

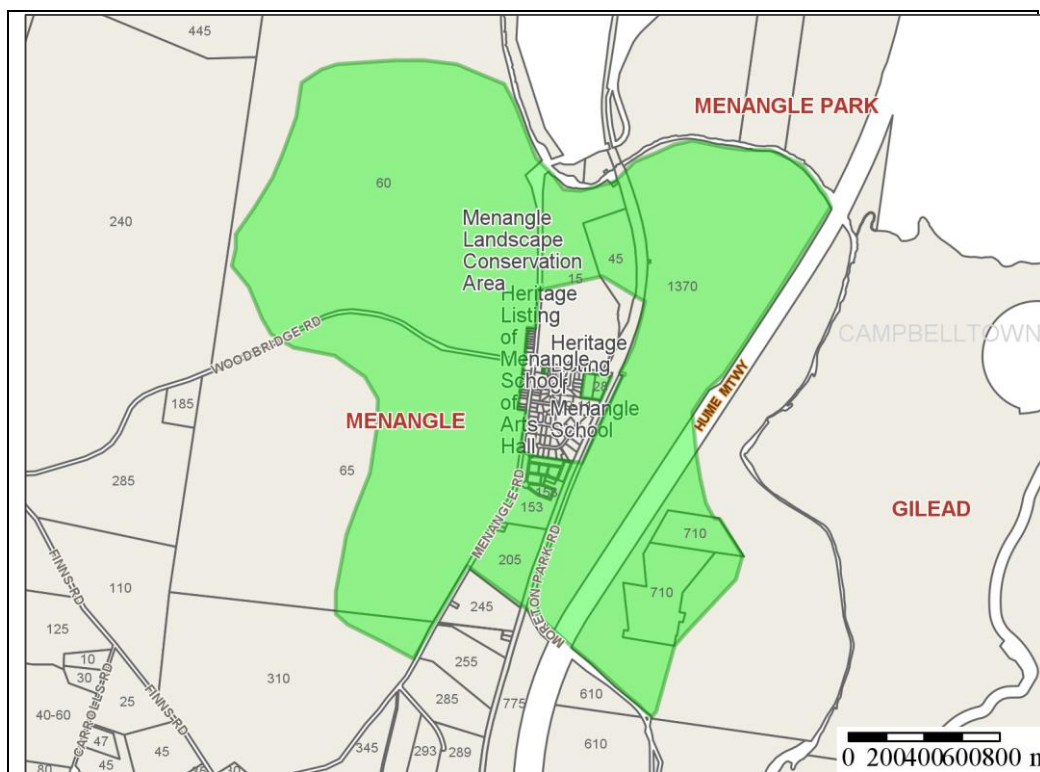
GR8 – Development Control Plan Provisions for Menangle Landscape Conservation Area

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TRIM 6814 & 6326



LOCATION MAP N

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EXECUTIVE SUMMARY

- The purpose of this report is to seek Council support for draft planning controls to guide future development in the Menangle Landscape Conservation Area. Further that a public exhibition be held to consider feedback on the inclusion of these controls within the Development Control Plan.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
 - Council support the draft planning controls for the Menangle Landscape Conservation Area for inclusion in the Wollondilly Development Control Plan 2016 and that these be publicly exhibited.
 - The draft planning controls for the Menangle Landscape Conservation Area be exhibited at the same time as the draft planning controls for the Station Street, Menangle Planning Proposal.
 - The outcome of the exhibition along with any changes to the proposed controls considered necessary be reported back to the Council.

REPORT

1.1 BACKGROUND

The Menangle Landscape Conservation Area is a designated Heritage Conservation Area under the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP 2011) and has statutory protection.

It is listed in Schedule 5 Environmental heritage, Part 2 of the LEP along with Wollondilly's five (5) conservation areas and shown on the Heritage Map which forms part of the LEP.

It was established in September 2013 through Amendment No. 5 to the Wollondilly LEP 2011 and, at present, is Wollondilly's only landscape conservation area.

The Menangle Landscape Conservation Area provides protection of the land surrounding the Menangle village for the conservation of the natural and cultural heritage values, particularly the valued rural landscape associated with the Macarthur family's Camden Park Estate.

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The need to establish the landscape conservation area at that time was in response to a planning proposal to rezone land for employment adjacent to the village in the vicinity of Moreton Park Road, Menangle which was lodged in 2010 but never proceeded.

In October 2012, a separate planning proposal, the Station Street, Menangle Planning Proposal, was submitted which seeks to rezone land to enable development of the site for residential development, a neighbourhood centre and associated infrastructure. If rezoned, it is anticipated that development of the site for residential development would result in approximately 350 dwellings.

The Western City Planning Panel, as the relevant planning authority (RPA), has recently, on 30 November 2017, determined that the proposed instrument to rezone the land should be made, subject to excluding land within 200m of active coal seam gas wells.

This recommendation is now with the NSW Department of Planning & Environment for consideration and it is anticipated that the land will be rezoned in the near future.

As significant portions of the planning proposal site adjoin, or are located within either the Menangle Conservation Area or the Menangle Landscape Conservation Area, it is now considered pertinent that planning controls are in place to guide future development at this sensitive location. An absence of planning controls presents a risk that future development would not be adequately controlled and development may be unsympathetic to the surrounding landscape.

A separate report is being considered at this meeting to consider draft planning controls for the planning proposal site and it is recommended that the draft planning controls for the Station Street, Menangle Planning Proposal site are exhibited for public comment at the same time as the draft planning controls for the Menangle Landscape Conservation Area.

1.2 NEED FOR PLANNING CONTROLS

Clause 5.10 of the Wollondilly LEP 2011 deals with Heritage Conservation which applies to environmental heritage and specifically heritage conservation areas. This clause would provide some protection to the landscape conservation area as part of the consideration of any development application seeking consent for development in and around Menangle.

However, the clause is high level as it applies to all heritage throughout Wollondilly and does not provide any site specific direction taking in the context of the site. Consequently, the development control plan is considered to be the next relevant policy to guide development.

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Volume 1 – General *Wollondilly Development Control Plan 2016* includes planning controls to guide development within key conservation areas in Wollondilly. It includes detailed controls for the Menangle Conservation Area which deal mostly with the design of residential development within the village such as fencing, roof form, window and door design, building materials and verandah styles.

While some of the controls are relevant to the landscape conservation area there are currently no controls within the development control plan included to guide development for the Menangle Landscape Conservation Area.

However, there has always been an intention to support the designation of the Menangle Landscape Conservation Area with the inclusion of planning controls with the Wollondilly Development Control Plan to guide future development within the area. This has been demonstrated in the following two (2) Council decisions:

When	What happened?
July 2012	<p>The body of a report to initially support a revised planning proposal for the establishment of the Menangle Landscape Conservation Area outlined the recommendations of a detailed heritage report prepared by MUSEcape Pty Ltd to assess the significance of the landscape around the Menangle</p> <p>The report concluded that new provisions should be included in the development control plan.</p>
August 2013	<p>Council resolved to support and finalise the planning proposal to designate the Menangle Landscape Conservation Area within the Wollondilly LEP 2011.</p> <p>Council also resolved to support amendments to the development control plan as detailed in the report.</p>
December 2015	<p>As part of a report to Council to repeal <i>Wollondilly Development Control Plan 2011</i> and adopt <i>Wollondilly Development Control Plan 2016</i>, Council resolved that the next review of the development control plan include a review of the controls and objectives applicable to the Menangle Landscape Conservation area.</p> <p>A review of the development control plan has not been undertaken since 2015.</p>

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When	What happened?
	The recent changes to WDCP 2016 adopted by Council in November 2017 were part of a continuous improvement housekeeping review to remove blockages to the development assessment process. It was not within the scope of the recent changes to introduce new controls to the development control plan.

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1.3 SCOPE OF PLANNING CONTROLS

In 2011 MUSEcape Pty Ltd was engaged by Council to undertake a heritage assessment of the significance of the landscape around the Menangle Village Conservation Area.

The report called ‘*Menangle Landscape Conservation Area Assessment of Significance & Proposed Boundaries*’ was finalised in 2012 and recommended the creation of a Landscape Conservation Area *to protect the historical, associational, aesthetic and other heritage values of the wider cultural landscape setting of Menangle Village.*

The report also recommended a number of measures to conserve the natural and cultural heritage values of the Menangle Landscape Conservation Area. A number of these related to the inclusion of controls within the development control plan.

A table including the full list of recommendations and their relevance to the current process to include controls in the development control plan is provided at Attachment 1. The full list is provided to be transparent, as not all the recommendations for controls within the development control plan have been picked up by the proposed controls.

The proposed controls for inclusion within Volume 1 General of the Wollondilly Development Control Plan 2016 are provided at Attachment 2 and have been prepared based on the recommendations within the MUSEcape Pty Ltd heritage assessment, a review of approaches used in other locations and consultation with Council’s consultant Heritage Advisor.

The proposed planning controls seek to manage the following matters for new development in and around the Menangle Landscape Conservation Area:

- rural urban interface (particularly for new subdivisions)
- Visual impact
- Requirements for development applications.

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In reviewing the MUSEcape Pty Ltd heritage assessment to inform amendments to the development control plan, it is noted that the current Menangle Landscape Conservation Area is slightly smaller than the boundary recommended by the study. This is because during the statutory process to establish the landscape conservation area Council was required to remove land identified for employment purposes under the planning proposal for land in Moreton Park Road, Menangle. That planning proposal was refused by the Joint Regional Planning Panel (JRPP) in 2014 and never proceeded.

Implementation of the full boundary should be revisited and will be added to a list of new heritage items held by the Strategic Planning Team for a future planning proposal when resources permit.

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

1.4 COMMUNITY CONSULTATION

It is proposed to publicly exhibit the proposed planning controls at the same time as the site specific planning controls prepared by Mirvac for the Station Street, Menangle Planning Proposal site, which are detailed in a separate report for Council's consideration.

As part of the public exhibition it is intended that a letter be sent to all landowners and occupants within the Menangle Village and the Menangle Landscape Conservation Area to inform them of the consultation and how they can have their say.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Table (including comments) showing full list of recommendations from the *Menangle Landscape Conservation Area Assessment of Significance & Proposed Boundaries* prepared by MUSEcape Pty Ltd.
2. Proposed planning controls for the Menangle Landscape Conservation Area for inclusion within the Wollondilly Development Control Plan 2016.

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Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 19 February 2018

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RECOMMENDATION

1. That Council support the draft planning controls for the Menangle Landscape Conservation Area for inclusion in the Wollondilly Development Control Plan 2016 and that these be publicly exhibited.
2. That the draft planning controls for the Menangle Landscape Conservation Area be publicly exhibited at the same time as the draft planning controls for the Station Street, Menangle Planning Proposal site.
3. That the outcome of the exhibition along with any changes to the planning controls considered necessary be reported back to Council.