

# Planning Proposal

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To Amend Wollondilly Local Environmental Plan 2011

## Wollondilly Anglican College

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To amend Wollondilly Local Environmental Plan 2011 to rezone land in Bargo to allow for the orderly expansion of the Wollondilly Anglican College and facilitate an increase in students.

**September 2021**

# Document Register

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# Introduction

This Planning Proposal aims to amend the Wollondilly Local Environmental Plan 2011 to rezone the above land from its current status of RU1 (Primary Production) to a combination of RU2 (Rural Landscape) and E2 (Environmental Conservation).

The Wollondilly Local Environment Plan 2011 (WLEP 2011) will need to have its associated mapping changed to reflect the changes in zoning from RU1 to RU2 & E2. The WLEP 2011 is the relevant planning document governing zoning, building heights and permitted uses across Wollondilly Shire.

The current RU1 zoning in the WLEP permits and prohibits 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, RU2 reads as:

#### Zone RU2 (Rural Landscape)

##### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide areas where the density of development is limited in order to maintain a separation between urban areas.

##### **2 Permitted without consent**

Extensive agriculture; Home occupations

##### **3 Permitted with consent**

Agriculture; Airports; Animal boarding or training establishments; Bed and breakfast accommodation; Boat building and repair facilities; Boat sheds; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; **Educational establishments**; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Funeral homes; Group homes; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Hospitals; Information and education facilities; Landscaping material supplies; Mortuaries; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

##### **4 Prohibited**

Stock and sale yards; Turf farming; Any other development not specified in item 2 or 3

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 to rezone appropriate. Rezoning the land use maps (to reflect a different purpose), via this Planning Proposal, to RU2, would permit the College to expand appropriately into the northern blocks on Olive Lane and correct this planning abnormality.



Within the WLEP 2011, E2 reads as:  
Zone E2 (Environmental Conservation)

**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

**2 Permitted without consent**

Nil

**3 Permitted with consent**

Environmental facilities; Environmental protection works; Information and education facilities; Roads; Water supply systems

**4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

As per the resolution of Council in August 2019, the exact boundaries of the E2 will be determined following discussion with the Office of Environment and Heritage. In accordance with *LEP Practice Note 09-002* an E2 zone may be applied in areas that contain high conservation value, significant wildlife, riparian corridors and endangered ecological communities. Council's own environmental mapping shows that this western portion contains shale sandstone transition forest, sandstone ridgetop woodlands and the riparian corridor for the Bargo River. Niche Environment and Heritage, in their Ecological Study prepared for this proposal, commented on the fact that a large portion of the western site was included in mapping for the Biodiversity Conservation Act and noted that after the school oval was constructed in 2003 it was agreed that land to the west of this site would remain clear as a bushland conservation site to be "retained in perpetuity in its current condition, and improved by weed control and additional planting of locally indigenous shrub and tree species, as required." The report also specified that within the bushland conservation site, especially closer to the Bargo River, there existed "Eight threatened flora and twenty-two threatened or migratory fauna are considered to have a moderate or higher likelihood of occurrence in the study area". The creation of an E2 zone is simply a formalisation of a portion of the existing conservation site, adding the necessary legislative protection to ensure this ecological community is preserved.

The Draft Planning Proposal was submitted to the Department of Planning, Industry and the Environment (DPIE) in October for Gateway determination. DPIE's returned the Draft Planning Proposal in August 2020 with Gateway conditions to amend the proposal, and gather additional evidence to justify it, with the view of resubmitting back to DPIE for review prior to public exhibition.

## Part 1 – Objectives or Intended Outcomes

Wollondilly Shire Council seeks to rezone land located at 3000 Remembrance Driveway (Lot 12 DP 1122904), 1 Olive Lane (Lot 2 DP 877585), 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 Planning Proposal is to enable the expansion of school infrastructure – including making a new entrance to the College via Olive Lane, which will support a new sportsground, indoor gymnasium, car parking, classrooms and bus interchange.

The land is 38.164ha in area. To its north are several lots previously used for olive farms, and still zoned RU1, to the east is Remembrance Driveway and the Tahmoor Colliery, to the south is a service station and poultry processing facility 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.

This Planning Proposal 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; this amount is expected to increase to around 1200 students, supported by 122 staff by 2025, based on current demand and growth around Wollondilly Shire.

This Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning, Industry and Environment's A Guide to Preparing Planning Proposals (2016).

## Part 2 – Explanation of Provisions

The proposed outcome will be achieved by amending a single land zoning map within the Wollondilly Local Environment Plan 2011 (LZN\_008D) via a Planning Proposal that will rezone the properties from RU1 (Primary Production) to a combination of RU2 (Rural Landscape) and E2 (Environmental Conservation).

The proposed clause wording is still to be finalised. Council was not granted delegation for this Planning Proposal under the Gateway determination.

# Part 3 – Justification

## Section A – Need for the Planning Proposal

### A 3.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report – it was initiated by The Anglican Schools Corporation, to facilitate the orderly growth of the Wollondilly Anglican College, acknowledging the increasing demand on the provision of faith-based education.

### A 3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal involves an amendment to Wollondilly Council's Local Environmental Plan and therefore a Planning Proposal is the best means of achieving and objectives and outcomes of the amendment.

## Section B – Relationship to strategic planning framework

### B 3.3 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

#### **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 ensure that positive social, economic and environmental outcomes will result – this PP supports growth, in a positive way, 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

Planning Proposal, indeed it supports existing growth via supporting the population's needs. It is important to note that this Planning Proposal 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 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 Planning Proposal:</p> <ul style="list-style-type: none"> <li>• Objective 6: Services and infrastructure meet communities' changing needs.</li> <li>• Objective 7: Communities are healthy, resilient and socially connected.</li> <li>• Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods.</li> <li>• Objective 12: Great places that bring people together.</li> <li>• Objective 25: The coast and waterways are protected and healthier.</li> <li>• Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</li> </ul>	<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)</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.</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> <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.</p>

#### **B 3.4 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?**

##### **Wollondilly Community Strategic Plan**

The Wollondilly Community Strategic Plan 2033 (WCSP), adopted by Council on 17 June 2013, is the Council's highest level long term plan and sets out the long term strategic planning aspirations of the community for Wollondilly over a 20 year period up to 2033.

It is based on a vision of rural living for Wollondilly Shire and is focussed around five themes:

- Looking after the Community
- Accountable and Transparent Governance
- Caring for the Environment

- Building a strong local Economy
- Management and provision of Infrastructure

Each theme is supported by identified outcomes and strategies which express in broad terms what is to be achieved and how. These themes are, in part, delivered through a number of key supporting strategies, plans and policies which have been prepared by the Council, such as WLEP, 2011 and the Wollondilly Growth Management Strategy.

The following WCSP strategies are relevant to the Planning Proposal as described below.

### **Strategy GR1 – Growth**

*Manage growth to ensure it is consistent with Council's Position on Growth and achieves positive social, economic, and environmental outcomes for Wollondilly's towns and villages.*

Comment: Wollondilly's Growth Management Strategy 2011 (GMS 2011) outlines how growth should occur throughout the Shire's towns and villages. The subject site is not identified as a location for future growth, but is consistent with the GMS 2011.

### **Strategy GR2 – Built Environment**

*Manage land use and development to achieve a high quality built environment and innovative planning outcomes, while protecting our agricultural and rural landscape.*

Comment: The Planning Proposal would rezone land in a manner that is compatible with surrounding rural and agricultural land uses, and will preserve the rural nature of this area. The Proposal is consistent with this direction. In addition the College intends to teach agricultural studies in the rezoned space.

The College was required to undertake an odour study due to the proximity of chicken breeders to the south of the existing College site. This study, undertaken by Todoroski Air Sciences and presented to Council in February 2021, stated that "[...] no adverse air quality impacts would arise at the Project site due to the operation of the chicken breeder farm."

### **Strategy EN2 – Protect the Environment from Development Pressures**

*Contribute to development to achieve positive environmental, social and economic outcomes.*

Comment: The College's Masterplan shows the proposed expansion. Expansion will not be on ecologically significant sites. Large volumes of greenspace will be preserved via the creation of an E2 zone in the west, protecting ecologically sensitive communities for the benefit of future generations.

### **Wollondilly Growth Management Strategy 2011**

The Growth Management Strategy (GMS) was adopted by Council on 21 February 2011. It contains Key Policy Directions and Assessment Guidelines for the evaluation of planning proposals and Council decisions on growth. The subject Planning Proposal is simply to correct a mapping error and does not impact on growth decisions.

Notwithstanding this, all Planning Proposals within Wollondilly must be assessed against the key policy directions within the GMS. Appendix A sets out the GMS Key Policy Directions and Assessment Criteria as they relate to this proposal.

## **Wollondilly Local Strategic Planning Statement – Wollondilly 2040**

### **Planning Priority 1: Aligning Infrastructure Provision with Community Needs**

The expansion of the College represents a natural growth in demand from the communities of Wollondilly and Wingecarribee. With a modest increase in population expected in the near future, it is appropriate to consider the demands placed on education providers, especially given the College is the only other provider of secondary education aside from Picton High School, and provides parents with another option for their children's future education. The growth of the College represents important infrastructure that supports the community.

### **Planning Priority 10: Attracting investment and growing local jobs**

The expansion of educational institutions are inevitably accompanied by increased jobs and resources required to support additional students. At present, the College expansion is estimated to lead to a further 28 staff being employed to support 300 more students. The expansion of the College also has the capacity for local trades to be involved in the construction and construction and transport firms to be involved in the development. The expansion of the College will result in more educated local students in positions to take up jobs and further grow the economy.

### **Planning Priority 12: Valuing the ecological health of Wollondilly's waterways**

The expansion of the College will include the provision for an E2 (Environmental Conservation) zone that abuts the Bargo River to the west of the existing College site. Amending the zoning to include this area will ensure the protection of this land and ensure the healthy connection between the site and the river.

## **B 3.5 Is the Planning Proposal consistent with applicable state environmental planning policies?**

### **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 Planning Proposal 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 Planning Proposal 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. There will be no likely detrimental impacts upon the Hawkesbury/Nepean River. Given the developed site is relatively well removed from this river system there should be no direct impact created by the proposal. Appropriate water quality control measures and soil erosion methods will need to be implemented during construction in accordance with conditions of consent and the creation of an E2 zone in the west will provide a protective buffer for the Bargo River.

### **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 included 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 have 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.

## **B 3.6 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?**

### **Direction 1.2 - Rural Zones**

#### Objectives

The objectives 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 tourist 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 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 resurrecting the farm, instead intending it to be kept for the Wollondilly Anglican College.

### **Direction 1.3 – Mining, Petroleum Production and Extractive Industries**

#### Objectives

The objectives 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. Both SANSW and GSNSW has formally replied with nil concerns for this proposal.

### **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 zone. 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 will not result in the loss of current commercially viable agricultural lands. This Planning Proposal 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, so this PP does not impact on the right of any farmers to use this land for agricultural purposes.

### **Direction 2.1 - Environmental Protection Zones**

#### Objectives

The objectives 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 identifies 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). Within the unused western portion of the site there exists the opportunity to preserve sensitive ecological communities via the creation of an E2 zone.

### **Direction 2.3 - Heritage Conservation**

#### Objectives

The objectives 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 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. No significant sites of European heritage were identified either.

### **Direction 4.3 - Flood Prone Land**

#### Objectives

The objectives of this Ministerial Direction are 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

This Ministerial Direction is not relevant to this PP as the land identified is not within a flood prone area – as confirmed on Council's mapping.



## **Direction 4.4 - Planning for Bushfire Protection**

### Objectives

The objectives of this Ministerial direction are 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, maintain 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 Planning Proposal 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 proposal and a further review of APZs could be undertaken in the DA stage of the College's growth.

## **Section C – Environmental, social and economic impact**

### **C 3.7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The proposal would not have any adverse impacts on threatened species, populations or ecological communities and will endeavour to preserve ecological communities.

### **C 3.8 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

There are unlikely to be any other environmental effects as a result of the Planning Proposal.

### **C 3.9 Has the planning proposal adequately addressed any social and economic effects?**

No adverse economic or social impact is anticipated.

## **Section D – State and Commonwealth interests**

### **D3.10. Is there adequate public infrastructure for the Planning Proposal?**

This Planning Proposal includes an upgrade to the intersection of Olive Lane and Remembrance Driveway, to facilitate the creation of a *Type AUL* left-turn and *Type CHR* right-turn approximately 80m in length, similar to the one further south at the entrance of the College. Further details on this intersection upgrade will need to be procured prior to a judgement on its merit being made.

Council's internal engineering team have requested that a road safety audit be conducted on Olive Lane to gather a comprehensive assessment of risks associated with increased volume of vehicles in that street. Council's engineers have also the consideration of road widening (to a suggested 9m to allow two lanes plus shoulders), kerb & guttering, cul-de-sac head swept paths, pedestrian connectivity down Olive Lane and appropriate space for queuing and management of busses. There also needs to be consideration of the intersection at Remembrance Drive, potentially in conjunction with the Colliery to ensure there are no access concerns.

These assessments can be undertaken at Development Application stage.

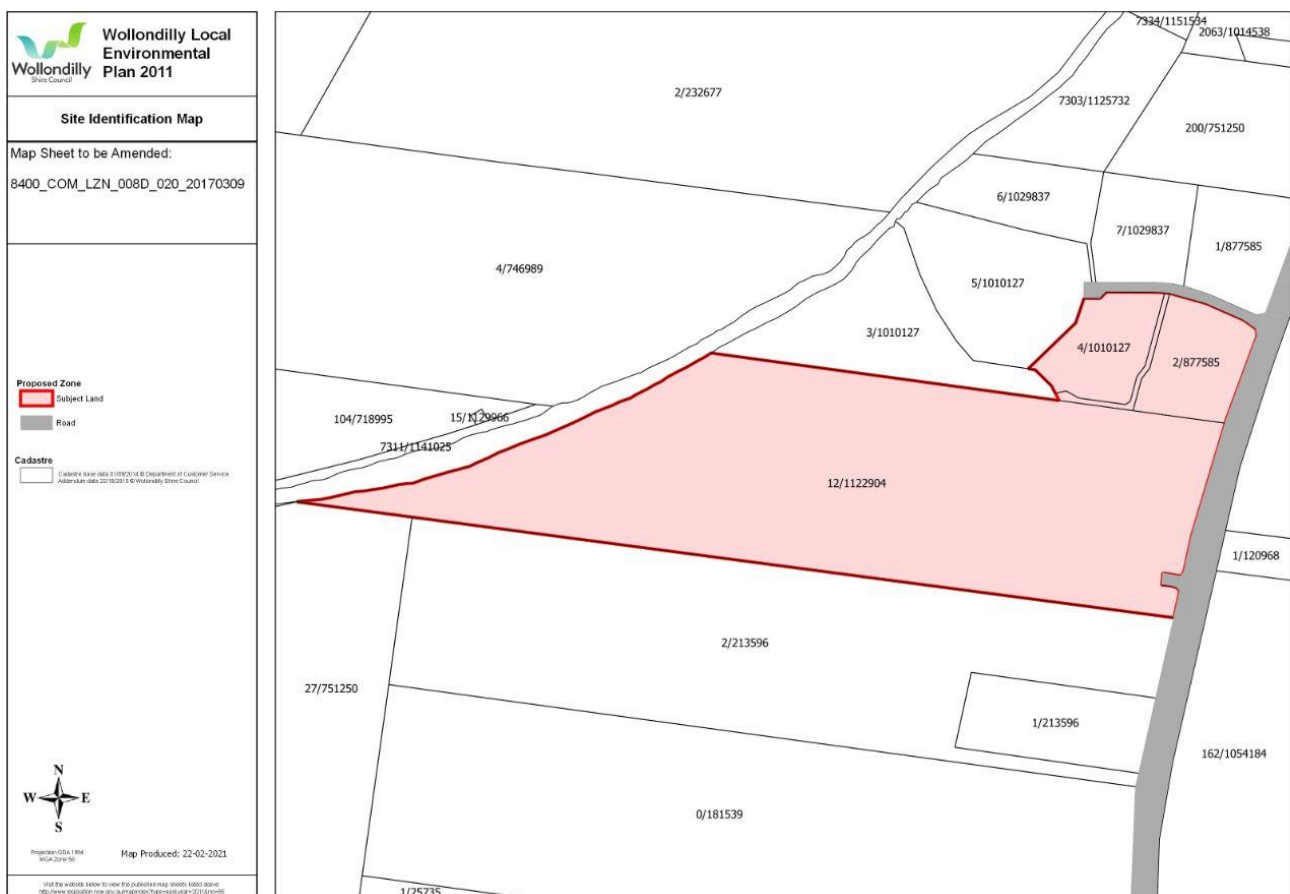
**D3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?**

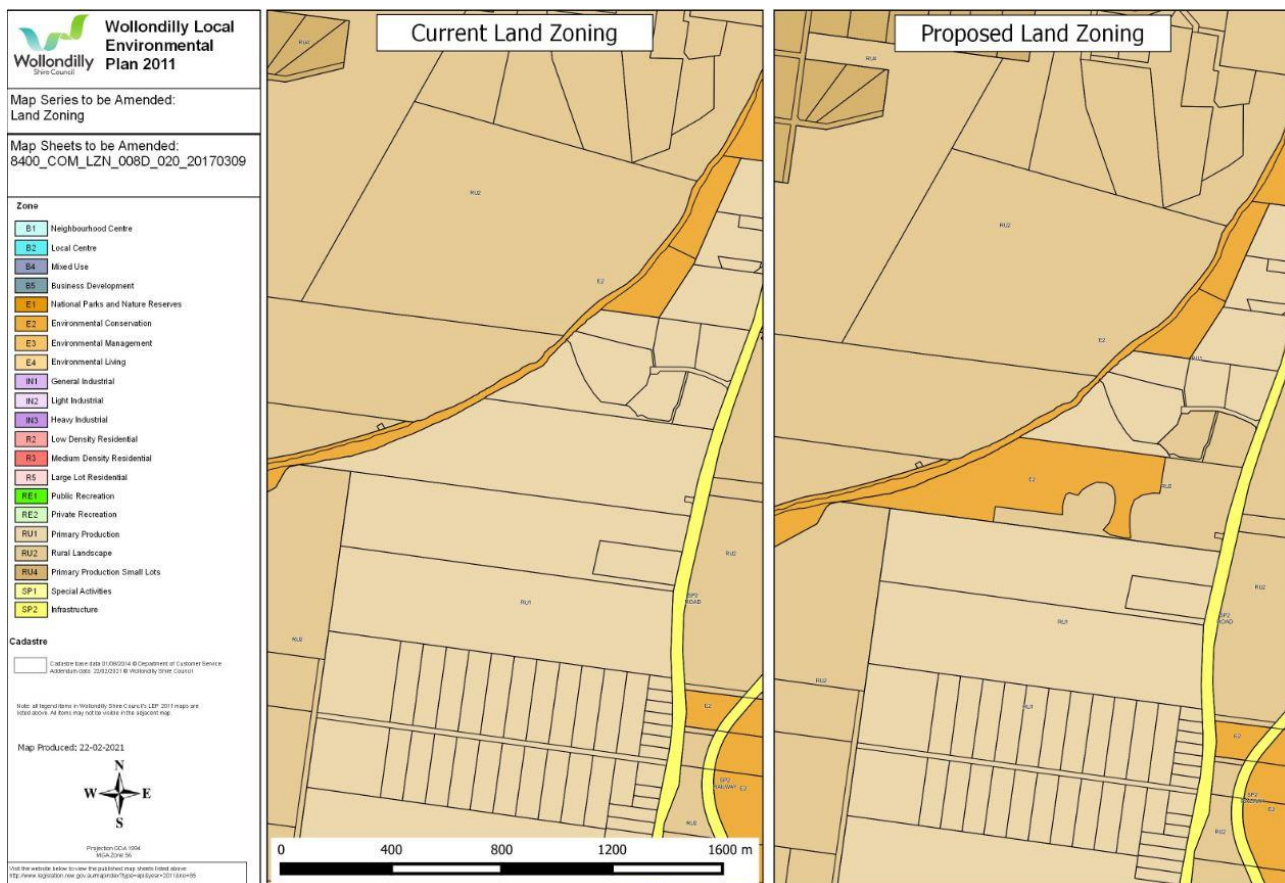
Initial consultation was conducted with the Rural Fire Services, Roads & Maritime NSW, Subsidence Authority of NSW and the Geological Survey of NSW in March 2019, none of whom raised objection with this proposal.

Additional consultation will be held post Gateway Determination, as part of public exhibition. The following agencies will be consulted:

- Department of Premier and Cabinet - Heritage NSW;
- NSW Rural Fire Service;
- Department of Planning, Industry and Environment (DPIE) - Environment, Energy and Science Division;
  - NSW Environment Protection Authority;
  - DPIE – Department of Industry;
  - Department of Primary Industries – Agriculture;
  - Transport for NSW;
  - DPIE – Division of Resources and Geoscience;
  - Subsidence Advisory NSW; and
  - ☐ relevant service and utility providers.

## Part 4 – Mapping





## Part 5 – Community Consultation

Preliminary consultation was undertaken for 15 days from 6 March 2019 to 20 March 2019. During this time, invitations to comment on the Planning Proposal 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 several responses from Council departments, none of whom objected to the proposal, as well as two members of the public and three public agencies, again with nil objections. A summary of this consultation can be found in Appendix D within this document.

Further to this initial consultation, in accordance with the Department of Planning, Industry and Environment's *Guide to Preparing Planning Proposals*, the Planning Proposal will be publically exhibited for a period of 28 days after a Gateway Determination has been issued. All the necessary documentation has been prepared in anticipation of this public exhibition.

## Part 6 – Project Timeline

Project detail	Anticipated Time	Timeframe
Submission of the amended Planning Proposal to DPIE for consideration	February 2021	
DPIE consideration of amended Planning Proposal and opportunity to seek clarification and endorsement	February-May 2021	3 months
Public Exhibition of the newly endorsed Planning Proposal	May 2021	1 month
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	June-July 2021	2 months
Anticipated date RPA will forward to Department of Planning, Industry and Environment for finalisation post Council meeting	July-August 2021	2 months

# Appendices

## **A. Council's Minutes from 19 August 2019**

Copy of the Council resolution to support this Planning Proposal from the Ordinary Meeting of Council held on 19 August 2019.

## **B. Council's Report from 19 August 2019**

Copy of the report presented to Council at the Ordinary Meeting held 19 August 2019, in support of the proposal.

## **C. Summary of Initial Consultation (community, Council staff and public agencies)**

Tables summarising feedback, and Council's response, from internal and external responses to the initial consultation held in March 2018

## **D. Copy of Gateway determination issued 11 August 2020**

Copy of the Gateway determination issued by DPIE in August 2020, specifying requirements for the PP to proceed to public exhibition and ultimately finalisation.

## **E. Council's response to Gateway conditions required prior to resubmission**

Copy of Council's response to various requirements within the Gateway determination to prepare the PP for public exhibition.

# Appendix A

## Council's Meeting Minutes from 19 August 2019

Copy of the Resolution of Council, on this matter, from the Ordinary Meeting of Council held on 19 August 2019.

Ordinary Council Meeting Minutes

19 August 2019

### 11 SUSTAINABLE AND BALANCED GROWTH

#### 11.1 DRAFT PLANNING PROPOSAL - WOLLONDILLY ANGLICAN COLLEGE

At 6:55pm the Acting Chief Executive Officer left the meeting and returned at 6:45pm.

#### RESOLUTION 182/2019

Moved: Cr Matthew Gould

Seconded: Cr Blair Briggs

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)
    - i. to RU2 (Rural Landscape), and
    - ii. an E2 (Environmental Conservation) or E3 (Environmental Management) Zone in the western portion of Lot 12 DP 1122904 to overlay the significant vegetation 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 *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)
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. 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.

On being put to the meeting the motion was declared **CARRIED 8/0**

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Blair Briggs, Matthew Deeth, Matthew Gould, Simon Landow and Noel Lowry

Against: Nil



# Appendix B

## Council Report from 19 August 2019

Copy of the Report presented to Council to support this Planning Proposal from the Ordinary Meeting of Council held on 19 August 2019.

Ordinary Council Meeting Agenda

19 August 2019

### 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**

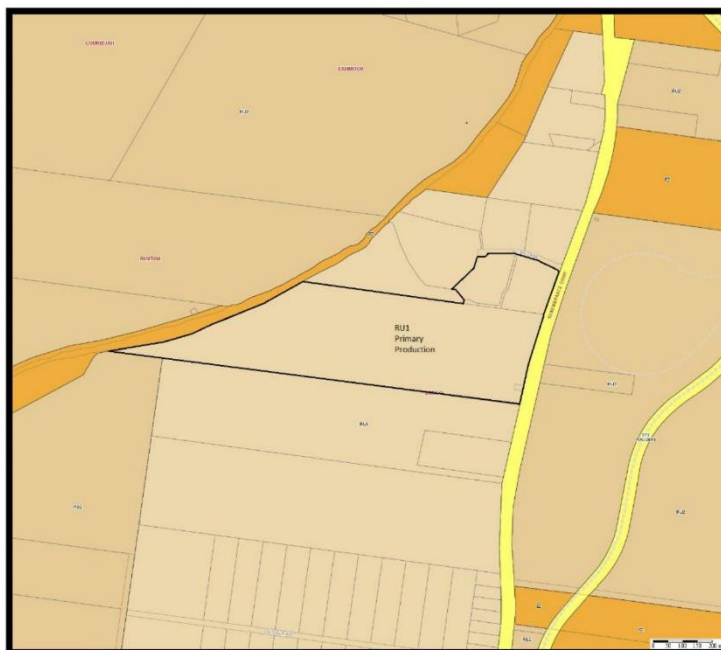
*Any development not specified in item 2 or 3.*

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.

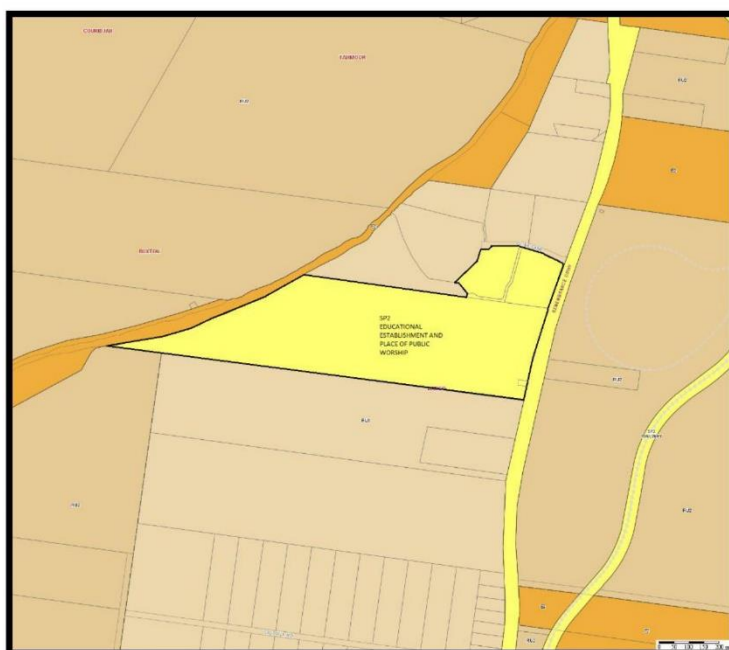
This draft PP is seen as essential to upgrade facilities at the College to allow for the accommodation of additional students and staff. Currently the College has approximately 900 students, supported by 94 staff. The number of students is expected to increase to around 1200 by 2025, supported by 122 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"> <li>The site is located within the Bargo Mine Subsidence District</li> <li>The site is located within Bush Fire Prone Land</li> <li>Odour impacts from the nearby chicken shed should be considered</li> <li>The impacts from airborne dust from Tahmoor Colliery which is situated on the opposite side of remembrance Drive should be considered</li> <li>There are some restrictions on building envelopes and land use within that area.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>Restrictions will be a concern for the Development Application (DA) stage, however there is value in alerting the College to this</li> </ul>
<p><i>Environment Team:</i></p> <ul style="list-style-type: none"> <li>Broad support for the draft PP.</li> <li>Conservation area to the west to be maintained</li> <li>DA applications on the site will need to factor in the conservation zone and</li> </ul>	<ul style="list-style-type: none"> <li>It will be requested that the western portion of 3000 Remembrance Driveway is rezoned to guarantee environmental protection. The exact location of the</li> </ul>

Summary of Comments	Response from Strategic Planning Team
<p>provide more detailed intended vegetation clearance</p> <ul style="list-style-type: none"> <li>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".</li> </ul>	<p>conservation zone will be determined following further to discussion with OEH.</p> <ul style="list-style-type: none"> <li>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.</li> </ul>
<p><i>Environmental Health:</i></p> <ul style="list-style-type: none"> <li>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.</li> <li>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 1<sup>st</sup> order watercourses which cross the site in four places.</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> </ul>



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

### 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. As 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"> <li>• Objective 6: Services and infrastructure meet communities' changing needs.</li> <li>• Objective 7: Communities are healthy, resilient and socially connected.</li> <li>• Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods.</li> <li>• Objective 12: Great places that bring people together.</li> <li>• Objective 25: The coast and waterways are protected and healthier.</li> <li>• Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced.</li> </ul>	<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
	<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.

## 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.

# Appendix C

## Summary of Initial Public Consultation

Tables summarising feedback, and Council's response, from internal and external responses to the initial consultation held in March 2018

### Comments from Internal Council Staff

Summary of Comments	Response from Strategic Planning Team
<p><i>Property Team:</i> The site is located within the Bargo Mine Subsidence District</p> <p>The site is located within Bush Fire Prone Land Odour impacts from the nearby chicken shed should be considered</p> <p>The impacts from airborne dust from Tahmoor Colliery which is situated on the opposite side of remembrance Drive should be considered</p> <p>There are some restrictions on building envelopes and land use within that area.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Restrictions will be a concern for the Development Application (DA) stage, however there is value in alerting the College to this.</p>
<p><i>Environment Team:</i> Broad support for the Planning Proposal.</p> <p>Conservation area to the west to be maintained DA applications on the site will need to factor in the conservation zone and provide more detailed intended vegetation clearance</p> <p>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>	<p>It will be requested that the western portion of 3000 Remembrance Driveway is rezoned to guarantee environmental protection. The exact location of the conservation zone will be determined following further to discussion with OEH.</p> <p>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>



Summary of Comments	Response from Strategic Planning Team
<p><i>Environmental Health:</i></p> <p>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 1<sup>st</sup> order watercourses which cross the site in four places.</p>	<p>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.</p>
<p><i>Engineering Team:</i></p> <p>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.</p> <p>Remembrance Driveway:</p> <ul style="list-style-type: none"> <li>– With Colliery upgrades there is the potential for turning conflicts</li> <li>– Is there the capacity for a roundabout at the intersection with Olive Lane. Have the College discussed with Tahmoor Coal about sharing costs?</li> </ul> <p>Olive Lane:</p> <ul style="list-style-type: none"> <li>– Needs widening, possibly to approximately 9m, which is 2 x 3.5m lanes plus 1m shoulders (or kerb &amp; gutter treatment?)</li> <li>– Turn paths needed into access point</li> <li>– Clarification is required over whether the Cul-de-sac head swept path in Olive Lane to service any buses which may utilise this area?</li> <li>– No plan for pedestrian access around Olive Lane</li> <li>– Will there be a give-way control on Olive Lane?</li> </ul>	<p>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.</p>

## Comments from Public Agencies

### Roads and Maritime Services (RMS):

The RMS did not oppose this Planning Proposal, 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 Planning Proposal, 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.

## Comments from members of the public

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 Lane	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 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.

Summary of Comments	Officer comments
Street lighting on Olive Lane	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.

# Appendix D

Copy of Gateway determination issued 11 August 2020



Planning,  
Industry &  
Environment

## Gateway Determination

*Planning proposal (Department Ref: [IRF20/2629] PP\_2019\_WOLLY\_003\_00): to amend the Wollondilly Local Environmental Plan 2011*

I, the Executive Director, Central River City and Western Parkland City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wollondilly Local Environmental Plan (LEP) 2011 to rezone land at Bargo from RU1 Primary Production to a combination of RU2 Rural Landscape and E2 Environmental Conservation to permit the expansion of the Wollondilly Anglican College in Bargo should proceed subject to the following conditions:

1. Prior to public exhibition, Council is required to:
  - (a) Update Part 1 – Objectives and Intended Outcomes within the planning proposal to clarify its intention to rezone part of the site to E2 zone;
  - (b) Consult with DPIE Environment, Energy and Science (EES) and update the planning proposal in accordance with any advice provided by EES including the following:
    - i. Presence of koalas, threatened species and endangered ecological communities;
    - ii. Adequacy of the ecological studies provided; and
    - iii. Adequacy of environmental offsets.
  - (c) Review the Greater Sydney Commission comments dated 8 January 2020 and consider preparing site-specific development controls to better maintain rural values of the surrounding area to the site.
  - (d) Prepare an odour study in consultation with NSW Environment Protection Authority and Department of Primary Industries - Agriculture to assess potential land use conflict arising from the poultry farm on the adjoining property.
  - (e) Consult with the NSW Rural Fire Service (RFS) and update the planning proposal in accordance with any comments received.

The amended planning proposal and related documentation are to be referred to the Department for endorsement prior to the commencement of community consultation.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).



3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Department of Premier and Cabinet - Heritage NSW;
- NSW Rural Fire Service;
- Department of Planning, Industry and Environment (DPIE) - Environment, Energy and Science Division;
- NSW Environment Protection Authority;
- DPIE – Department of Industry;
- Department of Primary Industries – Agriculture;
- Transport for NSW;
- DPIE – Division of Resources and Geoscience;
- Subsidence Advisory NSW; and
- relevant service and utility providers.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Given the nature of the planning proposal, Council is not authorised to exercise delegation to make this plan.
6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway Determination.

Dated 11th day of August 2020.

  
**Catherine Van Laeren**  
Executive Director, Central River City  
and Western Parkland City  
Greater Sydney, Infrastructure and  
Place  
Department of Planning, Industry and  
Environment

**Delegate of the Minister for Planning  
and Public Spaces**

# Appendix E

## Council's response to Gateway conditions required prior to resubmission

Gateway condition	Council's response & actions
1a. Update Part 1 – Objectives and Intended Outcomes within the planning proposal to clarify its intention to rezone part of the site to E2 zone	Updated to reflect the changes in the E2 zone and the intention of this zone to protect the vegetated area and provide a buffer between the College and the Bargo River.
1b. Consult with DPIE EES and update the planning proposal in accordance with any advice provided by EES including the following: i) Presence of Koalas, threatened species and endangered ecological communities; ii) adequacy of the ecological studies provided and; iii) adequacy of the environmental offsets.	<p>EES were contacted to provide comment and acknowledged the inconsistencies between Council/EES/ecological study regarding the size of sensitive ecological communities.</p> <p>EES clarified that the E2 zone should be consistent with the College's existing bushland conservation area.</p> <p>EES disagreed with Council's flood mapping but acknowledged that this knowledge gap will likely be resolved with Council's upcoming Shire-wide flood mapping study.</p>
1c. Review the Greater Sydney Commission comments dated 8 January 2020 and consider preparing site-specific development controls to better maintain rural values of the surrounding area to the site	<p>Greater Sydney Commission comments have been reviewed and it is agreed that control could be produced, however this would be something to be initiated at the Development Application Stage and would not be best-suited for inclusion within this Planning Proposal.</p> <p>Council has concerns with the control requirement that places the sports field on Lot 4 instead of Lot 2. Whilst Council appreciates the aesthetics involved, we do not agree with the decision based on the following:</p> <ul style="list-style-type: none"> <li>- The size of the lot make it impractical to move the sports field based on the current master plan</li> <li>- The College were unable to secure the access point to Lot 3 which changes the layout and burdens Lot 4 with the traffic requirements/bus interchange/roads into the College</li> <li>- Given children will need to exit the school to access Lot 4 via Olive Lane, and an additionally access point to the school via this road will lead to additional vehicular traffic, it would appear unsafe to move classrooms to this rear block. Surely the sports field will be used less frequently and are more suited to this safety concern.</li> <li>- Placing the sports field at the rear lot will allow busses and other vehicles to part further down Olive Lane and away from the intersection with Remebrance Driveway.</li> <li>- Given the site is a rural school, it would not be visually inconsistent to see classrooms from the road, a better idea would be the requirement for landscaping if these buildings absolutely must be hidden.</li> </ul>
1d. Prepare an odour study in consultation with NSW EPA and DPI – Ag to assess	NSW EPA and DPI-Ag were consulted and both provided guidelines for odour studies. There were forwarded to the proponent who engaged Todoroski Air Sciences who produced a report that found there would be no impact on

potential land use conflict arising from the poultry farm on the adjoining property.	either odour or particulate matter based on their dispersion modelling effects. This was reviewed by Council's Environmental Health section.
1e. Consult with the NSW RFS and update the planning proposal in accordance with any comments received.	NSW RFS were consulted during initial consultation and had no concerns with the proposal. The changes made prior to resubmission will not affect the placement of buildings or APZs and constitute a change in zoning within an area that is not marked for development in the College Master Plan. RFS will be further consulted during public exhibition.
<b>The amended planning proposal and related documentation are to be referred to the Department for endorsement prior to the commencement of community consultation</b>	<b>The amended planning proposal, along with odour study and copy of correspondence from EES was forwarded to DPIE who have approved progression to public exhibition.</b>