

**Menangle Park Urban Release Area (Amendment 25) to Draft Campbelltown (Urban Area)
Local Environmental Plan 2002**

Proposal Title :	Menangle Park Urban Release Area (Amendment 25) to Draft Campbelltown (Urban Area) Local Environmental Plan 2002		
Proposal Summary :	To rezone land within the Menangle Park Urban Release Area to enable it to be developed for urban purposes in a sustainable manner by providing for approximately 3,400 residential allotments of various sizes, a small commercial centre, employment land, community and recreation facilities, passive and active open space including the protection of significant areas of riparian land (containing high quality vegetation) and items of both indigenous and non-indigenous heritage. The Menangle Park Urban Release Area is located approximately 5.5 km south west of the Campbelltown CBD, on non-urban land with an existing population of 250 residents (2006 Census). The Menangle Park Urban Release Area is shown on pages 1-4 of the attachment to the planning proposal – Location, Zoning and Nett Community Benefit.		
PP Number :	PP_2012_CAMPB_001_00	Dop File No :	11/02806-1

Proposal Details

Date Planning Proposal Received :	23-Dec-2011	LGA covered :	Campbelltown
Region :	Sydney Region West	RPA :	Campbelltown City Council
State Electorate :	CAMPBELLTOWN	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Various		
Suburb :	Menangle Park	City :	Sydney
		Postcode :	2563
Land Parcel :			

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	Other
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :	4.18.	Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	3,400	No. of Dwellings (where relevant) :	3,400
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government **Yes**
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

Have there been **No**
meetings or
communications with
registered lobbyists? :
If Yes, comment :

Supporting notes

Internal Supporting
Notes : **Council have requested that, as the proposal includes detailed planning and zoning information, this material not be made available to the public until actual exhibition of the plan. Given the scale of the proposal; it's potential to generate community interest; the uncertainty regarding support infrastructure; and the high possibility that some aspects of the proposal may change following agency consultation; it is considered advisable to accede to Council's request.**

The planning proposal will allow the ordered release of primarily residential land, along with supporting/complimentary uses (shops, employment, recreation facilities), whilst ensuring the provision of adequate support infrastructure and the preservation of

environmentally and historically sensitive areas.

The proposal is included in the Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy as contributing to the housing targets for the South West Region. As noted by the Department's Metropolitan and Regional Strategies Team the proposal accords with the Department's strategic goals. The proposal has been listed on the MDP for a very long time on the understanding it would be released as soon as impediments to rezoning have been resolved.

As advised by the Department's Director Development and Demographic Analysis: "The objective re any area put on the MDP is that it get rezoned as soon as practical after being included - the basis of land getting on the program was that the area was capable of development and all necessary infrastructure could be provided in a reasonable time and at a cost that ensured development was feasible. For this site things changed after it was included on the Program." – See full Copy of internal advice attached.

It is recognised that delivering land from Menangle Park is on the Landcom schedule to meet the Government's target of 10,000 lots being made available for sale over four years

Previous impediments and a brief background are outlined below:

- On 17 December 2002 Council resolved to prepare a draft local environmental plan (LEP) and a draft local environmental study (LES) for land at Menangle Park to enable it to be developed for urban purposes. Council advised the Department of its resolution and also identified the broad range of issues that were to be addressed in the LES.
- Planning for the Menangle Park Urban Release Area (MPURA) was put on hold in 2004 pending a decision by the State Government regarding the coal resource beneath the site.
- Due to the lapse of time, in 2007 Council sought advice from the Department on whether any additional matters needed to be included. The Department advised that the following matters should be addressed in the LES:
 - The recommendations of the Working Group set up to investigate potential conflicts between urban development and coal mining in the Menangle Park area, as described in the Department's letter to Council of 4 May 2006.
 - A structure plan for the release area including staging of development, taking into consideration any need for access to coal resources.
 - Provision of infrastructure and appropriate funding mechanisms for that provision.
 - The issues raised in the Department's letter to Council of 15 January 2003, viz:
 - o Transport and access to and from the Macarthur and Campbelltown centres;
 - o The impact of development of the study area on the development of land to the east of Menangle Park, and between the study area and the urban areas of Campbelltown; and
 - o Links to Camden and the new urban growth west of the site.
- Incorporation of the environmental study work undertaken for the Glenlee Industrial Precinct, as set out in the Department's letter to Council of 27 January 2007. NB – due to the number of outstanding issues with regard to the proposed rezoning of land within the Glenlee Industrial Precinct (which is located within both the Campbelltown and Camden local government areas and adjoins the MPURA) Council has excluded this area from the rezoning process of the MPURA.

Subsequently a further draft LES was prepared in 2010 based on the findings of the 18 technical studies, most of which were updated versions of the original studies.

The majority of critical impediments to urban development have been resolved:

- Potential Coal Mining - In May 2006 the Department advised Council that the "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".

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- **Impact** - The majority of impacts on surrounding areas and the natural environment have been resolved as described in the revised LES 2010 (see attachment) and these recommendations appear to be incorporated in the proposed zoning plan.
- **Infrastructure**, particularly road links – Council's letter indicates that despite continued requests and discussions, a definitive decision on the Spring Farm Parkway has not been issued. The RTA's letter to Council, dated 10 September 2010 (copy attached) indicates further detailed planning (TMAP development etc) and meetings regarding timing, staging and arrangements for works-in-kind are required. However, advice by the Department's Infrastructure Team indicates that they have no objection to the proposal, as "From an infrastructure perspective costs are comparable with the South West Growth Centre" and they are already "developing methods to finance the required infrastructure to support the development (funding is available through levies).

As these matters are now resolved, it appears the proposal can proceed, subject to the appropriate conditions.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment :

The planning proposal lists a number of objectives as follows:

- (a) to establish the Menangle Park Urban Release Area;
- (b) to rezone land within the Menangle Park Urban Release Area to enable it to be developed for urban purposes in a sustainable manner by providing for approximately 3,400 residential allotments of various sizes, a small commercial centre, employment land, community and recreation facilities, passive and active open space including protection of significant areas of riparian land (containing high quality vegetation) and items of both indigenous and non indigenous heritage;
- (c) to provide for the integration of development within the Menangle Park Urban Release Area with the existing urban pattern;
- (d) to identify, protect and manage environmentally sensitive areas within the Menangle Park Urban Release Area including waterways and riparian corridors, biological linkages, remnant native vegetation and associated buffers; and
- (e) to establish guiding principles for development within the Menangle Park Urban Release Area to facilitate the timely provision of physical and social infrastructure, the orderly phasing of the development of land, the protection of items of environmental and cultural heritage and the management of stormwater.

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

Is an explanation of provisions provided? **Yes**

Comment :

An Explanation of provisions is provided on pages 1-2 of Council's Planning Proposal. Campbelltown has not completed its Principal LEP and is governed by a number of EPI's. The proposal will extend the provisions of the adjoining Campbelltown (Urban Area) LEP 2002 to the land and remove the application of IDO 8 and LEP 8. It will propose a new zoning map, lot size map, height of buildings map, and propose the listing of heritage items, as seen in the attached Location and Zoning maps. Finally, it proposes the amendment of Campbelltown (Urban Area) LEP 2002 (Schedule 2) Additional Development, to permit development for a service station, retail plant nursery and landscape supply establishment, with development consent on Lots 7, 8 and 9 DP 791365, Menangle Road.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.2 Sydney Drinking Water Catchments**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

- SEPP No 1—Development Standards**
- SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development**
- SEPP No 6—Number of Storeys in a Building**
- SEPP No 15—Rural Landsharing Communities**
- SEPP No 19—Bushland in Urban Areas**
- SEPP No 22—Shops and Commercial Premises**
- SEPP No 44—Koala Habitat Protection**
- SEPP No 55—Remediation of Land**
- SEPP (Infrastructure) 2007**
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

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

It is considered that the planning proposal is either consistent or justifiably inconsistent with all applicable s117 directions with the exception of Direction 6.3 Site Specific Provisions, which is not supported:

1.1 Business and Industrial Zones

A small town centre is proposed to service the future population of this planning proposal. It is also proposed to zone approximately 30 hectares of land for employment purposes, which is part of the Glenlee Precinct land acknowledged in the draft South West Subregional Strategy of the Metropolitan Plan for Sydney 2036 for employment generation. Whilst the proposal fulfills the intent of this Direction, as a new employment area is proposed, the Director-General's, or his delegate's, agreement to the inconsistency is required.

1.2 Rural Zones

It is considered that the planning proposal is justifiably inconsistent with this direction as the subject land is recognised in the draft South West Subregional Strategy of the Metropolitan Plan for Sydney 2036 as a future urban release area, and has been included in the Metropolitan Development Plan as a site for future housing for many years. The Director-General's, or his delegate's, agreement to the inconsistency is required.

1.3 Mining, Petroleum Production and Extractive Industries

The subject site is underlain with significant coal resources. However, correspondence was received from the Department of Planning (dated 4 May 2006) which advised 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". Further, Council have consulted with the Department of Industry and Investment, who have requested further studies to ensure coal resources are not sterilized. It is considered that the Department's previous consideration and advice still stands, and this matter is resolved.

1.5 Rural Lands and 2.1 Environment Protection Zones

The proposal will alter the boundaries of rural and environment protection zones. A small portion of the subject site (within the north eastern section either side of the F5 freeway) is currently zoned Environmental Protection (Scenic) under the provisions of Campbelltown LEP District 8 (Central Hills Lands). The bulk of the area on the western side of the F5 has already been developed by Transgrid for the purposes of an electricity substation. The area to the east of the F5 is proposed to be rezoned to provide for large residential allotments. However, this area is significantly constrained by a number of existing easements for services, eg electricity, which will impact on the development potential of this area. Also there are significant views to the north east in this eastern section from Glenlee Road towards Heritage Park in Glen Alpine which are proposed to be retained.

It is considered that the planning proposal is justifiably inconsistent with this direction as the proposed urban development is part included on the MDP and as the area proposed to be rezoned from environment protection is approximately 45 hectares and has already been compromised by the development of the electricity substation (9.7 hectares). The Director-General's, or his delegate's, agreement is required.

3.1 Residential Zones

The planning proposal includes a variety of housing choices from large rural allotments to smaller residential allotments and provision for apartment living within the town centre. The proposal should be conditioned to ensure the provision of satisfactory infrastructure.

3.4 Integrated Land Use and Transport

Menangle Park is serviced by existing bus services which are able to be augmented as required. The planning proposal also provides for a network of cycle paths and pedestrian walkways throughout the subject site.

4.2 Mine Subsidence and Unstable Land

The subject land falls within the South Campbelltown Mine Subsidence District. However as noted above in 1.3 Mining, Petroleum Production and Extractive Industries, the Department of Planning advised in 2006 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".

4.3 Flood Prone Land

A significant proportion of the subject land is flood prone, However the planning proposal aims to ensure that any residential, business, industrial or special purpose land use is constructed above the 1:100 year flood line.

4.4 Planning for Bushfire Protection

The NSW Rural Fire Service has been consulted and the provisions of Planning for Bushfire Protection 2006 have been taken into consideration in the planning proposal.

5.2 Sydney Drinking Water catchments

The LES addresses water quality. Further consultation with the Sydney Catchment Authority will be required.

6.2 Reserving Land for Public Purposes

It is proposed to include provisions within the planning proposal to provide for the development of the proposed Spring Farm Parkway (SFP), which is a vital link from the Camden bypass to the F5 freeway and Menangle Road. This proposed road includes north facing ramps onto the F5 freeway with the option of south facing ramps at a later date. Council have indicated that it considers the construction of the eastern portion of the SFP crucial in providing for adequate vehicular access to and from the Menangle Park Urban Release Area. The entire SFP will provide a regional link for traffic from western Sydney, the southern part of the South West Growth Centre and Camden to the F5 freeway, thus relieving pressure on other road links particularly Narellan Road. This matter can be further finalised via appropriate consultation of the Department's Infrastructure Team with Council and the RTA. The importance of the SFP is acknowledged as necessary in supporting the proposal.

It is also proposed to address a minor zoning anomaly whereby Lot 1 DP 877582 Menangle Road (area approx 1ha) is in private ownership but is currently zoned 5(a) Special Uses Railway under the provisions of IDO No 15 – City of Campbelltown. Council has consulted with the relevant rail authority (NSW Transport Railcorp) with regard to this matter, who has advised that Railcorp originally owned the subject land but sold it in 1992 and therefore raised no objection to the proposed rezoning.

It is considered that the planning proposal is justifiably inconsistent with this direction, the Director-General's, or his delegate's, agreement is required.

6.3 Site Specific Provisions

It is proposed to include a provision in the planning proposal to permit the development of a service station on rural land (Lots 7, 8 and 9 DP 791365 Menangle Road) adjacent to the F5 freeway. Service stations are a permitted land use only within industrial and business zones under Campbelltown (Urban Area) Local Environmental Plan 2002, but as the subject site is very visible from the F5 freeway, and this area is the entry to Sydney as well as Campbelltown from traffic travelling from the south, Council considers that industrial and general business land uses are not generally appropriate in this location. It is considered that this specific provision is not justifiably inconsistent and Council should be asked to provide an alternative solution in consultation with the regional team.

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

If No, explain :

It is considered that the s117 Direction 6.3 Site Specific Provision is not justifiably inconsistent and Council should be asked to provide an alternative solution in consultation with the regional team.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

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Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council Propose a 28 day exhibition.**

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **April 2012**

Comments in relation to Principal LEP : **The proposal will be incorporated into the Principal LEP.**

Assessment Criteria

Need for planning proposal : **The planning proposal is an essential component in the provision of housing in the south west region. It represents a strategically logical development of the urban area and forms a part of the Government's long term plan for Sydney.**

Consistency with strategic planning framework : **The Planning Proposal is generally consistent with the strategic planning framework, including the Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy. It is also listed on the MDP as contributing to strategic residential targets.**

Environmental social economic impacts : **The potential environmental and social impacts have been addressed in Council's proposal, which is supported by an extensive LES and technical studies.**

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Sydney Metropolitan Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries - Minerals and Petroleum
Integral Energy
Landcom
Mine Subsidence Board
Fire and Rescue NSW
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Authority
Sydney Water
Telstra
Adjoining LGAs**

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Is Public Hearing by the PAC required? **No**

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

**Metropolitan and Regional Strategy
Residential Land Release (MDP)**

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

If Yes, reasons : **The RTA's letter to Council, dated 10 September 2010 (copy attached) indicated further detailed planning (TMAP development etc) and meetings regarding timing, staging and arrangements for works-in-kind are required. However advice by the Department's Infrastructure Team indicates that they have no objection to the proposal, as "From an infrastructure perspective costs are comparable with the South West Growth Centre" and they are already "developing methods to finance the required infrastructure to support the development (funding is available through levies).**

Accordingly the provision of adequate infrastructure should be resolved via consultation of our infrastructure team with the RTA and Council.

Documents

Document File Name	DocumentType Name	Is Public
Cover_letter.pdf	Proposal Covering Letter	No
Planning_Proposal.pdf	Proposal	No
PP_Attachments_1_to_6_Location_Zoning_Nett_Comm Benefit.pdf	Map	No
Internal_Consultations_Metro_Infrastructure_MDP.pdf	LEP Approval	No
Final_LES_08_09_11.pdf	Study	No
RTA_comments.pdf	Study	No
Acoustic_Assessmen_Report.pdf	Study	No
Air_Quality_Review_Report.pdf	Study	No
Bush_Fire_Hazard_Assessment_Report.pdf	Study	No
Employment_Lands_Retail_Study_for_Landcom.pdf	Study	No
Flooding_and_Stormwater_Quantity_Management.pdf	Study	No
Flora_Fauna_Assessment_Report.pdf	Study	No
GHD_Review_of_Drainage_Options_November_2011.pdf	Study	No
Indigenous_Heritage_Assessment_Report.pdf	Study	No
Infrastructure_Servicing_Report.pdf	Study	No
Land_Capability_Report.pdf	Study	No
Mineral_Resources_Report.pdf	Study	No
Non_indigenous_Heritage_Report.pdf	Study	No
Pimelea_Spicata_Survey_Report.pdf	Study	No
Socia_Assessment_Report.pdf	Study	No
TMAP_Report.pdf	Study	No
Updat_Letter_Land_Capability_Report.pdf	Study	No
Vegetation_Offset_Strategy_Report.pdf	Study	No
Visual_Assessment_Report.pdf	Study	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
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- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

The planning proposal should proceed subject to the following conditions:

1. Approval by the Director General's delegate in relation to S.117 Directions 1.1 Business and Industrial Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands and 2.1 Environment Protection Zones, 4.2 Mine Subsidence and Unstable Land and 6.2 Reserving Land for Public Purposes

2. Council's proposed site specific provision to permit the development of a service station on rural land (Lots 7, 8 and 9 DP 791365 Menangle Road) is not justifiably inconsistent and Council should be asked to provide an alternative solution in consultation with the regional team.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act:

- Sydney Metropolitan Catchment Management Authority
- Office of Environment and Heritage
- NSW Department of Primary Industries - Minerals and Petroleum
- Integral Energy
- Landcom
- Mine Subsidence Board
- Fire and Rescue NSW
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Authority
- Sydney Water
- Telstra
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5. The provision of adequate infrastructure should be resolved via consultation of our infrastructure team with the RTA and Council prior to exhibition.

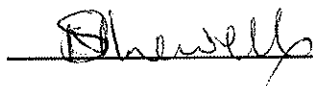
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The Planning Proposal should proceed as it is included in the Metropolitan Plan for Sydney 2036 and the Draft South West Subregional Strategy as contributing to the housing targets for the South West Region. As noted by the Department's Metropolitan and Regional Strategies Team – it accords with the Department's strategic goals. The proposal has been listed on the MDP for a very long time on the understanding it would be released as soon as impediments to rezoning have been resolved.

Given the preparation of a detailed LES, supported by background studies, and external and internal consultation, it appears the impediments to rezoning have been resolved, and the matter can proceed.

Signature:



Printed Name:

Sandy Shewell

Date:

16.1.12