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Gateway determination report – PP-2023-1841

Glenlee House, Menangle Park

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

| Relevant reports and plans |
|--|
| Attachment A – Planning Proposal Glenlee House Menangle Park, version 2.0, dated 11 May 2023 |
| Attachment B1 & B2 - Council Meeting Report and Minutes |
| Attachment C – Local Planning Panel Report and Minutes |
| Attachment D1-D3 – Draft Local Planning Agreement |
| Attachment E1-E3 – Heritage NSW Response to Advancement Strategy |
| Attachment F – Heritage Impact Statement April 2021 |
| Attachment G – Conservation Management Plan March 2021 |
| Attachment H – The Preliminary Contamination Investigation Report September 2020 |

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

| | |
|---------------------------------|--|
| LGA | Campbelltown LGA |
| PPA | Campbelltown City Council |
| NAME | Glenlee House, Menangle Park |
| NUMBER | PP-2023-1841 |
| LEP TO BE AMENDED | Campbelltown Local Environmental Plan 2015 |
| ADDRESS | 60 Menangle Road, Menangle Park |
| DESCRIPTION | Lots 1, 2 and 3 DP 713646 |
| RECEIVED | 24/08/2023 |
| FILE NO. | IRF23/2348 |
| POLITICAL DONATIONS | There are no donations or gifts to disclose, and a political donation disclosure is not required |
| LOBBYIST CODE OF CONDUCT | There have been no meetings or communications with registered lobbyists with respect to this proposal |

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The planning proposal (**Attachment A**) seeks to rezone a portion of the Glenlee House site at 60 Menangle Road, Menangle Park from rural to residential purposes. The site is within the Gilead Precinct of the Greater Macarthur Growth Area and will enable 50 additional residential lots – with 24 of these being C4- Environmental Living and 26 being R3- Medium Density Residential. The portion of the site with State heritage assets will be rezoned C3- Environmental Management and a section of the site for a park will be rezoned to RE1 Public Recreation.

The objectives of the planning proposal to facilitate limited development of the site for environmental living and park side living whilst conserving the important cultural and landscape context.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

This planning proposal seeks to amend the Campbelltown Local Environmental Plan (LEP) 2015 as follows:

Table 3 Current and proposed controls

| Control | Current | Proposed |
|-------------------------------------|----------------------|---|
| Zone | RU2- Rural Landscape | Part C4- Environmental Living; Part C3- Environmental Management Part R3- Medium Density Residential; and Part RE1- Public Recreation. |
| Maximum height of the building | 8.5m | 5m for C4 zoned land; 9m for R3 zoned land; and 8.5m for RE1 and C3 zoned land. |
| Minimum lot size | 40 ha | 1200m ² for C4 zoned land; 200m ² for R3 zoned land; 10ha for C3 zoned land; and Nil minimum lot size for RE1 zoned land. |
| Minimum lot size for dual occupancy | 10ha | 1200m ² for C4 zoned land; 10ha for C3 zoned land; and Nil minimum lot size for R3 and RE1 zoned land. |
| New site specific clause | N/A | Introduce a maximum site coverage provision of 30% for residential accommodation in the C4 zone. The Department notes that this will be subject to legal drafting. |
| Number of dwellings | 1 | 50 |
| Number of jobs | N/A | NA |

In addition, Council proposed to prepare a Development Control Plan (DCP) post Gateway to support this proposal and it will accompany the exhibition of the proposal (**Attachment B1**). It is also noted that the Campbelltown Local Planning Panel also recommended a DCP be prepared for the site (**Attachment C**).

The proposal is accompanied by a draft local Voluntary Planning Agreement (VPA) that proposes the dedication of the RE1 zoned land to Council at no additional cost (**Attachments D1-D3**). The proposed concept plan can be seen at **Figure 1**.

The Department notes that the explanation of provisions in the planning proposal is not clear and is inconsistent with the proposed amendments in the attached maps in the proposal. Therefore, it is recommended that Council address this matter prior to exhibition.



Figure 1: Proposed Concept Plan

1.4 Site description and surrounding area

The site is known as Glenlee House and located at 60 Menangle Road, Menangle Park on Lots 1, 2 and 3 DP713646. It is also located within the Menangle Park Precinct of the Greater Macarthur Growth Area. The site has an approximate area of 17.86 ha and is off Glenlee Road approximately 5 kilometres south of the Campbelltown CBD. See **Figure 3** for the site context.

The Main Southern Railway runs along the north- western boundary of the site. The proposed Spring Farm Parkway and future open space are located to the south. Further, the site is visually connected to the Australian Botanic Garden Mount Annan and Nepean River flood plain.

The site includes Glenlee House, gardens, gate lodge (remnants) and outbuildings which are both local and State Heritage items. The current rural landscape has been mainly cleared for previous pastoral uses. Recently the land was used for olive groves. The land surrounding the site is generally zoned for urban purposes.

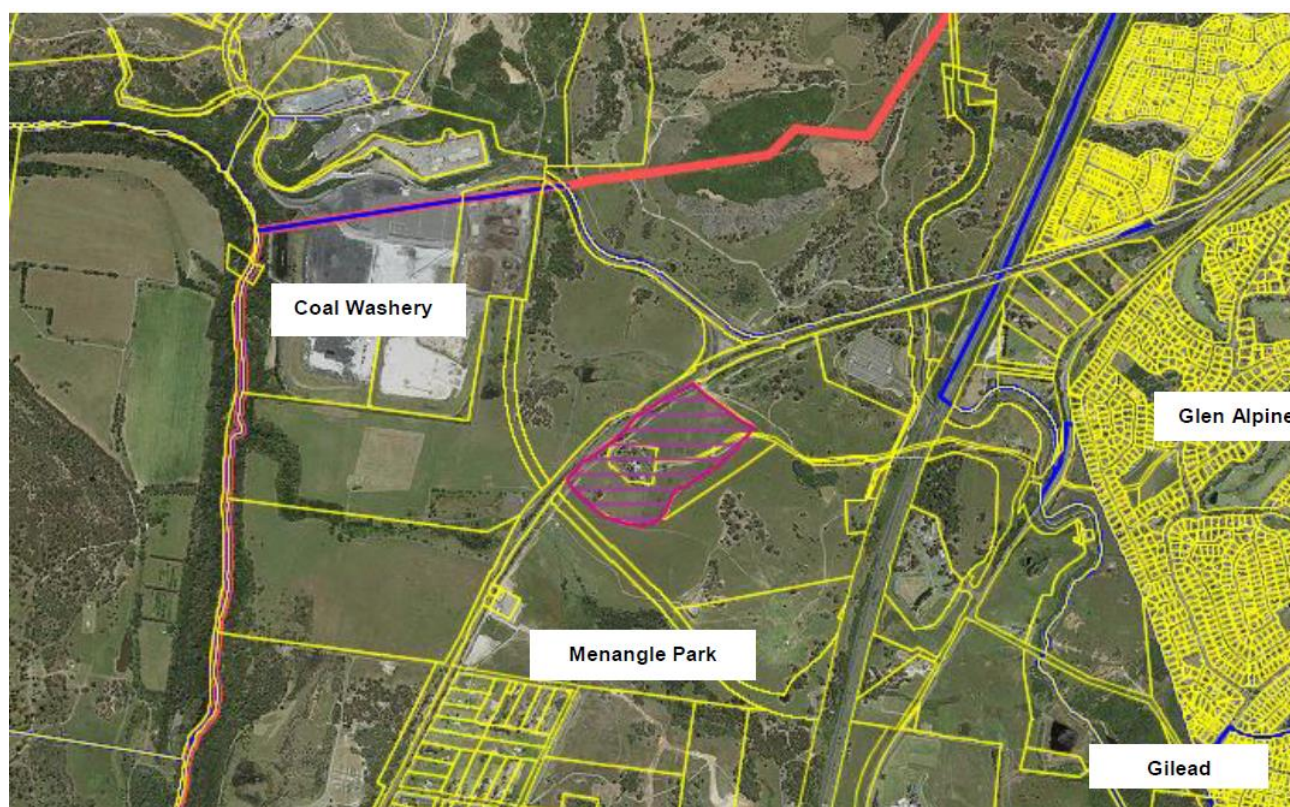


Figure 2: Site context. Site shown hatched in purple.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the following maps (**Figures 3 – 10**): zoning, height of buildings, minimum lot size, and minimum lot size (dual occupancy) maps.

As noted previous, the explanation of provisions in the planning proposal does not align with the proposed maps and requires updating prior to public exhibition. This includes:

- Proposed Zoning Map – the map shows the heritage item remaining as a RU2 zone instead of the proposed C3 zone as described in the explanation of provisions;
- Proposed Minimum Lot Size Map – the map shows the proposed C3 zone as retaining a 10ha minimum lot size instead of the proposed 8ha minimum lot size as described in the explanation of provisions; and
- Labelling the maps as either the current/existing map and proposed map.

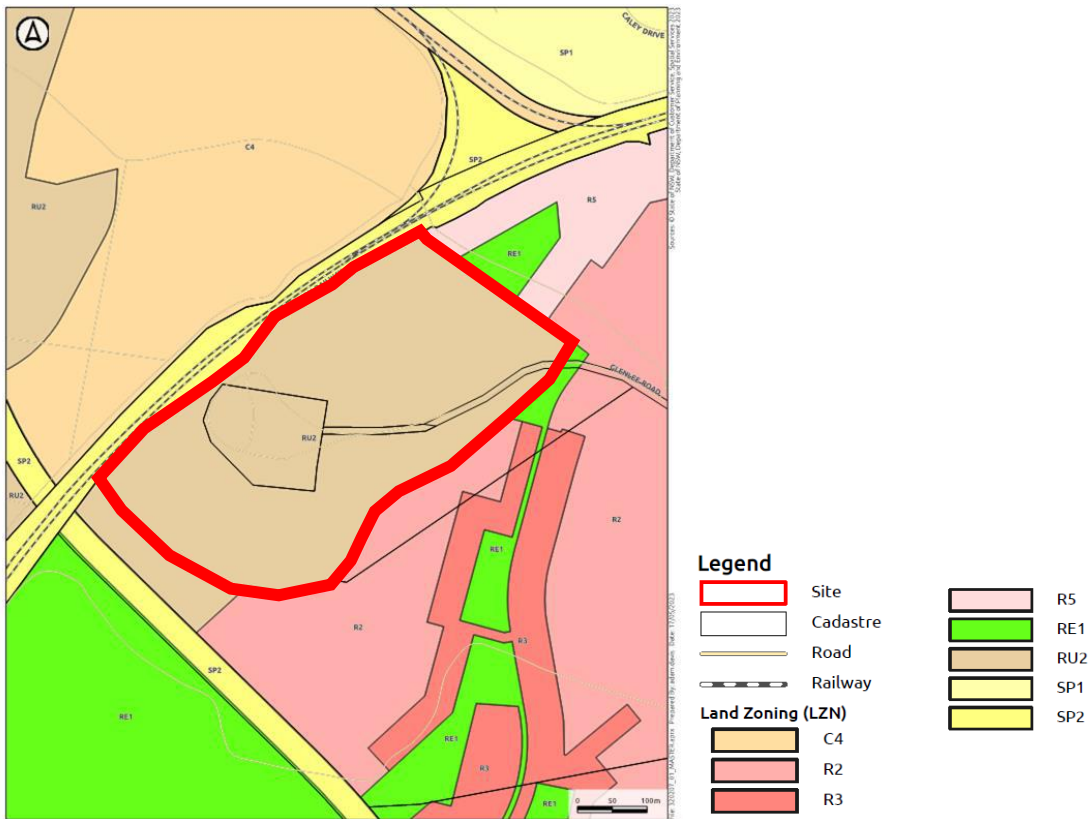


Figure 3: Current zoning map

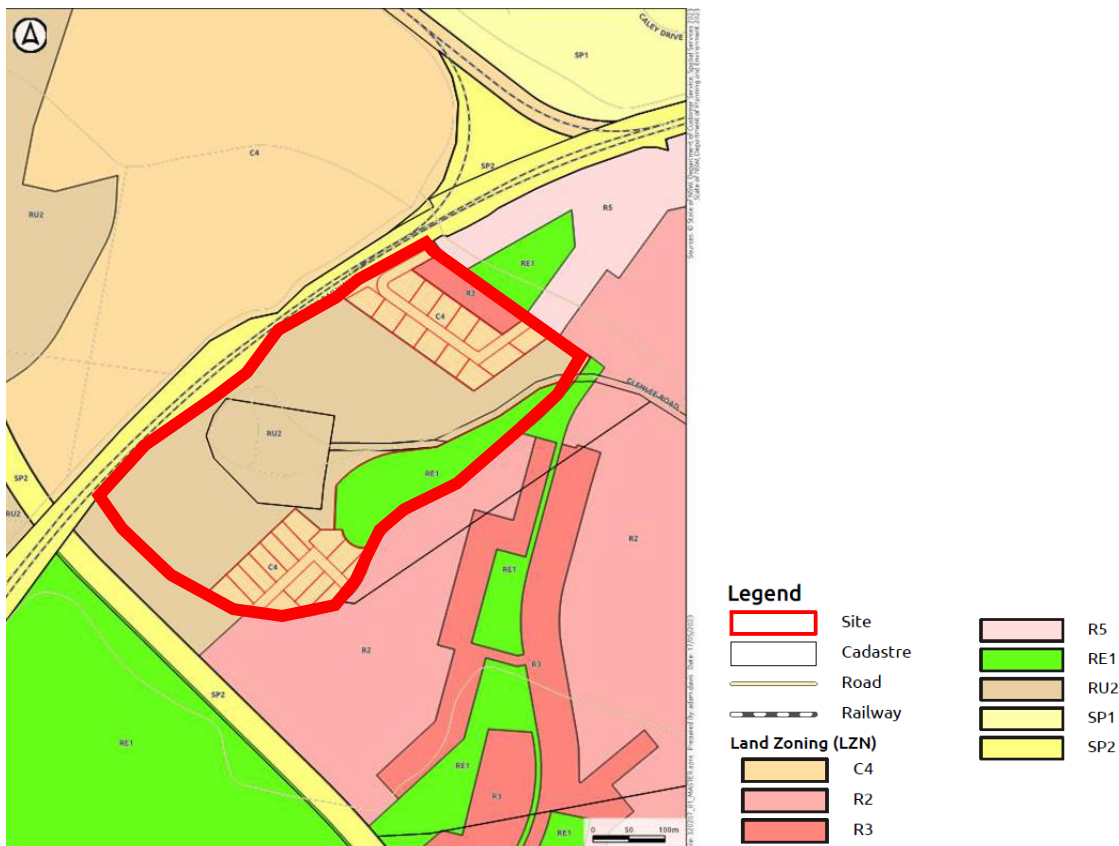


Figure 4: Proposed zoning map

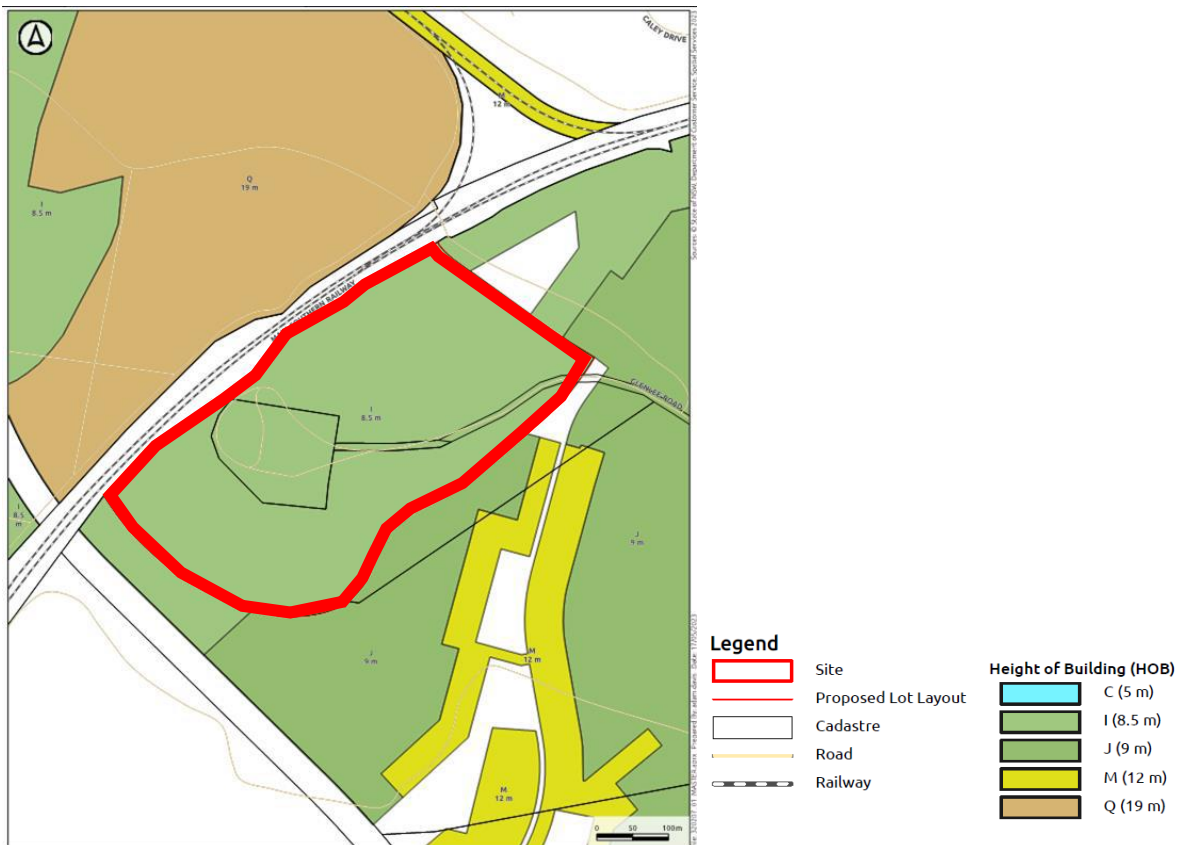


Figure 5: Current height of building map

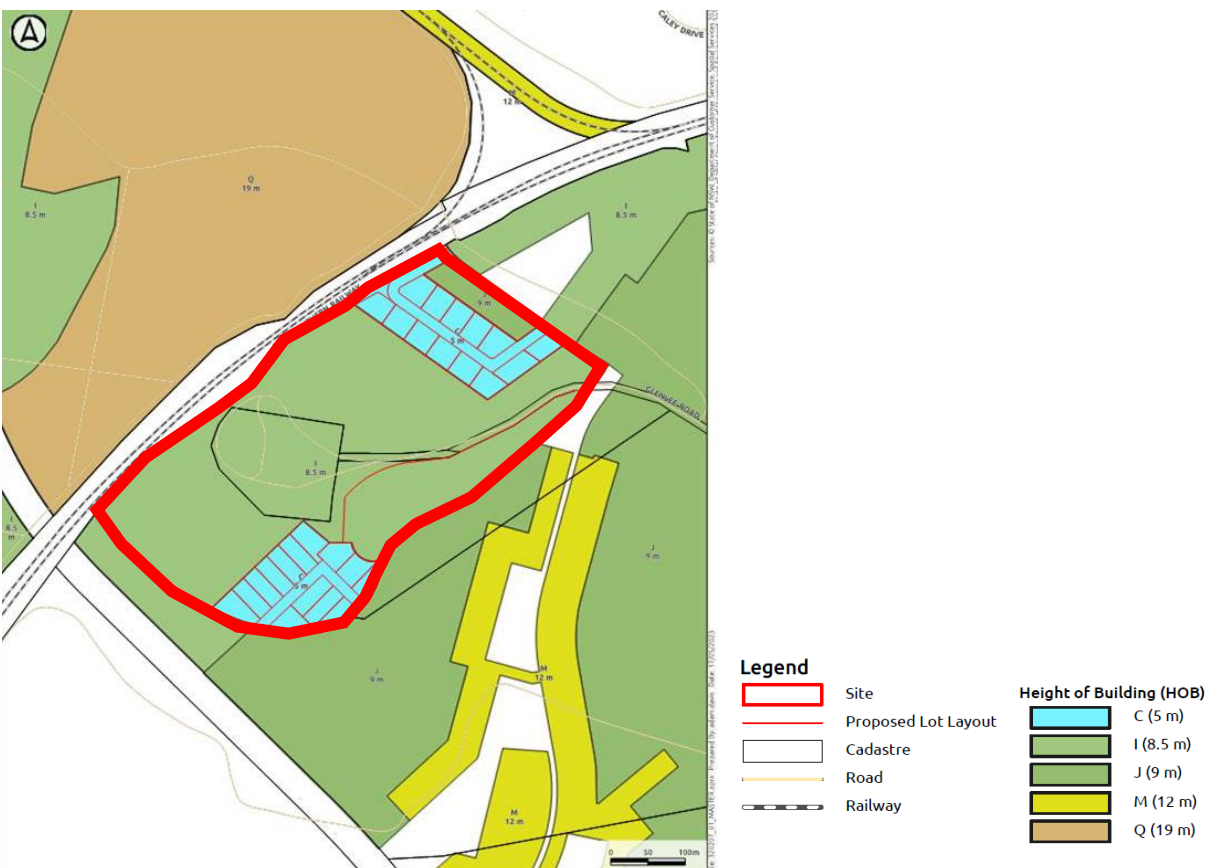


Figure 6: Proposed height of building map

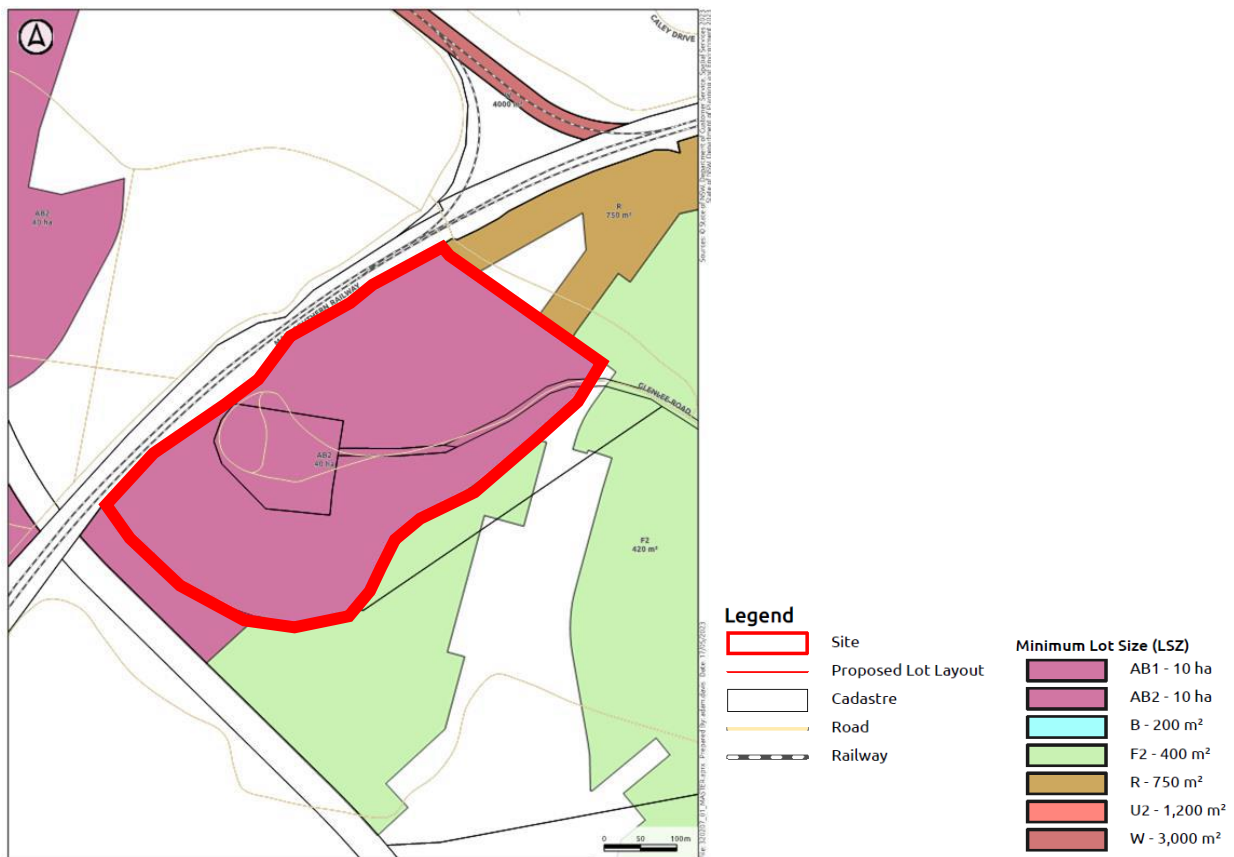


Figure 7: Existing Minimum Lot Size

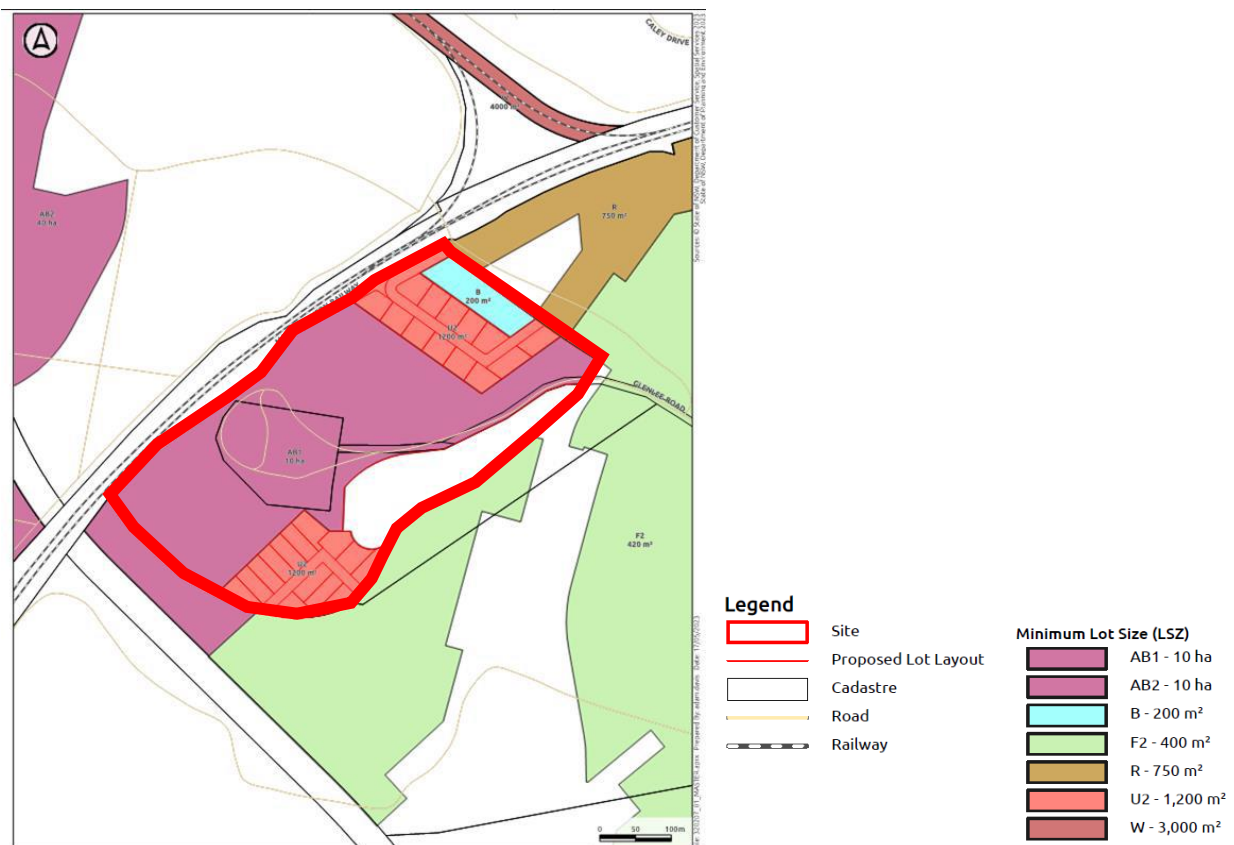


Figure 8: Proposed Minimum Lot Size

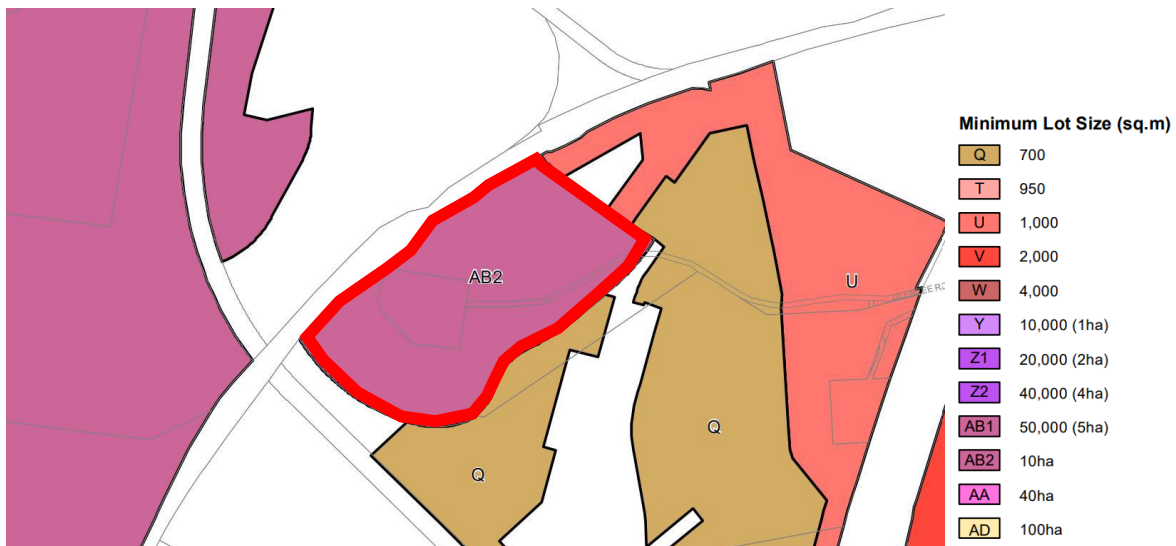


Figure 9: Existing Dual Occupancy minimum lot size

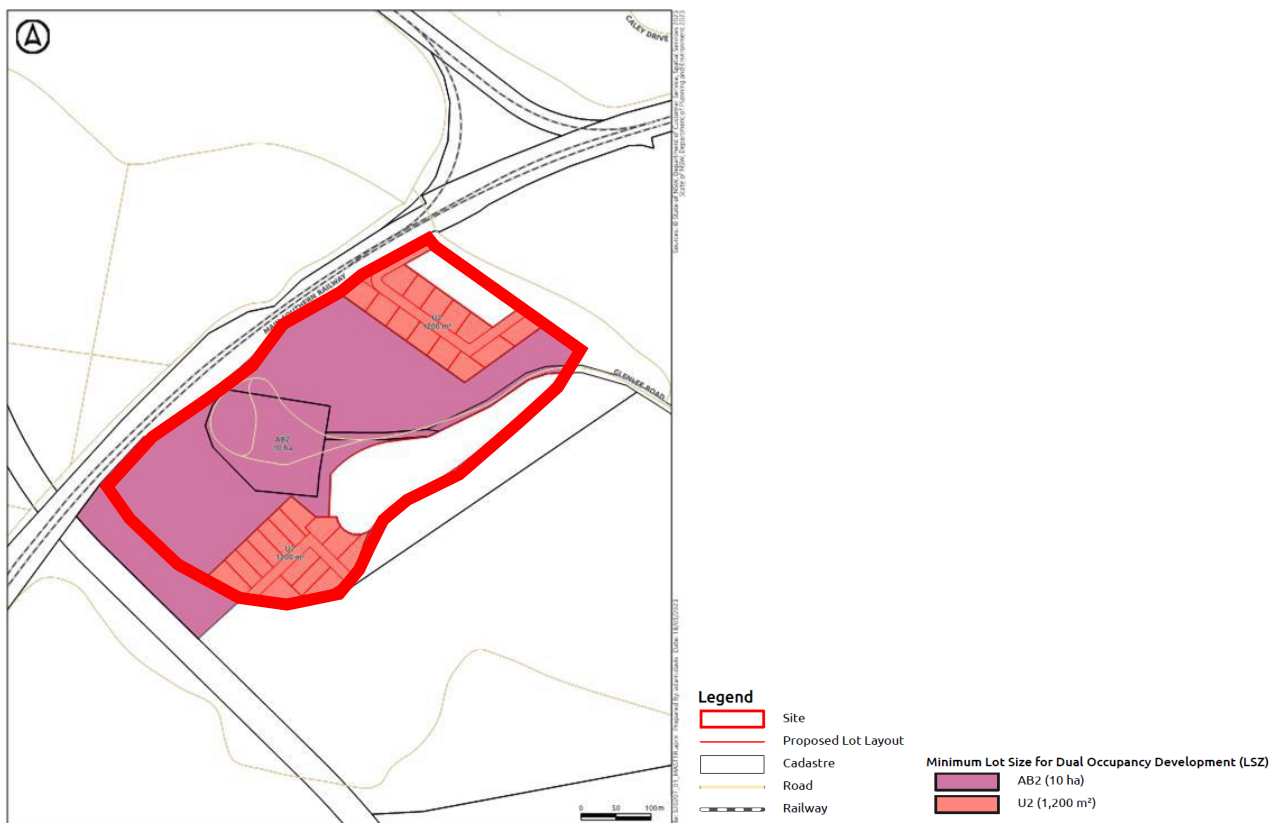


Figure 10: Proposed Dual Occupancy minimum lot size

1.6 Background

In July 2021, the Department issued a Gateway determination for a previous planning proposal applying to the site. The previous proposal sought similar zoning amendments (see **Figure 11**) however was determined to not proceed due to the Heritage NSW Approvals Committee not supporting the proposal.

Since then, the proponent has worked with Council and Heritage NSW to amend the proposal which was given in principle support by Heritage NSW in December 2022 (**Attachment E1**).

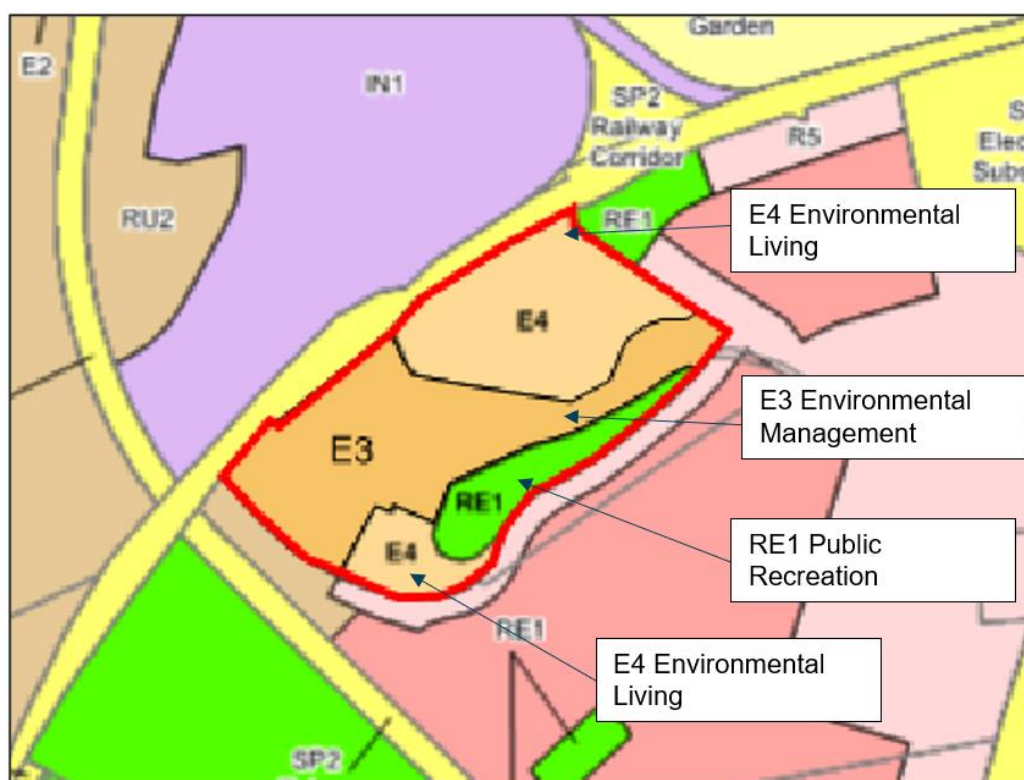


Figure 11: Previous planning proposal zoning map

It is also noted that the site is located in the Menangle Park Urban Release Area (URA) and was part of the Menangle Park rezoning. Under this previous rezoning, the site retained its rural and heritage status.

2 Need for the planning proposal

The planning proposal states that the proposed rezoning is a result of extensive investigations and review of the URA context and including its environmental sensitivities and the need to establish a long-term cultural heritage conservation strategy.

The Department agrees with Council in that the planning proposal is the best means of achieving the objectives and intended outcomes.

3 Strategic assessment

3.1 Greater Sydney Region Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan.

Table 4 Regional Plan assessment

| Regional Plan Objectives | Justification |
|--|--|
| Objective 2 Infrastructure aligns with forecast growth-growth infrastructure compact | The proposal would enable the development of approximately 50 dwellings in the Menangle Park URA and would be supported by the proposed dedication of open space and improved maintenance of Glenlee House. |
| Objective 7 Communities are healthy, resilient and socially connected | The proposal increases the supply of open space in the Menangle Park URA with the dedication of public open space located along the eastern ridge of Glenlee House. Additionally, the proposal will see the current private access to Glenlee House converted to public access. It is noted the site is currently a private residence and the dedication of RE1 zone provides public access to Glenlee House. |
| Objective 10 Greater Housing supply | The proposal contributes with increasing housing supply in the Campbelltown LGA. 50 dwellings sympathetic to its environmental surrounds will supply an alternative and diverse form of housing in the LGA. |
| Objective 11 Housing is more diverse and affordable | |
| Objective 13 Environmental heritage is identified, conserved and enhanced | A key objective of the planning proposal is to provide long-term conservation for significant elements of Glenlee House. The proposal notes a heritage trust fund as part of a local VPA will ensure future maintenance of significant heritage elements. Low density dwellings will be screened from Glenlee House and outbuildings. Views to Mount Annan and Camden Park will be retained. The Heritage Impact Assessment (Attachment F) notes new lots will be screened by lower topography, continuous planting of the parish line and street planting. |
| Objective 31 public open space is accessible, protected and enhanced | The proposal includes the zoning of land for open space. The heritage report (Attachment F) supporting the proposal notes the dedication of the proposed curtilage to open space ensures the retention of a semi-rural setting into perpetuity. The proposed protection of the open space is identified in the letter of offer for the VPA at no cost to Council to enable protection of the visual curtilage of the site and provide the community access. |

3.2 Western City District Plan

The site is within the Western City District and the former Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

| District Plan Priorities | Justification |
|---|--|
| W5 Proving housing supply, choice and affordability, with access to jobs, services and public transport | The proposal contributes with increasing housing supply in the Campbelltown LGA. 50 dwellings sympathetic to its environmental surrounds will be an alternative and diverse form of housing in the LGA. |
| W16 Protecting and enhancing scenic and cultural landscapes | A key objective of the planning proposal is to provide long-term conservation for significant elements of Glenlee House. The proposal notes a heritage trust fund as part of a Voluntary Planning Agreement (VPA) will ensure future maintenance of significant heritage elements. Dwellings will be screened from Glenlee House and outbuildings. Views to Mount Annan and Camden Park will be retained. New development is contained in areas located away from the Homestead lot and will be screened by topography, continuous planting of the parish line and street planting. |
| W17 Better managing rural areas | |
| W18 delivering high quality open space | The proposal includes the zoning of land for open space. The heritage report supporting the proposal notes the dedication of the proposed curtilage to open space ensures the retention of a semi-rural setting into perpetuity. The proposed protection of the open space is identified in the letter of offer for the VPA at no cost to Council to enable protection of the visual curtilage of the site and provide the community access |

3.3 Greater Macarthur Growth Area 2040

The Greater Macarthur 2040 Interim Plan (2018), the Greater Macarthur 2040 Update Brochure (2021) and the Guide to the Greater Macarthur Growth Area (2022) broadly set out the Government's strategic vision for the Greater Macarthur Growth Area.

Located in the Menangle Park Precinct, the land surrounding the site has been rezoned for residential purposes. The updated structure plan in the 2022 Guide identifies the site as a State heritage item and shows a potential road traversing the site (**Figure 12** overleaf).

It is noted that the proposal is generally consistent with the Greater Macarthur Structure Plan as the majority of the site remains a State heritage item but now with proposed residential development on the periphery of the site.

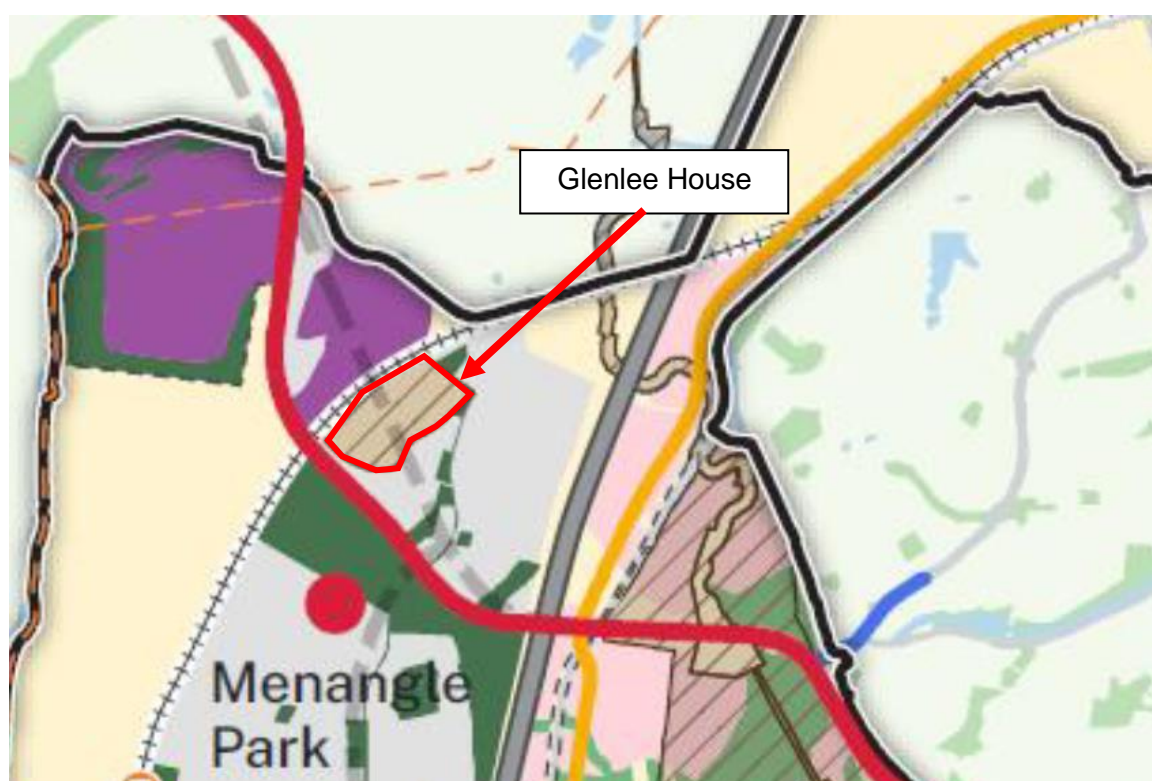


Figure 12: Greater Macarthur Structure Plan (2022)

3.4 Local Plans

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated below:

Table 6 Local strategic planning assessment

| Local Strategies | Justification |
|---|--|
| Local Strategic Planning Statement (LSPS) | The planning proposal includes a detailed assessment against relevant actions contained in Council's LSPS. The proposal notes it is consistent with the LSPS and facilitates a mechanism for the long-term conservation of the important cultural heritage elements of the estate. The proposal identifies it is consistent with Action 2.5 as the Glenlee Estate is located in the Menangle Park URA which was rezoned principally for urban purposes in November 2017, meaning it is surrounded by land zoned largely for urban purposes, including residential, industrial and open space. The proposal notes the areas of greatest cultural sensitivity will be conserved as identified in the Conservation Management Plan (Attachment G). |
| Local Housing Strategy (LHS) | The proposal is consistent with the Campbelltown Local Housing Strategy by providing a variety of housing types and sizes that responds to environmental considerations whilst meeting the changing mix of household types. A choice of price points for housing supports increasing diversity of housing needs in the Local Government Area. |

3.5 Local planning panel (LPP) recommendation

On 28 April 2021, the Campbelltown Local Planning Panel (**Attachment C**) considered the Council officer's assessment report and was generally supportive of the proposal. The Panel requested the following amendments to the planning proposal:

- A mechanism to control dwelling size and provide an adequate landscape context;
- Preparation of a DCP for concurrent exhibition which addresses development matters outlined in the Heritage Impact Statement (HIS) (**Attachment F**);
- Consolidation of homestead and southern pastures groups as a single E3-Environmental Management zone; and
- An irrevocable offer to address land dedication and conservation actions.


It is noted that Council has amended the planning proposal in accordance with the Local Planning Panel's recommendation and seeks to progress the DCP and VPA following receipt of a Gateway Determination.


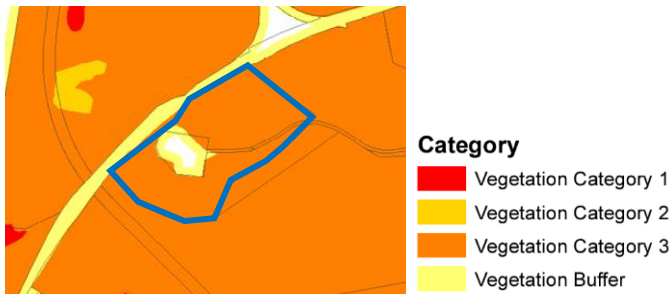
3.6 Section 9.1 Ministerial Directions

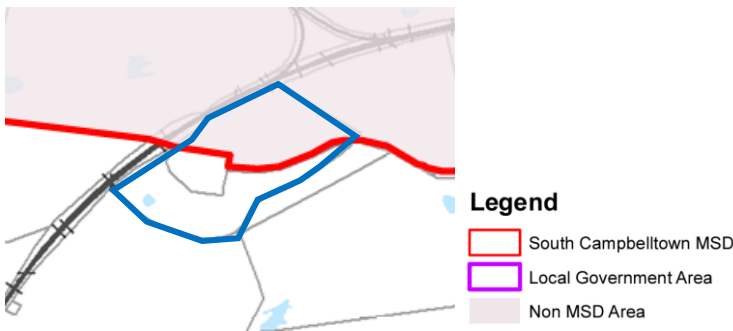
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 Ministerial Direction assessment

| Directions | Consistent | Reasons for Consistency or Inconsistency |
|---|-------------------------|---|
| 1.4 Site Specific Provisions | Inconsistency justified | <p>The proposal is inconsistent with this direction as it seeks to introduce a maximum site coverage provision of 30% for residential accommodation in the C4 zone.</p> <p>This inconsistency is considered to be of minor significance as the new provision seeks to limit dwelling size and provide for an adequate landscape setting for dwellings and ancillary development.</p> |
| 1.14 Implementation of Greater Macarthur 2040 | Consistent | <p>The proposal is generally consistent with this direction as the Greater Macarthur 2040 identifies the heritage importance of the Glenlee House site. It identifies that where appropriate significant heritage items will be preserved for long-term protection from development with adequate curtilages.</p> <p>The planning proposal includes assessment of these appropriate curtilages and preserves the value of the site through the proposed C4 and RE1 zones.</p> |

| Directions | Consistent | Reasons for Consistency or Inconsistency |
|---------------------------|------------|--|
| 3.1 Conservation Zones | Consistent | <p>This direction applies as the proposal seeks to rezone part of the site to C3 and C4. However, the sites does not contain areas of biodiversity significance as identified on the Terrestrial Biodiversity Map and the site is also part of the Menangle Park MRA. The site is also identified as Excluded Land under the Cumberland Plain Conservation Plan (CPCP) due to the previous Menangle Park URA rezoning. Therefore, there is no inconsistency with this direction.</p>  <p>Figure 13: Terrestrial Biodiversity Map</p> |
| 3.2 Heritage Conservation | Consistent | <p>This direction applies as the site is listed as a State Heritage Item (Item No. I00009).</p> <p>The proposal is supported by a Heritage Impact Statement (Attachment F) and a Conservation Management Plan (Attachment G). An Advancement Strategy (Attachment E2) for the site was also submitted to facilitate the incremental and timely progress of an amended proposal and was accepted by Heritage NSW on 21 December 2022 (Attachment E1).</p> <p>The Conservation Management Plan also includes an Aboriginal Heritage Due Diligence assessment which identifies the site may contain areas of moderate to high archaeological potential. The Campbelltown LEP includes provisions that require the protection of these heritage features prior to development occurring.</p> <p>The proposal is consistent with this direction as Heritage NSW support the planning proposal proceeding to Gateway (Attachment E1).</p> <p>However additional consultation with Heritage NSW is recommended. In addition, further analysis of heritage is provided in Section 4.1 of this report.</p> |

| Directions | Consistent | Reasons for Consistency or Inconsistency |
|--------------------------------------|-----------------------------|--|
| 4.1 Flooding | Inconsistency justified | <p>The site contains a small section of flood prone land to the north which is proposed for residential development. Future development of the draft Concept Plan would require a comprehensive flood mitigation and stormwater management strategy. Such a strategy would likely require civil works that modify the landscape to control the potential flood impact and integrate with a stormwater strategy to control stormwater quantity and quality standards. Further consideration of the stormwater strategy would be appropriate at the development application stage.</p> <p>As the site was part of the Menangle Park URA, any inconsistency with this direction is considered of minor significance as flooding was considered as part of the URA rezoning.</p> <p>However, consultation with the Environment and Heritage Group is recommended.</p>  <p>Figure 14: 1% Flood Prone Land Map</p> |
| 4.3 Planning for Bushfire Protection | Inconsistency not justified | <p>This direction applies as the site contains bushfire prone land with a Category 3 and vegetation buffer classification, due to existing grasslands. Council advise that asset protection zones are capable of being achieved and managed in accordance with Planning for Bushfire Protection 2019 (PFBP). Furthermore, construction standards and access would be subject to future compliance with PFBP.</p> <p>Consistency with this direction cannot be determined until Council consult the NSW Rural Fire Service (RFS) post Gateway. It is also noted that RFS can advise the necessary bushfire study requirements for the rezoning.</p>  <p>Figure 15: Bushfire Prone Land Map</p> |

| Directions | Consistent | Reasons for Consistency or Inconsistency |
|--|-------------------------|--|
| 4.4 Remediation of Contaminated Land | Consistent | The planning proposal is accompanied by a Preliminary Site Investigation (Attachment H). The site investigation concluded the site is deemed suitable for rezoning as the risk of contamination is low. Therefore, the proposal is consistent with this direction. |
| 4.6 Mine Subsidence and Unstable Land | Inconsistency justified | <p>The southern portion of the site is located within the South Campbelltown Mine Subsidence District. The proposal is inconsistent with this direction as the Subsidence Advisory NSW (SANSW) was not consulted on this proposal during its preparation.</p> <p>However, the inconsistency with this direction is considered to be of minor significance as the risk of mine subsidence was considered and justified as part of the Menangle Park URA rezoning.</p>  <p>Figure 16: Mine Subsidence District Map</p> |
| 5.1 Integrating Land Use and Transport | Inconsistency justified | <p>The proposal is inconsistent with this direction as the proposed residential development will be dependent on car travel. However, the proposal notes it can leverage off the public transport strategy produced for the Menangle Park URA including local bus and limited train services.</p> <p>Therefore, any inconsistency with this direction is justified as of minor significance as transport and infrastructure was considered as part of the Menangle Park URA rezoning.</p> |
| 5.2 Reserving Land for Public Purposes | Consistent | This direction applies as part of the site is proposed to be rezoned for RE1 and dedicated to Council at no cost. This has been agreed to by Council therefore the proposal is consistent with this direction. |
| 6.1 Residential Zones | Inconsistency justified | <p>The proposal is inconsistent with this direction as it seeks to rezone rural land for urban development that is not currently serviced. However, the site is part of the Menangle Park URA and will benefit from future infrastructure and servicing planned for the area. It will also broaden the housing types in the area.</p> <p>Therefore, any inconsistency with this direction is considered to be of minor significance.</p> |

| Directions | Consistent | Reasons for Consistency or Inconsistency |
|--|-------------------------|--|
| 8.1 Mining, Petroleum Production and Extractive Industries | Inconsistency justified | <p>As noted above, the site is located within the South Campbelltown Mine Subsidence District. But any inconsistency with this direction is considered to be of minor significance as the risks to further mining under the site was considered and justified as part of the Menangle Park URA rezoning.</p> <p>But consultation with the Division of Mining, Exploration and Geoscience of the Department of Regional NSW is recommended.</p> |
| 9.1 Rural Zones | Inconsistency justified | <p>The proposal is inconsistent with this direction as it seeks to rezone part of the site from rural to residential.</p> <p>However, the inconsistency with this direction is considered to be of minor significance as the site is located in the Menangle Park URA and is surrounded by residential zoned land. Therefore, the use of the land for intensive agriculture is no longer suitable due to the potential land use conflicts.</p> |

3.7 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs table

| SEPPs | Consistent | Reasons for Consistency or Inconsistency |
|---|------------|---|
| SEPP (Biodiversity and Conservation) 2021 | Yes | <p>Where relevant, future vegetation removal will need to comply with the provisions of the SEPP and other companion legislation. Little vegetation will be removed from the general pastoral landscape. The tree canopy will be increased from the current grazing landscape through significant street tree and screen planting initiatives.</p> <p>The proposal does not conflict or hinder the achievement of the SEPP aims, with the principles of NorBE underpinning water management and the proposal being removed from the iconic Nepean River landscapes.</p> |
| SEPP (Precincts – Western Parkland City) 2021 | Yes | <p>The new planning controls are intended to sit within the Campbelltown LEP. The Department notes that clause 3.11 of the SEPP identifies that the provisions for the Menangle Park and Mount Gilead Precinct (Figtree Hill) within the Greater Macarthur Growth Area are contained within the Campbelltown LEP 2015.</p> |
| SEPP (Resilience and Hazards) 2021 | Yes | <p>In accordance with Chapter 4 of the SEPP and based upon the findings of the Preliminary Site Investigation (Attachment H), at a preliminary level, that the site can be made suitable for the proposed use. Detailed site investigations will be required prior the issuing of development consent.</p> <p>Any future development regarding contamination and remediation on this site will be required to fulfil this SEPP at Development Application stage.</p> |

| SEPPs | Consistent | Reasons for Consistency or Inconsistency |
|--|------------|---|
| SEPP (Transport and Infrastructure) 2021 | Yes | Any educational establishments and future development regarding infrastructure provision on this site will be required to fulfill this SEPP at Development Application stage. This will include consultation with the relevant authorities. |

4 Site-specific assessment

4.1 Environmental, Social and Infrastructure

The following table provides an assessment of the potential environmental impacts associated with the proposal.

4.1.1 Heritage

As mentioned previously, the site is listed as a State Heritage Item (Item No. I00009) – comprising the homestead, outbuildings, garden and gate lodge (and rural setting). See Figure 17 below. The site is part of a historically significant pastoral holding and was created in its current form as a reduced property holding when in the former ownership of the NSW State Planning Authority in 1972. The site may contain areas of moderate to high archaeological potential as detailed in the Conservation Management Plan (**Attachment G**) – see Figure 18. The Campbelltown LEP includes provisions that require the protection of these heritage features prior to development occurring.

Council note that the proposed Concept Plan (Figure 1) was developed in consultation with the Heritage Council, and they issued conditional support at its meeting of 1 November 2022 (**Attachment E3**). Limited low density residential development is proposed in the ‘northern bowl’ and ‘south eastern foot slopes’ as C4 Environmental Living Zone and the heritage sensitivities attached to the Homestead outbuildings and immediate curtilage proposed to be zoned C3 Environmental Management. Furthermore, the layout of proposed lots closest to the heritage buildings on the southern slopes has been amended to ensure visual suppression relative to the ridge. This reflects a lot size recently adapted in the Glenfield rezoning in the vicinity of Macquarie Fields House.

In addition, the Local Planning Panel recommends that the associated DCP for the site reflects the recommendations of the Heritage Impact Statement for area 4 (Northern Bowl) and area 5 (Southern Corner) and further controls should be included in relation to the building footprints, clustering of buildings and maximum number of buildings in area 5.

It is recommended that Heritage NSW and the Tharawal Local Aboriginal Land Council are consulted on the proposal.

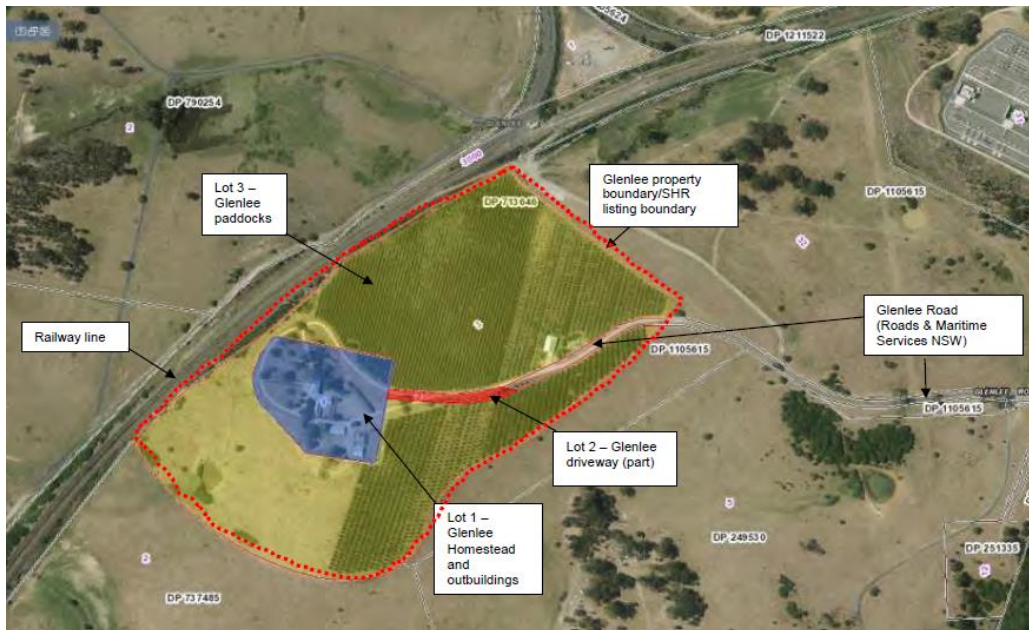


Figure 17: European heritage

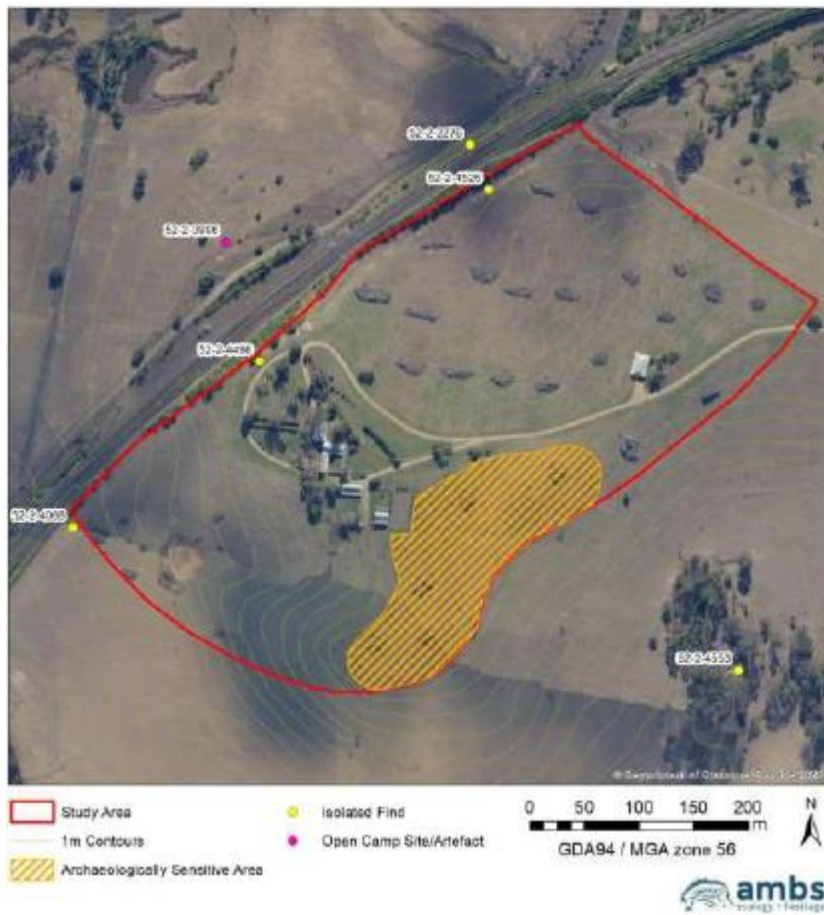


Figure 18: Aboriginal heritage

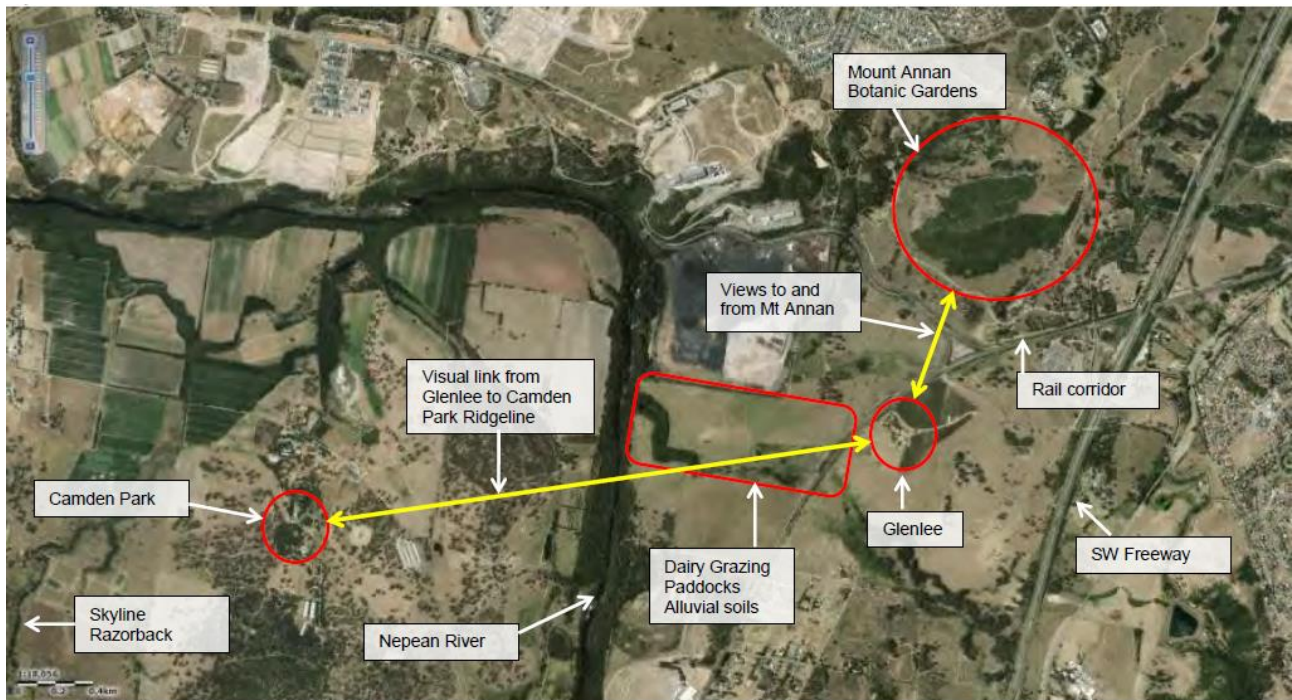


Figure 19: Key visual links

4.1.2 Traffic and Transport

The site is currently accessed from Menangle Road via a bridge over the Hume Highway. However, future access via this route would require significant works, including detailed engineering review of the highway overpass, realignment and widening of the water canal crossing (State Heritage Item) and intersection improvements to Menangle Road.

For these reasons, Council recommends that future access to the land be via the existing / draft street layout contained within the proposed amendments to the Menangle Park Master Plan which would require all traffic to access the site from a new intersection with the proposed Spring Farm Parkway. Provision of this work is secured by the State Voluntary Planning Agreement 2017/8774 (Menangle Park - Urban Growth) and is currently under construction.

Further consideration of traffic generation would be appropriate at the development application stage. Pedestrian and cycle facilities would be required to integrate with the proposed network for the locality, including open space areas.

It is recommended that Transport for NSW are consulted on this proposal.

4.1.3 Utilities and Servicing

Work is currently taking place in respect of the provision of reticulated water and wastewater services to the Menangle Park URA, with trunk infrastructure focused on servicing existing approved subdivision applications. Apart from limited electrical services from supply in Menangle Road, a 66 KV feeder and zone substation are being provided proximate to the south west boundary of the site. Advice has been provided that existing telecommunications services including NBN can be extended to service the Proposal. Gas is currently not available to the MPURA.

It is recommended that the utility providers (i.e. Sydney Water and Endeavour Energy) are consulted on this proposal.

5 Consultation

5.1 Community

Council proposes a community consultation period of 30 days.

The exhibition period proposed is considered appropriate and forms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Transport for NSW;
- Heritage NSW;
- Tharawal Local Aboriginal Land Council;
- Environmental and Heritage Group;
- Division of Resources and Geoscience of the Department of Regional NSW;
- NSW Subsidence Advisory;
- NSW Rural Fire Service;
- Sydney Water; and
- Relevant utility providers.

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the site is within an established growth area and urban release area, and significant consultation has been undertaken with Heritage NSW in support of the revised proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will provide a positive heritage outcome for the site;
- Provide housing within an established growth area;
- Facilitate a new local park; and
- Is consistent with the strategic framework.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site Specific Provisions, 4.1 Flooding, 4.6 Mine Subsidence and Unstable Land, 5.1 Integrating Land Use and Transport, 6.1 Residential Zones, 8.1 Mining, Petroleum Production and Extractive Industries, and 9.1 Rural Zones are minor or justified; and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require further justification.

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

1. Prior to public exhibition:
 - (a) The proposal must be amended as follows:
 - i. Update the explanation of provisions so the proposed amendments are clear and consistent throughout the documentation including the supporting proposed maps;
 - ii. Label the map as either the current map or proposed map; and
 - (b) Consult the NSW Rural Fire Service.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, August 2023).

Exhibition must commence 6 months from the date of Gateway determination.

3. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Heritage NSW;
 - Tharawal Local Aboriginal Land Council;
 - Environmental and Heritage Group;
 - Division of Resources and Geoscience of the Department of Regional NSW;
 - NSW Subsidence Advisory;
 - NSW Rural Fire Service;
 - Sydney Water; and
 - Relevant utility providers.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may

otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is 12 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



27/09/2023

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27 September 2023

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