

Greater Sydney, Place and Infrastructure

IRF20/2500

Gateway determination report

LGA	Campbelltown
PPA	Campbelltown City Council
NAME	Appin Road and Kellerman Drive, St Helens Park (1,710m ² of retail commercial and business use floor space, 11 residential units and 39 jobs)
NUMBER	PP_2020_CAMPB_005_00
LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
ADDRESS	Brunton Place (corner of Appin Way and Kellerman Drive), St Helens Park
DESCRIPTION	Lot 6202 in DP 1203930
RECEIVED	18 May 2020
FILE NO.	IRF20/2500
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. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to alter the development controls for a site at Brunton Place (Corner of Appin Way and Kellerman Drive), St Helens Park, by amending the Campbelltown Local Environmental Plan (CLEP) 2015 as follows:

- rezone the site from R2 Low Density Residential to B1 Neighbourhood Centre;
- increase the permitted Height of Buildings limit for the site from 8.5m to 9.0m;
- remove 500m² Minimum Lot Size and 700m² Minimum Lot Size for dual occupancies; and
- removing the Additional Permitted Use of 'service station and neighbourhood shops'.

The planning proposal will allow the development of a local neighbourhood centre, including shop top housing and take away food premises, in order to complement the existing service station located on the site.

The development concept seeks to deliver 1,710m² of commercial and business floor space, along with shop top housing, comprising 11 residential units.

1.2 Site description

The Planning Proposal relates to land located at the corner of Appin Road and Kellerman Drive, within the Campbelltown Local Government Area (LGA) (refer Figure 1). The site has a total area of 7,560m². The site has a street address of

Brunton Place, St Helens Park and is legally described as Lot 6202 in Deposited Plan (DP) 1203930.

St Helens Park is located approximately 56km south west of the Sydney Central Business District (CBD) and is part of the Macarthur region. The site is located approximately 5km south of Campbelltown City Centre.

Currently development on the site comprises a 7 Eleven service station to the south, which has access from both Appin Road and Kellerman Drive. The site has frontages to Appin Road to the west and Kellerman Drive to the north.



Figure 1 Aerial view of the site

The surrounding locality is predominantly low-density residential development, comprising detached dwellings of 1-2 storeys.

There is an area of B1 Neighbourhood Centre zoned land located to the North west of the site, occupied by Rosemeadow Marketplace, which comprises Woolworths, Pizza Hut, BWS as well as other retail and dining establishments.

Appin Road is a multi-lane state road which is a major transport route between Appin and the Illawarra to the south and Campbelltown and Greater Sydney to the north. Kellerman Drive intersects Appin Road from the east as a signalised intersection and provides collector road access between the dwellings in St Helens Park and the broader road network.

Bus services (888) operate from Kellerman Drive, and travel from St Helens Park to Campbelltown Station, which is approximately 4.5km north of the site.

1.2 Existing planning controls

The subject land is currently zoned R2 Low Density Residential, with a minimum lot size of 500m² and 700m² for dual occupancies, a maximum building height of 8.5m. Development for the purposes of a service station and neighbourhood shop is permitted with development consent, under clause 38 Use of certain land at Appin Road, St Helens Road, under Schedule 1 Additional permitted uses. This clause applies to a large super lot, which has been progressively subdivided over time for residential purposes. Refer to Figure 2 below.



Figure 2 Existing land use zones

1.3 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions as the proposal will facilitate a range of economic and social benefits, particularly for the local population of St Helens Park, including 39 additional jobs and the provision of goods and services within walking distance, consistent with the objectives of the Greater Sydney Region Plan and Western City District Plan, and actions of the Campbelltown Local Strategic Planning Statement (LSPS).

The planning proposal will also result in an increased diversity of housing through the provision of shop top housing.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to rezone the 7,560m² site from R2 Low Density Residential, to B1 Neighbourhood Centre, in order to facilitate development of a small neighbourhood centre in conjunction with the existing approved service station.

The proposed rezoning has the potential to enable approximately 1,710m² of additional business and retail floor space on the site, which could include 11 shop top housing units along with the following uses (Figure 3):

- Neighbourhood supermarket;
- Restaurant/café;
- Medical centre/consulting rooms;
- Fitness centre/Gymnasium;
- Speciality shops (hairdresser, beautician, bakery, newsagency);
- Takeaway food; and
- Real estate agent.

Access arrangements to and from Appin Road will remain the same as those which currently exist. Provision for a loading dock has also been provided.



Figure 3 Proposed Concept Plan

2.2 Explanation of provisions

The planning proposal seeks to amend Campbelltown LEP 2015 as follows:

- rezone the site from R2 Low Density Residential to B1 Neighbourhood Centre;
- increase the permitted Height of Buildings limit for the site from 8.5m to 9.0m;
- remove 500m² lot size and 700m² Minimum Lot Size for dual occupancies; and

- deletion of the existing 'Schedule 1 Additional Permitted Uses' which allows a service station and neighbourhood shop on the site. These additional permitted uses would be redundant in the circumstance that the site is zoned B1 Neighbourhood Centre, as these uses are permitted within the zone.

2.3 Mapping

The proposal includes adequate mapping showing the proposed changes to the following maps:

- Land Zoning Map - Sheet LZN_009A;
- Lot Size Map - Sheet LSZ_009;
- Height of Buildings Map Sheet HOB_009;
- Lot Size for Dual Occupancy Development Map - Sheet LSD_009; and
- Additional Permitted Uses Map - Sheet APU_009AB.

No other maps will be amended. The proposed changes to the CLEP 2015 mapping are included below and overlaid at Figures 4-8.



Figure 4 Proposed Zoning Map



Figure 5 Proposed Minimum Lot Size Map



Figure 6 Proposed Height of Buildings Map



Figure 7 Proposed Lot Size for Dual Occupancy Map



Figure 8 Proposed Additional Permitted Uses Map

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a direct result of any strategic study or report and is a landowner initiated proposal with a request to rezone the site. An opportunity has been identified to provide a range of local services and facilities on the site, specifically, around 1,710m² of additional floorspace for permissible neighbourhood supermarket, neighbourhood shops, restaurants, cafés, take away food and drink premise, together with business premises and 11 shop top housing units.

In order to facilitate this outcome, a planning proposal is needed to allow the above uses, through a change of land use zone from R2 Low Density Residential to B1 Neighbourhood Centre. The proposal is considered the best means to achieving the outcome, given the nature of the request.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan

The Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the Western City District while improving the district's social, economic and environmental assets.

The planning proposal is consistent with the priorities of the Western City District Plan as it would improve liveability, increase housing affordability and supply and increase job creation through the addition of commercial floor space, within St Helens Park.

Specifically, how the planning proposal addresses the relevant priorities, is shown in the table below.

- Planning Priority W3: Providing services and social infrastructure to meet people's changing needs

The Planning Proposal will provide opportunities to access goods and services and employment in close proximity to residential suburbs. Jobs and services, close to home will assist in the development of a 30 minute city.

- Planning Priority W4: Fostering healthy, creative, culturally rich and socially connected communities

The development of a neighbourhood centre in St Helens Park will promote walkability and active transport, through the provision of goods and services close to residential development. Safety will be improved through the inclusion of shop top housing, enabling passive surveillance of the area.

- Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs and services

The proposed development will result in the provision of a diversity of housing choice, within St Helens Park, which is currently dominated by detached 1 – 2 storey dwellings. The addition of shop top housing will provide an additional form of housing, in a neighbourhood centre location and will be more affordable than larger detached dwellings.

- Planning Priority W6: Creating and renewing great places and local centres, and respecting the District's heritage

The proposed development will assist in the creation of a walkable suburb, providing goods and services in close proximity to residential development, promoting active transport and social interaction.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

4.2 Local

Consideration of the Planning Proposal in relation to Council's Local Strategic Plans is provided below.

Campbelltown Local Strategic Planning Statement

The LSPS provides context and direction for land use decision making within the Campbelltown LGA over the next 20 years. The GSC issued assurance on this LSPS on 31 March 2020

The proposal is generally consistent with the LSPS, including Planning Priority 10 Creating Strong and Vibrant Centres, and Planning Priority 11 Striving for Increased Local Employment. Specifically, the proposal is consistent with actions '2.12 Promote housing diversity through local planning controls and initiatives' and '10.13 Ensure that new centres are located in accessible and economically viable locations, are orientated to address the public domain, and provide optimum access for local residents' and is generally consistent with the broader intent of the LSPS.

PLANNING PRIORITY CONSISTENCY

Liveability: A vibrant, liveable city	
Planning Priority 1: Creating a great place to live, work, play and visit	The planning proposal supports the creation of walkable neighbourhoods, which will enhance community health and wellbeing.
Planning Priority 2: Creating high quality, diverse housing	Campbelltown will continue to require a supply of diverse and affordable housing. The proposal would result in 11 shop top housing units, providing housing diversity within the suburb of St Helens.
Productivity: A thriving, attractive city	
Planning Priority 10 – Creating strong and vibrant centres	The new neighbourhood centre would be located within an economically viable location, with easy access for local residents.
Planning Priority 11 – Striving for increased local employment	The proposed employment would result in an additional 39 jobs within the suburb of St Helens Park.

Infrastructure and Collaboration: A successful city	
Planning Priority 13 – Connecting our city via strategic links	The proposed neighbourhood centre will be easily accessible via walking and cycling.

Other Local Strategies

Consideration of the Planning Proposal in relation to Council's Local Strategic Plans is provided in the table below.

PLAN/STRATEGY	SUMMARY	COMPLIANCE
Campbelltown 2027 - Community Strategic Plan	The Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.	The planning proposal is generally consistent with this plan through the provision of housing choice and the creation of additional employment opportunities.
Campbelltown Local Planning Strategy 2013	The strategy has been developed by Council as a fundamental framework for working with the community in providing for the realisation of a shared strategic vision for the future of the Campbelltown LGA,	The planning proposal is generally consistent with the Strategy through the provision of housing diversity and the provision of additional employment opportunities.
Campbelltown Residential Development Strategy 2013	The strategy provides a broad strategic plan for delivering sub-regional housing supply objectives at a local level, and is focused on greenfield release areas, urban renewal and infill areas	The planning proposal can be considered to be consistent with the housing supply and housing diversity objectives of this strategy.

Local Planning Panel

On 26 February 2020, the Campbelltown Local Planning Panel (LPP) considered the proposal (**Attachment G**) in accordance with Section 2.19 of the *Environmental Planning and Assessment Act* (EP&A Act) 1979. The panel considered the proposed change of zoning from R2 Low Density Residential to B1 Neighbourhood Centre as reflective of the current use of the site. Given the site's location on the intersection of Appin Road and Kellerman Drive, the Panel considered a business/commercial land use is more suitable than a residential land use permissible under the current zone. The Panel advised the proposed change to the height of buildings map is reflective to the change to the land use zone. The Panel considered the removal of the minimum lot size control is appropriate and provides consistency with other B1 zones under the Campbelltown Local Environmental Plan, 2015.

The resultant removal of the additional permitted uses of a service station and neighbourhood shops on the site from Schedule 1 of the Campbelltown Local Environmental Plan, 2015 is logical as these uses are to be permitted with consent in the B1 zone.

The Panel minutes (**Attachment H**) also noted that Council is preparing an employment lands study. The Panel recommended in the absence of a strategic planning framework justification which may result from this study, that Council request a Gateway condition that requires the planning proposal to be considered in the context of the employment lands study once finalised. Council staff have since requested greater flexibility be given to the consideration of the study (**Attachment I**), in case of delays to its finalisation, by omitting 'once finalised' from the condition. Given that the site is currently used for commercial activities and a specific economic impact assessment study has already been prepared, a Gateway condition to this effect is not recommended. It is proposed to include advice in the letter to council to consider any relevant outcomes of the employment lands study.

Overall, the panel were generally supportive of Council advancing the proposal to the Department for a Gateway Determination, subject to further traffic assessment being undertaken post- Gateway.

4.3 Section 9.1 Ministerial Directions

The consistency of the proposal with the relevant is discussed below.

Direction 1.1 Business and Industrial Zones

This Direction applies as the proposal affects land within a proposed business zone.

The objectives of this Direction are to protect employment land in business and industrial zones, and support the viability of identified centres.

The proposal is inconsistent with this Direction as it does not ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

The inconsistency is justified as a study (Economic Impact Assessment, May 2019) has been prepared that addresses the objectives of the Direction. The proposal will increase employment and business activities, within a suitable location to service the needs of the growing population of St Helens Park. The economic impact assessment identifies no potential adverse impacts to the viability of existing commercial centres in the surrounding locality.

Direction 2.6 Remediation of Contaminated Land

This Direction applies as the proposal is on land where a service station is operating. The proposal does not address this Direction.

To ensure the proposals consistency with this Direction, it is recommended the Gateway include a condition requiring the proposal be amended, prior to public exhibition to address this Direction and consultation be undertaken with the NSW Environment Protection Authority.

Direction 3.1 Residential Zones

The relevant objectives of this Direction are to encourage a variety and choice of housing types. The proposal would facilitate a greater diversity of housing choice through the delivery of shop top housing on land that is supported by existing infrastructure and services. Therefore, the proposal is consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

The objectives of this Direction relate to the improved integration of urban development and transport access options to housing, jobs and services in order to reduce dependence on car travel.

The proposal would result in a variety of housing choice and increased retail services within a highly accessible location near the existing St Helens Park residential area. The location of the neighbourhood centre would encourage walking and cycling, thereby reducing the dependence on cars. Therefore, the proposal is consistent with this Direction.

Direction 5.10 Implementation of Regional Plans

The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.

This direction applies to land to which a Regional Plan has been released by the Minister for Planning. The Greater Sydney Region Plan has been considered and no inconsistencies have been identified.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The proposal is consistent with this direction as it removes the Schedule 1 additional permitted uses clause that applies to the land.

4.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant State Environmental Planning Policies (SEPPs).

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The establishment of a neighbourhood centre would provide greater access to local services and facilities for the St Helens Park community and users of St Helens Park Reserve. As the site is within walking distance of the local community, active transport through walking or cycling would be encouraged, thereby reducing car usage. The proposed centre would also result in approximately 39 new employment opportunities for the local community, resulting in jobs close to home.

5.2 Environmental

It is considered that the proposed rezoning of the site would not result in any adverse environmental impacts.

5.3 Economic

An Economic Impact Assessment (Attachment 2 of **Attachment A**) of the potential economic impacts of the proposed development was undertaken by MacroPlan Dimasi. The assessment reviewed the potential for an additional 1,700m² of retail, commercial and business floor space, under a B1 zoning within the local context. The centre is intended to provide convenience based retail services for the surrounding population.

The centre is proposed to include a retail component of 1,300m² and achieve indicative sales of \$9.5 million, including \$5 million in supermarket sales. The assessment found that the impacts of this are plausible, with the largest impacts occurring on Rosemeadow Marketplace and Campbelltown City Centre, and these impacts are within the competitive range of 10% or less.

The economic benefits of the proposed neighbourhood centre have been identified as follows:

- increased choice and amenity for the population;
- more convenient access to new convenience orientated amenities;
- reduced travel distances, leading to savings on time for main trade area residents, due to a better provision of retail and non-retail facilities at the local level; and
- additional employment opportunities near residential areas and consequent economic multiplier benefits.

On 28 August 2019, MacroPlan provided an Addendum (**Attachment E**) to its original advice in response to a request from Council to provide further information relating to the following:

- More detailed analysis of the expected changes to the retention rates of supermarket spend within the trade area, as well as the distribution of spend across the trade area supermarkets; and
- Table 4.3 to include a breakdown of impacts on Rosemeadow Marketplace across the supermarket anchor and mini-majors/speciality shops.

The impact on Rosemeadow Marketplace is anticipated to be 5.7% if the proposed development proceeds, including a 7% impact on Woolworths and 3.8% on the mini-majors and speciality shops at the centre. These impacts would not threaten the ongoing viability at the centre.

According to the Economic Impact Assessment and the Addendum the defined trade area is undersupplied with supermarkets when compared with national benchmarks. The Addendum reiterates this finding through the more detailed analysis. The Sydney metro benchmark of supermarket GLA per capita is currently 0.27m². The defined trade area currently offers 0.2m² per capita, 26% less than the benchmark.

The proposed neighbourhood centre will also result in approximately 39 jobs for the local community.

5.4 Traffic and Transport

The consultant, Transport and Urban Planning, was engaged to assess the traffic and access aspects of the concept plan (**Attachment F**). Traffic modelling has found that there would be maximum traffic generation of 440 vehicle trips per hour during the PM peak hours if both commercial and residential trips occur within the same one hour. For the future, post development, it was found that the AM and PM peak traffic levels should continue to operate at Level of Service A with minimal and acceptable vehicle delay times and queue length in peak times.

Access to/from the site is currently via left turn in and out access to/from Appin Road for the service station and from Kellerman Drive for 6m via a channelised junction. The access location is about 50m east of Appin Road. All truck access is and will continue to be via the existing Appin Road driveways, no truck access is proposed from Kellerman Drive, although trucks up to MRV size could/can exit to Kellerman Drive.

Under RMS's Guide to Traffic Generating Developments' 2002 and the Campbelltown DCP 2011, an on site car parking requirement of 122 spaces has been calculated. A total of 121 parking spaces have been identified in the concept plan, comprising 30 basement car spaces and 91 on grade car spaces. A loading dock for the proposed supermarket is also provided. However, the details of car parking allocation would form discussions as part of a future DA.

Council's Traffic Engineers have reviewed the traffic impact assessment and have identified additional issues that will require further in depth investigation should the proposal be recommended for a Gateway Determination (**Attachment D**).

Council recommends consultation with the Transport for NSW (Roads and Maritime Services regarding planned upgrades to the adjoining intersection of Appin Road and Kellerman Drive, as well as additional traffic study and modelling with in depth consideration to be given to such critical aspects as future pedestrian and driver safety, signals operation and traffic network implications.

Consultation with TfNSW (RMS) is supported, but the additional traffic modelling as a requirement of Gateway is not supported. This pre-empts advice from TfNSW and is considered more appropriate level of investigation that should occur at the development assessment stage. A Gateway condition has been included accordingly.

5.5 Heritage

The site does not contain any local or state heritage items.

5.6 Infrastructure

The site has access to existing infrastructure and utilities.

6. CONSULTATION

6.1 Community

Council proposes to undertake a public exhibition period of 28 days. A public exhibition period of 28 days is considered an appropriate amount of time.

6.2 Agencies

The Department recommends that Council consult Transport for NSW – RMS and the NSW Environment Protection Authority in relation to the planning proposal.

7. TIME FRAME

The planning proposal includes a timeframe of nine (9) months to finalise this proposed amendment. Given the nature and impact of the proposal, nine (9) months from the date of the Gateway determination is considered appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. Given the proposal is of local planning significance only, it is recommended that authorisation to be local plan-making authority be given.

9. CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it will provide goods, services and employment opportunities to an existing residential community and will increase housing diversity in the suburb.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 1.1 Business and Industrial Zones are minor or justified; and
2. note that the consistency with section 9.1 Direction 2.6 Remediation of Contaminated Land is unresolved and requires justification.

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

1. The proposal be updated to address Section 9.1 Direction 2.6 Remediation of Contaminated Land, prior to public exhibition.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities and organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Transport for NSW – Roads and Maritime Services; and
 - NSW Environment Protection Authority.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. The time frame for completing the LEP is 9 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be authorised to be the local plan-making authority.



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