

TITLE Planning Proposal Request - Caledonia: Bensley, Mercedes and Oxford Roads, Ingleburn

Division

City Development

Reporting Officer

Manager Environmental Planning

Attachments

1. Location Plan (contained within this report)
2. East Edge Scenic Protection Lands (contained within this report)
3. Assessment of Planning Proposal Request (contained within this report)
4. Draft Planning Proposal (contained within this report)
5. Planning Proposal Request (distributed under separate cover - due to size of document)
6. Secondary Dwelling and Dual Occupancy Development overview (contained within this report)
7. Council increased open space provision map (contained within this report)

Purpose

To seek Council's support for the draft Planning Proposal to be forwarded to the Department of Planning and Environment for a Gateway Determination.

Report

Property Owners/Description

Mrs Ljilja Prpic - Lot 41 DP 1021880 (No.26 Mercedes Road)
Mr Edward Stipe Prpic and Ms Anna Popovic - Lots 55-68 (inclusive) Sec A2 DP 2189 (No.28 Mercedes Road)
Cannetto Pty Ltd - Lot 25 DP 617465 (No.9 Daimler Place)
Mrs Miriela Bencic - Lot 2 DP 550894 (No.308 Bensley Road)
Mrs Robyne McInnes - Lot 1 DP 597774 (No.306 Bensley Road)
Mrs Maria Krejak and Mr Peter Krejak - Lot 2 DPP 597774 (No.304 Bensley Road)
Mrs Daisy and Mr Libeko Soldatic - Lot 3 DP 597774 (No.302 Bensley Road)
Mrs Daisy and Mr Libeko Soldatic - Lot 47 DP595243 (No.300 Bensley Road)
Mr J.A and Mrs A.S Dimarco and Mrs G.A Versace - Lot 4 DP 261609 (No.233 Oxford Road)
Mr J.A and Mrs A.S Dimarco and Mrs G.A Versace - Lot 1 DP 261609 (No.233 Oxford Road).

Applicant: Michael Brown Planning Strategies (on behalf of Billbergia Group).

Application Number: 59/2016/E-LEPA.

The Planning Proposal Request

The Planning Proposal Request (PPR) (contained in attachment 5), known as the Caledonia Planning Proposal promotes the rezoning of a parcel of approximately 17.65 hectares of land containing nine principal allotments at Ingleburn, generally bounded by Mercedes, Bensley and Oxford Roads (refer to attachment 1) for a mix of large lot residential (R5), low density residential purposes (R2), public recreation (RE1) and infrastructure (SP2) purposes.

Also forming part of the PPR is a Preliminary Concept Plan which portrays a general road layout, allotments ranging in size from 500sqm to 2000sqm, open space/park provision and landscape/interface treatments.

A relevant Zoning Amendment Map and Minimum Lot Size Map accompany the PPR. It is also noted that the existing Height of Buildings Map which establishes a maximum building height of nine metres is to be retained, as to is the Land Reservation Acquisition Map (for the proposed Georges River Parkway).

A yield of approximately 170 dwellings/500 persons is proposed (down from the originally requested 249 dwellings/700 persons).

The revised Concept Plan has evolved in response to informal feedback provided during a previous Councillor Briefing sessions held on 28 November 2015 and 23 February, and more formally by Council's Planning Policy Position considered at the Planning and Environment Committee Meeting of 14 June 2016 and confirmed at the Council Meeting on 21 June 2016.

The PPR is also supported by a series of specialist consultant reports addressing:

- ecological impacts and management
- bushfire hazard management
- cultural heritage
- odour
- stormwater management
- service infrastructure (including preliminary costing)
- traffic management

The site (refer to attachment 1), includes nine principal parcels of land in the ownership of eight parties, as listed at the beginning of this report.

The PPR is fully supported in every respect by four ownership parties. The other four parties have expressed support for the rezoning for largely low density residential purposes but have not supported previous versions of the preliminary concept plan, particularly in respect of the final road layout and range and distribution of lot sizes. While this is noted, legal advice sought from Council's solicitor has confirmed that the current level of owners consent is sufficient to advance the draft planning proposal.

Local/Regional Context

The site forms part of the northern extremity of a landscape unit known as the East Edge Scenic Protection Lands (the Edgelands). The Edgelands form an area of transition between the eastern boundary of the Campbelltown Urban Area and the extensive regional open space network associated with the Georges River.

The reservation for the proposed Georges River Parkway (Road) forms a clear edge to the generally heavily vegetated ecologically diverse Georges River regional open space network. As such, the zone of transition is considered to be limited to between the existing Ingleburn urban edge and the proposed Georges River Parkway (refer to attachment 2).

The Edgelands: General

This area of transition, known as the Edgelands, has been the subject of numerous development requests for more intensive subdivision over recent decades.

Until recently the land was zoned Environmental Protection 7(b) with a two hectare minimum area of subdivision. With the recent enactment of Campbelltown Local Environmental Plan 2015 (CLEP 2015) the land is now zoned Environmental Living (E4) with a two hectares minimum area of subdivision. Additionally, Clause 4.2D (CLEP 2015) introduced a "lot averaging provision" which permits the creation of one hectare allotments, subject to compliance with a range of environmental and hazard management, service infrastructure and amenity requirements.

The Edgelands: Recent Interest and Actions

The public exhibition of draft CLEP 2014 in June-August 2014 generated significant interest in respect of further subdivision opportunities in the Edgelands. This interest was considered in the Extraordinary Report to Council on 28 April 2015.

Generally, submissions in respect of land to the east of the proposed Georges River Parkway (Road) were dismissed, while those to the west were identified for further investigation in a holistic, precinct based manner.

A constraints and opportunities/suitability mapping exercise and preliminary service infrastructure investigations were undertaken in late 2015, with the conclusions presented to a Councillor Briefing on 28 November 2015. It was established that the environmental qualities and service infrastructure availability vary on a sub-catchment/precinct basis and that site specific planning solutions could potentially evolve.

With regard specifically to the Mercedes, Bensley and Oxford Road precinct it was established that there is potential to explore more compact residential outcomes than those currently allowed by the one hectare lot averaging provision, if pursued in a sensitive manner which seeks to protect environmental amenity and leverage off local character.

At a project specific (Caledonia) Councillor Briefing held 23 February 2016, concern was expressed by Councillors with the proposed dwelling yield (and density) and in particular the number of small lots proposed, together with the proposals relationship to existing residential development. In this context comment was also made that the proposal did not represent the environmentally sensitive housing transition envisaged in the Campbelltown Local Planning Strategy (CLPS).

Most recently Council resolved in response to Item 2.3 Priority Investigation Area Campbelltown (Local Environmental Plan 2015) of the Planning and Environment Committee Meeting held 4 June 2016 (and Council Meeting held 21 June 2016) to adopt the following policy position:

Any future developments should reflect a transition from the existing residential density (generally 500 sqm) to large lot residential development of 1,000sq m to 2,000sqm allotments. Retention/management of remnant woodland and reinstatement of an informal verge character of perimeter roads should be pursued where practical.

Assessment of the Planning Proposal Request

A comprehensive review of the Planning Proposal Request forms attachment 3.

The important conclusions of such review are detailed below, largely in a planning hierarchy context:

State and Regional Planning

Section 117 directions (Ministerial Directions) apply largely on a state wide basis and seek to ensure Local Environmental Plans (and their inception tool in the form of Planning Proposals) are consistent with State and Regional Planning. In a like manner State Environmental Planning Policies (SEPPs) and deemed SEPPs also seek to ensure state and regional specific planning outcomes.

It is noted in Section 4.1.3 and 4.1.4 of attachment 4 that the PPR is considered to either adequately address the desired outcomes or justify an inconsistency; whilst, some additional investigation is foreshadowed in some instances.

Importantly, it is considered that the PPR has significant strategic and site specific merit to inform a relevant Planning Proposal for referral to the Department of Planning and Environment for a Gateway Determination.

In terms of additional work and strategy development the following areas are highlighted in attachment 4:

- the local heritage item known as the stone cottage and bushland setting situated at No. 28 Mercedes Road
- koala investigations in accordance with SEPP No. 44
- optimisation of alternative movement means in the form of pedestrian/cycleways
- refined bushfire hazard management
- preliminary contamination investigation, as a minimum
- the application of SREP No. 2 Planning Principles.

The Section 117 Directions, SEPPs and deemed SEPPs of major interest include:

Section 117 Direction:

- 2.1 Environmental Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrated Land use and Transport
- 4.4 Planning for Bushfire Protection
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of a Plan for Growing Sydney and;

State Environmental Planning Policies

- SEPP 55 - Remediation of Land
- SEPP 44 - Koala Habitat Protection
- SEPP 19 - Bushland in Urban Areas and;

Deemed SEPPs

Greater Metropolitan Regional Environmental Plan No.2 - Georges River Catchment (SREP No. 2).

Metropolitan Planning

The metropolitan planning framework for greater Sydney is largely detailed in the metropolitan strategy known as a Plan for Growing Sydney (the plan). The PPR shows consistency with the plan, in terms of its key deliverables/directions (Refer to Section 4.1.1 of attachment 3).

Subregional Planning

The draft South West Sub Regional Strategy represents the current publicly available guide to sub regional planning and development. The PPR is not inconsistent with the general thrust of the draft strategy in providing for residential growth in a structured manner that leverages off existing infrastructure. (Refer to Section 4.1.2 attachment 3).

It is noted that the draft district plan has not proceeded to public exhibition at this stage.

Local planning

Council's Local Strategic Land Use Planning Framework comprises principally Campbelltown Local Environmental Plan 2015 (CLEP 2015), the Campbelltown Local Planning Strategy (CLPS) and the Campbelltown Residential Development Strategy (CRDS).

Importantly the subject framework is generally consistent with the overarching Local Strategic Plan Campbelltown's Community Strategic Plan 2013-2023 (CCSP). (Refer to Section 4.2. attachment 3).

The PPR is generally consistent with the relevant local strategy framework as informed by more detailed investigations and the policy position established by Council at its meeting on 21 June 2016.

A strategy to minimise dual occupancy and secondary dwelling development on the perimeter precinct roads is included at attachment 6.

Infrastructure Impacts

The development outcome proposed by the PPR will impact upon local service infrastructure provision. The immediate road and drainage networks will need to be upgraded at the cost of the ultimate developer, as will all on-site infrastructure.

Relevant off-site impacts, particularly social infrastructure impacts, will need to be addressed typically by way of payment of a relevant development contribution or the entering into a Voluntary Planning Agreement.

The PPR is not however, considered to satisfactorily address relevant open space provision for the projected new community. It is noted that the proposed open space includes land reserved for the future Georges River Parkway, stormwater management and expanded perimeter road footpath reservation; together with retention of some of the remnant vegetation. Some of the subject land fails to meet the guiding principles for future open space documented in the draft Campbelltown Open Space Plan, for a precinct of the subject nature. It does however, fulfil some limited needs and a character setting function.

However, should the stormwater management system proposed for the site be fully controlled in a subterranean system, as proposed, then the proposed open space would need to be increased to include provision of a Neighbourhood Play Space and related lands amounting by a minimum of 2,600sqm of unconstrained additional land. This proposed increase in open space has been included in the draft planning proposal prepared by Council to support the rezoning. (Refer to attachments 4 and 7).

The PPR includes details to fund regeneration of remaining vegetation on site, interpretative signage and controlled access of nearby bushland at Ingleburn Reserve as part of a Voluntary Planning Agreement and detailed below.

Voluntary Planning Agreement Principles (VPA)

The PPR is accompanied by a letter of support detailing some broad Voluntary Planning Agreement Principles including:

- establishment of a fund for the maintenance of the vegetated proposed open space area in perpetuity
- provision of funding to construct walking trails, bush regeneration or similar enhancements through the Georges River Nature Reserve.

(Refer to appendix 11 in attachment 3).

Additionally, an offsetting strategy will need to be brokered as part of a VPA to compensate for the proposed removal of medium quality vegetation on the site.

Pre-Gateway Review (Rezoning Review)

A request for a Pre-Gateway Review was submitted to the Department of Planning and Environment on 24 February 2016 in response to Council's delay (beyond the statutory timeframe) in making a decision in respect of the Planning Proposal Request.

The Pre-Gateway Review is currently the subject of an Assessment Report which is yet to be considered by the Sydney West Joint Regional Planning Panel.

Confirmation of level of owner support

All owners support the rezoning of the subject land for low density residential and related purposes.

A final road pattern has not been endorsed by all owners. This is a matter that can be resolved at the Development Control Plan stage and does not prejudice Council or the owners in proceeding with a draft Planning Proposal.

The distribution of proposed lot sizes and land uses is consistent with Council's recently established policy position.

The under-provision of open space has been addressed by Council in the draft Planning Proposal despite the Proponent's non acceptance to-date.

Conclusion

The PPR for the rezoning of land generally bounded by Mercedes, Bensley and Oxford Roads and known as the Caledonia Planning Proposal, is considered to have sufficient strategic and site specific merit to inform a relevant draft planning proposal for submission to

the Department for Planning and Environment for a Gateway Determination. (Refer to the draft planning proposal which forms attachment 4).

It is noted however, the undertaking of further and more detailed additional investigations and strategy development are highlighted as being required as the draft planning proposal is advanced through and (subject to its determination) beyond the Gateway process.

Notwithstanding the above, the draft planning proposal as presented, is considered to provide a balanced planning outcome for the subject precinct in consideration of both its residential and environmental boundaries, and would establish a planning framework which has regard to its immediate transitional context whilst facilitating a diversity of housing opportunities.

It is further noted that the draft planning proposal subject of this report, provides for an extra 2,600sqm of 'unconstrained' open space land beyond that suggested in the proponent's PPR, which is currently the subject of a Pre-Gateway (Rezoning Review).

Finally, the draft planning proposal is considered to be not inconsistent with the principles detailed in the adopted Council Policy Position (Council Meeting 21 June 2016).

Officer's Recommendation

1. That Council support the Planning Proposal Request (application number 59/2016/E-LEPA) to rezone land in the following schedule:

- Lot 41 DP 1021880 (No. 26 Mercedes Road)
- Lots 55-68 (inclusive) Sec A2 DP 2189 (No. 28 Mercedes Road)
- Lot 25 DP 617465 (No. 9 Daimler Place)
- Lot 2 DP 550894 (No. 308 Bensley Road)
- Lot 1 DP 597774 (No. 306 Bensley Road)
- Lot 2 DP 597774 (No. 304 Bensley Road)
- Lot 3 DP 597774 (No. 302 Bensley Road)
- Lot 47 DP 595243 (No. 300 Bensley Road)
- Lot 4 DP 261609 (No. 233 Oxford Road)
- Lot 1 DP 261609 (No. 233 Oxford Road).

from its existing E4 Environmental Living Zone - two hectare/one hectare lot average to R5 large Lot Residential, R2 Low Density Residential and RE1 Public Recreation, in accordance with the draft Planning Proposal detailed in recommendation 2 below.

2. That Council forward the draft Planning Proposal (refer to attachment 4) to the Department of Planning and Environment for a Gateway Determination.
3. That Council use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* to advance the draft Planning Proposal.
4. That subject to the Gateway Determination containing standard conditions, Council place the draft Planning Proposal on public exhibition for 28 days.
5. That at the conclusion of the public exhibition a report be submitted to Council detailing the outcomes of the public exhibition and a strategy for finalising the draft Planning Proposal Amendment.

6. That the outline Voluntary Planning Agreement Principles be guiding principles for a future Voluntary Planning Agreement.
7. That Council advise the applicant and all directly affected property owners of its decision; highlighting the foreshadowed additional investigations and strategy development required as the draft Planning Proposal is advanced.
8. That Council note that the Planning Proposal Request is the subject of a Pre-Gateway (Rezoning) Review.

ATTACHMENT 2



ATTACHMENT 3

Assessment of Planning Proposal Request (as Amended)

Caledonia Precinct

Bensley, Mercedes and Oxford Roads Ingleburn - June 2016

1 Introduction

1.1 Executive Summary

This report provides an assessment of a Planning Proposal Request (PPR) (refer to appendix 1), known as the Caledonia Planning Proposal, submitted to Council on 8 January, 2016 (amended May 2016), for land described in the property schedule detailed below and generally bounded by Mercedes, Bensley and Oxford Roads, Ingleburn.

- Lot 41 DP 1021880 (No. 26 Mercedes Road)
- Lots 55-68 (inclusive) Sec A2 DP 2189 (No. 28 Mercedes Road)
- Lot 25 DP 617465 (No. 9 Daimler Place)
- Lot 2 DP 550894 (No. 308 Bensley Road)
- Lot 1 DP 597774 (No. 306 Bensley Road)
- Lot 2 DP 597774 (No. 304 Bensley Road)
- Lot 3 DP 597774 (No. 302 Bensley Road)
- Lot 47 DP 595243 (No. 300 Bensley Road)
- Lot 4 DP 261609 (Oxford Road) & Lot 1 DP 261609 (No. 233 Oxford Road).

(Refer to appendix 2)

The aggregate holding comprises approximately 17.65 hectares.

The PPR was prepared by Michael Brown Planning Strategies on behalf the Billbergia Group (and recently amended).

It seeks to rezone the subject holding for a mix of large lot residential (R5) and low density residential purposes (R2) together with support public recreation (RE1) and Infrastructure (SP2) purposes (refer to appendix 3).

Forming part of the PPR is a Preliminary Concept Plan, which portrays a general road layout, range of lot sizes from 500sqm to 1000 sqm and 2000sqm, open space/park provision and landscape/interface treatments (appendix 4).

A yield of approximately 170 dwellings/500 persons is envisaged (down from the originally requested 249 dwellings/700 persons).

This plan has evolved in response to informal feedback provided in the context of recent Councillor Briefing Sessions.

The Request is also supported by a series of specialist consultant reports addressing:

- Ecological Impacts and Management
- Bushfire Hazard Management
- Cultural Heritage
- Odour
- Stormwater Management
- Service Infrastructure (including preliminary costing)
- Traffic Management.
- Preliminary Concept Plan
- Planning Framework Compliance

(Refer to appendix 1)

A relevant Zoning Amendment Map and Minimum Lot Size Map are reproduced in appendices 3 and 5 respectively.

It is noted that the existing height of building map establishes a maximum building height of nine metres (refer to appendix 6).

The subject land (the Site) includes nine principal parcels of land in the ownership of eight parties. The PPR is fully supported in every respect by four ownership parties. The other four parties have expressed support for the rezoning for largely low density residential purposes but have not supported versions of the draft Concept Plan and initial Residential Typologies Plan, particularly in respect of the final road layout and range and distribution of lot sizes.

Their reservations may still well exist with the current version of the Preliminary Concept Plan. It is not however, important that final agreement occur in respect of this plan at this point in the planning process.

This Report recommends that the PPR be supported by Council, SUBJECT TO AN INCREASE IN OPEN SPACE PROVISION, and that it inform a relevant Planning Proposal for submission to the Department of Planning and Environment for a Gateway Determination.

An assessment of the PPR can be found at Section 4.0 of this Report.

1.2 Purpose of this Assessment Report

This report seeks to provide an assessment of the merits of the PPR submitted in respect of land generally bounded by Mercedes, Bensley and Oxford Roads, Ingleburn and described in the property schedule below:

- Lot 41 DP 1021880 (No. 26 Mercedes Road)
- Lots 55-68 (inclusive) Sec A2 DP 2189 (No. 28 Mercedes Road)
- Lot 25 DP 617465 (No. 9 Daimler Place)
- Lot 2 DP 550894 (No. 308 Bensley Road)
- Lot 1 DP 597774 (No. 306 Bensley Road)
- Lot 2 DP 597774 (No. 304 Bensley Road)
- Lot 3 DP 597774 (No. 302 Bensley Road)
- Lot 47 DP 595243 (No. 300 Bensley Road)

- Lot 4 DP 261609 (Oxford Road) & Lot 1 DP 261609 (No. 233 Oxford Road).

It is noted that the PPR promotes the rezoning of the subject holding for principally low density residential purposes.

The assessment has particular regard to prevailing local and state government legislation and policies.

This Report does not constitute a Planning Proposal (PP). A relevant PP is however, produced as appendix 7, based on this PPR review and Council's Planning and Environment Committee meeting outcomes endorsed at Council's meeting on 21 July 2016.

1.3 Proponent Liaison with Council

The proponents, their lead planning consultant and urban designer have met with Council staff several times in the compilation and amendment of the PPR.

A summary of their original PPR was presented by the lead consultants to a Council Briefing Session in November 2015.

In response to the informal feedback the Proponents prepared an amended Concept Plan including residential Typologies. This Plan was communicated by Council Staff in a further Councillor Briefing in February, 2016 wherein, Council acknowledged progress but expressed continued reservations about the range and distribution of dwelling types in order to transition between residential and rural development and total yield.

This further feedback was communicated to the Proponents who responded with a further amended Concept Plan. Council staff communicated continued concerns with this plan. Further refinement of the Plan occurred. It is this plan which is entitled Preliminary Concept Plan which is central to the PPR and it is the subject of this assessment.

2 Existing Situation

2.1 Description of the subject site and its surrounds

The site comprises some 17.65 hectares of rural residential land generally bounded by Mercedes Road, Bensley Road and Oxford Road. It forms part of the eastern edge of the suburb of Ingleburn and part of a landscape unit which is known as the East Edge Scenic Projection Lands or "the Edgelands". Generally, to the immediate east is the reservation of the proposed "Georges River Parkway" (Road), which forms a clear divide to the densely vegetated Georges River environs.

Some two kilometres to the west of the site is the Ingleburn Town Centre, Industrial Precinct and transport hub focused on Ingleburn Railway Station.

Map extracts of the subject site in its immediate and broader contexts are produced over.



Figure 1 – Subject site and immediate locality



Figure 2 - The broader contextual setting

The prevailing character of the site is summarised in the three plans (which form appendix 8). Specifically, they focus on cultural character, natural character and landscape character.

In summary, the site has a general open woodland, rural-residential character; a dominant feature being the informal grouping of trees which create a distinct natural edge to Bensley and Oxford Roads.

The site transitions into more heavily vegetated land to the immediate north and east and generally open rural residential land to the immediate south east and an operational poultry farm. The western interface comprises low density and medium density residential development. The perimeter roads (Mercedes and Oxford Roads) form the only connectivity with the existing residential communities.

2.2 Land Ownership

The subject site includes nine principal parcels comprising approximately 17.65 hectares of land in the ownership of eight parties. Development options are understood to have been secured in respect of four of the parties; these parties have directly endorsed submission of the Planning Proposal Request. The remaining four parties have expressed support for the rezoning for low density residential purposes. This latter body of owners has not, however, extended their supported to previous versions of the draft Concept Plan and Residential Typologies Plan, particularly in respect of the final road layout and range and distribution of lot sizes and building typologies. Their reservations about such plans are known to still largely exist with the current version of such draft plan.

In short, all owners support the rezoning of the subject land for low density residential purposes. They do however; wish to be consulted in respect of a final Concept Layout Plan.

A relevant land ownership pattern plan is reflected in appendix 8 - Cultural Character.

2.3 Campbelltown Local Environmental Plan 2015

2.3.1 Aims of the Plan

The Plan includes aims that target the protection and enhancement of natural heritage, biodiversity and scenic and landscape values of land. Aims are also cited to minimise the exposure of development to natural hazards (including bushfire) and to ensure development outcomes are commensurate with land capability and suitability.

Further the Plan includes broad ranging diverse housing and support human and physical infrastructure provisions and employment lands aims.

2.3.2 Zoning/Minimum Subdivision Requirements

The subject site is currently zoned E4 - Environmental Living with a two hectares minimum area of subdivision. The land is also subject to the lot averaging one hectare provisions detailed in Clause 4.2D.

It is noted that the one hectare minimum is not a "development right" and several provisions which relate specifically to environmental and hazard management, service infrastructure and amenity need to be satisfactorily addressed before one hectare allotments can be created.

2.4 Previous Zoning

The subject site was previously zoned Environmental Protection 7 (d4), pursuant to Campbelltown (Urban Areas) LEP 2002, with a 2ha minimum area of subdivision.

3 Description of the Planning Proposal Request (PPR)

3.1 Overview

The PPR, known as the Caledonia Planning Proposal (due to a local landmark building) seeks to rezone the subject parcel of land of approximately 17.65 hectares (generally, bounded by Mercedes, Bensley and Oxford Roads) principally for low density residential purposes (R2) and large lot residential (R5) together with support public recreation (RE1) and Infrastructure (SP2) purposes.

3.2 Possible Development Scenario

A Preliminary Concept Plan is provided as appendix 4.

It is proposed to provide for a range of residential products on lot sizes ranging from 500sqm to 1000sqm and 2000sqm, limited woodland conservation, integrated open space and service infrastructure provision.

Approximately 170 dwellings are proposed; housing an additional population of approximately 500 people.

A copy of the Applicant's PPR is attached (refer to appendix 1).

3.3 Principal Development Standards

The principal development standards that currently apply to the subject site are summarised in Table 1 below:

Campbelltown CLEP 2015	Minimum Lot Size	Floor Space Ratio	Maximum Building Height
Environmental Living Zone (E4)	2 ha. (Also affected by Clause 4.2D – 1ha Lot Averaging)	---	J – 9 metres

Table 1 – Summary of existing CLEP 2015 controls applying to the subject land.

3.4 Proposed Changes to Controls

The existing controls and proposed controls are summarised in Table 2 below:

Planning Controls under CLEP 2015	Existing Planning Controls	Proposed Planning Controls
Zoning	Environmental Living (E4)	Part: • Large lot residential (R5) • Low Density Residential (R2) • Public Recreation (RE1) • Infrastructure (SP2)
Minimum Lot Size	• Two hectare • Also subject to one hectare lot averaging provision.	Range of lot sizes From 500sqm to 1000 sqm and 2000sqm
Height of Building	J-9 metres	No change

Table 2 - Existing CLEP2015 Controls and Proposed Controls applying to the land.

3.5 Supporting Studies Prepared by Applicant

The PPR is supported by the following studies:

- Engineering Report (December, 2015) prepared by Northrop (Stormwater Management, Roads and Traffic Analysis, Electricity and Telecommunications Service Infrastructure, Water, Sewer and Gas Service Infrastructure, including preliminary costing)
- Flora and Fauna Constraint Assessment (December, 2015) prepared by Eco Logical Australia and supplementary advice (May and June 2016)
- Preliminary Heritage Advice (October, 2015) prepared by Eco Logical Australia
- Bushfire Constraints Assessment (November, 2015) prepared by Eco Logical Australia (and supplementary advice May 2016)
- Odour Assessment (December, 2015) prepared by Pacific Environment Limited.

A brief overview of the studies is provided below, with a more detailed analysis provided in the review of planning issues at Section 4.

3.5.1 Engineering Report (Northrop – 2015)

The study addresses, in a preliminary manner, the engineering infrastructure impacts of the proposal. The salient conclusions are:

Stormwater Management

- Flooding is not a constraint to the envisaged development
- The proposed stormwater management system can effectively manage stormwater runoff to ensure that under proposed conditions, the residential subdivision will not result in an increase in pollutants or stormwater flows and result in any detrimental impacts to receiving waters or downstream impacts, i.e. Georges River

Roads and Traffic Analysis (Sub Contractor: Positive Traffic)

- the traffic impacts of the development would be minimal with future traffic flows on surrounding roads within acceptable limits
- intersections immediately surrounding the development site currently occur
- the internal road network is designed to facilitate a future bus route if deemed viable with all proposed residential lots within 400 metres of the internal bus route
- overall the traffic impacts are considered acceptable.

Servicing

- the existing service network (electricity, telecommunications, water, sewer and gas) can be amplified and reticulated at reasonable cost to service the proposed development.

3.5.2 Flora and Fauna Constraints Assessment (Eco Logical – 2015)

- Implementation of the Master Plan would have only a minor impact on matters protected under the Threatened Species Conservation Act (TSC) or Environmental Protection and Biodiversity Conservation Act (EPBC) and would not be considered to cause a "significant impact"
- The existing waterway is considered not to meet the definition of a river under the Water Management Act, however, until a relevant case is put to the Department of Primary Industries (Water) the waterway is deemed to be a "moderate" constraint.

3.5.3 Preliminary Heritage Advice (Eco Logical – 2015)

- One local heritage item comprising a stone cottage and bushland setting and potential archaeological sensitivity is situated at 28 Mercedes Road (Potentially the oldest building in Ingleburn)
- The cottage and relevant precinct should potentially be conserved.

3.5.4 Bushfire Constraints Assessment (Eco Logical – 2015)

- Land is identified as Bushfire prone on Campbelltown Bush Fire Prone Land Map and required to comply with *Planning for Bushfire Protection, 2006* (PBP)

- Most significant on-site hazard likely to be retained (in the park) and adjoining off-site (including roadside) likely to remain into the future
- Modest on-site and locality slopes
- Modest Asset Protection Zone requirements (16m-26m at Bushfire Attack Level 29 construction level)
- Overview statement that residential development is achievable in conformity with PBP and a final strategy will be refined during the planning and design phase of future developments.

3.5.5 Odour Assessment (Pacific Environment Limited – 2015)

- Study focused on operational poultry farm situated at 315-317 Bensley Road
- Predicted odour concentrations anticipated to be below adopted odour performance goal of 2 odour units (OU)
- Notwithstanding, the stated acceptable conclusion, a range of good practice development controls are recommended.

4 Assessment of the Planning Proposal Request

The PPR has been assessed against the former Department of Planning and Infrastructure's document A Guide to Preparing Planning Proposal (the Guide) and Guidelines for Local Plan Making. The Guide contains directions in respect of the required content and justification of the Planning Proposal interpreted to include:

- The Sydney Metropolitan Strategy (now A Plan for Growing Sydney)
- South West draft sub-regional strategy
- Section 117 Directions
- State Environmental Planning Policies (SEPPs) and deemed State Environmental Planning Policies (deemed SEPPs)
- Campbelltown Local Environmental Plan 2015 (CLEP 2015)
- Campbelltown Community Strategic Plan 2013-2023
- Campbelltown Local Planning Strategy – 2013
- Other identified issues.

4.1 Consistency with State planning framework

4.1.1 A Plan for Growing Sydney (December, 2014)

This Plan is the current overarching strategic planning policy, the document guides Sydney growth and development for a period of 20 years.

It establishes goals and relevant actions in respect of:

- a Competitive well serviced economy
- housing choice and lifestyle
- liveable communities
- environmental conservation and resource management.

Vision for Sydney

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles

Directions 2.1: Accelerate housing supply across Sydney

Action 2.1.1: Accelerate housing supply and local housing choices (fulfilled)

Directions 2.3: Improve housing choice to suit different needs and lifestyles

Action 2.3.3: Deliver more opportunities for affordable housing (fulfilled)

Directions 2.4: Deliver timely and well planned Greenfield precincts and housing (fulfilled).

Goal 3: Sydney's great places to live

Direction 3.2: Create a network of interlinked, multipurpose open green spaces across Sydney (fulfilled in part).

Goal 4: Sydney's sustainable and resilient environment

Direction 4.1: Protect our natural environment and biodiversity

Action 4.1.1: Protect and deliver a network of high conservation value land by investing in green corridors and protecting native vegetation and biodiversity (generally satisfied including potential off-site contributions)

Direction 4.3: Manage the impact of development on the environment (generally fulfilled).

Sydney's Sub-regions

South West Sub-region Priorities

Accelerate housing supply, choice and affordability and build great places to live (fulfilled)

Protect the natural environment and promote its sustainability and resilience (generally fulfilled).

4.1.2 Sub-Regional Planning

Refer to South West sub-region priorities of *A Plan for Growing Sydney* in 4.1.1.above

New District Plan noted to ultimately be prepared in partnership with the Greater Sydney Commission

The former Draft Sub-regional Planning Strategy established a new dwelling target of 24,653 to the year 2031 (fulfilled in part)

More recently the Campbelltown/Macarthur Urban Renewal Corridor Strategy and Greater Macarthur Urban Investigation established new dwelling targets of 15,000 and 18,100 respectively (Not relevant).

4.1.3 Section 117 Directions

These directions to Councils from the Minister for Planning and Environment seek to guide the preparation of draft Local Environmental Plans (LEPs).

The Planning Proposal Request is generally consistent or justifiably inconsistent with all relevant s.117 Directions, as highlighted in the commentary below:

Direction 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas.

In accordance with the Direction a Planning Proposal must:

"Lead to the conservation of environmentally sensitive areas".

Additionally, a Planning Proposal that applies to land within an environmental protection zone or land otherwise identified for environmental protection purposes in an LEP must not reduce the environmental protection standards that apply to that land (including by modifying development standards that apply to the land).

The PPR contests that it is not inconsistent with the objective of the Direction, with support of such view being ascribed to the Flora and Fauna Assessment undertaken by consultants Eco Logical.

The proposal to reduce the minimum area of subdivision (a development standard) and related loss of vegetation/habitat is however, considered to be inconsistent with sub clause 4 of the Direction.

The subject inconsistency upon review is considered to be:

- justified by a study prepared in support of the planning proposal which give consideration to the objectives of the Direction (sub clause 6 (b)) and of minor significance (sub clause 6 (d)) (refer to supporting documentation by Eco Logical as appendices 1 and 2 of Appendix 1).

It is however, considered important that the remnant vegetation to be retained in the proposed parkland is rehabilitated and the subject of a fully funded (in perpetuity), Vegetation Management Plan. Further, it is also considered appropriate that the moderate quality vegetation proposed for removal be the subject of an "Offsetting Strategy".

Finally, additional Koala investigations need to be undertaken in accordance with the provisions of SEPP No 44.

Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

In accordance with the Direction a Planning Proposal must facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, natural or aesthetic value of the item, area, object or place identified in a study of the environmental heritage of the area
- (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The prevailing LEP; namely CLEP 2015 includes the Standard Instrument heritage provisions at Clause 5.10. These provisions will ultimately ensure appropriate conservation outcomes.

In the interim, however, the PPR, despite the accompanying Preliminary Heritage Advice, is not considered to adequately address the potential impacts of the proposal on the identified Heritage Item; namely, the stone cottage (and bushland setting) situated at No.28 Mercedes Road. This however, is not considered to be an issue which cannot be successfully addressed without major compromise, as a relevant Planning Proposal is advanced. Indeed, it is considered that a positive Gateway Determination would likely require full compliance with the subject Section 117 Direction i.e. embellishment of the Preliminary Heritage Advice.

Direction 3.1 Residential Zones

This Direction seeks to encourage housing choice, optimise the utilisation of existing infrastructure and ensure relevant infrastructure upgrades if required and to minimise the impact on environment and resource lands.

The PPR espouses consistency with the subject objectives of the Residential Zones Direction; it being noted that:

- it is proposed to permit residential development where previously precluded and contribute to land supply and realisation of housing targets
- it is proximate to existing residential development and services
- a range of housing types will be facilitated by the development proposal.

The position espoused is considered to be accurate and the following provisions detailed at sub clause (9) fulfilled:

- broaden the choice of building types and locations available in the housing market
- make more efficient use of existing infrastructure and services
- be of good design.

The requirement documented at (c); namely, reduce the consumption of land for housing and associated urban development is not considered to be fulfilled in the PPR.

The departure is of minor significance (sub clause 11 (d)) and considered to be justified having regard to Council's urban transition philosophy in the East Edge Scenic Protection Lands and the Planning Policy Position noted at Council's Planning and Environment Committee meeting on 14 June 2016 and adopted at the Council meeting on 21 June 2016.

Direction 3.4 Integrating Land use and Transport

This Direction seeks to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the holistic integration of land use and transport.

The proposal locates development adjacent to existing urban development and related infrastructure including bus routes. Development will lead to increased patronage and service levels of such routes, including potential on site expansion of routes.

An opportunity for alternative movement means in the form of pedestrian /cycle ways is to be optimised.

Direction 4.4 Planning for Bushfire Protection

The objectives of this Direction are to manage loss and human safety through land use compatibility and to encourage sound management of bushfire prone areas.

In accordance with the Direction a Planning Proposal must;

- have regard to Planning for Bushfire Protection 2006 (PBP)
- introduce controls that avoid placing inappropriate developments in hazardous areas
- ensure that bushfire hazard reduction is not prohibited within an Asset Protection Zone (APZ).

The Bushfire Constraints Assessment Report submitted in support of the PPR, as previously cited, concludes that the land is capable of supporting residential development in accordance with PBP and that APZ, construction, access and utility requirements are to be refined during the planning and design phase of future development.

It is considered that the APZs (and associated requirements) promoted need to be reviewed as a relevant Planning Proposal is advanced. The significant reliance upon perimeter public roads in particular is questionable when the landscape philosophy is clearly founded upon retention and embellishment of roadside vegetation (creating a potential hazard).

A refined bushfire hazard management strategy is, however, considered to be capable of being readily achieved.

Direction 6.2 Reserving Land for Public Purposes

The objectives of this Direction are to:

- facilitate the provision of public services and facilities by reserving land, and
- facilitating the removal of reservations where not required

The proposed open space area is to be zoned RE1Public Recreation and will need to be ultimately dedicated to Council, subject to its conservation and infrastructure provision being to Council's relevant standards and a relevant VPA being developed including future maintenance provision.

It is noted that the PPR provides insufficient open space, such deficiency being addressed in the Council compiled draft Planning Proposal.

Direction 7.1 Implementation of a Plan for Growing Sydney

The objective of this Direction is to give effect to the planning principles, directions and priorities for sub-regions, strategic centres and transport gateways contained in the plan.

The PPR contests that it is consistent with the subject Direction in a series of generic statements.

The PPR is considered to be generally not inconsistent with the Direction as broadly documented at Section 4.1.1 of this Assessment Report.

Direction 7.2 - Implementation of the Greater Macarthur Land Release Investigation.

The subject land is not included in the Investigation Area. This however, does not mitigate against its consideration as a relevant urban release in the context of sub-regional planning to date.

A full Section 117 "Compliance" Checklist is provided at appendix 9.

4.1.4 Relevant SEPPs and SREPs (deemed SEPPs)

State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs) address issues of state and regional planning importance respectively.

An overview assessment of the relevance and consistency with select SEPPs and SREPs is provided in the PPR. Despite some inadequacies the PPR is considered to be sufficiently consistent with the relevant SEPPs and deemed SEPPs as highlighted below and summarised in appendix 10.

SEPP 55 – Remediation of Land

This SEPP requires Council to consider the suitability of the land for the intended purpose, principally future residential development in the subject case.

The limited understanding of the history of the subject lands suggests that a "Preliminary Investigation" (as referenced in the contaminated land planning guidelines) should be undertaken, as a minimum, as the planning proposal is advanced.

This short term data deficiency is not considered to mitigate against progressing a relevant Planning Proposal.

SEPP 44 – Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of potential koala habitat to ensure conservation (including arresting decline) of potential koala populations.

Council's preliminary Koala Habitat mapping suggests that the site has Koala conservation implications which have to be addressed at this formative stage of the Planning Proposal process.

The initial Flora and Fauna Constraints Assessment accompanying the PPR has been embellished by some focused ecological survey work. This most recent information extends beyond Council's draft Koala Habitat mapping. Further investigation is still, however considered to be required in this regard, with such being important to the advancement of a relevant planning proposal.

SEPP 19 – Bushland in Urban Areas

This SEPP seeks to facilitate the protection and preservation of bushland within urban areas including the Campbelltown Local Government Area (CLGA).

The subject land includes "bushland" as defined for the purposes of the SEPP.

The PPR has justified a balanced planning outcome in respect of bushland conservation and potential offsetting.

Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment (SREP No. 2)

This plan has a Catchment focus and seeks to realise enhanced water quality, river flows, environmental amenity and resource utilisation.

The subject land is situated in the Georges River Catchment, with the River located to the east.

The PPR request makes a limited statement about sediment and erosion control measures accompanying development. The Northrop Stormwater Management Strategy addresses water quantity and quality measures, but does not adopt a broader catchment perspective as championed in SREP No. 2. In a similar manner the Eco Logical water management focus is limited to a "Waterfront Lands" overview in the context of the Water Management Act, 2000.

It is accordingly concluded that the PPR has not comprehensively addressed the requirements of SREP No. 2 in respect of the application of the documented "planning principles" in the preparation of Local Environmental Plans, via the subject Planning Proposal process. This deficiency is however, considered to be capable of redress and should be highlighted in forwarding a relevant Planning Proposal for a Gateway Determination.

SEPP No.1 – Development Standards

The subject SEPP which controlled variations to development standards has had its application repealed by Clause 1.9 of Campbelltown – Local Environmental Plan, 2015.

Its general role has been assumed by clause 4.6 of CLEP 2015.

SEPP (Affordable Rental Housing, 2009)

The SEPP seeks to facilitate affordable housing so as to assist in achieving certain social housing outcomes. It's most common manifestation occurs in the form of secondary dwellings, boarding houses and group homes.

All low/medium density forms of housing would be permissible under a residential zoning as proposed in the PPR.

It is noted that Council is currently working to gain exemptions to the "blanket" application of the SEPP.

SEPP (Infrastructure, 2007)

The SEPP aims to facilitate the effective delivery of infrastructure.

Certain infrastructure elements associated with the proposed residential rezoning of the subject land would be permissible in accordance with this policy.

SEPP (Building Sustainability Index: BASIX) 2004

The SEPP aims to ensure the appropriate application and delivery of sustainable residential outcomes, via the BASIX scheme.

The application of the SEPP to the rezoning of the subject land will largely reflect in the design and building and development phase attached to dwellings.

Some of the underlying principles could potentially inform the final nature and configuration of allotments, should the land be rezoned.

SEPP (Exempt and Complying Development), 2008

The SEPP aims to provide streamlined development approvals processes in accordance with minimum standards.

The SEPP would be evoked in respect of the erection of many proposed dwellings, as is standard in the issue of Complying Development Certificates.

It is noted in the context of R5 large lot residential land that significant restrictive provisions are attached to the erection of dwellings.

4.2 Consistency with Local Planning/Policy Framework

A full SEPP and SREP (deemed SEPP) "Compliance" checklist is provided at appendix 10)

4.2.1 Campbelltown Local Environmental Plan, 2015 (CLEP 2015)

The aims of CLEP 2015 of express importance to the subject PPR, as mentioned at 2.3.1, relate to:

- The protection and enhancement of natural heritage and landscape values of land
- Minimisation of exposure to natural hazard (including bushfire)
- Ensuring development outcomes are commensurate with land capability and suitability.

It is considered that the subject aims are largely fulfilled by the proposal. It is recommended in addition to the conservation initiatives attached to the high quality vegetation that appropriate "offsetting" provision be made in respect of the moderate quality vegetation proposed for removal.

Additional koala habitat surveys are also noted to be required.

4.2.2 Campbelltown Local Planning Strategy 2013 (CLPS)

The Edgelands is identified as a sensitive landscape unit which provides limited environmental living opportunities in the form of large lot residential development which has regard to the general bushland character.

They are identified to fulfil a transitional function between the urban edge and heavily vegetated extensive Georges River "foreshore areas"; it being noted that "requests for smaller residential/rural – residential/lifestyle housing development need to be balanced with the existing rural character and prevailing environmental quality of the area".

Opportunities for limited 4,000sqm and large lot environmentally sensitive residential development were flagged to represent the general expectation in the fringing woodland areas.

The strategy is less definitive in respect of the more open areas contiguous with existing urban communities. These areas may have some form of potential as reflected in the Preliminary Concept Plan accompanying the PPR and Council's acknowledgement in its Planning Policy Position for the subject precinct considered at the Planning and Environment Committee meeting on 14 June 2016 and adopted at Council's meeting on 21 June 2016.

4.2.3 Campbelltown Community Strategic Plan, 2013-2023

This overarching Council/Community Strategic Plan represents the principal Community Outcome focused Strategic Plan guiding Council's policy initiatives and actions.

At a general level the PPR may be considered to not be inconsistent with the relevant objectives headed accordingly:

- a sustainable environment
- a strong economy
- an accessible city
- a safe, healthy and connected community.

4.2.4 Priority Investigation Area Policy Position

Council considered a report in respect of the subject locality of its Planning and Environment Committee Meeting of 14 June 2016 and subsequently resolved at the council Meeting of 21 June 2016 to adopt the following Policy Position:

'Any future developments within precinct defined in attachment 6L, should reflect a transition from the existing residential density (generally 500sqm) to large lot residential development of 1,000sqm and 2,000sqm allotments.

Retention/management of remnant woodland and reinstatement of an informal rural/woodland verge character of perimeter roads should be pursued where practical.

Potential exploration of land to the east of Bensley Road for sewerred 4,000sqm large lot residential development subject to agricultural constraints being resolved.

Council should not initiate/resource any planning amendments in the subject locality.'

The PPR is largely consistent with the preceding policy position. It is noted however; that the nature and amount of open space have been enhanced in the draft Planning Proposal complied by Council (Refer to Appendices 3 and 7).

4.2.5 Dual Occupancy and Secondary Dwelling Development

Dual occupancy and secondary dwelling development types will generally continue to be a permissible form of development pursuant to the relevant provisions of CLEP 2015 and SEPP (Affordable Rental Housing) 2009, with it being noted that under the R5 – large lot residential zone, dual occupancies are limited to an attached built form.

It is further noted that additional minimum subdivision lot size provisions are proposed in order to prevent the subdivision of attached dual occupancies within the R5 – large lot residential zone, perimeter development areas i.e. the Bensley and Oxford Road interfaces (refer to Appendix 12). Additionally, the subdivision of secondary dwellings is prohibited under SEPP (Affordable Rental Housing) 2009.

4.3 Infrastructure Impacts

The proposed development occasioned by the envisaged rezoning will have impacts upon local service infrastructure provision.

The immediate road and drainage networks will need to be upgraded at the cost of the ultimate developer. All on-site infrastructure will be provided by the developer. Relevant off-site impacts, particularly social infrastructure impacts, will need to be address typically the way of payment of a relevant contribution.

4.4 Voluntary Planning Agreement Principles (VPA)

The PPR is accompanied by a letter of support detailing some broad Voluntary Planning Agreement Principles including:

- establishment of a fund for the maintenance of the vegetated proposed open space in perpetuity
- provision of funding to construct walking trails, bush regeneration or similar enhancements through the fringing Georges River Nature Reserve.

Additionally, an "offsetting" strategy may need to be brokered as part of a VPA to "compensate" for the medium quality vegetation proposed for removal (refer to appendix 11).

Recommendation

This Assessment recommends that the PPR (as amended) inform a relevant Planning Proposal for submission to the Department of Planning and Environment for a Gateway Determination.

It is noted that the Planning Proposal should include limited open space provision beyond that shown in the PPR (as amended), (refer to attachment 4 in Council report).

PLANNING PROPOSAL REQUEST

Refer to attachment 5 in Council report.

SUBJECT LAND HOLDING



PROPOSED ZONING MAP



PRELIMINARY CONCEPT PLAN

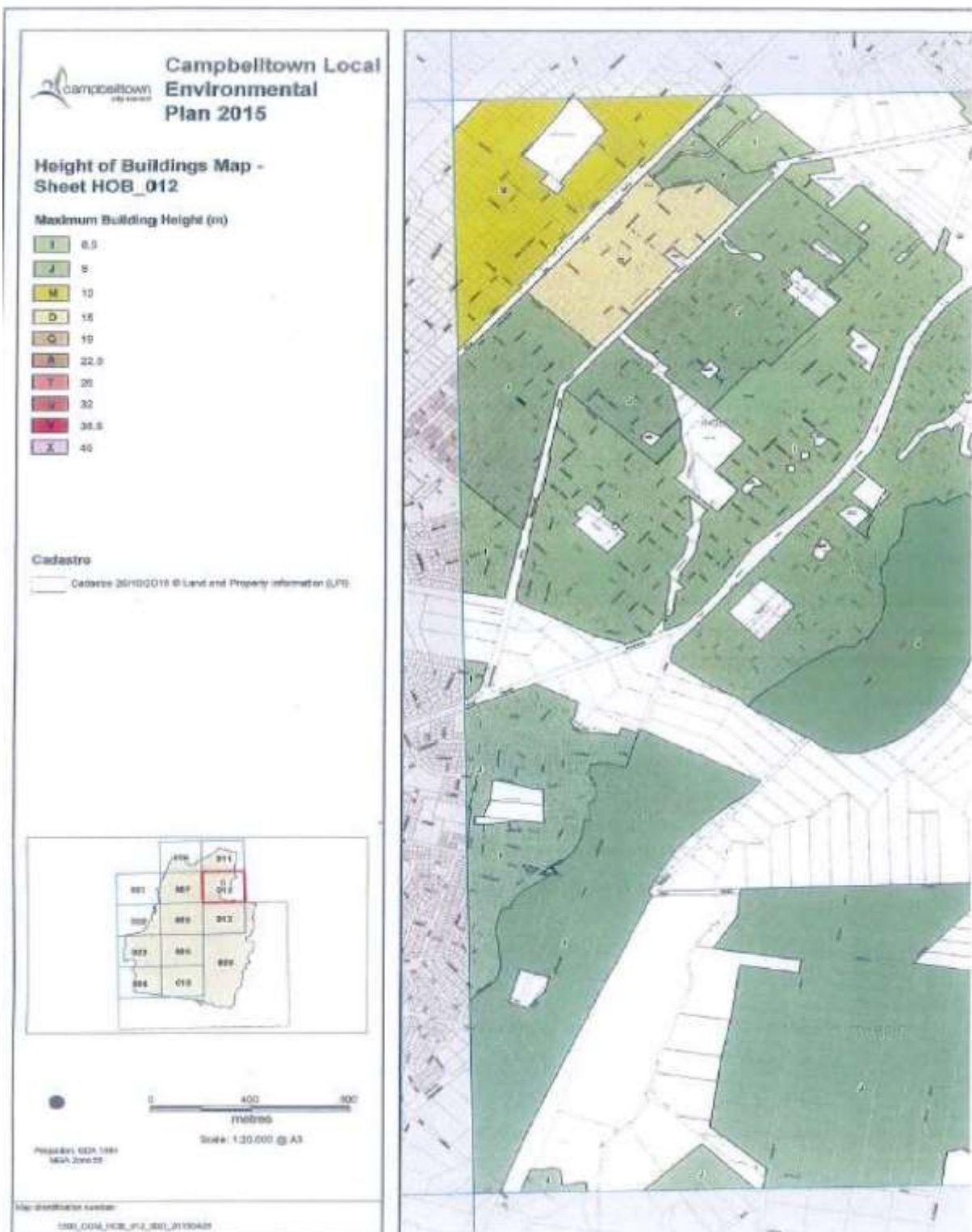


CALEDONIA - PRELIMINARY CONCEPT PLAN

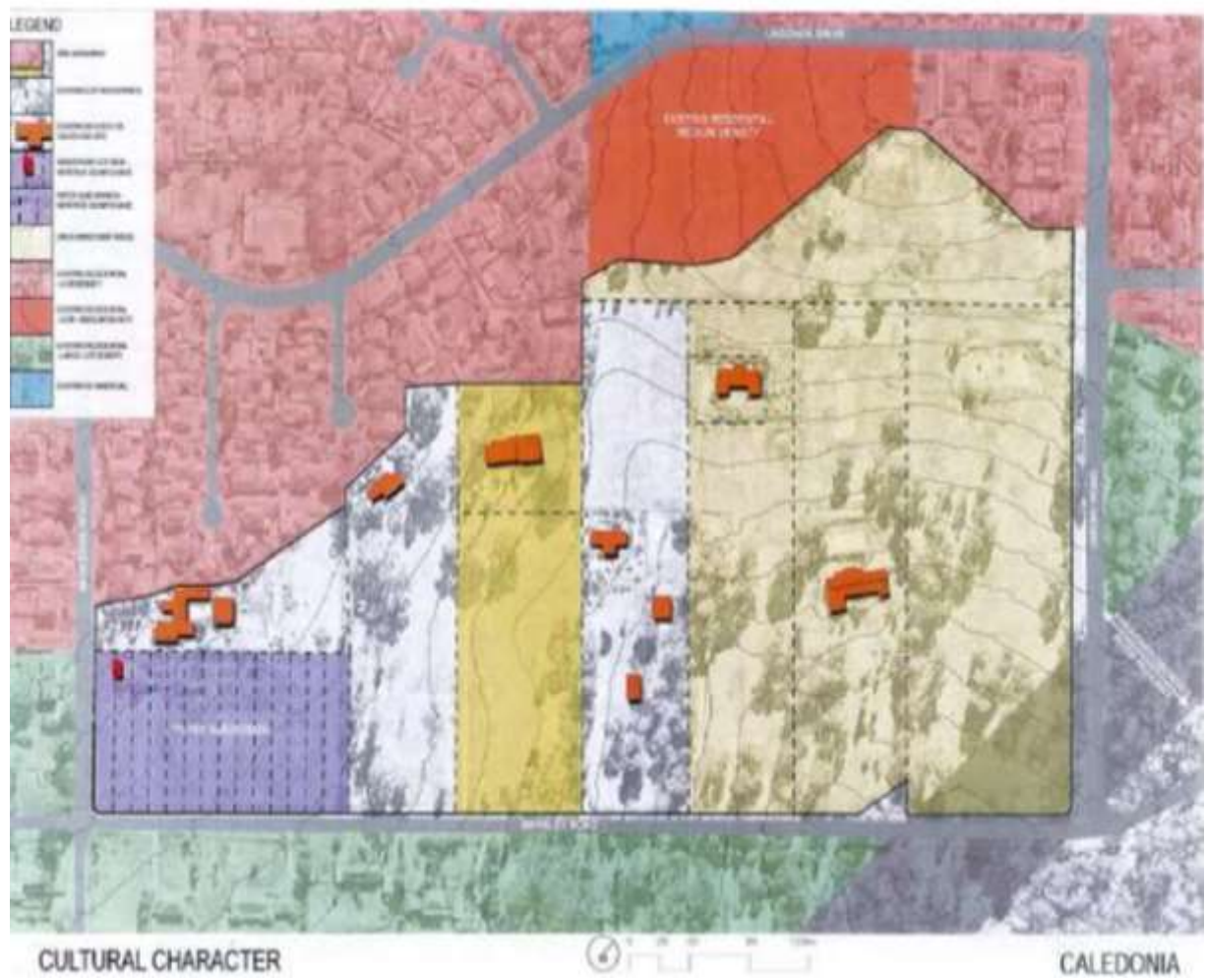
MINIMUM LOT SIZE MAP



HEIGHT OF BUILDINGS MAP



PREVAILING CHARACTER



SECTION 117 MINISTERIAL COMPLIANCE CHECKLIST

Assessment against Section 117(2) Directions

The table below assesses the Planning Proposal against Section 117(2) Ministerial Directions issued under the *Environmental Planning and Assessment Act (EP&A) 1979*.

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and Industrial Zones	No	N/A	N/A
1.2 Rural Zones	No	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A
1.4 Oyster Production	No	N/A	N/A
1.5 Rural Lands	No	N/A	N/A
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Justifiably Inconsistent	The Planning Proposal does adversely impact on an "environmentally sensitive area" currently zoned "Environmentally Living". In accordance with the Direction the inconsistency is largely justified by a supporting specialist ecological study and is considered to be of minor significance in accordance with the Direction exception criterion. Additional Koala investigations still however, need to be undertaken.
2.2 Coastal Protection	No	N/A	N/A
2.3 Heritage Conservation	Yes	Potential to be	The site includes a heritage item. Further investigation is required to establish that the Planning Proposal is consistent with this Direction. At this point of time, however, on the knowledge available, appropriate heritage outcomes are likely to be identified through appropriate investigations.
2.4 Recreation Vehicle Area	No	No	Direction does not apply.

3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Justifiably Inconsistent	The proposed R2 Low Density Residential R5 Large Lot Residential Zones permit a range of types of residential development adjacent to an existing urban area. The Direction is considered to be generally fulfilled. The "consumption" of land for urban purposes is not however, fulfilled. This inconsistency is considered to be justified by Council's recently adopted urban edge transition philosophy.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	Caravan Parks are currently precluded in both proposed residential zones.
3.3 Home Occupations	Yes	Yes	The R5 Large Lot Residential and R2 Low Density Residential zone permit. "Home occupations" without consent.
3.4 Integrating Land Use and Transport	Yes	Yes	The Planning Proposal seeks to rezone land adjoining on existing urban area for residential development. The site is proximate to public transport and will potentially facilitate expanded and enhanced bus services.
3.5 Development near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	No	N/A	Land not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	No	N/A	Direction does not apply.
4.3 Flood Prone Land	No	N/A	Land not recorded to be flood prone.
4.4 Planning for Bushfire Protection	Yes	Potentially	Further investigation is required to establish that the planning proposal is consistent with this direction. Sufficient information is however available to suggest a relevant management strategy can be achieved.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	Not applicable in the Campbelltown City LGA
5.2 Sydney Drinking Water Catchments	No	N/A	Not applicable in the Campbelltown City LGA

5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Not applicable in the Campbelltown City LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Not applicable in the Campbelltown City LGA.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	Revoked.
5.6 Sydney to Canberra Corridor	No	N/A	Revoked.
5.7 Central Coast	No	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Not applicable in the Campbelltown City LGA.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Potential to be	The proposed dedication of land identified as RE1 will need to be finally accepted by Council.
6.3 Site Specific Provisions	No	N/A	Not applicable in the Campbelltown City LGA.
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent – Seeks to increase housing supply at a local scale in a location which is generally consistent with the locational commentary of the Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	N/A	The land is not in the subject investigation area.

STATE ENVIRONMENTAL PLANNING POLICY CHECKSHEET

Compliance with SEPPs

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No. 1 - Development Standards	N/A	CLEP 2015 is a standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 4 - Development Without Consent and Miscellaneous Complying Developments	N/A	N/A
SEPP No.6 - Number of Stories in a Building	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
SEPP No. 14 - Coastal Wetlands	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 19 - Bushland in Urban Areas	Yes	The Planning Proposal facilitates a balanced planning outcome.
SEPP No. 21 - Caravan Parks	N/A	Not applicable to this Planning Proposal.
SEPP No. 22 - Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
SEPP No. 26 - Littoral Rainforests	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 30 - Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 33 - Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
SEPP No. 36 - Manufactured Home Estates	N/A	Not applicable in the Campbelltown City LGA.

SEPP No. 44 - Koala Habitat Protection	Potential to be	Further consideration is required if a Gateway Determination is issued. However, it is unlikely that koala management issues will hinder development.
SEPP No. 47 - Moore Park Showground	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 50 - Canal Estates	N/A	Not applicable to this Planning Proposal.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 60 - Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 62 - Sustainable Aquaculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 64 - Advertising and Signage	N/A	Not applicable to this Planning Proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	Yes	The Planning Proposal does not apply to zones where residential flat buildings are permissible.
SEPP No. 70 - Affordable Housing (Revised Schemes)	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 71 - Coastal Protection	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwelling will need to comply with this policy.
SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Campbelltown City LGA.

SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable to this Planning Proposal.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This planning proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Infrastructure) 2007	Yes	Certain infrastructure required to service residential development would be permissible in accordance with this SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Rural Lands) 2008	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal does not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable in the Campbelltown City LGA.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)	Consistency	Comments
REP No.2 – Georges River Catchment	Potential to be	Documented provisions need to be more comprehensively addressed.
REP No.9 – Extractive Industry (No 2)	N/A	Not applicable to by this Planning Proposal.
REP No.20- Hawkesbury-Nepean River (No 2-1997)	N/A	Not applicable to this Planning proposal.
Drinking Water Catchments REP No.1	N/A	Not applicable in the Campbelltown City LGA.

VOLUNTARY PLANNING AGREEMENT PRINCIPLES

The PPR is accompanied by a letter of support detailing some broad Voluntary Planning Agreement Principles including:

- establishment of a fund for the maintenance of the vegetated proposed open space area in perpetuity
- provision of funding to construct walking trails, bush regeneration or similar enhancements through the Georges River Nature Reserve.
- Additionally, an "offsetting" strategy may need to be brokered as part of a VPA to "compensate" for the proposed removal of medium quality vegetation.

SECONDARY DWELLING AND DUAL OCCUPANCY DEVELOPMENT OVERVIEW

Dual occupancy and semi-detached development

Dual occupancy and semi-detached residential development will be permissible in the R2 low density residential zone in a manner consistent with the existing provisions contained in CLEP 2015. Only attached dual occupancies are permissible in the R5 large lot residential zone of CLEP 2015.

It is considered important that residential development on the large perimeter road frontage allotments (Oxford Road and Bensley Road) is restricted. In this regards it is noted that dual occupancy development must be attached. Any attempt to create a Torrens Title subdivision of a dual occupancy will not be able to achieve the minimum 2,000sqm subdivision area in respect of Bensley Road or 1,000sqm in respect of Oxford Road. Additionally, a proposal for a Torrens Title subdivision would create a semi-detached building. Such form of residential development is prohibited in the R5 zone.

There remains an element of doubt as to whether a Strata Title subdivision could be prevented.

Having regard to the foregoing, it is suggested for increased rigor that Clause 2.6 of CLEP 2015 be amended to add the following provision:

Development consent must not be granted for the subdivision of land on which an attached dual occupancy is situated in the R5 large lot residential zone, if the subdivision would result in two dwellings situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Secondary dwellings

Secondary dwellings are permissible in both the R2 low density residential and R5 large lot residential zone, pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

It is noted that Clause 2.6(2) of CLEP 2015 restricts the subdivision of land on which a secondary dwelling is situated. Specifically, the clause states:

Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to the land.

It is further noted that clause 22 of the SEPP (Affordable Rental Housing) 2009 limits development to a principal dwelling and secondary dwelling. Dual occupancy development is accordingly not permissible in such context. Further, Clause 24 of subject SEPP precludes subdivision of a lot on which a secondary dwelling has been developed.

ATTACHMENT 4



Planning Proposal - Caledonia Precinct (Bensley, Mercedes and Oxford Roads, Ingleburn) Campbelltown City Council

Planning Proposal (PP)

Caledonia Precinct

Background

The East Edge Scenic Protection Lands form a strategic transitional landscape unit located between the eastern urban edge of Campbelltown City and the proposed "Georges River Parkway" (Road). The Landscape Unit has been the subject of numerous scenic landscape and urban capability investigations over recently years. Most recently, at the Council meeting of 21 June 2016, Council reinforced the broad-ranging development principles for the future of the Landscape Unit, including the East Edge Scenic Protection Lands – Ingleburn – EE2 (inclusive of the Caledonia Precinct).

The subject principles applying to the Caledonia precinct in summary include:

- Any future developments within the precinct should reflect a transition from the existing residential density (generally 500sqm) to large lot residential development of 1,000sqm and 2,000sqm allotments.
- Retention/management of remnant woodland and reinstatement of an informal rural /woodland verge character of perimeter roads should be pursued where practical.

These principles have evolved during the review of a Planning Proposal Request (PPR) submitted for the part of the Ingleburn EE2 precinct known as the Caledonia Precinct.

Existing situation

The site comprises some 17.65 hectares of rural residential land generally bounded by Mercedes Road, Bensley Road and Oxford Road. It forms part of the eastern edge of the suburb of Ingleburn and part of a landscape unit which is known as the East Edge Scenic Projection Lands or 'the Edgelands'. Generally, to the immediate east is the reservation of the proposed 'Georges River Parkway' (Road), which forms a clear divide to the densely vegetated George River environs.

Some two kilometres to the west of the site is the Ingleburn Town Centre, Industrial Precinct and transport hub focused on Ingleburn Railway Station.

An aerial photograph extract of the subject site in its immediate context is produced below.



Figure 1 – Subject site and immediate locality

The real property description of the land is as follows:

- Lot 41 DP 1021880 (No. 26 Mercedes Road)
- Lots 55-68 (inclusive) Sec A2 DP 2189 (No. 28 Mercedes Road)
- Lot 25 DP 617465 (No. 9 Daimler Place)
- Lot 2 DP 550894 (No. 308 Bensley Road)
- Lot 1 DP 597774 (No. 306 Bensley Road)
- Lot 2 DP 597774 (No. 304 Bensley Road)
- Lot 3 DP 597774 (No. 302 Bensley Road)
- Lot 47 DP 595243 (No. 300 Bensley Road)
- Lot 4 DP 261609 (Oxford Road) & Lot 1 DP 261609 (No. 233 Oxford Road)

The site has a general open scattered remnant woodland, rural - residential character, a dominant feature being the informal grouping of trees which creates a distinct natural edge to Bensley and Oxford Roads.

Further, the site transitions into more heavily vegetated land to the immediate north and east and generally open rural residential land to the immediate south east and an operational poultry farm. The western interface comprises low density and medium density residential

development. The perimeter roads (Mercedes and Oxford Roads) form the only connectivity with the existing residential communities.

The site has access to reticulated service provision, excluding sewer.

Part 1 – Objectives or Intended Outcomes

The objective of the planning proposal (PP) is to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) so as to facilitate the development of the subject land holding for principally low density residential purposes together with support public recreation opportunities and infrastructure provision.

In seeking to realise such objective the PP aims to deliver the following outcomes:

- a transition in residential densities and building typologies from the existing urban edge to the interface with the proposed "Georges River Parkway"
- conservation of the most significant on-site vegetation
- enhanced water quality outcomes
- preserve that part of the proposed Georges River Parkway reservation which impacts the site
- retention and embellishment of the exiting rural verge on the perimeter roads
- minimisation of potential heritage impacts and implementation of a relevant conservation strategy
- augmentation and reticulation of all essential services.

Part 2 – Explanation of provisions

2.1 Proposed amendments to CLEP 2015

It is proposed that CLEP 2015 be amended to reflect the envisaged land use distribution across the site. In this regard the following zoning controls are proposed:

- R2 - low density residential from the exiting urban edge
- R5 - large lot residential generally for the road frontage perimeter of the site
- RE1 - for the open space area generally aligning with the area of vegetation to be retained and storm water management control point.

The proposed Zoning Map in annexure 1 reflects the above.

It is noted that the SP2 - Infrastructure Zone is to be retained where it aligns with the proposed Georges River Parkway Reservation (Road).

The proposed Minimum Lot Size Map in annexure 2 reflects lot sizes commensurate with the above referenced residential zones as follows;

- R2 - low density residential - 500sqm
- R5 - large lot residential - 1000 and 2000 sqm

The Maximum Building Height Map at nine metres is to remain unchanged.

The Land Reservation Acquisition Map is also to remain unchanged.

It is also proposed to introduce a local clause for the Caledonia Site under CLEP 2015 (as shown in annexure 3), the clause shall relate to the preparation of a Development Control Plan which addresses the following elements of the Vision for Caledonia beyond the principal development controls in CLEP 2015 as proposed to be amended:

- a transition in residential densities and building typologies from the existing urban edge to the interface with proposed Georges River Parkway
- conservation of the most significant on-site vegetation
- enhanced water quality outcomes
- preservation of that part of the proposed Georges River Parkway reservation which impacts the site
- retention and embellishment of the exiting rural verge on the perimeter roads
- minimisation of potential heritage impact and implementation of a relevant conservation strategy
- the servicing of the land.

Additionally, dual occupancy (attached) development is to be controlled in the R5 Large Lot Residential zone by amending clause 2.6 by introducing a reference to the m subdivision lot size as follows:

- (3) Development consent must not be granted for the subdivision of land on which an attached dual occupancy is situated in the R5 large lot residential zone, if the subdivision would result in two dwellings situated on separate lots, unless the

resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Part 3 – Justification

Section A - Need for the planning proposal

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

The PP is not the result of a strategic study or report. It is however, consistent with a recent review of the planning provisions for the subject locality (Council meeting of 21 June 2016).

It is noted that the PPR submitted in respect of the subject land is a professionally compiled report supported by a range of specialist studies.

The supporting reports address the following specific area;

- storm water management
- traffic management and accessibility
- service infrastructure provision
- ecology (as amended)
- heritage
- bushfire hazard
- odour impacts
- preliminary Concept Plan
- planning framework compliance.

The subject reports are included in the PPR.

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

The planning proposal is considered to be the best means of achieving the planning objective and intended outcomes detailed in Part 1. There are no other relevant means of accommodating the proposed development than to amend CLEP 2015 as promoted by this PP.

Section B - Relationship to Strategic Planning Framework

3. 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)?

The sub-regional planning framework is under review as the Greater Sydney Commission seeks to overhaul previous sub-regional planning initiatives and recent issue specific planning exercises.

The PP is importantly not inconsistent with the relevant areas of the former draft Sub-Regional Planning Strategy and in particular the dwellings target objectives and general locational criterion.

4. Is the planning proposal consistent with the local Council's Community Strategic Plans?

Campbelltown Community Strategic Plan 2013 - 2023

This overarching Council/Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions.

The PP at a generic level maybe considered to not be inconsistent with the relevant objectives headed accordingly;

- a sustainable environment
- a strong economy
- an accessible city
- a safe, healthy and connected community.

Draft Campbelltown Local Planning Strategy 2013

The Edgelands is identified as a sensitive landscape unit which provides limited environmental living opportunities in the form of large lot residential development which has regard to the general bushland character.

They are identified to fulfil a transitional function between the urban edge and heavily vegetated extensive Georges River 'foreshore areas'; it being noted that 'requests for smaller residential/rural – residential/lifestyle housing development need to be balanced with the existing rural character and prevailing environmental quality of the area'.

Opportunities for limited 4,000sqm and large lot environmentally sensitive residential development were flagged to represent the general expectation in the fringing woodland areas. The strategy is less definitive in respect of the more open areas contiguous with existing urban communities. These areas may have some form of potential for transitional urban development as reflected in the Preliminary Concept Plan accompanying the PPR and Council's acknowledgement in its Planning Policy Position for the subject precinct, adopted at its meeting on 21 June 2016.

The PP is consistent with the above-mentioned Planning Policy Position.

Campbelltown Residential Development Strategy 2013

The Campbelltown Residential Development Strategy provided a broad strategic plan for delivering sub-regional housing supply objectives at a local level. It is heavily focused on urban renewal/infill areas and major Greenfield urban release areas.

Some passing reference is made to lifestyle housing opportunities. It does not however, address in any detail the transitional fringe rural/urban interface areas.

The PP could be considered to be consistent to the extent of fulfilling underpinning housing supply and housing diversity objectives.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with applicable State Environmental Planning Policies. See Table 1 below;

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No 1 Development Standards	N/A	CLEP 2015 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 4 - Development Without Consent and Miscellaneous Complying Development	N/A	N/A
SEPP No.6 - Number of Stories in a Building	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
SEPP No. 14 - Coastal Wetlands	N/A	Not applicable in the Campbelltown City LGA.

SEPP No. 19 - Bushland in Urban Areas	Yes	The Planning Proposal facilitates a balanced planning outcome. Commentary needs to be expanded.
SEPP No. 21 - Caravan Parks	N/A	Not applicable to this Planning Proposal.
SEPP No. 22 - Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
SEPP No. 26 - Littoral Rainforests	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 30 - Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 33 - Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
SEPP No. 36 - Manufactured Home Estates	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 44 - Koala Habitat Protection	Potential to be	Further consideration is required if a Gateway Determination is issued. However, it is unlikely that koala management issues will hinder development.
SEPP No. 47 - Moore Park Showground	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 50 - Canal Estates	N/A	Not applicable to this Planning Proposal.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Campbelltown City LGA.
SEPP No. 60 - Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP No. 62 - Sustainable Aquaculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 64 - Advertising and Signage	N/A	Not applicable to this Planning Proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	Yes	The Planning Proposal does not apply to zones where residential flat buildings are permissible.

SEPP No. 70 - Affordable Housing (Revised Schemes)	N/A	Not applicable in the Campbelltown City LGA
SEPP No. 71 - Coastal Protection	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable to this Planning Proposal.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain provisions which would contradict or hinder the application of this SEPP.
SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Infrastructure) 2007	Yes	Certain infrastructure required to service residential development would be permissible in accordance with this SEPP.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Campbelltown City LGA.

SEPP (Rural Lands) 2008	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal does not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Campbelltown City LGA.
SEPP (Sydney Drinking Water Catchment) 2011	N/A	Not applicable in the Campbelltown City LGA.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)	Consistency	Comments
REP No.2 – Georges River Catchment	Potential to be	Documented provisions need to be more comprehensively addressed.
REP No.9 - Extractive Industry (No 2)	N/A	Not applicable to this Planning Proposal.
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	N/A	Not applicable to this Planning proposal.
Drinking Water Catchments REP No.1	N/A	Not applicable in the Campbelltown City LGA.

Table 1 – Consistency with State Environmental Planning Policies and deemed State Environmental Planning Policies.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s.11 directions)?

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	No	N/A	N/A
1.2 Rural Zones	No	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A
1.4 Oyster Production	No	N/A	N/A
1.5 Rural Lands	No	N/A	N/A
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Justifiably Inconsistent	The Planning Proposal does adversely impact on an "environmentally sensitive area" currently zoned "Environmentally Living". In accordance with the Direction the inconsistency is largely justified by a supporting specialist ecological study and is considered to be of minor significance in accordance with the Direction exception criterion. Additional Koala investigations still however, need to be undertaken.
2.2 Coastal Protection	No	N/A	N/A
2.3 Heritage Conservation	Yes	Potential	The site includes a heritage item. Further investigation is required to establish that the Planning Proposal is consistent with this Direction. At this point-of-time, however, on the knowledge available, appropriate heritage outcomes are likely to be identified through appropriate investigations.
2.4 Recreation Vehicle Area	No	No	Direction does not apply.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones	Yes	Justifiably Inconsistent	The proposed R2 Low Density Residential and R5 Large Lot residential zones permit a range of types of residential development adjacent to an existing urban area. The Direction is considered to be generally fulfilled. The "consumption" of land for urban purposes is not however, fulfilled. This inconsistently is considered to be justified by Council's recently adopted urban edge transition philosophy.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	Caravan Parks are currently precluded in both proposed residential zones.
3.3 Home Occupations	Yes	Yes	The R5 Large Lot Residential and R2 Low Density Residential zone permit "Home occupations" without consent.
3.4 Integrating Land Use and transport	Yes	Yes	The Planning Proposal seeks to rezone land adjoining an existing urban area for residential development. The site is proximate to public transport and will potentially facilitate expanded and enhanced bus services. Opportunities to optimise pedestrian/cycleway should be optimised.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	No	N/A	Land not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	No	N/A	Direction does not apply.
4.3 Flood Prone Land	No	N/A	Land not recorded to be flood prone.

4.4 Planning for Bushfire Protection	Yes	Potentially	Further investigation is required to establish that the planning proposal is consistent with this direction. Sufficient information is however, available to suggest a relevant management strategy can be achieved.
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	Not applicable in the Campbelltown City LGA
5.2 Sydney Drinking Water Catchments	No	N/A	Not applicable in the Campbelltown City LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Not applicable in the Campbelltown City LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Not applicable in the Campbelltown City LGA.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	Revoked.
5.6 Sydney to Canberra Corridor	No	N/A	Revoked.
5.7 Central Coast	No	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Not applicable in the Campbelltown City LGA
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Potential to be	The proposed dedication of land identified as RE1 will need to be finally accepted by Council.
6.3 Site Specific Provisions	No	N/A	Not applicable in the Campbelltown City LGA

7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent – Seeks to increase housing supply at a local scale in a location which is generally consistent with the locational commentary of the Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	N/A	The land is not in the subject investigation area.

Table 2 assesses the Planning Proposal against Section 117(2) Ministerial Directions issued under the *Environmental Planning and Assessment Act (EP&A) 1979*.

Section C - Environmental, Social and Economic Impact

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

The PP will impact adversely upon the critically endangered Cumberland Plain Woodland ecological community. The impact however, from initial review, is not considered to be significant. No core Koala habitat is importantly likely to be threatened. This impact will need to be further documented as the PP is advanced.

It is noted in this regard that it is proposed to enter Voluntary Planning Agreement (VPA) to ensure that the on-site vegetation to be retained in the proposed open space area is rehabilitated to a maintainable standard and then maintained in perpetuity, in accordance with a relevant Vegetation Management Plan. Additionally, funding is proposed to facilitate enhanced controlled public access to the off-site local woodland areas in public ownership.

Further, an "offsetting" strategy may need to be brokered as part of the VPA to "compensate" for the medium quality vegetation proposed for removal.

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

There are a number of potential environmental effects associated with the proposal beyond local ecology which require specific management strategies so as to ensure acceptable and sustainable environmental outcomes.

The relationship to the retained vegetation and fringing off-site vegetation requires a range of bushfire management measures. Modest asset protection zone requirements at Bushfire Attack

Level 29 (BAL29) construction level are proposed to manage the potential bushfire hazard impacts.

The presence of a heritage item (local) at 28 Mercedes Road will require its retention, conservation and establishment of an appropriate curtilage. Further heritage analysis will be required as the PP is advanced.

Advanced storm-water management practices will be required to ensure appropriate storm-water management outcomes, particularly given the relationship to the nearby Georges River. The storm-water management principles detailed in the accompanying storm-water management study will need to be reviewed and further documented as the PP is progressed.

A preliminary contamination investigation, as a minimum, should be undertaken given the past rural residential usage of the land, as the PP is advanced.

Amplification and reticulation of all service infrastructure including in particular water and sewer will need to be further documented in the PP.

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

The rezoning for residential purposes will result in positive economic effects. The planning proposal will potentially result in short and medium term employment opportunities related to development and construction activities associated with the sub-divisional works and the subsequent erection of dwellings.

The increased supply of diverse housing stock will also have positive social impacts. Additionally, an increase in the resident population will potentially have positive social and economic impacts on the Ingleburn Town Centre as a centre of commerce and recreation; this being reflected in increased employment and purchasing power.

Section D - State and Commonwealth Interests

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

Preliminary infrastructure investigations accompanied the PPR. These investigations were undertaken by Northrop Consulting Engineer and concluded that the existing service infrastructure network (water, sewer, electricity, telecommunications and gas servicing) was available in the locality and could be economically augmented and reticulated.

Perimeter roads will be upgraded as a requirement of development and likewise requisite storm-water management infrastructure and service roads.

Open space will be provide and embellished in accordance with Council's relevant standards.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

These views will be documented after the Gateway Determination is actioned.

Part 4 – Mapping

In seeking to achieve the PP objective and outcomes the following map amendments are proposed:

- 4.1 amendments to Zoning Map (refer to annexure 1)
- 4.2 amendments to Lot Size Map (refer to annexure 2)
- 4.3 amendments to Lot Size for Dual Occupancy Development Map (refer to annexure 4)
- 4.4 amendments to Lot Averaging Map (refer to annexure 5)
- 4.5 addition of Proposed Clause Application Map (refer to annexure 6)

It is noted that it is not proposed to amend the existing;

- Height of Buildings Map
- Infrastructure Map
- Land Reservation Acquisition Map.

Part 5 - Community Consultation

Public consultation will take place in accordance with a relevant Gateway determination. It is considered appropriate given the nature of the proposal and the subject locality that a 28 day minimum public exhibition period is enacted.

Consultation with relevant authorities and agencies should also correspondingly occur over the public exhibition period.

Part 6 - Project Timeline

The following notional project timeline is proposed:

Council endorsement of Planning Proposal	October 2016
Referral for a Gateway Determination	November 2016
Gateway Determination	December 2016
Completion of additional supporting documentation	February 2017
Public Exhibition	March 2017
Consideration of submissions (Report to Council)	May 2017
Referral to Department of Planning and Environment for finalisation	June 2017
Plan amendment made	September 2017





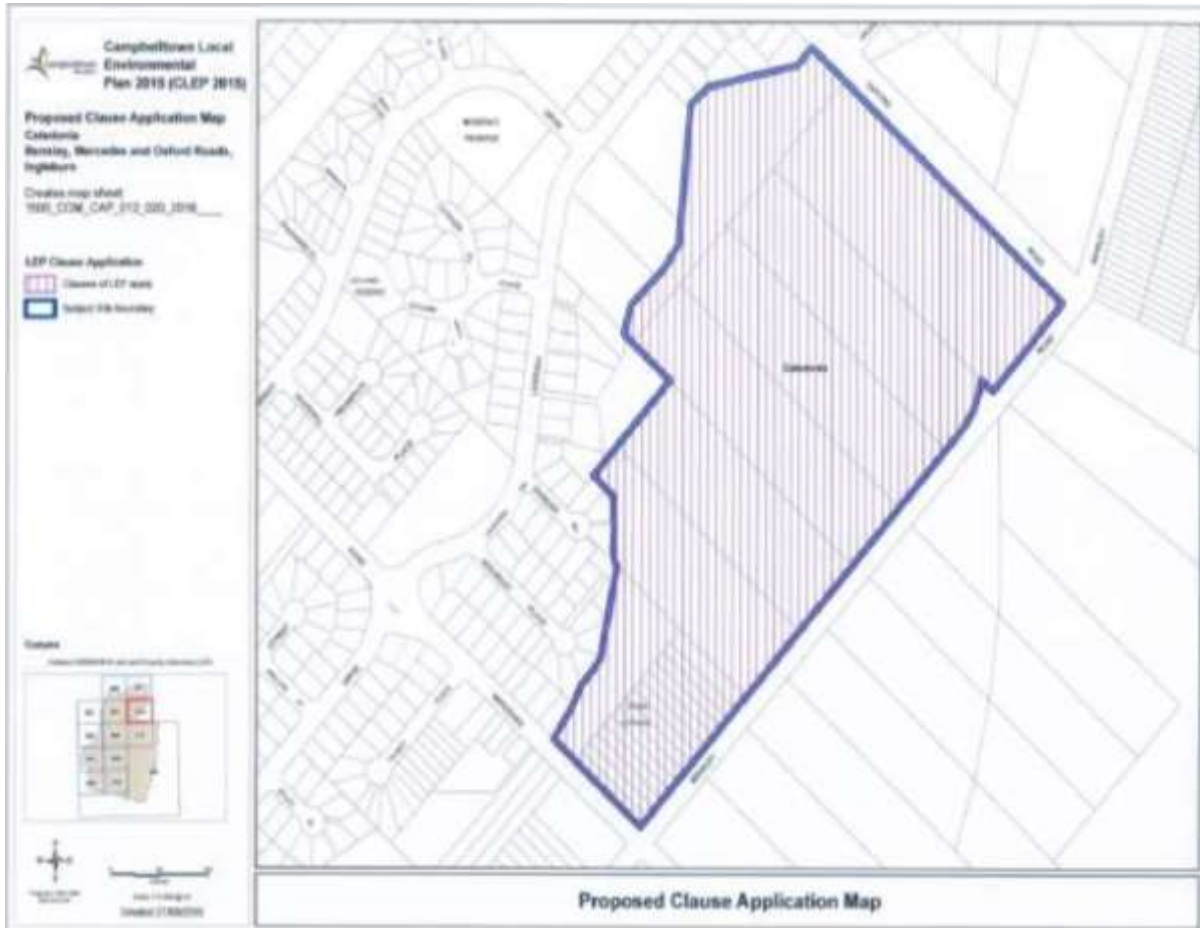


7. Caledonia Precinct

- (1) The objectives for development of the Caledonia Precinct are as follows:
 - (a) to ensure development of land known as the Caledonia Precinct takes place in an orderly manner
 - (b) to ensure appropriate built form and specific integrated landscape and bushfire hazard management outcomes
 - (c) to ensure appropriate conservation and general hazard management outcomes
- (2) This clause applies to land identified as the "Caledonia Precinct" on the "Clause Application Map"
- (3) Development Consent must not be granted for development on land to which this clause applies unless the consent authority has taken into consideration a development control plan approved by Council for that purpose that contains comprehensive provisions relating to, but not limited to:
 - (a) a transition in residential densities and building types from the existing urban edge to the interface with the proposed Georges River Parkway
 - (b) the long term conservation of the most significant vegetation
 - (c) sustainable stormwater and water quality management
 - (d) retention and embellishment of the existing rural verge of the precinct perimeter roads
 - (e) minimisation of the impact of development on the heritage significance of the precinct and proposed means of conservation management
 - (f) the servicing of the land
 - (g) preservation of the proposed Georges River Parkway land reservation.







ATTACHMENT 6

SECONDARY DWELLING AND DUAL OCCUPANCY DEVELOPMENT OVERVIEW

Dual occupancy and semi-detached development

Dual occupancy and semi-detached residential development will be permissible in the R2 low density residential zone in a manner consistent with the existing provisions contained in CLEP 2015. Only attached dual occupancies are permissible in the R5 large lot residential zone of CLEP 2015.

It is considered important that residential development on the large perimeter road frontage allotments (Oxford Road and Bensley Road) is restricted. In this regards it is noted that dual occupancy development must be attached. Any attempt to create a Torrens Title subdivision of a dual occupancy will not be able to achieve the minimum 2,000sqm subdivision area in respect of Bensley Road or 1,000sqm in respect of Oxford Road. Additionally, a proposal for a Torrens Title subdivision would create a semi-detached building. Such form of residential development is prohibited in the R5 zone.

There remains an element of doubt as to whether a Strata Title subdivision could be prevented.

Having regard to the foregoing, it is suggested for increased rigor that Clause 2.6 of CLEP 2015 be amended to add the following provision:

- (3) Development consent must not be granted for the subdivision of land on which an attached dual occupancy is situated in the R5 large lot residential zone, if the subdivision would result in two dwellings situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Secondary dwellings

Secondary dwellings are permissible in both the R2 low density residential and R5 large lot residential zone, pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009.

It is noted that Clause 2.6(2) of CLEP 2015 restricts the subdivision of land on which a secondary dwelling is situated. Specifically, the clause states:

Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to the land.

It is further noted that clause 22 of the SEPP (Affordable Rental Housing) 2009 limits development to a principal dwelling and secondary dwelling. Dual occupancy development is accordingly not permissible in such context. Further, Clause 24 of subject SEPP precludes subdivision of a lot on which a secondary dwelling has been developed.

