

Our Reference: 7696 mr:mr

Catherine Van Laeren
Director, Sydney Region West
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

23 January, 2017

Dear Catherine,

**REQUEST FOR ALTERATION TO GATEWAY DETERMINATION (PP_2014_WOLLY_005_00)
PLANNING PROPOSAL – NO. 95 GREAT SOUTHERN ROAD, BARGO**

Wollondilly Shire Council would like to seek a revised Gateway Determination for the Planning Proposal at No. 95 Great Southern Road, Bargo (PP_2014_WOLLY_005_00) under section 58 of the *Environmental Planning and Assessment Act, 1979*.

Overview

The proposal applies to land known as Lot 1 DP 996286 (No. 95) Great Southern Road, Bargo. The site is a rectangular shaped lot which comprises a total of 28.23 hectares. The lot has frontage to Great Southern Road to the west and Government Road to the east and also adjoins an unformed crown road (known as Anthony Road) which runs along the northern boundary of the site.

A Gateway Determination was issued on 2 October, 2014 and was altered in June, 2015. A further Gateway Alteration is now required to address concerns that have arisen in the specialist studies and government agency consultation carried out, particularly in respect of the proposed land use zonings and minimum lot sizes in certain parts of the site. Council resolved at its Ordinary Meeting on Monday 19 December, 2016 to request an Altered Gateway Determination from the Department of Planning to initiate these changes.

Proposed Amendments

The proposed amendments to the Gateway Determination as resolved by Council at its Ordinary Meeting on 19 December, 2016 are detailed in the table below:

Current Gateway Determination	Proposed Alterations
Amend the Land Zoning Map from zone RU2 Rural Landscape to R2 Low Density Residential for land to the west of the	Amend the Land Zoning Map from zone RU2 Rural Landscape to E2 Environmental Conservation to the Riparian Corridor on the

<i>natural watercourse on the site and R5 Large Lot Residential for land to the east of the natural watercourse on the site.</i>	<i>site, zone R5 Large Lot Residential on the eastern side of the Riparian Corridor and for a distance of 50 metres west of the E2 zone boundary, an R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo and R2 Low Density Residential to the remainder of the site.</i>
<i>Amend the Minimum Lot Size Map to reflect a minimum lot size of 700 square metres for land to the west of the natural watercourse on the site.</i>	<i>Amend the Minimum Lot Size Map to provide the following minimum lot sizes for land west of the watercourse:</i> • 2000 square metres for the R5 zoned land west of the riparian corridor; • 700 square metres for the R2 zone • No minimum lot size for the E2 zone
<i>An on-site effluent disposal report is to be prepared to demonstrate the minimum lot size capable of on-site effluent disposal. This report is to then be used to inform an appropriate minimum lot size for the area east of the natural watercourse. This area is to continue to be rezoned to R5 Large Lot Residential.</i>	<i>A minimum lot size of 5000 square metres is proposed for land to the east of the riparian corridor on the site.</i>
<i>The current Gateway Determination does not allow for a maximum building height to be applied across the site.</i>	<i>Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres across the entire site;</i>
<i>The current Gateway Determination does not allow for certain land to be included on the Natural Resources Biodiversity Layer under WLEP 2011.</i>	<i>Include certain land on the Natural Resources Biodiversity Map under WLEP 2011.</i>

Reason for Proposed Changes

Application of the E2 Environmental Conservation Zone across the Riparian Corridor

The large area of vegetation within the riparian corridor has been identified as Alluvial Woodland vegetation. Alluvial Woodland is a component of the vegetation community *river flat eucalypt forest on coastal floodplains* which is identified as an endangered ecological community under the *Threatened Species Conservation Act, 1995*. This corridor of vegetation also contains three (3) hollow bearing trees that were observed to be utilised by native birds and mammals.

It is considered that an E2 Environmental Conservation Zone should be applied to this area so that the vegetation is conserved and protected. The application of an E2 zone over this part of the site is consistent with advice obtained from Council's Environmental Services Team and Office of Environment and Heritage (OEH).

An Archaeological Survey Report has also been undertaken and has identified two (2) archaeological sites on the land as follows:

1. a series of grinding grooves located on the unnamed tributary of dog trap creek;

2. an artefact scatter with an associated area of potential archaeological disturbance, identified on an eroding section of the bank of the unnamed tributary of Dog Trap Creek.

The application of an E2 Environmental Conservation zone over this part of the site would provide adequate protection to the archaeological sites that have been identified as part of the Archaeological Survey Report.

Application of R5 zoned land to parts of the site west of the Riparian Zone

The purpose of including R5 Large Lot Residential Zoned Land for a distance of 50 metres to the west of the E2 zone Boundary is to create a suitable buffer between the low density residential zone and the riparian area with an intention of improving water quality outcomes associated with future development of the site. The intent of imposing a strip of R5 zoned land along the Anthony Road frontage of the site (along the northern boundary) is to ensure that there is a transition of minimum lot sizes that occurs between the Low Density Residential Zone and the rural land that adjoins the Planning Proposal site and to establish a defined village boundary to the north with larger residential lots.

Apply a minimum lot size of 5000 square metres to land east of the riparian corridor

The current Gateway Determination includes a condition requiring the minimum lot size for this part of the site to be determined following the submission of an On-Site Effluent Disposal Study. An On-Site Effluent Disposal Study has been undertaken and a suitable minimum lot size for this part of the site has been determined based on this study and the ecological constraints of the eastern part of the site.

The Ecological Constraints Assessment undertaken has identified some isolated patches of Shale Sandstone Transition Forest (SSTF) vegetation in the eastern portion of the site, comprising a total of 0.7ha of SSTF. SSTF is identified as Critically Endangered Ecological Community under the *Threatened Species Conservation Act, 1995* and the *Environmental Protection and Biodiversity Conservation Act, 1999*.

The part of the site to the east of the riparian zone is proposed to be zoned R5 Large Lot residential. Any clearing of vegetation in this zone would remain subject to the requirements of the Native Vegetation Act, 2003 and would require a Property Vegetation Plan. As the vegetation on this part of the site is listed as Critically Endangered Ecological Community, it constitutes a "red light" and a PVP could not be obtained to enable removal of the vegetation.

It would also not be possible to offset any removal of the SSTF vegetation east of the riparian zone through the NSW biobanking framework, as OEH is unable to issue a Biobanking Statement on land to which the *Native Vegetation Act, 2003* applies. Therefore, a minimum lot size needs to be applied to this part of the site which would ensure that the SSTF vegetation is able to be retained. A minimum lot size of 5000 square metres would achieve this outcome.

Lots with an area of at least 5000 square metres on this part of the site would be capable of accommodating on-site effluent disposal. The onsite effluent disposal study determined that the sustainable area for sub-surface irrigation on the site is 519 square metres which is based on water balance requirements. It is considered that a 5000 square metre minimum lot size east of the riparian zone would be appropriate to ensure that future lots are capable of accommodating a dwelling and ancillary structures, building setbacks, retention of vegetation and minimum effluent disposal area.

Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres across the entire site

It is proposed to introduce a maximum height of building across the site of 9 metres. The existing residential zoned land in Bargo (including both R2 Low density Residential and R5 Large lot Residential zoned land) are bound by a maximum height of building of 9 metres under WLEP 2011. The application of a maximum building height of 9 metres across the site at 95 Great Southern Road would ensure that the building height controls are consistent with the existing building height controls in Bargo and would encourage a bulk and scale of development on the land that is consistent with the existing village in Bargo.

Include certain land on the Natural Resources Biodiversity Map under WLEP 2011.

There are two (2) small patches of Shale Plains Woodland (SPW) to the west of the riparian corridor. SPW vegetation is a component of the Cumberland Plain Woodland vegetation community which is listed as a Critically Endangered Ecological Community under the *Threatened Species Conservation Act, 1995*. Although this vegetation is highly degraded, the application of the Natural Resources Biodiversity Layer (NRB Layer) to this area would ensure that its removal undergoes appropriate assessment at the subdivision stage and its removal is suitably offset (if required). The NRB layer is also proposed to apply to areas mapped as Alluvial Woodland and Shale Sandstone Transition Forest to ensure further protection as part of future development. The parts of the site intended to be covered by the NRB layer is provided as an attachment to this letter.

Summary

In summary it is requested that the Gateway Determination be altered to reflect the following:

- *Amend the Land Zoning Map from zone RU2 Rural Landscape to E2 Environmental Conservation to the Riparian Corridor on the site, zone R5 Large Lot Residential on the eastern side of the Riparian Corridor and for a distance of 50 metres west of the E2 zone boundary, an R5 Large Lot Residential zone for a depth of 40 metres along the Anthony Road frontage west of the riparian corridor which shall be extended around the heritage curtilage of the homestead and silo and R2 Low Density Residential to the remainder of the site*
- *Amend the Minimum Lot Size Map to provide the following minimum lot sizes:*
 - *5000 square metres for land to the east of the riparian corridor on the site;*
 - *2000 square metres for the R5 zoned land west of the riparian corridor;*
 - *700 square metres for the R2 zone;*
 - *No minimum lot size for the E2 zone.*
- *Amend the Height of Buildings Map to a Maximum Building Height Category of 9 metres across the entire site;*
- *Include certain land on the Natural Resources Biodiversity Map under WLEP 2011.*

All other Gateway conditions are being addressed as part of the on-going assessment of the Planning Proposal.

Please find attached the following documents to assist in your consideration of this request to alter the Gateway Determination:

1. Council's Planning Proposal document which has been updated to include the proposed amendments;

2. The report and minutes for the Ordinary Meeting of Council held on Monday 21 December, 2016 which considered the proposed alteration to the Gateway Determination for this proposal.

Should you require any further information in relation to the request for altered Gateway Determination, please contact Mark Ruddiman, Senior Strategic Planner on (02) 4677 9592 between the hours of 8:00am and 4:30pm Monday to Friday or alternatively via email at mark.ruddiman@wollondilly.nsw.gov.au

Yours faithfully



Wesley Folitarik
Acting Manager Growth and Strategic Planning

