

ATTACHMENT - COMPLIANCE TABLES

State Environmental Planning Policy (Resilience and Hazards) 2021

REQUIREMENT	RESPONSE
<p>Clause 4.6(1)</p> <p>1. Is the development for a change of use to a sensitive land use or for residential subdivision?</p> <p>Sensitive land use include residential, educational, recreational, child care purposes or hospital.</p>	<p>No. The proposal is for a road.</p>
<p>Clause 4.6(1)</p> <p>2. Is Council aware of any previous investigation or orders about contamination on the land?</p>	<p>Previous contamination assessments of the broader site area was completed by Douglas Partners in 2004 and 2017. The scope of investigation works included site inspection, review of site history information, soil sampling from test pits and laboratory analysis for contaminants of potential concern. Historical information was provided in the previous investigation reports which included a review of aerial photographs from 1956 to 1994. In addition, online aerial imagery from 2009 to 2021 was also reviewed. This showed that the development site has comprised a constructed road corridor since 1956, with subsequent widening occurring by 1984.</p> <p>Near surface soil sample laboratory analysis results for contaminants of potential concern (heavy metals, total recoverable hydrocarbons, benzene toluene, ethylbenzene and xylene, organophosphorus pesticides and organochlorine pesticides) were reported below the laboratory limit of reporting (LOR) and/or the adopted health and ecological guideline level for residential land use.</p> <p>The Douglas Partners reports did not identify the presence of contamination at the site which would require a specific remediation or management strategy for the proposed intersection works. The closest areas of potential concern were 400 m to the north west of the site boundary and 250 m to the south east of the site boundary.</p> <p>The current DA is accompanied by a Contamination Summary report prepared by JBS&G. The report refers to the findings of Douglas Partners to confirm the site is suitable for the proposed development. Nevertheless, a condition is recommended to ensure an Unexpected Finds Protocol is prepared prior to the commencement of any works.</p>

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Clause 4.6(1) 3. Do existing records held by Council show that a contaminating land activity has occurred on the land?	A search of Council records did not include any reference to previous land uses that may have caused contamination.
Clause 4.6(1) 4. Has the land previously been zoned for potentially contaminating uses?	The site has historically been zoned for rural residential purposes and as a road corridor.
Clause 4.6(1) 5. Is the land currently being used for a potentially contaminating use or is there any evidence of a potentially contaminating use on site?	A site inspection did not reveal any obvious signs of contamination, or a use that would potentially have resulted in contamination.

Campbelltown Local Environmental Plan 2015

PART 4 – PRINCIPAL DEVELOPMENT STANDARDS	
Clause 2.3 – Permissibility and zone objectives	<p>The site is located within the following land use zones pursuant to Clause 2.2 of the LEP:</p> <ul style="list-style-type: none"> • SP2 Infrastructure • RE1 Public Recreation • R2 Low Density Residential • R3 Medium Density Residential • R5 Large Lot Residential <p>Roads, which are defined in the LEP as “...a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road”, are permissible with consent across all land use zones which make up at the development site.</p>
Clause 2.6 – Subdivision	Under Clause 2.6, subdivision is permitted on any land to which the LEP applies.
Clause 4.1 – Minimum subdivision lot size	<p>Subclause (3) states:</p> <p><i>(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.</i></p> <p>Subclause (4B) states:</p> <p><i>Despite subclause (3), development consent may be granted for the subdivision of land into lots that do not meet the minimum size shown on the Lot Size Map if the lots are residue lots resulting from the creation of a public road, public open space or other public purpose.</i></p>

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	<p>All lots created under this application are intended to be acquired by TfNSW in the future. They are, therefore, residue lots for the purposes of the LEP and are not subject to minimum lot size requirements.</p>
PART 6 – URBAN RELEASE AREAS	
<p>Clause 6.2 – Public utility infrastructure</p>	<p>Pursuant to Section 6.2 of the <i>CLEP 2015</i>, development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p>The proposed development is capable of being appropriately serviced, where required, with extensions from the existing services network to the north and south of Menangle Rd.</p>
<p>Clause 6.3 – Development control plan</p>	<p>Pursuant to Section 6.3 of the <i>CLEP 2015</i>, development consent must not be granted for development on land in an urban release area unless a development control plan (DCP) has been prepared for the land.</p> <p>The site-specific <i>Menangle Park Development Control Plan (MPDCP)</i> and the <i>Campbelltown (Sustainable City) Development Control Plan 2015 (CDCP 2015)</i> apply to the subject land.</p>
PART 7 – ADDITIONAL LOCAL PROVISIONS	
<p>7.1 – Earthworks</p>	<p>Pursuant to Section 7.1 of the <i>CLEP 2015</i>, in deciding whether to grant development consent, the consent authority must consider:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>Comment: The proposed works involve the re-contouring of the site to facilitate appropriate gradients for road construction, and includes mitigation measures to prevent detrimental impacts on drainage patterns and soil stability, including erosion and sediment control.</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>Comment: The proposal facilitates the creation of a signalised intersection which will ultimately connect with a broader upgrade of Menangle Road.</p>

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	<p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>Comment: A condition is recommended that ensures quality of all soils is of a suitable standard. It is noted a separate development application would be required to address contamination.</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>Comment: The proposal will likely impact on the amenity of adjoining properties. Such impacts are not unreasonable and conditions are recommended to ensure the amenity of adjoining properties is maintained.</p> <p>(e) the source of any fill material and the destination of any excavated material,</p> <p>Comment: The works seek to balance the levels of cut and fill. A condition is recommended to ensure that appropriate erosion and sediment control is provided around any disturbed areas.</p> <p>(f) the likelihood of disturbing relics,</p> <p>Comment: The development is unlikely to disturb relics.</p> <p>(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>Comment: The proposal includes provisions for erosion and sediment control measures to mitigate any adverse impacts.</p> <p>(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(i)</p> <p>Comment: The proposal involves site regarding and earthworks to facilitate the delivery of a signalised intersection. A condition is recommended that ensures appropriate erosion and sediment control measures are in place for the life of the development.</p>
7.4 – Salinity	Pursuant to Section 7.4 of <i>CLEP 2015</i> , in deciding whether to grant development consent, the consent authority must consider:

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	<p>(a) whether the development is likely to have any adverse impact on salinity processes on the land,</p> <p>(b) whether salinity is likely to have an impact on the development,</p> <p>(c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>Comment: Reports on the salinity characteristics of the site were previously carried out by Douglas Partners, who found the soils in this part of Menangle Park to be generally non-saline. It was concluded that the site is suitable for ongoing development.</p> <p>Pursuant to Section 7.4(4) of <i>CLEP 2015</i>, development consent must not be granted unless the consent authority is satisfied that:</p> <p>(a) The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or</p> <p>(b) If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) If that impact cannot be minimised—the development will be managed to mitigate that impact</p> <p>Comment: Conditions to this effect are recommended.</p>
7.10 – Essential services	<p>Pursuant to Section 7.10 of <i>CLEP 2015</i>, development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,</p> <p>(b) the supply of electricity,</p> <p>(c) the disposal and management of sewage,</p> <p>(d) stormwater drainage or on-site conservation,</p> <p>(e) suitable road and vehicular access,</p> <p>(f) telecommunication services,</p> <p>(g) the supply of natural gas.</p> <p>Comment: The proposal is for the construction of a signalised intersection and associated civil and landscaping works. Subdivision is also proposed, however the lots to be created are residue lots for future acquisition by TfNSW. Therefore, they are not required to be serviced by essential services.</p>

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	<p>The services required for the signalised intersection, in particular, electricity, is already available within the road reserve, and may be extended/augmented from adjoining development to the north and south if required.</p>
<p>Clause 7.17 – Development in zone RE1</p>	<p>Pursuant to Section 7.17 of CLEP 2015, development consent must not be granted to the carrying out of development on land in Zone RE1 Public Recreation if that land is owned or controlled, or is proposed to be owned or controlled, by the Council unless the consent authority has considered the following:</p> <ul style="list-style-type: none"> (a) the need for the development of the land, (b) the impact of the development on the existing or likely future use of the land, and prevailing natural systems, (c) the need to retain the land for its existing or likely future use. <p>RE1 land adjoins the signalised intersection to allow for the development of what is termed the 'Green Spine'; a continuous landscaped pedestrian corridor running adjacent to the main thoroughfare through Dahua's estate. Embellishment of the Green Spine is not sought under this DA; all embellishment works will be subject to separate development approval.</p>
<p>Clause 7.18 – Restrictions on access to or from public roads</p>	<p>Pursuant to Section 7.18 of CLEP 2015, before granting development consent that makes provision for vehicular access to or from a road within Zone SP2 Infrastructure, the consent authority must take the following into consideration:</p> <ul style="list-style-type: none"> (a) the treatment of the access and its location, and (b) the effect of opening the access on traffic flow and traffic safety on the road. <p>The proposed development allows for an alternate entry and exit point to and from adjoining residential development. It will relieve the traffic burden on the existing roundabout further south and will accommodate the traffic needs of the area through to at least 2036, at which point it is expected TfNSW will upgrade the intersection further as part of a broader widening project of Menangle Road. In the interim, it is satisfied the intersection allows for suitable vehicular movement and access, and will positively contribute to improving traffic safety on Menangle Road.</p>

Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8: Menangle Park (MPDCP)

PART 2 – VISION AND OBJECTIVES		
Control	Requirement	Proposed
2.2 The Indicative Layout Plan	<ol style="list-style-type: none"> 1. All Development Applications are to be generally prepared in accordance with the ILP. 2. When assessing DAs, Council will consider the extent to which the proposed development is consistent with the ILP. 3. Any proposed variation to the general arrangement of the ILP must be demonstrated to Council's satisfaction, and is to be consistent with the Vision, Desired Future Character Statement and Principles in Section 2.1 of this DCP. 	<p>The DA has been prepared in accordance with the ILP.</p> <p>The proposed development is consistent with the ILP.</p> <p>No variation is identified.</p>
PART 3 – ENVIRONMENTAL MANAGEMENT		
3.2 Flora and Fauna Conservation	<ol style="list-style-type: none"> 1. Proposed subdivision of land identified in Stage 1 is to retain all vegetation within the areas zoned RE1 and critically endangered species in general and ensure protection of related groundwater regimes 8. Subdivision design and bulk earthworks are to consider the need to minimise weed dispersion and to eradicate weeds on site. Should Council believe that a significant weed risk exists, a Weed Eradication and Management Plan outlining weed control measures during and after construction is to be submitted with the subdivision development application. 	<p>No vegetation removal is sought under this application.</p> <p>A condition regarding weed management is recommended.</p>
3.5 Stormwater, Watercycle Management and Flooding	<ol style="list-style-type: none"> 1. All future development must comply with Council's Engineering Design for Development (as amended), Volume 1, Part 2, 2.10 of the Campbelltown (Sustainable City) DCP 2015 and the Menangle Park Water Cycle Management Report prepared by SMEC, dated 14 November 2018. 	<p>Conditions to this effect are recommended. Subject to compliance with these conditions, the development will comply with Council's Engineering Design for Development</p>

		and the Menangle Park DCP.
3.8 Night Sky Protection	1. Street lighting must be a “full cut-off light fixture”, i.e. a type of fixture that does not allow light (includes dispersed light or glare) to be emitted above a 90-degree, horizontal plane measured from the base of the fixture.	A condition is recommended to ensure the development complies.
3.9 Site Contamination	1. All subdivision development applications (or for applications proposing a change of use to a more sensitive land use (e.g. residential, education, public recreation facility etc.), shall be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with the NSW Environmental Protection Authority Contaminated Sites Guidelines, State Environmental Planning Policy 55 – Remediation of Land and the Contaminated Land Management Act 1995 and relevant Council Policies.	The development site is located within an area that has been the subject of former investigation in respect to ground contamination. These investigations did not identify any contaminants in soil at concentrations that would pose an unacceptable risk to potential site users.
3.11. Aboriginal Heritage	2. Development within areas identified as Zone 1, Zone 2, Zone 3 and Culturally Significant Areas shown in Figure 3.6 are subject to the controls for indigenous heritage in Clause 2.11.1 of Volume 1 of this DCP.	No Aboriginal archaeological sites or areas of cultural significance are located within the proposed DA area.
PART 4 – PRECINCT PLANNING OUTCOMES		
4.2.1. Street layout and design	1. The design and construction of streets in Menangle Park is to be generally consistent with the relevant typical designs in Figure 4.2-4.7 and Council’s Engineering Design Guide.	The proposed legs of the Spine Road are generally consistent with the typical designs in the DCP and their design complies with Council’s Engineering Design Guide for Development. The parts of Menangle Road to be managed by TfNSW are to be designed in accordance with TfNSW’s standards, as per the conditions provided in their concurrence for the DA.

	<p>2. Street design is to be in accordance with the indicative street cross sections at Figures 4.2-4.7.</p> <p>3. Where streets are proposed as part of an application for subdivision that are located adjacent to public recreation land, drainage land, community facilities or schools, the applicant will be responsible for construction of the full width of the street</p> <p>4. Except where otherwise provided for in this DCP, all streets and roundabouts are to be designed and constructed in accordance with the minimum requirements set out in Council's Engineering Design Guide for Development. Where a corner lot fronts a roundabout, the driveway shall be set back 10m from the splay.</p> <p>5. Street trees are required for all streets.</p>	<p>Street design is in accordance with the cross sections in the DCP.</p> <p>Full width road construction is proposed.</p> <p>Conditions are recommended to ensure compliance with Council's Engineering Design Guide for Development, where required. No driveways are proposed as part of this application.</p> <p>A condition is recommended for a landscape plan to be prepared; this will ensure all batters and verges will be landscaped with turf and native trees.</p>
4.2.4 Pedestrian and Cycle Network	<p>1. Pedestrian and cycle routes should generally be provided in accordance with Figure 4.12. Alternate configurations can be provided subject to consistency with the objectives.</p> <p>2. Ensure pedestrian and cycle facilities in public spaces are safe, well lit, clearly defined, functional and accessible to all users.</p> <p>3. Minimum pedestrian footpath width is to be 1.2m.</p> <p>4. The minimum width of shared cycle / pedestrian paths is to be 2.5m.</p>	<p>The proposal complies.</p> <p>Complies subject to conditions.</p> <p>The proposal complies.</p> <p>The proposal complies.</p>

	<p>5. Pedestrian and cycle paths are to be provided as part of the open space and recreation areas.</p> <p>6. Design pedestrian and cycle ways and pedestrian refuge islands so that they are fully accessible by all users in terms of access points and gradients, in accordance with AS 1428 (Part 1 to 4 Design for access and mobility).</p>	<p>Open space and recreation areas will be embellished under separate DAs.</p> <p>Complies subject to conditions.</p>
4.3. Public Domain, Parks and Community Infrastructure	<p>3. Street trees throughout Menangle Park are to be delivered in accordance with the Menangle Park Street Tree Plan at Figure 4.14.</p> <p>9. A street tree planting plan is required to be submitted with development applications for subdivisions.</p>	<p>Street tree species are to be in accordance with the 'Menangle Park Recommended Street Tree Planting Details and Specification Notes', prepared by Campbelltown City Council and dated September 2024. The species referred to in the DCP have their origin in documents prepared when Landcom first acquired land in Menangle Park in 2011; the wholesale market, climate conditions, and Council's preferences have changed. Conditions are recommended to ensure species are consistent with this document.</p> <p>Whilst a landscape plan has not been submitted with the DA, a condition is recommended to ensure one is prepared prior to the issue of subdivision works certificate/construction certificate. Tree species are to be consistent with the street tree document prepared by Council.</p>

	<p>10. Street tree planting is to be provided to all streets with a spacing of between 7 and 10 metres,.</p> <p>11. Demonstrate the potential to double the existing (incl. proposed) canopy coverage over public landscaped areas (including street trees) from planting within 15 years from the completion of development.</p>	<p>Complies by conditions.</p> <p>Street tree species will have a mature canopy of between 5 and 12 metres.</p>
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