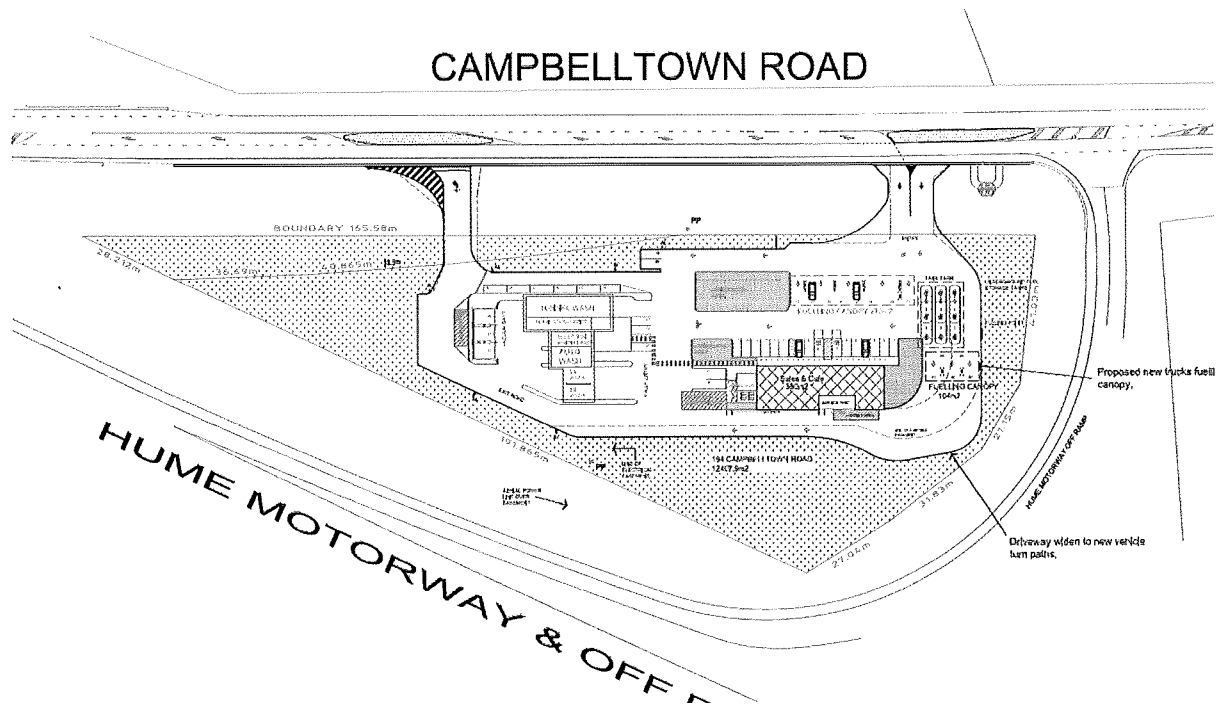


ADVANCEMENT OF A PLANNING PROPOSAL (AMENDED) - REMOVAL OF OPERATIONAL RESTRICTIONS - PROPOSED SERVICE STATION

Land Situated at Lot 100 DP 1176622 (No 194) Campbelltown
Road, Denham Court



Prepared For:
Press Australia Pty Ltd

Prepared By:



February 2020

Amended 15.12.2020- Zone Planning Group Pty Ltd

PLANNING PROPOSAL

The Planning Proposal has been prepared based on agreed requirements as understood by Michael Brown Planning Strategies Pty Ltd at the time of commissioning and investigation.

The conclusions and recommendations contained in this report are based on an honest appraisal of the opportunities and constraints existing on the site at the time of investigation and were subject to the limited scope and resources available.

The report applies only to the land defined by the Planning Proposal and other interpretations should not be made, including changes in scale or application to other projects. Within the confines of the above statements, this report does not contain any incomplete or misleading information.

Report prepared by Michael Brown

Director, Michael Brown Planning Strategies Pty Ltd

Date 17th February 2020

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A – Architectural Plans

B – Traffic Assessment

C – Acoustic Assessment

D – Gateway Determination (4th November 2019)

E – Detailed Accessibility, Manoeuvring, Refuelling and Canopy Plans (February 2019)

Executive Summary

On 22nd May 2015, Amendment No 28 was made to rezone the subject land to permit a service station, subject to the following provisions:

- (a) does not include a diesel or gas fuelling point for long vehicles (within the meaning of rule 200 of the *Road Rules 2014*), and
- (b) is not designed or constructed to be used by such long vehicles, and
- (c) is designed and constructed to be used by heavy vehicles (within the meaning of the *Road Rules 2014*) only for the purpose of fuelling, and
- (d) is not able to be accessed from a freeway.
(Refer to Item 17 of Schedule 1 – Campbelltown Local Environmental Plan 2015 (CLEP 2015))

These requirements restrict the operation of the service station having regard to the location of the property on the fringe of existing and planned residential estates. It is noted that this application seeks to delete provisions 2(a) to (c) of Clause 17 of Schedule 1 – CLEP 2015, for the reasons espoused in this Planning Proposal (PP).

The restrictions appears to be the result of a proposal by the Roads & Maritime Services (RMS) to provide a truck stopping area on this land when it was in the ownership of the RMS. Details are shown on the attached plans at **Annexure A**.

Most recently, on the 23rd November 2017, Council granted development consent to Development Application 3253/2015/DA-C for the demolition of an existing dwelling and associated structures, removal of trees, construction and operation of a 24 hour service station with ancillary sales of convenience food, car wash, vehicle repair workshop, associated civil and landscaping works, subject to conditions.

Justification for the PP in accordance with demonstrated strategic and site-specific merit, including consistency with higher order and local planning policies and strategies is provided at Section 5 (Part 3) of this PP.

1 Introduction

1.1 PREAMBLE

The purpose of this Planning Proposal (PP) is to amend Campbelltown Local Environmental Plan 2015 by deleting the provisions of Clause 2(a) to (c) of Schedule 1, as detailed in Section 4.

The PP identifies a number of strategic documents, which have been prepared by State and local government that are generally applicable to the south west region of Sydney and/or the Campbelltown Local Government Area. It is emphasised that these reports are only summarised as a contextual reference to the development that may occur at Denham Court.

1.2 SCOPE OF PLANNING PROPOSAL

The preparation of a Local Environmental Plan (including an amendment) commences with a PP. The PP is a document which explains the objectives, intended effect of, and justification for a “rezoning” proposal.

This PP has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relevant Department of Planning and Infrastructure Guidelines including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”.

As outlined in ‘*A Guide to Preparing Planning Proposals*’ the Planning Proposal will evolve throughout the course of preparing the amending LEP as relevant sections will be updated and amended in response to the outcomes of technical investigations and consultation.

This latter document requires the PP to be provided in six (6) parts, being:

- Part 1** A statement of the objectives and intended outcomes of the Planning Proposal (and proposed LEP amendment);
- Part 2** Explanation of provisions that are to be included in the Planning Proposal (and proposed LEP amendment);
- Part 3** The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4** Relevant support mapping;
- Part 5** Details of the community consultation that is to be undertaken in respect of the Planning Proposal;
- Part 6** Indicative project timeline; and
- Part 7** Conclusion

1.3 PLANNING PROPOSAL STRUCTURE

This PP, having regard to the above, is structured in the following manner:

- Section 2 provides an overview of the site the subject of this PP and the development intent.
- Section 3 contains a statement of the objective and/or intended outcomes of the proposed LEP amendment (Part 1).
- Section 4 provides an explanation of the provisions (Part 2).
- Section 5 provides justification for the objectives, outcomes and provisions of the proposed LEP amendment (Part 3)
- Section 6 provides details of relevant mapping amendments (Part 4).
- Section 7 provides details of the community consultation that would be undertaken in respect of the PP as it is advanced (Part 5).
- Section 8 provides a projected project timeline (Part 6).
- Section 9 outlines a conclusion (Part 7).

1.4 FOUNDATION

This PP has been revised in accordance with the requirements identified above and the Gateway Determination issued 4th November 2019 (**Annexure D**). It is noted to provide a sufficient foundation for proceeding to community consultation.

2 The Subject Land

2.1 LAND DESCRIPTION

The subject site is described as Lot 100 DP 1176622 No 194 Campbelltown Road, Denham Court. It is occupied by the recently constructed service station facility and support infrastructure (refer to **Figure 1** below).

2.2 CONTEXT

The site and recent service station development fronts Campbelltown Road and has a rear boundary to the Hume Motorway (M31) and a side boundary to the off-ramp from such road. On the western side of the subject site is a property known as the Scenic Hills Riding Ranch. To the north are rural residential properties, with the Ingleburn Industrial Estate located to east. There is a service station and fast food facility located on the corner of Williamson Road and Stennett Road, but it is too small to enable larger vehicles to enter the site. Indeed there are limited sites between Sydney and Pheasants Nest for such a facility as proposed.

FIGURE 1 – LOCATION OF SUBJECT SITE – AERIAL PHOTOGRAPH



2.3 CURRENT ZONING

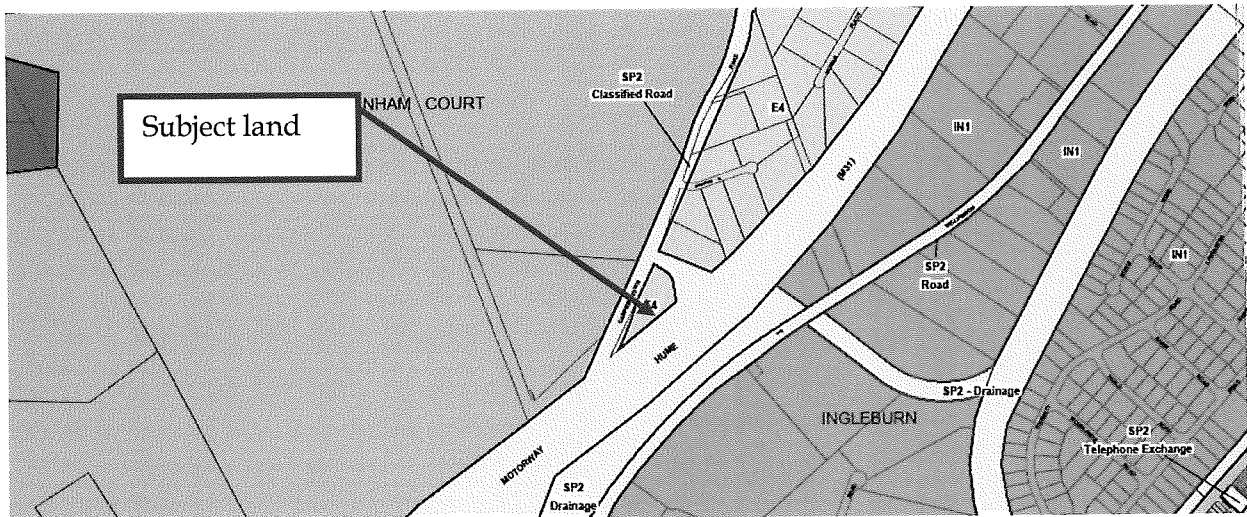
The subject lands are zoned E4 – Environmental Living under the provisions of Campbelltown LEP 2015 (refer to **Figure 2** below). The zoning of the land does not permit a service station. However, as stated above, the Council “rezoned” the land by amending Schedule 1 – Additional Permitted Uses of the LEP through the insertion of the following clause:

17 Use of certain land at 194 Campbelltown Road, Denham Court

- (1) This clause applies to land at 194 Campbelltown Road, Denham Court, being Lots 73 and 74, DP 22711.

- (2) Development for the purpose of a service station is permitted with development consent, if the service station:
 - (a) does not include a diesel or gas fuelling point for long vehicles (within the meaning of rule 200 of the *Road Rules 2014*), and
 - (b) is not designed or constructed to be used by such long vehicles, and
 - (c) is designed and constructed to be used by heavy vehicles (within the meaning of the *Road Rules 2014*) only for the purpose of fuelling, and
 - (d) is not able to be accessed from a freeway.

FIGURE 2 – EXISTING ZONING MAP EXTRACT



3 Statement of Objectives or Intended Outcomes of the Planning Proposal (Part 1)

This section of the PP sets out the objectives/intended outcomes of the PP.

This PP has the express purpose of facilitating the operation of the approved service station without the current restrictions in place. The intended objectives/outcomes of the PP are to be achieved by omitting Clause 2(a) to (c) of Item 17 of Schedule 1 of Campbelltown LEP 2015.

In doing so the PP is consistent with the initial vision for the site reproduced below:

“Provide additional facilities for the passing trade, particularly for larger vehicles that pass the site and need to access a site large enough to facilitate fuelling that is not available in the immediate area, having regard to the nearby Ingleburn and Minto Industrial Estates. Such facility leverages off existing infrastructure and facilitates development in an environmentally responsible manner”.

Importantly, the proposed amendment seeks to:

Facilitate the servicing of larger vehicles not provided for both locally and on the southern gateway to Sydney, in a manner that seeks to ensure potential adverse local amenity impacts are mitigated to acceptable levels.

4 Explanation of Provisions (Part 2)

The provisions of the PP involve amendment of Item 17 of Schedule 1 of Campbelltown LEP 2015 by rewording Clause 2 as follows:

- a) insertion of the following item at Schedule 1:

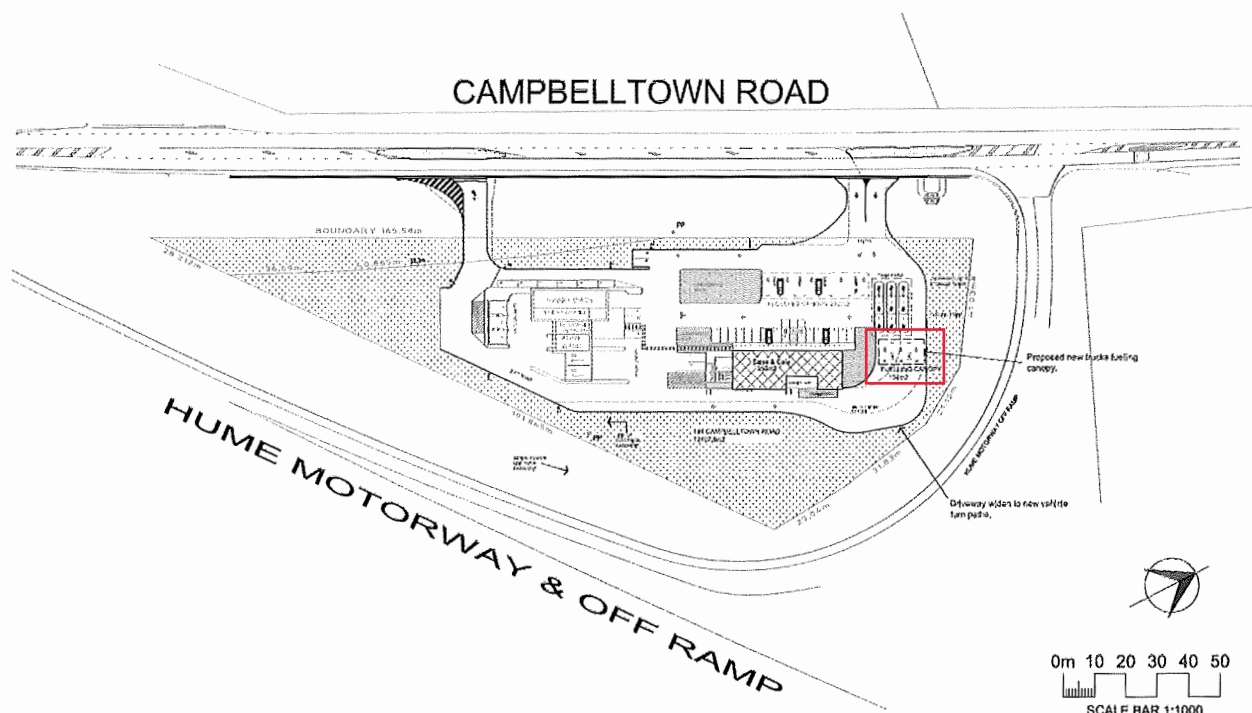
17 Use of certain land at 194 Campbelltown Road, Denham Court

- (2) Development for the purpose of a service station is permitted with development consent, subject to it not being able to be accessed from a freeway.

In rewording Clause 2, the former provisions of Clause 2(a), (b) and (c) are omitted

No zoning map amendment or amendment of any other LEP provision is required. In accordance with the Gateway Approval (GA) issued on 4th November 2019. Plans depicting the access and manoeuvring arrangements, including the long vehicles refuelling area have been provided at **Annexure D** and shown below in **Figure 3**.

FIGURE 3 – TRUCK FUELING AREA



5 Justification (Part 3)

5.1 NEED FOR THE PLANNING PROPOSAL (SECTION A)

5.1.1 INTRODUCTION

The *Guide to preparing Planning Proposals* states that the overarching principles that guide the preparation of planning proposals are:

- The level of justification should be proportionate to the impact the planning proposal will have;
- It is not necessary to address a question (see Section 2.3(a)) if it is not considered relevant to the planning proposal. In such cases the reason why it is not relevant should be briefly explained; and
- The level of justification should be sufficient to allow a Gateway determination to be made with the confidence that the LEP can be finalised within the time frame proposed.

It should be noted that the level of justification is commensurate with the impact of the proposed amendment embodied in the PP.

5.1.2 IS THE PLANNING PROPOSAL THE RESULT OF AN ENDORSED LOCAL STRATEGIC PLANNING STATEMENT, STRATEGIC STUDY OR REPORT

5.1.2.1 SUPPORTING STRATEGIC STUDIES/REPORTS

Market Overview

A market overview informed the original rezoning (i.e. introduction of Item 17 to Schedule 1). It established the demand for a facility servicing local and potentially limited Sydney bound traffic, including heavy vehicles. The market has continued to evolve positively in the intervening period.

Traffic Assessment

The original rezoning proposal was supported by a traffic report prepared by Colston Budd Hunt & Kafes Pty Ltd. The access and manoeuvring scenario noted:

- the planning proposal would provide for a service station with convenience store and car wash;
- vehicular access is proposed from Campbelltown Road, with driveways near the northern and southern ends of the site;
- a right turn bay is proposed in Campbelltown Road for access to the site;
- the proposed access arrangements will have appropriate capacity, and should operate with no unusual safety issues;
- the internal circulation and layout will be appropriate for cars and trucks and should be designed in accordance with Australian Standards at the detailed design stage; and
- the road network will be able to cater for the additional traffic from the proposed development.

The current PP expressly seeks to facilitate truck utilisation of the service station. A further traffic report was prepared (refer to **Annexure B**) to accompany the current PP¹ and the concurrent submission and consideration of a development application.

The supplementary traffic report in accordance with the GA Condition 1(e) addresses 'the suitability of the proposed long vehicle movements and access and egress arrangements' and details satisfactory conclusions.

¹ Which has Gateway Approval (GA).

Additionally, in accordance with GA Condition 1(c), the PP has been updated with an image of the development plans for the proposed long vehicle refuelling area (refer to **Annexure E**)

Given the location of the subject property, the approval of the Roads and Maritime Services (RMS) was obtained, with the development currently nearing construction completion.

Acoustic Assessment

An acoustic report was also prepared and updated by Acouras Consultancy to take the final traffic engineering report into account. The recommendations were also approved as part of the rezoning process. The assessment concluded, as follows:

An environmental noise survey of the site has been conducted and the noise limiting criteria for mechanical plant/equipment noise emission has been determined based on the NSW EPA INP are presented in Table 3. The noise limit (LA1,1 minute) for sleep disturbance in accordance with the NSW EPA INP is given in Table 4.

The review the potential noise impact from vehicle movements and semi-trailer fuel station are detailed in Section 3.2 and Section 3.3. Based on our predictions, the cumulative vehicle noise is expected to be less than Leq(15min) 48dBA (at nighttime) noise limit and sleep disturbance limit at the nearest residential receiver. The addition semi-trailers during the peak periods would not significantly increase the traffic noise and would still be less than 1dB overall.

A review of the commercial operational activities, such as the carwash, café and workshop are detailed in Section 3.4 to 3.6. Based on our predictions and recommendations, the activity noise level are expected to comply with the EPA INP guidelines.

Construction for glazing, external walls and the roof/ceiling systems have been provided to achieve the internal noise criteria and are detailed in Section 3.8 and Section 3.9.

The assessment of increased traffic generation in Section 3.10 has been assessed according to EPA RNP noise guidelines. Based on the expected traffic for the centre, the increase in traffic is expected to be less than 1dB and therefore comply with the EPA RNP guideline.

Providing the recommendations in this report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the EPA noise limits and relevant Australian standards.

5.1.2.2 LOCAL STRATEGIES/PLANS

Campbelltown Community Strategic Plan 2027

The Campbelltown Community Strategic Plan 2027 is a document prepared to guide Campbelltown over the ten year period to 2027 through a series of goals and strategies including, but not limited to local employment, and strengthening the local economy.

The proposed rezoning is consistent with this document by providing for local employment opportunities. Essentially, there are no changes to the zoning of the land or the development consent, except the removal of the restrictions.

Campbelltown Employment Strategy 2014

Cox Richardson prepared the Campbelltown Employment Lands Review as part of the exhibition of draft Campbelltown LEP 2014. The objectives of the Campbelltown Employment Lands Review were to:

- Evaluate the current demand for employment lands within the Campbelltown LGA;
- Determine the future demand for employment lands;
- Identify opportunities for meeting current and future employment lands needs ;
- Identify opportunities for job creation; and
- Inform the preparation of the new Local Environmental Plan.

The PP is not inconsistent with these outcomes of the subject strategy.

5.1.2.3 DRAFT CAMPBELLTOWN LOCAL STRATEGIC PLANNING STATEMENT (CLSPS)

The PP is also consistent with the draft CLSPS, as is documented at Section 5.2.2.1 of this PP.

5.1.3 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The PP is considered to represent the best means of facilitating heavy vehicle access of local and passing traffic to a service station. It seeks to do this by simply amending Item 17 of Schedule 1 of CLEP 2015. No more rational approach to achieving the desired objective is considered to be readily available.

Its inclusion in a more broad ranging LEP review would potentially lose its 'exposure' to local residents in the community consultation phase and potentially involve timing delays. The proposed rezoning is importantly stylised for direct integration with Campbelltown LEP 2015; it involving amending Clause 2 of Item 17 of Schedule 1.

The proposal is consistent with a number of Strategies discussed below.

5.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK (SECTION B)

5.2.1 WILL THE PLANNING PROPOSAL GIVE EFFECT THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR DISTRICT PLAN OR STRATEGY (INCLUDING ANY EXHIBITED DRAFT PLANS OR STRATEGIES)?

The Metropolitan and sub-regional planning context has recently been revised with the adoption of the Greater Sydney Region Plan – A Metropolis of Three Cities and the Western City District Plan.

Produced below are a strategic merit and site-specific assessment².

² It should be noted that the positive strategic and site-specific merit conclusions are also supported by:

- SEPP overview
- Section 9.1 overview

5.2.1.1 STRATEGIC MERITS TESTS

5.2.1.1.1 STRATEGIC TEST 1

Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.

Greater Sydney Region Plan

The Plan:

- Establishes a 40 year vision (to 2056) and establishes a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters.
- Informs district and local plans and the assessment of planning proposals.
- Assists the integration of infrastructure plans.
- Outlines Government growth management and infrastructure investment intentions.

The PP is considered to be consistent with the following Directions and Objectives of this long-term guiding Plan.

Direction 1: A City supported by Infrastructure

Objective 4 – Infrastructure use is optimised

The requisite infrastructure to service the proposal is readily available and does not require major augmentation. The proposal importantly leverages off the existing road infrastructure.

Direction 3: A City for People

Objective 6 - Services and infrastructure meet communities' changing needs

The proposal will cater for the service infrastructure demands of a limited segment of the local and broader vehicle driving communities.

Direction 6: A well connected City

Objective 16 – Freight and logistics network is competitive and efficient

The proposal will contribute to the subject network enhancing its competitiveness and efficiency.

Direction 7: Jobs and Skills for the City

Objective 23 – Industrial and Urban Services Land is planned, retained and managed

The proposal will provide additional employment land on the fringe of the planned precinct.

Direction 8: A City in its Landscape

Objective 25 – The coast and waterways are protected and healthier

Appropriate integrated stormwater management will service the proposal to ensure that the accepted Bow Bowing Creek and broader Georges River water quality standards are met and local potential inundation mitigated.

Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced

There is limited loss of local biodiversity associated with the original proposal and associated development, which has been mitigated in part with approved landscape planting.

Objective 28 – Scenic and cultural landscapes are protected

The neighbourhood does not constitute an iconic scenic or cultural landscape, given its placement on the fringe of the Scenic Hills.

Direction 10: A Resilient City

Objective 37 - Exposure to natural and urban hazards is reduced.

The proposal is not exposed to any natural or urban hazards. The ultimate appropriate handling of fuels will ensure urban hazards are not compounded.

Western City District Plan

This Plan provides a guide to implementing A Metropolis of Three Cities – The Greater Sydney Region Plan at a district level and is structured around the strategies for infrastructure and collaboration, liveability, productivity, sustainability and implementation.

Specifically, it forms a 20 year plan to manage growth and achieve the 40 year vision, while enhancing Greater Sydney, liveability, productivity and sustainability into the future. The CRPPR is consistent with the relevant Planning Priorities and Actions as summarised below.

The subject proposal is specifically consistent with:

Direction 1: A City supported by infrastructure

Planning Priority W1 – Planning for a City supported by infrastructure

- Objectives (2) – Infrastructure aligns with forecast growth – growth infrastructure compact
- (4) – Infrastructure use is optimised

Direction 7: Jobs and Skills for the City

Planning Priority W10 – Maximising freight and logistics opportunities and planning and managing industrial and urban services land.

The proposal will provide an increased local employment opportunity.

Direction 8: A City in its landscape

Planning Priority W12 – Protecting and improving the health and enjoyment of the District's waterways

The proposal is capable of fulfilling stormwater management targets developed for the Bow Bowing Creek and broader Georges River catchments.

5.2.1.1.2 STRATEGIC TEST 2

Consistent with a relevant local strategy that has been endorsed by the Department.

The former Department of Planning and Environment set a timeframe of mid 2019 for local councils to prepare local strategic planning statements. This statement will describe a 20-year vision for land use planning in the local area, the special characteristics which contribute to local identity, shared community values to be maintained and enhanced, and how growth and change will be managed into the future.

The statement will also include housing and productivity targets, and identify growth areas and infrastructure needs, to act as the strategic link between the Western City District Plan, the Campbelltown Local Government Area planning controls.

Campbelltown Council has recently compiled a draft Local Strategic Planning Statement.

The draft Campbelltown Local Strategic Planning Statement (CLSPS) is Campbelltown's Plan for the city's social, environmental and economic landuse needs for the next 20 years. It provides context and direction for landuse decision making within the City. It responds to region and district planning initiatives (refer also to Section 5.2.2.1 of this PP).

Campbelltown 2027 (Council's Community Strategic Plan)

The Planning Proposal is also consistent with Council's Community Strategic Plan – Campbelltown 2027 (CSP).

This community inspired strategic plan is Council's highest-level strategic plan and seeks to chart the Local Government Areas future development, with a target vision of a "sustainable Campbelltown Local Government Area. In doing so it summarises the challenges before it, the diversity of stakeholders and the need for a collaborative partnership.

The Campbelltown Community Strategic Plan has as its focus four Key Outcomes critical to the delivery of Campbelltown 2027; namely:

- Outcome 1 – A vibrant, liveable City
- Outcome 2 – A respected and protected natural environment
- Outcome 3 – A thriving, attractive City
- Outcome 4 – A successful City

The Plan and these themes are developed clearly against the backdrop of the State Plan and the Sydney Regional Action Plan.

In respect of the Key Outcomes it is noted that the PP will contribute at a modest scale to the success (Outcome 4) of the City; whilst ensuring potential natural systems impacts are appropriately managed (Outcome 2).

5.2.1.1.3 STRATEGIC TEST 3

Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.

The PP seeks to respond to the planned growth in the Greater Macarthur Urban renewal corridor and the recognition of Campbelltown as a “Gateway” to the City and last relatively accessible service station from Hume Motorway, in addition to local patronage. Any local flooding hazard has been addressed in the final levels/design of the approved service station, which is nearing completion.

5.2.1.2 SITE SPECIFIC MERIT TESTS

5.2.1.2.1 SITE SPECIFIC TEST 1

The natural environment (including known significant environmental values, resources or hazards).

The natural environment has been significantly disturbed through past rural residential development. Approved vegetation removal accompanied the construction of the existing service station. Small scale landscaping and street tree planting will enhance local biodiversity values.

5.2.1.2.2 SITE SPECIFIC TEST 2

The existing uses approved uses and likely future uses of land in the vicinity of the land subject to the proposal.

The service station has recently entered the final development phase and will be operational shortly. Future immediate growth opportunities will evolve from the urban renewal corridor and the “Gateway” setting of the site into the Ingleburn Industrial Estate and growth within the immediate area.

5.2.1.2.3 SITE SPECIFIC TEST 3

The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The requisite service infrastructure is readily available with the service station constructed to leverage off the immediate road network. Appropriate access to the service station from Campbelltown Road has been fully funded by the proponent.

5.2.2 WILL THE PLANNING PROPOSAL GIVE EFFECT TO COUNCIL’S ENDORSED LOCAL STRATEGIC PLANNING STATEMENT, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN?

5.2.2.1 CAMPBELLTOWN DRAFT LOCAL STRATEGIC PLANNING STATEMENT 2019

The Campbelltown draft Local Strategic Planning Statement 2019 (CLSPS) provides a “20 year planning vision emphasising landuse, transport and sustainability objectives to demonstrate how Campbelltown Local Government Area will change to meet the community’s needs over

the next 20 years”, in a manner consistent with the Greater Sydney Region Plan and Western City District Plan at the local level.

It leverages off the Campbelltown Community Strategic Plan – Campbelltown 2027 providing a “landuse strategy” on how “the land will be used to achieve the community’s broader goals”.

The CLSPS comprises four (4) themes which mirror the themes of the Sydney Region Plan and District Plan; namely:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

These themes are proposed to be implemented through 16 local priorities delivered through strategies to guide landuse decisions and actions to be undertaken by Council.

Infrastructure and Collaboration

Preamble

To become a more liveable, productive, sustainable community needs additional infrastructure and services in the right places and at the right time; with the attainment of some dependent upon multi-level collaboration.

Local Priorities

The most relevant Local Priority is Planning Priority I4 – Aligning infrastructure delivery with growth. The PP is not inconsistent with this Planning Priority, at a particularly modest scale.

Sustainability

Preamble

Improving sustainability is an overarching objective.

Local Priorities

Planning Priority 6 – Protecting and respecting the health of Campbelltown’s waterways and strengthening the role and prominence of the Bow Bowing Creek and the Georges River is further realised through site-specific stormwater management initiatives.

Productivity

Preamble

Striving for local employment is the key to a more sustainable City.

Local Priorities

The PP is consistent with Planning Priority 11 in that at a modest scale it provides for increased employment; whilst the location and accessibility of the service station promotes local connectivity as a minimum.

5.2.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The lands are subject to the provisions of a raft of State Environmental Planning Policies. The subject policies are noted below in **Table 1** and importantly do not prohibit and/or significantly constrain the Planning Proposal.

TABLE 1 - APPLICABLE STATE POLICIES

PLANNING PROPOSAL ASSESSMENT OF CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES		
SEPP No. / Name	Summary of SEPP	Consistency of planning proposal
SEPP No 1 Development Standards	SEPP 1 aims to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act.	SEPP 1 generally applies to development across NSW. However, SEPP 1 was repealed by Campbelltown LEP 2015 (clause 1.9) and does not apply to Campbelltown LGA. Clause 4.6 in respect of Exemptions to Development Standards precludes the need for consistency with SEPP 1. PP is considered to be consistent
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development	SEPP 4 aims to permit development for a purpose which is of minor environmental significance, development for certain purposes by public utility undertakings and development on certain land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> without the necessity for development consent. Also regulates complying development for conversion of fire alarms.	SEPP 4 generally applies to development across NSW. PP is considered to be consistent
SEPP No 6 Number of Storeys in a Building	SEPP 6 aims to remove confusion arising from the interpretation of provisions in EPs controlling the height of buildings.	In accordance with current best planning guidance and practice in LEPs and DCPs, building heights are calculated and shown in metres (m) and not storeys. No maximum height is proposed in a manner consistent with prevailing

		local building height controls. PP is considered to be not inconsistent
SEPP No 14 Coastal Wetlands	Aims to ensure NSW coastal wetlands are preserved and protected.	Does not apply to the Campbelltown LGA
SEPP 15 Rural Landsharing Communities	Aims to facilitate the development of rural landsharing communities committed to environmentally sensitive and sustainable land use practices.	Does not apply to the Campbelltown LGA
SEPP No 19 Bushland Urban Areas in	SEPP19 aims to protect bushland within urban areas. Specific attention to bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	Does not apply to the Campbelltown LGA.
SEPP No 21 Caravan Parks	Aims to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents. SEPP 21 applies across NSW except land to which SEPP (Western Sydney Parklands) applies.	SEPP applies across NSW, but is not relevant to the PP. The PP does not change the current provisions of the LEP in relation to Caravan Parks. PP is accordingly not inconsistent
SEPP No 22 Shops Commercial Premises and	Aims to permit change of use from commercial premises to commercial premises, and shop to shop even if the change is prohibited by another EPI, provided only minor effect and consent is obtained from relevant authorities. Applies to NSW but excludes specified land under Parramatta LEP and Penrith LEP.	SEPP applies across NSW and would apply to certain developments once rezoning has occurred. Does not apply to the PP

SEPP No 26 Littoral Rainforests	Aims to protect littoral rainforests from development.	Does not apply to the Campbelltown LGA
SEPP 29 Western Sydney Recreation Area	Aims to enable the carrying out of development for recreational, sporting and cultural purposes within the Western Sydney Recreation Area. SEPP 29 only applies to land within Western Sydney Parklands - Eastern Creek, Prospect, Horsley Park and Hoxton Park.	Does not apply to the Campbelltown LGA
SEPP No 30 Intensive Agriculture	Establishes the requirement for development consent and additional requirements for cattle feedlots and piggeries.	Does not apply to the PP
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	SEPP 32 seeks to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development.	SEPP applies across NSW to all urban land, except Western Sydney Parklands under that SEPP. Does not apply to the PP
SEPP No 33 Hazardous and Offensive Development	Aims to provide additional support and requirements for hazardous and offensive development	SEPP 33 applies across NSW but is not relevant to the planning proposal. PP is considered consistent
SEPP No 36 Manufactured Home Estates	Aims to facilitate the establishment of manufactured home estates as a contemporary form of residential housing. SEPP applies to land outside the Sydney Region.	Does not apply to the Campbelltown LGA
SEPP No 39 Spit Island Bird Habitat	Aims to enable development for the purposes of creating and protecting bird habitat. Applies to land comprising Spit Island, Towra Point and Kurnell	Does not apply to the Campbelltown LGA
SEPP No 44 Koala Habitat	Aims to encourage proper conservation and management of areas of	SEPP applies across NSW and in Campbelltown LGA, but is not considered relevant to the PP given

Protection	natural vegetation that provide habitat for koalas. Campbelltown LGA listed in Schedule 1.	lack of known koala habitat present. PP is considered consistent
SEPP No 47 Moore Park Showground	Aims to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	Does not apply to the Campbelltown LGA
SEPP No 50 Canal Estate Development	SEPP prohibits canal estate development in NSW.	Does not apply to the Campbelltown LGA
SEPP No 52 Farm Dams and other works in land management areas	Requires environmental assessment under Part 4 of the EPA for artificial water bodies carried out under farm plans that implement land and water management plans.	Does not apply to the PP
SEPP No 55 Remediation of Land	SEPP 55 requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and, if so, whether it is satisfied that the land is suitable in its contaminated state, or can and will be remediated to be made suitable for the purpose for which the development is proposed to be carried out.	SEPP applies across the state. Planned action was not required in respect of the development, which is being finalised. The PP will not generate consideration of potential contamination again.
Central Western Sydney Regional Open Space and Residential	Aims to provide for residential development on suitable land as identified in the Policy to assist in accommodating the projected population growth of Western Sydney. Applies to land identified as Regional Open Space Zone and Residential Zone within the Western Sydney Parklands	Does not apply to the Campbelltown LGA

Exempt and Complying Development 2008	<p>Aims to provide for exempt development and complying development in certain local government areas that have not provided for those types of development through a local environmental plan. Applies to the state, except as provided by the policy and excludes Mt Kosciusko.</p> <p>Applies to land to which SREP 24 applies – refer to <i>State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map</i>. Affected land within the Auburn LGA includes SOPA and certain land within Wentworth Point, Newington, Silverwater and Homebush Bay.</p>	<p>Applies to the Campbelltown LGA</p> <p>Development referred in the PP and the subject of a concurrent DA does not fulfill the relevant criteria.</p>
SEPP No 62 Sustainable Aquaculture	Aims to encourage and regulate sustainable aquaculture development	SEPP applies across NSW and is not relevant to the PP.
SEPP No 64 Advertising and Signage	Aims to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	<p>Should the PP proceed, appropriate signage applications can be made and assessed against the SEPP64 controls.</p> <p>PP is considered consistent</p>
SEPP No 65 Design Quality of Residential Apartment Development	<p>Aims to improve the design qualities of residential flat building development in New South Wales.</p> <p>SEPP 65 and the accompanying Apartment Design Guide aim to improve the design quality of apartments across New South Wales.</p> <p>Clause 28 of SEPP 65 requires that a consent authority should take into consideration include provisions to ensure that the design quality principles and the Apartment Design Guide.</p>	<p>SEPP applies across NSW.</p> <p>Does not apply to the PP</p>

SEPP No.70 Affordable Housing (Revised Schemes)	Aims to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000. Applies specifically to land within the Greater Metropolitan Region, including Ultimo/Pymont, City of Willoughby and Green Square.	The PP does not contradict the subject SEPP.
SEPP No.71 Coastal Protection	Aims to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast. Applies to land within the NSW coastal zone, as defined by SEPP maps.	Does not apply to the Campbelltown LGA
Penrith Lakes Scheme 1989	Aims to provide a development control process establishing environmental and technical matters, which must be taken into account in implementing the Penrith Lakes Scheme in order to protect the environment.	Does not apply to the Campbelltown LGA
SEPP (Housing for Seniors or People with a Disability) 2004	Aims to encourage the provision of housing to meet the needs of seniors or people with a disability.	SEPP applies across NSW. Does not apply to the PP is considered consistent
SEPP (BASIX) 2004	Aims to ensure consistency in the implementation of the BASIX scheme throughout the State	SEPP applies to residential development. Does not apply to the PP, but is considered consistent
Kurnell Peninsula 1989	Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under Sutherland Shire LEP 2006.	Does not apply to the Campbelltown LGA
SEPP (Major Development) 2005	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social	SEPP applies to sites across NSW but is not relevant to the PP. PP is considered consistent

	significance to the State. Also to facilitate service delivery outcomes for a range of public services.	
Sydney Region Growth Centres 2006	Aims to co-ordinate the release of land for development in the Sydney's Growth Centre and applies to all land in a 'growth centre'.	The Sydney Region Growth Centres 2006 SEPP to identify new 'growth centres' at Menangle Park / Gilead and Wilton. The Sydney Region Growth Centres 2006 SEPP does not apply to the PP.
Temporary Structures 2007	Aims to encourage protection of the environment at the location/vicinity of temporary structures by managing noise, parking and traffic impacts and ensuring heritage protection	SEPP applies across NSW and the PP does not affect the application of this SEPP. PP is considered consistent
SEPP (Exempt and Complying Development Codes) 2008	Aims to provide streamlined assessment process for development that complies with specified development standards.	SEPP applies across NSW and the PP does not affect the application of this SEPP. PP is considered consistent
SEPP (Infrastructure) 2007	Aims to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	SEPP applies across NSW. The PP is affected by the application of this SEPP and is considered consistent.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Aims to provide for the proper management and development of mineral, petroleum and extractive material resources.	SEPP applies across NSW. The PP does not affect the application of this SEPP. PP is considered consistent
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable	SEPP applies across NSW. The PP does not affect the application of this SEPP. PP is considered consistent
SEPP (Rural Lands) 2008	Aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes	Does not apply to the Campbelltown LGA

SEPP (State and Regional Development) 2015	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Does not apply to the Campbelltown LGA
Kosciuszko National Park - Alpine Resorts 2007	Aims to protect and enhance the natural environment of the alpine resorts area. Applies only to specified land within Kosciuszko National Park, Kosciuszko Road and Alpine Way.	Does not apply to the Campbelltown LGA
Western Sydney Employment Area 2009	Aims to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development	Does not apply to the Campbelltown LGA
Western Sydney Parklands	Aims to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region. Applies to land within the Blacktown, Fairfield and Holroyd LGAs (Quakers Hill to West Hoxton)	Does not apply to the Campbelltown LGA
Affordable Rental Housing 2009	Aims to provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Does not apply to the PP
Urban Renewal 2010	Aims to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts. Applies to land within a potential precinct - land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.	The PP is not inconsistent.

Sydney Drinking Water Catchment 2015	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal. Applies to land within the Sydney drinking water catchment.	Does not apply to the Campbelltown LGA
SEPP 53 Transitional Provisions 2015	Aims to enact transitional provisions consequent on the repeal of SEPP 53 - Metropolitan Residential Development. Only applies to specified land in Ku-ring-gai LGA.	Does not apply to the Campbelltown LGA
Port Botany and Port Kembla 2013	Aims to provide consistent planning regime for the development and delivery of port infrastructure. Applies to the land within Botany City Council in the area known as Port Botany and land at Port Kembla in Wollongong City Council LGA.	Does not apply to the Campbelltown LGA

STATE REGIONAL ENVIRONMENTAL PLANS (DEEMED SEPPS)

SREP Number Name	Summary of SREP	Consistency of planning proposal with SREP
SREP 5 Chatswood Town Centre	Aims to facilitate development of land within the Chatswood Town Centre in the Willoughby LGA.	Does not apply to the Campbelltown LGA
SREP 8 Central Plateau Coast	Aims to implement the state's urban consolidation policy only in the NSW Central Coast.	Does not apply to the Campbelltown LGA
SREP 9 Extractive Industry No. 2 1995	Aims to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area and only applies to LGAs	Does not apply to the PP

	listed in Schedule 4 of the SREP.	
SREP 11 Penrith Lakes	Aims to permit implementation of the Penrith Lakes Scheme in the Penrith LGA.	Does not apply to the Campbelltown LGA
SREP 16 Walsh Bay	Aims to regulate the use and development of the Walsh Bay area within the City of Sydney and on Sydney Harbour.	Does not apply to the Campbelltown LGA
SREP 18 Public transport corridors	Aims to protect provision for future public transport facilities in the Fairfield, Parramatta, Holroyd and Baulkham Hills LGAs.	Does not apply to the Campbelltown LGA
SREP 19 Rouse Hill Development Area	Aims to provide for the orderly and economic development of Rouse Hill Town Centre in The Hills and Blacktown LGAs.	Does not apply to the Campbelltown LGA
SREP 20 Hawkesbury Nepean	Aims to protect the Hawkesbury-Nepean River System and applies to certain LGAs within Greater Metropolitan Region.	As the PP site is not located within the water catchment for Hawkesbury-Nepean River System, SREP 20 does not apply. The site is not within the Hawkesbury/Nepean River Catchment
SREP No 24 Homebush Bay Area	Aims to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area.	Does not apply to the Campbelltown LGA
SREP 25 Orchard Hills	Aims to protect the prime agricultural land of Orchard Hills within the City of Penrith.	Does not apply to the Campbelltown LGA
SREP 26 City West	Aims to promote the orderly and economic use and development of land within the City West area (Pymont and Ultimo).	Does not apply to the Campbelltown LGA

SREP 28 Parramatta	Aims to establish regional planning aims for the Parramatta Primary Centre within Parramatta City Council and City of Holroyd.	Does not apply to the Campbelltown LGA
SREP30 St Marys	Aims to support the redevelopment of St Marys by providing a framework for sustainable development. Applies to land within the Blacktown and Penrith LGAs.	Does not apply to the Campbelltown LGA
SREP 33 Cooks Cove	Establishes the zoning and development controls for the Cooks Cove site in Rockdale LGA.	Does not apply to the Campbelltown LGA
Sydney Harbour Catchment 2005	Aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It establishes planning principles and controls for the catchment as a whole. SREP applies to the area of Sydney Harbour, including Parramatta River and its tributaries and the Lane Cove River.	Does not apply to the Campbelltown LGA

Subdivision 2 of Division 17 of SEPP (Infrastructure) 2007 addresses development in or adjacent to road corridors and road reservations.

Clause 101 of the SEPP contains objectives to ensure the effective and ongoing operation of a classified road and to minimise the impact of traffic noise and vehicle emissions on adjacent development. A range of matters are required to be considered by a consent authority. These are outlined below, with comments.

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The nature of the development is such that direct vehicular access to the land from the existing Campbelltown Road is appropriate and RMS have indicated that such access should be consolidated as a single access point centrally along the frontage. This has been included within the concept plan. A traffic study is also appended and was approved by the RMS.

The proposal would not be sensitive to either traffic noise or vehicle emissions and is appropriately located for its function. The proposal was also assessed against Clause 104, traffic generating development.

5.2.4 IS THE PLANNING CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S 9.1 DIRECTIONS)?

The planning proposal is consistent with the applicable Ministerial Directions (s.9.1 Directions) see Table 2 below.

TABLE 2 – CONSIDERATION OF MINISTERIAL DIRECTIONS

s.9.1 Direction Title	Applicable	Consistent	Comments
1. Employment & Resources			
1.1 Business and Industrial Zones	Not applicable		Direction 1.1 is not relevant to the PP, as the land is not currently zoned business or industrial
1.2 Rural Zones	Not applicable	The objective of this direction is to protect the agricultural production value of rural land. 1.2 (4) (a) states a Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.	Direction 1.2 applies to planning proposals which affect land within an existing or proposed rural zone and states that a Planning Proposal must not rezone land from a rural zone to a residential zone. This is not applicable to the proposal and Council has already rezoned land for a service station.
1.3 Mining, Petroleum Production and Extractive Industries	Applicable	Yes	S.9.1 Direction is not relevant to the PP.

s.9.1 Direction Title	Applicable	Consistent	Comments
1.5. Rural lands	Not Applicable		Not applicable.
2. Environment & Heritage			
2.1 Environment Protection Zones	Applicable	Yes	<p>The subject land is zoned Environmental Living (E4) and is subject to the site-specific landuse provisions at Clause 17 of Schedule 1.</p> <p>It is not zoned E2 or E3 as would have been the case if it had elevated environmental sensitivity.</p> <p>It is noted that the only environmental sensitivity overlay adopted by Council relates to terrestrial biodiversity, with the subject land not being identified on this layer.</p> <p>The zoning amendment (Schedule 1) to permit a service station and subsequent development consent have satisfactorily scrutinised the environmental sensitivity of the land with a positive conclusion.</p>
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones	Applicable	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> • to encourage a variety and choice of housing types to provide for existing and future housing needs, • to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and • to minimise the impact of residential 	Not applicable.

s.9.1 Direction Title	Applicable	Consistent	Comments
		<p>development on the environment and resource lands.</p> <p>3.1 (5) (b) states a Planning Proposal must not contain provisions which will reduce the permissible residential density of land.</p>	
3.3 Home Occupations	Applicable	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Not applicable.
3.4 Integrating Land Use & Transport	Applicable	<p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> • improving access to housing, jobs and services by walking, cycling and public transport, • increasing the choice of available transport and reducing dependence on cars, • reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, • supporting the efficient and viable operation of public transport services, and • providing for the efficient movement of freight. 	The land is located close to existing transport networks and leverages off the high level of accessibility in its proposed use as a service station.

s.9.1 Direction Title	Applicable	Consistent	Comments
4.Hazard & Risk			
4.1 Acid Sulphate Soils	Not applicable		Subject land not identified as being subject to acid soils.
4.2 Mine Subsidence and Unstable land	Not applicable	N/A	The subject lands are not within a Mine Subsidence District.
4.3 Flood Prone Land	Applicable	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. <p>4.3 (5) states a Planning Proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p>	Land is not shown as being flood prone. Notwithstanding, the service station design has had regard to its low lying nature with appropriate approved filling and drainage.
4.4 Planning for Bush Fire Protection	Applicable	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses 	The land is not bushfire prone.

s.9.1 Direction Title	Applicable	Consistent	Comments
		<p>in bush fire prone areas, and</p> <ul style="list-style-type: none"> to encourage sound management of bush fire prone areas. 	
5. Regional Planning			
5.10 Implementation of Regional Strategies	Applicable	Yes.	No relevant Regional Plan applies. The PP is, however, consistent where relevant with the Greater Sydney Region Plan and Western City District Plan.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Applicable	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	<p>Yes. The previous rezoning proposal was referred to the RMS for consideration. The RMS raised no objections to the proposal subject to adherence to certain design requirements and the land was subsequently rezoned to permit a service station.</p> <p>The GA has reinforced the requirement to refer the PP to the RMS, Transport for NSW and Council.</p>
6.3 Site Specific Provisions	Applicable	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p> <p>6.3 (4) (c) states a Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</p> <ul style="list-style-type: none"> allow that land use to be carried out in the zone the land is situated on, or rezone the site to an existing zone already applying in the 	<p>The land was subject to the introduction of site-specific planning provisions in its listing for the specific additional landuse of a service station, notwithstanding the prevailing zoning. This occurs through the addition of Clause 17 to Schedule 1 of CLEP 2015.</p> <p>The subject PP seeks to modify the development requirements attached to the existing site-specific clause. In doing so, it seeks to amend an existing situation that was previously deemed to be</p>

s.9.1 Direction Title	Applicable	Consistent	Comments
		<p>environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <ul style="list-style-type: none"> allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. 	justifiably inconsistent with the subject Direction.
7. Metropolitan Planning			
7.1 Implementation of a Plan for Growing Sydney	Applicable	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. (Please note: The State Government has exhibited a Draft Metropolitan Strategy for Sydney to 2031 for community input).	The PP is consistent in that it seeks to provide for a modified landuse that leverages off existing infrastructure provision and is generally consistent with the locational commentary of the Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	Applicable	The objective of this direction is to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy).	The subject land does not comprise an identified urban release area.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Applicable	The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent	The subject land is contiguous with the corridor generally, but is not expressly included in the Ingleburn Precinct Plan.

s.9.1 Direction Title	Applicable	Consistent	Comments
		with the plans for these precincts.	
7.8 Implementation of Western Sydney Aerotropolis Interim Landuse and Infrastructure Implementation Plan	Applicable	The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan dated August 2018 (the Stage 1 Land Use and Implementation Plan).	The subject land is not impacted by the projected noise contours or obstacle limitation surface level.

5.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT (SECTION C)

5.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

The subject land had certain environmental sensitivity when zoned E4 – Environmental Living. This sensitivity has not been ‘elevated’ through the identification in an environmental sensitivity layer in CLEP 2015. Indeed, the only such layer in respect of terrestrial biodiversity does not impact the subject land.

Any terrestrial biodiversity sensitivity has been adequately addressed in the previous PP in respect of the subject land and the subsequent approval and construction (nearing completion) of the approved service station.

5.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

The previous PP and subsequent approved development application have satisfactorily addressed potential adverse water quality impacts through an appropriate wastewater management strategy. Additionally, appropriate acoustic management measures have been addressed in the design of the service station facility and the granting of development consent.

5.3.3 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The development would have no known impact on Aboriginal archaeological or European heritage areas. The development would produce a net social benefit associated with broadening the range of services available to travellers including the heavy transport industry through the provision of additional services and facilities.

The Council is noted to have approved the use of the subject property as a service station, with construction for its limited use nearing completion.

5.4 STATE AND COMMONWEALTH INTERESTS (SECTION D)

5.4.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

Public infrastructure impacts have been satisfactorily addressed in the granting of development consent for the service station. Importantly, road infrastructure to serve the proposal is good, with satisfactory access (subject to minor traffic management works) available from Campbelltown Road.

Reticulated electricity and telecommunications facilities is also noted to be provided as service infrastructure.

5.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?

In accordance with the GA, consultation is required with the following public authorities/organisations under Section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant Section 9.1 Directions:

- Roads and Maritime Services;
- Transport for NSW; and
- Campbelltown City Council.

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

6 Mapping (Part 4)

There is no need for Maps as the proposal involves an amendment to Schedule 1.

7 Community Consultation (Part 5)

Community consultation remains an important element of the Plan making process, as mandated under Section 3.34(2)(c) and Schedule 1 Clause 4 of the EP&A Act 1979. The companion document “A Guide to Preparing Local Environmental Plans” DoPIE 2018 (the Guide) outlines community consultation parameters.

In accordance with 2(b) of the GA, the Planning Proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publically available along with planning proposals as identified in Section 6.5.2 of the Guide.

The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed.

This consultation will, at a minimum, include advertising in local papers, exhibition material provided at Campbelltown Council administration buildings and libraries and Campbelltown Council’s webpage and the required written notifications that would ordinarily be required.

It is envisaged that further community consultation would occur through the concurrent public exhibition of detailed documents lodged with the development application for the development proposal.

8 Project Timeline (Part 6)

The following project timeline is advanced in **Table 3** below. In accordance with 2(a) of the GA, the PP must be made publically available for a minimum period of 28 days.

A public hearing is not required to be held into the matter by any person or body under Section 3.34(2)(e) of the Act. This does not discharge the Panel from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

TABLE 3 – PROJECT TIMELINE

Project Detail	Timeframe	Timeline
Lodgement	N/A	March 2020
DoPIE Review	Immediately	March 2020
Anticipated commencement date (Gateway Determination - GA)	1 month	November 2019
Anticipated timeframe for the completion of required technical information – after specialist study requirements determined	N/A	N/A
Amendment of Planning Proposal, if needed	1 month	March 2020
Commencement and completion dates for public exhibition period & government agency consultation	2 months (including administration)	April 2020
Dates for public hearing, if required	Not required	N/A
Timeframe for consideration of submissions	1 month	May 2020
Timeframe for the consideration of proposal post exhibition, including amendments	1 month	June 2020
Date for the Department to finalise the LEP (including 6 week period for finalisation)	1 month	July 2020
Anticipated date PPA will make the plan	1 month	August 2020

9 Conclusion

The preceding commentary has clearly established a case for the limited review the planning provisions as they pertain to the subject land. It is proposed that Schedule 1 of CLEP 2015 be amended by rewording subclause (2) of Clause 17 of Schedule 1 of CLEP 2015 as follows:

- (2) Development for the purpose of a service station is permitted with development consent, subject to it not being able to be accessed from a freeway.

The DoPIE, as the Planning Proposal Authority is accordingly requested to take the necessary steps to finalise the rezoning of the subject land as detailed in this PP at Section 4 (Part 2) and in accordance with the GA of 4th November 2019.

SINCERELY YOURS,



M J BROWN
DIRECTOR
MICHAEL BROWN PLANNING STRATEGIES PTY LTD