

Planning Services

Plan Finalisation Report

Local Government Area: Campbelltown

PP Number: PP_2012_CAMPB_001_00

1. NAME OF DRAFT PLAN

Campbelltown Local Environmental Plan 2015 (Amendment No. 3) (the draft Plan). The draft written instrument is at **Attachment LEP**.

2. SITE DESCRIPTION

The planning proposal applies to land at Menangle Road, Menangle Park (the site) in the Campbelltown Local Government Area (LGA). The site is approximately 958 hectares in area and bound by the Nepean River (south and west), Menangle Road and the Hume Motorway (east), and Mount Annan (north).

Refer to **Attachment M** for the location map and land descriptions.

3. PURPOSE OF THE PLAN

The draft Plan seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 as follows:

- Amend Land Application Map (LAP_001) – remove the Menangle Park site as a deferred area.
- Amend Land Zoning Map (LZN_002 and LZN_003) – rezone the site to part R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot residential, RU2 Rural Landscape, RU6 Transition, B2 Local Centre, IN1 General Industrial, RE1 Public Recreation, RE2 Private Recreation, SP2 Classified Road, SP2 Future Road Corridor, SP2 Railway Corridor, SP2 Water Reticulation System, SP2 Gas Well, SP2 Water Supply System, SP2 Electricity Substation, and SP2 Public Facilities.
- Amend Height of Building Maps (HOB_002 and HOB_003) – apply a maximum building height of 8.5m, 12m, and 15m across part of the site.
- Amend Floor Space Ratio Map (FSR_003) – apply a maximum floor space ratio of 0.55:1 and 0.75:1 across part of the site.
- Amend Lot Size Maps (LSZ_002 and LSZ_003) – apply a minimum lot size of 300sqm, 420sqm, 950sqm, 2,000sqm, 1ha, 3ha, and 40ha across part of the site.
- Amend Land Reservation Acquisition Map (LRA_003) – identify part of the site for future land acquisition (classified road, future road corridor, and local open space).
- Amend Heritage Maps (HER_003 and HER_003A) – identify a part of the site as “I82 – Riverview, I83 – Menangle House and outbuildings, I84 – The Pines, I86 – Menangle Weir, I87 – Menangle Park Paceway, I00009 – Glenlee House and outbuildings, garden and gate lodge, I01373 – Upper Canal, I01047 – Menangle Railway Viaduct”.
- Amend Environmental Constraint Maps (ECM_002 and ECM_003) – identify part of the site as “Riparian Protection”.
- Amend Urban Release Area Maps (URA_002 and URA_003) – identify the site as an urban release area.

- Amend Lot Size for Dual Occupancy Maps (LSD_002 and LSD_003) – apply a minimum lot size for dual occupancy development of 700sqm, 950sqm, 1ha, 3ha, and 40ha across part of the site.
- Amend Additional Permitted Use Map (APU_003) – identify part of the site as Area 41.
- Amend Terrestrial Biodiversity Maps (BIO_002 and BIO_003) – identify part of the site as biodiversity – significant vegetation.
- Amend clause 2.1 Land use zones – insert Zone RU6 Transition in Rural Zones.
- Amend the Land Use Table – insert Zone RU6 Transition as a new zone and objectives of the zone, permitted land uses without consent, permitted land uses with consent, and the prohibition of land uses.
- Amend clause 7.3 Riparian Land and Watercourses – apply the clause to the all land identified as riparian protection on the Environmental Constraint Map.
- Amend Schedule 1 Additional Permitted Uses – permit the following additional land uses at Racecourse Avenue, Menangle Park: animal boarding or training establishments; residential accommodation for the use of harness racing drivers and stable hands; and training facilities for the training of persons in relation to horse racing and the care of horses, including the training of horse trainers, harness racing drivers and stable hands.
- Amend Schedule 5 Environmental Heritage – insert new local and State heritage items.
- Amend the Dictionary – replace “Constraints” with “Constraint” from the definition of Environmental Constraints Map.
- Insert a Local Provisions Clause – the new clause will ensure that Council is satisfied that arrangements have been made for the provision of local infrastructure to service the needs generated by the development.

The existing and proposed maps are provided at **Attachment N**.

The site is currently zoned No 1 (Non-Urban) and 5(a) Special Uses under the City of Campbelltown Interim Development Order No 15 (IDO 15); and 5(a) Special Uses (Water Supply), 5(d) Special Uses (Railways), 7(d1) Environmental Protection (Scenic), and Freeway under the Campbelltown Local Environmental Plan – District 8 (Central Hills Lands) (Campbelltown LEP District 8).

The draft plan will result in the inclusion of the deferred area in the Campbelltown LEP 2015 from the IDO 15 and Campbelltown LEP District 8. In addition, the draft Plan will enable the provision of 3,400 additional dwellings and approximately 1,500 to 3,000 additional jobs in Menangle Park. Refer to Figure 1 for the indicative site plan.

Council also proposes to amend the Campbelltown (Sustainable City) Development Control Plan (DCP) 2015 to support the planning proposal and to reflect the specific characteristics of the Menangle Park site. The proposed amendments are to be incorporated as Part 7 in Volume 2 of the DCP (**Attachment O**) once the site is rezoned.

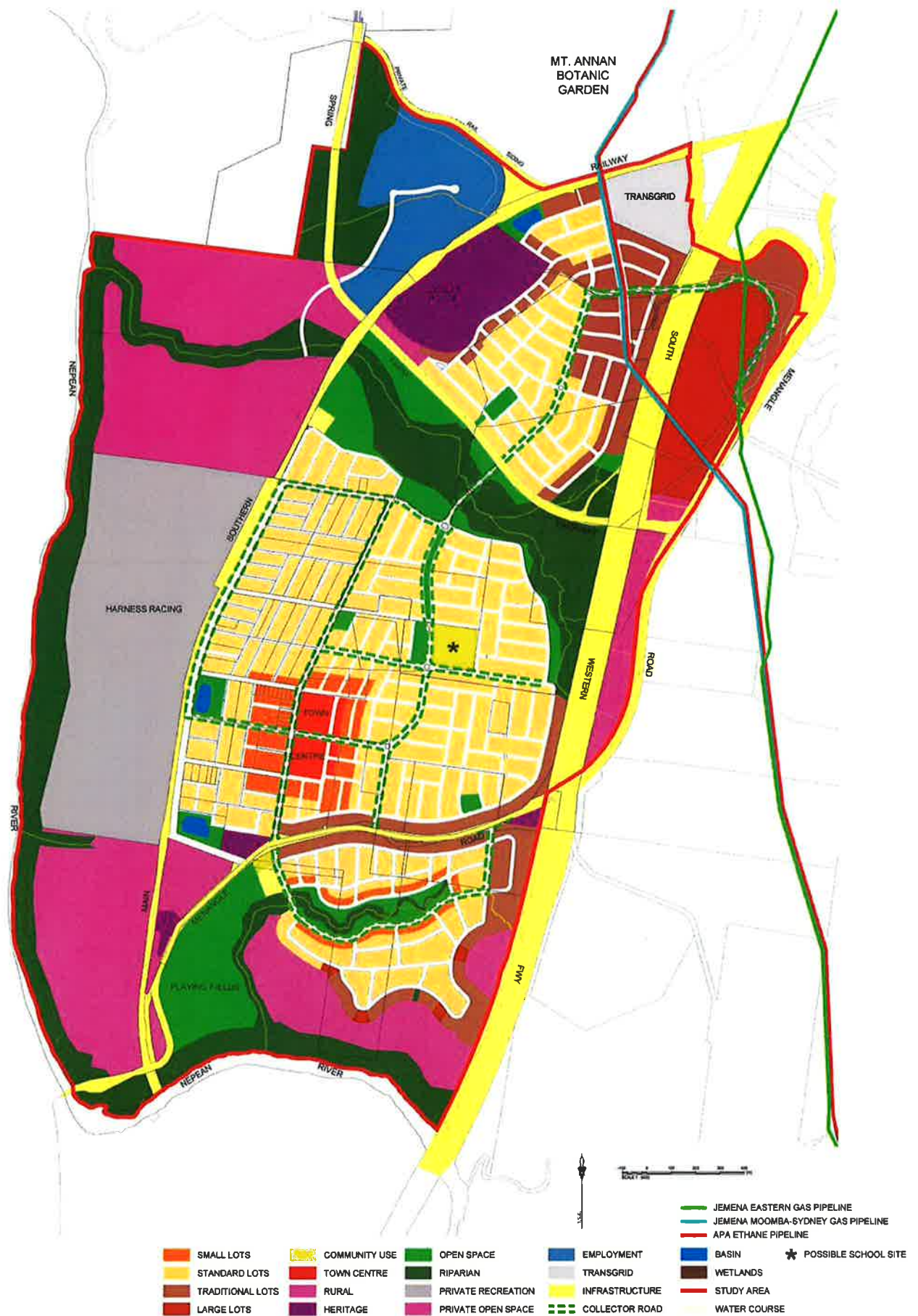


Figure 1 – Indicative Site Plan in the draft DCP

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Campbelltown Electorate. Greg Warren MP, is the State Member for Campbelltown.

Dr Mike Freeland MP is the Federal Member for Macarthur.

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

5. GATEWAY DETERMINATION AND ALTERATIONS

A Gateway determination was issued on 20 February 2012 (**Attachment C**) that the proposal should proceed subject to conditions.

The Gateway determination was altered on 7 August 2012 to amend Condition 2 in relation to the retention of a rural zone for certain land and the application of a one hectare minimum lot size (**Attachment D**).

There have been six (6) Gateway extensions issued for the planning proposal as follows:

- 12 March 2013 by 6 months;
- 9 August 2013 by 6 months;
- 12 March 2014 by 9 months;
- 21 November 2014 by 12 months;
- 29 January 2016 by 12 months; and
- 17 November 2016 by 6 months.

The proposal was due for finalisation by 27 March 2017.

The Department received the request by Council to finalise the planning proposal prior to the due date and has since resolved a number of significant issues that has delayed the finalisation process. The Department is now satisfied that Council has met the conditions of the Gateway determination and the planning proposal is adequate for finalisation.

6. ADDITIONAL STUDIES

The planning proposal was supported by a Local Environmental Study (July 2010) (the LES) prepared by MG Planning to investigate the capacity of the site for future urban development (**Attachment P**). The LES summarises the findings of a number of technical investigation reports prepared for the planning proposal including: fauna and flora; stormwater and flooding; bushfire; heritage; visual landscape; transport and access; noise impact; extractive industries; air quality; geotechnical and contamination; social infrastructure; utility services; and employment.

In addition, an Addendum Report (October 2016) (**Attachment Q**) was prepared post-exhibition to address additional matters since the LES was prepared.

The Department has undertaken a detailed review of the LES and Addendum Report and concludes that the planning proposal has satisfactorily addressed the site constraints and confirmed that there are no site specific issues that should preclude the finalisation of the Plan.

This review is outlined under Appendix 1 of this report.

Koala Habitat and Vegetation

A key consideration for the site as outlined under Appendix 1 of this report is the protection of flora and fauna species and habitat at the site, which includes the Koala.

The Flora, Fauna and Aquatic Assessment Report (**Attachment P**) notes that while no Koalas have been recorded on the site, the site is likely to contain 'potential koala habitat' and Koalas have previously recorded in the vicinity of the site. BioNet does not record any sightings on the site however the importance of the Koala community in Campbelltown and the Greater Macarthur is acknowledged.

The Indicative Site Plan incorporates the majority of the high ecological value areas and areas of likely 'potential koala habitat' on the land into riparian or open space areas, which Council seeks zone a mix of RE1 Public Recreation RE2 Private Recreation and RU2 Rural Landscapes. The objectives of these zones include the protection of the natural environment, preservation and rehabilitation of bushland, and protection of wildlife corridors. It is a requirement of the Campbelltown LEP that the consent authority must have regard to the zone objectives in the assessment of a development application.

All vegetation that may be considered as potential koala habitat is mapped as Terrestrial Biodiversity which provides additional environmental protection under the Campbelltown Local Environmental Plan by applying additional heads of consideration for any development application on the site. These provisions aim not only to protect native flora and fauna but also to protect ecological processes and maximise connectivity of habitat.

In addition a Site Specific Development Control Plan and Biodiversity Offsetting Strategy was prepared to ensure that remnant vegetation is a key consideration for any future development proposal as well as ensuring appropriate management and offset strategies are in place before development consent is granted.

In accordance with State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection a detailed site specific study would need to be prepared at the development application stage for the proposed release project to confirm if the land does contain core Koala Habitat. If the land is found to contain core Koala Habitat, a Koala Plan of Management would also be required, which would relate to not only vegetation removal and protection considerations, but also ongoing koala management measures in the site.

The provisions under the SEPP as well as the additional measures which have been included as part of the LEP Amendment are considered suitable for ensuring that potential impacts on the Koala are appropriately considered and addressed through any future works onsite.

7. COMMUNITY CONSULTATION

In accordance with condition 3 of the Gateway determination, community consultation was undertaken by Council from 11 December 2012 to 1 February 2013. Further consultation was also undertaken from 12 June 2014 to 8 August 2014 as part of the exhibition of the draft Campbelltown Local Environmental plan 2015 i.e. the Standard Instrument.

Council received thirteen (13) submissions from the community, including one (1) objection, ten (10) submissions raised concerns and requested changes, and two (2) supported the planning proposal. A summary of the community submissions is included in Council's report at **Attachment R** and a summary is provided at Appendix 2.

In summary, the community submissions raised the following matters:

1. objection to the overdevelopment of the site for housing;
2. support for the provision of Spring Farm Parkway and the electrification of the rail line to Menangle Park;
3. concern with heritage issues, lack of infrastructure, air quality and flooding issues;
4. requests to amend the zoning and associated development standards for individual sites; and
5. a request for additional permitted uses at the Harness Park to enable the existing racecourse to continue its operations.

Council noted the community submissions and addressed the above concerns as follows:

1. the proposed yield associated with the planning proposal is considerably less than initially proposed; and the site is capable of supporting urban development and the constraints have

- been recognised as outlined in the consultant reports, in particular, no development is proposed to be permitted below the 1:100-year flood line;
2. the Greater Macarthur Strategy proposed to investigate the electrification of the rail line to Menangle Park resulting in the preparation of a discussion paper and a Council submission to the Commonwealth Department of Infrastructure and Regional Development and Transport for NSW advocating the construction of a connection from the proposed Badgery's Creek airport to Narellan, with an extension through to a new Menangle Park railway station;
 3. detailed assessment of heritage issues; infrastructure, air quality and flooding issues has been undertaken and appropriately addressed;
 4. while these requests were noted, only the request to retain the rural zone for the Campbelltown Steam and Machinery Museum is included into the planning proposal; and
 5. the request for the additional permitted use at Harness Park is included into the planning proposal.

It is considered that Council has adequately addressed the issues raised by the community during the exhibition period.

8. ADVICE FROM PUBLIC AUTHORITIES

Council consulted with the public agencies in accordance with condition 4 of the Gateway determination conditions. In addition to the agencies listed under the Gateway determination, Council also received submissions from various other agencies and organisations.

Council received twenty three (23) submissions from public agencies and organisations, including: Department of Trade and Investment (Resources and Energy); Department of Industry and Investment NSW (Coal Advice Branch); Subsidence Advisory NSW; Roads and Maritime Services; Transport for NSW; Busways Group; Australian Rail Track Corporation; Department of Primary Industries (Office of Water); Office of Environment and Heritage; Heritage Council of NSW; Cubbitch Barta Native Title; Rural Fire Service; Fire and Rescue NSW; Department of Family and Community Services; NSW Health (South Western Sydney Local Health District); Department of Education and Communities; UrbanGrowth NSW; Environment Protection Authority; Sydney Catchment Authority; NSW Dams Safety Committee; State Emergency Services; Endeavour Energy; Sydney Water; Jemena Gas; Gorodok Gas; and Wollondilly Council. Refer to **Attachment S** for the public agencies submissions.

A number of the concerns raised by the public agencies related to recommendations at the development application stage. Other matters that were raised related to potential conflict with gas-well sites and mine exploration leases, infrastructure provision, flood management and protection of the environment and heritage significance. These matters and Council's response are discussed in more detail under Appendix 3 of this Report and **Attachment R** and **Attachment T**. Council has responded to a number of the issues raised through amendments to the proposal. These changes are discussed in detail under Section 10 of this Report. It is considered that the matters raised by these agencies have been appropriately addressed and should not preclude the finalisation of the Plan.

In addition to the issues listed above, Council did receive two (2) objections from the public agencies, one from Subsidence Advisory NSW in relation to the bulk and scale of development within the site, and the other from Transport for NSW and Roads & Maritime Services in relation to the acquisition of Spring Farm Parkway.

The Department's regional planning team, in conjunction with Council, conducted further consultation with the relevant public agencies and associated stakeholders in regard to these key issues, as follows.

Mining and Mine Subsidence Consultation

On 5 May 2006, the Department wrote to Council regarding its request to undertake investigations and consultation over whether urban development or coal mining should be allowed to proceed at Menangle Park (**Attachment E**). The letter advises that at the request of Cabinet, a Working Group was established in 2005 to investigate ways to resolve the conflict. An agreed position was reached with the former Minister of Planning that "mining of coal resources beneath Menangle Park should be restricted to enable urban development to occur at the form and scale necessary to make that

development viable”, citing the importance of Menangle Park’s contribution to the land supply in Metropolitan Sydney.

In October 2016, Cabinet approved amendments to the *Mines Subsidence Compensation Act 1961* (the MSC Act), which made changes to the Mine Subsidence Compensation Fund. From 1 January 2018, mine subsidence compensation will be paid directly by the mining operator. All mining operators will continue to contribute towards the subsidence fund managed by Subsidence NSW at a significantly reduced rate to cover claims arising from abandoned mines.

On 27 March 2017, Subsidence Advisory NSW (**Attachment F**) advised that the site is within an active mine exploration lease currently held by South32 (A248) and exploration leases held by the Crown (A281 and A6) (see Figure 2). Therefore, consultation was required with South32 and the Department of Resource and Energy (now Division of Resources and Geoscience). Furthermore, a subsidence impact assessment was requested by Subsidence Advisory NSW based on the South32 lease and potential financial liabilities associated with mine subsidence.

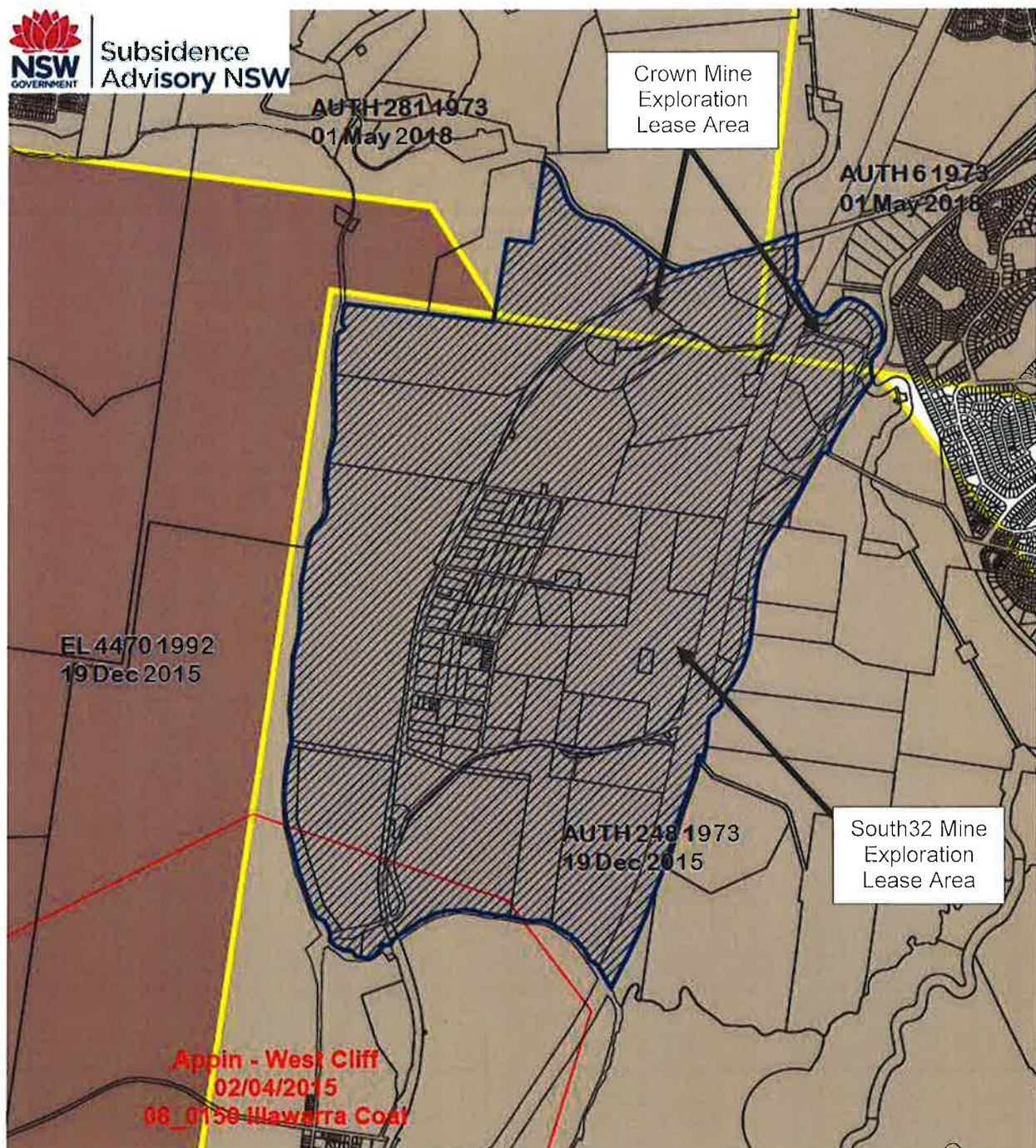


Figure 2 – Active Mine Exploration Leases

Subsidence Advisory NSW also referred to its previous objection (**Attachment F**) in relation to structures greater than three storeys for the town centre, and all residential development should be restricted to 30m x 18m in footprint and two storey brick veneer.

Further work has been undertaken by the Department's land release team to resolve the objection by South32 in relation to the site and the Greater Macarthur Strategy (**Attachment G**). It is noted that South32 have indicated support for the proposed rezoning provided that the Greater Macarthur Priority Growth Area identifies the strategic coal reserve (coking) through agreed words and map in the Final Greater Macarthur Strategy. The Department's land release team has agreed to the above.

The Division of Resources and Geoscience has subsequently indicated that the planning proposal can be finalised recognising the intended removal of the verbal objection from South32.

The Department concludes that the mine subsidence issues have been addressed and consultation with relevant stakeholders has been undertaken. It is noted that mining underneath the site is unlikely to occur and, should the part site be mined in the future, there are provisions to provide adequate mine subsidence compensation.

Therefore, the site is suitable for residential development and the recommended development restrictions associated with mine subsidence from Subsidence Advisory NSW are considered to be addressed.

Spring Farm Parkway Consultation

The planning proposal includes a new road corridor, identified as Spring Farm Parkway. 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 original planning proposal did not include an acquisition authority for Spring Farm Parkway.

Prior to community consultation, Council consulted RMS on the proposed road and did not receive a submission. On 13 November 2012, the Department agreed that Council was able to exhibit the planning proposal without an acquisition authority (**Attachment I**). The planning proposal was exhibited from 11 December 2012 to 1 February 2013 with an annotation that an acquisition authority is to be determined.

The Greater Macarthur Land Release Investigation Preliminary Strategy & Action Plan identifies Spring Farm Parkway as a major road through the site. Therefore, Council has zoned the Spring Farm Parkway corridor as SP2 Classified Road, with RMS as the acquisition authority although this zone was not exhibited by Council.

RMS has since only accepted to be the acquisition authority for Stage One of Spring Farm Parkway (**Attachment I**).

The Department notes that neither Council or RMS have accepted the role of acquisition authority for Stage Two of Spring Farm Parkway. Hence, the road corridor for Stage Two cannot be classified as "SP2 Classified Road" or "SP2 Local Road". These labels assign an acquisition role.

Therefore, the Department recommends that Stage Two of Spring Farm Parkway is zoned as "SP2 Future Road Corridor" to ensure that the road alignment is identified for clarity, recognising that an appropriate acquisition authority will be identified in the future.

9. PROVISION OF INFRASTRUCTURE

Condition 1 of the Gateway determination required Council to amend the planning proposal to address the provision of State Infrastructure, and to alter the planning proposal to provide additional information in relation to satisfactory arrangements provision. Council complied with this condition.

The Department's Strategy and Infrastructure Planning Team is currently in negotiations with the proponent to draft a Voluntary Planning Agreement (VPA) for the site (**Attachment J**). The VPA will contain conditions regarding:

- RMS requirements including a 40m corridor for Spring Farm Parkway;

- a combination of cash contribution and land dedication for Stage One of Spring Farm Parkway;
- land dedication (only) for Stage Two of Spring Farm Parkway; and
- land dedication for a primary school.

RMS has agreed to be the acquisition authority for Stage One of the Spring Farm Parkway and the additional land associated with Menangle Road, proposed to be zoned SP2 Classified Road. Refer to **Attachment I**.

The site is identified as an urban release area and satisfactory arrangements under clause 6.1 Arrangements for designated State public infrastructure – of the Campbelltown LEP 2015 will apply. The satisfactory arrangements provision provides 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.

10. POST EXHIBITION CHANGES

The planning proposal was amended post-exhibition to address community concerns as well as a number of other administrative amendments. These are summarised below.

1. Campbelltown LEP 2015

Amendments are to be made to the Campbelltown LEP 2015 instead of the Campbelltown (Urban Area) LEP 2002, as originally proposed.

2. Land Zoning Map

The proposed Land Zoning Map was altered to include:

- the application of an RU6 Transition zone to Lots 7, 8 and 9 DP 791365, Menangle Road (eastern border of the site) to provide a transition between rural and other land uses to minimise land use conflicts and avoid detrimental visual impacts (the altered Condition 2 of the Gateway determination is also relevant – see **Attachment D**);
- the application of an R5 Large Lot Residential zone to certain land within the site as a transition between the residential and rural land (this amendment was exhibited during the second community consultation period);
- the application of the RU2 Rural Landscape zone to land which the Campbelltown Steam and Machinery Museum is located, following the request by the landowners; and
- the inclusion of only two gas well locations (SP2 Gas Well) following advice from AGL that a further three of the wells will not be proceeding as they are no longer required.

3. Height of Building Map

The proposed maximum building height for two-storey development in the residential and rural zones was increased from 7.5 metres to 8.5 metres to be consistent with the Campbelltown LEP 2015.

A 12m building height is proposed to the IN1 General Industrial zoned land within the northern portion of the site, which is consistent with the nearby Glenlee industrial precinct (west of the site).

4. Urban Release Area Map

An Urban Release Area Map has been included to identify the site as the “Menangle Park Urban Release Area”. This is a requirement for the application of the satisfactory arrangements provision under Clause 6.1 of the Campbelltown LEP 2015.

5. Environmental Constraint Map

The Environmental Constraints Map has been amended to identify the riparian corridors as requested by the Department of Primary Industries (Office of Water). This will ensure that the riparian corridors within the site are protected under the Campbelltown LEP 2015. It is noted that the riparian corridors are identified in the Indicative Site Plan within the draft DCP.

A clause specifically relating to protecting and maintaining riparian land and watercourses has also been included.

6. Land Reservation Acquisition Map

A Land Reservation Acquisition Map has been included to identify the relevant acquisition authorities for certain land uses, i.e. classified road, future road corridor, and local open space.

As noted previously, RMS has agreed to be the acquisition authority for the proposed Classified Road land only on the Land Reservation Acquisition Map (**Attachment I**).

At the Council meeting of 13 December 2016, Council resolved to be the acquisition authority for the local open space land as Council endorsed the amended Land Reservation Acquisition Map (**Attachment T**).

7. Additional Permitted Uses at Racecourse Avenue, Menangle Park

Council proposes to include additional permitted uses at Club Menangle, Racecourse Avenue, Menangle Park, which is a horse racing facility. The horse racing facility is permitted with consent under the proposed RE2 Private Recreation zone [i.e. recreation facility (major)]. However, to ensure the ancillary uses currently on the site are permissible under the Campbelltown LEP 2015, Council proposes the following additional permitted uses:

- animal boarding or training establishment;
- residential accommodation for the use of harness racing drivers and stable hands; and
- training facilities for the training of persons in relation to horse racing and the care of horses, including the training of horse trainers, harness racing drivers and stable hands.

Council notes that some of the above uses are currently operational on the site (i.e. existing use rights) and Council has approved other similar works on the land. Therefore, Council proposes to amend the Schedule 1 Additional Permitted Uses to continue the current uses on the site and provide certainty for the landowners for possible future expansion.

8. Local Infrastructure Clause

A new clause to ensure that Council is satisfied that arrangements have been made for the provision of local infrastructure to serve the needs generated by the development of the site has also been proposed. The new clause is proposed as follows:

6.1A Arrangements for designated local public infrastructure

(1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated local public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless satisfactory arrangements have been made to contribute to the provision of designated local public infrastructure in relation to that land. Such arrangements will include compliance with an infrastructure delivery plan prepared Council and the source of funding for such infrastructure.

(3) Subclause (2) does not apply to:

- (a) any lot identified in the certificate as a residue lot, or*
- (b) any lot to be created by a subdivision of land that was the subject of a previous development consent granted in accordance with this clause, or*
- (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or*
- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.*

Department comment:

The Department notes that these post-exhibition changes are justified and does not require re-exhibition. It is considered that the post-exhibition changes:

- do not alter the intent of the planning proposal and will apply contemporary and equivalent Standard Instrument zones to the site;
- are a reasonable response to comments provided by the community and public agencies;
- are of a minor in nature and will provide consistency with the maximum building heights applied to certain zones in the Campbelltown LGA;

- are an administrative means to facilitate necessary infrastructure and to formalise the agreement of the relevant acquisition authorities;
- as these additional uses are directly related to the principle use and the application of another zone is not appropriate; and
- While the Gateway determination required the planning proposal to address the provision of state and local infrastructure, it did not endorse contributions for local infrastructure via the provisions of the LEP. The insertion of a proposed satisfactory arrangements clause for local infrastructure as proposed by the council cannot be supported. Departmental policy does not permit this action to be taken for local infrastructure and there are other mechanisms available to Council, such as the preparation of a section 94 contribution plan that addresses the site. Consequently, the Department recommends that the proposed satisfactory arrangements clause is not included in the draft Plan, and Council is advised of this decision and encouraged to finalise contributions plan for the site.

11. SECTION 117 DIRECTIONS

Council reassessed the final planning proposal against the relevant section 117 Directions. At the time of the determination, the Secretary agreed that the planning proposal's inconsistency with section 117 Directions 1.1 Business and Industrial Zones; 1.5 Rural Lands; 2.1 Environmental Protection Zones; 4.4 Planning for Bushfire Protection; and, 6.2 Reserving Land for a Public Purpose, are of a minor significance. Therefore, no further approval is required in relation to these Directions.

Comments are provided in Appendix 4 regarding the final proposal's consistency with a number of key section 117 Directions.

The planning proposal is inconsistent with the following section 117 Directions and the justification for the inconsistency is addressed below:

Direction 1.2 Rural Zones

The planning proposal is inconsistent with this Direction as it intends to rezone land from a rural zone to urban zones.

The inconsistency is justified as the site is identified for additional housing and employment in the Greater Macarthur Land Release Investigation Preliminary Strategy & Action Plan (the Greater Macarthur Strategy) and the draft South West District Plan.

Direction 1.3 Mining, Petroleum Production and Extractive Industries

This Direction applies to the site as there is an active mine exploration lease across the site currently held by South32 (A248) and the Department of Trade and Investment (A281 and A6) (see Figure 2). In addition, the site contains a Petroleum Production Lease 4 (PPL 4) held by AGL, and a sand and soil extraction approval held by Landcom.

Council consulted the Department of Trade and Investment – Resources & Energy Division (DTI) (now the Division of Resources and Geoscience) (**Attachment S**) on the planning proposal. DTI advised that South32 has approval to mine within the south of the site (under the Nepean River) which is proposed to be zoned rural and open space. However, DTI noted that major faulting runs through the site with a substantial vertical offset and South32 will focus their mining operations to the west of the Nepean River in EL4470 (see Figure 2) instead of the remainder of the site. Although it is unlikely that a large portion of the site will be mined, DTI notes that future coal extraction cannot be completely discounted and therefore suggests that future residents are informed of the potential mine subsidence on any future section 149 certificates.

In addition, DTI did not raise any objections in relation to the sand and soil extraction except that Council should ensure that it is satisfied with a proposed 200m buffer (as proposed in the draft DCP) and recommends that residential development is managed to reduce land use conflict. Council has resolved to retain the 200m buffer and will consider issues of land use conflict further at the development application stage.

However, DTI did advise that the proposed residential development would lead to the sterilisation of valuable coal seam gas resources. In response, Council noted that AGL has reduced the number of

gas wells to two sites and, on 4 February 2016, AGL also announced that it will cease production through the Camden Gas Project in 2023 instead of 2035. The site and the wells will be progressively decommissioned and the site rehabilitated.

Although there is the potential to mine the site, the Division of Resources and Geoscience has confirmed that finalisation of the planning proposal can proceed (**Attachment G**).

The inconsistency with the Direction is considered to be of minor significance as the site is unlikely to be mined due to geological constraints.

Direction 3.1 Residential Zones

This Direction aims to encourage a variety of housing types and choice, ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.

The proposal meets the objectives of the direction by providing a variety of housing types in offering a variation of lot sizes, i.e. 300sqm, 420sqm and 950 sqm lots; and arrangements are in place to ensure that services are available and appropriate measures are taken to minimise impacts.

A requirement of this Direction is to reduce the consumption of land for housing and associated urban development on the urban fringe, and make use of existing infrastructure and services. The planning proposal is technically inconsistent with this Direction as it will rezone rural land for additional housing and require the provision of additional infrastructure to service the new community.

Any inconsistency is justified as the site is a greenfield site, identified for additional housing and infrastructure in the Greater Macarthur Strategy and the draft South West District Plan, and it will consequently be necessary for additional supporting infrastructure to be provided.

Direction 4.2 Mine Subsidence and Unstable Land

This Direction applies to the site as it is located within the South Campbelltown Mine Subsidence District. The site has not been undermined. It is noted that South32 currently holds an active mine exploration lease across the site and indicated a potential to mine under the site in the future.

In accordance with this Direction, Subsidence Advisory NSW (formerly the Mine Subsidence Board) was consulted on the planning proposal (**Attachment F**). Subsidence Advisory NSW advised that further consultation with South32 and the Department of Resource and Energy (now Division of Resources and Energy) is required.

In addition, a previous submission stated that Subsidence Advisory NSW (**Attachment S**) objects to structures greater than three storeys for the town centre, and all residential developments should be restricted to 30m x 18m footprint and two storey brick veneer.

As noted in Direction 1.3, the Department of Trade and Investment – Resources & Energy Division (DTI) and South32 were consulted on the planning proposal. The submissions note that the extraction of coal within the site is unlikely as there are issues with geological complexity and coal quality. The strategic identification of unconstrained land for mining further to the south of the site provides a viable alternate to undermining the Menangle Park site.

The inconsistency with this Direction is minor and justified as the site is identified for additional housing in the Greater Macarthur Strategy and the draft South West District Plan. Furthermore, the site has not been undermined, therefore, there are no current mine subsidence issues with the site. Although, it may be possible for the site to be mined in the future, as indicated by South32, this is limited to the north-western portion of the site.

Direction 4.3 Flood Prone Land

The planning proposal is inconsistent with this Direction as it will rezone some flood prone land from a rural zone to an urban purpose zone (i.e. residential; business; industrial) which is not permitted by this Direction.

The inconsistency is considered to be justified as all land below the 1% AEP will not be developed for urban purposes and only uses such as parks, conservation areas and the like would be permitted on land below the 1% AEP. Council has included this provision in the draft DCP. It is also highlighted on the Indicative Site Plan which identifies all flood land within the RE1 Public Recreation, RE2 Private Recreation and RU2 Rural Landscape zoned areas.

The State Emergency Service did not object to the planning proposal.

12. STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal has addressed and is consistent with all relevant SEPPs. An analysis of the consistency with the planning proposal with the following SEPPs is provided at Appendix 5:

- State Environmental Planning Policy No 19 – Bushland in Urban Areas;
- State Environmental Planning Policy No 44 – Koala Habitat Protection;
- State Environmental Planning Policy No 55 – Remediation of Land; and
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997).

13. DRAFT WESTERN CITY DISTRICT PLAN

The site is located within the Western City District therefore the Draft Western City District Plan (the Draft Plan) applies to the site. The Draft Plan identifies Menangle Park as a new land release area as part of the Greater Macarthur Priority Growth Area.

The planning proposal aligns with the actions of the Draft Plan, therefore is consistent with the Draft Plan including:

- Liveability Priorities – the planning proposal will diversify and provide additional housing within the area as identified by the Draft Plan. In addition, the planning proposal will create new local centre with access to jobs and services.
- Productivity Priorities – the planning proposal includes an upgrade to Spring Farm Parkway to provide relief to Narellan Road and Appin Road, and support the development of the Menangle Park and Gilead areas.

14. GREATER MACARTHUR STRATEGY

The Greater Macarthur Land Release Investigation Preliminary Strategy & Action Plan (2015) (the Strategy) has identified land that is suitable for urban development in the Greater Macarthur Region. In addition, the Strategy has identified the infrastructure required to support growth, and how the Greater Macarthur would be connected to jobs and other services in other parts of Metropolitan Sydney.

The Strategy has identified the site for additional housing and a new local town centre with approximately 20,000 to 30,000sqm of employment GFA. A new major road (i.e. Spring Farm Parkway) and a potential rail extension corridor has also been identified to provide public transport links to Campbelltown-Macarthur.

In addition, the Strategy has outlined the biodiversity constraints for the site including: waterways; high and moderate constraint biodiversity; ecologically endangered communities; biobanking sites and biodiversity corridors.

The planning proposal has incorporated the above aspects in the proposed rezoning.

It is also noted that the Strategy identifies a Special Infrastructure Contribution (SIC) to be the preferred mechanism to ensure the necessary funding for future state infrastructure. As the SIC has not been finalised, satisfactory arrangements (clause 6.1 of the Campbelltown LEP 2015) will be applied to the site and a VPA is being finalised.

15. MAPPING

There are 21 maps associated with this planning proposal (**Attachment Map**) which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet the technical requirements.

16. CONSULTATION WITH COUNCIL

Under s59(1) of the Act, Council was consulted on the terms of the draft instrument (**Attachment K**).

Council confirmed on 3 August 2017 that the draft plan was supported with the exception of a change to a property description. This minor amendment was made (**Attachment L**).

17. PARLIAMENTARY COUNSEL OPINION

On 15 August 2017, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

18. RECOMMENDATION

The planning proposal is supported.

The making of the plan will remove the deferred areas in the Campbelltown LEP 2015 and apply planning controls consistent with the Standard LEP Instrument.

In addition, the Menangle Park site has been identified in the Draft South West District Plan and Greater Macarthur Land Release Investigation Preliminary Strategy & Action Plan for additional housing therefore the planning proposal holds strong strategic merit. The planning proposal will appropriately provide an estimated 3,400 additional dwellings in the Menangle Park area.

Given the above, the planning proposal should proceed to finalisation.

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APPENDIX 1 – LOCAL ENVIRONMENTAL STUDY REVIEW

Fauna and Flora

A Flora, Fauna and Aquatic Assessment (April 2009) was prepared to identify possible constraints to development posed by flora, fauna and aquatic communities on the site which then informed an Offset Strategy. The ecological values of the site are highly degraded due to extensive clearing, continuing agricultural and mining activities, the presence of weeds and feral animals, fragmentation of habitat, barriers to the movements of both terrestrial and aquatic animals, erosion and poor water quality. Refer to Figure 1 for the vegetation categorisation.



Figure 1 – Categorisation of Vegetation in the LES

However, the site does contain remnant Cumberland Plain Woodland which is a Critically Endangered Ecological Community, as well as other Endangered Ecological Communities, and habitat for flora and fauna species listed under the former *Threatened Species Conservation Act 1995*, *Biodiversity Conservation Act 2016* and *Environment Protection and Biodiversity Conservation Act 1999*. Furthermore, three (3) regionally significant flora species and thirty (30) fauna species are known to occur, or are likely to occur, on the site.

The Indicative Site Plan incorporates the majority of the high ecological value areas into riparian or open space land. An Offsetting Strategy (see Figure 2) was also prepared to address the impact of clearing areas with high and moderate ecological value. It is proposed that there will be a loss of 25.4ha of native vegetation including River-flat Eucalypt Forest on Coastal Floodplains (RFEF) and Shale Plains Woodlands (SPW), a sub-community of Cumberland Plain Woodland.

In view of the loss of vegetation, a Biodiversity Offsetting Strategy was prepared and it is proposed to conserve 47.2ha of remnant vegetation on the site with appropriate rehabilitation and a further 51.2ha of revegetation will be provided with appropriate species. This provides offsetting for the loss of vegetation to be removed at a rate of 1:3 for vegetation of high value; 1:2 for vegetation of moderate value and 1:1 for vegetation of low value. The study recommended that retained remnant vegetation and offset plantings be protected through an appropriate environmental conservation zone (i.e. E2 Environmental Conservation). However, Council proposes to rezone these areas to a mix of RE1 Public Recreation; RE2 Private Recreation; and RU2 Rural Landscape. No departmental objection is held to the application of these zones (refer to Department comment - below).

The Biodiversity Offsetting Strategy is proposed to be implemented over a staged period in accordance with the development program (estimated to be 15–20 years). It is proposed that a detailed Vegetation Management Plan (VMP) would be prepared prior to construction to implement the offset strategy detailing all rehabilitation components of the offset, performance objectives, and monitoring and reporting requirements. This is detailed in the draft DCP and the Department is satisfied that this DCP provision is adequate.

The Addendum Report (**Attachment Q**) noted that an area of Elderslie Banksia Scrub Forest (EBSF) was located on the site since the completion of the LES. This vegetation community is identified as an Ecologically Endangered Community under the former *Threatened Species Conservation Act 1995* and *Biodiversity Conservation Act 2016*. The area was originally identified for removal, however, the draft DCP has been amended to provide for the retention of this high value vegetation area and it is anticipated that a separate planning proposal will be considered by Council to rezone that portion of the site.

Department comment:

The Department notes that the majority of the existing vegetation will be located within land zoned RE1 Public Recreation; RE2 Private Recreation; and RU2 Rural Landscape.

Council advised that the RE1 zone is adequate to protect the conservation areas as Council will acquire the RE1 zoned land, manage this land in perpetuity and that terrestrial biodiversity will be safeguarded by the existing clause 7.20 Terrestrial Biodiversity in Campbelltown LEP 2015. This clause aims to assess the impacts of development on identified terrestrial biodiversity areas and encourage the protection of these areas.

Council also provides further protection of these areas and the identified riparian corridors through an Environmental Constraints Map which identifies terrestrial biodiversity land and the proposed riparian corridor in the Indicative Site Plan as riparian protection.

It is also noted that the recommendations of the LES have been included in the draft DCP, which includes an environmental management section providing controls for riparian corridors, flora and fauna conservation, and the Biodiversity Offsetting Strategy.

There are a number of proposed and existing mechanisms that combined, provide protection for the natural environment. The Ecologically Endangered Community is afforded protection from any action that could have a significant impact under the *Environmental Protection and Conservation Act 1999*.

The proposed RE1 Public Recreation, RE2 Private Recreation and RU2 Rural Landscape zone all include objectives that promote the protection of the natural environment. Additional protection is provided by mapping of significant areas as riparian land and for terrestrial biodiversity which applies additional heads of consideration for environmental protection for any development application on the affected land.

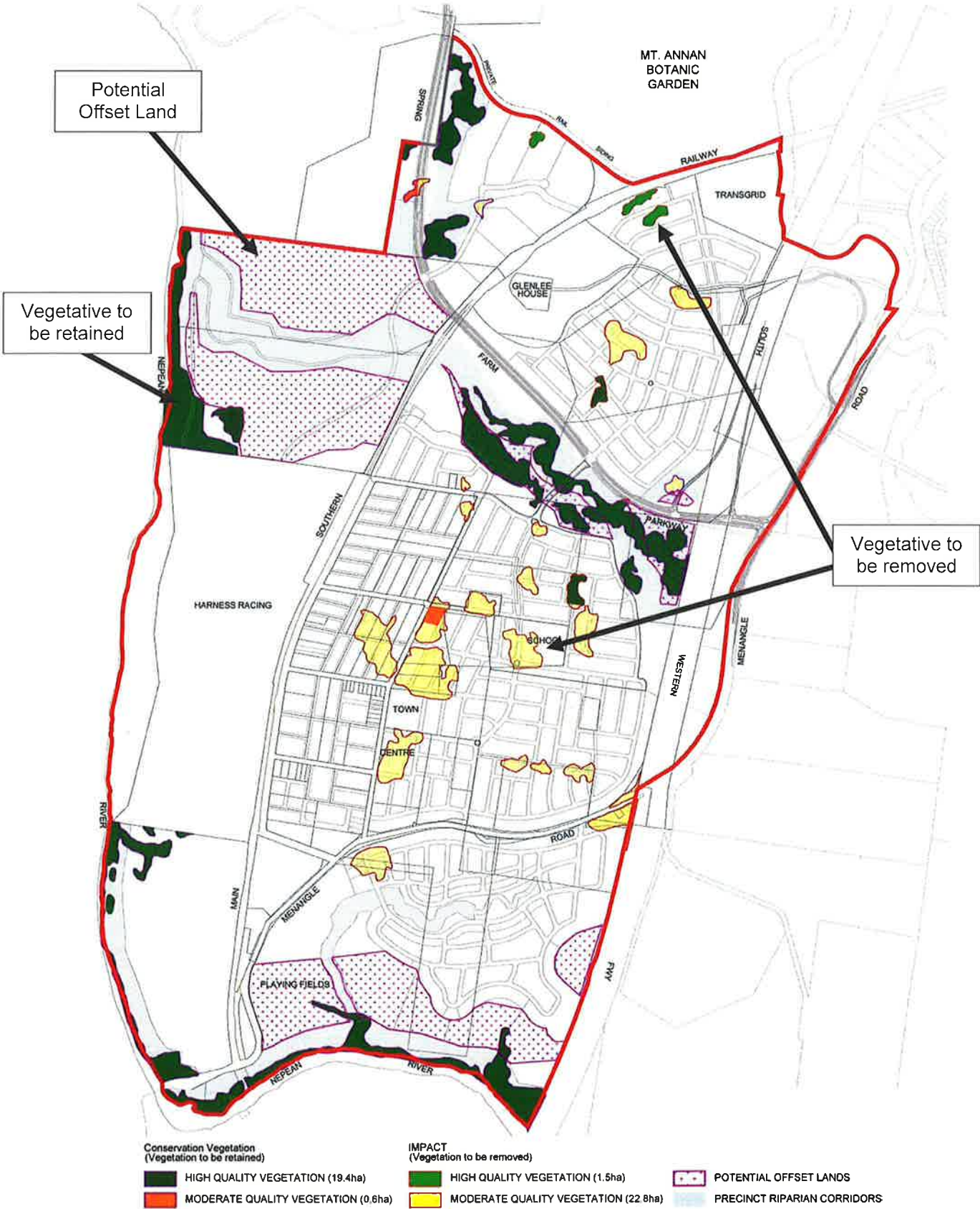


Figure 2 – Proposed Offset Strategy in the draft DCP

Therefore, the Department concludes that the planning proposal has satisfactorily addressed the ecological issues on the site and provided an appropriate environmental protection mechanisms through the draft LEP and DCP.

Stormwater and Flooding

The Nepean River borders the site to the south and west, and a significant portion of the site is identified as flood prone land (see Figure 3 overleaf). Stormwater Management and Flood Studies (September 2008, May and June 2010) were prepared to support the planning proposal.

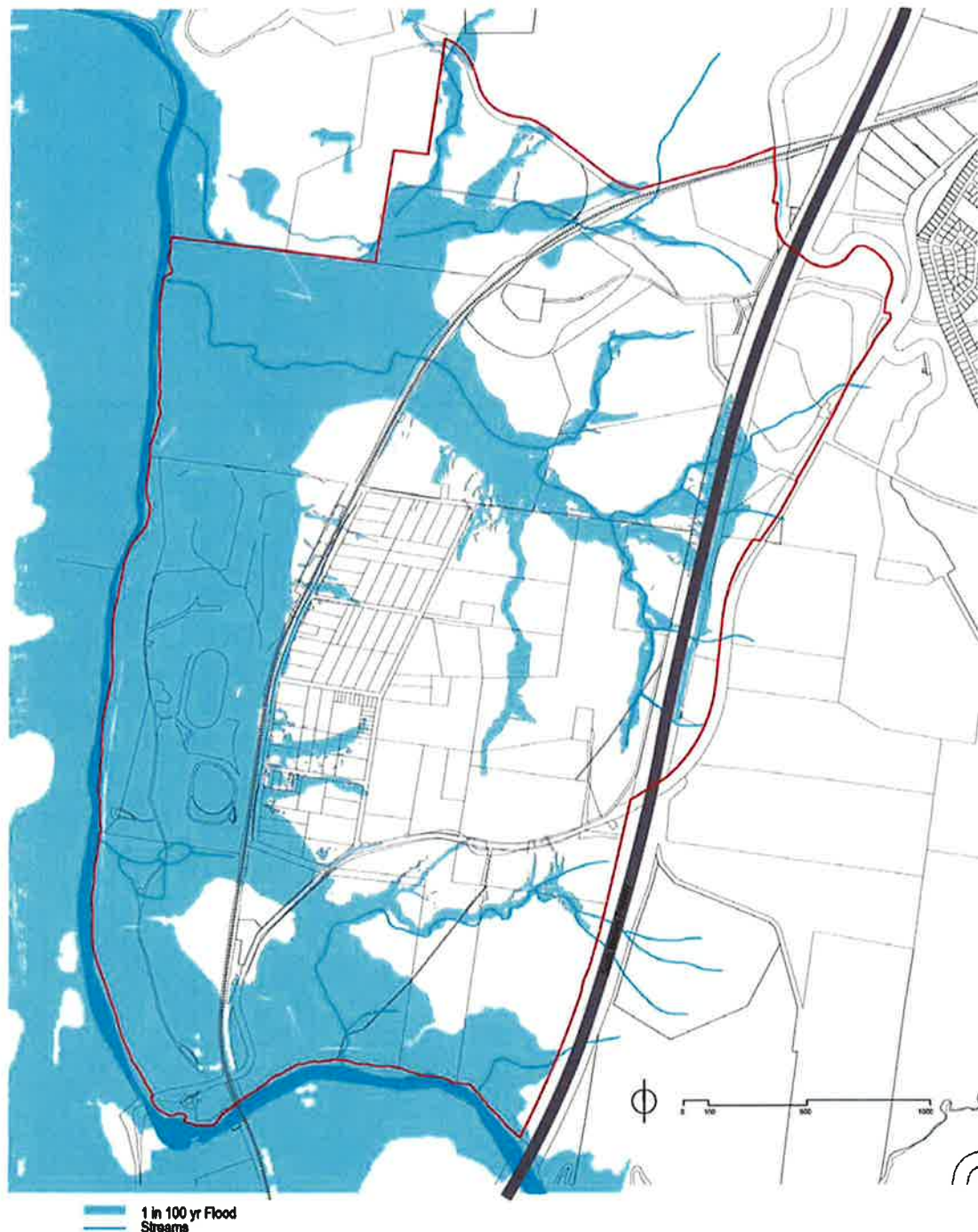


Figure 3 – 1% Annual Exceedance Probability (AEP) flood area in the LES

The Stormwater and Flooding Studies note that flood management is required to mitigate the impacts and potentially hazardous flooding in major storm events. The Campbelltown DCP 2015 requires that development applications demonstrate that the flood peaks for developed land is equivalent to the current flood peaks of the undeveloped areas. Therefore, detention basins are proposed for the site to ensure that the existing (i.e. undeveloped scenario) flood peaks for the 20% to 1% Annual Exceedance Probability (AEP) flood events (i.e. 1:100-year flood event) are maintained.

It is noted that all land below the 1% AEP will not be developed for urban purposes and only uses such as parks, conservation areas, and the like, would be permitted on land below the 1% AEP. The land within the 1% AEP is either zoned for recreation or rural purposes. The proposed road layout, residential and commercial areas are to be constructed above the 1% AEP.

Most of the site is generally located above the Probable Maximum Flood (PMF) extent. However, a flood evacuation strategy is required as there is the potential for the flooding to be more widespread. Given the timing of flood peaks, the evacuation will be required at short notice, therefore the proposed road layout has been designed to facilitate the safe evacuation. The State Emergency Service has not raised any objections to the planning proposal and Council has addressed the concerns raised in relation to the evacuation of the site. This includes ensuring that Spring Farm Parkway and the road over Howes Creek will be constructed above the 1% AEP.

A Water Sensitive Urban Design Strategy was prepared to address potable water conservation; stormwater quality control; flow management; riparian corridor management; and wastewater pollution control.

The draft DCP includes an objective to incorporate water sensitive urban design and other sustainable development practices in the creation of the public domain. In addition, the draft DCP includes other controls to reduce the impact on stormwater runoff, water consumption, and enhance the environmental qualities of water courses. Furthermore, the Indicative Site Plan also identifies a number of detention basins to service the site.

Department comment:

The Department concludes that the planning proposal has adequately considered stormwater and flooding. The planning proposal provides sufficient information on flooding matters and it is noted that there will be no inappropriate development below the flood planning level. The majority of the flood prone land is zoned RE1 Public Recreation; RE2 Private Recreation; and RU2 Rural Landscape. In addition, an objective of the draft DCP is that flood prone land is retained as open space or rural land.

It is also noted that the State Emergency Service has provided comments on flooding which Council has addressed (refer to Section 8). This includes ensuring that the Spring Farm Parkway and the road over Howes Creek are proposed to be constructed above the 1:100-year flood line.

The current Campbelltown DCP 2015 currently includes adequate controls in relation to residential development on flood prone land.

Bushfire

Bushfire Assessment Reports (2004 and June 2010) were prepared for the proponent as the site contains bushfire prone land (Vegetation Category 1 and 2 and Vegetation Buffer) according to Council's Bushfire Prone Land Map.

The Reports assumed that most vegetation outside riparian corridors will be either removed for development or managed for recreation, therefore the riparian corridors were used to define the bushfire prone land rather than the existing vegetation on the site.

Asset Protection Zones (APZs) were consequently developed for the site in relation to the area identified for riparian corridors (see Figure 4 overleaf). The Bushfire Reports note that additional APZs will be required for retained vegetation on developable land. A number of other recommendations from the reports to minimise bushfire risk, include adequate access and egress from the site and consultation with the NSW Rural Fire Service and NSW Fire Brigade with regard to adequacy of existing emergency services for the proposed development.

Council notes that the NSW Rural Fire Service (RFS) and Fire and Rescue NSW did not object to the planning proposal but highlights that any future development will need to comply with the requirements of *Planning for Bush Fire Protection 2006*.

Council included the proposed APZs in the draft DCP and a section on bushfire management for the site which refers to the requirements of Planning for Bushfire Protection. Furthermore, the current Campbelltown DCP 2015 contains controls in relation to residential development on bushfire prone land.

Department comment:

The Department concludes that the planning proposal has adequately addressed bushfire risk and demonstrated that the site is capable of accommodating future residential development subject to appropriate bushfire protection measures. These measures include the provision of asset protection zones, which will be considered and implemented at the development application stage through provisions in the draft DCP. It is also noted that the comments from RFS and Fire and Rescue have been addressed (refer to Section 8).



Figure 4 – Proposed Asset Protection Zone in draft DCP

Indigenous Heritage

The areas of high sensitivity (green area on Figure 5 overleaf) and cultural significance (purple area on Figure 5 overleaf) are generally contained within the proposed recreation and rural zoned land.



The Report recommends that the sites within Zone 1 that fall outside the public recreation zones should be subject to further assessment at the development application stage to determine the impacts and to enable appropriate action. The draft DCP includes a control that refers to the requirement in the current Campbelltown LEP 2015 for the preparation of an Aboriginal Impact Permit application for any proposed development that may impact an Aboriginal object or place. Furthermore, clause 5.10 Heritage Conservation of the Campbelltown LEP 2015 considers impacts on Aboriginal heritage.

Department comment:

The Department considers that Council has considered the impacts of the planning proposal on Aboriginal heritage, and there are adequate LEP and DCP controls to manage the heritage impacts at the development application stage. Furthermore, Council also consulted the Cubbitch Barta Native Title Claimants about the planning proposal who raised no objections.

European Heritage

A Non-Indigenous Heritage Study (March 2010) was prepared for the planning proposal. The site contains a number of State and local heritage items as shown in Figure 6. The State heritage items identified on Figure 6 are as follows: Menangle Rail bridge over the Nepean River (B2); Glenlee House and grounds (B7); Upper Canal including bridge over canal (B9); and an aqueduct over the railway (B14). The local heritage items identified on Figure 6 are: Menangle House (B4); The Pines (B3); Riverview (B6); Menangle Park Paceway (B5); and Menangle Weir (B1). In addition, two other items with significance but are not heritage listed are the railway viaduct near Glenlee (B12) and the disused railway platform at Menangle Park station (B17).

The Report recommends that the heritage items within the site are retained and protected through an appropriate listing and development controls. Subsequently, Council has identified the sites on Figure 6 (see previous page) as local heritage items on the Heritage Map under the Campbelltown LEP 2015 and the Menangle Railway Viaduct as a State heritage item. It is noted that the disused railway platform at Menangle Park station is included as a local heritage item as part of the Menangle Park Paceway.

However, the only item not proposed to be identified as a heritage item is the railway viaduct near Glenlee. The Heritage Council of NSW has recommended this item be listed as heritage item. Council is seeking further information from the Heritage Council of NSW to further justify the heritage significance of the railway viaduct near Glenlee.

Council has also included supplementary site-specific heritage controls within the proposed DCP in addition with the current controls contained within the current Campbelltown DCP 2015.

Department comment:

The Department concludes that Council has adequately addressed European heritage impacts of the planning proposal. Council will provide controls for heritage through the draft DCP and listing certain heritage items in Schedule 5 Environmental Heritage and the Heritage Map in the Campbelltown LEP 2015. The heritage impacts will be further assessed at the development application stage through the LEP and DCP controls. It is also noted that no objections were received from the Office of Environment and Heritage and the Heritage Council of NSW.

Visual Landscape

A Visual Assessment Report (March 2010) was prepared for the proponent. The Report assesses the existing visual quality of the site and the impact of the proposed development on the visual landscape. It also recommends measures to mitigate adverse impacts.

The site occupies low lying and undulating land with existing vegetation limiting views of the site from many vantage points. The site is largely rural in character but contains a village area with large residential allotments. The cultural landscape within the site comprises the Glenlee Estate; the Sydney Water Upper Canal; the Pines; Menangle House; Riverview House; Menangle Park Paceway; Menangle Weir; and the Menangle Railway Viaduct.

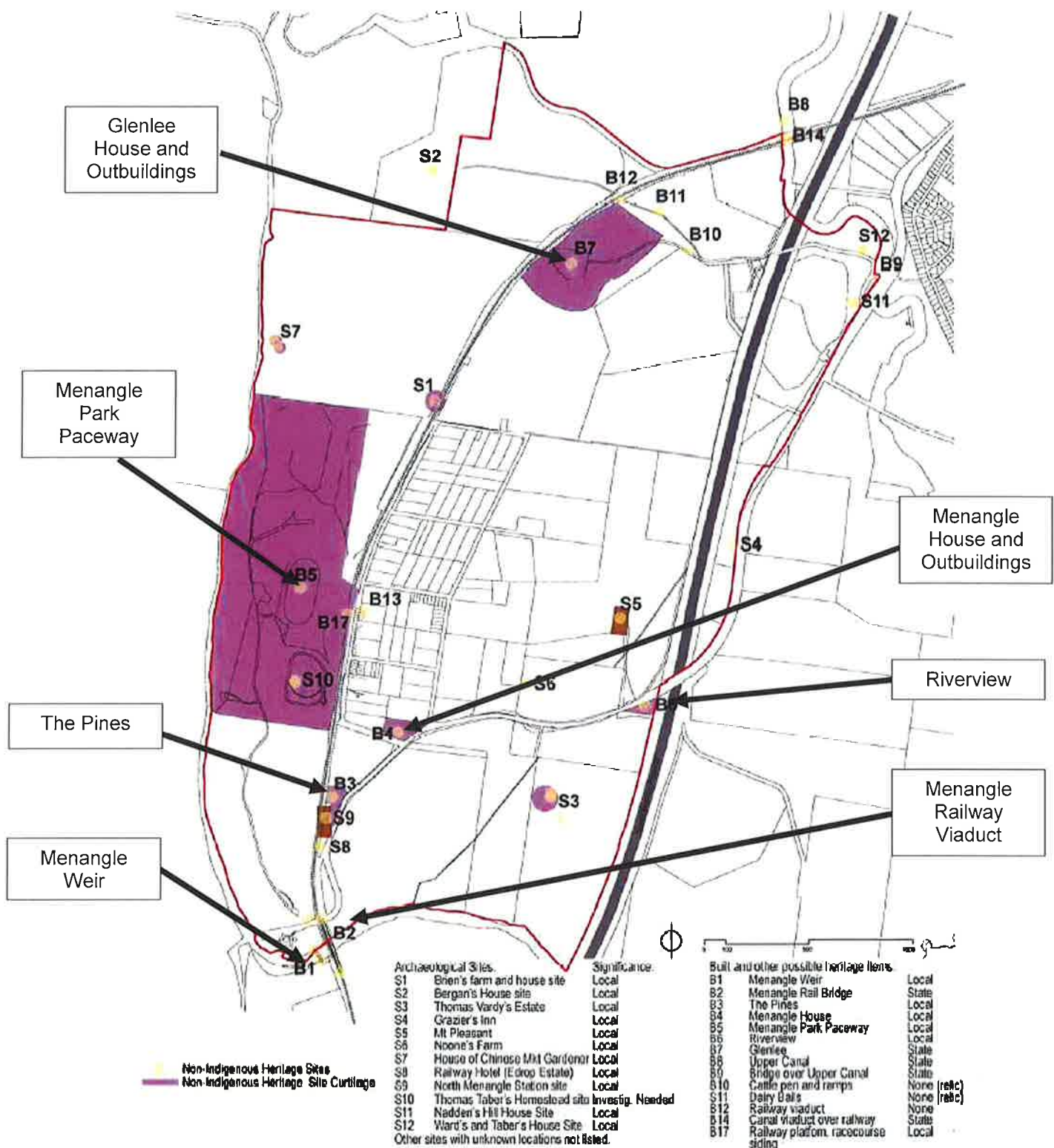


Figure 6 – European Heritage

The Report notes that the proposed development will inevitably result in a significant change to the existing landscape character of the site as it is transformed from a rural landscape to an urban area. Therefore, a number of recommendations are provided to mitigate the visual impact of the proposed development and ensure an appropriate visual landscape outcome. The LES advised that these recommendations have been incorporated into the draft DCP.

The Report concludes that subject to the adoption of the recommendations, the Indicative Site Plan will allow for urban development and at the same time preserve key natural and cultural landscapes on site by minimising the visual impact.

Department comment:

The Department concludes that Council has adequately addressed the visual impact of the planning proposal and incorporated the recommendations of the report in the draft DCP. This will ensure that the impacts to the views and vistas will be further considered at the development application stage.

Transport and Access

A Transport Management and Accessibility Plan (TMAP) (June 2010) was prepared to define the transport impacts of the planning proposal and develop measures to assist in managing impacts.

Road Network

The Hume Highway and Menangle Road (both classified roads) border the eastern portion of the site in a north to south direction, with a number of local roads laid out in a grid pattern. Menangle Road is operating at well below capacity due to limited land use activities south-west of Campbelltown and the availability of the Hume Highway for long distance trips.

Access to the site is currently via Glenlee Road and Menangle Road (off Cumin Road) (see figure 7). However, a new road, known as Spring Farm Parkway, will provide additional access to the site and help ease congestion on Narellan Road. Spring Farm Parkway will intersect with the Hume Highway via access ramps and join with Menangle Road. It is also noted that this will improve access between Camden and Campbelltown.

Council also note that the planning proposal meets the requirements of Transport for NSW (TfNSW) and Road and Maritime Services (RMS). Furthermore, the funding and staging of road infrastructure works is subject to a Voluntary Planning Agreement (VPA) between the proponent and the State government. The VPA also addresses land dedication matters.

Public Transport

Menangle Park Railway Station is located within the site, providing connections to Campbelltown, Macarthur and Goulburn (along the Southern Highlands Line). The Southern Highlands Line connects to the South Line at Campbelltown and Macarthur Railway Station, and continues to the Sydney Central Business District (CBD). Menangle Park Station is a regional station and pedestrian access to the station is via an at-grade crossing point with a signalised boom gate.

There are also limited bus services operating within the site including Busways route 892 from Menangle Park to Campbelltown. Six services are provided each weekday and two on Saturdays, with no services operating on Sundays or public holidays.

The TMAP recommends that the frequency of the public transport services is increased and an additional bus service is provided to the Macarthur Interchange. In addition, bus priority lanes should be provided at the intersections of Menangle Road with Glenlee Road, Cummins Road, and Spring Farm Parkway.

Walking and Cycling

Existing infrastructure for pedestrians is limited within the site which is a reflection of the small population and rural nature of the site. Footpaths are not provided on local roads and there are a number of other constraints including barriers to pedestrian activity caused by topography, the highway and the rail line. The constraints for cyclists are similar to those for pedestrians. There are on-road cycle routes provided along Menangle Road and along the Hume Highway, however, there are no connections for cyclists along the two roads.

The TMAP recommends a number of infrastructure improvements to provide easy pedestrian and cyclist access to Macarthur via a connection to the Regional Cycleway, together with cycle parking and comprehensive directional signage.

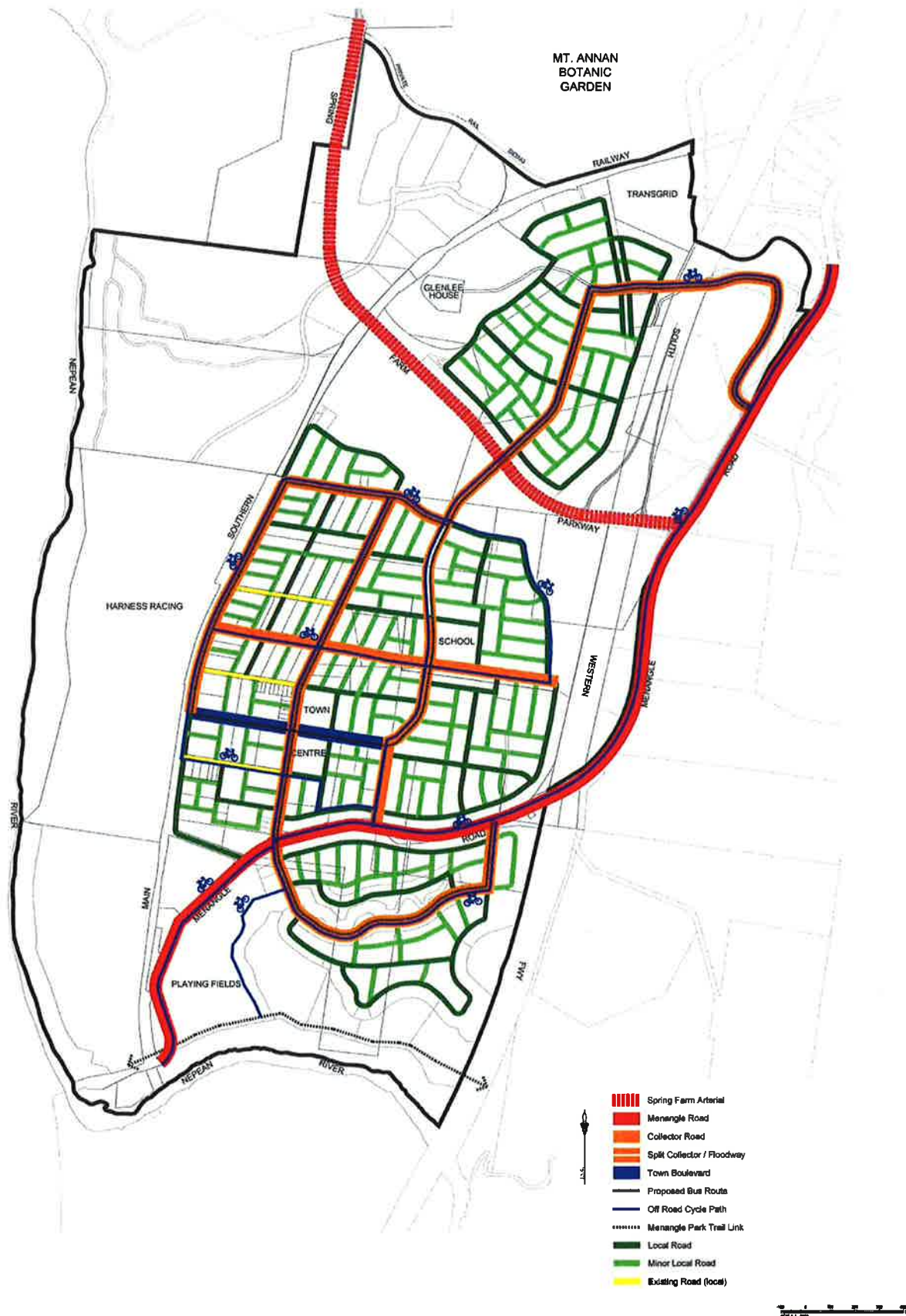


Figure 7 – Indicative Street Layout Plan in the draft DCP

Department comment:

The Department notes that the planning proposal contains sufficient information in relation to transport and access. The recommendations of the TMAP focus on increasing public transport services and promoting active transport modes. It is also noted that the draft DCP identifies the proposed bus and cycle routes throughout the site. The bus route is based on negotiations between

Council and the Busways Group to provide services within the site. It is also noted that Council has adequately consulted TfNSW and RMS, and the VPA is currently being drafted (refer to Section 8).

Therefore, the Department concludes that the site is capable accommodating the proposed development and associated traffic in terms of transport issues. In addition, there are adequate alternative proposed public transport options for the community, such as bus services and cycle routes.

Extractive Industries

A Mineral Resources Review Report (January 2010) was prepared for the proponent. The site contains a number of mineral resources (including sand and soil deposits, coal deposits and coal bed methane). These resources have significant economic value and the extraction of these resources must be considered in the light of potential land use conflicts, and timing.

Sand and Soil

The site contains a number of sand and soil deposits including two separate sand and soil deposits (referred to as the Western Deposit and the Eastern Deposit respectively) in the northern part of the site. The resources have not been extracted, apart from the southern extension of the Western Deposit, where extraction was undertaken by Menangle Sand and Soil Pty Ltd (refer to Figure 8 overleaf).

In 2009, a development application was submitted to Council to extract approximately 2.4 million tonnes of the remaining sand and soil resource in the Western Deposit over a 10 to 12-year timeframe. The Report also notes that this site is flood prone land, therefore not suitable for residential development. In addition, as mentioned in the air quality section, the draft DCP includes a section on air quality controls in relation to the extraction of soil and sand resources.

The Report notes that the Eastern Deposit coincides with the area identified for residential development therefore is unlikely to be extracted in the future.

Coal Deposits

The site is located within the South Campbelltown Mine Subsidence District. The site is located within the Coal Exploration Authorisation Area A248 and high-quality coal underlies a substantial portion of the site (see Figure 9 overleaf) but only the Bulli Coal Seam is likely to be extracted owing to its economic thickness i.e. the seam ranges in thickness from about 2.4 metres in the south to nearly 4.0 metres to the north west. It is estimated that the area contains approximately 38 million tonnes of coal, however, given geological factors part of this resource is likely to be unavailable.

Should the coal resources be extracted via long wall mining then it is likely that mine subsidence would occur resulting in damage to the proposed buildings and infrastructure within the site. Subsidence Advisory NSW (formerly the Mine Subsidence Board) reviewed the data provided in relation to site and advised that 1.55m of vertical subsidence could be anticipated.

Coal Bed Methane

The site contains coal bed methane (i.e. natural gas) and is located within the AGL-Sydney Gas Limited Joint Venture area (Project Stage II). The Mineral Resource Report notes that the site contains a small part of the available resource in the area and is likely to generate economic flow rates for at least 21 years. The extraction of methane requires the establishment of wells and the implementation of a network of pipelines which connect to the gas treatment plant.

The Addendum Report (**Attachment Q**) noted that the site contains operating gas wells (MP 14, 22 and 23) within the site (see Figure 10 overleaf). However, AGL has confirmed these wells will be closed by 2023. The gas wells are located as follows:

- MP 14 – within land proposed to be zoned rural and approximately 300m from existing homes within Menangle village;
- MP 22 – within land proposed to be zoned open space approximately 175m from the nearest proposed dwellings; and
- MP 23 – within land proposed to be zoned open space and within approximately 100m of the nearest proposed dwellings.

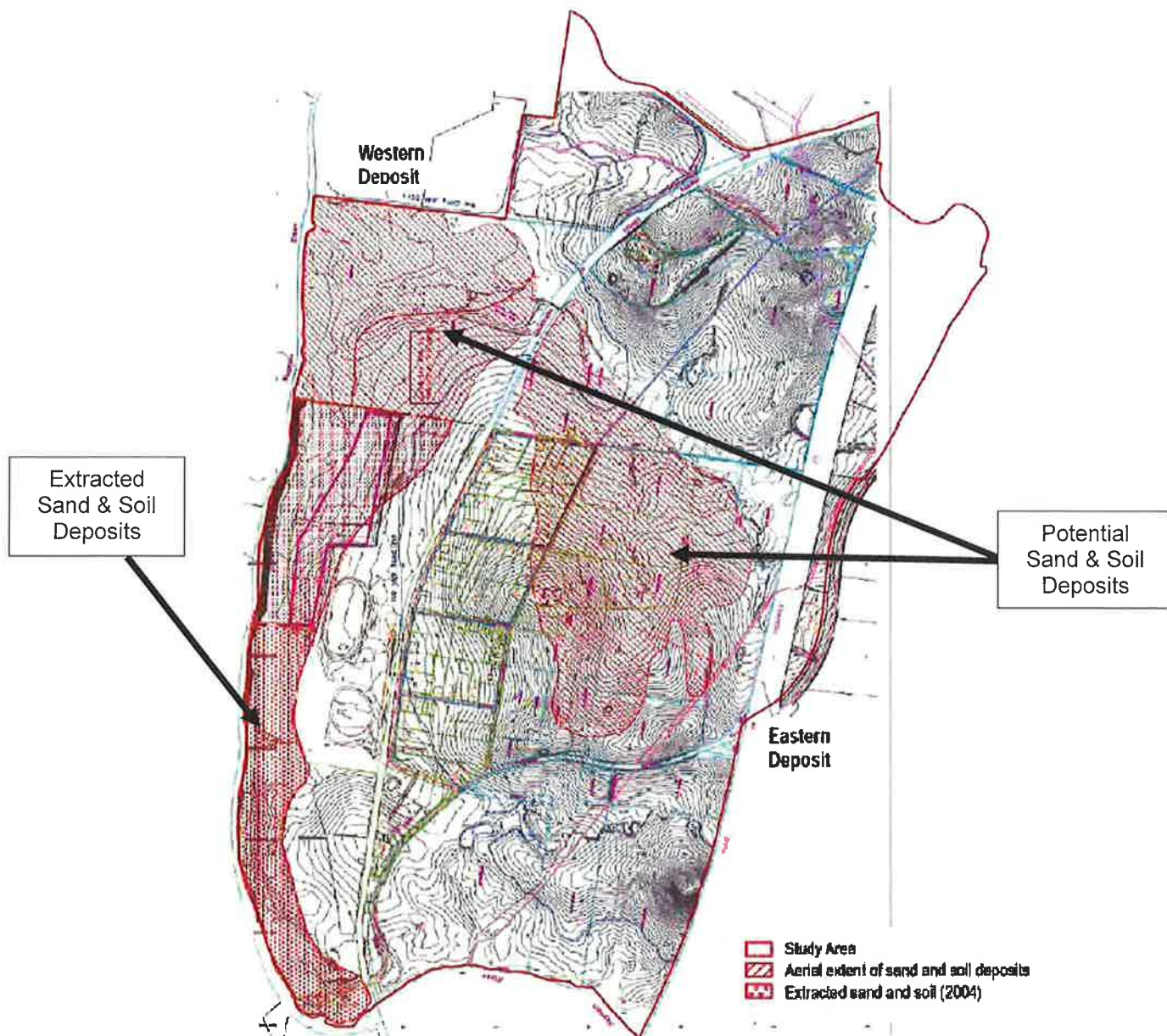


Figure 8 – Sand and Soil Deposits

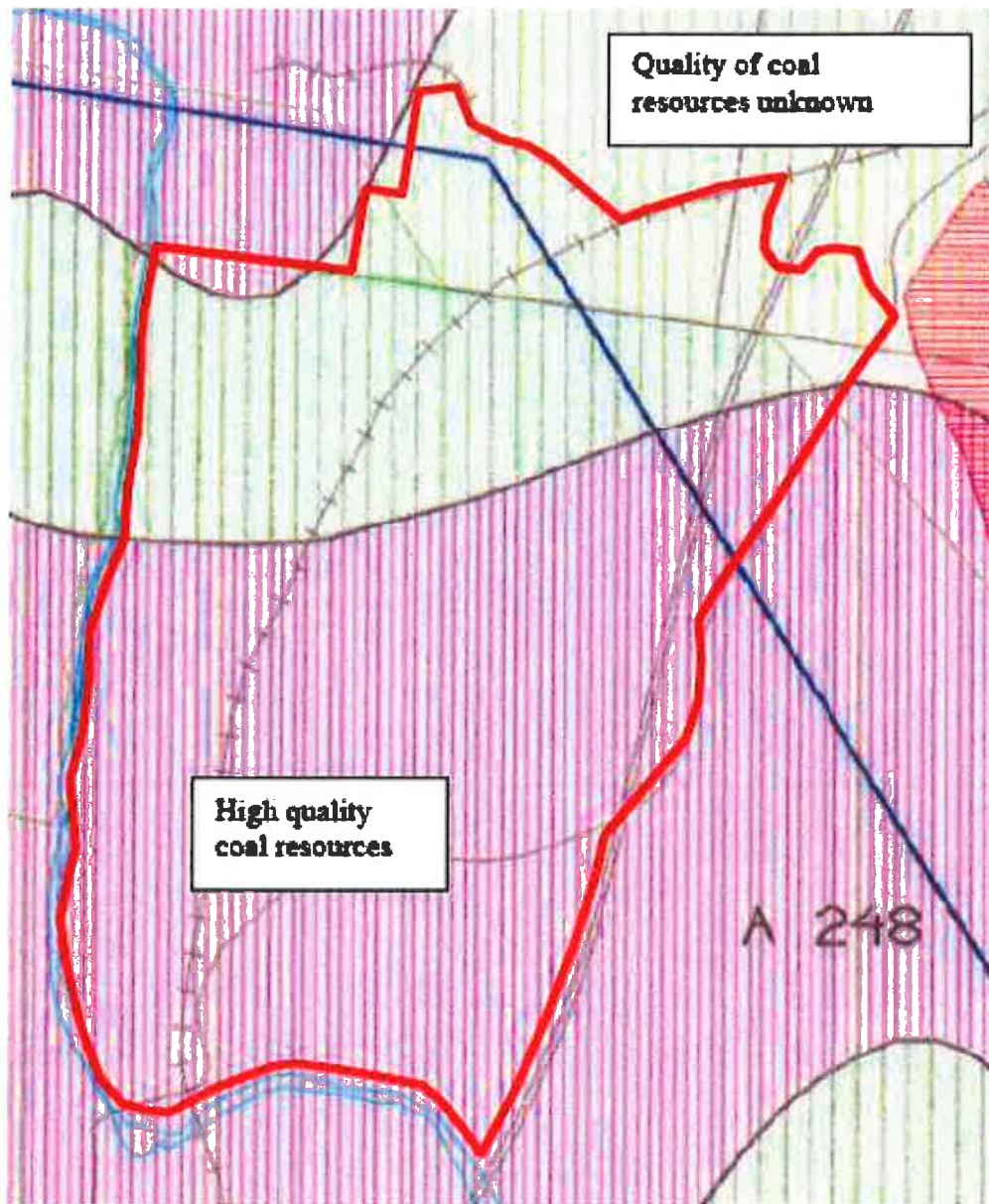


Figure 9 – Coal Resource

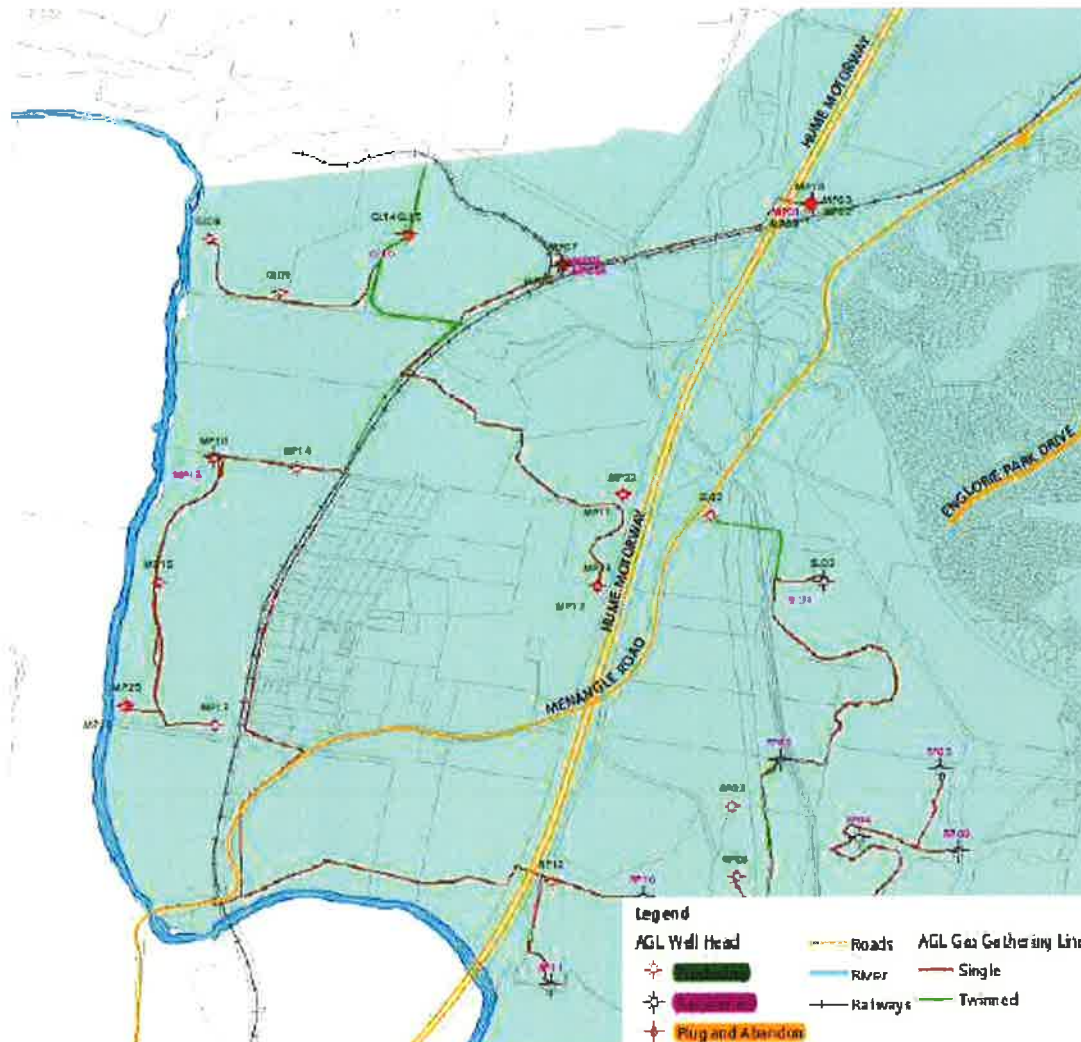


Figure 10 – Camden Project – AGL Well Heads and Gas Gathering Line

Meetings were held between the Department, the proponent and the NSW Health (Environmental Health Branch) in early 2014 to confirm the appropriateness of locating new residential development in the vicinity of operating gas wells.

A 200m buffer was recommended between residential uses and coal seam gas wells in the absence of a site-specific impact assessment. Council considers the 200m buffer to be adequate and amended the draft DCP to include this buffer as a requirement for air quality to be considered at the development application stage.

Department comment:

The Department concludes that Council has adequately addressed extractive industry and mine subsidence issues. The site has not been undermined and according to the study it is unlikely to be mined due to geological constraints.

Furthermore, gas extraction from two wells will occur on the site and this will cease in 2023 as announced by AGL on 4 February 2016. The site and the wells will be progressively decommissioned and the site rehabilitated.

Council received a submission from Subsidence Advisory NSW (formerly the Mine Subsidence Board). However, the Department undertook further consultation with Subsidence Advisory NSW, DRE and the mine colliery (South32) (refer to Section 8). The Department concluded that the issues raised by the state agencies as discussed in Section 8 of this report have been satisfactorily addressed and the site is suitable for residential development.

Noise Impacts

An Acoustic Assessment Report (May 2010) was prepared to determine the existing acoustic environment and the impacts of rail or traffic noise on future residential development on the site. The assessment concluded that road noise currently exceeds the relevant criteria for both the day and night times at the bounds of the site. Similarly, rail noise exceeds the rail noise criteria adjacent to the railway line.

Without acoustic treatments in the form of noise barriers/berms, building insulation, building orientation considerations etc. acoustic setbacks would be required to ensure that internal and external noise levels satisfy the established criteria.

Therefore, the Report recommended the following acoustic treatment options: carriage house studios, orientation of dwellings, orientation of rooms and windows, external walls, doors, acoustic insulation, and architectural treatment. Council has included the above recommendations in the draft DCP as advised by the Report.

In addition, the nearby Glenlee industrial precinct will not require any mitigation measures as it is indicated that it will comply with the established criteria for the day evening and night-time periods. It is also unlikely there will be any vibrations arising from the Glenlee industrial precinct.

Department comment:

The Department considers that Council has addressed noise impacts of the planning proposal on the site and included the recommendations in the draft DCP. Council also consulted the Environment Protection Authority and NSW Health on the planning proposal (refer to Section 7) and received no objections to the planning proposal.

Air Quality

An Air Quality Review Report (2004, 2007 and April 2010) was prepared to investigate the impact on local air quality. The following conclusions were advised:

- a buffer zone of approximately 1 square kilometre was recommended to ameliorate potential odour impacts from the activities of the Camden Soil Mix Composting and Recycling Facility on the site;
- potential odour impacts from the Camden Gas Project is considered unlikely based upon similar past AGL experiences and the siting of well surface locations relative to sensitive residential receivers however a buffer distance of 200m was recommended from each well head;
- a buffer zone of approximately 200m was recommended from the boundary of the Menangle Park West Sand and Soil Extraction activities for suitable dust management; and
- mitigation measures should be undertaken to reduce the photochemical smog associated with the increase in traffic.

Department comment:

The Department notes that the planning proposal has adequately considered air-quality impacts on future residents. In addition, the Environment Protection Authority and NSW Health provided comments on air quality (refer to Section 8). These public agencies did not object to the planning proposal but provided recommendations to increase amenity for residents. Council noted that these issues will be addressed at the development application stage and the draft DCP includes controls in relation to air quality.

Geotechnical and Contamination

A Land Capability Study (2004 and December 2009) was prepared to assess the general suitability of the Menangle Park site having regard to soil erosion and instability, soil salinity, acid sulphate soils and soil contamination. The Study identified that the site had no potential or actual acid sulfate soil material. Furthermore, a preliminary contamination assessment concluded that there was no evidence of significant or widespread or diffuse contamination across the site but several areas were identified as having moderate potential for contamination based on current or past land use.

The Study concludes that the site is suitable for urban or rural-residential development generally across most areas of the site outside flood prone areas. The Study does however identify some areas that may have issues related to soil salinity, soil erodibility, slope stability and contamination. Specific

measures are recommended in the LES to address these matters. The LES noted that these issues can be addressed at the development application stage through the draft DCP.

Department comment:

The Department notes that adequate information is provided in relation to geotechnical and contamination issues. In addition, the site does not contain acid sulfate soils, however, further assessment will be undertaken at the development application stage as required by Campbelltown DCP 2015. Therefore, the Department is satisfied that the site is suitable for the proposed development.

Social Infrastructure

A Social Sustainability Report (February 2010) was prepared to assess the social sustainability of any future development within the site and the necessary community infrastructure required to support the proposed development. The Report notes the site is currently an underdeveloped and geographically isolated area from surrounding communities.

Therefore, the Report recommended a number of community infrastructure and facilities to support the new community including:

- a community centre with a library and a range of outreach / community programs;
- a public primary school and if required potentially a high school;
- approximately four or more long day child care centres;
- a preschool, which could be located at the primary school site;
- an outside school hours care centre provided on the primary school site;
- an integrated primary health care centre staffed by general practitioners and outreach community healthy staff;
- a supermarket and other speciality stores in the town centre;
- a fire station and a rural fire service station, preferably located on Menangle Road;
- various local parks and sporting facilities including sport grounds, tennis courts, an indoor sports centre and informal youth recreation facilities (i.e. skateboard facility, BMX tracks, etc.); and
- two district parks as part of the riparian corridors.

Department comment:

The Department notes that the recommended social infrastructure has been incorporated into the Indicative Site Plan in the draft DCP and that Council has satisfactorily consulted the relevant public agencies (see Section 7).

It is also noted that the VPA between the proponent and the Department includes the dedication of land for the school. Furthermore, the Department of Education has advised that it has been in negotiations with the proponent about the school. In addition, the public open space will be dedicated to Council to manage in perpetuity.

Utility Services

The Infrastructure Report (January 2010) outlined the necessary infrastructure and upgrades required to service the proposed residents within the site. The site is currently serviced by potable water, electricity, and telecommunications. The Menangle Park village is currently unsewered and serviced by on-site sewerage systems. No gas or recycled water facilities currently exist in the vicinity of the site.

Water

The Macarthur Water Filtration Plant currently delivers potable water to the area and has spare headwork capacity. The existing water infrastructure within the study area can service up to 600 new lots. However, based on future demand from the precincts in the South West Growth Centre, the inclusion of additional reserve storage capacity will be required on the site. Further work is also required to the existing main from the Campbelltown system (i.e. upgraded or augmented) and a duplication of the inlet main to Narellan Reservoir to service the proposed residents. Sydney Water anticipates a delivery date for the first stage of additional water infrastructure in 2018/19.

Individual landowners/developers can accelerate water services by entering into a commercial agreement with Sydney Water, whereby they fund and deliver infrastructure to their own site. Reimbursements are available when the remaining lots are developed.

Recycled Water

Sydney Water has indicated that recycled water from the West Camden facility is unlikely to be provided owing to capacity constraints and a potential recycled water facility on the site is not feasible. Given the cost, it is unlikely that reticulated recycled water will be feasible on the site by any other means. Therefore, water tanks are proposed for additional development on the site.

Wastewater

The Addendum Report (**Attachment Q**) notes that two sewer pumping stations (SPS) are proposed to service the site. The location of the northern SP 1185 is adjacent to the rail line between Fitzpatrick Street and Howes Creek, and will service the majority of the residential area, a small part of Menangle Village, and the proposed employment area. The southern SPS 1186 is proposed to be situated to the south of Menangle Road and intended to service the remainder of the site. Both SPS facilities will eventually connect to the Glenfield sewerage system.

Individual landowners/developers can accelerate water services by entering into a commercial agreement with Sydney Water.

Electricity and Telecommunications

At this stage, only approximately 200 lots can be supplied from the existing network. Therefore, the need for a permanent electricity substation has been identified, near Fitzpatrick Street and adjacent to SP 1185. Endeavour Energy also advised it will construct a temporary substation to supply up to 2,000 lots and could be commissioned within 2 years, as the permanent substation will not be operational for approximately 3 years.

Telecommunication services on site are not currently sufficient to meet the likely demand of the development. There is, however, no foreseeable impediment to servicing. Appropriate technology and level of services will be determined closer to the date of commencement of the development.

Gas

No gas service is currently located in the area however Jemena Gas (i.e. gas providers) has advised that the site can be serviced by an extension.

The Jemena Eastern Gas Pipeline, Jemena Moomba-Sydney Gas Pipeline and the APA Ethane Pipeline traverse the northern end of the site. Jemena intends to provide natural gas to the site, however, this is reliant on the finalisation of the planning proposal to determine the number of proposed residents. Council has identified the locations of the gas pipelines through the site on the Indicative Site Plan in the draft DCP.

Department comment:

The Department concludes that the site can be adequately serviced by infrastructure in the future. Consultation with the relevant service providers are detailed in Section 8. It is also noted that the timing of services will generally correspond with the development timeframes. However, the timing can be accelerated by the proponent, if required.

Employment

Major employers in Sydney's South West Subregion are the manufacturing and retail trade sectors. Manufacturing is a significant industry sector, with transport and storage strongly emerging. Other significant employment sectors are property and business services, health and community services, education and construction.

The planning proposal includes approximately 28ha of industrial land and 5.8ha of retail land (i.e. new town centre). According to the Addendum Report (**Attachment Q**), the viability of the industrial land within the site will be improved by the direct road access from Spring Farm Parkway to the Hume Highway. Council has advised that approximately 1,500 to 3,000 additional jobs will be provided within the site.

Department comment:

The Department is satisfied that the planning proposal will provide additional jobs close to homes and notes that the location of the industrial land will be nearby to the proposed Glenlee industrial precinct which will provide approximately 1,500 jobs.

APPENDIX 2 – SUMMARY OF COMMUNITY SUBMISSIONS

Community Concerns	Council Response
<p><u>General Comments</u></p> <ul style="list-style-type: none"> • Objects to the overdevelopment of the area and that housing not be permitted on land south of Menangle Road and west of the F5 Freeway. • Concerned with heritage, lack of infrastructure and air quality, the agricultural value of the site. 	<ul style="list-style-type: none"> • It is noted that the proposed development yield is considerably less than initially proposed. • The site is capable of supporting urban development and the constraints have been recognised as outlined in the consultant reports. • It is considered that the planning proposal adequately addresses the issues and not all the site has been actively used for agricultural purposes for a number of years.
<p><u>Traffic and Transport Issues</u></p> <ul style="list-style-type: none"> • Supports the provision of the Spring Farm Parkway. • Supports the electrification of the rail line to Menangle Park and asks whether Council will commit to pursuing the need for upgraded rail infrastructure with the State Government. • Does not support the provision of bus facilities as an alternative to rail. 	<ul style="list-style-type: none"> • The Greater Macarthur Land Release Investigation proposed to investigate the electrification of the rail line to Menangle Park. As a result, the Western Sydney Rail Needs Scoping Study Discussion Paper has been prepared and was the subject of a report to Council's Ordinary Meeting held on 8 November 2016 where Council resolved to forward a submission to the Commonwealth Department of Infrastructure and Regional Development and Transport for NSW. The submission advocates the construction of a connection from the proposed Badgery's Creek airport to Narellan with an extension through to a new Menangle Park railway station.
<p><u>Flooding Issues</u></p> <ul style="list-style-type: none"> • Concerned with potential flooding issues. 	<ul style="list-style-type: none"> • No development is proposed to be permitted below the 1:100-year flood line. <p>NB: it is noted that Council advises that the all land below the 1% AEP will not be developed for urban purposes and only uses such as parks, conservation areas and the like would be permitted on land below the 1% AEP. Council has also included this provision in the draft DCP.</p>
<p><u>Lots 7–9 DP 791365 Menangle Road, Menangle Park</u></p> <ul style="list-style-type: none"> • Requests Council to consider either rezoning the land to Zone SP3 Tourist as included in the Standard Instrument LEP, or using Schedule 1 – Additional Permitted Uses to permit additional land uses to provide for a service station, retail plant nursery and landscape supply establishment. 	<ul style="list-style-type: none"> • The SP3 Tourist Zone is not considered appropriate as it includes tourist and visitor accommodation as a permitted land use, and these uses are not considered conducive with the location of this land being adjacent to the M31 (previously F5 freeway). • The RU6 zone is the most appropriate zoning for this land at this time and the planning proposal has been amended to address this issue.
<p><u>Lot 11 DP 786117, Racecourse Avenue, Menangle Park</u></p> <ul style="list-style-type: none"> • Requests to rezone the land from a rural zone to an open space and low density residential zone. 	<ul style="list-style-type: none"> • The planning proposal already provides significant areas of public open space, and the addition of further land is thus not considered to be required.

Community Concerns	Council Response
	<ul style="list-style-type: none"> The land is not appropriate for residential development as council is not satisfied that the land could provide flood free access to the land.
<u>Land owned by the NSW Harness Pty Ltd</u> <ul style="list-style-type: none"> Requests for additional uses to be permissible at the Harness Park club to ensure that existing uses can occur on the site, and additional development potential on the site including increase maximum height of building controls and land zoned for residential development. 	<ul style="list-style-type: none"> Council resolved to insert additional uses in to Schedule 1 related to the Harness Park. This has been incorporated into the planning proposal.
<u>Campbelltown Steam and Machinery Museum</u> <ul style="list-style-type: none"> Requests to remain as a rural zone. 	<ul style="list-style-type: none"> Council resolved to maintain a rural zone on this site instead of the proposed residential zone.
<u>41 Cummins Road</u> <ul style="list-style-type: none"> Requests the site is zoned R4 to permit residential flat buildings, a building height of 13m, and a FSR of 1.2:1. 	<ul style="list-style-type: none"> Noted.

APPENDIX 3 – SUMMARY OF PUBLIC AUTHORITY SUBMISSIONS

Public Agency Concerns	Council Response
<p><u>Department of Trade and Investment (Resources and Energy)</u></p> <ul style="list-style-type: none"> • Advises that South32 is unlikely to mine further north and east of the site but intends to focus its operations west of the Nepean River. • Notes the existence of several gas wells in the vicinity of the site and the rezoning would sterilise valuable coal seam gas resources. • Recommends the following: <ul style="list-style-type: none"> - that Council is certain that the proposed 200m buffer between the residential development and the soil and sand extraction is adequate as it would generally recommend a 500m buffer; and - that future residents are informed of the South Campbelltown Mine Subsidence District. 	<ul style="list-style-type: none"> • Following advice from AGL, Council has removed three of the gas-well sites and will only be zoning two sites SP2 Gas Well. • On 4 February 2016, AGL announced that it will cease production through the Camden Gas Project in 2023 instead of 2035. The site and the wells will be progressively decommissioned and the site rehabilitated. • Council considers the 200m buffer to be adequate and will address issues such as dust at the development application stage. • Section 149 Planning Certificates will include a reference to the South Campbelltown Mine Subsidence District therefore new purchasers will be aware.
<p><u>Department of Industry and Investment NSW (Mineral Resources) – Coal Advice Branch</u></p> <ul style="list-style-type: none"> • No objections subject to the advice below. • In the north-eastern portion of A248, the Bulli Seam is greater than 600m below the surface. Issues relating to geological complexity and coal quality render the coal less likely to be extracted by future operations. • Although the site is within close proximity to the Bulli Seam Operations Project, the 30-year mine plan does not include longwall mining beneath the site. However future mining cannot be discounted. • Recommends the draft DCP includes controls to ensure any development will not unnecessarily sterilise coal resources. Subsidence Advisory NSW can assist with the controls. • Future residents should be made aware of potential future underground mining. 	<ul style="list-style-type: none"> • The implications of any activity with regard to the three identified extractive resources would be assessed as part of any future development applications for either the extraction of the resources or urban development. • With regard to the concern raised by any development that would inhibit full extraction of the coal resource please note the advice received from the Department of Planning in 2006 (Attachment E) which states that mining of coal resources beneath Menangle Park should be restricted to enable urban development to occur at the scale and form necessary to make that development viable. This is because of the importance of Menangle Park's contribution to land supply in the Sydney Metropolitan Region.
<p><u>Mine Subsidence Board</u></p> <ul style="list-style-type: none"> • Objects to the four-storey height limit within the proposed town centre and requests that all improvements be limited to two storeys. • Advises that single or two storey buildings are limited to a maximum length of 30m and maximum width of 18m. 	<ul style="list-style-type: none"> • Council notes that a reduced height limit in the town centre would make the proposed development unfeasible. • Council requests the Department resolve this objection.
<p><u>Transport for NSW & Roads and Maritime Services</u></p> <ul style="list-style-type: none"> • Notes that TfNSW and RMS have agreed on the alignment of the proposed Spring Farm Parkway and north facing ramps. 	<ul style="list-style-type: none"> • Council has signed the Greater Macarthur Priority Growth Area Memorandum of Understanding with the Department, which states that a new Special Infrastructure Contribution levy will be established to cover

<ul style="list-style-type: none"> • Advises that any reference to committing TfNSW or RMS for future funding of infrastructure should be removed. • TfNSW and Council should work together to determine funding options. 	<p>the cost of regional infrastructure to support the development of the Menangle Park Urban Release Area.</p> <ul style="list-style-type: none"> • Following the exhibition, Council has zoned Spring Farm Parkway as SP2 Classified Road and identified RMS as the acquisition authority as the road is of regional significance as identified in the Greater Macarthur Strategy. Therefore, the road is not infrastructure that Council should be required to fund.
<p><u>Busways Group</u></p> <ul style="list-style-type: none"> • Recognises the need for an efficient bus service and provides preferences for bus stop locations. • Requests the following: <ul style="list-style-type: none"> - an alternative bus route to that proposed in the draft DCP which includes bus only access from the existing Glenlee Road junction with Menangle Road; - all intersections along the bus route accommodate a standard 12.5m rigid bus; - bus priority in key locations; and - indented bays not be provided as these impede re-entry of buses into the traffic flow. 	<ul style="list-style-type: none"> • The issues can be addressed the subdivision application stage. • The proposed realignment of Glenlee Road will address the safety issues associated with the current intersection of Glenlee Road with Menangle Road. • Council amended the draft DCP to ensure that the proposed road widths are identified.
<p><u>Australian Rail Track Corporation</u></p> <ul style="list-style-type: none"> • Recommends that draft DCP includes reference to the State Environmental Planning Policy (Infrastructure) 2007 and Development Near Rail Corridors and Busy Roads–Interim Guideline (2008) in clause 12.14 instead of to the design standards and setbacks required by the NSW Roads and Traffic Authority and State Rail, as the names of these organisations has changed. 	<ul style="list-style-type: none"> • Council has amended the draft DCP to refer to the design standards and setbacks required by the relevant government road and rail authorities.
<p><u>Office of Environment and Heritage</u></p> <ul style="list-style-type: none"> • Concerned with the following: <ul style="list-style-type: none"> - that some of the areas designated for offsets would be unlikely to support the same vegetation as that being removed; and - that uncertainty that the offset areas can be secured and managed in perpetuity. • Considers that it is inappropriate to zone high value archaeological and cultural lands as open space (RE1 and RE2) and rural (RU2). 	<ul style="list-style-type: none"> • An Offsetting Strategy will need to be provided at the development application stage for all land containing high quality vegetation to ensure the offset location is appropriate and that it is secured in perpetuity. • Council amended the draft DCP to clarify the requirements for flora and fauna conservation. In addition, terrestrial biodiversity provisions have been applied to the site. • Council also notes that there are appropriate heritage provisions in the Campbelltown LEP 2015 and draft DCP.
<p><u>Heritage Council of NSW</u></p> <ul style="list-style-type: none"> • Considers that any proposed development within the vicinity of any identified sites of environmental heritage should include controls with regard to height, setback, density and site cover. 	<ul style="list-style-type: none"> • The planning proposal already includes an objective to protect both indigenous and non-indigenous heritage therefore no further changes are proposed. • Council has amended the draft DCP to include an additional Key Development

<ul style="list-style-type: none"> • Suggests that increasing the height and bulk in areas around the town centre and railway and reducing the height and bulk around Glenlee estate could deliver the same housing yield with less impact on the rural setting and functioning of Glenlee estate. • Advises that detailed assessment of non-indigenous archaeological sites should be required at the development application stage and should comply with the requirements of s139–146 of the NSW Heritage Act 1977. • Requests the following: <ul style="list-style-type: none"> - the inclusion of similar draft DCP heritage objectives in the planning proposal; - the inclusion of an objective within the draft DCP that addresses heritage conservation or linking appropriate character development in the vicinity of heritage items or the like; and - the inclusion of the railway viaduct at Glenlee as a local heritage item that may involve further research to determine its heritage value and support its ongoing conservation. 	<p>Objective in clause 1.4 to ensure the conservation of heritage items, and that any development within the vicinity of heritage items takes into consideration the significance of such items.</p> <ul style="list-style-type: none"> • An additional control has been included in clause 1.10.2 Non-Indigenous Heritage of the draft DCP, which provides for a road on the eastern and northern boundaries of Glenlee House to delineate its curtilage. • Council has not identified the railway viaduct at Glenlee as a local heritage item however will consider the request if the Heritage Council provides additional information in relation to the heritage significance.
<p><u>Cubbitch Barta Native Title</u></p> <ul style="list-style-type: none"> • Concerned with the following: <ul style="list-style-type: none"> - there has been no consultation since 2008 with regard to aboriginal heritage; - the loss of aboriginal heritage is not as important as the loss of vegetation; - although high sensitivity areas will be located in open space, the drainage and servicing infrastructure will not result in conservation; and - aboriginal heritage is not listed in the objectives of the planning proposal. 	<ul style="list-style-type: none"> • Council and the relevant stakeholders met with the representatives of the aboriginal community to discuss a number of issues and update the heritage report. • The Cubbitch Barta Native Title claimants advised that there were no objections to the draft DCP however requests the term Aboriginal heritage is used instead. • Council amended the draft DCP accordingly.
<p><u>Fire and Rescue NSW</u></p> <ul style="list-style-type: none"> • Provides information with regard to the installation of fire hydrants. • Recommends the following: <ul style="list-style-type: none"> - that all developments comply with the Building Code of Australia and relevant Australian Standards; - compliance with Fire & Rescue NSW Guidelines for Emergency Vehicle Access Policy No 4; and - prominent signposting for all streets and buildings to facilitate rapid fire fighting response times. 	<ul style="list-style-type: none"> • Noted.
<p><u>Rural Fire Service</u></p> <ul style="list-style-type: none"> • Future proposals for residential or special fire protection purpose will be subject to the requirements of Section 79BA of the <i>Environmental Planning and Assessment Act</i> 	<ul style="list-style-type: none"> • Noted.

<p>1979 and Section 100B of the <i>Rural Fires Act 1997</i>.</p> <ul style="list-style-type: none"> Proposed roads shall comply with the Planning for Bush Fire Protection 2006. Asset protection zones (APZ) will be determined at development application stage and subject to revegetation of the area. Revegetation proposals must take account of existing dwellings. 	
<p><u>State Emergency Services</u></p> <ul style="list-style-type: none"> Considers that the flooding issue is a concern and raises the following questions: <ul style="list-style-type: none"> will the proposed road over Howes Creek be impacted by floodwater? will the proposed Spring Farm Parkway be constructed above a major flooding event level and when will it be built? will the proposed Glenlee Road be able to accommodate a high volume of traffic due to a major event? Requests the following: <ul style="list-style-type: none"> an emergency services facility is located within the northern area of the site instead of the south as it is a flood affected; and that Council consider reconstructing the existing boat launching facilities on the Nepean River, which currently pose a very high risk to SES volunteers. 	<ul style="list-style-type: none"> The Spring Farm Parkway and the road over Howes Creek are proposed to be constructed above the 1:100-year flood line. The realigned Glenlee Road is proposed to be developed as a bus route/collector road with a carriageway width of 11.6m. However, the draft DCP has been amended to include a provision for the carriageway width of bus routes to be locally widened at bus stops to 12.0m to allow for a 2.5m bus bay. The land identified for the emergency services facility in the south is above the 1:100-year flood line and although Council no longer owns the land, the land will be zoned SP2 Public Facilities. Council does not own any land in the north therefore is unable to offer an alternative site. The boat launching matter is a rezoning matter therefore this matter was referred to the Director of City Delivery for further investigation.
<p><u>Department of Family and Community Services</u></p> <ul style="list-style-type: none"> Waits for the s94 contributions plan to be drafted funds social and public infrastructure. Recognises the budget constraints for the provision of rail services but highlights the deficiencies of current transport services and hopes that the current transport issues consider the impacts on neighbouring areas. 	<ul style="list-style-type: none"> Council notes that the rail service will not be operational in the near future and that appropriate bus services will be provided in the meantime.
<p><u>Department of Education</u></p> <ul style="list-style-type: none"> Noted that a site for a future primary school has been identified in consultation with the proponent. 	<ul style="list-style-type: none"> Council identified the potential school site in the draft DCP.
<p><u>NSW Dams Safety Committee</u></p> <ul style="list-style-type: none"> Requests the submission of D1 Forms for each detention basins/dam proposed under the draft DCP. 	<ul style="list-style-type: none"> Noted.
<p><u>Sydney Catchment Authority</u></p> <ul style="list-style-type: none"> Supports the realignment of Glenlee Road which will result in the closure of the current intersection of Glenlee Road and Menangle Road across the canal. Requests the following: 	<ul style="list-style-type: none"> Council amended the planning proposal and draft DCP accordingly.

<ul style="list-style-type: none"> - the replacement of the current stormwater management provisions in the draft DCP with the SCA standard development controls for Land adjacent to the SCA's Upper Canal to ensure no detrimental impacts on the canal; - no construction work will impact on SCA's ability to access the canal; and - the canal be referred to as the SCA Upper Canal throughout all documentation. 	
<p><u>Department of Primary Industries (Office of Water)</u></p> <ul style="list-style-type: none"> • Concerned that the width of some riparian corridors has been reduced and that a riparian corridor linking the Nepean River via Howes Creek to the Australian Botanic Garden has not been included. • Requests the following: <ul style="list-style-type: none"> - that either the link between Howes Creek and the Australian Botanic Garden be reinstated or that the link via creek N3b (which flows around the southern boundary of the emplacement site) be utilised instead; - the riparian corridors be zoned E2 Environmental Conservation; - a larger font size on figures in the draft DCP; and - amend Figure 4 within Appendix 15 of the draft DCP to show all agreed riparian corridors. • Recommends the following: <ul style="list-style-type: none"> - include a new objective in the draft DCP to protect and enhance wetlands; - amend clause 12.11.1 of the draft DCP to include a table and figure which indicates creeks and riparian corridor widths, and that all riparian land is to be rehabilitated in accordance with previously negotiated riparian outcomes; and - amend control 3 in clause 12.12 of the draft DCP to include the words riparian land or other before the word areas. 	<ul style="list-style-type: none"> • Council has amended the planning proposal to include a clause specifically relating to protecting and maintaining riparian land and watercourses and that this clause be amended to specifically refer to the land identified on the Menangle Park zoning map as requiring riparian protection. • There is no existing riparian corridor linking Howes Creek to the Australian Botanic Garden however Council proposes that the link via creek N3b be utilised as part of the Glenlee planning proposal which it is located within. • The riparian corridors will be zoned RE1 and dedicated to Council for protection. • Council has amended the draft DCP as requested. However considers that it is not necessary to include the table for creek widths and to amend Figure 4.
<p><u>NSW Health (South Western Sydney Local Health District)</u></p> <ul style="list-style-type: none"> • Notes the following: <ul style="list-style-type: none"> - the draft DCP includes environmental sustainability and healthy urban planning as key development objectives; - good access to public transport, provision of active and passive open spaces with pedestrian and cycle links; and - the limitations of railway services and that the bus system should be upgraded during the early stages of development. • Requests that future plans include the following: 	<ul style="list-style-type: none"> • Noted.

<ul style="list-style-type: none"> - access to healthy food and promotion of local farmers markets, community gardens and the use of nature strips for edible landscaping; and - equitable access to health care and social services. • Concerned with the following: <ul style="list-style-type: none"> - the cost of infrastructure and noise amelioration strategies will impact on housing affordability; and - the impact of mine subsidence. 	
<p><u>Environment Protection Authority</u></p> <ul style="list-style-type: none"> • Recommends the following: <ul style="list-style-type: none"> - the assessment of noise impacts from road, rail, sand extraction, etc. be undertaken with reference to various documents and policies; - the rail services be further investigated to assist with minimising vehicle kilometres travelled and reduce the detrimental impact of vehicle emissions; - the potential extraction of sand and soil resources from the site be considered to enable appropriate management of any potential land use conflicts; - that wood heaters not be permitted and that reticulated gas be made available to all dwellings; and - an assessment whether monitoring will be required to ensure there is no increase in the nutrient load on the Nepean River from either stormwater runoff or any new sewage treatment scheme. 	<ul style="list-style-type: none"> • Noise impacts will be assessed against the provisions of all relevant government at the development application stage. • In the absence of rail services, bus services are being negotiated to reduce private care usage. • Potential land use conflicts will be addressed at the development application stage for the extraction of sand or soil within the locality. • The site will be serviced by gas to reduce the need for such heaters. • The draft DCP includes water quality objectives and stormwater controls that will be considered at the development application stage. It is considered that the water quality objectives for the management of stormwater will ensure that there is no increase in the nutrient load on the Nepean River.
<p><u>Gorodok Gas</u></p> <ul style="list-style-type: none"> • Advises that Gorodok owns the Moomba-Sydney Ethane Pipeline which traverses the north-eastern corner of the site. • Advises that the gas pipeline does not preclude development but any development applications for dwellings or sensitive land uses on land within 750m of the pipeline easement will require a risk assessment in accordance with AS2885.1. 	<ul style="list-style-type: none"> • Council has amended the Campbelltown DCP 2015 to include objectives and controls with regard to land adjacent to or affected by gas easements. • The location of the gas pipeline has been identified on the Urban Structure Plan within the draft DCP.
<p><u>Jemena Gas Networks</u></p> <ul style="list-style-type: none"> • Advises that Jemena currently has the 850 High Pressure Trunk Gas Main and the Eastern Gas Pipeline located within the north-eastern corner of the site. • A Pipeline Safety Management Study is required to be submitted with any development application for land within the vicinity of either of these gas mains. 	<ul style="list-style-type: none"> • Council has amended the Campbelltown DCP 2015 to include objectives and controls with regard to land adjacent to or affected by gas easements. • The location of the gas pipelines has been identified on the Urban Structure Plan within the draft DCP.
<p><u>Sydney Water</u></p>	<ul style="list-style-type: none"> • Noted. Council also updated the addendum to the Local Environmental Study (Tab J) to

<ul style="list-style-type: none"> Identifies the key issues and assessment requirements regarding the provision of water and wastewater at the development application stage. Notes two pumping stations may be required within the site; one on Sydney Water land in the north and maybe one in the south. 	<p>reflect the information regarding the servicing of the site.</p>
<p><u>Endeavour Energy</u></p> <ul style="list-style-type: none"> Advises that the existing distribution network within the site does not have the capacity required to supply the area. Therefore, the following infrastructure will be required to meet future electricity needs: <ul style="list-style-type: none"> one hectare of land for a zone substation located above the 1:100-year flood level; distribution substations which are generally located within an easement on individual allotments, and will be provided by the proponent; and distribution cables which will be installed underground from the zone substation throughout the site, and will be provided by the proponent. The site requires an additional feeder in addition to the two existing 66kV overhead feeders across the north-eastern portion of the site. 24-hour access is required for the feeders for maintenance and repairs. An additional submission advised of the preference to locate the zone substation in a central position on land owned by UrbanGrowth NSW and requested that this site be zoned infrastructure. 	<ul style="list-style-type: none"> Land in the north of the site has been zoned SP2 Electricity Substation. Council proposes to write to Endeavour Energy to ensure that the feeder lines to the substation do not visually impact on proposed development within the site. Council has amended the Campbelltown DCP 2015 to include objectives and controls with regard to any proposed development near or on electricity easements.
<p><u>Wollondilly Council</u></p> <ul style="list-style-type: none"> Generally supports the methodology proposed for the site, and specifically the provision of the Spring Farm Parkway and proposed access to the F5 Freeway. Notes the following: <ul style="list-style-type: none"> the expected increase in traffic movements will impact on the Campbelltown LGA and not specifically on the Wollondilly LGA; and the population projections for Wollondilly are now out-of-date. Considers the following: <ul style="list-style-type: none"> additional car parking will be required at Macarthur and Campbelltown railway stations and that the State Government should address this issue; and the village of Menangle will benefit from the provision of a better bus service, reticulated sewer service and local shopping centre. 	<ul style="list-style-type: none"> Noted. Council also updated the addendum to the Local Environmental Study (Attachment P) to identify the potential release areas of Wilton Junction and Appin.

<ul style="list-style-type: none"> • Suggests updating the LES to include the potential release areas of Wilton Junction and Appin. 	
<p><u>UrbanGrowth NSW</u></p> <ul style="list-style-type: none"> • Notes the reference to possible future south bound ramps to the F5 freeway and questions whether these should be identified for future acquisition. • Requests the following amendments: <ul style="list-style-type: none"> - include a parcel of land (west of the proposed Spring Farm Parkway) within the General Industrial Zone as noted on the structure plan contained within the draft DCP and that this land be removed from the lot size map; - realign the boundaries of the proposed north facing ramps to the F5 freeway; and - the building height of 7.5m is increased to 8.5m to be consistent with the NSW Housing Code. 	<ul style="list-style-type: none"> • The issue of south facing ramps from the proposed Spring Farm Parkway to the M31 (previously known as the F5 Freeway) has not been investigated in detail as part of the Menangle Park rezoning process. However, it is understood that further investigation is currently being undertaken to identify the location of future south facing ramps to the M31 by RMS and the Department of Planning and Environment through the Greater Macarthur Land Release Investigation process. • The parcel of land west of the proposed Spring Farm Parkway was not included in the General Industrial Zone as it is generally located within the 1:100-year flood line, and is an isolated pocket of land, and it is considered that the proposed rural zoning for this land is the most appropriate. Whilst it was included in the Proposed Structure Plan for the release area, it was not included within the draft zoning map. It should therefore be removed from the draft DCP maps to be consistent with Council's planning intentions. • The draft zoning map has been updated with regard to the north facing ramps to the M31, as Council has now received detailed mapping information with regard to their location. • Council amended the maximum building height controls for the R2 Low Density Residential Zone to 8.5 metres.

APPENDIX 4 – CONSISTENCY WITH OTHER RELEVANT SECTION 117 DIRECTIONS

The planning proposal is consistent with the following relevant section 117 Directions below.

Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies to this planning proposal as the site contains State and local heritage items, and Aboriginal items.

The planning proposal is consistent with this Direction as it will facilitate the conservation of a State heritage item and various local heritage items by listing these in the Campbelltown LEP 2015 and identifying these items on the Heritage Map (see Section 6). Furthermore, Aboriginal areas have been identified in the draft DCP with additional provisions that aim to ensure the heritage significance is managed. It is also noted that no objections were received from the Office of Environment and Heritage and the Heritage Council of NSW (**Attachment S**).

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to utilise and support public transport services, and reduce the reliance on cars. The planning proposal is consistent with this Direction as it will integrate urban development with existing public transport facilities.

The site contains an existing railway station and bus services, although the services are limited. However, the Greater Macarthur Strategy proposes to investigate the extended electrification of the rail line from Macarthur Railway Station to the Menangle Park Railway Station. Furthermore, Council is negotiating the provision of an additional local bus service within the site to further service new residents.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The planning proposal is consistent with this Direction as a Land Capability Study (**Attachment P**) was prepared to support the rezoning. The study notes that there is no potential or actual Acid Sulphate Soils present on the site therefore no further assessment is required. It is also noted that an Acid Sulfate Soils Map for the site is not contained within the Campbelltown IDO 15 or the Campbelltown LEP District 8.

Direction 5.2 Sydney Drinking Water Catchment

The objective of this Direction is to protect water quality in the Sydney drinking water catchment. This Direction applies as the site is located within the Sydney Drinking Water Catchment.

The Sydney Catchment Authority (SCA) was consulted during the community consultation period and advised that the main concern with the planning proposal is the protection of the water quality and water supply infrastructure (**Attachment S**). A number of recommendations were provided by the SCA and Council accordingly incorporated these comments in the draft DCP.

Direction 6.2 Reserving Land for Public Purposes

The objective of this Direction is to facilitate the provision of public services and facilities by reserving land for public purposes, and removing these reservations when the land is no longer required. This Direction applies as the planning proposal identifies new land to be acquired for local open space and road corridor.

The planning proposal is consistent with this Direction as the relevant acquisition authorities have agreed to acquire the identified land on the Land Reservation Acquisition Map.

Direction 7.1 Implementation of A Plan for Growing Sydney

The objective of this Direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney (the Plan).

The planning proposal is consistent with this Direction as it achieves the overall intent of the Plan and does not undermine the achievement of its vision, directions, actions or priorities.

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 Greater Macarthur Strategy).

The planning proposal is consistent with this Direction as it complies with the Greater Macarthur Strategy.

APPENDIX 5 – CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is consistent with the following relevant section 117 Directions below.

State Environmental Planning Policy No 19 – Bushland in Urban Areas

This SEPP applies to the planning proposal as it contains bushland.

The planning proposal is consistent with this SEPP as a large portion of the existing vegetation on the site will be zoned RE1 Public Recreation and acquired by Council.

In addition, bushland will be further protected through the existing Terrestrial Biodiversity clause and proposed mapping; an Offset Strategy; and a Vegetation Management Plan as detailed in the draft DCP.

State Environmental Planning Policy No 44 – Koala Habitat Protection

This State Policy applies to the Campbelltown LGA, therefore the planning proposal has addressed this policy.

The Flora, Fauna and Aquatic Assessment Report (**Attachment P**) notes that the total number of koala feed trees within the site exceed the 15% threshold under the SEPP 44 definition. Therefore, the site contains 'potential koala habitat'. Furthermore, the report notes that koalas have not been sighted on the land but have been sighted within the vicinity of the site.

The provisions under the SEPP require that an Individual Koala Plan of Management would be required for the site if core Koala habitat is identified on the land through any future site specific studies associated with a development application. This individual KPOM would include recommendations for appropriate development controls for koala protection which would be enforced via a condition of any development consent granted on the site.

In addition to the requirements of the SEPP, the majority of the high-quality vegetation onsite, including potential Koala habitat, will be retained within the riparian corridors or open space land, which Council proposes to zone as either recreation or rural landscape areas.

All vegetation that may be considered as potential koala habitat is mapped as Terrestrial Biodiversity which provides additional environmental protection under the Campbelltown Local Environmental Plan by applying additional environmental heads of consideration for any development application on the site. These provisions aim not only to protect native flora and fauna but also to protect ecological processes and maximise connectivity of habitat.

In addition a Site Specific Development Control Plan and Biodiversity Offsetting Strategy was prepared to ensure that remnant vegetation is a key consideration for any future development proposal as well as ensuring appropriate management and offset strategies are in place before development consent is granted.

This will ensure any potential fauna corridors and movements can continue through the site within the riparian corridors and connect to the vegetation along the Nepean River to the west and south of the site.

Further work has been undertaken by the Land Release Team to identify biodiversity corridors across the Greater Macarthur area with the intention of including this work in the Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan. It is noted that the identified biodiversity corridors are to the west of the site along the Nepean River and to the south-east along Menangle Creek.

State Environmental Planning Policy No 55 – Remediation of Land

This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The Land Capability Assessment in the LES (**Attachment P**) noted that there is no evidence of significant widespread or diffuse contamination across the site. However, there are some localised areas of contamination related to past activities such as uncontrolled tipping and filling, chemical storage and disposal, pesticide use, and disposal of material containing asbestos.

In particular, the old fireworks factory site (at Lot 59 in DP 10718) has been found to contain asbestos cement sheet fragments from the demolition of the associated buildings and waste products buried at the site that were associated with the manufacture of fireworks. Currently, the old fireworks factory site is being remediated in accordance with the requirements of SEPP 55.

The assessment concludes that the site would be suitable for use of residential development, open space, commercial or industrial development, subject to the remediation of the old fireworks factory site. Council is satisfied that the land will be remediated prior any development proceeding.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)

Sydney Regional Environmental Plan No 20 (SREP) applies to the planning proposal as the site is adjacent to the Nepean River and contains tributaries of the river system.

The planning proposal is consistent with the SREP as measures are proposed to protect the Nepean River and the tributaries by zoning this land as RE1 Public Recreation and the Stormwater Management and Flood Studies (**Attachment P**) recommends a series of water quality control measures to ensure stormwater runoff quality and quality meets Council's requirements and protects the Hawkesbury Nepean system.

The Campbelltown DCP 2015 requires a stormwater drainage concept plan to be submitted with all development applications.