

# Planning Proposal

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To Amend Wollondilly Local Environmental Plan 2011

## The Oaks North, The Oaks

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For the rezoning of land located at 80 Silverdale Road, The Oaks  
Lot 3 DP 1201486 and an amendment to the minimum lot size for land located at Lots 1 - 22 DP  
775993 No. 1 - 22 Browns Road, The Oaks

**November 2016**

# Document Register

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# Introduction

This Planning Proposal details changes sought to the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rezone approximately 1.9 hectares (19,222 square metres) of rural landscape zoned land in The Oaks to enable large lot residential development.

The proposal also seeks to increase the minimum lot size of the adjacent residential area located in Browns Road, The Oaks from 700 sqm to 1500 sqm.

This document has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the NSW Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* (2012). It has been prepared to seek a Gateway Determination to further investigate the suitability of the land for the proposed land uses.

The planning proposal was submitted to Council by Willow Tree Planning on 26 February 2016. The proposal seeks to rezone land at 80 Silverdale Road (formally known as 680 Burraborang Road, The Oaks), The Oaks under the Gateway System. The original proposal submitted to Council has since been amended in response to feedback gathered during Councils preliminary consultation process. The amended proposal is detailed below.

At its Ordinary Meeting of 18 July 2016 Wollondilly Shire Council resolved the following;

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.*

**A Planning Proposal** is a document which explains proposed changes to an environmental planning instrument<sup>1</sup>, in this case the Wollondilly Local Environmental Plan 2011 (WLEP 2011).

This explanation is provided through text and images (usually plans).

The Wollondilly Local Environmental Plan is the key statutory document at a local government level to guide and control the development of land in the Wollondilly Shire Council area.

Protecting the rural aspects of existing and future residential development along the northern fringe of The Oaks Village emerged as a key theme during consultation for this proposal. In keeping with this, Council also seeks to amend the WLEP 2011 to increase the minimum lot size of residential land located in Browns Road as the current minimum lot size of 700sqm is not considered to be sufficient in protecting the existing character of the area.

At its Ordinary Meeting of 17 October 2016 Wollondilly Shire Council resolved the following;

1. *That Council support the inclusion of additional land at Browns Road in the The Oaks North Planning Proposal for land being:  
Lots 1 - 22 DP 775993 No. 1 - 22 Browns Road, The Oaks To amend Wollondilly Local Environmental Plan, 2011 as follows:*
  - *amend the Lot Size Map to 1500 sqm.*
2. *That the amended Planning Proposal for The Oaks North be forwarded to the Minister for Planning and Environment for a Gateway Determination.*
3. *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.*
4. *That the submitters and land owners be notified of Council's Resolution.*

A copy of both Council reports and associated minutes is provided in Appendix E.

The main focus of this proposal is on the site proposed to be rezoned, so unless specified, the text in this proposal generally refers to this area and not The Browns Road component of the proposal.

Some preliminary technical reports and specialist studies have been prepared to inform the planning proposal however, further information (which may include studies) will be required before the proposed amendments to the WLEP 2011 can be finalised.

These will include:

- Loss of agricultural land
- Phase 2 contamination assessment
- Traffic and road safety audit
- Geotechnical and salinity assessment
- Stormwater and flood assessment
- Noise and vibration study
- Bushfire assessment
- EMF exposure
- Flora and fauna assessment
- European and Aboriginal Cultural Heritage and Archaeological Assessment

## **SITE AND CONTEXT ANALYSIS**

The site is located on Silverdale Road as shown in Figure 1. The site was previously part of a larger lot known as known 680 Burratorang Road, The Oaks however this lot has since been subdivided and the site is now known as 80 Silverdale Road, The Oaks and relates to a 1.9 hectare (19,222 square metres) area of land contained within Lot 3 DP 1201486 in the Wollondilly Shire Local Government Area.

The proposal also relates to residential land located at 1 -22 Browns Road, The Oaks and includes Lots 1 -22 DP 775993.

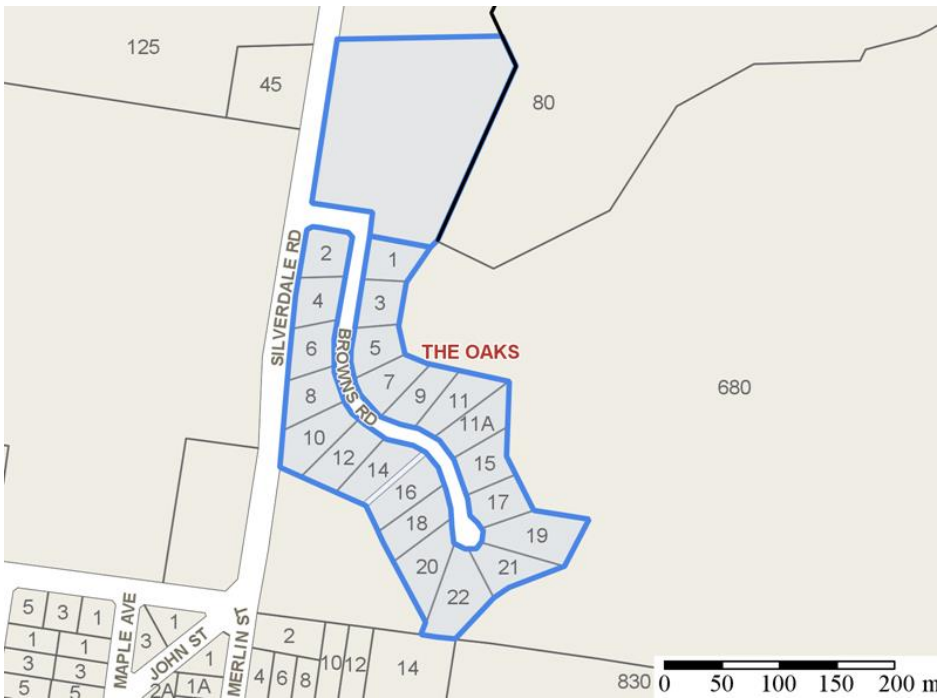


Figure 1 – Location Plan

The northern portion of the subject site is rural land zoned RU2 Rural Landscape and 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 east-west. The transmission line is a significant land mark and forms the natural northern boundary to this proposal.

To the east the proposed site is constrained by an escarpment to the east 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 rural lands to the east all the way to Camden with distance views of the Sydney skyline.

As highlighted in Figure 2, No.'s 1 -22 Browns Road are located (shown in blue) to the south of the proposed new residential area (shown in green) and comprise of Lots 1-22 DP 775993.

If the proposal proceeds it is likely that residents will share access from Silverdale Road. The twenty one (21) lots located along Browns Road range in size from 1495 sqm to 2805 sqm, with an average lot size of 1883 sqm.

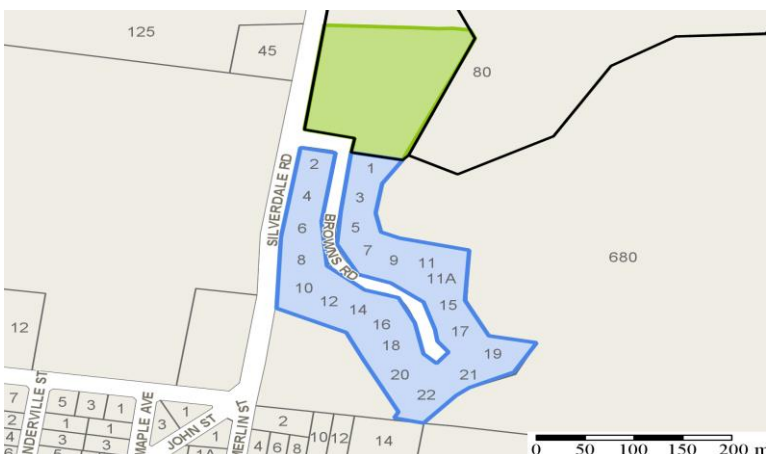


Figure 2 Browns Road Location

## Topography

The site comprises of gentle undulating land with an open stormwater easement running from east to west through the middle of the site.

The east of the site is constrained by a vegetated steep escarpment that overlooks rural land. Bordering Silverdale Road to the west of the site has been built up with a soil mound running from north to south providing a buffer between the busy road and the site.

Housing along Browns Road is characterised by detached houses on larger lots with wide frontages surrounded by mostly rural land. Browns Road is a quiet leafy street that ends in a cul-de-sac. Homes located to the east of the road boarder a steep escarpment and enjoy the benefit of rural views across to Camden, with views of Sydney on the horizon. Homes located on the West are sited below the line of Silverdale Road and are buffered by a soil mound running north to south located between the housing and the road.



Figure 3 Aerial View of the Site (photo taken 30 November 2015, NearMap 2016)

## Part 1 – Objectives or Intended Outcomes

This Planning Proposal seeks to enable the development of the site at Silverdale Road, The Oaks for R5 Large Lot Residential development and to apply a maximum height of building of nine (9) metres.

The intended outcome of the proposal is to allow a modest increase in housing for The Oaks village in an area identified for some potential growth in the Wollondilly Growth Management Strategy (GMS), which is relatively close to existing services located in the village centre.

The proposal identifies that natural and physical constraints exist within the site and seeks to contain any growth inside these identified boundaries.

To ensure the proposal responds to all constraints on the site (known and unknown) Council seeks to defer the identification of a minimum lot size until specialist studies have been completed

The secondary objective of the proposal is to retain the rural character of the northern fringe of The Oaks village by increasing the minimum lot size of residential land located along Browns Road by preventing future subdivision.

## Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Zoning Map** generally in accordance with the proposed zoning map shown in Part 4 by **Map 2** and
- Amending the Wollondilly LEP 2011 **Height of Buildings Map** in accordance with the proposed height of building map shown in Part 4 by **Map 3**; and
- Amending the LEP 2011 **Lot Size Map** in accordance with the proposed minimum lot size shown for Browns Road in Part 4 by **Map 4**

The proposed map amendments are included in *Part 4 – Mapping*.

## 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?

Council's Growth Management Strategy 2011 (GMS) has identified some growth for the Shire within The Oaks Village. The Structure Plan for The Oaks (GMS 2011 p.99) within the strategy has identified some of this future residential growth for land to the north of Browns Road. The area identified for this growth is demonstrated in Figure 2 which shows an excerpt taken from the GMS Structure Plan for the Oaks.

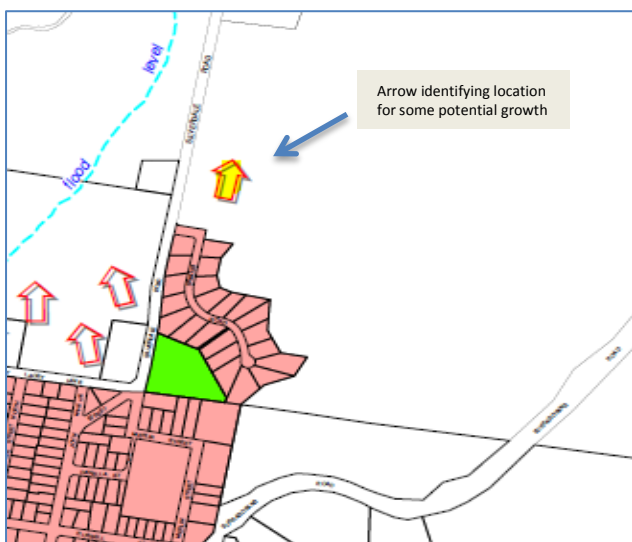


Figure 1 Excerpt from The Oaks Structure Plan (GMS 2011) identifying land to the north of Browns Road (in yellow) for potential residential development

Additionally, the proposal is in keeping with Council's policy within the GMS 2011 of encouraging growth close to existing towns and community infrastructure. The proposed site is within a 20 minute walk or a two minute drive to the village centre. It is within access to the local school, shops, parks and community infrastructure and it represents a moderate growth of the village on the border of an existing residential area.

The second component of the proposal which seeks to increase the minimum lot size of the residential area along Browns Road is in response to the views of the community to preserve the existing outlook on the northern fringe of the village. Under the current minimum lot size, larger lots could be subdivided into three blocks of 700 sqm.



**A 3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The current land use zone prohibits further development at the scale proposed in this proposal.

Additionally, maintaining the existing scale of lots along Browns Road into the future can only be achieved by setting a minimum lot size that more closely matches the size of the lots that are already there.

It is considered that amending the Wollondilly LEP 2011 is the best means of achieving the objectives of the planning proposal.

**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 (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The following regional and sub-regional strategy is relevant to this proposal:

- A Plan for Growing Sydney

***A Plan for Growing Sydney (2014)***

A Plan for Growing Sydney was released on 14 December 2014 is an action plan which will guide land use planning decisions up to 2034.

It consists of a number of directions and actions that focus around the following four (4) goals:

- ECONOMY; a competitive economy with world class services and transport
- HOUSING; a city of housing choice with homes that meet our needs and lifestyles;
- LIVEABILITY; a great place to live with communities that are strong, healthy and well connected; and
- ENVIRONMENT; a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

Wollondilly is located on Sydney's metropolitan fringe and falls within the Sydney Metropolitan Rural Area in *A Plan for Growing Sydney*. The focus of the Plan for Sydney's Metropolitan Rural Area is the protection of the environment and economic assets in terms of mining and agriculture.

The Plan 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.

Wollondilly is not the focus of significant housing growth except for the Macarthur South area which is identified as an Urban Investigation area.

Rezoning the subject site to allow for residential development presents an opportunity to increase housing supply at a moderate scale in close proximity to existing residential areas.

***South West Subregion***

A Plan for Growing Sydney: South West Subregion; focusses specifically on plans for the Local Government Areas of Fairfield, Liverpool, Campbelltown, Camden and Wollondilly. The subregion plan provides a link between the strategic direction set out in A Plan for Growing Sydney and the detailed planning controls for local areas.

The priorities identified for the subregion are:

- A Competitive Economy
- Accelerate Housing Supply, Choice And Affordability And Build Great Places To Live
- Protect The Natural Environment And Promote Its Sustainability And Resilience

The planning proposal is consistent with the subregional plan which further identifies that new housing, employment and urban renewal should occur around established and new centres.

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

The following local strategies are relevant to this Planning Proposal:

- Growth Management Strategy 2011
- Wollondilly Community Strategic Plan 2033

#### ***Wollondilly Community Strategic Plan 2033***

The [Wollondilly Community Strategic Plan 2033](#) (WCSP), adopted by Council 17 June 2013, is the Council's overarching plan that sets out the long term strategic aspirations of the community for Wollondilly over a 20 year period until 2033.

The WCSP is based on a vision of rural living for Wollondilly Shire and focusses 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. Particularly relevant to Planning Proposals are the Council's Local Environmental Plan and Growth Management Strategy.

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

#### **CO4 – Engagement and Communication**

*Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.*

Preliminary consultation with the community has been undertaken and the submissions were considered in a report to Council, which has been provided in Appendix E. If the planning proposal is supported by a Gateway Determination, further consultation with the community and other stakeholders will be undertaken during the formal public exhibition.

#### **EN1 – Biodiversity Resilience**

*Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater ecosystems.*

The proposal seeks to rezone land outside of naturally vegetated areas to ensure there is not a negative impact on biodiversity and natural resources as a result of future development.

#### **EN2 – Growth Management**

*Apply best environmental best practice environmental principles to the assessment of development and planning proposals.*

Rezoning land for residential development located within walking distance of The Oaks village shops and adjacent to existing residential land facilitates growth in a sustainable manner.

## EN3 – Development Assessment

*Apply best practice environmental principles to the assessment of development and planning proposals.*

There is considered to be strategic planning merit in rezoning the subject site for residential purposes. If the Planning Proposal progresses the Gateway process will involve the preparation of specialist studies to inform and determine the suitability of the land for residential development.

### **Growth Management Strategy 2011 (GMS)**

A key land use planning issue for Wollondilly is to manage pressures for growth against the context of a broad community desire to keep the Shire rural. This is a challenging balancing act and an inevitable consequence of being a rural area on the fringe of a major metropolis.

The Growth Management Strategy 2011 (GMS) was prepared to provide a strategic led response to this issue, and does so by providing:

- clear policy directions on growth issues;
- a strategic framework against which to consider Planning Proposals;
- a long-term sound and sustainable approach to how the Shire develops and changes into the future;
- a basis to inform Council decisions and priorities regarding service delivery and infrastructure provisions;
- direction and leadership of the community on growth matters;
- advocating for better infrastructure and services;
- a strategy/response for how the Council sees the State Government's Metropolitan and subregional planning strategies being implemented at the local level.

A copy of the [Growth Management Strategy](#)<sup>1</sup> is provided in Appendix F. It is also available on the Council's website.

The GMS was prepared in consultation with and was partially funded by the Department of Planning and Infrastructure. However, the finalised document has never been endorsed by the Director-General. Notwithstanding this the GMS was adopted by Council on 21 February 2011 and is consistently applied to the assessment of Planning Proposals for new growth in the Shire.

All Planning Proposals relating to Wollondilly are assessed against the Key Policy Directions of the GMS. Overall, the Planning Proposal is considered to be consistent with the Key Policy Directions. A table detailing the assessment of the proposal in accordance with the key directions is provided in Appendix C.

The GMS also contains a series of structure plans (maps) to identify possible growth locations within Wollondilly. The Oaks Structure Plan within the GMS identifies the site for potential future growth.

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

A preliminary assessment of the Planning Proposal's consistency with all State Environmental Planning Policies (SEPP's) is provided in Appendix A.

Consideration of SEPP's will be undertaken in conjunction with the detailed site investigations and the preparation of specialist studies required prior to public exhibition.

At this stage it is considered that additional information will be required to ensure the proposals consistency with the following SEPPs:

- SEPP No. 44 - Koala Habitat Protection
- SEPP No. 55 – Remediation of Land
- SEPP - Sydney Drinking Water Catchment 2011
- REP No.1- Drinking Water Catchments

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<sup>1</sup> <http://www.wollondilly.nsw.gov.au/planning-wollondillycd/strategic-planning-wollondilly/1161026-wollondilly-growth-management-strategy-gms>

Further explanation on consistency with these SEPP's is provided in Appendix A.

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

The Minister for Planning, under section 117(2) of the EP&A Act issues directions that relevant planning authorities, in this case Wollondilly Shire Council, must follow when preparing planning proposals for new Local Environmental plans. The directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- metropolitan planning

The following Ministerial Directions (s.117 directions) are relevant to the Planning Proposal:

- Direction 1.2 Rural Zones
- Direction 2.1 Environmental Protection Zones
- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones
- Direction 3.3 Home Occupations
- Direction 3.4 Integrating Land Use and Transport
- Direction 4.3 Flood Prone Land
- Direction 4.4 Planning for Bushfire Protection
- Direction 5.2 Sydney Drinking Water Catchment
- Direction 6.1 Approval and Referral Requirements
- Direction 7.1 Implementation of A Plan for Growing Sydney

A preliminary assessment of the Planning Proposal's consistency against all s.117 directions is provided in Appendix B.

It is expected that the following specialist studies/ additional information will be required to ensure the proposals consistency with s.117 directions:

- Study to address loss of agricultural production value of rural land;
- An updated Phase 2 contamination assessment
- Traffic and road safety audit
- Geotechnical and salinity assessment
- Stormwater and flood assessment
- Noise and vibration study
- Bushfire assessment
- Flora and fauna assessment
- European and Aboriginal Cultural Heritage and Archaeological Assessment
- Consultation with Water NSW will be required to establish if a Neutral or Beneficial Effect on Water Quality Assessment (NorBe assessment) is required.

## **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?**

Although the proposal seeks to rezone cleared land and uses the natural and physical constraints of the site as the boundary for residential development, the site is bordered to the east by a naturally vegetated escarpment. To ensure future development does not impact on this area a flora and fauna study will be required if the proposal proceeds.

### **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?**

It is likely that any future development arising from the planning proposal may potentially have an effect on:

- Stormwater Management
- Water Quality
- Risk of Bushfire
- Local Traffic and Transport

And that any potential new residents to the site, may be exposed to unacceptable levels of:

- Noise & Vibration
- Land Contamination

To establish the significance of these effects and appropriate management the following studies will need to be undertaken:

***Stormwater Management***

A stormwater assessment is required to determine the need for on-site drainage and to identify strategies to address the existing stormwater easement running through the site.

***Water Catchment***

The site is located within the Sydney Drinking Water Catchment Area and so further assessment will need to be carried out to demonstrate that the proposal and future works will have a neutral or beneficial effect (NorBE) on water quality.

***Bushfire Hazard***

The site is identified as wholly Bushfire Prone Area on Council’s Bush Fire Prone Land Map. A Bushfire Prone Area is an area that can support a bushfire or is likely to be subject to bushfire attack.

A bushfire assessment will be required to consider the proposed land use zones in relation to bush fire protection and also consider the requirements of Ministerial Direction 4.4 – Planning for Bushfire Protection.

***Land Contamination***

The site was previously identified in an earlier study as being contaminated and requiring remediation. Since this study was conducted, there have been some changes to the thresholds for contaminated land and an addendum submitted by the proponent indicates that the previously identified levels are now within the acceptable threshold and no remediation is required.

To ensure all changes to these thresholds are considered and the land is safe for residential development a new Level 2 Contamination Assessment will be required if the proposal proceeds.

This assessment will need to be undertaken in accordance with SEPP No.55 – Remediation of Land.

***Local Traffic and Transport***

Local traffic, road safety and the impact on the wider traffic network has been raised as an issue during the preliminary consultation period with the community and also by Council’s internal staff.

A traffic assessment and a road safety audit will be required to consider access to the subject site, road safety and the impact on the wider transport network.

***Noise and Vibration***

The site is located along Silverdale Road which is a major transport route in the area and so an acoustic assessment will be required to establish that potential new development will not be impacted by unacceptable levels of noise and vibration.

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

Based on a preliminary assessment the potential social and economic effects to consider should the planning proposal include:

### **1. Social Impacts**

Further consideration of the social impact of rezoning the land will be required. This should consider any impact or increased demand the future residential development may have on social infrastructure in the village including the capacity of the local school, local community facilities, child and youth services as well as services for older people.

Community safety was also raised as an issue during the preliminary community consultation and should be considered as part of the potential social impacts.

### **2. Any Impact on Aboriginal Heritage**

The land on which the proposal is situated has been disturbed by past rural land use, guidance will be sought from the Office of Environment and Heritage in regard to whether a formal Aboriginal Cultural Heritage and archaeological assessment will be required.

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

### **D3.10 Is there adequate public infrastructure for the planning proposal?**

Preliminary assessment indicates that additional road, water, including wastewater, sewerage and electrical infrastructure and/or upgrades need to be considered. Therefore if the planning proposal progresses further investigation will be required to establish whether adequate infrastructure exists.

### **D 3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

#### **Endeavour Energy**

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 proposal receives a Gateway determination to proceed.

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.

To respond to this constraint the proposal seeks to restrict residential development to the land located on the south of the site adjoining Browns Road up to the easement. It is thought that the easement provides a logical and robust boundary for growth to the north of The Oaks.

### **Further Consultation with Public Agencies**

Following a Gateway determination, specific advice and feedback will be sought from public agencies.

# Part 4 – Mapping

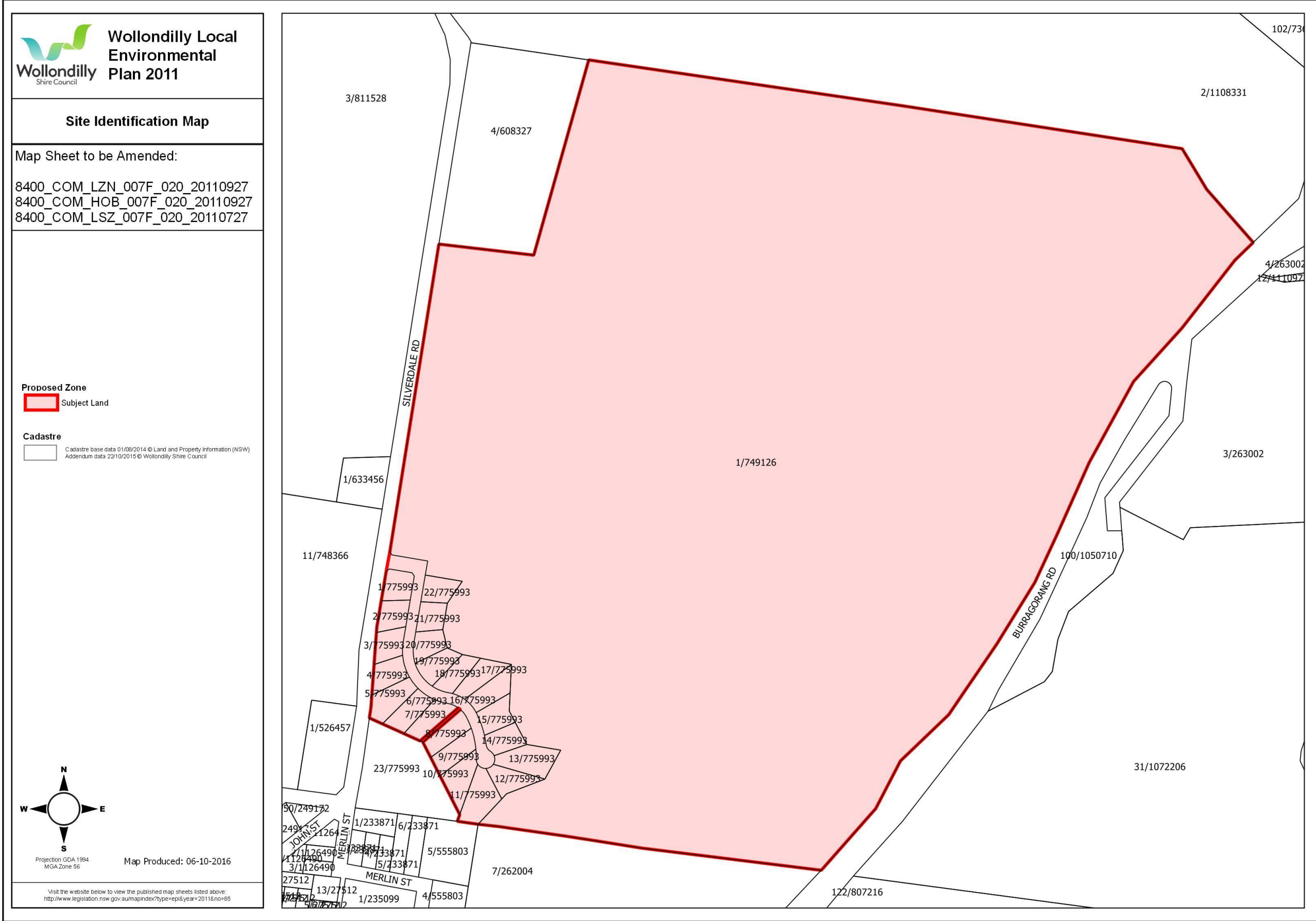
**Map 1 – Site Identification (SIM)**

**Map 2 – New Land Zoning (LZN)**

**Map 3 – New Height of Buildings (HOB)**

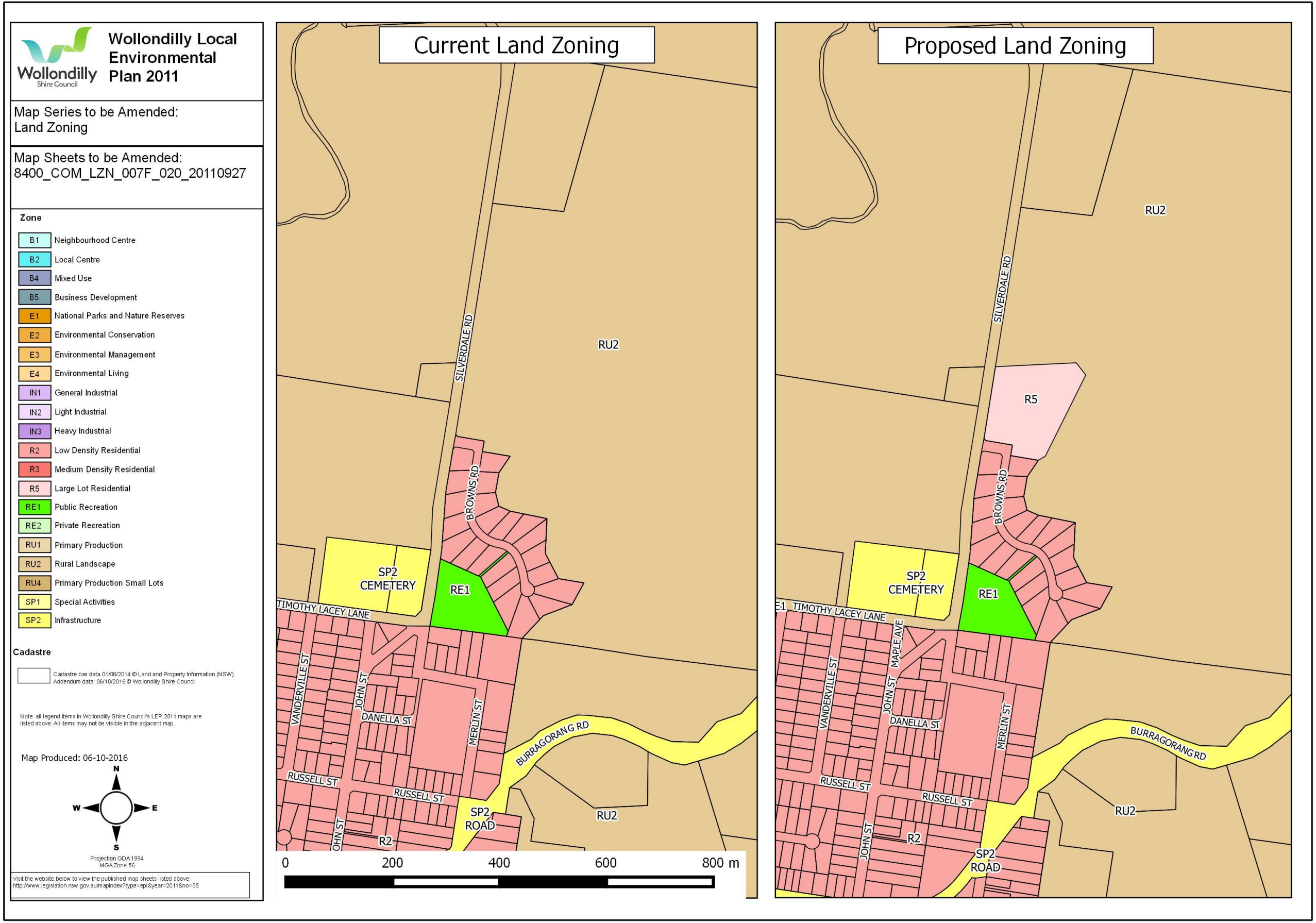
**Map 4 – New Lot Size (LSZ)**

Map 1 - Site Identification (SIM)





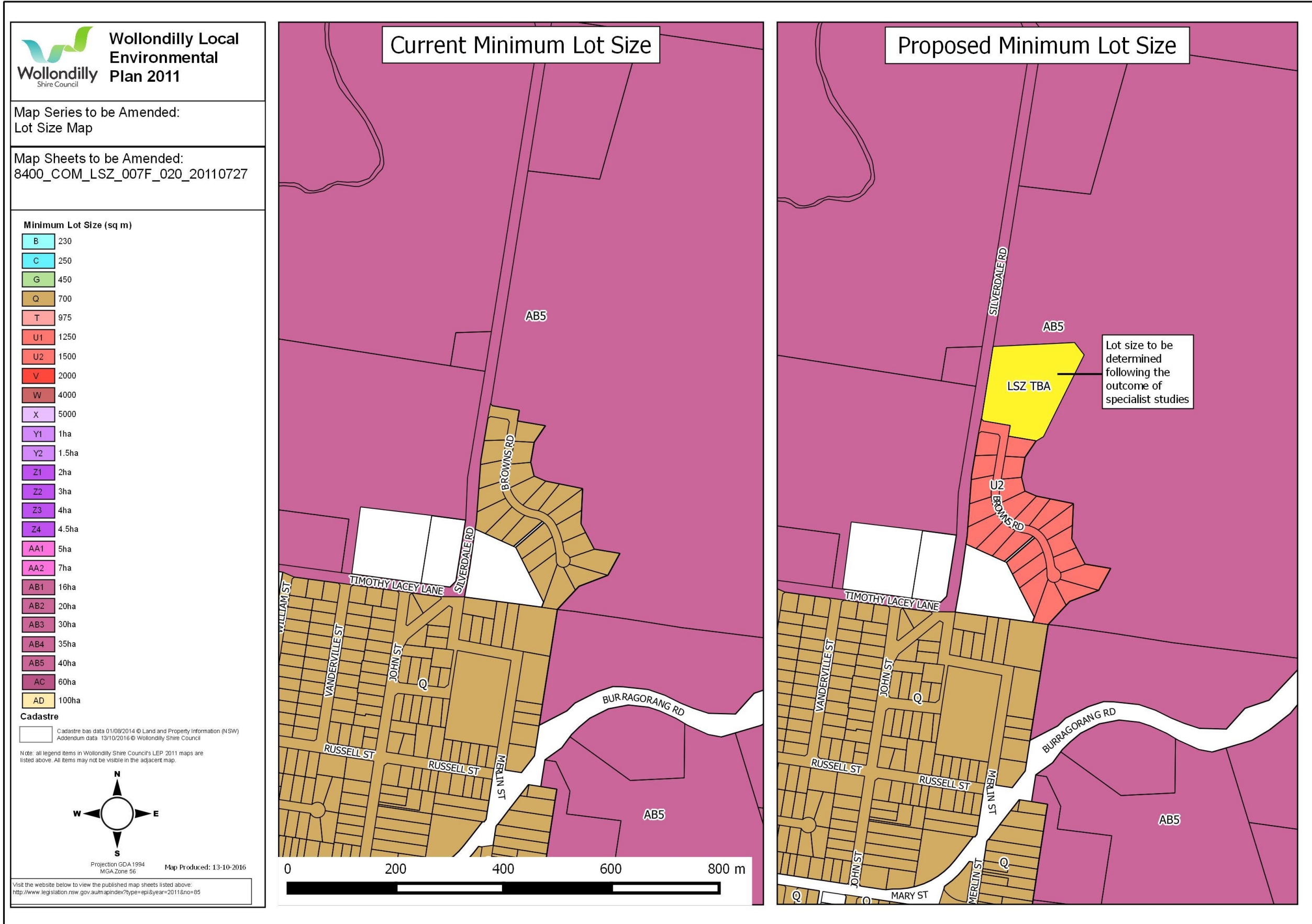
Map 2 - New Land Zoning (LZN)



Map 3 – New Height of Buildings (HOB)



Map 4 - New Lot Size (LSZ)



## Part 5 – Community Consultation

As part of our commitment to community consultation a number of statutory and non-statutory community consultation opportunities relating to The Oaks North, Silverdale Road, The Oaks Planning Proposal have been or will be held to inform the community about the proposal and to provide an opportunity to make their views known.

The table below provides a summary of what community consultation opportunities will be available as part of the consideration of the Planning proposal.

What will happen?	When will it happen?	Has it happened yet?	What was the outcome?
<p><b>Pre-Gateway Consultation</b> In accordance with Council's notification policy the draft Planning Proposal will be made available on Council's website and notified to adjoining land owners and occupants.</p>	<p>When a draft Planning Proposal is lodged with the Council a period of preliminary community consultation (Pre-Gateway Consultation) is undertaken prior to Council considering whether to support the Planning Proposal.</p>	<p>Yes  March – May &amp; August - September 2016</p>	<p>Six (6) community submissions were received.  In addition one (1) submission was received from a Public Agency.  Further details are provided in the Pre-Gateway Consultation section below.</p>
<p><b>Public Exhibition</b> Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&amp;A Act 1979 as follows:</p> <ul style="list-style-type: none"> <li>▪ The Planning Proposal will be made publicly available for <b>28 days</b>; and</li> <li>▪ The Planning Proposal will be placed on <b>Public Exhibition</b></li> </ul>	<p>After a Gateway Determination has been issued and specialist studies have been prepared.</p>	<p>No</p>	<p>NA</p>

### Feedback from Pre-Gateway Consultation

Council's notification policy requires initial consultation to be undertaken when a proposal to rezone land is received by the Council. This requirement is in addition to statutory requirements.

An initial period of consultation was undertaken for a four (4) week period from 24 March 2016 to 4 May 2016. The preliminary consultation was on the draft planning proposal as submitted to the Council by the proponent.

During the pre-gateway consultation six (6) community submissions were received. All six (6) submissions objected to the proposal. In addition, one (1) submission was received from a Public Agency (Endeavour Energy).

Further informal consultation was carried out with the residents of Browns Road to gauge any objections to the addition of this land into the proposal with the intent to increase the minimum lot size. This was carried out by way of a letter inviting land owners to provide their feedback. From this two (2) submissions were received and both were fully supportive of increasing the minimum lot size.

The issues raised in the submissions related to the following aspects of the proposed changes to the WLEP 2011:

- Capacity of Village to support growth
- Negative impact on property values
- Current condition of existing road assets
- Impacts on the environment
- Impacts on water quality
- Lack of transport and pedestrian infrastructure
- Not in keeping with the Village
- Community safety
- Capacity of the local Primary School
- Lack of support services in the Village
- Traffic
- Road safety
- Unhealthy land
- Potential for urban sprawl
- Lot size inconsistency
- Not in keeping with design of neighbouring development
- Noise
- Privacy
- Development near high powered electrical lines
- Retaining the character of Browns Road and the Oaks Northern fringe
- The need to protect the current rural character and the outlook to and along the ridge line.

A summary of the concerns along with Council's assessment of these has been included within the report to Council provided in Appendix D.

### **Public Exhibition**

If a Gateway Determination is issued, the community will be provided with a further opportunity to provide comment on the proposed changes to the WLEP 2011 during the Public Exhibition period.

The requirement for this consultation is determined in sections 56(2)(c) and 57 of the EP&A Act (1979). The minimum requirements for consultation are further defined in section 4.5 of *A Guide to Preparing Local Environmental Plans (NSW Department of Planning and Infrastructure, 2013)*.

## Part 6 – Project Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. The table below sets out the anticipated project timeline for consideration of the 80 Silverdale Road, The Oaks Planning Proposal.

<i>Project detail</i>	<i>Timeframe</i>	<i>Timeline</i>
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&E	Dec 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	Dec 2016- Feb 2017
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	4 month period	June 2017
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	July 2017 - Aug 2017
Dates for public hearing (if required)	Unlikely to be required	N/A
Timeframe for consideration of submissions	1 month	Sept 2017
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	3 months	Dec 2017
Date of submission to the Department to finalise the Draft LEP amendment	N/A	N/A
Anticipated date RPA will make the plan if delegated (including 6 week period for finalisation)	2 months	Feb 2018
Anticipated date RPA will forward to the Department for notification	1 month	March 2018

# Appendices

## **A. Compliance with SEPPs**

Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

## **B. Assessment against Section 117(2) Directions**

Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

## **C. Assessment against Wollondilly GMS**

Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011.

## **D. Preliminary Consultation**

A summary of the concerns during preliminary consultation with Council's assessment

## **E. Council's Report and Minutes**





# Appendix A

## Compliance with SEPPs

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No. 1 - Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
SEPP No. 14 - Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 15 - Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 19 - Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 21 - Caravan Parks	N/A	Not applicable to this Planning Proposal.
SEPP No. 26 - Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 29 - Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 30 - Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal does not contain provisions that will contradict or will hinder the application of the SEPP.
SEPP No. 33 - Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
SEPP No. 36 - Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 39 - Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 44 - Koala Habitat Protection	Potential to be	Further consideration is required if a Gateway Determination is issued. However, it is unlikely that the subject site contains core koala habitat.
SEPP No. 47 - Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 50 - Canal Estates	N/A	Not applicable to this Planning Proposal.
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 55 - Remediation of Land	Potential to be	A stage two site contamination assessment is required if the proposal progresses.
SEPP No. 59 - Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 62 - Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 64 - Advertising and Signage	N/A	Not applicable to this Planning Proposal.
SEPP No. 65 - Design Quality of Residential Flat Development	Yes	The planning proposal does not contain provisions that will contradict or hinder a future application for SEPP (HSPD) housing.

State Environmental Planning Policies (SEPPs)	Consistency	Comments
SEPP No. 70 - Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
SEPP No. 71 - Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or hinder the application of the SEPP.
SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal does not contain provisions that will contradict or hinder a future application for SEPP (HSPD) housing.
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
SEPP (Miscellaneous Consent Provisions) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable to this Planning Proposal
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions that will contradict or hinder the application of this SEPP.
SEPP (Penrith Lakes Scheme) 1989	N/A	Not applicable to this Planning Proposal.
SEPP (State & Regional Development) 2011	N/A	Not applicable to this Planning Proposal.
SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Infrastructure) 2007	N/A	Not applicable to this Planning Proposal.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Rural Lands) 2008	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal will not contain provisions that will contradict or hinder the application of the SEPP at future stages, post rezoning.
SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Sydney Drinking Water Catchment) 2011	Yes	Further determination is required if a Gateway determination is issued with the requirement that a NorBe Assessment being carried out.
SEPP (Urban Renewal) 2011	N/A	Not applicable to this Planning Proposal.
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	Not applicable in the Shire of Wollondilly.
SEPP (Three Ports) 2013	N/A	Not applicable in the Shire of Wollondilly.
State Environmental Planning Policy (Integration and Repeals) 2016	N/A	Not applicable to this Planning Proposal

State Environmental Planning Policies (SEPPs)	Consistency	Comments
<b>Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)</b>	<b>Consistency</b>	<b>Comments</b>
REP No.2 – Georges River Catchment	N/A	Not applicable to this Planning Proposal.
REP No.9 - Extractive Industry (No 2)	N/A	Not applicable to this Planning Proposal.
REP No.20 - Hawkesbury–Nepean River (No 2 - 1997)	N/A	Not applicable to this Planning Proposal
Drinking Water Catchments REP No.1	Yes	Further determination is required if a Gateway determination is issued.

# Appendix B

## Assessment against Section 117(2) Directions

The table below assesses the planning proposal against Section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
<b>1. Employment and Resources</b>			
1.1 Business and industrial Zones	No	N/A	N/A
1.2 Rural Zones	No	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction.
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	N/A
1.4 Oyster Production	No	N/A	Direction does not apply.
1.5 Rural Lands	No	N/A	Not applicable in the Shire of Wollondilly.
<b>2. Environment and Heritage</b>			
2.1 Environmental Protection Zones	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction
2.2 Coastal Protection	No	N/A	Direction does not apply.
2.3 Heritage Conservation	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction
2.4 Recreation Vehicle Area	No	No	Direction does not apply.
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction
3.2 Caravan Parks and Manufactured Home Estates	No	No	Direction does not apply.
3.3 Home Occupations	Yes	Yes	The R5 Large Lot Residential permit "Home occupations" without consent.
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal seeks to rezone land adjoining the existing residential development. The site is located within walking distance of the village centre.
3.5 Development Near Licensed Aerodromes	No	N/A	Direction does not apply.
3.6 Shooting Ranges	No	N/A	Direction does not apply.

Ministerial Direction	Applicable to LEP	Consistency of LEP with Direction	Assessment
<b>4. Hazard and Risk</b>			
4.1 Acid Sulphate Soils	No	N/A	Land in Wollondilly is not shown as having a probability of containing acid sulphate soils as shown on the Acid Sulfate Soils Planning Maps. Direction does not apply
4.2 Mine Subsidence and Unstable Land	No	N/A	The site is not located within a mine subsidence district.
4.3 Flood Prone Land	No	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction.
4.4 Planning for Bushfire Protection	Yes	Potential to be	Further investigation is required to establish that the planning proposal is consistent with this direction.
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	No	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	Yes	Potential to be	Part of the site is located within the Sydney Drinking Water Catchment. Further investigation is required to establish that the planning proposal is consistent with this direction.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	Not applicable in the Shire of Wollondilly.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	Not applicable in the Shire of Wollondilly.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	Revoked.
5.6 Sydney to Canberra Corridor	No	N/A	Revoked.
5.7 Central Coast	No	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	Direction does not apply
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	No	N/A	Direction does not apply.
6.3 Site Specific Provisions	No	N/A	Direction does not apply.
<b>7. Metropolitan Planning</b>			

<b>Ministerial Direction</b>	<b>Applicable to LEP</b>	<b>Consistency of LEP with Direction</b>	<b>Assessment</b>
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent – Seeks to increase housing supply at a local scale in a location which is consistent with the locational commentary of the Plan.

# Appendix C

## Assessment against Wollondilly GMS

Wollondilly Growth Management Strategy (GMS) was adopted by Council in February 2011 and sets directions for accommodating growth in the Shire for the next 25 years. All planning proposals which are submitted to Council are required to be assessed against the Key Policy Directions within the GMS to determine whether they should or should not proceed.

The following table sets out the planning proposal's compliance with relevant Key Policy Directions within the GMS:

Key Policy Direction	Comment
<b>General Policies</b>	
<p><b>P1</b> 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.</p>	<p>The GMS identifies the potential for future residential development within the site location. The site adjoins existing residential and is in near proximity to the village centre.</p> <p>On balance, the proposal is considered to be consistent with the key Policy Directions.</p>
<p><b>P2</b> All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).</p>	<p>The Planning Proposal is consistent with the concept and vision of 'Rural Living'.</p> <p>It proposes a moderate increase in lots adjoining an existing residential area and will have only a minor impact on the rural setting of the village.</p>
<p><b>P3</b> All Council decisions on land use proposals shall consider the outcomes of community engagement.</p>	<p>Six (6) community submissions were received during the initial consultation period. One (1) submission was also received from a public agency.</p> <p>The outcome of this consultation has been considered and is discussed in Section 2.3 of this report</p>
<p><b>P4</b> The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied.</p>
<p><b>P5</b> 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.)</p>	<p>The Planning Proposal seeks a moderate expansion to The Oaks village directly adjoining the existing urban boundary.</p> <p>The proposal take into account the existing characteristics of the adjoining residential area along Browns Road and proposes development in keeping with the size and scale of these properties.</p> <p>The proposal also responds to the existing limitations of the site and proposes development only within the boundaries of these constraints</p>

Key Policy Direction	Comment
<b>Housing Policies</b>	
<b>P6</b> Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	Council plans for the adequate housing supply through the Growth Management Strategy (GMS). The GMS has identified the site for potential residential growth and so the proposal is in keeping with Council policy.
<b>P8</b> 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.	The planning proposal proposes larger rural residential style lots in keeping with the current size of adjoining properties along Browns Road.
<b>P9</b> 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").	The planning proposal seeks a moderate expansion to The Oaks village through the extension to the existing residential area with a R5 Large Lot Residential land use zone.
<b>P10</b> Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The planning proposal proposes growth immediately adjacent to existing residential areas to the South.
<b>Macarthur South Policies</b>	
<b>P11</b> Council does not support major urban release within the Macarthur South area at this stage.	Key Policy Direction P11 is not applicable to this proposal as the site is not located within the Macarthur South region.
<b>P12</b> Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.	Key Policy Direction P12 is not applicable to this proposal as the site is not located within the Macarthur South region.
<b>P13</b> Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	Key Policy Direction P13 is not applicable to this proposal as the site is not located within the Macarthur South region.



Key Policy Direction	Comment
<p><b>P14</b> Council will consider proposals for employment land developments in Macarthur South provided they:</p> <ul style="list-style-type: none"> <li>▪ Are environmentally acceptable;</li> <li>▪ Can provide significant local and/or subregional employment benefits;</li> <li>▪ Do not potentially compromise the future orderly master planning of the Macarthur South area;</li> <li>▪ Provide for the timely delivery of necessary infrastructure;</li> <li>▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas;</li> <li>▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).</li> </ul>	<p>Key Policy Direction P14 is not applicable to this proposal as the site is not located within the Macarthur South region.</p>
<b>Employment Policies</b>	
<p><b>P15</b> Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	<p>The Planning Proposal, in its current form does not propose any employment lands.</p>
<p><b>P16</b> 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.</p>	<p>The Planning Proposal, in its current form does not propose any employment lands.</p>
<b>Integrating Growth and Infrastructure</b>	
<p><b>P17</b> 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.</p>	<p>The planning proposal seeks a moderate amount of growth and is not anticipated that it will impose a significant burden on Council or the community. If a Gateway Determination is issued for the Planning Proposal specialist studies will be required to inform the planning proposal. These studies should identify any potential issues in this regard.</p>
<p><b>P18</b> 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 existing population centres.</p>	<p>The Planning Proposal is consistent with this key policy direction as the subject site is located in proximity to The Oaks existing residential area and is close to the village shops.</p>
<p><b>P19</b> Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>The Planning Proposal is consistent with this key policy direction as the subject site adjoins the existing residential area associated with The Oaks.</p>

Key Policy Direction	Comment
<p><b>P20</b> 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.</p>	<p>The Oaks is not a location which is the focus of population growth. However the GMS does identify some growth in the village and the site has been identified in The Oaks Structure Plan for potential future residential growth.</p>
<p><b>Rural and Resource Lands</b></p>	
<p><b>P21</b> 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.</p>	<p>If a Gateway Determination is received further studies will be required to consider the sites suitability against issues such as aboriginal heritage, bushfire impacts and water quality.</p>
<p><b>P22</b> 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.</p>	<p>The Planning Proposal is consistent with this Key Policy Direction as the site it does not propose fragmentation of rural land in a dispersed location.</p>

# Appendix D

## Preliminary Consultation

A summary of the concerns raised during consultation along with Council's assessment

Issue Raised	Assessment Comment
<p><b>The Capacity of Village to support growth</b> Concern raised that The Oaks is a small town that is not equipped to sustain that many homes and with existing development already occurring, the village is about to be bombarded with urban development on both flanks.</p>	<p>If the planning proposal proceeds further assessment will be carried out on the areas ability to accommodate further growth. This will be informed by the outcome of specialist studies and consultation with public agencies.</p>
<p><b>Negative impact on property values</b> Concern that development will devalue existing properties due to the loss of the rural outlook</p>	<p>The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>
<p><b>Current condition of existing road assets</b> Concern that existing roads in the Village and the roads which this new development will use are already in a state of disrepair and are constantly being worked on and the new development (along with already approved new developments) will put further strain on road infrastructure</p>	<p>The cumulative impact on road infrastructure will be considered as part of negotiations with the developer should the proposal proceed.</p> <p>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.</p>
<p><b>Impacts on the environment</b> Concern that new development will have a negative effect on wildlife</p>	<p>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>
<p><b>Impacts on water quality</b> Concern that the development will have an impact on the amount of pollution infiltrating Werri berri creek.</p> <p>The Village is in a pristine water catchment, and it is a precious resource.</p>	<p>If the planning proposal proceeds, 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.</p> <p>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 decisions.</p>
<p><b>Lack of transport and pedestrian infrastructure</b> Concern that there is no infrastructure or public transport to support such a large influx of people into the Village and the proposed development will only increase the demand</p> <p>There are also no formed footpaths from the proposed development to the village shops and as such residents who need assistance to walk cannot use their mobility scooters.</p>	<p>The cumulative impact on infrastructure and community facilities from the current and any future rezoning would need to be assessed.</p> <p>If the site was rezoned it is anticipated that any future development of the site would need to contribute towards a new pedestrian connection from the site into The Oaks.</p>
<p><b>Not in keeping with the Village</b> Concern the development will result in a loss of space and the country feel of the Village.</p> <p>Concern that the small block sizes are not in keeping with the village/rural characteristics of the northern fringe and claims the proposal is triple the amount of dwellings on an equivalent sized area.</p>	<p>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.</p> <p>Further consideration will need to be given to the final minimum lot sizes in relation to the constraints of the site.</p>

Issue Raised	Assessment Comment
<p>Increased density will increase pop of village losing the village appeal.</p> <p>Not in keeping with design of neighbouring development</p>	<p>The residential I adjoining land to the south of the site is zoned R2 Low Density Development with a minimum lot size of 700sqm, however the none actual lot sizes within this estate are below 11500 sqm.</p> <p>Therefore Council has resolved to identify (following the outcome of specialist studies) a minimum lot size no smaller than the average existing lot size of the adjoining estate and to propose an R5 Large Lot residential zone for the proposed site.</p> <p>In addition to this, development should respond to the site context and any development application for subdivision will be subject to a merit based assessment.</p>
<p><b>Community safety</b> Existing issue with little police presence.</p> <p>Higher density increasing crime</p> <p>Increase in speeding and irresponsible driving.</p> <p>Existing concern of teen gangs and vandalism.</p> <p>Young people already gather in the Browns road reserve and drink etc.</p>	<p>Higher densities are not an indication of crime risk.</p> <p>Should the proposal proceed further consultation may need to be carried out with the Local Area Command in relation to community safety.</p>
<p><b>Capacity of the local Primary School</b> Local school cannot support the influx of potentially hundreds of students</p> <p>The school will change to a large school that will not be properly resourced which will disadvantage existing students and families.</p> <p>No capacity of the local school to cater for an increase in 60 potential families (no room for expansion)</p>	<p>Should the planning proposal proceed, the NSW Department of Education will be consulted.</p>
<p><b>Lack of support services in the Village for additional people</b> Impact of potential social housing in the new development</p> <p>There is already an issue with teenagers not having anything to do.</p> <p>No services to occupy and engage young people and increase their productivity in the community.</p>	<p>The objective of the proposal is to rezone the land for residential development. Affordable housing is not the objective of the proposal.</p> <p>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>
<p><b>Traffic and Road Safety</b> Concern that Browns Road access and existing main roads will become too busy for existing residents and they will have to give way to the new development.</p> <p>Concern that the following current road safety issues with access from Silverdale Road will be further exacerbated:</p> <ul style="list-style-type: none"> <li>cars overtaking each other on the opposite side of</li> </ul>	<p>If the planning proposal progresses a traffic study and a Road Safety Audit will be required to consider potential impacts of the development on traffic and pedestrian activity.</p>

Issue Raised	Assessment Comment
<p>Silverdale Road, right near Browns Roads access.</p> <ul style="list-style-type: none"> <li>• cars often overtaking each other across double lines when trying to enter Silverdale Road from Browns Road.</li> <li>• The need to extend the 50 km/hr. zone will exacerbate the illegal overtaking manoeuvres' currently practised by some drivers.</li> <li>• Safety of children walking along Silverdale Road to access school buses.</li> <li>• Lack of parking in the Village.</li> </ul>	
<p><b>Unhealthy land</b>  Concern about the health of the land due to Council dumping waste on the site in previous years.</p> <p>Concern that transmission lines will impact on health of future residents.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>Therefore the proposal identifies the existing easement as the natural boarder for all residential development and setbacks and sighting of lots will need to be considered further if the proposal progresses.</p>
<p><b>Planning</b>  Proposed lot size is a reduction of a 63% compared to Browns Road subdivision.</p> <p>There has not been any indication that similar by- laws set up for the neighbouring estate will be followed in the proposed development</p> <p>Moved to the area because of the water catchment zoning and the belief that this would prevent further urban sprawl</p> <p>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.</p>	<p>The minimum lot size will be determined following the outcome of specialist studies. Council has resolved that this lot size will be no smaller than that of the adjoining Browns Road Estate existing lot sizes.</p> <p>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.</p> <p>The site has been identified as a location for potential residential growth in Council's Growth Management Strategy.</p>
<p><b>Noise</b>  Concern about noise pollution during development, construction and the ongoing noise from occupation together with the increase in traffic will destroy the peacefulness of Browns Road.</p> <p>Current residents of Browns Road are protected somewhat from traffic noise due to the height of the road however the proposed development is somewhat more level with Silverdale Road traffic and so noise is a concern.</p>	<p>A noise and vibration study will be required if the proposal progresses.</p>

<b>Issue Raised</b>	<b>Assessment Comment</b>
<p><b>Privacy</b> Impact on privacy due to increased foot traffic and rural fencing.</p>	<p>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.</p>
<p><b>Retaining the rural character of Browns Road and the Oaks Northern fringe</b>  The character of Browns Road and the Oaks Northern fringe should be protected and fully supportive of any proposal that improves or protects the current rural character and the outlook to and along the ridge line.</p>	<p>Increasing the minimum lot size of the residential area along Browns Road to 1500 sqm will help to preserve the existing character of the area.</p>

# Appendix E

## Council's Report and Minutes

*Extract from Agenda's containing the Report to Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 18 July 2016 and on Monday 17 October 2016 TRIM 9004 #75 TRIM 9004 #140*

*Extract from Minutes of the Ordinary Meetings of Wollondilly Shire Council held on Monday 18 July 2016 and on Monday 17 October 2016  
Council's Reference: TRIM 9004#96 and TRIM 9004#160*