

Greater Sydney, Place and Infrastructure

Gateway determination report

LGA	Campbelltown
PPA	Campbelltown City Council
NAME	Mount Gilead – relocation of proposed Community Hub Building and Additional Permitted Use
NUMBER	PP_2020_CAMPB_001_00
LEP TO BE AMENDED	Campbelltown Local Environmental Plan 2015
ADDRESS	901-913 Appin Road Gilead
DESCRIPTION	Lot 1 and DP 1240836
RECEIVED	12/02/2020
FILE NO.	IRF20/654
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

This planning proposal seeks to alter the development controls for land at part of 901-913 Appin Road, Gilead, by amending the Campbelltown Local Environmental Plan (LEP) 2015 as follows:

- Adding 'exhibition homes' as an additional permissible use to part Lot 1, DP 1240836 for the purpose of a Sales and Information centre; and
- Revising the Additional Permitted Use map (tile 003) to identify the proposed location of the Community Hub Building.

This planning proposal will enable the relocation of the Community Hub Building in the Gilead Estate (part Lot 1, DP 1240836). The dedication of the Community Hub Building is one of the local infrastructure items identified to support the residential development in the Gilead Estate. There is a current Voluntary Planning Agreement between Council and the proponent (Lendlease) that identifies the delivery of a 500m² multi-purpose facility within 12 months of registration of the 1,200th residential lot.

Due to the Planning for Bushfire Protection 2019 guidelines published by NSW Rural Fire Service, the existing planned location is no longer suitable and hence the relocation of the building is now required to enable its delivery to the community.

1.2 Site description

The subject site is situated on the land legally identified as Lot 1 in DP 1240836, which has an area of 24 hectares (Figure 1). With approximately 485m frontage to Appin Road along its eastern boundary, the land is clear of structures with scattered vegetation and contains two small dams on the north-eastern portion of the site.

The subject land is situated within the new release area known as the 'Gilead Estate', which is identified as 'Existing Urban Land' under the Greater Macarthur Growth Area Structure Plan (2018). It forms part of an extension of urban area south of Campbelltown.



Figure 1: Location of subject land (ePlanning Portal)

1.3 Existing planning controls

The proposed new location of the Community Hub Building is situated in the south-western part of the subject land. Under the Campbelltown LEP 2015, the following zoning and development controls apply to the proposed location of the Community Hub Building:

- Zoned RE1 Public Recreation (Figure 2);
- Land Reservation Acquisition – Local Open Space (RE1) (Figure 3); and
- Terrestrial biodiversity (in close proximity to the subject site) (Figure 4).

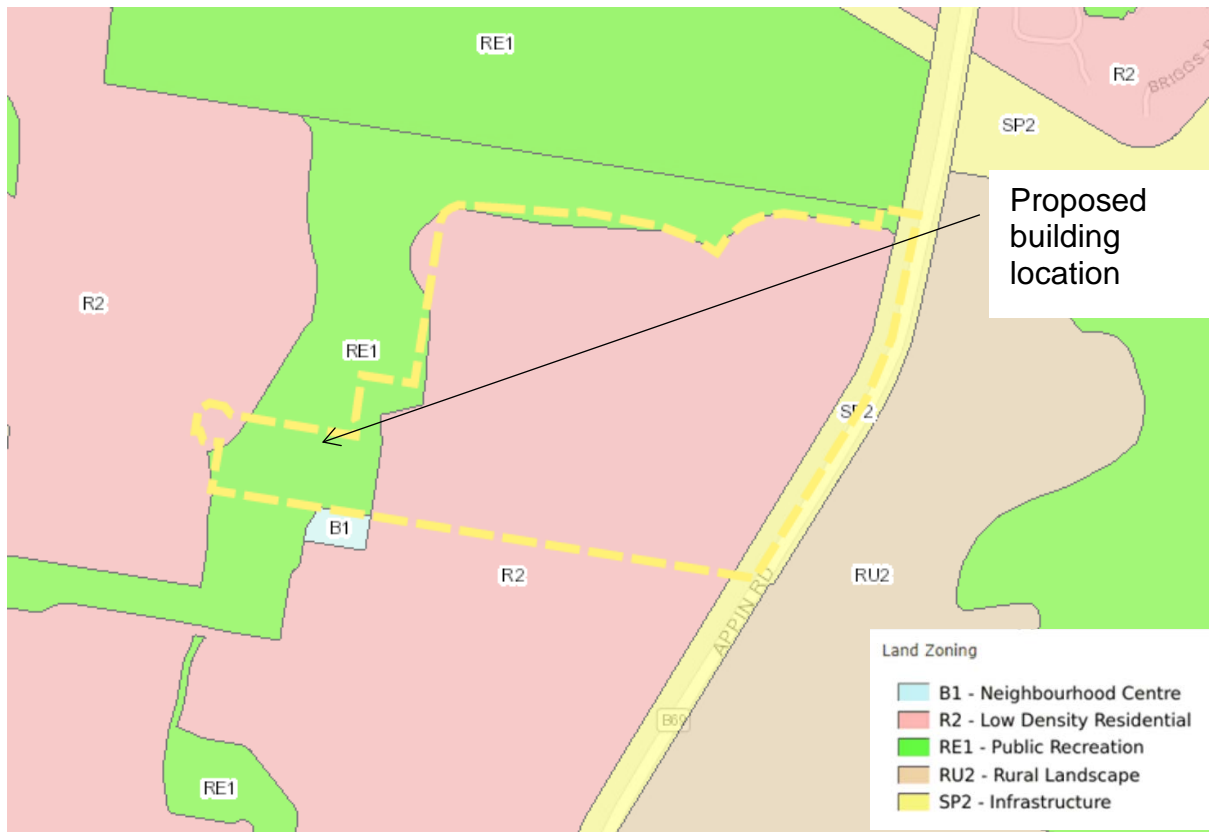


Figure 2: Existing zoning of the proposed location (ePlanning Portal)

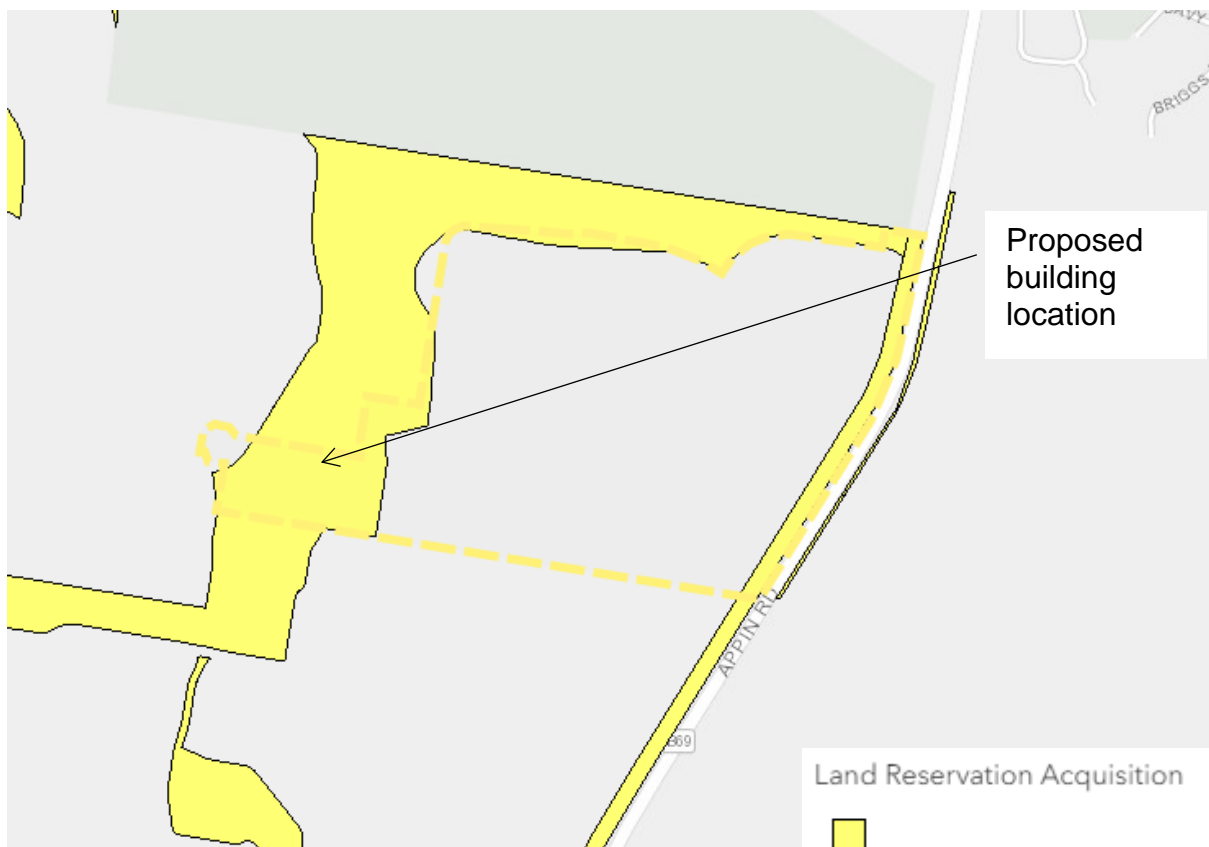


Figure 3: Existing acquisition controls of the proposed location (ePlanning Portal)

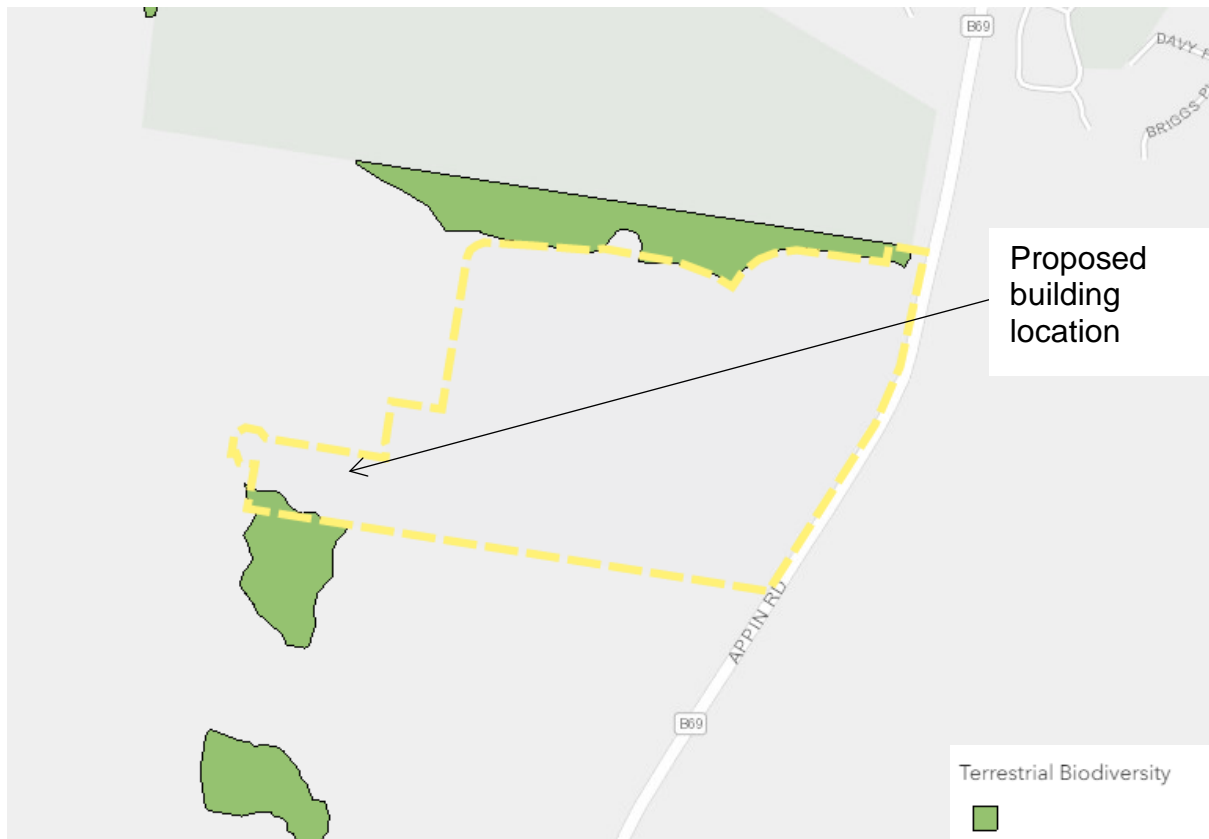


Figure 4: Existing terrestrial biodiversity controls of the proposed location (ePlanning Portal)

1.4 Surrounding area

The surrounding locality is primarily rural with some tracts of bushland to the north of the subject land and east of Appin Road.

Appin Road forms the eastern frontage of the subject land which provides the access from existing road network to the site. Appin Road is currently one lane in each direction and there is planned upgrade by Roads and Maritime Services to increase the road capacity to support residential growth in the area.

Rosemeadow is the existing low-density residential suburb located to the north of the subject land.

To the south and west, the subject land adjoins properties that comprise existing large rural lots and some bushland to the south. As part of the Gilead Estate rezoning in 2017 by Council, the surrounding area to the south and west is also identified for future residential development capable for delivering approximately 1,700 residential lots.

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions as it is broadly consistent with the strategic vision for the Gilead Estate development. It supports the delivery of the Community Hub Building in an appropriate location in accordance with Planning for Bushfire Protection 2019 guidelines.

It also enables the temporary use of the building as 'exhibition home' for the purpose of sales and information centre which can bring forward the delivery of this community asset during the early stage of the development in the Gilead Estate.

2. PROPOSAL

2.1 Objectives or intended outcomes

The planning proposal is intended to enable the relocation of the Community Hub Building from the existing planned location to the adjoining RE1 Public Recreation zoned land (Figure 5).

It is also intended to facilitate the temporary occupation of the building for the purpose of 'sale and information centre' on this new location.

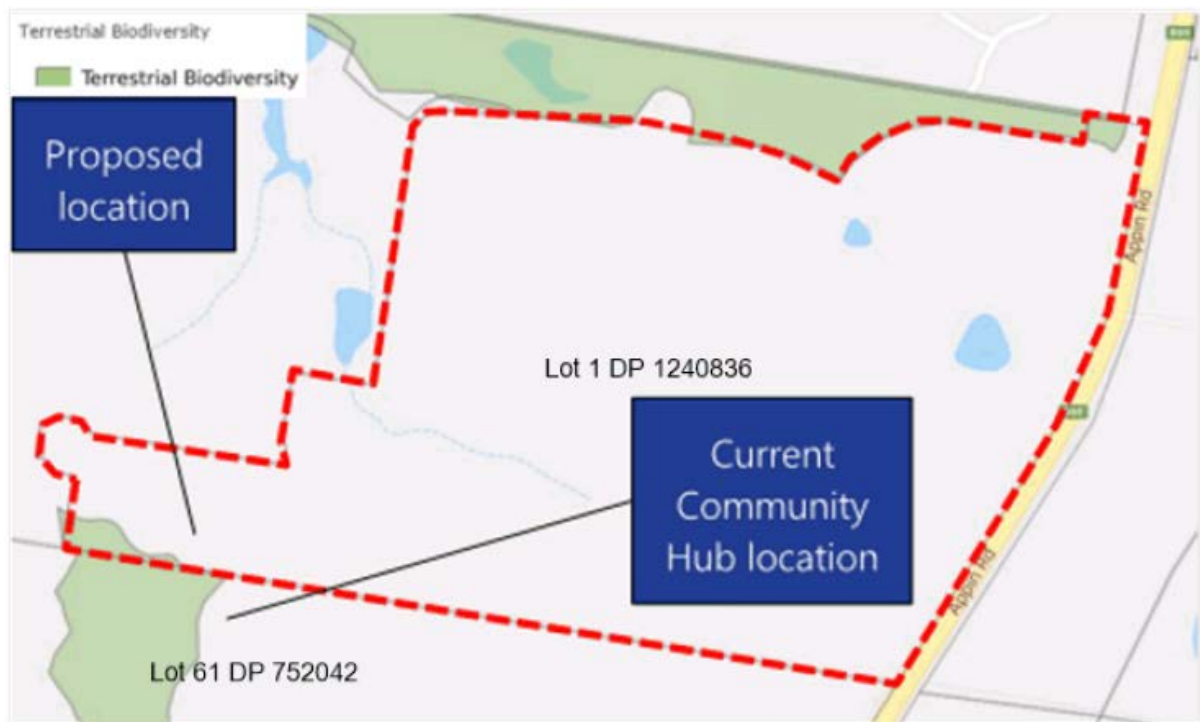


Figure 5: Existing and proposed location of the community hub

2.2 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Campbelltown LEP 2015 by altering the Schedule 1 Additional permitted uses with additional clause specifically applying to the subject site as follows:

"This clause applies to 903-913 Appin Road, Gilead, being part of Lot 1 DP 1240836, as shown coloured on the Additional Permitted Use Map to permit with consent an 'exhibition home' for the purpose of a 'sales and information centre'."

To support the proposed new clause, the Additional Permitted Uses map 003 will also be revised to identify the new location of the proposed Community Hub Building.

2.3 Mapping

The proposed additional permitted use mapping (Figure 6) has been revised by Council in accordance with the new location of the Community Hub Building.

It is recommended that the proposed additional permitted use mapping is updated prior to exhibition to an enhanced quality map that can be easily viewed by the community.

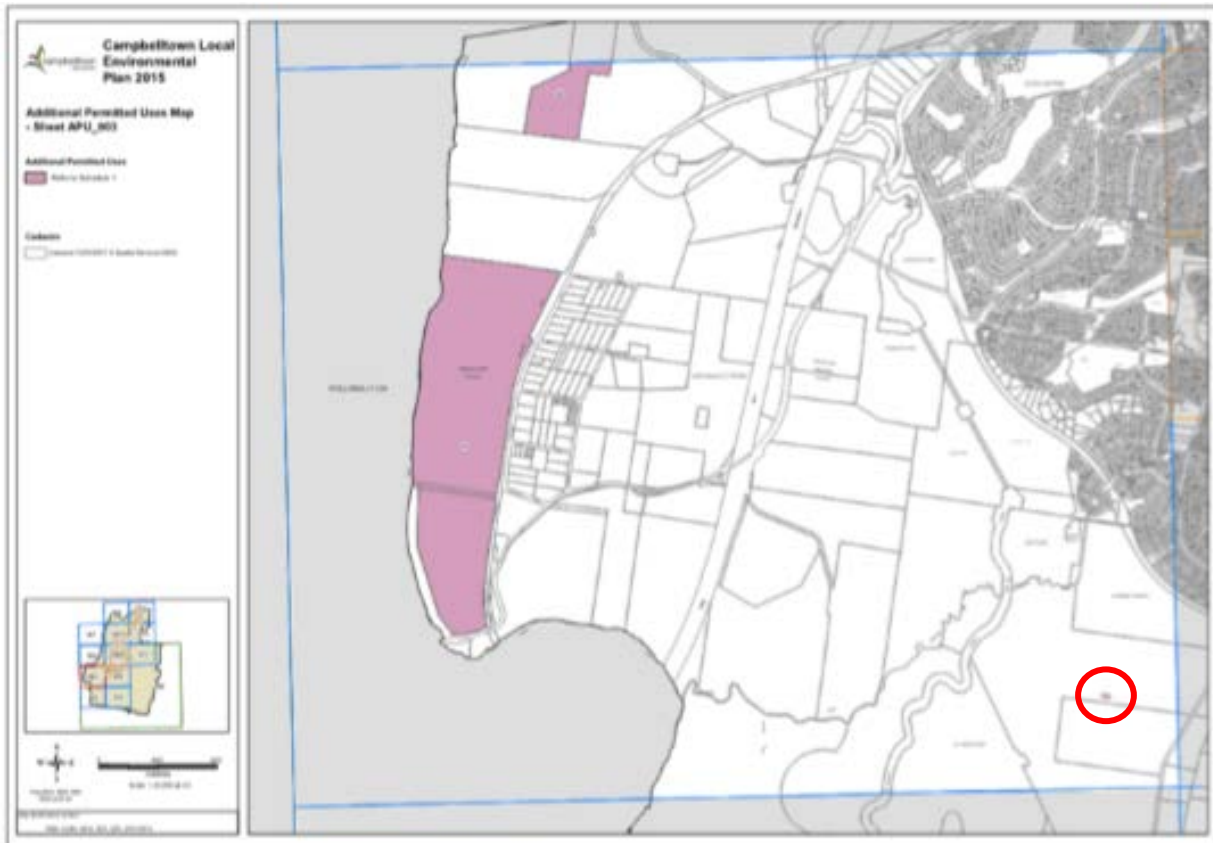


Figure 6: Proposed changes to additional permitted use map

3. NEED FOR THE PLANNING PROPOSAL

This planning proposal is not a direct result of any strategic study or report and is a landowner-initiated proposal with a request to relocate the Community Hub Building and additional permitted use for temporary occupation of the building.

Following the previous rezoning of Gilead for residential development, the NSW Rural Fire Service (RFS) identified that a community facility is a 'Special Fire Protection' in accordance with the Planning for Bushfire Protection 2019 guidelines. With the additional bushfire constraints (which was not available at the time of previous rezoning), the existing planned location of the building is no longer appropriate.

The proponent identified the opportunity for the relocation of the Community Hub Building in the adjoining RE1 zoned land, outside of the Bushfire buffer zone. To enable the early delivery of this asset to the community, the proponent suggested the temporary use of the building as 'sales and information centre' with supporting amenities such as early community space, a café and amenities block for the adjacent open space.

To facilitate this outcome, a planning proposal is needed to allow 'exhibition home' as an additional permitted use on the new proposed location which is currently zoned RE1 Public Recreation.

The proposal is considered the best means to achieving the outcome given the nature of the request. Another alternative to achieve a similar planning outcome is the rezoning of the subject land from RE1 Public Recreation to B1 Neighbourhood Centre. This approach is not recommended due to the temporary nature of the 'sale and

information centre' use and the potential loss of publicly assessable land and community asset.

It is further recommended to insert a sunset clause which extinguishes the proposed additional permitted use clause after a period of three years. This is to ensure the use of 'exhibition home' on RE1 zoned land is of a temporary nature. After three year of its implementation, the need for the additional permitted use could be reviewed and extended if justified and necessary. It is recommended that this be conditioned through the Gateway determination.

4. STRATEGIC ASSESSMENT

4.1 District

Western City District Plan

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

The planning proposal is consistent with the priorities of the plan as it would enable the relocation and early delivery of the proposed community facilities required to support the future population growth in the Gilead Estate (Planning Priority W1 and W5)

The subject site is situated on the Gilead Estate which was rezoned by Council in 2017 to provide additional homes. Council has entered into a Voluntary Planning Agreement (VPA) with Lendlease who will construct the community facility as part of its redevelopment program in Gilead Estate. With collaboration with Council and RFS, Lendlease suggested the proposed new location to mitigate the bushfire risks whilst enabling the early delivery of the facility if the temporary occupation of the site as 'Sales and Information Centre' is supported. Hence this planning proposal is also considered to be consistent with Planning Priority W2 where collaboration between government and industry to plan and delivery infrastructure has occurred.

The Planning Proposal is also intended to address the requirements under the new Planning for Bushfire Protection Guidelines 2019 which was not available at the time of Gilead Estate rezoning in 2017. The community facility is classified as 'special fire protection purpose development' under the guidelines, therefore the relocation is required to increase the Asset Protection Zone buffer. In this regard, the planning proposal is consistent with Planning Priority W20 that seeks to minimise the exposure to natural and urban hazards.

Based on the above, the Department is satisfied that the proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

4.2 Local

Campbelltown Community Strategic Plan – Campbelltown 2027

The purpose of the Community Strategic Plan (CSP) is to capture the community's key priorities and aspirations for the future and to plan a coordinated approach to achieve these goals. It represents the principal community outcome focused strategic plan that guides Council's policy initiatives and actions.

This planning proposal is consistent with the goals outlined in the CSP, in particularly Outcome 1: A vibrant, liveable city and Outcome 2: A respected and protected natural environment.

The proposed new location of the community facility provides a better response to the bushfire hazards whilst integrating the facility with the broader public open space network.

Local Planning Panel

The proponent's planning proposal was considered by the Campbelltown Local Planning Panel (**Attachment E**) on 26 June 2019. The Panel considered the Council officers assessment report and was concerned about allowing a business premises use in a RE1 Public Recreation zone. The Panel further considered that:

- a more restrictive land use (as the broader land use Business Premises is not suitable) should be sought to enable the specific sales and information centre use; and
- the additional permitted use should be limited to the land identified as future subdivision for the proposed new location of the facility (being part of Lot 1, DP 124836).

Subject to the conditions above, the panel unanimously supported the planning proposal to proceed to Gateway Determination, as it has sufficient strategic and site-specific merit (**Attachment F**).

The Panel's advice was subsequently addressed in Council's draft Planning Proposal – Gilead Community Facilities which was then reported to Council on 10 September 2019 for endorsement (**Attachments G and H**).

4.3 Section 9.1 Ministerial Directions

The relevant Section 9.1 Ministerial Directions are discussed below.

Direction 2.1 Environment Protection Zones

This direction seeks to protect and conserve environmentally sensitive areas. This planning proposal is not inconsistent with this direction as there is no known biodiversity significance attached to the subject site where the proposed community facility is located.

There is also a proposed 41m Asset Protection Zone from the managed land south of the subject land where areas of biodiversity significance are identified. This buffer will not only respond to the bushfire threats, but also create a significant buffer to protect this environmentally sensitive land.

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.

The subject land (Lot 1 DP 1240836) is situated in the South Campbelltown Mine Subsidence District and Coal Exploration authorization Area A248 which includes the Bulli and Balgownie Coal Seams.

The planning proposal is not inconsistent with this direction as the previous rezoning for Gilead Estate completed in 2017 has already satisfactorily addressed this issue and it has concluded that the site was suitable for urban development. The proposed

relocation of the community facility does not intensify the mine subsidence impact nor require further reinvestigation into this matter.

Direction 4.4 Planning for Bushfire Protection

This direction seeks to protect life, property and the environment from bush fire hazards and to encourage sound management of bush fire prone areas. This planning proposal is consistent with this direction as it seeks to mitigate the bush fire hazards by relocating the community facility to allow for a 41m buffer from the managed land.

The planning proposal is generally consistent with this direction as it will not significantly increase density in bushfire prone land. Detailed bushfire assessment can be completed at the development application stage having regard to the building materials, design and orientation.

However, in accordance with the requirements of this direction, Council is required to consult the NSW Rural Fire Service prior to public exhibition to ensure it does not object to the progression of the planning proposal.

Direction 6.2 Reserving Land for Public Purpose

This direction is to facilitate provisions of public services and facilities by reserving land for public purposes and facilitate the removal of reservations of land for public purposes where the land is no longer required.

This proposal is inconsistent with this direction as it proposes temporary occupation of public land for the purpose of a sales and information centre. This inconsistency is of minor significance as the proposed additional use is of a temporary nature (at approximately 3 years). In accordance with the Voluntary Planning Agreement, the dedication of the community facilities will not be available to Council until the registration of 1,200th lot which could potentially take a longer period for Council to take over this public asset.

If the proposal is supported, Lendlease indicates that they intend to deliver the community facility at an earlier date and at a higher embellishment standard beyond what is allowed under the VPA (see **Attachment J**). With the better public outcomes offered under the proposal, it is justifiable to support the proposal from a public benefit viewpoint.

However, there is a need to ensure the proposed sales and information centre is not a permanent use in the RE1 zoned subject land. It is recommended that the planning proposal be amended to include a sunset clause for the application of the proposed additional permitted use. Subject to this condition, it is recommended that the Secretary's delegate agree that any inconsistency with this direction is of minor significance.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal is inconsistent with this direction as it seeks to introduce a site-specific clause (i.e. the additional permitted use clause) in the Campbelltown LEP 2015. This proposal intends to allow the land use for the purpose of a 'sales and information centre' to be carried out on the subject land zoned as RE1 which would otherwise be a prohibited use in that zone.

The inconsistency is justified as the proposed amendment is triggered under a unique set of circumstances. The proposed community facility will need to be relocated to

address the bushfire constraints, whilst Lendlease (the developer) identifies the opportunity to achieve a better public outcome if a temporary occupation of the facility as a sales and information centre is supported. Other planning alternatives have been explored by Council / Lendlease and the proposal is the preferred means to achieve the desired outcome.

Accordingly, it is recommended that the Secretary's delegate agree that the inconsistency of the planning proposal with this direction is justified.

Direction 7.2 Implementation of Greater Macarthur Land Release Investigation

This direction is to ensure the development within the Greater Macarthur Growth Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan.

This planning proposal is consistent with this direction as it is consistent with the vision of Greater Macarthur that supports the housing delivery in Mount Gilead land release area.

Direction 7.12 Implementation of Greater Macarthur 2040

This direction is to ensure the development within the Greater Macarthur Growth Area is consistent with the Greater Macarthur 2040.

In November 2018, the Department released the Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area. In this plan, it outlines a range of community infrastructure to support growth, including a 500m² culture facility in Gilead. This proposal will enable the delivery of such community facility to support housing growth in Gilead Estate, hence it is considered to be consistent with this direction.

4.5 State environmental planning policies (SEPPs)

SEPP 55 – Remediation of Land

The object of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land. The rezoning for Gilead Estate in 2017 was supported by adequate contamination investigations which concluded the land had the potential to be suitable for urban development.

As the planning proposal does not involve rezoning the land but enabling an 'exhibition home' land use on RE1 zoned land, detailed contamination assessment can be undertaken at the development application stage.

According to Council, Lendlease has conducted investigations and found four Potential Areas of Environmental Concern (PAEC) identified within Lot 1, DP 1240836. A Remediation has been prepared to address the PAEC and confirm the site can be made suitable for the proposed residential development. Separate development application has already been lodged with Council to seek approval for such remediation works.

SEPP (Vegetation in Non-Rural Areas) 2017

The object of this Policy is to protect the biodiversity trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas. The proposal does not identify the need of tree or vegetation removal to enable the erection of the community facility. If vegetation or tree removal is required, the detailed assessment can be undertaken at the future development application stage. Consideration will be

made in line with the conservation outcomes that have been agreed within the Biodiversity Certification.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposal has a positive social impact as it enables the delivery of the proposed community facility that is committed to support growth in Gilead Estate. The existing planned location of the facility is considered inappropriate due to the bushfire constraints.

Lendlease also indicates that the early delivery of the facility and a higher design standard can occur if the temporary use of the building as 'sales and information centre' is supported.

The revised building location has the potential to be better integrated into the broader open space network which enhances the community access. It should be noted that the supporting elements of the proposed open space network (e.g. revised location of the commons open space and sports field) are currently being negotiated between Lendlease and Council (Figure 8). The final open space connection details will form part of the revised masterplan to be subject to a separate planning proposal process.



Figure 7: Revised community hub location in the context of open space network (Source: E8 Urban and Aspect, 2019)

5.2 Environmental

The proposal provides a direct response to the potential bushfire hazard by relocating the facility to an appropriate location in accordance with the Planning and Bushfire Protection Guidelines 2019. It proposes a revised location that situated beyond the 41m Asset Protection Zone buffer from the 'managed land' (Figure 8) as required by the guidelines.



Figure 8: Revised location of Community Hub building (Source: Cardno and Aspect, 2019)

Further, the proposal to add ‘exhibition home’ additional permitted use would not significantly intensify environmental impacts (e.g. contamination, biodiversity) beyond what would have been assessed and addressed as part of the Gilead Estate rezoning in 2017.

It is important to note that the Minister for Environment (or the delegate) conferred the biodiversity certification for Gilead Stage 1 development in June 2019. This means that the urban development within the certified area can now proceed without the usual requirements for biodiversity assessment under the *Environmental Planning and Assessment Act 1979*.

Further consultation with NSW Rural Fire Service is recommended to ensure the proposal is compliant with the relevant bushfire and biodiversity protection requirements.

5.3 Economic

There are unlikely to be significant economic impacts resulting from this planning proposal. The proposal will enable the delivery of community facility and the temporary use as an ‘exhibition home’ which will bring additional employment opportunities.

6. CONSULTATION

6.1 Community

Council requested that the public exhibition be 28 days. To ensure community participation, a public exhibition period of a minimum 28 days is considered appropriate.

6.2 Agencies

The Department recommends that Council consult with NSW Rural Fire Service.

7. TIME FRAME

The planning proposal includes a timeframe of six (6) months to finalise this proposed amendment. Given the nature and impact of the proposal, six (6) months from the date of the Gateway determination is considered appropriate.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. Given the proposal is of local planning significance only (i.e. amendment to the additional permitted use clause), it is recommended that authorisation to be local plan-making authority be given.

9. CONCLUSION

It is recommended that the planning proposal proceed with conditions as it is considered to have strategic and site-specific merits and responds to the bushfire constraints for community facility at the existing planned location.

It is also recommended that the Gateway determination be conditioned to impose a sunset clause that requires the proposal to be reviewed three years after its finalisation to ensure the additional permitted use is of a temporary nature.

10. RECOMMENDATION


It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 6.2 Reserving Land for Public Purpose and 6.3 Site Specific Provisions are minor or justified; and
2. notes that consistency with Section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require further justification.

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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the NSW Rural Fire Service.
3. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be authorised to be the local plan-making authority.
5. Prior to public exhibition, the planning proposal is to be amended as follows:
 - (a) to include a sunset clause of 3 years which will automatically remove the subject additional permitted use as 'exhibition homes' clause to ensure that the use is of a temporary nature;

- (b) consult the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency; and
- (c) update the proposed additional permitted uses map prior to exhibition to an enhanced quality map that can be easily viewed by the community.



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