



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	7 June 2024
DATE OF DECISION	27 May 2024
PANEL MEMBERS	Justin Doyle (Chair), Juliet Grant, Stephen Murray and Michael Mantei
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Five of Camden Council's local members could not sit on the Panel due to a conflict of interest: Councillors Ashleigh Cagney and Peter McLean voted on the Leppington Town Centre (PP-2023-284) at the Council meeting of 8 November 2022. Councillor Lara Symkowiak voted on Amendment 4 to the Camden Growth Areas Contributions Plan (CGA CP) - Leppington Town Centre at the Council meeting of 14 November 2023. Mr Grant Christmas and Mr Michael File considered the Leppington Town Centre Planning Proposal (PP-2023-284) at the Camden Local Planning Panel on 3 August 2022.</p> <p>Mr Justin Doyle identified that in his professional role as a barrister he has dealt with Colin Biggers & Paisley Lawyers (solicitors for the proponent for matters unrelated to this DA). However, to his knowledge he has not had any dealings with the firm in relation to this Proponent or landowner, nor in relation to this site or planning proposal. As the Chair, Mr Doyle decided that this professional relationship would not influence his assessment of the proposal and did not preclude his participation on the Panel.</p> <p>Following the Panel briefings and discussions, Mary-Lynne Taylor excused herself from the decision process due to a conflict of interest discovered after the briefings had been convened.</p>

REZONING REVIEW

RR-2024-5 – Camden LGA – PP-2023-2032

173-183 Rickard Road, Leppington (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 site inspections and briefings listed at item 5 in Schedule 1.

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

- ☐ **should** be submitted for a Gateway determination because the planning proposal has demonstrated strategic and subject to changes site specific merit
- ☒ **should not** be submitted for a Gateway determination because the planning 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 and the proponent, Aland and its consultant planners Urbis.

The Planning Proposal by Aland is made in the context of the concurrent Leppington Town Centre Planning Proposal (LTCPP) forwarded to the Department jointly by both Camden and Liverpool Councils for Gateway approval. The LTCPP is part of a broader package of planning reform for the Leppington area which includes a new masterplan for the whole of the Leppington Town Centre precinct. That precinct measures around 440 hectares, extending across Bringelly Road into the Liverpool local government area. Camden Council's planning documents accompanying the LTCPP state that it is anticipated that when developed the Leppington Town Centre will provide for 11,000 new apartment and town homes over the next 20 years.

The LTCPP has been exhibited, but the results of that exhibition are yet to be assessed and reported upon. Aland has made submissions in relation to that exhibition.

The 3.2 hectare site of this Planning Proposal by Aland is a key site for the development of the Leppington Town Centre. First, its location adjacent to Leppington Station as a major transport node offers a prime location for well situated residential accommodation. Second, its proximity to the rail station means that planning for the site will have significant consequences for the development of the Town Centre, both in terms of the way its development will interface with the adjacent public domain, and the extent to which it will strongly influence the character of the Town Centre.

Aland in its address to the Panel pointed to the potential for the accelerated development of the site to 'kick start' the development of Leppington which has languished since the initial planning for Leppington as a major town centre in 2013. It proposed higher density to be situated in a 'north-south spine' of new housing adjacent to the station to define the Town Centre, above a podium of commercial and retail which it argued would 'anchor' the growth of a vibrant heart for the new town.

Both the proponent and Camden Council addressed the merits of the Planning Proposal by Aland principally in comparison to the LTCPP, rather than the existing planning controls which both agreed require revision. One element of the exhibited draft LTCPP which would impact directly on the subject site if adopted is the SP2 Infrastructure zoning for an extension of Byron Road, as well as an area zoned RE1 Public Recreation. Funding for the acquisition of the proposed SP2 and RE1 land was said to be obtained through future development contributions. Council acknowledged during the briefing that the location of the SP2 zoning shown in the exhibited draft of the LTCPP offered challenges given its incongruence with the cadastral boundaries of this site, and that availability of funding of the future RE1 public recreation land was not imminent.

It is in that context that the Panel assessed the strategic merit and site specific merit of the Planning Proposal in accordance with the LEP Making Guideline August 2023. The Panel first considered the three strategic merit tests namely, giving effect to the relevant Region or District Planning framework,

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consistency with the relevant Local Strategic Planning Statement (LSPS) and having regard to changing circumstances that have not been formally recognised.

Strategic Merit

As a result of that assessment, the Panel agreed that to the extent that the Planning Proposal anticipates higher densities for this land, it presented Strategic Merit given that:

- 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 City District Plan (2018), Western Sydney Aerotropolis Plan, South West Growth Structure Plan 2022, Camden Local Strategic Planning Statement (LSPS), Camden Local Housing Strategy (LHS), Camden Spaces and Places Strategy, Camden Centres and Employment Lands Strategy and Camden Community Participation Plan 2021.
- Delivering housing supply is a priority issue for Sydney for all levels of Government.
- The site is well located for higher density housing given it is within the future planned Leppington Town Centre, South West Growth Area (SWGA) and adjacent to the Leppington train station and interchange.
- As envisioned by the South West Growth Area Structure Plan, the future development of this key site has the potential to contribute to transit-oriented development and enhance retail and community amenities within the heart of Leppington Town Centre.
- Residential development supported by commercial uses in this location optimises the use of existing transport infrastructure connections associated with the nearby Leppington Railway Station to services, facilities and jobs in Liverpool, Parramatta and the wider metropolitan area. Future proposed rail links include a connection to the Western Sydney International Airport and Aerotropolis.

The Panel noted that the Planning Proposal responds to changing circumstances which have not been formally recognised by the existing planning framework, and particularly the critical demand for new housing.

The Panel acknowledges that the LTCPP is also attempting to address strategic planning issues associated with place making and transport planning around what they term the “inner core” of the Town Centre, comprising sites directly north and south of the station. Careful planning of the central core is in turn aimed (through broader structural planning) at facilitating the successful accommodation of substantially increased population density for Leppington as a whole. However, the LTCPP has not yet been adopted. The LTCPP’s approach to road planning and open space acquisition are not resolved, and even when adopted, the opportunity for well-reasoned justification for localised density changes and land zoning evolution will not be closed.

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
- 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 did not have site specific merit given that the Planning Proposal does not have sufficient regard to the likely future uses of the land in the vicinity of the site to

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which the proposal relates nor services and infrastructure available to meet the demands arising from the proposal.

The Panel noted:

- The Planning Proposal does not sufficiently consider the planning for the Leppington Town Centre precinct as a whole or the broader implications of the site-specific planning amendments it proposes.
- The Leppington Town Centre Planning Proposal (LTCPP), by Camden and Liverpool Councils, received Gateway determinations on 25 August 2023 and the draft plan was publicly exhibited from 7 November 2023 to 6 February 2024.
- The LTCPP is the result of a detailed urban design, land use zoning and development standards review for the Centre. The proposal seeks to create a new vision and strategic direction for the centre. The draft proposal is planned to enable the Town Centre to facilitate 10,500 new dwellings and 11,000 jobs by 2041. The processes for assessing the planning proposal resulting from that work are unresolved and are the subject of input from a number of government agencies which remains current.
- The Panel agreed with Camden Council officers that Leppington Town Centre should be planned as a single, unified precinct. Changes to the planning of any one site within the precinct, such as those requested by this planning proposal, must address and consider implications arising for the planning of the precinct. That is particularly important for a development on a key site such as this one within the planned north south central core of the Town. The Panel was not satisfied that this Planning Proposal had adequately resolved the consequences of the proposed alterations to the road layout and planned public space intended to serve the Town Centre as a whole, nor the implications for planning for surrounding sites if the substantially proposed increased density and built form was to be adopted on the subject land.
- The Panel agreed that Leppington Town Centre must be planned as a single place and not as a series of fragmented lots.
- The Panel noted that the Leppington Town Centre Planning Proposal has been on public exhibition and Council is reviewing the submissions. Council officers advised that Council has received a significant number of submissions from stakeholders, including the proponent Aland, which are seeking to make site-specific amendments to the draft plan.

MATTERS FOR CONSIDERATION IN FUTURE



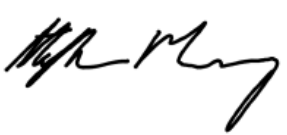

Camden Council received 53 submissions during the exhibition of the Leppington Town Centre Planning Proposal, including ten submissions from State agencies and a submission from the proponent for the site. The outcome of that exhibition process and the submissions of State agencies may present important matters for the planning of this site.

The vision in the LTCPP for a substantial area of public space opposite the station will need to be carefully planned and costed with a timeline for its delivery to ensure that it is feasible and does not have unintended consequences. Planning needs to carefully consider retaining a commercial case for land owners to proceed with development to achieve the desired density uplift, particularly on important key sites. This is to ensure the highest and best land use across the precinct can be achieved and specific land owners are not burdened with large land acquisition for public purpose which may impact on the viability of developing the remainder of these sites.

During the briefing with the Panel, Council officers advised that Council will review all suggested amendments by the proponent for the site, as part of the review of submissions, including the quantity, location and design of public open space and the application of cadastral data to identify the location of roads. The Panel encourages meaningful dialogue between Council and the proponent to respond to the issues raised in the urban design submissions supporting this Planning Proposal.

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PANEL MEMBERS	
 Justin Doyle (Chair)	 Juliet Grant
 Stephen Murray	 Michael Mantei

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2024-5 – Camden LGA – PP-2023-2032– at 173-183 Rickard Road, Leppington
2	LEP TO BE AMENDED	State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Precincts SEPP)
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> • rezone the site from B3 Commercial Core to MU1 Mixed use; • increase the maximum height of buildings (HOB) from 24m to 100m - 124.9m; • introduce a floor space ratio (FSR) of 5:1 to 5.99:1; and • introduce a site-specific provision to mandate a minimum provision of public and private open space.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Department of Planning, Housing and Infrastructure, Rezoning Review Briefing Report, 8 May 2024 • Slide presentations from DPHI, 21 May 2024; Camden Council, 20 May 2024 and Urbis, 21 May 2024 • Letter from Colin Biggers & Paisley Lawyers to Aland, 21 May 2024
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> • Site inspections: <ul style="list-style-type: none"> ○ were either held individually at the Panel members’ discretion or not held as sufficient background information was provided to all Panel members. ○ Stephen Murray – 17 May 2024 ○ Justin Doyle – 20 May 2024 • Briefing with Department of Planning, Housing and Infrastructure (DPHI): 11:00am – 11:50am, 22 May 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor and Michael Mantei

		<ul style="list-style-type: none"> ○ DPHI staff in attendance: Terry Doran, Sung Pak, Genevieve Scarfe, Doug Cunningham, James Shelton, Renee Ezzy, Lisa Kennedy & Taylah Fenning ○ Key issues discussed: <ul style="list-style-type: none"> • Strategic planning for Leppington Town Centre & South West Growth Centres. • Camden and Liverpool Councils' Leppington Town Centre Planning Proposal (PP-2023-284) – history & development by Department then Councils; Leppington Town Centre Market Demand Analysis – Housing, Retail & Employment, HillPDA May 2021; public exhibition and consideration of submissions; Camden Council confirmed proponent made a submission. • Aland Civic Precinct Planning Proposal – increase in height of buildings and gross floor space, reduction in open space; proposed LEP controls for the site are in isolation to rest of Precinct. ● Briefing with Camden Council: 11:50am – 12:52pm, 22 May 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor and Michael Mantei ○ DPHI staff in attendance: Terry Doran, Sung Pak, Genevieve Scarfe, Doug Cunningham, James Shelton, Renee Ezzy, Lisa Kennedy & Taylah Fenning ○ Council representatives in attendance: Graham Matthews, Nicole Magurran, Josh Pownell, Jamie Erken, Brad Colling & Shayla Nguyen ○ Key issues discussed: <ul style="list-style-type: none"> • Existing Leppington Town Centre land zoning focused on largely commercial centre, business development and business park. • Leppington Town Centre Planning Proposal (PP-2023-284) was started by the Department and then handed over to Liverpool and Camden Councils refocusing the centre on residential dwellings, community facilities, connected open spaces and retail & commercial space around the railway station. • Leppington Town Centre Planning Proposal has undergone community consultation. Council to commission independent consultants to review and assess submissions. • Council confirmed Aland's site is a strategic site in Precinct and needs to be considered as part of the overall precinct. • Local Housing Strategy housing targets and delivery. • Final layout of roads including bus corridor/interchange, is to be finalised noting errors in the overlay of cadastral mapping. • Council's preparation of a 7.11 Contributions Plan to acquire infrastructure. • Proposed network of connected open space. Aland is proposing to reduce the open space on their site and keep in private ownership.
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		<ul style="list-style-type: none"> • Site merit issues – building bulk & height and impacts of overshadowing; traffic management; open space; gross floor space. • Briefing with Urbis (Proponent) and Aland (Landowner): 12:53pm – 2:13pm, 22 May 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor and Michael Mantei ○ DPHI staff in attendance: Terry Doran, Sung Pak, Genevieve Scarfe, Doug Cunningham, James Shelton, Renee Ezzy, Lisa Kennedy & Taylah Fenning ○ Proponent representatives in attendance: Simon Wilkes, Anthony Kong, Manesha Ravji, Daniel Nolan, Frank Alvarez, Heinz von Eckartsberg, Andy Hoyne, Tom Payne, Charlie Robinson, Sarah Braund, Andrew Stacy, George Tadrosse, Anas Rahhal, Stephen White, Brendan Nelson, Gary White and Michael Tilt ○ Key issues discussed: <ul style="list-style-type: none"> • Panel acknowledged receipt of letter from Colin Biggers & Paisley Lawyers to Aland, 21 May 2024. • Project context – location, current & proposed LEP controls. • Strategic merit – regional, district & local plans. • Site specific merit – environmental, social & economic impacts and deliverables. • Traffic and road corridors including bus corridor/interchange – alignment of cadastral boundaries to proposed road network; further work being undertaken by proponent and council. • Inter relationships between planning proposal and Council’s Leppington Town Centre Planning Proposal (PP-2023-284) – height of building (metres vs storeys); inclusion of height bonuses; Council’s consideration of Aland’s submission; timing for notification of Council’s planning proposal. • Relationship between site and proposed LEP changes and surrounding town centre - planning holistically; Local Housing Strategy housing targets and delivery. • Open Space – Council seeking 56% net developable area of site for open space; concerns with proposed RE1 Public Recreation zone; width of open space connections. • Increased gross floor area. • Panel Discussion: 2:13pm – 2:32pm, 22 May 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor and Michael Mantei ○ DPHI staff in attendance: Terry Doran, Sung Pak, Genevieve Scarfe, Doug Cunningham, James Shelton, Renee Ezzy, Lisa Kennedy & Taylah Fenning • Panel Discussion: 3:10pm – 4.42pm, 27 May 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor and Michael Mantei ○ DPHI staff in attendance: Louise McMahon, Doug Cunningham, Renee Ezzy, Kimberley Benncke, Lisa Kennedy & Taylah Fenning
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