



IRF22/70

Plan finalisation report – PP 2020-2142

158 - 168 Queen Street, 1 Carberry Lane and 3 & 11
Cordeaux Street, Campbelltown.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Campbelltown Local Environmental Plan 2015 (Amendment No. 19).

1.1.2 Site description

Table 1 Site description

Site Description	<p>The planning proposal (Attachment A) applies to land at 158-168 Queen Street, 1 Carberry Lane and 3 & 11 Cordeaux Street, Campbelltown.</p> <p>The proposal applies to four sites and consists of five lots:</p> <ul style="list-style-type: none"> • Lot 1 DP 558320 • Lot 5 DP 1167855 • Lot 4 DP 1167853 • Lot C DP 377836 • Lot 2 DP 568986 <p>The site has a total area of 7,541sqm bounded by Queen Street to the north, Cordeaux Street to the east, Carberry Lane to the south and Anzac Lane to the west. Current uses on the site includes various retail, Campbelltown RSL club and office space. The site is situated within the Campbelltown CBD and within 500m of Campbelltown Railway Station.</p>
Type	Site
Council	Campbelltown City Council
LGA	Campbelltown LGA

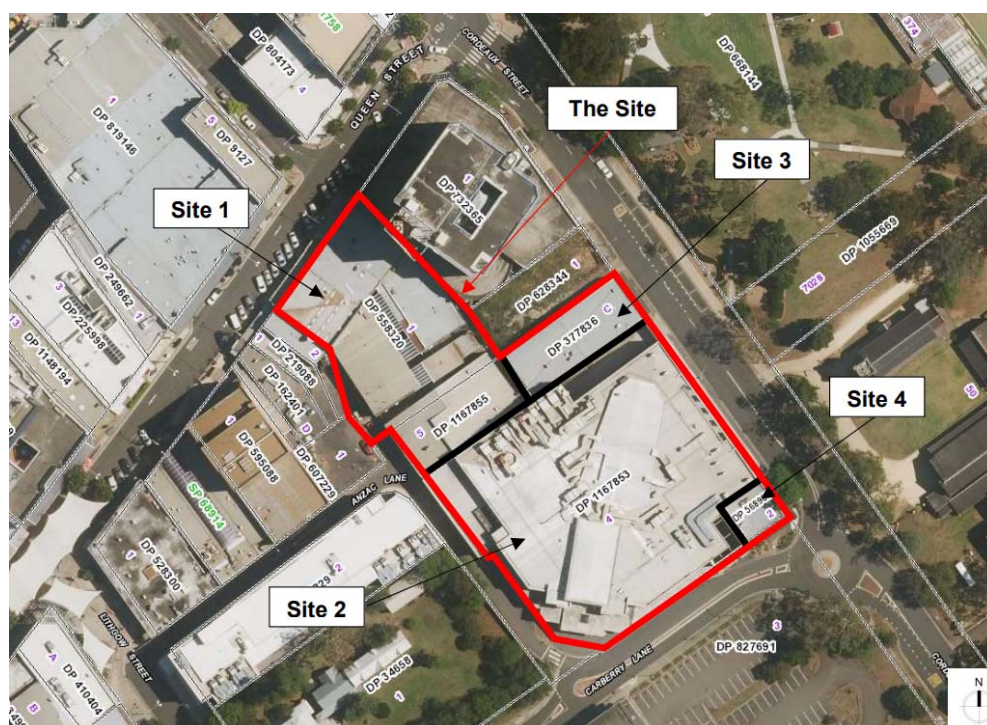


Figure 1 Subject site

1.1.3 Purpose of plan

A concept design outlines how the planning proposal will facilitate the redevelopment of the site of the following:

- A 11 storey Campbelltown RSL & hotel:
 - 2 storeys of RSL club
 - 9 storeys of hotel
 - An amended configuration of the existing RSL club to face Queen Street
- Three mixed used residential towers with ground floor retail/commercial space:
 - Building A – 18 storeys
 - Building B – 24 storeys
 - Building C – 21 storeys
- Two levels of basement parking
- An outdoor plaza
- A draft site-specific development control plan (DCP) supports the redevelopment of the site.

Table 2 (over page) outlines the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	B3 Commercial Core	No change proposed.
Maximum height of the building	32m	To part: <ul style="list-style-type: none"> • 45m (approximately 15 storeys) at 158-168 Queen Street • 85m (approximately 28 storeys) at 1 Carberry Lane and 3 & 11 Cordeaux Street
Floor space ratio	N/A	To part: <ul style="list-style-type: none"> ○ 3:2:1 for employment components associated with the club and hotel ○ 7.2:1 for the mixed use residential buildings
Number of dwellings	N/A	438 additional dwellings and a new hotel with 153 rooms
Number of jobs	N/A	60

The site adjoins the following heritage items; State heritage listed Glenalvon House (I00004) and Local heritage listed Richmond Villa (I18). The proximity of the site to these heritage items coupled with the proposed heights were raised as key concerns in submissions. Consequently, the Department has implemented a number of post exhibition changes which results in the finalisation of a portion of the site only; Lot 1 DP 558320 and Lot 5 DP 1167855, 158-168 Queen Street, Campbelltown (identified as Site 1 on **Figure 1**). Refer to **Page 5, Section 3** of this report for justification.

1.1.4 State electorate and local member

The site falls within the Campbelltown state electorate. Greg Warren MP is the State Member.

The site falls within the Macarthur federal electorate. Dr. Mike Freeland MP is the Federal Member.

To the team's knowledge, no MPs have made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required. There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 29 January 2019 (**Attachment B**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on the following occasions (**Attachments C1 & C2**):

- 5 August 2020 – to extend the timeframe for completing the LEP to 29 June 2021
- 6 May 2021 – to extend the timeframe for completing the LEP to 31 December 2021, and to insert a new condition requiring an updated visual impact report and urban design analysis

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 13 May until 10 June 2021, required by section 29 of the *Local Government Act 1993*.

Council received seven submissions; one from the community; five from public authorities and one internal submission from Campbelltown Council as an affected landowner (**Attachment D**). Of the submissions three were objections.

3.1 Community submission

The single community submission objected to the proposal and raised the below concerns:

- Impacts of the proposal on the scenic and environmental values of Campbelltown
- Increased traffic congestion and consequently health and safety impacts.

Council comment

Council notes the proposal seeks to amend the maximum height of building only and any future development would be subject to further assessment via a development application. Council confirms the proposed heights are not inconsistent with the 'Re-imaging Campbelltown City Centre' masterplan. Further, in 2018 and 2021 Council designated the Scenic Hills as a preservation area under the CLEP 2015 to ensure its scenic values are protected.

The proposal is supported by a traffic and parking assessment. It identified that the basement parking would provide parking for the users of the proposed redevelopment. Further, the sites location will assist in reducing vehicle trip generation.

Department comment

It is acknowledged that the site's location to amenities and railway will help promote pedestrian movement. The post exhibition amendments by the Department (**Section 3.3** of this report) will reduce the traffic associated with the proposal as only the rezoning for the hotel and club is proposed for finalisation.

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with; Transport for NSW (TfNSW including the former Roads and Maritime Services); Heritage NSW (formerly Office of Environment and Heritage); Sydney Water; Telstra; Jemena Gas; and Endeavour Energy.

Although not identified in the Gateway determination, a submission from Campbelltown City Council as an affected landowner of the adjacent land was received. Below summarises the key issues raised in the submissions, comments by Council and the Department.

3.2.1 Campbelltown City Council - in capacity of landowner of Glenalvon House, Richmond Villa and the carparks in Carberry Lane

- Identifies several recommendations to the proposal including site permeability and through site connections
- Recommends the precinct expands to incorporate adjacent Glenalvon House and Richmond Villa to form a heritage park as part of the proposal
- Recommends part of Carberry Lane be closed to facilitate the heritage park and increase public open space in the CBD
- Provides a master plan illustrating an updated proposal that incorporates council owned land and commercial premises on Queen Street up to Lithgow Street
- Concerns with the proposal's impact onto Council owned assets adjacent to the site including overshadowing on Glenalvon House & its garden and the impact of future development potential for the adjoining site.

Council comment:

- Elements of the proposal and its site specific DCP identify appropriate through site links which is consistent to the submission
- Potential future uses of the adjacent buildings including Glenalvon will not be impacted by the proposal
- Carberry Lane is a public road, owned by the Council. The adjustment to the height limit does not alter this existing situation. A traffic study was not provided as part of the submission and the closure of Carberry Lane is not currently on any work plan of Council
- The proponent has provided additional information to address comments of overshadowing raised in this submission and Heritage NSW (**Attachment E**)
- An outcome that is satisfactory to Heritage NSW is likely to also address the concerns raised by Council
- The Department will resolve the issues raised in its finalisation of the planning proposal
- The site specific DCP supporting the proposal will not be adopted until the proposal has further progressed and changes by the Department can be incorporated.

Department comment:

The Department supports the inclusions of site links in the site specific DCP. The Department has undertaken a comprehensive urban design exercise including modelling to review the impact of the proposed 85m height. This exercise suggests an 85m height will result in unacceptable overshadowing and visual impacts on the adjacent heritage items. The Department has implemented post-exhibition changes to the planning proposal to address the impacts associated with the 85m heights. Refer to **Section 3.3** of this report for justification.

The Council's suggestions of expanding the proposal to include heritage items into the planning proposal to create a heritage park would need to form part of any new proposal for the site.

3.2.2 Endeavour Energy

- Concerns raised on the additional capacity required to service the future development
- The proposed development will impose additional demands to the local network.

Council comment:

Section 7.10 of the CLEP relates to essential services. The clause ensures development consent is not granted to a development unless the consent authority is satisfied that services identified in the clause are available or adequate arrangements have been made to make it available. The supply of electricity is one of the essential services identified in the clause.

Department comment:

The Department's post-exhibition amendment of proceeding only with the new RSL club & hotel will reduce the pressure on electricity supply for the site. The DA (434/2020/DA-C), associated with this portion of the site is currently under assessment with the Sydney Western City Planning Panel and is required to be assessed as per the requirements of Clause 7.10 as council have identified.

3.2.3 Heritage NSW

Heritage NSW provided a submission in June 2021 which included advice from the Heritage Advisory Panel (HAP) of the Heritage Council of NSW. The submission included comments from the HAP and is summarised as:

- The concept design's placement and the proposed heights of the residential mixed use towers is not supported as it has the potential to cause unacceptable visual, overshadowing and solar access impacts onto the state heritage item [Glenalvon House] and its grounds
- An acceptable State heritage outcome could be realised by relocating the proposed tall towers away from the State heritage item
- The impact of the 85m towers in close proximity to the heritage items will result in the items losing its historic prominence, it will overshadow the garden setting associated with Glenalvon house which will have a significant impact on the health of plants and trees associated with the heritage item
- The Heritage Impact Statement (HIS) supporting the proposal is inadequate. A peer review of the HIS is recommended.

In its submission Heritage NSW reiterated comments it provided formerly in 2020, which included:

- Future development application for the site should be subject to a detailed design process and should implement measures to avoid a 'hard wall' effect along the boundary with Glenalvon
- Any future development application for the site should also include a visual impact assessment, to identify existing views to and from the State Heritage Register (SHR) item and its curtilage, and the changes to these views arising from the new development
- Requests additional solar and visual analysis to enable a further assessment.

This submission also requested that the proponent develop a minimum of three alternative built form options '*to explore divergent possibilities for the site*'. The proponent responded to the request for three options; however only one new option was included to address this request (**Attachment E**).

Council comment

- Council notes the Department's Project Delivery Unit (PDU) has been engaged to assist with a timely resolution of the issues raised by Heritage NSW and acknowledges the significant collaboration between stakeholders
- Additional information was provided to Heritage NSW and the Department to complete their assessment of the proposal. The Department and Heritage NSW would review the information after the Councillors have considered their position on the proposal and draft site specific DCP
- The proposal incorporates a draft site specific DCP that includes controls for the adjoining heritage items. Council understands that amendments to the DCP might take place following discussions with Heritage NSW and the Department therefore Council will provide a further report on the draft DCP once the proposal has further progressed.
- Council recommends that a satisfactory agreement clause be included in the CLEP to prevent consent being issued for the three mixed use residential buildings until the site specific DCP has been adopted

- Careful consideration of any development would be required to ensure appropriate respect and cohesion of Glenalvon with the site. The site specific DCP seeks to focus on achieving this
- It is noted that the concept plan supporting the planning proposal is indicative. When a future development application is lodged detailed design including building placement, setbacks would be subject to further assessment, including any impact on surrounding heritage items
- Council notes the final decision in regard to Heritage NSW's concerns will need to be made by the Department in the finalisation of the proposal.

Department comment

The Gateway Determination required additional information including a visual impact assessment and heritage impact study to be submitted prior to Finalisation. Council submitted an additional Urban Design Report (**Attachment E**) which peer reviewed the supporting documentation of the planning proposal after it had been submitted to the Department for Finalisation. The report had not been reviewed by Council prior to being sent to the Department. This work was reviewed by both Heritage NSW and the Department's Urban Design team, both deemed that it was inadequate in addressing the issues and additional information detailed within the Gateway determination and the Heritage NSW submission.

The Department held further discussions with Council and Heritage NSW in respect of its submission and final comments. To understand the full impact of the proposal on Glenalvon, the Department's Urban Design team prepared some modelling and analysis to inform the process. The modelling considered the planning proposal as exhibited; the single alternative option provided by the proponent in the additional Urban Design Report; and the RSL and hotel component of the exhibited planning proposal only.

In August and November 2021 Heritage NSW provided the Department with comments following the review of additional information provided by the proponent, and on the option of finalising just the RSL and hotel component of the planning proposal. Heritage NSW maintains the position of objecting to the 85m heights (**Attachment F1**). Heritage NSW agrees that there is negligible impact from the RSL and hotel component on Glenalvon and does not object to the Department finalising this element of the planning proposal (**Attachment F2**).

The Department supports Heritage NSW conclusion regarding the inadequacy of information provided to support the 85m heights. The Department will not be finalising the portion of the site associated with the three towers of 85m, the current controls will remain in place for these lots and Council may progress a new planning proposal in the future to revisit this portion of the site. The Department has made the post exhibition amendment of proceeding only with rezoning Lot 1 DP 558320 and Lot 5 DP1167855, with an increase in height to from Lot 1 DP 558320, as proposed in the exhibited planning proposal. This was supported by Heritage NSW as it does not have adverse impacts on the surrounding heritage items. Additional justification is provided in **Section 3.3** of this report.

3.2.4 Sydney Water

- An upgrade from the 150mm to 200mm water main is required for water services for the future development
- Recommends a Section 73 application is lodged.

Council comment

A servicing solution will be determined prior to the lodgement of a Section 73 application and the comments by Sydney Water will be investigated as part of future DAs for the site.

Department comment

No concerns raised.

3.2.5 Jemena Gas

- No concerns raised

Council and Department comment

No further action required.

3.2.6 TfNSW

- TfNSW supports a minimum non-residential floor space control
- Recommends a developer funding mechanism is in place prior to making the LEP amendment. The site should be included in the Campbelltown LEP's Urban Release Area Map to ensure Clause 6.1 'Arrangement for designated state public infrastructure' applies to the site
- Makes recommendations for the DCP, including provisions for bicycle parking for visitors, end of trip facilities and preparation of a preliminary Green Travel Plan are included in the DCP
- TfNSW supports a reduced maximum parking rate for the sites location. The traffic report provides sufficient justification for a reduced car parking requirement for the site specific DCP
- Provides comments on the SIDRA modelling.

Council comment

- Notes in the absence of a State Infrastructure Contribution Clause (SIC) the alternative mechanism is to incorporate a satisfactory arrangement clause within the CLEP 2015
- A satisfactory arrangements clause should not be applied retrospectively to the development application associated with the RSL and hotel building at 158 Queen Street, as the assessment of the development application has been finalised and it is not considered to generate significant impact on surrounding state road infrastructure. The DA is currently sitting undetermined with the Sydney Western City Planning Panel pending the finalisation of this planning proposal
- The recommendations on bicycle parking are noted. The existing DCP includes bicycle storage but it relates to residents rather than visitors. It is proposed that a development control be added to the site specific DCP requiring the provision of bicycle parking for visitors as part of any development application for mixed use development when a further report is provided to Council on the site specific DCP
- The changes required to the SIDRA modelling can be made at the development application stage.

Department comment

The Department has made several post exhibition amendments and undertaken further consultation with TfNSW based on these amendments. As the planning proposal increases the height on the site from 32m to 45m a new local provision has been included that restricts future development of the site to an RSL, hotel or motel accommodation only.

The Department acknowledges that a development application (DA) has been lodged for the site associated with the future RSL and hotel building and is pending determination by the Sydney Western City Planning Panel (the panel). TfNSW have indicated that based on the DA for a hotel that the scope of contributions for state infrastructure would be minimal.

As the site retains its B3 zoning which permits shop-top housing with consent, the new local provision has been included to limit development consent for any development other than for the purposes of commercial premises, a registered club or hotel or motel accommodation at ground level and a registered club or hotel or motel accommodation above ground floor level to ensure that there is no intensification of residential use on the site and no further requirement for State infrastructure provision.

3.3 Post-exhibition changes

3.3.1 The Department's recommended changes

As detailed in Section 2, Council were granted two alterations to the Gateway with extensions of time. Part of the justification for extending the time was to allow Council to undertake more detailed urban design analysis including a massing model assessment to justify the proposed height and floor space ration (FSR) control. In addition, a detailed visual impact assessment incorporating 3D view diagrams at ground level, consideration of surrounding sensitive views and the adjacent State listed heritage item was to be provided. This information was to be considered by Council, along with any submissions made by the community, public authorities and organisations, prior to making a final recommendation to the Department.

Council submitted the planning proposal for finalisation without the additional urban design analysis. This information was submitted to the Department after the request for finalisation and without review by Council.

The proponent was asked to develop a minimum of three alternative built form options to explore divergent possibilities for the site which incorporated detailed urban design analysis and provided testing and reasoning to support the proposed height and FSR changes.

The proponent did not develop three options providing the existing proposal, and one alternative that deviated in height only.

View impact analysis of all options incorporating photomontages with the existing view and the proposed view was required. A view impact test only for the existing planning proposal was submitted.

Solar impact testing at hourly intervals was requested to illustrate shadows cast for the existing conditions (existing height at 32m) against the proposed options to clearly show the full impact on Glenalvon. Only diagrams for 9am, 12 midday and 3pm were provided.

Additional analysis and commentary was also sought to support the distribution of height, response to streetscape, skyline and the adjacent State listed heritage item which identified strengths and weaknesses and made comparisons of each proposed option to establish 'design principles' for the site which incorporate 'heritage design principles'.

The supporting documentation submitted does not provide the additional information to support the position that the proponents preferred option "*responds appropriately to the nearby heritage places*" or adequately addresses the heritage principle which states that "*tall buildings should respect the past and respect the curtilage and human scale of heritage buildings*".

Department Urban Design Analysis

As the proponent did not provide adequate alternative urban design option testing as requested in the Gateway and subsequent correspondence, the Department's Urban Design team prepared some modelling and analysis of the proposal to inform the process.

The Department's analysis indicates that the proponent's Option 1 would result in overshadowing of the gardens of Glenalvon from 9am till 1pm (**Figure 2**). The impact being caused by building A (Cordeaux Street – 18 storeys), building B (Carberry Lane – 24 storeys) and building C (Anzac Lane – 21 storeys). The proposed RSL site development adjoining Queen Street at 45m did not result in overshadowing of the curtilage of Glenalvon (**Figure 3**).

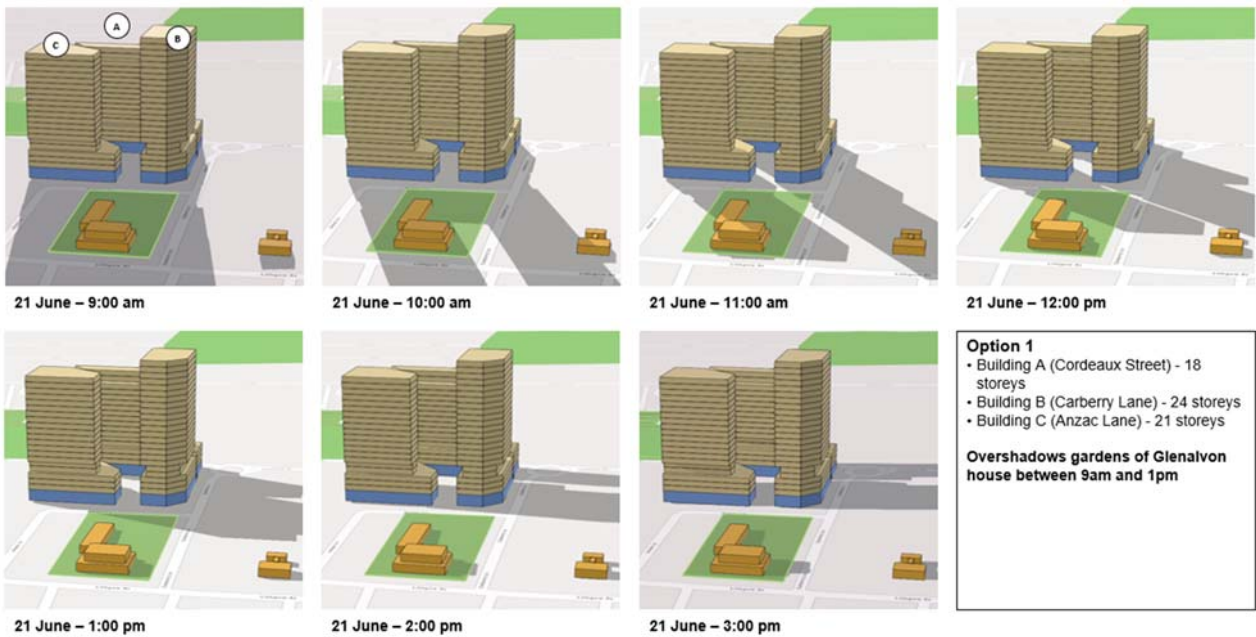


Figure 2 The proponents Option 1 – source: *The Departments Urban Design team*

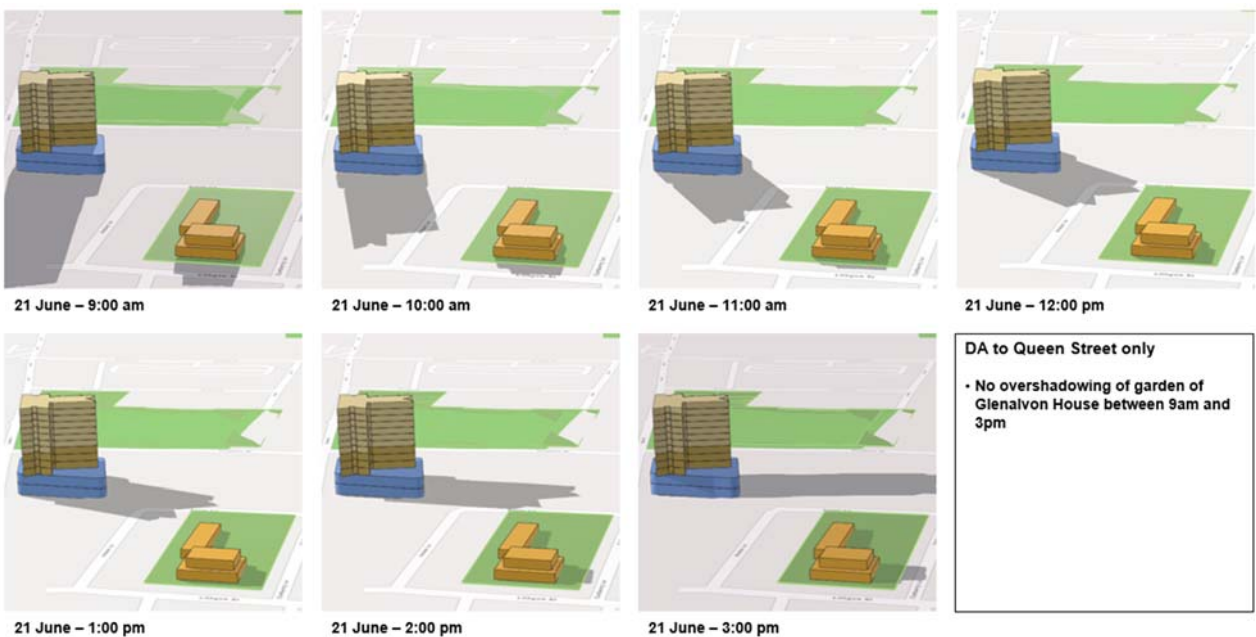


Figure 3 The RSL site DA – source: *The Department Urban Design team*

The proposal submitted for finalisation does not provide adequate urban design analysis and testing to support the additional height and FSR proposed or, in the Department’s opinion, adequately identify heritage impacts from an urban design perspective from the three building elements (Buildings A, B and C) to the south. The Department has made several post-exhibition amendments to address State agency objections and the urban design deficiencies detailed. The amendments are as follows:

Amendments to 1 Carberry Lane and 3 & 11 Cordeaux Street, Campbelltown:

The Department has resolved not to rezone 1 Carberry Lane and 3 & 11 Cordeaux Street, the portion of the site which proposed an increase from 32m to 85m in height. Amendments to the planning controls applying to portion of the site can be progressed in a future new planning proposal.

This is in response to the concerns raised in submissions that an 85m height on part of the site would result in overshadowing of adjacent Glenalvon House and its curtilage, a State heritage item.

The proponent undertook additional urban design and heritage analysis as requested by the Department; however, as noted above the information provided was considered inadequate to support the 85m heights. The Department's modelling of the proposal indicated the 85m height would have significant solar, overshadowing and visual impacts onto the adjacent heritage item. Any resolution on this part of the site to accommodate development at a greater height would require a significant redesign with detailed urban design analysis addressing the impacts on the adjacent state listed heritage item.

Amendments to Lot 1 DP 558320 and Lot 5 DP 1167855 158 – 168 Queen Street, Campbelltown:

The portion of the site at Lot 1 DP 558320 and Lot 5 DP 1167855, 158-168 Queen Street, with the proposed 45m height will be finalised by the Department. This will facilitate a new RSL club and hotel. A detailed summary of the post exhibition changes is provided below:

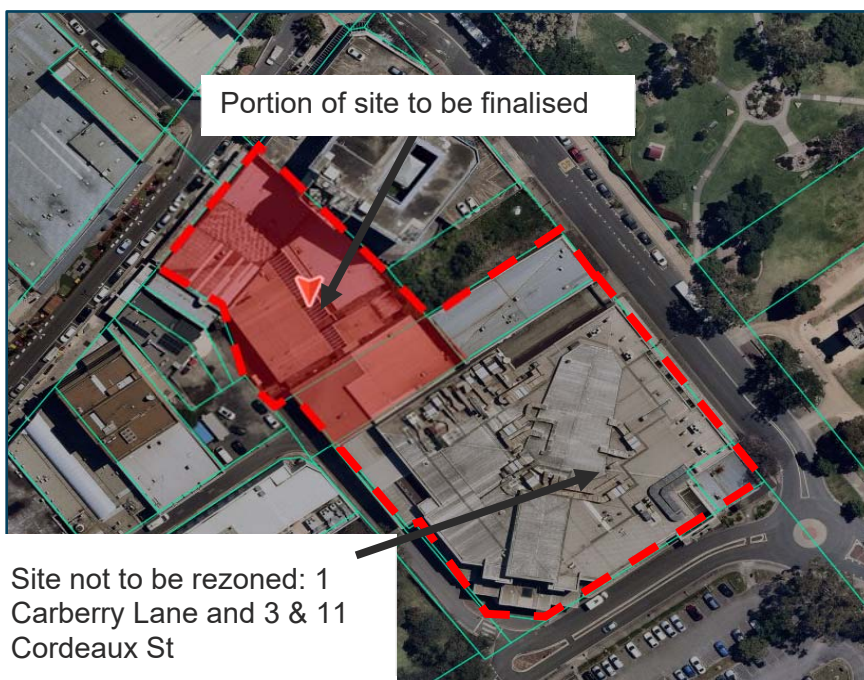


Figure 4: Portion of site (red shading) for rezoning as post exhibition amendment

- Proceeding with finalising the rezoning at Lot 1 DP 558320 and Lot 5 DP 1167855 (158-168, Queen Street) with a 45m height limit as per the proposal
- Inserting a site specific clause for employment generating purposes associated with the new RSL and hotel building under Part 7 of the Campbelltown LEP
- Identify the site on the Clause Application Map within Campbelltown LEP
- Removal of the minimum FSR control for employment floor space as the site can only be developed for the purpose of a registered club or hotel or motel

3.3.2 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes:

- Are a reasonable response to comments provided by the public authorities
- The public benefit of the proposed new RSL club and hotel building has been maintained and was achieved in consultation with Council and Heritage NSW

- Ensures the associated Development Application (434/2020/DA-C) for the club and hotel can be determined by the Sydney Western City Planning Panel.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to public consultation.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

The planning proposal as amended post exhibition:

- Remains consistent with the broad intent of the Regional and District Plans relating to the planning proposal
- Remains consistent with all relevant Section 9.1 Directions
- Remains consistent with all relevant SEPPs

The following tables (Table 3 and Table 4) identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage.

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 4 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 5 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	One map has been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment G)</p> <p>Council confirmed on 10 February 2021 that it approved the draft and that the plan should be made (Attachment H)</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 15 February 2022, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit being consistent with the Western City District Plan
- The site has specific merit with its location in the Campbelltown CBD and close proximity to Campbelltown Railway station, which will support the delivery of a future new Campbelltown RSL and hotel building
- Following the post exhibition amendments, key agency concerns have been resolved.



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15 Feb 2022

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Attachments

Attachment	Document
A	Planning Proposal
B	Gateway Determination
C1 & C2	Gateway Alterations
D	Council Report – August 2021
E	Proponent's Urban Design report October 2021
F1 & F2	Heritage NSW comments August 2021 & November 2021
G	Consultation with council – 3.36(1)
H	Council Comments on draft LEP
PC	Parliamentary Counsel's Opinion