



IR22/3640

Gateway determination report – PP-2022-2889

Macarthur Grange Golf Course, Lot 3900, DP 1170905

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

| Relevant reports and plans |
|--|
| Planning Proposal (prepared by Campbelltown Council June 2022) |
| Urban Design Report (prepared by Architectus June 2020) |
| Traffic Assessment (prepared by The Transport Planning Partnership May 2020) |
| Servicing and Infrastructure Report (prepared by Craig & Rhodes May 2020) |
| Aboriginal Heritage Due Diligence Assessment (prepared by Eco Logical May 2020) |
| Bushfire Opportunities and Constraints Assessments (prepared by Eco Logical June 2020) |
| Preliminary Site Investigation (prepared by Senversa May 2020) |
| Flora and Fauna Assessment (prepared by Eco Logical June 2020) |
| Riparian Constraints Assessment (prepared by Eco Logical May 2020) |

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

| | |
|---------------------------------|---|
| LGA | Campbelltown |
| PPA | Campbelltown City Council |
| NAME | Macarthur Grange Golf Course (53 Homes) |
| NUMBER | PP-2022-2889 |
| LEP TO BE AMENDED | Campbelltown Local Environmental Plan 2015 |
| ADDRESS | Lot 3900, DP 1170905, Varroville. |
| DESCRIPTION | Lot 3900, DP 1170905 |
| RECEIVED | 18/08/2022 |
| FILE NO. | IRF22/3640 |
| 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 seeks to provide for a rural residential community subdivision by amending the provisions of the *Campbelltown Local Environmental Plan 2015* to protect the environmentally significant areas of the Scenic Hills Landscape. To achieve this, the proposal will:

- establish a long-term management arrangement for the ongoing protection and future use of this part of the Scenic Hills maintaining the landscape character and scenic qualities
- ensure that future development within the site responds to the topography and the location of significant vegetation
- provide a mix of lot sizes, ranging from 0.5ha to 2.75ha to facilitate environmental conservation and a rural residential community
- provide for a range of uses on the land surrounding the golf club building including a function centre, restaurant, and café
- provide for a north-south walking and cycle link through the Site connecting to existing cycle paths, potential future trails through the Scenic Hills and wider planned Sydney Green Grid projects
- provide a series of 'lookout parks' at key high points connected by the walking and cycle path
- establish a Hilltop Conservation Area to protect and restore major areas of contiguous significant vegetation.

The objectives of this planning proposal are clear and adequate.

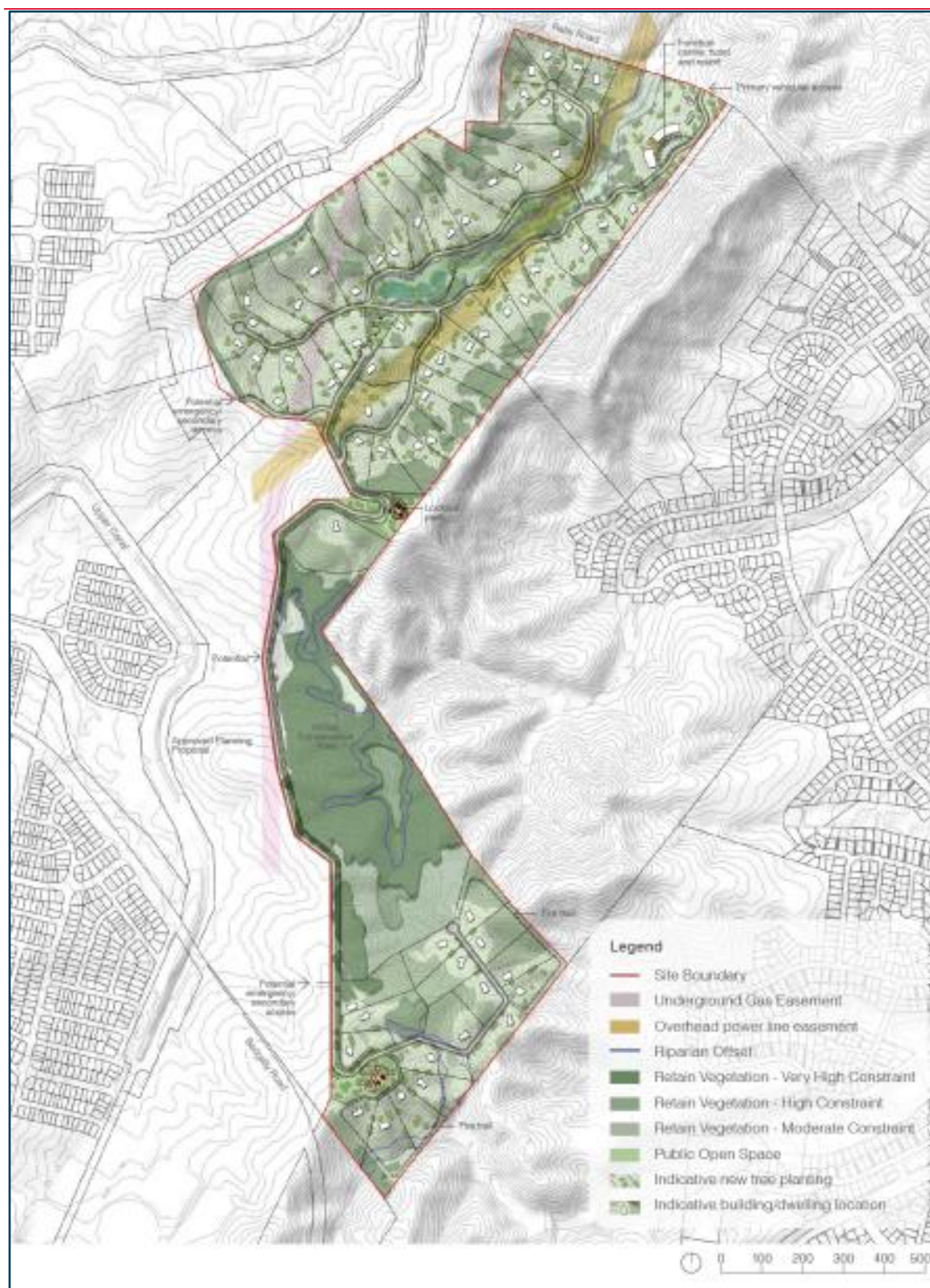


Figure 1 – Indicative Masterplan (source: Proponent Planning Proposal 2020)

1.3 Explanation of provisions

The planning proposal seeks to amend the *Campbelltown LEP 2015* (CLEP 2015) as per the changes below:

- Amend the Land Zoning Map to rezone the site from C3 Environmental Management to a range of zones including C2 Environmental Conservation, C4 Environmental Living and RE1 Public Recreation

- Introduce a site specific subdivision clause in Part 4 applying to Lot 3900 DP 1170905 to support subdivision in accordance with the Community Land Development Act 1989 for a neighbourhood scheme. Subdivision within this part should not result in lots which provide an area less than 5,000m² or exceed a density of 2.5 dwellings per hectare
- Amend Schedule 1, Additional Permitted Uses for the land fronting Raby Road (existing clubhouse precinct) to support a future function centre, restaurant, and café use
- Amend the Land Reservation Acquisition Map based for land reserved for a public purpose being open space.

Table 3 Current and proposed controls

| Control | Current | Proposed |
|--------------------------------|---|---|
| Zone | C3 Environmental Management | C2 Environmental Conservation C4 Environmental Living RE1 Public Recreation |
| Maximum height of the building | 9m | No changes proposed |
| Minimum lot size | 100ha | No changes proposed Planning Proposal seeks to implement the subdivision as a Neighbourhood Scheme. Therefore, an amendment of the Lot Size Map to support minimum 5,000m ² lots is not required. |
| Number of dwellings | N/A | 53 |
| Land Reservation | Currently identifies land required for a public purpose such as open space roads and utilities. | Update the Land Reservation Acquisition Map based on the updated Land Zoning Map. Land is reserved exclusively for a public purpose, being open space. |
| Clauses | Clause 4, Principal Development Standards | To ensure that only a Community Title Subdivision would be permissible, an amendment of Clause 4.1AA is proposed to allow subdivision on the site in accordance with the Community Land Development Act 1989 for a neighbourhood scheme – ensuring each subdivision lot will have an area not less than 5000 square metres and not exceed density of 2.5 dwellings per hectare. |

| | | |
|---------------------------|--------------------------------------|--|
| Additional Permitted Uses | Schedule 1 Additional Permitted Uses | Inclusion of the following uses in Schedule 1 as permissible with consent over the 6ha club house, neighbourhood property lot: <ul style="list-style-type: none"> • Function centre • Restaurant or cafe |
|---------------------------|--------------------------------------|--|

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

The proposal is considered generally inconsistent with the strategic framework. In particular, the objectives and priorities in relation to the Scenic Hills and Metropolitan Rural Area (MRA) .

1.4 Site description and surrounding area

The site, known as Macarthur Grange, Varroville, is identified as Lot 3900, DP 1170905. The site occupies a total area of 129.5ha, of which 71.9ha is currently utilised by the Macarthur Grange Golf Club. The site is mostly open space and bushland, with varied topography of the surrounding hillscares. The remaining land on the southern end of the site contains remnant Cumberland Plain vegetation and cleared low density grazing patches. The site is identified as being part of the Metropolitan Rural Area (MRA).

The irregularly shaped site is bounded by Raby Road to the north, Gregory Hills Drive to the South, and borders the Camden-Campbelltown Local Government Area boundary to the west. Notably, the site forms part of the Scenic Hills Protection Area.

Land to the west of the site features a broad plateau located within the Camden LGA. This land, identified as part of the South-West Growth Centre, has been developed for urban purposes. The portion of the site immediately adjacent to the western boundary is proposed for 800 m² subdivision and is zoned C4 Environmental Living.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the CLEP 2015 maps.

The zoning and additional permitted uses maps provided do not entirely align with the standard map format used by the Department of Planning and Environment. Were the planning proposal to be supported, the following further amendments would be required:

- Zoning Map
 - Scale bar and north arrow for both current and proposed zoning maps
 - Higher resolution of map for clarity
 - Orientate maps north-south up the page
- Additional Permitted uses
 - Label needs to be amended to state 'Proposed Additional Permitted Uses Map'
 - Higher resolution of map for clarity

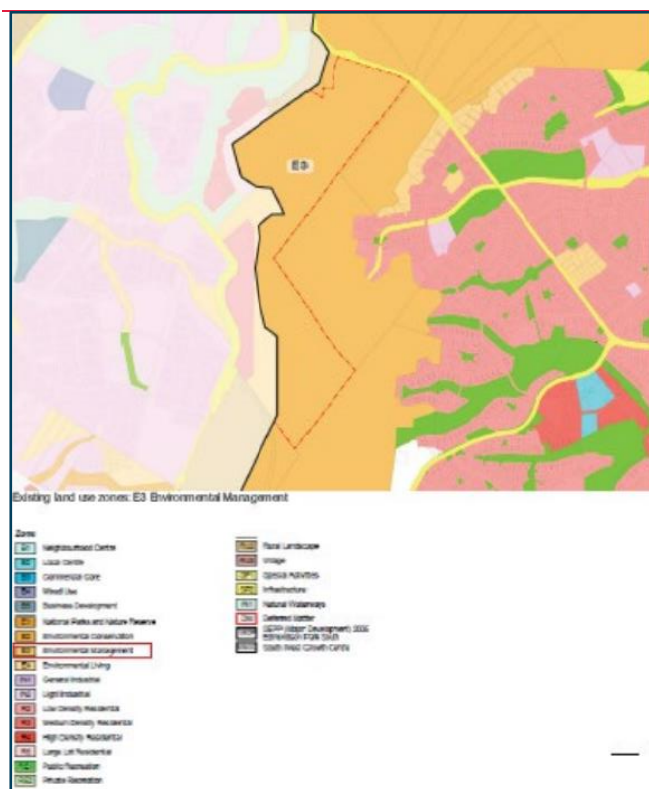


Figure 1 Current zoning map

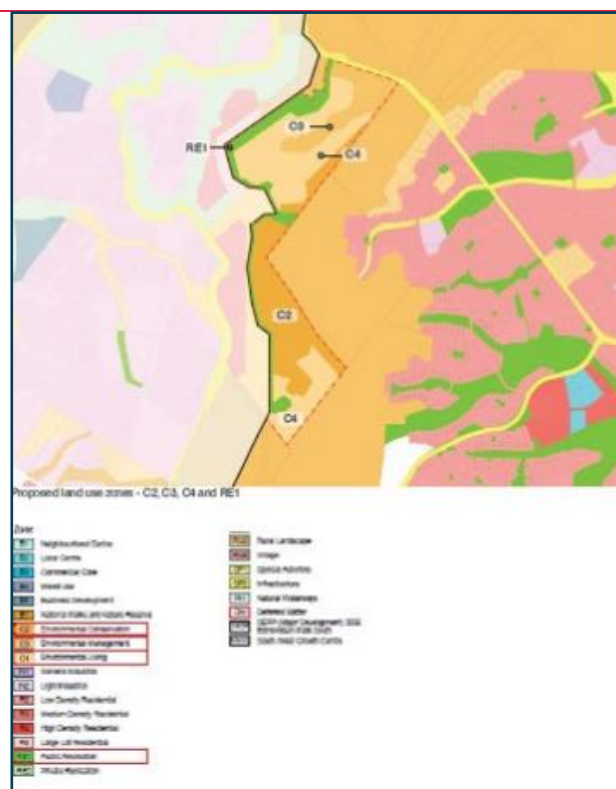


Figure 4 Proposed zoning map

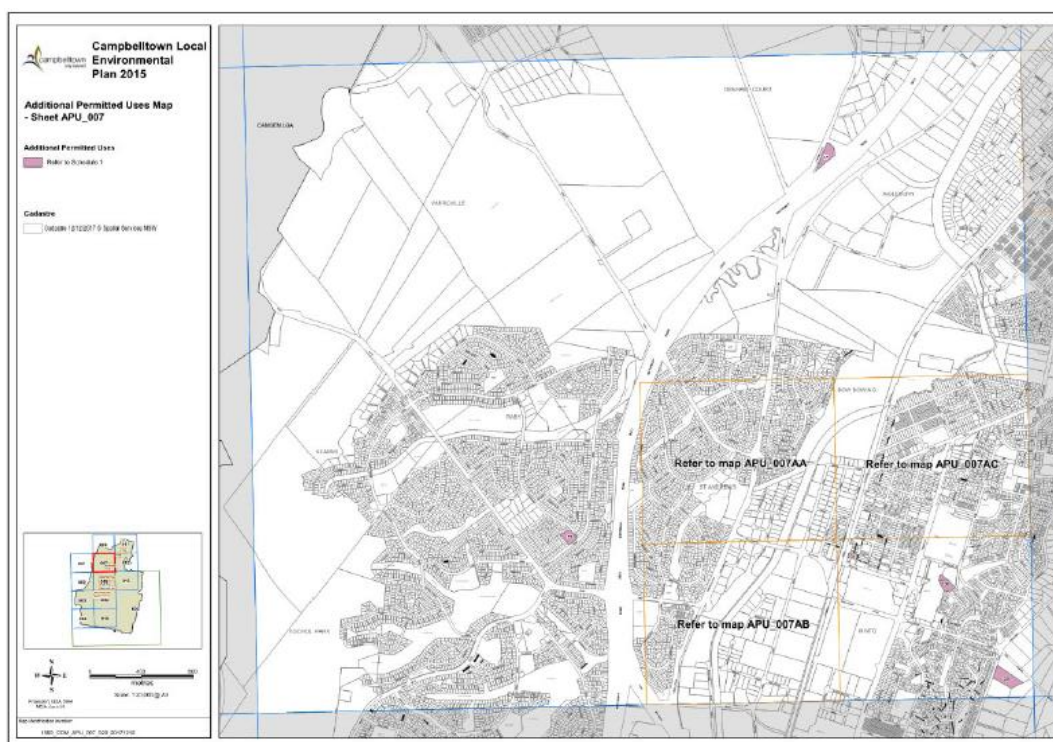


Figure 5 Existing Additional Permitted Uses map



Figure 6 Proposed Additional Permitted uses map

1.6 Background

The planning proposal has been considered in various forms since 2011. The table below outlines the history of the proposal.

Table 4 Planning proposal history

| Year | Progress | Support | Proposal |
|---------------|--|--|---|
| 2011 | Site Originally nominated for urban development by landowner through Government's 'Potential Home Sites' Program | <p>Not supported by the Department.</p> <p>Site deemed unsuitable for development due to separation of the site, lack of utility supply, and development pressures within the Scenic Hills.</p> | N/A |
| February 2016 | Planning Proposal request was considered by Council at ordinary meeting. | <p>Not supported by Council</p> <p>Inconsistent with Council's policy position to protect the Scenic Hills.</p> | <p>529-569 residential lots.</p> <p>Rezone land to R2 Low Density Residential</p> |

| Year | Progress | Support | Proposal |
|---------------|---|---|--|
| June 2020 | Revised Planning proposal request lodged by File Planning Pty Ltd on behalf of the Landowner. | <p>Supported by Council.</p> <p>Planning proposal updated to seek subdivision through community title with larger rural living lots.</p> <p>Council raised concerns consistent with the previous reasons for refusal when briefed on updated 2020 PP.</p> | <p>53 large rural/residential lots.</p> <p>Rezone the site from C3 Environmental Management to a range of zones including C2 Environmental Conservation, C4 Environmental Living and RE1 Public Recreation.</p> <p>Amend the Minimum Lot Size from 100 ha to part 5,000 m², 8 ha, 10 ha and 40 ha; and</p> <p>Amend Schedule 1, Additional Permitted Uses to facilitate a future function centre, restaurant and café for the existing club house part of the site.</p> |
| February 2021 | Planning proposal considered by the Campbelltown Local Planning Panel | <p>The southern portion does not demonstrate strategic and site-specific merit as it is in isolation from existing and potential future land uses in the vicinity, potential adverse visual impact and the efficient and orderly development of the land.</p> <p>An amended proposal, permitting development on the northern part of the site, would better demonstrate strategic merit and tangible community benefits by way of a continuous RE1 Public Recreation Zone commencing at Raby Road.</p> <p>It is considered the presentation of future proposals for limited development in the Scenic Hills is probably, and in this regard, it would be desirable for the Council to develop a more detailed delivery strategy that supports provision for public access, dedication of land and scenic and environmental protection in consultation with landowners to secure implementation of Council's policy aim for the Scenic Hills. This should be</p> | As above. |

| Year | Progress | Support | Proposal |
|-------------|--|---|---|
| | | considered holistically across the Scenic Hills and not just for this one site. | |
| July 2022 | Ordinary Council meeting | Council agreed to support the planning proposal be submitted to the Department for Gateway determination subject to conditions. | As above. |
| August 2022 | Current Planning Proposal submitted to the Department by Council for Gateway assessment. | | Planning Proposal seeks to implement the subdivision as a Neighbourhood Scheme. Amendment of the Lot Size Map to support minimum 5,000m ² lots is not required as it is a neighbourhood scheme. |

1.7 Ordinary Council Meeting resolution

On 12 July 2022, the proposal was considered at an Ordinary Meeting of Council. Council resolved:

1. *That Council support and forward the Planning Proposal, forming attachment 1 to the Department of Planning and Environment for Gateway Determination.*
2. *That the applicant be advised of Council's decision.*
3. *That Council reinforce its desire for an open space corridor between the Australian Botanic Garden (Mount Annan) and the Western Sydney Parklands.*
4. *That the subdivision occur in accordance with the Community Land Development Act 1989.*
5. *That a further visual analysis for more distant views associated with the East Edge Scenic Protection Lands occur in relation to zoning of the "Southern Point" land.*

While the planning proposal has been updated to reflect the Council's resolution that it occur under the *Community Land Development Act 1989*, the Department understands that the recommendation for further visual analysis of the southern part of the site is to be actioned. The photo montages within the Urban Design Report dated 9 June 2020 have not been updated since the Council resolution.

2 Need for the planning proposal

The planning proposal is not the result of an endorsed local strategic planning statement, strategic study, or report, but is an owner-initiated Planning Proposal Request.

The planning proposal is considered the best means of achieving the intended outcomes for the site accommodating rural residential development and providing conservation, access to and connection within the Scenic Hills Landscape. However, in its current form, the proposal does not demonstrate strategic merit and consistency with the Greater Sydney Region Plan, Western City District Plan, Council's LSPS and LHS.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan, *A Metropolis of Three Cities*, provides a framework and vision to guide land use and planning decisions for the next 20 years. The plan provides directions to accommodate for a growing Sydney, and identifies strategies to provide increased jobs, housing and infrastructure to create more liveable cities.

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

Table 5 Regional Plan assessment

| Regional Plan Objectives | Justification | Consistent |
|---|--|------------|
| Objective 1 – Infrastructure supports the three cities | <p>The site is generally not serviced by any infrastructure for wastewater, potable water, gas electricity or telecommunications.</p> <p>The proposal outlines infrastructure and facilities that will be required to support the development in terms of wastewater and potable water.</p> <p>The site is not within proximity to any existing infrastructure and services noting that it is outside of the Glenfield to Macarthur Urban Renewal corridor and Greater Macarthur Growth Area. The site is therefore not forecast for any planned infrastructure upgrades or connections.</p> | No |
| Objective 2 - Infrastructure aligns with forecast growth | <p>The site is not located within the Glenfield to Macarthur Urban Renewal Corridor.</p> <p>The proposal aims to provide infrastructure to align with forecasted population for the site. The proposal is further supported by an infrastructure report. As the site is not within an identified growth area, infrastructure required to be installed or upgraded would need to be at the cost of the proponent.</p> | No |
| Objective 3 – Infrastructure adapts to meet future needs | <p>As per the Greater Sydney Region Plan, infrastructure should consider the behaviour, demands, and trends of the future. For the MRA, the plan emphasises the possibility for future rural uses in the area through the growth of tourism and increasing demand to live and work in the area.</p> <p>The infrastructure report nor the proposal have outlined how the proposed infrastructure will adapt to meet future changes in the area and community/site-specific needs for the MRA region in response to the requirements of this objective.</p> | No |

| Regional Plan Objectives | Justification | Consistent |
|---|---|-----------------------|
| Objective 5 – Benefits of growth realised by collaboration of governments, community, and business. | As identified by Council, undertaking public consultation as part of the Gateway Determination could ensure this objective is met. | Yes |
| Objective 25 - Coast and waterways are protected and healthier. | Should the proposal be considered suitable Gateway conditions would be included to further clarify the management of the existing riparian corridors on the site | Subject to conditions |
| Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced | <p>The Proposal has foreshadowed an application for strategic biodiversity certification should the proposal proceed.</p> <p>However, the proposal has not made mention of how green infrastructure such as the lookout parks or walking trails will provide opportunities for landowners in the MRA to protect and enhance the environmental values through proposed environmental incentives.</p> <p>Further discussion of Biodiversity and the Cumberland Plain Woodlands is provided in Section 4.1 of this report.</p> <p>Should the proposal be considered suitable Gateway conditions would be included to further clarify the management of biodiversity on the site.</p> | Subject to conditions |
| Objective 28 – Scenic and Cultural landscapes are protected | <p>The concept masterplan seeks to conserve the views of the scenic hills through a 2.5ha per dwelling model.</p> <p>The Visual Impact Assessment included within the Urban Design Report does not capture and assess views of moderate to high importance. To assess the visual impact of the proposed development, a thorough view analysis of the scenic hills is to be undertaken, with regard to significant views from the public realm.</p> | No |
| Objective 29 - Environmental, social, and economic values in rural areas are protected and enhanced. | <p>This Objective encourages development to deliver targeted outcomes for the MRA region.</p> <p>In particular, the objective encourages any development within the MRA to <i>be used for more productive rural uses</i>. This may include, but is not limited to, development for agricultural purposes, opportunities to grow fresh food, increase tourism, and enhance the cultural heritage.</p> <p>The proposal does not align with the objectives for the MRA.</p> | No |

| Regional Plan Objectives | Justification | Consistent |
|--|--|-----------------------|
| Objective 30 - Urban tree canopy is increased | <p>The Proposal has foreshadowed an application for strategic biodiversity certification should the proposal proceed.</p> <p>Further discussion of Biodiversity and the Cumberland Plain Woodlands is provided in Section 4.1 of this report.</p> <p>Should the proposal be considered suitable Gateway conditions would be included to further clarify the management of biodiversity on the site.</p> | Subject to conditions |
| Objective 31 - Public open space is accessible, protected and enhanced. | <p>The proposal seeks to provide “<i>access to green connections between the Western Sydney Parklands to the north and the Mount Annan Gardens to the south</i>” to address this objective.</p> <p>The proposal aims to provide two new lookout parks and walking trails through the site. However, the implementation of this while protecting the Cumberland Plain Woodland communities as a conservation area is yet to be established.</p> | Subject to conditions |

3.2 District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan (WCDP) 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 not considered consistent with several priorities in the plan as outlined below.

Table 6 District Plan assessment

| District Plan Priorities | Justification |
|---|--|
| W16 – Protecting and Enhancing Scenic Landscapes | <p>This Priority ensures that Scenic and cultural landscapes are protected. It actions enhancing and protecting views of scenic and cultural landscapes from the public realm. This includes the highly valued ridgelines of the Scenic Hills. It is essential that development does not diminish their scenic quality.</p> <p>While the proposal has provided a visual impact assessment, this document has not identified views that are regarded as having 'high importance' from the public realm. The assessed views have been labelled as low-moderate importance from the public realm.</p> |
| W17 – Better Managing Rural Areas | <p>Priority W17 aims to ensure that the environmental, social, and economic values in rural areas are protected and enhanced. The proposal is proposing rural residential development, which can be considered in the MRA. The proposal has considered that this priority mentions <i>"Limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area."</i></p> <p>While this is mentioned in W17, the priority also states <i>"Rural-residential development is not an economic value of the district's rural areas and further rural-residential development is generally not supported."</i></p> <p>The WCDP sets a 5-year housing supply target for Campbelltown of 6,800 dwellings. The existing capacity of residential zoned land combined with the Glenfield to Macarthur Urban Renewal Corridor (Greater Macarthur Growth Area) are expected to satisfy this requirement. The subject site is not located within this area.</p> |
| W18 – Delivering high quality open space | <p>This priority of the WCDP aims to ensure public open space is accessible, protected, and enhanced.</p> <p>The proposal seeks to provide <i>"access to green connections between the Western Sydney Parklands to the north and the Mount Annan Gardens to the south"</i> to address this aim.</p> <p>W18 encourages <i>"delivering connected walking and cycling trails"</i> to maximise open space use. The proposal aims to provide two new lookout parks and walking trails through the site. However, the implementation of this while protecting the Cumberland Plain Woodland communities as a conservation area is yet to be established.</p> |

A key direction in the WCDP for Campbelltown is the need to better manage rural areas. The site is identified as being within the MRA which seeks to protect and enhance the environmental, social and economic values of rural areas. The WCDP indicates that urban development within the MRA will only be considered in the urban investigation areas identified in the Metropolis of Three Cities. The Department notes that the site is not identified as an urban investigation area. The proposal therefore is no considered to give effect to the WCDP in accordance with section 3.8 of the *Environmental Planning and Assessment Act, 1979*.

3.3 Local Strategic Plans

The following table provides an assessment of the planning proposal against local plans, including the Campbelltown LSPS and LHS.

Table 7 Local strategic planning assessment

| Local Strategies | Justification |
|--|--|
| Local Strategic Planning Statement (LSPS) | <p>The Campbelltown LSPS was adopted by Council and endorsed by the GSC in March 2020 and provides a 20-year land use vision for the Campbelltown region. The key priorities of the LSPS related to the Scenic Hills are:</p> <ul style="list-style-type: none"> • Planning Priority 2 – Creating high quality, diverse housing <ul style="list-style-type: none"> ○ Action 2.5 - contain urban development to existing urban areas and within identified growth and urban investigation areas, in order to protect the functions and values of scenic lands, environmentally sensitive lands and the Metropolitan Rural Area. • Planning Priority 3 – Embracing our heritage and cultural identity <ul style="list-style-type: none"> ○ Action 3.6 - Identify and promote the conservation of environmental heritage and sensitive environmental areas including the Georges River Corridor Landscape, Scenic Hills and Wedderburn • Planning Priority 5 – Embracing our unique landscapes <ul style="list-style-type: none"> ○ Action 5.1 - Work in partnership with stakeholders to investigate the possibility of connecting the Western Sydney Parklands to include the Scenic Hills, the Australian Botanic Garden and open space areas along the Nepean River. ○ Action 5.6 - Work in collaboration with relevant stakeholders to review and implement the recommendations of the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands study. ○ Action 5.10 - Ensure development is undertaken in accordance with relevant legislation to preserve and/or enhance scenic and cultural landscapes. <p><u>Department Comment:</u></p> <p>The Campbelltown LSPS places high emphasis on the retention of the Scenic Hills. The future vision for the MRA, along with the Scenic Hills, is to preserve the views, heritage, and environmentally sensitive areas. It is recognised that there may be possibilities of connecting the Scenic Hills to the Western Sydney Parklands, as the applicant proposes to include a walking trail with 2 lookout parks that would provide the first part of a potential link.</p> <p>Action 2.5 of the LSPS clearly reinforces that urban growth should be within the existing urban area or within the identified priority growth urban investigation areas.</p> <p>The site is not within an urban investigation area and fails to adequately address this action.</p> <p>Action 5.6 encourages implementation of the Visual Analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands study. The study analyses landscape unit 2, which is relevant to the Macarthur Grange Site. It discusses how there are residential buildings already located from mid distance views to the site – these structures – although nestled away from the site and on the horizon - still impact the quality of the ridgeline due to the hard edges.</p> <p>The Visual Analysis study states that specifically for the Macarthur Grange site, “One of the most important qualities of this Landscape Unit is its undeveloped character which enables it to still be appreciated as a substantially intact rural cultural landscape.”</p> <p>Therefore, the proposal is not considered consistent with Priorities 2, 3 and 5 of the Campbelltown LSPS.</p> |

Local Housing Strategy

The Campbelltown Local Housing Strategy (LHS) was adopted by Council on 29 September 2020 and conditionally approved by the Department on 8 July 2021. The LHS provides a 20-year strategy for housing in Campbelltown LGA. The 5-year housing target to 2026 was revised to a range of 7,100 – 8,250 dwellings.

The LHS does not identify any new areas for housing growth as there is adequate capacity within the existing urban areas through current active planning proposals and planned growth within the Greater Macarthur Growth Area to meet the projected dwelling demand for the Campbelltown LGA.

In addition, the LHS indicates that focusing housing growth within current urban areas avoids residential development in new locations where impacts on rural and high value environmental areas, cultural or scenic landscapes, and agricultural land need to be protected.

Section 3.5 of the LHS highlights that the natural environment is a key component of the Campbelltown LGA character and the Scenic Hills form part of the areas which represent significant features both in terms of biodiversity but also Campbelltown LGA's character.

Based on the above, the planning proposal is not considered consistent with the LHS.

3.4 Section 9.1 Ministerial Directions

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

Table 8 9.1 Ministerial Direction assessment

| Directions | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|--------------------------------------|----------------------------|---|
| 3.1 Conservation Zones | No | <p>Inconsistent</p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p>While the proposal aims to partially rezone the site to a C2 zone, it does not detail how plans for a walking trail within the Cumberland Plain Woodland communities would be executed given the Woodlands are critically endangered under the Biodiversity Conservation Act 2016 (BC Act).</p> <p>Further, the proposal seeks to partially rezone land from C3 Environmental Management to RE1 Public Recreation – which will vary the permitted uses with those that are consistent with the promotion of the agricultural value of the land.</p> <p>The additional provision for a function centre, restaurant, or café within the proposed C4 Environmental Living zone also requires further justification.</p> |
| 3.2 Heritage Conservation | Yes | <p>Satisfactory</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Aboriginal Heritage Report has identified areas on site, of medium to high significance (see Figure 7). An <i>Aboriginal Cultural Heritage Assessment Report</i> (ACHAR) report must be prepared for the proposal to be consistent with the aims of this direction.</p> <p>The proposal is consistent with Direction 3.2 Heritage Conservation.</p> |
| 4.3 Planning for Bushfire Protection | Yes | <p>Satisfactory</p> <p>The objectives of this direction seek to: protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.</p> <p>This direction applies to a planning proposal in proximity to bushfire prone land. It requires consultation with the NSW Rural Fire Service (RFS) following a Gateway decision and prior to public exhibition.</p> |

| | | |
|--|-----|---|
| 4.4 Remediation of Contaminated Land | Yes | <p>Satisfactory</p> <p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal is supported by a Preliminary Site Investigation which concludes that the site is likely to be suitable for the proposed use and that should any contamination be identified during redevelopment of the site, including the presence of asbestos in buried services, then it should be assessed in-line with relevant guidelines at that time.</p> |
| 5.1 Integrating Land Use and Transport | No | <p>Inconsistent</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p>The location of the site is approximately 4km from the closest major public transport node in Minto or Leumeah. The masterplan layout relies on an internal road network to link the individual sites with access to Raby Road where there are no public transport linkages. Residents would therefore be expected to be dependent on private vehicles.</p> |
| 6.1 Residential Zones | No | <p>Inconsistent</p> <p>This direction aims to encourage the provision of diverse housing types to provide for existing and future needs.</p> <p>While diverse housing supply is supported in the Campbelltown region, nominated housing supply areas such as the Urban Renewal Corridor, Gilead, and Menangle Park are assisting in reaching growth targets. Further, the WCDP has stated that rural-residential development is not an economic value of the district's rural areas. Nominated growth areas and existing residential zoned land with adequate infrastructure and transport services are considered better suited to support residential development.</p> |

| | | |
|-----------------|----|---|
| 9.1 Rural Zones | No | <p>Inconsistent</p> <p>The direction proposes various objectives including protection of the agricultural production value of rural land,</p> <p>One of the criteria for consistency with this direction is that a planning proposal must not contain provisions that will increase the permissible density of land within a rural zone (other than an existing town or village).</p> <p>Section 1(a) of Direction 9.1 outlines that a planning proposal must be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement.</p> |
| 9.2 Rural Lands | No | <p>Inconsistent</p> <p>This direction provides a number of objectives including the management, development and protection of rural lands to promote the social, economic and environmental welfare of the State. Further, the direction states that a planning proposal must be consistent with any applicable strategic plan, including regional and district plans endorsed by the Planning Secretary, and any applicable local strategic planning statement.</p> |

3.5 State environmental planning policies (SEPPs)

The planning proposal is inconsistent with the SEPP (*Koala Habitat Protection*) 2021 as discussed in the table below.

Table 9 Assessment of planning proposal against relevant SEPPs

| SEPPs | Requirement | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency |
|--------------------------------------|--|----------------------------|---|
| SEPP (Koala Habitat Protection) 2021 | Chapter 4 Koala Habitat Protection 2021 encourages the conservation and maintenance of environmental areas that are habitats for Koalas. As per the Department approved plan for Council's <i>Comprehensive Koala Plan of Management (CKPoM)</i> – under Clause 17 of the Koala SEPP – a Vegetation Assessment report is a requirement to assess the impact of future development on existing/potential Koala Habitats. | No | The requirements for Koala Habitat Protection in this SEPP cannot be met until the Vegetation Assessment report is provided. |
| Housing SEPP | The Housing SEPP provides incentives to supply affordable and diverse housing in the right place. | Yes | The planning proposal would not restrict compliance with the Housing SEPP (should it be applicable). Delivery of any affordable housing and/or affordable housing contributions would be considered at the development application stage, in accordance with the Housing SEPP and any site-specific provisions (such as in relation to specific requirements for affordable housing contributions). |

4 Site-specific assessment

4.1 Environmental

Cumberland Plain Woodland

The proposal aims to minimise significant environmental impacts due to the proposed C2/C4 Environmental zoning. However, the site has been identified to contain Plant Community Type 850 (PCT 850), being Cumberland Plain Woodland.

Further, Plant Community Type 835 from the Flora and Fauna assessment was shown to be found on site – and corresponding to the river-flat Eucalyptus Forest.

Both the River-Flat Eucalyptus Forest and the Cumberland Plain Shale Woodlands are endangered under the *Biodiversity Conservation Act 2016*. While the proponent has suggested the

possibility of an application for strategic biodiversity certification, the current Urban Design Report suggests potential public access and walking trails through this conservation area – this would require further assessment through a vegetation assessment report.

Aboriginal Heritage

In addition, the Aboriginal Heritage Assessment provided, the proposal identifies several areas of high and moderate archaeological potential. An *Aboriginal Cultural Heritage Assessment Report* (ACHAR) would be required to be undertaken at the DA stage for any future development on this site for the long-term management of the conservation areas.

Contamination

It is noted that due to difficulties investigating the site topography and existing built form of the site, there may still be potential for contamination on site. This may present complexities during the development process and should be managed accordingly in line with relevant guidelines.

4.2 Social and economic

Economic

The proposal does not generate notable economic impacts or benefits. The proposal states that large rural-residential lots would attract business owners and jobs for the city. However, the WCDP states that Rural-residential development is neither an economic value of the district's rural areas, nor will it play a role in meeting regional or district scale demand for housing.

Social

The proposal aims to provide various public recreational opportunities including:

- 2 new lookout parks
- 3km of new dedicated public walking and cycling path
- 15ha zoned public recreation
- A new function centre and resort accommodation
- A potential link between the Western Sydney Parklands and the Mount Annan Botanic Gardens

The proposal states that these opportunities can give new access to the Scenic Hills as well as regional views as far as Sydney CBD.

4.3 Infrastructure

There are several servicing and infrastructure issues due to the sites location, topography, and lack of connectivity. The site contains 3 high pressure gas pipelines including the Moomba to Sydney Ethane Pipeline, high voltage 132kV overhead transmission cables within a 60m wide easement owned by Transgrid and 66kV overhead transmission cables owned by Endeavour Energy.

To address this, the Proposal's infrastructure report concluded that there is existing or potential capacity to service the intended development, requiring at least the following works:

- Extension of the water networks from Gregory Hills Drive and Gledswood Hills Drive, and possible in-line booster stations
- Extension and amplification of the wastewater networks from the west (subject to further assessment).
- Electrical power from the future upgraded capacity of the South Leppington Zone Substation.
- Extension of the natural gas main from the Corner of Epping Forest Drive and Elbe Place.
- Application with the National Broadband Network for lead-in telecommunications infrastructure.

In terms of potable water and wastewater, Sydney Water have indicated that there is no bulk water capacity to service the site.

Likewise for electricity supply, the current power substation does not have sufficient capacity to service the proposal. Any future upgrades are likely allocated to other developments until formal application for a connection is provided to Endeavour Energy. Further consultation with these agencies would be required. Any new planning proposal would need to demonstrate that it can be serviced.

In terms of local infrastructure, the proposal includes zoning land for public open space for the walking trail and 3 lookout parks. These works would result in land being dedicated to Council through a potential Local Planning Agreement. Council has indicated they support an offer to enter into a planning agreement.

5 Consultation

Given the inconsistent nature of the proposal with the strategic framework, including the Greater Sydney Region Plan, WCDP, LSPS and LHS, it is recommended that Council consult with the GCC prior to resubmitting the proposal to the Department.

Additionally, it is noted that there may be challenges with servicing the development, so Council is requested to consult with utility providers to ensure that the development can be serviced.

6 Timeframe

It is noted that in Council's report, that the proposed timeframe for making the LEP amendment is approximately 18 months from endorsing the proposal for Gateway. Further it is noted that the proposal is not expected to be put on public exhibition until June 2023, due to the need to undertake the additional visual analysis work to ensure that distant views are not impacted. This indicates that further work is required to ensure the proposal can be finalised within the target 380-day timeframe to complete planning proposals.

7 Local plan-making authority

As the proposal is not recommended to be resubmitted, there is no requirement to appoint a local plan-making authority at this time.

8 Assessment summary

The planning proposal is recommended to be the planning proposal should be resubmitted following:

- completion of further visual analysis for more distant view associated with the East Edge Scenic Protection Lands occur in relation to zoning on the 'Southern Point' land' as recommended by Council,
- consultation with the Greater Cities Commission (GCC) to confirm the future strategic direction of the Scenic Hills and Metropolitan Rural Area and obtain their support for the proposal being resubmitted for a Gateway determination,
- further justification to demonstrate consistency with Councils Local Strategic Planning Statement, Local Housing Strategy and relevant Ministerial Directions,
- consultation with relevant utility providers such as Sydney Water, to confirm that the anticipated development can be serviced, and
- the proposal being updated as necessary in consideration of the above.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal be resubmitted.



7 / 11 / 2022

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24 / 11 / 2022

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