

## 4. REPORTS

### 4.1 Gilead Estate - Community Facilities and Temporary Sales Office

#### Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.2 - Create safe, well maintained, activated and accessible public spaces

#### Referral Criteria

Pursuant to Section 2.19 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act), the Campbelltown City Local Planning Panel (the Panel) is required to advise Council on any planning proposal that has been prepared or is to be prepared by the Council under section 3.33 of the EP&A Act and that is referred to the Panel by the Council.

#### Executive Summary

- Lendlease Communities has submitted a Planning Proposal Request that seeks to amend Schedule 1 of Campbelltown Local Environmental Plan 2015 to permit the use of Lot 1 DP 1240836 for a business premises to enable the future use of the Community Facility for a sales and information centre.
- The Planning Proposal Request is required to facilitate the relocation of the Community Facility from the existing site zoned B1 Neighbourhood Centre due to constraints associated with Planning for Bushfire Protection.
- It is recommended that the Planning Proposal Request has strategic merit and is likely to result in improved outcome, whereby the future community centre is built and occupied for a sales and information centre for the first three to five years of the precinct's development. Beyond this period, the facility would be dedicated to Council for its ongoing use as a community facility.

#### Officer's Recommendation

1. That the Campbelltown City Council Local Planning Panel support the draft Planning Proposal to amend the Campbelltown Local Environmental Plan 2015 by way of an amendment to Schedule 1 (additional permitted uses) to permit the uses of Lot 1 in DP 124836 for a Business Premises.
2. That the Panel note that the proposed Community Facility is a deliverable of the Mount Gilead Stage 1 Voluntary Planning Agreement and the revised location of the facility is supported by staff.

## Purpose

To assist Council in its determination of the subject application in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*.

<b>Property Description</b>	Lot 61 DP 752042
<b>Application No</b>	1702/2019/E-PP
<b>Applicant / Owner</b>	Lendlease Communities (Mount Gilead) Pty Ltd
<b>Provisions</b>	Campbelltown Local Environmental Plan 2015
<b>Date Received</b>	11 April 2019

## History

The Mt Gilead release area was rezoned for urban development in September 2017. Mt Gilead forms part of the greater Mt Gilead Precinct which provides for urban expansion within the southern portion of the Campbelltown Local Government Area. A Voluntary Planning Agreement (VPA) was adopted by Council on 6 December 2018 which makes provision for essential community facilities, including a Community Hub which is the subject of this report.

The current location of the Community Hub as provided by the VPA is on land zoned B1 Neighbourhood Centre which is located on lot 61 in DP752042. Delivery of the Community Hub is required within 12 months of the issuing of a subdivision that creates the 1,200<sup>th</sup> lot.

## The Site

The subject site known as Lot 1 in DP 1240836 form part of the original subdivision of the Gilead Estate as illustrated in Figure 1, attachment 1. The site has an area of 24 hectares, is clear of structures, with scattered vegetation and contains two small dams on the north eastern portion of the site.

Access to the site is provided by existing rural driveways from Appin Road, which is designated as a 'classified road' under the control of Roads and Maritime Services. Development applications for bulk earthworks and residential subdivision are currently under assessment by Council.

## Planning Proposal Request

Investigation by the applicant regarding the suitability of siting a community facility on land zoned for a future neighborhood centre has identified that the required asset protection zone limits the opportunity to site a future structure on this land. This is due to the classification of a Community Facility under Planning for Bushfire Protection as "Special Fire Protection Purpose" meaning that the facility must be located entirely outside of the APZ.

Accordingly, the applicant has nominated an alternate site located on part of Lot 1 in DP 1240836 which is zoned RE1 Public Open Space. In order to permit the use of the facility for a sales and information centre (business premises), as already permitted on the current planned location, the Planning Proposal Request (PPR) is seeking to:

- Amend Schedule 1 (Additional Permitted Uses) of Campbelltown Local Environmental Plan 2015 to permit use of the site for a business premises.
- Amend the Additional Permitted Use Map APU\_003 and APU\_009 to show the location of the site.

Although Lot 1 in DP 1240836 is a large parcel, it is likely that a site specific lot would be proposed as part of future subdivision applications to further define the applicable land.

## **Report**

This report considers the strategic context of the PPR in relation to state and local planning policies and the potential impacts of the Proposal.

### **1. Strategic Context**

The following state, district and local planning policies are relevant to the proposal as discussed below.

#### **1.1 Greater Sydney Region Plan**

In March 2018 the Greater Sydney Region Plan: A Metropolis of Three Cities was released, and sets a 40 year vision which establishes a 20 year plan that manages growth and change for Greater Sydney through the context of economic, social and environmental matters.

The plan integrates the core fundamentals of land use, transport and infrastructure planning across State agencies and the three tiers of Government identifying key directions and objectives.

The proposal is consistent with the key directions; A City for People and A City in its Landscape and the associated objectives 'Communities are healthy, resilient and socially connected (objective 7) and 'Public open space is accessible, protected and enhanced' (objective 31).

#### **1.2 Western City District Plan**

The Western City District Plan which was released in conjunction with the Greater Sydney Region Plan in March 2018 highlights the Western Parkland as the third Metropolis City. The District Plan provides further notations and direction to identifying key growth and change for the Western lands.

The Gilead Estate is recognised within the Land Release Area in the Western City District Plan. The future development of the release area will contribute towards achieving the Campbelltown Local Government Area housing supply target. The current proposal seeks to facilitate the delivery of a community facility which can be occupied for a sales and information centre to support the sale of land, another other community based events as hosted by the developer prior to handing the facility to Council.

#### **1.3 Greater Macarthur Growth Area**

The Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area released in November, 2018 and focuses on providing two structure plans for the Urban Renewal Corridor, as well as providing a broad scoped plan for the land release areas.

The subject site is found within the Greater Macarthur Structure Plan: Land Release Area and is classified as Existing Urban Land. No direct relevance in regards to the Community Hub can be distinguished from this scale of Structure Plan.

#### **1.4 Section 9.1 Local Planning Directions**

Section 9.1 of the *Environmental Planning and Assessment Act 1979* allows the Minister for Planning to give directions to Council regarding principles, aims, objectives or policies to be achieved, or give effect to, in the preparation of draft local environmental plans.

The directions of most relevance to the Planning Proposal are summarised below.

- **Direction 2.1 Environmental Protection Zones**

The objective of this Direction is to protect and conserve environmentally sensitive areas. There are no known issues of biodiversity significance attached to the land which situates the Community Facilities located in the Gilead Estate.

However, the subject site is bounded to the south by an area of Managed Lands zoned as RE1 Public Open Space. Development of land in the vicinity of the managed lands would be subject to an Asset Protection Zone (APZ) which has been considered by this application and discussed below in this report. Therefore, the proposal is consistent with this direction.

- **Direction 4.4 Planning for Bushfire Protection**

The objective of this Direction is to protect life, property and the environment from bushfire hazards as well as encouraging sound management to prevent the extent of a bushfire. Community facilities are considered by the Planning for Bushfire Protection Guidelines as a Special Fire Protection Purpose. Accordingly, any future proposal would be required to demonstrate that a facility can be appropriately sited. The PPR is supported by a Bushfire Assessment Report that demonstrates firstly, that the current planned site is unsuitable and secondly, that the proposed location of the community facility could be sited outstand any future APZ of approximately 34 – 40 metres from the managed lands. Therefore, the proposal is consistent with Direction 4.4 Planning for Bushfire.

- **Direction 7.2 Implementation of Greater Macarthur Land Release Investigation**

This Direction requires that any proposal is consistent with the implementation of the Greater Macarthur Land Release Investigation Strategy. The Stage 1 of the Gilead precinct forms part of the Greater Macarthur Growth Area and is already zoned for urban development. Therefore, the proposal is consistent with this direction.

#### **1.5 Community Strategic Plan - Campbelltown 2027**

The Campbelltown City Community Strategic Plan (CSP) is a 10 year vision that identifies the main priorities and objectives for the future of the Campbelltown City Local Government Area (LGA) and is Council's long term plan to deliver the community inspired vision.

The CSP acknowledges the need to provide for housing diversity and affordability in a structured way, whilst preserving the important natural attributes of the LGA and facilitating its promotion.

The proposal is generally consistent with the CSP and in particular Outcome 1: A vibrant, liveable city and Outcome 2: A respected and protected natural environment. Delivery of the Community Facility would support these outcomes by providing an important community hub, that in the first few years of the release can also be occupied by the developer to support local sales and community events.

### **1.6 Campbelltown Local Environmental Plan 2015**

The Campbelltown Local Environmental Plan 2015 (CLEP 2015) is the principal environmental planning instrument for the City of Campbelltown.

The proposal seeks to relocate the community facility so that it can meet site planning requirements and addresses the future Boulevard Collector Road. The zoning will remain Public Recreation (RE1) and will satisfy the Rural Fire Services Asset Protection Zone.

A 'Community Facility' under the CLEP 2015 is defined as:

Community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation; and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community, but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Under the Campbelltown Local Environmental Plan 2015, Community Facilities are permissible with consent in this zone.

The applicant is proposing to deliver and utilise the Community Hub as a Sales and Information Centre. A sales and information centre is a type of business premises which is not a permissible land use.

Accordingly, the applicant has identified the following options to amend CLEP 2015:

1. Amend the land use zone map to relocate the B1 area of land to the desired location.
2. Retain the current zoning (RE1) and amend clause 2.8 of the CLEP 2015 to create an adjustment to the maximum number of days a temporary use can be approved for in regards to the Sales and Information Office.
3. Retaining the zoning of the site as (RE1 Public Open Space) and add an additional use to Schedule 1 of the CLEP 2015.

Option 3 is the preferred approach as the primary use of the site would be for open space purposes.

Sales and Information Centre's are permissible under the following standard instrument definitions:

- An Exhibition Home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private

dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

- Business premises means a building or place at or on which:
  - a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
  - b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital

Note. Business premises are a type of commercial premises.

To provide a greater flexibility of future uses, it is recommended that the sales and information centre be made a permissible land use under the business premises group term.

## **1.7 Campbelltown (Sustainable City) Development Control Plan 2015**

The Campbelltown (Sustainable City) Development Control Plan, 2015 (CSCDCP 2015) is a companion planning document which seeks to assist in realising the objectives of CLEP 2015 through the provision of more detailed general controls, land use specific controls and site specific controls. On the grounds that the CSDCP is absent of any specific controls for the Community Hub building, any future assessment of a development application would occur on a merit basis.

## **2. Evaluation**

The following environmental impacts are relevant to the proposal as discussed below.

### **2.1 Bushfire Prone Land**

Concern regarding the proposed location of the Community Hub was not previously raised by the RFS during the original rezoning process.

However, further consultation by the applicant with the RFS during the preparation of development applications has confirmed that the Community Hub is a 'Special Fire Protection Purpose' under Planning for Bushfire Protection 2018. This classification requires a greater APZ setback of 34m to 41m. As shown in Figure 10 of attachment 1, this significantly constrains the ability to deliver a Community Hub in the current planned location.

The proposed new location for the Community Hub, north of the Managed Land, is illustrated in Figure 11 of attachment 1. This position provides sufficient setback from the required APZ and is more prominently located on the main collector road that will service the precinct.

### **2.2 Biodiversity**

Impacts on biodiversity are separately addressed under an application for biodiversity certification in accordance with the saving provisions of the now repealed *Threatened Species Conservation Act 1995*.

In September 2017, Council submitted the Mt Gilead Biodiversity Certification Application (BCA) to the NSW Minister for the Environment for determination who authorised public exhibition in accordance with S126N of the *Threatened Species Conservation Act 1995* (TSC).

Following the exhibition period, Council considered a report on Gilead Stage 1 – Biodiversity Certification Application and Outcome of Public Exhibition on the 12 June 2018 and resolved, in part, to sign the Biodiversity Certification Agreement upon agreement of the Minister to confer Biodiversity Certification on Lot 61 DP 752042, Part Lot 2 DP 1218887 and Lot 3 DP 1218887, Appin Road, Gilead.

This process is nearing completion with conferment of bio-certification by the Minister imminent. Therefore, there is no requirement for this proposal to consider the impacts on biodiversity.

### **2.3 Mine Subsidence**

Lot 1 in DP 1240836 falls within the South Campbelltown Mine Subsidence District and Coal Exploration Authorisation Area A248 which includes the Bulli and Balgownie Coal Seams. The previous rezoning process considered mine subsidence where it was concluded that the site was suitable for urban purposes. Since rezoning, Subsidence Advisory NSW has issued approvals under the *Coal Mine Subsidence Compensation Act 2017* and allow for appropriate design requirements to assist with mitigation should future mining occur.

Council and Department of Planning both supported this prior to rezoning the land for urban development. Therefore, the planning proposal does not alter this conclusion.

### **2.4 Contamination**

Four Potential Areas of Environmental Concern (PAEC) have been identified by the applicant on Lot 1 in DP 1240836 (previously Lot 3 in DP 1218887) and includes uncontrolled fill from road cuttings, asbestos containing material from the existing pipe network and hydrocarbon impacted soils along the alignment of an existing transmission line. The revised location of the Community Hub is not affected by the four PAECs.

A Remediation Action Plan (RAP) has been prepared to address the four PAEC and confirm the site can be made suitable for the proposed residential development. Lendlease currently has a development application with Council seeking approval for these remediation works. A copy of the RAP is provided at Appendix E of attachment 1.

## **3. Voluntary Planning Agreement**

The current Voluntary Planning Agreement (VPA) requires delivery of the Community Hub within the 12 months of the 1,200<sup>th</sup> lot being registered with a budget of \$1.3 million.

Based on advice from the applicant, the 1,200<sup>th</sup> lot is projected to be registered by the end of the 2021/2022 financial year. Therefore, the Community Hub would be required during the 2022/23 financial year.

The applicant has advised they would deliver the Community Hub early should its use for a sales and information centre be supported. The applicant also advises that the design and specification of the facility would also be to a higher standard than originally budgeted as part

of the VPA with further detail to be considered upon the lodgement of a future development application.

#### **4. Next Steps**

Following the advice and recommendations of the Local Planning Panel, a further report would be presented to Council.

#### **5. Formal Consultation**

A guide to preparing local environmental plans has been prepared by the Department of Planning and Environment (DP&E) to assist councils in preparing planning proposals and LEPs. Should Council resolve to proceed with the Planning Proposal, and Gateway Authorisation is issued by the DP&E, consultation would be undertaken in accordance with the Gateway Determination requirements.

#### **6. Delegation Process**

The preparation of a draft Planning Proposal is the first step in the process of requesting changes to a planning instrument. Should Council resolve to proceed with the draft Planning Proposal to Gateway Determination, the DP&E would confirm the technical studies required and relevant parts of the draft Planning Proposal to be updated or amended prior to public exhibition.

As part of the Gateway Authorisation process, Section 3.34 of the *Environmental Planning and Assessment Act 1979* allows the Minister and the Secretary to delegate functions to a Council and/or an officer or employee of a Council. When submitting a draft Planning Proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- to make and determine not to make an LEP
- to defer inclusion of certain matters
- to identify which matters must be considered and which stages of the plan making process must be carried out again

At its meeting on 20 November 2012, Council resolved to formally accept the plan making delegations and delegate the plan making functions to the General Manager and Director Planning and Environment (now titled Director City Development).

On the grounds that the Planning Proposal Request is consistent with the types of draft LEPs routinely delegated by the DP&E, it is recommended that seek to Council exercise the Authorisation in this instance.

#### **Conclusion**

The proposal to permit the use part of Lot 1 in DP 1240836 for a sales and information centre (a type of business premises) is considered to be a complimentary and common land use during the early release stages of a new estate. On the grounds that the proposal is likely to result in the early delivery of the Community Hub and associated open space works, it is recommended that the Local Planning Panel endorse progression of the draft Planning Proposal.



## **Attachments**

1. Gilead Estate Planning Proposal (due to size 60 pages) (distributed under separate cover)

## **Reporting Officer**

Executive Manager Urban Release and Engagement