



Planning,  
Industry &  
Environment

IRF 21/206

## Gateway determination report – PP-2020-3901

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The Meadows - Lot 39, Webber Circuit, Bardia (22 dwellings, 0 jobs)

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans                                   |
|--|
| Attachment A - Planning Proposal – The Meadows – 3.12.2020   |
| Attachment A1 - Technical Report – Traffic Report            |
| Attachment A2 - Technical Report – Noise Impact Assessment   |
| Attachment A3 - Stage 1 Contamination Report – The Meadows   |
| Attachment E - Council Report and Minutes – 10 November 2020 |
| Attachment F - Local Planning Panel Minutes – 22 July 2020   |

# 1 Planning Proposal

## 1.1 Overview and objectives of planning proposal

**Table 2 Planning proposal details**

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | <b>Campbelltown</b>  |
| <b>PPA</b>                      | <b>Campbelltown City Council</b>   |
| <b>NAME</b>                     | <b>The Meadows (22 Dwellings, 0 jobs)</b>  |
| <b>NUMBER</b>                   | <b>PP-2020-3901</b>  |
| <b>LEP TO BE AMENDED</b>        | <b>Campbelltown LEP 2015</b>   |
| <b>ADDRESS</b>                  | <b>Lot 39, Webber Circuit, Bardia</b>  |
| <b>DESCRIPTION</b>              | <b>Lot 39 DP 280076</b>  |
| <b>RECEIVED</b>                 | <b>22/12/2020</b>  |
| <b>FILE NO.</b>                 | <b>IRF21/206</b>   |
| <b>POLITICAL DONATIONS</b>      | <b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>       |
| <b>LOBBYIST CODE OF CONDUCT</b> | <b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b> |

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- enable the development of unresolved land within the Ingleburn Garden's Estate 'The Meadows'; and
- provide 22 medium density dwellings.

The objectives of this planning proposal are clear and adequate.

## 1.2 Explanation of provisions

The planning proposal seeks to amend the Campbelltown LEP 2015 per the changes over page:

**Table 3 Current and Proposed controls**

| Control                        | Current                | Proposed          |
|--------------------------------|------------------------|-------------------|
| Zone                           | RE2 Private Recreation | R3 Medium Density |
| Maximum height of the building | NA                     | 9m                |
| Number of dwellings            | 0                      | 22                |
| Number of jobs                 | N/A                    | 0                 |

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.3 Site description and surrounding area

The subject land, Lot 39 DP 280076 (the Site), is located within a 37 hectares housing estate called Ingleburn Garden's Estate, specifically within a southern portion subdivision (Stage 12) known as 'The Meadows' (Figure 1).

The Ingleburn Garden's Estate bounded by the Hume Highway to the east and Campbelltown Road to the North-West and surrounding suburbs of Edmondson Park, Bardia and Macquarie Links.

The Site fronts a local road called Webber Circuit with the Hume Highway to the rear. Land on the opposite side of Webber Circuit is zoned R3 medium density with existing residential development (Figure 2). There are community facilities including a pool and BBQ facilities to the north, and open space to the south.

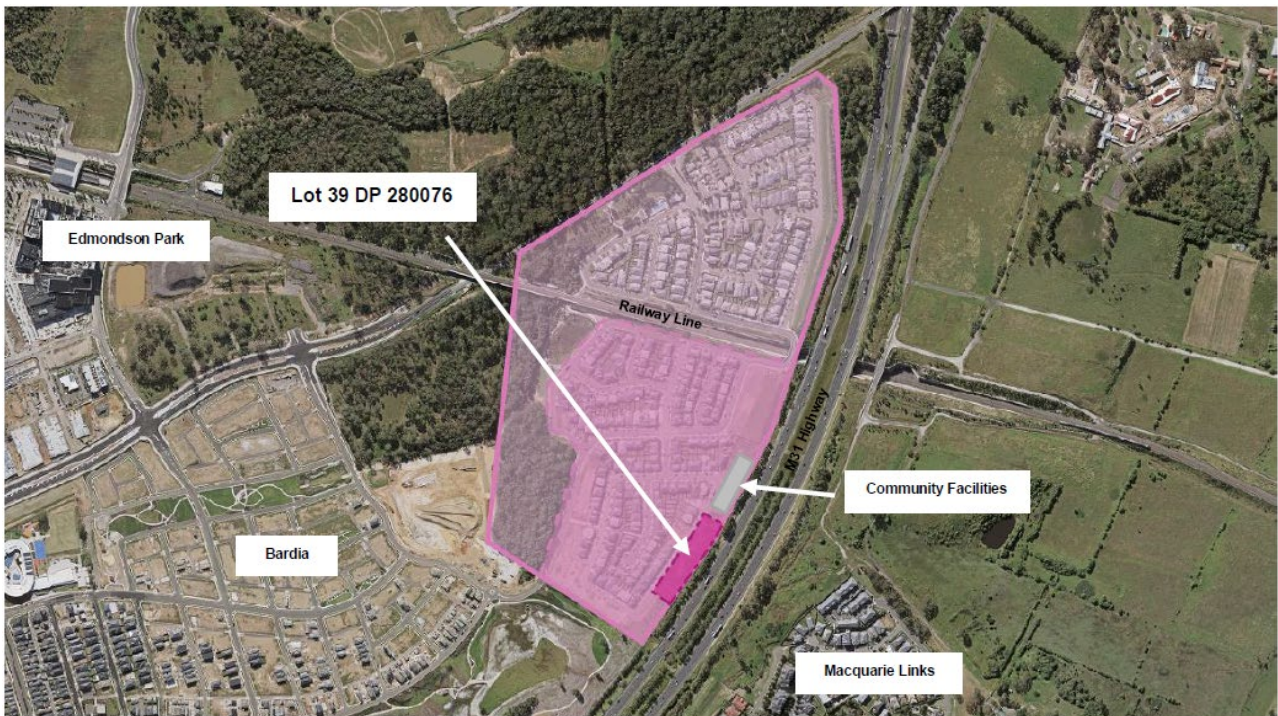
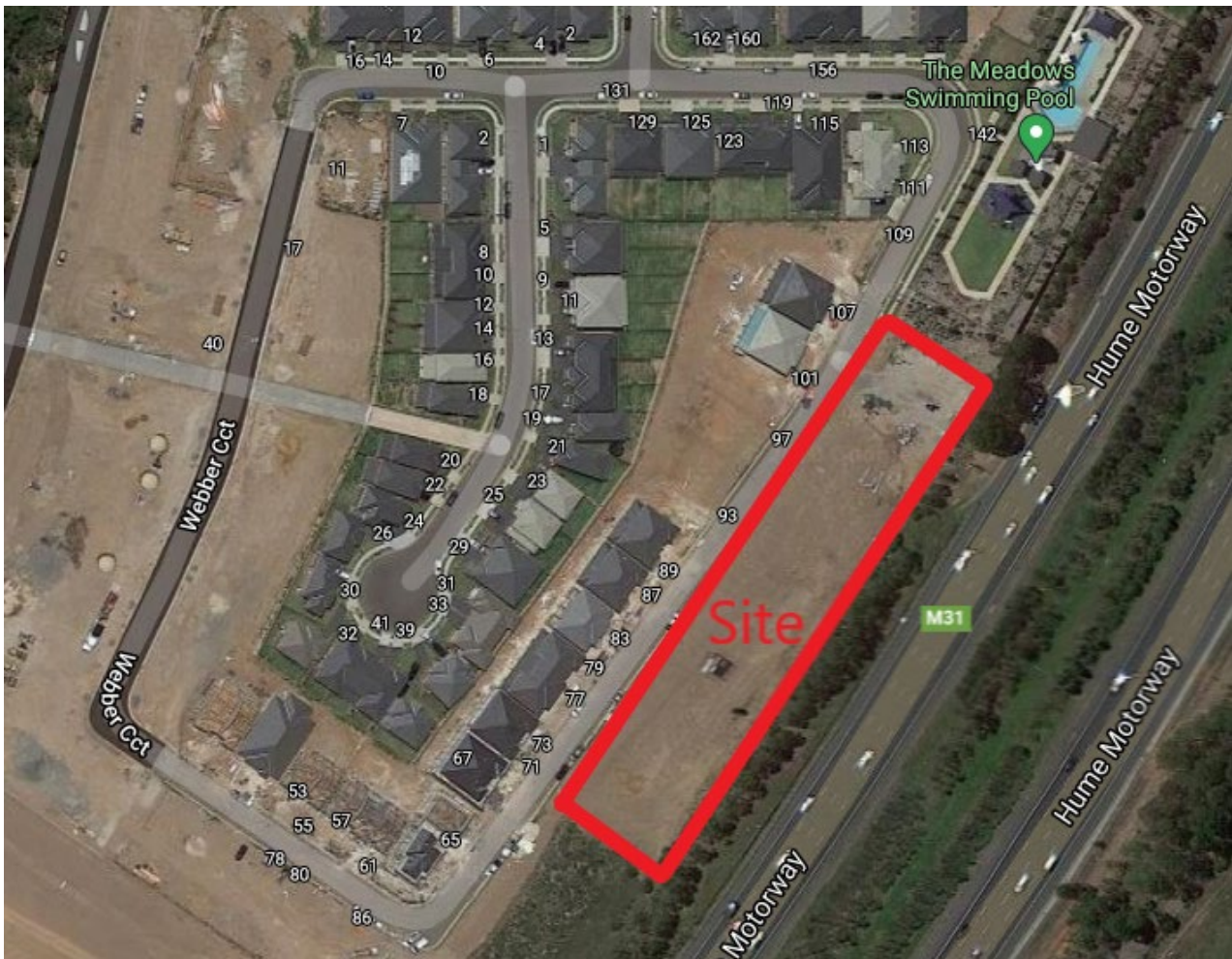


Figure 1 Location Map



Figure 1 Subject site (source: Planning Proposal)





**Figure 2 Site context (source: Google Maps)**

### 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 into Campbelltown Local Environmental Plan 2015 which applied the R3 Medium Density Residential and RE2 Private Recreation zones. In 2016 a development application was approved for Stage 12 The Meadows to erect 210 dwellings.

## 1.4 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zone and Height of Building maps, which are suitable for community consultation.

The planning proposal will amend the following maps:

- Land Zone Map (Sheet Number – 1500\_COM\_LZN\_011\_020\_20170424)
- Height of Building Map (Sheet Number – 1500\_COM\_HOB\_011\_020\_20170424)



**Figure 3 Current Land Zone map**



**Figure 5 Current Height of Building map**



**Figure 4 Proposed Land Zone map**



**Figure 6 Proposed Height of Building map**

## 2 Need for the planning proposal

The planning proposal is not a result of any strategic study or report. However, this site is located within The Meadows, a recent subdivision within the Ingleburn Garden's Estate. The planning proposal will allow for 22 additional dwellings.

The planning proposal advises that the proposed amendment is the best and most appropriate means of achieving the Council's intended outcome to provide 22 additional dwellings. A planning proposal is the only means available to allow residential development under the CLEP 2015.



## 3 Strategic assessment

### 3.1 Regional Plan

The proposal is consistent with the Greater Sydney Regional Plan. The planning proposal aligns with Sydney's target to deliver 664,000 new homes by 2031. The Site is infill development, within an existing housing estate, adjacent to land zoned for medium density housing, and is within proximity to the Edmondson Park train station and town centre as well as the existing centre of Ingleburn. The proposal will provide medium density housing and dwelling types that will provide continued housing diversity for the region. The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

**Table 4 Regional Plan assessment**

| Regional Plan Objectives              | Justification  |
|---------------------------------------|--|
| Objective 10 - Greater housing supply | <p>The planning proposal will provide ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods.</p> <p>Local infill development – the missing middle – refers to medium density housing such as villas and townhouses within existing areas, that provide greater housing variety</p> |

### 3.2 Local Plans and Strategies

The proposal states that it is consistent with the following local plans and strategies. It is consistent with the strategic directions and objectives as stated in the table below:

**Table 5 Local strategic planning assessment**

| Local Strategies                   | Justification  |
|------------------------------------|--|
| Local Strategic Planning Statement | The site is identified as urban land within the Bardia area, where there is an estimated capacity for 800 additional dwellings.  |
| Draft Housing Strategy             | <p>Meet the housing needs of the future population.</p> <ul style="list-style-type: none"> <li>To support urban containment.</li> <li>To provide for housing that meets the needs of all households.</li> <li>To encourage the provision of new housing in locations that support the 30-minute city principle.</li> <li>To encourage the planning of housing within neighbourhoods</li> </ul> |

### 3.3 Local planning panel (LPP) recommendation

A Local Planning Panel Meeting was held on 22 July 2020, recommending that the planning proposal has strategic merit as it would support future development consistent with the local context, subject to attenuating noise from the M31 Motorway via sound walls and dwelling insulation. Also, that an acoustic wall will benefit the local community.

## 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with all relevant section 9.1 Directions and discussed below.

**Table 6 9.1 Ministerial Direction assessment**

| Directions   | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency  |
|--|----------------------------------|---|
| <p><b>2.6 Remediation of Land</b></p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>   | Inconsistent                     | <p>The planning proposal authority must consider whether the land is contaminated.</p> <p>On 8 June 2016, a residential subdivision (DA3508/2015 DA-SW) known as Stage 12 'The Meadows' sought to provide 210 community-titled residential lots, a community recreation facility, residue lots and associated works which resulted in the clearing of the Site of vegetation. A Stage 1 contamination report was conducted by IdealGeotech (<b>Attachment A3</b>), but it is considered that the assessment focused only on part of the Lot, specifically land zoned R3 and land for community facilities, and did not include an adequate assessment of the Site.</p> <p>It is considered that the planning proposal authority obtain and have regard to a report specifying the findings of a preliminary contamination investigation of the Site, carried out in accordance with the contaminated land planning guidelines under clause 3 of Schedule 6 to the Environmental Planning and Assessment Act 1979, and the Gateway be conditioned accordingly.</p> |
| <p><b>3.1 Residential Zones</b></p> <p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> | Consistent                       | <p>The planning proposal is in accordance with the Regional Plan, and it will provide a variety of housing choice and provide for future housing need. As well as make efficient use of existing infrastructure and service, as it is located within a new housing development, and near schools, shops and public transport.</p>   |

## 3.4 Integrated Land Use and Transport

Consistent

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport,

The Site is located with The Meadows housing estate which is well serviced by public transport, and access to schools and local centres. Urban development in this location is in accordance with the Regional Plan and Campbelltown LSPS.

## 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

| SEPPs                      | Requirement   | Proposal  | Complies |
|----------------------------|---|---|----------|
| SEPP (Infrastructure) 2007 | <p>Subdivision 2<br/>Development in or adjacent to road corridors and road reservations</p> <p>Clause 102 applies to development on land in or adjacent to the road corridor for a freeway, before determining a development application.</p> | <p>Clause 102 applies to residential development on land adjacent to a freeway and must be addressed during the assessment of a development application.</p> <p>The accompanying Noise Impact Assessment (<b>Attachment A2</b>) provides confidence that residential development on the Site can complying with this clause.</p> <p>The Gateway should be conditioned to require consultation with Transport for New South Wales (TfNSW) to obtain preliminary advice regarding the site-specific suitability of the propose acoustic wall on the Site.</p> | Yes      |

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

| Environmental Impact  | Assessment   |
|---|--|
| Noise   | A noise impact assessment ( <b>Attachment A2</b> ) has been conducted which indicates that the planning proposal can comply with SEPP (Infrastructure) 2007, however prior to the approval of any residential development application clause 102 must be satisfied.  |
| Critical habitat or threatened species, populations or ecological communities | The site was cleared of vegetation in 2016, as part of bulk earthworks for The Meadows Stage 12 Development application. There is no indication that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. |

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

| Social and Economic Impact | Assessment   |
|----------------------------|--|
| Housing supply             | Approximately 22 additional dwellings are proposed, aligning with regional and local strategic plans.  |
| Recreational Land          | The Site is currently zoned RE2, however the Masterplan for The Meadows identified the intended use for the Site was to be an acoustic buffer and not private recreation. Therefore, it is considered this is no loss of land for private recreation.    |
| Social Infrastructure      | The planning proposal states that The Meadows is a community titled estate that has capacity to accommodate the 22 dwelling uplift. It is considered that the proposed additional dwellings will have a minor impact on social infrastructure provision. |

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 10 Infrastructure assessment**

| Infrastructure            | Assessment   |
|---------------------------|--|
| Traffic Impact Assessment | The Traffic Impact Assessment ( <b>Attachment A1</b> ) 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. It is considered that the additional 22 dwellings will have minor impact on the local road network and access to public transport. However, the Gateway should be conditioned to require consultation with TfNSW. |
| Infrastructure            | The planning proposal indicates that adequate service infrastructure exists, delivered as part of 'The Meadows' subdivision and bulk earthworks, and that existing infrastructure has the capacity to cater for the additional 22 dwellings that are proposed. The Gateway should be conditioned to consult with Sydney Water, Jemena Gas, and Endeavour Energy to ensure capacity is available.   |

## 5 Consultation

### 5.1 Community

Council does not propose a community consultation period. It is considered that a minimum community consultation period of 14 days is conditioned as part of the Gateway determination.

### 5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for New South Wales
- Sydney Water
- Jemena Gas
- Endeavour Energy

## 6 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is a spot rezoning within a new housing estate the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

Council proposes a 8 month time frame to complete the LEP.

The Department recommends a time frame of 9 months, to allow for the preparation of a Stage 1 Contamination Assessment Report and consultation with public agencies prior to public exhibition. To ensure it is completed in line with the Departments commitment to reduce processing times, it is recommended that if the Gateway is supported it includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.



## 7 Assessment Summary

The Site is located within the southern portion of The Meadows, acting as an acoustic buffer from the Hume Highway. However, it is considered that an acoustic wall separating the Site from the Hume Highway would be a better planning outcome for the local community and allow for a modest increase in dwelling yield. It is noted that, prior to the approval of residential development on the Site, SEPP (Infrastructure) 2007, Clause 102, must be satisfied by the erection of an acoustic wall.

The planning proposal is supported to proceed with conditions for the following reason:

- The Site can provide 22 dwellings, which aligns with regional and local strategic plans.

As discussed in the previous sections 4 and 5, the proposal should be updated to include:

- a Stage 1 Contamination Report to ensure consistency with S9.11 Ministerial Direction, 2.6 Remediation of Land.
- Preliminary advice be sought from TfNSW, in regard to the site-specific suitability of the proposed acoustic wall (as detailed in Attachment A2), noting that a more detail assessment would be made during any subsequent development application.

Based on the assessment outlined in this report, the planning proposal must be updated before consultation with:

- Transport for New South Wales
- Sydney Water
- Jemena Gas
- Endeavour Energy

## 8 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 2.6 Remediation of Land is unresolved and will require justification.

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

1. The planning proposal is to be updated to reflect the outcome of the following technical study:
  - Stage 1 Contamination Assessment Report
2. Prior to community consultation, consultation is required with the following public authorities:
  - Transport for New South Wales, Sydney Water, Jemena Gas, and Endeavour Energy
3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval by 30 June 2021.
4. The planning proposal should be made available for community consultation for a minimum of 14 days.
5. The planning proposal must be reported to council for a final recommendation 7 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.

7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



\_\_\_\_\_  
(Signature)

\_\_\_\_27 January 2021\_\_\_\_ (Date)

Naomi Moss

Manager, Western



\_\_\_\_\_  
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\_\_\_\_28 January 2021\_\_\_\_ (Date)

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