



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SYDNEY WESTERN CITY PLANNING PANEL

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| DATE OF DETERMINATION | 13 June 2024 |
| DATE OF DECISION | 6 June 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). 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 connection 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-2024-6 – Camden LGA – PP-2023-2031

156-166 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 proposal has demonstrated strategic merit 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 (Department), and heard from Camden Council (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 site consists of two allotments (Lots 37 and 38A, DP 8979), known as 166 and 156 Rickard Road, Leppington, covering an area of approximately 4.3 hectares. The site is located south east of the Leppington Railway Station. The Leppington Public School is immediately to the south of the site. The land to the east and west, and other surrounds, is characterised by rural and agricultural settings. There are rural residential dwellings and agricultural structures sporadically spaced between lots.

Aland in its address to the Panel pointed out:

- its discussion with School Infrastructure concerning the proposal and the provision of pick up/drop off point off Rickards Road;
- a better development outcome in terms of open space and retention of native trees; and
- height and density aimed to increase housing while respecting existing and adjoining uses.

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 important feature of the planning for the site in the exhibited draft LTCPP which would impact directly on the subject site if adopted, is the plan of Camden Council to zone approximately 19,204m² of area along the southern and eastern boundaries as RE1 – Public Recreation. Council advised it planned for ultimate public ownership of that RE1 zoned land. Council advised that funding for the acquisition of the RE1 land was proposed to be obtained through future development contributions. Council conceded during the briefing 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, consistency with the relevant Local Strategic Planning Statement (LSPS) and having regard to changing circumstances that have not been formally recognised.

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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 within walking distance 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.
- Residential development supported by retail and community 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. 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 which the proposal relates, nor the 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.

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- The Leppington Town Centre Planning Proposal (LTCPP), by Camden and Liverpool Councils, received Gateway determinations on 25 August 2023 and the draft plans were publicly exhibited from 7 November 2023 to 6 February 2024. The Panel was not satisfied that the Planning Proposal sufficiently considered how the amendments proposed by Aland could integrate with the controls likely to apply to the subject site under the State Environmental Planning Policy (Precincts –Western Parkland City) 2021 if the LTCPP is adopted.
- 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 proposal 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. The Panel was not satisfied that this Planning Proposal had adequately resolved the consequences for the planned public space intended to serve the precinct and overall planned open space and public road network. Nor does the planning proposal resolve 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 LTCPP 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. Consideration of the complaints made by Aland about the LTCPP as exhibited can and should be considered as part of the assessment of the LTCPP before it is resolved for gazettal.

While determining that Aland's planning proposal should not therefore be referred for a Gateway determination, the Panel did not determine that planning concerns raised by Aland about the planning for the subject site were without substance. The proposed 1.9 hectares of public recreation zoning together with 5,339m² of additional SP2 zoned land proposed in the LTCPP for this key site will take up half of its area and drastically reduce its availability to accommodate housing while increasing the amount of developer contributions to be paid by development in the broader precinct.

As discussed in the Panel's assessment of the strategic merit of the planning proposal the site is well located for increased residential density being in close proximity to a major railway station. Planning for Leppington since the 2013 zoning changes has seen delays in the market taking up the construction of new residential housing in the area.

The Panel trusts that the matters raised in the Aland Planning Proposal will be weighed carefully in consideration of the results of the exhibition of the LTCPP.

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.





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,

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location and design of public open space. 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.

It is reasonable for Aland to raise questions about the planned funding for the acquisition of that land for public use which (if it is to be paid for by developer contributions) might not be available until significant progress is made with the development of the rest of the Town Centre. To the extent that part of the planned open space is intended to provide a buffer for the adjacent school land, the desired transition might possibly be achieved in other ways.

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

| SCHEDULE 1 | | |
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| 1 | PANEL REF – LGA – DEPARTMENT REF - ADDRESS | RR-2024-6 – Camden LGA – PP-2023-2031– at 156-166 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 B7 Business Park to R4 High Density Residential; • increase the maximum height of buildings (HOB) from 24m to 100m - 124.9m in the northern portion of the site and 25m-29.9m in the southern portion of the site; • introduce a floor space ratio (FSR) of 3.8:1; and • introduce a site-specific provision, requiring the provision of a minimum of 6,974m² of public 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, 24 May 2024; Camden Council, 24 May 2024 and Urbis, 24 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 were undertaken individually: <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 and some members had previously seen the site. ○ Stephen Murray – 17 May 2024 ○ Justin Doyle – 20 May 2024 • Briefing with Department of Planning, Housing and Infrastructure (DPHI): 1:00pm – 1:15pm, 27 May 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor & Michael Mantei ○ DPHI staff in attendance: Terry Doran, Sung Pak, Genevieve Scarfe, Louise McMahon, Doug Cunningham, Renee Ezzy, Kimberley Beencke, Lisa Kennedy & Taylah Fenning ○ Key issues discussed: <ul style="list-style-type: none"> • Height of buildings - reference to height in metres in Council's Leppington Town Centre Planning Proposal (LTCP) vs storeys in the draft Leppington Town Centre Development Control Plan (LTC DCP) • Rezoning and acquisition of proposed open space • Briefing with Camden Council: 1:15pm – 1:53pm, 27 May 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor & Michael Mantei |

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| | | <ul style="list-style-type: none"> ○ DPHI staff in attendance: Terry Doran, Sung Pak, Genevieve Scarfe, Louise McMahon, Doug Cunningham, Renee Ezzy, Kimberley Beencke, 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"> • Height of buildings - reference to height in metres in Council's LTCPP vs storeys in the draft LTC DCP; Council was proposing to use FSR to control heights; Gateway determination required height in metres • Open Space & road acquisition – funded by contributions plan accompanying the LTCPP • Inter relationships between planning proposal and LTCPP - Council's consideration of Aland's submission; timing for notification of Council's planning proposal. • Aland has lodged a State significant development application for the site. • School Infrastructure provided a submission on the LTCPP • Briefing with Urbis (Proponent) and Aland (Landowner): 1:53pm – 2:30pm, 27 May 2024 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor & Michael Mantei ○ DPHI staff in attendance: Terry Doran, Sung Pak, Genevieve Scarfe, Louise McMahon, Doug Cunningham, Renee Ezzy, Kimberley Beencke, Lisa Kennedy & Taylah Fenning ○ Proponent representatives in attendance: Simon Wilkes, Anthony Kong, Stephen White, Manesha Ravji, Heinz von Eckartsberg, Simon Trick, Sarah Braund, Andrew Stacy, Anas Rahhal, Frank Alvarez, Tom Payne & Daniel Nolan ○ Key issues discussed: <ul style="list-style-type: none"> • Proposing publicly accessible open space but not dedicated to council • Project context – location, current & proposed LEP controls. • Strategic merit – regional, district & local plans. • Site specific merit – environmental, social & economic impacts and deliverables. • Comparison between planning proposal and LTCPP • Height of buildings - reference to height in metres in LTCPP vs storeys in the draft (LTC DCP) • Open Space - Council seeking 44% of site for open space which they can't justify or afford • Integration of site with school planning – school drop-offs, overshadowing • Potential Planning Agreement for delivery of community benefits - open space; will do once certainty with planning proposal |
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- **Briefing with Camden Council: 2:31pm – 3:09pm, 27 May 2024**
 - Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor & Michael Mantei
 - DPHI staff in attendance: Terry Doran, Sung Pak, Genevieve Scarfe, Louise McMahon, Doug Cunningham, Renee Ezzy, Kimberley Beencke, Lisa Kennedy & Taylah Fenning
 - Council representatives in attendance: Graham Matthews, Josh Pownell, Jamie Erken & Shayla Nguyen
 - Key issues discussed:
 - Surrounding landowners and possible planning proposals
 - LTCPP – number of submissions from landowners who have own ideas on how their land should be planned, masterplanning and feasibility studies; Council wants to follow through with process and give fairness to all landowners; Council reviewing merits of submissions
 - Comparison between Planning Proposal and LTCPP – removal of B4 Mixed Use zone and land uses; increases in Height of Building and Gross floor Space; decrease in area of RE1
 - Height of buildings - reference to height in metres in Council's LTCPP vs storeys in the draft LTC DCP; Council was proposing to use FSR to control heights; Gateway determination required height in metres; proposed heights include provision for bonuses
 - School Infrastructure provided a submission on the LTCPP – Planning Proposal's potential impacts on overshadowing of school
 - Open space requirements considered in the SEPP or LTC DCP – Council confirmed there is site specific SEPP provisions for open space
 - Issues with the location of proposed roads and cadastral data layer
- **Panel Discussion: 3:10pm – 4:42pm, 27 May 2024**
 - Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray, Mary-Lynne Taylor & Michael Mantei
 - DPHI staff in attendance: Louise McMahon, Doug Cunningham, Renee Ezzy, Kimberley Beencke, Lisa Kennedy & Taylah Fenning
- **Briefing with Department of Planning, Housing and Infrastructure (DPHI): 4:00pm – 4:19pm, 6 June 2024**
 - Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray & Michael Mantei
 - DPHI staff in attendance: Ruskan de Silva, Terry Doran, Sung Pak, Genevieve Scarfe, Louise McMahon, Doug Cunningham, Renee Ezzy, Aoife Wynter, Lisa Kennedy & Taylah Fenning
 - Key issues discussed:
 - Holistic town planning - Council's advice to consider the site as a whole precinct rather than individual lots

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| | | <ul style="list-style-type: none">• Potential precedent for what may occur on other sites within the precinct• Council’s consideration of issues raised during public exhibition of LTCPP, particularly open space requirements and acquisitions. Department is the Local Plan Making Authority and will consider how Council has addressed issues from public exhibition prior to finalising the LEP Amendment. <ul style="list-style-type: none">• Panel Discussion: 4:19pm – 4:43pm, 6 June 2024<ul style="list-style-type: none">○ Panel members in attendance: Justin Doyle (Chair), Juliet Grant, Stephen Murray & Michael Mantei○ DPHI staff in attendance: Ruskan de Silva, Terry Doran, Sung Pak, Genevieve Scarfe, Louise McMahon, Doug Cunningham, Renee Ezzy, Aoife Wynter, Lisa Kennedy & Taylah Fenning |
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