



## **Planning Proposal**

**Amendment of Clause 4.4 'Floor Space Ratio'**  
**Campbelltown Local Environmental Plan 2015**

**December 2023**

## **Introduction**

This Planning Proposal provides justification for the proposed amendment of Clause 4.4 Campbelltown Local Environmental Plan 2015 (CLEP 2015) relating to the provision of floor space ratio (FSR) controls for development in the Local Government Area.

The amendment of clause 4.4 is required to improve the operation of the clause in accordance with the clause objectives, by removing the opportunity for unintended FSR outcomes resulting from the interpretation and interplay of the sub clauses.

## **Land to which the Proposal Relates**

The proposal relates to the land to which the provisions of CLEP 2015 apply.

## **The Planning Proposal**

### **Part 1 – Objectives and Intended Outcomes**

#### **Objective**

To amend Clause 4.4 (Floor Space Ratio) of Campbelltown LEP 2015 to ensure the operation of the clause for the control of floor space of buildings as originally intended and in accordance with the clause objectives.

#### **Intended Outcomes**

The intended outcome of this Planning Proposal is to remove the opportunity for unintended FSR outcomes resulting from the interplay of the subclauses, including:

- I. Removing the opportunity for an unintended FSR bonus to be provided through the 'doubling up' of FSR provisions through the interpretation of subclauses 4.4(2) and 4.4(2A).
- II. Reinstating the application of local FSR provisions by development type and zone, only where land is not included on the Floor Space Ratio Map.

### **Part 2 – Explanation of provisions**

The objective and intended outcomes of the planning proposal will be achieved by amending the wording of Clause 4.4 to ensure the proper operation of the clause as originally intended, consistent with the clause objectives.

There are not any savings provisions associated with this planning proposal.

The proposed rewording of the subject clause is as follows:

#### **4.4 Floor space ratio**

(1) The objectives of this clause are as follows—

- a) to provide effective control over the bulk and scale of future development,
- b) to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,
- c) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- d) to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to employment centres and transport facilities,
- e) to provide for built form that is compatible with the hierarchy and role of centres,
- f) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and the public domain is addressed,

- g) to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the [Floor Space Ratio Map](#).

(2A) Despite subclause (2), where a floor space ratio is not shown on the [Floor Space Ratio Map](#), the maximum floor space ratio for a building used for a purpose specified in the table to this subclause on land in a zone specified in the table is the floor space ratio listed beside the use and the zone in the table.

Column 1	Column 2
Use and zone	Floor space ratio
Dwelling houses in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.55:1
Dual occupancies in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone R5 Large Lot Residential	0.45:1
Multi dwelling housing in Zone R3 Medium Density Residential	0.75:1
Centre-based child care facilities in a residential zone	0.55:1
Attached dwellings in Zone R2 Low Density Residential	0.45:1
Attached dwellings in Zone R3 Medium Density Residential	0.75:1

An explanation of the proposed amendments to Clause 4.4 is provided below.

**Subclause 4.4(1):**

<b>Existing subclause</b>	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> <li>a) to provide effective control over the bulk and scale of future development,</li> <li>b) to nominate a range of floor space ratio controls that will provide a transition in built form and land use intensity across all zones,</li> <li>c) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,</li> <li>d) to ensure that the bulk and scale of buildings contribute to the intended architectural outcomes for development appropriate to the</li> </ul>
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	<p>locality and reflect their proximity to the business centres and transport facilities,</p> <p>e) to provide for built form that is compatible with the hierarchy and role of centres,</p> <p>f) to assist in the minimisation of opportunities for undesirable visual impact, disruption to views, loss of privacy and loss of solar access to existing and future development and the public domain is addressed,</p> <p>g) to minimise the adverse impacts of development on heritage conservation areas, heritage items and the public domain.</p>
<b>Proposed amended subclause</b>	No amendments proposed.
<b>Reason</b>	Objectives for the FSR standards are appropriate to the operation of the clause, and no issues identified to warrant amendment.

#### **Subclause 4.4(2):**

<b>Existing subclause</b>	(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
<b>Proposed amended subclause</b>	No amendments proposed.
<b>Reason</b>	Standard wording under the Standard Instrument LEP.

#### **Subclause 4.4(2A):**

<b>Existing subclause</b>	(2A) Despite subclause (2), the floor space ratio for a building used for a purpose specified in the table to this subclause on land in a zone specified in the table is the floor space ratio listed beside the use and the zone in the table plus the floor space ratio shown for the land on the Floor Space Ratio Map.
<b>Proposed amended subclause</b>	<p>(2A) Despite subclause (2), where a floor space ratio is not shown on the floor space ratio map, the maximum floor space ratio for a building used for a purpose specified in the table to this subclause on land in a zone specified in the table is the floor space ratio listed beside the use and the zone in the table.</p> <p>(no changes to the table to subclause (2A) are proposed)</p>
<b>Reason</b>	The rewording of this subclause is to align with Council's original intent to provide local FSR provisions by development type and zone, only where land is not included on the Floor Space Ratio Map. The amended wording also clarifies that the prescribed FSR is a maximum, and removes the opportunity

	for a bonus FSR to be provided through the 'doubling up' of FSR provisions through the interplay of subclauses (2) and (2A).
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**Subclause 4.4(2B):**

<b>Existing subclause</b>	(2B) Subclause (2A) does not apply to land identified as "Mount Gilead Urban Release Area" on the Urban Release Area Map.
<b>Proposed amended subclause</b>	Delete
<b>Reason</b>	Subclause (2B) is no longer required given that the proposed rewording of subclause (2A) would by default exclude the "Mount Gilead Urban Release Area" as this land is included on the Floor Space Ratio Map.

**Subclause 4.4(2C):**

<b>Existing subclause</b>	(2C) To avoid doubt, subclause (2A) does not apply to land for which a floor space ratio is not shown on the Floor Space Ratio Map.
<b>Proposed amended subclause</b>	Delete
<b>Reason</b>	<p>The insertion of subclause (2C) was made under CLEP 2015 (Amendment 26) and was intended to remove the opportunity of a FSR bonus for land nominated on the Floor Space Ratio Map within the Menangle Park URA. The proposed rewording of subclause (2A) would by default exclude the Menangle Park URA as this land is included on the Floor Space Ratio Map.</p> <p>Further, the deletion of this subclause will address the unintended effect of removing the FSR provision under subclause (2A) for the vast majority of residential zoned land in the Campbelltown LGA, not presently included on the Floor Space Ratio Map.</p>

## **Part 3 – Justification of Strategic and Site Merit**

### **Section A – Need for the planning proposal**

#### **1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

No.

The proposal to amend the wording of Clause 4.4 has resulted from inconsistencies in the operation of the clause identified by Council during routine development assessment activity.

#### **2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?**

The Planning Proposal is considered to be the best way to achieve the intended outcomes as it provides an effective administrative remedy to the issues identified.

### **Section B – Relationship to strategic planning framework**

#### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

Yes.

The Planning Proposal is considered to be consistent with the relevant objectives and actions outlined in the Greater Sydney Region Plan and the Western City District Plan.

#### **Greater Sydney Region Plan**

The Plan provides a framework for the predicted growth in Greater Sydney. The Plan identifies key goals of delivering a metropolis of three 30 minute cities through four key themes, infrastructure and collaboration, liveability, productivity and sustainability.

The Planning Proposal is considered consistent with the Greater Sydney Region Plan as it aims to ensure that the bulk and scale of buildings are compatible with the relevant zone objectives and contribute to the intended architectural outcomes for development appropriate to the locality and reflect their proximity to the business centres and transport facilities.

#### **Western City District Plan**

The Western City District Plan (WCDP) sets out priorities and actions for the Western Parkland City which are structured on themes that are based on the Greater Sydney Region Plan.

The Planning Proposal is considered consistent with the WCDP as it will provide greater consistency in the application of floor space ratio controls over the bulk and scale of future development.

## **Glenfield to Macarthur Urban Renewal Corridor Strategy**

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.

The Planning Proposal is consistent with the Strategy by providing for a more effective development control mechanism relating to the floor space ratio of future buildings.

### **4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

#### **Campbelltown Community Strategic Plan – Campbelltown 2032**

The overarching Community Strategic Plan (CSP) represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The proposal will improve the control of the floor space ratio of buildings consistent with the following key outcomes provided in the CSP:

- Places for people;
- Economic prosperity.

The planning proposal is consistent with the following relevant strategies of the CSP relevant to the achievement of the above key outcomes:

2.3 Housing a growing city.

4.2 Business growth and investment.

#### **Campbelltown Local Strategic Planning Statement (LSPS)**

The Campbelltown Local Strategic Planning Statement (LSPS) came into effect on 31 March 2020.

The LSPS is Campbelltown City Council's plan for our community's social, environmental and economic land use needs over the next 20 years. The LSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA).

Its purpose is to:

- Provide a 20 year land use vision for the Campbelltown LGA
- Outline the characteristics that make our city special
- Identify shared values to be enhanced or maintained
- Direct how future growth and change will be managed
- Prioritise changes to planning rules in the Local Environmental Plan (Campbelltown Local Environmental Plan 2015) and Council's Development Control Plans
- Implement the Region and District Plans as relevant to the Campbelltown LGA



- Identify where further detailed strategic planning may be needed.

Four related themes comprise the community's vision for the City of Campbelltown as a vibrant place to live, a successful, thriving and attractive city that respects and protects its heritage and natural environment. These themes will be monitored against identified measures over time and implemented through 16 planning priorities.

The proposal will provide consistent and improved criteria for the control of floor space of buildings providing a better environmental outcome and streamlining the regulation of the bulk and scale of buildings. The proposed CLEP 2015 amendment is therefore considered to be consistent with the following planning priorities of the LSPS:

- Planning Priority 1 - Creating a great place to live, work, play and visit
- Planning Priority 2 - Creating high quality, diverse housing
- Planning Priority 8 - Adapting to climate change and building resilience
- Planning Priority 14 - Ensuring infrastructure aligns with growth

## 5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The following table provides a brief assessment of consistency with applicable State and regional studies or strategies.

State or Regional Study or Strategy	Comment
Future Transport Strategy 2056	The Proposal is consistent with the Strategy.
Cumberland Conservation Plan	The Proposal is consistent with the Plan.
Net Zero Plan	The Proposal is consistent with the Plan.
Water Resource Plan	The Proposal is consistent with the Plan.
State Infrastructure Strategy	The Proposal is consistent with the Strategy.
A 20 Year Economic Vision for Regional NSW	The Proposal is consistent with the Vision.

## 6. Is the planning proposal consistent with applicable SEPPs?

The following table provides a brief assessment of consistency of the Planning Proposal against each State Environmental Planning Policy (SEPP).

State Environmental Planning Policies	Comment
SEPP (Biodiversity and Conservation) 2021	The planning proposal will not impact upon the operation of the SEPP. The proposal is consistent with the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The proposal is consistent with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The proposal is consistent with the SEPP.
SEPP (Housing) 2021	The proposal is consistent with the SEPP.
SEPP (Industry and Employment) 2021	Not relevant to the Proposal.
SEPP 65 – Design Quality of Residential Apartment Development	The planning proposal will improve the control and regulation of floor space for new buildings consistent with the operation of SEPP 65.
SEPP (Planning Systems) 2021	The planning proposal is not inconsistent with the SEPP.
SEPP (Precincts – Central River City) 2021	Not relevant to the Proposal.
SEPP (Precincts – Eastern Harbour City) 2021	Not relevant to the Proposal.
SEPP (Precincts – Regional) 2021	Not relevant to the Proposal.
SEPP (Precincts – Western Parkland City) 2021	The planning proposal is not inconsistent with the SEPP.
SEPP (Primary Production) 2021	Not relevant to the Proposal.
SEPP (Resilience and Hazards) 2021	The planning proposal is not inconsistent with the SEPP.
SEPP (Resources and Energy) 2021	The proposal does not impact any extractive industries or mining. The planning proposal is not inconsistent with the SEPP.
SEPP (Sustainable Buildings) 2022	The planning proposal is not inconsistent with the SEPP.
SEPP (Transport and Infrastructure) 2021	The planning proposal is not inconsistent with the SEPP.

## 7. Is the planning proposal consistent with applicable Ministerial Directions (s9.1 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
<b>Focus Area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	The Proposal is consistent with the Direction.
1.2 Development of Aboriginal Land Council land	Not relevant to the Proposal.
1.3 Approval and Referral Requirements	The Proposal is consistent with the Direction as it does not trigger any additional concurrence, consultation or referral requirements to a Minister or public authority.
1.4 Site Specific Provisions	Not relevant to the Proposal.
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not relevant to the Proposal.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not relevant to the Proposal.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not relevant to the Proposal.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not relevant to the Proposal.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	The Proposal is consistent with the Direction. The Proposal would improve the operation and effect of the relevant FSR controls for future development considered under CLEP 2015.
1.10 Implementation of Western Sydney Aerotropolis Plan	The proposal is consistent with this Direction.
1.11 Implementation of Bayside West Precincts 2036 Plan	Not relevant to the Proposal.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not relevant to the Proposal
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not relevant to the Proposal.
1.14 Implementation of Greater Macarthur 2040	The Proposal is consistent with the Direction. The proposal seeks to improve the operation and effect of the relevant FSR controls for future development considered under CLEP 2015.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not relevant to the Proposal.
1.16 North West Rail Link Corridor Strategy	Not relevant to the Proposal.
1.17 Implementation of the Bays West Place Strategy	Not relevant to the Proposal.

1.18 Implementation of the Macquarie Park Innovation Precinct	Not relevant to the Proposal.
1.19 Implementation of the Westmead Place Strategy	Not relevant to the Proposal.
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not relevant to the Proposal.
1.21 Implementation of South West Growth Area Structure Plan	The Proposal is consistent with the Direction. The proposal seeks to improve the operation and effect of the relevant FSR controls for future development considered under CLEP 2015.
1.22 Implementation of the Cherrybrook Station Place Strategy	Not relevant to the Proposal.
<b>Focus Area 2</b>	
Design and Place	Not relevant to the Proposal.
<b>Focus Area 3: Biodiversity and Conservation</b>	
3.1 Conservation Zones	The Proposal is consistent with the Direction. The proposal does not reduce conservation standards that apply to land.
3.2 Heritage Conservation	The Proposal is consistent with the Direction. The proposal does not reduce conservation standards that apply to items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
3.3 Sydney Drinking Water Catchments	The Proposal is consistent with the Direction. The proposal does not impact upon water quality in the Sydney Water drinking catchment.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	Not relevant to the Proposal.
3.5 Recreation Vehicle Areas	Not relevant to the Proposal.
3.6 Strategic Conservation Planning	Not relevant to the Proposal.
3.7 Public Bushland	The Proposal is consistent with the Direction. The Proposal does not impact upon bushland in urban areas.
3.8 Willandra Lakes Region	Not relevant to the Proposal.
3.9 Sydney Harbour Foreshores and Waterways Area	Not relevant to the Proposal.
3.10 Water Catchment Protection	The Proposal is consistent with the Direction. The Proposal would not have any adverse impact on water quality, water bodies or their ecological connectivity.

<b>Focus Area 4: Resilience and Hazards</b>	
4.1 Flooding	The Proposal is consistent with the Direction. The proposal does not expand or alter the potential for future development on flood prone land.
4.2 Coastal Management	Not relevant to the Proposal.
4.3 Planning for Bushfire Protection	The Proposal is consistent with the Direction. The proposal does not expand or alter the potential for future development on bush fire prone land.
4.4 Remediation of Contaminated Land	The Proposal is consistent with the Direction. The proposal does not impact upon development considerations relating to the contamination or remediation of land.
4.5 Acid Sulfate Soils	The Proposal is consistent with the Direction. The proposal does not change development considerations relating to the use of land that has a probability of containing acid sulfate soils.
4.6 Mine Subsidence and Unstable Land	The Proposal is consistent with the Direction. The proposal does not change development considerations relating to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.
<b>Focus Area 5: Transport and Infrastructure</b>	
5.1 Integrating Land Use and Transport	The Proposal is consistent with the Direction. The proposal does not alter the spatial layout of development or associated transport connectivity.
5.2 Reserving Land for Public Purposes	The Proposal is consistent with the Direction. The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	Not relevant to the Proposal.
5.4 Shooting Ranges	Not relevant to the Proposal.
<b>Focus Area 6: Housing</b>	
6.1 Residential Zones	The planning proposal is consistent with the Direction. The proposal seeks to improve the operation and effect of the relevant FSR controls for future development considered under CLEP 2015.
6.2 Caravan Parks and Manufactured Home Estates	Not relevant to the Proposal.
<b>Focus Area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	The planning proposal is consistent with the Direction. The proposal seeks to improve the operation and effect of the relevant FSR

	controls for future development considered under CLEP 2015.
7.2 Reduction in non-hosted short-term rental accommodation period	Not relevant to the Proposal.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not relevant to the Proposal.
<b>Focus Area 8: Resources and Energy</b>	
8.1 Mining, Petroleum and Extractive Industries	Not relevant to the Proposal.
<b>Focus Area 9: Primary Production</b>	
9.1 Rural Zones	Not relevant to the Proposal.
9.2 Rural Lands	Not relevant to the Proposal.
9.3 Oyster Aquaculture	Not relevant to the Proposal.
9.4 Farmland of State and Regional Significance on the NSW Far Coast	Not relevant to the Proposal.

## **Section C – Environmental, social and economic impact**

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

No.

The proposal would not result in adverse impacts to any critical habitat or threatened species, populations or ecological communities or habitat.

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

No.

The planning proposal seeks to improve and simplify the operation of an existing clause. There would be no adverse environmental effects as a result of the planning proposal.

### **10. Has the planning proposal adequately addressed any social and economic effects?**

Yes.

The Planning Proposal is not supported by a social or economic assessment as these are not considered necessary. The planning proposal seeks to improve and simplify the operation of an existing clause.

## **Section D – State and Commonwealth Interests**

### **11. Is there adequate public infrastructure for the planning proposal?**

Yes.

The planning proposal is unlikely to result in a need for additional public infrastructure given that the planning proposal will reduce the potential for unintended floor space outcomes by improving and simplifying the operation of an existing clause.

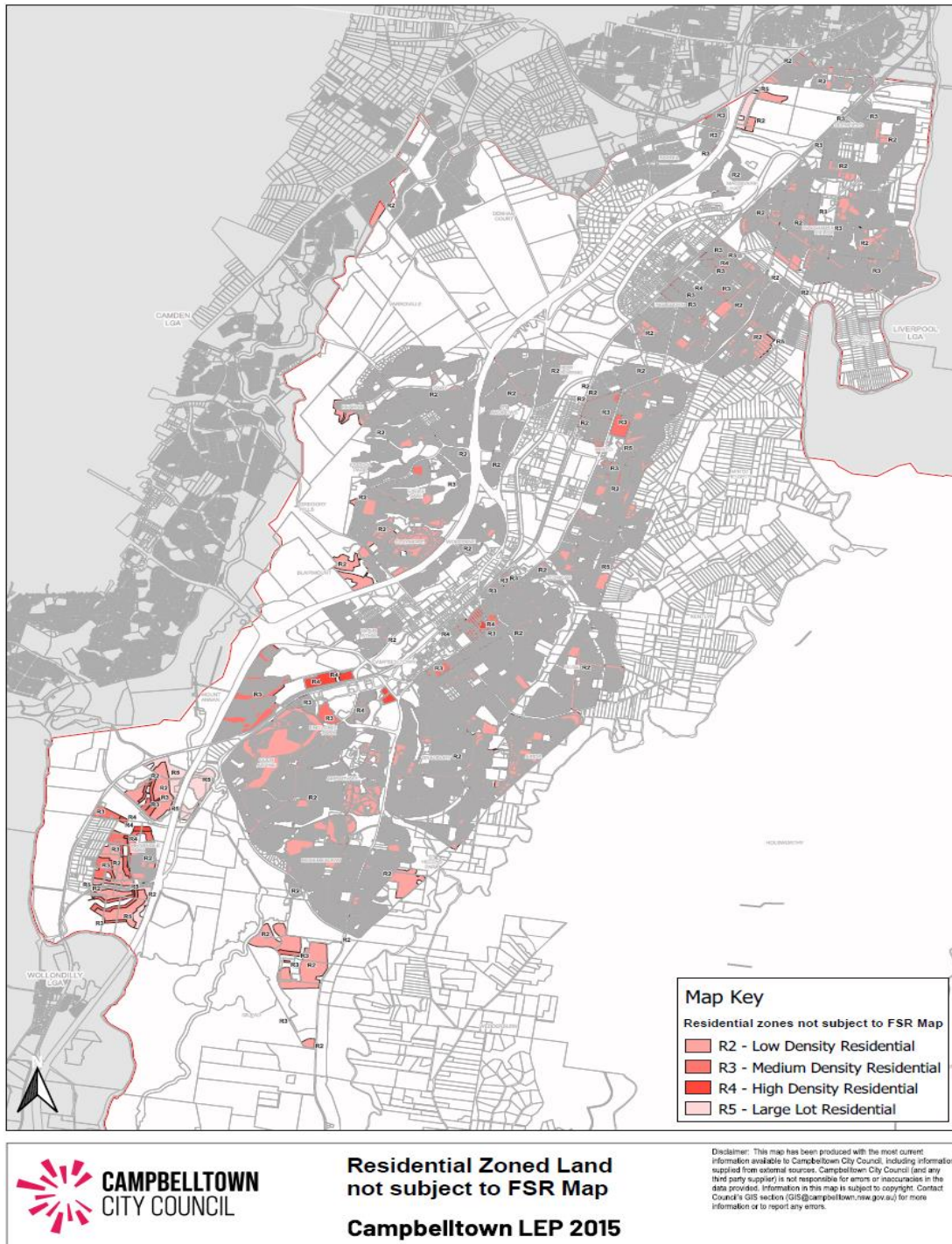
### **12. What are the views of the State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

Consultation will occur with any public authorities identified in the Gateway Determination.

## Part 4 – Maps

No CLEP 2015 maps are proposed to be amended by this proposal.

A map showing the general area affected by the planning proposal is provided below, comprising residential zoned land not included on Floor Space Ratio Map under CLEP 2015.





## Part 5 – Community consultation

In accordance with the 'Local Environmental Plan Making Guidelines' prepared by the Department of Planning and Environment (2022), the subject proposal is considered to be within the 'standard' planning proposal category.

The consultation strategy is:

- Public consultation to be undertaken in accordance with the Gateway Determination directives (anticipated to be 20 working days for the 'standard' category of planning proposal).
- The Planning Proposal to be exhibited on Council's website:  
([www.campbelltown.nsw.gov.au](http://www.campbelltown.nsw.gov.au)).
- The planning proposal to be exhibited on the NSW Planning Portal website:  
([www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au)).
- A hard copy of the Planning Proposal and associated attachments will be made available at HJ Daley Library, Campbelltown and at Council's Administration Building.

## Part 6 – Project Timeline

The indicative project timeline is provided as follows:

Stage	Timeframe and /or date
Local Planning Panel advice	24 May 2023
Consideration by council	July 2023
Council decision	8 August 2023
Gateway determination by DPE	8 October 2023
Pre-exhibition	October 2023
Commencement and completion of public exhibition period	December 2023 / January 2024
Consideration of submissions	February 2024
Post-exhibition review and additional studies	March 2024
Submission to the Department for finalisation (where applicable)	April / May 2024
Gazettal of LEP amendment	May / June 2024