



CAMPBELLTOWN
CITY COUNCIL

LOCAL PLANNING PANEL

28 SEPTEMBER 2020

MEETING NOTICE

Campbelltown City Council Local Planning Panel

The meeting of the Campbelltown City Council Local Planning Panel will be held electronically on **Monday, 28 September 2020.**

MEETING AGENDA

1. ACKNOWLEDGEMENT OF LAND

I would like to acknowledge the Traditional Custodians, the Dharawal people, whose Lands we are now meeting on. I would like to pay my respects to the Dharawal Elders, past and present and all other Aboriginal people who are here today.

2. APOLOGIES

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General Information

The role of the Local Planning Panel is to determine development applications and provide advice on planning proposals.

When the panel is considering a report relating to a development application, the panel will receive and consider verbal submissions from the applicant and from any person that made a written submission in regard to that development application (during the notification or exhibition period).

As required by the Minister's Local Planning Panels Direction, when considering a planning proposal, the role of the panel is to provide advice to Council. The panel is the first step in the evaluation process before Council and the State Government (through the Gateway process) to decide whether to support a formal public exhibition or consultation period on the proposal. It is possible that the proposal will be modified before or as part of the consideration by Council and/or through the Gateway process. The panel will consider verbal submissions made in relation to the matter from the applicant, if there is one, and from any other person. The panel will not consider written submissions tabled at the meeting, however they will be accepted and passed on to Council officers for consideration in their report to Council.

Any person who makes a verbal submission to the panel must identify themselves and must also accept that their presentation will include their images and sounds and will be webcast and stored on Council's website for future viewing. Any person who makes a verbal submission to the panel must also declare before their submission any political contributions or donations they have made over the last four years exceeding \$1,000 to any political party or candidate who contested the last Ordinary Election of Council.

If you would like to make a verbal submission to the panel, it is necessary to submit the "request to address – community access to meetings" form available on Council's website by midday the day prior to the meeting. The panel chair will invite the registered speakers to the table at the appropriate time in the agenda. Verbal submissions to the panel will be limited to 5 minutes each. The chairperson has the discretion to extend the period if considered appropriate. Panel members will have the opportunity to ask you questions at the end of your submission.

Recommendations of the Panel

The reports are presented to the Local Planning Panel for its consideration, advice and determination if the report is for a development application.

After the panel has considered submissions made by interested parties, the panel will make recommendations to the Council if the report relates to a planning proposal and determination if the report relates to a development application. The panel's recommendations/determinations become public by 4.30 the Friday following the Local Planning Panel meeting.

Information

Should you require information regarding the panel or any item listed on the agenda, please contact Council's City Development Division on 4645 4575 between 8.30am and 4.30pm. The following report is referred to the Local Planning Panel Panel for its consideration and recommendation.

Lindy Deitz
General Manager

4. REPORTS

4.1 Civil works and Torrens title subdivision of land to create 67 residential lots and one residue lot - Menangle Park

Community Strategic Plan

Objective	Strategy
1 Outcome One: A Vibrant, Liveable City	1.8 - Enable a range of housing choices to support different lifestyles

Executive Summary

- Council has received a development application for the civil works and subdivision of land to create 67 residential lots and one residue. The proposal represents Stage 2A of Dahua's development of the Menangle Park Urban Release Area and builds on/connects to the recent approval of Stage 1.
- The land was rezoned on 18 November 2017 from rural land to urban purposes, accommodating approximately 3,500 residential lots, a commercial centre, employment lands and community and recreational facilities.
- The subject area is zoned R2 Low Density Residential and RE1 Public Recreation under the provisions of Campbelltown Local Environmental Plan 2015 (CLEP 2015).
- The proposed development will involve subdivision and civil works both of which are considered to be permitted with consent in accordance with CLEP 2015. The proposed development is also consistent with the zone objectives of R2 and RE1 zones.
- The application was publicly notified and exhibited from 31 July 2018 to 14 August 2018. The exhibition was in line with the statutory requirements and the Council's notification policies. No submissions were received during this time, although, there was a letter of support that was submitted outside of this time.
- The proposal was externally referred to:
 - The Rural Fires Service for a Bushfire Safety Authority in accordance with Section 100B of the *Rural Fires Act 1997* as the site is identified as bushfire prone land.
 - The Department of Planning, Infrastructure and Environment in accordance with Section 90 of the *National Parks and Wildlife Act 1974* as the proposal requires an Aboriginal Impact Permit.
 - The Subsidence Advisory Board in accordance with Section 15 of the *Coal Mine Subsidence Compensation Act 2017* as the site is within Campbelltown Mines Subsidence District.
- Development of the subject land is subject to a Satisfactory Arrangement provision pursuant to Clause 6.1, of the CLEP 2015, and as such consent must not be granted

- for the subdivision of land unless the Secretary has certified in writing that satisfactory arrangements. Council received such notice from the Secretary, on 11 May 2020, which allows Council to determine the application.
- The developer has offered to enter into a planning agreement with Campbelltown City Council to construct works, dedicate open space and provide monetary contributions in relation to the initial stages of the Menangle Park development. The offer is consistent with contributions that would otherwise be required under Council's Menangle Park Contributions Plan, which is now an IPART approved contributions plan and in force.
 - In accordance with Section 4.8 of *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Minister for Planning's direction dated 23/02/2018, the application shall be determined by the Local Planning on Council's behalf.
 - An assessment under Section 4.15 of the EP&A Act has been undertaken and the application is recommended for approval subject to the recommended conditions.
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Officer's Recommendation

That development application 292/2018/DA-SW for the proposed civil works and subdivision of land to create 67 residential lots and one residue for future subdivision at Menangle Road, Menangle Park be approved subject to the conditions in attachment 1.

Purpose

To assist Council in its determination of the subject application in accordance with the provisions of the EP&A Act.

Property Description	Lot 1 in DP 598067, Lot 1 in DP 1091474 & Lot 2 in DP 554242 Lots 1 & 59 Menangle Road, Menangle Park.
Application No	292/2018/DA-SW
Applicant	Benaiah
Owner	Dahua/Landcom
Provisions	<i>Environmental Planning and Assessment Act 1979</i> <i>Roads Act 1993</i> <i>Rural Fires Act 1997</i> <i>Coal Mine Subsidence Compensation Act 2017</i> <i>National Parks and Wildlife Act 1974</i> <i>Threatened Species Conservation Act 1995 (Repealed)</i> <i>Biodiversity Conservation Act 2016</i> Biodiversity Conservation (Savings and Transitional) Regulation 2017 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy (Infrastructure) 2007

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Campbelltown Local Environmental Plan 2015

Campbelltown (Sustainable City) Development Control Plan 2015

Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8: Menangle Park

Date Received 31 January 2018

History

Menangle Park was rezoned as part of a Planning Proposal submitted to Council on behalf of UrbanGrowth NSW in December 2011. The land was rezoned on 18 November 2017; from rural land to urban purposes, accommodating approximately 3,500 residential lots, a commercial centre, employment lands and community and recreational facilities

On 31 January 2018, the subject development application (292/2018/DA-SW) was lodged with Council.

On 19 November 2018, Dahua lodged a planning proposal to amend the current planning controls for land under their control. The planning proposal seeks to:

- Amend the land use zones and principle development standards relating to minimum lot size, building height, floor space ratio, land acquisition and subdivision requirements for certain forms of development. Further detail is provided in Section 1.9 below.
- Relocate and expand the local centre from around 15,000sqm of Gross Floor Area (GFA) to permit 30,000sqm of GFA of commercial uses within the northern portion of the site with access to and from Stage 1 of the Spring Farm Parkway.
- Introduce a new neighbourhood centre (adjacent to the proposed new school and open space) to permit 3500sqm of GFA for commercial uses.
- Relocate and provide for a two-hectare primary school site adjacent to the proposed neighbourhood centre and associated open space.
- Adjust the provision of public open space consisting of sporting fields and local parks from 31.37 hectares to 43.77 hectares.

The planning proposal request seeks to deliver a more diverse range of housing types and densities in proximity to the proposed local centre, neighbourhood centre and local open spaces to facilitate approximately 4000 dwellings (an increase of 1000 dwellings on land under the control of Dahua).

At its Ordinary Meeting of 10 March 2020, Council considered a report on a draft Planning Proposal relating to the request lodged by the applicant and resolved, in part, to progress the proposal for Gateway Determination. The proposal was submitted via the NSW Planning Portal on 9 April 2020 for Gateway Determination.

The proposed development remains consistent with CLEP 2015 and there is no reliance on any of the proposed provisions within the planning proposal.

On 24 July 2019, Council approved, under delegation, development application 2807/2018/DA-CW for the construction of a four-leg roundabout at the intersection of Cummins and Menangle Roads, Menangle Park. Transport for NSW (TfNSW), formerly, Roads and Maritime Services (RMS) have required that this roundabout be constructed prior to the release of residential allotments.

On 3 December 2019, The Minister for Planning and Public Spaces executed a State Voluntary Planning Agreement (SVPA) with Dahua to facilitate the delivery of critical state infrastructure. The SVPA applies to all the land under the care and control of Dahua within the Menangle Park URA and represents the developer's obligation to satisfy Clause 6.1 of Campbelltown Local Environmental Plan 2015. A copy of the Secretary's Certificate, demonstrating satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure is provided under attachment 10.

On 14 April 2020, at the Ordinary Council, Council resolved to amend the Menangle Park Development Control Plan to include a table addressing the provisions of Clause 6.3 of the Campbelltown Local Environmental Plan.

On 27 May 2020, the Campbelltown Local Planning Panel approved development application, 3885/2017/DA-SW for the civil works and subdivision of land to create 255 residential lots and seven superlots, also known as Stage 1 of Dahua's land development in Menangle Park. The proposed development would occur on one of the superlots created under this approval.

The Site and Locality

The MPURA is located within the Greater Macarthur Priority Growth Area. The area covers a total area of approximately 958 hectares and is bordered by the Nepean River to the south and west, the Hume Highway (M31) to the east and the Australian Botanic Gardens to the north. The urban centres of Macarthur and Campbelltown are situated approximately 7km and 9km to the north east, respectively. Of this area, 498 hectares is under the control of Dahua, the developer of the subject allotments.

The Site is comprised of three existing lots with a total land area of 63 hectares (as illustrated in figure 1 of attachment 2). The identification and site area of each lot is provided below:

- Lot 1 in DP 598067 (462,600sqm)
- Lot 1 in DP 1091474 (64,590sqm)
- Lot 2 in DP 554242 (101,200sqm)

The Site is bordered by Stage 1 of Dahua's holdings within the Menangle Park URA to the east and south, Cummins Road (Local Road-Council) to the west and Hawes Creek to the north.

The Site is currently accessed via Menangle and Cummins Roads, and there is no lawful access from the Hume Motorway.

Menangle Park Station is situated, approximately, 700m west of the Site

The Site is mapped as bushfire prone land and located within a Mine Subsidence District.

Lot 2 in DP 598067 (Mount Pleasant) is not included in the land, to which, the proposed development relates and is under separate ownership. Access to this site is currently via an existing driveway and Right of Carriageway burdening Lot 1 in DP 598067. Access to Mount Pleasant will be established and maintained via the recently approved Stage 1 DA, under 3885/2017/DA-SW. No physical works are proposed on Mount Pleasant and the owners are aware of the proposed development and have provided a letter in support of the subdivision, which is attached as attachment 12.

To the west of Cummins Road is the 'Village' of Menangle Park, which also forms part of the Menangle Park URA. The Village is characterised by rural residential allotments, with a strong connection to Menangle Park Paceway on the western side of the Village. The Village is expected to undergo urban redevelopment in a more fragmented manner consistent with its smaller land holdings.

The Proposal

The proposal seeks to subdivide proposed Lot 1256 (within Lot 1 DP 598067) created under development consent 3885/2017/DA-SW (Stage 1), into (attachment 4):

- 67 residential lots; and
- One residue lot

In facilitating the subdivision, the following works are included as part of the proposal:

- tree/vegetation removal
- earthworks
- erosion and sediment control
- physical infrastructure roads, stormwater drainage and utility services/connections
- landscaping of the road reserves

Access to the Site will be via approved connections and road network associated with 3885/2017/DA-SW (figure 2 attachment 2). The approval of 3885/2017/DA-SW considered the required connections for future residential development and the proposal is consistent with such.

Stormwater drainage pipes would be provided within the proposed street network and easements to drain water would be created through residential lots, where applicable. Stormwater will be discharged via the interim bio-retention basin towards the north west of the subdivision.

Utilities such as water, electricity, gas and NBN, would also be within the proposed street network and will connect to the wider network, with easements, where applicable.

Report

1. Strategic Context

1.1 Greater Sydney Regional Plan

The Greater Sydney Region Plan (GSRP), is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. In the transformation of Greater Sydney, the needs of a growing and changing population have been broken into three metropolis cities:

- Western Parkland City
- Central River City
- Eastern Harbour City

The GSRP identifies the need for an additional 725,000 dwellings across Greater Sydney between 2016-2036. Approximately 25 percent of this growth will come from the Western Parkland City, which the Campbelltown LGA is a part of.

The proposal is consistent with the GSRP in that it seeks to deliver some 67 residential allotments that will help contribute to the GSRP's projected needs by 2036.

1.2 Western City District Plan

The Western City District Plan (the District Plan) sets out more detail with respect to the anticipated growth in housing and employment in the Western City over the next 20 years.

The District Plan identifies future growth of an additional 184,500 dwellings to be provided in land release areas and urban renewal of existing areas close to existing centres. The development of Menangle Park will assist in achieving the 0-5 year housing target of 6,800 for Campbelltown as future subdivision and dwelling house applications are lodged.

1.3 Greater Macarthur 2040 (Draft) An interim Plan for the Greater Macarthur Growth Area

Greater Macarthur 2040 is a draft land use and infrastructure implementation plan that, when finalised, will guide precinct planning within the Growth Area. The Plan is supported by strategies for major items of State and local infrastructure and includes an updated structure plan for the land release areas of South Campbelltown.

The Growth Area within the Campbelltown Local Government Area (LGA) would provide for approximately 39,000 dwellings in the land release precincts. Approximately 19,000 of these new dwellings is expected to be delivered in new land releases within the Campbelltown LGA, including Menangle Park.

The proposal is consistent with the draft Plan as it forms part of the wider MPURA which has potential for up to 3,500 lots. The proposal forms Stage 2A of Dahua's land holdings for the Menangle Park URA with 67 residential allotments planned.

1.4 Local Strategic Planning Statement

On 31 March 2020 the Campbelltown Local Strategic Planning Statement (LSPS) came into force when it was published on the NSW Department of Planning, Industry and Environment's e-planning portal.

The LSPS responds to a number of key strategic documents produced by the Federal and NSW State Governments, as well as by Council, to provide a 20 year land use vision for the Campbelltown LGA. The LSPS delivers four key themes, which are consistent with the Council's Community Strategic Plan.

The themes that are most relevant to the proposed development are:

1. A vibrant, liveable city, and
2. A respected and protected natural environment.

The planning priorities, within these themes, that are applicable to the proposed development are:

- Planning Priority 2 - Creating high quality, diverse housing
- Planning Priority 6 - Respecting and protecting our natural assets

The proposed development facilitates a range of residential allotments that would support high quality and diverse housing, whilst, respecting the natural assets of Menangle Park.

1.5 Campbelltown 2017-2027 Community Strategic Plan

Campbelltown 2027 is the Community Strategic Plan (CSP) for the City of Campbelltown. Campbelltown 2027 addresses four key strategic outcomes that Council and other stakeholders will work to achieve over the next 10 years:

- Outcome 1: A vibrant, liveable city
- Outcome 2: A respected and protected natural environment
- Outcome 3: A thriving, attractive city
- Outcome 4: A successful city

The key outcome most relevant to the proposed development is Outcome 1: A vibrant liveable city.

The strategy most relevant to this application is:

- 1.8 - Enable a range of housing choices to support different lifestyles

The proposed development facilitates a range of residential allotments that would support different lifestyles and deliver a vibrant and liveable city.

2. Planning Provisions

The development has been assessed in accordance with the heads of consideration under Section 4.15 of the EP&A Act, and having regard to those matters, the following have been identified for further consideration.

2.1 Rural Fires Act 1997

Section 100B of the *Rural Fires Act 1997* requires a bushfire safety authority for:

- (a) a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes, or
- (b) development of bush fire prone land for a special fire protection purpose

The site is identified as bushfire prone land and involves subdivision. Accordingly, the proposed development is considered to be integrated development within the provisions of Section 4.46 of EP&A Act.

The NSW Rural Fire Service provided a bushfire safety authority, dated 25 February 2020 (Ref:DA-2018-01694-CL55-1) which have been included within the recommended conditions of consent.

2.3 Coal Mine Subsidence Compensation Act 2017

Section 22 of the *Coal Mine Compensation Act 2017* requires approval from the Chief Executive:

- to alter or erect improvements, or to subdivide land, within a mine subsidence district

The Menangle Park URA is mapped as a mine subsidence area and the proposal involves the improvements to the land by way of civil works and subdivision. Accordingly, the proposed development is considered integrated development within the provisions of Section 4.46 of EP&A Act. The applicant has applied to the Subsidence Advisory Board for approval.

The Subsidence Advisory Board provided the general terms of approval, dated 14 January 2019 (Ref: TSUB18-00456) (attachment 7) which have been included in the recommended conditions of consent. It is noted that the subdivision plans were amended slightly after the general terms of approval were issued and Subsidence Advisory NSW confirmed, via email (dated 7 November 2019), that the general terms of approval remain valid.

2.4 National Parks and Wildlife Act 1974

Section 90 of the *National Parks and Wildlife Act 1974* requires an Aboriginal Heritage Impact Permit (AHIP) issued by the Chief Executive for any development:

- in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons

The Assessment of Impact on Aboriginal Cultural Heritage, prepared by Keller Nightingale, identified one archaeological site containing Aboriginal objects, within the Site. The report concludes the need for an AHIP. The applicant has commenced the AHIP process in accordance with the guide "Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011)". The application was referred to DPIE in accordance with Division 4.8 of the EP&A Act and they responded on 03 April 2020, providing general terms of approval (attachment 8), which have been include as a condition within the recommended conditions of consent.

For the sake of clarity, the GTA's apply to works that will impact Aboriginal objects and not any works, which have been included as a condition within the recommended conditions of consent.

2.5 Roads Act 1993

Section 138 of the *Roads Act 1993* requires consent to carry out a work in, on or over a public road.

The proposal would utilise Cummins Road to access the Site, which is not a classified road. This connection will be established in conjunction with the works associated with recent Stage 1 approval at the May, Campbelltown Local Planning Panel under DA 3775/2017/DA-SW.

There would be no direct vehicular access to or from Menangle Road or the Hume Motorway (both classified roads).

If the roads associated with the Stage 1 approval are dedicated to Council, prior to the works commencing for this development, than a separate Section 138 approval would be required which have been included as a condition within the recommended conditions of development consent.

2.6 Threatened Species Conservation Act 1995

The Threatened Species Conservation Act 1995 was repealed in August 2017 by the Biodiversity Conservation Act 2016, although, as detailed in the Biodiversity Conservation (Savings and Transitional) Regulation 2017, the Campbelltown LGA is subject to the transitional arrangements. Accordingly, the *Threatened Species Conservation Act 1995* continued to apply to all applications lodged before the 24 November 2019. As the proposed development was lodged in January 2018, the relevant provisions of the Threatened Species Conservation Act 1995 and former planning provisions under the EP&A Act prevail in the circumstances of this application.

Where possible, the proposed development has been designed to avoid biodiversity impacts, particularly the areas mapped as native ecological communities. Although some scattered trees and shrubs will be removed, they are within areas mapped as exotic vegetation and the Assessments of Significance within the submitted Ecological Assessment documentation advise that the proposed development will not result in a significant impact on threatened species, populations or ecological communities.

Noting, that the development will impact on aeolian sand deposits which are crucial to the reconstruction of the Critically Endangered Ecological Community Elderslie Banksia Scrub Forest (EBSF) a condition of consent requiring the collection and storage of some of these soils in accordance with the existing soil profile is recommended.

2.7 State Environmental Planning Policy (Infrastructure) 2007

Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) provides that the consent authority must not grant consent unless it is satisfied that:

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and

- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

In addition, Clause 104 of SEPP Infrastructure provides for traffic generating development and requires the consent authority to:

- (a) give written notice of the application to RMS within seven days after the application is made, and
- (b) take into consideration:
 - (i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and
 - (ii) the accessibility of the site concerned, including:
 - (a) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (b) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
 - (iii) any potential traffic safety, road congestion or parking implications of the development.

The proposed development does not trigger the threshold of traffic generating development as it would result in less than 200 allotments and site access is not within 90m of a connection with a classified road. Notwithstanding, the proposed application was referred to Transport for NSW and their responses have been included as a condition within the recommended conditions of consent.

The site does not have frontages to Menangle Road or the Hume Motorway, which are classified roads. There would be no direct vehicular access to or from the Site onto Menangle Road or the Hume Motorway, instead, access is provided via connections to Cummins Road established under 3885/2017/DA-SW.

The Traffic Impact Assessment detailed that the safety, efficiency and ongoing operation of Menangle Road and the Hume Motorway will not be adversely affected by the development. Additionally, the accessibility of the site is efficient and would not result in safety or road congestion concerns for the surrounding local or classified roads.

The proposed development is proximate to the Hume Motorway and is supported by a Noise Impact Assessment (NIA), prepared by TTM Consulting. The report finds that a section of

proposed Lot 2001 will exceed the NSW Road Noise Policy day-time façade corrected criterion of 60 dB, with 10 allotments exceeding the NSW Road Noise Policy night-time criteria of 55 dB.

The report concludes that recommendations within the NIA “demonstrate the development is practical and feasible while keeping an appropriate acoustic amenity and controlled noise impact onto the local community”. The recommendations provided in the NIA would be transferred onto the Title of subsequent allotments to ensure all future residents are afforded appropriate acoustic measures.

Additionally, a condition requiring a Construction Management Plan is recommended prior to works commencing.

2.8 State Environmental Planning Policy No.55 – Remediation of Land

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The proposal is supported by a “Preliminary Site Investigation”, prepared by Douglas Partners. The investigation concluded that contamination levels across the site were low and would not preclude the proposed development on the site.

The Old Fireworks Factory site, known as Lot 59 DP 10718 is located to the north west of the subject site and is identified as contaminated land. While the Old Fireworks Factory Site does not form part of The Site, lead in works for the delivery of Sydney Water infrastructure are required. The assessment and determination of the lead in works, including consideration of contamination, will be considered as a part of the REF process.

In light of the findings detailed in the Douglas Partners report, Council is satisfied that the Site is capable of being used in the proposed manner. A condition is recommended for a Site Auditor and an unexpected finds protocol to be included in the determination.

2.9 State Environmental Planning Policy No. 44 – Koala Habitat Protection

State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) encourages the conservation and management of natural vegetation that provides habitat for koalas. The proposed development includes the removal of a small number of scattered trees. The proposed vegetation that is identified for removal is not identified as “core” or “potential koala habitat” and the presence of koalas has not been identified during the onsite surveys in preparing the supporting documentation. This being the case, further consideration of SEPP 44 is not required.

2.10 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20) seeks to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The proposed development is unlikely to have a detrimental impact on the surrounding watercourses. It is recommended that a condition be included in the determination to ensure

that appropriate erosion and sediment control measures are in place for the lifecycle of the development.

In addition, consistent with the findings of the Preliminary Site Investigation, prepared by Douglas Partners, a condition is recommended for a Site Auditor and an unexpected finds protocol be included in the determination.

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

On 6 December 2019, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (GC SEPP) was amended by the NSW State Government to include the Greater Macarthur. As there are no savings provisions associated with the amendment, the GC SEPP applies to the subject application.

The GC SEPP was originally drafted for lands that were not already zoned urban/commercial under the applicable Local Planning Instrument. As outlined in this report, the urban rezoning of Menangle Park occurred more than two years before the amendment to the GC SEPP which is not reflected by the instrument. Notwithstanding, as outlined in attachment 3, the proposal is consistent with the aims of the GC SEPP and has been designed to satisfy the statutory provisions particularly in relation to the environmental constraints.

Notwithstanding compliance with the SEPP as outlined in attachment 3, a further amendment to the SEPP dated 21 August 2020 was published on the NSW Legislation website titled State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Greater Macarthur) 2020. The SEPP amends, in part, Clause 7A(d) to clarify that the provisions of Campbelltown Local Environmental Plan 2015 are specified for land within the Menangle Park Precinct. Associated savings provisions means that the provisions of Council's CLEP 2015 now prevail.

The proposed development is subject to a State Infrastructure Contribution (SIC) and the applicant has entered into a Stage Voluntary Planning Agreement (SVPA) with the NSW Minister for Planning and Public Spaces. In delivering the SVPA, the proposal promotes orderly and economic use of the land.

2.12 Campbelltown Local Environmental Plan 2015

The proposed development will occur on land partly zoned R2 Low Density Residential and RE1 Public Recreation under the provisions of CLEP 2015. The proposal is considered to be consistent with the applicable objectives discussed below:

Zone R2 Low Density Residential

- to provide for the housing needs of the community within a low density residential environment
- to facilitate diverse and sustainable means of access and movement

Comment: The proposed development would provide low density residential allotments that provide for the housing needs of the community.

The proposal would provide footpaths, shared paths and roads to facilitate a diverse, safe and sustainable means of access and movement for pedestrians and vehicles.

Zone RE1 Public Recreation

- To enable land to be used for public open space or recreational purposes.

Comment: The proposed development would not impact the portion of the Site is zoned RE1 Public Recreation.

Clause 2.6 Subdivision – Consent Requirements

Pursuant to Clause 2.6 of CLEP 2015, subdivision of land must only occur with development consent.

Comment: The proposed development seeks development consent for the subdivision of 67 residential allotments and one residue lots.

Clause 4.1 Minimum Subdivision Lot Size

Pursuant to Clause 4.1 of CLEP 2015, the size of any lot resulting from subdivision must not be less than what is shown on the Lot Size Map.

The Lot Size Map identifies two areas with differing minimum allotment sizes, being 420sqm for the land zoned R2. There are no provisions for subdivision within the land zoned RE1.

Comment: The proposed development provides for allotments that are not less than 420sqm on the land zoned R2.

Clause 5.10 Heritage Conservation

Pursuant to Clause 5.10 of the CLEP 2015, the consent authority is required to consider the impacts of the proposal on Aboriginal and European heritage within Campbelltown.

Comment: The proposed development would occur on land that is not burdened by any know European heritage items. The closest European heritage item is the locally listed item, "Riverview" (Lot 2 DP 589899), located to the south of the Site on the opposite side of Menangle Road. The proposed development would not have any impact on the heritage significance of the item. The Statement of Heritage Impact, prepared by Extent Heritage Advisors submitted in support of the application reinforces such.

The Assessment of Impact on Aboriginal Cultural Heritage, prepared by Kelleher Nightingale, identified one archaeological site containing Aboriginal objects. The assessment concludes that an AHIP be obtained. As discussed previously, DPIE have provided general terms of approval which are included in the recommended conditions of determination.

A condition is recommended should there be any unexpected finds in relations to heritage, works cease and Council and appropriate experts are to be consulted prior to works commencing again.

Clause 6.1 Arrangements for designated State public infrastructure

Pursuant to Clause 6.1 of the CLEP 2015, development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Secretary has certified in writing to the consent

authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that land.

Comment: The proposed subdivision would have lots that are smaller than what was permissible before the site was zoned for urban release. The owner of the Site and the Minister for Planning and Public Spaces have executed a State Voluntary Planning Agreement (SVPA) for the Site, which provides for the payment of development contributions, special infrastructure contributions and the carrying out of works.

The SVPA has been registered against the land titles in accordance with the requirements of the Agreement. On 11 May 2020, the Secretary certified in writing, that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land.

Conditions have been recommended that incorporate the provisions of the SVPA to the critical stages relating to the Dahua/Lancom Menangle Park Release Area. The SVPA does not require the delivery of works to support the approval of the development application.

Clause 6.2 Public Utility Infrastructure

Pursuant to Clause 6.2 of the CLEP 2015, development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Comment: The proposed development is capable of being appropriately serviced by reticulated sewer, potable mains water, electricity and telecommunications with connections, likely, via Cummins Road. The applicant has been liaising with Sydney Water, Endeavour Energy, Jemena and NBN Co. who have provided assurances connections would be available for the proposed development which have been included as a conditions within the draft consent, to ensure adequate arrangements for utility infrastructure are made before the release of any subdivision certificate.

Clause 6.3 Development Control Plan

Pursuant to Clause 6.3 of the LEP 2015, development consent must not be granted for development on land in an urban release area unless a development control plan (DCP) has been prepared for the land. The DCP must include details of staging, transport movement, landscaping, recreation areas, water management, environmental hazards, urban design, higher density living, commercial uses and public facilities.

Comment: The site specific Menangle Park Development Control Plan and the Campbelltown (Sustainable City) Development Control Plan 2015 apply to the subject land. The Menangle Park DCP commenced at the same time the land was rezoned for urban development. An amendment to the Menangle Park DCP was adopted by Council, at the Ordinary Council meeting on 14 April 2020 that included a table addressing the provisions of Clause 6.3. In light of this amendment, the following table provides an assessment against the provisions of Clause 6.3 and their adoption within the amended Menangle Park DCP:

CLEP 2015 Clause 6.3 Requirement	Relevant Provision/Control	Comment
(a) a staging plan for the timely and efficient release of urban land, making provision for necessary infrastructure and sequencing,	Development may be undertaken in a single stage (as shown in Figure 1.1A, staging plan) or in any number of sub stages provided that development reflects the progressive delivery of road, utility and local infrastructure over the land. Development may be undertaken pursuant to several development applications with an explanation of how this is compatible with the delivery of infrastructure.	The proposed development forms one of numerous applications that will occur across the Menangle Park URA. The applicant has engaged with the relevant service and utility providers and the proposed development is consistent with the provisions that are currently available and what will be made available to the individual allotments prior to the issue of a subdivision certificate.
(b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,	This infrastructure shall be provided in accordance with Sections 1.7 and 1.8.	The proposed development is generally consistent with Sections 1.7 and 1.8, although, the street network is more permeable and provides for greater connections throughout the site for pedestrians and cyclists.
(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,	All development shall be undertaken in accordance with Section 1.9 and Appendix 1.	The proposed development is generally consistent with Section 1.9 and Appendix 1. A condition is recommended for an amended landscape plan to be provided for approval from Council's Executive Manager Urban Release and Engagement (or equivalent) to ensure the species selected are appropriate for all street plantings within the proposed development.
(d) a network of active and	All development shall be undertaken in accordance with	The proposed development is generally consistent with Section

passive recreation areas,	Section 1.9.	1.9, the permeable street layout and the provisions for pedestrian and cycle paths represent passive recreation areas whilst providing connections to future, larger scale, recreation areas.
(e) stormwater and water quality management controls,	All development shall be undertaken in accordance with: Campbelltown City Council Engineering Design Guide for Development Clause 2.18 of Volume 1 of this DCP <i>Work on Land Adjacent to the Upper Canal Corridor Volume 1</i>	The proposed development includes one water quality basin that is capable of satisfying Council's standards and conditions have been recommended to ensure the basin is constructed to the required standard.
(f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,	<p>Bushfire The development precincts (Figure 1.2) have been informed by the bushfire risks associated with the site. All future development is to comply with the Section 1.12 and the NSW Rural Fire Service's Planning for Bushfire Protection (PBP). This includes the provisions of suitable asset protection zones and maintenance of vegetated open space areas.</p> <p>Flooding The development precincts (Figure 1.2) have been informed by the flooding characteristics of the site. All future development is to comply with Council's Engineering Design Guide for Development.</p> <p>Contamination All future development is to comply with State Environmental Planning Policy No 55 – Remediation of Land.</p> <p>Mine Subsidence All future development is to comply with the requirements of the NSW Mine Subsidence Board.</p>	<p>Bushfire The proposed development was referred to the NSW RFS, who provided GTA's that ensure compliance with PBP.</p> <p>Flooding The proposed development is supported by a flood model that reinforces compliance with Council's standards.</p> <p>Contamination The proposed development is supported by a Contamination Report that satisfies the provisions of SEPP 55.</p> <p>Mine Subsidence The proposed development was referred to the NSW Subsidence Advisory Board, who provided GTA's.</p>

(g) detailed urban design controls for significant development sites,	This precinct does not contain any significant development sites.	N/A
(h) measures to encourage higher density living around transport, open space and service nodes,	All development shall comply with the Urban Structure Plan (Figure 1.2)	The proposed development is consistent with the Urban Structure Plan. Discussed later in the Report.
(i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,	All development shall comply with the Urban Structure Plan (Figure 1.2)	The proposed development is consistent with the Urban Structure Plan. Discussed later in the Report.
(j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.	Public facilities and services are to be provided in the B2 Local Centre Zone and shall be provided in accordance with Council's Engineering Design Guide for Development.	The proposed development is capable of being consistent with Council's Engineering Design Guide for Development and conditions have been recommended to enforce such.

Clause 7.1 Earthworks

Pursuant to Clause 7.1 of the CLEP 2015, in deciding whether to grant development consent, the consent authority must consider:

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

Comment: The proposed works would involve the re-contouring of the site to facilitate appropriate gradients for infrastructure delivery and residential development. The creation of one interim bio-retention basin responds to changes in the natural landform and drainage patterns. Any excess flows would be directed towards the existing riparian corridors which form part of the natural system.

The works seek to balance the levels of cut and fill, although, there would be a 5,722 m³ shortfall of fill that will be sourced from the neighbouring Stage 1 development that results in an excess of 7,500m³ of soil. The proposed development also includes mitigation measures to prevent detrimental impacts on the drainage patterns and soil stability, including erosion and sediment control and planting of native endemic vegetation.

A condition has been included within the recommended conditions to ensure the stockpiled area is appropriately screened from the public domain and entire Site is treated in a manner that does not cause interference with the existing ecological communities.

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

Comment: The proposal would facilitate the release of residential allotments.

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

Comment: A condition is recommended that ensures quality of all soils is of a residential standard. It is noted that a separate development application would be required to deal with any contamination, in accordance with SREP 20 and SEPP 55.

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

Comment: During the construction phase of any development, there is likely to be some impact on the existing amenity of adjoining properties. For this reason, a number of conditions directly responding to this issue have been included within the draft consent, in order to reduce the potential day-to-day impact on the amenity of the local area.

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

Comment: The proposal seeks to balance the cut and fill across the site with the shortfall being sourced from the 7,500m³ residual material from the Stage 1 earthworks. A condition is recommended to ensure that appropriate erosion and sediment control is provided around any disturbed areas.

- (f) the likelihood of disturbing relics,

Comment: The applicant has begun the process of obtaining an AHIP, which may not be issued until development consent is issued for the application. The DPIE has reviewed the proposal and issued General Terms of Approval, as detailed above which have been included in the recommended conditions.

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

Comment: The proposal includes provisions for erosion and sediment control measures to mitigate any adverse impacts, additionally, conditions have been recommended that ensure appropriate erosion and sediment controls measures are maintained for the life of the development.

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: The proposal seeks to utilise existing levels, where possible, throughout the site to avoid the requirement for earthworks. A condition is recommended that ensures appropriate erosions and sediment control measures are in place for the life of the development.

Clause 7.2 Flood Planning

Pursuant to Clause 7.2 of CLEP 2015, development consent must not be granted unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and

Comment: The proposal is compatible with the flood hazard associated with the land. The Engineering Design Report, prepared by SMEC, indicates that the subdivision is compatible flooding hazard across Menangle Park.

- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

Comment: The proposal has incorporated an interim bio-retention basin to deal with water quality and the modelling indicates that the proposed allotments or the surrounding properties will not be impacted by flooding as a result of the proposed development.

- (c) incorporates appropriate measures to manage risk to life from flood, and

Comment: The proposal has been designed so that no residential allotments are impacted by the 100 year ARI flood level.

- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

Comment: The proposal includes appropriate mitigation measures to ensure the existing natural environment is not adversely affected. The use of an interim bio-retention basin and erosion and sediment control measures will assist in significantly reducing the environmental implications of the development.

- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding

Comment: The proposal is unlikely to result in unsuitable costs to the community as a consequence of flooding, particularly, given the modelling provided and the implementation of the interim bio-retention basin.

Clause 7.3 Riparian Land and Watercourses

Pursuant to Clause 7.3 of CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- (a) whether or not the development is likely to have any adverse impact on the following:
 - (i) the water quality and flows within the watercourse,
 - (ii) the aquatic and riparian species, habitats and ecosystems of the watercourse,
 - (iii) the stability of the bed and banks of the watercourse,
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,
 - (v) any future rehabilitation of the watercourse and its riparian areas,
 - (vi) the underlying and surrounding groundwater resources and groundwater dependent ecosystems, and

Comment: The proposal would unlikely have any adverse impact on the riparian land and watercourse of Howes Creek. Subsequently, it is also unlikely to have an adverse impact on aquatic species, ecosystems and their habitats, free fish passage or the stability of the bed and banks of the watercourse.

A preliminary assessment has been undertaken to investigate impacts on groundwater resources and groundwater dependent ecosystems (GDEs) the outcomes of which, indicate that impacts are unlikely in association with the proposed development. The majority of the site is underlain with Bringelly Shale which has a low infiltration rate. While development of these areas will increase the impervious surfaces across the site, due to the already low infiltration rate, it will have little impact on groundwater. As such, more detailed groundwater and GDE investigations are not deemed warranted for the proposed development.

- (b) whether or not the development is likely to increase water extraction from the watercourse, and

Comment: The proposed development would not increase water extraction.

- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: The proposal has been designed around the existing riparian land and watercourses, with appropriate buffers and measures put in place to mitigate any impacts.

Clause 7.4 Salinity

Pursuant to Clause 7.3 of CLEP 2015, in deciding whether to grant development consent the consent authority must consider:

- (a) whether the development is likely to have any adverse impact on salinity processes on the land,

Comment: The proposal is supported by a Salinity Investigation and Management Plan, prepared by Douglas Partners (Ref: 76744.03). The site contains soils that range from non-saline to moderately saline, with the majority of the soils also being sodic. The Salinity Investigation and Management Plan includes appropriate mitigation measures to avoid the salinity impacts on the development. A condition is recommended that the mitigation measures are implemented throughout the development.

- (b) whether salinity is likely to have an impact on the development,

Comment: Salinity would have an impact on the proposed development. The Salinity Investigation and Management Plan includes appropriate mitigation measures to avoid the salinity impacts on the development which have been included in the recommended conditions.

- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: The Salinity Investigation and Management Plan includes appropriate mitigation measures to avoid the salinity impacts on the development which have been included in the recommended conditions.

Pursuant to Clause 7.4(4) of the CLEP 2015, development consent must not be granted unless the consent authority is satisfied that:

- (a) The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

- (b) If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) If that impact cannot be minimised—the development will be managed to mitigate that impact

Comment: The measures contained within the Salinity Investigation and Management Plan, are considered to ensure the proposed development will be designed and managed to minimise any significant adverse environmental impact.

A condition has been recommended requiring all residential lots to be classified in accordance the Australian Standard AS2870 - Residential Slabs and Footings, prior to the issue of a subdivision certificate.

Clause 7.5 Preservation of the natural environment

Pursuant to Clause 7.5 of the CLEP 2015, development consent must not be granted for the removal of soil from any land zoned RE1.

Comment: The proposal involves cut through the land zoned RE1, although, the provisions of Clause 7.5 (4) allows the soil to be relocated within the Site. The cut material will be used throughout the Site, as fill, to facilitate the finished levels.

Clause 7.10 Essential services

Pursuant to Clause 7.5 of CLEP 2015, 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 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,
- (d) stormwater drainage or on-site conservation,
- (e) suitable road and vehicular access,
- (f) telecommunication services,
- (g) the supply of natural gas.

Comment: The proposal includes provisions for the future connections to all essential services. It is recommended that conditions form part of the determination that ensures adequate arrangements for essential services are made before the release of a subdivision certificate. The applicant has already been provided with assurances from Sydney Water, Endeavour Energy, Jemena and NBN Co. that their services would be available for a connection.

The proposed development does not seek approval for works associated with the delivery of essential services. The applicant will bring the essential services to the Site via a Review of Environmental Factors (REF) under Part 5 of the EP&A Act 1979. The Old Fireworks Factory site is located to the north but as part of the REF and assessment as part of remediation works for that site, the works will not be required to go through any contaminated land.

Clause 7.17 Development in Zone RE1

Pursuant to Clause 7.17 of the CLEP 2015, development consent must not be granted on land zoned RE1 Public Recreation that will be owned or controlled by Council unless the consent authority has considered the following:

- (a) the need for the development of the land,
- (b) the impact of the development on the existing or likely future use of the land, and prevailing natural systems,
- (c) the need to retain the land for its existing or likely future use.

Comment: The proposal would partly occur on land that is zoned RE1. The proposal would provide contouring across the land zoned RE1 to facilitate the delivery of infrastructure as well as setting appropriate levels for the future use of the land as a public recreation area. The further embellishment of the land zoned RE1 would be subject to a future application.

Clause 7.20 Terrestrial Biodiversity

Clause 7.20 of CLEP 2015 requires the consent authority to consider the proposal's ability to maintain terrestrial biodiversity through:

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats, and
- (d) maximising connectivity and minimising habitat fragmentation.

Pursuant to Clause 7.20(4) of CLEP 2015, development consent must not be granted to development on land to which this clause applies unless the consent authority:

- (a) has taken into account the objectives of this clause, and is satisfied that the development is sited, designed, constructed and managed to void adverse impacts on native biodiversity or, if an adverse impact cannot be avoided:
 - (i) the development minimises disturbance and adverse impacts to remnant vegetation communities, threatened species populations and their habitats, and
 - (ii) measures have been considered to maintain native vegetation and habitat parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
 - (iii) the development includes measures to offset the loss of biodiversity values.

Comment: The proposed development footprint avoids mapped areas of native ecological communities. In addition, no vegetation to which Clause 7.20 applies will be removed or detrimentally impacted.

Impacts to the Tree Protection Zones (TPZ's) of trees that form part of threatened ecological communities (to which Clause 7.20 applies) in proximity to the development footprint, have also been avoided or effectively managed. Any overlaps with the TPZ's comprise solely of vegetation management works associated with Asset Protection Zones, with no disturbance or excavation of soils within such areas. In addition, no soil penetrating structures associated with erosion and sediment control will be within any TPZ's. Due to the nature of these works and the way in which they will be conducted, they are not anticipated to have a detrimental impact on the long-term health of these trees.

A range of mitigation measures will also be implemented to reduce impacts to vegetation to which clause 7.20 applies as detailed in other sections of this report. As such it is considered that the development application addresses the requirements of Clause 7.20.

2.13 Campbelltown (Sustainable City) Development Control Plan 2015

The purpose of Campbelltown (Sustainable City) Development Control Plan 2015 (SCDCP) is to provide more detailed provisions to supplement Campbelltown Local Environmental Plan 2015.

The following considerations from the SCDCP are relevant:

Part 2.5 Landscaping

The proposal is supported by a landscape plan, although, the subdivision plan has changed slightly during the assessment. A condition is recommended that requires a landscape plan be submitted to Council's Executive Manager – Urban Release and Engagement (or equivalent) for approval prior to work commencing.

Part 2.7 Erosion and Sediment Control

The proposal involves earthworks and is supported by appropriate erosion and sediment control measures. A condition is recommended that ensures that appropriate erosion and sediment control measures are in place throughout the lifecycle of the development.

Part 2.10 Water Cycle Management

The proposal is supported by an Engineering Design Report, prepared by SMEC. The report concludes the proposal's stormwater quality and quantity are feasible and achieve compliance with the regulatory requirements. The civil works results in a design that collects and discharges stormwater in a controlled manner that is similar to pre-development levels. Council's City Delivery team have reviewed the design and believe that it is capable of containing the stormwater and disposing of it appropriately. There is a condition recommended that requires Council's Executive Manager – Urban Release and Engagement (or equivalent) approve a final design prior to the issue of a subdivision works certificate.

Part 2.11 Heritage

The proposal would have no impact on any known European Heritage items.

The proposal has identified that there will be potential harm to an Aboriginal object. The proposal was referred to DPIE in accordance with National Parks and Wildlife Act 1974 and GTA were received on the 03/04/2020 which have been included as recommended conditions.

Part 2.12 Retaining Walls

The proposal includes provisions for retaining walls between the proposed residential allotments in order to provide a level building platform. The retaining walls would be masonry and have a maximum height of 1.2m. A condition is recommended that appropriate restrictions/easements be placed on the title to ensure that the proposed walls are maintained and protected, prior to the release of a subdivision certificate.

Part 2.14 Risk Management

The site is identified as being affected by Mines Subsidence. The Subsidence Advisory Board has provided GTA, as previously discussed within this report.

The site is mapped as bushfire prone land. The NSW Rural Fire Service has provided GTA, as previously discussed within this report.

The site has a low likelihood of contamination, as detailed in the contamination assessment prepared by Douglas Partners. The recommendations indicate site is capable of being used for residential purposes through the inclusion of appropriate conditions.

The proposal is supported by a Salinity Investigation and Management Plan, prepared by Douglas Partners. The recommendations indicate the site is capable of residential development and they should be incorporated in the determination.

Part 2.15 Waste Management

A waste management plan has been provided in support of the application and a condition is recommended that ensures appropriate waste provisions are provided throughout the lifecycle of the development.

Part 2.16 Provision of Services

The proposal would facilitate provisions to extend services so that the works integrate seamlessly into the existing service network. It is recommended that a condition be included in the determination that ensures that the appropriate service authorities are involved throughout the development to ensure that the services are not disrupted. The applicant has already had discussions with the relevant service authorities and there has been agreements/provisions put in place to ensure that all proposed allotments would be fully serviced.

Part 2.19 Development Near or on Electricity Easements

Overhead electrical easements are located within the Menangle Park area, however none of the easements are located within the area of the development.

Part 2.20 Development on Land Adjacent to, or Affected by a Gas Easement

Gas easements associated within the coal seam gas wells are located within the Menangle Park area, however none of the easements are located within the area of the development.

Part 3.8 Residential Subdivision

Part 3.8 of SCDCP 2015 contains requirements that apply to residential subdivision. Compliance with the relevant controls is outlined in the table below:

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
3.8.1 (a) Residential Subdivision	Subdivision shall have appropriate regard to orientation, slope, aspect and solar access.	Subdivision has appropriate regard to orientation, slope, aspect and solar access.	Yes
3.8.1 (b) Residential Subdivision	Subdivision design shall comply with the requirements specified in Council's Engineering Design Guide for Development	Condition of consent is recommended to ensure compliance.	Yes
3.8.1 (c) Residential Subdivision	Where relevant, roads shall be designed to provide satisfactory level of services for the evacuation of occupants in the event of emergency.	Road design allows evacuation in the event of emergency.	Yes
3.8.1 (d) Residential Subdivision	Subdivision shall promote through street access and minimise the number of cul-de-sacs.	Subdivision pattern promotes through street access. Temporary turning heads provided, that will be removed once future subdivisions are delivered.	Yes
3.8.1 (e) Residential Subdivision	Roads/access handles shall be provided to separate allotments from any park, reserve, waterway and the like.	Roads provided to separate allotments from riparian corridors and parks.	Yes
3.8.1 (f) Residential Subdivision	All allotments within a subdivision that are located adjacent to the intersection of local public roads (existing or proposed) shall provide a splay in accordance with Council's Engineering	All residential allotments within the subdivision that are located adjacent to an intersection are provided with a splay.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	Design Guide for Development to ensure adequate sight distances and maintain footpath widths.		
3.8.1 (g) Residential Subdivision	Residential subdivision shall be designed to address the public domain.	Residential subdivision designed to address the public domain.	Yes
3.8.1 (h) Residential Subdivision	Wherever possible, subdivision design shall avoid the creation of allotments that have rear boundaries (and fencing) that adjoin the public domain.	The subdivision design has provided an appropriate regard to the adjoining public domain.	Yes
3.8.1 (i) Residential Subdivision	For the purpose of calculating the minimum allotment size and dimensions under the Plan, any land that is part of an environmental corridor as specified by the Office of Environment and Heritage or any other government agency shall not be included within the calculated area of land unless the relevant public agency is satisfied that that part of the allotment is capable of being developed.	All residential lots satisfy the minimum lot size and are capable of being developed. No land forms part of an environmental corridor as specified by the Office of Environment and Heritage.	Yes
3.8.1 (j) Residential Subdivision	For the purpose of calculating the minimum allotment size and dimensions under the Plan, any land that is subject to bushfire, flooding or other risk (excluding mine subsidence) shall not be included within the calculated area of land unless it is demonstrated to	The land is bushfire prone and the NSW Rural Fire Service has issued General Terms of Approval. Council is satisfied the site can be developed for residential purposes. Further, the applicant has submitted a bushfire report indicating the BAL	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	Council's satisfaction that the site can be appropriately managed in a manner that retains the ability to be developed for the purpose to which it is intended under the zone.	levels of each allotment.	
3.8.1 (k) Residential Subdivision	Access to residential subdivisions shall not be permitted to any classified road where alternative access can be made available via the non-classified road network.	Access to subdivision is via a non-classified road.	Yes
3.8.1 (l) Residential Subdivision	Extensive use of battle-axe configuration in the subdivision of new areas shall be avoided, where possible.	No battle-axe lots.	Yes
3.8.2 (a) Torrens Title Subdivision	Any residential allotment created by Torrens Title subdivision for the purpose of a dwelling house development in areas zoned R2 and R3 shall satisfy the following standards: i) a minimum width of 15 metres measured along the side boundaries at a distance of 5.5 metres from the front property boundary; ii) a minimum width of seven metres measured between the extended	The proposal includes allotments less than 15m. All lots have a minimum width of seven metres measured between	No, justified below. Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	property side boundaries where they intersect with the kerb line; and iii) a minimum depth of 25 metres.	the side boundaries at the kerb line. All lots have a minimum depth of 25m (excluding corner splays)	Yes
3.8.9 (a) Subdivision and Waste Management	Subdivision shall be designed and constructed so that upon completion:		
	i) kerbside waste collection vehicles are able to access bins from the kerbside at a minimum distance of 300mm, and a maximum distance of 1500mm from the left side of the vehicle to the bin;	Waste collection vehicles capable of accessing bins from the kerbside.	Yes
	ii) adequate space behind the kerb is provided for the occupant of each premises to present one x 140 litre bin and one x 240 litre bin side-by-side, a minimum 300mm apart;	Adequate space available for presentation of bins to kerb.	Yes
	iii) where it is not possible to provide bin collection points immediately in front of each allotment, a concrete pad shall be constructed at the closest practical location to the allotment for garbage collection;	Collection points available in front of each lot.	Yes

Campbelltown (Sustainable City) Development Control Plan 2015			
Control	Requirement	Proposed	Compliance
	iv) the location for kerbside presentation provides a minimum 4 metres overhead clearance for the operation of the collection vehicle (eg. no trees or transmission lines overhanging the bins).	Adequate overhead clearance space for collection vehicle.	Yes
	v) waste collection vehicles are not required to make a reverse movement to service bins.	Reverse movement not required to service bins.	Yes

Justification - Minimum Allotment Width

Part 3.8.2 (a) (i) of the SCDP requires that residential subdivision facilitate allotments that have a minimum lot width of 15m, measured at the building line. The proposed development includes numerous allotments that would be less than the prescribed 15m. In maintaining consistency with other urban release areas, the assessing officers have conveyed to applicants that a frontage of 12.5m is acceptable. Despite this, there is still one allotment that would have a frontage of less than 12.5m. The allotment with a reduced frontage widens towards the rear with arear boundary in excess of 24m, additionally the allotment exceeds the numerical controls relating to allotment depth and size. The reduction in frontages is the result of the environmental site constraints, provision of a permeable street layout and public open space whilst remaining economically viable. This lot encourages variation in the built form, whilst maintaining a streetscape where garages are not a dominant feature.

Notwithstanding the numerical non-compliance, the reduced allotment width would not result in a negative impact on the desired visual character of the streetscape or the overall amenity of the area, and as such, the proposed variations are considered capable of being supported in this circumstance.

Part 11 Vegetation and Wildlife Management

As the proposed development site contains native vegetation and fauna habitat, the provisions of Volume 1, Section 11.2 of the Campbelltown (Sustainable City) DCP 2015 apply.

The objectives of Section 11.2 are:

- Protect and conserve the City's biodiversity through the retention of native vegetation.
- Maintain, enhance and/or establish corridors, which enable existing plant and animal communities to survive and range in their natural habitat.
- Protect habitat resources including hollow-bearing trees and hollow logs within Campbelltown LGA.

- Provide appropriate measures to compensate for the loss of hollow-bearing trees within the LGA.

In summary, to achieve the above objectives, Section 11.2 requires:

- development to be sited, designed, managed and constructed in a manner that seeks to avoid and minimise impacts on biodiversity as much as practicable (11.2.1 a.)
- appropriate ecological assessment to be undertaken (11.2.2 b.) and
- the loss of tree hollows to be offset (11.2.1 c.)

As previously indicated, the proposed development footprint has avoided existing areas of native ecological communities. Although, a number of scattered trees and shrubs will be removed which are mapped as exotic vegetation, there will be no significant impact on threatened species, populations or ecological communities. In addition, the removal of these scattered trees result in the delivery of an orderly development.

A range of mitigation measures are recommended to reduce impacts to terrestrial fauna, particularly threatened species. In this regard, the following have been incorporated into the recommended conditions of consent:

- Delineation of the clearing area
- Fencing all existing remnants of native ecological communities that are to be retained
- Undertaking appropriate preclearance and clearance surveys;
- The development and implementation of a Construction Environmental Management Plan and ongoing monitoring of environmental controls
- Weed control measures
- Erosion, sedimentation and pollution controls
- Protection measures for adjoining trees that are to be retained as detailed in the Tree Assessment prepared by Plateau Tree dated 31 August 2020
- Protection and Monitoring of nearby areas of the critically endangered ecological community Elderslie Banksia Scrub Forest
- Collection and Storage of Elderslie Banksia Scrub Forest Soils for use in future reconstruction works.

The proposed development addresses and satisfies the requirements of part 11.

2.14 Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8: Menangle Park

The purpose of Campbelltown (Sustainable City) Development Control Plan 2015, Volume 2 Part 8: Menangle Park (MPDCP) is to:

- Identify the planning, design and environmental objectives and controls against which Campbelltown City Council will assess future development applications in Menangle Park.
- Promote high quality urban design outcomes for the release area within the context of environmental, social and economic sustainability.

Menangle Park will provide for a mix of housing types, ranging from mixed use, medium density and small lot housing in and around the town centre through to medium and large lot

dwelling elsewhere. Particular care will be taken with the lot layout and siting of dwellings in areas of high visual and environmental sensitivity.

The following considerations from the MPDCP are considered relevant:

Part 1.5 Urban Structure

The proposed development works are generally consistent with the Urban Structure Plan (USP) identified in Figure 1.2 of the MPDCP. The proposed development generally follows a grid-like pattern that results in an interconnected street network, which would integrate into the previously approved and future releases of residential land within Menangle Park. The proposed layout results in a development that is sensitive to the existing features within and adjoining the Site.

Part 1.6 Residential Dwelling Targets

Menangle Park URA seeks to release 3,500 dwellings under the current zoning provisions. In facilitating this yield the proposed development is generally consistent with the current provisions of the MPURA and would result in 67 residential allotments and 1 residue lot that would be subject to future subdivision, under a separate development application. The allotment sizes of the 67 residential allotments is between 420sqm and 726sqm, which is consistent with the "Standard" and "Traditional" lot dwelling targets.

Part 1.7 Street Network and Design

The proposed development generally complies with the Street Network and Design provisions detailed in Part 1.7 and Figure 1.3. There are some minor differences that increase pedestrian and cycle connections as well as providing wider road verges to facilitate streetscape planting.

The Site would connect to the approved street network associated with Stage 1 (3885/2017/DA-SW), which is accessed via Cummins Road, which links to Menangle Road, via a roundabout, and the wider vehicular network. The roundabout was approved under development consent 2870/2018/DA-CW and works have commenced on-site. As part of the requirements from TfNSW, a subdivision certificate cannot be issued until the construction of the roundabout is complete.

The proposed development would continue 5 of the previously approved roads that service Stage 1 and one new road. The extended roads, being Roads 05, 07B, 10, 16 and 17 are all consistent with those approved in Stage 1. The one new road, Road 13, would be a 14.8m road reserve and is consistent with the cross-sections associated with Part 1.7. All roads that are not through roads are provide with temporary cul-de-sac heads that allow for waste vehicles to turn around without the need to reverse. These temporary heads will be removed once these roads are connected to future stages.

There is no agreed public transport route established for the MPURA, although the proposed and previously approved road network would allow for bus movements throughout the Site, when/if bus connections are required. The higher order roads that connect through Stage 1 are all capable of meeting the minimum provisions associated with the NSW Bus Infrastructure Guide.

Although, not strictly aligning with the network set out in Part 1.7, the proposed development is considered an improvement over the existing DCP street network and would create more

permeable and functional connections throughout the Menangle Park URA. In addition, the proposed street network is consistent with a proposed new structure plan submitted in support of the planning proposal that has recently been submitted for Gateway Determination.

Part 1.8 Pedestrian and Cycle Network

The proposed development provides due consideration for the pedestrian and cycle networks. As discussed above, the network does not strictly comply with the CSCDCP but the proposed network allows for more shared path connections, which link directly to future schools, shops, local community and recreation facilities. The proposed networks are supported and would encourage future residents to walk and/or cycle throughout the Menangle Park URA.

Part 1.9 Public Domain, Landscape and Open Space

The proposed development would facilitate linkages and connections to future public open space areas within Menangle Park. Although not specifically developing any public open space, the subject application makes allowances to ensure that the future residents would all be provided with appropriate linkages within the public domain to appropriate public open space once it comes online.

Part 1.10 Heritage

Part 1.10.1 Aboriginal Heritage

The proposed development is supported by an “Assessment of Impact on Aboriginal Cultural Heritage”, which was referred to DPIE in accordance with Division 4.8 of the EP&A Act and general terms of approval were provided as outlined above. A condition has been included to ensure compliance with the general terms of approval.

Part 1.10.2 Non-Indigenous Heritage

The proposed development is not believed to have a detrimental impact on any known non-indigenous heritage items.

Part 1.11 Environmental Management

Part 1.11.1 Riparian Corridors

The proposed development has considered and mitigated against impacts on the nearby riparian corridors. As addressed above, in Clause 7.3 of CLEP 2015, the application gives appropriate regard to riparian corridors and the recommended conditions reinforce the protection. It is noted that the proposed works do not result in the removal of any riparian corridors.

Part 1.11.2 Flora and Fauna Conservation

The proposed development has avoided the mapped areas of native ecological communities and will impact on a small number of trees and shrubs that are mapped as exotic vegetation. In addition, as outlined above, a range of actions are recommended to be included into the recommended conditions of consent to ensure the conservation of native flora and fauna outside the development footprint.

With this in mind the proposed development addresses and satisfies Part 1.11.2.

Part 1.12 Bushfire Management

The site is mapped as being bushfire prone land, as discussed above. The proposed development was referred to the NSW RFS in accordance with 100B of the Rural Fires Act 1997 and a Bushfire Safety Authority has been provided, dated 25 February 2020 (Ref:DA-2018-01694-CL55-1).

Part 1.13 Air Quality

Throughout Menangle Park there are coal seam gas wells, as well as, sand quarrying activities. There is at least 200m between the nearest coal seam gas well and sand extraction activity which, is more than sufficient. Accordingly, there is no need for specific mitigation measures.

A condition is recommended for appropriate erosion and sediment control measures throughout the subdivision works to ensure that air quality is maintained to the surrounding residents.

Part 1.14 Noise Management

Menangle Park is boarded by the Southern Railway to the west and the Hume Motorway to the east, meaning, environmental noise levels must be considered as part of any development.

The proposed development will occur within proximity of the Hume Motorway and is supported by a Noise Impact Assessment (NIA), prepared by TTM Consulting. The NIA looked at the inclusion of a 6m acoustic wall along the residential interface with the Hume Motorway, the results concluded that the inclusion of such a wall would only reduce the impact on the future residences by 4dB. In accordance with the NSW Road Noise Policy, an acoustic barrier should be able to reduce the noise levels by at least 5dB. This being the case, the report concludes that barrier is not considered feasible and/or reasonable and has included recommendations that should be included in the design of future residential dwellings.

The report finds that, only a section of proposed lot 2001 will exceed the NSW Road Noise Policy day-time façade corrected criterion of 60 dB, with 10 allotments exceeding the NSW Road Noise Policy night-time criteria of 55 dB. The conclusion is that the recommendations within the NIA “demonstrate the development is practical and feasible while keeping an appropriate acoustic amenity and controlled noise impact onto the local community”.

The recommendations provided in the NIA would be transferred onto the Title of subsequent allotments to ensure all future residents are afforded the appropriate acoustic measures. It is noted that Council is currently assessing a development application for a park that includes tree plantings between the Hume Motorway and the residential allotments which would also reduce noise impact on future residences.

Part 1.15 Night Sky Protection

Menangle Park is currently afforded good night sky visibility, Council shall ensure that development gives due regard to maintaining the quality of the night sky.

The proposed subdivision would have a minimal impact on the existing night sky afforded to Menangle Park. A condition is recommended that the street lighting be designed in a manner that projects light downwards and do not cause nuisance to future residents and maintains the existing night sky visibility.

Part 1.16 Residential Subdivision

The proposed subdivision creates a permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and solar design principles. The layout will encourage a range dwelling types, whilst promoting pedestrian movement throughout the Menangle Park URA.

Part 1.17 Residential Development

Although there are no dwellings proposed as part of the subject application, the subdivision layout will enable future dwellings to make a positive contribution to the streetscape and wider neighbourhood.

3. Planning Assessment

3.1 *Environmental Planning and Assessment Act 4.15 (1)(b)* – Likely Impacts

Section 4.15 (1)(b) of the EP&A Act requires that the consent authority must consider the development's potential impacts on the natural and built environment, as well as, potential social and economic impacts of the development.

The key matters for consideration when considering the potential impacts on the natural and built environment are as follows:

Context and Setting

The proposed development is consistent with the zoning provisions and what one would expected of an URA that is transitioning from rural lands to urban/residential. The proposed development forms Stage 2A of Dahua's holdings and will link with several other similar style developments, throughout the Menangle Park URA. The proposed networks promote efficient movements throughout the area whilst been economically and environmentally conscious.

Construction

The construction of the development will see construction vehicles accessing the Site via the connections that are associated with the Stage 1 approval. The approved roads in Stage 1 have been aligned with future stages as they come on line with capacity to facilitate connections to the wider area. The works will be carried out several hundred metres from existing residential dwellings with the exception of one allotment. The owners of Mt Pleasant (Lot 2 in DP 598067) have been constantly engaged by the developer, throughout the proposal, and they have issued a letter in support of the proposed development. The developer has committed to continue this communication throughout the works and has incorporated provisions, for such, within the contracts tendered to the contractors.

The proposal includes several erosion and sediment control measures that will seek to alleviate any nuisance to any residents as well as the surrounding road network.

A condition is recommended that the applicant develop a Community Information Plan to ensure that the residents and general public are kept abreast of the status of the development.

Social and Economic Impacts

The proposed subdivision would facilitate the future residential development of the land to provide for the housing needs of the community, which would provide tangible social and economic benefits.

Socially, the proposal would deliver vacant residential allotments that would facilitate an increase of housing supply that would help to improve housing choice and affordability. The proposed development will also facilitate active and passive recreation areas that would promote social interactions and passive surveillance.

Economically, the proposal would be beneficial to the overall local economy with workers being employed during the construction phase of the development and future residents spending in the local economy once the allotments contain dwelling houses.

3.2 Environmental Planning and Assessment Act 4.15 (1)(c) – Suitability of the Site

Section 4.15 (1)(c) of the EP&A Act requires that the consent authority must consider the suitability of the site when determining a development application. The site is considered suitable for the proposed residential subdivision. The land is mapped as an urban release area and has been zoned to provide for future residential development.

The proposed dimensions, areas and orientation of the allotments are considered adequate to facilitate the siting, design and construction of future residential development.

The land once subdivided would contribute positively to the desired future character of the locality by enabling the construction of future dwellings within the residential zone.

3.3 Local Voluntary Planning Agreement

The Menangle Park Contributions Plan (the Plan) commenced on 24 April 2018 with a capped rate levy of 20,000 per dwelling or lot pursuant to the Minister's Direction under the EP&A Act (September 2010). Since this time, the Plan has been reviewed by the Independent Pricing and Regulatory Tribunal (December 2018) and advice has been received from the Minister for Planning and Public Space (March 2020), enabling Council to undertake final amendments to achieve the status of an IPART reviewed contributions plan, which have occurred and are now in force.

Noting the timeframe and uncertainty of the above process, in July 2018, the applicant submitted a Letter of Offer (the Offer) to enter into a Voluntary Planning Agreement (VPA). The offer was updated on 7 May 2020 (attachment 11) to reference the outcome of the IPART and Minister's advice which has been reviewed by Council's legal representative who advises the Offer satisfies Clause 7.7(3) of the EP&A Act and has been included as a condition within the recommended conditions of consent.

In summary, the irrevocable offer proposes to:

- pay money, construct works and dedicate land for public purposes in relation to the initial stages of Dahua's Menangle Park development

- enable Council to receive a development contribution that has a value that reflects the full residential contributions rates included in the Menangle Park Contributions Plan (CP) dated 2020, which is an IPART approved, uncapped contributions plan.

Should the Panel support the recommendation of approval, the next step would involve finalisation of the draft Voluntary Planning Agreement, public exhibition and adoption by Council. Satisfaction of the proposed conditions of development consent would only be met upon execution and registration of a VPA on the title of the land pursuant to Section 7.6 of the EP&A Act prior to the issue of a subdivision certificate.

4. Public Participation

Section 4.15 (1)(d) of the EP&A Act requires that the consent authority must consider any submissions made in relation to a development proposal.

The application was publicly notified and exhibited from the 31 July 2018 to the 14 August 2018. The exhibition was in line with the statutory requirements and the Council's notification policies. No submissions were received, during this time, although, letter of support was provided outside of this period.

The submission in support of the proposed development, from the owner of Mt Pleasant, indicates that the developer, Dahua, has been in regular correspondence about the proposal and any concerns have been alleviated and they "look forward to the subdivision progressing".

5. Conclusion

The development application has been assessed against the relevant matters for consideration under Section 4.15 of the EP&A Act, the Campbelltown Local Environmental Plan, Campbelltown (Sustainable City) Development Control Plan 2015, site specific Menangle Park Development Control Plan and Menangle Park Contributions Plan.

The proposed development, subject to the recommended conditions, is considered to satisfy relevant State legislation and State Environmental Planning Policies including the Rural Fires Act 1997, Coal Mine Subsidence Compensation Act 2017, National Park and Wildlife Act 1974, SEPP 55 Remediation of Land, Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River, SEPP (Sydney Region Growth Centres) 2006, and SEPP (Infrastructure) 2007 and other relevant legislation.

As the State VPA has been executed and registered against the land titles in accordance with the requirements of the agreement, the Secretary has certified in writing that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the land.

The proposed variations to the minimum lot widths and subdivision design are considered to be of minimal environmental impact and capable of being supported in this instance.

The site is considered to be suitable for the proposed development, as the land is located within an urban release area and has been zoned to provide for future residential development. The proposed allotments are adequate in size to support the construction of future dwellings that would contribute positively to the desired future character of the residential estate.

Dahua, the owners/developer, has provided Council with a Letter of Offer to enter into a Planning Agreement. Under the terms of the Letter of Offer, development contributions will be made that reflect the full residential contributions required by the Menangle Park Contributions Plan.

Accordingly, the application is recommended for approval, subject to the attached conditions.

Attachments

1. Recommended Conditions of Consent (contained within this report)
2. Referenced Figures (contained within this report)
3. State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (contained within this report)
4. Subdivision Plan (contained within this report)
5. Civil Plans (contained within this report)
6. Rural Fire Service GTA's (contained within this report)
7. Subsidence Advisory Notice of Determination (contained within this report)
8. Aboriginal Impact Permit GTA's (contained within this report)
9. Transport for NSW Approval (contained within this report)
10. Satisfactory Arrangements Letter (contained within this report)
11. Dahua Letter of Offer Council VPA (contained within this report)
12. Letter of Support (contained within this report)

Reporting Officer

Executive Manager Urban Release and Engagement

RECOMMENDED CONDITIONS OF CONSENT

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall be carried out in accordance with the approved plans and documents listed in the table below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Plan Reference	Drawing No.	Rev	Prepared by	Date
Plan of Subdivision	1786G L03 [05] - Plan	5	Craig & Rhodes	29/11/2019
Cover Sheet & Locality Plan	300178115.2A.DA001	5	SMEC	11/11/2019
Sheet Schedule & Notes	300178115.2A.DA002	5	SMEC	11/11/2019
General Arrangement Plan	300178115.2A.DA031	5	SMEC	11/11/2019
Typical Cross Section Sheet 1	300178115.2A.DA041	5	SMEC	11/11/2019
Cut and Fill Plan	300178115.2A.DA051	5	SMEC	11/11/2019
Civil Works Plan Sheet 1	300178115.2A.DA101	5	SMEC	11/11/2019
Civil Works Plan Sheet 2	300178115.2A.DA102	5	SMEC	11/11/2019
Civil Works Plan Sheet 3	300178115.2A.DA103	5	SMEC	11/11/2019
Longitudinal Road Section Road 05	300178115.2A.DA201	5	SMEC	11/11/2019
Longitudinal Road Section Road 07B	300178115.2A.DA202	5	SMEC	11/11/2019
Longitudinal Road Section Road 10	300178115.2A.DA203	5	SMEC	11/11/2019
Longitudinal Road Section Road 13	300178115.2A.DA204	5	SMEC	11/11/2019
Longitudinal Road Section Road 16	300178115.2A.DA205	5	SMEC	11/11/2019

Longitudinal Road Section Road 17	300178115.2A.DA206	5	SMEC	11/11/2019
Catchment Plan	300178115.2A.DA501	5	SMEC	11/11/2019
Water Quality Basin Plan	300178115.2A.DA551	5	SMEC	11/11/2019
Water Quality Basin Sections	300178115.2A.DA556	5	SMEC	11/11/2019
Retaining Wall Plan	300178115.2A.DA601	5	SMEC	11/11/2019
Retaining Wall Details	300178115.2A.DA651	5	SMEC	11/11/2019
Retaining Wall Notes	300178115.2A.DA652	5	SMEC	11/11/2019
Sign & Line Marking Plan	300178115.2A.DA801	5	SMEC	11/11/2019
Soil and Water Management	300178115.2A.DA851	5	SMEC	11/11/2019
Soil and Water Management Details Sheet 1	300178115.2A.DA861	5	SMEC	11/11/2019
Soil and Water Management Details Sheet 2	300178115.2A.DA862	5	SMEC	11/11/2019

Associated Documentation

Document	Author	Date
DA-2018-01694-CL55-1	NSW Rural Fire Service	25 February 2020
TSUB18-00456	Subsidence Advisory Board	14 January 2019
Aboriginal Heritage Impact Permit	Department of Planning, Infrastructure and Environment	03 April 2020
RMS General Terms of Approval	Roads and Maritime Services	16 December 2019
Assessment of Proposed Impacts on Groundwater Dependent Ecosystems on Land Owned by Dahua Group	Cumberland Ecology	6 June 2019
Transport Impact Assessment	GTA Consultants	16/01/2018
Urban Design Report	Roberts Day	January 2018
Bushfire Protection Assessment and Addendum	Eco Logical	January 2018; addendum 7 November 2019
Geotechnical Investigation	Douglas Partners	April 2017
Preliminary Report in Geotechnical and Salinity Assessments	Geotechnique	07 February 2019
Statement of Heritage Impact	Extent	January 2018
Assessment of Impact on Aboriginal Cultural Heritage	Keller Nightingale	17 January 2018

Aboriginal Cultural Heritage Assessment Report	Keller Nightingale	November 2019
Preliminary Site Investigation	Douglas Partners	April 2017
Salinity Investigation and Management Plan	Douglas Partners	April 2017
Waste Management Plan	APP Corporation	
Engineering Design Report	SMEC	29.01.2018; amended 4 December 2019
Noise Impact Assessment	TTM	29/01/2018
Tree Assessment & Tree Protection Plan	Plateau Tree Service	31 August 2020
Flora and Fauna Assessment	Cumberland Ecology	22 May 2020
Flora and Fauna Assessment - Updated	Cumberland Ecology	28 August 2020

2. Amended Plans

The development is to incorporate the following amendments and the amended plans are to be submitted to the appointed Principal Certifier, for approval, prior to the issuing of a subdivision works certificate:

- Driveway Location Plan showing the location of the driveway crossovers. There shall be no conflict with any services, drainage infrastructure, street lighting, electrical infrastructure, telecommunications infrastructure and street plantings.
- Landscape Plan that reflects the current subdivision layout. The Landscape Plan shall maximises the use of locally endemic species as the first preference and Australian Native species as the second preference (within the constraints of the approved Menangle Park Streetscape Master Plan) and does not propose the use of Chinese Tallowood (*Triadica sebifera*). The revised Landscape Plan must be approved by Council's Executive Manager Urban Release and Engagement (or equivalent) in writing prior to the issuing of any subdivision works certificate or the commencement of physical development works (whichever occurs first).
- The civil plan set, prepared by SMEC, shall be updated so that the stormwater basin and lead in are moved to the west in accordance with the Flora and Fauna Assessment, dated 28 August 2020.

3. Voluntary Planning Agreement SVPA – 2017-8774

- a) A copy of the Secretary's Certificate (Satisfactory Arrangements for designated State public infrastructure) dated 11 May 2020 forms Attachments A to this development consent.
- b) Prior to the release of a Subdivision Certificate, the persons having the benefit of this consent shall provide Council with documentary evidence that works and/or contributions the subject of the Secretary's Certificate and SVPA- 2017-8774 have been undertaken and/or paid in full

4. Voluntary Planning Agreement – Council

In accordance with the Letter of Offer dated 7 May 2020 made by the developer to prepare a Planning Agreement in connection with this development application, a

Planning Agreement pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979 shall be prepared by the applicant and submitted to Council for public exhibition.

The Planning Agreement shall articulate a commitment by the developer to complete all Development and Infrastructure Works, Dedications of Land and the provision of all necessary monetary contributions required in relation to development of the land.

Prior to the Council or the appointed Principal Certifier issuing a subdivision certificate, the Planning Agreement shall be executed to the satisfaction of the consent authority (Council) and all Development and Infrastructure Works, Dedications of Land and Monetary Contributions listed within the executed agreement are to be finalised, or otherwise guaranteed, to the satisfaction of the consent authority (Council).

5. Electrical Substations

Substations are not permitted to be installed on land to be dedicated to Council as a part of this determination. If the applicant is to pursue the installation of substations on land to be dedicated to Council, the applicant is required to obtain separate approval and relevant licence from Council's Executive Manager Property (or equivalent).

6. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant subdivision works certificate is made.

7. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works.

8. Vegetation Clearance Methodology and Preclearance /Clearance Surveys

a) Preclearance Surveys

Prior to the commencement of any works:

- i). Trees identified for removal are to be clearly identified on site by the project arborist and made apparent to the suitably qualified ecologist undertaking preclearance surveys as well as the arborists undertaking tree removal works.
- ii). Preclearance surveys are to be undertaken by a suitably qualified ecologist.

Preclearance surveys must be undertaken that will:

- Be carried out within two weeks prior to any trees being cleared (ideally surveys should be undertaken as close to clearing as possible);
- Detect threatened and non-threatened fauna;

- Include demarcation of key habitat features such as burrows, logs/log piles along with any other key habitat features.
 - Safely relocate fauna to nearby woodlands before trees are removed. Any threatened fauna encountered are to be relocated in accordance with the Threatened Species Relocation Plan approved for Stage 1 Menangle Park (DA: 3885/2017/DA-SW).
 - Identify priority weed species and environmental weed infestations and control/treat in line with the requirements of the Greater Sydney Strategic Weed Management Plan to prevent spread. Areas of dense priority and environmental weeds are to be removed and disposed of in line with the requirements of the Greater Sydney Strategic Weed Management Plan or where consistent with these requirements in accordance with Section 5.1.4 of the Flora and Fauna Assessment Report.
- iii). As part of the preclearance survey work, and following clearing, an appropriately qualified ecologist must identify any trees and logs or parts thereof that would be appropriate for use as fauna habitat within the proposed conservation areas in the Menangle Park Urban Release Area. Where relevant, specifications for felling/removal (to enable retention of features for fauna habitat) must also be specified.
- b) Clearance Surveys
- i). During tree clearing, no tree is to be felled without the attending ecologist providing approval.
- ii). All fallen trees should be investigated by the attending project ecologist for the presence of hollows not detected prior to clearing. Inspections should be undertaken of these hollows for native fauna.
- iii). Provisions to protect any native fauna encountered during clearing activities are to include:
- Briefing all people involved in the clearing works about the possibility of fauna being present;
 - Any animals disturbed or dislodged during clearance but not injured should be assisted to move into the adjacent bushland or other specified locations; and
 - If any animals are injured during vegetation clearance, appropriate steps must be taken to humanely treat the animal under the advice of the attending ecologist (either taken to the nearest veterinary clinic for treatment, or if the animal is unlikely to survive taken to the vet to be humanely euthanized).
- c) Preclearance and Clearance Reporting Requirements
- i). Upon the completion of both the preclearance and clearance surveys a report outlining the preclearance and clearance surveys carried out, including survey effort, results and outcomes must be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent). This report must be submitted prior to the appointed Principal Certifier issuing an occupation (Final compliance) certificate. This could be linked to prior to CC as an alternative

d) Reuse of Felled Trees

- i). Salvaged material suitable for use in proposed conservation areas as per a) ii) above must be stockpiled in an appropriate place with appropriate signage, to ensure it can be reused at a later date. A report outlining how salvaged material has been/will be reused must be prepared and submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the appointed Principal Certifier issuing an occupation (Final compliance) certificate.

9. Protection of Retained Vegetation and Trees

- a) Prior to appointed Principal Certifier issuing a subdivision works certificate or the commencement of any works (whichever occurs first):

- i). All native ecological communities that are to be retained and/or not removed in association with the Stage 2A development (or the previously approved Stage 1 Menangle Park DA 3885/2017/DA-SW) as well as all areas earmarked for revegetation works on the proponent's holdings to the North of Menangle Road must be fenced. The location of the proposed fences must be mapped in consultation with the project ecologists and the location improved in writing by Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the installation of fencing. Fences must be installed in a manner that does not cause harm to native ecological communities in the approved location. Following installation the location of the fencing must be signed off by the project ecologist and arborist. Appropriate signage identifying fenced areas as vegetation protection areas must also be installed.
- ii). The area of Stage 2A works must be clearly demarcated. All works must be undertaken within the approved development footprint with the exception of works to remove Trees 389, 390, 430 as identified within the Tree Assessment and Tree Protection Plan prepared by Plateau Trees dated 31 August 2020. These trees are located at the limits of the Stage 2A boundary and require removal due to major incursions on their Tree Protection Zones.
- iii). An arborist with a minimum qualification of AQF 5 and at least five years' experience in tree management on development sites must be engaged. This arborist is to advise on, monitor, inspect and ensure compliance with the requirements of the Tree Assessment and Tree Protection Plan to protect retained trees and vegetation adjacent to the development site.

- b) Prior to the commencement of construction works:

- i). All staff and contractors who will be working on the site must be briefed as part of site inductions about the vegetation protection areas/ no access areas, the penalties and fines associated with damaging such areas, as

well as tree protection requirements and environmental controls detailed in the approved Construction Environmental Management Plan (CEMP).

- ii). Any tree protection fencing that is required in addition to fencing installed under Condition 9 a) i) at the limits of Tree Protection Zones is to be installed under the supervision of the project arborist.

c) During works:

- i). No vegetation clearance or tree removal is permitted to occur outside of the Stage 2A boundary as identified on the approved plans referenced in Condition 1, prepared by SMEC, with the exception of works to remove Trees 389, 390, 430 as identified within the Tree Assessment and Tree Protection Plan prepared by Plateau Trees dated 31 August 2020. These trees are located at the limits of the Stage 2A boundary and require removal due to major incursions on their Tree Protection Zones.
- ii). All access to and from Stage 2A must occur within the identified boundaries of Stage 2A and/or Stage 1 approved under DA 3885/2017/DA-SW.
- iii). Any works adjacent to existing trees/vegetation that is to be retained and/or not removed in association with Stage 2A works must be supervised by an appropriately qualified ecologist and arborist.
- iv). Tree removal is to be undertaken in a manner that does not cause harm to any retained trees or vegetation as per the requirements of subsection 3.3.5 of the Tree Assessment and Tree Protection Plan prepared by Plateau Trees dated 31 August 2020.
- v). The Project Arborist must supervise and advise on all works within Tree Protection Zones.
- vi). Tree Protection Zones are to be protected in accordance with the requirements of Sections 3.0 and 4.0 and associated subsections of the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020. In addition, all works within Tree Protection Zones must be undertaken in accordance with the requirements of Sections 3.0 and 4.0 and associated subsections of the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020.
- vii). All works within Tree Protection Zones must be undertaken by hand and not result in damage to trees or their root systems as per the requirements of the of the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020. This includes but is not limited to vegetation management works and environmental controls within identified Asset Protection Zones.
- viii). Retained trees must be protected in accordance with *Australian Standard 4970-2009: Protection of Trees on Development sites* and the requirements of the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020.

- ix). Regular inspections and ongoing maintenance of vegetation/tree protection zone fencing during the construction phase of the development must be undertaken. Records of the frequency of these inspections, inspection findings, required maintenance works and when maintenance was undertaken must be held onsite with the CEMP documentation.
- x). The health and condition of trees retained on or immediately adjacent to the development footprint are to be monitored on a monthly basis throughout the duration of the construction works by the project arborist. The outcomes of these monitoring events is to be reported to the Project Manager or Site Supervisor. The outcomes of these inspections are to be held with the CEMP documentation.
- xi). The requirements and recommendations detailed in the Tree Assessment & Tree Protection Plan, prepared by Plateau Tree Service, dated 31 August 2020 must be implemented.
- xii). Any discernible change to the characteristics of any retained tree, throughout the construction period, is to be referred to the project arborist and an inspection undertaken. These changes can include, but are limited to:
 - A change in foliage colour or density;
 - Dieback or death of branches or areas of the tree canopy;
 - An increase in the presence of dead branches; and
 - Occurrence of branch failure.
- xiii). All staff and contractors who will be working on the site must be briefed as part of any site inductions and daily toolbox meetings about the vegetation protection areas/ no access areas as well as penalties and fines associated with damaging such areas as well as Tree Protection requirements and environmental controls detailed in the approved Construction Environmental Management Plan (CEMP)
- xiv). Ancillary facilities such as stockpile sites, site compounds, amenities, car parking storage containers and construction zones must be located in existing cleared areas outside of Tree Protection Zones. In addition, there is to be no stockpiling within Tree Protection Zones.
- xv). All of the environmental controls outlined in the CEMP including relevant are to be implemented and ongoing monitoring of controls undertaken as per the requirements of the approved CEMP
- xvi). The control and disposal of priority and environmental weeds is required to be completed in line with state and regional objectives (outcomes to demonstrate compliance with general biosecurity duty), as they have been identified within the Greater Sydney Strategic Weed Management Plan and its appendices or where consistent with these requirements in accordance with Section 5.1.4 of the Flora and Fauna Assessment Report.

d) Following the completion of construction works:

- i). A report must be prepared by a suitably qualified ecologist and arborist detailing the success of vegetation and tree protection measures, any breaches and how such breaches will be rectified. This report must be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the appointed Principal Certifier issuing an occupation (Final compliance) certificate.

10. Elderslie Banksia Scrub Forest Monitoring Plan

An Elderslie Banksia Scrub Forest Monitoring Plan must be developed to the written satisfaction of Council's Executive Manager Urban Release and Engagement (or equivalent) as per Section 5.2.3 of the Ecological Assessment Report prepared by Cumberland Ecology dated 28 August 2020.

11. Weed Control Measures

Weed dispersion must be minimised and weed infestations must be managed at all stages of the development. Any priority or environmentally invasive weed infestations that occur during or after works must be fully suppressed and destroyed by appropriate means. New infestations of priority weeds listed for the Greater Sydney must be reported to Council.

Pursuant to the Biosecurity Act 2015 and the Biosecurity Regulation 2017, the applicant must at all times ensure that machinery, vehicles and other equipment entering or leaving the site are clean and free of priority weed material to prevent the spread of these weeds to and from the subject site.

12. Unreasonable Noise, Dust and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no interference to adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

13. Existing Easements

Changes to existing easements and their physical infrastructure shall not occur without the written approval of the authority benefitting from such.

14. RFS Requirements

The proposed development shall be carried out in accordance with the Bush Fire Safety Authority (DA-2018-01694-CL55-1), dated 25 February 2020.

15. Shoring and Adequacy of Adjoining Property

If the development referred to in this development consent involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must at the person's own expense:

- a) Protect and support the adjoining premises from possible damage from the excavation, and
- b) Where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

16. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design Guide for Development (as amended)* and the applicable *Development Control Plan*.

17. Subdivision Works Certificate

Prior to the commencement of any works that require a subdivision works certificate:

- a) the applicant shall obtain a subdivision works certificate for the particular works;
- b) the applicant shall appoint a Principal Certifier; and
- c) the appointed Principal Certifier shall notify Council of their appointment no less than two days prior to the commencement of any works.

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision works certificate by either Campbelltown City Council or an appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision works certificate.

18. Construction Environmental Plan of Management

Prior to the commencement of works / issue of a subdivision works certificate (whichever occurs first) A site-specific Construction Environmental Management Plan (CEMP) must be prepared addressing prescriptions for the mitigation of environmental impacts and associated monitoring requirements. The CEMP must be approved in writing by Council's Executive Manager Urban Release and Engagement (or equivalent) prior to the issuing of any subdivision works certificate or the commencement of physical development works whichever comes first.

At a minimum the CEMP must include/address in detail:

- Required Sediment and Erosion Control Measures/stockpile management as per Managing Urban Stormwater: Soils and Construction (Landcom, 2004) – The Blue Book.
- Noise control measures and hours of operation.
- Air quality control measures (including dust management).
- Measures to reduce impacts of light pollution
- Water management (including maintaining/monitoring water quality in nearby dams/waterways).
- Measures to mitigate impacts to areas of retained native vegetation.
- Measures to prevent the spread of priority and environmental weeds including African Love Grass and other weed species, including spread via machinery movements both within the development site and offsite via the relocation of fill material including top soil. Measures to prevent the spread of phytophthora are also to be implemented (ie. machinery is to be cleaned prior to entering the site, and must not move off the site and back on again from elsewhere to avoid the risk of contamination).
- The requirements and recommendations of relevant documentation submitted with the subject development proposal.
- Details of required preclearance and clearance surveys.
- Hazardous material management protocols (ie. fuel etc.) addressing storage, use, refuelling etc.
- Details of how fill will be stored on site (i.e. proposed number of piles, proposed location of piles, sedimentation and erosion control treatment measures, and an estimate of how long the fill will be stockpiled, inspection and monitoring requirements).
- Specific details of how the temporary drainage line will be constructed to ensure that areas outside of the approved development footprint are not impacted.
- Requirements of the EBSF Soil Translocation Plan
- Incident and emergency response protocols.
- Competence, training and awareness procedures (i.e. Environmental inductions, Toolbox talks, training and awareness).
- Roles and responsibilities for implementing, monitoring and reviewing CEMP requirements.
- An overview of relevant environmental management documentation.

- Waste Management Procedures in accordance with the submitted Waste Management Plan.
- Inspection, monitoring and auditing requirements for all environmental controls and adaptive management to ensure environmental mitigation measures remain effective.
- Community Consultation and Liaison.

The environmental controls outlined in the CEMP are to form part of the site induction process and daily toolbox meetings.

19. Elderslie Banksia Scrub Forest Trial Soil Translocation Plan

Prior to the commencement of any works or the issuing of a subdivision works certificate (whichever occurs first) a Elderslie Banksia Scrub Forest Trial Soil Translocation Plan must be prepared to the written satisfaction of Council's Executive Manager Urban Release and Engagement (or equivalent). This plan must:

- Address the collection and storage of soil material impacted by the temporary drainage line being constructed by Stage 2A Menangle Park.
- Include an investigation of the existing soil profile prior to soil excavations commencing as part of construction works.
- Outline how soil material will be excavated and stored in a manner that will enable that will enable the existing soil profile to be recreated at a future reconstruction site. This process is to ensure that each layer of soil that is removed is removed and stored separately so that they're not mixed, and so they can be replaced in the correct order.
- Specify how soil will be fenced, signed and preserved during the storage process. The soil stockpile is to be temporary fenced and signposted that it is to be used for EBSF restoration purposes.
- Outline required sedimentation and erosion control measures. All stockpiles of EBSF soil are to be suitability stabilised/covered to prevent dispersal.
- Outline where the soil is to be stored. Consideration should be given to avoiding multiple movements of the stored soils.
- Outlines any required weed treatment of stored soils.
- Require the excavation and stockpiling of the EBSF soil to be supervised by a suitability qualified ecologist to maintain the required soil substrate for future use.

20. Deposited Plan and 88B Instrument - Rights and Interests

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant must obtain written consent from the benefited lot(s), roads(s) bodies or Prescribed Authorities regarding any easements, profit à prendre, restriction or positive covenants registered on the land with respect to the approved development.

21. Utility Servicing Provisions

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall obtain correspondence from Sydney Water, Endeavour Energy, Jemena and the relevant telecommunications authority stating that the relevant services can be made available to service the development.

Note: The applicant should also contact the relevant water servicing authority to determine whether the development will affect the authority's water or sewer infrastructure.

22. NBN Co

Prior to the issue of a subdivision works certificate, the appointed Principal Certifier shall be satisfied that telecommunications infrastructure may be installed to service the premises which complies with the following:

- The requirements of the Telecommunications Act 1997;
- For a fibre ready facility, the NBN Co's standard specifications current at the time of installation; and
- For a line that is to connect a lot to telecommunications infrastructure external to the premises, the line shall be located underground.

Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary pits and pipes, and conduits to accommodate the future connection of optic fibre technology telecommunications.

23. Geotechnical Report

Prior to the appointed Principal Certifier issuing a subdivision works certificate, where proposed excavation and/or filling exceed 900mm in depth, or where the subject site is identified as being filled land, a geotechnical report prepared by a NATA registered laboratory shall be submitted which indicates that the land will not be subject to subsidence, slip, slope failure or erosion.

24. Soil and Water Management Plan

Prior to the appointed Principal Certifier issuing a subdivision works certificate, a detailed soil and water management plan shall be submitted for approval.

25. Road Construction (New)

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit design details for approval of the proposed road construction.

The categories and traffic loadings to be adopted for the design of the road pavements shall be as follows;

Road No.	Category	Traffic Loading
05, 07B, 10, 13, 16, 17	D	3 x 10 ⁵

Construction of the roads shall be undertaken in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

All inspections are to be undertaken by Council and the appointed Principal Certifier shall not issue the subdivision certificate until all works have been satisfactorily completed.

26. Temporary Residential Cul-de-sac Heads

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit design details for the temporary residential cul-de-sac heads proposed at the western ends of Road No.s 05, 10, 13, 16 and 17 to the certifying authority for approval. The pavement compositions shall be the same as that constructed for the respective roads.

Construction of the cu-de-sac heads shall be undertaken in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

All inspections are to be undertaken by Council and the appointed Principal Certifier shall not issue the subdivision certificate until all works have been satisfactorily completed.

27. Road Safety Audit

Prior to the appointed Principal Certifier issuing a subdivision works certificate, a detailed road safety audit (RSA) is to be undertaken for the design of the proposed roadworks and traffic facilities by an independent road safety auditor

28. Vehicle turning movements

Prior to the appointed Principal Certifier issuing a subdivision works certificate, vehicle turning movements (for the appropriate vehicle types as agreed with Council) shall be assessed by an appropriately qualified person using Autodesk Vehicle Tracking and provided to Council's Executive Manager Urban Release and Engagement (or equivalent) for approval.

In this regard the Vehicle Tracking files and associated development proposal shall be submitted in .dwg/ .dxf format and the speed environment used in the assessment must be consistent with the requirements as set out in the Austroads Guide to Road Design Part 4.

Garbage collection vehicles with three axles and up to 10.4 metres in length shall be considered as part of the above assessment.

29. Construction Traffic Management Plan

Prior to the commencement of works / issue of a subdivision works certificate (whichever comes first), a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access

arrangements and traffic control, shall be submitted to Council's Executive Manager Urban Release and Engagement (or equivalent) for approval.

Copies of the approved CTMP's shall be kept on site for the duration of the works, in accordance with *Work Cover Authority* requirements and copies shall also be forwarded to Council for its records.

30. Signage and Line Marking Concept Plan

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit a Concept Plan detailing the installation of regulatory/advisory sign posting and line marking for Council records.

31. Traffic Device Approval

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall submit plans and obtain approval from Council's Local Traffic Committee for any proposal that includes the construction of prescribed traffic control devices and traffic control facilities.

32. Street Lighting

Prior to the appointed Principal Certifier issuing a subdivision works certificate, street lighting design plans shall be prepared by an Endeavour Energy Accredited Service Provider (ASP) and comply with the following:

- a) All street lighting is to be LED "Smart" lighting to Council's specification. The lighting of residential roads and public places must comply with AS/NZS1158 Residential Street Lighting Part 3.1: Pedestrian Area (Category P) Lighting – Performance and Installation Design Requirements 2005, using the appropriate categories.
- b) The design and installation of the street lighting is to be such that Council can take ownership of the street lighting in this subdivision (i.e. separate circuit to residential supply).
- c) /The power supply to the street lighting shall meet the load requirements of Endeavour Energy plus 30% loading for the future requirements of Council.
- d) The location of meters to service the street lighting network.
- e) The street lighting plan must consider the impact of street tree planting (at planting and mature height and form) on the lighting.
- f) Details of the number of electrical turrets and switchboards to be installed within the network.
- g) The street lighting and associated infrastructure in this subdivision is to be dedicated to Council and not be handed over to the energy supplier.

Note: Electrical Turrets to be situated no less than 3.6 meters from kerb centre point. Multiple Switch Board doors must be oriented toward the street for ease of access.

A copy of the street lighting design plans are to form part of the subdivision works certificate documents and provided to Council for our records.

33. Retaining Structures

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall engage a suitably qualified structural and geotechnical engineer to design all proposed retaining structures exceeding 800mm in height.

All retaining structures shall be constructed of a masonry material and shall be constructed wholly within the property boundary, including footings and agricultural drainage lines.

34. Stormwater Management Plan (Green Field Subdivision)

Prior to the appointed Principal Certifier issuing a subdivision works certificate, plans, electronic models and other supporting information indicating all engineering details and calculations relevant to site regrading and the collection and disposal of stormwater from the site and adjacent catchments, shall be submitted for approval. Where adjacent properties are affected, drainage formalisation shall be extended to include these properties to the satisfaction of the adjacent owners and Council.

All proposals shall comply with the requirements detailed in Council's *Engineering Design Guide for Development (as amended)*, *Australian Rainfall and Runoff (current version)* and the *NSW Floodplain Development Manual*.

35. Water Quality

Prior to the appointed Principal Certifier issuing a subdivision works certificate, plans, electronic models and other supporting information indicating all engineering details and calculations relevant to the water quality treatment of stormwater from the site and adjacent catchment, shall be submitted to Council's Executive Manager Infrastructure (or equivalent) for approval.

Maintenance details for the water quality devices in the form of an *Operation and Maintenance Manual* and *Maintenance Schedule*, must be submitted to Council's Executive Manager Infrastructure (or equivalent) for approval prior to the issue of a subdivision works certificate. The Manual and Schedule are to be updated and discussed with Infrastructure Section prior to handover of these assets to Council.

All proposals shall comply with the relevant guidelines of the Office of Environment and Heritage – NSW (OEH), Council's *Engineering Design for Development (as amended)* guide and the applicable *Development Control Plan*.

36. Sediment/water Quality Basin Design & Certification

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall engage a suitably qualified geotechnical engineer to prepare the structural and geotechnical design for the water quality basins.

The design documentation must include, but not limited to, the following:

- a) Design of keying into natural soil.
- b) Certification on batter stability.
- c) Specification of soil/fill material.

- d) Construction method.
- e) Construction hold points.

A copy of all documentation shall be submitted to Council for its records.

37. Landscape Requirements

Prior to the appointed Principal Certifier issuing a subdivision works certificate for civil works, the applicant shall submit detailed landscape plans for approval by Council's Executive Manager Urban Release and Engagement (or equivalent). The landscape design shall incorporate a significant portion of native, low water demand plants. The landscape design shall incorporate a significant portion of native, low water demand plants and avoid the use of invasive species and Chinese Tallowood (*Triadica sebifera*). The project ecologist is to be consulted in the development of the Landscape Plan to assist in the identification of species indigenous to the area.

Landscaping of the development site shall be undertaken in accordance with the approved plans incorporating the following requirements where necessary:

- a. Street tree installation shall comply with the following requirements:
 - i). Root boxes or barriers are required for all street trees which are being placed within 1m of infrastructure. Such infrastructure shall include footpaths, share ways road ways, kerb and gutter, underground pipes.
 - ii). Unless specified otherwise the minimum size for root control boxes shall be 800mm x 800mm by 500mm deep. Trees are to be installed centrally within the root control box.
 - iii). Alternatively, root barrier is to be placed on the road and footpath side of all street trees. Vertical ribbed root barrier a minimum of 600mm deep and 0.75mm thick is to be used in all instances.
 - iv). Root boxes or barriers must be placed:
 - a minimum of 100mm behind the back of kerb so that it does not compromise the road pavement (i.e. the trunk of the tree shall be a minimum of 700mm from the back of kerb)
 - flush with or marginally below the ground surface
 - flush with or marginally below the adjoining top of footpath
 - for a 3m extent along the footpath/share way and kerb with the tree centrally placed
 - such that it extends a minimum of 100mm below the adjoining road pavement
 - such that is not a trip hazard.

38. Telecommunications Infrastructure

- a) If the development is likely to disturb or impact upon telecommunications infrastructure, written confirmation from the service provider that they have agreed to proposed works must be submitted to the appointed Principal Certifier prior to

the issue of a subdivision works certificate or any works commencing, whichever occurs first; and

- b) The arrangements and costs associated with any adjustment to telecommunications infrastructure shall be borne in full by the applicant/developer.

39. Section 138 Roads Act

Prior to the appointed Principal Certifier issuing a subdivision works certificate, the applicant shall lodge a S138 Roads Act application for any proposed civil works proposed on public land.

The application shall be accompanied with detailed engineering plans designed in accordance with the requirements detailed in *Austroads Guides* and Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design for Development (as amended)* guide.

The application shall include payment for plan assessment and inspection fees.

All works shall be carried out in accordance with the Roads Act approval, the approved stamped plans and Council specifications.

Inspection of this work shall be undertaken by Council at the applicant's expense.

40. Unexpected Finds Protocol

Prior to the commencement of works / issue of a subdivision works certificate (whichever comes first) an expected finds protocol must be prepared by a suitably qualified person and submitted for the approval of Council's Executive Manager Urban Release and Engagement (or equivalent).

41. Aboriginal Heritage Impact Permit

Prior to the commencement of any works that will impact known Aboriginal objects, an Aboriginal Heritage Impact Permit is required to be sought and granted by the NSW Department of Planning, Infrastructure and Environment.

If during the course of any works an Aboriginal object is discovered, works must cease immediately and Council and the NSW Department of Planning, Infrastructure and Environment, must be informed. Works can not commence again until written approval is granted from Council and the NSW Department of Planning, Infrastructure and Environment.

42. Fill Material

All fill material imported to the site shall meet one of the characterisations detailed the table below:

Defining Instrument	Definition
Protection of the Environment Operations Act, 1997	Virgin Excavated Natural Material
Protection of the Environment Operations (Waste) Regulation 2014	The following resource recovery exemptions: <ul style="list-style-type: none"> Excavated natural material

	<ul style="list-style-type: none"> ▪ Foundry sand ▪ Recovered fines (provided no samples have a benzo(a)pyrene concentration exceeding 3 mg/kg 'dry weight')
N/A	Non-waste engineered construction materials

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

43. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

44. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
- Stating that unauthorised entry to the work site is prohibited
- Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- Stating the approved construction hours in which all works can occur
- Showing the name, address and telephone number of the appointed Principal Certifier for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

45. Toilet on Construction Site

Prior to the commencement of any works on the land, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part thereof. Each toilet provided must be a standard flushing toilet and be connected to:

- A public sewer, or
- If connection to a public sewer is not practicable, to an accredited sewage management facility approved by Council, or

- c) If connection to a public sewer or an accredited sewage management facility is not practicable, to some other management facility approved by Council.

46. Trade Waste

Prior to the commencement of any works on the land, a trade waste facility shall be provided on-site to store all waste pending disposal. The facility shall be screened, regularly cleaned and accessible to collection vehicles.

47. Vehicular Access during Construction

Prior to the commencement of any works on the land, a single/multiple vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system.

48. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

49. Hoarding / Fence

Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place if the work involved in the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or if the building involves the enclosure of a public place in accordance with *Work Cover* requirements.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

A separate land use application under Section 68 of the Local Government Act 1993 shall be submitted to and approved by Council prior to the erection of any hoarding on public land.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

50. Compliance with Relevant Specifications

All design and construction work shall be in accordance with:

- a) Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*.
- b) Council's *Engineering Design for Development (as amended)*.
- c) Council's relevant Development Control Plan.
- d) *Soils and Construction (2004) (Bluebook)*.

- e) *Australian Standard AS 1742 various (Manual for traffic control devices).*
- f) *RMS "Guide to Traffic Control at Work Sites" 1998ed.*
- g) Relevant Endeavour Energy Specification and Australian Standards in delivering the private lighting network.
- h) Other relevant Australian Standards, Austroads Guides and State Government publications.

51. Mud/Soil

Mud and soil from vehicular movements to and from the site must not be deposited on the road.

52. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 5.00pm
Sunday and public holidays	No Work.

53. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*, the approved plans, Council specifications and to the satisfaction of the appointed Principal Certifier. The erosion and sediment control devices shall remain in place until the site has been stabilised and fully revegetated.

Note: On the spot penalties up to \$8,000 will be issued for any non-compliance with this requirement without any further notification or warning.

54. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)*. Construction areas shall be treated/regularly watered to the satisfaction of the appointed Principal Certifier.

55. Excess Material

All excess material is to be in accordance with the proposed stockpile locations or removed from the site. The spreading of excess material or stockpiling on site in locations differing from that shown on the plans will not be permitted without prior written approval from Council.

56. Earth Works/Filling Works

All earthworks, including stripping, filling, and compaction shall be:

- a) Undertaken in accordance with Council's Specification for Construction of Subdivisional Roads and Drainage Works (as amended), Australian Standard AS 3798 Guidelines for Earthworks for Commercial and Residential Development (as amended), and the approved construction drawings;
- b) Supervised, monitored, inspected, tested and reported in accordance with Australian Standard AS 3798 Appendix B 2(a) Level 1 and Appendix C by a NATA registered laboratory appointed by the applicant. Two collated copies of the report and fill plan shall be forwarded to Council; and
- c) Certified by the laboratory upon completion as complying, so far as it has been able to determine, with Council's specification and Australian Standard AS 3798.

57. Revegetation

Revegetation in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of the earthworks, and shall be fully established prior to release of the maintenance security bond.

58. Public Safety

Any works undertaken in a public place are to be maintained in a safe condition at all times in accordance with Australian Standard AS 1742.3. Council may at any time and without prior notification make safe any such works that are considered to be unsafe and recover all reasonable costs incurred, from the applicant.

59. Footpaths/Cycleways

The footpath/cycleway construction shall be to the satisfaction of Council and in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design Guide for Development (as amended)* and *Menangle Park DCP (as amended)*.

A 1 metre wide turf strip shall be laid immediately behind the kerb.

60. Pavement Thickness Determination

A road pavement design and pavement thickness report prepared by a N.A.T.A. registered laboratory appointed by the applicant, shall be submitted to the appointed Principal Certifier for approval, a minimum of 2 working days prior to the inspection of the exposed sub grade.

The pavement design shall be prepared in accordance with the requirements detailed in Council's *Engineering Design for Development (as amended)*.

61. Residential Driveway and Layback Crossing

The applicant shall provide a layback in the kerb and gutter at the entrance to all residential lots that have a frontage to barrier kerb. Construction shall be in accordance with Council's *Residential Vehicle Crossing Specification* and *Engineering Design Guide for Development (as amended)*.

Laybacks are to be constructed in accordance with the endorsed driveway location plan submitted with the subdivision works certificate.

62. Associated Works

The applicant shall undertake any works external to the development, that are made necessary by the development, including additional road and drainage works or any civil works directed by Council, to make a smooth junction with existing work.

63. National Metering Identifier

Prior to the submission of an application to Endeavour Energy for National Metering Identifier, written confirmation is to be obtained from Council's Executive Manager Infrastructure (or equivalent) regarding the location of electricity connections/ meters required in the delivery of the private lighting network.

64. Asset Number Allocation

The developer shall submit street lighting design plans to Council's Executive Manager Infrastructure (or equivalent) to obtain Asset Numbers for Street Lighting Poles. Asset numbers to be provided by Council will need to be marked on the assets being installed.

65. Commissioning of Private Lighting Network

Commissioning of the private lighting network to be dedicated to Council shall be undertaken in the presence of Council's nominated Certifier.

Note: Council's City Delivery Team is to be contacted three (3) months prior to the commissioning of the private lighting network to determine the Council nominated Certifier.

66. Inspections – Civil Works

Where Council is nominated as the appointed Principal Certifier for civil works, the following stages of construction shall be inspected by Council:

- a) EROSION AND SEDIMENT CONTROL –
 - Direction/confirmation of required measures.
 - After installation and prior to commencement of earthworks.
 - As necessary until completion of work.
- b) STORMWATER PIPES – Laid, jointed and prior to backfill.
- c) SUBSOIL DRAINS – After:
 - The trench is excavated.
 - The pipes are laid.
- d) SUBGRADE – Joint inspection with a NATA Registered Laboratory after preliminary boxing, to confirm pavement report/required pavement thicknesses.
- e) SUBGRADE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles prior to placement of sub-base.
- f) CONDUITS – Laid and jointed prior to backfilling, including the delivery of the private lighting network to be dedicated to Council.

- g) PAVEMENT THICKNESS MEASUREMENT (Dips) – After placement of kerb and gutter and final trimming of sub-base.
- h) SUB BASE – 10/12 tonne 3-point roller proof test and finished surface profiles after finishing and prior to base course placement.
- i) BASECOURSE – 10/12 tonne 3-point roller proof test, density tests and finished surface profiles after finishing and prior to sealing.
- j) OVERLAND FLOWPATHS – After shaping and prior to topsoil/turf placement.
- k) CONCRETE PATHS, CYCLEWAYS, VEHICLE CROSSINGS AND LAYBACKS – Prior to pouring concrete.
- l) ASPHALTIC CONCRETE SEAL – Finished surface profiles after sealing.
- m) FINAL INSPECTION – All outstanding work.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision certificate by either Campbelltown City Council or the appointed Principal Certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a subdivision certificate.

67. Voluntary Planning Agreement SVOA – 2017-8774

- a) A copy of the Secretary's Certificate (Satisfactory Arrangements for designated State public infrastructure) dated 11 May 2020 forms Attachments A to this development consent.
- b) Prior to the release of a Subdivision Certificate, the persons having the benefit of this consent shall provide Council with documentary evidence that works and/or contributions the subject of the Secretary's Certificate and SVPA- 2017-8774 have been undertaken and/or paid in full

68. Voluntary Planning Agreement – Council

In accordance with the Letter of Offer dated 7 May 2020 made by the developer to prepare a Planning Agreement in connection with this development application, a Planning Agreement pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979 shall be prepared by the applicant and submitted to Council for public exhibition.

The Planning Agreement shall articulate a commitment by the developer to complete all Development and Infrastructure Works, Dedications of Land and the provision of all necessary monetary contributions required in relation to development of the land.

Prior to the appointed Principal Certifier issuing a subdivision certificate, the Planning Agreement shall be executed to the satisfaction of the consent authority (Council) and all Development and Infrastructure Works, Dedications of Land and Monetary Contributions listed within the executed agreement are to be finalised, or otherwise guaranteed, to the satisfaction of the consent authority (Council).

69. Section 73 Certificate – Subdivision Only

Prior to the appointed Principal Certifier issuing a subdivision certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to Council prior to the release of the subdivision certificate.

70. Bush Fire Certification

Prior to the issue of a subdivision certificate, a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment shall be submitted to Council and the appointed Principal Certifier stating that the development conforms to the relevant specifications and requirements as specified in the relevant condition from the NSW Rural Fire Service forming part of this consent.

71. Restriction on the Use of Land

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall create appropriate restrictions on the use of land under Section 88B of the Conveyancing Act.

- a) Acoustic report specifying acoustic treatments for residential lots;
- b) Bush fire report specifying APZ and/or BAL levels for residential lots;
- c) Driveway location plan;
- d) Floor Level Control – where applicable;
- e) No Alteration to Surface Levels – subject to geotechnical advice;
- f) Lots Filled – where applicable;
- g) Access Denied – where applicable;
- h) Set Back from Access Denied Roads – where applicable;
- i) Right of Carriageway – where applicable;
- j) Uncontrolled Fill – where applicable;
- k) Drainage Floor Level Control Easements - (100yr flow, depressed) – where applicable;
- l) No Cut or Fill - (Geotech Report Required) – where applicable; and
- m) Lots with any other restrictions eg. Refuse Collection.

The applicant shall liaise with Council regarding the required wording. Any lots subsequently identified during the subdivision process as requiring restrictions shall also be suitably burdened. The authority empowered to release, vary or modify these restrictions on the use of land shall be the Council of the City of Campbelltown. The cost and expense of any such release, variation or modification shall be borne by the person or corporation requesting the same in all respects.

72. Bond (Outstanding Work)

Prior to the appointed Principal Certifier issuing a subdivision certificate and to facilitate the release of the subdivision certificate, Council may accept bonding for outstanding asphaltic concrete work, footpath paving, vehicle crossings/driveways or other minor works. Following a written request from the applicant, Council will determine the bond requirements.

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

73. Maintenance Security Bond

Prior to the appointed Principal Certifier issuing a subdivision certificate, a maintenance security bond of 5% of the contract value or \$5000, whichever is the greater, shall be lodged with Council. This security will be held in full until completion of maintenance, minor outstanding works and full establishment of vegetation to the satisfaction of Council, or for a period of six months from the date of release of the subdivision certificate, whichever is the longer. All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution.

The applicant is responsible for applying to Council for the return of the bond. Should no request be made to Council for the return of the bond six years after the issue of the subdivision certificate, Council will surrender the bond to the *Office of State Revenue*.

74. Classification of Residential Lots (Development without dwelling construction)

Prior to the appointed Principal Certifier issuing a subdivision certificate, all residential lots are to be individually classified in accordance with guidelines contained in the Australian Standard AS 2870-1996 *Residential Slabs and Footings (as amended)*.

75. Remediation of Land

Prior to the release of a Subdivision Certificate, a Section A1 Site Audit Statement issued under the Contamination Land Management Act 1997 and demonstrating that the site is suitable for day care centres, preschools, primary schools and residential, with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake), excluding poultry, shall be provided to the appointed Principal Certifier. This shall include an audit of all fill imported to the site.

76. Splay Corner (Residential)

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall dedicate 4m x 4m splay corners in the property boundaries of all lots located adjacent to road intersections, at no cost to Council.

77. CCTV footage verifying integrity of all new pipes and existing pipes

Prior to the appointed Principal Certifier issuing a Subdivision Certificate, the applicant shall provide CCTV footage to Council for all new pipes and for all existing pipes which are modified by works prior to Linen release. The footage shall comply with the following requirements:

- the files shall be in MP4 format;
- file resolution shall be 640 by 480 pixels, 3Mbps and 25 frames per second;
- each pipe reach (i.e. between two pits) shall be provided as a separate file;
- the CCTV inspection shall be undertaken in accordance with the IPWEA Condition Assessment and Asset Performance Guidelines, Practice Note 5, Stormwater Drainage;
- the speed and panning of the footage shall be sufficient to demonstrate that there are no significant cracks in the pipe and that the joints have been properly constructed; and
- the files shall have a name corresponding with the unique label provided in the associated stamped approved drawings and a summary report (*.pdf) shall accompany the data.

78. Works as Executed Plans

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council two complete sets of fully marked up and certified work as executed plans in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*.

The applicant shall **also** submit a copy of the Works as Executed information to Council in an electronic format in accordance with the following requirements:

Survey Information

- Finished ground and building floor levels together with building outlines.
- Spot levels every five (5) metres within the site area.
- Where there is a change in finished ground levels that are greater than 0.3m between adjacent points within the above mentioned 5m grid, intermediate levels will be required.
- A minimum of fifteen (15) site levels.
- If the floor level is uniform throughout, a single level is sufficient.
- Details of all stormwater infrastructure including pipe sizes and types as well as surface and invert levels of all existing and/or new pits/pipes associated with the development.

- All existing and/or new footpaths, kerb and guttering and road pavements to the centre line/s of the adjoining street/s.
- The surface levels of all other infrastructure.

Format

- MGA 94 (Map Grid of Australia 1994) Zone 56 - Coordinate System; and
- All level information to Australian Height Datum (AHD)

AutoCAD Option

- The "etransmit" (or similar) option in AutoCAD with the transmittal set-up to include as a minimum:

Package Type	-	zip
File Format	-	AutoCAD 2004 Drawing Format or later
Transmittal Options	-	Include fonts Include textures from materials Include files from data links Include photometric web files Bind external references The drawing is <u>not</u> to be password protected.

MapInfo Option

- Council will also accept either MapInfo Native format (i.e. .tab file) or MapInfo mid/mif.

All surveyed points will **also** be required to be submitted in a point format (x,y,z) in either an Excel table or a comma separated text file format.

79. Engineering Documentation

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council the following documents:

- a) Two copies of geotechnical stability reports, dispersion tests, earthworks and fill placement reports, concrete core tests, sub grade and pavement density reports, structural and all other testing undertaken.
- b) Two copies of all compliance certificates in accordance with consent authority requirements, including supply of pipes and precast units, supply of sub-base material, supply of base course material, supply of concrete, and supply of bituminous materials.
- c) Two copies of work as executed plans for the line marking / sign posting in relation to the subdivision. The information shown on the plan shall be in accordance with the recommendations of the Traffic Committee and shall note the date/s of installation.
- d) Two digital copies of all requested information.

All reports/certificates shall be prepared by a N.A.T.A. registered laboratory or qualified engineer in accordance with Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)* and *Engineering Design Guide for Development (as amended)*, and shall list the relevant compliance standard(s) and certify that the whole of the area of works or materials tested comply with the above specification. All reports/certificates shall be complete, fully referenced, clearly indicate the area or material tested, the location and required/actual values of all tests and retesting, and be collated and suitably bound.

80. Certification of Retaining Structures

Prior to the appointed Principal Certifier issuing a subdivision certificate, all retaining structures shall be certified by an appropriately qualified engineer as having been constructed in accordance with the approved design. An electronic copy of all documentation shall be submitted to Council for its records.

81. Restoration of Public Roads

Prior to the appointed Principal Certifier issuing a subdivision certificate, any restoration of the public road pavement required as a result of the development, shall be carried out by the developer to the satisfaction of Council. All costs shall be borne by the developer.

82. Public Utilities

Prior to the appointed Principal Certifier issuing a subdivision certificate, any adjustments to public utilities required as a result of the development, shall be completed to the satisfaction of the relevant authority and at the applicant's expense.

83. Service Authorities

Prior to the appointed Principal Certifier issuing a subdivision certificate, two copies of all servicing plans shall be forwarded to Council in accordance with the following:

Written advice from *Sydney Water*, *Integral Energy* and where applicable the relevant gas company, shall be submitted, stating that satisfactory arrangements have been made for the installation of either service conduits or street mains in road crossings, prior to the construction of the road pavement. All construction work shall conform to the relevant authority's specification/s.

The final seal shall be deferred pending installation of all services. In this regard the applicant shall provide a temporary seal and lodge with Council as security, the amount to be determined by Council, to cover the cost of trench restoration by Council and the placement of the final asphaltic concrete seal.

84. Works as Executed – Electrical Network

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council the following documents in relation to the private lighting network:

- a) A complete set of works as executed plans of the private lighting network in CAD files .DWG format and .PDF format.

- b) Appropriate certificates, manufacturer's brochures and technical data of all materials used during construction of the private lighting network.
- c) Warranty documentation for all street lighting assets (24 months minimum from the time of commissioning the network).
- d) Location of assets and the corresponding asset numbers provided by Council.

85. Asset Number Implementation

Prior to the appointed Principal Certifier issuing a subdivision certificate, all asset delivered in the private lighting network are to be marked in accordance with the asset allocation numbers provided by Council.

Asset numbers to be marked on the street lighting poles at a height of 2 meters in black cast vinyl lettering with Class 2 Reflective white backing, numbers to be 50mm by 50mm in size and to be adhered to pole on a vertical axis.

All poles to be marked "private lighting" in black cast vinyl lettering with Class 2 Reflective white backing below asset number, at a total size of 40mm x 40mm, adhered on a horizontal axis.

The surface of poles are to be cleaned with vinyl prep prior to adhering the numbering.

86. House Numbers

Prior to the appointed Principal Certifier issuing a subdivision certificate, all house numbers shall be stencilled onto the kerb at appropriate locations with black letters/numbers 75mm high on a white background using an approved pavement marking paint.

For all new additional lots created, please contact Council's Land Information Unit on 4645 4465 to ensure the correct house number is stencilled.

87. Traffic Committee

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit the Final Signage and Line Marking plans for approval by Council's Local Traffic Committee.

Note: Approval by the Local Traffic may take a minimum of three (3) months.

88. Line Marking / Sign Posting Documentation (subdivision)

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall submit to Council for the Local Traffic Committee's records, two copies of the work as executed plans for the line marking / sign posting in relation to the subdivision. The information shown on the plan shall be in accordance with the recommendations of the Traffic Committee and shall note the date/s of installation.

99. Road Safety Audit - Post Construction

Prior to the dedication of the roads to Council, a Road Safety Audit of the completed works is to be undertaken by a suitably qualified person to identify any potential safety

risks for the users of roads and pedestrian facilities (day to day usage and maintenance activities).

The objective of the audit is to identify potential risks to the users of roads and pedestrian facilities and to ensure compliance with the approved plans and that the measures to eliminate or reduce identified risks as suggested in the report have been implemented prior to the dedication of the roads to Council.

90. Site Audit Statement for Land being Dedicated to Council

Prior to the endorsement of a subdivision certificate that has the effect of dedicating land to Council, the applicant shall provide a Site Audit Statement in respect of the land to be dedicated to Council. The Site Audit Statement must outline the conclusions of a site audit and must contain an accompanying Site Audit Report that summarises the information reviewed by the auditor and provides the basis for the conclusions contained in the Site Audit Statement. The Site Auditor shall be accredited under Section 49 of the Contaminated Land Management Act 1997.

Council will not accept dedication of the land unless the Site Audit Statement demonstrates that the site is suitable for the uses listed in the Residential "A" Health Investigation Level in the National Environmental Protection (Assessment of Site Contamination) Measure.

91. Residential Inter-Allotment Drainage

Prior to the appointed Principal Certifier issuing a subdivision certificate, the applicant shall demonstrate on the works as executed plans that inter-allotment drainage and the associated easements have been provided for all residential lots that cannot be drained to the kerb and gutter. Inter-allotment drainage systems shall be designed and constructed in accordance with the requirements detailed in Council's *Specification for Construction of Subdivisional Road and Drainage Works (as amended)*, *Engineering Design for Development (as amended)* and *Campbelltown (Sustainable City) DCP (as amended)*.

92. Retaining

Prior to the appointed Principal Certifier issuing an occupation certificate, all excavated and filled areas shall be battered to a slope of not greater than 1:2 or similarly be retained in accordance with the approved plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provisions for exempt development. Construction of retaining walls outside the scope of the State Environmental Planning Policy and not shown on the approved plans require lodgement of a separate development application.

93. Council Fees and Charges

Prior to the appointed Principal Certifier issuing an occupation certificate, the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a) Obtain a subdivision works certificate prior to the commencement of any works. Enquiries regarding the issue of a subdivision works certificate can be made to Council's Customer Service Centre on 4645 4000.
- b) Nominate an appointed Principal Certifier and notify Council of that appointment prior to the commencement of any works.
- c) Give Council at least two days notice prior to the commencement of any works.
- d) Have mandatory inspections of nominated stages of the construction inspected.
- e) Obtain an occupation certificate before occupying any building or commencing the use of the land.

Advice 2. Covenants

The land upon which the development is proposed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this permit. Persons to whom this permit is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advice 3. Subdivision Certificate Application and Plan Copies

As part of a subdivision certificate application, the following documents shall be submitted electronically for Council's assessment:

- A cover letter that details how each condition relevant to issue of a subdivision certificate has been addressed;
- A copy of each required service authority certificate;
- A draft plan administration sheet (including subdivision certificate);
- A draft deposited plan drawing; and
- A Section 88B instrument (where required).

Upon Council's direction, the applicant must supply seven final hard copy documents for affixing of signatures and stamps.

Note: the administration sheet is required to include a schedule of lots and addresses in accordance with Section 60(c) of the SSI Regulation 2012.

Advice 4. Linen Plan Checking Fee

Where Council is the appointed Principal Certifier a linen plan checking fee is payable on submission of the linen plan of subdivision to Council. The exact amount will be calculated at the rate applicable at the time of release of the linen plans for each lot of the subdivision including any residue lots.

Advice 5. Salinity

Please note that Campbelltown is an area of known salinity potential and as such any salinity issues should be addressed as part of the subdivision works certificate application. Further information regarding salinity management is available within Council's *Engineering Design Guide for Development (as amended)* and *Campbelltown (Sustainable City) DCP (as amended)*.

Advice 6. Bonds and Bank Guarantees

All bonds are to be provided in the form of Cash or a written Bank Guarantee from an Australian Banking Institution. Bonds will not be accepted in any other form or from any other institution.

Advice 7. Dial before you Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before you dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Advice 8. Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any persons interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on phone number 1800 810 443.

Advice 9. Electrical Turrets & Multiple Switch Boards

Turrets and Multiple Switch Boards must be installed with Campbelltown City Council E Key – E lock cylinders. Locking systems are to be purchased from Campbelltown City Council and installed at the developers cost. The information provided within the street lighting design

plans will determine the number of locking devices required for the delivery of the private lighting network.

Advice 10. Small Market Connection Greenfield Form

The developer is required to complete a Small Market Connection Greenfield Form prior to the commissioning of the private lighting network. Contact Council's City Delivery Team to obtain the relevant form.

Advice 11. Accredited Service Providers

An Accredited Service Provider (ASP) is defined as:

An individual or single entity accredited in accordance with part 10 of the *NSW Electricity Supply (General) Regulation 2001*. Level 1 is Network Constructor, Level 2 is Service Mains Constructor, Level 3 is Designer (refer Clause 1.3.4 - Pre-Qualification of Accredited Service Providers).

Note: In addition to accreditation from the NSW Office of Fair Trading, an ASP must hold authorisation from Endeavour Energy for work on or near its network.

Advice 12. Lead in Infrastructure

The lead in infrastructure shall not be brought through land that is contaminated. Separate approval must be obtained and remediation must be completed prior to any works commencing on contaminated land.

END OF CONDITIONS

Referenced Figures



Figure 1: Ariel photo showing subject site outlined in red

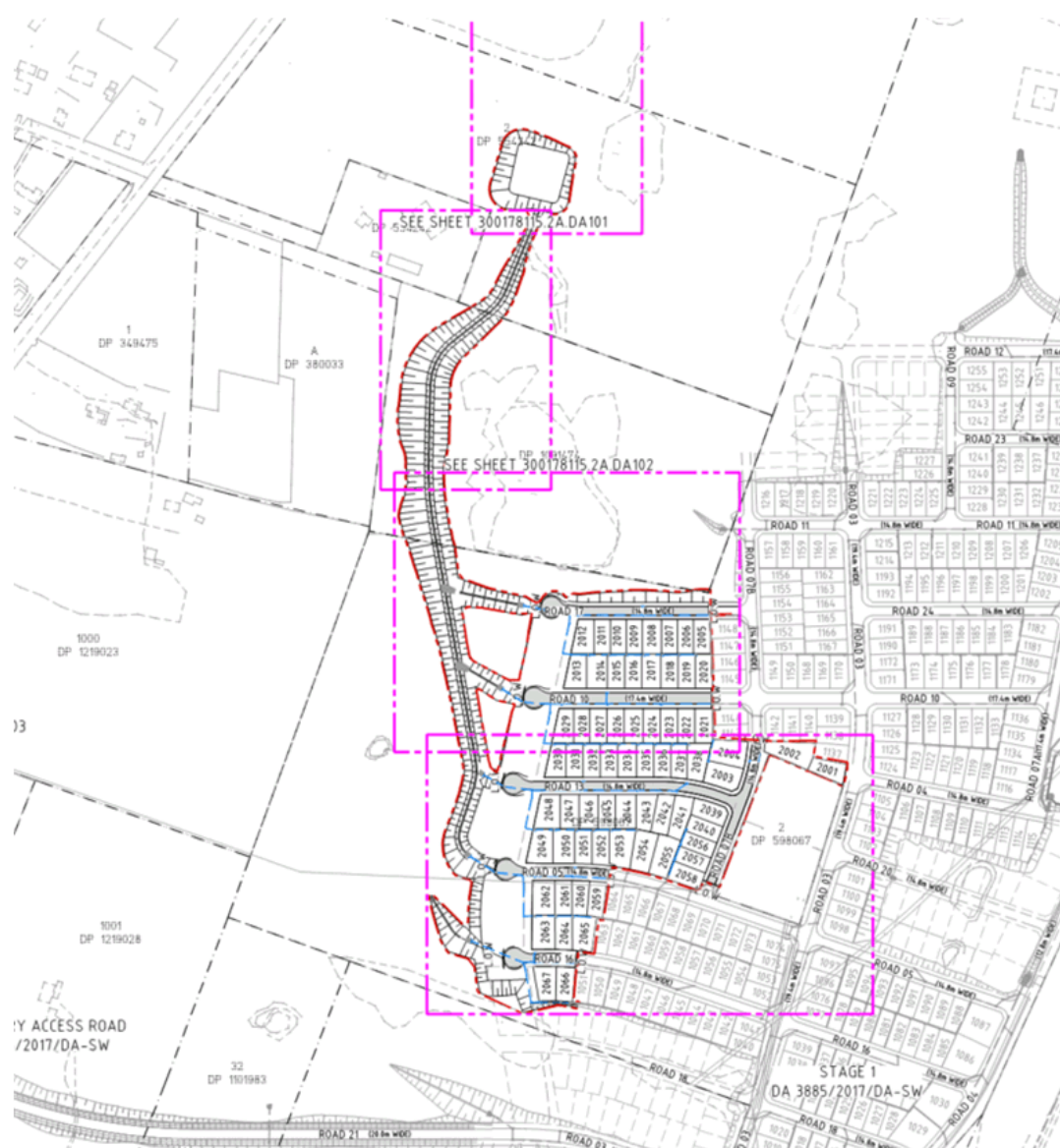


Figure 2: Proposed Subdivision Plan

State Environmental Planning Policy (Sydney Region Growth Centres) 2006			
CLAUSE	PROVISION	COMMENT	COMPLIANCE
Part 1 Preliminary			
1 Name of Policy	This Policy is State Environmental Planning Policy (Sydney Region Growth Centres) 2006.	The site is identified in the Greater Macarthur Growth Area, as such, the SEPP applies.	Yes
2 Aims of Policy	<p>The aims of this Policy are (in conjunction with amendments to the regulations under the Act relating to precinct planning) as follows—</p> <p>(a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre, the Wilton Growth Area and the Greater Macarthur Growth Area,</p> <p>(b) to enable the Minister from time to time to designate land in growth centres as ready for release for development,</p> <p>(c) to provide for comprehensive planning for growth centres,</p> <p>(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,</p> <p>(e) to provide controls for the sustainability of land in growth centres that has conservation value,</p> <p>(f) to provide for the orderly and economic provision of infrastructure in and to growth centres,</p> <p>(g) to provide development controls in order to protect the health of the waterways in growth centres,</p> <p>(h) to protect and enhance land with natural and cultural heritage value,</p> <p>(i) to provide land use and development controls that will contribute to the conservation of biodiversity.</p>	<p>(a) The site was rezoned, under an amendment to the CLEP 2015, on 18 November 2017 to facilitate land for residential, employment and other urban development.</p> <p>(b) The Minister designated the area as a growth centre on 6 December 2019, through the inclusion of the Greater Macarthur Growth Area within the GC SEPP.</p> <p>(c) The proposed development is consistent with planning provisions of the GC SEPP.</p> <p>(d) The proposed development establishes vibrant, sustainable and liveable neighbourhoods, through the promotion of community well-being and a high quality amenity.</p> <p>(e) The proposed development is consistent with the sustainability provisions of the GC SEPP, whilst avoiding, as much as possible, all areas of conservation value.</p> <p>(f) The proposed development encourages orderly and economic development through the State Voluntary Planning Agreement with The Minister for Planning and Public Spaces, as well as, the letter of offer for contributions payable to Council.</p> <p>(g) The proposed development will not adversely impact the surrounding waterways, as detailed in the Engineering Design Report, supporting this application.</p>	Yes

		<p>(h) The proposed development has been designed to avoid, protect and enhance areas of natural and cultural heritage value.</p> <p>(i) The proposed development complies with the biodiversity conservation provisions detailed in the GC SEPP.</p> <p>The proposed development is consistent with the aims of the GC SEPP, as outline above.</p> <p>The subject site is on land that is identified within the Greater Macarthur Growth Area with boundaries as shown on the Greater Macarthur Growth Area Precinct Boundary Map (the Greater Macarthur Growth Area).</p>	Yes
3 Interpretation	<p>(1) In this Policy—</p> <p>(a) the North West Growth Centre with boundaries as shown on the North West Growth Centre Precinct Boundary Map,</p> <p>(b) the South West Growth Centre with boundaries as shown on the South West Growth Centre Precinct Boundary Map,</p> <p>(c) the Wilton Growth Area with boundaries as shown on the Wilton Growth Area Precinct Boundary Map (the Wilton Growth Area),</p> <p>(d) the Greater Macarthur Growth Area with boundaries as shown on the Greater Macarthur Growth Area Precinct Boundary Map (the Greater Macarthur Growth Area).</p> <p>Note.</p> <p>The areas of land referred to in paragraphs (a) and (b) were, but are no longer, growth centres under the Growth Centres (Development Corporations) Act 1974.</p> <p>growth centre precinct means a precinct shown on the North West Growth Centre Precinct Boundary Map, the South West Growth Centre Precinct Boundary Map, the Wilton Growth Area Precinct Boundary Map or the Greater Macarthur Growth Area Precinct Boundary Map.</p> <p>growth centre structure plan means—</p> <p>(a) in relation to the North West Growth Centre, the structure plan for the growth centre, being the explanatory notes and the map identified by the Minister on the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010, and</p>		

	<p>(b) in relation to the South West Growth Centre, the structure plan for the growth centre, being the explanatory notes and the map identified by the Minister on the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Miscellaneous) 2010, and</p> <p>(c) in relation to the Wilton Growth Area, the NSW Government's Wilton 2040: A Plan for the Wilton Growth Area dated 28 September 2018 and published on the Department's website, and</p> <p>(d) in relation to the Greater Macarthur Growth Area, the NSW Government's Greater Macarthur 2040: An interim plan for the Greater Macarthur Growth Area published on the Department's website in November 2018.</p> <p>transitional land means land in a growth centre precinct shown as transitional land and hatched pink on the North West Growth Centre Development Control Map or on the South West Growth Centre Development Control Map.</p> <p>(2) The Dictionary at the end of this Policy defines words and expressions for the purposes of this Policy.</p> <p>(3) A reference in this Policy to a growth centre structure plan is a reference to a plan deposited in the Department.</p> <p>(4) Notes in this Policy are provided for guidance and do not form part of this Policy.</p>		
4 Consent authority	<p>(1) Except as provided by a Precinct Plan, the consent authority for the purposes of this Policy is (subject to the Act) the council of the area in which the land concerned is situated.</p> <p>Note.</p> <p>The Act enables an environmental planning instrument to specify a Minister or another public authority to be the consent authority for all or any particular kind of development in that zoned land.</p> <p>(2) Despite subclause (1), the consent authority for the purposes of this Policy for land to which State Environmental Planning Policy (Western Sydney Parklands) 2009 applies is the consent authority stated in clause 10 of that Policy.</p>	<p>Campbelltown City Council is the consent authority for the subject application, although, the application will be determined by the Campbelltown Local Planning Panel, in accordance with Section 4.8 of EP&A Act and the Minister for Planning's direction, dated 23/02/2018.</p>	Yes
5 Land to which Policy applies	This Policy applies to all land in a growth centre.	As detailed above the subject site is within land identified as a growth centre.	Yes

6 Relationship with other environmental planning instruments	(1) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency. (2) (Repealed)	The proposed development is consistent with the provisions of the GC SEPP.	Yes
6A Maps	(1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name— (a) approved by the Minister when the map is adopted, and (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the instruments when the instruments are made. (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map. (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister. (3A) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both. (4) A map referred to in this Policy, immediately before the commencement of this clause, is taken to be a map approved by the Minister under this clause.	As detailed above, in Clause 3, the subject site is mapped within the adopted maps.	Yes
Part 2 Land use and other development controls resulting from precinct planning			
7 Controls applying to precincts after finalisation of precinct planning process	The provisions applying to the carrying out of development in a precinct are those specified in the Appendix listed in Column 2 of the Table to this clause opposite the precinct listed in Column 1 of that Table.	There is no Precinct Schedule for the subject site, as such, Parts 1-7 apply.	Yes
7A Controls applying to Colebee, Edmondson Park	For the purposes of this Policy, the provisions applying to the carrying out of development in the following precincts are those specified below for the precincts—	This Clause does not apply to the subject application as the site is not within the Colebee Precinct, the Edmondson Park Precinct or the Bingara Gorge Precinct.	N/A

and Bingara Gorge Precincts	(a) the provisions of Blacktown Local Environmental Plan 1988 are specified for the Colebee precinct within the North West Growth Centre. (b) the provisions of Campbelltown (Urban Area) Local Environmental Plan 2002, Liverpool Local Environmental Plan 2008 and Schedule 3 to State Environmental Planning Policy (Major Development) 2005 are specified for the land within Edmondson Park Precinct within the South West Growth Centre to which those instruments, or parts of instruments, apply. (c) the provisions of Wollondilly Local Environmental Plan 2011 are specified for the land within the Bingara Gorge Precinct within the Wilton Growth Area.		
7B Development in growth centres under other environmental planning instruments	Development carried out under any other environmental planning instrument on land that is the subject land within the meaning of Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995 is taken, for the purposes of this Policy, to be development carried out under this Policy. Note. The subject land does not include land in the Wilton Growth Area or the Greater Macarthur Growth Area.	The subject site is specifically excluded from this Clause.	N/A
Part 3 Land Use—Environment Conservation and Recreation Zones			
8 Application of Part and of other planning instruments	(1) This Part applies to land within a growth centre precinct that is zoned under this Part. (2) Land that is zoned under this Part is not subject to the provisions of any environmental planning instrument (other than a State environmental planning policy or regional environmental plan) applying to the land concerned, except to the extent that this Policy otherwise provides. (3) This Part does not apply to land to which a Precinct Plan applies or land referred to in clause 7A.	The subject site is zoned under the Campbelltown Local Environmental Plan (CLEP) and does not rely on a zoning under this Part, as such, this Clause does not apply.	N/A
9 Land use zones	The land use zones under this Part are as follows— Environment Conservation Public Recreation—Regional Public Recreation—Local	As detailed above, the subject site is not zoned under a growth centres precinct. That being said, part of the site is zoned RE1 under the CLEP.	N/A
10 Objectives for development in land use	(1) The objectives for development in each land use reservation zone are set out in the Table to this clause.	The subject application includes provisions for some minor earthworks within land zoned RE1 under the CLEP.	N/A

<p>reservation zones</p>	<p>(2) The consent authority must have regard to the objectives for development in any such zone when determining a development application in respect of land within the zone.</p> <p>Table</p> <p>Environment Conservation Zone</p> <p>(a) to protect and restore areas of special ecological, scientific or aesthetic values,</p> <p>(b) to conserve biological diversity, native vegetation corridors, aboriginal heritage or cultural values of the land, and its scenic qualities.</p> <p>Public Recreation—Regional Zone</p> <p>(a) to enhance, restore and protect the natural and cultural heritage values of the land,</p> <p>(b) to enable the land to be used for regional open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.</p> <p>Public Recreation—Local Zone</p> <p>(a) to enhance, restore and protect the natural and cultural heritage values of the land,</p> <p>(b) to enable the land to be used for public open space or recreational purposes that are consistent with the protection of its natural and cultural heritage values.</p>	<p>The minor earth works will set the levels for the delivery of infrastructure and future embellishment and regeneration works.</p> <p>The minor earthworks will facilitate a public recreation area that will enhance and restore the natural and cultural heritage values of Menangle Park, as this is considered under another DA, this Clause does not apply.</p>	
<p>11 Zoning of land to which Part applies</p>	<p>For the purposes of this Part, land is within the land use zones shown on the land zoning map.</p>	<p>The subject site does not form part of a zone map for the GC SEPP and is zoned under the CLEP, as such, this Clause does not apply.</p>	<p>N/A</p>
<p>12 Land use table for zones to which Part applies</p>	<p>(1) The land use table set out at the end of this clause specifies the following for each land use zone—</p> <p>(a) development that may be carried out without consent,</p> <p>(b) development that may be carried out only with consent,</p> <p>(c) development that is prohibited.</p> <p>(2) This clause is subject to the other provisions of this Policy.</p> <p>Land use table</p> <p>Environment Conservation Zone</p> <p>(1) Permitted without consent Development permitted by or under the National Parks and Wildlife Act 1974 (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the Noxious Weeds Act 1993.</p>	<p>The subject site is not zoned under the SEPP, although, the minor earthworks are listed as a permissible land use. That being said, this Clause does not apply.</p>	<p>N/A</p>

	<p>(2) Permitted with consent Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks associated with environmental facilities, temporary structures.</p> <p>(3) Prohibited Any other development.</p> <p>Public Recreation—Regional Zone</p> <p>(1) Permitted without consent Development permitted by or under the National Parks and Wildlife Act 1974 (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the Noxious Weeds Act 1993.</p> <p>(2) Permitted with consent Development for building identification signs, environmental facilities, environmental protection works, flood mitigation works, information and education facilities, kiosks, public entertainment, recreation areas, recreation facilities (outdoor), temporary structures.</p> <p>(3) Prohibited Any other development.</p> <p>Public Recreation—Local Zone</p> <p>(1) Permitted without consent Development permitted by or under the National Parks and Wildlife Act 1974 (but only if the land is reserved under that Act); development for the purpose of eradicating noxious weeds in accordance with the Noxious Weeds Act 1993.</p> <p>(2) Permitted with consent Development for advertisements, advertising structures, drainage, earthworks, entertainment facilities, environmental protection works, flood mitigation works, kiosks associated with environmental facilities, public entertainment, recreation areas, recreation facilities, telecommunication facilities, telecommunication networks or temporary structures.</p> <p>(3) Prohibited Any other development.</p>		
13 Additional permitted uses	<p>(1) Despite anything to the contrary in this Part, development described or referred to in the Table to this clause may be carried out on land zoned under this Part—</p> <p>(a) with consent, or</p> <p>(b) if the Table so provides—without consent.</p>	The subject site is not identified as having an additional permitted use, as such, this Clause does not apply.	N/A

	(2) The consent authority must have regard to the objectives for development in the zone concerned when determining a development application in respect of any such development. Table of additional permitted uses (not included in this report).		
14 Development for previously permitted uses of land	<p>(1) Despite anything to the contrary in this Part, the consent authority may grant consent to the carrying out of development on land zoned under this Part that is not otherwise permitted by this Part if—</p> <p>(a) the development is of a kind that could be carried out on the land under an applicable environmental planning instrument immediately before the commencement of this Policy, and</p> <p>(b) the relevant public authority referred to in clause 15 that may be required to acquire the land grants concurrence to the proposed development, and</p> <p>(c) the development is consistent with the aims of this Policy.</p> <p>(2) In deciding whether to grant concurrence to proposed development under this clause, the relevant public authority must take the following matters into consideration—</p> <p>(a) the need to carry out development on the land for the purposes for which the land is zoned under this Part,</p> <p>(b) the imminence of acquisition of the land by the public authority,</p> <p>(c) the likely additional cost to the public authority resulting from the carrying out of the proposed development.</p>	The subject site is not zoned under the SEPP, instead being zoned under the CLEP, as such, this Clause does not apply. As an aside, the proposed development is generally consistent with the provisions of the CLEP.	N/A
15 Acquisition of land zoned under this Part	<p>The authority of the State that will be the relevant authority to acquire any land zoned under this Part, if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, is—</p> <p>(a) in the case of land within the Environment Conservation Zone or the Public Recreation—Regional Zone—the corporation constituted under section 2.5 (1) of the Act, or</p> <p>(b) (Repealed)</p> <p>(c) in the case of land within the Public Recreation—Local Zone—the council of the area in which the land is situated.</p>	The subject site is not zoned under the SEPP, instead being zoned under the CLEP, as such, this Clause does not apply.	N/A
Part 4 Development controls—general			

<p>16 Development applications in growth centres—matters for consideration until finalisation of precinct planning for land</p>	<p>(1) Until provisions have been specified in a Precinct Plan or in clause 7A with respect to the development of the land, consent is not to be granted to the carrying out of development on land within a growth centre unless the consent authority has taken into consideration the following—</p> <p>(a) whether the proposed development will preclude the future urban and employment development land uses identified in the relevant growth centre structure plan,</p> <p>(b) whether the extent of the investment in, and the operational and economic life of, the proposed development will result in the effective alienation of the land from those future land uses,</p> <p>(c) whether the proposed development will result in further fragmentation of land holdings,</p> <p>(d) whether the proposed development is incompatible with desired land uses in any draft environmental planning instrument that proposes to specify provisions in a Precinct Plan or in clause 7A,</p> <p>(e) whether the proposed development is consistent with the precinct planning strategies and principles set out in any publicly exhibited document that is relevant to the development,</p> <p>(f) whether the proposed development will hinder the orderly and co-ordinated provision of infrastructure that is planned for the growth centre,</p> <p>(g) in the case of transitional land—whether (in addition) the proposed development will protect areas of aboriginal heritage, ecological diversity or biological diversity as well as protecting the scenic amenity of the land.</p> <p>(2) This clause does not apply to land zoned under Part 3.</p>	<p>The subject site is not benefited by a Precinct Plan, although the consent authority (Local Planning Panel) can consent as it can be satisfied of the following:</p> <p>(a) The proposed development will not preclude any future urban and employment land uses, in fact the proposed development will encourage such uses.</p> <p>(b) The proposed development will not result in the alienation of land for future urban and employment lands.</p> <p>(c) The proposed development will result in residential allotments, which would be sold off but will not result in a fragmented ownership as the proposed development is consistent with the structure plan for Menangle Park.</p> <p>(d) The proposed development is not inconsistent with any draft EPI.</p> <p>(e) The proposed development is not inconsistent with any exhibited document relevant to the site.</p> <p>(f) The proposed development is generally consistent with the provisions of the Menangle Park structure plan, with all essential infrastructure being provided as each stage of Menangle Park comes online. Additionally, the applicant has entered into a State VPA for the delivery of the Spring Farm Parkway, a piece of State Infrastructure.</p> <p>(g) The proposed development has considered and satisfied the provisions of the relevant environmental and cultural legislation (as detailed in the Report attached to this document).</p>	Yes
<p>17 Referral to Department of Planning after</p>	<p>(1) This clause applies to land within a growth centres precinct that has been released by the Minister under the Environmental Planning and Assessment Regulation 2000 for urban development, and so applies until provisions</p>	<p>The Department of Planning, Infrastructure and Environment have detailed that this Clause does not apply to Menangle Park, as the site is not within a growth centres precinct that has been released by</p>	N/A

<p>release of precinct</p>	<p>have been specified in a Precinct Plan or in clause 7A with respect to the development of the land.</p> <p>(2) The consent authority must, in the case of a development application for the carrying out of development (not being for a single residential dwelling)—</p> <p>(a) with a capital investment value of more than \$500,000, or</p> <p>(b) in respect of land that has an area of more than 2 hectares, or</p> <p>(c) that is a subdivision of land (being a subdivision that creates 2 or more lots),</p> <p>refer the application to the Director-General of the Department of Planning for comment.</p> <p>Note.</p> <p>The Environmental Planning and Assessment Regulation 2000 (clause 275) provides that a development application referred to in this subclause cannot be made unless it is accompanied by an assessment of the consistency of the proposed development with the relevant growth centre structure plan.</p> <p>(3) The consent authority must take any comments received from the Director-General of the Department of Planning (within 21 days after the development application was referred to the Director-General for comment) into consideration when determining whether to grant consent to any such development.</p> <p>(4) In this clause, capital investment value of development has the same meaning as in the Environmental Planning and Assessment Regulation 2000.</p> <p>(5) Despite subclause (1), this clause does not apply to land within the Alex Avenue and Riverstone Precincts that is not land to which the Alex Avenue and Riverstone Precinct Plan 2010 (as referred to in Appendix 4) applies.</p> <p>Note.</p> <p>The Alex Avenue and Riverstone Precinct Plan 2010 applies to land in the Alex Avenue and Riverstone Precincts (as shown on the Land Application Map). The Land Application Map differs from the Precinct Boundary Map, and, as such, the Alex Avenue and</p>	<p>the Minister under the <i>Environmental Planning and Assessment Regulation 2000</i>. Instead, the site was released under the <i>Environmental Planning and Assessment Act 1979</i>. This being the case there is no need to refer the application.</p>	
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	Riverstone Precinct Plan 2010 does not apply to all the land in the Alex Avenue and Riverstone Precincts (as shown on the Precinct Boundary Map). (6) Despite subclause (5), this clause does apply to Lot 2, DP 563818.		
18 Water recycling and conservation	<p>(1) This clause applies to land within a growth centre—</p> <p>(a) that is serviced by a water recycling plant, or</p> <p>(b) that will be serviced by a water recycling plant as soon as the plant becomes operational.</p> <p>(2) A consent authority must not grant consent to the carrying out of development on land unless the consent authority is satisfied that recycled water from the water recycling plant will be provided to the development.</p> <p>(3) However, the consent authority may grant consent if it is satisfied that the development will be provided with recycled water from a water recycling or water conservation system approved by the Minister and specified in the Table to this clause.</p> <p>(4) Despite subclause (1), this clause does not apply to land in the Wilton Growth Area.</p> <p>Table of approved systems</p> <p>Note.</p>	The subject site is not currently, nor proposed, to be serviced by a waste water recycling plant, as such, this Clause does not apply.	N/A
18A Public utility undertakings and clearing of native vegetation	<p>On the commencement of this Policy, the Table was blank.</p> <p>(1) Development for public utility undertakings (other than electricity generating works or water recycling facilities) may be carried out without consent on land to which this Policy applies (subject to subclause (3)).</p> <p>(2) A public authority, or a person acting on behalf of a public authority, must not carry out development comprising the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003) on land that is not subject land (within the meaning of clause 17 of Schedule 7 to the Threatened Species Conservation Act 1995) unless the authority or person has—</p>	The proposed development does not seek to consent for <i>public utility undertakings</i> , as such, this Clause does not apply.	N/A

	(a) given written notice of the intention to carry out the development to the Department of Planning and Infrastructure, and (b) taken into consideration any response to the notice that is received from that Department within 21 days after the notice is given. (3) (Repealed)		
18B Electricity generating works and water recycling facilities	(1) The consent authority must not grant consent to development for the purpose of electricity generating works or water recycling facilities unless it is satisfied that the development— (a) will be of a small scale, and (b) is likely to have only a minor environmental impact, and (c) is consistent with the principles of ecologically sustainable development; (2) (Repealed)	The proposed development does not seek consent for electricity generating works or water recycling facilities, as such, this Clause does not apply.	N/A
Part 5 Development controls—flood prone and major creeks land			
19 Development on flood prone and major creeks land—additional land—additional heads of consideration	(1) This clause applies to development requiring consent that is carried out on flood prone and major creeks land (other than any such land to which clause 20 applies). (2) Consent is not to be granted to the carrying out of development to which this clause applies unless the consent authority has taken the following into consideration— (a) whether or not the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, (b) whether or not the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain, (c) whether the development will enable safe occupation of the flood prone and major creeks land, (d) whether or not the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse, (e) whether or not the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding.	The proposed development will not take place on flood prone or major creeks land. Despite this Clause not being applicable, the Engineering Plans and Engineering Design Report, prepared by SMEC, accompanying the proposed development, demonstrate the proposal will not have a detrimental impact on the surrounding natural and built environments, in relation to flood prone and major creeks land.	Yes

	<p>(f) whether or not the development is compatible with the flow conveyance function of the floodway,</p> <p>(g) whether or not the development is compatible with the flood hazard,</p> <p>(h) in the case of development consisting of the excavation or filling of land, whether or not the development—</p> <p>(i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and</p> <p>(ii) will significantly impact on the likely future use or redevelopment of the land, and</p> <p>(iii) will adversely impact on the existing and likely amenity of adjoining properties, and</p> <p>(iv) will minimise the disturbance of relics, and</p> <p>(v) will adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Note.</p> <p>Section 4.15 of the Act requires other matters to be taken into consideration by a consent authority, including any draft environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in an Appendix to this Policy.</p>		
<p>20 Development on and near certain land at Riverstone West</p>	<p>(1) This clause applies to the land shown outlined in red on the North West Growth Centre Development Control Map.</p> <p>(2) Despite any other provision of this Policy (including any Precinct Plan), the consent authority must not grant consent for development on land to which this clause applies unless it is satisfied that the proposed development—</p> <p>(a) will be undertaken in a manner that is consistent with the Floodplain Management Strategy (being part of the Riverstone West Precinct Development Control Plan), and</p> <p>(b) does not increase flood levels on adjoining properties in events up to the design 100 year recurrence flood, and</p> <p>(c) limits any increases in flood velocities on adjoining properties in events up to the design 100 year recurrence flood to minor increases only, and</p>	<p>The subject site is not identified in the referenced map, as such, this Clause does not apply.</p>	N/A

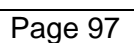
	(d) is not likely to result in adverse flood impacts on adjoining properties (including during any construction stage of the proposed development). (3) This clause does not apply to development that the consent authority is satisfied is minor and will not result in unacceptable adverse flood impacts on adjoining properties.		
Part 6 Development controls—vegetation			
21 Land to which Part applies	<p>(1) This Part applies to the following land—</p> <p>(a) land zoned under Part 3,</p> <p>(b) flood prone and major creeks land,</p> <p>(c) transitional land,</p> <p>(d) land that is—</p> <p>(i) under State Environmental Planning Policy (Western Sydney Parklands) 2009, in an environmental conservation area shown on the State Environmental Planning Policy (Western Sydney Parklands) 2009 Environmental Conservation Areas Map, and</p> <p>(ii) in a growth centre.</p> <p>(2) This Part does not apply to land reserved under the National Parks and Wildlife Act 1974, unless the land is land mentioned in subclause (1) (d).</p> <p>(3) In relation to land in the Oran Park and Turner Road Precincts, this Part applies to land within the Riparian Protection Area shown on the Riparian Protection Area Map.</p> <p>(4) Despite subclause (1), this Part does not apply to the following—</p> <p>(a) the North Kellyville Precinct,</p> <p>(b) the Riverstone West Precinct,</p> <p>(c) land to which the Alex Avenue and Riverstone Precinct Plan 2010 (as referred to in Appendix 4) applies,</p> <p>(d) the Marsden Park Industrial Precinct,</p> <p>(e) land to which the Area 20 Precinct Plan 2011 (as referred to in Appendix 6) applies,</p> <p>(f) the Schofields Precinct,</p> <p>(g) land to which the Liverpool Growth Centres Precinct Plan 2013 (as referred to in Appendix 8) applies,</p> <p>(h) land to which the Camden Growth Centres Precinct Plan 2013 (as referred to in Appendix 9) applies.</p>	The subject site is identified within the Greater Macarthur Growth Area, as such, this Clause applies.	Yes

	(i) land to which the Campbelltown Growth Centres Precinct Plan 2013 (as referred to in Appendix 10) applies, (j) the Box Hill and Box Hill Industrial Precincts, (k) land to which the Blacktown Growth Centres Precinct Plan 2013 (as referred to in Appendix 12) applies, (l) land to which the Hawkesbury Growth Centres Precinct Plan 2017 (as referred to in Appendix 13) applies, (m) land to which the South East Wilton Precinct Plan 2018 (as referred to in Appendix 14) applies, (n) land to which the North Wilton Precinct Plan 2018 (as referred to in Appendix 15) applies.		
22 Vegetation to which Part applies	(1) This Part applies to native vegetation within the meaning of the Native Vegetation Act 2003. (2) This Part does not apply to any particular native vegetation that the council of the area concerned is satisfied— (a) is dying or dead and is not required as the habitat of native fauna, or (b) is a risk to human life or property. (3) This Part does not apply to any native vegetation— (a) within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or (b) declared to be noxious weeds under the Noxious Weeds Act 1993.	The proposed development involves the removal of native vegetation as defined by the Native Vegetation Act 2003, as such, this Clause applies.	Yes
23 Consent for clearing native vegetation	(1) A person must not clear native vegetation on land to which this Part applies without— (a) approval under Part 3A of the Act, or (b) development consent. For the purposes of this clause, clearing native vegetation has the same meaning as it has in the Native Vegetation Act 2003. Note. A consent of the relevant consent authority required under this clause for the clearing of native vegetation is in addition to any development consent required or granted by the Minister for Natural Resources under the Native Vegetation Act 2003 in respect of that clearing.	The proposed development is seeking development consent for the removal of some scattered native and exotic vegetation, as such this Clause applies. (2) The consent authority can be satisfied with this Clause in light of the following justification: (a) The proposed development facilitates orderly and economic development, with the upmost consideration of the environmental constraints. Avoiding all bushland would result in an inefficient development with heavily fragmented bushland, that would be unsustainable. The proposed development would allow for the retention of higher quality bushland and	Yes

	<p>(2) Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of bushland caused by the clearing of the vegetation—</p> <p>(a) that there is no reasonable alternative available to the disturbance of the bushland,</p> <p>(b) that as little bushland as possible will be disturbed,</p> <p>(c) that the disturbance of the bushland will not increase salinity,</p> <p>(d) that bushland disturbed for the purposes of construction will be re-instated where possible on completion of construction,</p> <p>(e) that the loss of remnant bushland caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant bushland,</p> <p>(f) that no more than 0.5 hectare of bushland will be cleared unless the clearing is essential for a previously permitted use of the land.</p> <p>(3) The consent authority must, when determining a development application in respect of the clearing of native vegetation on land within a zone under Part 3, have regard to the objectives for development in that zone.</p> <p>(4) This clause does not apply to or in respect of action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993, the Sydney Water Act 1994 or the Surveying Act 2002.</p>	<p>revegetation of these areas to enhance their intrinsic and extrinsic value.</p> <p>(b) The clearing works associated with the proposed development are minimised with all retained vegetation being fenced before on ground works commence.</p> <p>(c) The proposed development will not result in increased salinity levels, this is supported by the Salinity Assessment supporting the application.</p> <p>(d) The proposed development will set the basis for future restoration works, particularly in the proposed conservation areas.</p> <p>(e) As above.</p> <p>(f) The proposed development will result in the removal of scattered trees which forms an area less than 0.5ha. That being said, the subject site was rezoned on 17 November 2017 with an amendment to the CLEP 2015. The CLEP 2015 amendment facilitated the proposed development and this rezoning occurred two years prior to the declaration of the Greater Macarthur Growth Area on the 6 December 2019. The subject application was lodged prior to the site being identified within the SEPP and the subdivision is consistent with the provisions of the CLEP, as such, the proposed development can be considered to be a <i>previously permitted use of the land</i>. Additionally, the removal of vegetation has been dealt with under the <i>Threatened Species Conservation Act 1995</i>, in line with transitional provisions that apply to the Campbelltown LGA.</p>	Yes
24 Relationship to tree preservation under other planning instruments	<p>This Part does not affect any requirement of another environmental planning instrument applying to the land concerned relating to the preservation of trees. However, a development consent granted under this Part that allows any clearing of native vegetation satisfies any requirement under that other instrument for approval of any ringbarking, cutting</p>	<p>The proposed development is consistent with the provisions of CLEP 2015 and this is detailed in the report to which this document is attached.</p>	

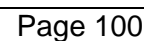
	down, topping, lopping, removal, injuring or destruction of a tree resulting from any such clearing.		
Part 7 Development controls—cultural heritage landscape area			
25 Application of Part	This Part applies to development requiring consent that is carried out on the cultural heritage landscape area, being the land in the vicinity of the Rouse Hill House Estate that is shown hatched brown on the map marked "North West Growth Centre Development Control Map".	The subject site is not identified within the provisions of this Clause, as such, this Clause does not apply.	N/A
26 Development on land in cultural heritage landscape area—additional heads of consideration	<p>Consent is not to be granted to the carrying out of development to which this Part applies unless the consent authority has taken the following into consideration—</p> <p>(a) whether or not the development will adversely impact on the cultural heritage values of the Rouse Hill House Estate and its setting, having regard, in particular, to the following matters—</p> <p>(i) any proposed subdivision design and layout,</p> <p>(ii) the siting, height, bulk and scale of any proposed buildings or works (including any buildings or works likely to result from any proposed subdivision),</p> <p>(iii) the materials and colours to be used in any proposed buildings, fences or other structures,</p> <p>(iv) the extent, location and form of any proposed landscaping and its ability to reduce the visual impact of the development,</p> <p>(v) the impact of the development on any archaeological relics,</p> <p>(b) a site analysis of the cultural heritage landscape area that assesses development that is responsive to the topography of the area and to other development in the vicinity,</p> <p>(c) a visual analysis that assesses the impact of the development on views to and from the Rouse Hill House Estate,</p> <p>(d) measures to minimise any adverse impact of the development on the cultural heritage values of Rouse Hill House Estate and its setting.</p> <p>Note. Section 4.15 of the Act requires other matters to be taken into consideration by a consent authority, including any draft</p>	The subject site is not identified within the provisions of this Clause, as such, this Clause does not apply.	N/A

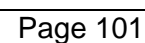
		environmental planning instrument that is placed on public exhibition during the precinct planning process for the purpose of including relevant land use and other development controls in Schedule 1.	

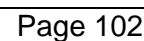


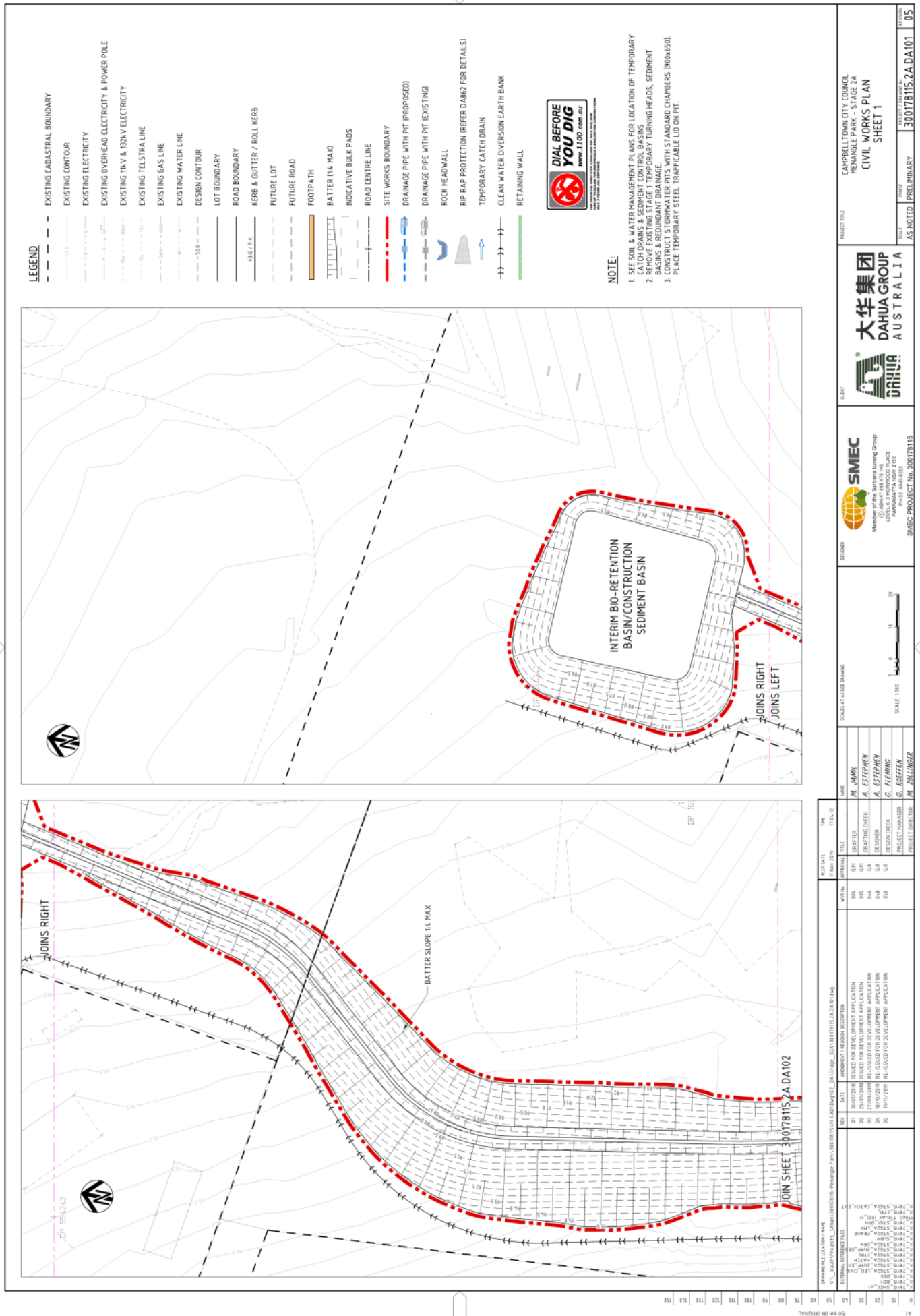
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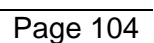
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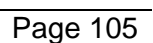


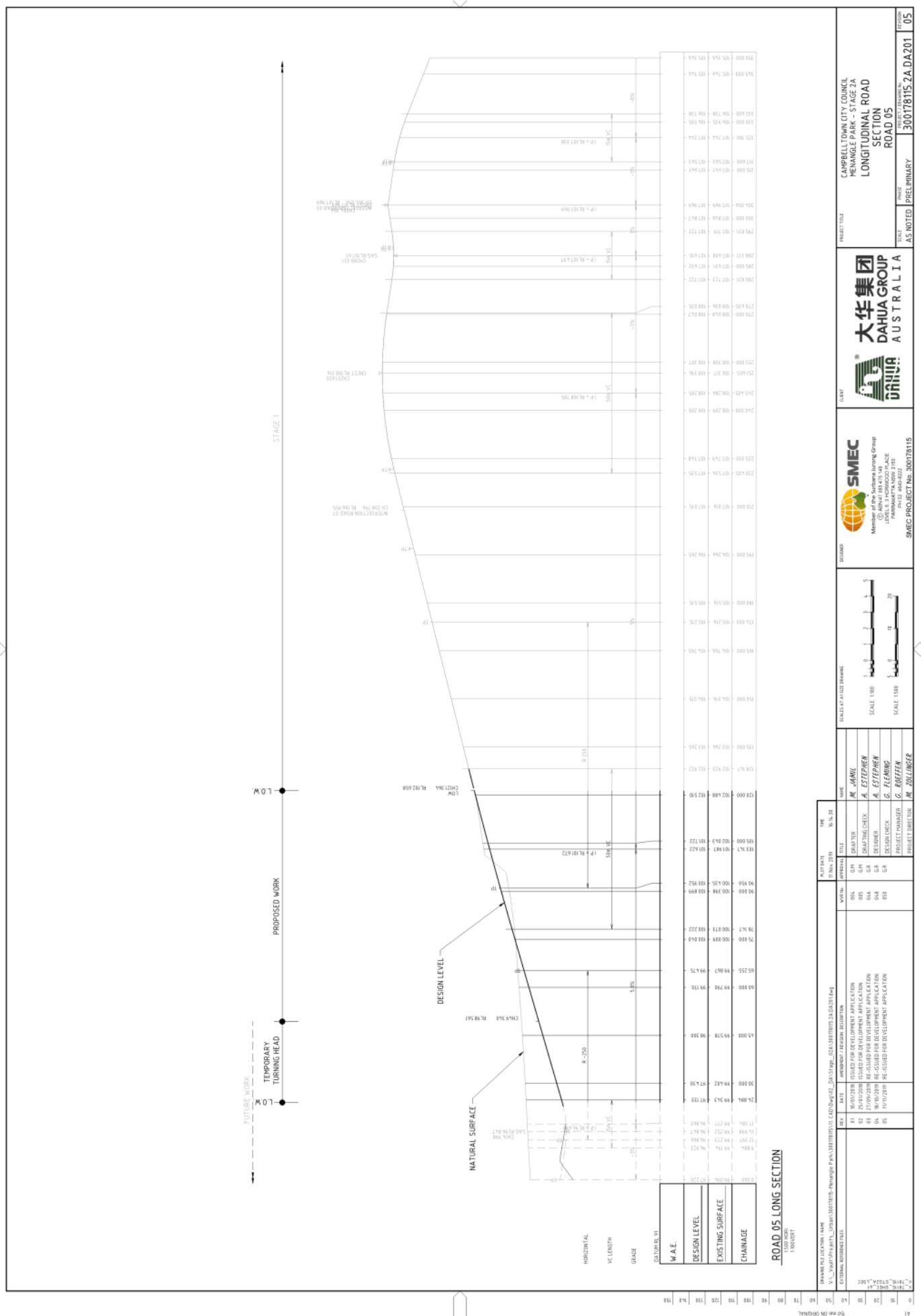


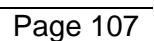


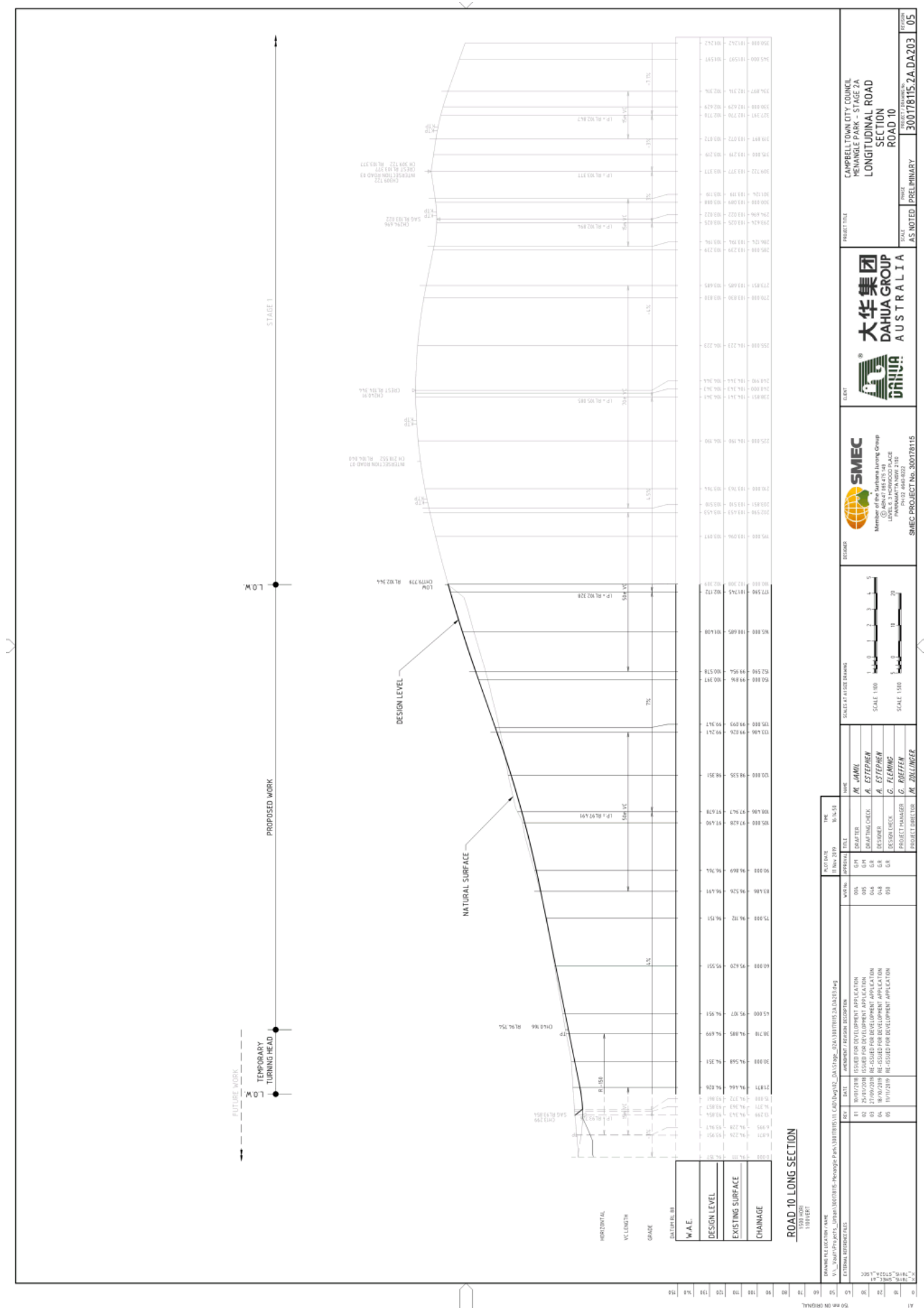


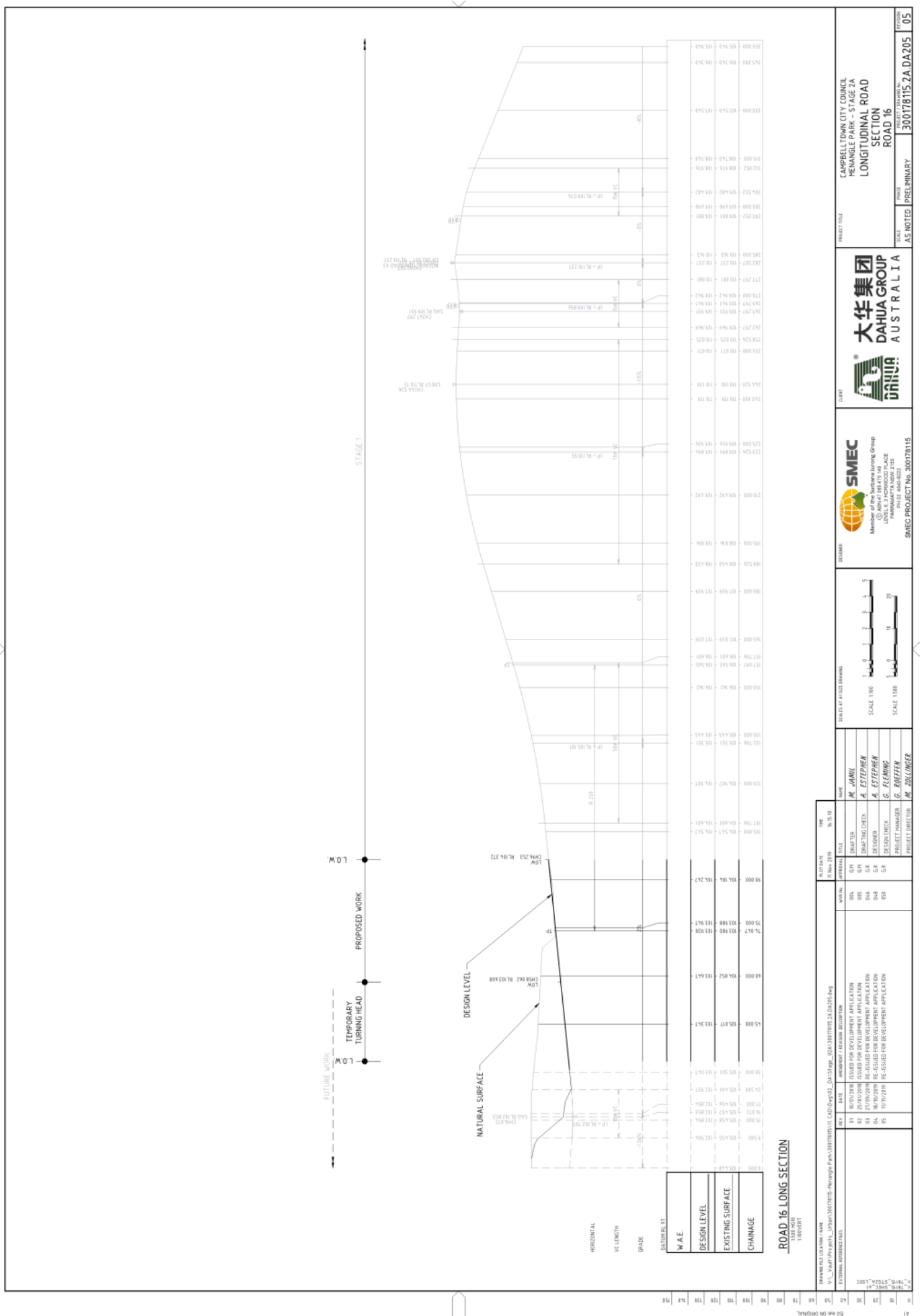


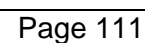


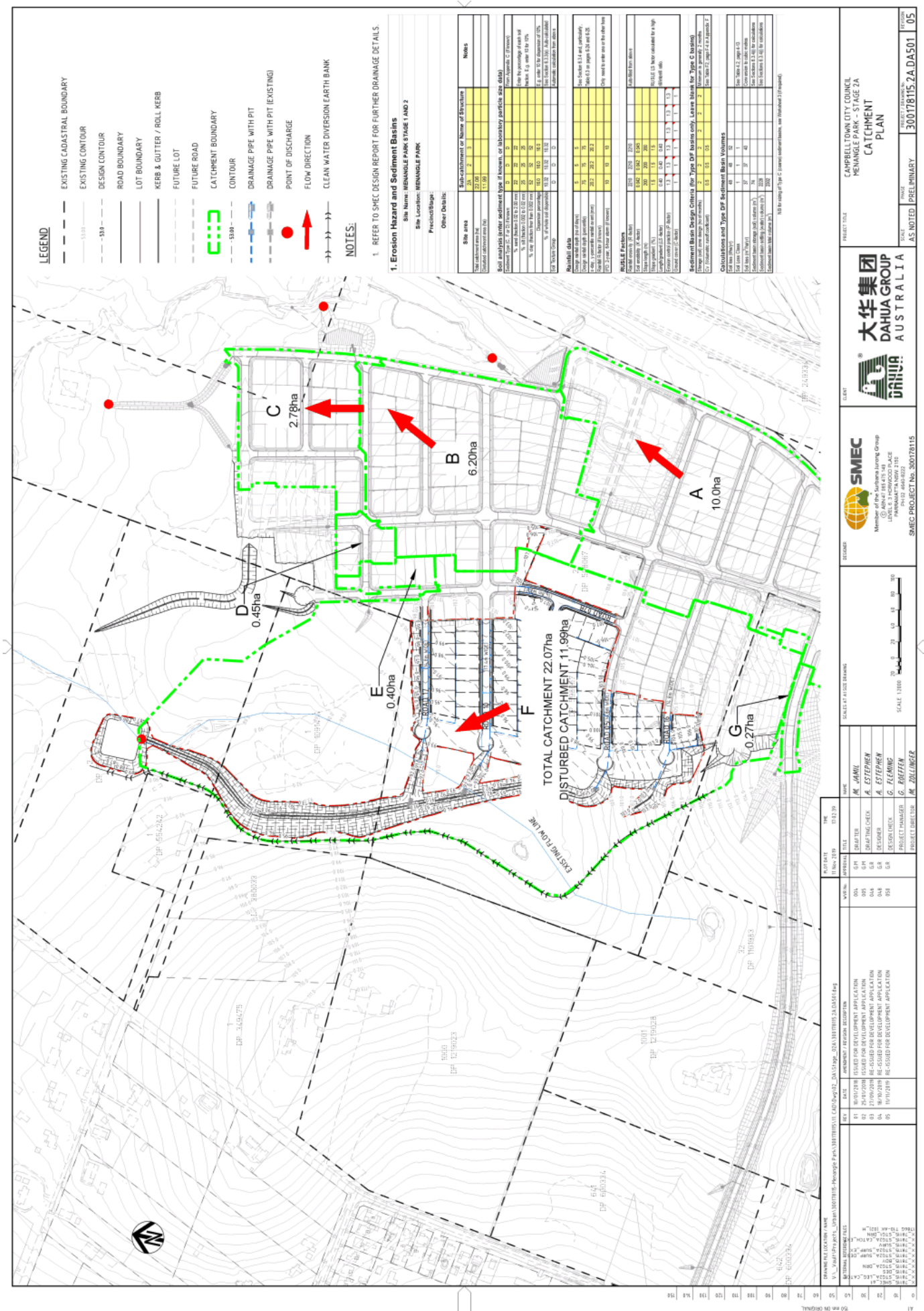


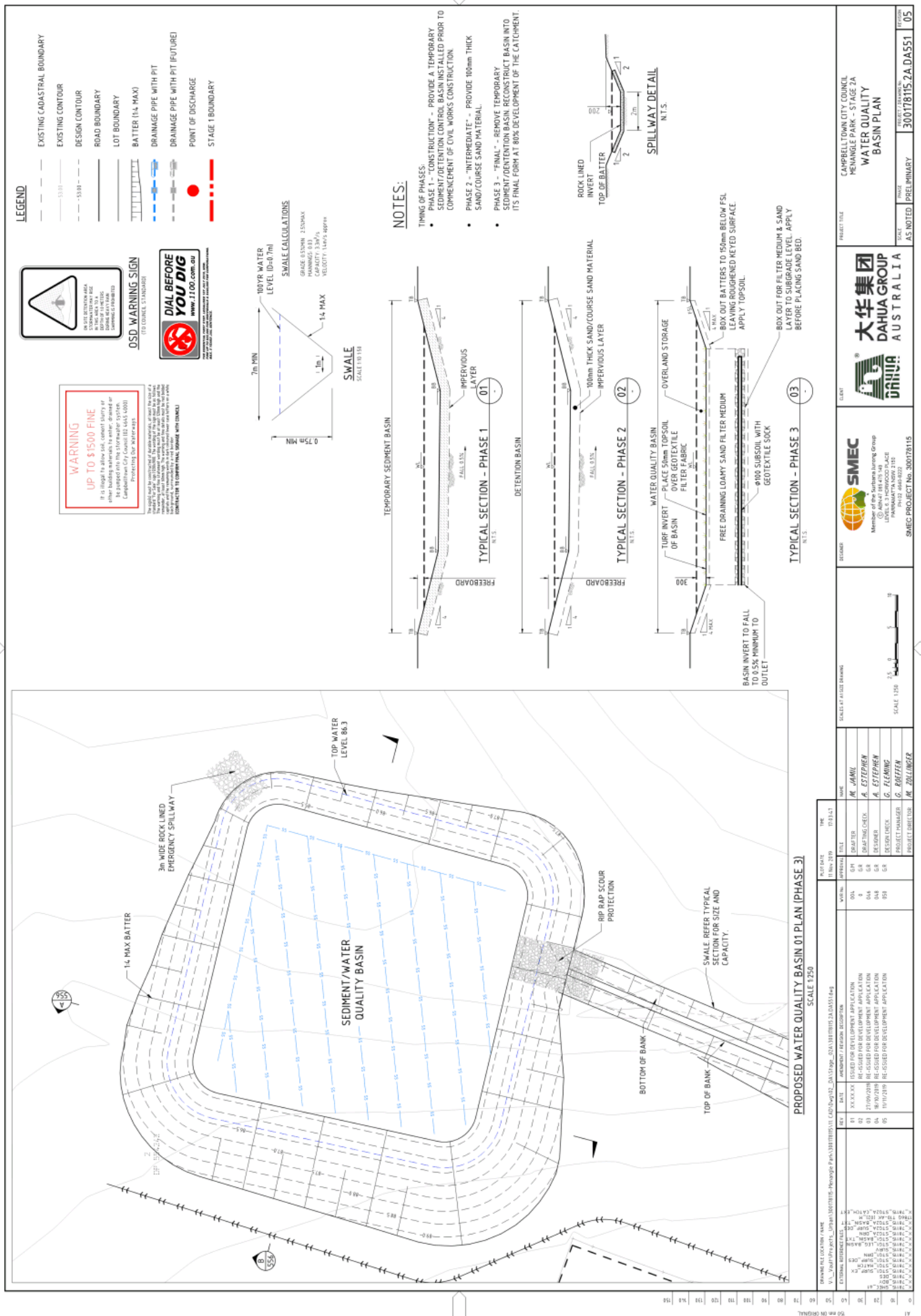


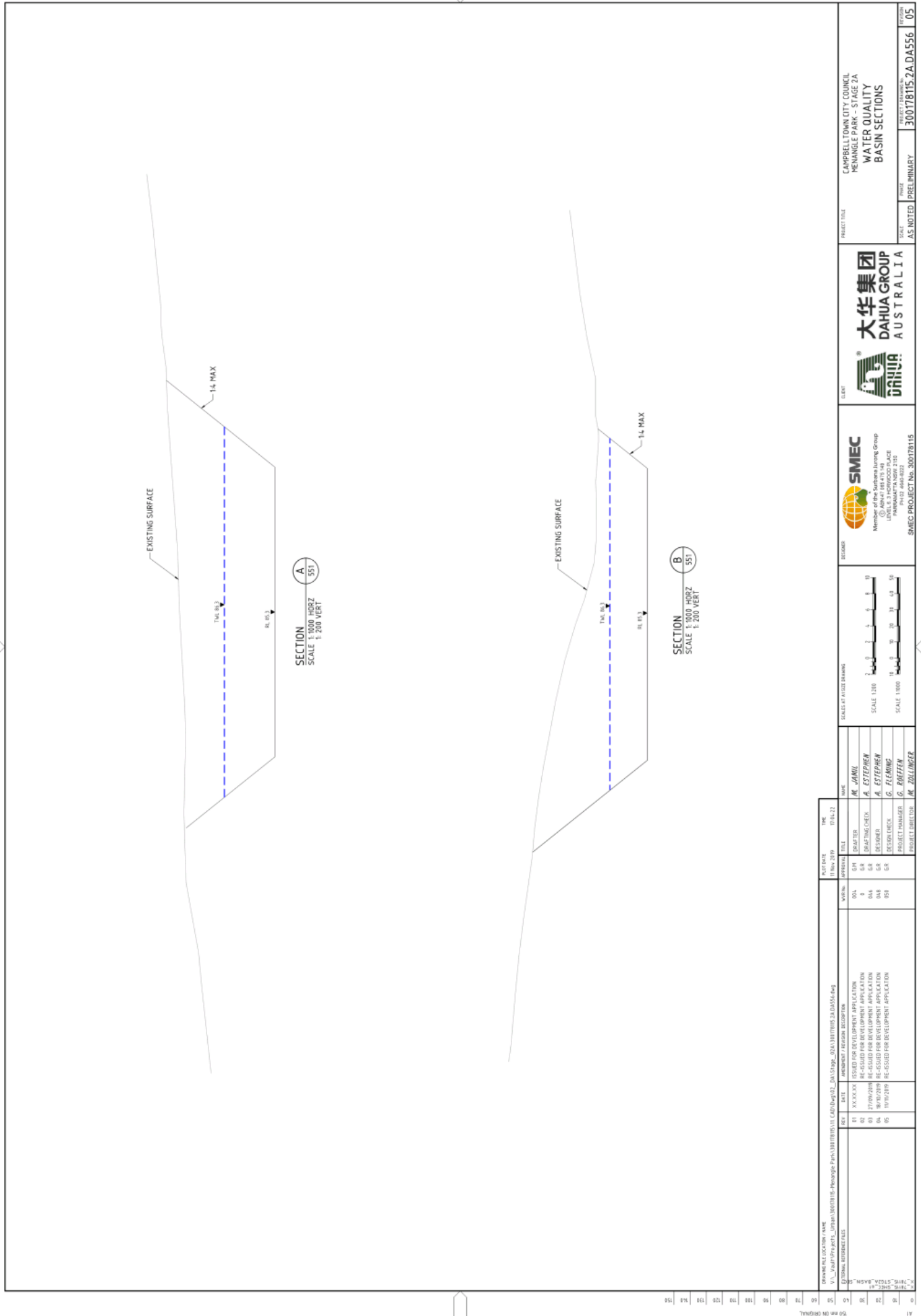




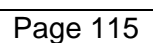


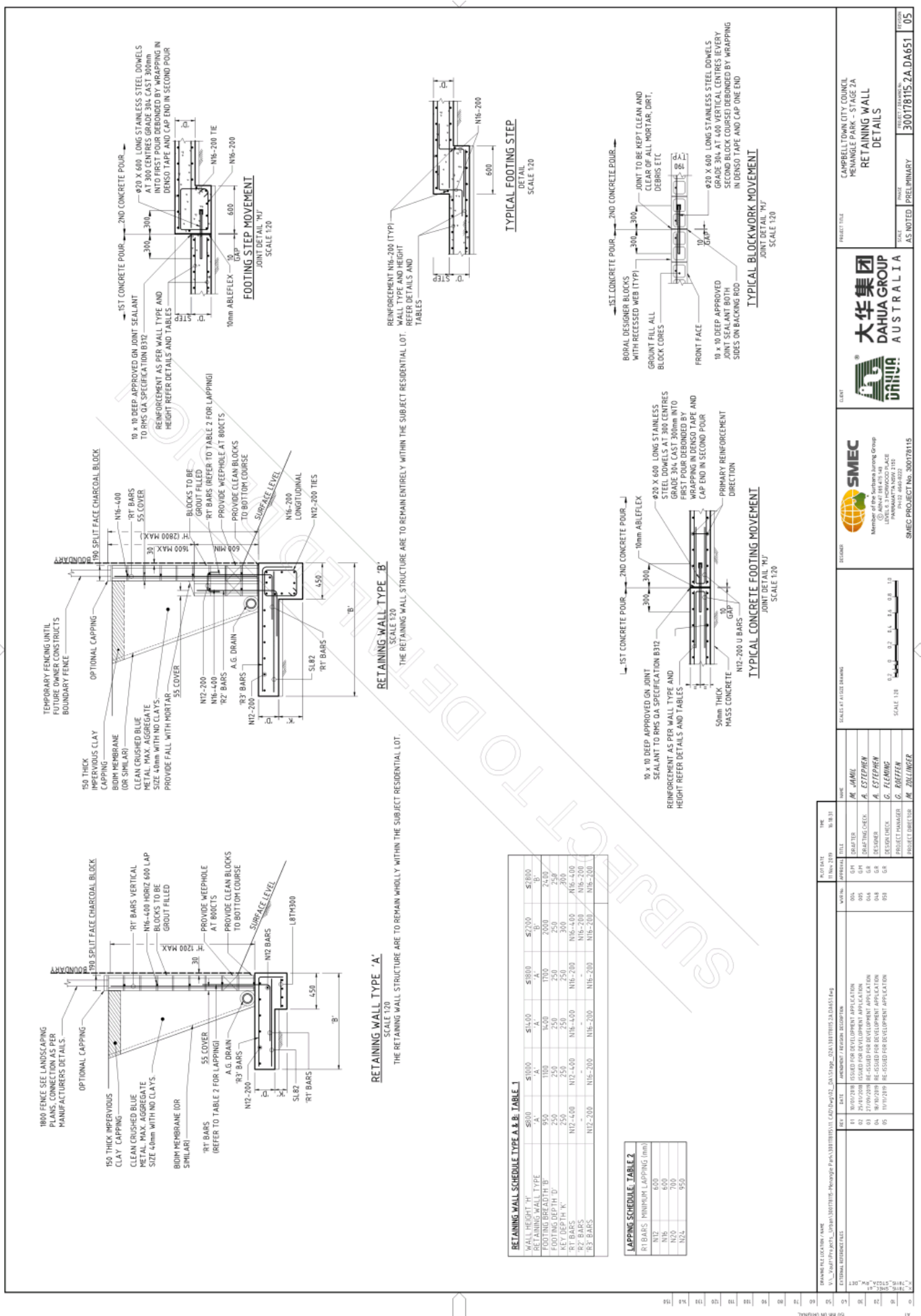


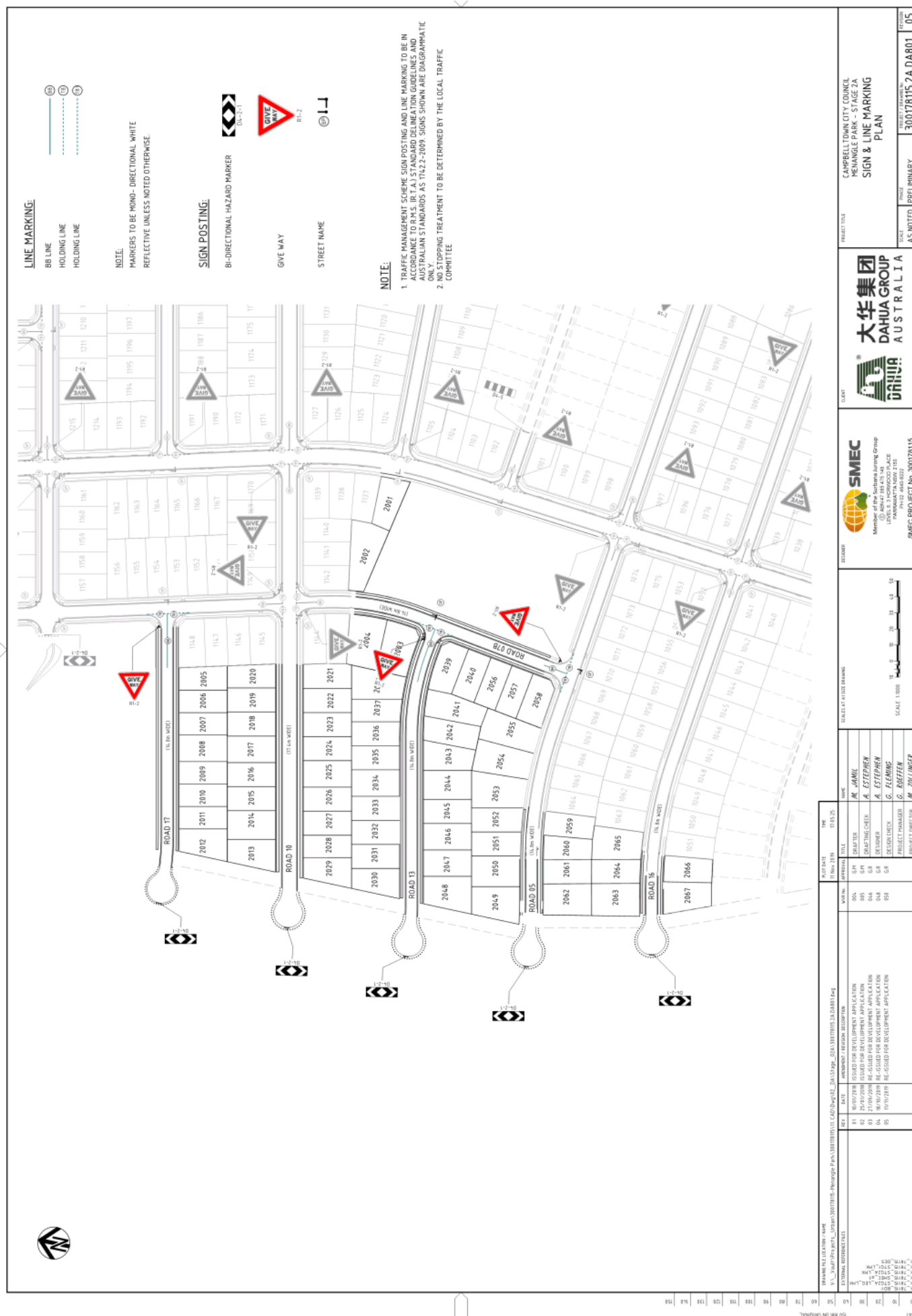


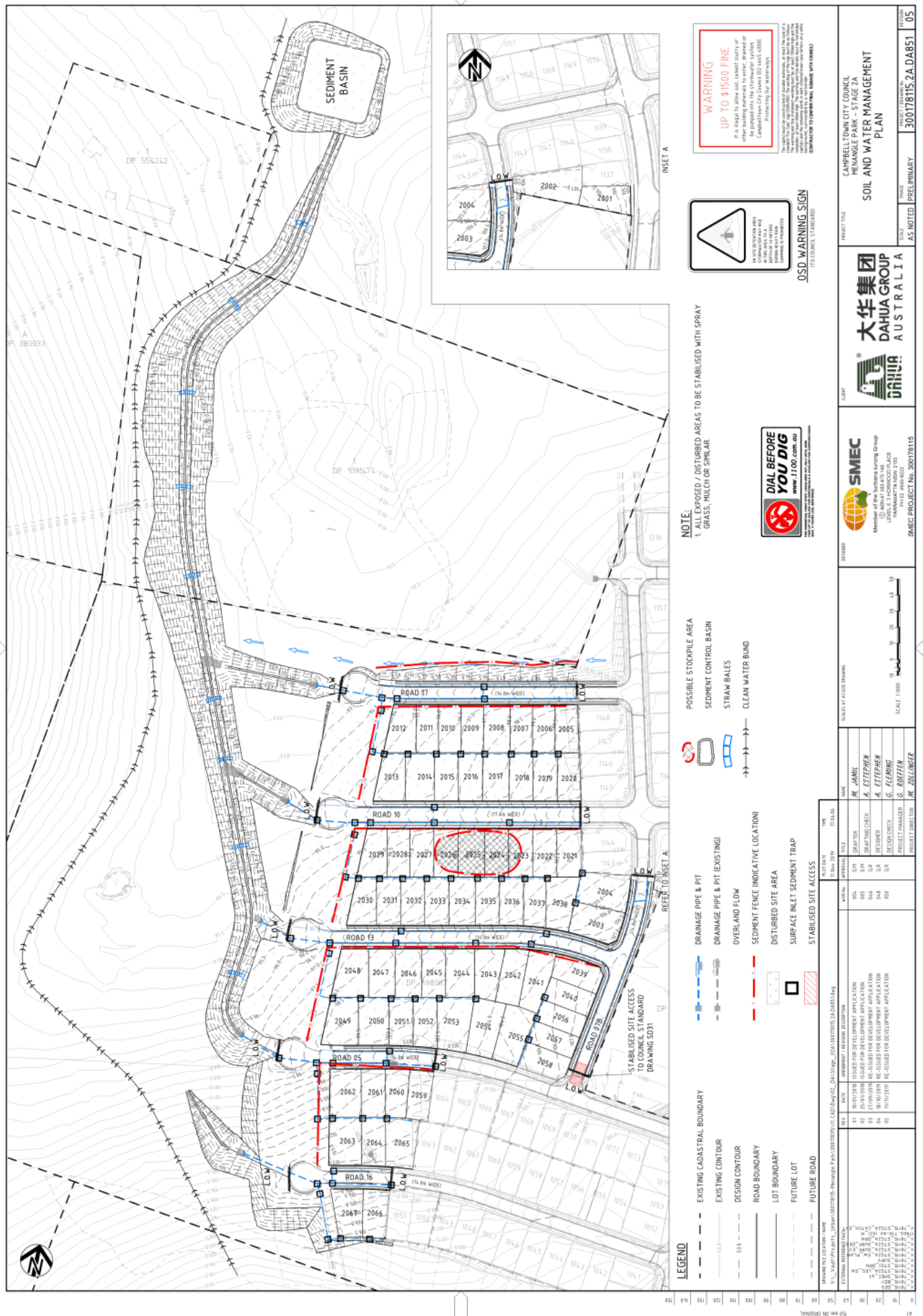


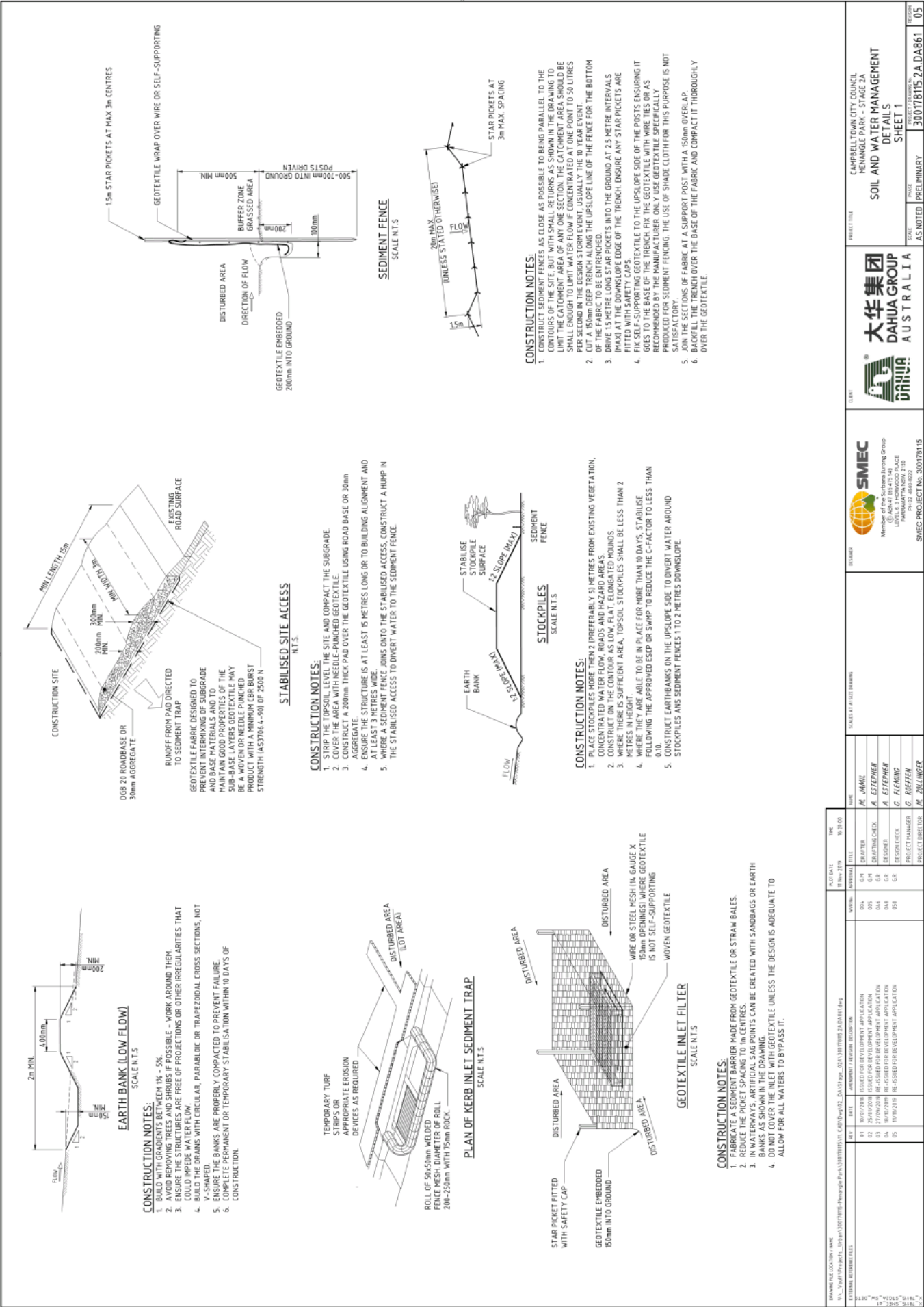
<p>DAHUA GROUP DAHUA GROUP AUSTRALIA</p>		<p>CAMPBELLTOWN CITY COUNCIL MENANGLE PARK - STAGE 2A WATER QUALITY BASIN SECTIONS</p>		<p>PROJECT NO. 30078115.2A.DA556</p>
<p>DAHUA GROUP DAHUA GROUP AUSTRALIA</p>		<p>PROJECT TITLE</p>		<p>SCALE AS NOTED</p>
<p>DAHUA GROUP DAHUA GROUP AUSTRALIA</p>		<p>PROJECT NO. 30078115.2A.DA556</p>		<p>DATE 05</p>
<p>DAHUA GROUP DAHUA GROUP AUSTRALIA</p>		<p>PROJECT NO. 30078115.2A.DA556</p>		<p>DATE 05</p>

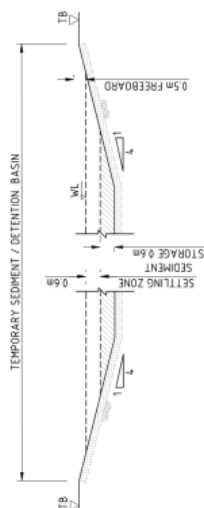












TYPICAL SECTION - SEDIMENT BASIN

CONSTRUCTION NOTES:

1. STRIP THE TOPSOIL, LEVEL THE SITE AND COMPACT THE SUBGRADE.
2. CONSTRUCT THE AREA WITH NEEDLE-PUNCHED GEOTEXTILE TO BE CONFINED TO 100mm.
3. CONSTRUCT A 200mm THICK PAD OVER THE GEOTEXTILE USING ROAD BASE OR 30mm AGGREGATE.
4. ENSURE THE STRUCTURE IS AT LEAST 15 METRES LONG OR TO BUILDING ALIGNMENT AND AT LEAST 3 METRES WIDE.
5. WHERE A SEDIMENT FENCE JOINS INTO THE STABILISED ACCESS, CONSTRUCT A HUMP IN THE STABILISED ACCESS TO DIVERT WATER TO THE SEDIMENT FENCE.

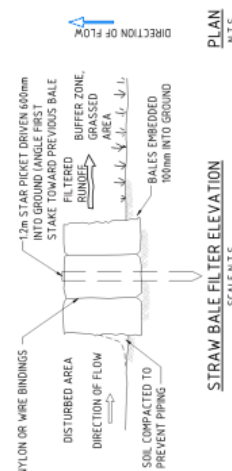
CONTRACTOR TO CONFIRM FINAL SIGNAGE WITH COUNCIL)

The sign(s) must be constructed of durable materials, at least the size of a standard "For Sale" sign (1200x900). The wording of the sign must be as follows: The warning and fine statement wording must be at least 120mm high and the remainder at least 60mm high. The warning and fine details must be red bolded capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

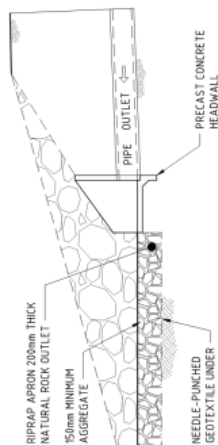


CONSTRUCTION NOTES:

- CONSTRUCT STRAW BALE FILTER AS LOOSE AS POSSIBLE TO THE CONTOURS OF THE SITE OR AT THE EDGE OF A SLOPE. TO PLACE BALES LENGTHWISE IN A ROW WITH TIGHTLY ABUTTING USE STRAW TO MAXIMIZE HEIGHT OF FILTER. TO PLACE BALES SIDE BY SIDE TO BE PLACED PARALLEL TO GROUND. PLACING HEIGHT OF FILTER IS ONE BALE. PLACING LENGTH OF FILTER IS ONE BALE. ON SOFT MATERIALS, EMBED EACH BALE IN THE GROUND 50cm TO 90cm AND ANCHOR WITH TWO 7/8" STEEL PICKETS. ANGLE THE FIRST STRAW BALE TOWARDS THE GROUND AND THE SECOND STRAW BALE DRIVE 90cm IN TO THE GROUND AND FLUSH WITH THE TOP OF THE BALES. WHERE STRAW BALE FILTER IS CONSTRUCTED DOWNSLOPE FROM A DISTURBED BATTER THE BALES SHOULD BE LOCATED 50cm TO 2m DOWNSLOPE FROM THE TOP OF THE BATTER. ON A STEEP SLOPE, THE BALES SHOULD BE LOCATED 10m TO 20m UP THE SLOPE. IF THE BATTER IS RETAINED, THEY COULD REQUIRE REINFORCEMENT EACH TWO TO FOUR FEET.



STRAW BALE FILTER ELEVATION



RIPRAP/SCOUR PROTECTED OUTLET DETAIL



TYPICAL RIPRAP/SCOUR PROTECTION APRON SECTION

[illegible]

**NSW RURAL FIRE SERVICE**

Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Your reference: 292/2018/DA-SW
Our reference: DA-2018-01694-CL55-1

ATTENTION: Sam Smith

Date: Tuesday 25 February 2020

Dear Sir/Madam,

Integrated Development Application

s100B – Subdivision – Torrens Title Subdivision

Menangle Rd Menangle Park NSW 2568 AUS, 2//DP554242, 1//DP598067, 641//DP600334, 1//DP1091474, 32//DP1101983, 1001//DP1219028, 31//DP1101983

I refer to your correspondence dated 29/11/2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

General Conditions

1. Stage 2A - The development proposal is to generally comply with the subdivision layout identified on the drawing prepared by Craig & Rhodes numbered 1786 (Stage 2A), dated 21/10/2019.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

2. At the issue of subdivision certificate and in perpetuity the entirety of Stage 2A shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

3. A restriction to the land use pursuant to section 88 of the 'Conveyancing Act 1919' shall be placed over temporary Asset Protection Zones (APZ) as depicted in Figure 2 of the Bushfire Protection Addendum by ecological dated 7/11/2019 ref: 19HNG_13440 (Stage 2A). APZ shall be managed as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au



Restriction can be extinguished upon development of the land providing the hazard is removed as part of that approval.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. Public road access shall comply with the requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006':

5. Right of Way primary access

Construction of the Right of Way primary access (temporary) road shall include:

- A Right of Way easement pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over the road providing benefit to all lots within Stage 2A for unobstructed access.
- provide a minimum sealed surface of 6.0 metres and 1.5 metre sealed shoulders on either side,
- minimum distance between inner and outer curves is 6 metres,
- maximum grades do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- minimum vertical clearance to a height of 4 metres above the road at all times.
- The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
- The Right of Way shall be extinguished upon completion of future Stages within Menangle Urban Release Area that provide a minimum of two public access roads connecting Stage 2A to the wider existing public road network.

6. Temporary dead-end roads shall incorporate a minimum 12 metre outer radius turning circle.

Access – Property Access

The intent of measures is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

7. Secondary access (temporary) - north of Stage 1 to Cummins Road.

Secondary access road (temporary) shall be upgraded where necessary to include:

- Signage to restrict access may be installed, however access road shall not include a locked gate
- A Right of Way easement pursuant to section 88B of the 'Conveyancing Act 1919' shall be placed over the road providing benefit to all lots within Stage 1 for unobstructed access.
- All weather surface minimum 4.0 wide,
- Minimum vertical clearance to a height of 4 metres above the road at all times.
- 6.0 wide passing bays every 200 metres,
- Crossfall not more than 10 degrees
- Sealed where gradients exceed 10 degrees
- The Right of Way shall be extinguished upon completion of future Stages within Menangle Urban Release Area that provide a minimum of two public access roads connecting Stage 2A to the wider existing public road network.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

8. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.



9. Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1 - 'Fire Hydrant Installations'.

General Advice - Consent Authority to Note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 4.14 of the EP & A Act and address the requirements of Planning for Bush Fire Protection.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 11 July 2019.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Martha Dotter

**Team Leader, Dev. Assessment & Planning
Planning and Environment Services**





NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision

Menangle Rd Menangle Park NSW 2568 AUS, 2//DP554242, 1//DP598067, 641//DP600334,
1//DP1091474, 32//DP1101983, 1001//DP1219028, 31//DP1101983

RFS Reference: DA-2018-01694-CL55-1

Your Reference: 292/2018/DA-SW

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority (none) issued on and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Martha Dotter

Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Tuesday 25 February 2020



117 Bull Street, Newcastle West NSW 2302
Tel 02 4908 4300 | www.subsidenceadvisory.nsw.gov.au
24 Hour Emergency Service: Free Call 1800 248 083
ABN 87 445 348 918

FN17-62409P1
TSUB18-00456

Benaiah Pty Ltd
ATTN: Angus Fulton
Angus.fulton@benaiah.com.au

Dear Angus

**RE PROPOSED STAGE 2A – EIGHTY-NINE (89) LOT SUBDIVISION AT MENANGLE ROAD
MENANGLE PARK; LOT 1 DP 598067 (PROPOSED LOT 1252); TSUB18-00456**

NOTICE OF DETERMINATION

I refer to the application detailed above. Subsidence Advisory NSW has determined to grant approval under section 22 of the *Coal Mine Subsidence Compensation Act 2017*.

Approval has been granted, subject to the conditions set out in the attached determination under Schedule 2. The stamped approved plans are attached.

Once relevant documentation to meet the conditions in Schedule 2 are available, please email through to SA-Risk@finance.nsw.gov.au quoting reference **TSUB18-00456**.

Should you have any questions about the determination I can be contacted by phone on 02 4908 4300 or via email at shane.mcdonald1@finance.nsw.gov.au

Yours faithfully,

Signature Removed

Shane McDonald
Senior Risk Engineer

14 January 2019

DETERMINATION

Issued in accordance with section 22 of the *Coal Mine Subsidence Compensation Act 2017*

As delegate for Subsidence Advisory NSW under delegation executed 14 January 2019 approval is for the development described in Schedule 1, subject to the conditions attached in Schedule 2.

Determination Date: 14 January 2019

Approval to Lapse on: 14 January 2024

The conditions of approval are imposed for the following reasons:

- a) To confirm and clarify the terms of Subsidence Advisory NSW approval.
- b) To minimise the risk of damage to surface development from mine subsidence.

Shane McDonald
Senior Risk Engineer

14 January 2019

SCHEDULE 1

Application No: **TSUB18-00456**
Applicant: **BENAIAH PTY LTD**
Site Address: **MENANGLE ROAD MENANGLE PARK**
Lot and DP: **LOT 1 DP 598067 (PROPOSED LOT 1252)**
Proposal: **STAGE 2A – EIGHTY-NINE (89) LOT SUBDIVISION**
Mine Subsidence District: **SOUTH CAMPBELL TOWN**

SCHEDULE 2

CONDITIONS OF APPROVAL

Plans, standards and guidelines	
1.	The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval. Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of formal advice for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new Application will have to be submitted to Subsidence Advisory NSW.
2.	This approval expires 5 years after the date the approval was granted if subdivision works have not physically commenced.
3.	Subsidence Advisory NSW is to be notified of any changes to lot numbering and the registered DP number.
4.	Any ancillary structures or services identified in the subdivision plan shall be designed with flexible joints and remain safe, serviceable and repairable using mine subsidence design parameters below.
5.	Prescribed Design Parameters The proposed structure(s) is to be designed to be " <i>safe, serviceable and repairable</i> " using the subsidence parameters outlined below: a) Maximum vertical subsidence: 1500 mm b) Maximum Horizontal Strains: (+/-): 2 mm/m c) Maximum Tilt: 6 mm/m d) Maximum Radius of Curvature: 7 km
6.	Submit a final design for acceptance by Subsidence Advisory NSW prior to commencement of construction. It shall include certification by a qualified engineer to the effect that the improvements will remain " <i>safe, serviceable and repairable</i> " taking into consideration the mine subsidence parameters outlined above.
7.	Approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i> is also required for the erection of all improvements on the land. As a guide, improvements shall comply with Subsidence Advisory NSW nominated Surface Development Guidelines, or otherwise assessed on merit.

Dispute Resolution

If you are dissatisfied with the determination of this application an appeal may be formally submitted with the Chief Executive Officer for an independent internal review. The application must be made in writing and must provide reasons why the determination should be changed.



Planning,
Industry &
Environment

Our ref: SF20/19378; SF20/19395; SF20/19473

Senders ref:

Mr Andrew MacGee
Campbelltown City Council
andrew.macgee@campbelltown.nsw.gov.au

Dear Mr MacGee

**Subject: OEH General Terms of Approval for Integrated Development Application
4057/2018/DA-SW Stage 3 Menangle Park; 681/2018/DA-SW Stage 2B Menangle Park;
292/2018/DA-SW Stage 2A Menangle Park**

This letter contains the Department of Planning, Industry and Environment's (the Department's) general terms of approval (GTAs) for Integrated Development Applications 4057/2018/DA-SW Stage 3 Menangle Park; 681/2018/DA-SW Stage 2B Menangle Park; 292/2018/DA-SW Stage 2A Menangle Park for those known Aboriginal sites which would require an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (NPW Act). The Department has decided to issue one letter for all three IDAs as one assessment has been provided to support all three applications.

The Department has reviewed the ACHAR dated November 2019, prepared by Kelleher Nightingale Consulting Pty Ltd. The reports have identified that Aboriginal objects (AHIMS sites 52-2-1598 (Menangle Park 2); 52-2-3912 (MPRP 5 Menangle Park Rezoning Project 5); and 52-2-3914 (MPRP Menangle Park Rezoning Project 7)) will be partially impacted by the proposed development. Mitigation in the form of salvage excavation of AHIMS 52-2-3912 as been proposed. Those portions of the three sites that are not within the Stage 3, 2B and 2A AHIP area are proposed to be protected from harm by the proposed development.

Considering the above, the Department provides the following Aboriginal cultural heritage general terms of approval:

- A s.90 Aboriginal Heritage Impact Permit (AHIP) for the proposed works must be sought and granted prior to the commencement of works.
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.
- Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.
- An appropriate salvage excavation methodology must be prepared as part of the AHIP application. Consultation with the registered Aboriginal parties as identified as part of the consultation program must occur as part of the development of this methodology.
- A plan of management must be prepared for those parts of sites AHIMS sites 52-2-1598 (Menangle Park 2); 52-2-3912 (MPRP 5 Menangle Park Rezoning Project 5); and 52-2-3914 (MPRP Menangle Park Rezoning Project 7) that are located outside the proposed AHIP area. This plan of management must address the ongoing protection and management of these sites during construction and the long-term conservation and protection of these sites *in*



Planning,
Industry &
Environment

perpetuity. The plan of management must be submitted as part of the AHIP application and appended to the construction environmental management plan.

- Long term management of Aboriginal objects must be considered as part of the AHIP application.

If you have any further questions in relation to this matter, please email gs.ach@environment.nsw.gov.au.

Yours sincerely

Signature Removed

03/04/20

Susan Harrison

**Senior Team Leader Planning
Greater Sydney Branch
Climate Change and Sustainability**



Transport
for NSW

16 December 2019

TfNSW Reference: SYD18/0066/04
Council Reference: 681/2018/DA-SW

The General Manager
Campbelltown City Council
PO Box 57
CAMPBELLTOWN NSW 2560

Dear Sir/Madam

STAGE 2A – MENANGLE PARK URBAN RELEASE AREA – VARIATIONS TO LOTS

Reference is made to Council's correspondence dated 29 November 2019, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment in accordance with Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW has reviewed the submitted application and notes the alteration to the variation to lots and raises no objection to proposed amendments. It should be noted that the previous conditions in Roads and Maritime responses dated 29 May 2018, 29 April 2019, and 11 July 2019, remain applicable.

If you have any further questions, Sandra Grimes, Development Assessment Officer would be pleased to take your call on (02) 9563 8651 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely

Signature Removed

Malgy Coman

A/Senior Land Use Assessment Coordinator

Transport for NSW

27 Argyle Street, Parramatta NSW 2150 | Locked Bag 5085, Parramatta NSW 2124
P (02) 8849 2666 | W transport.nsw.gov.au | ABN 18 804 239 602



**Planning,
Industry &
Environment**

IRF20/765

Secretary's Certificate
**Satisfactory Arrangements for designated State public
infrastructure**
Development Application
292/2018/DA-SW

In accordance with the provisions of clause 6.1 in the *Campbelltown Local Environmental Plan 2011*, I, Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure as delegate for the Secretary of the Department of Planning, Industry and Environment, certify that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to:

Development application number:	292/2018/DA-SW
Address:	Lot 59 Menangle Park Road, Menangle Park NSW 2563 Lot 1 in DP 598067
Development application description:	Subdivision to create 67 residential lots and 1 residue lot
Map at Attachment A:	Yes

Signature Removed

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure

Date:

(as delegate for the Secretary)

**the satisfactory arrangements certificate is being issued in relation to the above development application only.*



Planning, Industry & Environment

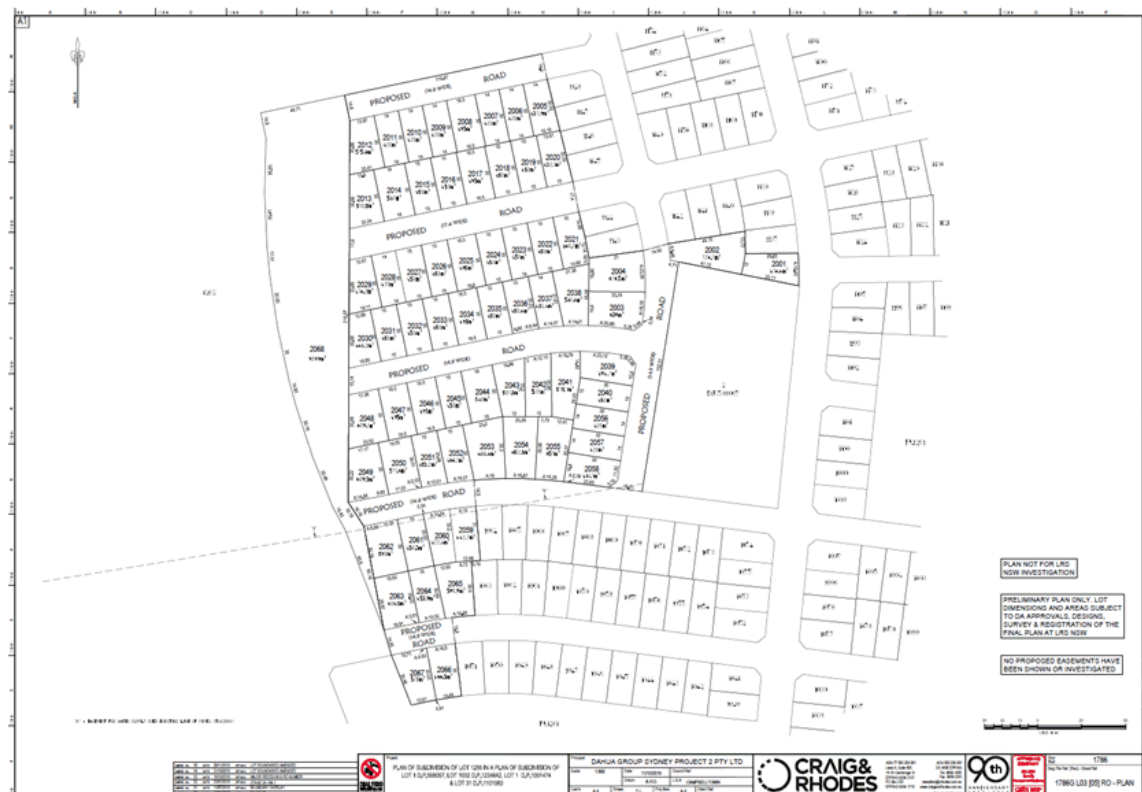
IRF20/765

Secretary's Certificate

Satisfactory Arrangements for designated State public infrastructure

Development Application
292/2018/DA-SW

Attachment A



4 Parramatta Square, 12 Darcy Street Parramatta NSW 2150 | Locked Bag 5022 Parramatta NSW 2124 | dpie.nsw.gov.au

DAHUA AUSTRALIA
Suite 2, Level 20, 201-217 Elizabeth Street, Sydney
2000
Tel: 02 9267 7788
Fax: 02 9286 3399



DAHUA GROUP

7 May 2020

Ms Lindy Deitz,
General Manager
Campbelltown City Council
PO Box 57
Campbelltown NSW 2560

Attention: Fletcher Rayner, Executive Manager Urban Release and Engagement

Dear Ms Deitz,

RE: OFFER TO ENTER INTO MENANGLE PARK PLANNING AGREEMENT

1. Introduction

I refer to Council's email dated 13 March 2020 and subsequent correspondence on this matter.

This letter contains an updated offer by Dahua Group Sydney Project 2 Pty Ltd and Dahua Group Sydney Project 3 Pty Ltd (**Dahua**) to enter into a Planning Agreement (**PA**) with Campbelltown City Council (**Council**) to pay money, construct works and dedicate land for public purposes in relation to the initial stages of Dahua's Menangle Park development.

For the sake of clarity, Dahua irrevocably offers to enter into a PA on the terms set out in this letter if required to do so as a condition of Development Consent for Stages 1, 2A and 2B of the development.

This irrevocable offer is to enable both:

- The Council to receive a development contribution that has a value that reflects the full residential contributions rates included in the Menangle Park Contributions Plan (**CP**) dated March 2018, following a formal IPART review process (Final Report dated December 2018) as amended in accordance with the Minister's advice dated 23 March 2020 (**Ministerial Advice**), and
- Efficient determination of the Stage 1 (3885/2017/DA-SW), 2A (292/2018/DA-SW) and 2B (681/2018/DA-SW) development applications (**DAs**) currently being assessed by Council.

2. Background

Dahua is master planning and developing approximately 500 hectares of land in the Menangle Park Urban Release Area (**URA**). The overall URA consists of 958 hectares.

Dahua has lodged DAs for the first 409 residential lots. The DAs cover Stages 1, 2A and 2B of the development (refer to Figure 1 for DA locations). These DAs will generate demands for various types of local infrastructure in the Precinct, including roads, drainage infrastructure, and parks.

L\334969080.1

Where the infrastructure is the shared responsibility of an entire development area, such demands are usually addressed by the relevant Council imposing conditions on the DA approval requiring the developer to make local infrastructure contributions under section 7.11 of the Environmental Planning and Assessment Act 1979.

A Council can only do this if it first has adopted a Contributions Plan authorising the condition.

The Council has prepared and adopted its Menangle Park Contributions Plan (the **CP**).

Residential s7.11 contributions in Menangle Park are, by Ministerial Direction, currently capped at \$20,000 per lot or dwelling, which is below the rates included in the CP.

The CP's full 'essential works' contribution rates for the different types of residential subdivision are listed below:

- Where the lot is less than 600m²: \$30,497
- Where the lot is more than 600m²: \$44,474

Council cannot require the developer to pay contributions at these rates unless the Minister for Planning has authorised the rates. The Minister will only approve rates higher than the cap after the rates and the CP have been reviewed by the Independent Pricing and Regulatory Tribunal (**IPART**).

Council in mid-2018 lodged an application with IPART to have the CP and its essential works contribution rates reviewed. The review process was completed in December 2018.

The report titled IPART Assessment of Menangle Park Contributions Plan dated December 2018 recommended "Campbelltown City Council increase development contributions in the Menangle Park Contributions Plan, so they accurately reflect the costs of providing local infrastructure to support new residential development in the Menangle Park Urban Release Area."

The revised contributions in the IPART assessment (adjusted to June 2018) are as follows:

- Where the lot is less than 600m²: \$38,719
- Where the lot is more than 600m²: \$56,466

A Ministerial Advice to Council dated 23 March 2020 requires that the Menangle Park CP be amended in accordance with 15 of the 17 IPART recommendations before it can be used as the basis for development contribution rates. So as not to delay the assessment and determination of the DAs for Stages 1, 2A and 2B, Dahua is offering to undertake works, dedicate land and make payments up to the full essential works contribution amount specified in the IPART assessment of the CP, as amended by the Ministerial Advice.

3. Parties

The parties to the proposed PA will be Dahua Group Sydney Project 2 Pty Ltd, Dahua Group Sydney Project 3 Pty Ltd and Campbelltown City Council.

Dahua Group Sydney Project 2 Pty Ltd and Dahua Group Sydney Project 3 Pty Ltd are the Developer and owners of the land relating to this Offer to enter into Menangle Park Planning Agreement. Furthermore, Dahua are the applicant for the Development Applications, with owners consent provided to Benaiah Pty Ltd.

4. Land

The land which is the subject of the PA is situated in Menangle Park in the City of Campbelltown LGA, and has the following real property description:

Lot 1 in DP 598067;
Lot 1 in DP 1091474;
Lots 31 and 32 in DP 1101983;
Lot 1001 in DP 1219028;
Lot 641 in DP 600334;
Lot 2 in DP 554242; and
Lot 1002 in DP1234642

The Developer agrees to pay all monies, construct all works and dedicate all land for public purposes in relation to the initial stages of Dahua's Menangle Park development.

5. Development

The development the subject of the PA is described below:

Stage 1

- subdivision of the land to create 255 final residential lots and 7 superlots and roads for future dedication to Council
- infrastructure and early works comprising tree removal, earthworks, civil infrastructure
- demolition of all existing structures
- erosion and sediment control measures including temporary sedimentation ponds and diversion drains
- landscaping of road reservations.

Stage 2A

- subdivision of proposed Lot 1256, superlot created in Stage 1 to create 67 final residential lots, 1 residue lot and roads for future dedication to Council
- infrastructure and early works comprising tree removal, earthworks, civil infrastructure
- demolition of all existing structures

- erosion and sediment control measures including temporary sedimentation ponds and diversion drains
- landscaping of road reservations.

Stage 2B

- subdivision of proposed Lot 1261, superlot created in Stage 1 to create 87 final residential lots, 3 residue lots, and roads for future dedication to Council
- infrastructure and early works comprising tree removal, earthworks, civil infrastructure
- demolition of all existing structures
- erosion and sediment control measures including temporary sedimentation ponds and diversion drains
- landscaping of road reservations
- purchase and retirement of biodiversity credits including 10 HN528 credits (Shale Plains Woodland) and 37 HN529 credits (Shale Hills Woodland).

Provided hereunder is a table summarising the lot sizes for the development applications.

Stage	No. Lots	Less than 600sqm	More Than 600sqm
1	255	248	7
2A	67	58	9
2B	87	81	6
Total	409	387	22



Figure 1: Stages 1, 2A and 2B DA locations

6. Contributions

The developer's proposed contributions comprise a mix of works, land and financial payments.

The total contribution value is based on the contribution rates and values as contained in the CP as amended in accordance with the Ministerial Advice (refer section 2 above), these may vary dependant on timing of works and dedication of land.

The initial stages of development comprise of 409 lots of which 387 lots are under 600m² and 22 lots over 600m². The total contribution for these lots is \$12,780,767 under the CP.

This monetary contribution is then amended by the value of the IPART assessment of CP land and works, and the subsequent Ministerial Advice to be provided by and dedicated / transferred to Council by the developer.

The following table shows the nature, extent and timing of the various developer contributions under the proposed PA:

Item	Nature and extent of contribution	Suggested timing of provision	CP works schedule reference	Monetary contributions offset value based on CP***
Undertaking of works				
1a	Open space: Construction of a local park of approximately 5000 square metres adjacent to the southern entry road	16 months following the Subdivision Certificate for the 255th Final Lot	Item O1.4(a), Table B	\$475,960
1c	Open space: Construction of a local park of approximately 6,870 square metres adjacent to the southern entry road and Item 1a	16 months following the Subdivision Certificate for the 255th Final Lot	As above	\$0^
2a	Open space: Construction of a linear park of approximately 3,834 square metres and shared cycle and pathway adjacent to Menangle Road and the Hume Motorway	16 months following the Subdivision Certificate for the 255th Final Lot	NA	\$1
3a	Drainage: Construction of bioretention facilities on 3,956 square metres of land, being land adjacent to the north east of Stage	Prior to the release of the Subdivision Certificate for any Final Lot	Items D1.6 and D1.16, Table D; Map references	\$615,000

Item	Nature and extent of contribution	Suggested timing of provision	CP works schedule reference	Monetary contributions offset value based on CP***
	1 lots and above the 1 in 100 year flood line		15 and 21 in Figure 5	
4	Traffic: Construction of a roundabout intersection as final traffic solution at Menangle and Cummins Road.*	Prior to the release of the Subdivision Certificate for any Final Lot	Map reference 4 in Figure 7	\$2,303,084
Dedication of land				
1b	Open space: Dedication of the land comprising Item 1a	No later than 12 months after the Completion of Item 1a	Item O1.4(a), Table B	\$1**
1d	Open space: Dedication of the land comprising Item 1c	No later than 12 months after the Completion of Item 1c	NA	\$0^
2b	Open space: Dedication of the land comprising Item 2a	No later than 12 months after the Completion of Item 2a	NA	\$1
3b	Drainage: Dedication of the land comprising Item 3a	No later than 12 months after the Completion of Item 3a	Items D1.6 and D1.16, Table D; Map references 15 and 21 in Figure 5	\$237,360
3c	Drainage: Dedication of 4,900 square metres of land for open space purposes situated in the vicinity of item 2, being land below the 1 in 100 year flood line	No later than 12 months after the Completion of Item 3a	Figure 6	\$98,000
3d	Drainage: Dedication of approximately 4,829 square metres land for open space purposes situated in the vicinity of item 2, being land above the 1 in 100 year flood line	No later than 12 months after the Completion of Item 3a	Map reference 17 in Figure 4 (part only)	\$289,740

Item	Nature and extent of contribution	Suggested timing of provision	CP works schedule reference	Monetary contributions offset value based on CP***
Monetary contributions				
5	Monetary contribution of \$21,422.05 for each lot toward the public amenities and public services listed in the Menangle Park Contributions Plan	Prior to the issue of the subdivision certificate for each lot	NA	\$21,422.05 per lot up to a maximum of \$8,761,620 for the total development
Total contributions value				\$12,780,767

* In accordance with RMS design requirements

** \$1 value for the first 5,000 square metres is in accordance with the agreement between Dahua and Council for the transfer of the Hilltop Park. Dahua proposes that it be given a contribution offset for the extra land area of Hilltop and Linear Park (1.0704 ha) as part of a future PA to support the planning proposal (see note below).

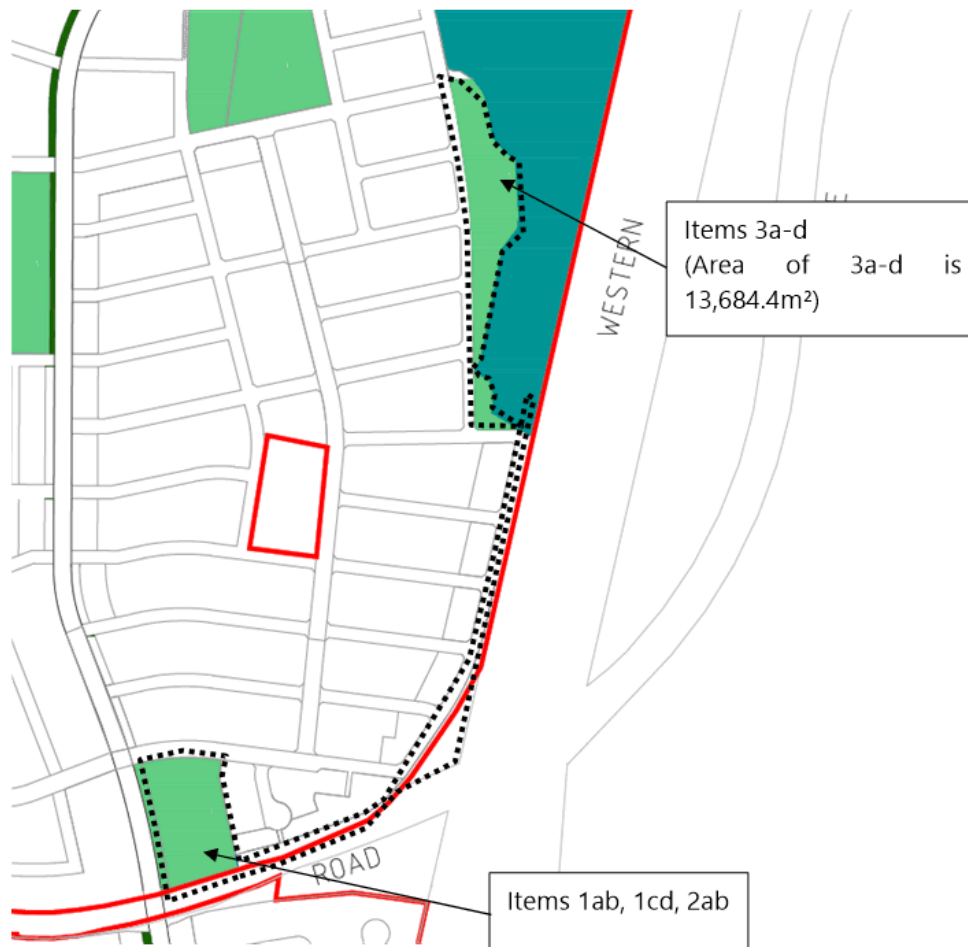
***The total amount of the monetary contribution will be updated to reflect the IPART assessment of CP land and works, as amended in accordance with the Ministerial Advice, in consultation with Council

^Dahua notes that the proposed local park (known as Hilltop Park, item 1a and 1b in the table above) will comprise more than 1 ha of land additional to the 5,000m² allocated in the CP (this remains unchanged in the IPART assessment). Dahua is providing a larger park in anticipation of a larger population that would be generated by increased development in the Menangle Park Precinct. This extra development potential is the subject of a planning proposal endorsed by Council and undergoing Gateway Assessment by the Department of Planning Industry and Environment. Dahua proposes that it be given a contribution offset for the additional open space that will comprise the Hilltop Park.

The map over page shows the location of the proposed land and works in the PA offer.

Dahua notes and accepts Council's proposal that works and monetary contributions values in the PA will be indexed by Sydney CPI and land contributions will be indexed by the Residex Campbelltown Release Area Land Price Index, as per the Contributions Plan.

Dahua notes that the land values are based on updated land valuations undertaken as part of the IPART review process.



7. Rise or fall provision

The total contributions offered in the PA reflects the full essential works section 7.11 contribution rates that are specified in the IPART December 2018 assessment of the CP.

The final essential works contribution rates will be determined by the Minister for Planning and Public Spaces based on the completed review by IPART and Ministerial Advice by the Department of Planning, Industry and Environment (DPIE).

Dahua therefore proposes that the PA include provisions that allow the monetary contribution to be adjusted up or down to reflect the Minister's final determination on the Menangle Park essential works contributions.

8. Other contributions not to apply

The PA addresses all the development's local infrastructure contributions, relating specifically to Stages 1, 2A and 2B.

There is therefore no necessity for relevant parts of the EP&A Act that deal with local infrastructure contributions to apply to the development.

It is therefore proposed that the PA, pursuant to section 7.4(3)(d) of the EP&A Act, will wholly exclude the application of sections 7.11 and 7.12 to the development which is subject to the development consents for Stages 1, 2A and 2B.

Furthermore, it is acknowledged that any additional dwellings beyond the new Final Lots identified in this PA will be subject to another CP.

9. Land Dedication

Dahua confirms that it accepts Council's proposal that all land to be dedicated to Council regardless of its use will be remediated to the 'Residential A' standards as contained in the National Environment Protection (Assessment of Site Contamination) Measure ("NEPM") guidelines.

10. Handover Period

Dahua confirms that it accepts Council's proposal for maintenance periods (post practical completion of works) and handover requirements as outlined below:

- Roads – 12 months maintenance prior to handover;
- Drainage works – Hard works - 12 months maintenance prior to handover;
- Drainage works – Soft works - 12 months maintenance prior to handover;
- Open Space – Hard landscape works - 12 months maintenance prior to handover;
- Open Space – Soft landscape works - 12 months maintenance prior to handover;

The maintenance period for each work is to commence upon Practical Completion of that work. However, the time frames for delivery of contributions which are set out in the table in section 6 above relate to timing of practical completion (for works) and confirmation of readiness for dedication (for land). The exact timing will be confirmed with Council through the formalisation of the PA.

11. Progressive grant of subdivision certificates and release of the VPA from title of Final Lots

Dahua proposes that the PA provide for the progressive grant of subdivision certificates for Final Lots and the progressive release of the PA from the title to the land which is subject to those subdivision certificates if:

- the monetary contributions for those Final Lots have been paid as per item 8 in the table in section 6 above; and
- applicable time frames for practical completion of works in items of the table in section 6 above which specify lot triggers have been satisfied where the total number of subdivision certificates for Final Lots issued for the development equals or exceeds those lot triggers, or alternative arrangements under the PA for timing of practical completion have been agreed with Council.

12. Security

Dahua proposes that the PA include security arrangements providing bank guarantees to secure practical completion of works (120% of the Indexed Contribution Value of each work item). This would be provided to Council before to issuing of the corresponding Construction Certificate for each item of work or any part of the Development which will create a Final Residential Lot before which the relevant Item of Work must be completed.

Dahua also proposes that the PA be registered on title to the land which is subject to the development consents for Stages 1, 2A and 2B, as further security for Council, provided that the PA be released progressively as described in section 11 above.

13. Dispute resolution

Dahua proposes that a dispute resolution clause be included which allows for mediation or expert determination of disputes which arise between Dahua and Council in relation to the performance of the PA.

14. Matters for further consideration and negotiation

This letter describes the specific financial arrangements in relation to extent of developer contributions to be included in the PA, and the arrangements for the delivery of those contributions. Suggested timing of works is identified in Section 6 above, these are based on decisions held with Council with specific timing of works to be worked through between the parties in the finalisation of the PA document.

In making this offer, Dahua acknowledges and agrees that the specific terms of the PA will be negotiated with Campbelltown City Council and that the matters which may be included in the PA are not limited by the content of this letter.

15. Conclusion

Dahua's initial development stages represent the beginning of a master planned community on the southern edge of the City of Campbelltown. The proposed PA confirms that the proposed development will meet its full local infrastructure obligations for the initial stages.

Dahua's irrevocable offer to enter into a PA to provide local infrastructure that reflects the full contribution rates identified in IPARTs Assessment of Council's CP modified by the Ministerial Advice demonstrates Dahua's commitment to creating a new town of the highest quality.

Should you require clarification in relation to anything within this letter, please contact Kith Clark on 0402 412 210.

Yours faithfully

DAHUA PROPERTY GROUP

Signature Removed

KITH CLARK, DEVELOPMENT DIRECTOR

22nd March 2018

To Whom it May Concern

Re: Menangle Park Urban Release Area (Dahua) - DA3885/2017/DA-SW

We provide this letter in relation to Dahua's development application (DA3885/2017/DA-SW) for Stage 1 at Menangle Park, our residence adjoins and the proposed subdivision. Furthermore, we are aware of recent subsequent application for Stages 2A and 2B, which also adjoin our property.

The Taber family and Dahua have been in regular correspondence regarding the proposed development to ensure appropriate management of activities during construction and continuity of services. Items of importance to us include aspects such as access (pedestrian and vehicular), noise, dust and safety, these have formed the basis of discussions with Dahua and they have committed to implement appropriate mitigation measures.

Given the history of the Taber family residing at 'Mt Pleasant', Menangle Park continuously for over 200 years, we are seeking consideration for naming the street to the eastern boundary of our property to be "Mt Pleasant Street". Dahua have advised of their support though we note street naming requires Council approval. Hence, we seek Council support for this item.

We are in support of these development applications and look forward to the subdivision progressing.

Regards

John Taber

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