

20 December 2017

Regional Director
Sydney Region West
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Mr Craig Diss

Dear Mr Diss

Re: Planning Proposal - 17 Percival Avenue, Ingleburn

I am writing to advise that Council at its meeting of 12 December 2017 resolved to support a Planning Proposal to rezone land at Lot 27 DP 1096807 (17 Percival Avenue, Ingleburn) from RE1 - Public Recreation to R2 Low Density Residential.

Accordingly a Gateway Determination is requested.

Attached is:

1. Planning Proposal;
2. Council report; and
3. Council's resolution.

Council also requested that the public exhibition period, be 14 days and that delegation be granted to allow Council to finalise the Planning Proposal.

Given the minor nature of this planning proposal, Council believes that very minimal consultation with public agencies would be needed.

If you require any further information please contact me on (02) 4645 4598.

Yours sincerely

A handwritten signature in blue ink, appearing to read "DS", is placed above the printed name of David Smith.

David Smith
Executive Manager Urban Centres

8.12 Draft Planning Proposal - No. 17 Percival Street, Ingleburn**Reporting Officer**

Director City Development
City Development

Community Strategic Plan

Objective	Strategy
2 Outcome Two: A Respected and Protected Natural Environment	2.5 - Plan for and ensure that development in our city is sustainable and resilient

Officer's Recommendation

1. That Council support the draft Planning Proposal to rezone part of the land at Lot 27 DP 1096807 (17 Percival Avenue, Ingleburn) from RE1 - Public Recreation to R2 Low Density Residential.
2. That Council forward the draft Planning Proposal (refer to attachment 3) to the Department of Planning and Environment for a Gateway Determination.
3. That subject to no major issues raised by the Gateway Determination, Council proceed to public exhibition of the draft Planning Proposal.
4. That Council request that the Gateway Determination from the Department of Planning and Environment only require the public exhibition be for a period be 14 days.
5. That Council request delegation from the Department of Planning and Environment to allow Council to finalise the draft Planning Proposal.
6. That subject to no objections being received as a result of the public exhibition, Council proceed to finalising the draft Planning Proposal.
7. That Council advise the owner of the subject land of the resolution.

Purpose

The purpose of the report is to seek Council's endorsement to forward a draft planning proposal to the Department of Planning and Environment for a Gateway Determination to facilitate the rectification of an anomaly within the Campbelltown Local Environmental Plan 2015 and rezoning of a part of the site at 17 Percival Avenue, Ingleburn from RE1 Regional Open Space to R2 Low Density Residential.

Report

Property Description: Lot 27 DP 1096807 (17 Percival Avenue, Ingleburn)

Owners: Mr James Stewart Mayfield and Mrs Katie Elizabeth Mayfield

Applicant: Council

The site - Local/Regional Context

The site that is subject to the draft planning proposal (the draft PP) is located at No 17 Percival Avenue, Ingleburn and has a total area of 950.8sqm and the part of the site that is zoned RE1 has an area of approximately 115sqm. The site is currently vacant. An aerial map of the site is shown as attachment 1 to this report.

The site is approximately 1.1 km south from Ingleburn Railway Station and is one street block from the railway line. The site adjoins Barff Reserve, which is part of the Bow Bowing Creek open space and drainage corridor. The creek is largely in natural form. There is a nearby industrial area on the western side of the railway line (refer to attachment 1).

Existing Zoning

The site is zoned part RE1 - Public Recreation (RE1) and part R2 Low Density Residential (R2) under Campbelltown Local Environmental Plan 2015 (the CLEP 2015). Attachment 3 shows the existing zoning of the site.

The part of the site that is zoned RE1 has an area of approximately 115sqm and has not been identified for future acquisition by Council or any other public authority under the provisions of the CLEP 2015. As such, it is concluded that the current RE1 zoning of part of the site is most likely a result of a drafting anomaly.

The Planning Proposal

The objective of this draft PP is to amend the CLEP 2015 to rezone the part of the land that is currently zoned RE1 to R2 to rectify the drafting anomaly and permit the whole of the site to be developed for a dwelling house in an orderly manner.

The part of the site that is currently zoned RE1 is still in private ownership, and as such it will not be necessary to reclassify the land as part of the PP process.

Land Use Development Application for the site

Council is currently assessing a land use development application for the use of the site for a single dwelling house with a pool. Part of the footprint of the single dwelling house is proposed over the land that is currently zoned RE1. Notably, a dwelling house is not a permissible use within the RE1 zone.

Prior to Council issuing development consent for the development application for the site, a planning proposal needs to be prepared, approved by Council for Gateway determination and publicly exhibited.

Relationship to Strategic Planning Framework

The draft PP is a minor matter. It is nevertheless consistent or of minor inconsistency with:

- Ministerial Directions for the preparation of PPs (S117 Directions)
- Relevant State Environmental Planning Policies

- Draft Greater Sydney Region Plan 2017
- Draft Western City District Plan
- Campbelltown Community Strategic Plan
- Campbelltown Residential Development Strategy 2013.

Comments on the consistency/inconsistency with the above documents/directions are provided in the draft PP (refer to attachment 3 of this report).

Infrastructure Impacts

The development of the site would have nil impact on the demand for augmenting local infrastructure.

Consultation with Rural Fire Services

As part of the assessment of the proposed development application, Council consulted with the NSW Rural Fire Service (RFS). RFS did not object to the development application, however a number of conditions that the development would need to comply with were provided. Those include matters related to the design and construction of the dwelling house, landscaping, Asset Protection Zones and water and utilities.

Flooding

The subject property is a flood control lot with respect to 1 per cent Annual Exceedance Probability (AEP) flood in the adjoining Bow Bowing Bunbury Curran Creek. A Flood Control Lot is defined in the State Environment Planning Policy (Exempt and Complying Development Codes) 2008 - as a lot to which flood related development controls apply in respect of development for the purposes of industrial buildings, commercial premises, dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (other than development for the purposes of group homes or seniors housing).

In this regard, Council Engineers reviewed the proposed development application and provided a number of development conditions in relation to floor levels, the location of rainwater tanks, and the design of the stormwater drainage.

Consultation

Council consulted with the Rural Fire Service in relation to the proposed development application for the use of the site for a dwelling house. Given the minor nature of the draft planning proposal it is not considered necessary to undertake any further consultation with public agencies in relation to the proposed rezoning. In addition, it is also recommended that Council request that the gateway determination only require a period of 14 days for the public exhibition of the draft PP.

Delegation to make the Plan

Given that the draft PP is to correct a drafting anomaly, it is recommended that Council request that the Department provide Council with delegation to make the plan.

Conclusion

The rezoning sought with this draft PP is considered to be a minor matter and considered an acceptable planning outcome for the subject land, without any adverse impact on the surrounding private and public lands.

As such, it is recommended that Council support the draft PP and forward it to the Department of Planning and Environment for Gateway Determination.

Attachments

1. Aerial photo of the site (contained within this report)
2. Existing zoning of the subject land (contained within this report)
3. Draft Planning Proposal - 17 Percival Street, Leumeah (contained within this report)

[illegible]

Existing Zoning of the subject site





**Draft Planning Proposal -
17 Percival Avenue, Ingleburn**

Percival Avenue. Ingleburn

Background

The site is part of a single residential lot at Percival Street, Ingleburn. It has been deemed surplus to future open space needs.

Existing situation

The real property description of the land is Lot 27 DP 1096807 (17 Percival Avenue, Ingleburn). The property has an area of 950.8 sqm. The area that is the subject of the planning proposal has area of approximately 115 sqm.

The site is approximately 1.1 km south from Ingleburn Station and is one street block from the railway line. The site adjoins Barff Reserve, which is part of the Bow Bowing Creek open space and drainage corridor. The creek is not a concrete lined channel but largely in natural form. There is an industrial area nearby on the western side of the railway line.

Figure 1 shows an aerial photograph of the subject site in its immediate context. Figure 2 shows a street view of the site.



Figure 1 – Subject site and immediate locality

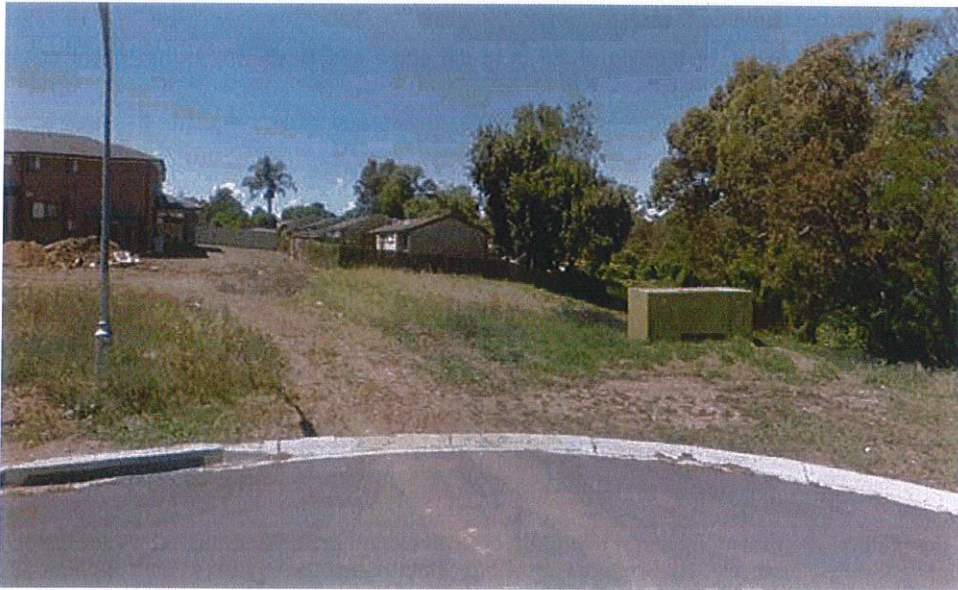


Figure 2 Street view of subject site

Part 1 – Objectives or intended outcomes

The objective of the planning proposal (PP) is to amend Campbelltown Local Environmental Plan 2015 (CLEP 2015) to rectify a drafting anomaly and permit the whole of the site to be developed for a dwelling house in an orderly manner. As it is still in private ownership, it is not necessary to reclassify the land as part of the PP.

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 change. In this regard the following changes are proposed:

Changes to Zoning Map

Change from RE1 - Public Recreation to R2 - Low Density Residential as shown on the Proposed Zoning Map (refer to maps 1 and 2 attached).

Changes to Minimum Lot Size Map

Extend the Minimum Lot Size of 500 sqm to the entire site as shown on the Minimum Lot Size Map (refer to maps 3 and 4 attached).

Changes to Dual Occupancy Lot Size Map

Extend the Minimum Lot Size for Dual Occupancy of 700 sqm to the entire site as shown on Minimum Lot Size for Dual Occupancy Map (refer to maps 5 and 6 attached).

Changes to Height of Building Map

Extend the maximum Height of Building of 9.5 m to the entire site as shown on the Height of Building Map (refer to maps 7 and 8 attached).

Part 3 – Justification**Section A - Need for the planning proposal****1. Is the planning proposal a result of any strategic study or report?**

No, the PP is of minor environmental significance.

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 draft Greater Sydney Region Plan 2017 was released in October 2017. The PP is considered to be consistent with the Draft Plan in that it is consistent with the following actions in the draft plan:

Objective 10: Greater housing supply

The PP will assist in provide additional housing supply.

Objective 31: Public open space is accessible, protected and enhanced

The PP will not decrease local accessibility to the open space corridor of Bow Bowing Creek. It will not reduce the existing open space accessible to local residents.

Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths

The PP will not sever any existing or potential links along the open space corridor of Bow Bowing Creek.

The draft Western City District Plan was released in October 2017. The PP is considered consistent with the draft Plan in that it is consistent with the following actions in the draft plan:

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

The land is located with the Greater Macarthur Priority Growth Area, being part of the Glenfield to Macarthur Corridor. It represents Local infill development by being an extension to the existing residential area. The site is approximately 1.1 km south from Ingleburn Station.

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

Campbelltown Community Strategic Plan 2013 - 2023

This overarching 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.

Campbelltown Local Planning Strategy 2013

The strategy identifies a number of major growth nodes around which infill residential development is encouraged to take place. The site is close to the Ingleburn Centre, which is one of the growth nodes. The site does not require augmentation of any infrastructure. It is consistent with the timing for development anticipated by the strategy.

The PP is consistent with the Campbelltown Local Planning Strategy 2013.

Campbelltown Residential Development Strategy 2013

Same comments as above.

The PP is consistent with the Residential Development Strategy 2013.

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

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

Table 1

State Environmental Planning Policies	Comments on consistency
SEPP No 1 Development Standards	Not applicable as CLEP 2015 is a Standard Instrument LEP & incorporates Clause 4.6 - Exceptions to Development Standards, which negates the need for consistency with SEPP 1.
SEPP No. 14 - Coastal Wetlands	Not applicable in the Campbelltown LGA.
SEPP No. 19 - Bushland in Urban Areas	Not applicable as there is no bushland on site.
SEPP No. 21 - Caravan Parks	Not applicable to this PP.
SEPP No. 26 - Littoral Rainforests	Not applicable in the Campbelltown LGA.
SEPP No. 30 - Intensive Agriculture	Not applicable to this PP.
SEPP No. 33 - Hazardous and Offensive Development	Not applicable to this PP.
SEPP No. 36 - Manufactured Home Estates	Not applicable in the Campbelltown LGA.

State Environmental Planning Policies	Comments on consistency
SEPP No. 44 - Koala Habitat Protection	Consistent, as there is no tree cover on the subject land. While the adjacent parkland has been identified as marginal habitat, it is noted it is located within an urban area and is remote from the preferred habitat to the east of the urban areas of Campbelltown. It should be noted that there are no trees on the subject land, including the portion of the site currently zoned RE1
SEPP No. 47 - Moore Park Showground	Not applicable in the Campbelltown LGA.
SEPP No. 50 - Canal Estates Development	Not applicable to this PP.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable in the Campbelltown LGA.
SEPP No. 55 - Remediation of Land	Consistent as it is considered unlikely that the land is contaminated as there is no history of land use on the land to suggest the likelihood of contamination.
SEPP No. 62 - Sustainable Aquaculture	Not applicable to this PP.
SEPP No. 64 - Advertising and Signage	Not applicable to this PP.
SEPP No. 65 - Design Quality of Residential Flat Development	Not applicable to this PP as residential flat buildings are not proposed on the site.
SEPP No. 70 - Affordable Housing (Revised Schemes)	Not applicable in the Campbelltown LGA
SEPP No. 71 - Coastal Protection	Not applicable in the Campbelltown LGA.
SEPP (Affordable Rental Housing) 2009	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Infrastructure) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Integration and Repeals) 2016	Not applicable to this PP.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable in the Campbelltown LGA.
SEPP (Kurnell Peninsula) 1989	Not applicable in the Campbelltown LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to this PP.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable in the Campbelltown LGA.

State Environmental Planning Policies	Comments on consistency
SEPP (Rural Lands) 2008	Not applicable to this PP.
SEPP (State and Regional Development) 2011	Not applicable to this PP.
SEPP (State Significant Precincts) 2005	Not applicable to this PP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable in the Campbelltown LGA.
SEPP (Sydney Region Growth Centres) 2006	Not applicable to this PP.
SEPP (Three Ports) 2013	Not applicable in the Campbelltown LGA.
SEPP (Urban Renewal) 2010	Not applicable to this PP.
SEPP (Vegetation in Non-Rural Areas) 2017	Consistent as the PP does not propose any provisions contrary to the SEPP.
SEPP (Western Sydney Employment Area) 2009	Not applicable to this PP.
SEPP (Western Sydney Parklands) 2009	Not applicable to this PP.
REP No.2 – Georges River Catchment	Consistent, as the PP has minimal impact on the issues of REP No.2 – Georges River Catchment.
REP No.9 - Extractive Industry (No 2)	Not applicable to this PP.
REP No.20 - Hawkesbury-Nepean River (No 2 1997)	Not applicable to this PP.
Drinking Water Catchments REP No.1	Not applicable in the Campbelltown LGA.

6. Is the planning proposal consistent with the applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Ministerial Directions. See Table 2 below.

Table 2

Ministerial Direction	Comments on consistency
1. Employment and Resources	
1.1 Business and industrial Zones	Not applicable to this PP.
1.2 Rural Zones	Not applicable to this PP.
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable to this PP.
1.4 Oyster Production	Not applicable to this PP.
1.5 Rural Lands	Not applicable to this PP.
2. Environment and Heritage	
2.1 Environmental Protection Zones	Not applicable to this PP. There is no vegetation on the site.
2.2 Coastal Protection	Not applicable to this PP.
2.3 Recreation Vehicle Area	Not applicable to this PP.

Ministerial Direction	Comments on consistency
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The PP seeks to provide an opportunity for housing. It can be readily and economically serviced and social infrastructure impacts appropriately addressed.
3.2 Caravan Parks & Manufactured Home Estates	Caravan Parks are currently not permitted in the R2 zone, proposed to apply to the site.
3.3 Home Occupations	The R2 Low Density Residential zone permits "Home occupations" without consent.
3.4 Integrating Land Use & transport	Consistent as the PP seeks to rezone land adjoining an existing urban area for residential development. The site is proximate to public transport.
3.5 Development Near Licensed Aerodromes	Not applicable to this PP.
3.6 Shooting Ranges	Not applicable to this PP.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Consistent as the land is not known to exhibit acid sulphate qualities.
4.2 Mine Subsidence and Unstable Land	Not applicable to this PP.
4.3 Flood Prone Land	Inconsistent, although the inconsistency can be justified as the subject land is only small, on the periphery of Bow Bowing Creek and advice has been received from Council's City Delivery Division that a development can take place satisfactorily through filling and minimum floor levels. The CLEP 2015 already includes provisions that give effect to the Floodplain Development Manual 2005.
4.4 Planning for Bushfire Protection	Inconsistent, although the inconsistency can be justified as the subject land is only small, on the periphery of Bow Bowing Creek. Advice from a qualified consultant and from Rural Fire Service has indicated that development can, subject to conditions, be satisfactorily constructed without increasing risk to property.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not applicable in the Campbelltown LGA
5.2 Sydney Drinking Water catchments	Not applicable in the Campbelltown LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable in the Campbelltown LGA.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable in the Campbelltown LGA.
5.5 -5.7	Revoked.
5.8 Second Sydney Airport	Not applicable in the Campbelltown LGA
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent as the PP does not alter the provisions relating to approval and referral requirements.

Ministerial Direction	Comments on consistency
6.2 Reserving Land for Public Purposes	The land is of limited magnitude ad utility and not required for recreation purposes. Although the subject land is zoned RE1, there is no acquisition authority identified by the mapping layer in the LEP. In the circumstances it is likely that Council would effectively be the acquisition authority. As Council is the proponent to rezone the land to rezone to R2 it is considered that the PP is consistent with this Direction.
6.3 Site Specific Provisions	Not applicable in the Campbelltown LGA
7. Metropolitan Planning	
7.1 Implementation of a Plan for Growing Sydney	Consistent as the PP seeks to increase housing supply at a local scale in a location that is generally consistent with the locational commentary of the Plan.
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable to this PP.

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?

There are no trees on the subject site and accordingly it is considered that there would not be any adverse impacts.

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 no significant other environmental impacts, which require resolution in the context of the PP. The impacts in terms of stormwater water quantity and quality, traffic are considered very minor and will not require augmentation of any existing infrastructure.

While there is no known contamination of the site, SEPP 55 - Contaminated Land, will require this to be further assessed before any proposed use of the site.

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

The rezoning for residential purposes will result in additional potential for housing supply. No adverse social impacts are anticipated.

Section D - State and Commonwealth Interests

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

The scale of the PP is very minor and unlikely to require any augmentation of public infrastructure.

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:

- Amendments to Zoning Map (refer map 2 proposed)
- Amendments to Lot Size Map (refer to map 4)
- Amendments to Lot Size for Dual Occupancy Development Map (refer to map 6)
- Amendments to Building Height Map (refer to map 8)

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

- Land Reservation Acquisition Map.

Part 5 - Community Consultation

Public consultation will take place in accordance with a relevant Gateway determination.

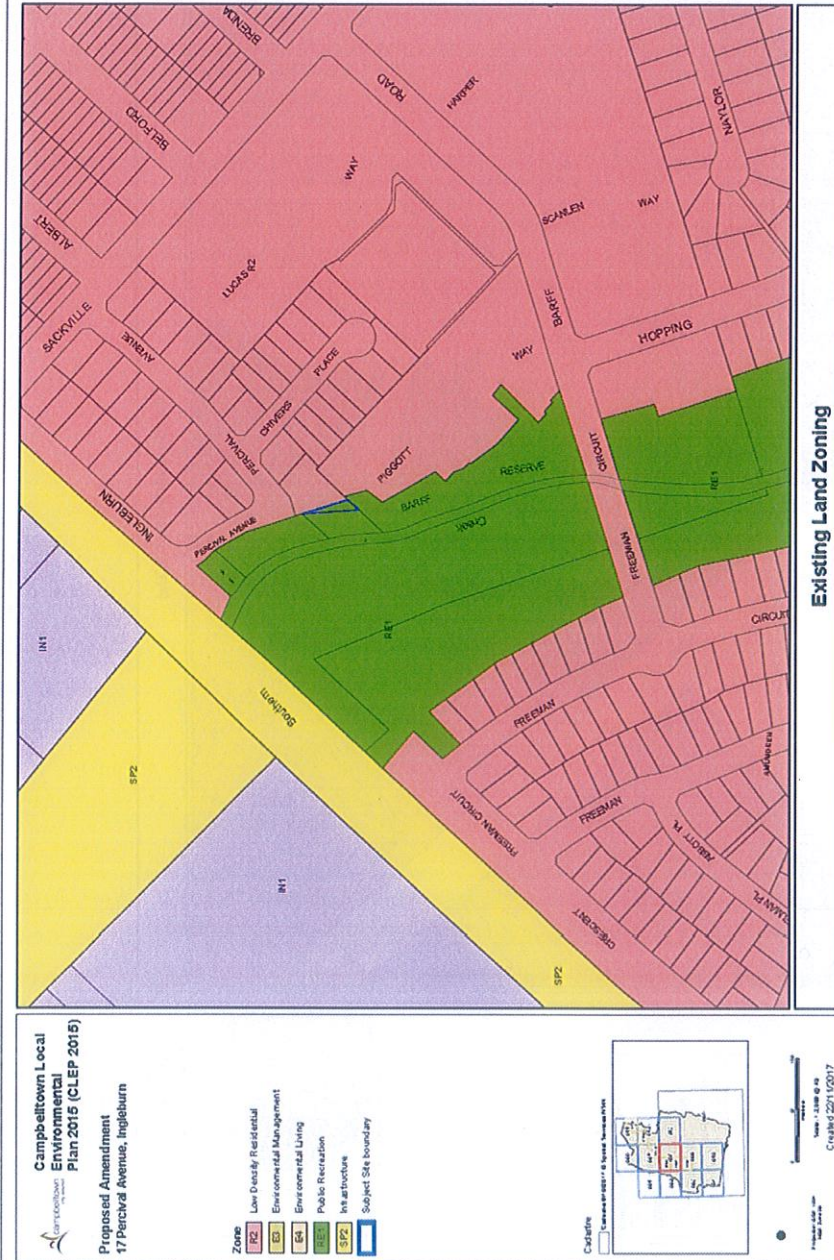
All relevant agencies and local community will also be consulted during the mandated minimum public exhibition period.

Part 6 - Project Timeline

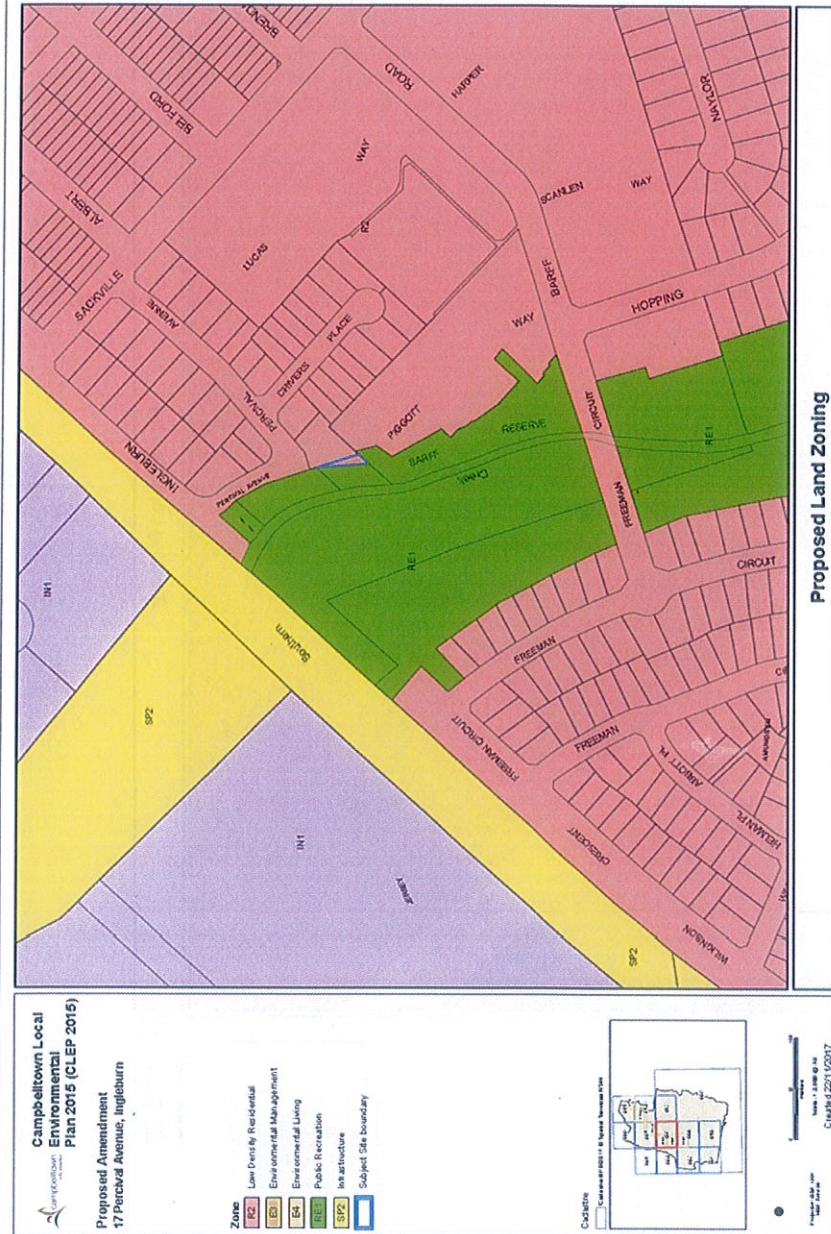
The following notional project timeline is proposed:

Council endorsement of Planning Proposal	December 2017
Referral for a Gateway Determination	January 2018
Gateway Determination	February 2018
Completion of additional supporting documentation	March 2018
Public Exhibition	April 2018
Consideration of submissions (Report to Council)	May 2018
Finalisation of LEP amendment	May 2018
Plan amendment made	June 2018

Map 1 – Existing Land Zoning Map

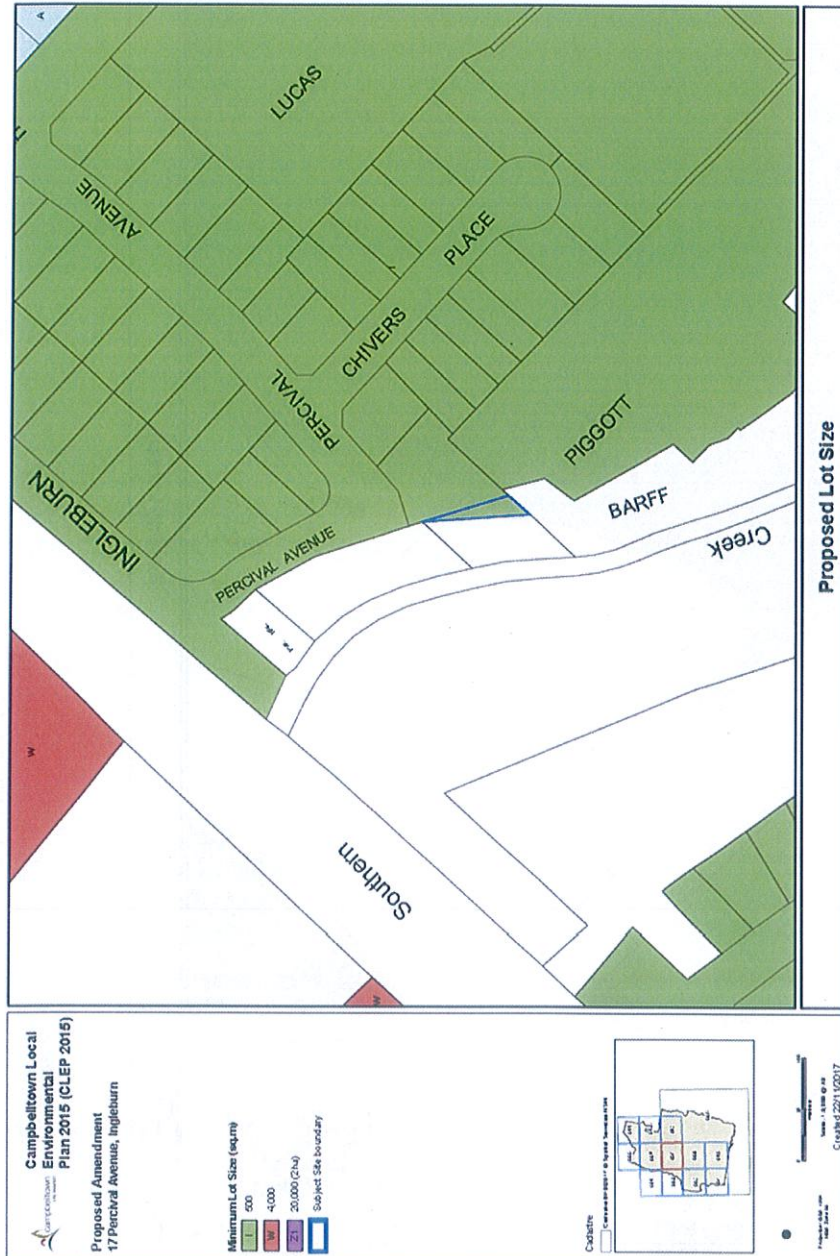


Map 2 - Proposed Land Zoning Map

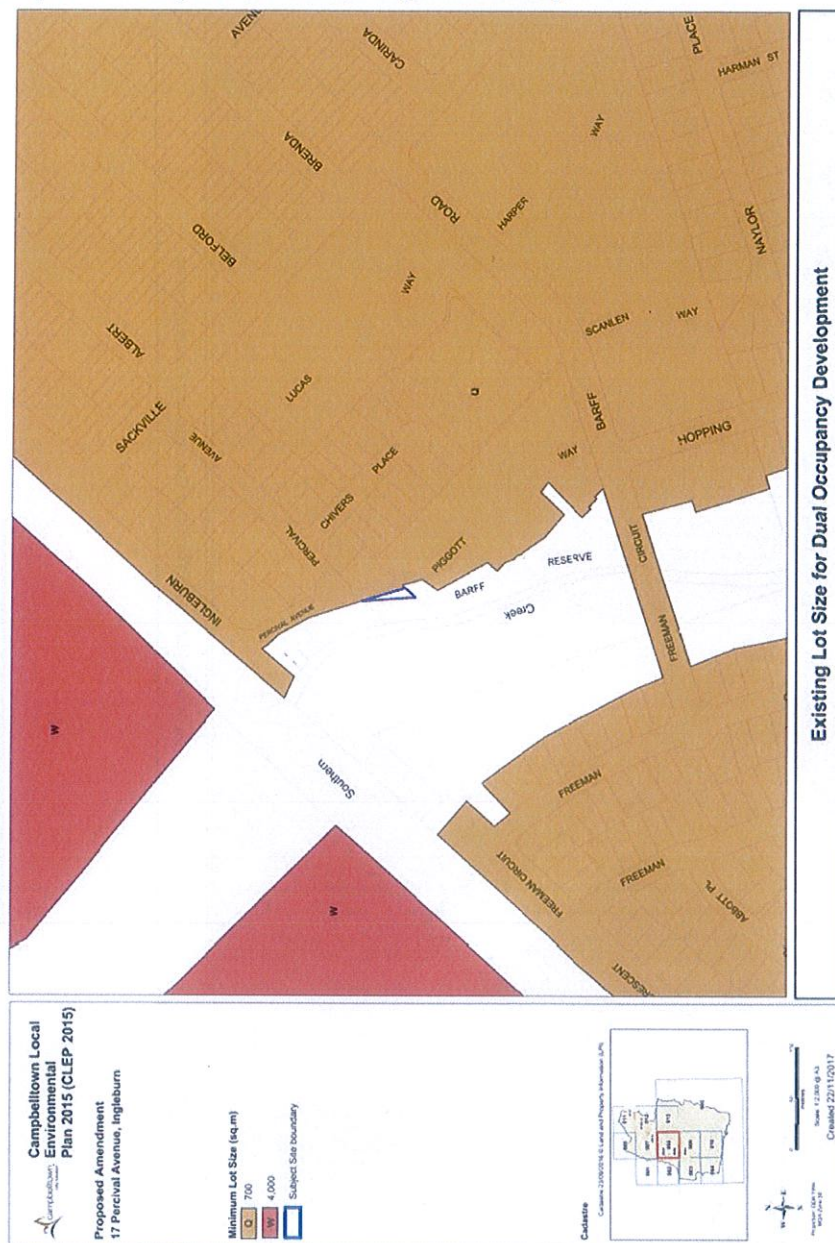




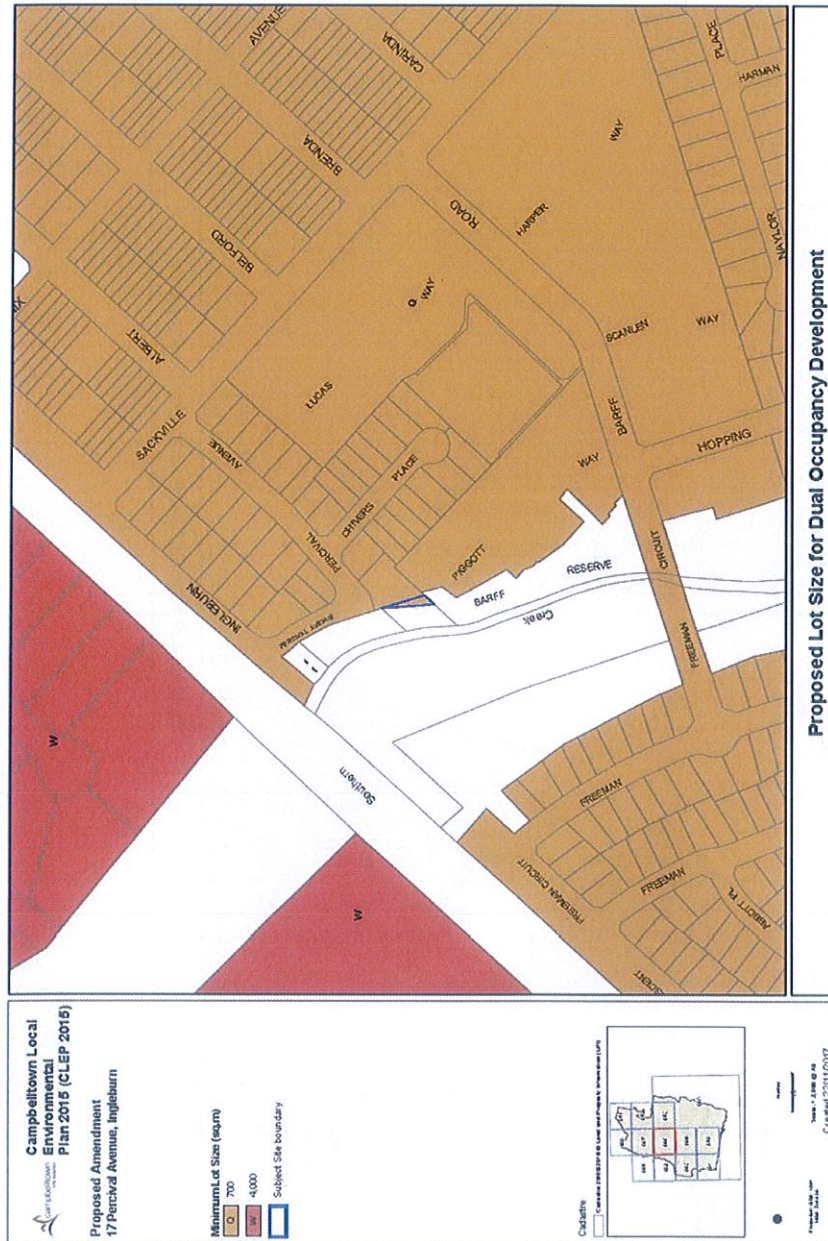
Map 4 - Proposed Minimum Lot Size Map



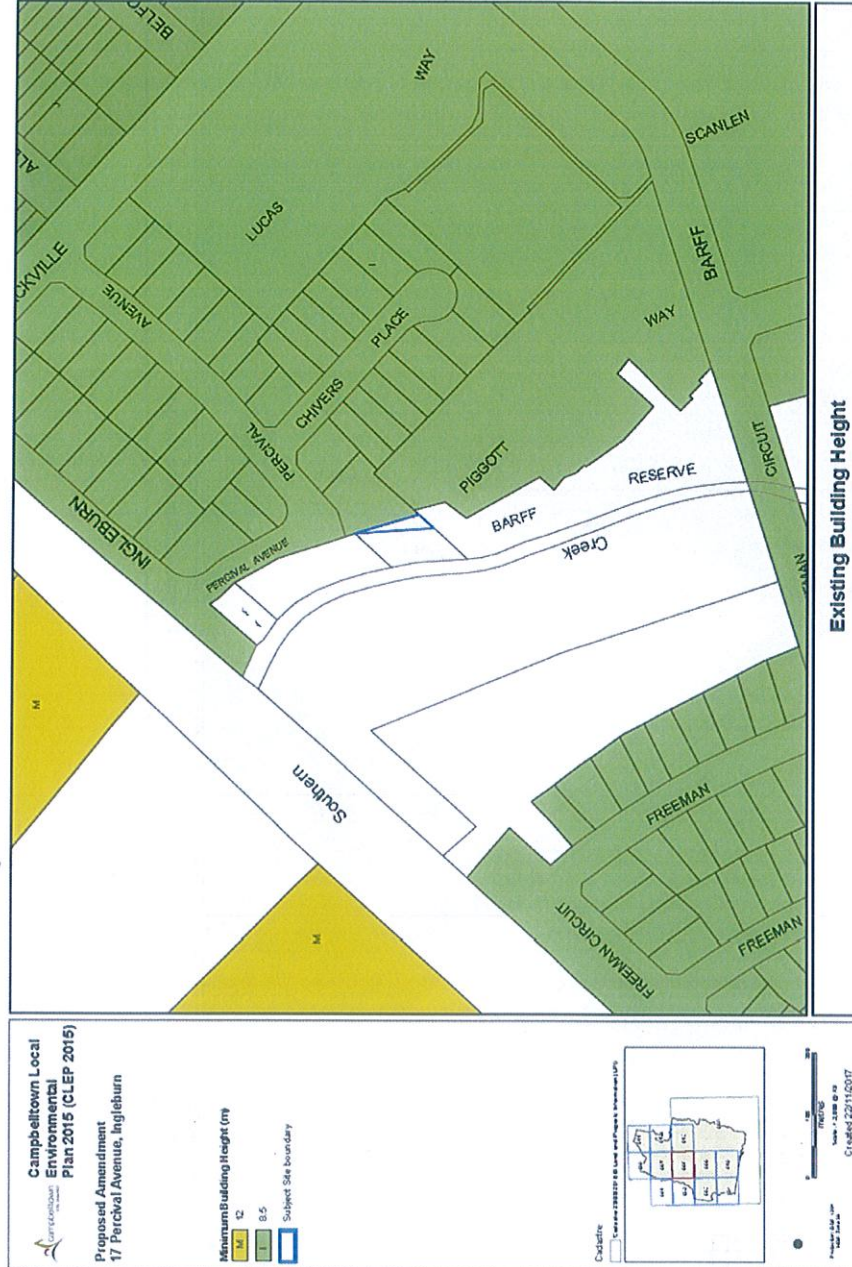
Map 5 - Existing to Dual Occupancy Lot Size Map



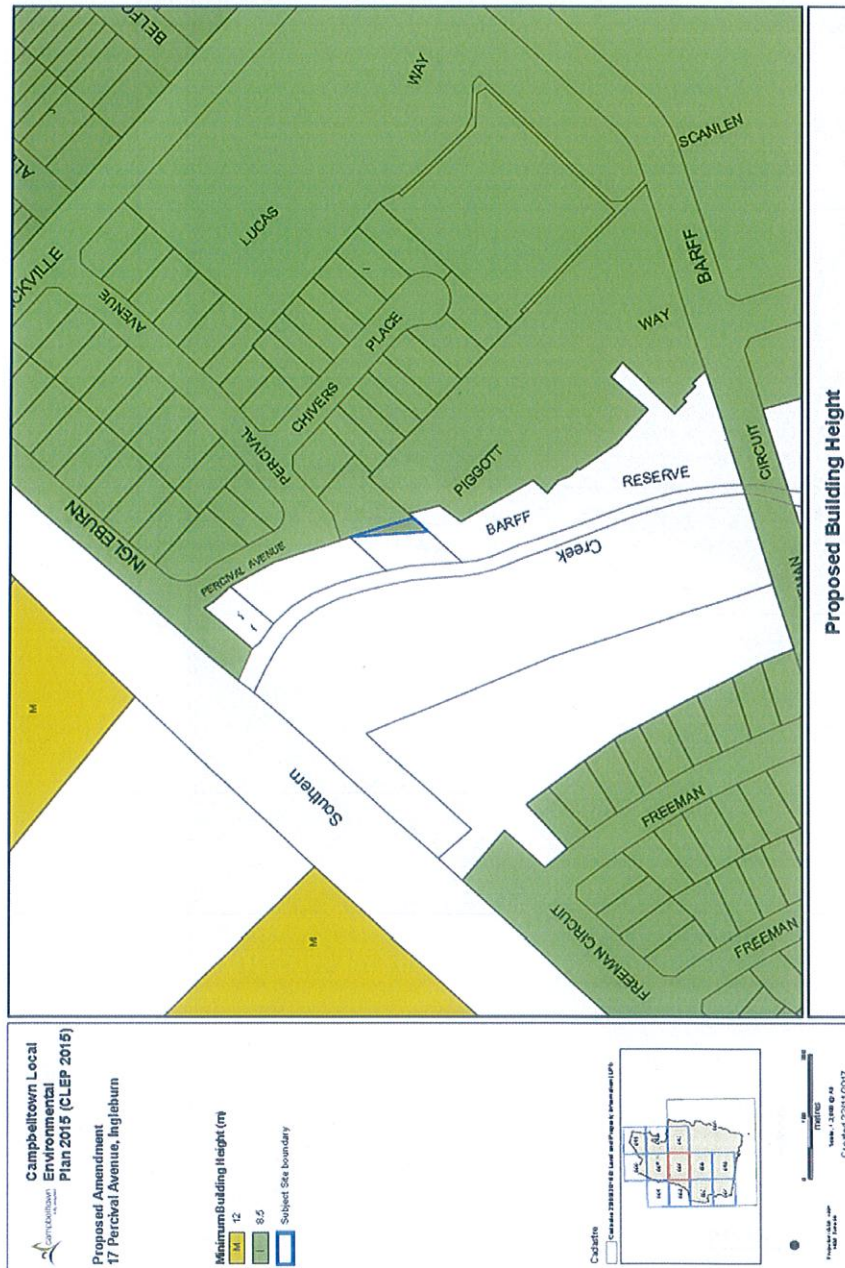
Map 6 - Proposed to Dual Occupancy Lot Size Map



Map 7 – Existing to Height of Buildings Map



Map 8 – Proposed to Height of Buildings Map



Having declared an interest in regard to Item 8.12, Councillor Gilholme left the Chamber and did not take part in debate nor vote on this item.

8.12 Draft Planning Proposal - No. 17 Percival Street, Ingleburn

It was **Moved** Councillor Lound, **Seconded** Councillor Hunt:

1. That Council support the draft Planning Proposal to rezone part of the land at Lot 27 DP 1096807 (17 Percival Avenue, Ingleburn) from RE1 - Public Recreation to R2 Low Density Residential.
2. That Council forward the draft Planning Proposal (refer to attachment 3) to the Department of Planning and Environment for a Gateway Determination.
3. That subject to no major issues raised by the Gateway Determination, Council proceed to public exhibition of the draft Planning Proposal.
4. That Council request that the Gateway Determination from the Department of Planning and Environment only require the public exhibition be for a period be 14 days.
5. That Council request delegation from the Department of Planning and Environment to allow Council to finalise the draft Planning Proposal.
6. That subject to no objections being received as a result of the public exhibition, Council proceed to finalising the draft Planning Proposal.
7. That Council advise the owner of the subject land of the resolution.

A Division was recorded in regard to the Resolution for Item 8.12 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, D Lound, R Manoto, M Chivers, P Lake, B Moroney, W Morrison, B Thompson, G Greiss and R George.

Voting against the Resolution were Nil.

351 The Motion on being Put was **CARRIED**.

At the conclusion of the discussion regarding Item 8.12, Councillor Gilholme returned to the Chamber for the remainder of the meeting.

