

**GR2 – Station Street, Menangle Planning Proposal – Development Control Plan Provisions**

GR2

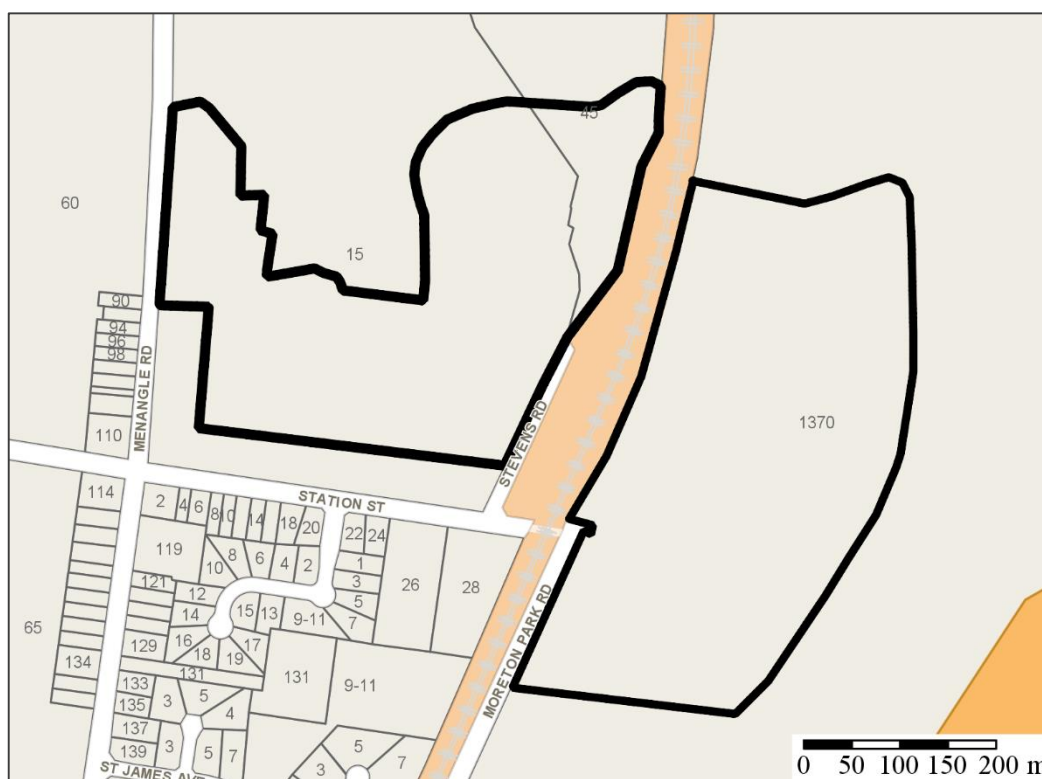
**Station Street, Menangle Planning Proposal – Development Control Plan Provisions**

272411

TRIM 6814

**Applicant:** Mirvac  
**Owner:** El Bethel Pty, Ltd, The Central Creamery Pty Limited

Growth



© Wollondilly Shire Council. © NSW Spatial Services

LOCATION MAP ↑ N

**EXECUTIVE SUMMARY**

- The purpose of this report is to seek Council’s endorsement to publicly exhibit proposed amendments to the Wollondilly Development Control Plan, 2016 for: Volume 3 Subdivision of Land and Volume 4 Residential Development to accompany the Station Street, Menangle Planning Proposal.

**GR2 – Station Street, Menangle Planning Proposal – Development Control Plan Provisions**

- Council is not the relevant Planning Authority for the Station Street Planning Proposal. This role sits with the Sydney South West District Planning Panel.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends 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 made in association with this application.
- It is recommended that the proposed amendments to the Wollondilly Development Control Plan, 2016 be placed on public exhibition at the same time as the Station Street, Menangle Voluntary Planning Agreement.

**REPORT**

**1.1 DESCRIPTION OF PROPOSAL**

The proposal seeks to amend the provisions of Wollondilly Local Environmental Plan, 2011 as it applies to land in Station Street, Menangle being Part of Lot 201 DP 590247; Part of Lot 21 in DP 581462; and Part of Lot 202 in DP 590247.

The Station Street, Menangle Planning Proposal has sought to:

- amend the land Zoning Map to change the zoning from Zone RU1 Primary Production to part Zone R2 Low Density Residential and part Zone B1 Neighbourhood Centre in accordance with Attachment 1 *Proposed Land Zoning*.
- amend the Lot Size Map to apply no minimum lot size to land in Zone B1, a minimum lot size of 250 square metres immediately adjoining land in Zone B1, a minimum lot size of 900 square metres for land fronting Menangle Road and at the rural-urban interface and a minimum lot size of 600 square meters for the remainder, see Attachment 2 *Proposed Minimum Lot Size*.
- amend the Height of Buildings Map such that all development in Zone R2 shall not exceed single storey and all development in Zone B1 shall not exceed two storeys.

The Station Street, Menangle Planning Proposal will potentially allow for the development of approximately 350 residential dwellings.

**GR2 – Station Street, Menangle Planning Proposal – Development Control Plan Provisions**

**1.2 BACKGROUND**

The Station Street Planning Proposal was submitted to Council in April 2012. It was placed on initial community consultation in May 2012 and eighteen (18) written submissions and a petition were received.

The Planning Proposal was presented to Council's meeting on 15 October 2012 where the proposal was deferred. The application was again reported to Council on 17 December 2012 where the Planning Proposal was again deferred. The application was then referred by the then applicant to the Joint Regional Planning Panel (JRPP) for Pre-Gateway Review. The JRPP advised on 10 July 2013 that an amended planning proposal should be submitted to Gateway for determination. The recommended amendments included ensuring the proposal had consistent land zonings, lot sizes and height provisions as in the 2012 planning assessment report to Wollondilly Shire Council.

The proposal received Gateway Determination to proceed from the Department of Planning and Environment, dated 9 December 2013. The planning panel remained the relevant planning authority and this transferred from the JRPP to the South West Sydney District Planning Panel on its commencement. The planning assessment work and consultation with government agencies and the community has been undertaken by the NSW Department of Planning and Environment.

This Determination was amended 11 June 2015. The amendments altered the description of the Planning Proposal, required additional consultation with the Office of Coal Seam Gas and the Heritage Division of the Office of Environment and Heritage, and extended the timeframe for completion of the LEP until June 2016.

Since the 2015 amendment, two (2) extensions of timeframe have been granted. Condition 8 now states that the timeframe for completing the draft LEP is 16 April 2018.

The Planning Proposal was placed on exhibition from the 1 July to 28 July 2015. A total of sixty-three (63) submissions were received, including agency submissions.

The Panel held a public meeting on 28 July 2016 and resolved:

*“The Panel finds that this proposal for the expansion of Menangle Village is generally satisfactory and will present an opportunity to restore and celebrate the important cultural and historic elements of the State Heritage items of Menangle Village. However, the Panel is not yet prepared to determine the proposal on merit as it is not satisfied about the following matters:*

**GR2 – Station Street, Menangle Planning Proposal – Development Control Plan Provisions**

- *Arrangements be made to provide certainty that the necessary infrastructure required to support the development will be available in a timely manner*
- *The Flood Study needs to be upgraded to the satisfaction of the Office of Environment and Heritage so as to meet the requirements of the Ministers S117 Direction*
- *The proponent is required to update the ecological assessment in accordance with the NSW Office of Environment and Heritage and it is noted that the Department of Planning and Environment will facilitate these discussions*
- *In relation to Coal Seam Gas, the Panel requires a risk assessment to be undertaken for any proposed residential development within 200m of any existing operating gas well*
- *The Panel requests the Department of Planning & Environment to confirm that residential development may proceed on this land that will not be adversely affected by mine subsidence.”*

The Voluntary Planning Agreement associated with this proposal is subject to a separate report to Council and has been prepared to address the matter of necessary infrastructure identified in the first bullet point.

Recommendations from the studies and from agency submissions have identified several issues that should be addressed at development application stage to ensure these issues are adequately dealt with, and that future development is compatible with the village character of Menangle and heritage features of the site, a draft Development Control Plan is being proposed.

**1.3 SITE DESCRIPTION**

The subject site is located to the north and east of Menangle village being parts of the following parcels of land:

- Lot 201 DP 590247
- Lot 21 DP 581462
- Lot 202 DP 590247.

The main southern railway line runs north – south through the site. The land is currently in Zone RU1 Primary Production under the Wollondilly Local Environmental Plan 2011 (WLEP 2011). The site is mostly cleared land with improved pasture and has a long history of use for agricultural purposes. Some important vegetation adjoins the proposed site but has been excluded from the proposal. The current use is livestock grazing and fodder production. There are mature native trees east of the railway line with a mostly cleared understorey. Built structures on the property include several farm sheds, farm dwellings, and the following heritage items of local significance:

**GR2 – Station Street, Menangle Planning Proposal – Development Control Plan Provisions**

- Item I82 Camden Park Estate Central Creamery and Managers Cottage
- Item I83 Camden Park Rotolactor
- Item I97 Dairy Cottage
- Item I100 Camden Park Estate Central Creamery.

The site includes land in the following conservations areas:

- Menangle Conservation Area
- Menangle Landscape Conservation Area.

The site adjoins/is nearby to the following heritage items:

- The State listed heritage item “Menangle Railway Group”
- Menangle Store
- Menangle School of Arts Community Hall
- Menangle Public School
- State listed Menangle Railway Bridge.

The site is currently within Zone RU1 Primary Production and subject to a minimum lot size of 100 hectares. The planning proposal adjoins a section of Lot 201 DP 590247 with frontage to Menangle and Station Streets which is within Zone R2 Low Density Residential and on which there is an approved residential subdivision.

**1.4 WOLLONDILLY DEVELOPMENT CONTROL PLAN 2016 AMENDMENTS**

It is proposed to amend the *Wollondilly Development Control Plan 2016* (Wollondilly DCP) to provide site specific controls within the subdivision and residential volumes to guide future development on this site at the development application stage.

These site-specific controls are designed to ensure a high-quality building design outcome that reflects a range of dwelling types and a streetscape that incorporates pedestrian access and aesthetic landscaping elements.

These controls are considered appropriate in response to issues raised and it is proposed that the community be consulted on these controls together with the Voluntary Planning Agreement by holding the public exhibitions for each of these at the same time.

The amended Wollondilly DCP provisions are included as Attachment 3.

**GR2 – Station Street, Menangle Planning Proposal – Development Control Plan Provisions**

Proposed Control Topic	Description
<b>Wollondilly DCP 2016 VOLUME 3 - Subdivision of Land</b>	
Minimum lot width	Proposed reduction to the minimum lot widths to encourage variety in dwelling size, type and design to promote housing choice and create attractive streetscapes.
Pedestrian access	Inclusion of a pedestrian and cycle path masterplan to control the locations of pathways and ensure consistency across the entire site.
Rear vehicular access	Objectives and controls for laneways to facilitate the provision of rear vehicular access to attached and semi-detached dwelling types, resulting in improved streetscapes, housing design and street parking.
Street trees	Inclusion of a street tree masterplan to control the species of street trees and ensure consistency across the entire site.
<b>Wollondilly DCP 2016 VOLUME 4 - Residential Development</b>	
Attached and Semi-Detached dwellings	Additional objectives and controls for Attached and Semi-Detached dwellings.
Minimum lot width	Proposed reduction to the minimum lot widths to encourage variety in dwelling size, type and design to promote housing choice and create attractive streetscapes.
Side setbacks	Proposed amendment to the minimum side setback control for Residential Small Lots to allow zero setbacks to ensure consistency with Volume 3.
Garages	Controls to allow garages to be rear facing where laneways apply.

Growth

**GR2 – Station Street, Menangle Planning Proposal – Development Control Plan Provisions**

It should be noted that the statutory planning process for amending a development control plan under the *Environmental Planning and Assessment Regulation 2000* is that Council can only amend a development control plan by replacing it in full with a subsequent development control plan and repealing the former plan. So, although this report refers to amending the Wollondilly DCP with the inclusion of additional controls, for these to be lawful the current development control plan would need to be repealed and replaced with the new plan which would include the current controls and the new controls proposed by this report if adopted by Council after consultation.

**FINANCIAL IMPLICATIONS**

Funding for this project to date has been achieved through Council's adopted Fees and Charges. The Voluntary Planning Agreement has been prepared as a separate report to address matters specific to the Planning Proposal.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

**ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET**

1. Proposed Amendments to the Wollondilly DCP 2016

**RECOMMENDATION**

1. That the draft Wollondilly Development Control Plan 2016 amendments be publicly exhibited at the same time as the public exhibition for the Station Street, Menangle Voluntary Planning Agreement.
2. That a report come back to Council following exhibition.