

Our Reference: 7696 DS:KF

Ms Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

25 November 2014

Dear Ms Cumming,

REQUEST FOR GATEWAY DETERMINATION REVIEW - GREAT SOUTHERN ROAD, BARGO

Council has resolved to request a Gateway Determination review of a Planning Proposal for land located at 95 Great Southern Road, Bargo (PP_2014_WOLLY_005_00). Council received a Gateway Determination for this Planning Proposal on 3 October 2014 which was signed by a delegate for the Minister for Planning and dated 2 October 2014.

Council staff informed the Department of the possibility that a future resolution of Council might seek a Gateway review on 16 October 2014, whilst noting that the decision of Council was yet to be made, and the report considered. This occurred within the required 14 day timeframe.

At its Ordinary Council Meeting held on 17 November 2014 Wollondilly Shire Council resolved as follows:

That Council resolve not to support the Planning Proposal in the form described in the Gateway Determination (i.e. support the Planning Proposal in the form resolved by Council on 21 July 2014 – see section 1.2 of this report – or another form) and request a review of the Gateway Determination.

That is, Council resolved to continue to support the proposal in the form that it supported it at on the meeting of 21 July 2014, that being as follows:

- Amend the zoning of the portion of the subject site that lies to the west of the natural water course from RU2 Rural Landscape with a minimum lot size of 16ha to R2 Low Density Residential with a minimum lot size of 700m²;
- Amend the minimum lot size map such that all land to the east of the natural water course shall be contained in one lot (resulting in a minimum lot size of 7ha).

The report to the Council meeting of 17 November 2014 is attached, along with the Council resolution.

It is noted that the 40 day timeframe to apply for a formal review of the Gateway Determination expires on 26 November 2014, as advised in the attached email dated 22 October 2014 from your Department. Council staff sought verbal advice from your team as to whether to make a formal or informal application for a Gateway Determination review and it is noted that you were unsure which option would be required. Nevertheless, Council has applied formally to prevent any time delays in future that may have occurred if an informal application was made and following consideration your team then confirmed that a formal Gateway Determination review was required. It is noted that, preceding this verbal advice, the written advice provided in the email dated 22 October 2014 indicates that a formal review is required.

This Gateway Determination has imposed a condition which Council is seeking to vary and therefore a review of the Gateway Determination is being sought. Council is seeking to vary Condition 5, which reads:

5. Council is to amend the proposal as follows:

- *the eastern part of the site is to be rezoned from RU2 Rural Landscape to Zone R5 Large Lot Residential and a minimum lot size of 1,500m² is to apply, and*
- *the western part of the site is to include the following minimum lot sizes:*
 - *1,500m² lots to immediate west of the watercourse,*
 - *700m² lots fronting Anthony and Great Southern Roads as well as the middle third of the site, and*
 - *450m² for the remainder, except for the area around a locally listed homestead in the northwestern corner of the site, which requires a larger lot to provide an appropriate curtilage.*

I offer the following points in support of Council's resolutions at the July and November Council meetings:

Land Use Conflict

There is potential for land use conflict (including the presence of truck movements on the presently unformed but to be constructed Anthony Road) between the land the subject of this Planning Proposal, the approved Bargo Waste Transfer Station at 25 Government Road Bargo and Council's existing Waste Management/Recovery Centre at 27 Anthony Road Bargo. This could occur in the form of noise & vibration, dust, and odour impacts from the facilities themselves as well as the vehicles travelling to and from these facilities.

In terms of impacts from the facilities themselves, this would be more likely to occur in the portion of the subject site closest to these facilities, which is to the east of the watercourse. The watercourse could form a logical zoning boundary and provide a buffer between the low density residential development and the nearby waste related uses.

Council has been consistent in this regard by taking the same approach with the Planning Proposal for land at 55 Government Road, Bargo. The proponent originally lodged a Planning Proposal for both 35 and 55 Government Road but Council resolved only to include no. 55 Government Road, as it considered that no. 35 Government Road was likely to be subject to impacts from the approved Waste Transfer Station and Council's existing Waste Management/Recovery Centre. Council also previously deferred the Government Road Planning Proposal until the outcome of the court case for the Waste Transfer Station (now approved) at 25 Government Road was known.

Additionally, setting the minimum lot size at 700m² rather than 450m² for the land on the western side of the watercourse would ensure that less properties would be potentially affected by the Waste Transfer Station and existing Waste Management/Recovery Centre.

There is also the potential for land use conflict with the Tahmoor South Proposed Vent Shaft Site – An entity controlled by Tahmoor Coal's parent company own 125 Anthony Road, Bargo (Lot 245 DP 751250). Tahmoor Coal objected to this Planning Proposal on the grounds that this property

was identified based on its distance from existing residential areas and being located near other industrial type land uses such as the Council landfill and approved waste management facility and if the closer portion of the site to 125 Anthony Road is developed, this could potentially result in land use conflict.

Traffic

It is expected that there will be cumulative traffic impacts in this area from the approved Waste Transfer Station and residential development that would be facilitated by this Planning Proposal. Leaving the eastern portion of the site in its current zone (RU2 Rural Landscape) and maintaining a minimum lot size of 700m² throughout the western portion of the site is expected to reduce the lot yield by approximately 70-100 lots. This will help to reduce any potential traffic impacts.

Distance from East Bargo Town Centre & Growth Management Strategy Intent

The subject site is approximately 1km from the East Bargo town centre. The land to the east of the watercourse on the subject site reaches a maximum of approximately 1.6km from East Bargo town centre, as the further the proposed development stretches to the east, the further away from the town centre it gets. It is considered desirable to rezone land in close proximity to existing town centres, particularly in areas where there is limited transport to and from the town centre and railway station.

Furthermore, the site is outside the current Growth Management Strategy (GMS) boundary, as the current Growth Management Strategy (GMS) Structure Plan for Bargo appears to indicate the potential residential growth areas extending to the southern boundary of the subject site, but not including the subject site.

Appropriate Minimum Lot Size

There are currently no areas in Bargo with a minimum lot size of 450m² and therefore it is considered more appropriate for the land to the west of the watercourse to be zoned R2 Low Density Residential with a minimum lot size of 700m². This is considered to be more in keeping with the character of the area, as even where lots are zoned R2 with a minimum lot size of 700m² in Bargo, these lots are typically closer to approximately 1,200m², so a minimum lot size of 450m² is a significant potential reduction in lot sizes.

Presence of Threatened Species

The property is modelled as supporting remnant Shale Sandstone Transition Forest (SSTF) along the riparian area in the eastern portion of the site. SSTF is an Endangered Ecological Community. The rezoning of land in the eastern portion of this site could potentially adversely impact on the SSTF and the water quality of the stream.

Additionally, by allowing the rezoning and subdivision of the land on the eastern side of the watercourse, several owners may have land backing onto the watercourse. This would be in addition to those that would be able to have blocks backing onto the watercourse from the western portion of the site, under the proposal to zone this part of the site R2 Low Density Residential with a 700m² minimum lot size. The more owners there are along the creek line, the greater the potential for issues related to water quality and the maintenance of clean water objectives.

On-site Wastewater Disposal

Council has raised concerns over on-site wastewater disposal on this site, if it is determined that reticulated sewer or a packaged treatment plant cannot be provide for this site. Council has also raised concerns where previously it was proposed to zone the portion to the east of the watercourse R5 Large Lot Residential with a minimum lot size of 1,500m², as this area of the site could have been subject to on-site wastewater disposal. Council's environmental health officer has previously stated that it is recommended regarding the proposed 1,500m² lot size that if individual onsite sewage management is proposed, the minimum lot size should be increased to 4000m². However, if this is not a feasible option for the development, the minimum lot size should be no less than 2000m², in this instance, disposal could only utilise subsurface irrigation (subject to confirmation by detailed expert report).

Please find attached the following documents, including a copy of all additional information and documentation provided when requesting the Gateway Determination:

- Application Form
- A copy of the planning proposal as submitted to the gateway
- Justification for why an alteration of the Gateway determination is warranted (as per this letter and the November 2014 Council Report and Resolution)
- Email confirming that DP&E had been notified within 14 days of issue of the Gateway Determination that a review may be required
- A copy of all additional information and documentation provided at the Gateway, including:
 - Original Letter Requesting Gateway Determination
 - Map Reflecting July 2014 Council Resolution
 - July 2014 Council Report and Resolution to seek Gateway Determination
 - Evaluation Criteria for the Delegation of Plan Making Functions
 - Preliminary Bushfire Assessment
 - Preliminary Acoustic and Odour Assessment
 - Project Timeline

I note that the Planning Proposal in its recommended form to the July 2014 Council meeting varied from the Planning Proposal that was originally submitted and therefore varied from the land zoning map at Attachment B to the Planning Proposal. The land zoning map at Attachment B to the Planning Proposal included 450m² as the minimum lot size for all land to the west of the natural watercourse running through the site. The form recommended to the July 2014 meeting of Council (the same form that was the subject of the preliminary public consultation) included 1,500m² lots to the immediate west of the watercourse and 700m² lots fronting Anthony and Great Southern Roads, as well as in the middle third of the site. A larger lot was suggested to provide an appropriate curtilage to the locally heritage listed homestead in the NW corner of the site (see Attachment 2 to the Council report).

Please also note the Planning Proposal was not supported by Council in July 2014 in the same form in which it was reported to Council, therefore I have also attached a map that reflects the Council resolution (as was submitted with the request for a Gateway Determination). This map proposes to zone the portion of the site to the west of the watercourse R2 Low Density Residential with a minimum lot size of 700m². The portion of the site to the east of the watercourse is to remain zoned RU2 Rural Landscape, with the minimum lot size amended to 7ha so that this area could be created as a residual lot when the remainder of the site is subdivided.

Should you have any queries regarding this letter please contact Grant Rokobauer, Strategic Planner on 4677 1172 or email grant.rokobauer@wollondilly.nsw.gov.au.

Yours faithfully



Marcello Chiodo
Acting Deputy General Manager