



Planning,
Industry &
Environment

IRF21/2669

Gateway determination report – PP-2021-4123

Glenlee House, 60 Menangle Road, Menangle Park

July 21



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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Glenlee Conservation Management Plan, March 2021
1817 – Glenlee Estate, Menangle Park Heritage Impact Statement Proposed Subdivision and Development Options, April 2021
Letter of Offer to enter a Voluntary Planning Agreement, 20 May 2021
Preliminary Site Investigation for Contamination, September 2020

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Campbelltown
PPA	Campbelltown City Council
NAME	Glenlee House (77 dwellings)
NUMBER	PP-2021-4123
LEP TO BE AMENDED	Campbelltown Local Environmental Plan (LEP) 2015
ADDRESS	60 Menangle Road, Menangle Park
DESCRIPTION	Lots 1, 2 and 3 DP 713646
RECEIVED	24/06/2021
FILE NO.	IRF21/2669
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:

- Facilitate limited development of 77 dwellings for environmental living purposes
- Facilitate conservation of the cultural and landscape context of the site

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU2 – Rural Landscape	To part: <ul style="list-style-type: none"> E4 – Environmental Living E3 – Environmental Management RE1 – Public Recreation
Maximum height of the building	8.5m	Amend the building height from 8.5m to 5m, except land to be zoned E3 will retain the existing 8.5m.
Minimum lot size	40ha	To part: <ul style="list-style-type: none"> 600m² 2,000m² 8ha
Minimum lot size for dual occupancy	40ha	To part: <ul style="list-style-type: none"> 600m² 2,000m²
Number of dwellings	1	77
Number of jobs	N/A	N/A

The planning proposal contains an explanation of provisions that explains how the objectives of the proposal will be achieved. However, prior to exhibition it is recommended the planning proposal is updated to establish a site coverage control and clarify the existing and proposed building height on the site.

1.4 Site description and surrounding area

The subject site is situated on land legally identified as Lots 1, 2 and 3 DP 713646, which has an area of 18 hectares (**Figure 1**). It is located off Glenlee Road and is occupied by the Glenlee House, gardens, gate lodge (remnants) and outbuildings which are State Heritage Listed items (CLEP Item no. I00009) (**Figure 2**). The broader landscape of the site has been cleared for past agricultural activities.

The proposal defines the site by the following areas:

- Area 1 and 3: Heritage precinct
- Area 2: Open space dedication
- Area 4: Northern bowl (residential proposed)
- Area 5: South eastern foot slopes (residential proposed)

This is shown in **Figure 3** and **Figure 4**.

The site is located within the Menangle Park Urban Release Area and is 5km south of the Campbelltown CBD.

The Main Southern Railway aligns with the north western boundary of the site. The north eastern and south eastern boundaries abut residential and open space zoned land. Further, the site is visually connected to the former Glenlee coal washery, Australian Botanic Garden Mount Annan and broader Nepean River flood plain.

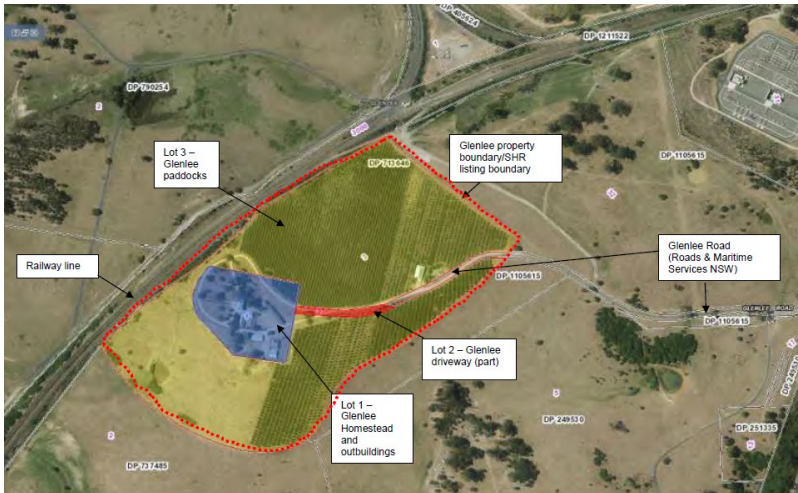


Figure 1 Subject site outline in red (source: Tropman & Tropman Architects Conservation Management Plan March 2021)



Figure 2 Heritage listed items on the site (source: Premise Planning Proposal April 2021)

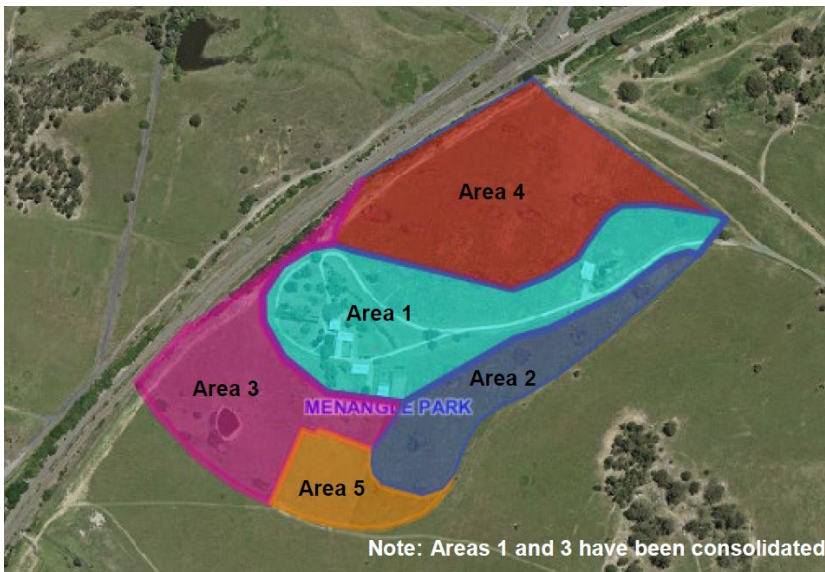


Figure 3 Areas of the site (Source: Council Report 19.05.21)



Figure 4 Preliminary subdivision plan (Source: Heritage Impact Statement)

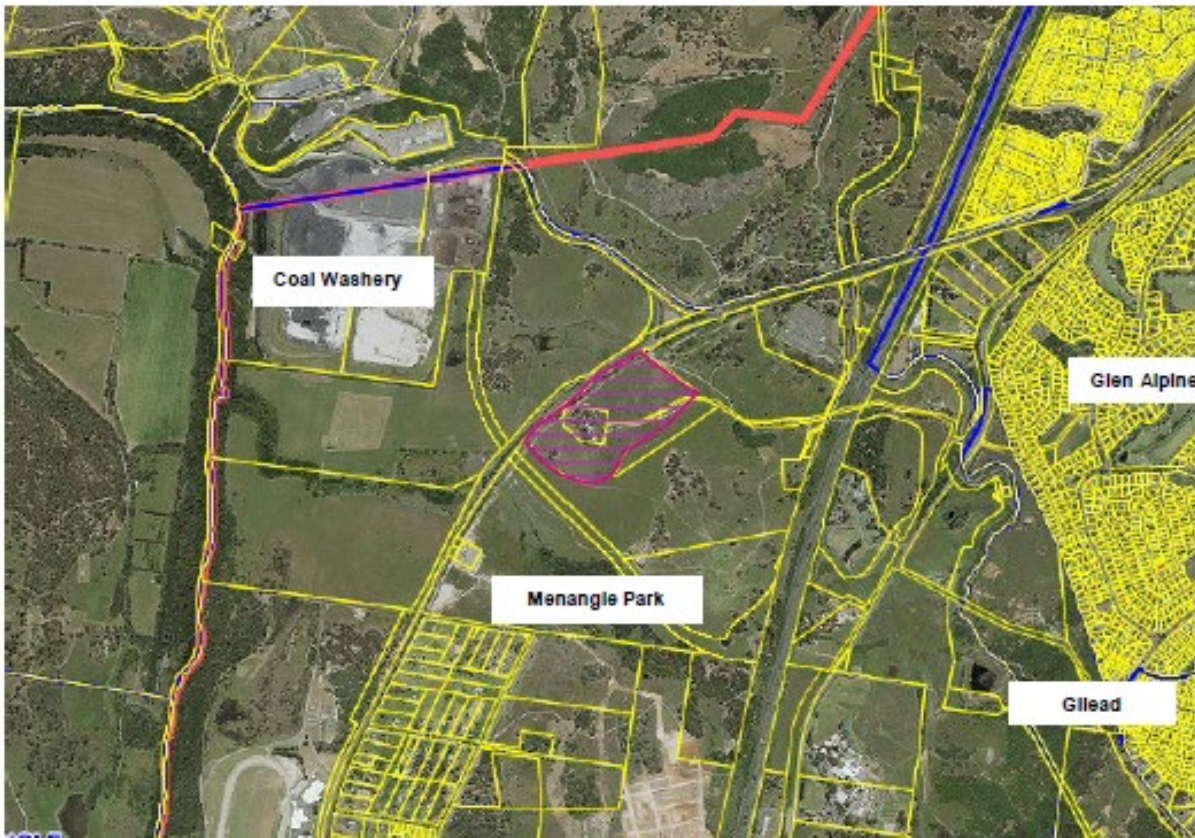


Figure 5 Site context (source: Council Report 19.5.2021)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps (**Figures 6-13**):

- Land zone
- Height of building
- Minimum lot size
- Minimum lot size for dual occupancy

Updated maps of an enhanced quality are recommended for public exhibition. In accordance with section 3.14(1)(c) of the EP&A Act, an acquisition authority is required to be identified on land where it is used for a public purpose, including open space. As no mapping has been provided showing a relevant acquisition authority, it is recommended the proposal is updated to clarify the relevant acquisition authority for the proposed open space.

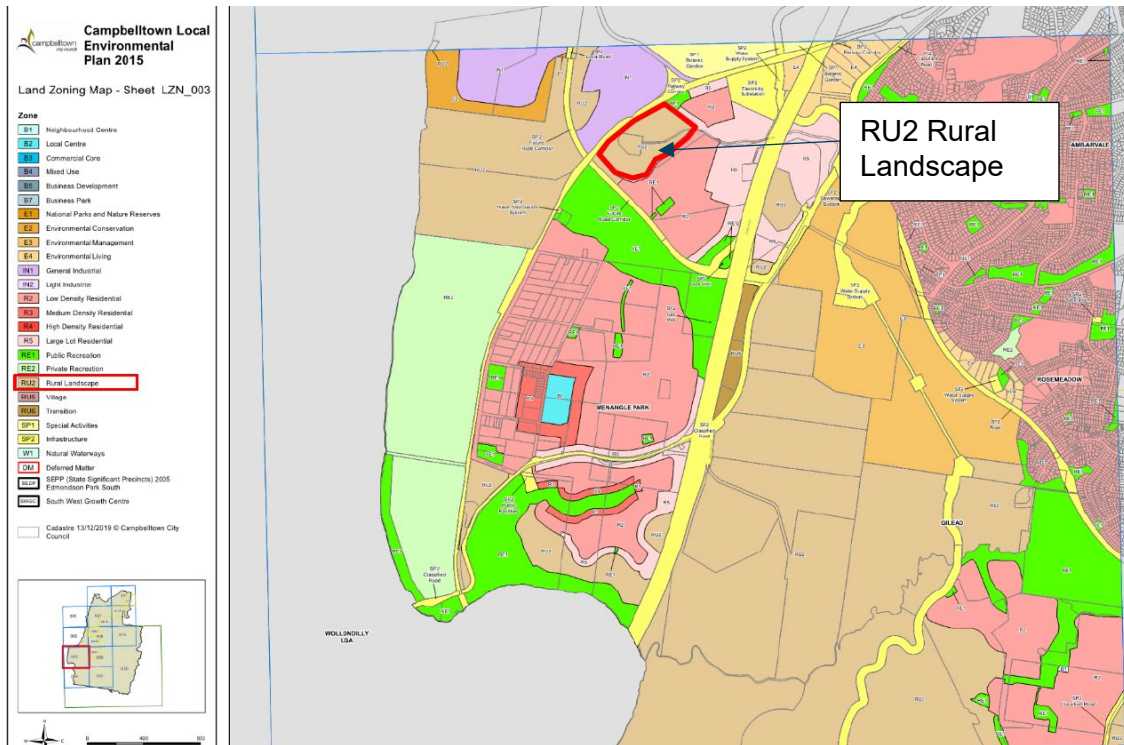


Figure 6 Current zoning map

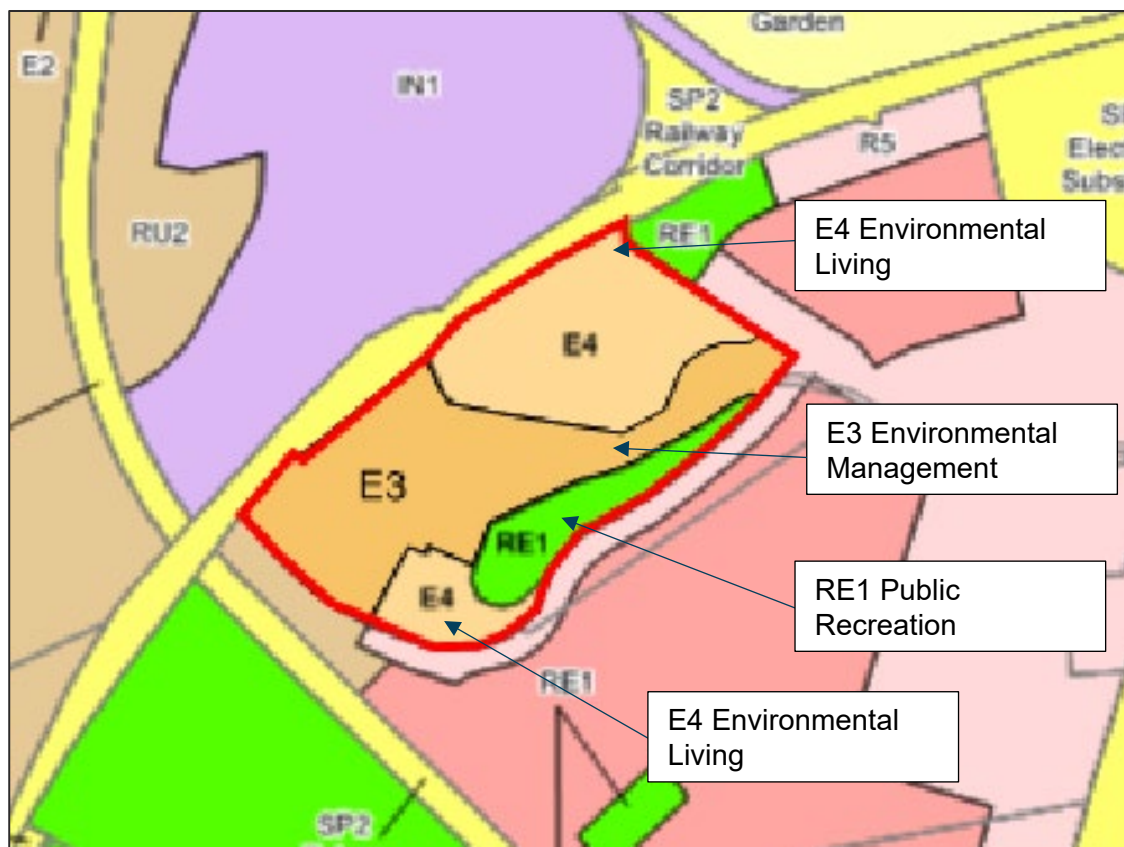


Figure 7 Proposed zoning map,

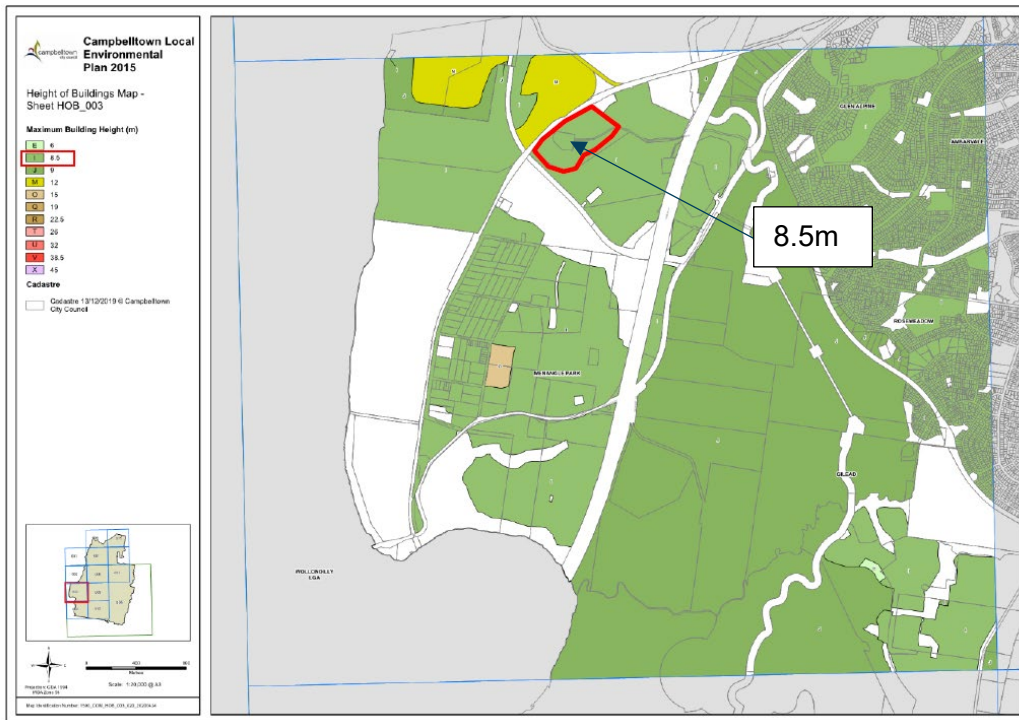


Figure 8 Existing height of building map



Figure 9: Proposed Height of Building

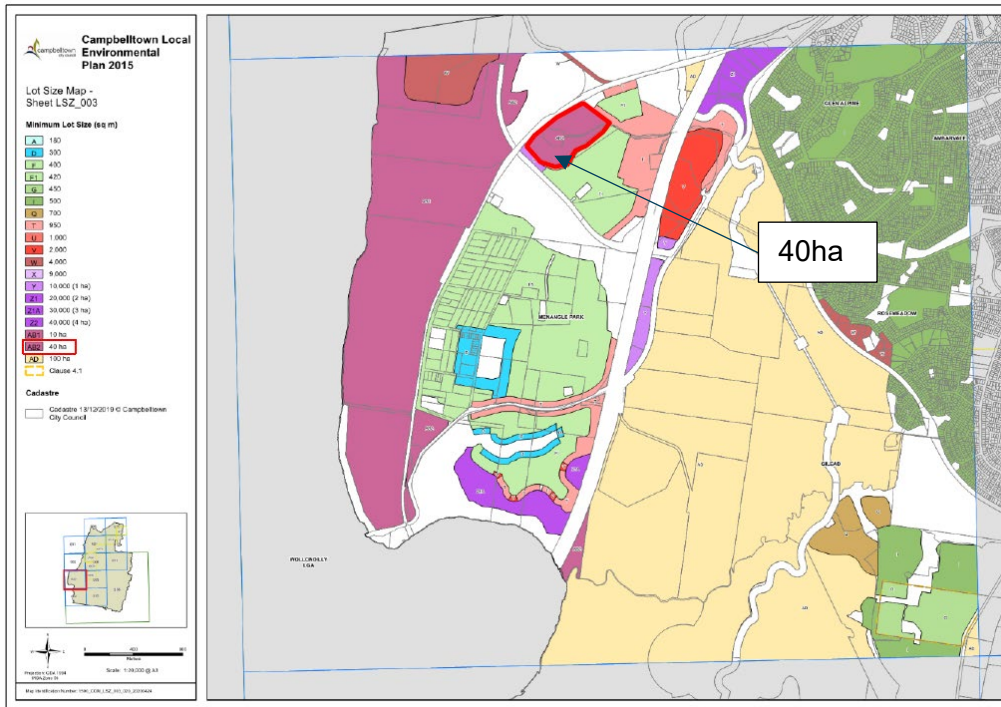


Figure 10 Existing minimum lot size map



Figure 11 Proposed Minimum Lot sizes

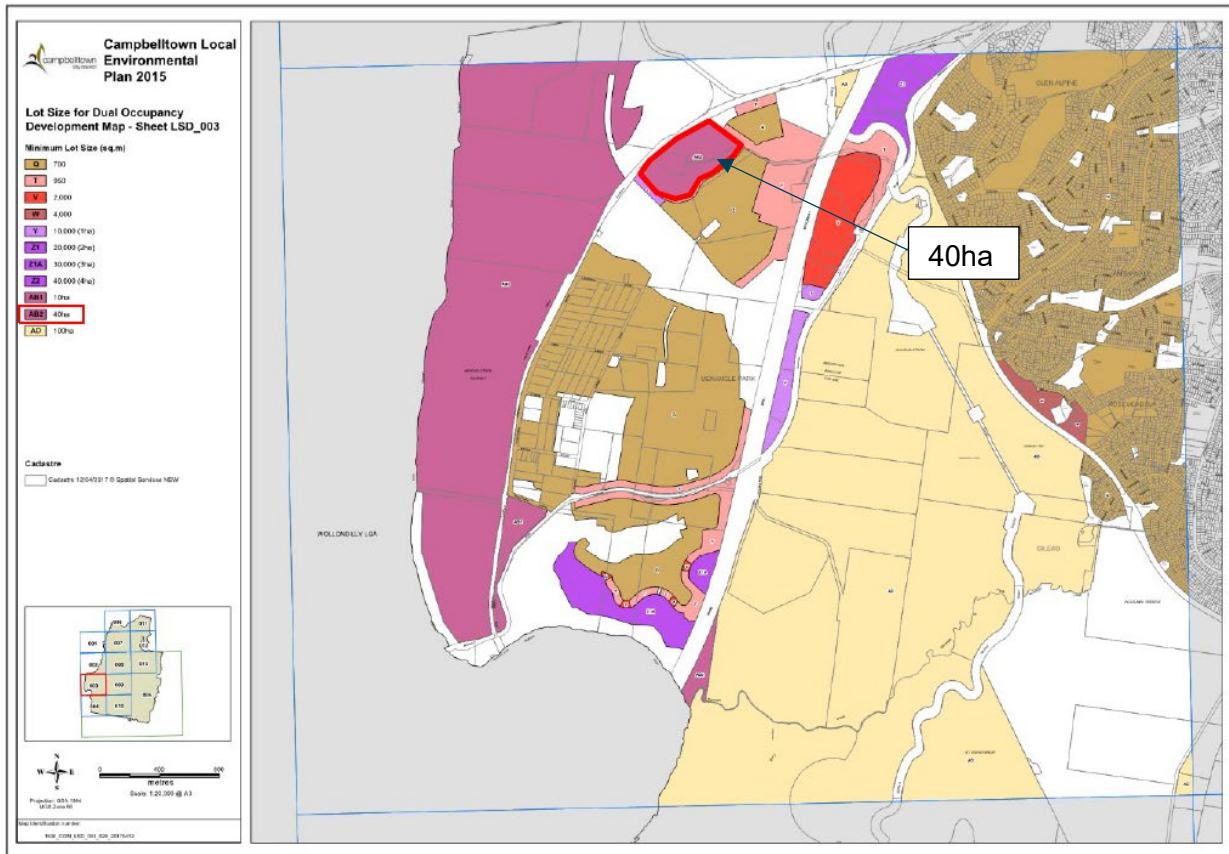


Figure 12 Existing minimum lot size for dual occupancy map

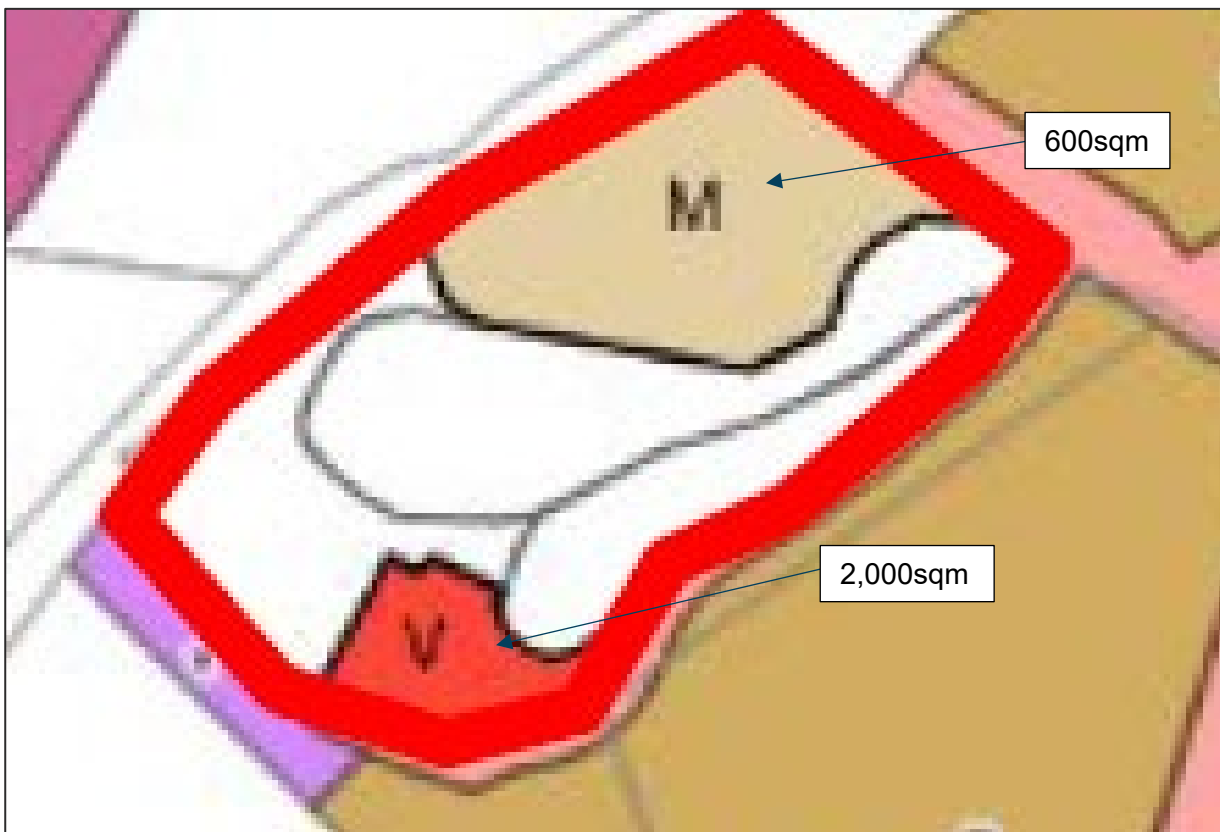


Figure 13 Proposed minimum lot size for dual occupancy

1.6 Background

A planning proposal for the site was first submitted in August 2016 to Campbelltown City Council (Council) (Council reference: 2527/2016/E-LEPA). Subsequently, a revised development scheme was presented to Council in October 2019.

This planning proposal is a result of the updated development scheme and associated planning proposal which was updated in April 2021 by the applicant.

2 Need for the planning proposal

This planning proposal is located within the Menangle Park Urban Release Area with a request to rezone land to permit the creation of dwellings, public open space and a long-term cultural heritage conservation strategy for the site.

The site includes State Heritage Item, Glenlee House. The proposal seeks to provide long-term conservation for significant elements of the House through development of part of the site which would allow funds to restore, upgrade and maintain Glenlee House.

To facilitate this outcome, a planning proposal is needed to rezone the land to permit the proposed uses on the site which is currently zoned RU2 – Rural Landscape. The proposal is considered the best means to achieve the outcome.

3 Strategic assessment

3.1 Regional 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 2 Infrastructure aligns with forecast growth- growth infrastructure compact</i>	The proposal would enable the development of 77 dwellings in the Menangle Park Urban Release Area and would be supported by the proposed dedication of open space and improved maintenance of Glenlee House.
<i>Objective 7 Communities are healthy, resilient and socially connected</i>	The proposal increases the supply of open space in the Menangle Park Urban Release Area with the dedication of public open space located along the eastern ridge of Glenlee House (Area 2 in Figure 3). Additionally, the proposal will see the current private access to Glenlee House converted to public access. It is noted access to the site is currently a private residence and the dedication of RE1 zone provides public access to Glenlee House.
<i>Objective 10 Greater Housing supply</i>	The proposal contributes with increasing housing supply in the Campbelltown LGA. 77 low density dwellings sympathetic to its environmental surrounds will an alternative and diverse form of housing in the LGA.

Objective 11 <i>Housing is more diverse and affordable</i>	
Objective 13 <i>Environmental heritage is identified, conserved and enhanced</i>	<p>A key objective of the planning proposal is to provide long-term conservation for significant elements of Glenlee House. The proposal notes a heritage trust fund as part of a Voluntary Planning Agreement (VPA) will ensure future maintenance of significant heritage elements.</p> <p>Low density dwellings will be screened from Glenlee House and outbuildings. Views to Mount Annan and Camden Park will be retained.</p> <p>New development is contained in Areas 4 and 5. Area 4 includes 66 lots with a minimum lot size of 600m². The Heritage Impact Assessment notes these lots will be screened by lower topography, continuous planting of the parish line and street planting.</p> <p>Area 5 includes 11 lots at a minimum lot size of 2,000m² which are proposed to be screened by cluster planting.</p>
Objective 31 public open space is accessible, protected and enhanced	<p>The proposal includes the zoning of land for open space. The heritage report supporting the proposal notes the dedication of the proposed curtilage to open space ensures the retention of a semi-rural setting into perpetuity. The proposed protection of the open space is identified in the letter of offer for the VPA at no cost to Council to enable protection of the visual curtilage of the site and provide the community access.</p>

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 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>W5 Proving housing supply, choice and affordability, with access to jobs, services and public transport</i>	The proposal contributes with increasing housing supply in the Campbelltown LGA. 77 low density dwellings sympathetic to its environmental surrounds will be an alternative and diverse form of housing in the LGA.
<i>W16 Protecting and enhancing scenic and cultural landscapes</i>	A key objective of the planning proposal is to provide long-term conservation for significant elements of Glenlee House. The proposal notes a heritage trust fund as part of a Voluntary Planning Agreement (VPA) will ensure future maintenance of significant heritage elements.
<i>W17 Better managing rural areas</i>	<p>Low density dwellings will be screened from Glenlee House and outbuildings. Views to Mount Annan and Camden Park will be retained.</p> <p>New development is contained in Areas 4 and 5. Area 4 includes 66 lots with a minimum lot size of 600m². The Heritage Impact Assessment notes these lots will be screened by lower topography, continuous planting of the parish line and street planting.</p> <p>Area 5 includes 11 lots at a minimum lot size of 2,000m² which are proposed to be screened by cluster planting.</p>
<i>W18 delivering high quality open space</i>	The proposal includes the zoning of land for open space. The heritage report supporting the proposal notes the dedication of the proposed curtilage to open space ensures the retention of a semi-rural setting into perpetuity. The proposed protection of the open space is identified in the letter of offer for the VPA at no cost to Council to enable protection of the visual curtilage of the site and provide the community access.

3.3 Local plans

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	The planning proposal includes a detailed assessment against relevant actions contained in Council's LSPS. The proposal notes it is consistent with the LSPS and facilitates a mechanism for the long-term conservation of the important cultural heritage elements of the estate. The proposal identifies it is consistent with Action 2.5 as the Glenlee Estate is located in the Menangle Park Urban Release Area which was rezoned principally for urban purposes in November 2017, meaning it is surrounded by land zoned largely for urban purposes, including residential, industrial and open space. The proposal notes the areas of greatest cultural sensitivity will be conserved as identified in the Conservation Management Plan.

3.4 Local planning panel (LPP) recommendation

On 28 April 2021, the Campbelltown Local Planning Panel considered the Council officers assessment report, it was noted that:

- An appropriate mechanism or control to limit dwelling size be considered and to provide adequate landscaping for dwellings and ancillary development.
- A development control plan is prepared prior to exhibition which reflects recommendations outlined in the Heritage Impact Statement for two key areas of the site referred as Area 4 and 5.
- Further controls should be included in relation to building footprints, clustering of buildings and maximum number of buildings on lots within Area 5.
- The homestead and southern pastures grouping be consolidated into a single E3 Environmental Management Zone, with an amendment to the minimum lot size map to support consolidation into a single holding.

In addition, the Panel advised the applicant should submit a formal irrevocable offer that addresses land dedication and conservation actions.

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

The Panel's advice was addressed in Council's draft Planning Proposal which was reported to Council on 8 June 2021 and supported through relevant gateway conditions.

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
1.2 Rural Zones	Inconsistency justified	<p>Direction 1.2 seeks to protect the agricultural production value of rural land. The proposal is strictly inconsistent with the terms of Direction 1.2 as it contains provisions that will increase the permissibility density of land within a rural zone.</p> <p>However, the proposal's consistency is considered of minor significance, given the objective of this direction seeks to protect the agricultural production value of rural land. The proposal notes the change in zoning relates to a limited parcel of constrained land with little productive capacity. Given the land is not used for intensive agricultural practices, the inconsistency is considered of minor significance.</p>

1.3 Mining, Petroleum Production and Extractive Industries	Inconsistent	<p>Direction 1.3 seeks to ensure the future extraction of State or regionally significant reserves of coal and other minerals and materials are not compromised by inappropriate development.</p> <p>The site contains existing heritage protection values which would limit the potential extraction of minerals and materials from the site. However, given no consultation has been undertaken with the Department of Primary Industries, it is recommended further consultation occur prior to the consistency of this direction being determined.</p>
2.3 Heritage Conservation	Inconsistency justified.	<p>Direction 2.3 seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. It identifies that a planning proposal must contain provision that facilitate the conservation of the heritage significance.</p> <p>The subject site is listed as a State Heritage Item. The statement of significance for the site identifies core values including its relationship to rural cultural landscape, and elements of aboriginal heritage significance.</p> <p>The proposal is supported by a Heritage Impact Assessment and Conservation Management Plan which considers the statement of significance and identifies the location of the new development in the northern bowl and south east foot slopes where it is screened from house or outbuilding will retain the sense of the pastoral setting.</p> <p>As the item is a State Heritage item, it is recommended Heritage NSW is consulted on the details of the heritage assessment and conservation management plan prior to public exhibition.</p> <p>The proposal includes provisions to protect the heritage of the site through the proposed location of development, however as noted by the Planning Panel, no provisions outside of building heights are included in the proposal that relate to managing the screening or scale and bulk of buildings within the site. It is recommended the planning proposal is updated to strengthen the heritage protections of the site through an additional local provision that will consider such features as key sight lines and vistas.</p> <p>The planning proposal is accompanied by an Aboriginal Heritage Due Diligence assessment which identifies the site may contain areas of moderate to high archaeological potential. The Campbelltown LEP includes provisions that require the protection of these heritage features prior to development occurring and therefore the proposal's inconsistency with Direction 2.3 is considered minor and justified.</p>

2.6 Remediation of Contaminated Land	Consistent	<p>Direction 2.6 seeks to reduce the risk of harm to human health and the environment from contamination. The planning proposal is accompanied by a Preliminary Site Investigation.</p> <p>The site investigation identified the site is deemed suitable for rezoning and the risk of contamination is low. In this regard, the proposal is consistent with Direction 2.6.</p>
3.4 Integrating Land use and Transport	Inconsistency is of minor significance.	<p>Direction 3.4 seeks to reduce travel demand by car and improving the access of homes to jobs and services by walking whilst protecting the freight and public transport networks.</p> <p>The proposal notes it can leverage off the public transport strategy produced for the Menangle Park Urban Release Area and local bus services and train services.</p> <p>The site is also in proximity to the Menangle Park Train Station. Given the site is in close proximity to the Train Station and facilitates only 77 dwellings, the consistency of this direction is considered of minor significance.</p>
4.2 Mine subsidence and Unstable Land	Inconsistent	<p>Direction 4.2 seeks to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> <p>The site is identified as potentially subject to mine subsidence.</p> <p>The proposal notes in 2006 the Department of Planning advised the Menangle Park Urban Release should be enabled and the coal resources beneath should be restricted.</p> <p>Given no referral to Subsidence Advisory Board has been undertaken and no study has been undertaken which addresses any potential subsidence risk, it is recommended that consistency with Direction 4.2 is unresolved until consultation with the Mine Subsidence Board is undertaken to ascertain the risk.</p>
4.4 Planning for Bushfire Protection	Inconsistent	<p>Direction 4.4 seeks to reduce the risk to property and life from bushfire risk. The direction requires consultation with the NSW RFS to confirm they do not object to the progression of the proposal. No evidence of consultation with the NSW RFS has been provided, therefore it is recommended RFS is consulted prior to exhibition to provide advice on the consistency of the planning proposal with Direction 4.4.</p>

7.12 Implementation of Greater Macarthur 2040	Consistent	<p>Direction 7.12 requires a planning proposal to be consistent with Greater Macarthur 2040 if the property is located within the area identified by the Greater Macarthur 2040 plan.</p> <p>Greater Macarthur 2040 identifies the heritage importance of Glenlee including the outbuildings, garden and lodge. Greater Macarthur 2040 identifies that where appropriate significant heritage items will be preserved for long-term protection from development with adequate curtilages. The planning proposal includes assessment of these appropriate curtilages and preserves the value of the site through the E4, and RE1 zonings.</p>
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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
Sydney Region Growth Centres 2006	The SEPP requires that the proposal be considered against any principles or strategies in place prior to the finalisation of precinct planning for the land.	Yes	<p>The proposal is within the bounds of the Greater Macarthur Growth Area and Precinct Boundary as per the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p> <p>The Interim Greater Macarthur 2040 has been considered as per Ministerial Direction 7.12 and therefore the proposal is considered consistent with the SEPP.</p>

4 Site-specific assessment

4.1 Environmental, Social and Infrastructure

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental, Social and Infrastructure Assessment

Impact	Assessment
Heritage and Environmental	Detailed assessment of these features has been undertaken against Ministerial Direction 2.3.
Infrastructure	The site is identified in the Campbelltown Urban Release Area. Prior to development proceeding, adequate provisions of infrastructure will be required to be provide to service the development. To ensure appropriate planning is undertaken prior to development proceeding, it is recommended Sydney Water and Transport for NSW are consulted during exhibition.

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

The proposal does not specifically raise which agencies will be consulted.

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

- Heritage NSW
- Transport for NSW
- Sydney Water
- Subsidence Advisory Board
- Department of Primary Industries
- Rural Fire Service

Prior to public exhibition, consultation with Rural Fire Service is required to satisfy s9.1 direction and Heritage NSW given the state heritage significance of the site.

6 Timeframe

Council proposes a 14 month time frame to complete the LEP.

The Department recommends a time frame of 12 month to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

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 planning proposal provides detailed consideration of the site's heritage significance and includes provisions for the protection of the site's heritage, 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:

- Adequate assessment of the heritage significance of Glenlee House has been undertaken and the proposal has responded to the heritage significance of the place;
- It is consistent with the LSPS and facilitates a mechanism for the long-term conservation of the important cultural heritage elements of the estate;
- The proposal will facilitate achievement of 77 dwellings to ensure the long-term preservation of the heritage place; and
- An additional local provision will strengthen the protection of the site's heritage.

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

- Provide clear and accurate mapping for exhibition purposes
- Identify an acquisition authority for the proposed open space
- Clarify the existing and proposed building height on the site
- Outline additional local provision to introduce a site coverage for land proposed to be zoned E4 Environmental Living
- Outline additional local provisions to strengthen the heritage controls for the proposed future development surrounding Glenlee House. The controls should include, but not limited to:
 - Implementing a Conservation Management Plan
 - Managing visual or physical qualities of the site
 - Complementing the landscape and scenic quality of the site

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones; 1.3 Mining, Petroleum Production and Extractive Industries; 2.3 Heritage Conservation; 3.4 Integrating Land use and Transport; 4.2 Mine subsidence and Unstable Land are minor or justified *and*
- Note that the consistency with section 9.1 Directions 4.2 Mine subsidence and Unstable Land, 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. Prior to public exhibition, consultation is required with the following public authorities/organisations:
 - (a) Heritage NSW; and
 - (b) NSW Rural Fire Service.
2. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) Provide clear and accurate mapping for exhibition purposes;
 - (b) Identify an acquisition authority for the proposed RE1 Open Space zoning;
 - (c) Clarify the existing and proposed building height;
 - (d) Outline an additional local provision to introduce a site coverage for land proposed to be zoned E4 Environmental Living; and
 - (e) Outline additional local provisions to strengthen the heritage controls for the proposed future development surrounding Glenlee House. The controls should include, but not be limited to:
 - i. Implementing a Conservation Management Plan
 - ii. Managing visual or physical qualities of the site
 - iii. Complementing the landscape and scenic quality of the site.
3. Once the planning proposal is revised in accordance with condition 1 and 2, this must be submitted to the Department for approval prior to public exhibition.
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. Consultation is required with the following public authorities:
 - Heritage NSW
 - Transport for NSW
 - Sydney Water
 - Subsidence Advisory Board
 - Department of Primary Industries
 - Rural Fire Service
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.
7. The planning proposal must be exhibited 4 months from the date of the Gateway determination.
8. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
9. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



26 July 2021

Naomi Moss
Manager, Western



28 July 2021

Melissa Rassack

A/Director, Western

Assessment officer

Thomas Holmes

Senior Planning Officer, Western

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