

## 8.7 Glenlee Estate (Glenlee House) Planning Proposal

### Reporting Officer

Acting Executive Manager, Urban Release and Engagement  
City Planning and Environment

### Community Strategic Plan

Objective	Strategy
2 Places For People	2.3.1 Ensure all people in Campbelltown have access to safe, secure, and affordable housing

### Delivery Program

Principal Activity
2.3.1.1 Protect the City's heritage through sound planning decisions
2.3.1.2 Lead and build partnerships to achieve diverse and affordable housing options

### Officer's Recommendation

1. That Council endorse the Planning Proposal at attachment 1 which seeks to amend the Campbelltown Local Environmental Plan 2015, as it relates to land comprising "Glenlee Estate", No. 60 Menangle Road Menangle Park.
2. That subject to recommendation no.1, the Planning Proposal be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.
3. That subject to the Minister determining that the Planning Proposal may proceed, public exhibition be undertaken in accordance with the Gateway Determination.
4. That Council request the Minister delegate the authority for the making/finalising of the Planning Proposal to the General Manager.
5. That following the completion of public exhibition:
  - (a) where submissions are received by Council during the public exhibition period, a submissions report be presented to Council, or
  - (b) where no submissions are received by Council during the public exhibition period, the draft Planning Proposal be finalised.

## Executive Summary

1. Council at its ordinary meeting of 8 June 2021 supported a Planning Proposal to rezone the subject land to permit limited environmental living opportunities (with attendant reduction in maximum building height), realise dedication of a strategic ridge as open space (at no cost), ensure a long term conservation strategy, including restoration works.
2. The subject Planning Proposal (PP) was deemed to exhibit strategic and site specific merit and had received prior qualified support from the Local Planning Panel.
3. The PP was referred to the Department of Planning and Environment (DPE) for a Gateway Determination.
4. A Conditional Gateway Determination (GD) was issued that required prior consultation with Heritage NSW over a limited 4 month period.
5. The Heritage Council Approvals Committee met outside the 4 month time horizon and resolved to not support the PP in the form submitted and to form a subcommittee to further workshop heritage matters with Council staff and the proponent.
6. The DPE “rescinded” the GD on 9 March 2022 in response to Heritage NSW’s concern and the likely timeframe to resolve heritage matters. An invitation was also issued to reapply for a new GD, having resolved issues with Heritage NSW.
7. After several iterations a revised Concept Plan was considered by the Heritage Council Approvals Committee (HCAC) on 1 November 2022 who issued conditional support to the revised Concept Plan.
8. Council staff prepared an Advancement Strategy to facilitate the incremental and timely progress of an amended PP. This was accepted by Heritage NSW on 21 December 2022.
9. The revised PP and Concept Plan is considered to be consistent with the principles which underpinned Council’s support of the former draft PP and potentially represents a different nuanced response to the site’s unique heritage qualities.
10. The revised PP is accompanied by a VPA that proposes dedication of the ridge and conservation of the heritage elements.
11. Council is in a position to forward the revised PP to DPE for a new Gateway Determination and that post Gateway a new DCP Chapter should be prepared and accompany public exhibition/consultation.

## Purpose

To assist Council in its decision whether to support the progression of the amended Planning Proposal for a Gateway Determination in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

<b>Property Description</b>	Lots 1, 2 and 3 DP 713646, Known as Property No. 60 Menangle Road, Menangle Park (Glenlee Estate)
<b>Application No</b>	2527/2016
<b>Applicant</b>	Premise Australia Pty Ltd.
<b>Owner</b>	Mrs Patricia Maree Wilson and Mr William David Wilson
<b>Provisions</b>	Campbelltown Local Environmental Plan 2015 Section 9.1 Ministerial Directions Greater Sydney Region Plan Western City District Plan Campbelltown Community Strategic Plan Campbelltown Local Strategic Planning Statement Campbelltown Local Housing Strategy State Environmental Planning Policies Campbelltown (Sustainable City) Development Control Plan 2015 State Environmental Planning Policy (Sydney Region Growth Centres)

## History

Council supported a Planning Proposal (PP) at its ordinary meeting of 8 June 2021 to rezone the subject land to permit the indicative creation of a total of 77 lots comprising 66 x 600 m<sup>2</sup> allotments and 11 x 2000 m<sup>2</sup> allotments, the dedication of the prevailing ridge as open space at no cost and the creation of a residue Homestead allotment and an ongoing conservation strategy of the important heritage elements and setting of the state significant holding.

The Proposal also entailed a reduction in the building height from 8.5 m to 5.0 m in respect of the development precincts.

The subject decision was based on a view that the proposal demonstrated strategic and site specific merit by providing for an undersupplied housing type in a manner that fulfilled the draft Housing Strategy of the day and objectives and principles of the Local Strategic Planning Statement, in a manner that respects the environmental sensitivities of the site including its unique heritage.

Council's view was further influenced by the proposed dedication of the strategic ridge and long-term conservation strategy.

The decision also had regard to the qualified support provided by the Local Planning Panel in consideration of the Proposal. (Refer to attachments 2-A and 2-B contained with attachment 2).

## Report

### Gateway Determination/Alteration

A Gateway Determination (GD) was issued by the Department of Planning and Environment (DPE) on 28 July 2021 (Refer to attachment 2-C contained with attachment 2). The subject

Determination included a requirement for prior consultation with Heritage NSW and the NSW RFS and public exhibition within 4 months of the GD. Delays occurred with Heritage NSW and the 4 month pre-exhibition consultation timeframe was not achieved.

The Heritage Council Approvals Committee (HCAC) met in December 2021 and resolved to not support the Proposal in the form submitted and to form a sub-committee to further workshop heritage matters with Council staff and the proponent.

The DPE “rescinded” the GD on 9 March 2022 in response to Heritage NSW (Refer to attachment 2-E of contained with attachment 2).

### **Concept Plan Refinement**

The draft Concept Plan was subsequently “workshopped” with the HCAC sub-committee, including the benefit of a site visit.

Several iterations of the draft Concept Plan were developed later and considered. The version at attachment 2-F of (contained with attachment 2) was formally considered at the HCAC on 1 November 2022, with the underpinning principles detailed in attachment 2-G and accompanying photo montages forming attachment 2-H. Both are contained with attachment 2.

The amended proposal includes in brief:

- Approximately 50 lots, including 26 environmental living lots (zoned C4) with a 600 m<sup>2</sup> lot size and 1,200 m<sup>2</sup> lot size.
- Approximately 24 small terraces houses (zoned R3) with a 200 m<sup>2</sup> lot size.
- The Environmental living lots (C4) with a 1,200 m<sup>2</sup> minimum lot size are to be restricted to a maximum site coverage of 30 per cent.
- Dedicated ridgetop park zoned RE1 (at no cost).
- Balance of site (including heritage item and outbuildings, gardens and curtilage) to be zoned C3 – Environmental Management.
- Building Height in C4 zoned land to be reduced to 5.0 m.
- Building Height in C3 zoned land to be retained at 8.5 m.

### **HCAC Conditional Support**

The HCAC issued conditional support to the revised draft Concept Plan (rdCP) at its meeting of 1 November 2022 (Refer to attachment 2-I contained with attachment 2).

### **Advancement Strategy**

Council staff prepared an Advancement Strategy to facilitate the incremental and timely progress of an amended PP (Refer to Attachment 2-J contained with attachment 2). This strategy was accepted by Heritage NSW on 21 December 2022 (Refer to Attachment 2-K contained with attachment 2).

An amended PP, consistent with the rdCP has been compiled and forms attachment "B". It provides the statutory planning framework to realise development of the nature depicted in the PP. With respect to the other short term actions it is noted:

- The Conservation Management Plan (CMP) has been finalised and forwarded to Heritage NSW for information.
- An amended draft Voluntary Planning Agreement (dVPA) has been compiled and accompanies the amended PP. The principal commitments contained in the dVPA include:
  - Dedication to Council of the ridgetop open space reserve at no cost to Council
  - Restoration of the Gatehouse to the standard detailed in the Conversation Management Plan
  - Ongoing maintenance works of the existing main residence known as "Glenlee House" and the Gatehouse, in accordance with the Conservation Management Plan

It is noted that SEPP (Exempt and Complying) does not apply to the C4 zone (and also would not apply given the State Heritage Listing); whilst the State Heritage listing would preclude the SEPP's application to the R3 zone.

Additionally, it is noted that the proposed LEP amendment will have minimum lot provisions that preclude further subdivision. Additionally, in respect of the C4 zone, the order of magnitude of any lot size variation would be unable to utilise clause 4.6 of CLEP 2015.

Furthermore, the layout of proposed lots closest to the heritage buildings on the southern slopes has been amended to ensure visual suppression relative to the ridge. This reflects a lot size recently adapted in the Glenfield rezoning in the vicinity of Macquarie Fields House.

### **Request for New Gateway Determination**

After the lengthy and comprehensive analysis and design process it is considered that the amended PP and supporting VPA do not depart from the principles which underpinned Council initial support of the rezoning proposal and represents a different nuanced response to the site's unique heritage qualities.

Council is accordingly in a position to forward the amended PP for a Gateway Determination. It should be noted that post Gateway a relevant DCP will need to be compiled as a Chapter amendment to Campbelltown (Sustainable City) DCP 2015 and accompany public exhibition of the draft PP and further engagement with Heritage NSW.

Ultimately, a decision to finalise the PP, having regard to the exhibition/engagement process outcomes, would be accompanied by a recommendation to adopt the DCP Chapter addition and execute the VPA; whilst at the Development Application stage further visual analysis, a revised Heritage Impact Statement (HIS) and detailed Landscape Masterplan (LMplan) would be requirements reinforced in the DCP.

The amended PP importantly remains consistent with the Greater Sydney Region Plan (GSRP), the Western City District Plan (WCDP), the Local Strategic Planning Statement (LSPS), the Community Strategic Plan (CSP), Council's revised Housing Strategy particularly in respect of relevant Section 9.1 Directions and SEPPs, and is accordingly considered to exhibit strategic merit and site specific merit (as documented elsewhere).

## **Conclusion**

The draft PP initially supported by Council on 21 June 2021 has been subject of extensive consultation with the HCAC which has resulted in amended Indicative Concept Plan and revised PP. The amended proposal is considered to produce an equally, although slightly different sensitive heritage outcome, fulfils a niche housing market, provides a long term conservation strategy and realises public ownership of a strategic local ridge (at no cost).

Council should accordingly request a new Gateway Determination from the DPE.

## **Attachments**

8.7.1 Glenlee Planning Proposal (contained within this report) [↓](#)

8.7.2 Glenlee Planning Proposal Overview (contained within this report) [↓](#)