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Plan finalisation report – PP-2020-3570

Campbelltown Local Environmental Plan 2015
(Amendment No 21) – 22-32 Queen 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. 21).

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to land at 22-32 Queen Street, Campbelltown. It contains three lots as follows: - Lot X DP 409704 - Lot 15 DP 14782 - Lot 1 DP 1154928
Type	Site
Council	Campbelltown City Council
LGA	Campbelltown



Figure 1 Subject site (outlined in red)

1.1.3 Purpose of plan

The proposal seeks to amend the maximum building height for the land to 1.5m, 7m, 42m, 45m, 49m and 52m; apply a floor space ratio (FSR) of 4.2:1.

The table below outlines the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	B4 Mixed Use Zone	Remains B4 Mixed Use Zone
Maximum height of the building	26m	1.5m, 7m, 42m, 45m, 49m and 52m
Floor space ratio	N/A	4.2:1
Minimum lot size	N/A	N/A
Number of dwellings	2	779
Number of jobs	N/A	809 construction jobs and 558 full-time equivalent jobs when operational
Site-specific controls	N/A	<ul style="list-style-type: none"> • Prepare a site-specific DCP • Include a local clause to: <ul style="list-style-type: none"> permit structures higher than 1.5m to be erected on the open space areas within the site provided the structure following provided such structures: <ul style="list-style-type: none"> ○ are open; ○ do not constitute a building; ○ are erected for shading and/or recreation purposes; and, ○ do not exceed three metres in height, measured from the existing ground level of the adjacent heritage item.

1.1.4 State electorate and local member

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

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

To the team's knowledge, neither MP has 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 17 January 2020 (**Attachment B**) determined that the proposal should proceed subject to conditions. Campbelltown City Council (Council) has met all the Gateway determination conditions.

The Gateway determination was altered on 31 August 2021 (**Attachment C**). The alteration amended:

- A change in the maximum height of buildings referred in the description of the proposal from:
 - ‘1.5m, 26m, 32m, 28.5m and 45m’; to
 - ‘1.5m, 7m, 42m, 45m, 49m and 52m’; and
- Removing reference to updating the FSR.

The alteration was in response to studies required by the Gateway determination.

In accordance with the Gateway determination (as altered) the time frame for completing the LEP is 18 months following the date of determination (17 January 2020). This proposal is on the June cohort for finalisation.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 30 September 2020 until 30 October 2020, as required by section 29 of the *Local Government Act 1993*.

Council identified in its report (8 December 2020) that it received no submissions from the general public during the exhibition.

3.1 Submissions during exhibition

3.1.1 Submissions objecting to and/or raising issues about the proposal

The Department of Communities and Justice (DCJ) were notified of the proposal as a potentially affected landowner, not as a requirement of the Gateway determination. The DCJ did not object but raised concerns with the potential impact of the facility on their site. DCJ requested that the nature of the impact remain confidential.

In Council’s Report (**Attachment D**) it is noted that it does not propose to alter the proposal as a result of the submission.

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed below in Table 4 who have provided the following feedback.

Table 3 Advice from public authorities

Agency	Advice raised	Council response
South West Sydney Local Health District	<ul style="list-style-type: none"> • Recommends more consideration to people walking or cycling in addition to the relevant objectives specified in the 'Healthy Streets principles' • Consider lowering speed limit in Queen Street to encourage walking and cycling • Consider concessions for increases in height restrictions including the provision of high quality walking and cycling facilities along Queen Street to Broughton Street and that these streets are designed as healthy streets • Investigate opportunities to allocate a percentage of the development to affordable housing 	<ul style="list-style-type: none"> • DCP has been amended to include a requirement to provide end of trip facilities within the future development of the site • The quality of the public domain in Queen Street can be designed and constructed part of future works and managed through the Development Application process • The request to lower the speed limit was forwarded to the City Delivery team for comment • As part of the Planning Partnership Council is exploring opportunities to provide affordable rental housing. If a framework is established by the time of DAs of the site, it will be subject to the chosen framework.

TfNSW

Public transport:

- The site is adjacent to the Sydney Trains rail corridor and its frontage partly adjoins land owned by Transport Asset Holding Entity.
- Approach Sydney Trains as part of future pre-DA discussions regarding development and excavation.
- Due to the proximity of the site to the railway, approach Sydney Trains in the early design process to discuss access, connectivity and noise.
- Consideration be given to the Department's 'Development Near Rail Corridor and Busy Roads – Interim Guideline'.
- Consider how the site will be serviced in the future and engage in discussions with Sydney Trains.

Road network:

- Comments on traffic modelling provided and should be addressed in an updated TIA supporting future DA's.
- Safety and congestion issues at the intersection of Queen Street and Campbelltown Road.
- The concept extra right turn lane would result in a double diamond phasing unable to operate.
- The vehicular access to the site should be as far away as practical from existing traffic signals.
- Pedestrian counts need to be projected for the future development scenario and included in the SIDRA analysis.
- Consider maximum car parking rates for inclusion in the DCP.
- Funding mechanisms are in place to obtain developer contributions on an equitable basis towards regional transport infrastructure upgrades associated with the Campbelltown Precinct.
- Until a SIC for Glenfield to Macarthur (or alternative

- This was a late submission.
- TfNSW has commented on the concept development application for the same site and were satisfied that the traffic impacts of the proposal could be managed through subsequent development applications

Refer to Section 4.1.2

Agency	Advice raised	Council response
	contribution framework) has been implemented it is recommend the site be included in the Campbelltown LEP Urban Release Area Map to ensure Clause 6.1 applies.	
SES	<ul style="list-style-type: none"> Notes relevant principals outlined in the NSW Floodplain Development Manual that are important to the NSW SES role for flood risk. 	<ul style="list-style-type: none"> Noted
Department of Communities and Justice	<ul style="list-style-type: none"> Outlined heights associated with the proposal has the potential to increase the opportunity of overlooking an Noted design considerations to be considered at either a DCP or development application stage 	<ul style="list-style-type: none"> The proposal does not change the zone of the land and that there is an existing height limit of 26m that would allow it to be used for a similar type of development It is not proposed to alter the proposal as a result of the submission

Council has generally addressed or considered matters raised in submission from public authorities, except for those raised by TfNSW. This is discussed in section 4.1.2 below.

3.3 Post-exhibition changes

3.3.1 Council resolved changes

At Council's Ordinary Meeting on 8 December 2020, Council resolved to proceed with the planning proposal with the following post-exhibition changes:

- The draft DCP has been amended to require the provision of end of trip facilities

3.3.2 Department changes

Two post-exhibition changes have been made to the proposal by the Department in response to advice from public authorities and council. The revised proposal makes provision for:

- Combined FSR:
 - Removal of the split FSR of 2.5:1 for residential apartment buildings and 1.7:1 for mixed use development. Instead a combined FSR of 4.2:1 will apply. The existing Clause 7.9 in the Campbelltown LEP achieves the objective of the split FSR.
- Inclusion of concurrence clause:
 - Requirement to obtain the concurrence of the Planning Secretary prior to granting consent to future development on the site,
 - In deciding whether to grant concurrence, the Secretary must consider impacts of the proposed development on road infrastructure.

3.3.3 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 do not alter the intent of the planning proposal and are minor amendments to the planning proposal.

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 and engagement.

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).

As outlined in the Gateway determination report (**Attachment F**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans relating to the site;
- Remains consistent with the Council's Local Strategic Planning Statement;
- Remains consistent with all relevant Section 9.1 Directions. It is noted that:
 - Gateway condition 1(g) (**Attachment B**) required the proposal to update the consistency with Section 9.1 Directions: 4.3 Flood Prone Land and 6.3 Site Specific Provisions,
 - The proposal has been updated to be considered consistent with Directions 4.3 and 6.3, and
- Remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage.

Table 4 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 5 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

4.1 Detailed assessment

The proposal is not considered different to the original assessment in the Gateway determination report (**Attachment B**). However, it is noted:

- Gateway alteration (**Attachment C**) was issued to amend the height descriptions;
- Removal of the split FSR of 2.5:1 for residential apartment and 1.7:1 for mixed use development and a combined FSR of 4.2:1; and
- A concurrence clause has been applied post-exhibition.

The following section provides details of the Department's assessment of these changes.

4.1.1 Gateway Alteration

The Gateway determination required the planning proposal to be amended to meet additional information requirements (condition 1) and forwarded to the Department for review and approval prior to exhibition (condition 2).

Council provided the Department with a revised planning proposal in response to the Gateway conditions. The planning proposal was updated to respond to additional studies and information.

The main change to the planning proposal related to changes to the building heights:

- A change to the maximum height of buildings referred to in the description of the proposal from:
 - '1.5m, 26m, 32m, 28.5m and 45m', to
 - '1.5m, 7m, 42m, 45m, 49m and 52m', and
- Removing reference to updating the FSR.

Council sought to increase the heights to reflect the increased area of open space and to preserve the originally supported yield and FSR.

An assessment of the revised planning proposal against the Gateway condition 1 was undertaken by the Department. It was considered that the revised planning proposal had met the requirements specified under condition 1 of the Gateway determination.

4.1.2 Combined FSR

The original proposal applied a split FSR of 2.5:1 for residential apartment buildings and 1.7:1 for mixed use developments. The gateway determination noted the FSR was subject to change following further testing.

The intent of the split FSR was to identify a minimum FSR for the employment components of the proposed development (e.g. commercial and retail) and to provide certainty that these proposed uses will be delivered.

Post-exhibition, it was resolved to combine the FSR to 4.2:1 with an associated LEP map. Clause 7.9 applies to the B4 zoned site. It ensures employment opportunities and mixed use development is provided in the B4 zone. This clause achieves the intent of the split FSR.

4.1.3 Concurrence clause

Council received TfNSW submission on 14 December 2020, it was not considered in the Council report dated 8 December 2020 because it was a late submission. The submission (**Table 3**) requests the site be included in the Campbelltown LEP Urban Release Area Map to ensure Clause 6.1 applies as a method to obtain developer contributions towards regional transport infrastructure upgrades required to support future growth associated with the Campbelltown precinct.

In response to the matter of infrastructure funding raised in the submission the Department has sought to apply a concurrence of the Planning Secretary to the site. It ensures development consent is not granted to develop the land unless the consent authority has taken into consideration transport infrastructure in the locality and funding. This is considered to have satisfied TfNSW's submission.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 6 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	2 maps are prepared and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	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 E) Council confirmed on 10/06/2021 that it approved the draft and that the plan should be made (Attachment F)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 23/06/2021, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment G .	<input 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 District and local strategic plan framework for the Campbelltown LGA;
- It is consistent with the Gateway Determination (since altered); and
- Issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.



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28 June 2021

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Attachments

Attachment	Document
A	Planning Proposal
B	Gateway Determination 17 January 2020
C	Gateway Determination Alteration 31 August 2020
D	Council Report 8 December 2020
D1	Council Resolution
E	Council Letter from DPIE
F	Council Confirmation
G	PC Opinion
H	LEP Map