

Greater Sydney, Place and Infrastructure

Plan finalisation report

Local government area: Camden

1. NAME OF DRAFT LEP

Camden Local Environmental Plan 2019 (Amendment No 15) (draft LEP). The draft written instrument is at **Attachment LEP**.

2. SITE DESCRIPTION

The planning proposal (PP_2013_CAMDE_012_00) (**Attachment A2**) applies to a site known as the “Glenlee Precinct” in Menangle Park, which is approximately 110ha in area (Figure 1 below). The site extends over two (2) local government areas, being Camden and Campbelltown.

The matter is subject to two separate planning proposals for the development of the site – one initiated by Camden Council and the other by Campbelltown City Council (PP_2013_CAMPB_001_00). Camden Council has collaborated with Campbelltown City Council on the rezoning.

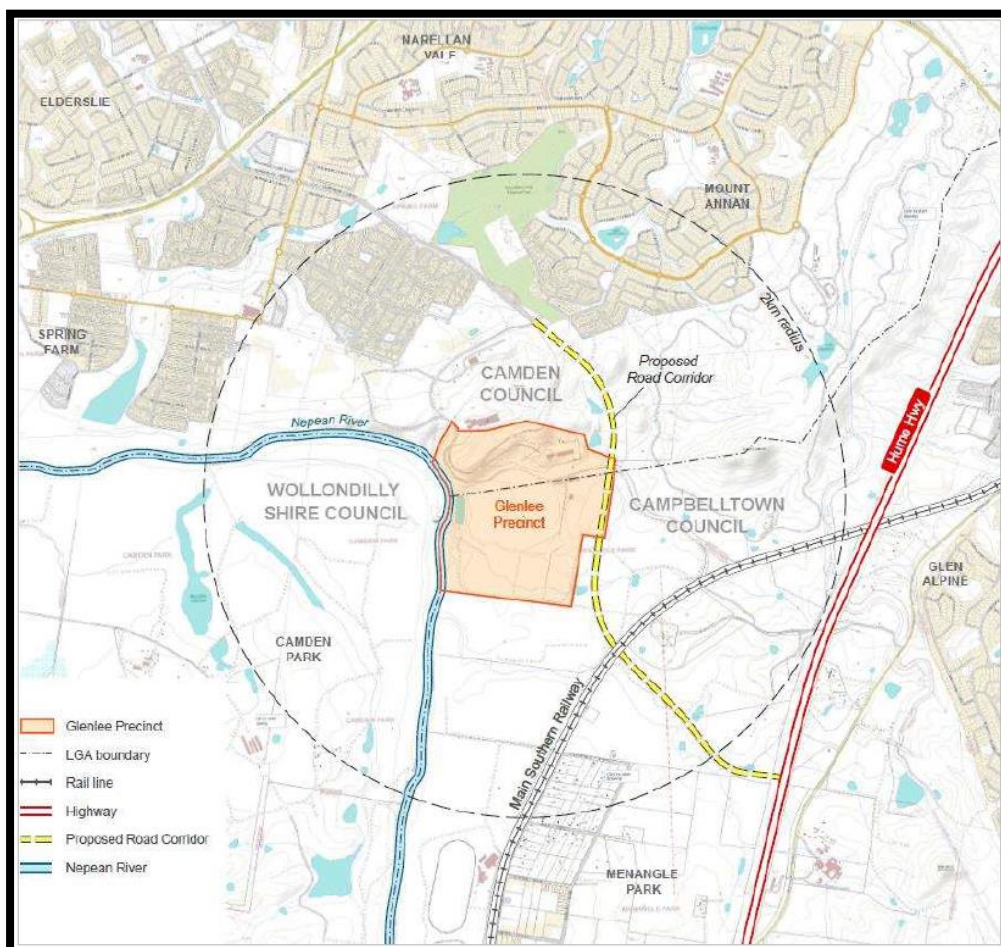


Figure 1: Site Context

The Glenlee Precinct consists of five (5) allotments. Two (2) of these allotments are located wholly within the Camden LGA and three (3) of the allotments are located within the Camden and Campbelltown LGAs, as shown in Table 1 (below) and Figure 2 (below).

Table 1: Property Description

Address	Lot Description	LGA
54 Barrow Road, Spring Farm	Lot 107 DP1241598	Camden LGA
202 Springs Road, Mount Annan	Lot 1 DP250033	Camden LGA
214 Springs Road, Mount Annan	Lot 38 DP1098588	Camden and Campbelltown LGA
208B Springs Road, Mount Annan	Lot 1 DP405624	Camden and Campbelltown LGA
Glenlee Road, Menangle Park	Lot 1102 DP883495	Camden and Campbelltown LGA

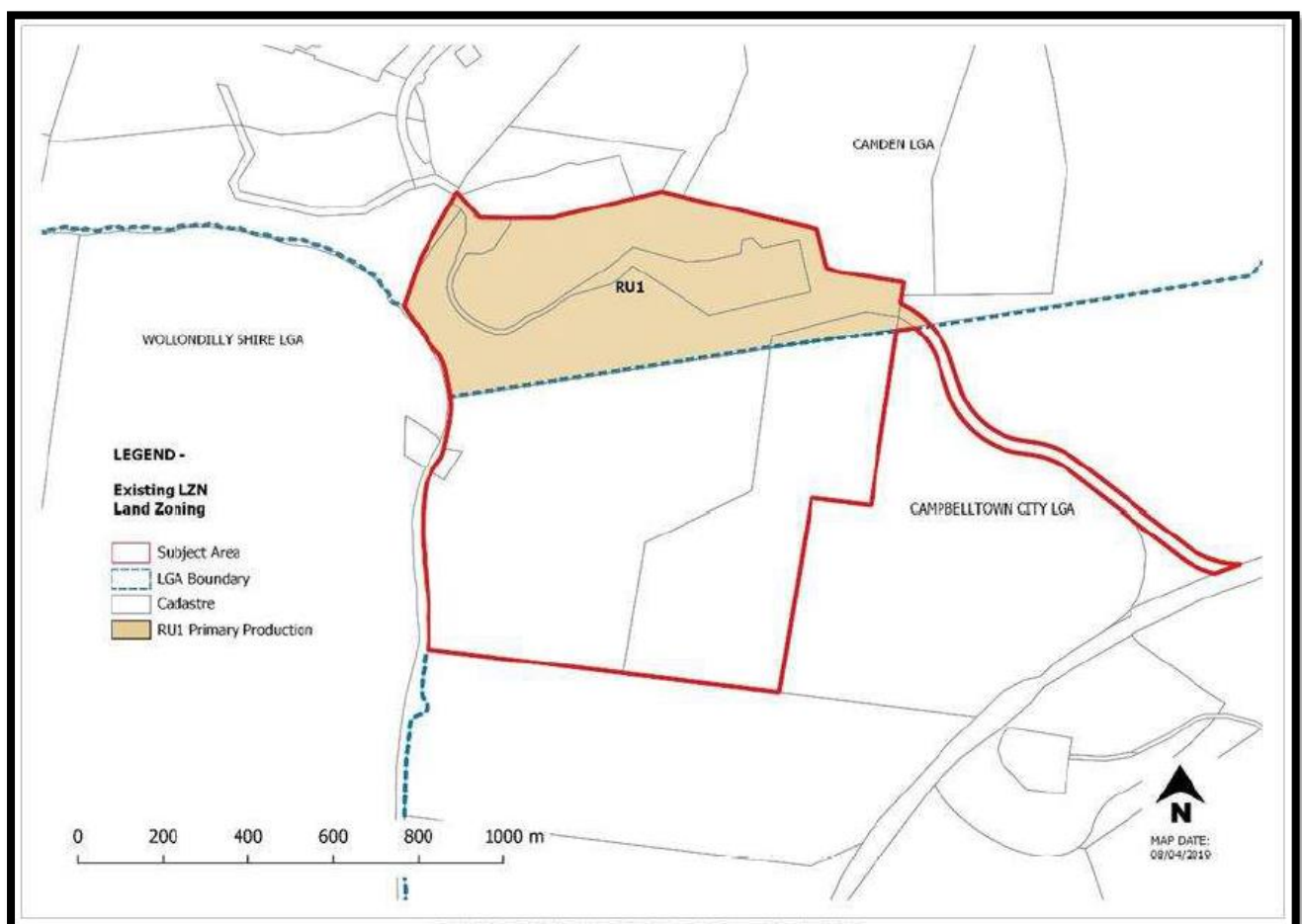


Figure 2: Current land use zoning.

3. PURPOSE OF PLAN

The proposal sought to amend the Camden Local Environmental Plan (LEP) 2010, as follows:

- rezone the site from RU1 Primary Production to IN1 General Industrial; E2 Environmental Conservation; and, SP2 Infrastructure (Future Road Corridor) (Figure 3);
- increase the maximum building height of the IN1 zoned land from 9.5m to 12m and apply a building height of 12m to land zoned E2 Environmental Conservation;
- decrease the minimum lot size of the IN1 zoned land from 40ha to 4,000m² and remove the minimum lot size for land zoned E2 Environmental Conservation
- remove the development controls for land zoned SP2;
- insert a Gross Floor Area (GFA) cap of 25,000m² for warehousing and industrial activity (it is noted that a GFA cap of 65,000m² will be applied to the portion of the site in the Campbelltown LGA and result in a total GFA cap of 90,000m² for the whole site); and
- identify the site as an urban release area to allow the inclusion of a Satisfactory Arrangement Clause to ensure the provision of state infrastructure.

The proposal will not apply a maximum floor space ratio to the site.

The draft LEP will facilitate the development of a new industrial precinct and provide approximately 1,500 jobs across the site in the Camden and Campbelltown LGA.

Table 2: Proposed development controls

Development Control	IN1 General Industrial	E2 Environmental Conservation	SP2 Infrastructure (Future Road Corridor)
Height	12m	12m	N/A
Lot size	4,000m ²	N/A	N/A

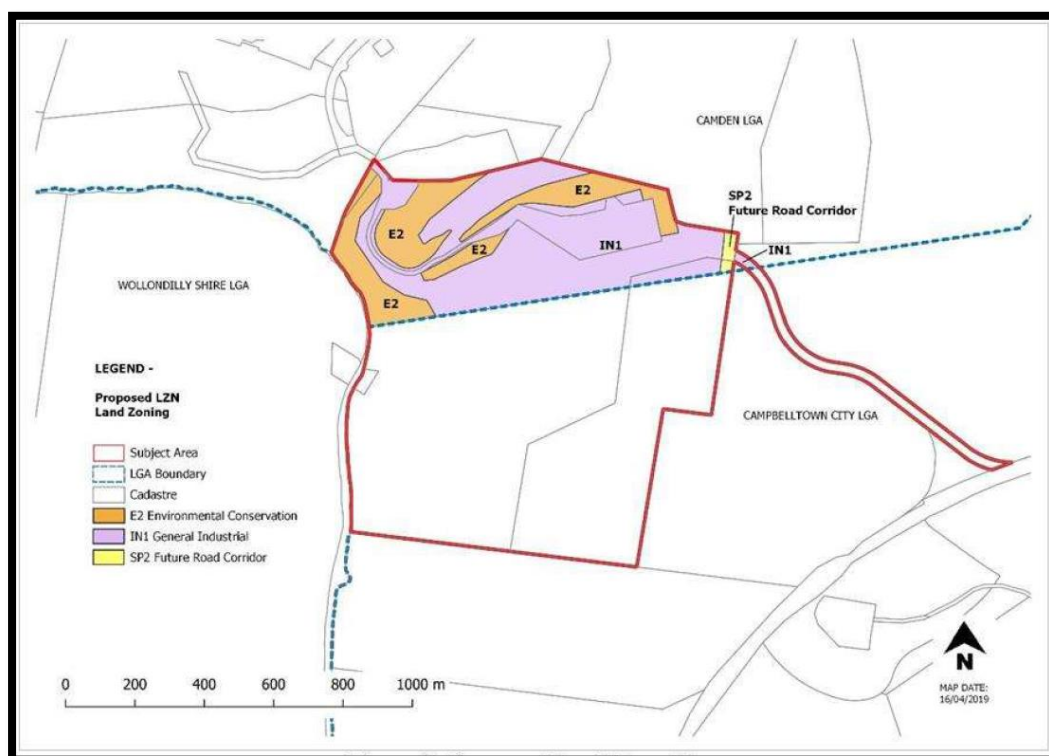


Figure 3: Proposed land use zoning.

Development Control Plan

The draft LEP is also supported by a site-specific development control plan (DCP) (**Attachment F1**) which was exhibited with the planning proposal. Council endorsed the adoption of the site-specific DCP on 23 April 2019 (**Attachment G2**).

The DCP provides site-specific controls for the future development of the site in accordance with the Indicative Layout Plan (ILP) (Figure 4), as follows:

- subdivision, lot design and development;
- stormwater management;
- environmental protection works;
- contamination;
- geotechnical works;
- transport network; and,
- site specific industrial controls relating to visual impact, setbacks, building design and siting, and landscaping.

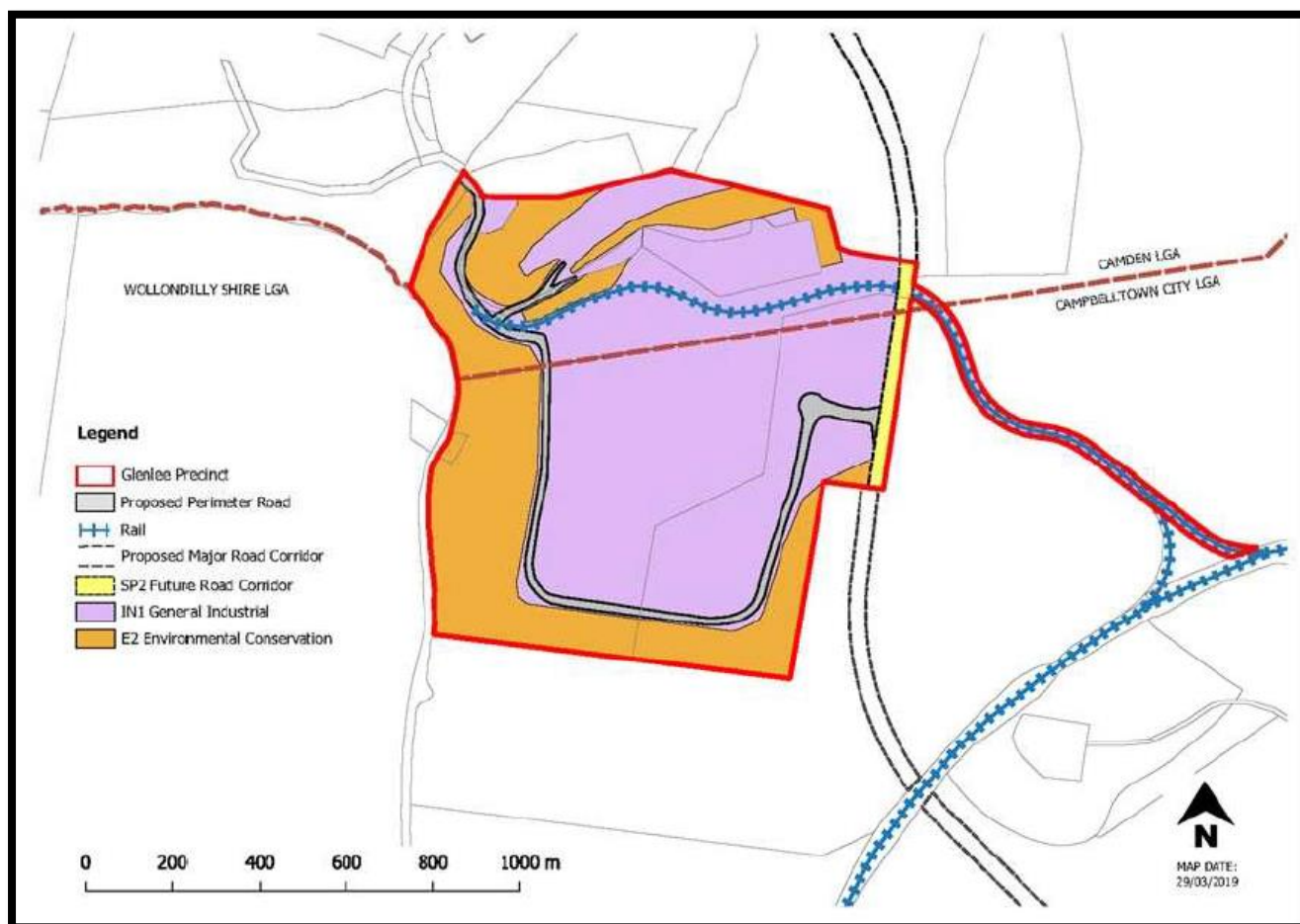


Figure 4: Indicative Layout Plan.

STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Camden state electorate. Mr Peter Sidgreaves MP is the State Member.

The site falls within the Hume federal electorate. Mr Angus Taylor MP is the Federal Member.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

4. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 3 July 2013 (**Attachment B**) determined that the proposal should proceed subject to conditions. The Gateway determination has been altered previously, as follows:

- on 28 January 2015 for a 12-month extension (**Attachment C1**);
- on 29 January 2016 for a 12-month extension (**Attachment C2**);
- on 9 January 2017 for a 12-month extension (**Attachment C3**);
- on 4 October 2017 to amend the intent of the proposal and the conditions of the Gateway determination (**Attachment C4**);
- on 22 December 2017 for a 6-month extension (**Attachment C5**);
- on 2 May 2019 for a 12-month extension (**Attachment C6**); and
- on 12 December 2019 to amend the conditions of the Gateway (**Attachment C7**).

The finalisation date for this proposal expired on 3 July 2019.

The Department received the request by Council to finalise the planning proposal prior to the due date. The Department is now satisfied that Council has met the conditions of the Gateway determination and the planning proposal is adequate for finalisation.

5. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council in conjunction with the proposal for the Campbelltown proposal from 17 January 2018 to 16 February 2018.

Council received one (1) submission from the community during the exhibition period. The community submission requested that the rail siding in Glenlee be used for commuter rail transport, which would include the construction of a commuter rail station and carpark.

Council advised that this is a State government matter and outside the scope of the proposal (**Attachment G3**). At this stage the existing rail siding would continue to be used for freight purposes.

6. ADVICE FROM PUBLIC AUTHORITIES

Collectively, Campbelltown City Council and Camden Council received submissions from eighteen (18) public authorities including: Australian Botanic Garden – Mount Annan, Australian Rail Track Corporation, Department of Industry – Water, Department of Primary Industries – Agriculture, Division of Resources and Geoscience, Endeavour Energy, Environment Protection Authority, Fire and Rescue NSW, Heritage Council of NSW, Landcom, Office of Environment and Heritage, NSW Rural Fire Service, Roads and Maritime Services, Transport for NSW, Subsidence Advisory, Sydney Water, Water NSW, and Wollondilly Shire Council.

Submissions were not received from AGL, Telstra, and Greater Sydney Local Land Services.

Objections to the proposal were not made. A summary of the key concerns raised, and Council response, is provided below.

7.1 Traffic and Access

Currently the site is only accessible via Liz Kernohan Drive from the Camden Bypass through the Camden LGA. However, the proposal includes a new road corridor, identified as Spring Farm Parkway (stage 2). Spring Farm Parkway will provide access from the Camden bypass to the M31 and Menangle Road, and from the Menangle Park land release area to Liz Kernohan Drive in the Camden LGA.

The Traffic Impact Assessment (**Attachment H1**) indicated that the proposed development is expected to generate approximately 440 trips in the AM peak hour and about 300 trips in the PM peak hour. The assessment concluded that Liz Kernohan Drive, and the proposed Spring Farm Parkway, would adequately cater for both short to medium term (2021) and long-term (2031) traffic, respectively.

That is, it is anticipated that initial development of the site will be able to proceed without the reliance of the Spring Farm Parkway, but as the site is further developed it may require the provision of and access to the Parkway.

Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) provided a joint submission on the proposal (**Attachment I1**), recommending that the proposed road corridor be brought into public ownership via a suitable funding mechanism.

Given the uncertainty and timing around the extent of land required for the construction of the proposed roadway on the subject land, the Department has taken the position that the rural zone and existing local road reservation are to remain in place over the relevant area of land.

The site is also identified as an urban release area and satisfactory arrangements under clause 6.1 Arrangements for designated State public infrastructure – of the Camden LEP 2010 will apply. The satisfactory arrangements provision requires that future development (i.e. at subdivision stage) of the site will not be able to proceed until adequate arrangements are in place for the provision of infrastructure, such as road upgrades.

Further, RMS and TfNSW have indicated that intersection works at the Camden Bypass/Liz Kernohan intersection are required to be undertaken. To address these works, arrangements are proposed with the proponent under clause 6.1 of Camden LEP. Additionally, proposed site-specific clause 7.10 - Use of certain land at Glenlee, will require consultation with TfNSW where any development is proposed over the land that may be later used for the Spring Farm Parkway. This is to ensure that the future corridor of land for this road is not compromised, if and when, it may be needed to provide this road infrastructure.

RMS also supports the proposed GFA cap on warehousing and industrial on the site to a maximum of 90,000m² until the proposed Spring Farm Parkway corridor has been constructed. A GFA cap of 65,000m² for the Campbelltown portion of the site and 25,000m² for the Camden portion has been proposed by both councils

7.2 Biodiversity

The Ecological Assessment (**Attachment H2**) states the site is located within the Nepean River catchment, and drains, in part, into a substantially modified drainage line known as Caley's Creek before entering the Nepean River. Most of the site is disturbed, and the greater part of the site is cleared.

Vegetation on the site is predominately confined to the riparian corridor along the Nepean River, exotic grassland to the south-west, and a woodland area in the northwest of the site (Figure 5 next page). Vegetation on the site consists of:

- 2.4ha of Cumberland Plain Woodland (CPW), a Critically Endangered Ecological Community (CEEC);
- 6.5ha of River Flat-Eucalypt Forest (RFEF), an Endangered Ecological Community (EEC); and
- 23.5ha of African Olive dominated shrubland, exotic grassland, and exotic woodland.

The proposed industrial development would remove 1.53 hectares of native vegetation (including planted vegetation). The native vegetation impact is made up of 0.69ha of CPW; 0.59ha of RFEF; and, 0.25ha of planted vegetation.

Development in accordance with the proposal may also impact 6.28 ha of non-native vegetation, primarily exotic grassland and African Olive dominated shrubland.



Figure 5: Existing vegetation.

The assessment identifies three potential vegetation corridors divided into three management areas (refer to Figure 6, overleaf), as follows:

Corridor 1. Vegetation adjacent to Nepean River, management area Zone A:

- The native vegetation in this corridor is proposed to be retained, with the potential to revegetate towards a native vegetation community. An environmental protection zoning is recommended.

Corridor 2. Corridor located between the Nepean River and the Australian Botanic Gardens in the north of the site (East-West Terrestrial Link), management area Zone B:

- Retention of corridor's 2 discontinuous areas of dense African Olive is recommended to maintain slope stability and as a limited wildlife corridor (this is supported by the Riparian Corridor Study at **Attachment H3**). The report also recommends any plantings should be selected from Cumberland Woodland Plain flora species.

Corridor 3. Modified drainage line known as Caley's Creek, management area Zone C;

- The exotic grassland which stabilise the southern edges of the emplacement area and protects corridor 3 along the constructed drainage channel of Caley's Creek are recommended to be retained. The regeneration of the corridor with native grasses and trees and shrubs, where appropriate, is also recommended.

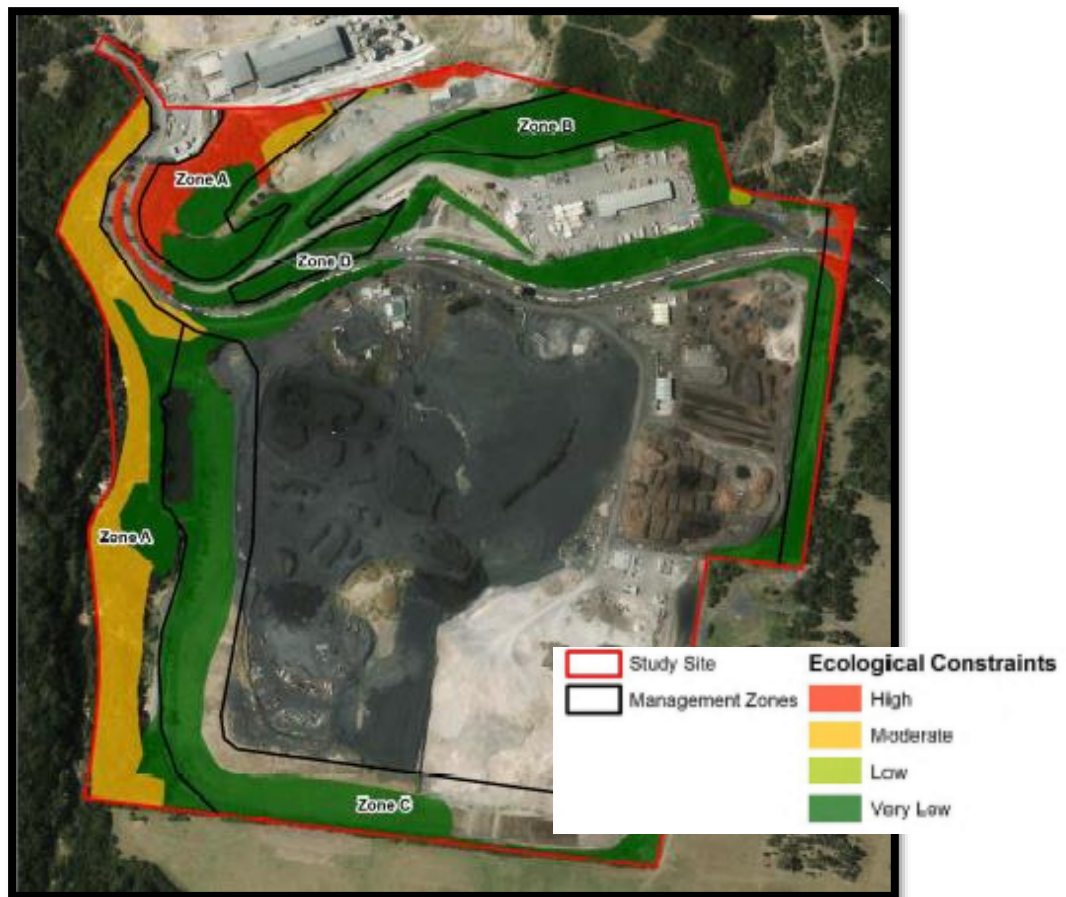


Figure 6: Recommended management zones.

The Environment, Energy and Science Group (formerly the Office of Environment and Heritage) (OEH)) (**Attachment I2**) is supportive of rezoning the three corridors within the site as Zone E2 Environmental Conservation. The authority, however, made the following recommendations:

- clarification of the width of the Nepean River corridor;
- the provision of a wider biodiversity corridor along the Nepean River, as it is of high ecological value on a regional scale;
- the establishment of a continuous E2 corridor between the Nepean River and Mount Annan Botanic Gardens; and,
- a preference for the E2 zoned land to be in public ownership or arrangements be put in place to manage and maintain the E2 conservation areas in perpetuity.

Council advised the following:

- The Nepean River riparian corridor varies from 75m to 100m. The corridor is measured from the centre of the Nepean River to the highest bank, as recommended in the riparian corridor study.
- The east-west environmental corridor runs through the centre of the site, where roads providing access to the site are located. Due to the site's topography it is not likely the roads will be moved, and therefore, a continuous east-west E2 corridor is not possible. In response to these comments, however, land proposed to be zoned IN1 General Industrial zone in the north-eastern portion of the site is now proposed to be zoned E2 Environmental Conservation.

- It is not seeking ownership of the E2 zoned land and it does not have a funding strategy to maintain this land. Instead, the land will remain in private ownership, either as a common lot under a community title subdivision or as part of a larger lot.

Council also amended the proposed controls in the site-specific DCP (**Attachment F**) in accordance with suggestions made by OEH and DOI – Water, including, inserting a control requiring DAs for roads that traverse the east-west corridor to address fauna crossing opportunities and requirements to prepare a vegetation management plan for the site.

The Department is satisfied Council has adequately addressed the comments raised by the Environment, Energy and Science Group.

7.3 Bushfire

The site contains bushfire prone land (Category 1, 2 and Buffer) in the northern portion of the site, and along the western and eastern boundaries. The bushfire assessment (**Attachment H4**) provides a number of mitigation measures for the development of the site, including, the provision of Asset Protection Zones (APZ); adequate access; water supply for firefighting; and, the installation of utilities. The assessment concludes that the site is capable of accommodating future industrial development with the appropriate bushfire protection measures and planning requirements in place.

The NSW Rural Fire Service (RFS) (**Attachment I5**), in principle, did not raise any objections to the proposal, however, recommended that the vegetation in the proposed E2 zone is considered as Forested Wetland, with an effective downslope in excess of 15 degrees. Future development would require a minimum setback of 45m from the E2 zone, which was noted by Council.

7.4 Mining

Subsidence Advisory (SA) NSW (**Attachment I6**) advised the site is located within coal exploration leases held by South 32 and The Crown and recommended Council consult with South32 and the Department of Planning, Industry and Environment's (formerly the Department of Planning and Environment) Resources and Energy (DRG) division in relation to this proposal.

Council wrote to Illawarra Metallurgical Coal, which manages the South 32 lease. No response was received.

The Division of Resources and Geoscience (DRG) (**Attachment I7**) was consulted and advised:

- coal and petroleum resources are present within the proposal area (held under titles EL4470, AUTH248, AUTH281 & PPL4). DRG recommended the holders of these authorisations be consulted regarding extraction plans and timelines.
- Menangle Park Sand and Soil Proposal holds development approval over part of the site until 2022. DRG noted industrial and extractive land uses are often compatible, however, Council would need to be satisfied that future development of the site does not impact on potential quarry operations, or vice versa.
- The Mining SEPP 2007 will prevail over any inconsistency with the LEP regarding extractive activities, both underground and open-cut.

The Land Capability Statement – Geotechnical Report (**Attachment H5**) indicated the area is underlain by deep coal seams over which mining leases have been issued. No coal extraction has taken place in the precinct nor is it planned for several decades.

The report also states future development would require approval from the Subsidence Advisory which has advised approval would not necessarily be withheld, subject to engineering constraints being accounted for in any future proposed development.

The report concluded that the redevelopment of the site for industrial purposes is considered feasible from a geotechnical perspective, however, ongoing investigation will be required to determine methodology for the construction of future development.

The Department contacted South 32 to ascertain their current intentions in relation to the site. The Department has also confirmed that the rezoning does not extend into the South 32 explorations licences and therefore would not impact on their operations. In addition, further investigation by the Department has confirmed that the site is located outside of the mapped Mines Subsidence District boundaries.

The Department is therefore satisfied that the rezoning of the site for industrial purposes will not adversely impact the extractive industries associated with the precinct. Council will also be required to consult with the relevant agencies on any future development applications at the development assessment stage.

7.5 Utility and Servicing

Council also received advice from the utility providers, including, Sydney Water (**Attachment I8**), Endeavour Energy (**Attachment I9**), Fire and Rescue NSW (**Attachment I10**), and Water NSW (**Attachment I11**) in relation to the augmentation of services at the development application stage.

7.6 Other Matters

The Environment Protection Authority (EPA) (**Attachment I12**) provided comments to be considered at the development application stage, in relation to air and water quality, noise, contaminated land management, waste management, and coal seam gas.

In addition, the Heritage Council of NSW (**Attachment I13**) advised that any potential visual impacts from the future development should be mitigated.

No objections were received from the Australian Rail Track Corporation (**Attachment I14**), Landcom (**Attachment I15**), Wollondilly Council (**Attachment I16**), and Department of Primary Industries – Agriculture (**Attachment I17**).

The relevant issues were noted by Council.

7.7 Department Conclusion

The Department concludes that Council has adequately addressed the issues raised by the public authorities, with relevant issues being able to be appropriately addressed at development application stage.

7. POST-EXHIBITION CHANGES

8.1 Council Resolved Changes

On 23 April 2019 (**Attachment G2**), at Council's Ordinary Meeting, Council resolved to proceed with the planning proposal, with the following minor post-exhibition changes:

- dividing the GFA cap of 90,000m² for warehousing and industrial activity across the site to a GFA cap of 25,000m² for the Camden portion and 65,000m² for the Campbelltown portion;
- identifying the site as an urban release area to ensure that satisfactory arrangements under clause 6.1 Arrangements for designated State public infrastructure – of the Camden LEP 2010 will apply; and,

- inserting a new clause to address the re-vegetation of the proposed E2 Environmental Conservation lands by specifying that development consent must not be granted, unless the consent authority has taken into consideration whether the development is required to undertake environmental protection works based on the certain considerations.
- replace SP2 Infrastructure zone with SP2 Infrastructure 'Future road corridor' for the SFP corridor and delete the land reservation acquisition map; and
- replace IN1 General Industrial zone with E2 Environmental Conservation zone (north-eastern part of the site as shown in Figure 3).

Council also resolved to make the following changes to the site-specific DCP following the exhibition period:

- references to an Indicative Layout Plan have been replaced with Indicative Concept Plan (to reflect that the development vision for Glenlee will evolve over time and will transition from interim to permanent development), and an Indicative Layout Plan is required to be prepared and submitted for Council's approval with the first DA;
- objectives and controls related to development of land in the two Council areas have been summarised into a statement in the introduction;
- desired future character, development objectives and landscaping controls have strengthened reference to additional landscaping to address concerns raised by the Environment, Energy and Science Group (formerly the Office of Environment and Heritage - Environment);
- roads that traverse the environmental corridor require consideration of fauna crossing opportunities;
- *Tree Planting and Diversity* has been renamed as *Environmental Protection Works* to better reflect objectives and controls and support the proposed LEP clause relating to environmental protection works (additionally, this section has been strengthened to address issues raised by Environment, Energy and Science Group [formerly the Office of Environment and Heritage – Heritage]);
- noise and vibration controls have been removed, as the current existing noise and vibration controls within the Camden DCP 2011 will apply to any future development on the site;
- the Macarthur Regional Recreational Trail Concept Report has been referenced to encourage integration of on-site and off-site movement networks;
- controls related to visual impact have been improved to more accurately reflect the findings of the Visual and Landscape Assessment; and,
- maps and figures have been updated to correct minor errors.

8.2 Department Recommended Changes

Following the receipt of the revised planning proposal from Council for finalisation, the Department has made the following changes to the proposal:

Removal of the proposed environment protection works clause

The intention of this clause requires adequate environmental protection works be carried out on the site to the satisfaction of Council on the land zoned E2 Environmental Conservation. Council note that this work is to be considered as part of the assessment of any future development applications on the site.

The Department has recommended the removal of this clause as it relates to the development application process. The details of Council's requirement are also stated in the site specific DCP under subsection 2.3 Environmental Protection Works. The controls include the submission of a vegetation management plan (VMP) that addresses the management of the identified riparian corridors and registering the VMP on the title of all lots in the site.

Land for Spring Farm Parkway and impacts to road network

TfNSW and RMS have advised that the exhibited 40m road corridor width of the SP2 Infrastructure (Future Road Corridor) zone is now insufficient to cater for the development of a future road. TfNSW has undertaken further investigations and identified that a road corridor of up to 87m in width (at its widest point) is expected to be required until this is further determined under detailed design of the road. The finalisation of the detailed design is not expected to be completed until October 2021.

In response, the existing rural and local road zones over this part of the site are proposed to be maintained over the land allowing for an adequate width of area to accommodate a future road, noting that 'roads' of any type are a permitted land use in both of these zones. A consultation clause and a mapped overlay is also proposed to be introduced (clause 7.10) that requires Council to consult with TfNSW (RMS) on any proposed development within the identified corridor.

It should be noted that the site is not dependent on access via this future road, as adequate access can be provided to the site via Liz Kernohan Drive. TfNSW (RMS) has indicated that intersection works at the Camden Bypass/Liz Kernohan intersection are required to be undertaken to support development of the site. To ensure that these works are undertaken prior to development, clause 6.1 of Camden LEP is proposed to apply to require consultation and agreement to be reached for these works prior to development occurring.

In tandem with this requirement and to further minimise impacts to these existing roads the proposed development GFA caps for both the Camden and Campbelltown LGAs portions of the site are to help minimise impacts on the road network due to traffic generated from the site's development.

Inclusion of a 9m height of building provision for the land zoned E2 Environmental Conservation

The Camden and Campbelltown planning proposals sought different building height provisions for land proposed to be zoned E2 Environmental Conservation:

- Campbelltown Council sought a building height of 9m,
- while Camden Council did not seek to apply a building height provision.

Campbelltown Council advised a height limit is applied to most land under the Campbelltown LEP 2015. The site currently has a maximum building height of 8.5m under the Campbelltown LEP 2015 and a maximum building height of 9.5m under the Camden LEP 2019. The nearby Scenic Hills area of Campbelltown has a height limit of 9m.

Owing to the topography of the site, Camden Council considered a 9m height limit may impede a fauna overpass (as required in the DCP), however, agreed to the application of a 12m building height on the E2 Environmental Conservation land under the Camden LEP 2010 (**Attachment J1**).

A height limit of 12m is consistent across the Camden portion of the precinct. A 12m height limit takes into consideration the topography of the site and will allow the construction of a fauna overpass without requiring variation at the development application stage and is supported.

8.3 Justification for Post-Exhibition Changes

The Department considers that these post-exhibition changes are justified and do not require re-exhibition. The post-exhibition changes are supported, as these:

- are a reasonable response to comments provided by the public authorities;
- would ensure that the proposed road corridor and biodiversity matters are further addressed at the development stage; and
- do not alter the intent of the planning proposal and are minor amendments to the planning proposal.

8. ASSESSMENT

9.1 Section 9.1 Directions

At the time of the determination (**Attachment B**), the delegate of the Secretary agreed that the planning proposal's inconsistency with section 9.1 Directions 1.2 Rural Zones and 1.5 Rural Lands were justified in accordance with the terms of the Directions. Therefore, no further approval is required in relation to these Directions.

Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. This Direction applies as the site is proposed to be rezoned from a rural use to industrial purposes.

The proposal seeks to rezone the site to IN1 General Industrial, which is in accordance with the strategic plan - Greater Macarthur 2040. However, the proposal may be inconsistent with some minor aspects of the Direction, such as reducing the total potential floor space area for industrial uses.

Consequently, it is recommended that the delegate agree that any inconsistencies with the Direction are of minor significance.

Direction 1.3 Mining, Petroleum Production 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. This Direction applies as there are active coal exploration and sand and soil extraction approval across the site.

As indicated, the Land Capability Statement – Geotechnical Report (**Attachment H5**) indicated that the area is underlain by deep coal seams. No coal extraction has taken place in the precinct nor is it planned for several decades. .

The Department is satisfied that the rezoning of the site for industrial purposes will not adversely impact the extractive industries associated with the precinct. Council will also be required to consult with the relevant agencies on any future development applications at the development assessment stage.

In these circumstances, it is recommended that the delegate agree that any inconsistencies with the Direction are of minor significance.

Direction 2.1 Environment Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. This Direction applies as the site as the proposal seeks to rezone part of the site to E2 Environmental Conservation.

The proposal is inconsistent with this Direction as it seeks to remove approximately 0.69ha of CPW, 0.59ha of RFEF, 0.25ha of planted vegetation and 1.53ha of exotic vegetation across the site.

However, the inconsistency is justified as the site is identified for future employment uses in the Greater Macarthur 2040 strategy. In addition, the proposal includes the protection of biodiversity corridors along the Nepean River and adjacent to the Mount Annan Botanic Gardens. Furthermore, the requirements of the Biodiversity Conservation Act 2016 will need to be considered at development application stage where proposed development is likely to significantly affect threatened species, populations or ecological communities.

It is recommended that this inconsistency be considered to be of a minor significance.

Direction 4.2 Mine Subsidence and Unstable Land

The objective of this Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. It is noted that the site is adjacent to the South Campbelltown Mine Subsidence District. The Subsidence Advisory NSW (**Attachment I6**) did not raise any objections to the proposal, however, recommended that DRG be consulted regarding this proposal.

As previously indicated, DRG (**Attachment I7**) did not raise any objections to the proposal.

Consequently, the Department is satisfied that the proposal is not inconsistent with the Direction.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are 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 to encourage sound management of bush fire prone areas. The site contains bushfire prone land, therefore, this Direction applies to the site.

The Rural Fire Service (RFS) (**Attachment I5**) did not raise any objections with this proposal, subject to the aims and objectives of *Planning for Bushfire Protection 2006* being considered in any subsequent development application.

Council has advised that the future development will comply with *Planning for Bushfire Protection 2006*.

The proposal is considered to be consistent with the Direction.

Direction 6.3 Site Specific Provisions

The proposal will introduce a GFA cap for industrial uses. The proposal is therefore inconsistent with the Direction as it seeks to impose a development standard in addition to those currently in the LEP.

The purpose of the cap is to ensure that there is sufficient road capacity to support the industrial development of the site and that traffic generation from this development it will not impact upon current and future road network capacity.

The maximum industrial floor space cap is considered appropriate as it provides generous quantum of development capacity, while ensuring the road network will be able to accommodate traffic generated by the development.

In this regard the proposed site-specific provision is suitable and inconsistency with the Direction is considered acceptable.

Direction 7.2 Implementation of Greater Macarthur Land Release Investigation

The objective of this direction is to ensure development within the Greater Macarthur Land Release Investigation Area is consistent with the Greater Macarthur Land Release Preliminary Strategy and Action Plan (the Preliminary Strategy). The proposal is consistent with this Direction as the site is proposed to be rezoned for employment purposes and will provide approximately 1,500 additional jobs across the site.

9.2 State environmental planning policies

State Environmental Planning Policy No 19—Bushland in Urban Areas

The general aim of this policy is to protect and preserve bushland within the urban areas because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource. This policy applies to the Camden LGA, and therefore, applies to this proposal.

The proposal is consistent with this policy as it will retain much of the existing native vegetation across the site by rezoning this land E2 Environmental Conservation and identifying biodiversity corridors.

State Environmental Planning Policy No 55—Remediation of Land

The object of this policy is to provide for a State-wide planning approach to the remediation of contaminated land.

The Phase 1 Contamination Assessment (**Attachment H6**) and Plan for Phase 2 Contamination Assessment (**Attachment H7**) identified a number of potentially contaminated areas across the site as it has generally been used for industrial related purposes.

Based on these assessments, a Remediation Strategy (**Attachment H8**) was prepared which recommended strategies to feasibly remediate and manage existing contamination on the site, such as capping and containment of soil, natural attenuation of groundwater, and the preparation of a long-term environmental management plan.

9.3 State, regional and district plans

Western City District Plan

Under the Western City District Plan (the Plan) (March 2018) the site is identified as a land release area. The proposal is consistent with the plan as it seeks to rezone the land for industrial purposes which will provide additional jobs and industrial land within the Camden LGA (Planning Priority W10). The amending plan also adequately addresses the delivery of Spring Farm Parkway (Planning Priority W1) to ensure that adequate infrastructure will be provided.

In addition, the proposal seeks to protect the majority of the existing native vegetation across the site by rezoning this land to E2 Environmental Conservation, particularly along the Nepean River and Caley Creek corridors (Planning Priority W12 and W14). Council has also included controls for environmental protection works in the DCP.

The Department is satisfied that the planning proposal gives effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Greater Macarthur Growth Area

The Greater Macarthur 2040 (November 2018) is a strategic plan that sets a vision for the Greater Macarthur Growth Area as it develops. It also seeks to enhance the region's liveability, productivity and sustainability.

The proposal is consistent with the plan as it identifies Glenlee as a new industrial precinct supported by upgraded road connections (i.e. Spring Farm Parkway) and generating additional local jobs in the area (Figure 7).

It will also protect land with biodiversity value across the site by rezoning this land to E2 Environmental Conservation and retaining this vegetation within three management corridors.

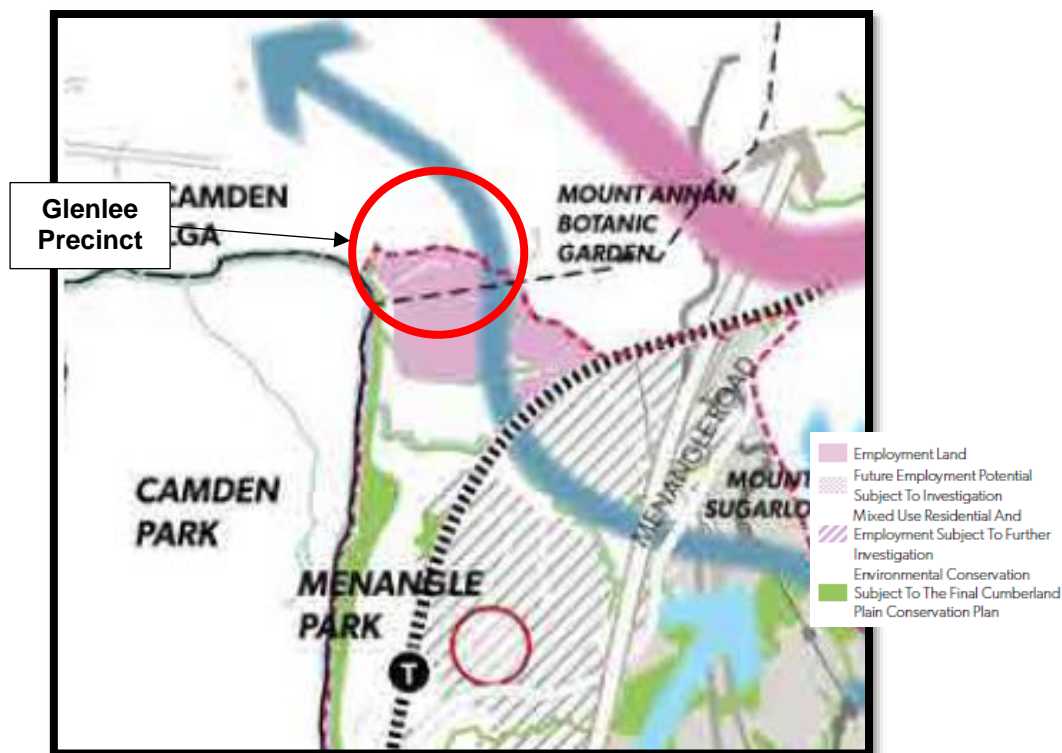


Figure 7: Greater Macarthur Structure Plan (land release areas).

9. MAPPING

There are nine (9) maps associated with this planning proposal (**Attachment Maps**) which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet the technical requirements.

10. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment E**).

Council advised on 5 May 2020 (**Attachment F**) that it was satisfied with the plan being made, however, Council officers would prefer:

- retention of Council's proposed clause which required adequate environmental protection works be carried out on the site to the satisfaction of Council on the land zoned E2 Environmental Conservation; and,
- zoning of relevant land as SP2 Infrastructure.

The Department considers that the existing provisions are adequate to protect environmental land as discussed earlier in this report. The potential road corridor has not been rezoned SP2 as the exact alignment of the road is yet to be determined. The inclusion of a consultation clause will provide adequate protection for the road corridor in the interim.

11. PARLIAMENTARY COUNSEL OPINION

On 13 May 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

12. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the post-exhibition changes to the planning proposal are considered to be justified and are of a minor nature; do not adversely impact on the community and relevant authorities; and, do not require re-exhibition;
- the proposed rezoning has strategic merit as it is generally consistent with the Western City District Plan;
- the inconsistency with section 9.1 Directions 1.1 Business and Industrial Zones; 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environment Protection Zones, and 6.3 Site Specific Provisions, are justified in accordance with the terms of the Directions; and
- the proposed rezoning will provide additional jobs in the local area while protecting areas of biodiversity on the site.



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