



18 July 2012



Mr P Goth
Regional Director - South West
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Dear Mr Goth

Mount Gilead Planning Proposal

Council at its Ordinary Meeting held 3 July 2012 resolved to endorse a planning proposal, with amendments, for the rezoning of part Lot 1 and part Lot 2 DP 807555 and Lots 59 and 61 DP 752042 Appin Road, Mount Gilead to permit the development of the site for urban residential purposes.

Attached is a digital and hard copy of the Council report and planning proposal amended in accordance with Council's resolution, for your consideration and referral to the Gateway Panel for determination.

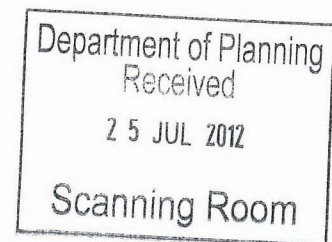
If you require any further information or explanation please contact either myself on 02 4645 4598 or Felicity Saunders (Senior Environmental Strategic Planner) on 02 4645 4918.

Yours sincerely



Andrew Spooner
Acting Manager Environmental Planning

Enclosure: CD and hard copy of Council report and planning proposal for Mount Gilead



2.4 Proposed Rezoning Mount Gilead

Reporting Officer

Acting Manager Environmental Planning

Attachments

1. Location map
2. Draft Planning proposal for referral to the Department of Planning and Infrastructure (Distributed under separate cover)

Purpose

To advise Council of a planning proposal for the rezoning of certain land at Mount Gilead for residential development, and request Council's approval to forward the proposal to the NSW Department of Planning and Infrastructure for determination by the Gateway Panel.

History

Consultants acting on behalf of the property owners of land at Mount Gilead advised Councillors at the briefing session held on Tuesday 21 February 2012 of a proposal to rezone part Lot 1 and part Lot 2 DP 807555 and Lots 59 and 61 DP 752042 Appin Road, Mount Gilead, to permit the development of the site for residential purposes. A location map of the proposed site is provided in Attachment 1.

This site has been listed on the NSW State Government's Metropolitan Development Program for a number of years, as an area worthy of consideration for the development of approximately 1500 residential allotments.

Report

Property Description:	Part Lot 1 and Part Lot 2 DP 807555 and Lot 59 DP 752042.
Owner:	Mount Gilead Pty Ltd
Property Description:	Lot 61 DP 752042
Owner:	S and A Dzwonnik
Applicant:	Old Mill Properties Pty Limited and Brown Consulting (NSW) Pty Ltd

Council has received a preliminary planning proposal, on behalf of the two property owners, to rezone land at Mount Gilead, to permit the development of the site for urban residential purposes.

The Site

The subject site includes part Lot 1 and part Lot 2 DP 807555 and Lot 59 DP 752042 Appin Road, Mount Gilead, owned by Mount Gilead Pty Ltd, and Lot 61 DP 752042 Appin Road, Mount Gilead, owned by Mr S and Mrs A Dzwonnik. It is located directly south of Noorumba Reserve, and directly north of the historic Beulah property. The site of the proposed gas fired electricity generating peaking power station at Leaf's Gully is located approximately 3 kilometres from the subject land's southern boundary.

The total area of the subject site is 210 hectares, approximately half of which 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.

Zoning

The current zoning of the subject site is Non Urban under the provisions of *Interim Development Order No 15*, with a minimum subdivision standard of 100 hectares. The preliminary planning proposal aims to rezone the subject land predominantly to an urban residential zone to provide for subdivision into approximately 1500 residential allotments with an average allotment size of 700m².

Key Planning Issues

The NSW State Government's Metropolitan Development Program (MDP) provides for the management of land and housing supply, and assists in infrastructure coordination throughout the State. The subject site is noted in the MDP as having potential for the development of approximately 1500 residential allotments.

Flora and Fauna

Whilst the site has been used for agricultural purposes for many years, and particularly for cattle grazing, there are still small areas occupied by endangered ecological communities (being Shale Sandstone Transition Forest and Cumberland Plain Woodland). It is proposed to retain as much existing significant vegetation as possible. As the subject site is located between two significant bushland areas (being the Noorumba Reserve and Beulah (which is now a bio-banking site) and forms part of the ecological corridor between the Georges River and Nepean River catchments, it is considered appropriate to ensure that any proposed development of the site addresses the issue of maintaining, as well as enhancing, these connections. It will also be necessary to ensure that appropriate bushfire asset protection zones are provided, particularly along the boundaries of Noorumba Reserve and Beulah. Such asset protection zones would need to be provided for on the subject land.

Transport and Access

Appin Road forms the eastern boundary of the subject site and provides its main vehicular access. It is recognised that Appin Road is classified as a State Road, under the care and control of NSW Department of Roads and Maritime Services, and is the main road link between Campbelltown and Wollongong. The location of Appin Road creates a number of issues that will need to be addressed prior to the rezoning of the subject land. These include not only vehicular and pedestrian access to the site from Appin Road, but also the visual impact of the development as seen from the road, and related road noise and air quality issues, as well as adequate provision being made to address fauna movement across the road as part of mobility along the Nepean/Georges River wildlife corridor connections.

Heritage – Non Indigenous

There are a number of heritage items listed under the provisions of *Interim Development Order No 15*, that are either located on land adjoining, or in the vicinity of, the subject site. These include a section of the Sydney Water Supply Upper Canal, Beulah Estate, Humewood Forest, Meadowvale and the Mount Gilead group including the homestead, outbuildings, dam and mill. Whilst the items of the Mount Gilead group are generally located outside the boundaries of the area proposed to be rezoned, a small portion of the dam does encroach on the western boundary of the subject site but is not proposed to be developed. However, any rezoning or development of the subject land must address any likely impact on all these heritage items.

Heritage – Indigenous

Some indigenous relics have been identified within the subject site, but further investigation and consultation with Aboriginal stakeholders would be required as part of the preparation of documentation to support the proposed rezoning of the site, should Council decide to support the proposal.

Coal and Gas Resources

The subject site falls within the boundaries of the South Campbelltown Mine Subsidence District, and therefore consultation with the Mine Subsidence Board and Department of Primary Industries – Minerals and Petroleum would be required to ascertain the likelihood of any future coal extraction.

It is important to note that there has been no extraction of coal seam gas on the site, and to date there has been no indication of any interest for such extraction.

Servicing

Initial investigations have indicated that the subject site can be serviced with water, sewer, stormwater drainage, electricity and gas. However, further confirmation would be required prior to the rezoning of the subject land.

Community Infrastructure

The quantum of community infrastructure required for the subject site would need to be determined on completion of relevant technical studies. Such investigations should assess the capability of existing community services/facilities in adjoining suburbs (eg schools and playing fields) and the level of facilities that need to be provided within the subject site.

Conclusion

In recognition of the fact that the subject land has been listed on the NSW State Government's Metropolitan Development Program for a number of years, and that the current position of the NSW State Government with regard to encouraging the release of rural land on the fringes of urban areas for future residential development, it is considered that the subject site presents an opportunity for additional residential land within the Campbelltown LGA.

It is noted in the applicant's preliminary planning proposal that detailed technical studies will need to be prepared to inform a draft zoning plan (LEP) for the subject site. These studies need to address the key planning issues as discussed in this report, other relevant matters, eg contamination, soil and geotechnical issues, salinity, and any additional matters requested by the Department of Planning and Infrastructure's Gateway Panel.

Council has prepared a draft planning proposal based on the information provided by the applicant, for Council's consideration for endorsement and subsequent lodgement with the Department of Planning and Infrastructure for determination by the Gateway Panel. Please see a copy of draft planning proposal marked Attachment 2.

On receipt of a draft planning proposal that has been endorsed by Council, the Department of Planning and Infrastructure's Gateway Panel will issue a determination which will specify whether the proposal should proceed, and if so under what circumstances. Generally, if the proposal is supported by the Panel then the determination will advise what studies will be required, which State or Commonwealth Public Authorities will need to be consulted, and the times within which the various stages of the procedure for the making of the proposed rezoning plan (LEP) are to be completed. As such if the draft planning proposal is supported by both the Council and the Gateway Panel, then a further report will be prepared for Council's consideration prior to the public exhibition of any planning documentation for this proposed rezoning.

Officer's Recommendation

1. That Council endorse the draft planning proposal for the rezoning of part Lot 1 and part Lot 2 DP 807555 and Lots 59 and 61 DP 752042 Appin Road, Mount Gilead to permit the development of the site for urban residential purposes, and lodge with the Department of Planning and Infrastructure for determination by the Gateway Panel.
2. That Council advise the applicant of Council's decision.

Committee Note: Ms Katrina Hobhouse addressed the Committee in opposition to the recommendation.

Committee's Recommendation: (Bourke/Thompson)

1. That Council endorse the draft planning proposal which seeks the rezoning of part Lot 1 and part Lot 2 DP 807555 and Lots 59 and 61 DP 752042 Appin Road, Mount Gilead to permit the development of the site for urban residential purposes, and lodge with the Department of Planning and Infrastructure for determination by the Gateway Panel.
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2. That in its proposal to the Department of Planning and Infrastructure regarding the rezoning of this land, Council request that the technical studies include an investigation of the feasibility of its use for food production, and that the Department consider how this land fits with the stated focus of securing agricultural land as expressed in the Discussion Paper - Sydney Over the Next 20 Years.
3. That in its proposal to the Department of Planning and Infrastructure regarding rezoning of this land, Council request that the technical studies 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 should identify the nature and extent of any impacts on the significance of items of heritage, including their setting, and identify appropriate mitigation measures.
4. That Council advise the applicant of Council's decision.

CARRIED

Council Meeting 3 July 2012 (Kolkman/Bourke)

That the Officer's Recommendation be adopted.

Amendment (Borg/Kolkman)

1. That Council endorse the draft planning proposal which seeks the rezoning of part Lot 1 and part Lot 2 DP 807555 and Lots 59 and 61 DP 752042 Appin Road, Mount Gilead to permit the development of the site for urban residential purposes, and lodge with the Department of Planning and Infrastructure for determination by the Gateway Panel.
 2. That in its proposal to the Department of Planning and Infrastructure regarding the rezoning of this land, Council request that the technical studies include an investigation of the feasibility of its use for food production, and that the Department consider how this land fits with the stated focus of securing agricultural land as expressed in the Discussion Paper - Sydney Over the Next 20 Years.
 3. That in its proposal to the Department of Planning and Infrastructure regarding rezoning of this land, Council request that the technical studies 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 should identify the nature and extent of any impacts on the significance of items of heritage, including their setting, and identify appropriate mitigation measures.
 4. That in its proposal to the Department of Planning and Infrastructure regarding the rezoning of this land, Council request that the technical studies include a detailed investigation of infrastructure needs and impacts generated by the future development, and include specifically any impacts on Appin Road and any required upgrading and/or widening.
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5. That Council advise the applicant of Council's decision.

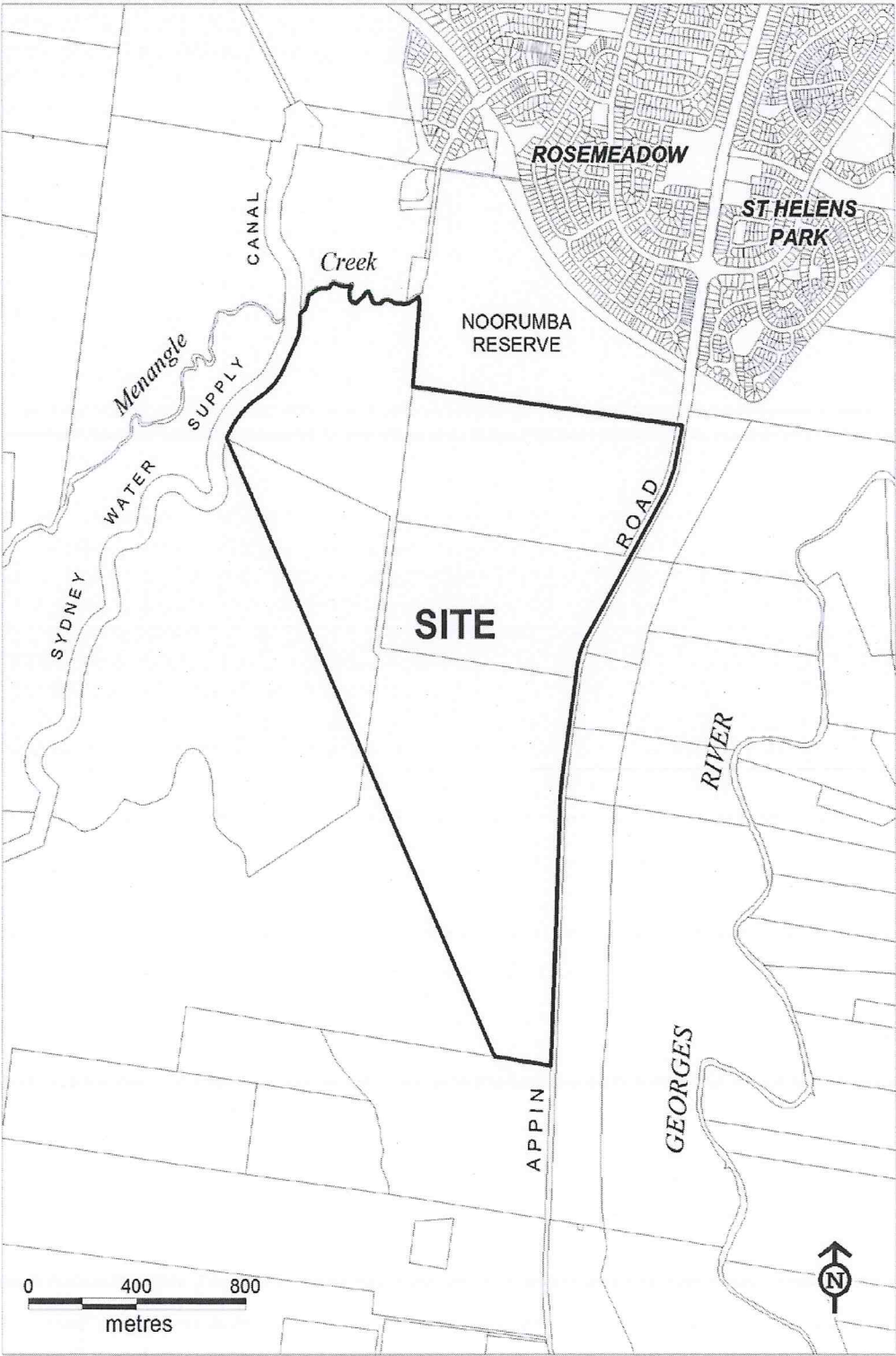
Addendum (Bourke/Glynn)

6. That in its proposal to the Department of Planning and Infrastructure regarding the rezoning of this land, Council requests that the technical studies include an investigation of the value of this land as a fauna corridor between the Nepean and Georges River.

Council Resolution Minute Number 112

That the amendment incorporating the addendum be adopted.

ATTACHMENT 1



Planning Proposal

Subject: Draft Campbelltown (Urban Area) Local Environmental Plan 2002 – Amendment No 27 – Mount Gilead

Part 1 – Objectives or Intended Outcomes

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.

Part 2 – Explanation of the Provisions

The planning proposal applies to land at Mount Gilead known as part Lot 1 DP 807555, part Lot 2 DP 807555, Lot 59 DP 752042 and Lot 61 DP 752042, Appin Road, Campbelltown. A location map is shown at attachment 1.

The subject site is currently zoned Non Urban under the provisions of Environmental Planning Instrument (EPI) *Interim Development Order (IDO) No 15 – City of Campbelltown* (IDO No 15), with a minimum residential subdivision standard of 100 hectares. A copy of the existing zoning map is shown at attachment 2.

The main EPI for the Campbelltown Local Government Area is *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.

A number of detailed technical studies would be required to be prepared to inform a final planning proposal. These would include the following matters:

- 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

In addition 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 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.

Also, the technical studies would include 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.

It would also be necessary to amend the *Interim Development Order No 15 – City of Campbelltown* instrument and map to remove all references and provisions relating to the subject land.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The subject site has been listed on the NSW Government's Metropolitan Development Program (MDP) for a number of years, as being worthy of consideration for the development of approximately 1500 residential allotments.

As noted in Part 2 further technical studies will be prepared to ensure that the subject site is capable of being developed for residential purposes.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council is currently in the process of preparing a comprehensive local environmental plan (LEP) under the provisions of the Standard Instrument – Principal Local Environmental Plan, to cover the entire Campbelltown Local Government Area. However, due to the delay in finalising this comprehensive LEP it is considered that the best means of achieving the objectives of the planning proposal would be to prepare an amendment to *Campbelltown (Urban Area) Local Environmental Plan 2002* instead.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The planning proposal would result in an increase in the supply of new housing located on the southern boundary of the Campbelltown urban area, and within close proximity to the major regional city centre of Campbelltown/Macarthur. This is compatible with the State Government's desire for the release of additional residential land on the fringes of existing urban areas.

It is recognised that there would be a need for new infrastructure to service the proposed 1500 residential allotments. However it is also recognised that such development may be able to utilise and contribute financially towards the augmentation of the existing network of services and facilities in the adjoining urban area, if necessary. Nonetheless, funding for local infrastructure would need to be provided by the developer of the subject land, and could be achieved through the preparation of a voluntary planning agreement with Council given that only two landowners are involved. It is noted under the provisions of Division 1A Urban Release Areas of *Campbelltown (Urban Area) Local Environmental Plan 2002* that a contribution towards regional infrastructure may also need to be provided by the developer. Once more detailed planning and investigation has occurred, a more robust assessment of costs and benefits associated with the planning proposal would be able to be undertaken. Such an investigation would need to take account of Government Policy concerning the SIC levy and local infrastructure contributions.

However it is anticipated that the net community benefit of the planning proposal in providing much needed housing for the population growth of Sydney would outweigh the implementation and administration costs involved.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies).

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 (MPS) recognises that there will be a need for 770,000 additional homes by 2036.

Draft South West Subregional Strategy

The draft South West Subregional Strategy (SWSS) aims to provide 24,653 additional dwellings by 2031, with 4,700 of these dwellings proposed to be developed in greenfield sites within the Campbelltown LGA.

Thus, as this planning proposal aims to provide 1500 residential allotments on the southern boundary of the Campbelltown urban area, it is considered that it is consistent with the aims of both the MPS and the draft SWSS. In addition the subject site has been listed on the Metropolitan Development Program for a number of years as being worthy of consideration for future residential development.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is not inconsistent with the *Campbelltown 2025 Looking Forward* long term town planning strategy, nor with the draft *Local Planning Strategy* where Mount Gilead is noted as being listed on the MDP, and potentially being able to provide for the development of 1500 residential allotments. The planning proposal is also not inconsistent with Campbelltown's draft *Community Strategic Plan 2012 - 2022*, which recognises the potential of the Gilead area as a possible urban release precinct.

6. Is the planning proposal consistent with applicable state environmental planning policies?

It is considered that the planning proposal is consistent with all applicable state environmental planning policies (SEPPs) being:

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 Affordable Rental Housing 2009
 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 Major Development 2005
 SEPP Mining, Petroleum Production and Extractive Industries 2007
 SEPP Temporary Structures 2007
 SREP No 9 Extractive Industry (No 2 – 1995)
 SREP No 20 Hawkesbury – Nepean River (No 2 – 1997)).

However, please note that the technical studies required to be prepared to inform the final planning proposal for public exhibition purposes, would address the issue of consistency with all relevant SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

It is considered that the planning proposal is either consistent or justifiably inconsistent with all applicable s117 directions being:

1.2 Rural Zones
 1.3 Mining, Petroleum Production and Extractive Industries
 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).

Please note the following additional information:

1.2 Rural Zones

It is considered that the planning proposal is justifiably inconsistent with this direction as the subject land has been included in the Metropolitan Development Plan as a site that could be developed for future housing for many years.

Please also note that the technical studies required to be prepared to inform the final planning proposal for public exhibition purposes would address the issue of consistency with all relevant s117 directions.

Section C – Environmental, social and economic impact.

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The ecological values of the subject site are highly degraded due to extensive clearing, and continuing agricultural activities. However, the site does exhibit some remnant Cumberland Plain vegetation, which is proposed to be retained and rehabilitated. It is also proposed to protect and enhance fauna corridor links between the Georges and Nepean Rivers. These issues would be addressed in the relevant technical studies required for the final planning proposal.

- 9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Other likely environmental effects such as flooding, bushfire hazard and landslip, would be addressed within the relevant technical studies required for the final planning proposal.

- 10. How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal aims to provide additional housing within easy access of the regional city centre of Campbelltown/Macarthur. It also aims to address the adequacy of public transport services / routes, and community facilities and amenities, and would identify any additional facilities and services required and appropriate funding sources. It is noted that the subject site is located in proximity to a number of heritage items listed under the provision of *Interim Development Order No 15*, including the Sydney Water Supply Upper Canal, Beulah Estate, Humewood Forest, Meadowvale and the Mount Gilead group including the homestead, outbuildings, dam and mill. Some indigenous relics have also been identified within the subject site. As such these and other relevant social and economic effects would be addressed in the relevant technical studies required for the final planning proposal.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Initial investigations have noted that the subject site can be serviced with water, sewer, stormwater drainage, electricity, gas and telecommunication facilities. However, the relevant technical studies required for the final planning proposal would address availability of adequate public infrastructure to service the proposed future development of this site.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This issue should be addressed when Council receives the gateway determination.

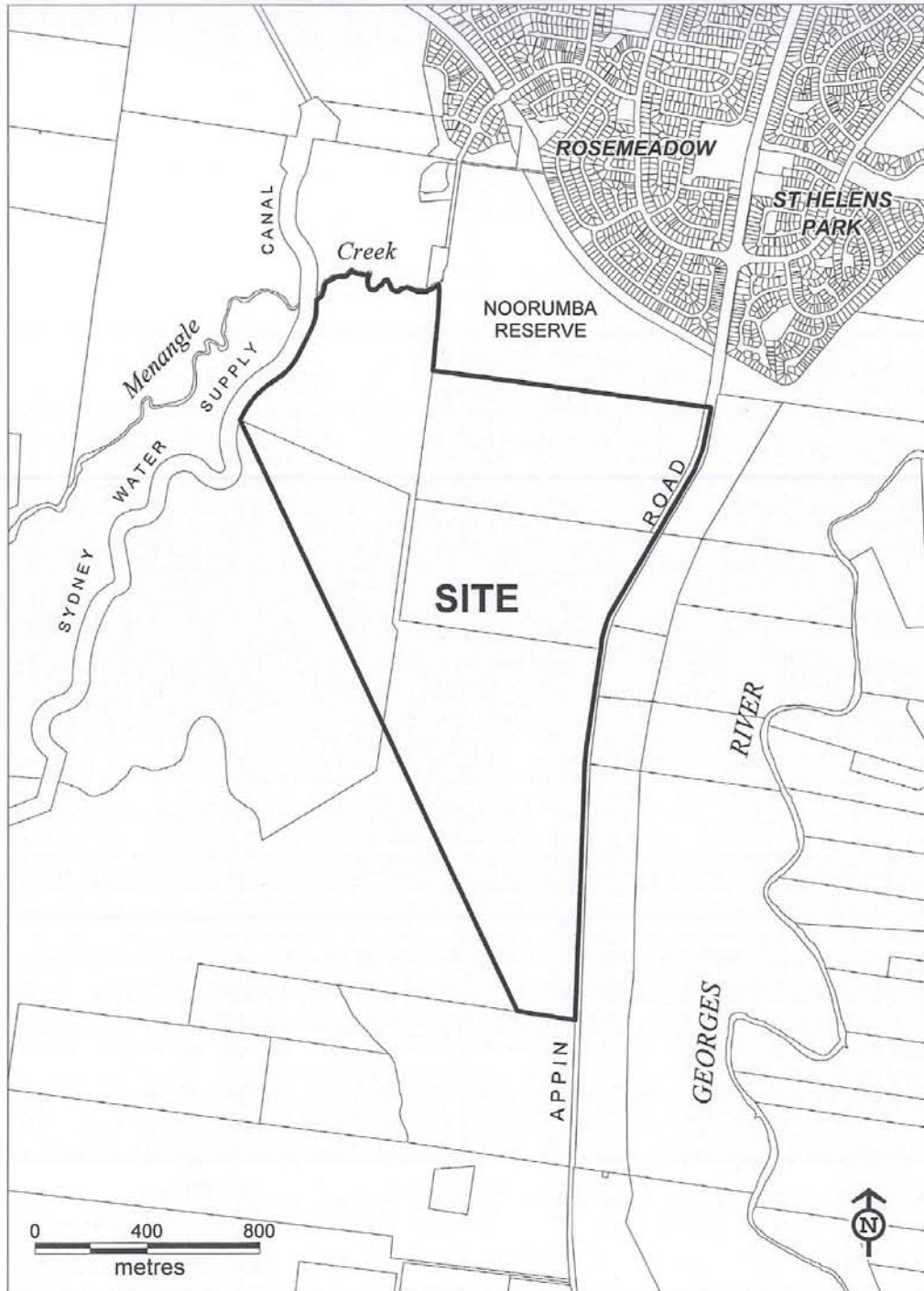
Part 4 – Community Consultation

As this proposed amendment to *Campbelltown (Urban Area) Local Environmental Plan 2002* 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. Notice of the exhibition period would be given in accordance with the provisions of clause 4.5 Community Consultation – *A Guide to Preparing Local Environmental Plans*.

Attachments

1. Location Map
2. Existing Zoning Map

Location Map



Existing Zoning Map

