

DATE OF DECISION	Monday, 12 March 2021
PANEL MEMBERS	Justin Doyle (Chair), Louise Camenzuli, Nicole Gurran, Darcy Lound and George Griess
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>It was disclosed during the meeting that “Campbelltown Central 2 Pty Ltd” nominated as the land owner in the planning proposal, and John Bechara who signed for that company on the planning proposal application form, were associated with Antoine Bechara and the company Omayya Holdings Pty Ltd. The Chair disclosed that in his capacity as a barrister he has been briefed to appear as Counsel in unrelated litigation for private clients against companies related to Omayya Holdings and Antoine Bechara.</p> <p>He noted that the relevant litigation had concluded, and that he was not presently acting for any person who to his knowledge had any conflicting interest with those entities, and that he had no relevant personal interest.</p> <p>The Chair disclosed a potential perceived conflict arising from those circumstances (of which he had previously been unaware) to the meeting, and invited the proponent’s representatives to inform the Panel if there was any objection to his participating in the Panel’s determination, and was informed there was none.</p> <p>The Chair noted that he considered that he was able to consider the planning proposal impartially, and on balance resolved that it was appropriate to take part in the Panel’s determination.</p>

REZONING REVIEW

2020WCI005 – Campbelltown City Council – RR_2020_CAMPB_001_00 - AT 2 Farrow Road, Campbelltown (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
 - ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

If it proceeds to gazettal, the planning proposal would result in high rise residential towers being permitted on just one of the sites to the west of Campbelltown Station with permitted maximum heights of between 63m and 101m (18 to 28 storeys) across the property. In that way it is proposed to facilitate a high density mixed-use, transit-orientated development next to Campbelltown railway station and bus interchange. The new zoning of the site would be B4 Mixed Use.

The anticipated residential yield for the site is reported to be in the order of 1,200 dwellings based on the indicative building height massing plans provided. Together with the community infrastructure provided, the proposal would be consistent with Planning Priority W5 – Providing housing supply, choice and affordability with access to jobs, services and public transport as well as other parts of the Western City District Plan.

There are undoubtedly advantages that would flow from such a development including (as reported in the Department's review of the proposal) that the development would support urban renewal and the provision of additional housing stock close to public transport and to Campbelltown CBD.

At the same time however, the proposal would reduce the available stock of employment generating lands. It is principally for that reason that the planning proposal is opposed by the local Council. As such it would be counter to Planning Priority W11 – Growing investments, business opportunities and jobs in strategic centres, and Planning Priority W10 – Maximising freight and logistics opportunities and planning and managing industrial and urban services land.

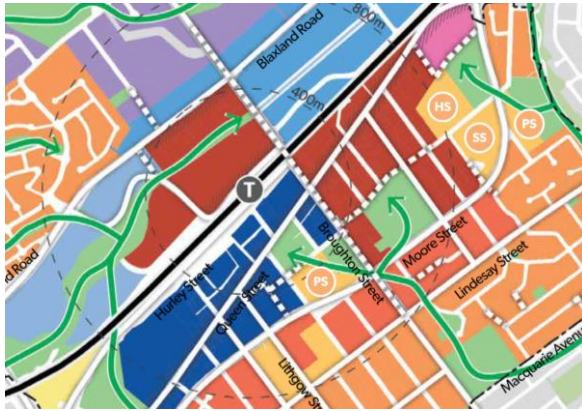
The Council also argues that approval of this site for high rise residential development would detract from the demand for similar density development which the Council's present zonings are trying to encourage to rejuvenate the Campbelltown CBD. It would also remove the site as the potential location for a large-scale health/education related land use or a business park which might draw upon the site's location adjacent to a major transport node.

While attempting to weigh the differing positions of the Council and the proponent, it is important that the Campbelltown Precinct Plan identifies high rise residential of 7 storeys and over as a use that 'could' be accommodated in an area marked red in the relevant figure. The future precinct character of areas coloured for high rise development is:

High Rise Residential “

This area could accommodate apartment housing to deliver a high level of amenity for the existing and future residents. This could comprise 7+ storey apartment buildings, with potential for communal open spaces and shared facilities. Detailed planning would be required to identify appropriate height and built form outcomes. The new dwellings should be carefully designed to integrate with the existing streetscape. Building design should maximise climate control and amenity for occupants and capitalise on district views”

This is a detail from the Precinct Plan Figure 22:



Another layer in the planning for the site is that the land around Campbelltown station is part of the Glenfield to Macarthur Urban Renewal Corridor, adopted in 2017. The Greater Macarthur 2040 land use and infrastructure implementation plan published by the Department notably adopts the same colouring of the site and adjacent lands as the Precinct Plan.

At the same time, Macarthur 2040 includes this advice:

Providing local, high quality jobs for Greater Macarthur is a key challenge of the plan. Significant investment and collaboration is needed to achieve a 30-minute city. As identified by Campbelltown Council, dispersed housing and a dependency on remote centres need to be addressed to improve the quality of life for local communities. The plan enables refocusing of employment from commuting to harnessing the local labour force for local businesses. A stronger catchment and demand for services in Campbelltown-Macarthur through growth is expected to increase investment in higher order employment.

On 22 December 2017, a local planning direction under section 9.1(2) of the EP&A Act from the Minister issued to Campbelltown Council in relation to the Implementation of the Glenfield to Macarthur Urban Renewal Corridor.

While the direction is not expressed to apply to the Panel, the Panel accepts that it is relevant and given the nature of the review being undertaken has applied the direction as though it were binding on it.

However, the direction is expressed in terms that apply when “a relevant planning authority prepares a planning proposal”. That is not the case here where the Panel is considering a planning proposal prepared by a private landowner.

A planning proposal is required by the Direction (when it applies) to be “consistent” with a published precinct plan. But even if the Panel concludes that this planning proposal is so consistent, the direction does not compel the Panel to support the proposal if the case for its strategic and site-specific merit are not sufficiently strong. That is, the Direction states minimum requirements for a planning proposal prepared by the Council, but does not oblige the Panel to grant Gateway approval if consistency can be established. Consistency with applicable precinct plans is a prerequisite but does not compel an outcome.

A further consideration is the Gateway determination issued for planning proposal PP_2019_CAMPB_005_00 prepared by the Council that includes the proposed rezoning of 2 Farrow Road, Campbelltown from 4B Industry to IN2 Industrial. The proposal would also apply a height limit of 19m to the subject site. That would implement a substantially different future for this site. At the time of the Department’s report to the Panel, that planning proposal was still being assessed even though Gateway was granted on 4 February 2020.

The Panel is not briefed as to how that planning proposal was prepared by the Council and how it received Gateway while (apparently) the Ministerial Direction 7.7 was in place. Although plainly the two planning proposals are inconsistent, there is nothing in the legislation to prevent two inconsistent planning proposals being considered at the same time.

The Council's planning proposal was publicly exhibited from 1 April 2020 to 6 May 2020. Responses (which did not include the proponent or landowner for this proposal) were mixed.

There will be additional traffic generated by the development, but the proposal submits it can be catered for by the existing road system. Whether the same could be said for the additional development that would be encouraged on the western side of the rail line in line with the mapping of the Precinct Plan if this planning proposal was adopted is not resolved.

Lastly, the "Campbelltown –Macarthur collaboration area place strategy" does not identify any particular strategic use for this site.

It is with consideration of all of those matters that the Panel came to consider the strategic and site-specific merit of the subject planning proposal.

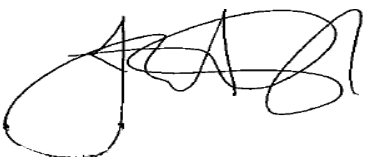

Overall, particularly with the Council's planning proposal *PP_2019_CAMPB_005_00* unresolved, it seemed to the Panel to be inappropriate for a planning proposal for this site alone to be granted Gateway without the planning future for the other industrially zoned sites shaded red in the precinct plan being considered along with it.




The Panel is not in a position to endorse the Council's vision for the north western side of the railway as non-residential, but it agrees that the planning future for the IN2 zoned sites in that location ought to be considered together. The compatibility of the zonings for those sites will be a major factor for the success for whichever of the competing visions for the area is ultimately to be pursued.

Until that common future for those sites is resolved, the Panel cannot be satisfied that a planning proposal for a single site has sufficient site specific or strategic merit.

The Panel is of the opinion that the inconsistency of the Council's vision for the area and the Precinct Plan for the area is a matter requiring attention by the Department. It may well be that it is being looked at alongside consideration of planning proposal *PP_2019_CAMPB_005_00*.

If there are reasonable prospects that the Council's employment generating priorities are to be followed by the Department for those IN2 Industrial sites which the Precinct Plan states 'could' accommodate high rise, then the relevant parts of the Precinct Plan would seem to require urgent attention.

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran

 Louise Camenzuli	 Darcy Lound
 George Greiss	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2020WCI005 – Campbelltown City Council – RR_2020_CAMPB_001_00 - AT 2 Farrow Road, Campbelltown
2	LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
3	PROPOSED INSTRUMENT	<p>The proposal seeks to</p> <ul style="list-style-type: none"> • amend Campbelltown Local Environmental Plan 2015 to remove the “deferred matter” status in relation to 2 Farrow Road, Campbelltown; • rezone the site from 4(B) Industry under Campbelltown Local Environmental Plan (Urban Area) 2002 to B4 Mixed Use; • amend the CLEP Building Height Map and introduce a range of heights across the site from 63m to 101m (18 to 28 storeys); and, • add a Clause 41 to “Schedule 1: Additional Permitted Uses” in the CLEP to permit residential flat buildings at ground level.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request documentation • Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Briefing with Department of Planning, Industry and Environment (DPIE): Wednesday, 24 February 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Darcy Lound and George Griess ○ DPIE staff in attendance: Neala Gautam and Naomi Moss • Briefing with Council: Wednesday, 24 February 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Darcy Lound and George Griess ○ DPIE staff in attendance: Neala Gautam and Naomi Moss ○ Council representatives in attendance: David Smith, Rana Haddad, Luke Joseph and Jeff Burton • Briefing with Proponent: Wednesday, 24 February 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Darcy Lound and George Griess ○ DPIE staff in attendance: Neala Gautam and Naomi Moss

		<ul style="list-style-type: none"> ○ Proponent representatives in attendance: Christopher Nehme and Bob Chambers ● Briefing with Department of Planning, Industry and Environment (DPIE): Monday, 22 March 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Darcy Lound and George Griess ○ DPIE staff in attendance: Neala Gautam and Naomi Moss ● Briefing with Council: Monday, 22 March 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Darcy Lound and George Griess ○ DPIE staff in attendance: Neala Gautam and Naomi Moss ○ Council representatives in attendance: Luke Joseph and Jeff Burton ● Briefing with Proponent: Wednesday, 24 February 2021 <ul style="list-style-type: none"> ○ Panel members in attendance: Justin Doyle (Chair), Nicole Gurran, Louise Camenzuli, Darcy Lound and George Griess ○ DPIE staff in attendance: Neala Gautam and Naomi Moss ○ Proponent representatives in attendance: Adam Pearce, Zekerija Krcic, and Bob Chambers
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