

Mr Ben Taylor
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Wollondilly Shire Council
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Attention: Ms Sara Mehryar

PRELIMINARY CONSULTATION - DRAFT PLANNING PROPOSAL – LAND AT 1838 BARKERS LODGE ROAD, 1455 AND 1475 BARKERS LODGE RD, OAKDALE

Dear Mr Taylor

Thank you for your correspondence of 11 June 2024 and the opportunity to provide comment on the draft planning proposal at Oakdale.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

NSW DPI Agriculture has reviewed the draft planning proposal and supporting documentation. We note the site is located within the Metropolitan Rural Area (MRA) and therefore the proposed residential use of the land is inconsistent with the Greater Sydney Regional Plan, A Metropolis of Three Cities; Western City District Plan, the Wollondilly Local Strategic Planning Statement (LSPS) 2040; and the Wollondilly Rural Lands Strategy (RLS). All of these strategic planning documents identify the need to protect and support agricultural production and enhance and protect the diverse values of the MRA.

The site is mapped as Class 4 by the Land and Soil Capability Scheme (LSC) and has moderate soil fertility which has a high potential for grazing and is suitable for pasture improvement. Limitations can be managed by well-planned and carefully implemented farming practices. The subject site's agricultural viability has been dismissed in the Agricultural Land Capability Study on the basis of the current lot size and perceived limitations for Class 4 land, concluding it has limited value for rural purposes other than limited grazing.

Small lot sizes can be successfully used for forms of agriculture other than grazing, such as covered horticulture which is not reliant on the biophysical attributes of the land. Horticulture, which includes intensive plant agriculture and controlled environment horticulture (CEH), is an extremely

important agricultural industry that is necessary to provide future food security. Wollondilly LGA is well known for its horticulture industries and is in a perfect location to access the Greater Sydney Region market.

We note Wollondilly Shire Council is proposing to include horticulture as exempt development in the RU1 Primary Production zone (the site's current zone) and complying development in the RU2 Rural Landscape and RU4 Primary Production Small Lots zones (PP-2024-676).

The Land Use Conflict Risk Assessment (LUCRA) provided with the Agricultural Land Capability Study was undertaken in December 2015. The LUCRA should be updated as it does not consider potential agricultural uses for adjacent rural land, for example, the potential of new horticulture enterprises that may be possible as a result of Council's planning proposal (PP-2024-676) Encouraging Horticulture in Rural.

It is noted that the length of the interface between the proposed residential land uses and rural land zoned RU1 Primary Production will not change significantly. However, the proposal will create a new urban/rural interface with new rural landowners and significantly increase the residential density of the land, in turn increasing the potential for land use conflict between the proposed residential and rural land uses. Particularly where a large number of residential lots directly adjoin rural land. This will also need to be addressed in any updated LUCRA.

If the proposal does proceed, NSW DPI Agriculture strongly recommends that master planning is undertaken before the rezoning process to effectively plan for the interface of rural and future urban land uses. The provision of buffer areas that achieve physical separation between residential and agricultural land uses is preferred to mitigate against potential land use conflict.

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.

Should you require clarification on any of the information contained in this response, I have arranged for Helen Willis, Agricultural Land Use Planning Officer to assist you. Helen can be contacted by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



Paul Garnett
A/Manager, Agricultural Land Use Planning
28 June 2024

RDOC24/ 77421

28 June 2024

Sara Mehryar
Wollondilly Shire Council
Sara.Mehryar@wollondilly.nsw.gov.au
Via: Email

ADVICE RESPONSE: Preliminary Notification - Planning Proposal - Land Adjoining Oakdale Sportsfields - 1838 Barkers Lodge Road, Oakdale (Lot 6 in DP 734561), 1475 and 1455 Burraborang Road, Oakdale (Lot 1 and Lot 2 in DP734561)

Dear Sara,

I refer to your correspondence dated 12 June 2024 inviting the Department of Regional NSW – Mining, Exploration and Geoscience (MEG) to provide comments on the Preliminary Notification - Planning Proposal - Land Adjoining Oakdale Sportsfields - 1838 Barkers Lodge Road, Oakdale (Lot 6 in DP 734561), 1475 and 1455 Burraborang Road, Oakdale (Lot 1 and Lot 2 in DP734561), submitted by Wollondilly Shire (Council).

MEG has reviewed the information supplied and has considered section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, Direction 8.1 Mining, Petroleum Production and Extractive Industries and Scheduled Minerals listed under the Mining Regulation 2016. MEG has no resource sterilisation concerns to raise at this stage.

For further advice on this matter, please contact Pamela Gould, GIS & Coordination Officer, Industry Advisory & Mining Concierge unit - Industry Development branch on 02 4063 6860 or mining.concierge@regional.nsw.gov.au.

Sincerely



Scott Anson

Manager Industry Advisory and Mining Concierge
Industry Development
Department of Regional NSW – Mining, Exploration and Geoscience
for

Tony Linnane

Executive Director Strategy, Performance and Industry Development
Department of Regional NSW – Mining, Exploration and Geoscience

Our Ref: ID2508
Your Ref: CM 13014

11 July 2024

Sara Mehryar
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

email: sustainablegrowth@wollondilly.nsw.gov.au
CC: dylan.whitelaw1@ses.nsw.gov.au

Dear Sara,

Planning Proposal for Barkers Lodge Road and Burragorang Road, Oakdale

Thank you for the opportunity to provide comment on the Planning Proposal for 1838 Barkers Lodge Road, Oakdale (Lot 6 DP734561) and 1475 and 1455 Burragorang Road, Oakdale (Lots 1 and 2, DP734561). It is understood that the planning proposal seeks to amend the Wollondilly Local Environmental Plan 2011 to create around 208 residential lots by:

- amending the Land Zoning Map from RU1 Primary Production to R2 Low Density Residential, C2 Environmental Conservation and C3 Environmental Management;
- amending the Minimum Lot Size Map for subdivision from 16ha to 300 sqm (for land to be zoned R2), 40 ha (for land to be zoned C2) and 5 ha (for land to be zoned C3); and
- amending the Height of Building Map to introduce a maximum 9m height limit for land to be zoned R2 Low Density Residential.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunami in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Section 9.1 Ministerial Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning. Key considerations relating to emergency management are outlined in Attachment A.

We note the proposed development is not located on flood prone land or in the Wollondilly Council Flood Planning Area (FPA overland or mainstream) apart from a small section on the northern boundary.

In summary, we:

- **Note** that isolation of the site may occur due to flooding of major access routes from a 10% AEP flood¹. The consent authority will need to be satisfied that the management of associated risks is considered and addressed as appropriate. This may include site design permitting rising road access for all lots/blocks in the development.
- **Recommend** a comprehensive Flood Impact and Risk Assessment (FIRA) to identify the impacts of the site and model flood events and duration for the site and adjacent properties up to the PMF and under climate change conditions.
- **Support** the proposal to zone significant areas around the watercourses to C2 Environmental Conservation and C3 Environmental Management.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:

- [Reducing Vulnerability of Buildings to Flood Damage](#)
- [Designing Safer Subdivisions](#)
- [Managing Flood Risk Through Planning Opportunities](#)

Please feel free to contact Suede Stanton-Drudy via email at rra@ses.nsw.gov.au should you wish to discuss any of the matters raised in this correspondence. The NSW SES would also be interested in receiving future correspondence regarding the outcome of this referral via this email address.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elspeth O'Shannessy', with a horizontal line underneath.

Elspeth O'Shannessy
Manager Emergency Risk Assessment
NSW State Emergency Service

¹ Wollondilly Shire Council - IntraMaps online GIS mapping system accessed 5.7.24

ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline²

Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.

We note that the development (“Oakdale South rezoning – 100 dwellings”) has been included in the Wollondilly Residential Development Forecast (2016 to 2041) in the Wollondilly Hazards Analysis and Emergency Management Study³.

Any proposed Emergency Management strategy for an area should be compatible with the evacuation strategies identified in the NSW State Flood Plan⁴ and the Wollondilly Shire Local Flood Plan⁵.

Principle 2 Decisions should be informed by understanding the full range of risks to the community.

Decisions relating to future development should be risk-based and ensure Emergency Management risks to the community of the full range of floods are effectively understood and managed. Further, risk assessment should consider the full range of flooding, including events up to the Probable Maximum Flood (PMF) and not focus only on the 1% AEP flood. Climate change considerations should also be included, in line with NSW Government Guidelines.

The 1838 Barkers Lodge Road site appears to be located above the PMF, however the 1455 and 1475 Burragorang Road, Oakdale plots appear to be subject to overland flooding and within the Wollondilly Shire Council’s Flood Planning Area for overland flow⁶. We note that the planning proposal suggests that the inconsistency with the NSW Ministerial Direction 4.1 is of minor significance.

The Burragorang Road sites (numbers 1475 and 1455) are first subject to flooding in the northwest corners of both sites in a 10% AEP flood with depths of up to 0.2 metres⁷. During a 1% AEP, flood water depths reach up to 0.5 metres⁸ while in a PMF depths can be up to 1 metre⁹. Modelling undertaken by Colliers International Engineering & Design (NSW) Pty Ltd shows overland flow paths across much of site 1455 and across the southeast corner of site 1475 during a 1% AEP flood to unknown depths¹⁰, which is proposed to be eliminated in the proposed post-development scenario¹¹. We note that the proposal states that, according to

² NSW Government (2023) - Principles Outlined in the Support for Emergency Management Planning Guideline

³ Molino Stewart (2021) - Wollondilly Hazards Analysis and Emergency Management Study (HAEMS) Appendix C

⁴ NSW Government (2021) - NSW State Flood Plan. Section 1.6 – Key Principles. 1.6.2, page 5.

⁵ NSW SES (2022) - Wollondilly Shire Local Flood Emergency Sub Plan

⁶ Wollondilly Shire Council - IntraMaps online GIS mapping system accessed 5.7.24

⁷ Advisian (2023) - Wollondilly Flood Study Figure C.07

⁸ Ibid Figure C.08

⁹ Ibid Figure C.10

¹⁰ Colliers International Engineering & Design NSW (2024) - Water Cycle Management Strategy Report Oakdale Planning Proposal Figure 4-5

¹¹ Ibid Figure D

the assessment, the impact of the development on flood behaviour would be an overall improvement in local drainage as a result of catchment redistributions and formalisation of on-site detention basins at the southeast and north end of the site.¹²

We note that the NSW Environment and Heritage Group previously recommended the preparation of a Flood Impact and Risk Assessment (FIRA). We also note that the Water Cycle Management Strategy Report provided suggests further refinement of flood impact assessment is needed once the interface within the private and public domain is defined to address modelling up to the PMF in addition to stormwater drainage networks, culvert and bridge structures, and detailed feature and level surveys as necessary. We recommend the creation of a such a Flood Impact and Risk Assessment which also includes climate change considerations. The FIRA should address the Burragorang Road access points and the impact on neighbouring properties in this area, particularly given that the NSW has attended 5 flood incidents at properties in this area.

The NSW Independent Flood Inquiry 2022 noted that alteration to the natural flow of rivers, streams, floodplains and wetlands is recognised as a major factor contributing to loss of biological diversity and ecological function in aquatic ecosystems including floodplains¹³. The NSW SES support the proposal to zone significant areas around the watercourses of the subject sites to C2 Environmental Conservation and C3 Environmental Management.

Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.

Risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of localised flooding on evacuation routes. Evacuation must not require people to drive or walk through flood water.

Development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the NSW SES.

Principle 4 Decisions on development within the floodplain does not increase risk to life from flooding.

Managing flood risks requires careful consideration of development type, likely users, and their ability respond to minimise their risks. This includes consideration of:

- **Isolation** – There is no known safe period of isolation in a flood, the longer the period of isolation the greater the risk to occupants who are isolated.
- **Secondary risks** – This includes fire and medical emergencies that can impact on the safety of people isolated by floodwater. The potential risk to occupants needs to be considered and managed in decision-making.

¹² Gyde Consulting (2024) - Planning Proposal P-22086 1838 Barkers Lodge Road, 1455 Burragorang Road & 1475 Burragorang Road, Oakdale p.28

¹³ NSW Government (2022) – NSW Independent Flood Inquiry Full Report p. 311

- **Consideration of human behaviour** – The behaviour of individuals such as choosing not to remain isolated from their family or social network in a building on a floor above the PMF for an extended flood duration or attempting to return to a building during a flood, needs to be considered.

Principle 5 Risks faced by the itinerant population need to be managed.

Principle 6 Recognise the need for effective flood warning and associated limitations.

There is currently no flood warning service for the Oakdale area, and the flooding may have little to no warning time. Therefore there is limited opportunity for the proposed community to respond to a flood threat in an appropriate and timely manner.

Principle 7 Ongoing community awareness of flooding is critical to assist effective emergency response.

Development in a floodplain will increase the need for NSW SES to undertake continuous community awareness, preparedness, and response operations.

The flood risk at the site and actions taken to reduce risk to life should be communicated to all site users (includes increasing risk awareness, community connections, preparedness actions, appropriate signage and emergency drills) during and after the construction phase.

Residents and users of the proposed development should be made aware of their flood risk, the [Hazards Near Me](#) app (a tool to receive flood warnings as part of the Australian Warning System) and the [NSW SES website](#) which contains comprehensive information for the general community about what to do before, during and after floods as well as in-language resources and HazardWatch (NSW SES interactive information and warnings site).

11 July 2024

TfNSW Reference: SYD24-01102/01



Mr Ben Taylor
CEO
Wollondilly Council
PO Box 21
Picton NSW 2571

Attention: Sara Mehryar

SCOPING PROPOSAL
1838 BARKERS LODGE RD, 1455 AND 1475 BURRAGORANG ROAD, OAKDALE

Dear Mr Carfield,

Transport for NSW (**TfNSW**) appreciates the opportunity to provide comment on the Scoping Proposal (**Proposal**) for 1838 Barkers Lodge Rd, 1455 and 1475 Burragorang Road, Oakdale (**site**), that was referred by Council on 11 Jun 2024.

The Proposal seeks to amend the Wollondilly Local Environmental Plan 2011 (**WLEP 2011**) to enable low density residential development. The proposal would expand the boundary of the Oakdale village and facilitate approximately an additional 208 residential lots. Following amendments to WLEP 2011 are proposed:

- Amending the Land Zoning Map from RU1 Primary Production to R2 Low Density Residential, C2 Environmental Conservation and C3 Environmental Management.
- Amend the Minimum Lot Size Map for subdivision from 16ha to 300 sqm (for land to be zoned R2), 40 ha (for land to be zoned C2) and 5 ha (for land to be zoned C3).
- Amend the Height of Building Map to introduce a maximum 9m height limit for land to be zoned R2 Low Density Residential.

TfNSW has reviewed the submitted documents and has no requirements as the Proposal is unlikely to have a significant impact on the classified road network.

Please note that the comments provided above are of a preliminary nature. They are not to be interpreted as binding upon TfNSW and may change should the nature of the Proposal change or following review of the formal Planning Proposal referred from the appropriate planning authority. Further consultation with TfNSW is conditioned as part of any Gateway Determination.

Should you have any questions or further enquiries in relation to this matter, Xin Zhao, Land Use Planner, would be pleased to take your call on 0466 599 538 or via email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

I Karaman

Ilyas Karaman
Acting Senior Manager Strategic Land Use - Western
Planning and Programs, Greater Sydney Division

11 July 2024

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2024/52867

Chief Executive Officer
c/- Sustainable Growth
Wollondilly Council
PO Box 21
PICTON NSW 2571

Attn: Sara Mehryar
Assistant Strategic Planner

Draft Planning Proposal – Land at 1838 Barkers Lodge Road, 1455 and 1475 Burragorang Road, Oakdale (Land Adjoining Oakdale Sportsfields) (CM: 13014)

Dear Sir/ Madam,

I refer to Council's letter of 1 July 2024 regarding preliminary consultation on a Draft Planning Proposal for land at 1838 Barkers Lodge Road (Lot 6 DP 734561), 1455 and 1475 Burragorang Road Oakdale (Lot 1 and 2 DP 734561). The Proposal seeks to rezone the subject land from RU1 Primary Production to R2 Low Density Residential Development, C2 Environmental Conservation and C3 Environmental Management. Other changes to the Minimum Lot Size (MLS) and building height controls are also proposed. We note that at this time Council has not yet made a decision on the matter and the Proposal has not yet been referred for a Gateway decision.

The land occurs within the Sydney Drinking Water Catchment (SDWC). The site also lies within the Warragamba Special Area Schedule 2 lands (designated under the *Water NSW Act 2014* and Water NSW Regulation 2020), which operate as a secondary buffer around the Lake Burragorang water storage. WaterNSW is primarily interested as to whether the Proposal can accommodate the intended new land uses and associated development without impact on water quality.

WaterNSW previously commented on the Scoping Proposal for the site on 28 September 2022 (Our Ref: D2022/114585). The Scoping Proposal of August 2022 put forward MLSs of 450 m² and 700 m² for the proposed R2 Low Density Residential land whereas MLSs of 300 m² and 450 m² are now proposed with an overall project lot yield of 208 residential lots rather than 160 as previously suggested. At that time, we did not issue an opinion on the matter as there was insufficient information. But we note that the Planning Proposal presents an intensification of the development since when we last reviewed it.

In our assessment of the Proposal, we have assumed that all lots will be sewered including any proposed lots and associated dwellings in the Environmental Management (C3) and Environmental Conservation (C2) zones. We do not support the Proposal if it is giving rise to unsewered development.

We hold a concern that the Planning Proposal may be premature in relation to the sewerage servicing and capacity currently available for the site. The West Camden Water Recycling Plant (WRP) is at capacity and

not expected to be upgraded until about 2028. Further assessment of the capacity of reticulated sewer available is also required to ensure that sewerage systems can manage the volumes of wastewater expected based on the proposed zonings and MLSs proposed. This should inform the rezoning and changing in planning controls rather than being deferred to subdivision DA stage. We do not want a situation arising where an area is rezoned and afforded small MLS, and predisposed to subdivision for residential development, if the sewerage infrastructure and network is not capable of sustaining the residential development that will result. We also do not want a situation arising whereby the area becomes potentially reliant on a package wastewater treatment system (PWTS) as an interim arrangement until the upgrade of the WRP is completed.

The Planning Proposal needs to:

- clearly identify the MLSs that will apply
- include a consistent conceptual subdivision layout plan to help inform the choice of zones and MLSs selected
- how stormwater will be managed including
 - whether farm dams on the site will be in-filled or re-purposed
 - clearly identifying the intended location of stormwater bioretention and detention basins and the zonings that will apply to these structures. This should include identifying if bioretention and detention basins are intended to be allocated on private land in R2 and C3 zones and whether it is intended for Council to take over management of the basins in the longer term.

With regard to the proposed R2 zone in the south, the very small lot sizes (300 m²) and area of covered by roads are likely to generate significant impervious areas, increasing the need and requirements for stormwater management measures including potential bioretention and detention measures. Council will need to satisfy itself that the small MLSs proposed are suitable for the area. Larger lot sizes of 700 m² may be preferred and would likely generate greater pervious areas.

Consideration could be given to expanding the boundary of the southern C3 area and associated 5 ha MLS further south to minimise the impact of residential development and roads on the existing dams, particularly if these are to be repurposed for stormwater management. This would potentially help reduce the degree of landform reshaping required. It would also better align the C3 zone with areas of high water quality risk as informed by the relevant Strategic Land and Water Capability Assessment (SWLCA) for the site.

We believe that a detailed site investigation contamination assessment report is also required to accompany the Proposal. This should be informed by the Preliminary Site Investigation (PSI) report but should also include groundwater sampling and water quality and sediment sampling of the farm dams. It should also consider any contamination risk from existing on-site wastewater systems across the three lots. These matters relate to water quality risk and were not covered in the PSI report.

Our detailed comments are provided in Attachment 1. We have also prepared a relevant Strategic Land and Water Capability Assessment map for the site is provided in Attachment 2. If you have any questions regarding this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely,



ALISON KNIHA
Environmental Planning Assessments & Approvals Manager

ATTACHMENT 1 – DETAIL

Conceptual Subdivision Layout Plan

The Planning Proposal needs to include a Conceptual Subdivision Layout Plan within the report or as a separate appendix. Currently the conceptual subdivision layout plan in Figure 3-1 in the Watercourse Assessment Report appears different to that in Figure 3-3 of the same report, with Figure 3-3 showing road and lot layout completely overlaying the westernmost farm dam. Other conceptual subdivision layout plans are included in Figure 5 of the Servicing and Infrastructure Strategy and Appendix B-1 of the Water Cycle Management Strategy Report. These align more with Figure 3-1 of the Watercourse Assessment Report. This design suggests that roads only infringe the edges of the westernmost dam, suggesting that this farm dam might be retained and possibly re-purposed. These designs have implications for stormwater management (discussed later).

We have treated the conceptual subdivision layout plans in the supporting reports as indicative as to how the site might be developed based on the zonings and MLSs put forward.

Minimum Lot Size

It is unclear exactly what MLSs are being put forward by the Proposal.

The Executive Summary (Page 1) and Table 2 (Page 10) of the Planning Proposal put forward MLSs of 300 m² and 450 m² for the R2 zone, 5 ha for the C2 land, and 4000 m² and 5 ha for the C3 land. The MLS maps are based on this full suite of lot sizes as presented on page 39 of the Proposal. In contrast, the summary dot points under Section 5.1 of the Planning Proposal (and as provided in Council's letter) indicates that the MLS is proposed to change from 16 ha to 300 m² (for the land to be zoned R2), to 40 ha for the land to be zoned C2, and to 5ha for the land to be zoned C3. No mention is made here of the 450 m² MLS for some of the R2 land nor a 4,000 m² MLS for part of the C3 land. What MLSs are being proposed?

We make the following comments:

- The intended MLS arrangements need to be clarified. Future versions of the Planning Proposal need to be consistent in describing the MLS planning controls that are intended to apply.
- We note that the northern parcel of C3 land is to be assigned a MLS of 4,000 m². We are concerned that this could create an expectation that the proposed lots could be unsewered. This has not been assessed in the Proposal. We ask Council to ascertain how it can be assured that the 4,000 m² MLS will give rise to sewered development at this location.
- We believe that a 300 m² and 450 m² MLS will result in more impervious area across the R2 zoned land than currently occurs in neighbouring residential zones and will increase the stormwater controls required and their on-going management and maintenance. The 300 m² MLS in the south is intensive relative to the other MLSs applying to residential land in Oakdale. A 700 m² MLS would be more in keeping with the surrounding R2 zoned land and would reduce the currently seeming heavy reliance on the C3 land in the south of the site to service stormwater management measures.

Sewer and Servicing

In our 2022 correspondence, we operated on the assumption that the site would be fully serviced by reticulated water and sewer. Our previous advice noted that any Planning Proposal would need to demonstrate that the site can be serviced by reticulated water and sewer and that there is sufficient capacity in the Sewage Treatment Plant (STP) for a development of this size. We also note that the Wollondilly Local Housing Strategy (2021) indicates that there is limited wastewater capacity in the Oakdale, Warragamba and Silverdale network, limiting the ability of the network to support additional residential development in these locations.

The Proposal is accompanied by a Servicing & Infrastructure Report (S&I Report). This projects an overall lot yield of 208 residential lots, 3 super lots for Environmental Conservation and Environmental Management and 1 lot containing a permanent stormwater basin. The S&I Report notes that in relation to

sewerage the site falls within the catchment of the West Camden Water Recycling Plant (WRP) which is currently operating at full capacity. The WRP will not have capacity prior to 2028 to service the site. The report also notes that the network capacity of the Oakdale Pressure Sewer System needs to be assessed for connection and servicing to the site. Both the above matters are of concern. WaterNSW does not wish to see development and occupation of the site to precede the upgrade of the WRP, nor risk a package wastewater treatment system (PWTS) being put forward as an interim arrangement.

We believe the network capacity of the Oakdale Pressure Sewer System needs to be verified to ensure the sewerage infrastructure available has sufficient capacity to accommodate the development. We do not wish to predispose an area to intensive residential sewer development if there is a risk of the sewerage infrastructure being inadequate or failing. The Planning Proposal (P. 20) and S&I Strategy (P. 10) defers this assessment to the DA stage, including for Sydney Water to carry out hydraulic modelling and assessment to confirm the required infrastructure upgrade to service the proposed development. To avoid risks to water quality, we believe this assessment is required prior to a Planning Proposal being referred to Gateway. This is to ensure that the R2 zoning and MLS is appropriate for the area and that projected lot and dwelling yield can be effectively serviced, and the extent of likely upgrades determined before the area is rezoned.

We request that the capacity of the sewer network is assessed prior to Gateway as this potentially influences the number of dwellings that can be serviced by the sewer. This in turn informs the appropriate MLS for the development area. The Planning Proposal should also include more details regarding how development of the site can be timed and staged with respect to the upgrade of the West Camden WRP. If there is any further feedback from Sydney Water on these issues, including any update regarding the relationship of the development with respect to the time and expected completion of the upgrade of the West Camden WRP, this should accompany the Planning Proposal.

If the Planning Proposal advances to Gateway, we request that Council raise with the Department of Planning, Housing and Infrastructure, the need to refer the Proposal to Sydney Water as well as WaterNSW.

In assessing this Proposal, we are operating on the assumption that all lots on the land will be sewer development including any land proposed for residential development in the Conservation zones. We do not support any unsewered development of the land given the MLSs proposed.

Watercourses and Farm Dams

The site drains towards the east and north-east. Based on the NSW Hydrography layer, there is a 1st order drainage feature in the south of the site connecting two farm dams and then flowing eastward. Another 1st order drainage feature occurs across the far north-western corner of the site (Lot 1). An isolated farm dam occurs in the north-east of the site (Lot 2). The Planning Proposal includes a Watercourse Assessment Report (WAR). Riparian buffers are proposed for the northern watercourse and, in the south, the watercourse where it occurs in the far east of the site. The drainage feature and two dam areas in the south appear to be protected by the C3 zoning.

Our main concern in relation to the report is regarding the relationship of the conceptual subdivision plan (upon which the zoning and MLS arrangement appears to be based) and the farm dams present on site. Figure 3-1 does not appear to align with the designs in Figures 3-2 and 3-3. It is unclear what is intended for the farm dam in the north while, in the south, the subdivision overlays differ in relation to the effects on the farm dam in the west. Figure 3-1 suggests it will be retained with only its fringes being affected by urban development whereas Figure 3-3 infers its total removal. Neither layout is fully responsive to the existing dams and site constraints. It needs to be clarified as to which dams are intended to be retained or removed, and which are to be repurposed for stormwater management (see below).

Stormwater

The Proposal is accompanied by a Water Cycle Management Strategy (WCMS) Report incorporating a Flood Risk Assessment. Both the Planning Proposal and WCMS note that future development will need to have a neutral or beneficial effect (NorBE) on water quality.

The WCMS addresses the requirements for stormwater management and proposes a combination of rainwater tanks, gross pollutant traps and bioretention basins to treat stormwater runoff from the site. The Planning Proposal notes further detailed design and modelling of the water quality treatment train will be required at DA stage. We make the following comments:

- The Planning Proposal needs to clarify what is intended for the farm dams and how they relate to intended stormwater management measures. No mention is made of the farm dams being retained, re-purposed, or dewatered and filled. Based on the WCMS Report, it appears that the easternmost dam in the south of the site will be reshaped and repurposed as a bioretention basin, detention basin, or both. It appears that the western dam will be filled in as suggested by indicative conceptual subdivision layout plans in supporting reports. It appears that northern dam will be in-filled and another bioretention basin or detention basin created in the northern area. The dams may need to be retained and repurposed for stormwater management, particularly if the upstream areas are likely to have small MLSs and significant road areas as is proposed.
- The supporting WCMS shows indicative locations of two proposed bioretention basins for the site (Figure 3-2, P 16). These appear to be in the same location as the proposed detention basins for water quantity control (Figure 5-2, P. 34). It appears that the development may be looking at the basins to serve both bioretention (water quality) and detention (water quantity) controls. Generally, light flows are directed to bioretention basins which are 'off-line' and detention basins used to manage high flows and discharge. The feasibility of using these basins for both water quality and water quantity control, and the sizing of the basins to fulfil both functions, will need to be explored in more detail at subdivision DA stage. Separate bioretention and detention basins and associated additional land areas or controls may be required for stormwater management. The details of this can be addressed at subdivision DA stage.
- The proposed bioretention basin in the north occurs in the proposed R2 zone. This may affect the end subdivision design and lot yield in this area. This matter can be further explored at subdivision DA stage. The proposed bioretention basin in the south is associated with the proposed C3 zone. It is unclear how ownership and management of the bioretention basin will be facilitated under this zoning. It would be useful for the Planning Proposal to elaborate on how the expected detention basins would be created, owned and managed under the proposed zoning and MLS arrangements to ensure that stormwater control measures can be effectively employed at subdivision DA stage.
- The MUSIC Modelling appears to be based on MUSIC Modelling Guidelines produced by eWater. Future modelling of stormwater for subdivision development will need to comply with WaterNSW's publication [Using MUSIC in Sydney Drinking Water Catchment: A WaterNSW Current Recommended Practice](#) (February 2023). Future development will also need to demonstrate a Neutral or Beneficial Effect (NorBE) on water quality and be consistent with the WaterNSW [Neutral or Beneficial Effect on Water Quality Assessment Guideline](#) (2022) (NorBE Guideline) as required under Part 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (the B&C SEPP).
- Conceptual subdivision plans contained in Servicing & Infrastructure Report (Figure 5) and supporting Watercourse Assessment report (Figure 1-2) suggest that there will be significant road areas which, together with the small MLSs (300 m² and 450 m²) for the R2 zone will deliver a high number of dwellings and roof areas. This suggests that there will significant impervious areas in the R2 zones. This then increases the onus on identifying what stormwater management measures are likely to be required and where they could be located.

- The Proposal does not contemplate what works may be required in the C3 zone in the south for stormwater management. Impacts of the development within the C3 zone may be underestimated.
- The C3 zone in the south could be extended further southward to minimise the encroachment of the urban area on the two southern farm dams. This would optimise the opportunities for repurposing the existing dams and potentially minimising the degree of landform reshaping that might otherwise occur where the dam edges infringe on the R2 zones. It would also better align the C3 zone with areas of high water quality risk as informed by the relevant Strategic Land and Water Capability Assessment (SWLCA) for the site (see later).

Flood Risk

The Flood Risk Assessment proposes a northern and southern basin for the management of water quantity. The northern basin is associated with proposed R2 land in the north and the proposed southern basin with predominantly C3 zoned land. It is unknown if these basins are also proposed to serve as bioretention basins for water quality control.

The WCMS Report includes initial TUFLOW modelling to identify areas of overland flow flooding risk. Relevant flood risk maps are presented in the appendices to that Report with highest risk areas generally equating with the farms dams and drainage feature in the south of the site in the area generally proposed for C3 zoning. The C3 zoning thereby assists in the avoidance of flood prone land. We agree with the C3 zoning in the south as it coincides with the overland flow area of greatest risk. We note that Probable Maximum Flood (PMF) modelling was not undertaken for the Planning Proposal, although the report commits to this being undertaken at DA stage to help inform emergency planning.

Contamination Risk and Assessment

The Planning Proposal is accompanied by a Preliminary Site Investigation (PSI) report. We are interested in the contamination risk in relation to water quality protection. The PSI report identifies several areas and sources of potential contamination and considers these unlikely to prevent the proposed development or residential use of the land.

The Areas of Environmental Concern (AEC) and Chemicals of Potential Concern (CoPC) are summarised in Table 1 of the PSI report. AECs include stockpiles, disturbed ground, waste debris, internal roads and parking areas, vehicle maintenance repair areas, workshop and storage areas, building materials of existing dwelling and waste debris in the Shale Transition Forest. The PSI report also notes that groundwater and soil gas vapour may be impacted from contamination associated with the filled quarry at adjoining Willis Park. The report also notes that there are areas of sporadic waste debris across the site, but these would be removed as part of redevelopment works.

The PSI considers evidence of past uses including rural residential uses, potential animal grazing and animal shelters. While the site was initially almost entirely covered by trees in the early 1960s, the land has been subject to various episodes of clearing and, more recently, revegetation.

We observe that there are existing dwellings on all three lots. The report is silent on whether the existing dwellings have wastewater treatment systems and effluent management areas (EMA). These may present other areas of potential contamination. It is also silent as to whether the farms dams may contain contaminated water or sediment given past uses on the site.

The PSI Report recommends a DSI report be prepared as part of any future development submission in the AEC. This is also stated in the Planning Proposal (P. 22) We seek for the DSI report to be prepared prior to Gateway. The DSI report should include water quality and sediment sampling of the farm dams and any groundwater sampling. We also ask that the future investigation clarify whether any additional areas of

environmental concern are associated with wastewater systems and past effluent management areas (EMAs) on site.

Direction 3.3 Sydney Drinking Water Catchment

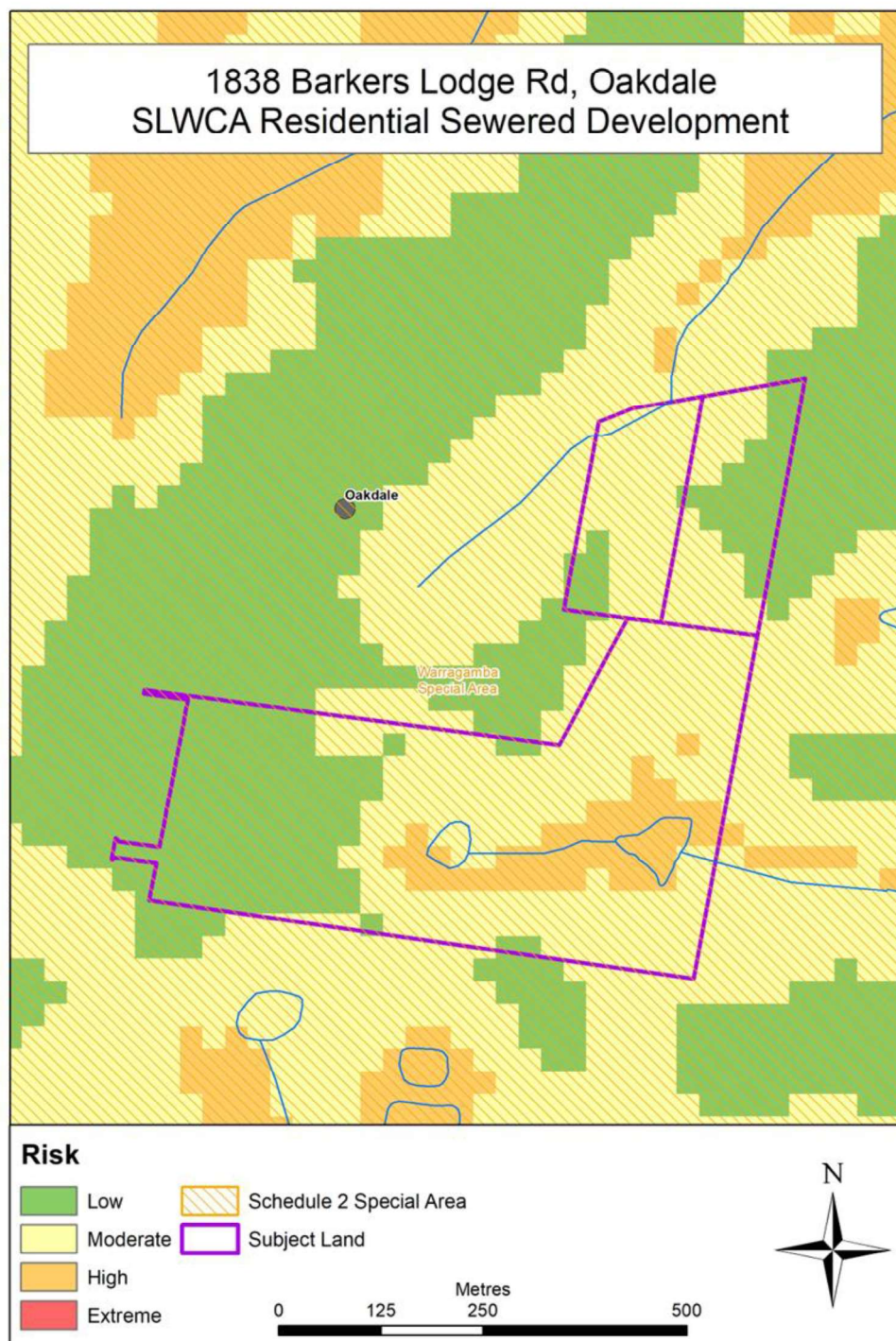
The Planning Proposals refers to the requirements of Direction 3.3 Sydney Drinking Water Catchment and concludes that it is consistent. The response is generic and indicates that compliance with the principles of the Direction is demonstrated in the Water Cycle Management Plan (Appendix J). We believe that the response requires further elaboration on matters relevant to water quality risk including stormwater and sewerage management (see earlier). Please also see our earlier comments above on watercourses, farm dams and groundwater.

In terms of specific requirements of the Direction, the requirements for Special Areas to abide by particular zonings do not apply in this instance as the land is not owned or managed by WaterNSW or otherwise in national park estate. The provisions applying to SLWCAs are described below.

Strategic Land and Water Capability Assessment

We have assumed that any land allowing the permissibility of dwellings with consent will be sewerage. The relevant SLWCA map for the site in Attachment 2 is provided on this basis. The SLWCA map shows that the water quality risks associated with the site vary from LOW to HIGH. HIGH risk areas are associated with the existing watercourse/ drainage features in the south centre of the site. Land with a HIGH risk has a LOW capability for the stated use. Areas with MODERATE and LOW risk have a MODERATE and HIGH capability for the intended use.

ATTACHMENT 2 – MAP



Map 1. Strategic Land and Water Capability Assessment (SLWCA) for Residential Sewered Development at 1838 Barkers Lodge Rd, and 1455 and 1475 Burraborang Road Oakdale. NB. A further farm dam occurs in the north of the site (not depicted).

Scoping Advice for 1838 Barkers Lodge Road & 1455-1475 Burragorang Road, Oakdale

Scoping advice for a proposal to permit urban development at 1838 Barkers Lodge Road and 1455-1475 Burragorang Road, Oakdale in Wollondilly Shire Council

The Scoping Proposal

The scoping proposal seeks to amend the Wollondilly Local Environmental Plan 2011 by

- Rezoning land from RU1 Primary Production to R2 Low Density Residential, C2 Environmental Conservation and C3 Environmental Management;
- Amending the minimum lot size from 16ha to 300sqm for land proposed to be zoned R2, 40ha for land proposed to be zoned C2 and 5ha for land proposed to be zoned C3;
- Introducing a Height of Buildings planning control of 9m for land proposed to be zoned R2.

Purpose of the scoping proposal

The purpose of the scoping proposal is to facilitate urban expansion of the village of Oakdale and conservation lands on the subject site.

Subject site

The subject site is approximately 23.94 ha in size over three allotments. It contains three separate dwellings, farm buildings and dams. It is south east of the Oakdale village centre and is located directly adjacent to Willis Park Sportsfield. The subject site consists of cleared grassed areas with several patches of remnant vegetation.

The site is surrounded by rural lands to the west and south and residential neighbourhoods to the north. Oakdale is surrounded by land used for rural activities including fruit and vegetable production, equine related uses and has extensive areas of natural bushland. To the west of the Oakdale village, is the Burragorang State Conservation Area and Lake Burragorang, a primary drinking water source for Sydney.

The subject site and its surrounds are shown in **Figure 1**.



Figure 1 – Subject site (source: Scoping Proposal)

Strategic context

A Metropolis of Three Cities, Western City District Plan and Metropolitan Rural Area

The subject site is located within land subject to the Western City District Plan and is within the Metropolitan Rural Area (MRA). The intent of the MRA is to protect productive agricultural land and support the viability of primary production and mineral resources. Actions under the Western City District Plan aim to protect and support the MRA.

Housing targets at a regional and district level are not expected to be met through additional housing in the MRA, but rather through the new development in identified residential growth areas such as the Wilton and Greater Macarthur Growth areas. Rural towns and villages are not required to play a role in meeting regional or district scale demand for residential growth.

The scoping proposal considers the objectives of the MRA and states the proposal will be supported by mechanisms to maintain and enhance environmental value without generating land use conflicts with industries such as agriculture. Such mechanisms could include biodiversity certification and conservation and protection of scenic landscapes from development. It also states, the land proposed to be rezoned for low residential development represents a modest and logical expansion of the existing urban footprint of Oakdale, as the

entirety of the subject site is within an 800m radius of village shops, Oakdale Public School and public bus stops.

Council's position on whether the proposed development is needed to address local residential growth for Oakdale needs to be addressed in any future planning proposal submitted to the Department for a Gateway determination. Until this matter is addressed by Council, the proposal is considered to be inconsistent with 'A Metropolis of Three Cities' and the Western City District Plan.

Wollondilly 2040 – Local Strategic Planning Statement

The Wollondilly 2040 – Local Strategic Planning Statement ("Wollondilly LSPS") sets out how development will be managed and the strategic intentions for this development in the Wollondilly LGA.

Planning Priority 3 of the LSPS relates to establishing a framework for sustainable managed growth. Wollondilly's rural lands and local towns and villages are highly valued and must be protected in the context of unprecedented growth.

The LSPS states Oakdale is a small village in a rural and bushland setting. There are servicing and environmental constraints that will limit further development in Oakdale.

Planning Priority 5 of the LSPS relates to housing options that meet local needs and match the local character of towns and villages. Expanding the boundaries of towns and villages will be limited and should only occur to facilitate natural growth.

The Department notes the proposal intends to facilitate approximately 208 dwellings which is a 28% increase on Oakdale's 755 dwellings recorded by the census in 2021.

Given the MRA is not expected to contribute to housing targets and the proposal is seeking to expand the boundary of Oakdale, as mentioned above, Council needs to be satisfied the increased number of dwellings and associated population growth represents local growth for Oakdale. Council's position on this local planning matter should be clearly articulated in any future planning proposal submitted for a Gateway determination.

Infrastructure (Wastewater)

The scoping proposal notes the supporting Infrastructure (Utilities) Servicing Report concludes that the subject site is capable of being serviced with all essential infrastructure without government subsidy. The scoping proposal indicates Sydney Water provided in their feasibility letter that the West Camden Water Recycling Plant is currently operating at full capacity and will not have capacity prior to 2028 to service the subject

proposal. The letter also mentions the network capacity of the Oakdale Pressure Sewer System needs to be assessed for connection and servicing the site.

The scoping proposal states, it is anticipated that the rezoning, DA and development process will take about four years (circa 2028) and therefore the required network capacity to service the proposed development can be planned by Sydney Water in advance of the development occurrence. Council will therefore need to decide whether the proposal is therefore too premature, given the statutory timeframes the Department sets for planning proposals (i.e., 12 months from Gateway Determination to finalisation of LEP).

Given Council's Local Housing Strategy notes there is current limitations on wastewater infrastructure capacity in Oakdale, Warragamba and Silverdale which limits support for additional residential development in these locations, consultation with Sydney Water is required to confirm they do not object to the proposal proceeding to Gateway.

Management of environmentally sensitive land

Planning Priority 13 seeks to protect biodiversity of value in different landscapes including rural zoned land. The subject site has high environmental values including Shale Sandstone Transition Forest and Cumberland Plain Woodland (see Figure 2).

The Department notes the previous planning proposal for the site was refused partly as it did not adequately address the impacts on biodiversity:

The Department has received detailed advice from OEH and recognises the importance of conserving significant vegetation areas and habitat on the site. Without adequate measures to mitigate and offset impacts on threatened species, including SSTF and potentially CPW (both CEECs) and potential squirrel glider habitat, the Department is not satisfied that there is an appropriate regulatory framework in place to offset biodiversity impacts and to ensure biodiversity offsets are achieved through the development application process and, where appropriate, measures taken to mitigate impact. In its current form, the proposal is inconsistent with Direction 2.1 Environmental Zones as it does not include provisions that adequately facilitate the protection and conservation of environmentally sensitive areas. The Department recommends the proposal should not proceed.

The Department also notes a Biodiversity Development Assessment Report (BDAR) has now been prepared for the site, which includes key considerations, mitigation and management measures. It is calculated that a total of 227 ecosystem credits and 460 species credits would need to be retired to offset for the anticipated clearing of the proposed development areas and thinning of vegetation within areas proposed to be zoned C3 Environmental Management.

Consultation with Department of Climate Change, Energy, the Environment and Water is required to confirm they do not object to the proposal.

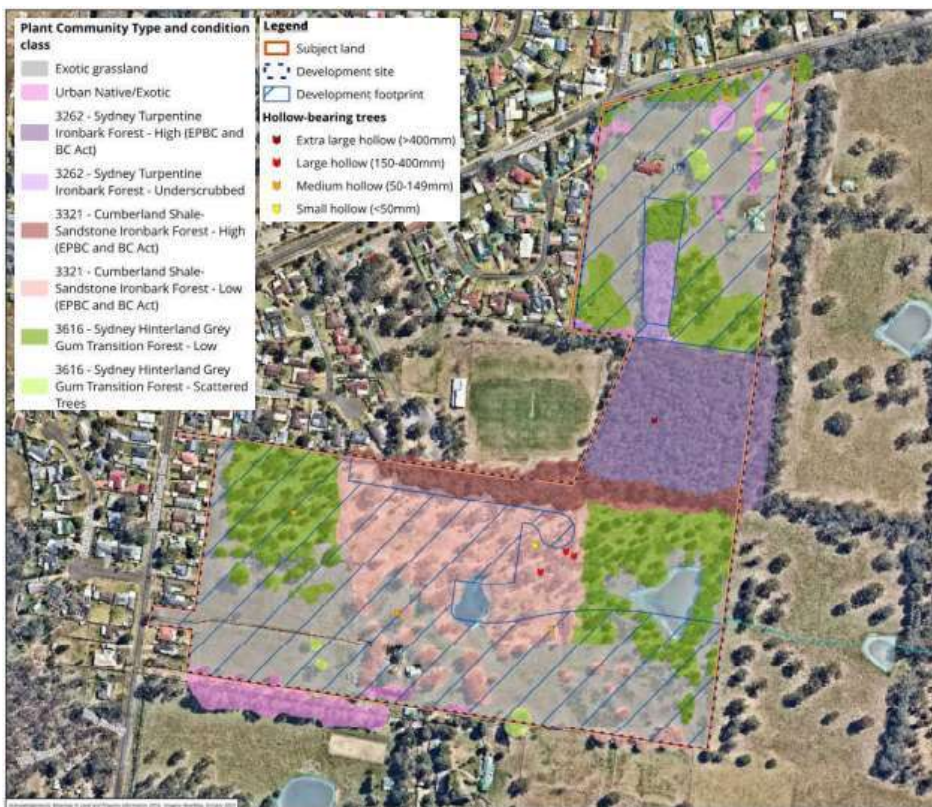


Figure 2 Vegetation types and proposed development footprint (Source: Scoping Proposal)

Bushfire

Planning Priority 18 of the LSPS relates to living with climate impacts and contributing to a resilient greater Sydney. The Wollondilly LGA has an extensive bush fire hazard interface and significant areas mapped as bushfire prone land.

Figure 3 shows the extend of bushfire prone land within and surrounding the subject site. The subject site is mapped and containing areas of Vegetation Category 1, Vegetation Category 3 and Vegetation Buffer. As such, any future development within the subject site will need to consider requirements under Planning for Bushfire Protection 2019.

The proposal indicates a strategic bushfire study has been prepared in accordance with the requirements of the Planning for Bushfire Protection 2019. It is noted that the study concludes that the proposal can respond to the bushfire risk affecting the site and which will satisfy the aim, objectives and requirements within PBP to provide for the protection of life and the minimisation of impact on property while having due regard to the development potential, site characteristics and protection of the environment and identify the required APZs and demonstrate consistency with the relevant provisions.

The Department notes that Council is currently reviewing their Hazards Analysis and Emergency Management Study (HAEMS). Any future planning proposal submitted to the Department for a Gateway determination, will need to provide confirmation that Council is satisfied that the proposal can progress ahead of Council's HAEMS review being finalised.

Consultation with the NSW Rural Fire Service is also required that they do not object to the proposal.

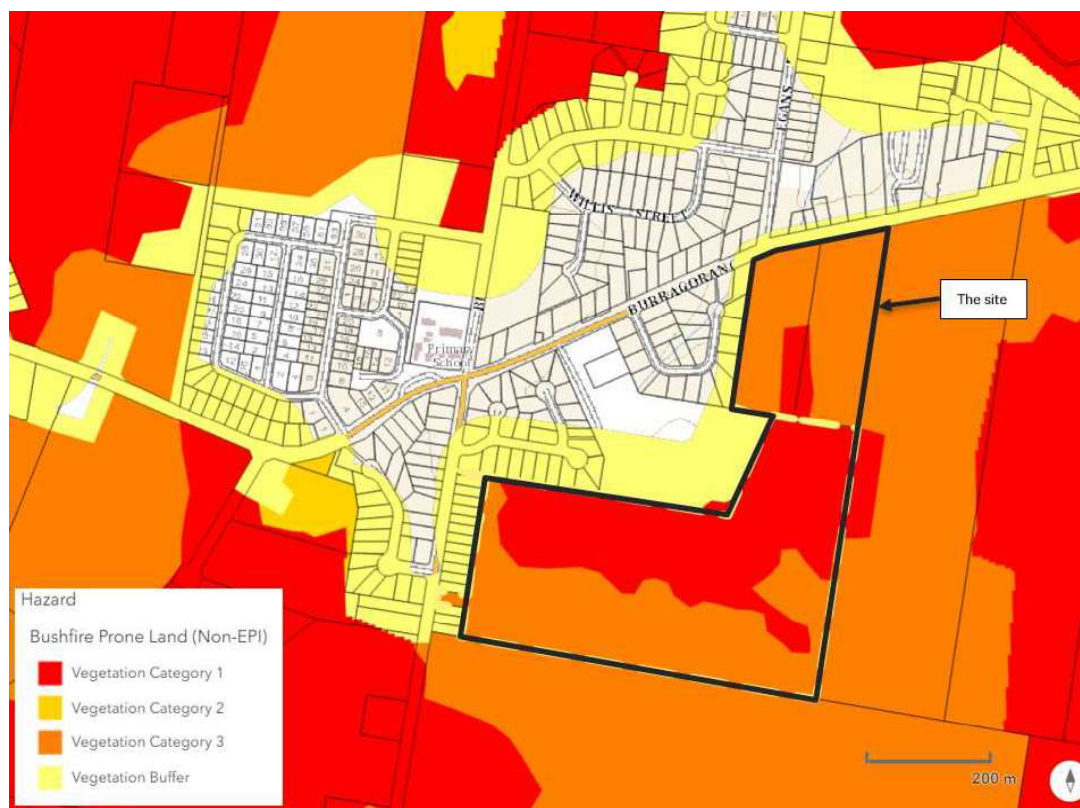


Figure 3 Bushfire Prone Land within and surrounding the site
(Source: NSW Planning Portal Spatial Viewer)

Wollondilly Local Housing Strategy

The Wollondilly Local Housing Strategy (LHS) indicates that there is capacity in current residential zoned land and planned growth in the Wilton Growth and Greater Macarthur Growth Areas to deliver a pipeline of future housing supply that meets dwelling demand in the LGA, while protecting the rural landscape.

For Oakdale, the LHS notes there is an average supply of 11 dwellings per year over the next 20 years (forecast to be a total of approximately 170 additional dwellings for the Oakdale-Nattai region by 2040). The LHS does not identify any housing supply gaps that would require additional land to be rezoned (outside of the 2 growth areas).

As noted above in the discussion regarding the LSPS, Council's position on this matter will need to be articulated in any future planning proposal submitted to the Department for a Gateway determination.

Wollondilly Rural Lands Strategy

The Wollondilly Rural Lands Strategy (RLS) was finalised in September 2021 and outlines the long-term strategic direction for rural areas in the LGA. The RLS does not generally support rural-residential development unless rural residential development is consistent with Council's adopted LHS. As noted above, the proposal is not consistent with the LHS.

Any future planning proposal should provide additional justification on how this proposal accords with this strategy.

Infrastructure

The supporting Infrastructure Servicing Report summarises the potential strategy for each utility to be provided. It is expected that these strategies will be further updated/progressed with the relevant servicing authority during subsequent stages of the planning process.

This is required to be updated to detail the infrastructure and services requirements, and a delivery mechanism/s, to support the proposal. This includes the need to identify local and state infrastructure sufficient to warrant a Gateway determination and finalisation of the proposal within approximately 12 months, factoring time to execute any planning agreements, update a contributions plan and align the necessary infrastructure to the NSW Government's current contributions reform program.

This matter of unreticulated wastewater should be further investigated in the scoping proposal. It is recommended the updated document which accompanies any future planning proposal, specifically addresses wastewater servicing.

Next Steps

Before any future planning proposal is referred to the Department for a Gateway determination, matters outlined in this document must be addressed. In addition, additional consultation with and support from the following agencies and authorities is recommended:

- Sydney Water (to ensure adequate servicing capacity)
- NSW Environment and Heritage (for biodiversity matters)
- NSW Rural Fire Service
- Endeavour Energy
- Department of Climate Change, Energy, the Environment and Water

If you have any questions, please contact Ms Sung Pak, Senior Planning Officer, Local Planning and Council Support, on (02) 8289 6755.