

8.5 The Meadows, Ingleburn Gardens Planning Proposal

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

Officer's Recommendation

1. That Council, forward the attached draft Planning Proposal (attachment 1) relating to land within the Meadows Precinct, to the Department of Planning, Industry and Environment seeking endorsement of Gateway Determination.
2. That should the Minister determine under section 3.3.4(2) of the *Environmental Planning and Assessment Act 1979*, that the proposal may proceed without significant amendment, Council publicly exhibit the draft Planning Proposal in accordance with the Gateway Determination.
3. That following the public exhibition:
 - (a) where submissions are received by Council during the public exhibition period, a submissions report be presented to Council, or
 - (b) where no submissions are received by Council during the public exhibition period, the draft Planning Proposal be finalised.
4. That subject to recommendation 3(a) Council exercise via the General Manager the approval functions of the Minister under Section 3.36 (2)(a) of the *Environmental Planning and Assessment Act 1979*, to make the relevant amendments to the Campbelltown Local Environmental Plan 2015, pursuant to the instrument of delegation dated 20 November 2012.

Executive Summary

- Don Fox Planning (DFP) on behalf of Jessica Investments Pty Ltd has submitted a Planning Proposal Request (PPR) (attachment 3) that seeks to rezone residual land in The Meadows, Ingleburn Gardens Estate from RE2 Private Recreation to R3 Medium Density Residential and to implement a nine metre Height of Building control.
- The site is within the existing area known as 'Ingleburn Gardens Estate' which encompasses residential, community and residual lots. Stage 12 of Ingleburn Gardens Estate is known as 'The Meadows' and received development consent on 4 June 2016 for 210 community title lots and one residual lot.

- Councillors were briefed on the PPR on 2 June 2020 where it was requested that appropriate landscape screening or art treatment of the proposed acoustic walls be addressed.
- The Local Planning Panel (the Panel) considered the matter on 22 July 2020 and provided advice regarding amendments that have been agreed to by the applicant.
- It is recommended that the PPR has strategic merit and would support future development consistent with the local context, subject to attenuating noise from the M31 Motorway via sound walls and dwelling insulation.

Purpose

To assist Council in its decision whether to support the progression of the subject application for a Gateway Determination in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Property Description	Lot 39 DP 280076
Application No	634/2020/E-PP
Applicant	Jessica Investments Pty Ltd.
Owner	Jessica Investments Pty Ltd.
Provisions	Campbelltown Local Environmental Plan 2015 Section 9.1 Ministerial Directions Greater Sydney Region Plan Western City Region Plan Campbelltown Community Strategic Plan Campbelltown Local Strategic Planning Statement Campbelltown Draft Local Housing Strategy State Environmental Planning Policies Campbelltown (Sustainable City) Development Control Plan 2015 Volume 2 - Part 6 Edmondson Park Smart Growth
Date Received	4 March 2020

History

In March 2006, Amendment No. 12 of the Campbelltown (Urban Area) Local Environmental Plan 2002 (2002 CLEP) rezoned 'Ingleburn Garden's Estate' to part 2(c) Residential B Zone and 6(c) Private Open Space Zone. Prior to this time, the land was reserved for future development under the Campbelltown Local Environmental Plan 112 (1991). This was further amended by the standard instrument translation of the Ingleburn Gardens Estate into Campbelltown Local Environmental Plan 2015 which applied the R3 Medium Density Residential and RE2 Private Recreation zones.

At its Ordinary Meeting held on 12 February 2008, Council granted development consent (552/2009/DA-MP) for a staged community title subdivision along with the creation of roads, landscaping, community facilities and associated infrastructure over 11 stages for a total of 258 residential allotments.

The approved Masterplan included a future school on the southern end of the Ingleburn Garden's Estate. Although the school was granted development consent in 2004, the only works advanced were the access road known as Ingleburn Gardens Drive. On 8 June 2016, this consent was superseded by a residential subdivision (DA3508/2015 DA-SW) known as Stage 12 'The Meadows', which included an additional 210 community-titled residential lots, a community recreation facility, residue lots and associated works.

The PPR submitted seeks to rezone the allotments that formed part of the residue land created in response to the development of the Community Facilities.

A summary of the development history is provided in Table 1 below.

Table 1: Development Application History

DA Number	Date Approved	Title
426/2003/DA-C	30 June 2004	Erection of two classrooms, access road, carpark and site works
1968/2006/DA-S	6 July 2007	Subdivision into eight allotments
1969/2006/DA-S	6 July 2007	Subdivision creating nine Community titled allotments
1970/2006/DA-S	6 July 2007	Subdivision into 21 Community title allotments
1972/2006/DA-M	6 July 2007	Construction of nine two storey dwellings, general store with apartments above, community room, road, carpark and use of two dwellings as display homes.
1979/2006/DA-MP	12 February 2008	Staged development of 258 residential allotments, associated roads, community facilities, landscaping and drainage works.
552/2009/DA-MP (Several Modifications occurred A-E)	7 July 2010	Staged development of residential subdivision, site works, road, landscaping and drainage.
554/2009/DA-S	20 January 2010	Subdivision deferred commencement approval stage 3 subdivision into 28 allotments.
3508/2015/DA-SW	8 June 2016	Subdivision of land to create 210 community titled allotments, one community allotment, roads, drainage, landscaping and a community facility.
634/2020/E-PP	Under Assessment	Planning Proposal Request to seek rezoning of residual allotments as a result from 3508/2015/DA-SW.

The PPR was forwarded to the Campbelltown City Council Local Planning Panel (the Panel), at its meeting of 22 July 2020 who provided the following advice:

1. The Panel recommends to the Council that the PPR in its current form should not proceed as it represents a significant departure from the Ingleburn Gardens Masterplan Concept that identified the land the subject of the proposal as a landscaped acoustic barrier (mound/wall) and hence the zoning as RE2 Private Recreation.

2. The Panel is of the opinion that the PPR in its current form does not demonstrate site specific merit or provide a public benefit.
3. The Panel recommends to the Council that an amended proposal should seek to deliver the following outcomes and public benefits in order to demonstrate site specific merit:
 - a. Lot 39 to be zoned residential. Any future residential development on Lot 39 should consider amenity, open space, noise and other considerations within the DCP to improve future urban design outcomes. The residential concepts provided with the current PPR do not achieve these desired urban design outcomes.
 - b. Lot 40 to the north of the established community facility should remain zoned RE2 and be incorporated as a pocket park or similar and/or incorporated in to the community facility/community scheme as a public benefit for the existing and additional residents. The embellishment of this space should also be linked to any approved proposal.
 - c. The rezoning of Lot 39 to residential requires, based on the applicant's documentation, the erection of an acoustic wall between the site and the M31 Motorway and the construction of the wall within a screened landscaped setting should be a requirement linked to any rezoning of land. Landscaping associated with the acoustic wall would constitute a public benefit to the residents of the development as well as when viewed from the adjacent motorway. Assurance is required that the acoustic wall will be built in order to benefit the community.
 - d. The existing housing to the west of Lot 39 should also receive a public benefit from the future development by way of improved acoustic amenity and landscaping, inclusive of street trees on both sides of the street and bollards to address illegal dumping.
 - e. The bushland lot zoned RE1 Public Recreation is not suited for active or passive recreation purposes and should not be considered as providing this function in any determination concerning the merits of the proposal.
4. The Panel recommends to the Council that it considers negotiating a Planning Agreement with the applicant in order to deliver the public benefits identified above.

In response to the Panel's advice, the applicant has amended the PPR as discussed in this report.

The Land

The subject land is formally known as Lot 39 in DP 280076 and forms part of the 'The Meadows' subdivision in Ingleburn Garden's Estate as illustrated in Figure 1, attachment 1. The Ingleburn Garden's Estate is approximately 37 hectares and is bounded by the Hume Highway to the east and Campbelltown Road to the North-West.

The subject allotment is located within the south-eastern portion of The Meadows precinct and is approximately 5,594sqm. The lot is accessed from Webber Circuit and adjoin existing medium density development and existing community facilities.

Report

The PPR (attachment 3) seeks to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) to:

- Rezone the land from RE2 Private Recreation to R3 Medium Density Residential
- Implement a Height of Building limit of 9m given that no control currently applies

The purpose of the amendment is to support a future subdivision of approximately 27 lots of varying size.

The PPR is supported by a planning report and the following studies which are still relevant to the proposed changes:

- Noise Impact Assessment, Acoustic Logic
- Traffic Impact Assessment, PTC

The PPR also includes a concept subdivision layout, proposed dwelling design and an acoustic wall detail (attachment 3, Appendix 1). Importantly, the proposed concept plan and dwelling design are conceptual only and would be subject to a future development application for subdivision and separate dwelling applications.

In response to the Panel's advice, the applicant has amended the PPR to retain Lot 40 as a pocket park within the Community Title Scheme. The negotiation of a voluntary planning agreement is not considered necessary as all future works would relate to private community land and would not constitute a public benefit. Rather, works such as a sound wall would be assessed and could be conditioned as part of any future development application for subdivision works.

The applicant's PPR has been translated into a Council draft Planning Proposal (PP) (attachment 1) which is assessed under the relevant heading below.

Discussion

This report considers the strategic context of the PP in relation to State and Local Planning Policies and the potential impacts of the proposal.

1. Strategic Context

The following State, District and Local planning policies are relevant to the proposal.

1.1 Greater Sydney Region Plan

A Plan for Growing Sydney has been prepared by the NSW State Government to guide land use planning decisions for the next 20 years. The Plan sets a strategy for accommodating Sydney's future population growth and identifies the need to deliver 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services. An assessment of the PP against the relevant Directions and Objectives of the GSRP is provided within attachment 1.

The PP is generally consistent with the GSRP particularly as the proposal seeks to ensure that development is aligned with the existing urban zoning, is within close proximity to the Edmondson Park train station and would provide housing diversity in the form of attached or dual occupancy development.

1.2 Western City District Plan

The Western City District Plan (the District Plan) sets out more detail with respect to the anticipated growth in housing and employment in the Western District and amongst other things, is intended to inform the assessment of planning proposals.

The District Plan identifies Ingleburn Gardens Estate as an Urban Area within the Campbelltown Local Government Area (LGA). The CLEP 2015 is the principal environmental planning instrument that applies to the land. An assessment of the PP against the relevant Directions and Priorities District Plan is provided within the Planning Proposal (attachment 1).

The PP is generally consistent with the District Plan particularly as the proposal seeks to ensure that further medium density housing is provided within close proximity to the employment, public transport and open space within the LGA.

1.3 Consideration of State Environmental Planning Policies

The PP is consistent with relevant State Environmental Planning Policies (SEPP) that apply to the site. A detailed list of the SEPPs and statement of consistency is provided within the PP (attachment 1).

1.4 Consideration of Section 9.1 Ministerial Directions

The PP is generally consistent with the Section 9.1 directions issued by the Minister for Planning. A detailed commentary in respect of the relevant Section 9.1 directions is within the PP (attachment 1).

1.5 Campbelltown Community Strategic Plan 2017-2027

The Campbelltown City Community Strategic Plan (CSP) is a 10 year vision that identifies the main priorities and aspirations for the future of the Campbelltown City Local Government Area (LGA) and is Council's long term plan to deliver the community inspired vision.

The CSP acknowledges the need to provide for housing diversity and affordability in a structured way, whilst preserving the important natural attributes of the LGA and facilitating its promotion.

The PP is consistent with the CSP and will specifically facilitate delivery of the key outcomes as detailed below.

CSP Outcome	Statement of Consistency
Outcome 1	
A vibrant, liveable city	<ul style="list-style-type: none"> • The Proposal provides for greater housing choice and diversity. • The proposal seeks to create a solution in regards to acoustic volumes in respect of the Hume Highway.
Outcome 2	
A respected and protected natural environment	<ul style="list-style-type: none"> • The Proposal does not impact the natural environment as the subject land has already been established as a vacant Torrens titled allotment.
Outcome 3	
A thriving, attractive city	<ul style="list-style-type: none"> • The Proposal would support the future development of land that is currently vacant in support of the existing community scheme.
Outcome 4	
A successful city	<ul style="list-style-type: none"> • The Proposal seeks to increase residential development within the existing Ingleburn Garden's Estate, providing housing choice in close proximity to an existing centre and high frequency public transport.

1.6 Local Strategic Planning Statement 2019

The Local Strategic Planning Statement (LSPS) details Campbelltown City Council's plan for the community's social, environmental and economic land use need over the next 20 years. The LSPS provides context and direction for land use decision making within the Campbelltown Local Government Area (LGA). It seeks to:

- provide a 20 year land use vision for the Campbelltown LGA
- outline the characteristics that make our city special
- identify shared values to be enhanced or maintained
- direct how future growth and change will be managed

The LSPS responds to the District and Regional Plans and to the community's documented aspirations. The document establishes planning priorities to ensure that the LGA thrives now and remains prosperous in the future, having regard to the local context. The PP is consistent with the draft LSPS as the proposal has alignment with Council's Community Strategic Plan and the relevant Directions, Objectives and Priorities of the District Plan.

1.7 Draft Campbelltown Local Housing Strategy 2020

The primary aim of the Draft Campbelltown Local Housing Strategy (CLHS) is to examine the housing needs of Campbelltown's current and future residents and puts forward an evidence based approach to managing sustainable housing growth to 2036.

The housing vision for Campbelltown LGA is to provide sustainable, high quality housing options to meet the diverse accommodation needs of the local community and future population growth.

The objectives of the CLHS are as follows:

- Meet the housing needs of the future population.
- To support urban containment.
- To provide for housing that meets the needs of all households.
- To encourage the provision of new housing in locations that support the 30 minute city principle.
- To encourage the planning of housing within neighbourhoods.
- Manage the development of Greenfield release areas.
- Facilitate the urban renewal of walkable catchments
- Support housing growth in the Campbelltown CBD
- Plan for incremental growth through infill development which is compatible with the desired neighbourhood character.
- Promote high quality and environmentally sustainable residential environments.

The PP is consistent with the Draft CLHS and is considered to be reflective of the vision, the proposal also supports the above objectives.

1.8 Campbelltown Local Environmental Plan 2015

The Campbelltown Local Environmental Plan 2015 (CLEP 2015) is the principal environmental planning instrument for the City of Campbelltown. A summary of the existing planning framework and proposed amendment are below.

CLEP 2015 Current	Proposed Amendment	Comment
Land Use Zoning Map (Attachment 1)		
The subject land is zoned RE2 Private Recreation.	The PP seeks to rezone the RE2 Private Recreation land (Lot 39) to R3 Medium Density Residential.	<p>The residential setting of the land makes it generally unsuitable for a private recreation purpose and is a remnant of the original masterplan which was not implemented. The proposed rezoning would facilitate the highest and best use of the land, consistent with adjoining land.</p> <p>The R3 Medium Density Residential zone would support small lot residential housing or dual occupancy development consistent with adjoining land.</p>

Height of Building Map (Attachment 1)		
The site does not have a height limit due to the existing RE2 Private Recreation zoning.	The PP seeks a height limit of 9m to Lot 39.	The proposed height of buildings limit of 9m is consistent with that applied by CLEP 2015 to the surrounding Ingleburn Garden's Estate.
Minimum Lot Size		
CLEP 2015 does not have a minimum lot size for development in the R3 Medium Density Residential zone.	The PP does not propose to change the minimum lot size within the LEP.	<p>The concept subdivision plan suggests indicative lot sizes of ≥240sqm.</p> <p>The Development Control Plan, Part 6 provides the following minimum lot size for each dwelling type:</p> <ul style="list-style-type: none"> • Single Detached: 430sqm • Zero lot line/semidetached: 330sqm • Terraces: 230sqm • Multi-unit housing developments: 1500sqm

The objectives and permitted uses of the R3 Medium Density Residential zone under the CLEP 2015 are:

Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a wide range of housing choices in close proximity to commercial centres, transport hubs and routes.
- To enable development for purposes other than residential only if that development is compatible with the character and scale of the living area.
- To minimise overshadowing and ensure a desired level of solar access to all properties.

2. Permitted without consent

Nil

3. Permitted with consent

- Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home

occupations; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (outdoor); Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

4. Prohibited

- Pond-based aquaculture; any other development not specified in item 2 or 3

The proposed development for attached dual occupancy development would be consistent with the above objectives and permitted uses.

1.9 Campbelltown (Sustainable City) Development Control Plan – Volume 2, Part 6

Ingleburn Garden's Estate is subject to a Site-Specific Development Control Plan – Edmondson Park Smart Growth (Part 6 DCP) which form part of Volume 2 of the Campbelltown (Sustainable City) Development Control Plan 2015 (CSCDCP 2015).

The proposal would be inconsistent with the following sections and would require amended as detailed in the table below:

Edmondson Park Smart Growth Part 6 DCP	Required Amendment	Comment
Map 2 – Ingleburn Gardens Masterplan Concept: The current Masterplan is obsolete with the further stages that have been approved.	Update the masterplan to current context.	An updated map would assist with the future development application/assessment process in regards to the acoustic wall and proposed pocket park.
Map 5 – Streetscape and Urban Form Plan – Current plan demonstrates a school.	Update the urban form to relate to currently approved DAs.	An updated map would assist with the future development application/assessment process.
Control 2.4 Building Form, D1.3 Walls with windows or other openings are to have a minimum side and rear setback of 1 metre.	It is recommended the current rear setback remain for existing vacant lots. However, the provisions of the DCP should be clarified as follows: 8m rear setbacks for lots abutting the Hume Highway subject to acoustic investigation as part of a subdivision application.	The existing rear setback control of the DCP is unclear and inconsistent with the existing approach in adjoining development areas. An appropriate standard that has regard to the proposed building envelopes, acoustic treatment and solar access is required. At a minimum, it is considered that the setback should not be less than the built form requirements of the Low Rise Medium Housing Code.

<p>2.2 Streetscape and Urban Character</p> <p>D2.1 New buildings shall adhere to a minimum front building line of 4.5 metres. However, projections including, balconies, porches, bay windows and sun control devices are permitted to be setback a minimum of 3.5 metres. A setback of 5.5 metres applies to the face of garage doors or carports. Nil setbacks to rear lanes are acceptable subject to vehicles being able to manoeuvre in the laneway.</p>	<p>The concept plan indicates front setbacks ranging from 4.5m to 8m.</p>	<p>To ensure the proposal is consistent with the existing streetscape, the front setbacks in the DCP should remain. It would be open for the applicant to propose an alternate outcome as part of a future development application.</p>
<p>Objective</p> <p>Part 2.5 Open Space – P6</p> <p>Lands adjoining the F5 Freeway and zoned 6(c) Private Open Space, under the provisions of LEP 2002, shall be retained and revegetated with native vegetation incorporating any acoustic barrier and shareway/maintenance access.</p>	<p>Amended Objective:</p> <p>Development adjoining the M31 Motorway (Hume Motorway) and zoned RE2 Private Open Space or R3 Medium Density Residential, under the provisions of LEP 2015, shall incorporate a sound wall and native vegetation screening plan.</p>	<p>This objective should be updated to reflect the proposed change in land use under this PP.</p>
<p>Controls</p> <p>Part 2.5 Open Space – D6.1</p> <p>The Ingleburn Gardens site provides for a 50 metre buffer from the M31 Motorway to be revegetated with local native vegetation. This buffer is also required for acoustic purposes and will be constructed at the cost of the developer prior to the first occupation certificate being issued.</p>	<p>Amended Control:</p> <p>The Ingleburn Gardens site includes a sound wall from the M31 Motorway (Hume Motorway). The sound wall is to extend from the landscaped mound to the southern extent of the estate.</p> <p>This sound wall will be constructed at the cost of the developer prior to the first subdivision certificate being issued and comprise the following:</p> <ul style="list-style-type: none"> • Easements for maintenance and access; • Landscape screening plan; and 	<p>The amended control provides a mechanism for the sound wall to be constructed prior to the residential development taking place under separate development applications.</p>

	<ul style="list-style-type: none"> • Artwork plan <p>The sound wall is to be entirely contained within private land and maintained by the body corporate.</p>	
N/A	<p>Proposed Pocket Park Control:</p> <p>The pocket park identified by the masterplan is to be included in future subdivision development application of Lot 39 DP 280032. The pocket park is to form part of the Community Title Scheme DP 270983.</p> <p>The pocket park is to include:</p> <ul style="list-style-type: none"> • Functional useable kick about area, • Access to the existing community open space • Seating • Nature play equipment • Accessibility Requirements • Natural tree landscaping and Embellishment <p>Embellishment works are to be completed prior to the registration of land resulting from the subdivision of Lot 39 DP 280076.</p>	<p>The Development Control Plan will be used as a mechanism to ensure the appropriate execution of the Pocket Park.</p> <p>This outcome reflects the advice of the Local Planning Panel.</p>

It is recommended that the Development Control Plan be amended by the applicant and exhibited concurrently with the Planning Proposal should Gateway Authorisation be issued.

A further report to Council detailing proposed amendments to Part 6 of CSCDCP 2015 will be prepared should a Gateway Determination be issued.

2. Evaluation

The following impacts relevant to consideration of the PP are discussed below.

2.1 Visual Impact / Urban Design

Development within close proximity to the M31 Motorway and other Classified Roads are common in Metropolitan Sydney with visual amenity addressed via built form, vegetation screening and sound attenuation measures. Although the site can be viewed from the motorway, it is predominately screened by existing mature vegetation.

The visual impact of new development in closer proximity to the motorway would be mitigated by the erection of a sound wall and landscape screening.

The concept subdivision and dwelling plan provides for an attached dual occupancy development that could be lodged as either a development application or complying development certificate pending the final approved lot dimensions.

2.2 Traffic Impact Assessment

The Traffic Assessment originally submitted in support of DA3508/2015/DA-SW has been updated to support the PPR (attachment 3, Appendix 4).

The initial traffic modelling conducted by PTC supported development of 212 residential allotments and 60 undeveloped lots. The current Traffic Assessment incorporates the additional 26 residential allotments which generate seven additional inbound trips, 29 additional outbound trips in the AM peak and 27 additional inbound and seven additional outbound trips in the PM peak. This would correspond to a minor reduction of the Level of Service (LoS) for the signalised intersection of Campbelltown Road/Ingleburn Gardens Drive from LOS A to Bin the AM peak. The PM peak would remain LOS A.

The report concludes that the proposed future subdivision would have a minor impact on Campbelltown Road and Ingleburn Garden's Drive and would not significantly impact the existing intersections. The report does not consider the connection to Campbelltown Road via the New Breeze development (which is yet to open) which would alter this assessment and could be addressed at the subdivision stage.

The amendments made in respect of the Planning Proposal do not create any adverse impacts on the traffic assessment.

2.3 Acoustic

The PPR is supported by a Noise Impact Assessment prepared by Acoustic Logic (attachment 3, Appendix 3). The assessment indicates the proposal is capable of compliance with Clause 102 State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) subject to the following:

- External walls composed of concrete or masonry elements
- Internal skin of external wall is to be acoustically sealed
- External doors are to be 40mm solid core timber, with appropriate seals
- Any roofing that includes light penetrations will need to be sealed

The proponent also proposes the installation of an acoustic wall that would be at least two metres above the road level and would result in a sound reduction of between 15-20db. Further details on how each home would achieve the relevant noise mitigations would be provided at the development application stage.

The PPR was referred to TfNSW on 2 April 2020 due to the site's proximity to the M31 Motorway (attachment 2) who raised no concern, noting that further consultation would occur post Gateway and development application stage.

In addition to the proponent's proposal, it is considered appropriate that the sound wall include landscaping screening and public artwork elements for visual interest. This outcome is addressed by the proposed DCP amendments outlined in Section 1.8 of this report.

3. Developer Contributions

The Campbelltown Local Infrastructure Contributions Plan 2018 applies to the site and would apply to a future residential subdivision at a rate of \$20,000 per additional residential lot.

In response to the advice of the Panel, it is not considered necessary to seek a voluntary planning agreement as there are no works or facilities that would be dedicated to Council. Any matters required to address the public interest, such as provision of the sound wall may be addressed by way of a condition.

4. Public Benefit

The community benefit test is an important element of determining whether a Planning Proposal has merit. Relevant matters for consideration of a Local Environmental Plan amendment include whether it accurately reflects the strategic direction and changing circumstances of an area, the length of time that has elapsed since the community was consulted about the planning controls applying to the land, and whether the planning controls are too prescriptive to facilitate a sensible development. The test also considers whether there is a demonstrable public interest in considering an alternative proposal to the existing planning scheme, which may not have been considered by the Council or the community when the scheme was adopted.

In the case of this proposal, public benefit is achieved by amending the CLEP 2015 to provide for further housing diversity and would be supported by an amendment to the CSCDCP to include an acoustic wall and embellishment of Lot 40 for a pocket park in the community scheme for existing and future residents.

5. Formal Consultation

A guide to preparing local environmental plans has been prepared by the Department of Planning, Industry and Environment (DPIE) to assist councils in preparing planning proposals and LEPs. Should Council resolve to proceed with the PP, and Gateway Authorisation is issued by the DPIE, consultation would be undertaken in accordance with the Gateway Determination requirements.

6. Statutory Consideration

As part of the Gateway Authorisation process, Section 3.34 of the EP&A Act allows the Minister and the Secretary to delegate functions to a Council and/or officer or employee of a Council. When submitting a draft Planning Proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- to make and determine not to make an LEP
- to defer inclusion of certain matters
- to identify which matters must not be considered and which stages of the plan making process must be carried out again.

At its meeting on 20 November 2012, Council resolved to formally accept the plan making delegations and delegate the plan making functions to the General Manager and Director of Planning and Environment (now titled Director City Development).

On the grounds that the Planning Proposal is consistent with the types of draft LEPs routinely delegated by the DPIE, it is recommended that council seek to exercise the Authorisation in this instance.

Conclusion

The PP seeks to rezone Lot 39 DP 280076 from RE2 Private Recreation to R3 Medium Density Residential. Lot 40 DP 280076 does not form part of the PP and would be subject to site specific DCP controls for a future Pocket Park. On the grounds that the proposal is considered consistent with the strategic directions of the Greater Sydney Region Plan, Western City District Plan and advice of the Local Planning Panel, it is recommended that the Council support its progression for Gateway Determination.

Attachments

1. Council's Planning Proposal (contained within this report)
2. TfNSW Referral Communication (contained within this report)
3. Planning Proposal Request and addendum (distributed under separate cover)

8.5 The Meadows, Ingleburn Gardens Planning Proposal

It was **Moved** Councillor Oates, **Seconded** Councillor Morrison:

1. That Council, forward the attached draft Planning Proposal (attachment 1) relating to land within the Meadows Precinct, to the Department of Planning, Industry and Environment seeking endorsement of Gateway Determination.
2. That should the Minister determine under section 3.3.4(2) of the *Environmental Planning and Assessment Act 1979*, that the proposal may proceed without significant amendment, Council publicly exhibit the draft Planning Proposal in accordance with the Gateway Determination.
3. That following the public exhibition:
 - (a) where submissions are received by Council during the public exhibition period, a submissions report be presented to Council, or
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4. That subject to recommendation 3(a) Council exercise via the General Manager the approval functions of the Minister under Section 3.36 (2)(a) of the *Environmental Planning and Assessment Act 1979*, to make the relevant amendments to the Campbelltown Local Environmental Plan 2015, pursuant to the instrument of delegation dated 20 November 2012.

A Division was recorded in regard to the Resolution for Item 8.5 with those voting for the Motion being Councillors G Brticevic, M Oates, M Chowdhury, K Hunt, R Manoto, M Chivers, P Lake, W Morrison, B Thompson and T Rowell.

Voting against the Resolution were Councillor B Moroney.

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

Procedural Motion

It was **Moved** Councillor Moroney, **Seconded** Councillor Thompson:

That Item 8.8 – Planning Proposal Request – 2 Farrow Road, Campbelltown be brought forward to follow Item 8.5.

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