

17 October 2018

Ann-Maree Carruthers  
Director Sydney Region West  
Planning Services  
Department Planning & Environment  
GPO Box 39  
SYDNEY NSW 2001



Attention: Ms Ann-Maree Carruthers

Dear Ms Carruthers

**Re: Request for Gateway Determination – Removal of Clause 4.1A from Campbelltown LEP 2015**

I am writing to advise that Council at its meeting of 9 October 2018 resolved to support a Planning Proposal Request to remove Clause 4.1A from Campbelltown LEP 2015. Accordingly a Gateway Determination is requested.

Attached is:

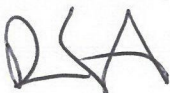
1. Planning Proposal;
2. Local Planning Panel report;
3. Panel's resolution;
4. Council report; and
5. Council's resolution.

Council also requested that the public exhibition period be 14 days and that the delegation be granted to allow Council to finalise the Planning Proposal.

Given the minor nature of this planning proposal, Council believes that very minimal consultation with public agencies would be needed.

If you require any further information please contact Graham Pascoe on (02) 4645 4666.

Yours sincerely



David Smith  
Executive Manager Urban Centres

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#### ARABIC

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#### TAGALOG

Para sa walang bayad na Serbisyo ng Pagsasalin, dalhin ang dokumentong ito sa Konseho o tawagan ang Telephone Interpreting Service sa 131 450 at pakiusapan silang tawagan ang inyong Konseho.

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Mo Auaunaga o Faamatalaupu e le tofogiina, faamolemole aumai lenei pepa tusia i le Ofisa o le Malo (Council) poo le vili i le Auaunaga o Faamatalaupu i Telefoni i le 131 450 ma fai i ai ia latou faafesootaia lau Ofisa o le Malo.

#### HINDI

निशुल्क दुभाषिया सेवा के लिए, कृपया यह पत्र काउंसिल के पास ले जाएं या दूरभाष दुभाषिया सेवा को 131 450 पर फोन करें और कहें कि वे आपकी काउंसिल से संपर्क करें।

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#### LAO

ເພື່ອຈັດການບໍລິການແປສຳລັບບໍລິຫານ, ກະລຸນາ ນຳບັນທຶກນີ້ມາຫາ ດັງຄະນະບໍລິຫານ ຫລື ໂທຂະບັບ ຫາ ບໍລິຫານ ບາດແທນ ຫາງໂທຂະບັບ ຕາມທີ 131 450 ແລະ ຂໍໃຫ້ພວກເຂົາຕິດຕໍ່ດັງຄະນະບໍລິຫານແທນຂອງທ່ານ.

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Per avvalervi di un servizio interpreti gratuito, portate il presente documento al Comune oppure telefonate al Servizio telefonico interpreti (TIS) al numero 131 450 chiedendo che vi metta in contatto con il Comune.

#### GREEK

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#### VIETNAMESE

Để nhận được Dịch vụ Thông dịch miễn phí, hãy đem tài liệu này đến Hội đồng Thành phố hoặc gọi đến Dịch vụ Thông dịch qua Điện thoại (TIS) số 131 450 và nhờ họ liên lạc Hội đồng Thành phố của quý vị.

#### CROATIAN

Za besplatne usluge tumača, molimo donesite ovaj dokument u općinu ili nazovite Telefonsku službu tumača (Telephone Interpreter Service) na 131450 i zamolite da za Vas nazovu općinu.

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#### BANGLA

কিনামুলে দোস্তাখী সেবা ব্যবস্থার জন্য, দয়া করে এই মনিসাদি বা বাসদপত্র পরিষদে (কাউন্সিল) নিয়ে আসুন অথবা 131 450 নাম্বারে টেলিফোন দোস্তাখী সেবা ব্যবস্থায় ফোন করুন এবং তাদেরকে আপনার পরিষদে (কাউন্সিল) সাথে যোগাযোগ করতে বলুন।

#### TONGAN

Ki ha NgQue Fakatonulea ta'etotongi, kÇtaki 'o 'omai e tohi ni ki he Kaunisoló pe telefoni ki he 'Ofisi Fakatonulea Telefonii 'i he 131 450 'o kole kenau fetu'utaki ki ho'o Kaunisoló.

#### KHMER

ដើម្បីទទួលបានសេវាបកប្រែឥតគិតថ្លៃ សូមយកឯកសារ ចុះនៅសាលាសង្កាត់ ឬទូរស័ព្ទទៅកម្មវិធីបកប្រែសាសនាចុះនៅជួរលេខ 131 450 រួចស្នើសុំឱ្យពួកគេទាក់ទងជាមួយសាលាសង្កាត់របស់លោកអ្នក។



# **Planning Proposal**

## **Proposed amendment of Campbelltown Local Environmental Plan 2015 Removal of Clause 4.1A**



## Background

Clause 4.1A applies to land at Claymore, Campbelltown (former Western Sydney University land) and at Airds / Bradbury. It seeks to:

- a) restrict the dwelling yield on certain land at the above locations;
- b) ensure that infrastructure is not overburdened; and
- c) provide for a diversity of dwelling types.

The relevant land is identified in red on Figure 1.

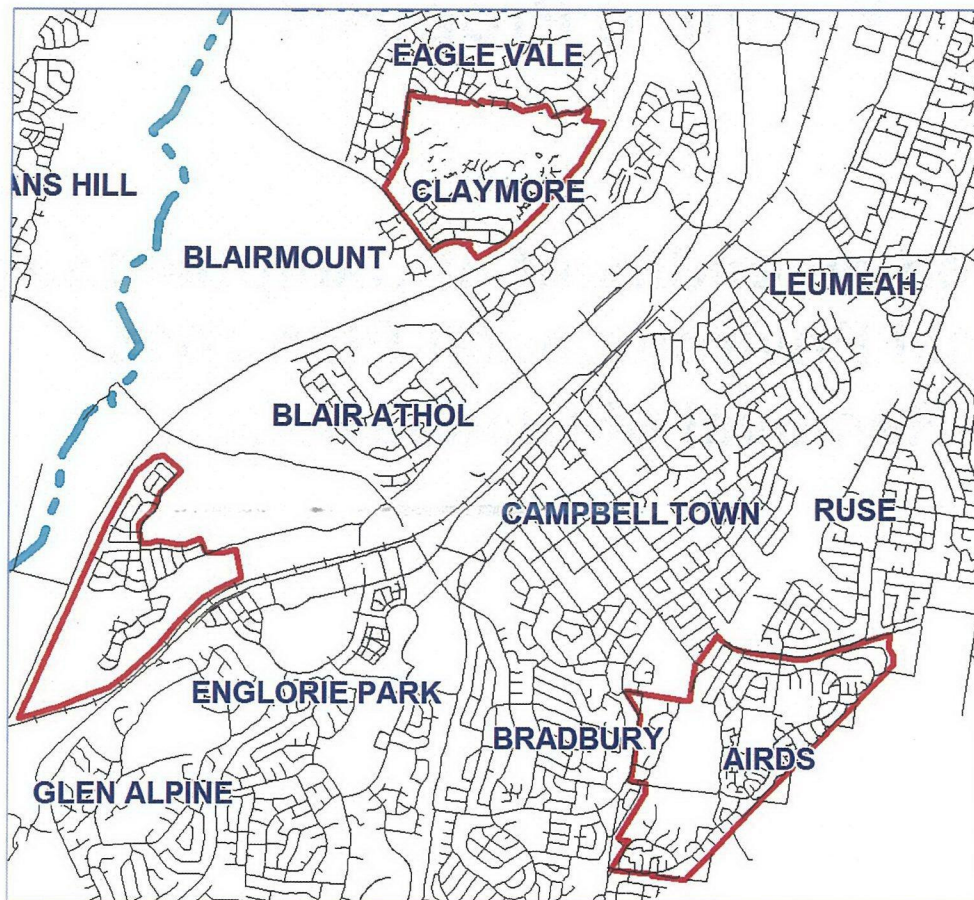


Figure 1

## Definitions and abbreviations

*CLEP 2015* means Campbelltown Local Environmental Plan 2015.

*PP* means Planning Proposal.

*SEPP* means State Environmental Planning Policy.

*LEP* means Local Environmental Plan.



## The Sites

The Campbelltown site is being developed for residential development on land that is surplus to the needs of Western Sydney University. It was previously undeveloped land. It is located 900 m west from Macarthur Station. The residential land is in the R3 zone.

The sites at Claymore and Airds / Bradbury are existing residential areas built as public housing in the 1970s and are now being redeveloped for a mix of public and private housing. Airds is located 2.5 km east of Campbelltown Station, while Claymore is located 2.3 km north west of Campbelltown Station, west of the M31. The residential land is in the R2 zone.

Figures 2 - 4 show an aerial photograph of the subject sites in their immediate context.



Figure 2 Campbelltown site





Figure 3 Claymore site





Figure 4 Airds Bradbury site



## Part 1 – Objectives or Intended Outcomes

The objective of the PP is to amend CLEP 2015 so as to remove the restriction on the maximum number of dwellings permissible on the lands subject to this PP.

## Part 2 - Explanation of provisions

It is proposed that CLEP 2015 be amended to remove the clause 4.1A and the corresponding Restricted Dwelling Yield maps.

There are no changes proposed to the zoning map, Minimum Lot Size map, Dual Occupancy map or Height of Building map.

## Part 3 - Justification

### Section A – Need for the Planning Proposal

#### 1. Is the Planning Proposal a result of any strategic study or report?

##### Former Western Sydney University land

The site at Campbelltown (former Western Sydney University land) was originally expected to have a dwelling yield of 850. This limit resulted from an estimate of the traffic capacity of the road links to Narellan Road and Gilchrist Drive. A subsequent study by AECOM has concluded that the intersection of the Narellan Road, Blaxland Road and Gilchrist Drive performs at LoS E during the AM and PM peak hour. The intersection continues to experience congested conditions and considered to be the pinch point on the road network. However with the provision of additional east west links is seen to experience improvements in delay and queuing. The Macarthur Heights development is expected to account for 5.2% and 4.6% of the total traffic using the intersection during the AM and PM peak hour. One of the east west links, Badgally Road has recently been completed.

The intersection of Kellicar Road | Gilchrist Drive shows an improvement in LoS during the PM peak hour, however operates at a LoS E. The Macarthur Heights development is expected to account for 6% of the total traffic using the intersection during the AM and PM peak hour.

With the proportion of traffic generated by the Macarthur Heights development at Narellan Road, Blaxland Road, Gilchrist Drive and Kellicar Road, Gilchrist Drive consistent with typical daily fluctuations, it is deemed the requirement to resolve issues at this intersection should not fall under this development as traffic issues at both intersections are likely to be a result of background traffic growth.

The intersection of Narellan Road and WSU Road performs at an acceptable level of service however operates at capacity during the AM peak hour. AECOM have considered alternative intersection configurations that could be considered when the intersection is ultimately designed to accommodate the Maryfields development.



However planning controls outside of the CLEP 2015 permit smaller forms of residential development, which would result in a greater number of dwellings than would be possible if the limit under Cl 4.1A were not in place.

#### **Claymore and Airds / Bradbury**

The sites at Claymore and Airds / Bradbury were approved for development under the former Part 3A of the Environmental Planning and Assessment Act 1979. These approvals have effectively made the provisions in the CLEP 2015 redundant.

#### **2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal is considered to be the best means of achieving the planning objective and intended outcomes detailed in Part 1. There are no other practical means of achieving the intended outcome.

### **Section B – Relation to Strategic Planning Framework**

#### **3. Is the planning proposal consistent with the objectives and actions contained within the applicable Regional or Sub-regional Strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

##### **Greater Sydney Region Plan 2018**

The Greater Sydney Region Plan 2018 was released in March 2018. The PP is considered to be consistent with the plan in that it is consistent with the following relevant Directions / Objectives in Table 2.

Table 2

Objective	Comments on consistency
Objective 10: Greater housing supply	The PP will assist in provide additional housing supply.
Objective 11: Housing is more diverse and affordable	The PP will assist in the provision of a more diverse range of housing types on the sites

##### **Western City District Plan**

The Western City District Plan was released in March 2018. The PP is considered to be consistent with the plan in that it is consistent with the following relevant Directions and Planning Priorities in Table 3.

Table 3

Planning Priority	Comments on consistency
Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs and services	The proposal will assist in increasing housing supply.



**4. Is the planning proposal consistent with the local Council's Community Strategic Plans?**

**Campbelltown Community Strategic Plan 2013 - 2023**

This overarching Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The PP is generally consistent with the relevant objectives as shown below:

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

**Campbelltown Local Planning Strategy 2013**

The strategy identifies a number of existing and potential "greenfields" growth nodes and their respective notional yields in which residential development is expected to take place. The site at WSU is identified for at least 800 dwellings. Claymore and Airds / Bradbury have been identified as having a modest increase in dwelling numbers in their respective redevelopment schemes.

The PP is consistent with the aims of the Campbelltown Local Planning Strategy 2013 to support residential development at WSU and support redevelopment of Claymore and Airds / Bradbury.

**Campbelltown Residential Development Strategy 2013**

Same comments as above.

The PP is consistent with the Residential Development Strategy 2013.

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The planning proposal is generally consistent with applicable SEPPs. See Table 4 below.

Table 4

State Environmental Planning Policies	Comments on consistency
SEPP No. 1 Development Standards	Not applicable as CLEP 2015 is a Standard Instrument LEP & incorporates Clause 4.6 - Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 14 - Coastal Wetlands	Not applicable in the Campbelltown LGA.
SEPP No. 19 - Bushland in Urban Areas	Not applicable as there is no bushland on site.
SEPP No. 21 - Caravan Parks	Not applicable to this PP.
SEPP No. 26 - Littoral Rainforests	Not applicable in the Campbelltown LGA.



State Environmental Planning Policies	Comments on consistency
SEPP No. 30 - Intensive Agriculture	Not applicable to this PP.
SEPP No. 33 - Hazardous and Offensive Development	Not applicable to this PP.
SEPP No. 36 - Manufactured Home Estates	Not applicable in the Campbelltown LGA.
SEPP No. 44 - Koala Habitat Protection	Consistent as the land is already zoned to permit residential development and such issue would not be exacerbated by the PP.
SEPP No. 47 - Moore Park Showground	Not applicable in the Campbelltown LGA.
SEPP No. 50 - Canal Estates Development	Not applicable to this PP.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable in the Campbelltown LGA.
SEPP No. 55 - Remediation of Land	Consistent as the land is already zoned to permit residential development and such issue would not be exacerbated by the PP.
SEPP No. 62 - Sustainable Aquaculture	Not applicable to this PP.
SEPP No. 64 - Advertising and Signage	Not applicable to this PP.
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable to this PP as residential flat buildings are not permitted on the subject sites.
SEPP No. 70 - Affordable Housing (Revised Schemes)	Not applicable in the Campbelltown LGA
SEPP No. 71 - Coastal Protection	Not applicable in the Campbelltown LGA.
SEPP (Affordable Rental Housing) 2009	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Infrastructure) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Integration and Repeals) 2016	Not applicable to this PP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable in the Campbelltown LGA.
SEPP (Kurnell Peninsula) 1989	Not applicable in the Campbelltown LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to this PP.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP.



State Environmental Planning Policies	Comments on consistency
SEPP (Penrith Lakes Scheme) 1989	Not applicable in the Campbelltown LGA.
SEPP (Rural Lands) 2008	Not applicable to this PP.
SEPP (State and Regional Development) 2011	Not applicable to this PP.
SEPP (State Significant Precincts) 2005	Not applicable to this PP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable in the Campbelltown LGA.
SEPP (Sydney Region Growth Centres) 2006	Not applicable to this PP.
SEPP (Three Ports) 2013	Not applicable in the Campbelltown LGA.
SEPP (Urban Renewal) 2010	Not applicable to this PP.
SEPP (Vegetation in Non-Rural Areas) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable to this PP.
SEPP (Western Sydney Parklands) 2009	Not applicable to this PP.
REP No.2 – Georges River Catchment	Consistent, as the PP has minimal impact on the issues of REP No.2 – Georges River Catchment.
REP No.9 - Extractive Industry (No 2)	Not applicable to this PP.
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	Not applicable to this PP.
Drinking Water Catchments REP No.1	Not applicable in the Campbelltown LGA.

**6. Is the planning proposal consistent with the applicable Ministerial Directions (s.9.1 directions)?**

The planning proposal is consistent with applicable Ministerial Directions. See Table 5 below.

Table 5

Ministerial Direction	Comments on consistency
<b>1. Employment and Resources</b>	
1.1 Business and industrial Zones	Not applicable to this PP.
1.2 Rural Zones	Not applicable to this PP.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable to this PP.
1.4 Oyster Production	Not applicable to this PP.
1.5 Rural Lands	Not applicable to this PP.
<b>2. Environment and Heritage</b>	
2.1 Environmental Protection Zones	Not applicable to this PP.
2.2 Coastal Protection	Not applicable to this PP.



Ministerial Direction	Comments on consistency
2.3 Heritage Conservation	Not applicable to this PP.
2.4 Recreation Vehicle Area	Not applicable to this PP.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable in the Campbelltown LGA.
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	The PP seeks to provide an opportunity for housing. It can be readily and economically serviced and social infrastructure impacts appropriately addressed.
3.2 Caravan Parks & Manufactured Home Estates	Caravan Parks are currently not permitted in the R2 zone, proposed to apply to the site.
3.3 Home Occupations	The R2 Low Density Residential zone permits "Home occupations" without consent.
3.4 Integrating Land Use & transport	Consistent as the PP seeks to rezone land adjoining an existing urban area for residential development. The site is proximate to public transport.
3.5 Development Near Licensed Aerodromes	Not applicable to this PP.
3.6 Shooting Ranges	Not applicable to this PP.
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	Consistent as the land is not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	Not applicable to this PP.
4.3 Flood Prone Land	The lands are not identified as flood liable.
4.4 Planning for Bushfire Protection	Claymore is not identified as bushfire prone. There are lands in WSU and Bradbury / Airds that are on the margins of bushfire prone land. But are already zoned for residential development.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies	Not applicable in the Campbelltown LGA
5.2 Sydney Drinking Water catchments	Not applicable in the Campbelltown LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable in the Campbelltown LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable in the Campbelltown LGA.
5.5 -5.7	Revoked.
5.8 Second Sydney Airport	Not applicable in the Campbelltown LGA
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Consistent as the PP does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Not applicable to this PP.



Ministerial Direction	Comments on consistency
6.3 Site Specific Provisions	Not applicable in the Campbelltown LGA
<b>7. Metropolitan Planning</b>	
7.1 Implementation of a Plan for Growing Sydney	Consistent as the PP seeks to increase housing supply at a local scale in a location that is generally consistent with the locational commentary of the Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to this PP.

## Section C – Environmental, social or economic impact

### 7. Is there any likelihood that critical habitat or threatened species, populations' or ecological communities, or their habitat will be adversely affected as a result of the proposal?

The land is already zoned for residential development and as such is unlikely to have any impact on any critical habitat.

### 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no significant other environmental impacts, which require resolution in the context of the PP. The impacts in terms of stormwater water quantity and quality, traffic are considered very minor and will not require augmentation of any existing infrastructure.

While there is no known contamination of the site, SEPP 65 - Contaminated Land, will require this to be further assessed before any proposed of land use of the subject sites.

### 9. How the planning proposal adequately addressed any social and economic effects?

The rezoning for residential purposes will result additional potential for housing supply. No adverse social impacts are anticipated.

## Section D – State and Commonwealth interests

### 10. Is there adequate public infrastructure for the planning proposal?

In the case of WSU, improvements in the performance of intersections that provide access the site are expected to improve when other road links are provided. Badgally Road has recently been constructed while Spring Farm Parkway is still to be resolved. No other infrastructure has been identified as being required.

No additional infrastructure has been identified as necessary to service the Claymore or Airds / Bradbury above that already identified as part of the redevelopment of these sites.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

These views will be documented after the Gateway Determination is actioned.

## Part 4: Mapping

In seeking to achieve the PP objective and outcomes it is proposed to delete the Restricted Dwelling Yield maps. No replacement maps are required.

## Part 5 - Community Consultation

Public consultation will take place in accordance with a relevant Gateway determination.

All relevant agencies and local community will also be consulted during the mandated minimum public exhibition period.

## Part 6 Project Timeline

Table 6 provides an outline of the notional project timeline.

Table 6

Milestone	Timeline
Planning Panel endorsement of Planning Proposal	May 2018
Council endorsement of Planning Proposal	October 2018
Referral for a Gateway Determination	October 2018
Gateway Determination	November 2018
Completion of additional supporting documentation	January 2019
Public Exhibition	February 2019
Consideration of submissions (Report to Council)	March 2018
Finalisation of LEP amendment	April 2019
Plan amendment made	May 2019

#### **4.5 Planning Proposal - Remove Clause 4.1A Cap on Maximum Number of Dwellings at Claymore, Western Sydney University Site and Airds/Bradbury**

##### **Community Strategic Plan**

<b>Objective</b>	<b>Strategy</b>
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

##### **Executive Summary**

- Clause 4.1A of the Campbelltown Local Environmental Plan, 2015 places a limit of how many dwellings can be located on particular sites at Airds/Bradbury, Claymore and Western Sydney University (Macarthur Heights Estate).
- Both the Airds/Bradbury and Claymore redevelopment sites are subject to approval under the former Part 3A of the Environmental Planning and Assessment Act, 1979. These approvals make the provisions of the Campbelltown LEP 2015 redundant insofar as they apply to the approved development. Therefore the clause should not apply to these areas.
- As for the Western Sydney University site, the cap on the number of dwellings for the site was originally set to minimise the traffic impact on surrounding roads and intersections. A more recent traffic review has identified that there is capacity for additional dwellings. Further, there has been, and will be, additional dwellings constructed on this site due to changes in legislation that enable additional dwellings to be approved as complying development. This makes it difficult to determine when the cap would be reached, exactly how many dwellings will be constructed and leaves the potential that lots would be created on which no dwelling could legally be approved due to the cap and operation of Clause 4.1A.
- In these circumstances, it is appropriate to remove Clause 4.1A from Campbelltown Local Environmental Plan, 2015.

##### **Officer's Recommendation**

That the Campbelltown Local Planning Panel recommend to the Campbelltown City Council:

1. That pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979* the draft Planning Proposal to remove Clause 4.1A from the Campbelltown Local Environmental Plan 2015 be supported by the Council and forwarded to the Department of Planning and Environment for a Gateway Determination.



## Purpose

The purpose of the report is to inform and seek the advice of the Campbelltown Local Planning Panel on a draft planning proposal to be forwarded to the Campbelltown City Council for its consideration. The draft planning proposal seeks to remove Clause 4.1A from the Campbelltown Local Environmental Plan 2015, which currently imposes a cap on the number of dwellings in the new developments at Western Sydney University, Claymore and Airds/Bradbury. There is no change in zoning of land is proposed.

## History

Campbelltown Local Environmental Plan (LEP) 2015 currently imposes a limit of the number of dwellings that may be developed in the following areas:

Airds/Bradbury	2,104
Claymore	1,490
Western Sydney University (Macarthur Heights estate)	850

However planning controls outside of the Campbelltown Local Environmental Plan (LEP) 2015 permit smaller forms of residential development, which are now taking place at the Macarthur Heights estate. For example additional dwellings are and will be permissible on individual lots as Complying Development under State Environmental Planning Policies. This is likely to result in a greater number of dwellings than is permitted due to the limit under Clause 4.1A. Unless the Campbelltown LEP 2015 is amended to remove this limitation there could be a situation where residential subdivision could occur but with no entitlement to erect a dwelling on the lots created.

The sites at Claymore and Airds/Bradbury were approved for development under the former Part 3A of the *Environmental Planning and Assessment Act 1979*. These approvals have made the provisions in the Campbelltown LEP 2015 redundant.

## Report

**Property Description:** Various properties

**Owners:** Various

**Applicant:** Council

### The site – Local/Regional Context

The subject sites are the suburbs of Macarthur Heights estate at Western Sydney University (WSU), Claymore and Airds/Bradbury. Development in each of these is already underway.

The Macarthur Heights estate at WSU is being developed for residential development on land that is surplus to the needs of WSU. It was previously undeveloped land. It is located 900m south west of Macarthur Station.



The sites at Claymore and Airds/Bradbury are existing residential areas built as public housing in the 1970s and are now being redeveloped for a mix of public and private housing. Airds is located 2.5 km east of Campbelltown Station, while Claymore is located 2.3 km north west of Campbelltown Station, west of the M31.

The sites are shown as attachment 1 to this report.

### **Existing Zoning**

The affected land at the Macarthur Heights estate at WSU is zoned R3 Medium Density Residential. The affected lands at Claymore and Airds/Bradbury are zoned R2 Low Density Residential.

No changes to the zoning and related provisions are proposed. The principal development standards in respect of minimum lots size, maximum height of buildings and maximum floor space ratios would remain unchanged.

The principal reasons for the limitation on the number of dwellings are encapsulated in the relevant clause objectives, detailed as follows:

- (a) to restrict the dwelling yield on certain land;
- (b) to ensure that infrastructure is not overburdened; and
- (c) to provide for a diversity of dwelling types.

### **The Planning Proposal**

The objective of the planning proposal (PP) is to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) so as to remove the restriction on the maximum number of dwellings permissible on the lands subject to this PP.

The removal of the restriction on the maximum number of dwellings will permit the continued construction of dwellings that is currently being undertaken in each of these areas and is not considered likely to lead to any significant adverse infrastructure impacts.

### **Relationship to Strategic Planning Framework**

The PP is generally consistent or of minor inconsistency with:

- Ministerial Directions for the preparation of PPs (now called Section 9.1 Directions)
- Relevant State Environmental Planning Policies
- Greater Sydney Region Plan 2018
- Western City District Plan 2018
- Campbelltown Community Strategic Plan
- Campbelltown Residential Development Strategy 2014.

Comments on the consistency/inconsistency with the above documents/directions are provided in the PP (refer to attachment 3 of this report).



### **Potential Infrastructure Impacts**

- **Macarthur Heights Residential Precinct – Western Sydney University**

The proposed removal of the dwelling cap on the Macarthur Heights residential estate would potentially result in an increase in the overall number of dwellings within the precinct, primarily as a result of secondary dwellings being proposed under the Affordable Housing SEPP.

The original restriction on the number of dwellings of 850 under the CLEP 2015 was primarily introduced to minimise traffic impacts on the surrounding road intersections such as the intersection of Gilchrist Drive, Blaxland and Narellan Roads.

As part of the final stage (Stage 5) of the residential component of the Western Sydney University, a traffic review was undertaken to investigate the impacts of the increase of the overall dwelling numbers from that originally envisaged within the release area. The review revealed that despite the potential increase of some 400 dwellings over the originally assumed amount, the impact on local traffic is not considered to be an issue that creates a significant detrimental impact on the built environment.

- **Claymore and Airds/Bradbury**

The removal of the dwelling caps within the public housing renewal estate is not anticipated to have major impacts on infrastructure.

Airds/Bradbury Precinct is subject to a Planning Agreement with an anticipated dwelling yield of 2157 dwellings. The removal of the cap in Airds/Bradbury Precinct is not anticipated to result in any dramatic increase in the number of dwellings beyond what is identified under the VPA. This is because the majority of the newly created lots within Airds/Bradbury precinct are less than 420sqm, which is the minimum site area required under the Affordable Housing SEPP to enable the site to have a secondary dwelling.

Notably, a VPA is currently being finalised for Claymore, and for the same reasons above, the removal of the dwelling cap in Claymore is unlikely to result in a large increase in the number of dwellings.

Given the above, it is not anticipated that there would be a need to upgrade the infrastructure within the housing renewal areas as a result of the removal of the dwelling cap.

### **Other planning issues**

The sites are already zoned for residential development. No changes in zoning are proposed. Issues that would normally be considered in rezoning for residential development have already been dealt with in the residential zoning.

A decision to not remove the dwelling yield limitation could see residential subdivision occur but with no entitlement to erect a dwelling on each lot created.

### **Delegation to make the Plan**

Given that the PP is of minor planning impact, it will be recommended to Council that it request that the Department provide Council with delegation to make the plan.



**Conclusion**

The PP is considered to represent an acceptable contemporary planning outcome for the affected lands, without any significant adverse impact on the surrounding private and public lands and service infrastructure.

As such, it is requested that Local Planning Panel provide advice on the adequacy of the PP prior to submission of a report to Council for its endorsement to seek a Gateway Determination from the Department of Planning and Environment.

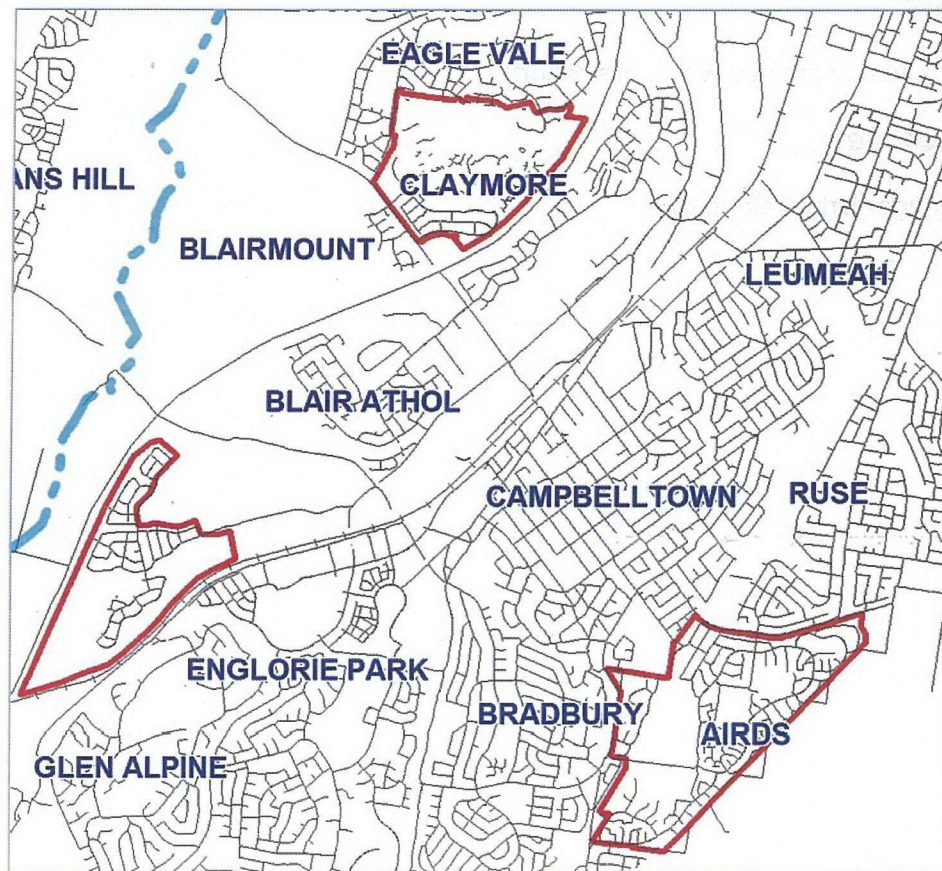
**Attachments**

1. Subject Sites (contained within this report)

**Reporting Officer**

Executive Manager Urban Centres

Subject sites





Having declared an interest in regard to Item 4.5, Ms Miller left the Chamber and did not take part in discussion nor vote on this item.

#### **4.5 Planning Proposal - Remove Clause 4.1A Cap on Maximum Number of Dwellings at Claymore, Western Sydney University Site and Airds/Bradbury**

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##### **Executive Summary**

- Clause 4.1A of the Campbelltown Local Environmental Plan, 2015 places a limit of how many dwellings can be located on particular sites at Airds/Bradbury, Claymore and Western Sydney University (Macarthur Heights Estate).
- Both the Airds/Bradbury and Claymore redevelopment sites are subject to approval under the former Part 3A of the *Environmental Planning and Assessment Act, 1979*. These approvals make the provisions of the Campbelltown LEP 2015 redundant insofar as they apply to the approved development. Therefore the clause should not apply to these areas.
- As for the Western Sydney University site, the cap on the number of dwellings for the site was originally set to minimise the traffic impact on surrounding roads and intersections. A more recent traffic review has identified that there is capacity for additional dwellings. Further, there has been, and will be, additional dwellings constructed on this site due to changes in legislation that enable additional dwellings to be approved as complying development. This makes it difficult to determine when the cap would be reached, exactly how many dwellings will be constructed and leaves the potential that lots would be created on which no dwelling could legally be approved due to the cap and operation of Clause 4.1A.
- In these circumstances, it is appropriate to remove Clause 4.1A from Campbelltown Local Environmental Plan, 2015.

##### **Panel Considerations and Reasons for Decision**

- Regarding Macarthur Heights, the Panel was of the view that the proposal would not result in major impacts on the surrounding road network given works which have occurred since the imposition of the caps and in view of forecast additional road works on the broader regional network
- The proposal to remove the maximum housing yield on Macarthur Heights would:
  - facilitate the delivery of additional housing stock within close proximity to Macarthur Square, and the Macarthur Railway Station.
  - provide certainty to the development industry and prospective landowners, in terms of their ability to be able to develop their residential land for housing;
- Regarding Claymore and Airds/Bradbury the proposal would increase the efficiency and certainty of new dwelling approvals
- The proposal is consistent with Council's Local Planning Strategy 2013 and Residential Development Planning Strategy 2014.
- The proposal to remove the maximum cap for housing yield within the urban renewal precincts would:
  - not result in any significant increase in the number of dwellings beyond what is identified under the VPA for Airds/Bradbury and the draft VPA for Claymore
  - provide certainty to prospective landowners, in terms of their ability to develop their residential land for housing.

## **Decision of the Panel**

That the Campbelltown Local Planning Panel recommend to the Campbelltown City Council:

1. That pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979* the draft Planning Proposal to remove Clause 4.1A from the Campbelltown Local Environmental Plan 2015 be supported by the Council and forwarded to the Department of Planning and Environment for a Gateway Determination.

## **Voting**

The Local Planning Panel voted 3/0.

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At the conclusion of the discussion regarding Item 4.5, Ms Miller returned to the Chamber for the remainder of the meeting.

The open session of the Panel Meeting concluded at 4:17pm and the Panel then adjourned to consider the items of business and information presented to the Panel during its hearing.

The next meeting of the Local Planning Panel is scheduled for 27 June 2018 at 3.00pm in the Council Chambers, Level 3, Civic Centre, Campbelltown.

Ian Reynolds  
**Chairperson**



## 8.2 Planning Proposal - Remove Clause 4.1A Cap on Maximum Number of Dwellings at Claymore, Western Sydney University Site and Airds/Bradbury

### Reporting Officer

Director City Development  
City Development

### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

### Officer's Recommendation

1. That Council supports the draft planning proposal to remove Clause 4.1A from the Campbelltown Local Environmental Plan 2015.
2. That Council forward the draft planning proposal (refer to attachment 1) to the Greater Sydney Commission for a gateway determination.
3. That subject to no major issues raised by the gateway determination, Council proceeds to public exhibition of the draft planning proposal.
4. That Council request that the gateway determination only require the public exhibition be for a period of 14 days.
5. That Council request delegation from the Greater Sydney Commission to allow Council to finalise the draft planning proposal.
6. That subject to no objections being received, as a result of the public exhibition, Council proceed to finalising the draft planning proposal.

### Purpose

The purpose of the report is to seek Council's endorsement to forward a draft planning proposal to the Greater Sydney Commission for a gateway determination to remove Clause 4.1A from the Campbelltown Local Environmental Plan (LEP) 2015, which currently imposes a cap on the number of dwellings in the new developments at Western Sydney University, Claymore and Airds/Bradbury. There is no change in zoning of land proposed.

Campbelltown LEP 2015 currently imposes a limit of the number of dwellings that may be developed in the following areas:

Airds / Bradbury	2,104
Claymore	1,490
Western Sydney University (Macarthur Heights estate)	850

The sites at Claymore and Airds/Bradbury are existing residential areas built as public housing in the 1970's and are now being redeveloped for a mix of public and private housing. Airds is located 2.5 km east of Campbelltown Station, while Claymore is located 2.3 km north west of Campbelltown Station, west of the M31.

The sites are shown as attachment 1 to this report.

## **Report**

### **1. Existing Zoning**

The affected land at the Macarthur Heights estate at the Western Sydney University (WSU) is zoned R3 Medium Density Residential. The affected lands at Claymore and Airds/Bradbury are zoned R2 Low Density Residential.

No changes to the zoning and related provisions are proposed. The principal development standards in respect of minimum lots size, maximum height of buildings and maximum floor space ratios would remain unchanged.

The principal reasons for the limitation on the number of dwellings are encapsulated in the relevant clause objectives, detailed as follows:

- (a) to restrict the dwelling yield on certain land
- (b) to ensure that infrastructure is not overburdened
- (c) to provide for a diversity of dwelling types.

### **2. The Planning Proposal**

The objective of the draft planning proposal (PP) is to amend Campbelltown LEP 2015 so as to remove the restriction on the maximum number of dwellings permissible on the lands subject to this PP.

The removal of the restriction on the maximum number of dwellings will permit the continued construction of dwellings that is currently being undertaken in each of these areas and is not considered likely to lead to any significant adverse infrastructure impacts.

### **3. Relationship to Strategic Planning Framework**

The PP is generally consistent or of minor inconsistency with:

- ministerial directions (now called Section 9.1 Directions) for the preparation of PP's
- relevant State environmental planning policies
- Greater Sydney Region Plan 2018
- Western City District Plan 2018
- Campbelltown Community Strategic Plan
- Campbelltown Residential Development Strategy 2014.

Comments on the consistency/inconsistency with the above documents/directions are provided in the PP (refer to attachment 2 of this report).



#### **4. Potential Infrastructure Impacts**

##### **Macarthur Heights Residential Precinct – Western Sydney University**

The proposed removal of the dwelling cap on the Macarthur Heights residential estate would potentially result in an increase in the overall number of dwellings within the precinct, primarily as a result of secondary dwellings being proposed under the NSW Government's Affordable Housing SEPP. This situation has not arisen from the actions of Council.

The original restriction on the number of dwellings of 850 under the Campbelltown LEP 2015 was primarily introduced to minimise traffic impacts on the surrounding road intersections.

As part of the final stage (Stage 5) of the residential component of the WSU, a traffic review was undertaken to investigate the impacts of the increase of the overall dwelling numbers from that originally envisaged within the release area. The review revealed that despite the potential increase of some 400 dwellings over the originally assumed amount, there has been an increase in the capacity of Narellan Road and Gilchrist Drive since their upgrades and the future delivery of Spring Farm Parkway which will assist in long term road infrastructure capacity for the additional housing. It is considered the removal of the cap is therefore not likely to result in a significant adverse impact on the current level of service of the local road network.

##### **Claymore and Airds/Bradbury**

The removal of the dwelling caps within the public housing renewal estate is not anticipated to have major impacts on infrastructure.

The Airds/Bradbury Precinct is subject to a planning agreement with an anticipated dwelling yield of 2157 dwellings. The removal of the cap in Airds/Bradbury Precinct is not anticipated to result in any dramatic increase in the number of dwellings beyond what is identified under the planning agreement. This is because the majority of the newly created lots within Airds/Bradbury precinct are less than 420sqm, which is the minimum site area required under the Affordable Housing State Environmental Planning Policy to enable the site to have a secondary dwelling.

Notably, a planning agreement is currently being finalised for Claymore, and for the same reasons above, the removal of the dwelling cap in Claymore is unlikely to result in a large increase in the number of dwellings.

Given the above, it is not anticipated that there would be a need to upgrade the infrastructure within the housing renewal areas as a result of the removal of the dwelling cap.

##### **Other planning issues**

The sites are already zoned for residential development. No changes in zoning are proposed. Issues that would normally be considered in rezoning for residential development have already been dealt with in the residential zoning.

A decision to not remove the dwelling yield limitation could see residential subdivision occur without an entitlement to erect a dwelling on each lot created.

As part of the upcoming LEP review and preparation of an updated housing strategy, Council will need to consider the impact of changes made to State Environmental Planning Policies.

#### **4. Campbelltown Local Planning Panel comments**

A report on the draft PP was considered by the Campbelltown Local Planning Panel (the Panel) on 30 May 2018. The Panel considered that it was appropriate to remove Clause 4.1A from Campbelltown Local Environmental Plan, 2015. The Panel's considerations and reasons for the decision were as follows:

- regarding Macarthur Heights, the panel was of the view that the proposal would not result in major impacts on the surrounding road network given works which have occurred since the imposition of the caps and in view of forecast additional road works on the broader regional network.
- the proposal to remove the maximum housing yield on Macarthur Heights would:
  - facilitate the delivery of additional housing stock within close proximity to Macarthur Square, and the Macarthur Railway Station
  - provide certainty to the development industry and prospective landowners, in terms of their ability to be able to develop their residential land for housing
- regarding Claymore and Airds/Bradbury the proposal would increase the efficiency and certainty of new dwelling approvals
- the proposal is consistent with Council's Local Planning Strategy 2013 and Residential Development Planning Strategy 2014.
- the proposal to remove the maximum cap for housing yield within the urban renewal precincts would:
  - not result in any significant increase in the number of dwellings beyond what is identified under the planning agreement for Airds/Bradbury and the draft Planning agreement for Claymore
  - provide certainty to prospective landowners, in terms of their ability to develop their residential land for housing.

#### **5. Delegation to make the Plan**

Given that the draft PP is of minor planning impact, it is recommended that Council request the Greater Sydney Commission provide Council with delegation to make the plan.

#### **6. Conclusion**

The draft Planning Proposal seeks to amend the Campbelltown Local Environmental Plan 2015 (LEP), by removing Clause 4.1A which currently imposes a cap on the total number of dwellings allowed to be developed in the Western Sydney University development at Macarthur Heights, and separately within the urban renewal areas of Claymore and Airds/Bradbury.

Consideration has been given to the potential impact that such an amendment may have on the existing and future land users, and that of the amenity of surrounding neighbourhoods.



Having regard to the commentary found within the body of the report, it is considered that such an amendment will have a negligible impact on the areas of Claymore and Airs/Bradbury, and when considering the recent upgrade in capacity in the road networks surrounding the University lands, and the soon to be constructed freeway ramps at Menangle Park, it is unlikely that the removal of the cap from the Macarthur Heights precinct will result in a significant adverse impact on the current level of service of the road network in proximity to the university.

The need to amend the LEP has come about (in particular with the Macarthur Heights Estate) due to unforeseen changes to State Environmental Planning Policies that subsequent to the making of the LEP and despite the cap being imposed by Council for good reason at the time, allowed additional dwellings to be constructed in earlier stages of that development. This has resulted in a higher number of dwellings being constructed in the early stages of the project and the potential to reach the dwelling cap well before the last stages of the development site has been released.

Without taking a proactive response to this scenario, purchasers of land in later stages may not be legally entitled to construct a dwelling on their lot, due to the current dwelling cap.

As such, it is considered appropriate to amend the LEP, with the proposed amendment considered to represent an acceptable contemporary planning outcome for the affected lands in the circumstances, without there being a significant adverse impact on the surrounding private and public lands and service infrastructure.

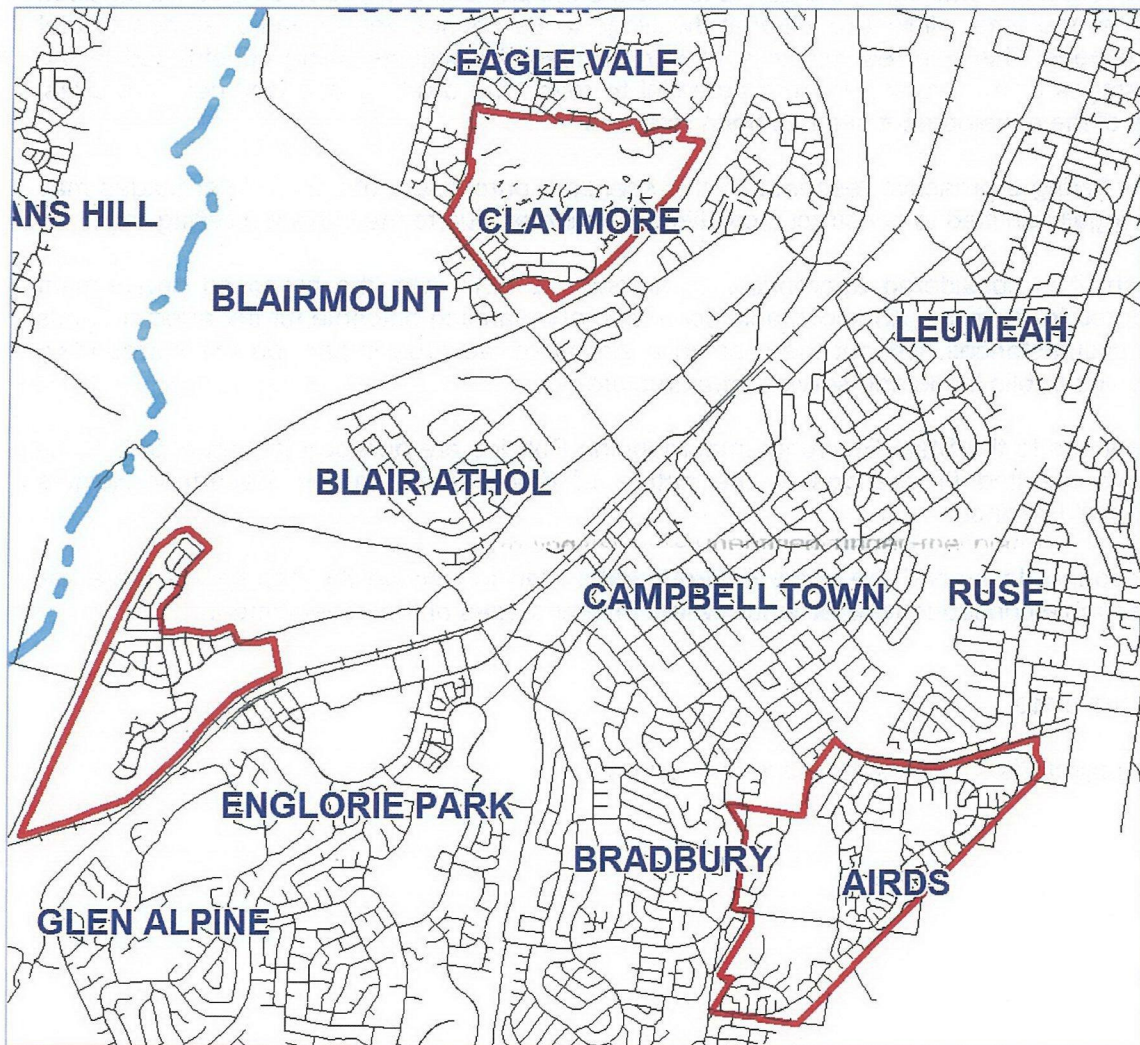
The changes to the State Environmental Planning Policies are outside the control of Council but have resulted in changes to the nature of development in the Macarthur Heights Residential Precinct.

It is important to amend the Local Environmental Plan to remove the cap before there are unreasonable consequences for land owners in later stages of the development.

## **Attachments**

1. Subject Sites (contained within this report)

**Attachment 1 Subject sites**





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**239** The Motion on being Put was **CARRIED**.

A Division was recorded in regard to the Resolution for Item 8.1 with those voting for the Motion being Councillors G Bricevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison, B Thompson, G Greiss and R George.

Voting against the Resolution were Nil.

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Having declared an interest in Item 8.2 Councillor Bricevic left the Chamber at 8:09pm and did not take part in the discussion or vote on the matter.

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**8.2 Planning Proposal - Remove Clause 4.1A Cap on Maximum Number of Dwellings at Claymore, Western Sydney University Site and Airds/Bradbury**

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It was **Moved** Councillor Chowdhury, **Seconded** Councillor Hunt:

1. That Council supports the draft planning proposal to remove Clause 4.1A from the Campbelltown Local Environmental Plan 2015.
2. That Council forward the draft planning proposal (refer to attachment 1) to the Greater Sydney Commission for a gateway determination.
3. That subject to no major issues raised by the gateway determination, Council proceeds to public exhibition of the draft planning proposal.
4. That Council request that the gateway determination only require the public exhibition be for a period of 14 days.
5. That Council request delegation from the Greater Sydney Commission to allow Council to finalise the draft planning proposal.
6. That subject to no objections being received, as a result of the public exhibition, Council proceed to finalising the draft planning proposal.

**240** The Motion on being Put was **CARRIED**.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, W Morrison, G Greiss and R George.

Voting against the Resolution were Councillor B Thompson.

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Councillor Bricevic returned to the Chamber at 8:36pm at the conclusion of Item 8.2.

### 8.3 Status of Applications

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It was **Moved** Councillor Lake, **Seconded** Councillor Thompson:

That the information be noted.

**241** The Motion on being Put was **CARRIED**.

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### 8.4 Greater Macarthur Koala Partnership Forum

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It was **Moved** Councillor Brticevic, **Seconded** Councillor Hunt:

That:

1. Council collaborate with relevant stakeholders in supporting the creation of a 'Greater Macarthur Koala Partnership Forum' to further investigate:
  - a) the implementation of a natural assets corridor network for the Greater Macarthur Growth Area supporting the long term vision of future-proofing koala habitat and movement within the region.
  - b) the feasibility of developing a koala care program for the Greater Macarthur region; and in doing so explore opportunities for the establishment of local facilities for a koala hospital and rehabilitation sanctuary (that could provide contingencies to further leverage eco-tourism and draw visitors to the area).
2. Council invite Wollondilly Shire Council, relevant community groups including representatives of WIRES and other local koala rescue groups, local veterinarians, relevant State and Commonwealth agencies, landowners within the Greater Macarthur Growth Area, local Members of Parliament and the Georges River Combined Councils' Committee (GRCCC) 'Riverkeeper' seeking their direct involvement in the Forum. The structure and membership of the Forum should allow for the addition of future relevant stakeholders as identified.
3. Council invites Wollondilly Shire Council to extend an invitation to interested landholders of the Wollondilly Shire, where their land holdings also exist within the Greater Macarthur Growth Area (Wollondilly) and form part of important koala corridors.

**242** The Motion on being Put was **CARRIED**.

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### 8.5 Minutes of Campbelltown Arts Centre Strategic Committee held 29 August 2018

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It was **Moved** Councillor Oates, **Seconded** Councillor Moroney:

That the minutes be noted with an amendment to Item 6.2 to replace 'Carmel Blanco' with Carmen Blanco.

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