



**CONCEPT PLAN MODIFICATION
REQUESTS:**

***Airds-Bradbury Renewal Project
and Claymore Renewal Project***

***MP 10_0186 MOD 1 and
MP 11_0010 MOD 1***

***Modification to the future assessment
requirement regarding development
contributions***

Director-General's
Environmental Assessment Report
Section 75W of the
*Environmental Planning and Assessment
Act 1979*

October 2013

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1. BACKGROUND

1.1 Preface

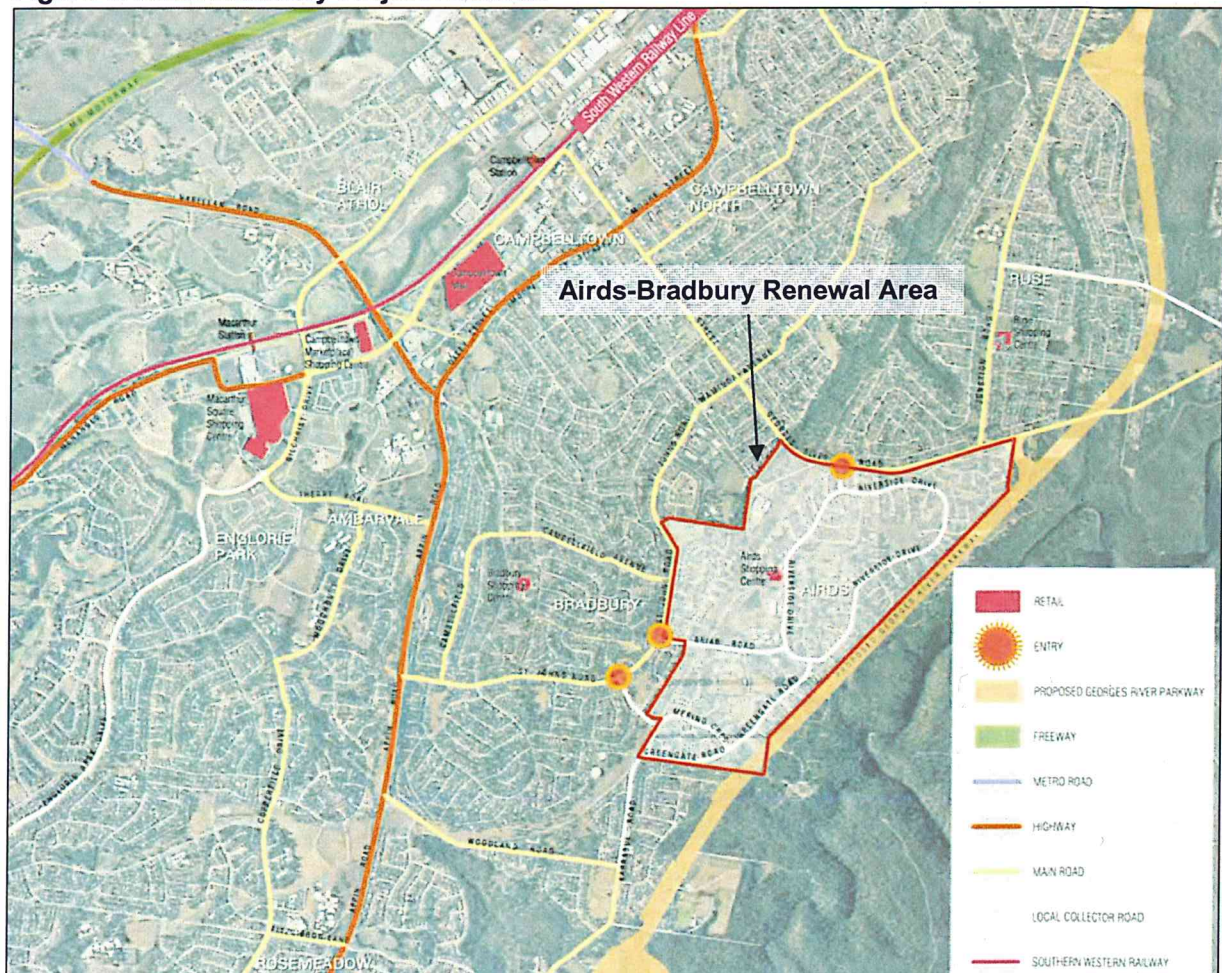
This report is the assessment of two separate s75W modification requests for concept plan approvals for the Airds-Bradbury Renewal Project (MP 10_0186) and the Claymore Renewal Project. These projects are located within the Campbelltown Local Government Area.

1.2 Airds-Bradbury Renewal Project

On 24 August 2012, the then Deputy Director-General, Development Assessment & Systems Performance, under delegation from the Minister for Planning and Infrastructure approved a concept plan (MP 10_0186) for the Airds-Bradbury Renewal Project and approved the demolition works component of the project.

The project location is shown in **Figure 1**.

Figure 1: Airds-Bradbury Project Location



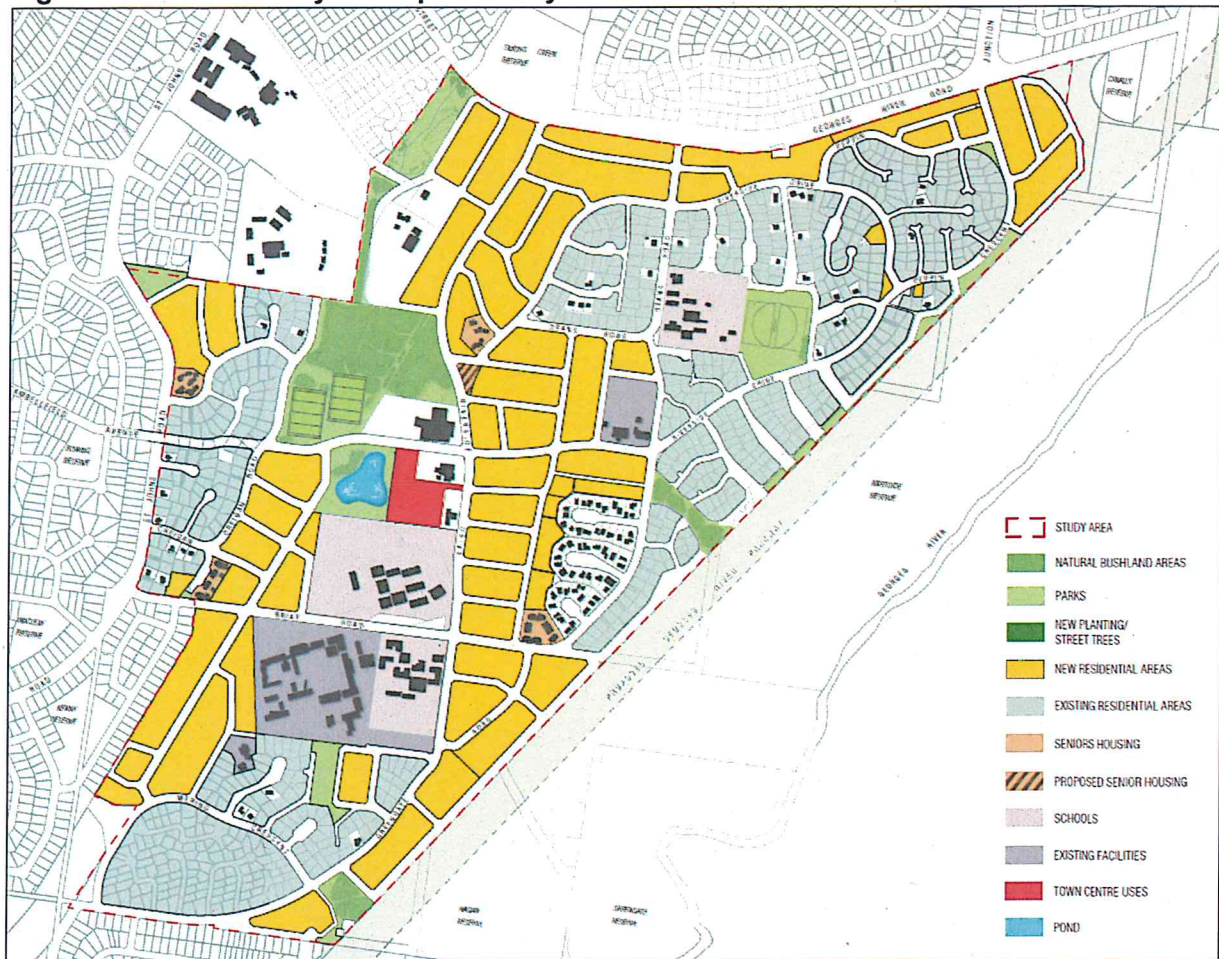
The concept plan approval comprises:

- a masterplan for the long term urban renewal of the Airds-Bradbury estate involving:
 - the increase in dwellings from 1,542 to approximately 2,104 dwellings;
 - retention of approximately 880 existing dwellings on separate lots;
 - an increased social mix within the estate resulting in 70 per cent private housing and 30 per cent social housing,
 - formalisation and rejuvenation of the Airds town centre; and
 - new or upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and a series of new interconnecting public roads;

- a staging plan;
- a utilities and infrastructure delivery plan;
- the Airds-Bradbury Development Control Guidelines;
- a new street layout and building typologies within the new urban structure; and
- a street tree and landscaping strategy.

Refer to **Figure 2** for the approved concept plan layout, as endorsed under modification No. 6 of the concept plan instrument of approval.

Figure 2: Airds-Bradbury Concept Plan Layout

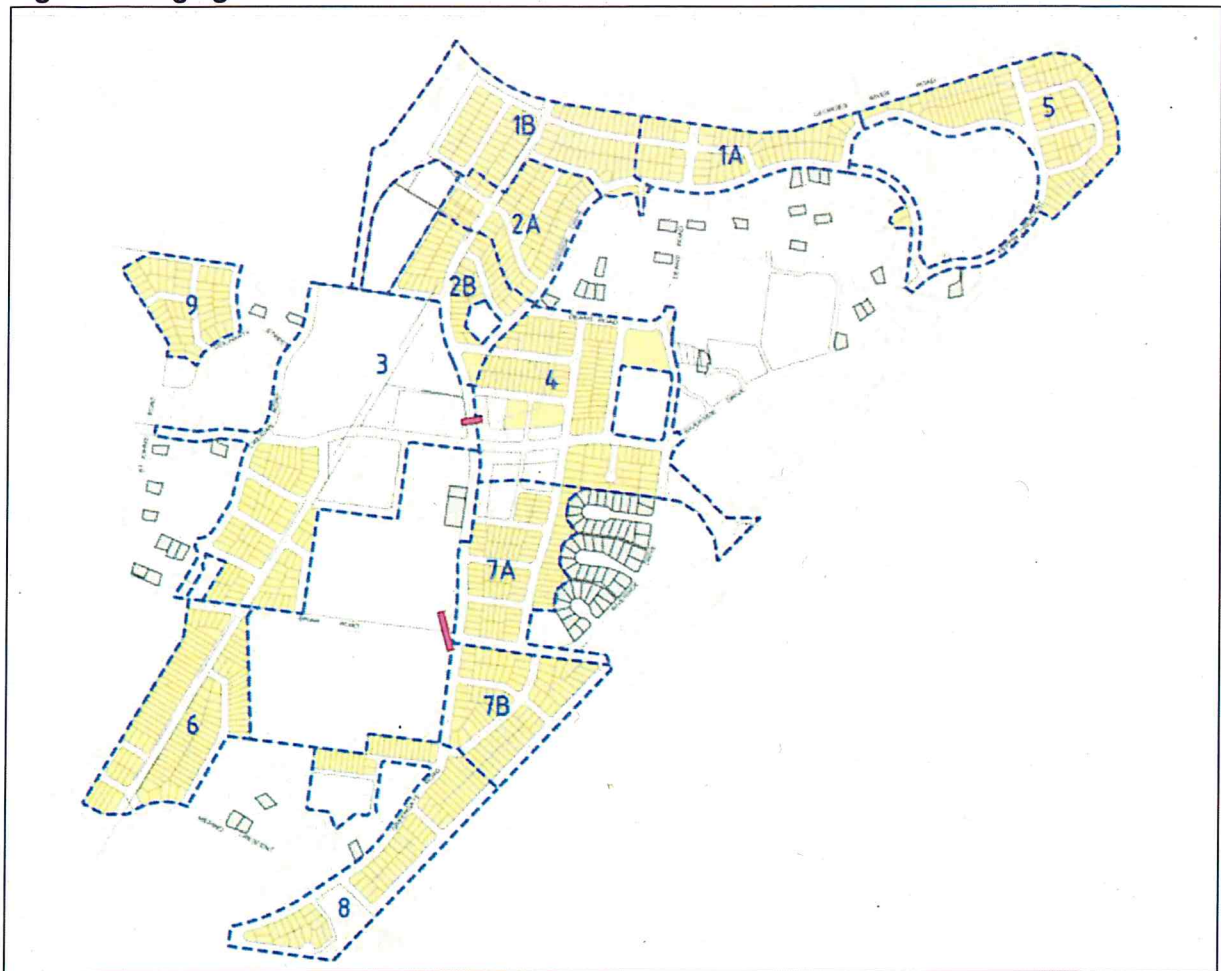


Approval was also given for the carrying out of demolition of existing dwellings, utilities, roads and ancillary structures associated with the Airds-Bradbury Renewal Project.

NSW Land and Housing Corporation has lodged a development application with council seeking approval for the first stage of subdivision (1610/2012/DA-RS), which incorporates Stages 1A and 1B as shown in **Figure 3**, to deliver 184 residential lots and one open space lot. The development application also seeks consent for associated subdivision works, including construction of new roads, drainage, site regrading and retaining, utility services and landscaping (comprising Stages 1A and 1B).

The demolition works relating to Stage 1 have been completed as works requiring no further assessment under the concept plan approval. The concept plan approval identified the future assessment requirements for Part 4 applications. One of these requirements identifies the need to enter into a planning agreement with council prior to the determination of the first development application.

Figure 3: Staging Plan



On 9 May 2013, NSW Land and Housing Corporation made an offer to enter into a planning agreement with Campbelltown City Council (council). Council and UrbanGrowth NSW, on behalf of NSW Land and Housing Corporation, are continuing to negotiate the terms of the planning agreement. However, due to the statutory time constraints associated with the preparation and public exhibition of a planning agreement, UrbanGrowth NSW is seeking to change the timing of the execution of the agreement from Stage 1 to Stage 3. The modification request also seeks to amend the relevant future assessment requirement so that it references the letter of offer to ensure greater certainty regarding the items contained in the draft planning agreement.

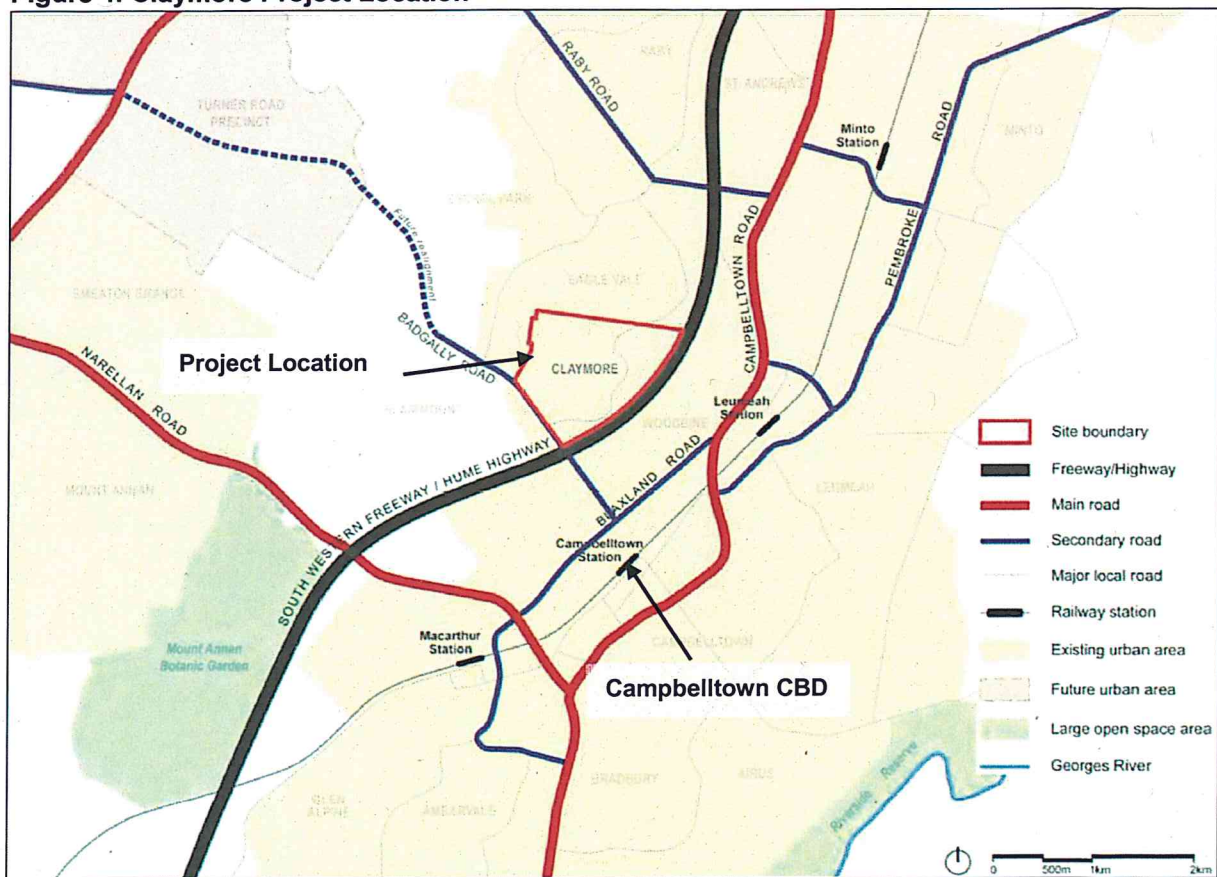
On 10 October 2013, NSW Land and Housing Corporation submitted a revised offer to enter into a planning agreement with council in response to matters raised by council.

1.3 Claymore Urban Renewal Project

On 24 May 2013, the Minister for Planning and Infrastructure approved a concept plan (MP 11_0011) for the Claymore Renewal Project and approved the demolition works component of the project.

The project location is shown in **Figure 4**.

Figure 4: Claymore Project Location



The concept plan approval comprises:

- a masterplan for the long term urban renewal of the estate involving:
 - the increase in dwellings from 1,123 to approximately 1,490 dwellings, including 100 seniors housing units;
 - retention of approximately 140 existing dwellings on separate lots;
 - an increased social mix within the estate resulting in 70 per cent private and 30 per cent social housing;
 - creation of a new Claymore town centre; and
 - new or upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and a series of new interconnecting public roads;
- a staging plan;
- a utilities and infrastructure delivery plan;
- Claymore Development Control Guidelines;
- a new street layout and building typologies within the new urban structure; and
- a street tree and landscaping strategy.

Refer to **Figure 5** for the approved concept plan layout.

UrbanGrowth NSW has indicated that the lodgement of the Stage 1 development application with council for Claymore is imminent. The concept plan approval identified the future assessment requirements for Part 4 applications. One of these requirements identifies the need to enter into a planning agreement (in accordance with the Statement of Commitments which provides details of the works and contributions to be provided and the relevant staging) with council prior to the determination of the first subdivision application. UrbanGrowth NSW seeks to amend this requirement so that the agreement can be finalised prior to the determination of the application for Stage 3.

UrbanGrowth NSW is seeking an amendment of future assessment requirement No. 4 (Schedule 4) of the concept plan approval for the Airds-Bradbury Renewal Project in relation to development contributions. The proposed changes seek to update the future assessment requirement to reference the letter of offer to council to provide greater certainty regarding the nature of the contributions and timing of the delivery of the contributions. The modification request is also seeking to defer execution of the planning agreement until prior to determination of the development application for Stage 3 to allow the project to proceed whilst still ensuring the critical community items contained within Stage 3 are legally secured prior to the carrying out of any Stage 3 works.

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agreement has not progressed as quickly. By deferring the timing of execution it would allow the project to proceed whilst still ensuring the critical community items contained within Stage 3 are legally secured prior to the carrying out of any Stage 3 works.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3C of Schedule 6A of the Environmental Planning and Assessment Act 1979 (EP&A Act), section 75W of the EP&A Act as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A, continues to apply to approved concept plans.

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposed modifications seek to modify the future assessment requirements and the timing of execution of the planning agreements, the modifications will require the Minister's approval.

3.2 Delegated Authority

The Minister has delegated his functions to determine Part 3A modification applications to the department where:

- the council has not made an objection, and
- there are less than 10 public submissions objecting to the proposal, and
- a political disclosure statement has not been made in relation to the application.

There has been no submissions received from the public objecting to the modification requests and council has not made an objection to the proposed modifications. There has also been no political disclosure statement made for this application or for any previous related applications.

Accordingly, the modification applications are able to be determined by the Director, Industry, Social Projects and Key Sites, under delegation.

4. CONSULTATION AND SUBMISSIONS

In accordance with section 75X of the EP&A Act and clause 8G of the EP&A Regulation, the modification requests were made available on the department's website. Due to the minor nature of the proposed modifications, the modification requests were not exhibited by any other means. No public submissions were received on the modification requests.

The modification requests were referred to Campbelltown Council for comment. Council has advised that no amendment should be considered to the existing approvals that would affect council's ability to negotiate and execute a planning agreement. Council also advised that they raise no objection to the proponent undertaking works in kind to deliver facilities and infrastructure proposed for Stages 1 and 2 that are contained within the letter of offer and Statement of Commitments made by the NSW Land and Housing Corporation.

5. ASSESSMENT

5.1 Airds-Bradbury Renewal Project

The current future assessment requirement for the Airds-Bradbury Renewal Project concept plan approval requires the proponent and council to enter into a planning agreement prior to the determination of any development application for subdivision.

Airds-Bradbury Renewal Project Future Assessment Requirement No.4

4. *Prior to any subsequent subdivision applications being determined a voluntary planning agreement (VPA) for payment of local infrastructure contributions, with the details of the contributions, and the nature of any land dedications or works in kind is to be negotiated and executed with Council. Each subsequent subdivision application must be consistent with the VPA and identify any relevant contributions or works in kind required to be delivered for that stage.*

In the Statement of Commitments for the Airds-Bradbury Renewal Project, NSW Land and Housing Corporation committed to entering into a planning agreement with council for the provision of roads, social and community infrastructure, drainage facilities and amenities as outlined in the Environmental Assessment. The planning agreement would exclude the application of council's section 94A plan, which would otherwise have applied. The Environmental Assessment did not provide details in regards to responsibilities or timing for delivery of the works or payments.

The Airds-Bradbury Renewal Project has progressed significantly since the concept plan approval with the NSW Land and Housing Corporation lodging a Stage 1 development application for subdivision to create 184 residential lots and one open space lot, with associated subdivision works (comprising Stages 1A and 1B). NSW Land and Housing Corporation has also made an offer to council (letter of offer dated 9 May 2013) to enter into a planning agreement for the project (inclusive of all stages). The letter of offer compliments the offer made in the Statement of Commitments and Environmental Assessment as it provides further details regarding the contributions and timing for delivery of these contributions as well as the method of delivery.

The determination of the Stage 1 development application is imminent. Council has referred the application to the Sydney West Joint Regional Planning Panel (JRPP). The JRPP is the consent authority as the development application is regional development as it has a capital investment value of \$12.7 million, which exceeds the \$5 million criteria for Crown development. One of the matters that need to be resolved prior to the determination of the development application for the first subdivision is the finalisation of the planning agreement, as per the above requirement.

NSW Land and Housing Corporation has been negotiating the terms of the planning agreement with council and has submitted a revised offer to council dated 10 October 2013 to address matters raised by council.

The department considers that the letter of offer provides greater certainty regarding responsibilities for the preparation of the planning agreement as well as the terms of the offer. The letter of offer compliments the previous offer made within the Statement of Commitments and Environmental Assessment. The department therefore considers that the letter of offer should be referenced in the modified future assessment requirement in the Airds-Bradbury Renewal Project concept plan approval.

UrbanGrowth NSW has also requested that the timing of the execution of the planning agreement be deferred to prior to determination of the development application for subdivision for Stage 3. UrbanGrowth NSW contends that as the critical community facilities to be delivered via the planning agreement are to be delivered in Stage 3, this would be an appropriate time to enter into a planning agreement. UrbanGrowth NSW has indicated that the works to be delivered for Stages 1 and 2 would form part of the respective applications for those stages and other mechanisms are available (for example a Works in Kind Agreement) to ensure any works required in the first two stages of subdivision are undertaken. Furthermore, each application would still need to demonstrate consistency with the offer made for Airds-Bradbury Renewal Project.

The department considers that the deferment of the execution of the planning agreement can be supported as the development applications for subdivision for each of the stages would still need to demonstrate consistency with the terms of the concept plan approval, including the offer made. The department recommends that the planning agreement be executed prior to the lodgement of development application for subdivision for Stage 3 to ensure that the planning for the critical community infrastructure and facilities that have not been provided already in Stages 1 and 2 are resolved prior to the determination of the Stage 3 application.

In summary, the department recommends that the future assessment requirement be modified as follows.

Airds-Bradbury Renewal Project Future Assessment Requirement No.4

4. *Prior to the lodgement of any development application for subdivision relating to Stage 3, a planning agreement must be executed with council in accordance with the letter of offer made by the NSW Land and Housing Corporation to Campbelltown City Council dated 10 October 2013.*

Each development application for subdivision for each of the stages must identify how any relevant contributions, or works in kind, required for that stage, will be delivered to be consistent with the terms of the letter of offer dated 10 October 2013 or an executed planning agreement.

Council has been provided with a copy of the recommended modifications to the future assessment requirement which references the revised letter of offer. Council raised no objections to the proposed changes.

5.2 Claymore Renewal Project

The current future assessment requirement for the Claymore Renewal Project concept plan approval requires the proponent and council to enter into a planning agreement prior to the determination of any development application for subdivision.

Claymore Renewal Project Future Assessment Requirement No.7

7. *Prior to the determination of any development application for subdivision and consistent with the proponent's Statement of Commitments, a voluntary planning agreement (VPA) to provide roads, social and community infrastructure, drainage and open space facilities and amenities, with details of the contributions, and the nature of any land dedications or works in kind, is to be negotiated and executed with Campbelltown City Council.*

UrbanGrowth NSW has requested that the timing of the execution of the planning agreement be deferred to prior to determination of the development application for subdivision for Stage 3. UrbanGrowth NSW contends that as the critical community facilities to be delivered via the planning agreement are to be delivered in Stage 3, this would be an appropriate time to enter into a planning agreement. UrbanGrowth NSW has indicated that the works to be delivered

for Stages 1 and 2 would form part of the respective applications for those stages and other mechanisms are available (for example a Works in Kind Agreement) to ensure any works required in the first two stages of subdivision are undertaken. Furthermore, each application would still need to demonstrate consistency with the commitment made in the Statement of Commitment for the Claymore Renewal Project.

The department considers that the deferment of the execution of the planning agreement can be supported as the development applications for subdivision for each of the stages would still need to demonstrate consistency with the terms of the concept plan approval, including the commitments made. The department recommends that the planning agreement be executed prior to the lodgement of development application for subdivision for Stage 3 to ensure that the planning for the critical community infrastructure and facilities that have not been provided already in Stages 1 and 2 are resolved prior to the determination of the Stage 3 application.

The department therefore recommends that the future assessment requirement be modified as follows.

Claymore Renewal Project Future Assessment Requirement No.7

- 7. Prior to the lodgement of any subdivision application relating to Stage 3, a planning agreement to provide roads, social and community infrastructure, drainage and open space facilities and amenities, with details of the contributions, and the nature of any land dedications or works in kind, is to be negotiated and executed with Campbelltown City Council and must be consistent with the proponent's Statement of Commitments.*

Each development application for subdivision for each of the stages must be consistent with the Statement of Commitments or an executed planning agreement and identify how any relevant contributions or works in kind required for that stage will be delivered.

Council has been provided with a copy of the recommended modifications to the future assessment requirement. Council raised no objections to the proposed changes.

6. CONCLUSION AND RECOMMENDATION

The department has considered the modification requests to the concept plan approvals for the Airds-Bradbury and Claymore Renewal Projects (MP 10_0186 and MP 11_0010) and considered the key issues associated with the modification. The proposed modifications are considered appropriate to allow the first stages of these renewal projects to proceed in the short term. These stages of development will still need to demonstrate consistency with the offer and commitments made under the concept plan approval.

The department has recommended the future assessment requirements in the approvals be modified to provide an appropriate amount of flexibility to allow the project to proceed whilst still ensuring that any infrastructure provisions are provided within the relevant stages and the planning agreement is finalised prior to the stages associated with the delivery of the critical community facilities. The proposal would be in the public interest as it would ensure a greater supply of housing in two urban renewal areas and ensure that they will be supported by community facilities and infrastructure as proposed in the letter of offer and Statement of Commitments. The modification will also ensure that the projects are not unduly held up by technical drafting and statutory time frames required to finalise the planning agreements.

It is recommended that the Director, Industry, Social Projects and Key Sites:

- note the information provided in this report;
- approve the modification requests, pursuant to section 75W of the EP&A Act; and
- sign the attached modifying instruments (see Appendix C).

Prepared by:


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APPENDIX A MODIFICATION REQUEST

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6027 and
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6048.

APPENDIX B SUBMISSIONS

See the department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6027 and
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6048.

APPENDIX C RECOMMENDED MODIFYING INSTRUMENTS
