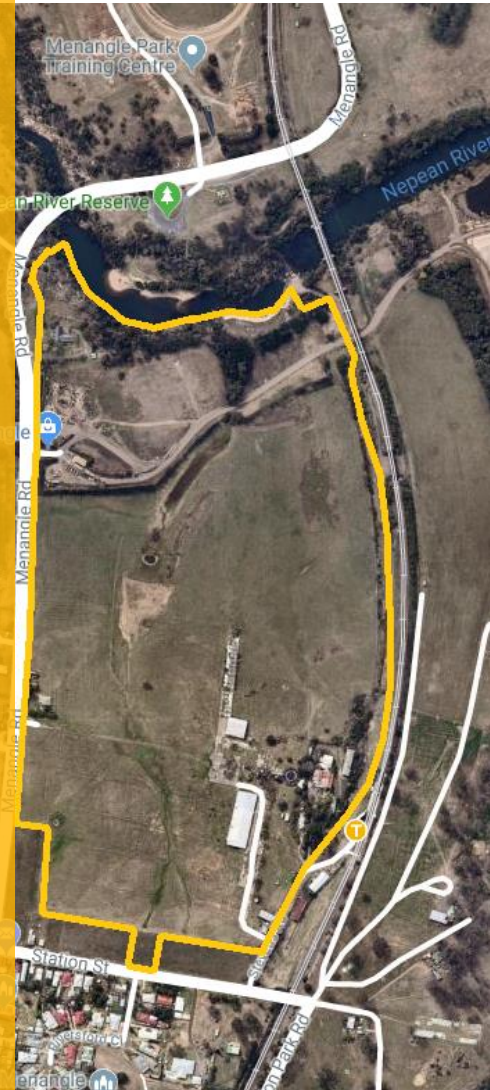


Statement of Environmental Effects

15 Menangle Road & 45 Stevens
Road, Menangle for a procedural
subdivision and bulk earthworks
Development Application



PREPARED FOR MIRVAC HOMES (NSW) PTY LTD

DOCUMENT CONTROL

ISSUE	DATE	ISSUE DETAILS	AUTHOR	CHECKED	APPROVED
A	12/06/18	DRAFT	SL	TF	TF
B	05/07/18	CLIENT REVIEW	SL	AB	PL
C	06/08/18	FINAL	SL	TF	PL
D	14/11/18	REVISED	SL	TF	PL
E	16/11/18	REVISED	SL	TF	PL

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Appendix K	Bushfire Protection Assessment
Appendix L	Relinquishment of Mining Rights
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Appendix N	Geotechnical Investigation
Appendix O	Flora and Fauna Assessment
Appendix P	Desktop Study – Geotechnical and Salinity Assessment
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1 INTRODUCTION

Calibre Professional Services (NSW) Pty Ltd (Calibre) have been engaged by Mirvac Homes (NSW) Pty Ltd (Mircvac) to prepare a Development Application (DA) for a procedural subdivision and bulk earthworks on Lot 201 DP 590247 and Lot 21 DP 581462 being 15 Menangle Road and 45 Stevens Road, Menangle. This DA is in support under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The subject site is currently undergoing finalisation of planning amendments with The Department of Planning & Environment in which future land uses on this site will be utilised for low density residential, public recreation, neighbourhood centre and primary production. To facilitate this future development, intentions for this application is to seek Council's consent for a procedural subdivision to create five (5) super lots and bulk earthworks on proposed Lots 1, 2 and 4 to meet the future intended uses on this land.

The proposed development is seeking to create five (5) super lots and bulk earthworks on proposed Lot 1, Lot 2 & Lot 4; more detail is provided below:

- Lot 1 has a site area of 7.2464 ha (Future R2 Low Density Residential);
- Lot 2 has a site area of 1.3613 ha (Future RE1 Public Recreation);
- Lot 3 has a site area of 4.052 ha (Future B1 Neighbourhood Centre);
- Lot 4 has a site area of 19.502 ha (Maintained as RU1 Primary Production); and
- Lot 5 has a site area of 9.354 ha (Maintained as RU1 Primary Production).

This application has been assessed under relevant statutory legislation including:

- *Wollondilly Local Environmental Plan 2011*;
- *Wollondilly Development Control Plan 2016*;
- *Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979*;
- *SEPP No. 55 – Remediation of Land*

This DA is nominated as 'integrated development' under Section 4.46 of the *EP&A Act 1979* with the application to be referred to the Department of Primary Industries Water pursuant to the *Water Management Act 2000* and the Office of Environment & Heritage pursuant to the *Heritage Act 1977* for their concurrence and General Terms of Approval (GTA).

From a Flora and Fauna perspective, it is requested that this DA be assessed in accordance with the repealed *NSW Threatened Species Act 1995* (TSC Act) and Commonwealth *Environment Protection and Biodiversity Conservation Act 2000* (EPBC Act) as this development application is currently under transitional arrangements for the Biodiversity Conservation (Savings and Transitional) Regulation until 24 November 2018. This DA has been submitted prior to this date and therefore, should be assessed under the repealed TSC Act.

A separate referral will also be required to go to the Mine Subsidence Board for their approval.

A letter of authority and owners consent has been provided under a separate cover in support of this application.

Cost of development is under \$20 million, and as such, Council is the relevant consent authority.

1.1 Supporting Documents

This SEE should be read in conjunction with the following supporting documents:

- Appendix A – Survey Plan prepared by ADW Johnson
- Appendix B – Subdivision Plan prepared by Calibre
- Appendix C – Bulk Earthworks Plan prepared by Calibre
- Appendix D – Engineering Plans prepared by Calibre
- Appendix E – Stormwater Report prepared by Calibre
- Appendix F – Preliminary Environmental Site Assessment prepared by Environmental Investigation Services
- Appendix G – Aboriginal Cultural Heritage Due Diligence Report prepared by Biosis
- Appendix H – Historical Heritage Assessment prepared Biosis
- Appendix I – Arboricultural Impact Assessment Report prepared by Sturt Noble
- Appendix J – Construction Traffic Management Plan prepared by Stantec
- Appendix K – Bushfire Protection Assessment Report prepared by BlackAsh Bushfire Consulting
- Appendix L – Relinquishment of Mining Rights prepared by South32
- Appendix M – Waste Management Plan prepared by Calibre
- Appendix N – Geotechnical Investigation prepared by JK Geotechnics
- Appendix O – Flora and Fauna Assessment prepared by Biosis
- Appendix P – Desktop Study – Geotechnical and Salinity Assessment prepared by Geotechnique
- Appendix Q Progress of Detailed Contamination Assessment prepared by Geotechnique

2 THE SITE

2.1 Site Context & Detail

Lot 201 DP 590247 and Lot 21 DP 581462 being 15 Menangle Road and 45 Stevens Road, Menangle (subject site) is within the Wollondilly Local Government Area (LGA) and has a site area of 41.2 hectares (ha). The subject site immediately adjoins low – residential density to the south being the Menangle Village, the southern railway line and Menangle station to the east, existing rural residential properties to the west and the Nepean River to the North.

The characteristics of the area are predominately rural residential, large lot development, vacant land, the Nepean River and scattered vegetation. The subject site is predominately vacant and contains a number of metal sheds, brick and concrete structures and consists mostly of paddocks improved with pasture grasses, generally sloping to the north. Standing on the property is a former dairy operation and associated buildings, two residential cottages and an operating quarry.

Refer to Figure 2.1 for an aerial image of the site context and detail.

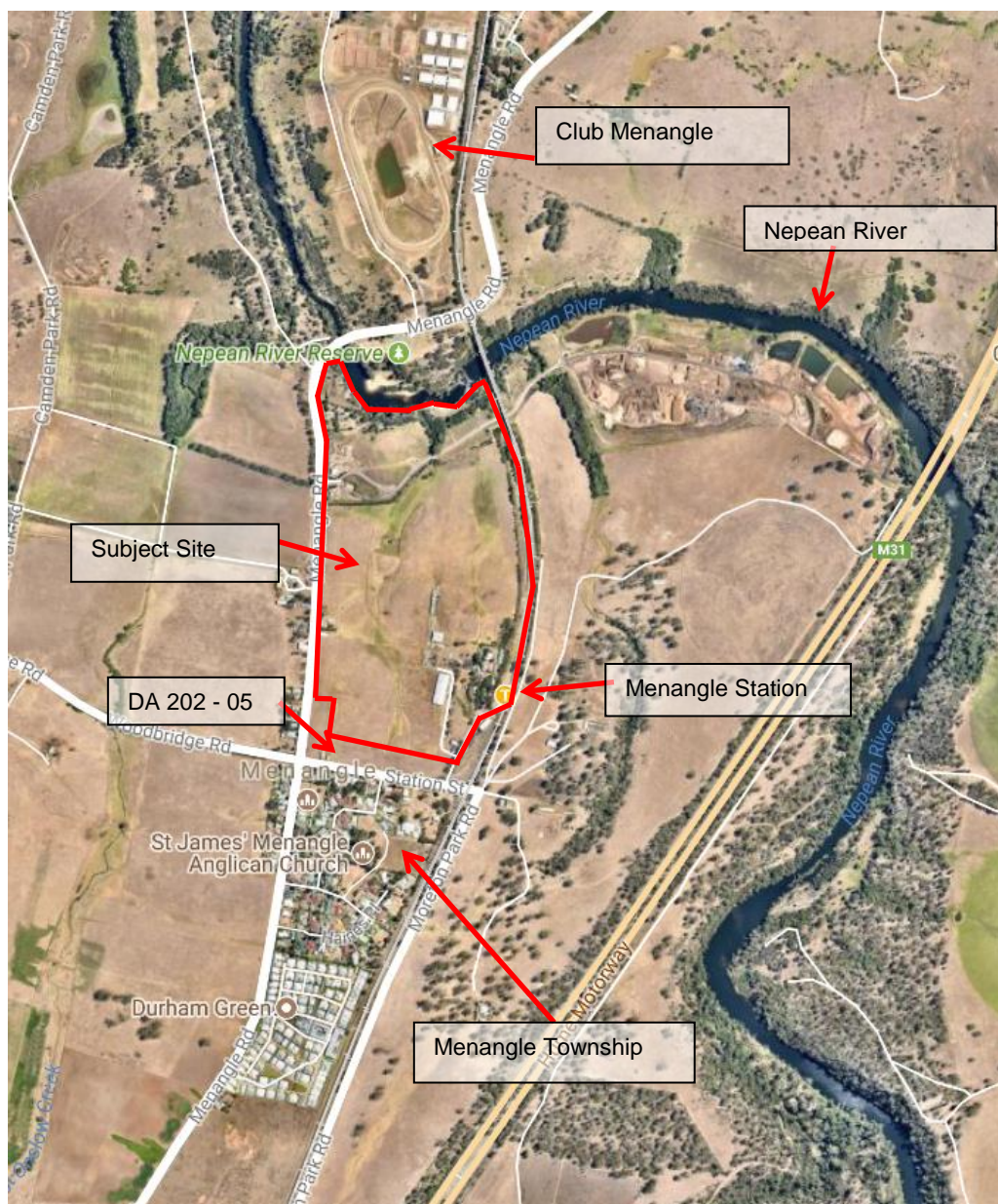


Figure 2.1: Site Context (Source: Near Map 2018)

2.2 Background

An amendment to Wollondilly Local Environmental Plan 2011 is currently with the Department of Planning and Environment for finalisation and is awaiting imminent gazettal. This amendment will rezone the site for future residential and commercial development, with areas of public open space and residual rural use remaining on the balance area.

This LEP amendment creates the development context for the proposal, which is designed to facilitate the development intent reflected for the subject site. It is intended that this application not be determined until such time as the LEP Amendment is made, as it relies upon the new development controls contained therein. The preparation and lodgement of this application is intended to enable efficiencies in the delivery of the proposed development by preparing the way for the main applications by resolving procedural matters up-front.

Refer to Figure 2.1 for an extract of the draft zoning map for the subject site for information purposes in which the proposed development is seeking to facilitate future development on this land.

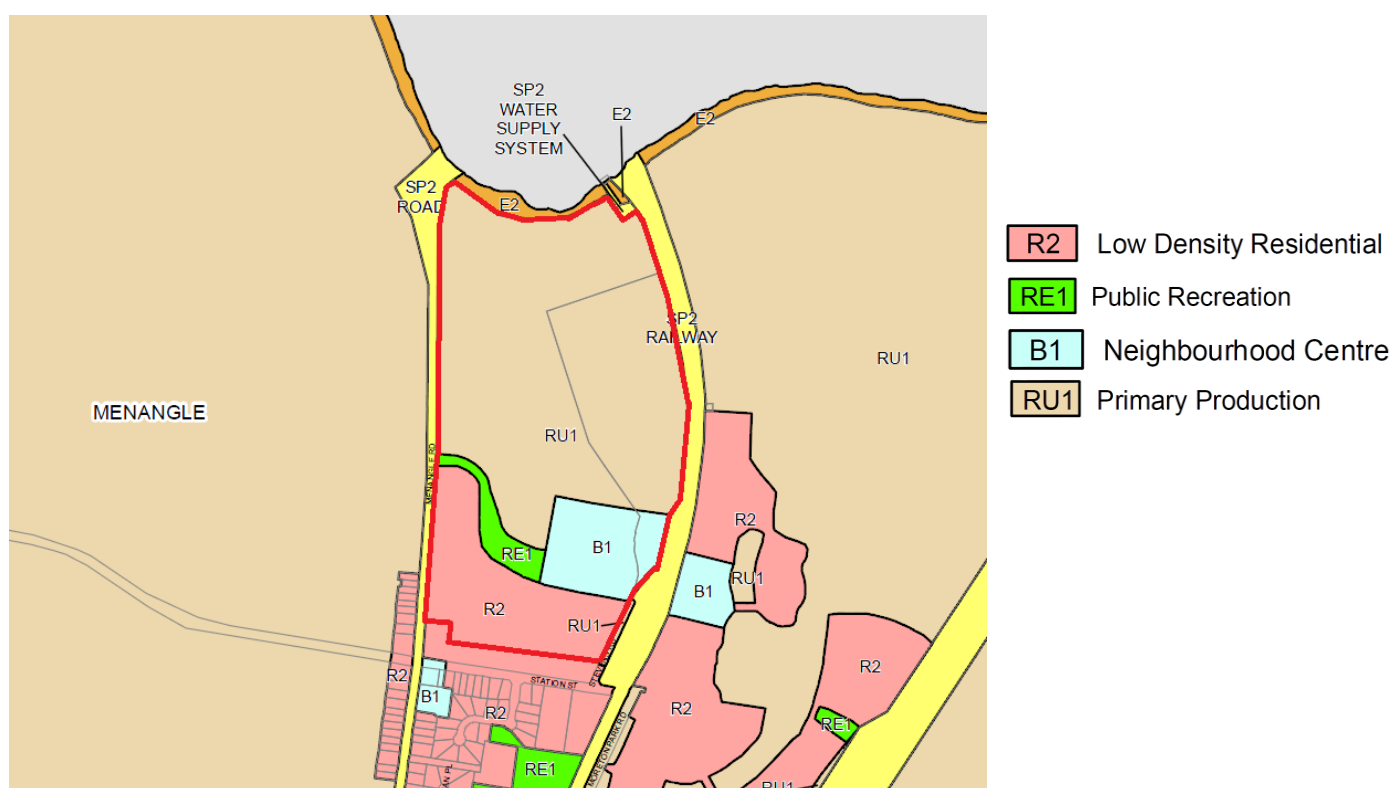


Figure 2.2: Draft Zoning Map (Source: Department of Planning & Environment 2018)

3 PROPOSED DEVELOPMENT

This Development Application proposes a Torrens Title subdivision to create five (5) super lots and bulk earthworks on proposed Lot 1. Lot 2 and Lot 4 on Lot 201 DP 590247 and Lot 21 DP 581462 being 15 Menangle Road and 45 Stevens Road, Menangle (subject site). The proposed allotments correspond to the proposed zoning boundaries in the LEP amendment and are intended to separate the future development parcels from the open space and balance area of the site, enabling more efficient land development in accordance with the intent of the LEP amendment and site masterplan. The proposed development comprises of the following:

- Lot 1 has a site area of 7.2464 ha (Future R2 Low Density Residential);
- Lot 2 has a site area of 1.3613 ha (Future RE1 Public Recreation);
- Lot 3 has a site area of 4.052 ha (Future B1 Neighbourhood Centre);
- Lot 4 has a site area of 19.502 ha (Maintained as RU1 Primary Production);
- Lot 5 has a site area of 9.354 ha (Maintained as RU1 Primary Production); and
- Bulk earthworks and associated tree removal.

Refer to 3.1 below for an extract of the Procedural Subdivision Plan.

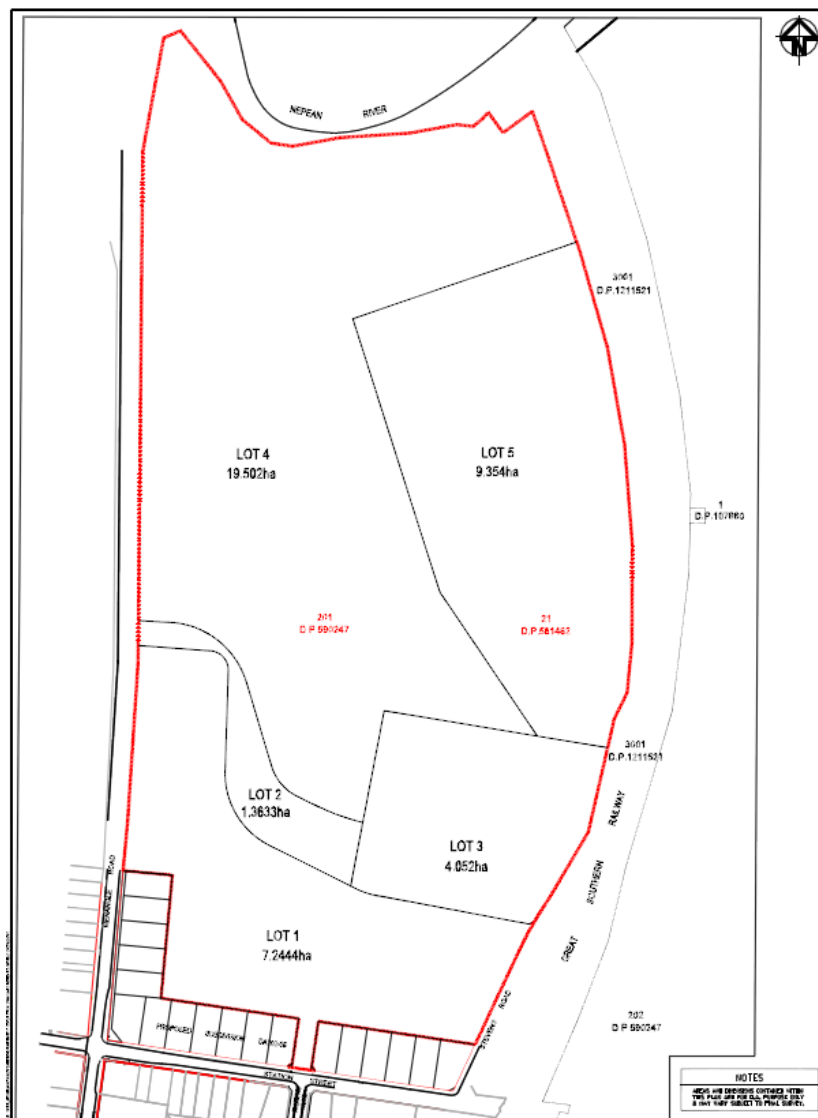


Figure 3.1: Subdivision Plan (Source: Calibre 2018)

4 STATUTORY PLANNING CONTROLS

The relevant statutory legislation applicable to the proposed subdivision is the *Wollondilly LEP 2011* and Wollondilly Development Control Plan (DCP) 2016.

4.1 Wollondilly LEP 2011

4.1.1 Part 1 Preliminary

- **Clause 1.6 Consent authority**

The relevant consent authority for this DA is Wollondilly Council.

4.1.2 Part 2 Permitted or prohibited development

- **Clause 2.2 Zoning of land to which Plan applies**

The subject site is currently zoned RU1 Primary Production, refer to Figure 4.1 below.

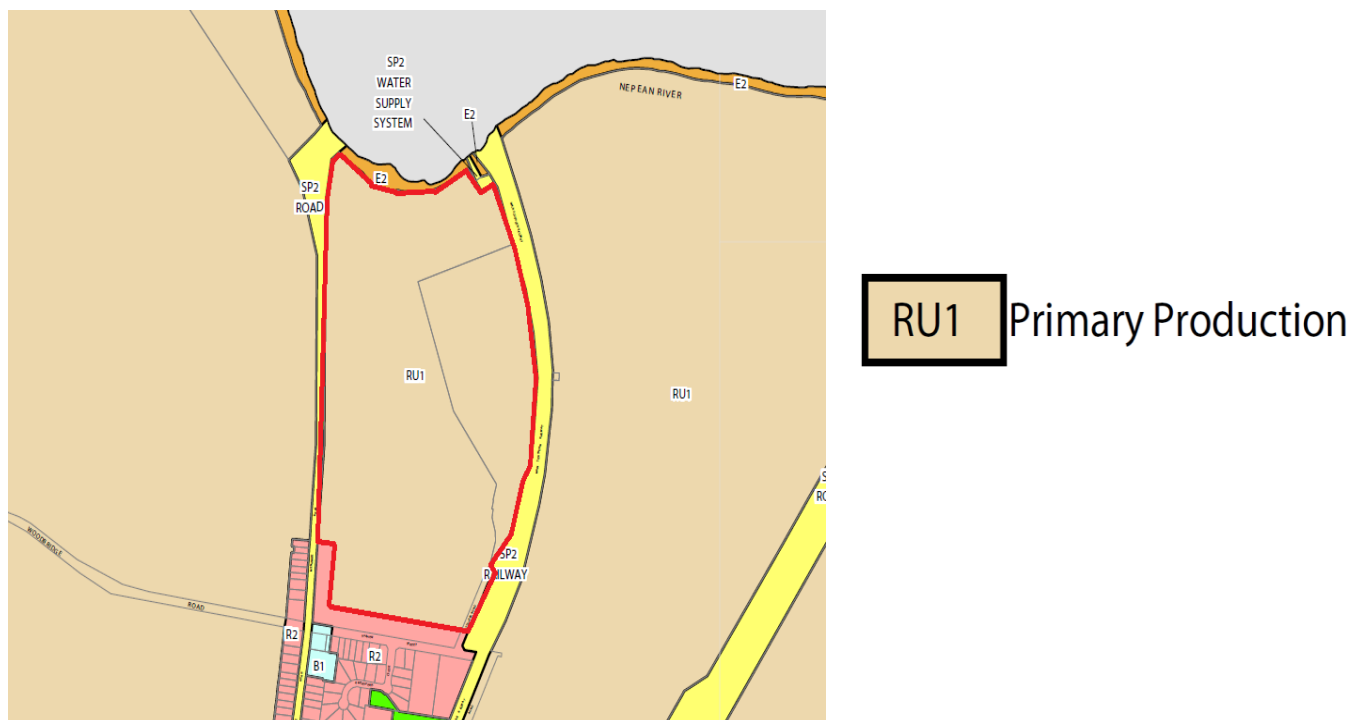


Figure 4.1: Land use zone (Source: Wollondilly LEP 2011)

Note that the site zoning will change after the current LEP Amendment is gazetted. The new zoning arrangements will include part of the site in the R2 Low Density Residential Zone, Part RE1 Public Recreation Zone and Part B1 Neighbourhood Centre Zone, with the balance of the area remaining in the RU1 Primary Production Zone. The proposed allotment sizes reflect the areas within each of the proposed zones, and are shaped so as to facilitate future orderly development of the subject land.

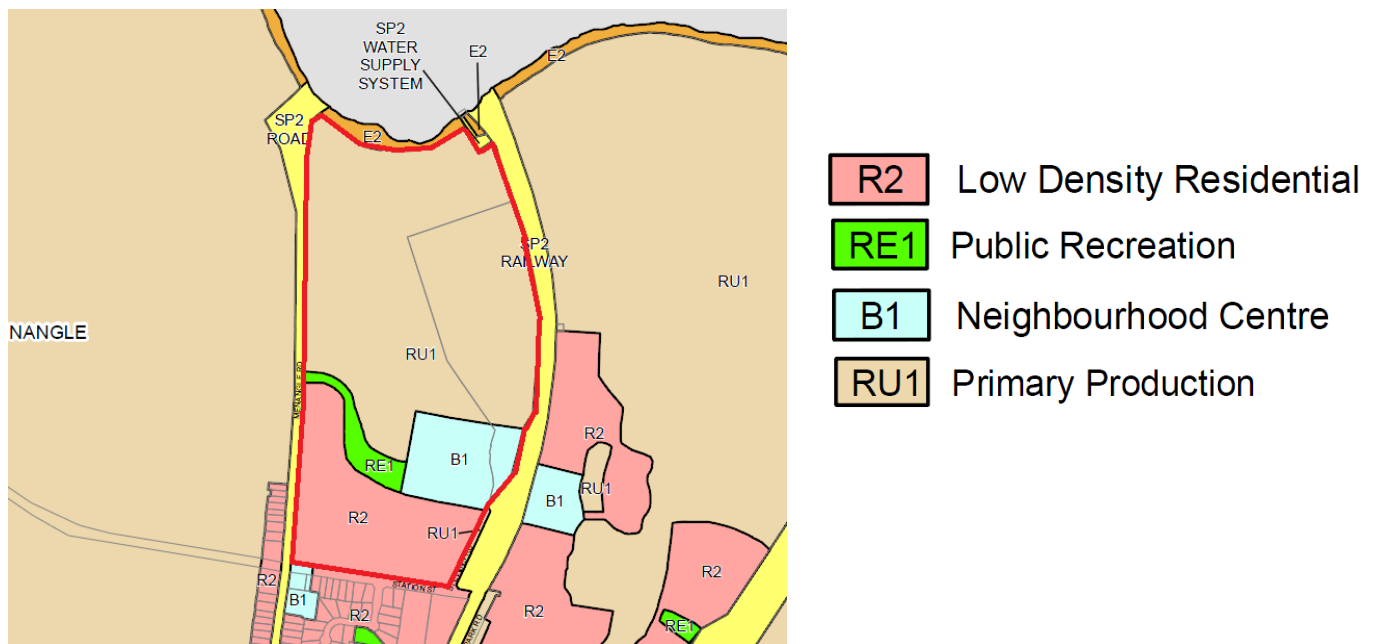


Figure 4.2: Draft Zoning Plan (Source: Department of Planning & Environment 2018)

- **Clause 2.6 Subdivision – consent requirements**

(1) Land to which this Plan applies may be subdivided, but only with development consent.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Comment: Complies. The proposed procedural subdivision may be subdivided, subject to Council's consent. There will be a separation of a primary and secondary dwelling on separate lots. The resulting lots will not be less than the minimum size shown on the Lot Size Map.

- **Clause 2.7 Demolition requires development consent**

There are two farm sheds close to the Stevens Road frontage of the site that require demolition in order to facilitate the bulk earthworks for the property. These sheds are not listed as heritage items and are not noted as being of any heritage significance in the Historical Heritage Assessment prepared by Biosis Pty Ltd in Appendix H.

The site is currently mapped within a Heritage Conservation Area, being Conservation Area C1 – Menangle General Conservation Area. As such, demolition of any building or structure is required to obtain development consent. Clause 2.25 of the SEPP (Exempt and Complying Development Codes) 2008 specifically excludes land contained within a Heritage Conservation Area from exempt development status with respect to demolition. Clause 5.10 of the Wollondilly LEP 2011 also applies in determining the suitability of a building and/or structure in a Heritage Conservation Area, and a Historical Heritage Assessment, including a Statement of Heritage Impact has been included, which does not identify these two sheds as having any heritage importance. The sheds may therefore be demolished as a precursor to redevelopment of the site for residential purposes.

- **Clause 2.8 Temporary use of land**

Not applicable, there will be no temporary use of land proposed as part of this DA.

4.1.3 Part 3 Exempt and complying development

This DA is not seeking Council's consent for complying development. Due to the Heritage Conservation Area in effect over the site, it is excluded from exempt development provisions for matters such as demolition under the SEPP (Exempt and Complying Development Codes) 2008.

4.1.4 Part 4 Principal development standards

- **Clause 4.1 Minimum subdivision lot size**

(1) The objectives of this clause are as follows:

(a) to provide for suitable lot sizes,

(b) to ensure that the subdivision of land is compatible with the landscape and environmental constraints of the land.

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(4) This clause does not apply in relation to the subdivision of any land:

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 1989.

(5) Despite subclause (3), the size of any lot resulting from a subdivision of land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential that is not serviced by a reticulated sewerage scheme must not be less than 975 square metres.

Comment: The minimum subdivision lot size is 100 ha however, the current lot sizes are below 100 ha. The plan of subdivision is in accordance with the LEP Amendment to Wollondilly LEP 2011 and it is understood that a site-specific clause will be inserted into the LEP excluding application of the Minimum Lot Size Map to the subject site.

- **Clause 4.1AA Minimum subdivision lot size for community title schemes**

Comment: Not applicable, this DA is not seeking approval for a community title scheme.

- **Clause 4.1A Minimum lot size for dual occupancies in residential zones**

Comment: Not applicable, this DA is not seeking approval for dual occupancies in residential zones.

- **Clause 4.1B Subdivision of certain land in Zone E4 Environmental Living**

Comment: Not applicable, this DA is not seeking approval for subdivision of certain land in an E4 Environmental Living zone.

- **Clause 4.2 Rural subdivision**

(1) The objective of this clause is to provide flexibility in the application of standards for subdivision in rural zones to allow land owners a greater chance to achieve the objectives for development in the relevant zone.

(2) This clause applies to the following rural zones:

(a) Zone RU1 Primary Production,

(b) Zone RU2 Rural Landscape,

(c) Zone RU4 Primary Production Small Lots,

(d) Zone RU6 Transition.

Note. When this Plan was made it did not include Zone RU6 Transition.

(3) Land in a zone to which this clause applies may, with development consent, be subdivided for the purpose of primary production to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

(4) However, such a lot cannot be created if an existing dwelling would, as the result of the subdivision, be situated on the lot.

(5) A dwelling cannot be erected on such a lot.

Comment: The subject site is identified with a land use zone of RU1 Primary Production and as per sub clause (3), land may be subdivided with development consent to create a lot size that is less than the minimum lot size shown on the Lot Size Map, provided that the land is to be used as primary production. The site is awaiting imminent gazettal of an LEP amendment that is proposed to remove portions of the subject land from the RU1 Primary Production Zone. The proposed lot boundaries are in accordance with the proposed zone boundaries in the draft LEP Amendment. It is not proposed to create additional dwelling entitlements on the subject land for either the residue lot (to remain in the RU1 Primary Production Zone) or within the proposed RE1 Public Recreation zoned land. There will be a separation of a primary and secondary dwelling on separate lots however, this subdivision will not result in lots less than the minimum lot size shown on the Lot Size Map. There is an existing dwelling that would be situated on proposed Lot 1, however this dwelling is subject to consent for use as a sales office. No additional dwelling entitlement would be created for the land proposed for inclusion within the R2 Low Density Residential Zone as a direct result of this subdivision, as a further DA would be submitted for Council consent for this land post-gazettal of the LEP Amendment.

The subject site is permitted with consent to be subdivided to create a lot of a size that is less than the minimum lot size. The Department of Planning and Environment will be inserting a site specific clause into the Wollondilly LEP to permit this.

Clause 10 Use of certain land at Menangle

Sub-clause (4) Subdivision of land to which this clause applies that results in a lot that is less than the minimum size shown on the Lot Size Map in relation to the land is permitted with development consent, but only if,

- (a) The zone is in Zone RU1 Primary Production, and
- (b) The consent authority is satisfied that the subdivision facilitates development on the land to which this clause applies.

This site specific clause permits the subject site to be subdivided below the 100 Ha provisions set out under the Lot Size Map.

- **Clause 4.2A Erection of dwelling houses on land in certain residential, rural and environmental protection zones**

Comment: Not applicable, this DA is not proposing to erect any dwelling houses.

- **Clause 4.2B Boundary adjustments of land in certain rural, residential and environmental protection zones**

Comment: Not applicable, this DA is not seeking adjust the boundaries of land, other than by way of subdivision.

- **Clause 4.3 Height of buildings**

Comment: Not applicable, this DA is not proposing any new buildings or structures. This clause will be addressed in a future DA, in which built form is proposed.

- **Clause 4.6 Exceptions to development standards**

Comment: Not applicable, this DA is not seeking any exceptions to development standards. Clause 4.6 is not being used to approve the proposed subdivision.

4.1.5 Part 5 Miscellaneous provisions

- **Clause 5.1 Relevant acquisition authority**

Comment: The LEP Amendment currently being finalised for the subject site includes land to be zoned RE1 Public Recreation. Wollondilly Council is the relevant acquisition authority. The future acquisition of this RE1 land by Council is addressed in the Voluntary Planning Agreement associated with the imminent rezoning of the subject land.

- **Clause 5.1A Development on land intended to be acquired for public purposes**

The objective of this clause is to limit development on certain land to be acquired for a public purpose and applies to land shown on the Land Reservation Acquisition Map.

Comment: As discussed above, the acquisition of the land for public recreation is addressed in the VPA applying to the land.

- **Clause 5.2 Classification and reclassification of public land**

The objective of this clause is to enable the Council to classify or reclassify public land as “operational land” or “community land” in accordance with Part 2 of Chapter 6 of the Local Government Act 1993.

Comment: The Public Recreation land will be classified as Community Land upon transfer to Council.

- **Clause 5.3 Development near zone boundaries**

The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Comment: Not applicable, this DA is not seeking any flexibility for development near zone boundaries.

- **Clause 5.10 Heritage conservation**

The objective of this clause is to conserve the environmental heritage of Wollondilly including heritage significance and heritage conservation areas, including associated fabric, settings and views. Consent is required for subdivision of land on which a heritage item is located or that is within a heritage conservation area, or on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

Comment: Biosis was engaged to prepare an Aboriginal Cultural Heritage Due Diligence Assessment (Appendix G) From an Aboriginal cultural heritage perspective, “*there is no further archaeological work required in the study area due to the entire study area assessed as having low archaeological potential*”. Thus, the site does not contain any archaeological relics or concern to warrant further investigation.

Additionally, a Historical Heritage Assessment Report and Statement of Heritage Impact was prepared by Biosis (Appendix H) to assess the proposed development against European significance. The subject site contains “*a newly identified heritage item of local significance, a c. 1920’s workers cottage is located within the study area. Items of local significance are located within the vicinity of the study area, specifically the Camden Park Central Creamery Managers Cottage, Camden Park Central Creamery and Sheds, these have been previously assessed as containing significance at a local level. From a heritage perspective, the current state of these buildings will only deteriorate further. New development in the area that will adaptively reuse these items of significance will ensure longevity and preservation of the heritage significance of said items. Therefore the proposed development should proceed subject to the implementation of the recommendations outlined below.*”

Recommendation 1: Prepare a heritage interpretation strategy for the site

Ensure that at the completion of the project, the heritage interpretation strategy is prepared that identifies appropriate interpretive methods for engaging with the public with the history of the site. The interpretation strategy may be in the form of naming street names after significant families of Menangle and the placement of interpretative media outlining the importance of the heritage items within the development footprint and enabling the public to access the views and vistas of the historical landscape.

A preliminary interpretative strategy has been included within Appendix B of this report. This should be used as a guideline only for the development of a final Interpretative strategy.

Recommendation 2: Development process

The development design of the proposed 97 lot subdivision at Station Street, Menangle should have a sympathetic design to the heritage aspects of the Menangle village to minimise impacts to the historic nature of the village. The design of the dwellings within the development must respect the heritage characteristics of the existing dwellings that occur along Menangle road and Station Street. This will be achieved by implementing the controls laid out in the Wollondilly DCP 2016, Part 6 section 6.3.

Recommendation 3: Implement DA 010.2016.00000210.001 for the workers cottage located within the study area

This assessment has identified that the cottage is a c. 1920s workers cottage associated with the Camden Park Estate Central Creamery and is of local significance to the village of Menangle. Therefore it is recommended that the cottage be retained. The redevelopment of the workers cottage as a sales office pursuant to the conditions set out in the approved DA 010.2016.00000210.001 is supported”.

The recommendations issued by the heritage consultant is considered acceptable and a General Terms of Approval is sought from the Office of Environment & Heritage for their concurrence.

- **Clause 5.11 Bush fire hazard reduction**

This clause identified any bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Comment: The northern portion of the site is identified to be on bush fire prone land with a 30 metre vegetation buffer from the Category 2 vegetation on adjoining land to the north and east of the site and a small portion of the 100 metre buffer from Category 1 land to the east of the site. BlackAsh was engaged to prepare a Bushfire Assessment Report to support the proposed subdivision and bulk earthworks DA. Recommendations from the bushfire consultant found the “*bulk earthworks and the procedural subdivision do not trigger the integrated development referrals to the NSW Rural Fire Services (RFS) and thus, do not trigger section 100B of the Rural Fires Act 1997*”. As such, there is no requirements for this DA to be referred to the RFS as the proposed development is not seeking to create any residential lots but will be referred to the RFS in a future DA where residential lots are proposed.



Figure 4.3: Basin Catchments (Source: Calibre 2018)

4.1.6 Part 6 Urban release areas

Part 6 Urban release areas is not applicable to this DA, as it is not within an urban release area.

4.1.7 Part 7 Additional local provisions

- **Clause 7.1 Essential services**

The objective of this clause is to ensure the consent authority is satisfied that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

Comment: Infrastructure is available and Council is requested to condition this clause for this information to be provided once residential subdivisions are proposed in future development applications. This DA is only seeking consent for a procedural subdivision to create five (5) super lots and bulk earthworks on proposed Lot 1, 2 & 4. The proposed super lots would not create any additional demand on infrastructure and services, until such time as the proposed development lots are developed under future applications.

- **Clause 7.2 Biodiversity protection**

The objective of this clause is to maintain terrestrial and aquatic biodiversity including protection of native fauna and fauna and ecological processes necessary for their continued existence. This clause applies to land identified as “sensitive land” on the Natural Resources – Biodiversity Map.

Comment: The subject site does not contain any land identified as “sensitive land” on the Natural Resources – Biodiversity Map under Council’s mapping, therefore this clause does not apply.

- **Clause 7.3 Water protection**

The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers, including water quality, natural water flows, stability of the bed and banks of waterways and groundwater systems. This clause applies to land identified as “sensitive land” on the Natural Resources – Water Map.

Comment: Not applicable, this clause does not apply as the subject site is not identified to contain “sensitive land” on the Natural Resources – Water Map.

- **Clause 7.4 Flood planning**

The objective of this clause is to minimise the flood risk to life and property associated with the use of land and to allow development on land that is compatible with the land’s flood hazard, taking into account projected changes as a result of climate change.

Comment: Calibre has prepared a Stormwater Concept Plan to support the proposed development against a stormwater management strategy based on water sensitive urban design (WDUS) principles. Flood planning for the proposed development has taken into consideration the flood levels of the subject site identifying the “*Nepean River regional flood levels as 77.7m AHD at Menangle Road and 77.8m AHD upstream of the railway for the 100 yr storm event. The flood study of the Nepean River prepared by Worley Parson (2015) provided 100 year flood levels of 78.1m at the Railway. An updated flood study by NPC (2016) identified a 100 year flood level of 78.0m AHD west of the railway line.*

The proposal has allowed for the filling of the development to ensure that the floor levels are 500mm above the regional flood level. This will require fill greater than 1m along the areas affected by the regional flood. To reduce the fill required, the basin has been located within the regional flood level. The potential flood impacts as a result of filling the development above the flood level will have no significant impact because any loss of flood storage was offset by the soil extraction on the Southern bank of the River”.



Figure 4.4: Basin Catchments (Source: Calibre 2018)

Please refer to the attached Stormwater Concept Plan Report (Appendix E) that identifies the proposed strategy for managing site runoff and flooding. Please note that subsequent development applications for the various zoned uses will be accompanied by further detail on this matter.

- **Clause 7.5 Earthworks**

The objectives of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land and to allow earthworks of a minor nature without requiring separate development consent.

(2) Development consent is required for earthworks unless:

(a) the work is exempt development under this Plan or another applicable environmental planning instrument, or

Comment: The proposed bulk earthworks on proposed residue Lot 1, Lot 2 and Lot 4 requires development consent as this work is not exempt development under this Plan. The Bulk Earthworks is to prepare the land for its future purposes with Lot 1 containing residential roads and subdivision of lots; Lot 2 for future open space purposes; and Lot 4 is proposed to contain a sediment basin as part of the earthworks.

(b) the work is ancillary to other development for which development consent has been given.

Comment: The works will be consequential from the procedural subdivision, as it will be preparing the site for the development to follow via subsequent applications, to make it suitable for its intended purpose.

(3) Before granting development consent for earthworks, the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,

Comment: It is proposed to undertake erosion and sediment control programs including the establishment of a temporary sediment basin on proposed Lot 4 as part of the bulk earthworks strategy. Refer to the Stormwater Concept Plan in Appendix E.

(b) the effect of the proposed development on the likely future use or redevelopment of the land,

Comment: The proposed development is intended to facilitate future development of the land by separating the proposed lots from its “parent” lots in which future land uses will be low density residential, public recreation, a neighbourhood centre and primary production. The impact of the bulk earthworks is to facilitate future development on proposed Lots 1, 2 & 4.

(c) the quality of the fill or the soil to be excavated, or both,

Comment: The quality of the fill will be delivered from an appointed contractor and will be validated fill. This application proposes for cut volumes of 10,440m³ and fill volumes of 98,598m³ into the site to undertake bulk earthworks.

(d) the effect of the proposed development on the existing and likely amenity of adjoining properties

Comment: The effect of the proposed development in creating five (5) super lots and bulk earthworks on the existing and likely amenity of adjoining properties is minimal. A Construction Traffic Management Plan has been prepared by Stantec to detail the proposed temporary traffic management measures to be implemented during the bulk earthworks associated with the Stage 1 residential subdivision. The vehicle movement plan anticipates construction vehicles will:

- *Primarily arrive at the site travelling from Menangle Road via Station Street;*
- *Enter the site via the Stevens Road access;*
- *All bulk earthworks and the unloading / loading of materials and equipment are to occur within the site; and*
- *Depart from the site travelling along Station St to Menangle Road.*

Construction vehicle movements to and from the site will occur in a forward direction, and vehicles will turn around on – site. Truck drivers using the site should be warned of the potential pedestrian movements at the site access points. The estimated traffic generation of the site during peak periods is approximately 30 to 40 vehicles movements per hour (one vehicle every one to two minutes). Therefore, the traffic generated by the bulk earthworks is relatively minor and not of a level normally associated with unacceptable traffic implications in terms of road network capacity or traffic related environmental effect. The construction process is largely confined on – site and will occur for four months from May 2019 to August 2019.

Refer to the Construction Traffic Management Plan under Appendix J.

(e) the source of any fill material and the destination of any excavated material,

Comment: The appointed contractor will deliver the fill material from a validated fill site that has been tested and free of any asbestos and contaminants that may be harmful to human health. The destination of any excavated material has been outlined under the Waste Management Plan under Appendix M.

(f) the likelihood of disturbing relics,

Comment: There is zero to minimal likelihood of earthworks to disturb relics on the subject site. Careful consideration in the design process has been taken into account to ensure there is no battering or any works to occur to disturb any European items on the site. This has been supported by specialist consultant reports from Biosis to assess the potential of disturbance from an Aboriginal and European perspective.

(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

Comment: The bulk earthworks will not have any adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. Refer to the Stormwater Concept Plan under Appendix E.

- **Clause 7.6 Development within a designated buffer area**

The objective of this clause is to protect the operational environment of activities where odour emissions may occur if identified as an “Odour Buffer Area” on the Odour Buffer Area Map.

Comment: The subject site is not identified to contain any “odour buffer areas” under Council’s mapping and as such, this clause does not apply.

- **Proposed Clause 7.7 Development near coal seam gas well at Menangle**

1. Development consent must not be granted to development on the land identified as “12” on the Additional Permitted Uses Map, being land within a 200 metre radius of a coal seam gas well, unless the consent authority considers the following matters:
 - a) The proximity of the development to the coal seam gas well, and whether that proximity poses any risks to the health or safety of any person,
 - b) The impact of the development on the operations of the coal seam gas well.
2. Subclause (1) does not apply to development for the purposes of drainage, earthworks or roads.

Comment: This clause is proposed to be included with the gazettal of the LEP amendment for the subject site and as such is not yet in force. However, as gazettal is imminent, the clause needs to be considered. The proposed procedural subdivision and bulk earthworks development is within 200 metre radius of a coal seam gas well and as such, this clause does apply. However, this development application is seeking to create a procedural subdivision and bulk earthworks and does not propose any new dwellings and as a result, there is no increased risk to health and safety with this application. This application is in accordance with the requirements of this clause.

4.2 Wollondilly Shire Council Development Control Plan 2016: Volume 1 – General

4.2.1 Part 6 – Heritage (Specific Locations)

The objectives of this Volume is to provide specific guidance and controls for development of key conservation areas in Wollondilly. This relates to the Heritage Conservation Area within Menangle, to ensure development is sympathetic to the heritage character and that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of Menangle.

Comment: Part 6 – Heritage relates to Menangle Village to ensure development is consistent with Menangle's Heritage Conservation Area. The subject site is identified to contain General Conservation Areas, Landscape Conservation Areas and General Heritage Items.

The proposed development will not impact on the heritage characteristics of Menangle as this DA is seeking to only create five (5) residue lots and bulk earthworks on proposed residue Lots 1, 2 & 4. Future development on the subject site has taken into consideration these heritage characteristics but as this DA is not proposing for any residential lots, these controls will be addressed in a future development application in which residential lots are proposed, given that they relate to built form. By undertaking this procedural subdivision, it is intended that the extent of heritage affectation would be reduced to that of individual items and their curtilages, freeing the future residential portion of the site from heritage affectation. This will ensure that items of value and their settings are preserved, whilst simplifying the development of residential dwellings by unburdening them from irrelevant heritage listings.

Recommendations made from Biosis will be taken into consideration as part of this Development Application:

Recommendation 1: Prepare a heritage interpretation strategy for the site

Ensure that at the completion of the project, the heritage interpretation strategy is prepared that identifies appropriate interpretive methods for engaging with the public with the history of the site. The interpretation strategy may be in the form of naming street names after significant families of Menangle and the placement of interpretative media outlining the importance of the heritage items within the development footprint and enabling the public to access the views and vistas of the historical landscape.

A preliminary interpretative strategy has been included within Appendix B of this report. This should be used as a guideline only for the development of a final Interpretative strategy.

Recommendation 2: Development process

The development design of the proposed 97 lot subdivision at Station Street, Menangle should have a sympathetic design to the heritage aspects of the Menangle village to minimise impacts to the historic nature of the village. The design of the dwellings within the development must respect the heritage characteristics of the existing dwellings that occur along Menangle road and Station Street. This will be achieved by implementing the controls laid out in the Wollondilly DCP 2016, Part 6 section 6.3.

Recommendation 3: Implement DA 010.2016.00000210.001 for the workers cottage located within the study area

This assessment has identified that the cottage is a c.1920s workers cottage associated with the Camden Park Estate Central Creamery and is of local significance to the village of Menangle. Therefore it is recommended that the cottage be retained. The redevelopment of the workers cottage as a sales office pursuant to the conditions set out in the approved DA 010.2016.00000210.001 is supported.

Refer to the attached Historical Heritage Report and Statement of Heritage Impact prepared by Biosis under Appendix H.

4.3 Wollondilly Shire Council Development Control Plan 2016: Volume 3 – Subdivision of Land

This Volume is relevant to the proposed development for the subdivision of land as this DA is seeking Council's consent for a Torrens Title subdivision to create five (5) residue lots and bulk earthworks.

4.3.1 Part 2 – General Requirements for all development

- **Section 2.1 Traffic and Transport**

The objective of this control is to ensure that new allotments created by the subdivision of land are provided with adequate public roads; the road network can sustain the development; that access points for rural subdivisions are located at safe locations; to provide for pedestrian and cycleways are provided; and to obtain required splay corners at intersections. The specific controls for traffic and transport can be summarised as follows:

1. All new roads to comply with Councils design specifications
2. All access handles to comply with Councils required minimum widths
3. An access handle serving a single allotment must be wholly within that lot,
4. Where multiple lots are served by an access handle then reciprocal access easements must be used
5. Existing roads in the subdivision shall be upgraded to Councils minimum requirements
6. All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.
7. New street lighting must use only LED type lights
8. Access handles servicing more than one lot in rural, residential and environmental zones to be provided with adequate street lighting.
9. Splay corners shall be provided for newly created corner lots with the splay determined by land use.

Comment: The proposed subdivision does not intend to open new roads; create access handles or new intersections. It does not contain any corners requiring the provision of a splay corner. As the proposed procedural subdivision is to be followed by development applications for residential and other uses, any required works on Menangle Road or other local roads directly impacted by the development will be subject to those separate later development applications.

A Construction Traffic Management Plan has been prepared by Stantec, to demonstrate how transportation of bulk earthworks will be moved to and from site. The vehicle movement plan anticipates construction vehicles will:

- *Primarily arrive at the site travelling from Menangle Road via Station Street;*
- *Enter the site via the Stevens Road access;*
- *All bulk earthworks and the unloading / loading of materials and equipment are to occur within the site; and*
- *Depart from the site travelling along Station St to Menangle Road.*

Construction vehicle movements to and from the site will occur in a forward direction, and vehicles will turn around on – site. Truck drivers using the site should be warned of the potential pedestrian movements at the site access points. The estimated traffic generation of the site during peak periods is approximately 30 to 40 vehicles movements per hour (one vehicle every one to two minutes). Therefore, the traffic generated by the bulk earthworks is relatively minor and not of a level normally associated with unacceptable traffic implications in terms of road network capacity or traffic related environmental effect. The construction process is largely confined on – site and will occur for four months from May 2019 to August 2019.

Refer to the Construction Traffic Management Plan under Appendix J.

- **Section 2.2 Wastewater**

The objective of this control is to ensure wastewater generated by development can be managed without harm to the natural environment or human health.

Controls

Comment: This control is not applicable, as this DA is only seeking Council's consent to create five (5) super lots and bulk earthworks on proposed Lot 1, 2 and 4. There will be no additional wastewater demand as a consequence of this procedural subdivision.

- **Section 2.3 Stormwater**

The objectives for stormwater management are to ensure stormwater is appropriately managed to prevent environmental harm and to reduce the risk of damage to property and human life; minimise long term flooding impacts to and from developments and to ensure that development within the Sydney drinking water catchment has a neutral or beneficial effect on water quality.

Controls

The development controls relating to stormwater management are provided below:

1. Development involving the subdivision of land must demonstrate that stormwater management arrangement will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.
2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report (a Water Cycle Management Study or Similar) to be submitted with the development application which must include modelling of both water quantity and quality and must also include a short and long term maintenance management plan.

Comment: Calibre has prepared a Stormwater Concept Plan to ensure the proposed bulk earthworks on proposed Lot 1, 2 and 4 was satisfactory with stormwater management strategies and water sensitive urban design principles. "The stormwater quantity management strategy aims to match post – development peak runoff to the permissible site discharge in all storm events and including the 100 year storm event in accordance to Council's requirement for stormwater quantity. This will mitigate large scale flooding while maintaining the smaller channel forming flows and in – stream environments. Stormwater quantity will be managed by detention components within the basin until such time as the regional basin is constructed. Refer to Figure 4.5 for an extract of the basin catchments and Appendix E for the Stormwater Concept Plan Report for the proposed development.



Figure 4.5: Basin Catchments (Source: Calibre 2018)

• Section 2.4 Lot Size and Shape

The objective of this control is to ensure regular and practical allotments will encourage the orderly and economic use of land. The controls for lot size and shape are detailed below.

Controls

1. Lots (other than lots in residential zones) shall have the following minimum dimensions:

Zone	Minimum Lot Width	Minimum Lot Width (Corner allotment)	Minimum Lot Depth
RU1	50m	50m	50m
RU2	50m	50m	50m
RU4	30m	30m	50m
E3	30m	30m	50m
E4	30m	30m	50m
Other Zones	N/A	N/A	N/A
B5	In the case of a subdivision intended for residential development refer to control 2. There are no minimum dimensions for subdivision intended for commercial development.		

Comment: The proposed lots will be contained within the RU1 Primary Production zone until such time as the LEP Amendment is gazetted, at which time the development lots will be rezoned to their respective zones, with the residue lot remaining in the RU1 Primary Production zone. The residue lot will meet the minimum lot width and depth requirements. The other lots meet the requirements of their intended zones, to the extent that these controls apply.

2. Lots in residential zones shall have the following minimum dimensions:

Area	Minimum Lot Width	Minimum Lot Width (Corner allotment)	Minimum Lot Depth
Less than 450m ²	12m	12m	20m
Between 450m ² and 650m ² (inclusive)	13m	15m	20m
Between 650m ² and 1500m ² (exclusive)	15m	20m	25m
1500m ² Or Greater	20m	30m	30m

Comment: This control is not applicable to this application as this DA is seeking consent for a facilitating subdivision only and does not propose any residential lots. This control will be addressed in a future development application in which residential lots are proposed.

3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:
 - a. The subdivision of a dual occupancy or medium density development that is existing and lawful; or
 - b. The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2015.

Comment: This control is not applicable to this application as this DA is seeking consent for a facilitating subdivision only and does not involve any dual occupancy or medium density development. This control will be addressed in a future development application in which residential lots are proposed.

4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.

Comment: This application does not propose to open any roads or create environmental reserves. However, proposed Lot 2 is proposed to be dedicated to Council as public open space as per the terms of the VPA, once it has been zoned RE1 Public Recreation and embellished.

5. Lots that are irregularly shaped because of their location in the road network and/or because of constraints of the site may proceed in spite of a non-compliance with controls 1 and 2 if the consent authority is satisfied that the lots, when developed, will be capable of supporting:
 - a dwelling with a footprint of at least 150m² ; and
 - Any required asset protection zone wholly within the proposed lot boundaries
 - If the subdivision occurs on unsewered land that the site can adequately accommodate any effluent disposal area that is required;and the resulting character of that development would be consistent with the character of the area.

Council may require the submission of specialist studies to justify development carried out under this control.

Comment: This control is not applicable as the proposal does not create any lots for residential purposes. This will occur via later application, once the draft LEP Amendment is gazetted and the site is rezoned.

6. For the purposes of calculating minimum lot size for land within an R1, R2 or R3 zone, the area of the battle-axe handle is not included in the calculation of the area of a lot which it services. This is shown in the diagram below:

Comment: This control is not applicable as the proposal does not create any lots for residential purposes. This will occur via later application, once the draft LEP Amendment is gazetted and the site is rezoned.

7. Proposed lots which face onto a cul-de-sac head shall achieve a minimum “chord” width of 10 metres. The area considered to be the chord of the cul-de-sac is demonstrated in the diagram below.

Comment: This control is not applicable as the proposal does not create any lots for residential purposes. This will occur via later application, once the draft LEP Amendment is imminently gazetted and the site is rezoned.

- **Section 2.5 Landscape and Character**

The objective of this control is to ensure subdivisions are designed in a way that maintains or enhances the landscape character of the surrounding area.

Controls

1. The subdivision of land in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.
2. The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary.
3. Access handles to lots in residential zones (excluding R5 Large Lot Residential zones) must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas.
4. Landscaping required by control 2.5(3) shall be provided with:
 - a) An automatic watering system; and
 - b) A mix of ground covers and shrubs that are appropriate for the width of the handle; and
 - c) A mulched or rocked garden bed with permanent edging.
5. Landscaping for access handles shall not obscure the buildings at the rear of the handle.
6. The subdivision of land that proposes the opening of a new public road must include embellishment of the new road verges in accordance with Council’s Street Tree Risk Plan.

Comment: Not applicable, this control is related to lots seeking to create building envelopes, access driveways and openings of new public roads and to ensure the landscaping is satisfactory. The proposed development is seeking to create five (5) residue lots and a landscaping plan will be provided in a future residential subdivision development application.

- **Section 2.6 Corner Allotments**

The objective of this control is to plan corner allotments at the subdivision stage to ensure safe vehicular access and maximum amenity for the streetscape.

Comment: Not applicable, the proposed development is not creating any corner allotments in this DA.

- **Section 2.7 Building Envelopes**

The objective of this control is to identify the constraints on rural and environmental land at the subdivision stage and to ensure integrated housing lots are provided with adequate covenants for a future zero lot line.

Controls

1. Each lot created by subdivision of land within rural and environmental zones shall be provided within a building envelope that includes all developable land and excludes the following land:
 - a) Land that is moderate or higher risk of geotechnical instability; and
 - b) Land that is within a setback identified in Volume 4 of this DCP; and
 - c) Land that is within 40 metres of the top of bank of a watercourse; and
 - d) Land that contains significant native vegetation; and
 - e) Land that has been identified as being subject to the 1% AEP flood extent; and
 - f) Land that is required for an asset protection zone under a Bushfire Safety Authority; and
 - g) Land that is subject to a transmission line or other utility service easement; and
 - h) Land that is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area.

Comment: A Building Envelope Plan is not applicable to be provided as this DA is seeking to create five (5) residue lots and bulk earthworks for proposed residue lot 1, 2 & 4. As such, this control will be addressed in a future development application in which subdivision for residential lots are proposed.

- **Section 2.8 Environmental Protection**

The objective of this control is to ensure significant native vegetation and other environmental assets are not lost in the provision of asset protection zones.

Controls

1. The subdivision of land that comprises significant stands of native vegetation must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision.
2. The layout of any proposed subdivision must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on steep and constrained lands.

Comment: The layout of the Subdivision Plan for the proposed procedural subdivision has been designed to limit and avoid any impacts on watercourses, vegetation and prevent future development occurring on steep and constrained lands. As the proposed subdivision development is seeking to create five (5) residue lots and bulk earthworks on proposed residue lot 1, 2 & 4, the proposed layout is merely following the proposed zoning lines and shape to create these residue lots to facilitate future development.

A Flora and Fauna Assessment has been prepared by Biosis to determine potential impacts of the proposed development on ecological values in accordance with the *EP&A Act* and *Biodiversity Conservation (BC) Act 2016*. The findings and recommendations from this Report found that there is *“no endangered or threatened flora species or threatened ecological communities listed under the EPBC Act or BC Act were recorded during the field surveys. Following field investigations, eight fauna species listed under the BC Act were considered to have a moderate likelihood of occurrence in the study area... assessments of significance have been undertaken for these species and are not considered likely to be subject to significant direct or indirect impacts associated with the project”*.

Refer to Appendix O for this Report for additional details on safeguard methods to the removal of threatened and general fauna species habitat, general inspections and riparian corridor management.

- **Section 2.9 Non – Residential Development**

The objectives of this control is to ensure that the subdivision of land is carried out with due regard to other existing non – residential development in the locality.

Controls

1. When the subdivision of land is proposed in an area where an existing nearby non-residential use may impact on future residents, the consent authority must be satisfied that the new development would not restrict the ability of the existing development to meet amenity requirements in relation to issues such as noise, odour and the like in accordance with the principles established in the case of *Inghams Enterprises vs Kira Holdings*.

Comment: The proposed subdivision will not impact on existing nearby non – residential use due to excessive noise, odour and operational requirements. The proposed subdivision is not within a recognised buffer zone for an intensive agricultural establishment such as a chicken farm or piggery. The proposed development is seeking to create five (5) residue lots and bulk earthworks and has taken into consideration nearby non – residential uses in which future residential development will not be impacted on these localities.

- **Section 2.10 Agricultural Subdivision**

The objective of this control is to ensure agricultural land is not fragmented and degraded by inappropriate subdivision.

Controls

1. These controls relate to the subdivision of land carried out under Clause 4.2 of Wollondilly Local Environmental Plan, 2011.
2. Any development application for the subdivision of land under this clause must include a Total Farm Management Assessment which identifies the following:
 - Details of the most suitable agricultural uses for the site taking into account soil type, agricultural land classification, slope, pasture/grass type, drainage characteristics of the site, microclimate and proximity to dwellings on adjoining lands; and
 - The agricultural use to be undertaken on each proposed lot; and
 - The nomination of an agricultural envelope within each lot which demonstrates that sufficient land is available for the nominated agricultural use for that lot. The agricultural envelope shall exclude areas of the site required for boundary setbacks, services (including on-site wastewater disposal), drainage and other infrastructure and the like; and
 - Provide evidence that the lots are large enough to prevent the onset of rural land use conflict by way of odour, spray drift etc from the proposed agricultural use; and
 - Indicate the source of water supply for the use; and
 - Provide an Economic Feasibility Assessment of the intended agricultural uses on each of the lots.
 - That the use of the land, including storage of equipment, will be satisfactory from a security perspective if the lots do not have a dwelling to provide supervision.

3. A restriction shall be placed on the title of each lot created under clause 4.2 of Wollondilly Local Environmental Plan stating that the lot shall only be used for the purposes identified in the Total Farm Management Assessment endorsed by Council and that the lot(s) shall no dwelling shall be erected on the lot burdened.

Comment: Not applicable, this development application is not seeking consent for agricultural subdivision.

- **Section 2.11 Boundary Adjustment to certain residential, environment protection and rural zones**

This part applies when a boundary adjustment is carried out and no additional lots are created under Clause 4.2B of *WLEP 2011*.

Comment: Not applicable, this DA is not seeking for any boundary adjustments to certain residential, environmental protection and rural zones.

5 SECTION 4.15 EVALUATION

5.1 Matters for Consideration

In determining a development application, a consent authority is to take into consideration the following matters:

- (a) The provision of:
 - i. Any Environmental Planning Instrument

State and Regional Planning Policies

The relevant State Environmental Planning Policies (SEPP) are:

SEPP no. 55 Remediation of Land – The proposed development is only seeking to create five (5) super lots and bulk earthworks on proposed Lots 1, 2 and 4. As such, additional contamination testing and recommendations will be undertaken in a future residential subdivision application. For information purposes, this SEE has reviewed the preliminary contamination report prepared to support the rezoning planning proposal in 2014 to address this SEPP.

A Preliminary Environmental Site Assessment was prepared by Environmental Investigation Services (EIS) in May 2014 to support the Planning Proposal. This Report aims to assess the potential risk for contamination at the site and to human health in determining whether the site was suitable for future residential land use. Previous land uses for the site has been used for commercial and agricultural purposes and the scope of this report included a desktop review, site inspection and sampling.

The recommendations from this report found the site had a risk of contamination and the consultant has identified Areas of Environmental Concern (AEC).



Figure 5.1: Areas of Environmental Concern (Source: Environmental Investigation Services 2014)

Council is requested to condition this clause until a future residential subdivision application is submitted on the basis that this DA is only seeking to create five (5) super lots and bulk earthworks on proposed Lots 1, 2 and 4. The Areas of Environmental Concern identified by the environmental consultant will be addressed in a future DA in which residential subdivision is proposed. This will not impact on the proposed bulk earthworks as the areas of concern are mostly contained in existing sheds and building structures.

To further supplement this assessment prepared by Environmental Investigation Services in 2014, a more detailed contamination assessment has been undertaken by Geotechnique recently consisting of a review of the preliminary contamination assessment and followed by a site inspection. More sampling was undertaken to verify the areas of concern and this report is provided under Appendix Q.

Geotechnique has prepared a report to analyse the Preliminary Environmental Site Assessment and Geotechnical Investigation Reports previously submitted to support the rezoning proposal. A site inspection was conducted in October 2018 and confirmed the "site was being used for grazing of cows and the site was accessed from Station Street to the south of the site and west of the railway line". Refer to Figure 5.2 below for the site features identified by Geotechnique in their analysis of the Reports submitted in the rezoning proposal. The recommendation from Geotechnique is that "the site is suitable for construction of residential building are completion of site preparation works". Refer to Appendix P for the report prepared by Geotechnique.



Figure 5.2 Site Features for Stage 1 (Source: Geotechnique 2018)

Local Environmental Plan

The relevant Local Environmental Plan (LEP) is:

Wollondilly Local Environmental Plan 2011 – This statutory legislation has been addressed under Section 4.1 of this SEE to assess against the Clauses to determine their compliance. The proposed development is in accordance with the provisions of this LEP.

- ii. Any proposed instrument that is or has been subject of public consultation under this Act and that has been notified to the consent authority (unless the Director – General has been notified the consent authority and that the making of the proposed instrument has been deferred indefinitely or has not been approved)

The site is subject to a draft instrument that has been publicly exhibited and which is currently undergoing finalisation and imminent gazettal. This draft instrument is seeking to amend Wollondilly LEP 2011 by way of rezoning the subject land part R2 Low Density Residential, Part B1 Neighbourhood Centre, and Part RE1 Public Recreation, with balance areas remaining in the RU1 Primary Production zone. Furthermore the draft instrument seeks to introduce a minimum allotment size of 500m² and a proposed maximum building height of 6.8m in the proposed R2 Low Density Residential Area on the site.

This procedural subdivision is intended to give effect to the zoning boundaries proposed within the draft instrument, by reconfiguring the site into new allotments that reflect the proposed future land uses. As such the proposed subdivision is wholly consistent with the draft instrument.

- iii. Development Control Plan

Wollondilly Council has a Development Control Plan (DCP) being the Wollondilly Development Control Plan 2016. The proposed development is in accordance with the provisions of this DCP, specifically Volume 1 – General (Part 6 – Heritage) and Volume 3 – Subdivision of Land on matters relating to the proposed five (5) residue lots and bulk earthworks on residue lot 1. 2 & 4.

Controls have been addressed under Section 4.2 & 4.3 of this SEE.

- iiia. Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

A Voluntary Planning Agreement is currently being negotiated between the applicant and Council in which the subject site will soon be gazetted with land use zones of R2 Low Density Residential, RE1 Public Open Space and B1 Neighbourhood Centre.

- iv. The regulations (to the extent that they prescribe matters for the purposes of this paragraph)

There are no prescribed matters under the Regulations that may impact on the consolidation of this application.

- (b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

The likely environmental impacts on the natural environment of the proposed development are addressed as follows:

Impacts on the natural environment

The proposed development will not have an adverse impact on the natural environment other than what is to be expected in a procedural subdivision and bulk earthworks application. Erosion and sedimentation impacts will be contained within the works area and temporary sedimentation basins installed to contain sediment movement during the bulk earthworks construction phase.

A Flora and Fauna Assessment has been prepared by Biosis to determine potential impacts of the proposed development on ecological values in accordance with the *EP&A Act* and *Biodiversity Conservation (BC) Act 2016*.

The findings and recommendations from this Report found that there is *"no endangered or threatened flora species or threatened ecological communities listed under the EPBC Act or BC Act were recorded during the field surveys. Following field investigations, eight fauna species listed under the BC Act were considered to have a moderate likelihood of occurrence in the study area... assessments of significance have been undertaken for these species and are not considered likely to be subject to significant direct or indirect impacts associated with the project"*.

From a Flora and Fauna perspective, this DA will be assessed in accordance with the repealed *NSW Threatened Species Act 1995* (TSC Act) and Commonwealth *Environment Protection and Biodiversity Conservation Act 2000* (EPBC Act) as this development application is currently under transitional arrangements for the Biodiversity Conservation (Savings and Transitional) Regulation until 24 November 2018. This DA has been submitted prior to this date and therefore, will be subject to the repealed TSC Act.

Additionally, this DA seeks for tree removal on the subject site and this is supported by an Arboriculture Impact Assessment Report by Sturt Noble Arboriculture. Recommendations provided by Sturt Noble identify:

"Twenty – five (25) trees have been considered as part of this assessment, of which fifteen (15) trees are located on the site and ten (10) are located in close proximity to the site boundary or in Stevens Road reserve.

- Fifteen (15) trees will need to be removed to accommodate the proposed development. These trees are No. 6, 10 – 12, 14 – 22, 24 & 25. Refer to the tree retention plan in Appendix 2.4.*
- Tree 06 and 12 are to be removed unless the on – site arborist determines that the works do not affect these trees.*
- Ten (10) trees are to be retained as part of the proposed development. These trees are Nos. 1 – 5, 7 – 9, 12 and 23. Trees to be retained as part of the approved development must be protected from potential damage caused by construction activities".*

Tree Protection Measures detailed in the Arboriculture Impact Assessment Report will be taken into consideration as part of this Development Application. Refer to Appendix I for the report.

The bulk earthworks and tree removal will have minimal impact on the natural environment as this is expected during a procedural subdivision to facilitate for future residential development.

Impacts on the built environment

The proposed subdivision and bulk earthworks will not have an adverse impact on the built environment within Wollondilly Council. Future residential development on the proposed super lots will contribute to the future character and growth within the Wollondilly Local Government Area and encourage various land uses that will benefit the community being low density residential, public open space, a neighbourhood centre and rural lands.

No heritage listed buildings will be impacted as a result of this proposal, as heritage curtilages will be excluded from the area of bulk earthworks.

(c) The suitability of the site for development

The site is suitable for development from a natural, contamination and built form perspective and is in accordance with relevant statutory legislation and accompanying DCP controls.

(d) Any submissions made in accordance with this Act or regulations

No submissions have been made at this stage of the development.

(e) The public interest

The proposed development is within the public interest as it facilitates orderly development of land.

6 CONCLUSION

This Statement of Environmental Effects has addressed all relevant matters for consideration with respect to the proposed subdivision to create five (5) super lots and bulk earthworks on proposed Lot 1, 2 & 4.

As the rezoning of the subject site is imminent, Council is requested to consider this application for procedural subdivision in accordance with the new land use zone boundaries and associated bulk earthworks.

The proposed development promotes the orderly and economic use of the site is in accordance with statutory provisions under the *Wollondilly Local Environmental Plan 2011*, *SEPP no. 55 Remediation of Land* and DCP controls. This SEE has adequately addressed all relevant sections of these statutory controls under Section 4 of this SEE.

This Development Application is nominated for 'integrated development' under Section 4.46 of the *EP & A Act 1979* and seeks concurrence from the Office of Environment & Heritage and Department of Primary Industries Water for their General Terms of Approval (GTA).

The cost of works for this development is under \$20 million and Council is the relevant determining authority.

Impacts of the proposed development have been addressed within this application with supporting documents attached under its relevant appendices. Council is requested to issue a development consent to enable the procedural subdivision and bulk earthworks to proceed.

15 MENANGLE ROAD & 45 STEVENS ROAD, MENANGLE FOR A
PROCEDURAL SUBDIVISION AND BULK EARTHWORKS DEVELOPMENT
APPLICATION

Appendix A Survey Plan

MIRVAC HOMES (NSW) PTY LTD

15 MENANGLE ROAD & 45 STEVENS ROAD, MENANGLE FOR A
PROCEDURAL SUBDIVISION AND BULK EARTHWORKS DEVELOPMENT
APPLICATION

Appendix B Subdivision Plan

MIRVAC HOMES (NSW) PTY LTD

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Appendix C Bulk Earthworks Plan

15 MENANGLE ROAD & 45 STEVENS ROAD, MENANGLE FOR A
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Appendix D Engineering Plans

15 MENANGLE ROAD & 45 STEVENS ROAD, MENANGLE FOR A
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Appendix E Stormwater Concept Plan Report

MIRVAC HOMES (NSW) PTY LTD

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Appendix F Preliminary Environmental Site Assessment

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Appendix G Aboriginal Cultural Heritage Due Diligence

MIRVAC HOMES (NSW) PTY LTD

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Appendix H Historical Heritage Assessment

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Appendix I Arboricultural Impact Assessment

MIRVAC HOMES (NSW) PTY LTD

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Appendix J Construction Traffic Management Plan

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Appendix K Bushfire Protection Assessment

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Appendix L Relinquishment of Mining Rights

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Appendix M Waste Management Plan

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Appendix N Geotechnical Investigation

MIRVAC HOMES (NSW) PTY LTD

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Appendix O Flora and Fauna Assessment

MIRVAC HOMES (NSW) PTY LTD

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Appendix P Desktop Study – Geotechnical and Salinity Assessment

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Appendix Q Progress of Detailed Contamination Assessment

MIRVAC HOMES (NSW) PTY LTD



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