

Mount Gilead residential rezoning – Amendment to Campbelltown (Urban Area) Local Environmental Plan 2002

Proposal Title :	Mount Gilead residential rezoning – Amendment to Campbelltown (Urban Area) Local Environmental Plan 2002		
Proposal Summary :	To rezone a 210 hectare site at Mount Gilead (Mt Gilead or 'the site') to enable it to be developed for urban purposes. Mt Gilead is approximately 7 kilometres south of the Campbelltown city centre, it covers a total area of some 210 hectares, part of which is the long-established Mt Gilead rural property. It is located directly south of Noorumba Reserve, and directly north of the historic Beulah property. Approximately half of the site is considered to be able to be developed for residential purposes. Historically the site has been predominantly used for agricultural purposes, and contains a number of drainage lines and farm dams, with pockets of remnant native vegetation. Whilst a hill with steep slopes is located within the north western corner of the subject site, the rest of the land is generally gently sloping. A location map of the proposed site is provided in Attachment 1.		
PP Number :	PP_2012_CAMPB_002_00	Dop File No :	12/12442

Proposal Details

Date Planning Proposal Received :	13-Aug-2012	LGA covered :	Campbelltown
Region :	Sydney Region West	RPA :	Campbelltown City Council
State Electorate :	CAMPBELLTOWN	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Appin Road		
Suburb :	Mount Gilead	City :	Sydney
		Postcode :	2563
Land Parcel :	includes part Lot 1 and part Lot 2 DP 807555 and Lot 59 DP 752042 Appin Road, Mount Gilead.		

Mount Gilead residential rezoning – Amendment to Campbelltown (Urban Area) Local Environmental Plan 2002

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name : **Rachel Cumming**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	Other
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	210.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	1,500	No. of Dwellings (where relevant) :	1,500
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **At this time, to the best of the regional team's knowledge, there has been no meetings or communications with lobbyists regarding this proposal.**

Supporting notes

Internal Supporting Notes : **The subject site is noted in the Metropolitan Development Program (MDP) as having potential for the development of approximately 1500 residential allotments.**

The proposal is submitted ahead of any technical studies, including any traffic studies for the site, although the preliminary review indicates potential constraints to development/layout such as environmentally sensitive land.

Council's second letter to the department, dated 6 August 2012, suggested that a R1 general residential zone may be the most appropriate zone to be applied across

approximately half of the 210 ha site. However the range and location of other relevant zones; open space/recreation, environmental has not been indicated. Council has stated : "Council has not yet prepared a draft zoning map as it was not considered appropriate to pre-empt the outcomes of the proposed technical studies ... Council is also reluctant to identify specific boundaries for land likely to be required for environmental protection, stormwater drainage, open space, etc, until further detailed information is available."

The matter has been referred internally to the department's MDP Team, Metropolitan and Regional Strategy Team and the Strategies and Infrastructure team.

Advice from the MDP Team is: "The planning proposal does not raise any issues of new urban land - the release has been agreed by government." As advice from the other two teams has not yet been received, and as the proposal requires substantial background work to determine the firm zoning plan, a condition to the gateway determination is proposed which would require the re-submission of the proposal, prior to public exhibition. The proposal should be re-submitted once technical studies, incorporating preliminary advice from key agencies, are complete, a clear zoning map and provisions are outlined, and advice is received from the department's own specialist teams.

The proposal was originally submitted on the 25 July 2012, see Attachment 2. As this proposal lacked an adequate conceptual zoning map and written description of provisions - particularly proposed zones, further information was requested. Council provided further information via a letter and report received on 6 August 2012 - see Attachment 3. Further clarification of information was provided on the 13 August.

The Mt Gilead site is included both broadly and specifically in various State, regional and local strategic planning documents, and has been identified as providing a significant contribution towards meeting Government housing targets for the metropolitan area. The relevant strategic planning framework is discussed below.

The proposal has listed a number of detailed technical studies that would be required to inform a final planning proposal:

- Flora and fauna
- Conservation of ecological and riparian corridors
- Transport and access
- Indigenous heritage
- Non-indigenous heritage
- Noise and air quality
- Bushfire risk
- Contamination
- Geotechnical conditions and mine subsidence
- Visual impact
- Social impact
- Economic impact and retail/business facilities
- Infrastructure, Stormwater and Sewer Services

The proposal states that in the preparation of these studies, the following matters would be particularly examined:

- the non-indigenous study would include an investigation of the heritage characteristics of the subject land and of adjoining and nearby lands, taking account of the heritage related matters raised in an appeal to the Land and Environment Court judgement on 16/06/04 (10297/04 and 10272/04). Such investigations would identify the nature and extent of any impacts on the significance of items of heritage, including their setting, and identify appropriate mitigation measures.
- the transport and access study would include a detailed investigation of the infrastructure needs and impacts generated by the future development, and include

Mount Gilead residential rezoning – Amendment to Campbelltown (Urban Area) Local Environmental Plan 2002

specifically any impacts on Appin Road and any required upgrading and/or widening.

- the study addressing the conservation of ecological and riparian corridors would also include an investigation of the value of the subject land as a fauna corridor between the Nepean and Georges River.
- an investigation of the feasibility of the use of the subject land for food production and how this land fits with the stated focus of securing agricultural land as expressed in the Discussion Paper – Sydney over the Next 20 Years.

The outcome of these studies would be used to define the zone boundaries and applicable planning controls within the subject site, and the final planning proposal would include the proposed amendments to CLEP 2002 that would be required to accommodate these changes.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The planning proposal lists a single, very general explanation; a more detailed explanation is expected once the technical studies are complete and a draft zoning plan is undertaken. The current objective is as follows:

"The objective of this planning proposal is to enable 210 hectares of rural land at Mount Gilead to be developed for approximately 1500 residential allotments and associated open space."

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : As noted previously, the planning proposal has been submitted ahead of the technical studies, thus a zoning concept plan is not outlined.

Campbelltown Council has not completed its Principal LEP and is governed by a number of planning instruments.

The site is currently zoned Non Urban under the provisions of Interim Development Order (IDO) No 15 – City of Campbelltown. The proposal will remove the application of IDO 15 and extend the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002 (CLEP 2002). As the northern boundary of the subject site adjoins the southern boundary of CLEP 2002 it is considered appropriate to include the subject site within the provisions of CLEP 2002.

Council's letter accompanying the supplementary information indicates that, in Council's opinion, a R1 residential zone is most appropriate for the bulk of the residential uses on the site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

Mount Gilead residential rezoning – Amendment to Campbelltown (Urban Area) Local Environmental Plan 2002

2.3 Heritage Conservation
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 4.2 Mine Subsidence and Unstable Land
 4.3 Flood Prone Land
 4.4 Planning for Bushfire Protection
 6.1 Approval and Referral Requirements
 6.2 Reserving Land for Public Purposes
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards
 SEPP No 4—Development Without Consent and Miscellaneous
 Exempt and Complying Development
 SEPP No 6—Number of Storeys in a Building
 SEPP No 19—Bushland in Urban Areas
 SEPP No 44—Koala Habitat Protection
 SEPP No 55—Remediation of Land
 SEPP No 70—Affordable Housing (Revised Schemes)
 SEPP (Building Sustainability Index: BASIX) 2004
 SEPP (Exempt and Complying Development Codes) 2008
 SEPP (Housing for Seniors or People with a Disability) 2004
 SEPP (Infrastructure) 2007
 SEPP (Mining, Petroleum Production and Extractive Industries) 2007
 SREP No 9—Extractive Industry (No 2—1995)

e) List any other matters that need to be considered :

1.2 Rural Zones and 1.5 Rural Lands

It is considered that the planning proposal is justifiably inconsistent with these directions as the subject land is recognised in the draft South West Subregional Strategy of the Metropolitan Plan for Sydney 2036 as a future urban release area, and has been included in the Metropolitan Development Plan as a site for future housing for many years. The Director-General's, or his delegate's, agreement to the inconsistency is required.

Apart from the in-principle justification for the conversion of rural land to residential land, the proposal has a prima facie consistency with most of the S.117 Directions and SEPP's.

The proposal's consistency with some specific S.117 Directions and SEPPs, will require particular scrutiny, this is particularly the case for those guidelines that pertain to the location of zones, the protection of the environment, and the provision of support infrastructure.

The proposal's consistency with these S.117 Directions and SEPPs can only be assessed once the technical studies are undertaken and the range of impacts and the proposed zoning details have been detailed. Assessment will be further informed by the advice of critical agencies, and the Department's internal specialist teams.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain : **See comment above.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **As noted previously, the planning proposal has been submitted ahead of the technical studies, thus a zoning concept plan is not outlined.**

Mount Gilead residential rezoning – Amendment to Campbelltown (Urban Area) Local Environmental Plan 2002

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **As this proposal involves the rezoning of a significant area of rural land for urban purposes it is considered that a public exhibition period of a minimum of 28 days should be undertaken.**

It is proposed to conduct the exhibition in accordance with the provisions of clause 4.5 Community Consultation – A Guide to Preparing Local Environmental Plans.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The proposal is considered adequate mainly as it represents the fulfilment of the MDP's negotiated planned lot release for the site, but also in the context of the anticipated technical studies and inputs from relevant agencies/specialists.**

Proposal Assessment

Principal LEP:

Due Date : **April 2013**

Comments in relation to Principal LEP : **The proposal will be incorporated into the draft Principal LEP.**

Assessment Criteria

Need for planning proposal : **The planning proposal is an essential component in the provision of housing in the south west region. It represents a strategically logical development of the urban area and forms a part of the Government's long term plan for Sydney.**

Consistency with strategic planning framework : **The planning proposal is generally consistent with the strategic planning framework, including the Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy. It is also listed on the MDP as contributing to strategic residential targets.**

Environmental social economic impacts : **The potential environmental and social impacts will be addressed in the report to be submitted following the technical studies and consultations.**

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **24 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Sydney Metropolitan Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Minerals and Petroleum
Integral Energy**

Mount Gilead residential rezoning – Amendment to Campbelltown (Urban Area) Local Environmental Plan 2002

Landcom
 Mine Subsidence Board
 Office of Environment and Heritage - NSW National Parks and Wildlife Service
 Fire and Rescue NSW
 NSW Rural Fire Service
 Transport for NSW
 Transport for NSW - Roads and Maritime Services
 Sydney Water
 Telstra
 Adjoining LGAs

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : Yes

If Yes, reasons : As detailed above, technical studies and internal consultation should be completed to inform planning controls (eg. zones). A resubmission is essential to allow the consideration of these controls prior to public exhibition.

Identify any additional studies, if required. :

Flora
 Fauna
 Heritage
 Bushfire
 Flooding
 Air Quality
 Economic
 Social
 Other - provide details below

If Other, provide reasons :

Traffic and transport and impacts; Heritage – both indigenous and non-indigenous; Geotechnical and mine subsidence; infrastructure (including water and sewerage).

Identify any internal consultations, if required :

Metropolitan and Regional Strategy
 Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? Yes

If Yes, reasons : As noted, a traffic impact study hasn't been undertaken, however, given the scale of the proposal and its location, on the perimeter of the urban area, it is likely that state infrastructure will be required. This matter will be clarified when the traffic study is complete, and advice sought and received from Transport for NSW - Roads and Maritime Services.

Documents

Document File Name	DocumentType Name	Is Public
Attachment_1_Site Location.pdf	Map	Yes
Attachment_2_Mount_Gilead_Initial_submission_July 2012.pdf	Proposal	Yes
Attachment_3_Mount_Gilead_Supplementary_Infomati on_August_2012.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

1. The proposal is to be re-submitted, prior to exhibition, for review by the gateway, once technical studies, incorporating preliminary advice from key agencies, are complete and a clear zoning map and provisions are outlined.
2. Approval by the Director General's delegate in relation to S.117 Directions 1.5 Rural Lands and 1.2 Rural Zones is required. Approval in relation to other S.117 Directions may be required; this can be assessed when the proposal is re-submitted.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Sydney Metropolitan Catchment Management Authority
 - Office of Environment and Heritage
 - Landcom
 - NSW Department of Primary Industries - Agriculture
 - NSW Department of Primary Industries – Minerals and Petroleum
 - Integral Energy
 - Mine Subsidence Board
 - Fire and rescue NSW
 - Transport for NSW
 - NSW Rural Fire Service
 - Roads and Maritime Services
 - Sydney Water
 - Telstra
 - Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal, and any relevant supporting material; in particular each authority should receive a copy of the specific technical study that relates to the authorities area of interest. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

Mount Gilead residential rezoning – Amendment to Campbelltown (Urban Area) Local Environmental Plan 2002

5. The provision of adequate infrastructure should be resolved via consultation with our Infrastructure team and with the RMS and Council prior to exhibition.

6. The timeframe for completing the LEP is to be 24 months from the week following the date of the gateway determination.

Supporting Reasons :

The planning proposal should proceed as it will contribute to the residential growth anticipated in the Metropolitan Plan for Sydney 2036 and the housing targets for the South West Region listed in the Draft South West Subregional Strategy. The site therefore accords with the Department's strategic goals. The proposal has been listed on the MDP for a long time on the understanding it would be released as soon as impediments to rezoning have been resolved.

It is anticipated that detailed background studies, and external and internal consultation will resolve any impediments and provide a blueprint for future development of the site. The requirement to re-submit will allow the gateway to ensure the matter proceeds to final rezoning on sound planning, environmental and infrastructure basis

Signature:



Printed Name:

Tim Archer

Date:

23 / 8 / 12

