

ORDINARY COUNCIL

ORD07

SUBJECT: PROPOSED AMENDMENT NO. 15 TO CAMDEN LEP 2010 AND CAMDEN DCP 2011 - GLENLEE

FROM: Director Planning & Environmental Services

TRIM #: 17/61257

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement to request a revised Gateway Determination for draft Amendment 15 (Glenlee) to the Camden Local Environmental Plan 2010, and for Council to resolve to proceed to formal public exhibition of the draft Planning Proposal including a draft DCP once an amended Gateway Determination has been issued by the Department of Planning and Environment (DPE).

The draft Planning Proposal (as amended) is provided as **Attachment 1 to this report**. The supporting specialist studies contained as **Appendices 1-13** of the Planning Proposal are provided on Council's **website**, due to the size of these documents.

BACKGROUND

The 107 hectare Glenlee site extends across the Camden Local Government Area (LGA) and into the adjoining Campbelltown LGA. The larger portion of the site is within the Campbelltown LGA, whilst all road access to Glenlee is via the Camden LGA. The subject site and the local government boundaries are shown in **Figure 1**.

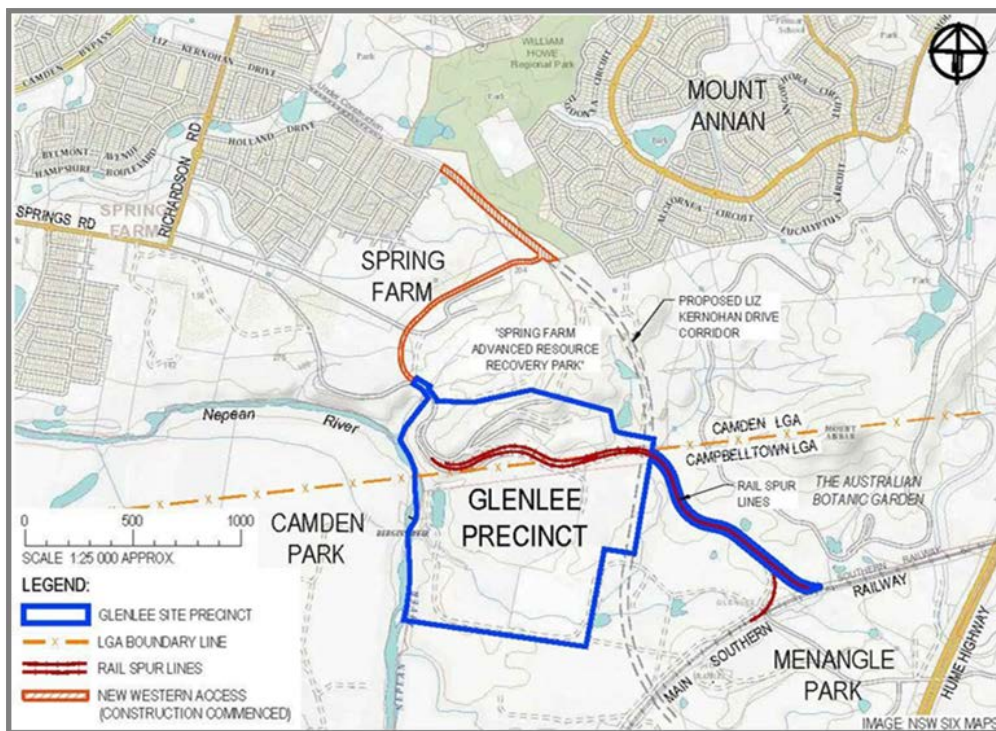


Figure 1: Locality Map (Source: Geolyse)

The Glenlee site has primarily been used for industrial related purposes for a number of years and currently accommodates the industrial uses of the Sada Services landholding (truck depot, coal washery and reject coal emplacement), Camden Soil Mix (truck depot, green waste and recycling facility) and TRN (truck depot).

In 2012, a draft Planning Proposal for Glenlee was submitted by the proponents, Glenlee Consortium (Sada Services P/L, TRN Group and J & W Tripodi Holdings P/L) to rezone the subject site to IN1 General Industrial, E2 Environmental Conservation and SP2 Infrastructure. At the same time, the proponents lodged a Planning Proposal with Campbelltown City Council for the land that falls within the Campbelltown LGA.

On 23 April, 2013, Council resolved to forward the draft Planning Proposal to the DPE for a Gateway Determination.

A Gateway Determination was issued from DPE on 3 July, 2013 and is provided as **Attachment 2 to this report**. The Gateway required the preparation of 13 specialist studies. The findings of the studies are detailed later in this report.

In addition, the Gateway Determination required consultation with public agencies. Consultation with the public agencies was undertaken in September, 2015 and all necessary changes have been made to the studies.

Councillors were briefed on the proposal on 14 February, 2017.

MAIN REPORT

The Glenlee Planning Proposal has been undertaken as a joint Planning Proposal with Campbelltown City Council. The specialist studies included as appendices to the Planning Proposal have been reviewed by officers of both councils for the purpose of public exhibition.

As a result of the specialist studies undertaken, a number of changes are recommended to the original Gateway Determination received in 2013. These changes are discussed later in the report.

Specialist Studies

The Gateway Determination required the following specialist studies to be undertaken prior to exhibition.

1. Aboriginal Heritage;
2. Air Quality;
3. Bushfire Assessment;
4. Civil Infrastructure;
5. Contamination;
6. Ecological;
7. Land Capability;
8. Non- Indigenous Heritage;
9. Noise & Vibration;
10. Riparian Corridor;
11. Traffic;
12. Visual & Landscape Assessment;
13. Water Cycle Management.

Overall, the specialist studies recommend the Planning Proposal has merit and any potential impacts can be managed and mitigated.

The findings of the specialist studies are summarised below and have informed the preparation of the site specific DCP. A copy of the draft amendments to Camden DCP 2011 are provided as **Attachment 3 to this report**.

Aboriginal Heritage

The report found the majority of the site has nil to low archaeological value due to the highly disturbed nature of the land. The report identifies four items as having low-moderate significance. Of the four, two were located at the southern end of the site (low potential) and two were located near the northern most road (moderate).

Further consultation with Aboriginal stakeholders and compliance with relevant legislation will be required should future development propose to disturb the items.

Air Quality

The assessment undertaken for air quality and odour found that future industrial uses on the site may have the potential to impact on local air quality dependent upon their operations. However, as current industrial activities cease on site, there is potential to improve the local ambient air quality through a reduction in emissions.

The report recommends that potential future air quality impacts be further considered at the development application stage.

Bushfire Assessment

The site is identified as bushfire prone land. A bushfire assessment was prepared in accordance with *Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006*.

A combination of bushfire protection measures, based on PBP, is recommended to manage the bushfire threat, which includes the provision of Asset Protection Zones (APZ), adequate access, water supply for firefighting and the installation of utilities.

The assessment found the site is capable of accommodating future industrial development subject to compliance with appropriate bushfire protection measures.

Civil Infrastructure

An assessment of services for potable water, wastewater, gas, power and telecommunications was undertaken with the relevant providers. In summary, the providers advised the required services can be provided to accommodate future industrial development on the site.

Contamination

The site has been used for industrial related purposes. As such, various contamination studies were undertaken. A Phase 1 investigation was undertaken to review the site history and activities in order to identify potentially contaminated areas and associated contaminants of potential concern.

An EPA accredited site auditor has reviewed the contamination studies and agreed with the recommendations in the reports that the Phase 1 investigation is adequate for rezoning. The site auditor has reviewed the remediation strategy and found the proposed remediation approaches acceptable.

Ecological

The ecological assessment concluded the ecological values of the site are highly degraded due to the coal washery activities including the emplacement of reject coal material. The site contains some remnant native vegetation predominantly confined to the riparian zone along the Nepean River and in the northwest of the site.

The study identified three potential ecological corridors within the site. The three ecological corridors are proposed to be zoned as E2 Environmental Conservation with a Vegetation Management Plan (VMP) to be prepared for each of the corridors to allow for further rehabilitation of the native vegetation communities on the site.

Land Capability

The geotechnical studies assessed the coal emplacement area, comprised of fill from washery reject and tailings produced by the coal washery. The studies recommend the geotechnical constraints of the site can be managed by ground treatment and that redevelopment for industrial land use is feasible from a geotechnical perspective.

The draft DCP includes controls to ensure the geotechnical stability of any proposed development on site.

NonIndigenous Heritage

An assessment on the heritage items in the vicinity of the site was undertaken including Glenlee House, Camden Park Estate and the Australian Botanic Garden. The report found the Planning Proposal will have no adverse impact on these heritage items provided appropriate controls and development guidelines are implemented. The recommended controls to minimise adverse impacts on the heritage significance of items are provided in the draft DCP.

Riparian

The riparian corridor study identified three potential biodiversity corridors within the site as per the ecological assessment. Key recommendations of the study conclude that the emplacement batters should be rehabilitated to a riparian/bushland corridor and that the rehabilitated batters will have the potential to take up a biodiversity role.

Traffic

The Gateway Determination imposed a gross floor area (GFA) cap to restrict the quantity of warehousing and industrial development on the site, given the limited road access via the Camden LGA only and the uncertainty as to the timing of new road infrastructure connecting the site to the M31 Hume Motorway. The restriction on the GFA was to ensure traffic generation from the proposal does not exceed the capacity of the existing road network.

The preliminary traffic calculations undertaken prior to Gateway Determination estimated the GFA cap to be set at a total of 12,500m² for warehousing or 10,000m² general industrial use (or a combination of both).

The detailed traffic study and modelling undertaken at post-Gateway recommends the GFA cap could be increased to 90,000m² subject to further road upgrades to the intersection of Liz Kernohan Drive and Camden By Pass in the short to medium term (by 2021). All other intersections are considered to perform satisfactorily to accommodate projected traffic for 90,000m² of GFA..

The upgrades required in the short to medium term at the intersection of Liz Kernohan Drive and Camden By Pass includes two extensions of the right turn on the eastern and southern approach of the intersection

The proposed GFA cap increase to 90,000m² is supported by Roads and Maritime Services (RMS) and Transport for NSW (TfNSW), subject to conditions. These conditions include that the full scope of intersection works, associated triggers (GFA cap) and a funding mechanism for road upgrade works are identified and agreed between all stakeholders prior to the gazettal of the LEP.

The GFA cap of 90,000m² represents 9ha of the total 73ha of industrial land that may potentially be developed at Glenlee. Further development on the site above the GFA cap of 90,000m² will require the completion of the Spring Farm Parkway to the M31 Motorway.

Short to Medium Term (2017- 2021) Access Strategy

The short to medium term (2017-2021) strategy relies upon the extension of Liz Kernohan Drive to connect to an industrial haul road that is being constructed on the western side of the Spring Farm Advanced Resource Recovery Park (SFARRP), which will connect to the Glenlee site. It is anticipated that these new sections of road will be completed prior to the Glenlee Precinct being developed.

Long Term (2031) Access Strategy

The longterm access strategy of Glenlee assumes the construction of Spring Farm Parkway to the M31 Hume Motorway and Menangle Road. Traffic to and from Glenlee would access the M31 Hume Motorway via Spring Farm Parkway and the new interchange with the Motorway.

Noise and Vibration

The noise and vibration study found that operational noise, based on the expected future development of the site, can be managed with correct site planning and assessment of individual sites to comply with established environmental noise criteria under the Industrial Noise Policy (INP).

The study also provides an acoustic assessment for the residential development located along the Liz Kernohan Drive from the expected traffic volumes associated with warehousing from a proposed GFA cap of 90,000m². The study concludes there is no requirement for additional acoustic treatments to the existing and approved residential development along Liz Kernohan Drive.

Landscape and Visual Assessment

This report provides an assessment of the visual catchment and the landscape character of the adjoining areas including parts of the Australian Botanic Garden, Glenlee House, Camden Park estate and lands within the Menangle Park Masterplan Study Area.

The study recommends development design guidelines and landscape controls be implemented to ensure any proposed development will not result in unacceptable visual and landscape impacts to the State heritage properties, Glenlee House and Camden Park Estate and the Australian Botanic Garden. The recommended design controls have been provided in the draft DCP.

Water Cycle Management

An assessment has been undertaken of the water cycle management of the proposal to ensure quality stormwater targets can be met to prevent potential pollutants being discharged to the nearby Nepean River.

The study recommends a Water Cycle Management Strategy be prepared to accompany development applications to manage the quantity and quality of surface stormwater runoff, stability of the site and to encourage Water Sensitive Urban Design (WSUD). The draft DCP has recommendations from the strategy, which will require all proposed development to satisfy these requirements for stormwater management on the site.

Public Agencies

Following the finalisation of the draft specialist studies and in accordance with the Gateway requirements, Council officers undertook consultation with public agencies.

Consultation was required with 28 public agencies. The consultation raised no outstanding objections to the Planning Proposal, subject to conditions. The public agencies will be further notified during the exhibition period.

Amendments to Gateway Determination

As a result of detailed studies and public agency consultation, it is recommended that a revised Gateway approval be sought from DPE. **Table 1** below outlines the suggested amendments.

Table 1: Proposed Amendments to be sought in a Revised Gateway Determination

Gateway Determination	Existing	Proposed
Zoning	IN1 General Industrial IN2 Light Industrial.	IN1 General Industrial.
	E3 Environmental Management .	E2 Environmental Conservation.

<p>GFA cap</p>	<p>GFA cap to be set at a total of 12,500m² for warehousing or 10,000m² for general industrial use (or a combination of both).</p>	<p>GFA cap to be set at a total of 90,000m² for warehousing & general industrial use.</p>
<p>Development Standards for Industrial Zoning</p>	<p>FSR 1:1 Building Height - 11m Lot Size – 2000m².</p>	<p>FSR - 1:1 Building Height - 12m Lot Size – 2000m².</p>

Zoning Amendments

Zoning amendments sought in the revised Gateway include removing the reference to an IN2 – Light Industrial zone and having only the IN1 – General Industrial zone apply to the site. The reference to the IN2 – Light Industrial zone is considered an error in the original Gateway Determination.

The Gateway Determination proposed an E3 – Environment Management zone to apply to riparian and environmentally sensitive lands on the site. The E3 Environmental Management zone is considered unsuitable, as ‘dwellings’ are a permissible use.

It is recommended that an E2 – Environmental Conservation zone is the more suitable zone to complement the environmental attributes of this land. The Office of Environment and Heritage (OEH) has indicated that it supports the E2 – Environmental Conservation zone.

It is suggested that Council now seek to amend the Planning Proposal with an E2 – Environmental Conservation zone under a revised Gateway Determination.

Increase to GFA Cap

This matter has been addressed under the Traffic section of this report. It is recommended that Council seek a revised Gateway Determination from DPE to increase the GFA cap to 90,000m².

Other Amendments

The maximum building height as issued in the Gateway Determination is proposed to be increased from 11m to 12m. The increase is to ensure consistency with the maximum building height permitted for industrial zones under the LEP controls of Campbelltown City Council.

Proposed Amendments to Camden DCP 2011

A draft amendment relating to Part D (Controls Applying to Specific Land Uses/Activities) of the Camden DCP 2011 has been prepared as a result of the specialist studies commissioned post Gateway Determination. A copy of the draft amendments to Camden DCP 2011 is provided as **Attachment 3 to this report**.

A summary of the key controls proposed in the draft DCP are provided below:

Sites located in both Camden and Campbelltown LGAs

For sites that traverse both Camden and Campbelltown LGAs and where controls are inconsistent, a merit assessment will be undertaken to determine the suitable controls for the proposed development.

Vegetation Management Plan

The first development application on the site will require Vegetation Management Plans (VMPs) to be undertaken in accordance with the ecological study. Compliance with the VMP will be enforced by registered covenant on the title of the development lots.

Geotechnical

Construction of proposed new buildings, roads and footpaths will require a geotechnical study to ascertain the stability of the subsurface and to recommend further proposed geotechnical treatment as may be required.

Visual Impact

A requirement for new buildings or works that may impact on identified view corridors to undertake a visual impact assessment as part of the development application

Exhibition Period

Subject to Council's resolution and a revised Gateway Determination being issued by DPE, the draft Planning Proposal will proceed to public exhibition.

The draft Planning Proposal including the draft DCP will be publicly exhibited for a period of 28 days. The public exhibition will occur concurrently with Campbelltown City Council's Planning Proposal for Glenlee as required under the Gateway Determination.

During the exhibition, the community, including landowners who may be directly impacted by the Proposal, will be notified and have an opportunity to make a submission.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this report.

CONCLUSION

The draft Planning Proposal seeks to rezone the subject land at Glenlee from RU1 – Primary Production to IN1 – Industrial. The draft Planning Proposal is supported by a suite of detailed specialist studies, and a site specific DCP. Formal consultation has also been undertaken with relevant state authorities and public agencies.

As a result of the specialist studies and consultation, it is recommended that Council now seek a revised Gateway Determination from the DPE as outlined in this report.

Subject to DPE issuing a revised Gateway Determination, it is recommended the draft Planning Proposal, draft Camden DCP 2011 (Part D – Glenlee) and supporting specialist studies proceed to public exhibition for a period of 28 days. The public

exhibition will occur concurrently with Campbelltown City Council's Planning Proposal for its land in Glenlee.

Should unresolved submissions be received during the public exhibition period, a further report will be submitted to Council detailing those submissions received.

Should no unresolved submissions be received, the draft Planning Proposal will be forwarded to DPE for the Plan to be made.

RECOMMENDED

That Council:

- i. endorse the amended draft Planning Proposal to be forwarded to the Department of Planning and Environment for a revised Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*; and**
- ii. should the amended draft Planning Proposal not receive a revised Gateway Determination, notify the proponent that the amended Planning Proposal will not proceed,**
- iii. subject to receiving a favourable response from the Department of Planning and Environment, proceed directly to publicly exhibit the amended Planning Proposal in accordance with the requirements of the Gateway Determination; and**
- iv. subject to no unresolved submissions being received,**
 - a. forward the draft Planning Proposal - Amendment No. 15, Glenlee to the Department of Planning and Environment for the Plan to be made; and**
 - b. grant delegations to the General Manager to adopt the proposed changes to draft Camden DCP 2011 and publically notify the adoption in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations; or**
- v. if unresolved submissions are received, require a further report to Council outlining the result of the public exhibition.**

Resolution: Moved Councillor C Cagney, Seconded Councillor Campbell that Council:

- i. endorse the amended draft Planning Proposal to be forwarded to the Department of Planning and Environment for a revised Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*;**
- ii. should the amended draft Planning Proposal not receive a revised Gateway Determination, notify the proponent that the amended Planning Proposal will not proceed;**
- iii. subject to receiving a favourable response from the Department of**

Planning and Environment, proceed directly to publicly exhibit the amended Planning Proposal in accordance with the requirements of the Gateway Determination;

- iv. subject to no unresolved submissions being received;**
 - a. forward the draft Planning Proposal - Amendment No. 15, Glenlee to the Department of Planning and Environment for the Plan to be made; and**
 - b. grant delegations to the General Manager to adopt the proposed changes to draft Camden DCP 2011 and publicly notify the adoption in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations; or**
- v. if unresolved submissions are received, require a further report to Council outlining the result of the public exhibition.**

ORD57/17 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ATTACHMENTS

1. Planning Proposal for Glenlee
2. Gateway determination Glenlee
3. Draft Camden DCP 2011 - Glenlee