

Planning Proposal

Subject: Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 21)
Permissibility Home Activities, Ingleburn Town Centre

Part 1 – Objectives or Intended Outcomes

The objective of this proposed amendment to *Campbelltown (Urban Area) Local Environmental Plan 2002* (CLEP 2002) is to provide clarity with regard to the permissibility of ancillary land uses (including home activities) within the areas adjoining the Ingleburn Town Centre, which are affected by the provisions of clause 65 of CLEP 2002. These areas include all land bounded by Cambridge Street, Macquarie Road, Cumberland Road and Flint Street to the north east of the town centre, and all land bounded by Norfolk Street, Cumberland Road, Suffolk Street and Ingleburn Road to the south east of the town centre.

Home activities are currently classified as exempt development under the provisions of *Campbelltown Local Environmental Plan No 209 - Exempt Development*, and thus such uses under normal circumstances could be carried out without Council's development consent on the subject land. However, clause 65 of CLEP 2002, which states:

"all development on the land to which this clause applies is prohibited except development for the purpose of residential flat buildings",

has created an anomaly, whereby home activities could perhaps be argued to be a prohibited development, which was not intended by Council when the clause was included in CLEP 2002.

Part 2 – Explanation of the Provisions

It is proposed to amend clause 65 (2) of CLEP 2002 by adding the words italicised and underlined below:

65 Residential flat buildings on certain land in Ingleburn Town Centre within Zone 10(b)

- (1) This clause applies to so much of the land at Ingleburn within Zone 10 (b) as is shown coloured light blue, lettered "10 (b)" and hatched on Sheet 1 of the map marked "*Campbelltown (Urban Area) Local Environmental Plan 2002 (Amendment No 8)*".
- (2) Despite any other provision of this plan, all development on the land to which this clause applies is prohibited except development for the purpose of residential flat buildings, *or any use, which is permitted in a dwelling or on land which is occupied by a dwelling, including home activities.*

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not the result of any strategic study or report. However, Council's decision to amend *Campbelltown (Urban Area) Local Environmental Plan*

2002 (CLEP) was based on legal advice that it received as a result of enquiries from property owners within the subject area, regarding the permissibility of conducting home activities within dwellings located in this area of Ingleburn.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the addition of further information to clause 65 will ensure that it is fully understood that development for any uses normally permitted in a dwelling, or on land occupied by a dwelling, will be allowed on the land subject to this clause at Ingleburn, despite the provision which states that all development is prohibited except residential flat buildings.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

As this proposed amendment to CLEP 2002 does not involve any rezoning of land and is purely to provide clarity with regard to the permissibility of ancillary land uses on certain land at Ingleburn, it is not considered necessary to carry out a Net Community Benefit Test.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies).

It is considered that this proposed amendment to CLEP 2002 is not inconsistent with the *Sydney Metropolitan Strategy* or the draft *South West Sub Regional Strategy*.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

It is considered that this proposed amendment to CLEP 2002 is not inconsistent with *Campbelltown Local Environmental Plan No 209 – Exempt Development*, the *Campbelltown 2025 Looking Forward* long term town planning strategy, nor with the draft *Local Planning Strategy* which is currently under preparation.

6. Is the planning proposal consistent with applicable state environmental planning policies?

As this proposed amendment to CLEP 2002 does not involve any change of land use, nor does it provide for any changes to any existing provisions relating to the subject land, and is purely to provide clarity with regard to the permissibility of ancillary land uses, it is not considered to be inconsistent with any applicable state environmental planning policies, eg SEPP No 1 - Development Standards, SEPP No 4 - Development Without Consent and Miscellaneous Exempt and Complying Development, SEPP No 60 Exempt and Complying Development, SEPP (Exempt and Complying Development Codes) 2008.

7. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

As this proposed amendment to CLEP does not involve any change of land use nor does it provide for any changes to any existing provisions relating to the subject land and is purely to provide clarity with regard to the permissibility of ancillary land uses, it is not considered to be inconsistent with any applicable s117 direction, eg 3.1 Residential Zones, 3.3 Home Occupations, 6.1 Approval and Referral Requirements.

Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

As this proposed amendment to CLEP does not involve any rezoning of land and is purely to provide clarity with regard to the permissibility of ancillary land uses on certain land at Ingleburn, the issue of critical habitat etc, is not applicable.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of this planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

It is not considered that this planning proposal will create any detrimental social and economic effects. In fact this planning proposal will provide clarity to property owners of the subject land with regard to the permissibility of ancillary land uses, and therefore should provide beneficial social and economic effects.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

As this proposed amendment to CLEP 2002 does not involve any rezoning of land, and is purely to provide clarity with regard to the permissibility of ancillary land uses on certain land at Ingleburn, the issue of public infrastructure is not applicable.

Part 4 – Community Consultation

As this proposed amendment to CLEP 2002 does not involve any rezoning of land, and is purely to provide clarity with regard to the permissibility of ancillary land uses on certain land at Ingleburn, it is considered to be a low impact planning proposal, and would therefore only require a public exhibition period of 14 days. Notice of the exhibition period would be given in accordance with the provisions of clause 4.5 Community Consultation – *A Guide to Preparing Local Environmental Plans*.