

Case number 214636

August 23, 2024

Proficient Constructions (Aust) Pty Ltd

c/ - ORION CONSULTING ENGINEERING PTY LTD

## Feasibility letter

<b>Developer:</b>	<b>Proficient Constructions (Aust) Pty Ltd</b>
<b>Your WSC's reference:</b>	<b>24-0142</b>
<b>Development:</b>	<b>Lot 3 DP1201486 80 SILVERDALE RD, The Oaks</b>
<b>Development description:</b>	<b>Currently Vacant Land zoned RU2, Proposed development R5 Large Lot Residential 9 lots</b>
<b>Your application date:</b>	<b>April 22, 2024</b>

Dear Applicant

This Feasibility Letter (Letter) is a guide only. It provides general information about what our requirements could be if you applied to us for a Section 73 Certificate (Certificate) for your proposed subdivision. **The information is accurate at the date of this letter only.**

We have not allocated any system capacity to your proposed development. This letter only provides an indication of our systems' capacities and our possible requirements as they exist at the date of this letter. Where there is system capacity identified, it may have been fully utilised by the time you obtain a Development Consent. Our requirements for any future Development Consent may differ significantly to what is identified in this letter. These changes may arise because:

- you change your proposed development e.g. the development description or the plan/site layout
- you decide to do your development in stages then you must submit a new application (and pay another application fee) for each stage
- the demand on our system(s) has changed.

If you obtain Development Consent for that subdivision from your consent authority (this is usually your local Council) they will require you to apply to us for a Section 73 Certificate (Certificate). You will need to submit a new application (and pay another application fee) to us for that Certificate by using your current or another Water Servicing Coordinator (WSC).

We'll then send you either a:

- Notice of Requirements (Notice) and Developer Works Deed (Deed)  
Or
- Certificate.
  
- These documents will be the definitive statement of our requirements.

**You have made an application for specific information. Our possible requirements are:**

**No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from us and to the extent that it is able, we limit the liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.**

To get your Certificate in the future you'll need to do the following things. You can also find about our process at [Plumbing, building & developing on our website](#).

**1. Get Development Consent from a consent authority for your subdivision proposal.**

**2. Engage a Water Servicing Coordinator**

You'll need to engage your current or another Water Servicing Coordinator (WSC) to manage the design and construction of works that you must provide, at your cost to service your **subdivision**.

You'll find a list of WSC's at [Listed providers on our website](#).

Your WSC will be your point of contact with us. They'll answer questions about our process and any developer charges you might have to pay. They can give you a quote or information about costs for services, works and our costs.

**3. Developer Works Deed**

**After** the WSC has submitted your new application, they'll receive the our Notice and Developer Works Deed. You and your accredited Developer Infrastructure Providers (Providers) will need to sign and lodge both copies of the Deed with your nominated Coordinator. After we've signed the documents, one copy will be returned to the WSC.

The Deed sets out for this project:

- your responsibilities
- our responsibilities
- the Provider's responsibilities.

**You must do all the things that we ask you to do in that Deed.** This is because lots in your subdivision do not have water and sewer services and you must construct and pay for the following works extensions under this Deed to provide these services.

**Note:** The coordinator must be fully authorised by us for the whole time of the agreement.

**4. Drinking water, recycled water and Sewer Works**

#### 4.1 Drinking water

Each lot in your subdivision must have:

- a frontage to a drinking water main that is the right size and can be used for connection.
- its own connection to that water main and a property service (main to meter) that is available for the fitting of a meter.

We've assessed your application and found that:

Currently Vacant Land zoned RU2, Proposed development R5 Large Lot Residential 9 lots. Refer to Figure 1 for the location plan.

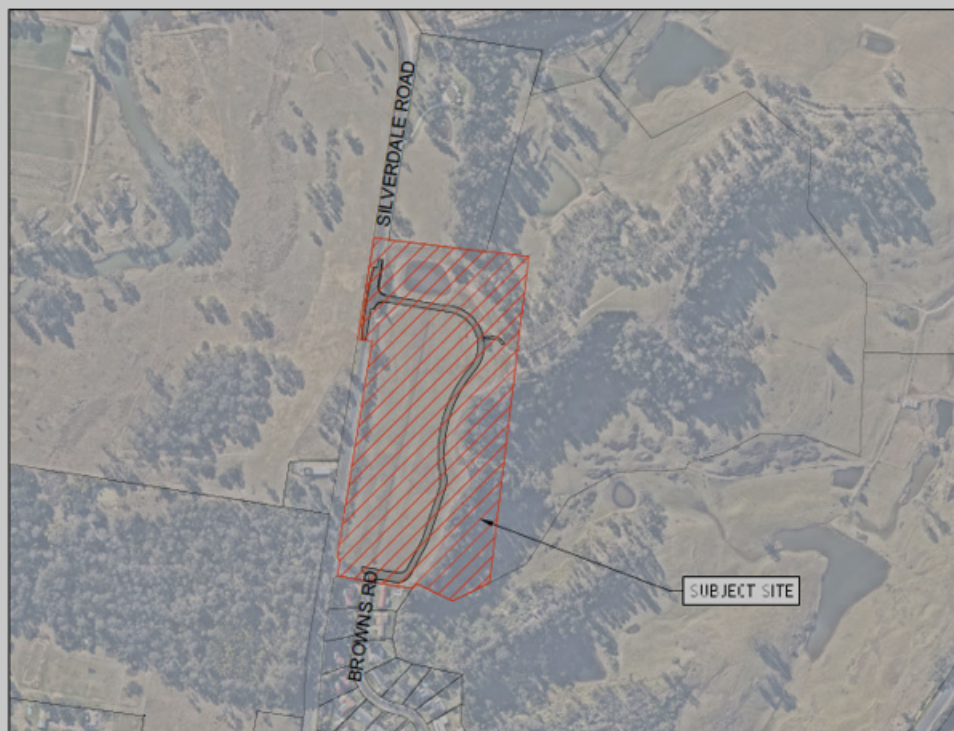


Figure 1 – CN 214636 Location Plan

<b>Drinking water</b>	The proposed development is outside drinking water supply zone. However, it is located adjacent to the Oakdale WSZ and currently the system has capacity to service the development. Network capacity needs to be confirmed at Section 73 stage.
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**Before the Certificate can issue, your Coordinator must give us:**

- All the “Work as Constructed” information that shows what was constructed
- Certification that the property service works comply with our requirements.

#### 4.3 Sewer

Each lot in your subdivision must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within each lot's boundaries.

We've assessed your application and found that:

<b>Wastewater</b>	<p>The proposed development is outside wastewater catchment boundary. However, it is located adjacent to the West Camden wastewater system catchment. The West Camden Wastewater Treatment Plant currently has limited capacity to service new developments.</p> <p><b><u>Treatment Capacity</u></b></p> <p><b>West Camden WRP is currently at capacity and will not have capacity prior to ~2028 to service this rezoning.</b></p> <p><b><u>Network Capacity</u></b></p> <p>The existing network has capacity to service the proposed development. Since the development is outside of the current system boundary detailed planning is required to</p>
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	ensure the development can be serviced. Capacity needs to be confirmed at Section 73 stage.
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## 5. Ancillary adjustments

### 5.1 Asset adjustments

If any of our drinking water main, recycled water main, sewer or stormwater asset constructed or under construction is found, after the issue of this Notice, to require adjustment or deviation as a result of your subdivision; then this work must be undertaken in conjunction with the abovementioned water and sewer extension. If this happens, you'll need to do this work as well as the extension we have detailed above at your cost. The work must meet the conditions of this Notice and you'll need to complete it **before we can issue the Certificate**. We'll need to see the completed designs for the work, and we'll require you to lodge a security. The security will be refunded once the work is completed.

### 5.2 Entry onto neighbouring property

If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use our **Permission to Enter** form(s) for this. You can get copies of these forms from your WSC or on our website. Your WSC can also negotiate on your behalf. Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

### 5.3 Costs

Construction of these **future** works will require you to pay project management, survey, design, and construction costs **directly to your suppliers**. Additional costs payable to us may include:

- water main shutdown and disinfection
- connection of new water mains to our system(s)
- design and construction audit fees
- contract administration, Operations Area Charge & Customer Redress prior to project finalisation
- creation or alteration of easements etc
- water usage charges where water has been supplied for building activity purposes prior to disinfection of a newly constructed water main.

Note: Payment for any Goods and Services (including Customer Redress) provided by Sydney Water will be required prior to the issue of the Section 73 Certificate or release of the Bank Guarantee or Cash Bond.

Your WSC can tell you about these costs.

## 6. Infrastructure contributions

You will need to pay an infrastructure contribution towards the cost of each Sydney Water system that will serve your development.

The infrastructure contributions are calculated in accordance with the Development Servicing Plans registered with the Independent Pricing and Regulatory Tribunal (IPART) under the *Independent Pricing and Regulatory Tribunal Act*.

An estimate of your infrastructure contributions is shown in the table below. These amounts have the NSW Government-directed cap applied for the current financial year. **These amounts are subject to the NSW Government transition pathway and other factors and will change** – see Section 6.1 Price Changes for full details.

No payments can be accepted for these estimates. Should you obtain Development Approval for this proposal and apply for a Section 73 Certificate in the future, then we'll advise you of the applicable charges to your Development.

<b>Development Servicing Plan (DSP)</b>	<b>Basis of Calculation</b>	<b>Charge (\$) for Applicable Period</b>  <b>(8/23/24-6/30/25)</b>
Greater Sydney Drinking Water	Residential Development Density 0 - 29 lots/dwellings per ha band 9 lots/dwellings @ \$850 = \$7650 less Credit of \$0.0 for previous use	\$7,650.00
West Camden Wastewater	Residential Development Density 0 - 29 lots/dwellings per ha band 9 lots/dwellings @ \$1242.03 = \$11178.27 less Credit of \$0.0 for previous use	\$11,178.27
<b>DEVELOPER CHARGES TOTAL:</b>		<b>\$18,828.27</b>

## 6.1 Price changes

The infrastructure contribution you must pay may also change due to:

- Changes to the Consumer Price Index (CPI). Our prices increase by CPI each financial year. CPI is the weighted average of the capital cities CPI for the 12 months to the end of the previous March.
- The NSW Government-directed transition pathway for infrastructure contributions for drinking water and wastewater infrastructure:

<b>Financial Year payment is made</b>	<b>Percentage of infrastructure contribution payable</b>
1 July 2023 to 30 June 2024	Infrastructure contribution capped at 0% of the full price
1 July 2024 to 30 June 2025	Infrastructure contribution capped at 25% of the full price
1 July 2025 to 30 June 2026	Infrastructure contribution capped at 50% of the full price
1 July 2026 onwards	Full price payable



3. Any updates to our Development Servicing Plans (including prices). Our Development Servicing Plans must be updated every five years. The next updates will be introduced by 31 December 2028.

Your infrastructure contributions become payable once your WSC has submitted all Project Completion Packages under each Developer Works Deed to us confirming that the works required under the Notice are complete.

## **Other things you need to do**

There might be other things you need to do that are NOT a requirement for the Certificate. These could be requirements set by us in the future because of the impact of your subdivision on our assets. You must read them before you go any further.

## **Approval of your building plans**

Please note that the building plans must be approved when each lot is developed. This can be done at in our Tap in™ system [Sydney Water Tap in](#)™.

**This is not a requirement for the Certificate**, but the approval is needed because the construction/building works may affect our assets (e.g. water, sewer, and stormwater mains).

If our stormwater channel, pipe, or culvert is located within ten (10) metres of your development site it must be referred to us for a detailed review.

Your Coordinator can tell you about the approval process including:

- Possible requirements
- Their costs
- Timeframes.

If your building plans need to be referred to us for detailed review you will be required to pay us for the costs associated with the detailed review.

Please note that your building plans must be approved. This can be done on our Tap in™ system [Sydney Water Tap in](#)™ or call 13 20 92.

This is not a requirement of the Certificate, but the approval is needed because construction/building works may impact on our existing assets (e.g. water and sewer mains). In any case, these works **MUST NOT** commence until we have granted approval.

Your WSC can tell you about the approval process including:

- Possible requirements

- Their costs
- Timeframes.

We recommend that you apply for Building Plan Approval early as in some instances your WSC may need to refer your building plans to us for detailed review. You'll be required to pay us for the costs associated with the detailed review.

**Note: You must obtain our written approval before you do any work on our systems. We'll take action to have work stopped on the site if you do not have that approval. We will apply Section 44 of the *Sydney Water Act 1994*.**

### **Backflow Prevention Water supply connections**

A backflow prevention containment device appropriate to the property's hazard rating must be installed at the property boundary. The device is to be installed on all water supplies entering the property, regardless of the supply type or metering arrangements. It is needed to reduce the risk of contamination by backflow from these supplies.

A licensed plumber with backflow accreditation can advise you of the correct requirements for your property. To view a copy of our Backflow Prevention Policy and a list of backflow accredited plumbers visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building & developing > Plumbing > Backflow prevention.

### **Fire Fighting**

**If your Development is within the Rouse Hill Development Area then your firefighting service must be drawn from the recycled water system.**

For all other areas with recycled Water available, only Domestic supply is from the recycled system. The Fire Services from these areas is from the drinking water mains.

Definition of firefighting systems is the responsibility of the developer and is not part of the Section 73 process. It is recommended that a consultant should advise the developer regarding the firefighting flow of the subdivision and the ability of Sydney Water's system to provide that flow in an emergency. Our Operating Licence directs that our mains are only required to provide domestic supply at a minimum pressure of 15 m head.

### **Large Water Service Connections (Dual Water)**

A drinking water main and a recycled water main will be available, once you have completed your drinking water main construction to serve your subdivision. The size of your subdivision means that you will need dual water connections larger than the standard domestic 20 mm size.

To get approval for your connection, you will need to lodge an application [Sydney Water Tap in](#)™. You, or your hydraulic consultant, may need to supply the following:

- a plan of the hydraulic layout
- a list of all the fixtures/fittings within the property
- a copy of the fireflow pressure inquiry issued by us
- a pump application form (if a pump is required)
- all pump details (if a pump is required).

You'll have to pay an application fee.

The service connection will need to meet with:

- (a) Administrative requirements of the Plumbing Code of Australia.
- (b) Technical requirements of the Dual Water Drawings Set within the Code.

We don't consider whether the drinking/recycled water main is adequate for fire fighting purposes for your subdivision. We can't guarantee that this drinking/recycled water supply will meet firefighting requirements. You should seek specific advice about firefighting requirements, the Council/Private Certifier and your hydraulic consultant can help.

### **Disused Dual Water Service Sealing**

You must also cap and seal at our main and all disused water connections and property service connections. Should any of the existing service connections, be located within any future drive, then these must be relocated in conjunction to the provision of new service connections to your subdivision. This work must meet our standards in the Plumbing Code of Australia (the Code) and be done by a licensed plumber. The licensed plumber must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

### **Disused Sewerage Service Sealing**

Please don't forget that you must pay to disconnect all disused private sewerage services and seal them at the point of connection to our sewer main. This work must meet our standards in the Plumbing Code of Australia (the Code) and be done by a licensed drainer. The licensed drainer must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

### **Soffit Requirements**

Please be aware that floor levels must be able to meet our soffit requirements for property connection and drainage.

### **The water service for your development**

We don't consider whether the existing water main(s) talked about above is adequate for firefighting purposes for your development. We cannot guarantee that a water supply will meet firefighting requirements. You should seek specific advice about firefighting requirements, the Council/Private Certifier and your hydraulic consultant can help.

You must make sure that each home/lot has its own 20mm meter.

When access to the water supply is required, the property owner or agent must apply to us online. Our meter must be installed before any water is used. It is illegal for anyone other than a us to remove the locking mechanism on the water meter.

The online application can be found by visiting our website [Plumbing, building & developing](#). The applicant will need to have the:

1. Account (Property) Number which can be obtained from the WSC.
2. Serial Number which can be found on the metal tag on your property service.

### **Other fees and requirements**

The requirements in this Advice Letter relate to your future Certificate application only. We may be involved with other aspects of your subdivision and there may be other fees or requirements. These include:

- construction/building plan approval fees
- plumbing and drainage inspection costs
- the installation of backflow prevention devices
- council firefighting requirements. (It will help you to know what the firefighting requirements are for your subdivision as soon as possible. Your hydraulic consultant can help you here)

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**END OF ADVICE**

Case number 214636

August 23, 2024

Proficient Constructions (Aust) Pty Ltd

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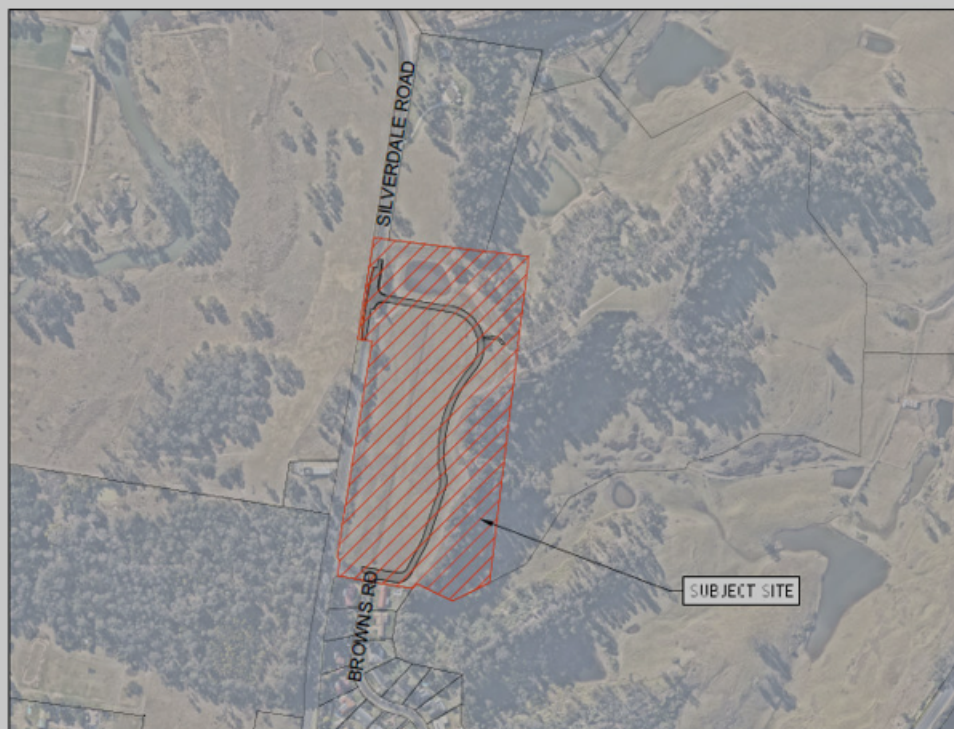


Figure 1 – CN 214636 Location Plan

<b>Drinking water</b>	The proposed development is outside drinking water supply zone. However, it is located adjacent to the Oakdale WSZ and currently the system has capacity to service the development. Network capacity needs to be confirmed at Section 73 stage.
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1. Changes to the Consumer Price Index (CPI). Our prices increase by CPI each financial year. CPI is the weighted average of the capital cities CPI for the 12 months to the end of the previous March.
2. The NSW Government-directed transition pathway for infrastructure contributions for drinking water and wastewater infrastructure:

<b>Financial Year payment is made</b>	<b>Percentage of infrastructure contribution payable</b>
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3. Any updates to our Development Servicing Plans (including prices). Our Development Servicing Plans must be updated every five years. The next updates will be introduced by 31 December 2028.

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## **Other things you need to do**

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## **Approval of your building plans**

Please note that the building plans must be approved when each lot is developed. This can be done at in our Tap in™ system [Sydney Water Tap in](#)™.

**This is not a requirement for the Certificate**, but the approval is needed because the construction/building works may affect our assets (e.g. water, sewer, and stormwater mains).

If our stormwater channel, pipe, or culvert is located within ten (10) metres of your development site it must be referred to us for a detailed review.

Your Coordinator can tell you about the approval process including:

- Possible requirements
- Their costs
- Timeframes.

If your building plans need to be referred to us for detailed review you will be required to pay us for the costs associated with the detailed review.

Please note that your building plans must be approved. This can be done on our Tap in™ system [Sydney Water Tap in](#)™ or call 13 20 92.

This is not a requirement of the Certificate, but the approval is needed because construction/building works may impact on our existing assets (e.g. water and sewer mains). In any case, these works **MUST NOT** commence until we have granted approval.

Your WSC can tell you about the approval process including:

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**Note: You must obtain our written approval before you do any work on our systems. We'll take action to have work stopped on the site if you do not have that approval. We will apply Section 44 of the *Sydney Water Act 1994*.**

### **Backflow Prevention Water supply connections**

A backflow prevention containment device appropriate to the property's hazard rating must be installed at the property boundary. The device is to be installed on all water supplies entering the property, regardless of the supply type or metering arrangements. It is needed to reduce the risk of contamination by backflow from these supplies.

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### **Fire Fighting**

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For all other areas with recycled Water available, only Domestic supply is from the recycled system. The Fire Services from these areas is from the drinking water mains.

Definition of firefighting systems is the responsibility of the developer and is not part of the Section 73 process. It is recommended that a consultant should advise the developer regarding the firefighting flow of the subdivision and the ability of Sydney Water's system to provide that flow in an emergency. Our Operating Licence directs that our mains are only required to provide domestic supply at a minimum pressure of 15 m head.

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To get approval for your connection, you will need to lodge an application [Sydney Water Tap in](#)™. You, or your hydraulic consultant, may need to supply the following:

- a plan of the hydraulic layout
- a list of all the fixtures/fittings within the property
- a copy of the fireflow pressure inquiry issued by us
- a pump application form (if a pump is required)
- all pump details (if a pump is required).

You'll have to pay an application fee.

The service connection will need to meet with:

- (a) Administrative requirements of the Plumbing Code of Australia.
- (b) Technical requirements of the Dual Water Drawings Set within the Code.

We don't consider whether the drinking/recycled water main is adequate for fire fighting purposes for your subdivision. We can't guarantee that this drinking/recycled water supply will meet firefighting requirements. You should seek specific advice about firefighting requirements, the Council/Private Certifier and your hydraulic consultant can help.

### **Disused Dual Water Service Sealing**

You must also cap and seal at our main and all disused water connections and property service connections. Should any of the existing service connections, be located within any future drive, then these must be relocated in conjunction to the provision of new service connections to your subdivision. This work must meet our standards in the Plumbing Code of Australia (the Code) and be done by a licensed plumber. The licensed plumber must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

### **Disused Sewerage Service Sealing**

Please don't forget that you must pay to disconnect all disused private sewerage services and seal them at the point of connection to our sewer main. This work must meet our standards in the Plumbing Code of Australia (the Code) and be done by a licensed drainer. The licensed drainer must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

### **Soffit Requirements**

Please be aware that floor levels must be able to meet our soffit requirements for property connection and drainage.

### **The water service for your development**

We don't consider whether the existing water main(s) talked about above is adequate for firefighting purposes for your development. We cannot guarantee that a water supply will meet firefighting requirements. You should seek specific advice about firefighting requirements, the Council/Private Certifier and your hydraulic consultant can help.

You must make sure that each home/lot has its own 20mm meter.

When access to the water supply is required, the property owner or agent must apply to us online. Our meter must be installed before any water is used. It is illegal for anyone other than a us to remove the locking mechanism on the water meter.

The online application can be found by visiting our website [Plumbing, building & developing](#). The applicant will need to have the:

1. Account (Property) Number which can be obtained from the WSC.
2. Serial Number which can be found on the metal tag on your property service.

### **Other fees and requirements**

The requirements in this Advice Letter relate to your future Certificate application only. We may be involved with other aspects of your subdivision and there may be other fees or requirements. These include:

- construction/building plan approval fees
- plumbing and drainage inspection costs
- the installation of backflow prevention devices
- council firefighting requirements. (It will help you to know what the firefighting requirements are for your subdivision as soon as possible. Your hydraulic consultant can help you here)

No warranties or assurances can be given about the suitability of this document or any of its provisions for any specific transaction. It does not constitute an approval from us and to the extent that it is able, we limit its liability to the reissue of this Letter or the return of your application fee. You should rely on your own independent professional advice.

**END OF ADVICE**

# **BUSH FIRE ASSESSMENT REPORT**

**Subdivision  
9 x Lots**

**Lot 3 DP 1201486  
No 80 Silverdale Road  
The Oaks**

**Mr & Mrs Nocera**

**C/- Proficient Constructions  
(Aust) Pty Ltd**

**August 2024**

## 1.0 INTRODUCTION

A Bush Fire Assessment has been carried out for a proposed 9 x lot subdivision at Lot 3 DP 1201486 No 80 Silverdale Road, The Oaks.

Due to the proposed rezoning, the report also considers the relevant areas of Table 4.2.1 (Bush Fire Strategy Study) of Planning for Bush Fire Protection 2019 (PBP, 2019).

This report is based on a site assessment carried out in August 2023 for a 17 x lot rural residential subdivision and provides a basis for compliance with respect to NSW Rural Fire Services, PBP, 2019 and AS3959 (2018).

A Fire Design Brief/Pre Development process was undertaken with the RFS to establish parameters with respect to the report. A reply was received from the RFS which is attached as **Appendix 1**.

The comments were noted and the proposal was amended to create nine (9) residential lots under the provisions of Wollondilly Local Environment Plan 2011 under the proposed Large Lot Residential zone and a perimeter road is now proposed for the development and the vegetation has been assessed in accordance with the RFS GIS Vegetation Mapping.

The subdivision is an integrated development and has a requirement for a Bushfire Safety Authority under Section 100B of the *Rural Fires Act 1997*.

### NOTE

The report has been prepared with all reasonable skill, care and diligence.

The information contained in this report has been gathered from field survey, experience and has been completed in consideration of the following legislation.

1. Rural Fires Act 1997.
2. Environmental Planning and Assessment Act 1979 No 203.
3. Building Code of Australia.
4. Council Local Environment Plans and Development Control Plans where applicable.
5. NSW Rural Fire Services, Planning for Bushfire Protection, 2019 (PBP, 2019).
6. AS 3959-2018 Construction of Buildings in Bushfire Prone Areas.

The report recognizes the fact that no property and lives can be guaranteed to survive a bushfire attack.

The report examines ways the risk of bushfire attack can be reduced where the subdivision site falls within the scope of the legislation.

The report is confidential and the writer accepts no responsibility of whatsoever nature, to third parties who use this report or part thereof is made known.

Any such party relies on this report at their own risk.

## 1.1 Objectives

The objectives of this report are to:

- Ensure that the proposed subdivision meets the aims and objectives of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019 and has measures sufficient to minimize the impact of bushfires; and
- Reduce the risk to property and the community from bushfire; and
- Comply where applicable with AS3959 – 2018.

## 1.2 Legislative Framework

In NSW, the bushfire protection provisions of the BCA are applied to Class 1, 2, 3, Class 4 parts of buildings, some Class 10 and Class 9 buildings that are Special Fire Protection Purposes (SFPPs).

The BCA references AS3959 – 2018 as the deemed-to-satisfy (DTS) solution for construction requirements in bushfire prone areas for NSW.

All development on bushfire prone land in NSW should comply with the requirements of the bushfire protection measures identified within NSW Rural Fire Service, *Planning for Bushfire Protection*, 2019.

The proposal is for a rezoning and therefore the Strategic Planning section of PBP, 2019 is to be considered.

The proposed subdivision is required to obtain a Bushfire Safety Authority from the NSW Rural Fire Service.

## 1.3 Location

The site is located at Lot 3 DP1201486 No 80 Silverdale Road, The Oaks.

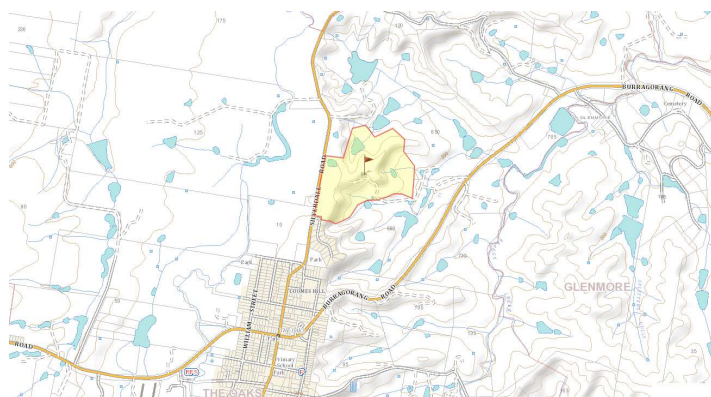
Locality – The Oaks

Local Government Area – Wollondilly Shire Council

Closest Rural Fire Service – Wollondilly

Closest Fire Control Centre – Picton

**Figure 1 – Topographic Map**



**Figure 2 – Aerial View**



## **1.4 Development Proposal and History**

The subject site is approximately 32 hectares and the subdivision layout can be seen in **Appendix 2**.

## **2.0 BUSH FIRE ASSESSMENT**

### **2.1 Assessment Methodology**

Several factors need to be considered in determining the bushfire hazard.

These factors are slope, vegetation type, and distance from hazard, access/egress and fire weather.

Each of these factors has been reviewed in determining the bushfire protection measures.

The assessment of slope and vegetation being carried out in accordance with NSW Rural Fire Service, Planning for Bushfire Protection, 2019.

### **2.2 Slope Assessment**

Slope is a major factor to consider when assessing the bushfire risk.

The slopes were measured using a RangeFinder True Pulse 200.

The hazard vegetation on adjacent land was also identified and the slopes within the vegetation measured.

The following table shows the results:

**Table 1 – Hazard Vegetation Slopes**

Hazard Aspect	Slope
North	0-5° Downslope 0° Flat
East	26-31° Downslope
West	5-10° Downslope



Detailed in **Table 1** the slopes in the steeper parts of the eastern hazard are over 20° and those steeper slopes extend for approximately 80 metres.

A 5-10° downslope has been conservatively considered in the hazard to the west. The grassland hazard is a 6° downslope and the forest hazard has less slope. There will be opportunities to achieve a reduced APZ to the west when specific reporting is completed.

To determine the slope that will affect the fire, verification methods have been used (Couch V4.1), comparison with the deemed to satisfy provisions of Planning for Bush Fire Protection (2019) and AS3959 (2018).

## **2.3 Vegetation Assessment**

The vegetation on and surrounding the subject site was assessed over a distance of 140m.

The vegetation formations were classified using the vegetation formation as detailed in Planning for Bush Fire Protection, 2019.

### **2.3.1 Vegetation on the Subject Lot**

The subject lot consists of grassland, exotic species and the Coastal Valley Woodland which is mapped.

The hazard to the east mostly exotic species (lantana) in the steep areas and grassland in the less steep areas further to the east of the development, which is currently managed by cattle grazing.

There is a continuation of the woodland/exotic species the further the block travels to the north.

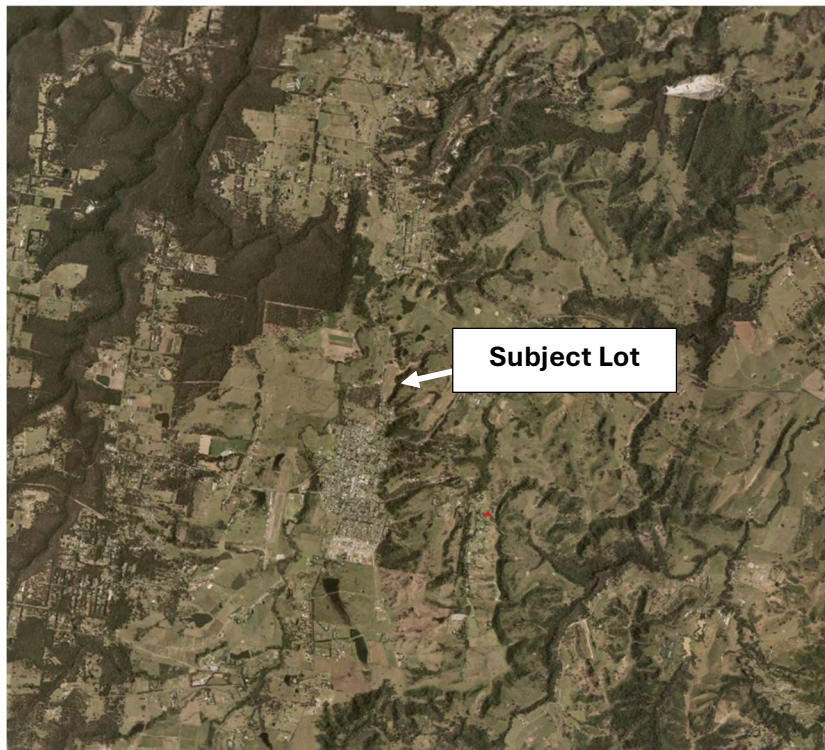
### **2.3.2 Vegetation adjacent and adjoining the Subject Lot**

**Figure 3** details the landscape affecting a bushfire approaching the subject land.

The predominant bushfire landscape features within the 5km assessment area consist of:

1. Bushfire hazards (bushland) in north, east and west directions.
2. Grassland and fragmented forest vegetation to the north, with significant forest vegetation approximately 870m to the northwest of the property boundary.
3. Remnant vegetation especially around the riparian areas and grassland to the east.
4. Mostly grassland to the west with a remnant piece of forest vegetation directly opposite the lot and further forest vegetation approximately 1.6 kilometres from the property boundary.

**Figure 3**



**Table 2 – Hazard Vegetation**

Hazard Aspect	Vegetation
North	Grassland and Forest
East	Coastal Valley Woodland
West	Forest and grassland

**Photos 1, 2, 3 & 4 showing the eastern hazard**



**Photo 2**



**Photo 3**



**Photo 4**



**Photo 5 – Showing the grassland**



**Photo 6 – Showing main area of the western hazard forest**



**Photo 7 – Showing smaller area of forest on the western hazard**





**Photo 8 – Looking from the south towards the proposed lots**



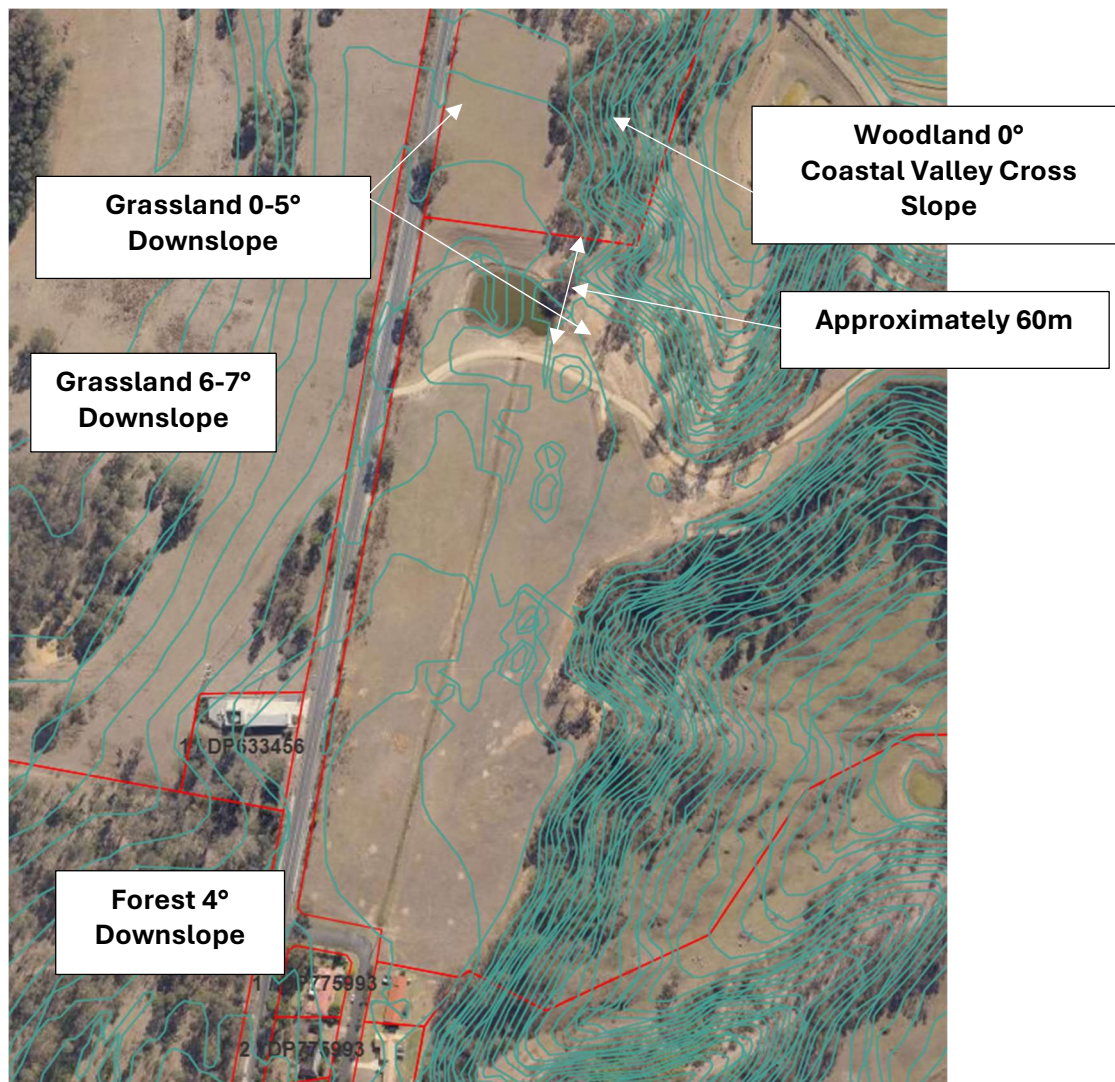
## 2.4 Hazard

The hazards are located to the north, east and west of the subject lot.

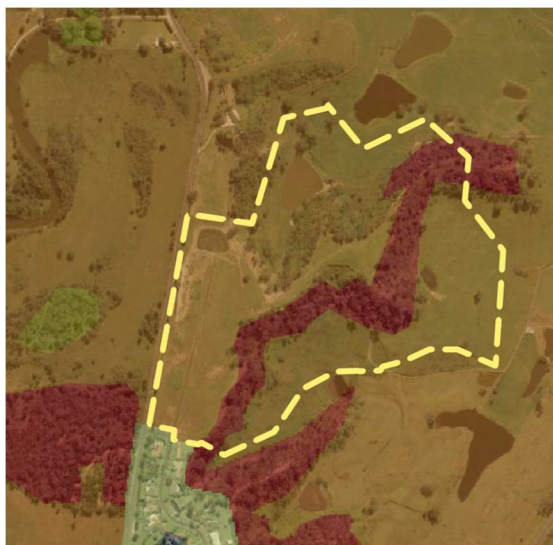
**Figure 4 – Hazards**



**Figure 5**



**Figure 6 - Bushfire Mapping**



**Table 3 – Summary of Hazard Characteristics**

Hazard Aspect	Hazard	Slope
North	Grassland and Coastal Valley Woodland	0-5° Downslope
East	Coastal Valley Woodland	26-29° Downslope
West	Forest and grassland	5-10° Downslope

With regards to the hazard:

- The hazard to the east has been discussed through a fire design process and it was determined that the RFS GIS mapping considered the site as Coastal Valley Woodland. The fire design brief noted that the vegetation existing consisted of thick lantana and one of the purposes of the brief was to possibly consider the vegetation because of the denseness of the lantana similar to rainforest. This report has considered the vegetation as per the RFS Vegetation Mapping.
- A 0-5° downslope has been conservatively considered for the hazard to the north which is the drainage basin and the grassland beyond the basin. A grassland hazard has been considered for the drainage basin. There is a 0° cross slope hazard of Coastal Valley Woodland which is located approximately 60m from the commencement of road. There is 0-5° downslope grassland between the Coastal Valley hazard and the road.
- The hazard to the west consists of forest and grassland. The forest is in the southern part and centre with the grassland is in the northern part. The small area of forest vegetation has been conservatively assessed as a forest hazard.
- A slope of 29° downslope was used in the modelling to build a factor of safety into the reporting.

## **2.5 Fire Danger Index**

The fire weather for the site is assumed on the worst-case scenario. In accordance with NSW Rural Fire Service the fire weather for the site is based upon the 1:50 year fire weather scenario and has a Fire Danger Index (FDI) of 80.

## **3.0 BUSHFIRE THREAT REDUCTION MEASURES**

### **3.1 NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019**

The following provisions of NSW Rural Fire Service, *Planning for Bushfire Protection*, 2019 have been identified:



### 3.1.1 Defendable Space/Asset Protection Zone (APZ)

To ensure that the aims and objectives of NSW Rural Fire Services, PBP, 2019, a defendable space between the asset and the hazard should be provided. The defendable space provides for, minimal separation for safe firefighting, reduced radiant heat, reduced influence of convection driven winds, reduced ember viability and dispersal of smoke.

The proposed subdivision is not considered to be subject to the Special Fire Protection Purpose requirements which are applicable to schools, (the proposed development is not a school).

It is recommended that the defendable space be based upon the minimum requirements for Asset Protection Zones as set out in Planning for Bush Fire Protection, 2019.

**Table 4 - APZ Requirements (PBP 2019)**

Hazard Aspect	Vegetation Type	Slope	IPA	OPA	Total APZ Required (IPA + OPA)
North	Grassland Coastal Valley Woodland	0-5° Downslope 0° Flat	11m 11m	- -	11m See Reporting in Hazard Section
East	Coastal Valley Woodland	26-29° Downslope	-	-	See <b>Note 1</b>
West	Forest then grassland	5-10° Downslope	16m 12m	15m	31m 12m

Due to the slope being in excess of 20°, Performance Reporting is required for the slope to the east.

The modelling has used the RFS GIS Vegetation Management Mapping and the Coastal Valley Woodland Formation.

Further modelling and investigation into the fuel loads of the hazard may reduce the Asset Protection Zone nominated for the planning proposal.

Included are two (2) models for the Coastal Valley Woodland Formation:

- The separation distance including flame length.
- The second separation distance excluding flame length.

Both these separation distances are shown on the Civil Works Plan and both models were completed using Bush Fire Attack Assessor (Couch V4.1).

**The separation for minimum APZ (BAL 29) is 63m including flame length and 58m excluding flame length.**

It should be noted that the APZ line shown on the Engineering plan does not include the existing grassland hazard. This grassland can be assessed as 0-5° slope and would require a 11m Asset Protection zone well inside the APZ required for the main hazard.



### **3.1.2 Inner (IPAs) and Outer (OPAs) Protection Area Requirements**

**Inner:** The IPA is the area closest to the building and creates a fuel managed area which can minimise the impact of direct flame contact and radiant heat on the development and act as a defensible space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous.

In practical terms the IPA is typically the curtilage around the building, consisting of a mown lawn and well-maintained gardens.

When establishing and maintaining an IPA the following requirements apply:

#### **Trees**

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2m above the ground;
- Tree canopies should be separated by 2 to 5m; and
- Preference should be given to smooth barked and evergreen trees.

#### **Shrubs**

- The creation of large discontinuities or gaps in the vegetation, to slow down or break the progress of fire towards buildings, should be provided;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover; and
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

#### **Grass**

- Grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed.

**Outer:** An OPA is located between the IPA and the unmanaged vegetation. It is an area where there is maintenance of the understorey and some separation in the canopy. The reduction of fuel in this area aims to decrease the intensity of an approaching fire and restricts the potential for fire spread from crowns; reducing the level of direct flame, radiant heat and ember attack on the IPA.

Because of the nature of an OPA, they are only applicable in forest vegetation.

When establishing and maintaining an OPA the following requirements apply:

#### **Trees**

- Tree canopy cover should be less than 30%; and
- Canopies should be separated by 2 to 5m.

## Shrubs

- Shrubs should not form a continuous canopy; and
- Shrubs should form no more than 20% of ground cover.

## Grass

- Grass should be kept mown to a height of less than 100mm; and
- Leaf and other debris should be removed.

An APZ should be maintained in perpetuity to ensure ongoing protection from the impact of bushfires. Maintenance of the IPA and the OPA as described above should be undertaken regularly, particularly in advance of the bushfire season.

Asset Protection Lines (i.e.BAL-29 contour lines) for the eastern hazard can be seen in **Appendix 2**. **Appendix 3** shows the APZ lines for the northern and western hazards.

### 3.1.3 Operational Access and Egress

Access to and egress from each of the proposed lots will be via Silverdale Road. It is now proposed to build a perimeter road for the lots. Access is required to comply with Table 5.3b.

**Table 5**

Table 5.3b		
Performance criteria	Acceptable Solution	Comment
ACCESS – GENERAL REQUIREMENTS	<b>The intent may be achieved where:</b>	
	Firefighting vehicles are provided with safe, all weather access to structures	To comply
	<ul style="list-style-type: none"> <li>Property access roads are two wheel drive, all weather roads.</li> <li>Perimeter roads are provided for residential subdivisions of three or more allotments.</li> <li>Subdivision of three or more allotments have more than one access in and out of the development.</li> <li>Traffic management devices are constructed to not prohibit access by emergency services vehicles.</li> <li>Maximum grades for sealed roads do not exceed 15° and an average grade of not more than 10 ° or other gradient specified by road design standards, whichever is the lesser gradient.</li> <li>All roads are through roads.</li> <li>Dead end roads are not recommended, but if</li> </ul>	Provided  Complies  To comply  Will comply  Complies N/A

		<p>avoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle and are clearly sign posted as a dead end.</p> <ul style="list-style-type: none"> <li>Where kerb and guttering are provided on perimeter roads, roll top kerbing should be used to the hazard side of the road.</li> <li>Where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system.</li> <li>One way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression.</li> </ul>	<p>To comply</p> <p>N/A</p> <p>N/A</p>
	<p>The capacity of access roads is adequate for firefighting vehicles</p> <p>There is appropriate access to water supply</p>	<ul style="list-style-type: none"> <li>The capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23tonnes) bridges/causeways are to clearly indicate load rating.</li> <li>Hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression.</li> <li>Hydrants are provided in accordance with the relevant clauses of AS2419.1:2005 – Fire Hydrant Installations Systems design, installation and commissioning; and</li> <li>There is suitable access for a Category 1 fire appliance to within 4 metres of the static water supply where no reticulated supply is available.</li> </ul>	<p>To comply</p> <p>To comply</p> <p>To comply</p> <p>N/A</p>

PERIMETER ROADS	Access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating	<ul style="list-style-type: none"> <li>• Are two-way sealed roads;</li> <li>• Minimum 8 metre carriageway width kerb to kerb;</li> <li>• Parking is provided outside of the carriageway width;</li> <li>• Hydrants are located clear of parking areas;</li> <li>• Are through roads and these are linked to the internal road system at an interval of no greater than 500 metres;</li> <li>• Curves of roads have a minimum inner radius of 6 metres;</li> <li>• The maximum grade road is 15° and average grade is 10°;</li> <li>• The road crossfall does not exceed 3°;</li> <li>• A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches, is provided.</li> </ul>	<p>To comply</p> <p>To comply</p> <p>To comply</p> <p>To comply</p> <p>The section of the road directly exposed to the main hazard is less than 500m. To comply</p> <p>To comply</p> <p>To comply</p> <p>Will comply</p> <p>To comply</p>
NON-PERIMETER ROADS	Access roads are designed to allow safe access and egress for firefighting vehicles while residents are evacuating	<ul style="list-style-type: none"> <li>• Minimum 5.5 metres width kerb to kerb;</li> <li>• Parking is provided outside of the carriageway width;</li> <li>• Hydrants are located clear of parking areas;</li> <li>• Roads are through roads and these are linked to the internal road system at an interval of no greater than 500 metres;</li> <li>• Curves of roads have a minimum inner radius of 6 metres;</li> <li>• The road crossfall does not exceed 3°;</li> <li>• A minimum vertical clearance distance of 4 metres to any overhanging obstructions, including tree branches is provided.</li> </ul>	N/A

Table 5.3b		
Performance criteria	Acceptable Solution	Comment
P R O P E R T Y  A C C E S S	<b>The intent may be achieved where:</b>	
	<p>Firefighting vehicles can access the dwelling and exit the property safely.</p> <ul style="list-style-type: none"> <li>There are no specific access requirements in an urban area where an unobstructed path (no greater than 70m) is provided between the most distant external part of the proposed dwelling and the nearest part of the public access road (where the road speed limit is not greater than 70kph) that supports the operational use of emergency firefighting vehicles.</li> </ul> <p>In circumstances where this cannot occur the following requirements apply:</p> <ul style="list-style-type: none"> <li>Minimum 4m carriageway width;</li> <li>In forest, woodland and heath situations, rural property access roads have passing bays at every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay;</li> <li>A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;</li> <li>Provide a suitable turning area in accordance with Appendix 3;</li> <li>Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;</li> <li>The minimum distance between inner and outer curves is 6m;</li> <li>The crossfall is not more than 10 degrees;</li> <li>Maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads; and</li> <li>A development comprising more than three dwellings has access by dedication of a road and not by right of way.</li> </ul>	Access maybe greater than 70m. If greater than 70m Property Access to comply with this table.

### 3.1.4 Services - Water, Gas and Electricity

As set out in *Planning for Bushfire Protection*, 2019, developments in bushfire prone areas must maintain a water supply for firefighting purposes.

It is assumed reticulated water supply and a hydrant supply, will be available and connected for the lots. Where hydrants are greater than 70m to all parts of a dwelling then a static water is required.

**Table 6**

Table 5.3c			
	Performance Criteria	Acceptable Solutions	Comment
WATER SUPPLIES	<b>The intent may be achieved where:</b>		
	Inadequate water supplies are provided for firefighting purposes	<ul style="list-style-type: none"> <li>Reticulated water supply is to be provided to the development where available.</li> <li>A static water and hydrant supply are provided for non-reticulated developments or where reticulated water supply cannot be guaranteed.</li> <li>Static water supplies shall comply with Table 5.3d of the NSW Planning for Bushfire Protection 2019.</li> </ul>	<p>The Project Manager advises that reticulated water is proposed for the site.</p> <p>To comply where applicable</p> <p>To comply where applicable</p>
	Water supplies are located at regular intervals	<ul style="list-style-type: none"> <li>Fire hydrant, spacing, design and sizing complies with the relevant clauses of the Australian Standard AS 2419.1 – 2005.</li> </ul>	To comply
	The water supply is accessible and reliable for firefighting operations	<ul style="list-style-type: none"> <li>Hydrants are not located within any road carriageway.</li> <li>Reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter road.</li> </ul>	<p>To comply</p> <p>To comply</p>
	Flows and pressures are appropriate	<ul style="list-style-type: none"> <li>Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.</li> </ul>	To comply
ELECTRICITY SERVICES	The integrity of the water supply is maintained	<ul style="list-style-type: none"> <li>All above ground water service pipes are metal, including and up to any taps.</li> <li>Above ground water storage tanks shall be of concrete or metal.</li> </ul>	<p>To comply</p> <p>To comply where applicable</p>
	<p>Location of electricity services limits the possibility of ignition of surrounding bushland or the fabric of buildings</p> <p>Regular inspection of lines is undertaken to ensure they are not fouled by branches</p>	<ul style="list-style-type: none"> <li>Where practical, electrical transmission lines are underground.</li> <li>Where overhead electrical transmission lines are proposed:               <ol style="list-style-type: none"> <li>Lines are installed with short pole spacing (30 metres) unless crossing gullies, gorges or riparian areas; and</li> <li>No part of a tree is closer to a power line than the distance set out in ISSC3 “Guideline for Managing Vegetation near Power Lines.</li> </ol> </li> </ul>	To comply

<b>GAS SERVICES</b>	Location and design of gas services will not lead to ignition of surrounding bushland or the fabric of buildings	<ul style="list-style-type: none"> <li>• Reticulated or bottle gas is installed and maintained in accordance with AS 1596:2014 – The storage and handling of LP Gas, the requirements of relevant authorities and metal piping is to be used.</li> <li>• All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.</li> <li>• Connections to and from gas cylinders are metal.</li> <li>• Polymer-sheathed flexible gas supply lines are not used.</li> <li>• Above ground gas service pipes are metal, including and up to any outlets.</li> </ul>	To comply
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<b>WATER SUPPLIES</b>	The integrity of the water supply is maintained.	<ul style="list-style-type: none"> <li>• All above ground water service pipes external to the building are metal, including and up to the taps.</li> </ul>	To comply
	A static water supply is provided for firefighting purposes in areas where reticulated water is not available.	<ul style="list-style-type: none"> <li>• Where no reticulated water supply is available, water for firefighting purposes is provided in accordance with Table 5.3d;</li> <li>• A connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure; 65mm Storz outlet with a ball valve is fitted to the outlet;</li> <li>• Ball valve and pipes are adequate for water flow and are metal;</li> <li>• Supply pipes from tank to ball valve have the same bore size to ensure flow volume;</li> <li>• Underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;</li> <li>• A hardened ground surface for truck access is supplied within 4m;</li> <li>• Above ground tanks are manufactured from concrete or metal;</li> <li>• Raised tanks have their stands constructed from non-combustible material or bush fire resisting timber (See Appendix F of AS3959);</li> <li>• Unobstructed access can be provided at all times;</li> </ul>	<p>To comply where applicable.</p> <p>To comply where applicable.</p> <p>To comply where applicable.</p> <p>To comply where applicable.</p> <p>To comply where applicable.</p> <p>To comply where applicable.</p> <p>To comply where applicable.</p>

		<ul style="list-style-type: none"> <li>Underground tanks are clearly marked;</li> <li>Tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters;</li> <li>All exposed water pipes external to the building are metal, including any fittings;</li> <li>Where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bushfire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter; and</li> <li>Fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005.</li> </ul>	<p>To comply where applicable.</p> <p>To comply where applicable.</p> <p>To comply where applicable.</p> <p>N/A</p> <p>N/A</p>
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### 3.1.5 Landscaping

Landscaping is a major cause of fire spreading to buildings, and therefore any landscaping will need consideration when planning, to produce gardens that do not contribute to the spread of a bushfire.

When planning any future landscaping surrounding any proposed building or subdivision, consideration should be given to the following:

- The choice of vegetation – consideration should be given to the flammability of the plant and the relation of their location to their flammability and on-going maintenance to remove flammable fuels.
- Trees as windbreaks/firebreaks – Trees in the landscaping can be used as windbreaks and also firebreaks by trapping embers and flying debris.
- Vegetation management – Maintain a garden that does not contribute to the spread of bushfire.
- Maintenance of property – Maintenance of the property is an important factor in the prevention of losses from bushfire.

Appendix 4 of NSW Rural Fire Services, *Planning for Bushfire Protection*, 2019, contains standards that are applicable to the provision and maintenance of Asset Protection Zones.

For a complete guide to APZs and landscaping download the NSW RFS document Standards for Asset Protection Zones at the RFS [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).



## 3.2 Construction of Buildings

### 3.2.1 General

The deemed-to-satisfy provisions for construction requirements are detailed in AS 3953-2018.

The relevant Bushfire Attack Level and construction requirements have been determined in accordance with PBP, 2019 and AS 3959-2018.

### 3.2.2 AS3959 – 2018 Construction of Buildings in Bushfire Prone Areas

The following construction requirements in accordance with AS 3959 – 2018 Construction of Buildings in Bushfire Prone Areas is required for the bushfire attack categories.

### 3.2.3 Fences and Gates

Fences and gates may play a significant role in the vulnerability of structures during a bush fire.

With regard to new fences and gates:

- a) All new fences in bush fire prone areas should be made of either hardwood or non-combustible material.
- b) Where the fence is within 6m of the building or in areas of BAL 29, they should only be made of non-combustible material.

**Table 7**

Bushfire Attack Level (BAL)
BAL - LOW No construction requirements under AS 3959-2018
BAL - 12.5
BAL - 19
BAL - 29
BAL - 40
BAL - FZ

The following table indicates the Bushfire Attack Levels applicable once the recommended APZs have been established:

**Table 8 – Categories of Attack/Construction Standard Assessment for the Proposed Subdivision**

Aspect	Hazard Vegetation	Slope	Min Distance to Hazard once APZ Applied	AS 3959-2018 Bushfire Attack Level (BAL)
North	Grassland Coastal Valley Woodland	0-5° Downslope 0° Flat	11m Approx 70m	BAL 29 Bal 12.5
East	Coastal Valley Woodland	26-29° Downslope	See <b>Note 1</b>	BAL 29
West	Forest then grassland	5-10° Downslope	31m	BAL 29

**Note 1** - Due to the slope being in excess of 20° Performance Reporting is required for the slope to the east. The modelling has used the RFS GIS Vegetation Management Mapping and the Coastal Valley Woodland Formation. Further modelling and investigation into the fuel loads of the hazard may reduce the Asset Protection Zone nominated for the planning proposal.

Included are two (2) models for the Coastal Valley Woodland Formation:

- a. The separation distance including flame length.
- b. The second separation distance excluding flame length.

Both these separation distances are shown on the Civil Works Plan and both models were completed using Bush Fire Attack Assessor (Couch V4.1). See **Appendix 4** for modelling.

#### 4.0 STRATEGIC PLANNING CONSIDERATIONS

It is recognized that the proposal is a rezoning and consideration has to be given to Section 4 and particular Table 4.2.1 of PBP, 2019.

With respect to the rezoning it is 9 x lots only and is situated on the edge of residential development of The Oaks.

**Table 4.2.1 of PBP, 2019**

Bushfire Strategy Study		
Issue	Detail	Assessment Considerations
Bushfire Landscape Assessment	A bushfire landscape assessment considers the likelihood of a bushfire, its potential severity and intensity and the potential impact on life and property in the context of the broader surrounding landscape.	<ol style="list-style-type: none"><li>a) The bushfire hazards in the surrounding area includes:<ul style="list-style-type: none"><li>• Vegetation</li><li>• Topography</li><li>• Weather</li></ul></li><li>b) The potential fire behaviour that might be generated based on the above;</li><li>c) Any history of bushfire in the area; and</li><li>d) Potential fire runs into the site and the intensity of such fire runs.</li></ol>
Land Use Assessment	The land use assessment will identify the most appropriate locations within the masterplan area or site layout for the proposed land uses.	<ol style="list-style-type: none"><li>a) The risk profile of different areas of the development based on the above landscape study;</li><li>b) The proposed land use zones and the resultant permitted land uses;</li><li>c) The most appropriate siting of different land uses based on risk profiles within the site (i.e. not</li></ol>

		<p>locating development on ridge tops, SFPP development to be located in lower risk areas of the site); and</p> <p>d) The impact of the siting of these uses on APZ provision.</p>
Access and Egress	A study of the existing and proposed road networks both within and external to the masterplan area or site layout	<p>a) The capacity for the proposed road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile;</p> <p>b) The location of key access routes and direct of travel; and</p> <p>c) The potential for development to be isolated in the event of a bushfire.</p>
Emergency Service	An assessment of the future impact of new development on emergency services provision	<p>a) Consideration of the increase in demand for emergency services responding to a bushfire emergency (including the need for new stations/bridges); and</p> <p>b) Impact on the ability of emergency services to carry out fire suppression in a bushfire emergency.</p>
Infrastructure	An assessment of the issues associated with infrastructure provision	<p>a) The ability of the reticulated water system to deal with major bushfire event (particularly in terms of water pressure); and</p> <p>b) life safety issues associated with fire and proximity to high voltage power lines, natural gas supply lines etc.</p>
Adjoining Land	The impact of new development on adjoining landowners and their ability to undertake bushfire management	<p>a) Consideration of the implications of a change in land use on adjoining land including;</p> <ul style="list-style-type: none"> <li>• The ability of adjoining and nearby land to carry a bushfire; and</li> <li>• Consideration of increased pressure on adjoining landowners to introduce or increase BPMs through the implementation of Bushfire Management Plans as a result of the changes in land use.</li> </ul>

With respect to Table 4.2.1:

**a. Bush Fire Landscape Assessment**

Specific reporting has been undertaken with respects to the hazards surrounding the site.

**b. Land Use Assessment**

The proposal is one dimensional and will consider residential only, therefore the higher risk profile uses do not need to be considered.

**c. Access and Egress**

There is alternate access/egress is available from the subdivision and there is also alternate access when leaving the subdivision. The proposed development is located on the edge of the existing residential areas and the safe areas of The Oaks.

**d. Emergency Services**

There are 9 new dwellings and the location of the northern boundary provides for Brigade monitoring of any fire coming from the north towards the town.

**e. Infrastructure**

The Project Manager has had some early discussions with Sydney Water for the reticulated supply.

**f. Adjoining Land**

It is not considered that the new development will have an effect on the adjoining landowners and their ability to undertake bush fire management. The dwellings to the south of the proposal will have a reduced risk from the existing adjoining grassland hazard.

**5.0 EMERGENCY EVACUATION PLANNING**

It is recommended that the individual owners develop a bushfire survival plan with respect to the proposed lots.

The decision to stay and defend or to leave should be made well in advance of the arrival of the bushfire.

Any bushfire survival plan should consider the advice offered by the RFS website [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

**6.0 REQUIREMENTS**

The following requirements are considered to be integral to this bushfire risk assessment:

1. An Asset Protection Zones as detailed in Section 3.1.1 of this report are to be provided.
2. The proposed subdivision is to comply with the relevant performance criteria/acceptable solutions as provided for by PBP, 2019.
3. Adopt landscaping principals in accordance with NSW Rural Fire Services, PBP, 2019.

## 7.0 OTHER CONSIDERATIONS

**Table 9**

Environmental/Heritage Feature	Comment
Riparian Corridor	Not considered in this report
SEPP 14 – Coastal Wetland	Not considered in this report
SEPP 26 – Littoral	Not considered in this report
SEPP 44 – Koala Habitat	Not considered in this report
Areas of geological interest	Not considered in this report
Environment protection zones	Not considered in this report
Land slip	Not considered in this report
Flood prone land	Not considered in this report
National Park Estate or other reserves	Not considered in this report
Threatened Species, populations, endangered ecological communities and critical habitat	Not considered in this report
Aboriginal Heritage	Not considered in this report

## 8.0 CONCLUSION

It is suggested that with the implementation of this report, and its recommendations, that the bushfire risk is manageable and will be consistent with the acceptable bushfire protection measure solutions, provided for in NSW Rural Fire Services, PBP, 2019.

The report provides that the required APZ's can be achieved and that the proposed subdivision can be constructed so as to comply with the requirements of AS 3959-2018 and PBP, 2019.

This report is however contingent upon the following assumptions and limitations:

### Assumptions

1. For a satisfactory level of bushfire safety to be achieved, regular inspection and testing of proposed measures, building elements and methods of construction, specifically nominated in this report, is essential and is assumed in the conclusion of this assessment.
2. There are no re-vegetation plans in respect to hazard vegetation and therefore the assumed fuel loading will not alter.
3. It is assumed that the building works will comply with the DTS provisions of the BCA including the relevant requirements of Australian Standard 3959 – 2018.
4. The proposed subdivision is constructed and maintained in accordance with the risk reduction strategy in this report.
5. The vegetation characteristics of the subject site and surrounding land remains unchanged from that observed at the time of inspection.

## Limitations

1. The data, methodologies, calculations and conclusions documented within this report specifically relate to the proposed subdivision and must not be used for any other purpose.
2. A reassessment will be required to verify consistency with this assessment if there is any alterations and/or additions, or changes to the risk reduction strategy contained in this report.

Regards



Tim Mecham  
Midcoast Building and Environmental



## 9.0 DISCLAIMER

This report is not intended for or to be used where aluminium composite panels are proposed. The report is not to be construed as an assessment of the building material or compliance with the recommended bushfire attack level/s.

## 10.0 REFERENCES

NSW Rural Fire Services, **Planning for Bushfire Protection**, 2019  
AS 3959-2018 **Construction of Buildings in Bushfire Prone Areas**  
Keith David 2004, Ocean **Shores to Desert Dunes, The Native Vegetation of New South Wales and the ACT**, Department of Environment and Conservation  
**NSW State Government** (1997) Rural Fires Act 1997  
NSW Rural Fire Service – **Guideline for Bushfire Prone Land Mapping 2002**

## APPENDIX 1 – RFS reply to Fire Design Brief/Pre Development

		<b>NSW RURAL FIRE SERVICE</b>
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Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

Your reference: S/2023/6/1  
Our reference: SPI20231005000133

**ATTENTION:** Rebecca Connor

Date: Thursday 26 October 2023

Dear Sir/Madam,

**Strategic Planning Instrument  
Draft LEP – Draft Proposal**  
Amendments to subdivision land zoning, lot size, and heights of buildings on the subject site with the concept plan of 17 rural-residential allotments and associated infrastructure.

I refer to your correspondence dated 05/10/2023 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.


The RFS does not support the concept proposal in its current form. The following concerns are raised in relation to the proposed design, which should be addressed in a supporting bush fire consultant's report:

- A review of the information provided indicates that there are no significant site or environmental constraints that warrant deviation from the acceptable solutions for a residential subdivision as detailed in *Planning for Bush Fire Protection 2019* (PBP 2019). In this regard, appropriate justification should be provided to demonstrate compliance of the layout with the performance criteria for the relevant bush fire protection measure as outlined in Chapter 5 of PBP 2019, for hazard assessment and access in this instance, based on the bush fire risk profile.
- The following factors need to be considered and appropriately addressed in the bush fire report:
  - The use of fuel loads for vegetation classes based on interpretation of Section A1.9 and Table A1.9 (ie remnant classification to use rainforest fuel loads) as part of radiant heat modelling is not acceptable, unless substantiated in terms of presence and extent of the identified species to be deemed as the predominant hazard. The asset protection zones (APZs) applicable to rainforest, by treating the hazard as remnant, can be used as a deemed-to-satisfy solution in accordance with Table A1.12.5 of PBP 2019.
  - Therefore, further supporting evidence should be provided to substantiate the fuel loads used in radiant heat modelling, such as an ecologist's report to verify the predominant vegetation class. Available RFS GIS vegetation mapping categorises the hazard on the eastern aspect as Coastal Valley Grassy Woodland formation.

---

1

<b>Postal address</b>	<b>Street address</b>	
NSW Rural Fire Service Locked Bag 17 GRANVILLE NSW 2142	NSW Rural Fire Service 4 Murray Rose Ave SYDNEY OLYMPIC PARK NSW 2127	<b>T</b> (02) 8741 5555 <b>F</b> (02) 8741 5550 <a href="http://www.rfs.nsw.gov.au">www.rfs.nsw.gov.au</a>





- The use of the Short Fire Run methodology to assess the eastern hazard may be considered as part of a performance based solution for the proposed development, however the effects of steep slopes on fire behaviour need to be addressed and substantiated:
  - The implication of the high effective slope being around 30° down slope;
  - The risk and likelihood of the fire reaching the canopy due to steep slopes.
- The substitution of a perimeter road with a fire trail for a portion of the site is not considered appropriate, unless justified to ensure safety to fire fighters and evacuating residents based on the potential bush fire risk as well as ongoing management and maintenance of the road being assured. As stated in Section 3.4.4 Fire Trails in PBP 2019 'A fire trail is not a substitute for a road, nor is it considered an appropriate trade-off for the provision of a perimeter, non-perimeter or property road access requirements'.

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Bryce Pascoe  
Supervisor Development Assessment & Plan  
Built & Natural Environment

[illegible]

**Woodland 0°**  
cross slope approximately 60m from  
this point.

**Remainder hazard 0-5° downslope**  
11m required will not extend into  
property

**APZ Line conservatively**  
assessed as 15m into property  
then remainder minimum BAL  
Contour line located in road  
reserve

SILVERDALE ROAD

BIRMINGHAM ROAD

LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6 LOT 7 LOT 8 LOT 9 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17 LOT 18 LOT 19 LOT 20 LOT 21 LOT 22 LOT 23 LOT 24 LOT 25 LOT 26 LOT 27 LOT 28 LOT 29 LOT 30 LOT 31 LOT 32 LOT 33 LOT 34 LOT 35 LOT 36 LOT 37 LOT 38 LOT 39 LOT 40 LOT 41 LOT 42 LOT 43 LOT 44 LOT 45 LOT 46 LOT 47 LOT 48 LOT 49 LOT 50 LOT 51 LOT 52 LOT 53 LOT 54 LOT 55 LOT 56 LOT 57 LOT 58 LOT 59 LOT 60 LOT 61 LOT 62 LOT 63 LOT 64 LOT 65 LOT 66 LOT 67 LOT 68 LOT 69 LOT 70 LOT 71 LOT 72 LOT 73 LOT 74 LOT 75 LOT 76 LOT 77 LOT 78 LOT 79 LOT 80 LOT 81 LOT 82 LOT 83 LOT 84 LOT 85 LOT 86 LOT 87 LOT 88 LOT 89 LOT 90 LOT 91 LOT 92 LOT 93 LOT 94 LOT 95 LOT 96 LOT 97 LOT 98 LOT 99 LOT 100

Subdivision Plan  
Scale 1:750

0 5 10 20 30 40 50 60 70 METRES

Scale 1:750 @ A1  
Scale 1:1500 @ A3

*Midcoast Building and Environmental*

## APPENDIX 4

**Bushfire Attack Assessor**

**Assessment Details**

Site Street Address: 80 Silverdale Road

Site Suburb: The Oaks Date: 7/07/2023

Local Government Area: Camden Fire Area: Greater Sydney Region

Alpine Area: ☐

New Calc Close

**Assessment Run**

Attack Assessment Vegetation Characteristics Short Fire Run Results Calculation Constants BAL Threshold Results

**Assessment Details**

Run Description: East

Filter Vegetation Class: PBP 2019

Vegetation Type: Grassy and Semi-Arid Woodland (including Mallee)

Separation Distance (m): 63

Vegetation Slope: 29

Site Slope: 0

Flame Width (m): 100

Elevation of Receiver (m): Default

Heat Shield Height (m): 0

Heat Shield Width (m): 0

Slope Unit: Degrees

Vegetation Slope Type: Downslope

Site Slope Type: Level

Flame Temp (K): 1090

Note: Leave as Default to copy peak elevation.

Note: Measured directly against the vegetation.

Note: Measured in the centre of the vegetation.

Run Calc

☐ BAL Thresholds

☐ Override Slope Katatumb

**Short Fire Run Inputs**

Calculate Short Fire Run ☐ Fire Run (m):

Forest Flame Model: McArthur Vegetation Height (m): 2

**Results**

Radiant Heat (kW/m2): 28.51	Rate Of Spread (km/h): 9.32	<input type="checkbox"/> Override ROS
Flame Length (m): 63	Transmissivity: 0.789	<input type="checkbox"/> Override Transmissivity
Construction Level: BAL FZ	Peak Elevation of Receiver (m): 23.77	<input type="checkbox"/> Override Flame Angle
Fire Intensity (kW/m): 97265	Flame Angle (degrees): 49	<input type="checkbox"/> Override View Factor
Inner Protection Area (m): 58	Maximum View Factor: 0.475	
Outer Protection Area (m): 0	Shielded View Factor: 0	

### Bushfire Attack Assessor

#### Assessment Details

Site Street Address: 80 Silverdale Road

Site Suburb: The Oaks Date: 7/07/2023

Local Government Area: Camden Fire Area: Greater Sydney Region

Alpine Area: ☐

New Calc Close

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#### Assessment Run

Attack Assessment
Vegetation Characteristics
Short Fire Run Results
Calculation Constants
BAL Threshold Results

#### Assessment Details

Run Description: East

Filter Vegetation Class: PBP 2019

Vegetation Type: Grassy and Semi-Arid Woodland (including Mallee)

Separation Distance (m): 58

Vegetation Slope: 29

Site Slope: 0

Flame Width (m): 100

Elevation of Receiver (m): Default

Heat Shield Height (m): 0

Heat Shield Width (m): 0

Slope Unit: Degrees

Vegetation Slope Type: Downslope

Site Slope Type: Level

Flame Temp (K): 1090

Note: Leave as Default to copy peak elevation.

Note: Measured directly against the vegetation.

Note: Measured in the centre of the vegetation.

**Run Calc**

☐ BAL Thresholds

☐ Override Slope Katabum

#### Short Fire Run Inputs

Calculate Short Fire Run ☐

Forest Flame Model: McArthur

Fire Run (m):

Vegetation Height (m): 2

#### Results

Radiant Heat (kW/m2): 28.51	Rate Of Spread (km/h): 9.32	<input type="checkbox"/> Override ROS
Flame Length (m): 63	Transmissivity: 0.789	<input type="checkbox"/> Override Transmissivity
Construction Level: BAL FZ	Peak Elevation of Receiver (m): 23.77	<input type="checkbox"/> Override Flame Angle
Fire Intensity (kW/m): 97265	Flame Angle (degrees): 49	<input type="checkbox"/> Override View Factor
Inner Protection Area (m): 58	Maximum View Factor: 0.475	
Outer Protection Area (m): 10	Shielded View Factor: 0	



Mr Michael Brown  
Michael Brown Planning Strategies Pty Ltd  
c/o [MichaelBrown@MichaelBrown.com.au](mailto:MichaelBrown@MichaelBrown.com.au)

22 August 2024

Dear Mr Brown,

**SUBMISSION OF DRAFT PLANNING PROPOSAL – 80 SILVERDALE RD, THE OAKS 2570**

Following receipt of outstanding agency consultation advice regarding the above Planning Proposal I wish to provide you with a summation of outstanding issues raised. Please see also attached copies of each response for your records.

Department of Planning, Housing and Infrastructure

- Many remaining matters are unresolved due to the absence of required studies and documentation required by the Gateway determination;
- The proposal is inconsistent with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA; and
- The planning proposal is inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 5.5 Sydney Drinking Water Catchment, hence all related issues remain unresolved.

Any Planning Proposal submitted to the Department for Gateway assessment for this site should include a reconciliation against the reasons why the earlier Planning Proposal was not supported and how those issues have been addressed. Further justification from Council should also be provided as to why they are satisfied those matters have been adequately addressed.

NSW Rural Fire Service

The NSW RFS notes that a number of previous comments have been provided regarding potential reduction of minimum lot size/rezoning/subdivision concepts on this site including (i) a Gateway Agency referral, RFS response dated 12/12/2017

- (ii) a pre-DA referral for a 16 lot subdivision that was supported by a Bush Fire Design Engineering Brief (BFDEB), RFS response dated 22/9/2023 and
- (iii) a Scoping Proposal via RFS response dated 26/10/2023.

- The current draft planning proposal is not supported by a strategic bush fire study (SBS). The draft planning proposal has been referred with a "Fire Design Brief" (dated 24/08/2023) which does not appear to reflect the current plans and pre dates advice provided by the RFS on 22/09/2023.
- A strategic bush fire study is required to be provided addressing the matters outlined in Chapter 4 of Planning for Bush Fire Protection 2019 and also addressing the previous RFS comments dated 26/10/2023.

#### Water NSW

- The far western part of the site lies within the Sydney Drinking Water Catchment (SDWC) but falls just outside the Warragamba Special Area (Schedule 2) lands. The prime concern is ensuring that the Planning Proposal does not lead to adverse water quality impacts in the SDWC.
- The Planning Proposal does not discuss the SDWC beyond broadly identifying that Direction 3.3 Sydney Drinking Water Catchments is applicable to the Wollondilly Local Government Area (LGA) (P. 23). If the Planning Proposal is supported by Council, it will need to be referred to WaterNSW prior to Gateway and more comprehensively address the provisions of Direction 3.3.

#### Sydney Water

- The majority of the proposed rezoning is located outside of the Oakdale WSZ and currently the system has capacity to service the development.
- The majority of the proposed rezoning is located outside the West Camden wastewater system catchment.
- The West Camden Water Recycling Plant is currently at capacity and is not anticipated to have capacity prior to 2028 to service the rezoning (subject to approvals and project delivery).
- The proponent is required to provide anticipated ultimate and annual growth data for this development as outlined in the enclosed Growth Data Form.
- A Feasibility application will enable a comprehensive servicing review ensuring the proposed development is considered in any potential planning that we might be undertaking.
- Failure to provide this information may impede proper planning requirements for the proposed development and for the broader area. The completed growth form should be submitted by the proponent to Sydney Water as part of the Feasibility application via a Water Servicing Coordinator (WSC), citing this referral response and our reference number.

I refer to our advice provided previously in response to the Scoping Proposal. On the basis of current information, our position remains unchanged, particularly regarding the broader strategic merit of the proposal. The provision of the information as requested above may not result in a change from that position.



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Yours faithfully,

Rebecca Connor  
**Senior Strategic Planner**  
**Sustainable Growth**



PO Box 295  
CAMDEN NSW 2570

Phone: 46480 877

Mobile: 0418 620 718  
Email: michael@michaelbrown.com.au  
ABN 52 162 313 895

23 August 2024

Your Ref: CM 14871  
Planning Portal Reference: PP-2024-1116  
Our Ref: 2023/0032

The General Manager  
Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

Attention Rebecca Connor

Dear Rebecca,

**Re: Response to Submission of Draft Planning Proposal at Lot 3 DP 1201486 No 80  
Silverdale Road THE OAKS**

We represent Mr Mick and Mrs Maryan Nocera for land at 80 Silverdale Road THE OAKS. We referred to the letter dated 22 August 2024 regarding the above matter and we wish to respond accordingly to those matters.

Department of Planning, Housing and Infrastructure

- Many remaining matters are unresolved due to the absence of required studies and documentation required by the Gateway determination;
- The proposal is inconsistent with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA; and
- The planning proposal is inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 5.5 Sydney Drinking Water Catchment, hence all related issues remain unresolved.

**Comment**

In respect of the first issue, the only study that remains outstanding, is the bushfire assessment report. This matter will be addressed under NSW Rural Fire Service.

With the second issue, these words were taken directly to Section 1.1.1 of the Draft Planning Proposal Request. The heading of this section is "Previous Submission". These matters related to the Department of Planning, Environment and Industry letter dated 21 December 2020 not to proceed with the application due to outstanding issues.

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Response Submission to Draft Planning Proposal

These matters and the third issue have been addressed in the new Planning Proposal Request, the subject of the application.

With respect to the Section 9.1 Directions, we assume these comments are in relation to Section 1.1.1 of the Draft Planning Proposal Request and in particular Item 4.

Direction 2.1 has been replaced by Direction 3.1, 2.3 is now 3.2, 4.4 is now 4.3 and 5.5 is now 3.3. These Section 9.1 Directions were adequately addressed under Section 5.1.2.5. The bushfire impacts and Drinking Water Catchment are further addressed by the attached documents prepared by Midcoast Building and Environmental and Siteplus.

### NSW Rural Fire Service

The NSW RFS notes that a number of previous comments have been provided regarding potential reduction of minimum lot size/rezoning/subdivision concepts on this site including (i) a Gateway Agency referral, RFS response dated 12/12/2017.

(ii) a pre-DA referral for a 16 lot subdivision that was supported by a Bush Fire Design Engineering Brief (BFDEB), RFS response dated 22/9/2023 and

(iii) a Scoping Proposal via RFS response dated 26/10/2023.

- The current draft planning proposal is not supported by a strategic bush fire study (SBS). The draft planning proposal has been referred with a "Fire Design Brief" (dated 24/08/2023) which does not appear to reflect the current plans and pre dates advice provided by the RFS on 22/09/2023.
- A strategic bush fire study is required to be provided addressing the matters outlined in Chapter 4 of Planning for Bush Fire Protection 2019 and also addressing the previous RFS comments dated 26/10/2023.

### Comment

In this regard, Midcoast Building and Environment, following discussions with an officer from RFS South has provided a Bushfire Assessment Report addressing the impacts and including a strategic bushfire study. The report concludes that:

*"The report provides that the required APZ's can be achieved and that the proposed subdivision can be constructed so as to comply with the requirements of AS 3959-2018 and PBP, 2019".*

It is suggested that this assessment report be referred to the RFS for assessment and response to the issues raised.

### Water NSW

- The far western part of the site lies within the Sydney Drinking Water Catchment (SDWC) but falls just outside the Warragamba Special Area (Schedule 2) lands. The prime concern is ensuring that the Planning Proposal does not lead to adverse water quality impacts in the SDWC.
- The Planning Proposal does not discuss the SDWC beyond broadly identifying that Direction 3.3 Sydney Drinking Water Catchments is applicable to the Wollondilly Local Government Area (LGA) (P. 23). If the Planning Proposal is

supported by Council, it will need to be referred to WaterNSW prior to Gateway and more comprehensively address the provisions of Direction 3.3.

#### **Comment**

In respect of this issue, Siteplus has responded to this issue and provided a plan which shows that a slither of land along the Silverdale Road frontage is affected by the Sydney Drinking Water Catchment. The proposed subdivision works with result in the site being regraded such that the entire stormwater is conveyed away from the catchment to the proposed onsite system. Therefore, this matter is addressed.

#### **Sydney Water**

- The majority of the proposed rezoning is located outside of the Oakdale WSZ

#### **Comment**

With this matter, Sydney Water has responded to a feasibility request. The letter in part states that:

*"We have not allocated any system capacity to your proposed development. This letter only provides an indication of our systems' capacities and our possible requirements as they exist at the date of this letter. Where there is system capacity identified, it may have been fully utilised by the time you obtain a Development Consent. Our requirements for any future Development Consent may differ significantly to what is identified in this letter".*

The Camden West Sewerage Treatment Plant (STP) is currently being upgraded to address supply issues for this area and other areas of the Wollondilly Shire LGA and growth in Camden. It is envisaged that the upgrading of the system will be completed by 2028.

The initial timeline within the Draft Planning Proposal Request was December 2025 for the rezoning of the subject property. This timeline is likely to be sometime in 2026. By the time the land is rezoned and a development application is lodged to create the proposed nine (9) lot subdivision, it is likely that an interim supply system can be resolved with Sydney Water.

As such, it is considered that the Planning Proposal Request progress to a Gateway Determination and further information can be provided post Gateway Determination. Should you require clarification of any aspect of the accompanying submission please do not hesitate to contact me.

Sincerely yours,



MICHAEL J BROWN  
DIRECTOR

MICHAEL BROWN PLANNING STRATEGIES PTY LTD

## **BUSHFIRE ASSESSMENT REPORT**

**ADVICE REGARDING SYDNEY DRINKING WATER  
CATCHMENT**

## **ADVICE FROM SYDNEY WATER**



Director  
Michael Brown Planning Strategies  
c/o [michael@michaelbrown.com.au](mailto:michael@michaelbrown.com.au)

Attn: Mr Michael Brown

5 December 2023

Dear Mr Brown,

**WRITTEN ADVICE – SCOPING PROPOSAL FOR 80 SILVERDALE ROAD, THE OAKS**

I refer to the pre-lodgement meeting held on 15 November 2023 to discuss a potential draft planning proposal to amend the *Wollondilly Local Environmental Plan 2011* (WLEP 2011) to rezone land at No 80 Silverdale Road, The Oaks to facilitate the subdivision of land into 17 allotments, ranging from 1500sqm to 5038sqm and a residual lot of 27Ha.

The Scoping Proposal would achieve this by amending the WLEP 2011 to enable the site to be rezoned from RU2 Rural Landscape, with a minimum lot size of 40Ha, to R5 Large Lot Residential, with a minimum lot size of 1500sqm. The Scoping Proposal also seeks to introduce a 9m Height of Building Map layer to the Site.

We appreciate the efforts to follow the process in the NSW Government's *Local Environmental Plan Making Guideline* (the Guideline).

The following documents are provided with this letter:

- Minutes of the pre-lodgement meeting,
- Written advice
- Council's Planning Proposal Policy and Application form
- A copy of advice provided by authorities/government agencies.

Based on an assessment of the Scoping Proposal, it is considered that the proposal is not consistent with the strategic planning framework and does not have strategic planning merit. More detail on this position is provided in the written advice.

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If you have any questions please contact Rebecca Connor, Senior Strategic Planner on (02) 4677 4472 or [rebecca.connor@wollondilly.nsw.gov.au](mailto:rebecca.connor@wollondilly.nsw.gov.au).

Yours faithfully,



Carolyn Whitten  
**Team Leader Strategic Planning**  
**Sustainable Growth**

## ATTACHMENT 1: Written Advice

The following written advice is provided in accordance with the NSW Government's *Local Environmental Plan Making Guideline* (the Guideline).

### Scoping Proposal Information

<b>Lot/DP</b>	Lot 3 DP 1201486
<b>Address:</b>	80 Silverdale Road, The Oaks
<b>Scoping Proposal</b>	Prepared by Michael Brown Planning Strategies dated August 2023.
<b>Proposed Amendments</b>	<p>To amend the <i>Wollondilly Local Environmental Plan 2011</i> to rezone land to facilitate development of the site for large lot residential, including the subdivision of land into 17 allotments, ranging from 1500sqm to 5038sqm and a residual lot of 27Ha.</p> <p>The Scoping Proposal would achieve this by amending the WLEP 2011 to enable the Site to be rezoned from RU2 Rural Landscape, with a minimum lot size of 40Ha, to R5 Large Lot Residential, with a minimum lot size of 1500sqm. The Scoping Proposal also seeks to introduce a 9m Height of Building Map layer to the Site.</p>
<b>Anticipated Yield</b>	
<b>Supporting Documents</b>	<ul style="list-style-type: none"><li>• Scoping Proposal</li><li>• Bush Fire Advice, August 2023, Midcoast Building and Environmental</li><li>• Detailed Subdivision Plan (overlaid on aerial)</li><li>• Site Subdivision Plan</li><li>• Signed Owners Consent</li></ul>
<b>Pre-lodgement Meeting Date</b>	15 November 2023

### INTRODUCTORY NOTES

- The purpose of the pre-lodgement stage is to provide early feedback to proponents about the strategic and site-specific merits of a proposal.
- This written advice has been provided on the basis of the Scoping Proposal and any submitted supporting information, internal specialist feedback, authorities and government agencies feedback and the pre-lodgement meeting.
- This written advice is provided in good faith and the pre-lodgement process is not a full merit assessment of the proposal. Proponents should consider the advice in proceeding with and preparing a planning proposal. A comprehensive assessment of the draft planning proposal will be undertaken following lodgement of all the necessary information. Following the assessment, further issues may be identified for addressing.

- A proponent may still lodge a planning proposal with council, despite the advice provided as part of the pre-lodgement meeting or written advice.
- This written advice identifies information that would be required as part of any future submitted planning proposal irrespective of whether the planning proposal is likely to be supported. Inclusion of the information does not imply that a planning proposal will be supported.

## 1. Planning Proposal Category

On the basis of information provided to date, the proposal is likely to be classified as a Complex planning proposal under the Guideline. Refer to Figure 1 for details:

<b>Complex</b>	A complex planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:
	<ul style="list-style-type: none"> <li>• To change in the land use zone and/or the principal development standards of the LEP, which would result in a significant increase in demand for supporting local, regional or State infrastructure and would require infrastructure funding</li> <li>• To respond to a new policy e.g. local character or new provision not in the standard instrument template</li> <li>• That is inconsistent with a District/Regional Plan or council's endorsed LSPS</li> <li>• Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends</li> <li>• That is progressed under the Aboriginal Land SEPP</li> <li>• Any other amendment or amendments that are not categorised as a principal LEP, standard or basic planning proposal</li> </ul>

**Figure 1:** Extract of Planning Proposal Category from the Guideline (page 14)

## 2. Planning Proposal Fees and Charges

On the basis of information provided to date, the proposal is considered to be a Complex fee category under Council's adopted *Planning Proposal Policy*.

The relevant initial planning proposal fee under Council's adopted Fees and Charges for this type of planning proposal is currently \$25,000.00.

If the planning proposal progresses to a Gateway determination, a cost recovery fee structure will apply to recover the full cost of providing services to progress a planning proposal and the proponent will be required to enter into a Cost Recovery Agreement.

Council's Fees and Charges also set a fee for a DCP amendment initiated by a proponent. This fee would also apply should the Planning Proposal include any amendments to the Wollondilly Development Control Plan 2016.

Should the proposal require an amendment to Wollondilly Contributions Plan, an application to amend the plan, along with the commensurate fee should be lodged concurrent with the planning proposal.

Please note that the fees are based on Council's current adopted Fees and Charges for the 2023/2024 financial year and may change upon commencement of the new financial year. This could include any additional fees or charges introduced at that time.

### 3. Community & Stakeholder Engagement Requirements

The [Wollondilly Community Participation Plan](#) provides a clear process of how and when Council will engage with the community in relation to plan making processes across the Shire, including mandatory requirements for initial notification and public exhibition in relation to its planning functions.

If a proposal proceeds to Gateway, the Gateway Determination will outline the required engagement as part of the public exhibition process.

### 4. Preliminary Advice on whether the proposal has Strategic and Site-Specific Merit

In terms of the strategic planning framework, the proposal is considered;

- a. Inconsistent with the **Greater Sydney Region Plan** and the **Western City District Plan**;
  - principally due to the site's location within the Metropolitan Rural Area,
  - the scale of the proposal is not considered 'local growth',
  - nominated growth areas and existing residential zoned land are better suited for this type of proposal.
- b. Inconsistent with **Wollondilly 2040 Local Strategic Planning Statement**;
  - Inconsistent, particularly in relation to Planning Priority 1 (Aligning Infrastructure), Planning Priority 3 (Framework for Managed Growth), Planning Priority 5 (Housing), Planning Priority 13 (Protecting Biodiversity), Planning Priority 16 (Metropolitan Rural Area) and Planning Priority 18 (Climate Impacts & Resilience).
- c. Inconsistent with the **Wollondilly Rural Lands Strategy**;
  - The proposal would enable encroachment of urban or residential lands into rural areas outside of identified growth areas or existing village footprints and is not clearly identified for these uses in the Local Housing Strategy.
- d. Inconsistent with the **Wollondilly Local Housing Strategy** (LHS);
  - Land in and around The Oaks has not been identified for urban development,
  - the scale of the proposal is not considered 'local growth',
  - Wollondilly has adequate land capacity to supply additional housing in line with demand,

### Summary of Strategic Planning Merit of Proposal

Based on an assessment of the Scoping Proposal, it is considered that the proposal is not consistent with the strategic planning framework and does not have strategic planning merit.

## 5. Recommended Changes to the Scope of the Proposal

Nil

## 6. Recommended Investigations and Studies to Support and Justify the Proposal

### a) Matters that need to be addressed in a planning proposal

A planning proposal for the site will need to be supported by the necessary studies at the time of submission.

It is noted that many of these considerations are interrelated and, therefore, a holistic view of the site constraints is required.

The following advice has been provided by Council's specialist officers based:

Issue	Comments
<b>Aboriginal Cultural Heritage</b>	<p>A comprehensive Aboriginal cultural heritage assessment is required.</p> <p>The Scoping Proposal refers to the need for an aboriginal due diligence assessment. Please note that a due diligence assessment is not considered to be an archaeological assessment or substitute for a comprehensive Aboriginal cultural assessment report.</p>
<b>Non-Indigenous Heritage</b>	Nil
<b>Biodiversity\ Environmental Outcomes</b>	Biodiversity protection, particularly the identification of corridors and habitat for endangered species such as the koala is required.
<b>Bush Fire Hazard</b>	<p>The land is mapped as bushfire prone. Any planning proposal is to be supported by a Strategic Bushfire Study to be prepared in accordance with the NSW Rural Fire Services Planning for Bushfire Protection 2019.</p> <p>Asset Protection Zones are to be considered.</p> <p>Fire trails within private ownership are not supported due to issues relating to management, maintenance, litter and illegal dumping.</p>
<b>Contamination</b>	A Preliminary Site Investigation is to be undertaken by an experienced Contaminated Land Consultant and prepared in accordance with the following references:

Issue	Comments
	<ul style="list-style-type: none"> <li>• NSW Environment Protection Authority (EPA 2020) Consultants Reporting on Contaminated Land - Contaminated Land Guidelines.</li> <li>• National Environmental Protection Council (NEPC 2013) National Environment Protection (Assessment of Site Contamination) Measure 1999.</li> <li>• Resilience and Hazards SEPP Chapter 4 Remediation of Land.</li> </ul>
<b>Development Capability</b>	<p>Dual interface lots are not preferred noting the interface of proposed Lots 101-105 inclusive and 112-116 inclusive to Silverdale Road and the new road. It is unclear which frontage vehicular access is proposed for the referenced lots and whether tree removal is proposed.</p> <p>The proposed minimum 1,500m<sup>2</sup> lot size is not considered adequate to accommodate a dwelling house and effluent management area on site, having regard to site constraints i.e. required buffer distances, APZ, biodiversity and topography of the site.</p> <p>Any future planning proposal should confirm whether the existing dam is proposed to be decommissioned.</p>
<b>Flood Hazard</b>	<p>Further information requested to understand potential flood impacts.</p>
<b>Health Planning</b>	<p>The Social and Health Impact Assessment working group has reviewed the scoping proposal and offers the following advice:</p> <ul style="list-style-type: none"> <li>• Council has a Social and Health Impact Assessment Policy.</li> <li>• Council's Policy and Guidelines can be found at <a href="https://www.wollondilly.nsw.gov.au/shire-projects/strategic-planning-and-land-use-policies/health-in-planning/">https://www.wollondilly.nsw.gov.au/shire-projects/strategic-planning-and-land-use-policies/health-in-planning/</a></li> <li>• Any planning proposal of this scale requires a <b>Comprehensive Social and Health Impact Report (CSHIR)</b> to be submitted.</li> <li>• The link above contains detailed instructions on how to complete a Comprehensive Social and Health Impact Report. This report must be done by someone who meets the qualifications outlined in the guidelines.</li> </ul>



Issue	Comments
	<p>Among other things, the following specific matters that should be addressed by the CSHIR if the proponent lodges a planning proposal:</p> <ul style="list-style-type: none"> <li>• Justification of loss of agricultural land</li> <li>• Mitigations for the negative health impacts of large lot residential development               <ul style="list-style-type: none"> <li>○ Ways to reduce car dependence (e.g. walkability and cyclability measures as well as discouraging car use)</li> <li>○ Ways to encourage casual social interaction (e.g. encouraging use of recreation areas rather than individual yards)</li> </ul> </li> </ul>
<b>Infrastructure (Utilities)</b>	An Infrastructure Servicing Report should be prepared to outline the availability of utility services infrastructure to service future development.
<b>Local Contributions</b>	<p>Development Contributions would be levied on the future subdivision DA in accordance with the Contributions Plan.</p> <p>It is expected road and intersections to be undertaken as conditions of consent</p>
<b>Noise</b>	Nil
<b>Open Space</b>	No issues identified.
<b>Potable drinking water and reticulated wastewater</b>	<p>A detailed wastewater report will need to be provided to show that each of the proposed Lots has adequate on-site wastewater provision and to demonstrate potential building envelopes, effluent distribution zones and all required buffer distances. Noting that wastewater design irrigation rate is to be calculated for a minimum 5 bedroom house and that subsoil beds and trenches, modified soil mounds and pump out systems will not be considered for any subdivision/rezoning application. Please note that the proposed lots fronting Silverdale Road are showing on mapping, to be located within Water NSW Catchment, and all of these Lots will also require a Neutral or Beneficial Effects (NorBE) assessment in addition to the wastewater assessment for each proposed Lot.</p>
<b>Stormwater Management</b>	<p>There are potential issues with the final discharge point as the downslope land will be hard to stabilise with a concentrated discharge.</p> <p>The existing subdivision drains through the site and this will compound the issue.</p>

Issue	Comments
	<p>The western part of the proposal area is within the Drinking Water Catchment Area – west of blue line in map below. Therefore Neutral or Beneficial Effect on Waterways will need to be demonstrated + alignment with Council's Integrated Water Management targets will be required.</p> 
<b>Strategic Planning Framework</b>	<p><b>Strategic Planning Framework</b></p> <p>Any planning proposal will need to address the relevant strategic planning documents including but not limited to:</p> <ul style="list-style-type: none"> <li>• A Metropolis of Three Cities</li> <li>• Western City District Plan</li> <li>• Wollondilly 2040 (Local Strategic Planning Statement)</li> <li>• Wollondilly Local Housing Strategy</li> <li>• Wollondilly Employment Lands Strategy</li> <li>• Urban Tree Canopy Plan and Landscape Strategy</li> <li>• Wollondilly Rural Lands Strategy</li> <li>• Draft Wollondilly Scenic and Cultural Landscape Strategy</li> </ul> <p><b>Council resolution – Local Housing Strategy</b></p> <p>Consideration should be given to Council's resolution from 16 March 2021 on the Local Housing Strategy and the direction to facilitate consideration of appropriate new planning proposals that met certain criteria based on planning proposals that were previously supported</p>

Issue	Comments
	<p>by Council and had a Gateway determination to proceed.</p> <p><b>Outcome of former planning proposal for The Oaks North (PP_2016_WOLLY_006)00)</b></p> <p>On 21 December 2020 a planning proposal in the same location as this proposal was refused by the NSW Government as part of the Planning System Acceleration Program (Legacy Planning Proposals).</p> <p>Any future planning proposal will need to address the outstanding matters that prevented the previous planning proposal from proceeding. These included:</p> <ul style="list-style-type: none"> <li>• Potential impacts on Shale Sandstone Transition Forest and Aboriginal Cultural Heritage</li> <li>• Absent required studies and documentation required by the Gateway determination</li> <li>• Inconsistency with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA, and</li> <li>• Inconsistency with Section 9.1 Directions; Environmental Protection Zones, Heritage Conservation, Planning for Bushfire Protection, and Sydney Drinking Water Catchment</li> </ul>
<b>Agricultural land</b>	Any planning proposal should be supported by an agricultural land capability study and consider the relevant Ministerial Directions relating to rural land. This should include a Land Use Conflict Risk Assessment (LUCRA) to consider the possibility for and potential level of future land use conflict.
<b>Traffic and Access</b>	<ul style="list-style-type: none"> <li>• A Traffic and Transport Study must be included with any future planning proposal.</li> <li>• Proposed new road connection to Browns Road design to have regard to sight distances and traffic impacts at Browns Road and Silverdale Road intersection.</li> <li>• Transition of road design from Urban Road to Rural Road is not supported.</li> <li>• Further details required for 'Access Road for private lot 106 to access the remaining parcel of the site'.</li> </ul>
<b>Visual Impacts</b>	<ul style="list-style-type: none"> <li>• Any future planning proposal should consider visual impacts.</li> <li>• In particular, it is noted that a maximum building height of 6.8m was considered appropriate for land</li> </ul>

Issue	Comments
	<p>close to Silverdale Road as part of the previous planning proposal.</p> <ul style="list-style-type: none"> <li>Any future planning proposal should facilitate public access to distant views of the Sydney city skyline.</li> </ul>

## b) Submission requirements

Planning proposals are now required to be submitted online through the NSW Planning Portal.

We respectfully request that, if or when, you choose to lodge an application, please contact the Strategic Planning Team on 4677 1100 or [strategic@wollondilly.nsw.gov.au](mailto:strategic@wollondilly.nsw.gov.au) to confirm receipt at our end.

In addition to the above, the following information/supporting reports would need to be provided to inform the Planning Proposal including any relevant reports identified in Appendix C of the LEP Making Guidelines for a Complex proposal:

- Completed Planning Proposal Application Form (ensure all signatures and authorisations are provided),
- A draft Planning Proposal document prepared in accordance with Section 2 of the Guideline (also to be provided in editable word document format);
- A completed Disclosure of Political Donations and Gifts form by the applicant, landowner and including those key consultants assisting in the planning proposal preparation,
- Assessment of all matters discussed outlined in the above sections. In summary the fundamental inconsistencies with the strategic planning framework of the District Plan, Wollondilly 2040, Wollondilly Local Housing Strategy, and Wollondilly Rural Lands Strategy.
- Information to address relevant SEPPs, Ministerial Directions, Planning Circulars and the like,

If studies prepared to inform the previous planning proposal are to be used to inform any future planning proposal these should be updated or include an addendum to confirm that the findings are still relevant in light of any updated legislation, best practice or updated frameworks.

## 7. Authority & Government Agency Comments

Feedback has been received from the following authorities and government agencies and is provided with this advice:

- Subsidence Authority
- NSW Rural Fire Service
- Transport for NSW
- State Emergency Services
- Department of Planning, Industry and Environment
- Sydney Water

- Heritage NSW
- NSW Environment Protection Authority
- Department of Primary Industries (Agriculture)
- Jemena

The following authorities and government agencies were invited but have not provided feedback to date:

- APA
- NRAR
- EES Floodwater
- EES Biodiversity

## Summary of Initial Comments

Department of Planning and Environment (Heritage NSW)
<b>In principle view:</b> <ul style="list-style-type: none"> <li>• An Aboriginal cultural heritage assessment and consultation with the Aboriginal community, needs to occur early in the planning process to identify Aboriginal cultural heritage values that may occur within the proposal area and establish how this may constrain future development.</li> </ul>
<b>Key Issues that need addressing:</b> <ul style="list-style-type: none"> <li>• A comprehensive Aboriginal cultural heritage assessment is needed and should inform this planning proposal</li> </ul>
<b>Information and/or studies required:</b> <ul style="list-style-type: none"> <li>• HNSW advises that an assessment under the 2010 <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> is not considered an archaeological assessment or substitute for a comprehensive Aboriginal cultural heritage assessment report. The due diligence process does not adequately assess the impacts of this planning proposal on Aboriginal cultural heritage as required by Ministerial Direction 2.3. This is because without Aboriginal community consultation the extent of the impacts on Aboriginal objects and heritage values through the planning proposal and future development is not known.</li> </ul>

Subsidence Authority
<b>In principle view:</b> <ul style="list-style-type: none"> <li>• Land not affected by Subsidence</li> </ul>
<b>Key Issues that need addressing:</b>

<ul style="list-style-type: none"> <li>No issues</li> </ul>
<b>Information and/or studies required:</b> <ul style="list-style-type: none"> <li>Nil</li> </ul>

Transport for NSW
<b>In principle view:</b> <ul style="list-style-type: none"> <li>Silverdale Road is non-classified regional road (Road No. 7640) under the care and control of Council. As such, TfNSW has no requirements as the planning proposal is unlikely to have a significant impact on the classified road network.</li> </ul>
<b>Key Issues that need addressing:</b> <ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Information and/or studies required:</b> <ul style="list-style-type: none"> <li>Nil</li> </ul>

NSW State Emergency Service
<b>In principle view:</b> <ul style="list-style-type: none"> <li>In summary, the subject site is at risk of isolation. It has a drainage feature forming the length of the southern boundary, Werriberri Creek along the eastern side of Silverdale Road, and drainage to Flaggy Creek within 500m to the northern boundary.</li> </ul>
<b>Key Issues that need addressing:</b> <ul style="list-style-type: none"> <li>Potential flooding and emergency responses</li> </ul>
<b>Information and/or studies required:</b> <ul style="list-style-type: none"> <li>A more detailed flood study would provide information to understand the flood risk for The Oaks, including evacuation capacity.</li> </ul>

Sydney Water
<b>In principle view:</b> <ul style="list-style-type: none"> <li>Identifies wastewater servicing constraints in the West Camden Wastewater Treatment Plant which is currently at its capacity and will not have capacity prior to c 2028/29.</li> </ul>
<b>Key Issues that need addressing:</b>



- The serviceability of the water trunk and reticulation network to support the future subdivision resulting from the proposal will need to be reviewed and confirmed under further application(s).

**Information and/or studies required:**

- The proponent is advised to lodge a Feasibility Application to Sydney Water via a Water servicing coordinators, if one has not already been raised.

**NSW Rural Fire Service**

**In principle view:**

- The RFS does not support the concept proposal in its current form.

**Key Issues that need addressing:**

- Fuel loads
- Perimeter road

**Information and/or studies required:**

- Further supporting evidence should be provided to substantiate the fuel loads used in radiant heat modelling, such as an ecologist's report to verify the predominant vegetation class.
- The use of the Short Fire Run methodology to assess the eastern hazard may be considered as part of a performance based solution for the proposed development, however the effects of steep slopes on fire behaviour need to be addressed and substantiated.
- The substitution of a perimeter road with a fire trail for a portion of the site is not considered appropriate.

**Department of Planning and Environment**

**In principle view:**

- Inconsistency with the current strategic planning framework

**Key Issues that need addressing:**

- The cumulative impacts of bushfire on the Wollondilly Shire
- Potential land use conflict between underground mining and residential development
- Biodiversity protection, particularly the identification of corridors and habitat for endangered species such as the koala
- Current strategic planning framework as the site is located within the Metropolitan Rural Area.

**Information and/or studies required:**

- Any future planning proposal should include a reconciliation against the reasons why the earlier Planning Proposal was refused and how those issues have been addressed.

## NSW Environment Protection Authority

### In principle view:

- It is important that any rezoning proposal should demonstrate how the sustainability actions in the Greater Sydney Regional Plan *A Metropolis of Three Cities* and its supporting District Plans have been satisfied.

### Key Issues that need addressing:

- Potential land contamination

### Information and/or studies required:

- Information demonstrating that the land is suitable for the proposed use or can be made suitable, either by remediation or by the way the land is used (see [Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land](#) (EPA and Department of Urban Affairs and Planning, 1998)). Additionally, under section 60 of the *Contaminated Land Management Act 1997* (CLM Act), the EPA must be notified of contamination that meets certain triggers. These are outlined in the [Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997](#) (EPA, 2015).

## Department of Primary Industries (Agriculture)

### In principle view:

- Inconsistency with the current strategic planning framework.
- Rural residential development has the potential to cause land use conflict and, as stated in the Greater Sydney Region Plan, it is not considered the best use or economic value of the Metropolitan Rural Area.

### Key Issues that need addressing:

The subject site has been mapped as preliminary draft State Significant Agricultural Land (SSAL) (approx. 6ha), which is part of a larger contiguous area extending west and north beyond the boundary of the subject site. The concept subdivision plan overlaps the area of mapped SSAL, which has a Class 4 Land and Soil Capability and moderately high fertility offering high potential for grazing and pasture improvement.

It is unclear from the scoping proposal what areas are intended for rezoning and where minimum lots sizes will apply. There has been no consideration of existing



surrounding agricultural industries including land use conflict risk nor an assessment of the impact of permanent removal of agricultural land via an agricultural assessment capability report.

**Information and/or studies required:**

- Nil as not supported

**Jemena**

**In principle view:**

- No infrastructure within the vicinity of the proposal

**Key Issues that need addressing:**

- Nil

**Information and/or studies required:**

- Nil

Mr Ben Taylor  
Chief Executive Officer  
Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

strategic@wollondilly.nsw.gov.au  
rebecca.connor@wollondilly.nsw.gov.au

Attention: Mr Rebecca Connor

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## Scoping Proposal – 80 Silverdale Road, The Oaks (Lot 3 DP1201486)

Dear Mr Taylor

Thank you for your correspondence of 4 October 2023 and the opportunity to provide comment on the scoping proposal for 80 Silverdale Road, The Oaks.

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.

We note the scoping proposal is inconsistent with the Greater Sydney Regional Plan (GSRP), and the Western City District Plan (WCDP) as the subject site is within the Metropolitan Rural Area (MRA) and outside the identified Growth Areas of Wilton and Greater Macarthur. The GSRP identifies a high priority for The Oaks village as supporting an evolving tradition of farming and rural industry and maintaining its distinctive character.

The proposal is also inconsistent with the Wollondilly Local Strategic Planning Statement (LSPS), Wollondilly Local Housing Strategy (LHS) and Rural Lands Strategy (RLS). The LSPS states that further fragmenting of rural land will only be supported in limited areas identified in the LHS and RLS. We note that The Oaks has not been identified in either document. Rural residential development has the potential to cause land use conflict and, as stated in the GSRP, it is not considered the best use or economic value of the MRA.

The subject site has preliminary draft State Significant Agricultural Land (SSAL) (approx. 6ha) mapped, which is part of a larger contiguous area extending west and north beyond the boundary of the subject site. The concept subdivision plan overlaps the area of mapped SSAL, which has a Class 4 Land and Soil Capability and moderately high fertility offering high potential for grazing and pasture improvement.

It is unclear from the scoping proposal what areas are intended for rezoning and where minimum lots sizes will apply. There has been no consideration of existing surrounding agricultural industries including land use conflict risk nor an assessment of the impact of permanent removal of agricultural land via an agricultural assessment capability report.

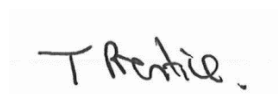
The NSW Agriculture Commissioner's report '*Improving the Prospects for Agriculture and Regional Australia in NSW*' identified key issues, one of which was stakeholder concern around the effectiveness of strategic planning in influencing development decisions, and those small incremental changes were obscuring a more significant cumulative change that was irreversible and inconsistent with stated policy and planning.

It further provides that ad-hoc rezoning throughout rural zones fragments the landscape which can affect land prices, impede agricultural expansion, and lead to land use conflict. The cumulative impact of this can also have a serious impact on confidence to invest in local agricultural production and supply chains.

We strongly recommend Council considers the merit in the proposal proceeding without strategic justification, as well as the immediate impacts on agricultural production and the precedent this may set.

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](mailto:landuse.ag@dpi.nsw.gov.au).

Sincerely

A handwritten signature in black ink that reads "T Prentice".

Tamara Prentice  
Manager, Agricultural Land Use Planning

17 October 2023

Our Ref: ID 2141

Your Ref: S/2023/6/1

24 October 2023

Rebecca Connor  
Wollondilly Shire Council  
PO Box 21  
Picton NSW 2571  
Via email

email: [strategic@wollondilly.nsw.gov.au](mailto:strategic@wollondilly.nsw.gov.au)

CC: [Rebecca.connor@wollondilly.nsw.gov.au](mailto:Rebecca.connor@wollondilly.nsw.gov.au); [rodney.whalan1@one.ses.nsw.gov.au](mailto:rodney.whalan1@one.ses.nsw.gov.au)

Dear Rebecca,

**Planning Proposal pre-lodgement advice (scoping proposal) for 80 Silverdale Road, The Oaks, Lot 3 DP1201486**

Thank you for the opportunity to provide comment on the Planning Proposal pre-lodgement advice (scoping proposal) for 80 Silverdale Road, The Oaks. It is understood that the planning proposal seeks to amend the Local Environmental Plan to:

- Amend the Land Zone Map from RU2 Rural Landscape to RU5 Large Lot Residential.
- Change the minimum lot size from 40ha to lot sizes ranging between 1500m<sup>2</sup> and 5038m<sup>2</sup>. One lot is proposed to have an area of 27ha, which forms part of the rural lands.
- Amend the heights of building map to 9m, commensurate with adjoining residential development.

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunamis 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.

In summary, the subject site is at risk of isolation. It has a drainage feature forming the length of the southern boundary, Werriberri Creek along the eastern side of Silverdale Road, and drainage to Flaggy Creek within 500m to the northern boundary. The NSW SES suggest that undertaking a more detailed flood study would provide information to understand the flood risk for The Oaks, including evacuation capacity. Based on the available information in the Wollondilly Shire Flood Study (Broad Scale Assessment) 2021 as well as the Wollondilly Shire Council (WSC) interactive online mapping system (IntraMaps) the subject site is flood free apart from a small channel on the southern boundary draining into Flaggy Creek.

The consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Section 9.1 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 are outlined in Attachment A.

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 Gillian Webber via email at [rra@ses.nsw.gov.au](mailto: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 Risk Assessment Emergency Risk Management  
**NSW State Emergency Service**

## **ATTACHMENT A: Principles Outlined in the Support for Emergency Management Planning Guideline<sup>1</sup>**

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

Any proposed Emergency Management strategy for an area should be compatible with the evacuation strategies identified in the relevant local or state flood plan or by the NSW SES.

### **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.

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

The ability of the existing community to effectively respond (including self-evacuating) within the available timeframe on available infrastructure is to be maintained. It is not to be impacted on by the cumulative impact of new development.

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

The preferred Emergency Management approach is evacuation, where evacuation capacity and capability has been demonstrated as the most effective strategy to manage Emergency Management risks. This includes consideration of flood warning and evacuation demand on existing and future access/egress routes considering potential impacts of localised flooding.

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

Any Emergency Management strategy needs to consider people visiting the area or using a development.

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

The access from Silverdale Road south of the site is impacted by 10% AEP flooding and north of the site is impacted by PMF flooding. Several bridges along Burragorang Road are prone to flooding in relatively frequent flood events, isolating the site from the major centre of Campbelltown to the east. NSW SES members have responded to incidents along local roads in The Oaks during the recent March 2022 flood event including floodwater over roads, assistance for livestock in floodwater, and compromised dams at risk of failure.

There are no formal warning systems for flood events in The Oaks. Local flooding has the potential to displace individuals, disrupt essential services and isolate the proposed site for

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<sup>1</sup> NSW Government. 2023. Principles Outlined in the Support for Emergency Management Planning Guideline

hours or days. The lack of warning and risk of frequent isolation complicates any evacuation that may be required. An effective flood warning strategy with clear and concise messaging, understood by the community, is key to providing the community an opportunity 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.**

**From:** [Murray Jay](#)  
**To:** [Rebecca Connor](#)  
**Cc:** [Sustainable Growth](#)  
**Subject:** PLANNING PROPOSAL PRE-LODGEEMENT ADVICE – NO. 80 SILVERDALE ROAD, THE OAKS (LOT 3 DP 1201486)  
**Date:** Wednesday, 18 October 2023 11:15:02 AM  
**Attachments:** [image001.jpg](#)

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This email was sent from outside the organisation - please be cautious, particularly with links and attachments.

[Allow sender](#) | [Block sender](#)

Good Morning Rebecca,

Thank you for requesting pre-lodgement advice for 80 Silverdale Road, The Oaks.

Please find comments from Metro West below:

### **PLANNING PROPOSAL PRE-LODGEEMENT ADVICE – NO. 80 SILVERDALE ROAD, THE OAKS (LOT 3 DP 1201486)**

Thank you for your correspondence dated 4 October 2023 requesting pre-lodgement advice for the above-mentioned planning proposal.

#### **Understanding of the Planning Proposal**

The planning proposal seeks to amend the *Wollondilly Local Environmental Plan 2011* as follows:

- <!--[if !supportLists]-->• <!--[endif]-->Amend the Land Zoning Map from RU2 Rural Landscape to RU5 Large Lot Residential.
- <!--[if !supportLists]-->• <!--[endif]-->Amend the Lot Size map from 40ha to 1500m<sup>2</sup>.
- <!--[if !supportLists]-->• <!--[endif]-->Amend the Height of Building Map to 9m.

The proposal seeks to facilitate large lot residential development for 16 lots.

A similar planning proposal (PP\_2016\_WOLLY\_005\_00) for this site was refused by the Department on 20 December 2020 due to the following reasons:

- <!--[if !supportLists]-->• <!--[endif]-->The cumulative impacts of bushfire on the Wollondilly Shire remained unresolved. Concerns continue to exist about the ability to defend against major bushfire events, as well as ensure safe evacuation;
- <!--[if !supportLists]-->• <!--[endif]-->In certain areas of the Shire, the potential land use conflict between underground mining and residential development had not been resolved. The impact of subsidence on new development continued to be discussed in the context of both new and existing mining proposals;
- <!--[if !supportLists]-->• <!--[endif]-->Biodiversity protection, particularly the identification of corridors and habitat for endangered species such as the koala, needed to be addressed in a more holistic way; and
- <!--[if !supportLists]-->• <!--[endif]-->Other site specific issues associated with individual planning proposals.



Any Planning Proposal submitted to the Department for Gateway assessment for this site should include a reconciliation against the reasons why the earlier Planning Proposal was refused and how those issues have been addressed. Further justification from Council should also be provided as to why they are satisfied those matters have been adequately addressed.

The Planning Proposal report should also address the current strategic framework, and as the site is located within the Metropolitan Rural Area, Council's position on this as a local planning matter should be clearly articulated in any planning proposal for the site submitted for a Gateway determination.

### **Consultation with other agencies**

Before the proposal is referred to the Department for a Gateway determination, consultation with and preferably support from the following agencies/ authorities is recommended:

- Sydney Water
- NSW Rural Fire Service
- Subsidence Advisory NSW
- Environment and Heritage Group

Please feel free to reach out if you have any questions.

Could I also please request that all future requests for pre-scoping advice are sent directly to me rather than to Gary Hinder?

Kind Regards,

**Murray Jay**  
**Manager**  
**Metro West**

Planning & Land Use Strategy | Department of Planning and Environment

T 02 9860 1512 | E [murray.jay@planning.nsw.gov.au](mailto:murray.jay@planning.nsw.gov.au)

4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150 | Locked Bag 5022, Parramatta 2124

[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)



*The Department of Planning and Environment acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.*



DOC23/883678-2

10 October 2023

Wollondilly Shire Council  
Att: Rebecca Conner

Via email: [strategic@wollondilly.nsw.gov.au](mailto:strategic@wollondilly.nsw.gov.au)

Dear Ms Conner

**No. 80 Silverdale Road, The Oaks (LOT 3 DP 1201486)  
No Comment on Rezoning Proposal**

I am writing to you in reply to your invitation to the NSW Environment Protection Authority (EPA) seeking pre-lodgement advice regarding a rezoning proposal for No. 80 Silverdale Road, The Oaks.

The EPA understands that the proposal seeks to amend the *Wollondilly Local Environmental Plan 2011 (LEP)* to enable the subdivision of land into 17 allotments to be rezoned from RU2 Rural Landscape to RU5 Large Lot Residential.

It is important that any rezoning proposal should demonstrate how the sustainability actions in the Greater Sydney Regional Plan *A Metropolis of Three Cities* and its supporting District Plans have been satisfied.

Rezoning should also be supported by information demonstrating that the land is suitable for the proposed use or can be made suitable, either by remediation or by the way the land is used (see [Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land](#) (EPA and Department of Urban Affairs and Planning, 1998)).

Additionally, under section 60 of the *Contaminated Land Management Act 1997* (CLM Act), the EPA must be notified of contamination that meets certain triggers. These are outlined in the [Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997](#) (EPA, 2015).

Based on the information provided, the EPA has no further comment on this proposal and no additional consultation is required. This is because:

- the proposed change in land use will not impact activities for which the EPA is the appropriate regulatory authority; and
- the site is not being regulated by the EPA under the CLM Act.

Should you require clarification of any of the above please contact Paul Wearne on (02) 4224 4100 or email [environmentprotection.planning@epa.nsw.gov.au](mailto:environmentprotection.planning@epa.nsw.gov.au)

Yours sincerely

**DAMIEN ROSE**  
**Unit Head – Environment Protection Planning**

Director  
Michael Brown Planning Strategies  
c/o [michael@michaelbrown.com.au](mailto:michael@michaelbrown.com.au)

Attn: Mr Michael Brown

5 December 2023

Dear Mr Brown,

**WRITTEN ADVICE – SCOPING PROPOSAL FOR 80 SILVERDALE ROAD, THE OAKS**

I refer to the pre-lodgement meeting held on 15 November 2023 to discuss a potential draft planning proposal to amend the *Wollondilly Local Environmental Plan 2011* (WLEP 2011) to rezone land at No 80 Silverdale Road, The Oaks to facilitate the subdivision of land into 17 allotments, ranging from 1500sqm to 5038sqm and a residual lot of 27Ha.

The Scoping Proposal would achieve this by amending the WLEP 2011 to enable the site to be rezoned from RU2 Rural Landscape, with a minimum lot size of 40Ha, to R5 Large Lot Residential, with a minimum lot size of 1500sqm. The Scoping Proposal also seeks to introduce a 9m Height of Building Map layer to the Site.

We appreciate the efforts to follow the process in the NSW Government's *Local Environmental Plan Making Guideline* (the Guideline).

The following documents are provided with this letter:

- Minutes of the pre-lodgement meeting,
- Written advice
- Council's Planning Proposal Policy and Application form
- A copy of advice provided by authorities/government agencies.

Based on an assessment of the Scoping Proposal, it is considered that the proposal is not consistent with the strategic planning framework and does not have strategic planning merit. More detail on this position is provided in the written advice.

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If you have any questions please contact Rebecca Connor, Senior Strategic Planner on (02) 4677 4472 or [rebecca.connor@wollondilly.nsw.gov.au](mailto:rebecca.connor@wollondilly.nsw.gov.au).

Yours faithfully,



Carolyn Whitten  
**Team Leader Strategic Planning**  
**Sustainable Growth**

## ATTACHMENT 1: Written Advice

The following written advice is provided in accordance with the NSW Government's *Local Environmental Plan Making Guideline* (the Guideline).

### Scoping Proposal Information

<b>Lot/DP</b>	Lot 3 DP 1201486
<b>Address:</b>	80 Silverdale Road, The Oaks
<b>Scoping Proposal</b>	Prepared by Michael Brown Planning Strategies dated August 2023.
<b>Proposed Amendments</b>	<p>To amend the <i>Wollondilly Local Environmental Plan 2011</i> to rezone land to facilitate development of the site for large lot residential, including the subdivision of land into 17 allotments, ranging from 1500sqm to 5038sqm and a residual lot of 27Ha.</p> <p>The Scoping Proposal would achieve this by amending the WLEP 2011 to enable the Site to be rezoned from RU2 Rural Landscape, with a minimum lot size of 40Ha, to R5 Large Lot Residential, with a minimum lot size of 1500sqm. The Scoping Proposal also seeks to introduce a 9m Height of Building Map layer to the Site.</p>
<b>Anticipated Yield</b>	
<b>Supporting Documents</b>	<ul style="list-style-type: none"><li>• Scoping Proposal</li><li>• Bush Fire Advice, August 2023, Midcoast Building and Environmental</li><li>• Detailed Subdivision Plan (overlaid on aerial)</li><li>• Site Subdivision Plan</li><li>• Signed Owners Consent</li></ul>
<b>Pre-lodgement Meeting Date</b>	15 November 2023

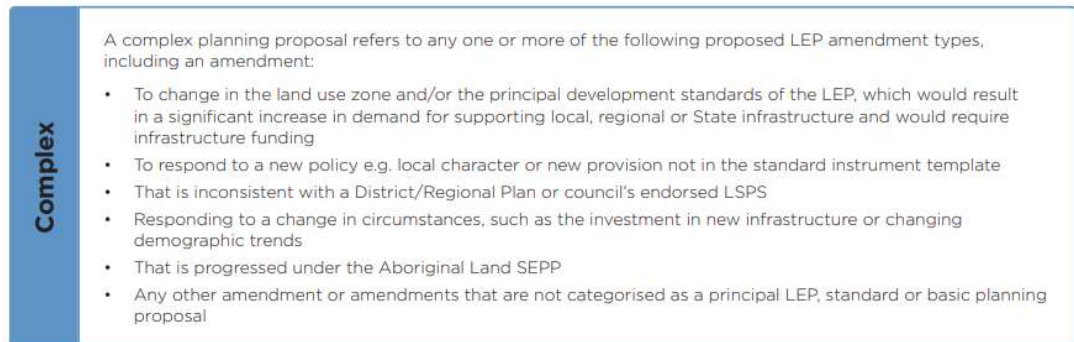
### INTRODUCTORY NOTES

- The purpose of the pre-lodgement stage is to provide early feedback to proponents about the strategic and site-specific merits of a proposal.
- This written advice has been provided on the basis of the Scoping Proposal and any submitted supporting information, internal specialist feedback, authorities and government agencies feedback and the pre-lodgement meeting.
- This written advice is provided in good faith and the pre-lodgement process is not a full merit assessment of the proposal. Proponents should consider the advice in proceeding with and preparing a planning proposal. A comprehensive assessment of the draft planning proposal will be undertaken following lodgement of all the necessary information. Following the assessment, further issues may be identified for addressing.

- A proponent may still lodge a planning proposal with council, despite the advice provided as part of the pre-lodgement meeting or written advice.
- This written advice identifies information that would be required as part of any future submitted planning proposal irrespective of whether the planning proposal is likely to be supported. Inclusion of the information does not imply that a planning proposal will be supported.

## 1. Planning Proposal Category

On the basis of information provided to date, the proposal is likely to be classified as a Complex planning proposal under the Guideline. Refer to Figure 1 for details:



**Figure 1:** Extract of Planning Proposal Category from the Guideline (page 14)

## 2. Planning Proposal Fees and Charges

On the basis of information provided to date, the proposal is considered to be a Complex fee category under Council's adopted *Planning Proposal Policy*.

The relevant initial planning proposal fee under Council's adopted Fees and Charges for this type of planning proposal is currently \$25,000.00.

If the planning proposal progresses to a Gateway determination, a cost recovery fee structure will apply to recover the full cost of providing services to progress a planning proposal and the proponent will be required to enter into a Cost Recovery Agreement.

Council's Fees and Charges also set a fee for a DCP amendment initiated by a proponent. This fee would also apply should the Planning Proposal include any amendments to the Wollondilly Development Control Plan 2016.

Should the proposal require an amendment to Wollondilly Contributions Plan, an application to amend the plan, along with the commensurate fee should be lodged concurrent with the planning proposal.

Please note that the fees are based on Council's current adopted Fees and Charges for the 2023/2024 financial year and may change upon commencement of the new financial year. This could include any additional fees or charges introduced at that time.

### 3. Community & Stakeholder Engagement Requirements

The [Wollondilly Community Participation Plan](#) provides a clear process of how and when Council will engage with the community in relation to plan making processes across the Shire, including mandatory requirements for initial notification and public exhibition in relation to its planning functions.

If a proposal proceeds to Gateway, the Gateway Determination will outline the required engagement as part of the public exhibition process.

### 4. Preliminary Advice on whether the proposal has Strategic and Site-Specific Merit

In terms of the strategic planning framework, the proposal is considered;

- a. Inconsistent with the **Greater Sydney Region Plan** and the **Western City District Plan**;
  - principally due to the site's location within the Metropolitan Rural Area,
  - the scale of the proposal is not considered 'local growth',
  - nominated growth areas and existing residential zoned land are better suited for this type of proposal.
- b. Inconsistent with **Wollondilly 2040 Local Strategic Planning Statement**;
  - Inconsistent, particularly in relation to Planning Priority 1 (Aligning Infrastructure), Planning Priority 3 (Framework for Managed Growth), Planning Priority 5 (Housing), Planning Priority 13 (Protecting Biodiversity), Planning Priority 16 (Metropolitan Rural Area) and Planning Priority 18 (Climate Impacts & Resilience).
- c. Inconsistent with the **Wollondilly Rural Lands Strategy**;
  - The proposal would enable encroachment of urban or residential lands into rural areas outside of identified growth areas or existing village footprints and is not clearly identified for these uses in the Local Housing Strategy.
- d. Inconsistent with the **Wollondilly Local Housing Strategy** (LHS);
  - Land in and around The Oaks has not been identified for urban development,
  - the scale of the proposal is not considered 'local growth',
  - Wollondilly has adequate land capacity to supply additional housing in line with demand,

### Summary of Strategic Planning Merit of Proposal

Based on an assessment of the Scoping Proposal, it is considered that the proposal is not consistent with the strategic planning framework and does not have strategic planning merit.



## 5. Recommended Changes to the Scope of the Proposal

Nil

## 6. Recommended Investigations and Studies to Support and Justify the Proposal

### a) Matters that need to be addressed in a planning proposal

A planning proposal for the site will need to be supported by the necessary studies at the time of submission.

It is noted that many of these considerations are interrelated and, therefore, a holistic view of the site constraints is required.


The following advice has been provided by Council's specialist officers based:

Issue	Comments
<b>Aboriginal Cultural Heritage</b>	<p>A comprehensive Aboriginal cultural heritage assessment is required.</p> <p>The Scoping Proposal refers to the need for an aboriginal due diligence assessment. Please note that a due diligence assessment is not considered to be an archaeological assessment or substitute for a comprehensive Aboriginal cultural assessment report.</p>
<b>Non-Indigenous Heritage</b>	Nil
<b>Biodiversity\ Environmental Outcomes</b>	Biodiversity protection, particularly the identification of corridors and habitat for endangered species such as the koala is required.
<b>Bush Fire Hazard</b>	<p>The land is mapped as bushfire prone. Any planning proposal is to be supported by a Strategic Bushfire Study to be prepared in accordance with the NSW Rural Fire Services Planning for Bushfire Protection 2019.</p> <p>Asset Protection Zones are to be considered.</p> <p>Fire trails within private ownership are not supported due to issues relating to management, maintenance, litter and illegal dumping.</p>
<b>Contamination</b>	A Preliminary Site Investigation is to be undertaken by an experienced Contaminated Land Consultant and prepared in accordance with the following references:



Issue	Comments
	<ul style="list-style-type: none"> <li>• NSW Environment Protection Authority (EPA 2020) Consultants Reporting on Contaminated Land - Contaminated Land Guidelines.</li> <li>• National Environmental Protection Council (NEPC 2013) National Environment Protection (Assessment of Site Contamination) Measure 1999.</li> <li>• Resilience and Hazards SEPP Chapter 4 Remediation of Land.</li> </ul>
<b>Development Capability</b>	<p>Dual interface lots are not preferred noting the interface of proposed Lots 101-105 inclusive and 112-116 inclusive to Silverdale Road and the new road. It is unclear which frontage vehicular access is proposed for the referenced lots and whether tree removal is proposed.</p> <p>The proposed minimum 1,500m<sup>2</sup> lot size is not considered adequate to accommodate a dwelling house and effluent management area on site, having regard to site constraints i.e. required buffer distances, APZ, biodiversity and topography of the site.</p> <p>Any future planning proposal should confirm whether the existing dam is proposed to be decommissioned.</p>
<b>Flood Hazard</b>	<p>Further information requested to understand potential flood impacts.</p>
<b>Health Planning</b>	<p>The Social and Health Impact Assessment working group has reviewed the scoping proposal and offers the following advice:</p> <ul style="list-style-type: none"> <li>• Council has a Social and Health Impact Assessment Policy.</li> <li>• Council's Policy and Guidelines can be found at <a href="https://www.wollondilly.nsw.gov.au/shire-projects/strategic-planning-and-land-use-policies/health-in-planning/">https://www.wollondilly.nsw.gov.au/shire-projects/strategic-planning-and-land-use-policies/health-in-planning/</a></li> <li>• Any planning proposal of this scale requires a <b>Comprehensive Social and Health Impact Report (CSHIR)</b> to be submitted.</li> <li>• The link above contains detailed instructions on how to complete a Comprehensive Social and Health Impact Report. This report must be done by someone who meets the qualifications outlined in the guidelines.</li> </ul>

Issue	Comments
	<p>Among other things, the following specific matters that should be addressed by the CSHIR if the proponent lodges a planning proposal:</p> <ul style="list-style-type: none"> <li>• Justification of loss of agricultural land</li> <li>• Mitigations for the negative health impacts of large lot residential development               <ul style="list-style-type: none"> <li>○ Ways to reduce car dependence (e.g. walkability and cyclability measures as well as discouraging car use)</li> <li>○ Ways to encourage casual social interaction (e.g. encouraging use of recreation areas rather than individual yards)</li> </ul> </li> </ul>
<b>Infrastructure (Utilities)</b>	An Infrastructure Servicing Report should be prepared to outline the availability of utility services infrastructure to service future development.
<b>Local Contributions</b>	<p>Development Contributions would be levied on the future subdivision DA in accordance with the Contributions Plan.</p> <p>It is expected road and intersections to be undertaken as conditions of consent</p>
<b>Noise</b>	Nil
<b>Open Space</b>	No issues identified.
<b>Potable drinking water and reticulated wastewater</b>	<p>A detailed wastewater report will need to be provided to show that each of the proposed Lots has adequate on-site wastewater provision and to demonstrate potential building envelopes, effluent distribution zones and all required buffer distances. Noting that wastewater design irrigation rate is to be calculated for a minimum 5 bedroom house and that subsoil beds and trenches, modified soil mounds and pump out systems will not be considered for any subdivision/rezoning application. Please note that the proposed lots fronting Silverdale Road are showing on mapping, to be located within Water NSW Catchment, and all of these Lots will also require a Neutral or Beneficial Effects (NorBE) assessment in addition to the wastewater assessment for each proposed Lot.</p>
<b>Stormwater Management</b>	<p>There are potential issues with the final discharge point as the downslope land will be hard to stabilise with a concentrated discharge.</p> <p>The existing subdivision drains through the site and this will compound the issue.</p>

Issue	Comments
	<p>The western part of the proposal area is within the Drinking Water Catchment Area – west of blue line in map below. Therefore Neutral or Beneficial Effect on Waterways will need to be demonstrated + alignment with Council's Integrated Water Management targets will be required.</p> 
<b>Strategic Planning Framework</b>	<p><b>Strategic Planning Framework</b></p> <p>Any planning proposal will need to address the relevant strategic planning documents including but not limited to:</p> <ul style="list-style-type: none"> <li>• A Metropolis of Three Cities</li> <li>• Western City District Plan</li> <li>• Wollondilly 2040 (Local Strategic Planning Statement)</li> <li>• Wollondilly Local Housing Strategy</li> <li>• Wollondilly Employment Lands Strategy</li> <li>• Urban Tree Canopy Plan and Landscape Strategy</li> <li>• Wollondilly Rural Lands Strategy</li> <li>• Draft Wollondilly Scenic and Cultural Landscape Strategy</li> </ul> <p><b>Council resolution – Local Housing Strategy</b></p> <p>Consideration should be given to Council's resolution from 16 March 2021 on the Local Housing Strategy and the direction to facilitate consideration of appropriate new planning proposals that met certain criteria based on planning proposals that were previously supported</p>

Issue	Comments
	<p>by Council and had a Gateway determination to proceed.</p> <p><b>Outcome of former planning proposal for The Oaks North (PP_2016_WOLLY_006)00)</b></p> <p>On 21 December 2020 a planning proposal in the same location as this proposal was refused by the NSW Government as part of the Planning System Acceleration Program (Legacy Planning Proposals).</p> <p>Any future planning proposal will need to address the outstanding matters that prevented the previous planning proposal from proceeding. These included:</p> <ul style="list-style-type: none"> <li>• Potential impacts on Shale Sandstone Transition Forest and Aboriginal Cultural Heritage</li> <li>• Absent required studies and documentation required by the Gateway determination</li> <li>• Inconsistency with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA, and</li> <li>• Inconsistency with Section 9.1 Directions; Environmental Protection Zones, Heritage Conservation, Planning for Bushfire Protection, and Sydney Drinking Water Catchment</li> </ul>
<b>Agricultural land</b>	Any planning proposal should be supported by an agricultural land capability study and consider the relevant Ministerial Directions relating to rural land. This should include a Land Use Conflict Risk Assessment (LUCRA) to consider the possibility for and potential level of future land use conflict.
<b>Traffic and Access</b>	<ul style="list-style-type: none"> <li>• A Traffic and Transport Study must be included with any future planning proposal.</li> <li>• Proposed new road connection to Browns Road design to have regard to sight distances and traffic impacts at Browns Road and Silverdale Road intersection.</li> <li>• Transition of road design from Urban Road to Rural Road is not supported.</li> <li>• Further details required for 'Access Road for private lot 106 to access the remaining parcel of the site'.</li> </ul>
<b>Visual Impacts</b>	<ul style="list-style-type: none"> <li>• Any future planning proposal should consider visual impacts.</li> <li>• In particular, it is noted that a maximum building height of 6.8m was considered appropriate for land</li> </ul>

Issue	Comments
	<p>close to Silverdale Road as part of the previous planning proposal.</p> <ul style="list-style-type: none"> <li>Any future planning proposal should facilitate public access to distant views of the Sydney city skyline.</li> </ul>

## b) Submission requirements

Planning proposals are now required to be submitted online through the NSW Planning Portal.

We respectfully request that, if or when, you choose to lodge an application, please contact the Strategic Planning Team on 4677 1100 or [strategic@wollondilly.nsw.gov.au](mailto:strategic@wollondilly.nsw.gov.au) to confirm receipt at our end.

In addition to the above, the following information/supporting reports would need to be provided to inform the Planning Proposal including any relevant reports identified in Appendix C of the LEP Making Guidelines for a Complex proposal:

- Completed Planning Proposal Application Form (ensure all signatures and authorisations are provided),
- A draft Planning Proposal document prepared in accordance with Section 2 of the Guideline (also to be provided in editable word document format);
- A completed Disclosure of Political Donations and Gifts form by the applicant, landowner and including those key consultants assisting in the planning proposal preparation,
- Assessment of all matters discussed outlined in the above sections. In summary the fundamental inconsistencies with the strategic planning framework of the District Plan, Wollondilly 2040, Wollondilly Local Housing Strategy, and Wollondilly Rural Lands Strategy.
- Information to address relevant SEPPs, Ministerial Directions, Planning Circulars and the like,

If studies prepared to inform the previous planning proposal are to be used to inform any future planning proposal these should be updated or include an addendum to confirm that the findings are still relevant in light of any updated legislation, best practice or updated frameworks.

## 7. Authority & Government Agency Comments

Feedback has been received from the following authorities and government agencies and is provided with this advice:

- Subsidence Authority
- NSW Rural Fire Service
- Transport for NSW
- State Emergency Services
- Department of Planning, Industry and Environment
- Sydney Water

- Heritage NSW
- NSW Environment Protection Authority
- Department of Primary Industries (Agriculture)
- Jemena

The following authorities and government agencies were invited but have not provided feedback to date:

- APA
- NRAR
- EES Floodwater
- EES Biodiversity

## Summary of Initial Comments

Department of Planning and Environment (Heritage NSW)
<b>In principle view:</b> <ul style="list-style-type: none"> <li>• An Aboriginal cultural heritage assessment and consultation with the Aboriginal community, needs to occur early in the planning process to identify Aboriginal cultural heritage values that may occur within the proposal area and establish how this may constrain future development.</li> </ul>
<b>Key Issues that need addressing:</b> <ul style="list-style-type: none"> <li>• A comprehensive Aboriginal cultural heritage assessment is needed and should inform this planning proposal</li> </ul>
<b>Information and/or studies required:</b> <ul style="list-style-type: none"> <li>• HNSW advises that an assessment under the 2010 <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> is not considered an archaeological assessment or substitute for a comprehensive Aboriginal cultural heritage assessment report. The due diligence process does not adequately assess the impacts of this planning proposal on Aboriginal cultural heritage as required by Ministerial Direction 2.3. This is because without Aboriginal community consultation the extent of the impacts on Aboriginal objects and heritage values through the planning proposal and future development is not known.</li> </ul>

Subsidence Authority
<b>In principle view:</b> <ul style="list-style-type: none"> <li>• Land not affected by Subsidence</li> </ul>
<b>Key Issues that need addressing:</b>



<ul style="list-style-type: none"> <li>No issues</li> </ul>
<b>Information and/or studies required:</b> <ul style="list-style-type: none"> <li>Nil</li> </ul>

Transport for NSW
<b>In principle view:</b> <ul style="list-style-type: none"> <li>Silverdale Road is non-classified regional road (Road No. 7640) under the care and control of Council. As such, TfNSW has no requirements as the planning proposal is unlikely to have a significant impact on the classified road network.</li> </ul>
<b>Key Issues that need addressing:</b> <ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>Information and/or studies required:</b> <ul style="list-style-type: none"> <li>Nil</li> </ul>

NSW State Emergency Service
<b>In principle view:</b> <ul style="list-style-type: none"> <li>In summary, the subject site is at risk of isolation. It has a drainage feature forming the length of the southern boundary, Werriberri Creek along the eastern side of Silverdale Road, and drainage to Flaggy Creek within 500m to the northern boundary.</li> </ul>
<b>Key Issues that need addressing:</b> <ul style="list-style-type: none"> <li>Potential flooding and emergency responses</li> </ul>
<b>Information and/or studies required:</b> <ul style="list-style-type: none"> <li>A more detailed flood study would provide information to understand the flood risk for The Oaks, including evacuation capacity.</li> </ul>

Sydney Water
<b>In principle view:</b> <ul style="list-style-type: none"> <li>Identifies wastewater servicing constraints in the West Camden Wastewater Treatment Plant which is currently at its capacity and will not have capacity prior to c 2028/29.</li> </ul>
<b>Key Issues that need addressing:</b>

- The serviceability of the water trunk and reticulation network to support the future subdivision resulting from the proposal will need to be reviewed and confirmed under further application(s).

**Information and/or studies required:**

- The proponent is advised to lodge a Feasibility Application to Sydney Water via a Water servicing coordinators, if one has not already been raised.

**NSW Rural Fire Service**

**In principle view:**

- The RFS does not support the concept proposal in its current form.

**Key Issues that need addressing:**

- Fuel loads
- Perimeter road

**Information and/or studies required:**

- Further supporting evidence should be provided to substantiate the fuel loads used in radiant heat modelling, such as an ecologist's report to verify the predominant vegetation class.
- The use of the Short Fire Run methodology to assess the eastern hazard may be considered as part of a performance based solution for the proposed development, however the effects of steep slopes on fire behaviour need to be addressed and substantiated.
- The substitution of a perimeter road with a fire trail for a portion of the site is not considered appropriate.

**Department of Planning and Environment**

**In principle view:**

- Inconsistency with the current strategic planning framework

**Key Issues that need addressing:**

- The cumulative impacts of bushfire on the Wollondilly Shire
- Potential land use conflict between underground mining and residential development
- Biodiversity protection, particularly the identification of corridors and habitat for endangered species such as the koala
- Current strategic planning framework as the site is located within the Metropolitan Rural Area.

**Information and/or studies required:**



- Any future planning proposal should include a reconciliation against the reasons why the earlier Planning Proposal was refused and how those issues have been addressed.

## NSW Environment Protection Authority

### In principle view:

- It is important that any rezoning proposal should demonstrate how the sustainability actions in the Greater Sydney Regional Plan *A Metropolis of Three Cities* and its supporting District Plans have been satisfied.

### Key Issues that need addressing:

- Potential land contamination

### Information and/or studies required:

- Information demonstrating that the land is suitable for the proposed use or can be made suitable, either by remediation or by the way the land is used (see [Managing Land Contamination Planning Guidelines SEPP 55–Remediation of Land](#) (EPA and Department of Urban Affairs and Planning, 1998)).  
Additionally, under section 60 of the *Contaminated Land Management Act 1997* (CLM Act), the EPA must be notified of contamination that meets certain triggers. These are outlined in the [Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997](#) (EPA, 2015).

## Department of Primary Industries (Agriculture)

### In principle view:

- Inconsistency with the current strategic planning framework.
- Rural residential development has the potential to cause land use conflict and, as stated in the Greater Sydney Region Plan, it is not considered the best use or economic value of the Metropolitan Rural Area.

### Key Issues that need addressing:

The subject site has been mapped as preliminary draft State Significant Agricultural Land (SSAL) (approx. 6ha), which is part of a larger contiguous area extending west and north beyond the boundary of the subject site. The concept subdivision plan overlaps the area of mapped SSAL, which has a Class 4 Land and Soil Capability and moderately high fertility offering high potential for grazing and pasture improvement.

It is unclear from the scoping proposal what areas are intended for rezoning and where minimum lots sizes will apply. There has been no consideration of existing

surrounding agricultural industries including land use conflict risk nor an assessment of the impact of permanent removal of agricultural land via an agricultural assessment capability report.

**Information and/or studies required:**

- Nil as not supported

**Jemena**

**In principle view:**

- No infrastructure within the vicinity of the proposal

**Key Issues that need addressing:**

- Nil

**Information and/or studies required:**

- Nil



Our ref: DOC23/902584

Rebecca Connor  
Senior Strategic Planner  
Wollondilly Shire Council  
PO Box 21  
Picton NSW 2571

Attention: Rebecca Connor, [strategic@wollondilly.nsw.gov.au](mailto:strategic@wollondilly.nsw.gov.au)

**80 Silverdale Road, The Oaks**

Dear Ms Connor

Thank you for the opportunity to comment on the planning proposal for 80 Silverdale Road, The Oaks under *Wollondilly LEP 2011*.

We have reviewed the planning proposal and make the following comments:

**Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974***

It is noted that the scoping study advises that a Due Diligence Assessment has not been prepared at this stage but should be prepared as part of the planning proposal. HNSW advises that an assessment under the 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* is not considered an archaeological assessment or substitute for a comprehensive Aboriginal cultural heritage assessment report. The due diligence process does not adequately assess the impacts of this planning proposal on Aboriginal cultural heritage as required by Ministerial Direction 2.3. This is because without Aboriginal community consultation the extent of the impacts on Aboriginal objects and heritage values through the planning proposal and future development is not known.

An Aboriginal cultural heritage assessment and consultation with the Aboriginal community, needs to occur early in the planning process to identify Aboriginal cultural heritage values that may occur within the proposal area and establish how this may constrain future development.

Heritage NSW recommends that a comprehensive Aboriginal cultural heritage assessment is needed and should inform this planning proposal. Early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties about any future Aboriginal cultural heritage management requirements.

The requirement for a full assessment to be prepared at the planning proposal stage is consistent with Clause 5.10.8 of the Wollondilly LEP 2011. It is important that any management, mitigation, and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage.

## General Comments

Prior to finalisation of the proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed. Council's assessment should include, but not be limited to, a search of the State Heritage Inventory (<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>) and the Aboriginal Heritage Information Management System (<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>).

If you have any questions please contact Colleen Klingberg, Assistant Program Coordinator at Heritage NSW, Department of Planning and Environment by phone on 02 9873 8566 or via email [Colleen.Klingberg@environment.nsw.gov.au](mailto:Colleen.Klingberg@environment.nsw.gov.au)

Yours sincerely

*Nicole Davis*

**Nicole Davis**

Manger Assessments

Heritage NSW

Department of Planning and Environment

**As Delegate under National Parks and Wildlife Act 1974**

16 October 2023



## Planning Proposal Pre-lodgement Meeting Minutes

**80 Silverdale Road Silverdale**  
**Rural-Residential development**



Held on 15 November 2023 at 11:00am  
Grevillea Gallery

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### **PRESENT:**

<b>Wollondilly Shire Council</b>	
Rebecca Connor	Acting Team Leader Strategic Planning
Sara Mehryar Assistant	Assistant Strategic Planner
<b>Applicant/s</b>	
Michael Brown	Managing Director Planning Solutions
Chad Ghassibe	Managing Director Proficient Constructions (Aust) Pty Ltd

### **APOLOGIES:**

- Diep Hang (Development Assessment)
- Bianca Klein (Environmental Services Team Leader)

### **CHAIRPERSON:**

Rebecca Connor	Acting Team Leader Strategic Planning
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**MINUTES:**

DESCRIPTION	
1.	<p><b>Welcome and Introductions</b></p> <ul style="list-style-type: none"> <li>• Council and applicant introductions.</li> <li>• The purpose of this meeting is to provide early feedback on the planning proposal and resolve issues (RC).</li> <li>• Minutes of the pre-lodgement meeting and Written Advice will be provided and sent to the proponent (RC).</li> <li>• Feedback has been received from a number of authorities/government agencies. A copy of advice from authorities/government agencies will be sent to the proponent.</li> </ul>
2.	<p><b>Overview of the Proposal (Proponent)</b></p> <ul style="list-style-type: none"> <li>• The Proposal seeks to amend the Land Zone Map from RU2 Rural Landscape to R5 (MB).</li> <li>• The previous proposal has been supported by Wollondilly Shire Council (MB).</li> <li>• The applicant was advised by the Department of Planning, Industry &amp; Environment that the matter should not proceed until some outstanding matters were resolved (MB).</li> <li>• The site is affected by bushfire risk. Advice was obtained from RFS and amended plans were submitted recently, showing perimeter road and increase in lot numbers (MB). It was noted that amended plans had been submitted however, no agency had been given an opportunity to consider the amended plans. All comments relate to the plans originally submitted.</li> <li>• Large lots are better option for the site (MB).</li> <li>• The Site has wastewater servicing constraints and the issue with Sydney Water need to be resolved (RC).</li> <li>• No issue regarding traffic or access has been identified/raised from Council Engineering Services.</li> </ul>
3.	<p><b>Key Matters to be addressed to justify the Planning Proposal (Council)</b></p> <ul style="list-style-type: none"> <li>• Strategic merit (see below)</li> <li>• The planning proposal is considered to be 'Complex'. If the planning proposal progresses to a Gateway determination, a cost recovery fee structure will apply to recover the full cost of providing services to progress a planning proposal and the proponent will be required to enter into a Cost Recovery Agreement.</li> </ul>
4.	<p><b>Strategic and site-specific merit of Planning Proposal (Council)</b> Noted that the proposal is not considered to have strategic or site-specific merit for a number of reasons (RC):</p> <ul style="list-style-type: none"> <li>• Inconsistent with the <b>Greater Sydney Region Plan</b> and the <b>Western City District Plan</b> <ul style="list-style-type: none"> <li>- Principally due to the site's location within the Metropolitan Rural Area.</li> <li>- The scale of the proposal is not considered 'local growth'.</li> <li>- Nominated growth areas and existing residential zoned land are better suited for this type of proposal.</li> </ul> </li> <li>• Inconsistent with <b>Wollondilly 2040 Local Strategic Planning Statement</b> <ul style="list-style-type: none"> <li>- Inconsistent, particularly in relation to Planning Priority 1 (Aligning Infrastructure), Planning Priority 3 (Framework for Managed Growth), Planning Priority 5 (Housing), Planning Priority 13 (Protecting Biodiversity), Planning Priority 16 (Metropolitan Rural Area) and Planning Priority 18 (Climate Impacts &amp; Resilience).</li> </ul> </li> <li>• Inconsistent with the <b>Wollondilly Rural Lands Strategy</b> <ul style="list-style-type: none"> <li>- The proposal would enable encroachment of urban or residential lands into rural areas outside of identified growth areas or existing village footprints and is not clearly identified for these uses in the Local Housing Strategy.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>Inconsistent with the <b>Wollondilly Local Housing Strategy (LHS)</b> <ul style="list-style-type: none"> <li>Land in and around Werombi has not been identified for urban development,</li> <li>The scale of the proposal is not considered 'local growth',</li> <li>Wollondilly has adequate land capacity to supply additional housing in line with demand.</li> </ul> </li> </ul> <p>Planning proposal needs to address the relevant strategic planning documents including:</p> <ul style="list-style-type: none"> <li>Metropolis of Three Cities.</li> <li>Western City District Plan.</li> <li>State Environment Planning Policy (Precincts—Western Parkland City) 2021 (Western Parkland City SEPP).</li> <li>Wollondilly 2040 (Local Strategic Planning Statement).</li> <li>Wollondilly Local Housing Strategy.</li> <li>Urban Tree Canopy Plan and Landscape Strategy.</li> <li>Wollondilly Rural Lands Strategy.</li> <li>Draft Wollondilly Scenic and Cultural Landscape Strategy.</li> </ul> <p><b>Following issues/matters has been identified/discussed</b></p> <ul style="list-style-type: none"> <li>DPE stated the proposal is considered to be inconsistent with the Strategic Planning Framework requires justification against previous refusal (RC).</li> <li>Potential issues with mining, bushfire, ecology (i.e. koalas) need to be addressed (RC).</li> <li>Sydney Water has identified wastewater servicing constraints in the West Camden Wastewater Treatment Plant which is currently at its capacity and will not have capacity (RC).</li> <li>Potential impacts on Aboriginal Heritage have not been adequately addressed (RC).</li> <li>The NSW SES suggests that undertaking a more detailed flood study to understand the flood risk for The Oaks, including evacuation capacity (RC).</li> <li>The Rural Fire Service does not support the concept proposal in its current form (RC). It is noted an amended plan has been provided however, Council was not able to obtain further consideration of the amended plan by the RFS.</li> <li>Council has a <b>Social and Health Impact Assessment (SaHIA) Policy</b> in place, and the associated Guidelines specify that a project of this scale will require a Comprehensive Social and Health Impact Report (CSHIR).</li> </ul>
5.	<p><b>Next Steps (Council)</b></p> <ul style="list-style-type: none"> <li>Minutes, written advice and copy of agency submissions will be provided following the meeting.</li> <li>Written advice will cover the following matters including: <ul style="list-style-type: none"> <li>Planning Proposal Category.</li> <li>Planning Proposal Fees and Charges.</li> <li>Advice on whether the proposal has strategic and site-specific merit.</li> <li>Recommended studies to support and justify the Proposal.</li> <li>Agency comments.</li> <li>All studies required to be prepared and submitted.</li> </ul> </li> </ul>
6.	<p><b>General Business</b></p> <ul style="list-style-type: none"> <li>Nil</li> </ul>

**MEETING CLOSED: 11:40am**



## NSW RURAL FIRE SERVICE

Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

Your reference: S/2023/6/1  
Our reference: SPI20231005000133

**ATTENTION:** Rebecca Connor

Date: Thursday 26 October 2023

Dear Sir/Madam,

**Strategic Planning Instrument  
Draft LEP – Draft Proposal**

Amendments to subdivision land zoning, lot size, and heights of buildings on the subject site with the concept plan of 17 rural-residential allotments and associated infrastructure.

I refer to your correspondence dated 05/10/2023 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The RFS does not support the concept proposal in its current form. The following concerns are raised in relation to the proposed design, which should be addressed in a supporting bush fire consultant's report:

- A review of the information provided indicates that there are no significant site or environmental constraints that warrant deviation from the acceptable solutions for a residential subdivision as detailed in *Planning for Bush Fire Protection 2019* (PBP 2019). In this regard, appropriate justification should be provided to demonstrate compliance of the layout with the performance criteria for the relevant bush fire protection measure as outlined in Chapter 5 of PBP 2019, for hazard assessment and access in this instance, based on the bush fire risk profile.
- The following factors need to be considered and appropriately addressed in the bush fire report:
  - The use of fuel loads for vegetation classes based on interpretation of Section A1.9 and Table A1.9 (ie remnant classification to use rainforest fuel loads) as part of radiant heat modelling is not acceptable, unless substantiated in terms of presence and extent of the identified species to be deemed as the predominant hazard. The asset protection zones (APZs) applicable to rainforest, by treating the hazard as remnant, can be used as a deemed-to-satisfy solution in accordance with Table A1.12.5 of PBP 2019.
    - Therefore, further supporting evidence should be provided to substantiate the fuel loads used in radiant heat modelling, such as an ecologist's report to verify the predominant vegetation class. Available RFS GIS vegetation mapping categorises the hazard on the eastern aspect as Coastal Valley Grassy Woodland formation.

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



- The use of the Short Fire Run methodology to assess the eastern hazard may be considered as part of a performance based solution for the proposed development, however the effects of steep slopes on fire behaviour need to be addressed and substantiated:
  - The implication of the high effective slope being around 30° down slope;
  - The risk and likelihood of the fire reaching the canopy due to steep slopes.
- The substitution of a perimeter road with a fire trail for a portion of the site is not considered appropriate, unless justified to ensure safety to fire fighters and evacuating residents based on the potential bush fire risk as well as ongoing management and maintenance of the road being assured. As stated in Section 3.4.4 Fire Trails in PBP 2019 '*A fire trail is not a substitute for a road, nor is it considered an appropriate trade-off for the provision of a perimeter, non-perimeter or property road access requirements*'.

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Bryce Pascoe  
**Supervisor Development Assessment & Plan**  
**Built & Natural Environment**

19 October 2023

**Rebecca Connor**

Senior Strategic Planner

Sustainable Growth

Wollondilly Shire Council

[Rebecca.connor@wollondilly.nsw.gov.au](mailto:Rebecca.connor@wollondilly.nsw.gov.au)

[sustainablegrowth@wollondilly.nsw.gov.au](mailto:sustainablegrowth@wollondilly.nsw.gov.au)

**RE: Pre-Lodgement Planning Proposal at 80 Silverdale Road The Oaks**

Thank you for consulting with Sydney Water regarding the pre-lodgement planning proposal at 80 Silverdale Road The Oaks, which proposes amendments to the Wollondilly LEP 2011 including land zoning, lot size and heights of building controls to facilitate the future subdivision of 17 large allotments. Sydney Water has reviewed the scoping report and supporting material and provides the following comments to assist in progressing the lodgement and in planning the servicing needs of the proposed development.

**Water servicing**

- The proposed site is located within the Oakdale Reduced Pressure Zone and fronting a 100mm wastewater pipe on Silverdale Road.
- The serviceability of the water trunk and reticulation network to support the future subdivision resulting from the proposal will need to be reviewed and confirmed under further application(s).

**Wastewater servicing**

- The proposed site is located within the West Camden System Catchment.
- Our system has identified wastewater servicing constraints in the West Camden Wastewater Treatment Plant which is currently at its capacity and will not have capacity prior to c 2028/29.
- Depending on the development timescales, future developments resulting from the proposal may need to consider onsite wastewater arrangements to service their sites if development occurs prior to 2028/29.

**Requirements/Next steps**

- The proponent is advised to lodge a Feasibility Application to Sydney Water via a [Water servicing coordinators](#), if one has not already been raised.

This advice is not final approval of our requirements. If you require any further information, please contact the Growth Planning Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'K. Leitch', with a large, sweeping flourish extending to the right.

**Kristine Leitch**

Commercial Growth Manager

City Growth and Development, Business Development Group

Sydney Water, 1 Smith Street, Parramatta NSW 2150

25 October 2023

TfNSW Reference: SYD23/01118/01  
Council Reference: S/2023/6/1

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

Attention: Rebecca Connor

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**RE: SCOPING PROPOSAL – 80 SILVERDALE ROAD, THE OAKS**

Dear Mr Taylor,

Transport for NSW (TfNSW) appreciates the opportunity to provide comment on the Scoping Proposal for 80 Silverdale Road, the Oaks, referred to the agency by Wollondilly Council (*the Council*) on 05 October 2023.

It is noted that the Scoping Proposal seeks to amend *The Wollondilly Local Environmental Plan 2011 (WLEP 2011)* for land at 80 Silverdale Road, the Oaks to enable a future subdivision development consisting of 16 residential lots and 1 large rural lot. The proposed amends to the WLEP 2011 are:

- Amend the Land Zone Map from RU2 Rural Landscape to R5 Large Lot Residential.
- Change the minimum lot size from 40ha ranging between 1500m<sup>2</sup> and 5038m<sup>2</sup>.
- Amend the heights of building map to 9m, commensurate with adjoining residential development.

TfNSW has reviewed the submitted documents and advises that Silverdale Road is non-classified regional road (Road No. 7640) under the care and control of Council. As such, TfNSW has no requirements as the planning proposal is unlikely to have a significant impact on the classified road network.

Thank you for the opportunity to provide advice on the subject planning proposal. Should you have any questions or further enquiries in relation to this matter, Xin Zhao would be pleased to take your call on 0466 599 538 or email: [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).

Yours sincerely,



**James Hall**  
**Senior Land Use Planner**  
**Planning and Programs, Greater Sydney Division**