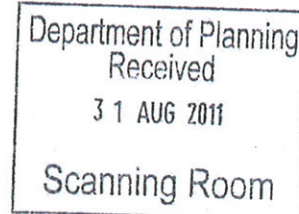




Our Reference: 6356 JSEL

Mr. Peter Goth
Regional Director Sydney West
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2124



30 August 2011

PLANNING PROPOSAL – PART OF NO. 35, EGANS ROAD, OAKDALE (LOT 93 DP 1000055)

Dear Mr Goth,

At the Ordinary Council Meeting held on the 15 August 2011 Wollondilly Shire Council resolved to forward a planning proposal to the Minister for Planning and Infrastructure for a Gateway determination. This proposal seeks to rezone part of No. 35 Egans Road, Oakdale (Lot 93 DP 1000055) from its present zoning as RU1 Primary Production to R2 Low Density Residential to allow for new housing.

Wollondilly Shire Council requests the Minister for Planning and Infrastructure's Gateway Determination on the Planning Proposal in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

Please find enclosed a copy of the Planning Proposal prepared for Council by Precise Planning, the Report to Council and corresponding Resolution No. 171/2011.

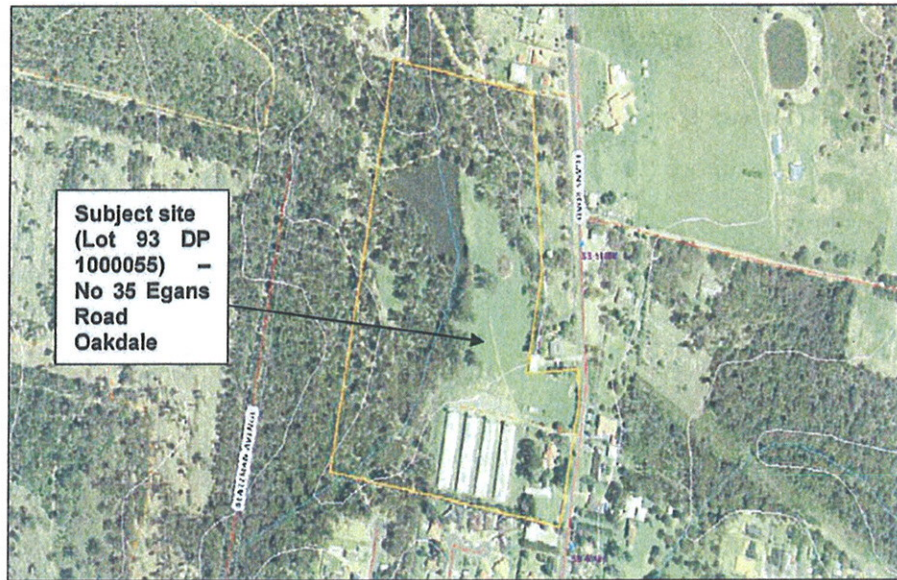
The attached planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's 'A guide to preparing a planning proposal' and 'A guide to preparing local environmental plans'.

Further enquires in relation to this matter can be directed to Mr. James Sellwood on phone (02) 4677 8260, facsimile (02) 4677 1831 or email james.sellwood@wollondilly.nsw.gov.au.

Yours sincerely,

Martin Cooper
Acting Manager – Strategic Planning

PLANNING PROPOSAL
Part of No. 35 (Lot 93 DP 1000055)
Egans Road, Oakdale
(Wollondilly Shire)



Prepared By:
Precise Planning

May 2011

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Appendices

- A: Indicative Plan of Proposed Subdivision
- B: Preliminary Flora and Fauna Report
- C: Preliminary Water/Waste Water Management Advice
- D: Preliminary Stormwater Management Advice
- E: Initial Traffic Management Advice
- F: Preliminary Site Contamination Management Advice
- G: Initial Heritage Advice
- H: Sydney Water Feasibility Advice
- I: GMS - Oakdale Structure Plan

1 Introduction

1.1 BACKGROUND

This Report represents the formative phase in the development of a Planning Proposal geared toward the rezoning part of the land known as Lot 93 DP 1000055, for urban purposes. The rezoning is to be effected through the preparation of a relevant Local Environmental Plan (LEP) amendment, it being proposed to amend the recently gazetted Wollondilly Local Environmental Plan, 2011.

1.2 SCOPE OF REPORT

This Report has been prepared in accordance with the NSW Department of Planning's (DoP) documents A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals. The latter document requires the Planning Proposal to be provided in four (4) parts, being:

- Part 1 – A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 – Details of the community consultation that is to be undertaken on the Planning Proposal.

1.3 REPORT STRUCTURE

This Report, in providing an outline PP, is structured in the following manner:

- Section 2 provides an overview of the site the subject of this PP and the development intent.
- Section 3 contains a statement of the objective and/or intended outcomes of the proposed LEP.
- Section 4 provides justification for the objectives, outcomes and provisions of the proposed LEP.
- Section 5 provides details of the community consultation that would be undertaken in respect of the PP.
- Section 6 provides a conclusion.

2 The Subject Land/Site

2.1 LAND DESCRIPTION

The site comprises an allotment known as No. 35 (Lot 93 DP 1000055) Egans Road, Oakdale, located in the Wollondilly Shire Local Government Area.

The focus of the PP is the largely cleared area to the east of the creek line.

2.2 CONTEXT

The subject land is contiguous with the existing urban area of Oakdale, with the allotment directly abutting the boundary of existing residential development as is depicted in the aerial view below.



Figure 1: Aerial view of the Site

2.3 TOPOGRAPHY/DRAINAGE REGIME

The site generally falls gently to a natural drainage line on essentially a north/south alignment. The topography and natural drainage pattern is shown in the plan above and Appendix "A" (in part).

2.4 GEOLOGY

The subject land is underlain with geologically stable bedrock and soils which do not present a limiting constraint to urban development, subject to appropriate management inclusive of sedimentation and erosion controls.

2.5 ECOLOGY

The subject component of the site has been extensively cleared for the prevailing agricultural uses, with only isolated remnants impacted directly by the development proposal.

The proposal strategically positions the zone boundary so that the only land which is proposed to be rezoned is that land which has already been highly disturbed by the agricultural activities of the existing poultry operation at the site. The balance of the site will remain undisturbed by this proposal.

The remnant woodland/forest vegetation, however, comprises Shale-Sandstone Transition Forest, an Endangered Ecological Community under the NSW Threatened Conservation Act, 1995.

Threatened fauna species occur in the Burratorang sub-region generally, with 27 species occurring within a 20

kilometre radius of the property.¹

It will likely be a "Gateway" requirement that an assessment of significance in accordance with Section 5A of the EP and A Act and the "Threatened Species Assessment Guidelines" is undertaken, given the presence of habitat.

2.6 EFFLUENT DISPOSAL

Reticulated sewage services are provided (and maintained) to the immediate neighbourhood by Sydney Water.

Initial feasibility investigations with Sydney Water have revealed a capacity to readily sewer the subject land, thereby avoiding the perennial concerns of onsite effluent management in a drinking water catchment (refer to Appendix "C").

2.7 STORMWATER MANAGEMENT

It should be noted that the site is situated within the Lake Burragorang sub-catchment (No.22).²

Stormwater is currently managed by simple grassed swales and the farm storage dam.

Design and implementation of a simple stormwater management system, based upon principles of Water Sensitive Urban Design, will likely be further canvassed as the Gateway Process is advanced (refer to Appendix "D").

2.8 TRAFFIC/ACCESSIBILITY

The proposed development will access Egans Road and as such the local road network, connecting with Burragorang Road which functions as the locality spine road.

The subject network has capacity to accommodate likely additional traffic movements, subject to an appropriate intersection treatment.

A bus route also focuses on Burragorang Road, whilst a formed footpath reservation will need to be provided.

A Traffic Study will need to be commissioned as the proposal advances through the Gateway Process, to establish final design elements (refer to Appendix "E").

2.9 SITE CONTAMINATION

The current agricultural use of the land will necessitate pursuit of contamination investigations (and remediation actions if required), pursuant to SEPP No. 55 (refer to Appendix "F").

2.10 BUSHFIRE HAZARD

The subject site, together with the locality generally, is identified as Bushfire Prone on Council's relevant Bushfire Prone Lands Map.

More accurate hazard mapping will need to be undertaken. Notwithstanding, a strategy can likely be developed to facilitate compliance with the provisions of *Planning for Bushfire Protection, 2006*, without major development or cost impact, as the Planning Proposal is progressed.

¹ Refer to Appendix "B".

² Reference – Sydney Drinking Water Catchment maps.

2.11 HERITAGE

The locality has a long history of low scale European settlement, none of which has been highlighted in past local investigations/records as being of significance. Equally, the land is highly disturbed from past European occupation, as cited above and is not understood to have any particular indigenous significance.

No heritage items of local, stage or national significance are known to be listed for the site.

Notwithstanding the foregoing, heritage significance will require further assessment as this Planning Proposal is advanced. In particular, it will be necessary to undertake a due diligence survey of the site to determine if any Aboriginal Cultural Heritage Values will be adversely impacted upon. Should the due diligence survey identify any significant impact on Aboriginal Cultural Heritage Values, further investigation and a strategy will be required to ameliorate any such impact (see Appendix "G").

2.12 RETICULATED WATER AND SEWER

The proposed development is contiguous with existing urban development which is serviced by reticulated water and sewer. Preliminary consultation with Sydney Water has indicated in general that reticulated water and sewer service the locality and would need to be extended to service the proposal. No major challenges are noted in this regard, subject to appropriate commercial arrangements (refer to Appendix "H").

3 Intent and Provisions

3.1 OBJECTIVES OR INTENDED OUTCOMES (PART 1)

This Planning Proposal has the express purpose of facilitating the urbanisation of that component of the property which is not subject to environmental constraints/sensitivity.

Objective

To facilitate the comprehensive subdivision for residential purposes in a manner which sensitively interfaces with surrounding development, leverages off and embellishes existing infrastructure and conserves and enhances the underpinning natural systems framework.

Outcomes

In delivering the foregoing objective, it is intended that the following outcomes be realised:

- A sustainable and coordinated extension to the Oakdale community will be achieved
- The natural systems will be conserved and enhanced
- Existing physical and human infrastructure will be utilised and embellished
- A framework will be established for comprehensive residential subdivision.

3.2 EXPLANATION OF PROVISIONS (PART 2)

The Wollondilly Local Environmental Plan, 2011 will be amended in the following way:

- Amendment of Wollondilly LEP 2011 Land Zoning Map – Oakdale from RU1 Primary Production Zone to R2 Low Density Residential for that component of the site as identified in Appendix "A".
- Amendment of Wollondilly LEP 2011 Lot Size Map – Oakdale from 20ha to 700m² (Q).

It is noted that it is not proposed to vary the maximum building height, in the prevailing R2 zone, such being as

follows:

- Maximum building height 9m (J)

4 Justification (Part 3)

4.1 JUSTIFICATION OVERVIEW

4.1.1 INTRODUCTION

This overview establishes the case for the zoning change proposed in the LEP amendment. It should be noted that the level of justification is commensurate with the impact of the rezoning proposal, broad ranging urban capability investigations and an acknowledgement of the need for future issue specific studies.

4.1.2 METROPOLITAN PLANNING

The Metropolitan Plan for Sydney 2036 (2010) provides a framework for promoting and managing growth. It documents a vision for Greater Sydney over the ensuing 25 year period, in which

"Sydney will be a more compact, networked city with improved accessibility, capable of supporting more jobs, homes and lifestyle opportunities within the existing urban footprint."

In pursuit of this vision are a series of strategies focused upon, namely:

- Strengthening the City of Cities
- Growing and Renewing Centres
- Transport for a Connected City
- Housing Sydney's Population
- Growing Sydney's Economy
- Balancing Landuses on the City Fringe
- Tackling Climate Change and Protecting Sydney's Natural Environment
- Achieving Equity, Liveability and Social Inclusion
- Delivering the Plan

The Metropolitan Plan highlights, inter alia, the need for 770,000 additional homes by 2036 and a need to expand Sydney's employment capacity by 760,000. To accommodate this expanding population, the Strategy projected a need for 231,500 new homes (30%) on the fringe of the City and approximately 540,000 new homes (70%) in existing suburbs.

The South West Sub Region will remain a priority growth area projected to meet an increased dwelling demand of 155,000 by 2036 (of which 83,000 are projected to be provided in new release areas).

Balancing land uses on the City fringe is identified as a clear challenge.

4.1.3 SUB REGIONAL PLANNING

The Department of Planning (DOP) has reinforced its expectations of future Shire urban growth over recent years and most recently in the Draft South West Subregional Strategy. The Draft Strategy in promoting a vision to 2031 has established a growth target in Wollondilly Shire of 5,230 additional dwellings comprising some 1,230 additional "infill" dwellings and 4,000 "greenfield" dwellings (i.e. a 24%/76% split).³

³ The Draft Sub Regional Strategy housing targets are in the process of being reviewed in the context of the "new"

Additionally, the DOP has outlined the need for housing product diversity for any future urban lands, with lot sizes of a variable nature exceeding a minimum of eight dwellings per hectare, but not necessarily attaining 15 dwellings per hectare.

4.2 NEED FOR THE PLANNING PROPOSAL (SECTION A)

4.2.1 IS THE PLANNING PROPOSAL THE RESULT OF ANY STRATEGIC STUDY OR REPORT?

The Planning Proposal has its clear origins in the Wollondilly Shire Council's Growth Management Strategy (GMS) adopted on 21 February 2011. The GMS identifies the site as "Potential Residential Growth Area" as part of the Strategic Framework for the WLGA, as noted from Figure 1 and in Appendix "I".

The rezoning of the eastern section of the parcel is the best means of achieving the objectives and intended outcomes of the Growth Management Strategy. The GMS is a policy document with associated mapping which contains key directions and principles to guide proposals and Council decisions on growth.

Additionally, the GMS is characterised by the following supplementary aims:

- To outline clear policy directions on growth issues.
- To provide Council and the community with a strategic framework against which to consider planning proposals.
- To achieve a long-term sound and sustainable approach to how the Shire develops and changes into the future.
- To inform Council decisions and priorities regarding service delivery and infrastructure provision.
- To provide direction and leadership to the community on growth matters.
- To assist in advocating for better Infrastructure and services.
- To provide a strategy/response for how the State Government's Metropolitan and subregional planning strategies are seen to be implemented at the local level.

This Planning Proposal is consistent with relevant aims of the GMS. Importantly, it establishes a platform for a sustainable urban module that dovetails with local and subregional strategic direction.

The GMS also contains Key Policy Directions. Those relevant to this Planning Proposal are:

- P1 - All land use proposals need to be consistent with the Key Policy Directions and Assessment Criteria contained in this GMS in order to be supported by Council*
- P2 - All land use proposals need to be compatible with the concept and vision of "Rural Living"*
- P5 - Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc)*
- P9 - Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe")*
- P10 - Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages*
- P17 - Council will not support residential and employment lands growth unless increased infrastructure and*

Metropolitan Plan, but at present remain the same.

servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.

- P18 - Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres*
- P19 - Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres*
- P20 - The focus for population growth will be in two key growth centres, being the Picton / Thirlmere / Tahmoor area (PTT) and the Bargo area. Appropriate smaller growth opportunities are identified for other towns*
- P22 - Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining, where possible and practicable, existing dwelling and subdivision entitlements in rural areas.*

This Planning Proposal assists in the achievement of, or is consistent with, the above Key Policy Directions.

The Strategy contains a Housing Target Distribution Table for the Oaks / Oakdale. At Section 5.3, the Strategy anticipates a total dwelling target for The Oaks / Oakdale of 350 new dwellings. This figure comprises 100 dwellings approved for construction but not built and 250 additional dwellings needed. In order to achieve this target, some existing rural land in Oakdale will have to be rezoned for residential development, given there are very few development opportunities in the stock of existing residentially zoned land.

Further, it is consistent with the Metropolitan Plan and Draft Sub Regional Strategy objectives of providing increased housing opportunities, particularly as an expansion of existing urban areas.

4.2.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

The proposed rezoning is importantly stylised as an amendment to Wollondilly LEP 2011, notably adopting relevant zoning, minimum lot size and maximum height of building provisions. It represents the most logical way of achieving the intended objective and outcomes, with there being no readily available and better alternative under the prevailing legislation.

4.2.3 IS THERE A NET COMMUNITY BENEFIT?

The following table addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009), as required by the guidelines for preparing a planning proposal.

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is compatible with the Metropolitan Plan, the Draft South West Subregional Strategy the local GMS (refer to targets at 4.2.1 above).
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	N	The subject site is not identified within a key strategic centre or corridor but is contiguous with the Oakdale residential area and proximate to the service centre.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other	N	The proposed rezoning is unlikely to create a precedent within the locality or change the

landholders?		expectations in respect of the site as it has constantly been considered to have future urban potential.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	All other spot rezonings before Council in the Wollondilly Local Government Area generally comply with Council's strategic direction.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	N	The site is not zoned to facilitate employment (apart for limited rural related jobs), nor will it result in a loss of employment land. The proposal will create employment through the construction jobs to install the infrastructure and build the homes therefore delivering an economic benefit to the community. Some modest home business opportunities and tradesman residency opportunities will accrue.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	The proposal will have a positive impact on the residential land supply by adding to the amount of available residential land. The proposal will increase the housing choice and type of housing and contribute to meeting local residential targets.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The existing public infrastructure is adequate to meet the needs of the proposal. The site is fully serviced and is on the fringe of an established urban area. The residential development will support the Oakdale service centre. Local buses service the area however they are limited and primarily cater to school children.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N/A	N/A
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	No. The proposal does not require significant further investment in public infrastructure, it will utilise the existing infrastructure and services. The developer will extend and upgrade infrastructure to service the development at no cost to government.
Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The site has not been identified for conservation purposes. Any conservation initiatives are likely to be focused on the remnant land not subject to the rezoning proposal. The land is not mapped as flood prone, although further modelling of the nearby watercourse may be required.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact	Y	The proposal is compatible with adjoining residential

on the amenity in the location and wider community? Will the public domain improve?		land uses and future rural-residential uses. The site is not an isolated residential development and is well serviced and proximate to the Oakdale service centre.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The development will, however, contribute in a modest way to the improved trade of nearby facilities/centres.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What Are the implications of not proceeding at that time?		The proposal will provide additional housing in a variety of forms to assist in the delivery of meeting the housing growth and dwelling mix actions from the Subregional and local strategies. If the rezoning was not supported, the provision of additional housing would not be realised. In addition, the land may continue to struggle as a poultry facility and provide a platform for the ever-present rural/urban landuse conflict. Further, the holistic urbanisation of the precinct would not be realised, as incremental urban development occurred.
Will the public domain improve?	Y	Section 94 Contributions/Developer Agreement commitments will be required in respect of open space/community facilities and possibly road shoulder formation.

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land is and is in keeping with the adjoining residential character.
- The proposal will contribute to Council's requirement to facilitate new dwelling growth, in accordance with the Subregional Strategy target.
- The proposal will facilitate a mix of dwelling types that encourage social mix and provide housing choice to meet the needs of the community.
- It forms part of the Oakdale service centre catchment which has adequate Infrastructure to support the development.
- The proposal will not result in any significant adverse environmental impacts.
- It will create local employment opportunities through the construction jobs associated with the civil and building works to the benefit of the local economy.
- It will reinforce (at a limited scale) the viability of the Oakdale Service centre.

4.3 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK (SECTION B)

4.3.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN STRATEGY AND EXHIBITED DRAFT STRATEGIES)?

The Metropolitan and sub-regional planning context have been briefly detailed at 4.1.2 and 4.1.3 above. The subject precinct offers prospects of addressing in part the projected "greenfields" dwelling demand in a structured and

sustainable manner.

4.3.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OR OTHER LOCAL STRATEGIC PLAN?

The local strategic planning context is summarised at 4.2.1 above and clearly identifies the Growth Management Strategy background to the urbanisation proposal.

The subject planning framework has importantly identified limited opportunities for the development of Oakdale, leveraging off the existing infrastructure and the prevailing sense of community.

4.3.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The precinct is subject to the provisions of a raft of State Environmental Planning Policies.

The subject policies are noted below and importantly do not prohibit and/or significantly constrain the Planning Proposal.

SEPP	Comment
State Environmental Planning Policy No 1 – Development Standards	Not applicable (As referenced in Wollondilly LEP, 2011. Clause 4.6 of LEP makes provision for variations to development standards)
State Environmental Planning Policy No 4 – Development without Consent and Miscellaneous Exempt and Complying Development	Not inconsistent (As referenced in Wollondilly LEP, 2011. Clause 6 and Parts 3 and 4 do not apply)
State Environmental Planning Policy No 6 – Number of Storeys in a Building	Not inconsistent (Maximum building height will be subject to maximum height expressed in metres)
State Environmental Planning Policy No 15 – Rural Landsharing Communities	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
State Environmental Planning Policy No 19 – Bushland in Urban Areas	Not applicable (Wollondilly Shire is not included in the land applicable schedule)
State Environmental Planning Policy No 21 – Caravan Parks	Not applicable (Caravan Parks are prohibited under the proposed R2 zone as currently prevailing in Wollondilly LEP, 2011)
State Environmental Planning Policy No 22 – Shops and Commercial Premises	Not inconsistent (Wollondilly LEP 2011, however, only permits limited commercial and retail facilities in the R2 zone)
State Environmental Planning Policy No 26 – Littoral Rainforests	Not applicable
State Environmental Planning Policy No 29 – Western Sydney Recreational Area	Not inconsistent
State Environmental Planning Policy No 30 – Intensive Agriculture	Not applicable (Wollondilly LEP, 2011 R2 zone does not permit agricultural uses)
State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)	Not applicable (The land is not located in a position that can optimise urban consolidation outcomes)
State Environmental Planning Policy No 33 –	Not applicable

Hazardous and Offensive Development	(Wollondilly LEP, 2011 R2 zone does not permit hazardous or offensive industries)
State Environmental Planning Policy No 36 – Manufactured Home Estates	Not applicable (Wollondilly Shire is in the Sydney Region which is excluded from the Policy's application)
State Environmental Planning Policy No 44 – Koala Habitat Protection	Not inconsistent
State Environmental Planning Policy No 50 – Canal Estate Development	Not applicable
State Environmental Planning Policy No 52 – Farm Dams and Other Works in Land and Water Management Plan areas	Not applicable
State Environmental Planning Policy No 53 – Metropolitan Residential Development	Not applicable
State Environmental Planning Policy No 55 – Remediation of Land	Applicable (The provisions will need to be complied with given current agricultural practices. Comprehensive testing and possible remediation may be required)
State Environmental Planning Policy No 59 – Central Western Sydney Regional Open Space	Not applicable (Land not located in Central Western Sydney)
State Environmental Planning Policy No 60 – Exempt and Complying Development	Limited application (Will be relevant to residential development and the like)
State Environmental Planning Policy No 62 – Sustainable Aquaculture	Not permitted in the proposed R2 zone
State Environmental Planning Policy No 64 – Advertising and Signage	Not inconsistent
State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development	Not permitted in the proposed R2 Low Density Residential zone
State Environmental Planning Policy No 70 – Affordable Housing (revised schemes)	Not inconsistent
State Environmental Planning Policy No 71 – Coastal Protection	Not applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not inconsistent
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not inconsistent (The relevant principles will inform subdivision design and subsequent development)
State Environmental Planning Policy (Exempt and Complying Codes) 2008	Not inconsistent
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not inconsistent
State Environmental Planning Policy (Infrastructure) 2007	Not applicable
State Environmental Planning Policy (Major Development) 2005	Not applicable
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
State Environmental Planning Policy (Rural Lands) 2008	Not inconsistent
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable

State Environmental Planning Policy (Temporary Structures) 2007	Not applicable
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable
Sydney Regional Environmental Plan No 20 (SREP 20)	Not inconsistent
Sydney Regional Environmental Plan No. 9 (No.2) (Extractive Industries)	Not inconsistent

4.3.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (SECTION 117 DIRECTIONS)?

Section 117 Directions detail matters to be addressed in LEPs so as to achieve particular principles, aims and objectives or policies.

All relevant Directions can be adequately accommodated or departures justified in the preparation of an LEP amendment of the nature foreshadowed in this Planning Proposal.

The relevant considerations in respect of the Section 117 Directions highlighted to be of relevance are summarised below.

1. Employment and Resources

Direction	Applicable	Consistent
1.1 Business and Industrial Zones	No	N/A
1.2 Rural Zones	Yes	No
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A
1.4 Oyster Aquaculture	No	N/A
1.5 Rural Lands	Yes	Yes

Justification

Direction 1.2 applies to planning proposals which affect land within an existing or proposed rural zone and states that a Planning Proposal must not rezone land from a rural zone to a residential zone.

The inconsistency is justified in this instance as the site is identified for future residential purposes within the Wollondilly Growth Management Strategy (GMS) and is not inconsistent with the prevailing Draft Sub-Regional Strategy.

The planning proposal is inconsistent with Direction 1.5, such inconsistencies are, however, justified as the proposed residential use is consistent with the strategic policies adopted by Wollondilly Council. The social and environmental benefits associated with rezoning rural land to residential land such as additional housing choice and opportunities are recognised, as too is the reduction in potential rural residential conflict.

2. Environmental and Heritage

Direction	Applicable	Consistent
2.1 Environmental Protection Zones	Yes	Yes
2.2 Coastal Protection	No	N/A

2.3 Heritage Conservation	Yes	Yes
2.4 Recreation Vehicle Areas	No	N/A

Justification

The land does not comprise land zoned for environmental protection purposes. Further, provisions already exist in the Wollondilly LEP 2011 for the protection and conservation of environmentally sensitive areas and the conservation of all heritage items, areas, objects, and places of heritage significance.

Nevertheless, the proposed zone boundary (limit of proposed residential development) has been positioned at 40 metres east of the watercourse (and associated fringing vegetation) which traverses the subject site. The balance of the subject site (west of the proposed zone boundary) exhibits some greater biodiversity values and is proposed to remain zoned RU1, thereby providing a template for a relevant management strategy.

Accordingly, the planning proposal is consistent with Direction 2.1.

The site does not contain any known items of European heritage, nor does it comprise a significant cultural landscape. In terms of Aboriginal heritage, it will be necessary to undertake a due diligence study of the site to determine the impacts of Aboriginal Cultural Heritage. However, it should be noted that the development area proposed for rezoning for residential purposes is located on the eastern section of the site, which is highly disturbed as a result of agricultural activity over a number of decades. It is therefore considered unlikely that the due diligence study will identify Aboriginal Cultural Heritage impacts on this part of the site (refer to Appendix "H").

3 Housing, Infrastructure and Urban Development

Direction	Applicable	Consistent
3.1 Residential Zones	Yes	Yes
3.2 Caravan Parks and Manufactured Home Estates	No	N/A
3.3 Home Occupations	Yes	Yes
3.4 Integrating Land Use and Transport	Yes	No
3.5 Development near Licensed Aerodromes	No	N/A
3.6 Shooting Ranges	No	N/A

Justification

In response to Direction 3.1, the planning proposal will broaden the choice of building types and locations available within the Wollondilly Local Government Area and will optimise efficient use of infrastructure and services. Accordingly, the Planning Proposal will enable the development of land consistent with the objects contained within Section 5 of the Environmental Planning and Assessment Act, 1979 and therefore reflects evolving lifestyle and demographic trends.

Home occupations in the form of low-impact small business will be able to be carried out in a dwelling without the need for development consent, consistent with Direction No. 3.3.

Whilst the planning proposal is partially inconsistent with Direction No. 3.4 pertaining to integrating land use and transport, with only limited access to the Oakdale Service centre and public transport and access to "alternative means of transport", the inconsistency is justified on the basis that the site has been the subject of consideration and has been identified for future residential development within the Growth Management Strategy prepared by Wollondilly Council.

4. Hazard and Risk

Direction	Applicable	Consistent
4.1 Acid Sulphate Soils	No	N/A
4.2 Mine Subsidence and Unstable Land	No	N/A
4.3 Flood Prone Land	No	N/A
4.4 Planning for Bushfire Protection	Yes	No (on current information)

Justification

The subject land is not defined as flood prone land and is unlikely to be flood affected given its relevant setting in the local creek catchment. Appropriate local flooding considerations will occur as the Planning Proposal is advanced.

The subject land and surrounding land is identified as bushfire prone land on Council's relevant mapping. Such mapping generally occurred at a broad scale and has minimal regard for the immediate local circumstance of the subject land. As the Planning Proposal is progressed, an appropriate strategy will be developed in accordance with "Planning for Bushfire Protection, 2006) and in concert with a more accurate understanding of the bushfire hazard.

5. Regional Planning

Direction	Applicable	Consistent
5.1 Implementation of Regional Strategies	No	N/A
5.2 Sydney Drinking Water Catchments	Yes	No
5.3 Farmland of State and Regional Significance on NSW Far North Coast	No	N/A
5.4 Commercial and Retail Development along Pacific Hwy North Coast	No	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	No	N/A
5.6 Sydney to Canberra Corridor	No	N/A
5.7 Central Coast	No	N/A
5.8 Second Sydney Airport: Badgerys Creek	Yes	Yes

Justification

The land is not subject to any of the Regional Strategies identified in Direction 5.1. The subject catchment is located in the Sydney Water catchment. All appropriate actions will be undertaken to ensure a neutral or beneficial effect on water quality. These actions will be identified in an appropriate water cycle management plan as the Planning Proposal is advanced. The Sydney Catchment Authority will be consulted in such process.

The land is also sufficiently free of any operational constraint should a second Sydney Airport ever be developed at Badgerys Creek.

6. Local Plan Making

Direction	Applicable	Consistent
6.1 Approval and Referral Requirements	Yes	Yes
6.2 Reserving Land for Public Purposes	Yes	Yes
6.3 Site Specific Purposes	Yes	Yes

Justification

Pursuant to Direction No. 6.1, the LEP provisions encourage the efficient and appropriate assessment of development as proposed and do not extend beyond those adopted in the recently gazetted Wollondilly LEP, 2011.

Consistent with Direction No. 6.2, the Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.

The Planning Proposal does not impose unnecessarily restrictive site specific planning controls and therefore is consistent with Direction No. 6.3.

7. Metropolitan Planning

Direction	Applicable	Consistent
7.1 Implementation of the Sydney Metropolitan Plan, 2036	Yes	Yes

Justification

The Planning Proposal is not inconsistent with the general direction of the Metropolitan Plan, 2036. Further, the Planning Proposal has addressed the S.117 Directions prescribed by the Minister contained within the Environmental Planning and Assessment Act 1979.

4.4 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT (SECTION C)

4.4.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITATS OR THREATENED SPECIES, POPULATIONS, ECOLOGICAL COMMUNITIES OR THEIR HABITANTS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

The site does have present elements of an endangered ecological community (vegetation) and is within a bio subregion with known threatened fauna species.

The areas of ecological sensitivity are located to the west of the creek corridor, an area not to be disturbed by the development proposal. As mentioned previously, it is proposed to limit urban development to the east of a 40 metre riparian buffer.

Further threatened species investigations will occur as the Planning Proposal is advanced.

4.4.2 ARE THERE ANY OTHER LIKELY ENVIRONMENT EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

No other adverse environmental impacts are likely to be occasioned by pursuit of a comprehensive residential subdivision in an environmentally sensitive manner, as promoted in this Planning Proposal.

Notwithstanding the foregoing statement, it will, however, be important to embrace the principles contained in

"Planning for Bushfire Protection"⁴ given the indicative extent of Bushfire Hazard documented at 2.10 of this Proposal.

Flood evaluation of the immediate creek may also be required and relevant development parameters adopted.

Standard Indigenous heritage investigations will also need to be undertaken as alluded to at 2.11 of this Proposal.

All the preceding potential impacts are importantly manageable and will inform the final design and development and implementation of management guidelines.

4.4.3 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The Proposal will address the current land supply limitations and move toward fulfilling the accommodation needs attached to the subregional population and housing projections. In doing so, affordability of housing is likely to be enhanced.

Further, the development process will have a positive economic impact upon the development/construction industry, inclusive of the prospects of local employment on many fronts, both in design and construction. The local businesses at Oakdale and other proximate centres such as The Oaks, Picton and Camden are likely to benefit in a modest way reflected in enhanced trade.

Indeed, under the proposed scenario, no adverse social and/or economic impacts are foreshadowed.

4.5 STATE AND COMMONWEALTH INTERESTS (SECTION D)

4.5.1 INTRODUCTION

The Gateway determination will identify any consultation required with State or Commonwealth Public Authorities. This will include:

- consultation required under section 34A of the EP&A Act where the Responsible Planning Authority (RPA) is of the opinion that critical habitat or threatened species populations, ecological communities or their habitats will or may be adversely affected by the planning proposal;
- consultation required in accordance with a Ministerial Direction under section 117 of the EP&A Act; and
- consultation that is required because in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP.

4.5.2 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

Public infrastructure will be required to be augmented to support the urbanisation of the subject land as communicated in this Planning Proposal.

The nature and extent of augmentation will be finally determined having regard to more detailed investigations as part of the continued "evolution" of this Planning Proposal and subsequent subdivisional planning in respect of the land.

As a minimum, the existing reticulated water and sewer system in the adjoining urban area will need to be extended to service a new housing estate. Further liaison will need to occur with the service provider in this regard, namely Sydney Water.

The logistics (physical and economic) of providing such requisite infrastructure are considered to be realisable.

The catchment and nature of the land is such that a comprehensive Stormwater Management Plan predicated upon the principles of Water Sensitive Urban Design can be readily designed and implemented as part of the envisaged

⁴ NSW Rural Fire Service, 2006

development scheme.

Such scheme will likely be dedicated to Council as part of the development process for ongoing care and maintenance and will require Council input at the design stage so as to ensure acceptance of the prospects of ultimate dedication.

Reticulated electricity (overhead), telecommunications facilities and gas will also be provided as service infrastructure. Such is capable of ready installation in a pragmatic physical and economic sense.

Development of the land as proposed in this Planning Proposal will entail the construction and ultimate dedication of an appropriate subdivisional road network. Such network should integrate efficiently with the existing network and in particular Egans Road.

Detailed traffic modelling will identify the suitability of such network and any impacts on the "external" system which require redress.

Amplification/enhancement of public infrastructure, including community infrastructure, will involve relevant contributions pursuant to Section 94 (EP&A Act) and/or a Voluntary Planning Agreement. Such contributions will be determined in response to more detailed planning actions as the Planning Proposal progresses.

4.5.3 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION, AND HAVE THEY RESULTED IN ANY VARIATIONS TO THE PLANNING PROPOSAL?

The relevant State and Commonwealth public authorities would be consulted following the outcome of the Gateway determination. Council would be responsible for carrying out this consultation in accordance with Section 57 of the EP&A Act.

Typical authorities likely to be consulted include:

Department of Environment, Climate Change and Water
Parks and Wildlife Group
NSW Office of Water
Culture and Heritage Division

Communities NSW

Department of Education and Training

Department of Human Services NSW

Health Department NSW

Department of Industry and Investment
Primary Industries
Minerals and Energy

Department of Planning

Transport NSW

RTA

Sydney Water

Integral Energy

Telstra

AGL

5 Community Consultation (Part 4)

Community consultation remains an important element of the Plan making process. The companion document "A Guide to Preparing Local Environmental Plans" outlines community consultation parameters.

The subject provisions in respect of notification and the exhibition materials to support the consultation will be observed.

It is considered that the Planning Proposal is of a "low impact"⁵ nature and should be exhibited for a minimum period of 14 days. Should the Authorities and Council believe the proposal to be significant given the significant transformation of the locality, a maximum 28 day period may be advocated.

Before proceeding to public exhibition, the Director General of Planning (or delegate) must approve the form of the Planning Proposal as being consistent with the "Gateway" determination (EP&A Act 57(2)).

Notification is able to be conducted by way of direct correspondence to the surrounding owners, publication within the local press and information on Wollondilly Shire Council's website.

Any submissions received in response to the community consultation would need to be fully considered, in accordance with the prevailing statutory provisions.

6 Conclusion

The subject Planning Proposal has documented a persuasive case for the rezoning of the identified portion of the subject land for urban purposes, via an amendment to Wollondilly LEP 2011.

Limited additional environmental and infrastructure investigations will need to be undertaken and broad commitments to infrastructure provision made as the Planning Proposal is advanced.

Council, as the Responsible Planning Authority, is requested to support and forward this Proposal to the Department of Planning for progressing through the "Gateway" in an expedient manner.

⁵ Means a planning proposal that, in the opinion of the person making the gateway determination, is consistent with the pattern of surrounding land use zones and/or land uses, is consistent with the strategic planning framework, presents no issues with regard to infrastructure servicing, is not a principal LEP and does not reclassify public land.

Appendix A

Indicative Plan of Proposed Subdivision