



IRF22/3556

Gateway determination report – PP-2022-3978

Gilead Stage 2

November 22

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-3978

Subtitle: Gilead Stage 2

© State of New South Wales through Department of Planning and Environment 2022. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (November 22) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	4
1.4	Site description and surrounding area.....	5
1.5	Mapping.....	7
1.6	Background	14
2	Need for the planning proposal	15
3	Strategic assessment	16
3.1	A Metropolis of Three Cities – the Greater Sydney Region Plan	16
3.2	Western City District Plan	17
3.3	Local Strategic Planning Statement and Local Housing Strategy	19
3.4	Section 9.1 Ministerial Directions	19
3.5	State environmental planning policies (SEPPs)	20
3.5.1	SEPP (Biodiversity and Conservation) 2021	20
3.5.2	SEPP (Precinct – Western Parkland City) 2021	21
3.5.3	SEPP (Transport and Infrastructure) 2021	21
3.5.4	SEPP (Resilience and Hazards) 2021	22
3.5.5	SEPP (Resources and Energy) 2021	22
4	Site-specific assessment	22
4.1	Environmental.....	22
4.1.1	Biodiversity Certification.....	22
4.1.2	Advice on the protection of the Campbelltown Koala population Koala Independent Expert Panel	23
4.1.3	Flooding.....	23
4.1.4	Heritage.....	23
4.2	Social and economic.....	24
4.2.1	Social.....	24
4.2.2	Economic.....	25
4.3	Infrastructure	25
4.3.1	Transport	25
4.3.2	Water servicing.....	25

4.3.3	Wastewater.....	25
5	Consultation.....	25
5.1	Community	25
5.2	Agencies.....	26
6	Timeframe	26
7	Local plan-making authority	26
8	Assessment summary	26
9	Recommendation.....	27

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Gilead Planning Report – GLN Planning, 30 September 2022
Urban Design Report – Urbis, 26 October 2022
Mt Gilead Stage 2 First Nations Cultural Heritage Summary Report – GML Heritage, July 2022
Mt Gilead – Stage 2 Biodiversity Certification Assessment Report & Biocertification Strategy – Eco Logical, 5 September 2022
Gilead and Figtree Hill Estate Employment Assessment: Preliminary Opportunities Report – Macroplan, June 2022
Mount Gilead Preliminary Flood Modelling – Rhelm, 9 June 2022
Technical Report GMGA - QRA review – SMEC International, 28 January 2022
Report on Geotechnical Assessment Gilead Rezoning – Douglas Partners, 28 June 2022
Mount Gilead Stage 2 Historical Archaeological Assessment – GML Heritage, October 2021
Gilead Infrastructure and Servicing Strategy – Enspire Solutions, 21 June 2022
Gilead Mine Subsidence Impact Assessment – BG&E, 27 June 2022
Gilead Stage 2 Rezoning Noise Impact Assessment – RWDI, 20 April 2022
Preliminary Site Investigation (Contamination) – Douglas Partners, June 2022
Market Potential Assessment – location IQ, June 2022
Riparian Plan Gilead – Rezoning Phase - Ecological Consultants Australia, June 2022
Gilead Social Infrastructure Assessment – Urbis, 4 July 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Campbelltown
PPA	Planning Secretary, NSW Department of Planning and Environment.
NAME	Gilead Stage 2, 3300 homes, 2565 jobs
NUMBER	PP-2022-3978
SEPP TO BE AMENDED	State Environmental Planning Policy (Precincts—Western Parkland City) 2021
ADDRESS	Site known as “Stage 2” within the Gilead Precinct, Greater Macarthur Growth Area
DESCRIPTION	Lot 2 in DP 1218887 Lot 2 in DP 249393 Lot 1 in DP 603675 Lot 2 in DP 603674 Lot 5 in DP 1240836
RECEIVED	2/11/2022
FILE NO.	IRF22/3556
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 (**Attachment A**) seeks to rezone the site known as Gilead Stage 2, in the Gilead Precinct of the Greater Macarthur Growth Area (GMGA). The planning proposal seeks to rezone the site from RU2 Rural landscape to Urban Development Zone (UDZ), C2 Environmental Conservation, and SP2 Infrastructure zones. The site is adjacent to Stage 1 (also known as Figtree Hill), and the State heritage listed Mt Gilead Homestead.

The proposed zones are accompanied by a draft structure plan for the site which outlines indicative intended land uses (See **Figure 1**). The planning proposal will contribute to delivering koala corridors within the Gilead Precinct. These include:

- The northern portion of the Nepean River corridor,

- A substantial portion of koala corridor B along Woodhouse creek, and
- Additional areas of koala corridor A along Menangle Creek

The proposed zoning for these corridors is C2 – Environmental Conservation, which totals 191ha of land, and implements the recommendations of the Office of the NSW Chief Scientist & Engineer (OCSE) in relation to protecting koala corridors. The total area of conservation land (242.6ha) is equivalent to approximately 8 times the size of the Royal Botanic Gardens in Sydney, or approximately 50ha larger than Centennial Park. In total, the conservation land totals approximately 49% of the total Gilead Stage 2 site.

The UDZ portion of the site will facilitate approximately 3,300 homes and a local centre.

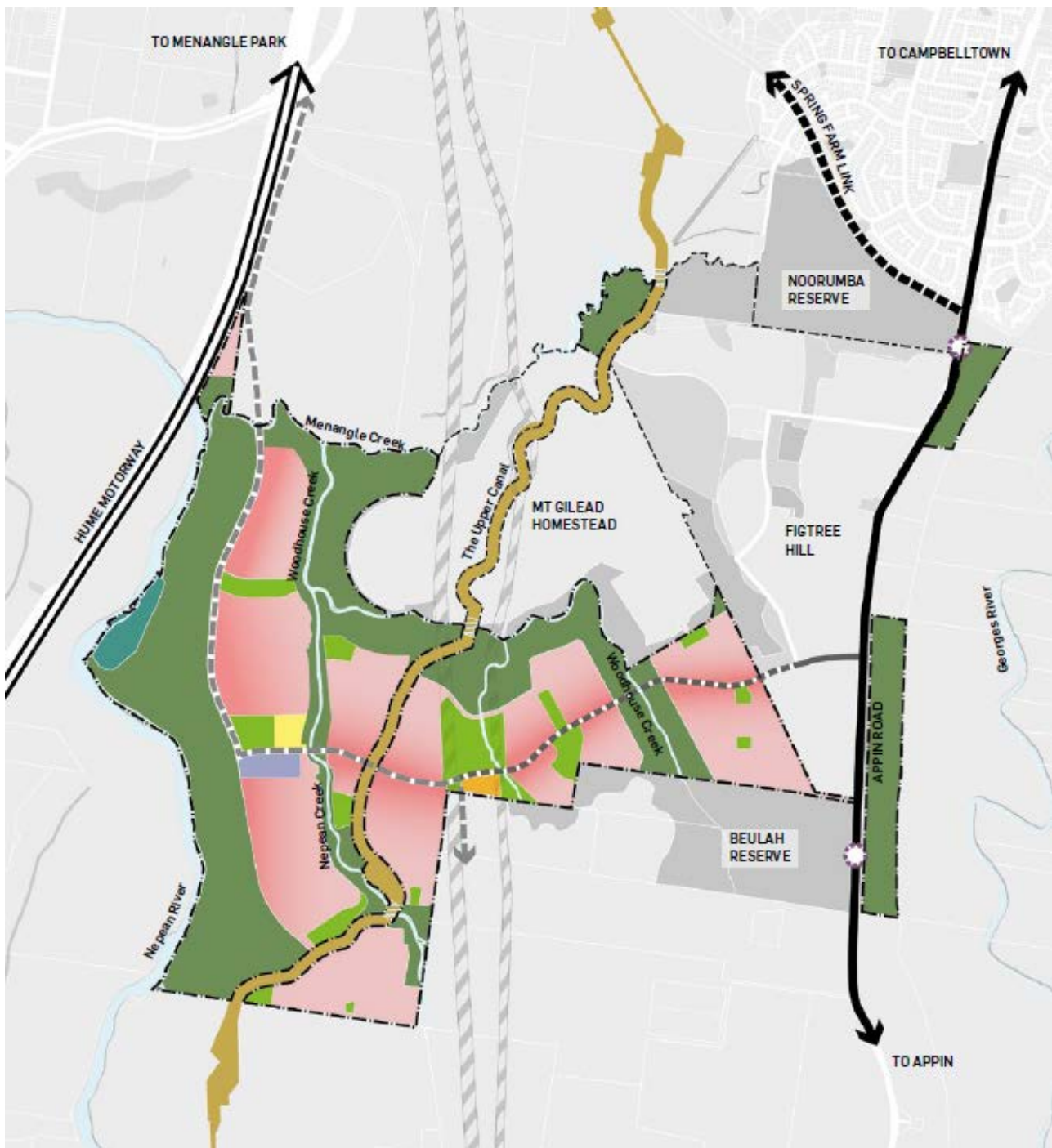


Figure 1 – Draft Structure Plan to be finalised following community consultation – Gilead Stage 2

Figure 2 – Draft Structure Plan key

1.3 Explanation of provisions

The planning proposal seeks to amend the *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (WPC SEPP) as outlined below.

There will be a new appendix in the WPC SEPP which will apply to the site and will contain the proposed controls.

The Planning Proposal includes a detailed explanation of provisions that adequately explains how the objectives of the proposal are to be achieved.

The intended controls to be inserted into the WPC SEPP include:

- A new appendix to the WPC SEPP (and associated amendments) to apply to the Gilead Precinct
- A Land Application Map illustrates where the new controls will apply to the Stage 2 site, ie the 'Gilead (Part) Precinct'.
- A new Land Use Zone map
- Permissible uses in the proposed UDZ, SP2, and C2 Zones (specifying uses for C2 land within a koala corridor, and additional uses for C2 land not forming part of a koala corridor).
- A Height of Building map to limit the height of buildings to 9m
- Provisions to allow a maximum height of 12m where the following housing types are used to deliver dwelling densities between 25 and 45 dwellings/ha:
 - o Attached dwellings
 - o Multi dwelling housing

- Residential flat buildings
- Mixed use development.
- A provision to limit the yield of the site to 3,300 residential lots
- A provision to control density outcomes for low density (15 to 25 dwellings / ha) and medium to high density (25+ dwellings / ha).
- A provision to limit retail gross lettable area (GLA) on the Site to 5,200m²
- Identify the site on an Urban Release Area (URA) map to require satisfactory arrangements for regional infrastructure to be made prior to granting any development consent.
- The identification of the site on the URA will require the preparation and adoption of a Development Control Plan (DCP) prior to the approval of residential development.
- A requirement for a final Structure Plan to be adopted by the Planning Secretary, which must include:
 - at least 29.1ha of open space not located within the koala corridors, and comprising:
 - medium and low density residential development,
 - koala corridors (as proposed in the draft structure plan and proposed land use zone map) and other areas of Environmental Conservation,
 - local centre,
 - school site (if required),
 - higher order road network,
 - koala underpasses at Appin Road,
 - the Transit Corridor
 - any other information considered relevant
- A provision to require the concurrence of the Planning Secretary prior to the granting of consent for development within the mapped koala corridors as identified and mapped in a Clause Application map.
- A provision to enable delivery of 5% of the medium density dwellings as affordable housing.

The Department notes that should the proposal proceed to finalisation, that an amendment to the LEP land application map will also be required to remove the site from being subject to the LEP.

It is also proposed to amend *State Environmental Planning Policy (Exempt and Complying Codes) 2008* (CODE SEPP) to:

- apply the Low Rise Housing Diversity Code to the UDZ in the Gilead Precinct
- amend the Greenfield Housing Code Area Map to include the Site to allow the use of the Greenfield Housing Code to provide for consistent housing outcomes with Lendlease's Figtree Hill development and other greenfield release areas in the LGA.

The Planning Proposal provides further information and examples on the proposed provisions.

1.4 Site description and surrounding area

The site as illustrated in **Figure 1** comprises 5 allotments and has an approximate area of 495 ha. The land is clear of structures and has been subject to cattle grazing, and as a result is dominated by cleared open grasslands. Intact stands of vegetation are generally located within creek lines including Menangle Creek, Nepean Creek and Woodhouse Creek and along the Nepean River.

The subject site is not located within the boundaries of the Cumberland Plain Conservation Plan (CPCP) therefore Campbelltown City Council is progressing an application for Biodiversity

Certification for the site. Determination of the application will follow a separate legislative process to the finalisation of this Planning Proposal. However, the application forms part of the supplementary material submitted in support of the proposal.

Immediately to the east of the site is the Figtree Hill development which forms Stage 1 of the Gilead precinct.

The site is situated between the Nepean River to the west and the Georges River to the east. There are several State listed heritage items in the vicinity of the site including:

- Gilead Homestead, which sits generally between the site and Figtree Hill,
- The Upper Canal, which traverses the site in a general north-south direction,
- Glen Lorne Archaeological site, which sits to the north east of Appin Road,
- Sugarloaf Farm, which is located to the north of the site, and
- Beulah Homestead and registered BioBank site (known as Beulah Reserve), which is located south east of the site and forms part of koala corridor B along Woodhouse Creek.

A series of electrical transmission lines and gas pipeline easements traverse the site from north to south.

The nearest strategic centre is Campbelltown-Macarthur approximately 7km to the north.



Figure 3 Subject site (source: Urbis, 2022)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the existing maps. The draft maps are Land Application Map; Clause Application Map; Land Zoning Map; Additional Permitted Uses Map; Height of Building Map; and the Urban Release Area Map. These are suitable for community consultation.

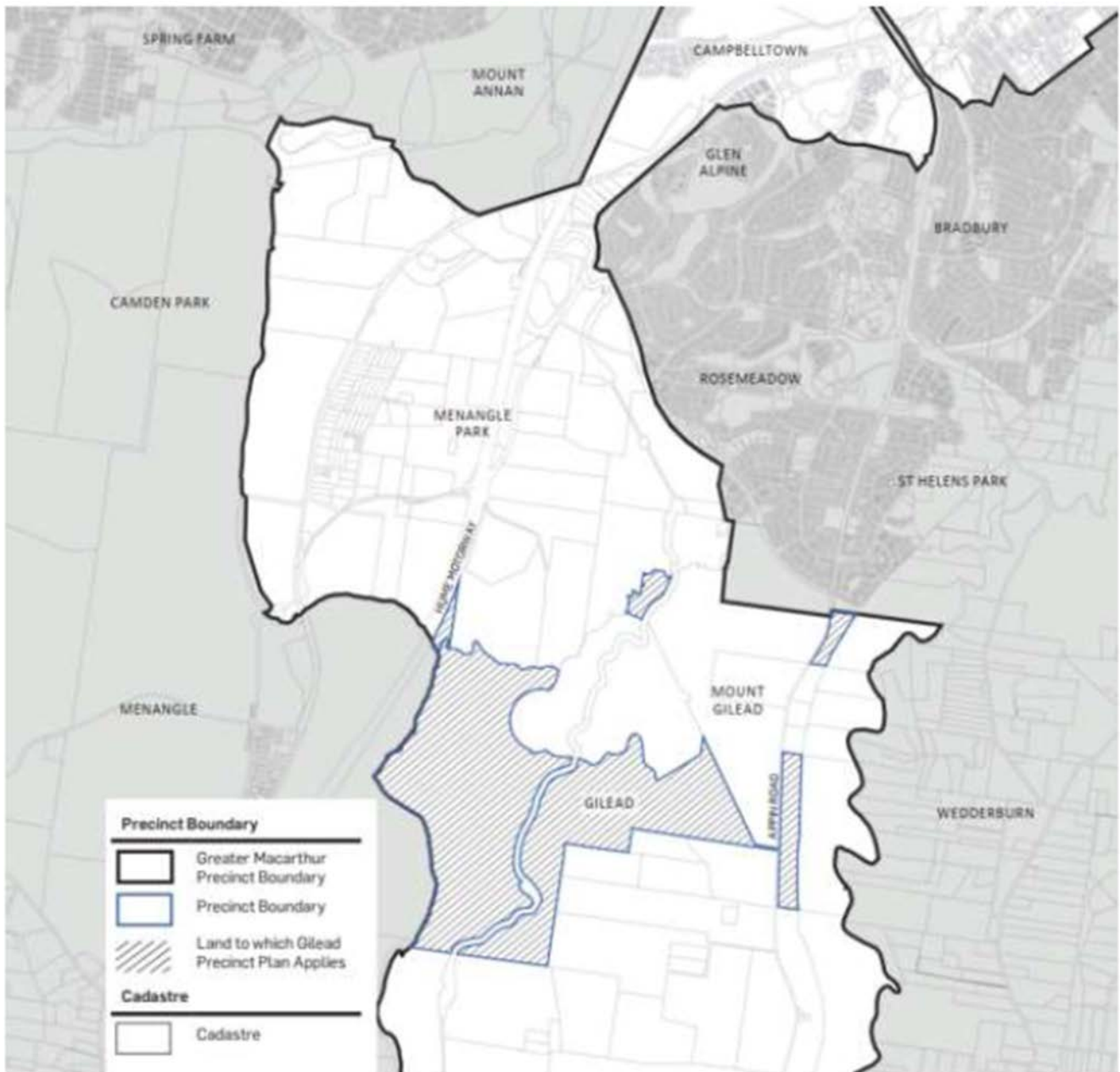


Figure 4 Proposed Land Application Map

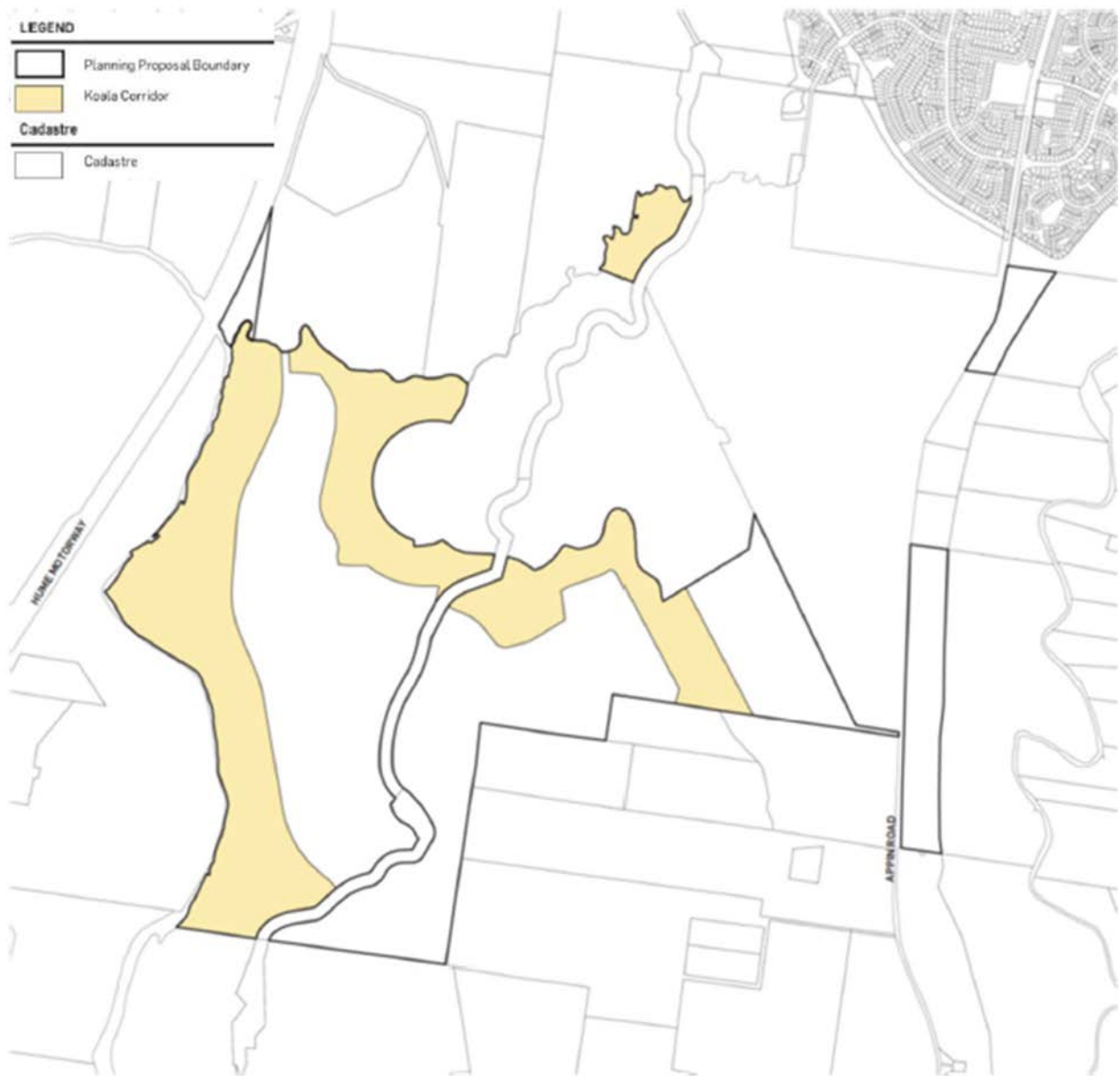


Figure 5 Proposed Clause Application Map – Koala Corridors

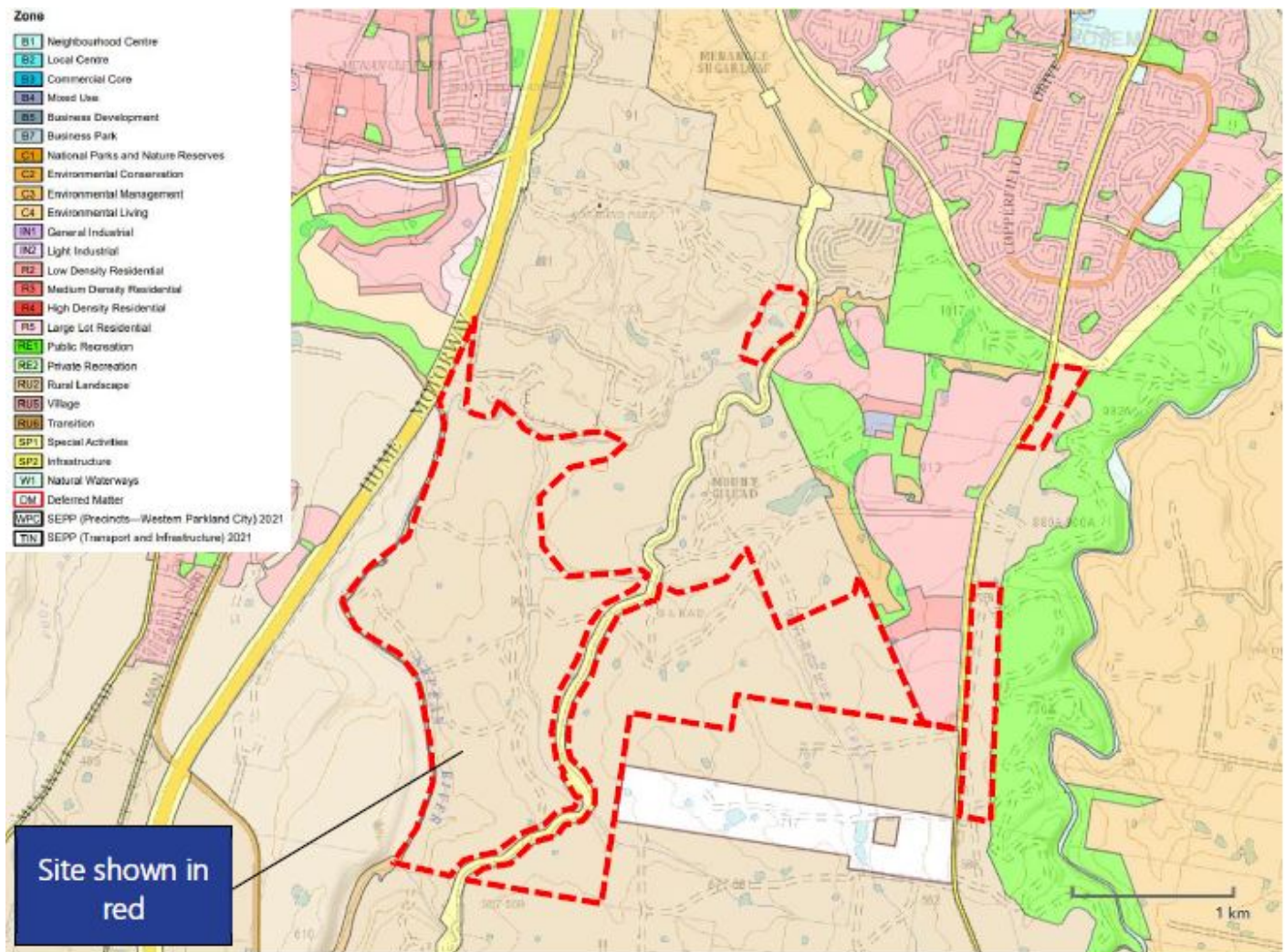


Figure 6 Current zoning (RU2) map

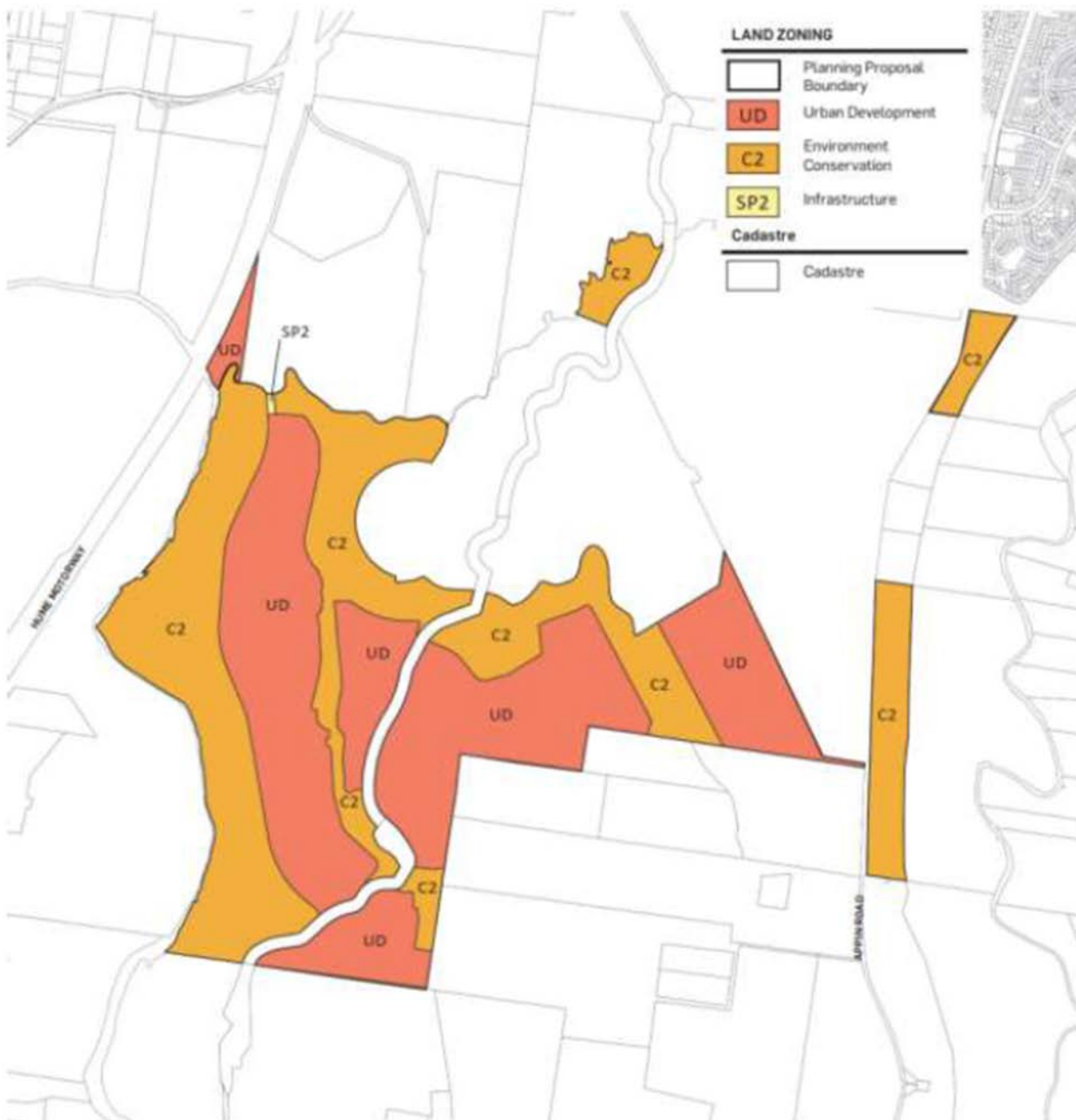


Figure 7 Proposed Land Use Zoning Map

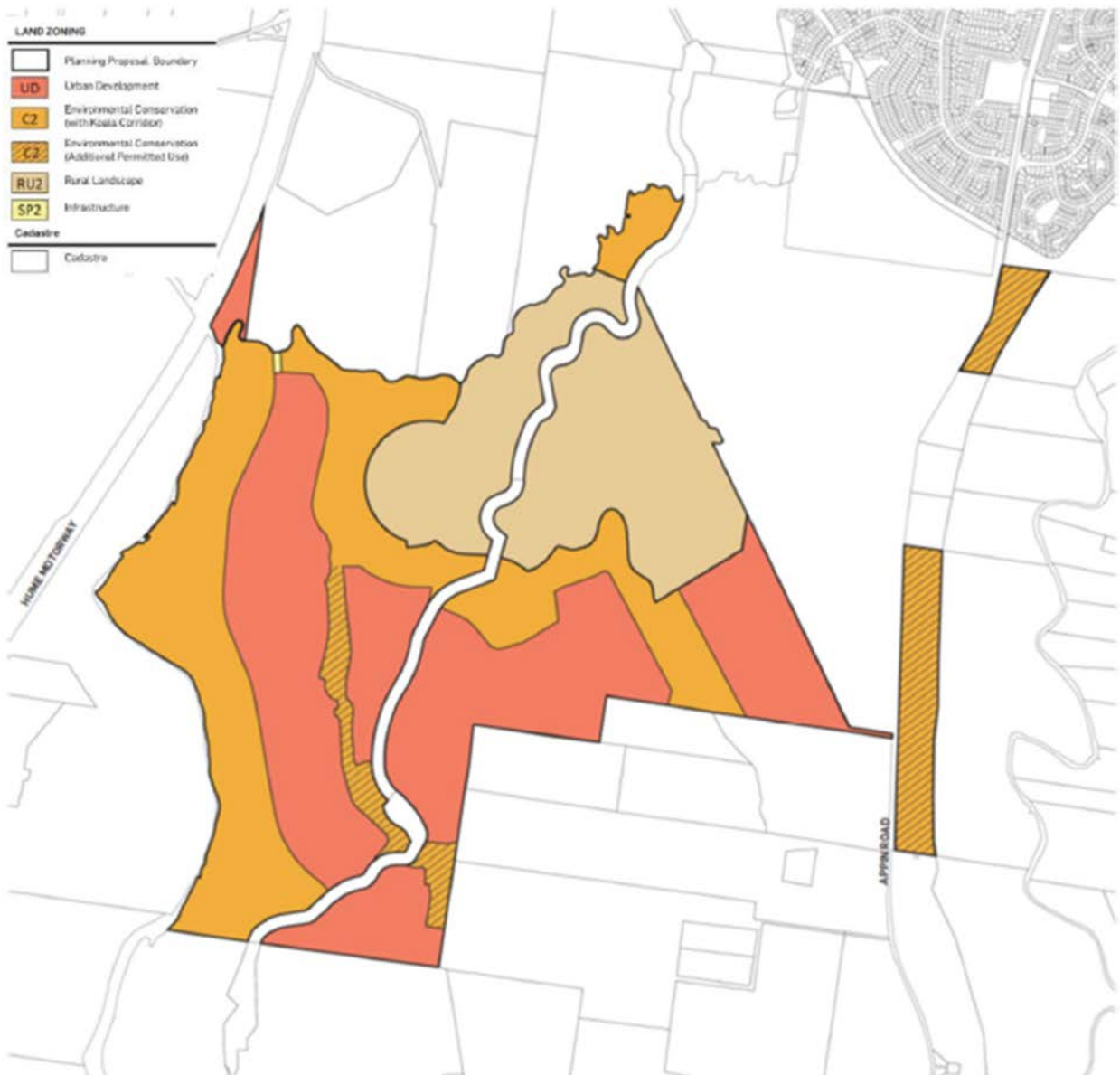


Figure 8 Proposed Additional Permitted Use Map



Figure 9 Proposed height of building map

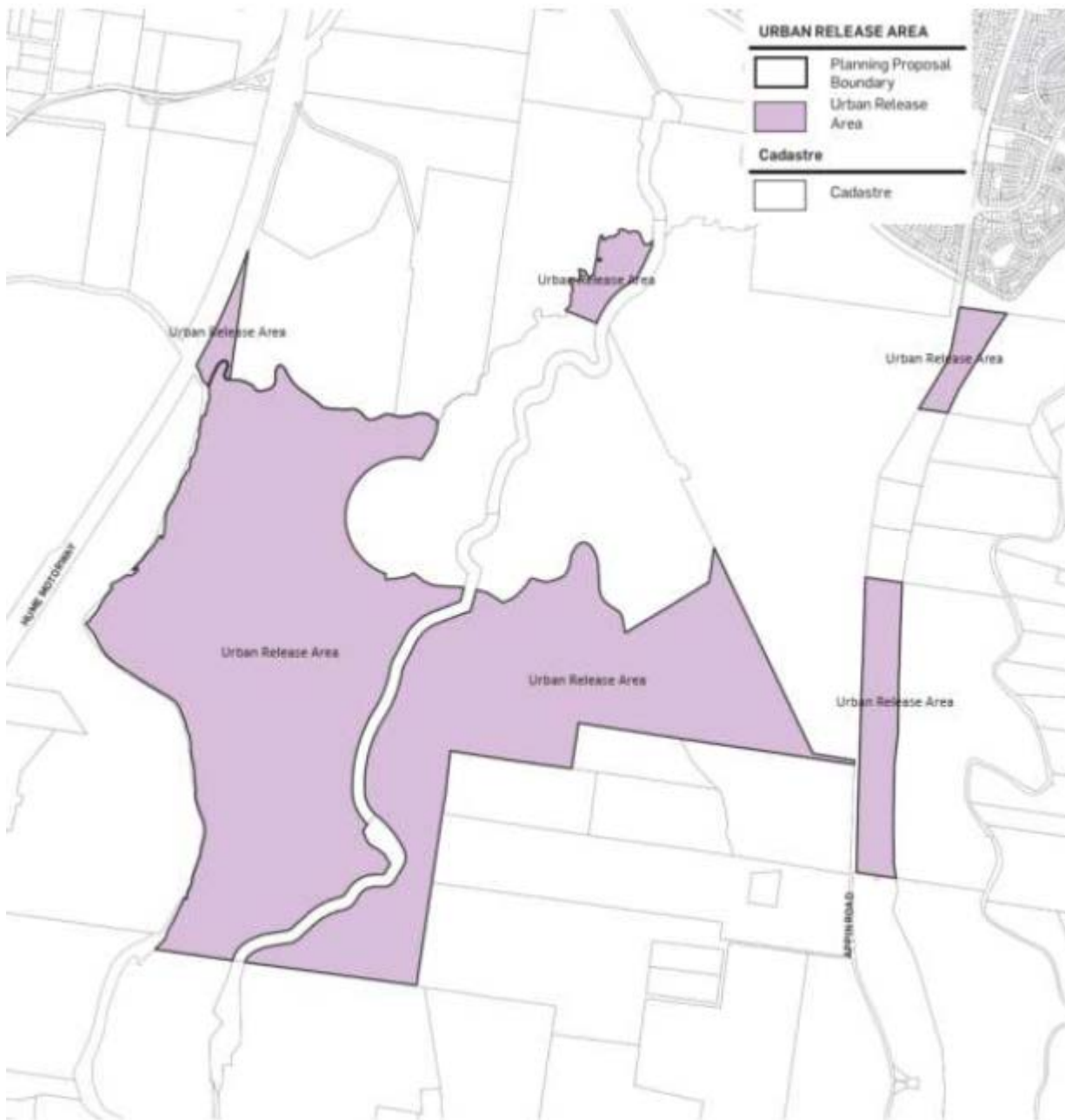


Figure 10 Proposed Urban Release Area Map

1.6 Background

The site is located within the GMGA which was declared a growth area in 2018.

The Department established the Technical Assurance Panel pilot program (TAP) in October 2020 to identify and address local, state and strategic matters before commencing a statutory rezoning process. Gilead Stage 2 was one of the two pilot sites the TAP applied to, the other being the Walker Corporation owned land in the Appin Precinct.

As part of the TAP program, the Department initiated and facilitated engagement with the Aboriginal community who reviewed and provided advice on the draft proposals prior to these being submitted to the TAP for review.

The TAP worked with the proponent to ensure alignment of the draft proposal with the advice and recommendations arising from the Office of the NSW Chief Scientist & Engineer's report *Advice on the protection of the Campbelltown Koala population Koala Independent Expert Panel* (April 2020) and subsequent clarification advice. This alignment was consistent with the methodology applied to finalise koala corridors across the whole GMGA and as part of the work undertaken with the CPCP.

The TAP program was largely concluded in July 2022 with a final presentation for each of the sites to the TAP members, which included:

- Wollondilly Shire Council and Campbelltown City Council staff
- Sydney Water
- Transport for NSW
- Environment and Heritage Group
- Department of Planning and Environment (Metro West Teams)

Following review of the draft proposals, final advice was provided to the proponents in September 2021 and can be viewed at: <https://www.planning.nsw.gov.au/Plans-for-your-area/Technical-Assurance-Panel>

On 2 November 2022, the Department announced the state assessed planning proposal pathway for three sites within the GMGA. Gilead Stage 2 was one of these, with the other two being sites within the Appin and North Appin Precincts.

On 17 October 2022 the Planning Secretary was appointed the Planning Proposal Authority.

The proponent submitted a rezoning request document to the Department on 2 November. The Planning Secretary endorsed the rezoning request documents on 10 November at which point the rezoning request became a Planning Proposal. At the same time, the Planning Secretary submitted the planning proposal to the Minister for a Gateway Determination.

2 Need for the planning proposal

The Gilead Stage 2 Planning Proposal is the outcome of the Gilead TAP program discussed above. The TAP program was intended to facilitate and review the preparation of a draft Planning Proposal to deliver the vision for the GMGA and ensure consistency with government policy. The Planning Proposal is the best way to achieve the intended outcomes.

The planning proposal notes:

The current land use provisions under the LEP and WPC SEPP preclude the ability to develop the land for residential purposes as per the intended by the District Plan, Greater Macarthur 2040 and Council's LSPS. An amendment to the WPC SEPP is required to establish appropriate land use zones for development, and conservation, and supporting development standards is required to realise both the development and conservation outcomes over the land.

The Department agrees the intended outcomes cannot be achieved through development assessment.

3 Strategic assessment

3.1 A Metropolis of Three Cities – the Greater Sydney Region Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities was published by the Greater Sydney Commission (GSC) in March 2018. The Region Plan identifies the overarching directions and objectives to guide growth in the Sydney region and recognises the strategic importance of the Greater Macarthur region and its contribution to housing supply by declaring the region as a Land Release Area.

The following table provides a summary of the planning proposal against some of the relevant key objectives of the Greater Sydney Regional Plan.

Table 3 Regional Plan Assessment

Regional Plan Objectives	Justification
7 - Communities are healthy, resilient and socially connected	Koala corridors provide for significant opportunities for passive open space. The local centre provides for services. There is a proposed school site. The proposal will implement the Transit Corridor.
10 - Greater housing supply	The rezoning is expected to deliver 3,300 new homes across low density housing types (dwelling houses, dual occupancy, attached dwelling) and medium density housing types (dwelling houses, dual occupancy, attached dwelling, multi dwelling housing, manor home, manor house, mixed use development, residential flat building, shop top housing).
11 - Housing is more diverse and affordable	The Regional Plan indicates a target of 5-10% of affordable housing should be provided in line with the Affordable Housing SEPP. The Planning Proposal falls within this threshold by proposing to deliver 5% of the medium density housing as affordable housing.
13 - Environmental heritage is identified, conserved and enhanced	The planning proposal notes the site has potential areas of heritage significance associated with the construction of the State heritage listed Upper Canal. Further identification of any additional heritage items is intended to occur as part of the detailed masterplan process to be undertaken with Council with management recommendations prepared to inform the next phase of works. Proposed koala corridor B will provide a substantial vegetation buffer between the development and the State listed Gilead Homestead
14 - A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	As noted above, the proposal includes a local centre and will deliver a portion of the transit corridor for the GMGA.
25 - The coast and waterways are protected and healthier	The Department is satisfied the proposal adequately protects Woodhouse Creek and a portion of the Nepean River and Menangle Creek by adjoining proposed koala corridors which will provide an average width of at least 390m as recommended by the OCSE.

27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced	Approximately 242ha of conservation land will be delivered by the proposal which is approximately 49% of the total land holdings comprising Gilead Stage 2. These proposed conservation lands will deliver koala corridors in line with the OCSE advice.
28 - Scenic and cultural landscapes are protected	<p>Through the TAP process, the Department and Lendlease initiated and facilitated engagement with the Aboriginal community to establish a cultural sensitivity map of the GMGA and also produce a series of guiding principles designed to conserve the cultural heritage of the area.</p> <p>The proponent has also undertaken additional aboriginal engagement, the proposal notes the following:</p> <p><i>The insight gained from engagement with the Registered Aboriginal Parties has helped provide a greater understanding of the cultural landscape and shaped the draft Structure Plan to provide for the retention of items and area of significance. For the majority of these areas, the draft Structure Plan and Planning Proposal adopts a conservation zone to protect areas that contain high archaeological significance that generally coincide with the watercourses that traverse the Site.</i></p>
30 – Urban tree cover canopy is increased	The landscape is generally cleared open grasslands with stands of vegetation located within the creek lines. Existing tree canopy will be conserved with significant revegetation to be carried out to areas of open grassland proposed for inclusion in the koala corridors. The Department understands there will be other opportunities for increased tree canopy cover such as local parks and street landscape. These opportunities combined will substantially increase the urban tree cover of the site.
32 - The Green Grid links parks, open spaces, bushland and walking and cycling paths	The Department notes the Nepean River corridor is an important part of the Green Grid, as noted elsewhere in this report the proposal seeks to deliver the northern portion of the Nepean River koala corridor which will provide for substantial koala habitat consistent with the OCSE advice and bushland for passive recreation.

3.2 Western City 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 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 a summary of the planning proposal against some of the relevant key objectives of the District Plan

Furthermore, the planning proposal includes a further detailed analysis of how the proposal is consistent with the relevant planning priorities of the District Plan.

The Department supports the analysis provided in the proposal.

Table 4 District Plan Assessment

District Plan Priorities	Justification
W1 - Planning for a city supported by infrastructure	<p>The proposal will be supported by infrastructure such as local road upgrades, public transport corridors and local services. An infrastructure delivery plan supports the Gilead Stage 2 (Part) Precinct. In addition, the proponent seeks to enter into two planning agreements as follows:</p> <ul style="list-style-type: none"> • State planning agreement with the Minister for Planning • Local planning agreement with Council
W2 - Working through collaboration	<p>The Planning Proposal is a product of the TAP program. Through the TAP program, the Department engaged with key Government Agencies and Local Council to work collaboratively to deliver a draft Planning Proposal that responded to the unique characteristics of the site and each stakeholders' objectives.</p>
W5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The proposal will provide for low and medium density housing, with a proportion of the medium density to be affordable housing. The proposal will contribute to delivering dwellings to the Western City District.</p> <p>The proposal will support the creation of 2565 new jobs within the Gilead Precinct.</p>
W6 - Creating and renewing great places and local centres, and respecting the District's heritage	<p>As identified in Table 3, the proposal seeks to protect the heritage values identified on the site and are acknowledged in the Precinct and Structure Plan.</p>
W7 - Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City	<p>The proposal will see the delivery of the Transit corridor as identified in the GMAC 2040 Interim Plan.</p>
W12 - Protecting and improving the health and enjoyment of the District's waterways	<p>As noted in Table 3, the proposal provides for significant buffers along waterways in the form of koala corridors, and therefore will conserve and enhance the local waterways.</p>
W14 - Protecting and enhancing bushland and biodiversity	<p>Approximately 242ha of conservation land will be delivered by the proposal. These proposed conservation lands will deliver koala corridors in line with NSW Chief Scientist advice which will assist with enhancing and protecting biodiversity.</p>
15 - Increasing urban tree canopy cover and delivering Green Grid connections	<p>The Green Grid network within the Appin (Part) Precinct includes environmental corridors, waterways and open space connections linking the proposed residential neighbourhoods to local centres and transport corridors.</p>
16 - Protecting and enhancing scenic and cultural landscapes	<p>As noted in Table 3 above, engagement with Aboriginal community has produced a cultural sensitivity map of the GMGA and also produce a series of guiding principles designed to conserve the cultural heritage of the area.</p>

3.3 Local Strategic Planning Statement and Local Housing Strategy

Campbelltown City Council's Local Strategic Planning Statement (LSPS) outlines the community's social, environmental and economic land use need to 2040. The LSPS contains 18 planning priorities that provide direction for land use decision making within the Campbelltown LGA.

The Planning Proposal has been prepared in accordance with the planning priorities contained within the LSPS.

Council's LSPS acknowledges the anticipated growth within the area and indicates approximately 40,000 additional dwellings will be needed to accommodate a population of 275,000 people by 2036. The LSPS estimates 15,000 potential new homes to be delivered in the Gilead precinct.

The planning report contains a detailed analysis of its alignment with these planning priorities. The Planning Proposal also provides a table demonstrating consistency with Council's Local housing Strategy (LHS) which has been endorsed by the Department.

The LHS states that most of the new housing required to accommodate the growing population will be accommodated in the Greater Macarthur Priority Growth Area and that no new areas for housing growth are required in the short to medium-term because there is adequate capacity within the existing urban area and areas already identified for urban growth.

3.4 Section 9.1 Ministerial Directions

The Department has reviewed the Planning Proposal against the Ministerial Directions. The proposal is considered to be consistent with the Directions, except for:

Direction 1.4 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.

The planning proposal seeks to introduce a number of site-specific provisions, which will ultimately be rolled out across the broader Gilead Precinct and GMGA.

The inconsistency is justified as the proposed amendments generally seek additional provisions to ensure the identification and protection of koala habitat and the delivery of regional infrastructure through satisfactory arrangements.

Direction 4.3 Planning for Bushfire Protection

This direction seeks to protect life, property and the environment from bush fire hazards and to encourage sound management of bush fire prone areas.

The site is bushfire prone. Engagement with NSW Rural Fire Service was undertaken as part of the TAP program to discuss site constraints and suitability of the indicative proposal. A Strategic Bushfire Assessment was prepared for the Site which concludes the site is suitable to accommodate 3300 homes as proposed, and that there is opportunity for evacuation and shelter in place during a bushfire event. The report also concludes that Asset Protection Zones (APZ's) can be provided which will provide adequate protection from bushfires.

The Greater Macarthur Strategic Bushfire Study (2021) was prepared to support the Interim Plan: Greater Macarthur 2040, to implement bushfire assessment framework for the growth area. The proposals bushfire assessment was prepared in response to the study. The proposal is consistent with the Greater Macarthur Strategic Bushfire Study (2021).

As this direction is applicable, the Planning Proposal Authority is required to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking public exhibition and take into account any comments made. The Department has consulted and met with the RFS prior to the exhibition of the proposal. The Gateway determination has been drafted to also require further consultation with the RFS as part of the statutory exhibition of the proposal along with other agencies and authorities.

Direction 9.1 Rural Zones

The Direction states a Planning Proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The proposal is justifiably inconsistent with the Direction as the site is located within the Greater Macarthur Growth Area and is consistent with the strategic framework including the Western City District Plan, Council's LSPS and LHS.

The Department notes the following Direction applies to the proposal, the Gateway determination has been conditioned to require consultation with Division of Resources and Geoscience of the Department of Regional NSW to ensure consistency with the Direction.

Direction 8.1 Mining, Petroleum Products and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

The Site is located in the South Campbelltown Mine Subsidence District, however the site has not been subject to long wall mining, nor is long wall mining planned for the site in the next 15 to 30 years.

There are portions of the site which have been identified as containing coal reserves, however due to geological faults, the viability of mining on the site is limited. The report notes an Exploration Licence for coal resources applies to the Site. Notwithstanding, the assessment provides for appropriate measures for future development to be undertaken should the Site be mined.

If mining were to occur after development, the proposal anticipates it would be designed under Surface Development Guideline 5 (SA NSW 2018).

Consultation with the NSW Subsidence Authority is recommended.

3.5 State environmental planning policies (SEPPs)

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

3.5.1 SEPP (Biodiversity and Conservation) 2021

On 1 March 2021, this SEPP consolidated the provisions of:

- State Environmental Planning Policy (Koala Habitat Protection) 2020,
- State Environmental Planning Policy (Koala Habitat Protection) 2021, and
- Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River.

The relevant chapters of this SEPP are discussed below.

Chapter 2: Vegetation in Non-Rural Areas

Chapter 2 establishes requirements for approval to remove certain vegetation.

The rezoning of the site will not preclude this requirement, noting that the Urban Development is to be Biodiversity Certified and development over that area will not be subject to this part of the SEPP.

Chapter 4: Koala habitat protection 2021

The Department notes Campbelltown City Council has an endorsed KPOM applying to the site.

Council is progressing a biodiversity certification application for the site, which has been revised following release of the OCSE's report. The revised application was publicly exhibited for comment in early 2021. The Planning Proposal notes that should the biodiversity certification application be finalised, Chapter 4 will cease to apply to the site.

Chapter 6: Bushland in urban Areas

The Planning Proposal does not compromise the application of chapter 6 of this SEPP. The Planning Proposal does not include the rezoning of land for public open space. The report notes principles for vegetation retention on such land can be considered in future DAs as a matter of best practice.

Chapter 9: Hawkesbury-Nepean River

This Chapter aims to protect the environment of the Hawkesbury- Nepean River system by ensuring impacts of future land uses are considered in a regional context. The Chapter includes planning considerations for development control plans and environmental planning instruments.

The proposal will not have a significant adverse impact on features of the natural environment or environmental attribution and will manage flora and fauna communities so diversity of species within the catchment is conserved and enhance. The proposal notes further assessment will be undertaken at the development application stage. The department is satisfied with this.

Chapter 11: Georges River Catchment

It is not anticipated that the development of the land will result in significant impact to the Georges River as the Site generally conveys water to the Nepean River system. Land on the eastern side of Appin Road that is within the Georges River catchment is to be conserved for its biodiversity values and not be subject to development.

3.5.2 SEPP (Precinct – Western Parkland City) 2021

Chapter 3: Sydney region growth centres

The planning proposal aims to rezone the site UDZ, C2 and SP2 under Chapter 3 of the WPC SEPP. The proposal is consistent with State and local strategic planning policies and is located within the GMGA.

3.5.3 SEPP (Transport and Infrastructure) 2021

Chapter 2: Infrastructure

The aim of this Chapter is to facilitate effective delivery of infrastructure across the State.

Future development applications will require concurrence from TfNSW as per Scheduled 3 of the SEPP as the proposed development will result in the subdivision of 200 or more allotments and 300 or more residential dwellings.

Works carried out on land adjacent to the electrical transmission lines and gas pipelines that traverse the site will be referred to Endeavour Energy and Jemena.

Chapter 3: Education establishments and child care facilities

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. The proposal will provide for future education establishments and compliance with Schedule 4 of the SEPP will be addressed in future development applications.

3.5.4 SEPP (Resilience and Hazards) 2021

Chapter 4: Remediation of land

The objective of this Chapter is to provide for a State-wide planning approach to the remediation of contaminated land. A preliminary site investigation by Douglas Partners supports this proposal. It identified the potential for significant and widespread contamination is generally low and the proposal is deemed suitable from a contamination perspective for the proposed rezoning subject to further detailed investigations being undertaken prior to bulk earthworks and residential subdivision occurring.

Localised evidence of contamination was observed in some areas which is noted as being typical for a greenfield site of this nature.

3.5.5 SEPP (Resources and Energy) 2021

Chapter 2: Mining, petroleum production and extractive industries

The aims of this Chapter are in recognition of mining, petroleum production and extractive industries to the State. The proposed development will be supported by measures to avoid or minimise incompatibility with future mining uses in the site immediate vicinity.

The site has not been mined, nor are there any plans to mine the site in the next 15 – 30 years, however Exploration Licence AUTH248 for coal resources applies to the Site.

The department recommends consultation with the NSW Subsidence Authority.

Chapter 3 Extractive industries in Sydney area

A quarry is located on the northern side of Menangle Creek which has nearly exhausted easy to moderate opportunities to extract materials. The licence is due for review in November 2026.

It is also noted that a Planning Proposal to rezone the land for residential uses is also being progressed by a separate party over the quarry land. Council will continue to consider the requirements of this chapter to ensure operations are not compromised.

4 Site-specific assessment

4.1 Environmental

4.1.1 Biodiversity Certification

As noted above in this report, Council is currently progressing an application for bio certification of the site. A copy of that application accompanied the planning proposal as a part of the supporting documentation. For clarity, submissions are not being sought on this matter as bio certification is subject to a separate legislative process to the planning proposal.

4.1.2 Advice on the protection of the Campbelltown Koala population Koala Independent Expert Panel

The planning proposal is consistent with the advice of Independent Expert Panel.

- *Corridor A Menangle Creek to Noorumba*

The proposal seeks to apply the C2 Environmental Conservation zone to applicable portions of Corridor A within the site. The Department notes this will further deliver parts of this east-west corridor providing connectivity between the Nepean and Georges Rivers.

- *Corridor B Woodhouse Creek to Beulah*

A large part of Corridor B transects the site. The proposal seeks to apply the C2 Environmental Conservation zone to applicable portions of Corridor B within the site. This will effectively secure a significant part of Corridor B, linking to Corridor A, the Nepean River Corridor, and Beulah Reserve and through to the Georges River.

The Panel identified the importance of Corridor B in providing appropriate east-west movement.

- *Nepean River Corridor*

The Department notes the Nepean River corridor is a substantial north-south corridor running the entire length of the western boundary of the GMGA.

While the majority of the Nepean Corridor has been mapped by the CPCP, the site is needed to secure the final northern part of this corridor to link into Corridors A and B. The proposal seeks to fulfil this critical function. It is noted the part of the Nepean Corridor in the site will provide areas of significant revegetation, noting the reduction of what was originally identified as 'urban capable land' in the 2018 Interim Plan.

4.1.2.1 Proposed planning provisions

As discussed above in this report, to strengthen the proposed koala protection measures, consistent with the final TAP advice, the proposal seeks to implement a specific koala corridor SEPP map which will apply to the proposed concurrence clause. The concurrence clause will require the Planning Secretary's concurrence prior to consent being granted to development within the mapped corridors.

The proposal also includes a set of permissible uses for the proposed C2 zoned land that aligns to the OCSE advice. Further permitted uses in the C2 zoned land are proposed where that land does not form part of a koala corridor.

4.1.3 Flooding

Flood assessments that informed the GMAC 2040 Interim Plan did not identify significant flooding constraints on the site.

Preliminary flood modelling for the post development scenario does not identify any significant constraints in the land within the proposed UDZ, with the majority of the 1% Annual Exceedance Probability event and Probable Maximum Flood levels being contained within land to be zoned for environmental conservation.

4.1.4 Heritage

4.1.4.1 Aboriginal

The site has been subject to multiple archaeological investigations over the last 50 years which have produced a significant bank of information of the Aboriginal Cultural Heritage (ACH)

contained in the site. The supporting Aboriginal Cultural Heritage report indicates the site has a rich diversity of Aboriginal Objects and Cultural sites.

The report presents 6 heritage management and planning considerations which are based on both the NSW statutory framework, and the outcomes from community engagement through the work. These include:

- future engagement with First Nations people,
- conservation of ACH values,
- biobanking,
- urban development,
- future heritage investigations, and
- place specific heritage management.

These heritage management and planning considerations will be followed during the preparation of the final structure plan for Gilead Stage 2.

4.1.4.2 European

The site does not contain any listed heritage items. Several locally listed and State listed heritage items are located in the vicinity of the site including:

- Gilead Homestead, which sits generally between the site and Figtree Hill,
- The Upper Canal, which traverses the site in a general north-south direction,
- Glen Lorne Archaeological site, which sits to the north east of Appin Road,
- Sugarloaf Farm, which is located to the north of the site, and
- Beulah Homestead and registered BioBank site (known as Beulah Reserve), which is located south east of the site.

A Historical Archaeological Assessment (HHA) has been prepared by GML Heritage to support the proposal and to inform future precinct planning of the site.

The majority of heritage items identified on the site fall within creek lines and areas to be zoned C2 Environmental Conservation. Further investigations are intended to occur as part of the detailed master planning process in the next phase of works.

4.2 Social and economic

The planning proposal will have positive economic impacts through increased access to local employment opportunities through the proposed local centre. The draft structure plan also identifies the transit corridor which will provide connectivity across the GMGA in the longer term.

The Department notes the proposal will result in a substantial amount of accessible open space as part of the koala corridors.

4.2.1 Social

The planning proposal will have positive social impacts through the supply of open space and housing diversity. The supporting report *Social infrastructure Assessment and Housing Demand*, outlines social infrastructure requirements to support residential development of the site. The report provides principles for provision of open space that cover such points as location, size and type.

The report confirms the need for educational facilities to be provided within the development. Lendlease have committed to further consultation with Schools Infrastructure NSW to finalise details on this matter.

4.2.2 Economic

The planning proposal will have positive economic impacts through increased access to local employment opportunities through the proposed local centres within the UDZ.

The proposal estimates it will be a catalyst for approximately 2,565 jobs.

It is estimated the development of the site will generate opportunity for approximately half of the anticipated employment demand to be satisfied on site through a combination of centre, construction, work-at-home and work-from-home based jobs. Another third of the employment demand will be satisfied by external tradeable jobs in the immediate area of the Site.

As part of the detailed masterplan to be prepared with Council, Lendlease intend to progress further work on employment strategy to assist in creation of additional opportunities over the life of the project.

4.3 Infrastructure

4.3.1 Transport

Appin Road is subject to upgrade between Rosemeadow and Mt Gilead, funded by Housing Acceleration Funding and Lend Lease. This will result in new connections to the Mt Gilead land release area.

As part of the TAP program, consultation with TfNSW confirmed that a Transport Management and Accessibility Plan (TMAP) can be prepared following exhibition. This will help finalise the draft structure plan in light of any community and other agency submissions.

In addition, the proposal has prepared a strategic transport assessment, the strategic traffic modelling indicates staged road upgrades are recommended to support the proposal.

The Department notes that work is underway to negotiate a State Planning Agreement with the Minister for Planning. The draft SPA will be exhibited for community comment separately following exhibition of the planning proposal.

As part of the ongoing SPA negotiations, two koala underpasses are planned for Appin Road. One located at Noorumba Reserve which forms part of koala corridor A, and the other at Beulah Reserve which forms part of koala corridor B.

4.3.2 Water servicing

As part of the TAP program, Sydney Water confirmed the site can be serviced. Sydney Water has indicated it will be serviced from the Macarthur Water Filtration Plant.

4.3.3 Wastewater

Sydney water has advised in the short to medium term, release area one will be serviced by the existing Glenfield Waste Water Recycling Plant.

5 Consultation

5.1 Community

The Department proposes a community consultation period of at least 28 days. The Gateway determination has been conditioned accordingly.

5.2 Agencies

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

- Transport for NSW
- Sydney Water
- Heritage NSW
- NSW Health
- Campbelltown City Council
- Environment and Heritage Group
- Schools Infrastructure NSW
- Rural Fire Service
- Water NSW
- Tharawal Local Aboriginal Land Council,
- Division of Resources and Geoscience of the Department of Regional NSW, and
- NSW Subsidence Authority

6 Timeframe

The Department recommends a time frame of 8 months to ensure it is completed in line with its commitment to reduce processing times. The Gateway includes conditions requiring the proposal to be exhibited and submitted for finalisation by specified milestone dates.

7 Local plan-making authority

The Department recommends that the Planning Secretary as PPA, not 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:

- The proposal has been subject to an iterative design process informed by the TAP program and government agencies input
- Amending the planning controls will allow for the delivery of approximately 3,300 dwellings for the Gilead precinct, supported by infrastructure
- 242ha of land will be zoned for environmental conservation which will help protect biodiversity and secure land to deliver functional koala corridors as per the advice and recommendations of the NSW Chief Scientist
- The planning controls provides affordable and diverse housing to meet the needs of the current and future demographics of the Campbelltown LGA
- The proposal has strategic merit being consistent with the Western District Plan

9 Recommendation

It is recommended the delegate of the Planning Secretary:

- Agree that any inconsistency with section 9.1 Directions 1.4 Site Specific Provisions, 4.3 Planning for Bushfire Protection, 9.1 Rural Zones is justified in accordance with the terms of the Directions

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

1. Consultation is required with the following public authorities:
 - Transport for NSW
 - Sydney Water
 - Heritage NSW
 - NSW Health
 - Campbelltown City Council
 - Environment and Heritage Group
 - Schools Infrastructure NSW
 - Rural Fire Service
 - Water NSW
 - Tharawal Local Aboriginal Land Council,
 - Division of Resources and Geoscience of the Department of Regional NSW, and
 - NSW Subsidence Authority
2. The planning proposal should be made available for community consultation for a minimum of 28 days
3. The planning proposal must be exhibited within 1 month from the date of the Gateway determination.
4. The planning proposal must be reported to the Planning Secretary, as Planning Proposal Authority, for a final recommendation 5 months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be 8 months from the date of the Gateway determination.
6. Given the nature of the proposal, the Planning Secretary is not authorised to be the local plan-making authority.

Assessment officer

Gary Hinder

Senior Assessment Officer, DPE,
Metro West

Ph: 9873 8547



15 November 2022

Adrian Hohenzollern

Director, Metro West