

Planning Services

Plan Finalisation Report

Local Government Area: Campbelltown

File number: IRF18/1140

1. NAME OF DRAFT LEP

Campbelltown Local Environmental Plan 2015 (Amendment No. 5)

2. SITE DESCRIPTION

The planning proposal applies to land at:

Lot description	Property address	
Lot 3 DP 735524	Lot 3 Canterbury Road	Glenfield NSW 2167
Lot 2 DP 333578	Lot 1 Cambridge Road	Glenfield NSW 2167
Lot 1 DP 113201	Lot 1 Cambridge Road	Glenfield NSW 2167
Lot 3 DP 736881	Lot 3 Cambridge Road	Glenfield NSW 2167
Lot 91 DP 1155962	Lot 1 Cambridge Road	Glenfield NSW 2167
Lot 92 DP 1155962	Lot 92 Canterbury Road	Glenfield NSW 2167
Lot 1 DP 712701	Railway line	Glenfield NSW 2167
Lot 2 DP 730071	Railway line	Glenfield NSW 2167
Lot 4 DP 735524	Railway line	Glenfield NSW 2167
Lot 6 DP 833516	Railway line	Glenfield NSW 2167



Figure 1: Aeriel view of subject site.

The Glenfield waste site includes Lot 6 DP 833516. While this allotment is part of the site, it is not proposed to vary the existing zone of this allotment under the draft plan.

The site is generally bounded by Georges River to the east, the East Hills Railway Line to the west and residential area to the south. Cambridge Avenue and transmission lines traverse the southern portion of the site.

The site is part of the Glenfield waste facility. The planning proposal relates only to the southern portion of the facility. The northern portion of the facility will continue to be used for soil and sand extraction and landfill activities (non-putrescible).

The Department of Planning and Environment has reconfirmed the lot descriptions and property addresses with Campbelltown City Council prior to seeking Parliamentary Counsel drafting. **Attachment E** is a Lot and DP location map that outlines the legal descriptions applying to the subject site.

3. PURPOSE OF PLAN

The draft LEP seeks to remove the deferred status of the subject site (Figure 2, next page) and apply standard instrument land zonings (Figure 3, next page) to enable the land to be used primarily for industrial development and car parking purposes (as an ancillary use), while providing a buffer area to nearby residential development.

The draft LEP seeks to:

- rezone part of the site from 1(a) Rural (under the Campbelltown (Urban Area) Local Environmental Plan 2002) to part IN1 General Industrial, part RU2 Rural Landscape, part RE1 Public Recreation, part RE2 Private Recreation and part SP2 Railway Corridor under the CLEP 2015, removing the deferred status of the land;
- rezone part of the site currently zoned RE1 under the CLEP 2015 to IN1 General Industrial under that instrument;
- via mapping amendments apply: a 4000m² lot size and 12m height limit standards to the IN1 zone; and a 10ha lot size and 8.5m height limit standards to the land zoned RU2 Rural Landscape on the subject land;
- amend the land reservation map so the Ministerial Planning Corporation (formerly Corporation Sole) is the relevant acquisition authority for land proposed to be zoned RE1;
- attach a new terrestrial biodiversity map to the CLEP 2015 that identifies the extent of relevant vegetation on the site and applies clause 7.20 of the CLEP 2015 to ensure this native flora is adequately protected;
- include a site-specific provision for land proposed to be zoned RU2 on the subject land so the land can be subdivided from the parent lot despite the minimum lot size, and specifying that a dwelling cannot be erected on the lot so created; and
- include a site-specific clause applying to the site addressing:
 - o limitation on the gross floor area of retail premises;
 - satisfactory amenity;
 - adequate serving; and
 - o that hazards are adequately addressed.

The proposal has the potential to deliver approximately 1250 jobs. The proposal will not deliver dwellings.



Figure 2: Current deferred matter land zoning.



Figure 3: Draft LEP zoning map.

4. STATE ELECTORATE AND LOCAL MEMBER

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

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

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

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

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

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 6 August 2013 (Attachment C) determined that the proposal should proceed subject to conditions.

After receiving additional information, on 9 December 2013 the Department gave further advice to Council regarding consistency with section 9.1 Directions 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport and 4.4. Flood Prone Land **(Attachment D)**.

A Gateway alteration was issued for an extension of time on 21 November 2014, extending the finalisation date to 9 December 2015 (Attachment D).

The Gateway determination was altered on 5 February 2016 (Attachment D) to allow the proposal to apply to additional land along the Georges River (at the request of the Office of Strategic Lands) and granted an extension of time to 15 September 2016.

The proposal was again extended in November 2016 (Attachment D1). The proposal was due for finalisation on 30 March 2017. The proposal was submitted to the Department prior to 30 March 2017 for finalisation.

Council has met the conditions in the original Gateway determination as detailed in **Attachment D2**.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, public exhibition was undertaken by Council from 6 April to 6 May 2016.

The proposal attracted 13 written submissions from the community. Submissions raised issues regarding:

- car parking and noise impacts residents were concerned about amenity issues of car parking adjacent to residential development. Council has changed the zoning from SP2 Car Park to RE2 Private Recreation as the whole area (i.e. 12 ha) is not proposed to be used as a carpark; and
- the potential loss of wildlife habitat residents were concerned about the potential loss
 of wildlife, and Council has clarified the proposal to residents who misunderstood the
 intentions of the proposal.

Council has addressed all submissions (Attachment G), making several post-exhibition changes to resolve the concerns raised. These changes are detailed in section 8 of this report.

It is considered that Council has satisfactorily addressed all issues raised in the public exhibition, as summarised in **Attachment G1**.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with: Transport for NSW; RailCorp; Sydney Water; Telstra; TransGrid; Sydney Catchment Authority; Sydney Metropolitan Catchment Management Authority; Office of Environment and Heritage; NSW Department of Primary Industries – Agriculture; NSW Trade and Investment – Minerals and Petroleum; NSW Rural Fire Service; Office of Strategic Lands; and adjoining local government areas (i.e. Liverpool City Council).

Council received 10 submissions from agencies (Attachment F).

The detailed comments made by the authorities and Council's assessment of the submissions are available in Council's report **(Attachment G)** and summarised in Appendix A of this report.

Council has made post-exhibition changes to the planning proposal in seeking to resolve issues raised by agencies (see section 8 of this report).

Attachment F1 details how Council has satisfactorily addressed each agency submission.

Office of Environment and Heritage's (OEH) Submission

OEH requests a portion of the site be rezoned to part E2 Environmental Conservation due to the potential environmentally sensitive nature of the land. Of its total area of 48ha, the site contains 13.77ha of critically endangered Cumberland Plain Woodland (CPW) and several threatened micro chiropteran bats and trees with 108 hollows (Figure 4).



Figure 4: An aerial photo showing the vegetation on site.

The Department considers an E2 zone is unsuitable for the site for the following reasons:

- the isolated nature of the vegetation;
- existing industrial uses on the site;
- a history of landfill uses on the site;
- existing roads, railway and infrastructure on the site;

- the sterilisation of prime employment land by the application of an E2 zone; and
- the ability to manage vegetation issues through other means, as follows.

To address the environmental concerns raised by OEH, a post-exhibition amendment has been made to identify parts of the site as significant vegetation on a Terrestrial Biodiversity Map (Figure 5) and applies existing clause 7.20 Terrestrial Biodiversity of the CLEP 2015 to ensure the native flora is adequately protected, including measures to offset the loss of biodiversity where CPW on-site is adversely affected by development.

OEH has been advised of the post-exhibition amendment but maintains its concerns (Attachments M and M1).



Figure 5: Terrestrial biodiversty map.

The Department of Primary Industries' (DPI) concerns

The Georges River forms the eastern boundary of the site. A strip of open space land separates the site from the river. This corridor is proposed to be reduced in width, with this area maintaining its current RE1 Public Recreation zone. The remaining area of open space is proposed to be rezoned IN1 General Industrial.

DPI recommended the corridor adjacent to the river be zoned E2 Environmental Conservation rather than RE1 Public Recreation, and sought to apply a minimum width of 100m for this zone.

Council's view is that introducing an E2 zone is not appropriate because it would involve a different zone for a small part of the existing open space corridor.

Regarding the boundary width, Council has conducted on-site assessments in consultation with OSL. The proposed width has been determined based on the location of several methane monitoring wells and historical landfill activities on the site.

Council considers that the additional land sought for the 100m corridor to the river is not suitable for open space or other environmental purposes and that no change to the width of the open space corridor at this location is warranted. DPI's letter and Council's response are at **Attachment N**.

While DPI has been advised and maintains its position (Attachment N1), the Department supports Council's approach.

State significant development (SSD) application

There is an undetermined SSD application applying to the subject site (SSD 13_6249). The SSD is relevant to the proposal. If the SSD is to proceed as exhibited, it would clear the proposed IN1 zoned area of the site of all biodiversity, which would no longer be required to be mapped with terrestrial biodiversity mapping.

The proponent for the SSD is currently responding to submissions received during the exhibition period, which concluded on 18 March 2016. Therefore, as the SSD application progresses, the proposed biodiversity mapping will remain part of this proposal to protect the Cumberland Plain Woodland vegetation on the site in the interim.

As part of the SSD application, the landowner made an offer to the Minister to enter into a VPA in connection with the proposed development. As discussed above, the VPA has been executed and provides that the landowner will make a development contribution by dedicating approximately 10ha of land (which is proposed to be zoned RE1) to the Minister for public open space along the Georges River.

8. POST-EXHIBITION CHANGES

After reviewing all agency submissions, Council made a number of post-exhibition changes and requests finalisation of the draft LEP. A detailed summary of the issues, Council's response, and the Department's comment is provided at **Attachment F2**.

In summary, the following map changes were made post-exhibition:

Mapping changes

- The area south of Cambridge Avenue and west of the proposed Georges River Parkway (Part Lot 3 DP 736881 – Area 1 on Figures 6 and 7, pages 10 and 11) is proposed to be rezoned to RE1 Public Recreation for acquisition at OSL's request. This area, as publicly exhibited, was proposed to be zoned to SP2 Car Park.
- The area north of the East Hills Railway Line (part of Lot 91 DP 1155962 Area 2 on Figures 6 and 7) is proposed to be assigned an RU2 Rural Landscape zone to satisfy TfNSW, TransGrid and public submissions, which is the equivalent zone to the existing zoning of 1(a) Rural A Zone under the superseded CLEP 2002. This area as publicly exhibited was proposed to be zoned to IN1 General Industrial.
- The area between the proposed Georges River Parkway and the regional open space (part Lot 3 DP 736881 Area 3 on Figures 6 and 7) is proposed to be rezoned to RE2 Private Recreation to address concerns raised in public submissions. This area as publicly exhibited was proposed to be zoned to SP2 Car Park.
- The area to be rezoned RU2 Rural Landscape (Area 2 on Figures 6 and 7) to have a minimum lot size of 10ha and maximum height limit of 8.5m (consistent with RU2 height limits) to restrict subdivision and dwelling entitlements on that part of the site.

Additional provisions in the local clause

The post-exhibition planning proposal amends the wording of the exhibited local clause as follows:

 requirement for a development control plan – site-specific details have been included (amendment requested by RMS);

- requirement for a flood assessment and stormwater management plan, a minor . amendment to wording (amendment requested by a public submission);
- include a requirement to provide a conditional pedestrian and access link to the site . north of the East Hills Railway Line (amendment requested to satisfy Sydney Trains and TfNSW concerns);
- include a maximum limit of 100m² gross floor area for retail purposes (amendment • requested to satisfy RMS concerns); and
- removal of the requirement for a vegetation management plan, replaced by a new terrestrial biodiversity map (see below).



Figure 6: Exhibited planning proposal zoning map.



Figure 7: Post-exhibition planning proposal zoning map.

New terrestrial biodiversity map

The post-exhibition planning proposal seeks to introduce a new terrestrial biodiversity map. The proposal originally contained a proposed terrestrial biodiversity clause; however, this clause was included in the CLEP 2015 (Amendment No. 2).

The exhibited proposal sought a condition through an LEP clause that required a vegetation management plan.

After consultation with OEH, Council decided to proceed with a terrestrial biodiversity map and a terrestrial biodiversity clause to address OEH concerns and ecological issues on the subject site.

Changes from the exhibited rezoning and development standards to the post-exhibition rezoning and development standards are outlined at **Attachment I**.

Re-exhibition

Re-exhibition of the planning proposal is not considered necessary for the following reasons:

- the extent of the post-exhibition changes is confined within the boundaries of the subject site and affect the same lot and DPs as described in the planning proposal;
- the changes made to the planning proposal are in response to agency and public submissions;
- Council has satisfactorily addressed the concerns raised by the agencies and public submissions;
- the post-exhibition changes to the site and the land uses do not alter the intent or objectives of the planning proposal; and
- Council has received written confirmation from the proponent that they are satisfied with the post-exhibition changes (Attachment J).

9. ASSESSMENT

Section 9.1 Directions.

The Gateway determination (Attachment C) and accompanying letter stated the proposal's inconsistency with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands are justified by studies already conducted and the then Draft South West Subregional Strategy.

The Gateway determination required Council to adequately demonstrate consistency or justify any inconsistency with section 9.1 Directions 2.3 Heritage Conservation, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land.

The Gateway determination also included a condition that required consultation with the Rural Fire Service (RFS) prior to community consultation to satisfy the requirements of Direction 4.4 Planning for Bushfire Protection. RFS did not object **(Attachment K)**. Due to the post-exhibition changes, consistencies with Directions 6.2 Reserving Land for Public Purposes and 7.2 Implementation of Greater Macarthur Land Release Investigation were also required to be addressed.

The Gateway alteration issued on 9 December 2013 (Attachment D) confirms the proposal is consistent with Direction 2.3 Heritage Conservation.

Approval from the Secretary's delegate regarding the draft LEP's inconsistencies with the following section 9.1 Directions is sought:

Direction 3.4 Integrating Land Use and Transport

The original planning proposal did not address this Direction and was considered inconsistent with the Direction as it failed to address the objectives of the Direction (i.e. improving access to housing, jobs and services by walking, cycling and public transport).

Under the Direction, a planning proposal may be justifiably inconsistent with the Direction if a study has been prepared in support of the proposal that considers the objectives of the Direction.

Council has demonstrated justified inconsistency with this Direction by including information from the proponent's traffic and transport review, demonstrating proximity to public transport and pedestrian/cycling access to and from the subject site.

Direction 4.3 Flood Prone Land

Part of the site is subject to a 1-in-100-year flood event and the proposal seeks to increase land uses at the site.

This Direction requires a planning proposal 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.

The proposal is inconsistent with this Direction as it rezones land from a rural zone to an industrial zone.

The proposal was updated to include additional information relating to stormwater management and flooding. After reviewing the proposal with the additional information, the inconsistency of the proposal with this Direction is considered to be of minor significance due to the small amount of land on the site that would be affected by flooding and that flood-free access/exit can be provided.

Direction 4.4 Planning for Bushfire Protection

This Direction applies as a part of the site is identified as bushfire-prone land.

The proposal is inconsistent with this Direction as it does not contain the details required to address *Planning for Bush Fire Protection 2016*, and subsequently required referral to the NSW Rural Fire Service (RFS).

Council consulted the RFS regarding the proposal. The RFS raised no objection due to the small proportion of the land affected **(Attachment K)**.

The proposal has therefore addressed the terms of this Direction and the inconsistency is of minor significance due to the small proportion of land affected.

Direction 6.2 Reserving Land for Public Purposes

This Direction applies as OSL requested a small portion of land be zoned RE1 Public Recreation and be included on the land reservation acquisition map (to be acquired by OSL) (Attachment F2).

The proposal is inconsistent with this Direction as it alters land reserved for public purpose.

It is considered that the proposal's inconsistency is justified in accordance with the terms of this Direction as the proposal appropriately responds to OSL's request and Council has made the appropriate minor changes to the land zoning and land reservation acquisition maps (Attachment L).

Direction 6.3 Site Specific Provisions

A site-specific clause was required to apply site-specific conditions (as required by state agencies) to allow appropriate development.

The proposal is inconsistent with this Direction as the Direction seeks to limit the use of site-specific clauses in LEPs.

The clause:

- removes the dwelling entitlement on land to be zoned RU2 Rural Landscape;
- requires a site-specific development control plan to address issues raised by RMS;
- limits the retail gross floor area to limit traffic impacts on Cambridge Avenue;
- requires that development not adversely affect the local road network;
- requires a detailed flood assessment report and plan for stormwater management;
- requires development to facilitate public access;
- requires any car park on land zoned RE2 Private Recreation to minimise noise impacts and light spillage on adjoining residential land; and
- requires any car park not be designed and constructed for use by heavy vehicles.

Due to the unique site-specific qualities of the site and the requirements proposed by agencies, inconsistency with this Direction is justified.

Direction 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor

Since the original Gateway determination was issued on 6 August 2013, section 9.1 Direction 7.2 Implementation of Greater Macarthur Land Release Investigation was released in September 2015 that encompassed the Glenfield area, which was then separately identified in Direction 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor.

The site lies within the Glenfield to Macarthur Urban Renewal Corridor Strategy.

The proposal is inconsistent with this Direction as it has not directly addressed the strategy.

The site is not identified for urban rezoning in the Glenfield Precinct. The proposal will provide appropriate employment opportunities to support the urban renewal corridor.

The proposal is considered justifiably inconsistent with the terms of this Direction as it achieves the overall intent of the strategy and does not adversely affect the delivery of urban renewal in the corridor.

State environmental planning policies (SEPPs) and deemed SEPPs

The planning proposal is not inconsistent with any SEPP.

The Greater Sydney Region Plan

The proposal was submitted for Gateway determination before the release of the Greater Sydney Region Plan.

On reviewing the planning proposal within the context of the plan, the proposal is consistent with the plan, specifically *Objective 23 – Industrial and urban services land is planned, retained and managed*. The proposal will deliver industrial land use space and generate employment opportunities in the Campbelltown local government area.

Western City District Plan

The proposal was submitted for Gateway determination before the release of the Western City District Plan.

On reviewing the planning proposal within the context of the plan, the proposal is consistent with the plan, particularly:

- Planning Priority W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport. The proposal is in the urban growth corridor of the plan and within the Glenfield to Macarthur Urban Renewal Corridor Strategy. The proposal will deliver employment opportunities close to emerging residential development in the new urban release areas in the corridor.
- Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land. The subject site is near the South Sydney Freight Line and the Moorebank and SIMTA Intermodal terminals. The proposed rezoning to industrial land will facilitate the growth of industrial services in the immediate area.

10. MAPPING

The map cover sheet and corresponding maps (Attachments MCS and Maps) have been checked by the Department and have been sent to Parliamentary Counsel ready for finalisation.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment O**). Council confirmed on 26 February 2018 that it was satisfied with the draft and that the plan should be made (**Attachment P**).

12. PARLIAMENTARY COUNSEL OPINION

On 7 March 2018, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

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

- the site is no longer suitable for rural purposes due to the proximity to planned major infrastructure hubs, current industrial uses and neighbouring residential density;
- the site is well-located to provide up to 1250 jobs for the community, within the Sydney West Priority Growth Centre and within the Glenfield to Macarthur Urban Renewal Corridor. The site has good access to current and future public transport infrastructure;
- industrial development on the subject land may support the South Sydney Freight Line and the Moorebank and SIMTA Intermodal terminals; and
- Council has satisfied all conditions of the Gateway determination.

AN/anuthers

16/05/2018

Terry Doran Team Leader Sydney Region West Ann-Maree Carruthers Director, Sydney Region West Planning Services

Appendix A – Agency Submissions

Agency submissions are summarised below:

Agency concern/s	Response
WaterNSW – no objection (Attachment F)	
NSW Rural Fire Service – no objection	
(Attachment K)	
Roads and Maritime Services (RMS) – raised concerns over impacts of traffic	Council addressed this by limiting floor area. There was no objection from RMS with this
generation	post-exhibition change (Attachment H).
Transport for NSW (TfNSW) – no objection, however, TfNSW raised the issue of applying a special use zone (car park) and the need for an acquisition authority	Council addressed this in a post-exhibition change by applying an RE2 Private Recreation zone as only a small portion of the area was intended to be utilised for a
	carpark.
TransGrid – raised concern over a proposed special uses zone for a proposed car park near a major TransGrid electricity easement on the site	This was satisfactorily resolved at post- exhibition stage by applying an RE2 Private Recreation Zone, thus removing a potential acquisition role for TransGrid, and by clarifying that the location of the proposed car park will not interfere with the easement.
Sydney Trains – concerned over land being rezoned to industrial adjacent to the East Hills Railway corridor	At post-exhibition stage, the land is now proposed to retain its rural-type zone under the Standard Instrument LEP (RU2 Rural Landscape), thus satisfying the concern.
Liverpool City Council – raised similar concerns to Sydney Trains about an industrial zone located to the north of the railway corridor and access to the northern	As discussed above the Department considers that this issue was addressed at post-exhibition stage.
portion of the waste facility. Council also does not support the reduction of the open space corridor, particularly as the area to the north of the site is to be dedicate to the state government as a regional park. The area to the north of the site is part of the larger waste facility and is currently used for extraction and landfill activities.	It is noted that in late 2016, the then Minster for Planning entered into a voluntary planning agreement (VPA) with the landowners. The VPA terminated a 1992 deed of agreement with the Minister for Planning, as corporation sole, to dedicate the landfill land for public purposes (i.e., a regional park). This was on the basis that the Department considered that the landfill land was not a suitable location for a regional park due to lack of access, low amenity, security risks and ongoing contamination concerns. Additionally, the existing quantity of open space in the surrounding area is high.
	As an alternative, the VPA provides for the transfer of approximately 10ha of land along the Georges River foreshore to the Minister for Planning for open space. This area would be the first major stage of a connection from the Georges River Nature

Office of Strategic Lands (OSL) – OSL	Reserve at Macquarie Fields in the south to the Casula Powerhouse Arts Centre and onto Liverpool CBD, and would provide opportunities for walking and cycling. The land is to be transferred within 36 months from the date the VPA was executed (November 2016). Therefore, it is proposed to be zoned RE1 to enable the dedication under the VPA. OSL agreed to be the acquisition authority.
requested that a small portion of land not be zoned SP2 Car Park. This land is located	The post-exhibition change is consistent with the request (Attachment L) and the
between regional open space and a future	SP2 Car Park zoning has been removed
transport corridor. To avoid isolation, a RE1 Public Recreation Zone was requested.	and replaced with RE1 Public Recreation.
Office of Environment and Heritage –	Refer to Section 7 of this report.
concerns with terrestrial biodiversity (Attachment M).	
Department of Primary Industries –	Refer to Section 7 of this report.
concerns over development assessment requirements and the extent of the zone	
boundary (Attachment N).	