

Statement of Environmental Effects

Station St, Menangle Torrens
Title subdivision to create
ninety – seven (97) residential
lots and associated works



PREPARED FOR MIRVAC HOMES (NSW) PTY LTD

DOCUMENT CONTROL

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1 INTRODUCTION

This Statement of Environmental Effects has been prepared by Calibre Professional Services (NSW) Pty Ltd (Calibre) for Mirvac Homes (NSW) 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 to create a Torrens Title subdivision from one (1) into ninety – seven (97) residential lots and associated works on Lot 201 DP 590247 being no. 15 Menangle Road, Menangle (subject site). The following approvals are sought from Council:

- Torrens Title subdivision to create ninety – seven (97) residential lots across two sub stages, Stage 1A is proposed to have 88 lots and Stage 1B, a further 9 lots;
- Road and foot paving construction;
- Subdivisional earthworks including cut and fill and the construction of retaining walls;
- Tree and vegetation removal;
- Street tree planting;
- Decommissioning and filling of an existing dam;
- Construction of a bioretention basin (to be used as a temporary sedimentation basin during construction).

This application has been assessed under 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*

Demolition works are not sought under this DA to remove any structures on site except for tree removal of selected trees, subject to Council's consent.

The proposed development is nominated as "integrated development" under Section 4.46 of the *EP & A Act* and will be seeking concurrence from the Office of Environment & Heritage and the Rural Fire Service for their General Terms of Approval (GTA).

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

This site is subject to a recent Amendment to Wollondilly LEP 2011 (Amendment No.28), made on 21 December 2018, which rezoned the subject site to a mixture of R2 Low Density Residential, RE1 Public Open Space with a further portion of the site (not subject to this application) rezoned to B1 Neighbourhood Centre and the balance remaining RU1 Primary Production.

A procedural subdivision has recently been lodged with Wollondilly Council on 16th November 2018 (Application Number 698/2018) to subdivide the subject site into five (5) lots together with bulk earthworks. As such, the proposed residential subdivision under this DA is sought under 'Proposed Lot 1' from DA 698/2018 which is currently under assessment by Council. Additional works to support this subdivision will also occur on 'Proposed Lot 3' and 'Proposed Lot 4' for the purposes of road widening and drainage.

A prior subdivision application creating eighteen (18) lots fronting Menangle Road and Station Street (DA202/05) has been approved over the subject site, however this subdivision is yet to be constructed and registered. Mirvac intends to complete this subdivision, and the subdivision proposed under this application has been designed to abut and integrate with this proposed development. The previously approved development also includes a local heritage item, known as the Central Creamery Managers Cottage, identified in Schedule 5 of Wollondilly LEP, 2011 as 15 Menangle Road. The proposed development under this application will not affect this local heritage item further.

1.2 Supporting Documents

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

Appendix A	Survey Plan
Appendix B	Subdivision Plan
Appendix C	Site Plan & Notification Plan
Appendix D	Engineering Plans
Appendix E	Stormwater Concept Plan
Appendix F	Civil Works Heritage Advice & Historical Heritage Assessment
Appendix G	Aboriginal Cultural Heritage Due Diligence
Appendix H	Arboricultural Impact Assessment
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Appendix T	Summary: Health and Safety Risks – Stage 1 Development and Coal Seam Gas Well

2 THE SITE

2.1 Site Context & Detail

The subject site is within the Wollondilly Council Local Government Area and is predominately rural residential in the surrounding area. Existing surrounding land use within the area to the south is a future low density residential development (DA 202 – 05), Australia Post, St James' Menangle Anglican Church, St Patrick's Catholic Church and Menangle Township. To the east by the site is Menangle Train Station, to the west by the site is vacant rural residential land and to the north by the site is vacant rural residential land. The site is predominately vacant, with scattered vegetation and contains a dairy worker's cottage in the north western corner and sheds in the south eastern portion. Refer to Figure 2.1 for an aerial image of the site context and detail.



Figure 2.1 Site Context (Source: Near Maps 2018)

3 PROPOSED DEVELOPMENT

The proposed development seeks to create a total of ninety-seven (97) residential lots together with road construction, earthworks including cut and fill and tree and vegetation removal. This DA seeks development consent for the entire proposed development for a single subdivision with two sub-stages. Subdivision Certification (SC) will be lodged for Stage 1B concurrently with Stage 1A, pending satisfaction of the relevant LEP matters regarding proximity to the coal seam gas well. The Stage 1A residential lots are outside of the 200 m gas well buffer.

The proposed development is nominated as “integrated development” under Section 4.46 of the *EP & A Act* and will be seeking concurrence from the Office of Environment & Heritage and the Rural Fire Service for their General Terms of Approval (GTA), being for:

- Approval under section 58 of the Heritage Act 1977; and
- Approval under section 100B of the Rural Fires Act 1977.

Stage 1A

- Torrens Title subdivision to subdivide proposed Lot 1 under DA 698/2018 to create eighty-eight (88) residential lots;
- Road and foot paving construction;
- Subdivisional earthworks including cut and fill and the construction of retaining walls;
- Tree and vegetation removal;
- Street tree planting;
- Decommissioning and filling of an existing dam;
- Construction of a bioretention basin (to be used as a temporary sedimentation basin during construction).

Stage 1B

- Torrens Title subdivision to create nine (9) residential lots.

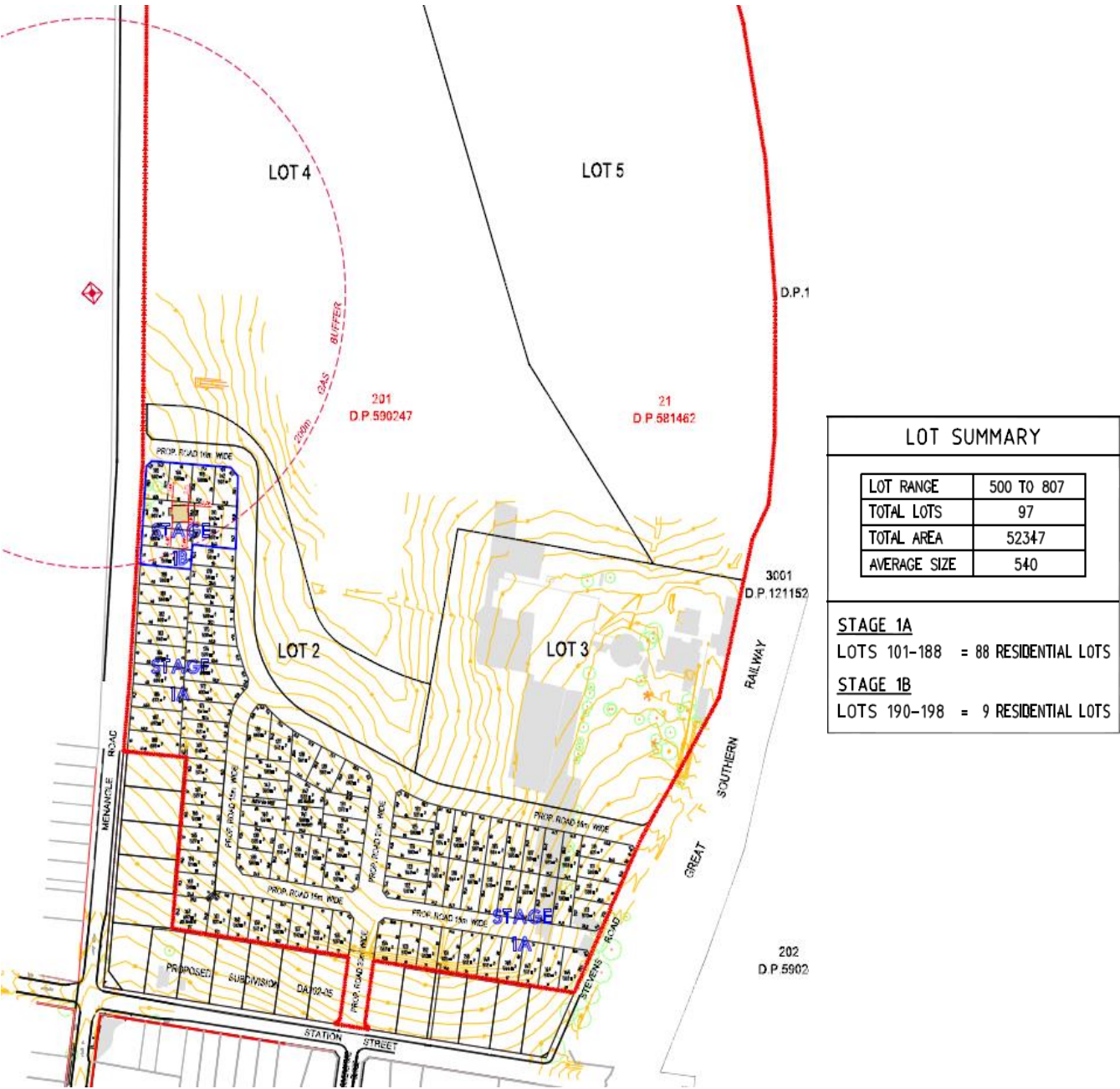


Figure 3.1 Site Layout

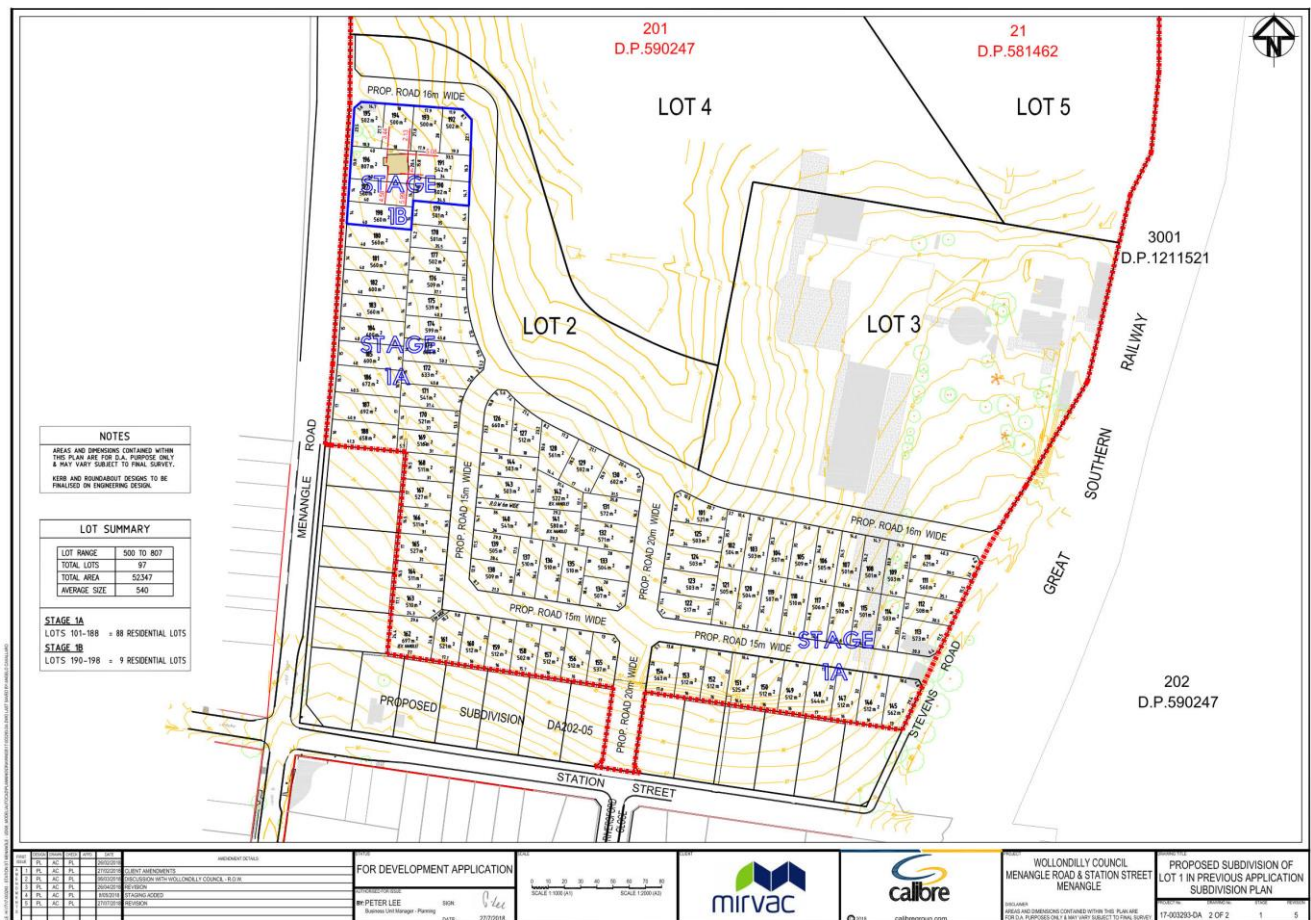


Figure 3.2 Proposed subdivision plan

4 STATUTORY PLANNING CONTROLS

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

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 DA.

4.1.2 Part 2 Permitted or Prohibited development

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

The subject site is zoned R2 Low Density Residential, refer to Figure 4.1 below.

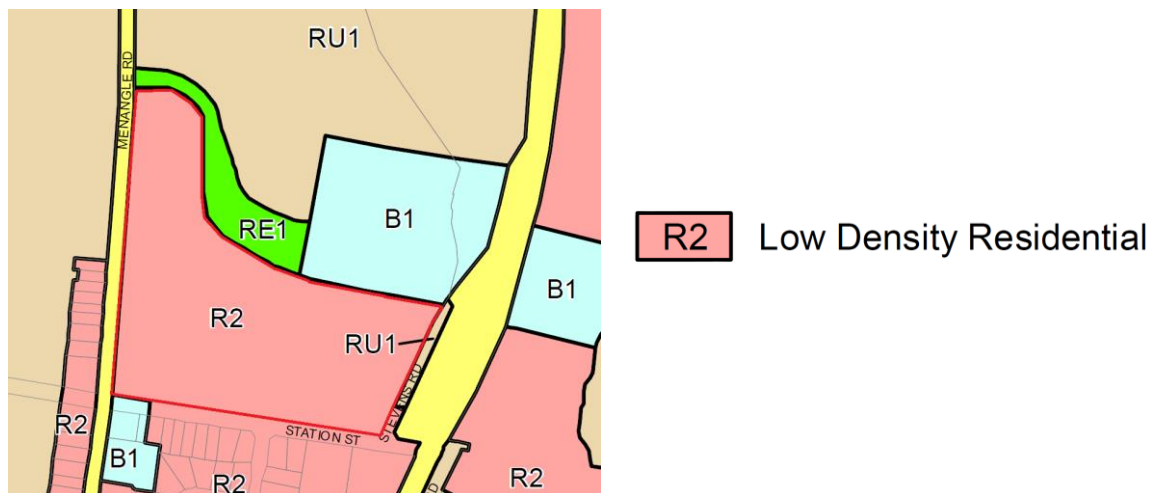


Figure 4.1 Land Use Zone (Source: Wollondilly LEP 2011)

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

The objectives in the R2 Low Density Residential zone contains the types of development that is permitted with consent, subject to Councils development consent.

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Cemeteries; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Respite day care centres; Roads; Sewerage systems; Signage; Veterinary hospitals; Water supply systems

Comment: The proposed development is permissible with consent as it seeks to create ninety – seven (97) residential lots to cater for future Dwelling houses within this zone.

- **Clause 2.6 Subdivision – consent requirements**

Comment: The proposed subdivision is subject to development consent from Wollondilly Council.

- **Clause 2.7 Demolition requires development consent**

Comment: The proposed development does not seek for demolition works within this development application.

- **Clause 2.8 Temporary use of land**

Comment: Not applicable, no temporary use of land is proposed within this development application.

4.1.3 Part 3 Exempt and complying development

The proposed development will not be seeking consent under exempt and complying development.

4.1.4 Part 4 Principal development standards

- **Clause 4.1 Minimum subdivision lot size**

The objective of this clause is to provide for suitable lot sizes and to ensure that the subdivision of land is compatible with the landscape and environmental constraints of the land. Refer to Figure 4.2 below.

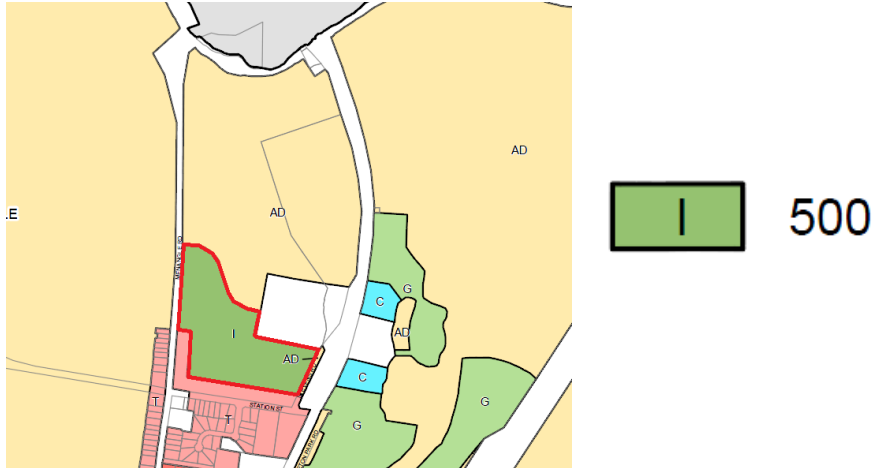


Figure 4.2 Minimum Lot Size (Source: Wollondilly LEP 2011)

Comment: Complies, the proposed residential lots seek to create lot sizes between 500 – 807 m².

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

Comment: This clause is not applicable as the proposed development is not seeking to create a community title scheme.

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

Comment: This clause is not applicable as the proposed development is not seeking to create dual occupancies in residential zones.

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

Comment: Not applicable, the site does not contain any land within an E4 Environmental Living zone or identified as “Original holdings” on the Original Holdings Map.

- **Clause 4.2 Rural subdivision**

Comment: Not applicable, the subject site is not within rural zones and as such, this clause does not apply.

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

Comment: Not applicable, the site is not within land in certain zones identified under this clause.

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

Comment: Not applicable, the site is not identified within the land use zones under this clause and does not seek for any boundary adjustments.

- **Clause 4.3 Height of buildings**

Comment: This clause is not applicable in this application as the proposed development is seeking consent for subdivision works only. As such, this clause will be addressed in a future development application where built form is proposed.

- **Clause 4.6 Exceptions to development standards**

Comment: Not applicable, this DA is not seeking for any exceptions to development standards to achieve better outcomes for and from development by allowing flexibility in particular circumstances. Clause 4.6 is not being used to approve the proposed subdivision and associated works in this DA.

4.1.5 Part 5 Miscellaneous provisions

- **Clause 5.1 Relevant acquisition authority**

The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is identified to be acquired.

Comment: The Parent lot for the site, Lot 201 in DP 590247 is being subdivided under DA698/2018 into five lots, one of which, proposed Lot 2, corresponds to the area zoned as RE1 Public Recreation. This land is proposed to be dedicated to Council under DA 698/2018. As such, there is no land to be acquired by a public authority under this application

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

1. *The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.*
2. *This clause applies to land shown on the [Land Reservation Acquisition Map](#) and specified in Column 1 of the Table to this clause and that has not been acquired by the relevant authority of the State specified for that land in clause 5.1.*
3. *Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 2 of that Table.*

Column 1 Land	Column 2 Development
Zone RE1 Public Recreation and marked "Local open space"	Earthworks; Recreation areas
Zone RE1 Public Recreation and marked "Regional open space"	Earthworks; Recreation areas
Zone SP2 Infrastructure and marked "Classified road"	Earthworks; Roads
Zone SP2 Infrastructure and marked "Local road"	Earthworks; Roads
Zone E1 National Parks and Nature Reserves and marked "National Park"	Uses authorised under the National Parks and Wildlife Act 1974
Zone B2 Local Centre and marked "Car park"	Earthworks; Roads

Comment: The site does not contain any land intended to be acquired for a public purpose, as identified on the Land Reservation Acquisition Map in Wollondilly LEP 2011. .

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

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

Comment: Not applicable, the site does not contain any land that would be classified or reclassified by Council as "operational land" or "community land".

- **Clause 5.3 Development near zone boundaries**

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

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

- **Clause 5.10 Heritage conservation**

1. *The objectives of this clause are as follows:*
 - a) *to conserve the environmental heritage of Wollondilly,*
 - b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - c) *to conserve archaeological sites,*
 - d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*
2. *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 subject site parent lot (Pt Lot 201, DP590247) contains local heritage items and is identified within the Menangle Heritage Conservation Area under *Wollondilly LEP 2011*. The identified local heritage items on the parent lot (addressed as 15 Menangle Road) include the Central Creamery Manager's Cottage and the Camden Park Rotolactor. However, both these items lie outside the boundaries of proposed Lot 1 in the 5 lot procedural subdivision application currently before Council (DA 698/2018), with the Camden Park Rotolactor lying in proposed Lot 3, and the Central Creamery Manager's Cottage lying in a proposed lot of the previously approved subdivision (DA202/05) on the Station Street frontage of the site.

Biosis was engaged to prepare a Historical Heritage Assessment to determine suitability for development from a heritage perspective, assess the site against the *Heritage Act 1977*, and to provide a statement of heritage impact for the proposed subdivision works. The scope of works included a desktop review, site inspection and heritage assessment of the proposed development. During their field work and study, Biosis have identified a new local heritage item that was previously utilised as a workers cottage. This item has local significance being a good example of early dairy farm workers 20th century cottages in a rural setting.

As a result of the proposed development removal of this item would have a Direct Impact on this heritage item. Mitigation measures include “*implementation of the current development application (DA 010.2016.00000210.001) for the adaptive reuse of the cottage as a sales office. The minimum setbacks as set out in the Wollondilly DCP 2016, should be implemented around the heritage item curtilage and the new development. Clear delineation of heritage boundaries during the proposed development works. Adaptive reuse of heritage items is encouraged as it provides longevity to such heritage items that generally stand as vacant buildings for extended periods of time often resulting in the loss of the item or significance fabric of the item*”.

Three (3) recommendations have been made from Biosis with respect to the cottage, which include:

- Recommendation 1: Prepare a heritage interpretation strategy for the site
- Recommendation 2: Development process
- Recommendation 3: Implement DA 010.2016.00000210.001 for the workers cottage located within the study area

The area of Stage 1 lies within the Menangle Heritage Conservation Area – General as per the Wollondilly LEP 2011 Heritage Map. The Biosis report also considered the impact of the proposed subdivision on the heritage significance of the Conservation Area, concluding that ‘minimal’ cumulative impacts would occur, owing to the sites location on the periphery of the village, away from the main stream core. The Statement of Heritage Impact in the Biosis report also notes that there is an approved 18 lot subdivision between the proposal and the core of the village, which visually will visually separate the site from the village when constructed. The report concludes that the proposal will result in only a minor reduction in heritage landscape values associated with the conservation area.

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

Refer to **Appendix F** for this report.

With respect to Aboriginal Cultural Heritage, Biosis also undertook an Aboriginal Cultural Heritage Due Diligence Study of the proposed development site. The report noted the following:

- *Site survey of the study area was conducted on 18 April 2018 by Lian Flannery and Mathew Smith (Biosis).*
- *During the site survey areas of pervious disturbance were noted and recorded. Areas of ground surface exposure were targeted in order to identify any Aboriginal objects, however due to the extensive grass coverage no areas of exposure were identified. No previously unrecorded sites or objects were located during the site survey.*

The Biosis Report made the following recommendations:

The following management recommendations have been developed relevant to the study area and influenced by: • Predicted impacts to Aboriginal cultural heritage.

- *The planning approvals framework.*
- *Current best conservation practise, widely considered to include:*
 - *Ethos of the Australia ICOMOS Burra Charter (2013)*
 - *The code*

Prior to any impacts occurring within the study area, the following is recommended:

Recommendation 1: No further archaeological assessment is required - No further archaeological work is required in the study area due to the entire study area assessed as having low archaeological potential.

Recommendation 2: Discovery of Unanticipated Aboriginal Objects - All Aboriginal objects and Places are protected under the NSW National Parks and Wildlife Act 1974. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Office of Environment and Heritage (OEH). Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the OEH and Aboriginal stakeholders.

Recommendation 3: Discovery of Aboriginal Ancestral Remains - Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:

- 1. Immediately cease all work at that location and not further move or disturb the remains*
- 2. Notify the NSW Police and OEH's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location*
- 3. Not recommence work at that location unless authorised in writing by OEH.*

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

Refer to **Appendix G** for this report.

- **Clause 5.11 Bush fire hazard reduction**

The objective of this clause is related to bush fire hazard reduction work authorised by the *Rural Fires Act 1997* that may be carried out on any land without development consent.

Comment: Not applicable, this DA does not seek to carry out any bush fire hazard reduction work.

4.1.6 Part 6 Urban release areas

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

4.1.7 Part 7 Additional local provisions

- **Clause 7.1 Essential services**

- 1. 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 proposed to be in place with the Stage 1 subdivision.

Council is requested to condition this clause on the basis, this information is to be provided "Prior to Construction Certificate". Additionally, Sydney Water does not review and provide formal confirmation of infrastructure availability until a formal development application number is issued by Council, following lodgement of this DA. As such, this clause is requested to be conditioned and will be addressed in more depth in "Prior to Construction Certificate".

Discussions have also been held with Endeavour Energy, confirming that electricity reticulation is available and that the site can be serviced.

- **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: The subject site is not identified to contain any land identified as “sensitive land” on the Natural Resources – Biodiversity Map under Council’s mapping.

- **Clause 7.3 Water protection**

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

Comment: Not applicable, the site is not identified to contain “sensitive land” under the Natural Resources – Water Map.

- **Clause 7.4 Flood planning**

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

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

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

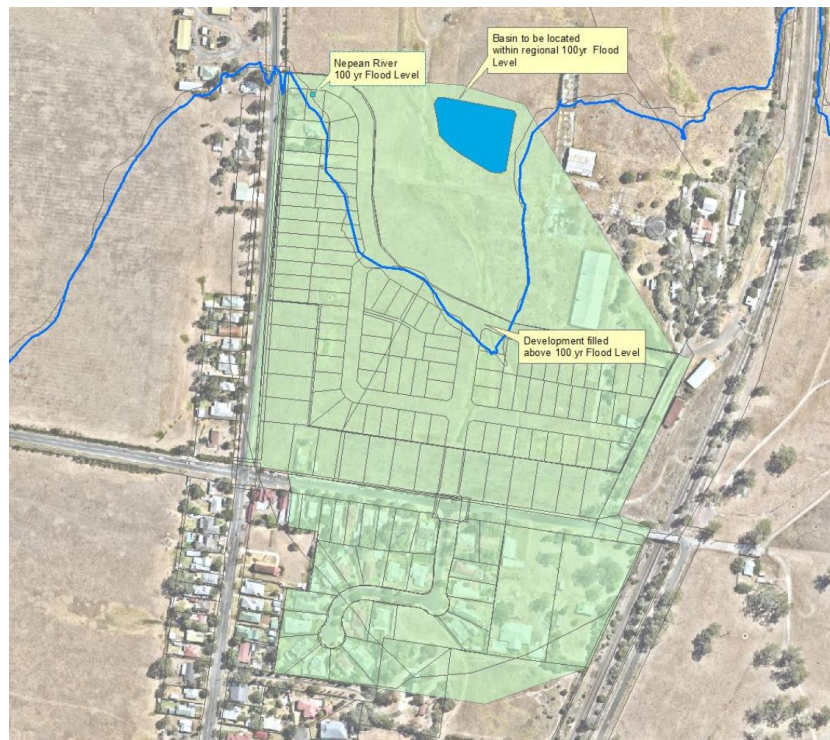


Figure 4.3: Basin Catchments (Source: Calibre 2018)

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

- **Clause 7.5 Earthworks**

The objectives of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Comment: The proposed subdivisional works will occur over a bulk earthworks design, submitted as part of DA 698/2018 (currently under assessment). The proposed subdivisional works will have a total area of approximately 11ha, with a maximum cut of approximately 3,548m³ and fill of 12,962m³, giving an earthworks balance of 9,413m³. The maximum fill level beyond the bulk earthwork levels will be in the order of 1.5m, immediately upslope of proposed retaining walls. The proposed subdivisional works will extend into lots 2, 3, and 4 proposed under DA698/2018, in order to facilitate the extension of batters, and the associated drainage works downstream of the subdivision (basin and dam decommissioning). The proposed development will not have a detrimental impact on the Central Creamery and although this area is not subject to this application, the proposed earthworks have been designed with the potential future reuse of this site in mind to ensure that they can tie in with any future design.

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

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

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 identified to contain any Odour Buffer Area under the Odour Buffer Area Map and as such, this clause does not apply.

- **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: The site is partially within the 200m coal seam gas well buffer area. This buffer affects proposed lots 190-198. It is proposed to include these lots within a sub stage (Stage 1B) to be held back from registration until such time that the coal seam gas well ceases operation or that documentary evidence has been provided that the risks to health and safety are deemed acceptable for residential development. Mirvac has commissioned a technical assessment of the likely risks, and this will be submitted to Council upon receipt. An initial technical advice memo has been received, from a specialist consultant, EnRisk. This memo explains the current controls relating to the operation of the coal seam gas well and details the likely risks. It concludes that there are no risks to the health and safety of any persons within the proposed subdivision and that the technical assessment will provide further evidence to support this case. A copy of this memo can be found at **Appendix T**.

It is anticipated that the technical assessment will be available during the assessment of this development application and will confirm the suitability of all lots for registration.

4.2 Wollondilly Development Control Plan 2016

4.2.1 Volume 1 – General

- **Part 2 General Considerations for all development**

The objectives of this control is to ensure that developments are undertaken with due regard to human safety and that developments do not unreasonably impact on their surrounds.

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 Statement (**Appendix L**) has been prepared by Stantec to address the road network and traffic conditions as a result of the proposed residential development. Based on the assessment of traffic generation carried out by Stantec, the development is anticipated to generate around 69 AM Peak trips and 76 in the PM. Approximately 80 percent of these additional morning trips are expected to be via Station Street and 70 percent of the additional PM trips are expected to access the site via Station Street, with the balance accessing Menangle Road Directly, in a left-in, left-out access situation.

A SIDRA analysis of the Menangle Road / Station Street intersection was undertaken for both the existing development and the completion of the development under this application, which demonstrates that the intersection will continue to perform satisfactorily at a Level of Service A or B in peak hour conditions. This means that the development does not trigger the need for any intersection improvements at Menangle Road / Station Street, however the later stages of development (subject to separate application) may do so in a future scenario.

The Stantec report concludes that Stage 1 of the proposed residential subdivision would not be expected to have any adverse impacts on the surrounding road network, and that there are no traffic engineering reasons that would preclude the proposed development to proceed.

- b) *Bushfire threat;*

Comment: BlackAsh has been engaged to prepare a Bushfire Assessment Report to assess the proposed residential subdivision for bushfire potential and consisted of a desktop review, legislation review, and mapping. The proposed residential subdivision will “trigger referral to the Rural Fire Services (RFS) under Section 100B of the Rural Fires Act 1997 and will require assessment of the application by the RFS against Planning for Bushfire Protection 2006”. The site is on bushfire prone land and as such, concurrence will be sought from the RFS for their General Terms of Approval (GTA). Refer to **Appendix J** for the report.



Figure 4.4: Bushfire Attack Level (Source: BlackAsh 2018)

c) *Flood risk;*

Comment: A Concept Stormwater Report has been prepared by Calibre to determine the flood risk and strategy for the subject site. Hydrological modelling undertaken as part of the preparation of this report has shown the need to implement water quantity measures in the development to meet Wollondilly Council requirements as stated earlier under Section 3.3 of the Stormwater Concept Plan. However it is suggested that the site be considered exempt from detention due to the close proximity to the Nepean River, as detailed under Section 3.5 of the stormwater management report. A stormwater management strategy has been designed to protect the receiving waters from water quality impacts. Refer to **Appendix E** for the report.

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

Comment: The proposed development will not be impacted by noise, vibration, pollution, odour, radiation or waste from surrounding land uses as the site is situated adjacent to an existing village within a rural area and is not in close proximity to a major traffic highway, odour generating facility, waste or use that will affect residential land use. The site is however adjacent to the Southern Highlands Rail line, the potential impacts of which are discussed below.

An environmental noise assessment of rail noise and vibration and industrial noise on the Stage 1 proposed residential subdivision has been undertaken as the site is within close proximity to the Southern Highlands Rail Line. The reason for this assessment is due to “*regenerated or ground – borne rail noise is the low rumble head inside buildings with vicinity of railway lines due to ground vibration generated by passing trains which propagate through soil and rock up into building elements such as foundation, wall and floors which re – radiates as audible sound*”.

The findings of this study are:

- *The ISEPP criteria are predicted to be exceeded at the ground floor and first floor of dwellings exposed to the Southern Highlands Rail Line. For facades that are exposed to noise levels above the ISEPP (listed in Table 8 of the DA Acoustic Report), indicative building envelope designs has been provided in accordance with the internal noise level criteria and described in Table 10 of the DA Acoustic Report.*
- *Road traffic noise levels from surrounding roads are predicted to be compliant at the worst affected residential lots.*
- *The proposed residential development is predicted not to impact the ability of the nearest identified industrial developments to meet amenity requirements in relation to noise issues.*
- *Vibration impacts from the Southern Highlands Rail Line have been found to be compliant with human comfort vibration criteria and regenerated noise criteria.*

The findings and recommendations of this report will be taken into consideration to ensure the proposed residential subdivision will be compliant with noise standards. It is requested that the development be conditioned accordingly.

- e) *Exposure to electricity transmission systems;*

Comment: Not applicable, the site is not exposed to electricity transmission systems.

- f) *Exposure to radiation from telecommunications infrastructure;*

Comment: Not applicable, the site is not exposed to any radiation from telecommunications infrastructure.

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

Comment: The surrounding land uses are rural residential and there is no potential exposure to children of material from any nearby restricted premises and / or sex services premises.

- h) *Hazards from vehicles within car parking spaces; and*

Comment: The potential for hazards from vehicles within car parking spaces is zero to minimal given that the proposed development is within a low density residential area and surrounded by rural residential. The subdivision design has allowed for future dwellings to have garages to ensure adequate car parking spaces.

- i) *Hazard from potential contamination of the land.*

Comment: During the rezoning period, a Preliminary Environmental Site Assessment was completed by Environmental Investigation Services. Geotechnique has been engaged to build upon this preliminary report and prepare a Detailed Contamination Assessment to support the proposed development works. The purpose of this contamination report is to ensure the site will not present a risk of harm to human health and the environment. The consultant conducted a site visit on 17 and 18 October 2018 and the findings indicate that the site is generally free from contaminants, with the exception of a small area where elevated levels of asbestos fines and asbestos fibres were discovered at Test Pit 33. The Detailed Contamination Assessment Report makes the following recommendations with respect to this finding:

- *Detailed sampling and testing in the vicinity of TP 33 to delineate the extent of asbestos contamination.*
- *Excavation at TP28 to determine the full depth of fill, as refusal occurred during DCA on sandstone fill materials at 700mm depth. Testing might be required.*

- *Judgemental sampling and testing of soils beneath and/or in the vicinity of all the site features after demolition/removal/clearing. The purpose is to determine the contamination of soil beneath all the site features.*
- *Development of a remedial action plan (RAP) to remediate asbestos contaminated soil, plus any other contamination identified through the recommended additional sampling and testing, followed by appropriate validation.*

Mirvac are commencing the remedial action plan actions and the outcomes will be notified to Council when complete. It is expected that this will occur prior to the determination of this application.

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 Statement has been prepared by Stantec to assess the proposed road network for a residential development. The Stantec report concludes that Stage 1 of the proposed residential subdivision would not be expected to have any adverse impacts on the surrounding road network, and that there are no traffic engineering reasons that would preclude the proposed development to proceed. A left-in, left-out condition is proposed for Menangle Road to limit potential vehicular conflicts.

Refer to **Appendix L** for the report.

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: Complies, a Stormwater Concept Plan Report has been prepared by Calibre to determine the management of wastewater present on the subject site. Refer to **Appendix E** for the report.

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.*

Comment: Complies, a Stormwater Concept Plan has been provided by Calibre to address the water quality to service the proposed residential lots. A new bioretention basin is proposed as part of the stormwater concept plan strategy to achieve acceptable water quality outcomes for runoff from the proposed subdivision development. This bioretention basin will also act as a sedimentation basin during the construction period. Refer to **Appendix E** for the report.

- **Control 6.3 Heritage Conservation Area and Landscape Conservation Area – Menangle**

This control relates to Menangle Village to ensure development is consistent with Menangle's Heritage Conservation Area. The subject site is identified to contain General Conservation Areas, Landscape Conservation Areas and General Heritage Items.

The objectives of this control are as follows:

- (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.

The applicable development controls for the Menangle Heritage Conservation Area are:

1. New development must have a minimum front building set back of 6 metres.

Comment: All proposed allotments have sufficient depth to allow for future dwellings to achieve a minimum front setback of six metres.

2. Maximum allotment width of 25 metres where located within a residential or commercial zone along Menangle Road within the Heritage Conservation Area and Landscape Conservation Area.

Comment: All proposed lots along Menangle Road will have a primary frontage that is less than 25 metres in width. The largest proposed lot will be 19.2m in width, which is to accommodate the siting of the former rural workers cottage identified on the site during preparation of the Historical Heritage Assessment by Biosis.

3. All dwellings must have a front building façade width of between 7.5 and 10.5 metres.

Comment: Not applicable as this development application does not seek approval for built form.

4. The height of a new dwelling is not to exceed one storey in height.

(d) Comment: Not applicable as this development application does not seek approval for built form.

5. The pitch of new roofs must generally match the slope of existing earlier dwellings which average 30 to 40 degrees in slope. To provide contrast and variety to roof forms, gable overhangs, eaves, half gables and ventilation grills are encouraged to be used as devices to give a visual interest and help new developments relate sympathetically to the architectural character of the existing buildings. Dwelling roofs should have a corrugated finish. Roofs can be either painted or be colorbond. Colours should be similar to those found elsewhere in Menangle.

Comment: Not applicable as this development application does not seek approval for built form.

A Historical Heritage Assessment of the proposed subdivision has been undertaken by Biosis Pty Ltd, consultant archaeologists, which provides the following conclusion with respect to heritage impacts of the proposed development:

This assessment has identified that the study area is located within the Menangle General Conservation area and that a newly identified heritage item of local significance, a c.1920's workers cottage is located within the study area. Items of local significance are located within the vicinity of the study area, specifically the Camden Park Central Creamery Managers Cottage, Camden Park Rotolactor and the Camden Park Central Creamery and Sheds, these have been previously assessed as containing significance at a local level. The impacts associated with the development of Station Street, Menangle will result in direct, minimal indirect and cumulative impacts upon these and the adjacent heritage items. The proposed development, whilst assessed as impacting items of significance, will have a positive impact on Menangle Village and the heritage management of items listed previously. Currently these heritage items all stand as either unoccupied residential housing or unoccupied rural commercial buildings. From a heritage perspective the current state of these buildings will only deteriorate further. New development in the area that will adaptively reuse these items of significance will ensure longevity and preservation of the heritage significance of said items.

Therefore the proposed development should proceed subject to the implementation of the recommendations outlined below.

Recommendation 1: Prepare a heritage interpretation strategy for the site

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

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

Recommendation 2: Development process

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

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

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

Refer to the attached Historical Heritage Report prepared by Biosis under **Appendix F**.

An addendum letter, dated 21 December 2018 was prepared by Biosis, updating some aspects of the historical heritage assessment, once the extent of civil works proposed to support the subdivision were confirmed. This includes battering into the adjoining Proposed Lot 3 (future neighbourhood centre, housing the Central Creamery) to facilitate road construction (which will also benefit redevelopment of this lot), road works on Menangle Road and Stevens Road, and the proposed dam decommissioning. A copy of this addendum is also included within **Appendix F**.

The proposed development will not impact on the heritage characteristics of Menangle as this DA is seeking to create 97 additional residential lots in a currently undeveloped part of Menangle, which is currently open pastureland. Investigations into the heritage values of the site identified not only the former Central Creamery Managers Cottage (a local heritage item), but a second former rural worker's dwelling on the site. This rural worker's dwelling has been subject to a previous development approval for conversion into a temporary sales office (DA 210/2016), and will be further converted to a residential dwelling at the conclusion of the estate sales period. The proposed subdivision design accommodates this outcome by proposing a larger lot that will retain the dwelling within the proposed subdivision pattern, whilst retaining a proportion of its existing garden setting. The Central Creamery Managers Cottage is located within an area that has also been subject to prior development approval (DA 202/05), and is not further affected by this proposal.

The proposed subdivision layout also accommodates the identified view corridor northwards from Menangle Village to the Central Creamery and the open pasturelands beyond, by continuing the proposed road access point in (DA 202/05) through the subdivision, providing an open vista to undeveloped land in the RE1 Public Recreation Zone. This facilitates maintenance of the sense of place and sites the proposed development within the surrounding rural landscape, in conformance with the objectives of the Menangle Heritage Conservation Area.

- **Part 7 Aboriginal Heritage**

The objective of this control is to ensure appropriate means of conservation, management and protection for archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

Comment: Biosis has been engaged to prepare an Aboriginal Cultural Heritage Due Diligence to determine the archaeological potential of the subject site. The scope of services consisted of a desktop review, archaeological survey and mapping was conducted to determine whether the site held potential to contain archaeological relics. The findings and recommendations from the consultant found that *“this assessment did not identify any Aboriginal objects or any areas of archaeological potential. As a result of Biosis’ assessment, it is concluded that no further investigation of the study area is required”*.

Prior to any impacts occurring within the study area, the following is recommended:

Recommendation 1: No further archaeological assessment is required

No further archaeological work is required in the study area due to the entire study area assessed as having low archaeological potential.

Recommendation 2: Discovery of Unanticipated Aboriginal Objects

All Aboriginal objects and Places are protected under the NSW National Parks and Wildlife Act 1974. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Office of Environment and Heritage (OEH). Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the OEH and Aboriginal stakeholders.

Recommendation 3: Discovery of Aboriginal Ancestral Remains

Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:

- 1. Immediately cease all work at that location and not further move or disturb the remains*
- 2. Notify the NSW Police and OEH’s Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location*
- 3. Not recommence work at that location unless authorised in writing by OEH.*

The recommendations provided by the consultant will be taken into consideration and as such, the site is considered suitable for residential development from an Aboriginal perspective.

- **Part 8 Flooding**

The objective of this control is 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. Refer to the Stormwater Concept Plan under **Appendix E** which addresses this section in more detail.

- **Part 10 Tree Removal**

The objectives of this control are to identify trees and other native vegetation for the purpose of Clause 5.9(3) of *Wollondilly Local Environmental Plan (LEP) 2011*.

Comment: Not applicable, this Clause has been repealed under the *Wollondilly LEP 2011* and as such, this section of the DCP does not apply.

- **Part 11 Landscaping**

The objective of this control is to encourage the planting of endemic species in landscaping and to reduce the impact of landscaping on the environment, infrastructure and human safety. A Street Tree Landscaping Plan has been prepared by Sturt Noble and is provided under **Appendix M**

4.2.2 Volume 3 – Subdivision of Land

- **Control 2.1 Traffic and Transport**

The objective of this control is to ensure that new allotments created by the subdivision of land are provided with adequate public roads.

Comment: All proposed lots will have frontage to either existing or proposed public roads. Two battleaxe lots are proposed (proposed lots 141 and 142), which will gain access via a proposed right of way of 6m width. This arrangement has been proposed to maintain a view corridor through the site to meet heritage objectives, resulting in a block of greater than average depth. This is considered an appropriate response to balancing the access and heritage considerations for the subject site.

A Traffic Impact Assessment has been prepared by Stantec to determine the adequacy and performance of the local road network as a result of the proposed subdivision works. Access to the subject site is via Menangle Road, Station Street and Stevens Road being a regional road and local roads respectively. The report concluded that there were no traffic or transport impediments to the proposed subdivision, including volumes of traffic and safe performance of the layout and surrounding road network. This includes limiting access to Menangle Road to a left-in, left-out condition. Refer to the Traffic Impact Assessment under **Appendix L**.

Provision has been made within the layout for pedestrian pathways and the northern side of Road 1 and will have a shared pedestrian - cycleway pathway along the proposed open space frontage. A second shared pedestrian – cycleway will be provided in the eastern verge of Road 3, connecting the proposed open space to Station Street. Please refer to **Appendix D** for more details.

All intersections are provided with splay corners. Road infrastructure enhancements will be provided to Menangle Road, Stevens Road and Station Street in accordance with Council Requirements. Refer to the Engineering Plans in **Appendix D** for more details.

- **Control 2.2 Wastewater**

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

Comment: Ongoing discussions have been occurring with Sydney Water with respect to provision of sewer to the site. It is considered that the site can be serviced and that sewer servicing will be available for the anticipated construction timeframe of the site.

- **Control 2.3 Stormwater**

The objective of this control is to ensure stormwater is appropriately managed to prevent environmental harm and to reduce the risk of damage to property and human life.

Controls

1. *Development involving the subdivision of land must demonstrate that stormwater management arrangements will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.*

2. *Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report (a Water Cycle Management Study or Similar) to be submitted with the development application which must include modelling of both water quantity and quality and must also include a short and long term maintenance management plan.*

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

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



Figure 4.5: Basin Catchments (Source: Calibre 2018)

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

- **Control 2.4 Lot Size and Shape**

The objective of this control is to ensure regular and practical allotments will encourage the orderly and economic use of land.

Lots in residential zones shall have the following minimum dimensions:

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

Comment: Complies, the proposed lot sizes seek Council's consent to create lot sizes ranging between 500 – 807m² and creates lot widths and depths greater than the minimum dimensions required.

- Control 2.5 Landscape and Character**

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

Controls

1. The subdivision of land in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.
2. The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary.

Comment: The proposed subdivision of land in a residential zone is compliant with this control and does not create two access handles along the same property boundary.

- Control 2.6 Corner Allotments**

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

Controls

1. *Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks.*
2. *Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection.*
3. *These controls do not apply to proposed corner allotments on which a dwelling is already constructed.*

Comment: Complies, the corner allotments in residential zones are greater than 500m² which will ensure safe vehicular access and maximum amenity for the streetscape on the subject site.

- Control 2.7 Building Envelopes**

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

Controls

1. *Each lot created by subdivision of land within rural and environmental zones shall be provided within a building envelope that includes all developable land and excludes the following land:*
 - a) *Land that is moderate or higher risk of geotechnical instability; and*
 - b) *Land that is within a setback identified in Volume 4 of this DCP; and*
 - c) *Land that is within 40 metres of the top of bank of a watercourse; and*
 - d) *Land that contains significant native vegetation; and*
 - e) *Land that has been identified as being subject to the 1% AEP flood extent; and*
 - f) *Land that is required for an asset protection zone under a Bushfire Safety Authority; and*
 - g) *Land that is subject to a transmission line or other utility service easement; and*
 - h) *Land that is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area.*
2. *Town Centre Residential Lots and residential small lots may be created where a building envelope allows for one boundary as a zero lot line boundary. If such a boundary is to be created then satisfactory easements must be provided on the adjoining lot for eave overhang, drainage, maintenance and any other relevant matter. The subject easement must be registered as a restriction on the title of the burdened lot prior to the issue of any Subdivision Certificate for the land.*

Comment: The proposed development is not within a rural and environmental zone and is not seeking to create town centre residential lots and residential small lots. As such, this clause does not apply.

- **Control 2.8 Environmental Protection**

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

Controls

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

Comment: The site does not contain any significant stands of native vegetation that will require asset protection zones.

- **Control 2.9 Non – Residential Development**

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

Controls

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

Comment: Not applicable, the proposed subdivision of land is not within existing non – residential development.

- **Control 2.10 Agricultural Subdivision**

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

Controls

1. *These controls relate to the subdivision of land carried out under Clause 4.2 of Wollondilly Local Environmental Plan, 2011.*
2. *Any development application for the subdivision of land under this clause must include a Total Farm Management Assessment which identifies the following:*
 - *Details of the most suitable agricultural uses for the site taking into account soil type, agricultural land classification, slope, pasture/grass type, drainage characteristics of the site, microclimate and proximity to dwellings on adjoining lands; and*
 - *The agricultural use to be undertaken on each proposed lot; and*
 - *The nomination of an agricultural envelope within each lot which demonstrates that sufficient land is available for the nominated agricultural use for that lot. The agricultural envelope shall exclude areas of the site required for boundary setbacks, services (including on-site wastewater disposal), drainage and other infrastructure and the like; and*
 - *Provide evidence that the lots are large enough to prevent the onset of rural land use conflict by way of odour, spray drift etc from the proposed agricultural use; and*
 - *Indicate the source of water supply for the use; and*
 - *Provide an Economic Feasibility Assessment of the intended agricultural uses on each of the lots.*
 - *That the use of the land, including storage of equipment, will be satisfactory from a security perspective if the lots do not have a dwelling to provide supervision.*
3. *A restriction shall be placed on the title of each lot created under clause 4.2 of Wollondilly Local Environmental Plan stating that the lot shall only be used for the purposes identified in the Total Farm Management Assessment endorsed by Council and that the lot(s) shall no dwelling shall be erected on the lot burdened.*

Comment: Not applicable, the proposed subdivision is not agricultural subdivision.

- **Control 2.11 Boundary Adjustment to certain residential, environmental protection and rural zones**

Comment: Not applicable, this DA is not seeking for any boundary adjustments to certain residential zones under this control.

5 SECTION 4.15 EVALUATION

5.1 Matters for Consideration

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

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

State and Regional Planning Policies

The relevant State Environmental Planning Policies (SEPP) are:

Appendix A SEPP No. 55 Remediation of Land – A Detailed Contamination Assessment has been prepared that identified that the site is largely free of contamination, based on its history as pastoral land. One small area of elevated asbestos levels were detected, and a remedial action plan is proposed to remove the contaminated material and render the site fully suitable for residential use. Please see **Appendix P Preliminary Environmental Site Assessment & Appendix Q Detailed Contamination Assessment Report** for more detail on this issue.

State Regional Planning Policy No. 20 – Hawkesbury – Nepean River (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:

(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.

Consent required.

Comment: Filling of the land to a maximum depth of 1.5m above the bulk earthworks design level is proposed over an area of approximately 110,000m². The proposed filling will not have an adverse impact on the river and no filling or dredging is proposed in the riverine environment as a result of this development. Please see **Appendix D Engineering Plans** and **Appendix E Stormwater Concept Plan**

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 is adjacent to an item in Schedule 1 of the SREP, namely The Central Creamery, Camden Park Estate Rotolactor however the proposed works will not impact upon this item. 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 Historical Heritage Assessment in **Appendix F** 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.

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

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.

- iii. Development Control Plan

Wollondilly Council has a Development Control Plan (DCP) being the Wollondilly Development Control Plan 2016. The proposed development is in accordance with the provisions of this DCP, specifically Volume 1 – General (Part 6 – Heritage) and Volume 3 – Subdivision of Land on matters relating to the proposed ninety – seven (97) residential lot subdivision and associated works.

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

A Voluntary Planning Agreement is currently being negotiated between the applicant and Council for the subject site. It is anticipated to be executed during the course of assessment of this DA.

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

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

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

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

Impacts on the natural environment

The proposed development will not have adverse impact on the natural environment other than what is to be expected in a residential subdivision. 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.

Impacts on the built environment

The impacts of the proposed development on the built environment within Wollondilly Council will be relatively minor. Future residential development on Proposed Lot 1 will contribute to the future character and growth within the Wollondilly Local Government Area and encourage various land uses and lot sizes that will provide more residential options to the community. The proposed subdivision facilitates the future construction of residential dwellings, however built form is not included within the scope of this development application.

(c) The suitability of the site for development

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

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

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

(e) The public interest

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

6 CONCLUSION

This Statement of Environmental Effects has addressed all relevant matters for consideration with respect to the proposed subdivision works to create ninety – seven (97) residential lots on Lot 201 DP 590247 being no. 15 Menangle Road, Menangle (also proposed lot 1 under DA 698/2018), to be registered in two sub stages, Stage 1A being 88 lots, with a further nine (9) lots in Stage 1B.

The following approvals are sought from Council:

- Torrens Title subdivision to create ninety – seven (97) residential lots across two sub stages, Stage 1A is proposed to have 88 lots and Stage 1B, a further 9 lots;
- Road and foot paving construction;
- Subdivisional earthworks including cut and fill and the construction of retaining walls;
- Tree and vegetation removal;
- Street tree planting;
- Decommissioning and filling of an existing dam;
- Construction of a bioretention basin (to be used as a temporary sedimentation basin during construction).

In addition, the following approvals are sought as integrated development:

- Approval under section 58 of the Heritage Act 1977; and
- Approval under section 100B of the Rural Fires Act 1977.

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 is nominated as “integrated development” under Section 4.46 of the *Environmental Planning and Assessment Act 1979* and will be seeking concurrence from the Office of Environment & Heritage for their General Terms of Approval (GTA).

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

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

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix A Survey Plan

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix B Subdivision Plan

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix C Site Plan & Notification Plan

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix D Engineering Plans

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix E Stormwater Concept Plan

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix F Civil Works Heritage Advice & Historical Heritage Assessment

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix G Aboriginal Cultural Heritage Due Diligence

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix H Arboricultural Impact Assessment

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix I Flora and Fauna Assessment

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix J Bushfire Protection Assessment

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix K Acoustic Report

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix L Traffic Impact Statement

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix M Street Tree Landscaping Plan

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix N Relinquishment of Mining Rights

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix O Waste Management Plan

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix P Preliminary Environmental Site Assessment

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix Q Detailed Contamination Assessment

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix R Geotechnical Investigation

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix S Desktop Study – Geotechnical and Salinity Assessment

MIRVAC HOMES (NSW) PTY LTD

STATION ST, MENANGLE TORRENS TITLE SUBDIVISION TO CREATE
NINETY – SEVEN (97) RESIDENTIAL LOTS AND ASSOCIATED WORKS

Appendix T Summary: Health and Safety Risks – Stage 1 Development and Coal Seam Gas Well

MIRVAC HOMES (NSW) PTY LTD



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