

Planning Services

Gateway Determination Report

LGA	Campbelltown LGA
PPA	Campbelltown City Council
NAME	Rezoning land at Evelyn Street, Macquarie Fields (28 homes, 0 jobs)
NUMBER	PP_2018_CAMPB_002_00
LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
ADDRESS	Land fronting Evelyn Street, Macquarie Fields
DESCRIPTION	Part Lot 1 DP 533662; Part Lot 100 DP 261125; Lots 8-9 DP 826459; Lot 9 DP 852014; Lot 181 DP 834233; Lot 305 DP 263295; and Lot 40 DP 623486
RECEIVED	11 April 2018
FILE NO.	IRF18/686
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

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A1-A11**) seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 by:

- rezoning land fronting Evelyn Street, Macquarie Fields (the site) from E4 Environmental Living to R2 Low Density Residential; and,
- amending the associated development standards applying to the site: minimum lot size; minimum lot size for dual occupancy development; maximum height; and, the removal of a lot averaging provision applying to the land.

The planning proposal would facilitate the provision of approximately 28 additional dwellings across the site.

The site forms part of Council's identified East Edge Scenic Protection Lands (i.e. the Edgelands), in the Macquarie Fields Precinct (EEC1). This land is identified by Council as a transitional buffer between the existing eastern suburbs of Campbelltown City, and the reservation of the proposed Georges River Parkway Road and the ecologically sensitive Georges River landscape. Further investigation undertaken by Council concluded that the site was appropriate for future development provided that it continues to retain transitional values.

Site description

The planning proposal (as identified on the maps within the proposal) applies to land fronting Evelyn Street, Macquarie Fields (the site), identified in Table 1 (below). The site has an area of approximately 2.7ha and an aerial photo, with the site outlined in red edge, is provided at Figure 1 (below).

Table 1: Property Description

Site	Property Address	Lot Description
1	22 Oakley Road, Macquarie Fields	Part Lot 1 DP 533662
2	109 Evelyn Street, Macquarie Fields	Part Lot 100 DP 261125
3	18 Oakley Road, Macquarie Fields	Part Lot 8 DP 826459
4	16 Oakley Road, Macquarie Fields	Part Lot 9 DP 826459
5	91 Evelyn Street, Macquarie Fields	Lot 9 DP 852014
6	89 Evelyn Street, Macquarie Fields	Lot 181 DP 834233
7	87 Evelyn Street, Macquarie Fields	Lot 305 DP 263295
8	85 Evelyn Street, Macquarie Fields	Lot 40 DP 623486

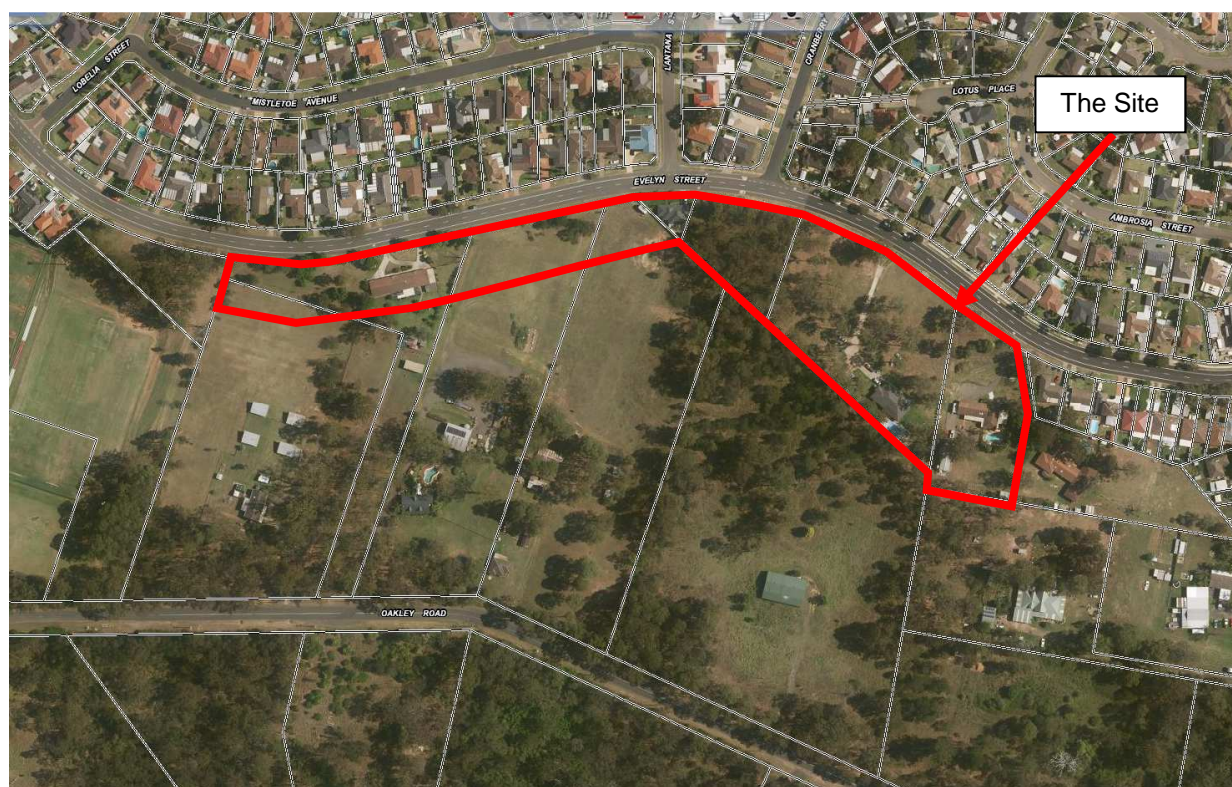


Figure 1 – Aerial photo of the Site

Department Comment:

The Department notes that the property description on page 4 of the planning proposal incorrectly lists the allotments subject to the proposed rezoning. It does not include the property described as Lot 9 DP 852014 and identifies two additional properties (i.e. Lot 41 DP 62348 and Lot 1 DP 853374), which are not part of the site identified by maps within the proposal.

It is noted that Council's resolution (**Attachment A1**) includes Lot 9 DP 852014 and does not include Lot 41 DP 62348 and Lot 1 DP 853374.

Existing planning controls

- E4 Environmental Living zone (see Figure 2, following);
- 9m maximum building height;
- 2ha minimum lot size;
- 2ha minimum lot size for dual occupancy development; and,
- a 1ha lot averaging provision.

The Site

Summary of recommendation

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PROPOSAL

Objectives or intended outcomes

The objective of this planning proposal is to facilitate the development of the site for low density residential.

The planning proposal also aims to deliver the following outcomes:

- a subdivision template with "transitional" 500 sqm allotments;
- strategic vegetation, bushfire hazard and landscape character management;
- sensitive integration with the existing residential interface;
- a strategic approach to community and physical infrastructure impact; and
- augmentation and reticulation of all essential services.

The objectives of this planning proposal are considered to be clear and adequate.

Explanation of provisions

The planning proposal seeks to amend the Campbelltown LEP 2015 by:

- rezoning the site from E4 Environmental Living to R2 Low Density Residential;
- decreasing the maximum building height for the site from 9m to 8.5m;
- decreasing the minimum lot size for the site from 2ha to 500sqm;
- decreasing the minimum lot size for dual occupancy development for the site from 2ha to 700sqm; and
- removing the 1ha lot averaging provision for the site.

Department Comment:

The planning proposal does not identify the number of additional dwellings associated with the proposed rezoning. However, the proposed subdivision plan (**Attachment A3**) illustrates that approximately 28 additional dwellings will be created across the site with the retention of the 4 existing dwellings on the site. Therefore, prior to public exhibition it is recommended that the planning proposal is amended to identify the number of additional dwellings created.

Mapping

The current and proposed maps are provided in Part 4 and Annexures 1-5 of the planning proposal. The planning proposal will amend the following maps:

- Zoning Map (LZN_012 and LZN_012A);
- Lot Size Map (LSZ_012);
- Lot Size for Dual Occupancy Development Map (LSD_012);
- Height of Building Map (HOB_012); and
- Lot Averaging Map (LAV_012).

Refer to **Attachment E** for the current and proposed maps.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is the result of Council's preliminary investigations into further subdivisional potential of several priority urban fringe areas, including the site within the Macquarie Fields Precinct (EEC1) in the Edgelands, which was considered at the Council Meeting dated 21 June 2016 (**Attachment F**).

Council's report noted that there appears to be development potential for low density residential development for land within the Macquarie Fields Precinct that has direct frontage to Evelyn Street and related service infrastructure.

Council resolved at the meeting that the policy position for this subject land would be as follows:

- *“any future developments reflect a transition from the existing residential density (generally 500sqm) to large lot sewered 4,000sqm allotments;*
- *retention/management of remnant woodland and reinstatement of an informal rural/woodland verge character to Oakley Road where practical; and*
- *Council should not initiate/resource any planning amendments in the subject locality.”*

Therefore, the planning proposal is the best and most appropriate means of achieving the Council's intended outcome. A planning proposal is the only means available to achieve amendments to relevant provisions under the Campbelltown LEP 2015.

STRATEGIC ASSESSMENT

Regional / District

Greater Sydney Region Plan (March 2018)

The planning proposal is consistent with the objectives and actions of the Greater Sydney Region Plan as it proposes to provide additional housing (Objective 10) and it will not compromise the scenic quality of the Edgelands (Objective 28).

Western City District Plan (March 2018)

The site is located within the Western City District therefore the Western City District Plan (the Plan) applies to this planning proposal. The site is identified as an urban area within the Plan, therefore is suitable for additional housing which is consistent with the Planning Priority W5 'Providing housing supply, choice and affordability, with access to jobs, services and public transport'.

In addition, Planning Priority W14 Protecting and enhancing bushland and biodiversity also applies to the site as it contains remanent vegetation. However, the planning proposal does not address consistency with this priority.

Department Comment:

It is recommended that prior to public exhibition, Council amends the planning proposal to address consistency with Planning Priority W14 Protecting and enhancing bushland of the Western City District Plan.

Further, it is recommended that the proposal be amended to remove the word 'draft' where it refers to the Greater Sydney Region Plan 2018 (p.5) and Western City District Plan 2018 (p.6).

Local

Campbelltown Community Strategic Plan — Campbelltown 2027

The Plan represents the principal community outcome focused strategic plan guiding Council's policy initiatives and actions. The planning proposal is generally consistent with this Plan as it will provide suitable residential development in an appropriate location (Outcome 1 – A vibrant, liveable city).

Campbelltown Local Planning Strategy 2013

This Strategy has been developed by Council as a fundamental framework for working with the community in providing for the realisation of a shared strategic vision for the future of the Campbelltown LGA. The planning proposal is generally consistent with the Strategy and will continue to fulfil a transitional function between the urban edge and the vegetated area of the Georges River.

Campbelltown Residential Development Strategy 2013

This Strategy provides a broad strategic plan for delivering sub-regional housing supply objectives at a local level, and is focused on greenfield release areas, urban renewal and infill areas. The planning proposal can be considered to be consistent with the housing supply and housing diversity objectives of this Strategy.

Section 9.1 Ministerial Directions

Inconsistent: The planning proposal is inconsistent with the following Section 9.1 directions:

Direction 2.1 Environmental Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. The planning proposal is inconsistent with this direction as it proposes to reduce the environmental protection standards that apply to the site (i.e. rezone the site from E4 Environmental Living to R2 Low Density Residential).

Council advise that the planning proposal is justifiably inconsistent as it does not adversely impact on an environmentally sensitive area. The following figure 3 illustrates the situation (overleaf). It is noted that the current E4 zone was established due to the general scenic qualities of the area, which have been significantly impacted upon by nearby residential development. Furthermore, the Greater Sydney Region Plan and the Western City District Plan identifies the site as an urban area.

The Flora and Fauna Assessment (May 2017) (**Attachment A7**) concludes that approximately 1.83ha of existing vegetation would be removed for the proposed subdivision, including up to 0.75ha of Cumberland Plain Woodland (which is a critically endangered ecological community under the *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*), 0.86ha of Exotic Grassland, 0.07ha of Acacia regrowth, and 0.15ha of Urban Native/Exotic Cover (see Figure 3 overleaf). However, the assessment noted that this vegetation and habitat is modified and exists as fragmented patches in varying conditions.

The assessment also recommends a number of mitigation measures including vegetation protection; erosion, sedimentation and pollution control; pre-clearing and clearing surveys; and weed control measures.

The Department acknowledges that the planning proposal's inconsistency with Direction 2.1 Environmental Protection Zones is justified taking into consideration the relevant directions in the Regional Strategy and Sub-Regional Strategy (i.e. Greater Sydney Region Plan and the Western City District Plan) and concludes that any inconsistency is of minor significance.



Figure 3 – Existing Vegetation Map Extract

Direction 3.1 Residential Zones

This direction aims 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. The planning proposal is inconsistent with this direction as it will rezone land on the urban fringe for residential purposes.

Council note that the inconsistency is justified as the proposed rezoning will provide an opportunity for additional housing on transitional sized allotments. In addition, the site has access to existing infrastructure and services and is identified as an urban area in the Greater Sydney Region Plan and Western City District Plan.

The Department concludes that the planning proposal's inconsistency with Direction 3.1 Residential Zones is justified as a minor significance as it is a logical extension of an established residential suburb.

Direction 4.4 Planning for Bushfire Protection

The objective of this direction is to protect life, property and the environment from bush fire hazards and manage bush fire prone areas. The site contains Bushfire Prone Land (Vegetation Category 1 and Vegetation Buffer) (see Figure 4 overleaf) therefore this direction applies to the planning proposal.

The Bushfire Hazard Assessment (**Attachment A8**) is generally supportive of the planning proposal but advises that a more detailed bushfire report would need to be prepared to establish the setbacks and asset protection zones; requirements for utilities (water, electricity and gas) to comply with relevant bushfire standards; landscaping; and access details.

In the above circumstances, the direction requires that the relevant planning authority (i.e. Council) consult the Commissioner of the NSW Rural Fire Services (RFS) prior to the public exhibition period. In addition, in terms of the direction, consideration is required to be given to the introduction of controls that avoid placing inappropriate developments in hazardous areas. It is anticipated that this matter will be addressed by Council in its consultation with the RFS.

Department Comment:

The Department recommends that Council consult RFS in accordance with Direction 4.4 Planning for Bushfire Protection prior to exhibiting this planning proposal. Council will need to address the consistency with Direction 4.4 Planning for Bushfire Protection in the planning proposal and the approval of the Secretary for any inconsistency with this direction would be required prior to the finalisation of the planning proposal.



Figure 4 – Bushfire Prone Land Map Extract

State environmental planning policies

State Environmental Planning Policy No 19—Bushland in Urban Areas

This SEPP aims to protect and preserve bushland within the urban areas. The SEPP applies to the planning proposal as the site contains remanent vegetation.

Council note that the planning proposal is justifiably inconsistent given the modified and fragmented quality of the existing vegetation on the site as outlined in the Flora and Fauna Assessment (May 2017) (**Attachment A7**).

State Environmental Planning Policy No 44—Koala Habitat Protection

This SEPP aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population.

The Flora and Fauna Assessment (May 2017) (**Attachment A7**) concludes that the site contains potential koala habitat as at least 15% of the total number of trees on the site are koala feed trees (i.e. *Eucalyptus tereticornis* - Forest red gum). However,

the site is not classified as core koala habitat as there are no sightings of koalas recorded on the site.

Council advise that this section of the planning proposal will be amended following further investigations into koala issues on the site. A condition is recommended.

State Environmental Planning Policy No 55—Remediation of Land

The objective of this SEPP is to provide a State-wide planning approach to the remediation of contaminated land.

The Phase 1 Preliminary Environmental Site Assessment (**Attachment A9**) identified areas of environmental concern (AEC) including existing buildings and the location of former buildings that may contain hazardous materials such as asbestos and lead based paints; and stockpiled treated pine timbers (refer to Figure 5 below).

The assessment concludes that the site is suitable for the proposed rezoning provided that a Phase 2 investigation is undertaken and the structures are inspected by a licensed building inspector.

Council has indicated that a Phase 2 investigation and remediation strategy will be prepared prior to rezoning the site. A condition is recommended.

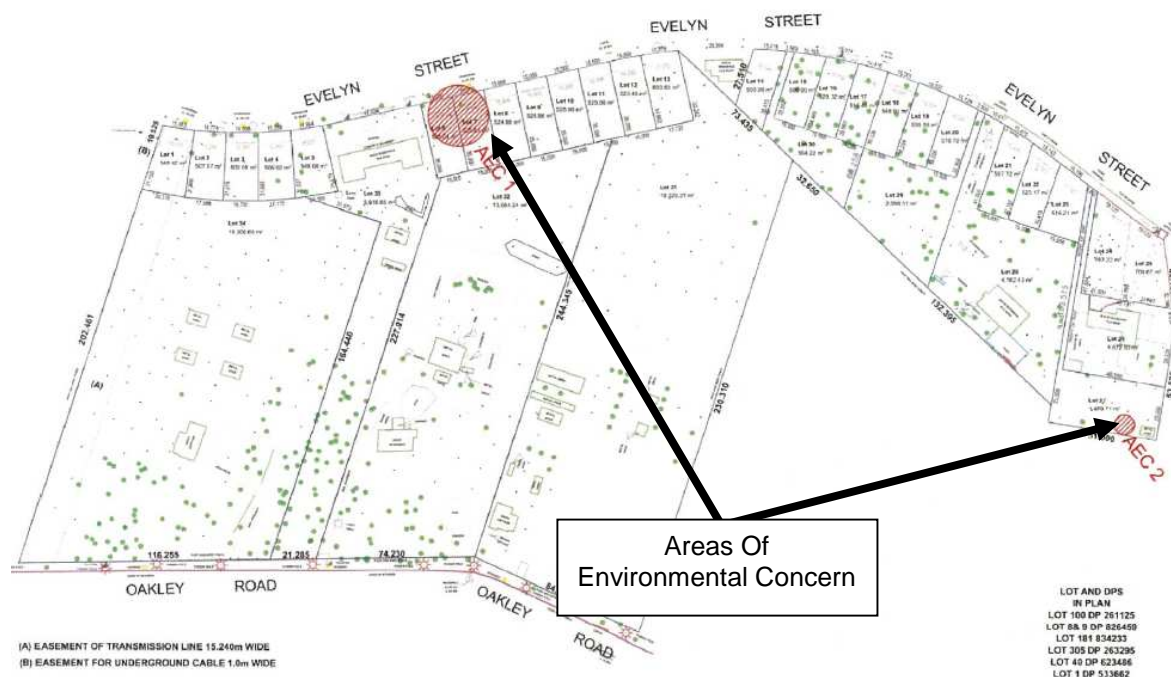


Figure 5 – Areas of Potential Contamination Concern

Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment

This SREP aims to maintain and protect the Georges River Catchment. Council advises that the planning proposal is consistent with this SREP as the Stormwater Management Report (June 2017) (**Attachment A10**) establishes acceptable water management targets.

SITE-SPECIFIC ASSESSMENT

Economic and Social

The planning proposal will have positive economic and social impacts. The proposed rezoning will provide employment opportunities at the development stage, and the additional housing stock will be a positive social outcome.

Environmental

As discussed previously, the planning proposal would require the removal of approximately 1.83ha of existing vegetation including Cumberland Plain Woodland (CPW) as identified in the Flora and Fauna Assessment (May 2017) (**Attachment A7**).

The planning proposal also concludes that the long-term viability of CPW within the site has been significantly compromised by past actions and there will be no significant impact to threatened species, populations or communities on the site. However, an updated assessment will need to be undertaken in regard to the impacts on koala and Cumberland Plain Land Snail communities on the site.

Department Comment:

The Department recommends that Council consults the Office of Environment and Heritage during the public exhibition period in relation to the impacts on existing flora and fauna, and mitigation measures on the site.

Traffic and Transport

The Traffic Impact Statement (**Attachment A11**) concludes that the impacts of the additional traffic generated are expected to be minimal. In addition, the planning proposal advises that the existing street network can readily integrate the generated traffic from the proposed development.

Department Comment:

The Department recommends that Council consults the Roads and Maritime Services, and Transport for NSW during the public exhibition period in relation to the traffic and transport matters associated with the planning proposal.

Heritage

The site does not contain any local or State heritage items, and there are no Aboriginal sites or places within 200m of the site.

Infrastructure

The site has access to existing infrastructure and utilities. The amplification and reticulation of all service infrastructure, particularly water and sewer, is required to be addressed in an addendum to the Development Control Plan and any application for subdivision would need to address this criteria.

Department Comment:

The Department recommends that Council consults the relevant utility providers in relation to the planning proposal, including Sydney Water, Telstra, and Endeavour Energy.

CONSULTATION

Community

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

Agencies

The Department recommends that Council consulted the following State agencies in relation to the planning proposal:

- Office of Environment and Heritage;
- NSW Rural Fire Service;
- Roads and Maritime Services;
- Transport for NSW;
- Sydney Water;
- Telstra; and
- Endeavour Energy.

Should these agencies require any additional information, or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

TIME FRAME

Council proposes a timeframe of 9-months to finalise this planning proposal. Given the routine nature of the planning proposal, a 9-month timeframe is considered appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation of the plan making function be issued to it in relation to this planning proposal. Given that the routine nature of the planning proposal, authorisation to exercise delegation should be issued to Council.

CONCLUSION

The Department recommends that the planning proposal proceeds with conditions, given that it will provide additional housing in an appropriate location, that is an extension of an existing residential suburb.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 2.1 Environmental Protection Zones and 3.1 Residential Zones are minor or justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and, subject to RFS advice, may require justification.

It is recommended that the delegate of the Greater Sydney Commission, 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 28 days.
2. Consultation is required with the following public authorities:

- Office of Environment and Heritage;
 - NSW Rural Fire Service (prior to public exhibition);
 - Roads and Maritime Services;
 - Transport for NSW;
 - Sydney Water;
 - Telstra; and
 - Endeavour Energy.
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 is to be the local plan-making authority.
 5. Prior to public exhibition, Council is to amend the planning proposal or undertake further actions, as follows:
 - remove the words: 'Submission for Gateway Determination' from the cover of the proposal;
 - correctly identify the land subject to the planning proposal by removing Lot 41 DP 62348 (No. 83A Evelyn Street) and Lot 1 DP853374 (No. 58 Wills Road) from page 4 of the proposal and including Lot 9 DP 852014 (No. 91 Evelyn Street) on that page;
 - identify the number of additional dwellings created by the planning proposal;
 - address consistency with Planning Priority W14: Protecting and enhancing bushland, of the Western City District Plan;
 - remove the word 'draft' where appearing on pp.5/6.
 - undertake investigatory action as proposed in the planning proposal to satisfactorily address State Environmental Planning Policy No.44 – Koala Habitat Protection and update the flora and fauna report, as necessary; and,
 - consult with the RFS in accordance with Section 9.1 Direction 4.4 Planning for Bushfire Protection prior to exhibiting the planning proposal and determine consistency with this direction. If necessary, amend the planning proposal accordingly.
 6. Prior to plan finalisation, Council is to give suitable consideration to ensuring that the proposal is consistent with State Environmental Planning Policy No.55 – Remediation of Land.



11/5/18

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23/05/2018

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