

## Greater Sydney, Place and Infrastructure

IRF20/1695

### Gateway determination report

<b>LGA</b>	Campbelltown
<b>PPA</b>	Campbelltown City Council
<b>NAME</b>	Menangle Park – various amendments (4,000 dwellings)
<b>NUMBER</b>	PP 2020 CAMPB 003 00
<b>LEP TO BE AMENDED</b>	Campbelltown LEP 2015
<b>ADDRESS</b>	Menangle Park
<b>DESCRIPTION</b>	various
<b>RECEIVED</b>	9 April 2020
<b>FILE NO.</b>	IRF20/1695
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The proposal (**Attachment A**) seeks to amend the zoning and planning controls across the Menangle Park Urban Release Area (MPURA) (excluding the existing Menangle Park Village) to increase residential density and diversity, to enable the expansion of the town centre, to increase the provision of open space and to protect environmentally sensitive areas.

The proposal seeks to deliver approximately 4,000 dwellings. It is understood that the current planning controls applying to the site provides for 3,000 dwellings.

### 1.2 Site description

The subject site is located within the MPURA and is outlined in red in Figure 1 overleaf. The site excludes the existing Menangle Park Village which is under separate and fragmented ownership (refer to Figure 1). The site is approximately 507 hectares and comprises 42 allotments of varying sizes.

A table listing the legal description and street address of the 42 allotments is at **Attachment D**.

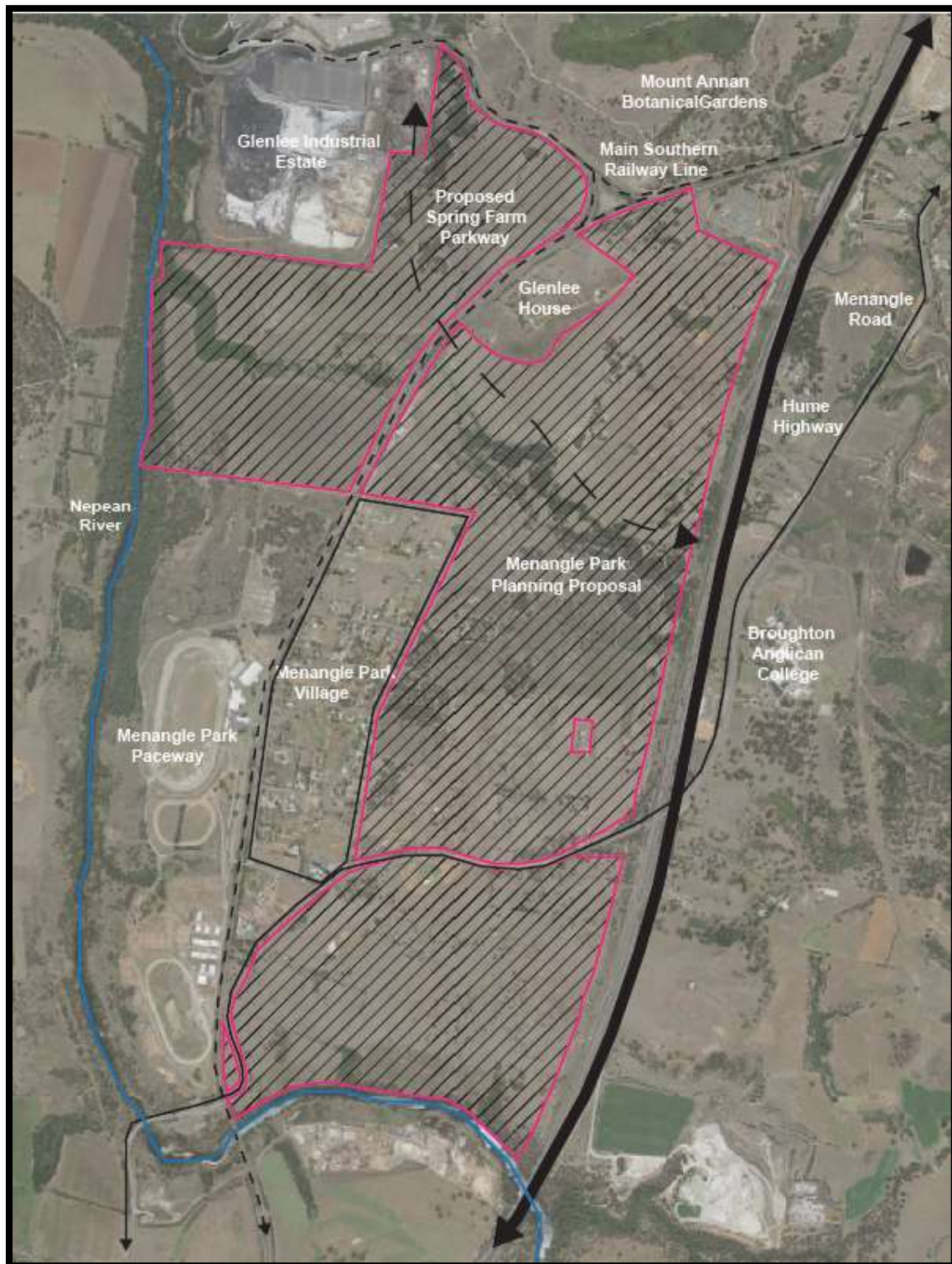


Figure 1: Menangle Park Proposal outlined in pink.

The subject site is predominately cleared grazing land, with pockets of vegetation and scattered dwellings. The site includes two producing gas wells located in the eastern half of the site.

### 1.3 Existing planning controls

Table 1 and Figure 2 overleaf shows the current zoning and planning provisions that apply across the subject site.

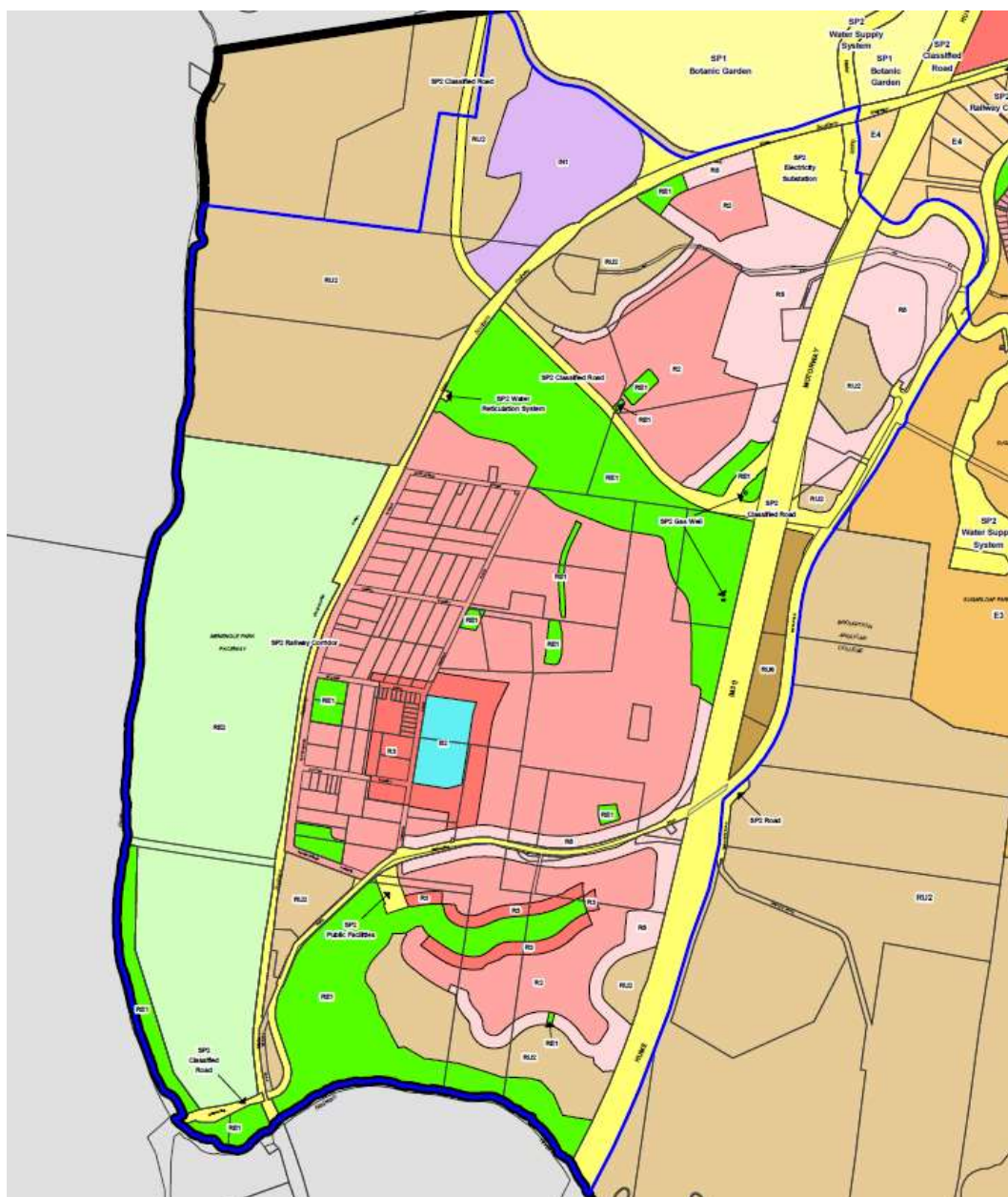


Figure 2: Current Land use zoning map.

Table 1: Existing planning provisions

Zoning	Minimum Lot Size	Maximum Building Height	Floor Space Ratio (FSR)	Land Reserved for Acquisition
IN1 General Industrial	No provision	12m	No provision	N/A
SP2 Infrastructure	No provision	No provision	No provision	<ul style="list-style-type: none"> <li>Classified Road; and</li> <li>Local Open Space (RE1)</li> </ul>
RU2 Rural Landscape	40 ha 30,000m <sup>2</sup> 10,000m <sup>2</sup>	8.5m	No provision	N/A



Zoning	Minimum Lot Size	Maximum Building Height	Floor Space Ratio (FSR)	Land Reserved for Acquisition
R5 Large Lot Residential	2,000m <sup>2</sup> 950m <sup>2</sup>	8.5m	No provision	N/A
R2 Low Density Residential	420m <sup>2</sup>	8.5m	0.55:1	N/A
R3 Medium Density Residential	300m <sup>2</sup>	8.5m	0.75:1	N/A
B2 Local Centre	No provision	15m	No provision	N/A
RE1 Public Recreation	No provision	No provision	No provision	N/A

#### 1.4 Surrounding area

The subject site is located within the Campbelltown Local Government Area (LGA), in the MPPUA within the Greater Macarthur Growth Area. Menangle Park is located approximately 5.5km south-west of the Campbelltown Central Business District (CBD) (refer to Figure 3).

The site is bound by the Hume Highway to the east and the Nepean River to the south and west. The Glenlee Industrial Precinct and the Mt Annan Botanical Gardens are located to the north and Broughton Anglican College is located to west of the Hume Highway. Howes Creek dissects the site in east-west direction (refer to Figure 1).

The site does not contain any items of State or Local heritage significance; however, the following heritage items adjoin the subject site:

- State item I00009 'Glenlee House and outbuildings, garden and gate lodge'
- Local item I82 'Riverview';
- Local item 183 'Menangle House and outbuildings';
- Local item I84 'The Pines'; and
- Local item I87 'Menangle Park Paceway'.

The Main Southern Railway line dissects the site in a north-south direction. The Spring Farm Parkway is proposed to be constructed along the northern end of Howes Creek, providing an east-west connection between Camden and the Hume Highway. The site is identified as being in a mine subsidence district.

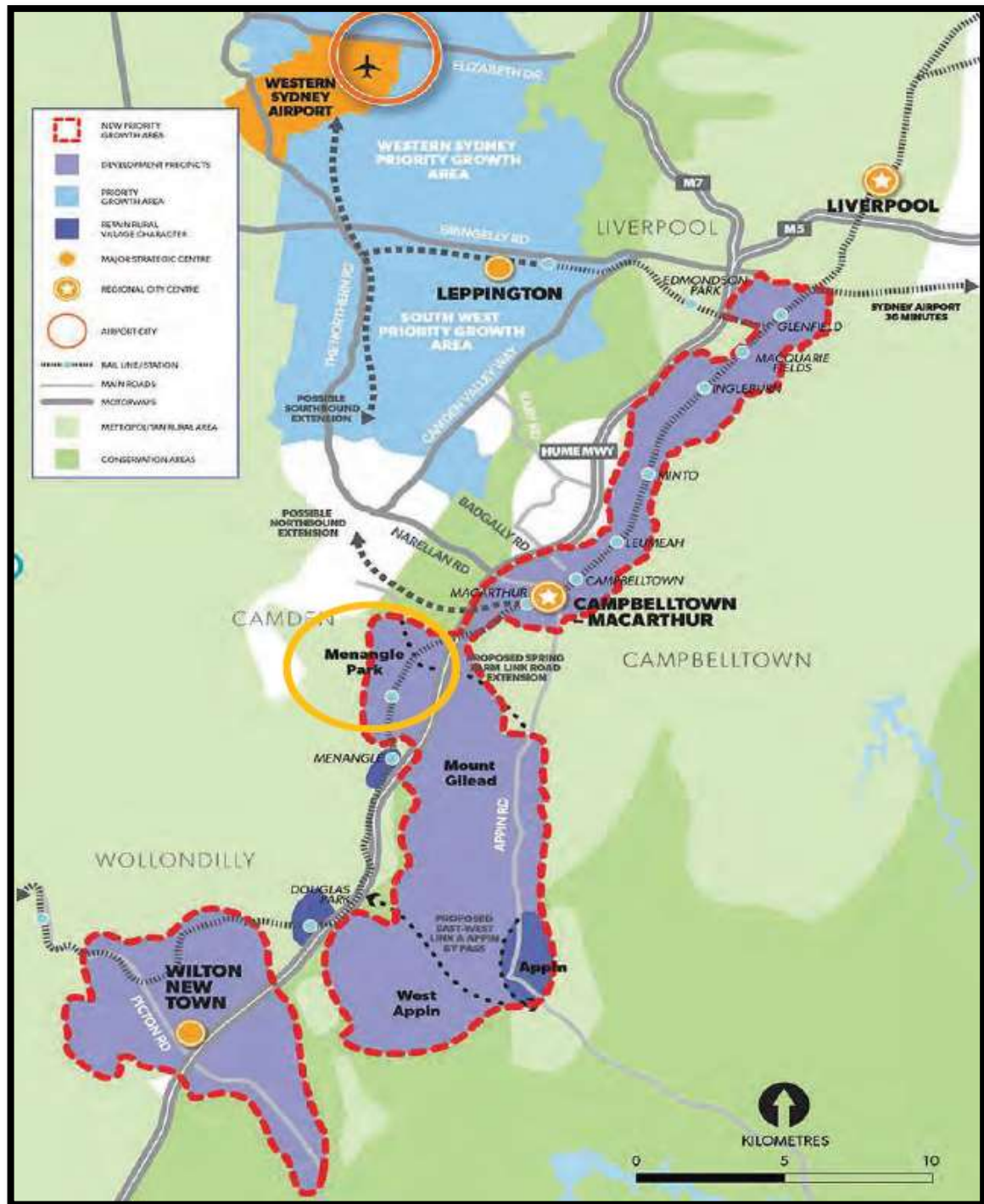


Figure 3: Greater Macarthur and surrounding areas map

### 1.5 Summary of recommendation

The proposal is recommended to proceed with conditions as the proposal has demonstrated it has strategic merit, is generally consistent with the relevant section 9.1 Ministerial Directions and State Environmental Planning Policies and will increase residential density and diversity, supported by commercial and community facilities and improved open space outcomes.

## 2. PROPOSAL

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### 2.1 Objectives or intended outcomes

The objectives of the proposal are to:

- provide an additional 1,000 dwellings, through a mix of residential densities, lot sizes and dwelling types;
- relocate the town centre and the introduction of two new neighbourhood centres (one in the north of the town centre and one in the south) and a two-hectare primary school;
- revise the road and street network to improve permeability throughout the site, including a new north-south green active transport link;
- increase protection and conservation of environmentally sensitive areas; and
- increase open space.

### 2.2 Explanation of provisions

The proposal seeks to amend the land zoning, and principle development standards relating to minimum lot size, maximum building height, floor space ratio (FSR), land acquisition and subdivision requirements for certain forms of development.

The proposal seeks to amend the Campbelltown LEP 2015 as follows:

- Introduce the following zones (Figure 4):
  - R4 High Density Residential (7ha);
  - E4 Environmental Living (21ha);
  - E2 Environmental Conservation (3ha); and
  - B1 Neighbourhood Centre (3ha).
- Reduce the amount of (Figure 4):
  - RU2 Rural Landscape from 132ha to 108ha (reduction of 24ha);
  - R2 Low Density Residential from 162ha to 119ha (reduction of 43ha);
  - R5 Large Lot Residential from 52ha to 30ha (reduction of 22ha); and
  - B2 Local Centre from 6ha to 4ha (reduction of 2ha).
- Increase the amount of (Figure 4):
  - RE1 Public Recreation from 99ha to 107ha (increase of 8ha);
  - R3 Medium Density from 15ha to 61ha (increase of 46ha); and
  - SP2 Infrastructure from 11ha to 14ha (increase of 3ha).
- Remove the 300m<sup>2</sup> minimum lot size control for the R3 zone.
- Amend the existing minimum lot size control for the R5 from 2,000m<sup>2</sup> and 950m<sup>2</sup> (depending on location) to 750m<sup>2</sup>.
- Introducing a minimum lot size for the E4 zone of 4,000m<sup>2</sup>
- Increase the maximum height of building applying to:
  - R2 from 8.5m to 9m;
  - R3 from 8.5m to 12m; and
  - B2 from 15m to 24m.

- Introducing maximum height of building controls for:
  - R4 to 12m, 18m and 24m;
  - B1 to 15m; and
  - B4 to 8.5m.
- Remove the FSR controls of 0.55:1 and 0.75:1 applying to R2 and R3.
- Further to the above, the proposal is seeking the following minimum lot size controls to apply to:
  - The R2 zone to permit 150 lots no less than 375m<sup>2</sup>, subject to the following criteria:
    - each lot has a minimum lot size of not less than 375m<sup>2</sup>;
    - each lot has a minimum primary road frontage of 11.5m;
    - each lot is not a corner allotment;
    - no more than 150 lots have a lot size of less than 420m<sup>2</sup> within a defined area of R2 zoned land;
    - no more than 3 contiguous lots sharing a street frontage having a lot size of less than 420m<sup>2</sup>; and
    - each lot is not located more than 200m from a bus stop or open space area.
  - The R3 zone to permit a variety of low-rise dwelling types with the following minimum lot sizes:
    - dwelling house: 250m<sup>2</sup>;
    - semi-detached dwellings: 250m<sup>2</sup>;
    - dual occupancy: 500m<sup>2</sup>;
    - secondary dwellings: 450m<sup>2</sup>;
    - attached dwellings: 200m<sup>2</sup>; and
    - multi dwelling housing: 1500m<sup>2</sup>.

### **Department comment**

The proposal will result in approximately 1000 additional dwellings on land under the control of Dahua, lifting the density to approximately 18 dwellings per hectare. Council advised that this density would be less than many nearby growth area precincts that have a gross residential density above 20 dwellings per hectare.

Campbelltown City Council (Council) has requested the Department determine an appropriate FSR for land proposed to be zoned B1 Neighbourhood Centre and B2 Local Centre. However, it is considered appropriate that Council propose an FSR controls, in consideration of the economic study prepared in May 2018 (**Attachment I**) to support the rezoning of the site. The Gateway determination has been conditioned to address this.

The planning proposal should also compare the existing and proposed total areas for each zone in a table and illustrate this on a map.



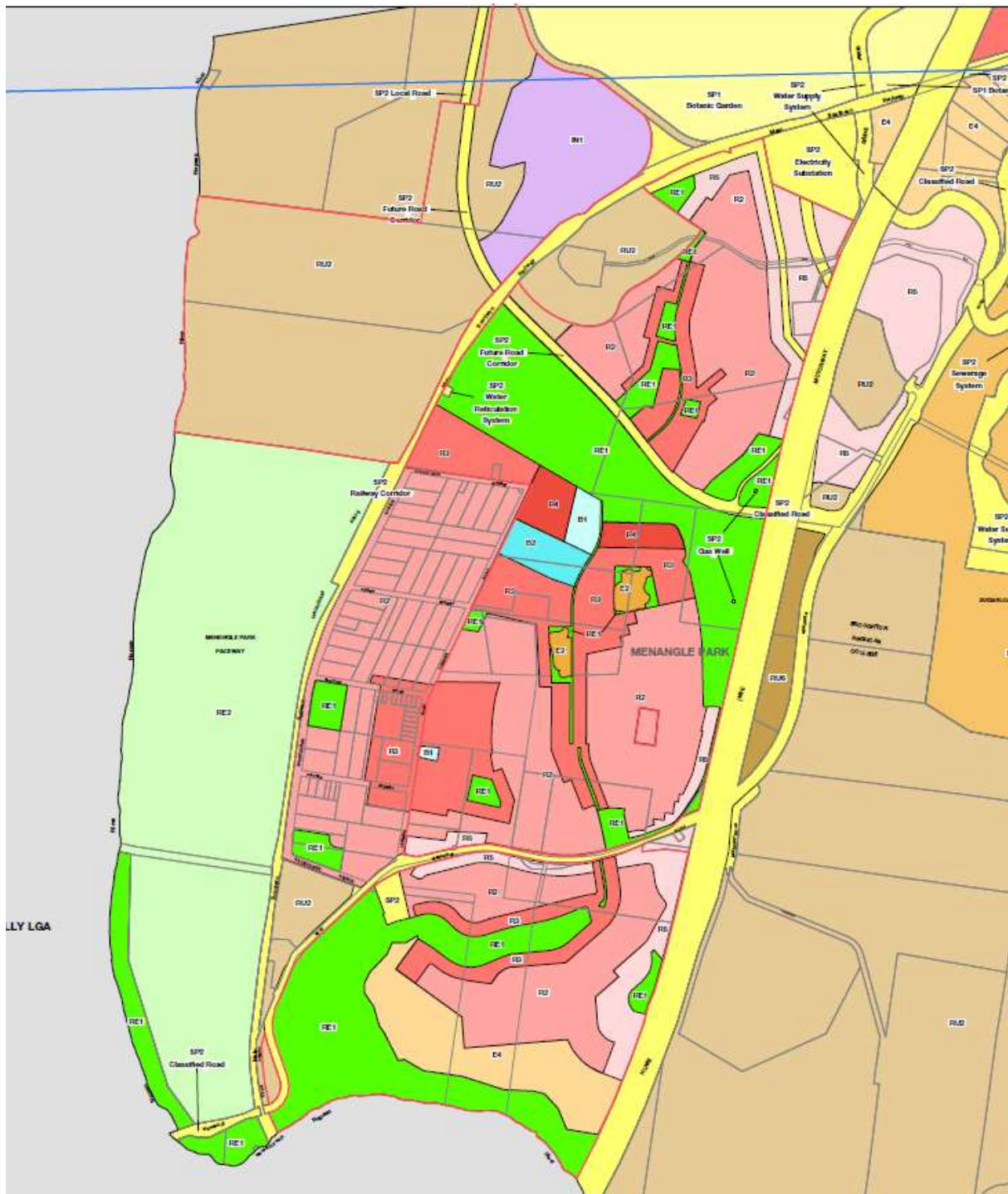


Figure 4: Proposed land use zoning map

### Development Control Plan

The Council Report (**Attachment E**) notes that Campbelltown (Sustainable City) Development Control Plan (DCP) 2015 will require amendments to the Structure Plan (Figure 5) and Character Area controls for the site. This work will be conducted by Council following the receipt of the Gateway determination. It is noted that the proposed amendments would not compromise established planning for the existing Village area.



## Department comment

The Department recommends that the amended DCP is concurrently exhibited with the planning proposal.



## Infrastructure Contributions

### *State Contributions*

There are two executed State Voluntary Planning Agreements (VPAs) for the site between the Department and Dahua for a maximum of 4,525 dwellings as follows:

- 'Landcom & Dahua 2' VPA is capped at 3,600 dwellings; and
- 'Landcom & Dahua 3' VPA is capped at 925 dwellings.

The proposal will enable an additional 1000 dwellings to the site therefore the MPURA will be zoned for up to 4,000 dwellings. Should the existing cap be exceeded then further satisfactory arrangements will need to be made for the additional yield. The letter to Council accompanying the Gateway determination raises this matter and requests Council provide an anticipated yield map with the VPA boundaries overlaid.

### *Local Contributions*

The Menangle Park Contributions Plan became effective on 24 April 2018 and the Independent Pricing and Regulatory Tribunal (IPART) assessment of the plan concluded on 18 December 2018. IPART recommended an increase to the total costs within the plan due to the following:

- The cost of additional land for transport and stormwater management works, which were not originally included in the plan;
- Adopted updated (June 2018) land value estimates because the land values have risen significantly above forecasted land values since the plan was prepared in 2016; and
- Be consistent with changing the base period for land costs in the plan from September 2016 to June 2018.

Council note (**Attachment E**) that the planning proposal will require amendments to the adopted Contributions Plan and further revision by IPART. In lieu of this process, Dahua has offered to enter into a local VPA with Council for the provision of all required infrastructure within their land holdings and to make a contribution towards relevant external infrastructure.

### **Department comment**

The Department recommends that the local VPA is concurrently exhibited with the planning proposal.

### **2.3 Mapping**

The proposal seeks to amend the following maps:

- Land Zoning;
- Minimum Lot Size;
- Height of Buildings;
- Floor Space Ratio; and
- Land Reservation Acquisition Map.

A table showing the existing and proposed provisions is at **Attachment F**. Refer to Figures 2 and 4 for the existing and proposed land use zone maps.

### **Department comment**

The maps should clearly identify the site. The Gateway determination has been conditioned to require Council to ensure the maps reflect the recently rezoned Glenlee Precinct (the current mapping provided in the planning proposal shows earlier RU2 zoning).

### 3. NEED FOR THE PLANNING PROPOSAL

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The Menangle Park Urban Release Area (MPURA) was rezoned for urban development in 2017, a detailed review of the planning framework for the Menangle Park Urban Release Area has led to revised masterplan and a planning proposal is best means for achieving the intended outcomes.

### 4. STRATEGIC ASSESSMENT

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#### 4.1 District

##### Western City District Plan

The Western City District Plan is the relevant plan applying to the subject land.

The proposal gives effect to the following planning priorities:

*Planning Priority W3 Providing services and social infrastructure to meet people's changing needs, W4 Fostering healthy, creative, culturally rich and socially connected communities and W5 Providing housing supply, choice, affordability, with access to jobs, services and public transport*

The proposal seeks to provide an increased range of dwelling types across the precinct improving the housing supply and choice on the site. The proposal also seeks to relocate and expand the town centre in the northern part of the site to include commercial and community facilities adjoining residential development and public open space, with access to the proposed Spring Farm Parkway.

A small neighbourhood centre adjoining a 2-hectare primary school and open space is proposed for the southern portion of the site to provide a lower order centre, where the activity generated by the school improves the commercial viability of the neighbourhood centre.

The co-location of services and social infrastructure seeks to achieve a socially connected community with access to jobs, services, public transport and open space and is considered consistent with the Western City District Plan.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*.

##### Greater Macarthur 2040 Interim Plan

The Greater Macarthur 2040 Interim Plan sets out a long-term vision and framework for the development of land in Greater Macarthur Growth Area.

Under the Greater Macarthur 2040 Interim Plan, the MPURA is to deliver approximately 4,000 low to medium density new homes and a town centre providing local and retail commercial services.

The planning proposal is expected to facilitate the development and delivery of approximately 1,000 additional dwellings on the subject site, through a mix of low, medium and high-density housing, and a town centre providing a mix of retail, commercial and community facilities. The proposal will result in the dwelling yield for the MPURA being increased to 5,250, as shown in Table 2 overleaf.



Table 2: Land holdings

Land holding	Dwelling Yield
Dahau holdings	4,000 as a result of this planning proposal
Existing Menangle Village	1,250
<b>Total</b>	<b>5,250</b>

The Department notes the proposal is not consistent with the Greater Macarthur 2040 Interim Plan in that high density residential was not contemplated at this location.

High density residential is usually associated with good access to public transport, and the relocation of the town centre to the north of the site moves the centre slightly further away from Menangle Park Station. However, it is noted that Menangle Park Station is on the Southern Highlands Line, with trains running intermittently between Campbelltown and Moss Vale (approximately every 30 mins in AM and PM peak).

The proposal notes that town centre has been moved to the centre of the precinct to take advantage of the site's natural attributes (adjoining green space to the north), proximity to the proposed Spring Farm Parkway (the Spring Farm Parkway will also provide an east-west connection between Camden and the Hume Highway) and public open space. The Department notes the proposed new location for the town centre is approximately 15 minutes walk from the railway station. The intent is to create a town centre with an enhanced range of dwelling opportunities, supported by commercial and community facilities, with good access to the regional road network and public open space.

In this instance development between 6 and 8 stories is supported on the grounds that the town centre will have a high level of access to services, public open space, lifestyle opportunities, and high amenity. However, the Department has concerns about higher densities being relocated further away from the railway station. This may result in acceptable outcomes if there are improved active transport links from the station to the new town centre and higher density areas. The Gateway determination has been conditioned to require Council to further investigate the location of the proposed higher densities, in relation to the station's walkable catchment, and to promote the use of active transport. The Gateway determination has also been conditioned for Council to submit a revised planning proposal to the Department for endorsement prior to exhibition.

The proposal gives effect to the Greater Macarthur 2040 Interim Plan's objectives to preserve and protect the natural environment by introducing the E2 Environmental Conservation zone to two pockets of environmentally sensitive land and by expanding land identified for public recreation. Further, the proposal will provide a greater choice of housing appealing to people of varying life stages and backgrounds.

## 4.2 Local

### Campbelltown Local Strategic Planning Statement

The Campbelltown Local Strategic Planning Statement (LSPS) provides direction for Campbelltown's social, environment, and economic land use vision for the next 20 years, through a series of priorities and actions. The proposal gives effect to the following LSPS Priorities:

- Planning Priority 1: Creating a great place to live, work, play and visit; and
- Planning Priority 10: Creating strong and vibrant centres

The proposal gives effect to this priority by relocating and co-locating commercial and community facilities adjoining residential development and open space, aiming to create a highly liveable town centre, with access to employment, facilities and services.

- **Planning Priority 2: Creating High Quality, Diverse Housing**

The proposal seeks to provide dwelling diversity by applying a number of zones, minimum lot sizes and building heights across the site to facilitate a range housing types including detached houses, townhouses and apartments, and a less suburban rural-residential living experience in the E4 Environmental Living and R5 Large Lot Residential zones.

The proposal is considered consistent with and gives effect to the Campbelltown Local Strategic Planning Statement.

#### Local Planning Panel

The Campbelltown Local Planning Panel (**Attachment G**) considered the planning proposal on 23 October 2019. The Panel resolved to support the proposal subject to the following amendments:

- The proposed R5 Large Lot Residential zoned land along the Nepean River should be amended to an E4 Environmental Living zone with a minimum lot size of 4000m<sup>2</sup>;
- Areas of critically endangered Elderslie Banksia Scrub community proposed to be rezoned RE1 Public Recreation should be zoned E2 Environmental Management;
- The Spring Farm Parkway extension and land adjoining the north facing ramps should be zoned SP2 Infrastructure and be subject to Transport for NSW (TfNSW) acquisition and ownership;
- Remove the application of Clause 4.4 (2A) (FSRs) to the MPURA;
- The proposed large B2 zone appears to be excessive to provide the requested 30,000m<sup>2</sup> of gross floor area and should be reviewed. The final B2 area should be determined following a more detailed economic modelling study and land use assessment of the zoned area and its impact on existing and proposed surrounding commercial centres; and
- That Dahua commit to enter into a local VPA with Council for the provision of infrastructure within its land holdings, including early provision of public transport.

It is noted that all of the Panel's recommendations have been addressed by Council.

#### **4.3 Section 9.1 Ministerial Directions**

The proposal is consistent with the following Section 9.1 Directions:

##### Direction 1.1 Business and Industrial Zones

This direction applies as the proposal seeks to alter the existing B2 Local Centre zone and introduce the B1 Neighbourhood Centre zone. The area of land zoned B2 Local Centre is proposed to be reduced and relocated to the town centre in the middle of the site and two areas of land zoned B1 Neighbourhood Centre are proposed to be introduced (refer to Figures 6 and 7).



Figure 6: Existing zoning as provided in the planning proposal  
(Note, the north western part of the site adjoining the Glenlee Precinct is not shown, and the map shows earlier RU2 zoning for the Glenlee Precinct)



Figure 7: Proposed zoning as provided in the planning proposal

It is noted that the land zoned B1 Neighbourhood Centre and B2 Local Centre in the town centre are adjoining. While this is unusual, the co-location of these zones is in response to comments made by the Local Planning Panel (the Panel). The Panel requested the size of the B2 Local Centre zone be determined after detailed economic modelling had been completed.

In response the B2 Local Centre zone has been reduced and the B1 Neighbourhood Centre zone has been introduced to assist in providing greater certainty regarding the permissibility of retail versus other business-related land uses.

A small neighbourhood centre is also proposed to be located in the southern portion of the site, integrated with the future primary school, to provide commercial and community opportunities and outcomes for future residents in this part of the precinct.



The proposal is inconsistent with this direction as it does not retain the existing business area and the proposed employment areas are not in accordance with a strategy approved by the Department. However, the inconsistency is considered to be justified as of minor significance as the creation of a larger centre and the retention of some commercial uses in the southern part of the precinct will encourage employment growth and support the viability of the precinct. As mentioned above, the Gateway determination has been conditioned to require Council to further investigate the distribution of higher densities in relation to the proposed town centre and railway station.

#### Direction 1.2 Rural Zones

This direction seeks to protect agricultural land and applies as the proposal seeks to alter an existing rural zone by reducing the amount of land zoned RU2 Rural Landscape within the site.

The proposal seeks to reduce RU2 Rural Landscape zoned land in the southern part of the precinct, adjoining the Nepean River, the Hume Motorway or low density residential by approximately 24 hectares (ha). This land is fragmented, unsuitable for agricultural uses and does not provide an appropriate zoning interface to conventional residential housing.

The proposal is also seeking to rezone the RU2 land to part R5 Large Lot Residential (30 ha), part E4 Environmental Living (21 ha) and part RE1 Public Recreation. The proposed E4 Environmental Living and R5 Large Lot Residential support large lot residential development and is consistent with adjoining low-density residential development. The application of the RE1 Public Recreation zone supports the scenic and environmental characteristics of the river and provides public open space to support the residential development.

It is considered that any inconsistency with this direction is of minor significance and it is noted that this land is not identified as Metropolitan Rural Land under the Western City District Plan.

#### Direction 1.3 Mining, Petroleum Production and Extractive Industries

This direction seeks to ensure the future extraction of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

This direction applies as the site comprises several mineral resources, including:

- coal deposits – there are three coal titles across the site, including A281 and A6 held by Trade & Investment and A248 held by Illawarra Coal Holdings. Mining underneath the site is unlikely to occur, however should the site be mined in the future, there are provisions to provide adequate mine subsidence compensation. Consultation with the mine operator and the relevant State agencies were conducted when the site was originally rezoned for urban purposes in November 2017 and no objections were received (**Attachment H**);
- coal bed methane - The site contains coal bed methane (natural gas) and is located within the AGL-Sydney Gas Limited Joint Venture area. The site contains two operating gas wells (MP 22 and 23), however in 2016 AGL announced gas extraction will cease operations by 2023 and the site and wells will be progressively decommissioned and rehabilitated. In addition, a 200m buffer is required from each gas well as outlined in the DCP; and

- sand and soil deposits - The northern portion of the site contains two separate sand and soil deposits known as the Western and Eastern Deposit. Extraction has only occurred in the southern extension of the Western Deposit. The remainder of the Western Deposit is flood prone land, therefore not suitable for residential development. Resources from the Eastern Deposit have not been extracted and as the area was rezoned for residential development in 2017, future extraction is unlikely.

It is noted that the above matters were adequately considered in the original rezoning of the site for urban purposes in November 2017 and the boundary of the urban land has not increased. Therefore, any inconsistency with this direction is considered to be of minor significance.

#### Direction 2.1 Environmental Protection Zones

The proposal is considered consistent with this direction as the proposal is seeking to protect environmentally sensitive areas of critically endangered Elderslie Banksia Scrub community identified on the site, by applying an E2 Environmental Conservation zone. To support the E2 zoning and to provide an additional layer of protection, these areas are identified on the existing Terrestrial Biodiversity Map and subject to clause 7.20 Terrestrial Biodiversity under the Campbelltown LEP 2015.

#### Direction 2.6 Remediation of Contaminated Land

This direction requires contamination and remediation are considered by planning proposal authorities.

The Land Capability Studies undertaken as part of the MPURA rezoning in 2017 concluded 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 (**Attachment H**). Further assessment is required to be undertaken by Council, at the development application stage.

The Department is satisfied that the contaminated land will be suitable, after remediation for all the purposes for all permitted uses in the proposed zones.

#### Direction 3.1 Residential Zones

The proposed mix of residential development zones across the precinct and around the town centre are generally consistent with the objectives of this direction to encourage housing variety and choice in proximity to infrastructure and services.

#### Direction 3.4 Integrating Land Use and Transport

This direction applies as the proposal seeks to alter land zoned for residential and business purposes. The objectives of this direction seek to ensure future development improves access to housing, jobs and services, supports public transport and active transport outcomes and reduces car dependency.

The proposal is seeking high and medium density housing around the adjoining Local Centre, Neighbourhood Centre, proposed school and open space. The location of residential uses alongside commercial uses, open space and the school, will improve access to housing, jobs and services, while promoting active transport within the precinct generally and is consistent with the objectives of this direction. The Department notes that although the proposed town centre is slightly further away from the railway station, it is still approximately within a 15 minute walk, and as discussed earlier in this report, the Department does have some concerns over the proposed relocation of the town centre further away from the railway station, and the

proposed higher densities not being located closer to the railway station. The Gateway determination has been conditioned to address this.

#### Direction 4.2 Mine Subsidence and Unstable Land

This direction applies as the subject land is identified as being within the South Campbelltown Mine Subsidence District.

Mine subsidence was considered as part of the MPURA 2017 rezoning of the site and the proposed amendments do not change the outcomes of the earlier rezoning where the Department concluded that the mine subsidence issues had been addressed.

It is noted that mining underneath the site is unlikely to occur and, should the site be mined in the future, there are provisions to provide adequate mine subsidence compensation and therefore the site is suitable for residential development.

Any inconsistency with this direction is considered to be of minor significance.

#### Direction 4.3 Flood Prone land

This direction applies as the proposal seeks to alter a zone on flood prone land. If this direction applies the proposal must include provisions that give effect to or are consistent with the Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

The Nepean River borders the site to the south and west, and a significant portion of the site is identified as flood prone (refer to Figure 8).

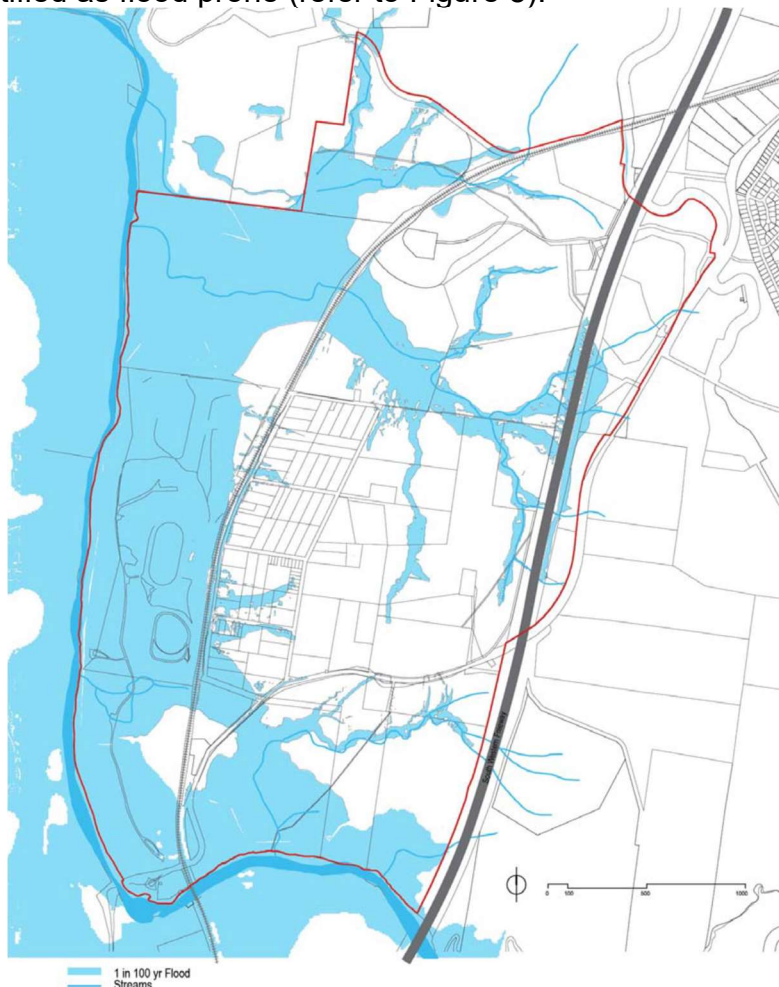


Figure 8: Flood Prone Land (1% annual exceedance probability (AEP) flood) in the LES



The planning proposal is inconsistent with this Direction as it will rezone a small portion of flood prone land from a rural zone to an urban purpose zone (i.e. residential) in the southern portion of the site which is not permitted by this Direction.

The inconsistency is considered to be justified as of minor significance 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 as outlined in Council's adopted DCP for the site.

#### Direction 4.4 Planning for Bushfire Protection

This direction applies where a planning proposal will affect or is in proximity to land mapped as bushfire prone.

The site contains bushfire prone land; consequently, the relevant planning authority must consult with the Rural Fire Service (RFS) following receipt of a Gateway determination and prior to undertaking community consultation.

Accordingly, the Gateway determination includes a condition requiring Council to consult with the RFS prior to public exhibition.

#### Direction 6.2 Reserving Land for Public Purposes

This direction applies as the proposal seeks to alter land identified for public purposes by increasing the provision of open space and reserve land for the Spring Farm Parkway. To be consistent with this direction the relevant public authority must give its approval for the acquisition.

##### *Open Space*

The provision of open space across the precinct is being increased by 8 hectares to support the increase in high and medium residential development. The additional land is proposed to be zoned RE1 Public Recreation and Council is identified as the relevant acquisition authority for RE1 zoned land under the Campbelltown LEP 2015.

##### *Future Road Corridor*

A principle of the Greater Macarthur 2040 Interim Plan requires early development in the growth area to include delivery of enabling infrastructure at no additional cost to government. As the provision of infrastructure in the growth area is not in the NSW Government's infrastructure program.

The proposal seeks to identify the acquisition of land zoned "SP2 Infrastructure (Future Road Corridor)" which is for Spring Farm Parkway Stage Two on the Land Reservation Acquisition (LRA) Map.

The Department notes that neither Council nor TfNSW have accepted the role of acquisition authority for Stage Two of Spring Farm Parkway and as such the road corridor for Stage Two cannot be classified as "SP2 Classified Road" or "SP2 Local Road".

It is noted that this road cannot be identified for acquisition on the LRA map until Council or TfNSW formally accept to be the acquisition authority for this land. This amendment is to be removed from the proposal prior to exhibition unless either Council or TfNSW accepts the acquisition role.

#### Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The proposal is inconsistent with this direction as it will impose development standards in addition to those already contained in the principal environmental planning instrument (i.e. minimum lot size for dwelling types in the R2 and R3 zones).

However this inconsistency is considered to be justified as of minor significance as it will enable a diverse range of housing types across the site.

#### Direction 7.12 Implementation of Greater Macarthur 2040

This direction has been endorsed by the Minister and supersedes direction 7.2 Implementation of Greater Macarthur Land Release Investigation; however, the publicly available directions have not been updated to include direction 7.12.

The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with the Greater Macarthur 2040.

As discussed under section 4 Strategic Assessment, 4.2 Greater Macarthur 2040, the proposal is considered to have merit and gives effect to the objectives and vision of the Greater Macarthur 2040 Interim Plan.

#### **4.5 State environmental planning policies (SEPPs)**

The following SEPPs are relevant and are considered consistent with the proposal:

- State Environmental Planning Policy No 19 – Bushland in Urban Areas;
- State Environmental Planning Policy No 55 – Remediation of Land;
- State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

The following SEPPs are relevant and require consideration:

#### State Environmental Planning Policy (Koala Habitat Protection) 2019

This Policy is relevant as it applies to the Campbelltown LGA.

A Flora, Fauna and Aquatic Assessment Report (2009) was provided for the 2017 MPURA rezoning and notes that while no koalas have been recorded on the site, the site is likely to contain ‘potential koala habitat’ and koalas have been previously recorded in the vicinity of the site.

Since that time Campbelltown City Council has prepared a Comprehensive Koala Plan of Management (KPoM) to enable a consistent approach to the protection, management and restoration of koala habitat in the LGA. The subject site has been identified as comprising potential Koala habitat and strategic linkage areas (refer to Figure 9) under the Campbelltown KPoM (CKPoM).

Under the CKPoM a rezoning must establish if the land subject to the application contains any potential koala habitat by way of a Vegetation Assessment Report. The CKPoM requires the Vegetation Assessment Report to include as a minimum:

- *“a description of the tallest stratum cover, as well as details of the species composition of each vegetation community;*
- *a checklist of native vegetation species occurring in each vegetation patch, including any isolated paddock trees on partially cleared lands;*
- *a stadia-metric survey that identifies the precise location, identity and dbh of all native vegetation proposed to be removed and/or within 20m of the proposed*

development footprint, including any proposed infrastructure, easements and APZs; and

- a map of where (P)KFTs and shelter trees were recorded.”

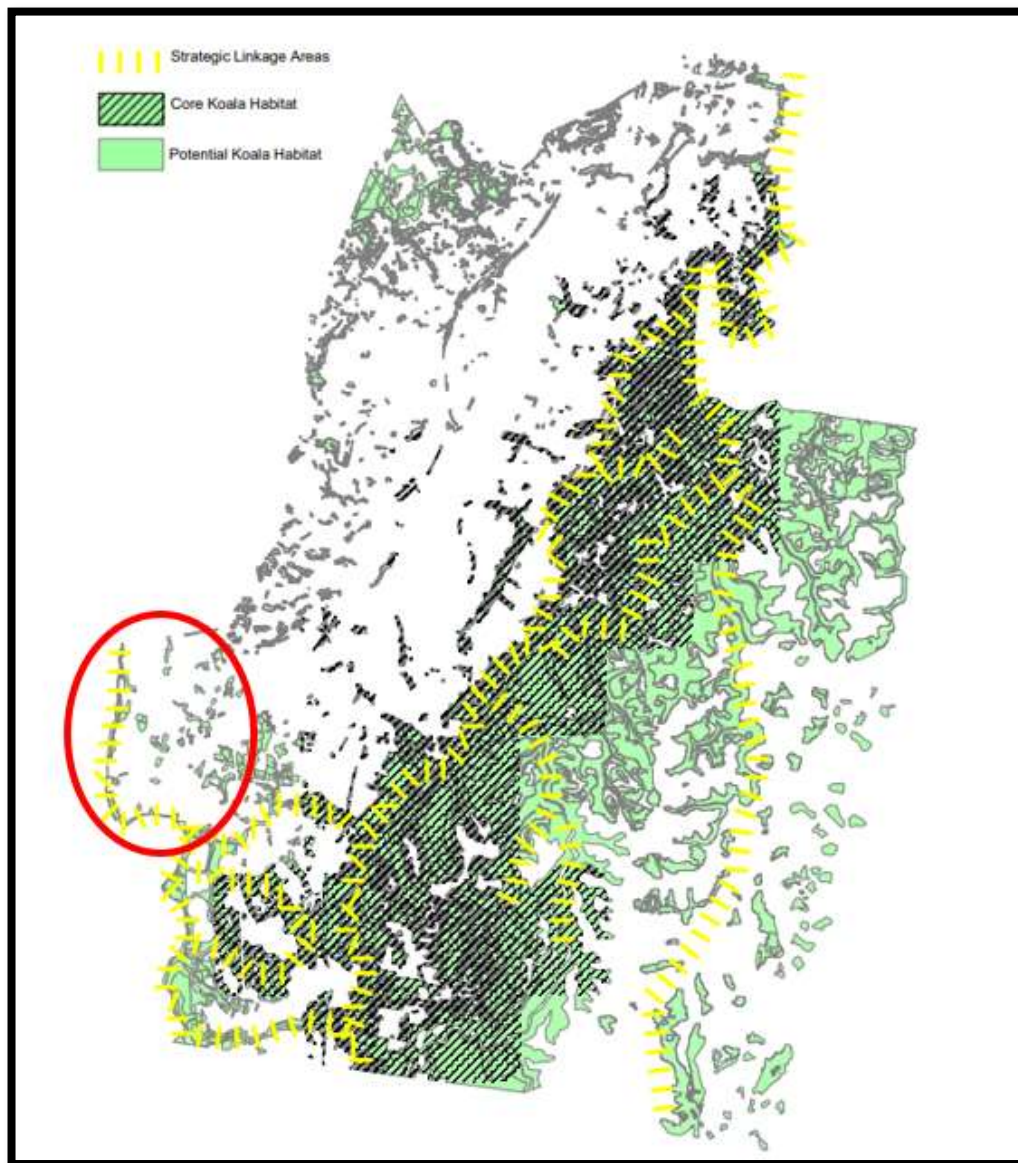


Figure 9: Extend of potential and core koala habitat across the Campbelltown LGA (subject site in red circle)

To ensure consistency with this Policy and the CKPoM, the Gateway includes a condition requiring provision of a Vegetation Assessment Report, prior to public exhibition. The Gateway determination has been conditioned to this report is to be included in the public exhibition material.

Additionally, the Gateway determination requires Council to update the planning proposal to address SEPP (Koala Habitat Protection) 2019 and all references to SEPP 44 – Koala Habitat Protection are to be removed.

#### Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River

This SREP applies as the sites southern boundary borders the Nepean River and is identified on SREP Maps No. 37 and 38.



The aims of this deemed SEPP are to protect or enhance The Hawkesbury Nepean River's environmentally sensitive areas, water quality, cultural heritage, flora and fauna and riverine scenic quality and by limiting impacts from urban development.

The land adjoining the Nepean River is proposed to be zoned RE1 Public Recreation and Council is identified as the acquisition authority for this land and will manage the land in perpetuity.

The objectives of this zone seek to protect, preserve and enhance the natural environment for recreational purposes. The land is also identified as being riparian land and comprising area of natural environment and terrestrial biodiversity under Campbelltown LEP 2015. Any future development applications will need to consider clauses 7.3 Riparian land and watercourses, 7.5 Preservation of the natural environment and 7.20 Terrestrial biodiversity.

The proposal does not include a discussion of its consistency with this SREP. A Gateway condition has been imposed requiring the proposal be amended prior to exhibition to consider the SREP.

The Department has considered the proposal in relation to SREP 20 and is satisfied the proposal gives effect to the aims of the SREP.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The social benefits from the proposal include the relocation and co-location of the town centre, community facilities, employment opportunities and public open space and sports facilities, adjoining a diverse range of housing seeks to create and support a robust, connected and active community.

Specifically:

- Introduce a new neighbourhood centre (adjacent to the proposed new school and open space) to permit 3500m<sup>2</sup> of gross floor area for commercial uses;
- Relocate and provide for a 2ha primary school site adjacent to the proposed neighbourhood centre and associated open space;
- Relocate and increase the provision of passive and active open space comprising sporting fields, local parks, pocket parks and a riparian corridor network; and
- To provide landscape controls that seek to address tree canopy and heat island effect measures.

### **5.2 Traffic and Transport**

Council's report (**Attachment E**) notes that the supporting traffic modelling indicates satisfactory levels of performance both midblock and at critical intersections, during the morning and afternoon peak periods. However, Council notes that the traffic and accessibility of the masterplan level requires review inclusive of proposed bus route planning. Therefore, Council recommend that further analysis should be undertaken in the context of traffic modelling for the Greater Macarthur Growth Area and prior to finalisation of this proposed amendment

The Department also recommends that Council consults Transport for NSW (TfNSW) on this planning proposal.

### **5.3 Water Cycle Management**

As part of the original rezoning in 2017, the supporting Water Cycle Management Report concluded that the 100-year ARI flood and Probable Maximum Flood (PMF) are generally contained within riparian corridors and outside of land intended for development and unlikely to impact on residential development. Where there were minor areas of residential land affected by flooding, Council determined that the definition of habitable floor levels and evacuation routes are to be addressed in the development application.

Council note that the proposal does not result in significant increases in development of land affected by the 100-year ARI flood and PMF and this approach is proposed to be maintained.

A stormwater management strategy was prepared for the site to meet Council's engineering specifications and targets for stormwater management including stormwater detention to ensure post development flows and discharges do not exceed pre-development peak discharge rates for the 100-year ARI flood and stormwater pollutant load reduction targets. Council proposes to continue to address the final sizing of stormwater and detention facilities for each development application for the site.

## **6. CONSULTATION**

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### **6.1 Community**

Council have not proposed an exhibition period. As the proposal seeks to re-locate the town centre and introduce high density residential development, increase the amount of medium density development and increase the building heights on the site up to 24m, a minimum public exhibition period of 28 days is proposed. The Gateway determination has been conditioned accordingly.

### **6.2 Agencies**

The Department recommends that Council consult the following State Agencies in relation to this planning proposal prior to public exhibition:

- NSW Rural Fire Service;
- Transport for NSW; and
- Environment, Energy and Science Group;
- NSW State Environmental Service;
- Sydney Water; and
- Relevant utility providers.

## **7. TIME FRAME**

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Council have not proposed a timeframe for completing the LEP. A timeframe of 12 months is considered appropriate for completing the LEP. The Gateway has been conditioned accordingly.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan-making authority. As the proposal results in a significant change to a large portion of the MPURA, Council is not recommended to be granted delegation to be the local plan-making authority.

## 9. CONCLUSION

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The planning proposal is supported to proceed with conditions as the proposal:

- will result in greater housing diversity across the site;
- will provide a town centre supported by commercial and community facilities, adjoining public open space;
- has strategic merit;
- is generally consistent with the relevant 9.1 Directions and State Environmental Planning Policies; and
- can be serviced and is supported by infrastructure and the provision and funding of state infrastructure has been addressed.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 4.2 Mine Subsidence and Unstable Land, 4.3 Flood Prone Land, and 6.3 Site Specific Provisions are minor.
2. note that the consistency with section 9.1 Direction 4.4 Planning for Bushfire is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended as follows:
  - a) Include a table to compare the existing and proposed total areas for each zone in a table and illustrate this on a map.
  - b) The mapping associated with planning proposal is to be updated to outline the site and accurately reflect the current and proposed controls, including the recently rezoned Glenlee Precinct.
  - c) Consult the NSW Rural Fire Service prior to public exhibition in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments from this agency.
  - d) Update the consistency of the planning proposal with the relevant section 9.1 Directions as outlined in this report including addressing Direction 2.6 Remediation of Contaminated Land.
  - e) Consult Transport for NSW on traffic considerations and accepting the role of acquisition authority for Spring Farm Parkway Stage 2. If neither Transport for NSW nor Campbelltown Council accepts the acquisition role for Spring Farm Parkway Stage 2 then the identification of this land on the Land Acquisition Reservation Map is to be removed.
  - f) Further investigate the proposed distribution of densities across the precinct to consider opportunities to:
    - i. Locate higher densities within the walking distance catchment of the railway station;

- ii. Promote the use of active transport (such as walking and cycling) to provide linkages between the proposed town centre to the railway station; and
  - iii. Update the urban design report to reflect the findings of this investigation and provide justification for the proposed location of higher densities.
- g) Remove reference to SEPP 44 – Koala Habitat Protection and replace with SEPP (Koala Habitat Protection). To ensure consistency with the State Environmental Planning Policy (Koala Habitat Protection) and Campbelltown’s Koala Plan of Management, a Vegetation Assessment Report is to be included in the public exhibition material for the proposal.
  - h) Include a discussion on the proposal’s consistency with State Regional Environmental Plan No 20 – Hawkesbury-Nepean River.
  - i) Council is to propose a floor space ratio for the land zoned B1 Neighbourhood Centre and B2 Local Centre zoned land and include this in the public exhibition material.
- 2. The revised planning proposal is to be updated in accordance with condition 1 and forwarded to the Department for review and approval prior to exhibition.
  - 3. Concurrently exhibit the amendments to the Development Control Plan and the local Voluntary Planning Agreement with the planning proposal.
  - 4. The planning proposal should be made available for community consultation for a minimum of 28 days.
  - 5. Consultation is required with the following public authorities:
    - NSW Rural Fire Service;
    - Transport for NSW; and
    - Environment, Energy and Science Group;
    - NSW State Environmental Service;
    - Sydney Water; and
    - Relevant utility providers.
  - 6. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
  - 7. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

18 September 2020  
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Manager, Western



25 Sept 20  
**Adrian Hohenzollern**  
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