

## Planning Services

IRF18/7078

### Gateway determination report

<b>LGA</b>	Camden LGA
<b>PPA</b>	Camden Council
<b>NAME</b>	Lockies Hotel – 1423 Camden Valley Way, Leppington (0 homes, 95 jobs)
<b>NUMBER</b>	PP_2019_CAMDE_002_00
<b>LEP TO BE AMENDED</b>	Camden LEP 2010
<b>ADDRESS</b>	1423 Camden Valley Way, Leppington
<b>DESCRIPTION</b>	Lot 81 and DP 656970
<b>RECEIVED</b>	21 January 2019
<b>FILE NO.</b>	IRF18/7078
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## INTRODUCTION

### Description of planning proposal

The planning proposal (**Attachment A1-A7**) seeks to amend the State Environmental Planning Policy (Sydney Regions Growth Centres) 2006 (the Growth Centres SEPP) by introducing the following additional permitted land uses for land at 1423 Camden Valley Way, Leppington (the site):

- pub;
- motel or hotel accommodation; and
- retail premises restricted to a retail liquor outlet.

Currently, the site contains an existing pub known as Lockies Hotel and a BWS liquor store. These land uses operate under existing use rights as these uses are not permissible under the current R3 Medium Density Residential zoning for the site.

The planning proposal will enable the redevelopment of the site for a new 3,115sqm tavern, a 1,570sqm Dan Murphy's liquor outlet and a 2,790sqm motel with 80 rooms. The proposed redevelopment will encompass 7,475sqm of floorspace serviced by 256 carparking spaces. The proposal would also facilitate 95 additional jobs on the site.

### Site description

The planning proposal applies to land at 1423 Camden Valley Way, Leppington (the site), which is legally described as Lot 81 DP 656970. The site has an area of approximately 2.3ha and is located on the corner of Camden Valley Way and Ingleburn Road. Refer to Figure 1 (overleaf) for an aerial view of the site.

Currently, the site contains a large single storey building which consists of the existing pub known as Lockies Hotel and a BWS liquor store with a carpark accessed from Ingleburn Road. It is noted that the Lockies Hotel has been operating on the site since the 1970s.

The site is also situated within the Leppington North Precinct of the South West Growth Area. The locality is currently undergoing significant change with further development anticipated in Leppington as a result of the area being identified as a strategic centre by the Greater Sydney Region Plan.



Figure 1 – Aerial View of the Site

### Existing planning controls

Under the Growth Centres SEPP, the following zone and development controls apply to the site:

- zoned R3 Medium Density Residential and SP2 Infrastructure (Classified Road) (refer to Figure 2 overleaf);
- a maximum building height of 21m for land zoned R3;
- a maximum dwelling density of 25 dwellings per hectare for land zoned R3; and
- an acquisition reservation for land zoned SP2.

It is noted that a maximum floor space ratio does not apply to the site.



Figure 2 – Current Land Zoning Map

### Summary of recommendation

It is recommended that the planning proposal proceeds with conditions given that it will more appropriately enable the continued operation of the long-standing existing uses on the site. In addition, it would allow the redevelopment of these facilities to cater for the surrounding area, which is being developed for additional residential purposes.

### PROPOSAL

#### Objectives or intended outcomes

The objective of this planning proposal is to include additional permitted uses on the site to enable the redevelopment of the site for a pub, motel or hotel accommodation and retail premises restricted to retail liquor outlet.

The objectives of this planning proposal are clear and adequate.

#### Explanation of provisions

The planning proposal seeks to amend the Growth Centres SEPP by introducing the following additional permitted uses on the site under Schedule 1 of Appendix 9 to the Camden Growth Centres Precinct Plan:

- pub;
- motel or hotel accommodation; and
- retail premises restricted to retail liquor outlet.

Council has advised that the proposed additional permitted uses would be limited to the existing R3 Medium Density Residential zoned land on the site, and not allowed on the SP2 Infrastructure zoned land.



The current land uses (i.e., hotel and liquor store) operate under existing use rights. These uses are not permissible under the current R3 Medium Density Residential zoning applying to the site.

The planning proposal will enable the redevelopment of the site for a new 3,115sqm tavern, a 1,570sqm Dan Murphy's liquor outlet and a 2,790sqm motel with 80 rooms (refer to Figure 3 below). The proposed redevelopment will encompass 7,475sqm of floorspace serviced by 256 carparking spaces. The proposal will also facilitate 95 additional jobs on the site. It is noted that the current proposed redevelopment plan (Figure 3 below) includes land zoned SP2, however, this land will not be subject to the proposed additional permitted use.



Figure 3 – Proposed Redevelopment Plan

#### Department Comment:

Prior to public exhibition, it is recommended that Council amend Part 4.2 of the planning proposal to include a clear explanation of the intended amendments associated with the proposal. This explanation must specify the proposed additional permitted uses, and the intention to only apply these uses to the existing R3 Medium Density Residential zoned land and not across the SP2 Infrastructure zoned land.

In addition, the proposed redevelopment plan should be updated to remove the land zoned SP2.

To ensure that the additional use does not allow development that would exceed the proposed redevelopment plan, it is further recommended that a condition be attached to the determination that requires Council to consider the application of standards within the additional permitted uses schedule for development to be limited in accordance with the redevelopment plan. This matter has been discussed with Council officers, who have raised no objections to this approach.

## **Mapping**

The planning proposal does not include any changes to the existing maps under the Growth Centres SEPP.

## **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is not a result of a strategic study or report. It is noted that the site is zoned R3 Medium Density Residential which prohibits the development of a pub, motel or hotel accommodation, and retail premises restricted to a retail liquor outlet.

Therefore, Council notes that the proposed amendment is the best and most appropriate means of achieving the Council's intended outcome i.e. enable the development of a pub, motel or hotel accommodation and retail premises restricted to retail liquor outlet on the site. This will also ensure that the proposed development on the site is consistent with the existing development provisions.

In addition, a planning proposal is the only means available to achieve amendments to relevant provisions under the Growth Centres SEPP.

## **STRATEGIC ASSESSMENT**

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### **Regional / District**

#### Greater Sydney Region Plan

The Greater Sydney Region Plan was released by the Greater Sydney Commission on 18 March 2018. It provides a 40-year vision for Greater Sydney and is designed to inform district and local plans and the assessment of planning proposals.

The planning proposal is consistent with the objectives of the plan as it would provide additional jobs closer to home within Leppington (Objective 22).

#### 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 for infrastructure and collaboration, liveability, productivity and sustainability in the plan. The proposal would give effect to the District Plan, in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979, as it would:

- provide a new service including a motel accommodation and revitalise the existing pub which is part of the social infrastructure of Leppington (Planning Priority W3);
- provide additional jobs within close proximity to housing the South West Growth Centre (Planning Priority W5 and W11); and
- contribute to the creation of Leppington as a 'great place' with access to services (Planning Priority W4 and W6).

## **Local**

### **Community Strategic Plan**

The Community Strategic Plan (CSP) seeks to actively manage growth in the Camden LGA by retaining Camden's heritage sites, scenic vistas; and, cultural landscapes.

The planning proposal is consistent with the relevant Directions of the SCP as follows:

- Key Direction 1 Actively Managing Camden LGA's Growth – The proposal is consistent with this direction as it will facilitate the continued operation of an existing pub and bottle shop and allow the future development of a motel on the site. These uses are considered appropriate uses in an urban environment and would serve the needs of the future community.
- Key Direction 3 A Prosperous Economy – The proposal is consistent with this direction as it will generate employment in hospitality, retail and tourism industries. The proposal would also allow certainty for an existing business to continue operation into the future.

### **Local Planning Panel**

The planning proposal was considered by the Camden Local Planning Panel on 25 November 2018. The Panel supported the proposal subject to the proposed retail premises being restricted to a retail liquor outlet (**Attachment A7**). Council agreed to amend the planning proposal accordingly (**Attachment A6**).

Therefore, it is concluded that Council has adequately considered and addressed the comments from the Camden Local Planning Panel.

### **Section 9.1 Ministerial Directions**

**Inconsistent:** The planning proposal is inconsistent with the following section 9.1 Directions:

#### **Direction 2.1 Environment Protection Zones**

The objective of this direction is to protect and conserve environmentally sensitive areas. Although, the site is not zoned environmental, it has a large area of vegetation on the site.

The planning proposal is considered to be inconsistent with this Direction as it does not include provisions that facilitate the protection and conservation of environmentally sensitive areas on the site. The proposed redevelopment plan (refer to Figure 3 on page 4 of this report), includes the removal of approximately 35 palms and 100 other tree species across the site. Further information from Council, stated that an Arborist Report will be required at the development application stage to determine the extent of the vegetation removal.

However, this inconsistency is minor as the site has been bio-certified as part of the rezoning under the Growth Centres SEPP. Therefore, it is recommended that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 2.1 Environment Protection Zones is of minor significance.

### Direction 3.1 Residential Zones

The site is zoned R3 Medium Density Residential. The Direction applies as the proposal will affect land within a residential zone. The proposal may be interpreted as being inconsistent with this direction as, strictly, it does not:

- broaden the choice of building types and locations available in the housing market; and,
- make more efficient use of existing infrastructure and services,

on the basis that:

- the housing type in this case is motel accommodation, and
- includes a commercial outlet that is not permissible, thus denying land and services for housing purposes.

In this regard, the Direction indicates that a planning proposal must not contain provisions which will reduce the permissible residential density of the land.

While these matters are acknowledged, given the existing uses on site and the nature of the proposal, it is considered that any technical inconsistency with the 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 into the Growth Centres SEPP which will enable a particular development proposal to occur on the site. It is also noted that the proposed additional permitted uses are not permissible land uses within the current R3 Medium Density Residential Zone.

However, the proposal aims to better enable the continued operation of the existing uses on the site, i.e. pub and liquor retail outlet, and provide for the orderly redevelopment of these facilities.

In these circumstances, the inconsistency is considered to be of a minor nature that will assist in the on-going and orderly development of the site.

Therefore, it is recommended that the delegate of the Secretary agrees that the inconsistency of the planning proposal with Direction 6.3 Site Specific Provisions is of minor significance.

**Consistency to be further justified:** The planning proposal is potentially consistent with the following section 9.1 Direction however further justification is required as outlined below.

### Direction 4.4 Planning for Bushfire Protection

This Direction aims to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas and encourage sound management of bushfire prone areas. The site contains bushfire prone land (Vegetation Category 2 and Buffer) (refer to Figure 4 overleaf), therefore this Direction applies to the proposal.

Council note that further detailed investigations will occur to satisfy this Direction as part of any future development application for the site.

However, in the above circumstances, the Direction requires that the planning proposal authority (i.e. Council) must consult with the Commissioner of the NSW Rural Fire Services (RFS) prior to undertaking public exhibition.

A planning proposal may be inconsistent with the Direction if the authority can satisfy the Secretary's delegate that the Council has obtained written advice from the RFS, to the effect that, notwithstanding the non-compliance, the RFS does not object to the progression of the planning proposal.

Therefore, to ensure that the planning proposal complies with the requirements of this Direction it is recommended that Council consults RFS prior to exhibition and, if necessary, seeks the agreement of the Secretary to justify any inconsistency with this Direction.



Figure 4 – Bushfire Prone Land

**Consistent:** The planning proposal is consistent with the following section 9.1 Directions:

#### Direction 3.4 Integrating Land Use and Transport

This Direction aims to increase the choice of available transport and reduce dependence on cars. The planning proposal is consistent with this Direction as the site is located within walking distance of existing bus services along Camden Valley Way and Ingleburn Road.

#### Direction 6.2 Reserving Land for Public Purposes

The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and removing these reservations where land is no longer required for acquisition.



This Direction applies to the planning proposal as part of the site is zoned SP2 Infrastructure (Classified Road) and is identified for acquisition by the Roads and Maritime Services (refer to Figure 5 overleaf).

Although, Council advised the proposal does not seek to alter the land identified for acquisition it is recommended that Council consults the Roads and Maritime Services in relation to this planning proposal to ensure that there are no concerns raised with the proposal.



Figure 5 – Land Reservation Acquisition Map

### **State environmental planning policies (SEPPs)**

#### State Environmental Planning Policy No 19—Bushland in Urban Areas

The general aim of this Policy is to protect and preserve bushland within the urban areas because of its value to the community as part of the natural heritage; its aesthetic value; and, its value as a recreational, educational and scientific resource.

Council advise that the proposal will not have an adverse impact upon the surrounding bushland and the existing vegetation on the site has been bio-certified under the Growth Centres SEPP.

#### State Environmental Planning Policy No 55—Remediation of Land

The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.

As the site is currently used for a pub and liquor retail outlet, Council considers that the site could be affected by contamination and advises that further detailed investigations will need to occur at the development application stage to satisfy the requirements of this Policy.

#### State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The aims of this Policy are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

As noted previously, the site has been bio-certified therefore the removal of vegetation on this site has been addressed in that process. Council also advise that further consideration of this Policy will be undertaken at the development application stage.

#### Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The planning proposal notes that it is unlikely to alter or adversely impact upon the water quality and quantity, environmentally sensitive areas and flora and fauna within the Hawkesbury-Nepean River Catchment.

### **SITE-SPECIFIC ASSESSMENT**

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#### **Social**

The Social Impact Assessment (**Attachment A4**) concluded that the proposed development is expected to generate a number of positive benefits for the community, including:

- enhanced convenience and access to a pub, liquor retail outlet, and motel accommodation for surrounding residents and beyond;
- increased economic activity and employment opportunities in the local area; and
- revitalisation of the site and improved safety outcomes on the site.

The report also includes a number of mitigation strategies and management procedures for both the pub and retail liquor outlet to minimise any negative impacts on the local community.

#### **Economic**

The Economic Impact Assessment (**Attachment A5**) outlines the various employment opportunities provided by the proposed development. It concludes that the redevelopment of the site will not have any significant impacts on the surrounding centres due to the comparatively small size in relation to the nearby business zones (i.e. B4 Mixed Use and B3 Commercial Core) located in the Leppington Town Centre, which is located 1km from the site. Council also note that the proposal seeks to facilitate a local site-specific use and will not detract from the land uses within the Leppington Town Centre.

#### **Environmental**

The planning proposal is unlikely to result in any adverse impact on critical habitat or threatened species, populations or ecological communities, or their habitats. In addition, the potential ecological impacts of the proposed development would be assessed further at the development application stage.

Although the site has been bio-certified, to ensure that all issues are addressed, it is recommended that Council consults the Office of Environment and Heritage on this planning proposal during the public exhibition period.

## **Traffic**

The Traffic and Parking Report (**Attachment A3**) concludes that the surrounding road network and intersection at Camden Valley Way and Ingleburn Road can cater for the additional traffic generated from the proposed development, taking into consideration capacity for future development of the larger area. The site is accessed off Ingleburn Road and this will be retained as part of the proposed development. Council also advised that a detailed traffic and parking assessment will be undertaken as part of any future development application.

During the public exhibition period, it is recommended that Council consults the Roads and Maritime Services in relation to this planning proposal.

## **Infrastructure**

Council advise that the site is currently serviced with adequate infrastructure. In addition, the surrounding area is undergoing urban development, therefore, additional infrastructure will also be delivered, including public transports, roads, utilities and essential services. Council will also assess these matters further at the development application stage.

It is recommended that during the public exhibition stage, Council consults the relevant utility providers including Sydney Water, Telstra, and Endeavour Energy.

### Department Comment:

It is also noted that the site is located within proximity to an existing gas pipeline. Prior to public exhibition, it is recommended that Council consults Jemena Gas and further addresses this matter in the proposal.

## **CONSULTATION**

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### **Community**

A public exhibition period of 28 days is considered an appropriate amount of time for the community to consider the proposal.

It is noted that Council initially notified the planning proposal for 14 days from 7 August 2018 to 21 August 2018. Council received one (1) community objection during this period which raised concerns that the proposal was premature due to the Department's Leppington Town Centre Investigation and is inconsistent with the R3 zone objectives. The submission also noted that the potential impacts on adjoining lands and the wider precinct were not addressed.

Council advised that the planning proposal would not hinder the outcomes of the Department's investigation and would provide facilities to meet the day-to-day needs of surrounding residents, and enable activities that - through appropriate assessment at DA stage - are compatible with the amenity of a medium density residential environment.

### **Agencies**

The Department recommends that Council consults the following public agencies:

- Roads and Maritime Services;
- Office of Environment and Heritage;
- NSW Rural Fire Service;

- Telstra;
- Sydney Water;
- Endeavour Energy; and
- Jemena Gas.

Should the agencies require any additional information, or specify any additional matters to be addressed, the proposal is to be updated to respond to the submission, a copy of which is to be included with the updated planning proposal.

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## **TIME FRAME**

Council proposes a timeframe of 6 months to finalise this planning proposal. Given the nature of the planning proposal, a 9-month timeframe is considered appropriate and is recommended.

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## **LOCAL PLAN-MAKING AUTHORITY**

Council has requested the plan making function be issued for the proposal. Given that the planning proposal seeks to amend a State Policy (i.e. Growth Centres SEPP), it is recommended that authorisation not be issued to Council.

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## **CONCLUSION**

The Department recommends that the planning proposal proceeds with conditions. The proposal has site-specific merit as it will allow the continued operation of the existing uses on the site as permissible uses. In addition, it will enable the redevelopment of these facilities to cater for the surrounding area, which is being developed for additional residential and employment purposes.

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## **RECOMMENDATION**

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 2.1 Environment Protection Zones; 3.1 Residential Zones; and, 6.3 Site Specific Provisions, are minor or justified; and
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire Protection is unresolved and will require 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 following public authorities:
  - Roads and Maritime Services;
  - Office of Environment and Heritage;
  - NSW Rural Fire Service;
  - Telstra;
  - Sydney Water;



- Endeavour Energy; and
  - Jemena Gas.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
  4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
  5. Prior to public exhibition, Council is to amend the planning proposal as follows:
    - a) amend Part 4.2 of the planning proposal to include a clear explanation of the intended amendments associated with the proposal including the intention to only apply the additional permitted uses to the existing R3 Medium Density Residential zoned land and not across the SP2 Infrastructure zoned land;
    - b) update the proposed redevelopment plan to remove the inclusion of land zoned SP2 Infrastructure;
    - c) update the justification for the inconsistency with section 9.1 Directions 2.1 Environment Protection Zones 3,1 Residential Zones; and, 6.3 Site Specific Provisions;
    - d) consult the NSW Rural Fire Service in accordance with Direction 4.4 Planning for Bushfire Protection and update the consistency with this direction;
    - e) consult Jemena Gas and provide further information on the site's proximity to the existing gas pipeline; and,
    - f) give consideration to the application of development standards for inclusion in the additional permitted uses schedule.



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15/02/2019

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