

## **12 SUSTAINABLE AND BALANCED GROWTH**

### **12.1 PLANNING PROPOSAL - WOLLONDILLY ANGLICAN COLLEGE**

**File Number:** 12275#291

**Address:** 3000 Remembrance Driveway, 1 Olive Lane, 5 Olive Lane and part of 3 Olive Lane, Bargo

**Current Zoning:** RU1 (Primary Production)

**Proposed Zoning:** A combination of RU2 (Rural Lifestyle) and E2 (Environmental Conservation)

**Applicant:** The Anglican Schools Corporation

#### **EXECUTIVE SUMMARY**

The purpose of this report is to advise of the outcome of the public exhibition and to seek Council's support to submit the Wollondilly Anglican College Planning Proposal back to the Department of Planning Industry and Environment for finalisation. Council does not have delegation to finalise this proposal.

The Anglican Schools Corporation submitted the proposal to rezone land and facilitate future development and expansion of the Wollondilly Anglican College onto adjoining land to accommodate planned growth for up to 1,200 students by 2025 (current enrolment is around 900 students).

The Proposal was publicly exhibited from 28 April until 26 May 2021. Two community submissions were received, with one being in support and the other against. Four submissions were received from Public Agencies none of which raised objections.

#### **RECOMMENDATION**

That Council:

1. Supports the planning proposal in the manner described in this report;
2. Forwards the planning proposal to the Department of Planning, Industry & Environment for finalisation in accordance with Section 3.36 to the Environmental Planning and Assessment Act, 1979; and
3. Notifies persons who made submissions of Council's decision.

#### **REPORT**

##### **Background to this proposal**

The Planning Proposal was submitted to Council in February 2019. It applies to land predominantly in the ownership of The Anglican Schools Corporation with the exception of a small section of No. 3 Olive Lane.

The existing College buildings are located solely on No. 3000 Remembrance Driveway (Lot 12 in DP 1122904). However, the College has acquired additional land adjoining the current campus at No's. 1 & 5 Olive Lane (Lot 2 in DP877585 and Lot 4 in DP1010127).

The current land use zone of No. 1 and 5 Olive Lane, RU1 Primary Production, prevents the College's proposed expansion. 'Educational establishments' are prohibited within the zone. While the College can rely on existing use rights for its current campus, the adjoining land has never been associated with the school and has previously been used for small-scale agriculture.

The initial draft Planning Proposal, as submitted to Council in 2019, sought to rezone the site from RU1 Primary Production to SP2 Infrastructure (Educational Establishments and Place of Worship). However, the planning proposal has progressed on the basis of rezoning the land to RU2 Rural Landscape as it enables the proposed expansion of the College while not sterilising land for future rural land uses and minimises the potential impact for land at No. 3 Olive Lane which is not owned by the College. This was the fundamental concern and issue considered by Council at its Ordinary Meeting of 19 August 2019.

The preliminary assessment of the draft planning proposal in the early stages of the Gateway Process also identified the need for an environmental protection zone as a more appropriate land use zone for the western portion of No. 3000 Remembrance Driveway due to the presence of sensitive ecological communities.

This area had previously been identified by the College as a location to be preserved due to its ecological sensitivity and proximity to the Bargo River. This relevant land has been identified for an E2 Environmental Conservation zone which has been supported by Environment, Energy and Science (EES) within the Department of Planning, Industry and Environment.

A copy of the current Planning Proposal document, as exhibited, is provided at Attachment 1.



FIGURE 1: Location map of subject site

### Site Description

The Planning Proposal site has a combined area of 38.16ha and includes three lots owned by The Anglican Schools College (No. 3000 Remembrance Driveway and No.s 1 and 5 Olive Lane). It also includes part of No. 3 Olive Land being a driveway that serves the rural property behind the school that falls within the proposed expansion area for the College.

To its north are several lots previously used for olive farms, and is still zoned RU1 Primary Production. 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. The sites northern border is bound by Olive Lane.

## Description of proposal

The Planning Proposal seeks to amend the Land Zoning Map (Figure 2) from the existing RU1 Primary Production land use zone to a combination of RU2 and E2 for the site (Figure 3).

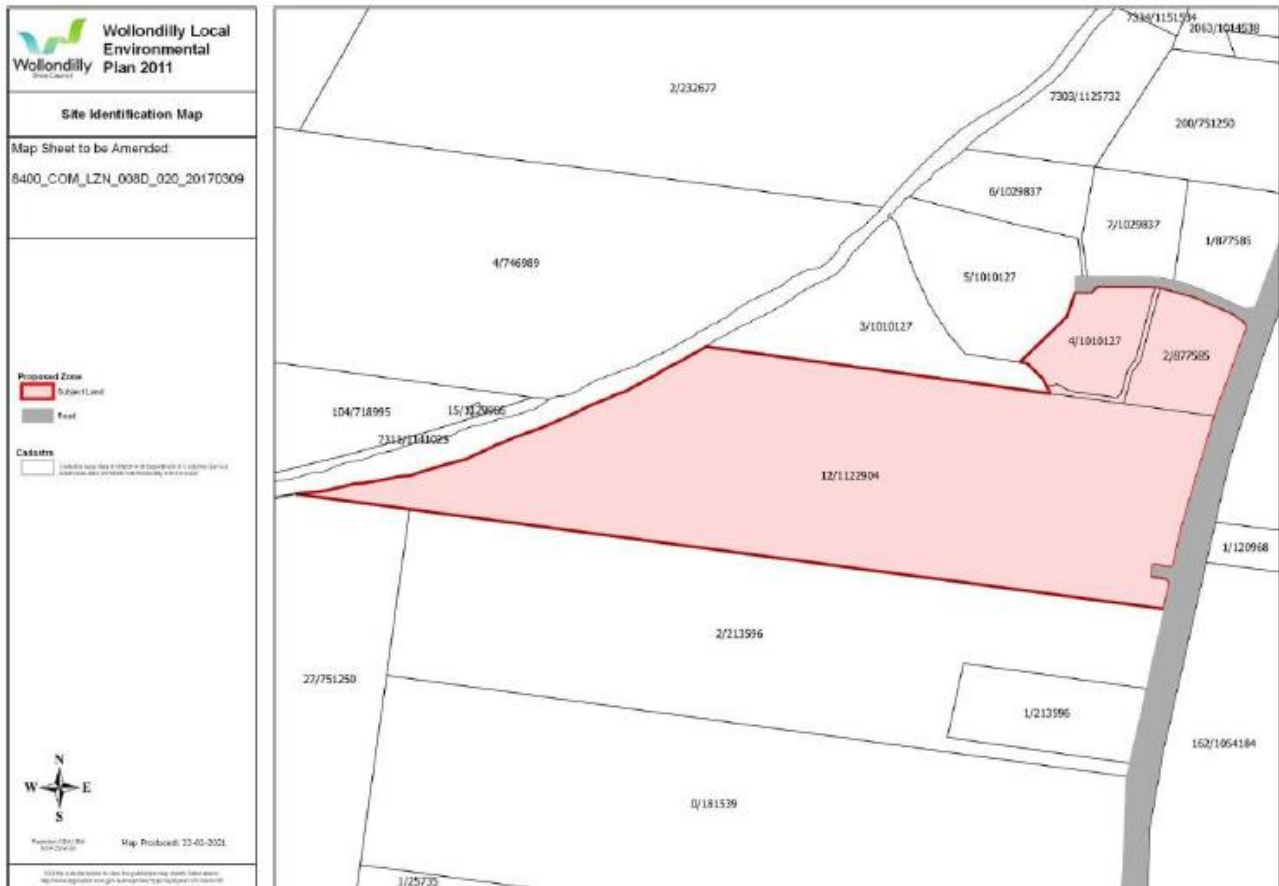


FIGURE 2: Land subject to Planning Proposal



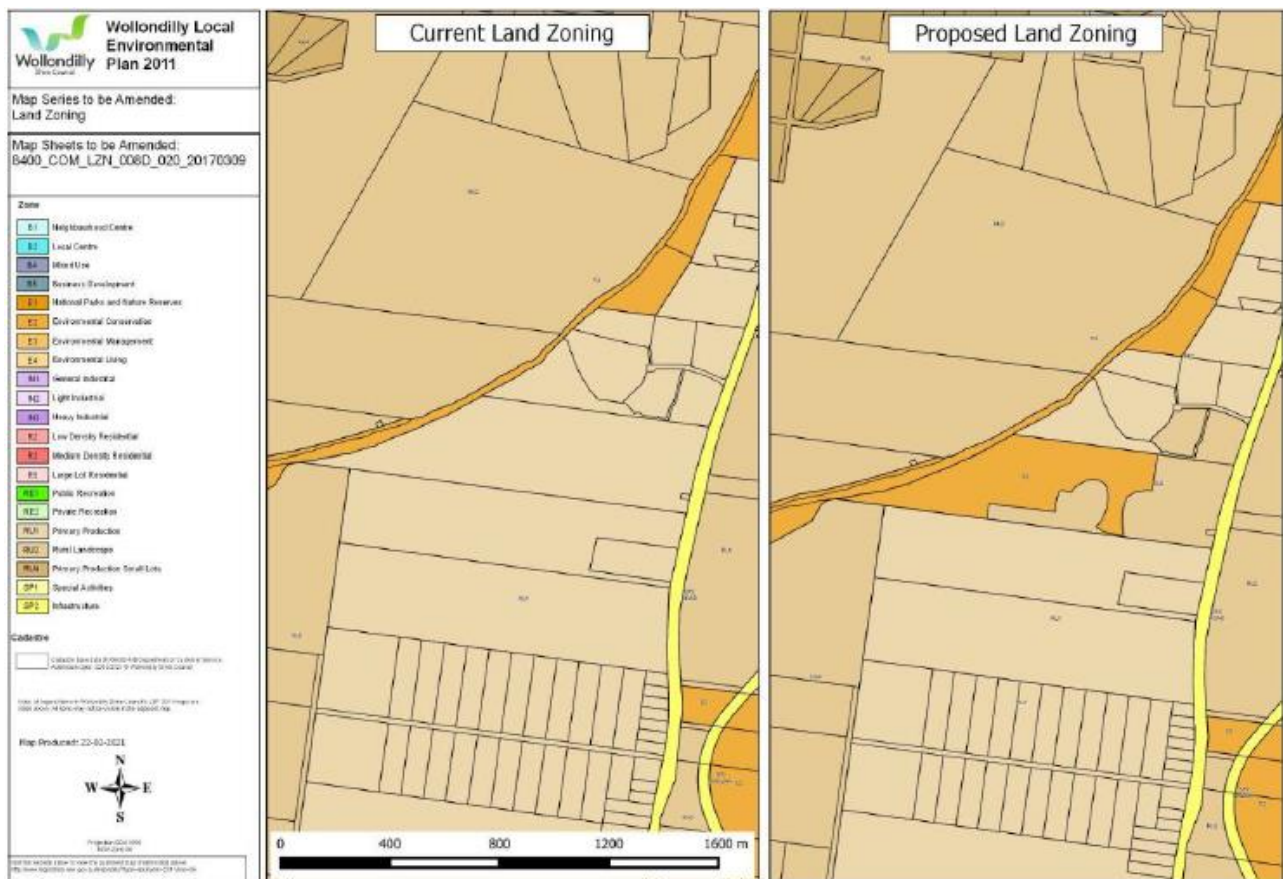


FIGURE 3: Zone Comparison Map

### Gateway Determination

Council forwarded the planning proposal to the Department on 11 October 2019, and received a Gateway determination on 11 August 2020.

The Determination required Council to consult with Environment, Energy & Science around the proposed environmental zone, as well as obtain an odour study for the site given the proximity to the poultry farm.

After these matters were completed, the Proposal was resubmitted to DPIE on 2 March 2021 and received an approval to proceed to public exhibition on 11 March 2021.

The Planning Proposal is required to be returned to DPIE by 4 August 2021.

A copy of the Gateway determination is provided at Attachment 2 and an assessment of how the directions have been addressed is provided at Attachment 3.

### PLANNING CONTEXT

#### Western City District Plan 2018

The Western City District Plan is a 20 year plan that guides implementation of the Greater Sydney Region Plan and acts as a bridge between regional and local planning. It outlines a number of directions, priorities and actions for managing growth, delivering infrastructure and protecting and enhancing bushland and biodiversity.

An assessment against the Plan, including consideration of the Metropolitan Rural Area) is provided at Attachment 4.

**Wollondilly Community Strategy Plan 2033**

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.

This Proposal is considered to be consistent with the key policy directions outlined in the CSP.

A full assessment on the suitability of the Planning Proposal against the CSP is provided at Attachment 4.

**Wollondilly 2040**

Council's Local Strategic Planning Statement 2040 (LSPS) is a 20 year land use vision for Wollondilly.

This Proposal is considered to be consistent with the key planning directions outlined in the LSPS.

A full assessment against key Planning Priorities relevant to this proposal is provided at Attachment 4.

**Section 9.1 Ministerial Directions**

The Minister for Planning has issued a number of Directions under the *Environmental Planning and Assessment Act 1979* which apply to the assessment of planning proposals.

This Proposal is considered to be consistent with the relevant Ministerial Directions.

A full assessment against directions relevant to this Proposal is included in Attachment 4.

**State Environmental Planning Policies**

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs). These documents deal with matters of state or regional planning significance.

This Proposal is considered to be consistent with all applicable SEPPs and SREPs.

A full assessment against all SEPPs and SREPs relevant to this Proposal is provided at Attachment 4.

**CONSULTATION****Community Consultation**

Community and stakeholder feedback on the Planning Proposal was invited through a formal exhibition process. The public exhibition was held for 28 days from 28 April until 26 May 2021.

The proposal was exhibited in accordance with the requirements set out in the Gateway determination as well as Council's Community Participation Plan and adopted Planning Proposal Policy.

During the exhibition

- the Planning Proposal was available at Your Say Wollondilly, Council's community engagement platform
- hard copies were available at Council's administration building and Wollondilly library
- affected residents were notified in writing
- feedback was promoted through a notice in local newspapers and through Council's Facebook site.

In response to the public exhibition two community submissions were received, one was supportive, one was not supportive.

The two submissions raised the following key issues:

- Impacts on Olive Lane (including drainage management and lighting)
- Additional traffic generation on Olive Lane
- Impacts from future sportsgrounds
- Removal of deceased olive trees and other vegetation
- Privacy, building design and waste management
- Loss of native wildlife.

The issues raised in the submissions mostly relate to matters that are more appropriately considered and mitigated, where necessary, as part of a development application and are not considered to necessitate any amendments to the planning proposal.

A summary of community submissions and a response is provided at Attachment 5.

### **Previous Community Concerns**

In addition to the matters raised during exhibition, it is noted that Council resolved at its 19 August 2019 meeting in part

*“3. That the proponent be encouraged to continue negotiations with the owner(s) of Lot 3 to explore the opportunity for the provision of direct access from the existing school to Lot 4 (this could include the relocation of the access road of Lot 3)”.*

Council at that meeting also amended the planning proposal to retain a rural zoning rather than rezone the Lot 3 ‘access’ to a special uses zone. This acknowledged the legitimate concerns of the Lot 3 Landowner and also allowed both parties to continue discussions and consider options for access in future. These options are not prejudiced by the subject rezoning, and both parties are able to discuss options prior to any future development application being lodged, if or when that occurs.

### **Consultation with Public Agencies**

The public exhibition also involved targeted public agencies as directed by the Gateway determination.

Agencies who provided responses included NSW Rural Fire Service, Subsidence Advisory NSW, Sydney Water and DPIE Environment, Energy and Sciences.

No issues were raised by any of the agencies.

### **Internal Assessment on key matters**

The Planning Proposal was provided to internal Council staff to provide specialist advice. The following considerations occurred:

#### Site Contamination

A Phase 2 Contamination Study will be required for the site. This was flagged in the initial study of the site and it is agreed that due to the varied agricultural uses of the northern blocks adjoining Olive Lane a Phase 2 will need to be undertaken as part of any future development application associated with the expansion of the College.

#### Wastewater Capacity

Further studies and evidence will be required to demonstrate that the existing wastewater system can accommodate the increase in students and activities on the site, without impacting on the new environmental zone.

The extent of any site specific development proposal will need to consider this, and the required study will need to be provided as part of a future development application.

### Stormwater Control Measures

The Stormwater and Sewer Management Concept Plan indicates the proposed inclusion of 'grassed swales' on the low side of the agricultural plots to slow down and filter any runoff to the natural water course. It was recommended that the swale be planted with a diversity of shrubs and rushes that are suitable for moist areas, and to minimise the inclusion of grass (especially exotic species as these have the tendency of becoming invasive and difficult to control).

Appropriately selected native plants will deliver better water quality and erosion outcomes than a grass swale.

These matters will be relevant to the specific future development proposal and application.

### Environment and Vegetation

Land between the existing sports oval and school grounds is identified as supporting high value biodiversity (mapped within the BV Map). The retainment of vegetation within these areas is to be maximised wherever possible. However, if this is not possible, the Biodiversity Offset Scheme will be triggered under the *Biodiversity Conservation Act 2016*.

The ecological report was prepared based on a planning proposal which involved rezoning of the entire site from RU1 Primary Production to SP2 Infrastructure. To further assess potential biodiversity impacts an updated ecological report will be required and will need to address the Biodiversity Offset Scheme.

It is noted that a specific updated report will need to be provided with any future development application and it will need to be tailored to the specific development proposal and include the application Biodiversity offset scheme, if needed in light of the advice above.

### Odour

The applicant was asked to prepare an odour study with input from DPI and EPA due to proximity to the poultry farm to the south. The report predicts that odour and dust impact at the subject additional property would be within EPA Guidelines.

## **CONCLUSION**

The Planning Proposal seeks to rezone the land from its current RU1 Primary Production zone to a combination of RU2 Rural Landscape and E2 Environmental Conservation, to allow for both the expansion of the Wollondilly Anglican College to the north and the preservation of sensitive ecological communities in the west of the site.

A number of considerations have been identified that should be addressed as part of any future development application across the site submitted to facilitate the expansion of the College.

The Planning Proposal is considered to be consistent with Council's policies and it is therefore recommended that the Proposal be supported.

## **Options for Moving Forward**

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* and the guidelines published by the Department of Planning, Industry & Environment. No changes are proposed to the Planning Proposal document that proceeded to public exhibition.

Council's options are:

1. Support the Planning Proposal in the form as described in this report.
2. Resolve to support the Planning Proposal in another form. In the event of this option being chosen, an Altered Gateway Determination may still be required which reflects the amendments requested, and the process may need to restart with a new round of exhibition.





3. Resolve not to support the Planning Proposal. With this option there is no further action to be taken on the Planning Proposal other than to inform the applicant, landowner/s and submitters that the Planning Proposal has not been supported. There are no appeal rights through the Land and Environment Court against Council's refusal to support the Planning Proposal at this stage of the process.

Option 1 is the recommendation of this report.

### **FINANCIAL IMPLICATIONS**

Funding for this project to date has been partially offset through the adopted planning proposal fees and charges. The remaining process and work has been carried out within the Branch operational budget.

### **ATTACHMENTS**

1. **Wollondilly Anglican College Planning Proposal** 
2. **Gateway Determination** 
3. **Assessment Against Gateway Determination** 
4. **Assessment against Local and State Planning Documents and Legislation** 
5. **Summary and Assessment of Community Submissions** 