

Planning Services

Plan Finalisation Report

Local Government Area: Campbelltown

File Number: IRF17/487

1. NAME OF DRAFT LEP

Campbelltown Local Environmental Plan 2015 (Amendment No 7) (draft LEP). The draft written instrument is at **Attachment LEP**.

2. SITE DESCRIPTION

The planning proposal applies to land at 82-102 Amundsen Street, Leumeah (the site). The site is approximately 4.36ha and contains the allotments identified in Table 1 below. Refer to Figure 1 for the location of the site.

Table 1: Property Description

Address	Lot Description
86 Amundsen Street, Leumeah	Lot 1 DP 709918
82-102 Amundsen Street, Leumeah	Lot 1 DP 795498
82-102 Amundsen Street, Leumeah	Lot 2 DP 126471



Figure 1 – Aerial View of the Site (outlined in red)

3. PURPOSE OF PLAN

The draft LEP seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 as follows:

- remove the site as a deferred area;
- rezone the site to part R2 Low Density Residential and part R5 Large Lot Residential;
- apply a maximum building height of 8.5m across the site; and
- apply a minimum lot size of part 500sqm for the R2 zoned land and 9,000sqm for the R5 zoned land.

The existing and proposed maps are provided at **Attachment G**.

The site is currently zoned 7(d4) - Environmental Protection with a minimum lot size of 2ha under Campbelltown (Urban Area) Local Environmental Plan 2002.

Making the draft LEP will result in the inclusion of the site within the Campbelltown LEP 2015 and removal of the land (as a deferred matter) from Campbelltown (Urban Area) LEP 2002. In addition, the draft LEP will enable the provision of approximately 35 additional dwellings.

4. STATE ELECTORATE AND LOCAL MEMBER

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

The site falls within the Macarthur Federal Electorate. 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 planning proposal.

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

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

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 4 December 2015 (**Attachment C**) determined that the planning proposal should proceed subject to conditions.

There have been two Gateway extensions issued for the planning proposal as follows:

- 8 September 2016 by 6 months (**Attachment D1**); and,
- 23 May 2017 by 6 months (**Attachment D2**).

The proposal was due for finalisation by 11 December 2017.

The Department received the request by Council to finalise the planning proposal prior to the due date. The Department is satisfied that Council has met the conditions of the Gateway determination and the planning proposal is adequate for finalisation.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, community consultation was undertaken by Council from 19 July 2017 to 18 August 2017. Council received one (1) community submission during the exhibition period which is summarised in the Council Report at **Attachment H1**.

The community submission raised the following matters:

- the provision of a wildlife corridor along both sides of Amundsen Street;
- an objection to small lot housing fronting the street;
- potential on-site contamination; and,
- listing the existing house as a heritage item.

Council noted the submission and addressed the above concerns (**Attachment H1**) as follows:

- Council is investigating the feasibility of preserving wildlife corridors;
- the proposed 500sqm lots fronting Amundsen Street is consistent with the surrounding minimum lot size and therefore appropriate;
- the contamination report (**Attachment I8**) concluded that the site is suitable for residential development and recommends a number of measures for the removal of any asbestos and the decommissioning of the septic tank;
- the heritage report (**Attachment I6**) concluded that the existing dwelling has limited significance and would not meet the threshold for listing as a heritage item (note: OEH raised no objections to the planning proposal).

It is considered that Council has adequately addressed the issues raised by the community submission.

7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted the public agencies in accordance with the Gateway determination. Council received ten (10) submissions from the public agencies, including the Office of Environment and Heritage; Endeavour Energy; Subsidence Advisory NSW; Department of Planning and Environment (Division of Resources and Geoscience); NSW Rural Fire Service; Transport for NSW; Roads and Maritime Services; NSW Aboriginal Land Council; Sydney Water; and Telstra. Refer to **Attachment J** for the public agency submissions.

These public agencies did not raise any objections to the planning proposal, however, some issues were identified that can be addressed at the development application stage, including: connection to services; bushfire standards; the provision of an additional bus stop adjacent to the site; and, the consideration of Aboriginal items.

Subsidence Advisory NSW advised that the site is within a Coal Exploration Lease currently held by the Crown but not within a mine subsidence district. Subsidence Advisory NSW and the Department's Division of Resources and Geoscience did not object to the planning proposal.

Council addressed the public agency comments in the Council Report at **Attachment H1** and advised that these issues will be considered at the development application stage.

At Council's Ordinary Meeting held on 28 November 2017 (**Attachment H2**), Council resolved to proceed with the planning proposal without any post-exhibition changes.

8. POST-EXHIBITION CHANGES

Council did not resolve to undertake any post-exhibition changes to the planning proposal.

9. ASSESSMENT

Section 9.1 Directions

At the time of the determination (**Attachment C**), the Secretary agreed that the planning proposal's inconsistency with section 9.1 Direction 2.1 Environment Protection Zones is of minor significance. Therefore, no further approval is required in relation to this Direction.

The consistency of the planning proposal with the following section 9.1 Directions are addressed as follows:

Direction 1.3 Mining, Petroleum Production and Extractive Industries

This Direction applies to the site as there is an active mine exploration lease across the site currently held by the Crown.

Council consulted the Department's Division of Resources and Geoscience (DRG) on the planning proposal. The DRG did not raise any objections to the planning proposal and advised that the rezoning is unlikely to restrict exploration activities within the lease area (**Attachment J**).

Any inconsistency with the Direction is considered to be of minor significance as the proposed rezoning is unlikely to impact exploration activities.

Direction 4.4 Planning for Bushfire Protection

This Direction applies to the planning proposal as the site contains Bushfire Prone Land (Vegetation Buffer) in the north-eastern corner of the site. The Bushfire Assessment (**Attachment I2**) concluded that the site is capable of accommodating residential development with the appropriate bushfire protection measures including the recommended Asset Protection Zones.

However, the planning proposal is inconsistent with this Direction as it does not introduce new controls that avoid placing inappropriate developments in hazardous areas as prescribed by the Direction.

The inconsistency is justified as the NSW Rural Fire Service (**Attachment J**) did not raise any objections to the planning proposal provided that future development applications comply with the requirements of Planning for Bushfire Protection 2006.

Direction 2.3 Heritage Conservation

The Aboriginal Heritage Report (**Attachment I1**) identified a single isolated Aboriginal artefact, a quartz core, along the eastern boundary of the site. This isolated artefact is representative of artefacts present on the Cumberland Plain, and will be registered on the AHIMS database as (Amundsen Street 01) and is afforded protection as an Aboriginal object under the NPW Act.

The planning proposal is consistent with this Direction as artefact site will be listed on the register and is unlikely to be impacted by the proposed residential development.

State environmental planning policies

State Environmental Planning Policy No 44 - Koala Habitat Protection

This State Policy applies to the Campbelltown LGA, therefore the planning proposal has addressed this policy.

The Flora and Fauna Report (**Attachment I4**) concluded that approximately 80% of the trees on the site are a type of koala feed tree (i.e. Forest Red Gum) as defined by SEPP 44. Therefore, in accordance with SEPP 44 the site is identified as 'potential koala habitat'.

However, the site is not defined as 'core koala habitat' under SEPP 44 as the report advised that there are no koalas or evidence of koalas found on the site.

The provisions under the State Policy require that an Individual Koala Plan of Management (KPoM) would be required for the site if core koala habitat is identified on the land through any future site-specific studies associated with a development application. This individual KPoM would include recommendations for appropriate development controls for koala protection which would be enforced via a condition of any development consent granted on the site.

State, regional and district plans

Greater Sydney Region Plan

The planning proposal is consistent with the Greater Sydney Region Plan (March 2018) as it will provide additional housing (Objective 10) and diversify housing choice in the vicinity (Objective 11).

Western City District Plan

The site is located within the Western City District therefore the Western City District Plan (March 2018) applies to the site. The planning proposal is consistent with the District Plan as it will provide additional housing in Leumeah which has been identified as an Urban Area for housing supply.

10. MAPPING

There are four (4) maps associated with this planning proposal (**Attachment Map**) which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet the technical requirements.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) [formerly section 59(1)] of the *Environmental Planning and Assessment Act 1979* (**Attachment E**).

Council confirmed on 23 January 2018 that it was happy with the draft and that the plan should be made (**Attachment F**).

12. PARLIAMENTARY COUNSEL OPINION

On 24 January 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:

- additional housing will be provided in an appropriate location within the Campbelltown LGA;
- the proposal holds strategic merit, as it is consistent with the intentions of the Greater Sydney Region Plan and the Western City District Plan; and,

- any inconsistencies with section 9.1 Directions: 1.3 Mining, Petroleum Production and Extractive Industries and 4.4 Planning for Bushfire Protection are justified in accordance with the terms of the Directions.



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