

Attachments Part 1

Monday 15 May 2017

PE1, PE2, PE3 & PE4

PE1 Attachments

1. Report to the Ordinary Meeting of Council held 19 October 2015.
2. Minutes of the Ordinary Meeting of Council held 19 October 2015.

Monday 15 May 2017

PE1 – Application to Modify Development Consent
No. 010.2005.00058025.005 at 184B Glendiver Road,
The Oaks

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 October 2015

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

PLANNING AND ECONOMY

PE1

Application to Modify Development Consent No. 010.2005.00058025.004 for an Extension to Existing Poultry Farm at 184B Glendiver Road, The Oaks

1006

010.2005.00058025.004



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LOCATION MAP N

DEVELOPMENT INFORMATION

Development Application No:	010.2005.00058028.004
Property Address:	184B Glendiver Road, The Oaks
Applicant:	Konstruk Group
Owner:	N Vassallo
Proposal Details:	Modification of consent – amend Conditions 1.1, 2.2, 10.8 and 10.9 from Development Consent D800-05
Zone:	WLEP 1991 – 1(b) Agricultural Landscape Zone WLEP 2011 – RU2 Agricultural Landscape Zone

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 October 2015

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

EXECUTIVE SUMMARY

- Consent is sought for amendments to Conditions 1.1, 2.2, 10.8 and 10.9 from Development Consent D800-05 relating to the extension of an existing Poultry Farm at 184B Glendiver Road, The Oaks.
- This Application to Modify Development Consent was presented for determination at the May 2014 Council Meeting. Council resolved to defer its determination.
- Additional information has been submitted to Council for review in response to Council's deferral of the application.
- The application has been re-notified in accordance with Council's adopted notification requirements. An additional thirteen (13) submissions were received.
- The application has been 'called up' by Council for determination
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been received in relation to this application.
- It is recommended that the application be approved, but not in the manner requested by the applicant and subject to conditions.

REPORT

BACKGROUND

The subject Application to Modify Development Consent was lodged with Council on 9 August 2013 seeking consent to amend Conditions 1.1, 2.2, 10.8 and 10.9.

At the May 2014 Council Meeting, the application was presented to Council for determination, with a recommendation for refusal due in insufficient information being submitted to enable a comprehensive assessment and the application not being within the public interest.

At the meeting, Council resolved the following:

1. *That Application to Modify Development Consent 010.2005.00058025.004 for the amendments to Conditions 1.1, 2.2, 10.8 and the deletion to Condition 10.9 from Development Consent D800-05 at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be deferred as requested by the applicant so that the supplementary odour impact assessment reports can be peer reviewed by an independent odour expert.*

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2. *That the poultry farm operator be requested to re-enter into mediation with an accredited mediator to seek to resolve issues between themselves and the residents of the Glendiver Farm Community Estate.*
3. *That the next time this modification is reported to Council that it detail whether or not mediation occurred and any public outcomes of that mediation.*

Additional information was submitted in March 2015 in response to Council's deferral. Regarding part 1 of the resolution, the applicant has provided the following:

"Review of the information presented in Table 3.5 indicates compliance with the assessment goals provided in the EPA Odour Impact Assessment guideline are predicted for all receptors with the exception of Receptor 10 for the maximum and average emission rate scenario.

Based on the results of the dispersion modelling it is therefore concluded that:

- *For both average and maximum odour emission rates, odour concentrations above the EPA odour criteria could be experienced at a single receptor (Receptor 10).*
- *For all other receptors, compliance with the odour criteria is expected for both average and maximum emission rate scenarios.*

It is therefore recommended that best practice odour management (see Section 3.6) is adopted as part of the operation of the poultry farm".

In order to address the findings of the Air Noise Assessment in regard to Receptor 10, Benbow Environmental has provided a letter dated 26 February 2015 which provides methods to reduce the strength of odour emissions.

These measures include:

- Reduction in bird stocking densities
- Litter is aerated at least every fortnight so that it remains dry and without a hard crust. This prevents anaerobic processes occurring within the litter that generate odorous gases forming.
- Greater emphasis on management practices which have the benefit of reducing odour.

Benbow Environmental's letter addressing the 'Changes to the Outcome at Receiver 10' dated 26 February 2015 is attached.

Comments from an independent peer reviewer forms **Attachment 1** to this consent.

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Regarding parts 2 and 3 of the resolution, a private mediation session was undertaken between the residents of the Glendiver Farm Community Title Estate and the owner/operator of the Poultry Farm on 21 May 2015. The applicant provided the following comments regarding the mediation session:

“The mediation meeting was chaired by Lorraine Lopich (Mediate Today Pty Ltd) and was held at The Oaks Community Hall on 21 May 2015. Those present included four (4) members of the Glendiver Community Association (GCA) and Mr Nick Vassallo (owner/applicant) and his consultants being Chris Weston (Town Planner) Dick Benbow (Environmental Consultant), Paul Elias and Felicity Reddy (representatives of Cordina Farms).

There was no agreement reached between the representatives of the GCA and the owner of the poultry growing farm regarding the amendments to Conditions 1.1, 2.2, 10.8 and 10.9 of DA 800/05.

The GCA requested that the application be deferred to October/November 2015 in order for the GCA to engage a consultant to review and report on the reports presented with the Section 96(1A) Modification Application submitted on 15 March 2015. Copies of these reports were made available to the GCA for the mediation meeting. Mr. Vassallo suggested an extension of time to the GCA to July which was not accepted.

It is considered that to delay the determination of the application to the October or November 2015 Council Meeting is too long a period. The GCA have already had an extension of time and to date a number of submissions from the GCA have been lodged with Council. There has been 2 months to prepare submissions and engage consultants.”

CONSULTATION

Referral	Outcome
Environmental Health Officer	Conditions are recommended. Comments regarding the information submitted to council by the applicant and responding to the concerns raised by the objectors follow later in this report.

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1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject land is known as Lot 11 DP 841569, 184B Glendiver Road, The Oaks. It is irregular in shape and has an area of 19.79 hectares.

The land is accessed via a right of carriageway from Glendiver Road which passes through a community title subdivision. The northern end of the site which adjoins Glendiver Road has a width of 192.74m. The southern end of the site widens to 392.47m and varies in depth from around 500 to 600m.

Three (3) metal clad poultry sheds, silos and ancillary sheds are located on a hill rising up from Flaggy Creek. The land is at the bottom of a valley and is surrounded by hills. A residence is located on a hill behind the sheds. Flaggy Creek is located approximately 20m from the existing sheds and drains into a dammed area, the wall of which also provides road access to the sheds.

Glendiver Farm Community Estate is located north and north-east from the subject development. This comprises a rural residential estate.

Extensive screening landscaping was undertaken to ensure the current sheds are not visible from most of the estate. On all other sides, paddocks are located which are mainly used for agricultural purposes.

1.2 DESCRIPTION OF DEVELOPMENT

The statement provided with the application details the following regarding the proposed modification:

“The amendment of these conditions is required for the Poultry Farm to comply with best industry practices and RSPCA standards for the housing and collection of birds.

Industry practices have moved away from tunnel ventilation shedding and introduced Freedom Farm Sheds. The benefits of Freedom Farm Sheds are outlined in correspondence provided by Cordina Chicken Farms Pty Ltd (Cordina) and included with this submission.

Conditions of Consent for DA No. 800/05 were provided at a time when tunnel ventilation was considered best practice for the industry; this has now changed and as such the conditions of consent for the existing and approved poultry farm require amendment.

Also as detailed in correspondence from Cordina the welfare of the birds must be considered in determining the best pick up time for birds. There is a need for some flexibility in the pickup hours for trucks collecting the birds from the poultry farm in the evenings, particularly in the hot summer periods and peak Christmas periods.”

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In brief, the changes would result in the following:

- Bird density for Freedom Farm Sheds is 15 birds per square metre being far less than the industry standard of 20 birds per square metre for Tunnel Ventilated Sheds and 16 birds per square metre for conventionally ventilated Sheds.
- The bird density will be reduced to 15 birds per square metre and the number of birds per batch will be reduced from 122,764 birds to 93,700.
- The reduction in bird numbers will reduce truck movements from 86 to 64 movements per batch. A reduction of 22 truck movements during each growth batch.

1.3 ASSESSMENT

Consent is sought to amend Conditions 1.1 and 10.8 and delete Conditions 2.2 and 10.9 from Development Consent D800-05 as follows:

a) Condition 1.1 states the following:

“1.1 Development Consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184, Glendiver Road, The Oaks and incorporated tunnel ventilation system for this shed and the existing sheds detailed in the information submitted with Development Application No. D800-05.”

The applicant requests the condition be amended to read as follows:

“1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with a natural ventilation system in accordance with DWG No. 12479 dated 22/10/12 prepared by D & M. Consulting Pty Ltd.”

The applicant's justification:

The tunnel ventilation system for the operation of poultry sheds is no longer considered the best practice in the poultry growing industry. It is proposed the additional shed as a 'Conventional Shed' but all sheds will operate under a specific Cordina Farm system known as 'Freedom Farm Sheds' which will provide for lower density of birds per square metre and reduction of bird numbers for each shed.

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Each of the existing sheds currently operates with 16 circulation fans per shed and it is proposed to install ventilation fans (2) on the western elevation of each shed as recommended by the Air and Noise Assessment, dated January 2013 prepared by Air Noise Environment.

The noise and air emissions have been modelled to address the building design and use. Refer to Air and Noise Assessment and amended plans lodged with this application.

The subject poultry farm is approved as an RSPCA – Australia producer. These birds are marketed as the Cordina Farm specific 'Freedom Farm RSPCA Approved Chickens'. Birds produced under this system are unique to the Cordina farming operation.

The benefits of using Freedom Farm Sheds over Tunnel Shedding or Conventional Sheds are summarised as follows:

- *Freedom Farm Sheds have the accreditation of the RSPCA by providing a lower density for birds per square metre, natural sunlight, natural air flow and fans which results in a higher level of bird welfare.*
- *The bird density of Freedom Farm Sheds is 15 birds per square metre. This is far less than the industry standard of 20 birds per square metre for Tunnel Ventilated Sheds and 16 birds per square metre for Conventional Sheds.*
- *The RSPCA standards require bird densities be restricted to 28 kilograms of live weight per square metre during the entire batch. This means that the birds are thinned out earlier and the reduced density in the sheds should reduce the pressure on the litter conditions and hence potentially reduce odour.*
- *The reduction in bird numbers per batch will result in a reduction of truck movements per batch. The numbers of truck movements per batch of birds for the different types of shedding are: Tunnel Sheds 86 truck movements, Conventional Sheds 72 truck movements and Freedom Farm Sheds 64 truck movements.*
- *Freedom Farm Sheds are open sided wire meshed which allows for odour to escape through all sidewalls.*
- *Freedom Farm Sheds rely on natural air flow and circulation fans located on the sides of each shed to direct air to the ventilation fans located at the western end of the sheds.*

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Comments:

Council's Environmental Health Officer has provided the following comments:

"The NSW Department of Primary Industries are the advisory authority on poultry farms, tunnel ventilation was specified by them as best practice in the manuals 'Best Practice Management for Meat Chicken Production in New South Wales'.

Submitted to Council with the section 96 was a letter from Byron Stein, DPI's Industry Development Officer for Poultry Meat advising that with the lower stocking rates and the aeration of the litter due to the lower stocking rate, the odour generated levels in natural ventilation is comparable to tunnel ventilation with higher stocking rates.

As the DPI are the advising body in the industry and the authors of the Best practice manuals, if we have advice from the DPI that tunnel ventilation is not best practice with lower stocking rates as submitted, it is my opinion that we regard this advice as the most up to date and current information, and as such allow natural ventilation.

In changing to natural ventilation I would recommend they upgrade all of their shed to have an automated louver system.

In accordance with above, one of the objections from the legal team representing The Community Association is that tunnel ventilations is ensuring the poultry farm's proposed development will comply with Best Practice Management for Meat Chicken Production in New South Wales published by the NSW Department of Primary Industries; as this manual was written a number of years ago and we have advice from the DPI that with lower stocking rates it isn't best practice to have tunnel ventilation, this concern becomes alleviated.

Concerns have also been raised that there is no guarantee that the operator of the poultry farm will remain part of the RSPCA - AFS Scheme and maintain low bird stocking rates, however we can condition the stocking rates and these concerns will also be alleviated.

In consideration of the above, particularly the technical advice for the DPI, if the low stocking rates are maintained and the automated louvers are installed, that natural ventilation be approved."

A letter has been obtained by the applicant from the Department of Primary Industries (DPI) which discusses tunnel versus conventional/natural ventilation poultry sheds. DPI advise that tunnel ventilation is industry standard, however, below is an extract from that letter providing commentary on tunnel versus conventional ventilation in regards to stocking rates:

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“It is our position that for lower stocking rates, such as those which are mandated by the RSPCA approved chicken scheme, naturally ventilated shedding is an economically and environmentally sound option for chicken meat production. This includes the management practices associated with naturally ventilated shedding, such as fogging.

However, irrespective of the cooling system used, care must be taken to ensure litter is kept dry. It must be stressed that odour and other environmental impacts are not just a function of stocking densities and shed type, but it is in fact most influenced by management and husbandry practices. In other words, irrespective of the type and shed use, it’s important that litter is kept dry and friable, with a moisture level between 15 to 30%.

In conclusion, it is the position of Department of Primary Industries that for conventional chicken meat production, at high stocking rates, tunnel ventilation shedding remains best practice. However, at lower stocking rates, for example mandated by the RSPCA approved chicken meat scheme, naturally ventilated sheds are considered acceptable, bit from an economic and environmental perspective. However, as mentioned, this is dependent on sound husbandry practices and management in accordance with current best practice.”

The letter from the Department of Primary Industries forms **Attachment 2** to this report.

Based on the assessment by Council staff, the letter from DPI, it is recommended that conventional ventilation be permitted only on the basis that louvers are fitted in conjunction with a fully automated system to remove the human element so there is surety to not only Council, but also to the residents of the community title estate that, in the event conditions within the sheds are becoming a point source of odour pollution, automated systems will activate whatever is necessary to address the odour issue.

It is recommended that Condition 1.1 be amended to read as follows:

“1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled “Project: - Development for Proposed Poultry Shed” drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.”

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b) Condition 2.2 states the following:

“2.2 The tunnel ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within two (2) years of the date this consent becomes valid, whichever is the earlier.”

The applicant's justification for the deletion of the condition:

“The poultry farm consists of three existing sheds. These are naturally ventilated and the proposed fourth shed would be similar to the existing three. The bird density (number of birds per square metre of floor area) has decreased for farms that are producing as RSPCA-accredited as outlined in the Broiler Farm Management Plan 2015.

The RSPCA accreditation system has no emphasis on using tunnel ventilated sheds. There is a miscomprehension that tunnel ventilated sheds are the preferred option. This may have been the case before the RSPCA accreditation system was put into practice. This system provides many advantages for reduced generation of odour and prefers a more natural environment for the birds’.

In support of the installation of ‘naturally ventilated sheds’ i.e. conventional sheds, Byron Stein, Industry Development Officer (Poultry Meat), Department of Primary Industries has provided advice in regard to tunnel ventilation versus naturally ventilated shedding.

Finally, it should be noted that the RSPCA accredited chicken meat scheme should provide environmental regulators with some degree of comfort. The scheme is regularly audited and is quite onerous. Growers and processors are regularly inspected, and the RSPCA has very strict and stringent guidelines on litter management and bird welfare. Failure to keep litter dry will result in a loss of accreditation which will have significant implications for both the grower and the processor. It is likely that these requirements will also ensure that odour from litter is significantly minimised.

Under this scheme, farmers have had to meet the stringent conditions that better reflect higher animal welfare standards.

Birds that are grown under the RSPCA-AFS are placed at a lower density, have environmental enrichments programs available which includes perches, chopped chaff for foraging as well as natural ventilation and sunlight.”

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Comments:

Furthermore, as detailed in the assessment for Condition 1.1, it is recommended that all four sheds contains louvers and be fully automated to remove the human element so there is surety to not only Council, but also to the residents of the community title estate that in the event circumstances within the sheds are becoming a point source of odour pollution, automated systems will activate whatever is necessary to address the odour issue.

Therefore, it is recommended that the condition be amended to read as follows:

“2.2 The automated conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.

2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.”

There are existing conditions relating to Odour Management. These conditions require, within six (6) months, odour monitoring being undertaken and if odour exceeds 5 Odour Units at any dwelling, a plan of odour management shall be prepared to the satisfaction of Council within twelve months.

c) Condition 10.8 states the following:

“10.8 The pickup of birds for processing shall be carried out on any day between the hours of 7am and 11pm.”

The applicant requests the condition be amended to read as follows:

“10.8 The pickup of birds for processing shall be carried out on any day between the hours of 7am and 1 am. If in this respect any traffic movements associated with the pickup of birds shall also not occur prior to 7am or beyond 1am.”

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The applicant's justification:

"Currently there are no restrictions on the hours of operation of the existing three chicken growing sheds. The poultry farm has been operating for over 40 years with no restricted hours or truck movement numbers. It is accepted practice in the industry that night time collection of live birds is the most efficient and humane method to collect and transport birds to the processing plant.

There is a need for some flexibility in the pickup hours for trucks collecting the birds from the poultry farm in the evenings, particularly in the hot summer periods and peak Christmas periods.

In support of the amended hours of the pickup of birds for processing the applicant engaged Benbow Environmental to prepare a Farm Truck Noise Management Plan and Cordina Farms Pty Ltd to prepare a Broiler Management Plan 2015.

Mr Byron Stein, Industry Development Officer (Poultry Meat), Department of Primary Industries has provided detailed advice by way of a letter in regard to the night collection of birds as an industry wide practice. The letter dated 9 February 2015 is attached to this 96(1A) Modification Application. From this letter page 3 the following advice is provided:

In terms of the night time bird collection curfew of between 7am and 11pm we wish to advise the following;

Night time collection of birds is an industry wide practice, not only in Australia but overseas as well. The principle reasons for the night time collection of birds which are ready for processing are:

- a) Birds are quieter in dark conditions, making them easier to catch and load into crates for transport to the processing plant.*
- b) Animal Welfare. It is proven that birds suffer less stress associated with capture and transport when this is conducted in cool and dark conditions.*
- c) Animal production. Productivity losses are minimised by ensuring that birds are calmer and cooler when collected in the late evening or very early morning.*

A blanket night time curfew of 11pm unfortunately does not take into account differences between seasonal ambient conditions and periods of light and darkness. A curfew of 11pm potentially restricts or compromises the ability of a processor or pick-up crew to collect the birds in conditions which are conducive to acceptable animal welfare standards and productivity outcomes.

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I would urge the consent authority to consider this and to attempt to reach a compromise position which takes into account the considerable logistical difficulties of restricting pick up times to between 7am and 11pm.

It is essential for animal welfare and the economics of the operation that there is flexibility in the time period for the pickup of birds. The 11pm curfew imposed by Condition 10.8 is too restrictive and a time of 1am would allow for the collection of birds during the extreme summer weather conditions.

The Broiler Farm Management Plan in its recommendations on page 20 states:

There are approximately 8 nights of bird collection per batch at 5.4 batches per year. This means that there is approximately 43 nights per year of pick up activity. We wish to reject the imposition of a curfew for the farm. We will instead treat the farm as a sensitive farm where we will endeavour to cease operation of pick up as early as practical.

Benbow Environmental was engaged by the applicant to address noise management for the poultry growing farm. The 'Broiler Farm Truck Noise Management Plan' for the Alco Farm. From this report, pages 10 and 11 provide actions that have been undertaken to reduce the noise generated at the time of bird pick up.

The applicant has considered all aspects of the procedures involved in the pickup of birds and taken action to minimise the generation of noise.

Council is requested to allow for flexibility in the hours for bird pick up and amend Condition 10.8 in the best interest of bird welfare and the continued operation of the poultry growing farm."

Further justification has been provided by the applicant titled 'Corrective Action Taken by Parties Involved' forms **Attachment 3** to this report.

Comments:

It must be drawn to the applicant's attention that there are currently restrictions to the hours of operation. The consent became active on 15 February 2013 where Council provided a letter to the person(s) having the benefit of consent that the survey works undertaken constituted works for the purpose of the consent being acted upon. As such, those conditions relating to the operation of the whole farm have applied from that date. A condition is recommended in this regard.

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At the February 2015 Council Meeting, Development Application 010.2012.00000125.001 for an intensive livestock keeping (poultry farm) establishment at 440 Cawdor Road, Cawdor was approved by Council. During the assessment of that application, a number of objections were received regarding hours of operation due to the adjoining poultry (in the Camden Local Government Area) having a curfew permitting that operator to have bird pickups as late as 1.30am.

In response to the concerns raised by the objectors, the following Occupation and Use conditions were recommended and were supported by Council:

“(13) Night-time pick up of birds shall not take place between the hours of 10pm and 7am, except where permitted by Condition 13(14).”

“(14) Bird pickups are only permitted beyond 10pm only during extreme weather conditions. The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 13(13).”

The reasons for the above conditions of consent were as follows:

“Conditions of consent will restrict bird pickup nights to only 10pm, which is consistent with other approvals for poultry developments in recent years. Only during exceptional circumstances, such as extreme heat conditions, will extensions be permitted. The onus will be on the person having the benefit of the consent to abide by the operational restrictions.”

“Council has consistently applied restrictions for bird pickups no later than 10pm to ensure the impact on adjoining landowners is managed and impacts reduced. Conditions will permit the pickup of birds later than 10pm only in exceptional circumstances, that is, during extreme weather conditions. Given there will only be 31 pickup nights per year based on 81,000 birds, it is considered the development will not have any adverse impacts.”

The conditions were imposed to ensure that the operation of the poultry farm can operate in accordance with the requirements of the Wollondilly Development Control Plan 2011 Volume 2 relating to poultry farm development and to give the adjoining and nearby landowners comfort that there will be no impacts during normal sleeping hours.

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Upon review of Development Consent 010.2013.00000039.001 relating to alterations and additions to an intensive livestock keeping (poultry farm) establishment at 120 Kendall Street, Thirlmere, revealed that trucks are permitted to pick up birds until 1am. The original consent from 1995 permitted the operations to occur as late as 1am and the based upon the information contained in the noise assessment report that accompanied the latest application, it proposed a number of measures to be implemented around the farm so onsite operations reduced. There were minimal objections to noise generated by vehicles servicing the site along Kendall Street.

Bird pickup hours at Glendiver poultry farm, are currently restricted between 7am to 11pm inclusive, which is beyond what is typically permitted by Council's current Development Control Plan being 10pm (noting this application was assessed against the controls from Development Control Plan No.43 - Poultry). Section 7 of DCP43 did not contain any controls to hours of operation restrictions, it required applicants to nominate the hours and on merit, conditions were imposed in this regard.

A number of submissions have been received highlighting the issues with noise generation associated with truck movements through the community title estate. There are 5.4 batches per year and there are eight (8) pickups by trucks associated with each batch. This equates to forty-three (43) pickup nights per calendar year. Restricting the pickup hours as recommended will help alleviate the noise generation concerns.

Therefore, it is recommended the condition generally remain as drafted with the exception of permitting a later pick up to 12am but only during extreme weather conditions (similar to what was approved in Development Consent 010.2012.00000125.001).

Permitting bird pickups to occur beyond 12am is not considered warranted at this point in time given the number of objections received by Council relating to this and the two previous Applications to Modify Development Consent and to address rural land use conflict concerns, proximity to of dwellings to the road and the topography of the area.

Therefore, Condition 10(8) is recommended to be amended as follows:

"10(8) Night-time pick up of birds shall not take place between the hours of 11pm and 7am, except where permitted by Condition 10(8)(a)."

"10(8)(a) Bird pickups are permitted between 11pm and 12am, but only during extreme weather conditions."

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“The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 10(8).”

An extension to 12am is considered fair and reasonable considering vehicles have to travel through a community title estate with houses located in close proximity to the internal access road.

It is suggested this be used as a trial period and should no objections be received in the twelve months from the date of the approval of this application, than the person(s) having the benefit of the consent can consider lodging another application to amend the condition to permit bird pickup up until 1am.

d) Condition 10.9 states the following:

“10.9 The tunnel ventilation system as outlined in the submitted plans and information is to be installed in sheds.

Each shed shall be altered by the closing of all sides to ensure that the tunnel ventilation system is able to be operated effectively.”

The applicant requests the condition be deleted.

The applicant's justification:

“As previously stated in the justification of Condition 1.1 and 2.2 naturally ventilated conventional shedding meets RSPCA Standards for housing birds.”

Comments:

It has been recommended previously in this report that the odour mitigation controls for the development remain as conventional ventilation, but with the added requirement to be full automated and contain louvers.

This condition is recommended to be deleted as the proposed changes to the wording of Condition 2.2 incorporate the requirements of this condition.

e) Additional Matters for consideration

- i) The applicant has also submitted a “Broiler Farm Management Plan” prepared by Cordina Farms Pty and an “Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental. These two management plan documents have been prepared for the day to day operations of the development.

It is recommended that these documents form part of the development consent and as such, the following condition is recommended to be inserted as follows:

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Compliance Condition 1.5

“1.5 Development shall take place in accordance with the recommendations of the following reports:

- *“Broiler Farm Management Plan” prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004*
- *“Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015*

Prior to the issue of the Construction Certificate the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.”

- ii) On 21 June 2013, a letter was sent to the applicant confirming the survey works that were undertaken at that time constituted physical commencement and the conditions of Development Consent D800-05 now apply to the operation and use activities for the whole poultry farm.

A number of concerns have been raised with council in regards to non-compliance with the restrictions to operational aspects of the development.

To remove any uncertainty from this point on, it is recommended that a condition be inserted that specifically advises the operator of the poultry farm as to when the operational restrictions apply.

Therefore, the following is recommended:

“10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable).”

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- iii) Condition 9.1 of the consent is recommended to be amended so the timing of the developer contribution payment shall be made prior to the issue of the Construction Certificate and not the Occupation Certificate.

Therefore, the condition is recommended to be amended as follows:

“9.1 Pursuant to Section 80A(1) of the Environmental Planning & Assessment Act, 1979 and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November 2006), a contribution of \$30,000 shall be paid to Council.

This contribution is calculated from Council’s adopted Development Contributions Plan (as Amended) in the following manner:

Non-residential Development with proposed development cost between \$100,001 and \$200,000 - 0.5% levy. The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

The contribution is to be paid before release of the Construction Certificate in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.”

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

Environmental Planning and Assessment Act 1979

S96 Modification of consents—generally

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comments: it is considered the application is of minimal environmental impact

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- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comments: the development is considered to be substantially the same

- (c) it has notified the application in accordance with:
- (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comments: the application was notified to all previous objectors in accordance with Council's adopted policy.

- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. Subsections (1), (2) and

Comments: all submissions received have been considered and all relevant issues relating to the application have been summarised and commented on in this report. A total of thirty four submissions have now been received.

State Environmental Planning Policy No 55—Remediation of Land

The development is satisfactory in this regard.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2—1997)

Approval of the application will not generate any non-compliance in regards to the aims, objectives or provisions of the plan.

Wollondilly Local Environmental Plan 1991

Approval of the application will not generate any non-compliance in regards to the relevant provisions of the environmental planning instrument.

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

None

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Development Control Plan No. 43 Poultry

Approval of the application as recommended will not create any non-compliance in regards to the controls contained within this plan.

The conditions in the original consent were imposed to ensure that the impacts of the additional shed will not have an adverse impact upon the adjoining landowners.

Additional conditions are recommended to eliminate any ambiguity and to provide certainty to those who have objected to the application and to the persons having the benefit of this consent regarding onsite operations.

Wollondilly Agricultural Landscape Development Control Plan and Wollondilly Agricultural Lands Development Control Plan

The proposed changes to the existing and the inclusion of new conditions will not create any non-compliance in regards to the controls contained within this plan.

Development Control Plan No.36 - Development in Rural Areas

The proposed changes to the existing and the inclusion of new conditions will not create any non-compliance in regards to the controls contained within this plan.

1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO

None

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1.4 IMPACT OF THE DEVELOPMENT

Heads of Consideration	Comment
Natural Environment	It is considered that the proposal will have satisfactory impacts subject to Condition's.
Built Environment	It is considered that the proposal will have satisfactory impacts subject to Condition's.
Social Impact	Approval of the application as recommended is considered to address those issues that have been brought to Council's attention by the adjoining and nearby landowners. Further, a condition is recommended to advise all parties that the operational requirements from the original consent (D800-05 and subsequent modification approvals) are active and permit a 28 day grace period from the date of this approval to bring all matters into accordance with the consent.
Economic Impact	It is considered that the proposal will have minor positive impacts in this regard.

1.5 SUITABILITY OF THE SITE

The site is suitable for the development.

1.6 SUBMISSIONS

The application was originally notified for a fifteen day period to all previous objectors from 29 August 2013 to 13 September 2013. A total of twenty-one (21) submissions were received (fifteen (15) being form letters).

The application was renotified for another fifteen (15) days from 30 March 2015 to 13 April 2015 as a result of additional information being submitted to Council. An additional thirteen (13) submission were received.

Below is a summary of the issues and comments.

Concern	Comment
Trucks are moving through the estate outside of current curfew hours of operation. We have been woken by trucks mostly around 1.30am – 4am. The noise generated by the trucks is causing amenity impacts. Further, if the application is	The hours of operation condition has been amended to permit bird pickup up until 12am, and not before 7am. A condition is also recommended advising that the operational conditions relating to the whole farm are active but provide a 28 days grace period to bring all operations into line with the consent

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Concern	Comment
approved as suggested by the applicant, it is our opinion that there will be virtually no curfew at all. This contravenes the requirements of Section 2.5.4, Volume 2 from the Wollondilly Development Control Plan 2011 regarding hours of operation.	requirements. The controls from Wollondilly Development Control Plan 2011 do not apply to the subject development as the application was assessed and determined prior to the commencement of said plan. The application has been reassessed against the controls from those DCPs in force during the assessment of the parent application.
<p>The main source of conflict between the community title estate and the poultry farm is the road. If Council agrees to increase the size of trucks to 40 tonnes (the road was built with a 27 tonne limit and this is what the residents and poultry farm operator pay maintenance for) this will destroy the road which we currently pay for. We believe it is fair and reasonable if the tonnages of the trucks then Council should either pay for the ongoing road maintenance or ask the applicant pay for it.</p> <p>The previous application detailed there will be a 40% increase in the number of birds (from 67,800 to 94,300) resulting in a 26% increase in the number of heavy trucks using the road. This is considered to be a significant increase. The increase in traffic needs to be controlled with a curfew which will effect land use conflict, specifically noise generation.</p>	<p>In the original report to Council, it was noted that the application would involve additional large trucks visiting the site. There are no restrictions placed in the consent to limit truck size and/or weights.</p> <p>A previous application to modify the consent was presented at the May 2012 Council Meeting after a mediator was engaged by Council to resolve the issues surrounding the road.</p> <p>Essentially, a legal/civil agreement was formed between the community estate residents and the operator of the poultry farm development. Council resolved to permit the amendment to the consent and as such, Condition 5.2 was amended to read as follows:</p> <p><i>“5.2 The road which provides access to the poultry farm across the Glendiver Farm Community Title Estate shall be maintained to an appropriate standard to cater for all vehicles that are associated with the poultry farm for the life of the poultry farm.”</i></p> <p>The internal road is a private road (not a road vested in Council) and as such, Council has no obligation to maintain it.</p> <p>The issues surrounding the maintenance of the road has been dealt with in the previous application and was agreed to by the residents of the community title</p>

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Concern	Comment
	estate and the poultry farm operator.
Truck speeds along the road is also a concern. A condition of consent was imposed for the Cawdor poultry development limiting trucks to 10km/h after 5pm and for signage to be installed in this regard	<p>Occupation and Use Condition (27) from Development Consent 010.2012.00000125.001 states the following:</p> <p><i>(27) Truck speeds within the site shall be no greater than 10km/h for any movements permitted by this consent after 5pm (refer to Conditions 13(13) and 13(14) (i.e. bird pickup evenings). A suitable sign shall be erected within the property access gate so that all drivers and the like are advised.</i></p> <p>This condition came about as a result of the current Development Control Plan.</p> <p>Section 7 Transport/Night Time Activities from Development Control Plan No.43 – Poultry contained information detailing driving at moderate speeds (not above 20km/h) to aid in reducing noise and transport issues.</p> <p>Given the internal road is a private road and not a road that Council has any jurisdiction over, the speed environment is a civil matter between the community title association and the poultry farm.</p> <p>The control of speed over the road is a civil matter between the two parties, not Council.</p>
If Council agrees to the modification, the next stage will be the full implementation of the best practice guidelines referred to in the application recommending a truck size of 40 tonnes, thus destroying the road.	<p>There is nothing in the development application seeking consent to bring the whole development into accordance with the best practice manuals or any request to increase the size of the trucks servicing the site.</p> <p>Further, the applicant has advised 40 tonnes trucks have been servicing the site prior to and as long as the current landowner/operator has owned the farm.</p>

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Concern	Comment
	Given the internal road is a private road, it is a civil matter between the community title association and the poultry farm operator to negotiate an acceptable outcome in this regard as this is associated with the requirements of Condition 5.2 of the consent.
Changing the consent to allow for natural ventilation seems like a cost cutting option for the applicant. More birds equal more odours under the proposed changes. We already have foul odour many times a week.	<p>The applicant has advised they wish to operate the farm as an accredited RSPCA – Australia Approved Farming Scheme (AFS) establishment.</p> <p>The current approval permits a total of 104,000 birds and this application is proposed to reduce the total number to 93,700. This will be regulated by the relevant authorities in this regard and documentary is kept onsite in this regard.</p> <p>Regarding the change to conventional/natural ventilation, this matter has been covered extensively previous in this assessment report and based on the information from the applicant, the Department of Primary Industries and from Council's Environmental Health Officer, no issues are raised in this regard on the basis the system is fully automated and louvers are installed. Conditions are recommended in this regard.</p> <p>Please refer to Assessment Item (a) in this report.</p>
The applicant was ordered to undertake mediation with the residents and this has not occurred. The applicant continues to ignore all of Council's directions and has no concern for the welfare of the residents in wanting a peaceful place to reside.	Mediation was undertaken on 21 May 2015. Comments from the applicant have been provided in the Background Section of this report.
Best Practice Manuals observes that odour is the most important issue associated with meat chicken farms and even if the	Regarding the change to conventional/natural ventilation, this matter has been covered extensively previous in this assessment report and

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Concern	Comment
<p>design include best practice shed (insulation, ventilation, drinking systems and automated controls) poor management can easily offset these positive aspects and result in excessive odour.</p> <p>Odour generation has been an impact on the adjoining community title estate. The Best Practice Manuals observe that 'current best practice for intensive chicken meat production is sheds to be designed with tunnel ventilation and pad cooling. The manuals note that modern tunnel ventilated sheds...are standard for all new sheds or expanding meat chicken operations.</p> <p>More specifically the manuals make clear that industry best practice involves the use of automated system that maintains optimum ventilation rates by monitoring relative humidity and temperature and controlling evaporative cool pads, fans and mini vents.</p> <p>The applicant's submission provides:</p> <ul style="list-style-type: none"> ▪ no technical evidence regarding the operation of conventional sheds with no tunnel adequately control odour emissions, ▪ nothing to show the operation of the sheds will provide superior odour control to tunnel ventilation <p>It is our opinion that conventional sheds will not provide for adequate odour control.</p>	<p>based on the information from the applicant, the Department of Primary Industries and from Council's Environmental Health Officer, no issues are raised in this regard on the basis the system is fully automated and louvers are installed. Conditions are recommended in this regard.</p> <p>Please refer to Assessment Item (a) in this report.</p>

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Concern	Comment
While the applicant claims that it is operating under the RSPCA scheme, which results in lower bird stocking rates and removes the need for tunnel ventilation. There is no assurance that the farm will continue to operate in accordance with the RSPCA scheme or guarantee that from time to time will remain as an RSPCA farm and maintain low bird stocking rates.	<p>Conditions regarding the operation in accordance with the accredited RSPCA – Australia Approved Farming Scheme (AFS) and stocking rates are recommended.</p> <p>Any changes to numbers or other operational matters will require separate approval from Council.</p>
There is nothing in the consent to require the farm to operate in accordance with the Best Practice Manuals.	<p>Condition 10.13 from the consent states the following:</p> <p><i>“10.13 The requirements of conditions 9.3 to 9.12 (inclusive) shall be incorporated into a Management Plan for the site. The Management Plan is also to adopt the NSW Chicken Farming Guidelines prepared by NSW Agriculture, except where inconsistent with the requirements of the conditions of this consent.</i></p> <p><i>The Management Plan is to be signed by the operator of the farm, the relevant processor and approved by Council prior to the issue of the Occupation Certificate.</i></p> <p><i>The poultry farm must be operated in accordance with the approved management plan at all times.”</i></p> <p>This consent already requires the development to comply with the NSW Chicken Farming Guidelines prepared by NSW Agriculture.</p> <p>This condition will be amended to reflect the requirements of Conditions 10.3 to 10.13 instead of Conditions 9, which refers to developer contributions.</p>
I have never complained about the smell from the farm as the farm was in existence before I bought my land. However, I have not been able to open windows to	The installation of odour mitigation controls to the new and existing sheds will reduce odour impact generation.

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Concern	Comment
cool the house down at night because of the odours. You can smell the odours from the farm from the access gate to the estate, approximately 1km from the farm.	This has been a requirement of the consent from 2008 in response to objections raised at that time.
<p>The Cawdor poultry approval imposed the following conditions:</p> <ul style="list-style-type: none"> 13(13) limiting bird pickups between 7am to 10pm, Condition 13(32) requiring the surrounding neighbours and Council be given at least 24 hours' notice in advance of night time (after 9pm) collection and batch delivery of birds, and Condition requiring tunnel ventilation being installed. <p>I would respectfully ask the same condition be applied to the subject poultry farm.</p>	<p>Conditions are recommended in this regard.</p> <p>A condition of consent is recommended in this regard (recommended Condition 10.16)</p> <p>This has already been addressed in the report. Based on the merits of the case and the information submitted with the application, conventional/natural ventilation is considered to be acceptable</p>
Alternatively, the consent should be cancelled since that is has been 10 years since it was initially approved and continues to be modified.	<p>The consent has a statutory lapse date of five (5) years.</p> <p>On 15 February 2013, at the request of the applicant, a letter was sent to the persons having the benefit of the consent advising</p> <p><i>"in accordance with the decision by the NSW Court of Appeal in Hunter Development Brokerage Pty Ltd v Cessnock City Council and Tovedale Pty Ltd v Shoalhaven City Council [2005], Council considers that the survey work to peg the poultry shed location constitutes "physical commencement" within the meaning of the Section 95 (4) of the EP&A Act and as such consent will not lapse on the relevant date..."</i></p>

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Concern	Comment
	<p>A more recent judgment from the Court of Appeal (<i>K and M Prodanovski Pty Ltd vs. Wollongong City Council [2013] NSWCA 202</i>) provided a judgment (generally) which made clear that all preconditions to the commencement of work required by conditions of development consent, no matter how insignificant, must be satisfied in order to prevent the consent from lapsing.</p> <p>In response to the concerns raised by an objector, a review of the information and particulars that were submitted in January 2013 has been undertaken and staff are of the opinion that the survey works constitutes engineering works. This work has a clear nexus with the approved development and appears to be more than merely notional in nature. Based on the Hunter Development Brokerage Pty Ltd and the Prodanovski judgements and in accordance with Section 95(4) from the Environmental Planning and Assessment Act 1979, staff are of the opinion that the development has physically commenced and as such, the consent has not lapsed.</p>
<p>Condition 2.2 requires tunnel ventilation be installed within 2 years of the consent or prior to the Occupation Certificate for the new shed being issued. How can the condition be deleted the time validity has already expired and if Council ignores this flagrant disregard of council's authority it will make a mockery of the system.</p> <p>By not complying with this condition, does this mean the consent has lapsed?</p>	<p>The original approval was granted by Council on 18 April 2008.</p> <p>The first Application to Modify Development Consent was submitted on 3 March 2009 and withdrawn on 23 July 2009. The second modification was received on 8 September 2011 and determined on 12 December 2011. This application was received on 9 August 2013.</p> <p>The assessments of the modifications have taken considerable time given the concerns raised in the objections. During the assessment of any modification, Council's Compliance Team defers compliance audits until a determination has been made.</p>

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Concern	Comment
	<p>Nonetheless, it is recommended that the current condition be amended to provide the persons having the benefit of the consent another twelve (12) months or prior to the Occupation Certificate for the new shed to install the necessary items regarding odour controls subject of Condition 2.2 as recommended to be amended.</p> <p>Breaches of conditions of consent, as referred to in the objector's statement, do not affect the statutory lapse date of the consent.</p>
<p>The applicant claims that there are currently no restrictions on the hours of operation for the existing sheds. The applicant omits that fact that condition 10.8 became effective when Council granted physical commencement on 15 February 2013. The operator has not complied with this condition to the detriment to the residents in the estate.</p>	<p>This matter has been addressed previously in this assessment report.</p> <p>A condition of consent is recommended which advises the operation of the farm must be brought into line with the operational conditions of consent from D800-05 and subsequent modifications.</p>

1.7 THE PUBLIC INTEREST

While there has been significant public interest and opposition to the proposed development, it is considered that, subject to conditions of development consent, the site is suitable for the development.

The development is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

FINANCIAL IMPLICATIONS

There will be no impacts on Councils adapted budget or forward estimates.

ATTACHMENTS

1. Independent Peer Review Comments prepared by Benbow Environmental submitted by the applicant in March 2015.
2. Letter from Department of Primary Industries regarding tunnel versus conventional ventilation.

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3. 'Corrective Action Taken by Parties Involved', being Cordina Chickens and Girraween Transport.
4. Proposed Plans of Development subject of Application to Modify Development Consent 010.2005.00058025.004.

RECOMMENDATION

That Application to Modify Development Consent 010.2005.00058025.004 for the amendments to Conditions 1.1, 2.2, 10.8 and the deletion to Condition 10.9 from Development Consent D800-05 at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be determined as follows:

- a) Conditions 1.1, 2.2, 10.8 and 10.9 are amended to read as follows:

"1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184B Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.

2.2 The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.

10(8) Night-time pick up of birds shall not take place between the hours of 11pm and 7am, except where permitted by Condition 10(8)(a)."

- b) Condition 10.9 is recommended to be deleted.
- c) Conditions 1.5, 2.2(a), 10.8(a) and 10.8(b) are recommended to be inserted

"1.5 Development shall take place in accordance with the recommendations of the following reports:

- *"Broiler Farm Management Plan" prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004*
- *"Alco Farm Broiler Farm Truck Noise Management Plan" prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015.*

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Prior to the issue of the Construction Certificate the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

10(8)(a) Bird pickups are permitted between 11pm and 12am, but only during extreme weather conditions.

The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 10(8).

10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable)."

- d) Changes are recommended to update those conditions requiring information to be submitted to council or the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
- e) Given the changes to the consent conditions, it is recommended that a consolidated consent be approved subject of this application to modify the consent and as such, the consent be as follows (conditions amended and added will appear in italics and unchanged conditions remain in normal font).

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1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- 1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.
- 1.2 Development shall take place in accordance with plans and information submitted in relation to Development Application No. D800-05 or where superseded by the information and particulars submitted with Application to Modify Development Consent 010.2005.00058025.004 except as varied by the following conditions.
- 1.3 The entire poultry farm, including the existing sheds is to be operated solely in accordance with this development consent.
- 1.4 A Construction Certificate shall be approved by Council or the nominated Accredited Certifier prior to the commencement of any works authorised by this consent.
- 1.5 Development shall take place in accordance with the recommendations of the following reports:
 - "Broiler Farm Management Plan" prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004
 - "Alco Farm Broiler Farm Truck Noise Management Plan" prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015

Prior to the issue of the Construction Certificate, the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

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2. BUILDING DESIGN

These conditions are imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

- 2.1 All materials and colours to be used in the external construction of the proposed shed shall be complimentary to those of the existing development.
- 2.2 *The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.*
- 2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the "Air and Noise Assessment – Poultry Farm, The Oaks – FINAL" report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the "Odour Impact Assessment – Changes to Outcomes at Receiver R10" report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

3. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the construction and use of the buildings on the environment and on adjoining properties.

- 3.1 A Soil and Water Management Plan, in accordance with Council's Design Code DCP and Construction Specification is to be submitted with the Construction Certificate for the development and approved by Council or the nominated Accredited Certifier.

The installation of the erosion and sediment control devices identified on the soil and water management plan, is to be completed prior to the commencement of any works on the site and are to remain in place after construction is completed.

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- 3.2 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.
- 3.3 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- 3.4 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

4. BUILDING GENERAL

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

- 4.1 All construction work shall be:
 - (i) restricted to between 7.00am and 5.00pm Mondays to Fridays (inclusive);
 - (ii) restricted to between 8.00am and 1.00pm on Saturdays;
 - (iii) prohibited on Sundays and Public Holidays unless written approval to vary the hours is granted by Council.
- 4.2 There being no burning of builder's rubble, felled trees or other material on the site.
- 4.3 Submission of a Waste Management Plan in accordance with Council's Waste Minimisation and Management guidelines *shall be submitted to Council or the nominated Accredited Certifier* prior to the issue of the Construction Certificate.

5. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
 - (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.
- 5.1 In accordance with the provisions of Development Control Plan No.7 – Off Street Carparking – 2 all-weather car parking spaces and access thereto shall be provided for the proposed development. Such spaces are to measure not less than 2.6m x 5.5m.

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Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

- 5.2 The road which provides access to the poultry farm the Glendiver Farm Community Title Estate shall be maintained to an appropriate standard to cater for all vehicles that are associated with the poultry farm for the life of the poultry farm. *(Amended by 010.2005.00058025.003)*

6. LANDSCAPING

These conditions are imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- 6.1 Compliance with the provisions of Council's Tree Preservation Order. Under the order a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree which:
- (a) Is greater than 3m in height;
 - (b) Has a girth greater than 45cm at a height of 1m from the ground;
 - (c) Has a branch spread greater than 3m.
- 6.2 In order to ensure that the development is adequately landscaped a detailed landscape plan prepared by a person with horticultural qualifications shall be submitted to *Council or the nominated Accredited Certifier* for approval prior to release of the Construction Certificate and shall include the following:
- (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Location of proposed planting around the additional shed and ventilation system to screen it from surrounding areas and enhance the landscape character of the site.
 - (d) Details of growth and maintenance.
- 6.3 Landscaping is to be installed in accordance with the approved Plan prior to the issue of the Occupation Certificate and maintained in accordance with the details provided on that Plan at all times.

7. STORMWATER

These conditions have been imposed to ensure stormwater is appropriately managed.

- 7.1 Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

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- 7.2 Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system.

A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

8. INSPECTIONS

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

- 8.1 The proposed building works shall be inspected by *Council or the nominated Accredited Certifier* at the following stages of construction to ensure they comply with the Building Code of Australia and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control measures are implemented.
- Pier holes/footings before pouring of concrete.
- Steel reinforcing before pouring of concrete.
- Structural steel work before covering.
- Roof water drainage before backfilling.
- Retaining wall structure to the excavated area before backfilling.
- Completion of the building work before occupation or use.

9. DEVELOPMENT (SECTION 94A) CONTRIBUTIONS

These conditions are imposed to ensure the adequate provision of public facilities required as a result of the development, the following conditions apply:

- 9.1 Pursuant to Section 80A(1) of the Environmental Planning & Assessment Act, 1979 and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November 2006), a contribution of \$30,000 shall be paid to Council.

This contribution is calculated from Council's adopted Development Contributions Plan (as Amended) in the following manner:

Non-residential Development with proposed development cost between \$100,001 and \$200,000 - 0.5% levy. The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

The contribution is to be paid before release of the *Construction Certificate* in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

10. OCCUPATION & USE

These conditions are imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.

10.1 The Occupation Certificate is not to be issued until all relevant conditions have been complied with.

10.2 The new shed shall not be occupied until Council or the nominated Accredited Certifier has issued an Occupation Certificate.

10.3 The poultry sheds shall be used for chicken production and will have a maximum combined stocking rate of *93,700 birds*.

An annual audit shall be supplied to Council on the anniversary of the Occupation Certificate to verify the stocking rate with each growing cycle. Council shall be authorised to make an independent check and clarify that audit with the producer.

10.3(a) The development shall only be operated as an accredited RSPCA – Australia Approved Farming Scheme (AFS) poultry farm at all times, for the life of the development.

10.4 No manure or spent litter is to be stored external to the sheds.

10.5 All manure and spent litter is to be taken from the property in covered loads so as to prevent spillage of contents.

New shavings are to arrive on the site in covered loads, and spent litter shall be removed from the sheds at the removal of each 'batch' of birds from each shed and replaced with fresh shavings.

At no stage shall spent litter be retained on the property.

10.6 Council shall be provided with a complete list detailing all chemicals used in the operation of the farm prior to issue of the Construction Certificate. Only chemicals approved for use on poultry farms are to be used.

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10.7 All deliveries and collections from the site, other than the pick up of birds for processing, shall take place between 7am and 5pm Monday to Saturday inclusive. No deliveries or collections shall occur on Sundays or Public Holidays.

10.8 *Night-time pick up of birds shall not take place between the hours of 11pm and 7am, except where permitted by Condition 10(8)(a).*

10(8)(a) Bird pickups are permitted between 11pm and 12am, but only during extreme weather conditions.

The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 10(8).

10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable).

10.9 *Deleted.*

10.10 All watering of stock is to be by way of nipple feeders in accordance with the information submitted with the Development Application.

No cup watering is permitted in any part of any shed.

10.11 Prior to the issue of the construction certificate, the approved plans are to be amended to clearly indicate the location and details of a cool room to be utilised for the storage of dead birds.

10.12 There shall not be any storage, stockpiling or keeping of dead birds external to the cool room.

All dead birds from the poultry sheds are to be stored in the cool room at all times prior to collection by an approved waste contractor, who shall transport the dead birds for disposal at a licenced waste management centre.

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Details on the collection and disposal of dead birds from the site, in the form of a contract with an approved waste contractor and a waste management plan outlining compliance with the requirements of this condition is to be submitted to *Council or the nominated Accredited Certifier* for approval prior to the issue of the Occupation Certificate.

- 10.13 The requirements of conditions 10.3 to 10.12 (inclusive) shall be incorporated into a Management Plan for the site.

The Management Plan is also to adopt the NSW Chicken Farming Guidelines prepared by NSW Agriculture, except where inconsistent with the requirements of the conditions of this consent.

The Management Plan is to be signed by the operator of the farm, the relevant processor and approved by *Council or the nominated Accredited Certifier* prior to the issue of the Occupation Certificate.

The poultry farm must be operated in accordance with the approved management plan at all times.

- 10.14 The poultry farm shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.

- 10.15 The poultry farm shall not generate offensive noise or offensive odour as defined under the Protection of the Environment Operations Act.

- 10.16 *The surrounding neighbours and Council must be informed at least 24 hours in advance of night time (after 9pm) collection and batch delivery of birds.*

11. ODOUR MANAGEMENT

This condition is imposed to protect the amenity of the area with respect of odour and to ensure that the development will not result in increased odour impacts.

- 11.1 Within six months of the commencement of use of the subject sheds odour monitoring shall be undertaken during a week in which the birds are at maximum size.

If this monitoring finds out that the post development odour level at any dwelling is higher than 5OU and is also higher than the predevelopment odour level, a plan of odour management shall be prepared to the satisfaction of Council and implemented within twelve (12) months.

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

- 11.2 If Council receives three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of odour from the subject property or three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of dust complaint from the subject property and such complaints are verified by Council in accordance with applicable and acceptable industry standards and practices to have arisen from the use of the subject property, then the owners will comply with all such reasonable directions as may be given by Council (after consultation by Council with the owners) with the objective of ameliorating the said impacts.

The one exception to this condition is where such complaints arise from or in circumstances which can only be attributed to natural disasters and the like beyond the control of the owners.

- 11.3 That the Development shall not cause any offensive noise under the Protection of the Environment Operations Act, 1997

12. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

These conditions are imposed as they are mandatory under the provisions of the Act.

12.1 COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- (1) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4).

12.2 EXCAVATIONS AND BACKFILLING

- (1) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

12.3 RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

- (1) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (2) Adequate provision must be made for drainage.

12.4 SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) Stating that unauthorised entry to the work site is prohibited, and
 - (b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
 - (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

12.5 TOILET FACILITIES

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) Must be a standard flushing toilet, and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facilities approved by the council, or

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
- (4) In this clause:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government General Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

Approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government General Regulation 2005.

Public sewer has the same meaning as it has in the Local Government General Regulation 2005.

Sewage management facility has the same meaning as it has in the Local Government General Regulation 2005.

13. ADVICE

- 13.1 At all times work is being undertaken with the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- 13.2 During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc, that require alteration shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- 13.3 A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

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13.4 The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

- Motor vehicle insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
- Workers Compensation Insurance.
- Ten Million Dollar Public Liability Insurance.

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PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

ATTACHMENT 1 – 010.2005.00058025.004 – 19 OCTOBER 2015



Benbow
ENVIRONMENTAL

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RTB/md
Ref: 141183-Let3
26 February 2015

ATTENTION: Nic Vassallo
ALCO Farm
184 Glendiver Road,
THE OAKS NSW 2570
Email: nix69@tpg.com.au

CC Weston and Associates
Email: cweston@bigpond.net.au

Dear Nic,

**Re: Odour Impact Assessment –
Changes to the Outcome at Receiver R10**

I draw your attention to the findings of the Noise and Odour Assessment prepared by Air Noise Environment, January 2013.

The assessment found that excessive odour levels would be experienced at Receptor 10. This was on the basis of the sheds having exhaust fans that would direct the odour towards this receptor. It was also on the basis of the higher odour levels emitted from tunnel ventilated sheds.

The "ALCO Farm" is accredited with the RSPCA which has the following benefits in reducing the strength of the odour emissions:

- Bird stocking densities are reduced.
- Litter is aerated at least every fortnight so that it remains dry and without a hard crust. This prevents anaerobic processes occurring within the litter that generate odorous gases forming.
- Greater emphasis on management practices which have the benefit of reducing odour.

The development is able to proceed with a condition worded in the following manner:

"The operation and management of the chicken growing sheds is to ensure that the emission of odour does not exceed the levels prescribed by the Environmental Protection Authority.

Should Council receive any justified odour complaints the applicant/owner will be required to undertake an Odour Modelling Report to rectify odour levels and implement the findings of the OME in 40 days."

Engineering a Sustainable Future for Our Environment

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On commissioning of the fourth shed, an odour intensity audit needs to be conducted and reported to Council.

Yours faithfully,
for Benbow Environmental



R T Benbow
Principal Consultant

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Primary Industries

9 February 2015

TRIM Ref: OUT15/2787

Chris Weston
C.C. Weston and Associates
PO Box 6142
The Oaks NSW 2570
E: ccweston@bigpond.net.au

Dear Mr Weston

RE: Development Application Number D800-05 with respect to Land Lot 11, DP 841569 at 184 Glendiver Road, The Oaks.

I refer to your email dated 11th December 2015 seeking clarification on the Department of Primary Industries position in regard to Best Practice Management for Meat Chicken Production in NSW, and specifically to our position on tunnel versus naturally ventilated shedding for meat chicken production. You also enquired about the standard industry practice of night time collection of grown birds which have reached the required processing weights and criteria. Finally, you have also enquired about acceptable dead bird disposal methods.

I refer also to the Deferred Commencement Consent – Section 80(3) for Development Application Number D800-05 in which Wollondilly Shire Council have requested that the new and existing sheds be constructed and operated using tunnel ventilation, and for curfew restrictions on the collection of birds which have been limited to between 7am and 11pm.

- 1) In terms of shedding type and construction, it is my understanding that council have interpreted the DPI Best Practice Management for Meat Chicken Production in NSW (2012) guidelines to mean that all intensive chicken meat production should be produced using tunnel ventilated shedding. This interpretation stems from page 19 of Manual 1, Site Selection and Development, which states that *“Current best practice for intensive chicken meat production is for sheds to be designed with tunnel ventilation and pad cooling”*.

Whilst DPI has not changed its position in terms of tunnel ventilation being best practice, it is important to understand the context and operating environment in which that position is held. These are as follows:

- a) Higher stocking densities. Tunnel ventilation enables processors and growers to stock sheds with greater bird densities. This is permitted under the Model Code of Welfare for Animals: Domestic Poultry which provides for higher stocking rates in tunnel ventilated sheds (40kg/m²)
- b) Production efficiency. Tunnel ventilated sheds are typically associated with greater productivity and efficiency than naturally ventilated sheds. In other words, tunnel ventilated sheds generally achieve better feed conversion ratios than naturally ventilated sheds.
- c) Climate control. Tunnel ventilated sheds permit greater control of the shed environment under conditions of high stocking densities (36 to 40kg/m²). At these stocking densities it is critical to be able to adjust shed ventilation rates and shed temperatures to ensure the birds are kept comfortable and to keep litter dry and friable, as well as providing a constant supply of fresh air.

In summary, it is our position that at high stocking rates, which has been the industry norm until very recently, tunnel ventilated shedding is still considered best practice.

However, in late 2013 one of the major supermarket retailers announced that they would only supply RSPCA accredited chicken meat from 1 January 2015. This has resulted in a significant

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change to stocking densities and production systems associated with chicken meat farming in Australia. Most notably, stocking densities have been reduced from a maximum 40kg/m² to 32kg/m². This is a significant reduction in stocking density and has implications for the economic feasibility of using tunnel ventilation. Further, environmental impacts, especially odour, are highly correlated to stocking density. At lower stocking rates the environmental impacts of chicken meat production are reduced. This is also true of odour impacts.

It is our position that for lower stocking rates, such as those which are mandated by the RSPCA approved chicken scheme; naturally ventilated shedding is an economically and environmentally sound option for chicken meat production. This includes the management practices associated with naturally ventilated shedding, such as fogging. However, irrespective of the cooling system used, care must be taken to ensure litter is kept dry. It must be stressed that odour and other environmental impacts are not just a function of stocking densities and shed type, but is in fact most influenced by management and husbandry practices. In other words, irrespective of the type of shed used, it's important that litter is kept dry and friable, with a moisture level between 15 to 30%.

In conclusion, it is the position of DPI that for conventional chicken meat production, at high stocking rates, tunnel ventilated shedding remains best practice. However at lower stocking rates, for example as mandated by the RSPCA approved chicken meat scheme, naturally ventilated sheds are considered acceptable, both from an economic and environmental perspective. However, as mentioned, this is dependant on sound husbandry practices and management in accordance with current best practice.

Finally, it should be noted that the RSPCA accredited chicken meat scheme should provide environmental regulators with some degree of comfort. The scheme is regularly audited and is quite onerous. Growers and processors are regularly inspected, and the RSPCA has very strict and stringent guidelines on litter management and bird welfare. Failure to keep litter dry will result in a loss of accreditation which will have significant implications for both the grower and the processor. It is likely that these requirements will also ensure that odour from litter is significantly minimised.

- 2) In terms of the night time bird collection curfew of between 7am and 11pm we wish to advise the following;

Night time collection of birds is an industry wide practice, not only in Australia but overseas as well. The principle reasons for the night time collection of birds which are ready for processing are:

- a) Birds are quieter in dark conditions, making them easier to catch and load into crates for transport to the processing plant.
- b) Animal Welfare. It is proven that birds suffer less stress associated with capture and transport when this is conducted in cool and dark conditions.
- c) Animal production. Productivity losses are minimised by ensuring that birds are calmer and cooler when collected in the late evening or very early morning.

A blanket night time curfew of 11pm unfortunately does not take into account differences between seasonal ambient conditions and periods of light and darkness. A curfew of 11pm potentially restricts or compromises the ability of a processor or pick-up crew to collect the birds in conditions which are conducive to acceptable animal welfare standards and productivity outcomes. I would urge the consent authority to consider this and to attempt to reach a compromise position which takes into account the considerable logistical difficulties of restricting pick up times to between 7am and 11pm.

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3) Dead bird disposal.

Dead bird disposal methods associated with routine poultry farming are distinct from mass mortality events associated with disease or other causes of mass bird mortalities.

Guidelines for acceptable routine (daily) dead bird disposal options are outlined in the Best Practice Management for Meat Chicken Production in NSW, Manuals 1 & 2. These can be downloaded from the NSW Department of Primary Industries website at <http://www.dpi.nsw.gov.au/agriculture/livestock/poultry/development/bpm>

I understand that the local consent authority is requiring your client to place routine bird mortalities in a freezer or cool room until the carcasses can be collected for disposal. Whilst this is an acceptable option for dead bird storage and disposal it should be noted that there are several alternative options for dead bird disposal which may also be considered.

In response to your specific enquiry about on-site composting, please refer to page 27 of Manual 2 of the Best Practice Management for Meat Chicken Production in NSW guidelines. On-site composting is an acceptable method of dead bird disposal as long as the methods used comply with the aforementioned guidelines. For specific information and methods for on-site composting there are several industry guidelines which provide useful information and guidance to ensure that on-site composting is conducted appropriately and will meet local and state environmental guidelines and requirements.

Useful resources include:

1. The National Environmental Management System for the Meat Chicken Industry – Version 2. This document can be downloaded from the internet at <https://nrmc.infoservices.com.au/items/14-100>
2. Poultry Mortality Composting Management Guide available at http://extension.uga.edu/publications/files/pdf/B%201266_3.PDF
3. Natural Rendering: Composting poultry mortality available at <http://cwmi.css.cornell.edu/aifs.pdf>

Finally, it should be noted that recycling and re-use of organic wastes is a current investment priority of the NSW Office of Environment and Heritage. For further information on composting organics, as well as potential access to grants and assistance please see the Office of Environment and Heritage website at <http://www.environment.nsw.gov.au/grants/OrganicsInf.htm>

I hope that this response provides the clarification you seek. Should you wish to discuss this further, please don't hesitate to contact me.

Yours sincerely



Byron Stein | Industry Development Officer (Poultry Meat)
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(c) Corrective action taken by parties involved

i) Cordina Chickens

Cordina Chickens has made significant changes to the live bird trailers. The location peaks on the trailers which hold the live bird modules in position have been modified so as to offset the levels at which the modules are transported. This has the effect of reducing noise at a few levels. The drawers in these live bird modules can now no longer vibrate as much and therefore generate less noise during transit. Secondly the live bird drawers cannot interlock with other modules which would normally require these modules to be shaken loose before they can be unloaded. This has had a significant impact on noise reduction.

ii) Girraween Transport

Girraween Transport and their staff are aware of the situation regarding the concerns of the neighbours around poultry farms.

In order to reduce the impact in the neighbourhood of the pick-up operation the following has taken place:

- Rubber dampers have been installed on forklifts to stop the banging of the tynes onto the main frames.
- Truck entry and exit speeds have been capped to less than 10 kilometres per hour. Truck drivers and pick-up crews have all been notified of the situation regarding entry and exit speeds. Vehicle speed approaching the farm has also been reduced on Westbrook Rd to a maximum of 60 kph.
- All forklifts have had their mufflers replaced with new Flow Tech units, as referred to in the acoustics report. Onsite monitoring of the noise emission of the new mufflers was carried out. The installation of these new mufflers has had the effect of reducing noise output of these forklifts by 4 to 5 dB(A) This is a reduction of between 7 to 8%
- All forklifts have had their engines fitted with governor mechanisms to limit their speed and therefore noise output.
- Pick-up crew supervision and management is to be more controlled especially regarding conversation between members. Each crew has its supervisor who is responsible for the actions of the pick-up crew. The pick-up crew normally arrive in a crew cabin truck independent of the trailer arrival. On the crew cab truck is the fork lift that the crew will be using for the night. They usually park somewhere near the sheds but out of the way of the pick-up activity for that night. Once pick-up is complete they check the sheds with the grower, complete the appropriate paper work and leave. Departure time from farm is usually close to the time the loaded trailers leave. On some nights they could leave prior to the last trailer being picked up due to logistics of that night.

The applicant has considered all aspects of the procedures involved in the pick up of birds and taken action to minimize the generation of noise.

Council is requested to allow for flexibility in the hours for bird pick up and amend Condition 10.8 in the best interest of bird welfare and the continued operation of the poultry growing farm.

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Management Plan: "Alco" Broiler Farm

Table 1: Alco Farm Placement and Pick up Program (December 2014)

Placement Date:	17/11/14				17/11/14				18/01/14				TOTAL				PROPOSED			
	Shed 1				Shed 2				Shed 3				Shed 4				23500			
TOTAL PLACED	22600				22600				22600											
Shed:	Shed 1				Shed 2				Shed 3				Shed 4							
Pick up Date	Bird #	Age	Avg Wt		Bird #	Age	Avg Wt		Bird #	Age	Avg Wt		# Birds Picked Up	# Trailers			Bird #	Age	EST Avg Wt	# Trailers
14/12/14	5000	31	1.58										5000	1						
18/12/14					5000	31	1.61						5000	1			6600		1.6	1
21/12/14									5000	33	1.78		5000	1			6621		1.7	1
23/12/14	4800	36	2.01		4488	36	2		4800	35	1.9		14088	3						
30/12/14									4484	42	2.67		4484	1			4500		2.6	1
31/12/14	3600	48	2.83										3600	1			4550		2.8	1
04/01/15					12432	48	2.85						12432	3						
06/01/15	7728	50	3.15						7032	49	3.15		14760	4						
less Batch Mortality	21128				21920				21316				64364	15			22371			4
																				19

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Management Plan: "Alco" Broiler Farm

Corrective action taken by parties involved

Mr Vassallo:

Mr Vassallo is aware of the impact of noise and business operations on his neighbours:

- Mr Vassallo has negotiated a settlement with the Glendiver Community for the upkeep and maintenance of the roadway through the community.
- Mr Vassallo will aim to prevent avoidable noise and minimise unavoidable noise by working closely with his contractors, Cordina Farms and their contractors. Any avoidable noise or neighbour complaints will be promptly reported to Cordina Farms and corrective action will be taken as soon as possible.
- Mr Vassallo engaged the services of an environmental consultant to assess the proposed development and its potential effects on noise. These reports dated 30.01.2008; January 18, 2013 and November 19, 2014 are attached. The results for noise outlined in the report are within acceptable levels.
- Maintain all loading areas to be free from holes and any unevenness that would contribute to noise production.
- Mr Vassallo has installed signs on farm limiting traffic to 10km/hr
- All sheds clearly numbered
- Locked gate on main entrance of farm to restrict unauthorised vehicle access.

Cordina Farms:

Cordina Chickens has made a number of significant changes to reduce noise.

- The live bird trailers have been altered to offset the levels at which the modules are transported reducing noise during transit. This alteration means that the live bird drawers will not interlock with other modules, reducing the need to shake modules to unload them and therefore significantly reducing noise during loading and unloading.
- Cordina Farms will continue to work closely with Mr Vassallo to address any of his concerns regarding noise associated with Cordina Farms or its contractors. This includes day old deliveries, feed deliveries and pick up vehicles and personnel.

29 Jan 2015

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PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

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Management Plan: "Alco" Broiler Farm

Girraween Transport:

Girraween transport has been notified of the issues concerning Mr Vassallo's Farm and the Glendiver Estate. Girraween Transport and their staff are aware of the impact of noise on neighbours and are working to reduce avoidable noise by:

- Installing rubber dampers on forklifts to stop the banging of the tynes onto the main frame
- Truck entry and exit speeds through the estate have been capped to 20 kilometres per hour. Truck drivers and pick up crews have all been notified of the situation regarding entry and exit speeds. Vehicle speed approaching the farm on the Glendiver Road is clearly signposted as 60 kilometres per hour.
- All forklifts have had their mufflers replaced with new Flow Tech units, as referred to earlier. Monitoring of the noise emission after installation of the new mufflers was carried out on another farm contracted to Cordina. This test showed that the noise from the forklifts had been reduced by 4 to 5 dB(A), or 7 to 8%.
- All forklifts have had their engines fitted with governor mechanisms to limit their speed and therefore noise output.
- Pick up crew supervision and management is monitored and controlled. Each crew has its supervisor who is responsible for the actions of their pick up crew.
- Crews have been notified that they must limit the volume of their voices when talking to others during night time hours.

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PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

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Management Plan: "Alco" Broiler Farm

4. Odour management

The primary sources of odour risk on most poultry farms are from litter within shed; removal, stockpiling or spreading of used litter; disposal of dead birds and bird odour. While management strategies can and will be put in place to minimise odour generated from these sources, it is possible that a level of chicken odour as is normally associated with chicken farming may be detectable at the nearest boundary of the Farm. While some people find such odours normal and acceptable for rural areas, others find them offensive. The level of perception and tolerance of odours varies with individuals.

It should be noted that between 1973 and 2005 no recorded complaints have been lodged with Council, furthermore odour can also be generated from surrounding properties (e.g. a grazier spreading manure or chicken litter on their land as fertilizer) and can be mistakenly perceived to be originating from the Farm. Cumulative odour can also be an issue. This can occur when a number of urban and rural odour sources pool together to generate excessive odour. These issues should be kept in mind when investigating odour problems.

Where a legitimate odour problem is established, we will investigate odour reduction strategies, bearing in mind commercial realities and our responsibilities under the Protection of the Environment Operations Act 1997, particularly Section 126 which states *"The occupier of any premises who deals with materials in or on those premises in such a manner as to cause air pollution (odour) from those premises is guilty of an offence if the air pollution so caused, or any part of the air pollution so caused, is caused by the occupier's failure to deal with those materials in a proper and efficient manner"*

In-shed Litter Management

Litter in the chicken sheds is potentially a significant source of odour. Litter moisture is the primary contributor to odour generation. A base level of moisture within the litter is essential to avoid dust problems and to promote beneficial organisms. Optimal litter moisture is generally between 15 and 30%. Litter moisture is generated by the birds (e.g. faecal moisture), from the operation of drinkers and foggers (cooling sprays). Management of ventilation, sheds, equipment, nutrition and bird health are all essential for maintaining ideal litter moisture levels and consequentially managing odour from litter within the sheds. The Farmer will

- Aim to maintain optimal litter moisture so that the litter remains friable
- Monitor litter moisture daily using visual observation
- Use bedding materials which is dry, able to absorb moisture and avoid caking (e.g. wood shavings, rice hulls and composted litter). Mr Vassallo uses new bedding material in his brood area every batch (wood shavings) and composted litter in the grow-out end of the shed. To compost litter, cake should be removed, friable litter stacked and composted for approximately 7 days. The litter is then spread on the floor.

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- Manage water flows to prevent water entering chicken sheds and storage facilities from rain, irrigation sprinklers and surface water;
- Maintain drains in the immediate vicinity of the chicken sheds and within the site so as to prevent water ingress into poultry houses or poultry house floors;
- Maintain nozzles and correct pressure in drinker and fogger lines.
- Where supplementary foggers are utilized; ensure that they are maintained and not overused, to minimise wet litter;
- Adjust height and maintain drinker and feeder lines to prevent spillage;
- Use nipple drinkers
- Continually monitor ventilation, heating and cooling systems to ensure moisture content of the litter is controlled, maintain friable litter and minimise condensation;
- Record as necessary observations regarding litter quality, moisture, litter management practices (such as breaking paper, rotary hoeing and litter bugging) and any other aspect that would increase shed odour levels.
- Remove patches of wet or caked litter from sheds as soon as possible and replace with dry, friable litter, and take corrective action against the causes of the wet or caked litter;
- Break up damp or caking litter by mechanical means;
- Maintain insulation to a level that prevents condensation forming on the undersides of roofs;
- Remove or compost litter immediately after every batch is completed;
- Maintain ventilation and cooling systems so that birds are kept in a comfortable environment and avoid excessive water consumption associated with high shed internal temperatures.

Used Litter Management

Used litter can be a source of odour and pollution, particularly if stored, spilled or spread inappropriately on the Farm. Wet litter especially can generate odour. Removal of used litter from the farm eliminates the risk of odour problems. The Farmer will:

- Aim to remove all unusable litter from the farm at the completion of each farm cleanout
- Monitor litter removal at the end of each farm cleanout
- If immediate removal of litter is not possible, litter may be stored on the Farm for a short term provided that any stockpile area is designed to avoid emitting odour and polluting or contaminating surface water, ground water and land by keeping the stockpile dry and secure until it can be removed from the Farm. Council may inspect the storage site;
- Where possible, avoid litter or manure becoming wet during the removal process;
- Reduce ventilation from shed during removal, taking into consideration the safe environment of the workers;
- Avoid spilling manure and litter from vehicles on drives and roads, immediately clean up any spent litter from drives and roads;
- Cover all litter and manure when transporting;

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Management Plan: "Alco" Broiler Farm

Dead Bird Management

Dead birds can be a significant source of odour and pollution if they are not disposed of properly. Many alternatives and new technologies exist for dead bird storage and disposal. Options for dead bird disposal include lidded garbage bins with frequent pick up, freezing with disposal to a rendering plant, approved land fill or composting. These disposal methods must be approved by the relevant authorities prior to use. Please see examples and references attached in support of composting birds.

The Farmer will:-

- Collect dead birds daily or more frequently if conditions require (eg. Hot weather) to minimise odour generation, insect, rodent and vermin infestation;
- Monitor dead bird pick-up, correct operation cool room container and removal of dead birds from the Farm;
- Record number of dead birds per shed and date dead birds are removed from the farm;
- Monitor bird health and maintain at optimum to minimise bird deaths, report to Processor if there is a suspected bird health problem;
- Dispose of dead birds in a way that avoids odour, and pollution to surface water, groundwater and land;
- Place dead birds in disposal system daily (within reasonable time of removal from sheds), and in such a way that prevents feral or insect activity in relation to same;
- Monitor mortalities and if they exceed acceptable levels report to the Processor and if appropriate arrange for more frequent dispatch of carcasses from the Farm;
- In the event of a mortality emergency that is beyond the scope of the Farmer to manage, contact the appropriate regulatory authority for advice and assistance on mass carcass disposal;
- In the event of an exotic disease outbreak, follow the instruction of the NSW Agriculture Chief Veterinary Officer in control;
- In the case of power failure, farmers are encouraged to maintain a standby generator with capacity to operate all relevant farm equipment under maximum load.
- Have available an alternative means of collection/disposal in case of an emergency or catastrophic mortality situation; For exotic disease contingency identify in appropriate area on site that can be safely used to bury slaughtered birds in the eventuality of an exotic disease outbreak with DPI approval. This area should be free from development and be relatively isolated from runoff, the water table, sensitive natural features and the poultry housing.

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PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

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Management Plan: "Alco" Broiler Farm

Bird Odour

During the heat of summer, foggers are used to spray a fine mist over the birds acting as an evaporative cooler. Birds that become excessively wet due to the overuse of foggers tend to emit a much stronger odour compared to normal. Prolonged use of foggers in the event of heatwave conditions can have serious impact on litter quality and bird odour.

Alco Farm has two types of fogger nozzles in his sheds. Two lines of brass foggers (*beaumac*) are used regularly during summer to cool the birds. There is also an additional line of "SF2" foggers on the northern side of the sheds which is used only on extremely hot days (over 40°C). Prioritising bird welfare during these extreme heat waves is often at the expense of litter and odour. Management practices listed above must be used to ameliorate the effects of fogging during these times.

Annual farm audits, known as *heat wave audits*, are carried out prior to the hotter months and all farms must pass the audit. For any non-compliance recorded during the audit, growers are given an appropriate amount of time to rectify the problem and are then re-audited. During the audit the cooling systems are checked to ensure they are in working order and to check for leakages, blockages and any other problems that would inhibit their functionality.

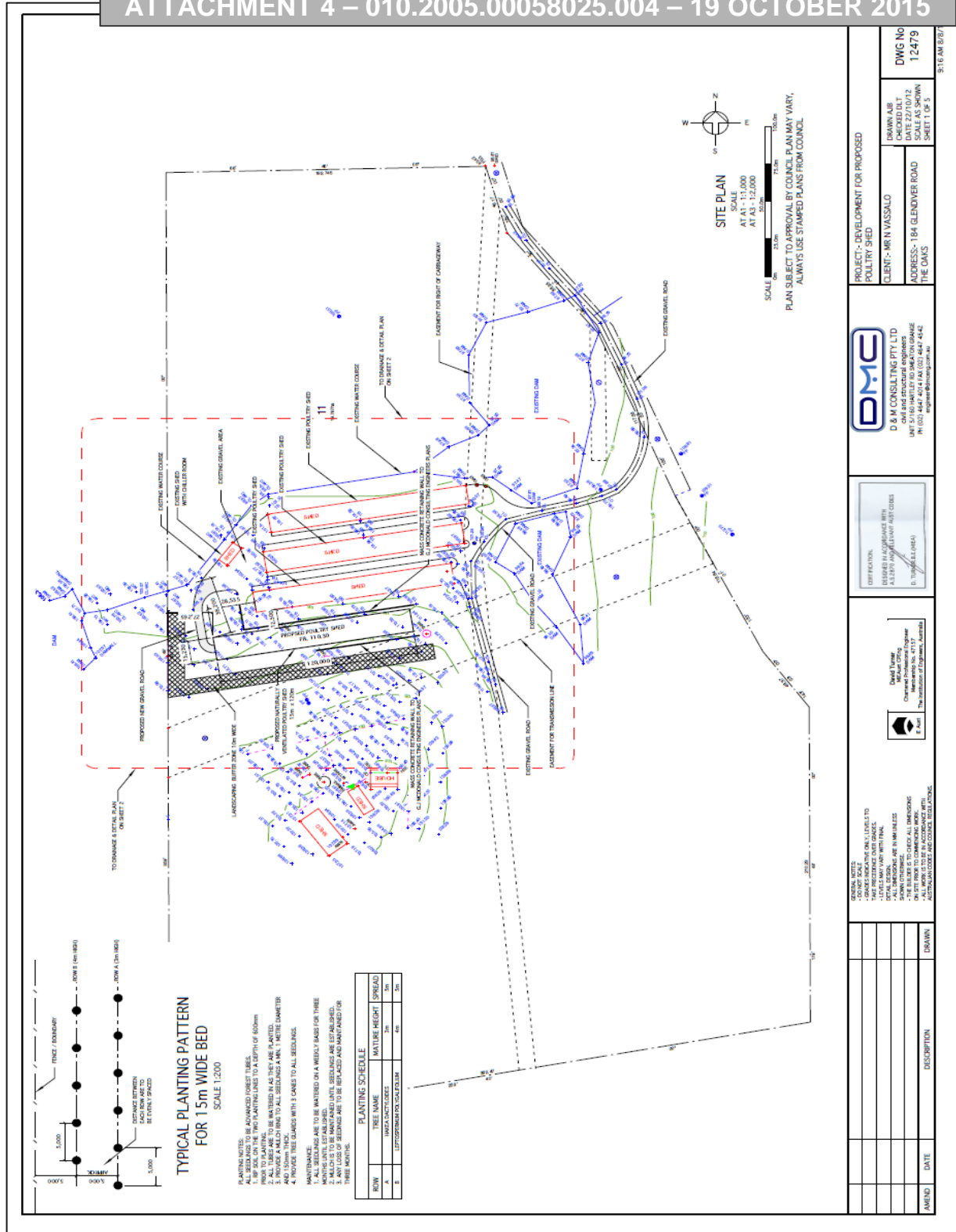
As of November 2014, Mr Vassallo has been audited by Cordina Field Service staff and has passed the heat wave audit. This demonstrates that his cooling systems are adequately maintained.

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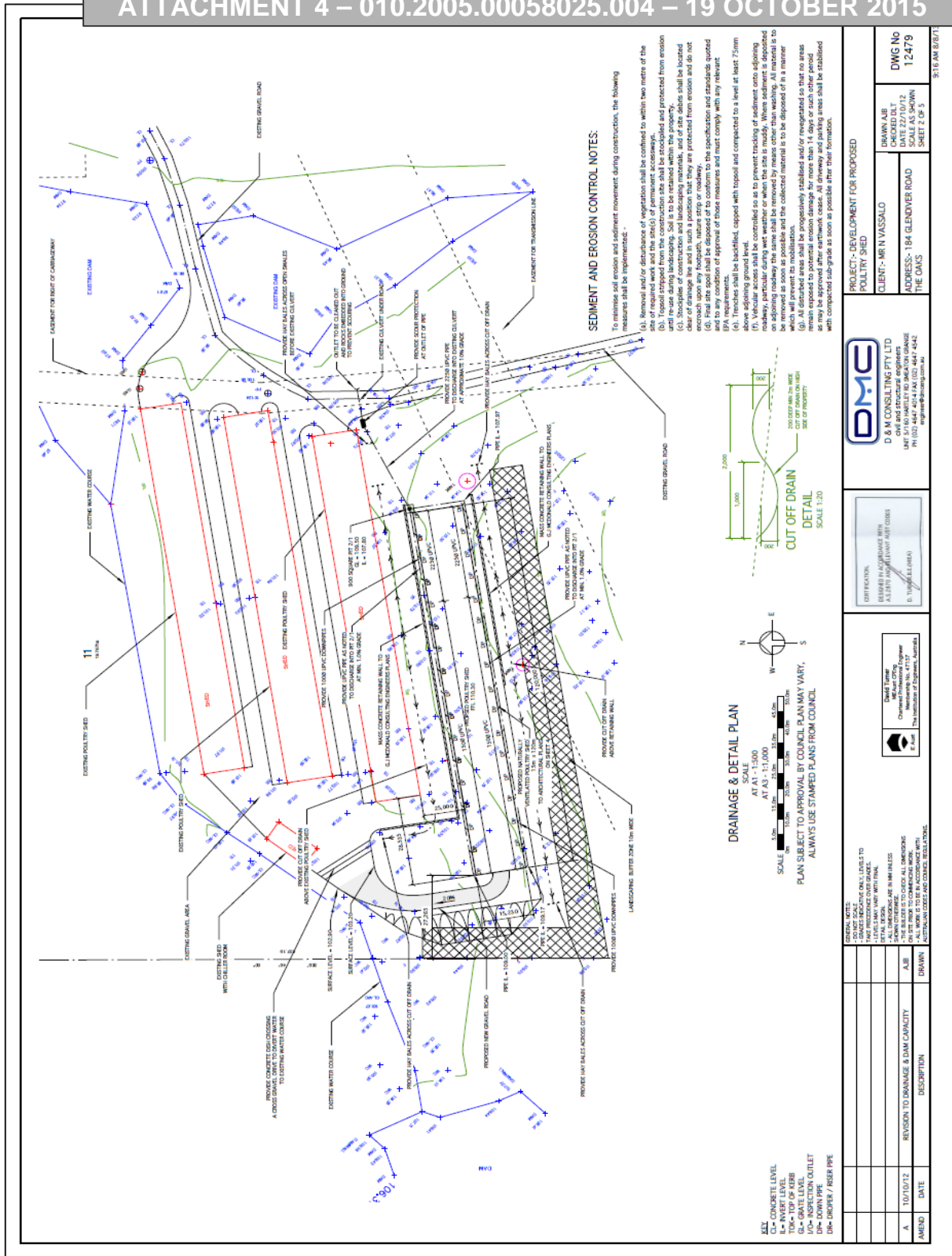
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PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

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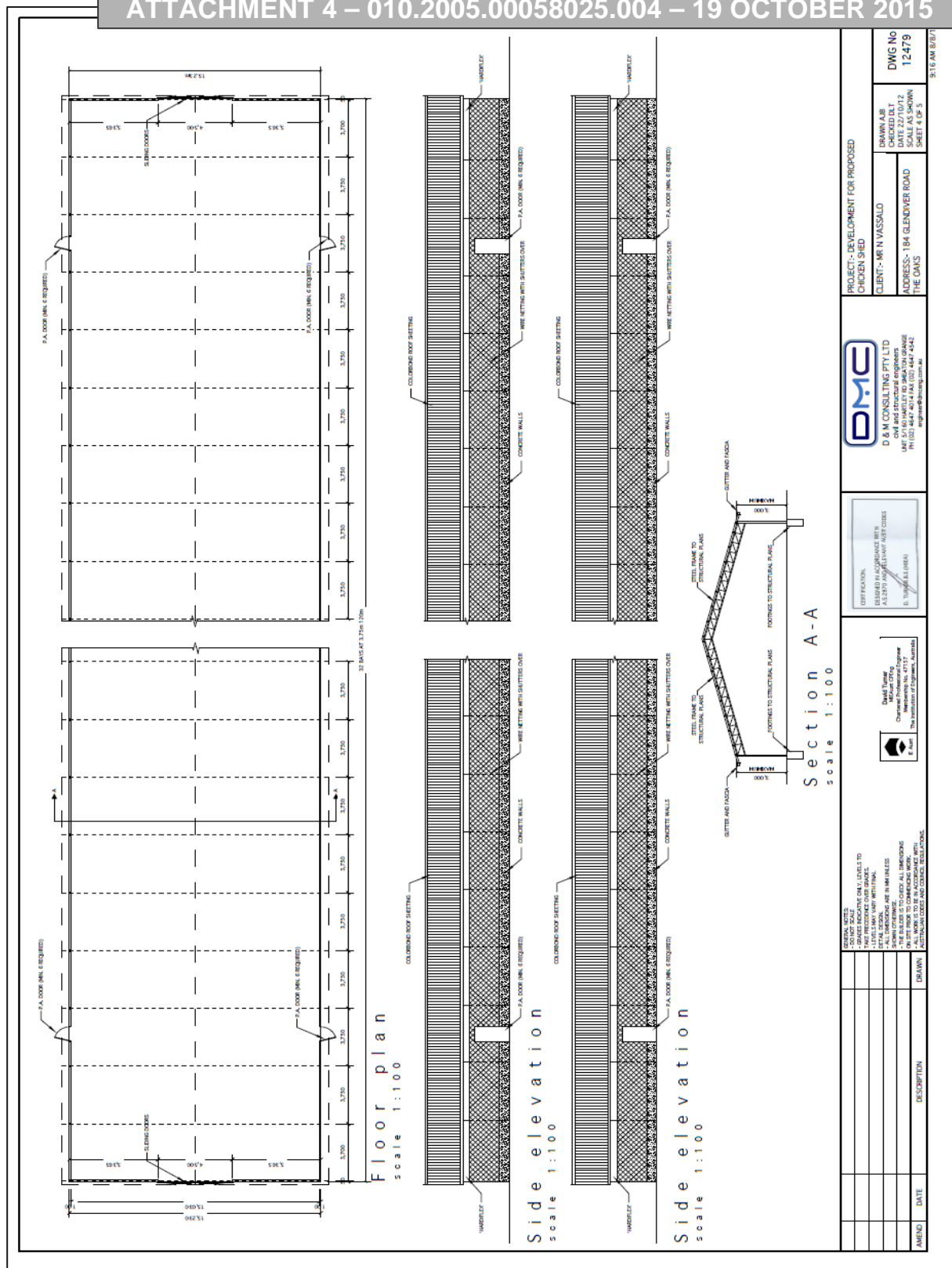
Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 October 2015

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

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JOB: GLENDIVER ROAD, THE OAKS														
FREQUNCY FACTORS														
1 YR 2 YR 5 YR 10 YR 20 YR 50 YR 100 YR														
0.80 0.85 0.95 1.00 1.05 1.15 1.2														
MAX 45 0.6														
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REC INTERVAL 10 YRS														
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INTENSITY 133														
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19														
DP LAND IMPERM. "n" TIME TOTAL INTENSITY RUN OFF AREA C.A. SUM C*A FLOW BYPASS ADOPTED SEP FLOW COMB PIPE DIA GRADE NOM CAPACITY														
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UPSTREAM FLOW 0.4 0 6 133 0.72 0 0.00 0.00 0 0 0 0 0 0 0 0 0 0 0														
DP FLOW 1 0 6 133 0.90 900 0.08 0.08 30 0 30 30 0 30 30 0 30 30														
CARPARK 0.9 0 6 133 0.87 0 0.00 0.08 30 0 0.00 0.08 30 0 30 0 30 1.0% 78														
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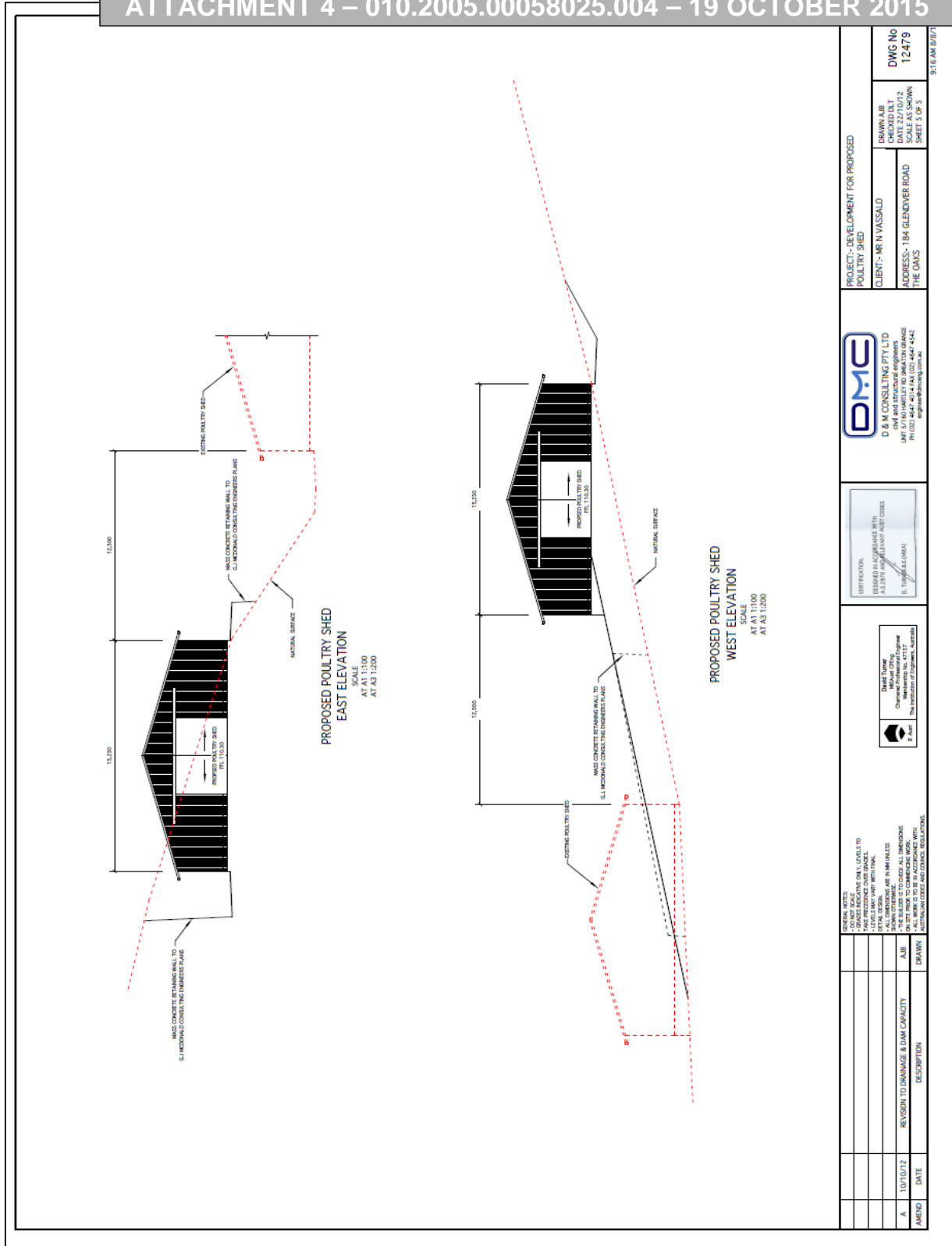
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Planning and Economy

PLANNING AND ECONOMY

PE1 Application to Modify Development Consent No. 010.2005.00058025.004 for an Extension to Existing Poultry Farm at 184B Glendiver Road, The Oaks
1006 010.2005.00058025.004

182/2015 Resolved on the Motion of Crs Hannan and Amato:

That Application to Modify Development Consent 010.2005.00058025.004 for the amendments to Conditions 1.1, 2.2, 10.8 and the deletion to Condition 10.9 from Development Consent D800-05 at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be determined as follows:

a) Conditions 1.1, 2.2, 10.8 and 10.9 are amended to read as follows:

“1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184B Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled “Project: - Development for Proposed Poultry Shed” drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.

2.2 The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.

10(8) Night-time pick up of birds shall not take place between the hours of 10pm and 7am, except where permitted by Condition 10(8)(a).”

b) Condition 10.9 is recommended to be deleted.

c) Conditions 1.5, 2.2(a), 10.8(a), 10.8(b), 10.8(c) and 10.16 are recommended to be inserted

“1.5 Development shall take place in accordance with the recommendations of the following reports:

- “Broiler Farm Management Plan” prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004

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- “Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015.

Prior to the issue of the Construction Certificate the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

10(8)(a) Bird pickups are permitted between 10pm and 12am, but only during extreme weather conditions.

The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 10(8).

10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable)."

10(8)(c) *The speed of trucks servicing the poultry farm until they are past the community title land after 5pm (specifically for bird collections at night) be 10km/h and require the installation of appropriate signage.*

10.16 The surrounding neighbours and Council must be informed at least 24 hours in advance of night time (after 9pm) collection and batch delivery of birds.

- d) Changes are recommended to update those conditions requiring information to be submitted to council or the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.**
- e) Given the changes to the consent conditions, it is recommended that a consolidated consent be approved subject of this application to modify the consent and as such, the consent be as follows (conditions amended and added will appear in italics and unchanged conditions remain in normal font).**

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- 1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.**
- 1.2 Development shall take place in accordance with plans and information submitted in relation to Development Application No. D800-05 or where superseded by the information and particulars submitted with Application to Modify Development Consent 010.2005.00058025.004 except as varied by the following conditions.**
- 1.3 The entire poultry farm, including the existing sheds is to be operated solely in accordance with this development consent.**
- 1.4 A Construction Certificate shall be approved by Council or the nominated Accredited Certifier prior to the commencement of any works authorised by this consent.**
- 1.5 Development shall take place in accordance with the recommendations of the following reports:**

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- “Broiler Farm Management Plan” prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004
- “Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015

Prior to the issue of the Construction Certificate, the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

2. BUILDING DESIGN

These conditions are imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.

- 2.1 All materials and colours to be used in the external construction of the proposed shed shall be complimentary to those of the existing development.
- 2.2 *The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.*
 - 2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

3. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the construction and use of the buildings on the environment and on adjoining properties.

- 3.1 A Soil and Water Management Plan, in accordance with Council's Design Code DCP and Construction Specification is to be submitted with the Construction Certificate for the development and approved by *Council or the nominated Accredited Certifier*.

The installation of the erosion and sediment control devices identified on the soil and water management plan, is to be completed prior to the commencement of any works on the site and are to remain in place after construction is completed.

- 3.2 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.
- 3.3 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- 3.4 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

4. BUILDING GENERAL

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

- 4.1 All construction work shall be:
- (i) restricted to between 7.00am and 5.00pm Mondays to Fridays (inclusive);
 - (ii) restricted to between 8.00am and 1.00pm on Saturdays;
 - (iii) prohibited on Sundays and Public Holidays unless written approval to vary the hours is granted by Council.
- 4.2 There being no burning of builder's rubble, felled trees or other material on the site.
- 4.3 Submission of a Waste Management Plan in accordance with Council's Waste Minimisation and Management guidelines *shall be submitted to Council or the nominated Accredited Certifier* prior to the issue of the Construction Certificate.

5. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
- (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.

- 5.1 In accordance with the provisions of Development Control Plan No.7 – Off Street Carparking – 2 all-weather car parking spaces and access thereto shall be provided for the proposed development. Such spaces are to measure not less than 2.6m x 5.5m.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

- 5.2 The road which provides access to the poultry farm the Glendiver Farm Community Title Estate shall be maintained to an appropriate standard to cater for all vehicles that are associated with the poultry farm for the life of the poultry farm. *(Amended by 010.2005.00058025.003)*

6. LANDSCAPING

These conditions are imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- 6.1 Compliance with the provisions of Council's Tree Preservation Order. Under the order a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree which:

- (a) Is greater than 3m in height;
- (b) Has a girth greater than 45cm at a height of 1m from the ground;
- (c) Has a branch spread greater than 3m.

- 6.2 In order to ensure that the development is adequately landscaped a detailed landscape plan prepared by a person with horticultural qualifications shall be submitted to *Council or the nominated Accredited Certifier* for approval prior to release of the Construction Certificate and shall include the following:

Planning and Economy

- (a) All existing and proposed site structures.
- (b) All existing vegetation.
- (c) Location of proposed planting around the additional shed and ventilation system to screen it from surrounding areas and enhance the landscape character of the site.
- (d) Details of growth and maintenance.

6.3 Landscaping is to be installed in accordance with the approved Plan prior to the issue of the Occupation Certificate and maintained in accordance with the details provided on that Plan at all times.

7. STORMWATER

These conditions have been imposed to ensure stormwater is appropriately managed.

- 7.1 Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- 7.2 Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system.

A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

8. INSPECTIONS

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

- 8.1 The proposed building works shall be inspected by *Council or the nominated Accredited Certifier* at the following stages of construction to ensure they comply with the Building Code of Australia and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control measures are implemented
 - Pier holes/footings before pouring of concrete
 - Steel reinforcing before pouring of concrete
 - Structural steel work before covering

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- Roof water drainage before backfilling
- Retaining wall structure to the excavated area before backfilling
- Completion of the building work before occupation or use.

9. DEVELOPMENT (SECTION 94A) CONTRIBUTIONS

These conditions are imposed to ensure the adequate provision of public facilities required as a result of the development, the following conditions apply:

- 9.1 Pursuant to Section 80A(1) of the Environmental Planning & Assessment Act, 1979 and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November 2006), a contribution of \$30,000 shall be paid to Council.**

This contribution is calculated from Council's adopted Development Contributions Plan (as Amended) in the following manner:

Non-residential Development with proposed development cost between \$100,001 and \$200,000 - 0.5% levy. The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

The contribution is to be paid before release of the *Construction Certificate* in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

10. OCCUPATION & USE

These conditions are imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.

- 10.1 The Occupation Certificate is not to be issued until all relevant conditions have been complied with.**
- 10.2 The new shed shall not be occupied until Council or the nominated Accredited Certifier has issued an Occupation Certificate.**
- 10.3 The poultry sheds shall be used for chicken production and will have a maximum combined stocking rate of 93,700 birds.**

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An annual audit shall be supplied to Council on the anniversary of the Occupation Certificate to verify the stocking rate with each growing cycle. Council shall be authorised to make an independent check and clarify that audit with the producer.

10.3(a) The development shall only be operated as an accredited RSPCA – Australia Approved Farming Scheme (AFS) poultry farm at all times, for the life of the development.

10.4 No manure or spent litter is to be stored external to the sheds.

10.5 All manure and spent litter is to be taken from the property in covered loads so as to prevent spillage of contents.

New shavings are to arrive on the site in covered loads, and spent litter shall be removed from the sheds at the removal of each 'batch' of birds from each shed and replaced with fresh shavings.

At no stage shall spent litter be retained on the property.

10.6 Council shall be provided with a complete list detailing all chemicals used in the operation of the farm prior to issue of the Construction Certificate. Only chemicals approved for use on poultry farms are to be used.

10.7 All deliveries and collections from the site, other than the pick up of birds for processing, shall take place between 7am and 5pm Monday to Saturday inclusive. No deliveries or collections shall occur on Sundays or Public Holidays.

10.8 *Night-time pick up of birds shall not take place between the hours of 10pm and 7am, except where permitted by Condition 10(8)(a).*

10(8)(a) Bird pickups are permitted between 10pm and 12am, but only during extreme weather conditions.

The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 10(8).

10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

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(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable).

10(8)(c) The speed of trucks servicing the poultry farm until they are past the community title land after 5pm (specifically for bird collections at night) be 10km/h and require the installation of appropriate signage.

10.9 Deleted.

10.10 All watering of stock is to be by way of nipple feeders in accordance with the information submitted with the Development Application.

No cup watering is permitted in any part of any shed.

10.11 Prior to the issue of the construction certificate, the approved plans are to be amended to clearly indicate the location and details of a cool room to be utilised for the storage of dead birds.

10.12 There shall not be any storage, stockpiling or keeping of dead birds external to the cool room.

All dead birds from the poultry sheds are to be stored in the cool room at all times prior to collection by an approved waste contractor, who shall transport the dead birds for disposal at a licenced waste management centre.

Details on the collection and disposal of dead birds from the site, in the form of a contract with an approved waste contractor and a waste management plan outlining compliance with the requirements of this condition is to be submitted to *Council or the nominated Accredited Certifier* for approval prior to the issue of the Occupation Certificate.

10.13 The requirements of conditions 10.3 to 10.12 (inclusive) and 10.16 shall be incorporated into a Management Plan for the site.

The Management Plan is also to adopt the NSW Chicken Farming Guidelines prepared by NSW Agriculture, except where inconsistent with the requirements of the conditions of this consent.

Planning and Economy

The Management Plan is to be signed by the operator of the farm, the relevant processor and approved by *Council or the nominated Accredited Certifier* prior to the issue of the Occupation Certificate.

The poultry farm must be operated in accordance with the approved management plan at all times.

10.14 The poultry farm shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.

10.15 The poultry farm shall not generate offensive noise or offensive odour as defined under the Protection of the Environment Operations Act.

10.16 *The surrounding neighbours and Council must be informed at least 24 hours in advance of night time (after 9pm) collection and batch delivery of birds.*

11. ODOUR MANAGEMENT

This condition is imposed to protect the amenity of the area with respect of odour and to ensure that the development will not result in increased odour impacts.

11.1 Within six months of the commencement of use of the subject sheds odour monitoring shall be undertaken during a week in which the birds are at maximum size.

If this monitoring finds out that the post development odour level at any dwelling is higher than 5OU and is also higher than the predevelopment odour level, a plan of odour management shall be prepared to the satisfaction of Council and implemented within twelve (12) months.

Planning and Economy

- 11.2 If Council receives three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of odour from the subject property or three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of dust complaint from the subject property and such complaints are verified by Council in accordance with applicable and acceptable industry standards and practices to have arisen from the use of the subject property, then the owners will comply with all such reasonable directions as may be given by Council (after consultation by Council with the owners) with the objective of ameliorating the said impacts.**

The one exception to this condition is where such complaints arise from or in circumstances which can only be attributed to natural disasters and the like beyond the control of the owners.

- 11.3 That the Development shall not cause any offensive noise under the Protection of the Environment Operations Act, 1997**

12. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

These conditions are imposed as they are mandatory under the provisions of the Act.

12.1 COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- (1) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.**
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4).**

12.2 EXCAVATIONS AND BACKFILLING

- (1) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.**
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.**

12.3 RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

- (1) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and**
- (2) Adequate provision must be made for drainage.**

12.4 SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:**
 - (a) Stating that unauthorised entry to the work site is prohibited, and**
 - (b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.**
- (2) Any such sign is to be removed when the work has been completed.**
- (3) This clause does not apply to:**
 - (a) building work carried out inside an existing building, or**
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.**

12.5 TOILET FACILITIES

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.**
- (2) Each toilet provided:**
 - (a) Must be a standard flushing toilet, and**
 - (b) Must be connected:**

Planning and Economy

- (i) to a public sewer, or
- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facilities approved by the council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

(3) The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

(4) In this clause:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government General Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

Approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government General Regulation 2005.

Public sewer has the same meaning as it has in the Local Government General Regulation 2005.

Sewage management facility has the same meaning as it has in the Local Government General Regulation 2005.

13. ADVICE

13.1 At all times work is being undertaken with the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.

13.2 During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc, that require alteration shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 19 October 2015, commencing at 6.36pm

Planning and Economy

13.3 A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

13.4 The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

- **Motor vehicle insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work.**
- **Workers Compensation Insurance.**
- **Ten Million Dollar Public Liability Insurance.**

On being put to the meeting the motion was declared CARRIED.

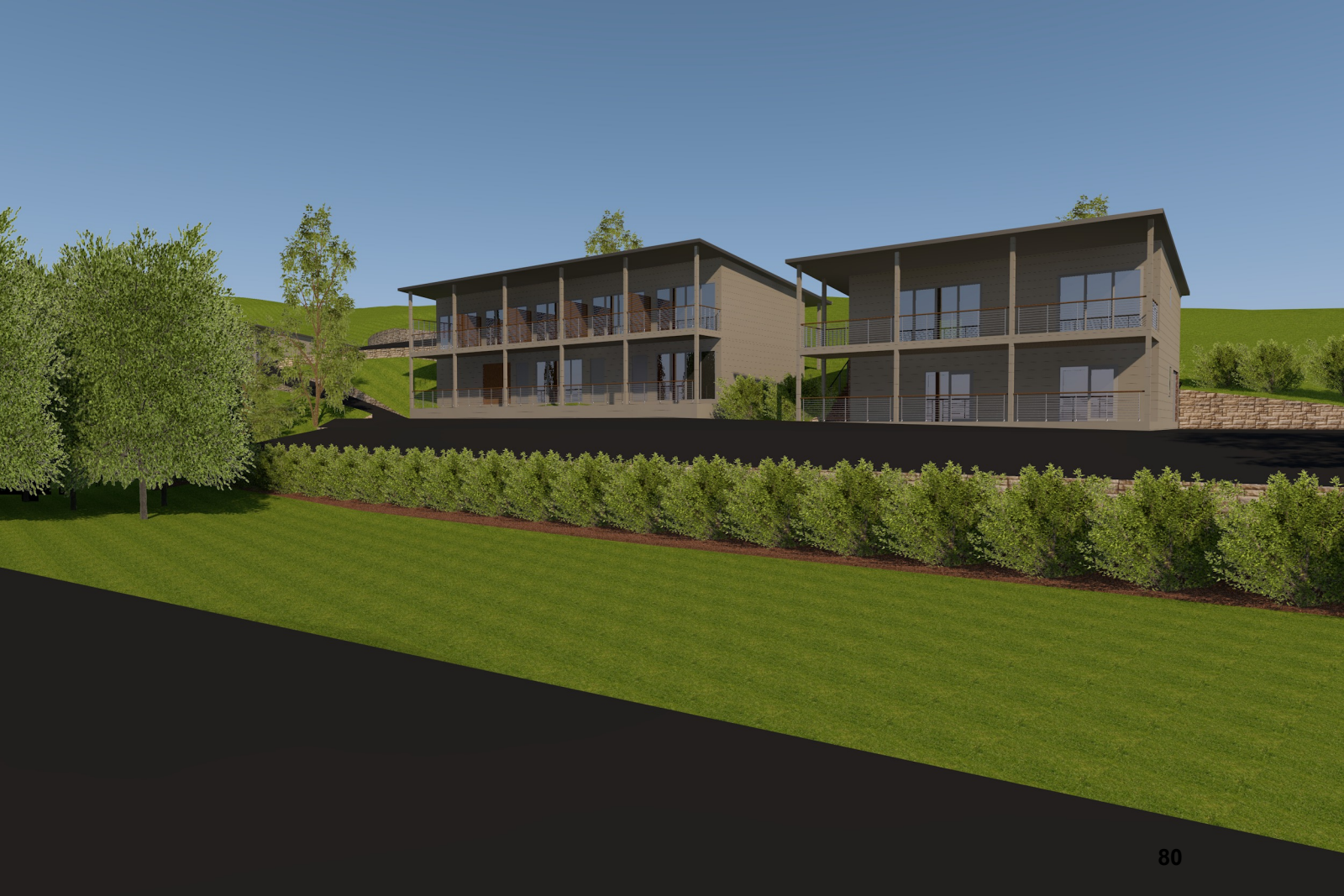
Vote: Crs Mitchell, Amato, Terry, M Banasik, Hannan, Gibbs and Landow

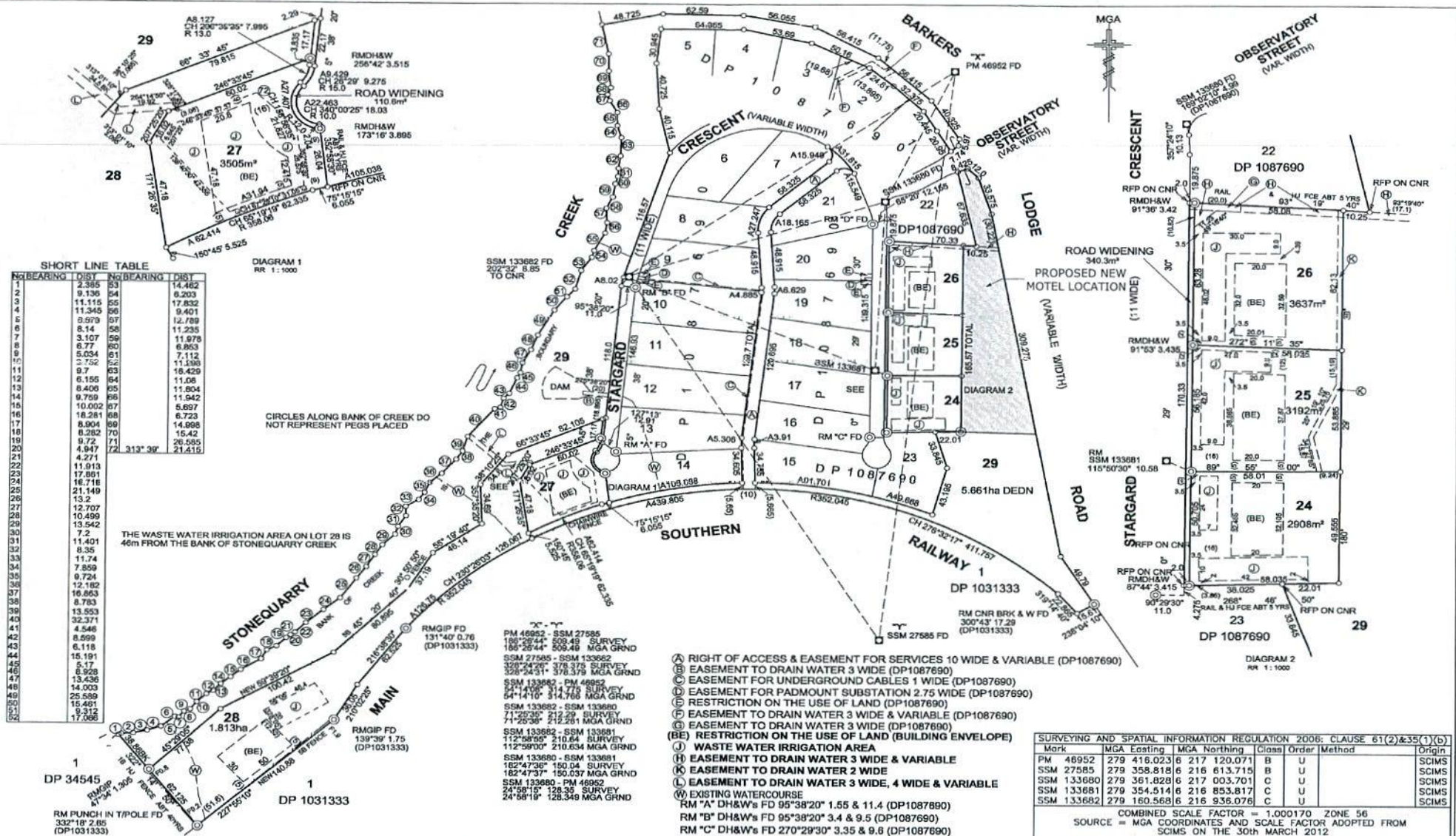
PE2 Attachments

1. Perspective view of the motel buildings onsite.
2. Survey plan of the site and surrounding precinct.
3. Site plan indicating buildings and car parking area.

Monday 15 May 2017

PE2 – Development Application No 010.2016.000000443.001 -
Establishment of a 19 room Motel, Manager's
Residence, onsite car park at Lot 29 Stargard Crescent,
Picton





Surveyor: GEOFFREY FRANCIS GALLEN Date of Survey: 12.4.2012 Surveyor's Ref: 10203SUBN	PLAN OF SUBDIVISION OF LOT 24 IN DP 1087690	LGA: WOLLONDILLY Locality: PICTON Subdivision No: 14.2010.944.1 Lengths are in metres. Reduction Ratio 1:2000	Registered 17.6.2013	DP1173845
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CLIENT CORBETT CONSTRUCTIONS	JOB: PROPOSED MOTEL	DRAWING LOCATION PLAN	SCALE AT A2: A2	DATE: 17.10.2015	NOTES: 1. LEVELS SHOWN ARE APPROX. ONLY AND SHOULD BE VERIFIED ON SITE 2. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALING 3. ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE STATED 4. WINDOW SIZES ARE NOMINAL ONLY. FINAL WINDOW SCHEDULE BY BUILDER
LOT 29, DP 1173845 STARGARD CRES (ENTRY OF OBSERVATORY STREET) (AD) BARKERS LODGE ROAD PICTON - -	DRAWING No: 4278	SHEET: 12/14	ISSUE: E	Z:\Archidraw\Drawings\4200 - 4299 14278 - STARGARD MOTEL SITE - CORBETT\4278-1 - STARGARD MOTEL SITE - CORBETT\38 PLOT DATE: Monday, 6 June 2016	M.A.D.S. www.madraft.com.au (02) 4655 1390 info@madraft.com.au © MACARTHUR ARCHITECTURAL DRAFTING SERVICES

PE3 Attachments

1. Letter from Department of Planning and Environment requesting comments
2. Mirvac Submission
3. Additional Mirvac Information provided 5 April 2017
4. Letter from Department of Planning 22 December 2014
5. Council minutes from 16 March 2015
6. Council minutes from 16 November 2015 in relation to Greater Macarthur Investigation
7. Revised (now current) map of Greater Macarthur
8. Map of Menangle Landscape Conservation Area from Council meeting agenda August 2013
9. Map showing proposed zones for Station Street Planning Proposal
10. Map from Wollondilly Vision 2025 showing land visible from M31
11. Record of decision – Sydney West Joint Regional Planning Panel – 27 March 2014

Monday 15 May 2017

PE3 – Request to Include Land at Menangle in Greater
Macarthur Investigation

Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571

WOLLONDILLY SHIRE COUNCIL	
TRIM NO.	8520
PROP. No.	
10 MAR 2017	
AUTH. No.	
ASSIGNED TO:	Wes

Your ref:
qA403994

Dear Mr Johnson

In February 2017, the Department of Planning and Environment received a submission from Mirvac on behalf of SouWest Developments for a 577 hectare site at Menangle.

The subject site is currently not within the Greater Macarthur Priority Growth Area boundary. It was previously identified within the Greater Macarthur Land Release Investigation Area with key land use constraints of heritage, servicing and coal mining.

Mirvac's submission provides that these constraints are resolvable and proposes that the site be included within the growth area boundary. Mirvac proposes around 350 residential lots and associated employment uses in Stage 1 and around 5,000 residential lots in Stages 2 and 3.

We invite you to consider the content of the submission and provide feedback by 7 April 2017. We have provided an electronic copy of the submission with this letter.

Should you have any enquiries, please contact Gina Metcalfe, Precinct Manager, Land Release, at the Department on (02) 9860 1542.

Yours sincerely

 7 3 17
Brendan O'Brien
Executive Director
Infrastructure, Housing and Employment

Encl:
Mircac submission on behalf of SouWest Developments

13th February 2016

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Ms McNally,

**SUBMISSION – GREATER MACARTHUR PRIORITY GROWTH AREA
- ADDITIONAL INFORMATION**

In response to the letter provided by the Department of Planning and Environment (DoPE) dated 22nd December 2016 (copy attached herein) which provides SouWest Developments Pty Ltd (SouWest) the opportunity to submit additional information to support the inclusion of the site at Station Street, Menangle to be within the Greater Macarthur Priority Growth Area (GMPGA), Mirvac offers the following submission on behalf of SouWest.

This letter supports and supplements SouWest's previous formal submission, provided by EMM Consulting Pty Ltd dated 22nd September 2016 (copy attached herein), and email dated 31st August 2016. This letter also addresses the initial concerns raised by DoPE that resulted in stages 2 and 3, (refer attached site plan) of the site not being included within the investigation area for the Greater Macarthur Priority Growth Area (GMPGA).

Mirvac Homes (NSW) Pty Ltd (Mirvac) has recently secured the development rights to stages 1 to 3 of the site (approx. 577 hectares in total). Stage 1 of the site comprises approximately 38 hectares and has recently received favourable consideration from the Sydney West Joint Regional Planning Panel (SWJRPP). That planning proposal seeks development of circa 350 residential lots, a neighbourhood centre, open space and the development of the Creamery precinct. The balance of the site (stages 2 and 3) being the subject of this letter, totals up to 539 hectares.

Mirvac understands that the initial concerns raised by DoPE focused primarily on Heritage, Servicing and Coal Mining. The following offers further supplementary information that resolves these concerns.

Heritage

An Archaeological Due Diligence Assessment has been conducted by AECOM (report attached) that assess Aboriginal and European Heritage items on the site. The assessment concludes that although there will naturally be recommended works for future heritage management within the Project area, this is consistent with the due protocol to be exercised with similar sites and *"do not preclude the Project area being included in the Greater Macarthur Priority Growth Area, rezoned for residential development"*. Further the proposal to be provided by Mirvac/SouWest is uniquely advantaged in that one owner will be in control of the considerable land holding. This will ensure that a managed strategy

Mirvac Limited
ABN 92 003 280 699

Mirvac Funds Limited
ABN 70 002 561 640
AFSL 233121
Responsible Entity for Mirvac Property Trust
ARSN 086 780 645

Mirvac Homes (NSW) Pty Ltd
ABN 22 006 922 998

may be effected that will seek to not only protect but celebrate the cultural heritage significance of the site via a sensitive, well-considered masterplan.

The proposal intends to maintain the "green edge" to the southern and western boundaries to Menangle Village, and the rail buffer to the west (refer to site plan attached). To the north the recently supported JRPP approval for stage 1 station street remains as that proposed ensuring that the built form controls are in place to respect the heritage interface with the Village. The overall plan will thus provide that there is appropriate green space, buffers and controls in place to promote a sense of separation from Village and urban development.

Servicing

Mirvac refers to the attached advice provided by GHD confirming that the site can be serviced for all essential services being water, wastewater and electricity, all at either no or very little upfront cost for the first 1,200 – 1,400 allotments (approx. 10 years land supply).

With regard to water and wastewater beyond the 10 years, Sydney Water have indicated that they are currently preparing a strategy for the Greater Macarthur area that will include these lots.

With regard to electricity beyond the 10 years, a new zoned substation within the site will be required which will be funded and constructed by Endeavour Energy. Positive discussions have already commenced between Mirvac/ SouWest and Endeavour Energy regarding the location and delivery of the substation. Refer attached Technical Review Request response from Endeavour Energy.

This knowledge puts the site at a considerable advantage over other sites in GMPGA in that there are satisfactory arrangements for the delivery of infrastructure in place to support growth. An essential criteria in the assessment if any release area must be certainty of infrastructure to support development.

Planned Coal Mining

South32 (whom hold the mining lease over the site) has previously advised that it has no objection to the rezoning of the land (refer to the final paragraph of the attached letter dated 2nd November 2016) which we believe is sufficient to allow the inclusion of stages 2 and 3 of the site within the investigation area for the GMPGA. Furthermore Mirvac/ SouWest are currently in discussions with South32 regarding satisfying the mining issue by way of two possible solutions;

1. The mining lease over the land will be terminated via agreement with South32, Mirvac and SouWest, or
2. A co-existence framework will be agreed by all parties, such that mining and surface development can co-exist.

We also wish to note that a significant portion of the surrounding land currently proposed to be included within the GMPGA is also encumbered by the same subsurface mining issues, where we understand that this land is proposed to follow the same solutions noted above to enable surface development.

Site Suitability

The Macarthur South Investigation Area (MSIA) clearly supported the development of this land for both employment generating and residential development, which is clearly illustrated on Figure 31 – Menangle and Douglas Park Urban Suitability. The supporting text within Chapter 5 of the document (refer Appendix A) clearly demonstrates the NSW State Government's intentions for this land and its suitability for future urban development (refer to previous EMM submission)

Stages 2 and 3 of the site present the ideal opportunity to offer further housing supply stock within the Greater Macarthur area. The area proposed may cater to approximately 5,000 residential lots (based on an assumed a development density of 15 dwellings per hectare) and provide homes for circa 15,000 people (based on an occupancy rate of 3 people per dwelling as per the 2011 *Census of Population and Housing*, Wollondilly LGA).

The scale of the site has enough flexibility to ensure that the nexus between lot creation and local amenity and infrastructure provisioning is met. The site may potentially accommodate up to 230 hectares of open and recreational space, schools sites, and ancillary community infrastructure lands, that secures a public outcome well above the minimum requirement for open space being 10.76sqm per person (as defined in the *Wollondilly Development Contributions Plan 2011*). Furthermore, the entire site is controlled by one entity which will positively facilitate the timely delivery of development.

A unique attribute that this site provides is direct access to the existing Menangle train station which will provide residents with rail access to Campbelltown (13 mins), Liverpool (47 mins) and Sydney CBD (1 hour and 15 mins). The station is located within the site and the masterplan design will ensure the integration between residential and various transport modes are seamless and well considered.

The development of the site will also allow for the reactivation of the heritage listed Creamery precinct (part of stage 1). This precinct will create a vibrant hub within the Greater Western Sydney region which may include a brewery, cafes, restaurant, function centre, hotel and outdoor theatre/ open space. Refer to the Creamery Concept Plan at Figure 1. This supports the aim of the release area to promote employment generating and residential development.

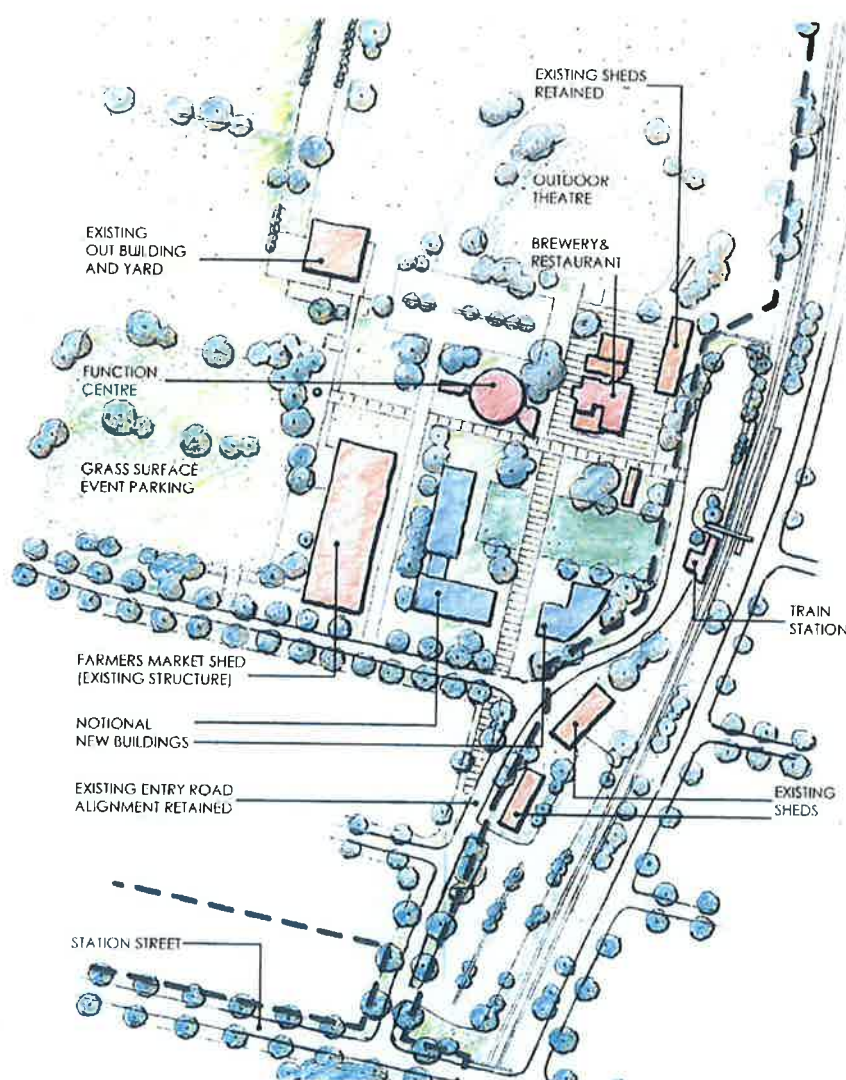


Figure 1. Creamery Concept Plan Source: Cox Station Street Menangle Planning Proposal (Stage 1)

Direct access to the Nepean River foreshore enables various opportunities to activate, preserve and engage this area through the masterplanned development of the site.

With regard to access, limited existing surrounding road infrastructure upgrades are required as demonstrated in the planning proposal for stage 1. The proposed Spring Farm Link Road will provide direct linkage of the site to the Hume Highway as noted in the Locality Plan at Figure 2. Furthermore the site is within close proximity to the proposed M9 Outer Sydney Orbital and promotes easy access to the proposed second Sydney Airport at Badgerys Creek.



Figure 2. Locality Plan Source: Nearmap.com

Summary

Stages 2 and 3 of the site, along with stage 1, present an unrivalled opportunity for development in the Greater Macarthur area due to the following key attributes, some of which only this site can lay claim to:

- The site surrounds and provides direct access to the existing Menangle train station, integrating residential and transport modes.
- Development of the site will allow for the reactivation, protection and celebration of the heritage listed Creamery precinct.
- The Macarthur South Investigation Area (MSIA) clearly supported the development of this land for both employment generating and residential development. The supporting text further demonstrates the NSW State Government's intentions for this land and its suitability for future urban development.
- Heritage, servicing and coal mining constraints are all addressed reinforcing the position that there is no impediment to including this site within the GMPGA.
- With the SWJRPP recently providing its support for the planning proposal to allow residential development (and neighbourhood centre) on the three lots on the western side of the motorway it is evident that this land is worthy of including in the Greater Macarthur Priority Growth Area boundary.
- The land is a large land holding controlled by one entity which will positively facilitate the timing and delivery of new employment lands in accordance with the Menangle and Douglas Park Precinct under the MSIA.
- Stages 2 and 3 will yield approx. 5,000 lots providing homes for approx. 15,000 people and may comfortably accommodate the minimum requirement of open space and community lands
- The site contains absolute frontage to the Nepean River enabling the foreshore of the river to be activated and enhanced.
- The site has secured interest of a major REIT (Mirvac) which ensures the developments certainty. Mirvac undertake design, development, and construction in house and have the financial capital to drive socially responsible urban outcomes that meet DoPE's aims and visioning.
- The site is very accessible and is within close proximity to the proposed M9 Outer Sydney Orbital and the proposed Spring Farm Link Road which will provide direct linkage of the site to the Hume Highway.
- The second Sydney Airport at Badgerys Creek will be a 40 min drive from the site.
- Limited existing surrounding road infrastructure upgrades are required.
- There are little to no upfront works/costs required to service the initial 1,300 to 1,400 allotments (approx. 10 years of supply) for water and wastewater. Sydney Water have indicated that they are currently preparing a servicing strategy for the Greater Macarthur area that will include the lots within the site beyond the 10 years. i.e. satisfactory arrangements for delivery of infrastructure to support growth.
- Endeavour Energy has confirmed that only minor extension and augmentation works are required to service the first 1,200 lots (approx. 10 years of supply), thereafter a new zoned substation is required within the site which will be funded and constructed by Endeavour Energy.
- As highlighted in the MSIA, any constraints that may arise as a result of further detailed technical studies will be resolvable with appropriate environmental or staging measures.

The additional information provided herein addresses each of the DoPE's initial concerns providing evidence that there are no constraints that should restrict the site from being included within the investigation area for the GMPGA. To continue to seek its exclusion would seem uniquely unfair and unreasonable. The submission highlights the suitability of the site for development and the unique public and community benefits it contains, offering a socially responsible and sustainable outcome for the public and the DoPE with development certainty. Accordingly, Mirvac and SouWest request that the site be re-included within the investigation area for the GMPGA.

Thank you for the opportunity to provide further information on our submission. Please do not hesitate to contact the undersigned should you wish to discuss this matter further.

Mirvac look forward to your favourable response.

Yours sincerely

Nino Babani
Development Director
Mirvac Homes

CC Brendan Nelson, Deputy Secretary, Growth Design and Programs
 Bruce Coleman, Director, Land Release

Appendices:

Submission from EMM Consulting Pty Ltd dated 22nd September 2016

Letter from Brendan Nelson dated 22nd December 2016

Station Street Menangle Site Plan (Stages 1-3)

Archaeological Due Diligence Assessment prepared by AECOM

Water, Wastewater and Electricity letter prepared by GHD

Technical Review Request response from Endeavour Energy

Letter from South32 dated 2nd November 2016

22 September 2016

Gina Metcalfe
Department of Planning and Environment
Housing Land Release
GPO Box 39
Sydney NSW 2001

Re: Greater Macarthur Priority Growth Area

Dear Gina,

As outlined in my email to you on 31 August 2016, EMM Consulting Pty Ltd acts on behalf of SouWest Developments Pty Ltd who controls approximately 577 hectares of land in Menangle (refer attached Figure 1). A review of the recently exhibited Greater Macarthur Priority Growth Area (GMPGA) has revealed that our client's land falls outside its proposed boundary.

We wish to make a formal submission and provide additional background as to why we believe that the land is suitable to accommodate employment generating and residential development and is worthy of including in the GMPGA.

1 Macarthur South Investigation Area

All of our client's land was included in the Macarthur South Investigation Area (MSIA) in *A Plan for Growing Sydney* and identified as being suitable for urban development. It is located within the Menangle and Douglas Park Precinct within the MSIA (refer attached Figures 2 and 3 and Appendix A). The land straddles the M5 freeway and has several kilometres of Motorway frontage (on both sides) as well as several kilometres of Nepean River frontage.

The Menangle and Douglas Park Precinct states that:

"The precinct has a total of 133 ha of land suitable for future residential development, with a further 346 ha which is currently encumbered but could possibly be developed, subject to appropriate rezoning pathway steps identified in the Greater Macarthur Land Release Preliminary Strategy and Action Plan being undertaken."

Our client has undertaken a number of technical studies to assess the suitability of the land to accommodate both employment generating and residential development. Part of the site, approximately 38 hectares of land (Lot 201 and 202 on DP 590247 and Lot 21 on DP 581462 shown on Figure 1), has recently received favourable consideration from the Sydney West Joint Regional Planning Panel (SWJRPP) for a planning proposal seeking residential development and a neighbourhood centre. Within the Precinct Analysis for the Menangle and Douglas Park Precinct this land is shown as a 'Known Private Proposal – Station Street, Menangle' proposing 350 new residential lots. The remainder of the land, on the eastern side of the motorway, predominantly falls into the category of 'Land encumbered by constraints which are resolvable with appropriate environmental or staging measures' (refer Figure 31 of Appendix A).

Therefore the MSIA clearly supports the development of our client's land for both employment generating and residential development, which is clearly illustrated on Figure 31 – Menangle and Douglas Park Urban Suitability. The supporting text within Chapter 5 of the document (refer Appendix A) clearly demonstrates the NSW State Government's intentions for this land and its suitability for future urban development.

2 Site suitability for the Greater Macarthur Priority Growth Area

With the SWJRPP recently providing its support for the planning proposal to allow residential development (and neighbourhood centre) on the three lots on the western side of the motorway it is evident that this land is worthy of including in the Greater Macarthur Priority Growth Area boundary.

As previously stated, our client has undertaken a number of investigations that have clearly demonstrated that the remainder of the land can accommodate around 250-300 hectares of employment generating development. The suitability of the land for this type of development can be summarised as follows:

- the land is a large land holding controlled by one entity which will positively facilitate the timing and delivery of new employment lands in accordance with the Menangle and Douglas Park Precinct under the MSIA;
- the land will, in the near future, be the beneficiary of significant infrastructure, with the first of two sewer pump stations being constructed in Menangle Park (refer Table 16 of Appendix A) and future electricity and gas mains being planned/constructed for Urban Growth/Campbelltown City Council's Menangle Park development;
- the land is very accessible and is within close proximity to both the future M9 Outer Sydney Orbital and Spring Farm Parkways and the second Sydney Airport, with existing rail and road links also traversing the land;
- the land completely surrounds the existing Menangle Train Station;
- as highlighted in the MSIA, riparian water rights affect the land that will allow the establishment of a regional Waste Water Treatment Facility to be established and Sydney Water have expressed strong interest in this facility;
- there are no known Aboriginal sites on the land ;
- initial assessments have identified that much of the land is not subject to flooding;
- only the land adjoining the Nepean River has been identified as moderate constraint biodiversity; and
- the land is well located to provide employment opportunities for people living in the south west.

As highlighted in the MSIA, any constraints that may arise as a result of further detailed technical studies will be resolvable with appropriate environmental or staging measures.

3 Conclusion

The land, after detailed analysis (see attached Appendix A – excerpt from the Greater Macarthur Land Release Investigation), was identified as being suitable for future urban development within the Menangle and Douglas Park Precinct of the MSIA. However, under the recently exhibited Greater Macarthur Priority Growth Area it has been excluded from the area's boundary.

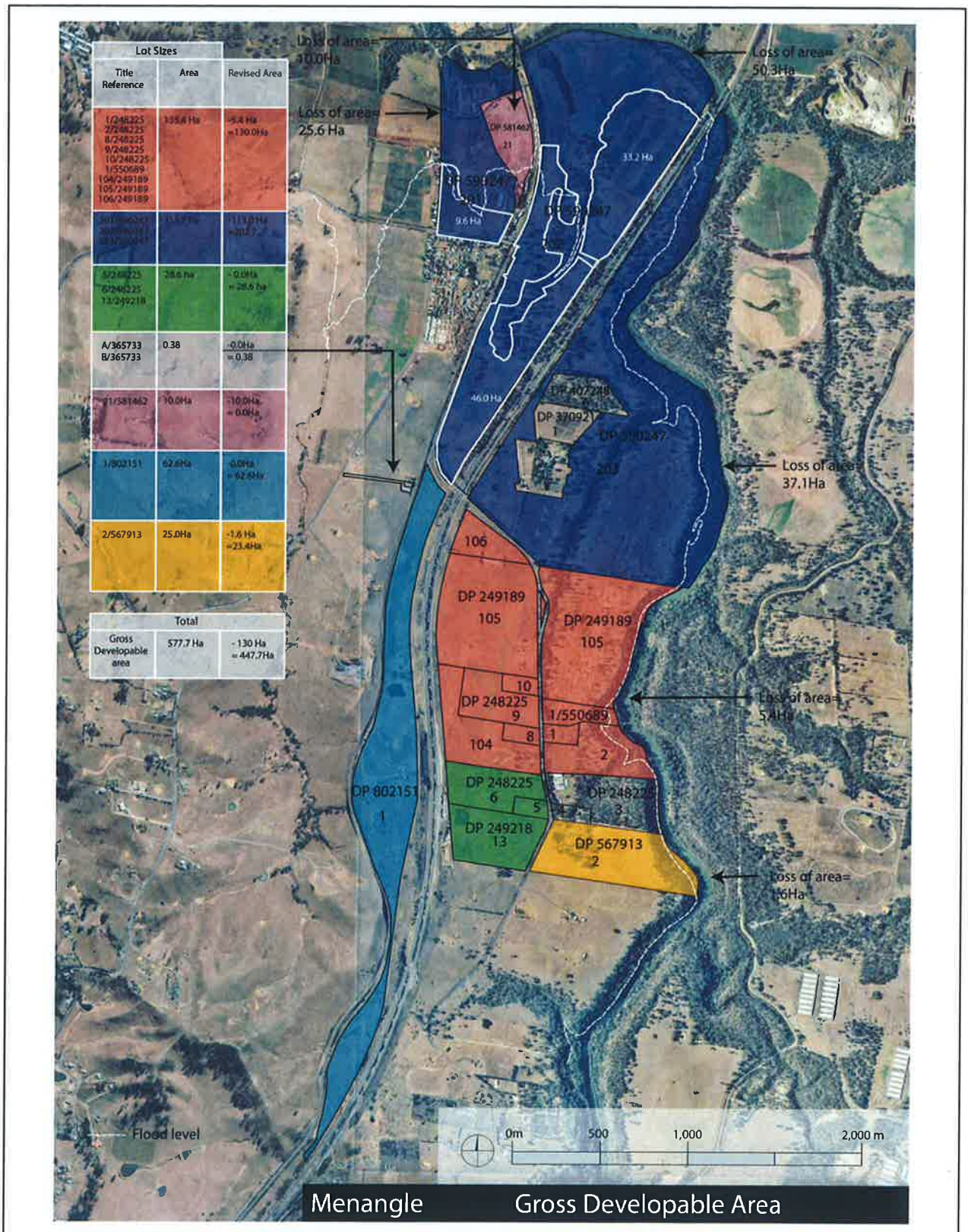
In view of the justification summarised in Section 2 above, we believe that our client's land in Menangle is worthy of consideration for inclusion in the Greater Macarthur Priority Growth Area. Our client is very happy to provide you with the technical studies that have been undertaken to date which clearly demonstrate that the land is suitable for both employment generating and residential development.

It would appear that the detailed investigations that were carried out in the MSIA have not been taken into consideration and the inclusion of the land in the GMPGA has been overlooked. Given this, we seek your clarification as to why the land has been excluded from the boundary and whether it can now be reinstated to facilitate future urban development opportunities in line with those outlined in the MSIA.

If you require any additional information please do not hesitate to contact me on 9493 9528 or 0434676913 or via email.

Yours sincerely

Susan May-Raynes
Senior Urban Planner
smayraynes@emmconsulting.com.au



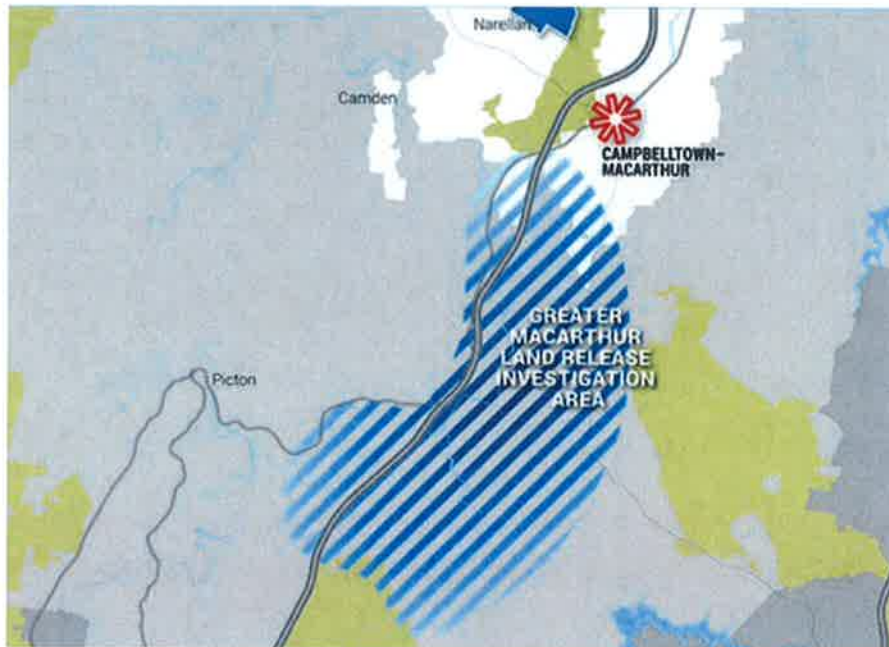


Figure 2: Greater Macarthur Land Release Investigation Area (A Plan for Growing Sydney)

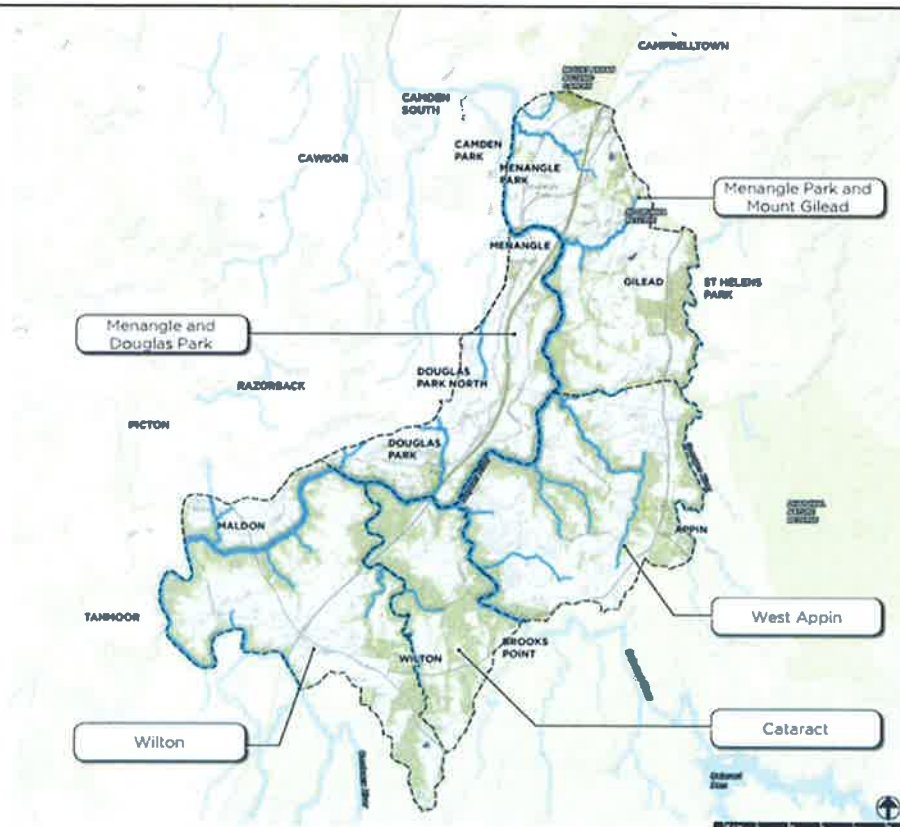


Figure 3: Greater Macarthur Precincts

Appendix A

Greater Macarthur Land Release Investigation



Menangle and Douglas Park

The Menangle and Douglas Park Precinct is located in the western portion of the GML RIA and has an area of approximately 2,378 hectares. The precinct is bounded by the Nepean River to the north, east and south and Menangle Road to the west.

The majority of the precinct is characterised by rolling hills with gorges adjoining the Nepean River and its tributaries. The topography to the west of the precinct is considerably more variable associated with the Razorback Range. While the majority of the precinct is cleared for agricultural and residential purposes, areas surrounding waterways are fairly densely vegetated.

If strategic opportunities were pursued beyond 2036, suitable land uses in this precinct would be a mix of residential and commercial uses with a new centre at Douglas Park North suitable for strategic industrial uses. The identified significant vegetation around waterways will be conserved.

The precinct could contain three centres:

- ▶ Menangle – a village centre with approximately 5,000m² of retail GFA;
- ▶ Douglas Park North – a specialised employment centre with approximately 10,000–20,000m² of employment uses GFA; and
- ▶ Douglas Park – a local centre with approximately 10,000m² of other office and retail GFA.

Key Land Use Constraints

- ▶ **Mining** – the majority of the precinct has either been previously subject to coal mining or is planned for mining for the next 7 years. For development to occur in this area, it would need to occur after mining operations have ceased or proposals will need to demonstrate that they comply with the relevant rezoning pathway steps.

- ▶ **Heritage Conservation** – the precinct contains a number of existing heritage items and known Aboriginal sites. Further investigation would be required to ensure the significance of these heritage items and sites are retained with the heritage character of Menangle being retained.

- ▶ **Poultry Cluster** – there is a significant cluster of poultry shed located within the precinct around the Douglas Park North centre. Proposals to develop within this area would be required to demonstrate that they comply with the relevant urban suitability processes.

The areas which fall under the three categories of suitability for development in the precinct are shown in Figure 31 – Menangle and Douglas Park Urban Suitability.

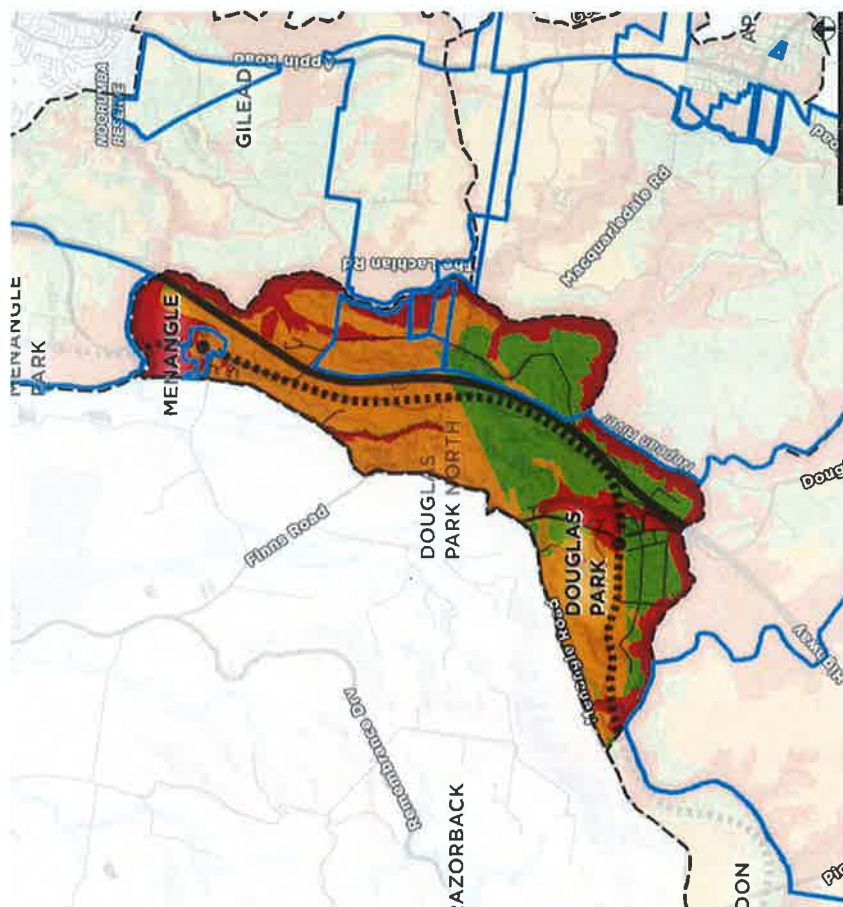


Figure 31 Menangle and Douglas Park Urban Suitability

The suitability for development is divided into three categories:

- Unencumbered land which is suitable for development.
 - Land encumbered by constraints which are resolvable with appropriate environmental or staging measures.
 - Land which is constrained and not suitable for development.
- Legend**
- Existing Roads
 - Existing Rail and Stop
 - Known Proposals

Precinct Analysis

Yield

The precinct has a total of 133 ha of land suitable for future residential development, with a further 346 ha which is currently encumbered but could possibly be developed, subject to appropriate 'rezoning pathway' steps identified in the *Greater Macarthur Land Release Preliminary Strategy and Action Plan* being undertaken. These combined areas are anticipated to accommodate approximately 7,200 new dwellings.

The precinct has a total of 226 ha of unencumbered land suitable for future employment uses and a further 270 ha of encumbered land.

Known Private Proposals

There are three known private proposals in the precinct:

- ▶ Moreton Park Road, Menangle (refused by JRP) – proposed up to 340 new residential lots, and 240ha of employment area;
- ▶ Station Street, Menangle – proposes 350 new residential lots; and
- ▶ West Appin Study Area (including three individual planning proposals) proposes up to 18,000 new residential lots, 99,000m² of commercial GFA and 372.6ha of industrial area.

Infrastructure Requirements

The long term transport infrastructure needed for the precinct is included Table 16 Menangle and Douglas Park Long Term Transport Infrastructure.

A preliminary infrastructure assessment has identified infrastructure upgrades required to support the precinct's growth capacity. Refer to Table 17 Menangle and Douglas Park Long Term Services Infrastructure.

Infrastructure Funding Mechanism

Infrastructure requirements will need to be delivered through an appropriate mechanism, which could take the form of a Special Infrastructure Contribution (SIC) at no cost to government or a series of planning agreements entered into between the Minister for Planning and the relevant proponents.

Item	Description	Drivers
Southern Highlands Rail Line	Electrification of the Southern Highlands Rail Line between Menangle and Maldon.	<ul style="list-style-type: none"> ▶ Provide greater public transport connections from the study area to employment areas in the Sydney Metropolitan Area ▶ Reduce car dependency and alleviate traffic on road network.
Macquariedale Road/Finns Road Upgrade	New four lane arterial road in place of existing local road. Includes connection from Appin to Menangle Road, including full interchange with the Hume Highway and connection with Moreton Park Road.	<ul style="list-style-type: none"> ▶ Serve as the main east-west connection through the central area of Greater Macarthur ▶ Provide improved access to the Hume Motorway and relieve traffic loadings on parallel north-south corridors (Appin Road and Menangle Road) ▶ Improve cross-regional connectivity between Appin and Camden ▶ Improve access to Douglas Park and new centre to the north

Table 16 Menangle and Douglas Park Long Term Transport Infrastructure

Infrastructure type	Upgrades
Electrical	▶ Establishment of a Morton Park Zone Substation.
Water	▶ A new 6ML water storage tank located near Douglas Park North.
Sewer	<ul style="list-style-type: none"> ▶ A new 37kW pumping station. ▶ A new 232kW pumping station.
Education	<ul style="list-style-type: none"> ▶ Primary school in Menangle. ▶ High school in Douglas Park.
Emergency Services	<ul style="list-style-type: none"> ▶ Ambulance standby point. ▶ Police shopfront in town centre.
Open Space	<ul style="list-style-type: none"> ▶ Regional park. ▶ District park.

Table 17 Menangle and Douglas Park Long Term Services Infrastructure

Menangle and Douglas Park Assessment against Action 2.4.2

Issue to be considered	Assessment
The value of land for drinking water supply, agriculture, environmental management, resources, tourism and other purposes.	<ul style="list-style-type: none"> Areas of significance and value have been identified and mapped. Any development would be required to avoid impacts to these areas or follow relevant processes pathway steps to ensure the land is suitable for urban development.
Constraints to development, including environmental hazards and natural hazards.	<ul style="list-style-type: none"> Significant biodiversity areas have been mapped and proposals will be required to follow prescribed processes (such as bushfire APZs around vegetation) should development occur in these areas.
Private sector interest in developing particular land.	<ul style="list-style-type: none"> The precinct contains three known private proposals: West Appin Study Area and Station Street, Menangle, Moreton Park Road Menangle Employment Lands*. The investigation has taken these proposals into consideration. The preliminary strategy identifies the possibility for small scale growth at Menangle Village in line with the existing post gateway planning proposals.
Proximity of land to current and planned locations of employment.	<ul style="list-style-type: none"> The development of town and village centres in the precinct would be required to provide employment opportunities and social infrastructure. There is potential for a specialised employment area at Douglas Park North. Significant transport infrastructure projects would provide greater accessibility to employment areas and social infrastructure facilities within and outside of the precinct, including Campbelltown-MacArthur Regional City and the Broader Western Sydney Employment Area.

Issue to be considered	Assessment
The cost of infrastructure provision including roads, water, sewerage, public transport, schools and health facilities.	<ul style="list-style-type: none"> The investigation has identified utility and social infrastructure that would be needed to service growth in the precinct. Large scale land release would trigger the need for a new east-west connection to the Hume Highway with a potential alignment along Macquariedale Road, including a new bridge over the Nepean River and an interchange at the Hume Highway. The cost of these works would be significant and the level of investment required is not currently cost effective. Strategic transport infrastructure currently under investigation, such as the Outer Sydney, Orbital and upgraded Hume Highway, could make land release cost effective in the longer-term. Small scale development in Menangle Village in line with the existing post-Gateway planning proposal can be supported by the existing infrastructure and transport network.
The economic and social cost to communities of having relatively poor access to employment and services.	<ul style="list-style-type: none"> The investigation has identified social infrastructure needed to service an increased population in the precinct. The development of town and village centres and a specialised employment centre in the precinct would be required to provide employment opportunities and social infrastructure. Significant transport infrastructure projects would be required to provide greater accessibility to employment areas and social infrastructure facilities outside of the precinct, including Campbelltown-MacArthur Regional City and the Broader Western Sydney Employment Area.

* It should also be noted that on 19 May 2015 Wollondilly Shire Council resolved to not support the inclusion or consideration of any land west of the Nepean River – including land in the planning proposal for employment lands at Moreton Park Road, Menangle – as part of the high level infrastructure investigation currently being undertaken for a potential West Appin Masterplan.

Table 18 Menangle and Douglas Park Assessment against Action 2.4.2

2 November 2016

Brett McLennan
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STATION STREET, MENANGLE PLANNING PROPOSAL

Dear Brett

Thank you for your letter dated 27 October 2016, outlining proposed strategies that could potentially facilitate the proposed Station Street Menangle development to coexist with future underground mining by South32. As discussed on the day coexistence strategies were one potential option going forward as was the elimination of the need for coexistence at all.

The Planning context is changing rapidly. We discussed on the day several other initiatives that Illawarra Coal is aware of in managing the interaction between development and mining being initiated by varying Government Departments. In fact the day following our meeting we received a letter from the Department of Planning & Environment in relation to the Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan and Land Use and Infrastructure Analysis. The letter states in part (full copy attached):

"To inform the development of final pathway steps, the NSW Government has identified the need for a subsidence liability and cost prediction study. It is proposed that the relevant developers prepare a subsidence liability and cost prediction based on the current mine plan and the proposed development of land identified as capable of urban development in the Greater Macarthur Land Release Investigation Preliminary Strategy. These studies will be reviewed for comment by the Mine Subsidence Board. You may like to take up the opportunity also prepare a study for comparative purposes."

In light of this letter it may be prudent to further clarify the requirements proposed by DoPE and utilise this model for further interactions going forward.

South32 does not object to the proposed rezoning application on the proviso that post rezoning but prior to any development of the site an agreed, site specific coexistence framework is developed and agreed between relevant stakeholders based upon Industry best practice.

Yours sincerely

Michael Rix
Vice President Operations - Processing
Illawarra Coal South32

Illawarra Coal Holdings Pty Ltd
ABN 69 093 857 286

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ABN 84 093 732 597 Registered in Australia

10 February 2017

Commercial-in-Confidence

Aaron Baker
Senior Development Manager
Mirvac
Level 28, 200 George Street
Sydney NSW 2000

Dear Aaron,

RE: Desktop Assessment of Sites 2 and 3, Menangle, NSW

1.0 Introduction

AECOM Australia Pty Ltd (AECOM) was commissioned by Mirvac Group to undertake a combined historical and Aboriginal desktop assessment for two areas proposed for residential development in Menangle, NSW. The two areas were defined as Site 2 and Site 3 by Mirvac (see Figure 1); they are referred to in combination in this report as the Project area.

The Project area is located approximately 70 km to the southwest of the Sydney CBD. At this stage no defined works are proposed for the Project area, although in the future they are proposed for residential development. This assessment was commissioned to support a request to include the Project area within the defined boundary of the Greater Macarthur Priority Growth Area.

The purpose of this desktop assessment was to identify potential Aboriginal and historical heritage constraints within the Project area and to provide management advice, as appropriate. The contents of this short letter report have been compiled with reference to the NSW Office of Environment and Heritage's (OEH) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW 2010* (DECCW, 2010). This code has been developed to assist proponents in exercising due diligence when carrying out activities that may harm Aboriginal objects.

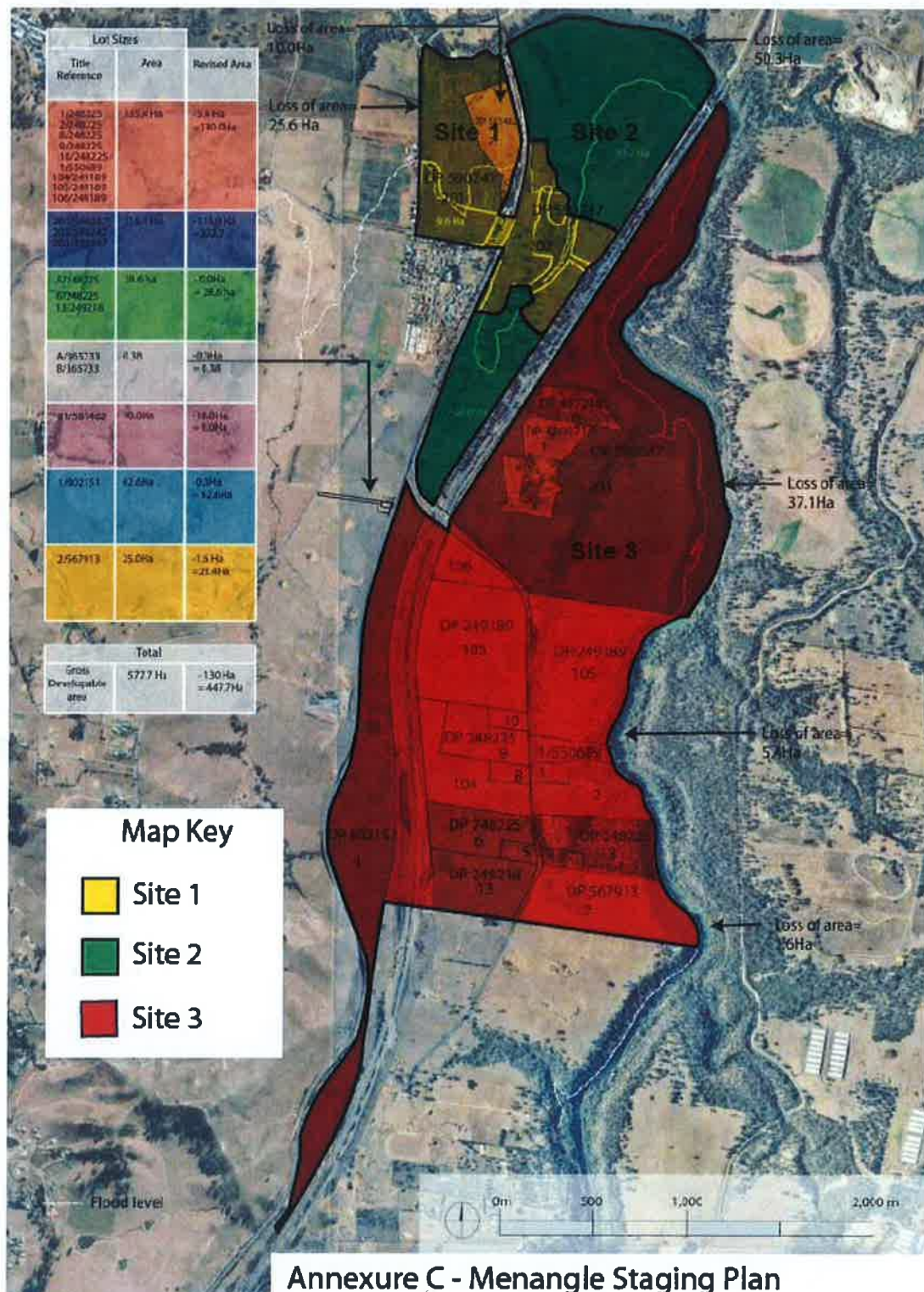
This report has also been prepared with reference to the *NSW Heritage Office and Department of Urban Affairs and Planning NSW Heritage Manual* (NSW Heritage Office & NSW Department of Urban Affairs and Planning, 1996), *Heritage Curtilages* (NSW Heritage Office & NSW Department of Urban Affairs and Planning, 1996a), *Assessing Heritage Significance* (NSW Heritage Office, 2001), *Levels of Heritage Significance* (NSW Heritage Office, 2008) and *Assessing Significance for Historical Archaeological Sites and Relics* (NSW Heritage Branch, 2009).

2.0 Project Background

In 2016 Mirvac made a request to the Department of Planning and Environment (DPE) that the Project area be included in the Greater Macarthur Priority Growth Area, rezoned for residential development. In December 2016 they received a reply from DPE representative Brendan Nelson (Deputy Secretary) stating:

"Land in the environs of Menangle village is constrained by heritage, planned coal mining and cannot be readily serviced by water and wastewater. For these reasons, it was excluded from the proposed growth area. You are welcome to provide additional supporting information if you believe that these constraints can be readily resolved."

This assessment was commissioned to be used as supporting information to support the rezoning request.



Annexure C - Menangle Staging Plan

Figure 1 Mirvac defined areas – this assessment is for Sites 2 and 3 (EMGA Mitchell McLennan Pty Ltd, 2016)

3.0 Legislation

A number of planning and legislative instruments govern how heritage is managed in New South Wales and Australia. The following sections provide an overview of the requirements under each instrument as they apply to this assessment.

3.1 Commonwealth Legislation

3.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) took effect on 16 July 2000.

Under Part 9 of the EPBC Act, any action that is likely to have a significant impact on a matter of National Environmental Significance (known as a controlled action under the Act), may only progress with the approval of the Commonwealth Minister for the Department of the Environment. An action is defined as a project, development, undertaking, activity (or series of activities), or alteration. An action will also require approval if:

- It is undertaken on Commonwealth land and will have or is likely to have a significant impact on the environment on Commonwealth land; and
- It is undertaken by the Commonwealth and will have or is likely to have a significant impact.

The EPBC Act defines 'environment' as both natural and cultural environments and therefore includes Aboriginal and non-Aboriginal historic cultural heritage items. Under the Act protected heritage items are listed on the National Heritage List (items of significance to the nation) or the Commonwealth Heritage List (items belonging to the Commonwealth or its agencies). These two lists replaced the Register of the National Estate (RNE). The RNE has been suspended and is no longer a statutory list; however, it remains as an archive.

3.2 State Legislation

3.2.1 Environmental Planning and Assessment Act 1979

The NSW Environmental Planning and Assessment Act 1979 (EP&A Act) and its associated regulations provide the framework for assessing environmental impacts and determining planning approvals for developments and activities in NSW. The EP&A Act also establishes State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs) which may include provisions relevant to a development. LEPs are administered by local government, and principally determine land use and the process for development applications. LEPs usually include clauses requiring that heritage be considered during development applications and a schedule of identified heritage items be provided.

A project can be assessed by a determining authority under Part 5 of the Act if it:

- may be carried out without development consent;
- is not a prohibited development;
- is carried out, or approved, by a determining authority.

Under section 112 of the EP&A Act, if a determining authority decides an activity is likely to significantly affect the environment, it must prepare an environmental impact statement. Clause 228 of the EP&A Regulation lists factors that must be taken into account when considering the likely impact of an activity on the environment. Both Aboriginal and non-Aboriginal heritage is included in this list of factors.

3.2.2 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act), administered by OEH, is the primary legislation for the protection of Aboriginal cultural heritage in NSW. The NPW Act gives the Director General of OEH responsibility for the proper care, preservation and protection of 'Aboriginal objects' and 'Aboriginal places', defined under the Act as follows:

- an *Aboriginal object* is any deposit, object or material evidence (that is not a handicraft made for sale) relating to the Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains);
- an *Aboriginal place* is a place declared so by the Minister administering the NPW Act because the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to harm them. Following amendments introduced in October 2010, the NPW Act includes a 'strict liability offence' for harm to Aboriginal objects and places. A 'strict liability offence' does not require someone to know that it is an Aboriginal object or place they are causing harm to in order to be prosecuted. Defences against the 'strict liability offence' include the carrying out of certain 'Low Impact Activities', prescribed in Clause 80B of the *National Parks and Wildlife Amendment Regulation 2010* (NPW Regulation), and the demonstration of due diligence.

An Aboriginal Heritage Impact Permit (AHIP) is required if impacts to Aboriginal objects and/or places cannot be avoided. An AHIP is a defence to prosecution for harming Aboriginal objects and places if the harm was authorised by the AHIP and the conditions of that AHIP were not contravened. AHIP applications must provide evidence of consultation with Aboriginal communities. Consultation is required under Part 8A of the NPW Regulation and is to be conducted in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (NSW Department of Environment Climate Change & Water, 2010a). AHIPs may be issued in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons.

3.2.3 State Environmental Planning Policy (Sydney Region Growth Centres) 2007

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* policy was enacted to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Priority Growth Area. Controls under this policy protect and enhance land with natural and cultural heritage value.

In July 2016 an amendment was proposed identifying a new priority growth area covering land release at Menangle Park, Mount Gilead and Appin, and urban renewal precincts along the Glenfield to Macarthur rail corridor. The amendment proposed updating the operative provisions of the Growth Centres SEPP, to reflect the inclusion of the additional priority growth area.

Under the SEPP, a public authority, or person/s acting on behalf of a public authority, must not carry out a development causing heritage impacts, unless an assessment of the proposed impacts have been prepared and forwarded to the local government of the area for comment. Comments received within 21 days must be taken into consideration. Development on land in a cultural heritage landscape area requires consideration into whether or not the development will adversely impact on the cultural heritage values, including setting, fabric, extent, visual impacts and relics. A site analysis of the cultural heritage landscape and a visual analysis that assesses the impact of the development on views to and from heritage items are required if impacts are proposed.

3.2.4 Heritage Act 1977

The Heritage Act 1977 (as amended) was enacted to conserve the environmental heritage of New South Wales. Under Section 32, places, buildings, works, relics, moveable objects or precincts of heritage significance are protected by means of either Interim Heritage Orders (IHO) or by listing on the NSW State Heritage Register (SHR). Items that are assessed as having State heritage significance can be listed on the SHR by the Minister on the recommendation of the NSW Heritage Council.

Archaeological relics (any relics that are buried) are protected by the provisions of Section 139. Under this section it is illegal to disturb or excavate any land knowing or suspecting that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed. In such cases an excavation permit under Section 140 is required. Note that no formal listing is required for archaeological relics; they are automatically protected if they are of local significance or higher.

Under Section 170 of the Heritage Act 1977, NSW Government agencies are required to maintain a register of heritage assets, called a Heritage and Conservation Register. The Register places obligations on the agencies, but not on non-government proponents, beyond their responsibility to assess the impact on surrounding heritage items.

3.3 Local Government

3.3.1 Wollondilly Shire Council Local Environmental Plan (LEP) 2011

The Wollondilly Local Environmental Plan (LEP) 2011 states the following about heritage conservation in Section 5.10:

- (1) The objectives of this clause are as follows:
 - a) to conserve the environmental heritage of Wollondilly;
 - b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
 - c) to conserve archaeological sites,
 - d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) Development consent is required for any of the following:
 - a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - i. a heritage item,
 - ii. an Aboriginal object,
 - iii. a building, work, relic or tree within a heritage conservation area,
 - b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
 - c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
 - d) disturbing or excavating an Aboriginal place of heritage significance,
 - e) erecting a building on land:
 - i. on which a heritage item is located or that is within a heritage conservation area, or
 - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
 - f) subdividing land:
 - i. on which a heritage item is located or that is within a heritage conservation area, or
 - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

4.0 Data Sources

Information regarding the known and potential Aboriginal archaeological values of the Project area was obtained from:

- A review of the environmental elements and landscape context of the Project area and surrounds;
- A review of existing Aboriginal Heritage Information Management System (AHIMS) data, obtained from OEH on 31 January 2017 (search number 264477) (Appendix A);
- A search of relevant historical heritage registers; and
- A review of the findings of past Aboriginal and historical heritage assessments and investigations within the local area.

5.0 Aboriginal Heritage

5.1 Environmental Elements

Environmental variables such as topography, geology, hydrology and vegetation will have played an important role in influencing how Aboriginal people moved within and utilised the landscape. Accordingly, any attempt to predict or interpret the character and distribution of Aboriginal sites must take such environmental factors into account. Key observations from the background review of the landscape context of the Project area and surrounds are presented in Figure 2.

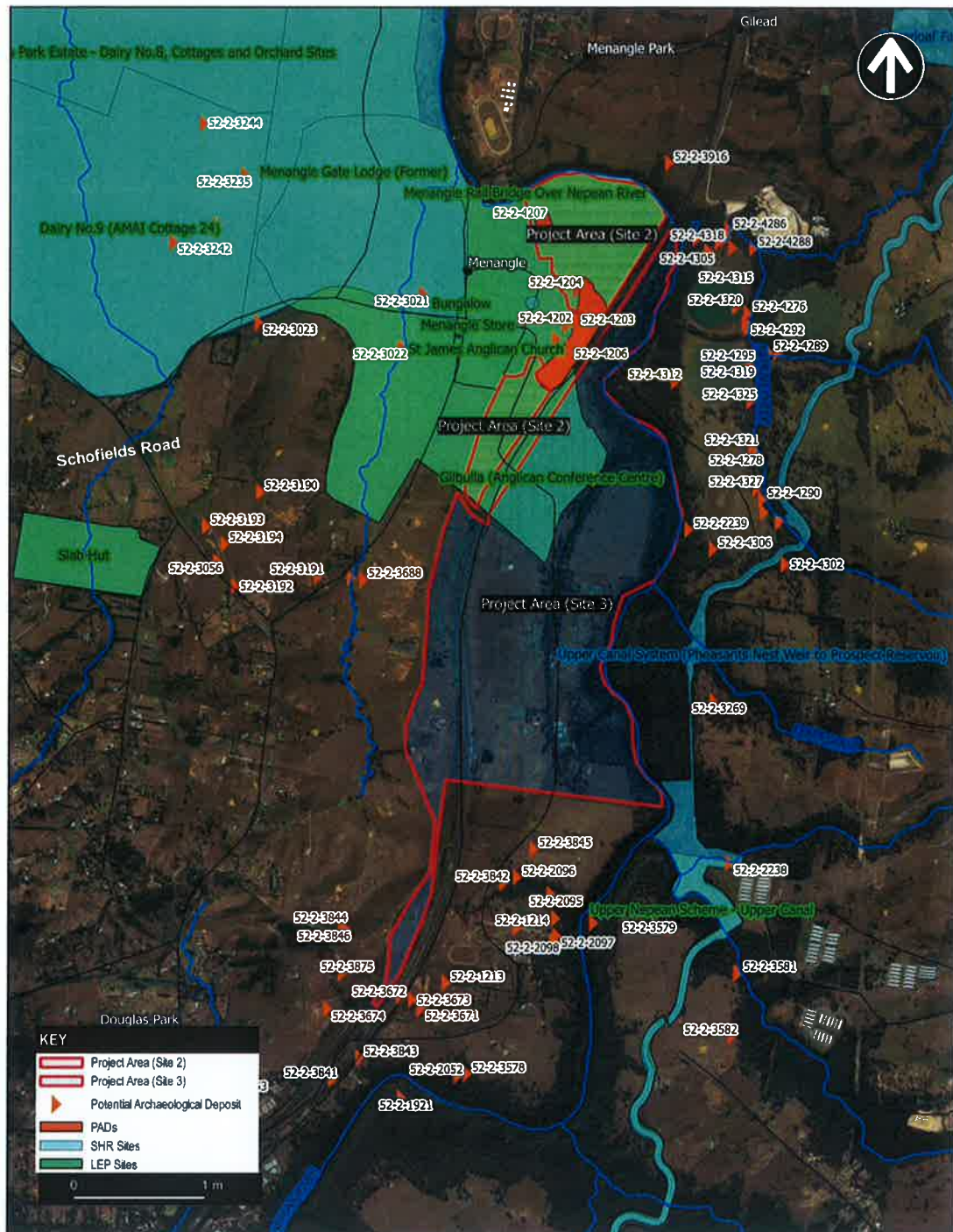


Table 1 Environmental elements relevant to the Project area

Environmental Element	Description
Topography	<p>The Project area is located at the edge of the Cumberland Plain, generally marked by the Nepean River which is immediately adjacent. The foothills of the Southern Highlands are located to the west and south. The specific topography of the Project area generally consists of flats interspersed with undulating rises. Parts of the Project area are alluvial river flats associated with the Nepean River. Although proximity to the Nepean River is suggestive of Aboriginal use, due to the permanent water resource, it is likely some areas closest to the river would have been subject to flooding at times, with raised areas nearby more likely to have been utilised for regular use.</p>
Hydrology	<p>The Project area is located within the Nepean River sub-catchment, which contains the Nepean River itself, along with Bow Bowing Creek, Howes Creek and various unnamed drainage lines ranging from 1st to 4th order (Strahler, 1952). The Nepean River is the primary water source for the Project area, being immediately adjacent. Past archaeological assessments relating to site location in relation to water sources have generally concluded that creek-lines, including first order drainage lines, are archaeologically sensitive landforms (eg - White & McDonald, 2010). The specifics of site location are, however, subject to other factors, taking into consideration flooding on alluvial floodplains and river flats as well as erosional impacts that may have removed past deposits. The Nepean River would have been a permanent water source for Aboriginal people occupying this region and provided resources for food and water.</p>
Geology	<p>Reference to the Wollongong – Port Hacking 1:100,000 Geological Map Sheet (9029-9129) indicates that the surface geology of the Project area consists of a combination of Bringelly Shale (Rwb), Hawkesbury Sandstone (Rh) and Quaternary Alluvium (Qal). Bringelly Shale contains shale, carbonaceous claystone, laminate and coal. Hawkesbury Sandstone contains medium to coarse grained quartz sandstone with very minor shale and laminate lenses. Both date to the Mesozoic era, Triassic period. Quaternary Alluvium contains quartz and lithic “fluvial” sand, silt and clay. It dates to Cainozoic era, Quaternary period and the Holocene and Pleistocene epochs.</p> <p>Reference to past Aboriginal assessments indicates that silcrete is the raw material type most commonly utilised for tool manufacture in this area. Silcrete cobbles were most likely sourced from the Nepean-Hawkesbury River gravel beds (Attenbrow, 2010; Corkill, 1999). Sandstone outcrops have previously been recorded in the area, including a rockshelter with art within the Project area itself (Biosis Research Pty Ltd, 2009).</p>

Environmental Element	Description
Soils	<p>A review of the Soil Landscapes of the Wollongong – Port Hacking 1:100,000 Sheet, indicates that soils within the Project area belong to the Hawkesbury Soil Landscape, the Blacktown Soil Landscape and the Theresa Park Soil Landscape. The majority of the area is covered by the Blacktown Soil Landscape which has Siliceous Sands and Earthy Sands on benches, Yellow Earths on midslopes and lower slopes with Gleyed Podzolic Soils. The soil is highly permeable and has a high erosion hazard. Seasonally there are high watertables across this area.</p> <p>Hawkesbury soils are generally shallow (>50cm) discontinuous Lithosols/Siliceous Sands associated with rock outcrops, with Earthy Sands, Yellow Earths and some Yellow Podzolic Soils located within benches. Yellow and Red Podzolic soils are also associated with shale lenses, while Siliceous Sands and Yellow Earths occur along drainage lines. Erosion is an extreme hazard and rock fall has been known to occur in areas of sandstone outcrops as a result; the soils are highly permeable. These soils are predominantly located along the extent of the Nepean River.</p> <p>Only a small portion of the Project area has the Theresa Park Soil Landscape, located on its western side. It is an alluvial soil landscape comprised of Red Earths and Red Podzolic Soils on terraces, with Prairie Soils on floodplains. Alluvial soils are also present, as are Solodic Soils in drainage lines. These areas are subject to seasonal flooding and waterlogging. High soil erosion occurs in this area (Hazelton & Tille, 1993).</p>
Flora and Fauna	<p>The EPBC Protected Matters Search (see Appendix B) identifies current flora and fauna present in the Project area. Vegetation clearance and landscape use has altered the area from how it would have been during the Aboriginal past, but the current content is indicative of resources that would have been available to Aboriginal people. Such resources include Macquarie Perch in the Nepean River, mammals such as bats, bandicoots, wallabies and gliders, and wattle, geebung and grevillea plant species. Prior to vegetation clearance it is likely the area would have been predominantly covered by woodland of the Shale Plains and Shale Hills Woodland vegetation communities, with Alluvial Woodland and/or Riparian Woodland also occurring in close proximity to watercourses. Howes Creek may have had freshwater wetlands associated with it (Tozer, 2003).</p>
Past Disturbance	<p>There has been a variety of disturbance across the Project area, including vegetation clearance, grazing, residential development, agriculture and the development of roads and other infrastructure (MG Planning, 2010). Despite these widespread disturbances there are still large sections of the Project area that remain relatively undisturbed and retain the potential to contain Aboriginal archaeological sites in surface and subsurface contexts.</p>

5.2 AHIMS Data

The AHIMS register, administered by OEH, contains records of all Aboriginal objects reported to the Director General of the Department of Premier and Cabinet in accordance with Section 89A of the *National Parks and Wildlife Act 1974*. It also contains information about Aboriginal places, which have been declared by the Minister to have special significance with respect to Aboriginal culture. Previously recorded Aboriginal objects and declared Aboriginal places are known as 'Aboriginal sites'.

A search of the AHIMS register was undertaken on 31 January 2017 (search number 264477) for a 5.3 km by 7.8 km area, centred on the Project area (Appendix A). A total of 83 Aboriginal archaeological sites were identified within the search area, all of which are currently listed as valid. The sites within the search area comprised 20 isolated artefacts, 19 artefact scatters, six art sites, five rockshelters, four modified trees, three grinding grooves and one stone arrangement (shown on Figure 2 and in Table 2).

The register search results also identified 25 areas of Potential Archaeological Deposit (PAD). No known archaeological values are currently attributed to these locations; rather they have been registered in order to trigger further archaeological investigation, as they were assessed as having the potential to contain in situ subsurface Aboriginal cultural deposits.

Consideration of the location of previously recorded sites indicates that four are located within the Project area. These are sites #52-2-4206 (PAD), #52-2-4207 (PAD) and #52-2-4204 (isolated artefact) in the Site 2 area and #52-2-3720 (art site) in the Site 3 area (see Figure 2).

The AHIMS search result data contains multiple issues in relation to data accuracy. It is possible that some of the 19 artefact scatter sites may in fact be isolated artefacts, as information on the number of artefacts located in site areas is not always present in the search results. Coordinate inaccuracy for AHIMS data is also a known issue from past assessments. The given coordinates only represent a centroid, not the full site extent, and legacy datum changes have previously led to coordinates having a variance of at least 200 m, which is a larger issue for the entire AHIMS register. Consideration of these limitations was maintained during this assessment.

Table 2 AHIMS Search Results

Site Type	Number of AHIMS Registered Sites	% of AHIMS Registered Sites
PAD	25	30.12%
Isolated Artefact	20	24.1%
Artefact Scatter	19	22.89%
Art Site	6	7.23%
Rockshelter	5	6.02%
Modified tree	4	4.82%
Grinding groove	3	3.62%
Stone Arrangement	1	1.2%
TOTAL	83	100%

Further information about the three sites identified within the Project area is summarised in Table 3.

Table 3 AHIMS Sites within Project area

Site ID	Site Card Description
#52-2-4207	"SSM PAD1 is located on the eastern side of the rail line, 600m north of Menangle Station. It is 200m south of the Nepean River rail crossing. It would be most appropriate to investigate this area further in conjunction with a specific Development Application, as it does not present any impediment to the current proposed rezoning and concept plan for this location."
#52-2-4206	"SSM PAD2 is located between the creek and the South Western Freeway. Any portions of SSM PAD2 which are proposed for future development impact will require further investigation through archaeological test excavation to determine the presence/absence, extent and significance of any Aboriginal archaeological remains that may be present within this area. It is most appropriate to undertake test excavation in conjunction with a specific future Development Application, such that specific proposed impacts are known, and excavation can be targeted to recover the information required without unnecessarily disturbing areas which may not be subject to future development."
#52-2-4204	"SSM2 is an isolated stone artefact. It is a petrified wood flake measuring 17x23x5mm. This isolated find is likely to represent artefacts eroding out of the deposit upslope. The eastern creekline is not proposed for rezoning or future development impact, but will be managed as a riparian conservation area. It contains one rockshelter with PAD (SSM4) and two locations of stone artefact finds outside of but close to the extent of proposed future residential subdivision (SSM1 and SSM2). The presence of these features does not affect the current rezoning proposal. However, it is considered appropriate that in conjunction with a future Development Application, a management plan should be developed for these three recorded Aboriginal sites to ensure that they are appropriately managed in relation to proposed future development impacts."
#52-2-3720	Art site within rockshelter – "Drive down old Moreton Park Road Menangle into Mr Halfpennys old piggery allotment walk 500 to 750 metres east off the bridge that crosses the unnamed tributary. The art on the ceiling consists of five small hand stencils and one indeterminate, all in red ochre, while the art at the northern end comprises an indeterminate patch of red ochre."

The PAD areas were defined based on the presence of known artefact sites in the surrounding area and the assessment that this largely undisturbed, well-resourced area is likely to contain further as yet unidentified sites. Further to this, the Aboriginal rock art site has high cultural and scientific heritage value, being a rare site type. A summary of the findings of relevant past Aboriginal archaeological studies are summarised following in Table 4.

5.3 Previous Aboriginal Heritage Investigations

Table 4 Previous Aboriginal archaeological investigations relevant to the Project area

Author (Year)	Assessment type	Description/Findings	Approximate distance from Project area
Brayshaw McDonald Pty Ltd, 1990	Survey	Brayshaw undertook an archaeological survey of an area proposed for residential development at Menangle Park. Two artefact scatters were identified, one consisting of two artefacts and the other of seven. Silcrete was the predominant raw material, with volcanic material present in lesser quantity. It was concluded that the location had high archaeological potential and further investigation was recommended.	Immediately adjacent to the north
Brayshaw McDonald Pty Ltd, 1991	Test Excavation	Test excavation undertaken at the artefact scatter sites identified by Brayshaw in 1990 identified low densities of predominately silcrete artefacts.	Immediately adjacent to the north
Dibden, 2003	Survey	Dibden undertook a survey of five areas proposed for the development of gas wells. No sites or areas of PAD were identified.	Immediately adjacent to the north
Dibden, 2004a	Survey	A survey was undertaken of areas proposed for gas wells at Mount Taurus. One isolated artefact was located on a dam wall. Two areas of PAD were also recorded, but the majority of the area was determined to have low archaeological potential and sensitivity.	3.5 km west
Dibden, 2004b	Test Excavation	Test excavation was undertaken in the two areas of PAD previously identified by Dibden during survey for gas wells at Mount Taurus. A total of 25 artefacts were retrieved from five test pits each measuring one square metre. It was concluded that the area had low density artefact distribution and the proposed works were recommended to proceed.	3.5 km west
HLA-Envirosciences Pty Ltd, 2004	Survey	A total of 12 sites were recorded, being eight artefact scatters and four isolated artefacts. The dominant raw material in the artefact assemblage was silcrete.	Immediately adjacent to the north
Jo McDonald Cultural Heritage Management Pty Ltd, 2009	Test Excavation	Test excavation was undertaken for PAD #52-2-3676 in an area proposed for soil and sand extraction. A total of 183 artefacts were retrieved from test pits excavated on sandy deposits within 200m of Howes Creek. The assemblage indicated long term use of the site with changes to artefact manufacture evident.	5km north
Biosis Research Pty Ltd, 2009	Survey	Survey for Bulli Seam Operations identified an art site within a rockshelter with five small hand stencils and one indeterminate, all in red ochre.	Within Project area
Jo McDonald Cultural Heritage Management Pty Ltd, 2009a	Test excavation	A total of 27 test pits were excavated adjacent to the Nepean River and Howes Creek. Artefact numbers totalled 168, made up of 102 silcrete, 38 tuff and 25 quartz. The results indicated multiple periods of use with changes to artefact type, raw material and size in the assemblage interpreted as occurring over time.	3.5 km north
MG Planning, 2010	Desktop	Areas of PAD were identified with it noted that these were largely in riparian corridors that would not be subject to disturbance. It was concluded that the areas proposed for retention were an appropriate representative sample, and that legislative requirements be followed for any identified areas subject to impact.	Immediately adjacent to the north

Author (Year)	Assessment type	Description/Findings	Approximate distance from Project area
Jo McDonald Cultural Heritage Management Pty Ltd, 2010	Desktop	Based on previous studies a management plan was produced for Aboriginal heritage in the Menangle Park land release area. A total of 22 sites had been identified within this area. Disturbance mapping identified high levels of disturbance across approximately one third of the area. Archaeological sensitivity zones were defined as a tool for managing the area.	Immediately adjacent to the north
MWH+PB, 2012	Desktop	Registered Aboriginal sites were identified as being present throughout the area. Isolated artefacts were the most common site type. Areas of PAD had been designated as having a range from moderate to good potential for containing subsurface deposits. Further investigation was recommended.	Immediately adjacent to the north
Mary Dallas Consulting Archaeologists, 2014	Survey	A survey in the vicinity of Station Street identified open artefact sites. Two areas of PAD were also identified and recommended for further investigation.	Within Project area
AAJV, 2014	Test excavation	Test excavation was undertaken for Menangle Park Wastewater Services. The program of test excavation located two Aboriginal sites, isolated artefact site MPSW-IA1-13 (52-2-4068) and artefact scatter site MPSW-AS1-13 (52-2-4069). As the artefact densities were found to be low the works were recommended to proceed under the appropriate permit.	5.5 km north

Past investigations have identified multiple Aboriginal sites across the Project area and its immediately surrounding locale. These are predominantly isolated artefact and artefact scatter sites with varying densities (mostly low in proximity to the Project area) with silcrete artefacts dominating the assemblages. The presence of multiple PADs is an indication of the level of potential past investigations have determined the area to have; it is likely that further as yet unidentified Aboriginal sites will be present within the Project area in both surface and subsurface contexts.

6.0 Historical (European) Heritage

6.1 Heritage Inventory Searches

Commonwealth, State and local governments maintain inventories of items of historical significance within each jurisdiction. The following section discusses listed heritage items in relation to the Project area.

A search of relevant heritage registers was undertaken on 3 February 2017. Table 5 summarises the heritage resource as currently listed on statutory registers.

Table 5 Heritage items identified on registers

Register	Items within Project Area
World Heritage List	No listing
National Heritage List	No listing
Commonwealth Heritage List	No listing
Register of the National Estate	Menangle Railway Viaduct (ID 3279)
NSW State Heritage Register	Menangle rail bridge over Nepean River (SHR #01047)
S170 Registers	Menangle rail bridge over Nepean River/Menangle Nepean River Underbridge (SRA315)

Register	Items within Project Area
Sydney Regional Environmental Plan No 20— Hawkesbury-Nepean River (No 2—1997)	Menangle Railway Bridge, Menangle Menangle Weir - below rail bridge
Wollondilly LEP 2011	Menangle Rail Bridge over Nepean River (I80) Dairy Cottage (1370 Moreton Park Road) (I97) Menangle Weir (I101)
EPBC Protected Matters	No listing

6.1.1 Menangle Railway Bridge

The Menangle Railway Bridge is on multiple registers, including the State Heritage Register, and features name variations, described in different entries as bridge, underbridge and viaduct. The curtilage for this item crosses slightly into the northernmost portion of the Project area. It has been identified as having State significance.

6.1.2 Menangle Weir

There is also a weir structure listed separately on the Wollondilly LEP 2011. According to the listing it is located directly beneath Menangle Railway Bridge. This item has been identified as having local significance.

6.1.3 Dairy Cottage

A Dairy Cottage is also present within the Project area at 1370 Moreton Park Road. This item has been identified as having local significance and is listed on the Wollondilly LEP. The heritage significance for this item is due to its association with the operation of the Camden Park Estate Central Creamery. As a result of this association the cottage is described as being an “important component of the historic cultural landscape of Menangle” (NSW Office of Environment & Heritage, 2016). This heritage landscape links the cottage to the Camden Park Estate Central Creamery, making it important to consider the heritage value of the larger landscape that connects these separate items.

6.1.4 Sites in the Region

Although not located within the bounds of the Project area, there are a number of historical sites listed in the immediately surrounding landscape as well. Camden Park Estate Central Creamery is located adjacent, immediately to the west of the Project area, and is linked to the Project area by the aforementioned Dairy Cottage. The RNE (non-statutory) listed property Menangle House is located approximately 900 m to the north of the Project area. The SHR listed Menangle Railway Station Group is located immediately adjacent to the Site 1 area, approximately 350 m from the Project area. St James Anglican Church is located approximately 200 m to the west of the Project area, with St Patrick’s Catholic Church also nearby. Menangle Park Racecourse/Paceway is located approximately 250 m northwest of the Project area. In the same vicinity are a number of houses, bungalows and cottages along Menangle Road, all defined as being within the curtilage of the Menangle Conservation Area (see Figure 2).

Although outside the Project area, consideration should be given to indirect impacts to these items potentially caused by changes to the landscape that links them. The garden curtilage, planting and siting of Menangle House, for example, were all identified in its RNE listing as contributing to its heritage significance (Australian Government, n.d.). Developments altering the landscape surrounding these sites, even if not impacting upon them directly, have the potential to indirectly impact upon their heritage significance.

6.1.5 Statements of Significance

The Statements of Significance for each of the items located within the Project area are included following in Table 6.

Table 6 Heritage Items within the Project area

Item	Statement of Significance
Menangle Railway Bridge	<p>"The 1863 Menangle Railway Bridge constructed in 1863 over the Nepean River is one of the most historic bridges in Australia because (a) it was the first large iron bridge in New South Wales and the largest bridge until the 1889 Hawkesbury River Bridge (b) it has a dominant appearance in a rural landscape (c) it shares in the enormous benefits, social and commercial, that the Main South Railway has made to New South Wales in 140 years and (d) it was a technically advanced design for its time and received international recognition in 1872.</p> <p>"The Menangle and Victoria Bridges are the only bridges of their type in New South Wales. They are excellent examples of heavy duty, wrought iron girder bridges continuous over three spans. Apart from the inclusion of the intermediate piers in 1907, the 1863 Menangle Bridge Retains most of its original fabric.</p> <p>"The Menangle rail bridge constructed in 1863 is the oldest surviving bridge on the State rail system and is of highest significance in the development of railway technology in the State. It is an excellent example of early bridge construction. The bridge is one of two identical bridges constructed for the NSW Railways, the other being over the Nepean River at Penrith. The Penrith Bridge was opened in 1867 but has been used for road traffic since 1907. The Menangle rail bridge is typical of British bridge engineering of the 1860s, the iron spans having been fully imported. Additional supporting piers were later erected under the spans so that heavier engines could be used on the main south line. The bridge is of national, if not international, significance as there are few such bridges still in use in the United Kingdom."</p> <p>Last updated 16 April 2003 (NSW Office of Environment & Heritage, 2016).</p>
Menangle Weir	<p>"Menangle weir and others (including Bergins weir) were built to maintain the riparian rights of landowners along the Nepean river after the completion of the Upper Nepean Scheme in 1886. Largely undisturbed due to its remote location – still used as a weir. Access by walking track from Menangle River Reserve. Not so historically significant but still serving its original purpose."</p> <p>Statement dating to 13 July 2006. Not from historic register (Campbelltown City Council, 2006b).</p>
Dairy Cottage (1370 Moreton Park Road)	<p>"The Dairy Cottage has local significance as a good example of an early 20th century dairy cottage associated with the operation of the Camden Park Estate Central Creamery. Important component of the historic cultural landscape of Menangle."</p> <p>Last updated 20 March 2010 (NSW Office of Environment & Heritage, 2016).</p>

The Statements of Significance for each of the items located outside the bounds of the Project area but within one kilometre of it are included in Table 7.

Table 7 Heritage items within 1km of the Project area

Item	Statement of Significance
Camden Park Estate Central Creamery	<p>"The former Central Creamery, originally constructed in 1898 and subsequently repeatedly altered and extended during the twentieth century, is a modified and extended two storey former dairy processing facility. It has significance within the Wollondilly area for its former important role in the local butter and milk processing industry. The Central Creamery was one of a number of such milk processing complexes established throughout the local area by the Macarthur-Onslow family, with this building serving as a hub for the receipt of milk from dairies in the area, and for sterilization and pasteurization prior to shipment to Sydney markets.</p> <p>"Originally producing both butter and milk products, the Creamery shifted emphasis during a period of rationalisation to focus solely on supplying high quality milk. The core building form, with its foot-thick walls in the former Attemperator Room, provides evidence of the key characteristics of typical dairy processing buildings from this period. While it retains elements attributable to its 1898 construction, it has diminished integrity owing to repeated alterations and additions to the fabric and through removal of much of the fittings that once demonstrated its day-to-day function. The remnant original fabric demonstrates the solid construction technique and specifications required for the operation of such a facility.</p> <p>"Secondary structures which form part of the Creamery complex are utilitarian and do not demonstrate a high degree of aesthetic, creative or technical merit. Its railway siding and close proximity to Menangle Railway Station reinforces the industrial scale of the processing plant and provides context as part of the railway line connection to the transportation of goods from the Creamery to the city."</p> <p>Statement dates to July 2014 (Graham Brooks & Associates Pty Ltd, 2014).</p>
Menangle House	<p>"A good example of a colonial house, which has a complex history. The main house dates from 1853 and there is an adjoining school house said to have been built in 1823. The house itself does not appear (from its plan) to have been an inn at any stage but it may have replaced an earlier building on the same site. The property is extremely well kept and its garden curtilage, planting and siting are of special interest."</p> <p>Last updated 21 March 1978 (Australian Government, n.d.).</p>
Menangle Railway Station Group	<p>"Menangle station group is one of the earliest station complexes to survive in the state. It is a combination station building and residence which has had substantial additions. Although the second platform and building have been demolished for a new platform the remaining up buildings and platform are of very high significance in the development of railway buildings. Significant features of this building are its lack of awning to the platform, the unusual planning of the building with detached wings, room for porters, no waiting room and the asymmetrical elevations. The remaining structures are of national significance in conjunction with the railway underbridge listed separately."</p> <p>Last updated 5 November 1998 (NSW Office of Environment & Heritage, 2016).</p>

Item	Statement of Significance
St James Anglican Church	<p>"St James Church, Menangle has State significance as an unusual and particularly fine example of a small country church of great architectural integrity, this significance being enhanced by the building's high degree of intactness and quality of workmanship. It also has considerable significance as an important landmark by virtue of its form and siting on a prominent rise in the village and the surrounding screen of trees. This provides a romantic silhouette which is seen by travellers on the Southern Railway and from rural roads in the vicinity.</p> <p>"The Church has historical significance through its links with the Macarthur-Onslow family of "Camden Park" and "Gilbulla"; its associations with two leading architects, J Horbury Hunt and Sir John Sulman; and, its more general association with the life and development of Menangle Village."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>
Menangle Park Racecourse/Paceway	<p>"Races were held at Menangle Park from 1870's. Its location attracted Messrs, J.J. Smith, H. Pateson and Dr. L.J Lamrock, who acquired 32 ha and laid down the new track. Two rail sidings were built to bring spectators, competitors and horses directly to the track. In 1914 Alfred Rose Payten designed and E.C. Lusted built three grandstands at the paceway. The construction also included official stands and luncheon rooms. Patronage was drawn from metropolitan areas by special trains.</p> <p>"During World War I, Germans and German/Australians were held at a camp on Menangle Park Paceway. During World War II, the race course became a training ground for men of the 45th Battalion of the militia and later a base for the Airforce.</p> <p>"Still in use as a paceway and is the venue for the Campbelltown Show. The old platform face is also located on this land and is overgrown with grass. Heritage significance - in use as a racecourse for over 100 years; still a community focal point as the site for the Campbelltown Show."</p> <p>Statement dating to 2006. Not from historic register (Campbelltown City Council, 2006a).</p>
St Patrick's Catholic Church	<p>"St Patrick's Church has local significance through its associations with the Roman Catholic community in the Menangle area since 1895. The church also contributes to the stock of late 19th and early 20th century buildings which give the present Menangle Village much of its character, particularly those lining Menangle Road. It is a well maintained, typical example of a "Simplified Federation Romanesque" country Catholic church of the period."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>

Item	Statement of Significance
Menangle Conservation Area	<p>"Menangle Village has remained essentially contained within the settlement boundaries formed by village development by the second decade of the 20th century. As such it is an unusually intact example of a rural service centre of this period and in particular, one that is associated with the dairying industry when new technologies were being introduced to transport and process dairy products and when new dairying techniques were introduced in the form of the Rotolactor. The location of the village reflects the strong influence of major road and rail construction activities on town development in the Region.</p> <p>"It also has local and regional aesthetic significance as a discrete landscape entity and notable landmark, with its cross streets lined with houses elevated above the surrounding farmlands and the whole village itself being visually dominated by St James' Church on the small rise in the centre of the settlement.</p> <p>"The village also has associational significance through its links with the Macarthur family and the Camden Park Estate, this being most clearly expressed in the major commercial, ecclesiastical and industrial buildings of the General Store, St James' Church, the Creamery and the Rotolactor as well as Estate workers' housing.</p> <p>"The village is also an important social entity with a strong sense of community and sense of place to a degree not reached in the other towns and villages of Wollondilly."</p> <p>Last updated 27 March 2009 (NSW Office of Environment & Heritage, 2016).</p>
Bungalow 92 Menangle Road	<p>"92 Menangle Road has local significance as a good and locally rare example of an early 20th century bungalow reflecting the transitional period between the Edwardian California Bungalow idioms. It is part of the important early 20th century building stock of Menangle is an important component of the historic cultural landscape of the village."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>
Bungalow 96 Menangle Road	<p>"96 Menangle Road has local significance as a good and locally rare example of an early 20th century bungalow reflecting the transitional period between the Edwardian California Bungalow idioms. It is part of the important early 20th century building stock of Menangle is an important component of the historic cultural landscape of the village."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>
House 100 Menangle Road	<p>"100 Menangle Road has local significance as a good example of a late 19th century dwelling. It is typical of the Arts & Crafts influenced buildings that make most of Menangle's historic building stock and is an important component of the historic cultural landscape of Menangle."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>
Cottage 102 Menangle Road	<p>"102 Menangle Road has local significance as a good example of a late 19th century dwelling. It is typical of the small timber cottages that characterised Menangle in the mid to late 19th century and is An important component of the historic cultural landscape of Menangle."</p> <p>Last updated 21 March 2010 (NSW Office of Environment & Heritage, 2016).</p>

Item	Statement of Significance
Bungalow 106 Menangle Road	<p>"106 Menangle Road has local significance as a good example of a California Bungalow, a building type that is rare in both Menangle and the Wollondilly Shire. It is representative of early 20th century development in Menangle and the growth of the village during that period, precipitated by the development of the Macarthur estate dairies."</p> <p>Last updated 21 April 2006 (NSW Office of Environment & Heritage, 2016).</p>
Cottage 124 Menangle Road	<p>"124 Menangle Road has local significance as a good example of a late 19th century dwelling. It is typical of the small timber cottages that characterised Menangle in the mid to late 19th century and is an important component of the historic cultural landscape of Menangle."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>
Cottage 128 Menangle Road	<p>"128 Menangle Road has local significance as a good example of a late 19th century dwelling. It is typical of the small timber cottages that characterised Menangle in the mid to late 19th century and is an important component of the historic cultural landscape of Menangle."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>
Cottage 138 Menangle Road	<p>"138 Menangle Road has regional significance through its association with the Elizabeth Macarthur Institute and the former Camden Park Estate dairies. It is one of a group of similar dairy cottages, all reflecting the Arts and Crafts tradition prevalent at the time, making up the dairying establishment of the Camden Park Estate. It is a good example of its type and an important component of the historic cultural landscape of Menangle and Camden."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>
Menangle Store 2 Station Street	<p>"The Menangle Store has State significance as the only 20th century store in Menangle Village and through its role in serving farmers in the rural hinterland and in provisioning the Camden Park Estate. It has links with the Macarthur family who sponsored the store. The building is unusual in the State as a particularly fine and relatively unusual freestanding example of a Federation Arts and Crafts commercial building. This significance is enhanced by the degree to which the building retains its original form & detailing. The building's central location on the main transport axis of the village enhances its significance."</p> <p>Last updated 22 April 2006 (NSW Office of Environment & Heritage, 2016).</p>

6.1.6 Previous Historical Studies

Past historical studies relevant to this assessment are summarised in Table 8.

Table 8 Summary of relevant historical assessments

Author (Year)	Assessment type	Description/Findings	Approximate distance from Project area
MG Planning, 2010	Desktop	<p>Visual impacts were noted as likely to occur to Glenlee House as a result of the development of Spring Farm Parkway. Consideration to minimise adverse effects was recommended. Three items of State significance, five items of local significance and two items of potential historical significance were identified and recommended for conservation. Sensitive visual landscapes were identified and appropriate curtilages were recommended.</p>	Immediately adjacent to the north

Author (Year)	Assessment type	Description/Findings	Approximate distance from Project area
MWH+PB, 2012	Desktop	Proposed works were determined as likely to impact Menangle House and the Upper Canal. Although it was stated that impacts were unlikely to have a detrimental impact on existing heritage values further investigation was recommended.	Immediately adjacent to the north
Graham Brooks and Associates Pty Ltd, 2012	SOHI	A Statement of Heritage Impact (SOHI) was prepared for the Menangle Village Planning Proposal relating to the proposed rezoning of Station Street. Impacts to the fabric of existing heritage structures were to be avoided by the proposed rezoning. In relation to visual impacts, it was stated: "an analysis of the impact on this setting and the views to and from Menangle is made in a separate Visual Analysis report... it concludes that development permitted under this Planning Proposal is compatible with that of the current Menangle village."	Immediately adjacent to the west
Betteridge, 2012	Survey and desktop	Following 2011 advice by Dr Peter Kabaila for the creation of a Landscape Conservation Area at Menangle, an assessment was undertaken to identify the heritage significance of the surrounding landscape. It was recommended that the curtilage of the existing Menangle Village Conservation Area be expanded to include the former Camden Park estate, the Macarthur and Onslow families' agricultural enterprises, sites both north and south of Station Street, the former Menangle Creamery, the Rotolactor site, the Menangle Railway Station, the Menangle Railway Bridge and Gilbulla. This report identified outstanding cultural heritage values in the landscape based on strong historical associations, aesthetic landscape qualities, historical settlement patterns and tightly controlled recent development under Wollondilly Development Control Plan (DCP) No.41. The visual impact of new developments and associated road/infrastructure works were identified as a risk to the heritage landscape and a cultural landscape conservation approach was recommended.	Immediately adjacent to the west
Graham Brooks & Associates Pty Ltd, 2014	CMP	A Creamery Precinct Strategic Conservation Management Plan (CMP) was prepared to inform the preparation of Essential Conservation Works Schedules and provide a strategic policy framework to guide the planning and design for the future adaptive re-use of the place. This responded to an indicative concept plan for the conservation and adaptive reuse of the former Camden Park Estate Central Creamery and Rotolactor in a mixed use commercial centre. Separate supporting essential conservation works schedule documents were also produced for both the Creamery and Rotolactor.	Immediately adjacent to the west
Graham Brooks and Associates Pty Ltd, 2014	EMP	An External Maintenance Plan (EMP) for the Dairy cottage at 1370 Moreton Road was prepared as a guide for the appropriate management and future maintenance of the building. The cottage was to be retained on a single lot with boundaries defined in recognition of the heritage curtilage from the Wollondilly LEP 2011.	Within the Project area

Historical heritage items within the Project area (Menangle Railway Bridge, Menangle Weir and the Dairy Cottage at 1370 Moreton Park Road) have existing curtilages and can be avoided from impacts by future designs being sympathetic toward these known heritage values. The larger heritage landscape that connects these disparate items has been identified as a part of its heritage value,

particularly with regard to view lines and vistas. Due to the widespread historical items across the local area it is possible that further as yet unidentified historical items could occur within the Project area.

7.0 Key Findings

The key findings of this desktop assessment are as follows.

Aboriginal Heritage Findings

- Four registered AHIMS sites are present within the Project area (#52-2-4206, #52-2-4207, #52-2-4204 and #52-2-3720) comprising two areas of PAD, an isolated artefact and an art site within a rockshelter;
- The Project area has been subject to vegetation clearance and erosion, but retains the potential for intact subsurface deposits in the registered areas of PAD and other areas, along with the potential for further as yet unidentified surface sites;
- Past recommendations regarding rezoning in relation to the two areas of PAD stated: "it is most appropriate to undertake test excavation in conjunction with a specific future Development Application, such that specific proposed impacts are known, and excavation can be targeted to recover the information required without unnecessarily disturbing areas which may not be subject to future development" (Site Card #52-2-4206); and
- Past recommendations regarding rezoning in relation to identified sites stated: "the presence of these features does not affect the current rezoning proposal. However, it is considered appropriate that in conjunction with a future Development Application, a management plan should be developed for these... Aboriginal sites to ensure that they are appropriately managed in relation to proposed future development impacts" (Site Card #52-2-4204).

Historical Heritage Findings

- Three listed historical items are present within the Project area (Menangle Railway Bridge – listed on the NSW State Heritage Register, RNE, S170 Register and Wollondilly LEP 2011; Menangle Weir - listed on the Wollondilly LEP 2011; and the Dairy Cottage at 1370 Moreton Park Road – listed on the Wollondilly LEP 2011);
- There are a number of other historical items present within one kilometre of the Project area that have the potential for visual impacts, as they are part of the larger Menangle heritage landscape.

8.0 Recommendations

On the basis of the above key findings, the following recommendations are made:

- Further investigation of the area is warranted to determine the extent of both surface and subsurface Aboriginal cultural material throughout the Project area, including ground-truthing of the previously recorded sites and testing of the previously identified areas of PAD. This investigation should consist of both surface survey and subsurface archaeological test excavation.
- The testing should be undertaken in accordance with OEH's *Code of practice for archaeological investigations in NSW* (NSW Department of Environment Climate Change & Water, 2010b) with consultation with Registered Aboriginal Parties (RAPs) as per the *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (NSW Department of Environment & Conservation & Department of Environment and Conservation, 2005).
- These works should occur in tandem with a future Development Application and refer directly to any specific impacts proposed for the Project area. As appropriate, measures of avoidance, protection and mitigation should be considered and recommendations provided, including application for an Aboriginal Heritage Impact Permit (AHIP) if sites cannot be avoided.
- Further investigation of the historical heritage component of the Project area should be undertaken in the form of an historical assessment with SOHIs to determine whether there are any further as yet unidentified historical heritage items relevant to the Project area;
- A Heritage Management Plan should also be produced for the ongoing management of historical items in relation to specific works in the Project area, once those works have been defined.

Existing CMPs for heritage items should be utilised as appropriate and used to guide avoidance of both direct and indirect impacts, with specific consideration to be given to visual impacts on the Menangle heritage landscape once specific proposed impacts for the Project area have been defined.

- The recommended works for future heritage management within the Project area do not preclude the Project area being included in the Greater Macarthur Priority Growth Area, rezoned for residential development.

Yours faithfully


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Appendix A – AHIMS Search Results



SiteID	SiteName	Datum	Zone	Eastings	Northings	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-2-2052	Nepean River 2;Douglas Park; same as 52-2-1922	AGD	56	291350	6215450	Closed site	Valid	Art (Pigment or Engraved) :-	Shelter with Art	
Contact										
52-2-2238	OUSEDALE CREEK NO.4	AGD	56	293421	6217096	Closed site	Valid	Art (Pigment or Engraved) :- Artefact :-	Permits	1578
Contact										
52-2-3578	WA01, West Appin	GDA	56	291526	6215655	Open site	Valid	Artefact : 1	Permits	
Contact										
52-2-3579	WA05 West Appin	GDA	56	293077	6216788	Open site	Valid	Modified Tree (Carved or Scarred) : 1	Permits	
Contact										
52-2-3580	WA06 West Appin	GDA	56	293590	6216432	Open site	Valid	Grinding Groove : 2	Permits	
Contact										
52-2-3581	WA08 West Appin	GDA	56	293599	6216438	Open site	Valid	Grinding Groove : 1	Permits	
Contact										
52-2-3582	WA09 West Appin	GDA	56	293550	6215950	Open site	Valid	Artefact : 1	Permits	
Contact										
52-2-3193	Wandinong 6	AGD	56	289417	6219684	Open site	Valid	Artefact : 2	Permits	
Contact										
52-2-3842	Morton Park Rd 2	AGD	56	291693	6216939	Open site	Valid	Artefact : 3	Permits	
Contact										
52-2-3843	Morton Park Rd 3	AGD	56	290603	6215591	Open site	Valid	Artefact : 22	Permits	
Contact										
52-2-3844	Morton Park Rd 4	AGD	56	290466	6216620	Open site	Valid	Artefact : 1	Permits	
Contact										
52-2-3845	Morton Park Rd 5	AGD	56	291924	6217200	Open site	Valid	Artefact : 20	Permits	
Contact										
52-2-3846	Mountbatten 2	AGD	56	290492	6216583	Open site	Valid	Artefact : 1	Permits	
Contact										
52-2-3875	Mountbatten OCS-1	GDA	56	290574	6216432	Open site	Valid	Artefact :-	Permits	
Contact										
52-2-3841	Morton Park Rd 1	AGD	56	290396	6215426	Open site	Valid	Artefact : 8	Permits	
Contact										
		Recorders	Biosis Pty Ltd - Sydney						Permits	

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-2-4202	SSM4	GDA	56	292267	6221433	Open site	Valid	Habitation Structure :- Potential Archaeological Deposit (PAD) :-		
52-2-4203	Contact SSM3	Recorders GDA	Ms.Tamika Goward 56	292343	6221472	Open site	Valid	Artefact :-	Permits	
52-2-4204	Contact SSM2	Recorders GDA	Ms.Tamika Goward 56	292345	6221709	Open site	Valid	Artefact :-	Permits	
52-2-4205	Contact SSM1	Recorders GDA	Ms.Tamika Goward 56	292189	6221321	Open site	Valid	Artefact :-	Permits	
52-2-4206	Contact SSM PAD2	Recorders GDA	Ms.Tamika Goward 56	292293	6221262	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits	
52-2-4207	Contact SSM PAD1	Recorders GDA	Ms.Tamika Goward 56	292070	6222244	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits	
52-2-1921	Contact Brooks Point 8	Recorders AGD	Ms.Tamika Goward 56	290920	6215280	Closed site	Valid	Art (Pigment or Engraved) :-	Permits Shelter with Art	4213,97777
52-2-1922	Contact Nepean River 2 (Douglas Park); same as 52-2-2052	Recorders AGD	Mrs.Caryll Sefton 56	291350	6215450	Closed site	Valid	Art (Pigment or Engraved) :-	Permits Shelter with Art	4213,97777
52-2-1213	Contact Unit e rubbish Dump;Didicoolum;	Recorders AGD	Mrs.Caryll Sefton 56	291258	6216167	Open site	Valid	Grinding Groove :-	Permits 3080 Axe Grinding Groove	
52-2-1214	Contact Unit D ground axe Paddock;Didicoolum;	Recorders AGD	R Demkiw 56	291800	6216600	Open site	Valid	Artefact :-	Permits Open Camp Site	
52-2-3021	Contact PAD1	Recorders AGD	D Demkiw 56	291071	6221478	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits	
52-2-3022	Contact PAD2 Mt Taurus	Recorders AGD	Doctor,Julie Dibden 56	290905	6221068	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits 1915,1992	
52-2-3023	Contact IP1 Mt Taurus	Recorders AGD	56	289814	6221256	Open site	Valid	Artefact :- 1	Permits 1915,1992	

Report generated by AHIMS Web Service on 31/01/2017 for Darran Jordan for the following area at Datum: GDA, Zone : 56, Eastings : 289000 - 294000, Northings : 6215000 - 6223000 with a Buffer of 0 meters. Additional Info : Due diligence. Number of Aboriginal sites and Aboriginal objects found is 83

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-2-3720	Contact Bulli Site 40	AGD	56	292395	6220053	Closed site	Valid	Permits Art (Pigment or Engraved) : 1	1915	
52-2-3671	Contact Moreton Park Road IA-1	GDA	56	291171	6216160	Open site	Valid	Permits Artefact : -		
52-2-3672	Contact Moreton Park Road IA-2	GDA	56	291018	6216241	Open site	Valid	Permits Artefact : -		
52-2-3673	Contact Moreton Park OCS-1	GDA	56	291108	6216228	Open site	Valid	Permits Artefact : -		
52-2-3674	Contact Mounthatten 1	AGD	56	290355	6215966	Open site	Valid	Permits Artefact : 1		
52-2-3687	Contact Bulli Site 7	AGD	56	290526	6219289	Open site	Valid	Permits Artefact : 1		
52-2-3688	Contact Bulli Site 8	AGD	56	290621	6219273	Open site	Valid	Permits Artefact : 1		
52-2-3953	Contact Harris Creek 3	GDA	56	289564	6215508	Open site	Valid	Permits Artefact : 1		
52-2-3916	Contact MPRP 9 Menangle Park Rezoning Project 9	AGD	56	292951	6222494	Open site	Valid	Permits Artefact : 6		
52-2-2094	Contact Nepean River 5	AGD	56	292093	6216664	Closed site	Valid	Permits Artefact : -	Shelter with Deposit 3080	97777
52-2-2095	Contact Nepean River 6	AGD	56	292057	6216852	Closed site	Valid	Permits Artefact : -	Shelter with Deposit 3080	97777
52-2-2096	Contact Nepean River 7	AGD	56	291800	6216980	Open site	Valid	Permits Modified Tree (Carved or Scarred) :	Scarred Tree	97777
52-2-2097	Contact Nepean river 4	AGD	56	292101	6216532	Closed site	Valid	Permits Shell : -, Artefact : -	Shelter with Midden 3080	97777
52-2-2098	Contact Nepean River 3	AGD	56	292084	6216493	Closed site	Valid	Permits Artefact : -	Shelter with Deposit 3080	97777

SiteID	SiteName	Datum	Zone	Eastng	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
52-2-2099	Brooks Point 9	AGD	56	292383	6216630	Closed site	Valid	Art (Pigment or Engraved) :- , Artefact :-	Shelter with Art,Shelter with Deposit	97777
Contact										
52-2-2239	NEPEAN RIVER NO.8	AGD	56	293106	6219660	Closed site	Valid	Artefact :-		
Contact										
52-2-3190	WG1, Wandinong	AGD	56	289829	6219948	Open site	Valid	Artefact : 1		
Contact										
52-2-3191	WG6, Wandinong	AGD	56	290275	6219303	Open site	Valid	Artefact : 1		
Contact										
52-2-3192	WG5, Wandinong	AGD	56	289640	6219222	Open site	Valid	Artefact : 3		
Contact										
52-2-3053	WG4 Wandinong (Unavailable)	AGD	56	289500	6219414	Open site	Valid	Artefact :-		
Contact										
52-2-3194	Wandinong 5	AGD	56	289558	6219548	Open site	Valid	Artefact : 1	2310	
Contact										
52-2-3056	WG4	AGD	56	289500	6219414	Open site	Valid	Artefact : 3		
Contact										
52-2-3242	CP - ST - 16	AGD	56	289160	6221880	Open site	Valid	Modified Tree (Carved or Scarred) :-		
Contact										
52-2-3244	CP - ST - 10	AGD	56	289390	6222800	Open site	Valid	Modified Tree (Carved or Scarred) :-		
Contact										
52-2-3235	CP - IF - 02	AGD	56	289710	6222400	Open site	Valid	Artefact :-		
Contact										
52-2-3236	CP - IF - 03	AGD	56	289500	6222010	Open site	Valid	Artefact :-		
Contact										
52-2-3269	Leafs Gully PAD 1 (LG PAD 1)	GDA	56	293404	6218528	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
Contact										
52-2-4317	MG PAD33	GDA	56	293481	6222103	Closed site	Valid	Potential Archaeological Deposit (PAD) :-		
Contact										

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 60528032
Client Service ID : 264477

SiteID	SiteName	Datum	Zone	Eastings	Northing	Context	Site Status	SiteTypes	Reports
Recorders									
52-2-4318	MG PAD34	GDA	56	293435	6222077	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4319	MG PAD41	GDA	56	293665	6221123	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4320	MG PAD36	GDA	56	293565	6221574	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4321	MG PAD39	GDA	56	293696	6220492	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4322	MG PAD38	GDA	56	293782	6219987	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4323	MG PAD37	GDA	56	293900	6219914	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4324	MG PAD35	GDA	56	293268	6222102	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4325	MG PAD40	GDA	56	293678	6220846	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4326	MG PAD32	GDA	56	293495	6222115	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									
Contact									
52-2-4269	MG PAD27	GDA	56	293742	6220399	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
Permits									

Report generated by AHIMS Web Service on 31/01/2017 for Darran Jordan for the following area at Datum :GDA, Zone : 56, Eastings : 289000 - 294000, Northings : 6215000 - 6223000 with a Buffer of 0 meters. Additional Info : Due diligence. Number of Aboriginal sites and Aboriginal objects found is 83
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SiteID	SiteName	Datum	Zone	Eastings	Northing	Context	Site Status	SiteTypes	Reports
	Contact	Recorders						SiteFeatures	Permits
52-2-4276	MG PAD25	GDA	56	293654	6221524	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4278	MG PAD28	GDA	56	293728	6220440	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4286	MG PAD31	GDA	56	293509	6222167	Open site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4288	MG PAD30	GDA	56	293698	6222028	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4289	MG PAD22	GDA	56	293816	6221221	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4290	MG PAD26	GDA	56	293770	6220084	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4291	MG PAD23	GDA	56	293650	6221404	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4292	MG PAD24	GDA	56	293639	6221448	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4295	MG PAD29	GDA	56	293664	6221145	Closed site	Valid	Potential Archaeological Deposit (PAD) :-	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4302	MGA7	GDA	56	293946	6219586	Open site	Valid	Artefact : 1	Permits
	Contact	Recorders						SiteFeatures	Permits
52-2-4305	MGA10	GDA	56	293354	6222000	Open site	Valid	Artefact : 1	Permits

Report generated by AHIMS Web Service on 31/01/2017 for Darran Jordan for the following area at Datum :GDA, Zone : 56, Eastings : 289000 - 294000, Northings : 6215000 - 6223000 with a Buffer of 0 meters. Additional Info : Due diligence. Number of Aboriginal sites and Aboriginal objects found is 83

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd					Permits		
52-2-4306	MGA11	GDA	56	293397	6219700	Open site	Valid	Artefact : 1		
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd					Permits		
52-2-4311	MGA19	GDA	56	293883	6221221	Open site	Valid	Artefact : 1		
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd					Permits		
52-2-4312	MGA21	GDA	56	293105	6220997	Open site	Valid	Artefact : 1		
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd					Permits		
52-2-4313	MGA22	GDA	56	293536	6222031	Open site	Valid	Artefact : 1		
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd					Permits		
52-2-4315	MGA23	GDA	56	293647	6221800	Open site	Valid	Artefact : 1		
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd					Permits		
52-2-4327	MGA20	GDA	56	293727	6220170	Open site	Valid	Artefact : 1, Art (Pigment or Engraved) : 1, Stone Arrangement : 1		
	Contact	Recorders	Navin Officer Heritage Consultants Pty Ltd					Permits		

Appendix B – EPBC Protected Matters Search Results



EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 08/02/17 13:54:06

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)



This map may contain data which are
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[Coordinates](#)

Buffer: 1.0Km



Summary

Matters of National Environmental Significance

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	None
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	6
Listed Threatened Species:	35
Listed Migratory Species:	12

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	1
Commonwealth Heritage Places:	None
Listed Marine Species:	18
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Commonwealth Reserves Marine:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	None
Regional Forest Agreements:	None
Invasive Species:	45
Nationally Important Wetlands:	None
Key Ecological Features (Marine):	None

Details

Matters of National Environmental Significance

Listed Threatened Ecological Communities [Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion	Endangered	Community may occur within area
Coastal Upland Swamps in the Sydney Basin Bioregion	Endangered	Community may occur within area
Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion	Critically Endangered	Community may occur within area
Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest	Critically Endangered	Community likely to occur within area
Shale Sandstone Transition Forest of the Sydney Basin Bioregion	Critically Endangered	Community likely to occur within area
Western Sydney Dry Rainforest and Moist Woodland on Shale	Critically Endangered	Community likely to occur within area

Listed Threatened Species [Resource Information]

Name	Status	Type of Presence
Birds		
Anthochaera phrygia Regent Honeyeater [82338]	Critically Endangered	Foraging, feeding or related behaviour likely to occur within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat likely to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
Dasyornis brachypterus Eastern Bristlebird [533]	Endangered	Species or species habitat may occur within area
Grantiella picta Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat likely to occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat may occur within area

Fish

Name	Status	Type of Presence
<u>Macquaria australasica</u> Macquarie Perch [66632]	Endangered	Species or species habitat may occur within area
Frogs		
<u>Heleioporus australiacus</u> Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat likely to occur within area
<u>Litoria aurea</u> Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat may occur within area
Mammals		
<u>Chalinolobus dwyeri</u> Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat known to occur within area
<u>Dasyurus maculatus maculatus (SE mainland population)</u> Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat likely to occur within area
<u>Isodon obesulus obesulus</u> Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south-eastern) [68050]	Endangered	Species or species habitat may occur within area
<u>Petauroides volans</u> Greater Glider [254]	Vulnerable	Species or species habitat likely to occur within area
<u>Petrogale penicillata</u> Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat may occur within area
<u>Phascolarctos cinereus (combined populations of Qld, NSW and the ACT)</u> Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat known to occur within area
<u>Pseudomys novaehollandiae</u> New Holland Mouse, Pookila [96]	Vulnerable	Species or species habitat likely to occur within area
<u>Pteropus poliocephalus</u> Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour known to occur within area
Plants		
<u>Acacia bynoeana</u> Bynoe's Wattle, Tiny Wattle [8575]	Vulnerable	Species or species habitat likely to occur within area
<u>Allocasuarina glareicola</u> [21932]	Endangered	Species or species habitat may occur within area
<u>Caladenia tessellata</u> Thick-lipped Spider-orchid, Daddy Long-legs [2119]	Vulnerable	Species or species habitat likely to occur within area
<u>Cryptostylis hunteriana</u> Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat may occur within area
<u>Cynanchum elegans</u> White-flowered Wax Plant [12533]	Endangered	Species or species habitat likely to occur within area
<u>Genoplesium baueri</u> Yellow Gnat-orchid [7528]	Endangered	Species or species habitat likely to occur within area
<u>Grevillea parviflora subsp. parviflora</u> Small-flower Grevillea [64910]	Vulnerable	Species or species

Name	Status	Type of Presence
<i>Haloragis exalata</i> subsp. <i>exalata</i> Wingless Raspwort, Square Raspwort [24636]	Vulnerable	habitat likely to occur within area Species or species habitat may occur within area
<i>Pelargonium</i> sp. <i>Striatellum</i> (G.W.Carr 10345) Omeo Stork's-bill [84065]	Endangered	Species or species habitat may occur within area
<i>Persoonia bargoensis</i> Bargo Geebung [56267]	Vulnerable	Species or species habitat likely to occur within area
<i>Pimelea spicata</i> Spiked Rice-flower [20834]	Endangered	Species or species habitat likely to occur within area
<i>Pomaderris brunnea</i> Rufous Pomaderris [16845]	Vulnerable	Species or species habitat likely to occur within area
<i>Pterostylis saxicola</i> Sydney Plains Greenhood [64537]	Endangered	Species or species habitat likely to occur within area
<i>Thelymitra kangaloonica</i> Kangaloon Sun Orchid [81861]	Critically Endangered	Species or species habitat may occur within area
<i>Thesium australe</i> Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat may occur within area
Reptiles		
<i>Hoplocephalus bungaroides</i> Broad-headed Snake [1182]	Vulnerable	Species or species habitat likely to occur within area
Listed Migratory Species		[Resource Information]
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		
<i>Apus pacificus</i> Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Migratory Terrestrial Species		
<i>Cuculus optatus</i> Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
<i>Hirundapus caudacutus</i> White-throated Needletail [682]		Species or species habitat known to occur within area
<i>Monarcha melanopsis</i> Black-faced Monarch [609]		Species or species habitat known to occur within area
<i>Motacilla flava</i> Yellow Wagtail [644]		Species or species habitat may occur within area
<i>Myiagra cyaneoleuca</i> Satin Flycatcher [612]		Species or species habitat known to occur within area
<i>Rhipidura rufifrons</i> Rufous Fantail [592]		Species or species habitat known to occur within area

Name	Threatened	Type of Presence
Migratory Wetlands Species		
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Numenius madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
Pandion haliaetus Osprey [952]		Species or species habitat may occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

Other Matters Protected by the EPBC Act

Commonwealth Land [\[Resource Information \]](#)

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Name
Commonwealth Land - Australian Telecommunications Commission

Listed Marine Species [\[Resource Information \]](#)

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Ardea alba Great Egret, White Egret [59541]		Breeding known to occur within area
Ardea ibis Cattle Egret [59542]		Species or species habitat may occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
Cuculus saturatus Oriental Cuckoo, Himalayan Cuckoo [710]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species

Name	Threatened	Type of Presence
<u>Merops ornatus</u> Rainbow Bee-eater [670]		habitat likely to occur within area Species or species habitat may occur within area
<u>Monarcha melanopsis</u> Black-faced Monarch [609]		Species or species habitat known to occur within area
<u>Motacilla flava</u> Yellow Wagtail [644]		Species or species habitat may occur within area
<u>Myiagra cyanoleuca</u> Satin Flycatcher [612]		Species or species habitat known to occur within area
<u>Numenius madagascariensis</u> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat may occur within area
<u>Pandion haliaetus</u> Osprey [952]		Species or species habitat may occur within area
<u>Rhipidura rufifrons</u> Rufous Fantail [592]		Species or species habitat known to occur within area
<u>Rostratula benghalensis (sensu lato)</u> Painted Snipe [889]	Endangered*	Species or species habitat may occur within area
<u>Tringa nebularia</u> Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

Extra Information

Invasive Species	[Resource Information]
Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resouces Audit, 2001.	

Name	Status	Type of Presence
Birds		
Acridotheres tristis Common Myna, Indian Myna [387]		Species or species habitat likely to occur within area
Alauda arvensis Skylark [656]		Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]		Species or species habitat likely to occur

Name	Status	Type of Presence
Carduelis carduelis European Goldfinch [403]		within area Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Lonchura punctulata Nutmeg Mannikin [399]		Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Pycnonotus jocosus Red-whiskered Bulbul [631]		Species or species habitat likely to occur within area
Streptopelia chinensis Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Mammals		
Bos taurus Domestic Cattle [16]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Feral deer Feral deer species in Australia [85733]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus norvegicus Brown Rat, Norway Rat [83]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur

Name	Status	Type of Presence within area
Plants		
Alternanthera philoxeroides Alligator Weed [11620]		Species or species habitat likely to occur within area
Anredera cordifolia Madeira Vine, Jalap, Lamb's-tail, Mignonette Vine, Anredera, Gulf Madeiravine, Heartleaf Madeiravine, Potato Vine [2643]		Species or species habitat likely to occur within area
Asparagus aethiopicus Asparagus Fern, Ground Asparagus, Basket Fern, Sprengi's Fern, Bushy Asparagus, Emerald Asparagus [62425]		Species or species habitat likely to occur within area
Asparagus asparagoides Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]		Species or species habitat likely to occur within area
Asparagus scandens Asparagus Fern, Climbing Asparagus Fern [23255]		Species or species habitat likely to occur within area
Cabomba caroliniana Cabomba, Fanwort, Carolina Watershield, Fish Grass, Washington Grass, Watershield, Carolina Fanwort, Common Cabomba [5171]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera Bitou Bush, Boneseed [18983]		Species or species habitat may occur within area
Chrysanthemoides monilifera subsp. monilifera Boneseed [16905]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera subsp. rotundata Bitou Bush [16332]		Species or species habitat likely to occur within area
Cytisus scoparius Broom, English Broom, Scotch Broom, Common Broom, Scottish Broom, Spanish Broom [5934]		Species or species habitat likely to occur within area
Genista monspessulana Montpellier Broom, Cape Broom, Canary Broom, Common Broom, French Broom, Soft Broom [20126]		Species or species habitat likely to occur within area
Genista sp. X Genista monspessulana Broom [67538]		Species or species habitat may occur within area
Lantana camara Lantana, Common Lantana, Kamara Lantana, Large- leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]		Species or species habitat likely to occur within area
Lycium ferocissimum African Boxthorn, Boxthorn [19235]		Species or species habitat likely to occur within area
Nassella neesiana Chilean Needle grass [67699]		Species or species habitat likely to occur within area
Nassella trichotoma Serrated Tussock, Yass River Tussock, Yass Tussock, Nassella Tussock (NZ) [18884]		Species or species habitat likely to occur within area
Opuntia spp. Prickly Pears [82753]		Species or species habitat likely to occur within area
Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding		Species or species

Name	Status	Type of Presence
Pine [20780]		habitat may occur within area
Protasparagus densiflorus Asparagus Fern, Plume Asparagus [5015]		Species or species habitat likely to occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Salvinia molesta Salvinia, Giant Salvinia, Aquarium Watermoss, Kariba Weed [13665]		Species or species habitat likely to occur within area
Senecio madagascariensis Fireweed, Madagascar Ragwort, Madagascar Groundsel [2624]		Species or species habitat likely to occur within area
Ulex europaeus Gorse, Furze [7693]		Species or species habitat likely to occur within area

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat; or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-34.112201 150.731524,-34.113338 150.762079,-34.178263 150.760534,-34.176559 150.721739,-34.112343 150.731352,-34.112201 150.731524

Acknowledgements

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [Office of Environment and Heritage, New South Wales](#)
- [Department of Environment and Primary Industries, Victoria](#)
- [Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [Department of Environment, Water and Natural Resources, South Australia](#)
- [Department of Land and Resource Management, Northern Territory](#)
- [Department of Environmental and Heritage Protection, Queensland](#)
- [Department of Parks and Wildlife, Western Australia](#)
- [Environment and Planning Directorate, ACT](#)
- [Birdlife Australia](#)
- [Australian Bird and Bat Banding Scheme](#)
- [Australian National Wildlife Collection](#)
- Natural history museums of Australia
- [Museum Victoria](#)
- [Australian Museum](#)
- [South Australian Museum](#)
- [Queensland Museum](#)
- [Online Zoological Collections of Australian Museums](#)
- [Queensland Herbarium](#)
- [National Herbarium of NSW](#)
- [Royal Botanic Gardens and National Herbarium of Victoria](#)
- [Tasmanian Herbarium](#)
- [State Herbarium of South Australia](#)
- [Northern Territory Herbarium](#)
- [Western Australian Herbarium](#)
- [Australian National Herbarium, Canberra](#)
- [University of New England](#)
- [Ocean Biogeographic Information System](#)
- [Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [Geoscience Australia](#)
- [CSIRO](#)
- [Australian Tropical Herbarium, Cairns](#)
- [eBird Australia](#)
- [Australian Government – Australian Antarctic Data Centre](#)
- [Museum and Art Gallery of the Northern Territory](#)
- [Australian Government National Environmental Science Program](#)
- [Australian Institute of Marine Science](#)
- [Reef Life Survey Australia](#)
- [American Museum of Natural History](#)
- [Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

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4th April 2017

The General Manager
Wollondilly Shire Council
62-64 Menangle St
Picton NSW 2571

Attention: Mr David Smith

Dear Mr Smith,

**SUBMISSION – GREATER MACARTHUR PRIORITY GROWTH AREA
- SUPPLEMENTARY INFORMATION**

We note that the Department of Planning and Environment (DPE) has referred Mirvac's submission dated 13th February 2017 (The Submission), which provides additional information to support the inclusion of stages two and three of the landholding at Station Street Menangle (the landholding) within the Greater Macarthur Priority Growth Area (GMPGA), to Wollondilly Shire Council (Council) for comment. We also note that a report is being prepared for the Wollondilly Shire Councillors and will be discussed at the May 2017 Council meeting. To supplement The Submission we provide the following further information and clarifications:

Green Space

Attached to this letter as Annexure A, is a draft concept structure plan (concept plan) that identifies the extent of residential land and the possible extent of open and recreational space, school sites and ancillary community infrastructure lands that the landholding may accommodate. The total open space area may potentially equate up to approximately 230 hectares as originally indicated in The Submission. These spaces offer flexibility in use and could contain open 'green' active or passive spaces, retained vegetation areas, sports grounds, schools or any other type of public/ community space deemed to be required. The concept plan also identifies the areas within the landholding that could accommodate neighbourhood centres/ employment lands which we believe would be essential to support the new population.

The concept plan introduces the ability for the Nepean River foreshore to be activated and made accessible to the public. This creates further opportunities for the public to engage in recreational activities within the landholding. The concept plan considers the areas that are believed to contain high biodiversity values and proposes to retain these areas. The final design and layout of the masterplan will be further refined to respect the interface with these items as detail design progresses.

Mirvac prides itself on creating Great Places for Life and we understand that an essential part of any masterplanned community is providing accessible and useable public spaces. Mirvac willingly embraces the opportunity to work with Council in the provision of facilities required to fulfil the local areas recreational gaps to ensure that the greatest public benefit is attained.

Heritage

We note that the Historical and Aboriginal Assessment undertaken by AECOM dated 10th February 2017 (AECOM report) which formed part of The submission addresses both Aboriginal and European Heritage and refers to the Heritage Conservation – Landscape Area within the landholding. The assessment identifies that there are future heritage management works required to be addressed however concludes that these management works *“do not preclude the Project area being included in the Greater Macarthur Priority Growth Area, rezoned for residential development”*.

We provide the following further information to respond to the heritage conservation areas;

Wollondilly Shire Council DCP 2016 (DCP) Volume 1 – General provides information on heritage controls. Clause 6.1 of Part 6 Heritage (specific locations) lists the objectives of heritage conservation which is *“To provide specific guidance and controls for development of key conservation areas in Wollondilly.”*

Clause 6.3 of the DCP suggests controls for the Heritage Conservation Area Menangle. However no controls or guidance are listed for the Menangle *Landscape* Conservation Area. We subsequently confirm the proposal does not conflict with any listed objectives or controls of the DCP for the Menangle *Landscape* Conservation Area.

There seems to be ambiguity in controls within the Wollondilly Local Environmental Plan 2011 (LEP) pertinent to the Menangle Landscape Conservation Area and whether it relates to the local heritage landscape values which may be natural or built or a combination of.

Heritage items are listed and described in Schedule 5 of the LEP. Heritage conservation areas are shown on the Heritage Maps in addition to being described in Schedule 5. Item no C6 under part 2 of Schedule 5 lists the Menangle Landscape Conservation Area. Extracts from Clause 5.10-Heritage Conservation of the LEP notes the following objectives:

- (a) *to conserve the environmental heritage of Wollondilly,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

Section 5.10(b) objective refers to conserving *“fabric, settings and views”*. The planning controls in the DCP and LEP do not refer to a heritage study of Menangle, or any other documents, that outline how these values need to be conserved. Thus we subsequently confirm that the proposal does not conflict with any listed LEP controls that cannot be adhered to.

Interestingly Clause 5.10 infers that prior to issuing a development consent Council may potentially require the proponent to develop a *“heritage assessment”* and/or a *“heritage conservation management plan”*. However at this point of the process a development consent is not being sought as the proposal before Council and the DPE seeks to include the landholding within the GMPGA. Nevertheless point 5 within section 8 of the AECOM report confirms our intent and nominates that:

“A Heritage Management Plan should also be produced for the ongoing management of historical items in relation to specific works in the Project area, once those works have been defined. Existing CMPs for heritage items should be utilised as appropriate and used to guide avoidance of both direct and indirect impacts, with specific consideration to be given to visual impacts on the Menangle heritage landscape once specific proposed impacts for the Project area have been defined.”

Our commitment to respecting and honouring the heritage significance of the site is further highlighted in the plan provided in Annexure B. The plan displays the concept plan with the landscape conservation area as defined in Council LEP heritage mapping overlaid. This plan shows that the majority of the landscape conservation area north of Station Street is proposed to be retained along with all the area to the southwest, north west and west. Further the significant vegetation within the landscape conservation area to the east and south of Station Street is proposed to be retained.

Consequently we believe that the concept plan identifies, addresses and maintains the significant landscape heritage values of the area and does not promote an insensitive overdesign of residential development, but rather a socially responsible and socially sustainable outcome. Mirvac supports the retention of important heritage values and is dedicated to ensuring that development is sympathetic to the character of the heritage conservation area and ensuring that heritage values and development are appropriately integrated.

We have reviewed the heritage conservation objectives and controls within the LEP and DCP and are confident that the concept plan can positively address and respond to the heritage conservation values within the area and we acknowledge that the impacts of development on the heritage conservation areas shall be further investigated at the development application stage.

We reiterate that the recommended works for future heritage management within the Project area do not preclude the Project area being included in the Greater Macarthur Priority Growth Area, rezoned for residential development.

Road and Services Infrastructure

As noted in the Submission there are little to no upfront works/costs required to service the initial 1,300 to 1,400 allotments (approx. 10 years of supply) for water, wastewater and power services to the landholding. With regard to the servicing of the lots beyond 10 years we have been advised that the Service Authorities have indicated that there are strategies being prepared to service the Greater Macarthur area including the balance of the landholding.

The Transport and Movement Study dated 17th July 2014 prepared by EMM Consulting for the stage 1 planning proposal refers to proposed upgrades to the Station Street and Menangle Road and Station Street and Moreton Park Road intersections in addition to a new intersection on Menangle Road north of Station Street. As indicated in the study these upgrades should provide capacity for a limited number of additional lots created within the balance of the landholding however further upgrades will be required to cater for the full extent of the landholding once developed. These upgrades would be delivered in stages in line with the staged development of the landholding.

We have assessed the potential to undertake a report defining the possible road infrastructure upgrades to cater for the balance of the landholding beyond stage one with EMM Consulting. Their advice remains consistent with the DPE who have advised that a holistic regional investigation needs to be undertaken that includes the forecasted increase in dwellings/ population for the adjoining sites within the GMPGA earmarked for rezoning in addition to the balance of the landholding. Further, any investigations would also need to consider the road upgrades already proposed within the area i.e. the Spring Farm Link Road and M9 Outer Sydney Orbital and consider how they would impact the proposed development in the area.

The Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan defines a potential delivery pathway for transport infrastructure. A plan from this report is provided as figure 1 within this letter and details infrastructure upgrades envisaged. We anticipate that further investigation and development of this plan will be undertaken in the future as the rezoning of the GMPGA proceeds.

This action plan states that "Before rezoning takes place, an appropriate mechanism will need to be in place to secure the infrastructure needed to support growth. The preferred approach is a Special Infrastructure Contribution (SIC) at no cost to government, otherwise a series of planning agreements could need to be entered into between the Minister for Planning and the relevant proponents. A Special Infrastructure Contribution will create a framework to share the costs and coordinate delivery of major new transport and community infrastructure."

Mirvac acknowledges that the Greater Macarthur Land Release Investigation Consultation Update dated June 2016 (Consultation Update) highlights that one of the most common concerns raised during the public exhibition of the proposal to include Wilton, Menangle Park and Mount Gilead as priority growth areas in the Growth Centres SEPP was in relation to Traffic and Transport (clause 3.3). The Consultation Update responds to the concerns raised as follows at paragraph four of clause 4.2:

“The Department is working with councils, developers and the transport agencies to address concerns about the impact additional development will have on the capacity and safety of roads, ...” “...The implementation of the growth areas is strongly grounded in the principle that infrastructure must be developed in parallel with growth and a satisfactory level available from the first dwelling occupied and expanded in stages.”

Further, clause 4.2 of the Consultation Update states at paragraph 6:

“Rezoning will only occur in the new growth areas where they are supported by commitments to deliver the necessary infrastructure. The Department is investigating establishing special infrastructure contributions schemes (SIC) for each growth area to secure private sector funding and delivery of necessary enabling infrastructure.”

As noted above we anticipate that transport and infrastructure upgrades shall be determined during the preparation of the infrastructure strategies through the GMPGA rezoning process that will naturally include the upgrades required to support the additional dwellings within the landholding should the landholding be included within the GMPGA. Mirvac forsee that upgrades to roads will be required and is supportive of a SIC scheme being established to ensure the required infrastructure is delivered to the GMPGA.

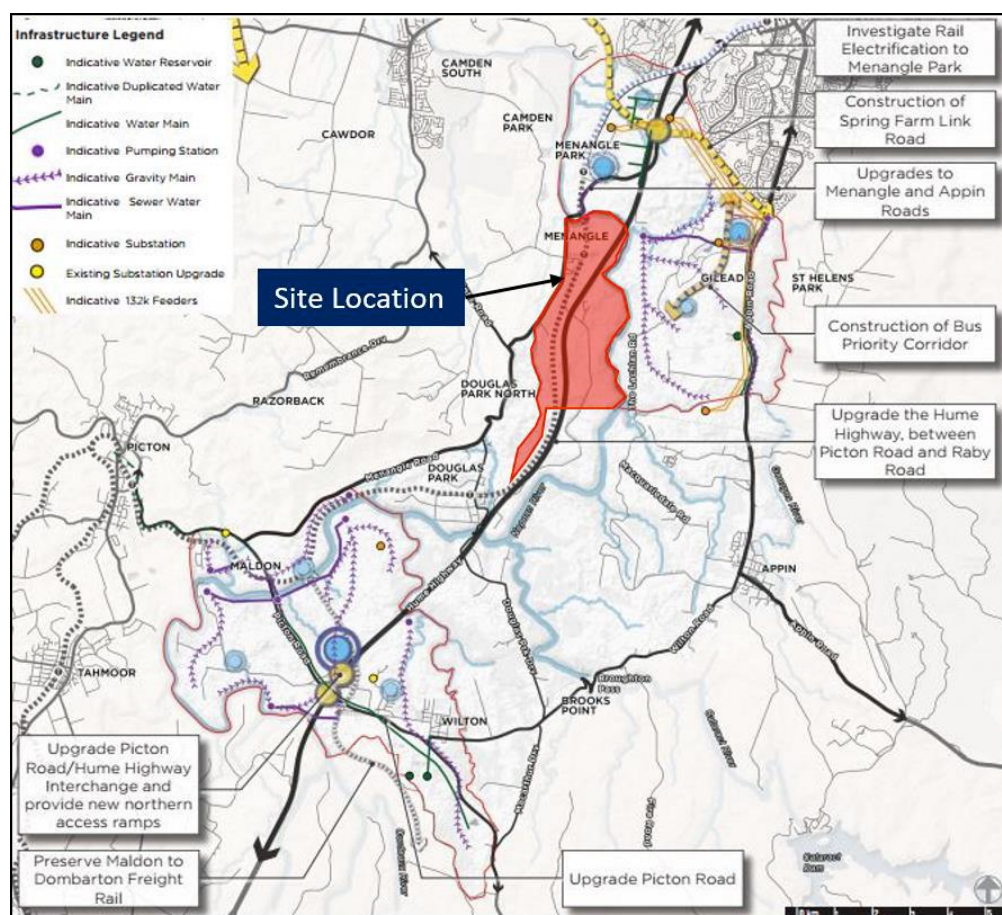


Figure 1: Infrastructure and Mirvac Landholdings

<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/greater-macarthur-land-release-investigation-land-use-and-infrastructure-analysis-preliminary-strategy-and-action-plan.ashx>

Planned Coal Mining

Further to The Submission where it was advised that Mirvac and SouWest (whom represent the owners of the landholding) were in discussions with South32 (the miners whom holds the mining lease over parts of the landholding) regarding satisfying the mining issue at the site, we can now

confirm that an agreement has been reached. Please refer to the South32 letter attached as Annexure C that confirms that a deed of agreement has been executed by all parties involved *“for the purposes of the relinquishment of the mining rights on those parts of its tenements impacted by the development”* as detailed within the letter and plan attached to the letter.

We note that the plan attached to the South32 letter indicates that the south-western part of the landholding remains subject to mining. Mining is currently being undertaken within this area however as the surface development of the landholding is proposed to commence from the north moving south it is anticipated that the mining within this area will well and truly be completed by the time the surface development proceeds and as such, any subsidence in the area will have eventuated, thus having no impact on surface development.

It should also be noted from the plan attached to the South32 letter that the Stage 2 Proposed Tenement Relinquishment area includes the existing Menangle Village. This further demonstrates Mirvac’s want to ensure that a greater public benefit is secured with any rezoning.

With the above agreement now executed the mining constraint at the landholding is removed.

South West Draft District Plan

On the 21st of November 2016, the Greater Sydney Commission (GSC) released the Draft District Plans which aim to guide the future sustainable growth of the City through to 2036. In addition to this, a Draft Amendment to the Sydney Metropolitan Plan, “A Plan for Growing Sydney” has also been released titled “Towards our Greater Sydney 2056”.

The GSC is responsible for metropolitan planning between State and local government thus, the role of the Draft District Plans will be essential in setting the guiding principles for further growth for Greater Sydney.

The District Plans are also crucial in setting the criteria for the “strategic merit test” for pre-Gateway Reviews of Planning Proposals, which now rely on the land being identified in key strategic documents to enable the progression to a Gateway review of a Planning Proposal.

As a key strategic document, the South West District Plan must give clear, unambiguous messages supporting the location for the delivery of future housing to satisfy market demand and affordability in an area where the new Western Sydney Airport will generate significant demand for further urban release areas.

The Draft South West District Plan relates to Greater Sydney’s South West District, which includes the Campbelltown, Camden and Wollondilly local government areas. The South West is one of the fastest growing districts in Greater Sydney. Over the next 20 years, its population is expected to increase to over one million people. The district is rich in Aboriginal and European heritage and thus has constraints in terms of development potential and housing growth. This, coupled with the abundance of natural resources such as coal, ready for extraction, limits growth opportunities.

Despite these challenges, the South West is a rapidly changing area in Greater Sydney. It is growing year on year and is home to some of Greater Sydney’s largest urban land release areas. As some of these greenfield areas near completion, there is a need to explore for further land release in the South West District to maintain housing supply over the coming decade. The GMPGA offers the South West District with the opportunity to continue housing supply in the area.

The Draft District Plan states that:

A Plan for Growing Sydney Goal 2 is for a city of housing choice, with homes that meet our needs and lifestyles. The Directions included:

- accelerate housing supply across Greater Sydney
- accelerate urban renewal across Greater Sydney – providing homes close to jobs
- improve housing choice to suit different needs and lifestyles
- deliver timely well planned land release precincts and housing.

Since the release of A Plan for Growing Sydney the projections for growth have been revised upwards. The projections include multiple scenarios with the middle scenario of 725,000 additional dwellings over 2016- 2036. This is an increase of 9% from A Plan for Growing Sydney owing to revised population projections. The projections for a high growth scenario require an additional 830,000 dwellings.

There is a need to accelerate housing supply across Greater Sydney to accommodate new housing growth while also responding to housing affordability. While the planning system cannot directly build new homes, it plays a key role in creating opportunities for new housing in the right locations.

Housing supply, affordability and diversity are key issues facing all of Sydney's Districts and the South West District is no different. The South West District has typically been characterised by large detached dwellings many on large lots in a rural setting. As the South West District grows and evolves, with increased employment opportunities and accessibility, demand for housing and employment will also grow. By 2036, the South West District's population is projected to grow by an estimated 373,000 people, to around 1.088 million. This equates to 31,450 dwellings to be delivered in the five year period to 2021. On an annual basis, this is a substantial increase in what has been delivered out of all release areas last year.

The Draft District Plan notes that as a District, the area offers lower employment densities, a less diversified District economy, fewer transport links, housing diversity and affordability. With the challenge of meeting housing supply targets through the availability of suitable land, the landholding at Menangle presents an opportunity to help meet these targets. The five year housing targets whilst not overly ambitious, still require that adequate greenfield land is identified through the District Plans or an amendment to A Plan for Growing Sydney.

Mirvac has a proud history of housing innovation to assist in providing diverse and affordable housing options (eg New Brighton Golf Course, Parkbridge, Newbury and the Elizabeth Hills precinct Developments). This experience and history, is valuable to achieving housing diversity and affordable housing targets as set out in the District Plan. Through the landholding at Menangle, Mirvac has the ability to provide greater housing diversity and choice in the South West District together with affordable housing options.

Mirvac are not just developers, but are community builders and foster many of the aims and objectives set out in the District Plan which seek to make communities more liveable. Mirvac have and continue to produce a variety of housing typologies including conventional detached, semi-detached, attached and terrace row housing and residential flat buildings. However Mirvac also offers innovative separate titled studios, triplexes, manor homes and Mirvac's new multigenerational home designs that promote housing diversity and address affordability constraints.

The release of the landholding at Menangle is preferable to most as it can be easily serviced, is controlled by one entity, is located on Menangle station transportation node and can supply both housing and employment lands to the South West District.

Sustainability Priority 7 outlines that:

"The resolution of a preferred alignment for the Outer Sydney Orbital will change the structure of major transport corridors in the South West District, and flowing from this, the relationship between transport corridors and land use boundaries. These relationships will be considered as part of the review of A Plan for Growing Sydney in 2017." P149

The proposed location of the Outer Sydney Orbital is shown in Figure 2. The future location of the M9 Motorway will be beneficial to the whole South West District and will open the landholding to future development making it more accessible to employment lands in Western Sydney and to the future Western Sydney Airport as well as providing improved access to regional NSW and Newcastle, Wollongong and Canberra.

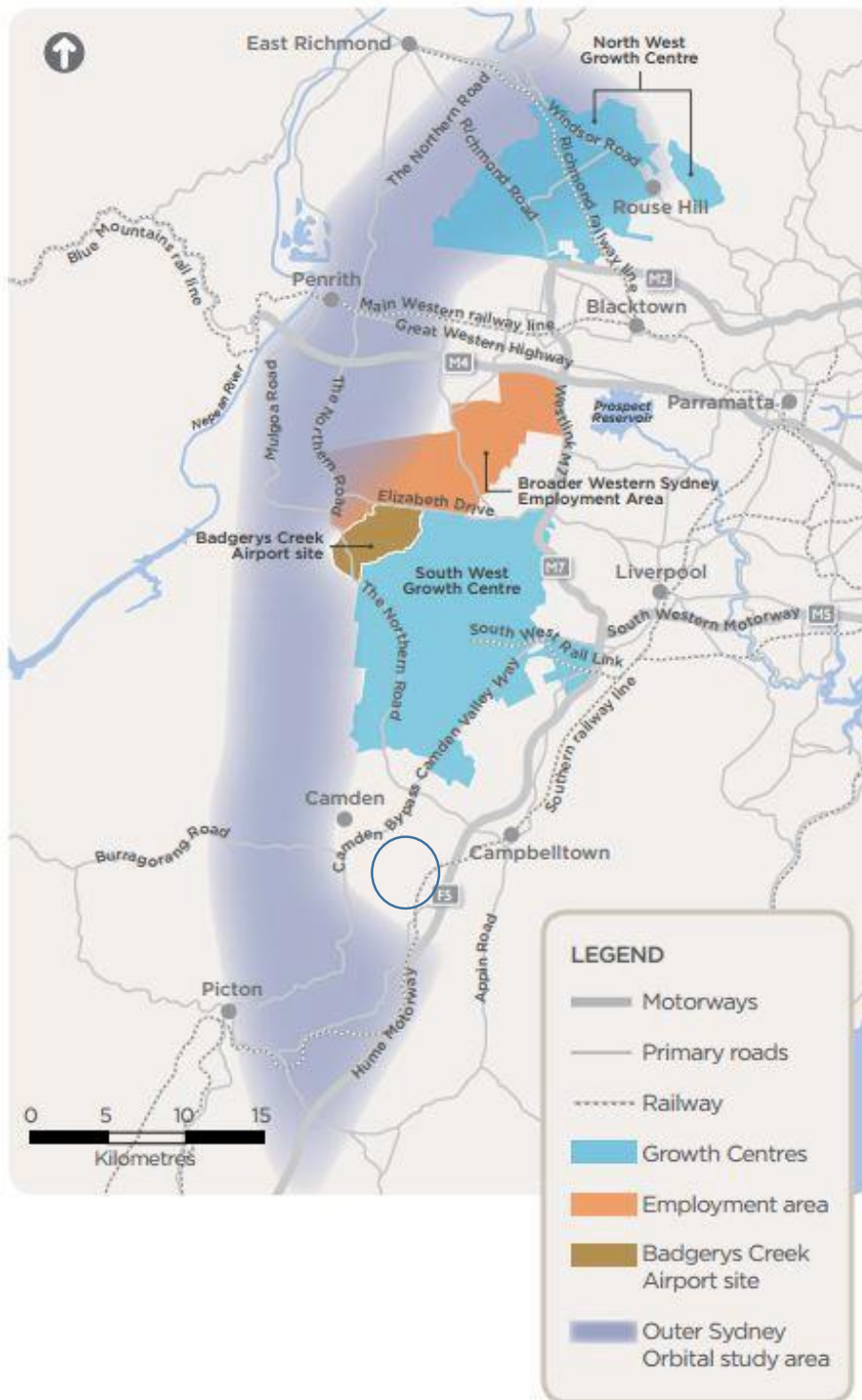


Figure 2: Proposed location of Outer Sydney Orbital

<http://www.planning.nsw.gov.au/~media/Files/DPE/Plans-and-policies/greater-macarthur-land-release-investigation-land-use-and-infrastructure-analysis-preliminary-strategy-and-action-plan.ashx>

With the projected population increases for the South West District, there will be a real challenge to meet the targets which have been set. Unlike the “urban renewal areas”, the consideration in the Draft District Plan for New Communities in land release areas does not provide any criteria on which to assess the strategic merit of a proposal coming forward.

The key requirement is that council are required to continue to progress work on the GMPGA. It can be interpreted that this may also relate to the extent of the priority growth area and a possible

expansion of this area. It would appear that given the merits of the site as a suitable area for urban development, an expansion to the priority growth area should be strongly considered.

The land is also within close proximity to not only the proposed M9 Outer Sydney Orbital but also the Spring Farm Link Road as seen in Figure 1 and will be within close proximity to Sydney's second airport at Badgery's Creek. This, together with the existing train station at Menangle and road links, make the land a viable opportunity for both residential and employment generating development.

Mirvac acknowledges that it is important that the proposal for the landholding responds to and addresses the priorities and actions depicted in the Draft South West District Plan which have been established to achieve a Productive, Liveable and Sustainable City. As such, we provide the following tables of Priorities and Actions from the Draft South West District Plan that apply to the landholding with a note for each on how the Menangle proposal addresses each.

A Productive City:

- Integrating land use and transport planning for greenfield areas
Refer to Action P10 in the table below
- Coordinating infrastructure planning with population growth – enhancing local access. This includes supporting the growth of retail floor space.
Refer to Action P17 in the table below
- Strengthening the diversity of employment choices
Refer to Action P21 in the table below

Action	Outcome	Menangle Proposal
P10: Encourage and support the use of public transport	Increased public transport patronage	The Menangle proposal surrounds the Menangle Train Station. The opportunity to provide additional housing, commercial premises and community facilities in close proximity to the train station will contribute to increasing public transport mode share. This will benefit the future population of the proposal and the wider community.
P17: Set parameters for the delivery of local jobs as a condition of approval for rezoning in new release areas	Increase in total local jobs	<p>The Menangle Proposal includes proposed rezoning and development of land for employment opportunities, allowing opportunities for local employment and the community to work closer to where they live.</p> <p>There are two areas on the eastern and western side of Menangle Train Station that are proposed to be rezoned B1 Neighbourhood Centre as part of the Stage 1 Planning Proposal. It is envisioned that the Creamery Precinct (western side of Menangle Train Station) will contain food and drink premises, and potential shops. This precinct would provide jobs for the local community, especially in the hospitality industry. As the concept plan indicates further employment lands could be accommodated to the south of the landholding which in addition to the proposed B1 zoned land on the eastern side of the station could accommodate retail floor space, medical, community and child care facilities, depending on the needs of the local community and ensuring designs are sympathetic with heritage.</p> <p>By taking advantage of the existing rail line and providing an increased range of local employment opportunities, the proposal has the potential to reduce the number of local residents taking lengthy commutes out of the area to access employment.</p>

P21: Leverage the South West District's potential as a visitor destination	Increased visitation	According to the Draft South West District Plan, the South West District has distinctive natural and cultural assets that differentiate it from other areas. The proposal will provide a visitor destination for the South West District with the provision of the Creamery Precinct.
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A Liveable City:

- Improving housing diversity and affordability
Refer to Action L8 in the table below
- Facilitate the delivery of safe and healthy places.
Refer to Action L12 in the table below
- Conserve heritage and unique local characteristics.
Refer to Action L13 in the table below
- Responding to people's needs for services – including supporting the plan to meet the demand of school facilities.
Refer to Action L16 in the table below

Action	Outcome	Menangle Proposal
L8: Undertake broad approaches to facilitate affordable housing	Increase in affordable housing	<p>The proposal could provide a combination of low and medium density residential development. The combination of densities provides opportunities for a range of housing types to accommodate 'aging in place' as well as affordable housing. Housing diversity can make provision for housing that is more affordable to rent and buy, meeting these important equity needs.</p> <p>The provision of a range of residential lot sizes, with varying dimensions, provides for greater choice of potential housing products, types and sizes. This would assist in facilitating housing diversity and choice to meet the different housing needs of the community.</p>
L12: Develop guidelines for safe and healthy built environments	Contribute to improved health outcomes and increased walking and cycling	<p>The proposal can provide an interconnected network of footpath and bicycle paths connecting people to the train station, proposed commercial and open space areas, increasing activity levels and reducing congestion for local trips.</p> <p>Through a Voluntary Planning Agreement it is proposed that a shared pedestrian/cycle bridge will be delivered over the railway. This will complete the link for development on the western and eastern sides of the railway line to each other and transport and facilities.</p>
L13: Conserve and enhance environmental heritage including Aboriginal, European and natural	Identification and protection of heritage elements	<p>The proposal aims to enhance the heritage value of the site by preserving and re-adapting items of local heritage significance within the Creamery Precinct. The restoration of these items will allow them to be made publicly accessible and enjoyed by the wider community. Their adaptive reuse will enable public access to, and appreciation of the significance of these items, which is not currently available to the community.</p> <p>The proposal also responds to the significant heritage items outside the site, by respecting view lines between</p>

		<p>St James Church to the south of the site and the rail bridge to the north of the site.</p> <p>The proposal is committed to recognising, protecting and managing Aboriginal heritage in collaboration with relevant custodians and State agencies. Detailed archaeological assessments and a cultural heritage assessment involving consultation with Aboriginal stakeholders would be completed at an appropriate future development application stage in the site planning process.</p>
L16: Support planning for school facilities	Improved education infrastructure decision making	<p>The Menangle concept plan has identified three potential sites that could be utilised for government and private, primary and secondary schools to cater for the needs of the growing population within the area.</p> <p>The potential for the shared use of facilities between schools and the local community, including playing fields and indoor facilities to complement existing community facilities in the area could be explored in the future.</p>

A Sustainable City:

- Protecting the District's waterways
Refer to Action S4 in the table below
- Protecting and enhancing biodiversity
Refer to Action S6 in the table below
- Delivering Sydney Green Grid
Refer to Action S9 in the table below
- Managing the Metropolitan Rural Area

Action	Outcome	Menangle Proposal
S4: Improve the management of waterways in Priority Growth Areas	Improved water quality and waterway health	Mirvac supports water sensitive urban design measures. These measures would be investigated during the development application process.
S6: Develop a Strategic Conservation Plan for Western Sydney	Protection and management of areas of high environmental value	<p>The proposal has aimed to as far as practicable avoid areas with high biodiversity values to minimise any adverse effects.</p> <p>Any unavoidable impacts from future development will be mitigated and compensated during the development application process.</p> <p>The riparian corridors are proposed to be retained and maintained in line with the requirements of Council and the NSW Office of Water policies and guidelines.</p>
S9: Develop support tools and methodologies for local open space planning	Improved utilisation of open space and increased provision of open space	As per the concept plan the landholding can provide areas for different types of open space, which the Council can utilise to meet changing community needs.

		Local open space is proposed to be suitably embellished to meet the local recreation needs of the community.
--	--	--

The information contained herein supplements The Submission and provides further supporting information and clarifications to highlight the suitability of the site for development and the unique public and community benefits it contains, offering a socially responsible and sustainable outcome for the public and Council that integrates development with the heritage and rural values of the area.

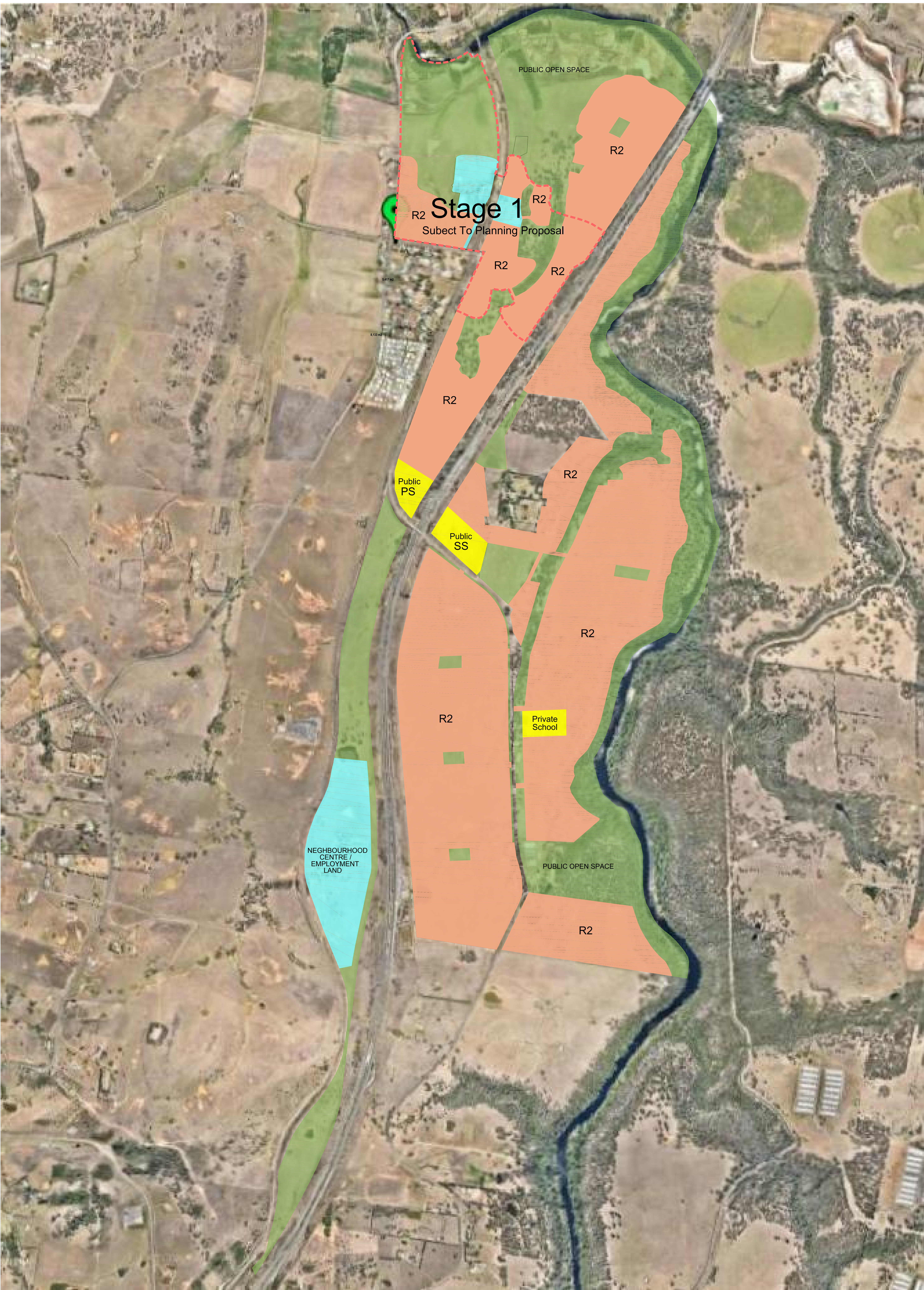
Should you require any further information please do not hesitate to contact the undersigned.

Yours sincerely

Nino Babani
Development Director
Mirvac Homes (NSW) Pty Ltd

CC Chris Stewart, Director Planning, Wollondilly Shire Council

Annexure A



DRAFT

project

**Menangle
Moreton Park Road**

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tel. 02 9080 8000
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Mircac Design Pty. Ltd.
ABN 78 003 359 153



title

Concept Structure Plan

Do not scale off drawing. Use written dimensions only.

date 04.04.2017

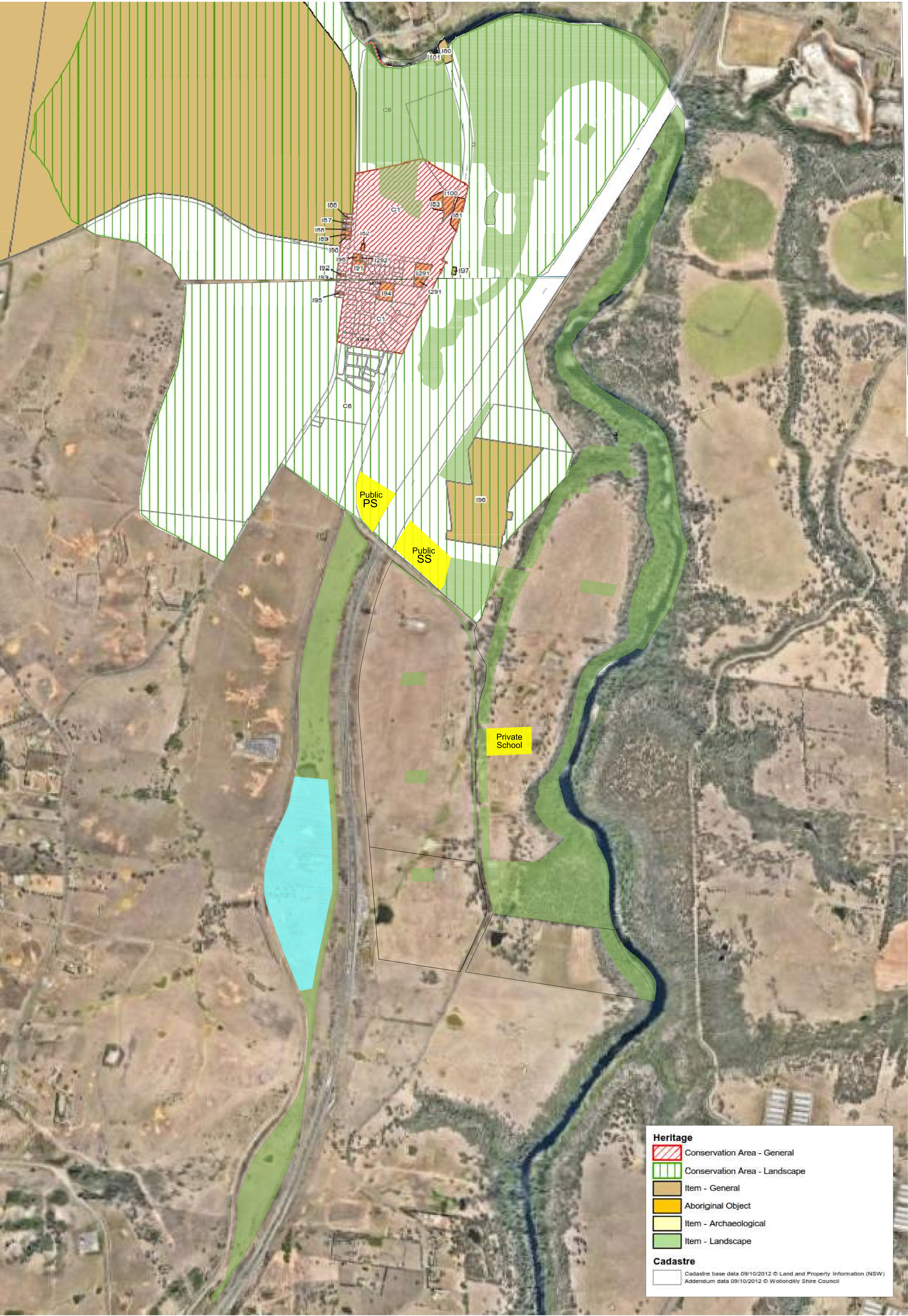
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job no.

drawing no. **MP01**

rev **A**

Annexure B



DRAFT

project
Menangle
Moreton Park Road

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Mircac Design Pty. Ltd.
ABN 78 003 359 153



title
Heritage Overlay

Do not scale off drawing. Use written dimensions only.

date 04.04.2017

scale @ A1 1:6000

job no.

drawing no. **MP02**

rev **A**

Annexure C

30 March 2017

Daniel Seraglio
Mirvac Group
Level 28
200 George Street
SYDNEY NSW 2000

South32
108 St Georges Terrace
PERTH WA 6000
Australia
+61 2 4286 3000
south32.net

Dear Daniel

RE: RELINQUISHMENT OF MINING RIGHTS IN RELATION TO MENANGLE DEVELOPMENT

The purpose of this letter is to clarify to all relevant Government Agencies that a deed of agreement has been executed between Illawarra Coal Holdings Pty Ltd and Endeavour Coal Pty Ltd (together South32), Souwest Developments Pty Ltd and Mirvac Homes (NSW) Pty Ltd (Developer) and El Bethel Pty Ltd and The Central Creamery Pty Ltd (together the Owners) for the purposes of the relinquishment of the mining rights on those parts of its tenements impacted by the development comprising of the following folio identifiers in stages (detailed within Annexure A to this letter):

Description of Land	Land Owner	Development Stage
Lots 201 and Part Lot 202 in DP 590247 Lot 21 in DP 581462	El Bethel Pty Ltd The Central Creamery Pty Ltd	Stage 1
Part Lot 202 and Lot 203 in DP 590247	El Bethel Pty Ltd	Stage 2
Lot 1 in DP 802151 Lot 1, 2, 8, 9 & 10 in DP 248225 Lot 1 DP 550689 Lot 104, 105 & 106 in DP 249189 Lot 2 in DP 567913	DMOL Pty Limited Moreton Park Pty Limited	Stage 3

The agreement recognises that the developer anticipates to carry out a township development on the identified land (subject to rezoning) which is currently subject to exploration and mining tenements held by South32. South32 has agreed with the developer to not carry out any Mining Activities within the subject areas from the commencement of the executed agreement.

In addition, upon rezoning by the relevant authorities and completion of The Landowners obligations, South32 has agreed to (pursue under the Mining Act) the cancellation of part of the Mining Lease as it relates to the identified areas within Annexure A, thus avoiding the need of any coexistence.

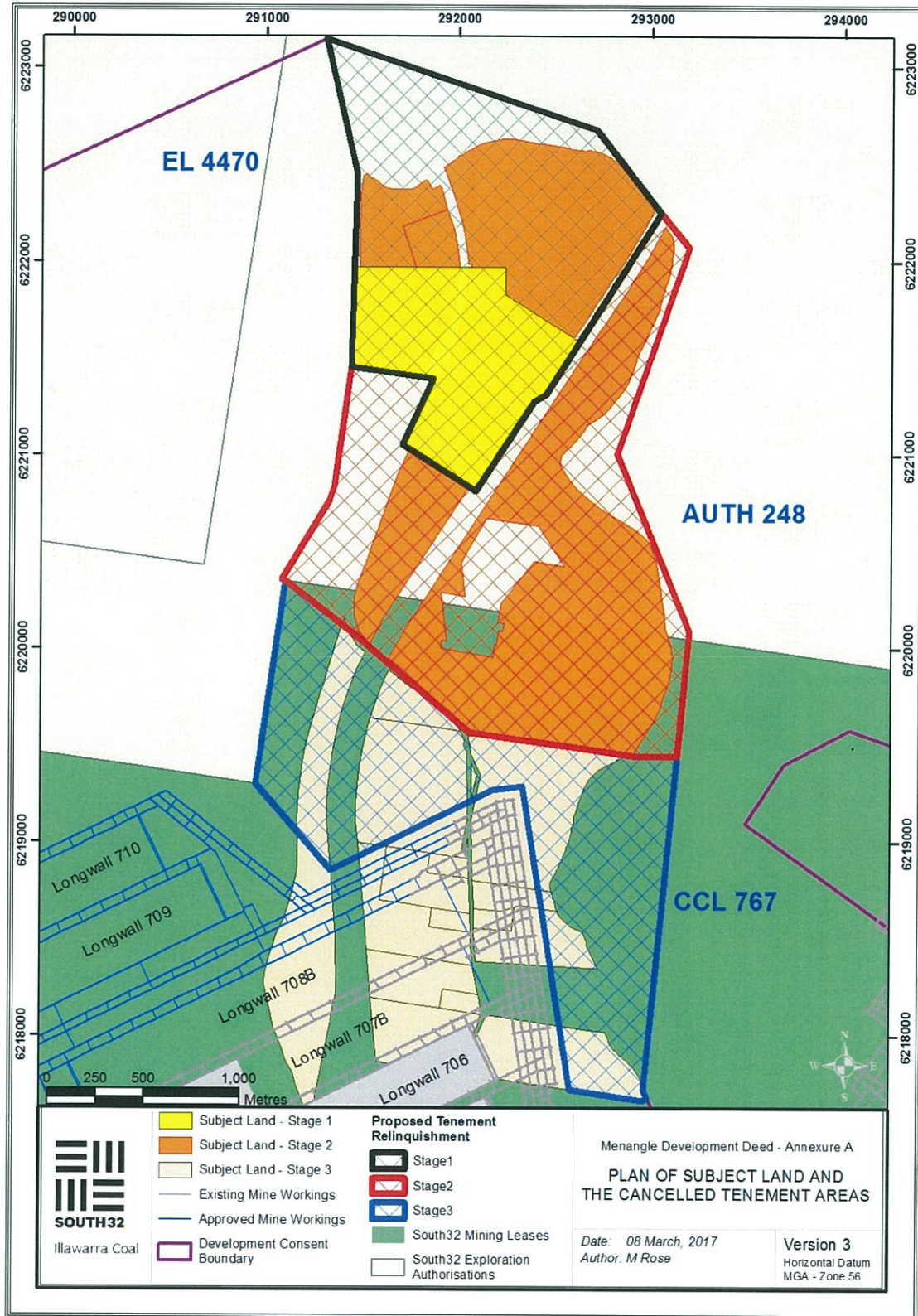
Yours sincerely

Michael Rix
Director

Att.
Illawarra Coal Holdings Pty Ltd
ABN 69 093 857 286

Registered Office 108 St Georges Terrace Perth WA 6000 Australia
ABN 84 093 732 597 Registered in Australia

ANNEXURE A:





Planning & Environment

Office of the Secretary

Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

WOLLONDILLY SHIRE COUNCIL	
TRIM No.	3522-2
PROP. No.	
27 DEC 2014	
AUTH. No.	
ASSIGNED TO: A. Gray	

14/20761

Dear Mr Johnson

The Minister for Planning released *A Plan for Growing Sydney* on 14 December 2014. The Plan will guide land use planning decisions for the next 20 years with new housing located close to jobs, public transport, community facilities and services.

Direction 2.4 in *A Plan for Growing Sydney* is to "Deliver timely and well planned greenfield precincts and housing". There are two actions under this Direction:

1. Action 2.4.1: Deliver greenfield housing supply in the North West and South West Growth Centres.
2. Action 2.4.2: Develop a framework for the identification of new Growth Centres.

The Department's Housing Land Release Branch has commenced work to complete both these actions by the end of June 2015. In particular, Action 2.4.2 has an immediate focus on investigations in the Macarthur South Investigation Area, which includes parts of Campbelltown and Wollondilly Councils. Critical to the success of these actions is the involvement of Councils and Government agencies, and my primary purpose in writing to you is to seek Council's support and involvement to complete Action 2.4.2.

Investigations will determine the suitability of the Macarthur South Investigation Area as a future Growth Centre, with particular focus on environmental constraints, land owner intentions, the suitability of the land for other non-urban purposes, co-existence with mining, and transport and access to employment and services. DP&E has commenced investigations in the Macarthur South Investigation Area and will broaden the scope of those investigations to address these critical issues.

You are invited to nominate a representative to the Project Control Group, to be chaired by Tim Hurst, Acting Deputy Secretary, Growth Design and Programs. Nomination of Council representatives to sit on Project Working Groups will also enable Council to contribute to more detailed investigations on individual aspects of the project.

If you have questions in relation to the Macarthur South investigations, Brendan O'Brien, Executive Director, Infrastructure Housing and Employment, can be contacted on telephone 9228 6240, or email brendan.obrien@planning.nsw.gov.au.

I look forward to your attendance at the first Project Control Group, and to working with you to implement this key action from *A Plan for Growing Sydney*.

Yours sincerely

Carolyn McNally
Secretary

18.12.14

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 March 2015, commencing at 6.32pm

Planning and Economy

PE7 Draft Growth Management Strategy - Impact of "A Plan for Growing Sydney"
243773 TRIM 3522-2

33/2015 Resolved on the Motion of Crs B Banasik and Law:

1. That exhibition of the Draft Growth Management Strategy be delayed until endorsed by the NSW Department of Planning Environment pending the completion of the investigations into a potential Growth Centre in the Macarthur South area.
2. That Council endorse our participation in the investigation into a potential new Growth Centre in Macarthur South as requested by the Department of Planning and Environment.
3. *That it be noted, in relation to the investigation work into the Macarthur South area that Council has yet to establish its position regarding the inclusion or exclusion of certain localities in the potential new Growth Centre.*
4. *That Council's final determination of these planning proposals be deferred until completion of the studies into the Macarthur South investigation area estimated to be six months as per the advice of the Department of Planning.*
5. *That Council commence an independent mediation process that includes key community representatives and further invitations are extended to representatives from the Chamber of Commerce, Appin Scouts, Appin Historical Society, Appin Men's Shed and Sporting Groups. The independent mediator to report on the issues raised by the community as part of the final planning assessment report.*
6. That the Department of Planning and Environment be requested to undertake community engagement with the residents of Wollondilly to keep them informed of the investigation to ensure transparency in the process.
7. *That Council advise the Joint Regional Planning Panel of this resolution and suggest that any planning proposal currently being considered by the Panel be deferred pending completion of the investigation study into the Macarthur South area.*

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 March 2015, commencing at 6.32pm

Planning and Economy

- 8. That Council write to the Local Member stressing the importance of the timeframe for undertaking the Macarthur South investigations.**

On being put to the meeting the motion was declared CARRIED.

Vote For: Crs B Banasik, Law, Terry, M Banasik, Mitchell, Gibbs, and Landow

Vote Against: Cr Hannan

Planning and
Economy

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

Planning and Economy

PE7

Greater Macarthur Land Release Investigation
266876

TRIM 8520

201/2015

Resolved on the Motion of Crs Terry and Law:

That the comments relating to the Greater Macarthur Land Release Investigation, outlined in this report and summarised below, be forwarded to NSW Department of Planning & Environment for their consideration:

- Council is supportive of a new town at Wilton
- The co-existence issue needs further resolution so that key infrastructure and the town centre are not delayed
- Key infrastructure including rail electrification, Spring Farm Link and bus corridors are essential to the success of Greater Macarthur *and upgrades to the Southern Highlands*
- Appin bypass is also essential and should be part funded by urban growth in Campbelltown (Menangle Park and Mount Gilead)
- The increase in the developer contributions cap from \$20,000 to \$34,000 *plus indexation* is essential to enable Council to ensure local infrastructure is provided at required levels *using the National Growth Areas Alliance Data*
- The increase in dwelling numbers requires re-consideration of infrastructure provision and sequencing. Re-examination of social infrastructure is also required.
- Further justification is required for a heavy industrial area at Maldon
- References to individual proposals need to be corrected
- Council's preference remains that health services are provided through a new hospital *using National Growth Areas Alliance data to guide decision making*
- *Council's Growth Management Strategy be re-considered in light of the development forecast in the Campbelltown local government area and likely traffic and other impacts*
- *Council write to the JRPP and raise concern about the appropriateness of considering the Station Street Planning Proposal before 2036 given the lack of suitable infrastructure and impending growth in Menangle Park*
- *Council opposes the land north of Douglas Park being identified as an future industrial site given:*
 - *Air quality issues previously identified in the Macarthur South Regional Study 1991,*
 - *The scenic quality of the area and proximity to the Nepean River,*
 - *The isolation from road and rail infrastructure,*
 - *The extent of employment lands identified elsewhere in the study area in particular Maldon.*

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

Planning and Economy

- ***Council opposes the inclusion of a proposed double lane road from Menangle Park through to Douglas Park, which will need to be constructed over the Nepean River, under a heritage listed rail bridge and through a village that does not have the space to accommodate four lanes and falls within a with a Landscape Conservation Area. Council also opposes the map reference called Douglas Park North.***
- ***Council ensure that all heritage reports held in relation to Menangle village be forwarded to the Department of Planning for their consideration***
- ***Beyond 2036, the Department of Planning investigate growth options consistent with Council's Growth Management Strategy which seeks preservation of agricultural land, biodiversity conservation and rural living through the separation of towns and villages in line with Council's desire for classification as a peri-urban area.***
- ***Council supports the classification of Class 2 soils as encumbered land and recognises its value as a resource which benefits from a water allocation from the Nepean River***
- ***Council supports agriculture being identified as a prominent land use in the study area and considers it to be an important provider of employment which has a multiplier effect***
- ***Further threshold testing be conducted by the Department of Planning to ascertain the need for a civic centre at Wilton and capacity of existing cemeteries***
- ***The Air Quality Study which is part of a future DA for a Gas Plant proposal at Douglas Park be forwarded to the Priority Growth Area Technical Working Group when it becomes available***
- ***The Department of Planning be advised that Council supports an application to establish a National Park / Reserve in the Nepean Gorge adjacent to West Wilton and hence a significant buffer is required to protect the Gorge from the impacts of development.***
- ***Council oppose any Sewer infrastructure Augmentation and Upgrade Plan which involves piping across Rivers and Gorges given the environmental risk and visual impact***
- ***Council request the Wilton Structure and Draft Vision Structure be amended to reflect the Wilton Junction Master Plan***
- ***Council request that the Wilton Junction Precinct rezoning be placed on public exhibition as soon as possible. At the latest the rezoning should be placed on public exhibition concurrently with the Greater Macarthur Land Use and Infrastructure Strategy, currently timetabled for early 2016. This will ensure that the delivery of the new town, including housing supply, jobs and required infrastructure not be further delayed.***
- ***That the State Government be requested to confirm with RMS and the Federal Government to formalise where future roads and rail infrastructure is going to be placed.***

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 16 November 2015, commencing at 6.32pm

Planning and Economy

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Terry, M Banasik, B Banasik, Hannan, Gibbs, Law and Landow

Planning and
Economy

**State Environmental Planning
Policy (Sydney Region Growth
Centres) 2006**

**Greater Macarthur Priority Growth Area
Precinct Boundary Map
Sheet PCB_001**

LEGEND

Growth Centre Boundaries

-  Greater Macarthur Priority Growth Area Precinct Boundary
-  Greater Macarthur Priority Growth Area Boundary

Cadastral

Cadastral @ 20/06/2016 NSW LPI



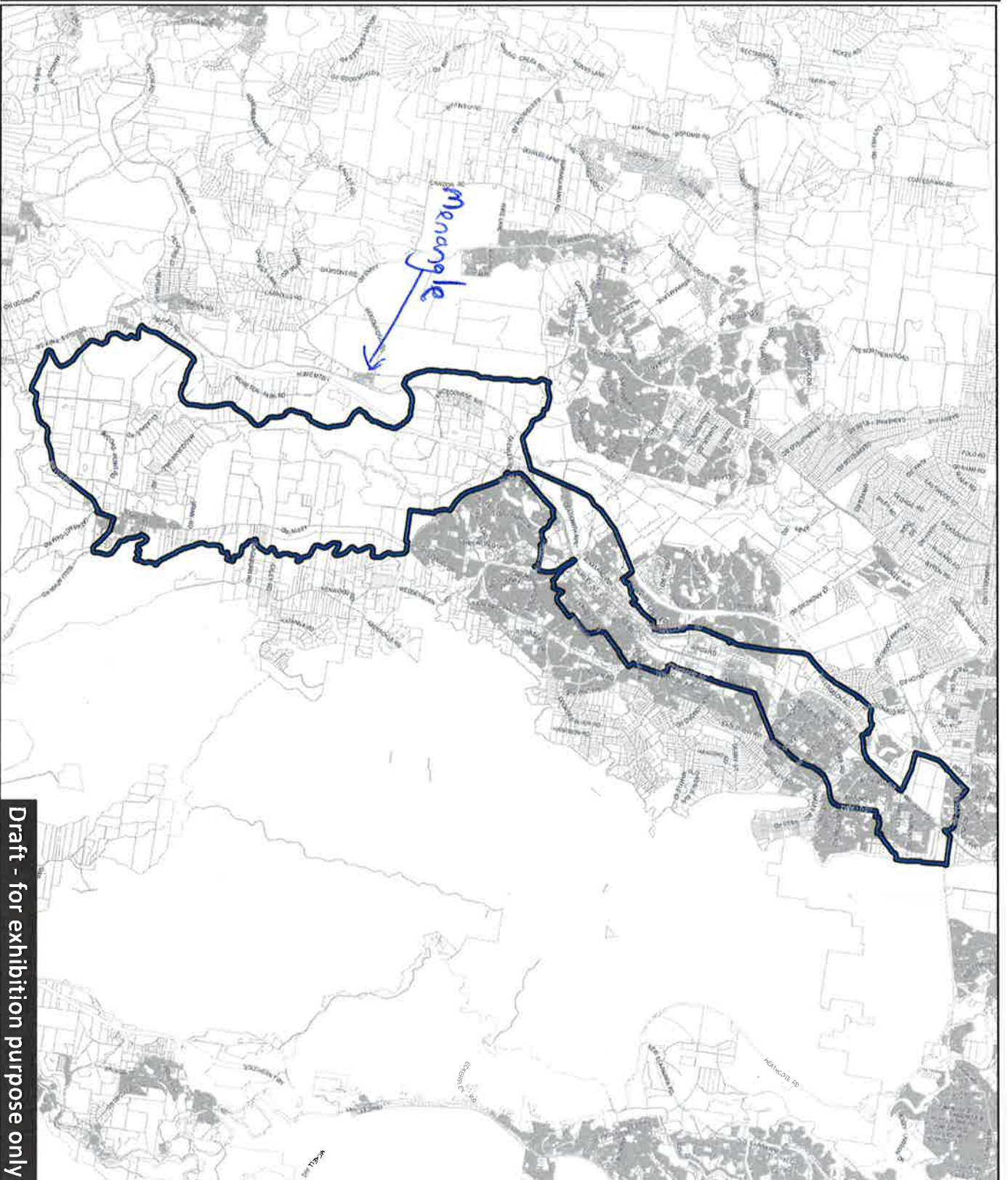
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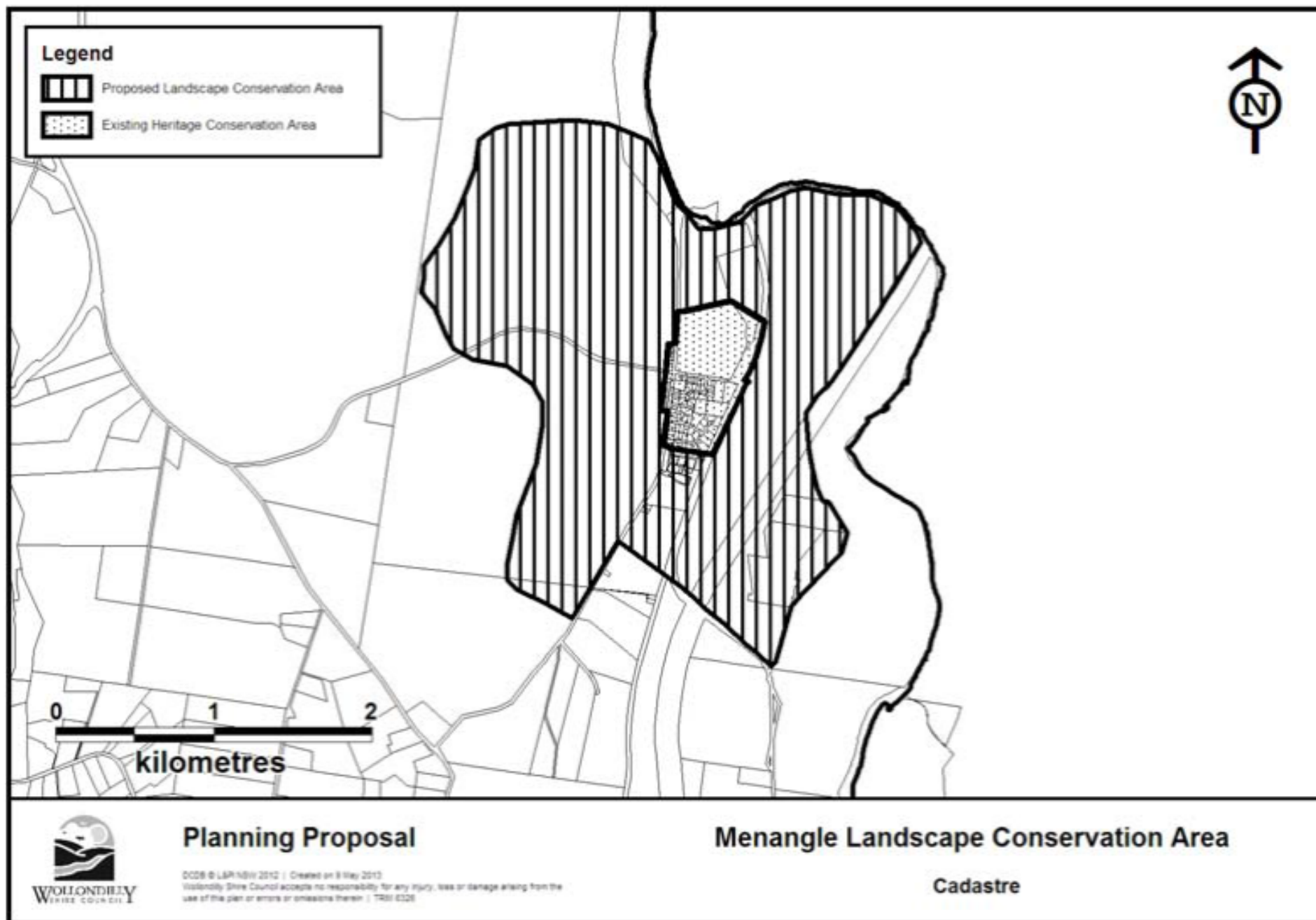
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Date: 06/06/16

Map Identification Number: SEP7_SPOC_WT_PCB_001_120_2016060

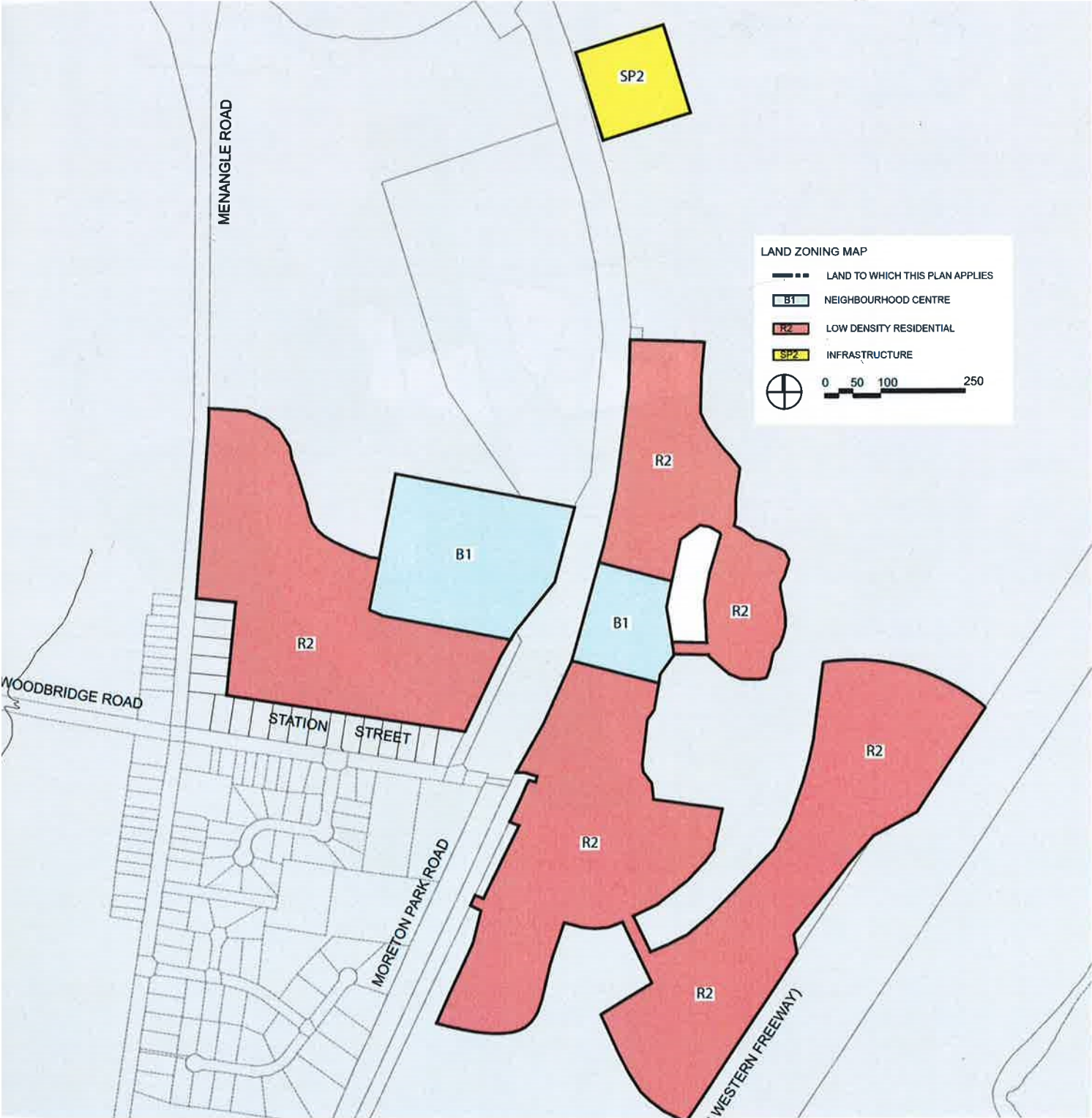


Draft - for exhibition purpose only



Proposed LEP maps

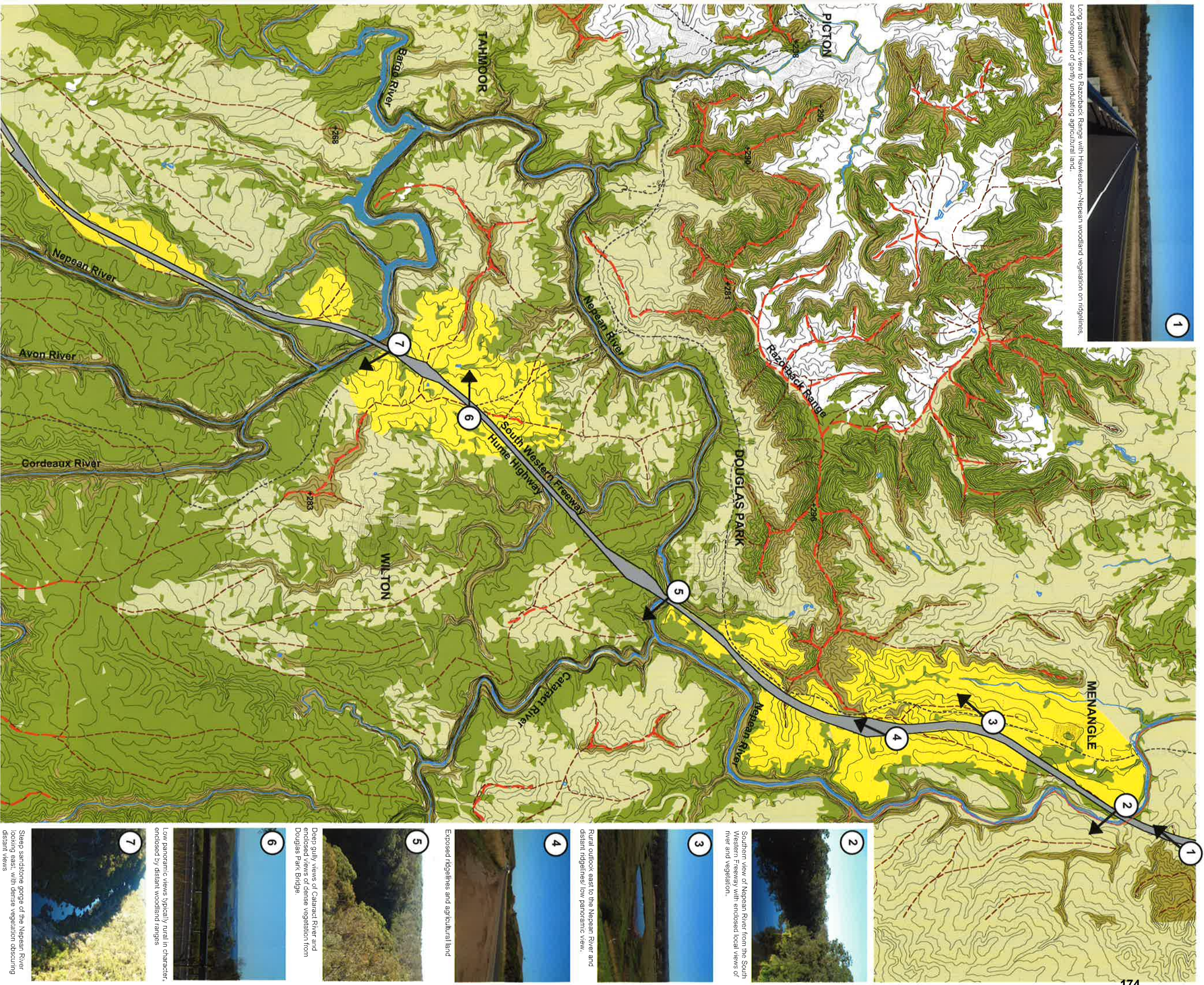
Figure 18 Proposed Land Zoning Map



Source Cox

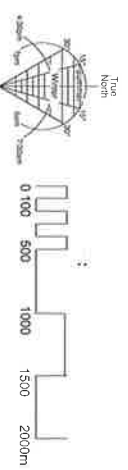


1



VISUAL CATCHMENT from South Western Freeway

- Legend**
- 10m > gradient
 - 1:10-1:1 gradient
 - Distant View Catchment of Ridgelines
 - High Point
 - Local View Catchment from Freeway



DATE: January 2004
SCALE 1:120000 @ A3



7



6



5



4



3



2

BACKGROUND



ESTABLISHING A VISION FOR WOLLONDILLY

RECORD OF DECISION SYDNEY WEST JOINT REGIONAL PLANNING PANEL 27 March 2014

Members:

Mary-Lynne Taylor	Chair
Bruce McDonald	Panel Member
Lindsay Fletcher	Panel Member
Lou Amato	Panel Member
Peter Wright	Panel Member

Addressed the panel on behalf of the proponent:

Brian Elton (consultant)
Fiona van der Hoeven (consultant)
Ernest Dupere (proponent)

Apology: Nil

The Panel, as the Relevant Planning Authority as appointed by the Minister to consider the following planning proposal and this is a record of the process and decision.

Business Item

ITEM 1 - Moreton Park Road, Menangle - The proposal seeks to rezone land at Moreton Park Road for employment uses (2013SYW081 – Wollondilly Local Government Area – Proponent: Menangle Pastoral)

The Panel advice and justification for recommendation:

1. The Panel has considered the planning proposal, and at this stage considers the planning proposal to be premature in the absence of more detailed strategic analysis of the framework for development of Macarthur South, including employment, housing, infrastructure and transport arrangements.
2. Any investigation should be undertaken in conjunction and aligned with the investigations already underway in the Macarthur South area. In particular, the boundaries of the West Appin Investigation Area should be amended to incorporate the subject lands proposed for employment purposes.
3. For the above reasons the Panel unanimously recommends that the planning proposal should not proceed to gateway determination.

Advisory notes:

1. The Panel's advice relates to the most recent planning proposal for industrial uses, amended by the proponent on 19 June 2013.
2. The Panel notes that a pre-Gateway review for Station Street, Menangle for Residential rezoning has already received favourable Gateway determination.

Endorsed by

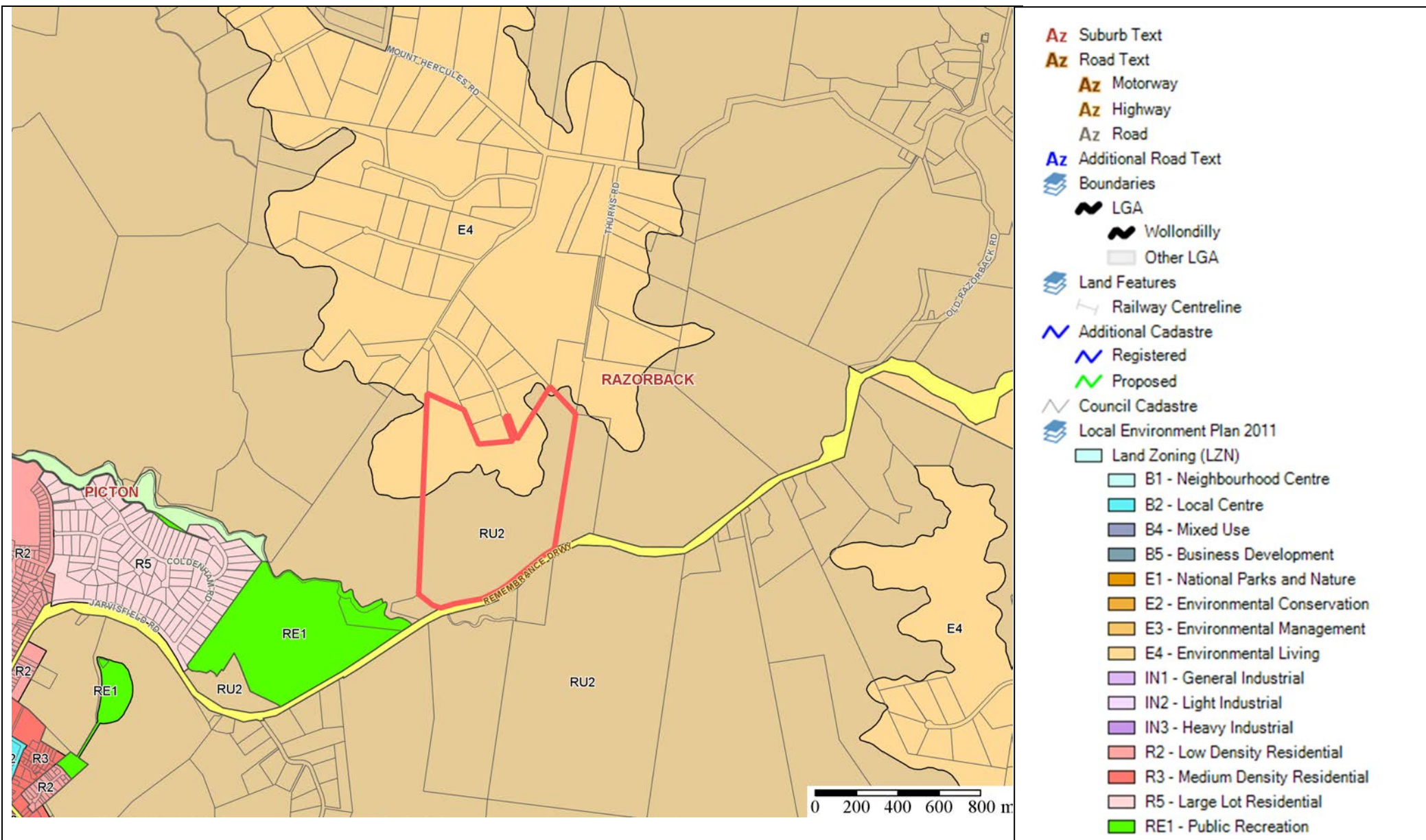
Mary-Lynne Taylor
Chair
Sydney West
Joint Regional Planning Panel
Date: 27 March 2014

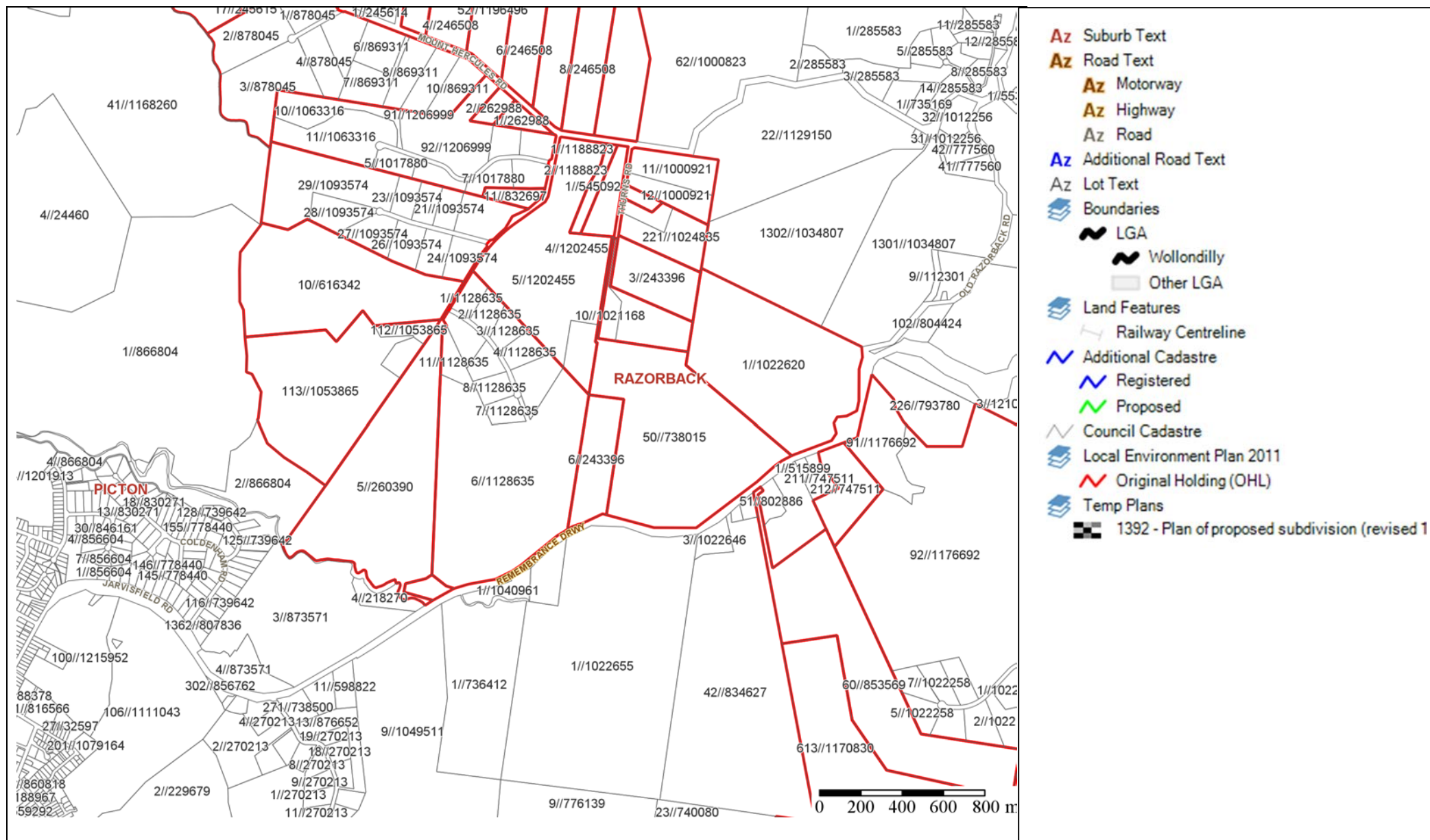
PE4 Attachments

1. Map showing zoning of subject land.
2. Map showing Original Holding Lot outlined in red.
3. Assessment of the proposal against Wollondilly Growth Management Strategy 2011.

Monday 15 May 2017

PE4 – No. 11 Westminster Place, Razorback – Request for
Council to Prepare a Planning Proposal





Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The proposal would not be consistent with the key policy directions in the GMS, in particular the policy directions 5, 10, 19 and 22.
P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS).	The proposal is to enable a five lot subdivision. The minimum lot size for the site is 4ha, so future lots will appear rural in nature; however it will not achieve the desired density and planned character of the locality.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	<p>The community has not yet been consulted with in regards to the Proposal to include a specific local provision to enable the subdivision of the site. Consultation would be undertaken in accordance with the Act if Council decided to pursue the Planning Proposal.</p> <p>It should be noted that all landowners were consulted with on the previous LEP Amendment which corrected the original holding mapping errors which ultimately led to the subdivision application being refused and no responses were received.</p>
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The personal financial circumstance of the landowner has not been given consideration in this process.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	<p>It is considered that the proposal to enable a further five lot subdivision in this lot would be contrary to this policy direction and would be inconsistent with the desired character of the area that was identified in rural lands study.</p> <p>The proposal would enable 50% more environmental lots within the original holding than is enabled under the density clause in the LEP. The density clause is critical to shaping the built environment and landscape character of the area and it is considered that this should not be departed from for this site.</p>
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.	The proposal would provide for additional housing, however, the Razorback area is not one that has been identified for future growth beyond that currently enabled through compliance with the LEP Planning controls.

Key Policy Direction	Comment
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The proposal would contribute to housing variety but only on a small scale. The possible provision of housing variety would not overcome the impact on rural character in the area.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).	The proposal would result in an increase in dwelling density than is desired in the area, however it would not occur within a town centre as desired by this policy direction.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The proposal would result in an increase in housing density on the site than what is currently enabled by the LEP controls. The proposal would result in the desired density for the site potentially being exceeded by 50%. As this growth would not be located adjacent to any town centre or village the proposal would not be consistent with this policy direction.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	Not applicable.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	Not applicable.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	Not applicable.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire’s existing and future community.	It is likely that infrastructure and servicing demands at the site could support 5 additional lots.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The proposal is not located near any existing population centre.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal would result in the growth occurring on a dispersed basis and not within any population centre.

Key Policy Direction	Comment
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	Not applicable.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The Rural Lands report acknowledges that land within the environmental zones across the shire including razorback are within a sensitive environment and that their character would be determined by the land being developed at a density of 1 lot per 4 hectares with a range of lot sizes to be provided.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The proposal would lead to incremental growth in the area which would be contrary to this policy objective.