



Planning,
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Environment

IRF20/5205

Gateway determination report – PP-2021-3247

Rezoning of 33 Morshead Road, Mount Annan for medium density residential purposes (9-10 homes, 0 jobs)

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Stage 1 Preliminary Environmental Investigation by Geotesta (January 2018)
Ecological Constraints Assessment by Narla Environmental (June 2018)
Traffic Impact Assessment by Hemanote Consultants (December 2019)
Urban Design Report and Development Overview by ae Design Partnership (August 2019)

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Sydney Western City Planning Panel

Following Camden Council's refusal of the planning proposal, and a rezoning review, the Sydney Western City Planning Panel is the Planning Proposal Authority (PPA) and has lodged the proposal with the Department of Planning, Industry and Environment for a Gateway determination.

Table 2 Planning proposal details

LGA	Camden
PPA	Sydney Western City Planning Panel
NAME	Rezoning of 33 Morshead Road, Mount Annan for medium density residential purposes (10 homes, 0 jobs)
NUMBER	PP-2021-3247
LEP TO BE AMENDED	Camden Local Environmental Plan 2010
ADDRESS	33 Morshead Road, Mount Annan 2567
DESCRIPTION	Lot 71 and DP 702819
RECEIVED	27/04/2021
FILE NO.	IRF20/5205
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

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

The objectives of the planning proposal are to amend existing planning controls under the Camden Local Environmental Plan 2010, as follows:

- to facilitate the redevelopment of the site for medium density residential purposes consistent with surrounding residential development;
- rezone the site from R2 Low Density Residential to R3 Medium Density Residential by amending the Land Zoning Map (LZN_017); and
- amend the minimum lot size from 450m² (G) to 250m² (C) by amending the Minimum Lot Size Map (LSZ_017).

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal seeks to amend the Camden LEP 2010 per the changes below:

Table 3 Current and Proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential	R3 Medium Density Residential
Maximum height of the building	9.5m	No change
Floor space ratio	N/A	N/A
Minimum lot size	450m ²	250m ²
Number of dwellings	1	10
Number of jobs	N/A	N/A
Reclassify land from	N/A	N/A

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 site is identified as Lot 71 DP 702819 (No. 33) Morshead Road, Mount Annan, as depicted by the red outline in Figure 1. The area of the site is 3,263m². The subject land has two street frontages, with a principal frontage along Morshead Road to the west and a secondary frontage to Buna Close (a cul-de-sac) to the north.

The site comprises a single residential allotment with a 1960's dwelling house. Existing vegetation on the site includes garden beds and fruit trees, along with native grasses and a Spotted Gum tree. The site is located in an area subdivided and developed for residential purposes in the 1990s and early 2000s. Figure 2 illustrates the nature of the locality.

The surrounding area is predominately residential in nature. Dwellings in the locality include integrated housing (dwellings designed and constructed on small allotments), some of which exhibit qualities akin to a zero-lot line. The existing maximum permissible building height is 9.5m. The Mount Annan Marketplace is located approximately 400m east of the site.

Housing to the immediate west (western side of Morshead Road) comprises traditional dwellings on land zoned R2 Low Density Residential (Refer to Figure 3) with a 450m² minimum lot size (Refer to Figure 5).

Land to the immediate north, east and south is zoned R3 Medium Density Residential (refer to Figure 3) with a 250m² minimum lot size (refer to Figure 5).



Figure 1 Subject site (source: Google Maps 2020)



Figure 2 Site context (source: Google Maps 2020)

1.4 Mapping

The planning proposal includes mapping showing existing zoning and minimum lot size diagrams. For community exhibition purposes, a determination condition is recommended to include thumbnail maps showing existing and proposed changes, as illustrated in the following.

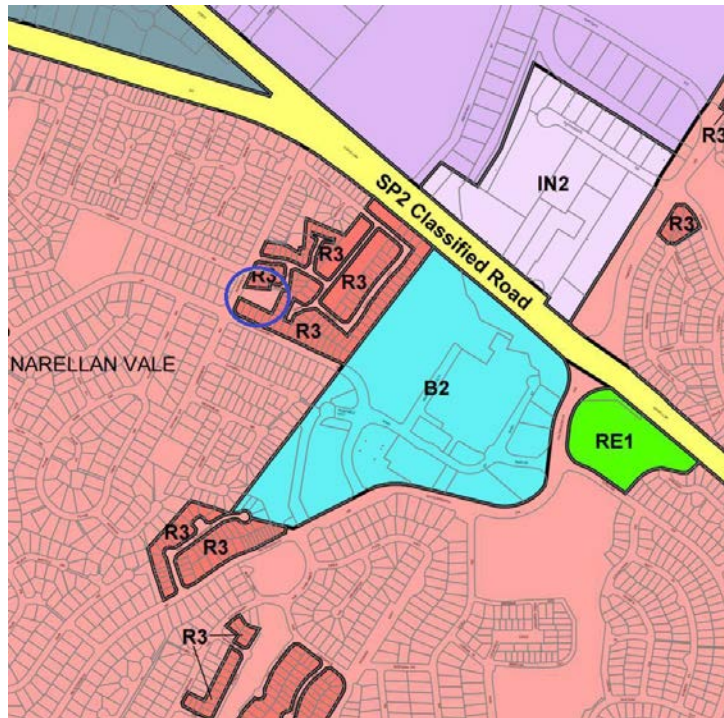


Figure 3 Current zoning map – subject land identified by thin blue outline

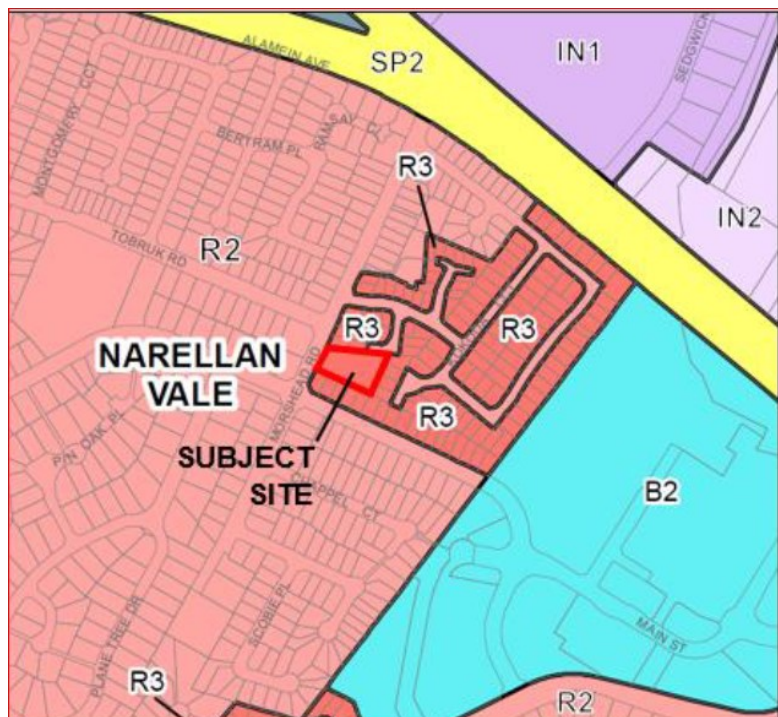


Figure 4 Proposed zoning map – subject land identified by thin red outline



Figure 5 Current minimum lot size map– subject land identified by thin red outline

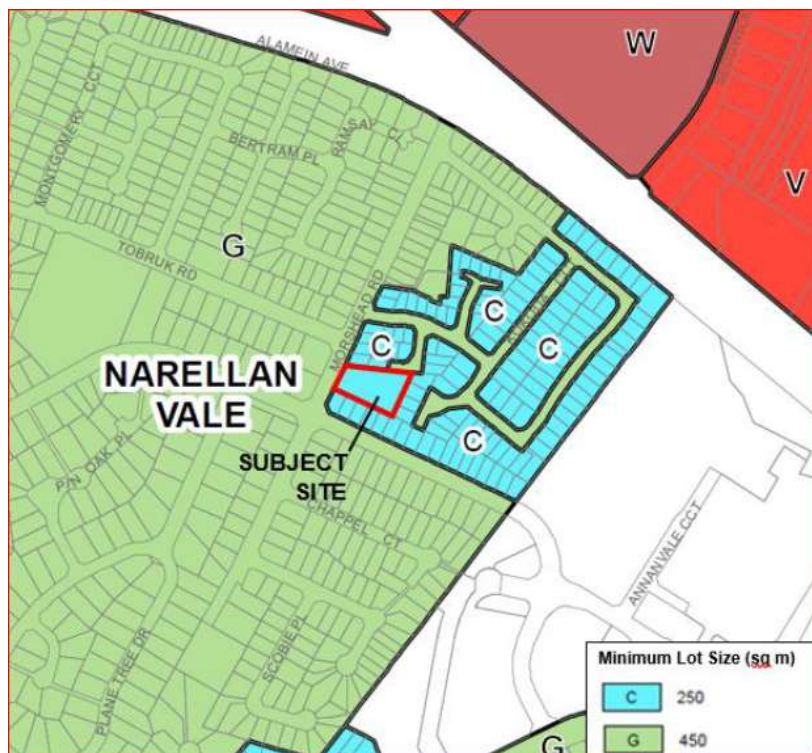


Figure 6 Proposed minimum lot size map– subject land identified by thin red outline nm

2 Need for the planning proposal

The planning proposal is not a result of a strategic study or report. This planning proposal is a result of a rezoning review. The background of this planning proposal is as follows:

- The planning proposal was lodged in October 2018 and Council's report recommended that the proposal proceed to Gateway. Council's resolution did not endorse this recommendation.
- An amended planning proposal was lodged with Council December 2019.
- On 18 February 2020, the Camden Local Planning Panel (LPP) supported the draft planning proposal. Council resolved on 14 April 2020 not to proceed, initiating the rezoning review process.
- On 5 June 2020, the Department wrote to Council advising of the rezoning review request.
- On 25 June 2020, Council responded confirming that the proposal submitted to the Department for review was the same proposal that was considered by Council.
- On 30 October 2020, the Sydney Western City Planning Panel (the Panel) advised that the proposal should be submitted for Gateway determination and invited Council to be the Planning Proposal Authority (PPA) for this proposal.
- On 30 November 2020, Council advised the Planning Panel Secretariat that as Council had previously resolved not to support the proposal, it did not wish to be the PPA for this proposal.
- On 17 December 2020, the Panel provided a letter to the Department stating in accordance with section 3.32(1) of the *Environmental Planning Assessment Act 1979*, the Panel as delegate of the Minister for Planning and Public Spaces has considered the matter and determined itself as the PPA.

3 Strategic assessment

3.1 District Plan

The site is within the Western City District. The Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan Priorities	Justification
Planning Priority W1: Planning for a city supported by infrastructure	The proposed residential development will be supported by existing necessary infrastructure as the site is currently zoned for residential purposes and owing to the small number of additional dwellings proposed.
Planning Priority W5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	The proposal will result in an additional 10 residential dwellings, approximately 400m from Mount Annan Marketplace and with good access to existing public transport bus services. Whilst the proposal will only provide a small amount of housing supply, it will provide limited access to more diverse housing forms and potentially more affordable housing products.
Planning Priority W12: Protecting and improving the health and enjoyment of the District's waterways	The proposal is capable of meeting the stormwater management targets developed for the Narellan Creek and broader Nepean River catchments.
Planning Priority: W15: Increasing urban tree canopy cover and delivering Green Grid connections	The proposed on-site and street tree planting will help address the largely absent presence of street trees in the local area.
Planning Priority W 20: Adopting to the impacts of urban and natural hazards and climate change	The proposed increase to the local urban tree canopy is a positive step towards addressing urban heat effect issues and ultimately climate change.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as indicated in the following table.

Table 4 Local strategic planning assessment

Local Strategies	Justification
Camden Local Strategic Planning Statement (LSPS)	<p>The proposal gives effect to the Camden Local Strategic Planning Statement as follows:</p> <ul style="list-style-type: none"> (a) <i>Local Priority I1 – Aligning infrastructure delivery with growth.</i> The proposal will be able to utilise existing infrastructure without causing adverse stress; (b) <i>Local Priority I2 – Connecting Camden through integrated transport solutions.</i> The proposal seeks to implement new dwellings within an area containing existing public transport (bus service) options; (c) <i>Local Priority L1 - Providing housing choice and affordability for Camden's growing and changing population.</i> The proposal seeks to provide an opportunity to enhance housing diversity and potentially affordability; (d) <i>Local Priority S2 - Protecting and enhancing the health of Camden's waterways, and strengthening the role and prominence of the Nepean River.</i> Development of the site, as envisaged by the proposal, is capable of ensuring that the accepted Narellan Creek and broader Nepean River water quality standards are met.

Camden
Community
Strategic Plan

The proposal gives effect to the Camden Community Strategic Plan by addressing:

(a) *Key Direction 1 Actively Managing Camden Local Growth Area's Growth.*

A key objective under this Direction is 1.1 to ensure urban development is managed effectively.

The proposal is considered consistent with this objective, The proposal seeks to respond to Camden's population growth demands in a manageable manner. The proposal will facilitate the creation of a small number of additional dwellings, holding the capacity to integrate with the physical and social fabric of the existing neighbourhood.

(b) *Key Direction 2 Healthy Urban Environment.*

A key objective under this Direction is 2.1 Caring for urban and natural environment, including heritage sites.

The proposal is considered consistent with this objective as it is does not have any significant adverse impacts on the local built or natural environments.

3.3 Local planning panel (LPP) recommendation

The Camden Local Planning Panel considered the draft planning proposal on 18 February 2020 and resolved to advise the Council that it supported Council's assessment report of the Planning Proposal for the following reasons:

- The proposal demonstrated strategic and site specific planning merit in reconciling the zoning and permissible height of the subject site with the zoning and permissible height of the surrounding land;
- The area surrounding the site within Mount Annan demonstrates a transition of residential density which is compatible with R3 Medium Density Residential development. The proposed R3 Medium Density Residential zone with a minimum lot size of 250m² is consistent with the existing neighbouring character of the area;
- The proposal will contribute towards Camden's housing supply in an appropriate location that could facilitate housing diversity; and
- Future development as a result of this proposal will not require significant augmentation of existing infrastructure and will not generate adverse traffic impacts or wider environmental, social and economic impacts.

The Camden LPP voted 4-0 in favour of the recommendation.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 2.1 Environmental Protection Zones	Yes	<p>The objective of this Direction is to protect and conserve environmentally sensitive areas.</p> <p>The proposal is supported by an ecological constraints assessment. This assessment concluded that if vegetation removal was to occur it would not be detrimental.</p>
Direction 3.1 Residential Zones	No	<p>The proposal is technically inconsistent with the Direction.</p> <p>The Direction requires that a planning proposal contains a requirement that residential development is not permitted until land is adequately serviced. The proposal does not include this requirement.</p> <p>Given the land is currently zoned for residential purposes and seeks to facilitate nine to ten dwellings, any technical inconsistency with the Direction is of minor significance. It is recommended that the Secretary's delegate agrees that the proposal proceeds on this basis.</p>
Direction 3.4 Integrated Land Use and Transport	Yes	<p>The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and direct layouts achieve a comprehensive suite of planning objectives including:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p>The proposal is considered consistent as the site is surrounded by similar density residential development to that which is proposed, and the site has good access to existing public transport bus services.</p>

Direction 6.3 Site Specific Provisions	N.A.	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposal is considered consistent as it does not seek to introduce any site-specific planning controls.</p>
Direction 7.1 Implementation of the Metropolitan Strategy	Yes	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, policy, outcomes and actions contained in the Metropolitan Strategy.</p> <p>The proposal is considered consistent as it aligns with the Metropolitan Strategy and Western City District Plan in regard to liveability and sustainability objectives.</p>

3.5 State environmental planning policies (SEPPs)

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

Table 6 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)	The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	The proposed development will be serviced by reticulated water and sewer facilities. Relevant sediment and erosion control measures will need to be implemented at the development stage to protect receiving waters (Narellan Creek) of the Nepean system. No sensitive landscapes are impacted by the proposal. Further, given the small scale of the proposal, waste disposal, air quality and predicted climate change are considered negligible and will have a minor impact.	Yes
State Environmental Planning Policy No 55 – Remediation of Land	This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk or harm to human health or any other aspect of the environment.	The Stage 1 Preliminary Environmental Investigation concluded that the site is considered to have a low risk of soil and groundwater contamination and would be suitable for the proposed medium density residential land use.	Yes

4 Site-specific assessment

4.1 Environmental

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

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Vegetation removal	A Spotted Gum and a small patch of native grassland may create a minor constraint for the rezoning. Owing to the highly urbanised environment, the Ecological Constraints Assessments concluded that removal of the vegetation would not cause a significant impact to fauna or Endangered Ecological Communities.

4.2 Social and economic

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

Table 4 Social and economic impact assessment

Social and Economic Impact	Assessment
Land supply	The proposal assists with contributing to land supply in an established residential area.
Employment (temporary)	The construction of the dwellings will provide some local, temporary employment.
Housing diversity and affordability	The proposed medium density housing will provide an alternative to the current housing stock in the area and may present some affordable housing options.

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 9 Infrastructure assessment

Infrastructure	Assessment
Roads	The traffic impact assessment concluded that the indicative concept plan will not adversely impact the existing road network in the locality. The proposed extension of the Buna Close cul-de-sac into a T-turning bay is compatible with the turning dimensions required for Council's service vehicles (including waster service vehicles).
Sewer/water	Additional on-site reticulation works will be required to connect to existing available public infrastructure service mains. Existing public infrastructure will likely be sufficient to accommodate these additional connections.

5 Consultation

5.1 Community

The proposal recommends a 28 day exhibition period on the basis that there will be local community interest. While the small scale nature of the proposal is acknowledged, given the transformation of a relatively vacant allotment within an established residential area, this period of exhibition is recommended. Further, to ensure that the immediate local community is fully informed, it is recommended that, at least, written notification is issued to, at least, the properties adjoining the subject land.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. Given the small scale nature of the proposal, agency consultation is not recommended.

6 Timeframe

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

7 Local plan-making authority

This planning proposal is a result of a rezoning review. The background of the planning proposal is as outlined in Part 2 of this report.

The Panel is required to submit the planning proposal to the Department for finalisation to make the plan.

8 Assessment Summary

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

- it is not inconsistent with regional, district and local plans and their relevant objectives;
- there are no adverse social, economic or environmental impacts as a result of the proposed amendments;
- it is located within an existing urban area, with the capacity to be accommodated by existing infrastructure;
- it represents a balanced and appropriate use of land, aligning with adjoining residential character and does not negatively impact on the broader local setting;
- it will provide greater housing diversity to the local area and potentially affordable housing options; and,
- it will create temporary employment opportunities for the construction industry to undertake building and related civil works.

9 Recommendation

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

1. Amendments are made to the format of the planning proposal, as follows:
 - the cover page is amended to reflect adoption of the planning proposal;
 - under 4 Explanation of provisions (Part 2), thumbnail mapping is included to indicate existing and proposed zones and existing and proposed minimum lot size;
 - community consultation is to include, but not limited to, written notification being provided to properties adjoining the subject land;
 - under 8 Project Timeline (Part 6), the timeline is amended to reflect actual and projected target dates;
 - supporting studies; section 9.1 Directions and State Environmental Planning Policy assessment, are to form separate appendices and, where appropriate, are to be referenced in the proposal document; and,
 - for the purpose of exhibition, extraneous documents are to be removed from appendices.
2. Consultation is required with Camden Council.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. The planning proposal must be reported by the Panel for a final recommendation 9 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

7. The Panel should not be authorised to be the local plan-making authority.



5 May 2021

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