

8.2 Consideration of Submissions - Review of Campbelltown Local Environmental Plan 2015

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.1 - Provide opportunities for our community to be engaged in decision making processes and to access information

Officer's Recommendation

1. That Council forward the planning proposal at attachment 1 to this report to the Minister for Planning and Public Spaces and request that Amendment No. 24 to the Campbelltown Local Environmental Plan 2015 (CLEP 2015) be made along with the concurrent repeal of Campbelltown (Urban Areas) Local Environmental Plan 2002, Interim Development Order No. 15, Interim Development Order No. 29 and Campbelltown Local Environmental Plan – District 8 (Central Hills Lands).
2. That everyone who was recorded as making a submission in response to the public exhibition of the planning proposal be advised of Council's decision.

Executive Summary

- The *Environmental Planning and Assessment Act, 1979* (EP&A Act) requires Council to amend its' environmental planning instruments to align with the Western City District Plan.
- This project commenced in 2018. Council's first consideration of the LEP review was at its' meeting on 10 July, 2018. The due date for the LEP review has been set at 30 June, 2020 since that time. The NSW government has provided financial assistance to Council for this work to be undertaken.
- As a part of the review process a project plan was prepared detailing proposed changes to the CLEP 2015 to align it with the Western City District Plan. This project plan was considered at Council's extraordinary meeting of 30 October, 2018 where Council adopted this project plan.
- On 10 September, 2019 Council considered a report on the LEP review planning proposal which was supported and forwarded to Department of Planning, Industry and Environment (DPIE) for a gateway determination.
- On 4 February, 2020 Council received the Gateway determination which is attachment 2 to this report.
- The planning proposal was amended in response to the pre-exhibition requirements of the Gateway determination and the planning proposal was placed on public exhibition from 1 April 2020 to 6 May 2020.

- 29 submissions were received during the public exhibition, eight of these were from Government Agencies. Of the public submissions, seven were in support of the planning proposal and 14 were either in partial or total opposition. Some of the submissions requested changes to the planning proposal.
- This report considers those submissions. It is recommended that Council support some minor amendments that have been made to the planning proposal in response to these submissions and that the amended proposal be forwarded to the Minister for Planning and Public Spaces with a request that Amendment No. 24 to CLEP 2015 be made.

Purpose

The purpose of this report is to outline a summary of the submissions received during the public exhibition of the planning proposal to amend the CLEP 2015 and expand its area of application to the whole Local Government Area and in conjunction repeal older environmental planning instruments that currently apply to parts of the Campbelltown Local Government Area. The public exhibition version of the planning proposal and attachments is located at attachment 4. The purpose of the report is also to seek Council's approval to forward the amended planning proposal to the Minister for Planning and Public Spaces.

History

In March 2018 the Greater Sydney Commission (GSC) released A Metropolis of Three Cities – The Greater Sydney Region Plan, together with five supporting district plans which established a clear future vision for Greater Sydney to 2056.

The Campbelltown LGA, along with the LGA's of the Blue Mountains, Camden, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly, have been included in the Western City District Plan. The following themes have been identified as critical for the successful functioning of Campbelltown in line with the Western City District Plan.

- Infrastructure and Collaboration
- Liveability
- Productivity
- Sustainability

The Western City District Plan also identifies a number of planning priorities that Councils are required to consider as part of the review of their LEPs.

The NSW Government's Affordability Strategy provided up to \$2.5m in funding to a number of Councils including Campbelltown to undertake the review of their individual LEPs within two years. Council agreed to the terms of this funding agreement at its meeting on 10 July, 2018.

At the Extraordinary Meeting of Campbelltown City Council on 30 October 2018, Council supported a review of its Campbelltown Local Environmental Plan 2015, and forwarded the report and draft Project Plan to the Greater Sydney Commission (GSC) for endorsement in accordance with the legislative requirements outlined in the EP&A Act. This project plan was accepted.

The Project Plan provided tasks that are required to be met in order to satisfy the funding agreement between Council and State Government. The project plan also identified additional studies that are required to be undertaken to further align Council's LEP with the Western City District Plan. A local housing strategy and strategic review of employment lands are currently being undertaken to address future demand within the LGA. Reimagining Campbelltown City Centre Master Plan is currently on exhibition.

The preparation, exhibition and making of the Campbelltown Local Strategic Planning Statement (LSPS) was an important milestone in the process. The proposed amendments to the CLEP 2015 are consistent with the endorsed LSPS which came into effect on 31 March, 2020.

On 24 July 2019, the planning proposal was considered by the Campbelltown Local Planning Panel who provided their advice on the proposal. The planning proposal was then considered by Council on 10 September 2019 and it was resolved that the planning proposal and associated attachments be sent to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination. A request for Gateway Determination was made to DPIE on 17 September 2019. The Gateway Determination was issued to Council on 4 February 2020 and is located at attachment 2.

Report

The planning proposal to align the CLEP 2015 with the Western District Plan was publically exhibited from 1 April 2020 until 6 May 2020.

The major changes within the planning proposal include the provision of planning controls for the areas of the Local Government Area (LGA) that CLEP2015 does not currently apply to and concurrent repeal the environmental planning instruments that currently apply to these locations; an expansion of the terrestrial biodiversity map; the mapping and establishment of additional assessment criteria for the Scenic Hills; an increase in the maximum height of buildings for industrial zones from 12m to 19m; the removal of sex services premises from the list of uses permissible with development consent in the B5 zone; the inclusion of public health objectives; and the amendment of clauses 4.1B, 4.1C, 4.1D and 4.4 to improve the usability of the plan and reduce the risk of misinterpretation and errors when applying the instrument.

Land owners affected by the repeal of the environmental planning instrument currently applying to their land and the conversion of the planning rules for their land to the CLEP2015 were individually notified in writing. Exhibition materials were made available on Council's website and on the Department of Planning, Industry and Environment's Planning Portal website.

Public authorities and Camden Council were also notified in writing of the public exhibition.

Due to the recent events relating to COVID-19, an amendment to the EP&A Act, specifically the inclusion of Clauses 10.7 and 10.8, allowed Councils to satisfy the requirements for public exhibition by having the documentation for the LEP Review on Council's website. Notwithstanding this, an advertisement of the planning proposal did appear in the Campbelltown-Macarthur Advertiser on 1 April 2020.

A summary of submissions made during the public exhibition are outlined below along with responses from Council Staff.

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
In-Support			
1 Western Sydney University	Supportive of the planning proposal. Include land located north of William Downes Avenue and University Drive in Additional Permitted Uses map to align with proposed inclusion of additional permitted uses in written instrument.	1	The planning proposal seeks to include additional permitted uses for land located north of William Downes Avenue and University Drive specifically Lot 3098 DP 1230014. This part of their land is currently subject to a Development Application lodged in accordance with CLEP 2002 but not determined. The proposed zoning would allow the land owner to develop this parcel of land. The additional permitted uses are Attached dwellings, building identification signs, business identification signs, centre-based child care facilities, dual occupancies, dwelling houses, emergency services facilities, environmental protection works, exhibition homes, exhibition village, home businesses, home occupation, home based child care, multi dwelling housing, recreation areas, recreation facilities (outdoor), residential flat buildings, roads, semi-detached dwellings, seniors housing and secondary dwellings.
2 Property Council of Australia	Supportive of the Proposal. No concerns.	1	Noted
3 Landcom	The submission supports the planning proposal but also requests the following in relation to the Macarthur Gardens North Site: <ul style="list-style-type: none"> - Include multi dwellings as a permissible use on the site; - Adjust the B4 zone boundary to align with the proposed 	1	Multi dwellings are not considered appropriate for the proposed R4 and B4 zoned land. They are not a permissible use on other R4 and B4 zoned land under CLPE 2015. The use of this land for multi dwelling housing would be inconsistent with the District Plan, Glenfield to Macarthur Urban Renewal Corridor Strategy and the draft Reimagining Campbelltown Master Plan. Land this close to Macarthur railway station should

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	<p>road layout provided in the submission;</p> <ul style="list-style-type: none"> - Limit the application of Clause 7.9 to a designated street frontage within the B4 zone; - Delete the proposed amendment requiring non-residential development above ground level in B4 zone; - Council's agreement to the landowner preparing a site specific DCP to guide a future residential and mixed use precinct. 		<p>be used for higher density purposes.</p> <p>The adjustment of the B4 zone to align with the proposed layout as provided in the submission is considered to be acceptable. A map showing the realignment of the B4 zone is shown in attachment 3. The planning proposal in attachment 1 has been amended to show the new alignment.</p> <p>Due to the slope of the site it may be appropriate to have uses other than the non-residential uses required under clause 7.9 at ground level. There may be benefits by enabling the ability to have non-residential development at the same level as the exit from Macarthur Railway Station to provide a transition as identified in the planning proposal. Therefore no changes have been made to the exhibited version of the planning proposal in this regard.</p> <p>There is no concern with Landcom preparing a site specific DCP, however it should be in a form that responds to the adopted CLEP2015 once this proposal is made.</p>
4 File Planning	<p>The submission supports the proposed amendments to preserve the Scenic Hills.</p> <p>The submission also makes mention of a potential planning proposal for this land.</p>	1	Noted
5 CSK Planning	<p>The submission supports the LEP Review process. The submission advocates for the inclusion of No. 203 Eagleview Road, Minto in Schedule 1</p>	2	<p>This LEP Review is not a suitable pathway for the proposed amendment. The purpose of the LEP review planning proposal is to align the CLEP 2015 with the Western City District Plan. The submitter</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	'Additional Permitted Uses' to permit places of public worship on the property,		is able to lodge and pay for their own planning proposal to enable consideration of this change.
6 Individual submission	<p>The submission supports the idea of aligning the CLEP 2015 with the Western City District Plan and repeal of older environmental planning instruments that currently apply to certain land.</p> <p>The submission also requests the inclusion of an 8.5m maximum building height for the land located at No. 34 Sturt Street, Campbelltown where a development application is currently active for Seniors Housing.</p> <p>The site currently incorporates a State Heritage Item and the 8.5m height limit would maintain its heritage significance and its visible place on an important ridge line on the eastern side of Campbelltown. The proposed height limit would also be in character of the land's neighbourhood, being consistent with the height limit of all surrounding residentially zoned land. It is also not inconsistent with Clause 40(4) of the Seniors Housing SEPP, which states that when a</p>	1	This LEP Review is not a suitable pathway for the proposed amendment. The purpose of the planning proposal is to align the CLEP 2015 with the Western City District Plan.

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	<p>development is located in a zone where apartment buildings are not permitted, such as the subject land, then the maximum building height shall be 8 metres.</p> <p>This is a development standard that must be complied with. Except on the land at No. 34 Sturt Street, Campbelltown.</p>		
In-Opposition			
7 Individual submission	<p>Campbelltown is unable to support continued population growth.</p> <p>The heat and pollution will only increase with additional cars, houses and people. More houses and less trees will contribute to the increasing temperatures.</p> <p>Campbelltown has had a history of being a low class suburb and having fought our way out of that you are condemning us to repeat that history.</p>	1	<p>Council is currently preparing a local housing strategy for the LGA which will investigate current and future housing demand.</p> <p>The planning proposal seeks to include biodiversity mapping for the whole LGA and a dedicated Scenic Hills Preservation area to protect environmental and scenic values.</p> <p>The planning proposal does not seek to increase dwelling density.</p>
8 Hanson Heidelberg Cement Group	<p>The proposed zoning is unsuitable for existing operations and does not encourage future expansion or development on their site at 66 Blaxland Road, Campbelltown.</p> <p>The site is currently zoned Industry Zone - 4(b) under LEP2002 and operates as a concrete batching plant. Under the proposed amendment</p>	1	<p>The proposal does not impact on the existing use of the site. Clause 4.67 and 4.68 of the Environmental Planning and Assessment Act 1979 make provision for the existing use and the carrying out of alterations and additions. The proposal would not impact on the ability to develop the site subject to a development application. Council is preparing a review of employment lands that will consider the land allocated to each employment zone and the</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	<p>to rezone the land Light Industrial – IN2 the use and potential expansion of the site would be inconsistent with the zone.</p> <p>It is recommended the site be rezoned to IN1 – General Industrial or amend the current proposed zoning of IN2 conditions to allow for a concrete batching plant as a permissible use.</p>		<p>range of land uses permissible in each zone.</p>
<p>9 BBC Planners</p>	<p>The following concerns were raised relating to 717 Appin Road and Meadowvale:</p> <p>1. The Council letter was misleading when it outlined the following: “The current heritage listing ‘Meadowvale’ will also be included in CLEP 2015”.</p> <p>The existing heritage listing in IDO 15, (just being the homestead) and the proposed heritage listing in the planning proposal are very different: the former only relates to a small part of the property, whereas the latter relates to all of the property.</p> <p>2. There is no proper basis to identify the whole site as a heritage item.</p> <p>Correspondence provided to Council dated 23 March 2015 advised that the proposed heritage map is excessive.</p>	<p>1</p>	<p>A heritage report undertaken as part of the draft CLEP in 2014 identified Meadowvale as potentially having state heritage significance due to the original land grant and existing planting on the site. The heritage report submitted by the proponent seeks to provide justification for a heritage listing for the item and a limited curtilage rather than for the whole site.</p> <p>To reduce the scale of the curtilage would be inconsistent with other heritage listings transferred from IDO 15 to CLEP 2015, such as ‘Beulah’, ‘Glenlee’, ‘Kilbride’ and ‘Menangle House’. The consideration of whether the curtilage should be reduced needs to be based on careful consideration of all of the factors of the site and therefore is beyond the scope and timing of this planning proposal which simply seeks to transfer the planning controls to the predominant environmental planning instrument for Campbelltown. The land owner is able to make their own planning proposal to justify the change proposed in the heritage</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	<p>3. Correspondence from Brad Vale of NBR Architecture & Heritage which identifies a suitable curtilage for Meadowvale and it should be this extent and no more which is shown on the Heritage Map.</p> <p>4. The proposed height of 9m is less than the height of Meadowvale which is 11m.</p> <p>An additional letter/submission was sent to the Council on by BBC Planners expressing an objection to the inclusion of the terrestrial biodiversity map on 717 Appin Road. This submission also expressed concern that the letter received from Council advising of the planning proposal, did not expressly refer to the application of the terrestrial biodiversity map to the land.</p>		<p>report.</p> <p>Further planning assessment is happening as part of Greater Macarthur 2040 and the development potential of the property, and the heritage significance of 'Meadowvale' will receive further careful assessment in due course.</p> <p>The terrestrial biodiversity map is based on a study by Bios and is being applied broadly across the local government area. It would not be appropriate to exclude this land from the map. Further planning work as part of Greater Macarthur 2040 will include the review of biodiversity and associated mapping. The letter from Council to the land owner in regards to this planning proposal explained the proposed changes in converting from IDO 15 to CLEP 2015 as required by the Gateway determination. The Gateway determination did not require Council to write to every property affected by the terrestrial biodiversity map.</p>
10 Michael Brown Planning Strategies	The submission outlines that the proposed IN2 – Light Industrial zone for property No. 38 Blaxland Road, Campbelltown would not be consistent with State Government Plans and the proposal lacks vision. The applicant requests a B4 – Mixed Use zone.	1	The property is currently zoned 4(b) Industry under LEP2002. As part of the proposal the lot is proposed to be IN2 – Light Industrial. The purpose of the planning proposal is to repeal the current planning instrument applying to this land and transfer it to an equivalent zone under CLEP 2015. The proposed IN2 zone continues to provide an industrial zone for land which is consistent with the zoning in

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	The submission is also critical that the employment lands review and local housing strategy have not been completed ahead of this proposal and that reimagining Campbelltown has not been completed ahead of this planning proposal.		LEP2002. The planning proposal does not prevent the submission of an independent planning proposal to Council. The LEP Review is not a suitable pathway for spot rezoning of the land. Any amendments to the CLEP 2015 arising from the review of employment lands, local housing strategy or reimagining Campbelltown will occur after the adoption of these documents. This process will be easier once the whole of the LGA is under the one LEP, the delivery of which is the intention of this planning proposal.
11 Individual submission	The submission advises that the increase in density and small lot subdivision will have an impact on school capacity, heat and the natural habitat specifically the koala population. Council should undertake the additional studies listed in the project plan such as the walkable and cycle accessways and urban tree canopy to combat heat island and promote the LGA.	2	The planning proposal does not seek to increase dwelling density nor create subdivision. Council is preparing a local housing strategy for the LGA which will investigate current and future housing demand. The planning proposal seeks to include biodiversity mapping for the whole LGA and a dedicated Scenic Hills Preservation area to protect environmental and scenic values. The studies outlined in the project plan that have not yet been undertaken will be undertaken as resources permit. To some extent these studies have been completed for the city centre at a high strategic level as part of the Reimagining Campbelltown Master Plan, however it is acknowledged that further work needs to be undertaken in the future.
12 Individual submission	The land that is excluded from the Scenic Hills boundary in Blairmount should be included within the	1	The planning proposal outlines that land currently zoned for residential purposes or subject to an existing development consent for subdivision within Blairmount

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	identified Scenic Hills.		is not included in the Scenic Hills. There is a separate planning proposal request for Blairmount. This separate planning proposal request needs to go through its own separate planning assessment process.
13 BT Concepts	<p>The submission relates to property No. 205 Campbelltown Road, Denham Court. The submission opposes inclusion of the property into the Scenic Hills Preservation Area and the inclusion of proposed additional assessment criteria which relate to the Scenic Hills. Additionally, the submission also is in opposition to the proposed biodiversity mapping. The submission outlines that the proposed changes to the CLEP 2015 will prevent further development and restrict potential uses for the site. It is also noted that the submission seeks clarification on whether the biodiversity on the site is considered "Area of biodiversity significance" or "Biodiversity-Habitat corridor" under Clause 7.20 of the CLEP. The submission further details that they have received their own biodiversity constraints</p>	1	<p>The proposed identification of the Scenic Hills does not prevent future development of the site. The purpose of the Scenic Hills map and assessment criteria is to provide clear identification of the Scenic Hills in line with the requirements of the Western City District Plan. Future development of land within the Scenic Hills will continue to be assessed in accordance with the relevant approval pathways. Council staff will write to the concerned party and clarify the Terrestrial Biodiversity Map Category that applies to their holdings and the criteria associated with the development of this category. In this regard, the layer only currently shows 'Areas of Biodiversity Significance' and what is meant by this term. It is anticipated that the Biodiversity-Habitat corridor category will be incorporated into the map as part of a future LEP amendment. Council staff will seek a copy of the ecological assessment that has been prepared. As this was not provided with the submission Council is unable to include it in the current planning proposal. If required this can be amended through a future housekeeping planning proposal.</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
14 Georges River Environmental Alliance	<p>assessment report.</p> <p>The submission opposes further subdivision of land for housing and increased density.</p> <p>The submission also outlines that it does not support any proposal that threatens threatened species and the enablement of the Georges River parkway as a main transport corridor.</p>	1	<p>The planning proposal does not seek to create smaller allotment sizes.</p> <p>The proposal seeks to include biodiversity mapping for the whole LGA to provide further identification of biodiversity land.</p> <p>The planning proposal does not seek to enable the Georges River Parkway as a main transport corridor.</p>
15 Keep Sydney Beautiful	<p>The submission opposes the planning proposal for the following reasons:</p> <ul style="list-style-type: none"> - rezoning of bushland or rural lands for the purposes of urban subdivision or infrastructure provision - strongly opposed to any development that threatens threatened species and their habitat and movement corridors - Better controls for Mt Gilead and act to prevent the possible further subdivision for urban purposes, of the adjoining Meadowvale property. - Reduce the lot size in the eastern bushland edges of the LGA must be abandoned. - Oppose Georges 	1	<p>The planning proposal does not seek to create smaller allotment sizes or rezone rural land for urban purposes.</p> <p>The proposal seeks to include biodiversity mapping for the whole LGA to provide further identification of biodiversity land.</p> <p>The proposal does not seek to subdivide Meadowvale but rather to transfer the controls that apply to the 'Meadowvale' site into CLEP 2015 in a manner consistent with the way the controls for other land was converted from the IDO15 to CLEP2015.</p> <p>There is no proposed lot size reduction for the eastern bushland within this planning proposal.</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	<p>River Parkway</p> <ul style="list-style-type: none"> - Native trees must be protected. Large canopy trees with habitat value must be prioritised ahead of a style of densification that is incompatible with them. <p>It is recommended that additional clauses be included in the LEP that will ensure Water Sensitive Urban Design, in terms of stormwater management, and buffer zones around waterways, that are currently double those set out for streams (ie 10 metres each side for 1st order, 20m for 2nd order, 30m for 3rd order, 40m for 4th order and above)."</p>		
16 Save Mt. Gilead Inc	<p>The submission raises the following concerns: The Proposed Amendment to Meadowvale at 717 Appin Road, Gilead is unclear what is planned for this important heritage site. RU2 zoning does allow housing and is easily changed to a more intensive urban zoning. A social and economic assessment for Campbelltown LGA should be undertaken before this Proposal is approved. The omission of additional areas of the Critically Endangered</p>	1	<p>The planning proposal seeks to transfer the planning rules for 'Meadowvale' from the IDO15 to the CLEP2015 in a similar way to the way planning controls for other land under the IDO15 was converted by providing an equivalent zoning of RU2 for the land and a heritage listing. The minimum lot size of 40ha which is currently in place under IDO15 will be maintained in CLEP 2015. This current planning proposal does not enable any intensification or subdivision of the land. The comments on social and economic assessments are noted. Council is working on an economic development strategy and an employment lands review. These items may</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	<p>Ecological Community Cumberland Plain Woodland from Lot 2 DP 603674 Gilead (also known as Glenhorne)</p> <p>In relation to land addressed by the Macarthur Development Plan (MDP)/Gilead Stage concerns were raised that scattered trees that form important koala habitat and linkage through the area to Beulah/Browns Bush were omitted as were Derived Native Grasslands and areas of Blackthorn and Tea Trees linking the two patches on Lot 61 DP 752042.</p>		<p>potentially include recommendations for changes to the CLEP 2015. However it is not considered necessary to hold up this planning proposal for these studies. Any amendments to the CLEP 2015 arising from them can be suitably addressed through a separate planning proposal. There is a strict deadline for this planning proposal under the funding agreement.</p> <p>The Terrestrial Biodiversity map has been amended to include the area of Shale Sandstone Transition Forest on Lot 1 DP 603675 Gilead and additional areas of Cumberland Plain Woodland on Lot 2 DP 603674 Gilead.</p> <p>In relation to the MDP Land/Gilead Stage 1 no changes were made to the Terrestrial Biodiversity map noting that the native vegetation in question occurs on land that has been Biodiversity Certified under the now repealed Threatened Species Conservation Act 1995.</p>
17 Planning Ingenuity	<p>The submission was made on behalf of the landowners at No. 48 Blaxland Road, Campbelltown. The submission raises concerns in relation to the proposed IN2 zoning of the site. The submission advises a B5 – Business Development zone would be more suitable with the surrounding area,</p>	1	<p>The property is currently zoned 4(b) Industry under LEP2002. As part of the planning proposal the land is proposed to be IN2 – Light Industrial. The purpose of the planning proposal is to repeal the current planning instrument applying to this land and transfer it to an equivalent zone under CLEP 2015. The proposed IN2 continues to provide an industrial zone for land which is consistent with the zoning in LEP2002.</p> <p>The planning proposal does not prevent a separate planning proposal request being submitted and paid for.</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
			<p>This LEP Review is not a suitable pathway for spot rezoning of the land.</p> <p>There is further strategic work occurring with the Reimagining Campbelltown Master Plan on exhibition and the Employment Lands Strategy being prepared and this will lead to a future review of the planning controls for land on Blaxland Road.</p>
18 Premise	<p>This submission was made on behalf land owners at Eagle Vale Drive and Blairmount. This submission seeks the addition of a residential zone at the site of an approved development at Eagle Vale Drive.</p> <p>The submission also notes the presence of a Planning Proposal Request with Council for the Blairmount site and requests that the scenic hills boundary be reconsidered as part of that request.</p> <p>The submission also raises a concern over the proposed zone and minimum lot size for landholdings in Blairmount and requests that the planning rules applied under the LEP review planning proposal not prevent their further consideration under the planning proposal request and that the minimum lot size for the part of the site that is in the 1d zone under CLEP2002 be changed from 100ha to</p>	1	<p>The planning proposal as exhibited identified the existing residential zoned land and proposes to transfer this to the R2 zone under CLEP 2015. The submission seeks the expansion of this site to include additional land within the current 7(d)(i) zone that was the subject of a development application to Council. As the LEP review planning proposal has been done on a like for like transition, as best as is able to be done within the limitation of the Standard LEP, the limitations of the residential zone are not proposed to change. Should the land be developed in accordance with an active consent, then it would be appropriate to amend the CLEP to the surveyed residential boundaries once that development is completed. To change the zone before then would increase the quantum of residential zoned land on the lot without the certainty of the form of development and final boundary locations.</p> <p>The process for any planning proposal request is that the request is assessed on its individual merits. There is nothing in the LEP review planning proposal that prevents the Blairmount planning proposal request from being assessed or</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
	<p>40ha. The submission additionally notes that there is no directly comparable zone in CLEP 2015 to the 1d zone in CLEP2002 which has the objective to identify and protect land held in reserve for future urban use.</p>		<p>considered by Council officer or Council, including not only the zoning but also minimum lot size, height of buildings, scenic hills boundary and any other map as part of CLEP 2015.</p> <p>The proposed change to the minimum lot size from 100ha to 40ha for that part of the site currently in the 1d zone under CLEP 2002 would be more consistent with the current control and therefore is supported.</p> <p>The lack of consistency of the standard instrument with the 1d zone under CLEP2002 is noted, however the future urban use of the land is able to be considered as part of the submitted planning proposal request.</p>
19 Individual Submission	<p>The submission opposes the planning proposal for the following reasons:</p> <ul style="list-style-type: none"> - High rise development is creating a breeding ground for COVID-19. - Development removes trees and other natural components which in turn remove oxygen. - Bird populations are diminishing. - Glenfield is losing its semi-rural character. - Development is impacting on lifestyles of the Glenfield residents who have lived in the area for a long time. 	1	<p>The planning proposal does not seek to increase dwelling density.</p> <p>The planning proposal seeks to include biodiversity mapping for the whole LGA and a dedicated Scenic Hills Preservation area to protect environmental and scenic values.</p>

Submitter	Concern(s)	No. of submissions that raise the concern	Council Response
20 Individual submission	<p>The submission opposes the planning proposal for the following reasons:</p> <ul style="list-style-type: none"> - High rise development will impact on the semi-rural character of Glenfield. - Opposed to 3,000 houses being built at the Hurlstone School site. - Opposed to any development being undertaken at Seddon Park. 		<p>The planning proposal does not seek to increase dwelling density and does not propose any changes to Seddon Park.</p> <p>The planning proposal does not facilitate any additional development in Glenfield.</p>

A number of the submissions and enquiries fielded during the exhibition period related to the Glenfield area and the Glenfield to Macarthur Urban Renewal Corridor Strategy.

This proposal does not seek to implement the Glenfield precinct plan in the Glenfield to Macarthur Urban Renewal Corridor Strategy. It simply seeks to transfer the current provisions for the deferred area at Glenfield currently under Campbelltown (Urban Area) Local Environmental Plan, 2002 to CLEP2015. In doing so, a maximum building height and a minimum lot size control are added to the land. These controls are not contained in the Campbelltown (Urban Area) Local Environmental Plan, 2002.

There is separate planning work underway for the implementation of the Glenfield to Macarthur Urban Renewal Corridor Strategy through separate planning proposals for Ingleburn and Minto. Affected land owners will be consulted on these as they progress through the process.

Government Agency Submissions

As part of the Gateway Determination Council Staff were required to consult the particular State Agencies. This section summarises the responses received from state agencies:

Rural Fire Service (NSWRFS)

The NSW RFS submission advises that no objection or concerns are raised with regards to the Proposal. The proposed amendments would not have any negative impact on bushfire prone land as noted in Section 4 Hazard and Risk in the Planning for Bushfire Protection document.

The proposed amendments are considered to be consistent with Section 9.1 Ministerial Directions with no changes to the Bushfire Prone mapping. This response was received prior to public exhibition as required in the Gateway determination.

- **Greater Sydney Commission (GSC)**

A submission was not received from the GSC in response to the public exhibition of the planning proposal.

However it is noted that the planning proposal is consistent with the Campbelltown Local Strategic Planning Statement (LSPS) which came into effect on 31 March, 2020. Council received a letter of support from the GSC to enable the Campbelltown LSPS to be made and published.

- **Camden Council**

The submission made by Camden Council raises no objections or concerns relating to the planning proposal.

- **Environment, Energy and Science (EES) Group within DPIE**

The submission from the EES Group of DPIE recommend the following amendments to the proposed Terrestrial Biodiversity map:

- The inclusion of native vegetation on Lot 1 DP 603675, (part) Lot 101 DP 842937 and Lot 102 DP 842937 noting that the vegetation on these lots comprise the Critically Endangered Ecological Communities Shale Sandstone Transition Forest; and
- Reduction of the thickness of the 'LGA Boundary' because it is obscuring some of the 'Biodiversity – 'significant vegetation' mapping.

The Terrestrial Biodiversity Map has been amended to include areas of native vegetation on Lot 1 603675, (part) Lot 101 DP 842937 and Lot 102 DP 842937 and the width of the LGA boundary on the map will be reduced. The omission of this native vegetation was likely to be the result on an editing error during the development of the map. The maps in the planning proposal at attachment 1 have been updated to reflect this change. A map comparing the exhibited map and the map now proposed in the planning proposal is shown in attachment 3 to this report.

The submission also recommended that Council undertake periodical reviews of the Terrestrial Biodiversity Map to ensure that it continues to be based on the best available information in relation to the requirements of Clause 7.20 Terrestrial Biodiversity subclause (4) (b) (iii) of the LEP that Council develop a local offset strategy to address impacts that do not exceed the Biodiversity Offset Scheme Thresholds.

The submission also recommended that Council consider developing mapping to identify areas of urban tree canopy that are providing climate, urban heat island and native species habitat.

Response

Council will continue to work towards finalising its Draft Local Offset Strategy and the Terrestrial Biodiversity Map will be periodically reviewed by Council to ensure that it is based on the most recent available information. Council Staff will also explore opportunities to include an urban canopy overlay and associated local provisions within Part 7 of the Campbelltown LEP as part of a future LEP amendment.

- **Sydney Water**

No submission has been received from Sydney Water.

- **Water NSW**

A submission was lodged to Council by Water NSW who advised of the following concerns regarding the planning proposal.

Concerns are raised in relation to the biodiversity mapping particularly areas within the Upper Canal Corridor. Water NSW requests the exclusion of the Upper Canal Corridor from the biodiversity mapping, as the Corridor provides critical water supply infrastructure and is primarily managed for water supply purposes. The mapping may raise community expectations that parts of the Corridor need to be managed for biodiversity conservation purposes rather than for water supply. Public access to the Woronora Special Areas and the Upper Canal Corridor is prohibited (except where the Upper Canal occurs within a tunnel).

Inclusion of the Woronora Special Area within the biodiversity mapping will assist the protection of water quality and maintenance of ecological integrity within the Special Area and in keeping with the 2015 Special Areas Strategic Plan of Management.

The submission also recommends that the LEP include the concept of safety in addition to the proposed provisions relating to health objectives. The submission also recommends the inclusion of such objectives in industrial zones as well as residential and business zones.

The submission supports the inclusion of the scenic hills map and recommends collaborating with Camden to have a map that extends into the Camden LGA.

It is noted that the submission also recommends the inclusion of stormwater management clauses and water related LEP aims.

Response

Any management works within the upper canal corridor can be undertaken in accordance with the authorities that Water NSW already have to do this work. The inclusion of this land on the terrestrial biodiversity map does not alter this authority.

The Terrestrial Biodiversity Map complies with DPIE mapping requirements. The planning proposal has been updated to provide additional information around the criteria used to identify areas of Biodiversity Significance identified on the Terrestrial Biodiversity Map.

- **South West Sydney Local Health District (SWSLHD)**

Council was not required to consult with SWSLHD as part of the public exhibition however a submission was made. The submission supports effort to include health objectives into residential and business zones under CLEP 2015. The submission recommends the inclusion of health objectives into Rural and Industrial zones which would provide further consistency with the Campbelltown LSPS. The following examples have been provided in the submission:

For Zones RU2 Rural Landscape, Zone RU5 Village, and Zone RU6 Transition

“To promote healthy living by ensuring that land is available for local production and consumption of fresh foods”

For Zones IN1 General Industrial, IN2 Light Industrial, RE1 Public Recreation and RE2 Private Recreation

“To maximise public transport patronage and encourage walking and cycling.”

Response

The inclusion of the health objectives is considered to be consistent and would further align CLEP 2015 with the Campbelltown LSPS. The objectives would also assist in working towards net-zero greenhouse gas emissions into the future.

- **Botanical Gardens and Centennial Parklands**

The submission requests the removal of the biodiversity layer from the land as the vegetation is a noxious weed identified as African Olive. The submission advises Council that the vegetation is currently being removed.

Response

The subject area of African Olive has been removed from the terrestrial biodiversity map in the planning proposal at attachment 1.

- **Transport for NSW**

Transport for NSW advised Council of the following concerns with regards to the LEP Review:

Lot 102 DP 1141484 is proposed to be zoned SP2 – Road under CLEP 2015. It is suggested that no reference be made to ‘road’ given the site is owned by RailCorp and currently comprises rail infrastructure including track segments. Lot 110 DP 1141484 is proposed to be zoned RE1 – Public Recreation and IN2 – Light Industrial. It is considered that zone RE1 is not appropriate for the western part of the site given that it holds rail infrastructure and is more appropriate that the whole site is zoned IN2.

Lot 1 DP 1006377 is proposed to be zoned RE1 – Public Recreation under CLEP 2015. It is considered zone RE1 is not appropriate for this site given that it holds rail infrastructure and is more suited to be zoned IN2, which would potentially adjoin IN2 zoned land at Lot 110 DP 1141484 if the previous above point is agreed to by Council (i.e. the entire Lot 110 DP 1141484 is zoned IN2).

TfNSW does not support the public transport Corridor which is shown from Rosemeadow to St Helens Park.

Response

The purpose of the planning proposal is to align existing zones with zoning under CLEP 2015. It would not be appropriate to provide an industrial zone for land identified as local open space under current controls. It is considered appropriate to amend the SP2 zoning and remove the term ‘road’ for Lot 102 DP 1141484 and this change has been incorporated into the planning proposal at attachment 1.

The transport corridor which is shown from Rosemeadow to St Helens Park is not a newly proposed corridor and has been in existence since IDO29. As the proposal seeks to repeal the current planning instrument it would be appropriate in this case to zone the land SP2.

Gateway Determination Conditions

The table below outlines the conditions that were required to be met as part of the Gateway Determination.

No.	Condition/Requirement	Response
1	<p>Prior to public exhibition, the planning proposal is to be amended as follows:</p> <p>(a) if the Glenfield Precinct is rezoned prior to the finalisation of this planning proposal then Amendment 1A is to be removed from the planning proposal;</p> <p>(b) update Amendment 1B of the planning proposal to include:</p> <p>i. further justification for the proposed SP2 Educational Establishment zoning including a comparison of the existing and proposed permissible uses on the sites; and</p> <p>ii. if there is a loss of development potential, Council is required to either rezone the land to a more equivalent zone or include the additional development types as an additional permitted use;</p> <p>(c) update Amendment 2 of the planning proposal to refer to the relevant biodiversity study or identify the biodiversity data used to map the terrestrial biodiversity;</p> <p>(d) update Amendment 3 of the planning proposal to clarify the exclusion of the remainder of Blairmount from the proposed Scenic Hills Preservation Area Map</p> <p>(e) update Amendment 4 of the planning proposal to include further information on what is desired and proposed to be included for the health objectives;</p> <p>(f) update Amendment 5B of the planning proposal to remove the savings and transition clause and insert</p>	<p>Amendments were made prior to the public exhibition as detailed below.</p> <p>Amendment 1(a) was not made as the Glenfield precinct was not rezoned.</p> <p>Justification has been provided regarding the SP2 Educational Establishment zone.</p> <p>The planning proposal was amended to include reference of biodiversity study undertaken by Bios.</p> <p>The planning proposal was updated to include further justification for the exclusion of the remainder of Blairmount from the Scenic Hills Preservation Area Map.</p> <p>Further information has been provided in the planning proposal to include the desired and proposed health objectives.</p> <p>The savings and transition clause was removed and a new sub clause was inserted to provide an exception to the</p>

	<p>a new subclause to provide an exception to the restriction in subclause 4.1C(3)</p> <p>(g) update Amendment 5D of the planning proposal to provide further justification for the nominated FSR for attached dwellings</p> <p>(h) include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process</p> <p>(i) consult the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency</p> <p>(j) update the consistency of the planning proposal with the relevant section 9.1 Directions as outlined in this report</p>	<p>restriction in subclause 4.1C (3). This change is to enable CLEP 2015 to be amended to restore the planning rules that applied to the Ingleburn finger lots before CLEP 2015 in accordance with Council resolutions.</p> <p>Further justification was added to the proposal in regards to the FSR for attached dwellings.</p> <p>The requested note was added in regards to legal drafting.</p> <p>Consultation was undertaken with NSW RFS prior to exhibition.</p> <p>The sections of the planning proposal relating to section 9.1 directions were updated in the manner required.</p>
2	The revised planning proposal is to be updated in accordance with condition 1 and forwarded to the Department for review and approval prior to public exhibition.	The planning proposal was revised and forwarded to DPIE for review and approval to exhibit on 20 March 2020. Approval was received in writing on 24 March 2020.
3	<p>Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:</p> <p>(a) the planning proposal must be made publicly available for a minimum of 28 days; and</p> <p>(b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made</p>	<p>The planning proposal was made publically available on Council's website from 1 April to 6 May 2020 and was consistent with the notice requirements as identified in 'A guide to preparing local environmental plans'.</p> <p>Due to the recent events relating to COVID-19, an amendment to the EP&A Act, specifically the inclusion of Clauses 10.7 and 10.8, allowed Councils to satisfy the requirements for public exhibition by having the documentation</p>

	publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning, Industry and Environment, 2018).	for the LEP Review on Council's website. Notwithstanding this, there was an advertisement placed in the Campbelltown-Macarthur Advertiser on 1 April 2020 in regards to the planning proposal.
4	Council is to inform all landowners affected by the deferred matter amendments in writing about the exhibition of the proposal, outlining the effect of the proposed changes.	All landowners affected by the deferred matter amendments were notified in writing of the planning proposal. Letters outlined the current status and proposed amendments as they are proposed to apply to their land.
5	<p>Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:</p> <ul style="list-style-type: none"> • Greater Sydney Commission; • Camden Council; • Environment, Energy and Science Group within the Department of Planning, Industry and Environment; and • Sydney Water <p>Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.</p>	Letters were sent to public authorities/agencies outlined in the table. Agencies were notified and given a minimum of 21 days to respond to the planning proposal.
6	A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).	N/A
7	Given the nature of the planning proposal, Council is not authorised to exercise delegation to make this plan.	Noted. Subject to the decision of Council at this meeting, the planning proposal will be forwarded to DPIE for making.
8	Council is required to submit the planning proposal to the Department for finalisation prior to 1 July 2020.	Noted. If Council is supportive of this proposal with the amendments proposed, or with other amendments made by Councillors, the planning proposal and associated attachments is able to be submitted by this deadline.

Other Changes to the Planning Proposal

Since the terrestrial biodiversity map was initially prepared and placed on public exhibition Council has received additional information for one site. As part of a development application for the subdivision of Lot 7304 DP 1018242 and Lot 8178 DP 881519 at Kellerman Drive, St Helens Park a Species Impact Statement was provided that included more detailed and ground truthed vegetation mapping for the site. This resulted in additional native vegetation being mapped for the site and this has been added to the terrestrial biodiversity map in the planning proposal at attachment 1 to this report.

Further refinements were also made in Gilead to add previously omitted vegetation.

Next Steps and Timeframe

The next step in the process is to forward the planning proposal and attachments to the Minister for Planning and Public Spaces and request the finalisation of the planning proposal and the making of the amendment in accordance with the Gateway Determination. The deadline for this step in the Gateway Determination is prior to 1 July, 2020 (that is, by 30 June, 2020).

Conclusion

A total of 29 submissions were made during the public exhibition of the planning proposal to amend the CLEP 2015 and expand its area of application and repeal the current environmental planning instruments applying to certain parts of the Local Government Area. The submissions received have raised issues relating to density, permissibility and heritage as well as issues related to the application of the planning proposal to particular sites. These matters have been discussed in the body of this report and some minor amendments to the planning proposal have been made in response to these submissions. These changes have been incorporated into attachment 1 to this report. In summary, these amendments include the following:

- Minor adjustments to the location of the B4 zone on land owned by Landcom (Macarthur Gardens North)
- Minor amendments to the proposed terrestrial biodiversity layer have been made including adding vegetation to the map (on the eastern side of Appin Road) in response to issues raised in the submissions and updating the vegetation mapping within Gilead stage 2 and for land at Kellerman Drive, St Helens Park in response to further assessment on these lands as a result of ground-truthed vegetation mapping becoming available
- Remove the term 'road' from the SP2 zone for Lot 102 DP 1141484
- Adjust the minimum lot size map for land currently in the 1d zone under CLEP2002 at Blairmount from 100ha to 40ha.

It is noted that there were three submissions in regards to land in Blaxland Road, Campbelltown. Despite their proximity to each other, three different zones were sought, being the B4 mixed use, B5 business development and IN1 General Industrial zones. The future land use along this section of Blaxland Road needs to be consistent with the Reimagining Campbelltown Master Plan, currently on exhibition, and the outcomes of the review of employment lands which is currently being prepared. The transition of these lands to an IN2 zone under CLEP 2015 does not prevent the current operations continuing on the site while the important strategic work is completed, considered and adopted.

The submissions included other requests to make changes to the CLEP 2015 that were not related to the planning proposal at hand. The pursuit of these requests should be made through separate independent planning proposal requests.

It is recommended that Council forward the amended planning proposal and its attachments located at attachment 1 to this report to the Minister for Planning and Public Spaces and request that the planning proposal be made.

Attachments

1. Final Planning Proposal LEP Review (due to Size) (distributed under separate cover)
2. LEP Review - Gateway determination 24-2-2020 (distributed under separate cover)
3. Amended Maps (distributed under separate cover)
4. Public Exhibition Documents (available electronically)

Meeting note: Having declared an interest in Item 8.2 Councillor Greiss, Councillor Lound and Councillor Morrison left the meeting at 7.00pm and did not take part in the discussion or vote on the matter.

8.2 Consideration of Submissions - Review of Campbelltown Local Environmental Plan 2015

Meeting note: written submissions from Mr Barry Durman, Mr Matthew Choi and Ms Patricia Durman were distributed and read at the meeting. Written submissions from Dr Sharyn Cullis, Mr Robert Chambers and Ms Jacqui Kirkby were distributed and noted.

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

1. That the following amendments be made to the Planning Proposal at attachment 1 to this report:
 - a. An additional permitted uses map be added for that part of Lot 3098 DOP 1230014 (Western Sydney University) north of University Drive and William Downes Avenue
 - b. The repeal of IDO 15 be removed from the planning proposal
 - c. That all changes proposed for 717 Appin Road, Mt Gilead be removed from the planning proposal and that this land remain a deferred matter.
2. That once the changes referred to in point 1 have been made, the planning proposal be forwarded to the Minister for Planning and Public Spaces along with a request that Amendment No. 24 to the Campbelltown Local Environmental Plan 2015 (CLEP 2015) be made and the concurrent repeal of Campbelltown (Urban Areas) Local Environmental Plan 2002, Interim Development Order No. 29 and Campbelltown Local Environmental Plan – District 8 (Central Hills Lands).
3. That everyone who was recorded as making a submission in response to the public exhibition of the planning proposal be advised of Council's decision.

An Amendment was Moved Councillor Lake:

That the above recommendation be adopted with the addition of point 1 d) that the area surrounded by Blaxland Road, Narellan Road, Badgally Road and the railway line be zoned as 4B.

Lapsed for lack of Secunder.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, R Manoto, B Gilholme, M Chivers, B Moroney, B Thompson and T Rowell.

Voting against the Resolution was Councillor P Lake.

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

Meeting note: At the conclusion of the discussion regarding Item 8.2 Councillor Morrison returned to the meeting at 7:36pm.

Meeting note: Having declared an interest in Item 8.3 Councillor Greiss and Councillor Lound did not re-join the meeting and did not take part in the discussion or vote on the matter.

8.3 Kellicar Road Planning Proposal

Meeting note: a written submission from Mr Wayne Gersbach was distributed and read at the meeting.

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

1. That Council support the planning proposal at attachment 1 to this report and forward the planning proposal to the Department of Planning, Industry and Environment and request a Gateway Determination.
 2. That Council request delegation from the Department of Planning, Industry and Environment to allow Council to finalise the planning proposal.
 3. That Council request the following be required as conditions of any Gateway Determination:
 - a. A detailed traffic study that identifies short, medium and long term traffic solutions for the precinct
 - b. A flood study considering the impacts of flooding from Birunji Creek
 - c. A comprehensive public domain plan
 - d. An evidence based site sustainability and resilience strategy
 - e. A site specific Development Control Plan
 - f. A study/strategy/plan that details how affordable housing will be provided within the future development of this site
 4. That Council advise all land owners within the subject site of its decision.
-

An **Amendment** was **Moved** Councillor Moroney, **Seconded** Councillor Hunt:

That consideration and submission of the planning proposal be deferred until Council receives or develops:

1. A detailed traffic study that identifies short, medium and long term traffic solutions for the precinct
2. A flood study considering the impacts of flooding from Birunji Creek