

Greater Sydney, Place and Infrastructure

IRF19/5060

Gateway determination report

LGA	Campbelltown LGA
PPA	Campbelltown City Council
NAME	22-32 Queen Street, Campbelltown (750 homes, 817 jobs)
NUMBER	PP_2019_CAMPB_003_00
LEP TO BE AMENDED	Campbelltown LEP 2015
ADDRESS	22-32 Queen Street, Campbelltown
DESCRIPTION	Lot 1 DP 1154928, Lot 15 DP 14782, Lot X DP 409704
RECEIVED	12 July 2019 – the proposal has been subject to liaison with Council.
FILE NO.	IRF19/5060
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A2**) seeks to alter the development controls for land at 22-32 Queen Street, Campbelltown by amending the Campbelltown Local Environmental Plan (LEP) 2015, as follows:

- retain the maximum building height of 26m (eight storeys) for the part of the site that adjoins a heritage item;
- increase the maximum building height for part of the site from 26m (eight storeys) to the following:
 - 32m (ten storeys) for the part of the site on the northern boundary forwards of the open space;
 - 38.5m (twelve storeys) for the southern part of the site; and
 - 45m (fifteen storeys) for the south-west part of the site that adjoins the commercial/retail land uses;
- decrease the maximum building height for the proposed ground floor plaza/open space from 26m to 1.5m.

The diagram (figure 1), overleaf, illustrates these proposed heights.

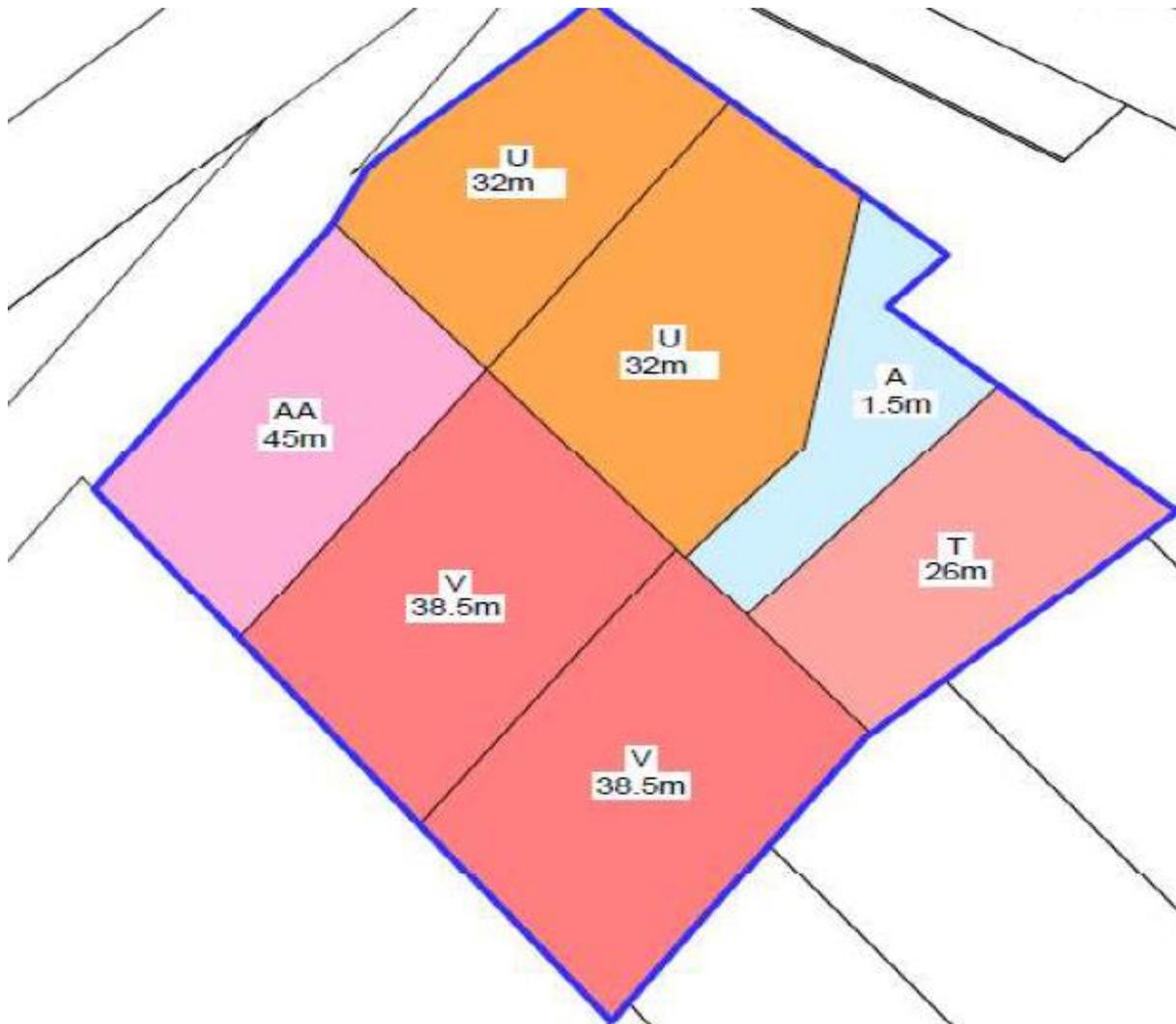


Figure1: Proposed Heights.

In addition, the proposal seeks to:

- apply a floor space ratio (FSR) of 2.5:1 for residential apartment buildings and 1.7:1 for mixed use developments (it is noted that the FSR is subject to change following further testing);
- insert a new local clause to:
 - ensure that the future development on this site is of a high design standard;
 - require a ground floor setback from Queen Street to allow for landscaping and active facades fronting Queen Street;
 - require a setback from the school grounds to allow for landscaping and solar access; and
 - provide a minimum qualifying site area;

- insert a requirement for a site-specific development control plan (DCP) that requires the site to be master planned.

The proposal would facilitate the provision of approximately 750 additional dwellings and 817 new jobs across the site.

1.2 Site description

The planning proposal applies to three allotments in the Campbelltown CBD as follows:

- 22 Queen Street, Campbelltown (Lot X DP 409704);
- 24 Queen Street, Campbelltown (Lot 15 DP 14782); and
- 32 Queen Street, Campbelltown (Lot 1 DP 1154928).

The site has an area of approximately 2.05ha with a frontage to Queen Street. The site is occupied by a DFO outlet store, a bowling club, and vacant land. Refer to Figure 2 (below) for an aerial view of the site.



Figure 2: Aerial view of the site.

The site is also located on the edge of the Campbelltown Precinct in the Glenfield to Macarthur Urban Renewal Corridor and in Council's Reimagining Campbelltown CBD.

The adjacent land to the east and west of the site consists of commercial development, and the playing fields of Campbelltown High School to the southeast.

To the northeast of the site is a State heritage item being Warby's Stables and barn (100497) which is used as part of a motel complex.

1.3 Existing planning controls

Under the Campbelltown Local Environmental Plan (LEP) 2015, the following zones and development controls apply to the site:

- a B4 Mixed Use zoning (Figure 3 below);
- a maximum building height of 26m;
- no minimum lot size; and
- no minimum FSR.

The site is also identified as Campbelltown - Macarthur Centre Regional City Centre on the Centres Map.

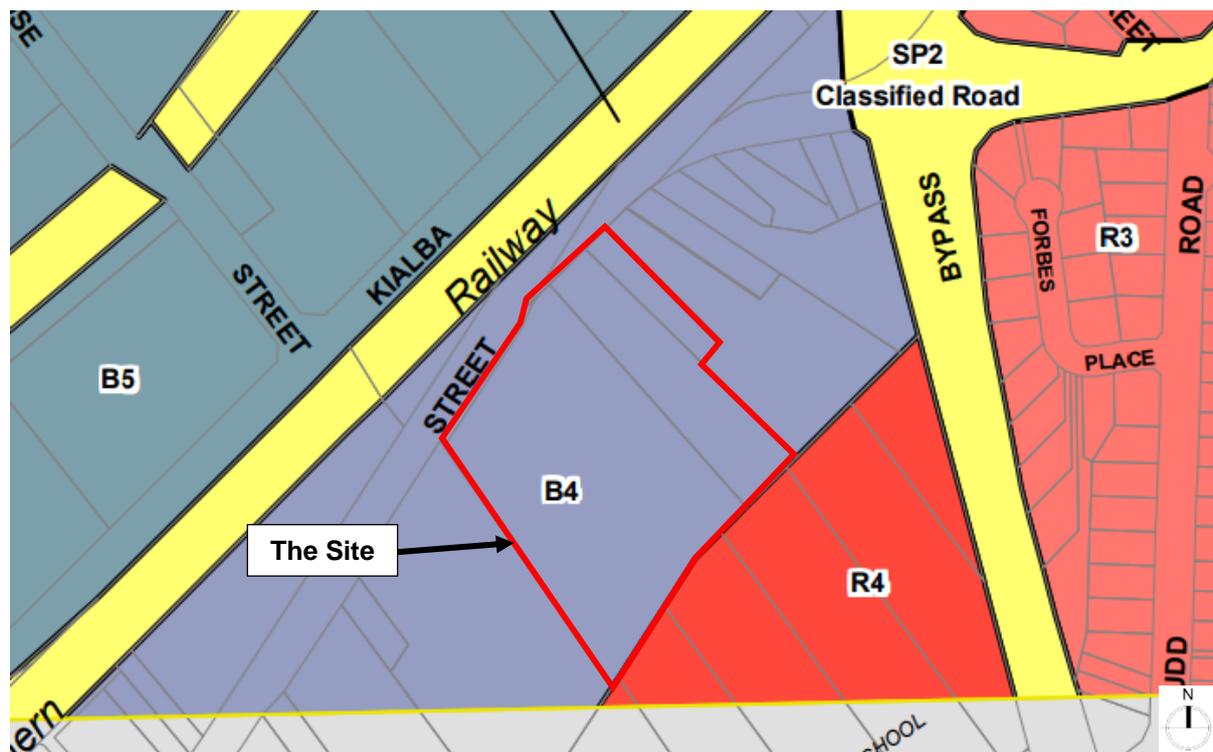


Figure 3: Current land zoning map.

1.4 Summary of recommendation

It is recommended that the planning proposal proceed with conditions as it will assist in revitalising the Campbelltown CBD and provide additional housing in a suitable location with access to jobs, infrastructure and services. The proposal also implements the general recommendations of the Campbelltown Precinct Plan as part of the Glenfield to Macarthur Urban Renewal Corridor Strategy.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of this planning proposal is to increase the building height of the site to facilitate higher densities of mixed-use residential development. The proposal also aims to:

- support urban growth and the provision of housing in the Campbelltown LGA;
- provide appropriate development controls for the site to facilitate a high-density mixed-use development within walking distance of Campbelltown train station;

- facilitate the provision of additional housing close to public transport, the road network and employment opportunities in close proximity to the heart of Campbelltown CBD;
- ensure that building heights respect the setting of the heritage item adjacent to the site;
- incorporate public domain improvements;
- ensure that the site provides open space for the enjoyment of the future residents and provides opportunities to establish a connected open space corridor within the Campbelltown CBD;
- include development standards to ensure that future development would be setback from Queen Street to facilitate landscaping and enhance the streetscape; and
- ensure that a site-specific DCP is prepared for the site and includes a masterplan to ensure that future buildings on the site are located in a manner that maximises solar access, protects adjoining heritage items and provides for an open space area at ground level for the use of the residents.

The objectives of this planning proposal are clear and adequate.

2.2 Explanation of provisions

The planning proposal does not seek to amend the existing zone, but seeks to amend Campbelltown LEP 2015 by:

- retaining the maximum building height of 26m (eight storeys) for the part of the site that adjoins the heritage item;
- increasing the maximum building height for part of the site from 26m (eight storeys) to the following:
 - 32m (ten storeys) for the part of the site on the northern boundary forwards of the open space;
 - 38.5m (twelve storeys) for the southern part of the site; and
 - 45m (fifteen storeys) for the south-west part of the site that adjoins the commercial/retail land uses;
- decreasing the maximum building height for the proposed ground floor plaza/open space from 26m to 1.5m;
- applying a floor space ratio (FSR) of 2.5:1 for residential apartment buildings and 1.7:1 for mixed use developments (it is noted that the FSR is subject to change following further testing);
- inserting a new local clause to:
 - ensure that the future development on this site is of a high design standard;
 - require a ground floor setback from Queen Street to allow for landscaping and active facades fronting Queen Street;
 - require a setback from the school grounds to allow for landscaping and solar access; and
 - provide a minimum qualifying site area;

- inserting a requirement for a site-specific DCP that requires the site to be master planned.

The proposal would facilitate the provision of 817 additional dwellings and 750 new jobs across the site.

The proponent's concept (refer to Figures 5 & 6 **and Attachment A4** – various diagrams) illustrates that the proposed development will include six new mixed-use buildings and an open plaza/open space. The buildings will include retail outlets on the ground floor, commercial and carparking on the first floor, and residential levels above. Carparking will also be provided across two to three basement levels.

The concept indicates that the ground floor retail outlets would be in the form of an open-style arcade with a promenade through the centre of the site to provide vehicle access. In addition, tree planting is shown on rooftops and podium areas.

Proponent's revised proposals

On 22 June 2018, Council received a planning proposal request from the applicant which sought to increase the height of buildings on the subject land from 26 metres to 34 metres, 49.5 metres, 65 metres, 77 metres, and 87 metres over various parts of the site.

On 11 September 2018 the applicant submitted an amended planning proposal request to Council that included a reduction in building height from the June request. The revised building heights were 37 metres, 53 metres, 56 metres and 62 metres.

This amended request was presented to the Campbelltown Local Planning Panel on 28 November 2018. The Panel provided in-principle support on the basis that redevelopment would create a precinct with high quality public domain and offer community benefits. Several recommendations were made by the Panel (refer **Attachment E**, pp. 3/4). In summary, these were:

- the need for further work to support the proposed increase in maximum height limits, and
- the need to consider a development concept and a site specific DCP that demonstrates:
 - appropriate building form;
 - appropriate open space provision;
 - traffic matters, including integration with other sites;
 - the relationship with adjacent heritage building; and
 - an economic feasibility study, that particularly addresses impacts upon the Campbelltown CBD.

Council has addressed the Panel's comments, in detail. Refer to Table 2, pp.17/18, of this report.

The applicant, however, submitted a further revised application to the Council with revised building heights of 70 metres, 42 metres, 29 metres and zero metres.

At its meeting of 11 June 2019, Council considered the proponent's revised proposal and adopted the planning proposal with amended building heights. The proposed development controls identified in the proponent's revised planning proposal

(Attachment A3) differs to the controls endorsed by Council on 11 June 2019 and submitted to the Department for Gateway determination **(Attachment A2)**.

The proponent's revised planning proposal (May 2019) **(Attachment A3)** sought the following development controls:

- amend the maximum building height from 26m (eight storeys) to part 0m, 29m (eight storeys), 42m (twelve storeys) and 70m (twenty storeys); and
- a design excellence clause that provides for a maximum building height of 84m (twenty-four storeys) on the gateway tower building where design excellence is achieved.

It sought to provide 899 additional dwellings across the site and up to 817 new jobs. Refer to Figure 4 for the layout of the proponent's proposed maximum building heights for the site and Figure 5 for the associated development outcome.

The revisions were made in response to comments provided by the Campbelltown Local Planning Panel (refer to Section 4.3 of this report) **(Attachment D)**.

The proponent noted that the site is considered to be a gateway site marking the entrance to the Campbelltown CBD with visual prominence from various locations. Gateway sites, by their nature, mark the entry to a place and make a statement about what the place is about.

Council Alternative Proposal

The Council's report **(Attachment E)**, however, advised that:

- given the absence of a strong evidence basis for the proponent's proposed maximum building heights for this part of the Campbelltown CBD, and
- the fact that Reimagining Campbelltown Phase 2 may not necessarily include maximum heights nor floor space ratios for individual sites within the Campbelltown CBD.

Council staff prepared an alternative planning proposal with heights ranging from 26m to 45m **(Attachment A2)** on the following basis:

- the proponent's proposed increase in height is not justified, given the site's location and its distance from the Campbelltown CBD central core area;
- the success of the central core area of the CBD in providing higher order civic, cultural, employment, residential and retail opportunities is dependent on the concentration of development in proximity to the railway station and other existing retail, government and service industry land uses.

Therefore, care needs to be taken to ensure that development not in close proximity to the traditional centre of the CBD, such as this site, does not detract from these goals.

Although the proposal would bring additional housing to the greater CBD area, it has the potential to compete with the core CBD area and proposes a density higher than any other in Campbelltown.

In addition, such density may not be consistent with the liveability outcomes required to deliver a successful Western Parkland City and the lifestyle envisaged by the Reimagining Campbelltown CBD Vision.

Council staff advised that the heights proposed by the officers are more appropriate within this section of Queen Street, compared to the proponent's proposal.

In summary, while the subject land was considered to be an important element of the CBD, the proposed increase in height under the proponent's proposal is disproportionate in relation to the site being located on the outer edge of the CBD and in view of its distance from the Campbelltown Railway Station.

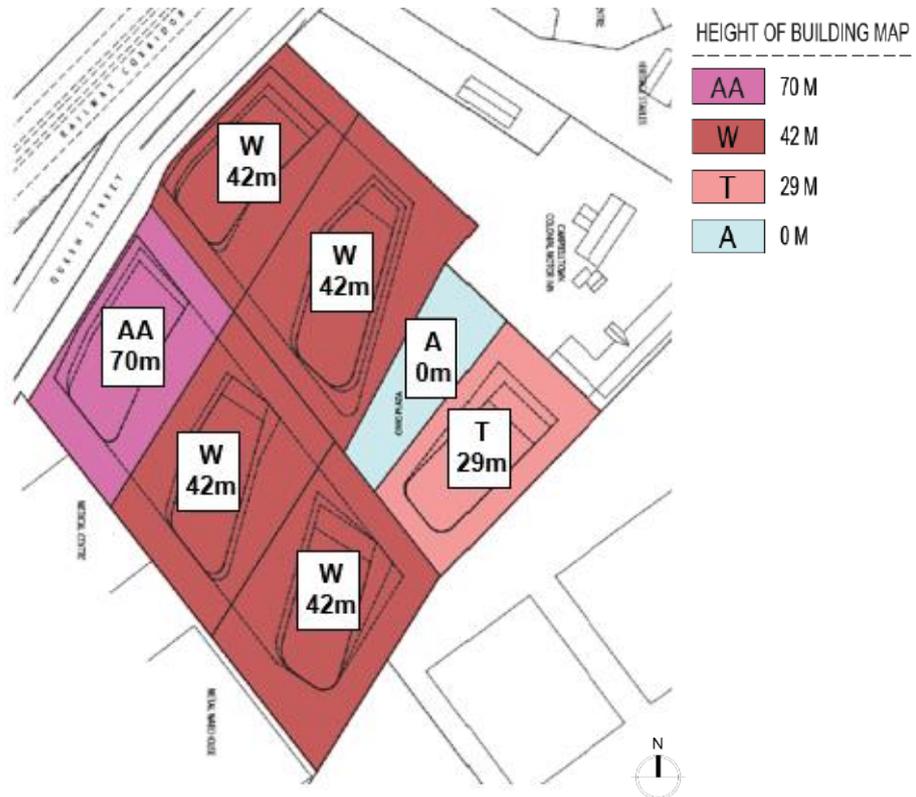


Figure 4: Proponent's proposed building height for the site



Figure 5: Proponent's proposed development outcome.

Department comment – proposed building heights

A comparison of the proposed heights by Council and the proponent is provided in Table 1 (below) and the proposed building layout in Figure 6 (overleaf).

Table 1: Comparison of proposed heights by Council and proponent

Proposed Building	Council's planning proposal	Proponent's revised proposal
Building A	32m (ten storeys)	42m (twelve storeys)
Building B	32m (ten storeys)	42m (twelve storeys)
Building C	26m (eight storeys)	29m (eight storeys)
Building D (signature building)	45m (fifteen storeys)	70m (twenty storeys) but 84m (twenty-four storeys) with design excellence
Building E	38.5m (twelve storeys)	42m (twelve storeys)
Building F	38.5m (twelve storeys)	42m (twelve storeys)
Plaza/open space	1.5m (zero storeys)	0m (zero storeys)
Potential Dwellings	750 dwellings	899 dwellings

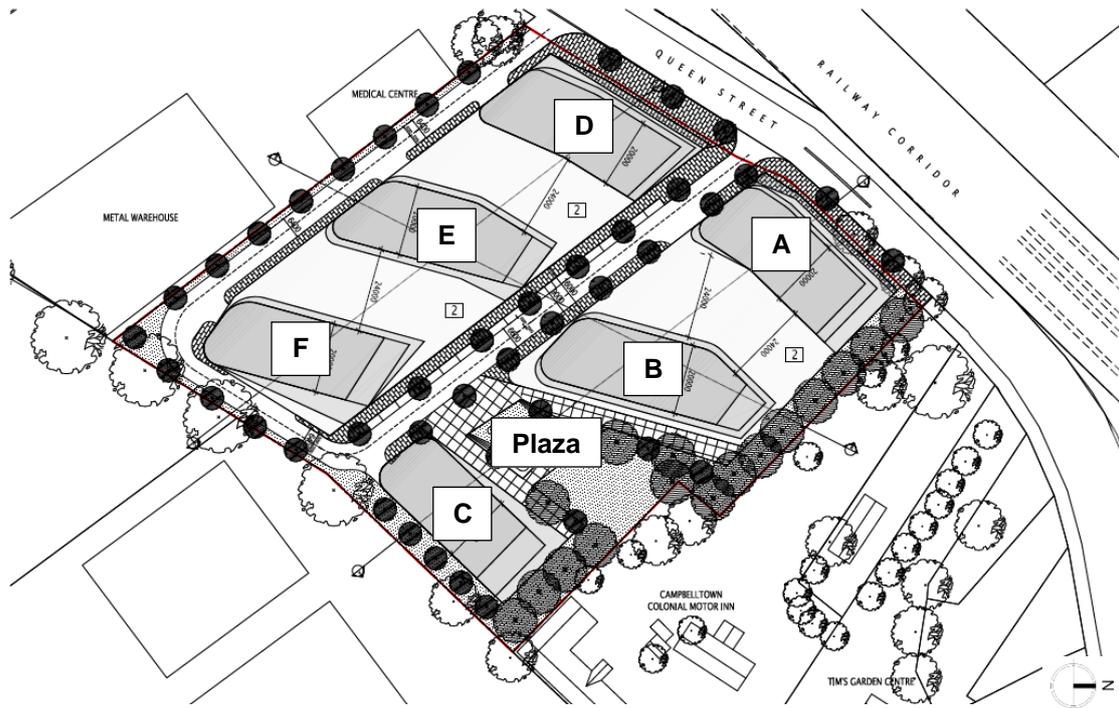


Figure 6: Proposed building layout.

As shown in Table 1 (previous page), there are some similarities in the proposed building heights between the Council's planning proposal and the proponent's revised proposal.

The main difference is the proposed building height for the signature building on the site, i.e. Building D, which has been reduced by Council by five storeys.

A visual comparison of the two proposed built forms was prepared by the Department and provided at Figure 7.

As the site is located on the edge of the Campbelltown CBD it is considered that it should play a transition role between the future high-rise residential development land (7+ storeys in the Campbelltown Precinct Plan) to the west of the site and the retained medium density residential land to the east (3-6 storeys in the Leumeah Precinct Plan).

Councils Planning Proposal	Proponents Revised Planning Proposal
	
Elevated view from Queen Street / railway alignment	Elevated view from Queen Street / railway alignment
	
Elevated view from Campbelltown Road across the adjoining heritage site	Elevated view from Campbelltown Road across the adjoining heritage site

Figure 7: Comparison of indicative built form modelling.

While the Department supports the reduction in heights, it is recommended that Council provides further justification for the extent of the proposed maximum building heights in relation to the following:

- the adequacy of open space and social infrastructure to cater for the development; and,
- that the scale of development (both retail / commercial and residential) will not adversely affect the growth of the core Campbelltown CBD.

Furthermore, it is noted that Council has proposed a maximum building height of 1.5m for the plaza/open space component of the site. This standard has been introduced to ensure the protection of heritage views. This height, however, may introduce future difficulties for Council at the development stage, where higher structures may better serve the open space use and not interfere with view lines.

Consequently, it is recommended that a condition be attached to the determination requiring Council to introduce a local clause that will permit structures higher than 1.5 metres to be erected on the open space areas within the subject site providing that such structures:

- are open; and
- do not constitute a building; and
- are erected for shading and/or recreation purposes; and

- do not exceed 3 metres in height, measured from the existing ground level of the adjacent heritage item.

This matter has been discussed with council officers and no objections have been raised. Council will need to give consideration to whether the proposed local clause will require development consent and the determination condition has been drafted accordingly.

Department comment – other amendments

Council proposes to insert a new local clause which facilitates a high design standard, setbacks from Queen Street and the adjacent school, and a minimum qualifying site area. In addition, a further clause is proposed for a site-specific DCP.

Prior to public exhibition:

- it is recommended that Council be required to expand the description of the proposed clauses to explain in detail the intent of the controls; and
- a note be included that these clauses may be subject to change following legal drafting.

Furthermore, it is recommended that prior to public exhibition, Council:

- amends the introduction of the planning proposal to identify the number of additional dwellings, jobs and commercial floor space, and carparking spaces generated by the proposal; and,
- identifies a minimum FSR for the employment components of the proposed development (i.e. retail and commercial) to provide certainty that these proposed uses will be delivered.

2.3 Mapping

The current and proposed maps are provided in Part 2 and 4, and Appendix 1 of the planning proposal. The planning proposal will only amend the Height of Building Map (HOB_008).

2.4 Proposed development control plan

The proposal states that a site-specific DCP will be prepared which includes a revised masterplan for the site.

Department comment

The Department recommends that Council prepare the site-specific DCP and concurrently exhibits it with the planning proposal. Council should consider incorporating controls that address the following matters:

- green connections linking the adjacent school's open space with the adjoining heritage item;
- public pedestrian connectivity through the site and to the surrounding land;
- building separations and setbacks to the surrounding properties;
- interface with the adjacent State heritage item and school;
- active street frontages and increased setbacks to Queen Street;
- landscaping and tree planting to enhance the public domain;
- adequate solar access to the plaza/open space and surrounding properties through building orientation and layout; and

- street pattern and orientation of the central access street and intersection arrangement with Queen Street.

In addition, prior to public exhibition, Council should update the planning proposal to include references to the site-specific DCP.

2.5 Proposed local contribution plan

A site-specific planning proposal generates the need for individual consideration of the delivery of public infrastructure via the receipt of developer contributions or the provision of works-in-kind.

Council advised that the proponent has not sought to enter a local voluntary planning agreement. Therefore, Council's adopted Local Contributions Plan which came into effect on 14 December 2018 will be used to determine potential contributions.

2.6 Concept development application

The proponent has lodged a concept development (308/2019/DA-CD) for the staged redevelopment of the site for mixed use development to Council on 5 February 2019. The concept plan proposes six buildings based on the current 26m building height limit and a small plaza.

It is noted that the concept plan would need to comply with the current development controls for the site under the Campbelltown LEP 2015 and the Campbelltown (Sustainable City) DCP and not the controls in the planning proposal.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal was prepared in response to Council's and the Department's strategy to provide additional housing and employment within the Campbelltown City Centre. The Department has prepared the Campbelltown Precinct Plan (November 2017) as part of the Glenfield to Macarthur Urban Renewal Precinct. Campbelltown City Centre is envisioned as the metropolitan city centre providing a gateway to the South West and serving the wider growth area.

The planning proposal advises that the proposed amendment is the best and most appropriate means of achieving the Council's intended outcome i.e. increase the permissible building height of the site and enable the timely consideration of urban design, traffic and heritage related issues. A planning proposal is the only means available to achieve amendments to relevant provisions under the Campbelltown LEP 2010.

4. STRATEGIC ASSESSMENT

4.2 Regional / District

Western City District Plan

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

The planning proposal is consistent with the priorities of the Plan as it would provide additional housing supply in close proximity to existing transport which would support the State Government's direction for creating a 30-minute city (Planning Priority W1 and W5).

The proposal also seeks to create a great local place with a mix of land uses and the provision of open space (Planning Priority W6) whilst supporting investment and business activity through the creation of local jobs (Planning Priority W11).

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

Glenfield to Macarthur Urban Renewal Corridor

The Glenfield to Macarthur Urban Renewal Corridor was identified as a growth corridor by the State Government for the purposes of providing further jobs, open space, improved movement networks and revitalisation of existing urban centres through good design.

Campbelltown has been identified for revitalisation, with the commercial core to attract further mixed-use development to allow for stronger integration with the centre and encourage the development of lively street frontages.

The Campbelltown Precinct Plan (November 2017) identifies the site as mixed-use retail and residential with buildings that have ground floor retail to provide local services for residents and commuters, with apartments above ranging from 7+ storeys in height. The plan notes that these would be set back from the street to ensure the scale and feel of Queen Street is maintained. Refer to Figure 8 (below) or the Campbelltown Precinct Plan.



Figure 8: Campbelltown precinct plan.

Department comment

The Department concludes that the site is generally consistent with the precinct plan. As the site is located within a Glenfield to Macarthur Urban Renewal Precinct, it is

anticipated that a Special Infrastructure Contributions (SIC) will apply to the site for the funding of future State infrastructure.

As the SIC has not been finalised, the Department notes that there is the need to indicate that a form of satisfactory arrangements may need to apply to the site. Satisfactory arrangements will provide the relevant State agencies with assurance that the future development of the site will not be able to proceed until adequate arrangements are in place to ensure adequate contributions for State infrastructure is provided.

Therefore, prior to public exhibition Council is to amend the planning proposal to acknowledge that a satisfactory arrangements provision for contributions to designated State infrastructure may be required in the final amending local environmental plan for the site.

Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area

The Department has prepared Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area. The interim plan sets a vision for the Growth area as it develops and changes. The interim plan includes the subject land.

Department comment

The proposal is not inconsistent with the relevant principles of the interim plan. These principles are:

- Provide a range of building heights, with high rise buildings close to the station to maximise pedestrian activity and increase trade for local businesses.
- Retain the character of areas east of Lindesay Street, with a mixture of detached dwellings, townhouses and terraces.
- Plan for a large floor plate, campus-style office park west of the station.

The subject land is located to the north of the railway station and Lindesay Street.

The planning proposal adopted by Council took into consideration that the maximum building height within the central core is currently 45 metres (approximately 15 storeys) with the remainder limited to 32 metres (approximately 10 storeys).

The proposal does not exceed these heights, i.e. the proposal seeks to increase the building height from 26 metres to: partly 32 metres; 38.5 metres; and where land adjoins the commercial/retail land uses, a maximum height of 45 metres is proposed.

4.3 Local

Campbelltown Community Strategic Plan – Campbelltown 2027

The Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions. The planning proposal is considered to be consistent with the Plan as it will contribute to the revitalisation of Campbelltown's commercial core which will support the local economy. The proposal also provides an opportunity to integrate open space and walkable thoroughfares through the site to Queen Street.

Campbelltown Local Planning Strategy 2013

The Campbelltown Local Planning Strategy identifies the importance of Queen Street as an existing commercial and retail core, and the promotion of active street frontages and the conservation of heritage items such as the adjacent Warby's Stables and barn which is within the vicinity of Queen Street. The proposal is consistent with the directions of the Strategy.

Campbelltown Residential Development Strategy 2014

The Strategy is a background document which informed the preparation of the Campbelltown LEP 2015. The proposal would assist in the improvement of housing affordability within the area due to the increase in dwellings in close proximity to public transport infrastructure.

Re-imagining Campbelltown CBD Strategy

On 10 July 2018, the Re-imagining Campbelltown CBD Strategy was endorsed by Council to promote a green city and a healthy local economy. This strategy encourages new buildings to incorporate and adopt sustainable solutions, and growth along existing transport corridors. The Strategy identifies several growth principles as follows: confident and self-driven; connected place and community; centre of opportunity; no grey to be seen; city and bush; and the good life.

The next phase of the strategy is to develop a masterplan that covers the economic viability, infrastructure requirements, and eventually physical spatial planning of the Campbelltown CBD.

Council's Report (**Attachment E**) states that depiction of the proposed development is generally consistent with the principles of the strategy. The concept plan incorporates landscaping throughout to minimise the impact of the proposed buildings and rooftop gardens for residents to utilise (Figure 9).



Figure 9: Artists impression.

Department comment

It is noted that should Council develop a masterplan for the Campbelltown CBD and consider aligning this planning proposal with the masterplan to ensure that the site is consistent with the CBD vision.

The Department also notes that there is a design excellence clause (i.e. clause 7.13) in the Campbelltown LEP which seeks a high standard of architectural and urban design as part of the built environment. This clause applies to land zoned B4 which includes the site and it identifies a number of considerations such as heritage, bulk and massing, street frontage heights, and pedestrian access. Therefore, this existing clause will assist in ensuring good design is implemented for the proposed development as envisioned by the Strategy.

Local Planning Panel

The proposal was considered by the Campbelltown Local Planning Panel (**Attachment D**). The Panel supports in principle a proposal to redevelop the site to create a precinct with high quality public domain and a distinguished architectural design with demonstrated community benefits commensurate with the scale of the project and the opportunities provided by its location.

The Panel, however, considered that the proponent's original planning proposal did not present a compelling case for the proposed increase in height and considered that further work is required prior to:

- submitting the matter for Gateway determination and
- the preparation of the Reimagining Campbelltown CBD process.

The Panel encouraged Council to hasten the progress of phase two of the project Reimagining Campbelltown CBD.

The Panel also recommended that the proponent be invited to submit further information in the form of a concept development application and site-specific DCP which demonstrates that the proposal has addressed certain issues.

Following this advice, the proponent submitted a revised planning proposal (**Attachment A3**) to Council. Council has advised that not all of the Panel's comments were addressed as outlined in Table 2 (below) (refer to **Attachment E**).

Table 2: Panel comments and council response

Panel Comment	Council Response
An appropriate built form which includes a signature building to act as a gateway to the Campbelltown CBD and appropriate streetscape to Queen Street.	Council advised that given the absence of compelling statutory planning evidence for the proposed building heights in this part of the CBD, the building heights were reduced to range from between 26m and 45m. These heights are considered to be more appropriate for this section of Queen Street compared to the proponent's original proposal which included a 70m signature building.
A larger public park well located to facilitate access by the wider community and of sufficient dimension to meet demand for open space in the precinct.	No further provision of any open space or public park areas were provided.
Integration with adjacent sites and improved vehicular access and movements to the neighbouring school site to the east and the adjoining sites to the south (34 -38 Queen Street) with a view to through connection to Chamberlain Street.	No further integration with adjacent sites or improved vehicular access to the neighbouring school site, including those which adjoin it on the south, were addressed.
A revised traffic assessment study to address the concerns raised by Council's engineers.	The Traffic and Parking Impact Assessment (Attachment A5) was not revised to address the concerns raised by Council's engineers.
An appropriate relationship to the adjacent heritage building including setbacks, building form and use on the first 2 levels and pedestrian access to the heritage building from the site.	The Heritage Impact Statement (Attachment A6) incorporates an internal street layout which mirrors that of the neighbouring heritage item and incorporates lower heights in closer proximity to the item.
An economic feasibility study that examines the viability of mixed-use development across the 2.05ha site, any potential impact on retail and commercial uses in the Campbelltown CBD and whether an alternate land use zoning is appropriate for all or part of the site.	The proponent submitted a revised Economic Analysis (Attachment A7) for the site but this needs to be further revised as it does not factor in the newly adopted Campbelltown Local Infrastructure Contributions Plan and the SIC.

Department comment

Council has indicated that further work will be undertaken to address the Panel's comments (above) (refer to items 3a to 3f in **Attachment D**), including updating the traffic, heritage and economic reports, as well as, preparing additional studies -

including a site-specific DCP and FSR analysis to determine an appropriate built form. It is recommended that, as a determination condition, Council prepares the necessary work as concluded by the Panel prior to exhibition.

4.4 Section 9.1 Ministerial Directions

Inconsistent: The planning proposal is inconsistent with the following Section 9.1 directions as discussed below.

Direction 4.3 Flood Prone Land

This Direction aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. This Direction applies to the planning proposal as the precinct contains flood prone land.

Although the proposal does not rezone the existing B4 Mixed Use zone for the site, it is inconsistent with this Direction as it permits an increase of the permissible development across the flood-affected land on the site.

This inconsistency is considered to be justified on the basis of minor significance as the proposed density increase is in accordance with the Ingleburn Precinct Plan - being part of the Glenfield to Macarthur Urban Renewal Corridor Strategy.

To ensure that the planning proposal complies with the requirements of this direction, however, it is also recommended that Council consults the Department's Environment, Energy and Science Group to determine if there are any flooding issues with the proposed development. Council is also required to update the consistency of this Direction accordingly.

Direction 6.3 Site Specific Provisions

The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal is technically inconsistent with this Direction as it seeks to introduce a site-specific clause (i.e. the new local clause – refer to p.5 of this report) into the Campbelltown LEP 2015, which will enable a particular development to occur on the site.

This inconsistency is considered to be minor as the site-specific development controls for the site will ensure that the construction of the development outcome is consistent with the intent of the proposed concept plan as part of this planning proposal.

Accordingly, it is recommended that the Secretary's delegate agrees that the inconsistency of the planning proposal with Direction 6.3 Site Specific Provisions is of minor significance.

Consistent: The planning proposal is consistent with the relevant Section 9.1 directions including the following outlined below.

Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. The proposal is consistent with this Direction as the

proposed amendment will not rezone the current business zone to another zone and would not reduce the amount of potential commercial or retail floor space across the site.

Direction 3.1 Residential Zones

This Direction aims to encourage a variety and choice of housing types, to make efficient use of existing infrastructure and services, and to minimise the impact of residential development on the environment and resource lands. The proposal is consistent with this Direction as it would broaden the housing choice across the site and provide additional housing in close proximity to existing infrastructure and services.

Direction 3.4 Integrating Land Use and Transport

The objectives of this Direction are to support the efficient and viable operation of public transport services and reduce the dependence on cars. The site is located around 800m walking distance of Campbelltown Railway Station and close to bus stops which provide access to jobs and services.

Direction 7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor

This Direction aims to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts. The proposal is generally consistent with this Direction as it would allow for a revitalised and activated Queen Street, which will deliver additional dwellings and commercial activity. The precinct plan identifies higher densities for the site and improved amenity for Queen Street. The proposal seeks to achieve these outcomes.

Direction 7.12 Implementation of Greater Macarthur 2040

The Minister has recently issued a direction that seeks to ensure that development within the Greater Macarthur Growth Area is consistent with Greater Macarthur 2040. The direction applies to Campbelltown City Council and provides that a planning proposal authority, when preparing a planning proposal coming within Greater Macarthur 2040, is consistent with that document.

The planning proposal has addressed the draft document (refer to p.10, **Attachment A02**) and it is agreed with Council that the proposal is consistent with the direction.

4.5 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with all State policies, however further commentary is provided, as follows.

SEPP 55 – Remediation of Lands

The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land.

Council has advised that the site is unlikely to be contaminated as it is currently used for urban purposes, therefore, a contamination study is not required. However, any contamination issues will be further addressed at the development application stage.

It is agreed with Council that as the planning proposal would only increase the density of land currently zoned for residential and mixed-use purposes, a contamination report is not required at this stage.

Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment

The planning proposal notes that there would not be any impacts on the water quality and river flows of the Georges River and its tributaries.

It is noted that the proposal would also be subject to further assessment relating to stormwater and drainage at the development application stage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposal will have a positive social impact on the Campbelltown CBD as it will provide additional housing and contribute to housing affordability. Council, however, has identified the need to prepare a social impact assessment as there will be increased pressure on Council's existing facilities and services.

In addition, Council's open space team have raised the following matters in relation to open space for the site:

- further information on the impacts of overshadowing on the surrounding public domain and open space;
- the preparation of a public domain plan for the site due to the scale of the proposed development and the creation of new streets;
- the provision of an open space needs assessment to identify the needs of future residents on the site;
- the need to acknowledge the adjacent heritage item through artwork interpretation in the pavement design in the public domain and open space areas;
- the additional upgrades to existing open space outside the site to cater for the extra demand generated by the proposed development; and
- the need for high density development open space within 200m of the site.

It is noted that some of the above matters raised by Council cannot be addressed by the planning proposal but should be considered as part of the Re-imagining Campbelltown CBD project.

The Landscape Design Report (**Attachment A8**) provides an indicative concept for the embellishment of the streets and plaza/open space located on the site (refer to Figure 10 below). Further work, however, is required to be undertaken to identify the impacts of overshadowing on the internal open space and the heritage item.

Department comment

The Department notes that there is an opportunity for tree planting on the site and a determination condition is recommended.

It is also recommended as a Gateway condition, prior to public exhibition, that Council updates the Landscape Design Report with the issues raised by Council's open space team and use the information to inform appropriate DCP controls for public and open space on the site; streetscape enhancements; and pedestrian linkages.

A social impact assessment should also be prepared for the planning proposal. It is also recommended that options be explored to increase the size of the proposed local open space, together with opportunities for increased solar access.



Figure 10: Landscape plan.

5.2 Environmental

The site does not contain any known critical habitat or threatened species, populations' or ecological communities, or any other habitat. Therefore, the planning proposal would not have an adverse impact on any ecological communities.

5.3 Economic

The proposal will have a positive economic outcome. The planning proposal indicates that the existing bulky goods and factory outlet is vastly vacant and the proposal will enable the redevelopment of the site for a new mixed-use development. The proposal would also provide additional employment opportunities across the site and stimulate the economy through additional residents.

Council has, however, advised that further analysis and studies are required to validate the amount of retail and commercial floor space needed on the site, including updates to the supporting Economic Analysis (**Attachment A7**) to factor in Council's adopted Local Contributions Plan and the SIC requirements.

As noted in Council's Report (page 260 of **Attachment E**) the proposal should not detract from the concentration of economic activity in the commercial core of the Campbelltown CBD.

Department comment

It is recommended that prior to public exhibition, Council updates the Economic Analysis to reflect the current proposal and validate the proposed commercial and

retail floor space. In undertaking this work, Council is to be required to consider its adopted Local Contributions Plan and proposed SIC arrangements. Determination condition recommended accordingly.

5.3 Flooding

Council's engineers advised that the site is affected by overland flow from the upstream land in the Campbelltown Performing Arts High School site and the subject land is also affected by flooding in Queen Street (Figure 11 – over page). In addition, the following was also raised:

- the site is affected by flooding and control levels will be required which can be determined as part of the submitted concept application;
- sufficient provision must be made to convey the overland flows through the site and this can be achieved in a number of ways (i.e. pipes, swales, etc.);
- the existing development on the 'Brands on Sale' site contains provision for both overland flow (via two swales through the ground floor level of the carpark) and flooding Queen Street (the development floor levels have been raised to the required levels); and
- the proposal appears to provide an opportunity to accommodate the above requirements as there appears to be open areas which could be used to convey overland flow and floor level controls can be set to address flooding in Queen Street – however, care would be required to ensure the underground carpark openings were located in a manner that flood waters could not enter.

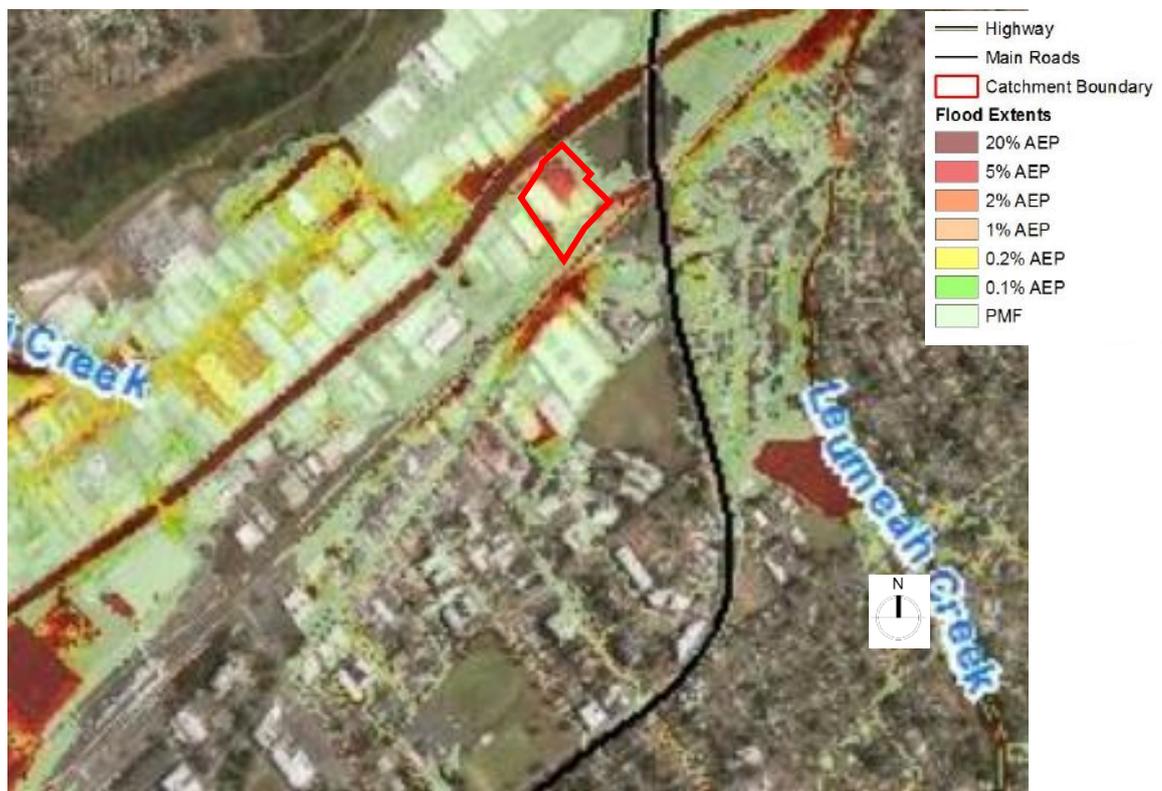


Figure 11: Flood extent

Department comment

In view of the comments provided by Council's engineers, as a Gateway determination and prior to public exhibition, Council is to adequately address flooding

issues onsite including the engineers' comments and amend the planning proposal accordingly.

In addition, Council is to be required to consult with the Department's Environment, Energy and Science Group and the State Emergency Services during the exhibition period to ensure that the proposed flooding mitigation measures are adequate.

5.3 Transport and traffic

The Traffic and Parking Impact Assessment (**Attachment A5**) is not based on the current planning proposal but on the proponent's original concept of up to 1045 dwellings. The assessment concluded that the original concept was supportable in terms of its traffic and parking impacts subject to intersection upgrades at the following intersections to ensure acceptable intersection performance as the staged development is realised in the future:

- Queen Street and Campbelltown Road;
- Campbelltown Road and Blaxland Road; and
- Queen Street and Chamberlain Road.

The Council's engineers reviewed the report and raised the following concerns:

- due to sight distance it would be unlikely to be possible to have a right turn entry to the site from Queen Street, and as such the entry would have to be 'left in' only which would require a use of a central median – although this may not be possible given the width of the existing corridor – therefore, the proposed design would need to be revised and consideration be given to the better utilisation of the existing traffic signals for all vehicle movements;
- in the future, there is a possibility that Queen Street may be converted to a one-way traffic flow so the design should be flexible and consider this future condition;
- the traffic generation for the residential component appears low;
- the combined loading facilities for retail/commercial/residential use would need to be incorporated in the parking design;
- the basement parking will require careful consideration of access points to ensure that openings are clear of the 1% AEP flood impact for both flooding in Queen Street and overland flow from the adjacent school; and
- a revised traffic study that demonstrates how the surrounding network would be able to accommodate the increase in traffic, as a result of the proposal, was not submitted in response to the Panel's request, however, this matter can be addressed following the Gateway Determination and prior to public exhibition.

Department comment

It is recommended that prior to exhibition, Council is to update the traffic and parking impact assessment with the current proposed development controls and address the comments of the Council's engineers.

As a determination condition, the planning proposal is to be amended with the updated assessment.

In addition, Council should consult the Roads and Maritime Services and Transport for NSW on the proposal during the exhibition period.

5.4 Solar and visual

The proponent has prepared a visual report with the 20-storey tower option (**Attachment A9a**) and the 24-storey tower option (**Attachment A9b**). The visual analysis demonstrated that the proposed development would be visible from various locations within Campbelltown but also limited from others. The impacts would be detrimental when viewed from areas within close proximity to the site, such as the bridge on Campbelltown Road and Moore-Oxley Bypass

Council reduced the proposed building height compared to the proponent's revised proposal to facilitate a development that is less intrusive into the CBD skyline and more compatible with the streetscape.

The Urban Design Report (**Attachment A4**) includes a shadow diagram for the proponent's revised proposal (i.e. up to 20 storeys) during the winter solstice (Figure 12). The shadow diagrams show that the proponent's revised proposed development would create significant overshadowing on the adjacent properties to the west (i.e. commercial land) and to the south (i.e. school playing fields).



Figure 12: Shadow diagram during winter solstice.

A shadow diagram, however, has not been prepared for the Council endorsed planning proposal, although it is noted that the overshadowing would not be to the extent as depicted for the proponent's original proposal.

Council also advised that further detailed analysis is required in respect of the resultant overshadowing impacts on the surrounding public domain, adjoining properties and open space - in addition to the adjoining school site. However this further work should occur post-Gateway.

Department Comment

Prior to public exhibition, the Department recommends that the visual analysis is revised with the current proposal and a detailed shadow analysis be prepared to address the impacts on the internal public areas and surrounding area, in both the current low-scale environment and the transition to a high-density centre.

5.3 Heritage

The site is adjacent to a State heritage item being Warby's Stables and barn (100497) which is used as a motel.

A Heritage Impact Statement (**Attachment A6**) was prepared to assess the impacts of the proponent's revised proposal on the adjacent heritage item. The report recommended a number of principles to reduce the impact on the heritage item, as follows:

- provide an appropriate backdrop to the Warby site as seen from the north-east (Campbelltown Road overpass) with the old "Campbelltown presented" against the "new Campbelltown" without overwhelming the historic site; and
- ensure the proposed development does not prejudice the future development of the Warby site, rather provide opportunities for the future development of the Warby site in a way that will enhance its significance and interlink with the site.

The Urban Design Report advised that the indicative concept plan (page 10 of **Attachment A4**) for the proposed development was developed with consideration of the above principles, including an internal street layout - which mirrors that of the neighbouring heritage item. It also incorporates lower heights in closer proximity to 'Warby Barn and Stables', however, the proposed heights continue to exceed standards which are currently permissible on the land and surrounding sites. Refer to Figure 13 (below) for the incorporation of the heritage principles in the indicative concept plan.

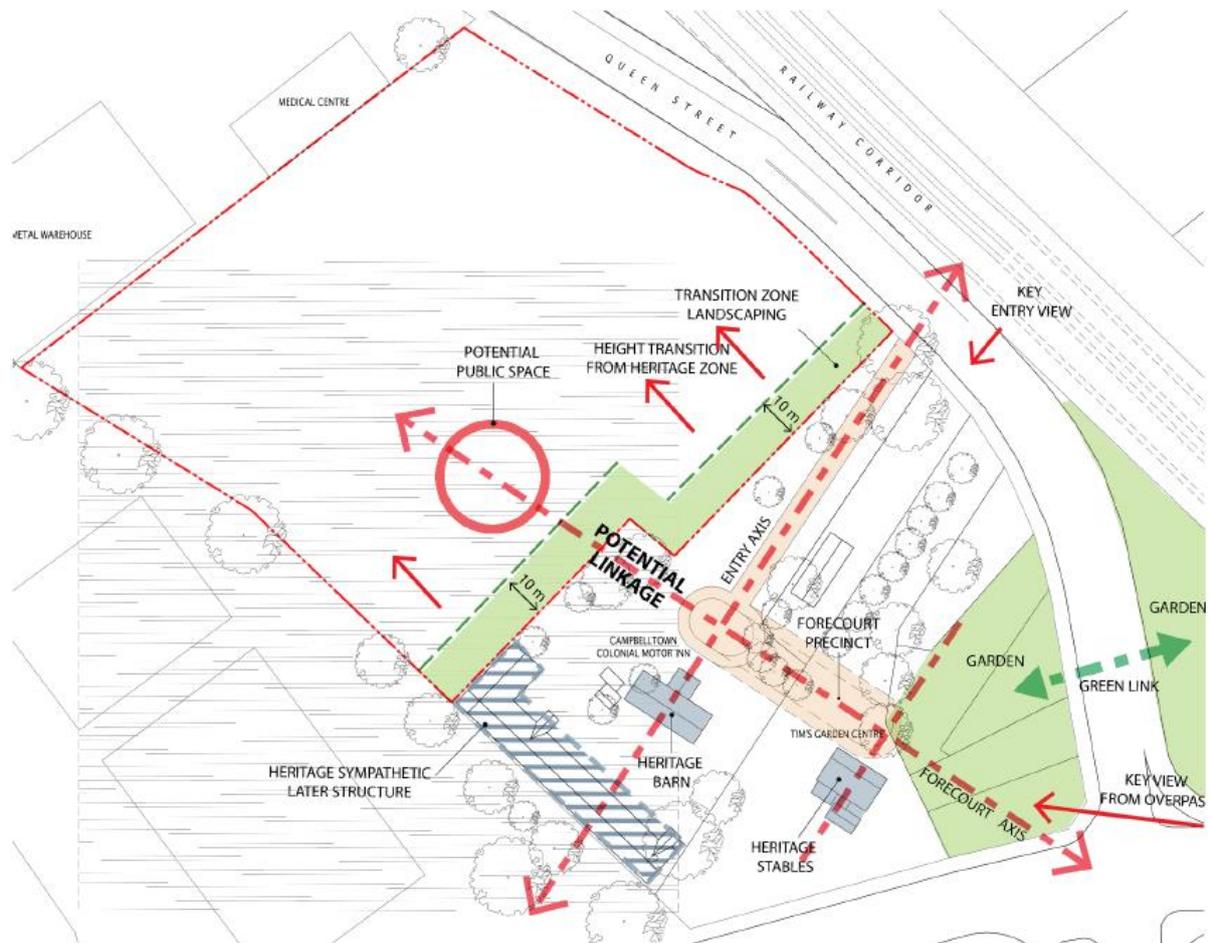


Figure 13: Heritage consideration in indicative concept plan.

The Council report (page 8 of **Attachment E**) advised that any development on the site would need to ensure that the heritage significance of the heritage building is protected and not adversely impacted. Therefore, it was recommended that any future development that adjoins the heritage building be limited to 26 metres (approx. eight storeys) and to limit any development on the remaining part of the northern boundary to 32 metres (approx. 10 storeys). It is also recommended that a height limit of 1.5 metres apply to the open plaza area immediately adjacent to the heritage item.

Department comment

It is recommended prior to public exhibition that the heritage assessment be updated to consider the current proposal and that the key recommendations of the assessment informs the controls in the site-specific DCP.

It is also recommended that Council consults with the Heritage Division at the Department of Premier and Cabinet on the proposal.

5.4 Infrastructure

The Campbelltown CBD has access to existing infrastructure and utilities.

Department comment

It is recommended that Council consults the relevant utility providers including: Sydney Water, Telstra, Jemena Gas, and Endeavour Energy during the public exhibition stage of the planning proposal.

The Department notes that Council will consider the provision of infrastructure in terms of its adopted Local Contributions Plan and proposed SIC arrangements.

6. CONSULTATION

6.1 Community

Council proposes to undertake a public exhibition period of 4 weeks. A public exhibition period of a minimum of 28 days is considered an appropriate amount of time to engage the community.

6.2 Agencies

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

- Roads and Maritime Services;
- Transport for NSW;
- Environment, Energy and Science Group;
- Heritage Division at the Department of Premier and Cabinet;
- State Emergency Services;
- Department of Education and Communities;
- Department of Health;
- NSW Emergency Services;
- NSW Police;
- Sydney Water;
- Telstra;
- Jemena Gas; and
- Endeavour Energy.

Should these agencies require any additional information, or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

7. TIME FRAME

Council proposes a timeframe of 8 months to finalise this planning proposal. Given the impact of the planning proposal; the need to prepare supporting documents prior to exhibition; and the need to adequately consult the relevant State authorities, an 18-month timeframe is considered more appropriate and is recommended.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation of the plan making function be issued to it in relation to this planning proposal. Given that the planning proposal is located within a potential Special Infrastructure Contributions area, it is recommended that authorisation to exercise delegation should not be issued to Council.

9. CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it has strategic merit as it would implement the strategic vision for the Campbelltown City Centre as outlined in the Department's Campbelltown Precinct Plan and Council's Re-imagining Campbelltown CBD.

It would also provide additional housing and employment in an appropriate location and will assist in acting as a catalyst for the revitalisation of the city centre.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree that any inconsistencies with section 9.1 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions are minor or justified.

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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Roads and Maritime Services;
 - Transport for NSW;
 - Environment, Energy and Science Group;
 - Heritage Division at the Department of Premier and Cabinet;
 - State Emergency Services;
 - Department of Education and Communities;
 - Department of Health;
 - NSW Emergency Services;
 - NSW Police;
 - Sydney Water;
 - Telstra;
 - Jemena Gas; and

- Endeavour Energy.

3. The time frame for completing the LEP is to be 18 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
5. Prior to public exhibition, Council is to amend the planning proposal as follows:
 - a) under the Introduction section of the proposal, identify the number of additional dwellings, jobs and commercial floor space, and carparking spaces generated by the proposal;
 - b) under Part 2 – Explanation of Provisions, include the following:
 - i. amend the proposed floor space ratio controls and building height for the site based on consideration of Council’s additional findings;
 - ii. expand the description of the proposed clauses to explain in detail the intent of the controls;
 - iii. include a local clause, and plain English explanation, to permit structures higher than 1.5 metres to be erected on the open space areas within the subject site provided such structures:
 - are open; and
 - do not constitute a building; and
 - are erected for shading and/or recreation purposes; and
 - do not exceed three metres in height, measured from the existing ground level of the adjacent heritage item;and, clarify within the proposal whether development consent is proposed;
 - iv. advise that the proposed clauses are subject to change following legal drafting;
 - v. indicate that satisfactory arrangements for the site may apply to ensure contributions for State infrastructure is provided as the site is located within the Glenfield to Macarthur Urban Renewal Precinct and in terms of Greater Macarthur 2040;
 - c) update the following studies supporting the planning proposal to reflect the proposed development controls:
 - i. urban design report, including the shadow diagrams;
 - ii. traffic and parking impact assessment;
 - iii. heritage impact statement;
 - iv. economic analysis, including the validation of the proposed commercial and retail floor space and an assessment of any impacts on the core CBD;
 - v. landscape design report; and
 - vi. visual report, to address the impacts on the internal public areas and surrounding area, in both the current low-scale environment and the transition to a high-density centre;
 - d) prepare a social impact assessment to address the impacts of the proposal on the existing services;

- e) prepare a flood assessment to ensure that flooding impacts can be adequately mitigated and appropriate measures are proposed;
 - f) explore options to increase the size of the proposed local open space to cater for the proposed development, together with opportunities for increased solar access;
 - g) update the consistency of the planning proposal with section 9.1 Directions 4.3 Flood Prone Land and 6.3 Site Specific Provisions;
 - h) prepare a draft site-specific development control plan and concurrently exhibit this plan with the planning proposal addressing, but not limited to, the following matters:
 - i. green connections linking the adjacent school's open space with the adjoining heritage item;
 - ii. public pedestrian connectivity through the site and to the surrounding land;
 - iii. building separations and setbacks to the surrounding properties;
 - iv. interface with the adjacent State heritage item and school;
 - v. active street frontages and increased setbacks to Queen Street;
 - vi. deep soil landscaping and tree planting to enhance the public domain within the site;
 - vii. adequate solar access to the plaza/open space and surrounding properties through building orientation and layout; and
 - viii. street pattern and orientation of the central access street and intersection arrangement with Queen Street.
6. The revised planning proposal is to be updated in accordance with condition 5 and forwarded to the Department for review and approval prior to exhibition.



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