

SYDNEY WESTJOINT REGIONAL PLANNING PANEL

STATEMENT OF REASONS

for decision under the *Environmental Planning and Assessment Act 1979* (NSW)

The Sydney West Joint Regional Planning Panel provides the following Statement of Reasons for its decision under section 80 of the *Environmental Planning and Assessment Act 1979* (NSW)(the Act) to:

Grant consent to the development application subject to conditions

For:

Airds Bradbury Stage 2 – subdivision consisting of 132 residential lots, 2 open space lots, 1 lot for existing senior's housing development and associated estate major works at Georges River Road, Airds

Council reference: 2978/2013/DA-SW

JRPP reference: 2014SYW011

Applicant:

NSW Land and Housing Corporation with Urban Growth NSW

Type of regional development:

The proposal is for Crown Development Application with a Capital Investment Value of over \$5 million.

A. Background

JRPP meeting

The Sydney West Joint Planning Panel met on 3 April 2014 at Campbelltown City Council at 11.00am.

Panel Members present:

Mary-Lynne Taylor - Chair

Paul Mitchell – Panel Member

Bruce McDonald - Panel Member

Council staff in attendance:

Jim Baldwin

Scott Lee

Apologies: Paul Hawker

Declarations of Interest: Nil

JRPP as consent authority

Pursuant to s 23G(1) of the Act, the Sydney West Joint Planning Panel (the Panel), which covers the Campbelltown City Council area, was constituted by the Minister.

The functions of the Panel include any of a council's functions as a consent authority as are conferred upon it by an environmental planning instrument [s 23G(2)(a) of the Act], which in this case is the State Environment Planning Policy (State and Regional Development) 2011.

Schedule 4A of the Act sets out development for which joint regional planning panels may be authorised to exercise consent authority functions of councils.

Procedural background

A site visit was undertaken by Mary-Lynne Taylor, Paul Mitchell and Bruce McDonald on 3 April 2014 with Scott Lee from Council.

A final briefing meeting was held with council on 3 April 2014.

B. Evidence or other material on which findings are based

In making the decision, the Panel considered the following:

Environmental Planning and Assessment Act, 1979

79C (1) Matters for consideration—general

(a) the provisions of:

(i) any environmental planning instrument,

- State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)
- State Environmental Planning Policy No.44 (Koala Habitat) (SEPP 44)
- State Environmental Planning Policy (Affordable Rental Housing) 2004 (SEPP ARH)
- Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment (Deemed SEPP)
- Campbelltown (Urban Area) Local Environmental Plan 2002

(ii) any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority

- Not applicable

(iii) any relevant development control plan

- Campbelltown Sustainable City Development Control Plan Volume 2 2009
- Airs Bradbury Development Control Guidelines (approved as part of concept plan)
- Campbelltown 2025 Looking Forward
- Section 94A Development Contributions Plan

(iiia) any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

- Not applicable

(v) any coastal zone management plan

- Not applicable

(iv) relevant regulations:

- Not applicable

The Panel was provided with one written submission made in accordance with the Act or the regulations, which objected to the proposal.

In making the decision, the Panel considered the following material:

1. Council's Assessment Report on the application received on 20 March 2014.
2. Statement of Environmental Effects dated December 2013
3. Architectural Plans dated December 2013, Acoustic Fence Treatment dated November 2013, Landscape Plan dated November 2013, Shadow Diagrams, Perspectives and Photomontage prepared by Mode Design.

In making the decision, the Panel also considered the following submissions made at the meeting of the Panel on 3 April 2014:

1. Submissions addressing the Panel against the application: Wayne Smithers and Ms Levin.
2. Submissions supporting the application: Jeff Lawrence and Paul Jones.

C. Findings on material questions of fact

The Panel has carefully considered all of the material referred to in Section B.

(a) *Environmental planning instruments.* The Panel has considered each of the environmental planning instruments referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to each of the environmental planning instruments referred to in Section B.

In making the decision, the Panel considered the following material:

- Airds Bradbury Concept Approval Plan.

(b) *Development control plan.* The Panel has considered the Campbelltown Sustainable City Development Control Plan Volume 2 2009, Airds Bradbury Development Control Guidelines (approved as part of concept plan), Campbelltown 2025 Looking Forward and Section 94A Development Contributions Plan referred to in Section B.

The Panel agrees with and adopts the analysis in Council's Assessment Report in relation to the above documents.

(c) *Likely environmental impacts on the natural environment.* In relation to the likely environmental impacts of the development on the natural environment, the Panel's findings are as follows:

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the natural environment in section 2 of Council's Assessment Report.

(d) *Likely environmental impacts of the development on the built environment.* In relation to the likely environmental impacts of the development on the built environment, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely environmental impacts of the development on the built environment in section 2 of Council's Assessment Report.

(e) *Likely social and economic impacts.* In relation to the likely social and economic impacts of the development in the locality, the Panel's findings are as follows.

The Panel agrees with and adopts the analysis in relation to the likely social and economic impacts of the development in section 2 of Council's Assessment Report.

(f) *Suitability of site.* Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that the site is suitable for the proposed development.

(g) Public Interest. Based on a consideration of all of the material set out in Section B above and given the Panel's findings in this Section C, the Panel's finding is that granting consent to the development application is in the public interest.

D. Why the decision was made

The proposal for Stage 2 Airds Bradbury Urban Renewal Project has now been assessed and recommended for approval by Campbelltown City Council assessment planners. Stage 1 has already been approved by Sydney West Joint Regional Planning Panel. This current application has been assessed favourably by the Council Planning Staff as part of their report to this Panel. Council has met and agreed with the proposal and Mr Lawrence has informed the Panel of Council's agreement.

Only 1 submission was received by Council and Mr Smithers has addressed the Panel together with Ms Levin, the community social worker in the Airds area. Both were concerned about consultation of the Campbelltown community believing it to be inadequate. The Land and Housing Corporation and the Council planners explained what opportunities had been available for all residents of Campbelltown to attend consultation meetings and how these meeting were publicly advertised in the press and more immediate cases by personal letter.

The Panel is satisfied that all required public consultation provisions have been appropriately met.

In light of the Panel's findings in Section C, the Panel decided unanimously to grant consent to the development application, subject to the conditions recommended by Council in its Assessment Reports except the following conditions:

Condition 7 amended to read as follows –

Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted for approval by Council.

Condition 13 amended to read as follows –

Contaminated Site assessment

Prior to Council or an accredited certifier issuing a construction certificate, a detailed site investigation and a remedial action plan shall be undertaken/completed by a suitably qualified person in accordance with the relevant guidelines approved by the Office of Environment and Heritage (OEH) and in accordance with the requirements of the

Contaminated Land Management Act 1997 and shall be submitted to Council/PCA for approval.

Upon completion of the approved remediation works, a site validation report completed by EPA Accredited Auditor shall be submitted to Council/PCA indicating that the soil on the site complies with the requirements for the use of the site as proposed.

New Condition –

In order to improve the opportunity for Koala movements through the site, the applicant is to provide an amended Street Tree Master plan Stage 2A + 2B by:

- Replacing the proposed Acer Freemanni (Autumn Blaze) at the corner of Riverside Drive and proposed Road No. 1 with Eucalyptus Punctata;
- Replacing the proposed Eucalyptus Punctata on the northern section of proposed Road No. 1 with other species selected from the Indicative Plant Schedule.

These conditions have been amended and added to achieve a better outcome.

The Panel's decision that the application should be approved was taken for the following reasons:

1. The proposal complies with the adopted and approved concept plan for Airds Bradbury Urban Renewal.
2. The proposal reflects the terms of the deed of agreement required for Stages 1 & 2 in the terms of the concept plan.
3. The proposal will result and contribution to the urban and social rejuvenation of the Airds Bradbury area in accordance with the principals of the concept plan.
4. The proposal does not result in any substantial negative impact on the physical environment.

In consideration of the above outcomes this development is considered to be in the public interest.

JRPP member (chair)

JRPP member

JRPP member

