

DATE OF DECISION	21 June 2019
PANEL MEMBERS	Justin Doyle (Chair), Bruce McDonald, Nicole Gurrán
APOLOGIES	George Greiss
DECLARATIONS OF INTEREST	Councillor D Lound advised he voted on this matter at council meeting in 2015. Councillor M Oates advised she voted on this matter at council meeting in December 2015.

REZONING REVIEW

Panel Ref – 2019WCI012 - LGA – Campbelltown - RR_2019_CAMPB_001_00 AT
194 Campbelltown Road, Denham Court (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Strategic merit

The Panel sees strategic merit in Gateway approval being granted for the proposed amendment to Campbelltown LEP 2015 which would allow for this approved service station accommodating the refuelling of heavy vehicles.

Allowing an approved service station to accommodate heavy vehicles travelling on Campbelltown Road to access nearby industrial estates would be consistent with Western City District Plan "Planning Priority no. 10 - Maximising freight and logistics opportunities and planning and managing industrial and urban services land".

Site specific merit

The site is well positioned to provide refuelling services to heavy vehicles if (upon further detailed examination) issues of safety and other associated environmental impacts can be satisfactorily resolved.

Gateway approval will allow for examination of those issues through exhibition and further assessment by Council to be considered by the planning authority.

The Council reported concerns that the use of the service station by heavy vehicles risked a significant increase in the use of Council roads, with consequences to wear and tear of those roads.

While the Panel saw some prospect of heavy vehicles leaving the Hume Highway to fill up at the site before continuing northbound back on the Highway towards Sydney (rather than to the local industrial areas), the Panel did not expect the facility to make a significant contribution in that regard.

The Panel observed that there was already a service station which could accommodate heavy vehicles on the route that a northbound vehicle would likely travel to get back on the Highway (which involved first heading back south to cross the Highway to loop back via Williamson Road and Brooks Road).

In that regard, the Panel notes that RMS has taken these issues into account in its assessment of the planning proposal when indicating that it “raises no objection” to the amendments proposed to Campbelltown LEP 2015. The RMS response included the following reasoning:

“The proposed service station would be significantly more desirable for use by motorists/driver with a destination within this District as it would be a circuitous route for motorists after accessing the site via the Hume Highway off-load ramp to then continue their journey on the Hume-Highway via a detour in excess of 2km at a minimum.

The Panel therefore saw (on balance) sufficient site specific merit of the proposal to warrant further assessment through the statutory rezoning process.

However, the Panel agreed with the assessment by Council staff and the RMS that the documentation currently provided by the proponent was insufficient and inadequate for a proper final consideration of the planning proposal.

The RMS in its response listed the following matters concerning which information ought to be available for assessment:

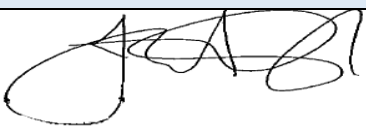
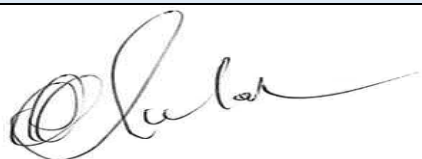

- Assessment of compliance of design vehicle swept paths to/from the subject site, as well as manoeuvrability with the site, to Australian Standards.
- Adequate storage of vehicles queuing to access the fuelling points without impacting the network operation of Campbelltown Road.
- Impact of design vehicle entering the site on the operational performance on the intersection of Campbelltown Road/Hume Highway off-load ramp.
- Design of driveways of accommodate the design vehicle.

The Panel expected that such information would be provided in the form of an updated traffic engineer's report prior to exhibition, together with an acoustic report updated to take the final traffic engineering report into account. That material should be provided to the RMS for a

response at an appropriate stage, noting that both Campbelltown Road and the egress way from the Highway onto Campbelltown Road are both classified roads.

There were a number of other issues with the planning for the site raised by the Council, including questions of whether the construction certificate plans for the approved service station and the DA approved plans tabled at the meeting were consistent, and whether the café and sales area, and carwash, introduced in the certified plans potentially impermissibly expanded the use beyond the “service station” allowed by the previous LEP amendment. The Council also pointed to removal of trees potentially removed from the site in breach of the development consent granted for the service station, and issues surrounding the management of waste water.

While those issues may be serious matters to be considered in other forums and through other statutory processes (see s.78 of the Sydney Water Act 1994 for example), they did not seem to be central to the question of whether the specific LEP amendment advanced in the planning proposal has strategic or site specific merit.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Bruce McDonald
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	Panel Ref – 2019WCI012 - LGA – Campbelltown RR_2019_CAMPB_001_00 AT Address - 194 Campbelltown Road, Denham Court
2	LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
3	PROPOSED INSTRUMENT	The rezoning review request seeks to amend the Campbelltown Local Environmental Plan 2015 by altering the existing additional permitted use for land at 194 Campbelltown Road, Denham Court to remove the prohibition for long or heavy vehicles at the service station.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning and Environment
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 18 June 2019 <ul style="list-style-type: none"> Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran Department of Planning and Environment (DPE) staff in attendance: Amar Saini and Chantelle Chow Briefing meeting with Department of Planning and Environment

		<p>(DPE): 18 June 2019 from 2.00pm</p> <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ DPE staff in attendance: Amar Saini and Chantelle Chow ● Briefing meeting with Council: 18 June 2019, from 3.00pm <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ DPE staff in attendance: Amar Saini and Chantelle Chow ○ Council representatives in attendance: Jeff Burton, Ritesh Shrestha, Belinda Borg and David Smith ● Briefing meeting with Proponent: 18 June 2019, from 4.00pm <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Bruce McDonald and Nicole Gurran ○ DPE staff in attendance: Amar Saini and Chantelle Chow ○ Proponent representatives in attendance: Michael Brown, Joshua Hollis and Mark Bassal.
--	--	--