

Planning Services

Plan Finalisation Report

Local Government Area: Campbelltown

PP Number: PP_2012_CAMPB_002_00

1. NAME OF DRAFT PLAN

Campbelltown Local Environmental Plan 2015 (Amendment No. 2) (the draft Plan). The draft written instrument is at Tab LEP.

2. SITE DESCRIPTION

The draft Plan applies to land at Appin Road, Mount Gilead (the site) in the Campbelltown Local Government Area (LGA). The site is approximately 210ha and consists of the following allotments:

- Part Lots 1, 2 and 3 in DP 1218887; and
- Lot 61 in DP 752042.

Refer to Tab D for the location map and land descriptions.

3. PURPOSE OF THE PLAN

The draft Plan seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 as follows:

- Amend Land Application Map (LAP_001) – remove the Mount Gilead site as a deferred area;
- Amend Land Zoning Maps (LZN_003, LZN_004, and LZN_009) – rezone the site to part R2 Low Density Residential, B1 Neighbourhood Centre, RE1 Public recreation, RU2 Rural Landscape, and SP2 Infrastructure;
- Amend Height of Building Maps (HOB_003, HOB_004, and HOB_009) – apply a maximum building height of 6m, 8.5m and 9m across part of the site;
- Amend Lot Size Maps (LSZ_003, LSZ_004, and LSZ_009) – apply a minimum lot size of 450sqm, 500sqm, 700sqm, 100ha and a reference to Clause 4.1 for part of the site;
- Amend Land Reservation Acquisition Maps (LRA_003, LRA_004, and LRA_009B) – identify part of the site for future land acquisition (roads and open space);
- Amend Heritage Map (HER_003) – identify a portion of the site along the western boundary as part of the local heritage item “I58 – Mount Gilead”;
- Insert a Floor Space Ratio Map (FSR_003, FSR_004, and FSR_009) – apply a maximum floor space ratio of 0.55:1 for land zoned R2 Low Density Residential;
- Insert Urban Release Area Maps (URA_003, URA_004, and URA_009) – identify the site as an urban release area;
- Insert Terrestrial Biodiversity Maps (BIO_003, BIO_004, and BIO_009) – identify part of the site as significant vegetation;
- Amend Clause 4.1 Minimum subdivision lot size – insert a new exception to the minimum lot size on Lot 61 DP 752042, Appin Road, Gilead to enable greater housing choice;

- Insert Clause 4.1E Exception to minimum lot sizes for certain land at Mount Gilead Urban Release Area – insert a new clause to enable land zoned RU2 Rural Landscape to be subdivided to an area that is less than the minimum lot size identified for the land (i.e. 10ha);
- Insert Clause 7.20 Terrestrial biodiversity – insert a new clause to maximise the retention and enhancement of native biodiversity;
- Insert a definition for Terrestrial Biodiversity Map – the definition is as follows:
“Terrestrial Biodiversity Map means the Campbelltown Local Environmental Plan 2015 Terrestrial Biodiversity Map.”

The existing and proposed maps are provided at Tab F.

The site is currently zoned No 1 (Non-Urban) under the City of Campbelltown Interim Development Order No 15 (IDO 15). Under IDO 15, residential development is not permissible in a No 1 (Non-Urban) zone.

The draft Plan will facilitate the inclusion of the deferred area in the Campbelltown LEP 2015 from the IDO 15 and rezone the site for urban purposes. In addition, the draft Plan will facilitate the provision of 1,700 additional dwellings in Mount Gilead. The proposed residential layout is shown in the Indicative Site Plan at Figure 1.



Figure 1 – Indicative Site Plan

Campbelltown City Council (Council) also proposes to amend the Campbelltown (Sustainable City) Development Control Plan (DCP) 2015 to support the planning proposal and to reflect the specific characteristics of the Mount Gilead site. The proposed amendments are to be incorporated as Part 6 in Volume 2 of the DCP (the draft DCP) ([Tab G](#)). The draft DCP will set the vision and key development objectives for Mount Gilead, and provides additional site-specific development principles and controls in relation to:

- heritage protection;
- protection of key views;
- the street network and public transport;
- open space and landscaping;
- residential subdivision; and
- residential development.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Campbelltown Electorate. Greg Warren, M.P is the State Member for Campbelltown.

Dr Mike Freelander MP is the Federal Member for Macarthur.

To the regional planning team's knowledge, neither MP has made any written representations regarding the planning proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: A political donation disclosure statement has been provided.

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination was issued on 7 September 2012 ([Tab C](#)) determined that the proposal should proceed subject to conditions. Council has met all the conditions in the Gateway determination.

There have been three (3) Gateway extensions issued for the planning proposal. The completion timeframe was extended as follows:

- 21 November 2014 by 12 months;
- 16 October 2015 by 6 months; and
- 13 April 2016 by 12 months.

The proposal was due for finalisation by 14 March 2017.

The Department received the request by Council to finalise the planning proposal prior to the due date and has since resolved significant issues which has caused the delay in the rezoning.

6. ADDITIONAL STUDIES

Additional studies were commissioned for the planning proposal in accordance with condition 1 of the Gateway determination. The additional studies addressed the following: flora and fauna; heritage; bushfire; flooding; air quality; economic impacts; social impacts; traffic and transport; geotechnical and mine subsidence; and infrastructure ([Tab H](#)).

6.1 Mine Subsidence

A Mine Subsidence Impacts Report (June 2014) was prepared for the proponent as the site lies within the South Campbelltown Mine Subsidence District.

The site is located within the Coal Exploration Authorisation Area A248, associated with the Bulli and Balgownie Coal Seams. The site has not been undermined.

The report notes that part of the coal seams below the site are unlikely to be mined due to the presence of faults in the seams. Based on current technology, the Balgownie Seam is unlikely to be mined in the near future due to extraction constraints.

As well as containing coal resources, the site lies within the Petroleum Exploration Licence Area PEL2 and contains significant gas reserves which could potentially be extracted through gas wells. However, the gas extraction projects have been suspended due to community concern and legislation prohibiting wells being established within two kilometres of residential dwellings. Therefore, the extraction of gas is not considered an issue for the site.

The report concludes that the presence of faults within the coal seams will restrict the layout of any future longwall mining activities. As such, the site will be outside or on the edge of any subsidence trough. Therefore, the level of subsidence on the site is expected to be minimal should the accessible part of the coal seam be mined.

Subsidence Advisory NSW (formerly the Mine Subsidence Board) has established guidelines for constructing housing in a mine subsidence district. Based on these guidelines, the report has established a range of parameters which should be implemented in the future construction of residential development on the site.

Council note the site is capable of being developed for residential purposes if the relevant guidelines and standards for housing are followed and the level of construction is commensurate with the established subsidence parameters. Council also note that the appropriate Subsidence Advisory NSW guidelines will be considered at the development application stage.

Department comment:

The Department concludes that Council has adequately addressed extractive industry and mine subsidence issues. The site has not been undermined and according to the study it is unlikely to be mined due to geological constraints. Furthermore, gas extraction will not occur on the site.

Council did not receive a submission from Subsidence Advisory NSW (formerly the Mine Subsidence Board). Therefore, the Department undertook further consultation with Subsidence Advisory NSW, DRE and the mine colliery (South32) (refer to Section 7).

6.2 Traffic, Transport and Access

The planning proposal is supported by a Traffic, Transport and Access Report (July 2014). The report confirmed that the planning proposal will contribute additional traffic to intersections along Appin Road and cause several other intersections to operate near, at or over capacity. Therefore, the following intersections require improvement to operate at an acceptable level:

- Appin Road, Kellerman Drive and Copperfield Drive;
- Appin Road and St Johns Road; and
- Appin Road, Oxley Street, Narellan Road and The Parkway.

The report highlights that Appin Road would need to be upgraded with additional turning lanes, slip lanes and carriageway augmentation to two lanes. It proposes a range of mitigation measures to address the impacts of the planning proposal on the road network. These include:

- providing a bus service to the site;
- accommodating a walking and cycle network in the site;
- investigating car-share schemes;
- developing a residential travel plan; and
- upgrades to specific intersections and Appin Road including those proposed by Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) (refer to Section 7).

Council note that the planning proposal meets the requirements of TfNSW and RMS. Furthermore, the funding and staging of road infrastructure works is subject to a Voluntary Planning Agreement (VPA) between the proponent and the State government. The VPA also addresses land dedication matters.

Department comment:

The Department concludes that the planning proposal has included the recommendations of the report. In particular, it is noted that the draft DCP addresses the provision of a bus service through the site; a walking and cycling network; and, the upgrading of local roads and Appin Road.

It is also noted that Council has adequately consulted TfNSW and RMS, and the VPA is currently being drafted (refer to Section 7).

6.3 Infrastructure and Services

An Infrastructure Services Report (July 2014) and a Water and Wastewater Servicing Strategy Report (September 2014) was prepared for the planning proposal.

The reports note that the site does not contain existing infrastructure for water and wastewater, electricity, gas and telecommunications. However, the reports conclude that the site is capable of being serviced by these utilities in the future through the extension or augmentation of existing infrastructure or the provisions of new infrastructure.

Council notes that the provision of such infrastructure will be addressed as part of any future development application and in consultation with the relevant service providers (refer to Section 7).

Department comment:

The Department notes that the site can be adequately serviced by infrastructure as demonstrated by the above reports and the comments from the relevant service providers are summarised in Section 7.

6.4 Geotechnical and Contamination

A Phase 1 Environmental and Geotechnical Site Assessment Report (August 2013) was prepared for the proponent. The report notes that there are no significant geohazard constraints for developing the site within the gently sloping areas and it is understood that development will not occur on steep sloping areas, the quarry or the creeks. If future residential development occurs within these areas, additional geotechnical and slope risk management considerations will be required.

The report concludes that the site is generally acceptable for residential land use as there are no significant geohazards. The report also recommends that further geotechnical investigations are conducted at the development application stage.

The report notes that there should be low levels of contamination associated with historic uses (i.e. livestock) but there are no records or anecdotal evidence of burial or dips on site. In addition, no asbestos was observed during the most recent site inspection.

Therefore, the report concludes that there is minimal likelihood of significant chemical contamination of the site that would compromise development for residential purposes. The report recommends that the migration of any onsite contaminants to adjacent properties can be adequately controlled by the use of surface drainage. In addition, a Phase 2 investigation should also be undertaken to reduce the risk of unexpected findings at the development application stage.

Department comment:

The Department concludes that the site is suitable for the proposed development and the need for further investigations concerning contamination at the development application stage is currently required in the Campbelltown DCP 2015.

6.5 Fauna and Flora

An Ecological Assessment Report (September 2014) was prepared to support the planning proposal.

Searches of the Atlas of NSW Wildlife and EPBC Act Protected Matters Search tool identified 25 threatened flora species, 46 threatened fauna species (including one invertebrate, six frog, two reptiles, 19 birds, 16 mammals) and 11 migratory fauna species within a 5km radius of the site.

Fauna

Seven threatened fauna species and one migratory species were identified on site. Potential habitat for hollow dependant bat species was also identified in the form of hollow bearing trees. The report recommends that these trees should be retained where possible. No other potential habitat areas were identified as substantial.

The site contains two species of koala feed trees (*Eucalyptus tereticornis* and *Eucalyptus punctata*), however, no koalas were observed within the site. Therefore, in accordance with the *State Environmental Planning Policy No 44 – Koala Habitat Protection* (SEPP 44) the site is not 'core koala habitat' as there is no evidence of an existing koala population on the site and no historic records of koala (i.e. sightings recorded by a public agency) within the site.

In addition, the site is not considered to be 'potential koala habitat' as the total number of koala feed trees does not exceed the 15% threshold under the SEPP 44 definition. Despite this, the report recommends that the koala feed trees are retained where possible and a management plan should be developed to reduce the impact of domestic pets on koalas in the surrounding area.

The report concludes that the planning proposal will not have any adverse impact on existing fauna species and scattered hollow trees should be retained where possible. Council also notes that the Indicative Site Plan (see Figure 1) incorporates the retention of potential fauna habitat trees.

The Indicative Site Plan also includes a Biodiversity Corridor linking Noorumba Reserve (north of the site) and Beulah Biobanking area (south of the site) with the public open spaces within the site. This corridor will provide a connected vegetation corridor for the movement of fauna through the site.

Flora

The site comprises both remnant and degraded native vegetation and exotic pastures. Three native vegetation communities are located within the boundaries of the site:

- Cumberland Plain Woodland (CPW) – 9.06ha;
- Shale Sandstone Transition Forest (SSTF) – 24.97ha; and
- River-flat Eucalypt Forest (RFEF) – 1.16ha.

CPW is listed as a critically endangered ecological community (CEEC) under both the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act) and the *NSW Threatened Species Conservation Act 1995* (TSC Act). SSTF is listed as an endangered ecological community (EEC) under both these acts. RFEF is listed as endangered under the TSC Act only.

The planning proposal will retain approximately 7.3ha of CPW, 13.79ha of SSTF and all the RFEF (1.16ha). Therefore, the rezoning will remove 1.5ha of CPW and 12.5ha of SSTF, both largely comprising scattered trees. Refer to Figure 2 – overleaf.

In addition, Biodiversity Certification of the site is currently under consideration and includes the following:

- land for biodiversity certification (extent of the development) – 152ha;
- land for conservation/riparian/open space – 41ha; and
- land maintaining its current land use (rural) – 17ha.

Council note that the planning proposal will retain significant areas of vegetation within public open-space areas, and the site's ecological values are proposed to be addressed by either Biodiversity Certification or via a Species Impact Statement submitted with future development applications.

Furthermore, the planning proposal will protect the ecological values of the site through a new terrestrial biodiversity clause and mapping; zoning appropriate land as RE1 Public Recreation; and RU2 Rural Landscape.

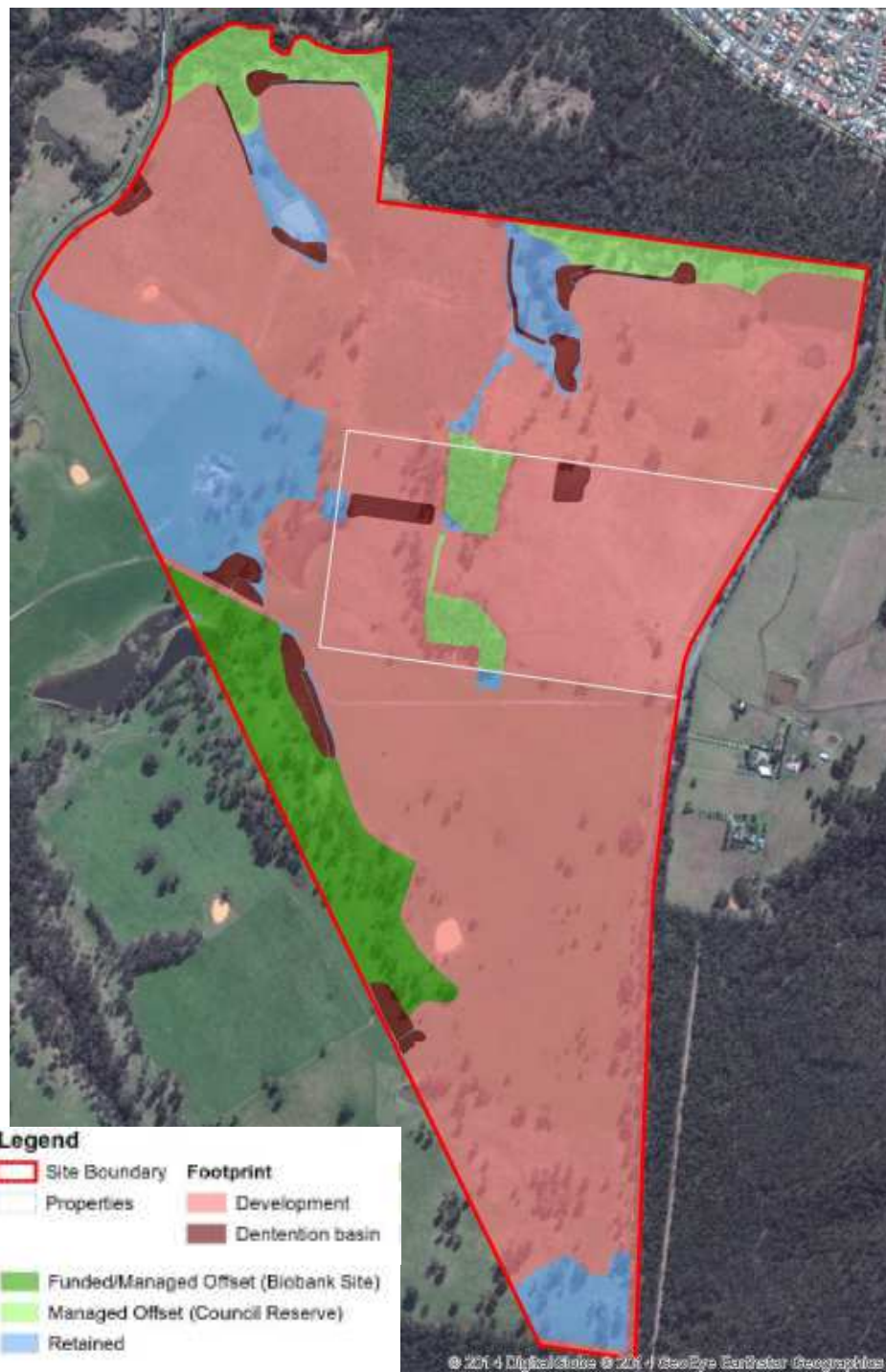


Figure 2 – Proposed Vegetation Management Plan

Department comment:

Council consulted the Office of Environment and Heritage (OEH), which requested that the conservation areas, that are proposed be zoned RE1 Public Recreation, are instead, zoned E2 Environmental Protection - to ensure the long-term retention and protection of these areas (refer to Section 7).

Council advised that these conservation areas will be adequately protected as Council will acquire the RE1 zoned land, manage this land in perpetuity and that terrestrial biodiversity will be safeguarded by the provisions of the plan.

Therefore, as the long-term retention and protection of these areas will take place, the Department concludes that the issue raised by OEH has been satisfactorily addressed.

6.6 Bushfire

The site is identified as bushfire-prone land (Vegetation Category 1 and 2) on the Campbelltown Bush Fire Prone Land Map. A Bushfire Assessment Report (September 2014) was prepared to support the planning proposal. The existing vegetation on the site has been classified as 'forest' or 'grassland' which presents a hazardous risk of bushfire.

The report recommends a number of bushfire protection measures including the establishment of indicative Asset Protection Zones (APZ) to provide a buffer to future residential development with calculations based on the vegetation of the site and slope of the land. Refer to Figure 3 for the proposed APZs.

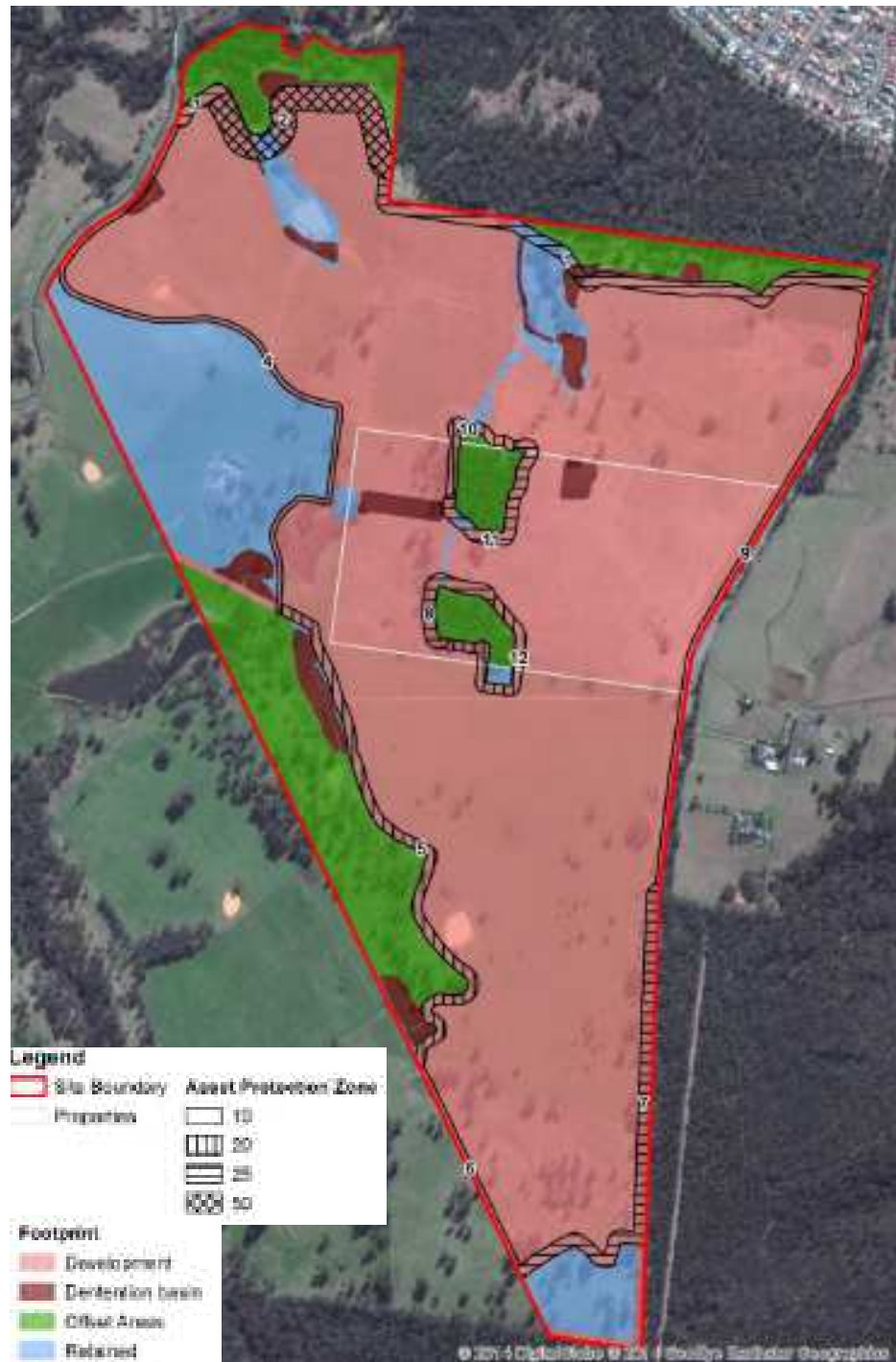


Figure 3 – Proposed Asset Protection Zones

Other protection measures include the provision of adequate access; water supply for firefighting; the safe installation of utilities; and building construction standards for future dwellings. It is recommended that these measures be implemented as part of future development applications.

This report concludes that the site is capable of accommodating future residential development with the appropriate bushfire protection measures.

Council also notes that the NSW Rural Fire Service do not object to the planning proposal but highlights that any future development will need to comply with the requirements of *Planning for Bush Fire Protection 2006*. It notes that the Campbelltown DCP 2015 refers to the above document.

Department comment:

The Department concludes that the planning proposal has adequately addressed bushfire risk and demonstrated that the site is capable of accommodating future residential development subject to appropriate bushfire protection measures. These measures include the provision of asset protection zones, which will be considered and implemented at the development application stage through provisions in the Campbelltown DCP 2015. Refer to Section 7 for a summary of the consultation with NSW Rural Fire Services.

6.7 Heritage

European Heritage

A European Heritage Assessment Report (Tab H) was prepared to support the planning proposal.

State Heritage Items

There are no items of State heritage significance within the site. However, the State Heritage Register lists the Upper Canal System, which is located adjacent to the site. The European Heritage Assessment Report notes that the Upper Canal System (State heritage item) will be impacted by the planning proposal but not detrimentally and recommends that a Statement of Heritage Impact is prepared for any development application adjacent to the heritage item.

Department comment:

The Campbelltown DCP 2015 includes adequate requirements for the preparation of a Statement of Heritage Impact for development adjoining heritage items and this matter can be adequately dealt with at development application stage.

Local Heritage Items

The following items on the site are listed as, or considered to be of, local heritage significance:

- part of the Artificial Lake (dam) – listed as a heritage item in the Campbelltown IDO 15 as part of the ‘Mt Gilead Group’; and
- the archaeological remnants of the early ‘Hillsborough’ homestead is considered to be of local heritage significance, as are significant and endangered ecological features on the surrounding land.

Department comment:

The European Heritage Assessment Report notes that the integrity of the artificial lake within the site is generally not compromised as it will be zoned and surrounded by an RU2 Rural Landscape zone. It will also remain in one ownership. Therefore, to protect the heritage value of the artificial lake within the site Council proposes to extend the application (i.e. heritage map) of the existing “Mount Gilead” local heritage item no.58 in the Campbelltown LEP 2015 across the subject land.

Council has prepared a section within the draft DCP that provides specific controls to protect heritage on the site. The draft DCP was amended to include additional objectives and controls to address the concerns raised by the Heritage Council of NSW. This included strengthening the consideration of local heritage items, landscape screening, and extending the pedestrian and cycleway route along the historic driveway to the “Mount Gilead” local heritage item.

It is considered that Council has adequately dealt with these issues.

Aboriginal Heritage

An Archaeological Assessment and Aboriginal Consultation Report (September 2013) was prepared for the planning proposal. The report identified the following Aboriginal objects on the site (refer to Figure 4 – overleaf):

- three (3) artefact scatter sites (MGA13, MGA26 and MGA27) have been identified as possessing moderate scientific significance;
- two (2) isolated finds (MGA12 and MGIF3) are of low scientific significance at a local level;
- one (1) culturally modified tree (MGMT1) has been assessed to have high scientific and cultural significance at a local level; and
- further information on six (6) potential archaeological deposits (PADs) (MG PAD42, MG PAD43, Mt Gilead Property PAD, MG PAD44, MG PAD45 and MG PAD46) was not identifiable at this time.

The report concludes that all the Aboriginal objects will be impacted by the planning proposal through a high degree of harm and result in the removal of most objects. In addition, it recommends that the following mitigation measures are implemented:

- implementation of conservation areas;
- subsurface testing of archaeological deposits;
- surface salvage of Aboriginal objects;
- care and management of recovered artefacts; and
- ongoing consultation with Aboriginal stakeholders.

The report notes that an Aboriginal Heritage Impact Permit (AHIP) would be required at the development application stage. Council considers that the heritage conservation provisions in clause 5.10 of the Campbelltown LEP 2015 are adequate to protect the Aboriginal significance within the site. Furthermore, the culturally modified tree will continue to be protected as it is located in the RU2 Rural Landscape Zone.

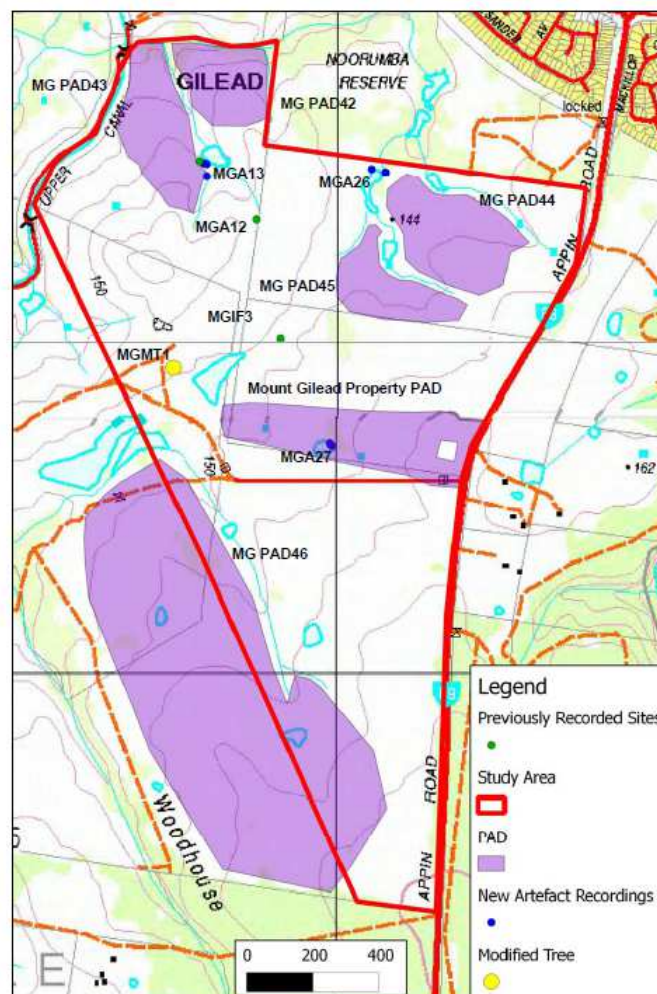


Figure 4 – Location of Aboriginal Objects

Department comment:

The Department considers that Council has considered the heritage impacts of the planning proposal and notes that heritage impacts will be managed at the development application stage.

It is also noted that the Heritage Council of NSW has submitted comments on the planning proposal and Council has adequately addressed the issues, including amendments to the draft DCP. The issues raised by the Heritage Council are addressed in detail in Section 7 of this report.

6.8 Stormwater and Flooding

A Stormwater Management and Flooding Assessment Report (September 2014) was prepared for the proponent.

Flooding

The site contains tributaries of Menangle Creek (north) and Woodhouse Creek (west). The report developed preliminary flood extents for the 1% AEP flood and PMF events for the existing undeveloped site and the developed site.

The report concludes that the 1% AEP flood and Probable Maximum Flood (PMF) extents are generally contained within riparian corridors and outside of proposed development areas. However, a small portion of the proposed residential land within the north of the site will be affected by the 1% AEP flood (see Figure 5 – over page).

Council note that the risk of flooding within the site is low and is not a constraint to the proposed rezoning of the site for residential uses.

Stormwater

The report notes that the stormwater management strategy has been developed to enable parts of the site to be developed at various stages whilst still achieving the agreed stormwater quality objectives.

A series of water quality control measures are proposed to be adopted within the Mount Gilead site to satisfy stormwater run-off quality targets. This includes a rainwater tank reuse system on individual lots; gross pollutant traps for stormwater treatment; and bio-retention systems located in open spaces to provide filtering of stormwater.

The report also compares the stormwater run-off from the existing undeveloped site and the developed site to ensure that the proposed works do not exceed the existing peak flow rates. The report concludes that the proposed stormwater bio-retention system will ensure that the post-development peak discharges are equal to or less than existing undeveloped peak discharges.

Council notes that the proposed stormwater management strategy meets Council's requirements in regards to both stormwater quantity and quality.

Department comment:

The Department concludes that the planning proposal has adequately considered stormwater and flooding. It is also noted that further work will be undertaken at the development application stage and the Office of Environment and Heritage has provided comments on flooding which Council has addressed (refer to Section 7).

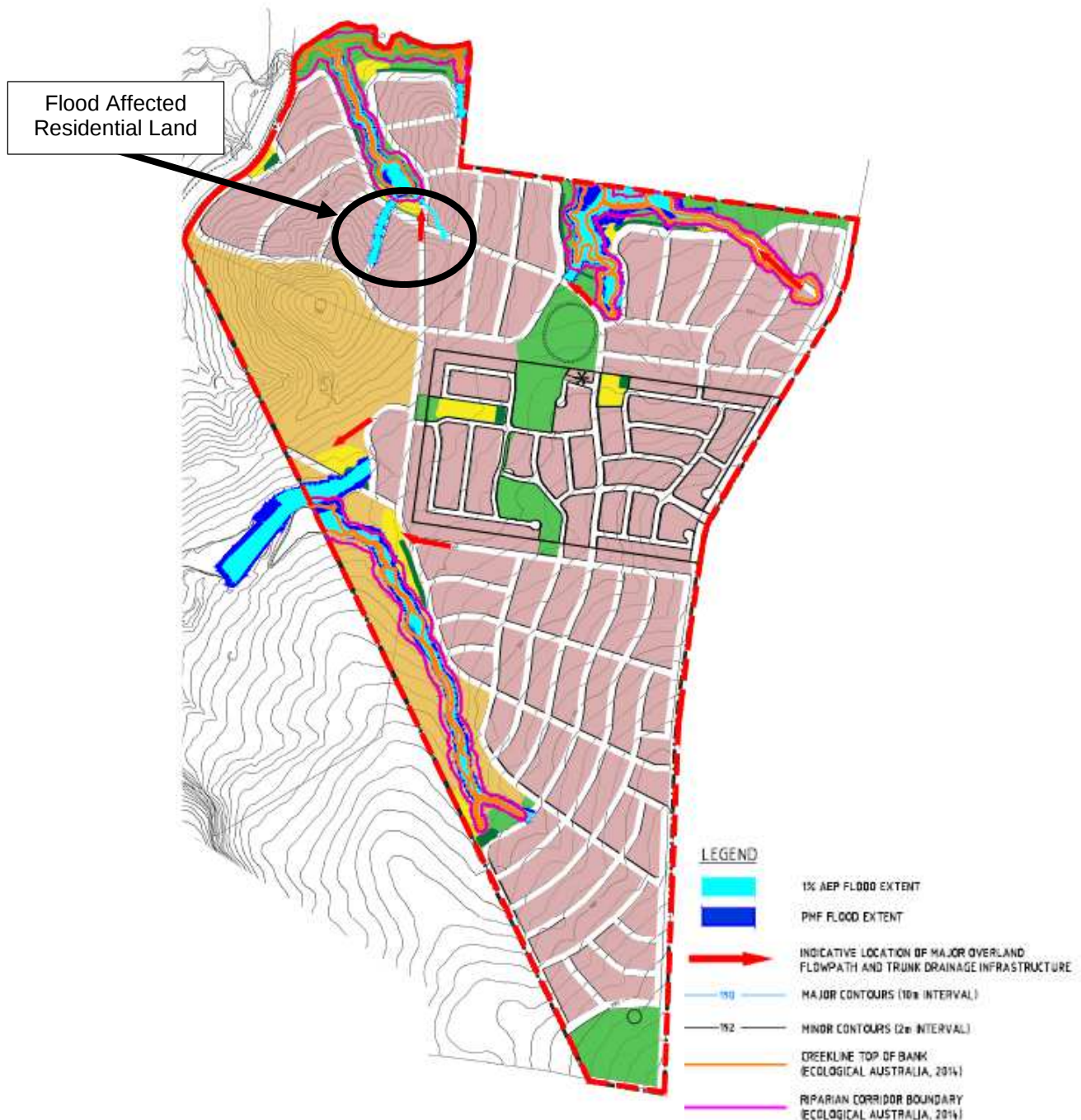


Figure 5 – Flood Prone Land

6.9 Air Quality

The proponent commissioned an Air Quality Review Report (September 2014) for the planning proposal. The review addressed the potential impacts on air quality from surrounding industrial facilities and road traffic on the site.

The report concludes that the site will be suitable for residential development from an air quality perspective as:

- there are no significant industrial air-quality impacts affecting the site; and
- there is unlikely to be any air-quality impacts from vehicle emissions along Appin Road as the planning proposal incorporates an appropriate separation distance (30m) between sensitive uses (i.e. dwellings) and the road.

Department comment:

The Department notes that the planning proposal has adequately considered air-quality impacts on future residents. In addition, the Environment Protection Agency provided comments on air quality (refer to Section 7).

6.10 Economic and Social Impacts

A Social and Economic Needs/Impact Assessment Report (June 2013) was prepared to support the planning proposal. The report estimates that the planning proposal will result in a total residential population between 4,188 and 5,085 residents.

The report notes that the additional residents will have a minimal impact on local and regional services, and will not produce a significant demand for additional social and community infrastructure, open space, a new government funded school or hospital. It anticipates that this population will utilise the existing services provided in the wider area.

However, the report recommends that the following local services and facilities are provided within the site to meet the needs of the additional residents:

- a neighbourhood community centre (on approximately 1500sqm of land);
- 14.39ha of general open space including a 2.5ha neighbourhood park; and
- a small convenience store.

In addition, the report advises that the planning proposal is expected to have a negligible impact on demand for employment land. The only need for employment land is expected to be for minor services such as retail facilities for local residents. Furthermore, there is an abundance of existing employment land to satisfy demand in South West Sydney.

Council notes that the planning proposal includes the recommendations of the report as a small area of the site will be rezoned B1 Neighbourhood Centre which permits the development of a community centre and neighbourhood shop, and approximately 31ha of land will be zoned RE1 Public Recreation. The provision of open space and a community centre are the subject of a local voluntary planning agreement between the proponents and Council.

Department comment:

The Department concludes that the planning proposal will provide suitable facilities and services to cater for the community at the site. In addition, it is noted that the Social and Economic Needs/Impact Assessment Report indicates that development of the site will have minimal impact upon local and regional services. Further, future residents will economically support major town centres, and a negative economic impact is not anticipated.

7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted the following public agencies in accordance with the Gateway determination conditions. Council received 19 submissions from the public agencies including: Roads and Maritime Services (RMS); Transport for NSW (TfNSW); Office of Environment and Heritage (OEH); Heritage Council of NSW; NSW Department of Primary Industries (Water) (Fisheries) (Agriculture), NSW Trade and Investment (Resources and Energy); Water NSW; NSW Education and Communities; Sydney Water; Endeavour Energy; NSW Rural Fire Service; NSW Health; Fire and Rescue NSW; Environment Protection Authority; Sydney Living Museums; NSW Local Land Services; Wollondilly Shire Council; and Busabout Neville's Bus Service. Refer to [Tab I](#) for the public agency submissions.

The public agency submissions did not object to the planning proposal and Council addressed the concerns raised by each submission in Council's report at [Tab J](#). A summary of each submission and Council's response is provided at Appendix 1.

A number of the concerns related to recommendations at the development application stage which Council noted. In summary, the public agency concerns and responses by Council are provided in the table below.

Public Agency Concerns	Council Response
<u>Biodiversity</u> • The biodiversity corridor should be widened and zoned E2 Environmental Conservation. • The biodiversity areas should not include incompatible uses such as the detention basins and active recreation. • The draft DCP includes a section on watercourse and riparian issues however additional recommendations are provided.	• The biodiversity corridor will be zoned RE1 Public Recreation as it will be dedicated to and managed by Council for open space. • There is sufficient land for the movement of native fauna through the site, therefore the corridor will not be widened. • The terrestrial biodiversity clause and mapping is sufficient to protect and manage biodiversity on the site. Further conservation will be provided through biobank sites, the finalisation of the Koala Plan of Management and the Biodiversity Strategy, and the dedication of land to Council. • Council amended the draft DCP to include the watercourse and riparian issues recommendations in the public open space section.
<u>Traffic and Transport</u> • The LEP should include a residential development cap of 1,700 lots. • The Voluntary Planning Agreement should outline the necessary requirements for the dedication of land for road infrastructure (i.e. Appin Road). • A bus service should be commenced early for new residents.	• Council amended the planning proposal to include the 1,700 cap. • The Department is working with the proponent to draft a VPA to fund the majority of the required works and includes the condition by RMS. • Council has negotiated the provision of a bus service in the early stages of development.
<u>Stormwater and Flood</u> • The management of flood risk should be considered at the development application stage. • A number of recommendations are provided in relation to stormwater.	• The comments on floodplain risk management and water-quality modelling are noted and further work will be required at the development application stage.
<u>Heritage</u> • The proposed heritage mitigation measures are insufficient and a number of recommendations are provided.	• Council amended the draft DCP to include additional objectives and controls to address the relevant heritage issues.
<u>Greater Macarthur Strategy</u> • The planning proposal should wait for the completion of the Strategy.	• The exhibited Greater Macarthur Strategy is supportive of additional housing at Mount Gilead.
<u>Education</u> • Recommends the investigation of a new school site within the surrounding area.	• Further discussions with NSW Education and Communities concluded that a new school site could be provided in the Greater Macarthur Strategy.
<u>Bushfire</u> • The planning proposal is unlikely to cause adverse pressure on the existing resources.	• Council will address the bushfire concerns at the development application stage.

Public Agency Concerns	Council Response
Key issues and assessment requirements are provided regarding bushfire protection.	
<u>Air Quality</u> - Advice on ways to meet relevant air-quality goals and protect human health, the environment and community amenity are provided. - Refers to the document Development Near Rail Corridors and Busy Roads – Interim Guideline and ways to manage wood burning heaters.	- Council notes that the provision of a bus service will reduce car usage, and impacts of air pollution from vehicle emissions on adjoining development can be ameliorated through careful site planning and architectural design. - Council amended the draft DCP to refer to the Guideline.

Council did not receive submissions from ten public agencies during the community consultation period. These public agencies are as follows: Subsidence Advisory NSW; UrbanGrowth NSW; Telstra; Camden Council; NSW Department of Family and Community Services; NSW State Emergency Service; NSW Dam Safety Committee; AGL Energy Limited; Georges River Combined Council's Committee; and the Department's Strategy and Infrastructure Planning Team.

On 22 November 2016 ([Tab K](#)) at Council's Ordinary Meeting, Council resolved to proceed with the planning proposal and endorsed the post-exhibition changes.

Department comment:

The Department notes that no submission was received from Subsidence Advisory NSW (formerly the Mine Subsidence Board) and the Department's Strategy and Infrastructure Planning Team.

Therefore, the Department's Regional Team conducted further consultation with the above public agencies and associated stakeholders in regards to the planning proposal.

Mining and Mine Subsidence Consultation

In October 2016, Cabinet approved changes to the *Mines Subsidence Compensation Act 1961* (the MSC Act), which made changes to the Mine Subsidence Compensation Fund. From 1 January 2018, mine subsidence compensation will be paid directly by the mining operator. All mining operators will continue to contribute towards the subsidence fund managed by Subsidence NSW at a significantly reduced rate to cover claims arising from abandoned mines.

On 8 February 2017, Subsidence Advisory NSW ([Tab L](#)) advised that the site is within an active mine exploration lease currently held by South32. Therefore, consultation was required with South32 and the Department of Resource and Energy (now Division of Resources and Geoscience).

On 20 March 2017, South32 ([Tab M](#)) advised that the presence of the fault zone in this site does pose technical challenges for extracting the coal seam to the north-east of the main cluster of fault lines (marked in green in Figure 6). However, the area to the west (marked in red in Figure 6) contains a potential resource that could be recovered in the future.

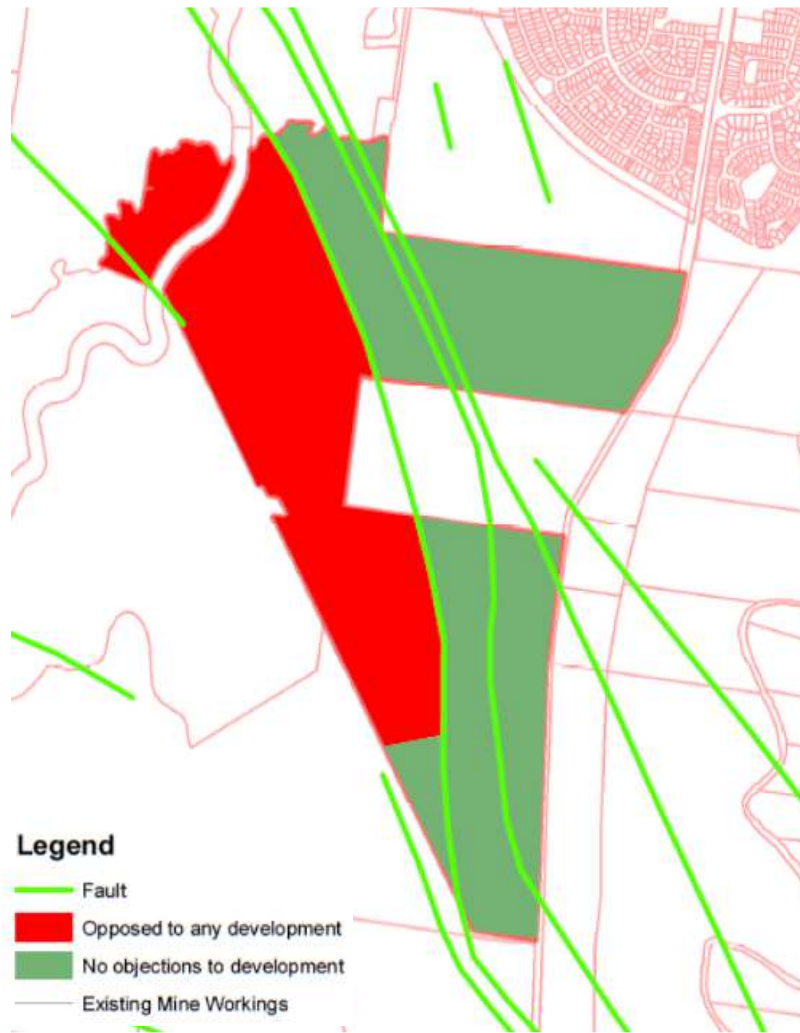


Figure 6 – South32 Response

Further work has been undertaken by the Department's Land Release team to resolve the objection by South32 in relation to the site and the Greater Macarthur Strategy ([Tab N](#)). It is noted that South32 have indicated support for the proposed rezoning provided that the Greater Macarthur Priority Growth Area identifies the strategic coal reserve (coking) through the agreed words and map in the Final Greater Macarthur Strategy.

The Division of Resources and Geoscience have indicated that the planning proposal can be finalised following the outcomes of discussions with South32.

The Department concludes that the mine subsidence issues have been addressed and consultation with relevant stakeholders has been undertaken. It is noted that mining underneath the site is unlikely to occur and, should the part site be mined in the future, there are provisions to provide adequate mine subsidence compensation. Therefore, the site is suitable for residential development.

8. PROVISION OF INFRASTRUCTURE

Infrastructure Provision Consultation

The Department's Strategy and Infrastructure Planning Team is currently in negotiations with the proponent to draft a Voluntary Planning Agreement (VPA) for the site ([Tab O](#)). It is proposed the VPA will contain conditions regarding:

- a cap for the site of 1,700 residential lots as requested by TfNSW and RMS;
- the provision of road infrastructure and the dedication of a 20m setback along Appin Road that is zoned SP2 Classified Road;
- the application of a Special Infrastructure Contribution (SIC) across the site in the future and a clause to ensure that future developers can obtain a credit towards a future SIC or will need to pay a SIC top-up;

- satisfactory arrangements in relation to infrastructure provisions and contributions in the Campbelltown LEP 2015; and
- that funding to upgrade Appin Road would be provided through a combination of the Housing Acceleration Fund and the VPA as determined by the Secretary in December.

RMS has agreed to be the acquisition authority for the land along Appin Road proposed to be zoned SP2 Classified Road. Refer to Tab P.

On 10 May 2017, the Department's Strategy and Infrastructure Planning Team (Tab Q) submitted the following comments on the planning proposal:

- a land-use and infrastructure implementation plan for Greater Macarthur is being prepared which will include the site and the infrastructure already planned;
- investment in roads and other infrastructure will be staged and designs will take the long-term population and development area into account; and,
- the Special Infrastructure Contribution, when made, will turn on a Special Contribution Area, and in doing so, turn off the satisfactory arrangements under clause 6.1 of the Campbelltown LEP 2015 for urban release areas as referred to in the VPA.

As the VPA has not been finalised, the site is identified as an urban release area and satisfactory arrangements under clause 6.1 Arrangements for designated State public infrastructure – of the Campbelltown LEP 2015 will apply. The satisfactory arrangements will provide RMS and TfNSW with assurance that the future development of the site will not be able to proceed until adequate arrangements are in place for the provision of future infrastructure, such as road upgrades.

9. COMMUNITY CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council for 64 days from 28 April 2015 to 30 June 2015.

Council received 31 submissions from the community, including 21 objections; four (4) submissions raising concerns; five (5) supporting the planning proposal; and, one (1) submission requesting that additional land be rezoned. The community submissions are included in Council's report at Tab J and a summary is provided at Appendix 2.

In summary, the community submissions raised the following matters:

- the site is not suitable for the proposed residential development and Council is selling off the land too quickly;
- the intended outcome should be altered to instead provide either rural-residential housing or only local open space;
- there are concerns with the traffic generated with the proposed residential development including congestion and road safety;
- there are concerns with the impacts on the existing wildlife and bushland such as loss of vegetation and impacts on koalas;
- there will be additional air, noise and water pollution created by the proposed development;
- there will be impacts on the surrounding heritage items and it is recommended that the local heritage items are nominated as State heritage items;
- there are concerns with the management of bushfire risk; and
- the impacts on quality of life including views and vistas; visual landscape; and residential amenity is a concern.

Council noted the community submissions and addressed the above concerns as follows:

- the planning proposal demonstrates that the site can be adequately serviced by future infrastructure;
- the planning proposal aims to provide additional housing in a suitable location, and it will provide an appropriate mix of the desired residential development (R2), rural-residential development (RU2) and local open space (RE1);
- the proposed upgrades to Appin Road will include significant street re-planting, improved safety by slowing traffic, and meet the requirements of RMS and TfNSW;
- the planning proposal includes adequate biodiversity corridors and protection measures;

- the pollution concerns have been considered by Council in the planning proposal, DCP, additional reports, and submissions by the public agencies (i.e. EPA);
- the draft DCP was amended to include additional heritage provisions as recommended by the public agencies, and Council is unable to pursue a State heritage listing without a request from the landowner;
- the concerns regarding bushfire management are noted; and
- the important view corridors will be maintained and extensive tree planting along Appin Road will soften the impact of any future development.

Department comment:

The Department notes that Council has responded to the community submissions. It is considered that Council has satisfactorily addressed the issues raised during the exhibition as noted in each section.

10. SECTION 117 DIRECTIONS

The Gateway determination (Tab C), required Council to assess the final planning proposal against the relevant section 117 Directions. However, at the time of the determination, the Secretary agreed that the planning proposal's inconstancy with section 117 Directions 1.2 Rural Zone and 1.5 Rural Lands are of a minor significance given the site is included under the then Metropolitan Development Program as future urban. Therefore, no further approval is required in relation to these Directions.

The consistency of the final planning proposal with the relevant section 117 Directions are addressed as follows:

Direction 1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect existing employment land, and support the viability of strategic centres. This Direction applies to the planning proposal as it proposes a new town centre in the centre of the site, zoned B1 Neighbourhood Centre, to enable the development of a community centre and small convenience store/kiosk for the new residential population within the site.

The planning proposal is consistent with this Direction as the new employment area (i.e. the town centre) is identified in an approved strategy, being the Department's Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan (2015) (the Greater Macarthur Strategy). In addition, the site does not contain any existing business and industrial zones therefore will not reduce the employment floor space within the site.

Department comment:

The planning proposal is consistent with Direction 1.1 Business and Industrial Zones as the proposed new employment area is in accordance with a strategy that is approved by the Secretary.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

This Direction aims to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. This Direction applies to the site as there is an active mine exploration lease across the site currently held by South32.

Council consulted the Department of Trade and Investment – Resources & Energy Division (DTI) (now Division of Resources and Geoscience) (Tab I) on the planning proposal. DTI advised that due to geological constraints, the extraction of resources beneath the site is considered unlikely by the titleholders or DTI. Therefore, DTI did not raise any objections to the planning proposal.

Although there is the potential to mine the site, the Division of Resources and Geoscience has confirmed that finalisation of the planning proposal can proceed (Tab N).

Department comment:

The Department recommends that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 1.3 Mining, Petroleum Production and Extractive Industries is considered to be of minor significance as the site is unlikely to be mined due to geological constraints.

Direction 2.1 Environment Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. The Direction requires the inclusion of provisions to facilitate the protection and conservation of environmentally sensitive areas.

The planning proposal is consistent with this Direction as it will retain the majority of the existing vegetation on the site as RE1 Public Recreation zoned land. Council will also provide further protection through Terrestrial Biodiversity mapping, a Terrestrial Biodiversity clause, and Biodiversity Certification or via a Species Impact Statement submitted with future development applications. In addition, the Office of Environment and Heritage did not raise any objections to the planning proposal.

Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies to this planning proposal as the site contains local heritage items and Aboriginal items.

The planning proposal is consistent with this Direction as it will facilitate the conservation of the artificial lake within the site by identifying the land as a local heritage item (no.58 "Mount Gilead"). In addition, an Aboriginal Heritage Impact Permit will be required at the development application stage for any impacts to the Aboriginal items within the site. It is also noted that no objections were received from the Office of Environment and Heritage and the Heritage Council of NSW.

Direction 3.1 Residential Zones

This Direction aims to encourage a variety of housing types and choice, ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.

A requirement of this Direction is to reduce the consumption of land for housing and associated urban development on the urban fringe, and make use of existing infrastructure and services. The planning proposal is inconsistent with this Direction as it will rezone rural land for additional housing and require the provision of additional infrastructure to service the new community.

The inconsistency is justified as the site is identified for additional housing and infrastructure in the Greater Macarthur Strategy and the draft South West District Plan. Furthermore, the planning proposal will broaden housing choice in the local area by, for example offering a variation of lot sizes, i.e. 375sqm and 450sqm lots.

Department comment:

The Department recommends that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 3.1 Residential Zones is considered to be justified by a Strategy.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to utilise and support public transport services, and reduce the reliance on cars. The planning proposal is inconsistent with this Direction as it will not integrate urban development with existing public transport facilities.

However, this inconsistency is justified as the Greater Macarthur Strategy identifies the site for additional housing with a north-south bus priority corridor through the site to promote public transport links to Campbelltown and Macarthur. In addition, Council is negotiating the provision of a local bus service within the site to service new residents in the early stages of development.

Department comment:

The Department recommends that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 3.4 Integrating Land Use and Transport is considered to be justified by a Strategy.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The planning proposal is consistent with this Direction as a Geotechnical and Contamination Report ([Tab H](#)) was prepared to support the rezoning. The report notes that there is a low risk of Acid Sulphate Soils present on the site therefore no further assessment is required.

Department comment:

The planning proposal is consistent with Direction 4.1 Acid Sulfate Soils.

Direction 4.2 Mine Subsidence and Unstable Land

The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. This Direction applies to the site as it is located within the South Campbelltown Mine Subsidence District but the site has not been undermined. It is noted that South32 currently holds an active mine exploration lease across the site and indicated a potential to mine under the site in the future.

In accordance with this Direction, the Subsidence Advisory NSW (formerly the Mine Subsidence Board) was consulted on the planning proposal. Subsidence Advisory NSW advised that further consultation with South32 and the Department of Resource and Energy (now Division of Resources and Energy) is required.

As noted in Direction 1.3, the Department of Trade and Investment – Resources & Energy Division (DTI) and South32 were consulted on the planning proposal. The submissions note that the extraction of coal within the site is unlikely due to geological constraints. The strategic identification of unconstrained land for mining further to the west of the site provides a viable alternate to undermining the Mt Gilead site.

The inconsistency with this Direction is justified as the site is identified for additional housing in the Greater Macarthur Strategy and the draft South West District Plan. Furthermore, the site has not been undermined therefore there are no current mine subsidence issues with the site. Although, it may be physically possible for the north-western portion of the site to be mined in the future, as indicated by South32, this is limited to the north-western portion of the site and require approval as State Significant Development.

Department comment:

The Department recommends that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 4.2 Mine Subsidence and Unstable Land is justified on the basis of minor significance.

Direction 4.3 Flood Prone Land

This Direction aims to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and that potential flood impacts are considered. The site contains flood prone land therefore a Stormwater Management and Flooding Report ([Tab H](#)) was prepared for the planning proposal. The report concludes that the 1% AEP flood and PMF flood extents are generally contained within riparian corridors and outside of proposed development areas.

However, a small portion of the proposed R2 Low Density Residential zoned land (see Figure 5) will be impacted by the 1% AEP flood extent. Therefore, the planning proposal is inconsistent with this Direction as it will rezone a small portion of flood prone land from a rural zone to a residential zone, which is not permitted by this Direction.

Department comment:

The inconsistency is considered to be justified as Council advises the risk of flooding is low and is not a constraint to the proposed rezoning of the site for residential purposes.

It is also noted that the Indicative Site Plan has been designed to contain the flooding within the street network.

Furthermore, the Office of Environment and Heritage has reviewed the report and advised that flood risk management issues be considered at the development application stage which was agreed to by Council.

The Department consequently recommends that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 4.3 Flood Prone Land is considered to be of minor significance.

Direction 4.4 Planning for Bushfire Protection

The objective of this Direction is to protect life, property and the environment from bushfire hazards and encourage sound management of bushfire-prone areas. A Bushfire Report (Tab H) was prepared for the planning proposal as the site contains brushfire-prone land. The report concludes that the site is capable of accommodating future residential development with the appropriate bushfire protection measures including Asset Protection Zones (see Section 6).

However, the planning proposal is inconsistent with this Direction as it does not introduce new controls that avoid placing inappropriate developments in hazardous areas as prescribed by the Direction.

The inconsistency is justified as the NSW Rural Fire Service did not raise any objections to the planning proposal provided that future development applications comply with the requirements of *Planning for Bush Fire Protection 2006*.

Department comment:

The Department recommends that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 4.4 Planning for Bushfire Protection is considered to be justified as the NSW Rural Fire Service did not object to the planning proposal.

Direction 6.2 Reserving Land for Public Purposes

The objective of this Direction is to facilitate the provision of public services and facilities by reserving land for public purposes and removing the reservations when these are no longer required.

This Direction applies to the planning proposal as it intends to reserve land within the site for SP2 Classified Road (Appin Road) and RE1 Public Recreation (local open space).

RMS have accepted the role of acquisition authority for the SP2 zoned land for Appin Road (Tab P) and it is anticipated that the RE1 zoned land will be dedicated to Council therefore Council will be the acquisition authority of this land.

Therefore, the planning proposal is consistent with Direction 6.2 Reserving Land for Public Purposes.

Direction 7.1 Implementation of A Plan for Growing Sydney

The objective of this Direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.

The planning proposal is consistent with this Direction as it achieves the overall intent of the plan and does not undermine the achievement of its vision, directions, actions or priorities.

Direction 7.2 Implementation of Greater Macarthur Land Release Investigation

The objective of this Direction is to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Greater Macarthur Strategy).

The planning proposal is consistent with this Direction as it complies with the Greater Macarthur Strategy.

11. STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal has addressed and is consistent with all relevant SEPPs as follows:

State Environmental Planning Policy No 19 – Bushland in Urban Areas

This SEPP applies to the planning proposal as it contains bushland.

The planning proposal is consistent with this SEPP as the majority of the existing vegetation on the site will be zoned RE1 Public Recreation and dedicated to Council for ownership. In addition, bushland will be further protected through Terrestrial Biodiversity mapping, a Terrestrial Biodiversity clause, and Biodiversity Certification.

State Environmental Planning Policy No 44 – Koala Habitat Protection

This SEPP applies to the Campbelltown LGA therefore the planning proposal has addressed this SEPP. As noted in Section 6, the site contains two species of koala feed trees (*Eucalyptus tereticornis* and *Eucalyptus punctata*) however no koalas were observed within the site. Therefore, in accordance with State Environmental Planning Policy No 44 – Koala Habitat Protection the site is not considered to be 'core koala habitat'.

In accordance with the SEPP, the site is not 'potential koala habitat' as the total number of koala feed trees do not exceed the 15% threshold under the SEPP 44 definition. However, the Ecological Report ([Tab H](#)) recommends that the koala feed trees are retained where possible and a management plan should be developed to reduce the impact of domestic pets on koalas in the surrounding area.

The planning proposal will retain the majority of the existing vegetation on the site and a biodiversity corridor will connect the vegetation to the existing Noorumba Reserve in the north and the Beulah Biobanking area in the south. The biodiversity corridor will also enable fauna including koalas to move through the site.

In addition, further work has been undertaken by the Land Release Team to identify biodiversity corridors across the Greater Macarthur area with intention of including this work in the Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

This SREP applies to the planning proposal as the site contains tributaries of the Nepean River. The planning proposal is consistent with this SREP as measures are proposed to protect the tributaries by zoning this land as RE1 Public Recreation and the Stormwater Management and Flooding Report ([Tab H](#)) recommends a series of water quality control measures to ensure stormwater run-off quantity and quality meets Council's requirements and protects the Hawkesbury Nepean system.

The draft DCP identifies detention basins within the local open space which will be managed by Council and the Campbelltown DCP 2015 requires a stormwater drainage concept plan to be submitted with all development applications.

12. DRAFT SOUTH WEST DISTRICT PLAN

The site is located within the South West District therefore the draft South West District Plan (the draft District Plan) applies to the site. The draft District Plan identifies Mount Gilead as a new land release area where development is anticipated to start in 2018.

The planning proposal aligns with the actions of the draft District Plan, therefore is consistent with the draft District Plan including:

- Productivity Priorities and Actions – the planning proposal includes an upgrade to Appin Road to improve transport connections and service Mount Gilead and a large part of the South West District's future population and improved connectivity with the Illawarra; and
- Liveability Priorities and Actions – the planning proposal will diversify and provide additional housing within the area as identified by the draft District Plan. In addition, the planning proposal will conserve heritage and biodiversity, as well as provide additional local open space to the community.

13. GREATER MACARTHUR STRATEGY

The Greater Macarthur Land Release Investigation Preliminary Strategy & Action Plan (2015) (the Strategy) has identified land that is suitable for urban development in the Greater Macarthur Region. In addition, the Plan has identified the infrastructure required to support growth, and how the Greater Macarthur would be connected to jobs and other services in other parts of Metropolitan Sydney.

The Strategy has identified the site for additional housing and a new local town centre with approximately 10,000–20,000sqm of employment GFA. A north-south bus priority corridor has also been identified to traverse the site to provide public transport links to Campbelltown and Macarthur.

In addition, the Strategy has outlined the biodiversity constraints for the site including waterways; high and moderate constraint biodiversity; ecologically endangered communities; biobanking sites and biodiversity corridors.

The planning proposal has incorporated the above aspects in the proposed rezoning.

It is also noted that the Strategy identifies a Special Infrastructure Contribution (SIC) to be the preferred mechanism to ensure the necessary funding for future state infrastructure. As the SIC has not been finalised, satisfactory arrangements (clause 6.1 of the Campbelltown LEP 2015) will be applied to the site and a VPA is being finalised.

14. POST EXHIBITION CHANGES

The planning proposal was amended post-exhibition and includes the following:

1. Urban Release Area Map

The Urban Release Area Map is required to identify the site in accordance with Clause 6.1 of the Campbelltown LEP 2015.

Department comment:

It is considered that this post-exhibition change do not require re-exhibition as it only provides a means to facilitate the necessary infrastructure.

2. Residue Lots

The planning proposal will result in two residue lots that will be zoned RU2 Rural Landscape from the proposed residential subdivision (see Figure 7 – overleaf). It is noted that RU2 zoned land has a minimum lot size of 100ha however the two residue lots will not meet the minimum lot size as these have a lot size of 6ha (Area 1) and 25ha (Area 2).

Therefore, to enable Council to approve the subdivision of the site, an exception to the minimum lot size clause for the two residue lots was created. The clause will only apply to the RU2 zoned land within the site and is only permitted for the development of the site for the proposed 1,700 dwellings associated with the planning proposal.

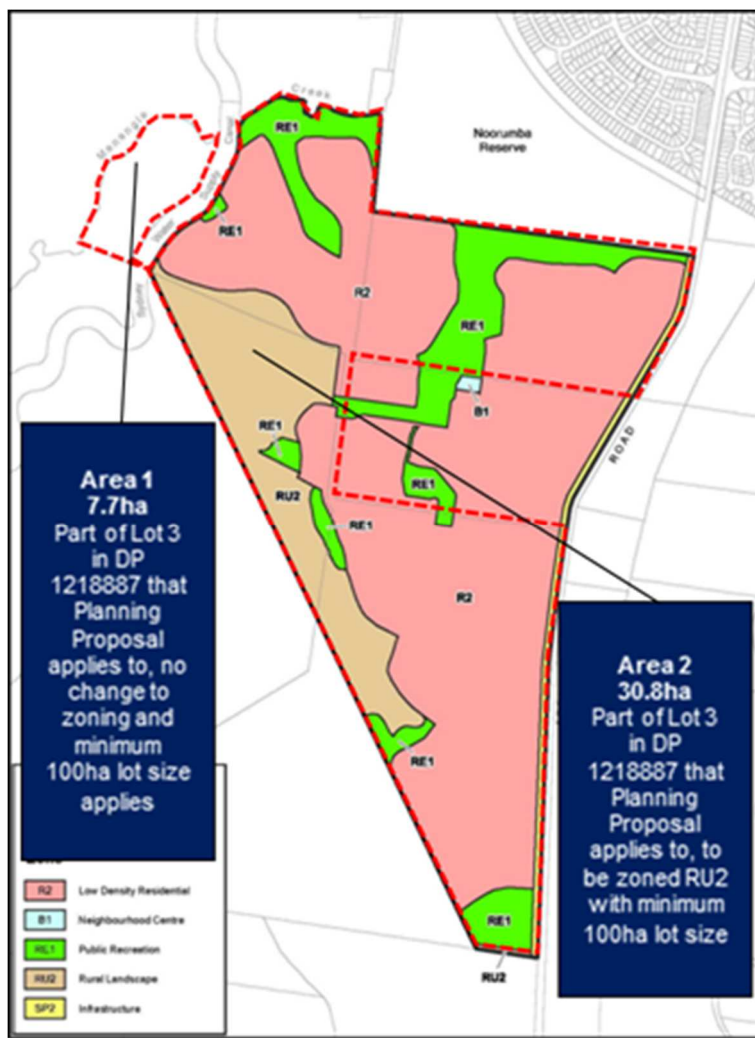


Figure 7 – Residue Lots

Department comment:

The Department considers that re-exhibition is not required as the new clause will not change the intent of the planning proposal and is of minor significance. In addition, Council has agreed to the inclusion of the new clause ([Tab E](#)).

3. Residential Dwelling Cap

Council resolved to include a residential dwelling cap of 1,700 dwellings for the site to address the concerns raised by TfNSW and RMS. Therefore, Council proposed to amend clause 4.1A Maximum dwelling density in certain residential areas and the Restricted Dwelling Yield Map of the Campbelltown LEP 2015 to provide for a restricted dwelling yield of 1700 residential dwellings on the site.

Department comment:

The Department has removed the 1,700-dwelling cap (i.e. removed the clause amendment and Restricted Dwelling Yield Map). A requested cap of 1,700 residential lots is contained in the draft VPA thereby addressing the comments by TfNSW and RMS ([Tab R](#)). In addition, Council has been notified of this outcome and agreed to the removal of the dwelling cap in the draft Plan ([Tab E](#)).

This is a minor amendment, and as such, re-exhibition is not required.

15. MAPPING

There are 23 maps associated with this amendment ([Tab Map](#)) which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet the technical requirements.

16. CONSULTATION WITH COUNCIL

Parliamentary Counsel's Opinion was issued on 3 August 2017 (Tab PCO).

Under s59(1) of the Act, Council was consulted on the draft Plan (Tab LEP). Council's response was received on 27 July 2017, agreeing that the amendment could be made (Tab E).

17. MEETING WITH TOTAL ENVIRONMENT CENTRE

The Department met with representatives from the Total Environment Centre (TEC) on 19 July 2017 to discuss the potential koala population on the site. The TEC requested that the rezoning be put on hold until further investigations into potential koala impacts is conducted. The Secretary responded to the TEC advising that a full assessment of the planning proposal would be undertaken addressing the concerns raised in the meeting.

As noted previously, the site contains a number of koala feed trees however no koalas were observed within the site and there are no historic records of koalas on the site. Therefore, in accordance with the *State Environmental Planning Policy No 44 – Koala Habitat Protection* the site does not contain 'core koala habitat' or 'potential koala habitat'.

Although the site is not a koala habitat in accordance with the State policy, the Department notes that the planning proposal has adequately considered biodiversity on the site including potential koalas. The majority of the existing vegetation on the site will be retained as RE1 Public Recreation zoned land and a biodiversity corridor has been identified through the site in the draft DCP. This will connect the protected vegetation within the site with the Noorumba Reserve in the north and the Beulah Biobanking area in the south. The biodiversity corridor will also enable fauna including koalas to move through the site.

On a broader scale, work has been undertaken by the Land Release Team to identify biodiversity corridors across the Greater Macarthur area with intention of including this work in the Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan. This work will strategically address conservation and biodiversity within the broader locality.

Therefore, the Department concludes that the planning proposal addresses the concerns raised by Total Environment Centre.

18. RECOMMENDATION

The planning proposal is supported, as it will remove the deferred areas in the Campbelltown LEP 2015 and apply planning controls consistent with the Standard LEP Instrument.

In addition, the Mount Gilead site has been identified in the draft South West District Plan and Greater Macarthur Land Release Investigation Preliminary Strategy & Action Plan for additional housing therefore the planning proposal holds strategic merit. The planning proposal will appropriately provide an estimated 1,700 additional dwellings in the Mount Gilead area.

Given the above, the planning proposal should proceed to finalisation.

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Endorsed:

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Appendix 1 – Summary of Public Agency Submissions

Public Agency Concerns	Council Response
<u>Roads and Maritime Services</u> • No objections. • Requests the following: - residential development is capped at 1,700 lots in the LEP; and - a Voluntary Planning Agreement (VPA) that outlines the provision of road infrastructure and dedication of a 20m road reserve along the western boundary of the site for a future road corridor of 40m at no cost to Government.	• Council amended the planning proposal to include the 1,700 cap. • The Department is working with the proponent to draft a VPA to fund the majority of the required works and includes the condition by RMS.
<u>Transport for NSW</u> • Requests the following: - that development is capped at 1,700 lots in the LEP; - a VPA that outlines the provision of road infrastructure and the dedication of a 20m setback along Appin Road that is zoned SP2 Classified Road; and - an amendment to the draft DCP to increase the width of the parking lane on the Collector Road (Bus Route) from 2.3m to 2.5m to accommodate a standard bus.	• Council amended the planning proposal to include the 1,700 cap. • The Department is working with the proponent to draft a VPA to fund the majority of the required works and includes the condition by TfNSW. • Council amended the draft DCP to include the width of the parking lane.
<u>Office of Environment and Heritage</u> • Supports the biodiversity corridor connecting Noorumba Reserve with the Nepean River. • Requests the following: - the biodiversity corridor is widened; - the stormwater detention basins, active recreation and other incompatible uses be removed; - the 'dead end' area of vegetation be continued to the west of the site; and - the conservation areas are zoned E2 Environmental Protection to ensure the long-term retention and protection of these areas. • Recommends the floodplain risk management issues be considered at the development application stage. • Provides recommendations in relation to the water quality modelling as noted in the Stormwater Management and Flooding Report.	• The biodiversity link will not be widened as there is sufficient land allocated to enable the movement of native fauna through the site. • The dead end area will be connected via significant street tree planting and is supported by Council's environmental officers. • The terrestrial biodiversity clause and mapping is sufficient to protect and manage biodiversity on the site. Further conservation will be provided through biobank sites, the finalisation of the Koala Plan of Management and the Biodiversity Strategy, and the dedication of land to Council. • Wildlife corridors are being considered as part of the Master Planning by the Greater Macarthur Steering Group. • The comments on floodplain risk management and water quality modelling are noted and further work will be required at the development application stage.

Public Agency Concerns	Council Response
<u>Heritage Council of NSW</u> - Notes the following: - that the proposed curtilage for the local heritage 'Mount Gilead homestead site' is insufficient and should include the cultural landscape; - that the adjacent colonial farms (Mount Gilead, Beulah and Meadowvale) have been overlooked in the heritage assessment; and - that there are no measures to minimise the impact of future development on the Upper Canal (state heritage item). - Recommends the following: - a curtilage study and a conservation management plan be prepared prior to the rezoning; - a buffer zone be provided between the proposed R2 and RU2 zones to reduce the visual impact of new development on the heritage values of Mount Gilead; - a RE1 Public Recreation buffer is provided along the Upper Canal; and - a number of amendments to the draft DCP.	- The proposed boundaries were determined after extensive heritage investigations and resulted in the rural zoning of the land along the western boundary which acts as a buffer between the proposed residential development and the outskirts of the heritage homestead precinct. In addition, the draft DCP will protect the existing views. - The heritage significance of the colonial farms has been adequately considered through buffers along the western boundary and the provision of open space along the southern boundary to provide separation. - The current DCP includes provisions to protect the Upper Canal and these are reflected in the draft DCP, and supported by Water NSW (the owners). - The historic entrance from Appin Road will be acknowledged and identified with specimen tree planting. There are also provisions to protect native vegetation. - Council amended the draft DCP to include additional objectives and controls to address the relevant heritage issues.
<u>NSW Department of Primary Industries (Water)</u> - Supports the concept of a biodiversity corridor linking the Georges River with the Nepean River however the planning proposal does not provide such a linkage. - Recommends the following: - the watercourses and riparian corridors are zoned E2 Environmental Conservation instead of RE1 and RU2, and under Council's ownership; - the draft DCP includes a section for watercourse/riparian issues and the Public Open Space section is amended to strengthen the need to conserve and enhance the existing riparian corridors and watercourses.	- The RE1 land will be dedicated to and managed by Council whilst the RU2 zoned land will remain in private ownership. - Further conservation mechanisms for the RE1 and RU2 land include the proposed terrestrial biodiversity clause and maps, the creation of biobank sites, and the finalisation of the Koala Plan of Management and the Biodiversity Strategy. - Council amended the draft DCP to address some of issues raised.
<u>NSW Department of Primary Industries (Agriculture)</u> - Supports the retention of agriculture heritage landscapes and views. - Notes the issues associated with the interface between residential development and existing agricultural practices. - Notes that other options for housing will be needed if Council wishes to keep rural productive land. - Recommends that the planning proposal should wait for the completion of the Greater Macarthur Investigation.	- The exhibited Greater Macarthur Strategy is supportive of additional housing at Mount Gilead. - The planning proposal was issued a Gateway determination that enables the rezoning to progress subject to conditions.

Public Agency Concerns	Council Response
<u>NSW Department of Primary Industries (Fisheries)</u> • No objections. • Recommends that the proposed riparian buffer zones are implemented and the stormwater pollution reduction targets are achieved.	Noted.
<u>NSW Trade and Investment (Resources and Energy (formerly NSW Department of Primary Industries (Minerals and Petroleum))</u> • Advises that the Council needs to be satisfied that any potential land-use conflicts are appropriately addressed in relation to the Menangle Sandstone Quarry (west of the site). • Notes that due to geological constraints the extraction of resources is considered unlikely therefore no issues are raised.	• Notes that a small area of the site falls within the transition (buffer) area for the Quarry and that the development of this land will need to consider the impacts of any extraction.
<u>Wollondilly Shire Council</u> • Requests the following: - the planning proposal waits for the completion of the Greater Macarthur Investigation; - all areas with native vegetation are zoned E3 Environmental Management or E4 Environmental Living, or use a biodiversity clause; and - further investigation is undertaken on potential impacts on existing regional habitat corridors, koala movements, air quality, and traffic travelling south to Bulli and Appin.	• The exhibited Greater Macarthur Strategy is supportive of additional housing at Mount Gilead. • Native vegetation will be protected through the new terrestrial biodiversity clause and mapping. • Further conservation mechanisms include the creation of biobank sites, and the finalisation of the Koala Plan of Management and the Biodiversity Strategy. • Sufficient investigation has been completed at this stage and further work will be undertaken at the development application stage.
<u>Water NSW</u> • Generally supportive of the draft DCP. • Recommends the following: - avoid and minimise impacts to the Upper Canal corridor which is owned and managed by Water NSW; - a number of assessment requirements regarding heritage, water quality, access and stormwater management at the development application stage; and - some minor changes to the draft DCP.	• Council amended the draft DCP to include the minor changes.
<u>NSW Education and Communities</u> • Advises that existing schools will need to be upgraded or a new school site is identified to meet the additional demand created by the planning proposal. • Recommends the investigation of a new school site within the surrounding area.	• Further discussions with NSW Education and Communities concluded that a new school site could be provided in the Greater Macarthur Strategy.

Public Agency Concerns	Council Response
<u>Sydney Water</u> Identifies the key issues and assessment requirements regarding the provision of water and wastewater at the development application stage.	Noted.
<u>Endeavour Energy (formerly Integral Energy)</u> Notes that further assessment is required regarding the capacity of the electrical network at the development application stage.	Initial discussions with Endeavour Energy concluded that the site can be serviced with electricity but additional infrastructure will be required at the development application stage.
<u>NSW Rural Fire Service</u> Identifies the key issues and assessment requirements regarding bushfire protection at the development application stage.	Noted.
<u>NSW Health</u> - Supports the proposed cycleway/ pedestrian network, public open space and neighbourhood/community facilities, and range of proposed residential lot sizes. - Recommends the following: - the proposed bus service should commence early and be extended further into the site considering the long commute times for residents travelling to work; - the provision of well-placed bike racks and good lighting; - suitable measures to mitigate the potential for mosquito breeding within any water retention basins or ponding areas; and - the potential impacts of future gas extraction should be closely monitored. - The cap of 65 smaller lots will not address housing affordability and there are no plans for a school or childcare centres. - Notes that issues relating to land contamination, noise, air quality, and bushfire risk can be addressed at the development application stage.	- Notes that the bus service will be dictated by the need from the incoming community however Council could write to TfNSW for services at the early stages. - Notes the Greater Macarthur Strategy will include employment lands to provide jobs closer to homes and a new school as discussed previously. - A range of residential lot sizes will be provided to ensure a wide opportunity of housing choice including 500sqm and 700sqm lots on steeper land, 65 lots of 375sqm, and 450sqm lots. It is important to note there is a cap on the site for a total of 1,700 residential lots. - Notes that on 4 February 2016, AGL announced that it will cease production at the Camden Gas Project in 2023. - Notes that a number of the issues raised can be addressed at the development application stage.
<u>Fire and Rescue NSW</u> - No objections. - The planning proposal is unlikely to cause adverse pressure on the existing resources.	Noted.
<u>Busabout Neville's Bus Service</u> - Able to provide bus services to the site. - Requests the road carriageway is widened from 11.6m to 12m.	Council amended the draft DCP to include the 12m road carriageway.

Public Agency Concerns	Council Response
<u>Environment Protection Authority</u> • The planning proposal should be considered as part of the Greater Macarthur Investigation and the South West Sydney Sub Regional Delivery Plan. • Notes that photochemical smog (ozone) and particle pollution remain air-quality issues of significant regional concern. • Provides advice on ways to meet relevant air-quality goals and protect human health, the environment and community amenity. • Refers to the document Development Near Rail Corridors and Busy Roads – Interim Guideline and ways to manage wood burning heaters. • Provides advice on ways to mitigate potential noise pollution, contamination issues, waste management and water quality impacts.	• The exhibited Greater Macarthur Strategy is supportive of additional housing at Mount Gilead. • Recognises that vehicle emissions are a major source of air pollution and is in negotiations for a local bus service to the site, and the draft DCP provides an extensive network of pedestrian and cycle paths to encourage walking and cycling. • The impact of air pollution from vehicle emissions on adjoining development can be ameliorated through careful site planning and architectural design. • Gas will be available to all new dwellings to reduce the use of domestic solid fuel heaters. • Notes the advice given with regard to mitigating potential noise pollution, contamination issues, waste management and water quality impacts. • Council amended the draft DCP to include reference to the Guideline.
<u>Sydney Living Museums</u> • Does not support the proposed access road on the southern boundary of the site adjacent to Beulah. • Concerned by the loss of mature trees along Appin Road and its historic alignment, the loss of cultural significant open rural land and the impacts of domestic animals on fauna. • Recommends the following: - the proposed RU2 zone is instead zoned RE1 Public Recreation, and included within the Terrestrial Biodiversity Map but retain the proposed building height and lot size; - the site is identified as an Urban Release Area in the LEP; and - Appin Road is identified as a significant feature in the draft DCP.	• The draft DCP provides for the replanting of street trees along Appin Road with indigenous species to replace the loss of mature trees. • The proposed RU2 zone will enable direct access from Appin Road for agricultural management purposes therefore the zone is considered appropriate and notes that the building height and lot-size maps should include this land. • Council amended the planning proposal to include an Urban Release Area Map.
<u>NSW Local Land Services (formerly Sydney Metropolitan Catchment Management Authority)</u> • Supports the Ecological Report and conclusion that the proposal can maintain or improve the Shale Sandstone Transition Forest with variations if it is impacted by the development.	Noted.

Appendix 2 – Summary of Community Submissions

Community Concerns	Council Response
<u>General Comments</u> - General comments on the planning proposal include the following: - Council is selling off the last remaining farmland for quick cash; - the existing infrastructure will not be able to support the new residents; - the total lots have increased by 200 lots; - an undesirable precedent will be set; and - affordable housing will not be provided. - General recommendations include the following: - a holistic approach be undertaken for the development of South Campbelltown; - a better approach instead is to approve well designed 90-storey buildings next to Campbelltown station; and - a public enquiry and a referral to the Minister of Water.	- Noted. - The Infrastructure Services Report and the Water and Wastewater Services Report demonstrate that the site can be serviced by water and wastewater, electricity, gas and telecommunications.
<u>Amendments to the Intended Outcome</u> - The submissions included the following recommendations: - one to three-acre rural lots are permitted instead with horse and mountain bike paths to protect the rural vistas and natural beauty; - the Mount Gilead Retirement Estate is included as the current rural zoning does not reflect its residential land use; - another planning proposal for land south of the Beulah site (known as the property Meadowvale) is considered as well; and - the proposed RE1 Public Recreation land is rezoned as residential to provide flexibility for the provision of open space.	- It is noted that any significant changes to the planning proposal at this stage would require re-exhibition therefore no changes are proposed. - The Beulah site is within Greater Macarthur Strategy and the potential rezoning will be considered then. - The RE1 zoned land will be dedicated to Council for use by the community and should be zoned accordingly.
<u>Traffic and Transport Concerns</u> - Concerns raised in relation to the increased volume of traffic and congestion, loss of trees and safety along Appin Road, and the need for mass public transport. - The following recommendations are provided: - the existing road infrastructure is improved before the site is rezoned including sink holes from mine subsidence; - the development at Appin Valley is included in the traffic predications;	- Significant street tree replanting is proposed along Appin Road as part of any future road widening. - The Department is working with the proponent to draft a VPA to fund the majority of the required road works and includes conditions by RMS and TfNSW. - The proposed road works will assist in slowing traffic along Appin Road therefore improving safety. - Council will request RMS include safe wildlife crossings along Appin Road.

Community Concerns	Council Response
- clarity regarding funding for the Appin Road upgrade; and - additional housing be located closer to railway stations instead.	
<u>Environmental Concerns</u> • Concerns with the adverse impacts on wildlife and bushland, the Noorumba Reserve and Beulah biobank site, wildlife corridors and koala habitat, the loss of trees including Shale Sandstone Transition Forest, the loss of rural landscape, and the proposed widening of Appin Road. • The community submissions included the following recommendations: - referral to the Federal Government for assessment; - the need for effective wildlife crossings and buffer zones; and - the Government purchases the site for public use and environmental corridors.	• There are existing links and proposed biodiversity corridors throughout the site from the Noorumba Reserve (north of the site) to the Beulah biobank sites (south of the site), and to the Nepean River providing important fauna movement corridors. • The site was previously used for stock grazing therefore exhibits large areas of grassland with scattered trees. • The draft DCP includes requirements for street tree planting to provide additional fauna habitat. • The proponents have been in contact with the Federal Government.
<u>Pollution Concerns</u> • Concerned with the air, noise and water pollution associated with this planning proposal. • There will be additional pollution created for the Nepean and Georges Rivers.	• Advice was provided by the EPA in relation to meeting relevant air-quality goals and protect human health, the environment and community amenity. • Vehicle emissions will be reduced by adequate bus services as negotiated by Council and requirements in the draft DCP for careful site planning and architectural design, and an extensive pedestrian and cycle network. • All development applications will need to comply with State and Council's water management principles and requirements as noted in the Stormwater Management and Flooding Report.
<u>Heritage Concerns</u> • Concerned with the heritage impacts on the surrounding local heritage items and the state heritage item 'Upper Canal System'. • Notes that Mount Gilead is a major part of Campbelltown's history and is also important to Aboriginal heritage. • Notes there is no curtilage that preserves the historic integrity of Mount Gilead. • Recommends that the Mount Gilead homestead and associated heritage items, Humewood Forest and Meadowvale are nominated to be State Heritage Items.	• Council has consulted Water NSW (owners of the Upper Canal) whom advise that the need to avoid and minimise any impacts on the Upper Canal by any future development. • The draft DCP includes recommendations by Water NSW in relation to the Upper Canal, the Mount Gilead homestead including landscape screening and height limits, and Aboriginal heritage. • The Aboriginal community was consulted in regard to the planning proposal. • Council is unable to pursue a State heritage listing until the owners of the heritage items request such a listing.

Community Concerns	Council Response
<u>Bushfire Concerns</u> Concerned with the management of bushfire risk.	Noted.
<u>Amenity Concerns</u> Concerned with the impacts on quality of life, views and vistas, the visual landscape, future residential amenity, the Scenic Protection Area.	- Important view corridors through the site will be maintained including views to One Tree Hill and the original driveway to the Mount Gilead homestead. - Extensive street tree planting is proposed along Appin Road and throughout the site to soften the impact of any future development.