

Glenlee Planning Proposal

Proposal Title : **Glenlee Planning Proposal**

Proposal Summary : **To facilitate the creation of approximately 60ha of employment land by rezoning land from a non urban zone to:**

**general industry,
special uses arterial roads, and
environmental conservation zones.**

The subject site straddles the boundary between Camden and Campbelltown LGAs, with a total area of 110 hectares. Of this total area, 101 hectares of the site is located within Campbelltown Council LGA and 8.8 hectares in the Camden LGA.

Both councils have chosen to lodge separate planning proposals for that part of the site within their respective LGAs.

Campbelltown Council seeks to amend its Planning Scheme Ordinance (i.e IDO 15), while Camden Council proposes to amend its standard instrument Local Environmental Plan. Camden Council intends to introduce complimentary zones of: IN1 General Industrial, SP2 - Infrastructure and E3 Environmental Management.

This report should be considered in conjunction with the Camden planning report and planning proposal (see PP_2013_CAMDE_012_00).

PP Number : **PP_2013_CAMPB_001_00** Dop File No : **13/08773**

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**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 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**

Additional Information : **Recommended as advice:**

- (a) Council is to consider the provisions of: SEPP 55 - Remediation of Land, SEPP (Mining, Petroleum Production and Extractive Industries) 2007 and SREP 20 - Hawkesbury Nepean River;**
- (b) Council may care to give further consideration to either amending its existing instruments or its proposed draft Campbelltown standard instrument LEP, however, it is to be clearly indicated which instrument(s) is being amended at the exhibition/consultation stage;**
- (c) the planning proposal be amended to include proposed plan making milestones.**

Recommended: The Director General (or delegate) approves the inconsistency with section 117 directions: 1.2 Rural Zones, 1.4 Rural Lands and 6.3 Site Specific Provisions, on the basis of minor significance.

Delegation: Council has not formally resolved to exercise the the Minister's plan making powers. Council officers have not objected to these powers being delegated and it is recommended that delegation be given to Council in this regard.

Recommended conditions:

1.Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act for a period of 28 days.

2. The timeframe for completing the local environmental plan is to be 18 months from the week following the date of the Gateway determination;

3. Prior to exhibition, Council is to amend the planning proposal by:

- 3.1** clarifying that the proposed cap on GFA does not extend to permitting the GFA to be exceeded by virtue of a local clause and can only be removed by a fresh planning proposal, and
- 3.2** Council is to nominate the portion of the cap applying to the site within the Campbelltown LGA in consultation with Camden Council, or alternatively, indicate that the proposed cap(s) (in total) applies to all the land subject to both the Campbelltown planning proposal (PP-2013-CAMPB-001-00) and the Camden planning proposal (PP-2013-CAMDE-012-00) ; and
- 3.3** include figures to show road access to the site in the short, medium and long term.

4. Council is to undertake the following studies:

- Flora, fauna and habitats,
- Geotechnical,
- Contamination,
- Surface,groundwater and flooding,
- Bushfire hazard management,
- Aboriginal and European heritage,
- Scenic Quality,
- Visual Assessment,
- Acoustic Assessment,
- Air Quality issues,
- Transport, access and movement,
- Capacity of infrastructure, services and facilities.

5. Council is to consult with the Department of Trade and Investment - Mineral Resources and Energy (Minerals & Petroleum) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries.

6. Council is to consult with the Office of Environment and Heritage and the Hawkesbury-Nepean Catchment Management Authority and subsequently demonstrate consistency with section 117 direction 2.1 Environmental Protection Zones.

7. Council is to consult with the Office of Environment and Heritage to demonstrate consistency with section 117 direction 2.3 Heritage Conservation, particularly in relation to the State listed heritage item known as Glenlee House.

8. In the preparation of a transport study, consideration of section 117 direction 3.4 (Integrating Land Use and Transport) is to be included in that study to demonstrate consistency with the direction.

9. Prior to exhibition, Council is to consult with the Mine Subsidence Board and, if necessary, take action as required by the direction.

10. Prior to exhibition, Council is to consult with Roads and Maritime Services to determine an appropriate Special uses zone (and acquisition responsibilities) and, if

necessary, amend the planning proposal accordingly.

10. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Hawkesbury Nepean Catchment Management Authority
- Office of Environment and Heritage
- Landcom
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries – Minerals and Petroleum
- Endeavour Energy
- Mine Subsidence Board
- Fire and Rescue NSW
- Transport for NSW
- NSW Rural Fire Service
- Roads and Maritime Services
- Sydney Water
- Telstra
- AGL
- Department of Trade and Investment
- The owner of the rail spur
- Australian Botanic Gardens
- Adjoining LGAs

Supporting Reasons : The planning proposal should proceed as it will contribute to providing employment opportunities in accordance with the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy.

Panel Recommendation

Recommendation Date : 27-Jun-2013

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - (a) clearly advise that the proposed local provision does not allow warehouse and industrial development to exceed the gross floor area cap. The removal/amendment to the cap can only occur via a subsequent planning proposal, once suitably provisions for infrastructure have been agreed on.
 - (b) if considered appropriate, nominate the proposed standard instrument zones for the subject land under the draft Campbelltown LEP. The planning proposal is to clearly indicate which instruments are being amended;
 - (c) nominate, in consultation with Camden Council, the portion of the gross floor area cap applying to land within the Campbelltown local government area, or alternatively, indicate that the proposed cap applies to land within both Camden and Campbelltown local government areas (which is subject to planning proposals PP_2013_CAMDE_012_00 and PP_2013_CAMPB_001_00);
 - (d) include maps/figures which show road access to/from the site in the short, medium and long term. All maps are to be at an appropriate scale and clearly identify the subject site; and
 - (e) include a project timeline, consistent with Section 2.6 Part 6 of the A Guide to Preparing Planning Proposal.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - geotechnical
 - flora, fauna and habitat
 - surface, groundwater and flooding
 - bushfire hazard management
 - Aboriginal and European heritage
 - scenic quality, visual, acoustic and air quality

- transport, access and movement
- capacity of infrastructure, services and facilities
- consideration of Sydney Regional Environmental Plan 20 – Hawkesbury Nepean River
- consideration of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

Once the above information has been obtained and consultation has been undertaken with public authorities, and prior to undertaking public exhibition, Council is to update its consideration of S117 Directions 3.4 Integrating Land Use and Transport, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 4.3 Flood Prone Land to reflect the outcomes of the work and consultation undertaken.

3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and other relevant parties and/or to comply with the requirements of or demonstrate consistency with relevant S117 Directions:

- AGL
- Landcom
- Sydney Water
- Telstra
- Transport for NSW
- Endeavour Energy
- Fire and Rescue NSW
- NSW Trade and Investment
- Australian Botanic Gardens
- NSW Department of Primary Industries – Agriculture
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Office of Environment and Heritage (S117 Directions 2.1 Environment Protection Zones and 2.3 Heritage Conservation)
- Hawkesbury - Nepean Catchment Management Authority (S117 Direction 2.1 Environment Protection Zones)
- Adjoining LGAs (including Camden Council)
- The owner of the rail spur
- Roads and Maritime Services to confirm the special purpose zone and acquisition responsibilities

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission

Glenlee Planning Proposal

or if reclassifying land).

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature:

M. Selman

Printed Name:

NEIL SELMAN

Date:

3/7/13