

8.4 Outcome of Public Exhibition - Planning Proposal to Increase Height Limit and Site Specific Development Control Plan: 22-32 Queen Street, Campbelltown

Reporting Officer

Executive Manager Urban Centres
City Development

Community Strategic Plan

Objective	Strategy
4 Outcome Four: A Successful City	4.3 - Responsibly manage growth and development, with respect for the environment, heritage and character of our city

Officer's Recommendation

1. That Council forward the Planning Proposal at attachment 2 to this report which seeks to amend the Campbelltown Local Environmental Plan 2015 by increasing the maximum height of buildings map for 22-32 Queen Street, Campbelltown, from the current 26m limit to a range of heights for this site including 1.5m, 7m, 42m, 45m, 49m and 52m, to the Minister for Planning and Public Spaces and request that the amendment to Campbelltown Local Environmental Plan, 2015 be made.
2. That Council adopt and notify Amendment No. 10 to the Campbelltown (Sustainable City) Development Control Plan 2015 being the addition of Part 14, which is attachment 3 to this report and contains the site specific requirements for 22-32 Queen Street, Campbelltown.
3. That the land owners be advised of Council's decision.

Purpose

The purpose of this report is to advise Council of the outcome of the concurrent public exhibition of the Planning Proposal (PP) for 22-32 Queen St, Campbelltown to increase the maximum permissible building height and the site specific controls which will form Part 14 of Volume 3 of the Campbelltown Sustainable City Development Control Plan 2015 (SCDCP).

The purpose of the report is also to seek Council's approval to forward the subject PP to the Minister for Planning and Public Spaces and request the amendment to Campbelltown Local Environmental Plan 2015 (CLEP 2015) be made. Further, the purpose of the report is to seek the adoption and notification of the amendment of the SCDCP by the addition of Part 14 of Volume 3.

Property Description: 22 Queen Street, Campbelltown (Lot X DP 409704)
24 Queen Street, Campbelltown (Lot 15 DP 14782)
32 Queen Street, Campbelltown (Lot 1 DP 1154928)

Applicant: Pacific Planning Pty. Ltd.

Owner: Campbelltown 88 Pty. Ltd and Supa 88 Pty. Ltd.

Executive Summary

- Council originally considered a report relating to a PP for 22-32 Queen Street, Campbelltown, at its meeting on 11 June, 2019. The PP was supported by Council and a Gateway determination sought.
- The Gateway Determination was issued on 17 January, 2020 and in response to comments from Council, included requirements to explore the increase of open space within the site and to prepare a draft site specific development control plan to accompany and be exhibited with the PP. The proponent responded by preparing studies and by altering their plans to include an increased amount of open space by the removal of one of the proposed towers and changes to the heights of the other towers.
- Council considered the revised proposal at its meeting on 14 July, 2020 and resolved to seek an alteration to the Gateway determination. The revised proposal seeks to alter the maximum permissible height of buildings from the current 26m to a range of heights being 1.5m, 3.6m, 7m, 42.5m, 45.6m, 49m and 52m. The altered Gateway determination was received on 31 August, 2020.
- At its meeting on 14 July, 2020 Council also considered a draft site specific development control plan (DCP). Council resolved to place the draft DCP on public exhibition. It is a condition of the Gateway Determination that the PP and the draft DCP be exhibited concurrently.
- The PP and draft DCP were placed on public exhibition from 30 September 2020 until 30 October 2020.
- Two submissions were received during the public exhibition and both were from State Government Agencies. Both submissions requested changes to the PP.
- Minor amendments have been made to the proposal in response to the submission from Sydney South West Local Health District and applicant's traffic study which both identified the need for end of trip facilities on the site to support the use of active transport. This requirement has been added to the draft DCP.
- It is recommended that Council support the finalisation of the PP and forward it to the Minister for Planning and Public Spaces for making. Due to an unresolved government agency objection Council is not able to make the plan under delegated authority.
- It is also recommended that Council adopt the site specific controls to be included in Part 14 of Volume 3 of the SCDCP, including the minor amendments identified in this report in regards to end of trip facilities, and notify the amendment of the DCP in accordance with legislative requirements.

History

On 22 June 2018, Pacific Planning submitted a PP request to Council seeking an amendment to Clause 4.3 (Height of Buildings) of the CLEP 2015 in relation at Nos. 22-32 Queen Street, Campbelltown. The PP request sought to increase the height of buildings to enable a development that included demolition of the substantial commercial structure (formerly a factory outlet centre) currently located on the site.

The PP request originally sought to amend the CLEP 2015 by requesting an increase to the maximum permissible building height from 26m to a range of heights with the highest being 87m.

The PP request was considered by the Campbelltown Local Planning Panel (the Panel) on 28 November 2019. The report to the Panel recommended lower heights than proposed by the applicant. Advice was provided by the Panel and incorporated into the PP request which was then reported to Council for consideration. The amended PP reported to Council recommended increasing the maximum permissible height of buildings in Clause 4.3 of CLEP 2015 from 26m to a range of heights including 1.5m, 26m, 32m, 38.5m and 45m. This report also included commentary on the need to provide a high quality public domain and increase the amount of open space at ground level.

At its meeting of 11 June 2019, the elected Council's resolved to support the PP and sought a Gateway Determination. A Gateway determination for the proposal was issued by Department of Planning, Industry and Environment (DPIE) on 17 January 2020 and is attachment 1 to this report. One of the requirements of the Gateway determination was the preparation of a site specific DCP which is required by the Gateway Determination conditions to be exhibited concurrently with the PP.

In response to issues raised in the Council report, the Gateway Determination also required the exploration of options to increase the size of the proposed local open space together with opportunities for increased solar access, and where found necessary, introduce amendments into the PP.

The applicant responded to these issues raised by Council, and included in the Gateway Determination, by significantly increasing the provision of open space at ground level, in the eastern corner of the site adjacent to both the adjoining heritage item and the Campbelltown Performing Arts High School. The proponent also provided studies, and updates to studies previously provided, in response to the Gateway Determination.

A revised PP was then prepared which sought different building heights to those originally agreed to by Council and detailed in the Gateway Determination. One of the residential towers was removed from the proposal and largely replaced with open space along with a much lower structure suitable for an ancillary commercial use. The revised PP proposed to increase the height of the other five buildings relative to those previously supported by Council. The maximum height of buildings sought was 3.6m, 7m, 42.5m, 45.6m, 49m and 52m. This did not alter the proposed floor space ratio of 2.5:1 for residential apartment buildings and 1.7:1 for mixed use development.

The draft DCP was considered by the Campbelltown Design Excellence Panel (DEP) on 26 March 2020. The DEP requested several amendments to the draft site specific development control plan which were subsequently made by the proponent's planning consultant and incorporated into the draft DCP.

At its meeting on 14 July, 2020 Council considered the revised PP and resolved to seek an alteration to the Gateway determination so that the PP was now for an alteration to the maximum permissible height of buildings from the current 26m to a range of heights being 1.5m, 3.6m, 7m, 42.5m, 45.6m, 49m and 52m and a floor space ratio of 2.5:1 for residential apartment buildings and 1.7:1 for mixed use development. The altered Gateway determination was received on 31 August, 2020.

At its meeting on 14 July, 2020 Council also considered a draft site specific DCP. Council resolved to place the draft DCP on public exhibition. It is a condition of the Gateway Determination that the PP and the draft DCP be exhibited concurrently.

Report

The PP and draft DCP for 22-32 Queen Street, Campbelltown, were publically exhibited concurrently from 30 September 2020 until 30 October 2020.

Land owners affected by the PP and draft DCP were individually notified in writing. Exhibition materials were made available on Council's website and on the Department of Planning, Industry and Environment's Planning Portal website.

Several public authorities were also notified in writing of the public exhibition in accordance with the requirements of the Gateway determination.

Due to the recent events relating to COVID-19, an amendment to the *Environmental Planning and Assessment Act 1979* (EP&A Act), specifically the inclusion of Clauses 10.7 and 10.8, allowed Councils to satisfy the requirements for public exhibition by having the documentation on Council's website.

No submissions were received from the general public during the public exhibition of the PP and draft DCP. The Department of Communities and Justice (DCJ) were notified of the proposal as a potentially affected land owner, and not as a requirement of the Gateway determination. Their submission is referred to below under 'Government Agency Submissions'.

Government Agency Submissions

Letters were sent to a number of state government agencies in accordance with the requirements of the Gateway Determination. The only response received was from the Department of Health through the South West Sydney Local Health District. The DCJ were notified as a potentially affected land owner and have made a submission on the PP and draft DCP. Their submission is also referred to below.

South West Sydney Local Health District (SWSLHD)

The submission from the SWSLHD recommends that a stronger link be created between the PP, site specific DCP, 'Reimagining Campbelltown' and the Campbelltown Collaboration Area Place Plan. The SWSLHD considers Queen Street to be a key active transport spine for Campbelltown and that these strategies will highlight the importance of prioritising people who choose to walk, cycle and use public transport over other forms of transport.

It was also recommended that the PP and draft DCP give "much greater consideration" to people walking or cycling in addition to meeting the relevant objectives specified in the 'Healthy Streets principles'.

In response to this issue, the DCP has been amended by the inclusion of a requirement to provide end of trip facilities within the future development of the site. The provision of showers and change room increases the likelihood of the use of active transport (walking and cycling) to get to and from work, their use for work transport requirements throughout the day and provides an increased likelihood of lunch/break time activities promoting a healthier workforce and lifestyle.

The SWSLHD submission requested that Council give consideration to lowering the speed limit in Queen Street to encourage walking and cycling and that Council give consideration to 'concessions for increases in height restrictions including the provision of high quality walking and cycling facilities along Queen St to Broughton Street'. They also requested that these streets be designed as healthy streets.

The quality of the public domain in Queen Street is able to be suitably designed and constructed as part of future works completed on the site and managed through the Development Application process. The lowering of the speed limit is not directly a matter for consideration as part of the planning proposal. The request to lower the speed limit has been forwarded to the City Delivery team for comment.

In regards to the enhancement of pedestrian and cycling facilities beyond the frontage to the site, including healthy streets, these are best managed by Council. Further design work on the pedestrian and cycling network has been identified as projects 6.2 and 6.3 in the delivery framework for the Reimagining Campbelltown City Centre Master Plan. Funding for these projects has been identified in the Campbelltown Local Infrastructure Contributions Plan 2018 (CLICP). The payment of development contributions in accordance with the CLICP will be imposed as a condition of consent on all future development applications for the site.

The SWSLHD submission included a comment that the height of the proposed towers will impact negatively on the views across the valley. This comment was made as a statement and not a request for a change to the proposal. It is considered that Council has already thoroughly considered the impact of this proposal on these views in its consideration of previous reports to Council on this proposal.

The SWSLHD submission recommended that Council investigate opportunities to allocate a percentage of the development to affordable housing. Council itself has already identified the need to investigate this through both the Local Strategic Planning Statement and the Local Housing Strategy. As part of the Planning Partnership Council is participating in further research into the opportunities and feasibility of a variety of approaches to providing additional affordable rental housing. Should a framework be determined and in place by the time that development applications for residential building works are submitted for this site, then they will apply to this site in the same manner that they apply to any other site within the CBD.

The submission from SWSLHD was supportive of the proposed inclusion of a supermarket within the development.

It is considered that the matters raised by the SWSLHD have been, or will be, adequately addressed by the PP, draft DCP and future development applications for the site.

Department of Communities and Justice (DCJ)

The DCJ raised concerns with the proposal and its impact. The submission raises concern with the potential impact of the facility on their site. They have requested that the nature of the impact remain confidential and therefore a copy of the submission has been provided to Councillors under separate cover and a briefing has also been provided to Councillors.

It is noted that the PP does not change the zone of the land and that there is already a current height limit of 26m applying to the land that would allow it to be used for a similar type of development, albeit at the current height.

It is not proposed to alter the PP as a result of this submission. This submission remains as an unresolved public agency submission and the PP will be forwarded to the Minister for Planning and Public Spaces in this context.

Gateway Determination Conditions

No.	Condition/Requirement	Response
1	Prior to public exhibition, the PP is to be amended as follows:	Amendments were made prior to the public exhibition as detailed below.
	(a) under the Introduction section of the proposal, identify the number of additional dwellings, jobs and commercial floor space, and car parking spaces generated by the proposal;	<p>The Introduction section of the PP was updated to identify the number of additional dwellings, jobs commercial floor space, and car parking spaces generated, as follows:-</p> <ul style="list-style-type: none"> • 779 additional dwellings; • 20,792.3sqm of commercial/retail/social infrastructure space; • 809 construction jobs, and 526 full-time equivalent jobs when operational; • 1,323 car parking spaces.
	(b) under 'Part 2 — Explanation of Provisions', include the following:	
	i. where applicable, amend the proposed floor space ratio controls and building height(s) for the site based on Council's consideration of any additional findings;	<p>The principle development controls were updated as a consequence of the additional studies.</p> <p>An increase in open space was facilitated by the removal of (former) 'Building C' which resulted in a slight increase in building heights.</p> <p>The proposed 15 storeys for the building fronting Queen Street has not been changed, however, the storeys heights were refined to accommodate accurate floor-to-</p>

		<p>ceiling heights for each of the building levels proposed.</p> <p>The amended building heights are:</p> <ul style="list-style-type: none"> • Part 1.5 metres; • Part 7 metres (two storeys) • Part 42 metres (12 storeys) • Part 45 metres (13 storeys) • Part 49 metres (14 storeys) • Part 52 metres (15 storeys) <p>The floor space ratio control has remained as 2.5:1 for residential apartment buildings and 1.7:1 for mixed-use components.</p> <p>The proposed controls are described under 'Part 2 - Explanation of Provisions'.</p>
	<p>i. expand the description of the proposed clauses to explain in detail the intent of the controls.</p>	<p>A description was included under 'Part 2 - Explanation of Provisions' to illustrate how the amendment of the controls will provide for future development and realise the vision for the site, including two key buildings, five tower forms, open space, a main street and social infrastructure.</p>
	<p>iii. include a local clause, and plain English explanation, to permit structures higher than 1.5 metres to be erected on the open space areas within the subject site, provided such structures:</p> <ul style="list-style-type: none"> • are open • do not constitute a building and • 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. 	<p>'Part 2 - Explanation of Provisions' was updated to address this requirement.</p>
	<p>iv. include a note that the proposed clauses may be subject to change following legal drafting;</p>	<p>A note was included in the 'Part 2 - Explanation of Provisions' section to address this requirement.</p>

	<p>v. indicate that satisfactory arrangements for the site may apply to ensure contributions for State infrastructure is provided as the site is located within the Glenfield to Macarthur Urban Renewal Precinct; and in terms of Greater Macarthur 2040;</p>	<p>A note was included in the 'Part 2 - Explanation of Provisions' section to address this requirement.</p>
	<p>(c) update the following studies supporting the PP to reflect the proposed development controls:</p> <ul style="list-style-type: none"> i. urban design report, including the shadow diagrams ii. traffic and parking impact assessment iii. heritage impact statement iv. economic analysis, including the validation of the proposed commercial and retail floor space and an assessment of any impacts upon the core CBD v. landscape design report; and vi. visual report to address the impacts on the internal public areas and surrounding area, in both the current low-scale environment and the transition to a high-density centre; 	<p>The studies associated with this PP were updated.</p>
	<p>(d) prepare a social impact assessment is address the impacts of the proposal on the existing services;</p>	<p>A Social Impact Assessment, prepared by Judith Stubbs & Associates, was submitted.</p>
	<p>(d) prepare a flood assessment to ensure that flooding impacts can be adequately mitigated and appropriate measures are proposed;</p>	<p>A Flood Assessment, prepared by SGC Engineering, was submitted.</p>
	<p>(f) explore options to increase the size of the proposed local open space, together with opportunities for increased solar access, and where found necessary, introduce amendments into the planning proposal;</p>	<p>Additional open space was provided by the removal of one of the proposed residential towers and the area of public open space expanded to nearly 4,000sqm, with the inclusion of a small signature building that integrates and compliments the open space. This was considered and supported by Council at its meeting on 14 July, 2020. The vision and provision of additional open space is discussed in detail in the PP.</p>

	(g) update the consistency of the PP with section 9.1 - Directions 4.3 - Flood Prone Land and 6.3 - Site Specific Provisions;	Table 8, under Section A, Part 3 of the PP was updated to address the Section 9.1 Directions, 4.3 - Flood Prone Land and 6.3 - Site Specific Provisions.
	(h) prepare a draft site-specific development control plan and concurrently exhibit this plan with the PP addressing, but not limited to, the following matters: <ul style="list-style-type: none"> i. green connections linking the adjacent school's open space with the adjoining heritage item; ii. public pedestrian connectivity through the site and to the surrounding land; iii. building separations and setbacks to the surrounding properties; iv. interface with the adjacent State heritage item and school; v. active street frontages and increased setbacks to Queen Street; vi. deep soil landscaping and tree planting to enhance the public domain; vii. adequate solar access to the plaza/open space and surrounding properties through building orientation and layout; and viii. street pattern and orientation of the central access street and intersection arrangement with Queen Street. 	<p>A site specific DCP was prepared which addressed each of the items listed.</p> <p>This DCP was submitted to Council for consideration in March 2020 before being reported to Council's Design Excellence Panel on 27 March 2020.</p> <p>The Panel was satisfied that the DCP achieved the objectives listed in the Gateway Determination but suggested a number of changes.</p> <p>The DCP was modified and then endorsed by Council on 14 July 2020 and publically exhibited concurrently with the subject PP between 30 September 2020 and 30 October 2020.</p>
2.	The revised PP is to be updated in accordance with condition 1 and forwarded to the Department for review and approval prior to exhibition.	The PP was revised and forwarded to the DPIE on 19 August 2020 and an "Alteration of Gateway Determination" was issued on 31 August 2020. The DPIE was advised of the dates of public exhibition.
3.	Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:	<p>The PP and site specific DCP were placed on public exhibition between 30 September 2020 and 30 October 2020.</p> <p>Due to the events relating to COVID-19, an amendment to the EP&A Act, specifically the inclusion of Clauses 10.7 and 10.8, allowed</p>

		Council to satisfy the requirements for public exhibition by placing the documentation for this PP on Council's website.
	(a) the PP must be made publicly available for a minimum of 28 days; and	The PP was publically exhibited on Council's website for 30 days from 30 September 2020 to 30 October 2020.
	(c) the PP authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 – 'A guide to preparing local environmental plans (Department of Planning, Industry and Environment 2016).	The PP was consistent with the notice requirements as identified in the DPIE's 'A Guide to Preparing Local Environmental Plans'.
4.	<p>Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the EP&A Act and/or to comply with the requirements of relevant section 9.1 Directions:</p> <ul style="list-style-type: none"> • Roads and Maritime Services • Transport for NSW • Environment, Energy and Science Group • Heritage Division at the Department of Premier and Cabinet • State Emergency Services • Department of Education and Communities • Department of Health • NSW Emergency Services • NSW Police • Sydney Water • Telstra • Jemena Gas • Endeavour Energy. <p>Each public authority/organisation is to be provided with a copy of the PP and supporting material and given at least 21 days to comment on the proposal.</p>	<p>Letters were sent to all the public authorities/agencies outlined in the table who were given 30 days to comment on the proposal. All of them have individually been contacted since the end of the submission period. From this list, only the Department of Health has provided comments through the South West Sydney Local Health District.</p> <p>Transport for NSW 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.</p>

5.	A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).	N/A
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Conclusion

A Planning Proposal and draft Development Control Plan for 22-32 Queen Street, Campbelltown were publicly exhibited from 30 September to 30 October 2020. There were no public submissions received. Two submissions were received from State Government Agencies.

The submission from South West Sydney Local Health District raised an issue relating to encouraging increased active transport. In response to this the draft Development Control Plan has been amended to require the provision of end of trip facilities for those using active transport. This issue was also raised in the applicant's traffic report. The South West Sydney Local Health District submission also raised other issues relating to pedestrian and cycling, healthy streets, affordable housing and enhancing the public domain. It is considered that these issues are able to be adequately addressed as part of future development applications for the site and through the payment of development contributions in accordance with the Campbelltown Local Infrastructure Contributions Plan 2018. The South West Sydney Local Health District raised concerns with view impacts. These have previously been considered by Council. The South West Sydney Local Health District raised an issue relating to speed limits which has been forwarded to the Council's City Delivery team.

The Department of Communities and Justice have raised a concern with the Planning Proposal. This concern has been considered and no changes are recommended. This will be treated as an unresolved public agency submission, the final outcome of which will need to be determined by the Minister for Planning and Public Spaces.

It is recommended that Council forward the Planning Proposal at attachment 1 to this report to the Minister for Planning and Public Spaces and request that the Planning Proposal be made.

It is also recommended that the Draft Development Control Plan at attachment 2, which includes the change discussed above in regards to end of trip facilities, be adopted and commence once it has been notified in accordance with the legislative requirements.

Attachments

1. Planning Proposal - 22-32 Queen Street Campbelltown (contained within this report)
2. Amendment No 10 to Campbelltown Sustainable City Development Control Plan 2015 (contained within this report)
3. Gateway Determination - 22-32 Queen Street Campbelltown (contained within this report)