

11.1 DRAFT PLANNING PROPOSAL - WOLLONDILLY ANGLICAN COLLEGE**File Number: 10619#623**

Subject Site: Lot 12 DP 1122904, Lot 2 DP 8775785, Lot 4 DP 1010127 and part of Lot 3 DP 1010127, Bargo

Proposal: Draft Planning Proposal to amend the Wollondilly Local Environment Plan 2011

Applicant: The Anglican Schools Corporation

Owner: Lot 2, 12 and 4 are owned by The Anglican Schools Corporation. The Part of Lot 3 is owned by adjoining land owners

Current Zoning RU1 Primary Production

Proposed Zoning: SP2 Special Infrastructure (Educational Establishment and Place of Public Worship)

Initial Notification: March 2019

Submissions: Two

Figure 1. Aerial locality map of 3000 Remembrance Drive, Bargo

Source:

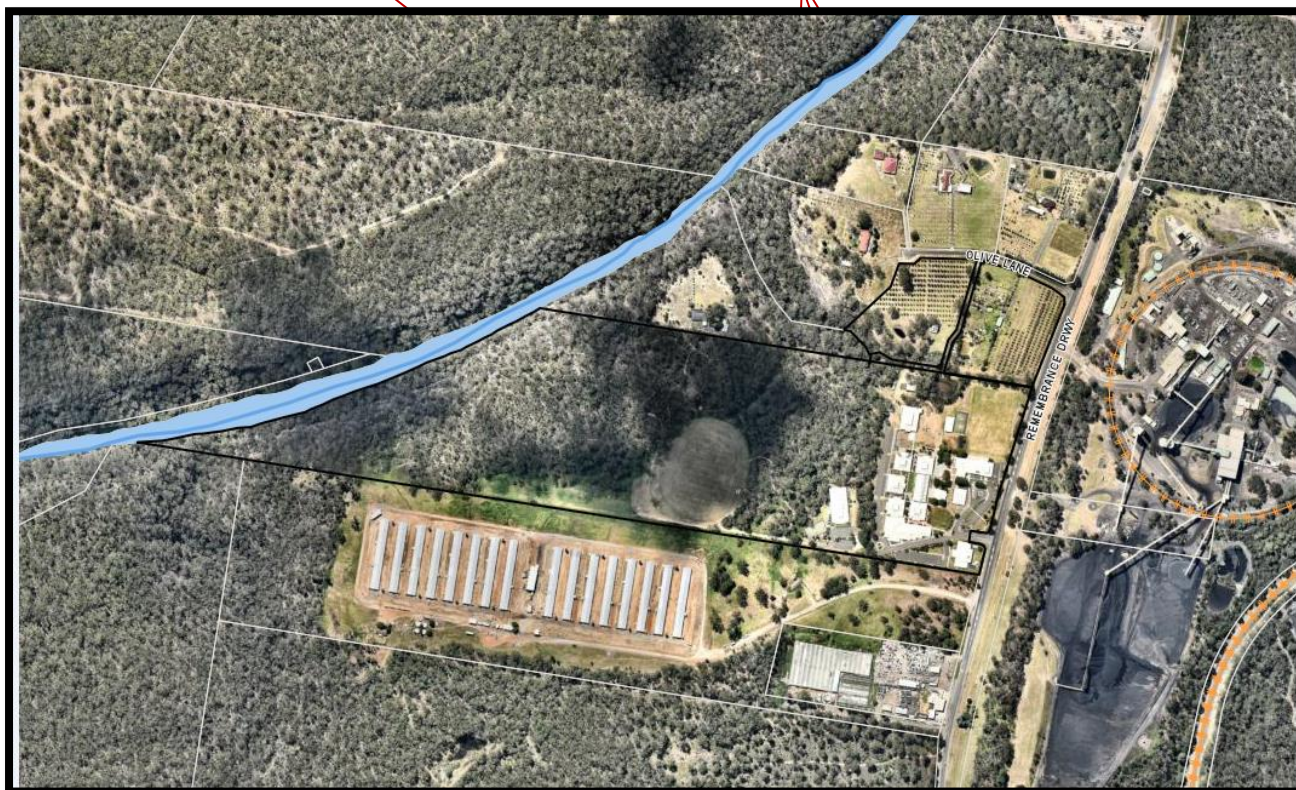
2019, map not to

Adjoining
property owner

scale.

Wollondilly
Anglican College

Wollondilly Shire Council



Executive Summary

- A draft planning proposal (PP) was received for land owned by the Wollondilly Anglican College – located at 3000 Remembrance Driveway, 1 Olive Lane, 5 Olive Lane and part of 3 Olive Lane in Bargo (not owned by the College) that seeks to amend the Wollondilly Local Environment Plan (WLEP) 2011 to rezone the above land from its current zone of RU1 (Primary Production) to SP2 (Educational Establishment and Place of Public Worship) to accommodate an expansion in the College.
- The draft PP was reported to the Wollondilly Local Planning Panel for its advice in May 2019. The Panel raised concerns with the inclusion of the driveway that services private land at number 3 Olive Lane and the potential impact on vegetation associated with zoning the land west of the sports oval at 3000 Remembrance Driveway for infrastructure purposes.
- Following the Panel meeting, Council officers have discussed access arrangements with both the proponent and the owners of Lot 3. This report empathises that the onus is on the proponent to resolve the access issues, or the proposal will need to be altered to exclude Lot 3 and possibly Lot 5.
- This report recommends that Council:
 - Note the advice of the Local Planning Panel
 - Support the proposed rezoning of this land, with a provision to allow Council to recommend adjustments to zone boundaries and classifications as determined through further consultation.
 - Seek a Gateway determination which includes:
 - An updated Traffic study and plans for the Olive Lane intersection upgrade
 - The authority to determine the land zoning for the western portion of 3000 Remembrance Driveway, Bargo
 - The need for the proponent to provide a Master Plan for the whole college site
 - Delegation for Council officers for plan making
 - Encourage the proponent to enter into negotiations with the owner of lot 3.

REPORT

Background

Council has received a draft PP for land at located at 3000 Remembrance Driveway (Lot 12 DP 1122904), 1 Olive Lane (Lot 2 DP 8775785), 5 Olive Lane (Lot 4 DP 1010127) and part of 3 Olive Lane (Lot 3 DP DP1010127), Bargo. This land (with the exception of part of No. 3 Olive Lane) is already owned by the College and the intent of the PP is to enable the expansion of school infrastructure – including constructing a new entrance to the College via Olive Lane, which will support a new sportsground, indoor gymnasium, car parking, classrooms and bus interchange. The individual land uses do not form part of the PP, rather they provide a guide for the future intended school use for the site.

The draft PP was placed on preliminary notification in March 2019 and two community submissions were received. Neither of the submissions objected to the proposal. Comments were also provided by various internal departments within Council and relevant state government agencies.

Wollondilly Local Planning Panel (LPP)

A report was considered by the LPP on 30 May 2019. The LPP noted strategic merit in the draft PP subject to the following recommendations being further considered by Council:

1. That the proponent enter negotiations with the Owner(s) of Lot 3 to explore the opportunity for the provision of direct access from the school to Lot 4 (this could involve relocation of the access road to Lot 3).
2. Should negotiations outlined in 1 above fail, then Lot 3 be removed from the planning proposal.
3. That the planning proposal clarify the intended use of the land forming the western portion of Lot 12 west of the existing sports field (the Panel recommend that this land be retained as an environmental zone).
4. That the planning proposal include an indicative master plan for the entire campus.

Council Officers Comments

Council Officers support and agree with the above listed recommendations made by the LPP. Council have provided the proponent with written advice regarding the LPPs recommendations, and have strongly encouraged the proponent to commence discussions with owner of the Driveway of 3 Olive Lane as a matter of urgency. In the event that a mutually beneficial outcome cannot be achieved between the proponent and the owner of the Driveway of 3 Olive Lane, Council will enforce the LPP recommendation and request the proponent to remove the Driveway of 3 Olive Lane from the draft PP. The recommendations made at the end of this report allow for flexibility with regard to this matter.

With regard to the use of the western portion of the school's site, Council supports the LPP recommendation for the proponent to clarify the intention for land west of the existing sporting field.

Throughout the PP assessment process, Council officers will seek formal comment from the Office of Environment and Heritage, and consult closely with Council's Environmental Officers who can provide further technical advice on the exact portion of land to be rezoned an environmental zone. Council has requested a comprehensive master plan for the site, and will consider its merit in terms of meeting both the environmental and bushfire protection needs of the site together with the need to provide key onsite infrastructure to support the school's growth.

Description of Site and Surrounding Area

The site is 38.164 hectares in area. To its north are several lots previously used for olive farms, and still zoned RU1 Primary Production under Council's LEP, to the east is Remembrance Driveway and the Tahmoor Colliery, to the south is a service station and poultry farm and the western border stretches to the Bargo River. Its northern border is bound by Olive Lane.

The Wollondilly Anglican College is a pre-Kindergarten to year 12 co-educational institution, operated by the Anglican Schools Corporation, which was founded in 2004. Its orderly expansion represents an acknowledgement that the South Western District of Sydney is the fastest growing district in Sydney and is becoming an epicentre of economic and population expansion.

Description of Proposal

The draft PP aims to amend the Wollondilly Local Environmental Plan 2011 to rezone the above land from its current zoning of RU1 (Primary Production) to SP2 (Educational Establishment and Place of Public Worship).

Wollondilly Local Environment Plan 2011

The WLEP 2011 is the relevant planning instrument governing zoning, building heights and permitted uses across Wollondilly Shire. The current RU1 zoning in the WLEP permits the following:

3 Permitted with consent

Agriculture; Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems.

4 Prohibited

Any development not specified in item 2 or 3

Within the WLEP 2011, SP2 reads as follows:

Zone SP2 Infrastructure**1 Objectives of zone**

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

2 Permitted without consent

Nil.

3 Permitted with consent

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads.

4 Prohibited

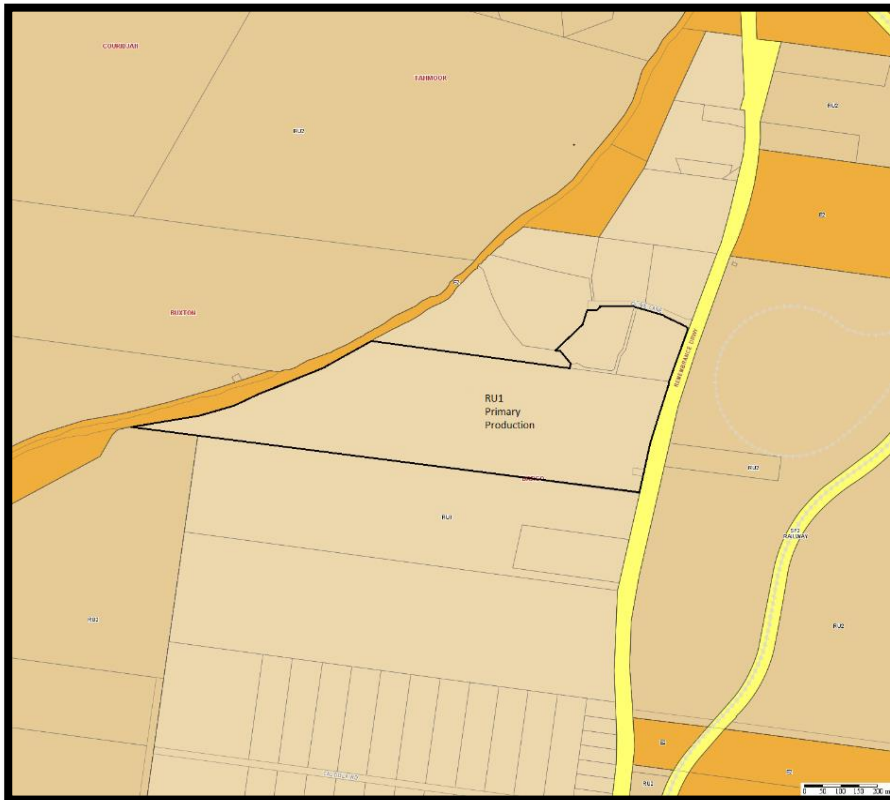
Any development not specified in item 2 or 3.

It is proposed that this newly zoned SP2 area will have the title "SP2 (Educational Establishment and Place of Public Worship)" to more accurately reflect the current, and future intended land use for this location. The current land zoning (RU1) prohibits the use of Educational Establishments in this area, however the College was established under a previous version of the WLEP (WLEP 1991).

Given the historical approval of the College, the expansion of the campus would be permitted on the current site but this would not extend to the blocks to the north, hence the need for the rezoning application. Rezoning the land use maps to SP2 would permit the College to expand appropriately into the northern blocks on Olive Lane and correct this planning abnormality.

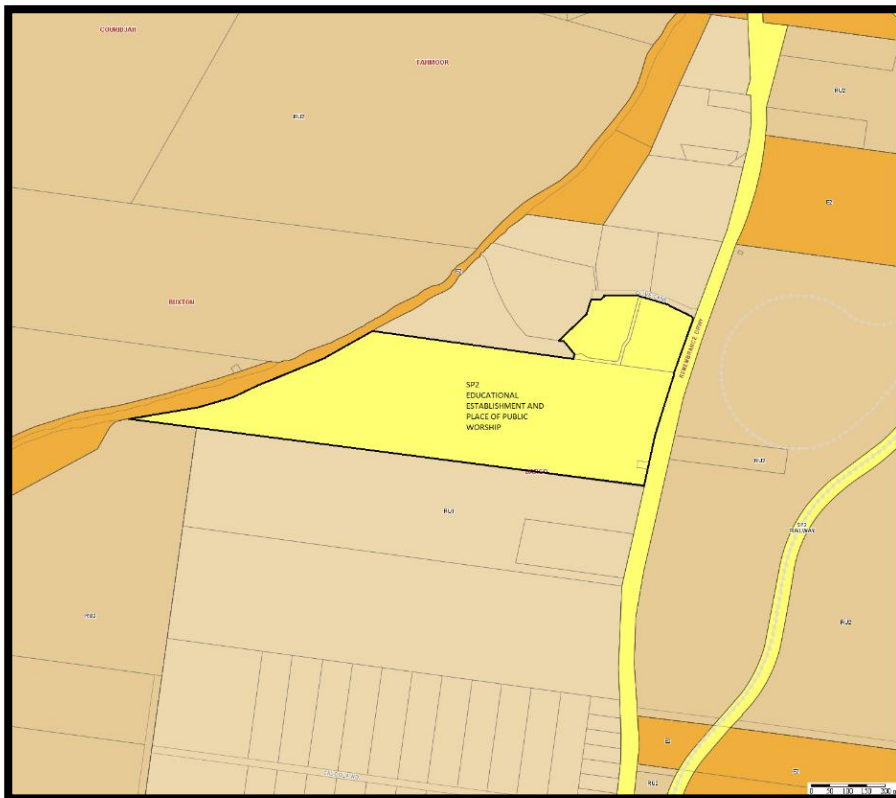
This draft PP is seen as essential to upgrade facilities at the College to allow for the accommodation of additional students and staff. Currently the College has approximately 900 students, supported by 94 staff. The number of students is expected to increase to around 1200 by 2025, supported by 122 staff, based on current demand and growth around Wollondilly Shire.

Figure 2. Existing zoning



Source: Wollondilly Shire Council 2019, map not to scale.

Figure 3. Proposed zoning



Source: Wollondilly Shire Council 2019, map not to scale.

Consultation

Preliminary Consultation

Preliminary consultation was undertaken for 15 days from 6 March 2019 to 20 March 2019. During this time, invitations to comment on the draft PP were sent to internal Council departments, relevant State Government agencies and adjoining landowners. Notifications were placed on the Council's website and published in local papers. Physical copies of the proposal in full were available in the Council's foyer and Picton library. During this time there were three responses from Council staff, none of whom objected to the proposal, as well as two members of the public and three public agencies, again with nil objections.

Consultation with Internal Council Staff

Summary of Comments	Response from Strategic Planning Team
<p><i>Property Team:</i></p> <ul style="list-style-type: none"> The site is located within the Bargo Mine Subsidence District The site is located within Bush Fire Prone Land Odour impacts from the nearby chicken shed should be considered The impacts from airborne dust from Tahmoor Colliery which is situated on the opposite side of remembrance Drive should be considered There are some restrictions on building envelopes and land use within that area. 	<ul style="list-style-type: none"> The Subsidence Advisory Board were consulted on the proposal and confirmed that the site is located within the Mine Subsidence District and that the proposal is located in an area where coal extraction has already occurred through longwall mining. RFS have no concerns, and the Anglican Schools Corporation have prepared a detailed Bushfire Impact Study which demonstrates that the proposal is capable of satisfying the requirements of Planning for Bushfire Protection 2006 and the relevant ministerial direction. According to the Master Plan for the College, the development is occurring on the other side of the campus so shouldn't be impacted by odour, and dust exposure shouldn't be any greater than it currently is for the existing land owned by the college. Council's Environmental Health Officer advised that any increase in operations at the mine would not prevent expansion of the School, in terms of classrooms or student population, and the impact of this would be more appropriate to the DA for the Mine. Restrictions will be a concern for the Development Application (DA) stage, however there is value in alerting the College to this
<p><i>Environment Team:</i></p> <ul style="list-style-type: none"> Broad support for the draft PP. Conservation area to the west to be maintained DA applications on the site will need to factor in the conservation zone and 	<ul style="list-style-type: none"> It will be requested that the western portion of 3000 Remembrance Driveway is rezoned to guarantee environmental protection. The exact location of the

Summary of Comments	Response from Strategic Planning Team
<p>provide more detailed intended vegetation clearance</p> <ul style="list-style-type: none"> Clarification over the amount of vegetation removal required to accommodate Asset Protection Zones on the site. This could be in the form of a Map showing the Intended Works, Asset Protection Zones specifically for the new works and location of intended vegetation clearance. This should be provided to verify the conclusion of the Ecological Assessment that the "Impacts are relatively minor". 	<p>conservation zone will be determined following further to discussion with OEH.</p> <ul style="list-style-type: none"> More comprehensive Master Plans will be requested from the College showing conservation areas and asset protection zones which further clarify the extent of any impact.
<p><i>Environmental Health:</i></p> <ul style="list-style-type: none"> Satisfied that the recommendations in the report for surface irrigation effluent disposal are sound, however, there does not seem to be any discussion as to whether the current system of aerated effluent treatment will be of adequate size to manage the extra loads to a 'secondary' quality standard of treatment. It is noted that section 9 of the proponent's report 'Management Implications' advises that effluent is likely to be a mix from the current and the new STP – however no details have been provided for a new STP. Need to clarify that a new STP is to be provided to the school and request further details, specifications, site plans etc. In addition, it would be prudent to ask for a site map showing all required buffer distances from the STP(s) and effluent disposal areas to sports fields, class rooms, boundaries, parking areas, the river and all mapped 1st order watercourses which cross the site in four places. 	<ul style="list-style-type: none"> Adequate land exists for a new sewerage treatment system to be provided to accommodate the additional wastewater load from future development and further details could be requested following the issue of a Gateway Determination. It is considered that specifications for any future sewerage treatment plant on the site could be considered as part of any future development application on the land. Further information which demonstrates that the extension to the school can occur and that the wastewater disposal areas can be provided within the relevant setbacks and buffer distances can be requested following the issue of a Gateway determination.

Summary of Comments	Response from Strategic Planning Team
<p><i>Engineering Team:</i></p> <ul style="list-style-type: none"> Safety Road Audits must be carried out for the intersection, these were not included in the traffic study. Traffic management report does not contain sufficient information on how queued busses will be managed. Remembrance Driveway: <ul style="list-style-type: none"> With Colliery upgrades there is the potential for turning conflicts Is there the capacity for a roundabout at the intersection with Olive Lane. Have the College discussed with Tahmoor Coal about sharing costs? Olive Lane: <ul style="list-style-type: none"> Needs widening, possibly to approximately 9m, which is 2 x 3.5m lanes plus 1m shoulders (or kerb & gutter treatment?) Turn paths needed into access point Clarification is required over whether the Cul-de-sac head swept path in Olive Lane to service any buses which may utilise this area? No plan for pedestrian access around Olive Lane Will there be a give-way control on Olive Lane? 	<ul style="list-style-type: none"> We are in agreement that the traffic management plan did not provide adequate details about the proposed intersection and treatment of Olive Lane itself. Issues raised by the Engineering Team in terms of road upgrades to support buses and intersection upgrades to help manage buses will need to be addressed by the proponent. There will be a request for this information to be provided as part of the Gateway Determination.

Consultation with Public Agencies

Roads and Maritime Services (RMS):

The RMS did not oppose this draft PP, as it does not significantly impact on the State road network. However, it acknowledged the need for significant road work on Remembrance Driveway and Olive Lane to modify the entrance to Olive Lane via the development of a *Type AUL left-turn* and *Type CHR right-turn* bay approximately 80metres in length. Confirmation of whether this can be completed using existing road reserves will need to be determined following a Gateway determination. It is noted that the outcome may affect the extent of land subject to the planning proposal.

NSW Rural Fire Service (RFS):

The RFS did not oppose this draft PP, however they would like the College to consider larger, better defined, asset protection zones. These will likely be concerns for the DA stage of development and should not impact on the decision to rezone.

Geological Survey of NSW (GSNSW)

GSNSW were consulted as a requirement of the Ministerial Direction 1.3 Mining, Petroleum Production and Extractive Industries. GSNSW advised that undermining has occurred and SANSW need to be consulted. No other concerns were raised.

Subsidence Authority of NSW (SANSW):

The SANSW was contacted to establish if there would be any threshold concerns with this proposal. They advised that they have no concerns and recommended that the Council consult with GSNSW – see above.

2.1 Community Consultation

Summary of Comments	Officer comments
Consideration needs to be given to water run-off from the College into neighbouring property, especially during heavy rain events	The College has prepared a detailed water survey which did not specify any issues with water runoff or flooding and detailed that water runoff is from future development is able to be directed either to the existing water course or dam. The survey specified the flow of water.
Consideration needs to be given to local (minor) waterways and flooding	Council has no reports that detail the effects of heavy rainfall in this area. Impact on water quality and localised flooding could be addressed as part of future development on the site.
Consideration needs to be given to the anticipated increased volume of traffic on Olive Ln	Increased traffic has been considered along Olive Ln. There will be an additional entrance to the College via this street and parking to accommodate same. There is no proposal to use Olive Ln as a turning circle for buses. No concerns were raised by the Traffic/Infrastructure Teams.
Consideration needs to be given to the impact that more development will have to your right to tranquillity and rural environment.	The increase in student numbers that the proposal would enable is relatively small (less than 25% increase in total student and staff numbers). Council acknowledges that the sporting oval may increase sound and light issues, but these are anticipated to be of minor significance and seasonal, with large periods where the sporting field is unused.
School upgrades will benefit the community. School is a great asset.	Agreed.
Need to widen and upgrade the turning circle on Olive Ln	The School's proposal includes a separate access and turning point within the campus, however, some vehicles including buses may rely on the Olive Land cul-de-sac head to turn in order to travel back to Remembrance Drive and in this regard a swept path analysis of the cul-de-sac head should be undertaken by the proponent in accordance with the advice from Council's Infrastructure Planning Team. . Council's Infrastructure Planning Team has also advised that it is likely that Olive Land will need

Summary of Comments	Officer comments
	to be widened (possibly to 9 metres) in response to future development that the planning proposal would allow. Other infrastructure upgrades on the intersection of Olive Lane and Remembrance Drive however, are likely to be required to support future development of the rezoned land.
Street lighting on Olive Ln	Presumably the school will consider lighting, and Council agrees there is a safety issue associated with students and poor lighting, but this can be discussed with them at a later date.

Relevant Planning and Policy Documents

Wollondilly Development Control Plan 2011

No site specific Control Plans have been proposed for this site.

Growth Management Strategy

Council's Growth Management Strategy 2011 (GMS) was adopted by Council in 2011. The GMS sets directions for accommodating growth in the Shire over the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. An assessment of the suitability against the GMS is included in Attachment 3. The assessment finds that the proposal is generally consistent.

Wollondilly Community Strategic Plan

The Create Wollondilly Community Strategic Plan 2033 (CSP) is Council's highest level long term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations. An assessment of the proposal against the CSP is included at Attachment 4. The assessment finds that the proposal is generally consistent.

Greater Sydney Region Plan and Western City District Plan 2018

The Greater Sydney Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration;** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration
- **Liveability;** social infrastructure, healthy communities, housing supply and affordability, great places
- **Productivity;** the 30 minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs
- **Sustainability;** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation;** local strategic planning statements, monitoring and reporting.

While the Plans do not provide strong direction on how to prioritise Planning Priorities against each other, a dominant focus for Wollondilly throughout the plan is the Metropolitan Rural Area (MRA).

Metropolitan Rural Area (MRA)

The concept of the MRA was introduced by *A Plan for Growing Sydney* which was the region plan for the Greater Sydney area prior to the current *A Metropolis of Three Cities*. The MRA is a core spatial element now shown on high level mapping throughout the document.

The MRA is that part of Greater Sydney which is generally outside the established and planned urban area. For Wollondilly it takes in the whole Shire with the exception of the Wilton Growth Area and areas in Appin within the draft Greater Macarthur Growth Area. The objective of the MRA is to protect and enhance the wide range of environmental, social and economic values in rural areas across Greater Sydney. The 'values' to be enhanced and protected will vary from Council to Council and within local government areas depending on the areas characteristics and so the Region and District Plan's focus is on the need for 'place-based planning' so that outcomes can be targeted.

The intention of the MRA is to restrict urban development to enable the timely delivery of local infrastructure needed to support future local growth needs. This will support the achievement of positive social, economic and environmental outcomes. This draft PP supports growth by encouraging the development of local infrastructure (educational facilities) within an existing MRA area. No urban growth (and particularly no housing) is being proposed through this draft PP, indeed it supports existing growth by providing an essential service to support the population's needs. The proposal will also enable the expansion of an existing school rather than a completely new facility. It is important to note that this draft PP will in no way reduce the capacity of surrounding lands to be used for agricultural purposes, all it is doing is redistributing the agricultural capacity of the existing lands to accommodate the local demand for increased provision of educational services.

Planning Priorities and Actions

Greater Sydney Region Plan	Western City District Plan
<p>The vision of the Metropolis of Three Cities is a world where all residents live within 30 minutes of work, education, health and recreation facilities. This draft PP will increase the capacity of the College to cater for additional students, thus meaning more families within the 30 minute window will be able to send their children there.</p> <p>The following objectives are relevant to this draft PP:</p> <ul style="list-style-type: none"> • Objective 6: Services and infrastructure meet communities' changing needs. • Objective 7: Communities are healthy, resilient and socially connected. • Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods. • Objective 12: Great places that bring people together. • Objective 25: The coast and waterways are protected and healthier. • Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced. 	<p><i>Planning Priority W3</i> – "Providing services and social infrastructure to meet people's changing needs". The District Plan highlights the need to increase the provision of services for children, including investing in educational services. The Western City District will need to accommodate up to 77,978 additional students by 2036 (Western City District Plan, p. 29) and the Planning Proposal will assist in meeting this target.</p> <p><i>Planning Priority W4</i> – "Fostering healthy, creative, culturally rich and socially connected communities". The District Plan encourages a wide range of options to meet the requirements of the local community, including ensuring that local residents have access to religiously-appropriate education and worship options, for those who want to access this. The Planning Proposal will contribute towards meeting this Planning Priority.</p> <p><i>Planning Priority W12</i> – "Protecting and improving the health and enjoyment of the District's Waterways". The District Plan requires proposed development to ensure that significant waterways are preserved. This is addressed in Sec. 3.6.1 of this report.</p>

Greater Sydney Region Plan	Western City District Plan
	<p><i>Planning Priority W14</i> – “Protecting and enhancing bushland and biodiversity”. The District Plan pushes for developers in the Western City District to guarantee the preservation of bushlands. The Masterplan for the College site shows that the western portion will remain untouched bushland, only the existing olive farms, whose ecology has been disrupted by these developments will be developed. It is considered appropriate that an Environmental Conservation Zone be applied over significant vegetation in the western portion of No. 3000 Remembrance Dr (the lot which contains the existing school facilities) to ensure that the environmental quality of the area is retained.</p>

Section 9.1 – Compliance with Ministerial Directions

3.5.1 Direction 1.2 - Rural Zones

Objectives

The objective of this Ministerial Direction is protect the agricultural production value of rural land in areas that are within an existing or proposed rural zone, including altering rural zone boundaries. The Direction stipulates that land must not be rezoned from rural to residential, business, industrial, village or tourism and must not increase the density of the land.

Assessment

This proposal will not substantially restrict the availability of rural lands. The existing olive groves are not sustainable as commercially viable farms due to their reduced size and the poor health of the current trees. This proposal will not result in the loss of productive rural lands, as no agricultural activity has occurred on this site in some time, and the Anglican Schools Corporation (as owners) have no interest in re-establishing the farm, instead intending it to be kept for the Wollondilly Anglican College and for the purposes of the future school.

Direction 1.3 – Mining, Petroleum Production and Extractive Industries

Objectives

The objective of this Ministerial Direction is to ensure that inappropriate developments do not impact on the acquisition and extraction of minerals and resources of state significance. Developments are not to prohibit or restrict access to these minerals and resources.

Assessment

This proposal is situated within the Bargo Mine Subsidence District, and adjacent to Tahmoor Colliery. Given this information, SANSW and GSNSW were consulted around this. SANSW have advised that it has no opposition to this proposal progressing, and GSNSW has formally replied with nil concerns.

Direction 1.5 - Rural Lands

Objectives

The objectives of this Ministerial Direction are to protect the agricultural production value of rural lands, facilitate the orderly development of rural lands for rural and related purposes, properly manage and develop rural lands to promote the social, economic and environmental welfare of the State, minimise the potential for land fragmentation and use conflict and to encourage sustainable and viable agricultural land use particularly those that deliver on the NSW Right to Farm Policy. It

applies to all rezoned land within rural or environmental protection zones or any changes to minimum lot sizes within rural and environmental protection zones. It requires all proposals to be consistent with any relevant strategic plan (including regional and district plans), consider the significance of agriculture to rural communities, identify and protect environmental values, promote rural economic activities, support farmer's right to farm and will not adversely affect operations and viability of future farming operations.

Assessment

This draft PP will not result in the loss of current commercially viable agricultural lands. This draft PP seeks to rezone land that is being used for educational purposes and not well-suited to agriculture due to its small size and lack of any recent agricultural draft practice on this land. In addition, no residential areas will be permitted in the rezoned land, the purpose of the Planning proposal is to rezone the land for educational purposes. There may still be an opportunity for the land to be used for some rural type uses (such as agricultural education) in the future.

Direction 2.1 - Environmental Protection Zones

Objectives

The objective of this Ministerial Direction is to force Local Governments to protect and conserve environmentally sensitive areas by requiring all Planning Proposals to maintain the existing environmental protection standards already in place on that land, specifically land identified for environmental protection purposes in an LEP.

Assessment

An ecological assessment was undertaken by Niche Consultancy, which stated that the proposed rezoning should be allowed in the context of the College only seeking to build within already cleared and disturbed areas of minimal ecological significance (as per their Master Plan) in 1 and 5 Olive Lane. The proposed development site contains no evidence of koala habitat, or other threatened species. Ecologically the area is predominantly Red Bloodwood-Grey Gum Woodlands with sections of Smooth-barked Apple and Sydney Peppermint, and Ironbarks in the eastern portion along Remembrance Driveway. The Western portion of 3000 Remembrance Driveway is subject to riparian restrictions for both Bargo River (100m) and the smaller watercourse flowing through it (10m). Should the College wish to expand into this area, further more detailed studies should be undertaken. It is recommended that the sensitive area in the western portion of 3000 Remembrance Dr be included in an Environmental Conservation zone to ensure it is suitably protected.

Direction 2.3 - Heritage Conservation

Objectives

The objective of this Ministerial Direction is to ensure the conservation of items, areas, objects and places that have significance either for environmental or aboriginal heritage. All planning proposals must consider, and facilitate the conservation of, any items, places, structures, relics, objects or precincts of environmental heritage with significance to an area or people. The historical, scientific, cultural, social, archaeological, architectural, natural and aesthetic values must be considered. Any items or places that are protected under the National Parks and Wildlife Act 1974 and any areas, objects, places or landscapes that have heritage significance to Aboriginal culture and people, as identified by a heritage survey on behalf of an Aboriginal Lands Council, associated body or public authority must, also be protected.

Assessment

The proponent has engaged Niche Consultancy to provide a detailed Archaeological Report and Aboriginal Heritage Study, in consultation with Registered Aboriginal Partner, Cubbitch Barta Native Title Claimants. These reports included both desktop research and a site visit. The documents concluded that due to the heavy disturbance across all but the western portion of the site, it was unlikely any Aboriginal articles of significance would be present. The western portion will need to be further investigated if the Anglican Schools Corporation intends to expand in that direction, however the current Master Plan does not contain such expansion and this report recommends that an

environmental conservation zone be applied to this area of the site which will prevent future disturbance. No significant sites of European heritage were identified either.

Direction 4.3 - Flood Prone Land

Objectives

The objective of this Ministerial Direction is to ensure that any development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles established in the NSW Floodplain Development Manual 2005. It regulates the rezoning, and development options, of land in Flood Prone Land zones.

Assessment

The site has not been identified as being within a flood prone area on Council's flood mapping. There are two watercourses which pass through the site however, based on the Master Plan provided by the proponent, they are some distance from any new development proposed on the rezoned land.

Direction 4.4 - Planning for Bushfire Protection

Objectives

The objective of this Ministerial direction is to protect life, property and the environment from bush fire hazards by encouraging management of bush fire prone areas and discouraging inappropriate land use in these areas. All Councils are required to map bushfire prone land as per Sec 146 of the Environmental Planning and Assessment Act 1979. It requires relevant planning authorities to consult with the Commissioner of the NSW Rural Fire Service and consider Bushfire Protection 2006, including avoiding developments in hazardous areas, maintaining appropriate asset protection zones (with inner and outer protection areas), reducing land interfacing with hazards, reducing combustible materials inside inner protection area and ensuring appropriate water supply for firefighting purposes.

Assessment

A detailed Bushfire Impact Assessment, prepared by Bushfire & Evacuation Solutions, has been provided for this draft PP that included Asset Protection Zone considerations. This, along with the Proposal document, was forwarded to the NSW Rural Fire Service for review. The RFS replied in March 2019 stating it had no opposition to the draft PP and a further review of APZs could be undertaken in the DA stage of the College's growth.

Compliance with State Regional Environmental Policies & State Environmental Planning Policies (SREPs & SEPPs)

SREP20 (Hawkesbury-Nepean River)

Objectives

Sydney Regional Environmental Plan No.20 (SREP 20) relates to future long term planning in the Hawkesbury-Nepean River Valley and identifies the major issues affecting the river and its valley. The plan covers all planning aspects along the river through eleven local government areas.

Assessment

There are two watercourses of significance on the draft PP site, the Bargo River (which borders the site in the west) that connects with the Nepean River to the east of Tahmoor and a tributary of the Bargo River which crosses the subject land. The draft PP acknowledges the need for appropriate riparian corridors for these waterways. The existing school development and proposed expansion of the school will ensure the ongoing maintenance of appropriate buffers to the existing watercourse and maintain existing riparian vegetation. The proposal will have no adverse impact upon the Hawkesbury/Nepean River. Appropriate water quality control measures and soil erosion methods will need to be implemented during construction phase.

SEP44 (Koala Habitat)

Objectives

The objective of SEPP44 is to stem the decline of the State's koala populations through the conservation and protection of core koala habitats, including rezoning of these lands to designate them as environmental protection areas.

Assessment

According to a comprehensive ecological assessment conducted by Niche Consultancy, which includes both day and evening site visits, there was no substantive evidence of any recent koala habitation or activity within the site despite the presence of koala-friendly trees.

SEPP55 (Remediation of Land)

Objectives

The objective of SEPP 55 is to ensure that all proposals consider remediation of contaminated lands, reducing the risk of harm to human health and rendering them safe to develop on. Clause 6 of the SEPP requires all relevant planning authorities to consider contamination, and whether the land will be safe to use after remediation, before rezoning.

Assessment

The Anglican Schools Corporation has commissioned Martens Consultant Engineers to undertake a Preliminary Site Investigation for the land. It has concluded that the entire site currently occupied by the College campus, and the land to the west towards Bargo River, is likely to be contamination free. However, the two old olive groves to the north contain old, unused, dams that may have had contaminants flow into them and have been constructed from unknown fill. There are also sheds made of an unknown material and potentially have a history of containing dangerous agricultural chemicals. The report recommends the demolition of these sheds and, post-demolition, more detailed contamination assessment of the site. They conclude that once demolition and appropriate soil studies are finalised around the previous building sites, that the site will be suitable for development. Overall, they conclude, there is no higher than a medium level risk of contamination across any area of the site.

Voluntary Planning Agreements

No Voluntary Planning Agreement (VPA) has been proposed for this draft PP. It is noted, however, that there is an opportunity to negotiate suitable public benefits relating to access (both vehicle and pedestrian access) in relation to this site. Suitable arrangements for site access will need to be addressed as part of the rezoning process. Should the proposal proceed to Gateway, Council officers will write to the proponent seeking advice on how they propose to resolve these matters.

It is also noted that the proponent should be encouraged to enter negotiations with the owner(s) of Lot 3 to explore the opportunity for the provision of direct access from the school to lot 4 (this could include the relocation of the access road to lot 3) and that this lot could be removed from the draft PP should the negotiations not achieve the desired outcome.

Council officers have spoken with both parties since the Local Planning Panel meeting. It is noted that negotiations between both parties are complex and arrangements have not yet been resolved. This report recommends flexibility, so that if the access cannot be resolved in a timely manner, Lot 3 and 5 (part of the school site) should be removed from the planning proposal.

Preparation of a Planning Proposal

When the matter was considered by the Local Planning Panel at its meeting on 30 May 2019 the owner of lot 3 addressed the panel and raised concerns over the inclusion of their land in the planning proposal. The portion of this lot which is included in the proposal comprises an access handle to the lot approximately 8.09m wide. The access handle sits between lots 2 and 4 which are owned by the College. The access handle is approximately 190 metres in length and runs in a north/south direction before turning west and feeding into the larger area of lot 3. This larger area of lot 3 would retain its RU2 zoning under the current Planning Proposal.

The advice from the panel was that the proposal has merit subject to the proponent entering into negotiations with the Owner(s) of Lot 3 to explore the opportunity for the provision of direct access from the school to Lot 4 (this could involve relocation of the access road to Lot 3) and that should these negotiations fail, then Lot 3 be removed from the planning proposal.

Council officers agree with this advice and the suggested approach forms a part of the recommendation of this report. It is also worth noting that should the area of the access handle be rezoned to SP2 Educational Establishment and the relocation of the driveway is not able to be suitably negotiated between the proponent and the owners of lot 3, it may impact on the permissibility of future uses on the RU2 zoned portion of lot 3 given that this is the only means of access to the lot and the SP2 zone will prohibit most other uses.

This concept is also in accordance with the principles contained in the recent case of SitePlus Pty Ltd vs Wollongong City Council (2014). If the owners of lot 3 proposed a use on the RU2 portion of their land in the future which required consent, and the only means of access to this use would be via the existing driveway in its current location, consideration may also need to be given to whether the use proposed is in fact also permissible in the land zone that applies to the driveway if the driveway is used as the sole access for the use proposed. Therefore if the owner of lot 3 does not agree to be included in the planning proposal or come to an agreement with the proponent it is appropriate to remove their land from the planning proposal so that it can retain its current zoning and the permissibility of future uses on the land is not impacted.

Therefore it is reasonable that any request for a Gateway determination includes a provision which enables lot 3 to be removed from the proposal if needed.

Should Council resolve to support the application, a planning proposal will be prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning, Industry & Environment. The planning proposal will then be forwarded to the Minister for Planning and Environment for a Gateway determination.

In deciding to forward a planning proposal to the Department of Planning for a Gateway determination, Council is endorsing the planning proposal and it is then deemed to be *Council's* planning proposal.

Council's options are:

1. Resolve to support the draft PP and prepare a planning proposal to re-zone land at Lot 12 DP 1122904, Lot 2 DP 8775785, Lot 4 DP 1010127 and part of Lot 3 1010127 from RU1 to SP2 to be forwarded for Gateway determination.
2. Resolve to support the draft PP with amendments. Preparing a planning proposal to re-zone land at Lot 12 DP 1122904, Lot 2 DP 8775785, and Lot 4 DP 1010127 from RU1 Primary Production to SP2 (Educational Establishment and Place of Public Worship). This option includes the provision to determine zone boundaries and include an environmental zone in the western portion of Lot 12 DP 1122904 and the inclusion or exclusion of a portion of Lot 3 1010127 to SP2, pending the outcome of satisfactory discussions between the proponent and the owners of this lot. This will be forwarded for Gateway determination.
3. Resolve not to support this draft PP. It is noted that the applicant can then choose to apply for a Pre-Gateway Review as a result of this option.

Option 2 is the recommendation of this report.

Financial Implications

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

ATTACHMENTS

- 1. Current Zoning Map for the site**
- 2. Local Planning Panel Minutes May 2019**
- 3. Considerations against the Growth Management Strategy**
- 4. Considerations against the Community Strategic Plan**

RECOMMENDATION

1. That Council notes the Minutes of the Local Planning Panel meeting of 30 May 2019.
2. That Council prepares a planning proposal to amend the Wollondilly Local Environment Plan 2011 for land at Lot 12 DP 1122904, Lot 2 DP 8775785, and Lot 4 DP 1010127 and part of Lot 3 DP 1010127 as follows:
 - a) Amend the Land Use Zone of the land from RU1 (Primary Production) to SP2 (Educational Establishment and Place of Public Worship).
 - b) Include an E2 Environmental Conservation Zone in the western portion of No. 3000 Remembrance Dr with the final zone boundaries to be determined following consultation with the NSW Office of Environment and Heritage.
3. That the proponent be encouraged to enter negotiations with the owner(s) of Lot 3 to explore the opportunity for the provision of direct access from the school to lot 5 (this could include the relocation of the access road to lot 3) and Council request that the Gateway Determination include a provision that both these lots are able to be removed from the Planning Proposal should the negotiations not achieve the desired outcome.
4. That the planning proposal be forwarded to the Department of Planning, Industry and Environment (DPIE) for Gateway determination.
5. Council request DPIE grant Council delegation to make amendments to the Wollondilly Local Environmental Plan 2011 in accordance with Section 3.36 of the Local Planning and Assessment Act, 1979.
6. That the letter to DPIE requesting Gateway determination also request the following:
 - a) An updated Traffic study and plans for the Olive Lane intersection upgrade be provided to the Relevant Planning Authority which address the concerns raised by Council's Infrastructure Planning Team which are detailed in this report.
 - b) The authority to determine the land zoning for the western portion of 3000 Remembrance Driveway, Bargo.
 - c) A Master Plan for the whole college site.
7. That the proponent, landowners and persons who make a submission be notified of Council's decision.