

Station Street, Menangle (residential and commercial development)

Proposal Title : **Station Street, Menangle (residential and commercial development)**

Proposal Summary : **To rezone land at Station Street, Menangle, for residential development and a small neighbourhood centre.**

PP Number : **PP_2013_WOLLY_011_00** Dop File No : **13/16785**

Proposal Details

Date Planning Proposal Received : **10-Oct-2013** LGA covered : **Wollondilly**

Region : **Sydney Region West** RPA : **Sydney West Joint Regional Plan**

State Electorate : **WOLLONDILLY** Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **Station Street**

Suburb : **Menangle** City : **Sydney** Postcode : **2568**

Land Parcel : **Part of Lots 201 and 202, DP 590247, and part of Lot 21, DP581462.**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**

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Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **Metro South West subregion** Consistent with Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha) : 27.00

Type of Release (eg Residential / Employment land) : Both

No. of Lots : 350

No. of Dwellings (where relevant) : 350

Gross Floor Area : 6,500.00

No of Jobs Created : 60

The NSW Government Lobbyists Code of Conduct has been complied with : Yes

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment : At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.

Supporting notes

Internal Supporting Notes :

BACKGROUND

The subject planning proposal originated from a broader planning proposal that also included a large area of proposed employment land to the south of the Menangle village ('the employment planning proposal'). Following delays by Wollondilly Shire Council in the consideration of the employment planning proposal, the Sydney West Joint Regional Planning Panel ('JRPP') was appointed as the Relevant Planning Authority for that proposal in 2011. It is understood that the JRPP has not yet made its recommendation to the Minister on the employment planning proposal.

While continuing to form part of the employment planning proposal, the subject planning proposal ('the Proposal') was concurrently reconsidered by Council as a separate planning proposal on 15 October 2012. Copies of the Council report and the Proposal, as submitted to Council, are attached at Tag I. The Proposal subsequently became the subject of a pre-Gateway review, which the Minister's delegate determined, on 13 August 2013, should proceed to a Gateway determination. The JRPP was subsequently appointed as the Relevant Planning Authority for the Proposal.

The JRPP, when recommending at the pre-Gateway stage that the Proposal should proceed for a Gateway determination, suggested that a number of small changes to the Proposal be made. While the suggested changes were not reflected in the subsequent determination by the Minister's delegate to allow the Proposal to proceed for a Gateway determination, the applicant has, nevertheless, amended the Proposal accordingly (discussed below).

Copies of the JRPP's recommendation on the pre-Gateway review, the determination of the pre-Gateway review and the appointment of the JRPP, are attached (Tag A).

LODGEMENT OF PROPOSAL

The applicant submitted the proposal on 3 October 2013, but did not include payment of the appropriate fee (i.e., \$25,000). This was subsequently provided on 10 October 2013.

The Department visited the subject land on 21 October 2013, with the landowner (Mr Ernest Dupre from Benedict Sands Pty Ltd), the applicant (i.e., the landowner's planning consultant, Ms Fiona van der Hoeven from Elton Consulting) and Council staff (Messrs.

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David Smith and James Sellwood). The site visit included a tour of the surrounding land and the village of Menangle.

RECOMMENDATION

It is considered that the Proposal should be allowed to proceed, subject to appropriate conditions as recommended in this report, as it will:

- provide housing and employment in a generally appropriate location,
- enable the conservation of significant local heritage items through adaptive reuse, and
- link the railway station with the village.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the proposal is to rezone the subject land for low density residential development and a neighbourhood centre. The subject land consists of two separate areas, which are divided by the Main Southern Railway. The area to the west of the railway line ('the western precinct') will contain low density residential development and a neighbourhood centre, while the area to the east of the railway line ('the eastern precinct') will contain only low density residential development. This is shown in Figure 4 on page 12 of the Planning Proposal, which is attached at Tag B.

The proposed residential development will include up to 350 dwellings on a range of lot sizes (250 sqm. 600sqm. and 900 sqm.). The smaller lots will be located around the neighbourhood centre and surrounded by medium-sized lots, while the larger lots will be located around the edge of the site, generally at the interface with the rural residue of the subject land.

The proposed neighbourhood centre will be located next to Menangle Railway Station and will incorporate existing local heritage items.

The proposed height is 6.8 metres for residential development (i.e., single storey) and 9 metres for commercial development (i.e., two storeys).

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The proposal will be facilitated by amending Wollondilly Local Environmental Plan 2011 as indicated below.

LAND ZONING MAP (Sheet LZN_010B)

The Land Zoning Map will be amended by rezoning the subject land from Zone RU1 Primary Production to Zones B1 Neighbourhood Centre and R2 Low Density Residential. The proposed zoning is shown in Figure 13 on page 50 of the Proposal document (Tag B).

LOT SIZE MAP (Sheet LSZ_010B)

The Lot Size Map will be amended by replacing the existing minimum lot size category AD (i.e., 100 hectares) with the following:

For land in Zone R2 Low Density Residential -

- minimum lot size category C (i.e., 250 sqm.), and
- introducing new minimum lot size categories M and T (i.e., 600 sqm. and 900 sqm. respectively).

For land in Zone B1 Neighbourhood Centre -

- no minimum lot size will apply.

The proposed minimum lot sizes are shown in Figure 15 on page 52 of the Proposal document (Tag B).

HEIGHT OF BUILDINGS MAP (HOB_10B)

The Height of Buildings Map will be amended by applying maximum building height categories F and J (i.e., 6.8 metres and 9 metres respectively) to land in Zones R2 Low Density Residential and B1 Neighbourhood Centre respectively. There is currently no height control for the subject land. The proposed maximum building height is shown in Figure 14 on page 51 of the Proposal document (Tag B).

COMMENT

Natural Resources - Water Map

The subject land appears to be currently affected by the Natural Resources - Water Map (Sheet NRW_010), on which land within 10m of an existing watercourse is identified as 'sensitive land'. Studies recommended in the subject report as part of the Gateway determination may result in the identification of further watercourses, resulting in the need to amend the map.

Urban Release Area

The subject land may also need to be identified on the Urban Release Area Map as it is recommended in this report that 'satisfactory arrangements' provisions for regional infrastructure should apply, pending the outcome of consultation with relevant public agencies. This would require the preparation of a new map, sheet URA_010.

Minimum Lot Size

The proposal for three different minimum lot sizes in Zone R2 Low Density Residential is supported. However, this approach will require sufficiently detailed proposed subdivision plans to be prepared prior to the public exhibition of the Proposal. It is considered that this matter should be addressed by the Gateway determination.

Proposed Development

The Proposal document uses the term 'medium density' to describe the type of residential dwellings proposed for smaller lots. However, this term is misleading as it implies that medium density housing is proposed, whereas, only detached dwelling houses are proposed. This may also create confusion about which residential zone is proposed, that is, Zone R2 Low Density Residential, which does not permit medium density housing, is proposed, while Zone R3 Medium Density Residential, which permits medium density housing, is not proposed.

Similarly, the Proposal document uses the term 'mixed use' to describe the land uses proposed in Zone B1 Neighbourhood Centre. This may create confusion as the land is not being rezoned to Zone B4 Mixed Use and mixed uses are not permitted in Zone B1 Neighbourhood Centre.

Accordingly, it is considered that the Gateway determination should require the Proposal document to be appropriately amended prior to public exhibition to clarify the above matters.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

SECTION 117 DIRECTIONS

DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

This Direction applies because the Proposal will both affect land within an existing business zone (i.e., outside of the area to which the Proposal applies) and create a new business zone.

The existing business zone at Menangle is a small-scale retail facility (zoned B1 Neighbourhood Centre), which contains a general store, post office, pie shop and liquor store.

The proposed neighbourhood centre will be larger than the existing shops and located some distance away, near the railway station. Its purpose, as stated in the Proposal, is to accommodate a range of uses to meet the daily needs of residents and create a village focal point. Possible uses include a food and drinks premise, shops, small scale commercial spaces and community facilities.

The proposed neighbourhood centre will provide opportunities for the restoration and adaptive reuse of locally significant heritage buildings. The JRPP supported this aspect of the Proposal during the pre-Gateway review.

While the proposed separation of business zones is not preferred, it is considered to be justified in this case on the grounds of protecting heritage items.

The Proposal considers that the proposed neighbourhood centre will complement the existing retail facility. While it is unclear how this is proposed to be achieved, Council will need to ensure at the development stage that any impacts on the viability of the existing retail facility are minimised.

On the whole, the Proposal is considered to be consistent with the Direction as it will encourage employment growth in a generally suitable location and support the overall

sustainability of the existing village.

1.2 RURAL ZONES

The Proposal is inconsistent with this Direction as it rezones the subject land to residential and business zones.

However, the Council report notes that:

- The site is mostly cleared land with improved pasture and has a long history of use for agricultural purposes. The current use is livestock grazing and fodder production.
- The subject site is mapped as Class 3 agricultural lands by the NSW Department of Agriculture. Class 3 land is identified as:

'grazing land or land well suited to pasture improvement. It may be cultivated or cropped in rotation with pasture. The overall level of production is moderate as a result of edaphic or environmental constraints'.

- The classification is consistent with the current usage of the subject site for cattle grazing and some pasture and fodder production. The site has an added advantage of extensive frontage to the Nepean River, a license for use of water from the river and long established farm infrastructure and investment such as pasture improvement, irrigation networks and fencing.
- Whilst the draft proposal has the potential to remove approximately 27 hectares of land from agricultural production, the remainder of the site can still be used for agricultural purposes and Council is supportive of rural uses continuing. Suitable buffers and urban design features to achieve a practical urban-rural interface should be investigated with future specialist studies.

It is also noted that the subject land would be generally unsuitable for broader rural use due to potential land use conflicts, arising from its proximity to current and proposed residential land.

It is considered that the inconsistency with the Direction is justified as the Proposal is generally consistent with the draft South West Subregional Strategy. The approval of the Director General (or his delegate) is required for the inconsistency and is recommended.

It is also considered that the Gateway determination should require studies to determine suitable buffers and urban design features to achieve a practical urban-rural interface.

Notwithstanding the above, it is considered that consultation should be required with the Department of Primary Industries - Agriculture.

DIRECTION 1.3 MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

The majority of the subject land has separately been identified by the Department of Trade & Investment (Resources & Energy Division) as containing loam and construction sand (Mineral Resources Audit (Plan 1) of Wollondilly Shire, August 2011). The subject land is located within a proclaimed mine subsidence district (i.e., South Campbelltown) and, therefore, may be underlain by potential coal resources.

In view of the above, consultation is required with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) under the Direction. This will subsequently allow determination of whether the Proposal is consistent with

the Direction and it is considered that the Gateway determination should include the requirement for consultation.

DIRECTION 2.1 ENVIRONMENTAL PROTECTION ZONES

While the subject land contains largely cleared farmlands, there are mature native trees in the eastern precinct, with a mostly cleared understorey. The Proposal document indicates that a preliminary environmental constraints and opportunities mapping study was carried out for the subject land in 2008 (Tag K), as part of the original, broader planning proposal. The study indicated that Ecologically Endangered Communities of flora and terrestrial and aquatic fauna habitat were present (in farm dams and ephemeral water courses).

While the Proposal document indicates that no clearing of native trees is proposed and no dams will be affected, it is considered that the Gateway determination should require a flora, fauna and habitat assessment to be undertaken, including consultation with the Office of Environment and Heritage and the Hawkesbury-Nepean Catchment Management Authority. This will subsequently allow consideration to be given to the consistency of the Proposal with this Direction.

DIRECTION 2.3 HERITAGE CONSERVATION

The subject land is partly located within the Menangle Heritage Conservation Area ('MHCA') under Wollondilly LEP 2011 and contains three local heritage items: the Camden Park Rotolactor (I83), the Camden Park Estate Central Creamery (I100), which are both located in the western precinct, and the Dairy Cottage (I97), which is located in the eastern precinct.

The Proposal seeks to restore and reuse the heritage items in the western precinct through the creation of a 'heritage mixed use precinct'. The Proposal is accompanied by a Statement of Heritage Impact ('SHA') and a Heritage View Analysis Report ('HVAR'). Copies of the SHA and HVAR are attached at Tags C and D respectively.

The SHA notes that the rotolactor is in a dilapidated state and that its adaption for reuse will be costly. The SHA considers that it is unlikely that a viable reuse will be found for the former creamery and the rotolactor while the site retains its current rural zoning. The SHA supports the indicative concept plan for the proposed heritage precinct and considers that impacts from proposed development on the landscape will be adequately controlled through the provisions of Wollondilly DCP 2011.

The HVAR specifically addresses the heritage items that are present in the visual catchment of the subject land and the potential effects of the proposed development, including its visual exposure and effects on the views to and from the heritage items and between the heritage items. The HVAR also addresses the visual impacts of the Proposal generally and potentially the impacts on the landscape character and setting. The HVAR concludes that the Proposal is consistent with good strategic planning principles and with contemporary heritage conservation practice.

The subject land surrounds the Menangle Railway Station Group, which is a State heritage item (and shown as Item I81 under Wollondilly LEP 2011). Accordingly, it is considered that the Gateway determination should require consultation with the Heritage Branch of the Office of Environment and Heritage. The Proposal states that the subject land includes the Railway Station, however, this is incorrect and it is considered that the Gateway determination should require amendment of the Proposal to rectify this error prior to public exhibition.

Wollondilly Shire Council has prepared a separate planning proposal to create a landscape conservation area, the Menangle Landscape Conservation Area ('MLCA'),

around the MHCA. The eastern precinct and a small section of the western precinct are included within the proposed MLCA. Council has finalised the proposal for the MLCA and submitted it to the Department for approval. While the proposed MLCA will be considered on its merits, it is noted that the heritage study supporting the MLCA proposal identifies the western part of the subject land as potentially less visually sensitive areas for possible subdivision. An extract from the study is attached at Tag E.

The subject land is located entirely within the combined area of the MHCA and the proposed MLCA. A map showing the boundaries of the MHCA and proposed MLCA and heritage items in and around the subject land is attached at Tag F.

It is noted that the JRPP, when considering the Proposal at the pre-Gateway stage, commented that:

- i) The planning proposal will enable the restoration and adaptive reuse of locally significant heritage structures; and
- ii) The resulting development would be compatible in scale and form with the existing village and landscape features of the locality and consistent with the intent of the Menangle Landscape Conservation Area LEP being prepared by Council.

The JRPP also noted that restoration of the heritage items is a significant element of the planning proposal merit. As such, the JRPP recommended that, prior to the public exhibition of the Proposal, consideration be given to the specification of the restoration works to be undertaken on the heritage items and the mechanism for ensuring that these works are adequately financed and completed.

The Proposal does not seek to remove or alter any heritage listings or the boundary of the MHCA. However, it is noted that the subject land contains buildings which appear to be associated with previous land uses but do not appear to be part of any current heritage listing. The Proposal also indicates that a report which was prepared as part of the previous, broader planning proposal did not identify any Aboriginal sites on the subject land but noted that such sites had been recorded on nearby land. The Proposal considers that land around tributaries on the subject land has a moderate level of archaeological potential and that there is the potential for isolated finds on the remainder of the subject land.

It is considered that, in view of the above, the Gateway determination should require the preparation of a European Heritage Assessment and an Aboriginal Heritage Significance Assessment, to establish the presence of any additional heritage items or archaeological sites on the subject land.

It is considered that the Gateway determination should also require specification of the restoration works to be undertaken on the existing heritage items and the mechanism for ensuring that these works are adequately financed and completed.

The scale of the proposed development (i.e., approximately 350 dwellings) represents a significant expansion of the Menangle Village, which currently contains approximately 90 dwellings (excluding the seniors housing development at the southern end of the village).

In view of the existing heritage significance of Menangle and, potentially, its surrounding landscape, future development needs to be integrated with the existing character and setting of the Village to ensure cohesion. The Proposal document acknowledges the need for such an approach and, accordingly, includes a concept plan, which contains various measures (and proposes the use of DCP controls) to achieve these principles within a staged approach to development. The concept plan is shown in Figure 4 on page 12 of the Proposal document (attached at Tag B).

It is considered that the proposed heritage mixed use precinct is likely to be achieved as the subject land is part of a large landholding which is in single ownership. The concept plan is proposed to be refined prior to exhibition to address any matters arising from studies and assessments, including the JRPP's recommendation, and it is considered that this should be made a condition of the Gateway determination.

The above proposed measures will enable determination of whether the Proposal is consistent with the Direction.

DIRECTION 3.1 RESIDENTIAL ZONES

The Proposal will provide both housing opportunities and choice, by increasing the area for residential development and including a mix of allotment sizes.

The subject land adjoins the existing residential area in Menangle (except for the eastern part, which is separated by a railway line) and forms a logical extension to it.

The additional residents will increase Menangle's viability, by creating a broader base to support business, services and infrastructure.

The JRPP recommended that details of water and sewer infrastructure be provided prior to the exhibition of the Proposal, however, it is noted that the Proposal is accompanied by an Indicative Water and Wastewater Servicing Strategy (Tag H), which considers various servicing options as discussed below.

Water

Options identified for water servicing include:

- (i) utilising the existing reticulated water supply to Menangle (which will require an extension to the subject land),
- (ii) connecting to the Macarthur Water Filtration Plant several kilometres away, and
- (iii) extracting water from the Nepean River (using the water supply main for Menangle Village as backup).

Wastewater

The Proposal notes that Menangle is currently serviced by a variety of private on-site sewerage systems that have operational problems (and require pump-out or disposal by irrigation). The Proposal identifies several options for wastewater servicing as discussed below.

- (i) an on-site package treatment plant, which will have the potential to service the existing village (NB: the Proposal identifies this as the preferred option and notes the need to investigate a suitable owner/operator that is licensed under the Water Industry Competition Act 2006),
- (ii) connection to the West Camden STP (13 kms away),
- (iii) connection to the Glenfield STP (24 kms away and requiring a significant upgrade and other infrastructure),
- (iv) individual wastewater treatment plants for each allotment, and
- (v) extension of the existing Menangle Park Servicing Strategy, which includes a new STP at Menangle Park (3 kms away).

It is considered that the Gateway determination should require consultation with Sydney Water (as already proposed under the Proposal) and the preparation of an on-site wastewater management feasibility assessment. Following this, and the preparation of a State and Local Infrastructure and Essential Services Assessment (as recommended further below), the consistency of the Proposal with this Direction can be determined.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

The Proposal is considered to be consistent with this Direction as the site adjoins a railway station and there is a local bus service. Although both of these transport services are low in frequency, they nevertheless provide access to nearby Campbelltown and beyond.

The Menangle Railway Station is currently isolated from Menangle Village. The Proposal will improve this situation by providing residential development around the railway station, connecting it to the village (once the adjoining vacant residential land along Station Street has been developed, as approved).

The Proposal is accompanied by a Traffic and Transport Overview (Tag J), which concludes that there is likely to be negligible impact on the local transport networks from the proposed development.

It is considered that the Proposal may provide an opportunity to improve the local road and pedestrian network, through the relocation of the existing bridge over the railway line, from its present location at the end of Station Street to closer to the railway station.

It is noted that the JRPP recommended consideration of the following matters prior to the exhibition of the Proposal:

- Concept railway bridge design including consideration of relocation further north to improve road geometry and access for pedestrians.
- Traffic study and recommended intersection treatment for Menangle Station/Woodbridge Road intersection and associated road geometry for Moreton Park Road and consider relocation to improve access.

In view of the above, it is considered that the Gateway determination should require the preparation of a Transport and Movement Study prior, which should be exhibited with the Proposal. Consultation should also be undertaken with Roads and Maritime Services.

DIRECTION 4.1 ACID SULFATE SOILS

The NSW Acid Sulfate Planning Maps were examined but do not indicate that there is a risk of acid sulfate soils (ASS) occurring in the area. Notwithstanding this, it is considered that the Gateway determination should require the preparation of a study to establish the likelihood of ASS on the subject land, given its proximity to the floodplain of the Nepean River. An assessment of the consistency of the Proposal with the Direction may subsequently be made.

DIRECTION 4.2 MINE SUBSIDENCE AND UNSTABLE LAND

As the subject land is located within a proclaimed mine subsidence district (i.e., South Campbelltown), it will be necessary to consult with the Mine Subsidence Board under this Direction. It is considered that a mine subsidence assessment should also be required. Following this, the consistency of the Proposal with the Direction can be determined.

DIRECTION 4.3 FLOOD PRONE LAND

A Flood Assessment accompanies the Proposal (attached at Tag G) and indicates the following:

- The subject land generally follows the 100 year ARI flood extent (of the nearby Nepean

River), however, there are minor incursions into the 100 year ARI flood area.

- The 100 year ARI flood extends 700m from the main river channel to the land proposed for rezoning, with the flood liable land acting as flood storage rather than flow conveyance.

- The minor loss of any flood storage caused by the proposed development would not have a significant impact on flood levels or flood behaviour. Nonetheless, the soil extraction being undertaken on the river edge in this area would readily compensate for any loss of flood storage caused by the proposed development.

- In summary, it is considered that the proposed development would not adversely impact on the flood behaviour of the Nepean River and, conversely, the Nepean River flooding would not adversely impact on the proposed development.

Comment:

- * The flood assessment represents only an overview and does not include any details or modelling, including further information on the future mitigation of flood impacts by soil extraction.

- * The flood assessment only applies to the western precinct and does not include the eastern precinct, which also adjoins the 100 year ARI flood extent.

- * The Proposal is inconsistent with the Direction as it rezones some flood prone land from a rural zone to a residential zone. It is unclear how much land is affected and, accordingly, it is considered that the Gateway determination should require the Proposal to map flood prone land and illustrate how future development will avoid it.

- * It is considered that the Gateway determination should require consultation with the Office of Water and the preparation of a Flooding, Hydrology, Riparian Lands and Water Sensitive Urban Design study, which should be exhibited with the Proposal. These steps will subsequently allow determination of whether the inconsistency with the Direction is justified.

DIRECTION 4.4 - PLANNING FOR BUSHFIRE PROTECTION

The Proposal indicates that, while no part of the subject land is identified as bushfire prone, it is located in proximity to bushfire prone land, which lies in the riparian corridor following the Nepean River to the north and east of the subject land. Therefore, this Direction applies to the Proposal, and it is considered that the Gateway determination should include a requirement to consult with the Rural Fire Service and prepare a Bush Fire Hazard Assessment and Risk Management, so that consistency with the Direction can subsequently be determined.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The Proposal is considered to be generally consistent with the Metropolitan Plan for Sydney 2036, as it is supported, in-principle, by a local strategy for growth.

SEPPs and DEEMED SEPPs

SEPP 55 - REMEDIATION OF LAND

In view of the previous use of the subject land for agricultural purposes, a preliminary contamination assessment was undertaken and concluded that there were several

potential contamination issues, as follows:

"21 Station Street, Menangle - This area contains the locally heritage significant former creamery. Based on the presence of two ASTs and the prolonged use of the site for farming and grazing, ERM [the author of the assessment] considered the risk of significant historical on-site contamination is considered to be moderate to high.

251 Menangle Road, Menangle - Based on the prolonged use of the site for farming and grazing and the associated possible use of pesticides and herbicides, the risk of significant historical on-site contamination is considered to be low to moderate.

The identified areas of environmental concern can be identified in a DCP with controls that require further investigations and remediation during the D.A. and construction phases. No further technical work is required as part of the planning proposal".

Clause 6(b) of SEPP 55 applies to contaminated land and requires the planning authority, before rezoning land, to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used. It is considered that, in order to inform this consideration, the Gateway determination should require a more detailed Contamination Assessment to be undertaken.

SREP 20 - HAWKESBURY-NEPEAN RIVER (No. 2 — 1997)

It is considered that the development enabled by the Proposal will be able to adequately satisfy the various considerations, policies and strategies of this deemed SEPP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Figures 13 to 15 on pages 50 to 52 of the Proposal document respectively show the proposed zoning, building height limit and minimum lot size.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is considered that a period of 28 days is an appropriate length of time for community consultation.

The Department and Minister have received correspondence from the Menangle Community Association Inc., which has expressed concern in relation to the preservation of heritage.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Principal LEP, Wollondilly LEP 2011, was notified in February 2011.

Assessment Criteria

Need for planning
proposal :

The Proposal is generally consistent with the Wollondilly Growth Management Strategy 2011 ('GMS'). The GMS has been submitted to the Department for endorsement, however, Council has now commenced its review. An extract from the GMS, identifying the area north of the existing village as a 'potential residential growth area' is provided on page 22 of the Proposal document (attached at Tag B).

Council staff have verbally advised the Department that land to the east of the railway line was not identified for potential growth because interest for development was not anticipated in this area. There were no planning related reasons for excluding this land.

The proposed development can only be achieved through a change of land use zoning and associated controls. A planning proposal is the only means of facilitating the proposed rezoning.

Consistency with
strategic planning
framework :

The Proposal is generally consistent with the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy as it is supported, in principle, by Council's GMS.

Environmental social
economic impacts :

It is considered that the various existing and proposed studies and assessments will sufficiently address all relevant matters and that, consequently, no significant environmental or economic impacts are expected. While it is understood that there are limited community services and employment opportunities in Menangle, the Proposal may provide an opportunity to increase these, while the accessibility of larger centres by road and rail is expected to further mitigate the potential for social impacts.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
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Timeframe to make LEP :	18 months	Delegation :	DG
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Public Authority Consultation - 56(2) (d) :	Hawkesbury - Nepean Catchment Management Authority Department of Education and Communities Office of Environment and Heritage NSW Department of Primary Industries - Agriculture Department of Trade and Investment Mine Subsidence Board NSW Rural Fire Service Transport for NSW - Roads and Maritime Services Sydney Water Adjoining LGAs Other
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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **In addition to the above public authorities, it is considered that consultation should be undertaken with:**

- Endeavour Energy,
- Australian Rail Track Corporation,
- Campbelltown City Council, and
- Wollondilly Shire Council.

Resubmission - s56(2)(b) : **No**

If Yes, reasons : **The Proposal includes a project timeline that does not contain indicative dates. This is considered to be acceptable as the Department will be closely involved in the rezoning process and can, therefore, control its progress as required.**

Identify any additional studies, if required :

Flora

Fauna

Heritage

Bushfire

Flooding

Other - provide details below

If Other, provide reasons :

In addition to the above studies and others recommended in this report, it is considered that studies relating to soils and geology and salinity should be required.

Note: The various studies and assessments that are recommended in this report reflect those which have been either proposed by Council staff or acknowledged as potentially necessary by the applicant.

In view of the potential for the concept plan to be improved by the various proposed studies and assessments, it is considered that the Gateway determination should allow reasonable flexibility in the corresponding refinement of the proposed zoning boundary (and other development controls).

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **On 8 October 2013, the Proposal was referred to the Growth Infrastructure Funding and Monitoring Branch (GIFM) for comment. On 1 November 2013, the GIFM Branch advised that, due to the size of the proposed development, i.e., up to 350 dwellings, it is recommended that a satisfactory arrangements clause for regional infrastructure is included in the Proposal, pending the outcome of consultation with relevant public agencies.**

In view of the above, it is considered that the Gateway determination should require consultation with the following public authorities, specifically in relation to regional infrastructure:

- Department of Education and Communities,
- NSW Health
- Roads and Maritime Services
- Transport for NSW

It is also considered that the Gateway determination should require the preparation of a State and Local Infrastructure and Essential Services Assessment.

Documents

Station Street, Menangle (residential and commercial development)

Document File Name	DocumentType Name	Is Public
Tag_A_-_ (i)_JRPP_Recommendation.pdf	Study	Yes
Tag_A_-_ (ii)_Determination_of_Pre-Gateway_Review.pdf	Study	Yes
Tag_A_-_ (iii)_Appointment_of_JRPP.pdf	Study	Yes
Tag_B_-_ (i)_Cover_Letter.pdf	Proposal Covering Letter	Yes
Tag_B_-_ (ii)_Planning_Proposal.pdf	Proposal	Yes
Tag_C_-_ Statement_of_Heritage_Impact.pdf	Study	Yes
Tag_D_-_ Heritage_View_Analysis_Report.pdf	Study	Yes
Tag_E_-_ Map_Extract_-_ MLCA_Heritage_Study.pdf	Map	Yes
Tag_F_-_ (i)_Combined_Heritage_Map_(Sheet_1_of_2).pdf	Map	Yes
Tag_F_-_ (ii)_Combined_Heritage_Map_(Sheet_2_of_2).pdf	Map	Yes
Tag_G_-_ Flood_Assessment.pdf	Study	Yes
Tag_H_-_ Indicative_Water_and_Wastewater_Servicing_Strategy.pdf	Study	Yes
Tag_I_-_ (i)_Council_Report.pdf	Study	Yes
Tag_I_-_ (ii)_Planning_Proposal_Submitted_to_Council.pdf	Study	Yes
Tag_J_-_ Traffic_& Transport_Overview.pdf	Study	Yes
Tag_K_-_ Constraints_and_Opportunities_Mapping_Study.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the Proposal proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979, for a period of 28 days.

2. The timeframe for completing the Local Environmental Plan is to be 18 months from the week following the date of the Gateway determination.

The matters below are to be addressed prior to community consultation.

3. Amendment of the Natural Resources - Water Map (Sheet NRW_010) to include any new watercourses, or amendments to existing watercourses, identified by the proposed studies.

4. The subject land may need to be identified as an Urban Release Area, pending the outcome of consultation with relevant public agencies (as recommended below). This would require amendment of the Urban Release Area Map to include a new sheet (Sheet URA_010), which should form part of the public exhibition.

5. If the subject land is identified as an Urban Release Area, sufficiently detailed proposed

subdivision plans that comply with the proposed minimum lot sizes are to be prepared.

6. The Proposal document is to be amended to clarify that:

- references to proposed 'medium density' development refer to relative density rather than dwelling type,
- references to proposed 'mixed use' development refer to development in the heritage precinct as a whole rather than the form of individual development, and
- the Menangle Railway Station is not included in the Proposal.

7. The Director General approves the inconsistency with section 117 Directions 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy. Notwithstanding this:

- studies are to be undertaken to determine suitable buffers and urban design features to achieve a practical urban-rural interface; and

- consultation should be undertaken with the Department of Primary Industries - Agriculture.

8. Consultation is to be undertaken with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum), and consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries is to be subsequently demonstrated.

9. A flora, fauna and habitat assessment is to be prepared and consultation is to be undertaken with the Office of Environment and Heritage and the Hawkesbury-Nepean Catchment Management Authority. Consistency with Direction 2.1 Environment Protection Zones is to be demonstrated subsequently.

10. In order to determine consistency with Direction 2.3 Heritage Conservation, the following should be prepared:

- a European Heritage Assessment to identify potential additional heritage items,
- an Aboriginal Heritage Significance Assessment, and
- specification of the restoration works to be undertaken on the existing heritage items and the mechanism for ensuring these works are adequately financed and completed.

Consultation is to be undertaken with the Heritage Branch of the Office of Environment and Heritage ('OEH'), in relation to potential impacts on the Menangle Railway Station (a State heritage item).

11. An On-Site Wastewater Management Feasibility Assessment and a State and Local Infrastructure and Essential Services Assessment are to be prepared. Consistency with Direction 3.1 Residential Zones is to be demonstrated subsequently.

12. A Transport and Movement Study is to be prepared and must specifically include consideration of:

- Concept railway bridge design including consideration of relocation further north to improve road geometry and access for pedestrians.
- Traffic study and recommended intersection treatment for Menangle Station/ Woodbridge Road intersection and associated road geometry for Moreton Park Road and consider relocation to improve access.

Consultation is to be undertaken with Roads and Maritime Services.

13. An Acid Sulfate Soils Assessment is to be prepared and will allow determination of the consistency with Direction 4.1 Acid Sulfate Soils.

14. A Mine Subsidence Assessment is to be prepared and consultation with the Mine Subsidence Board is to be undertaken. Consistency with Direction 4.2 Mine Subsidence and Unstable Land is to be demonstrated subsequently.

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15. A Flooding, Hydrology, Riparian Lands and Water Sensitive Urban Design study is to be prepared and consultation with the Office of Water is to be undertaken. The Proposal should be amended to map flood prone land and illustrate how future development will avoid it. Consistency with Direction 4.3 Flood Prone Land is to be demonstrated subsequently.

16. A Bush Fire Hazard Assessment and Risk Management is to be prepared and consultation with the Rural Fire Service is to be undertaken. Consistency with Direction 4.4 Planning for Bushfire Protection is to be demonstrated subsequently.

17. A more detailed Contamination Assessment is to be prepared.

18. Studies relating to soils, geology and salinity are to be prepared.

19. The proposed concept plan should be improved, as necessary, following the preparation of studies and assessments. Reasonable flexibility in the corresponding refinement of the proposed zoning boundary (and other development controls) is permitted.

20. Consultation is required with:

- i) Sydney Water, Endeavour Energy, the Australian Rail Track Corporation Ltd., Campbelltown City Council and Wollondilly Shire Council, and
- ii) the Department of Education and Communities, NSW Health, Roads and Maritime Services and Transport for NSW, specifically in relation to regional infrastructure.

Supporting Reasons :

It is considered that the Proposal, subject to appropriate conditions as recommended in this report, will:

- provide housing and employment in a generally appropriate location,
- enable the conservation of significant local heritage items through adaptive reuse, and
- link the railway station with the village.

Signature:



Printed Name:

DERRYN JOHN

Date:

25 NOVEMBER 2013

