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## **2. SUSTAINABLE CITY AND ENVIRONMENT**

### **2.1 Joint Regional Planning Panel Application - DA 1141/2014/DA-SW for Stages 1 and 2 Claymore Urban Renewal Project**

#### **Reporting Officer**

Manager Sustainable City and Environment

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#### **Attachments**

1. Council Resolution (18 December 2012) relating to the Claymore Urban Renewal Plan (CURP) Concept Application (contained within this report)
2. CURP - Approved Concept Plan Layout (contained within this report)
3. Proposed Subdivision Plan (Stages 1 and 2) (contained within this report)

#### **Purpose**

To advise Council on the receipt of Development Application 1141/2014/DA-SW, relating to the first two stages of the Claymore Urban Renewal Project, and recommend that Council make a submission to the Sydney West Joint Regional Planning Panel (JRPP) prior to its determination of the application.

#### **Proposed Development**

Development Application No 1141/2014/DA-SW : Torrens Title land subdivision creating 249 residential allotments, two allotments for future medium density housing, one public open space allotment, four residue allotments, associated civil works, tree removal and landscaping.

#### **Property Description**

Various Lots - Badgally Road, Dobell Road, and Norman Crescent, Claymore

#### **Applicant**

NSW Land and Housing Corporation

#### **Owners**

NSW Land and Housing Corporation  
UrbanGrowth NSW  
Campbelltown City Council

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### **Statutory Provisions**

State Environmental Planning Policy (State and Regional Development) 2011  
State Environmental Planning Policy No 55 - Remediation of Land  
Campbelltown (Urban Area) Local Environmental Plan 2002  
Claymore Urban Renewal Concept Plan Approval

### **Date Received**

13 May 2014.

### **History**

The redevelopment of the Claymore Public Housing estate is being undertaken by the NSW Land and Housing Corporation in accordance with the Claymore Urban Renewal Concept Plan Approval granted by the Minister for Planning and Infrastructure.

The Concept Plan aims to redress the poor amenity and social issues arising from the current 'Radburn' design of the area, with an improved street layout, better designed public parks, new town centre, and upgraded urban infrastructure. The Project aims for a more sustainable housing outcome with approximately 70% of the planned 1,490 dwellings under the Concept Plan to be privately owned.

At its meeting on 18 December 2012 Council considered a report on the Concept Plan Application being considered at that time by the Department of Planning and Infrastructure (the Department), and resolved to provide its qualified support for the project subject to a specific planning issues being addressed (refer attachment 1). These issues were conveyed to the Department to consider in their assessment of the Concept Plan Application, which was subsequently approved by the Minister on 24 May 2013 (refer Approved Concept Plan Layout - attachment 2).

It is relevant to note that there are two key points of difference between the final Concept Plan approved by the Minister, and that endorsed by Council at its meeting on 18 December 2013.

Firstly, a new retail centre has been included in addition to the existing shopping centre. Secondly, new housing allotments have been provided backing onto Badgally Road in lieu of public open space.

Council was made aware of these key issues of difference at its meeting on 13 September 2013, where it considered a report on the proposed modification to the Concept Approval to defer the timing of the required planning agreement for the delivery of infrastructure works. After considering the report on the matter, Council resolved as follows:

1. That no amendment to the Concept Plan Approval should be considered that would have the effect of altering Council's capacity to negotiate and execute a Voluntary Planning Agreement for the Claymore Renewal Project, in the best interests of the community.
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## 2.1 Joint Regional Planning Panel Application - DA 1141/2014/DA-SW For Stages 1 And 2 Claymore Urban Renewal Project

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2. That Council raises no objection to a modification to the Concept Plan Approval that accounts for the requirement for the proponent to put into place Works in Kind Agreements that are agreed to by Council, to secure the funding and delivery of infrastructure relevant to Stages 1 and 2 of the Renewal Project, and for all subsequent stages through and in accordance with a Voluntary Planning Agreement with Campbelltown City Council, endorsed by Council.
3. That the NSW Government be requested to provide a timetable for the implementation of the Claymore Renewal Project.

On 22 October 2013 the Claymore Urban Renewal Concept Approval was modified by the Minister to defer the requirement of a planning agreement for development contributions to Stage 3, and allow for a Works in Kind Agreement to be negotiated with Council for Stages 1 and 2. This outcome is generally consistent with the above resolution of Council.

## Report

### Introduction - JRPP Application

On 13 May 2014 the NSW Land and Housing Corporation submitted to Council the first development application under the Claymore Urban Renewal Concept Plan for subdivision works relating to Stages 1 and 2.

The JRPP has assumed Council's usual role as consent authority for the determination of the application in accordance with Part 4 of *State Environmental Planning Policy (State and Regional Development) 2011*. In this respect, the proposal exceeds the prescribed threshold for 'regional development', being an application made by a Crown authority with a capital investment value exceeding \$5 million (\$15.1M).

It is understood that the subject application will be reported to the JRPP for consideration and determination at a meeting to be held on 9 October 2014. In this respect, the following report provides a general review of the proposal, for the purpose of identifying any issues regarding the application, that Council can advise the JRPP of prior to its determination of the application.

### Proposed Development

The application seeks consent for subdivision and associated works relating to Stages 1 and 2 of the Claymore Urban Renewal Project. These works represent the first stages of subdivision construction works on the land, although it is relevant to note that some demolition of existing public housing stock has already been undertaken as permitted by the Concept Plan Approval.

The land which is the subject of the development application involves multiple allotments located in the southern quarter of the Claymore Project Area, generally bounded by Badgally Road, Norman Crescent and Dobell Road (attachment 3 - Proposed Plan of Subdivision). The majority of the land is owned by the NSW Land and Housing Corporation, with Council having a minor ownership stake involving land for future road widening along Badgally Road, and a small portion of existing open space.

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## 2.1 Joint Regional Planning Panel Application - DA 1141/2014/DA-SW For Stages 1 And 2 Claymore Urban Renewal Project

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The Statement of Environmental Effects accompanying the application provides the following description of the proposal:

- The subdivision of the DA 1 site (which includes the Stages 1 and 2) into 249 lots for housing, 2 lots for Medium Density Senior and Accessible (Disability) Living complexes, 1 lot for open space and 4 residual lots
- Subdivision works including the construction of roads and roadworks, associated drainage, site regrading and retaining works, utility services including services relocation and street landscaping
- Landscaping and embellishment of a park
- Minor associated works such as the removal of redundant services, sedimentation control and tree removal
- Excavation works associated with road grading and site benching.

The proposed subdivision pattern generally aligns with Stages 1 and 2 of the Concept Approval, and includes the reconfiguration of public open space and the creation of a new main entrance road intersecting with Badgally Road.

### **Assessment**

As the JRPP has assumed the role as consent authority, a detailed assessment addressing all prescribed considerations under the *Environmental Planning and Assessment Act 1979* will be separately prepared for the consideration of the JRPP. This process is being separately administered by Council development assessment staff and is to include an assessment of comments received from government agencies, Council and the community.

There are clear community benefits in progressing the social rejuvenation of the Claymore housing area, and the staged progression of development applications for subdivision in accordance with the approved Concept Plan is generally supported. However, it is important that all technical and environmental considerations are properly undertaken by the JRPP in its assumed role as determining authority, to ensure the beneficial outcomes envisaged by the Concept Plan Approval are attained.

As such, the following assessment does not replicate the full assessment required for determination, but rather identify and focus on the main issues of concern relating to the subject application for the purposes of assisting Council to decide whether to make a submission to the JRPP.

These matters are summarised for Council's consideration below.

### **Aboriginal Heritage**

An Aboriginal Heritage Impact Permit (AHIP) will be required for the site, after development consent is granted. Previous studies for the Concept Plan indicates a low density of artefacts across the site.

The applicant has advised that they are in the process of undertaking further investigations based on the relevant recommendations of the previous assessment undertaken for the Concept Plan Application, and as reflected in the Concept Plan Approval (refer page 6 - SEE). A commitment has been made to provide the findings and recommendations of these investigations to Council prior to determination of the development application.

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It is unclear whether this supplementary information has been provided by the applicant, and whether the findings and recommendations of the consultant's investigations have any bearing on the assessment of the subject development application.

### **European Heritage**

Proposed Lot Nos. 1065 and 1121 are listed as 'residual', but are shown on the approved masterplan as part of a strip of 'open space' adjoining the heritage listed Glenroy Cottage (and the adjoining Hillcrest Item).

Both these two proposed allotments, in addition to the land shown as "Stage 2C" (which is identified as "Glenroy Park" on Council's information system), currently contribute to the open space heritage setting of Glenroy Cottage (and Hillcrest)

Condition #11 of the Concept Plan requires development at Claymore to have consideration of the visual / heritage study that was prepared for the Concept Plan.

It is therefore requested that the potential impacts of the proposal on the heritage setting of the adjoining heritage items are properly investigated by the JRPP prior to any determination of the proposal.

### **Entry Statements (Glenroy Road and Dobell Road)**

The terms of the Concept Approval (Schedule 3 Part B.3) require landscape entry statements to be provided at the key entry points to the site from Badgally Road, and for details of proposed treatments and works to be provided to Council prior to the determination of the respective development applications.

The proposed Stage 1 subdivision plan includes the construction of the main entry road (Glenroy Road) into the site, as well as the establishment of the town park.

This issue requires resolution in accordance with the terms of the Concept Approval prior to the determination of the subject development application by the JRPP.

### **Consistency with Claymore Urban Renewal Development Control Guidelines**

The terms of the Concept Approval require all subdivision applications to demonstrate consistency with the *Claymore Urban Renewal Development Control Guidelines* (DCG).

Thirteen allotments do not comply with the DCG guidelines being less than the 200m<sup>2</sup> minimum lot size required for 'narrow lots'. Some of these allotments have also marginally less than the minimum 6m lot width.

Whilst it is acknowledged that variations to lot sizes may be considered pursuant to Clause 1.5 of the DCG, the following concerns are raised:

- i. The DA is effectively a green field subdivision and there is no apparent reason why the subdivision layout could not be adjusted to comply
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2.1 Joint Regional Planning Panel Application - DA 1141/2014/DA-SW For Stages 1 And 2  
Claymore Urban Renewal Project

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- ii. As the first DA for subdivision on the land, any variation of the minimum lot size requirement would likely set a precedent for permitting additional under-sized allotments for subsequent stages, and thereby would potentially "erode the standard" contrary to Clause 1.5
- iii. The six metre lot width is the absolute minimum of any lot sizes permitted under the DCG, and any further reduction should be substantiated with a dwelling design to demonstrate that other design requirements of the DCG would not be compromised eg. Solar access, provision of a 5m+ tree in front yard and 10m+ tree in rear yard.

It is therefore suggested that the subdivision layout is adjusted to comply with the requirements of the DCG as envisaged under the terms of the Concept Approval.

### **Site Remediation / Contamination**

Refer: State Environmental Planning Policy No 55 - Remediation of Land, and Schedule 4 Condition No. 14 of the Concept Terms of Approval.

Asbestos containing materials have been identified on the subject land and the site is required to be remediated. A remediation action plan (RAP) is required to be prepared and implemented in order to make the site suitable for the proposed subdivision.

Remediation options for asbestos containing materials will need to be evaluated in the RAP and the preferred option may require negotiated approval with Council/Stakeholders.

It is therefore requested that prior to the determination of the subject application, that the JRPP be satisfied that the land will be appropriately remediated so that it is suitable for the intended land uses.

### **Conclusion**

Council has previously resolved to provide its qualified support for the Claymore Urban Renewal Project given the overarching social benefits that will arise for the local community. The Project was given initial Concept Approval by the NSW Minister for Planning and Infrastructure in May 2013, and the subject application seeks development approval for Stage 1 and 2 subdivision works.

Notice of the application has been reported to Council to advise that the JRPP have assumed the role of consent authority in this instance, and to provide the opportunity for Council to endorse a submission to the JRPP prior to its determination of the proposal.

Council staff have undertaken a general review of the application for the purposes of Council's consideration as to whether it would seek to make a submission. It is apparent that there are a number issues that warrant a response from Council.

Accordingly, it is considered that Council provide a submission to the JRPP requesting that the application not be approved until the matters raised in this report are appropriately addressed.

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### **Officer's Recommendation**

1. That the information be noted relating to 1141/2014/DA-SW for proposed Stages 1 and 2 of the Claymore Urban Renewal Project.
2. That Council endorse a submission to the South West Sydney Joint Regional Planning Panel requesting that the subject application not be determined until those issues outlined in the body of this report are satisfactorily resolved by the JRPP.

### **Committee's Recommendation: (Kolkman/Lound)**

That the Officer's Recommendation be adopted.

**CARRIED**

### **Council Meeting 16 September 2014**

Having declared an interest in regard to Items 2.1 and 2.2, Councillors Hawker and Lake left the chamber and did not take part in debate nor vote on this item. In the absence of the Chairperson, His Worship the Mayor, Councillor Lake, Deputy Mayor, Councillor Rowell chaired the meeting for Items 2.1 and 2.2.

### **Council Meeting 16 September 2014 (Greiss/Matheson)**

That the Officer's Recommendation be adopted.

### **Council Resolution Minute Number 167**

That the Officer's Recommendation be adopted.

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