

Mr John Vamvakaris
Morehuman Property Group Pty Ltd
c/o john@morehuman.com

4 November 2024

Dear Mr Vamvakaris,

**OUTCOME OF PRELIMINARY ASSESSMENT – DRAFT PLANNING PROPOSAL
FOR LAND AT NO. 1838 BARKERS LODGE ROAD, OAKDALE 1455 AND 1475
BURRAGORANG ROAD, OAKDALE 2570**

A preliminary assessment has now been completed of your draft planning proposal for the for the above-mentioned land at Oakdale which was recently submitted to Council. The assessment has been informed by feedback from key authorities, government agencies, Council's specialist officers and the preliminary community consultation.

Based on the information provided to date, it is considered that there is insufficient strategic planning merit to support the proposal and that the proposal is inconsistent with the strategic planning framework in place, in particular the following:

- The **Western City District Plan**, particularly, Planning Priority W1 (Planning for a city supported by infrastructure), Planning Priority W3 (Providing housing supply, choice and affordability, with access to jobs, services and public transport), Planning Priority W14 (Protecting and enhancing bushland and biodiversity), and Planning Priority W17 (Better managing rural areas).
- The **Wollondilly 2040 – Local Strategic Planning Statement (LSPS)** particularly, Planning Priority 1 (Aligning infrastructure provision with community needs), Planning Priority 3 (Establishing a framework for sustainable managed growth), Planning Priority 5 (Providing housing options that meet local needs and match the local character of towns and villages), Planning Priority 16 (Enhancing and protecting the diverse values of the Metropolitan Rural Area), and Planning Priority 18 (Living with climate impacts and contributing to the broader resilience of Greater Sydney).

- The site is located within the **Metropolitan Rural Area** and has not been identified in the Local Housing Strategy for local growth;
- **Wollondilly Local Housing Strategy (LHS)** - Wollondilly's housing strategy confirms there is sufficient land capacity to meet demand until 2041, with no housing supply gap.

I note this is consistent with the advice provided by Council in December 2022 in response to the scoping proposal. In addition to the inconsistencies with the strategic planning framework, a number of other outstanding issues have been identified as part of Council's preliminary assessment related to the following areas:

- Updates are required to the following technical studies:
 - Flood Impact and Risk Assessment
 - Water Cycle Management (WCMS) report
 - Land Use Conflict Risk Assessment (LUCRA)
 - Infrastructure Servicing Report
 - The BDAR (Biodiversity Development Assessment Report)
 - Traffic Assessment
- Detailed information is required on how the site will be serviced in relation to wastewater management.
- A Social and Health Impact Assessment Comment is required.
- A more detailed assessment of applicable Ministerial Directions has been identified for certain matters.
- A more detailed assessment is required to ensure consistency with regional, district, and local strategic planning frameworks.
- An indicative concept plan is required to illustrate the proposal and demonstrate how the proposal will interact with the relevant site constraints and opportunities. The concept plans should indicate:
 - The location of land use zones in relation to the lots, Minimum Lot Sizes
 - Land use constraints such as the flood planning area and bushfire hazard (in the form of an overlay).
 - Buffer areas to achieve physical separation between residential and agricultural land uses.
 - The location of Asset Protection Zones and demonstrate that they are outside of any proposed Conservation zones.
 - The alignment of interface intersections with existing roads, including the width and space available in the current road reserve.
- A Masterplan is required to address canopy cover, water management, open space, and liveability (including urban heat mitigation).

A detailed summary of the outstanding issues is provided in Attachment 1. I note that you were provided with a copy of key authority and government agency comments in July 2024.

Where relevant, the draft Planning Proposal document should be updated to incorporate the information requested in attachment 1, particularly the assessment against the relevant Ministerial Directions applicable to the draft planning proposal.

It is considered unlikely that providing the additional information requested in this letter and attachment would overcome the fundamental inconsistencies with the strategic planning framework and lead to an officer recommendation for the planning proposal to proceed.

With this in mind, please confirm whether you intend to address the outstanding matters prior to the matter being considered by the Wollondilly Shire Local Planning Panel and Council.

If you have any questions I can be contacted on (02) 4677 1100 or Carolyn.whitten@wollondilly.nsw.gov.au

Yours faithfully,



Carolyn Whitten
Team Leader Strategic Planning
Sustainable Growth

ATTACHMENT 1 – Outstanding Issues

The following issues, identified by public agencies and Council's specialist officers, must be addressed before the planning proposal can proceed:

Local Planning Directions

The planning proposal needs to be updated to provide additional justification for the following Ministerial Directions:

- Direction 1.1 (Implementation of Regional Plans) to further justify any inconsistencies with the District and Regional Planning Priorities.
- Direction 3.1 (Conservation Zones) to further demonstrate how environmentally sensitive areas of the land will be protected and conserved, it is important to clearly outline the boundaries of the C2 and C3 zones. Additionally, it should be addressed how the ongoing management of any C2 and C3 zoned land will be achieved, as well as how indirect impacts on the retained vegetation within these zones will be mitigated.
- Direction 3.3 Sydney Drinking Water Catchment to further elaboration on matters relevant to water quality risk including stormwater and sewerage management.
- Direction 4.1 Flooding to demonstrate how the proposal is consistent with the Direction.
- Direction 6.1 (Residential Zones) to demonstrate how new housing has appropriate access to infrastructure and services, and how the impact of residential development will be minimised on the ecological communities.
- Direction 9.1 (Rural Zones) to demonstrate how the proposal will protect the agricultural production value of the land. Any inconsistencies should be justified.
- Direction 9.2 (Rural Lands) to further address land use conflicts for a large number of residential lots directly adjoin rural land and demonstrate how they will be minimized.

Wastewater Management and Water Quality

- The West Camden Water Resource Recovery Facility (WRRF) is currently at capacity and will not have capacity prior to 2028 to service the proposed additional 208 residential lots. The planning proposal should address wastewater servicing by:
 - Providing detailed information on how the development of the site will be timed and staged in relation to the upgrade of the West Camden Water Recycling Plant (WRP).

- Providing an assessment of the network capacity of the reticulated sewer system to ensure the sewerage infrastructure available has sufficient capacity to handle the anticipated volumes of wastewater.
- Providing an assessment of the proposed lots in the northern parcel of C3 zoned land, which is designated a 4,000 m² MLS to demonstrate that this MLS will support sewered development.
- Written support/letter needs to be received from Sydney water to demonstrate that the sewer infrastructure will have capacity to service the proposed development prior to proceeding further with the planning proposal.
- A detailed site contamination assessment is requested by Water NSW which should include groundwater and sediment sampling of the farm dams.

Stormwater Management

- The planning proposal is to provide further information and demonstrate how stormwater will be managed including:
 - Details of the proposed ownership, short and long-term maintenance and (if relevant) dedication of the proposed detention and bio-retention basins (and any other stormwater infrastructure) to Council.
 - Clarification of whether farm dams on the site will be in-filled or re-purposed.
 - Clearly identifying the locations of stormwater bioretention and detention basins, their zonings, and whether they will be on private land in R2 and C3 zones.
- The C3 zone in the south should be extended further southward to minimise the encroachment of the urban area on the two southern farm dams. Consideration could be given to extending the southern C3 area boundary and the associated 5ha minimum lot size further south to minimise the impact of residential development and roads on existing dams, especially if repurposed for stormwater management (noting that an extension of the C3 zone to the south is also recommended later in this letter for the purpose of achieving biodiversity outcomes).
- Council will not accept dedication of a stormwater facility in association land or zone as a conservation zone. Any Planning Agreement proposing dedication of the stormwater facilities to Council will also need to address the Council's Dedication of Land Policy, in particular, in kind maintenance for 2 years 20-year maintenance contributions, paid at the time of dedication.

Development Capability and Minimum Lot Size (MLS)

- Different and more appropriate lot sizes need to be considered instead of the proposed residential lot sizes of 300m² and 450m². The proposed minimum lot sizes are not considered appropriate for this site in terms of retaining the local character of the area and achieving place-based outcomes. They will also establish an undesirable precedent for future growth in this area.
- A conceptual subdivision layout plan is to be provided to help guide the selection of zones and MLSs.

Infrastructure

- The Infrastructure Servicing Report needs to be updated to detail the infrastructure and servicing requirements, and a delivery mechanism/s, to support the proposal.

Land use Conflicts

- The LUCRA needs to be updated as it does not consider potential agricultural uses for adjacent rural land. Any updated LUCRA needs to address land use conflict between the proposed residential and rural land uses. Particularly where a large number of residential lots directly adjoin rural land.
- The provision of buffer areas is required to achieve physical separation between residential and agricultural land uses in order to mitigate against potential land use conflict.
- A master plan should be developed to support the planning proposal. Any master plan should be informed by a current land use conflict risk assessment which is informed by consultation with nearby agricultural landowners, and which considers the potential agricultural land uses that could occur on the neighbouring land without development consent.

Flooding

- The site is flood affected. The flood assessment currently provided in the Water Cycle Management Study (WCMS) does not address the full extent of flood risk, constraints and impacts and the assessment is limited to the 1% Annual Exceedence Probability (1% AEP) flood extent.
- A Comprehensive Flood Impact and Risk Assessment prepared in accordance with the Flood Risk Management Manual and its supporting guidelines is required which considers the following:

- The flood planning area (100-year flood level plus 500mm) for the site is to be determined and overlaid on a map with the proposed zoning;
- The 1% AEP flood maps need to be included. It is considered that the current Flood Report lacks sufficient information regarding flood risk, constraints, and impacts, with the assessment being limited to the 1% AEP.
- Probable Maximum Flood (PMF) analysis is required to understand the full flood extent for the development;
- Pre- and post-development flood modelling is required for the PMF (Probable Maximum Flood) event. This analysis must also include impact mapping for the PMF;
- Maps such as post-development scenario maps and flood hazard maps are to be included in the planning proposal;
- Address the full range of flood risk. To achieve this, the flood behaviour must be examined for a range of flood events. Typical events examined may include the 10% or 5%, 1%, 0.5% or 0.2% AEP and probable maximum flood (PMF) for both existing and post development scenarios;
- Identify the constraints that flood places on the land (floodways, flood storage, flood hazard and emergency response issues) determined for a number of events including the 10% or 5%, 1%, 0.5% or 0.2% AEP and PMF;
- Identify the impact of the development on flooding and on the existing and future community for the full range of flooding;
- Identify how these impacts can be managed to minimise the growth in risk to the community due to the development. This includes details of any management measures to be implemented to minimise the impacts and risks posed to the existing and future community due to development;
- Include consideration of climate change impacts;
- Management strategies (particularly having regard to evacuation within and above the flood planning area) to reduce the impacts and risks to both the existing and future community. In particular, noting that the isolation of the site may occur due to flooding of major access routes from a 10% AEP flood.

Urban Canopy

- The planning proposal document should address the NSW Government 40 percent canopy cover target and how it will be achieved across the development site including:
 - Integration of existing canopy trees into the Masterplan design to provide canopy cover from commencement of works.
 - Address risks to the canopy cover target not being achieved.

- The proposal should also be amended to retain existing mature trees, which will provide immediate shading, support biodiversity, and help maintain canopy cover—enhancing amenity and mitigating urban heat.
 - Additionally, other strategies for urban heat mitigation should be incorporated into the proposal, with reference to the Wollondilly Urban Tree Canopy Plan and Landscape Strategy.

Biodiversity

- The BDAR does not adequately address Stage 1 of the Biodiversity Assessment methodology. An updated Biodiversity Development Assessment Report (BDAR) is required which includes the following:
 - Validated ground truthing for the sections of the site classified under the East Coast Plant Community Type Scheme as the non-threatened Sydney Hinterland Enriched Sandstone Bloodwood Forest. Site-specific mapping validation is required for the Critically Endangered Ecological Communities, including Cumberland Plain Woodland and Shale/Sandstone Transition Forest (SSTF).
 - An adjustment of the plot locations to include a plot near the PCT boundary is required in order to provide an ecological basis for identifying the transition between the two ecological communities. The number of survey plots is acknowledged to exceed the requirements of the Biodiversity Assessment Methodology.
 - Indirect Impacts on retained vegetation within the C2 and C3 Zones arising from the rezoning need to be assessed and addressed, as well as the potential adverse effects on the downstream community, particularly north of Burragorang Road. Proposed mitigation measures should be outlined.
 - Provides full consideration of the site's east-west habitat connectivity. The site is part of an east-west habitat corridor, which is highly important because of its role in connecting different habitats. The BDAR mentions that the key connectivity features of the land include a small patch of native vegetation in the eastern section, with two thin but mostly intact corridors extending to the west and north.
 - Koala habitat mapping viewable on the State Environment Enabling Sharing Data needs to be listed in referenced resources. This needs to be considered to ensure the report and associated mapping is based on the most up to date scientific based data.
 - The BDAR is only to address Stage 1 of the Biodiversity Assessment Methodology as Stage 2 of this Policy applies to developments assessed under Part 4 of the *Environmental Planning and Assessment Act, 1979*.
 - The Strategic Bushfire Assessment incorporates Asset Protection Zones (APZs) within the proposed Conservation Zoning, which is not

supported due to the conflicting goals of biodiversity conservation and fire risk reduction. This issue should be addressed as part of the broader C2 Zone application and the BDAR updated to reflect these amendments.

- The planning proposal document should be updated to demonstrate consistency with Principles of the Sustainability Policy adopted by Council in March 2022.
- A Masterplan or equivalent should be developed to provide an integrated layout that considers canopy cover, water management, open space, and liveability (including urban heat mitigation). This approach will support future development in delivering positive environmental, social, health, and economic outcomes.
- The proposal should keep the existing vegetation within the development area, including hollow-bearing trees (HBTs). A map should be provided to show the Vegetation Management Zones (VMZs) and where the hollow-bearing trees will be preserved.
- The proposed zoning needs to be adjusted to accommodate the following:
 - Extend the proposed C2 Zone boundary further to the south so that it applies to a wider area that supports ecological functions. development and expansion of the C2 Zone are required, as the current zoning boundary may lead to significant indirect impacts, adversely affecting the ecological viability of mapped communities. A larger, more appropriately shaped C2 conservation zone is necessary to avoid direct biodiversity impacts;
 - Provide a C3 Zone south of the expanded C2 Zone based on polygon mapping of the critically endangered Shale/Sandstone Transition Forest.

It should be noted that the above suggested amendments to the Planning Proposal, should they be made, does not imply that the draft Planning Proposal would be supported.

Traffic

- The submitted Traffic Impact Assessment is to be updated to include details on the actual intersection arrangements and assess their appropriateness.
The interface intersections with existing roads will rely heavily on the width and space available in the existing road reserve. Therefore, full design details need to be provided at this stage to ensure that intersections are actually able to be achieved in practice.

Health Planning

- A Social and Health Impact Comment (SHIC) is required to inform the proposal. Council's Policy and Guidelines can be found at <https://www.wollondilly.nsw.gov.au/shire-projects/strategic-planning-and-land-use-policies/health-in-planning/>

Local Contributions

- It is noted that a voluntary planning agreement is proposed to accompany the planning proposal but has not yet been lodged.
With this in mind, the *Environmental Planning and Assessment Act 1979* and Council's *Planning Agreements Policy* require that the draft planning agreement be notified at the same time the Planning Proposal is exhibited. According to the Policy, this notification must include a fully drafted and signed Planning Agreement using Council's template, a letter of offer to enter into the attached planning agreement, written consent from all landowners, and payment of the relevant application fee as per Council's adopted fees and charges. A copy of the Council's template can be downloaded from the Voluntary Planning Agreements section on the Council's website.
- The following preliminary feedback is noted in response to the *Local VPA Proposal* prepared by Colliers:
 - No objection, in principle, to monetary contributions being made to augment local open space, recreation and community facilities. However, this will not be to the exclusion of shire wide community and cultural facilities. Any development must make monetary contributions to Picton Library and Cultural Centre.
 - Consideration should be given to funding a masterplan for Willis Park to inform improvements rather than identifying them upfront
 - Should improvements be provided up front, consideration should be given to providing an all abilities play space and amenities to provide an inclusive environment for people with disabilities.
 - No contributions offsets will be considered for items which would be reasonably be condition as direct development works associated with the site.
 - It should be noted that the State Government's Housing and Productivity Contributions apply to the development of the land.
 - Any proposed dedication of constructed stormwater facilities must be contained in a planning agreement. This must include first 5-years maintenance by the developer plus a monetary contribution for stormwater maintenance. Current rate is \$148,160 per basin/stormwater facility (being \$7,408 (Mar 2024 - CPI 137.7) per year x 20-years.

Facilities and Recreation

- The planning proposal document is to be updated to clarify the proposed management of the C2 and C3 zones.

The area of densely vegetated land, designated as an 'augmentation of Willis Park,' is unlikely to offer significant recreational benefits due to the management requirements associated with the Sydney Sandstone Transition Forest (SSTF) and the Endangered Ecological Community (EEC). It is likely that this land will primarily serve as a thoroughfare to Willis Park, which may lead to various land use conflicts such as weed management, bushfire hazards, and illegal trail biking. To mitigate these issues, perimeter control measures would need to be installed from the outset.