

Greater Sydney, Place and Infrastructure

IRF19/3357

Gateway determination report

LGA	Campbelltown
PPA	Campbelltown City Council
NAME	26 Mercedes Road, Ingleburn (11 lots, 0 jobs)
NUMBER	PP_2019_CAMPB_002_00
LEP TO BE AMENDED	Campbelltown LEP 2015
ADDRESS	26 Mercedes Road, Ingleburn
DESCRIPTION	Lot 41 in DP1021880
RECEIVED	6 December 2019 – adequate at 29 January 2020.
FILE NO.	IRF19/3357
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

This planning proposal (**Attachment A**) seeks to alter the Campbelltown Local Environmental Plan 2015 (CLEP 2015) planning controls under Campbelltown LEP 2015 for 26 Mercedes Road, Ingleburn, by:

- rezoning the site from E4 Environmental Living to R2 Low Density Residential allowing for the development of 11 lots;
- decreasing the minimum lot size from 2ha to 500m²;
- decreasing the minimum lot size for dual occupancy development from 2ha to 700m²; and
- removing the lot averaging provision of 1ha.

The proposal does not alter the maximum building height of 9m or apply a floor space ratio (FSR) to the site.

The proposal forms part of the surrounding urban Caledonia Precinct which was rezoned in February 2019 (PP_2016_CAMPB_003_02 refers).

1.2 Site description

The subject site:

- is 0.8ha in size and located at 26 Mercedes Road, Ingleburn; described as Lot 41 on DP1021880 (Figure 1);
- is currently zoned E4 Environmental Living ;
- is in the Caledonia site specific Development Control Plan;
- is in the Western City District of the Greater Sydney Region Plan;

- contains an existing dwelling that fronts Mercedes Road;
- is predominantly cleared of vegetation;
- directly fronts 8 existing residential dwellings to the west;
- is bounded by the local heritage Stone Cottage to the south east; and,
- is adjacent to the Caledonia Precinct to the east which is anticipated to provide 170 additional dwellings through an R2 Low Density Residential Zoning;

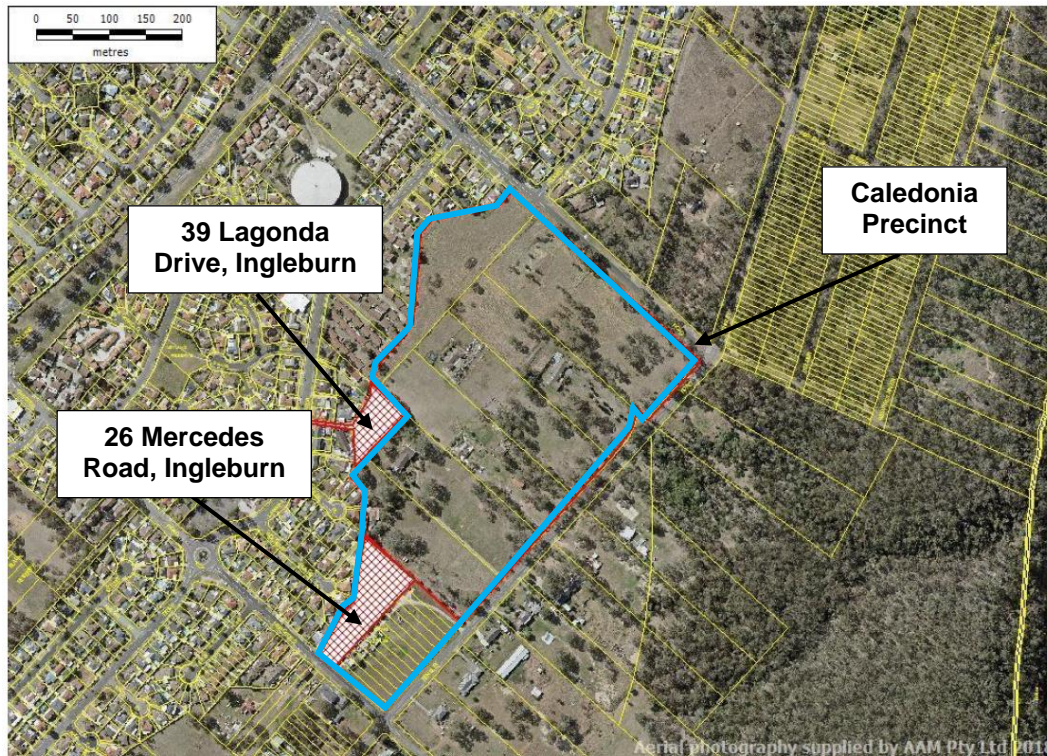


Figure 1: Aerial photo of the site

1.3 Existing planning controls

Under the CLEP 2015, the following zone and development controls apply:

- zoned E4 Environmental Living;
- a maximum building height of 9m;
- a minimum lot size of 2ha;
- a minimum lot size for dual occupancy development of 2ha; and
- a lot average of 1ha.

1.4 Summary of recommendation

It is recommended the planning proposal proceed with conditions to ensure the site is not isolated from development once the adjacent Caledonia Precinct proceeds.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of this planning proposal are:

- to enable the redevelopment of the subject land for low density residential purposes;
- to ensure an appropriate conservation strategy in respect of the most significant on-site vegetation; and
- to ensure appropriate sensitivity in respect of the local heritage item known as the 'Stone Cottage', including adherence to a relevant conservation curtilage and building setback.

The objective of the planning proposal is considered clear and adequate.

2.2 Explanation of provisions

The planning proposal seeks to amend the CLEP 2015 by:

- rezoning the site from E4 Environmental Living to R2 Low Density Residential (Figures 2 and 3);
- decreasing the minimum lot size from 2 ha to 500sqm, as a result of removing the E4 Environmental Living Zone;
- decreasing the minimum lot size for dual occupancy development from 2ha to 700sqm, which is in-line with the adjoining zoning controls; and
- removing the lot averaging provision of 1ha, which applies to the E4 Environmental Living Zone.

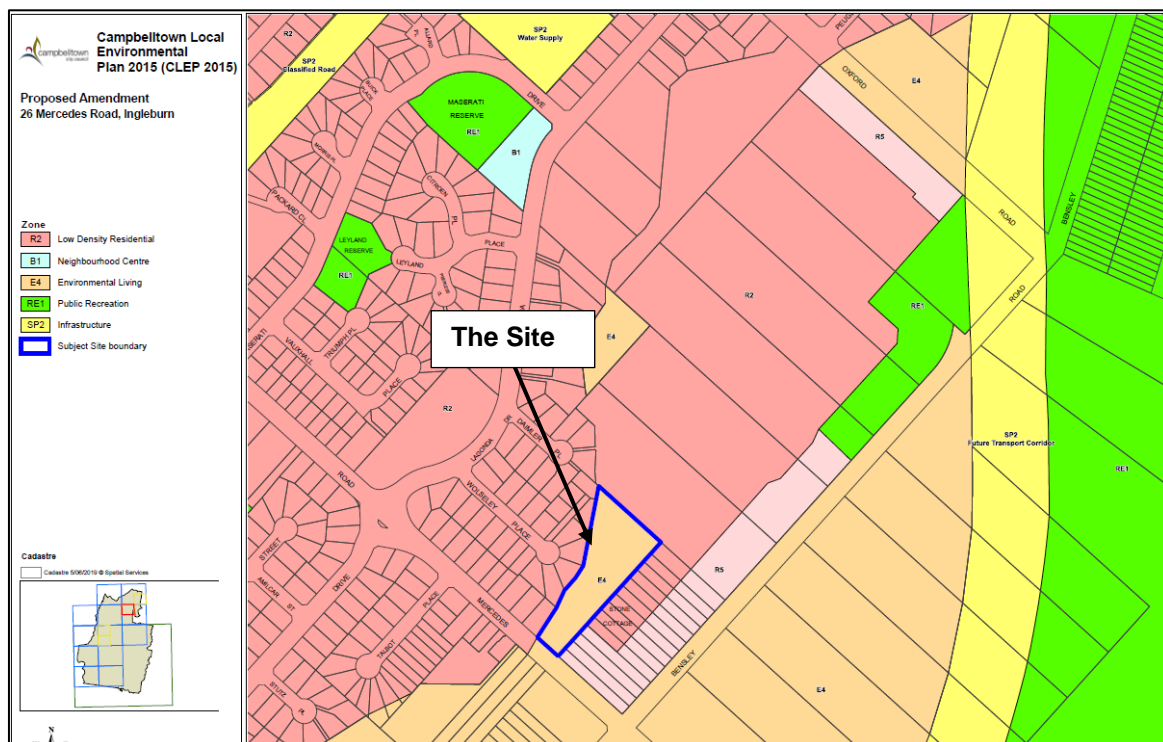


Figure 2: Existing land zoning map.

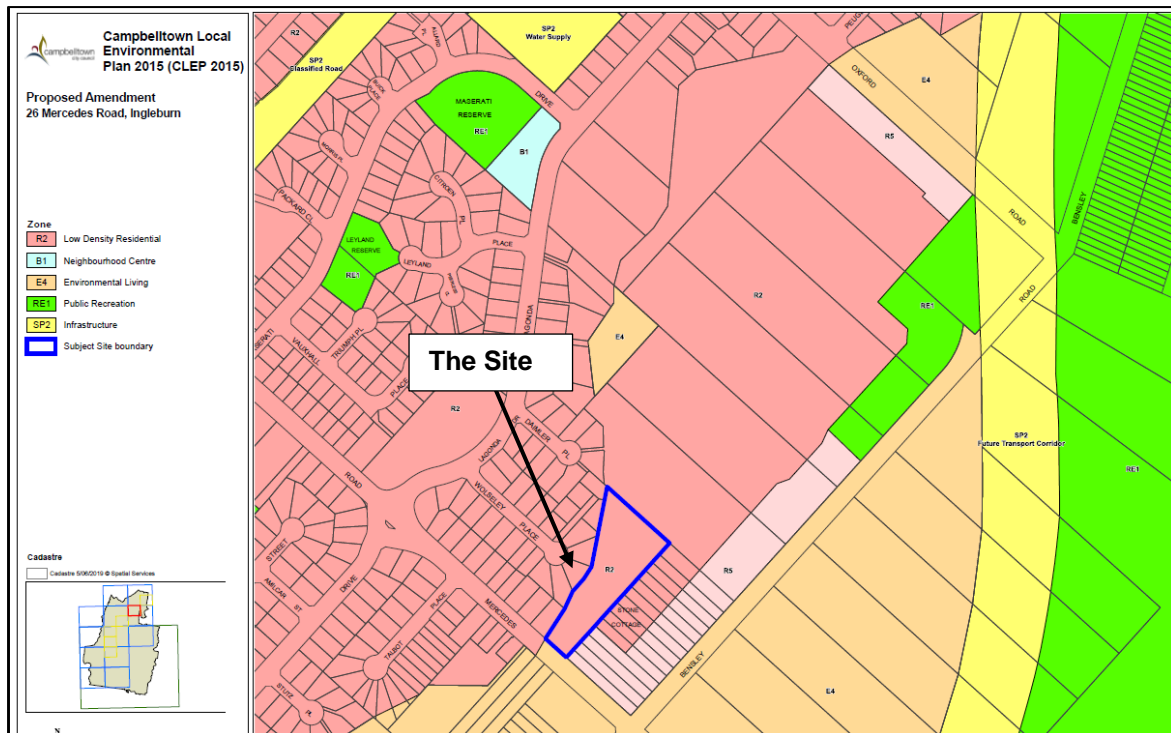


Figure 3: Proposed land zoning map.

2.3 Mapping

The planning proposal will amend the following maps:

- Zoning map (Sheet: LZN_012A);
- Lot Size map (Sheet: LSZ_012);
- Lot Size for Dual Occupancy Development map (Sheet: LSD_012); and
- Lot Averaging map (Sheet: LAV_012).

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of any strategic study or report. However, the proposal is a result of the recent rezoning of the adjoining Caledonia Precinct. The proposal notes that the Caledonia Precinct rezoning was subject to a range of environmental investigations such as ecology, heritage, bushfire, stormwater, traffic and accessibility, servicing and infrastructure, and odour impacts.

The planning proposal advises that the proposed amendment is the best and most appropriate means of achieving the Council's intended outcome i.e. avoid the prospect of isolated E4 zoned land. A planning proposal is the only means available to achieve amendments to relevant provisions under the CLEP 2015.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan (WCDP)

The Planning Proposal is located within the urban area of the WCDP.

The Department is satisfied that the planning proposal gives effect to the WCDP in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* with respect to:

- Priority W1 - Maximising the utility of existing infrastructure through an infill rezoning, reducing the demand for new infrastructure to be provided further away from the existing urban footprint; and
- Priority W12 - Protecting and improving the health and enjoyment of the District's Waterways

The Department notes that (as identified in Item 4.4), under the broader Caledonia Precinct rezoning, consideration has been given to the water quantity and quality for future developments. Provisions are also included in Council's DCP to require future development applications to consider how water quality is protected.

4.2 Local

Campbelltown draft Local Strategic Planning Statement

Council's draft Local Strategic Planning Statement (LSPS) was exhibited between 12 June and 22 July 2017. The LSPS is Council's strategic planning priorities for its LGA over the next 20 years. Council advised the Planning Proposal is consistent with the planning priorities and actions of the LSPS.

Campbelltown Community Strategic Plan – Campbelltown 2027

The Community Strategic Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions. Council notes that the proposal is considered to be generally consistent with the relevant objectives as it would remove the risk of the two sites from remaining isolated and inappropriately zoned, whilst enabling the orderly development of the area (Outcome 4).

Campbelltown Residential Development Strategy 2013

The Campbelltown Residential Development Strategy 2013 provided a broad strategic plan for delivering sub-regional housing supply objectives at a local level. It is focused on urban renewal/infill areas and major Greenfield urban release areas, however, does not address the transitional fringe rural/urban interface areas in depth. The planning proposal is generally consistent with this strategy particularly providing housing supply and housing diversity.

Campbelltown Local Planning Panel

On 19 December 2018, the previous planning proposal was considered by the Campbelltown Local Planning Panel following Council's resolution to prepare a planning proposal to rezone the properties at 26 Mercedes Road and 39 Lagonda Drive, Ingleburn (**Attachment E**).

At this meeting, the Panel considered the merits of the planning proposal and supported it as it would correct anomalies arising as a result of the adjoining

Caledonia Precinct rezoning. It was also noted by the Panel that the proposal was consistent strategies including the Greater Sydney Region Plan, Western District Plan, relevant Section 9.1 Ministerial Directions, and the local strategies.

On 12 December 2019, the Department sought clarification from the Council on compliance with Ministerial Direction – *Local Planning Panels*, with respect to the newly endorsed Planning Proposal that removed 39 Lagonda Drive, Ingleburn.

To dispel any doubts, on 23 January 2020, by advice - Council satisfactorily complied with the Ministerial Direction for Local Planning Panels. Advice was received that the General Manager had considered the direction, and in terms of 1(c) of that direction, formed the opinion that the proposal would not have any significant adverse impact on the environment or adjoining land (**Attachment H**).

Campbelltown Development Control Plan

The site is subject to the existing site-specific development control plan (DCP) for the Caledonia Precinct. The DCP includes measures such as the protection of local heritage, street and public transport network, staging, stormwater management and water quality.

The structure plan shown in the DCP for the Caledonia Precinct is shown at Figure 4. The structure plan identifies the site is subject to existing development and it does not envisage development at 26 Mercedes Road, Ingleburn. It is recommended that advice be provided to Council to update the DCP to have regard to the Planning Proposal.



Figure 4: Caledonia precinct structure plan in DCP.

4.3 Section 9.1 Ministerial Directions

Relevant section 9.1 directions are as follows:

Direction 2.1 Environmental Protection Zones

The objective of the direction is to protect and conserve environmentally sensitive areas. Council has advised there are no known issues of biodiversity significance attached to the subject land.

In view of this advice, any inconsistency with the direction is of a minor nature and it is recommended that the Secretary's delegate agree that the proposal can proceed on this basis.

It is also recommended that Council consult with the Greater Sydney Branch, EES (Environment, Energy and Science) Group of DPIE.

2.3 Heritage Conservation

A heritage item known as 'the stone cottage' is located on land adjoining the subject land. Council has advised that future development of the subject land may be undertaken in a manner to address the heritage sensitivities of the item.

The Department notes this advice and recommends that Council consults with Heritage, Community Engagement, Department of Premier and Cabinet.

Direction 3.1 Residential Zones

The Planning Proposal is consistent with Ministerial Direction 3.1. This direction seeks to encourage a variety and choice of housing types, make efficient use of existing infrastructure and services, and minimise the impact of residential development on the environment and resource lands. This direction applies as the site is proposed to be rezoned for residential purposes.

The proposal is consistent with this direction as it would provide additional housing choice in an appropriate location that is currently serviced by adequate infrastructure and services.

Direction 3.4 Integrating Land Use and Transport

The Planning Proposal is consistent with Ministerial Direction 3.4. The objective of this direction is to improve access to housing, jobs and services by walking, cycling and public transport, and reduce dependence on cars. The proposal is consistent with this direction as there is an existing bus service within 400m walking distance of the site, providing services to Minto and Ingleburn town centres.

Direction 4.3 Flood Prone

According to the engineering report for the Caledonia Precinct, the site is not affected by flooding, therefore this Direction does not apply. Should localised flooding occur on the site, Council's planning controls require a development application to consider this during the development application stage.

Direction 4.4 Planning for Bushfire Protection

According to the Planning Portal, the site is not bushfire prone land. The site will be positioned between urban development closer to any source of potential bushfire land.

4.4 State environmental planning policies (SEPPs)

The below assesses applicable SEPPs that affect the Planning Proposal.

State Environmental Planning Policy No 55—Remediation of Land

The object of SEPP 55 is to provide for a State-wide planning approach to the remediation of contaminated land to promote reducing the risk of harm to human health or any other aspect of the environment.

SEPP 55 requires that a planning authority cannot permit a change of use of land, unless contamination has been considered and if the land is contaminated procedures are in place for remediation.

This Planning Proposal includes a Preliminary Site Investigation which states has been prepared in accordance with SEPP 55.

Council has identified there is minor risk of land contamination on the site and further detailed investigations should occur prior to the granting of any development consent for subdivision. It is considered Council has complied with the requirements of the SEPP.

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

The aims of this plan are to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment.

The Caledonia precinct included a detailed engineering report as part of the proposal to rezone land. Council notes that the proposal would need to ensure desired stormwater management outcomes are not compromised. During a development application, detailed consideration of stormwater controls to maintain/improve water quality in the catchment will be required.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and Economic

Context of development

The proposal notes that the rezoning would have positive social and economic impacts as it would contribute to the orderly development and benefit of the wider precinct.

Adjoining developments

Council's DCP provides measures to protect the social amenity of adjoining residential developments which will be considered during the development application stage of the development. It is recommended that the DCP be updated to ensure the site-specific DCP considers the privacy and amenity of adjoining developments.

Open Space

The Caledonia DCP notes that active play areas are to be provided in the Caledonia Precinct, in accordance with Figure 5 below. The open-space is to be a minimum area of 17,786sq.m to cater for approximately 170 residential lots. Given the planning proposal seeks to expand the dwelling potential by approximately 11 lots, it is recommended that Council review the DCP to determine if additional open-space is required as a result of the planning proposal.

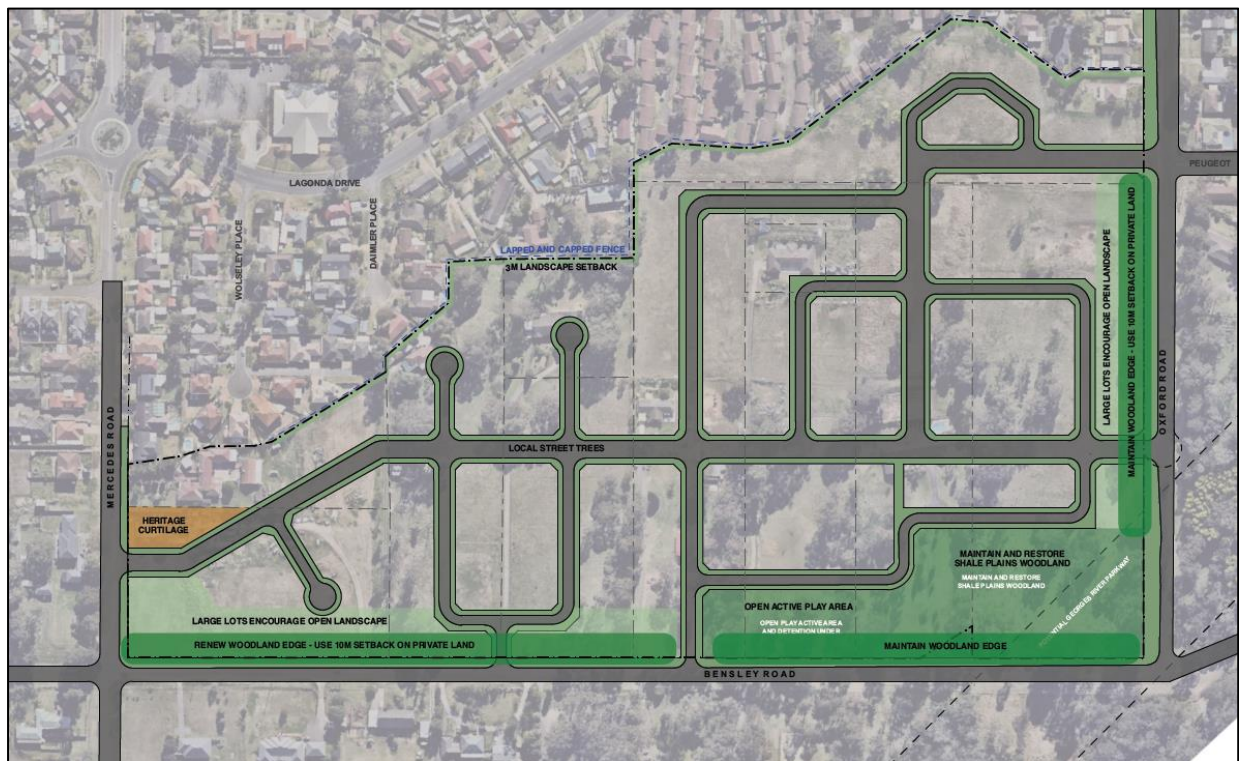


Figure 5: Caledonia Landscape Plan

5.2 Environmental

The subject site is not identified as containing significant environmental features such as bushfire, vegetation, or landslide risk. A development application will consider the opportunity to protect any detailed environmental features of the site.

An odour assessment was undertaken for the Caledonia precinct and advised there are no adverse impacts from the nearby odour generating poultry farm.

5.3 Heritage

The site is adjacent to a local heritage item (i.e. 169 – stone cottage and bushland setting) at 28 Mercedes Road, Ingleburn. The proposal notes that the future development of this site can be sensitively integrated with the heritage item through compliance with relevant curtilage and setback requirements in the site-specific DCP for the Caledonia Precinct.

Heritage controls are provided in the Caledonia site specific DCP which identifies an area for protection and requires future development and its character to respect and interpret the cultural heritage of the site and its context. Given the existing curtilage

and design controls require development to consider heritage, no further controls or changes are recommended.

5.4 Infrastructure

The site has access to existing infrastructure and utilities. The proposal notes that road infrastructure is considered adequate and social infrastructure impacts will be addressed through Council's Local Infrastructure Contributions Plan.

6. CONSULTATION

6.1 Community

A public exhibition period of 28 days is considered an appropriate amount of time to gauge the response by the community.

6.2 Agencies

The Department notes the minor nature of this proposal, however, considers that in view of possible environmental and heritage impacts, consultation should occur with relevant agencies.

7. TIME FRAME

Council proposes a timeframe to complete the Planning Proposal and expecting to exhibit the proposal by February 2020, and finalisation to occur by April/May 2020. Given this timeframe, 9 months is considered adequate to finalise the LEP.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested authorisation to exercise the plan making delegation under section 3.31(3)(b) of the EP&A. Given that the planning proposal is of a minor nature, it is recommended that authorisation to exercise delegation be issued to Council.

9. CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it has strategic and site-specific merit – as it would enable the redevelopment of the land for low density residential purposes and ensure that the future development potential is not isolated once the adjacent Caledonia Precinct is developed.

10. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days.
2. Council is to consult with relevant authorities;
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.

Further, it is recommended that the delegate of the Secretary agrees that any inconstancy with 9.1 direction 2.1 Environmental Protection Zones is of a minor nature.

Zoe Sadiq
Acting Manager, Western

A handwritten signature in black ink, appearing to read 'Terry Doran', with a stylized, cursive script.

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