



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Burraborang & Steveys Forest Roads, Oakdale

For the rezoning of land located on the corner of Burraborang and Steveys Forest Roads, specifically 1590 Burraborang Road, Oakdale (Lot 21 DP 862841) to allow for *R2 Low Density Residential*, *R5 Large Lot Residential* and *E3 Environmental Management* purposes

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Introduction

This planning proposal for the amendment of Wollondilly Local Environmental Plan (WLEP) 2011 was submitted to Council in late May 2013, a period of preliminary community consultation was undertaken in June and July 2013.

At its meeting of 16 September 2013, Wollondilly Shire Council resolved the following:

1. That Council support the preparation of a Planning Proposal for land being:

Lot 21 DP 86284 (No. 1590 Burratorang Road, Oakdale) to amend Wollondilly Local Environmental Plan, 2011 as follows:

- *Amend the Land Zoning Map to part R2 Low Density Residential, part R5 Large Lot Residential, and part E3 Environmental Management*
 - *Amend the Lot Size Map to a minimum lot size of 700m² for the R2 zone and 2,000m² for the R5 zone*
 - *Amend the Height of Buildings Map to a Maximum Building Height of 9 metres to the parts of the site zoned R2 and R5.*
2. *That the Planning Proposal be forwarded to the Minister for Planning & Infrastructure 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 applicant and submitters be notified of Council's Resolution.*

Part 1 – Objectives or Intended Outcomes

The intended outcome of this planning proposal is to provide for the future development of the site known as 1590 Burratorang Road, Oakdale (Lot 21 DP 86284) for low density residential, large lot residential and environmental management purposes.

Part 2 – Explanation of Provisions

To achieve the objectives of the planning proposal, the following amendments to the Wollondilly Local Environmental Plan (WLEP) 2011 are proposed:

1. Amend Wollondilly LEP 2011 Land Zoning Map Sheet LZN_007B, as it applies to 1590 Burratorang Road, Oakdale (Lot 21 DP 86284), to part zone *R2 Low Density Residential*, part zone *R5 Large Lot Residential* and part zone *E3 Environmental Management*, in accordance with the proposed Land Use Zoning Map attached;
2. Amend Wollondilly LEP 2011 Height of Buildings Map Sheet HOB_007B, as it applies to 1590 Burratorang Road, Oakdale (Lot 21 DP 86284), to *9 metres (J)* to those parts of the site to be zoned *R2* and *R5*;
3. Amend Wollondilly LEP 2011 Lot Size Map Sheet LZN_007B, as it applies to 1590 Burratorang Road, Oakdale (Lot 21 DP 86284), to *700m² (Q)* for the proposed *R2 Low Density Residential* zone, *2,000m² (V)* for the proposed *R5* zone and *7ha (AA2)* for the proposed *E3 Environmental Management* zone.

These proposed map amendments are included at *Part 5 – Mapping*. Amendments to the Wollondilly LEP 2011 Natural Resources – Biodiversity Map and Natural Resources – Water Maps should be determined following further refinement of specialist studies.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The subject land is identified in Council's Growth Management Strategy as being in the general direction of potential residential growth.

The Housing Target Distribution Table in the GMS sets a dwelling target for The Oaks / Oakdale area of 350 additional dwellings by 2036. This proposal could provide for some of that forecast residential growth.

The Ecological Constraints Analysis and Bushfire Protection Assessment documents prepared by Travers have also informed this Planning Proposal. These reports have assessed the significance of the vegetation on site and determined what proportion of the site can be rezoned for residential uses. It has also determined how any future dwellings in this proposed residential area of the site might be affected by bushfire.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The subject site is currently zoned *RU1 Primary Production* and has no potential for subdivision under this zoning. It is considered that amending WLEP 2011 is the best means of achieving the objectives of the planning proposal.

Section B – Relationship to strategic planning framework

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)?

This planning proposal is consistent with both the Metropolitan Strategy and draft South West Subregional Strategy. The Metropolitan Strategy and the draft South West Subregional Strategy consist of seven subject areas, or strategies. Each of these strategies consists of a series of actions pertaining to the following fields:

- A Economy and Employment
- B Centres and Corridors
- C Housing
- D Transport
- E Environment, Heritage and Resources
- F Parks, Public Places and Culture
- G Implementation and Governance

This planning proposal generally accords with each of the above stated seven strategies. Strategies B, C and E are particularly relevant to the proposed rezoning application and its compatibility with these has been explored in more detail below.

B. Centres and Corridors Strategy

This proposal is in accordance with the Centres and Corridors Strategy.

It is noted that the Centres and Corridors Strategy tends to focus on the larger centres in the South West Subregion being Liverpool, Campbelltown / Macarthur and Leppington. Nonetheless Oakdale is identified as a Neighbourhood Centre within the centres hierarchy.

The proposal site is located approximately 450m to the west of the Oakdale village shops and the increase in population resulting from this proposal has the potential to strengthen this centre.

C. Housing Strategy

This proposal is in accordance with the Housing Strategy.

155,000 additional homes were identified for the South West Subregion between 2004 and 2031. Wollondilly has been identified to provide 5,230 of those additional dwellings of which 4,000 are expected to come from greenfield sites.

The Metropolitan Strategy aims to focus residential development around centres, town centres, villages and neighbourhood centres. As discussed above, the proposed rezoning is located directly to the north of the Oakdale town centre.

The subject site is considered to be a greenfield site and over time the proposal, if approved, would result in the establishment of approximately 50 new dwellings, making a small contribution to the dwelling stock in the subregion.

E. Environment, Heritage and Resources Strategy

Management of Urban Growth

A key challenge set for the South West Subregion is to manage and accommodate urban development whilst protecting valuable environmental, resource and cultural heritage assets. This is aimed to be achieved through sustainable growth which means restricting the urban and environmental footprint, reducing consumption of natural resources and reducing the environmental impacts of development.

The accommodation of future growth within existing urban areas whilst protecting native bushland areas and rural and resource lands is a key priority in the strategy. The subject site is located approximately 350 m from the existing urban area of Oakdale and is directly adjacent to the west of a planning proposal site known as 'Land Adjoining Oakdale Public School' for approximately 130 lots.

Protection of Landscape and Biodiversity

It is proposed that the majority of the environmentally sensitive land on the site be protected through an *E3 Environmental Management* zoning.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Wollondilly Local Environmental Plan 2011

This proposal aims to amend the Wollondilly Local Environmental Plan (WLEP) 2011 to allow for both *R2 Low Density Residential* and *R5 Large Lot Residential* development, as well as conservation of environmentally significant land through an *E3 Environmental Management* zone. The amendments are consistent with the existing provisions of WLEP 2011.

Wollondilly Community Strategic Plan

The Wollondilly Community Strategic Plan (WCSP) 2033 sets goals and directions for community, infrastructure, economy, governance and environment. The planning proposal is consistent with Council's Community Strategic Plan, particularly the following:

Look after the Community

CO4. Engagement and communication

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

Preliminary engagement with the community has been undertaken and the submissions received have been considered in this planning proposal. Further engagement with the community will be undertaken during public exhibition.

Building a Strong Local Economy

EC3. Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

Focusing new land release around the Oakdale town centre could strengthen the economy of the town whilst avoiding increased urbanisation and sprawl.

Caring for the Environment

EN1. Biodiversity Resilience

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

The proposal aims to provide for the expansion of the town of Oakdale whilst protecting the natural environment through an *E3 Environmental Management* zone.

EN2. Growth Management

Apply best practice environmental principles to the management of future growth.

Further to placing an environmental protection zone on the remnant vegetation on the site, future development should ensure that minimum impact is made on the natural environment.

Wollondilly Growth Management Strategy 2011

Wollondilly's Growth Management Strategy (GMS) was adopted by Council on 21 February 2011. All planning proposals which come to Council must be assessed against the Key Policy Directions within the GMS. A table addressing these directions is included as *Appendix C* to this planning proposal.

The site is in the general direction of land identified as 'potential residential growth area' in the Structure Plan for Oakdale in Council's GMS.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable State Environmental Planning Policies (see *Appendix A*). Specific consideration is given to the SEPP 44 - Koala Habitat Protection, SEPP 55 - Remediation of Land and SEPP (Sydney Drinking Water Catchment) 2011, as follows:

SEPP 44

This SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas and to ensure permanent free- living populations will be maintained over their present range.

An Ecological Constraints Analysis has been prepared for the subject site. The report states that the vegetation in the northern portion of the study area generally contains less than 15% of koala feed trees listed on the schedules to the policy and thus are not considered to be potential koala habitat (PKH). The southern portion, that containing endangered ecological community (EEC) vegetation, contains the feed tree *Eucalyptus punctata* to around 15- 20% maximum of all trees and is considered to be PKH.

On this basis, an assessment under SEPP 44 would be required to be included with any future DA submitted. 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

Clause 6 of SEPP 55 (Contamination and remediation to be considered in zoning or rezoning proposal) provides:

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
 - (a) *The planning authority has considered whether the land is contaminated, and*
 - (b) *If the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
 - (c) *If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note: *In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*

- (2) *Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) *If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) *The following classes of land are identified for the purposes of this clause:*
 - (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The properties on the Subject Land are used and occupied for rural residential and low intensity agriculture (horse grazing) purposes. Improvements are limited to one dwelling, garage and associated outbuildings, rural shed, earth dams and boundary/paddock fencing. Any stock kept are for domestic or hobby use as opposed to intensive commercial purposes.

Historically the land is understood to have been used for agricultural purposes of a less intensive scale. On this basis it is considered that the planning proposal would be unlikely to be prevented by reason of land contamination. If considered necessary a more detailed assessment could be provided should the proposal proceed to a favourable Gateway determination.

SEPP (Sydney Drinking Water Catchment) 2011

Any future residential development of the subject land would be subject to the provisions of Clause 10 of the Water Catchment SEPP, which provides:

- (1) *A consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.*
- (2) *For the purposes of determining whether the carrying out of the proposed development on land in the Sydney drinking water catchment would have a neutral or beneficial effect on water quality, the consent authority must, if the proposed development is one to which the NorBE Tool applies, undertake an assessment using that Tool.*

Compliance with clause 10 would require an assessment known as a Water Cycle Management Study ('WCMS') demonstrating that the development would have a neutral or beneficial effect on water quality.

It is considered that a future residential development as sought by this planning proposal would most likely need to incorporate water sensitive urban design ('WSUD') measures such as gross pollutant traps, bio-retention swales or basins for the treatment of road surface runoff as well as rainwater tanks and raingardens for individual residences. These are not uncommon features of contemporary residential estate development. Subject to the inclusion of such measures it is considered that future residential development as a result of the planning proposal proceeding would have either a neutral or beneficial water quality impacts. Whilst not directly called up by clause 10 a more detailed assessment i.e. WCMS could be provided should the proposal progress to a favourable Gateway determination.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Section 117 Directions (for Council's complete response to this requirement (see *Appendix B*).

Section C – Environmental, social and economic impact

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?

An Ecological Constraints Analysis has been undertaken for the subject site by Travers Bushfire & Ecology to identify the relevant threatened flora, fauna and endangered ecological communities (EEC) and populations. This report is included as *Appendix D* to this planning proposal, its findings are summarised below:

Ecological Constraints Analysis

Travers have recommended suitable zonings for the site based on the identified ecological constraints. Based on the Ministerial Direction 2.1 Environmental Protection Zones, Travers recommend that the following zonings are suitable to the subject lands:

- *E3 Environmental Management* – in this case for lands that provide protection and buffers for watercourses and contain existing and potential threatened species habitat
- *E4 Environmental Living* – in this case for existing forested slopes that may be sensitively developed such as the existing degraded portions of the EEC, Shale / Sandstone Transition Forest, subject to offsetting provisions
- *Residential Zones* such as *R2 Low Density Residential*, *R3 Medium Density Residential* or *R5 Large Lot Residential* for all cleared or low condition vegetation areas.

Note: Of the recommended potential zones, Council has chosen to support *E3 Environmental Management* on the heavily vegetation northern part of the site, *R5 Large Lot Residential* on the more sparsely vegetated part of the site to the south of this, and *R2 Low Density Residential* on the southernmost part of the site which adjoins *Burratorang Road*.

The main ecological constraint within the subject lands is the EEC Shale / Sandstone Transition Forest located on the plateau areas which are most likely to be subject to rezoning for development. The loss of EECs may be managed through protection of the main stands, selective clearing of vegetation rather than clearfelling, revegetation works in disturbed patches and / or closing existing tracks which would become redundant.

The degraded portions of Shale/Sandstone Transition Forest and cleared areas within the southern portion of the study area appear to be suitable for residential development. The north eastern vegetated portion of the site may be considered suitable for E3 or R5 development, however, access to this area would be a planning issue subject to planning proposals on adjoining lands. The use of the north eastern portions of the land would be subject to target threatened species survey in spring and during key breeding periods of threatened fauna.

All zonings or applications that involve the removal of the EEC Shale / Sandstone Transition Forest or existing natural bushland areas would be subject to biodiversity offsetting due to the removal of either the EEC or potential threatened species and habitat. The site contains limited lands for restoration offsetting purposes but may also be utilised as a protection offset in accordance with the Principles for Use of Biodiversity Offsets in NSW (NSW Office of Environment and Heritage).

There appear to be no significant threatened fauna constraints within the low and moderate conservation significance areas, however, this would need to be verified with further target survey particularly for hollow dependent threatened species. A habitat tree survey and management strategy can effectively identify high quality hollows for threatened species and minimise adverse impacts by a combination of protection, relocation and nest box works.

Any future development application within vegetated landscapes would need to be accompanied by target threatened species survey and an assessment of impacts on threatened species considered via a 7 part test of significance. Any newly listed threatened species, EEC or population will also need to be assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979, Threatened Species Conservation Act 1995, the Environment Protection and Biodiversity Conservation Act 1999 and the Fisheries Management Act 1994.

There are likely to be significant direct and indirect impacts from the proposal upon the EEC Shale / Sandstone Transition Forest. Stormwater outlets are also likely to impact within the riparian corridor which may result in localised impacts. Such impacts should not be addressed at the single lot development application stage but rather during the subdivision process to prevent any changes in natural riparian ecology.

Based on the above findings, it is considered that subject to the implementation of appropriate measures at the rezoning and subdivision stage, the potential for the proposal to adversely affect the flora and fauna present on the site can be minimised.

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 considered that potential environmental effects arising from a future development allowed by the requested planning proposal would be in the area of water quality, traffic and bushfire risk.

Water Quality

As noted under *SEPP (Sydney Drinking Water Catchment) 2011* in Section C, 5 above, it is considered that a future residential development as sought by this planning proposal would most likely need to incorporate water sensitive urban design ('WSUD') measures. Subject to the inclusion of such measures it is considered that future residential development as a result of the planning proposal proceeding would have either a neutral or beneficial effect on water quality.

Bushfire

The subject site, together with the locality generally, is identified as Bushfire Prone (Vegetation Category 1) on Council's relevant Bushfire Prone Lands Map. The Rural Fire Service (RFS) advised our client on 16 November 2012 that successful bushfire hazard reduction had recently taken place on or near the subject site.

A Bushfire Protection Assessment has been prepared by Travers Bushfire & Ecology in accordance with Planning for Bushfire Protection 2006 (REF: A13003B, dated: April 2013). This report relevantly concludes that bushfire can potentially affect the site from the forest vegetation located to the north of the proposed residential zoning and unmanaged grassland vegetation to the east and south, resulting in possible ember attack, radiant heat and potentially flame attack.

The bushfire risk posed to the rezoning proposal can however be mitigated if appropriate bushfire protection measures are put in place and managed in perpetuity. These bushfire protection measures include the provision of APZs, fuel management within the APZs, careful consideration to the retention of vegetation and building construction standards for future residential dwellings.

Please refer to the accompanying Bushfire Protection Assessment for a detailed discussion of these recommendations.

Traffic

The planning proposal would have the potential to yield of up to 50 residential lots involving an access road connection to both Burragorang Road.

Burragorang Road is a Regional collector road with relatively minor traffic flows with no adverse traffic delay or safety circumstances in the vicinity of the subject site. There is a 60kph speed restriction on this road in the vicinity of the subject site. This road is relatively straight and level at this locality, with a slight fall towards both the east and west of the subject site. There is considered to be adequate sight distance in all directions. Burragorang Road has one traffic lane in each direction. Burragorang Road is a bus service route operated by Busways and providing connection to Camden and the regional area beyond.

The RMS's Guide to Traffic Generating Development suggests a traffic generation characteristic for single dwellings in the outer urban areas of 0.85 vehicle trips per hour ('vtph') in the morning and afternoon peak periods. This would suggest a total peak generation by the proposal of between 26-34 vtph to Burragorang Road.

The proposal would require an appropriate Traffic Impact Assessment to be undertaken which would include:

- determining the peak traffic generation characteristics of the locality;
- consideration of the likely total traffic generation and distribution of the proposed development to Barkers Lodge Road and other main roads such as Burragorang Road;
- assessing the operational performance of Burragorang Road with the additional development volumes and whether any upgrading works are required;
- assessing the suitability of future proposed access roads to the development and their intersection with Burragorang Road.

Notwithstanding the above it is considered that there is no traffic related impediment to the proposal or any inability to undertake any upgrading works required to provide a satisfactory traffic outcome.

9. Has the planning proposal adequately addressed any social and economic effects?

It is considered that the planning proposal would enable a higher and better use of the Subject Land in a manner considered to be compatible with its surrounding environment. The proposed *R2 Low Density Residential*, *R5 Large Lot Residential* and *E3 Environmental Management* land uses are considered to be compatible with the surrounding land uses.

The Planning Proposal will play a part in achieving the dwelling targets set out in the GMS and Draft South West Subregional Strategy. In doing so, affordability of housing is likely to be enhanced. The zoning of the proposed E3 area would also conserve for the future the existing SSTF community/name vegetation here located on the land.

The development process will have a positive impact upon the development/construction industry during construction phases. An increased population as a result of the increase of dwellings will enhance trade of businesses at Oakdale and other proximate centres such as The Oaks, Picton and Camden.

Section D – State and Commonwealth interests

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

The scale of development proposed by the planning proposal could be adequately supported by the local public infrastructure.

Sewer and water

The subject land is located outside the catchment of the Oaks, Oakdale and Belimbla Park Sewerage Scheme/Priority Sewerage Program (PSP) but following modifications to this scheme, an application can be made to Sydney Water for connection to the sewer network (with Council's endorsement) that would not need to be referral to DP&I;

Roads

Development of the land as proposed will require the construction and ultimate dedication to Council of new roads.

Community infrastructure

Provision of public infrastructure, including community infrastructure, will involve relevant contributions pursuant to Section 94 of the Environmental Planning & Assessment Act (EP&A Act) 1979.

There is a bus service operated by Busways running along Burragorang Road providing a public transport connection to Camden and beyond.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The planning proposal was supported by Council in September 2013 and has been revised for forwarding to the Department of Planning & Infrastructure for a Gateway Determination.

As yet no State or Commonwealth public authorities have been consulted, it is anticipated that if the proposal received a favourable Gateway Determination that consultation would be required with public authorities such as the Office of Environment & Heritage (OEH), Rural Fire Service (RFS), Sydney Catchment Authority (SCA), and Sydney Water amongst others.

Part 4 – Mapping

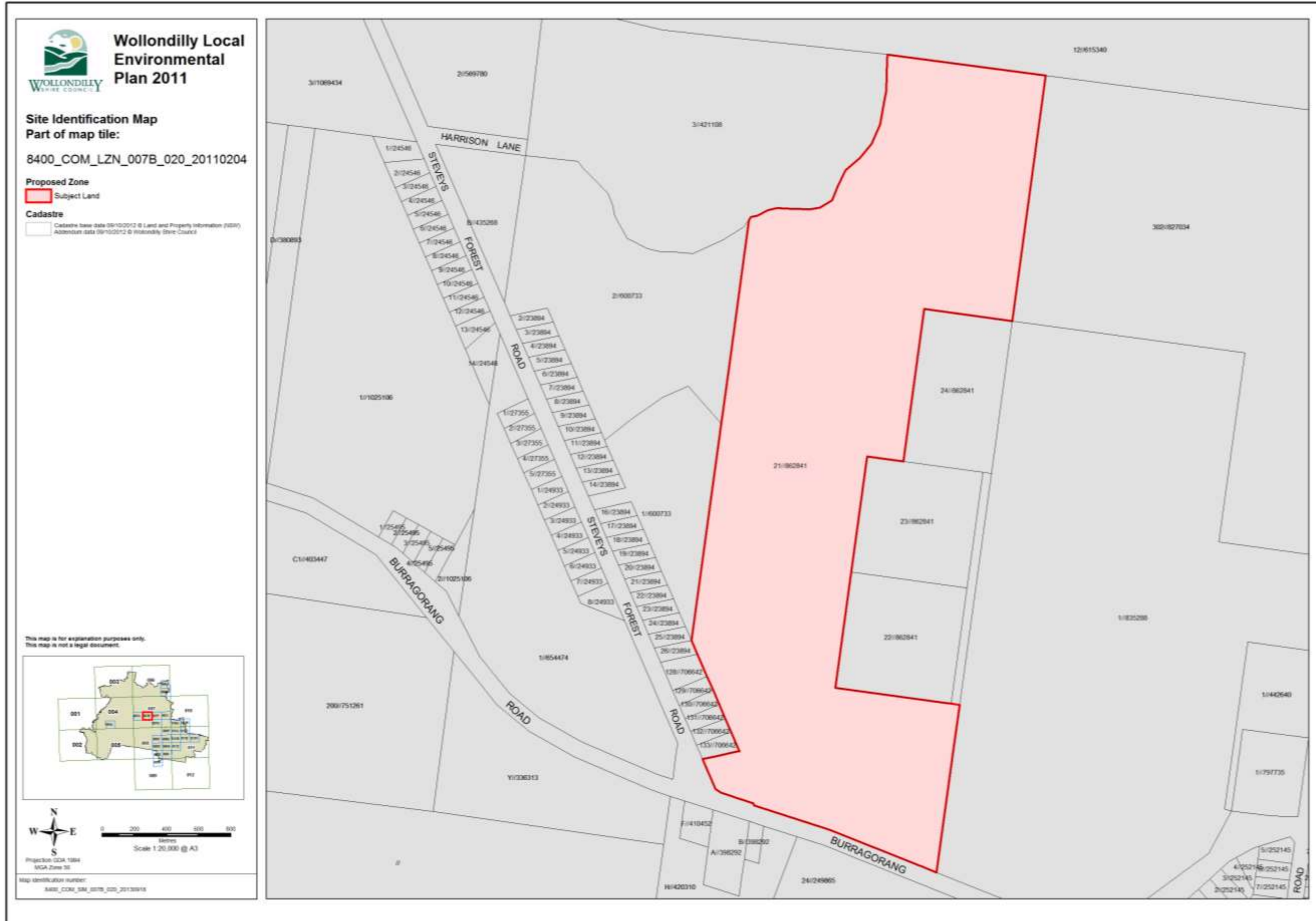
Map 1 – Site Identification (SIM)

Map 2 – New Land Zoning (LZN)

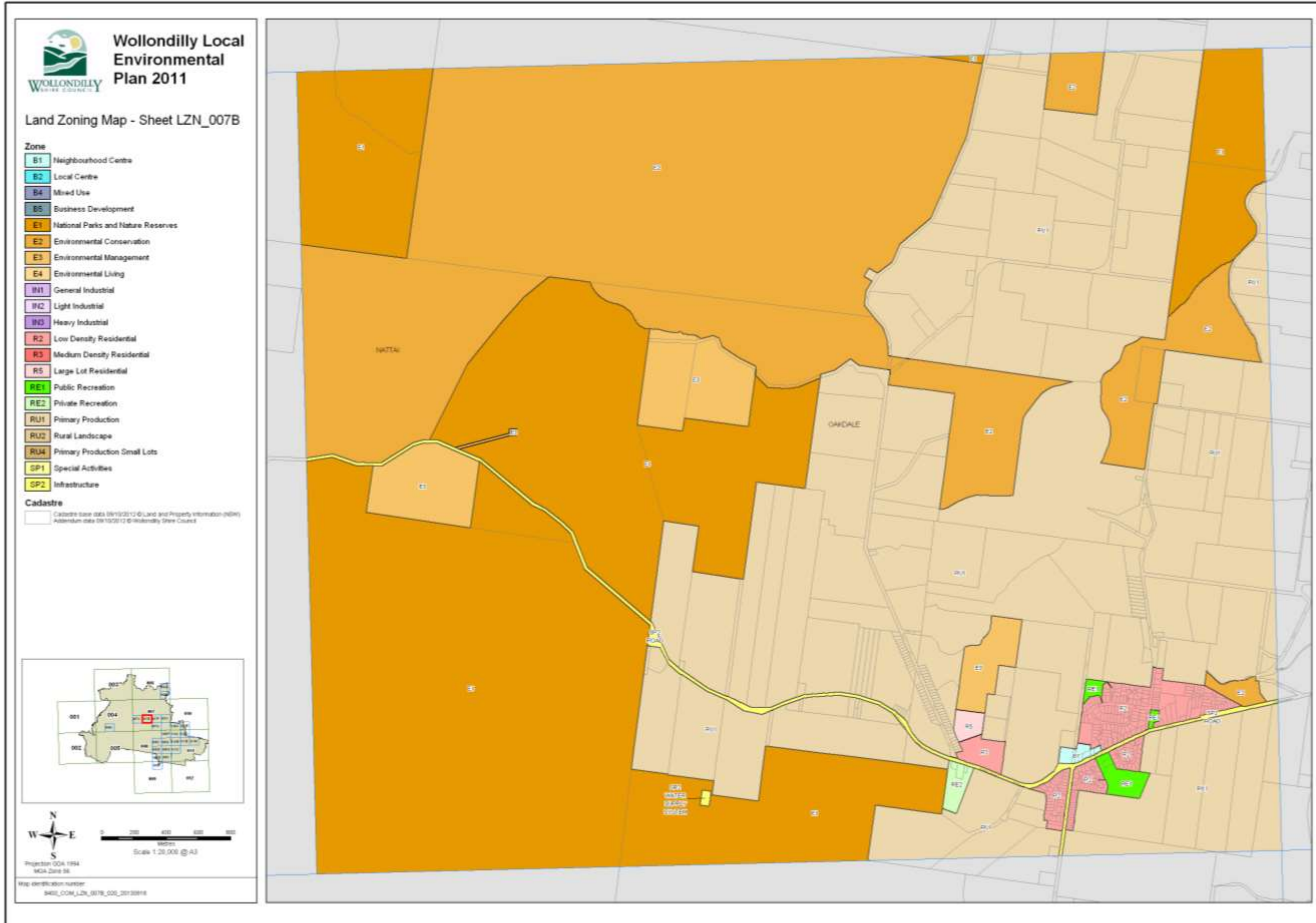
Map 3 – New Height of Buildings (HOB)

Map 4 – New Lot Size (LSZ)

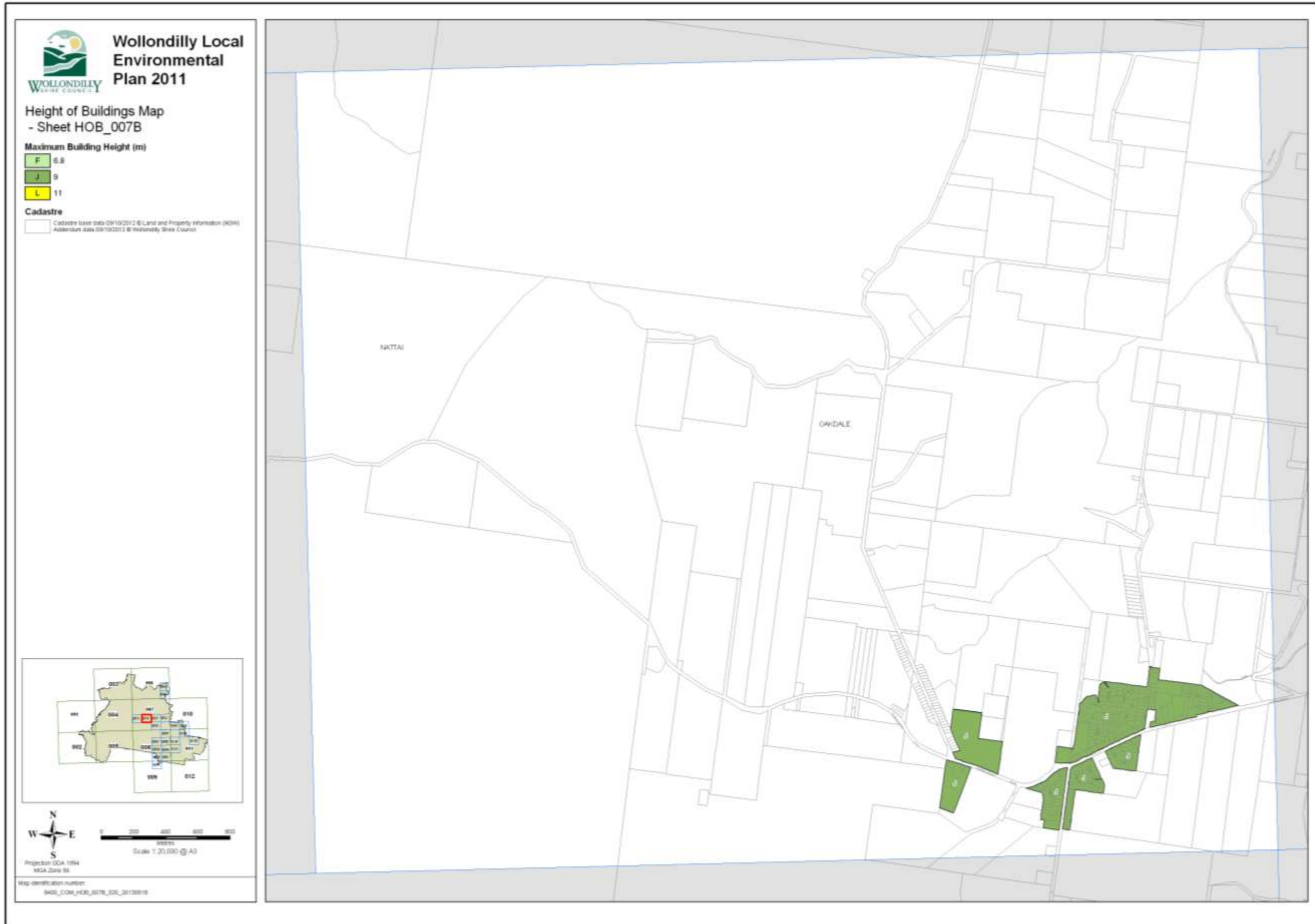
Map 1 - Site Identification (SIM)



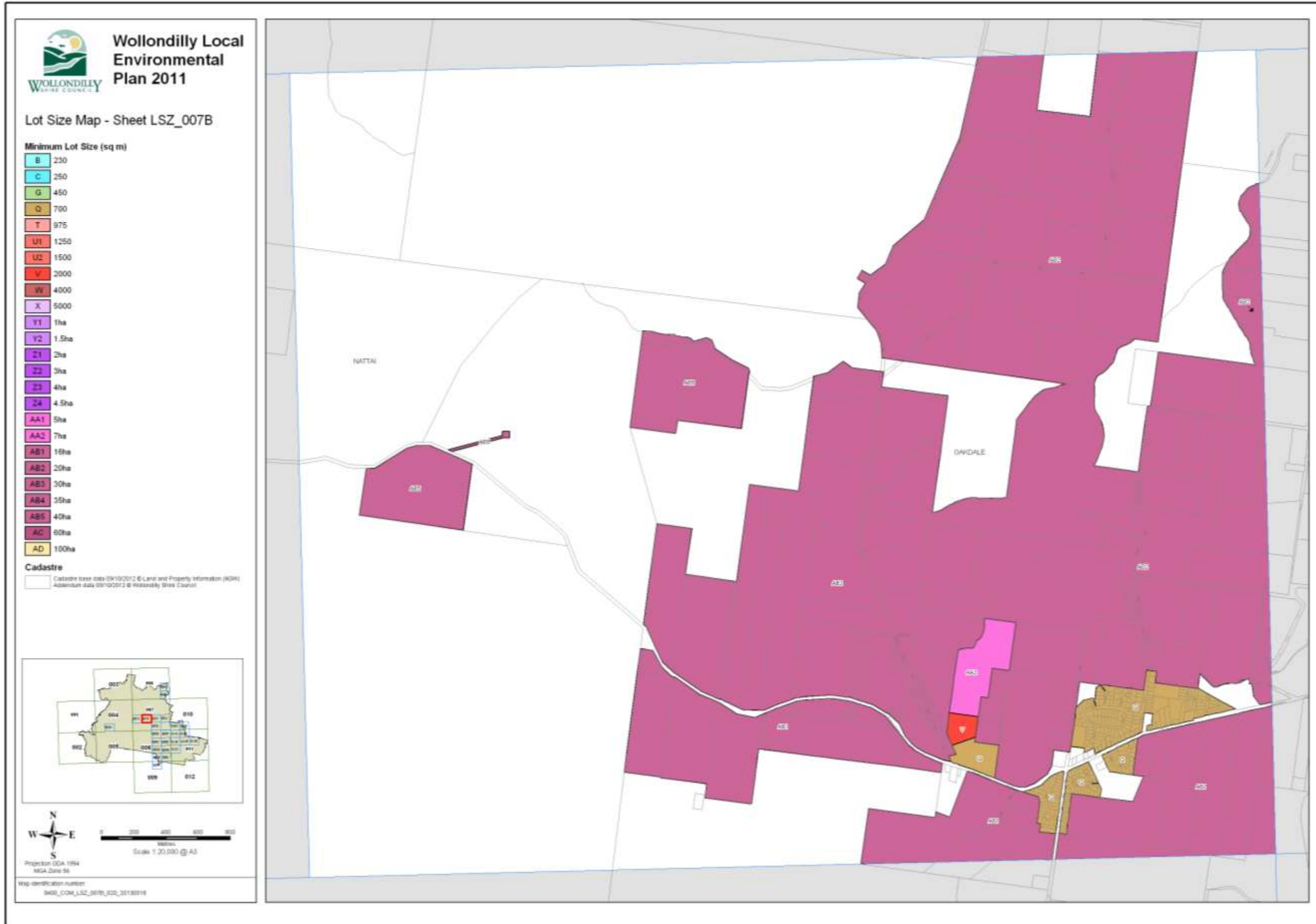
Map 2 – New Land Zoning (LZN)



Map 3 – New Height of Buildings (HOB)



Map 4 - New Lot Size (LSZ)



Part 5 – Community Consultation

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

Three (3) submissions were received and of these submissions; two (2) objected, and one (1) submission was neutral. The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

Issue Raised	Assessment Comment
Bushfire	
This part of Oakdale has a high bushfire risk. Development will increase the population. What plans does Council have to ensure that residents can be safely evacuated in a bushfire situation?	The Bushfire Protection Assessment recommends specific Asset Protection Zones and road improvements to minimise any bushfire risks.
Fire Trail	
Concerns about the fire trail that runs on adjoining property. Suggestion that an access road is put into the future development allowing access to the property. This would allow the Rural Fire Service (RFS) access in the event of a bush fire emergency or for preventative measures	The Bushfire Protection Assessment has established Asset Protection Zones to mitigate against the risk of bushfire. Clear road access guidelines have also been provided.
Water Run Off	
Preventative measures need to be taken regarding excess water run off which may affect access to adjoining properties as a creek runs through the middle of some of those properties.	A Flood Impact Assessment together with a Stormwater Management Plan will establish measures to deal with stormwater run off and flooding.
Concerns about Growth	
Understand that there is a need for growth for the school and shops, but if all the other subdivisions go ahead then there would be more than enough growth for Oakdale; Oakdale is in a water catchment and is rural. Oakdale won't be able to handle more growth, sewerage, water, public transport and the school can only handle so many children; Don't want the subdivision let through; and We will lose our country outlook.	The Planning Proposal is broadly consistent with Council's Growth Management Strategy. Nevertheless all other Proposals will need to be taken into account. Input from Council Officers and Government Agencies will provide information on the capacity of public utilities and community services. Noted. Impacts on views will be minimal as only the southern portion of the site is expected to be developed. Further specialist studies will help inform decisions about zone boundaries
Impact on Amenity	
Resident chose to live in Oakdale for the rural environment and atmosphere. Oakdale has a unique small town culture and they believe this will change with all the proposed development.	Development in this location is consistent with Council's Growth Management Strategy, will occur over time, and improve the viability of local shops and the bus service.
Invasion of Privacy	
A 9 metre high building behind my property is an invasion of my family's privacy.	Privacy Issues can be investigated and measures taken to ensure privacy of residents.

Issue Raised	Assessment Comment
Public Transport	
Oakdale has very limited public transport and resources which also needs to be taken into consideration.	Development in the area will improve the viability of local services, including the bus service.
Loss of Environment	
Do not support losing a beautiful natural environment behind my property.	The Ecological Constraints Analysis has identified areas that should not be developed. The proposed zones have been based on this Assessment.

Further to the above, under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act, Community consultation is required, as follows:

- (a) the planning proposal must be made publically available for **28 days**; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposal and the specifications for material that must be made publically available along with planning proposal as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

During the public exhibition period the following documents were made available for public viewing:

- the planning proposal
- the gateway determination
- the council report
- specialist studies prepared to inform the planning proposal.
- any additional information deemed necessary.

If the proposal receives a favourable Gateway Determination this community consultation will follow consultation with public authorities, the undertaking of specialist studies and the revision of the planning proposal based on the feedback gained from both these public agencies and the findings of the specialist studies.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&I	Early February 2014
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after Gateway determination	Late March 2014
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	6 month period	Late September 2014
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	2 month period	Late November 2014
Dates for public hearing (if required)	Unlikely to be required	N/A
Timeframe for consideration of submissions	1 month	Late December 2014
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	2 months	Late February 2015
Date of submission to the Department to finalise the Draft LEP amendment (including 6 week period for finalisation)	N/A	N/A
Anticipated date RPA will make the plan if delegated	2 months	Late April 2015
Anticipated date RPA will forward to the Department for notification	Not applicable	

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. Bushfire Protection Assessment

Rezoning Application – Lot 21 DP 862841 – 1590 Burraborang Road, Oakdale

Prepared by Travers Bushfire & Ecology

Our Reference: TRIM 7553#50

E. Ecological Constraints Analysis

Rezoning Study – Lot 21 DP 862841 – 1590 Burraborang Road, Oakdale

Prepared by Travers Bushfire & Ecology

Our Reference: TRIM 7553#51

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).

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
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.
4	Development Without Consent and Miscellaneous Complying Development	N/A	
6	Number of Storeys in a Building	Yes	There shall be no change to existing LEP provisions on height of buildings.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	N/A	Not applicable to this Planning Proposal.
22	Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
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.
33	Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	N/A	Not applicable to this Planning Proposal.
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
50	Canal Estates	N/A	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	N/A	Wollondilly Shire is currently exempted from this SEPP.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
55	Remediation of Land	N/A	It is understood that the land has historically been used for low intensity agricultural purposes, based on this it is considered that contamination would be an issue. If considered necessary a more detailed assessment could be provided should the proposal proceed to a favourable Gateway determination.
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
62	Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	N/A	Residential flat buildings are prohibited on the subject land.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
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 would 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 would 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 would 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 (Sydney Region Growth Centres) 2006	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
	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 would hinder the application of the SEPP at future stages, post rezoning.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	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	This proposal is consistent with this SEPP.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	This proposal is consistent with this SREP.

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 Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	Yes	Yes	The planning proposal does not propose any new business or industrial land.
1.2 Rural Zones	Yes	No (but justified)	<p>The subject land is currently zoned RU1 – Primary Production and it is proposed to rezone the land to part R2 – Low Density Residential, R5 Large Lot Residential/E4 Environmental Living and E3 – Environmental Management.</p> <p>It is also proposed to amend the Lot Size Map as it applies to the subject land from AB2 (20ha min. lot size) to Q (700sqm min. lot size). However, it is considered that the subject site is within Oakdale village.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Yes	The proposal is consistent with the direction because potential future development can be compatible with the potential development of any resource.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	N/A	N/A	Not applicable in the Shire of Wollondilly.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	<p>The areas nominated for additional residential development are not considered environmentally sensitive areas. Those parts that are sensitive are proposed to be zoned E3 Environmental Management.</p> <p>Therefore it is considered that the planning proposal is consistent with Direction 2.1.</p>
2.2 Coastal Protection	N/A	N/A	Direction does not apply.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
2.3 Heritage Conservation	Yes	Yes	<p>This planning proposal does not include listing any additional items of European Heritage significance and does not change the existing provisions of WLEP 2011 for heritage conservation.</p> <p>Post-Gateway, an Aboriginal Heritage Assessment may be required to be undertaken and its findings used to revise this planning proposal.</p> <p>At present it would appear that the planning proposal is not inconsistent with Direction 2.3.</p>
2.4 Recreation Vehicle Area	Yes	Yes	<p>The planning proposal does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area.</p> <p>Therefore it is consistent with Direction 2.4.</p>
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	<p>Clause 7.1 of the Wollondilly LEP 2011 requires that land must be adequately serviced with appropriate infrastructure for development consent to be granted.</p> <p>The planning proposal has potential to achieve a diversity of housing choice and design. The mix of lot sizes and residential design will be controlled through the application of Volume 3 – Residential and Tourist uses of the Wollondilly Development Control Plan 2011.</p> <p>Therefore it is considered that the planning proposal is consistent with Direction 3.1.</p>
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	<p>The planning proposal retains all existing zones in which caravan parks are permitted.</p> <p>Therefore the planning proposal is consistent with Direction No. 3.2.</p>
3.3 Home Occupations	Yes	Yes	<p>The planning proposal does not alter the current exempt development provisions that enables for the development of home occupations.</p> <p>Therefore no further consideration of the matters in relation to Direction 3.3 is necessary.</p>
3.4 Integrating Land Use and Transport	Yes	Yes	<p>The planning proposal is not inconsistent with Direction No. 3.4.</p>
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	N/A	N/A	Direction does not apply
4.3 Flood Prone Land	N/A	N/A	Direction does not apply

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
4.4 Planning for Bushfire Protection	Yes	Yes	Adequate arrangements for bushfire protection, having regard to PBP 2006, would be dealt with in accordance with the attached Bushfire Impact Assessment.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	Yes	Yes	It is expected that any residential development on the subject site would have a neutral or beneficial effect on water quality.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
6. Local Plan Making			
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	Yes	Yes	This planning proposal is consistent with this direction because it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	N/A	Direction does not apply.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

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
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The proposal, as noted throughout this table, satisfies this Key Policy Direction.
P2 All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).	<p>The draft proposal is generally consistent with the concept and vision of 'Rural Living'.</p> <p>The limited residential development on land already cleared land will not adversely affect Oakdale's townscape, the surrounding rural landscape or the cultural heritage of the area.</p>
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Issues of concern will be addressed through required specialist studies. A Bushfire Protection Assessment has already identified Asset Protection Zones and the Ecological Constraints Analysis forms the basis for proposed zones, excluding any areas of high or moderate conservation significance.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this draft proposal and therefore this Key Policy Direction has been satisfied.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	<p>The draft proposal represents a logical rezoning of the subject site for low density residential and large lot residential purposes in keeping with adjoining land uses.</p> <p>Within the constraints of the site the proposal is considered appropriate as it will facilitate an extension of an existing residential area near Steveys Forest Road.</p> <p>Conservation and enhancement of natural systems is intended.</p> <p>Existing infrastructure is to be utilised and embellished.</p>
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	<p>The draft proposal contributes toward Council's dwelling target for Oakdale outlined in the GMS.</p> <p>The Structure Plan for Oakdale includes the general area west of the town as a 'potential residential growth area'.</p>

Key Policy Direction	Comment
<p>P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</p>	<p>The proposal supports a mix of housing types consistent with surrounding residential development. A mixture of low density residential and large lot residential development will achieve the necessary diversity.</p>
<p>P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).</p>	<p>The proposal promotes lower density development on the existing urban fringe of Oakdale.</p>
<p>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</p>	<p>The site is located adjacent to an existing residential area near Steveys Forest Road and is approximately 500 metres from the Oakdale town centre.</p>

Macarthur South Policies

<p>P11 Council does not support major urban release within the Macarthur South area at this stage.</p>	<p>Key Policy Direction P11 is not applicable to this proposal.</p>
<p>P12 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.</p>	<p>Key Policy Direction P12 is not applicable to this proposal.</p>
<p>P13 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.</p>	<p>Key Policy Direction P13 is not applicable to this proposal.</p>
<p>P14 Council will consider proposals for employment land developments in Macarthur South provided they:</p> <ul style="list-style-type: none"> ▪ Are environmentally acceptable; ▪ Can provide significant local and/or subregional employment benefits; ▪ Do not potentially compromise the future orderly master planning of the Macarthur South area; ▪ Provide for the timely delivery of necessary infrastructure; ▪ 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; ▪ 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). 	<p>Key Policy Direction P14 is not applicable to this proposal.</p>

Employment Policies

Key Policy Direction	Comment
<p>P15 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 proposal will create short-term employment opportunities through the construction jobs associated with the civil and building works, and will provide stimulus to the local economy by boosting population.</p>
<p>P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</p>	<p>The site is not zoned to facilitate further employment opportunities.</p> <p>Modest opportunities exist for home business and tradesman residency.</p>
Integrating Growth and Infrastructure	
<p>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</p>	<p>Initial investigations have found that reticulated water and sewer are available in the area. An application to Sydney Water for connection will however need to be lodged.</p> <p>The site is already serviced by telephone and electricity services.</p> <p>The site is accessible from Burragorang Road which is a sealed regional collector road.</p> <p>Busways operate a bus service along Burragorang Road to Camden.</p> <p>The following community facilities are available in Oakdale:</p> <ul style="list-style-type: none"> ▪ The Oakdale Public School; ▪ Oakdale Workers Club; ▪ The Catholic and Uniting Churches; ▪ Willis Park and Sid Sharp Oval; and ▪ Oakdale community hall & tennis court <p>Most shops in Oakdale are vacant due to a lack of population and demand. Increased population resulting from the rezoning would increase the feasibility of businesses in Oakdale.</p> <p>Developer contributions payable at the development application stage will fund necessary local infrastructure required to support future development.</p> <p>Likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway Determination.</p>
<p>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</p>	<p>The draft proposal site is located approximately 500 metres from the Oakdale town centre.</p> <p>The site requires connecting to existing reticulated water and sewer services. Telephone and electricity services are already available to the site, and road access is available off Burragorang Road.</p> <p>Developing the site would make the provision of services and infrastructure in the area more efficient and viable.</p>
<p>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>The draft proposal does not contribute toward dispersed population growth; it proposes urban growth in close proximity to the Oakdale urban area.</p>

Key Policy Direction	Comment
<p>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	<p>This is an area generally identified as a being a potential residential growth area on the Oakdale Structure Plan in the GMS.</p> <p>The draft proposal contributes toward Council's dwelling target for Oakdale identified in the GMS.</p>
<p>Rural and Resource Lands</p>	
<p>P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</p>	<p>The subject land is located within the Sydney Water Catchment, so further consultation will be required with the Sydney Catchment Authority. It is a priority to sewer the subject land thus avoiding contamination of the drinking water catchment.</p> <p>The Ecological Constraints Analysis recommends that the central and northern parts of the site be zoned E3 and E4 to provide protection and buffers to the watercourses and areas where there is habitat for threatened species. Approximately 7.5 hectare of the site comprises of remnant Shale Sandstone Transition Forest (SSTF), an Endangered Ecological Community under the NSW Threatened Species Conservation Act (TSC Act) 1995.</p>
<p>P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</p>	<p>Key Policy Direction P22 is not applicable to this proposal.</p>

Appendix D

Bushfire Protection Assessment

Rezoning Application – Lot 21 DP 862841 – 1590 Burragorang Road, Oakdale
Prepared by Travers Bushfire & Ecology

Our Reference: TRIM 7553#50

Appendix E

Ecological Constraints Analysis

Rezoning Study – Lot 21 DP 862841 – 1590 Burragorang Road, Oakdale

Prepared by Travers Bushfire & Ecology

Our Reference: TRIM 7553#51