

8.2 Outcome of Public Exhibition - Menangle Park Planning Proposal

Reporting Officer

Executive Manager Urban Release and Engagement
City Development

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.1 - Provide opportunities for our community to be engaged in decision making processes and to access information

Officer's Recommendation

1. That Council adopt the Planning Proposal at attachment 1, relating to land within the Menangle Park Urban Release Area with the following post exhibition amendments:
 - a. Amend the Land Use Zoning map and associated maps to zone 0.97 ha of part E2 Environmental Management and RE1 Public Recreation to support a 30 m buffer to the remnant patch of Elderslie Banksia Scrub Forest, Critically Endangered Ecological Community.
 - b. Amend the Land Use Zoning map to remove the proposed B1 Neighbourhood zone within the proposed town centre and replace with B2 Local Centre zone.
 - c. Amend the Land Use Zoning map to slightly reduce the extent of R3 Medium Density Housing located south of proposed Park K by 1.68 ha.
 - d. Amend Lot Size for Dual Occupancy Development Map to ensure consistency with associated mapping layers.
 - e. Amend Land Acquisition Map to expand the SP2 zoning of Spring Farm Parkway Stage 1 northern ramp by 0.08 ha.
2. That subject to recommendation No.1, Council forward the Planning Proposal to the Department of Planning and Environment and request the Minister for Planning and Homes finalise the plan.
3. That the submission authors be advised of Council's decision.

Executive Summary

- Dahua Group Australian Pty Ltd (Dahua) submitted a Planning Proposal Request in 2018 seeking to amend the Campbelltown Local Environmental Plan 2015 in respect of land within the Menangle Park Urban Release Area (MPURA).

- At its Ordinary Meeting of 10 March 2020, Council endorsed progression of the Planning Proposal, with a Gateway Determination issued by the NSW Department of Planning and Environment (DPE) on 21 October 2020.
- On 19 April 2021, DPE approved a Gateway alteration extend the timeframe for completion to 8 April 2022.
- Public exhibition and agency consultation commenced from 30 August 2021 to 27 September 2021.
- 9 submissions were received from State Agencies and 8 community submissions received.
- State Agency submissions were received from NSW Rural Fire Service, Transport for NSW, NSW State Environmental Science, Sydney Water, Water NSW, NSW Subsidence Advisory, Endeavour Energy and the Environment, Energy and Science Group within DPE.
- It is recommended that Council adopt the Planning Proposal with minor amendments and request that the Minister for Planning and Homes finalise the plan.

Purpose

The purpose of this report is to outline a summary of the submissions received during the public exhibition of the Planning Proposal (PP) to amend the Campbelltown Local Environmental Plan 2015 (CLEP 2015) and to seek Council's approval to forward the planning proposal to the Minister for Planning and Homes for finalisation.

Property Description

The Planning Proposal applies to the following lands:

Lot 1 DP 534114
Lot 1 DP 554242
Lot 3 DP 236059
Lot 1 DP 727098
Lot 7 DP 787284
Lot 1 DP 249393
Lot 1 DP 707225
Lot 31, 32 and 33 DP 1101983
Lot 1 DP 708770
Lot 124 DP 1097090
Lot 125 DP 1097138
Lot 641 DP 600334
Lot 1001 DP 1219028
Lot 32 DP 1101983
Lot 1 DP 598067
Lot 1000 DP 1219023
Lot 1001 DP 1219023
Lot 32 DP 1105615
Lot 1 DP 1091474
Lot 2 DP 554242
Lot 59 DP 10718
Lot D DP 19853
Lot 9 DP 249530

Lot 12, 15 and 17 DP 251335
Lot 4 DP 628052
Lot 1 DP 349475
Lot A DP 380033
Lot 642 DP 600334
Lot 1002 DP 1234642
Lot 2006 DP 1234642
Lot 2007 DP 1234642
Lot 2008 DP 1234642
Lot 2009 DP 1234642
Lot 2010 DP 1234642
Lot 2011 DP 1234642
Lot 2012 DP 1234642
Lot 2013 DP 1234642
Lot 1 DP 737485
Lot 1 DP 1232321

Application Number 4106/2018/E-PP

Applicant Dahua Group Sydney

Land Owners Dahua Group Sydney 2 Pty Ltd
Dahua Group Sydney 3 Pty Ltd
Landcom
Sydney Water Corporation
John Robert Brownlee & Marion Brownlee
Troy Barrie Martin & Jason James Young
Field Developments Pty Ltd
Rogan Property Group Pty Ltd
Shirley Lorraine Cocker & Helen Margaret Martin
Epsilon Distribution Ministerial Holding Corporation

History

Council resolved at its Ordinary Meeting of 10 March 2020, to support the progression of the Planning Proposal for land within the MPURA.

The proposal seeks to amend the CLEP 2015 to:

- Introduce or amend existing land uses including relocation and enlargement of B2 – Local Centre zone adjacent to Howes Creek and the future Spring Farm Parkway.
- Introduction of a B1 Neighbourhood Centre zone.
- Increase the area zoned R3 Medium Density Residential.
- Introduce the R4 High Density Residential zone into the subject area.
- Replace the RU2 Rural Landscape zone with E4 Environmental Living zone.

- Increase the provision of the RE1 Public Recreation zone, including E2 Environmental Conservation of associated Critically Endangered Ecological Communities.
- Amend the Height of Building, Floor Space Ratio and Minimum Lot Size maps to support the proposed zoning changes.
- Update the Land Reservation Acquisition map.
- Include additional development standards relating to the subdivision of land.

The Proposal would result in approximately an additional 1,000 dwellings. Along with the relocation of the B2 Local Centre, the amendments would support future urban development of the land, consistent with the Greater Macarthur Growth Area.

A Gateway Determination was issued by DPE on 21 October 2020, with an alteration granted on 19 April 2021 to extend the timeframe for completion to 8 April 2022.

In accordance with the Gateway Alteration, exhibition of the Planning Proposal occurred from 30 August 2021 to 27 September 2021.

The exhibition was notified on Council's 'Over to You' webpage and the Department of Planning and Environment's 'Planning Portal' in accordance with the Environmental Planning and Assessment (Public Exhibition) Regulation 2000 and was supported by the following studies:

Specialist Technical Studies	Author	Date
Aboriginal Heritage	Kelleher Nightingale Consulting Pty Ltd	15 November 2018
Acoustic Report	TTM	7 November 2018
Biodiversity Assessment	Cumberland Ecology	6 November 2018
Contamination Report North	Douglas Partners	21 April 2017
Contamination Report South	Douglas Partners	12 April 2017
Economic Impact Assessment	AEC Group	14 November 2018
Landscape and Open Space Strategy	Place Design Group	14 November 2018
Market Potential Analysis	Location IQ	May 2018
Planning Proposal Request	APP	November 2018
Preliminary European Heritage Assessment	Extent Heritage Advisors	15 November 2018
Servicing Infrastructure Report	SMEC	8 November 2018
Silo Condition Assessment	SMEC	5 March 2018

Social Infrastructure Study and Social Impact Assessment	Elton Consulting	10 May 2018
Target Market and Dwelling Recommendations	Colleen Coyne Property Research	February 2018
Traffic Report	GTA Consultants	7 December 2018
Urban Design Report	RobertsDay	November 2018
Water Cycle Management Report	SMEC	14 November 2018
Additional Studies – Post Gateway	Author	Date
Addendum Biodiversity Report	Cumberland Ecology	August 2021
NSW RFS Pre-Referral Response	NSW RFS	14 July 2021
Strategic Bushfire Study	Eco Logical	18 June 2021
Updated Masterplan Report	Allen Jack Cottier	2 July 2021
Vegetation Assessment Report	Cumberland Ecology	29 July 2021

Report

During the exhibition period, Council received 9 State Agency submissions and 8 community submissions.

1) State Agency Submissions

a) NSW Rural Fire Service

No concern raised subject to future subdivision being assessed under 100B of the *Rural Fires Act 1997* and being demonstrated to comply with Section 5, 6 and 8.2.2 of Planning for Bush fire Protection 2019 as applicable.

Response: Noted, no action required.

b) Endeavour Energy

Submission does not raise concern to the planning proposal and outlines the process for applicants to seek advice on the supply of electricity infrastructure.

Response: Electrical servicing of Menangle Park is outlined within Endeavour Energy's Growth Servicing Plan. No further action required.

c) Always Powering Ahead (APA)

Submission relates to the natural gas infrastructure 'high pressure transmission pipeline' which extends from Sydney to Moomba and runs through the MPURA. APA does not raise concern and recommends the inclusion of DCP controls relating to use of the easement space as linear open space with landscaping. The submission also recommends a Safety Management Study is undertaken before any future development located within close proximity to the pipeline.

Response: DCP controls in relation to the pipeline are under preparation. The pipeline is located within the existing SP2 Special Uses corridor in proximity to the Water Canal and would be the subject of further consultation with the APA for each relevant development application. This would require an applicant within 200 m of the pipeline to undertake a safety management study.

d) Environment, Energy and Science Group (EES)

The points raised in the submission received from EES relate to the following:

- Avoidance of impact on and additional buffers to remnant patches of Elderslie Banksia Scrub Forest (EBSF):

Response: In response to EES comments, the applicant has agreed to further significant expansion of the conservation area in Park K, to include a 30 m buffer of the EBSF (consistent with EES guidance), to enlarge the park by 0.97 ha from 2.47 ha to 3.44 ha. This would require reconfiguration of the planned road network adjoining the park and loss of proposed residential lots to the south.

A similar expansion of Park L is not considered feasible given the set alignment of the central green-spine road. Notwithstanding this, the area proposed to be zoned E2 under the Planning Proposal fully contains the remnant EBSF that would be suitably preserved under a VMP.

Further realignment of the proposed Spine Road to avoid Park L is not supported. The road cannot move west in to the conservation area or east into the recently registered Stage 1 subdivision. There are also tie-in points to the future Spring Farm Parkway (in the north) and Menangle Road (to the south) that inform the overall alignment of the proposed road.

Impact on patches of EBSF in the proposed Town Centre cannot be avoided. This area is contaminated with hydrocarbons and asbestos associated with the operation of the former fireworks manufacturing site that burnt down in the 1950s. Vegetation on this land now requires removal to allow further investigation and remediation.

The proponent is advancing plans to submit a precinct-wide Vegetation Management Plan (VMP). The VMP would comprise methodologies and actions for conserving, native vegetation across the lands to be zoned E2 and RE1. It would include long term commitments from the proponent to contribute towards the upkeep and conservation of native vegetation communities.

- Retention of low to moderate-grade patches of in-situ Cumberland Plain Woodland (CPW) including a substantial patch occupying a future government school site that forms part of the State VPA (2017/8774):

Response: The proposed 2 ha public school location is part of an existing State Voluntary Planning Agreement (SVPA) signed in 2019 as a result of consultation with School Infrastructure NSW. Accordingly, the Structure Plan cannot be altered in this location without significant alteration of the structure plan.

Vegetation assessments identify that the conservation value of CPW patches associated with the future school site is low to moderate. A future development application for the planned primary school would further assess and offset impacts under the State Significant Development pathway.

- Residential interfaces to low-lying flood prone lands in the southern part of the precinct interfacing with the Nepean River.

Response: The Planning Proposal rezones RU2 zoned land with 21.4 ha of E4 Environmental Living land, with a proposed minimum lot size of 4,000 m². This will result in a minor increase of approximately 40-50 residential dwellings in identified flood prone land. As outlined in the above response, all roads and residential lots or building footprints for rural/ environmental living lots will be filled above the one per cent AEP level.

As such, the relatively small increase in dwelling density is considered unlikely to cause or require additional or significant government spending on emergency management services or response measures, beyond that which is already required for this area.

- Clarification relating to the Cumberland Ecology Biodiversity Assessment reporting undertaken in support of the Planning Proposal.

Response: The purpose of The Biodiversity Assessment Report (BAR) (November 2018) and Addendum (August 2021) is to document the ecological constraints of the land subject to the Planning Proposal. The report demonstrates that the Planning Proposal would improve biodiversity outcomes via the retention of additional areas of vegetation within future open spaces, providing greater protection of remnant patches of Elderslie Banksia Scrub Forest, River-Flat Eucalypt Forest and Cumberland Plain Woodland.

It demonstrates future impacts of the Planning Proposal can be adequately offset through the implementation of appropriate compensation measures required under either the *Threatened Species Conservation Act* (TSC Act) or *Biodiversity Conservation Act*. The majority of land subject to the Planning Proposal would be assessed under the TSC Act in accordance with the Biodiversity Conservation (Savings and Transitional) Regulation 2017.

The above responses were the subject of a letter to the ESS in December 2021 who replied on 28 January 2022. EES feedback acknowledges that the enlargement of Park K is generally supported, and would prefer the area zoned E2 Environmental Management is expanded to reflect the full extent of ESBF and the buffer. Similarly, zoning of the entire area of Park L to E2 Environmental Management is requested.

Concern is raised that greater extension of the E2 zone would prevent passive open space use of the parks. Further, the ability to achieve IPART support for inclusion of these parks within the Menangle Park Contributions Plan would be limited if not also available for passive recreation. Therefore, it is recommended that the current extent of E2 Conservation Zone remain and further planning for the Parks K and L be addressed at the development application stage. Dahua is currently updating DA3574/2019/DA-CW to address conservation of this park and associated vegetation management plans which would ultimately require the concurrence of EES prior to determination.

e) Transport for NSW (TfNSW)

The points raised in the submission received from TfNSW relate to dwelling yield, traffic modelling and a requirement that Dahua also enter into a State Voluntary Planning Agreement for Stage 2 of the Spring Farm Parkway.

Response: In 2019, Dahua executed a Deed and State Voluntary Planning Agreement to provide regional contributions up front totalling \$113 million based on traffic modelling for up to 4,525 dwellings. Dahua's Planning Proposal supports up to 4,000 dwellings and is therefore consistent with total forecast growth of 4,500 dwellings for the entire MPURA. Further detailed planning for traffic facilities would occur at the development application stage in consultation with TfNSW.

Contributions towards Stage 2 of the Spring Farm Parkway would be made by other developers and would ultimately form part of the NSW Government's reform package in relation to Regional Contributions.

Further meetings were held with TfNSW on 17 February 2022 and 22 February 2022 to address in detail, their comments and Council's responses as detailed in attachment 1. Arising from these meeting, it was agreed that transport modelling assumptions for the planning proposal and future land requirements for Stage 1 of the Spring Farm Parkway and new signalised intersection on Menangle Road would be capable of accommodation at the development application stage.

f) Water NSW

The submission advises that Water NSW own access road (Lots 26 and 27 DP 249530) in the north of the MPURA and west of the Hume Highway. The access road runs off Glenlee Road and provides operational access to the Canal. The access road is currently zoned SP2.

Water NSW require that any future residential subdivision of adjoining land is accessed only from new internal roads and is not to rely on the Water NSW access road.

Response: All future residential development would be accessed from new internal road and would not rely on access to land owned by Water NSW.

g) Sydney Water

The submission requested updated information on the annual dwelling and job forecasts to support future servicing plans.

Response: Ongoing discussions have and will continue to occur as development applications progress for the subject site.

h) Environment Protection Authority (EPA)

The EPA submission addresses the following issues:

- Implementation of controls to assist in the improvement of air quality
- Setbacks for certain development near roads and railways to mitigate noise and air pollution
- Consideration should be given to include controls to mitigate and manage impacts of wood heaters
- Consideration should be given to strategically position and plan to limit the impact of noise
- Protection of waterways and water sensitive urban design features should be included
- Contaminated land management controls and assessment
- Controls should be adopted for former coal seam gas infrastructure sites and
- Controls to incorporate waste and resource recovery considerations.

Response: The submission raises issues that would be appropriately addressed within the Menangle Park DCP. Should Council support finalisation of the Planning Proposal, an amendment to Volume 2, Part 8A – Menangle Park DCP would be progressed.

i) Subsidence Advisory

The submission advises that the MPURA is located within a mining exploration lease held by South 32 Illawarra Metallurgical Coal (IMC). Advice received from IMC indicates that they intend to carry out future mining activity in the area. Associated mine subsidence ground movements would be comparable with those outlined in Subsidence Advisory's Surface Development Guideline 5 and that the timeframe for coal extraction would be beyond 20 years.

Response: All subdivision and development proposals within the MPURA require concurrence of NSW Subsidence Advisory in accordance with the Coal Mine Subsidence Compensation Act 2017.

2) Public Submissions

Eight submissions were received by the public. A summary of issues and responses summarised below:

a) 80 Cummins Road, Menangle Park

The submission raised the following concerns:

- Block depths of 60 m are only applied to Dahua land and the submission requests that the same is applied to the site in question.

Response: Street block depths are defined by the Menangle Park DCP and are subject to merit assessment during the subdivision development application stage. Despite the illustration of the Indicative Layout Plan, Section 4.3 – Block and Lot Layout of the Menangle Park DCP supports 60 m block depths which may be investigated at the development application stage.

- Increase in densities are only applied to Dahua land and no other landholdings.

Response: The Dahua Planning Proposal generally only seeks to amend land use for holdings under its control. Should the owner of 80 Cummins Road wish to apply for a change of land use or associated development standards, it would be open for them to submit a Planning Proposal Request.

- Land sterilisation occurs near recreation zone.

Response: The sliver of urban land between the proposed park and local street may be investigated at the development application stage, with more detailed design to identify the land area for future acquisition by Council.

- Minimum lot sizes favour Dahua land.

Response: The Planning Proposal does not amend the minimum lot size on land at Nos. 80 or 84 Cummins Road and treats this area similar to the remainder of the village, which is excluded from the proposal.

b) 51 Cummins Road, Menangle Park

The submission raises concern that only Dahua land benefits from amended planning controls and requests amendment of the Planning Proposal to apply proposed Clause 4.1H on their land.

Response: 51 Cummins Road is not part of the Planning Proposal and is located within the existing Menangle Village which is typically comprised of smaller, 5 ha holdings. Should the owner wish to apply for a change of land use or associated development standards, it would be open for them to submit a Planning Proposal Request.

c) 190 Menangle Road, Menangle Park

The submission raised the following concerns:

- Object to rezoning of remaining RU2 Rural Landscape land to E4 Environmental Living.

Response: The proposed rezoning of rural land adjoining the Nepean River to E4 Environmental Living is supported on the grounds it would provide a more appropriate transition to urban land. Any future subdivision application would be required to demonstrate consistency with flood planning requirements and all future dwellings would require the making of a Development Application to Council.

- Concern with increase in dwellings from R3 Medium Density Housing Zone and 12 m building height

Response: The expansion of R3 Medium Density Residential zone is supported on the basis that housing diversity will be provided in locations that either have good access to services, education or public open space. The provision of a diverse range of housing is key outcome of Council's adopted Housing Strategy.

The provision of building height up to 12 m is proposed to provide design flexibility on sloping sites. Any proposal in excess of 2 storeys would be required to demonstrate, by way of submission of a Clause 4.6 application (Exception to Development Standard), why exceedance of the 2 storey height limit of Clause 4.3A is required.

- Concern that future development would incompatible with flood risk

Response: The Planning Proposal is supported by a Water Cycle Management Report prepared by SMEC and Catchment Simulation Solutions (2018) to confirm whether the amended masterplan would alter the outcomes of the original flooding investigations.

In summary, the report found that filling proposed as part of the release area would ensure all habitable areas and internal roadways are elevated above the 100-year Average Recurrence Interval flood. In the case of major riverine flooding, areas below the probable maximum flood would have access to evacuation routes, elevated above the peak level of the Probable Maximum Flood, and generally grade up and away from major waterways.

d) National Parks Association NSW Inc

The submission recommends that the Nepean River frontage of the MPURA should emulate the recommendations of the NSW Chief Scientist and Engineers Report in relation the Campbelltown Koala. Although the Chief Scientists recommendations does not apply Menangle Park, the submission requests that a koala corridor of 390 m to 425 m also be extended to this location.

Response: The NSW Chief Scientist Advice on the Protection of the Campbelltown Koala Population has been considered by the NSW Government and adopted via an update the Greater Macarthur Strategy. The extension of the Koala corridor would be inconsistent with the adopted position of Government. Further, wildlife corridors that end with no connection to other habitat can be a considerable risk, in particular where the habitat exposes wildlife to threats, and in

doing so can create population sinks, where wildlife kills occur, causing vacancies in the location which subsequently attract more animals.

e) Land owners adjacent to proposed Town Centre

Although the submission generally supports the Planning Proposal, concern is raised that the exclusion of other land holdings limits opportunity to implement a place-based outcome. Accordingly, the submission author recommends Council consult with other land owners who might want to be included in the Planning Proposal.

In particular, the submission identifies the precinct bound by Cummins Road, Fitzpatrick Street, Racecourse Avenue and Taber Street as suitable for a mix of mid-rise apartments; townhouses and small lot housing and associated parklands.

Response: The Dahua Planning Proposal generally only seeks to amend land use for holdings under its control. Should the owner of 80 Cummins Road wish to apply for a change of land use or associated development standards, it would be open for them to submit a Planning Proposal Request.

f) 11 Station Road, Menangle Park

The submission author seeks advice on whether a medium density residential development would be considered on the land.

Response: No.11 Station Street, Menangle Park is located outside of the Planning Proposal. Council provides a pre-lodgement service to review and provide feedback on development schemes prior to lodgement which may be accessed via Council's website.

g) 32, 62, 92 and 112 Racecourse Avenue, 18 Payten Street and 84 Cummins Road, Menangle Park

The submission raised the following concerns:

- The Dahua Planning Proposal is skewed to maximise the development potential of their land and lacks consideration of impact on neighbouring land.

Response: Land owners are entitled to make a Planning Proposal Request subject to payment of the required fee and submission of required supporting reports. The impacts of the proposal as relevant to the entire MPURA have been considered.

- The Dahua owned land diagram is misleading and consultation never occurred with the owner of 84 Cummins Road.

Response: The exhibited Planning Proposal does not reference Dahua owned land. The Figure 1 location map only references land subject to the Planning Proposal.

Council's records indicate that notification of the public exhibition period was issued by letter to the owner of No. 84 Cummins Road on 27 August 2021.

In addition, prior to lodgement of the Planning Proposal, Dahua held a "Drop-in" Session at Club Menangle on Wednesday 17 October 2018 between 6:30 pm and 8:30 pm for local residents.

- The proposal seeks a dual occupancy lot size of 700 m²

Response: Incorrect. The Planning Proposal does seek to amend the Lot Size Map for Dual Occupancy Development from 700 m² to 500 m² for land subject to the Planning Proposal. This amendment would ensure consistency with the proposed minimum lot size for dual occupancy development in the R3 Medium Density Zone.

- The distribution of density heavily discriminates against non Dahua landholdings.

Response: The Dahua Planning Proposal generally only seeks to amend land use for holdings under its control. Should other land owners wish to apply for a change of land use or associated development standards, it would be open for them to submit a Planning Proposal Request.

h) Space Urban

The submission raised the following concerns:

- Draft zoning maps incorrectly identify the Glenlee Precinct Land with a rural zoning.

Response: Noted. The Glenlee Precinct amendment was made on 15 May 2020 which generally came after the preparation of mapping amendments for the MPURA. Should Council support finalisation of the Planning Proposal, final amendment maps would be correctly updated in consultation with the DPE's Legal Branch.

- The Planning Proposal fails to address a commitment to the delivery of a fully functional Spring Farm Parkway as relevant to implementing the objectives of the Greater Sydney Region Plan and Western City District Plan and operation of the Glenlee Intermodal and Bulk Materials Facility (IMT).

Response: As per the current Campbelltown Local Environmental Plan 2015, mapping of the Spring Farm Parkway Stage 2 corridor is partly mapped SP2 Future Road Corridor and SP2 Local Road.

Neither Transport for NSW or Council has accepted the role of relevant acquisition authority. Given Stage 2 of Spring Farm Parkway extension is still in the Strategic Assessment Phase and the final corridor has not been confirmed, final consideration of this matter should be deferred until further detail is available.

- The acquisition authority for Stage 2 of the Spring Farm Parkway extension should be resolved as part of the Planning Proposal.

Response: As above.

- There is no evidence that a Local Voluntary Planning Agreement was exhibited, or amendment to the State Voluntary Planning Agreement.

Response: The amended Gateway Determination issued on 19 April 2021, deleted condition 3 that required the Local Voluntary Planning Agreement to be concurrently exhibited.

Although Dahua has offered to enter into a Voluntary Planning Agreement, the full scope of this agreement is still under review and would not be fully known until an amendment to the Menangle Park Contributions Plan 2020 has been made and endorsed by the Independent Pricing and Regulatory Tribunal.

3) Summary of post exhibition amendments

In response to submissions from State Authorities and the community, the following table of post exhibition amendment to the Planning Proposal are recommended:

LEP Clause or Map	Reason
Amend the Land Use Zoning map and associated maps to zone 0.97 ha of part E2 Environmental Management and RE1 Public Recreation to support a 30 m buffer to the remnant patch of Elderslie Banksia Scrub Forest, Critically Endangered Ecological Community within the local open space known as Park K.	<p>The submission from Environment, Energy and Sustainability (EES) Group within DPE, recommends avoidance of impact on and additional buffers to remnant patches of Elderslie Banksia Scrub Forest (ESBF).</p> <p>Separate to the Planning Proposal, the EES have also refused to issue concurrence for subdivision development (681/2018/DA-SW) due to impact of the development on the recommended buffer to ESBF in Park K.</p> <p>Feedback from EES dated 28 January 2022 indicates the proposed amendment would address their concern.</p>
Amend the Land Use Zoning map to merge the proposed B1 Neighbourhood Centre and B2 Local Centre zones within the relocated town centre.	<p>Concurrent to development of this Planning Proposal, the NSW Department of Planning and Environment exhibited from May to June 2021 a simplified employment zones framework. This framework would impact the future town centre by a merging both the B1 Neighbourhood Centre and B2 Local Centre zones into a new E1 Local Centre Zone. Accordingly, a recommended post exhibition amendment is to zone the entire centre B2 Local Centre on the basis that proposed Clause 7.25 would limit total future retail floor area to 23,000 m².</p>

Amend the Land Use Zoning map to slightly reduce the extent of R3 Medium Density Housing located south of proposed Park K.	The expansion of Park K to address comments from EES impacts on the proposed road layout. The reduced extent of the R3 Medium Density Residential zone is intended to align with adjustments to the future planned road layout. This road layout would be implemented via an amendment to the Menangle Park DCP in mid-2022.
Amend Lot Size for Dual Occupancy Development Map to ensure consistency with Planning Proposal maps.	Amendment of the Lot Size for Dual Occupancy Development Map is missing from the current amendment and is required to ensure consistency with other mapping layers such as the Land Use Zoning Map.
Amend Land Acquisition Map to expand SP2 zoning of Spring Farm Parkway Stage 1 northern ramp by 0.08 ha.	<p>Following ongoing correspondence between Dahua and TfNSW over the past 3 years, the extent of land required for road purposes has varied over time in response to:</p> <ul style="list-style-type: none"> • Design changes of Spring Farm Parkway Stage 1l and • Negotiations around the quantum of land to be dedicated under the Stage VPA with TfNSW. <p>Since exhibition, an area of the Hume Highway Road Reserve has been further altered following confirmation of the required land take from TfNSW.</p> <p>Additionally, a small section of the Spring Farm Parkway has been narrowed on the zoning plan to match the width of the road captured in the TfNSW deed and VPA.</p>

4) Statutory Considerations

Having regard to the proposed amendments to the Planning Proposal, Clause 3.36(2)(a) of the EP&A Act, provides that the local plan making authority may, following the completion of community consultation, make a local environmental plan with or without variation, in the terms the local plan-making authority considers appropriate.

As reported above, and as outlined in the recommendation to this report, amendments to the exhibited plan are proposed. The amendments are considered minor in nature and are in response to submissions received during the exhibition period.

Having regard to the minor nature of the proposed amendments, it is considered that in accordance with Clause 3.36(2)(a) the Council has the authority to make the plan without the need for re-exhibition. As such it is recommended that Council resolve to forward the Planning Proposal to the Minister for Planning and Homes for finalisation.

5) Letter of Offer

In support of the Planning Proposal, Dahua has made a draft offer to enter into a Voluntary Planning Agreement (VPA) to pay money, construct works and dedicate land for public purposes in relation to all Dahua lands that form part of the Planning Proposal. Contributions would be payable, or works constructed as future conditions of development approval with registration of the VPA on land title.

Dahua also intends to provide a community facility within either the neighbourhood or town centre as well as a second playing field on the rural lands north of the Menangle County Club (paceway). This is a significant improvement on the current plan, which only requires land (not the building) to be provided for the community facility in accordance with the Minister's Direction and Essential Works List.

Development of the VPA would run in parallel with an update of the existing Menangle Park Contributions Plan 2020. Amendment of this plan would commence upon finalisation of the Planning Proposal and would require approval by the NSW Independent Pricing and Regulatory Tribunal (IPART).

Council's solicitor is currently finalising a review of the draft letter of offer. When finalised, a further briefing of Council on the offer, and required amendment to the Contributions Plan would occur.

Conclusion

Seventeen submissions were received during the public exhibition of the Planning Proposal, of which, 9 were from State Agencies and 8 were from the community. Of these submissions, matters of concern raised by Public Agencies have been addressed via post exhibition meetings to resolve the issues raised.

The Planning Proposal to amend various maps and development standards now satisfies the Gateway Determination issued by the Department of Planning and Environment, with Agency and community submissions summarised on this report.

The Planning Proposal seeks to amend the Campbelltown Local Environmental Plan 2015 in order to support approximately 1,000 additional dwellings to the existing number of potential dwellings for the Menangle Park Urban Release Area. The proposal also aims to relocate the proposed town centre and increase the land size of public recreation land and conservation of critically endangered ecological communities.

Accordingly, it is recommended that Council adopt the Planning Proposal attached to this report and forward to the Minister for Planning and Homes for finalisation.

Attachments

1. Menangle Park Planning Proposal – due to size (76 Pages) (distributed under separate cover)

Meeting note: Having declared an interest in Item 8.2 Councillor Chivers left the Chamber at 6:43 pm and did not take part in the discussion or vote on the matter.

8.2 Outcome of Public Exhibition - Menangle Park Planning Proposal

Meeting note: Mr Peter Ryan addressed the meeting. A written submission from Ms Patricia Durman was read at the meeting.

It was **Moved** Councillor Brticevic, **Seconded** Councillor Chowdhury:

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2. That subject to recommendation No.1, Council forward the Planning Proposal to the Department of Planning and Environment and request the Minister for Planning and Homes finalise the plan.
3. That the submission authors be advised of Council's decision.

A Division was recorded in regard to the Resolution for Item 8.2 with those voting for the Motion being Councillors G Greiss, D Lound, K Hunt, M Chowdhury, R Manoto, M Oates, M Khalil, M Stellino, J Cotter, G Brticevic, M George, J Chew and R Munro.

Voting against the Resolution were Nil.

036/2022 The Motion on being Put was **CARRIED**.

Meeting note: At the conclusion of the discussion regarding Item 8.2 Councillor Chivers returned to the Chamber at 6:56 pm.