- Absent this rezoning review, it is unlikely that this process will be concluded in a timely, efficient manner and will most likely extend well into early 2027, some six years after the rezoning proposal was submitted.

3.4 Potential Chronology of Future Actions with Rezoning Review

Subject to the views and determination of the Sydney Western City Planning Panel, we set out in **Table 3** a potential alternative timetable in the event that the Rezoning Review is referred to a Gateway Determination and the Panel is appointed as the planning proposal authority for the Planning Proposal.

With the rezoning review the timeframe to achieve Gateway Determination will be the final quarter of 2024 and the rezoning will be finalised and published around mid-2025. This will be four years after the Planning Proposal was lodged. This compares to an anticipated Gateway Determination in the first quarter of 2026 and finalisation and publication of the rezoning in early 2027 if no rezoning review or the review is not supported.

The colour legend for **Table 3** is as follows:

Council action
Proponent (Urbis on behalf of JJCD) action
Department action

> Table 3: Plausible Chronology of Events in the Future with Rezoning Review and Sydney Western City Planning Panel as Planning Proposal Authority

Action No.	Date	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
1.	30 October 2024	Day 1005	13 Weeks	Agencies consulted and Gateway Determination Issued.	Sydney Western City Planning Panel made Planning Proposal Authority. Department commences assessment.
2.	30 October 2024	Day 1005	13 weeks	JJCD appoints consultants to provide additional survey of geotechnical conditions and stormwater modelling.	This action responds to the Council advice 23 June 2024 and matters raised in Gateway Determination.
3.	30 November 2024	Day 1033	4 weeks	Urbis prepares and submits <u>fifth PP</u> package.	<u>Fifth PP</u> package responds to Gateway Determination decision that resolves ridgeline and basins, and any other matters raised in Gateway Determination. (Assumed to be minor).
4.	December 2024	Day 1066	4 weeks	Department accepts adequacy of documentation and commences assessment.	Department assesses adequacy in terms of addressing Gateway Determination Requirements.
5.	February 2025	Day 1131	8 weeks	Sydney Western City Planning Panel Meeting.	Assumes Christmas and New Year break.

Action No.	Date	Days Since Lodged (Approx)	Response Interval (Approx)	Action / Event	Notes
					This period may involve meetings between stakeholders and the Department case officer.
6.	April 2025	Day 1191	8 Weeks	<i>Fifth PP</i> package placed on formal exhibition.	Assumes <i>Fifth PP</i> package acceptable and 28 day notification period by the Department.
7.	May 2025	Day 1221	4 weeks	Assessment of submissions received during exhibition and amendments to rezoning package made by Urbis.	This assumes that only minor (if any) changes to the PP package are made following exhibition. The final Amended PP Package is Version No. 6.
8.	June 2025	Day 1250	4 weeks	Report and business item prepared for Panel agenda for next available meeting.	A 4 week reporting preparation period is assumed.
9.	July 2025	Day 1279	4 weeks	Panel determines that the LEP can proceed to publication .	Decision of rezoning of the Precinct is made.
10.	August 2025	Day 1309	4 weeks	Panel decision processed by Department.	
11	August 2025	Day 1309	N/A	Rezoning is published.	
The Precinct rezoning is finalised.					

> Table 3: Plausible Chronology of Events in the Future with Rezoning Review and Sydney Western City Planning Panel as Planning Proposal Authority

4. PROGRESS ON OUTSTANDING MATTERS

As outlined in Parts 1 and 3 of this request, there are essentially four outstanding matters that, in the opinion of Council, are preventing the planning proposal to proceed to Gateway Determination and require resolution. It is considered that these matters could be adequately dealt with expeditiously, or as conditions of any Gateway Determination. They are:

1. Provision of a satisfactory letter of offer to enter into a Planning agreement;
2. Satisfactory progress on resolution of the ridgeline land use including the need to appointment new geotechnical consultants to investigate land stability;
3. Involvement of the local aboriginal community in determining the future use of the ridgeline within the framework of Connecting to Country; and
4. Satisfactory progress on resolution of the approach to the provision of drainage basins in riparian corridors and subsequent modelling.

4.1 Offer for Planning Agreement

The new landowners and proponent have offered to enter into a Planning Agreement for local infrastructure. A draft agreement dated 16 May 2023 was submitted with the Planning Proposal. It proposed to provide land and works-in-kind to a value (2023) of \$306.33 million.

This offer has been reiterated in the advice to Camden Council confirming change in land ownership and applicant entities of the rezoning planning proposal dated 6 June 2024 (reproduced in **Appendix 1**).

Thus, this matter should not be grounds for deferral of the Gateway Determination.

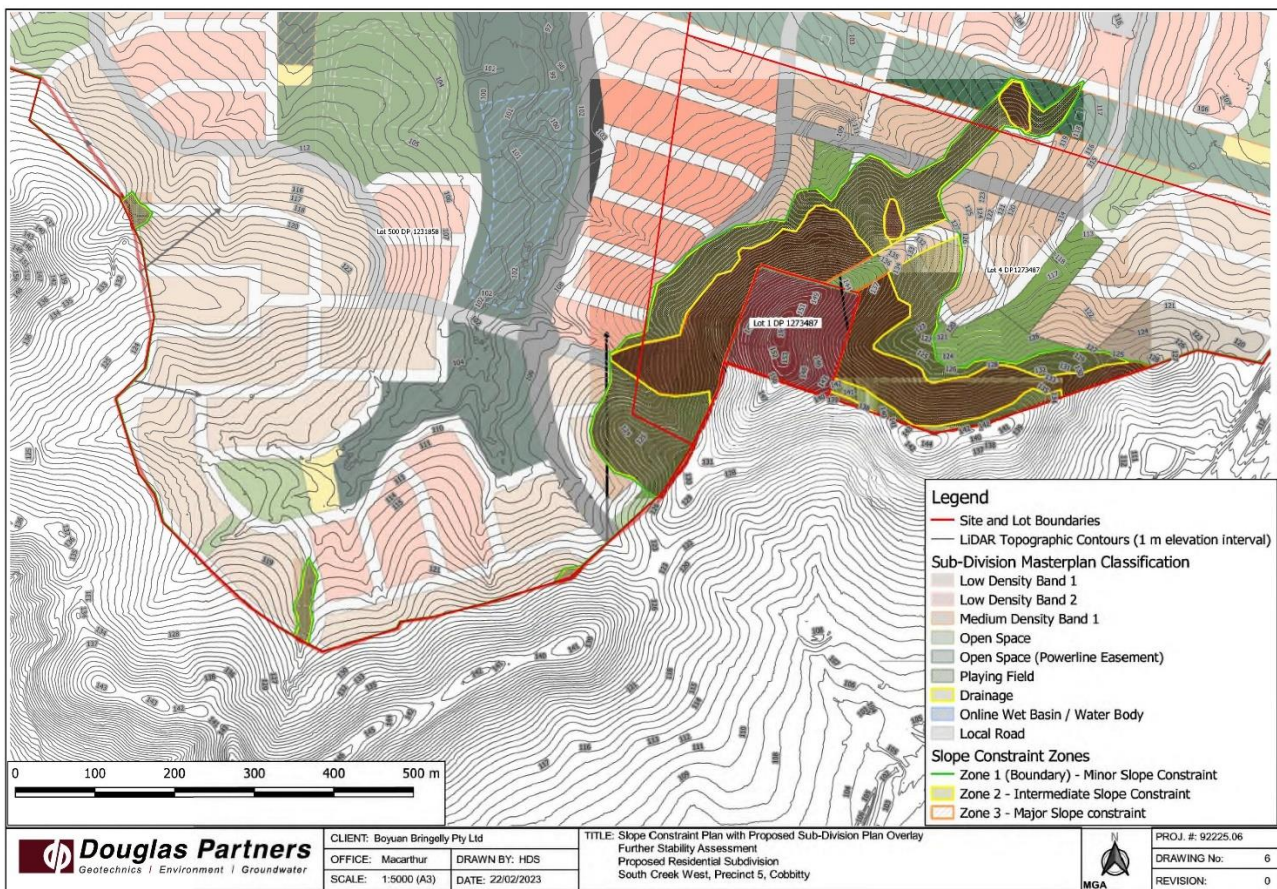
4.2 Viable or Interim Solution to Ridgeline

At this time Council has advised that there is no identifiable use for the ridgeline until such time as:

- Douglas Partners' ridgeline stability Geotech advice has been supplemented with additional third party work and peer review. A RFQ is required. However, Council Strategic Planning and Engineering sign off is also required and this has not commenced since the 11 June 2024 Council meeting; and
- Aboriginal community views on a minimum lot size or layout pattern for the ridgeline has been obtained after the additional geotechnical advice has been finalised.

However, considerable and thorough technical investigation and land use scenario testing has been undertaken to establish a viable solution, or an interim solution, to enable the Panel to be confident that the Gateway Determination can proceed and the matter can be addressed efficiently post Gateway Determination.

Specifically, detailed geotechnical investigation to a suitable (i.e. useable and reliable) level of detail has been undertaken on the stability of the ridgeline by Douglas Partners in its report “*Report on Stability Assessment*” March 2023. The report is included in the package of rezoning planning proposal documents in **Appendix 2**. A summary of Douglas Partners’ findings are illustrated in an extract of its report in **Figure 5**.



> **Figure 5: Stability Assessment** (Source: Douglas Partners, March 2023, Appendix 2)

The investigation notes “Based on the results of the current assessment and previous work on similar sites, geotechnical remediation and hazard reduction works will be required to reduce and/or maintain the current risk of slope instability, to facilitate residential development in the steep hillside of the site to within acceptable risk levels.”

The report provides detailed civil and development requirements and guidelines on how this can be achieved.

The report then provides a list of actions that will be required as part of any future development application and preparation of subdivision works certificate (SWC) documentation.

Finally, the report concludes that *“the steep hillsides within Zones 1 to 3 at the site are considered suitable for the proposed development (from a geotechnical perspective), provided design and construction is undertaken in accordance with good practice for hillside construction and the recommendations presented in this report”* (p.26).

The proponent and its consultant team have prepared a number of alternative scenarios of the ILP Master Plan in an endeavour to find a solution with no outcome. They range from open space (originally supported by Council and the Camden Local Planning Panel) through to low density residential use (Council's subsequent preferred outcome).

These are illustrated in **Table 4** below

Extract of ILP	Description
 Version D Version F Version N - Environmental Living (Maximum 10d/ha) - Low Density Band 1 (10 to 20 d/ha) - Low Density Band 2 (20 to 25 d/ha) - Medium Density Band 1 (25 to 35 d/ha) - Open Space - Open Space (Powerline Easement) - Playing Field - Drainage - Water Body - Online Dry Basin - Existing House to be Retained - Interface with Neighbouring Land to be Coordinated - Riparian Corridor - Environmental Conservation - Local Centre - School (Education Investigation Area) - Service Station - Water Tower - Road - Sub-arterial (4 lanes) - Road - Sub-arterial (2 lanes) - Road - Collector - Road - Local - Potential Future Road Connection - Hilltop Investigation Area	Revision D, 30 May 2022 (top) Lodged with the original proposal and exhibited. It proposes a mix of land uses (open space and residential) that reflect the topography and vegetation characteristic of the ridgeline. Revision F, 12 December 2022 (middle) The proposal reported to the Camden LPP. It presents Council's preferred outcome at the time (open space) that reflects the views and amenity offered by topography and vegetation characteristics of the ridgeline. Revision N, 26 March 2024 (bottom) The most recent proposal and reported to Council. It presents Council's preferred outcome (low density residential) but notes the area as 'hilltop investigation area' for future resolution due to the current inability to arrive at an outcome.

> **Table 4: Master Plan Ridgeline Land Use Scenarios**

JJCD has no preference on whether the ridgeline should be identified for open space or low density residential use and it is progressing with further testing and monitoring of the ridge line area as recommended in the Douglas Partners' report.

While the use of the ridgeline for open space would reduce the amount of open space required elsewhere in Part Sub-Precinct 5 (freeing up more land for housing) and its provision on the ridgetop would offer an alternative landmark hill top park with memorable locality views for Camden residents, the use of the ridgeline as a low density residential area would be equally meritorious if it results in a timely decisive conclusion to the matter.

Given this context and the objective of moving forward, there is an opportunity whereby an "interim" ILP based on 'Version N' but with more detail could be adopted and progressed as part of the Gateway Determination. It is presented in **Figure 5** below. It has been prepared at this time to offer an interim solution for consideration by the Western Sydney Planning Panel to enable the rezoning to progress.



(Top), Current approach to the ridgeline use in the 'Version N' ILP that is the subject of this Planning Proposal Review Request; and

(Bottom) An interim solution to the Ridgeline in the 'Detailed Version N' ILP to enable the Gateway Determination to proceed.

> **Figure 6: Interim Version N (with Detail) ILP Suggested to Progress Gateway Determination**

The interim solution shows a mix of lot sizes above 1,000 sqm and generally between 1,000 and 2,000 sqm in area. It proposes a 'building envelope plan' (BEP) applied to each lot at the frontage with a depth of 30 metres for dwelling siting. As frontages generally commence at 20 metres in width, it offers a minimum 600 sqm stabilised part of the lot suitable for siting a dwelling. Furthermore, as it is at the lower part of the lot, it:

1. Ensures that the roof top ridges of two storey dwellings are generally located well below the ridgeline and do not visually dominate the landscape character of the ridgeline;
2. Enables the provision of a stabilised rear part of the lot that will be rehabilitated with appropriate vegetation species as part of the civil construction of the lot. Vegetation protection can be achieved through conventional controls supported by Restrictions in S.88B instruments attached to lot titles. This strategy will not only support addressing urban heat impacts and contribute to the landscape quality of the area but will also promote environmental biodiversity through the appropriate selection of species and promotion of habitats; and
3. Is suitably protected from bush fire hazard as the rehabilitated vegetation areas are comparatively low scale in size and depth.

The suggestion of the Version N ILP with detail in **Figure 5** as an interim measure recognises that:

1. There is at least one opportunity for the ridgeline to have an acceptable use, an ownership and a stabilisation strategy;
2. The detailed use and design of the space in terms building design, landscape and conservation outcomes as a result of the slope can proceed at a later date; and
3. Detailed civil design that addresses soil stability can proceed at a later date.

We bring this alternative plan to the Panel's' attention for consideration as a matter that:

- represents a possible way forward as part of the Rezoning Review Request;
- can be addressed post Gateway determination; and
- should not be a reason to defer proceeding with the Gateway Determination.

4.3 Solution to Connecting to Country

As noted above, Council seeks engagement to be undertaken with aboriginal stakeholders to confirm the final urban design solutions for the ridgeline.

No strategy or timeframe has been proposed on how stakeholders will be further consulted on this matter at this time; nor how the outcomes of the engagement will be managed or incorporated in the final solution beyond the range of land uses already proposed for the ridgeline identified above.

The business paper agenda report to Council's 11 June 2024 meeting noted the following investigation have been undertaken to date:

1. a Preliminary Aboriginal Heritage Assessment (dated June 2022) involving consultation with Registered Aboriginal Parties (RAPs) with a field survey with RAPS in attendance; and
2. a Designing with Country Report and Connecting with Country Opportunities Analysis (dated March 2024).

It notes that the reports are preliminary and notes that further investigation and consultation with Registered Aboriginal Parties (RAPs) will be required as development of the Precinct progresses.

Furthermore:

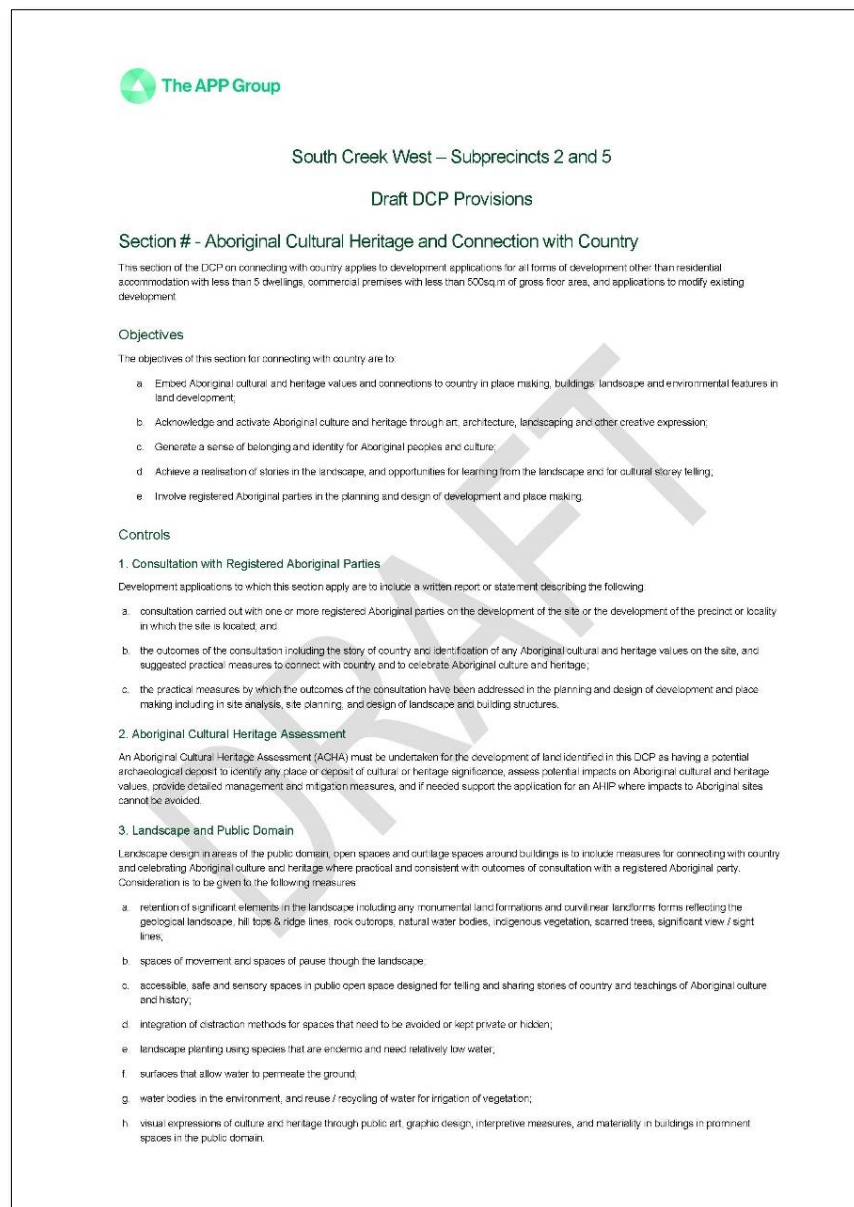
1. The Council Meeting's business paper agenda report acknowledges that the plan already addresses some Design with Country criteria. It notes creek lines in the draft ILP master plan provide a green link and smaller green links throughout the Sub-Precinct, views are managed and retained and existing significant vegetation is retained as natural bushland or riparian corridors (pp.37 and 47); and
2. The Consultant (APP) appointed by Council to peer review the planning proposal notes similar consistency in its accompanying report to Council. For example:
 - It advises that the proposal "[preserves] areas of identified Aboriginal cultural heritage" (p.33); and
 - ... "Notably, the Planning Proposal ... has incorporated connection with Country principles in its design through embedding key landscape features in the ILP, including the central riparian corridor and south west ridgeline" (p.38); and
 - In its assessment it further notes it is satisfied that the proposal "adequately addresses the 'starting with Country' criterion within the Guide to the SWGA with respect to the ILP, Landscape Master Plan and Urban Design Report ... The Proponents' Planning Proposal addresses the Starting with Country criterion and Starting with Country Map " (P.69).

Notwithstanding these observations, the business paper agenda report proceeds to advise that planning for the Precinct, despite its three years of development and comparatively advanced status, must return to first principles and commence an "*early stage site analysis to inform Design with Country. ... Amendments and updates to this Masterplan will be required prior to the draft Planning Proposal proceeding to public exhibition* (p.47)"

It is pertinent to add that, to the best of the knowledge of JJDC and its consultants, this approach has not been imposed on any other advanced rezoning proposals in the Camden LGA including Leppington and South Creek West Sub-Precinct 2, despite these proposals commencing after this proposal.

This inconsistent approach further illustrates the cumbersome process imposed on this rezoning proposal and the unnecessary delays currently being experienced as a result, and most likely to continue to be experienced in the future.

To give more comfort to the Panel that this matter should not be grounds for deferral of the Gateway Determination, Council's consultant, APP, has suggested that consideration of Connection to Country in the development of the precinct be further reinforced by the adoption of comprehensive controls on Aboriginal Cultural heritage and Connection with Country in the Development Control plan (DCP). These controls will apply to guide development in the Precinct. An extract of the draft DCP provisions are presented in **Figure 7**.



> Figure 7: Extract of Proposed DCP Controls for Connecting with Country

Connecting with Country is an ongoing communication with First Nations people and does not need to be 'completed' (and is not able to be) before a Gateway Determination.

4.4 Solution to Basins in Riparian Corridors

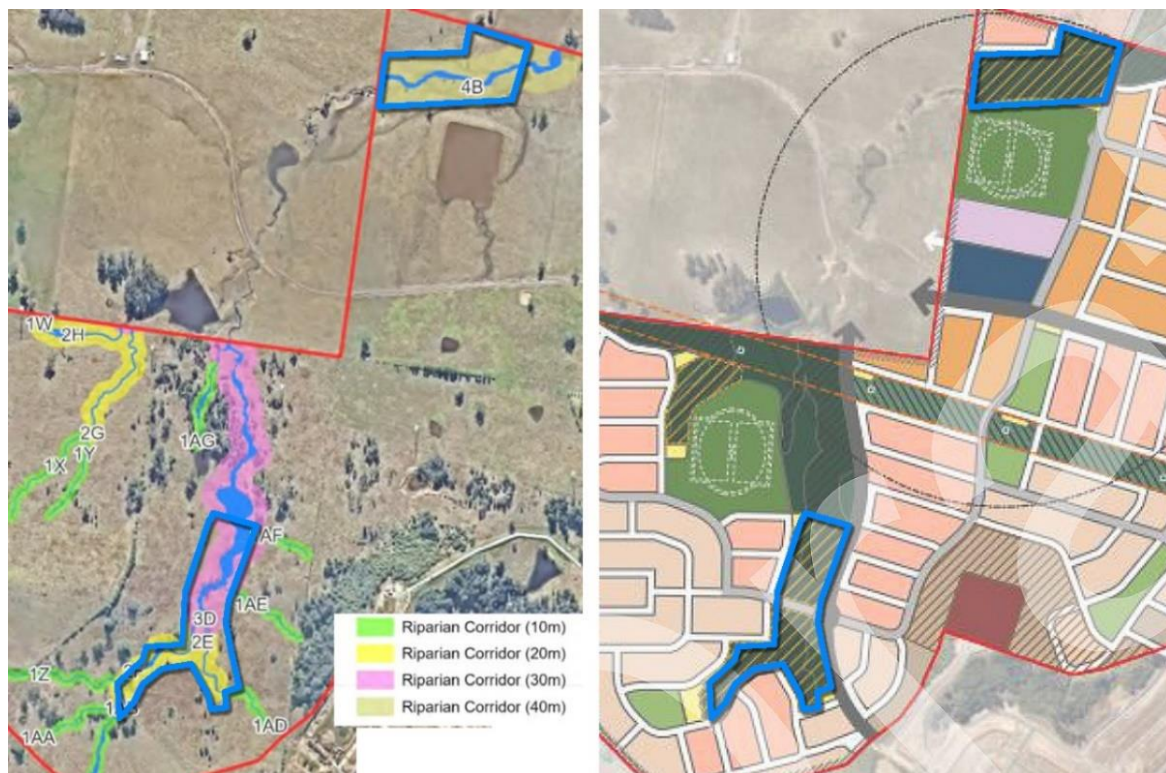
Several online (i.e. located within the riparian corridor), 'wet' (i.e. with detained open water body/pond) detention basins are proposed for flood mitigation and for landscape, resident amenity and flora and fauna habitat benefits.

The riparian and water cycle management elements of the Planning Proposal also include the restoration of the existing degraded tributaries with the removal of farm dams and the restoration of vegetation.

Both Council staff and the NSW Environment and Heritage Group (EHG, now DCCEEW) have recommended that no civil works should be included within the riparian zones as:

1. Council at a meeting with the proponent on 7th August 2024 noted it seeks to exclude the wet basins from the riparian corridors due to ongoing maintenance costs with wet environments and onerous compliance with dam safety regulations. It cites its experiences with similar environments elsewhere in the LGA; and
2. EHG seeks to preserve the functionality and environmental qualities of riparian corridors.

The proposed locations of the basins and the riparian classification are shown in **Figure 8**.



> **Figure 8: Location of Basins and Riparian Classifications**

It is appropriate to note that:

1. While it is acknowledged that wet basins do incur higher maintenance costs, dry basins are more cost effective and can also offer amenity and habitat values with appropriate attention to landscape design in terms of integrating the basin into its context and species selection. A possible solution is to adopt a 'dry basin' approach;
2. The riparian corridors subject to the proposal are located at the extreme upper end of, and comprise the commencing headwaters, of Lowes Creek, (in to which they connect). The catchment of these tributaries commences in Sub Precinct 5. The ridgeline along the southern boundary of the Precinct forms the catchment boundary;
3. Thus the riparian corridors have negligible, ephemeral water flows, are distant from, and have a negligible role to play in the function and environmental value of, Lowes Creek (3.5 kilometres downstream);
4. Given this context:
 - it is common and consistent to locate basins within riparian corridors in these situations. It is appropriate to note that downstream of these basins, in the adjoining Lowes Creek Maryland Precinct 2.7 kilometres north of the site, on line basins have been approved in the same tributary of Lowes Creek; and
 - the alternative approach, to locate basins offline, only serves to consume more land and increase Council's maintenance costs (as Council would have the added financial responsibility of maintaining both an offline basin and an adjoining online riparian corridor). This outcome also has implications for the cost of the subsequent S.7.11 Contributions Plan yet to be prepared.

Thus, in terms of addressing this outstanding matter:

4. There is an opportunity for the basins to be converted to a 'dry' approach and located online to minimise Council's land, stormwater and environmental maintenance costs by the dual use of riparian corridors;
5. This can be achieved with minimal impact on the environmental values of the riparian corridor due to the inconsequential function of these parts of the corridor at the top of the catchment and noting that online basins are already proposed downstream of the Sub-Precinct;
6. The detailed use and design of the corridors in terms of basin design, landscape and conservation outcomes is a matter that can ordinarily be resolved post Gateway Determination and is a matter that can be included as a condition of any Gateway Determination; and
7. Similarly, revised stormwater modelling can be undertaken when the matter is resolved post Gateway Determination.

We bring this suggested approach to the Panel's' attention for consideration as a matter that:

- represents a possible way forward as part of the Rezoning Review Request;
- can be addressed post Gateway determination; and
- should not be a reason to defer proceeding with the Gateway Determination.

5. REZONING REVIEW REQUEST REQUIREMENTS

5.1 Copy of Planning Proposal

A link to the copy of the Planning Proposal is presented in **Appendix 2**.

5.2 Correspondence With Council

There has been negligible relevant, direct correspondence between Council and JJCD and previous owners. The majority of the discussions have been via the PWG process and are not available to JJCD (as guest in the PWG) to include in this Review.

5.3 Correspondence From Agencies

There has been significant ongoing correspondence between Council and agencies during the previous 2.8 years. This is effectively summarised by APP, Council's consultant, in **Appendix 3**. As above, generally this correspondence is not available to JJCD. Agency comments have been incorporated into the four iterations of the PP package prepared by Urbis during this time. The PP Package is understood to generally address the requirements of Government agencies.

5.4 Justification of Strategic and Site Specific Merit

The strategic and site specific merit of the proposal (subject to addressing the matters noted in Part 4 of this request) has been recognised by:

1. Council officers in their reports to the Camden Local Planning and Council;
2. The Camden Local Planning Panel and Council in their resolutions; and
3. The independent consultants, APP and its team, appointed by Council to peer review the proposal.

Extracts of the Minutes and records of these acceptances are reproduced in **Appendix 4**.

5.5 Disclosure of Reportable Political Donations

Neither I, (Stephen McMahon, author of this request), nor any associate, nor any employee or associate of JJCD, within the period commencing 2 years before the date of this submission, has made any:

- (a) reportable political donations to any local councillor of Camden Council
- (b) gifts to any local councillor or employee of Camden Council.

APPENDIX 1

ADVICE CONFIRMING CHANGE IN OWNERSHIP AND COMMITMENT TO VPA



Andrew Carfield
General Manager
Camden Council
70 Central Avenue
Oran Park NSW 2570

6 June 2024

**South Creek West Precinct 5 – Planning Proposal
421D, 621B, 657 and 705 The Northern Road, Cobbitty**

Dear Andrew,

We would like to provide you an update on the ownership changes for the above reference properties and to assure you of the owners commitment to the Project.

There have been several recent ownership changes to the lots involved as part of the Planning Proposal. The new owners for the relevant lots are identified below.

Project	Address	Landowner entity
Lot 500	421D The Northern Road, Cobbitty NSW 2570	Roberts Jones Cobbitty 500 Pty Ltd
Lot 621B	621B The Northern Road, Cobbitty NSW 2570	Roberts Jones Cobbitty 621 Pty Ltd
Lot 705	705 The Northern Road, Bringelly NSW 2556	Roberts Jones Cobbitty 705 Pty Ltd
Lot 657	657 The Northern Road, Bringelly NSW 2556	contract exchanged with 657 Cobbitty Pty Ltd ATF 657 Cobbitty Holding Trust

These new owners have committed to honour the terms of the existing Planning Agreement previously executed between the previous owners highlighted below and Council.

Fee Agreement – South Creek West Precinct 5 (Cobbitty-Bringelly) Collaborative Planning Project

Camden Council

Boyuan Bringelly Pty Ltd c/ BHL Group Services Pty Ltd

Cobbitty 4 Pty Ltd c/ BHL Group Services Pty Ltd

Roberts Jones Cobbitty 500 Pty Ltd c/ BHL Group Services Pty Ltd

621B Northern Road Pty Ltd c/ BHL Group Services Pty Ltd

621Z Northern Road Pty Ltd c/ BHL Group Services Pty Ltd

Furthermore, the owners also commit to developing a Voluntary Planning Agreement for the delivery of community infrastructure identified as part of the Planning Proposal.

Finally, to enable the transition of the Planning Proposal we seek to have the new applicant for the South Creek Precinct 5 Planning Proposal to be;

- JJ Cobbitty Development Pty Ltd ABN 34 673 731 658 as the main applicant.
- The contact is projects@robertsjones.com.au

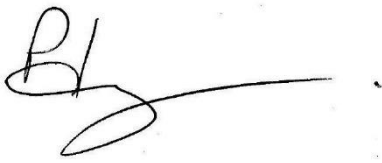
The main contact for regularly interface and works is;

- Paul Hourigan
- Always Consultancy
- phourigan@alwaysconsultancy.com.au
- 0425 799 626

The landowners are as per the attached spreadsheet

Landowner entity	Directors
Roberts Jones Cobbitty 500 Pty Ltd	Bo Gong , Cheng Jia Pan
Roberts Jones Cobbitty 621 Pty Ltd	Bo Gong , Cheng Jia Pan
Roberts Jones Cobbitty 705 Pty Ltd	Bo Gong , Cheng Jia Pan
contract exchanged with 657 Cobbitty Pty Ltd ATF 657 Cobbitty Holding Trust	Bo Gong, LiXin Jia

Kind regards



Paul Hourigan
Director
ALWAYS consultancy Pty Ltd
ABN 26 664 197 933



Bo Gong
Director
Roberts Jones Cobbitty 500 Pty Ltd
Roberts Jones Cobbitty 621 Pty Ltd
Roberts Jones Cobbitty 705 Pty Ltd
657 Cobbitty Pty Ltd ATF 657 Cobbitty Holding Trust

APPENDIX 2

PLANNING PROPOSAL PACKAGE

The Planning Proposal package can be sourced from the following locations:

Link to Council meeting 11 June 2024 containing a complete set of all relevant planning proposal documents in the Attachments to the Agenda item (ORD 002):

<https://www.camden.nsw.gov.au/council/council-meetings/2022-business-papers-and-minutes-3/>

Camden Council's exhibition page:

<https://yourvoice.camden.nsw.gov.au/planning-proposals/planning-proposal-pp202181>

The Planning Portal Page:

<https://www.planningportal.nsw.gov.au/ppr/under-assessment/cobbitty-bringelly-precinct-5-planning-proposal>

APPENDIX 3:

SUMMARY OF AGENCY CONSULTATION



8. Community and Agency Consultations

8.1. EP&A Act and Camden Community Participation Plan

Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) prescribes mandatory community participation requirements for planning proposals and draft development control plans. Under Schedule 1 a minimum exhibition period is required as follows:

*Planning Proposals for local environmental plans subject to a gateway determination
accordance with Gateway Determination*

Draft development control plans

This minimum timeframe for exhibition is consistent with the Camden Community Participation Plan 2021 (participation plan).

The participation plan nominates that Council may undertake an initial notification period prior to reporting the Planning Proposal to Council and pursuing a Gateway Determination, of which the minimum period is 14 days.

Where deemed necessary, these notification timeframes may be expanded if it is considered to be in the public interest to do so.

8.2. Initial Consultations Completed

The proposal was placed on an initial notification period for a duration of [redacted] days. Adjoining and nearby landowners were notified by letter, and the [redacted] proposal and supporting documents were exhibited on Council’s online engagement platform YourVoice Camden.

The proposal was also referred to NSW Government agencies, utility services agencies and internally referred specialist teams.

8.2.1. Initial NSW Government Agency Consultations

Consultation with State Government agencies was also conducted as part of the initial notification period. [redacted] were notified and 1 [redacted] agency submissions were received. Detailed comments were received from various state agencies, mostly outlining the matters that need to be undertaken in the completion of precinct studies and ongoing assessments. Importantly, no agency has raised objection to the Planning Proposal. A summary of state agency feedback is provided within [redacted].

Table 8 Summary of external referrals

Main issues raised	How issues raised have been addressed
Transport for NSW (TfNSW)	
The submission recommends that: Amendments be made to the strategic modelling, base modelling and assumptions. Trip generation rates be updated in relation to local employment, retail and the school. Application of Ministerial Direction 5.1 Integrating Land Use and Transport. [redacted] work Planning in Precincts Plan be [redacted]. Traffic signals are not to be shown on ILP for public [redacted].	Detailed traffic assessment will occur post gateway. TfNSW comments are addressed as follows: Ministerial Direction 5.1 is considered within the [redacted]’s Planning Proposal The design of the traffic network achieves the objectives for Planning in Precincts and relevant TfNSW guidelines. [redacted] Is are not identified on the ILP that will be subject to public exhibition.



Main issues raised	How issues raised have been addressed
The indicative collector and sub-required to be designed in accordance with the TfNSW Guidelines for Public Transport Capable Infrastructure in Greenfield Sites. Reference to Western Sydney Street Design Guidelines (WSSDG) is recommended in the proposed DCP to help create a walkable neighbourhood. State/regional transport infrastructure upgrades and contributions required to support the precinct development shall be identified and committed in a legally binding agreement, which is to be exhibited	The Western Sydney Street Design Guidelines will be considered in the assessment of the DCP. State Infrastructure Contributions will be collected to fund necessary state/regional
Environment and Heritage Group (EHG)	
Priority be given to retaining additional high conservation value vegetation (AHCVV) and other vegetation as part of the riparian corridor and the Ridgeline Park 35 the PP should be supported by controls be included which address the requirements of RMB 19 Options to expand the width of the proposed C2 zone along the riparian corridor be explored with the view to retaining as much adjoining AHCVV as possible. retain existing AHCVV within R2 zoned land are to be explored as well as expanding areas of open space to further retain additional areas of Consideration be given to expanding the boundary of the proposed Ridgeline Park to conserve adjoining to the east and/or the north west VMP to outline how the threatened ecological communities (TECs) will be rehabilitated, revegetated, and maintained in perpetuity to achieve its objectives Minimal soil and construction disturbances should be the areas of AHCVV, Any planting of native vegetation will need to be of local provenance and representative of the existing ecological communities. A portion of the mapped creek lines are not yet confirmed as not meeting the definition of a watercourse according to the NRAR definition. If these creeks are determined to be classified as a watercourse then further creek retention will be required in these areas. Figure 5 & 6 of the Riparian Assessment should be used together to determine additional areas higher in the catchment to retain for protection as part of the key civil works should be included within the riparian	AHCVV will be retained within the riparian corridor. It is recommended that DCP controls be integrated within the site specific DCP to protect AHCVV along the ridgeline land. The ridgeline park has been removed from the ILP at the request of Council. This proposed to be zoned C2 is intended that additional controls apply to this land to protect existing vegetation. The Planning Proposal has been amended to proposed RE1 Public Recreation zoning to open line detention basins are proposed within the riparian corridor for flood mitigation. EHG had recommended that no civil works should be included within the riparian zones. An outcome for this matter has not yet been achieved. It is considered that further information should be provided to DPHI as part of the supporting documentation for the submission seeking a Gateway Determination.



Main issues raised	How issues raised have been addressed
The location of the powerline/powerline easement should be shown on the ILP, zoning map and Riparian Assessment, to indicate where conservation efforts will be limited by continual vegetation removal. Figures within the Landscape Masterplan to be amended to be updated to show all of the basins planned within the Riparian Corridors. and associated proposed uses The alignment of proposed road crossings across the riparian corridor and C2 zone should be revisited as part of the PP to investigate feasible alternative road alignments that do not intersect the C2 zone. The proposed Ridgeline Park be zoned C2 Environmental Conservation as opposed to C4 Environmental Living and that a VMP or site-Plan of Management is prepared for the Park, The planning of the sports fields and parks should incorporate the retained vegetation. Sports fields, playgrounds, and low density residential should be moved further away from areas of good recovery potential for CPW to reduce the impact on these significant biodiversity values. Asset Protection Zones APZs must be located outside of retained revegetated, and protected areas of native vegetation. Clarification is required on the location of APZ, whether they are wholly contained within road reserves and C4 lots, or if they encroach into open Infrastructure and drainage detention basins and stormwater infrastructure are to be relocated outside of the proposed C2 zone/riparian corridors, Infrastructure within the C2 zone, Ridgeline Park, and other areas of proposed open space be designed to limit impact to existing ecological communities, and be located away from creek lines. The proposed detention management strategy requires further consideration in relation to risk of failure and structural adequacy according to Dam Safety NSW requirements.	
Heritage NSW (HNSW)	
The submission recommends that: The full area be subject to Aboriginal cultural heritage best inform the Planning Proposal. of PADs be conducted at an early stage of development to provide the best opportunity to identify and protect Aboriginal cultural heritage Proposed DCP controls for protection of Aboriginal cultural heritage sites recorded within the creek lines is positive, however there is potential for Aboriginal	Aboriginal cultural heritage surveying will be required in support of future development applications. original objects cannot be avoided, the proponent would be required to obtain an Aboriginal Heritage Impact Permit. Recommendations will be further considered in the preparation of the site



Main issues raised	How issues raised have been addressed
heritage sites to be located outside of the riparian zones and within the proposed development footprint. Mapping identified PADs against the ILP would be useful, so that conservation opportunities and management requirements can be identified at planning stage. Aboriginal cultural heritage constraints and opportunities be identified as early as possible. The proponent considers the Aboriginal cultural heritage impacts within environmental assessment for future development. Where harm to Aboriginal objects the proponent would be required to obtain an Aboriginal Heritage Impact Permit (AHIP). The Historical Heritage Study be amended to address various drafting , including the incorrect classification of Maryland as being of local	
NSW Rural Fire Service (RFS)	
raised to the proposed amendments subject to the recommendations provided in the Strategic Bushfire	
NSW Environmental Protection Authority (EPA)	
The submission recommends that: ny existing facilities that have Environment Protection Licences EPLs) in the area appropriately considered in any planning decisions. ew sensitive receivers, such as new residential planned in a way that will minimise the potential impacts of from existing industry. The PP consider its relationship to proximate premises such as Quality Waste (EPL 11233) premises at 761 The Northern Road, Bringelly and Clean & Green Organics (EPL 11539) premises at 769 The Northern Road, Bringelly, order to reduce conflict. urther assessment of odour impacts I before rezoning to ensure that the proposed new sensitive receivers are not adversely impacted by existing industries Summary of Noise impacts to be considered in the could include actions to improve the health of catchments and waterways approach to managing the cumulative impacts of Further investigation for contamination as early as possible to determine land.	The proponent's Air Quality Assessment (SLR, September 2021) and Noise and Vibration Impact Assessment (Marshall Day Acoustics, June 2022) consider existing odour and noise sources in proximity. The proponent's Preliminary Site Investigation (Douglas Partners, December 2022) concludes that potential sources of contamination are unlikely to present a major constraint to development and that the site can be rendered suitable for the proposed use subject to further investigation and remediation, as ic, odour and contamination assessment will be required in support of future DA's.
NSW State Emergency Service (SES)	
The submission recommends that:	A flood hazard risk assessment has not been submitted in support of the Planning Proposal.



Main issues raised	How issues raised have been addressed
The consent authority will need to ensure that the PP is considered against the relevant Ministerial Section 9.1 Directions; Zoning should not enable development that will result in an intolerable increase in risk to life, health or property of people living on the floodplain; Risk assessment should consider the full range of flooding, including events up to the PMF; Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes; Evacuation should be achievable and not require people to travel through flood water, rely on isolation or sheltering in buildings, and not conflict with the NSW SES's flood response and evacuation strategy for the existing community; Development strategies shall not rely on assumption that mass rescue may be possible where evacuation is not implemented.	As evident within the mapping provided in the 's Watercycle Management Wyndham Prince), self-evacuation will be available with the road network accommodating multiple roads free of flood water. The PMF is primarily contained within the riparian corridor. Accordingly, the south of the Precinct will be able to exits via the sub arterial roads to Oran Park, Lowes Creek Maryland and The Northern Road.
School Infrastructure NSW (SINSW)	
The submission recommends that: Additional school infrastructure is required based on the proposed dwelling yield. The boundary of the draft Proposal will need to be re-drawn to include the school site or an alternate site identified within the School sites should be free of environmental The site should be free of easements and/or buffer that may impact development or use of the land as a school; Where possible, schools should not be located on arterial roads due to safety and noise concerns; The proposal cannot rely on school infrastructure planned in surrounding precincts to accommodate the demand within Sub- The proposed school site be a minimum of 2 hectares in size to accommodate co-locating school facilities and community open space; The school site be zoned SP2 Infrastructure; There should be a clear requirement for pedestrian prioritisation measures to support walkability within Transport considerations for precincts should consider any intake area infrastructure required to facilitate access to future school sites from the	Increase the size of the school from 1.9ha to Improve the surrounding road network, reducing the likelihood of high traffic events and improve pedestrian safety. Provide a pedestrian plaza along the edge of the neighbourhood centre, school site and sporting fields to support pedestrian movement. Provide the opportunity for a future road connection to the remainder of Sub- (western area that is excluded from this Planning The proponent's graphic, Social Infrastructure and Community Needs Assessment (, December 2022) calculates that demand for 1 public primary school is met and that demand for a public secondary school is not met.
South Western Sydney Local Health District	
The submission recommends: Active transport networks be used to connect the community around the perimeter of the undelivered precinct section; A central location to be found for a school within the	The design of the ILP addresses the comments raised by: Providing a dedicated pedestrian and cycle network to promote alternative modes of transport. Providing a co-located school, town centre and sporting fields to promote connectivity and single



Main issues raised	How issues raised have been addressed
consistency between land-western border of the precinct, and the Oran Park precinct which adjoins precinct Active transport infrastructure meet guidelines outlined within the NSW Walking Space Guide, and NSW Cycleway Design Toolbox; e designed in line with the Western Sydney Street Design Guidelines to improve active and use planning shall align with the metrics of the Australian Urban Observatory (AUO) Liveability : Suitable locations for Integrated Health should be investigated, surrounding public transport routes, parking and other community Shared service delivery models should be investigated to co-locate community health services with government services (e.g., libraries) non-, shopping centres).	Providing a cohesive interface to Oran Park and Lowes Creek Maryland.
Water NSW identified that the site is not located near any Water NSW land or assets, and the proposal is unlikely to impact on Water NSW's infrastructure or operations. As such WaterNSW does not have any comments or particular requirements for the Proposal going forward.	

8.2.2. Initial Utility Services Agency Consultations

Consultation with utility services agencies was also conducted as part of the Initial Notification period, from June to 13 July 2022. utility services agency submissions were received. No objections were submitted by the agencies. A summary of their comments is provided within

Table 9 Summary of utility services agency consultation

Main issues raised	How issues have been addressed
Sydney Water Sydney Water identified that water servicing is currently unavailable. The proposed development is planned to be serviced via the proposed Oran Park reservoirs which are currently scheduled for delivery in 2024 and the new Upper South Creek (USC) Advanced Water Recycling Centre planned to be delivered in 2025/2026.	Ongoing consultation with service providers is required throughout the progression of the Planning Proposal to ensure that delivery timeframe for utility infrastructure is
Endeavour Energy Endeavour Energy's Asset Planning and Performance ε no substantive comments on the PP. identify plans to construct two additional in the region to service the expected growth across the SWGA. Substations at Maryland and Catherine Park are	Ongoing consultation with service providers is required throughout the progression of the Planning Proposal to ensure that delivery timeframe for utility infrastructure is



Main issues raised	How issues have been addressed
expected to free up capacity at the Oran Park and Bringelly substations when they are constructed in 2024/2027/28 respectively	
identified that the closest high pressure gas pipeline Jemena owns and operates is approximately 7km to the east of the subject area, and ¹ not envisage any impact to or from said asset. comments for the	
Transgrid identified the presence of two transmission lines and recommended that further consultation be undertaken at each stage of the development.	Ongoing consultation will be required throughout the development of the precinct. The design of the ILP considers the location of the easements and does not seek to obstruct with their continued operation.

8.3. Internal Referrals

The application was referred to Council’s traffic, infrastructure, environmental health, landscape and public domain, sport and recreation, urban design, statutory planning, floodplain management, economy and place, and contributions planning teams.

many of key comments received and a description of how they have been addressed is provided in below. This feedback has, to a large degree, shaped the amendments made to the initial ILP. Responses made by the proponent have addressed the concerns raised, unless indicated otherwise in the table below. Some matters are subject to ongoing consideration, but this is considered both possible and practical in a post

Table 10 Summary of internal referral history

Main issues raised	How issues have been addressed
Traffic Referrals from TPE Consulting recommend methodology as a pre-gateway preliminary assessment appears generally sound, and Council could support the way forward Council should negotiate the more detailed scope and methodology (TMAP) details for the Post-Gateway determination - assessment needs careful consideration of Active and Public transportation : -sections shall clearly identify 4 trafficable lanes and a parking lane. Camden Council’s internal traffic referral recommends In consultation with TfNSW, allocation of bus route network and nomination of bus stop locations be	Detailed traffic assessment will occur post gateway. School parking requirements have been carefully School and open space parking will be shared in part. Pedestrian crosses have been located to improve pedestrian amenity.



Main issues raised	How issues have been addressed
Consideration be given school parking and infrastructure assessment in line with current traffic practice and standards. that the pedestrian crossing and nearby bus stop locations are positioned within appropriate	
The referral recommends that: Written confirmation be provided by Sydney Water, Endeavor Energy, Jemena, and NBN/Telstra to confirm their support for the proposed servicing A more robust assessment of Sewer infrastructure requirements be conducted for the PP; he water and sewer infrastructure requirements I the impacts on the surrounding network; Further investigati servicing infrastructure, noting that the eastern servicing at the same time as the remainder of the The TfNSW Western Sydney Rapid Bus Project directly engaged to discuss what the projects implications may be for Precinct Further investigations be undertaken and evidence future transport interface between Precinct 5 and the future North South Rail : roposal is referred to the 'Corridor Protection Team' at Transport for NSW for their concurrence, given the potential implications for the Outer Sydney Orbital.	Ongoing consultation with service providers is required throughout the progression of the Planning Proposal. has advised that the design of the potential future Rapid Bus route along The Northern Road is The referral to the Corridor Protection Team of TfNSW is a matter for Council. Ongoing consultation with utility providers through the progression of the VPA.
Environmental Health	
odelling results the proponent's indicate that noise levels at future dwellings closest to The Northern Road will exceed criteria I include the following: Suitable placement of dwellings on noise affected lots that includes orientation within the lot and us of the first row of houses to shield dwellings Adopt measures that include provi 3.0m high (depending on the location) acoustic fences, walls or earth mounds (or combination of both), and the specific location of property boundary fences to protect principle private open Adopt minimum standard of construction including architectural treatments to mitigate noise impacts (internally).	Acoustic treated fencing and suitable placement of will be required under the site specific DCP.



Main issues raised	How issues have been addressed
Modify dwelling layout for the first row of dwellings locating internal sensitive areas and external open space areas away from noise	
Landscape and Public Domain	
The referral recommends that: Further evidence/justification be provided other open space will be : for determining 20% of riparian and drainage land will be usable Deeper consideration required to consider appropriate level of through the contributions plan c dog park be reconsidered -West Nature Reserve The design of sports fields achieves the parameters described within Council's standard sports field : allocated for appropriately battered transition zones outside sports fields, instead of large retaining walls and major earthworks; Sports fields be designed with appropriate clearances from roads and car parks; Better connection be provided between and roads to enable passive surveillance and align with CPTED principles ppropriate use: within transmission easement: of pedestrian connections which are likely to be severed by - drainage basins be further investigated; The Landscape Masterplan s deeper justification as to how the proposal contributes to delivery of Camde responds to surrounding developments, and considers aboriginal heritage; Heritage Assessment acknowledge and include the large areas of land which have not been surveyed; Consultation with Aboriginal Stakeholders should be conducted to inform the development of the ILP demonstrate acknowledgement of Country; Urban Design Report consistency with other supporting documents;	Further information in useability of open has been provided by the proponent. Council's open space team is supportive of the space arrangement on the
Sport and Recreation	
The referral recommends that: Open space should be relocated to the north or west, directly adjacent to the community centre; The dual use basin is not supported and should be removed from the sportsground area The sportsground shall ensure that a minimum of 100 parking spaces are provided at the site;	Council's preference is that development contributions be collected to fund a larger community centre . The Planning Proposal has been amended to exclude the originally proposed community centre. Online dry basins are proposed adjacent to the north of the northern playing field and west of the southern playing field. The amended ILP has addressed concerns through modifying the size of the



Main issues raised	How issues have been addressed
Further investigation of the suitability of space for dedication to Council, as a portion of the ridgeline park may not be suitable as open space.	playing fields and providing further information from the proponent's stormwater engineering consultant.
Heritage and Urban Design	
The referral recommends that: - development should be constructed in stages that align with the future infrastructure servicing ; - Residential buildings which front or back onto open space should include design features which enable passive surveillance - Environmental living zone: must be considered as transition zone to the rural landscape. The recommended lot size is 1000 sqm; - There are opportunities to introduce medium density / terrace housing within the 400m and 800m walking distance from the local centre; - its coverage controls should be - scale and type of the built form and private open space with deep soil and landscaping - street design should use landscaping and tree achieve a unique sense of - PP must ensure a continuous, legible, and cycleway network, - tailored to different zones of the Zero lot setbacks be introduced throughout the local centre to activate streets - tree replacement and new planning strategy requiring the replacement with multiple trees and of an appropriate canopy Private open spaces must allow for tree planting canopy along with public open space and street tree canopies - public open space and plazas be incorporated along the major pedestrian and - for the comfort and convenience of foot travellers (i.e. seating, shade (including trees), water fountain, etc.) particularly on principal routes; - opportunities for a fine grain design and corner be investigated near medium/high ; A green buffer and acoustic attenuation strategy be established along The Northern Road and perimeter roads Hard edges be avoided as acoustic barriers - potential air quality impact from Bringelly be mitigated by incorporating landscape buffer along the western boundary; Future controls for the study area should consider roof heights, landscaping, setbacks, materials and colours, etc. of residences on the southern boundary of the study area to ensure the future	recommendations have been addressed through: - Providing a minimum lot size under the DCP to improve the transition to the environmental living zone (agreed with proponent) - Amend the arrangement of lots adjoining electricity easement to limit the amount of lots directly adjoining open space and the electricity easement. - Consulting with Registered Aboriginal Parties. - Investigation of potential impacts from nearby industrial / agricultural facilities. The other recommendations will be further considered in the assessment of the DCP.



Main issues raised	How issues have been addressed
development will not result in visual impacts to State Heritage Items Consultation with Aboriginal Stakeholders and Connecting with Country principles and objectives be demonstrated; reas of high and medium sensitivity passive open spaces.	
Statutory Planning	
The referral recommends that: Half roads along the boundary with adjoining be identified as full width within the ILP I roads are delivered, accommodate APZ: Further consideration of how the local centre, school and playfield respond to each provision of additional local roads; way intersections should be : The central square layout does not facilitate orderly development of lots; Low density residential lots near existing water tower should be revised to environmental living lots due to their size. It should be clarified that these lots comply with Planning for Bushfire Prone A VMP should form part of the PP to guide future development, rather than requiring individual DAs to prepare a VMP Additional investigations should be carried out into slope stabilisation measures as this may impact indicative ridgeline subdivision interface pecific controls and objectives should prepared for both split level lots and Environmental The road network be amended to ensure there is no confusion over the right of way moving onto : Further acoustic details be provided to ensure that open space bounded by roads will be able to maintain compliant acoustic requirements be amended in relation Geotechnical, salinity and contamination, and	The ILP has been amended to refine the arrangement of the local centre, school and playing fields. Arkendale and Oran Park is ongoing. The other matters raised will be considere assessment of the site-
Floodplain Management	
The referral recommends that: RAFTS Hydrology and TUFLOW Hydraulic Regional Flood Models be submitted as per Model User Guide 'Reporting Requirement MUSIC/ MUSIC LINK digital models to be submitted for Council's review recommends that:	Further investigation is required design of detention basins for the precinct. Given that water cycle management will informed by the final ILP, it could occur while the draft Planning Proposal is progressed to the Department for Gateway It is expected that this will need to be resolved prior to submission for a Gateway Determination, or prior to



Main issues raised	How issues have been addressed
A physical basin configuration within the designated footprint should be demonstrated to achieve the desired performance; inconsistency in the adopted Manning's 'n' roughness values for the creek corridor Details of the proposed basins and the basin representations in the TUFLOW model. The Water Cycle Management Report be amended to provide a development and post development conditions.	
Economy and Place	
referral recommends that local procurement objectives precinct's construction phase; strategy for the future village centre ensure that it meets the community, recreational, retail and commercial needs of the growing community, and attains highest and best use	The inclusion of objectives for the development of the centre is to be considered at DCP stage.
1	
The referral recommends Further conversations required with Council regarding the proposed function of the neighbourhood Findings of the consultation with SINWS be provided to Council along with the Social Infrastructure Report	The arrangement of the neighbourhood centre and school has been subject to refinement. SINSW is supportive of the current co- and school layout.
Contributions Planning	
referral recommends that: 1	Council intends to prepare a precinct specific Local Contributions Plan concurrently to the progression of the Planning Proposal.

8.4. Consultation Program Forward

Subject to endorsement of the proposal by Council and receipt of a favourable Gateway Determination from DPE, a further formal public exhibition will occur prior to finalisation of the

APPENDIX 4:

EXTRACTS OF DOCUMENTS CONFIRMING STRATEGIC AND SITE SPECIFIC MERIT



Executive Summary

On behalf of Camden Council, The APP Group (APP) and Cottee Parker Architects (CPA) are engaged as masterplanning consultants to assist with the assessment and progression of a Planning Proposal for the growth area precinct known as South Creek West Sub-Precinct 5 (Cobbitty Precinct). The Planning Proposal has been prepared by Urbis on behalf of BHL Group (the proponent) and was submitted to Council in December 2021.

South Creek West Sub-Precinct 5 covers an area of 172.74 hectares and is bound by Lowes Creek Maryland precinct on its northern boundary, The Northern Road on its eastern boundary and Oran Park precinct to its south, and the metropolitan rural area to its west.

The Planning Proposal includes amendments to the State Environmental Planning Policy (Precincts - Western Parkland City) 2021 and to the Camden Growth Centre Precincts Development Control Plan (DCP) including a new Indicative Layout Plan (ILP) to guide future development in Sub-Precinct 5.

The subject of this first Masterplanner Summary Report is the SEPP amendment to land use zoning and principal development standards, and the ILP. The DCP planning controls, and developer contributions towards infrastructure in a Contributions Plan and Planning Agreement are subject to future separate report/s.

As the masterplanning consultants, APP together with CPA have completed an independent review of the Planning Proposal package including the suite of supporting specialist technical reports. The review also addressed matters raised in Council's internal referrals, initial notifications and consultations with affected landowners, State agencies and the Local Planning Panel. It has also involved regular workshops on planning issues with Council officers together with the proponent.

The following main planning issues were identified by APP and CPA in the masterplanner review:

- open space areas and green links with pedestrian & cycle connections through the precinct;
- residential interface with Oran Park to the south, particularly relating to conservation lands;
- layout of the co-located local centre, school and playing fields;
- ridgeline land issues on the south west boundary (which remains as an investigation area to be resolved at a later stage prior to formal exhibition after further technical study is completed);
- urban heat implications and need for planning controls to address it;
- connection with country in the planning and design of future development in the precinct;
- general corrections and improvements in planning proposal documentation;
- detention basins within the riparian corridor (which remains as an investigation area to be resolved at a later stage prior to formal exhibition after further technical study is completed).

Critical utility infrastructure for the Planning Proposal is anticipated to be made available to service the site through implementation of the proponent's servicing strategy. Delays in servicing, with respect to electrical and wastewater infrastructure, have been identified, however the Planning Proposal outlines an alternate/interim approach to address potential timing discrepancies.

The Planning Proposal has **strategic planning merit** in being consistent with the planning strategies of NSW Government and Camden Council. It is consistent with the following:

- Sydney Region Plan and Western City District Plan objectives and priorities for liveability, productivity, infrastructure and collaboration, and sustainability;
- Guide to the Southwest Growth Area structure plan and assessment criteria for planning proposals;
- Section 9.1 Ministerial Directions and relevant State environmental planning policies;
- Camden Local Strategic Planning Statement, Camden Local Housing Strategy, Centres and Employment Land Strategy and the Camden Spaced and Places Strategy, and main body of the Camden Growth Centre Precinct DCP.



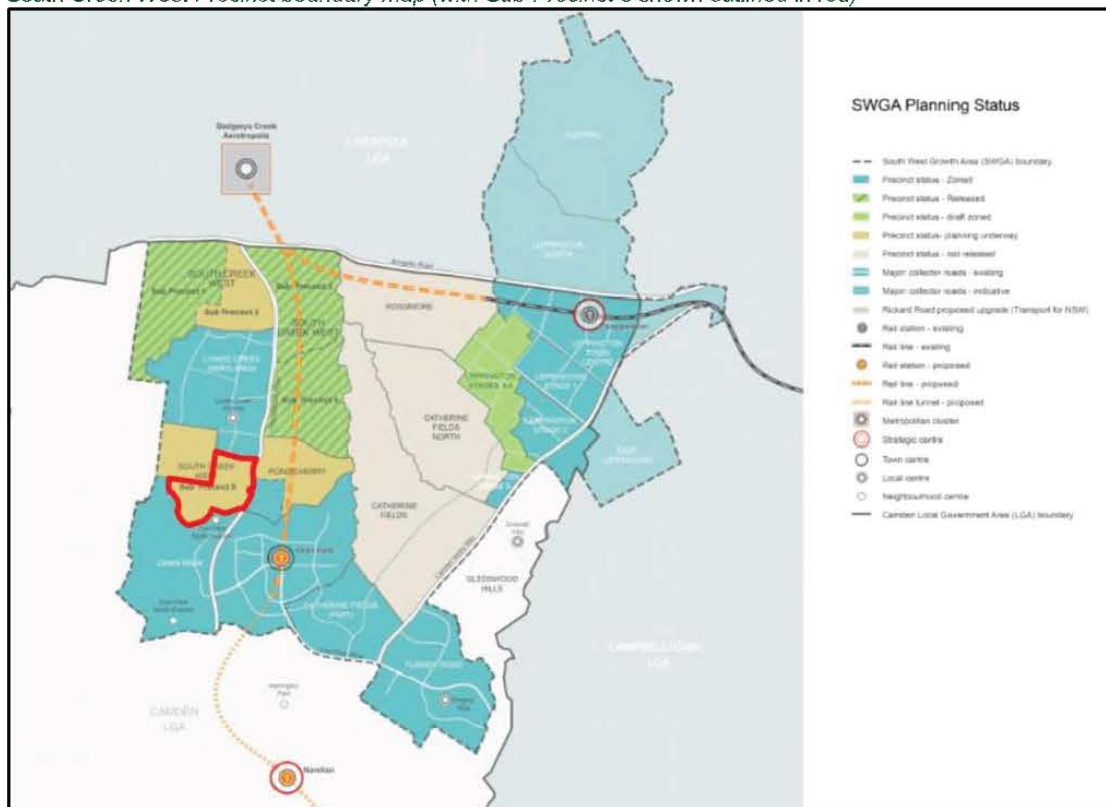
The Planning Proposal has **site specific merit** in suitably addressing the environmental attributes of the site and the urban design arrangement. In particular:

- environmental merit in the retention of bushland riparian corridor, threatened species and ecological communities, and scenic ridgeline vegetation;
- urban design merit in the ILP including a suitable distribution and arrangement of residential densities, neighbourhood centre, public open space, primary school and access network.

There are several outstanding matters in the assessment of the proposal in particular, many of the technical reports need to be updated to be consistent with the final Planning Proposal, and further resolution is needed on the two investigation areas of ridgeline land and detention basins within the riparian corridor. These matters need to be resolved prior to public exhibition and preferably prior to submission for a Gateway Determination.

Given the above planning merits, the masterplanner consultants APP and CPA recommend the amended Planning Proposal be approved by Council to forward to the Department of Planning delegate of the Minister for Planning for a Gateway determination under Section 3.34 of the Environmental Planning and Assessment Act 1979, and to be placed on public exhibition for further public and agency feedback.

South Creek West Precinct boundary map (with Sub-Precinct 5 shown outlined in red)



ORD02

- Design with Country – to be considered in the design of major buildings;
- Open space and recreation network;
- Indigenous and European Heritage;
- Noise and Odour;
- Geotechnical, Salinity and Contamination matters;
- Bushfire, Biodiversity and Riparian matters;
- Neighbourhood Centre and shopping street design;
- Development adjacent to the southern ridgeline (future addition to the draft DCP when the Ridgeline Investigation Area is resolved); and
- Future access to adjoining land.

Assessment against Key Strategic Planning Documents

The draft Planning Proposal has been assessed against key strategic plans, including:

- Greater Sydney Region Plan;
- Western City District Plan;
- South West Growth Area Structure Plan and Guidelines;
- Camden Community Strategic Plan;
- Camden Local Strategic Planning Statement;
- Camden Local Housing Strategy;
- Camden Centres and Employment Land Strategy;
- State Environmental Planning Policies;
- Section 9.1 Ministerial Directions; and
- Camden Green and Blue Grid vision.

The proposal is generally consistent with the objectives of these key strategic documents, with a detailed assessment provided within the independent review report **attachment**.

Assessment of Strategic Planning Merit

It is considered that the draft Planning Proposal demonstrates sufficient strategic planning merit to proceed to Gateway Determination and public exhibition subject to the satisfactory resolution of the outstanding assessment matters discussed previously in this report.

The draft Planning Proposal is considered to have strategic merit as it:

- Enables the development of land for future urban development including residential, open space, a riparian corridor, a neighbourhood centre and a future primary school;
- Supports increased housing diversity by providing a mixture of dwelling typologies. The draft Planning Proposal would contribute to Camden's 6-10 year housing target and respond to the needs of Camden's growing community;
- Provides for social infrastructure including a public K-6 school and a neighbourhood centre;
- Supports the delivery of open space through the provision of multiple local parks and two double playing fields and hard courts;
- Has been demonstrated that the land is suitable for residential development based on specialist studies, with measures in place to address relevant site conditions (subject to the resolution of the geotechnical assessment of the ridgeline area); and

- Is land that would have access to service infrastructure, based on consultation with service providers.

Next Steps

Infrastructure Contributions / Planning Agreement

It is important that infrastructure for the precinct be provided in a form that adequately serves future residents. The Proponent has commenced discussions with Council officers regarding a Planning Agreement (PA).

A satisfactory letter of offer for a Planning Agreement is required to be submitted to Council prior to submission of the Draft Planning Proposal Package to DPHI for a Gateway Determination. There will be a Councillor briefing on the Planning Agreement prior to a report to Council on the matter.

Submission of the draft Planning Proposal for Gateway Determination

Subject to Council endorsement, the draft Planning Proposal will be submitted to DPHI seeking a Gateway Determination. Subject to a favourable Gateway Determination, resolution of the investigation areas and outstanding assessment matters, and compliance with any Gateway conditions, the draft Planning Proposal package will be placed on public exhibition.

It is noted that the draft ILP and associated documents may need to be refined and updated as the outstanding and other matters are progressed.

Proposed Public Exhibition

Subject to Council endorsement of the draft Planning Proposal a favourable Gateway Determination and resolution of outstanding matters, the draft Planning Proposal and draft DCP will be placed on public exhibition. Ideally, the draft PA will be exhibited concurrently.

The public exhibition of the various documents will be in accordance with the Camden Community Participation Plan 2021 (CPP). **Table 4** (below) list the community communication and engagement methods that are proposed.

Table 4: Community communication and engagement methods		
Phase	Communication	Engagement
Phase 1 Public Exhibition	- Media release - Notification letters - Economic Development E-news - Mayoral message - Social media	- Your Voice Camden project page - Subscriber notification of exhibition - Document displays - Notify preliminary engagement participants
Phase 2	Councillor briefing / Council report (if required)	Your Voice Camden project page updates