

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2014SYW133 DA
DA Number	473/2014/DA-SW
Local Government Area	Campbelltown City Council
Proposed Development	Earthworks, removal of vegetation, construction of roads, drainage and other civil works and release of 433 Torrens titled residential allotments and 2 Torrens titled residue allotments
Street Address	Macdonald and Campbelltown Roads, Bardia
Applicant/Owner	UrbanGrowth NSW
Number of Submissions	One submission received
Regional Development Criteria (Schedule 4A of the Act)	Development by the Crown with a Capital Investment Value greater than \$5 million
List of All Relevant s79C(1)(a) Matters	<p>Statutory provisions</p> <p>Integrated Development – Rural Fires Act 1997</p> <p>State Environmental Planning Policy (Major Development) 2005</p> <p>State Environmental Planning Policy (Infrastructure) 2007</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land</p> <p>State Environmental Planning Policy No. 19 – Bushland in Urban Areas</p> <p>Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment</p> <p>Edmondson Park South Development Control Plan 2012</p> <p>Campbelltown (Sustainable City) Development Control Plan Volume 3</p> <p>Non Statutory Provisions</p> <p>Campbelltown 2025 Looking Forward</p>

List all documents submitted with this report for the panel's consideration	1. Original assessment report and attachments
Recommendation	Approval with conditions
Report by	Andrew MacGee, Senior Development Planner Campbelltown City Council

ADDENDUM REPORT

Background

The Sydney West Joint Regional Planning Panel (JRPP) has previously considered and deliberated on a report regarding the subject development application. At its meeting held at Campbelltown City Council's offices on 25 March 2015, the JRPP agreed to defer determination of the application on the following grounds:

"The decision of the Panel is to defer determining the application to allow the applicant to respond to the Council's issue in relation to provision of a condition that a planning agreement be executed prior to release of any lots."

The deferral of the application's determination related specifically to Condition 2 as proposed in the recommended conditions of consent attached to the original assessment report. The Condition was as approved by UrbanGrowth NSW, acting as the Crown. The recommended Condition read:

2. Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) consistent with UrbanGrowth NSW's letter of offer to Council dated 15th of March 2013 and endorsed by Council on 13 August 2013 is being negotiated.

Prior to Council or an accredited certifier issuing a construction certificate, the parties acting reasonably must determine the appropriate ledger items that are to be completed or bonded so that the Contribution Value of the ledger items equals or exceeds the Notional Contribution Value.

A Subdivision Certificate may only be issued if at the time of issuing, the ledger items identified prior to Construction Certificate have been completed or bonded to a value of 150% for the uncompleted value of the item or for the full value of items not commenced.

Campbelltown City Council raised concern with the recommended condition as, in its opinion, the condition lacked the certainty of an executed planning agreement or developer contributions plan. The Council had originally put forward a condition in the draft that provided (in its opinion) more certainty for the provision of community infrastructure throughout the development area.

The draft planning agreement was considered to be well-progressed and a significant number of items had been agreed to by the parties, with exhibition of the draft agreement likely to have been imminent at the time of the Panel's meeting.

The Condition which the Council sought to pursue via a submission at the Panel meeting was:

2. Voluntary Planning Agreement

A Voluntary Planning Agreement (VPA) consistent with UrbanGrowth NSW's letter of off to Council dated 15 March 2013, as endorsed by Council on 13 August 2013 and as amended and further agreed by UrbanGrowth NSW in its letter to Council dated 24 March 2015 is to be executed prior to the release of the subdivision certificate for the first allotment of this subdivision.

The Panel requested that the Crown consider the condition as proposed by the Council, however, agreement was not able to be reached on the day. Subsequently, the Panel unanimously agreed to defer the application's determination pending the outcome of ongoing discussions between the applicant and the Council.

Progress

Since the meeting, the draft 'voluntary planning agreement' has been publicly exhibited and executed by both parties.

The legally-binding document would, in accordance with the provisions of Section 93H of the *Environmental Planning and Assessment Act 1979*, now become attached to the land and would provide certainty for the Council, the developer and the community in terms of the timing and provision of certain infrastructure throughout the urban release area.

Recommendation

Accordingly, it is recommended to the Panel that its deferral of item 2014SYW133 DA (473/2014/DA-SW) be withdrawn and that the development application for earthworks, removal of vegetation, construction of roads, drainage and other civil works and release of 433 Torrens titled residential allotments and 2 Torrens titled residue allotments at Lots 1136, 1138, 1140 and 1141 in DP 1175991, Macdonald and Campbelltown Roads, Bardia, be approved subject to conditions in Attachment 4 to the original report, with the exception that Condition 2 be amended to read as follows:

2. Voluntary Planning Agreement

The 'voluntary planning agreement' carried with the land applies to this development. The provision and timing of infrastructure as provided for by the agreement shall be undertaken by the applicant in accordance with that agreement throughout its operation.

Attachment 1 under separate cover