



Planning,
Industry &
Environment

IRF21/2314

Gateway determination report – PP-2021-3486

Gilead Schedule 1 – Additional Permitted Uses

June 21



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2021-3486

Subtitle: Gilead Schedule 1 – Additional Permitted Uses

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Campbelltown
PPA	Campbelltown City Council
NAME	Gilead Schedule 1 - Additional Permitted Uses (5 jobs)
NUMBER	PP-2021-3486
LEP TO BE AMENDED	Campbelltown LEP 2015
ADDRESS	901 Appin Road, Gilead 2560
DESCRIPTION	Lot 1 DP 1240836
RECEIVED	14/05/2021
FILE NO.	IRF21/2314
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

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Relocate the community hub building from its existing planned location on land zoned B1 neighbourhood centre to the adjoining RE1 public recreation zoned land
- Amend the additional permitted uses schedule

The community hub building will be used for a sales and information centre during the early stages of development in the Gilead estate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Campbelltown LEP 2015 per the changes below:

- Adding 'exhibition homes' as an additional permitted use to part Lot 1 DP, 1240836 for the purpose of a sales and information centre
- Amending the additional permitted use map (tile 003) to identify the proposed location of the community hub building

No other development control changes are proposed.

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
- Land Reservation Acquisition – Local Open Space (RE1)
- Terrestrial biodiversity (in close proximity to the subject site)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

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.

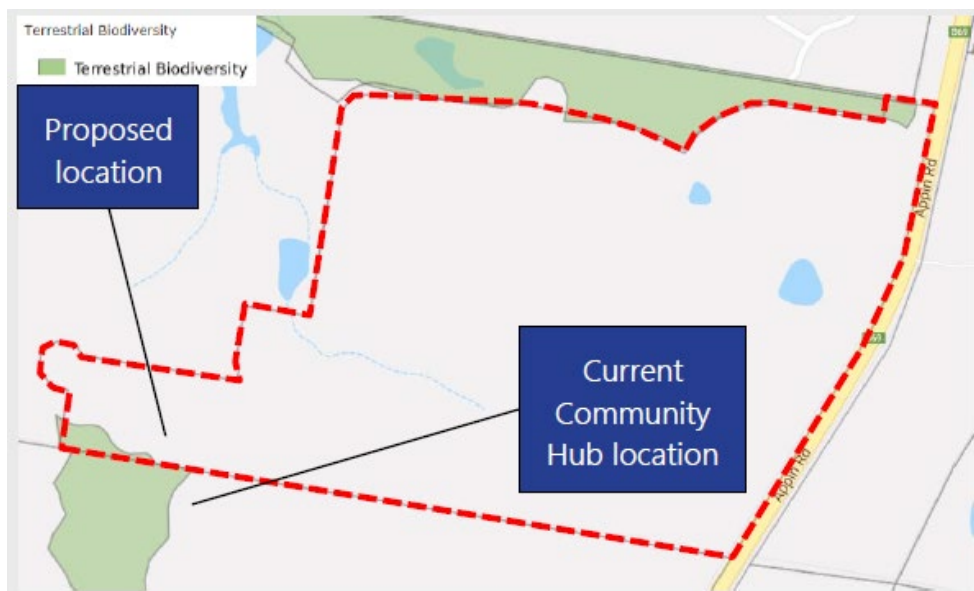


Figure 1 Community hub current and proposed location

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.

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 Campbelltown City Council (Council), the surrounding area to the south and west is also identified for future residential development capable for delivering approximately 1,700 residential lots.

In October 2020 Mount Gilead, located west of the site was recognised as a state heritage item, this was updated from an assessed significance type of local.



Figure 2 Subject site



Figure 3 Site context (source: GLN Planning Report) *Mt Gilead is a state heritage item

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Additional Permitted Use map. An updated map of an enhanced quality is recommended for public exhibition.

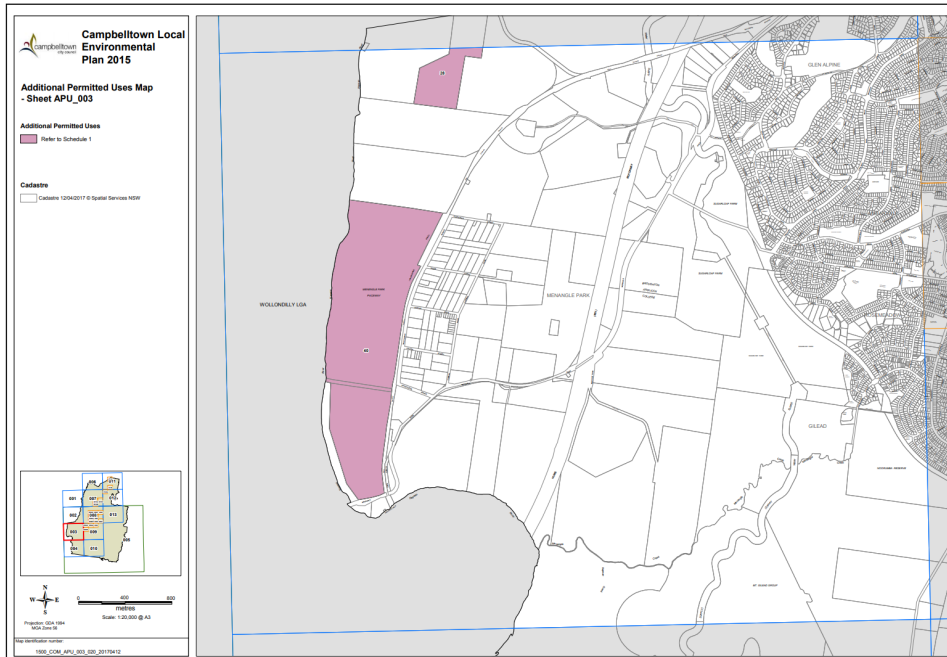


Figure 4 Current Additional Permitted Uses Map (APU 003)

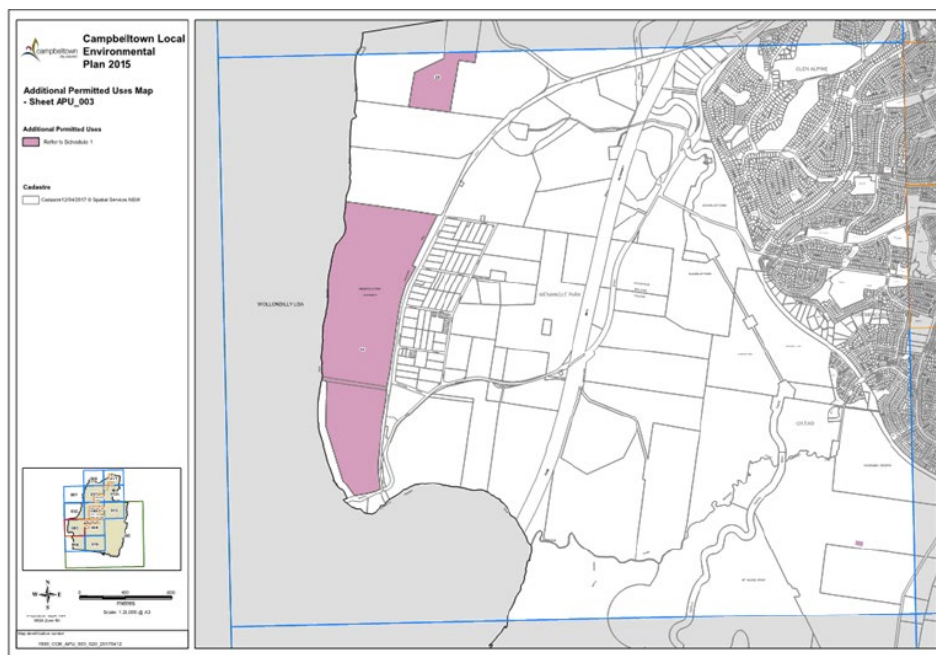


Figure 5 Proposed Additional Permitted Uses Map (APU 003)

1.6 Background

This proposal is in response to the Department's letter dated 20 March 2021 regarding the Gateway alteration determination of *PP-2020-2635* should not proceed as the extension of time would exceed the two year timeframe to complete planning proposals.

Accordingly, this proposal is the new Gateway determination. It remains consistent with that considered by Council at its meeting of 10 September 2019.

This planning proposal follows the 2017 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 delivery of a community hub is a local infrastructure item identified to support the residential development in Gilead Estate.

Under the Mt Gilead Voluntary Planning Agreement, the developer (Lendlease) has committed to deliver the community hub within a year of completing the 1,200th residential lot. This planning proposal could help facilitate the delivery of the community hub in advance of the VPA requirements.

2 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.

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. An 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 accessible 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.

3 Strategic assessment

3.1 Region Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan 2018.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
<i>Objective 3 Infrastructure adapts to meet future needs</i>	The proposal is consistent with this objective as it would enable the relocation and early delivery of the proposed community facilities required to support the future population growth in Gilead Estate.
<i>Objective 6 Services and infrastructure meet communities changing needs</i>	The proposal is consistent with this objective as it will support the early delivery of a community hub building.
<i>Objective 7 Communities are healthy, resilient and socially connected</i>	The proposal is consistent with this objective as the relocation of the community hub building will support a greater variety of events and community projects on the RE1 public open space land.

3.2 District Plan

The site is within the Western City District and 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 district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
<i>W1 Planning for a city supported by infrastructure</i>	The proposal is consistent with these priorities as it would enable the relocation and early delivery of the proposed community facilities required to support the future population growth in Gilead Estate.
<i>W2 Working through collaboration</i>	Council has entered into a VPA with Lendlease who will construct the community facility as part of redevelopment in the Gilead Estate. The collaboration between Council, RFS and Lendlease suggested the proposed new location to mitigate bushfire risk whilst enabling the early delivery of the facility 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.
<i>W3 Providing services and social infrastructure to meet peoples changing needs</i>	The proposal will help facilitate the early delivery of a community hub building to support future residents in the Gilead Estate.
<i>W20 Adapting to the impacts of urban and natural hazards and climate change</i>	The 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 hub building 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.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	The planning proposal will help facilitate the vision for Gilead as an urban release area, which is consistent with the Campbelltown LSPS which sets the context and direction for land use decision making in the Campbelltown LGA.
Campbelltown Community Strategic Plan – Campbelltown 2007	<p>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.</p> <p>The planning proposal would help the early delivery of a community hub building.</p>

3.4 Local planning panel (LPP) recommendation

On 26 June 2019, the Campbelltown Local Planning Panel (**Attachment – Local Planning Panel**) considered the Council officers assessment report, it was noted 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
- 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.

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.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.1 Environmental Protection Zone	Yes	<p>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.</p> <p>Part of the site is to be retained and revegetated under the Biodiversity Certification Agreement that is identified as a terrestrial biodiversity area (Figure 6). Development will be carried out of this area.</p> <p>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 (Figure 6). This buffer will not only respond to the bushfire threats, but also create a significant buffer to protect this environmentally sensitive land.</p>

4.2 Mine subsidence and unstable land	Yes	<p>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.</p> <p>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.</p> <p>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.</p>
4.4 Planning for bushfire protection	Yes, although consultation with RFS required.	<p>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.</p> <p>The planning proposal is generally consistent with this direction as it will not significantly increase density in bushfire prone land.</p> <p>However, in accordance with the requirements of this direction, Council is required to consult the NSW RFS prior to public exhibition to ensure it does not object to the progression of the planning proposal.</p>

6.2 Reserving land for public purposes	Inconsistent of minor significance	<p>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.</p> <p>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.</p> <p>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. With the better public outcomes offered under the proposal, it is justifiable to support the proposal from a public benefit viewpoint.</p> <p>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.</p>
6.3 Site specific provisions	Inconsistent of minor significance	<p>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.</p> <p>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.</p> <p>Accordingly, it is recommended that the Secretary's delegate agree that the inconsistency of the planning proposal with this direction is justified</p>

7.12
Implementation of
Greater Macarthur
2040

Yes

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.

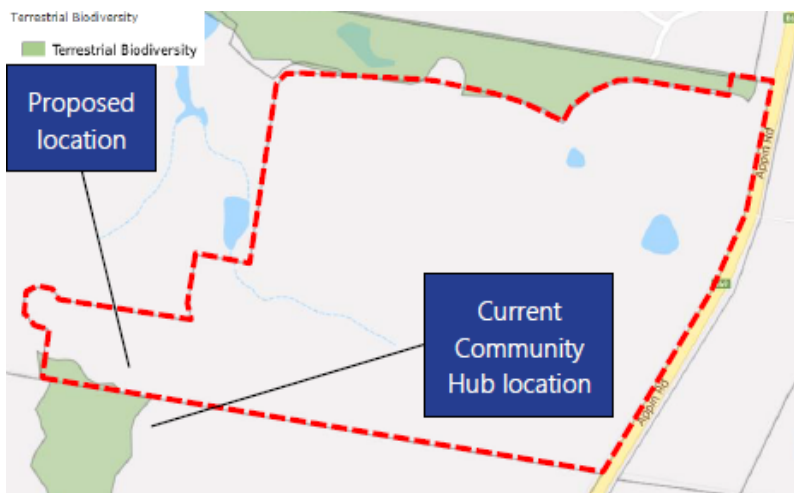


Figure 6 Terrestrial biodiversity

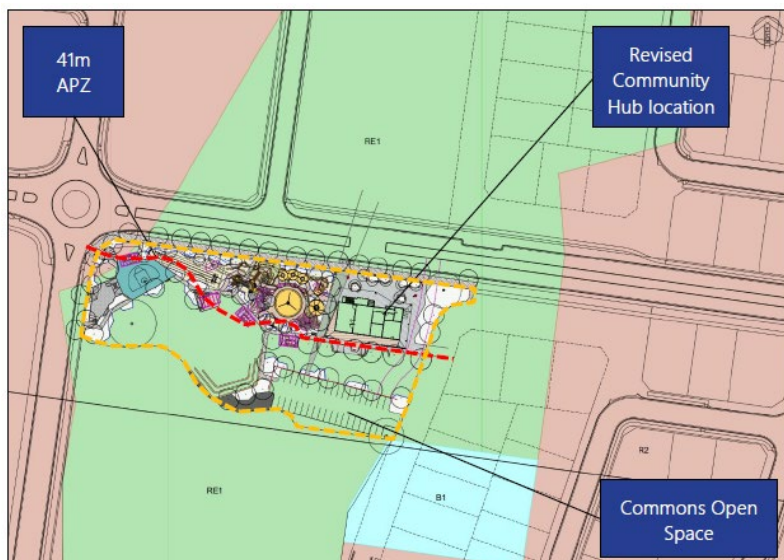


Figure 7 41m APZ for proposed community hub location (Source: GLN)

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP 19 – Bushland in urban area	To protect bushland in urban areas identified in schedule 1 of the SEPP.	Yes	<p>The rezoning for Gilead Estate in 2017 dedicated urban bushland to Council.</p> <p>This proposal does not propose to remove bushland or rezone land, it seeks to allow for a temporary permitted use and is outside of land identified as urban bushland.</p>
SEPP 55- Remediation of Land	To provide for a State-wide planning approach to the remediation of contaminated land.	Yes	<p>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.</p> <p>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.</p> <p>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 was lodged with Council to seek approval for such remediation works.</p>
SEPP (Vegetation in Non-Rural Areas) 2017	To protect the biodiversity trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas.	Yes	<p>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.</p>

SEPP (Koala Habitat Protection) 2021	To encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	Yes	<p>The policy applies to the Campbelltown LGA.</p> <p>The number of koala habitat trees on the site does not exceed 15% threshold.</p> <p>A Biodiversity Certification applies to the overall Gilead site has considered the vegetation as potential koala habitat for the purposes of determining impact and offset measures as part of the original 2017 rezoning of the site.</p> <p>This proposal remains consistent with these outcomes.</p>
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4 Site-specific assessment

4.1 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 7**) as required by the guidelines.

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 Energy and the 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 RFS is recommended to ensure the proposal is compliant with the relevant bushfire and biodiversity protection requirements.

4.2 Social and 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.

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.

4.3 Infrastructure

The proposal is seeking to relocate the community hub building which is required by the VPA registered on the land. The community building is required to be built within 1 year of the 1,200th registered lot.

This proposal seeks to facilitate an earlier delivery of the community hub building by allowing the Additional Permitted Use of an exhibition home for the purposes of a sales and information centre.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- NSW Rural Fire Service
- Environment, Energy and Science

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 15 months to ensure it is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the proposal is of local planning significance the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is not inconsistent with regional, district and local plans and their relevant objectives
- There are no adverse social, economic or environmental impacts as a result of the proposed amendments
- The proposed location of the community hub building responds to the bushfire constraints at the existing planned location
- The proposal will facilitate the early delivery of social infrastructure

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Prepare a cover letter including legislation changes that have occurred to the proposal since it was originally lodged under *PP-2020-2635*
- Produce an updated proposed additional permitted use map prior to exhibition to an enhanced quality map that can be easily viewed by the community

9 Recommendation

It is recommended the delegate of the Secretary:

- 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
- Note that the consistency with section 9.1 Directions 4.4 Planning for bushfire protection will require further justification.

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

1. The planning proposal is to be updated to:
 - (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) update any changes (such as references to SEPP 44 and the now State heritage listed Mount Gilead Estate) since it was originally lodged under PP-2020-2635.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018)
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and to comply with the requirements of relevant section 9.1 Directions:
 - (a) NSW Rural Fire Service (note: in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection, the NSW Rural Fire Service is to be consulted prior to exhibition)
 - (b) The Department of Planning, Industry and Environment's - Environment, Energy, Science Group
4. The timeframe for completing the LEP is to be 15 months from the date of the Gateway determination.

5. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



____ 11 June 2021 _____

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____ 16 June 2021 _____

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