

### 8.3 Planning Proposal – Clause 7.30

#### Reporting Officer

Executive Manager Urban Centres  
City Planning and Corporate Services

#### Community Strategic Plan

Objective	Strategy
1 Community and Belonging	1.1.1 Provide initiatives that foster a proud, inclusive, and connected community for all 1.1.2 Provide a diverse range of cultural and creative activities and events, for all interests and people
5 Strong Leadership	5.2.2 Ensure that public funds and assets are managed strategically, transparently and efficiently

#### Delivery Program

Principal Activity
PA Strategy, Engagement, and Advocacy

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#### Officer's Recommendation

That Council endorse the planning proposal at attachment 1 and forward it to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

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#### Purpose

The purpose of this report is to seek Council's endorsement of a planning proposal to amend Clause 7.30 of the Campbelltown Local Environmental Plan, 2015 and the related Clause Application Map.

#### Executive Summary

- A combination of changes to planning legislation have had an unforeseen consequence that has limited the use of Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre as a place of public worship.
- It is proposed to correct this anomaly by progressing a planning proposal that will, if supported by Council, make changes to the Campbelltown Local Environmental Plan, 2015 to remove a size restriction on places of public worship that applies to the above halls.

- It is considered that this planning proposal would have positive community and social benefits and support an increased utilisation of Council's halls.
- It is recommended that Council support this planning proposal and forward it to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

## History

When Campbelltown Local Environmental Plan, 2015 (CLEP 2015) originally commenced each of the 4 subject sites, Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre were located within the B1 neighbourhood centre zone. Each of these halls received development consent under earlier planning instruments, as shown in the table below.

Hall/Centre	Development Consent	Planning Instrument	Approved Use
Ambarvale	DA 373/86	IDO No. 29	Youth Centre
Kearns	D354/85	IDO No. 27	Public Hall
St Helens Park	DA 109/94	IDO No. 29	Multi purpose community centre and child care centre
Woodbine	DA 19/84	LEP No. 48	Neighbourhood centre

**Table 1:** Current development consents

Under each of the planning instruments referred to in Table 1 the use of premises for a place of public worship (or place of assembly) was separately defined to the use of the site for a community building/community facility.

In 2022 the Department of Planning and Environment, as it was then known, commenced the employment zones reform program. In general terms this program aimed to reduce the number of employment zones and increase the potential for employment generating land uses in each resultant zone. The B1 neighbourhood centre zone was generally located in smaller suburban centres and had a reduced range of potential land uses compared to the B2 Local Centre Zone. The B1 Neighbourhood Centre zone did not permit places of public worship or pubs whereas the B2 Local Centre zone permitted these places of public worship and pubs with development consent.

The finalisation of the employment zones reform program saw all land in the B1 Neighbourhood Centre Zone and the B2 Local Centre Zone change to zone E1 Local Centre Zone on 26 April 2023.

As part of this process representations were made to the Department of Planning and Environment seeking to limit the scale of any new pub, small bar or place of public worship proposed on land located in the former B1 zone. These representations were supported by the Department and Clause 7.30 was added to the CLEP 2015 to address these concerns. Clause 7.30 limits the size of a pub or a small bar to a maximum floor area of 80 m<sup>2</sup> and a place of public worship to a maximum floor area of 160 m<sup>2</sup> on sites identified as area 6 on the clause application map which forms part of the CLEP 2015.

In determining the land to be subject to Area 6 on the Clause application map (Area 6 Map) the decision was made that it would apply to all land previously located within the B1

Neighbourhood Centre Zone, except where that land was the site of an existing approved pub, small bar or place of public worship or where one of these uses was referenced in Schedule 1 of CLEP 2015 as an additional permitted use.

In applying the Area 6 Map in this way, the restrictions on the size of places of public worship, pubs and small bars were applied to the Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre. The size restriction on a place of public worship in the 4 halls would mean that only a portion of the hall could be used for this purpose. To portion off or segregate a part of the hall to enable its use for a place of public worship would be impractical, and to submit a development application demonstrating compliance with this spatial limitation in a manner that provides certainty to regulatory authorities would be challenging. Given the large difference between the area of the 4 halls, as shown in Table 2, and the size limit it is considered that a variation to this standard under section 4.6 of CLEP 2015 would be difficult to justify.

Hall/Centre	Size of hall
Ambarvale	278 m <sup>2</sup>
Kearns	496 m <sup>2</sup>
St Helens Park	484 m <sup>2</sup>
Woodbine	218 m <sup>2</sup>

**Table 2:** Hall sizes

## Report

<b>Property Description</b>	Lot 105 DP 746003, Ambarvale Community Hall, Wickfield Circuit, Ambarvale  Lot 21 DP 840864, Kearns Community Hall, 66 Kearns Avenue, Kearns  Lot 7302 DP 1018242, St Helens Park Community Hall, Kellerman Drive, St Helens Park  Lot 12 DP 748537, Woodbine Neighbourhood Centre, 83 North Steyne Road, Woodbine
<b>Application No</b>	616/2025/E-PP
<b>Applicant</b>	Campbelltown City Council
<b>Owner</b>	Campbelltown City Council
<b>Provisions</b>	Clause 7.30, Campbelltown Local Environmental Plan, 2015

### 1. Vision

The vision is to enable the 4 subject halls to be used by the community for a place of public worship without the limitation of that use to only part of each hall. It is not proposed to enable the potential use of the 4 subject halls for a pub or a small bar.

### 2. Planning Provisions

Clause 7.30 of CLEP 2015 states:

#### **7.30 Pubs, small bars and places of public worship in Zone E1**

- (1) This clause applies to land identified as “Area 6” on the Clause Application Map.
- (2) Development consent must not be granted to development for the following purposes on land to which this clause applies unless
  - (a) for pubs—the gross floor area of each pub in the building resulting from the development is no more than 80 m<sup>2</sup>,
  - (b) for small bars—the gross floor area of each small bar in the building resulting from the development is no more than 80 m<sup>2</sup>,
  - (c) for places of public worship—the gross floor area of each place of public worship in the building resulting from the development is no more than 160 m<sup>2</sup>.

The attached planning proposal seeks to amend Clause 7.30 to achieve the above vision.

### **3. Planning Assessment**

#### **3.1. Summary of Planning Proposal**

The proposed amendments to CLEP 2015 are detailed in the attached planning proposal which has been prepared in accordance with the EP&A Act and the Department of Planning and Environment’s ‘Local Environmental Plan Making Guidelines’.

In summary, the planning proposal seeks to amend the clause application map so that the 4 halls are identified separately to the rest of Area 6 on the Clause Application Map, eg as Area 9. Clause 7.30 would then also be amended such that it applies to both Area 6 and Area 9. The size limit for pubs and small bars in 7.30(2)(a) and 7.30(2)(b) would apply to areas 6 and 9. The size limit for places of public worship in 7.30(2)(c) would only apply to Area 6.

#### **3.2. Consideration of Section 9.1 Local Planning Directions**

Section 9.1 of the EP&A Act allows the Minister for Planning to provide Local Planning Directions to Council in relation to the preparation of planning proposals. A detailed consideration of all Local Planning Directions is provided in the planning proposal at attachment 1.

The planning proposal is consistent with all relevant local planning directions.

#### **3.3. Strategic Context - Consideration of State and Local Planning Policies**

The planning proposal is consistent with following relevant state and local plans:

- Greater Sydney Region Plan
- Western City District Plan
- Greater Macarthur 2040
- Campbelltown Community Strategic Plan 2032
- Campbelltown Local Strategic Planning Statement

The planning proposal is also consistent with all State Environmental Planning Policies.

### **3.4. Potential Environmental Impacts**

The current development consents for each of the halls provide broad consent to use the halls for community purposes. Such uses are able to use the full extent of the halls and surrounding land. Car parking has been provided based on the capacity of the halls. Each hall is sufficiently separated from any residential neighbours. The use of the halls in this way has occurred for decades with no significant community concern raised.

In many ways the use of the halls for a place of public worship, would have a similar scale impact to their use for community purposes, provided that the use as a place of public worship is within the bounds of the existing consents, for example, by complying with the existing hours of operation. Additionally, as landowner, Council has a greater influence over the terms of use of the halls and the behaviour or the hirers than would occur with other places of public worship as Council only provides short term hire arrangements for the halls and has the power not to renew any hire should problems arise.

The nature of the current and historic use of the halls is commensurate with any potential future use arising from this planning proposal, and therefore it is considered that the proposal demonstrates site specific merit.

### **4. Consideration of Local Planning Panel advice**

Council is required to consider the advice of the Campbelltown Local Planning Panel on a planning proposal before it makes a decision to forward the planning proposal for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act, 1979*. The Campbelltown Local Planning Panel considered the planning proposal at its meeting on 26 February, 2025 and provided the following advice:

"The Panel considers that the planning proposal exhibits both site specific and strategic merit. The potential use of the halls, subject to development consent, for a place of public worship has potential social benefits for the community and would potentially increase the utilisation of these community assets. The proposal also demonstrates site specific merit and would facilitate use consistent with the scale of use that already occurs in each hall.

It is recommended that Council support the submission of the planning proposal for a Gateway Determination."

### **5. Public Participation**

If Council supports the proposal, it will be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.

If a positive Gateway Determination is received, community consultation will be undertaken in accordance with the specific requirements listed in the Gateway Determination and as detailed in the Campbelltown Community Participation Plan.

### **Conclusion**

This planning proposal is a relatively minor proposal that seeks to reinstate the ability to submit a development application for a place of public worship, without the need to comply with the

current 160 m<sup>2</sup> no size limit, at Ambarvale Community Hall, Kearns Community Hall, St Helens Park Community Hall and Woodbine Neighbourhood Centre.

Currently these 4 halls are able to be used for other community gatherings and meetings in accordance with the current development consents for these sites. Should a development application be submitted in future for a place of public worship, it would be assessed on its merits. Should this occur, it is anticipated that such an issue would only occur on limited occasions, as has occurred in the past, and at all other times the halls would remain available for other approved community uses.

Given that the scale of the use of the sites for a place of public worship would be commensurate with the scale of the existing and previous use of the halls, it is considered that there is site specific merit to the planning proposals. The planning proposal demonstrates strategic merit through the improved ability to meet community social and gathering needs and through the improved ability to achieve greater utilisation of these public assets.

It is recommended that Council endorse the planning proposal and forward it to the Department of Planning Housing and Infrastructure for a Gateway Determination.

## **Attachments**

8.3.1 Planning Proposal - Clause 7.30 (contained within this report)