

8.2 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	1.9 - Create places where people feel good, are likely to stay, to return to and tell others about their experience

Officer's Recommendation

1. That Council endorse the attached draft Planning Proposal which seeks to make amendments to the Campbelltown Local Environmental Plan 2015 (LEP2015) and forward the proposal to the Minister for Planning and Public Spaces for a Gateway Determination.
2. That subject to satisfying the requirements of the Gateway Determination, the draft Planning Proposal be placed on public exhibition and the outcome of that exhibition be reported to the Council.
3. That in conjunction with the making of the amended LEP2015, the Council repeal 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).

Purpose

The purpose of the report is to inform the Council of a draft Planning Proposal (the Proposal) which seeks to amend the Campbelltown Local Environmental Plan 2015 (LEP2015) and repeal Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP2002), Interim Development Order No.15 (IDO15), Interim Development Order No.29 (IDO29) and Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) (LEP8) and seek its endorsement for the Proposal to be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

The intent of the Proposal is to amend the written instrument and mapping tiles of LEP2015 to provide a more accurate and up to date document, and one that is aligned with the Western City District Plan.

The major changes include the provision of planning controls for the areas of the Local Government Area (LGA) that LEP2015 doesn't apply to; 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 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.

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 establish 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**

Major transport, health and education investments are underway across the District. The Western City Deal will aim to optimise infrastructure, investments and employment opportunities.

- **Livability**

The Western City District will grow over the next 20 years with demand for an additional 185,500 dwellings. In the context of the Campbelltown LGA the majority of new dwellings will be created in urban release lands such as Menangle Park, Gilead and South Campbelltown and within urban renewal areas and existing centres such as Campbelltown, Ingleburn, Minto and Leumeah.

- **Productivity**

The District will need to include expansive industrial and urban services lands to the north and east of the Western Sydney Aerotropolis which would be supported by a freight link to serve Greater Sydney's long term freight, logistics and industrial needs.

- **Sustainability**

Producing an integrated approach to green infrastructure through waterways, bushland and open spaces, cooling of suburbs and the urban tree canopy will look to improve sustainability and amenity and quality of life as the District transforms.

The Western City District Plan also identifies a number of planning priorities that Councils are required to meet as part of the review of their LEP's.

The NSW Government's Affordability Strategy has provided \$2.5m in available funding to a number of Councils including Campbelltown to undertake the review of their individual LEP's within two years.

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 (GSC) for endorsement in accordance with the legislative requirements outlined in the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The preparation and exhibition of a Local Strategic Planning Statement (LSPS) was an important first step in this process. Campbelltown's LSPS has been prepared and publicly exhibited. This draft Proposal is consistent with the LSPS as exhibited.

On 24 July 2019 the Campbelltown Local Planning Panel (the Panel) considered and supported the Proposal subject of this report. A copy of the Panel's report and minutes are located at attachment 1.

Report

1. Summary of the draft Planning Proposal

Recent amendments to the EP&A Act require all Councils to review and amend their LEPs to ensure consistency with the direction of the District Plan. In summary, the Proposal attached to this report seeks to amend LEP2015 to ensure consistency with Directions outlined in the Western City District Plan.

A copy of the Proposal is included at attachment 2.

2. Assessment of the draft Planning Proposal

2.1 Justification

The State Government's - A Guide to Preparing Planning Proposals – issued under s3.33 (3) of the EP&A Act provides guidance and information for preparing draft Planning Proposals. The preparation of the Proposal subject of this report has been undertaken in accordance with the latest version of the guide.

The guide states that a draft Planning Proposal should contain enough information to identify relevant environmental, social, economic and other site specific considerations.

The scope for investigating any key issues should be identified in the initial draft Planning Proposal that is submitted for Gateway determination.

The purpose of this Gateway determination stage is to ensure there is sufficient justification early in the process to proceed with a draft Planning Proposal. It enables draft Planning Proposals that lack strategic merit to be stopped early in the process before time and significant human and financial resources are committed. Council staff have maintained regular contact with NSW Department of Planning staff and they are aware of the general content and scope of amendments included in this draft Planning Proposal, to which no concerns have been raised to date.

As usual, the Gateway determination is expected to confirm the information, detailed studies and consultation required before the Proposal can be finalised and placed on public exhibition. As the necessary information is gathered and the investigations/studies completed, the Proposal may need to be updated/amended by including additional documentation as a result of further studies.

2.2 Section 9.1 Ministerial Directions (formerly known as Section 117)

Section 9.1 (formerly Section 117) of the EP&A Act allows the Minister for Planning to provide direction to Council in relation to the amendment or preparation of draft local environmental plans. The Directions that are most relevant to this proposal are listed below.

- **Direction 1.1 Business and Industrial Zones**

Objectives

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

What a relevant planning authority must do if this direction applies

A planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

The Proposal is considered to be consistent with Direction 1.1. The proposal seeks to increase heights for Industrial zones where the current permissible maximum building height is 12m. An amendment to include 19m height limits for industrial zones would provide greater flexibility for new industrial units/warehouses and reduce the need for Clause 4.6 variations under LEP2015.

- **Direction 2.1 Environment Protection Zones**

Objective

The objective of this direction is to protect and conserve environmentally sensitive areas.

What a relevant planning authority must do if this direction applies

A planning proposal must:

- (a) include provisions that facilitate the protection and conservation of environmentally sensitive areas,
- (b) Not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land) where the planning proposal applies to land within an environment protection zone or land otherwise identified for environment protection purposes. This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".

The Proposal is considered to be consistent with Direction 2.1. The Proposal facilitates the protection of environmentally sensitive land through the proposed expansion of terrestrial biodiversity mapping and mapping of the Scenic Hills Preservation Area.

- **Direction 3.1 Residential Zones**

Objectives

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- (c) to minimise the impact of residential development on the environment and resource lands.

What a relevant planning authority must do if this direction applies

A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and
- (b) make more efficient use of existing infrastructure and services, and
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and
- (d) be of good design.

A planning proposal must, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and
- (b) not contain provisions which will reduce the permissible residential density of land.

The Proposal is considered to be consistent with Direction 3.1. The Proposal facilitates a broader opportunity for residential accommodation and building typology as well as a diversity of living options appropriately located across the LGA.

Overall, the proposal is considered consistent with the above directions. The Proposal seeks to increase building height limits within specified Industrial zones across the LGA in order to provide a simplified approach when lodging development applications within IN1 and IN2 zones. This amendment would increase Campbelltown's attractiveness to a broader industrial land use market, and increase its competitiveness and potential for a wider employment opportunity for job seekers across Campbelltown and beyond.

The proposal also seeks to include a terrestrial biodiversity overlay for the whole LGA which will promote the preservation and utilisation of environmentally sensitive land, and importantly, provide for a diversity in accommodation typology and location to suit the current and future needs of our community.

Further detail in relation to the Section 9.1 directions is included in attachment 2.

2.3 Consideration of State Environmental Planning Policies

The following State Environmental Planning Policies (SEPPs) are applicable to the Proposal:

- SEPP 19 – Bushland in Urban Areas
- SEPP 44 – Koala Habitat Protection
- SEPP 55 – Remediation of Lands
- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Affordable Rental Housing) 2009
- SEPP (Infrastructure) 2007
- SEPP (Housing for Seniors or People with a Disability)
- SEPP (Vegetation in Non-Rural Areas) 2017
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

An assessment of the Proposal against all relevant SEPPs has confirmed that the Proposal is not inconsistent with those SEPPs. Further detail in relation to the relevant SEPPs is outlined in the draft Planning Proposal document which is located in attachment 2 to this report.

2.4 Consideration of the Campbelltown Local Environmental Plan 2015

The proposal to amend LEP2015 is a result of a strategic direction from the NSW Government for all Sydney Metropolitan Councils to maintain consistency with objectives outlined in the Western City District Plan and the Greater Sydney Region Plan. The amendments to the LEP2015 include the following:

- Expansion of the terrestrial biodiversity mapping so that it applies to the whole LGA
- Amendment to the height of building maps for IN1 and IN2 zones from 12m to 19m
- Transitioning to LEP2015 on a like for like basis, those deferred areas under which LEP2002, LEP8, IDO15 and IDO29 currently apply
- Mapping of a Scenic Hills Preservation Area and establishment of additional assessment criteria for this area
- Amendments to improve function and operation
- Inclusion of health objectives for certain zones
- Rezoning land at the proposed Centre of Excellence site
- Prohibiting sex services premises in the B5 zone.

The proposed amendments to the LEP2015 are separate to other Council and proponent led Planning Proposals. Proposals to rezone land in the Greater Macarthur Growth Area or consistent with the Glenfield to Macarthur Urban Renewal Corridor Strategy will progress separately to this proposal. All owner initiated Planning Proposals will progress separately to this proposal.

A more detailed discussion of the amendments is below in section 3.1 of this report. Further information relating to the detail of proposed amendments is located in the draft Planning Proposal document at attachment 2.

3. Proposed amendments to LEP 2015

- **Expansion of Biodiversity Mapping**

As part of the review of LEP2015 it is proposed to expand the terrestrial biodiversity mapping so that it applies to the whole Local Government Area. It currently only applies to land at Menangle Park, Gilead and the Glenfield Waste site.

The extent of the terrestrial biodiversity mapping is attached to the draft Planning Proposal.

The purpose of including the biodiversity mapping is to protect the Campbelltown LGA's natural and environmental corridors and areas with threatened ecological communities which are highly contributory to the scenic landscape of Campbelltown. The inclusion of biodiversity mapping into the LEP2015 is consistent with Planning Priority W14 and W15 of the Western City District Plan.

- **Amendment to the height of buildings map for Industrial zones**

An amendment is proposed to the Height of Building maps for all land zoned IN1 General Industrial and IN2 Light Industrial under the LEP2015. Currently the maximum permissible building height for Industrial zones is 12m. A review of clause 4.6 variation requests has found that it is common for Development Applications received by Council for development on land within Industrial Zones to include a height variation request, particularly where they are for the construction of warehouses and factory units or ancillary structures.

The proposed amendment is to increase the permissible height limit to 19m. This is consistent with other local government areas and consistent with Planning Priority W9 in the Western City District Plan. This would ensure that typical warehouses and factories would meet the height limits and would negate the need for the lodgment of a Clause 4.6 variation request.

The proposed building height map for industrial lots is attached to the draft Planning Proposal document located at attachment 2.

- **Transformation of deferred matters into LEP2015**

There are a number of deferred areas that exist under LEP2015. These are all locations that remain subject to older environmental planning instruments such as LEP2002, LEP8, IDO 15 or IDO 29.

It is proposed to repeal these old planning instruments and make LEP2015 applicable to those deferred areas on a like for like basis. This will include the adoption of zoning, minimum lot size and maximum height of buildings maps for these sites. In the case of land at Gilead it will also include the transfer of the heritage listing from IDO 15 to LEP2015.

In the case of deferred land at the UWS site it is also proposed to rezone a small portion of land adjoining the deferred area to reflect the current/proposed use of the land as a Centre of Excellence.

- **Inclusion of the Scenic Hills Preservation Area**

It is proposed to identify and map the boundary area of the Scenic Hills in order to protect and promote the scenic and natural landscape character of Campbelltown.

A Visual and Landscape Analysis of Campbelltown's Scenic Hills and the East Edge Scenic Protection Lands was produced by Paul Davies Pty Ltd and Geoffrey Britton, Environmental Design Consultant in 2011 and adopted by Council at its meeting on 18 October 2011 in preparation of draft LEP 2015 (then known as draft CLEP 2014).

The Visual and Landscape Analysis identified that Campbelltown had numerous scenic and landscape qualities which would benefit in the future planning of a compact City. The Council Report and Visual and Landscape Analysis are attached to the draft Planning Proposal document which is located at attachment 2 of this report.

It is proposed that the LEP2015 include additional assessment criteria for development on any land within the mapped scenic hills.

This is consistent with Action 70 and Planning Priority W16 of the Western City District Plan.

- **Amendments to address functional and operational issues of LEP2015**

A number of issues have been identified in terms of readability and interpretation of the LEP2015. These are detailed in attachment 2. The intent is to amend the instrument to improve interpretation and understanding when assessing development applications particularly in relation to narrow lots, multi-dwelling housing, dual occupancies and attached dwellings and when assessing applications for certain uses in environmental zones by making alterations to Clauses 4.1B, 4.1C, 4.1D and 4.4.

Amendments are also proposed in relation to the permissible uses within the B5 – Business Development zone under LEP2015. It is proposed to remove 'sex service premises' from the list of development permissible with development consent as it removes unnecessary land use conflict.

- **Inclusion of health objectives in the LEP2015**

Council Staff in conjunction with the Centre for Health Equity Training Research and Evaluation (CHETRE) UNSW Sydney, South Western Sydney Local Health District (SWSLHD) Population Health and Health Promotion and Allied Health and South Western Sydney Primary Health Network (SWSPHN) undertook a series of 'learning by doing' training session regarding Health Impact Assessments (HIA).

Health Impact Assessment (HIA) is defined as a combination of procedures, methods and tools by which a policy, program or project may be assessed and judged for its potential effects on the health of the population and the distribution of these impacts within the population.

The Health Impact Assessment (HIA) for Campbelltown seeks to promote positive health outcomes whilst reviewing the LEP2015 particularly in relation to proposed density changes. The HIA that was developed for Campbelltown is currently being finalised. The HIA is not yet a Council Policy although it is intended to be included as a reference for all Council Planning Proposals in the future.

The HIA, once adopted is intended to be used for future rezoning applications (panning proposals) and as a mechanism to promote positive health outcomes for the community and support healthy living for amendments to the LEP2015 and will be given assessment weight through the Local Strategic Planning Statement.

Aligned with this it is proposed to include health objectives in residential and business zones. Further detail regarding the inclusion of health objectives is located in the draft Planning Proposal document in attachment 2. This is consistent with Planning Priority W4 in the Western City District Plan.

4. Strategic Context – Relationship to State and Local Policies

The following state and local planning policies are relevant to the proposal as discussed below.

4.1 Greater Sydney Region Plan

The Greater Sydney Region Plan has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036. The plan identifies that the most suitable locations are in locations close to jobs, public transport, community facilities and services.

The Proposal is consistent with the requirements of the Greater Sydney Region Plan.

4.2 Western City District Plan

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The plan provides guidance in relation to job creation, housing supply and sustainability.

The Western City District Plan identifies (in part), the following priorities for the Campbelltown LGA:

- Planning Priority W4 – Fostering healthy, creative, culturally rich and socially connected communities
- Planning Priority W9 – Growing and Strengthening the Metropolitan Cluster
- Planning Priority W11 – Growing investment, business opportunities and jobs in strategic centres
- Planning Priority W14 – Protecting and enhancing bushland and biodiversity
- Planning Priority W15 – Increasing urban tree canopy cover and delivering green grid connections
- Planning Priority W16 – Protecting and enhancing scenic and cultural landscapes
- Planning Priority W21- Preparing local strategic planning statements informed by local strategic planning
- Planning Priority W22 – Monitoring and reporting on the delivery of the plan

Further detail about the consistency of the draft Planning Proposal with the planning priorities is outlined within the draft Planning Proposal document at attachment 2.

4.3 Greater Macarthur 2040

The Greater Macarthur 2040 Plan was released for public exhibition in November 2018. This Plan sets a long term vision and will be reviewed as information becomes available. It also provides a framework for two features of the Greater Macarthur Growth Area.

The primary aim of this Plan is to focus on the urban renewal of the Glenfield to Macarthur rail corridor and the development of land for release areas from Menangle Park to Appin and:

- provide new homes and local centres
- create local jobs
- Develop Collaborative Planning
- improve transport connections
- provide open spaces and parks
- protect the koala population

Through the aims, the Greater Macarthur 2040 Plan also sets out actions that will help meet the vision identified within the document.

The draft Planning Proposal is not inconsistent with Greater Macarthur 2040 as it includes the mapping of terrestrial biodiversity which will help protect the koala population and increases the height limit for industrial zones will reduce a potential barrier to creating local jobs.

4.4 Glenfield to Macarthur Urban Renewal Corridor Strategy

The Glenfield to Macarthur Urban Renewal Corridor Strategy aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur. The NSW Government finalised most of the Strategy in December 2017. The Glenfield precinct plan was not finalised. The Corridor Strategy outlines that implementation would be initiated through the lodgement of either owner or Council initiated Planning Proposals. Council has prepared a draft Planning Proposal for the Ingleburn CBD which is waiting on a Gateway determination and will be preparing further proposals for the other centres along the railway line.

As part of the draft Planning Proposal the subject of this report it is proposed to provide zoning consistent with the Standard Instrument for land that is located to the east of Glenfield Railway Station which is currently identified as a deferred matter under LEP2015. It is possible that during the process the State Government will either finalise the Glenfield precinct plan, put a revised plan for the Glenfield precinct on exhibition or lead a State Environmental Planning Policy process to apply relevant zonings to the deferred area east of Glenfield Railway Station. Should this occur, it may be necessary to either amend this proposal insofar as it relates to the land east of the railway at Glenfield or remove this land from the draft Planning Proposal.

4.5 Campbelltown Community Strategic Plan 2027

The Campbelltown Community Strategic Plan 2027 (CSP2027) will guide Campbelltown over the next ten years through a series of goals and strategies including, but not limited to, housing choice, strengthening the local economy and promoting the use of public spaces.

The subject draft Planning Proposal would assist in promoting and protecting Campbelltown's natural environment. More specifically, the draft Planning Proposal would be consistent with Strategies 2.1 and 2.4 of the CSP2027 as the incorporation of biodiversity mapping within the LEP2015 would protect areas that are considered to have high biodiversity values.

The mapping of the Scenic Hills Preservation area and provision of additional assessment criteria within the LEP2015 is also consistent with the CSP2027.

4.6 Campbelltown Residential Development Strategy 2014

The Campbelltown Residential Development Strategy 2014 is a background document which informed the preparation of the LEP2015. The proposal does not include any changes that are inconsistent with this strategy.

Council is in the process of procuring a consultant to undertake an updated housing strategy which would assist in the improvement of housing affordability across the LGA particularly with a focus on greater accessibility to existing transport nodes.

The updated housing strategy is likely to be finalised in 2020 and will inform future changes to LEP2015 particularly in relation to land within the draft Greater Macarthur Strategy 2040 and the Glenfield to Macarthur Urban Renewal Corridor. This may result in the need to further review the LEP2015 at that time.

4.7 Re-imagining Campbelltown CBD

On 14 March 2018 the Re-imagining Campbelltown CBD strategy was announced. The Strategy promotes 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 strategy uses six key pillars to assess and measure the progress of a project:

- no grey to be seen
- city and bush
- connected place
- confident and self-driven
- centre of opportunity
- the good life

Council is currently in the final stages of preparing Reimagining Campbelltown CBD Phase 2. The next phase includes establishing frameworks to ensure smooth strategic planning and delivery of the vision. This includes an integrated suite of plans that cover economic viability, sustainability and resilience, infrastructure requirements and physical and spatial requirements.

The draft Planning Proposal is considered to be consistent with the direction of Reimagining Campbelltown CBD, particularly the objectives identified within the city and bush and no grey to be seen sections of the strategy. The biodiversity mapping proposed as part of this proposal seeks to incorporate and protect vegetation (greenery) within the LGA including the Campbelltown CBD will provide opportunities for the residents of Campbelltown to engage with areas of high environmental value.

The proposal also seeks to promote healthier living by seeking to include health objectives within the zone objectives for residential and business zones in LEP2015. For any development application the consent authority must consider whether the proposed development is consistent with the zone objectives. The inclusion of these objectives will therefore have a positive impact on the residents of Campbelltown over the long term.

4.8 Individual Planning Proposals – Blairmount

Council has received a Planning Proposal request for Blairmount which relates to land within one of the deferred matter areas under LEP2015 and is still subject to LEP2002.

The draft Planning Proposal subject of this report would not prevent the progression of the separate planning proposal request for Blairmount, should Council allow it. The completion of the Proposal subject of this report as part of the LEP Review however will simplify the Blairmount planning proposal request by converting the planning controls that apply to the site in a like for like fashion to the LEP2015 and by repealing the older planning instrument.

This would provide a more streamlined process for the review of the future Blairmount planning proposal request, and any others that are received by Council, for a deferred area.

The existence of the planning proposal request for Blairmount is not considered to justify leaving this land under LEP2002. Further it is not appropriate to incorporate the planning proposal request for Blairmount into the LEP Review as it needs to undergo a more detailed planning assessment through its own process just like any other owner initiated planning proposal.

4.9 Draft Campbelltown Local Strategic Planning Statement

On 12 June 2019 Council publically exhibited the draft Campbelltown (LSPS). The LSPS provides context and direction for land use decision making within the Campbelltown LGA over 20 years and aims to achieve the following:

- provide a 20 year land use vision
- outline the characteristics that make our city special
- identify shared values to be enhanced and maintained
- direct how future growth and change will be managed
- prioritise changes to planning rules in the LEP2015 and DCP
- implement the Region and District Plans as relevant to the LGA
- identify where further detailed strategic planning may be needed

The draft Planning Proposal satisfies a number of actions identified in the draft LSPS. The proposal satisfies Actions 6.19 and 8.25 of the draft LSPS which seeks greater protection of existing trees within urban areas. Additionally, the proposal is also on track to meet the requirements of Action 6.20 to retain agricultural opportunities in the Scenic Hills which will be promoted through the mapping and identification of the Scenic Hills Preservation Area.

The post exhibition report on the Local Strategic Planning Statement (LSPS) is expected to be reported to Council prior to gateway determination for this draft Planning Proposal and the LSPS is expected to be adopted before public exhibition of this draft Planning Proposal, assuming it is supported. The draft Planning Proposal may need to be modified to reflect the adopted LSPS however if there are changes required they are expected to be minor such as a change to an Action number.

4.10 Savings Provision

It is proposed to include saving provisions within the proposed amendment to LEP2015. The intention is to allow any development application submitted before the commencement of the amendment to the LEP2015 to be assessed against the planning rules that were in place at the date the application was submitted.

4.11 Local Planning Panel

On 24 July 2019 the Campbelltown Local Planning Panel considered the subject draft Planning Proposal. The Panel provided the following advice in relation to the LEP Review.

- The Panel was of the view that there is public benefit in having one consistent set of planning rules and was therefore supportive of the proposal to repeal the previous planning instruments, being Campbelltown (Urban Areas) 2002, Campbelltown LEP District 8 (Central Hills) and Interim Development Order No. 15. The Panel considered that this will be of benefit to the development industry and the community through simplifying the planning system.
- The Panel is supportive of the rezoning of land at the University of Western Sydney from R3 Medium Density Residential to the RE1 Public Recreation zone to be more reflective of the current/future uses of the land.
- The Panel was supportive of the increase to the maximum height of buildings in Industrial Zones but details should be provided in the report to Council to justify the height proposed to 19m.
- The Panel was supportive of the proposal to map and provide additional assessment criteria for the Scenic Hills which is required in the Sydney Western City District Plan. The Panel recommended that Council consult with neighbouring Camden Council on the proposed controls when the proposal is placed on formal exhibition.
- The Panel noted the proposed expansion of the terrestrial biodiversity map so that it covered important vegetation across the whole Local Government Area which will assist in providing consistent provisions for the assessment of applications.
- The Panel understood the intention in including health objectives in the CLEP 2015 in the Residential and Business Zones. The Panel requested that the wording of these objectives be carefully considered so that they do not form an unnecessary burden in preparing a development application.
- The Panel was supportive of the proposed changes to Clauses 4.1B, 4.1C, 4.1D and 4.4 of the CLEP 2015 as they will assist in the ease of interpreting the instrument and would provide consistency in controls for dual occupancies, attached dwellings and multi-dwelling housing.
- Additionally in response to issues raised during the consideration of Agenda Item 4.4, the Panel recommended that consideration be given to removing sex service premises from the list of development permissible with development consent in the B5 Business Development zone.

The Panel advised the Council that it considered the draft Planning Proposal to be consistent with the Greater Sydney Region Plan, the Western City District Plan, the Campbelltown Community Strategic Plan 2027 and the draft Campbelltown Local Strategic Planning Statement. The Panel further advised the Council that it considered the draft Planning Proposal has overall strategic merit, and in the case of the deferred matter areas, site specific merit, and is appropriate to advance to Gateway determination.

Since the Panel's consideration of the proposal the following actions have occurred

- Further review of the proposed zones at the UWS site have occurred and it is now considered that in addition to the proposed RE1 zone a small area of B5 (Business Development) zone is best able to reflect the future use of part of the site for a sporting centre of excellence as this will limit potential future permissibility issues for intended occupiers of the centre
- The health objectives have been further reviewed and found to be satisfactory

- The prohibition of sex services premises in the B5 zone has been added to the planning proposal as this will reduce the potential risk of land use conflict with sites frequented by children.

5. Public Participation

In the case that the Council supports the Proposal, or otherwise amends it, the Proposal will be forwarded to the Department of Planning for a Gateway Determination.

At this stage community consultation will be undertaken in accordance with section 3.34 of the EP&A Act, which is post Gateway Determination stage. The specific requirements for community consultation will be listed in the Gateway Determination.

6. Conclusion

Council is required to align its planning instruments to the Western City District Plan. This draft Planning Proposal aims to achieve consistency with the directions outlined in the Western City District Plan. It aims to have one LEP apply to the whole LGA and repeal old planning instruments. The draft Planning Proposal seeks to achieve a simplified and easy to read LEP2015. It aims to expand terrestrial biodiversity mapping and provide additional assessment criteria for development applications in the identified scenic hills. It aims to help reduce barriers to local jobs by increasing the maximum height of buildings in industrial zones.

Due to the limited time frame to complete the LEP Review, tasks that rely on the completion of additional studies and strategies such as the housing strategy and employment lands study have not formed part of this review. Both of these will inform future amendments to the LEP2015.

As part of this draft Planning Proposal it is proposed to include a savings provision for the purposes of development applications that are submitted prior to the public exhibition of the draft Planning Proposal for this LEP Review so that they are assessed on the basis of the planning instrument in force at the time the application was/is submitted.

It is a requirement of section 3.34 of the EP&A Act that Council must consider the advice of the Campbelltown Local Planning Panel on a draft Planning Proposal before it considers whether or not to forward it for a Gateway Determination. The Panel was generally supportive of the proposal.

Attachments

1. Local Planning Panel - Agenda and Minutes 24 July 2019 (contained within this report)
2. Planning Proposal with attachments - due to size (589 pages) (distributed under separate cover)



4.6 Review of Campbelltown Local Environmental Plan 2015

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.9 - Create places where people feel good, are likely to stay, to return to and tell others about their experience

Referral Criteria

The Local Planning Panel must have given its advice on the draft Planning Proposal before Council considers whether or not to forward it to the Minister or Greater Sydney Commission under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Executive Summary

- 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.
- The Campbelltown Local Government Area (LGA) has been included in the Western City District Plan along with the Blue Mountains, Camden, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly.
- The Western District Plan identifies planning priorities that Councils are required to meet as part of the review of the Campbelltown Local Environmental Plan 2015.
- The NSW Governments Affordability Strategy has provided \$2.5m in funding to a number of Councils including Campbelltown to undertake the review of their individual LEP within two years.
- This report proposes amendments to Campbelltown Local Environmental Plan 2015 (LEP2015) as well as the repeal of the Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP2002) and the repeal of Interim Development Order No. 15 to provide better alignment with the Western City District Plan.
- The recommended changes to the LEP2015 written instrument and mapping tiles will provide a more accurate and up to date document. The changes include the provision of planning controls for the deferred areas, the 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 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.

Officer's Recommendation

That the Campbelltown Local Planning Panel provide advice to Campbelltown City Council on the proposed amendments to Campbelltown Local Environmental Plan 2015.

Purpose

The purpose of the report is to inform and seek the advice of the Campbelltown Local Planning Panel on a draft Planning Proposal to be forwarded to the Campbelltown City Council for its consideration.

Property Description	Planning Proposal applies to various parts of the LGA.
Applicant	Campbelltown City Council
Owner	Various property owners
Provisions	Campbelltown Local Environmental Plan 2015 Campbelltown (Urban Areas) Local Environmental Plan 2002 Interim Development Order No. 15 Section 9.1 Ministerial Directions SEPP 55 – Remediation of lands SEPP 64 – Advertising and Signage SEPP (Building Sustainability Index: BASIX) 2004 SEPP (Educational Establishments and Child Care Facilities) 2017 SEPP (Affordable Rental Housing) 2009 SEPP (Infrastructure) 2007 SEPP (State and Regional Development) 2011 SEPP (Vegetation in Non-Rural Areas) 2017 Greater Sydney Region Plan Western City District Plan Glenfield to Macarthur Urban Renewal Corridor Strategy Campbelltown Community Strategic Plan 2027 Campbelltown Residential Development Strategy 2014 Campbelltown (Sustainable City) Development Control Plan 2015

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 establish a clear future vision for Greater Sydney to 2056.

The Campbelltown Local Government Area (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 Plan.

The NSW Governments Affordability Strategy has provided \$2.5m in available funding to a number of Councils including Campbelltown to undertake the review of their individual LEP's within two years.

- **Infrastructure and Collaboration**

Major transport, health and education investments are underway across the District. The Western City Deal will aim to optimise infrastructure, investments and employment opportunities.

- **Livability**

The Western City District will grow over the next 20 years with demand for an additional 185,500 dwellings. In the context of the Campbelltown LGA the majority of new dwellings will be created in urban release lands such as Menangle Park, Gilead and South Campbelltown and within urban renewal areas and existing centres such as Campbelltown, Ingleburn, Minto and Leumeah.

- **Productivity**

The District will need to include expansive industrial and urban services lands to the north and east of the Western Sydney Aerotropolis which would be supported by a freight link to serve Greater Sydney's long term freight, logistics and industrial needs.

- **Sustainability**

Producing an integrated approach to green infrastructure through waterways, bushland and open spaces, cooling of suburbs and the urban tree canopy will look to improve sustainability and amenity and quality of life as the District transforms.

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

At the Extraordinary Meeting of Campbelltown City Council on 30 October 2018, Council supported the need to undertake a review (LEP Review) of the Campbelltown Local Environmental Plan 2015, and proceed to forward the Report and draft Project Plan to the (GSC) for endorsement in accordance with the legislative requirements outlined in the *Environmental Planning and Assessment Act 1979*.

The preparation and exhibition of a Local Strategic Planning Statement (LSPS) was an important first step in this process. Campbelltown's LSPS has been prepared and publicly exhibited. This draft Planning Proposal is considered to be consistent with the LSPS as exhibited.

Report

1. Summary of Planning Proposal

Recent amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) require all Councils to review and amend their LEPs to ensure consistency with the direction of the District Plan. In summary, the draft Planning Proposal attached to this report seeks to amend LEP2015 to ensure consistency with Directions outlined in the Western City District Plan.

A copy of the draft Planning Proposal is included at attachment 1.

2. Justification

The NSW Department of Planning and Environment's (DPE) A Guide to Preparing Planning Proposals – issued under s3.33 (3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides guidance and information for preparing planning proposals. The preparation of the draft planning proposal has been undertaken in accordance with the latest version of the guide.

2.1 Consideration of Section 9.1 Ministerial Directions

Section 9.1 (formerly Section 117) of the *Environmental Planning and Assessment Act 1979* allows the Minister for Planning to provide direction to Council in relation to the preparation of draft local environmental plans.

The directions that are most relevant to this proposal are listed below.

- Direction 1.1 Business and Industrial Zones
- Direction 2.1 Environment Protection Zones
- Direction 3.1 Residential Zones

These are addressed in the draft Planning Proposal at attachment 1.

2.2 Consideration of State Environmental Planning Policies (SEPPs)

The following SEPPs are applicable to the Proposal and have been discussed below.

- SEPP 19 – Bushland in Urban Areas
- SEPP 44 – Koala Habitat Protection
- SEPP 55 – Remediation of Lands
- SEPP 65 – Design Quality of Residential Apartment Development
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Affordable Rental Housing) 2009
- SEPP (Infrastructure) 2007
- SEPP (Housing for Seniors or People with a Disability)
- SEPP (Vegetation in Non-Rural Areas) 2017
- Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

Further detail in relation to the relevant SEPPs is outlined in the draft Planning Proposal which is located in attachment 1 to this report.

2.3 Consideration of the Campbelltown Local Environmental Plan 2015

The proposal to amend the LEP2015 is a result of a strategic direction from the NSW Government for all Sydney Metropolitan Councils to maintain consistency with objectives outlined in the Western City District Plan and the Greater Sydney Region Plan. The amendments to the LEP2015 include the following:

- Expansion of the terrestrial biodiversity mapping so that it applies to the whole LGA
- Amendment to the height of building maps for IN1 and IN2 zones from 12m to 19m
- A like for like transition to LEP2015 from the Campbelltown (Urban Areas) LEP 2002 (LEP2002) and Interim Development Order 15 for deferred matters including the

amendment of the maps to provide zones, minimum lot size and maximum height of buildings standards under LEP2015 for these locations

- Mapping of a Scenic Hills Preservation Area and establishment of additional assessment criteria for this area
- Amendments to address functional and operational issues
- Inclusion of health objectives for certain zones

The proposed amendments to the LEP2015 are separate to other Council and proponent led planning proposals. Proposals to rezone land in the Greater Macarthur Growth Area or consistent with the Glenfield to Macarthur Urban Renewal Corridor Strategy will progress separately to this proposal. Owner initiated planning proposals will also progress separately to this proposal.

A more detailed discussion of the amendments is below in section 3.1 of this report. Further information relating to the detail of proposed amendments is located in the draft Planning Proposal at attachment 1.

3.1 Proposed to LEP 2015

- **Expansion of Biodiversity Mapping**

As part of the LEP Review it is proposed to expand the terrestrial biodiversity mapping so that it applies to the whole Local Government Area. It currently only applies to land at Menangle Park, Gilead and the Glenfield Waste site. The extent of the terrestrial biodiversity mapping is attached to the Planning Proposal. The purpose of including the biodiversity mapping is to protect the Campbelltown LGAs natural and environmental corridors and areas with threatened ecological communities which are highly contributory to the scenic landscape of Campbelltown. The inclusion of biodiversity mapping into the LEP2015 is consistent with Planning Priority W14 and W15 of the Western City District Plan.

- **Amendment to the height of buildings map for Industrial zones**

An amendment is proposed to the Height of Building maps for all land zoned IN1 General Industrial and IN2 Light Industrial under the LEP2015. Currently the maximum permissible building height for Industrial zones is 12m. A review of clause 4.6 variation requests has found that it is common for Development Applications received by Council for lots in Industrial Zones to include a height variation particularly where they are for the construction of warehouses and factory units or ancillary structures.

The proposed amendment is to increase the permissible height limit to 19m. This is consistent with other local government areas and consistent with Planning Priority W9 in the Western City District Plan. This would ensure that typical warehouses and factories would meet the height limits and would negate the need for the lodgment of Clause 4.6 variation.

The proposed building height map for industrial lots is attached to the planning proposal located at attachment 1.

- **Transformation of deferred matters into LEP2015**

There are a number of deferred matters under LEP2015. These are all locations that are subject to either LEP2002 or IDO 15. It is proposed to repeal these old planning instruments and transfer the deferred areas in a like for like manner to LEP2015. This will include the adoption of zoning, minimum lot size and maximum height of buildings maps for these sites.

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In the case of land at Gilead it will also include the transfer of the heritage listing from IDO 15 to LEP2015.

In the case of deferred land at the UWS site it is also proposed to rezone a small portion of land adjoining the deferred area to reflect the current/proposed use of the land.

- **Inclusion of the Scenic Hills Preservation Area**

It is proposed to identify and map the boundary area of the Scenic Hills in order to protect and promote the scenic and natural landscape character of Campbelltown.

A Visual and Landscape Analysis of Campbelltown's Scenic Hills and the East Edge Scenic Protection Lands was produced by Paul Davies Pty Ltd and Geoffrey Britton, Environmental Design Consultant in 2011 and adopted by Council at its meeting on 18 October 2011 in preparation of draft LEP 2015 (then known as draft CLEP 2014).

The Visual and Landscape Analysis identified that Campbelltown had numerous scenic and landscape qualities which would benefit in the future planning of a compact City. The Council Report and Visual and Landscape Analysis are attached to the planning proposal which located at attachment 1 of this report. It is proposed that the LEP2015 include additional assessment criteria for development on any land within the mapped scenic hills.

This is consistent with Action 70 and Planning Priority W16 of the Western City District Plan.

- **Amendments to address functional and operational issues of LEP2015**

A number of issues have been identified in terms of readability and interpretation of the LEP2015. These are detailed in attachment 1. The intent is to amend the instrument to improve interpretation and understanding when assessing development applications particularly in relation to narrow lots, multi-dwelling housing, dual occupancies and attached dwellings and when assessing applications for certain uses in environmental zones by making alterations to Clauses 4.1B, 4.1C, 4.1D and 4.4.

- **Inclusion of health objectives in the LEP2015**

Council Staff in conjunction with the Centre for Health Equity Training Research and Evaluation (CHETRE) UNSW Sydney, South Western Sydney Local Health District (SWSLHD) Population Health and Health Promotion and Allied Health and South Western Sydney Primary Health Network (SWSPHN) undertook a series of 'learning by doing' training session regarding Health Impact Assessments (HIA).

Health Impact Assessment (HIA) is defined as a combination of procedures, methods and tools by which a policy, program or project may be assessed and judged for its potential effects on the health of the population and the distribution of these impacts within the population

The Health Impact Assessment (HIA) for Campbelltown seeks to promote positive health outcomes whilst reviewing the LEP2015 particularly in relation to proposed density changes. The HIA that was developed for Campbelltown is currently being finalised. The HIA is not yet a Council Policy although it is intended to be included as a reference for all Council Planning Proposals in the future. The HIA, once adopted is intended to be used for future rezoning applications (panning proposals) and as a mechanism to promote positive health outcomes

for the community and support healthy living for amendments to the LEP2015 and will be given assessment weight through the Local Strategic Planning Statement.

Aligned with this it is proposed to include health objectives in residential and business zones. Further detail regarding the inclusion of health objectives is located in the Planning Proposal in attachment 1. This is consistent with Planning Priority X7 in the Western City District Plan.

4. Strategic Context – Relationship to State and Local Policies

The following state and local planning policies are relevant to the proposal as discussed below.

4.1 Greater Sydney Region Plan

The Greater Sydney Region Plan has been prepared by the NSW State Government to guide land use planning decisions over the next 40 years in order to achieve a common goal of having a metropolis of three cities, Eastern, Central and Western. The plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 725,000 additional homes and create 817,000 jobs by 2036. The plan identifies that the most suitable locations are in locations close to jobs, public transport, community facilities and services.

The Planning Proposal is consistent with the requirements of the Plan.

4.2 Western City District Plan

As part of the NSW State Government's Greater Sydney Region Plan, Campbelltown is identified as a metropolitan cluster and health and education precinct in the Western City District Plan. The plan provides guidance in relation to job creation, housing supply and sustainability.

The Western City District Plan identifies (in part), the following priorities for the Campbelltown LGA:

- Planning Priority W4 – Fostering healthy, creative, culturally rich and socially connected communities
- Planning Priority W9 – Growing and Strengthening the Metropolitan Cluster
- Planning Priority W11 – Growing investment, business opportunities and jobs in strategic centres
- Planning Priority W14 – Protecting and enhancing bushland and biodiversity
- Planning Priority W15 – Increasing urban tree canopy cover and delivering green grid connections
- Planning Priority W16 – Protecting and enhancing scenic and cultural landscapes
- Planning Priority W21- Preparing local strategic planning statements informed by local strategic planning
- Planning Priority W22 – Monitoring and reporting on the delivery of the plan

Further detail about the consistency of the draft planning proposal with the planning priorities is outlined within the draft Planning Proposal at attachment 1.

Greater Macarthur 2040

The Greater Macarthur 2040 Plan was released for public exhibition in November 2018. The Plan sets a long term vision and will be reviewed as information becomes available. The document provides a framework for two features of the Greater Macarthur Growth Area. The primary aim of the Plan is to focus on the urban renewal of the Glenfield to Macarthur rail corridor and the development of land for release areas from Menangle Park to Appin. The Plan aims to:

- Provide new homes and local centres
- Create local jobs
- Collaborative Planning
- Improve transport connections
- Provide open spaces and parks
- Protect the koala population

Through the aims, the Greater Macarthur 2040 Plan also sets out actions that will help meet the vision identified within the document.

The Planning Proposal is not inconsistent with Draft Greater Macarthur 2040 as it includes the mapping of terrestrial biodiversity which will help protect the koala population and increases the height limit for industrial zones will reduce a potential barrier to creating local jobs.

4.3 Glenfield to Macarthur Urban Renewal Corridor Strategy

The Glenfield to Macarthur Urban Renewal Corridor Strategy aims to provide better connections between homes, jobs and open space close to seven train stations between Glenfield and Macarthur. The NSW Government finalised most of the Strategy in December 2017. The Glenfield precinct plan was not finalised. The Corridor Strategy outlines that implementation would be initiated through the lodgement of either owner or Council initiated planning proposals. Council has prepared a draft Planning Proposal for the Ingleburn CBD which is waiting on a Gateway determination and will be preparing further proposals for the other centres along the railway line.

As part of the draft Planning Proposal the subject of this report it is proposed to provide zoning consistent with the Standard Instrument for land that is located to the east of Glenfield Railway Station which is currently identified as a deferred matter under LEP2015. It is possible that during the process the State Government will either finalise the Glenfield precinct plan, put a revised plan for the Glenfield precinct on exhibition or lead a SEPP process to apply relevant zonings to the deferred area east of Glenfield Railway Station. Should this occur, it may be necessary to either amend this proposal insofar as it relates to the land east of the railway at Glenfield or remove this land from the planning proposal.

4.4 Campbelltown Community Strategic Plan 2027

The Campbelltown Community Strategic Plan 2027 (CSP2027) will guide Campbelltown over the next ten years through a series of goals and strategies including, but not limited to housing choice, strengthening the local economy and promoting the use of public spaces.

The subject draft Planning Proposal would assist in promoting and protecting Campbelltown's natural environment. More specifically, the Planning Proposal would be consistent with Strategies 2.1 and 2.4 of the CSP2027 as the incorporation of biodiversity

mapping within the LEP2015 would protect areas that are considered to have high biodiversity values.

The mapping of the Scenic Hills Preservation area and provision of additional assessment criteria within the LEP2015 is also consistent with the CSP2027.

4.5 Campbelltown Residential Development Strategy 2014

The 2014 strategy is a background document which informed the preparation of the LEP2015. The proposal does not include any changes that are inconsistent with this strategy.

Council is in the process of procuring a consultant to undertake an updated housing strategy which would assist in the improvement of housing affordability across the LGA particularly with a focus on greater accessibility to existing transport nodes.

The updated housing strategy is likely to be finalised in 2020 and will inform future changes to LEP2015 particularly in relation to land within the draft Greater Macarthur Strategy 2040 and the Glenfield to Macarthur Urban Renewal Corridor. This may result in the need to further review the LEP2015 at that time.

4.6 Re-imagining Campbelltown CBD

On 14 March 2018 the Re-imagining Campbelltown CBD strategy was announced. The Strategy promotes 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 strategy uses six key indicators to assess and measure the progress of a project:

- No grey to be seen
- City and bush
- Connected place
- Confident and self-driven
- Centre of opportunity
- The good life.

Council is currently in the process of preparing Reimagining Campbelltown CBD Phase 2. The next phase includes establishing frameworks to ensure smooth strategic planning and delivery of the vision. This includes an integrated suite of plans that cover economic viability, sustainability and resilience, infrastructure requirements and physical and spatial requirements.

The Planning Proposal is considered to be consistent with Reimagining Campbelltown CBD, particularly the objectives identified within the city and bush and no grey to be seen sections of the strategy. The biodiversity mapping proposed as part of this proposal seeks to incorporate and protect vegetation (greenery) within the LGA including the Campbelltown CBD will provide opportunities for the residents of Campbelltown to engage with areas of high environmental value.

The proposal also seeks to promote healthier living by seeking to include health objectives within the zone objectives for residential and business zones in LEP2015. For any development application the consent authority must consider whether the proposed

development is consistent with the zone objectives. The inclusion of these objectives will therefore have a positive impact on the residents of Campbelltown over the long term.

4.7 Individual Planning Proposals – Blairmount

Council has received a planning proposal request for Blairmount which relates to land within one of the deferred matter areas under LEP2015 and is still subject to LEP2002.

The draft planning proposal subject of this report would not prevent the progression of the separate planning proposal request for Blairmount, should Council so choose. The completion of this planning proposal as part of the LEP Review however will simplify the Blairmount Planning Proposal request by converting the planning controls that apply to the site in a like for like fashion to the LEP2015 and by repealing the older planning instrument. This would provide a more streamlined process for the review of the Blairmount Planning Proposal Request, and any others that are received by Council, for a deferred area.

The existence of the planning proposal request for Blairmount is not considered to justify leaving this land under LEP2002. Further it is not appropriate to incorporate the Planning Proposal Request for Blairmount into the LEP Review as it needs to undergo a more detailed planning assessment through its own process just like any other owner initiated planning proposal.

4.8 Draft Campbelltown Local Strategic Planning Statement

On 12 June 2019 Council publically exhibited the draft Campbelltown (LSPS). The LSPS provides context and direction for land use decision making within the Campbelltown LGA over 20 years and aims to achieve the following:

- Provide a 20 year land use vision
- Outline the characteristics that make our city special
- Identify shared values to be enhanced and maintained
- Direct how future growth and change will be managed
- Prioritise changes to planning rules in the LEP2015 and DCP
- Implement the Region and District Plans as relevant to the LGA
- Identify where further detailed strategic planning may be needed

The Planning Proposal satisfies a number of actions identified in the draft LSPS. The proposal satisfies Actions 6.19 and 8.25 of the draft LSPS which seeks greater protection of existing trees within urban areas. Additionally, the proposal is also on track to meet the requirements of Action 6.20 to retain agricultural opportunities in the Scenic Hills which will be promoted through the mapping and identification of the Scenic Hills Preservation Area.

4.9 Savings provision

It is proposed that the amendment to the LEP2015 will include a savings provision. The intention is to allow any development application submitted before the commencement of the amendment to the LEP2015 to be assessed against the planning rules that were in place at the date the application was submitted.

5. Public Participation

The next steps in the process will be to review the proposal following the advice from the Campbelltown Local Planning Panel and then report the proposal to Council. If Council supports the proposal, or amends it, it will be forwarded for a Gateway Determination.

At this stage community consultation will be undertaken in accordance with section 3.34 of the EP&A Act. The specific requirements for community consultation will be listed in the Gateway Determination.

6. Conclusion

Council is required to align its planning instruments to the Western City District Plan. This draft Planning Proposal aims to achieve consistency with the directions outlined in the Western City District Plan. It aims to have one LEP apply to the whole LGA and repeal old planning instruments. The draft Planning Proposal seeks to achieve a simplified and easy to read LEP2015. It aims to expand terrestrial biodiversity mapping and provide additional assessment criteria for development applications in the identified scenic hills. It aims to help reduce barriers to local jobs by increasing the maximum height of buildings in industrial zones.

Due to the limited time frame to complete the LEP Review, tasks that rely on the completion of additional studies and strategies such as the housing strategy and employment lands study have not formed part of this review. Both of these will inform future amendments to the LEP2015.

As part of this draft Planning Proposal it is proposed to include a savings provision for the purposes of development applications that are submitted prior to the public exhibition of the planning proposal for this LEP Review so that they are assessed on the basis of the planning instrument in force at the time the application was/is submitted.

It is a requirement of section 3.34 of the *Environmental Planning and Assessment Act 1979* that Council must consider the advice of the Campbelltown Local Planning Panel on a draft Planning Proposal before it considers whether or not to forward it for a Gateway Determination. This report seeks the advice of the Panel.

Attachments

1. Draft Planning Proposal - LEP Review (due to size) (distributed under separate cover)

Reporting Officer

Executive Manager Urban Centres

Local Planning Panel Meeting24/07/2019

Panel Considerations and Reasons for Decision

The Panel viewed the site and the surrounding area and considers that the development is consistent with the scale of development in the neighbourhood and compatible with the low scale residential character of the local area.

The Panel considers that the proposal is consistent with the objectives of the zone and will have no undesirable impacts subject to the adjustment of the design to improve the space available for vehicle manoeuvring. The Panel also notes that the proposal complies with the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The development will provide additional affordable rental housing and assist with meeting this need in the locality and is suitable for the site and is in the public interest.

Decision of the Panel

Development Application 4345/2018/DA-MAH for the construction of a multi-dwelling housing development, strata subdivision and associated site works under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 is approved subject to the conditions detailed in attachment 1 to this report.

Voting

The Local Planning Panel voted 4/0

4.6 Review of Campbelltown Local Environmental Plan 2015

Executive Summary

- 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.
 - The Campbelltown Local Government Area (LGA) has been included in the Western City District Plan along with the Blue Mountains, Camden, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly.
 - The Western District Plan identifies planning priorities that Councils are required to meet as part of the review of the Campbelltown Local Environmental Plan 2015.
 - The NSW Governments Affordability Strategy has provided \$2.5m in funding to a number of Councils including Campbelltown to undertake the review of their individual LEP within two years.
 - This report proposes amendments to Campbelltown Local Environmental Plan 2015 (LEP2015) as well as the repeal of the Campbelltown (Urban Areas) Local Environmental Plan 2002 (LEP2002) and the repeal of Interim Development Order No. 15 to provide better alignment with the Western City District Plan.
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- The recommended changes to the LEP2015 written instrument and mapping tiles will provide a more accurate and up to date document. The changes include the provision of planning controls for the deferred areas, the 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 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.

Panel Considerations and Reasons for Decision

The Panel notes the report and proposed amendments to the Campbelltown Local Environmental Plan, 2015 (CLEP 2015). The Panel also confirmed what had been seen during the site visit.

The Panel is of the view that there is public benefit in having one consistent set of planning rules and is therefore supportive of the proposal to repeal the previous planning instruments, being Campbelltown (Urban Areas) 2002, Campbelltown LEP District 8 (Central Hills) and Interim Development Order No. 15. The Panel considers that this will be of benefit to the development industry and the community through simplifying the planning system.

The Panel is supportive of the rezoning of land at the University of Western Sydney from R3 Medium Density Residential to the RE1 Public Recreation zone to be more reflective of the current/future uses of the land.

The Panel is supportive of the increase to the maximum height of buildings in Industrial Zones but details should be provided in the report to Council to justify the height proposed to 19m.

The Panel is supportive of the proposal to map and provide additional assessment criteria for the Scenic Hills which is required in the Sydney Western City District Plan. The Panel recommends that Council consult with neighbouring Camden Council on the proposed controls when the proposal is placed on formal exhibition.

The Panel notes the proposed expansion of the terrestrial biodiversity map so that it covers important vegetation across the whole Local Government Area as this will assist in providing consistent provisions for the assessment of applications.

The Panel understands the intention in including health objectives in the CLEP 2015 and in the Residential and Business Zones. The Panel requests that the wording of these objectives be carefully considered so that they do not form an unnecessary burden in preparing a development application.

The Panel is supportive of the proposed changes to Clauses 4.1B, 4.1C, 4.1D and 4.4 of the CLEP 2015 as they will assist in the ease of interpreting the instrument and will provide consistency in controls for dual occupancies, attached dwellings and multi-dwelling housing.

Additionally in response to issues raised during the consideration of Agenda Item 4.4, the Panel recommends that consideration be given to removing "sex service premises" from the list of development permissible with development consent in the B5 Business Development zone.

The Panel advises the Council that it considers the planning proposal to be consistent with

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the Greater Sydney Region Plan, the Western City District Plan, the Campbelltown Community Strategic Plan 2027 and the draft Campbelltown Local Strategic Planning Statement.

The Panel further advises the Council that it considers the planning proposal has overall strategic merit, and in the case of the deferred matter areas, site specific merit, and is appropriate to advance to Gateway determination.

Voting

The Local Planning Panel voted 4/0

Local Planning Panel Meeting

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The next meeting of the Local Planning Panel will be held on Wednesday 28 August 2019 at 3.00pm in the Council Chambers, Level 3, Civic Centre, Campbelltown.

Stuart McDonald
Chairperson

FOR ACTION

COUNCIL

10/09/2019

TO: Personal Assistant Director City Development (Robinson, Karen)

Subject: Review of Campbelltown Local Environmental Plan 2015

Target Date: 24/09/2019

File Number:

Notes:

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

1. That Council endorse the attached draft Planning Proposal which seeks to make amendments to the Campbelltown Local Environmental Plan 2015 (LEP2015) and forward the proposal to the Minister for Planning and Public Spaces for a Gateway Determination.
2. That subject to satisfying the requirements of the Gateway Determination, the draft Planning Proposal be placed on public exhibition and the outcome of that exhibition be reported to the Council.
3. That in conjunction with the making of the amended LEP2015, the Council repeal 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).

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, D Lound, R Manoto, B Gilholme, M Chivers, P Lake, B Moroney, B Thompson and G Greiss.

Voting against the Resolution were Nil.

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

[Open Item in Minutes](#)
