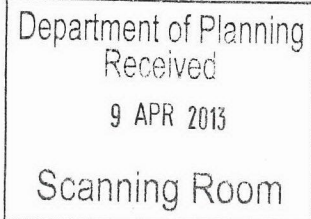


Our Reference: **6969 JRMS**

Mr Peter Goth
Regional Director Sydney West
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001



8 April 2013

PLANNING PROPOSAL – LAND ADJOINING OAKDALE SPORTSFIELDS

Dear Mr Goth,

At its Ordinary Council Meeting held on 18 March 2013 Wollondilly Shire Council resolved:

1. *That Council support the planning proposal for 'Land Adjoining Oakdale Sportsfields' to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lots 1 and 2 DP 734561 (No. 1455-1475) Burragorang Road and Lot 6 DP 734561 (No. 1838) Barkers Lodge Road, Oakdale such that:*
 - *Zone R2 Low Density Residential applies to Lot 1, Lot 2 and part of Lot 6 DP 734561*
 - *Zone E2 Environmental Conservation applies that part of Lot 6 DP 734561 that contains remnant native vegetation and habitat worthy of protection*
 - *the final zone boundaries for Zone E2 Environmental Conservation as well as the Lot Size Maps, Height of Buildings Maps, Natural Resources – Biodiversity and Natural Resources – Water maps will be amended based on further investigation with specialist studies.*
2. *That the planning proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination, with a request that the planning proposal be delegated to Council.*
3. *That the applicant be advised that Council is not prepared to either enter into a voluntary planning agreement relating to the proposed E2 zone or accept dedication of this land to Council.*
4. *That the applicant and persons who made submissions regarding the planning proposal be notified of Council's decision.*
5. *That should the proposal receive a positive Gateway determination, Council arrange a mediation session between the proponent(s) and the owners/operators of the Silver Hills Farm and the neighbours on Barkers Lodge Road to determine measures that can be agreed upon to be incorporated into the future development of the land to address concerns raised with Council. That this mediation occur prior to the exhibition of the planning proposal and any agreed outcomes be incorporated into the exhibition material for the planning proposal and incorporated into the post exhibition report to Council on the planning proposal.*

Where agreement between the parties can not be reached within a reasonable timeframe having regard to time limits imposed by the Gateway determination, advice be provided to Council detailing the issue.

6. *That the proponents be advised that as part of future planning processes that it will be imperative that they meet the Sydney Catchment Authority's requirements that all development must have a neutral or beneficial impact on water quality. That the proponents be advised that it is Council's preference that residential allotments be connected to Sydney Water's reticulated sewerage scheme.*

Wollondilly Shire Council requests the Minister for Planning & Infrastructure's Gateway Determination on the Planning Proposal in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

Please find attached the following four documents:

1. Council's **Planning Proposal** for the subject land;
2. A **Project Timeline** for the planning proposal;
3. The **Report to Council** on the proposal; and
4. Council's **Resolution** to forward the proposal to the Department.

The attached planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's 'A guide to preparing a planning proposal' and 'A guide to preparing local environmental plans'.

For further enquiries in relation to this matter, please do not hesitate to contact me on (02) 4677 1162 or via email at james.sellwood@wollondilly.nsw.gov.au.

Yours sincerely,



James Sellwood
Strategic Planner
STRATEGIC PLANNING

PE5 – Draft Planning Proposal – Land Adjoining Oakdale Sportsfields

- There have been no disclosures of donations made in regard to this application.
- Accordingly this report recommends:
 - That Council support the planning proposal for 'Land Adjoining Oakdale Sportsfields'.
 - That the planning proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination, with a request that the planning proposal be delegated to Council.
 - That the applicant and persons who made submissions regarding the planning proposal be notified of Council's decision.

BACKGROUND

Site Description

The subject site adjoins the existing urban area of Oakdale and is located directly adjacent to Oakdale Sportsfields. The site has an area of 22.7 hectares. It comprises three (3) lots:

- Lot 1 DP 734561
- Lot 2 DP 734561
- Lot 6 DP 734561

Lot 1 has an area of 2.59 hectares and Lot 2 is 2.97 hectares. Both allotments are rural residential property and each contains a dwelling. They have frontage to Burraborang Road to the north, residential development to the west, to the south is part of Willis Park and the vegetated area of Lot 6. To the east are rural residential properties.

Lot 6 has an area of 18.38 hectares and contains two (2) dam, a dwelling and outbuildings. The remnant vegetation on site appears to be relatively intact Shale Sandstone Transition Forest (SSTF), an Endangered Ecological Community under the *NSW Threatened Species Conservation Act 1995*. This is located on the north eastern portion of the property. It is bound by existing residential developments, Willis Park, Lot 1 and Lot 2 to the north, rural properties to the east and south, and low density residential development to the west. Access onto the property is via a driveway off Barkers Lodge Road.

Lots 1 and 2 have a slight slope towards Burraborang Road. Lot 6 slopes gently from Barkers Lodge Road to the east and drains to Back Creek via a lower order intermittent stream located centrally through the lot. The site is located in the Sydney Drinking Water Catchment. Storm water is currently managed through gravity overland flow over grassed areas (including swales), part of which is captured by the existing farm dams and the remainder flowing to the natural and constructed stormwater systems.

A number of threatened fauna species have been recorded in the area, with 27 species recorded within a 20 kilometre radius of the subject site.

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The site has road frontages to both Burragorang Road and Barkers Lodge Road. Burragorang Road is a regional road and collector road route providing connection between Nattai/Lake Burragorang and Camden. Barkers Lodge Road is also a Regional and collector road route providing connection between Oakdale and Picton.

The site is identified as Bushfire Prone in Council's Bushfire Prone Lands Mapping.

A due diligence survey of the site will need to be undertaken to determine if any Aboriginal Cultural Heritage Values or items of Aboriginal significance have the potential to be adversely impacted.

Description of Planning Proposal

The planning proposal requests the rezoning of the subject land from Zone RU1 Primary Production to:

- Part Zone R2 Low Density Residential for Lot 1, Lot 2 and part of Lot 6 DP 734561
- Part Zone E2 Environmental Conservation for the part of Lot 6 DP 734561 that contains remnant native vegetation and habitats worthy of protection.

The proposal also requests the amendment of the Lot Size and Height of Buildings Maps to reflect the zoning change.

The applicant proposes Delart enter into a Voluntary Planning Agreement (VPA) with Council in respect to that part of the site proposed to be in Zone E2. This proposed VPA would offer the dedication of the E2 zone land in exchange for offsets in developer contributions.

The remnant vegetation is likely to have significant potential biodiversity value, however any dedication to Council would require further investigation and consideration.

CONSULTATION

Community Consultation

Initial notification has been undertaken. The planning proposal was published on Council's website in November and December 2012 and a letter was sent to residents on 21 November 2012 with a written submission period of 28 days from 23 November to 21 December 2012.

A total of nineteen (19) submissions were received. Of these, seventeen (17) were opposed to the proposal and two (2) were neutral. One (1) of the submissions took the form of a petition signed by 114 people. Nine (9) of the submissions used a form letter template. The main issues raised in submissions received are summarised below.

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Rural Living

Concerns were raised by a number of submitters that the proposal would change the quiet village atmosphere of Oakdale and that it was contrary to Council's concept of 'Rural Living'.

Response:

It is considered that the planning proposal is in keeping with Council's concept of 'Rural Living,' it proposes the extension of low density residential housing immediately adjacent to the existing village edge of Oakdale.

Traffic, Safety & Road Infrastructure

Concerns were raised over the impact of increased traffic from new development both in terms of construction traffic and from increased population safety issues with the proximity to Oakdale Public School; and the level of colliery related traffic still using the local road network and the state of repair of local roads.

Response:

Construction traffic for any future development will be short term. Increased local traffic can be investigated by a traffic study and appropriate measures recommended should the Planning Proposal proceed Developer Contributions can be allocated to road infrastructure.

Bushfire Risk

A number of responses raised concerns over the potential bushfire risk on the site and in the Oakdale area generally.

Response:

A bushfire risk assessment will be required should the Planning Proposal proceed.

Flood Risk & Water Quality

Submissions raised concerns over the potential impact on water quality in the catchment caused by stormwater runoff and pollution from new properties.

Response:

A Total Water Cycle Management study to establish necessary measures to ensure a Neutral or Beneficial Effect (NorBE) on water quality in the catchment will be required should the Planning Proposal proceed.

Flora & Fauna

Some submissions raised concerns over the impact of the development on endangered flora and fauna on site and in the Oakdale area.

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Response:

The planning proposal makes provision for a significant stand of remnant native vegetation to be retained. A Flora, Fauna and Habitat Assessment will be required if the Planning Proposal proceeds. This Assessment is expected to recommend appropriate measures to ensure vegetation and habitat is protected and managed.

Subdivision Layout

Specific concerns were raised over the final subdivision layout, the positioning of new houses and location of new roads.

Response:

These concerns can be resolved at the Subdivision and Development Application stages should the Planning Proposal proceed and result in amendments to the LEP.

Errors/Missing Information in Documents

Concerns were raised over information that was either missing or unclear in relation to commercial details, ownership of land and the definition of some terms in the planning proposal document.

Response:

These details were identified in the document prepared by the applicant. Should Council resolve to support the Planning Proposal then Council's Strategic Planning staff shall prepare a new Planning Proposal document.

Consultation with Council staff

Environmental Services

The proposal to conserve remnant vegetation is supported. However, Environmental Services does have some concerns:

- Lot 6 DP743561 has an extensive central portion of mapped Shale Sandstone Transition Forest (SSTF) potential and this needs to be assessed and appropriate retention, enhancement or offsetting needs to be established. This may require a greater land area than is proposed to be dedicated. The isolation of this patch through potential residential subdivision needs to be investigated.
- Page 6 of the applicants proposal refers to the E2 land being dedicated to council in lieu of Section 94 contributions. The cost and resource implications of dedication, bushfire hazard management and habitat management for conservation purposes needs to be examined in detail
- A stormwater management plan needs to be created and implemented to ensure that NORBE objectives are met.

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Consultation with Government Departments & Agencies

If endorsed by Council, consultation is anticipated with the Department of Planning & Infrastructure (DP&I), the Office of Environment & Heritage (OEH) and other government agencies on the planning proposal. It is considered that, should the proposal be supported, the Gateway Determination will outline the further consultation requirements with government departments and agencies.

Further community consultation

If this planning proposal progresses, further community consultation opportunities will occur as part of the preparation and exhibition of the Planning Proposal and Specialist Studies in accordance with the Gateway process. Council has the opportunity to recommend the engagement process and other consultation appropriate for this proposal.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

The following is a preliminary assessment of the draft Planning Proposal with consideration to the relevant outcomes sought by the Community Strategic Plan.

Community Outcomes

- CO-1 The safety, health and well being of the Wollondilly community is improved
- CO-2 Services and facilities are more accessible and more fairly distributed
- CO-3 Wollondilly community is more engaged, more caring and more inclusive

The Planning Proposal will be assessed in terms of the potential for provision of essential services and facilities and opportunities for creating additional housing without having unreasonable detrimental impacts to the amenity of existing land uses. Should the Planning Proposal proceed there shall be opportunities for further community engagement.

Environment Outcomes

- EO-2 The impact of existing and new development on the environment is reduced
- EO-3 The Wollondilly community lives and works more sustainably

These matters will be taken into consideration with further detailed assessment of the Planning Proposal. To the extent that can be determined at this time there is potential for accommodating additional residential land use within the site subject to the implementation of sustainable development principles especially in relation to water quality and quantity and flora, fauna and habitat protection and enhancement.

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Infrastructure Outcomes

- IO-1 The growing vibrancy and liveability of the Shire's towns and villages enhances their strong sense of local identity and place

Essential infrastructure must be available to any proposed future development in accordance with the existing provisions of WLEP 2011 and the ability to provide essential infrastructure shall be investigated should the Planning Proposal proceed.

Governance Outcomes

- GO-1 Stronger partnerships between all levels of government and the Wollondilly community facilitate the delivery of effective and accountable services

Consultation with government agencies regarding the potential provision of service is a standard step in the Planning Proposal process.

POLICIES & LEGISLATION

Planning Proposals

Should Council resolve to support the progression of the process, a Planning Proposal shall be prepared by Strategic Planning staff in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning & Infrastructure guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Council's Options/Role

Council's options are:

1. Resolve to support this planning proposal as submitted. Council then sends it to the Minister for a Gateway Determination.
2. Resolve that the planning proposal needs to be amended before it can receive Council support and be forwarded to the Minister for Gateway Determination.
3. Resolve not to support the planning proposal. The applicant could choose to revise/amend their proposal and submit a new application. (Note that there are no appeal rights through the Land and Environment Court against Council's refusal to support a planning proposal).

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Gateway Determination

When a planning proposal has been supported by Council, it is forwarded to the Minister for Planning & Infrastructure for a Gateway Determination. The Gateway Determination is a checkpoint for planning proposals before significant resources are committed to carrying out technical studies and investigations. It enables planning proposals that are not credible or well founded or not in the public interest to be stopped early in the process before resources are committed to detailed studies and investigations, and before government departments and agencies are asked to commit their own resources to carrying out assessments.

In late 2012, Planning Circular PS12-006 described two changes to plan making processes under Part 3 of the Environmental Planning and Assessment Act 1979. These changes came into effect on 2 November 2012 and are intended to increase transparency, provide greater certainty, and increase councils' roles and responsibilities in plan making, by:

- delegating the making of some local environmental plans (LEPs) to councils; and
- allowing for independent reviews of some council and departmental decisions in the plan making process.

The changes give local councils responsibility for LEPs of local significance and streamline the processing of their LEPs by removing duplicative steps in the making of these LEPs. The delegations operate in respect of a draft LEP on receipt by council of a Written Authorisation to Exercise Delegation (the Authorisation). The Authorisation is issued to councils as part of the Gateway Determination. When submitting a planning proposal, councils are required to identify whether they wish to exercise the Authorisation for each planning proposal.

It is recommended that Council request this planning proposal be delegated to Council for the making of the LEP.

At the Gateway Determination, the Minister will decide:

- Whether the proposal is justified on planning grounds
- Whether the planning proposal should proceed (with or without variation)
- Whether the planning proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal)
- The community consultation required
- Any consultation required with State or Commonwealth agencies
- Whether a public hearing by the Planning Assessment Commission or other specified person or body is required
- The timeframes for the various stages of the procedure to make the amendment
- Whether the function of making the LEP is to be exercised by the Minister for Planning & Infrastructure or delegated to Council.

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Under the plan making procedures, the planning proposal and supporting studies are placed on public exhibition. The written local environmental plan amendment (the LEP) is prepared by Parliamentary Counsel when the planning proposal is finalised, immediately before it is made by the Minister or delegate. The LEP takes effect when it is published on the NSW legislation website.

The ultimate development of the land would then require further approvals through detailed Development Applications.

State Environmental Planning Policy 55 - Remediation of Land (SEPP55)

Under SEPP 55, planning authorities are required to consider the potential for contamination to adversely affect the suitability of a site for its proposed use. The policy states that land must not be developed if it is unsuitable for a proposed use due to contamination.

Historically the subject site may have been used for agricultural purposes which can result in contamination and therefore a Phase 1 preliminary investigation into potential contamination is required to determine whether a more detailed Phase 2 investigation and sampling is required.

Wollondilly Local Environmental Plan 2011

The site is currently within Zone RU1 Primary Production under Wollondilly LEP 2011. The minimum lot size for this area is currently 16ha. The site consists of three (3) lots, none of which have subdivision potential under the current zoning.

It is proposed to amend the provisions of WLEP 2011 as they apply to the site in the following manner:

- Zone R2 Low Density Residential for Lot 1, Lot 2 and part of Lot 6 DP 734561
- Zone E2 Environmental Conservation for that part of Lot 6 DP 734561 that contains remnant native vegetation and habitat worthy of protection.

The final zone boundaries for Zone E2 as well as the Lot Size Maps, Height of Buildings Maps, Natural Resources – Biodiversity and Natural Resources – Water maps will be amended based on further investigation with specialist studies.

Site Specific Development Control Provisions

Consideration needs to be given to Part 6 Urban release area of WLEP which requires the provision of adequate arrangements for the provision of public infrastructure and development controls to achieve planning objectives.

Site Specific Development Control Provisions may be prepared for the subject land which would include specific site objectives and development controls for the future development of the site. These provisions would be expected to include a range of design and built form controls, including (but not limited to):

PE5 – Draft Planning Proposal – Land Adjoining Oakdale Sportsfields

- Streetscape and building setbacks
- Site landscaping
- Pedestrian links
- Effective treatment of the business and rural interface
- Urban sensitive water design
- Sensitive building design which relates to the semi- rural location
- Noise mitigation measures.

The range of provisions included would be informed by specialist studies undertaken to support the proposal. Any site specific provisions would be reported to Council when prepared.

RELEVANT CONSIDERATIONS
Wollondilly Growth Management Strategy (GMS)

Planning proposals are required to be assessed against the GMS to determine whether they should or should not proceed.

The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. The site was identified as being a potential residential growth area in the Structure Plan for Oakdale in the GMS.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the proposal:

Key Policy Direction	Comment
General Policies	
P1 <i>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.</i>	The proposal, as noted throughout this table, satisfies this Key Policy Directions to the extent that can be determined at this time.
P2 <i>All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)</i>	The proposal is generally consistent with the concept and vision of 'Rural Living'. It provides for residential development directly adjoining the existing Oakdale village and for the protection of a significant stand of remnant native vegetation.
P3 <i>All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	A summary of submissions received in response to preliminary notification on this planning proposal has been presented above in the Community Consultation section of this report.
P3 <i>All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	A summary of submissions received in response to preliminary notification on this planning proposal has been presented above in the Community Consultation section of this report.

PE5 – Draft Planning Proposal – Land Adjoining Oakdale Sportsfields

Key Policy Direction	Comment
Housing Policies	
P4 <i>The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</i>	There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.
P5 <i>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.).</i>	<p>The proposal represents incremental growth of low density residential land use in keeping with adjoining land uses and the scale of Oakdale village.</p> <p>The proposal has the potential for protecting native vegetation and habitats.</p> <p>Existing infrastructure may be utilised and extended.</p>
P6 <i>Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</i>	<p>The proposal contributes toward Council's dwelling target for Oakdale outlined in the GMS.</p> <p>The Structure Plan for Oakdale includes the subject land as a 'potential residential growth area'.</p>
P8 <i>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.</i>	There is scope for a mix of lot sizes and housing types within the proposed <i>R2 Low Density Residential</i> zoning, this should be addressed at the Subdivision and Development Application stages.
P9 <i>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").</i>	The proposal is requesting an <i>R2 Low Density Residential</i> zoning directly adjacent to existing housing stock of the same density close to the centre of Oakdale.
P10 <i>Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i>	The proposal is situated directly adjacent to the existing Oakdale residential area.
Macarthur South Policies	
<i>Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area</i>	Not applicable to this proposal.

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Key Policy Direction	Comment
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes	The proposal will create short-term employment opportunities through the construction jobs associated with the civil and building works, and will contribute to the local economy by boosting population and local spending.
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>The site is not zoned to facilitate further employment opportunities.</p> <p>The land has limited potential to be used for an agricultural purpose due to its proximity to existing residential lands.</p> <p>Modest opportunities exist for home business and tradesman residency.</p>
Integrating Growth and Infrastructure	
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>Developer contributions payable at the Development Application stage will contribute to the necessary public services and facilities required to support any future development.</p> <p>Likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway Determination.</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>The site is adjacent to the existing residential area of the village.</p> <p>It is considered that this will not create an unsustainable demand on existing infrastructure.</p>
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal does not contribute toward dispersed population growth; it proposes urban growth adjacent to the existing Oakdale residential area.

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Key Policy Direction	Comment
P20 <i>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.</i>	<p>The site is located in an area identified as being a potential residential growth area on the Oakdale Structure Plan in the GMS.</p> <p>The proposal contributes toward Council's dwelling target for Oakdale as identified in the GMS.</p>
Rural and Resource Lands	
P21 <i>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.</i>	<p>The site is within the Sydney Drinking Water Catchment and further consultation with SCA is required.</p> <p>The site shall be required to connect to reticulated sewer services to avoiding contamination of the drinking water catchment.</p> <p>Flora and Fauna and Habitat investigation are needed to determine if the site has capacity for residential development.</p>
P22 <i>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.</i>	Key Policy Direction P22 is not applicable to the proposal.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the Planning Proposal application fees. Council has adopted a new fees structure for Planning Proposals which more accurately achieves cost recovery and a further fee shall be charged to the applicant for the costs of Council's editing of specialist studies.

In the last 12 months in particular Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal but has had a significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

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The applicant proposed a Voluntary Planning Agreement (VPA) whereby that part of the site to be within Zone E2 Environmental Conservation is dedicated to Council's care, control and ownership in exchange for offsets to the monetary developer contributions. This is not supported as the costs of the maintenance and management of this land would not be sustainable for Council.

CONCLUSION

The proposal is consistent in principle with Council's Growth Management Strategy and it is recommended that further investigations be undertaken into the potential suitability of the site to accommodate low density residential development as well as protect remnant native vegetation. It is therefore recommended that the planning proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination.

ATTACHMENTS

1. Map - Current Zoning
2. Map - Proposed Zoning

RECOMMENDATION

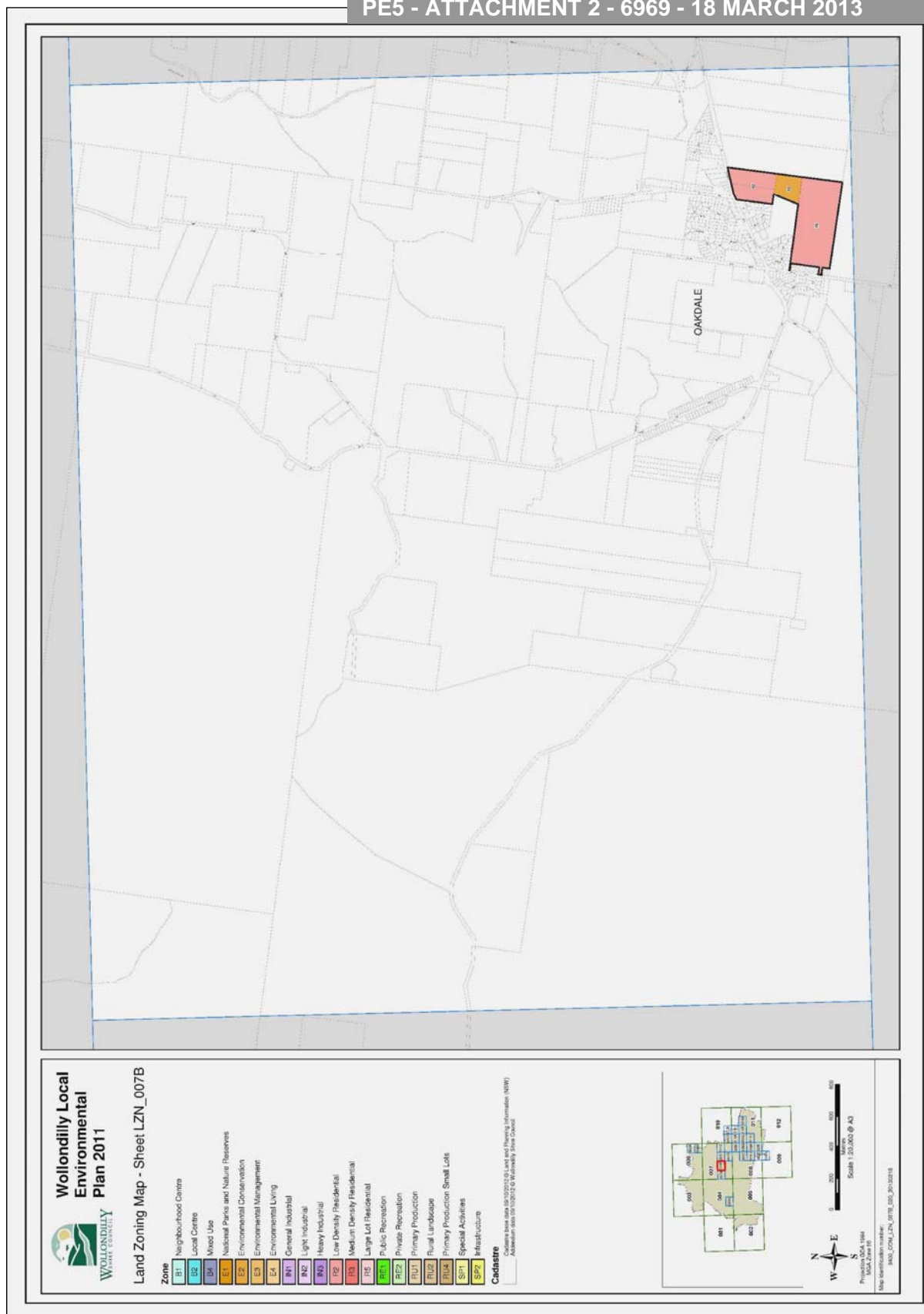
1. That Council support the planning proposal for 'Land Adjoining Oakdale Sportsfields' to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lots 1 and 2 DP 734561 (No.1455-1475) Burraborang Road and Lot 6 DP 734561 (No.1838) Barkers Lodge Road, Oakdale such that:
 - Zone R2 Low Density Residential applies to Lot 1, Lot 2 and part of Lot 6 DP 734561
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2. That the planning proposal be forwarded to the Minister for Planning & Infrastructure for a Gateway Determination, with a request that the planning proposal be delegated to Council.
3. That the applicant be advised that Council is not prepared to either enter into a voluntary planning agreement relating to the proposed E2 zone or accept dedication of this land to Council.

PE5 – Draft Planning Proposal – Land Adjoining Oakdale Sportsfields

4. That the applicant and persons who made submissions regarding the planning proposal be notified of Council's decision.

PE5 - ATTACHMENT 1 - 6969 - 18 MARCH 2013





PE5 Draft Planning Proposal – Land Adjoining Oakdale Sportsfields
249JSEI TRIM 6969

1. That Council support the planning proposal for 'Land Adjoining Oakdale Sportsfields' to amend the provisions of Wollondilly Local Environmental Plan, 2011 as they apply to Lots 1 and 2 DP 734561 (No.1455-1475) Burraborang Road and Lot 6 DP 734561 (No.1838) Barkers Lodge Road, Oakdale such that:

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5. *That should the proposal receive a positive Gateway determination, Council arrange a mediation session between the proponent(s) and the owners/operators of the Silver Hills Farm and the neighbours on Barkers Lodge Road to determine measures that can be agreed upon to be incorporated into the future development of the land to address concerns raised with Council. That this mediation occur prior to the exhibition of the planning proposal and any agreed outcomes be incorporated into the exhibition material for the planning proposal and incorporated into the post exhibition report to Council on the planning proposal.*

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 18 March 2013, commencing at 6.29pm

Wollondilly Shire and Its Planning and Economy

Where agreement between the parties can not be reached within a reasonable timeframe having regard to time limits imposed by the Gateway determination, advice be provided to Council detailing the issue.

- 6. That the proponents be advised that as part of future planning processes that it will be imperative that they meet the Sydney Catchment Authority's requirements that all development must have a neutral or beneficial impact on water quality. That the proponents be advised that it is Council's preference that residential allotments be connected to Sydney Water's reticulated sewerage scheme.***

Planning and
Economy

On being put to the meeting the motion was declared CARRIED.

Vote: Crs M Banasik, Amato, Mitchell, B Banasik, Terry, Law, Landow, Hannan and Gibbs

PLANNING PROPOSAL REQUEST

**Lots 1, 2 & 6 DP 734561
Burraborang Road, Oakdale**

APPLICATION TO REZONE LAND

Client:

Delart Pty Limited

Prepared by



SMEC Urban
Level 1, 14 Dumaresq Street Campbelltown
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Report no. 77593.01.PPR01
June, 2012

Preparation, Review and Authorisation

Revision No.	Date	Prepared By:	Reviewed By:	Approved for issue by:
77593.01.PPR01	15/06/2012	PWH	PWH	PWH

Document Certification

This report has been developed based on agreed requirements as understood by SMEC Urban at the time of investigation. It applies only to a specific task on the lands nominated. Other interpretations should not be made, including changes in scale or application to other projects.

Any recommendations contained in this report are based on an honest appraisal of the opportunities and constraints that existed at the site at the time of investigation, subject to the limited scope and resources available. Within the confines of the above statements and to the best of my knowledge, this report does not contain any incomplete or misleading information.

SIGNED:

Position: Town Planner

Date: 15/06/2012

SMEC Urban

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1.0 Introduction & Background to the Proposal

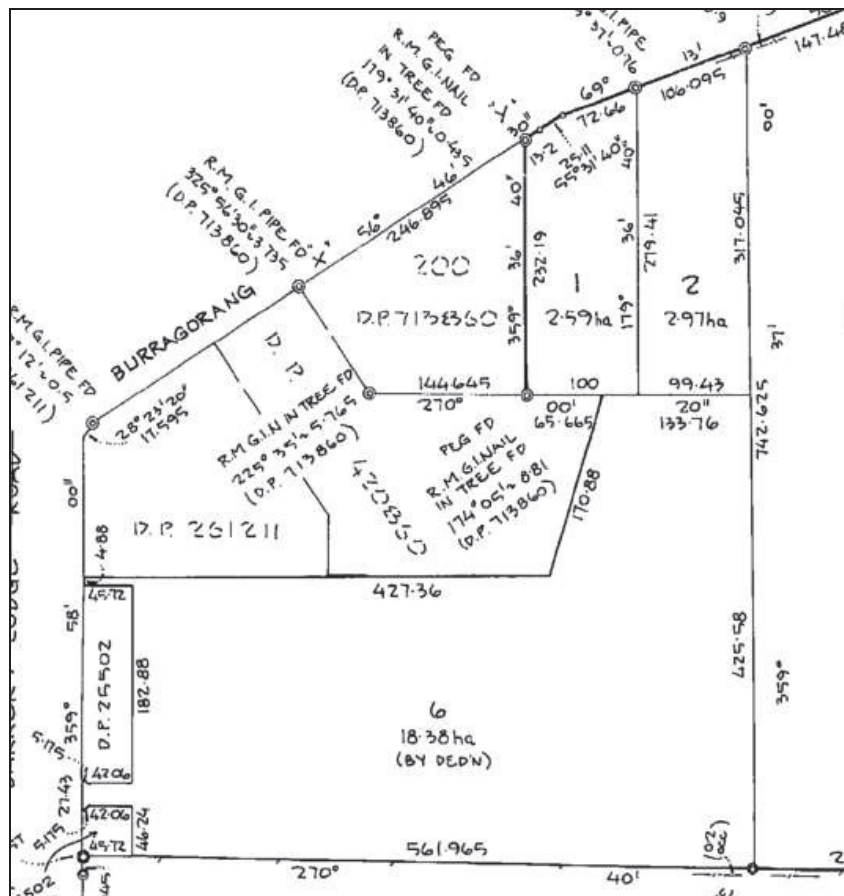
This submission to Wollondilly Shire Council has been made for and on behalf of Delart Pty Limited ('Delart'), part owners of the subject land known as Lots 1, 2 & 6 DP 734561, Burragorang Road, Oakdale ('the Subject Land'). The purpose of this submission is to support a request to Wollondilly Shire Council ('the Council') to prepare a Planning Proposal which would ultimately allow part of the Subject Land to be subdivided into residential lots.

The Planning Proposal is the first step in the making of an amendment to Wollondilly Local Environmental Plan 2011 ('WLEP 2011') in accordance with the New South Wales (NSW) Department of Planning's (DoP) 'gateway' plan-making process. This submission has been prepared with regard to the matters for consideration identified by the NSW DoP's guideline *A Guide to Preparing Planning Proposals* (July 2009) and the relevant Assessment Criteria identified as part of Wollondilly Shire Council's Growth Management Strategy 2011 ('GMS').

2.0 The Subject Site

2.1 Site Description & Context

The Subject Site comprises Lot 1, Lot 2 & Lot 6 of DP 734561. The site adjoins the existing urban area of Oakdale, directly abutting residential development along Janette Place, Kerry Place & Barkers Lodge Road and the local open space/playing field facilities at Willis Park.

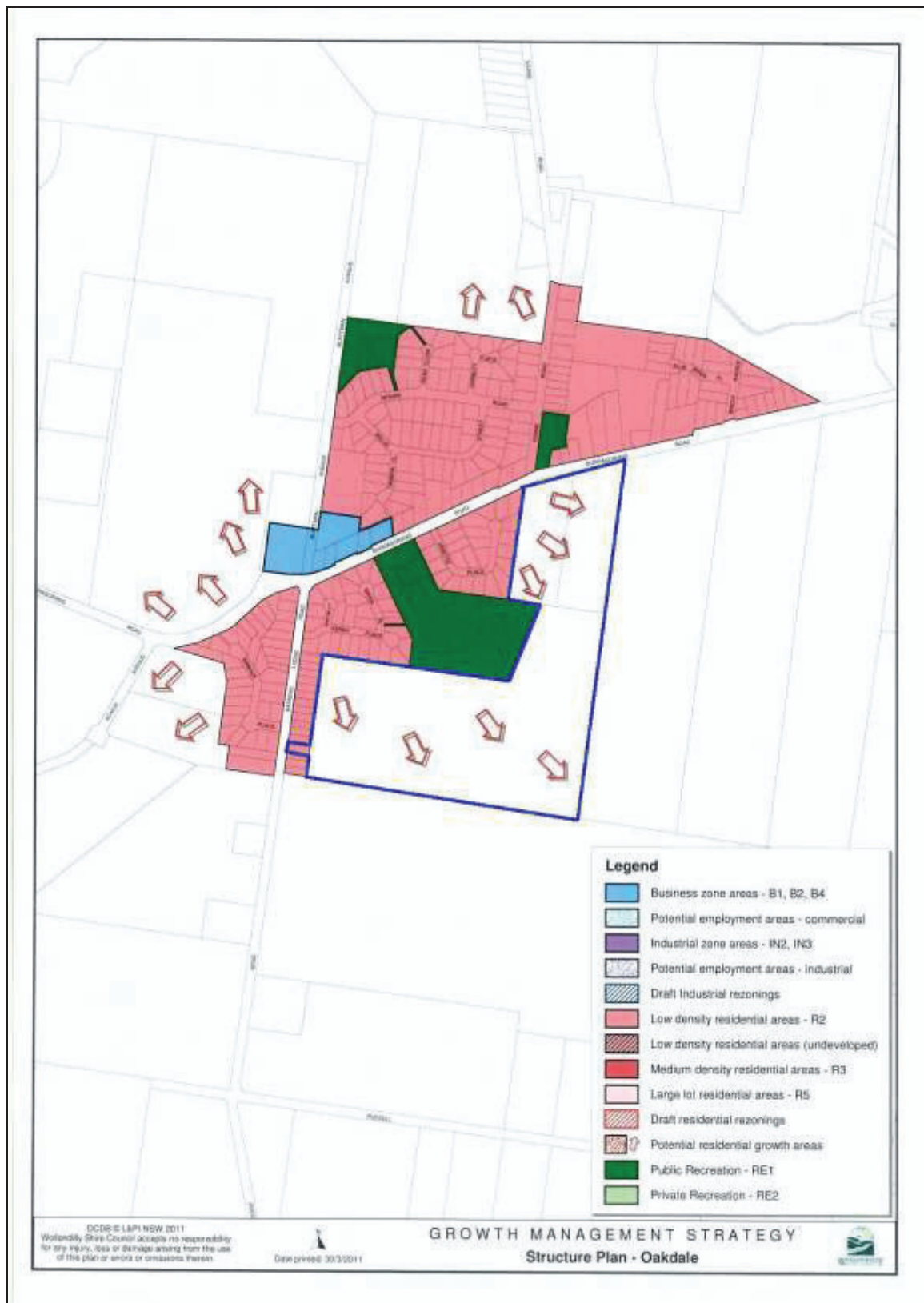


Extract from DP 734561 depicting the Subject Land

Further details about the individual lots is provided below.

- Lot 1 has an area of 2.59ha and has an existing dwelling located on site. It is bound by Burragorang Road to the north, residential development to the west, the aforementioned Lot 2 to the east and to the south by part of Willis Park and the vegetation located on the aforementioned Lot 6.
- Lot 2 has an area of 2.97ha and has an existing dwelling located on site. It is bound by Burragorang Road to the north, Lot 1 to the west, a rural residential property to the east and the vegetation located on Lot 6 to the south.
- Lot 6 has an area of 18.38ha and has two existing dams located on site. There is also remnant vegetation (appearing to be a relatively intact Shale Sandstone Transition Forest ('SSTF') community) located on the north eastern boundary of the property. It is bound by existing residential developments, Willis Park, Lot 1 and Lot 2 to the north, rural properties to the east and south, and more residential developments to the west. Access onto the property is via a driveway off Barkers Lodge Road.

The land is currently zoned *RU1 Primary Production* and has a minimum lot size of 16ha for subdivision purposes. The land has been identified in the Structure Plan for Oakdale village contained in the Wollondilly GMS as a *potential residential growth area*.



Extract from Oakdale Structure Plan contained in Wollondilly Growth Management Strategy with subject land outlined in blue

2.2 Topography & Drainage

Lots 1 & 2 gently fall towards Burragorang Road. Lot 6 falls gently from Barkers Lodge Road to the east and draining to Back Creek via a lower order intermittent stream located centrally over the lot.

2.3 Geology

The subject land is underlain with geologically stable bedrock and soils which do not present a limiting constraint to urban development, subject to appropriate management inclusive of sedimentation and erosion controls.

2.4 Flora & Fauna

A majority of the site has been extensively cleared, except for the remnant SSTF located on the north eastern boundary of Lot 6. SSTF is an Endangered Ecological Community under the NSW Threatened Conservation Act 1995.

As part of the requested amendment it would be Delart's intention to enter into a Voluntary Planning Agreement ('VPA') with Council in respect to the north eastern portion of Lot 6. With the proposed VPA, the balance of the site will remain undisturbed by this proposal.

Threatened fauna species occur in the Burragorang sub-region generally, with 27 species occurring within a 20 kilometre radius of the subject site. It will likely be a "Gateway" requirement that an assessment of significance in accordance with Section 5A of the EP&A Act and the "Threatened Species Assessment Guidelines" is undertaken, given the presence of habitat.

2.5 Water and Sewer

Reticulated water and sewerage services are provided (and maintained) to the immediate neighbourhood by Sydney Water Corporation ('SWC'). This was undertaken as part of the Priority Sewerage Program ('PSP') for The Oaks/Oakdale and Belimbla Park. However, preliminary advice from SWC is that the Subject Land is located outside of the Oaks/Oakdale PSP.

Effluent from the existing dwellings on the subject land is currently managed through onsite management systems.

Initial feasibility investigations with SWC have been undertaken. This is discussed further at *Section 4 (B2)* of this Report.

2.6 Stormwater Management

The site is located within the Lake Burragorang sub-catchment (No. 22). Storm water is currently managed in a manner consistent with other rural properties in the locality, that is gravity overland flow over grassed areas (including swales), part of which is captured by the existing farm dams and the remainder flowing to the natural and constructed stormwater systems.

Design and implementation of a simple stormwater management system, based upon principles of Water Sensitive Urban Design, will likely be further canvassed as the Gateway Process is further advanced.

2.7 Traffic/Accessibility

The subject site has road frontages to both Burragorang Road and Barkers Lodge Road. Burragorang Road is a Regional Road and collector road route providing connection between Nattai/Lake Burragorang and Camden. Barkers Lodge Road is also a Regional and collector road route providing connection between Oakdale and Picton. Since the cessation of underground coal mining at the Oakdale collieries traffic flows along Burragorang Road and Barkers Lodge Road are relatively low even during the morning and afternoon peak traffic periods. There are no adverse traffic delay or safety circumstances at the road intersections in the vicinity of the subject land, namely Egans Road, Janette Place, Blattman Avenue, Kerry Place and Banksia Place.

2.8 Bushfire Hazard

The subject site, together with the locality generally, is identified as Bushfire Prone on Council's relevant Bushfire Prone Lands Map. As part of the progression of a Planning Proposal it would be necessary to undertake a detailed bushfire hazard & threat assessment in accordance with *Planning for Bushfire Protection 2006*.

2.9 Heritage

No heritage items of local, state or national significance are known to be listed for the subject site. The nearest listed heritage items (source: Wollondilly LEP 2011) are the Wineshop Cottage approximately 1km east of the site and the Oakdale Uniting Church which approximately 120m east and on the opposite side of Burragorang Road.

There are no known sites of aboriginal heritage value located on the subject land. As part of the progression of a Planning Proposal it would be necessary to undertake a due diligence survey of the site to determine if any Aboriginal Cultural Heritage Values will be adversely impacted upon. Should the due diligence survey identify any significant impact on Aboriginal Cultural Heritage Values, further investigation and a strategy will be required to ameliorate any such impact.

3.0 Proposed Amendment to WLEP 2011

Delart are seeking to amend the current planning controls applying to the subject land to allow a higher and better land use that would be consistent with the Wollondilly GMS, be compatible with adjoining land uses and provide additional residential land for Wollondilly Shire Council which will assist in reaching targets set out in the GMS.

This request proposes:

- Amendment of the WLEP 2011 Land Zoning Map to rezone Lot 1, Lot 2 and Part of Lot 6 DP 734561 from *RU1 Primary Production* to *R2 Low Density Residential*.
- Amendment of the WLEP 2011 Land Zoning Map to rezone the remaining part of Lot 6 (the patch of vegetation at the north eastern boundary) from *RU1 Primary Production* to *E2 Environmental Conservation*.
- Amendment of the WLEP 2011 Minimum Lot Size Map

A plan depicting the plan structure as it applies to the subject land is provided at **Annexure A**.

As part of the requested amendment it would be Delart's intention to enter into a Voluntary Planning Agreement ('VPA') with Council in respect to that part of the site proposed to be zoned E2. In brief, the VPA would offer the dedication of the E2 zone land in exchange for offsets in developer contributions.

4.0 Justification

The following justification provides a case for amending the planning controls applying to the subject land.

In preparing this justification consideration has been given to the NSW DoP's guideline *A Guide to Preparing Planning Proposals* (July 2009). As part of the justification for a Planning Proposal the guideline identifies four (4) heads of consideration and a number of questions specific to each head of consideration that must be discussed with reasons explained. Those heads of consideration are:

- A – Need for the Planning Proposal*
- B – Relationship to Strategic Planning Framework*
- C – Environmental, Social & Economic Impact*
- D – State & Commonwealth Interests*

The heads of consideration, related questions and a reasoned discussion of them is provided below. In responding to these questions the guideline mentions the following matters for consideration:

- The overarching principle guiding the response to the questions should be that the level of justification is proportionate to the impact the planning proposal will have. It is not necessary to address a question if it is not considered relevant to the planning proposal, so long as the reason why the question is not relevant is briefly explained.
- In some cases it will be necessary to undertake technical studies or investigations to justify different aspects of a planning proposal. Generally, these studies or investigations should not be carried out in the first instance. Instead, the issues giving rise to the need for these studies or investigations should be identified in the planning proposal. The initial gateway determination will then confirm the studies or investigations required and the process for continuing the assessment of the proposal, including whether it will need to be resubmitted following completion of the studies or investigations.

A NEED FOR THE PLANNING PROPOSAL

A1 Is the planning proposal a result of any strategic study or report?

The planning proposal is the result of a strategic study/report, namely the GMS. The GMS articulates potential areas for residential growth of the Oakdale township and aspires a transitional rural urban-fringe around the edges of the future urban area to lock in the separation of towns and villages in Wollondilly Shire. This Planning Proposal request seeks to follow the principles of the GMS. This is discussed in further detail at *Section B2* and **Annexure B** to this submission.

A2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered to be the only means of facilitating the objectives or intended outcomes.

A3 Is there a net community benefit?

The NSW DoP's document *A Guide to Preparing Planning Proposals* (July 2009) recommends the conducting of a *Net Community Benefit Test* to help assess the merits of a planning proposal. The test is adapted from the Draft Centres Policy.

The guideline recognises that because of the difficulty in assigning values to certain costs and benefits associated with planning proposals, the Net Community Benefit Test will not be a purely quantitative test. Nevertheless, carried out diligently and in a manner proportionate to the likely impact of the planning proposal, the guideline considers it an extremely useful tool to inform debate and help decision making on planning proposals.

The guideline outlines that the assessment should only evaluate the external costs and benefits of the proposal (i.e. the externalities). The assessment should generally assume that any private costs will be cancelled out by any private benefits.

A Net Community Benefit Test as adapted from the Draft Centres Policy is provided at **Annexure C** to this submission. In summary, it is considered that the proposal would offer a Net Community Benefit by facilitating the development of additional residential land at Oakdale which would otherwise be sterilised.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**B1 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)?**

On 16th December 2010, the NSW Government released the *Metropolitan Plan 2036*, which is a follow up of the 'City of Cities' *Metropolitan Strategy* released in 2005. The *Draft South West Subregional Strategy* still remains a draft and will be considered in this submission.

As detailed in the Net Community Benefit Test (**Annexure C**) and in discussing relevant s117 Directions (**Annexure D**) it is considered that the requested planning proposal is consistent with the Metropolitan Plan and the Draft Subregional Strategy for the following reasons:

- Objective D1 of the *Metropolitan Plan 2036* is to ensure an adequate supply of land and sites for residential development. Two Action Plans have been devised to achieve this objective.
- Action D1.1 of the *Metropolitan Plan 2036* requires that at least 70 per cent of new dwellings (about 540,000 homes) will be located within existing urban areas. Also, under the Action, Greenfield development is to continue to contribute to Sydney's housing supply as the remainder of new dwellings (about 230,000 homes) is to be located in well-planned new precincts. This rezoning proposal will generally be consistent with the Action.
- Action D1.2 requires Councils to incorporate the Plan's targets and strategic directions into their LEPs. The targets set out in the *Metropolitan Plan 2036* represent a minimum and the Plan encourages Councils to plan for higher capacity where appropriate. The proposed rezoning of the subject land will contribute to achieving the target number of dwellings as set out above in the Metropolitan Plan.

- The Draft South West Subregional Strategy aims to have provided 155,000 new homes within the subregion for the period up to 2031. In respect to the Wollondilly LGA it identifies a target for the period of 5,230 additional dwellings, comprising 1,230 additional infill housing and an additional 4,000 as Greenfield development. It is noted that this figure differs from that nominated in the GMS. Notwithstanding, the proposed rezoning would support the aspirations for additional dwellings in the Wollondilly LGA.

B2 Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Wollondilly Growth Management Strategy 2011 ('GMS')

The GMS is a policy document with associated mapping which contains key directions and principles to guide proposals and Council decisions on growth. *Appendix 1* to the GMS provides an Assessment Criteria which aims to achieve the Key Policy Directions. The GMS states that the Assessment Criteria *will apply to any planning proposal which seeks to develop land for residential and employment uses as outlined in the GMS. All planning proposals will need to address and be consistent with these criteria.*

Annexure B to this submission sets out the relevant Assessment Criteria to this proposal and comments on its consistency with the criteria.

In addition to the Assessment Criteria, the GMS also provides a number of Key Policy Directions. The relevant direction is set out below:

- *P1 All land use proposals need to be consistent with the Key Policy Directions and Assessment Criteria contained in this GMS in order to be supported by Council*

Comment: The Planning Proposal is consistent with the relevant Key Policy Directions as listed and discussed below.

- *P2 All land use proposals need to be compatible with the concept and vision of "Rural Living"*

Comment: Section 2.7.1 of the GMS identifies nine (9) characteristics of rural living, with the characteristic particularly relevant to this proposal being *buildings and development*:

"New development aims to be sympathetic to the existing form and traditional character of our built environment which is an integral part of our townscapes, rural landscapes and cultural heritage".

The Planning Proposal will not offend the concept and vision of "Rural Living". The proposal represents a logical planning outcome for the future growth of Oakdale township by providing limited infill residential development along the Burragorang Road edge of the subject land and a proposed 700m² minimum lot size area which mirrors the future planning outcomes already established for the Oakdale township.

Along the eastern boundary of current Lots 2 & Lot 6, the proposed extent of the rezoning is justified by the natural landscape setting. The proposed lot size is

considered sufficient to not adversely impact on the townscape, rural landscape and cultural heritage.

- *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)*

Comment: The Planning Proposal is considered to be appropriate growth because it is a relatively small scale rezoning. The subject land is also adjacent to existing residential developments, reducing infrastructure limitations.

- *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.*

Comment: The proposal will support the delivery of housing types and diversity consistent with existing adjoining residential developments. Given the site's location/context, the proposal best accommodates the vision of 'Rural Living' as defined in the GMS. Toward Burragorang Road, the proposal will be a continuation of the existing residential development and will extend to the eastern boundary of Lot 2 & Lot 6.

- *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")*

Comment: The proposal is consistent with this policy direction by providing for lower density on the edge of the Oakdale township.

- *P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages*

Comment: The proposed development is directly adjacent to existing residential dwellings and rural residential areas in the Oakdale township. The proposed development is within proximity of the existing village shopping centre located across Burragorang Road.

- *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.*

Comment:

Water & Sewer

The adjoining existing residential development is currently serviced with reticulated water and sewer, telephone, gas and electricity. The subject land is currently serviced by overhead telephone and electricity services.

Preliminary advice from Sydney Water Corporation ('SWC') is that the Subject Land is located outside the Oaks catchment of the Oaks/Oakdale Priority Sewerage Program (PSP). Based on a preliminary investigation, SWC have advised that there is limited and inadequate capacity for both:

- The 225mm transfer main from Oakes to SPS 780 (pumping station where sewerage discharge from this catchment drains to) of the West Camden Sewer System; and the
- Sewerage Pumping Station (SPS 780)

Accordingly it would be necessary to (i) amend the approved operating boundaries for the sewerage scheme to allow the proposed development to connect to the sewerage scheme and (ii) undertake detailed sewer modelling to ensure the existing system has capacity to cater for the proposed flows. Should Council support the proposal these could be matters to be addressed as part of the Gateway determination.

Roads & Transport

The land is surrounded and accessed by dedicated public roads, being Burragorang Road and Barkers Lodge Road which are sealed regional collector roads.

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

Community & Retail Facilities

Oakdale has the following community services and facilities available:

- Oakdale Public School
- Oakdale Workers Club
- Catholic & Uniting Churches
- Willis Park & Sid Sharp Oval
- Oakdale Community Hall & Tennis Courts

The existing community service facilities are considered to have adequate capacity to meet the demand of current and future residents generated by this planning proposal. Indeed, an increase in the local population would strengthen the viability and patronage of these community services and facilities.

The existing commercial area within Oakdale comprises an overwhelming majority of vacant retail premises; largely due to a lack of population and subsequent demand for services. An increased population as a result of rezoning would provide an increase in feasibility for small businesses to establish in the area.

- *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*

Comment: The proposed development would be a natural extension of the Oakdale township, making the provisions of services and infrastructure efficient and viable.

- *P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres*

Comment: The proposed development is directly adjacent to existing residential dwellings and rural residential areas.

- *P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor area (PTT) and the Bargo area. Appropriate smaller growth opportunities are identified for other towns*

Comment: The planning proposal is located within the Oakdale area and will assist in implementing smaller growth opportunities as foreseen for Oakdale by the GMS.

- *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 and practicable, existing dwelling and subdivision entitlements in rural areas.*

Comment: The planning proposal is not located in a dispersed rural area.

The Planning Proposal assists in the achievement of, or is consistent with all of the above relevant Key Policy Directions.

Wollondilly Community Strategic Plan 2030 ('CSP')

The CSP identifies and expresses the aspirations held by the community of the Wollondilly Shire, and will assist in building a resilient community. It aims to highlight the way forward for the Wollondilly Shire through five (5) key focus areas of Community, Economy, Environment, Infrastructure and Governance.

There are ten (10) Community Outcomes along with a number of key strategies outlined in this plan. The Community Outcomes have been developed in response to community feedback and local knowledge.

Of specific relevance to this proposal is the focus area of Economy. Eight (8) key strategies were identified within the Draft CSP in relation to the economy, and the community was asked to prioritise these strategies in order of importance. The top three priorities in relation to economy were then cross referenced with the feedback obtained through Community Research, and two community outcomes for the economy were determined.

The community outcome relevant to the consideration of this proposal is:

"A Community that is supported through appropriate, sustainable, land use."

In respect to this proposal the relevant priority key strategy is EC7:

"Support the economic viability of our towns and villages by encouraging appropriate residential development in and around those towns."

This proposal would be consistent with this key strategy by providing for a scale of residential development in and around the Oakdale township appropriate to location and context.

B3 Is the planning proposal consistent with applicable state environmental planning policies?

A review of State Environmental Planning Policies ('SEPPs') has been undertaken. Whilst a number of policies may be applicable at the development application stage those applicable to this planning proposal are:

- *State Environmental Planning Policy no. 55 – Remediation of Land* ('SEPP 55');
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* ('Water Catchment SEPP')
- *Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River* (No 2—1997) ('SREP 20')

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 of this request are used and occupied for rural residential and low intensity agriculture (horse agistment) purposes. Improvements are generally limited to dwellings, rural sheds, 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.

Water Catchment SEPP

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.

SREP 20

Clause 4 of SREP 20 requires consideration of the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 in the preparation of an environmental planning instrument.

Consideration of the 'clause 5' matters is set out below:

Matters	Comment
(a) Aim of the Plan	The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Potential impacts of any significance relate to water quality impacts. See discussion under Water Catchment SEPP of this submission.
(b) strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy	Subject to appropriate management of water quality impacts the scale of the proposal is unlikely to be unacceptable in terms of the Action Plan strategy.
(c) any feasible alternatives to the development	The alternatives to the proposal would be (i) do nothing or (ii) provide for rural residential development rather than low density urban. In our view these approaches would not be feasible given that the long term planning strategy for the land i.e. the GMS is one of potential residential development.
(d) relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored	See discussion under Water Catchment SEPP of this submission.

Consideration of the 'clause 6' matters is set out below:

Matters	Comment
1.Total catchment management	See discussion of water quality under Water Catchment SEPP of this submission.
3.Water quality	See discussion of water quality under Water Catchment SEPP of this submission.
5.Cultural heritage	The site contains no listed heritage items of local, state or national heritage significance. There are no known items of significance in terms of indigenous heritage. This could be confirmed by a due diligence assessment, should the proposal proceed to a favourable Gateway determination.
6.Flora & Fauna	See discussion of flora & fauna at section C1 of this submission.
10.Urban Development	Strategy 10(b) calls for consideration of urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development). It is considered that the proposed zoning & lot size changes proposed is the most appropriate urban design options given the site location/context.
12.Metropolitan Strategy	Impacts in terms of waste disposal, air quality and predicted climate change are considered negligible when taking into account the scale of the proposal.

B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Appendix D to this submission sets out the relevant s117 directions to the proposal, comments in respect to each of the directions and an assessment as to whether the proposal would be consistent with that direction. Having regard to the assessment provided at Appendix D the proposal is considered to be either consistent with the relevant s117 directions or where not consistent, justified.

C. ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

C1 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?

Those parts of the subject site proposed to be rezoned residential are cleared, with those parts containing the endangered ecological community SSTF and having the potential to provide habitat for threatened species or populations proposed to be zoned *E2 Environmental Conservation*. On this basis it is considered that there would be little likelihood of adverse effects as a result of the proposal. If necessary a detailed flora & fauna assessment could be undertaken following a favourable Gateway determination.

C2 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

This has been discussed when considering the Water Catchment SEPP at *Section 4 (B3)*.

Bushfire

Please refer to *Section 2.8* of this submission.

Traffic

The planning proposal would have the potential to yield approximately 200 residential lots involving an access road connection to both Burragorang Road (servicing approximately 50 lots) and Barkers Lodge Road (servicing approximately 150 lots).

Lots gaining access from Burragorang Road would be adjoined to the west by existing residential lots located in Janette Place. The proposed access road to Barkers Lodge Road is adjoined to the north and south by existing residences having direct access to this road.

As previously stated Burragorang Road and Barkers Lodge Road are Regional collector roads with relatively minor traffic flows with no adverse traffic delay or safety circumstances at intersections in the vicinity of the subject site. There is a 60kph speed restriction on both these roads in the vicinity of the subject site. Both these

roads are relatively straight and level at this locality and there is considered to be adequate sight distance in all directions. Burragorang Road has one traffic lane in each direction with a widened shoulder on the northern side facilitating right-turn movements into and out of the subject site. Barkers Lodge Road has one traffic lane in each direction with a widened shoulder on both sides facilitating both left and right-turn movements into and out of the subject site.

Burragorang Road is a bus service route operated by Busways and providing connection to Camden and the regional area beyond.

The RTA 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 some 42 vtph to Burragorang Road and some 127 vtph to Barkers Lodge 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 Burragorang Road;
- assessing the operational performance of the key intersection of Burragorang Road and Barkers Lodge Road with the additional development volumes and whether any upgrading works are required;
- assessing the suitability of the proposed development access roads and their intersection with Burragorang Road and Barkers Lodge 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.

C3 How has the planning proposal adequately addressed any social and economic effects?

The requested 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* and *E2 Environmental Conservation* land uses are considered to be having the capability to be compatible with the surrounding land uses.

The Planning Proposal will play a part in achieving the will assist in reaching 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 dedication of the proposed E2 area as part of a VPA would also conserve for the future the existing SSTF community 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.

D STATE AND COMMONWEALTH INTERESTS

D1 Is there adequate public infrastructure for the planning proposal?

Please refer to the previous discussion of water, sewer and traffic infrastructure in this report. In summary:

- The adjoining existing residential development is currently serviced with reticulated water and sewer, telephone, gas and electricity. The subject land is currently serviced by overhead telephone and electricity services.
- The subject land is located outside the Oaks catchment of the Oaks/Oakdale Priority Sewerage Program (PSP).
- Burragorang Road and Barkers Lodge Road are Regional collector roads with relatively minor traffic flows with no adverse traffic delay or safety circumstances at intersections in the vicinity of the subject site.
- There is a bus service operated by Busways running along Burragorang Road providing a public transport connection to Camden and beyond.

5.0 Conclusion

This rezoning submission seeks to rezone Lot 1, Lot 2 & Lot 6 of DP 734561 within the Oakdale township.

The rezoning seeks to rezone the site from *RU1 Primary Production* to part *R2 Low Density Residential* and part *E2 Environmental Conservation* under WLEP 2011, along with amending the minimum lot size maps to apply a 700m² minimum lot size and the VPA offering the dedication of the E2 zone land.

Put simply, the proposal represents a logical and obvious planning outcome for the future growth of the Oakdale Township by providing limited infill residential development with a proposed 700m² minimum lot size area which mirrors the planning outcomes of the already established residential areas of the Oakdale Township. When taking into account the site context the proposal presents the opportunity for a development that is complementary to its context as the rural-urban interface of the township of Oakdale.

In terms of policy and the strategic context we do not consider that the proposal submitted would be at odds with the visions and actions for the relevant state, sub-regional and local planning strategies. A continuance of the status quo would serve no planning benefit and would forgo the opportunity to provide for orderly and economic development.

The principle constraints to the Planning Proposal proceeding are considered to be servicing (sewer), water quality, traffic and bushfire threat. These are matters which can be further investigated should the proposal receive Council support and a favourable Gateway determination.

It is our conclusion that the proposed rezoning is considered as having clear merit. On behalf of our clients we respectfully requests Council's support.

Paul Hume
Town Planner
SMEC Urban
June, 2012

ANNEXURE A

STRUCTURE PLAN

ANNEXURE B

RELEVANT GMS CRITERIA ASSESSMENT

State and Regional Strategies and Policies	
Criteria	Response
NSW State Plan, Metropolitan Strategy, Sub-Regional Strategy	See <i>Section 3 (B1)</i> of this submission. Consistent with relevant provisions.
State Planning Policies	See <i>Section 3 (B3)</i> . Consistent with relevant provisions.
Ministerial Directions	See <i>Annexure D</i> to this submission in chief. Consistent with the relevant provisions, or where not consistent is justified.
LEP Framework	The proposed amendments to WLEP 2011 would be in accordance with the Standard Planning Instrument.

Local Strategies and Policies	
Criteria	Response
Key Policy Directions on the GMS	See <i>Section 3 (B2)</i> of this submission. Consistent with the relevant provisions.
Precinct Planning	N/A
Wollondilly Community Strategic Plan	See <i>Section 3 (B2)</i> of the submission in chief. Consistent with the relevant provisions.

Project Objectives and Justification	
Criteria	Response
Overall Objective	See Section 2 of this submission. Consistent with the relevant provisions.
Strategic Context	See Section B of the submission. Consistent with the relevant provisions.
Net Community Benefit?	See Annexure C of the submission. Consistent with the relevant provisions.
Summary of Likely Impacts	See Section C of the submission. Consistent with the relevant provisions.
Infrastructure and Services	See Section 3 (B2) Direction P17 & Section 3 (C2) of this submission.
Supply and Demand Analysis	When taking into account the scale of the proposed LEP amendment it is not considered that a detailed supply and demand analysis is warranted. Notwithstanding, it is considered reasonable to state that there is limited vacant land supply in the Oakdale township for the types of lot size proposed and the proposal offers an opportunity to service potential demand.
Site Suitability/Attributes	The land is adjoined on its boundaries by residential and rural residential development. As previously commented the proposed rezoning would infill appropriately with residential development along Burragorang Road. It will create a similar town edge treatment currently provided in the Oakdale township and would not lead to land use conflict. Traffic generation from the resulting development would still be within the environmental capacity of the surrounding road network.

Preserving Rural Land and Character	
Criteria	Response
Character Setting	The proposed development is consistent with surrounding land uses and will maintain the rural character.
Visual Attributes	The proposed development would not unacceptably impact on the visual character of the locality by reason that (i) it is essential infill development; (ii) the proposed lot sizes provide for an appropriate visual transition at the edge of the township; and (iii) would not cause the removal of significant landscape features.
Rural and Resource Lands	The land currently is not used as an agricultural holding and is unlikely to be considered as a viable agricultural holding in the future. The development will not restrict opportunities for future agricultural uses on adjacent lands.

Environmental Sustainability	
Criteria	Response
Protection and Conservation	The proposal will not require the removal of significant remnant vegetation. See <i>Section 3 (C1)</i> of this submission.
Water Quality and Quantity	See <i>Section 3 (C2)</i> of this submission.
Flood Hazard	Subject land is not affected by floods other than localised areas contained in minor depressions.
Geotechnical/Resources/Subsidence	The topography of the precinct is best described as being gently sloping and naturally drain to Back Creek to the north-east.
Buffers and Spatial Separation	The subject land is not within a Mine Subsidence District. Proposed use is consistent with that of adjoining/hearby development and is therefore considered compatible.
Bushfire Hazard	See discussion at <i>Section 3 (C2)</i> of this submission.
Heritage	The site contains no listed heritage items of local, state or national heritage significance. It is considered likely that the extent of historical site disturbance would cause the site to be of no significance in terms of indigenous heritage. This could be confirmed by a due diligence assessment, should the proposal proceed to a favourable Gateway determination.
Resource Sustainability	Opportunities for energy efficiency, water recycling and reuse and waste minimisation can be readily applied to future residential development arising.

Infrastructure	
Criteria	Response
Efficient Use and Provision of Infrastructure	The site immediately adjoins existing urban infrastructure, thereby making it an efficient use of such.
Transport Road and Access	See discussion at <i>Section 3C2</i> of this submission.
Open Space	Local open space requirements would be readily catered for by existing facilities in the Oakdale village. Furthermore the proposed dedication of the section of the site containing SSTF would add to open space in the locality.

Residential Lands	
Criteria	Response
Location/Area/Type	Proposal consistent with land identified under the GMS for town edge development.
Social Integration	Gated community not proposed. Variety of housing product achievable. The existing and future street network servicing the proposal provides good opportunity for informal social interaction.
Urban on Town Edge	Subject land is contiguous with existing urban land & within practical walking distance of village services. Discussion within this submission demonstrates the suitability of the proposed scale of residential development to the context and location; achieves physical and visual integration with the existing edge of town and allows for a mix of housing types. The proposed R2 component would be in line with suggested density range. Refer to previous discussion of services. Land is connected to existing path networks. Scale of proposal does not warrant the inclusion of community land or facilities other than that offered by the proposed VPA.

ANNEXURE C

NET COMMUNITY BENEFIT TEST

Key Criteria	Y/N	Assessment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)? Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Y	The LEP is considered to be compatible with the Sydney Metropolitan Plan 2036 and the Draft South West Subregional Strategy by supporting increased opportunities for residential housing within the Wollondilly Shire Area without compromising environmental objectives
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	N	The subject land is not identified within a key strategic centre or corridor.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	N	The LEP amendment would be unlikely to change the expectation of landowners or landholders as it is consistent with Council's exhibited & adopted GMS.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	Council has received a planning proposal request for 35 Egans Road Oakdale, anticipated yield of approximately 30 residential lots. The planning proposal has received approval at Gateway.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	N	The LEP amendment does not facilitate permanent employment generating activity. It would not result in a loss of employment lands.

Key Criteria	Y/N	Assessment
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	The LEP would have a positive impact on residential land & housing supply and affordability by increasing dwelling yield in the Oakdale area. Contributing to the required extra 350 dwellings as stated in GMS.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Y	<p>The existing and planned transport, water & electricity infrastructure would be considered capable of absorbing the additional demand created by this proposal.</p> <p>Investigations for the amplification of existing sewer is required to be undertaken to service future development.</p>
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N/A	N/A
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	Y	The two areas of infrastructure considered to be of relevance are sewer infrastructure and impacts on water quality. The advice from Sydney Water indicates that further investigation is required in respect to the capacity of the sewer main and pumping station which would service this development. As the site is within the drinking water catchment for Warragamba Dam any future development would need to ensure either a neutral or beneficial effect on water quality. These are matters which can be further investigated should Council support and a favourable Gateway determination be received.

Key Criteria	Y/N	Assessment
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The proposal would conserve that part of the site having high biodiversity values. The land would not be adversely constrained by flooding.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Y	The proposed rezoned R2 and E2 land would readily integrate with the surrounding residential and public recreation land. The resulting amenity and public domain impacts caused by the minor extension of the planned villages are considered negligible.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The development would, however, contribute to the improved trade of the Oakdale local centre.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Y	The proposal supports the implementation of development consistent with the GMS – it is therefore in the public interest. If it were not to proceed it would only sterilise the development of land identified as having such potential and may indirectly lead to additional pressure to develop other lands not identified as appropriate for development.
Will the public domain improve?	Y	The proposed VPA would expand the size of the public domain.

ANNEXURE D

SECTION 117 DIRECTIONS

s.117 Direction	Comment	Consistent?
<p>1.2 Rural Zones</p> <p><u>Objectives:</u></p> <p>(1) the objective of this direction is to protect the agricultural production value of rural land.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal must:</p> <p>(a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</p> <p>(b) not contain provisions that will increase the permissible density of land within a rural zone.</p> <p><u>Consistency</u></p> <p>(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:</p> <p>(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction.</p>	<p>The subject land is currently zoned RU1 – Primary Production and it is proposed to rezone the land to part R2 – Low Density Residential and E2 – Environmental Conservation.</p> <p>It is also proposed to amend the Lot Size Map as it applies to the subject land from AB1 (16ha min. lot size) to Q (700sqm min. lot size).</p> <p>Please refer to <i>Section 3 (B1)</i> of this submission.</p>	<p>No, but justified.</p> <p>No, but justified.</p> <p>Yes</p>

s.117 Direction	Comment	Consistent?
<p>2.1 Environment Protection Zones</p> <p><u>Objective:</u></p> <p>(1) The objective of this direction is to protect and conserve environmentally sensitive areas.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for the minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands"</p>	<p>The areas nominated for additional residential development within our clients land holdings are not considered environmentally sensitive areas. Those parts that are sensitive are proposed to be zoned E2 and dedicated to Council pursuant to a VPA.</p>	<p>Yes</p> <p>Yes</p>

s.117 Direction	Comment	Consistent?
<p>2.3 Heritage Conservation</p> <p><u>Objective:</u></p> <p>(1) The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>The site contains no listed heritage items of local, state or national heritage significance. It is considered likely that the extent of historical site disturbance would cause the site to be of no significance in terms of indigenous heritage. This could be confirmed by a due diligence assessment, should the proposal proceed to a favourable Gateway determination.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

s.117 Direction	Comment	Consistent?
<p>3.1 Residential Zones</p> <p><u>Objective:</u></p> <p>(1) The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market,</p> <p>(b) make more efficient use of existing infrastructure and services,</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe,</p> <p>(d) be of good design.</p> <p>(5) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	<p>The proposal would broaden housing choice and be consistent with efficient use of infrastructure.</p> <p>Yes</p> <p>Existing urban infrastructure and services immediately adjoin.</p> <p>Yes</p> <p>Whilst located on the immediate edge of the Oakdale village it would be consistent with the natural growth of the village as sought by Council's GMS.</p> <p>Yes</p> <p>Adequate arrangements for servicing would be dealt with as part of advancing the proposal post-Gateway determination.</p> <p>Yes</p> <p>The Planning Proposal being sought does not seek to reduce permissible residential density.</p> <p>Yes</p>	

s.117 Direction	Comment	Consistent?
<p>3.4 Integrating Land Use & Transport</p> <p><u>Objective:</u></p> <p>(1) The objectives of this direction ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. <p><u>What a relevant planning authority must do:</u></p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"> (a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001). 	<p>The proposed rezoning will only be minor extensions to an already zoned residential release area and therefore will not affect transport.</p>	<p>Yes</p>

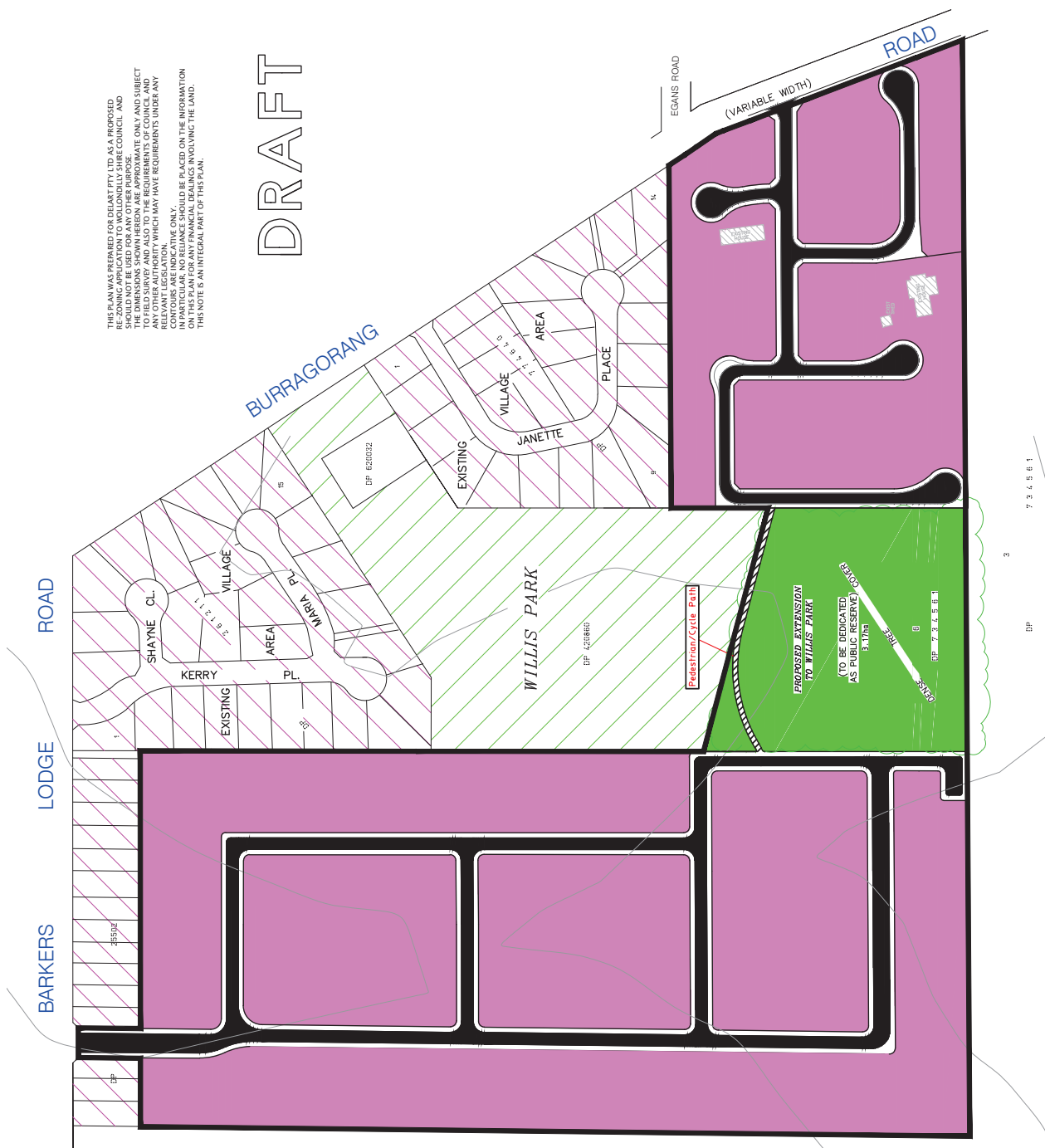
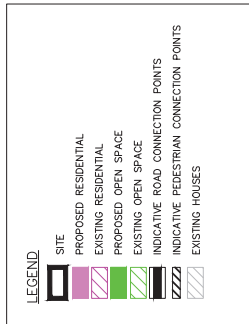
s.117 Direction	Comment	Consistent?
<p>4.4 Planning for Bushfire Protection</p> <p><u>Objectives:</u></p> <p>(1) The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) a planning proposal must:</p> <p>(a) have regard to <i>Planning for Bushfire Protection 2006</i>,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p>	<p>Adequate arrangements for bushfire protection, having regard to PBP 2006, would be dealt with as part of advancing the proposal post-Gateway determination.</p> <p>See above.</p> <p>See above.</p> <p>See above.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

s.117 Direction	Comment	Consistent?
<p>4.4 Planning for Bushfire Protection (continued)</p> <p>(6) a planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the <i>Rural Fires Act 1997</i>), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed (f) introduce controls on the placement of combustible materials in the Inner Protection Area. 	<p>Adequate arrangements for bushfire protection, having regard to PBP 2006, would be dealt with as part of advancing the proposal post-Gateway determination.</p>	<p>Yes</p>

s.117 Direction	Comment	Consistent?
<p>6.1 Approval and Referral Requirements</p> <p><u>Objective:</u></p> <p>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>(i) the appropriate Minister or public authority, and</p> <p>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of s.57 of the Act.</p>	<p>The requested planning proposal does not seek to include further provisions to WLEP 2011 in respect to the concurrence, consultation or referral of development applications to a Minister or public authority.</p>	<p>Yes</p>

s.117 Direction	Comment	Consistent?
<p>6.2 Rezoning land for Public Purposes</p> <p><u>Objectives:</u></p> <p>(1) The objectives of this direction are:</p> <p>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>(b) to facilitate the removal of reservation of land for public purposes where the land is no longer required for acquisition</p> <p><u>What a relevant planning authority must do:</u></p> <p>(4) A planning proposal request must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</p>	<p>Proposal will not create, alter or reduce existing zonings or reservations of land for public purposes.</p> <p>Yes</p>	
<p>7.1 Implementation of the Metropolitan Strategy for Sydney 2036</p> <p><u>Objective:</u></p> <p>(1) The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p> <p><u>What a relevant planning authority must do:</u></p> <p>(1) Planning proposals shall be consistent with:</p> <p>(a) the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan").</p>	<p>Please refer to Section 3(B1) of this report for the discussion of how the planning proposal is consistent with the metropolitan plan.</p> <p>Yes</p>	

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Scale @ A1

Designed P. Hume	Drawn M. SMITH	Checked P. Hume	Authorised P. Hume	Date NOV 2011
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Principal
DELAWARE PIV Ltd

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BURRAGORANG ROAD
WOOLLYONDILLY SHIRE COUNCIL
PLANNING PROPOSAL - STRUCTURE PLAN

Drawing No. 77593.01 P04

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Sheet No. 1 of 1

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Land Adjoining Oakdale Sportsfields Planning Proposal – Project Timeline

Principal Steps	Anticipated commencement	Anticipated completion
Commencement (Gateway Determination)	May 2013	May 2013
Government agency consultation (pre-exhibition)	June 2013	July 2013
Required studies	July 2013	January 2014
Public exhibition	February 2014	March 2014
Government agency consultation (during and post-exhibition)	February 2014	April 2014
Consideration of Submissions	April 2014	May 2014
Consideration of Proposal Post Exhibition	June 2014	July 2014
RPA resolve to request the making of the Plan	August 2014	October 2014