

04 April 2025

NSW Department of Planning, Housing and Infrastructure  
4 Parramatta Square  
12 Darcy Street  
Parramatta NSW 2150

Dear Sir / Madam

## **Request for Rezoning Review**

### **Planning Proposal for Burragorang and Barkers Lodge Road, Oakdale**

We act for Morehuman Property Group (Morehuman), the proponent of the draft Planning Proposal for the site comprising 1455 and 1475 Burragorang Road and 1838 Barkers Lodge Road, Oakdale (the site). On behalf of our client, we request a rezoning review of the above Planning Proposal.

It is our opinion that the Planning Proposal should proceed to Gateway for the following reasons:

1. The Planning Proposal has both strategic and site-specific merit (as outlined further below)
2. The Planning Proposal addresses previously unresolved matters relating to a former planning proposal for the same site. That proposal was supported by Wollondilly Shire Council (Council) in March 2013 and received Gateway approval in May 2013, however the Gateway determination was subsequently reversed on 21 December 2020 by the Department of Planning and Environment (DPE) due to the proponent's failure to resolve certain planning matters within a reasonable timeframe.
3. Issues raised by Council staff, State agencies and community members during the preliminary notification of the Planning Proposal have been resolved, including matters confirming the strategic merit of the proposal.
4. The Site is a logical extension to the village of Oakdale, presenting an opportunity to allow residential development that will cater to local demand for housing and deliver positive community and environmental outcomes.
5. The proposal does not impact on local agricultural production nor is it likely to increase the potential for land use conflict

### Background

A previous planning proposal for the site, prepared by SMEC, was submitted to Council in 2013. Council formally supported the planning proposal, noting it to be "generally consistent with" the Wollondilly Growth Management Strategy in force at the time. A Gateway Determination was issued on 15 May 2013 stating that the proposed amendment to Wollondilly LEP 2011 should proceed subject to certain conditions. This included consultation with relevant utilities and government agencies and the preparation of a number of technical reports.

The process became somewhat protracted and was further delayed by changes to biodiversity legislation which necessitated additional flora and fauna investigations. An amended concept plan for the planning proposal was submitted to Council in June 2017, however certain unresolved issues prevented an LEP Amendment from being finalised.

In December 2020, as part of wider initiative to rationalise the number of active planning proposals, DPE advised SMEC that:

*The Gateway determination has been amended to not proceed on the basis that:*

1. *potential impacts on biodiversity including Shale Sandstone Transition Forest and Cumberland Plain Woodland have not been addressed;*
2. *the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA; and*
3. *inconsistencies with 9.1 Directions 2.1 Environmental Protection Zones, and 4.4 Planning for Bushfire Protection remain unresolved, hence all related issues remain unresolved*

Since the reversal of the previous Gateway determination, Morehuman has prepared a new Planning Proposal that addresses the above issues.

## Current Planning Proposal

The current Planning Proposal was lodged with Council via the NSW Planning Portal on 5 April 2024. The proposal had been informed by feedback from relevant Government agencies and internal departments of Council to a formal scoping proposal submitted on 10 August 2022.

The Planning Proposal was “accepted” by Council on 31 May 2024 and placed on preliminary notification between Thursday 13 June and Thursday 11 July 2024.

Council received 38 submissions from community members and 10 submissions from Government agencies. These submissions were shared with Morehuman along with written feedback from Council officers.

## Revisions made to Planning Proposal post Preliminary Notification period

Additional technical information has been obtained and revisions made to the Planning Proposal as a result of feedback received during the Preliminary Notification period as outlined below:

### **Issue 1: Residential use of land within Metropolitan Rural Area**

The Department of Planning, Housing and Infrastructure noted that Rural towns and villages are not required to play a role in meeting regional or district-scale demand for residential growth, and that Council needs to “state its position as to whether the proposed development is needed to address local residential growth. Unless it does so, the proposal is considered inconsistent with the Western City District Plan.”

Department of Primary Industries – Agriculture hold the view that as site is within the Metropolitan Rural Area (MRA), residential use of the land is inconsistent with the Western City District Plan, the Wollondilly LSPS and Wollondilly Rural Land Strategy. They also state that the land has high potential for grazing and could be used for horticulture, and that further work would be required to mitigate land use conflict.

Under Planning Priority 17 – Better Managing Rural Areas, the Western City District Plan acknowledges that “rural towns and villages will need to respond to local demand for growth”.

### **Response:**

Gyde has undertaken a housing analysis, which was updated in March 2025, that demonstrates that additional land will need to be rezoned for housing at Oakdale to cater to local demand for growth. This will lead to local economic and social benefits by providing the population to support shops and services. Conversely, due to diminishing household size, if additional land is not rezoned for housing, the population in and around Oakdale will decrease, decreasing the viability of local facilities and community groups.

Morehuman also commissioned advice from agricultural economist AgEconPlus. The advice demonstrates that grazing is not an economically rational use of the land and that there are numerous issues that would make controlled environment horticulture on the site problematic.

### **Issue 2: Flooding**

Although the Planning Proposal was lodged with a water cycle management strategy and flood assessment, both the NSW State Emergency Service and Biodiversity Conservation and Science Group requested that a more thorough flood impact risk assessment be prepared.

## Response:

In response, Morehuman commissioned expert flood consultants Worley to undertake a flood impact risk assessment which helped to inform revisions to the concept subdivision plan for the proposal. This included allowance for a floodway adjacent to the site's frontage to Burragorang Road.

## Issue 3: Wastewater Infrastructure

Water NSW stressed the importance of future development having access to reticulated sewer due to the site's location with the Sydney Drinking Water Catchment. Council has also expressed some concern around the availability of wastewater treatment capacity at the Camden Water Recycling Plant.

## Response:

We note that Sydney Water did not share this concern in their response during preliminary notification of the proposal, stating that: *"Sydney Water understands and supports the proponent's intent to connect to Sydney Water's wastewater network circa 2028"*

Morehuman have revised the Planning Proposal by indicating that the site should be designated an Urban Release Area in Wollondilly LEP 2011, thereby making it subject to Clause 6.2(1) of the LEP, which states: *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

## Issue 4: Biodiversity

The Biodiversity Conservation and Science Group requested that *"Consideration to be given to further avoidance of impacts to threatened and critically endangered ecological communities (CEECs)"*.

## Response:

Morehuman has acted on this advice both by reducing the size of the proposed development footprint and increasing the proposed minimum lot size. These changes, which were made in consultation with Council's Environmental Planner, have resulted in retention of an additional 161 trees across the site, including 3 additional hollow-bearing trees, and a 19% reduction in development footprint impacts to CEECs.

## Issue 5: Lot Sizes and Rural Character

A number of community submissions expressed concern at the density of development that would be facilitated by the Planning Proposal, which originally proposed minimum lot sizes of 450 sqm and 300 sqm within land to be zoned R2 Low Density Residential. This resulted in an estimated yield of 208 dwelling lots.

## Response:

Morehuman has subsequently revised the proposal such that the proposed northern residential precinct, accessed off Burragorang Road, has a minimum lot size of 700 sqm, while the southern residential precinct, accessed off Barkers Lodge Road, has minimum lot sizes of 700 sqm and 450 sqm. It is still proposed to allow up to 22 small lots (between 300 and 450 sqm in area) by way of a site specific LEP clause. Small lots will not be visible from existing roads within the village nor will they directly adjoin existing dwellings. The estimated yield of the revised Planning Proposal is no more than 185 dwelling lots.

## Strategic Merit

The Planning Proposal is demonstrated to have strategic merit for the following reasons:

- It is consistent with the Western City District Plan, which aims to sustain local towns and villages within the Metropolitan Rural Area – including Oakdale, by supporting local growth once existing zoned land is exhausted.
- It aligns with multiple planning proprieties within the Wollondilly Local Strategic Planning Statement (LSPS), in particular:

- *Planning Priority 5 – Providing housing options that meet local needs and match the local character of towns and villages*
- *Planning Priority 8 – Enhancing vibrant, healthy and sustainable local towns and villages*
- It gives effect to the Wollondilly Local Housing Strategy, which forecasts the need for an additional 170 dwellings in Oakdale-Nattai between 2021 and 2040. Our own analysis, based on the 2022 and 2024 official NSW population projections, indicates that 629 dwellings are required in The Oaks-Oakdale Statistical Area between 2023 and 2041. As at March 2025 there was a total of 36 vacant dwelling lots within the villages of The Oaks and Oakdale. This analysis has been included with the Planning Proposal

## Site-Specific Merit

The Planning Proposal also demonstrates site-specific merit for the following key reasons:

- There is a demonstrated demand for housing in the location
- Social and utility infrastructure are already available to support the proposed development
- The proposal represents a logical and orderly expansion of the existing village and will not increase the interface between residential and rural zoned land
- The site does not support productive agriculture nor is it likely to do so in the future. Its development for residential and conservation purposes would not increase the potential for land use conflict with any existing rural uses
- The proposal provides for the rehabilitation and long-term conservation of land containing high biodiversity values, including the dedication of 6.7 ha of land to Council with a developer-funded ongoing management plan
- The proposal is accompanied by an offer of a voluntary planning agreement which will fund 830m of shared pathway, 2 raised pedestrian crossings, upgrades to local parks and sporting facilities and a cash contribution towards upgrade of the Oakdale Community Hall – thereby benefiting the entire village population
- The proposal responds appropriately to other site constraints including bushfire and flood risk

## Conclusion

Our client has attempted to prepare a planning proposal for the site that demonstrates strategic merit and that represents an appropriate response to the site's constraints and opportunities. Changes to the proposed zoning and minimum lot size have been made as a result of feedback from Council, Government agencies and the community.

Council's failure to indicate its support for the Planning Proposal in a timely manner has led to Morehuman's decision to lodge a rezoning review request.

For the reasons outlined in this letter, we respectfully submit that the proposal should be allowed to proceed to a Gateway determination.

Yours sincerely



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