



Gateway determination report – PP-2024-1705 1 Bugden Place, Campbelltown

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
Attachment B – Council Report
Attachment C – Council Minutes
Attachment D – Urban Design Study
Attachment E – Market Retail Assessment

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Campbelltown City Council
PPA	Campbelltown City Council
NAME	1 Bugden Place, Campbelltown (761 dwellings, minimum of 3,000 m ² of employment-generating floorspace)
NUMBER	PP_2024-1705
LEP TO BE AMENDED	Campbelltown LEP 2015
ADDRESS	1 Bugden Place Campbelltown
DESCRIPTION	Lot 1 on DP8 82496
RECEIVED	1/08/2024
FILE NO.	IRF24/1618
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

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- to provide appropriate retail floor space controls on the site to facilitate a better urban outcome
- enabling a development which supports and contributes to the success of Macarthur-Campbelltown Centre, in line with Campbelltown City Council’s aspirations for the area

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Campbelltown LEP 2015 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	MU1 Mixed Use	No change
Maximum height of the building	32m	No change
Floor space ratio	N/A	No change
Minimum lot size	N/A	No change
Number of dwellings	0	761 proposed
Number of jobs	Former Bunnings Warehouse on site	Minimum of 3000m2 of employment generating floorspace

The planning proposal seeks to amend the existing Clause 7.9 Mixed use development in Zones E2 and MU1 under the LEP to exclude the site from its application by inserting a sub-clause. This would enable residential uses to be provided on the ground floor. The amendment is as follows:

7.9 Mixed use development in Zones E2 and MU1

(1) The objective of this clause is to promote employment opportunities and mixed use development in Zone E2 Commercial Centre and Zone MU1 Mixed Use.

(2) This clause applies to land in Zone E2 Commercial Centre and Zone MU1 Mixed Use.

(3) Development consent must not be granted to the erection of a building that will contain a residential component, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that—

(a) the building will have an active street frontage after its erection or change of use, and

(b) the ground floor will only accommodate non-residential land uses, and

(c) if the land is in Zone E2 Commercial Centre—the building will have at least one additional level of floor space, immediately above the required non-residential ground floor, that is also set aside for non-residential land uses.

(3A) Subclause (3)(a) and (b) does not apply to land at Goldsmith Avenue, Campbelltown, being Lot 1097, DP 1182558.

3B) Subclause (3)(a) and (b) does not apply to land bound by Menangle Road, Budgen Place, Kellicar Road and Gilchrist Drive, Campbelltown, being legally described as Lot 1 DP882496. Consent must not be granted to the erection of building on this land unless the consent authority is satisfied at least 3,000 m2 of the gross floor area at ground floor is used for non-residential land uses.

(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following—

(a) entrances and lobbies (including as part of mixed use development),

(b) access for fire services,

(c) vehicular access.

(5) *In this clause—*

active street frontage, of a building, means that all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.

non-residential land uses includes uses for the purposes of commercial premises, medical centres, recreation facilities (indoor) and other similar uses but does not include car parking.

While Council has drafted a proposed amendment to the clause, it is noted that the final wording of the clause is subject to legal drafting.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. It is also noted that no site-specific Development Control Plan (DCP) is required for this site as it is currently addressed in Council's current DCP.

1.4 Site description and surrounding area



Figure 1 Aerial Photo of Subject site (source: Campbelltown City Council Planning Proposal)

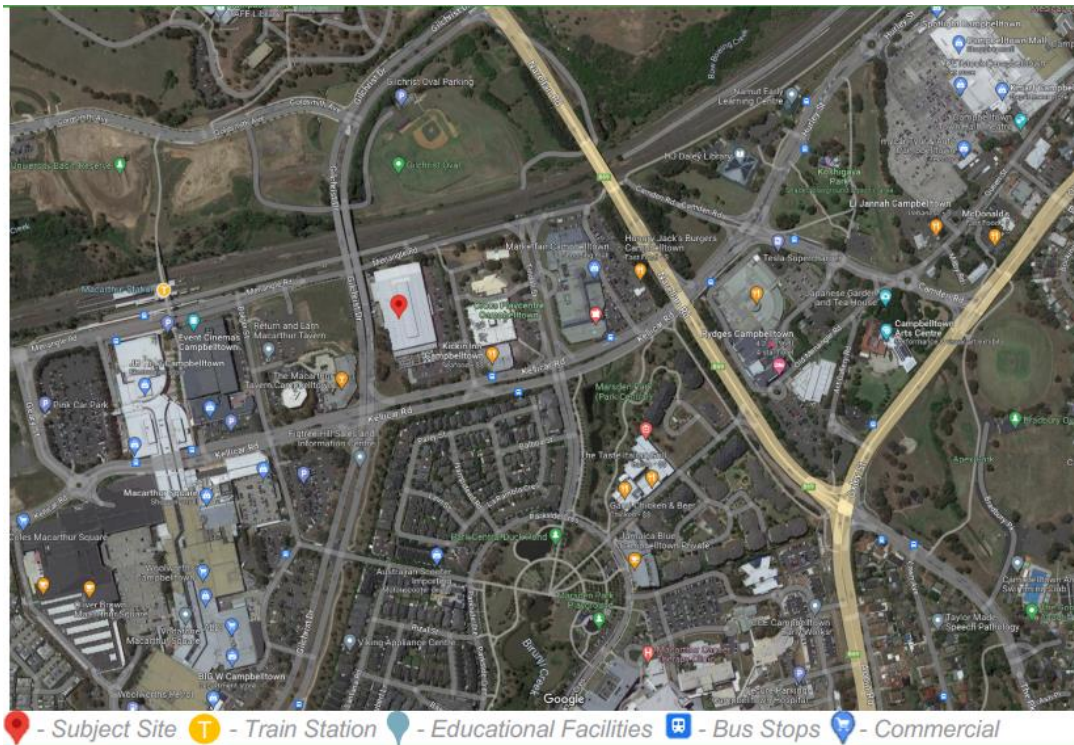


Figure 2 Site context (source: Draft Statement of Environmental Effects for related DA – Think Planners)

1.5 Background

In June 2020, the Department was referred a Planning Proposal (PP) from Council (PP-2020-3305). This was for a site comprising 5 lots at Kellicar Road, Bugden Place and Tindall Street, Campbelltown, which was collectively identified as the Kellicar Precinct and included the land subject to this current PP. The site had a total area of approximately 64,000m², excluding land along Menangle Road zoned SP2 (Infrastructure) as a road widening reservation.

The previous Kellicar Precinct Planning Proposal (KPPP) aimed to increase the maximum building height from 32m to 80m over various parts of the site. The KPPP also proposed a floor space ratio (FSR) of 3.5:1, and a total of 80,000m² of employment floor space and 144,000m² of residential floor spaces.

The KPPP was not supported by the Department due to flooding and traffic concerns and was refused in November 2021. Notably the site (1 Bugden Place) that is subject to this current PP and reflects only a small portion of the land from the previous proposal. This PP is not impacted by flooding and does not change the zone, FSR or building heights as discussed later in this report.

2 Need for the planning proposal

The PP is the result of a request by a landowner group to increase the development potential of the site. This is consistent with the next steps that the Department has outlined in relation to the Macarthur precinct, with advice that rezonings within this precinct can occur through proposals being submitted by landowners to Campbelltown City Council.

A PP to amend Campbelltown LEP 2015 is the only relevant means of achieving the intended outcomes. A planning proposal via the LEP Making Guidelines process is the most logical way of meeting this outcome.

In addition, a Development Application (3067/2023/DA-RA) was concurrently submitted to Council for this site which seeks the redevelopment for a mixed-use development. The submitted layout of the development proposes a ground floor retail/commercial area of approximately 4,330m².

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against selected relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 1 – Infrastructure supports the three cities	<p>The site is currently serviced by wastewater, potable water, electricity and telecommunications infrastructure.</p> <p>Additional residential housing and commercial floor space on the site will enhance employment densities within walking distance of public transport infrastructure, including rail and buses. This approach ensures efficient use of existing infrastructure, provides opportunities for local employment and live and work in the same place, and helps limit urban sprawl in Greater Sydney.</p>
Objective 2 - Infrastructure aligns with forecast growth	<p>The site is located within the Glenfield to Macarthur Urban Renewal Corridor. The proposal is also within the Macarthur Precinct as identified in Greater Macarthur 2040 Interim Plan. This plan identified an additional 4650 homes for this precinct and this proposal aligns with this growth target.</p>
Objective 7 - Communities are healthy, resilient and socially connected	<p>Creating additional jobs in Campbelltown will contribute to living and working locally, thus creating more resilient, socially connected and sustainable communities. As specified in the retail assessment report, the PP is consistent with the supportable floorspace because of retail floorspace demand analysis.</p>
Objective 10 – Greater Housing Supply	<p>This proposal will provide increased housing in Campbelltown and in proximity to public transport, services and peoples employment. The proposal seeks to expedite delivery of new housing to the market bringing forward supply to meet growing demand in the area.</p>
Objective 12 – Great places that bring people together	<p>The PP provides an opportunity to redevelop the former Bunnings site into a residential hub within walking distance to Campbelltown centre. The site will be in close proximity to existing activity places of Macarthur Square to the southwest and Campbelltown City Centre to the northeast.</p>
Objective 22 - Investment and business activity in centres	<p>The PP will provide additional residential housing within close proximity to commercial centre within the Campbelltown- Macarthur Strategic Centre, helping to reinforce its importance of being a strategic centre identified within the plan.</p>

3.2 District Plan

The site is within the Western City District and the former Greater Cities Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The planning proposal is consistent with the District Plan and gives effect to key planning priorities listed below:

- Planning Priority W1: Planning for a city supported by infrastructure
- Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport
- Planning Priority W11: Growing investment, business opportunities and jobs in strategic centres

The planning proposal is consistent with these planning priorities as it:

- is approximately 350m walking distance of Macarthur Train Station
- existing public infrastructure can comfortably accommodate the demand that is generated from this PP
- provides for renewal on the site
- seeks to facilitate job opportunities while reducing car parking close to public transport
- supports the principal underlying economic goal for strategic centres, employment growth
- will contribute to meeting Council's jobs and housing targets.
- allows for future development that responds to the sloping topography on the site and will ensure commercial land uses are located in suitable locations

In addition, development on the site will be subject to section 7.11 contributions at the DA stage to that will levy funds toward the broader delivery of local infrastructure.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

LSPS Priority	Justification
Creating a great place to live, work, play and visit	The site is located within the Campbelltown - Macarthur centre which is a location identified in the District Plan requiring additional housing. The proposal will contribute to improve the quality of the centre for residents, workers and visitors. The planning proposal will also promote housing diversity providing variety of apartment mixes.
Creating high quality, diverse housing	The proposal will increase the diversity of housing available and provide additional dwelling opportunities in the Campbelltown -Macarthur centre.

LSPS Priority	Justification
Respecting and protecting our natural assets	Open space is incorporated on the site and would include plantings and greenery.
Creating strong and vibrant centres	The proposal will strengthen the Campbelltown - Macarthur centre by increasing density and population in the vicinity. The site is well positioned to offer additional housing close to existing amenities and Macarthur train station. It is prudent to carefully balance this development with the proposed reduction in potential retail and commercial floorspace. This approach with the required commercial floorspace will help maintain a strong and vibrant city centre, supporting both residential needs and the economic vitality of the area. The proposal adheres to this approach.
Striving for increased local employment	The proposal will result in additional commercial floor space and dwelling opportunities in a strategic location.
Ensuring infrastructure aligns with growth	It is anticipated that existing infrastructure will be able to support the proposed development.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The proposal is generally consistent with the Greater Sydney Region Plan
1.4 Site Specific Provisions	Inconsistency justified	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls including imposing any development standards or requirements in addition to those already contained in the planning instrument being amended.</p> <p>The planning proposal is inconsistent with this direction as it seeks to introduce an exemption to an existing clause with site specific requirements.</p> <p>However, inconsistency is considered to be justified as minor as it will expand the development potential of the site to provide housing.</p>
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Yes	The proposal achieves the overall intent of the precinct plans and does not undermine the achievement of its objectives, planning principles and priorities for the urban renewal corridor

1.14 Implementation of Greater Macarthur 2040	Yes	The overall intent of Greater Macarthur 2040 is met by this planning proposal. It does not undermine the achievement of its objectives, planning principles and priorities for the Greater Macarthur Growth Area
4.1 Flooding	Yes	The site is not on flood prone land and complies with this Direction.
5.1 Investigating Land Use and Transport	Yes	<p>It will facilitate an increase in employment generating floorspace and residential living in close proximity to Macarthur Train station and thus will integrate land use with existing transport infrastructure, thereby promoting public transport usage.</p> <p>The proposal is also less than 200m to public bus routes. This degree of accessibility, in addition to opportunities for active transport may contribute to a mode shift away from private vehicles to sustainable transport modes</p>
6.1 Residential Zones	Yes	The proposal seeks to facilitate the development of high-density housing through the appropriate application of the site-specific clause. The PP represents a more efficient use of existing infrastructure and services and reduces the consumption of land for housing through urban renewal. It will facilitate greater housing diversity which assists in meeting local demand for greater choice.
7.1 Business and Industrial Zones	Inconsistency justified	<p>It is noted the proposed exemption from the requirements of clause 7.9 would likely reduce the minimum required area for employment uses. However, it is noted that some employment capacity is required by the proposed clause amendment.</p> <p>Therefore, any inconsistency is considered to be justified as minor.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Planning Systems SEPP	Yes	The planning proposal does not include a state significant development, state significant infrastructure or regionally significant infrastructure.
Housing SEPP	Yes	<p>The planning proposal seeks to facilitate high-density residential development. The urban design study which accompanies this proposal addresses the provisions of the Housing SEPP and associated Apartment Design Guidelines (ADG).</p> <p>This study also includes an indicative development concept. This concept shows that the site can be developed in a manner consistent with the ADG requirements.</p>

4 Site-specific assessment

4.1 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Community services	<p>The increase in population would have a slight increased pressure on provision of community services. However, the site is located within the Campbelltown-Macarthur strategic centre which boasts regional civic, health and educational institutions.</p> <p>Marsden Park and Koshigaya Park are also located within walking distance from the site, ensuring that adequate recreational infrastructure is available to support residents living in apartment buildings on the site. It is considered that the area contains the necessary infrastructure to support the intensification of residential development and the proposed commercial development over the site.</p>
Retail sustainability	<p>Increasing the residential population on the site should improve the vitality and viability of retail in the local area. The initial Council notes on 23 October 2023 Retail Market Assessment, (Attachment E) with a commercial floor space of 600m² was submitted to Council.</p> <p>Following this, the Local Planning Panel met in December 2023 and provided advice on the planning proposal. The LPP concluded that the minimum quantum of employment ground level floor space should be delivered on the site. It was recommended that the applicant re-engage with Council to determine the best way to achieve the employment outcomes anticipated for the site while concurrently delivering the important housing outcomes.</p> <p>It is noted that a concurrent DA has been submitted to Council and proposes a ground floor retail/commercial area of approximately 4,330m² in a mixed-use development with over 700 residences.</p> <p>While the amount of commercial floor space is at odds with the Market Retail Assessment, the requirement for commercial floor space adheres to the existing planning framework. This includes but is not limited to:</p> <ul style="list-style-type: none"> • The Campbelltown Strategic Review of Employment Lands, which recommends an increase in employment land uses to meet the demand of a growing population, • The Western City District Plan, • The Reimagining Campbelltown city centre Master Plan

4.2 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Transport	<p>While not specifically related to this proposal but more for the submitted DA on site, the Department is aware that Transport for NSW are working on plans of proposed upgrades to Menangle Road from Tindall Street, Campbelltown to Menangle Park. Consultation will need to be undertaken with them on this and can be undertaken post gateway determination.</p> <p>Feedback was sought from Council's traffic engineers on the Transport Impact Assessment which was submitted in support of the recently lodged DA. It is also noted that TfNSW has advised that they have no concerns with the submitted development application.</p>
Urban Design	<p>An Urban Design Study (Attachment D) was submitted with the proposal. The site experiences a cross fall of approximately 13 m from south-west to north-east. Given the site fall and physical constraints it is considered that road frontage activation should only occur on Kellicar Road and Bugden Place. The proposed clause is a good outcome where commercial land uses will only be provided in locations where it is suitable. The proposed clause will ensure commercial floor spaces can be in locations that respond to sloping topography</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days as per Standard LEP Making requirements.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Transport for New South Wales

6 Timeframe

Council did not provide a time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 13 June 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

As the planning proposal is only amending one aspect of the LEP the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- will facilitate the development of a mixed used precinct featuring approximately 750 dwellings
- will ensure contributing employment supporting floor space in the Campbelltown City Centre
- ensure commercial floor spaces can be in locations that respond to sloping topography

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions and 7.1 Business and Industrial Zones are minor or justified.

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

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence before the end of February 2025.

2. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Transport for NSW

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The Secretary as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
5. The LEP should be completed on or before 13 June 2025.



14/8/2024

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