

Burraborang and Steveys Forest Roads, Oakdale

Proposal Title : **Burraborang and Steveys Forest Roads, Oakdale**

Proposal Summary : **The planning proposal seeks to rezone no. 1590 Burraborang Road, Oakdale, from rural (i.e., Zone RU1 Primary Production) to allow low density housing (i.e., Zone R2 Low Density Residential) large lot housing (i.e., Zone R5 Large Lot Residential) and environmental purposes (i.e., Zone E3 Environmental Management) and make corresponding changes to the minimum permissible lot size and maximum permissible building height.**

PP Number : **PP_2013_WOLLY_014_00** Dop File No : **13/20806**

Proposal Details

Date Planning Proposal Received :	23-Dec-2013	LGA covered :	Wollondilly
Region :	Sydney Region West	RPA :	Wollondilly Shire Council
State Electorate :	WOLLONDILLY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	1590 Burraborang Road		
Suburb :	Oakdale	City :	Sydney
		Postcode :	2570
Land Parcel :	Lot 21 in DP 862841		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	No

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	50	No. of Dwellings (where relevant) :	50
Gross Floor Area :	0	No of Jobs Created :	0

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 : **At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.**

Supporting notes

Internal Supporting Notes : **The planning proposal ('the Proposal') is supported, in principle, as it will provide housing opportunities (up to 50 dwellings) and enable the orderly growth of Oakdale. Various studies and assessments are recommended as a condition of the Gateway determination to ensure that any environmental issues are adequately addressed.**

DELEGATION

The Gateway determination cannot be made under delegation by the regional team as the proposed zoning is not consistent with surrounding zones.

Delegation is to be given for Council to exercise the Minister's plan making powers. A completed 'Attachment 4 - Evaluation Criteria for the Delegation of Plan Making Functions' form is provided in the 'Documents' section of this report (Tag B).

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective is to provide for the future development of the subject land for low density and large lot residential development and environmental management purposes.**

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

Is an explanation of provisions provided? **Yes**

Comment : **A copy of the Proposal document is provided in the 'Documents' section of this report (Tag A).**

The Proposal will be facilitated by amending Wollondilly LEP 2011 as follows:

LAND ZONING MAP (Sheet LZN_007B)

Rezone the subject land from Zone RU1 Primary Production to part Zones R2 Low Density Residential, R5 Large Lot Residential and E3 Environmental Management (as shown on page 14 of the Proposal document) (Tag A).

LOT SIZE MAP (Sheet LSZ_007B)

Amend the minimum lot size from 20 ha. to 700 sqm. for proposed Zone R2 Low Density Residential, 2,000 sqm. for proposed Zone R5 Large Lot Residential and 7 ha. for proposed Zone E3 Environmental Management (as shown on page 16 of the Proposal document) (Tag A).

HEIGHT OF BUILDINGS (Sheet HOB_007B)

Introduce a maximum building height of 9 metres for proposed Zones R2 Low Density Residential and R5 Large Lot Residential (currently, no maximum building height applies).

COMMENT

The existing Natural Resources - Water Map (sheet NRW_007B) shows a watercourse located in the northern part of the subject land. Environmental studies which are recommended in the subject report may identify the need for changes to be made to this map (and possibly also the Natural Resources - Biodiversity Map). Therefore, it is considered that this matter should be included in the Gateway determination.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.2 Sydney Drinking Water Catchments
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required?

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

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

DIRECTION 1.2 - RURAL LAND

The Proposal is inconsistent with this Direction as it rezones land from a rural zone to a residential zone.

The subject land currently contains a rural dwelling and is used for horse grazing (non-commercial). It is considered that the likelihood of more intensive rural purposes in the future is low due to:

- the predominance of remnant vegetation, and
- the proximity to future urban development (i.e., the adjoining rural land to the east between the subject land and Oakdale village is currently the subject of a separate planning proposal (PP_2013_WOLLY_004_00) refers)).

The inconsistency is considered to be justified as the Proposal is generally consistent with the draft South West Subregional Strategy. Therefore, the approval of the Director General (or his delegate) is required for the inconsistency and is recommended.

DIRECTION 2.1 - ENVIRONMENTAL PROTECTION ZONES

An Ecological Constraints Analysis has been prepared (see Appendix E of the Proposal document at Tag A) and identified a large area of remnant Shale Sandstone Transition Forest, an Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995. This land, including watercourses, will be protected by the proposed E3 Environmental Management Zone, which will apply to more than half of the 22 hectare subject land.

It is, therefore, considered that the Gateway determination should require Council to consult with the Office of Environment & Heritage and subsequently demonstrate consistency with the Direction.

DIRECTION 3.1 - RESIDENTIAL ZONES

The Proposal will increase housing opportunities and provide housing choice at Oakdale. The proposed rezoning will form a logical extension to the residential area at Oakdale (assuming the rezoning of the land adjoining to the east), subject to the residential rezoning of the adjoining land, which is the subject of a Gateway determination (PP_2013_WOLLY_004_00 refers). However, these two combined rezonings will isolate three rural lots, which lie between the two areas being rezoned (i.e., Nos. 1580, 1582 and 1584 Burraborang Road). Therefore, it is considered that the Gateway determination should require Council to consider also rezoning the isolated land.

Reticulated water and sewer services are available in the area but would need to be extended to the subject land. The Proposal documentation indicates that the services can be readily extended, subject to the developer paying the cost. The subject land is required to be serviced with a reticulated sewerage system as it is located within the Sydney Drinking Water Catchment.

It is, therefore, considered that the Gateway determination should require Council to consult with Sydney Water and prepare a Potable Water and Wastewater Servicing Assessment. Council should subsequently be required to demonstrate consistency with the Direction.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction applies as the Proposal will rezone land for urban purposes, i.e., Zones R2 Low Density Residential and R5 Large Lot Residential. The Direction requires the Proposal to, in part, have regard to 'Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001)'. The Proposal is generally consistent with these guidelines as the subject land is located essentially within walking distance (i.e., 500m) of the shops at Oakdale, which is serviced by buses (providing a public transport connection to Camden and beyond). Therefore, the Proposal is considered to be generally consistent with the Direction.

DIRECTION 4.3 - FLOOD PRONE LAND

The Proposal indicates that this Direction does not apply, however, it indicates that a Flood Impact Assessment and a Stormwater Management Plan may be necessary to establish measures to deal with stormwater runoff and flooding. In view of this, and the existing watercourse, it is considered that the Gateway determination should make the above proposed studies a requirement, including subsequent demonstration by Council of consistency with the Direction.

DIRECTION 4.4 - PLANNING FOR BUSHFIRE PROTECTION

This Direction applies as the subject land is bush fire prone and requires consultation with the Commissioner of the NSW Rural Fire Service (RFS). Council has prepared a Bushfire Protection Assessment (see Appendix D of the Proposal document at Tag A) and proposes to consult with the RFS. It is considered that this should be formally required as a condition of the Gateway determination and that Council should be required to subsequently demonstrate consistency with the Direction.

DIRECTION 5.2 SYDNEY DRINKING WATER CATCHMENT

This Direction requires the Proposal to protect the water quality within the Sydney Drinking Water Catchment and comply with related specific principles. The Proposal must also ensure consistency with SEPP (Sydney Drinking Water Catchment) 2011, give consideration to the outcomes of the Sydney Catchment Authority's (SCA) Strategic Land and Water Capability Assessment and consult with the SCA (prior to seeking a Gateway determination) in relation to compliance with the water quality protection principles. Council considers that the Proposal is consistent with SEPP (Sydney Drinking Water Catchment) 2011.

It is considered that the Gateway determination should formally require Council to undertake the proposed consultation and subsequently demonstrate consistency with the Direction.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The Proposal is considered to be generally consistent with the Metropolitan Plan for Sydney 2036 as it is supported, in-principle, by a local strategy for growth, i.e., the Wollondilly Growth Management Strategy (GMS).

SEPPs and DEEMED SEPPs

SEPP 44 - KOALA HABITAT PROTECTION

Although this SEPP applies at the development application stage, Council considers that, on the basis of the findings of the Ecological Constraints Analysis, an assessment under SEPP 44 would be required to be included with any future DA submitted (as the northern portion of the site may be considered as a transitional movement corridor, provided that there are other adjoining areas of potential koala habitat).

SEPP 55 - REMEDIATION OF LAND

Council considers that, given the historically low intensity agricultural use of the site (which is currently used for horse grazing), it is unlikely to be contaminated. However, Council is willing undertake a preliminary contamination investigation if necessary. It is considered that this should be made a requirement of the Gateway determination.

SREP 20 - HAWKESBURY-NEPEAN RIVER (No. 2 — 1997)

Council considers the Proposal to be consistent with this deemed SEPP, however, the Proposal does not include a consideration of the requirements under the SEPP. Therefore, it is considered that this should be made a requirement of the Gateway determination.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to publicly exhibit the Proposal for a period of 28 days and it is considered that this length of time is appropriate.**

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 :

Comments in relation to Principal LEP : **Wollondilly LEP 2011 was notified in February 2011.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the best means of facilitating the rezoning of the land. The Proposal would facilitate up to 50 new residential lots and is generally consistent with the plans for potential residential growth at Oakdale outlined in Council's Growth Management Strategy (GMS). The Proposal would, therefore, provide for an orderly expansion of the Oakdale township.**

Consistency with strategic planning framework : **The Proposal is generally consistent with the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy as it is supported, in principle, by Council's GMS. The GMS has been submitted to the Department for endorsement, however, Council has now commenced a review of the GMS.**

Environmental social economic impacts : **It is considered that the various existing and proposed studies and assessments will sufficiently address all potential impacts and that no significant environmental, social or economic impacts are expected.**

Assessment Process

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

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

Public Authority **Sydney Catchment Authority**
Consultation - 56(2) **Department of Education and Communities**
(d) : **Office of Environment and Heritage**
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
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. :

Flooding

Other - provide details below

If Other, provide reasons :

The Proposal is accompanied by the following studies:

- **Ecological Constraints Analysis,**
- **Bushfire Protection Assessment.**

Council has indicated that the following additional studies and assessments may be necessary:

- **Water Cycle Management Study,**
- **Flood Impact Assessment,**
- **Stormwater Management Plan,**
- **Traffic Impact Assessment, and**
- **Preliminary Contamination Investigation.**

However, it is unclear whether Council proposes to undertake the abovementioned studies and assessments or will rely on the Gateway determination to condition their requirement. Therefore, it is considered that the Gateway determination should require their preparation to remove any doubt.

It is also considered that the Gateway determination should require Council to undertake a Potable Water and Wastewater Servicing 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 :

Documents

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Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Tag A - Planning Proposal & Appendices A-C.pdf	Proposal	Yes
Appendix D - Bushfire Protection Assessment.pdf	Study	Yes
Appendix E - Ecological Constraints Analysis.pdf	Study	Yes
Council Report.pdf	Study	Yes
Council Meeting Minutes.pdf	Study	Yes
Tag B - Attachment 4 - Evaluation Criteria for the Delegation of Plan Making Functions.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.2 Sydney Drinking Water Catchments
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Proposal proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979, for a period of 28 days;
2. The timeframe for completing the Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination;
3. Delegation is to be given for Council to exercise the Minister's plan making powers; and
4. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that the Proposal is generally consistent with the Draft South West Subregional Strategy.

The matters below are to be addressed prior to community consultation.
5. Council is to amend the Proposal to ensure that it reflects any proposed amendments to the Natural Resources - Water Map and the Natural Resources - Biodiversity Map, following the results of relevant environmental studies;
6. Council is to consider rezoning adjoining rural land, i.e., Nos. 1580, 1582 and 1584 Burraborang Road, Oakdale, to prevent it from becoming isolated;
7. Council is to consult with the Office of Environment & Heritage and subsequently demonstrate consistency with Direction 2.1 Environment Protection Zones;
8. Council is to consult with Sydney Water and prepare a Potable Water and Wastewater Servicing Assessment, before demonstrating consistency with section 117 Direction 3.1 Residential Zones;
9. Council is to prepare a Flood Impact Assessment and a Stormwater Management Plan and subsequently demonstrate consistency with Direction 4.3 Flood Prone Land;
10. Council is to consult with the Commissioner of the NSW Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection;

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11. Council is to consult with the Sydney Catchment Authority and comply with the requirements of, and subsequently demonstrate consistency with, section 117 Direction 5.2 Drinking Water Catchment;

12. Council is to undertake a preliminary contamination investigation and subsequently demonstrate consistency with the requirements of SEPP 55 - Remediation of Land;

13. Council is to amend the Proposal to include a more detailed consideration of the requirements under SREP 20 - Hawkesbury-Nepean River (No. 2 — 1997); and

14. Council is to prepare a Water Cycle Management Study and a Traffic Impact Assessment.

Supporting Reasons : **The Proposal seeks to facilitate approximately 50 dwellings and is supported, in principle, as it will provide housing opportunities and enable the orderly growth of Oakdale.**

Signature:



Printed Name:

DERRYN JOHN

Date:

7 FEBRUARY 2014

