

## Confidential Attachment to Council Report

### Council officers' response to 3 August 2022 Camden Local Planning Panel Meeting Advice

Issue	Panel Advice	Officer Response
1	The Panel agrees that a Planning Proposal is required to guide the future development outcomes for the Leppington Town Centre, particularly in light of the significant changes brought about by the commencement of the Aerotropolis.	Noted.
2	The Panel generally endorses and agrees with the strategy and principles of the planning proposal as contained in the Report to the Local Planning Panel meeting of 3 August 2022. In particular, the Panel agrees with the planning merit assessment of the planning proposal as detailed at page 43 of the Report.	Noted.
3a	Whether amalgamation controls are required to ensure that development will be consistent with the adopted Indicative Layout Plan.	<p>Council officers have considered the Panel's advice and consider that no substantial changes are required at this time.</p> <p>Prior to receiving the Panel's advice Council officers worked with consultants to model potential built form outcomes on lots that appeared too small to develop (as a result of the draft ILP). Modelling found that lots that appeared too small to develop (as a result of the draft ILP) could support development.</p> <p>Since receiving the Panel's advice, further refinements have been made by Council officers to the draft ILP to ensure the orderly development of land where lots (as a result of the draft ILP) were too small to be developed.</p>
3b	Whether specific LEP or DCP controls are required to encourage renewable energy initiatives.	<p>Council officers have considered the Panel's advice and consider that no changes are required at this time.</p> <p>The draft Planning Proposal and draft DCP already include requirements to encourage renewable energy initiatives.</p> <p>Requirements to encourage renewable energy initiatives are found in the draft Planning Proposal under incentive clause 6.8 Low Carbon Buildings and clause 6.10 Urban Heat.</p> <p><u>Incentive Clause 6.8 Low Carbon Buildings</u> A Low Carbon Buildings incentive clause is proposed providing a 0.25:1 bonus FSR as an incentive to achieve energy efficient buildings where:</p> <ul style="list-style-type: none"> <li>• Office, retail/business parts of a building demonstrate low energy emissions; and</li> <li>• Residential parts of a building above 10 storeys achieve BASIX 20+ or BASIX 25+ in addition to the minimum BASIX requirement.</li> </ul> <p><u>Clause 6.10 Urban Heat</u> An Urban Heat clause is proposed providing matters for consideration in relation to mitigating urban heat, including green infrastructure, cool roofs, passive thermal performance, cool spaces, water in the landscape, and cool paving.</p>

		<p>Clause 6.10(3)(f) specifically states that:  “(3) Before granting development consent, the consent authority must be satisfied that:  (f) The development makes a contribution, proportionate to its scale, to renewable energy supply and/or storage, which will reduce the peak demands on the grid during heatwaves”.</p> <p>Requirements to encourage renewable energy initiatives are also found in the draft DCP under chapter 4.12 Sustainability and Rooftop Requirements.</p> <p><b>4.12 Sustainability and Rooftop Requirements</b>  A Sustainability and Rooftop Requirement chapter is included in the draft DCP. This chapter requires developments feature solar panels on rooftops (for at least 25% of the rooftop) and provide suitable surface area for solar collection where there is adequate access to sunlight.</p> <p>Council officers considered the option of making the above mentioned Low Carbon Building Incentive Clause (Clause 6.8) compulsory for commercial development, however concluded after considering advice from HillPDA that it would be a considerable impediment to commercial feasibility (Leppington Town Centre Market Demand Analysis 2021).</p>
4	<p>The Panel agrees that the acknowledgement of the indigenous history of the area by recognition of historical sites along with street or facility names and colour schemes where relevant should be considered.</p>	<p>Council officers have considered the Panel's advice and consider that no substantial changes are required at this time.</p> <p>Since receiving the Panel's advice, Council officers have modified the vision for the town centre to consider Aboriginal history and Connecting with Country as follows:</p> <p><b>“A well-designed built environment</b>  The centre will be known as a smart and innovative city with architecturally designed, sustainable and diverse buildings that open to a vibrant public domain. Streets of varying nature and function will be leafy, human scaled and lined with active and engaging building frontages. A linear high street is planned with fine grain retail and entertainment activated by eat streets, parks and plazas with events and interactive public art <u>including indigenous art</u>. Active and engaging street frontages offer access throughout the town centre for cyclists and pedestrians while also creating a sense of place. Above street level, rooftop spaces with shared views to cityscapes and landscapes will act as places to relax and connect with others”.</p> <p><b>“Complementary to its natural environment:</b>  The built environment is to be complemented by a local open space network focused on three restored and enhanced natural creeks (Kemps, Scalabrini and Bonds Creeks). Urban plazas, parks, sports fields, bush reserves and walking trails will connect kilometres of local open space to the Western Sydney Parklands and the regional open space network creating a green grid. Streets, planned in detail will provide desirable tree planting <u>of indigenous tree species</u> and an environmental function, as well as their transport function”.</p> <p>The draft Planning Proposal is supported by the Indigenous Heritage Assessment Project: Austral &amp; Leppington North Precincts, South West Growth Centres (Prepared by Australian Museum Business Services for NSW Department of Planning and Infrastructure, 2012).</p>

		<p>Additionally the draft Planning Proposal is supported by Leppington Town Centre Place Activation and Brand Strategy (2022) which embraces the intentions of Connecting with Country framework and seeks to include opportunities for activation via Aboriginal arts and cultural expression as well as for Aboriginal cultural leadership and community engagement.</p> <p>Council's Place and Road Naming Policy contains objectives to ensure that Aboriginal names are encouraged as names to be used for any feature that currently does not have a name recognised by the NSW Geographic Name Board.</p> <p>Council officers will consult further with the local Aboriginal community during public exhibition.</p>
5	The Panel recommends removing the minimum dwelling density requirements proposed for R3 and R4 zones.	Since receiving the Panel's advice, Council officers have modified the draft Planning Proposal to remove the minimum dwelling density requirements (in the Camden LGA).
6	The Panel recommends Council consider the viability of mandatory non residential ground floor GFA that extends a significant distance from the town centre. Will this deliver a dense vibrant town centre or dilute the retail commercial viability of the centre?	<p>Since receiving the Panel's advice, Council officers have modified the draft Planning Proposal to change four lots from B4 mixed use zoned land (that was proposed to be more than 400m from Leppington Station) to R4 high density residential zoned land. However, in two key areas (more than 400m from Leppington Station) Council officers have left B4 mixed use zoned land to:</p> <ul style="list-style-type: none"> <li>• reflect existing land uses; and</li> <li>• support walkability to shops and services.</li> </ul> <p>To support the above changes and ensure Leppington Town Centre can evolve over time, Council officers have introduced a Flexible Residential Frontage in the DCP. Where a Flexible Residential Frontage is required the front rooms of ground floor apartments must be designed in such a way that they can be used as a home business or easily be converted to a commercial use. The requirement to have a Flexible Residential Frontage will be mapped and apply to streets where, from an urban design perspective, there is a transition from ground floor commercial uses to ground floor residential uses.</p> <p>It is noted that changing four lots from B4 mixed use zoned land to R4 high density residential zoned land will have a negligible impact on the total number of jobs in the precinct as:</p> <ul style="list-style-type: none"> <li>• the lots only had a minimum commercial FSR requirement of 0.2:1;</li> <li>• the town centre already has a high rate of commercial floorspace, and when considering dispersed employment (e.g. home businesses and working from home), changing four lots from B4 mixed use zoned land to R4 high density residential zoned land the impact on jobs is considered negligible; and</li> <li>• it is likely the change will make it easier for people to work locally from home and contribute to dispersed employment.</li> </ul>
7	If the higher sustainability standards have been tested as viable should these be adopted as the base controls, the Panel understands consultation with DPE may be required. Additionally practical examples of measures to meet standards and if possible case studies should be available to minimise costs of compliance and consultant reports.	<p>Council officers have considered the Panel's advice and consider that no substantial changes are required at this time.</p> <p>The Low Carbon incentive clause cannot be made compulsory for residential buildings due to inconsistencies with:</p> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; and</li> </ul>

		<ul style="list-style-type: none"> <li>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (2002 EPI 530).</li> </ul> <p>Council officers considered the option of making the Low Carbon Building Incentive Clause (Clause 6.8) compulsory for commercial development, however concluded after considering advice from HillPDA that it would be a considerable impediment to commercial feasibility (Leppington Town Centre Market Demand Analysis 2021).</p> <p>Since receiving the Panel's advice Council officers have amended the draft DCP by inserting a note that directs readers to the Basix website for examples and case studies to meet standards.</p>
8	<p>The Panel notes the District plan requirement for 5-10% Affordable Housing subject to viability, clear justification should be given as to why the requirement is 3%.</p>	<p>Council officers have considered the Panel's advice and consider that no changes are required at this time.</p> <p>HillPDA carried out feasibility testing for various rates of affordable housing within theoretical developments and found that:</p> <ul style="list-style-type: none"> <li>At 5% the bonus required for affordable housing to be delivered at no net cost would require a FSR bonus of up to 5:1. Council officers considered this advice and found the required bonus to be excessive.</li> <li>At 3% the bonus required for affordable housing to be delivered at no net cost would require a FSR bonus of between 0.25:1 to 0.75:1. As a result of this feasibility testing HillPDA recommended a 3% affordable housing rate and a FSR bonus of 0.25:1 for R4 and 0:5:1 for B4.</li> <li>Council officers considered the above and found a 3% affordable housing rate and a FSR bonus of 0.25:1 for R4 and 0:5:1 for B4 to be reasonable.</li> </ul> <p>Explore beefing up requirements for lodgment</p>
9	<p>The Panel recommends Council set a clear percentage requirement for tree canopy cover both onsite and in the public domain. It is noted that the City of Sydney DCP requirement for onsite is 15%.</p>	<p>Since receiving the Panel's advice Council officers have amended the draft DCP.</p> <p><u>Amendment to the draft DCP</u></p> <p>Council officers have amended the draft DCP to set a clear percentage requirement of at least 30% for tree canopy cover (at tree maturity) for all public, communal and private outdoor spaces that are accessible. Adequate soil depth (deep soil or on structure planters) is required to support 30% tree canopy cover (at tree maturity).</p> <p>Ensure definition is right</p> <p><u>Clause 6.10 Urban Heat</u></p> <p>The above amendment to the draft DCP is in addition to clause 6.10 in the draft Planning Proposal which includes matters for consideration in relation to mitigating urban heat, including green infrastructure, cool roofs, passive thermal performance, cool spaces, water in the landscape, and cool paving.</p> <p>Clause 6.10(3)(a, b and e) specifically states that:  “(3) Before granting development consent, the consent authority must be satisfied that:  (a) The development makes adequate allowance for green infrastructure, including an appropriate</p>

		<p>contribution to tree canopy cover targets adopted by Council. This means allowing for sufficient deep soil and plantable area to encourage root development and minimise conflicts with utilities,</p> <p>(b) Building roofs (other than green roofs) are designed as cool roofs, wherever they are not designed as green roofs or covered with solar panels,</p> <p>(e) Public and private outdoor spaces that are accessible to residents, workers or the general public, including gardens, courtyards, parks, plazas and streetscapes, are designed as cool spaces”.</p> <p>Since receiving the Panel’s advice Council officers have also amended clause 6.10(3) by inserting:</p> <p>“(3)(h) The development or work has demonstrated that shade trees are to be retained where practical, unless an AQF Level 5 Arborist has determined that the tree should not be preserved as it is dead, dying or may present as a hazard to human health if retained.</p> <p>(4)In this section:</p> <p>(e) A tree which provides for canopy shading can be practically preserved when:</p> <p>(i) The tree and its canopy are located wholly within a landscaped area, or</p> <p>(ii) Techniques such as underboring or provision of root barriers around utilities, footings, or foundations can reduce or remove any potential damage to public utility undertakings, and buildings, or</p> <p>(iii) The position of driveways, hard surfaces and other paved areas can be practically displaced or removed entirely to avoid removal of existing trees. or</p> <p>(iv) The development has not demonstrated, by means of building plans, or flood mitigation works, that cutting or filling of the land is necessary, which would subsequently result in the removal of trees, or</p> <p>(v) Minor articulation of the built form, location of proposed lot boundaries, or minor variations to the street alignment or design can otherwise retain shade trees.</p> <p>Street sections also have tested (based on tree species selection and soil depth) tree canopy coverage targets of up to 80%.</p>
10	<p>The Panel notes the significant number of site specific controls and the approximately 180 page site specific DCP, Council should review and try to regularise controls with existing where possible and ensure there is no conflict with Ministerial Direction 9.1, 1.4 Site Specific Provisions. This should reduce the burden of assessment staff and minimise unnecessary cost to proponents.</p>	<p>Council officers have considered the Panel’s advice and consider that no changes are required at this time.</p> <p>Ministerial Direction 9.1, 1.4 Site Specific Provisions, only applies to Environmental Planning Instruments (such as SEPPs and LEPs and not to DCPs).</p> <p>The draft DCP proposes to remove additional assessment criteria (for applicants and statutory planners) by removing the need for developments to be assessed against:</p> <ul style="list-style-type: none"> <li>• parts 5 and 6 of the Camden GCPDCP; and</li> <li>• Schedule 1.</li> </ul> <p>The length of draft DCP reflects the size and the complexity of the precinct and the desire to achieve design excellence in a highly fragmented area.</p>