
CAMPBELLTOWN CITY COUNCIL

Minutes Summary

Local Planning Panel Meeting held at 3.10pm on Wednesday, 27 May 2020 .

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Minutes of the Local Planning Panel Meeting held on 27 May 2020

Present Chair Ian Reynolds
 Member Jenny Rudolph
 Member Cecilia Cox
 Member Scott Lee

1. ACKNOWLEDGEMENT OF LAND

An Acknowledgement of Land was presented by the Chairperson .

2. APOLOGIES

Nil

3. DECLARATIONS OF INTEREST

Jenny Rudolph made a declaration of a conflict of interest in regard to Item 4.2. Jenny Rudolph states that Elton Consulting is currently undertaking community consultation for the land owner on the site. Jenny Rudolph advised she has had no direct dealings with the consultation team nor the landowner however there would a reasonably perceived conflict of interest. Jenny Rudolph will therefore not take part or be present for this matter.

4. REPORTS

4.1 Subdivision into two allotments - Lot 104 Hephher Road, Campbelltown

Executive Summary

- This application has been lodged by Council, and proposes the subdivision of a Council-owned drainage reserve into two allotments.
 - A separate development application (2117/2019/DA-DE) for a Community Recycling Centre has been lodged by Council, and would be situated within proposed lot 13.
 - The purpose of the subdivision is to allow the proposed Community Recycling Centre to be situated on its own allotment and be excised from the surrounding land.
 - The application is fully compliant with the provisions of the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and Campbelltown Sustainable City Development Control Plan 2015.
 - The application is recommended for approval, subject to the attached conditions.
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Panel Consideration and Reasons for Decision

The Panel considers the proposal to be consistent with the objectives of the IN2 Light Industrial and SP2 Infrastructure (Drainage) zones listed in Campbelltown Local Environmental Plan 2015.

The panel considers the proposal to be a logical configuration of boundaries that would enable land uses appropriate to this locality to be situated on their own allotments, subject to separate consent.

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

Decision of the Panel

That Development Application 2465/2019/DA-S for the subdivision of Lot 104 DP 1056782, Hephher Road, Campbelltown is approved subject to the conditions of consent at attachment 1 to this report.

Voting

The Local Planning Panel voted 4/0

4.2 Civil works and subdivision of land to create 255 residential lots and seven superlots - Menangle Park

Executive Summary

- Council has received a development application for the civil works and subdivision of land to create 255 residential lots and seven superlots. The proposal represents Stage 1 of Dahua's development of the Menangle Park Urban Release Area (MPURA).
 - 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, R5 Large Lot 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, R5 and RE1, zones.
 - The application was publicly notified and exhibited from the 2 February 2018 to the 26
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March 2018. The extended exhibition was in line with the statutory requirements and the Council's notification policies. Two submissions were received, with one being in support of the proposal.

- 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 Primary Industries in accordance with section 91 of the *Water Management Act 2000* as there are works proposed within 40m of a natural water course.
 - 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.
 - Transport for NSW (formerly the Roads and Maritime Services) in accordance with State Environmental Planning Policy (Infrastructure) 2007 as the development is considered traffic generating development.
- Development of the subject land is subject to a Satisfactory Arrangement provision pursuant to Clause 6.1, 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. Council received such notice from the Secretary, on 24 January 2020, which allows a consent to be issued for the subject development 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 generally reflects contributions that would otherwise be required under Council's Menangle Park Contributions Plan, which is not yet deemed an IPART reviewed contributions plan, as amendments to implement required changes to the Plan are currently in progress. Until the IPART reviewed Contributions Plan is exhibited and adopted, Council cannot condition monetary contributions in excess of \$20,000 per lot.
- 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 Panel 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 Consideration 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*, *Water Management Act 2000*, *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 yet to be completed 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. However, proposed development will require the removal/modification of 0.12ha of the Critically Endangered Ecological Community, Cumberland Plain Woodland, an additional 0.16ha of Cumberland Plain Woodland Derived Native Grasslands will also be removed from the development footprint. In addition, 1.37ha of Acacia Regrowth that largely falls within the proposed development footprint will also be removed. If these areas were to be avoided completely they would impact the efficiency and viability of the development, whilst creating fragmented and environmentally unsustainable areas of vegetation. The Panel is satisfied that the condition requiring the retirement of eight (8) credits relating to HN529 Grey Box – Forest Red Gum grassy woodland on shale of the southern Cumberland Plain, Sydney Basin Bioregion within the meaning of the *Biodiversity Conservation Act 2016*, is sufficient to offset this impact.

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 3885/2017/DA-CW for the civil works and subdivision of

land to create 255 residential lots and seven superlots 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 3885/2017/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

Nil

The open session of the Panel Meeting concluded at 3.39pm and the Panel then adjourned to consider the business and information presented to the Panel during its hearing.

The next meeting of the Local Planning Panel will be held on Wednesday 24 June 2020 at 3.00pm in the Council Chambers, Level 3, Civic Centre, Campbelltown.

Ian Reynolds
Chairperson