

Statement of Environmental Effects

45 Stevens Road and 15 Menangle Road, Menangle – Concept Approval for Masterplanned Development



PREPARED FOR SOUTHWEST DEVELOPMENTS PTY LTD

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Executive Summary

The proposal establishes a vision for the progressive redevelopment of the Central Creamery at Menangle and its related buildings, including the former Camden Park Estate Rotolactor building in a manner that interprets the heritage values of the buildings into a modern context and provides a vibrant precinct centred on food, drink, markets and events. These key uses will be supported by hotel accommodation and more community-focused activities that will make the site an attractive destination for tourists, weekend visitors and local residents alike. A Masterplan has been prepared for the site to deliver this vision progressively over a number of years.

The proposal recognises the importance of The Creamery and the group of buildings associated with it to the local area and to the history of the dairying industry in New South Wales, including the supply of milk to Sydney, and the site's long association with the Macarthur family and their descendants. The Creamery has a central role in the history of Menangle village, as a focal point for the historical agricultural activities the village was established to support, evidenced by its close association and colocation with Menangle Railway Station. The proposal seeks to reflect these values and capitalise on them, by creating a destination precinct easily accessible to visitors by Rail and to locals alike. The proposed development will be low scale in nature and spread out over a large site, so that it will not introduce obtrusive elements into the landscape, remaining in keeping with the scale of buildings already present on the site.

The Central Creamery, Rotolactor and other buildings and structures have been long abandoned since dairying technologies changed, rendering them obsolete and have fallen into disrepair with the passage of time. This concept creates a unique opportunity to adaptively reuse the existing historic structures and fabric, and bring them into the 21st Century as a lively, active food and drink precinct, with The Central Creamery transforming into a boutique pub, with ancillary microbrewery and bistro, the Rotolactor converting to a function centre and a destination in its own right, supported by a boutique hotel and a variety of other attractions such as markets, informal dining and community event spaces.

The masterplan intent is to establish a framework for redevelopment of the site in a number of future development applications for individual components over time. This will enable the site to grow into its transformation and take shape as the surrounding land to the east, south and west develops into a new residential context. This application seeks concept approval for the Masterplan, setting out the framework to guide future redevelopment in a manner that is sensitive to the heritage values of the site and that will contribute to and enhance the village feel of Menangle, as well as the newer development occurring around the historical village.

1 INTRODUCTION

This Statement of Environmental Effects has been prepared by Calibre Professional Services (NSW) Pty Ltd (Calibre) for Souwest Developments Pty Ltd. This Development Application (DA) is in support under Part 4 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

This DA seeks Wollondilly Shire Council's (Council) consent for concept approval to carry out building works on a heritage place including alterations and additions to existing buildings, construction of new buildings and structures, and allow adaptive reuse of the heritage items including the following uses, subject to future applications:

- Hotel;
- Function Centre;
- Retail premises;
- Business Premises;
- Food and Drink Premises;
- Pub, incorporating ancillary microbrewery/distillery;
- Recreation Area;
- Information and Education Facility; and
- Market;

in accordance with "The Creamery at Menangle Masterplan" by Rothe Lowman Property Pty Ltd", dated November 2018, on land known as 45 Stevens Road, Menangle and 15 Menangle Road Menangle, being part of Lot 21 DP581462 and part Lot 201 DP 590247, which will be proposed Lot 3 in DA 698/2018.

The site is listed on the *Schedule 5 – Environmental Heritage of the Wollondilly Local Environmental Plan, 2011* as:

- The Central Creamery and Sheds; and
- The Menangle Conservation Area.

Lot 201 also includes another local heritage item, being The Central Creamery Manager's Cottage, which is also listed in Schedule 5 of the Wollondilly LEP 2011, but which does not form part of this application.

The application has been assessed under the relevant statutory legislation under:

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

This application does not seek approval for any works, including demolition works, which will be subject to further applications for Council consent.

The proposed development is not integrated development, however, due to the presence of local heritage items on the subject site, this application will be seeking concurrence from the Office of Environment and Heritage.

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

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

1.1 Background Information

Zoning

The site is subject to a recent Amendment to *Wollondilly LEP 2011 (Amendment No. 28)*, made on 21 December 2018, which rezoned the subject site from the RU1 Rural Primary Production Zone to the B1 Neighbourhood Business Zone. This Amendment also included the additional permitted use of Function Centre on the site. Other parts of the site (not subject to this application) were rezoned to R2 Low Density Residential and RE1 Public Recreation Zones, and also included the additional permitted use of attached dwelling on part of the site as well as the introduction of a number of development standards such as maximum building heights and minimum allotment sizes.

No additional development standards were prescribed for that part of the site subject to this DA as part of the LEP Amendment.

Procedural Subdivision

A procedural subdivision application is currently under assessment (DA 698/2018) that subdivides the current two lots Lot 21 DP581462 and Lot 201 DP 590247 into five (5) lots, and undertakes bulk earthworks. The subject site of this application equates to proposed Lot 3 in this subdivision application, which equates to the extent of the B1 Neighbourhood Business Zone. The application also undertakes bulk earthworks on the site, which for the most part does not intrude into the subject site, except at the boundaries to transition to the natural ground level in the subject site.

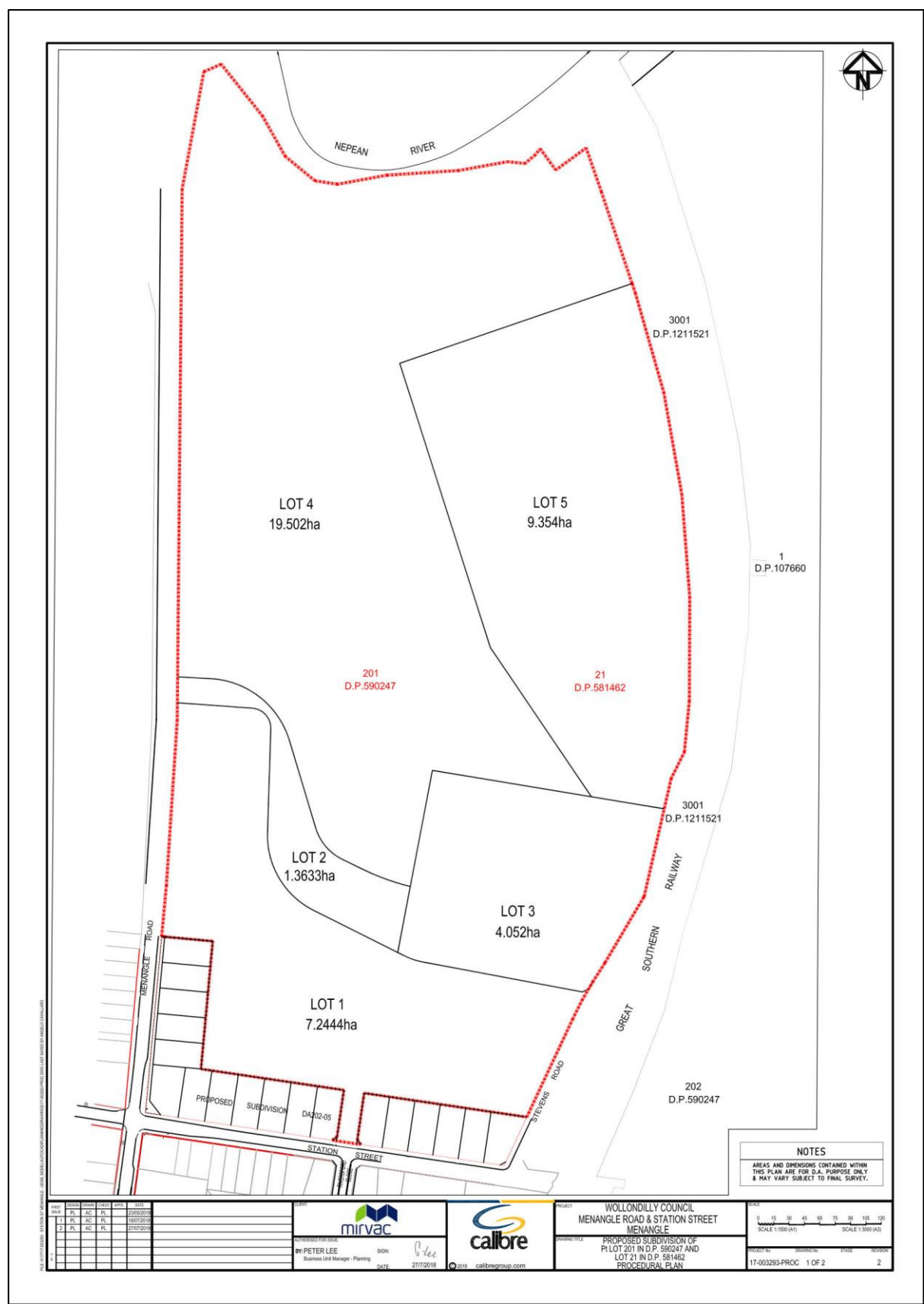


Figure 1.1 Proposed subdivision under DA 698/2018 - the site corresponds to proposed Lot 3(Source; Calibre, Mirvac Homes (NSW))

Subdivision of adjoining land

Further to the procedural subdivision application, a subdivision application (DA93/2019) was lodged recently with Council subdividing part of the site into 97 residential allotments, opening public roads and undertaking subdivisional works and associated drainage works. The works proposed under the subdivision application border directly on the site, with a new road being formed on the southern boundary of the subject site and Stevens Road being partly reconstructed. Some earthworks batters from the subdivisional works will extend into the subject site on the edges of the site until such time as the subject site is redeveloped and new finished levels established that tie into the adjoining development.

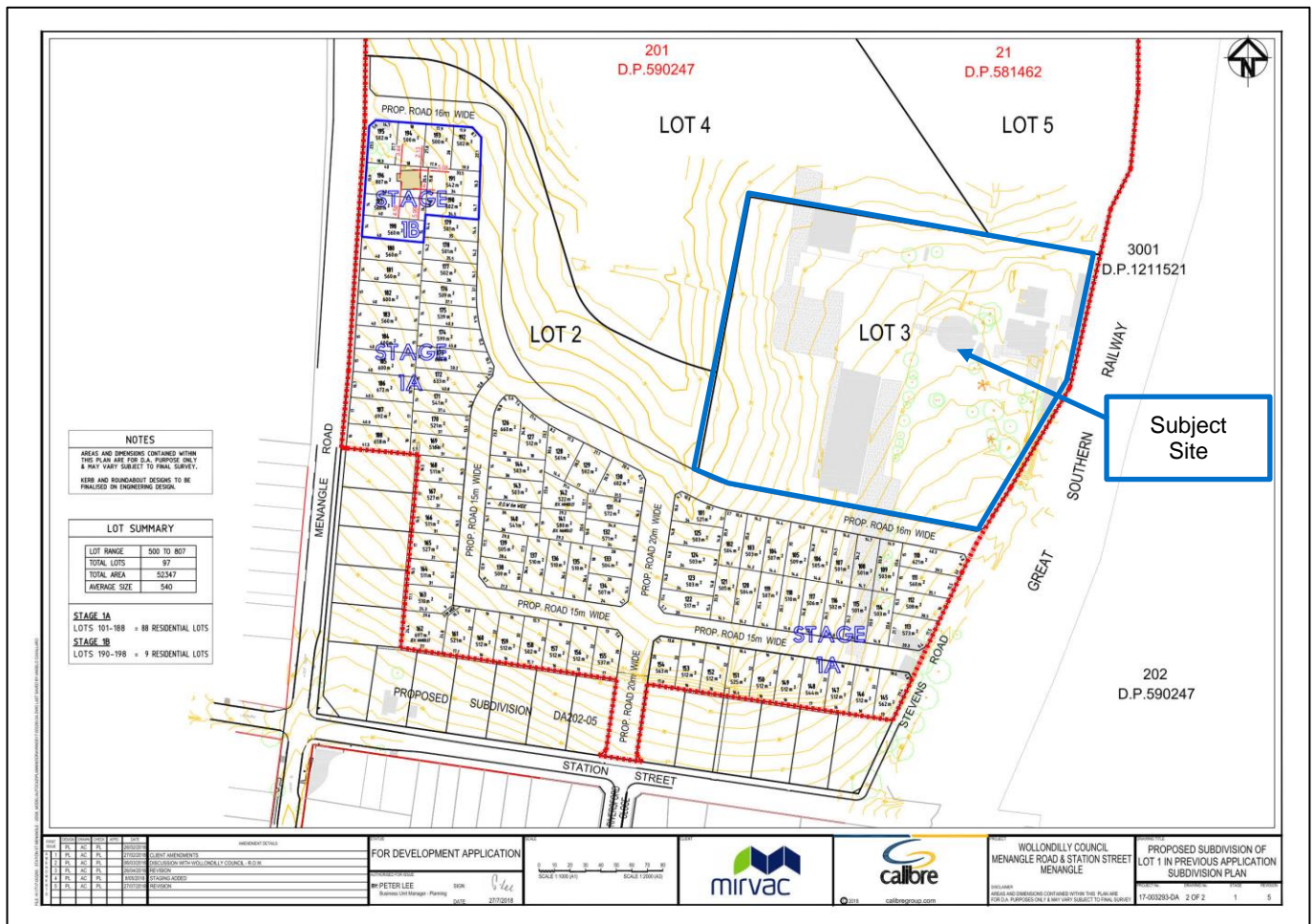


Figure 1.2 Proposed Subdivision (DA93/2019) (Source; Calibre, Mirvac Homes (NSW))

A prior subdivision application creating eighteen (18) lots fronting Menangle Road and Station Street has been previously approved on Lot 201, however this does not directly affect the subject site, being some 130 metres distant from the subject site, although currently on the same title.

A prior approval has been granted for the conversion of an existing cottage on Lot 201 to a temporary sales office, however this is also some 250 metres distant from the subject site, although currently on the same title.

1.2 Supporting Documents

This Statement of Environmental effects should be read in conjunction with the following documents:

Appendix A	Site Plan and Notification Plan
Appendix B	Buildings Masterplan
Appendix C	The Creamery at Menangle Masterplan
Appendix D	The Creamery at Menangle Alterations Report
Appendix E	Heritage Impact Statement
Appendix F	Survey Plan
Appendix G	Traffic and Transport Impact Assessment
Appendix H	Preliminary Site Assessment Report
Appendix I	Due Diligence Aboriginal Heritage Assessment – Station Street, Menangle
Appendix J	Acoustic Assessment Report

2 THE SITE

2.1 Property Details

The site is located at 45 Stevens Road Menangle and 15 Menangle Road, Menangle, being part of Lot 21 DP581462 and part Lot 201 DP 590247, which will be proposed Lot 3 to be created under the procedural subdivision under DA 698/2018, currently before Council. The parent lots are bordered to the east by Stevens Road and the Main Southern Railway including Menangle Station, to the north by the Nepean River, to the west by Menangle Road and to the South by Station Street. Proposed Lot 3 includes The Creamery, the former Camden Park Rotolactor and the associated buildings and structures, and the boundaries of this lot correspond to the area zoned B1 Neighbourhood Business under Wollondilly LEP 2011.

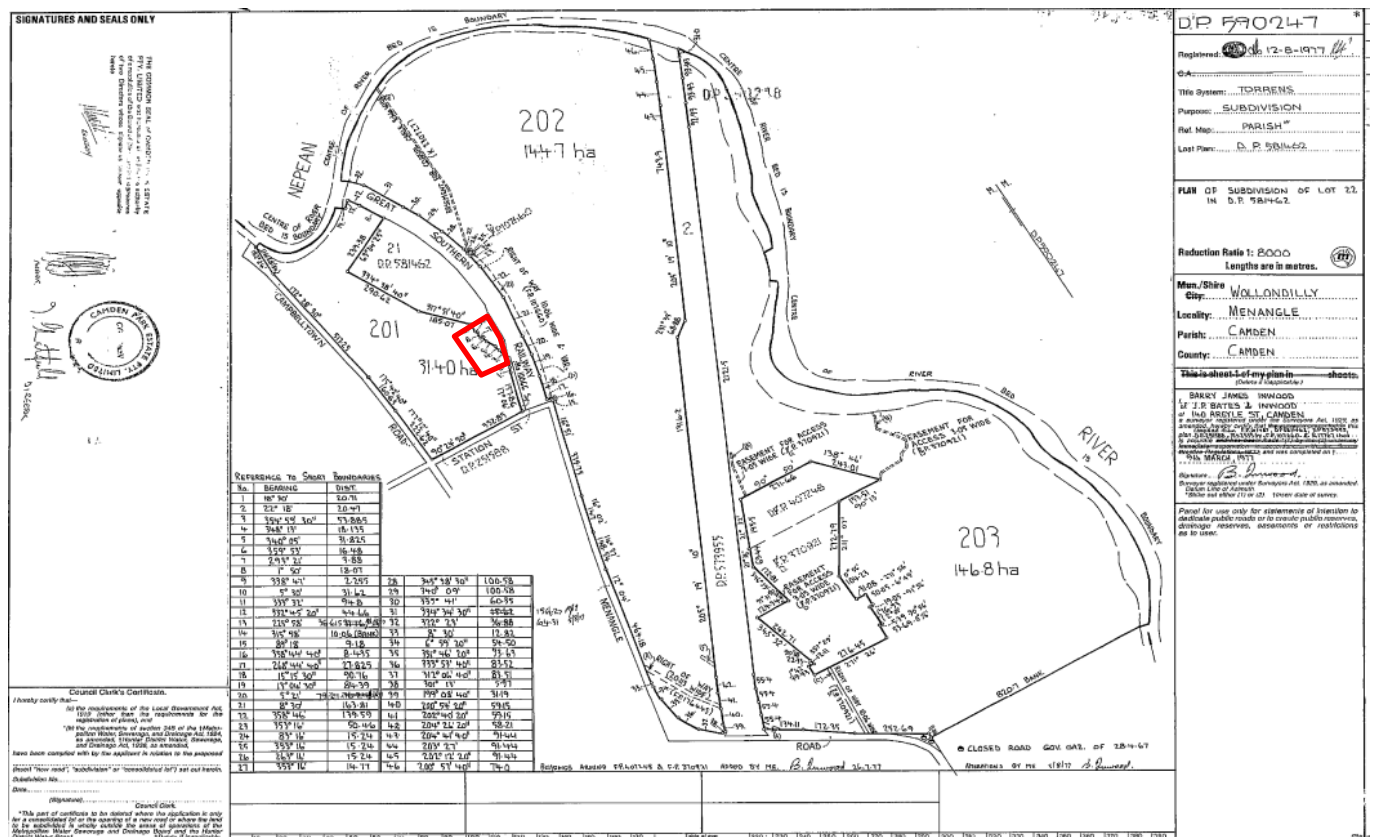


Figure 2.1 Deposited Plan showing subject site (highlighted in red)

2.2 Site Context & Detail

The subject site is within Wollondilly Council Local Government Area and is in a predominantly rural area, close to the existing Menangle village. The site surrounds to the south and east have however recently been rezoned to residential, so the existing character is expected to change. At present, the site is bordered to the east by the Menangle Railway Station – a State Heritage Listed group of buildings and beyond that by rural pastureland with scattered vegetation. To the north, the site is bound by open pastureland separating it from the Benedict Sands soil extraction operation on the Nepean River, to the west by rural pasturelands (with the land bordering immediately to the west being subject to development application for residential subdivision and public open space), and to the south by open land and Menangle Village, with this open land also subject to development application for residential development.

The site is currently occupied by a number of derelict buildings of a rural industrial character, being The Central Creamery, The Rotolactor, and associated storage sheds and ancillary buildings. These buildings previously housed the main dairying activities of the Camden Park Estate, which supplied the Sydney Market by rail via the adjacent Menangle Railway Station. The dairying activities have long since ceased and the site has fallen into disrepair. There is some vegetation on the site, including prior plantings dating back to the time that the Creamery and Rotolactor were in operation, however much of the site is now overgrown with exotics and is weed infested.

The Central Creamery Manager's cottage stands on Station Street close to the intersection with Menangle Road and Woodbridge Road and a second rural worker's cottage stands on Menangle Road roughly in line with the Creamery building group. These dwellings are expected to be incorporated in the proposed residential subdivisions surrounding them and their context will shift from rural to residential.

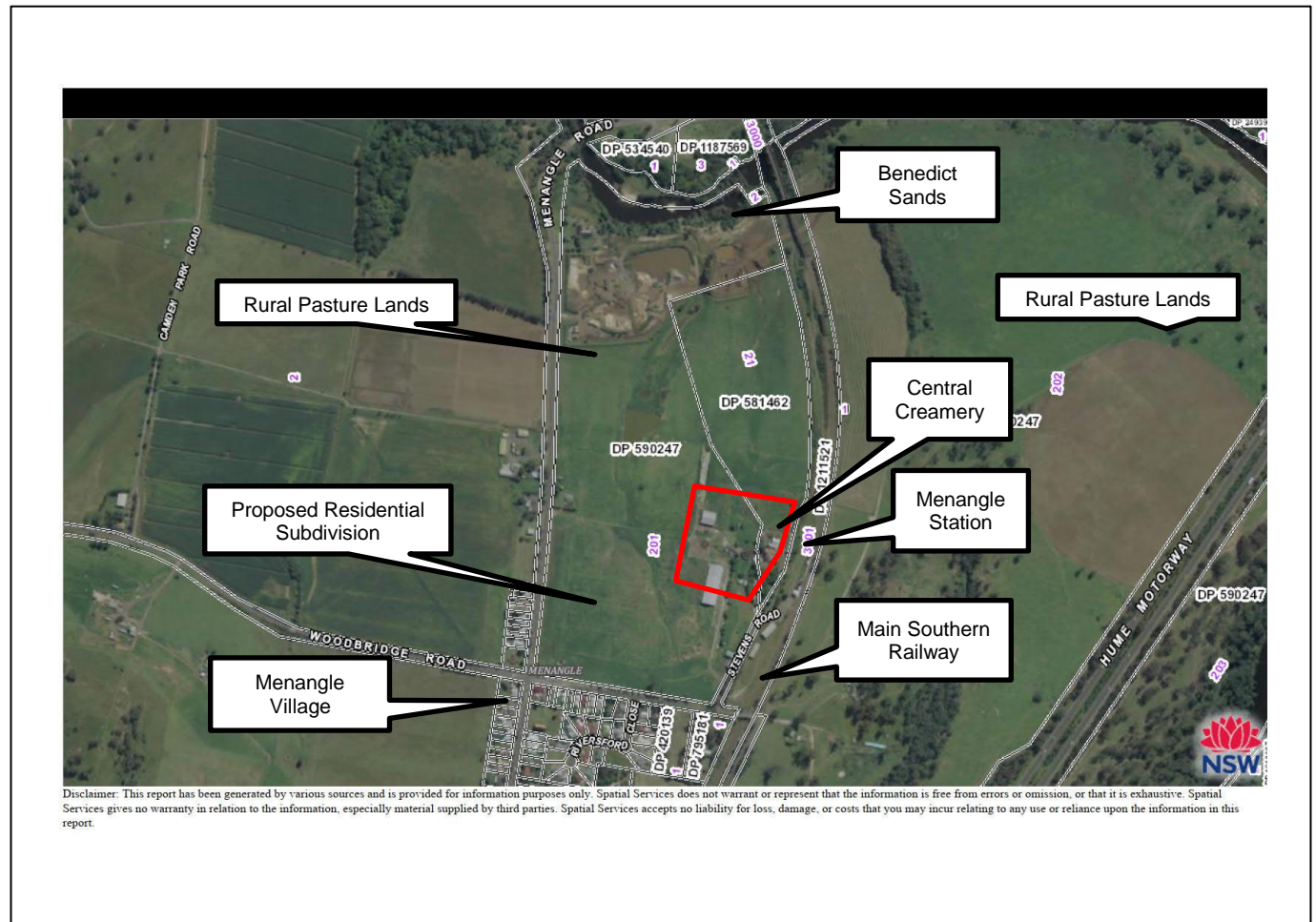


Figure 2.2 Site Context, with the subject site highlighted in red (Source: SIX maps, NSW Government)

The Central Creamery, the former Camden Park Rotolactor and the associated buildings and structures represent a coherent group of buildings within a distinct heritage precinct represented by the extent of heritage listings in Schedule 5 – Environmental Heritage, including the curtilages of the individual items (The Creamery and Rotolactor) and the wider Menangle Heritage Conservation Area. This group of buildings also acts as a transition point from the expanded Menangle Village precinct to the more rural landscapes on the Nepean River floodplain and the ongoing sand mining operations. The site essentially forms the border between land that is suitable for urban development and the Nepean River Floodplain. The land falls away immediately to the north of the subject site, and with the undeveloped nature of the land between this precinct and the approaches to Menangle village, it will remain undeveloped and be a prominent feature in the landscape.

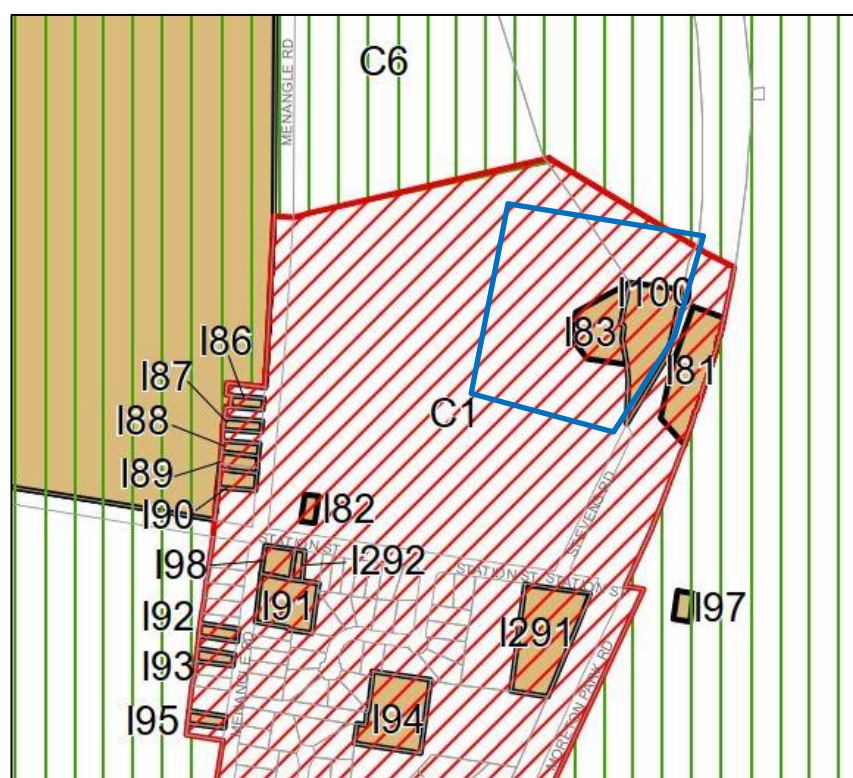


Figure 2.3 Extract of Wollondilly LEP Heritage Map showing extent of heritage precincts – site highlighted in blue; brown item #1100 is the Central Creamery; brown item 183 is the Camden Park Rotolactor; brown item 181 is the Menangle Railway Station (outside the subject site); Red hatching represents the Menangle Heritage Conservation Area; green hatching represents the Menangle Landscape Conservation Area.

3 PROPOSED DEVELOPMENT

The proposal establishes a masterplan concept for the progressive redevelopment of the site in a manner that interprets the heritage values of the buildings into a modern context and provides a vibrant precinct centred on food, drink, markets and events, supported by hotel accommodation and more community-focused activities that will make the site an attractive destination for tourists, weekend visitors and local residents alike. The masterplan intent is to establish a framework for redevelopment of the site in a number of future development applications for individual components over time. This will enable the site to grow into its transformation and take shape as the surrounding land to the east, south and west develops into a new residential context.

3.1 Concept Development Applications

The *Environmental Planning and Assessment Act, 1979* provides for Concept Development Applications under Division 4.4 of the Act. Section 4.22(1) of the Act defines a Concept Development Application as a “*development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be subject of a separate development application or applications.*” This application seeks to set out concept proposals for future development of the site. Concept approval is sought under s.4.22 (3) of the Act. Furthermore, this application seeks to establish guidelines for the future development of the site in accordance with a masterplan, in lieu of a site-specific DCP.

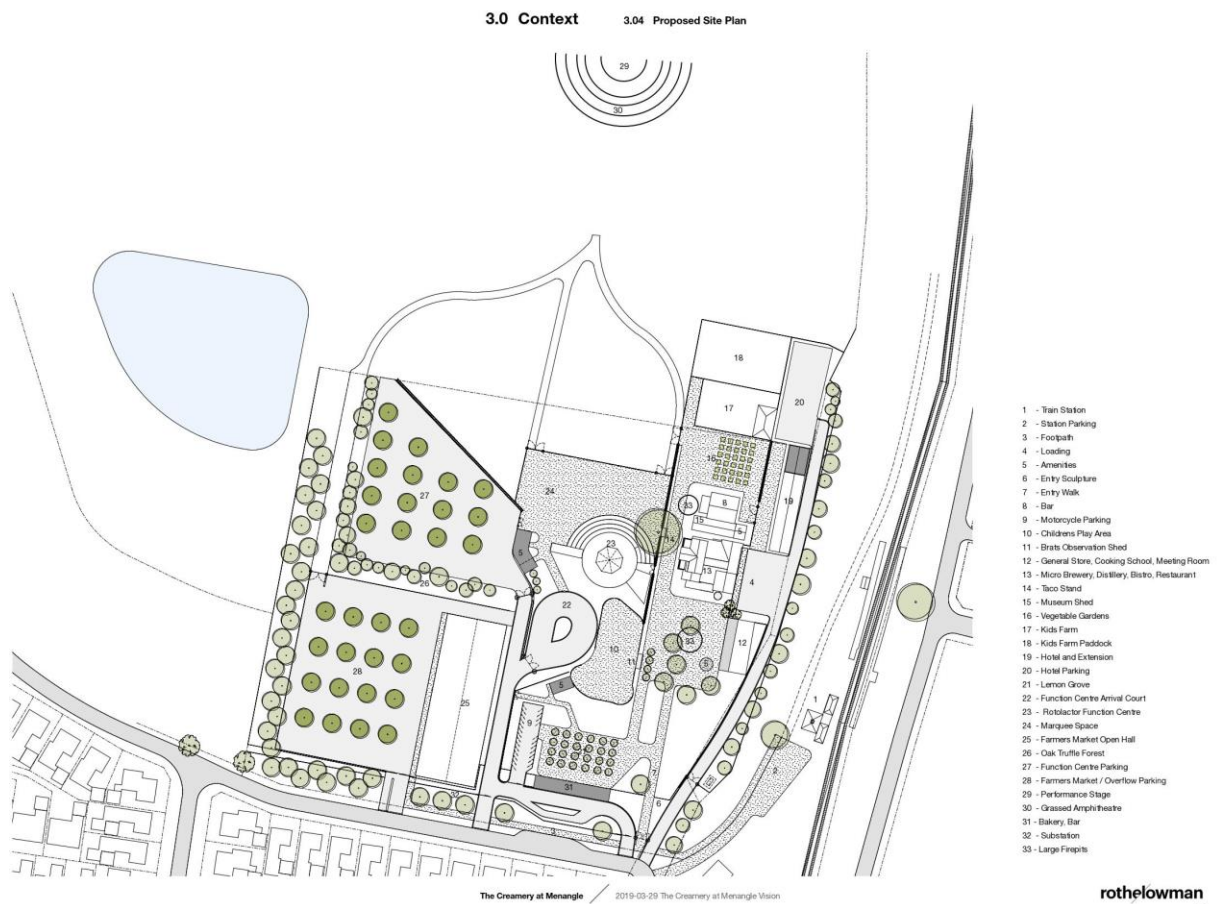
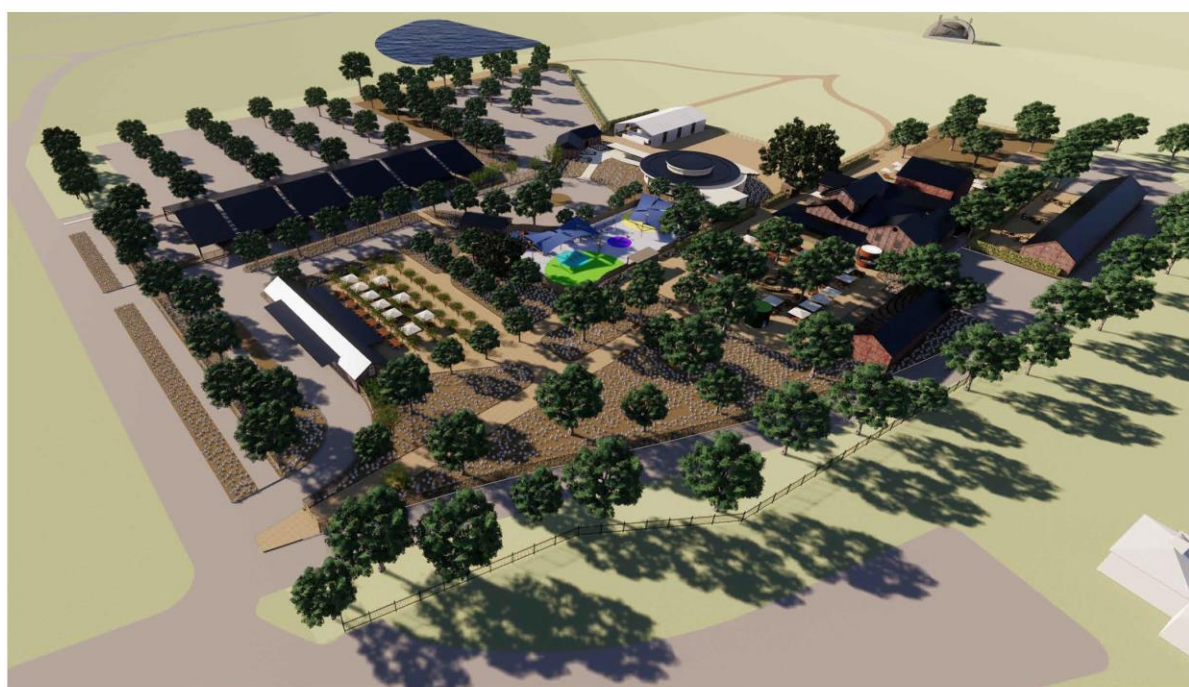


Figure 3.1 General Arrangement of buildings and associated works for The Creamery as proposed under the Masterplan (Source: Rothe Lowman Property P/L, 2018)

The vision concept for the Masterplan for The Creamery at Menangle is to revitalise the heritage precinct and create an opportunity for the residents of Menangle to meet.

The design proposal for the Creamery incorporates a multi-purpose development, with each use specifically tuned for the existing heritage built fabric. A visual representation of the overall concept in its wider context is shown below:

6.0 Masterplan / 6.01 Perspective



The Creamery at Menangle / 2019-03-29 The Creamery at Menangle Vision

rothelowman
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Figure 3.2 3D view of the Creamery at Menangle Masterplan at realisation (Source: Rothe Lowman Property P/L, 2018)

This proposal seeks to establish the masterplan to guide future development for the following proposed land uses:

- Hotel;
- Function Centre;
- Retail premises;
- Business Premises;
- Food and Drink Premises;
- Pub, incorporating ancillary microbrewery/distillery;
- Recreation Area;
- Information and Education Facility; and
- Market.

No works are proposed as a direct result of this application, with any building work or associated engineering or landscape works to occur following development approval for the specific uses identified above. These uses have been grouped into thematic precincts, with the general arrangement of uses shown in Figure XX, below:

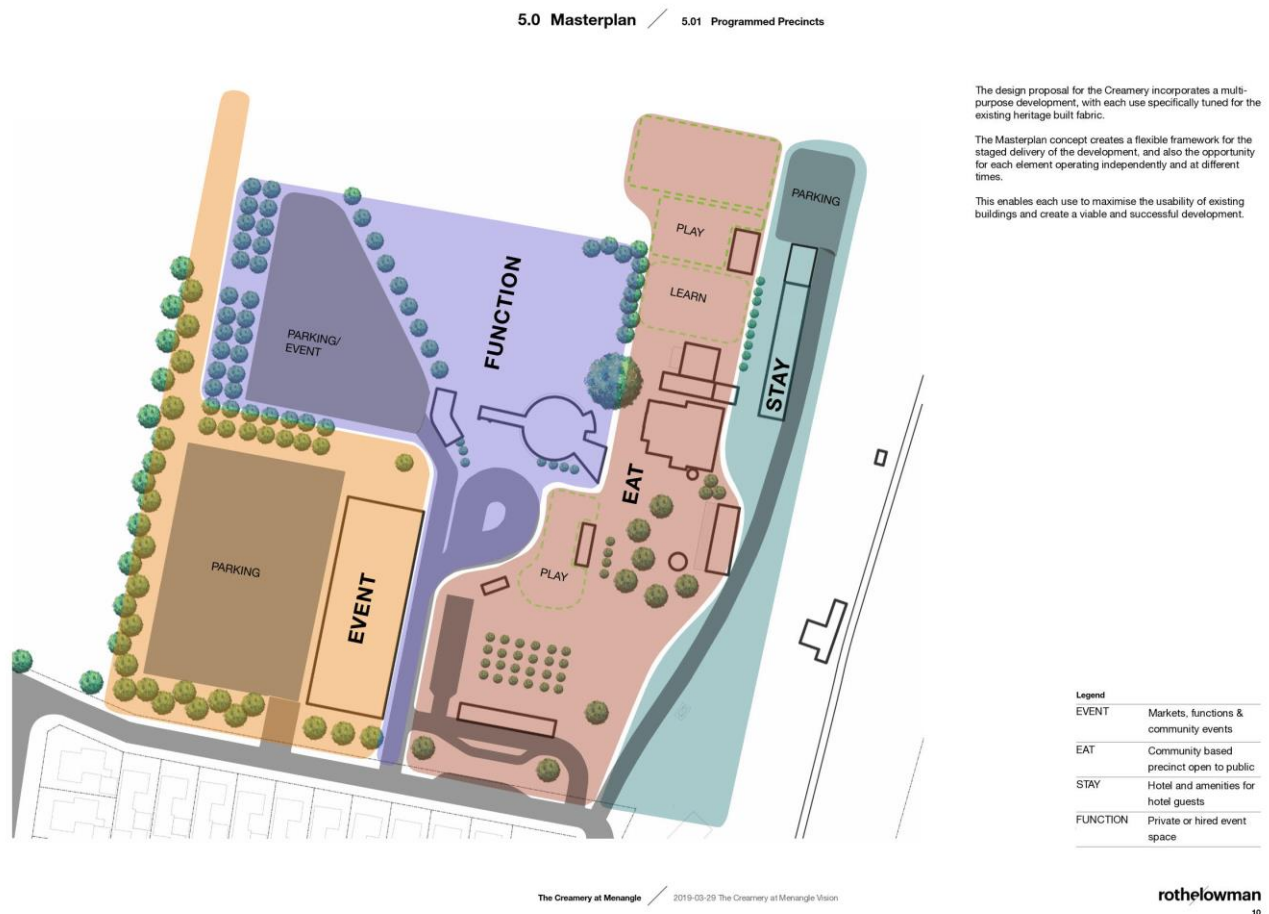


Figure 3.3 Masterplan - Programmed Precincts (Source: Rothe Lowman Property P/L, 2018)

The Masterplan concept creates a flexible framework for the staged delivery of the development, and also the opportunity for each element operating independently and at different times. This enables each use to maximise the usability of existing buildings and create a viable and successful development.

The five precincts proposed in the Masterplan are:

- The Event Precinct
- The Function Precinct
- The Eat Precinct
- The Stay Precinct

The masterplan also seeks to set the design parameters in which this development is to occur, in lieu of a site-specific development control plan. The design guidance in the concept masterplan will need to be adhered to in any future application on the site, giving certainty in respect of the overall development outcomes for the site and the intended built form outcomes.

The site offers rich history to the local area, therefore in rejuvenating the existing buildings there has been consideration of the impact the proposal will have relative to cultural and heritage items. The aim is to revive the site to become the tourist destination it once was and reveal memories of the past.

The Masterplan is anticipated to be delivered over five stages, with the general order of staging highlighted in the diagram below. The initial stage will comprise the redevelopment of the creamery and its associated outbuildings as well as establishing the main carpark, to be accessed from the proposed new local road in the adjoining subdivision, and ultimately, via Stevens Road. The second stage will comprise the refurbishment of an existing open shed into a covered market area and the third stage involves the conversion of the Rotolactor and its surrounds into a function centre. The fourth stage will involve the establishment of a

Bakery Bar and outdoor dining area centred on a proposed Lemon Grove, and the fifth and final stage involves the conversion of existing sheds into a boutique hotel.



Figure 3.4 Overall Staging Plan for The Creamery at Menangle Masterplan (Source: Rothe Lowman Property P/L, 2018)

Development guidelines are contained within The Creamery at Menangle Alterations Report (**Appendix D**) for each of the key structures consisting of a detailed scope of works to each of the existing structures, specifying:

- the extent of demolition of dilapidated structures and elements
- the replacement/renewal of elements to be retained/rebuilt
- additional proposed works to reveal the original fabric, where possible, and to convert the building to a form suitable for its suitable adaptive reuse
- new works and structures to bring the masterplan to realisation to compliment the setting of the original buildings and structures and achieve the functionality desired for the masterplan precinct.

The guidelines are primarily visual, with renderings of the intended post-redevelopment state of each building from its existing abandoned and dilapidated state, to a sympathetically determined adaptation. The Building Alterations report is an integral part of the Masterplan and guides its implementation, and should therefore form part of the Concept approval sought under this development application. The following figures give examples of the approach to be used to guide future development:



Figure 3.5 Extract from The Creamery at Menangle Alterations Report showing guidelines and rendering of The Creamery Building (Source: Rothe Lowman Property, 2018)



Figure 3.6 Extract from The Creamery at Menangle Alterations Report showing guidelines and rendering of the Rotolactor building (Source: Rothe Lowman, 2018)

4 STATUTORY PLANNING CONTROLS

4.1 Wollondilly LEP 2011

4.1.1 Part 1 Preliminary

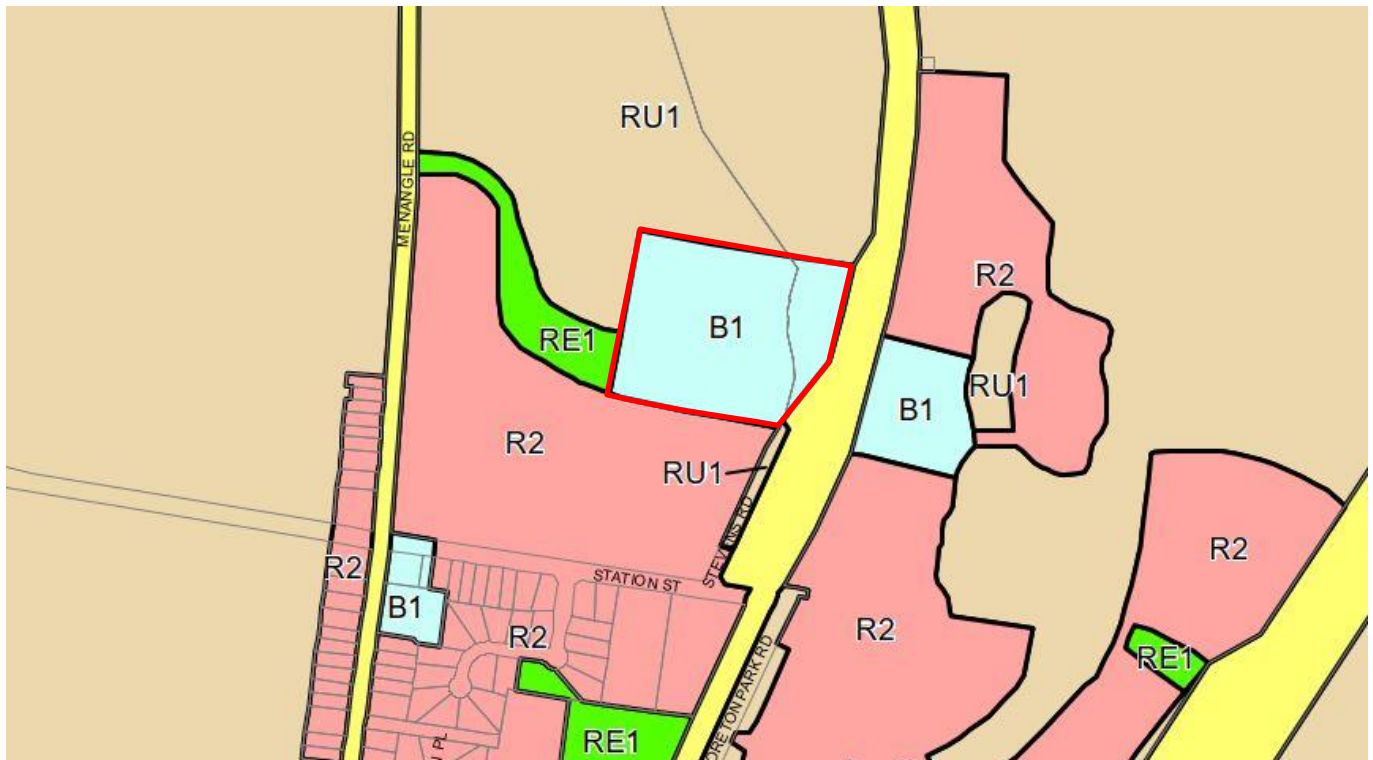
- **Clause 1.6 Consent authority**

Wollondilly Council is the relevant consent authority for this Development Application.

4.1.2 Permitted or Prohibited Development

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

The subject site is zoned B1 Neighbourhood Centre under the LEP, as shown in Figure 4.1, below.



B1 Neighbourhood Centre

Figure 4.1 Land Use Zone – subject site highlighted in red (Source Wollondilly LEP 2011)

- **Clause 2.3 Zone objectives and Land Use Table**

The objectives for the B1 Neighbourhood Centre zone are as follows:

1. *Objectives of Zone*

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To encourage development that does not impact on the viability of land within Zone B2 Local Centre.*

- *To support small-scale residential development in conjunction with retail, business and commercial uses in a manner that increases the vitality of the surrounding neighbourhood.*

2. *Permitted without consent*

Nil

3. *Permitted with consent*

Boarding houses; Business premises; Centre-based child care facilities; Community facilities; Home industries; Medical centres; Neighbourhood shops; Neighbourhood supermarkets; Respite day care centres; Roads; Shop top housing; Any other development not specified in item 2 or 4

4. *Prohibited*

*Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Attached dwellings; Bed and breakfast accommodation; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; **Function centres**; Heavy industrial storage establishments; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Mortuaries; Multi dwelling housing; Passenger transport facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Resource recovery facilities; Restricted premises; Restriction facilities; Roadside stalls; Rural industries; Secondary dwellings; Semi-detached dwellings; Sex services premises; Specialised retail premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water treatment facilities; Wharf or boating facilities*

Comment: The proposed development addresses the objectives of the zone by providing a number of uses that are small-scale in nature, including retail and business uses that serve the needs of people who live and work in the surrounding neighbourhood. These uses will in part cater for the increased residential population expected to live in Menangle as the adjoining residential subdivisions proposed for the village take shape, increasing the offer available in the locality, which is currently served only by a general store. There is currently no operating pub or hotel in Menangle, with the closest being the Camden Valley Inn in Cawdor, some six kilometres distant. Additionally, the Horse and Jockey Pub in Menangle Park, some 2-3 kilometres distant from the site, is planned to be reopened by the Harness Racing Club to accommodate some 4000 new dwellings being built within this suburb.

The proposed uses will contribute to the employment base in Menangle, as the proposed uses will also attract visitors to Menangle, creating additional economic activity. The proposed uses will not however be of a scale that will detract from the viability of B2 Neighbourhood Centre zoned land, of which there is none in Menangle, the closest B2 Zone land being in Menangle Park, which is currently undeveloped and more than two (2) kilometres distant. The closest B2 Zone land currently occupied is in Camden, some nine (9) kilometres from the subject site. The proposal's focus on various food and drink premises, family activities ('recreation area') and hotel/function centre uses will provide a very different offer to either of these other locations and the proposal is unlikely to compete with them directly, in accordance with the B1 zone objectives .

With respect to the permissibility of the uses proposed under the B1 Neighbourhood Business Zone, the following uses are permissible with consent in the zone:

- Hotel;
- Retail premises;
- Business Premises;
- Food and Drink Premises;
- Pub, incorporating ancillary microbrewery/distillery;
- Recreation Area;
- Information and Education Facility; and
- Market.

With respect to the proposed use of function centre, the permissibility of this use is discussed under Clause 2.5, below.

• **Clause 2.5 Additional permitted uses for permitted land**

Comment: Clause 2.5 allows for development on particular land that is described or referred to in Schedule 1 of the LEP that would otherwise be prohibited to be carried out, either with or without development consent. The land to which the additional uses are permissible are described further on the Additional Permitted Uses Map. The subject site is identified in Schedule 1 of the LEP under item 10 – Use of certain land at Menangle:

10 Use of certain land at Menangle

(1) This clause applies to the following land at Menangle:

(a) 15 Menangle Road, being Lot 201, DP 590247,

(b) 1370 Moreton Park Road, being Lot 202, DP 590247,

(c) 45 Stevens Road, being Lot 21, DP 581462.

(2) Development for the purposes of attached dwellings is permitted with development consent on the land identified as “10” on the Additional Permitted Uses Map.

(3) Development for the purposes of function centres is permitted with development consent on the land identified as “11” on the Additional Permitted Uses Map.

(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 land 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.

Item (3) specifically allows the use of function centre on the subject land, on that part of the site defined under the Additional Permitted Uses Map identified as ‘11’. The wider site (not subject to this application) also includes a buffer to the existing Coal Seam Gas Well, however The Creamery precinct is well outside of the restrictions to use that apply within this buffer.

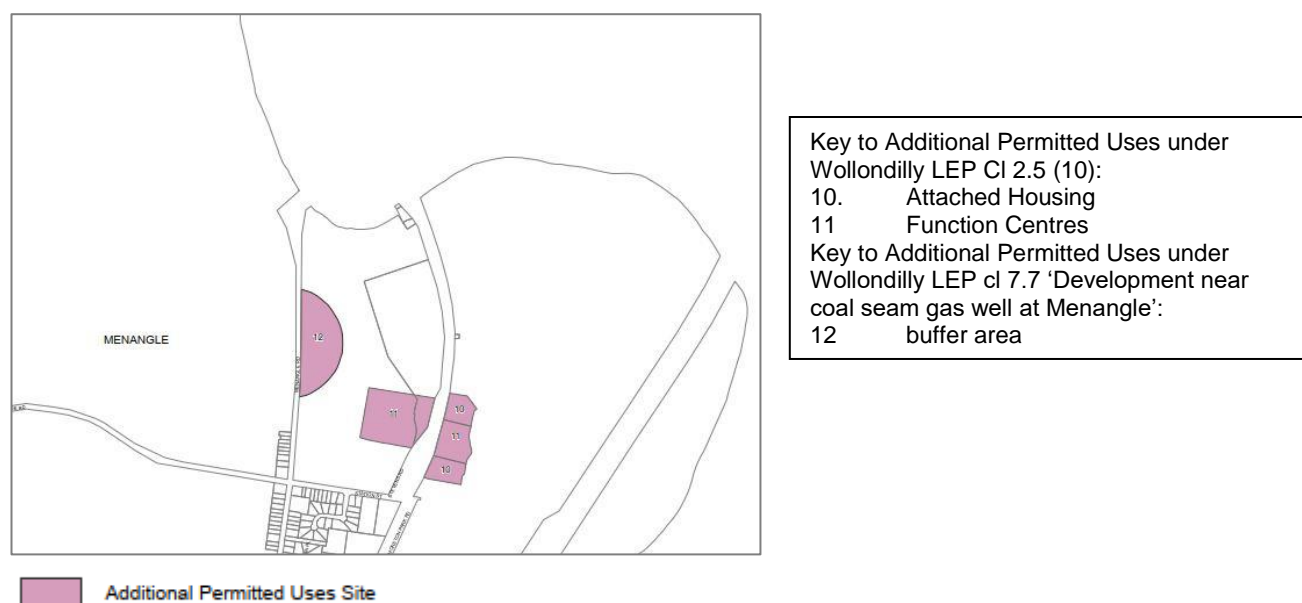


Figure 4.2 Extract from Additional Permitted Uses Map (source: Wollondilly LEP 2011)

• **Clause 2.7 Demolition requires development consent**

Comment: The proposed development does not seek consent for any demolition works under this application.

• **Clause 2.8 Temporary use of land**

Comment: The proposed development does not seek consent for any temporary use of land under this application.

4.1.3 Part 3 Exempt and Complying development

It is not proposed to seek consent for any complying development under this application.

4.1.4 Principal development standards

- **Clause 4.3 Height of buildings**

Comment: There is no maximum building height nominated on the Height of Buildings Map in the LEP.

- **Clause 4.6 Exceptions to development standards**

Comment: Not applicable. No variations to development standards are proposed as part of this development application, which is seeking consent for a concept masterplan and not proposing any works.

4.1.5 Part 5 Miscellaneous Provisions

- **Clause 5.1 Relevant acquisition authority**

Comment: Not applicable. No land is identified for acquisition by the State is identified on the land to which this application applies.

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

Comment: Not applicable. No land is identified for acquisition by a relevant authority is identified on the land to which this application applies. Part of Lot 201 DP 590247 is zoned RE1 Public Recreation and will be dedicated to Council as part of DA 698/2018. This area is however outside the land subject to this application.

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Maritime Services
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>
Zone B2 Local Centre and marked "Car park"	Council
Zone SP2 Infrastructure and marked "Local road"	Council

Figure 4.3 Public purposes and relevant acquisition authorities (source: Wollondilly LEP 2011)

- **Clause 5.1 Relevant acquisition authority**

Comment: Not applicable. No public land that would require classification by a relevant authority is identified on the land to which this application applies. Part of Lot 201 DP 590247 is zoned RE1 Public Recreation and will be dedicated to Council as part of DA 698/2018. This area is however outside the land subject to this application.

- **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 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 the land uses for the adjoining zone.

Comment: Not applicable. This development application does not rely upon any flexibility of land use near zone boundaries.

• **Clause 5.4 Controls relating to miscellaneous permissible uses**

Comment: The proposed concept masterplan will potentially involve three of the uses identified under this clause, namely kiosks (under food and drink premises), neighbourhood shops and neighbourhood supermarket (both under retail premises). The gross floor area for a kiosk is limited to 20 square metres, a neighbourhood shop is limited to 400 square metres and a neighbourhood supermarket to 1000 square metres. It is not proposed that any of these uses would exceed these gross floor area thresholds if implemented through the masterplan, which identifies specific locations for these uses to be carried out within existing and proposed buildings and structures.

• **Clause 5.10 Heritage conservation**

1) **Objectives** - 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

Comment: The proposed masterplan that this application seeks concept approval for is intended to conserve the heritage significance of the heritage items on site, being the Central Creamery building and the former Camden Park Rotolactor, and will provide the opportunity for the adaptive reuse of these items.

2) **Requirement for consent** - 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.

Comment: The proposal outlines how, under future applications, the following works will occur, in order to implement the masterplan and provide for the adaptive reuse of the buildings and precinct:

- partial demolition of heritage items, building works and structures within a heritage conservation area;
- altering the exterior of heritage items by making changes to its detail, fabric, finish or appearance;
- altering the interiors of heritage items including making structural changes to facilitate change of use; and
- erecting buildings and structures on land that contains heritage items and which is part of a heritage conservation area and undertaking works in this area.

Please refer to the Buildings Masterplan in **Appendix B**, The Creamery at Menangle Masterplan at **Appendix C**, The Creamery at Menangle Alterations Report at **Appendix D** and the Heritage Impact Statement (HIS) at **Appendix E** for further details on this point.

3) **When consent not required** - However, development consent under this clause is not required if:

- a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

- i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- b) the development is in a cemetery or burial ground and the proposed development:
 - i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- d) the development is exempt development.

Comment: The proposed development does not represent circumstances where development consent is not required.

- 4) **Effect of proposed development on heritage significance** - The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

Comment: A Heritage Impact Statement has been prepared that underlines the effects of implementation of the proposed Masterplan on the heritage significance of the site. Please note that this application seeks concept approval for the buildings and their uses, which does not involve any physical works. The masterplan will be implemented through subsequent development applications for individual components and uses. Please refer to the Heritage Impact Statement by GBA Heritage in **Appendix E**.

- 5) **Heritage assessment** - The consent authority may, before granting consent to any development:

- a) on land on which a heritage item is located, or
- b) on land that is within a heritage conservation area, or
- c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

Comment: A Heritage Impact Statement, Buildings Masterplan, the Buildings Alteration Report prepared to support the Masterplan for this concept development application and the Conservation Management Plan prepared as part of the 2014 Planning Proposal together form a body of documentation that assesses the extent to which the proposed development will preserve and enhance the heritage values of the existing items on site. This contrasts to the current state of the buildings on site, which are dilapidated and abandoned and which will continue to deteriorate if some useful purpose is not found for them to stimulate renewal. These documents may be found in **Appendices B – E** of this Statement.

- 6) **Heritage conservation management plans** - The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

Comment: A heritage conservation management plan was prepared by Graham Brooks Associates in support of the planning proposal that rezoned the site. The conservation management plan set out a number of key conservation policies for the heritage values of the site. The Heritage Impact Statement prepared in support of this concept development application outlines a response to these policies in Table 3 of the HIS, which is outlined below:

TABLE 3: ASSESSMENT AGAINST KEY CONSERVATION POLICIES OF THE CMP		
Policy no.	Policy	Comment
6.4 Principles for Reuse		
6.4.1	Strategic planning for the adaptive re-use of the Creamery Precinct should retain, conserve and adaptively re-use the built elements identified... as being of High significance, and the cultural landscape overlay of the rail siding, the driveway and its associated planting	Complies. All elements of High significance are to be retained.

6.4.2	<i>Conservation of the early former Central Creamery buildings (the Creamery building and [item 3]) should be in the form of on-going or new compatible uses for each of the buildings, uses that respect and utilise the current scale, form and internal configuration of the buildings with minimal external changes to their structure or external envelope.</i>	<i>Complies.</i> <i>Proposed uses require minor adaptive works.</i>
6.4.3	<i>The first stage of the strategic planning for the future development of the Creamery Precinct should be to undertake essential conservation works to the buildings. These works may be carried out independently, or in conjunction with, the implementation of a new use. The aim of the essential conservation works should be to halt the deterioration of the building fabric, ensure that the buildings are structurally sound and safe, in readiness for adaptive re-use works. Unless required to be removed for safety, or other compliance reasons, redundant machinery should generally be left in-situ until the design for an adaptive re-use proposal is being detailed.</i>	<i>Capable of compliance.</i>
6.4.4	<i>At the detailed design stage for an adaptive re-use, consideration should be given to the selective retention of redundant machinery for interpretive purposes, where practical. It is recognised that adaptive re-use of the Rotolactor may require the removal of virtually all redundant equipment and machinery, including the rotating milking platform.</i>	<i>Capable of compliance.</i>
6.4.5	<i>During preparation of schemes for future uses for the buildings, care should be taken to respect the scale and character of the existing interior spaces, external openings and general architectural character of each building.</i>	<i>Complies.</i> <i>The proposed uses retain the scale and character of the significant interior spaces.</i>
6.4.6	<i>New uses that are selected for any particular internal space should adopt the principle of 'loose fit' whereby the functional and spatial requirements of each use are tailored to suit the available space, in contrast to the approach that alters the building to suit the requirements of the new use.</i>	<i>Complies.</i> <i>Minor proposed changes required for adaptive purposes will not adversely impact significant internal spaces.</i>
6.4.7	<i>Installation of any new enclosures within the larger internal volumes of the buildings should recognise the tradition that such enclosures are clearly expressed as new, self-contained units and can be readily removed or altered in the future without affecting significant fabric.</i>	<i>Capable of compliance.</i>
6.5 Conservation of the Setting		
6.5.1	<i>The existing driveway alignment from Stevens Road to the former loading dock and its setting, with trees identified as contributing to the overall significance of the Precinct, should be retained and incorporated into any adaptive re-use of the site.</i>	<i>Complies.</i> <i>The driveway alignment will be retained.</i>
6.5.2	<i>Refinement of a master plan for an adaptive re-use proposal for the Creamery precinct should include the retention and/or interpretation of the existing railway siding.</i>	<i>Complies.</i> <i>The rail siding is to be retained.</i>

6.5.3	<i>Any new structures introduced to the site, should be limited to two storeys in height and designed and sited to maintain the distinctive visual presence of the existing buildings, and their rural outlook.</i>	<i>Complies.</i> <i>Proposed new structures are single storey in height, and are sited to ensure visibility of existing significant buildings</i>
6.5.4	<i>The intrusive fencing between the former Creamery buildings and the Rotolactor should be removed.</i>	<i>Complies.</i> <i>Fencing is to be removed.</i>
6.5.5	<i>The landmark position of the main former Creamery building and Rotolactor as strong visual elements within a self-contained Precinct setting should be maintained.</i>	<i>Complies.</i> <i>The Creamery and Rotolactor will retain their landmark roles within the site.</i>

The above extract from the Heritage Impact Statement clearly indicates that the concept approval sought clearly aligns with the approved heritage conservation management strategy that formed part of the planning proposal. The extent of works and new buildings will successfully adapt the Creamery into a vibrant precinct that expresses and interprets the heritage values of the existing items and their context.

- 7) **Archaeological sites** - *The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):*
- a) *notify the Heritage Council of its intention to grant consent, and*
 - b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

Comment: The site is not an identified Archaeological site.

- 8) **Aboriginal places of heritage significance** - *The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:*
- a) *consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
 - b) *notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

Comment: A Due Diligence Aboriginal Heritage Assessment for the subject site was undertaken in 2014 by Mary Dallas Consulting Archaeologists in support of the planning proposal submission for rezoning of the subject site. This report considered that the area associated with the former dairying activities was highly impacted by these historical uses and their associated levels of ground disturbance and retains no Aboriginal Archaeological sensitivity. These conclusions still hold today. Please refer to **Appendix I** - Due Diligence Aboriginal Heritage Assessment – Station Street, Menangle.

- 9) **Demolition of nominated State heritage items** - *The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:*
- a) *notify the Heritage Council about the application, and*
 - b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

Comment: Not applicable – the site is not a State heritage item.

- 10) **Conservation incentives** - *The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:*
- a) *the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
 - b) *the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
 - c) *the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
 - d) *the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
 - e) *the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

Comment: Following the gazettal of the *Wollondilly LEP 2012 Amendment No. 28* on 21 December 2018, all of the proposed uses sought under this concept development application are permissible with Council consent, so it is not intended to rely upon this clause. The masterplan and associated documents clearly outline the proposed minor changes to the existing items to permit the proposed uses.

- **Clause 5.11 Bush fire hazard protection**

Comment: Not applicable. As this application is for a concept approval for a masterplan only, the provisions of this clause will be addressed by the subsequent development applications for the individual uses and associated works. No works are to be carried out as a result of this approval alone.

4.1.6 Part 6 Urban release areas

Part 6 Urban release areas is not applicable as the site is not identified as an urban release area in the Urban Release Area Map of Wollondilly LEP 2011.

4.1.7 Part 7 Additional local provisions

- **Clause 7.1 Essential Services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the 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: Discussions have been held with Sydney Water regarding water and sewer services and arrangements are to be in place in order to service the adjacent subdivision, which will also service the proposed development on this site. Similar discussions have been held with Endeavour Energy regarding electricity supply. Telecommunications facilities will also be available at the time of development. As no works are proposed as a direct result of this application, these matters will be considered in the subsequent development applications for the individual uses and development stages.

- **Clause 7.2 Biodiversity protection**

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

Comment: Not applicable - The subject site is not identified on the Natural Resources – Biodiversity Map as containing any "sensitive land" as defined in the Wollondilly LEP 2011.

- **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: Part of Lot 201 DP 590247 is mapped as sensitive land, however this land is some 460 metres from the closest point of the land to be subject to this application. The riparian issue is addressed in DA 698/2018, which is the procedural subdivision to create proposed Lot 3, to which this concept DA for the masterplan is to apply. Therefore this clause does not affect this DA.

- **Clause 7.4 Flood planning**

The objective of this clause is to:

- (a) *to minimise the flood risk to life and property associated with the use of land,*
- (b) *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,*
- (c) *to avoid significant adverse impacts on flood behaviour and the environment.*

- 1) *The clause applies to land at or below the flood level, defined by Council for the land.*

Comment: It is understood that the relevant flood level for this site is 78.0m AHD. All the existing and proposed buildings for the site are at a level of at least 79.0m, with most being in excess of 81m AHD. Therefore this site is not considered subject to flooding and does not require a flood assessment. DA 698/2018, the procedural subdivision to create proposed Lot 3 addresses the flood planning requirements to ensure that the site is flood free to the accepted planning standards.

• **Clause 7.5 Earthworks**

The objective 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.

Comment: Not applicable as this application does not propose any works. Earthworks affecting the site edges are included as part of the documentation for DA 698/2018 and DA 93/2019, however they do not form part of this application. The individual use applications may include further earthworks to create finished levels, which will be included in the documentation for those applications.

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

- 1) *The objective of this clause is to protect the operational environment of activities where odour emissions may occur.*
- 2) *This clause applies to land identified as “Odour Buffer Area” on the [Odour Buffer Area Map](#).*
- 3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered the following:*
- a) *the impact that any odour associated with any poultry operation on adjoining land (the poultry operation) would have on the proposed development,*
 - b) *any proposed measures incorporated into the proposed development that would limit the impact of odour emissions associated with the poultry operation,*
 - c) *whether the proposed development would adversely affect the operational environment of the poultry operation.*

Comment: the subject site is not within any odour buffer area identified on the Odour Buffer Area Map. This clause therefore does not apply.

• **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: Not Applicable. The subject site is located more than 200 metres from the Coal Seam Gas Well on Menangle Road. Additionally, AGL reports that the well is expected to be decommissioned by 2022.

4.2 Wollondilly DCP 2016

4.2.1 Volume 1 General

4.2.1.1 PART 2 – General considerations for all development

- **Clause 2.1 Objectives**

The overall objectives of the Wollondilly DCP are as follows:

- 1) To ensure that developments are undertaken with due regard to human safety.
- 2) To ensure that developments do not unreasonably impact on their surrounds.
- 3) To ensure that developments achieve a satisfactory level of social equity.

Comment: The proposed development will be undertaken with due regard to human safety as it does not involve works, is located in an area free from hazard (including flood hazard and bushfire hazard)

- **Clause 2.2 Controls**

- 1) The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:

- a) Road and traffic hazards;

Comment: A Traffic Impact Assessment (**Appendix G**) has been prepared by Stantec to address the road network and traffic conditions as a result of the proposed development. The analysis carried out in this report shows that there is no evidence of road crash history at the intersection of Station Street and Menangle Road that would raise a particular road safety concern. The proposed development at completion of all stages would be expected to have a full capacity of approximately 1,775 patrons and approximately 154 staff. However, owing to the nature of the proposed uses and the likelihood that patrons will utilise multiple aspects of the site at different times throughout their visit, it is unlikely that every use sought through this concept development application would be at peak capacity at the same time, as reflected in the likely operating hours identified in the Traffic Impact Assessment. As such 485 car spaces are proposed on site including 185 dedicated employee carspaces. Due to the nature of the proposed uses, a higher than usual vehicle occupancy rate can be assumed and combined with the likely staggered activity peaks and multi-purpose trips, this level of on-site parking provision is expected to be sufficient.

The site is also immediately adjacent to the Menangle Railway Station, which increases the potential for travel to and from the site via rail. When combined with the other factors mentioned above, the proposed roundabout upgrade at Menangle Road (by others) will be sufficient to manage the traffic generated by this use as well as the adjoining residential and commercial development.

- b) Bushfire threat;

Comment: Not applicable. As this development application is for a concept masterplan only, there are no works or uses that can commence directly under this approval without subsequent approvals. An integrated development referral would be required for any future Hotel, motel or other tourist accommodation component of the proposal.

- c) Flood risk;

Comment: It is understood that the relevant flood level for this site is 78.0m AHD. All the existing and proposed buildings for the site are at a level of at least 79.0m, with most being in excess of 81m AHD. Therefore this site is not considered subject to flooding and does not require a flood assessment. DA 698/2018, the procedural subdivision to create proposed Lot 3 addresses the flood planning requirements to ensure that the site is flood free to the accepted planning standards.

- d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;

Comment: The subject site is adjacent to the main southern rail line and will be subject to potential noise and vibration impacts from rail activities. Furthermore, the Hume Highway and ongoing sand mining activities can provide additional sources of ambient noise. There is also the potential for noise generation from the proposed use of the site. This application is seeking concept approval for a masterplan only, and as these matters are difficult to quantify without detailed building designs being available and are best addressed at the individual use application stage.

- e) Exposure to electricity transmission systems;

Comment: Not applicable. The site is not exposed to electricity transmission systems. The site will be serviced by underground electricity services with capacity commensurate with the scale and intensity of the end uses.

- f) Exposure to radiation from telecommunications infrastructure;

Comment: Not applicable. The site is not located in proximity to sources of radiation from telecommunications infrastructure.

- g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;

Comment: Not applicable. There are no restricted premises or sex services premises in the vicinity of the proposed development.

- h) Hazards from vehicles within car parking areas; and

Comment: The only existing car park in the immediate vicinity of the proposed development is the Menangle Railway Station carpark. This is a small, un-linemarked carpark with an approximate capacity of around 20 vehicles. This carpark is located approximately 30 metres from the eastern site boundary, and is vegetated with mature trees.

- i) Hazard from potential contamination of the land.

Comment: A Preliminary Environmental Site Assessment was undertaken at the time of the planning proposal for the rezoning of the subject land from RU1 Primary Production to B1 Neighbourhood Business. This report was carried out by Environmental Investigation Services in May 2014. This report identified a number of Areas of Environmental Concern (AECs) in and around the subject site. These AEC's will need detailed site investigations and where necessary, suitable remedial actions where any actual contaminants are found. As this application is for concept approval of a masterplan only, detailed site investigations should accompany the subsequent use applications. It is requested that the Preliminary Site Investigation Report by Environmental Investigation Services be adopted in conjunction with the concept masterplan documents and that this approval be conditioned accordingly. A copy of this report is included at **Appendix H**.

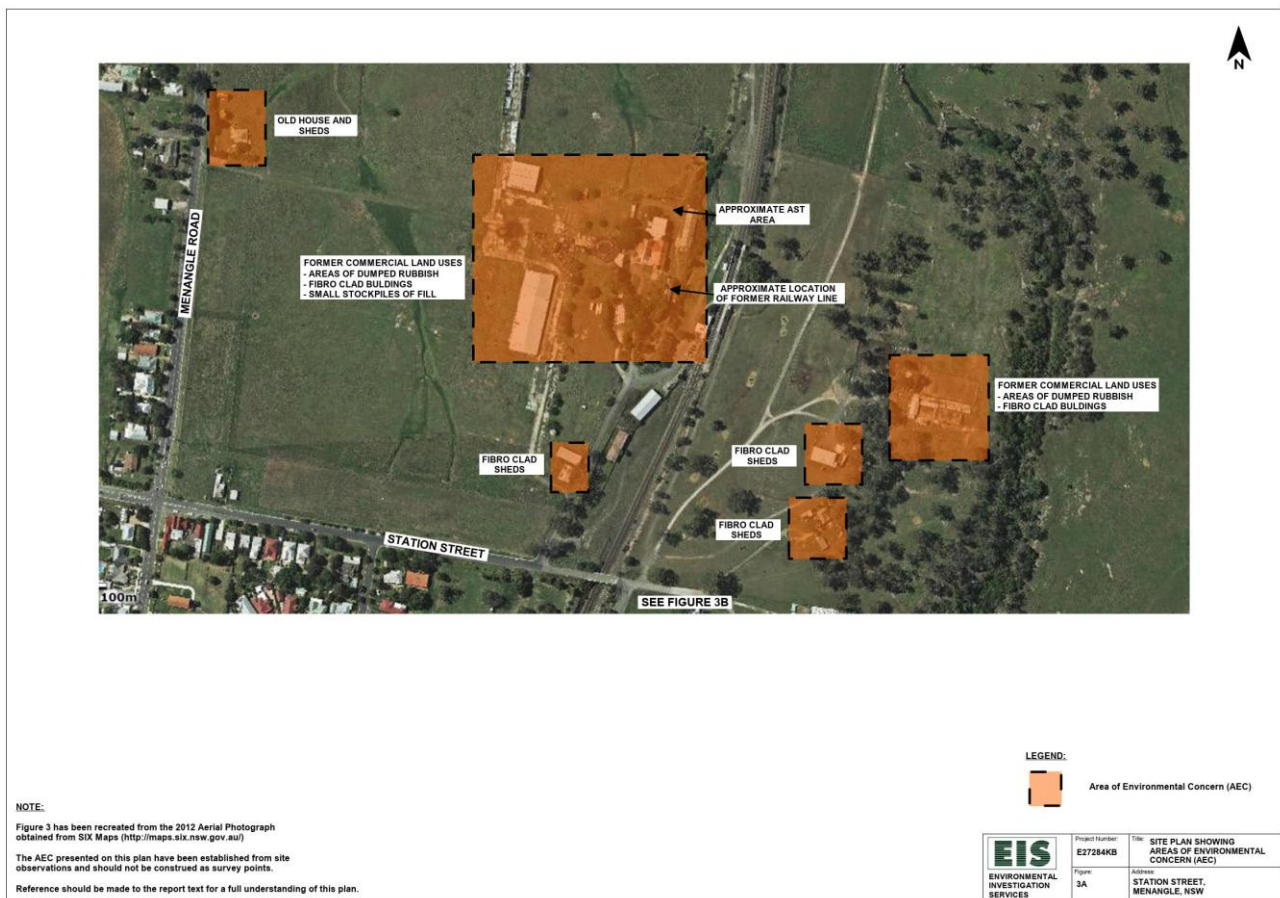


Figure 4.4 Areas of Environmental Concern identified in Preliminary Site Assessment by EIS, May 2014

- 2) The consent authority shall consider the suitability of the road network in the vicinity in assessing a development application under this volume.

Comment: A Traffic Impact Assessment (**Appendix G**) has been prepared by Stantec to address the road network and traffic conditions as a result of the proposed development. Improvements are to be made to both Stevens Road and Menangle Road as a result of the adjacent residential subdivision development. The proposed roundabout at Stevens, Menangle and Woodbridge Roads will be sufficient to manage the traffic generated by both development into the 10 year horizon.

- 3) The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.

Comment: South32 has provided a letter of 'Relinquishment of Mining Rights in Relation to Menangle Development' dated 30 March 2017 to confirm an agreement which "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". As such, this DA is suitable for consent.

- 4) The consent authority must not grant consent to a development application for development subject to this volume on land unless it has considered the impact of the development on any system for the management of wastewater present on that land.

Comment: There is no known wastewater management system on the site, owing to the long term disuse of the existing buildings. As this application is for concept approval of a masterplan only, there are no works proposed that would lead to demand on a wastewater system. Subsequent applications for the individual uses will fully address servicing and the site is expected to be connected into reticulated sewer, when it becomes available to the site.

- 5) The consent authority must not consent to the carrying out of development within a drinking water catchment area unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality.

Complies: The site is not within a drinking water catchment area.

4.2.1.2 Part 3 - Variations to this plan

No variations are sought from DCP controls for this application. It is however requested that detailed consideration of matters under this DCP be deferred until the development applications for the individual use applications to follow. These matters include:

- Stormwater management and flooding
- Bushfire hazard (the proposed use of hotel/motel is the only component of the masterplan uses identified as Special Fire Protection Purposes under s.100B of the Rural Fires Act, 1997).
- Contaminated land management – preparation of Detailed Site Investigation Report and any subsequent remedial actions arising.

4.2.1.3 Part 4 - Development applications to be notified

The development is not listed in Table 1 of this section, which identifies types of development and criteria which excludes the development from requiring notification. Therefore the development is to be notified in accordance with the requirements of section 4.2 of the DCP.

As the development involves a heritage place, Council will require advertisement of the application as well as notification.

4.2.1.4 Part 5 – Colonial Heritage (General)

• **Clause 5.1 Objectives**

The objectives of heritage conservation are:

- (a) To establish good design principles to guide development to and around heritage items,*
- (b) To ensure development is sympathetic to the overall heritage values and characteristics of the area,*
- (c) To identify local heritage character and heritage elements of the built environment, and*
- (d) To ensure the retention and management of heritage values identified for each conservation area and specific precinct.*

Comment: The proposal seeks to establish good design principles to guide development to and around identified heritage items in a sympathetic manner, within the context of the Menangle Conservation Area by way of establishing a Masterplan over the subject site that includes an overall concept for the adaptive reuse, renovation, alterations and additions (including partial demolition) to the items and other structures to ensure an orderly development that respects the heritage values of the site. Please see the following documents for further guidance on this matter:

- Appendix B – Buildings Masterplan;
- Appendix C – The Creamery at Menangle Masterplan;
- Appendix D – The Creamery at Menangle Alterations Report; and
- Appendix E – Heritage Impact Statement

• **Clause 5.2 General Controls**

- 1) *Development of heritage items and development on land within heritage conservation areas, including Landscape Conservation Areas, shall demonstrate consistency with the NSW Guidelines for Development in Conservation Areas 'Design in Context'. In particular the impact of the following aspects of a development should be considered:*

- *Height and scale - must respect the predominant scale (building height, bulk, density and massing) of the heritage buildings in the vicinity in order to retain the prevailing scale of the Conservation Area. The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing.*

- *View corridors - must be retained to and from significant features within the Conservation Area.*
- *Architectural style and form - must be compatible with the existing heritage buildings in the vicinity.*
- *Materials, detailing and colour schemes - must respect the materials of the existing heritage buildings in the vicinity.*
- *Siting - must respect existing patterns of building setbacks of heritage buildings from property boundaries, which contribute to the harmony of the streetscape.*
- *Cumulative impact - must be considered to ensure that the characteristic features of the conservation area that give harmony and cohesiveness to streetscapes and individual buildings are not eroded.*

Comment: The proposal seeks to establish a Masterplan over the subject site that includes an overall concept for the adaptive reuse, renovation, alterations and additions (including partial demolition) to the items and other structures to ensure an orderly development that respects the heritage values of the site. This includes:

- Ensuring that the height and scale of the existing buildings and structures are maintained and that new work respect this context including height, bulk, scale and massing within the Conservation area and with respect to individual items within the site;
- The proposed siting of new buildings and structures, landscaping and scale of new development ensures that view corridors into and from the site are maintained and enhanced;
- The architectural style and form of the proposed alterations, additions and new buildings and structures are intended to provide a contemporary rendition of the existing built form and fabric of the heritage items on the subject site and this will be expressed through implementation of the concept masterplan through subsequent development applications;
- The masterplan makes use of the existing materials of the heritage items and includes adaptive reuse of these where relevant and possible. The underlying fabric of the Creamery building will be revealed through stripping of the paint on the brickwork, and this element will be used as the dominant theme throughout the masterplan precinct;
- The siting of the proposed new buildings and structures does not seek to impinge on the existing building setbacks and does not seek to 'crowd out' the existing significant fabric with new buildings, instead, the masterplan seeks to establish an open and lively precinct with open space around the key buildings of the Creamery and the Rotolactor, which will enable them to be appreciated within their context in a contemporary setting;
- The cumulative impacts of the proposed works (to be subject to future application) have been considered in the development of the Masterplan ensuring that the existing elements are not dominated by new buildings and structures and that the heritage values of the site can be appropriately expressed through adaptive reuse.
- Please see the following documents for further guidance on this matter:
 - Appendix B – Buildings Masterplan;
 - Appendix C – The Creamery at Menangle Masterplan;
 - Appendix D – The Creamery at Menangle Alterations Report; and
 - Appendix E – Heritage Impact Statement.

- **Clause 5.3 Controls for particular development types**

1) *Advertising and Signage*

The following requirements apply to advertising and signage where proposed on a listed heritage item building or on land which contains a heritage item or on land within a heritage conservation or a Landscape Conservation Area.

- 1) *Advertising and business signage must be designed to complement the heritage quality of the building.*
- 2) *Signage is not to compete with architectural features of the building or to dominate the streetscape.*
- 3) *Signs (which may include the wording content and lettering styles) that would have an adverse impact on the heritage character of buildings will not be supported.*

- 4) *The location of signage must be consistent with the historic setting.*

Comment: - there are no additional signs proposed as part of this masterplan. Signage for the individual masterplan uses will be incorporated in the subsequent development applications for that use.

2) *Additions, Alterations and Ancillary Development*

- 1) *Architectural treatments must be consistent with the existing form of building (in the case of development of a heritage listed building) and the built form of the conservation area (in the case of a development within a conservation area). Consideration shall be given of the elements of building design such as the scale, plan, roof form, verandahs, walls, fenestration, building materials and colour, and existing outbuildings.*
- 2) *For renovation or restoration, significant exterior elements of heritage buildings and/or buildings that contribute to the heritage character of a conservation area must be retained.*
- 3) *The roof pitch of any addition or extension must be complementary to the existing roof pitch of the heritage building (if altering a heritage building) and/or of the pitch established in the character of the heritage conservation area or Landscape Conservation Area (if altering a building in a heritage conservation area or Landscape Conservation Area).*
- 4) *Additions or extensions must not overwhelm the any heritage listed building being extended or located in the vicinity in a heritage conservation area including a Landscape Conservation Area.*
- 5) *Front setback areas of heritage buildings and/or buildings that contribute to the heritage character of a conservation area must be retained.*
- 6) *The front facades of individual heritage items must not be significantly altered from their original form, as viewed from primary and secondary street frontages.*
- 7) *Where possible, existing fences, gates and retaining walls and other ancillary structures should be retained where in style with the heritage item.*

Comment: Please see the response to control number 1 above as to how the proposal responds to these requirements. Please see the following documents for further guidance on this matter:

- Appendix B – Buildings Masterplan;
- Appendix C – The Creamery at Menangle Masterplan;
- Appendix D – The Creamery at Menangle Alterations Report; and
- Appendix E – Heritage Impact Statement.

Please note that no works are proposed as a direct result of this development application. Works will occur in conjunction with subsequent development applications for the individual uses proposed under this Masterplan.

3) *Demolition of Heritage Items*

- 1) *Heritage Items subject to this volume will not be permitted to be demolished unless there exists exceptional circumstances what warrant the demolition. In considering if there are exemption circumstances the consent authority shall consider:*
 - (1) *If the building can reasonably be expected to be used for a permissible use within the zone if it were to remain (including the likelihood that any required repairs could reasonably be expected to be undertaken); and*
 - (2) *The extent of the impact on the broader community and future generations of the loss of the item.*

Comment: - all the main buildings within the precinct are to be retained, including the Creamery and the Rotolactor and the major structures ancillary to these buildings, however all buildings will be subject to restoration to remove dilapidated elements, improving the functionality of the building, as detailed in the Masterplan and the associated documents. Some minor sheds and structures of little to no heritage significance will be demolished in accordance with the Masterplan in subsequent applications.

- Please see the following documents for further guidance on this matter:
- Appendix B – Buildings Masterplan;

- Appendix C – The Creamery at Menangle Masterplan;
 - Appendix D – The Creamery at Menangle Alterations Report; and
 - Appendix E – Heritage Impact Statement.
- 4) *Subdivision of land containing a heritage item and/or land within a heritage conservation area or a Landscape Conservation Area.*
- 1) *Must not compromise or adversely affect any historic layout of the subject lot and heritage significance of the original lot pattern.*
 - 2) *Must not compromise the curtilage of any heritage item or significant complimentary building garden, driveway or other relic.*
 - 3) *Where a heritage impact assessment is required, it must consider the likely location of future buildings and/or building envelopes.*

Comment: - Not Applicable. Subdivision of the site is not proposed as part of this application. Subdivision has been previously proposed under DA 698/2018, currently before Council, which seeks to establish a new lot to wholly contain the Creamery precinct, which corresponds to the zone boundary for the B1 Neighbourhood Centre zone.

- 5) *Colours and built form on sites containing heritage items and within heritage conservation areas or a Landscape Conservation Area.*
- 1) *Works must use only the colours identified in Figure 3.*
 - 2) *Existing weatherboard walls are to be maintained in situ or may only be replaced with timber weatherboards. Lightweight over-cladding in imitation weatherboards (e.g. plastic, fibrous cement or metal) is prohibited.*
 - 3) *Roofs may only be corrugated, galvanised, clay tiled, clay slate or stone slate. Square profile or “cliplock” corrugated roofing is not permitted.*
 - 4) *Roof drainage may only be exposed gutters of quad, ogee or half-round profile in galvanised finish, with round downpipes in galvanised finish. Square profile or “cliplock” roofing is not permitted.*
 - 5) *Window and glazed door framing may only be timber framed except in commercial shopfronts where a metal frame size approximating timber (such as Vantage Magnum) may be considered*
 - 6) *Windows and glazed doors must be vertically proportioned to match the best historic examples in the conservation area or vicinity. Windows should be double-hung or casement sash types (not sliders or hopper windows over a fixed sash).*
 - 7) *Original front verandahs are to be retained in all new work and restoration must match original proportions and details.*
 - 8) *Chimneys must not be removed unless they are structurally unsound and unable to be restored.*
 - 8) *Commercial development car parking must be provided behind the main building alignment. Parking areas and access driveways should be visually discreet and must be accessed via a rear lane where available.*
 - 9) *Verandahs must not be enclosed. Ground floor verandahs should not be enclosed by balustrades unless required under the BCA.*
 - 10) *Original unpainted brickwork and stonework should remain unpainted.*
 - 11) *Paint schemes should be simple. Applied finishes to external walls should be of subtle, earthy tones that complement the streetscape. Typically, this would be one color for the body of the building and one or two colors for the trim.*
 - 12) *Plant species types and landscaping formations found in and around the Heritage Conservation area or Landscape Conservation Area should be featured in new developments.*

Comment: The majority of these controls do not apply to a unique setting such as the Creamery, being instead tailored to residential or high street commercial uses. As such they are mostly irrelevant to this document. Please see the following documents for further guidance on this matter:

- Appendix B – Buildings Masterplan;
- Appendix C – The Creamery at Menangle Masterplan;
- Appendix D – The Creamery at Menangle Alterations Report; and
- Appendix E – Heritage Impact Statement.

Please note that no works are proposed as a direct result of this development application. Works will occur in conjunction with subsequent development applications for the individual uses proposed under this Masterplan.

- **Clause 5.4 Adaptive reuse proposals for Heritage items**

- 1) 1. Any proposal involving the adaptive reuse of a heritage item must demonstrate that:
 - 1) The new use requires minimal alterations to significant fabric and building elements, and that any changes to these are reversible or have minimal impact on the heritage significance of the item.
 - 2) Any internal changes where visible from a public street do not compromise the external heritage significance of the building.
 - 3) Alterations and/or additions must meet the requirements for alterations and additions as provided in this section and the adaptive re-use must maintain the understanding of the building's original use.

Comment: Please see the response to control number 1 above as to how the proposal responds to these requirements. Please see the following documents for further guidance on this matter:

- Appendix B – Buildings Masterplan;
- Appendix C – The Creamery at Menangle Masterplan;
- Appendix D – The Creamery at Menangle Alterations Report; and
- Appendix E – Heritage Impact Statement.

Please note that no works are proposed as a direct result of this development application. Works will occur in conjunction with subsequent development applications for the individual uses proposed under this Masterplan.

4.2.1.5 PART 6 – Heritage (Specific Locations)

- **Clause 6.3 Heritage Conservation Area and Landscape Conservation Area - Menangle**

Character Description

Menangle Village, created in the 1850's and 1860's, is unique in that it has remained essentially contained within the settlement boundaries formed by village development by the second decade of the 20th century.

It was established by the Macarthur family for their estate workers and was centred on St James' Church, then later the school and the general store.

The town has had a strong association with the dairy industry, which developed following the opening of the railway after construction of the railway bridge over the Nepean River in 1863. The railway line became the commercial focus of the village and the growing dairy industry and the historic character of the village, as we see it today, is largely a reflection of the railway-related development that took place in the late 19th and early 20th centuries.

Further evidence of the association with the dairy industry includes buildings such as the Camden Estate Central Creamery (1910) and Rotolactor (1952) and worker cottages for the nearby Camden Park Estate (1870's to 1920's). The Macarthurs of nearby Camden Park Estate patronised the Village and were directly responsible for many of the fine buildings in Menangle, which assisted the village to grow and gives its character. They paid for St James's church (including Horbury Hunt's nave in 1876 and Sulman's chancel and steeple in 1898) and in circa 1904 they built the present General Store (used by the Estate as its buying agent for all provisions, stores, seeds fuel etc),

Objectives

- (a) *To ensure development is sympathetic to the heritage character of the Menangle heritage conservation area and Landscape Conservation Area,*
- (b) *To ensure 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, and*
- (c) *To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements.*

Controls

Comment: - the above objectives are intended to reflect residential development in the context of the existing streetscapes of Menangle Village. They are not relevant to this proposal.

Please see the following documents for further guidance on this matter:

- Appendix B – Buildings Masterplan;
- Appendix C – The Creamery at Menangle Masterplan;
- Appendix D – The Creamery at Menangle Alterations Report; and
- Appendix E – Heritage Impact Statement.

Please note that no works are proposed as a direct result of this development application. Works will occur in conjunction with subsequent development applications for the individual uses proposed under this Masterplan.

4.2.1.6 PART 7 – Aboriginal Heritage

• Clause 7.1 Objectives

- (a) *To achieve appropriate means of conservation, management and protection for archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.*
- (b) *To achieve compliance with the requirements of the National Parks and Wildlife Act, 1974 and associated Regulations and guidelines with respect to Aboriginal objects and Aboriginal places of heritage significance.*
- (c) *To consider and manage Aboriginal objects and Aboriginal places of heritage significance at the earliest practical stages in the land development process.*

Comment: - there are no known Aboriginal objects or Aboriginal places of heritage significance within 100m metres of the subject site (Proposed Lot 3 within DA 698/2018). The site has a longstanding history of European settlement and has been developed for pastoral purposes for an extended period and has undergone significant modification. This matter was addressed at planning proposal stage, and included a Due Diligence Aboriginal Heritage assessment by Mary Dallas Consulting Archaeologists. A copy of this assessment report is included at **Appendix I**.

• Clause 7.2 Controls

An indigenous heritage and archaeological report must be prepared for any development application on land which contains a known Aboriginal object or Aboriginal place of heritage significance. The report must be prepared by a suitably qualified archaeologist. The report must be prepared in accordance with the Code of Practice for Archaeological Investigation of Aboriginal objects in NSW. A report may also be required at the discretion of the assessing officer where:

1. *There is impact or disturbance to the content, or within the immediate vicinity (100 metres) of a known Aboriginal object or Aboriginal place of heritage significance;*
2. *There is impact or disturbance to, or within the immediate vicinity (100 metres) of a previously recorded or known Aboriginal object or Aboriginal place of heritage significance and can include a cultural landscape, an existing or former ceremonial ground, a burial ground or cemetery, a story place or mythological site, a former Aboriginal reserve or historic encampment, or an archaeological site of high significance;*
3. *A proposal (including subdivision) which affects primarily undeveloped land (irrespective of land size) and has the following site features:*

- river frontage
- creek line
- sandstone exposures at ground level larger than 5m²
- sandstone cliff line or isolated boulder higher than 2m
- disturbance to the roots, trunk, branches, of old growth trees, which are native to the Wollondilly Shire and greater than 150 years of age.

Comment: - there are no known Aboriginal objects or Aboriginal places of heritage significance within 100m metres of the subject site (Proposed Lot 3 within DA 698/2018). The site has a longstanding history of European settlement and has been developed for pastoral purposes for an extended period and has undergone significant modification. This matter was addressed at planning proposal stage, and included a Due Diligence Aboriginal Heritage assessment by Mary Dallas Consulting Archaeologists. A copy of this assessment report is included at **Appendix I**.

4. *Ensure that all works cease in the vicinity of any previously unidentified Aboriginal objects or places identified during excavation and construction and that the following be notified*

- (a) *The Office of Environment and Heritage NSW (OEH)*
- (b) *A qualified archaeologist*
- (c) *Aboriginal stakeholders.*

Comment: - Not applicable.

5. *Ensure that should human skeletal remains be discovered that the following process will be undertaken:*

- (a) *The remains will be reported to the police and the state coroner.*
- (b) *Wollondilly Shire Council and the land owner will be notified of the find.*
- (c) *Aboriginal stakeholders will be notified of the find.*
- (d) *OEH NSW will be notified.*

Comment: - Not applicable.

6. *If the skeletal remains are of Aboriginal ancestral origin an appropriate management strategy will be developed in consultation with the Aboriginal stakeholders.*

Comment: - Not applicable.

7. *The find will be recorded in accordance with the National Parks and Wildlife Act 1974 (NSW) and the NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit.*

Comment: - Not applicable.

8. *The findings will be incorporated into any proposed Aboriginal Heritage Plan's management regime.*

Comment: - Not applicable.

4.2.1.7 PART 8 – Flooding

- **Clause 8.1 objective**

To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.

- **Clause 8.2 controls**

There are a number of areas in Wollondilly Shire which are subject to inundation by flooding or overland stormwater flows. If Council has any doubts as to whether an area is flood prone or subject to stormwater inundation it will require a report as to the extent of flooding from a suitably qualified Engineer or Surveyor.

Controls for flood affected land are identified in Table C and applied based on the combination of land use category (refer to Table A) and flood risk precinct for the site (refer table B or further information may be available from Council via an application for flood information).

Table C and the associated Key provides development controls which apply to flood affected land including overland flow flooding unless a Current Floodplain Risk Management Plan provides site specific controls.

Comment: - it is understood that the relevant flood level for this site is 78.0m AHD. All the existing and proposed buildings for the site are at a level of at least 79.0m, with most being in excess of 81m AHD. Therefore this site is not considered subject to flooding and does not require a flood assessment. DA 698/2018, the procedural subdivision to create proposed Lot 3 addresses the flood planning requirements to ensure that the site is flood free to the accepted planning standards.

4.2.1.8 PART 9 – Environmental protection

- **Clause 9.1 objectives**

1. *To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.*
2. *To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.*
3. *To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.*

Comment: - Not applicable. The site is currently developed, being a former dairying precinct within a longstanding pastoral use. There are no original environmental features within the proposed masterplan area owing to its previously developed nature.

4.2.1.9 PART 10 – Tree removal

- **Clause 10.1 Tree Removal Objectives**

The objectives of this part are as follows:

1. *Identify trees and other native vegetation for the purpose of clause 5.9(3) of Wollondilly Local Environmental Plan 2011 which states the following:*

“(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

(a) development consent; or

(b) a permit granted by the Council”
2. *Identify trees and other native vegetation that:*
 - *may be removed without a permit or development consent*
 - *may be removed with a permit*
 - *may be removed only with development consent*

Comment: Not applicable – there is no native tree removal proposed as part of this development application, which seeks concept approval for a masterplan only. Any native tree removal will be subject to future development applications.

4.2.1.10 PART 11 – Landscaping

- **Clause 11.1 Landscaping Objectives**

1. *To encourage the planting of endemic species in landscaping.*
2. *To reduce the impact of landscaping on the environment, infrastructure and human safety.*
3. *To create a landscape character that is defined by native vegetation and not introduced species.*

Comment: Not applicable – there are no landscaping works proposed as part of this development application, which seeks concept approval for a masterplan only. Landscaping will be subject to future development applications and will be incorporated in the future use applications under this masterplan.

4.2.1.11 PART 12 – Signage

- **Clause 12.1 Signage Objectives**

1. *To provide controls for the implementation of the Advertising structures in commercial or industrial zones section of Schedule 2 of Wollondilly Local Environmental Plan, 2011.*
2. *To ensure signage that is exempt development does not have adverse impacts on traffic safety and pedestrian amenity.*
3. *To ensure signage that is carried out as exempt development does not significantly detract from the amenity of the commercial and industrial built environments.*

Comment: Not applicable – there are no signs proposed as part of this development application, which seeks concept approval for a masterplan only. Signage will be subject to future development applications and will be incorporated in the future use applications under this masterplan.

4.2.2 Volume 5 – Commercial and Community Uses & Volume 6 –Tourism and Events

These controls relate to detailed matters that are better addressed at the individual development application stage. Through the establishment of a Masterplan over the site, many of the individual matters these sections require, such as setbacks, parking and servicing are addressed and resolved through the Masterplan itself, which will guide the future development applications for the individual buildings and uses. It is therefore not proposed to respond to the individual matters as part of this application and Council is requested to consider them in respect of the Masterplan.

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 provisions of:
 - i. Any Environmental Planning Instrument

State and Regional Planning Policies

The Relevant State Environmental Planning Policies (SEPPs) are:

SEPP No. 55 Remediation of Land – A Preliminary Environmental Assessment Report (**Appendix H**) has been prepared that identifies a number of Areas of Environmental Concern on the subject site, owing to the previous use of the site for agricultural (dairying) activities. As this development application is seeking concept approval for a masterplan, no works are to be undertaken or uses commenced under this approval without subsequent applications being made. It is appropriate that detailed contaminated land assessments are carried out in conjunction with these subsequent approvals, as the detailed nature of proposed works and the intensities of proposed uses would be better understood at this time. It is recommended that this matter be subject to an appropriate condition of development to require detailed contamination assessment to be carried out prior to the issuing of any development application for a use identified under this masterplan and that any required remediation activities are carried out prior to the commencement of any use approved under this concept masterplan.

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean (No.2 -1997) (SREP 20): - Part 3 of SREP 20 specifies a series of development controls for certain developments in the Hawkesbury – Nepean River catchment. Relevant development controls include:

- (4) *Remediation of contaminated land*

Definition:

Removing soil or other deposits from, or otherwise remediating, contaminated land. For the purposes of this definition, contaminated land means land on which hazardous substances occur at concentration levels above background levels, where an assessment (carried out in accordance with guidelines circulated to councils by the Department) has indicated the substances pose, or are likely to pose, an immediate or long-term hazard to human health or to the environment.

Comment: - please see the above response as per SEPP 55.

- (7) *Filling*

Definition:

Filling of land, including submerged aquatic land, by raising the ground level through disposal of spoil from any landfill method (such as mining, dredging or refuse dumping), whether or not to enable the construction of a road or the erection of buildings or pylons or any other structure, where filling exceeds 1 metre in depth, or an area of 100 square metres.

Comment: - No works are proposed to be carried out as a result of this concept approval without subsequent development approval. Detailed earthworks designs will be prepared in conjunction with the separate use or siteworks applications to be submitted post-approval of this concept masterplan. These subsequent DA's will need to address this particular requirement.

- (9) *Items of non-Aboriginal heritage*

Definition:

The following, when carried out in relation to anything listed in Schedule 1 as a heritage item:

- (a) *demolishing a building or work,*
- (b) *altering a building or work, except changes resulting from any maintenance necessary for its ongoing protective care which do not adversely affect its heritage significance,*

- (c) *damaging or moving a relic, including excavation for the purpose of exposing or moving a relic,*
- (d) *damaging or despoiling a place,*
- (e) *erecting a building on, or subdividing, land on which a building, work or relic is situated or that comprises a place.*

Consent required.

Special circumstances:

Consent may be granted to use a building that is a heritage item, or the land on which it is erected, for any purpose, if the consent authority is satisfied that the use would have little or no adverse effect on the environment or the amenity of the locality, and the conservation of the building depends on granting consent.

Comment: The site contains an item in Schedule 1 of the SREP, namely The Central Creamery, Camden Park Estate Rotolactor however, there are no proposed works that would be carried out under this consent. There is however an indicative approach to how works would be carried out under subsequent development applications as detailed in **Appendix E – The Creamery at Menangle Alterations Report**. There is also a cottage located on the parent lot of this proposal (Lot 201, DP 590247) that is located outside the extent of works proposed for this application, and which is subject to a separate development consent (DA 202/05). Please see the Heritage Impact Statement in **Appendix E** for more information on this matter.

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.

- i. 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)

Comment: The site is subject to a recently gazetted draft instrument under this Act. As such, the gazetted planning controls have been taken into consideration including lot sizes and building heights to reflect the controls.

- ii. 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 and Volumes 5 – Commercial and Community Uses and Volume 6 – Tourism and Events on matters relating to the concept approval of a masterplan to carry out building works on a heritage place and allow adaptive reuse of the heritage items including the following uses, subject to future applications:

- Hotel;
- Function Centre;
- Retail premises;
- Business Premises;
- Food and Drink Premises;
- Pub, incorporating ancillary microbrewery/distillery;
- Recreation Area;
- Information and Education Facility; and
- Market;

Controls have been addressed under Section 4.2 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

There is no planning agreement currently in place or proposed for this site (being proposed Lot 3 in DA 698/2018), currently under consideration by Council.

- iii. 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.

- (a) 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 adverse impact on the natural environment other than what is to be expected in an adaptive reuse of former agricultural buildings in a setting currently undergoing transformation from rural to urban. The site is considered suitable for development following environmental considerations, including stormwater management, contamination and heritage which is addressed under Section 4 of this SEE.

6 CONCLUSION

This Statement of Environmental Effects has addressed all relevant matters for consideration with respect to the proposed concept masterplan for the adaptive reuse of heritage listed former agricultural buildings including The Central Creamery and the Camden Park Rotolactor on Lot 21 DP581462 and on Lot 201 DP 590247 being no. 45 Stevens Road and no.15 Menangle Road, Menangle (also proposed lot 3 under DA 698/2018).

The following approvals are sought from Council:

- Concept approval to establish the proposed masterplan on the site, to approve the uses, to enable adaptive reuse of the existing buildings including their renovation, alteration, additions and demolition in accordance with the Masterplan:
 - Hotel;
 - Function Centre;
 - Retail premises;
 - Business Premises;
 - Food and Drink Premises;
 - Pub, incorporating ancillary microbrewery/distillery;
 - Recreation Area;
 - Information and Education Facility; and
 - Market;

The proposed development promotes the orderly and economic use of the site and is in accordance with statutory provisions under the *Wollondilly Local Environmental Plan 2011*, *SREP No.20 Hawkesbury-Nepean River*, *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.

The proposed development requires consultation under Section 4.13 of the *Environmental Planning and Assessment Act 1979* and will be seeking advice from the Office of Environment & Heritage for their advice.

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 approve the Masterplan, the associated land uses and proposed buildings and adaptive works as a concept approval.

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix A Site Plan and Notification Plan

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix B Buildings Masterplan

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix C The Creamery at Menangle Masterplan

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix D The Creamery at Menangle Alterations Report

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix E Heritage Impact Statement

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix F Survey Plan

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix G Traffic and Transport Impact Assessment

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix H Preliminary Site Assessment Report

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix I Due Diligence Aboriginal Heritage Assessment – Station Street, Menangle

SOUWEST DEVELOPMENTS PTY LTD

45 STEVENS ROAD AND 15 MENANGLE ROAD, MENANGLE – CONCEPT
APPROVAL FOR MASTERPLANNED DEVELOPMENT

Appendix J Acoustic Assessment Report

SOUWEST DEVELOPMENTS PTY LTD



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