



Mr Luke Johnson
General Manager
Wollondilly Shire Council
PO Box 21
PICTON NSW 2771

WOLLONDILLY SHIRE COUNCIL	
TRIM NO. 9004	Our ref: 16/11146
PROP. No.	
27 JUL 2017	
AUTH. No.	
ASSIGNED TO: N. Aiken	

Dear Mr Johnson

Alteration of Gateway Determination – The Oaks North

I refer to the recent recommendation received from the Planning Assessment Commission to support the investigation of smaller lots for part of 80 Silverdale Road.

In light of the Planning Assessment Commission's recommendation, I have determined, as the delegate of the Greater Sydney Commission, in accordance with section 56(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 8 December 2016 for Planning Proposal PP_2016_WOLLY_005_00. The Alteration to Gateway Determination is enclosed.

The planning proposal is to be updated to reflect the altered Gateway determination and resubmitted to the Department for endorsement prior to the commencement of community consultation.

The timeframe for finalising the Planning Proposal has been extended to accommodate the Gateway determination review process and allow suitable time for Council to collate the additional requirements, as recommended by the Planning Assessment Commission. I encourage Council commence the necessary specialist technical studies and consult with the required public authorities as soon as possible to meet the specified timeframe.

Council should consult with the Department's regional office on the requirements of the Gateway determination conditions where necessary. Should you have any queries about this matter, please contact Mr Stuart McIntosh of the Department's regional office on (02) 9860 1551.

Yours sincerely

Anthea Sargeant 2017/17
Acting Executive Director, Regions
Planning Services

Encl:
Alteration to Gateway Determination
Planning Assessment Commission Gateway Determination Review



Alteration of Gateway Determination

Planning Proposal (Department Ref: PP_2016_WOLLY_005_00)

I, the Acting Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined, under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act), to alter the Gateway determination dated 8 December 2016, for the proposed amendment to the Wollondilly Local Environmental Plan 2015 as follows:

1. Delete Condition 1 and replace with a new condition 1:

"1. Prior to community consultation, Council is to update the Planning Proposal to:

- seek to apply a minimum lot size requirement of 1,500m² for land at 80 Silverdale Road, subject to:
 - demonstrating the availability of reticulated sewerage to each lot in consultation with Sydney Water; and
 - providing a comprehensive whole-of-site concept plan for storm water management in consultation with Water NSW.
- reflect the findings of these studies:
 - Updated Stage 2 Contamination Assessment;
 - Traffic and Road Safety Audit;
 - Geotechnical and Salinity Assessment;
 - Stormwater and Flood Assessment;
 - Bushfire Assessment Report;
 - Noise and Vibration Study; and
 - Neutral or Beneficial Effect (NorBe) on Water Quality Assessment.

The amended planning proposal, supporting studies and related documentation are to be referred to the Department for endorsement prior to the commencement of community consultation."

2. Delete condition 8 and replace with a new condition 8:

"8. The timeframe for completing the LEP is by 15 September 2018".

Dated 20

day of

July

2017

Anthea Sargeant

**Acting Executive Director, Regions
Planning Services**

Delegate of the Greater Sydney Commission

Planning Assessment Commission Gateway Determination Review

The Planning Assessment Commission has considered the request for a review of the Gateway determination of the planning proposal as detailed below:

Dept. Ref. No:	PP_2016_WOLLY_005_00
LGA	Wollondilly
LEP to be Amended:	Wollondilly Local Environment Plan 2011
Address / Location:	80 Silverdale road, The Oaks
Proposal:	Proposed rezoning from RU2 Rural Landscape to R2 Low Density Residential amend the lot size from 40ha to a minimum lot size of 1,500m ² , and retain a maximum building height of 9m.

Reason for review:	<input type="checkbox"/>	A determination has been made that the planning proposal should not proceed.
	<input type="checkbox"/>	A determination has been made that the planning proposal should be resubmitted to the Gateway.
	<input checked="" type="checkbox"/>	A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

In considering the request, the Planning Assessment Commission has reviewed all the relevant information provided by the proponent as well as the views and position of the Department of Planning and Environment (the Department) and the Wollondilly Shire Council (Council). Based on this review the **Commission recommends** the following

Reason for Review: A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

RECOMMENDATION:	<input checked="" type="checkbox"/>	Requirement should be imposed or variations made to the planning proposal. <input type="checkbox"/> no amendments are suggested to original determination. <input checked="" type="checkbox"/> amendments are suggested to the original determination.
	<input type="checkbox"/>	The suggested requirements or variations of the original Gateway determination are not necessary and the planning proposal should proceed past Gateway in accordance with the original submission.

Planning Assessment Commission advice and justification for recommendation:

The Commission recommends that the Gateway determination should retain application of the R5 Large Lot Residential zone to the land. The Commission also recommends that the Gateway determination be amended to specify a minimum lot size of 1,500m², subject to the:

- availability of reticulated sewerage to each lot;
- findings and recommendations in the specialist studies set out in item 1 of the Gateway determination; and
- findings and recommendations of a comprehensive whole-of-site concept plan for storm water management, which incorporates best practices for water sensitive urban design prepared in consultation with Water NSW.

The Commission has made this recommendation noting, in particular:

- Council's consideration that the R5 zone is appropriate and in keeping with the character of the area and the Department's comment that maintaining an R5 zone will prevent dual occupancy development and 'provide an appropriate graduation of zones';
- The proponent's support to an R5 zone with a 1,500m² minimum lot size 'if the R2 zoning is deemed not appropriate';
- Sydney Water's advice to Council of 28 February 2017 that a drinking water connection is available and that there is currently sufficient capacity in the wastewater system (for sewerage) for the development as illustrated in the concept plan (that shows minimum lot sizes of 1,525m²);
- the Department's advice in its briefing report that a minimum lot size of 1,500m² could be applied to the site which is 'generally in keeping with existing development at 1-22 Browns Road', subject to the results of the specialist studies in item 1 of the Gateway determination;
- Water NSW advice to Council of 18 January 2017 that if the site is not serviced by sewerage infrastructure a minimum residential lot size of 2,000m² is recommended for on-site wastewater treatment and disposal, and that the development should incorporate water sensitive urban design measures; and
- Council's concern that careful on-site storm water management will be necessary to achieve an appropriate outcome for the Sydney Drinking Water Catchment.

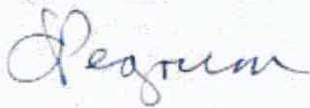
In carrying out the review, the Commission met with the proponent for the planning proposal, and teleconferenced with Council. Minutes of these meetings are attached.

In the teleconference with Council, several additional concerns were comprehensively set-out and these included that the:

- site and adjoining vegetated escarpment were visually prominent and sensitive to changes such as might result from vegetation clearing;
- indicative lot layout in the planning proposal would not comply with *Planning for Bushfire Protection* because, among other reasons, it did not include a perimeter fire access;
- Council is already on track to achieve dwelling targets under both State and local planning strategies without the need of the current planning proposal; and
- sewerage trunk main from The Oaks to Camden had limited capacity, which would be more appropriately used by infill development closer to the town centre.

The Commission notes that the Gateway determination includes a requirement to carry out several specialist studies, including a bushfire assessment report, which will inform the final decision on lot sizes in the draft Local Environmental Plan.

In respect of the Council's concerns about the need for the planning proposal or its implications for reticulated sewerage capacity and infill development more broadly, the Commission notes that this is beyond the scope of the review responsibility to make recommendations about the requirements imposed by the current Gateway determination.



Ms Annabelle Pegrum AM
Commission Member (Chair)



Prof Zada Lipman
Commission Member

RECORDS OF COMMISSION MEETINGS FOR THE REQUEST FOR ADVICE

Notes of meeting from the proponent

This meeting is part of the review process.	
Date: Friday, 9 June 2017	Time: 10:00am
Project: Gateway Review Advice 80 Silverdale Road	
Meeting place: PAC Office	
<p>Attendees: PAC Members: Annabelle Pegrum AM, Prof. Zada Marie Lipman PAC Secretariat: David Mooney (Team Leader) and Jorge Van Den Brande (Planning Officer)</p>	
<p>The proponent: Tim Colless - Director of COPRAD William Clinch - Representing the landowner</p>	
The purpose of the meeting was for the proponent to brief the Commission on its request for review of the Gateway Determination.	
<p>The proponent briefed the Commission noting that:</p> <ul style="list-style-type: none"> • They had consulted extensively with Council in the past on the planning proposal and were keen to continue with constructive consultation. • Sydney Water had advised that reticulated water and sewerage could be provided to the land. • Specification of a minimum lot size would provide them with necessary certainty to move forward with the development of the site. • Potentially contaminated parts of the land are associated with the use of land to the north of the site (not the development area) which had been used for the disposal of spoil and some building materials but not as a public land fill area. • They are keen to preserve the rural character of the site, acknowledge the benefits of a development transition from the village to the rural lots and do not wish to develop dual occupancies on any of the lots at issue. • The concept plan is indicative only and lots are likely to be larger than 1500 m². 	
Documents tabled at meeting: Maps	
Meeting closed at: 10:45 am	

Notes of teleconference with Council

This meeting is part of the review process.	
Date: Friday, 9 June 2017	Time: 11:00am
Project: Gateway Review Advice 80 Silverdale Road	
Meeting place: Teleconference	
Attendees: PAC Members: Annabelle Pegrum AM, Prof. Zada Marie Lipman PAC Secretariat: David Mooney (Team Leader) and Jorge Van Den Brande (Planning Officer)	
Wollondilly Shire Council: David Smith - Manager of Strategic and Growth Nicole Aiken – Strategic Planer	
The purpose of the meeting was for Wollondilly Shire Council to brief the Commission on its view and position of the request for review of the Gateway Determination.	
The Council briefed the Commission noting that: <ul style="list-style-type: none">• the site and escarpment are visually prominent and can be viewed from distant vantage points• the site is bushfire prone land and the indicative subdivision layout does not have adequate setbacks or a perimeter road as recommended by the <i>Planning for Bushfire Protection</i>• the existing residential character is important and should be retained.• the provision of on-site stormwater management may be a limiting factor in deciding the appropriate minimum lot size• minimum lot size should be determined following specialist's studies, and 1,500m² may not be appropriate.• the trunk sewerage main from The Oaks to Camden, which is in part a rising main, has capacity for 140 additional dwellings. This capacity might better be used for urban infill development within The Oaks village.• The Draft South West District Plan has a target of 1,500 dwellings for the first five years after the making of the plan. Council already has enough land zoned residential and are confident of meeting their dwelling target.• Council is also on target to achieve the Growth Strategy 2011 for The Oaks and Oakdale of 350 dwellings by 20136.• Council can achieve housing targets in both State and local planning strategies. Growth is strong in the locality with around 10 development applications per year for dual occupancy in The Oaks.	
Documents tabled at meeting: NA	
Meeting closed at: 12:00	