

Planning Services

Gateway determination report

LGA	Campbelltown LGA
PPA	Campbelltown City Council
NAME	Removal of Clause 4.1A and Restricted Dwelling Yields maps from Campbelltown LEP 2015 (400 homes, 0 jobs)
NUMBER	PP 2018 CAMPB 008 00
LEP TO BE AMENDED	Campbelltown LEP 2015
ADDRESS	Claymore, Campbelltown and Airs/Bradbury
DESCRIPTION	Various allotments
RECEIVED	18 October 2018
FILE NO.	IRF18/5749
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A1-A4**) seeks to remove the dwelling cap for three residential sites in the Campbelltown LGA at Claymore, Campbelltown and Airs/Bradbury. This would be achieved by removing clause 4.1A *Maximum dwelling density in certain residential areas* and the corresponding Restricted Dwelling Yield maps from the Campbelltown Local Environmental Plan (LEP) 2015.

Council has advised that the dwelling cap for these sites are redundant and are no longer required as these sites have current approvals for the development of the residential land. It is also noted that the proposed amendment would potentially facilitate an additional 400 dwellings across the Campbelltown site, however, new jobs would not be created.

Site description

The planning proposal applies to three residential sites in the Campbelltown LGA at Claymore, Campbelltown and Airs/Bradbury (refer to Figure 1 overleaf).

Campbelltown Site

The Campbelltown site was formerly Western Sydney University land that is bounded by the Hume Highway to the north, Menangle Road to the south and the Western Sydney University (WSU) to the east. The site is located approximately 900m west from Macarthur Station

The site, which is considered to be surplus to the needs of WSU and was previously undeveloped. Residential development of the land is being undertaken. Council has

received development applications for the subdivision and construction. Development application 1585/2015/DA-MP, refers.

Claymore and Airds/Bradbury Sites

The Claymore and Airds/Bradbury sites are existing residential areas that previously provided public housing in the 1970s. These sites are currently being developed and/or redeveloped for a mix of public and private housing.

The Claymore site is bounded by the Hume Highway and Badgally Road to the south, and the residential suburb of Eagle Vale to the north.

The Airds/Bradbury site is located between Georges River Road to the north, Georges River to the east, Greengate Road to the south, and residential development to the west.

Campbelltown Station is located approximately 2.3km south of Claymore, whilst Airds/Bradbury is located 2.5km to the north-west.

The redevelopment of the Claymore and Airds/Bradbury sites was approved under the former Part 3A of the *Environmental Planning and Assessment Act 1979*. The approval for the Claymore redevelopment (MP11_0010) was issued by the Department on 24 May 2013 for the provision of 1,280 dwellings across the site. Whilst the approval for the Airds/Bradbury redevelopment (MP10_0186) was issued by the Department on 24 August 2012 and would increase the number of dwellings within the project area from 1,542 to 2,104, including the retention of 880 existing dwellings.

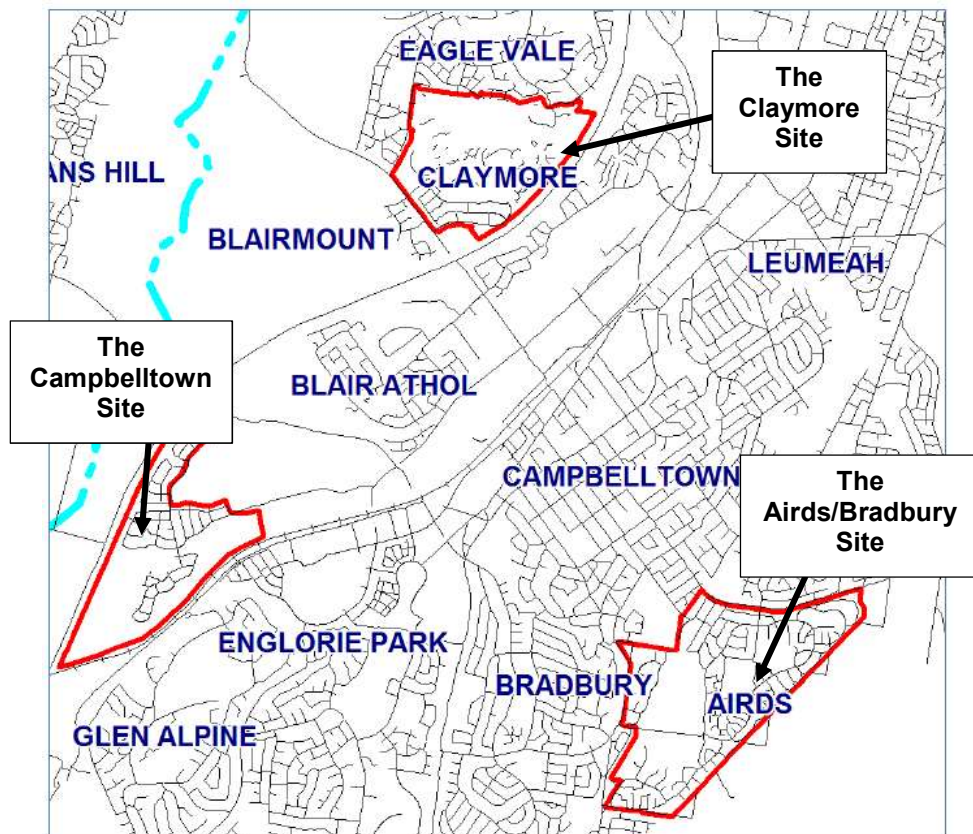


Figure 1 – Site Context

Existing planning controls

Under the Campbelltown Local Environmental Plan (LEP) 2015, the zone and development controls apply to the sites as outlined in Table 1 (below).

Table 1: Current Development Controls

Development Control	Campbelltown site	Claymore Site	Airds/Bradbury Site
Land zoning	R3 Medium Density Residential	R2 Low Density Residential	R2 Low Density Residential
Maximum building height	9m	8.5m	8.5m
Minimum lot size	400m ²	500m ²	500m ²
Maximum floor space ratio	N/A	N/A	N/A
Restricted Dwelling Yield	Area 3 – 850 dwellings	Area 2 – 1,490 dwellings	Area 1 – 2,104 dwellings
Bushfire Prone Land	Vegetation Category 1 and 2, and Buffer	N/A	Vegetation Buffer

Summary of recommendation

It is recommended that the planning proposal proceed with conditions. The dwelling restrictions for the subject sites in clause 4.1A and the corresponding mapping are redundant as an approval has been issued for the development of the residential land.

It is also noted that the proposal would provide additional dwellings across these sites, however, Council has advised that it is not considered that any significant adverse infrastructure will result.

PROPOSAL

Objectives or intended outcomes

The objective of this planning proposal is to remove the restriction on the maximum number of dwellings permissible on the sites as identified in clause 4.1A and the corresponding Restricted Dwelling Yield mapping.

Council's Report (**Attachment A4**) notes that 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.

The objectives of this planning proposal are clear and adequate.

Explanation of provisions

The planning proposal seeks to amend the Campbelltown LEP 2015 by removing clause 4.1A (extract overleaf) and the corresponding Restricted Dwelling Yield maps.

It is noted that the proposal does not intend to rezone or amend the existing development controls for the site.

4.1A Maximum dwelling density in certain residential areas

(1) The objectives of this clause are 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) This clause applies to land identified as “Restricted dwelling yield” on the Restricted Dwelling Yield Map.

(3) Despite clauses 4.1, 4.1AA, 4.1B and 4.1C, the total number of dwellings that may be created by the development of land specified in Column 1 of the table to this clause must not exceed the number specified in Column 2 of the table.

Column 1	Column 2
“Area 1” on the Restricted Dwelling Yield Map, being land at Airds-Bradbury	2,104
“Area 2” on the Restricted Dwelling Yield Map, being land at Claymore	1,490
“Area 3” on the Restricted Dwelling Yield Map, being land at the Western Sydney University	850

Mapping

The proposed amendment will remove the sites from the current Restricted Dwelling Yield Maps (RDY_002, RDY_008, and RDY_009) (refer to Figure 2-4).

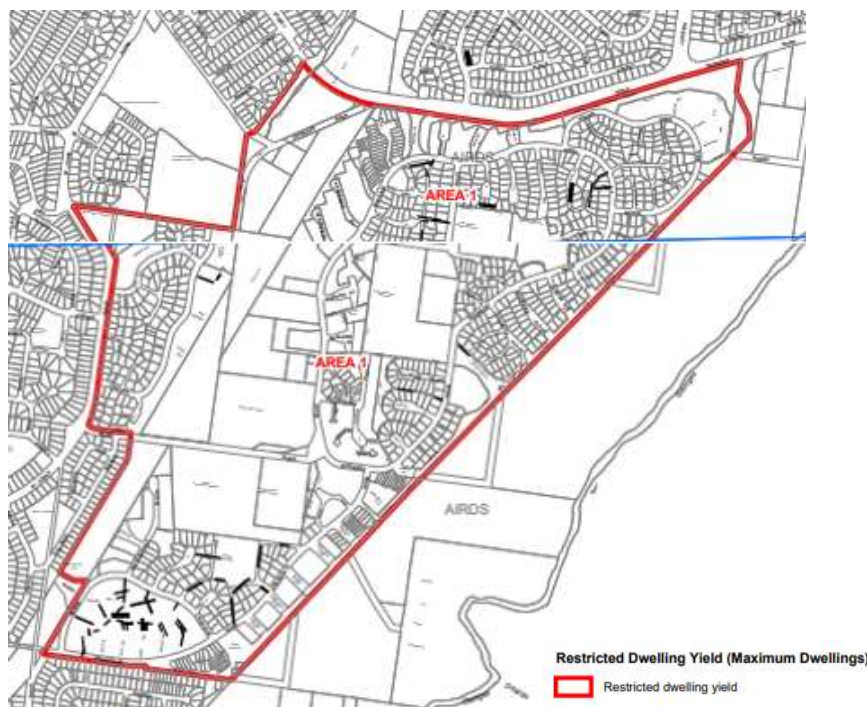


Figure 2 – Restricted Dwelling Yield Map for the Airds/Bradbury Site

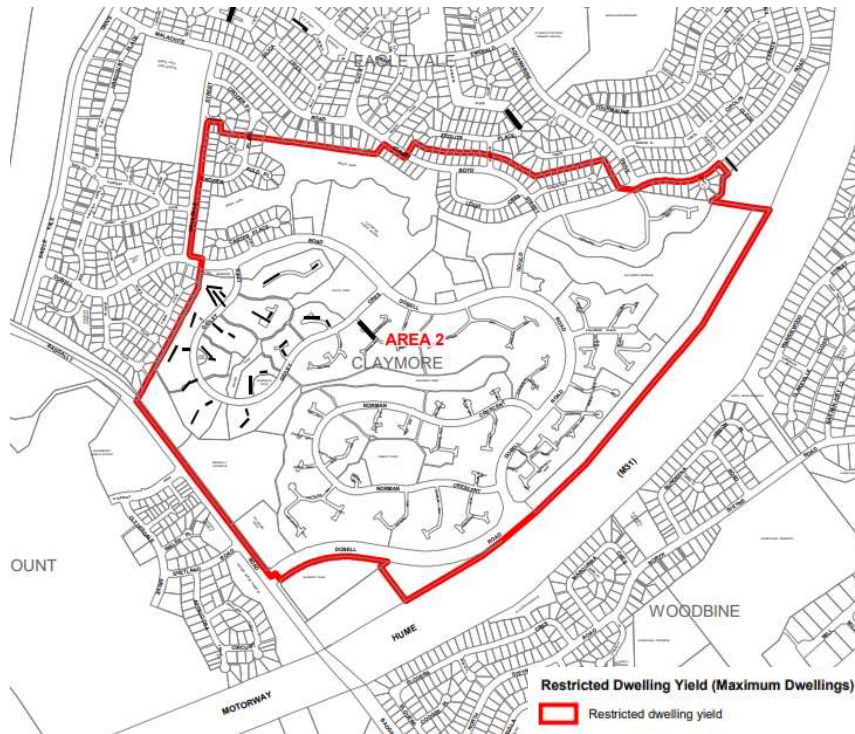


Figure 3 – Restricted Dwelling Yield Map for the Claymore Site

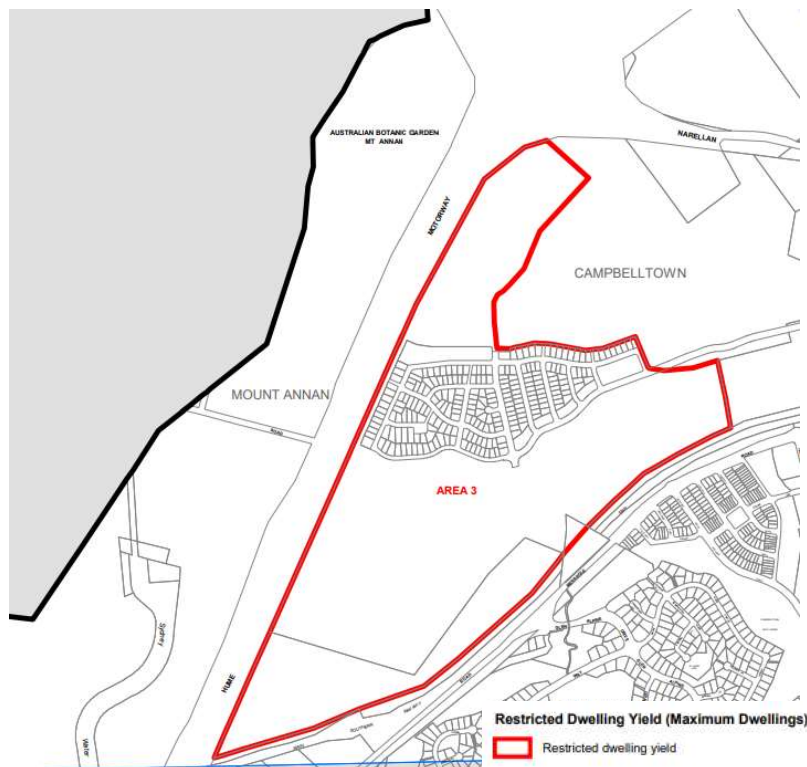


Figure 4 – Restricted Dwelling Yield Map for the Campbelltown Site

Department Comment

It is recommended prior to public exhibition Council amends the planning proposal to include the current Restricted Dwelling Yield Maps for the sites to provide clarity to the community on which areas are proposed to be removed.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of a strategic study or report. However, Council advised that the proposed amendment is the best and most appropriate means of achieving Council's intended outcome i.e. remove the dwelling restrictions across the subject sites. A planning proposal is the only means available to achieve amendments to the relevant provisions under the Campbelltown LEP 2015.

Claymore and Airds/Bradbury

Council advised that the Claymore and Airds/Bradbury sites are being developed in accordance with the Part 3A approval, therefore, a dwelling cap for these sites is no longer required (page 7 of **Attachment A2**).

Council further advises that the proposed removal of the dwelling caps is not anticipated to result in a large increase in the number of dwellings across these sites or have any major infrastructure impacts (page 3 of **Attachment A4**). This is due to the land being subject to a planning agreement which restricts the dwelling yields.

In addition, Council notes that the majority of the newly created lots within the Airds/Bradbury site are less than 420m², which is the minimum site area required under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Housing SEPP) to enable the development of a secondary dwelling.

Campbelltown Site

For the Campbelltown site, the dwelling cap was originally introduced to minimise traffic impacts on the surrounding road intersections (page 3 of **Attachment A4**). As part of the final stage (Stage 5) of the residential development, a traffic review was prepared and concluded 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. Therefore, Council considers that the removal of the cap is not likely to result in a significant adverse impact on the current level of service of the surrounding road network.

Council also note that due to unforeseen changes to State Environmental Planning Policies, additional dwellings have been allowed to be constructed in the earlier stages of the development of the Campbelltown site (page 5 of **Attachment A4**). This has resulted in a higher number of dwellings than initially anticipated by Council which means that future purchasers of land in the later stages of the development may not be legally entitled to construct a dwelling on their lot due to the current dwelling cap.

Department Comment

It is recommended prior to public exhibition Council amends the planning proposal to include the above information from the Council Report (**Attachment A4**) within Section 3 of the planning proposal. This information provides additional justification for the removal of the dwelling caps from the LEP.

STRATEGIC ASSESSMENT

Regional / District

Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission on 18 March 2018. It provides a 40-year vision for Greater Sydney and is designed to inform district and local plans and the assessment of planning proposals. The planning proposal is consistent with the objectives for infrastructure and collaboration, liveability, productivity and sustainability in the plan, as follows:

- it would contribute to the housing supply in the Campbelltown LGA (Objective 10); and
- it would provide opportunities for more diverse and affordable housing in the Campbelltown LGA (Objective 11).

Western City District Plan

The Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the Western City District while improving the district's social, economic and environmental assets.

The planning proposal is consistent with the priorities of the Plan as it would provide additional housing across these residential sites (Planning Priority W5).

Glenfield to Macarthur Urban Renewal Precincts

The Glenfield to Macarthur Urban Renewal Precincts were identified as a growth corridor by the State Government for the purposes of providing further jobs, open space, improved movement networks and revitalisation of existing urban centres through good design.

Under the Strategy, Macarthur has been identified as priority precinct to complement Campbelltown as a Regional City Centre, with world class health facilities, integrated educational institutions, more diverse housing, a premier retail precinct and attractive public spaces.

The Macarthur Precinct Plan (November 2017) identifies the Campbelltown site as low rise residential housing that would provide a mixture of single detached dwellings and town houses (refer to Figure 5 below).

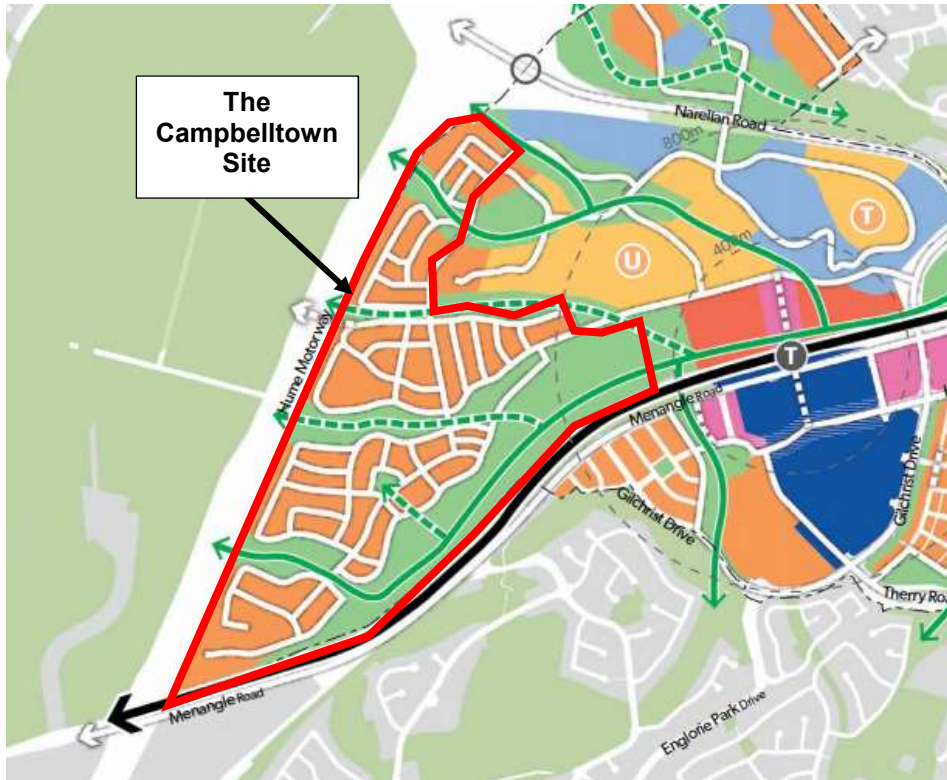


Figure 5 – Macarthur Precinct Plan

It is noted that the Claymore and Airds/Bradbury sites are not located within the Glenfield to Macarthur Urban Renewal Precincts.

Department Comment

The Department notes that the planning proposal is consistent with the Precinct Plan. While this is the case, for clarity, it is also recommended prior to public exhibition that Council amends the planning proposal to include commentary on the consistency of the proposal with the Precinct Plan.

Local

Campbelltown Community Strategic Plan – Campbelltown 2027

The Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council’s policy initiatives and actions. The planning proposal is considered to be consistent with the objectives of the Plan for a vibrant and liveable city.

Campbelltown Local Planning Strategy 2013

The Campbelltown Local Planning Strategy identifies a number of existing and potential “greenfields” growth areas and their respective housing yields. The proposal is consistent with the aims of this Strategy to support residential development at these sites.

Campbelltown Residential Development Strategy 2014

The Strategy is a background document which informed the preparation of the Campbelltown LEP 2015. The proposal would provide additional housing within the area which is consistent with this Strategy.

Section 9.1 Ministerial Directions

Consistency to be further justified: The planning proposal is potentially consistent with the following Section 9.1 direction however further justification is required as outlined below.

Direction 4.4 Planning for Bushfire Protection

This Direction aims to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas. The Campbelltown and Airds/Bradbury sites contain bushfire prone land therefore this Direction applies to the proposal.

In the above circumstances, the Direction requires that the planning proposal authority (i.e. Council) must consult with the Commissioner of the NSW Rural Fire Services (RFS) prior to undertaking community consultation.

A planning proposal may be inconsistent with the direction if the authority can satisfy the Secretary's delegate that the council has obtained written advice from the Commissioner of the NSW Rural Fire Services, to the effect that, notwithstanding the non-compliance, the RFS does not object to the progression of the planning proposal.

Therefore, to ensure that the planning proposal complies with the requirements of this Direction it is recommended that Council consults RFS and, if necessary, seeks the agreement of the Secretary to justify any inconsistency with this Direction.

Consistent: The consistency of the planning proposal with the relevant Section 9.1 directions are outlined as follows.

Direction 3.1 Residential Zones

The objectives of this Direction are to encourage a variety and choice of housing, to make efficient use of existing infrastructure and services, and to minimise the impact on the environment and resource lands. This Direction applies to the planning proposal as it affects land that is zoned for residential purposes.

The proposal is consistent with this Direction as it would facilitate additional housing and provide the opportunity for increased choice and affordability. The sites also have access to existing facilities and services.

Direction 3.4 Integrating Land Use and Transport

This Direction aims to improving access to housing, jobs and services and increase the choice of available public transport. The planning proposal is considered to be consistent with this Direction as the sites are within close proximity to existing public transport facilities.

State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all State Policies.

SITE-SPECIFIC ASSESSMENT

Social and Economic

Council advised that the planning proposal is anticipated to have positive social and economic impacts as it would increase the potential housing supply in the area.

Environmental

The site is currently zoned for residential development and any impacts on the environment including vegetation, stormwater, and contamination would be addressed as part of the development approvals for the sites.

Traffic and Transport

The planning proposal (**Attachment A2**) and Council Report (**Attachment A4**) state that the removal of the dwelling caps would not result in adverse impacts on the current level of service of the surrounding road network.

Council also advise that the certain surrounding intersections and roads (i.e. Narellan Road and Gilchrist Drive) have been upgraded since the introduction of the dwelling caps which has improved their operation.

In addition, the traffic issues are not solely attributed to the development of these residential sites and are likely to be a result of background traffic growth.

Department Comment

It is recommended that Council consults with the Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) on this planning proposal in relation to traffic and transport issues.

Infrastructure

The subject sites have access to existing infrastructure and utilities. It is noted that it is anticipated that the planning proposal would not generate any additional demands on local infrastructure, public or community services.

CONSULTATION

Community

Council proposes to undertake a community consultation period of 14 days. However, given the extent of the proposal, a community consultation period of 28 days is considered a more appropriate period to ensure the engagement of the community. Recommended accordingly.

Agencies

The Department recommends that Council consults the NSW Rural Fire Services (RFS) on the planning proposal prior to public exhibition in accordance with section 9.1 Direction 4.4.

In addition, as the planning proposal affects land owned by the Land and Housing Corporation and the Western Sydney University, it is recommended that Council consults these agencies to confirm there are no concerns with the removal of the dwelling cap applicable to the sites.

It is also recommended that RMS and TfNSW are consulted in relation to any traffic and transport issues relating to the removal of the existing dwelling caps.

Should these agencies require any additional information, or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

TIME FRAME

Council proposes a timeframe of 12 months to finalise this planning proposal. Given the nature of the planning proposal, a 12-month timeframe is considered appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation of the plan making function be issued to it in relation to this planning proposal. Given the nature of the planning proposal, it is recommended that authorisation to exercise delegation should be issued to Council.

CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it would provide additional housing in an appropriate location and in an orderly manner. Further, the proposal will remove a redundant, restrictive site-specific control.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service;
 - Western Sydney University;
 - Land and Housing Corporation;
 - Roads and Maritime Services; and
 - Transport for NSW.

Should these agencies require any additional information, or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.
5. Prior to public exhibition, Council is to amend the planning proposal as follows:
 - a) include relevant information from the Council Report of 9 October 2018 in Part 3 of the planning proposal to provide additional justification supporting the need for the proposed amendment;

- b) amend the heading and address the consistency of the proposal with the Glenfield to Macarthur Urban Renewal Precincts Strategy under Part 3, Section B of the proposal;
- c) insert current Restricted Dwelling Yield Maps into Part 4 of the proposal to provide clarity to the community about which maps are subject to the proposed amendment; and
- d) consult the NSW Rural Fire Service in accordance section 9.1 Direction 4.4 Planning for Bushfire Protection and update the consistency of proposal with this Direction following the receipt of advice from the Service.



1/11/18

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6/11/18

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