

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 July 2016

PE7 – Draft Planning Proposal – The Oaks North, Silverdale Road, The Oaks

PE7

Draft Planning Proposal – The Oaks North, Silverdale Road, The Oaks

265508

TRIM 9004

Proponent:

Willowtree Planning Pty Ltd

Owner:

A H Clinch Investments Pty Ltd



LOCATION MAP ↑
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Stage	Completed
Preliminary notification	Wednesday 21 March 2016
Gateway Determination	Not yet completed
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

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EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's position on a draft planning proposal to rezone land located at 80 Silverdale Road, The Oaks for the purpose of residential development.
- The proposal seeks changes to the Wollondilly Local Environmental Plan, 2011 to amend the Land Zoning on the south-western portion of the land from RU2 Rural Landscape to R2 Low Density Residential.
- The proposal has been subject to initial notification and six (6) submissions were received objecting to the proposal.
- The developer has also carried out their own consultation and a summary of the points raised has been provided to Council.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
 - the draft planning proposal be supported in a form different to that submitted by the proponent as detailed in this report.
 - the existing electricity transmission line form the northern boundary to residential development for The Oaks on the site.
 - site specific development controls be included in the Wollondilly Development Control Plan 2016 to guide future development on the site.

REPORT

1.1 SITE DESCRIPTION

The subject land is currently zoned RU2 Rural Landscape and has a total area of 31.87 hectares. The proposal seeks changes to approximately six (6) hectares of land located in the south-western portion of the site fronting Silverdale Road to the west and Browns Road to the south.

The site comprises of pasture, farm dams, farm dwellings, outbuildings and scattered vegetation.

The north, east and west of the site adjoins other rural properties zoned RU2 Rural Landscape with the south of the site bordering the northern urban boundary of low density residential development.

A high voltage transmission line passes through the site and is associated with an easement approximately 30.48m wide which runs in an east-west direction.

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To the east the proposed site is constrained by an escarpment and includes water bearing layers in excess of 40m below ground within a sandstone aquifer. The escarpment and high points on the site boasts views of the Sydney skyline.

1.2 DESCRIPTION OF PROPOSAL

The proposal seeks to rezone the south-western portion of Lot 3 DP 1201486 comprising an area of approximately six (6) hectares with the intent to facilitate the future subdivision and development of the land for residential development.

This proposal would enable approximately 60 new lots to be created. The objective of the draft Planning Proposal, as submitted to Council, is to:

- *Amend the Wollondilly Local Environment Plan (Wollondilly LEP 2011) Land Zoning Map to rezone a portion of the site from RU2 Rural Landscape to R2 Low Density Residential.*
- *Amend the Wollondilly LEP 2011 Lot Size Map to reduce the minimum lot size from the current 40 hectares to 700 square metres.*
- *Amend the Wollondilly LEP 2011 Height of Buildings map to include a height limit of nine (9) metres for the proposed R2 low density Residential zone.*

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

A preliminary meeting was held with council staff which identified some constraints associated with the site in relation to an existing electrical easement and the historical use of the property that may impede development. A summary of all initial observations are provided below:

Topic	Summary of Comments
Drainage & Flooding	<ul style="list-style-type: none"> ▪ A stormwater assessment will be required which includes a NorBE assessment. (i.e. a single drainage/stormwater study which also includes a NorBE assessment rather than two (2) standalone studies). The drainage assessment must also consider the impact on ground water. ▪ The site is located on a groundwater aquifer and so existing Bore Water Licences should be investigated.

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Easements	<ul style="list-style-type: none"> ▪ An electrical easement runs from east to west across the southern end of the site. This has been identified as a high voltage line and strict conditions in relation to setbacks and siting of lots need to be worked out at the strategic stage to ensure the proposal meets these requirements. ▪ The presence of the high voltage line is likely to sterilise same land from residential development. ▪ It may be appropriate to plan for a recreation area in the middle of the site with development either side of the easement however further investigation will need to be carried out.
Flora & Fauna	<ul style="list-style-type: none"> ▪ Areas along the ridgeline just outside of the proposal have been identified as Cumberland Plain Woodland and so a Flora and Fauna study is required to establish if the proposal will impact on this area (including drainage). ▪ The study will also need to identify if any native grasslands are situated on the site and potential impacts.
Site Contamination	<ul style="list-style-type: none"> ▪ The site has previously been used as a quarry ▪ Council has also previously used the site for rubbish disposal.
Traffic & Transport	<ul style="list-style-type: none"> ▪ A road safety audit must be carried out within the traffic study which should include consideration of the potential impact on Merlin Street and Big Hill Road ▪ Heavy traffic is likely to be a problem. ▪ There may be issues with traffic travelling north from the site seeking to go to Camden using Big Hill Road as a 'back road'. ▪ There is concern with the capacity of the existing road network connection to Burraborang Road. ▪ A pedestrian connection will be required from the site into The Oaks. The developer should contribute towards a new footpath into the town centre either through a monetary contribution or physical works.
Planning	<ul style="list-style-type: none"> ▪ The land is partially situated on the Sydney Drinking Water catchment ▪ The lot size will need to respond to the sites constraints rather than simply being a continuation of what already exists.
Odour	<ul style="list-style-type: none"> ▪ The site adjoins an existing poultry farm and so an odour study will need to be prepared.
Geotechnical	<ul style="list-style-type: none"> ▪ A Geotechnical assessment is required for the whole site. The assessment will need to consider uncontrolled fill.

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Bushfire	<ul style="list-style-type: none"> ▪ A Bushfire assessment will be required. ▪ It is anticipated that a second access to Silverdale Road will be required to adequately address bushfire risks.
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2.2 CONSULTATION WITH PUBLIC AGENCIES

Only Endeavour Energy has submitted preliminary feedback in regard to the Planning Proposal.

There is an easement over the site benefitting Endeavour Energy and the site is opposite The Oaks Zone Substation at 45 Silverdale Road, The Oaks.

Endeavour Energy have no objection to the proposal, however their submission raised a number of issues that will need to be considered further if the draft proposal progresses. These include noise of the power lines, safety clearances, easement management and network access, earthing, Electromagnetic Field (EMF) exposure, vegetation management and public safety.

Endeavour Energy has recommended Council adopt a policy of prudent avoidance in regard to minimising exposure to EMF by the siting of more sensitive uses such as habitable rooms away from any electricity infrastructure.

Future residential development will also need to be located away from the transmission line and careful consideration is likely to be required to site layout, the orientation and design of dwellings in order to minimise the potential impacts on health and urban amenity. It is anticipated that design guidance would need to be incorporated into the development control plan for development near overhead lines.

One option to respond to this constraint would be to restrict residential development to the proposal area which adjoins Browns Road as it provides a logical and robust boundary for growth to the north of The Oaks. A location plan is provided at Attachment 1 to this report to illustrate the extent of land which would be rezoned for residential development with this approach.

Should the proposal be supported by Council and forwarded to the Minister for Planning and Environment, any subsequent Gateway Determination will outline the formal consultation requirements with government agencies.

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2.3 COMMUNITY CONSULTATION

In accordance with Council's notification policy, initial community consultation has been undertaken. The application was made available on Council's website and The Oaks Newsagency. Letters were also sent to owners and occupiers of adjoining and potentially affected properties.

A total of six (6) submissions were received and of these submissions. The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

Issue Raised	Assessment Comment
<p>Capacity of Village to support Growth</p> <ul style="list-style-type: none"> ▪ The Oaks is a small town with development already in progress on the Vanderville estate. ▪ The town is not equipped to sustain that many homes ▪ Concern that a small village is about to be bombarded with urban development on both flanks 	<ul style="list-style-type: none"> ▪ If the planning proposal proceeds a number of specialist studies and consultation with public agencies will inform an assessment on the areas ability to accommodate further growth. ▪ It is noted that the housing targets in the GMS 2011 for The Oaks and Oakdale have already been met in terms of land that is rezoned and that is currently being assessed for rezoning (including this proposal).
<p>Property values will decrease</p> <ul style="list-style-type: none"> ▪ Development will devalue existing properties due to the loss of the rural outlook 	<ul style="list-style-type: none"> ▪ The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.
<p>Current condition of existing road assets</p> <ul style="list-style-type: none"> ▪ The current roads already have pot holes, and are constantly being worked on. ▪ Silverdale Road (which provides direct access to the proposed development) is constantly being repaired, ripped up and patched. ▪ Strain on current road infrastructure 	<ul style="list-style-type: none"> ▪ The cumulative impact on road infrastructure will be considered as part of negotiations with the developer should the proposal proceed. ▪ If the planning proposal progresses a traffic study would be required including a road safety audit to consider the potential impacts on traffic and transport infrastructure.

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Issue Raised	Assessment Comment
<ul style="list-style-type: none"> ▪ Concern that infrastructure is already stretched by the "Vanderville Estate" and Montpellier Drive" developments and the proposal will put further pressure on the roads. ▪ Silverdale Road surface is in a very poor state of repair, the road is trafficked by many heavy vehicles 24 hours a day, 7 days a week and speeding along the section of Silverdale Road near the proposed development is already a significant problem 	
<p>Impact on environment and water quality</p> <ul style="list-style-type: none"> ▪ Concern that the development will have an impact on the amount of pollution infiltrating Werri berri creek. ▪ We live in pristine water catchment, and it is a precious resource. ▪ Effect on wildlife 	<ul style="list-style-type: none"> ▪ As part of the site is located within the Sydney Drinking Water Catchment a NorBE assessment will be required to establish that the development will have a neutral or beneficial impact on water quality. ▪ The proposal will also need to be referred to Water NSW who have developed strategic land and water capability assessments (SLWCA) for land in the catchment to inform zoning decision. ▪ In terms of wildlife, if the planning proposal progresses a flora and fauna assessment will be required to consider the potential impacts on flora and fauna.
<p>A lack of supporting infrastructure</p> <ul style="list-style-type: none"> ▪ There is no infrastructure or public transport to support such a large influx to a small ▪ The proposed development will increase the demand for public transport ▪ There are no formed footpaths from the area of the proposed development to the shops in 	<ul style="list-style-type: none"> ▪ The cumulative impact on infrastructure and community facilities from the current and any future rezoning would need to be assessed. ▪ If the site was rezoned it is anticipated that any future development of the site would need

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Issue Raised	Assessment Comment
<p>the village centre and as such residents who need assistance to walk cannot use their mobility scooters.</p>	<p>to contribute towards a new pedestrian connection from the site into The Oaks.</p>
<p>Development is not in keeping with the country feel of the Village</p> <ul style="list-style-type: none"> ▪ Loss of space and country feel of the Village ▪ The small block sizes are not in keeping with the village/rural characteristics of the northern fringe. ▪ The proposal indicates triple the amount of dwellings on an equivalent sized area, ▪ Similar development in proposed site was refused by Council some years ago due to it being seen as "ribbon development" along Silverdale Road and not in harmony with The Oaks as being seen as a village environment. ▪ Increased density will increase pop of village losing the village appeal. 	<ul style="list-style-type: none"> ▪ The GMS Structure Plan for The Oaks identifies land to the immediate north of The Oaks residential precinct as having potential for urban growth. The GMS 2011 was prepared in consultation with the community and has been adopted by Council. ▪ Further consideration will need to be given to the final minimum lot sizes in relation to the constraints of the site. ▪ The minimum lot size proposed in the submitted draft planning proposal is the same as that which applies to adjoining land to the south which is already zoned R2 Low Density Development. ▪ The lot size only sets the minimum size for subdivision and it does not always follow that the resulting lots will be created at the minimum size. Development should respond to the site context and any development application for subdivision will be subject to a merit based assessment.
<p>Community Safety</p> <ul style="list-style-type: none"> ▪ Existing issue with little police presence with cars hooning around and people taking drugs. ▪ The larger and higher density the population the increase in the crime rate in the oaks which is virtually non-existent at 	<ul style="list-style-type: none"> ▪ Higher densities are not an indication of crime risk. ▪ Should the proposal proceed further consultation may need to be carried out with the Local Area Command in relation to community safety.

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Issue Raised	Assessment Comment
<p>present.</p> <ul style="list-style-type: none"> ▪ Concerns there will be an increase in speeding and irresponsible driving. ▪ Existing concern of teen gangs and vandalism. ▪ Young people already gather in the Browns road reserve and drink etc. and an increase in population will increase the number young people that will possibly congregate in the reserve and impact Browns road residents 	
<p>Capacity of the local Primary School</p> <ul style="list-style-type: none"> ▪ Local school cannot support the influx of potentially hundreds of students ▪ The school will change to a large school that will not be properly resourced which will disadvantage existing students and families. ▪ No capacity of the local school to cater for an increase in 60 potential families (no room for expansion) 	<ul style="list-style-type: none"> ▪ Should the planning proposal proceed, the NSW Department of Education will be consulted.
<p>A lack of local services to support additional people</p> <ul style="list-style-type: none"> ▪ Impact of potential social housing in the new development ▪ There is already an issue with teenagers not having anything to do ▪ No services to occupy and engage young people and increase their productivity in the community. 	<ul style="list-style-type: none"> ▪ The objective of the proposal is to rezone the land for residential development. Affordable housing has not been the objective for the draft proposal in the proponent submission. ▪ Should the planning proposal proceed, the NSW Department of Education, South West Sydney Local Health District and the Department of Family and Community Services will be consulted.
<p>Traffic and Road Safety</p> <ul style="list-style-type: none"> ▪ Vehicular access is proposed 	<ul style="list-style-type: none"> ▪ Traffic and noise assessments

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Issue Raised	Assessment Comment
<p>to be provided from Browns Road will mean the road will change from being a "No Through Road" servicing approximately 22 houses to a "T intersection" servicing over 80 houses,</p> <ul style="list-style-type: none"> ▪ Concerns there will be an increase in people using main roads to travel to and from work. ▪ The location is usually the site of cars overtaking each other on the opposite side of Silverdale Road, which will be hazard for people needing to slow down to turn right into Browns Road ▪ Existing safety issue when entering Silverdale Road from Browns road with cars often overtaking each other across double lines. ▪ The 50 km/hr. zone will need to be moved further north which will exacerbate the illegal overtaking manoeuvres' currently practised by some drivers. ▪ Current residents of Browns Road, including school age children must walk to the shops in The Oaks village to buses to and from school. ▪ There is already an issue with not enough parking ▪ Concern that the existing residents of Brown Road will have to "give way" to all traffic exiting the subdivision 	<p>would be required as part of a Road Safety Audit should the planning proposal proceed to determine what impacts are likely on the local road system, the town centre and on neighbouring properties.</p> <ul style="list-style-type: none"> ▪ If the land was rezoned to residential it is most likely that an extended 50km speed limit would be required but it would be a decision by Roads and Maritime Services on request by Council. ▪ It is considered that Silverdale Road is safe when vehicles travel to the sign posted speeds and to the conditions. ▪ If the planning proposal progresses a traffic study would be required to consider potential impacts of the development on traffic.

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Issue Raised	Assessment Comment
<p>Planning</p> <ul style="list-style-type: none"> ▪ Proposed lot size is a reduction of a 63% compared to Browns Road subdivision. ▪ There has not been any indication that similar by- laws set up for the neighbouring estate will be followed in the proposed development ▪ Moved to the area because of the water catchment zoning and the belief that this would prevent further urban sprawl. 	<ul style="list-style-type: none"> ▪ There is an existing private covenant on the estate adjoining the proposal which was more than likely imposed by the developer to control development of the estate. It is not considered appropriate for Council to impose the same development controls for this site. ▪ The site has been identified as a location for potential residential growth in Council's Growth Management Strategy.
<p>Unhealthy land</p> <ul style="list-style-type: none"> ▪ Concern about the health of the land due to Council dumping waste on the site in previous years ▪ Concern that transmission lines will impact on health of future residents. 	<ul style="list-style-type: none"> ▪ The proponent has provided an addendum to a Phase Two Detailed Environmental Assessment that was carried out for the site in 2010, the document states that "no remediation would be required to be undertaken to make the site suitable for residential land use". However should the proposal progress a new phase two assessment is required to ensure the findings in the 2010 study comply with the new thresholds. ▪ Currently there is no evidence that EMF exposure is detrimental to health however the owner of the easement (Endeavour Energy) have recommended that Council adopt a policy of prudent avoidance in regard to minimising exposure. ▪ Therefore setbacks and sighting of lots will need to be considered further if the proposal progresses.
<p>Noise</p> <ul style="list-style-type: none"> ▪ Noise of the development will upset and destroy the peaceful nature of the street. 	<ul style="list-style-type: none"> ▪ Further consideration of noise will need to be given to the planning proposal if it progresses. This may

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Issue Raised	Assessment Comment
<ul style="list-style-type: none"> ▪ Concern about noise pollution during development, construction and the ongoing noise from occupation together with the increase in traffic. ▪ Current residents of Browns Road are protected somewhat from traffic noise due to Silverdale Road as Browns Road is 7 to 10 metres lower and the majority of traffic noise travels over residences ▪ As the proposed development is somewhat more level with Silverdale Road traffic noise is a concern. 	<p>include the need for a noise study to be undertaken.</p>
<p>Privacy</p> <ul style="list-style-type: none"> ▪ Impact on privacy due to increased foot traffic and rural fencing. 	<ul style="list-style-type: none"> ▪ Rezoning the land itself will not impact on privacy. ▪ Privacy concerns can usually be dealt with through sensitive design at the Development Application stage should the proposal proceed.

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2.4 PREPARATION OF A PLANNING PROPOSAL

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

In deciding to forward a Planning Proposal to the Gateway process, it is deemed to be Council’s Planning Proposal.

Council’s options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.

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2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 2.9 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

Option 2 is the recommendation of this report.

Note: The application has been with Council for more than 90 days. Accordingly the applicant can apply for a pre-Gateway review in accordance with the Environmental Planning & Assessment Regulations, 2000.

2.5 RELEVANT CONSIDERATIONS

Metropolitan Plan for Sydney 2036

The Planning Proposal seeks growth to The Oaks village and is not of a scale to conflict with the objectives of A Plan for Growing Sydney.

A Plan for Growing Sydney seeks to accelerate housing supply across Sydney and although its focus is on areas of significant housing growth it also notes that all suburbs will need additional housing over the next 20 years. New locations for housing around established centres are encouraged.

Section 117 Ministerial Directions

Further information is required to establish that the proposed amendments to the Wollondilly LEP 2011 are consistent with all relevant s117 Ministerial Directions.

If a Gateway Determination is issued for the Planning Proposal specialist studies would be required to inform the Planning Proposal and address the requirements of relevant Directions.

State Environmental Planning Policies

State Environmental Planning Policy No 55 - Remediation of Land is relevant to this proposal as the proposal would permit a change of use of the land.

It is noted that a previous preliminary contamination study concluded that the land was unsuitable for residential development. The proponent has provided an addendum to the contamination study, prepared by the same consultant who prepared the original study, which concludes that the site is now considered suitable for residential development.

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This change in position is due to amendments to the *National Environment Protection (Assessment of Site Contamination) Measure 1999* which came into effect in 2013. The amendments involved changes to the thresholds for certain measures and the site is now within the acceptable threshold for future residential use and remediation is not required.

Should the proposal progress an up-to-date assessment should be required in line with current guidelines as part of the specialist study requirements post-gateway.

Other SEPP's

Further information is required to establish the proposed amendments to the Wollondilly LEP 2011 are consistent with all other relevant SEPP's.

If a Gateway Determination is issued for the Planning Proposal specialist studies may be required to inform the Planning Proposal and address the requirements of the relevant SEPP's.

2.7 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	This Planning Proposal is generally considered to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS. Further information is required to establish the Planning Proposal's suitability against key policy directions P15, P16 and P21.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	This Planning Proposal is consistent with the concept and vision of 'Rural Living' as it proposals additional housing directly adjoining an existing rural village.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	A total of six (6) submissions were received during the initial consultation objecting to the proposed proposal. The outcomes of this consultation have been considered and are discussed in Section 2.3 of this report.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	One submission has been received by Council raising concerns the development will negatively impact on existing property values. This is not considered to be a relevant planning consideration on the proposals suitability.

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Key Policy Direction	Comment
<p><i>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</i></p>	<p>The Structure Plan for The Oaks, which forms part of the GMS 2011, identifies an area to the north of Browns Road on the subject site as a 'potential growth area'.</p> <p>The growth potential of the site is limited by physical constraints in the form of the escarpment towards the east of the proposal area and a transmission line which passes through the site. Further investigation is required to establish the land capability of the site for development in terms of these and other constraints.</p> <p>However, the transmission line and easement is considered to constrain development in terms of the potential impacts on human health and urban amenity. This report recommends that the transmission easement should form the northern boundary to residential development for The Oaks on this site.</p>
Housing Policies	
<p><i>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</i></p>	<p>This Planning Proposal will make a contribution to housing targets across the Shire.</p>
<p><i>P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</i></p>	<p>The proposed R2 Low Density Residential land use zone would allow development of the site for additional housing.</p>
<p><i>P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").</i></p>	<p>The proposal is consistent with this direction as it proposes Low Density residential which is consistent with adjoining land use zones.</p>
<p><i>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i></p>	<p>The subject site directly adjoins the northern boundary to The Oaks urban area and is consistent with this key policy direction.</p>

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Key Policy Direction	Comment
Macarthur South Policies	
<i>Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.</i>	The site is not located in the Macarthur South area.
Employment Policies	
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</i>	The draft proposal does not include any employment lands, however the additional population will support the economic viability of local businesses.
<i>P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</i>	See comment for P15. If the land is rezoned it may create short-term employment opportunities through the construction jobs associated with the civil and building works.
Integrating Growth and Infrastructure	
<i>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</i>	The site adjoins the existing urban area for The Oaks which will minimise the need for new/additional infrastructure. However, if the proposal progresses further consideration will be necessary to ensure the adequate infrastructure is or can be made available to service residential development on the site. It is noted that if the site was rezoned and development approval for residential subdivision would require development contributions towards the provision of new and/or augmented facilities to meet the additional demand for public facilities and services provided by Council. The proposal is unlikely to be significant enough to be designated as an Urban Release Area and necessitate State Infrastructure Contributions.
<i>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our</i>	The Planning Proposal is consistent with this key policy direction as the subject site adjoins the existing urban area for The Oaks.

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Key Policy Direction	Comment
<i>existing population centres.</i>	
<i>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The Planning Proposal is consistent with key policy direction as the subject site adjoins the existing urban area for The Oaks.
<i>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</i>	Although the site is not located within a key growth centre it provides an opportunity for smaller growth in a location identified within the Structure Plan for The Oaks as a potential residential growth area.
Rural and Resource Lands	
<i>P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes</i>	The site is partially located in the Sydney Drinking Water Catchment and the potential impact on water quality will need further investigation if a Gateway Determination is issued for the site. Further studies will also be required to consider the potential impacts associated with bushfire prone land, flora and fauna and loss of agricultural land.
<i>P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</i>	The subject site is not located in a dispersed rural area and directly adjoins the existing urban area of The Oaks.

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2.8 RECOMMENDED FORM OF PLANNING PROPOSAL

Following consideration of responses from initial consultation and notification and preliminary assessment of the application, it is considered that the Planning Proposal should take the form as detailed below.

2.9 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below:

- *Amend the Land Zoning Map from land use zone RU2 Rural Landscape to R2 Low Density Residential for land between Browns Road up to the transmission easement.*

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- *Amend the Height of Buildings Map to introduce a Maximum Building Height Category of 9m metres.*

An appropriate lot size cannot be determined at present until further information is available to inform a position on the site's capability for development. This is due to the nature of site constraints such as the transmission line, proximity to ridge line, capacity of essential services (particular reticulated sewerage), water quality and bushfire prone land.

Note: This recommendation of this report is to support the planning proposal for this site in a form different to the draft planning proposal submitted to Council by the proponent.

2.10 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP, 2011)

It is recommended that a site specific DCP be developed for the proposal to guide future development on the site, particularly in relation to development in proximity to overhead transmission lines and key views from the site as well as the outcomes of the specialist studies where relevant.

The DCP should be placed on public exhibition at the same time as the Planning Proposal subject to the outcomes of the Gateway Determination.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal at this stage but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS

1. Plan showing suggested Approach for Draft Planning Proposal at The Oaks North

PE7 – Draft Planning Proposal – The Oaks North, Silverdale Road, The Oaks

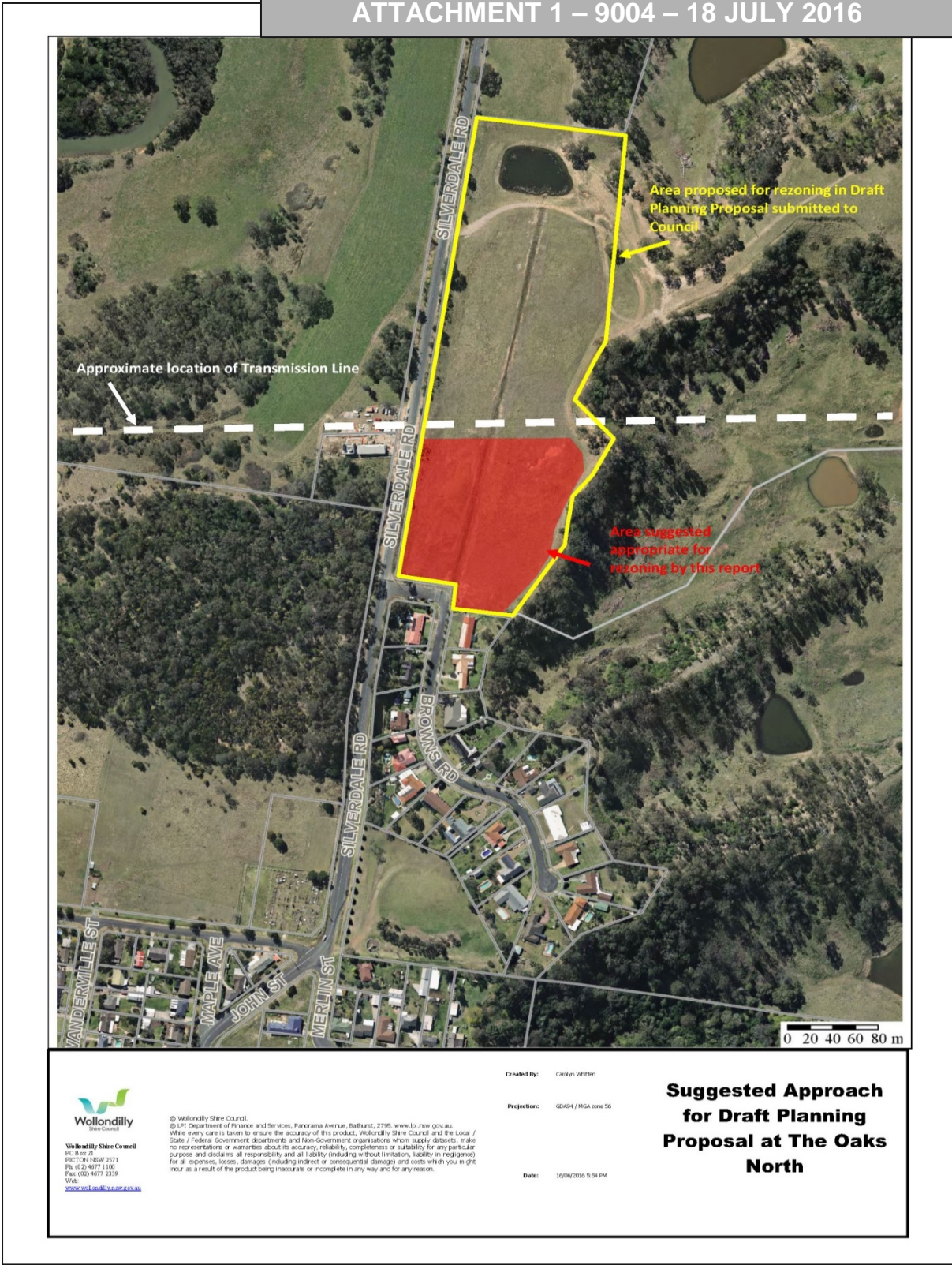
RECOMMENDATION

1. That Council support the preparation of a Planning Proposal, in an amended form for Lot 3 DP 1201486 (No. 80 Silverdale Road, The Oaks) to amend Wollondilly Local Environmental Plan 2011 with the easement for transmission line forming the northern boundary to the proposed R2 Low Density Residential zone. That the amendments include changing:
 - the Land Zoning Map from RU2 Rural Landscape to R2 Low Density Residential
 - the height of buildings map to introduce a maximum height of 9 metres.
2. That the Lot Size for the proposed R2 Low Density Residential zone be determined after the preparation of the Gateway Determination and specialist studies and reported back to Council for endorsement.
3. That Council develop site specific controls to be included in the Wollondilly Development Control Plan 2016 to guide future development on the site relating to development in the vicinity of the transmission line, providing controls relevant to views to and from the site and including other matter should they arise out of the specialist studies.
4. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
5. That Council request the gateway determination include requirements for an up to date contamination study and a road safety audit.
6. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
7. That the proponent and submitters be notified of Council's Resolution.


Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 July 2016

PE7 – Draft Planning Proposal – The Oaks North, Silverdale Road, The Oaks

ATTACHMENT 1 – 9004 – 18 JULY 2016



Planning & Economy

 <p>Wollondilly Shire Council</p> <p><small>Wollondilly Shire Council PO Box 21 POTOMI NSW 2571 Ph (02) 4877 1100 Fax (02) 4877 2339 Web: www.wollondilly.nsw.gov.au</small></p>	<p><small>© Wollondilly Shire Council. © LPI Department of Finance and Services, Panorama Avenue, Balfournt, 2795. www.lpi.nsw.gov.au. While every care is taken to ensure the accuracy of this product, Wollondilly Shire Council and the Local / State / Federal Government departments and Non-Government organisations which supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</small></p>	<p><small>Created by: Carolyn Whitten Projection: GDA94 / MGA zone 56 Date: 16/06/2016 5:24 PM</small></p>	<p>Suggested Approach for Draft Planning Proposal at The Oaks North</p>
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Planning and Economy

PE7 Draft Planning Proposal – The Oaks North, Silverdale Road, The Oaks
265508 TRIM 9004

136/2016 Resolved on the Motion of Crs Hannan and Landow:

1. That Council support the preparation of a Planning Proposal, in an amended form for Lot 3 DP 1201486 (No. 80 Silverdale Road, The Oaks) to amend Wollondilly Local Environmental Plan 2011 with the easement for transmission line forming the northern boundary to the proposed *R5 Large Lot Residential* zone. That the amendments include changing:
 - the Land Zoning Map from RU2 Rural Landscape to *R5 Large Lot Residential*
 - the height of buildings map to introduce a maximum height of 9 metres.
2. That the Lot Size for the proposed *R5 Large Lot Residential* zone be determined after the preparation of the Gateway Determination and specialist studies and reported back to Council for endorsement. *The lot size shall not be less than the average lot size for the existing allotments in Browns Road, The Oaks.*
3. That Council develop site specific controls to be included in the Wollondilly Development Control Plan 2016 to guide future development on the site relating to:
 - a) development in the vicinity of the transmission line
 - b) controls relevant to views to and from the site
 - c) *controls relevant to rural fencing*
 - d) *controls relevant to setbacks from Silverdale Road and the escarpment consistent with the existing allotments in Browns Road, The Oaks*
 - e) *provision of an emergency egress from the subdivision*
 - f) and other matter should they arise out of the specialist studies.
4. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
5. That Council request the gateway determination include requirements for an up to date contamination study and a road safety audit.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 July 2016, commencing at 6.37pm

Planning and Economy

6. **That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.**
7. **That the proponent and submitters be notified of Council's Resolution.**

On being put to the meeting the motion was declared CARRIED.

Vote For: Crs Law, M Banasik, Mitchell, Landow, B Banasik, Amato and Hannan

Vote Against: Crs Gibbs and Terry