



22 May 2025

Your Ref: RR-2025-4

Our Ref: 2023/0032

Ms Shruthi Sriram
Senior Planning Officer, Planning Proposal Authority
Planning Land Use Strategy, Housing and Infrastructure/Planning Group
The Department of Planning, Housing and Infrastructure
12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Sriram,

**Re: Rezoning Review Submission in Respect of land at Lot 3 DP 1201486 No 80
Silverdale Road THE OAKS**

Background

The subject property was purchased by Mr Mick and Mrs Maryan Nocera early 2023 following an earlier decision by Wollondilly Shire Council to rezone the subject property to R2 Low Density Residential commensurate with the adjoining land in Browns Road located immediately adjoining to the south and once formed part of this overall land. Further, the following should be noted:

- Currently on this property Title is an Easement to drainage water through the main part of this property that was needed from the previous completed Stage 1. development to the South. This was a key factor on stage 1. and acknowledging that this property was intended to be developed later and the current Easement on Title will be removed from the centre of the property and diverted along the proposed new road in due course.
- The Browns Road subdivision, which contains 22 houses, has only one road in and out of the subdivision and clearly does not comply with *Planning for Bushfire Protection*¹.

¹ Note the subject PP proposes a new road to the south of Browns Road, which could be utilised by residents of the Browns Road subdivision in a bushfire emergency or if an accident was to occur at the intersection with Silverdale Road that blocked ingress and egress.

In July 2016, Council initially resolved to support and prepare a planning proposal in an amended form to that submitted by the proponent and to forward that proposal to the Minister for Planning and Environment for a Gateway Determination at that time. This previous planning proposal was considered by Council a number of times and only included one (1) development concept plan without any required supporting documentation/studies that would ordinarily be submitted with any Planning Proposal:

- In July 2016, Council initially resolved to support and prepare a planning proposal in an amended form to that submitted by the proponent and to forward that proposal to the then Minister for Planning and Environment for a Gateway Determination.
- In October 2016, Council resolved to include additional land in the planning proposal. The additional land included the lots accessed from the adjoining existing residential land at Browns Road to increase the minimum lot size from 700sqm to 1,500 sqm to ensure the existing character is maintained by preventing infill subdivision.
- On 8 December 2016, a Gateway Determination was initially issued by the (then) NSW Department of Planning and Environment (DPE) which enabled the proposal to progress subject to a number of conditions being satisfied.
- In September 2017, following the outcome of a proponent initiated Rezoning Review, Council resolved to further consider the form of the proposal once the technical studies had been prepared. Council also reduced the proposed maximum building height for the site.
- The Determination was altered on 10 October 2018.
- In August 2020, Council confirmed its support for the planning proposal to proceed on the basis of a 1,500sqm minimum lot size and a maximum building height limit of 6.8 metres.

On 21 December 2020, the applicant was advised by the Department of Planning, Industry & Environment that the matter should not proceed until some outstanding matters were resolved, which included updating the Local Housing Strategy and:

1. potential impacts on Shale Sandstone Transition Forest and Aboriginal Cultural Heritage have not been addressed;
2. many remaining matters are unresolved due to the absence of required studies and documentation required by the Gateway determination;
3. the proposal is inconsistent with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA; and
4. there planning proposal inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 5.5.

The applicant/owner² did not provide the necessary documentation³ and the application was subsequently refused, as the Department of Planning requested the

² Not the current owners.

³ We understand due to financial situation to fund the necessary studies and then sold the land.

Council to provide a list of undetermined PPs and subsequently refused applications that had been with Council for more than four (4) years.

Introduction

We represent Mr Mick and Mrs Maryan Nocera owners of land at 80 Silverdale Road THE OAKS (refer to **Figure 1**). As required by the Local Environmental Plan (LEP) Making Guideline introduced in December 2021 by the Department of Planning and Environment, we lodged a Scoping Report (SR) with Wollondilly Shire Council in September 2023 as the first step in lodging a formal Planning Proposal (PP) with Council for consideration.



Figure 1: Aerial photo of subject property

This proposal was to rezone the land from RU2 Rural Landscape to create 17 x 1,500m² R5 Large Lot Residential allotments⁴ under the provisions of Wollondilly Local Environmental Plan 2011 (WLEP). It was proposed to change the minimum subdivision lot size from 40ha to 1,500m². It was also proposed to provide a height control of 9m, commensurate with the adjoining R2 Low Density Residential lands immediately adjoining in Browns Road.

The rezoning of the land to R5 Large Lot Residential was clearly demonstrated in the SR in that it provided an opportunity for sensitively integrating the subdivision with

⁴ Please note that the SR was initially based on creating lots with a minimum lot size of 1,500m². Following the outcome of the meeting to discuss the outcomes of the lodged SR and to discuss the outcomes of the consultation with the various authorities and internal Council comments, the Planning Proposal (PP) was amended to create a minimum of 9 x 4,000m² Large Lot Residential allotments.

and conserving the environmental and visual sensitivities of the site, generally in accordance with the subdivision concept plan.

The rezoning was essentially an in-fill subdivision and would realise its inherent urban potential in providing an opportunity to create a housing precinct contributing importantly to supply at a modest scale to combating the emerging deficiency in traditional housing products/living environments in the Wollondilly Local Government Area.

The written advice from Council in the pre-lodgement letter listed the technical requirements to successfully lodge a PP to rezone the subject property.

Subject Planning Proposal Request

The subject Planning Proposal Request (PPR) was lodged with Council in July 2024 to create 9 x 4,000m² allotments (minimum), as shown on **Figure 2**. It should be noted that stormwater drainage from the developed Browns Road subdivision is directed to the drainage basin adjoining the new road via an easement. Such easement would be redirected in the proposed new perimeter road.

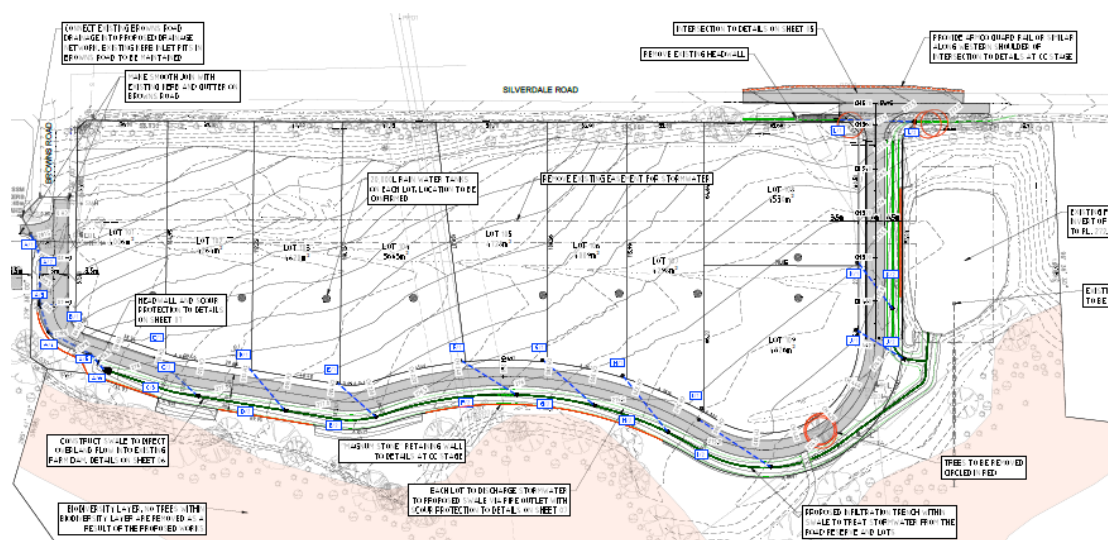


Figure 2: Concept subdivision layout

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

The following information was submitted to Council with the PPR.

- A: Concept Subdivision – Siteplus
B: Flood Study – Siteplus
C: Aboriginal Cultural Heritage Due Diligence Assessment – Austral
Archaeology
D: Bushfire Impact Assessment – Midcoast Building & Environmental

- E: Flora and Fauna Assessment – Narla Environmental
- F: LUCRA – MNC Agronomy
- G: Social Impact Assessment - MBPS
- H: Contamination Assessment – GeoEnviro Consultancy
- I: Geotechnical and Salinity Assessment - GeoEnviro Consultancy
- J: Detailed Survey – Pinnacle Land Surveyors
- K: Servicing Strategy, Wastewater and Potable Water – Orion
- L: Electricity Supply – Powerline Design
- M: Landscape Plan – Lindy Lean Landscape Architect
- N: Minimum Lot Size Map
- O: Heights of Buildings Map
- P: Land Zone Map
- Q: Traffic Impact Assessment – Positive Traffic
- R: Odour Impact Assessment – Zephyr Environmental
- S: Drinking Water Catchment Boundary – Siteplus

Copies of these documents accompany this review request.

There has been discussions and correspondence on the issue of Sydney Water being able to service the property with sewer supply based on the year that such will be available. Our information conflicts with the potential for sewer to be available in 2027 and Council's 2028 and the capacity to service nine (9) lots. Notwithstanding, an interim solution can be provided noting the timelines to have the land rezoned, the time to lodge and seek approval for the subdivision works and the time to construct dwellings.

It would appear that either sewer was available in the 2016 application or not. However, this was not an issue when Council resolved to rezone the property with very little information, particularly servicing issues.

Notwithstanding, the Planning Proposal could progress and this additional modelling work can be undertaken after Gateway Determination.

Summary of Strategic Merit

One of the reasons for not supporting the PP was that the property has no strategic merit due to its inconsistency with the strategic planning framework including:

- a. Planning Priority W1, W3, W5 and W16 in the Western City District Plan;
- b. Ministerial Directions; 1.1 Implementation of Regional Plans, 3.3 Sydney Drinking Water Catchments, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands.
- c. Wollondilly 2040, Local Strategic Planning Statement (LSPS), including:
 - i. Planning Priority 1 – Aligning infrastructure provision with community needs.
 - ii. Planning Priority 3 – Establishing a framework for sustainable managed growth.
 - iii. Planning Priority 5 – Providing Housing options that meet local needs and match the local character of towns and villages.
 - iv. Planning Priority 13 – Protecting Biodiversity and Koala Habitat Corridors.

- v. Planning Priority 16 – Enhancing and Protecting the Diverse Values of the Metropolitan Rural Area.
- d. Council’s adopted Local Housing Strategy and Rural Lands Strategy.

An assessment of the Strategic Merit Test criteria is in **Table 1**.

Table 1: Summary of Strategic Merit Test

Strategic Merit Criteria	response
Planning Priority W1 – Planning for a city supported by infrastructure	<p>Requisite infrastructure is generally in place and does not need major augmentation. As previously noted, it is proposed to provide reticulated sewer to obviate any on-site wastewater concerns, with such being the subject of ongoing discussions with Sydney Water to provide a low-pressure sewer system, with Orion providing information from Sydney Water on the servicing issue (Appendix K). This overcomes the issue that was otherwise faced with delays in the delivery of essential water and wastewater infrastructure</p> <p>Additionally, it is possible to largely manage stormwater appropriately on-site, as detailed in the report prepared by Siteplus (Appendix B). Infrastructure impacts will be addressed pursuant to the relevant Council Contribution Plan. The development is not of a scale to warrant the preparation of a Voluntary Planning Agreement (VPA).</p> <p>The provision of a new road will provide a ‘relief valve’ for the existing residents in Browns Road.</p>
W3 – Providing services and social infrastructure to meet people’s changing needs	A contribution would be made in accordance with Council’s Contribution Plan. The creation of nine (9) large lots would have minimal impact on Council services.
W5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	This is the crux of the PP. Currently, Council is not providing opportunities outside the designated release areas or on the fringe of existing towns for large lot residential development, which is highly sought after by persons wanting to reside on larger lots rather than the small lots provided by current zoning of land.

	<p>All the existing large lot residential areas cannot expand to create a diverse product that is sought after in not only Wollondilly, but also the Camden LGA.</p> <p>There is a demand for large lot residential that is 'attached' to towns providing services and facilities, which are readily available in The Oaks Town Centre (John Street), such as shopping facilities, medical, open space, community facilities, restaurants and schools.</p> <p>The Oaks is located juxtaposition between Picton and Penrith and has easy access to Penrith and suburbs to the north and Picton to the south. Limited public transport is available in The Oaks, with Silverdale Road and John Street/Montpelier Drive being the main bus route servicing the town.</p>
<p>W16 – Protecting and enhancing scenic and cultural landscapes.</p>	<p>The subject property is located on a plateau well above the remainder of the property below (refer to series of photograph). The trees along the escarpment and Silverdale Road frontage will be retained to screen future dwellings and will not be visible from Burragorang Road, as future dwellings require a 50m setback from the escarpment to comply with <i>Planning for Bushfire Protection 2019</i> (Appendix D).</p> <p>Note the properties in Browns Road do not have a perimeter road or an asset protection zone to comply with bushfire requirements.</p> <p>Further landscaping of the subdivision will occur in accordance with the landscape plans.</p> <p>Therefore it is considered that the proposal is consistent with protecting and enhancing the scenic and cultural landscapes of the property and the broader area.</p> <p>An aboriginal cultural heritage assessment was undertaken by Austral Archaeology and the property has no cultural significance (Appendix C)</p>

<p><u>Ministerial Directions:</u></p> <p>1.1 – Regional Plans</p> <p>3.3 – Sydney Drinking Water Catchment</p> <p>6.1 – Residential zones</p> <p>9.1 – Rural Zones</p> <p>9.2 – Rural Lands</p>	<p>It is our opinion that the proposal is consistent with this Direction.</p> <p>The subject land is not affected by the Catchment area. There is a slither of the land that ‘runs’ along the Silverdale Road frontage that is shown with the treed area (Appendix S) of the bundle of documents.</p> <p>The Proposal is consistent with the Ministerial Direction. The site is proposed to be zoned R5. It fulfills the objectives of the Direction and provisions. In the latter regard it:</p> <p>1(a) broadens housing choice. (b) makes efficient use of infrastructure and services. (c) reduces land consumption. (d) is of good layout design for the site.</p> <p>2(a) draws on the service provision in the LEP (b) Increases the residential density.</p> <p>Inconsistency with this Direction is considered to be of minor insignificance. It is considered that this inconsistency will continue as the LGA continues to grow and transitions from large rural area to urban development to meet the growth.</p> <p>As the land is zoned RU2 Rural Landscape. The land (No 80 Silverdale Road) is not used for primary production. Indeed, the land would not sustain primary production and would conflict with adjoining low density housing in Browns Road. Whilst the direction applies to the land, in is considered that it is not inconsistent with the direction.</p>
<p>Wollondilly 2040, Local Strategic Planning Statement</p> <p>PP1 – Aligning infrastructure provision</p>	<p>Apart from the minor servicing issue, addressed in this review, the only issue remains is the construction of the new intersection with Silverdale Road. This intersection has been addressed by Positive</p>

	<p>Traffic at Appendix G. The assessment has found that the proposed 9 lots will have no impact on the intersections and that there is compliant sight lines. There will be a requirement to construct a guard rail at the intersection with the new road given the level changes between the road and the land on the opposite western side.</p> <p>Social infrastructure can be addressed through Section 7.11 contributions.</p>
PP3 – Sustainable managed growth	<p>As stated in this submission, the Council resolved to support the land being rezoned in 2016 and supported extensions to the Gateway Determination several times, until 2020 when the Department of Planning and Infrastructure refused the application, along with other applications within the LGA.</p> <p>This previous planning proposal varied from the current proposal, in that it applied to a lesser portion of the site⁵ and proposed a minimum lot size of 1,500m².</p> <p>The previous planning proposal did not progress to a public exhibition and did not have status as a draft environmental planning instrument on the basis that the necessary studies were not provided.</p> <p>It is obvious from the above, that the Council saw merit in including more land on the plateau to complete a planning outcome for the managed growth of The Oaks in this part of the township, as lands to the north and east are steep and cannot be developed.</p> <p>It is our opinion that the Proposal is consistent with the philosophy of supporting development in and around existing towns and villages, in the context of identified need and documented criteria in respect of:</p>

⁵ The proposal did not include the whole of the site, only that part on the plateau, with the remainder of the site presumably remaining as RU2, which is proposed by this application to permit a dwelling entitlement.

	<ul style="list-style-type: none"> • Compatibility with existing character, setting and heritage of the town or village. • Support for the village's economic and social sustainability. • Positive environmental outcomes or no negative effects. Rural separation of towns is facilitated. A supporting infrastructure plan.
PP5 - Providing housing options	<p>The Proposal will contribute to the housing options and lifestyles that characterise the Shire, particularly in respect of 'lifestyle' large lot residential development.</p> <p>It will align with strategies and actions in the Local Housing Strategy.</p>
PP13 - Protecting Biodiversity & Koala Habitat Corridors	<p>A flora and fauna assessment report was prepared by Narla Environmental at Appendix E. The assessment report addressed the biodiversity and koala habitat issues under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>. The report stated that the proposed subdivision has a low likelihood of causing impact to koalas in the locality and that no further assessment was required.</p> <p>With respect of flora, the proposed rezoning is likely to impact 0.79ha of native vegetation across the following vegetation communities:</p> <ul style="list-style-type: none"> • 0.41ha of Cumberland Shale Hills Woodland - Moderate Condition (Remnant); • 0.26ha of Cumberland Shale Hills Woodland - Low Condition (Grassland); and • 0.12ha of Native Swale Vegetation. <p>Therefore, it was considered that any threatened flora or fauna would not be impacted by the proposal. As such, this priority has been addressed.</p>

<p>PP16 - Protecting the values of the Metropolitan Rural Area</p>	<p>It is proposed to address this issue separately. Suffice to say, that apart from the urban release areas of Wilton, the whole of the Wollondilly LGA has been identified as being within the Metropolitan Rural Area (MRA). It is our opinion that the basis of including all of the LGA with the MRA is to prevent any lands being rezoned for urban purposes. A list of some example properties that are zoned for residential, commercial or industrial purposes is provided with the accompanying documentation and on page 18 of this submission.</p>
<p>Local Housing Strategy and Rural Lands Strategy</p>	<p>The Wollondilly Local Housing Strategy (WLHS) provides a 20-year vision for housing in the Wollondilly LGA.</p> <p>The WLHS provides a foundation to support the WLSPP and inform a review of Wollondilly Local Environmental Plan 2011.</p> <p>The WLHS is focussed on managing growth so that it is sustainable and supports liveability and affordable living for Wollondilly residents over the next 20 years.</p> <p>Despite a key finding that there is adequate land capacity to supply additional housing in line with demand over the next 20 years (to 2041) and espousing an underlying principle of diversity, the Strategy fails to adequately address the demand and provision for “lifestyle” housing in a rural residential context. The particular void is the clear focus of this proposal.</p> <p>Four (4) directions are identified to guide future housing growth that align with community expectations and protects and enhances the local character of Wollondilly. The Directions and the consistency of the Proposal with such Directions are summarised below.</p> <p>1) <u>Provide housing in areas that are adequately serviced by infrastructure</u></p>

	<p>The Proposal can be adequately serviced with enhanced reticulated electricity and telecommunications services, including water and sewer. Relevant contributions can be made to public infrastructure impacts.</p> <p>2) <u>Provide housing diversity and affordability</u></p> <p>Not every housing product achieves both elements of this Direction. Indeed, they may be mutually exclusive in some instances. The Proposal unashamedly seeks to contribute to diversity at the “lifestyle” end of the housing spectrum; a housing sector which is increasingly not adequately supplied in form or location.</p> <p>3) <u>Plan and coordinate growth for emerging communities</u></p> <p>This Direction is focussed on planning for the Designated Growth Areas. notwithstanding, the Proposal needs to be coordinated with The Oaks planned growth, with the site identified by Council as The Oaks North Precinct.</p> <p>4) <u>Build sustainable and resilient communities that protect and celebrate our environment</u></p> <p>The Proposal offers the prospect of the evolution of a sustainable and resilient extension of The Oaks Village. Advancement of the Proposal will need to comply with <i>Planning for Bushfire Protection 2019</i>, as the remnant vegetation is retained, so as to ensure a positive environmental outcome (refer to Appendix D).</p> <p>Rural Lands Strategy</p> <p>The Wollondilly Rural Lands Strategy 2021 (WRLS) provides a framework for managing growth, change and development for rural land</p>
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	<p>in Wollondilly to the year 2040. The two (2) key principles of the Strategy are:</p> <p>Principle (c) – Managing pressure for rural living opportunities</p> <p>Principle (d) – Managing places with special landscape, rural and scenic value</p> <p>These are examined in detail in Part 6 – Focus Area 4 and Part 7 – Focus Area 5, respectively.</p> <p>1) Managing Rural Residential Growth (Focus Area 4)</p> <p>The Strategy recommends that no further rezoning for rural residential purposes be undertaken, and future residential land be restricted to towns/villages in Growth Centres. Notwithstanding the land is an extension to the existing residential subdivision in Browns Road that was previously owned and developed by that owner who on-sold to the current owner in early 2023 and is consistent with the Local Housing Strategy.</p> <p>2) Managing Places with Special Landscape, Rural or Scenic Value (Focus Area 5)</p> <p>The Strategy establishes a key outcome, being the strengthening and promotion of the unique landscape, natural, cultural and rural values of Wollondilly’s rural area.</p>
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Top of plateau with trees being retained and provide a visual backdrop and screening of dwellings within the proposed subdivision.



Note Browns Road subdivision and existing dwellings seen in the background.



The gate is the approximate position of the new road onto Silverdale Road. An easement to drain water is currently registered on the title, as the site presently collects stormwater from Stage 1 of the development on Browns Road to the south and is discharged through the centre of this property into a dam to the north. This stormwater will be redirected via the new proposed road as outlined in this proposal.

Site-specific Merit Test

This issue has not been raised as a reason for refusal. Notwithstanding, we are of the opinion that this should be addressed. It would be noted on pages 4 and 5 that there were a number of studies undertaken to clearly demonstrate that the proposal has site-specific merit for large lot residential development.

The site has been investigated and assessed for various environmental considerations including biodiversity, riparian corridors, flooding, odour impacts, land use conflicts, geotechnical, contamination, traffic and aboriginal heritage.

The main environmental hazard consideration is the threat from bushfire. An assessment of bushfire submitted with the PP confirms the Proposal can meet the required bushfire safety standards and such has been endorsed by the Rural Fire Services at **Appendix D1**.

It is well documented that Sydney is currently in a housing supply crisis and federal and State governments have initiated numerous strategies to increase housing supply. With new additional large lot housing at The Oaks, the Proposal will provide a 'lifestyle' diverse product, albeit only nine (9) lots. Notwithstanding, there is a demand for such lots within the LGA.

There is some minor upgrade to the intersection of the new road with Silverdale Road to provide an alternative ingress and egress point, particularly in an emergency situation that will benefit the residents of the existing 22 houses in Browns Road that once formed part of this entire land(s).

It our opinion, that the decision of Council in 2016 to include this land into the PP was on the basis that no further subdivision could occur to the east, north and west due to steep land terrain. This decision was a good outcome for The Oaks and clearly sent a message that this was the extent of development north of the subject property, essentially a containment policy.

Assessment of water and wastewater capacities in consultation with Sydney Water indicates that there appears to be sufficient water and wastewater capacity and servicing options available such that Sydney Water is content for the PP to proceed to Gateway, subject to further modelling being undertaken prior to finalisation of the PP.

Notwithstanding differences of opinion, the worst-case scenario, is that sewer supply and capacity is not available by the time the property is rezoned and developed, an interim system can be installed to address this aspect of the PP.

Specialist Studies

We assume that this is an error having regard to the list of studies that have been listed on pages 4 and 5 of this submission. We believe that the report to the Council meeting of 25 March 2025 remained substantially the same as that presented to the Local Planning Panel (LPP) on 12 December 2024.

The reason for this statement, is that Council officers requested some late studies to be undertaken, which including an odour report. This odour report was finalised before that meeting but not provided in time for the LLP agenda.

Metropolitan Rural Area (MRA)

Discussion in respect of consistency with the MRA is provided below.

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

In February 2017, *AgEconPlus* completed a report for the then Greater Sydney Commission which detailed the Values of the Metropolitan Rural Area of the Greater Sydney Region. This report became the foundation for MRA and District Plan policies. On page 82 of this report, it lists the values for the South West District and its MRA lands, being:

- Agricultural values.
- Biodiversity values.
- Water quality values.
- Mining and extractive industries;
- Landscape values; and
- Tourism values.

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

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

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

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

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

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

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

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

Council has essentially classed all lands outside of the urban release area to thwart the progressing of any other lands being rezoned to other uses, such as proposed, notwithstanding individual merit, the subject property is clearly an extension of the Browns Road subdivision, which was rezoned a number of years ago and the intention to develop this current property had to be considered as an Easement to drain water needed to be in place for the release of the Browns Road subdivision to the South.

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

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

The MRA was introduced in the Greater Sydney Region Plan (2018) (GSRP) as one of the four (4) key landscape types/layers comprising the Sydney Region. It has a wide range of environmental, social and economic values and covers almost a quarter of Greater Sydney. It includes, forms rural towns and villages, rural residential developments, heritage, scenic and cultural landscapes, mineral resources and locations for recreation and tourism. Its diversity is immense. It covers a large part of the non-urban areas of the Sydney Region. The MRA includes primary production and resource extraction, tourism and recreation assets, towns and villages.

Objective 29 of the GSRP seeks to protect and enhance environmental, social and economic values in rural areas. Rural areas as a concept is noted to refer to the open countryside and is somewhat incongruous when applied for rural towns, villages and rural residential areas (unless the latter areas are generally 2ha or more in size).

The introduction of the concept of the MRA in the WSDP emphasised the centrality of design-led, place-based planning to the delivery of targeted environmental (including incentivisation of protection of remnant bushland vegetation), social and economic outcomes and the establishment of local planning solutions.

As evidence of such an approach, is seen to:

- Provide housing on large lots greater than 4000m².
- Increased local development, local expenditure and short-term and long-term jobs (Economic).

in accordance with the WCDP Action 78.

The immediate The Oaks locality is not considered to represent a rural residential environment, as promoted constantly by Council and others. Rural (derived from the Latin word “rus” or country or in common words, the countryside) does not represent the predominant quality, rather the immediate precinct is overwhelmingly a low-density residential environment to the immediate south within easy access to shopping facilities, a school, recreational areas and medical services.

Rural, in being associated with the countryside and typically rural or agricultural production, generally entails allotments of 2ha +, not the dominant prevailing residential lots in The Oaks or the adjoining properties that are zoned predominately R2 – Low Density Residential.

The series of photographs, plan and studies clearly show how the subject land can integrate successfully with the Browns Road subdivision.

We note the decision of the Sydney Western City Planning Panel of 27 February 2025 in the review of RR-2024-29 – Wollondilly Shire Council – PP-2022-4334 for Cross Street, Tahmoor wherein the MRA was considered but not agreed by the Panel in approving the land to be rezoned for urban purposes.

Conclusion

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

All information enclosed with this letter and all documents and plans requested by DPHI have been submitted on the Planning Portal and accompany this rezoning review submission.

We welcome any opportunity for a formal meeting with Officers of the Department of Planning, Housing and Infrastructure to discuss the submitted documentation and historical events to the advancement of the PP to rezone the property to R5 Large Lot Residential.

The MRA as a planning concept pre-dates the current Metropolitan and District Planning policy settings. These policy settings have always sought to recognise that the MRA is a multi-dimensional asset that supports a range of land use activities and community values.

Should you require clarification of any aspect of the accompanying submission please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'M. Brown', with a stylized, flowing script.

MICHAEL J BROWN
DIRECTOR

MICHAEL BROWN PLANNING STRATEGIES PTY LTD