



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	28 June 2024
DATE OF DECISION	7 June 2024
PANEL MEMBERS	Justin Doyle (Chair), Steve Murray, Stephen Leathley, Micheal File & Sue Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	Five of the local members for Camden Council have a conflict of interest. Councillors Lara Symkowiak, Ashleigh Cagney, Peter McLean and Russell Zammit have previously been briefed by Council officers on the Precinct and Planning Proposal. Mr Grant Christmas considered the Planning Proposal at the Camden Local Planning Panel on 18 July 2023. Mr Michael Mantei has declared a conflict of interest as he is an acquaintance of a landholder within the Precinct.

REZONING REVIEW

RR-2024-3 – Camden LGA – PP-2023-24

Belmore Road Precinct – Sub-Precinct 2 of the South Creek West Precinct of the South West Growth Area
(As described in Schedule 1).

Reason for Review:

- ☐ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☒ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

PANEL CONSIDERATION AND DECISION

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and subject to changes site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has:
 - ☐ not demonstrated strategic merit
 - ☐ demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the documentation, was briefed by the Department of Planning, Housing and Infrastructure, and heard from Camden Council, CKDI (landholder & proponent) and Inspire Planning (planning consultant).

Planning Panels Team

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | strategicpanels@dpie.nsw.gov.au

The Panel noted the timeline for the zoning of land in the South West Growth Area with the Belmore Road Precinct having been released for rezoning as part of the South Creek West Land Release Area by the Minister for Planning in November 2019.

The Precinct is presently owned by multiple landholders with 190 ha of land separated into 62 allotments with a generally rural or rural lifestyle character. However, it is reported to the Panel that a large number of the properties have been purchased or optioned by land developers. CKDI, owns 76ha or 40% of the Precinct. As the major landowner CKDI agreed to take on the role of proponent of the Planning Proposal for the precinct.

On 14 April 2021, CKDI submitted the Planning Proposal to Camden Council. Camden Council adopted governance and probity arrangements with a Project Plan, Project Control Group and Project Working Group to manage the rezoning and processing of the Planning Proposal. Several revisions of the draft Planning Proposal have been submitted to council officers in response to requests for further information. The most recent was received on 27 October 2023, which is subject to the rezoning review application. Council has provided CKDI with a list of outstanding matters to be addressed.

The Planning Proposal was reviewed by the Camden Local Planning Panel (LPP) on 18 July 2023. The LPP concluded that the Proposal demonstrated both strategic and site specific merit, and made a number of recommendations to revise the Planning Proposal prior to submitting it for a Gateway determination.

Both Council and CKDI advised the Panel that they have a collaborative relationship, however CKDI is concerned with the excessive delays in processing the Planning Proposal.

Strategic Merit

The Panel agreed that the Planning Proposal had Strategic Merit given that:

- Sub-Precinct 2 of the South Creek West Precinct was released under the Precinct Acceleration Protocol process for investigation into proposed urban development under the Growth Centres SEPP in 2006, now SEPP (Precincts – Western Parkland City) 2021. The site was biodiversity certified under the Cumberland Plain Conservation Plan in December 2007 and released for rezoning as part of the South West Creek Land Release Area by the Minister for Planning in 2019. It is part of the South West Growth Area which aims to deliver 30,000 dwellings over 1,500ha.
- The Planning Proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing and employment. These include the Greater Sydney Regional Plan (2018), Western Parkland City District Plan (2018), Western Sydney Aerotropolis Plan, South West Growth Structure Plan 2022, Camden Local Strategic Planning Statement (LSPS), and Camden Local Housing Strategy (LHS).
- Delivering housing supply and employment lands is a priority issue for Sydney for all levels of Government.
- The Planning Proposal contributes to the 30-minute city vision due to its proximity to Western Sydney Airport and Aerotropolis, Western Economic Corridor, Leppington and Narellan Strategic Centre, Campbelltown Macarthur and being within the South West Growth Area;

Site Specific Merit

Having met the strategic merit test, and in accordance with the LEP Making Guideline August 2023, the Panel also considered if the Planning Proposal has site specific merit, having regard to the four site specific assessment criteria being:

- The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards);
- the built environment, social and economic conditions;
- existing, approved and likely future uses of land in the vicinity of the land to which the proposal relates; and/or

Planning Panels Team

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | strategicpanels@dpie.nsw.gov.au

- services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The Panel agreed that the Planning Proposal has site specific merit given that:

- the site has no significant natural environmental constraints to preclude development;
- the site has the potential to provide housing diversity;
- the site is within an identified growth area and will be consistent with the likely future land uses in the future;
- the site is a large area that is well located close to a local centre providing direct access to goods and services; and
- infrastructure is available to support the development.

One important site specific issue that the Panel identified as requiring resolution before the planning proposal was exhibited was the planning for the ridgeline within the area of the planning proposal and the slope up to it which is visually prominent well beyond the precinct. The land contains some vegetation of biodiversity significance and also presents potential to contribute passive recreation space for the increasing residential population of the precinct and Leppington township.

Another matter which the Panel considers must be addressed as the planning proposal progresses is the issue of developer contributions and an appropriate DCP, noting no VPA has been offered by the proponent. Appropriate funding to ensure timely delivery of suitable infrastructure and public amenities for the precinct will be essential. Both the Council and other land owners within the precinct will have to be involved in work on that issue.

Panel recommendations

The Panel recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to address the following:

- resolution of the proposed zoning on the ridgeline land in the western most portion of the site to ensure that:
 - no urban development should occur on the ridgeline on the land with slope of 25% or greater, nor on the top of this area;
 - it responds appropriately to surrounding zones, including to the south; and
 - an appropriate implementation and/or management mechanism be provided to address any proposed open space and/or conservation zoning(s).

The Panel also recommends that a contribution plan and a development control plan be prepared and exhibited concurrently with the planning proposal. A VPA involving the proponent and possibly other land owners in the precinct might be involved in funding the necessary infrastructure.

Camden Council has been given the opportunity to accept the role of Planning Proposal Authority (PPA) for this planning proposal, however Council has declined the PPA role. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this Planning Proposal.

The Panel requires confirmation from the proponent, within two weeks from the date of this determination, that they agree to update the Planning Proposal consistent with the Panel's recommendations and pay the alternate PPA fee.

Should the proponent fail to revise the Planning Proposal or pay the PPA fee by the designated date, then the Panel will no longer proceed with the Planning Proposal and the making of a local environmental plan amendment.




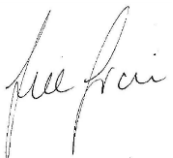

Planning Panels Team

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | strategicpanels@dpie.nsw.gov.au

MATTERS FOR CONSIDERATION IN FUTURE

Camden Council advised that prior to reporting the draft planning proposal to Council for its consideration, council officers intend to engage with all landowners within the Precinct to inform these owners of the proposal. Further consultation should be undertaken during the assessment of the planning proposal with all landowners.

The Panel noted that timing for the provision of infrastructure (water and waste water) to service the land and encourages Council and the proponent to work together.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Stephen Murray
 Stephen Leathley	 Sue Francis
 Michael File	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2024-3 – Camden LGA – PP-2023-24 Belmore Road Precinct - sub-precinct 2 of the South Creek West Precinct of the South West Growth Area
2	LEP TO BE AMENDED	The planning proposal seeks to amend the Western Parklands City SEPP 2021 by including the site within the SEPP and removing the site from Camden Local Environmental Plan 2010.
3	PROPOSED INSTRUMENT	The proposal seeks to: <ul style="list-style-type: none"> Rezone land from RU1 Primary Production, RU4 Primary Production Small Lots and E1 Local Centre to a mix of: <ul style="list-style-type: none"> E1 Local Centre; E3 Productivity Support; C2 Environmental Conservation; C4 Environmental Living; RE1 Public Recreation; R2 Low Density Residential; and R3 Medium Density Residential; Insert a floor space ratio (FSR) of 2:1 for neighbourhood centres; Increase the maximum Height of Building (HOB) from 9.5m to 9.5m (R2), 12m (R3 & south-west neighbourhood centre) and 16m (E1 & E3); Insert a FSR of 2:1 for neighbourhood centres; Remove the Minimum Lot Size (MLS) of 2ha (RU4) and 40ha (R2); Insert residential density bands of: C4 – maximum 10 dwellings/ha, Low Density Band 1 – 10 to 20 dwellings per hectare Low Density Band 2 – 20 to 25 dwellings per hectare Medium Density Band 1 – 25 to 35 dwellings per hectare Medium Density Band 2 – 35 to 60 dwellings per hectare; Insert an additional permitted use for ‘residential accommodation’ on the western portion of the local centre to allow for ground floor retail; Insert a local provision requiring minimum affordable housing provisions for any residential development in Medium Density Band 2; and Insert a local provision relating to urban heat to ensure that new development incorporates effective design and ongoing operation to reduce and remove urban heating from the environment and protect community health and wellbeing.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation and additional information of 14 May 2024 including Report on Slope Stability Assessment, Douglas Partners 14 March 2024 Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 15 May 2024 Slide presentations from DPHI, 6 June 2024; Camden Council, 6 June 2024 and Inspire Planning & CKDI, 31 May 2024 & 6 June 2024
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> Site inspections:

	<ul style="list-style-type: none"> • The scheduled Panel inspection was cancelled due to severe weather in the area. • Site inspections were either held individually at the Panel members' discretion or not held as sufficient background information was provided to all Panel members and some members had previously seen the site. <ul style="list-style-type: none"> ○ Stephen Murray – 17 May 2024 ○ Justin Doyle – 20 May 2024 ○ Stephen Leathley – 6 June 2024 • Briefing with Department of Planning, Housing and Infrastructure (DPHI): 1:30pm – 2:16pm, 7 June 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Steve Murray, Stephen Leathley, Micheal File & Sue Francis ○ DPHI staff in attendance: Terry Doran, Claire Ferguson, Genevieve Scarfe, Alex Galea, Tim Coorey, Ayva Hamed, Lisa Kennedy & Adam Williams ○ Key issues discussed: <ul style="list-style-type: none"> • History of precinct planning, planning proposal & lodgment of rezoning review request • Proposed provisions • Camden Local Planning Panel consideration – outstanding issues • Additional landholder consultation by Council • Wastewater – Upper South Creek Advanced Water Recycling Centre • Western ridgeline – proponent has provided two zoning scenarios; zoning & management of ridgeline to south and west of the site; Council's position on accepting land as open space • Briefing with Camden Council: 2:17pm – 3:08pm, 7 June 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Steve Murray, Stephen Leathley, Micheal File & Sue Francis ○ DPHI staff in attendance: Terry Doran, Claire Ferguson, Genevieve Scarfe, Alex Galea, Tim Coorey, Ayva Hamed, Lisa Kennedy & Adam Williams ○ Council representatives in attendance: Oscar Dell, Josh Pownell, Caroline Puntillo and Jamie Erkin. ○ Key issues discussed: <ul style="list-style-type: none"> • Planning proposal and Council's ongoing assessment & resolution of outstanding issues • History of precinct planning, timelines, milestones • Overview of planning proposal - community consultation & feedback • Proposed location and distribution of open space across the Precinct.
--	--

		<ul style="list-style-type: none"> • Proposed location and distribution of residential density • Proposed infrastructure – roads and wastewater management • Western ridgeline – Council requiring an updated geotechnical report; land stability & visual issues • Outstanding issues – ridgeline; biodiversity certification consistency report; outstanding agency comments • Community benefits – Contributions Plan, Voluntary Planning Agreement <ul style="list-style-type: none"> • Briefing with Inspire Planning & CKDI (Proponent): 3:09pm – 3:51pm, 7 June 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Steve Murray, Stephen Leathley, Micheal File & Sue Francis ○ DPHI staff in attendance: Terry Doran, Claire Ferguson, Genevieve Scarfe, Alex Galea, Tim Coorey, Ayva Hamed, Lisa Kennedy & Adam Williams ○ Proponent representatives in attendance: Stephen McMahon, Yan (Joe) Zeng and Tank Tan ○ Key issues discussed: <ul style="list-style-type: none"> • Strategic merit • Timing of planning proposal - Rezoning review is about timing and processes • Council's concerns are Contributions Plan; ridgeline - geotechnical issues & dedication. • Community benefits – Contributions Plan, Voluntary Planning Agreement • Ridgeline - two zoning scenarios • Panel Discussion: 3:51pm – 4:49pm, 7 June 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Steve Murray, Stephen Leathley, Micheal File & Sue Francis ○ DPHI staff in attendance: Terry Doran, Claire Ferguson, Genevieve Scarfe, Alex Galea, Tim Coorey, Ayva Hamed, Lisa Kennedy & Adam Williams
--	--	--