

Greater Sydney, Place and Infrastructure

IRF19/6237

Gateway determination report

LGA	Campbelltown
PPA	Campbelltown City Council
NAME	Campbelltown LEP Review – Amendment No. 24
NUMBER	PP_2019_CAMPB_005_00
LEP TO BE AMENDED	Campbelltown LEP 2015 Campbelltown (Urban Area) LEP 2002 Campbelltown LEP – District 8 (Central Hills Lands) Interim Development Order No. 15 Interim Development Order No. 29
ADDRESS	Site specific and miscellaneous matters across the LGA
DESCRIPTION	Miscellaneous
RECEIVED	17 September 2019
FILE NO.	IRF19/6237
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to consolidate Campbelltown City Council's non-standard environmental planning instruments into the Standard Instrument Local Environmental Plan being the Campbelltown Local Environmental Plan (LEP) 2015 and to improve readability. The planning proposal seeks to amend the Campbelltown LEP 2015 as follows:

1. Including deferred land from the Campbelltown (Urban Area) Local Environmental Plan 2002, Campbelltown Local Environmental Plan – District 8 (Central Hills Lands), Interim Development Order No. 15, and Interim Development Order No. 29 by rezoning this land under the Standard Instrument zones and repealing these instruments;
2. Expanding the application of the Terrestrial Biodiversity Map;
3. Mapping the Scenic Hills Preservation Area and strengthening assessment criteria to further protect the scenic hills;
4. Inserting health objectives;
5. Addressing functional and operational issues;
6. Increasing the maximum height of buildings for industrial zones;
7. Rezoning land at University of Western Sydney; and
8. Prohibiting sex services premises in the B5 zone.

1.2 Site Description

The planning proposal applies to land in the Campbelltown Local Government Area (LGA) subject to the Campbelltown LEP 2015, Campbelltown (Urban Area) LEP 2002 (CLEP 2002), Campbelltown LEP District 8 (Central Hills Lands), and Interim Development Order 15. Figure 1 below illustrates the land in the Campbelltown LGA and the areas deferred from the Campbelltown LEP 2015.

It is noted that the planning proposal will not affect land subject to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

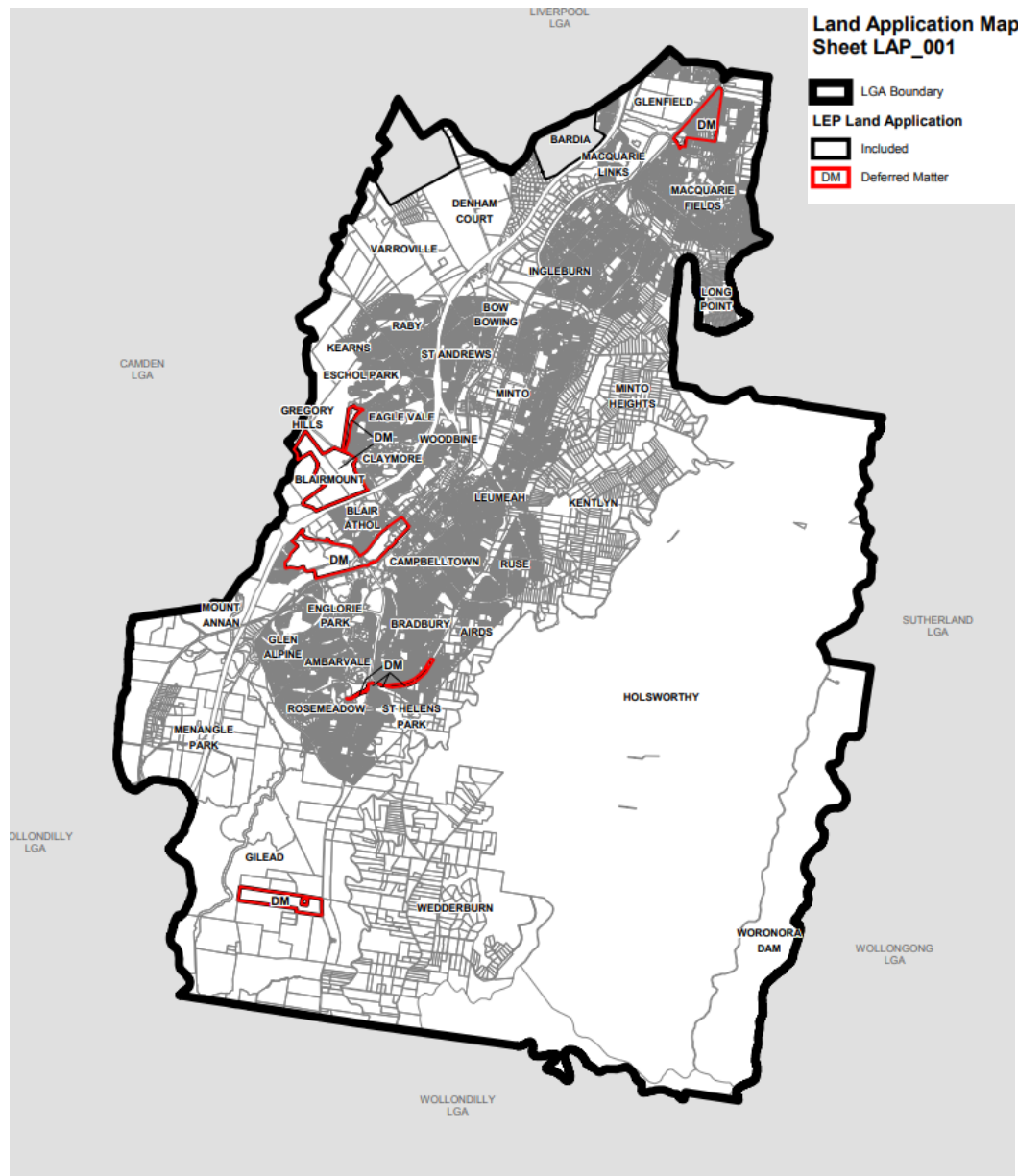


Figure 1: Land Application Map.

1.3 Summary of recommendation

It is recommended that the planning proposal proceed with a Gateway Determination subject to conditions as the proposed amendments have strategic and site-specific merit, are generally consistent with the Western City District Plan and form the first stage of amendments to align the Campbelltown LEP 2015 with the draft Campbelltown Local Strategic Planning Statement (LSPS).

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of this planning proposal is to amend the Campbelltown LEP 2015 and improve the alignment with the State Government's direction in particular the planning priorities outlined within the Western City District Plan. It is also intended to consolidate statutory provisions into one LEP that applies to the whole LGA and make consequential changes to improve readability of the plan.

The proposal also aims to implement the priorities of the draft Campbelltown LSPS. The Campbelltown LSPS was publicly exhibited from 12 June to 22 July 2019.

2.2 Explanation of provisions

The planning proposal seeks to amend the Campbelltown LEP 2015 as follows:

Amendment 1 – Deferred Matters and other rezonings

The Campbelltown LGA has a number of areas that are labelled as Deferred Matters in the Campbelltown LEP 2015. These areas are subject to controls from the previous Campbelltown (Urban Area) LEP 2002, Campbelltown LEP – District 8 (Central Hills Lands), Interim Development Order No.15, and Interim Development Order No. 29. As part of this planning proposal, Council intends to remove the deferred status of these areas by rezoning the land to an equivalent Standard Instrument zone under the Campbelltown LEP 2015. This will also enable the non-Standard Instruments to be repealed.

Item 1A – Glenfield Town Centre and Transport Interchange Precinct

The site is situated on the southern side of the Glenfield Railway Station and zoned under the Campbelltown (Urban Area) LEP 2002. The proposal seeks to:

- rezone the land from Zone 2(b) – Residential B, Zone 3(c) – Neighbourhood Business, Zone 5(a) – Parking, Zone 5(a) – School, and Zone 6(a) – Local Open Space (Figure 2 next page) to R2 Low Density Residential, B2 Local Centre, SP2 Car Park, SP2 Educational Establishment, and RE1 Public Recreation (Figure 3 next page);
- apply a maximum building height to the site as follows: R2 – 8.5m, B2 – 9m, SP2 – 8.5m; and
- apply a minimum lot size to the site as follows: R2 – 500m².

The site is located in the Glenfield Precinct within the Glenfield to Macarthur Urban Renewal Corridor Strategy. Council notes that the rezoning will not impact the Department's State-led rezoning for the area and is only considered a housekeeping amendment. However, should the Department rezone the land then Council advised the proposed amendment will be removed from the planning proposal.

Department Comment

The Department considers that the proposed development controls for this site are equivalent to the current development controls.

It is recommended that a condition is included on the Gateway determination which requires the removal of this proposed amendment if the Department's State-led rezoning for the area is realised.



Figure 2: Current zoning



Figure 3: Proposed zoning

Item 1B – Western Sydney University and TAFE NSW Site

The site is located to the north of Macarthur Railway Station which contains the university and TAFE campuses, and the industrial precinct north of Campbelltown Railway Station. It is zoned under the Campbelltown (Urban Area) LEP 2002. The proposal seeks to:

- rezone the land from Zone 4(b) – Industry B, Zone 5(a) – Parking, Zone 5(a) – Drainage, Zone 5(a) – Monastery, Zone 5(b) – Special Uses Arterial Roads, Zone 5(c) – Special Uses Sub-Arterial Roads, Zone 6(a) – Local Open Space, and Zone 10(a) – Regional Comprehensive Centre Zone (Figure 4 next page) to IN2 Light Industrial, SP2 Parking, SP2 Drainage, SP2 Road, SP2 Classified Road, RE1 Public Recreation, and SP2 Educational Establishment (Figure 5 next page);
- apply a maximum building height of 19m to the IN1 and B4 zoned land; and
- apply a minimum lot size of 2,000m² to the IN1 zoned land.

Council note that the 10(a) zone has been translated into an SP2 Educational Establishment zone as the land is operating as a university and TAFE so the zoning should reflect this use. Additionally, land zoned as Zone 5(a) – Monastery is proposed to be zoned as SP2 Road as the land is already developed as a road intersection.

The proposal also involves extending the adjacent R3 Medium Density Residential zone across the road along the western portion of the site. In addition, to ensure the zone is consistent with the current/future use of the land for sporting fields (RE1) and a centre of sporting excellence (B5) including adjustments to the height of buildings map (i.e. remove height limit for RE1 zone and apply 15m for B5 zone).

Department Comment

The Department understands the intent to rezone the university and TAFE campuses to SP2 Educational Establishment to reflect the current use of the land. But there are additional land uses which are permissible under the current Zone

10(a) – Regional Comprehensive Centre Zone and not permitted under the SP2 zone which results in a loss of development potential.

Therefore, prior to public exhibition it is recommended the planning proposal is amended to include further justification for the proposed SP2 Educational Establishment zoning including a comparison of the existing and proposed permissible uses on the site. 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.

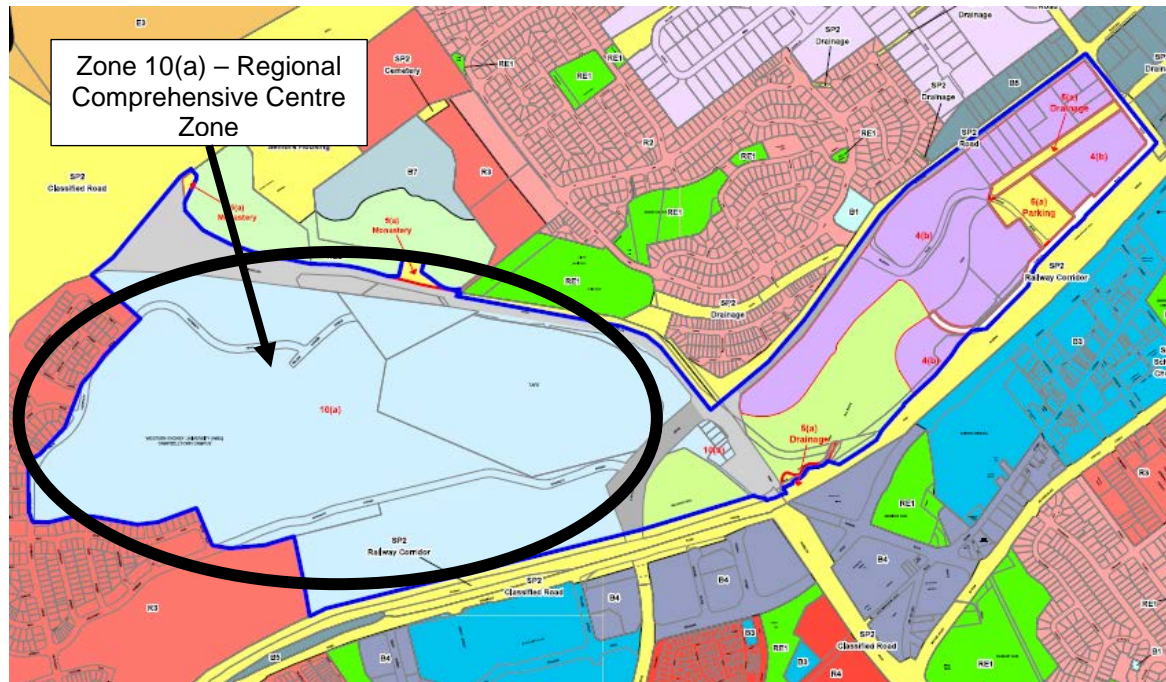


Figure 4: Current zoning

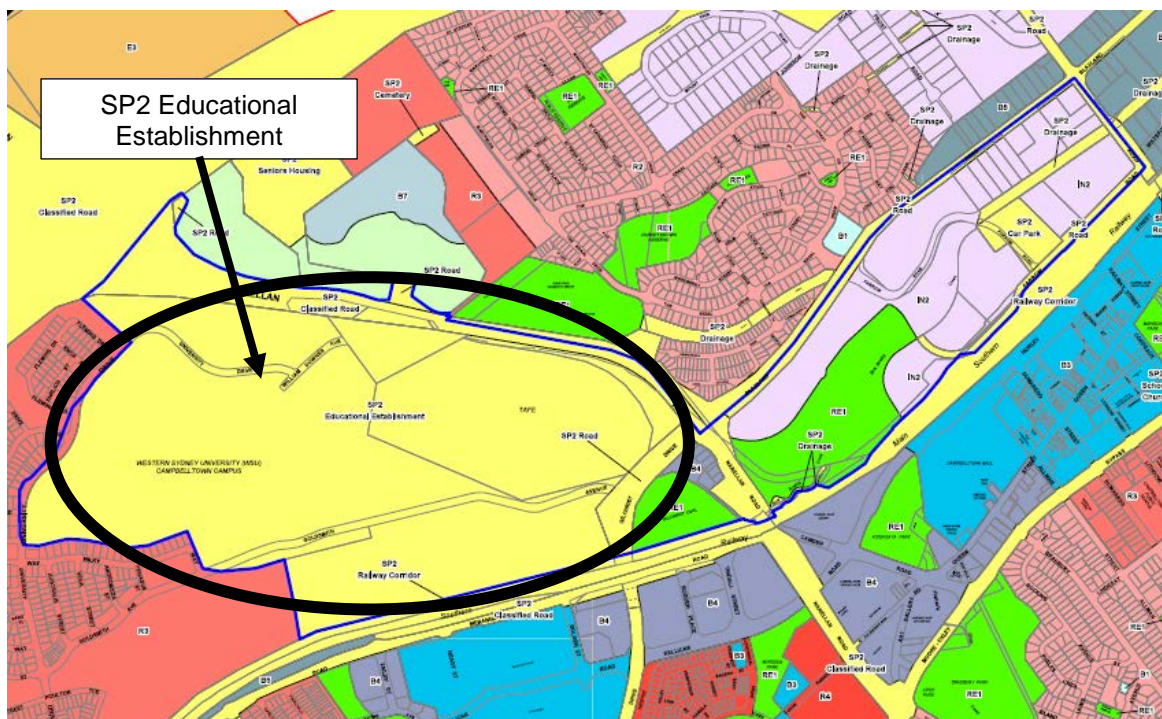


Figure 5: Proposed zoning

Item 1C – Lots adjacent to Gilchrist Oval in Campbelltown

The site is adjacent to Gilchrist Oval in Campbelltown and owned by Campbelltown City Council and Corporate Sole EPA Act. Under the Campbelltown (Urban Area) LEP 2002, the site is zoned Zone 10(a) – Regional Comprehensive Centre (Figure 6 below). The proposal seeks to:

- rezone the site to B4 Mixed Use (Figure 7 below) to provide a consistent approach with the existing B4 zoned land to the south of the site along Narellan Road and the Railway corridor;
- apply a maximum building height of 19m to the site; and
- remove the minimum lot size applying to the site.



Figure 6: Current zoning

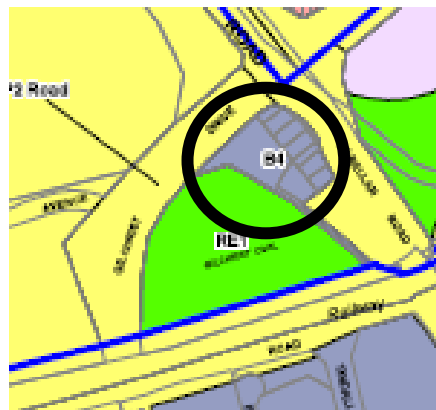


Figure 7: Proposed zoning

Department Comment

The Department considers that the proposed development controls for this site are equivalent to the current development controls.

Item 1D – 717 Appin Road, Gilead

The site is zoned Non-urban (Figure 8 below) under Interim Development Order No.15 and it contains a heritage item known as 'Meadowvale'. To provide consistency across the site, it is proposed to:

- rezone the remainder of the property to RU2 Rural Landscape (Figure 9 next page);
- apply a maximum building height of 9m to the site;
- retain the minimum lot size of 40ha to the site;
- identify the site as a heritage item.



Figure 8: Current zoning

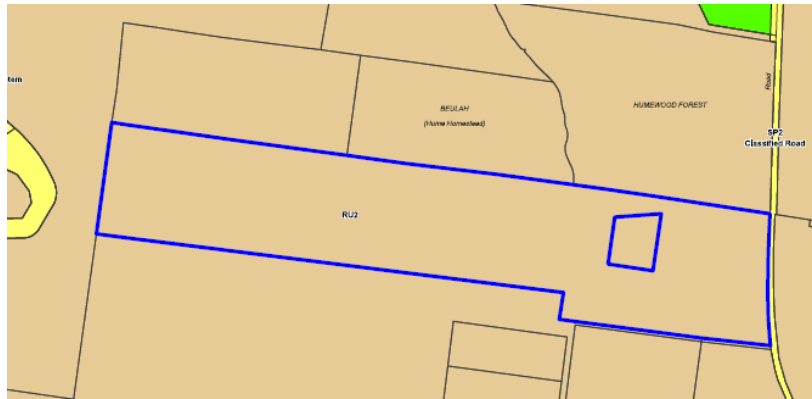


Figure 9: Proposed zoning

Department Comment

The Department considers that the proposed development controls for this site are equivalent to the current development controls.

Item 1E – Eagle Vale Drive, Badgally Road and Minchinbury Terrace, Eschol Park

This area is zoned under the Campbelltown (Urban Area) LEP 2002. Existing dwellings are located on lots 1, 2, 3, 4 and 7 while lots 8 and 9 are vacant sites. Lot 10 and 30 are currently large vacant lots owned by Sydney Water. The proposal seeks to:

- rezone the site from Zone 2(b) – Residential B and Zone 7(d1) – Environment Protection (Figure 10 below) to R2 Low Density Residential and E3 Environmental Management (Figure 11 below);
- apply a maximum building height of 8.5m to R2 land and 9m to E3 land; and
- apply a minimum lot size of 500m² to R2 land and 100ha to E3 land.



Figure 10: Current zoning



Figure 11: Proposed zoning

Department Comment

The Department considers that the proposed development controls for this site are appropriate.

Item 1F – Land bounded by Badgally Road and the Hume Highway in Blairmount

The Blairmount precinct is zoned under the Campbelltown LEP – District 8 (Central Hills Lands). The proposal seeks to:

- rezone the site from Zone 1(d) – Rural Future Urban, Zone 2(b) – Residential B, Zone 5(a) – Drainage, Zone 6(a) – Local Open Space, Zone 7(d1) – Environment Protection (Figure 12 below) to RU2 Rural Landscape, R2 Low Density Residential, SP2 Drainage, RE2 Private Recreation, E3 Environmental Management (Figure 13 below);
- apply a maximum building height of 8.5m to R2 zoned land and 9m to RU2 & E3 zoned land; and
- apply a minimum lot size of 500m² to R2 zoned land and 100ha to RU2 & E3 zoned land.

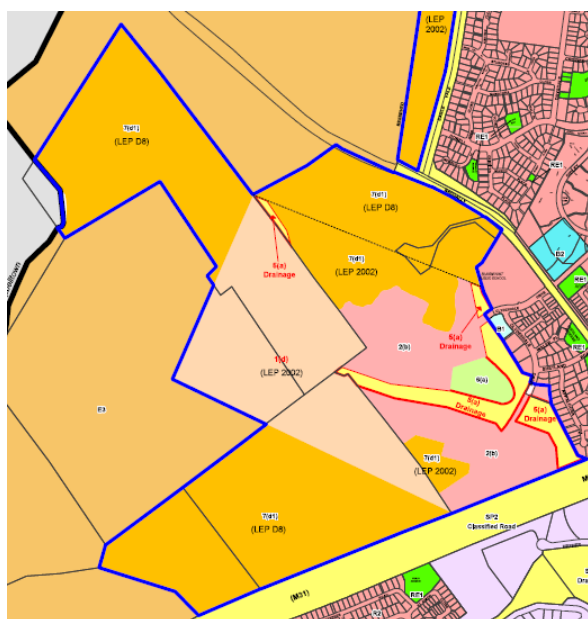


Figure 12: Current zoning

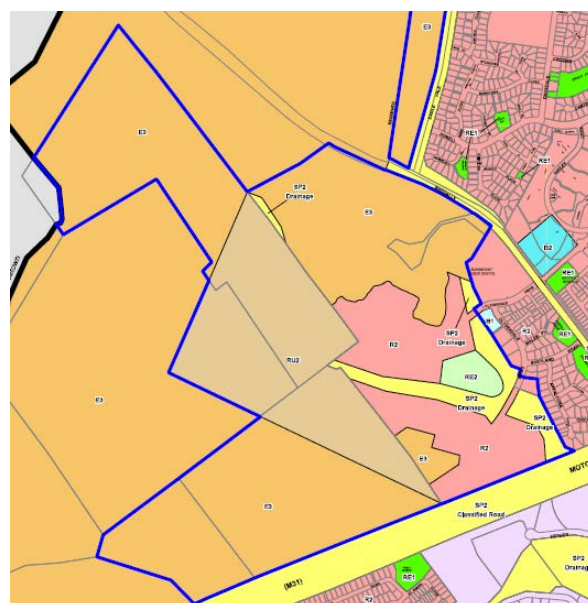


Figure 13: Proposed zoning

Department Comment

The Department considers that the proposed development controls for this site are equivalent to the current development controls.

Item 1F – Land Reserved for Public Transport Corridor in St Helens Park and Rosemeadow

The site is zoned 5(a) – Public Transport Corridor (Figure 14 next page) under Interim Development Order No.29. The proposal seeks to rezone the site to SP2 Public Transport Corridor (Figure 15 next page).

Department Comment

The Department agrees to the proposed zone. It is recommended that Council consults the relevant owners of the subject land about this proposed amendment.

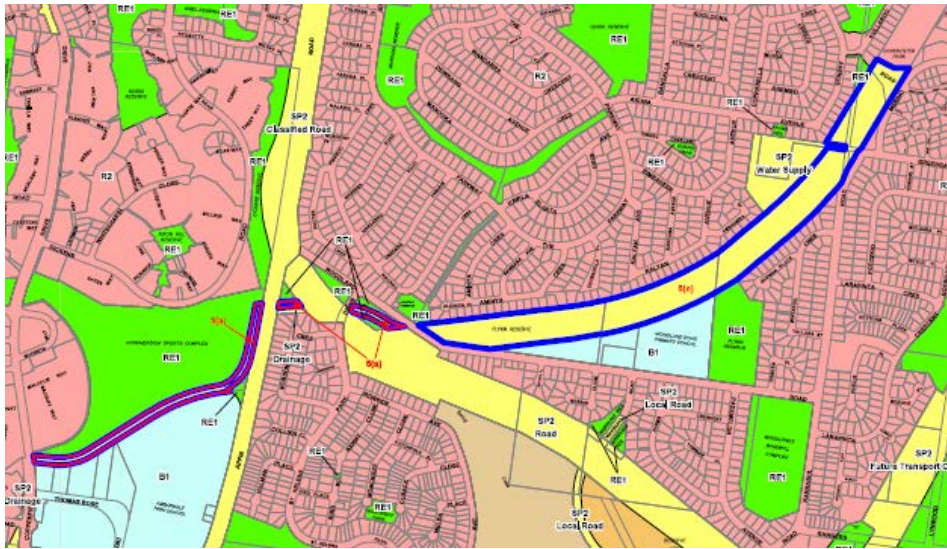


Figure 14: Current zoning

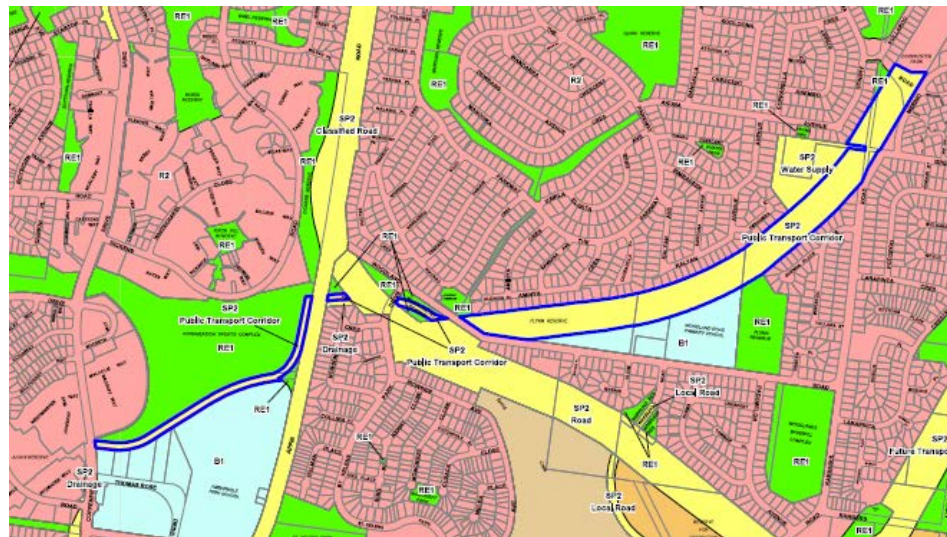


Figure 15: Proposed zoning

Item 1F – Sports and Health Centre of Excellence Site

It is noted that this land is already zoned R3 Medium Density Residential (Figure 16 next page) under the Campbelltown LEP 2015.

The proposal seeks to rezone this land to part B5 Business Development and RE1 Public Recreation (Figure 17 next page). Council notes that this would provide a more suitable zone for the intended use of the site which will be a health and sports centre of excellence. Council also proposes a maximum building height of 15m for the B5 zone.

The Sport and Health Centre of Excellence has been a strategic opportunity for Campbelltown to provide regional open-space facilities for the LGA. Federal and State Government grants were provided to Council to facilitate delivery of the project.

Department Comment

The Department notes that this proposed amendment does not involve a deferred matter but is a separate rezoning proposal. This proposed rezoning is considered acceptable.

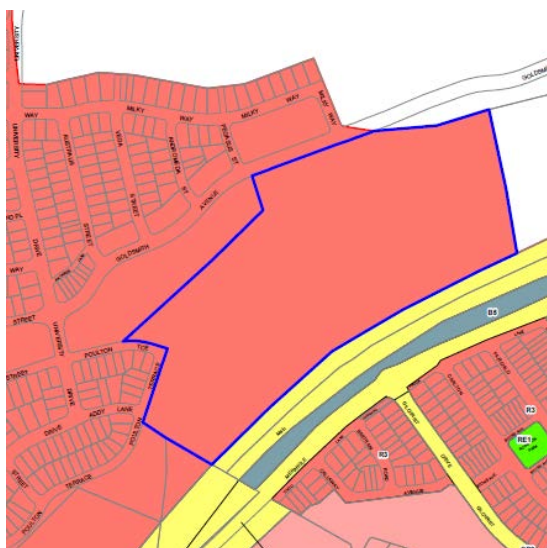


Figure 16: Current zoning

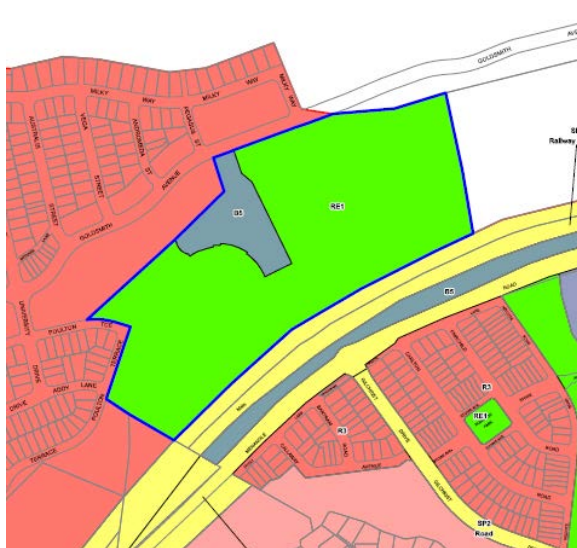


Figure 17: Proposed zoning

Amendment 2 – Expansion of terrestrial biodiversity map

Clause 7.20 Terrestrial Biodiversity of the LEP aims to maintain terrestrial biodiversity by protecting native fauna and flora, encouraging the conservation and recovery of native fauna and flora and their habitats, and maximising connectivity and minimising habitat fragmentation. It is noted that the Terrestrial Biodiversity Map associated with Clause 7.20 only applies to land within Mount Gilead, Menangle Park, Glenfield and Ingleburn.

The proposal seeks to amend the Terrestrial Biodiversity Map in the LEP by:

- identifying additional land that contains significant vegetation across the Campbelltown LGA as terrestrial biodiversity; and
- amending the terrestrial biodiversity mapping for land at Menangle Park to reflect the outcomes of recent vegetation surveys.

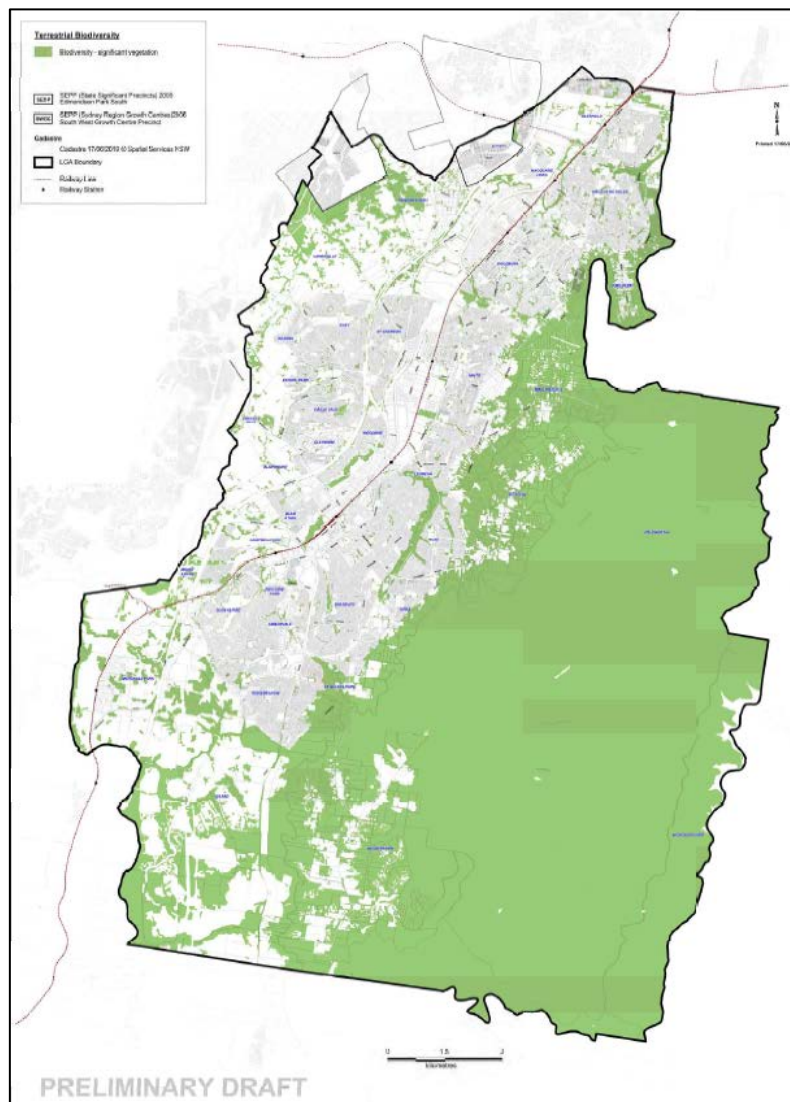
It is noted that no amendments are proposed to the drafting of Clause 7.20. The proposed map is provided at Figure 18 (next page).

The mapping identifies areas of high and general ecological significance as well as other vegetation that is important to local biodiversity and is based on the outcomes of existing local biodiversity surveys as well as regional vegetation mapping prepared by the Environment, Energy and Science Group (formerly the Office of Environment and Heritage).

Department Comment

This proposed amendment supports the Premier's Priority to increase the tree canopy and green cover across Greater Sydney. Further protection of biodiversity features will assist the Council in delivering enhanced green canopy and habitat in the LGA.

It is recommended that Council consults the Environment, Energy and Science Group within the Department of Planning, Industry and Environment on this proposed amendment to ensure the map appropriately identifies the significant vegetation. In addition, Council should also attach the relevant biodiversity study or identify the location of the biodiversity data used.



Amendment 3 – Mapping of scenic hills and assessment criteria

A Visual and Landscape Analysis of Campbelltown's Scenic Hills and the East Edge Scenic Protection Lands was prepared in 2011 and identified that Campbelltown had numerous scenic and landscape qualities which would benefit in the future planning of a compact City.

The proposal seeks to amend Clause 7.6 Scenic protection and escarpment preservation by inserting the suggested wording below in order to protect and promote the scenic and natural landscape character.

For land identified within the Scenic Hills Preservation Area on the Environmental Constraint Map development consent must not be granted to any development to which this clause applies unless the consent authority is satisfied that:

- (a) the development will not impact on the scenic value and character of the land,*
- (b) the development will not impact on the view lines or ridge lines of the mapped scenic preservation area, and*
- (c) the environmental value of the land is not impacted by the development.*

It is also proposed to amend the associated Environmental Constraints Map to identify the boundary of the Scenic Hills implement the above subclause (Figure 19).

The Scenic Hills mapping also affects deferred land at Blairmount.

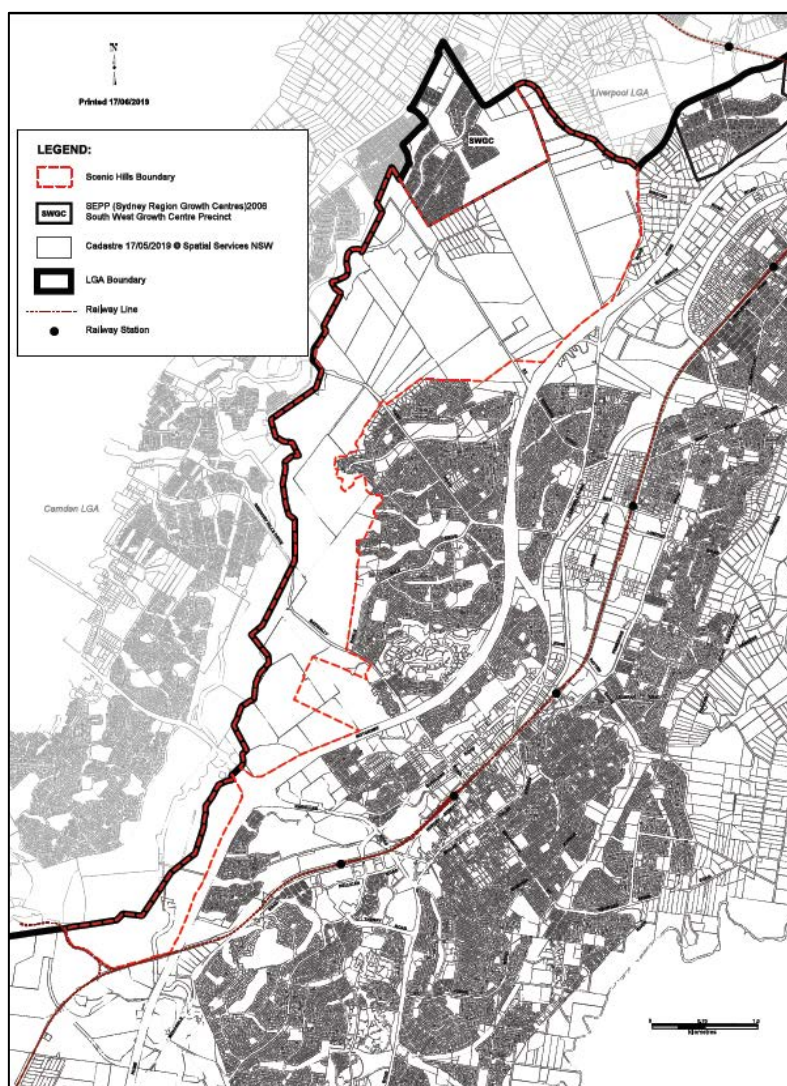


Figure 19: Proposed Scenic Hills Preservation Area Map.

Department Comment

The Department notes that the Scenic Hills straddles both the Campbelltown and Camden LGAs. It is recommended that Council consults Camden Council on this proposed amendment to ensure the protection of the Scenic Hills is fully considered.

Clarification is sought about the exclusion of the remainder of Blairmount from the proposed Scenic Hills Preservation Area Map. A condition is recommended for the planning proposal to be updated accordingly.

Amendment 4 – Health objectives

Council is finalising a Health Impact Assessment (HIA) for Campbelltown to promote positive health outcomes whilst reviewing the LEP particularly in relation to proposed density changes. The HIA, once adopted is intended to be used for future rezoning applications as a mechanism to promote positive health outcomes for the community and support healthy living for amendments to the LEP.

The proposal seeks to amend Clause 1.2 Aims of Plan to include a subclause that promotes health in the LEP, similar to the provisions in the:

- Parramatta LEP 2011 – “to foster environmental, economic, social and physical wellbeing so that Parramatta develops as an integrated, balanced and sustainable city”; and
- Pittwater LEP 2014 – “to protect and promote the health and well-being of current and future residents of Pittwater”.

It is also proposed to insert health objectives in all residential and business zones similar to the Pittwater LEP 2014 as follows:

- Zone B1 Neighbourhood Centre – “To provide healthy, attractive, vibrant and safe neighbourhood centres”;
- Zone B2 Local Centre – “To provide healthy, attractive, vibrant and safe local centres”;
- Zone B4 Mixed Use – “To provide healthy, attractive, vibrant and safe mixed use areas”;
- Zone B6 Enterprise Corridor – “To provide healthy, attractive, functional and safe enterprise corridors”; and
- Zone B7 Business Park – “To provide healthy, attractive, functional and safe business areas”.

The proposed amendment does not involve any mapping changes.

Department comment

The intent to facilitate a greater focus on health and wellbeing in the Campbelltown LGA is supported. However, prior to public exhibition Council is required to amend the planning proposal to include further information on what is desired and proposed to be included for the objectives for clarity.

Amendment 5 – Functional and operational issues

It is proposed to amend several clauses in the LEP to improve the functionality and readability of the Instrument as defined in Table 1 below.

Table 1: Proposed changes to clauses.

Subject Clause	Proposed Amendment
Item 5A – Clause 4.1B & Clause 4.1C Clauses 4.1B and 4.1C are currently difficult to interpret as they are often read in isolation. There is a need to clarify the intention of both respective clauses in relation to dual occupancies.	To provide clarity of the intent of the clauses it is proposed to remove from Clause 4.1C the elements that apply to dual occupancies and insert them into Clause 4.1B.
Item 5B – Clause 4.1C(2) Under the LEP, minimum lot sizes for attached dwellings is 300m ² which is not achievable in part of Ingleburn due to the old subdivision pattern of the area and therefore a Clause 4.6 variation is required.	To address the issue a savings provision for Clause 4.1C(2) is proposed to allow for the development of the existing narrow lots in the identified R2 zoned area in Ingleburn (Figure 20 next page).

Subject Clause	Proposed Amendment
<p>Item 5C – Clause 4.1C</p> <p>The readability of Clause 4.1C is also difficult to interpret and has been problematic when assessing development applications in new release areas such as Menangle Park. The Lot Size Map for R2 zoned land within Menangle Park facilitates 420m² lots, but the provisions of Clause 4.1C suggest that dwellings require 500m², which would require a Clause 4.6 variation for development to proceed.</p>	<p>Council intends to amend the Clause to improve readability and remove the minimum lot size for dwelling houses in Clause 4.1C (3). It is proposed to replace the words “Development Consent may be granted to” with “Development Consent must not be granted unless”.</p>
<p>Item 5D – Clause 4.4 (2A)</p> <p>Clause 4.4 (2A) does not assign a Floor Space Ratio (FSR) control to attached dwellings.</p>	<p>It is proposed to apply an FSR of 0.45:1 to attached dwellings in the R2 zone and to apply an FSR of 0.75:1 to attached dwellings in the R3 zone.</p>



Figure 20 - Area affected by narrow lots in Ingleburn

Department Comment

The Department notes that the savings and transition clause proposed for Amendment 5B cannot achieve the intended outcome. Instead Council is recommended to insert a new subclause to provide an exception to the restriction in subclause 4.1C(3).

Prior to public exhibition, Council is required to provide further justification for the nominated FSR for attached dwellings under Amendment 5D. However, the Department notes that the proposed FSR is similar to that identified for R2 and R3 zoned land in Menangle Park and Mt Gilead (i.e. FSR of 0.55:1 for R2 zoned land and 0.75 for R3 zoned land).

Amendment 6 – Proposed industrial building height increases

The proposed amendment seeks to increase the maximum building height for all land zoned IN1 General Industrial and IN2 Light Industrial from 12m to 19m under the Campbelltown LEP 2015. This amendment requires amending the Height of Building Map.

Council note that received development applications for warehouses and factory units often have to provide a Clause 4.6 variation request to meet the height requirements. The same applies to development applications for ancillary facilities where the existing building exceeds the limit.

The increase in height would allow for development applications to become streamlined and would promote employment generating floorspace in existing Industrial zones. It will also remove the need for the lodgement of Clause 4.6 variations requests for these types of developments.

Department Comment

The Department notes that the majority of the industrial zoned land is located along the rail line and in the town centres within the Glenfield to Macarthur Urban Renewal Corridor Strategy. This proposed amendment is considered to be minor but will have a positive impact for industrial businesses aiming to redevelop the site.

Amendment 7 – Prohibition of sex services premises in the B5 zone

The proposal seeks to remove the permissibility of 'sex services premises' from the B5 Business Development zone to reduce any potential land use conflict as the B5 zone allows a number of uses that are frequented by children.

Council noted that this matter was a result of another application raised at the Local Planning Panel meeting.

Department Comment

It is noted that sex services premises are not a mandatory permissible use for the B5 zone under the Standard Instrument – Principal Local Environmental Plan.

Therefore, this proposed amendment is considered to be acceptable. It is noted that sex services premises are permissible with consent in the IN1 General Industrial zone and IN2 Light Industrial Zone.

2.3 Mapping

The current and proposed maps are provided in Part 4 and Attachments G-J of the planning proposal. The planning proposal will amend the following maps under the Campbelltown LEP 2015:

- Land Zoning Map;
- Environmental Constraint Map;
- Biodiversity Map;
- Heritage Map;
- Height of Building Map; and
- Minimum Lot Size Map.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is a result of the release of the Greater Sydney Commission's Greater Sydney Region Plan and Western City District Plan. In accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act), Council is required to review the LEP and ensure it aligns with priorities listed in these Plans.

The planning proposal is the best way to achieve the intended outcomes and objectives. An amendment to the Campbelltown LEP 2015 is required in order for Council to meet its obligation under the EP&A Act.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan

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

The planning proposal is consistent with the Western City District Plan as it aligns Campbelltown LEP 2015 with the planning priorities set in the District Plan.

The following Planning Priorities in the Western City District Plan have direct implications for the planning proposal.

Planning Priority W3. Providing services and social infrastructure to meet people's changing needs & W18. Delivering high quality open space

Amendment 1F seeks to rezone land for the development of a Sports and Health Centre of Excellence. This aligns with Planning Priorities W3 and W18 as it will provide an innovative way to optimise open space areas for recreation, sport and social activities which meets the needs of the growing population of Campbelltown.

Planning Priority W4. Fostering healthy, creative, culturally rich and socially connected communities

Amendment 4 seeks to insert health objectives into the aim of the LEP and the objectives in all residential and business zones which is consistent with Planning Priority W4 as it will ensure these zones will consider and deliver healthy and active lifestyles.

Planning Priority W6. Creating and renewing great places and local centres, and respecting the District's heritage & W9. Growing and strengthening the metropolitan cluster

Amendment 1B seek to rezone parts of the Campbelltown-Macarthur Metropolitan Cluster to protect and grow the Western Sydney University and TAFE NSW sites. This zoning will support the higher education uses on the site and expand provided the uses are complementary to the metropolitan cluster role.

Planning Priority W10. Maximising freight and logistics opportunities and planning and managing industrial and urban services land

The proposal is consistent with W10 as follows:

- Amendment 1C seeks to retain the industrial uses within the land north of Campbelltown Railway station by rezoning the land;

- Amendment 6 seeks to increase the maximum height of buildings for industrial zoned land to enable the appropriate development of new warehouses and factory units and remove the need for a variation to existing development controls; and
- Amendment 7 seeks to prohibit sex services premises in the B5 zone to reduce land use conflicts for uses in this zone that are frequented by children.

Planning Priority W14. Protecting and enhancing bushland and biodiversity & W15. Increasing urban tree canopy cover and delivering Green Grid connections

Amendment 2 seeks to expand the Terrestrial Biodiversity Map to further protect vegetation across the Campbelltown LGA by identifying this land on the map. This will provide increased management and retention of urban bushland and vegetation in Campbelltown therefore is consistent with Planning Priority W14 and W15.

Planning Priority W16. Protecting and enhancing scenic and cultural landscapes & W17. Better managing rural areas

Amendment 3 seeks to map the Scenic Hills Preservation Area to strengthen its protection. This amendment is consistent with Planning Priority W16 and W17 as it provides protection of a scenic and cultural landscape which is also a metropolitan rural area that can only be subject to limited urban development.

The Department is satisfied that the proposal gives effect to the Western City District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

4.2 Local

Campbelltown Community Strategic Plan – Campbelltown 2027

The overarching Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions. The proposal is considered to be consistent with the relevant outcomes headed accordingly within the Plan:

- A vibrant, liveable city;
- A respected and protected natural environment;
- A thriving attractive city; and
- A successful city.

The proposed amendments to the LEP would not have a negative impact on any of the outcomes listed.

Re-imagining Campbelltown CBD

Re-imagining Campbelltown CBD strategy will promote a green city and a healthy local economy. As part of the strategy, new buildings are urged to incorporate and adopt sustainable energy solutions and encourage growth along existing transport corridors.

The proposal is considered to be consistent with the strategy, particularly city and bush and no grey to be seen due to the proposed biodiversity mapping. It also seeks to promote healthier living which will have a positive impact on the residents of Campbelltown over the long term.

Draft Campbelltown Local Strategic Planning Statement

On 12 June 2019 Council exhibited the draft Campbelltown LSPS. The draft LSPS provides context and direction for land use decision making within the Campbelltown LGA over 20 years. The planning proposal satisfies a number of actions identified in the draft LSPS including Actions 6.19 and 8.25 which seeks greater protection of existing trees within urban areas, and Action 6.20 to retain agricultural opportunities in the Scenic Hills by mapping the preservation area.

It is noted that this planning proposal represent Stage 1 to amendments which will give effect to the Local Strategic Planning Statement.

Local Planning Panel

The Campbelltown Local Planning Panel considered the planning proposal on 24 July 2019. The Panel supported the planning proposal subject the following points:

- further details are provided in the report to council to justify the proposed height increase for industrial zones;
- that Council consults Camden Council on the proposed controls for the scenic hills;
- the wording of the health objectives is carefully considered so that they do not form an unnecessary burden in preparing a development application; and
- consideration be given to removing sex service premises from the list of development permissible with development consent in the B5 zone.

It is noted that Council has addressed the Panel's comments in the planning proposal.

4.3 Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres.

The planning proposal is consistent with this direction as it will retain existing business and industrial zoned land. In addition, it will increase the maximum building height for industrial zoned land which will provide greater flexibility for new warehouses and industrial units.

Directions 1.2 Rural Zones & 1.5 Rural Lands

The objective of this direction is to protect the agricultural production value of rural land. The planning proposal is consistent with this direction as it will maintain the rural zoning of subject deferred matter land.

Direction 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. The planning proposal is consistent with this direction as it proposes to facilitate the protection of environmentally sensitive land through the proposed expansion of terrestrial biodiversity mapping and mapping of the Scenic Hills Preservation Area.

Direction 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The

proposal is consistent with this direction as it includes the transfer of a heritage listing for “Meadowvale” from IDO No 15.

Direction 3.1 Residential Zones

The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services, and minimise the impact of residential development on the environment and resource lands. The planning proposal is inconsistent with this direction as it will reduce the choice of housing by rezoning residential land to B5 and RE1.

The inconsistency is justified as minor significance as the rezoning will enable the development of the Sport and Health Centre of Excellence.

Direction 4.3 Flood Prone Land

The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard.

The provisions of the planning proposal that affect flood prone land are of minor significance and do not propose to increase the planning provisions related to flood prone land. It is therefore considered that the planning proposal is consistent with this direction.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are to protect life, property and the environment from bush fire hazards, and encourage sound management of bush fire prone areas. The planning proposal affects bushfire prone land through the proposed terrestrial biodiversity and scenic hills preservation area mapping.

The planning proposal is generally consistent with this direction as it will not significantly increase density in bushfire prone land or alter the existing bushfire controls under the LEP or DCP.

However, in accordance with the requirements of this direction, Council is required to consult the NSW Rural Fire Service prior to public exhibition to ensure it does not object to the progression of the planning proposal.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal is inconsistent with this direction as it seeks to alter and introduce site specific clauses to the LEP to enable a certain type of development to occur.

However, the inconsistency is considered to be justified as of minor significance as noted in Section 2 of this report.

Direction 7.2 Implementation of Greater Macarthur Land Release Investigation

The objective of this direction is to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy).

The proposal is not consistent with this direction as it does not implement the strategy however the inconsistency is justified as of minor significance as it seeks to rezone the subject deferred matter land to an equivalent zone.

Direction 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor

The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts. The proposal is inconsistent with this direction as the proposed zoning for subject land in the corridor is not consistent with the precinct plans. However, the inconsistency is justified as of minor significance as the proposed zones are equivalent zones.

4.4 State environmental planning policies (SEPPs)

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

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and economic

The planning proposal is not supported by a social or economic assessment. the planning proposal is unlikely to have any social and/or economic effects as the proposal seeks to largely align planning controls with the Western City District Plan.

5.2 Environmental

The proposal seeks to expand terrestrial biodiversity mapping to apply to the whole LGA in order to preserve ecological communities and important biodiversity corridors.

5.3 Infrastructure

The planning proposal will not significantly increase the density of land within the Campbelltown LGA. It is also noted that the subject land has access to existing infrastructure and utilities.

6. CONSULTATION

6.1 Community and Landowners

A public exhibition period of 28 days is considered an appropriate amount of time to engage the community. In addition, Council should undertake targeted consultation with landowners affected by the Deferred Matters amendment.

6.2 Agencies

The Department recommends that Council consults the following State agencies in relation to the planning proposal:

- Greater Sydney Commission;
- Camden Council;
- Environment, Energy and Science Group; and
- Sydney Water.

Should a State agency be consulted by Council and require any additional information, or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

7. TIME FRAME

Council is required to submit the planning proposal to the Department for finalisation prior to 30 June 2020.

8. LOCAL PLAN-MAKING AUTHORITY

Council did not request to be the local plan-making authority for this planning proposal. Given the planning proposal is required to give effect to the District Plan and the Department has provided funding for Council to prepare the amendment by 30 June 2020, authorisation for Council to be the local-plan making authority is not recommended.

9. CONCLUSION

The planning proposal is supported to proceed to Gateway Determination subject to a number of conditions as the proposed amendments have strategic and site-specific merit, are generally consistent with the Western City District Plan and form the first stage of amendments to align the Campbelltown LEP 2015 with the draft Campbelltown LSPS.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 3.1 Residential Zones, 6.3 Site Specific Provisions, 7.2 Implementation of Greater Macarthur Land Release Investigation, 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor are minor or justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. Prior to public exhibition, the planning proposal is to be amended as follows:
 - (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;
 - (b) update Amendment 1B of the planning proposal to include:
 - i. further justification for the proposed SP2 Educational Establishment zoning including a comparison of the existing and proposed permissible uses on the sites; and
 - 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;
 - (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;
 - (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;
 - (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;
 - (f) update Amendment 5B of the planning proposal to remove the savings and transition clause and insert a new subclause to provide an exception to the restriction in subclause 4.1C(3);

- (g) update Amendment 5D of the planning proposal to provide further justification for the nominated FSR for attached dwellings;
 - (h) include a note that the draft proposed clauses will be subject to legal drafting and may alter under this process;
 - (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;
 - (j) update the consistency of the planning proposal with the relevant section 9.1 Directions as outlined in this report.
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.
 3. The planning proposal should be made available for public exhibition for a minimum of 28 days.
 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.
 5. Consultation is required with the following public authorities:
 - Greater Sydney Commission;
 - Camden Council;
 - Environment, Energy and Science Group; and
 - Sydney Water.
 6. Council is required to submit the planning proposal to the Department for finalisation prior by 30 June 2020.
 7. Given the nature of the planning proposal, Council is not authorised to exercise delegation to make this plan.



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