

# **PLANNING PROPOSAL REQUEST**

## **Amendments to Subdivision Land Zoning, Lot Size and Heights of Buildings**

**Lot 3 DP 1201486, 80 SILVERDALE ROAD, THE OAKS**



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**Prepared by:**



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# 1 Introduction

## 1.1 BACKGROUND

### 1.1.1 PREVIOUS SUBMISSION<sup>1</sup>

At the Council meeting of 16 July 2016, it was resolved that the Planning Proposal for the subject property be forwarded to the Minister of Planning and Environment for a Gateway Determination. A Gateway Determination was issued on 8 December 2016. The Determination was altered on 10 October 2018. On 21 December 2020, the applicant was advised by the Department of Planning, Industry & Environment that the matter should not proceed until some outstanding matters were resolved, which included updating the Local Housing Strategy and:

1. potential impacts on Shale Sandstone Transition Forest and Aboriginal Cultural Heritage have not been addressed;
2. many remaining matters are unresolved due to the absence of required studies and documentation required by the Gateway determination;
3. the proposal is inconsistent with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA; and
4. there planning proposal inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 5.5

The subject site occupies a prominent position on Silverdale Road adjoining existing residential development to the south. It is so positioned and of a nature that lends itself to a design led low density sustainable residential outcome. In realising its inherent potential, it provides an opportunity to provide premium low density housing precinct contributing importantly supply at a modest scale to combating the emerging deficiency in traditional housing products/living environments.

### 1.1.2 CONCEPT LAYOUT PLAN

Having established the environmental sensitivities of the site, including prevailing hazards and service infrastructure requirements, a vision for a sustainable, character led low density urban module was developed. The relevant Indicative Layout Plan (ILP) is produced below as **Figure 1**. **Figure 2** shows the subject property. The proposal is to create nine (9) lots with a minimum lot size of 4,000m<sup>2</sup>.

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<sup>1</sup> Refer to Section 2.1 for the description of the subject property

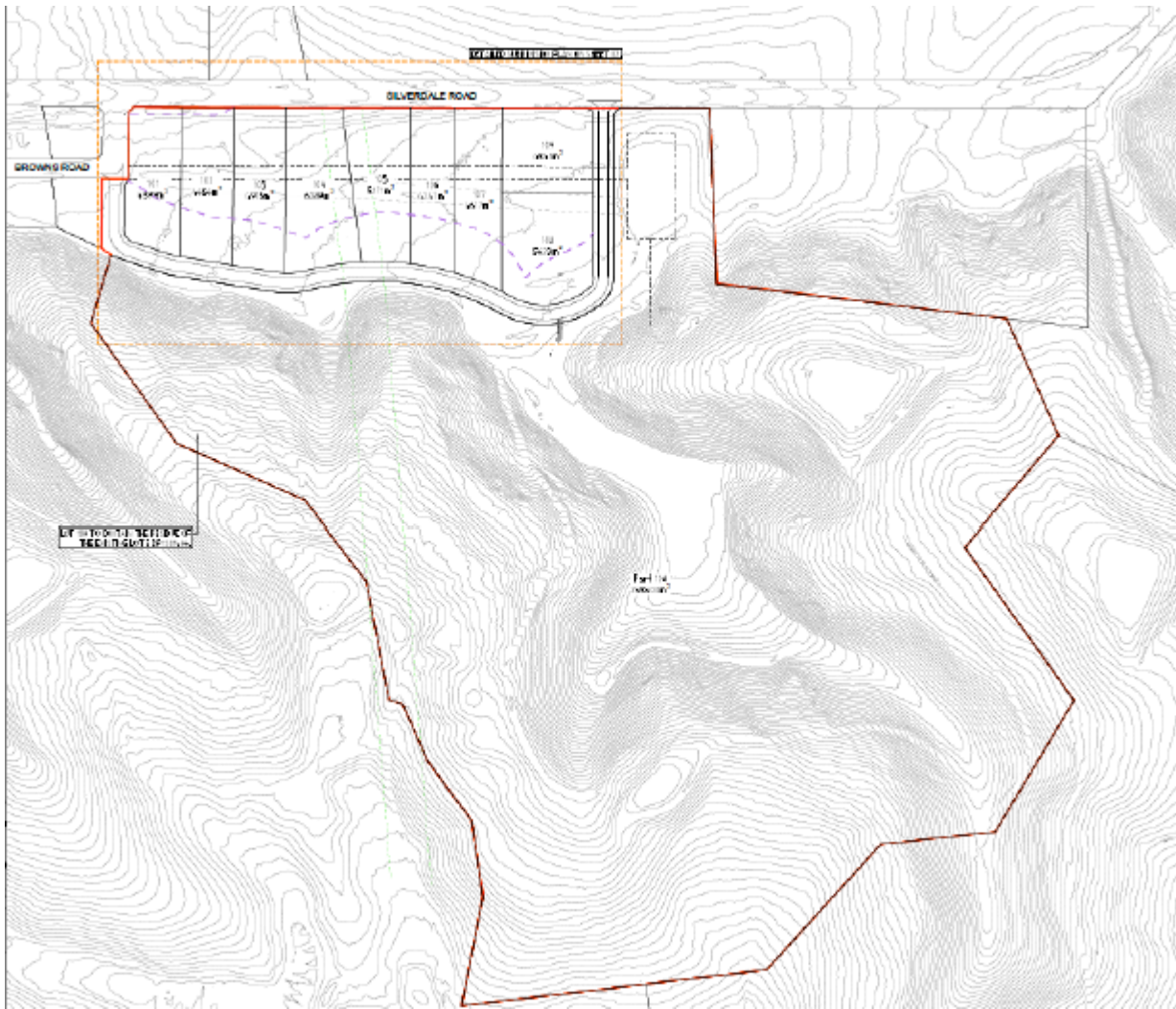


Figure 1 – Concept Layout Plan





**Figure 2 – Aerial Context Map**

### **1.1.3 PRE-SCOPING PROPOSAL – WRITTEN ADVICE<sup>2</sup>**

A pre-lodgement meeting was held on 15 November 2023 to discuss a potential draft planning proposal to amend the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to rezone land at No 80 Silverdale Road, The Oaks to facilitate the subdivision of land. The written advice required the following matters to be addressed in any Planning Proposal Request to be submitted to Council for consideration:

- Aboriginal Cultural Heritage – Austral Archaeology - **Appendix C.**
- Biodiversity Environmental Outcomes – Narla Environmental - **Appendix E.**
- Bushfire Hazard – Midcoast Building & Environmental - **Appendix D.**
- Contamination – GeoEnviro Consultancy - **Appendix H.**
- Flood Assessment – Site Plus - **Appendix B.**
- Social & Health Impact Assessment – MBPS - **Appendix G.**
- Utilities – Orion – **Appendix K**
- Agricultural Landuse Conflict – MNC Agronomy **Appendix F.**
- Visual Impacts – Lindy Lean – **Appendix L**

<sup>2</sup> Note the pre-lodgement written advice was based on a proposal to create seventeen (17) lots with a minimum area of 1,500m<sup>2</sup>. As a result of the meeting, it was considered that the proposal should be revisited resulting in this proposal for nine (9) lots with a minimum area of 4,000m<sup>2</sup>.

#### 1.1.4 REASON FOR PLANNING PROPOSAL REQUEST (PPR)

A previous proposal to rezone the land received favourable support from Council, with a Gateway Determination provided, which was amended several times. The proposal subsequently did not proceed.

The subject site is considered to be an “infill” site located between land zoned R2 – Low Density Residential (Browns Road properties) and the larger rural properties to the north zoned RU2 – Rural Landscape. The subject land will be zoned part RU2 – Rural Landscape (residue Lot 10) and R5 Large Lot Residential.

Therefore, this PPR represents the formative phase in the development of a Planning Proposal (PP) geared toward variations in the current planning template for nine (9) large lot residential lots shown in **Figure 1**. The planning amendments are reflected through the preparation of a relevant Local Environmental Plan amendment, it being proposed to amend WLEP 2011 (refer to Part 2 or Section 4 of this PPR). This will involve amending the minimum lot size map, the heights of buildings map and the land zoning map, as follows:

- Change the zoning from RU2 Rural Landscape to part R5 Large Lot Residential and part RU2 Rural Landscape (refer to **Appendix N**).
- Change the minimum lot size map from 40ha to part 4,000m<sup>2</sup> and part 40ha (refer to **Appendix L**).
- Change the heights of building map to part 9m (refer to **Appendix M**).

#### 1.2 SCOPE OF REPORT

This Report has been prepared in accordance with the former NSW Department of Planning and Environment’s (DoPE) document Local Environmental Plan Making Guidelines, August 2023. The document requires at Section 2 the Planning Proposal Request to be provided in six (6) parts, being:

- Part 1 - A statement of the objectives and intended outcomes of the proposed instrument (and proposed LEP amendment).
- Part 2 - An explanation of the provisions that are to be included in the proposed instrument (and proposed LEP amendment).
- Part 3 - The justification of strategic and potential site-specific merit and process for implementation.
- Part 4 - Relevant support mapping.
- Part 5 - Details of the community consultation to be undertaken on the planning instrument.
- Part 6 - Projected timeline to detail the anticipated timeline for the Planning Proposal.

The guide is available on the Department of Planning, Housing & Environment website.

#### 1.3 REPORT STRUCTURE

This PPR, in providing an outline PP, is structured in the following manner:

- Section 2 provides an overview of the site the subject of this PPR, the immediate locality, and the prevailing local planning context.
- Section 3 contains a statement of the objective and/or intended outcomes of the proposed LEP amendment.
- Section 4 provides an explanation of the provisions.
- Section 5 provides justification of the strategic and site-specific merit and process for implementation (i.e. provisions of the proposed LEP amendment).
- Section 6 provides details of relevant mapping amendments.
- Section 7 provides details of the community consultation that would be undertaken in respect of the advancement of a relevant PP.
- Section 8 provides a projected project timeline.
- Section 9 outlines a conclusion.

## 1.4 PROJECT TEAM

The following **Table** provides a list of the consultants that prepared plans or reports to support the PPR.

The Project Team	
Concept Layout Plan	Site Plus – ( <b>Appendix A</b> )
Flood Study and Water Quality	Site Plus – ( <b>Appendix B</b> )
Aboriginal Cultural Heritage Due Diligence Assessment	Austral Archaeology – ( <b>Appendix C</b> )
Bushfire Impact Assessment	Midcoast Building & Environmental – ( <b>Appendix D</b> )
Flora and Fauna Assessment	Narla Environmental – ( <b>Appendix E</b> )
Land Use Conflict Risk Assessment	MNC Agronomy – ( <b>Appendix F</b> )
Social & Health Impact Statement	MBPS ( <b>Appendix G</b> )
Contamination Assessment	GeoEnviro Consultancy – ( <b>Appendix H</b> )
Geotechnical and Salinity Assessment	GeoEnviro Consultancy – ( <b>Appendix I</b> )
Detailed Survey	Pinnacle Land Surveyors – ( <b>Appendix J</b> )
Services Strategy	Orion – ( <b>Appendix K</b> )
Landscape Plan	Lindy Lean Landscape Architect – ( <b>Appendix L</b> )

## 2 The Subject Land/Site and Context

### 2.1 LAND DESCRIPTION

The site comprises land known as Lot 3 DP1201486 (No. 80) Silverdale Road. The land contains a dam and has variable topography (refer to **Appendix J**).

### 2.2 CONTEXT/LOCALITY

The site is located in a principally low-density residential area (R2) to the south and large rural lots (RU2) lots to the north as is depicted in aerial photograph extract (refer to **Figure 2**). The overwhelming character is of modest dwellings to the south within or on the periphery of The Oaks Township to large dwelling houses set in expansive landscape contexts dominated by retained vegetation where appropriate and variable topography with steep to undulating land the dominant landform.

There are a number of watercourses and rural farm dams present on properties. Flaggy Creek is the main watercourse in the area.

## 3 Part 1 – Objectives and Intended Outcomes

### 3.1 INTRODUCTION

This PPR has the express purpose of facilitating increased housing opportunities on lots with a minimum of 4,000m<sup>2</sup> as a transition between the R2 – Low Density Residential lots and the RU2 – Rural Landscape lots.



The proposal has been summarised at Section 1.1.4, it being to rezone the land to R5 Large Lot Residential with a minimum lot size of 4,000m<sup>2</sup> and a height control of 9m.

It is noted that the natural fall of the land together with proposed complimentary landscaping minimise the visual impact of proposed buildings.

### 3.2 OBJECTIVES

- To facilitate the development of large residential to meet the needs of the community within this part of The Oaks.
- To provide housing diversity in the size of the lots proposed and meet the demand for such sized lots on the periphery of The Oaks Township and providing a transition between standard house lots and large rural lots.

### 3.3 INTENDED OUTCOMES

- Increased local supply and diversity of housing on large lots.
- To identify land with environmental constraints.
- Increased local employment during construction of the subdivision and housing and beyond by new residents.
- To ensure that future development can incorporate or has access to adequate utility services.

The outcomes are reflected in the Concept Layout Plan at **Figure 1**.

## 4 Part 2 – Explanation of Provisions

### 4.1 CURRENT LOCAL PLANNING FRAMEWORK

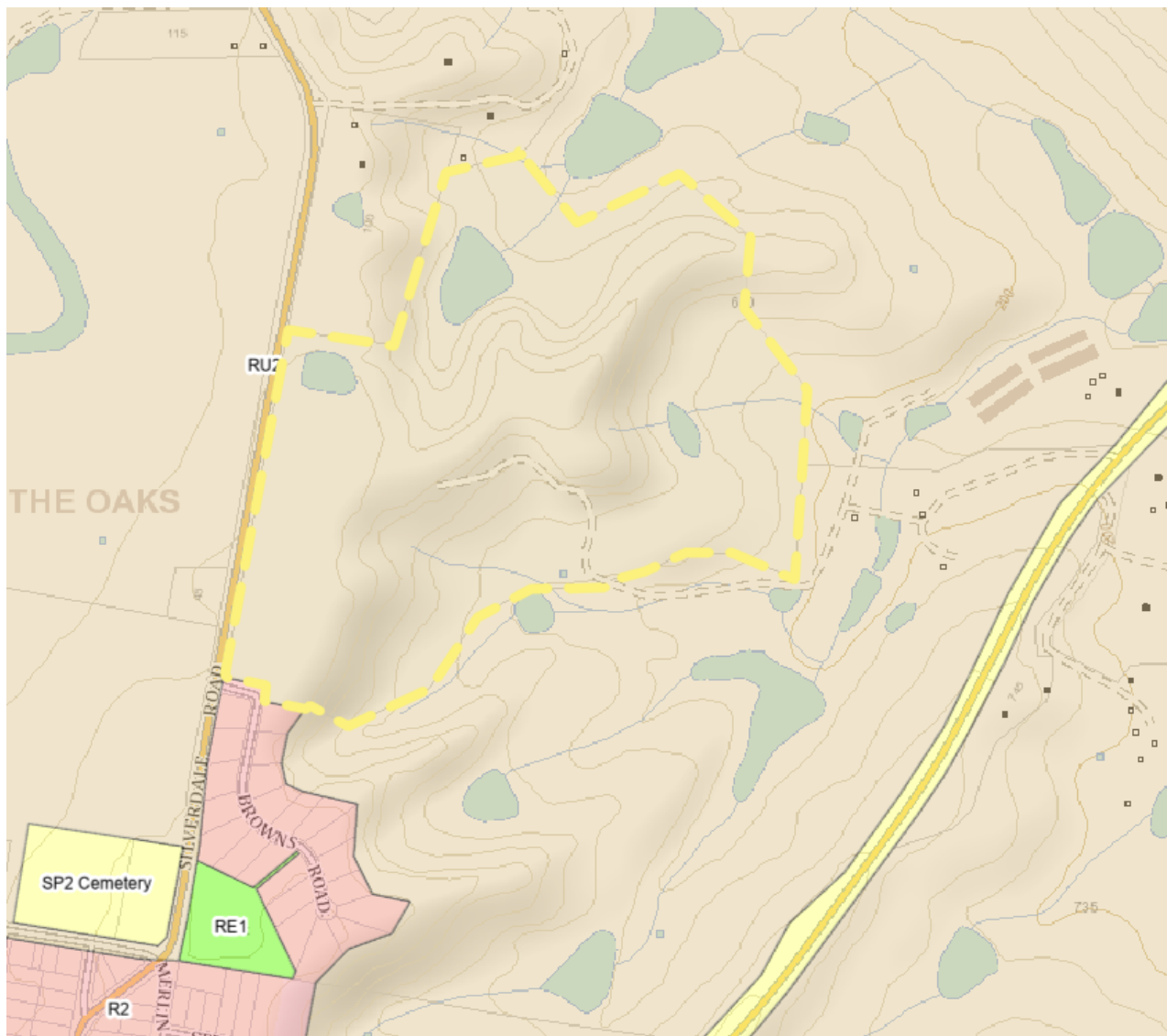
#### 4.1.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011

The Wollondilly Local Government Area is subject to the provisions of a single (standard instrument stylised) Local Environmental Plan, namely Wollondilly Local Environmental Plan 2011 (WLEP 2011).

The subject land is zoned RU 2 – Rural landscape and it is proposed by the application to have two (2) zones; namely R5 Large Lot Residential and RU2 Rural Landscape for the larger residue lot with an area of approximately 27ha. The principal landuse controls attached to such a zoning mosaic take the form of objectives and a table of landuse permissibility, reproduced in **Appendix Q**. The following amendments are proposed:

- Amending the **Land Zoning Map** to rezone the land from RU1 Rural Landscape to part R5 Large Lot Residential and part RU2 Rural Landscape.
- Amending the **Lot Size Map** to introduce a minimum lot size of 4,000m<sup>2</sup> for the proposed R5 zone and retain the 40ha minimum for the RU2 zone.
- Amending the **Heights of Building Map** to 9m.

A zoning map extract of the prevailing zone and nearby zones forms **Figure 3**; whilst an extract of the height of buildings map forms **Figure 4**. Whilst the minimum lot size is shown at **Figure 5**. Part of the property is mapped as biodiversity and is addressed in this PPR at **Appendix E**. It is not proposed to amend this map. The property is also shown to be bushfire prone and is addressed in **Appendix D**.



**Figure 3: Extract from land zoning map**

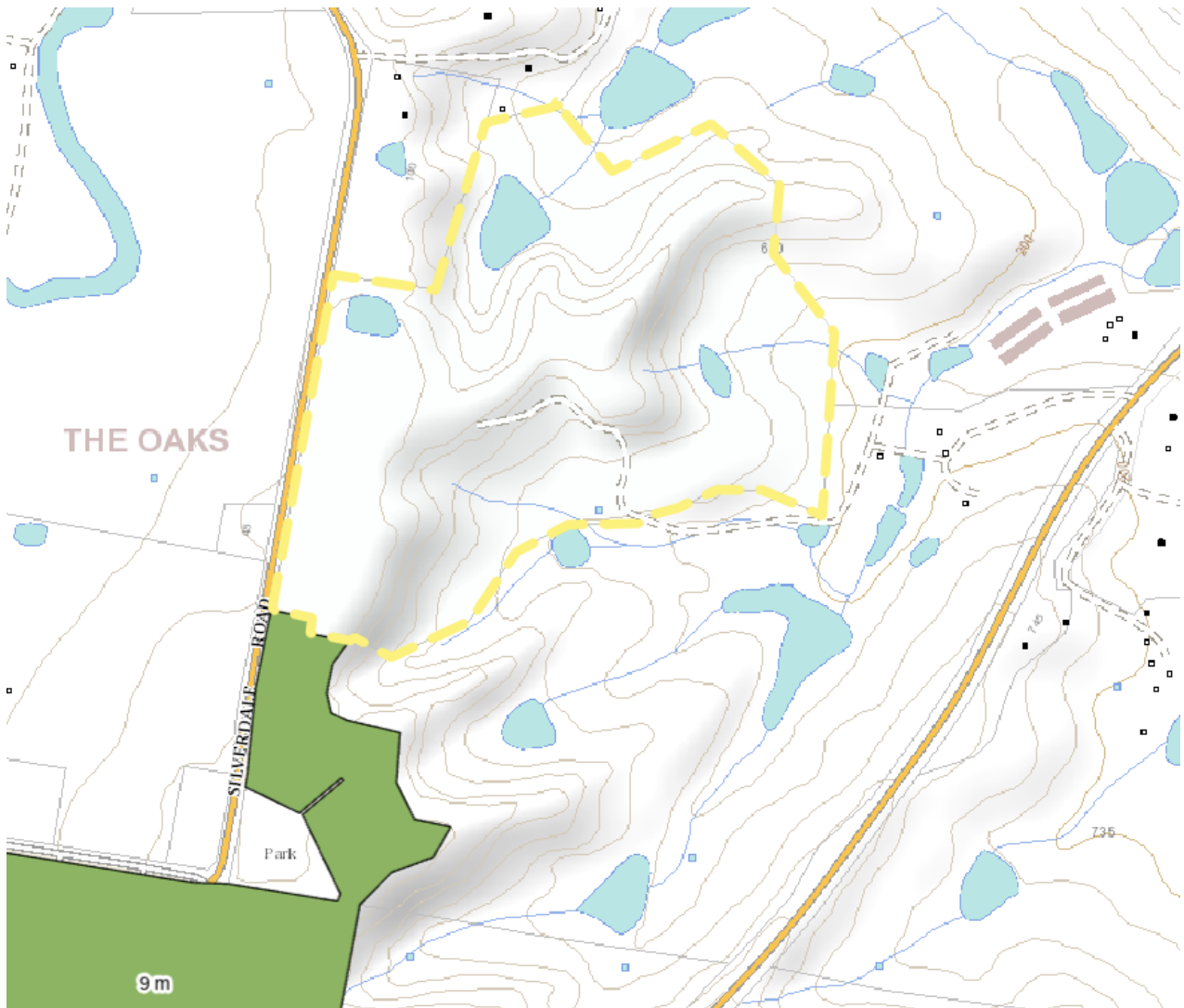
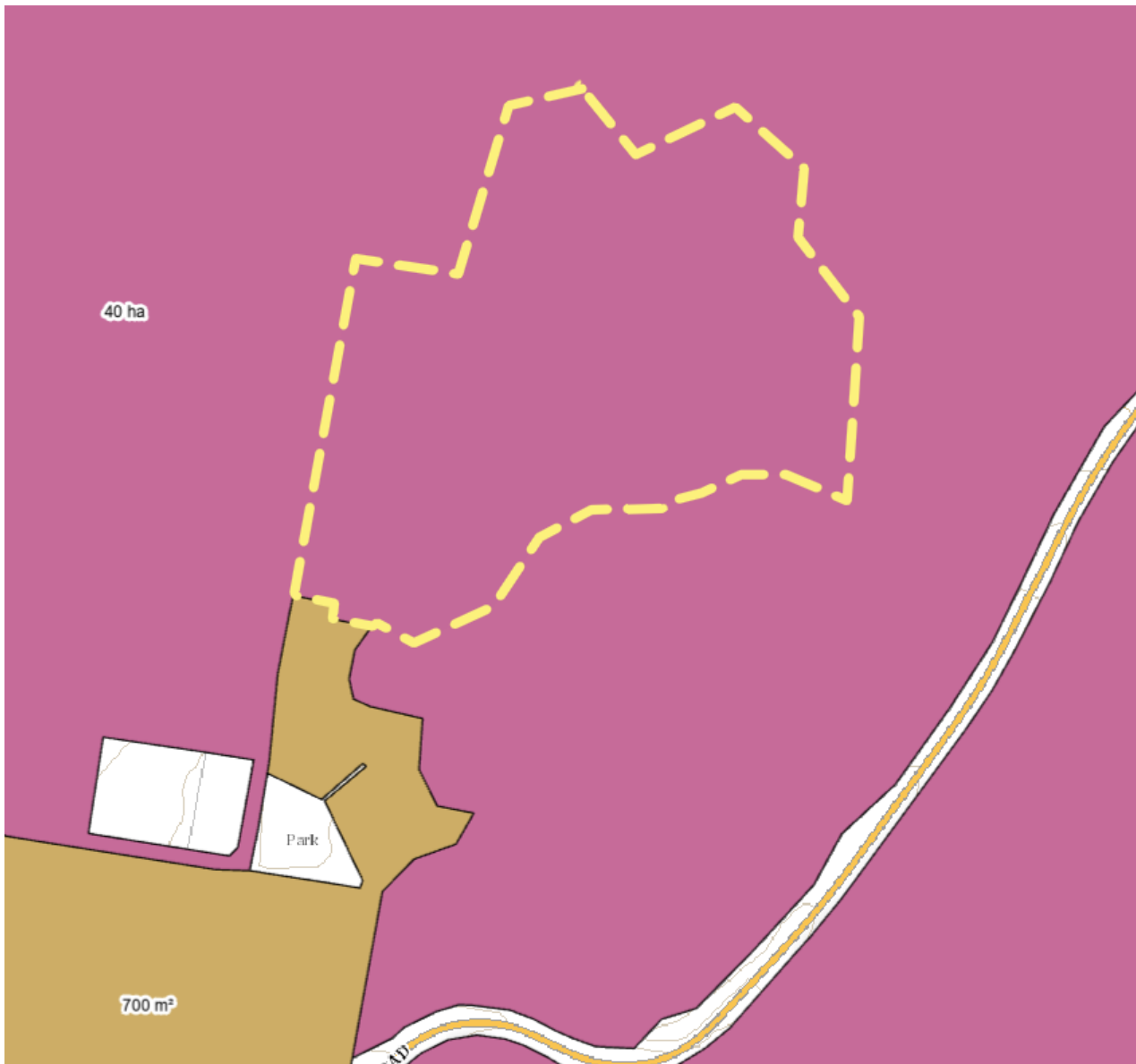


Figure 4: Extract of height of buildings map



**Figure 5: Extract of minimum lot size map**

The property is also subject to the following principal development standards:

- Minimum lot size – 40ha.
- Maximum building height – no control.
- Maximum floor space ratio – no control.

Furthermore, the generic provisions of Wollondilly Development Control Plan 2016, as amended, apply to the property.

## **5 Part 3 – Justification of Strategic and Site-specific Merit**

### **5.1 STRATEGIC MERIT**

#### **5.1.1 NEED FOR THE PLANNING PROPOSAL (SECTION A)**

##### **5.1.1.1 INTRODUCTION**

It is initially noted that the level of justification for a Planning Proposal Request (PPR) should:

- Be proportionate to the impact the planning proposal will have.
- Comprehensive without necessarily being exhaustive.

- Be sufficient to allow a Gateway determination to be made with the confidence that the LEP can be finalised in accordance with the proposed timeframe.

#### 5.1.1.2 IS THE PLANNING PROPOSAL THE RESULT OF ANY STRATEGIC STUDY OR REPORT?

The PPR is considered to be consistent with the Wollondilly Local Housing Study (LHS). This PPR is not the subject of a specific strategic study or report. It does, however, leverage off Carrington's comprehensive market research and industry developments together with the prevailing strategic planning framework.

The Proposal seeks to give effect principally to the relevant housing objectives, priorities, strategies and actions detailed in the:

- Greater Sydney Region Plan
- Western City District Plan, including Metropolitan Rural Area
- Wollondilly Council Community Strategic Plan
- Wollondilly Local Strategic Planning Statement
- Local Housing Strategy

Particularly in respect of providing housing diversity that is responsive to changing demographic and socioeconomic factors. It is also consistent with optimising the use of existing and readily augmented and reticulated service infrastructure, conservation of vegetation and water cycle management.

Finally, the Metropolitan Rural Area (MRA) discussion in respect of consistency with the MRA is provided below.

The Metropolitan Rural Area (MRA) was introduced in the Greater Sydney Region Plan (2018) (GSRP) as one of the four (4) key landscape types/layers comprising the Sydney Region. It has a wide range of environmental, social and economic values and covers almost a quarter of Greater Sydney. It includes, forms rural towns and villages, rural residential developments, heritage, scenic and cultural landscapes, mineral resources and locations for recreation and tourism. Its diversity is immense. It covers a large part of the non-urban areas of the Sydney Region. The MRA includes primary production and resource extraction, tourism and recreation assets, towns and villages.

Objective 29 of the GSRP seeks to protect and enhance environmental, social and economic values in rural areas. Rural areas as a concept is noted to refer to the open countryside and is somewhat incongruous when applied for rural towns, villages and rural residential areas (unless the latter areas are generally 2ha or more in size).

The introduction of the concept of the MRA in the WSDP emphasised the centrality of design-led, place-based planning to the delivery of targeted environmental (including incentivisation of protection of remnant bushland vegetation), social and economic outcomes and the establishment of local planning solutions.

As evidence of such an approach, is seen to:

- Provide housing on large lots greater than 4000m<sup>2</sup>.
- Increased local development, local expenditure and short-term and long-term jobs (Economic).

in accordance with the WCDP Action 78.

The immediate The Oaks locality is not considered to represent a rural residential environment, as promoted constantly by Council and others. Rural (derived from the Latin word "rus" or country or in common words, the countryside) does not represent the predominant quality, rather the immediate precinct is overwhelmingly a low-density residential environment to the immediate south within easy access to shopping facilities, a school, recreational areas and medical services.

Rural, in being associated with the countryside and typically rural or agricultural production, generally entails allotments of 2ha +, not the dominant prevailing residential lots in The Oaks or the adjoining properties that are zoned predominately R2 – Low Density Residential.



### **5.1.1.3 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?**

Yes. The PPR is considered to represent the best means of achieving the proposed objectives of facilitating increased compatible building height and rezoning to permit nine (9) large residential lots of a minimum of 4,000m<sup>2</sup>. The proposed objectives and intended outcomes could not be efficiently or effectively achieved through an alternate means.

The proposed amendments include allocating land uses and principal development standards that will facilitate the future development of the site.

## **5.1.2 RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK (SECTION B)**

### **5.1.2.1 WILL THE PLANNING PROPOSAL GIVE EFFECT TO THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR DISTRICT PLAN OR STRATEGY (INCLUDING ANY EXHIBITED DRAFT PLANS OR STRATEGIES?)**

As noted at Section 5.1.1.2, consistency with the Greater Sydney Region Plan and Western City District Plan is referenced and is expanded upon in the following sections of the PPR.

#### **(a) A Metropolis of Three Cities – The Greater Sydney Region Plan (GSRP)**

The GSRP provides a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for the Greater Sydney Region. The Plan is built on a vision of three cities where most residents live within 30 minutes of their job, education and health facilities, services and great places.

The Proposal is importantly consistent with the key objectives in respect of infrastructure, collaboration, liveability, productivity and sustainability, summarised as follows:

#### **A City Supported by Infrastructure**

##### Objective 4 – Infrastructure use is optimised

The requisite infrastructure to service the proposed development at the density proposed is generally readily available and does not require major augmentation and will involve a low pressure sewer system connecting to the existing system in Browns Road.

It is noted, however, that it is proposed to provide reticulated sewer to obviate any on-site wastewater disposal concerns. In this regard advanced planning with Sydney Water is ongoing.

##### Objective 6 – Services and infrastructure meet communities' changing needs

Community infrastructure and services will be readily available to service the resultant increase in population. Relevant infrastructure impacts not catered for directly by the proposed development would be addressed with a relevant contribution to Council through the Section 7.11 Contribution Plan.

##### Objective 7 – Communities are healthy, resilient and socially connected

The future residents will have the opportunity to live a healthy lifestyle that has access to sustainable social and physical infrastructure.

#### **Housing the City**

##### Objective 10 – Greater housing supply

The land is currently zoned RU2 Rural Landscape with a minimum lot size of 40ha. The proposal will contribute to increased housing diversity, through the provision of 'lifestyle' housing products to meet the diverse market needs for a growing population.

##### Objective 11 – Housing is more diverse and affordable

The Proposal will facilitate access to diverse housing connected to the existing township of The Oaks that provides a reasonable level of local services.

## **A City in its landscape**

### Objective 25 - The coast and waterways are protected and healthier

Appropriate integrated stormwater management will service the Proposal and ensure that acceptable local and broader Nepean River water quality standards are met, and local potential inundation mitigated (refer to **Appendix B**)

Ultimately, it is expected that stormwater and stormwater management strategies will be a requirement of a positive Gateway Determination.

### Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced

There will be limited loss of local biodiversity, as the vegetation will be mainly retained. Importantly, landscaping will be introduced to the local environment by the Proposal, as detailed on the landscape plans (refer to **Appendix L**).

### Objective 28 - Scenic and cultural landscapes are protected

The site occupies a sensitive location in the local landscape in respect of its location and can be managed with appropriate landscaping (refer to **Appendix L**).

### Objective 29 – Environmental, social and economic values in rural areas are protected and enhanced

The Proposal, as identified in the MRA commentary (at 5.1.1.2), is seen to protect and enhance environmental, social and economic values.

## **A resilient city**

### Objective 37 - Exposure to natural and urban hazards is reduced.

The proposal is not exposed to any significant natural or urban hazards that are not capable of management. Existing potential bushfire hazard impacts will be managed through a structured approach in accordance with *Planning for Bushfire Protection 2019* and specialist assessment at **Appendix D**. Further, development related landscape plantings make it possible, at a modest scale, to minimise urban heat impacts. Any plantings will be carefully structured so as to not create a bushfire hazard.

### **(b) Western City District Plan**

The Western City District Plan (WCDP) was released in March 2018 and provides a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the vision for Greater Sydney at a District Level. It is founded on 10 Directions, in a manner consistent with the Greater Sydney Regional Plan and reflected in Key Priorities and Actions. As with the GSRP the proposal in the WCDP context is seen to be consistent with the key directions in respect of infrastructure and collaboration, liveability and sustainability in particular:

#### Planning Priority W1 – Planning for a city supported by infrastructure.

Requisite infrastructure is generally in place and does not need major augmentation. As previously noted, it is proposed to provide reticulated sewer to obviate any on-site wastewater concerns, with such being the subject of ongoing discussions with Sydney Water to provide a low-pressure sewer system.

Additionally, it is possible to largely manage stormwater appropriately on-site. Infrastructure impacts will be addressed pursuant to the Council Contribution Plan, as previously referenced.

#### Planning Priority W12 – Protecting and improving the health and enjoyment of the District's waterways

The proposal is capable of fulfilling stormwater management targets developed for the immediate and broader Nepean River catchments, through a sustainable storm water management system based upon Water Sensitive Urban Design (WSUD) principles (refer to objective 25 of GSRP).

#### Planning Priority W14 – Protecting and enhancing biodiversity

In respect of biodiversity, Narla Environmental at **Appendix E**, undertook an assessment of the biodiversity values of the site. The assessment was undertaken having regard to the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Act 1999. The assessment concluded that it is not anticipated that the proposed subdivision would impact on threatened species, as long as the impact mitigation measures as outlined in assessment were implemented to reduce impacts to native vegetation and fauna where possible.

#### Planning Priority W15 – Increasing urban tree canopy cover and delivering Green Grid connections

A targeted landscape planting program and strategic screen plantings and the protection of the vegetation as detailed in **Appendix L**.

#### Planning Priority W16 – Better managing Rural Area

The subject land is not used for any rural activities, being a vacant parcel of land. It adjoins low density residential development to the south and larger rural properties to the north and east that are used for primary agricultural purposes. A LUCRA assessment accompanies the application at **Appendix F**. The LUCRA assessment provides recommendations and supports the proposal to create nine (9) large residential lots. The subject property is located periphery of the township and is well placed to be an extension of the township and act as a 'buffer or transition' between low density housing lots and rural lots. The development location will ensure that future residents undertake day-to-day convenient shopping and utilise the services offered in the township, including schools and child care facilities. Consistency with the MRA was addressed in Section 5.1.1.2. The land is not used for primary production and it is considered that the proposal is not inconsistent with the MRA.

#### Planning Priority W19 – Reducing carbon emissions

The proposal is essentially a place-based approach to this site. Whilst the proposal is create nine (9) large lots under an R5 zone, the development will be connected to the sewer thereby achieving an increase in water and wastewater efficiency systems for the subdivision. Other energy savings will be introduced in the development of housing to comply with Basix. The property is also accessible to public transport and services within The Oaks.

#### Planning Priority W20 – Adapting to the impacts of urban and natural hazards and climate change

The site is impacted by principally bushfire. The proposed layout and future building 'envelopes' are not importantly compromised by bushfire hazard planning. Additionally, planting programs will need to ensure potential bushfire hazards are not compounded.

#### **5.1.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL LSPTS THAT HAS BEEN ENDORSED BY THE PLANNING SECRETARY OR GSC, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN?**

The proposal is demonstrably consistent with Council's Local Strategic Planning Statement, Community Strategic Plan and Local Housing Strategy as is highlighted in the following overview:

##### **(a) Wollondilly Local Strategic Planning Statement**

The Wollondilly Local Strategic Planning Statement (WLSPS) was adopted in March 2020. The WLSPS establishes a 20-year landuse planning strategy for the Wollondilly LGA. It outlines the characteristics which shape the area's local identity and directs how future growth and change will be managed.

It is founded upon four (4) themes and planning priorities of infrastructure and collaboration, liveability, productivity and sustainability. The Proposal is generally consistent with the relevant themes, as detailed below:

- Infrastructure and Collaboration.

#### Planning Priority 11 – Aligning infrastructure provision with community needs

The Proposal seeks to leverage off existing infrastructure and provide onsite support service infrastructure. It is consistent with actions:

- 1.1 Realise relevant VPAs
- 1.2 Ensure infrastructure provision under planning agreements
- 1.3 Ensure provision of local infrastructure through works programs, DAs, neighbourhood plans and planning proposals.

#### Planning Priority 2 – Embracing innovation to enhance liveable, connected and sustainable communities

The Proposal is capable of embracing smart technology and fulfilling smart technology actions as it develops.

### Planning Priority 3 – Embracing a framework for sustainable managed growth

The Proposal is consistent with the philosophy of supporting development in and around existing towns and villages, in the context of identified need and documented criteria in respect of:

- Compatibility with existing character, setting and heritage of the town or village.
- Support for the village's economic and social sustainability.
- Positive environmental outcomes or no negative effects.
- Rural separation of towns is facilitated.
- A supporting infrastructure plan.

- Liveability.

Planning Priority 5 – Providing housing options that meet local needs and match the local character of towns and villages.

The Proposal will contribute to the housing options and lifestyles that characterise the Shire, particularly in respect of 'lifestyle' large lot residential development.

It will align with strategies and actions in the Local Housing Strategy.

Planning Priority 8 – Enhancing vibrant, healthy and sustainable local towns and villages.

The Proposal will complement the existing surrounding villages, leveraging off their character in a place-based development outcome.

- Productivity

Planning Priority 10 – Attracting investment in growing jobs.

The Proposal will provide jobs during the subdivision and dwelling development stages initially; and subsequently in maintenance activities and home businesses and the service centre of The Oaks.

- Sustainability

Planning Priority 12 – Valuing the ecological health of Wollondilly's waterways.

The sustainable management of water quality and water quantity is central to the Proposal, particularly given the protected states of part of the Catchment. Water in the public domain will be managed to ensure stormwater runoff delivers appropriate water quantity and quality outcomes.

Planning Priority 13 – Protecting biodiversity and koala habitat corridors.

The Proposal provides for the retention of the vegetation and corridor linkages externally. This ecological framework would be reinforced with future street tree and domestic plantings.

Planning Priority 14 – Planning high quality well connected open spaces.

The Proposal would rely off-site open space to meet community demand. Relevant contributions will be made to off-site open space.

Planning Priority 15 – Delivery of urban tree canopy.

The Proposal is designed to deliver the subject diverse sustainability outcomes.

The Proposal is noted to retain significant remnants on-site. Additionally, street tree planting and on-site domestic plantings will contribute to an urban tree canopy.

(b) **Community Strategic Plan 2033 (CSP)**

This Community Strategic Plan articulates the community's long-term vision for the Shire to the year 2033. It has five (5) Strategic Directions with supporting aspirations. The Proposal is generally consistent with the Key Directions as attested to below:

- **People**

Wollondilly is promoted to be safe, inclusive and a resilient community, with access to services that support good health and wellbeing.

The Proposal promotes a template for a new community that fulfils the subject objective.

- **Environment**

Wollondilly's pristine and beautiful natural environment is protected, responsibly managed and enhanced.

The Proposal retains significant stands of remnant vegetation and corridor linkages as a central framework for a sustainable residential community.

- **Place and Landscape**

The Shire's unique towns and villages sitting within a beautiful natural landscape. Change is to complement the existing and aspirational qualities. Functional infrastructure is in place, including safe roads.

The Proposal seeks to be sympathetic to the prevailing landscape character as is reflected in the ILP and landscape outcomes referenced above. Functional infrastructure will be provided to service the Proposal either directly or through relevant developer's contributions.

- **Economy.**

Wollondilly is an emerging and dynamic Shire with a thriving and diverse economy. New viable business is encouraged.

The subdivisional and building program ultimately attached to the Proposal will contribute positively to the local economy. Finally, potentially higher disposable incomes attached to "lifestyle" housing will likely reinforce the local economy.

- **Performance.**

The community recognises Council is striving to be a leading local government. Community needs are listened to and excellent customer experience delivered.

Community aspirations for appropriate levels of "lifestyle" housing underpin concepts such as that proposed.

(c) **Local Housing Strategy 2021**

The Wollondilly Local Housing Strategy (WLHS) provides a 20-year vision for housing in the Wollondilly LGA. The WLHS provides a foundation to support the WLSPS and inform a review of Wollondilly Local Environmental Plan 2011.

The WLHS is focussed on managing growth so that it is sustainable and supports liveability and affordable living for Wollondilly residents over the next 20 years.



Despite a key finding that there is adequate land capacity to supply additional housing in line with demand over the next 20 years (to 2041) and espousing an underlying principle of diversity, the Strategy fails to adequately address the demand and provision for “lifestyle” housing in a rural residential context. The particular void is the clear focus of this proposal.

Four (4) directions are identified to guide future housing growth that align with community expectations and protects and enhances the local character of Wollondilly. The Directions and the consistency of the Proposal with such Directions are summarised below.

1) Provide housing in areas that are adequately serviced by infrastructure

The Proposal can be adequately serviced with enhanced reticulated electricity and telecommunications services, including water and sewer. Relevant contributions can be made to public infrastructure impacts.

2) Provide housing diversity and affordability

Not every housing product achieves both elements of this Direction. Indeed, they may be mutually exclusive in some instances. The Proposal unashamedly seeks to contribute to diversity at the “lifestyle” end of the housing spectrum; a housing sector which is increasingly not adequately supplied in form or location.

3) Plan and coordinate growth for emerging communities

This Direction is focussed on planning for the Designated Growth Areas. notwithstanding, the Proposal needs to be coordinated with The Oaks planned growth, with the site identified by Council as The Oaks North Precinct.

4) Build sustainable and resilient communities that protect and celebrate our environment

The Proposal offers the prospect of the evolution of a sustainable and resilient extension of The Oaks Village. Advancement of the Proposal will need to comply with *Planning for Bushfire Protection 2019*, as the remnant vegetation is retained, so as to ensure a positive environmental outcome (refer to **Appendix D**).

**(d) Rural Lands Strategy 2021**

The Wollondilly Rural Lands Strategy 2021 (WRLS) provides a framework for managing growth, change and development for rural land in Wollondilly to the year 2040. The two (2) key principles of the Strategy are:

Principle (c) – Managing pressure for rural living opportunities

Principle (d) – Managing places with special landscape, rural and scenic value

These are examined in detail in Part 6 – Focus Area 4 and Part 7 – Focus Area 5, respectively.

1) Managing Rural Residential Growth (Focus Area 4)

The Strategy recommends that no further rezoning for rural residential purposes be undertaken, and future residential land be restricted to towns/villages in Growth Centres. Notwithstanding the land is an extension to the existing residential subdivision in Browns Road and is consistent with the Local Housing Strategy.

2) Managing Places with Special Landscape, Rural or Scenic Value (Focus Area 5)

The Strategy establishes a key outcome, being the strengthening and promotion of the unique landscape, natural, cultural and rural values of Wollondilly’s rural area.

### 5.1.2.3 IS THE PLANNING PROPOSAL CONSISTENT ANY OTHER APPLICABLE STATE AND REGIONAL STUDIES OR STRATEGIES?

The subject site is the subject to the provisions of the Biodiversity Conservation Act 2016 and State Environmental Planning Policy (Biodiversity and Conservation) 2021 (refer to **Appendix E**). Relevant conservation initiatives are clearly identified and the existing tree retention and tree planting is detailed at **Appendix L**.

### 5.1.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The Planning Proposal would address and/or be consistent with all relevant State Environmental Planning Policies (SEPPs). The following outlines the relevant SEPPs and consistency of the Planning Proposal.

State Environmental Planning Policies (SEPPs)	Consistent	Comments
SEPP (Primary Production) 2021	N/A	The proposal is not for primary production or rural development, nor does it impact on rurally zoned land.
SEPP (Resilience and Hazards) 2021 Chapter 3 – Hazardous and Offensive Development Chapter 4 Remediation of Land.	N/A Consistent	Does not apply to the PPR.  The Proposal is subject to the provisions of Chapter 4 in respect of remediation of land (refer to <b>Appendix H</b> ). A Stage 1 Preliminary Site Investigation (PSI) has been undertaken and a potential trigger for further investigation, did not identify the site as unsuitable, subject to any reasonable remediation practices for the proposed development.
SEPP (Exempt and Complying Development) 2008	Consistent	The Codes SEPP does not apply to the proposed development. However, the SEPP will continue to be permissible.
SEPP (Sustainable Buildings) 2022		Will be central to the building design and will be addressed at the development application stage
SEPP (Resources and Energy) 2021 – Chapter 2 Mining, petroleum production and extractive industries	N/A	The PPR does not result in any mining, petroleum production and/or extractive industry.
SEPP (Housing) 2021	Consistent	The delivery of housing is permissible with consent in the proposed R5 zone of the WLEP 2011.  Further, the proposal is generally consistent with the site standards to be complied with as being that the height of buildings is limited to 9m in the adjoining R2 zone.

SEPP (Planning Systems) 2021	Consistent	The Planning Proposal is not identified as State Significant Development, or of a scale and capital value that could trigger the subject provisions.
Chapter 2 – State and Regional Development		Does not apply to the PPR.
Chapter 3 – Aboriginal Land		Does not apply to the Wollondilly LGA.
Chapter 4 – Concurrence		The PPR does not change the way the SEPP applies to the land.
SEPP (Biodiversity and Conservation) 2021	Consistent	It is proposed to conserve and retained, where possible, existing vegetation. The proposed landscape palette reflected in <b>Appendix L</b> will also contribute to enhanced local biodiversity.
Chapter 2 – Vegetation in non-rural areas		
Chapter 3 – Koala Habitat Protection 2020	N/A	Applies to the Wollondilly LGA.
Chapter 4 Koala Habitat Protection 2021	N/A	Applies to the Wollondilly LGA.
Chapter 6 Water Catchments	Consistent	The proposal introduces controlled urban stormwater management infrastructure.
Chapter 13 Strategic Conservation Planning	Consistent	Future development is able to be undertaken in accordance with this chapter. The land is not classified as “avoid” land.
SEPP (Transport and Infrastructure) 2021	Consistent	This SEPP is relevant to particular development categories. The proposal may be referred to Transport for NSW in accordance with the SEPP. However, it is a not a traffic generating development with nine (9) lots.
Chapter 3 – Education Establishments and Childcare Facilities	Consistent	A childcare facility is not proposed on the subject property.
SEPP (Industry and Employment) 2021	Consistent	Chapter 3 – Advertisement and Signage will not apply to the future development.
SEPP (Precincts - Western Parkland City) 2021	N/A	The site does not form part of any precinct in the Western Parkland City.
SEPP (Precincts - Eastern Harbour City) 2021	N/A	The site does not form part of any precinct in the Eastern Harbour City.

SEPP (Precincts – Central River City) 2021	N/A	The site does not form part of any precinct in the Central River City.
SEPP (Precincts – Regional) 2021	N/A	The site does not form part of any precinct in the Regional area.

### ***The Housing SEPP 2021***

*The State Environmental Planning Policy (Housing) 2021* (Housing SEPP) provides provisions for certain housing developments. The proposal is not inconsistent with the SEPP.

#### **5.1.2.5 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS SECTION 9.1 OF THE ACT?**

The Planning Proposal is consistent with all relevant section 9.1 Directions. An overview assessment of these is outlined in the table below.

S9.1 Direction Title	Comments
<b>Focus Area 1: Planning Systems</b>	
1.1 Implementation of Regional Plans	The site is consistent with the Regional and District Plan as previously detailed.
Development of Aboriginal Land Council Land	This Ministerial Direction is not relevant to the proposal as the site does not include any Aboriginal Land Council land.
1.3 Approval and Referral Requirements	The Proposal is consistent with this direction as it does not introduce any additional or new referral requirements.
1.4 Site Specific Provisions	The Proposal is consistent with this direction as it does not introduce any site-specific provisions.
<b>Focus Area 1: Planning Systems – Place-based</b>	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable to the Wollondilly LGA.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable to the Wollondilly LGA.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to the Wollondilly LGA.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation	Not applicable to the Wollondilly LGA.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to the Wollondilly LGA.
1.10 Implementation of the Western Sydney Aerotropolis Plan	This Ministerial Direction is not relevant to this proposal.

1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable to the Wollondilly LGA.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable to the Wollondilly LGA.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable to the Wollondilly LGA.
1.14 Implementation of Greater Macarthur 2040	Not applicable to the Wollondilly LGA.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable to the Wollondilly LGA.
1.16 North West Rail Link Corridor Strategy	Not applicable to the Wollondilly LGA.
1.17 Implementation of the Bays West Place Strategy	Not applicable to the Wollondilly LGA.
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable to the Wollondilly LGA.
1.19 Implementation of the Westmead Place Strategy	Not applicable to the Wollondilly LGA.
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable to the Wollondilly LGA.
1.21 Implementation of South West Growth Area Structure Plan	The Proposal is consistent with the Direction
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable to the Wollondilly LGA.

## Focus Area 2: Design and Place

This focus area was blank when the Directions were made and this Planning Proposal was prepared. However, the proposal will not include housing the subject of this Focus Area.

## Focus Areas 3. Biodiversity and Conservation

3.1 Conservation Zones	The Proposal is not inconsistent with the Direction. The Proposal does not reduce conservation standard.
3.2 Heritage Conservation	The site or immediate vicinity is not within a heritage conservation area. An Aboriginal Assessment was undertaken for the site at <b>Appendix C</b> . The assessment determined that the site is not impacted by aboriginal artefacts.
3.3 Sydney Drinking Water Catchments	Applicable to the Wollondilly LGA.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to the Wollondilly LGA.
3.5 Recreation Vehicle Areas	This Ministerial Direction is not relevant to the Proposal.
3.6 Strategic Conservation Planning	Vegetation will be protected, where applicable ( <b>Appendix E</b> ).



3.7 Public Bushland	Not applicable to this Proposal.
3.8 Willandra Lakes Region	Not applicable to this Proposal.
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable to this Proposal.
3.10 Water Catchment Protection	The Proposal is consistent with the Direction. The Proposal would not have any adverse impact on water quality, water bodies or their ecological connectivity.
<b>Focus Area 4: Resilience and Hazards</b>	
4.1 Flooding	A flood study has been prepared at <b>Appendix B</b> . Stormwater runoff from upstream properties will be managed.
4.2 Coastal Protection	Not applicable to the Wollondilly LGA.
4.3 Planning for Bushfire Protection	The site is identified on Council's Bushfire Prone Land mapping. This aspect of the PPR is addressed in <b>Appendix D</b> .
4.4 Remediation of Contaminated Land	The site has been the subject of a Stage 1 Preliminary Site Investigation which establishes the site is suitable for housing/accommodation as part of the rezoning process for in <b>Appendix H</b> . Further investigation may be required at the Development Application stage.
4.5 Acid Sulfate Soils	The site is not identified to contain acid sulfate soils due to the elevation of the land – <b>Appendix M</b> .
4.6 Mine Subsidence and Unstable Land	The land is not located in a Mine Subsidence district.
<b>Focus Area 5: Transport &amp; Infrastructure</b>	
5.1 Integrated Land Use Transport	<p>The Proposal is consistent with the objective of improving access to housing (a) and supporting viable public transport (b).</p> <p>The proposal is adequately serviced by public transport consisting of bus services. It will therefore increase the supply of housing in a location adequately serviced by public transport.</p> <p>The traffic generation associated with the proposal is considered to be acceptable and will not impact the surrounding road network.</p>
5.2 Reserving Land for Public Purposes	The Proposal does include provisions and dedication of land for public services and facilities.
5.3 Development Near Regulated Airports and Defence Airfields	The Ministerial Direction is relevant to the Proposal as the site is within the vicinity of a licensed aerodrome, being The Oaks Airport.
5.4 Shooting Ranges	The Ministerial Direction is not relevant to the proposal as there are no shooting ranges located on the site or in proximity.
<b>Focus Area 6: Housing</b>	

6.1 Residential Zones	The Proposal is consistent with the Ministerial Direction. The site is proposed to be zoned R5. It fulfills the objectives of the Direction and provisions. In the latter regard it: 1(a) broadens housing choice. (b) makes efficient use of infrastructure and services. (c) reduces land consumption. (d) is of good layout design for the site.  2(a) draws on the service provision in the LEP (b) Increases the residential density.
6.2 Caravan Parks	The Ministerial Direction is not relevant to the proposal.
<b>Focus Area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	Not applicable to this proposal.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable to the Wollondilly LGA.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to the Wollondilly LGA.
<b>Focus Area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	To date no mining has been approved to be undertaken below the site.
<b>Focus Area 9: Primary Production</b>	
9.1 Rural Zones	Not applicable to the Proposal. Inconsistency with this Direction is considered to be of minor insignificance. It is considered that this inconsistency will continue as the LGA continues to grow and transitions from large rural area to urban development to meet the growth.
9.2 Rural Lands	Applicable to the Proposal, as the land is zoned RU2 Rural Landscape. The land (No 80 Silverdale Road) is not used for primary production. Indeed, the land would not sustain primary production and would conflict with adjoining low density housing in Browns Road. Whilst the direction applies to the land, in is considered that it is not inconsistent with the direction.
9.3 Oyster Aquaculture	Not applicable to Proposal
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to the Wollondilly LGA.

## 5.2 SITE-SPECIFIC MERIT

### 5.2.1 ENVIRONMENT, SOCIAL AND ECONOMIC IMPACT (SECTION C)

#### 5.2.1.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITATS OR THREATENED SPECIES, POPULATIONS, ECOLOGICAL COMMUNITIES OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED BECAUSE OF THE PROPOSAL?

An extensive Biodiversity Assessment was undertaken and presented as **Appendix E**.

Notwithstanding, the Proposal will be subject to rigorous review at the development application stage in respect of:

- SEPP (Biodiversity and Conservation) 2021.
- SEPP ((Resilience and Hazards) 2021.
- SEPP (Sustainable Buildings) 2022.
- The CPCP.
- Wollondilly LEP 2011.
- Wollondilly DCP 2016.

In managing the vegetation, bushfire hazard management will be a central consideration. It is, however, noted the likely Asset Protection Zone (APZ) requirements are located on the periphery of the proposed subdivision in accordance with the principles of *Planning for Bushfire Protection 2019*.

#### **5.2.1.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS OF THE PLANNING PROPOSAL TO BE MANAGED?**

The principal other impacts potentially associated with the Proposal and relevant related management principles are detailed below and contained in relevant specialist reports.

##### **(a) Bushfire Hazard**

The subject site, as previously identified, is mapped as bushfire prone on Council's Bushfire Hazard Map. A specialist assessment has established Bushfire Attack Levels (BAL) in accordance with Planning for Bushfire Protection (PBP) 2019 (Table A1.12.5) and depicted in **Figure 7** (refer to **Appendix D**) by Midcoast Building and Environmental and initially endorsed by the NSW Rural Fire Service.



**Figure 7: Bushfire Hazard Map**

As a management response, Asset Protection Zones (APZs) have been appropriately incorporated in the Master Plan. Additionally, those buildings affected (wholly or partially) by the BAL-12.5 area are required to be designed and constructed to comply with BAL-12.5 of Australian Standard AS 3959-2018 *Constructions of buildings in bushfire-prone areas* (AS 3959). It is noted that the NSW variation to AS 3959 is also to be applied to the BAL-12.5 requirements.

#### **(b) Aboriginal Archaeology**

An Aboriginal Cultural Heritage Due Diligence Assessment was undertaken by Austral Archaeology at **Appendix C**. The results of the survey provide the following outcomes:

The survey then covered each side of the drainage ditch, as well as the large berm along Silverdale Road. Communications with the client dated the excavation of the ditch as being contemporaneous with the construction of housing south of the current study area.

One tree was noted to be within the proposed development footprint and was confirmed as being planned for removal; it was concluded that the conditions were indicative of new-growth vegetation and contained no scars or markings.

Several previous disturbances were identified within the study area, including:

- Construction of an access road;

- Installation of fencing;
- Creation of informal livestock trails throughout the property;
- Creation of the drainage depression;
- the subsequent deposition of spoil to the immediate west of said depression; and
- Addition of the large berm along Silverdale Road.

Overhead powerlines were identified as running east-west across the study area. However, there was no evidence of their installation and ongoing use having contributed to any significant disturbances within the study area proper. Though much of the survey area has been farmed, historical aerial imagery indicates the ridgeline portion was not heavily disturbed during the farming period.

Visibility was estimated to be approximately 10% – 20% based on the presence of dense grasses. Some areas of exposure were present along the drainage and ridgeline, as well as within livestock trails. This accounted for approximately 10% of the survey area. Exposures were noted to contain worn sandstone pebbles but no artefacts.

The survey area was found to be relatively flat, though a roughly 15-metre swatch on either side of the drainage appears to have been excavated to channel surface water into the channel. Most notably, a ridgeline is present along the treeline at the eastern perimeter of the survey area, which provides exceptional eastern views.

### (c) Contamination

Based on the results a Detailed Site Investigation (DSI), and the opinion offered by the report writer the risk of gross ground contamination from previous landuse activities causing adverse health risk to future occupants of the property is considered low and therefore the site is suitable for the proposed development undertaken by GeoEnviro (refer to **Appendix H**).

Within the context of the scope of work, we are of the opinion that the risk of gross chemical contamination within the Subject Site is generally considered to be low and therefore suitable for the proposed residential subdivision development subject to removal of the Asbestos impacted fill in TP 8 and 17 to an EPA approved landfill facility. The removal of the asbestos impacted material may be undertaken during earthworks and road construction. Following excavation of the impacted material, these areas should be validated by sampling and laboratory analysis to ensure all asbestos impacted material is removed from the areas.

The proposed residential development would need to take into consideration the following environmental issues;

- Fill was encountered over the majority of the site with traces of anthropogenic materials (ie asphalt, concrete, glass, metal, plastic, tile and Styrofoam fragments). Further assessment or validation of the insitu fill may be carried during earthworks/construction. Should contamination be present during development, remediation and validation will be required to ensure the site is made suitable for the proposed development.
- General fill soils removed from the property must first be formally classified as per the EPA NSW Waste Classification Guidelines - Part 1: Classifying Waste (Nov 2014) prior to disposal. It is recommended that the waste classification sample be collected from stored stockpiles during the excavation procedure.
- Any imported fill shall be sampled prior to importation and shall conform to VENM (virgin excavated natural material) as per EPA NSW Waste Classification Guidelines - Part 1: Classifying Waste (Nov 2014).
- Though our investigation did not encounter widespread contamination, it is still possible for localised contamination to occur in areas not investigated. Should contamination be encountered during construction, all works should cease and an "Unexpected Asbestos Finds Protocol" as outlined in Appendix F should be initiated.

### (d) **Geotechnical and Salinity**

It respect of geotechnical and salinity issues, GeoEnviro at **Appendix I** carried out an assessment of the subject site in conjunction with the DSI. The assessment and recommendations are provided at Section 7 of the report.



#### **(e) Services**

Initial advice from Sydney Water is provided to indicate that the proposed subdivision can be connected to the existing system (**Appendix K**). Powerline Design at **Appendix L** has provided evidence that the proposed subdivision can be serviced by the existing system network.

#### **(f) Flora and Fauna**

In respect biodiversity issues, Narla Environmental undertook a flora and fauna assessment report at **Appendix E**. The assessment concludes:

This assessment indicates that the relevant provisions of the Environmental Planning and Assessment Act 1979, Biodiversity Conservation Act 2016, and Environmental Protection and Biodiversity Conservation Act 1999 have been satisfied.

In summary, the proposed rezoning is likely to impact 0.79ha of native vegetation across the following vegetation communities:

- 0.41ha of Cumberland Shale Hills Woodland – Moderate Condition (Remnant);
- 0.26ha of Cumberland Shale Hills Woodland – Low Condition (Grassland); and
- 0.12ha of Native Swale Vegetation.

In addition to these areas of native vegetation, approximately 4.44ha of Exotic Dominated Grassland will also likely be impacted by the proposed rezoning.

All trees to be removed will be replaced with locally sourced, nursery stock, at a ratio of 3:1, with native species within the proposed residual lot, representative of the Cumberland Plains Woodland Critically Endangered Ecological Communities to ensure a net gain in biodiversity across the Subject Property.

The impact upon 0.67ha of CSPW comprises 4.44% of the locally occurring CEEC, Cumberland Plain Woodland in the Sydney Basin Bioregion within the Subject Property.

BC Act Tests of Significance (5 part-Tests) and EPBC Assessments of Significant Impact were conducted for all potentially occurring threatened species with the potential to be impacted by the proposed activity. It was determined that the proposed activity will not have a significant impact on any potentially occurring threatened entities.

It is not anticipated that any threatened flora or fauna will be impacted by the proposed activity as long as the impact mitigation measures outlined in this report, are to implemented to reduce impacts to native vegetation and fauna where possible.

#### **(g) Land Use Conflict**

As the proposed subdivision adjoins rural land, Council requested a Land Use Conflict Risk Assessment report (LUCRA). MNC Agronomy prepared the assessment at **Appendix F**. The assessment provided the following recommendations:

With only a very small amount of grazing land between the farmland boundary fence and the vegetation/escarpment, the biodiversity layer established east of the fence does act to substantially fortify and increase the physical buffer in place. Actions recommended to maintain this buffer are:

- Maintain existing and established large tree species (in the biodiversity layer) for rural amenity reasons as well as enhanced mitigation benefits.
- Utilise this zone between the residential boundaries and the farmland boundaries as a buffer zone where weeds are controlled regularly utilising selective herbicides and/or mechanically (e.g. physical removal, mowing or forestry mulcher).

- Ensure fence, stock-grid and gates (access to the remaining farmland) are maintained in working order at all times.

#### **(h) Social Impact Statement**

In response to providing a Social Impact Statement, such is provided at **Appendix G**.

#### **(i) Flood Study**

In respect of potential localised flood impacts, Site Plus at **Appendix B** undertook an assessment of the site. The assessment states:

The following conclusions can be made regarding the flood study:

- All of the proposed lots are located outside the of 1%AEP flood extents.
- Proposed habitable floor levels are to be a minimum of 0.5m above the 1% AEP flood level.
- During the PMF occupants from the proposed lots can safely access Silverdale Road which is floor free.
- The existing Dam attenuates flow from the development in its current state and leads to no increases in flood levels or hazard downstream of the development.

#### **5.2.1.3 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?**

The Proposal, upon implementation, will provide a range of positive social and economic benefits to the local area. specifically, the Proposal will provide:

- A diversity of housing lots.
- Positive local construction and development related economic impacts (materials, services, jobs).
- Limited “work from home” opportunities.

Importantly, there is the potential, upon planning resolution and the granting of approvals, to fast track the initial stages of the Proposal, with some of the positive local social and economic impacts referenced above.

### **5.2.2 INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH) (SECTION D)**

#### **5.2.2.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

Service infrastructure planning underpins the delivery of the Proposal. The Proposal will initially leverage off existing trunk services in the vicinity of the site, whilst adopting sustainability principles. A preliminary service infrastructure strategy has been compiled and is presented as **Appendix K**.

The Proposal will be characterised by integrated stormwater management, potable water and sewer management strategies. The site’s natural blue-green assets and proposed naturalistic assets will provide the basis for a fully integrated water cycle management system that fulfils Council’s water quality targets and water quantity and flood mitigation requirements, including acceptable downstream impacts.

Any amplification/enhancement and provision of both onsite and offsite infrastructure, including community infrastructure, will involve relevant contributions under Council’s Section 7.11 Contribution Plan.

### **5.2.3 STATE AND COMMONWEALTH INTERESTS (SECTION E)**

#### **5.2.3.1 WHAT ARE THE VIEWS OF STATE AND FEDERAL PUBLIC AUTHORITIES AND GOVERNMENT AGENCIES**

The “Gateway” determination will identify the nature and extent of consultation required with State or Commonwealth Public Authorities. This may include:

- Consultation required by section 3.25 of the EP&A Act pertaining to critical habitat or threatened species populations, ecological communities or their habitats.
- Consultation with broad ranging authorities required in accordance with a Ministerial Direction under section 9.1 of the EP&A Act: and
- Consultation that is required because in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP amendment.

## 6 Mapping (Part 4)

The following mapping amendments and additions to Wollondilly Local Environmental Plan 2011 (WLEP2011), as summarised in Section 4 (Part 2), are proposed. Such mapping is to be prepared in accordance with the Department of Planning and Environment's "Standard Technical Requirements for Spatial Datasets and maps".

The subject mapping importantly seeks to contain sufficient information to explain the substantive effect of the proposed LEP amendments.

Item	Change to zoning maps of WLEP 2011 for the subject land	Proposed Amendment/Action	Map changes
1	Currently the subject land does not contain a height control	Amend the relevant Height of Buildings Map sheet to reflect the proposed height of 9m, commensurate with adjoining residential land.	In accordance with the height of building action at <b>Appendix N</b> .
2	Currently the subject land is zoned RU2 Rural Landscape.	It is proposed to rezone part of the land to R5 Large Lot Residential.	In accordance with the land zoning map, depicted in <b>Appendix O</b> .
3	Currently the minimum lot size is 40ha.	It is proposed that the proposed nine (9) lots have a minimum lot size of 4,000m <sup>2</sup> .	In accordance with the minimum lot size map, depicted in <b>Appendix M</b> .

## 7 Community Consultation (Part 5)

A relevant Planning Proposal will be subject to community consultation in accordance with Council's Community Participation Plan. It is noted that the Scoping Proposal was referred to the following authorities and government agencies:

- Subsidence Authority.
- NSW Rural Fire Service.
- Transport for NSW.
- State Emergency Services.
- Department of Planning, Industry and Environment.
- Sydney Water.
- Heritage NSW.
- NSW Environment Protection Authority.
- Department of Primary Industries (Agriculture).
- Jemena.

A summary of the initial comments was provided in written advice dated 5 December 2023.

The following Table addresses the various comments from the authorities, and it should be noted that the comments from the authorities are based on the original proposal for seventeen (17) lots and has been amended to nine (9) lots.

Authority	Comments	Response
<b>Department of Primary Industries – Agriculture</b>	<p>Inconsistent with various strategic documents.</p> <p>Land use conflicts with agricultural lands.</p>	<p>Whilst potentially inconsistent with the strategic documents, the subject property is a logical extension of this part of The Oaks for larger lot residential and a transition between standard lots and the larger agricultural lands to the east and north. This part of the land has little agricultural sustainability.</p> <p>Land use conflicts is addressed by MNC Agronomy at <b>Appendix F</b>. If the land was capable of being used for agricultural purposes, it would conflict with the adjoining low density residential land in Browns Road.</p>
<b>NSW State Emergency Service</b>	Concerned with potential impacts of flooding.	A flood study was prepared by Site Plus at <b>Appendix B</b> . All the proposed lots are located outside the 1% AEP flood line and future dwellings can be constructed above the 1% AEP with 500mm freeboard.
<b>Department of Planning and Environment.</b>	Any Planning Proposal should address the reasons why the previous application was refused and address strategic framework. Biodiversity protection to be addressed.	<p>Essentially the previous application was refused, as the applicant did not provide the necessary studies and the Gateway Determination had expired. The strategic framework for the subject proposal is addressed in this PPR application.</p> <p>Biodiversity addressed at <b>Appendix E</b>. The proposal will have minimal impact on flora and fauna species.</p>
<b>NSW EPA</b>	The application should be supported by a contamination assessment.	A preliminary site investigation report is provided at <b>Appendix H</b> . The report has provided recommendations for the removal of contaminated soils. The soils do not impact of the land being rezoned and developed for residential purposes.
<b>Department of Planning – Heritage</b>	An aboriginal due diligence assessment should be undertaken.	An aboriginal cultural heritage due diligence assessment is provided at <b>Appendix C</b> . The assessment has provided recommendations to address any potential impacts.

<b>NSW Rural Fire Service</b>	The Service did not support the proposal for 17 lots.	The application was amended to create 9 lots with a perimeter road and is supported.
<b>Sydney Water</b>	Water servicing is available and sewer constraints at West Camden System Catchment.	A feasibility application has been lodged with Sydney Water at <b>Appendix K</b> and this should not delay the application proceeding to Gateway Determination.
<b>Transport for NSW</b>	TfNSW has no requirements as the proposal is unlikely to have a significant impact on the road network.	A traffic assessment is provided at <b>Appendix Q</b> .
<b>Subsidence</b>	Land not affected by subsidence.	No action required.
<b>Jemena</b>	No infrastructure within the vicinity of the site.	No action required.

The comments were addressed by the various consultants.

This will initially involve informal community engagement. The engagement outcomes will be considered as Council advances the Planning Proposal to review by the Wollondilly Local Planning Panel and a formal Council Meeting merit based decision. Initial submitters will be notified of the subject Council meeting and afforded an opportunity to comment. Should Council support the Proposal it will be forwarded to the Department of Planning and Environment for a Gateway Determination. In the event of a positive Gateway Determination community consultation/public exhibition and government authority/agency consultation requirements will be outlined.

The recently adopted Local Environmental Plan Making Guideline recommends a maximum period of 20 days<sup>3</sup> for “standard” Planning Proposals and compliance with any local Council Community Participation Plan and 30-40 days with Government Authorities/Agencies<sup>4</sup>.

## 8 Project Timeline (Part 6)

The following notional timeline is proposed for advancing the subject Planning Proposal.

Action / Stage	Target Date
Lodgement of Planning Proposal Request with Council	May 2024
Community and limited public Authority consultation Review by Council/Local Planning Panel	June 2024 July 2024
Report to Local Planning Panel Report by Council supporting Gateway Application Referral to Department of Planning and Environment for a Gateway Determination	August 2024 October 2024 November 2024

<sup>3</sup> Excluding the period 20 December to 10 January (inclusive)

<sup>4</sup> The inference being 30 days for “standard” proposals

Anticipated commencement date (Date of Gateway Determination)	January 2025
Anticipated timeframe for completion of additional required technical / study information	March 2025
Community and Authority Consultation	April 2025
Consideration of submissions by Council and potential amendments (Note: Assumes no public hearing)	May 2025
Report to Council	July 2025
Submission to Department of Planning and Environment to finalise the LEP amendment	August 2025
Anticipated making of LEP amendment if delegated	September 2025
Anticipated date of LEP amendment notification to Department of Planning, Housing and Infrastructure	December 2025

Having regard to the preceding notional timeline it is anticipated that a timeframe of approximately 15 months should be provided to complete the relevant LEP amendment.

## 9 Conclusion

The subject PPR has been compiled to facilitate delivery of the development, which leverages off the site's natural qualities and setting and access to existing service infrastructure available within the immediate area. Such infrastructure will be extended to the subject property, which includes connection to sewer and therefore addresses any likely impact on water catchments.

The PPR is importantly demonstrated to initially exhibit Strategic Merit in terms of facilitating important housing, infrastructure and natural environmental outcomes detailed in the objectives, priorities, strategies and actions of the:

- Greater Sydney Region Plan.
- Western City District Plan.
- Wollondilly Council Community Strategic Plan.
- Wollondilly Local Strategic Planning Statement.
- Wollondilly Housing Strategy.

and further documented in compliance with the relevant SEPPs and Section 9.1 Directions.

The PPR has also demonstrated site-specific merit. It is the product of an extensive site analysis, inclusive of a range of specialist technical studies. The proposed amendments to the planning controls detailed in this PPR are accordingly considered reasonable and critical to the delivery of this proposal. Accordingly, it is recommended that the PPR inform a relevant Council PP and be endorsed by Council for a Gateway Determination by the Department of Planning, Housing and Infrastructure.

**APPENDIX “A” – PLANS**



## **APPENDIX “B” – FLOOD STUDY**

## **APPENDIX “C” – ABORIGINAL CULTURAL HERITAGE DUE DILIGENCE REPORT**

## **APPENDIX “D” BUSHFIRE ASSESSMENT**

## **APPENDIX “E” FLORA AND FAUNA ASSESSMENT**

**APPENDIX “F”**  
**LAND USE CONFLICT RISK ASSESSMENT**

## **APPENDIX “G” – SOCIAL IMPACT STATEMENT**

## **APPENDIX “H” – CONTAMINATION ASSESSMENT**



## **APPENDIX “I” – GEOTECHNICAL AND SALINITY ASSESSMENT**

## **APPENDIX “J” – SURVEY**

## **APPENDIX “K” – SERVICES**

## **APPENDIX “L” – LANDSCAPE PLANS**

## **APPENDIX “M” – MINIMUM LOT SIZE MAP**

## **APPENDIX “N” – HEIGHT OF BUILDINGS MAP**

## **APPENDIX “O” – LAND ZONE MAP**