

## Planning Services

### Plan Finalisation Report

**Local Government Area:** Campbelltown

**File Number:** IRF17/586

#### 1. NAME OF DRAFT LEP

Campbelltown Local Environmental Plan 2015 (Amendment No 8) (the draft LEP). The draft written instrument is at **Attachment LEP**.

#### 2. SITE DESCRIPTION

The planning proposal applies to land known as Maryfields (the site), located at 168-192 Narellan Road, Campbelltown. The site is approximately 44.4ha in area and is described as follows: Lots 1-6 DP 1213869 Maryfields Drive and Narellan Road, Campbelltown and is outlined in red in Figure 1 below.

To the east of the site exists an established low density residential area known as Blair Athol. The subject land also forms part of the Macarthur Precinct of the Glenfield to Macarthur Urban Renewal Corridor Strategy (2015), which identifies the land for a mix of low rise housing, employment and open space areas.



Figure 1 – The Site

#### 3. PURPOSE OF PLAN

The draft LEP seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 as follows:

- remove the site as a deferred area;
- rezone the site to R2 Low Density Residential; R3 Medium Density Residential; B7 Business Precinct; RE2 Private Recreation; SP2 Seniors Housing; and, SP2 Cemetery;
- apply a maximum building height of 8.5m, 9m and 15m, across the site;
- apply a maximum floor space ratio of 0.55:1, 0.75:1 and 1:1, across the site;
- apply a minimum lot size of 300sqm and 500sqm, across the site;
- apply a minimum lot size for dual occupancy development of 700sqm for part of the site;
- identify part of the site as a local heritage item;
- identify the site as an urban release area;
- insert the B7 Business Park Zone within the Land Use Table of the LEP;
- insert an exception to the minimum lot size for R3 Medium Density Residential zoned land within the site; and,
- insert a floor area restriction for retail premises on B7 Business Park zoned land within the site.

The proposed maps and clauses are provided at **Attachment G**.

The site is currently zoned 5(a) Special Uses – Monastery and 6(a) Local Open Space under the Campbelltown (Urban Area) Local Environmental Plan 2002.

By mapping amendments, the made plan will result in the inclusion of this deferred area in the Campbelltown LEP 2015 and removal from Campbelltown (Urban Area) LEP 2002. In addition, the made amending plan will enable the provision of the following:

- 590 residential dwellings;
- 500 senior living dwellings and an aged care facility (with 100 beds and 40 jobs);
- a business precinct providing up to 1,200 jobs;
- a neighbourhood centre;
- a community facility to be operated by the Friars as an interpretative centre;
- private open space including creeks and dams, heritage, and park areas; and
- the preservation of an existing cemetery.

Figure 2 (overleaf) is the proposed concept plan associated with the planning proposal.



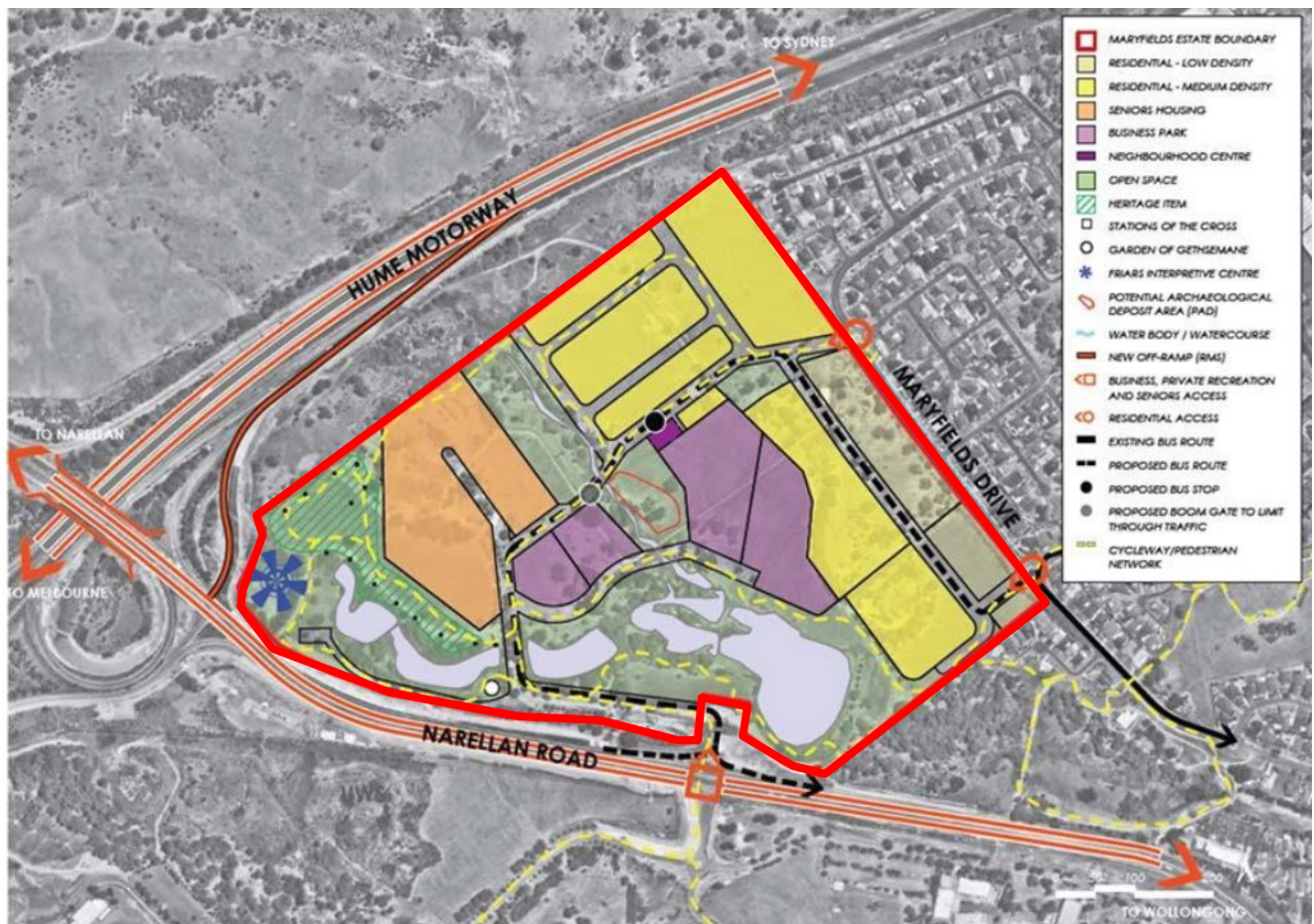


Figure 2 – Proposed Concept Plan

Council is separately investigating the preparation of a site-specific development control plan (DCP) to appropriately manage future development outcomes in accordance with the proposed concept plan. The preparation of the DCP is necessary as the site is identified as an Urban Release Area and under this provision in the LEP development cannot be approved until a DCP is in place.

#### 4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Campbelltown Electorate. Mr Gregory Warren MP is the State Member for Campbelltown.

The site falls within the Macarthur Federal Electorate. Dr Mike Freeland MP is the Federal Member for Macarthur.

To the regional planning team's knowledge, neither MP has made any written representations regarding the planning proposal.

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists with respect to this planning proposal.

**NSW Government reportable political donation:** There are no known donations or gifts to disclose and a political donation disclosure is not required.

## 5. GATEWAY DETERMINATION

The Gateway determination issued on 8 December 2014 (**Attachment C**) determined that the planning proposal should proceed subject to conditions.

There have been three (3) Gateway Alterations issued for the planning proposal, as follows:

- on 15 August 2016 (**Attachment D1**): to alter the condition in relation to the connectivity of the internal street network and for a 12-month extension;
- on 3 March 2017 (**Attachment D2**): to remove the need to exhibit the draft voluntary planning agreement with the planning proposal; and
- on 10 July 2017 (**Attachment D3**): for a 9-month extension.

The planning proposal was due for finalisation by 15 March 2018.

The Department received the request by Council to finalise the planning proposal prior to the due date. The Department is now satisfied that Council has met the conditions of the Gateway determination and the planning proposal is adequate for finalisation.

## 6. PUBLIC EXHIBITION

In accordance with the Gateway determination, public exhibition was undertaken by Council from 8 June 2017 to 7 July 2017. Council received three (3) community submissions (including one petition with 98 signatories, representing 73 households in Blair Athol).

The community submissions primarily concerned traffic impacts associated with the proposed development of the site, in particular:

- the site should be accessed from Narellan Road instead of Maryfields Drive;
- impacts on the Kraal Drive and Blaxland Road intersection;
- noise impacts from additional traffic within the area;
- increased travel times for vehicles;
- existing infrastructure is unable to accommodate for the proposed development; and
- the use of residential driveways in Blair Athol by non-residents.

Council noted the community submission and addressed these concerns (**Attachment H1**), as follows:

- the proposed road network is supported by Council and Roads and Maritime Services (RMS) as it will eliminate the opportunity for through traffic moving between Narellan Road and Blair Athol (except public bus connections), therefore only the proposed dwellings will be accessed from the Blair Athol estate via Maryfields Drive;
- the traffic modelling (**Attachment I1**) undertaken by the proponent's traffic consultants, and peer reviewed by Council's traffic engineers and RMS, has determined that traffic increases will be within the design capacity of the existing road network; and
- Council acknowledges that the planning proposal will result in some amenity impact for existing residents in Blair Athol but the existing intersections servicing the site, on the perimeter of the Blair Athol estate, were constructed with capacity to service expanded development.

It is considered that Council has adequately addressed the issues raised within the community submission.

## 7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted the public authorities in accordance with the Gateway determination. Council received thirteen (13) submissions from the public agencies, as follows: the Roads and Maritime Services; Transport for NSW; Office of Environment and Heritage; Environment Protection Authority; NSW Rural Fire Service; NSW Department of Education; Endeavour Energy; Camden Council; Sydney Water; Telstra; UrbanGrowth NSW; Water NSW; and Western Sydney University.

These public authorities did not raise any objections to the planning proposal, however identified issues to be addressed at the development application stage, including future road works, building and subdivision works, and amenity issues - including air quality, noise, water quality and contamination matters.

Council did not receive any comments from the following: NSW Department of Family and Community Services; NSW Health; NSW Dam Safety Committee; Cubbitch Barta Native Title Claimants; Tharawal Local Aboriginal Land Council; AGL Energy; Interline Bus Services; and Busabout.

Council addressed the public authority comments in the Council Report at **Attachment H1** and advised that the majority of the issues will be considered at the development application stage. Relevant issues were addressed by Council, as follows.

### Infrastructure Issues

The Roads and Maritime Services (RMS) (**Attachment J1**) noted that the planning proposal would generate additional traffic during peak periods, impacting upon the regional road network. Therefore, RMS recommended the Narellan Road intersection be upgraded and an appropriate contribution, consistent with the State Infrastructure Contribution Levy for the Growth Centres, be included in any Voluntary Planning Agreement with the proponent. This is also supported by Transport for NSW (TfNSW) (**Attachment J2**).

Council advised that the intersection upgrade will be addressed at the development application stage as part of any future subdivision and road works as a condition of consent. However, a requested bus stop will not be included.

The site is located within the Glenfield to Macarthur Urban Renewal Corridor. It is anticipated that a Special Infrastructure Contributions (SIC) will apply to the site for the funding of future State infrastructure. As the SIC has not been finalised, Council has identified the site as an urban release area, therefore, satisfactory arrangements under clause 6.1 Arrangements for designated State public infrastructure – of the Campbelltown LEP 2015 will apply.

Satisfactory arrangements will provide RMS and TfNSW with assurance that the future development of the site will not be able to proceed until adequate arrangements are in place to ensure adequate contributions for State infrastructure is provided (i.e. through a voluntary planning agreement with State Agencies).

TfNSW (**Attachment J2**) also recommends the inclusion of a sustainable travel plan, and measures to promote a public and active transport network on the site in the site-specific DCP. Council advised that these matters will be considered during the preparation of the DCP. As previously discussed, the DCP will be required to be prepared before development can be approved.

### **Department Comment:**

It is considered that Council has adequately addressed these issues.



## Flooding Issues

The Office of Environment and Heritage (OEH) (**Attachment J3**) recommended Council compares the Flood Impact Assessment (**Attachment I2**) with the 2013 Blairmount Locality Study prepared for the broader catchment to assist in determining the footprint of the proposed development and set appropriate development controls.

Council reviewed the studies and concluded that the proposed development would not result in any flooding issues. Figure 3 (below) illustrates that the flood prone land (i.e. Probable Maximum Flood Line (solid blue line) and 100 Year Flood Line (dashed blue line)) are outside the proposed building footprints, with some minor exceptions. It is also advised that the proposed development is generally consistent with the Floodplain Development Manual 2005 and will need to comply with Council's flood and stormwater engineering requirements. An enlarged version of Figure 3 is attached as **Attachments K1 and K2**.

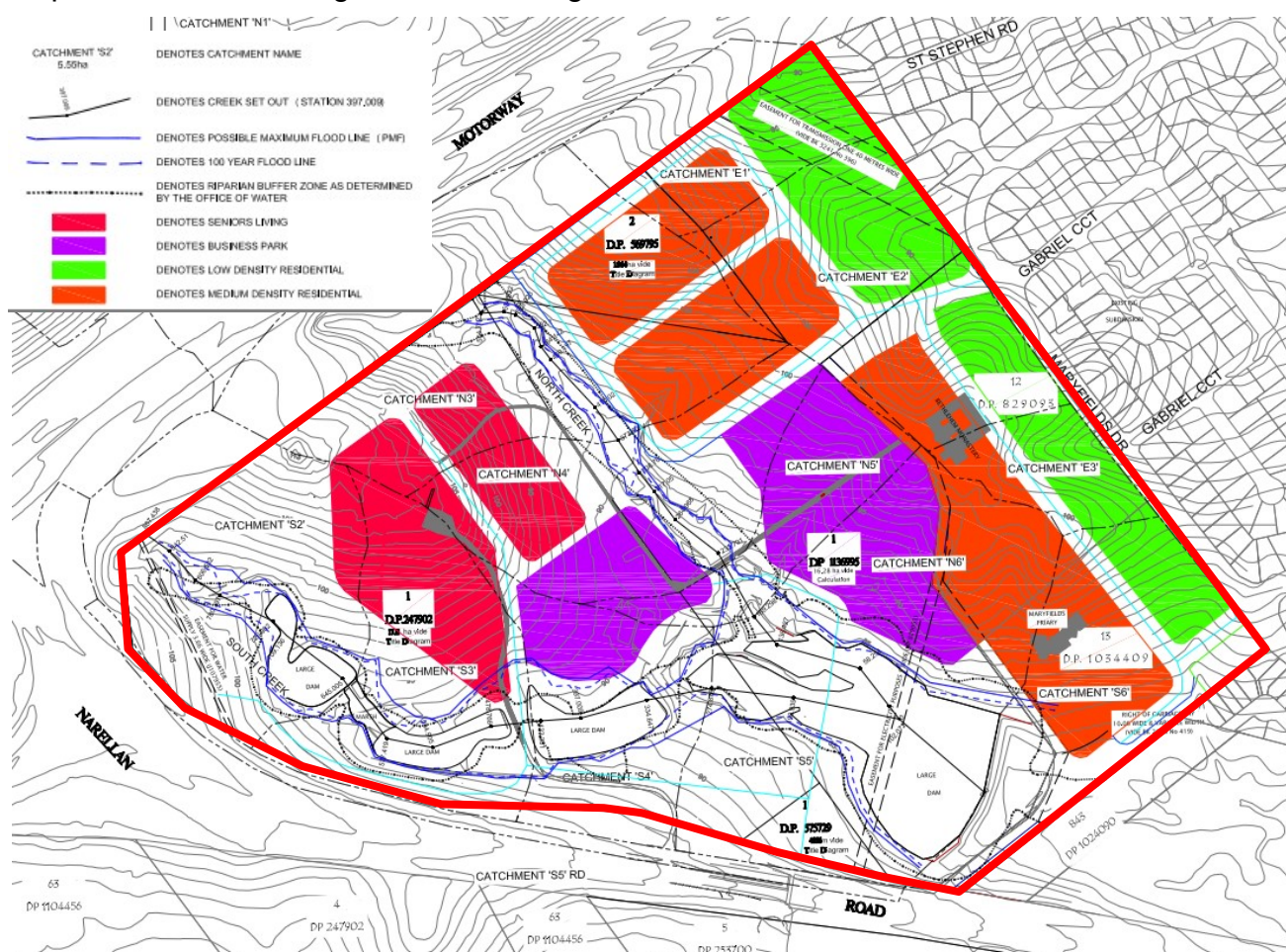


Figure 3– Flood Prone Land

### **Department Comment:**

It is considered that Council has adequately addressed this issue. This matter is further addressed under Section 9.1 Directions (see Section 9 of this report).

## Ecological Issues

The Flora and Fauna Impact Assessment (**Attachment I3**) indicated that 0.8ha of low quality Cumberland Plain Woodland (CPW) will be removed and area of 5.6ha will be retained. Council indicates that the 5.6ha area contains the majority of the best quality CPW.

OEH noted that although the planning proposal will rezone the majority of the retained CPW to RE2, there is a large portion along the northern side of the creek that will be zoned B7, SP2 and R3 (refer Figure 4 overleaf). Therefore, OEH (**Attachment J4**) concluded that the



proposed zone boundaries and transport layout are inconsistent with the retention of remanent CPW on the site.

Council advised that the retained CPW will be located and improved within open space zones and managed within riparian corridors. Council has also assessed the significance of the communities on the site under the former *Threatened Species Conservation Act 1995* and the *Environment Protection and Biodiversity Conservation Act 1999* and concluded that the planning proposal is unlikely to have a significant impact on threatened biodiversity, therefore, offsetting is unlikely to be required.

Furthermore, a Vegetation Management Plan (**Attachment I4**) has been prepared to support and guide vegetation management of the site in order to achieve an environmentally sustainable and sensitive urban design outcome.

It is also noted that Council is preparing a DCP for the site which will implement the development outcomes of the concept plan (refer to Figure 2). Although part of the CPW on the site will be zoned B7, SP2 and R3, it is noted that the concept plan identifies areas of CPW as open space.

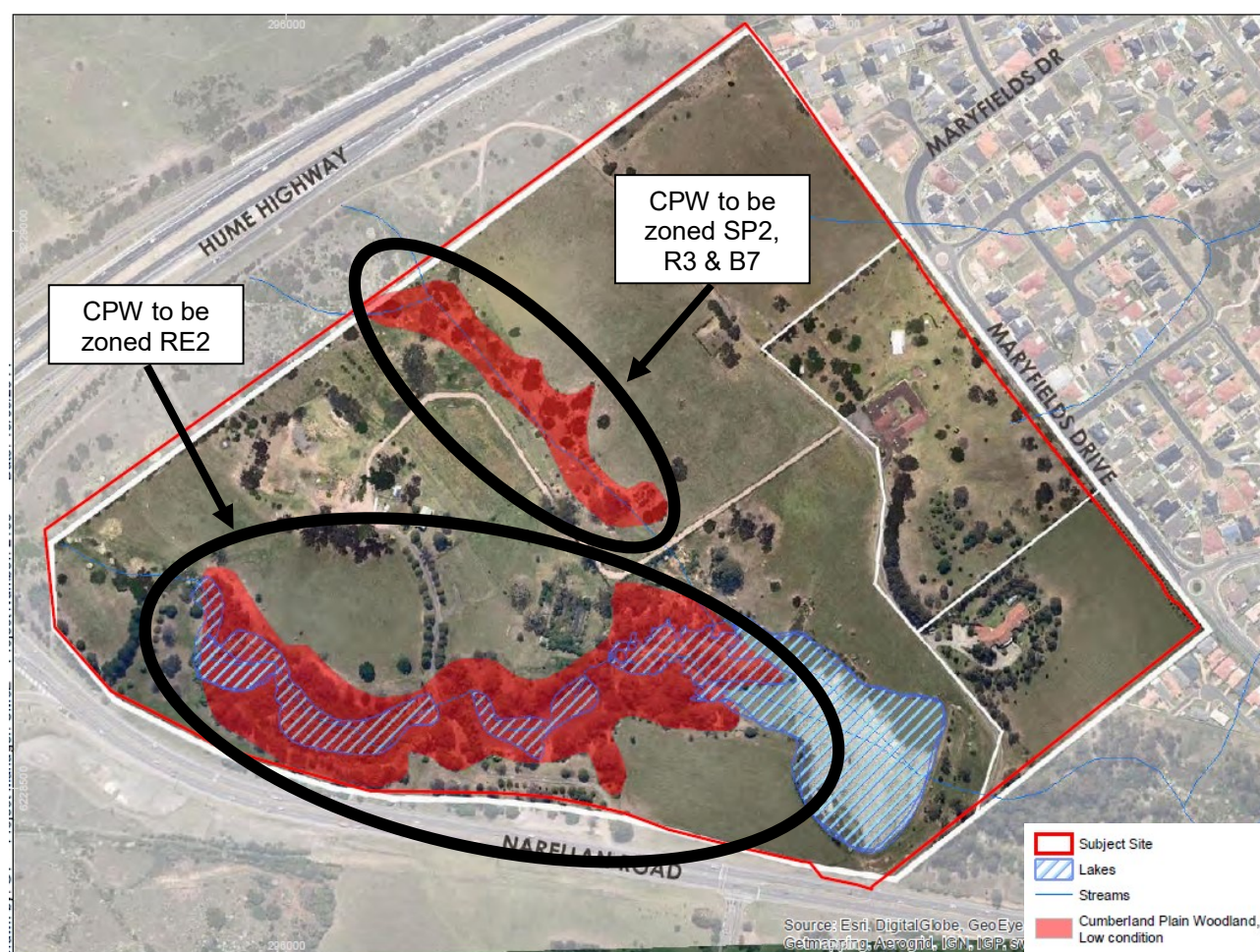


Figure 4 – Native Vegetation Map

**Department Comment:**

It is considered that Council has adequately addressed this matter and that the location of development to avoid CPW can be addressed through the DCP and at the development application stage.



## Aboriginal Heritage Issues

OEH (**Attachment J4**) requested the completion of additional archaeological and cultural assessment studies to inform the planning proposal. This includes consultation with Aboriginal stakeholders to explore options for conserving areas of Aboriginal heritage significance.

Council advised that the Aboriginal Heritage Due Diligence Assessment (**Attachment I5**) involved a field inspection with representatives from the Cubbitch Barta Native Title Claimants. The inspection included consideration of the landscape context, soil geology, hydrology characteristics, land use history, and the Aboriginal Heritage Information Management System (AHIMS). The AHIMS search confirmed that there are no registered Aboriginal sites within the site.

An Aboriginal artefact (Maryfields AS1) was identified during the inspection and is located on a terrace adjacent to the central creek (red dot on Figure 5 below). In addition, the surrounding land of approximately 1000sqm in area on the northern side of the creek has been nominated as a potential archaeological deposit (PAD) (pink hatched area on Figure 5 below) to recognise the potential for subsurface intact Aboriginal artefacts within this portion of the site.

The above findings have been incorporated into the concept plan (refer to Figure 2) ensuring that AS1 and the PAD will be conserved and clear of future development. Therefore, Council conclude that no further assessments are required at this stage but further investigations can be addressed at the development application stage.

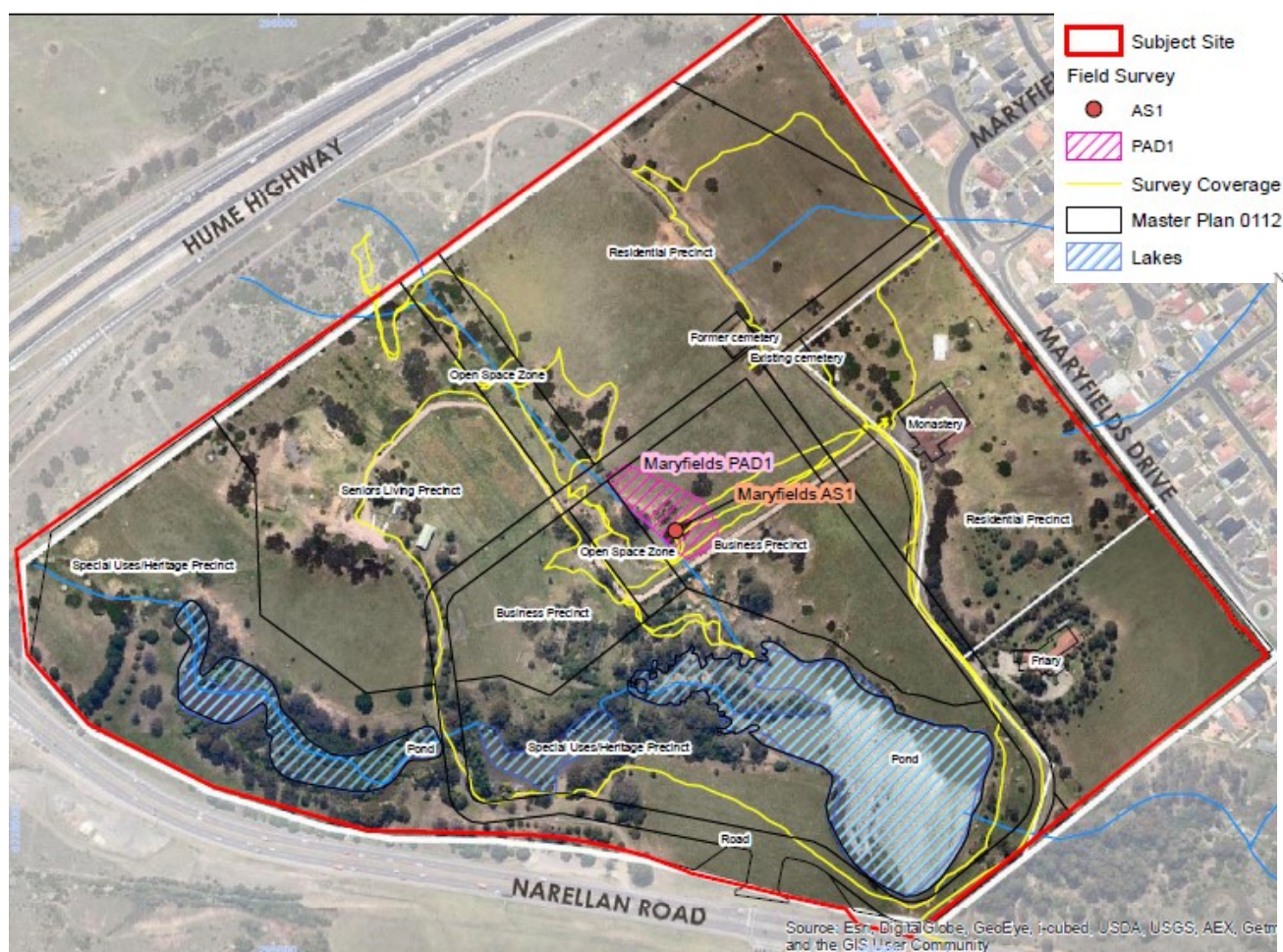


Figure 5 - Aboriginal Constraints



### European Heritage Issues

The OEH (Heritage Division) (**Attachment J6**) did not object to the planning proposal and noted that a local heritage item, Stations of the Cross, will be within a proposed RE2 Private Recreation Zone thereby providing protection for the item and landscape elements. OEH, however, requested that any impacts on potential archaeology across the whole site were thoroughly investigated prior to the rezoning.

The proposed rezoning and revised heritage curtilage are informed by a Heritage Impact Statement (**Attachment I6**) and a Conservation Management Plan (CMP) (**Attachment I7**).

Council advised that further archaeological investigations are not considered warranted given the low or highly disturbed archaeological potential of the site; restrictions for development under the proposed RE2 zone and the environmental safeguards in place under the revised heritage curtilage and CMP.

#### **Department Comment:**

It is considered that Council has adequately addressed this issue and that Aboriginal and European heritage matters can be considered in more detail through the development application stage.

### Amenity Issues

The Environment Protection Authority (EPA) (**Attachment J7**) did not raise any objections to the planning proposal but did provide routine comments for Council's consideration on the following issues: air quality; water quality; noise; waste management; and land contamination.

Council noted that the above issues have been considered in the assessment of the planning proposal and have either been satisfactorily addressed or will be considered and resolved at the development application stage for subdivision and building works on site.

#### **Department Comment:**

It is considered that Council has adequately addressed this matter.

## **8. POST EXHIBITION CHANGES**

On 28 November 2017 (**Attachment H2**) at Council's Ordinary Meeting, Council resolved to proceed with the planning proposal without any post-exhibition changes.

## **9. ASSESSMENT**

### **Section 9.1 Directions**

At the time of the determination (**Attachment C**), the delegate of the Secretary agreed that the planning proposal's inconsistency with section 9.1 Direction 1.1 Business and Industrial Zones is of minor significance. Therefore, no further approval is required in relation to this Direction.

The inconsistency of the planning proposal with the other section 9.1 Directions are addressed below.

#### Direction 4.3 Flood prone land

The site contains flood prone land, therefore, this Direction applies to the planning proposal. The planning proposal is inconsistent with this Direction as it will rezone flood prone land from a special use zone (i.e. Monastery) to an urban purposes zone (i.e. residential and business) which is not in accordance the Direction.

The inconsistency is considered to be justified as the proposed building footprints are generally outside the flood prone land (i.e. Probable Maximum Flood Line and 100 Year

Flood Line) (refer to Figure 3) and the land subject to flooding has been identified for open space in the concept plan (refer to Figure 2). It is noted that Council is currently preparing a DCP based on the concept plan to manage the development outcomes on the site.

Council has also advised that the proposed development is generally consistent with the Floodplain Development Manual 2005 and will need to comply with Council's flood and stormwater engineering requirements.

Therefore, the inconsistency of this planning proposal with Direction 4.3 Flood prone land is considered to be of minor significance.

#### Direction 4.4 Planning for bushfire protection

This Direction applies to the planning proposal as the site contains bushfire prone land within the south-eastern corner of the site. The planning proposal is inconsistent with this Direction as it does not introduce new controls that avoid placing inappropriate developments in hazardous areas as prescribed by the Direction.

The Bushfire Constraints Assessment (**Attachment I8**) outlines appropriate bushfire protection measures for the site including an Asset Protection Zone, two-way access, and adequate water supply for firefighting purposes. Council advised that these measures have been incorporated into the planning proposal and the concept plan to manage bushfire risk to the proposed residential, seniors living and business uses in accordance with Planning for Bush Fire Protection 2006.

The inconsistency is justified as the NSW Rural Fire Service did not raise any objections to the planning proposal provided that future development applications comply with the requirements of Planning for Bush Fire Protection 2006 (**Attachment J8**).

#### Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal is inconsistent with this Direction as it will insert two new site-specific clauses into the Campbelltown LEP 2015. The first enables an exception to the minimum lot size for R3 zoned land within the site which will provide flexibility in the application of lot size standards for residential development on larger sized lots (i.e., for lots larger than 1,800m<sup>2</sup>) in this zone. A floor area restriction for retail premises on B7 zoned land within the site is also proposed to ensure retail uses do not adversely impact upon the economic function of the Campbelltown-Macarthur major centre and are an appropriate scale to adequately service the immediate area.

The inconsistency is considered to be justified as the minimum lot size exception will diversify the type of housing permitted on the site and the restriction for retail premises will ensure that the economic performance of the Campbelltown and Macarthur Centres are not negatively impacted.

Therefore, the inconsistency of this planning proposal with Direction 6.3 Site Specific Provisions is considered to be of minor significance. Recommended accordingly.

#### Direction 6.2 Reserving land for public purposes

This Direction applies to the planning proposal as it intends to rezone the existing 6(a) Local Open Space zone to R3 Medium Density Residential and SP2 Infrastructure (Seniors Housing).

The planning proposal is partially consistent with this Direction as Council is the local acquisition authority for local open space and requests the removal of the local open space zone.



Council advised that this 1.964ha parcel of land is not used for public open space and there is no public access to the site. In addition, the site is adjacent to the adjacent Hume Motorway and there is no strategic requirement to acquire this land for public purposes.

The Secretary, however, has not agreed to the reduction of an existing open space zone. To further meet the requirement of the Direction, it is recommended that the delegate of the Secretary agree that any inconsistency with the direction is of minor significance.

## **State Environmental Planning Policies**

### State Environmental Planning Policy No 44 - Koala Habitat Protection (SEPP 44)

SEPP44 applies to the Campbelltown LGA.

The Flora and Fauna Impact Assessment (**Attachment I3**) identified approximately more than 15% of the trees on the site as a type of koala feed tree (i.e. *Eucalyptus teriticornis* aka Forest Red Gum) as defined by SEPP 44. Therefore, in accordance with SEPP 44 the site is identified as 'potential koala habitat'.

While this is the case, the site is not defined as 'core koala habitat' under SEPP 44 and the report confirms there are no koalas or evidence of koalas found on the site. Accordingly, a Koala Plan of Management is not required to support this proposal.

### **Department Comment:**

The concept plan will result in the removal of only 0.8ha of CPW and the remaining 5.6ha will be retained as open space and riparian corridors (refer to Figure 2). This will enable any wildlife movement to continue through the site along the existing creeks and to the John Kidd Reserve to the east of the site.

In these circumstances, it is considered that the provisions of the SEPP do not hinder the proposal proceeding to finalisation.

## **State, regional and district plans**

### Greater Sydney Region Plan

The planning proposal is consistent with the Greater Sydney Region Plan (March 2018) as it will provide additional housing (Objective 10) and diverse housing choice (Objective 11).

### Western City District Plan

The site is located within the Western City District, therefore the Western City District Plan (the Plan) (March 2018) applies to the site. The planning proposal is consistent with the Plan as it will provide additional housing in an area which has been identified as an Urban Renewal Area.

### Glenfield to Macarthur Urban Renewal Corridor

The site is located within the Macarthur Precinct in the Glenfield to Macarthur Urban Renewal Corridor. The corridor is a planned approach for the growth of the area with a network of open space, community facilities, jobs and services.

The Macarthur Precinct Plan (November 2017) (the Plan) applies to the site and it identifies the site for low rise residential development and a business park (refer to Figure 6, following).

The proposal is generally consistent with the Plan as it will provide low and medium density housing up to three storeys and a business park aligned with the envisioned campus style office park for the site. In addition, the proposed open space and riparian corridors in the concept plan will provide a green link as illustrated in the Plan (refer to Figure 6 below).

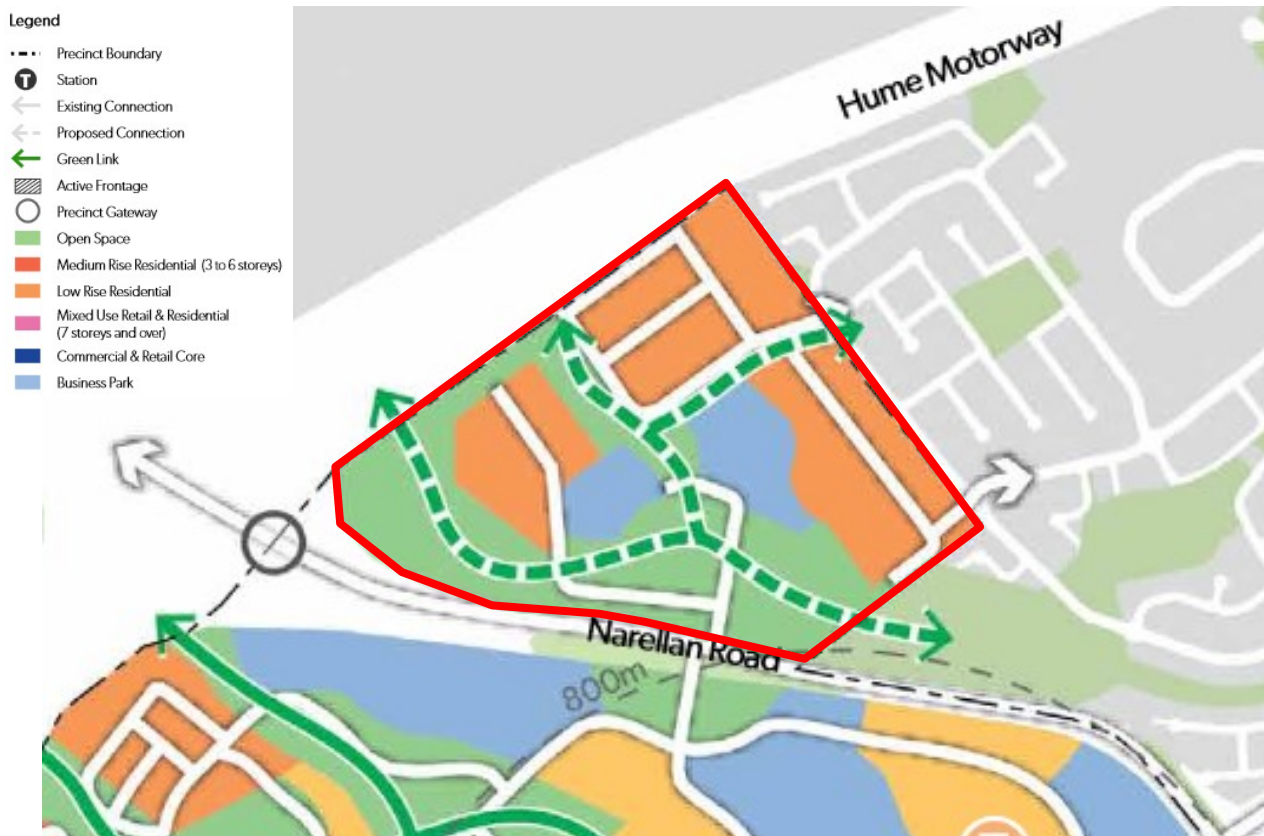


Figure 6 - Macarthur Precinct Plan Extract

## 10. MAPPING

There are fourteen (14) maps associated with this planning proposal (**Attachment Map**) which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet the technical requirements.

## 11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment E**).

The relevant council officer confirmed on 25 June 2018 that there were no objections to the draft instrument and that the plan should be made (**Attachment F**).

## 12. PARLIAMENTARY COUNSEL OPINION

On 29 June 2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

## 13. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the proposed rezoning has strategic merit as it is consistent with the Greater Sydney Region Plan and the Western City District Plan;



- the proposed rezoning is generally consistent with the intended outcomes for the site as outlined by the Macarthur Precinct Plan in the Glenfield to Macarthur Urban Renewal Corridor; and
- the proposed rezoning will provide additional housing and jobs in the local area whilst protecting the heritage and ecological areas within the site.



12 July 2018

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18 July 2018

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