

**The Oaks North**

Proposal Title : **The Oaks North**

Proposal Summary : **This planning proposal is intended to amend Wollondilly Local Environmental Plan 2011, as it applies to an area of approximately 1.9 hectares in the south-western corner of 80 Silverdale Road, The Oaks (Part Lot 3 DP 1201486), and 1-22 Browns Road, The Oaks (Lots 1-22 DP 775993), as follows:**

**South-western corner of 80 Silverdale Road:**

- amend the land zoning from RU2 Rural Landscape to R5 Large Lot Residential;
- amend the height of buildings to introduce a maximum height of 9 metres; and
- amend the lot size from 40 hectares to a minimum lot size to be determined following specialist studies.

**1-22 Browns Road:**

- amend the minimum lot size from 700sqm to 1500sqm.

PP Number : **PP\_2016\_WOLLY\_005\_00**      Dop File No : **16/15141**

**Proposal Details**

Date Planning Proposal Received :	<b>23-Nov-2016</b>	LGA covered :	<b>Wollondilly</b>
Region :	<b>Metro(Parra)</b>	RPA :	<b>Wollondilly Shire Council</b>
State Electorate :	<b>WOLLONDILLY</b>	Section of the Act :	<b>55 - Planning Proposal</b>
LEP Type :	<b>Spot Rezoning</b>		

**Location Details**

Street :	<b>Part of 80 Silverdale Road</b>		
Suburb :	<b>The Oaks</b>	City :	<b>Wollondilly</b>
Land Parcel :	<b>Part Lot 3 DP 1201486</b>	Postcode :	<b>2570</b>
Street :	<b>1-22 Browns Road</b>		
Suburb :	<b>The Oaks</b>	City :	<b>Wollondilly</b>
Land Parcel :	<b>Lots 1-22 DP 775993</b>	Postcode :	<b>2570</b>

**DoP Planning Officer Contact Details**

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**Land Release Data**

Growth Centre :	<b>N/A</b>	Release Area Name :	<b>N/A</b>
Regional / Sub Regional Strategy :	<b>Metro South West subregion</b>	Consistent with Strategy :	<b>Yes</b>
MDP Number :		Date of Release :	
Area of Release (Ha) :	<b>6.00</b>	Type of Release (eg Residential / Employment land) :	<b>Residential</b>
No. of Lots :	<b>0</b>	No. of Dwellings (where relevant) :	<b>13</b>
Gross Floor Area :	<b>0</b>	No of Jobs Created :	<b>0</b>

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **To the best of Sydney Region West's knowledge, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with.**

**Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

**Supporting notes**

Internal Supporting Notes : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

**Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.**

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this planning proposal.

External Supporting Notes :

The planning proposal seeks to amend Wollondilly Local Environmental Plan 2011 to:

- enable the development of an area of approximately 1.9 hectares in the south-western corner of the site at 80 Silverdale Road, The Oaks to allow for a modest increase in housing for The Oaks village, in an area in close proximity to the existing village centre and identified for potential growth in Wollondilly Growth Management Strategy 2011; and
- also intends to protect the rural character of the northern edge of The Oaks by increasing the minimum lot size of residential land located at 1-22 Browns Road, The Oaks thus preventing future subdivision of the land.

### Adequacy Assessment

#### Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The objective of the planning proposal is as follows:

- 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; and
- 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 thus preventing future subdivision.

#### Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions is as follows:

For the south-western corner of 80 Silverdale Road:

- amend the land zoning from RU2 Rural Landscape to R5 Large Lot Residential;
- amend the height of buildings to introduce a maximum height of 9 metres; and
- amend the lot size from 40 hectares to a minimum lot size to be determined following specialist studies.

For 1-22 Browns Road:

- amend the minimum lot size from 700sqm to 1500sqm.

#### Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

1.2 Rural Zones

4.3 Flood Prone Land

\* May need the Director General's agreement

4.4 Planning for Bushfire Protection

5.2 Sydney Drinking Water Catchments

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Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP No 44—Koala Habitat Protection**  
**SEPP No 55—Remediation of Land**

e) List any other **SEPP (Sydney Drinking Water Catchment) 2011**  
matters that need to  
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

### Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Although indicative maps showing the subject land have been provided, mapping amendments have not been prepared as yet.**

### Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council placed the planning proposal to rezone part of 80 Silverdale Road on preliminary notification with a proposed zoning of R2 Low Density Residential and a minimum lot size of 700sqm. During this notification period Council received six submissions objecting to the proposal.**

**Council also received a submission from Endeavour Energy which owns an easement for transmission lines across the northern border of the site, and the site is opposite The Oaks Zone Substation at 45 Silverdale Road, The Oaks. Endeavour Energy noted that although there is no evidence that Electromagnetic Field (EMF) exposure is detrimental to health, Council should adopt a policy of prudent avoidance to minimise exposure.**

**On 18 July 2016, Council resolved to support the planning proposal in a revised form, limiting the site to be rezoned to an area of approximately 1.9 hectares in the south-western corner of the site:**

- with the northern boundary formed by the transmission line easement;
- changing the proposed zoning to R5 Large Lot Residential; and
- identifying that the minimum lot size should be determined through specialist studies to be undertaken following Gateway determination.

**On 17 October 2016, following consultation with the residents of Browns Road, Council resolved to include 1-22 Browns Road in the planning proposal, and to amend the minimum lot size for the additional land to 1500sqm, no change was proposed to the zoning for this land. During consultation, Council received two submissions in support of this change.**

**Given the nature of the planning proposal, the Department proposes that the it be exhibited for a period of 28 days.**

### Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

### Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

**Proposal Assessment**

**Principal LEP:**

Due Date : **February 2011**

Comments in relation to Principal LEP : **Wollondilly Local Environmental Plan was made on 23 February 2011.**

**Assessment Criteria**

Need for planning proposal :

**The planning proposal is the best means of achieving Council's intentions outcome.**

**With regards to the south-western corner of 80 Silverdale Rd, the current land zoning prohibits further development at the scale identified in the proposal.**

**With regards to 1-22 Browns Road, maintaining the existing scale of lots along this street into the future can only be achieved by setting a minimum lot size that more closely aligns with the existing subdivision pattern.**

Consistency with strategic planning framework :

**SECTION 117(2) MINISTERIAL DIRECTIONS**

The planning proposal is potentially inconsistent with the following section 117(2) directions:

- 1.2 Rural Zones
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.2 Sydney Drinking Water Catchments

Further investigation is required to establish whether the planning proposal is consistent with these directions, and if not how any inconsistencies are to be addressed.

Direction 5.2 Sydney Drinking Water Catchments requires that "new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality." An assessment should be undertaken to identify whether this can be achieved.

**STATE ENVIRONMENTAL PLANNING POLICIES**

The planning proposal is potentially inconsistent with the following State Environmental Planning Policies (SEPPs):

- SEPP No 44 — Koala Habitat Protection
- SEPP No 55 — Remediation of Land
- SEPP (Sydney Drinking Water Catchment) 2011

Further investigation is required to establish whether the planning proposal is consistent with these SEPPs, and if not how any inconsistencies are to be addressed.

**A PLAN FOR GROWING SYDNEY**

The planning proposal is consistent with both the directions and actions contained within A Plan for Growing Sydney.

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.

Rezoning of the subject site will provide for a small increase of housing close to an existing residential centre.

**DRAFT SOUTH WEST DISTRICT PLAN**

The new draft South West District Plan, released in November 2016, identifies that most growth in the Wollondilly local government area will be focused on the Wilton New Town Priority Growth Area and the Greater Macarthur Priority Area.

The District Plan identifies that should the need for additional housing capacity be identified, that local opportunities be investigated to address demand and diversity in and around local centres and infill areas.

The District Plan also sets a housing target of 1550 for Wollondilly by 2021, this planning proposal will contribute albeit in a limited way towards that housing target, and the above goal.

**WOLLONDILLY COMMUNITY STRATEGIC PLAN**

The planning proposal is consistent with the Wollondilly Community Strategic Plan 2033.

#### WOLLONDILLY GROWTH MANAGEMENT STRATEGY

All planning proposals in Wollondilly Shire are assessed against Council's Growth Management Strategy, which sets long-term sustainable goals for growth in the local government area.

The subject site was identified for potential growth in the Growth Management Strategy. The site is also in accordance with the Strategy in that it proposes growth close to the centre of an existing town and the infrastructure and services provided there.

Environmental social  
economic impacts :

#### ENVIRONMENTAL IMPACTS

Council identifies the following potential specialist studies and additional information required to support the planning proposal:

- Study to address loss of agricultural production value of rural land;
- An updated Stage 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;
- Consultation with Office of Environment and Heritage to establish whether a European and Aboriginal Cultural Heritage and Archaeological Assessment is required;
- Consultation with Water NSW will be required to establish if a Neutral or Beneficial Effect on Water Quality Assessment (NorBe assessment) is required.

With regard to the above, Council notes that although the subject site has been cleared, it is bordered to the east by natural vegetation, and proposes that a flora and fauna study be undertaken. Council has noted that the proposal seeks to rezone cleared land and uses the natural and physical constraints of the site as the boundary for residential development.

Response: The Department does not consider that a flora and fauna study is required for this planning proposal, as it is on a cleared part of the site, proposes large lot development, and would facilitate a relatively small lot yield (approx 13 lots).

The Department does not consider that a European and Aboriginal Cultural Heritage and Archaeological Assessment is required at this stage. Council should follow the Office of Environment and Heritage's 'Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW' with regard to the planning proposal, and any subsequent development applications for the site.

As noted under 'Section 117(2) Directions' above, the planning proposal needs to be assessed against Direction 5.2 Sydney Drinking Water Catchments which requires that "new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality." As such it is not necessary to consult with Water NSW regarding whether such an assessment is required. A NorBE assessment is required, and consultation with Water NSW should be undertaken following this assessment to establish whether the assessment is adequate.

Additionally, as the planning proposal is site specific and will have a relatively small footprint it is considered unnecessary to undertake a study to address the loss of agricultural production value of rural land.

#### SOCIAL IMPACTS

Council notes that further consideration of the social impact the planning proposal is

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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, services for older people, and community safety.

Response: The Department concurs with Council's proposed approach in relation to social impacts.

**Assessment Process**

Proposal type : **Routine** Community Consultation **28 Days**  
Period :

Timeframe to make **12 months** Delegation : **RPA**  
LEP :

Public Authority **Office of Environment and Heritage**  
Consultation - 56(2)(d) **NSW Rural Fire Service**  
: **Sydney Water**  
**Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

**Other - provide details below**

If Other, provide reasons :

**The following studies are required to be undertaken**

- **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.**

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **It is expected this rezoning will create approximately 13 lots. This is not considered to meet the threshold for state infrastructure contributions.**

**Documents**

Document File Name	DocumentType Name	Is Public
1 - Cover Letter.pdf	Proposal Covering Letter	Yes
2 - Council Report and Resolution - 80 Silverdale Road.pdf	Proposal	Yes
3 - Council Report and Resolution - 1-22 Browns Road.pdf	Proposal	Yes



**Planning Team Recommendation**

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.2 Rural Zones**
  - 4.3 Flood Prone Land**
  - 4.4 Planning for Bushfire Protection**
  - 5.2 Sydney Drinking Water Catchments**

Additional Information : **1. Prior to community consultation, Council is to undertake the following specialist studies, and amend the planning proposal to 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 and supporting studies are to be referred to the Department for endorsement prior to the commencement of community consultation.**

**2. Prior to community consultation, Council is to amend the planning proposal to address the draft South West District Plan, which was released by the Greater Sydney Commission on 21 November 2016.**

**3. Prior to community consultation, Council is undertake further assessment of the planning proposal against the following section 117 Directions:**

- **1.2 Rural Zones;**
- **4.3 Flood Prone Land;**
- **4.4 Planning for Bushfire Protection; and**
- **5.2 Sydney Drinking Water Catchments.**

**The planning proposal is to be amended to indicate whether the proposal is consistent with these directions, and if not how any inconsistencies are to be addressed.**

**4. Prior to community consultation, Council is undertake further assessment of the planning proposal against the following State Environmental Planning Policies:**

- **State Environmental Planning Policy No 44 — Koala Habitat Protection;**
- **State Environmental Planning Policy No 55 — Remediation of Land; and**
- **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.**

**The planning proposal is to be amended to indicate whether the proposal is consistent with these policies, and if not how any inconsistencies are to be addressed.**

**5. Community consultation is required under sections 56(2) and 57 of the Act as follows:**

- a) the planning proposal must be made publicly available for 28 days; and**
- b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of the Department's 'A Guide to Preparing Local Environmental Plans'.**

**6. Consultation is required with the following public authorities under section 56(2)(d) of the Act, to comply with the requirements of section 117 Directions and State Environmental Planning Policies:**

- Office of Environment and Heritage;
- Rural Fire Service;
- Sydney Water;
- Water NSW; and
- Endeavour Energy.

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

Should the public authorities require any additional information, or specify any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. The timeframe for completing the amending Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is supported as it will provide a small increase in large lot residential development close to the existing town centre of The Oaks.

Signature:



Printed Name:

Adrian Hohenzollern

Date:

6 / 12 / 16