
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held electronically Monday, 28 September 2020.

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Minutes of the Local Planning Panel Meeting held on 28 September 2020

Present Chair Ian Reynolds
 Member Edward Saulig
 Member Scott Lee

Also Present

1. **ACKNOWLEDGEMENT OF LAND**

There was no acknowledgement of Land given the meeting was held electronically.

2. **APOLOGIES**

Nil

3. **DECLARATIONS OF INTEREST**

There were no Declarations of Interest made at this meeting.

4. **REPORTS**

4.1 **Civil works and Torrens title subdivision of land to create 67 residential lots and one residue lot - Menangle Park**

Report Summary

- Council has received a development application for the civil works and subdivision of land to create 67 residential lots and one residue. The proposal represents Stage 2A of Dahua's development of the Menangle Park Urban Release Area and builds on/connects to the recent approval of Stage 1.
 - The land was rezoned on 18 November 2017 from rural land to urban purposes, accommodating approximately 3,500 residential lots, a commercial centre, employment lands and community and recreational facilities.
 - The subject area is zoned R2 Low Density Residential and RE1 Public Recreation under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015).
 - The proposed development will involve subdivision and civil works both of which are considered to be permitted with consent in accordance with CLEP 2015. The proposed development is also consistent with the zone objectives of R2 and RE1 zones.
 - The application was publicly notified and exhibited from 31 July 2018 to 14 August 2018. The exhibition was in line with the statutory requirements and the Council's notification policies. No submissions were received during this time, although, there
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was a letter of support that was submitted outside of this time.

- The proposal was externally referred to:
 - The Rural Fires Service for a Bushfire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997* as the site is identified as bushfire prone land.
 - The Department of Planning, Infrastructure and Environment in accordance with Section 90 of the *National Parks and Wildlife Act 1974* as the proposal requires an Aboriginal Impact Permit.
 - The Subsidence Advisory Board in accordance with Section 15 of the *Coal Mine Subsidence Compensation Act 2017* as the site is within Campbelltown Mines Subsidence District.
- Development of the subject land is subject to a Satisfactory Arrangement provision pursuant to Clause 6.1 'Arrangements for designated State Public Infrastructure' of the CLEP 2015, and as such consent must not be granted for the subdivision of land unless the Secretary has certified in writing that satisfactory arrangements have been entered into. Council received such notice from the Secretary, on 11 May 2020, which allows Council to determine the application.
- The developer has offered to enter into a planning agreement with Campbelltown City Council to construct works, dedicate open space and provide monetary contributions in relation to the initial stages of the Menangle Park development. The offer is consistent with contributions that would otherwise be required under Council's Menangle Park Contributions Plan, which is now an IPART approved contributions plan and in force.
- In accordance with Section 4.8 of *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Minister for Planning's direction dated 23/02/2018, the application shall be determined by the Local Planning on Council's behalf.
- An assessment under Section 4.15 of the EP&A Act has been undertaken and the application is recommended for approval subject to the recommended conditions.

Panel Considerations and Reasons for Decision

This site lies within an urban release area which was rezoned on 18 November 2017, from rural land to urban purposes, via an amendment to the Campbelltown Local Environmental Plan 2015. Accordingly, the Panel is of the opinion that the applicant is permitted to proceed with site preparation works and subdivision to facilitate the urban development pursuant to Campbelltown Local Environmental Plan 2015 subject to appropriate conditions.

The proposed development, subject to the recommended conditions, satisfies relevant State legislation and State Environmental Planning Policies including the Rural Fires Act 1997, National Parks and Wildlife Act 1974, Coal Mine Subsidence Compensation Act 2017, Threatened Species Conservation Act 1995, SEPP 55 Remediation of Land and SEPP (Infrastructure) 2007, and other relevant legislation.

The proposal is consistent with relevant provisions and objectives of the Campbelltown LEP and site-specific Menangle Park DCP, applying to this development application. Satisfactory arrangements have been made in relation to the provision of State infrastructure and an offer

to enter into a voluntary agreement with Council would satisfy developer contributions otherwise required by the Menangle Park Contributions Plan.

In particular, the Panel has considered the requirements of Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 and Clauses 6.1, 6.2, 6.3, 7.2, 7.4, 7.5, 7.10, 7.17 and 7.20 of Campbelltown Local Environmental Plan 2015 as addressed in the Officer's report and considers that the relevant requirements have been satisfied.

The Panel notes that the Campbelltown LGA is subject to the, now repealed, Threatened Species Conservation Act 1995 in accordance with the transitional arrangements in the Biodiversity Conservation (Savings and Transitional) Regulation 2017. The proposed development has been designed, where possible, to avoid biodiversity impacts.

The provision of utilities and services will be subject to future arrangements between the applicant and Sydney Water, Endeavour Energy, NBN Co. and Jemena. The Panel is satisfied that these servicing arrangements will be addressed in the future and the relevant conditions have been included to ensure such connections are provided prior to the release of a subdivision certificate.

The Panel considers the proposed development is suitable for the site, that it would have no unreasonable impacts, and agrees with the recommended conditions of consent.

The Panel further considers that an application to modify the consent issued in relation to this application which does not impact on the provisions of the Planning Agreement negotiated between the Applicant and Council can appropriately be dealt with by Council Officers.

Decision of the Panel

1. The Development Application 292/2018/DA-CW for the civil works and subdivision of land to create 67 residential lots and one residue lot at Menangle Road, Menangle Park is approved subject to the conditions of consent at attachment 1 to Council's report presented to the Panel.
2. That an application for the modification of Development Application 292/2018/DA-CW, for a kind of development that is to be referred to the Panel for determination, be reported to the Panel for its determination unless the application meets the criteria determined by the Panel at its meeting on 30 May 2018, in which case the application can be determined by the General Manager or her delegate, unless the application seeks to alter the terms of the Offer to Enter into Menangle Park Planning Agreement, dated 7 May 2020.

Voting

The Local Planning Panel voted 3/0

5. CONFIDENTIAL REPORTS FROM OFFICERS

Nil Reports

The Panel Meeting was held electronically on 28 September 2020.

Ian Reynolds
Chairperson