

# WOLLONDILLY SHIRE COMMUNITY FORUM – 18 MARCH 2025

## ITEM 8o SILVERDALE ROAD THE OAKS

### **Introduction:**

We act for [REDACTED] and we are the applicant for this Planning Proposal.

This submission to the Wollondilly Shire Councillors opposes the recommendation to the Council meeting on 25 March 2025 for refusal of the Planning Proposal for the reasons set out in the Council report. It is noted that the report to the Council meeting of 25 February 2025 was deferred as this firm was not informed of the matter going to the Community Forum or the Council meeting.

### **Background**

At the Council meeting of 16 July 2016, it was recommended that the Planning Proposal for the subject property be forwarded to the Minister of Planning and Environment for a Gateway Determination. The background history of this application is provided in the Council report. The applicant did not provide the necessary documentation and the application was subsequently refused. The Department of Planning requested the Council to provide a list of undetermined planning proposals and subsequently refused applications that had been with Council for more than four (4) years. The subject application and others, including Margaret Street Picton were refused. Had the then owner provided the required documentation, the land would have been rezoned and developed for housing.

This proposal met ALL the statutory requirements, including Section 9.1 Directions, Council's strategic planning framework and a number of State Environmental Planning Policies, including koala protection, drinking water catchment. Yet, the current proposal, which is for 9 x 4000m<sup>2</sup> lots to be zoned R5 Large Lot Residential, is now deemed to be inconsistent with the State, Regional/District and Local planning framework?

### **Recent Background – Scoping Report**

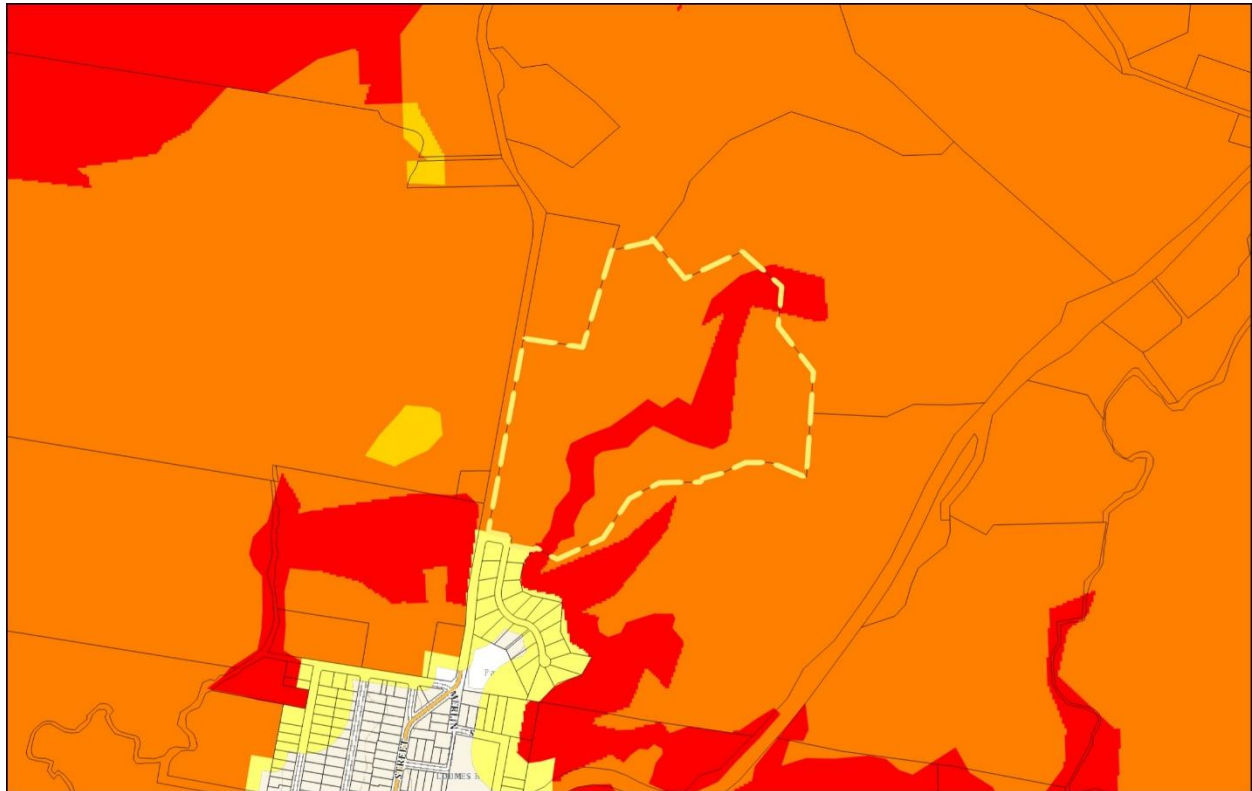
A Scoping Report (SR) was lodged with Council in September 2023. A number of authorities provided feedback on the SR and the matters raised were addressed in the Planning Proposal Request (PPR) by the various consultants engaged, the PPR was amended from a proposed seventeen (17) lot subdivision to a nine (9) lot subdivision as R5 Lot Residential. The Minutes of the meeting of 15 November 2023 required a number of matters to be addressed, with a formal letter of advice dated 5 December 2023 (see aerial map shown as **Figure 2**).

The letter indicated that the proposal was not considered to have strategic or site-specific merit. The subject property adjoins a twenty-two (22) lot subdivision off Browns Road, which is zoned R2 – Low Density Residential.

It would be noted that the Browns Road subdivision has only one road in and out of the subdivision and clearly does not comply with *Planning for Bushfire Protection*. This land is bushfire prone, as is the subject property (refer to bushfire map as **Figure 1**). Clearly, the limited access does not provide a satisfactory accessibility outcome for other emergency services also

However, unlike the Browns Road subdivision, the proposal provides for two (2) access points, one utilising Browns Road and a new connection to the north, as shown on the concept plan at **Figure 3**.

**Figure 1 – Bushfire Map**

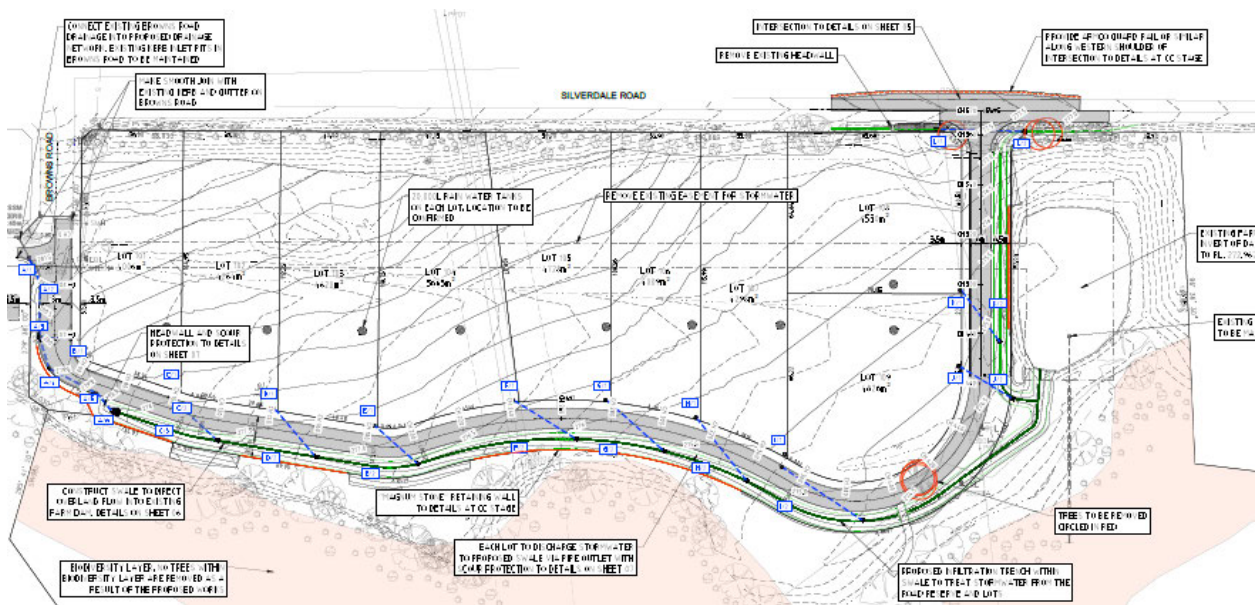


The new access point to the north could be used by residents of Browns Road in an emergency, such as a bushfire (note the bushfire hazard opposite the intersection or a car accident that may block ingress and egress for these existing properties). The new road would benefit such residents, as they would have an alternative path to the north away from the hazard/accident.

**Figure 2 – Aerial photo of subject property.**



**Figure 3 – Concept layout**



## **Subject Planning Proposal**

The subject planning proposal request was lodged with Council in July 2024. During the process, Council requested to additional information in respect of odour, bushfire hazard/management, address Section 9.1 Directions, drinking water catchment impacts, servicing by Sydney Water and address the matters raised by the Department of Planning, Housing and Infrastructure with the early proposal in 2016.

We note that the Council report states that this firm has not provided the requested information. This statement is incorrect as the requested information is contained in the Planning Proposal Request report and Austral Archaeology provided an aboriginal cultural heritage due diligence report dated April 2024.

I reinforce that all requests for further information or reports from Council have been provided in support of the proposal. We note that the report to the Council meeting indicates that several specialist studies do not provide sufficient information and assessment to inform or justify the proposal. This is the first time we have been advised of the purported shortcoming of submitted additional information, all of which reaches satisfactory conclusions. The following information are noted to have been submitted to Council with the Planning Proposal Request.

- A: Concept Subdivision – Siteplus
- B: Flood Study – Siteplus
- C: Aboriginal Cultural Heritage Due Diligence Assessment – Austral Archaeology
- D: Bushfire Impact Assessment – Midcoast Building & Environmental
- E: Flora and Fauna Assessment – Narla Environmental
- F: LUCRA – MNC Agronomy
- G: Social Impact Assessment - MBPS
- H: Contamination Assessment – GeoEnviro Consultancy
- I; Geotechnical and Salinity Assessment - GeoEnviro Consultancy
- J: Detailed Survey – Pinnacle Land Surveyors
- K: Servicing Strategy, Wastewater and Potable Water – Orion
- L: Electricity Supply – Powerline Design
- M: Landscape Plan – Lindy Lean Landscape Architect
- N: Minimum Lot Size Map
- O: Heights of Buildings Map
- P: Land Zone Map

- Q: Traffic Impact Assessment – Positive Traffic
- R: Odour Impact Assessment – Zephyr Environmental
- S: Drinking Water Catchment Boundary – Siteplus

A letter from Sydney Water states that the proposed development is outside the drinking water catchment zone. This is contrary to the Council report, which states that it is within. The letter states that it is located adjacent to the Oakdale Water Supply Zone and currently the system has capacity to service the development.

In respect of sewer, the letter states the West Camden Waste Recycling Plant is at capacity and will not have additional capacity prior to 2028. By the time this land is rezoned and subdivisional works undertaken for nine (9) large lots, sewer will be available. Notwithstanding, an interim alternative solution is proposed.

The Council report indicates that the Shire has adequate capacity through zoned land to fulfill additional housing demands. The proposal seeks to provide for nine (9) large residential allotments, addressing a supply void and Council's quest for housing diversity. The housing supply as projected is only met with traditional R2 lots in Wilton Urban Release Area. Wilton will continue to provide for that form of residential development for many years into the future.

However, in endorsing Wilton, Council "is putting all its eggs in one basket" and not truly looking at housing diversity beyond small/traditional lots. The creation of nine (9) large lots provides an opportunity for such housing that is not available elsewhere in the Shire, can be adequately serviced and adjoins existing residential development at The Oaks and has no adverse economic and environmental impacts.

The subject land is located on a plateau with limited inherent agricultural potential, without the application of capital for intensive agricultural pursuits that commonly have attendant adverse odour, noise and visual impacts and would lead to complaints from neighbouring properties in Browns Road would complain. A Land Use Conflict report addressing that issue has been provided.

### **Current Recommendation**

As stated, the report to the LPP recommends that the application be refused. The following addresses the matters raised.

#### **Metropolitan Rural Area**

Initially, the Metropolitan Rural Area (MRA) is a recent introduction to planning parlance in the Greater Sydney Region Plan and Western City District Plan. It has evolved with a disproportionate focus on agriculture in a rural landscape context. The subject landscape unit should be more accurately termed "non-urban" given the social, economic and natural systems outcomes highlighted at Planning Priority W17 (PPW 17) in the Western District Outline Plan.

In the subject context, limited opportunities for rural-residential development (as proposed) are highlighted in PPW 1, which expressly states:

“Limited growth of rural-residential development could be considered where there are no adverse impacts on the amenity of the local area and the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area.”

The proposal clearly has no adverse impacts on the amenity of the local area, it being compatible with the established Browns Road density residential precinct (existing amenity) provides for the conservation of vegetated escarpment land and limited ridgetop embellishment (environmental), does not adversely impact Aboriginal or European cultural heritage (environmental and social) in a modest way addresses housing diversity (social and economic) and provides enhanced Browns Road emergency accessibility (social and economic).

The MRA constraint has been raised in several matters that this firm has been involved with and was addressed in the PPR.

The MRA applies to the entire LGA except for the nominated growth areas at Wilton and Greater Macarthur and the Camden Park Urban Release Area.

To put the MRA in context, the following properties were randomly chosen to bring into full focus the inappropriate position and the Council interaction of the MRA land in the Wollondilly LGA. Essentially, if a property is not located within the designated urban release areas of Wilton, Greater Macarthur or Camden Park, land is declared to be in the MRA.

1. 29 Oaks Street Thirlmere – zoned E1 Local Centre and within a heritage conservation area.
2. 44 Argyle Street Picton – zoned R2.
3. 17 John Street The Oaks – zoned R2.
4. 55-57 Menangle Street Picton – zoned E1 Local Centre and listed as an item of heritage.
5. 62-64 Menangle Street Picton – zoned E1 Local Centre, being the Council administration building and is located in the Picton conservation area.
6. 14 Henry Street Picton – zoned E4 – General Industrial.
7. 480 Argyle Street Picton (Picton High School) – zoned R2.

The only land that this firm could find that was not within the MRA, is land on the eastern corner of Picton and Menangle Roads, Maldon. If any land is to be designated as part of the MRA, this land clearly exhibits rural qualities and has been used for agricultural purposes, as are other lands heading north along Menangle Road.

Council has essentially classed all lands outside of the urban release area to thwart the progressing of any other lands being rezoned to other uses, such as proposed, notwithstanding individual merit, the subject property is clearly an extension of the Browns Road subdivision, which was rezoned a number of years ago.

Additionally, the subject land is located on a plateau, as shown on the photos over page, with the remainder of the land below the escarpment clearly rural land that is within the MRA. There is no relationship between that part of the land on the plateau and the land below the escarpment.



The following photos provide evidence of why the land is contiguous with and harmonises with the Browns Road subdivision.



**Browns Road subdivision in the background**



**Edge of treeline, which is to be preserved and assist in screening the development from Burragorang Road to the southeast, with the escarpment on the opposite side of the treeline.**





The matters raised in Point 2 are considered to be subjective, this is subjective, notwithstanding, they have been comprehensively addressed. Indeed, the number of studies and amount of documentation commissioned clearly demonstrate site-specific merit. If the submitted documentation is not considered sufficient to justify the proposal, then this is the first time in the ongoing dialogue with Council officers that this has been expressed. Indeed, even after the last meeting with Council officers on 18 September 2024 there was no further discussion regarding this aspect of the proposal.

With Point 3, the bushfire and odour reports were submitted in October 2024. However, we were advised that the report to the LPP had been finalised, but the LPP would be advised of their existence and conclusions.

Point 4 was addressed under the Metropolitan Rural Area issues.

Regarding servicing (Point 5), Sydney Water has advised that the site will be able to connect to the sewer in 2028. In the interim, an alternative solution could involve installing an onsite sewer system (Bio-Cycle), as mentioned to Council Staff at our last meeting, should the development be more advanced in timing to Sydney Water anticipated 2028 timeframe. It's important to note that there is already sewer infrastructure on the property, and it will be able to connect to the existing system in Browns Road once Sydney Water's Camden treatment plant can accept the wastewater in 2028. Capacity is not an issue, and the Council prefers that the wastewater be connected to the network.

Further details on the timing of the sewer connection are outlined below to assist this further:

- The rezoning needs to take place first (late 2025).
- A Development Application must be lodged and approved (late 2026).
- A Subdivision Works Certificate must be lodged and issued (early to mid-2027).
- The civil subdivision works will then proceed and be completed (late 2027).
- The land must be registered shortly after (early 2028).
- Finally, construction of the nine dwellings will take place (end 2028 onwards).

Only after these steps have been completed will the sewer connection-discharging into the network be available.

Clearly, the proposal has demonstrated strategic and site-specific merit and provides a logical extension to the southern residential development in The Oaks village. In doing so, it will facilitate emergency access to the Browns Road precinct, provide increased housing diversity, ensure preservation of the vegetated escarpment and not create an undesirable precinct and provide a transition between the R2 – Low Density Residential zone and the RU2 – Rural Landscape zone.

Should you need to confirm anything further, please contact our office.



MICHAEL J BROWN

MANAGING DIRECTOR – 0418620718 or [michael@michaelbrown.com.au](mailto:michael@michaelbrown.com.au)

