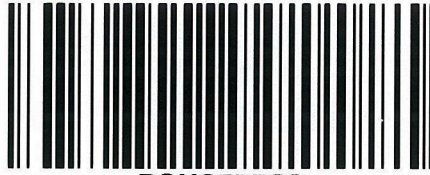


22 August 2018



PCU075522

Ms Ann Marie Carruthers
Regional Director
Sydney Region West
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Department of Planning
Received
24 AUG 2018
Scanning Room

Dear Madam,

**Planning Proposal - Multi Dwellings in R2 Low Density Residential Zone,
Campbelltown Local Environmental Plan 2015 (CLEP 2015)**

Council at its meeting held on 10 July 2018, considered a report requesting endorsement of a Planning Proposal to minimise the impacts of the Low Rise Medium Density Housing Code on the orderly development of housing in the Campbelltown Local Government Area, by amending CLEP 2015 to prohibit "multi dwelling housing" and "manor houses" within the R2 Low Density Residential Zone. Council subsequently resolved:

1. That Council note the submission by Council staff (attachment 1) to the Department of Planning and Environment requesting the deferral of the operation of the Low Rise Medium Density Housing Code which is proposed to commence on 6 July 2018.
2. That Council consider the advice of the Local Planning Panel from its meeting of 27 June 2018 regarding the subject Planning Proposal.
3. That Council endorse the preparation of a Planning Proposal to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) to prohibit "multi dwelling housing" and "manor houses" in the R2 Low Density Residential Zone.
4. Subject to Recommendation 3, that:
 - a. Council submit the Planning Proposal to the Department of Planning and Environment (DPE) for a Gateway Determination and undertake any public exhibition requirements.
 - b. Council request the DPE to grant Council delegation to make amendments to Campbelltown Local Environmental Plan 2015 in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.

ដើម្បីទទួលយកកិច្ចបំបើកប្រែភាសាដោយឥតគិតថ្លៃ សូមយកឯកសារ
នេះទៅសាលាសង្កាត់ ឬទូរស័ព្ទទៅកិច្ចបំបើកប្រែភាសាតាមទូរស័ព្ទលេខ
131 450 រួចស្នើសុំបញ្ជាក់ទំនងជាមួយសាលាសង្កាត់របស់លោកអ្នក។

Accordingly, a Gateway Determination is requested to amend the Campbelltown Local Environmental Plan 2015 under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Please find attached the following documentation to support this request:

1. Draft Planning Proposal
2. Report to Council meeting of 10 July 2018
3. Report to Local Planning Panel meeting of 27 June 2018

Should you require any further information, please contact Council's Senior Strategic Planner Jeff Burton on 4645 4842.

Yours sincerely

A handwritten signature in black ink, appearing to be 'DSM', written over a horizontal line.

David Smith
Executive Manager Urban Centres

8.6 Multi Dwellings in R2 Zone Planning Proposal

Reporting Officer

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council note the submission by Council staff (attachment 1) to the Department of Planning and Environment requesting the deferral of the operation of the Low Rise Medium Density Housing Code which is proposed to commence on 6 July 2018.
2. That Council consider the advice of the Local Planning Panel from its meeting of 27 June 2018 regarding the subject Planning Proposal.
3. That Council endorse the preparation of a Planning Proposal to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) to prohibit "multi dwelling housing" and "manor houses" in the R2 Low Density Residential Zone.
4. Subject to Recommendation 3, that:
 - a. Council submit the Planning Proposal to the Department of Planning and Environment (DPE) for a Gateway Determination and undertake any public exhibition requirements.
 - b. Council request the DPE to grant Council delegation to make amendments to Campbelltown Local Environmental Plan 2015 in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Purpose

The purpose of this report is to request Council's endorsement of a Planning Proposal to minimise the impacts of the Low Rise Medium Density Housing Code on the orderly development of housing in the Campbelltown Local Government Area, by amending CLEP 2015 to prohibit "multi dwelling housing" and "manor houses" within the R2 Low Density Residential Zone.

Report

Background - Multi Dwelling Housing and CLEP 2015

CLEP 2015 was gazetted on 11 December 2015 and became operational on 11 March 2016. The Plan was prepared over an extensive timeframe, and was guided by a number of contributory studies, including Council's Residential Development Strategy 2014. This Strategy informed the decision by Council to include a new medium density housing zone (R3) within CLEP 2015 to facilitate medium density housing in suitable and well planned areas with sufficient supporting infrastructure and access to public transport and commercial centres.

In adopting CLEP 2015, Council decided to generally utilise a best fit philosophy with the comparable land zonings under the previous planning instrument LEP 2002. This resulted in multi dwelling housing being included in the R2 Low Density Residential Zone under CLEP 2015, noting that it was a permissible land use within the generic 2B Residential Zone under LEP 2002. However, CLEP 2015 achieved the objective of promoting multi dwelling housing in the more appropriate R3 zoned areas by imposing more stringent development standards for this type of development in the R2 zone. Council also acknowledged that there would be a need to review the Plan and Local Housing Strategy after its inception, including an assessment of whether multi dwelling housing should remain as a permissible land use within the R2 zone.

Medium Density Housing Code - Implications for the Campbelltown LGA

The Medium Density Housing Code (the Code) has been released by the State Government and will come into effect on 6 July 2018. The Code will operate as an amendment to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, and allow medium density housing, to be approved and built as complying development in R1, R2, R3 and RU5 zones, where permitted in that zone under Council's LEP.

Under CLEP 2015, multi dwelling housing is permitted (with development consent) in the R2 Low Density Residential and R3 Medium Density Residential zones. Consequently, the Code would permit new forms of medium density residential development to be approved and built as complying development these zones, without any meaningful consultation or consideration of local planning policy as would currently occur through the development application process.

Manor houses are a new type of 2 storey residential flat building created by the Code, comprising 3 or 4 dwellings, which may be built as complying development on lots of minimum 600m² in area. The Code proposes to amend CLEP 2015 to include this new residential land use in the R2 and R3 zones, meaning that this type of development may also be submitted to Council for approval under a development application. However at this time Council has no specific development standards for manor houses given that this type of residential development does not currently exist under the Local Environmental Plan. This will generate difficulties for Council to properly assess and regulate this type of development, particularly within the low density residential R2 zones.

If the Code commences on 6 July 2018 for the Campbelltown LGA, it would likely promote unplanned housing densities within the R2 Low Density Residential Zone under CLEP 2015, being areas typically distant from supporting infrastructure and services. This outcome is inconsistent with the intent of CLEP 2015 to encourage medium density housing within more

appropriate areas zoned R3, and limit multi dwelling housing in R2 zones through more stringent development standards.

Councillor Briefing 29 May 2018

The likely ramifications of the Code for the Campbelltown LGA were discussed at the Councillor Briefing of 29 May 2018. At this briefing, planning staff outlined concerns that the Code would promote medium density housing in low density residential areas distant from supporting infrastructure, and without any merit consideration of the impacts of new housing forms on existing low density residential neighbourhoods. Concerns included the circumvention of local planning controls, encouraging medium density housing within R3 zones rather than R2 zones, and the resultant demands on limited infrastructure, amenity impacts for existing low density neighbourhoods, increased stormwater runoff and traffic generation.

Concern was also raised that the Code may incentivise short term development outcomes on strategic sites along the Glenfield to Macarthur Urban Renewal Corridor, to the detriment of long term planning for higher density growth within these nominated urban renewal precincts.

Given the likely disruption to the planned and orderly development of medium density housing within the LGA, and resulting concerns relating to unplanned housing growth and insufficient supporting infrastructure, there was general consensus from Councillors to request the DPE to defer the operation of this Code for the Campbelltown LGA.

Request to Defer Commencement of Code

On 5 June 2018 the NSW Department of Planning (DPE) advised Campbelltown City Council that it would consider a formal request to defer the operation of the Code for the Campbelltown LGA, if that request was received by 27 June 2018 and was supported by the submission of a Council endorsed draft Planning Proposal to the Gateway Panel by 27 July 2018.

The offer by the DPE to consider a request for deferral of the Code followed the announcement by the Minister for Planning that he would consider deferring the commencement of the Code in low density residential zones if a suitable proposal was received from any concerned Council. It is understood that a number of affected Councils have requested the DPE to defer the operation of the Code within their respective areas, with the Councils of Ryde, Lane Cove, Canterbury-Bankstown and Northern Beaches having been successful to date in obtaining a 12 month deferral until July 2019.

On 18 June Council staff forwarded a written submission to the DPE requesting deferral of the Code for the Campbelltown LGA (attachment 1). DPE has responded in writing (attachment 2) to confirm that it is preparing a recommendation to defer application of the Code to the Campbelltown LGA. It is anticipated that Council's request to defer application of the Code would be favourably received if the supporting Planning Proposal is endorsed by Council and forwarded to the DPE by the nominated deadline of 27 July 2018.

Details are provided below of the supporting Planning Proposal required by the DPE to support Council's written submission.

CLEP 2015 - Proposed Amendments

The proposed amendments to CLEP 2015, in support of Council's written request to defer the operation of the Code for the Campbelltown LGA, comprise the prohibition of multi dwelling housing and manor houses within the R2 zone. This outcome is consistent with the local housing strategy to promote medium density housing forms within more suitably located areas of the LGA, namely the R3 Medium Density Residential Zone.

It is anticipated that Council's formal endorsement and lodgement of the Planning Proposal with DPE would strengthen Council's request for a deferral from the operation of the Medium Density Housing Code for the Campbelltown LGA. If this deferral is granted, then Council will have further opportunity to refine the Planning Proposal in consultation with DPE to ensure that any impacts resulting from the delayed commencement of the Code are better managed.

Local Planning Panel

The proposed amendment of CLEP 2015 to prohibit multi dwelling housing and manor houses within the R2 Low Density Residential Zone was considered by the Local Planning Panel at its meeting of 27 June 2018. The Local Planning Panel provided the following advice for the consideration of Council.

1. The panel supports the Council's request for deferral of the Low Rise Medium Density Housing Code.
2. The panel encourages the Council, through the comprehensive review of the Campbelltown LEP 2015, to pursue a diversity of housing forms across the Local Government Area including consideration of the established R2 zoned land.
3. The Panel encourage the completion of the comprehensive review of CLEP 2015 and updated Housing Strategy within the next two years.

The advice of the Panel, as outlined above, supports Council's request for deferral of the Code and for further review of CLEP 2015 and an updated Housing Strategy to be undertaken within the next two years.

Conclusion

The commencement of the Low Rise Medium Density Housing Code on 6 July 2018 will circumvent local planning controls and allow for increased housing densities within R2 Low Density Residential Zones under CLEP 2015, being areas typically distant from supporting infrastructure and services. This outcome is inconsistent with planning work being undertaken by Council to encourage medium density housing within more appropriate areas zoned R3, in closer proximity to transport infrastructure and commercial centres.

Given the adverse consequences which are likely to arise as a result of the uncontrolled operation of the Code across the Campbelltown LGA, and in particular for R2 Low Density Residential Zones, it was agreed at the Councillor Briefing of 29 May 2018 to request the DPE to defer the commencement of the Code for the Campbelltown LGA.

On 5 June 2018, the DPE advised Campbelltown City Council that it would consider a formal request to defer the operation of the Low Rise Medium Density Housing Code for the Campbelltown LGA, if that request was received by 27 June 2018 and was supported by submission of a Council endorsed draft Planning Proposal to the Gateway Panel by 27 July 2018.

Council's endorsement of a planning proposal to prohibit multi dwelling housing and manor houses as a permissible land use within the R2 Zone under CLEP 2015 is now required in the short timeframe provided by the DPE to supplement Council's written request of 18 June 2018. Should the DPE grant Council's request to defer operation of the Code for the Campbelltown LGA, then further work will be undertaken to better manage the impacts of the pending Code as part of the planning proposal process and broader review of CLEP 2015.

Attachments

1. Submission to the Department of Planning and Environment (contained within this report)
2. Letter of reply from Department of Planning regarding deferral of Low Rise Medium Density Housing Code (contained within this report)

18 June 2018

Ms Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Carruthers,

Medium Density Housing Code – Request for Deferral

I am writing in response to the announcement that the NSW Planning Minister, Anthony Roberts, will consider deferring the operation of the Medium Density Housing Code for any Council that wants to change its planning rules.

Campbelltown City Council has significant concerns that the Medium Density Housing Code would detrimentally impact the orderly and planned development of future housing supply within the Campbelltown Local Government Area by promoting new forms of medium residential housing in inappropriate areas; in an uncontrolled manner; in a way not in keeping with the reasonable expectations of the community; and distant from supporting infrastructure and ill-suited to densification.

A main concern is that the Code will override Council's development standards under Campbelltown Local Environment 2015 (CLEP 2015) for multi-dwelling housing within the R2 zone, resulting in higher density development outcomes inconsistent with Council's objective for the R2 Low Density Zone, which seeks to provide for the housing needs of the community within a low density residential environment. These concerns include the mandated permissibility of 'manor houses' within the R2 zone, comprising a new type of medium density housing for which Council has no specific development controls.

The proposed low rise medium density housing code, in Campbelltown's situation, would allow medium density development within low density residential areas, unplanned for growth and remote from services, shops and transport.

In adopting CLEP 2015, Council committed to the ongoing review of the Plan including amendments of particular clauses relating to the permissibility and development of 'multi-dwelling' housing within the R2 zone to ensure that the intent of promoting multi-dwelling housing in the more appropriate R3 Medium Density Residential zones was achieved.

Campbelltown City Council is continuing to work closely with the Department of Planning and Environment on the revision of CLEP 2015 to facilitate housing diversity and supply in the Greater Macarthur Priority Growth Area, the Glenfield to Macarthur Urban Renewal Corridor, and urban renewal sites at Claymore and Airds. We are actively considering individual planning proposals to increase building heights and densities near the Campbelltown centre.

Additional to this work, Campbelltown City Council will be reviewing its Housing Strategy and updating the Local Environmental Plan as one of the Western Sydney City Deal Councils identified for priority funding to undertake this task. Campbelltown City Council clearly meets the criteria of a place that is committed to reviewing its planning rules to promote housing diversity and supply.

For these reasons, Council formally requests that the operation of the Low Rise Medium Density Housing Code for the Campbelltown LGA is deferred. This will allow the important and necessary planning work on the Campbelltown Housing Strategy and CLEP 2015 to be advanced in consultation with the Department of Planning and Environment.

Should you require any further information or explanation please contact Council's Executive Manager Urban Centres, David Smith on (02) 4645 4598.

Yours sincerely

Signature removed

Jim Baldwin
Director City Development

**Planning &
Environment**

Our ref: IRF18/3474

Mr Jim Baldwin
Director City Development
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Mr Baldwin

I refer to recent conversations on the Low Rise Medium Density Housing Code with Council staff. I also note Council's letter in which you have requested a deferral to the commencement of the code for the Campbelltown local government area.

I can appreciate the issues you have raised over the implementation of the code and I am pleased to advise you that alternative arrangements are available to address your circumstances.

The Minister has asked the Department to prepare a recommendation to defer application of the code to the Campbelltown local government area to allow Council time to consider the application of the code to your residential zones.

A deferral provides Council the opportunity to review these areas and provide a planning proposal to the Department. I look forward to resolving this matter with you over the coming 12 months.

I note that the planning proposal would seek to review the permissibility of multi-dwelling housing in the R2 Low Density Residential zone and associated controls.

I will contact you shortly to discuss how this matter can be progressed. If you have any questions in the interim, please don't hesitate to contact me on 9274 6270, or ann-maree.carruthers@planning.nsw.gov.au.

Yours sincerely

Signature removed

Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

22/6/18

4.6 Multi Dwellings in R2 Zone Planning Proposal

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Executive Summary

The New South Wales Government has recently changed planning legislation to enable the construction of medium density residential developments as complying development under the new Medium Density Housing Code (the Code).

In the Campbelltown context, the Code would likely have unplanned impacts on infrastructure, as medium density housing permitted by the Code could be constructed in all residential zones of the Campbelltown Local Government Area (LGA).

The greatest impacts are likely to occur within established residential neighbourhoods zoned R2 Low Density Residential under Campbelltown Local Environmental Plan 2015 (CLEP 2015), where the cumulative impact on increased stormwater runoff and traffic congestion cannot be identified or mitigated through early strategic planning.

The NSW Minister for Planning has announced that the operation of the Code will now be deferred until July 2019 for Ryde, Canterbury-Bankstown, Northern Beaches and Lane Cove Councils.

On 5 June 2018, the Department of Planning and Environment (DPE) offered Council the opportunity to consider deferring the operation of the Code for the R2 zone under CLEP 2015. This offer was subject to the DPE receiving a written request by 27 June 2018 and the submission of a Council endorsed draft Planning Proposal to the Gateway Panel, by 27 July 2018.

Officer's Recommendation

1. That the Panel note Council's submission requesting the deferral of the operation of the Medium Density Housing Code which is proposed to commence on 6 July 2018.
2. That the Panel provide advice on the proposal to prohibit 'multi dwelling housing' in the R2 Low Density Residential zone under CLEP 2015.
3. That the Panel note that a more comprehensive review of CLEP 2015 and updated Housing Strategy will occur over the next two years.

Purpose

To request the Local Planning Panel's (the Panel) advice on the proposal to prohibit multi-dwelling housing within Zone R2 Low Density Residential, of CLEP 2015.

Report

As a result of the Minister for Planning's decision to defer the operation of NSW Government's newly made Medium Density Housing Code for the Councils of Ryde, Lane Cove, Canterbury-Bankstown and Northern Beaches, on 5 June 2018 the NSW Department of Planning (DPE) contacted Campbelltown City Council and advised that the DPE would also consider a formal request from Campbelltown Council to defer the operation of the newly made Medium Density Housing Code for the Campbelltown LGA. The DPE further advised that for any such request to be considered, the request needed to be submitted to the DPE by 27 June 2018, with a formally endorsed draft Planning Proposal submitted to the DPE by 27 July 2018.

1. Multi-dwellings in the R2 Zone - CLEP 2015

Campbelltown Local Environmental Plan 2015 (CLEP 2015) was gazetted on 11 December 2015 and became operational on 11 March 2016. CLEP 2015 was prepared over an extensive timeframe, based in the end, on a best fit philosophy. This resulted in the transfer of multi-dwellings as a permissible land use from the generic 2B residential zone under the previous LEP 2002, to the R2 Low Density Residential zone under CLEP 2015.

In adopting CLEP 2015, Council acknowledged that there would be a need to review the Plan soon after its inception, including amendments of particular clauses relating to the permissibility and development of multi-dwelling housing within the R2 zone to ensure that the intent of promoting multi-dwelling housing in the more appropriate R3 zoned areas was achieved.

In this respect, although CLEP 2015 retained multi-dwelling housing as a permissible land use in the R2 zone, it discouraged this land use by imposing stricter controls on qualifying site areas, subdivision sizes and floor space ratios compared to the R3 Medium Density Residential zone. This is consistent with Council's objective for the R2 Low Density Zone to provide for the housing needs of the community within a low density residential environment.

2. Medium Density Housing Code

The Medium Density Housing Code (the Code) has been released by the State Government and will come into effect on 6 July 2018. The Code will allow medium density housing, to be approved and built as complying development in R1, R2, R3 and RU5 zones, where permitted in that zone under Council's LEP.

Under CLEP 2015, multi-dwellings are permitted with development consent in the R2 and R3 zones. Consequently, the Code will apply to these residential zones from 6 July 2018, allowing new forms of medium density residential development to be approved and built in these areas as complying development, without any meaningful consultation or consideration of the development standards for this type of development prescribed under Council's LEP.

A significant concern is that when the Code becomes operational, medium density residential development would be encouraged in R2 zoned areas of the Campbelltown LGA never planned for housing densities of this nature. This includes a new housing type introduced under the Code termed manor houses that comprise a two storey block of four flats on any residential zoned lot in the Campbelltown LGA with a 15m frontage and land area of 600sqm. When the Code commences, Council's development standards under CLEP 2015 for multi-dwelling housing within the R2 zone will be by-passed for developers seeking approval under the Code. Consequently, the ability of Council's planning policies to guide the orderly development of medium density housing within more appropriate areas zoned R3, rather than the low density R2 zone, will be severely diminished.

3. Councillor Briefing/Concerns

The Medium Density Housing Code (the Code) and ramifications for the Campbelltown LGA were discussed at the Councillor Briefing of 29 May 2018. At this briefing, planning staff outlined concerns that the Code would promote medium density housing in R2 low density residential zones, distant from supporting infrastructure and without any merit consideration of the impacts on existing low density residential neighbourhoods. These concerns included by-passing the strategic controls imposed by Council under CLEP 2015 for multi-dwelling housing developments within the R2 zone, potentially resulting in excessive demands on limited infrastructure, adverse amenity impacts to existing neighbourhoods, increased stormwater runoff and traffic generation.

Concern was also raised that the Code would likely be inconsistent with long term planning outcomes being investigated for strategic sites within the Campbelltown LGA, such as the promotion of higher density housing and mixed use development within the Glenfield to Macarthur Urban Renewal Corridor. Given the likely disruption to the planned and orderly development of medium density housing within the LGA, there was general consensus from Councillors to request an exemption from the operation of this Code.

It is relevantly noted that the Minister for Planning has recently deferred the operation of the Code in the City of Ryde and the City of Canterbury-Bankstown, who it is understood sighted similar concerns relating to unplanned housing growth and insufficient supporting infrastructure. At the time of writing of this report, the Code has also been deferred from operating in Lane Cove and Northern Beaches Councils.

5. Conclusion

Commencement of the Medium Density Housing Code on 6 July 2018 will override local planning controls and will allow for increased housing densities without the need for the Council to assess a development application or any consultation with the community.

A significant concern with this is the likely negative impacts of medium density housing developments being promoted within low density R2 zoned neighbourhoods that have not been planned to accommodate increased housing densities envisaged by the Code.

At the Councillor Briefing of 29 May, it was agreed to seek an exemption from the commencement of the Code. It is understood that the Code has been deferred from operating in Lane Cove, Northern Beaches, City of Ryde and City of Canterbury-Bankstown Councils.

On 5 June 2018, the NSW Department of Planning (DPE) advised Council that any request to defer the operation of the Code for the R2 zone would need to be formally submitted by 27 June, and such a request would only be considered if a draft Planning Proposal was submitted to the DPE by 27 July 2018, which sought the removal of multi-dwellings as a permissible land use from the R2 zone under Council's CLEP 2015.

The removal of multi-dwellings as a permissible land use within the R2 Zone under CLEP 2015 would remove the trigger for the operation of the Medium Density Housing Code within this zone. To offset this amendment, it is proposed that Council's Housing Strategy would be updated as part of a comprehensive update of CLEP 2015 which is required to be completed within two years in accordance with the City Deal.

This outcome is supported by planning work being undertaken by Council to encourage medium density housing within more appropriate areas zoned R3, in closer proximity to transport infrastructure and commercial centres.

Given the adverse consequences which are likely to arise as a result of the uncontrolled operation of the Code across the Campbelltown LGA, and in particular on lands existing within the R2 Zone, it is considered essential and of the utmost importance that in providing any advice, the Panel's advice assists the Council in meeting the short response timeframe provided by the DPE, and assists with the removal from the Council's CLEP 2015, multi-dwellings as a permissible development within the R2 Low Density Residential Zone.

Attachments

1. Submission to the Department of Planning and Environment (contained within this report)

Reporting Officer

Executive Manager Urban Centres

18 June 2018

Ms Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Carruthers,

Medium Density Housing Code – Request for Deferral

I am writing in response to the announcement that the NSW Planning Minister, Anthony Roberts, will consider deferring the operation of the Medium Density Housing Code for any Council that wants to change its planning rules.

Campbelltown City Council has significant concerns that the Medium Density Housing Code would detrimentally impact the orderly and planned development of future housing supply within the Campbelltown Local Government Area by promoting new forms of medium residential housing in inappropriate areas; in an uncontrolled manner; in a way not in keeping with the reasonable expectations of the community; and distant from supporting infrastructure and ill-suited to densification.

A main concern is that the Code will override Council's development standards under Campbelltown Local Environment 2015 (CLEP 2015) for multi-dwelling housing within the R2 zone, resulting in higher density development outcomes inconsistent with Council's objective for the R2 Low Density Zone, which seeks to provide for the housing needs of the community within a low density residential environment. These concerns include the mandated permissibility of 'manor houses' within the R2 zone, comprising a new type of medium density housing for which Council has no specific development controls.

The proposed low rise medium density housing code, in Campbelltown's situation, would allow medium density development within low density residential areas, unplanned for growth and remote from services, shops and transport.

In adopting CLEP 2015, Council committed to the ongoing review of the Plan including amendments of particular clauses relating to the permissibility and development of 'multi-dwelling' housing within the R2 zone to ensure that the intent of promoting multi-dwelling housing in the more appropriate R3 Medium Density Residential zones was achieved.

Campbelltown City Council is continuing to work closely with the Department of Planning and Environment on the revision of CLEP 2015 to facilitate housing diversity and supply in the Greater Macarthur Priority Growth Area, the Glenfield to Macarthur Urban Renewal Corridor, and urban renewal sites at Claymore and Airds. We are actively considering individual planning proposals to increase building heights and densities near the Campbelltown centre.

Additional to this work, Campbelltown City Council will be reviewing its Housing Strategy and updating the Local Environmental Plan as one of the Western Sydney City Deal Councils identified for priority funding to undertake this task. Campbelltown City Council clearly meets the criteria of a place that is committed to reviewing its planning rules to promote housing diversity and supply.

For these reasons, Council formally requests that the operation of the Low Rise Medium Density Housing Code for the Campbelltown LGA is deferred. This will allow the important and necessary planning work on the Campbelltown Housing Strategy and CLEP 2015 to be advanced in consultation with the Department of Planning and Environment.

Should you require any further information or explanation please contact Council's Executive Manager Urban Centres, David Smith on (02) 4645 4598.

Yours sincerely

Signature removed

Jim Baldwin
Director City Development

PLANNING PROPOSAL

Amendment to Campbelltown Local Environmental Plan 2015

- Prohibition of multi dwelling housing in the R2 Low Density Residential Zone

August 2018 (submission for Gateway Determination)

Part 1 – Objectives or Intended Outcomes

The intended outcome of the Planning Proposal is to maintain the strategic intent of the R2 Low Density Residential zone under Campbelltown Local Environmental Plan 2015 (CLEP 2015), by prohibiting multi dwelling housing (and if required 'manor houses' as proposed under *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017*) in the R2 Low Density Residential zone under the Campbelltown LEP 2015.

The commencement of the Low Rise Medium Density Housing Code within the Campbelltown Local Government Area will circumvent local planning controls and allow for increased housing densities within R2 Low Density Residential Zones under CLEP 2015, being areas typically distant from supporting infrastructure and services. This outcome is inconsistent with planning work being undertaken by Council to encourage medium density housing within more appropriate areas zoned R3 Medium Density Residential, in closer proximity to transport infrastructure and commercial centres.

It is therefore intended that the submission of this Planning Proposal to the Department of Planning and Environment will minimise the likely disruption to the planned and orderly development of medium density housing within the Campbelltown LGA resulting from the operation of the Low Rise Medium Density Housing Code within the R2 Low Density Residential Zone.

Part 2 – Explanation of Provisions

Proposed amendments to CLEP 2015

The proposal seeks to amend Campbelltown Local Environmental Plan 2015 as detailed below.

Amendment of Land Use Table - R2 Low Density Residential Zone

The land use table for the R2 Zone Low Density Residential Zone in the CLEP 2015 currently reads as follows:

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable development for purposes other than residential only if that development is compatible with the character of the living area and is of a domestic scale.
- To minimise overshadowing and ensure a desired level of solar access to all properties.
- To facilitate diverse and sustainable means of access and movement.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Multi dwelling housing; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Semi-detached dwellings

4 Prohibited

Any development not specified in item 2 or 3

It is proposed that the land use type '*Multi dwelling housing*', is omitted from Section 3 'Permitted with consent' in the Zone R2 Low Density Residential land use table.

It is also proposed that the land use type '*Manor houses*' is omitted from Section 3 'Permitted with consent' in the Zone R2 Low Density Residential land use table, if inserted under amendments proposed under *State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Low Rise Medium Density Housing) 2017*.

Related Amendments

The following amendments are also proposed to CLEP 2015 to remove related development standards for multi dwelling housing in the R2 Low Density Residential Zone under the following clauses:

- **Clause 4.1C** Minimum qualifying site area and lot size for certain residential and centre-based child care facility development in residential zones

It is proposed to remove the row from the table relating to *'Multi dwelling housing'* and the corresponding development standards.

- **Clause 4.4** Floor space ratio

It is proposed to remove the row from the table relating to *'Multi dwelling housing in Zone R2 Low Density Residential'* and the corresponding floor space ratio.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal was initiated in response to correspondence received from the Department of Planning and Environment (DPE) dated 22 June 2018 regarding a 12 month deferral to the commencement of the Low Rise Medium Density Housing Code (the Code) for the Campbelltown Local Government Area (LGA). This planning proposal has therefore been lodged at the request of the Department to enable a formal review of the permissibility of multi dwelling housing in the R2 Low Density Residential Zone under CLEP 2015.

The prohibition of multi dwelling housing and manor houses within the R2 zone under CLEP 2015 is consistent with the Campbelltown Local Housing Strategy in terms of promoting medium density housing forms within more suitably located areas of the LGA in proximity to transport infrastructure and support services, namely those areas zoned R3 Medium Density Residential.

Due to the time constraints placed on the submission of this Planning Proposal it is understood that further strategic studies may be required in accordance with a Gateway Determination. It is therefore anticipated that further discussion will be required with the DPE about how to best deliver the intent of the proposed amendments within the period of deferral from the Code.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council's submission to the DPE dated 18 June 2018 raised significant concerns that the release of the Low Rise Medium Density Code would detrimentally impact the orderly and planned development of future housing supply within the Campbelltown LGA by promoting new forms of medium density housing in inappropriate areas; in an uncontrolled manner; in a way not in keeping with the reasonable expectations of the community; and distant from supporting infrastructure and ill-suited to densification.

A main concern is that the Code will circumvent Council's local development standards for multi dwelling housing within the R2 zone, resulting in higher density development outcomes inconsistent with the R2 Low Density Zone objective to provide for the housing needs of the community within a low density residential environment. These concerns include the mandated permissibility of 'manor houses' within the R2 zone upon commencement of the Code, comprising a new type of medium density housing for which Council has no specific development controls.

Council submits that the best means of addressing the impacts resulting from the Code to the planned and orderly development of medium density housing in the Campbelltown LGA would be to amend the Low Rise Medium Density Code to remove its operation from the R2 Low Density Residential Zone under CLEP 2015. This would negate the need for Campbelltown City Council to try and resolve the impacts of the Code through amendments to its own planning controls. As such, it is considered that it is beyond the scope of this Planning Proposal to resolve all issues generated by the Code and therefore amendments to the Code itself should be considered by the DPE in lieu of this Planning Proposal.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objective and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Greater Sydney Region Plan

The Planning Proposal has been reviewed against relevant outcomes of the Greater Sydney Region Plan A Metropolis of Three Cities – connecting people published on 18 March 2018. The Plan identifies a number of strategic directions and specific policy settings with regards to transport, housing growth, employment and existing centres.

The Planning Proposal is consistent with a number of general goals of the Regional Plan, in that it would:

- continue deliver new and more diverse housing in strategically determined localities and zones
- respond to a recognised need (and market demand) for housing in the locality, and
- provide new homes in close proximity to existing infrastructure and services.

Western City District Plan

The Planning Proposal has been reviewed against the Western City District Plan, and is considered to be consistent with the following planning priorities:

- W5. Providing housing supply, choice and affordability, with access to jobs, services and public transport

The Planning Proposal supports the Western City District Plan requirements for housing diversity and choice, by ensuring new housing is in the right places and coordinated with local infrastructure to create liveable, walkable and cycle-friendly neighbourhoods with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport. Within the Campbelltown LGA, this includes those areas zoned R3 Medium Density Residential under CLEP 2015.

The Planning Proposal is also considered to be consistent with the District Plan's position that Councils are best placed to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities (p42). In this respect the Planning Proposal will, by removing the operation of the Code for the R2 Low Density Residential Zone, maintain the orderly and planned development of medium density housing within appropriate areas identified by Council as being suitable, namely those areas zoned R3 Medium Density Residential under CLEP 2015.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

A review of the Planning Proposal has been undertaken in accordance with the following strategic plans of Campbelltown City Council:

Campbelltown 2027 - Community Strategic Plan

Campbelltown 2027 focusses on delivering four key outcomes over the next 10 years:

1. a vibrant, liveable city
2. a respected and protected natural environment
3. a thriving, attractive city

4. a successful city.

The Planning Proposal is consistent with the key outcomes, and specifically, the following strategies identified in the CSP:

- *4.2- Support and advocate for infrastructure solutions that meet the needs of our city and which pay an economic and liveability dividend*
- *4.3- Responsibly manage growth and development, with respect for the environment, heritage and character of our city*
- *4.5- Work in partnership with the State Government to achieve positive planning outcomes*

Campbelltown Residential Development Strategy

The Campbelltown Residential Development Strategy (RDS) is a background document which informed the preparation of Campbelltown Local Environmental Plan 2015.

The Planning Proposal is consistent with the RDS, which identifies the need to encourage the development/redevelopment of medium density (and higher density) housing forms focused on centres, transport nodes/corridors and services. Specifically, the RDS states that medium density development should be focused in the identified R3 (Medium Density), R4 (High Density) and B4 (Mixed use) zones, in order to negate ad-hoc and unplanned medium density housing outcomes (p12).

Conversely, the RDS reinforces the need to ensure low density housing outcomes in the R2 zone, from dwellings and dual occupancies alone. The proposed exclusion of multi dwellings in the R2 zone is therefore consistent with this outcome.

Campbelltown Local Planning Strategy

The Campbelltown Local Planning Strategy (LPS) is a background document which informed the preparation of Campbelltown Local Environmental Plan 2015. The LPS provides the long term strategic planning framework for the future development of the City.

The Planning Proposal is consistent with the LPS, having particular regard to the following:

- The LPS promotes low density outcomes within the R2 Low Density Residential Zone occasioned by dwelling houses and dual occupancies alone.
- the LPS identifies that infill medium density development would be focused in the identified R3 (Medium Density), R4 (High Density) and B4 (Mixed Use) zones, in order to negate ad hoc and unplanned medium density housing outcomes.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with applicable State Environmental Planning Policies as shown in the following Table.

State Environmental Planning Policies	Applicable to Campbelltown LGA	Consistent
SEPP No. 1 Development Standards	No	N/A
SEPP 14 – Coastal Wetlands	No	N/A
SEPP 19 – Bushland in Urban Areas	Yes	Yes
SEPP 21 – Caravan Parks	Yes	Yes
SEPP 26 – Littoral Rainforests	No	N/A
SEPP 30 – Intensive Agriculture	No	N/A
SEPP 33 – Hazardous or Offensive Development	Yes	Yes
SEPP 36 – Manufactured Home Estates	No	N/A
SEPP 44 – Koala Habitat Protection	Yes	Yes
SEPP 47 – Moore Park Showground	No	N/A
SEPP 50 – Canal Estate Development	No	N/A
SEPP 52 – Farm Dams	No	N/A
SEPP 55 – Remediation of Land	Yes	Yes
SEPP 62 – Sustainable Aquaculture	No	N/A
SEPP 64 – Advertising and Signage	No	N/A
SEPP 65 – Design Quality of Residential Apartment Development	No	N/A
SEPP 70 – Affordable Housing Schemes	Yes	Yes
SEPP 71 – Coastal Protection	No	N/A
SEPP (Building Sustainability Index: BASIX) 2004	Yes	Yes
SEPP (Educational Establishments and Child Care Facilities) 2017	No	N/A
SEPP (Affordable Rental Housing) 2009	Yes	Yes
SEPP (Exempt and Complying Development Codes) 2008	Yes	Yes
SEPP (Infrastructure) 2007	Yes	Yes
SEPP (Housing for Seniors or People with a Disability)	No	N/A
SEPP (Integration and Repeals) 2016	No	N/A
SEPP (Kosciusko National Park) 2007	No	N/A
SEPP (Kurnell Peninsular) 1989	No	N/A
SEPP (Mining and Extractive Industries) 2007	No	N/A
SEPP (Miscellaneous Consent Provisions)	No	N/A
SEPP (Penrith Lakes Scheme) 1989	No	N/A
SEPP (Rural Lands) 2008	No	N/A
SEPP (State and Regional Development) 2011	Yes	Yes
SEPP (State Significant Precincts) 2005	No	N/A
SEPP (Sydney Drinking Water Catchment) 2011	No	N/A
SEPP (Sydney Region Growth Centres) 2006	No	N/A
SEPP (Three Ports) 2013	No	N/A
SEPP (Urban Renewal) 2010	No	N/A
SEPP (Western Sydney Employment Area) 2009	No	N/A
SEPP (Western Sydney Parklands) 2009	No	N/A
SEPP (Vegetation in Non-Rural Areas) 2017	Yes	Yes

6. Is the planning proposal consistent with applicable Ministerial Directions?

The following table provides a brief assessment of consistency against each section 9.1 direction relevant to the planning proposal.

Consideration of s9.1 Directions	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable - the planning proposal will not affect business or industrial zones.
1.2 Rural Zones	Not applicable - the planning proposal will not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable - the proposal will not affect the potential development of mining resources.
1.4 Oyster Aquaculture	Not applicable.
1.5 Rural Lands	Not applicable.
2. Environment and Heritage	
2.1 Environment Protection Zones	Not inconsistent - the planning proposal will not reduce environment protection standards.
2.2 Coastal Protection	Not applicable.
2.3 Heritage Conservation	Not inconsistent.
2.4 Recreation Vehicle Areas	Not inconsistent - the planning proposal will not enable land to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not inconsistent. The proposal will facilitate the orderly development of medium density housing on appropriate zoned land in close proximity to infrastructure and services.
3.2 Caravan Parks and Manufactured Homes Estates	Not inconsistent. The planning proposal will not affect caravan parks.
3.3 Home Occupations	Not inconsistent. The planning proposal will not affect home occupations in dwelling houses.
3.4 Integrating Land Use and Transport	Not inconsistent. The proposal will facilitate the orderly development of medium density housing on appropriate zoned land in close proximity to transport infrastructure and services.
3.5 Development Near Licensed Aerodromes	Not applicable.
3.6 Shooting Ranges	Not applicable.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable.
4.2 Mine Subsidence and Unstable Land	Not inconsistent. The planning proposal will not result in additional development within the South Campbelltown District.
4.3 Flood Prone Land	Not inconsistent. The planning proposal will not result in additional development within flood prone land.
4.4 Planning for Bushfire Protection	Not inconsistent. The planning proposal will not result in additional development within bushfire risk land.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Revoked.
5.2 Sydney Drinking Water Catchments	Not applicable.

5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5 – 5.7	Revoked.
5.8 Second Sydney Airport	Not applicable.
5.9 North West Rail Link Corridor Strategy	Not applicable.
5.10 Implementation of Regional Plans	Not applicable.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The planning proposal does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
6.2 Reserving Land for Public Purposes	Consistent. The planning proposal does not impact on land reserved for public purposes.
6.3 Site Specific Provisions	Not applicable.
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	The proposal is consistent with the requirements of the strategy as discussed in Part 3 of this Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not inconsistent. The proposal is limited to the R2 Low Density Residential Zone and will have minimal impact.
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Consistent. The proposal is consistent with this Direction as the proposal will allow for the orderly development of medium density housing within more suitable areas in proximity to the railway corridor.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal only relates to the R2 Low Density Residential zone.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal will ensure environmental impacts arising from the delivery of the Low Rise Density Code will be better managed.

9. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will address adverse social and economic effects arising from the delivery of the Low Rise Density Code as detailed in this Planning Proposal.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Planning Proposal has been prepared in consultation with the Department of Environment and Planning as detailed in this Planning Proposal. Consultation will occur with relevant public agencies in accordance with the requirements of any Gateway approval.

Part 4 – Maps

There are no maps associated with the Planning Proposal

Part 5 – Community Consultation

Council would place the planning proposal on public exhibition in accordance with any Gateway Determination which would likely include:

- A public notice in the local newspaper notifying of the public exhibition;
- Hard copies of the exhibition material at Council's offices; and
- Electronic copies of the exhibition material on Council's website.

The Gateway determination will confirm the public consultation that must be undertaken.

Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to Department of Planning & Environment for Gateway Determination	August 2018
Issue of Gateway determination	September 2018
Public exhibition period	November 2018
Consideration of submissions	January 2019
Report to Council to determine Planning Proposal	March 2019
Submit Planning Proposal to the Department of Planning & Environment for determination	April 2019