

8.2 Glenlee House Voluntary Planning Agreement

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

Officer's Recommendation

1. That Council endorse the draft Planning Agreement for Glenlee Estate and the accompanying Explanatory Note for public exhibition for a minimum period of 28 days.
2. 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, that Council authorise the General Manager to execute the draft Planning Agreement with the Developer on behalf of Council.

Purpose

The purpose of this report is to seek Council resolution to support the public exhibition of a draft Voluntary Planning Agreement (VPA) and accompanying Explanatory Note related to the Planning Proposal for Glenlee Estate (Glenlee House), Menangle Park.

History

Council at the meeting of 8 June 2021, Item 8.6 – Planning Proposal – Glenlee Estate Menangle Park, endorsed a draft Planning Proposal to be forwarded to the Department of Planning seeking endorsement of Gateway Determination.

Council at the meeting of 6 June 2023, Item 8.7 – Glenlee Estate (Glenlee House) Planning Proposal, endorsed a revised Planning Proposal (PP) to be forwarded to the Minister for Planning and Public Spaces for a Gateway Determination.

Council's decision to support the PP for the Glenlee Estate in June 2021 was based on a view that the PP 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 for public open space and a long-term conservation strategy for the heritage elements and setting of the State Significant holding.

The revised PP considered by Council in June 2023 was a refined version of the 2021 Proposal, having been amended to satisfy concerns raised by the Heritage Council Approvals Committee.

The draft VPA retains the same objectives secured by a formal offer to enter into a Planning Agreement under Section 7.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) made in conjunction with the 2021 Planning Proposal.

Report

When the PP for the Glenlee Estate was considered by Council in 2021, it was accompanied with a Letter of Offer, dated 20 May 2021, to enter into a Planning Agreement under s7.4 of the EP&A Act. In summary, the Offer comprised 3 elements:

1. Dedication of Open Space – dedication of the eastern ridgeline and knoll as open space;
2. Restoration of the "Gatehouse" to the standard identified in the CMP; and
3. The existing main residence (Glenlee House) and the Gatehouse will be maintained in accordance with the CMP.

The draft VPA attached to this report will deliver the outcomes listed above generally as follows:

1. Schedule 3 provides for the dedication of open space, being the eastern ridgeline and knoll, having an approximate area of 2.1 hectares, to Council at nil cost.
2. Schedule 4 provides for the "Gatehouse" to be restored to the standard identified in the Conservation Management Plan. A contribution value of \$250,000 has been applied to the restoration.
3. Schedule 3 and 5 provide for a positive covenant to be registered on the Homestead Lot requiring the registered proprietor to carry out ongoing maintenance of the existing residence known as "Glenlee House" in accordance with the Conservation Management Plan. The covenant requires the registered proprietor to provide an initial Security and Ongoing Security to ensure the necessary maintenance works are undertaken.

The draft VPA has been assessed against Council's recently endorsed VPA Policy, which is based on the NSW Government's Planning Agreements Practice Note – February 2021. In particular it has been assessed against the Acceptability test as follows:

- The planning agreement must be directed towards a legitimate planning purpose, which can be identified in the statutory planning controls and other adopted planning strategies and policies applying to development.
The VPA provides public open space to support both the proposed development and the neighbouring development, while at the same time protecting the ridgeline and knoll from development which would otherwise be unsightly. The VPA also provides for maintenance, in perpetuity, of an item of significant heritage.
- Provide for the delivery of infrastructure or public benefits not wholly unrelated to the development.
The proposed open space will be accessible to the development proposed on the Glenlee Estate (approximately 50 lots) as well as consolidating with a proposed piece of open space to be provided to serve the adjoining lands.
- Produce outcomes that meet the general values and expectations of the public and protect the overall public interest.
The public consistently supports them non-development of scenic ridgelines and hills. The proposed open space to be dedicated to Council supports this outcome as it ensures the ridgeline and knoll are unable to be developed. It also has the added benefit of being accessible by the public to enjoy the view from the hilltop and to the heritage item.
- Provide for a reasonable means of achieving the desired outcomes and securing the benefits.
The VPA provides certainty to the public that the ridgeline will not be developed, nor can it be developed in the future by placing the land into the ownership of the public.
- Protect the community against adverse planning decisions.
Should the ridgeline and knoll be retained in private ownership, the potential exists in future for a subsequent owner to seek either a planning proposal or development application for some form of development on the ridgeline and knoll. The VPA in delivering the open space to Council as RE1 public open space ensures against adverse planning decisions in future.

Conclusion

The draft Planning Agreement, in conjunction with the Planning Proposal endorsed by Council at its Meeting of 6 June 2023, delivers good planning, heritage and public outcomes. Accordingly Council should support public exhibition of the draft Planning Agreement, which would be undertaken simultaneously with the Planning Proposal should the Minister for Planning and Public Spaces issue a Gateway Determination.

Attachments

- 8.2.1 Draft Voluntary Planning Agreement (contained within this report)
- 8.2.2 Explanatory Note (contained within this report)