



Claymore Urban Renewal Concept Plan

*Section 75W
Modification Assessment
(MP 11_0010 MOD 2)*

December 2018

© Crown Copyright, State of NSW through its Department of Planning and Environment 2018

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in the report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



Glossary

Abbreviation	Definition
Consent	Development Consent
Council	Campbelltown City Council
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
LAHC	Land and Housing Corporation
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
Proponent	Land and Housing Corporation
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy



Contents

Glossary	iii
1. Introduction	1
1.1 Background	1
1.2 Approval history	1
2. Proposed Modification	3
3. Strategic Context	4
4. Statutory Context	5
4.1 Continuing operation of Part 3A to modify concept plans	5
4.2 Approval authority	5
4.3 Environmental Planning Instruments	5
4.4 Objects under the Act	6
5. Engagement	7
5.1 Department's engagement	7
6. Assessment	8
7. Evaluation	9
8. Recommendation	10
9. Determination	11
Appendices	12
Appendix A – Documentation	12
Appendix B – Modification Instrument	13



1. Introduction

This report is an assessment of a request to modify the concept approval (MP 11_0010) for the Master Plan for the Claymore Renewal Project. The request has been lodged by Land and Housing Corporation (LAHC) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proponent seeks approval to modify the Project Approval to defer the timing of the execution of the Planning Agreement.

1.1 Background

The Claymore estate is located 56 km to the south west of Sydney and 2 km North West of the city centre of Campbelltown, which is the regional city for the Macarthur district. The site is located within an established urban area and is bound to the east by the Hume Highway and Badgally Road to the south as shown in **Figure 1**.

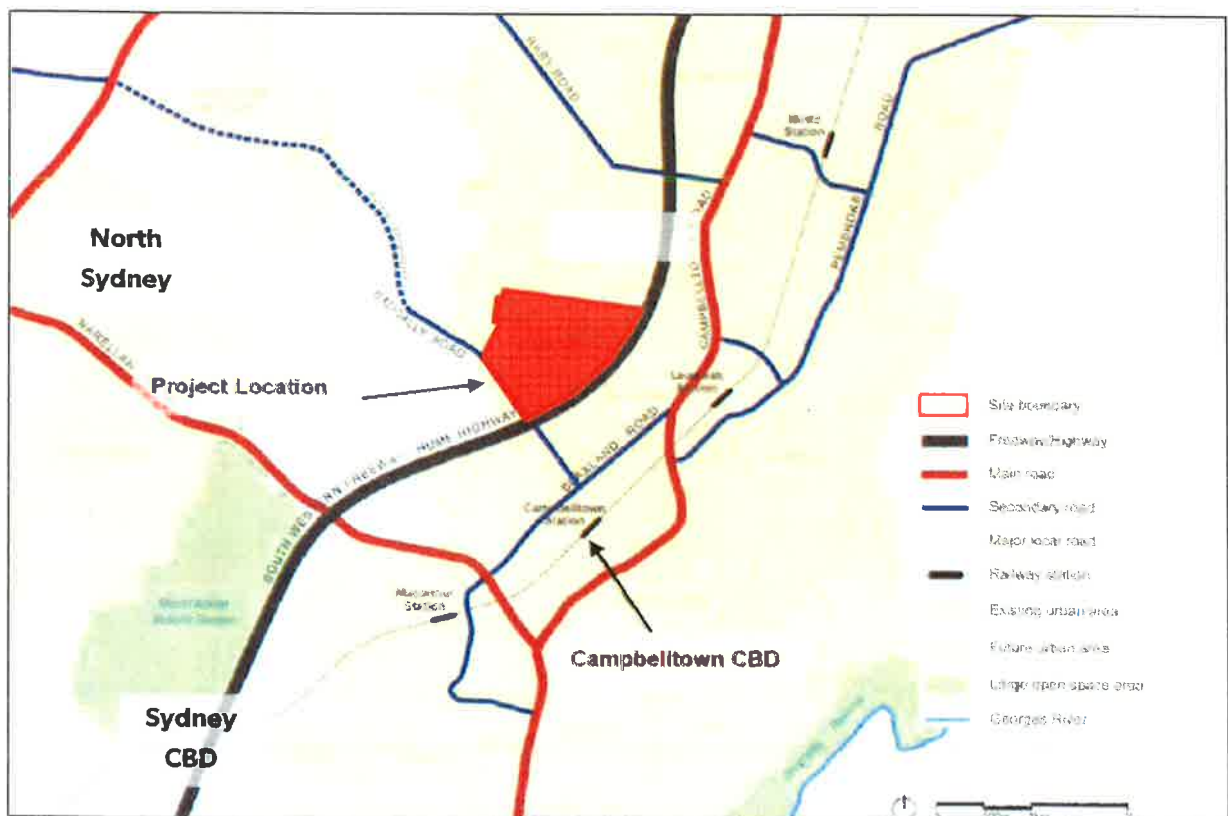


Figure 1 | Site Location (Source: MP 11_0010 Assessment Report)

1.2 Approval history

On 24 May 2013, the Minister for Planning & Infrastructure, approved MP 11_0010 for a concept approval for the Claymore Renewal Project including the following;

- A Masterplan for the long term urban rejuvenation 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

- o an increased social mix within the estate of 70 per cent private and 30 per cent public housing
- o creation of a new Claymore town centre
- o new or upgraded urban infrastructure such as pathways, lighting, open space, community facilities, drainage and a series of new interconnecting public roads
- Staging plan
- Utilities and infrastructure delivery plan
- Claymore Development Control Guidelines
- Street layout and building typologies
- Street tree and landscaping strategy.

Figure 2 illustrates the approved concept plan layout.



Figure 2 | Approved concept plan layout (Source: MP 11_0010 Assessment Report)

The approval has previously been modified (MP 11_0010 MOD 1) by the Director, Industry, Social Projects and Key Sites, on 22 October 2013.

The modification application amended the future assessment requirement to defer the execution of the planning agreement from prior to determination of any development application for subdivision, to prior to lodgement of any subdivision application relating to Stage 3.



2. Proposed Modification

The modification application (MOD 2) seeks approval to defer the timing of the execution of the Planning Agreement. The modification request seeks to amend future assessment requirement No. 7 (Schedule 4) of the concept plan approval to defer the execution of the Planning Agreement prior to Council's approval of the Stage 3 subdivision certificate.

The condition is proposed to be worded as follows:

Development contributions

7. Prior to the ~~lodgement~~ **approval** of any ~~development application for~~ subdivision **certificate for subdivision** 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.



3. Strategic Context

Greater Sydney Region Plan

The 'Greater Sydney Region Plan – A Metropolis of Three Cities' sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney and includes 10 directions. The Plan's key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well-connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The Plan also sets the planning framework for the five districts and District Plans which make up the region. The District Plans inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The development is located within the Western City District Plan. The proposed modification application continues to be consistent with the objectives of the Western City District Plan, as it will allow for:

- housing and give people housing choice and affordability (Planning Priority W3)
- services and social infrastructure to meet people's changing needs (Planning Priority E5).



4. Statutory Context

4.1 Continuing operation of Part 3A to modify concept plans

The project was originally approved under Part 3A of the EP&A Act.

Despite the cut-off date of 1 March 2018, concept plans may continue to be modified under clause 3BA(5) of Schedule 2 of the *Environmental Planning and Assessment (Saving, Transitional and Other Provisions) Regulation 2017*, pursuant to a request lodged on or after the cut-off date (whether or not the project is or has ceased to be a transitional Part 3A project) but only if the Minister (or delegate) is satisfied:

- the proposed modification is to correct a minor error, misdescription or miscalculation, or
- the proposed modification is of minimal environmental impact, or
- the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan current relates.

The Department has considered whether the scope of the proposal meets the requirements of clause 3BA(5) of Schedule 2 of the *Environmental Planning and Assessment (Saving, Transitional and Other Provisions) Regulation 2017* (EP&A Regulation 2017). The Department is satisfied the proposed is of minimal environmental impact and can therefore be modified under section 75W.

4.2 Approval authority

The Minister for Planning is the approval authority for the application.

Minister's delegate as consent authority

Under the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no submissions in the nature of an objection.

4.3 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Campbelltown Local Environmental Plan 2015.

The Department has considered the EPIs and is satisfied the modification application remains consistent with the EPIs.

4.4 Objects under the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's engagement

The Department made the modification request publicly available on the Department's website.

No submissions were received on the modification request. However, the application was accompanied by a letter from Campbelltown Council in support of the application (as discussed in **Section 6**).



6. Assessment

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 lodgement of any development application for subdivision relating to Stage 3.

The Proponent has advised the development application for Stage 3 was lodged with Council on 2 June 2017 and has been exhibited and assessed. Council forwarded their report to the Campbelltown Local Planning Panel recommending approval.

The Panel formed the view that the application could not be approved given the non-compliance with the timing for the Planning Agreement execution.

The Proponent has provided letter from Council providing support for the proposal and agrees to deferring the requirement to execute the Planning Agreement until prior to the approval of a subdivision certificate for the following reasons:

- certain works in Stage 3 may not commence until compulsory acquisition of community land is finalised.
- no additional dwellings from Stage 3 can be constructed before Council's approval of the subdivision certificate.

The Department considers the deferment of the execution of the planning agreement can be supported as the subdivision certificate would still need to demonstrate consistency with the terms of the concept plan approval, including the commitments made.

The Department recommends the planning agreement be executed prior to the approval of a subdivision certificate relating to Stage 3.



7. Evaluation

The Department has reviewed the proposed modification and assessed the merits of the application.

The Department is satisfied the modification request would not result in any adverse environmental impacts and Council is in support of the proposal.

The Department considers the development is in the public interest and should be approved, subject to conditions.



8. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application MP 11_0010 MOD 2 falls within the scope of section 75W of the EP&A Act and meets the requirements of clause 3BA(5) of Schedule 2 of the EP&A Regulation 2017 and is satisfied the proposal is of minimal environmental impact;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the approval MP 11_0010; and
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

Cameron Sargent

Team Leader

Key Sites Assessments



9. Determination

The recommendation is **adopted** by:

David McNamara

Director

Key Sites Assessments



Appendices

Appendix A – Documentation

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Environmental Assessment
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9771
2. Council's letter
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9771

Appendix B – Modification Instrument

