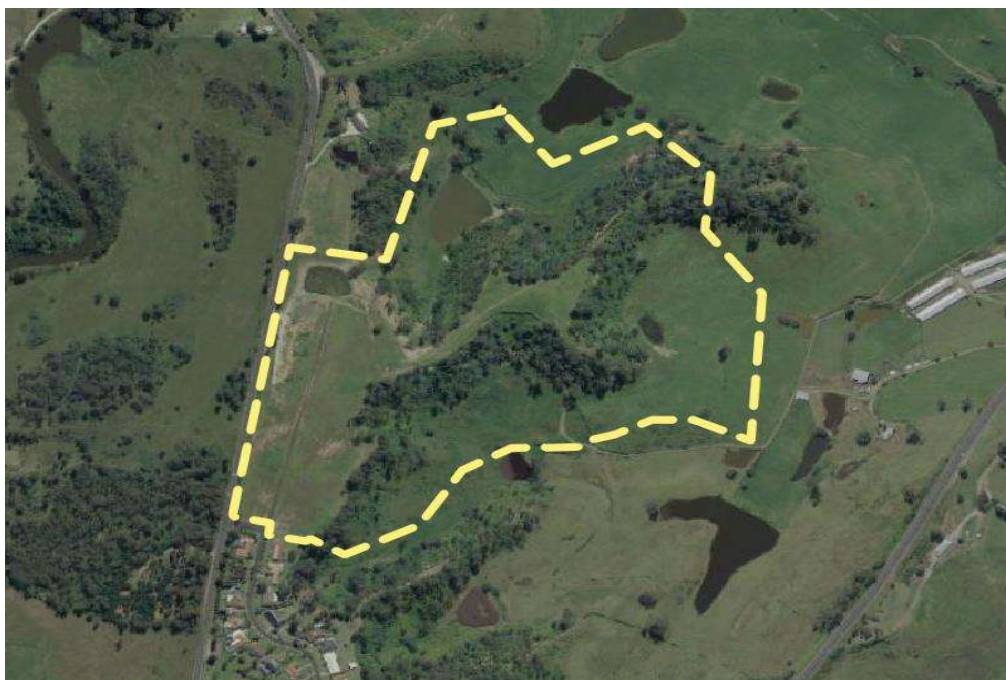


PLANNING PROPOSAL REQUEST

Amendments to Subdivision Land Zoning, Lot Size and Heights of Buildings

Lot 3 DP 1201486, 80 SILVERDALE ROAD, THE OAKS



Prepared for:

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Prepared by:



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- F: LUCRA – MNC Agronomy
- G: Social Impact Assessment - MBPS
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- S: Drinking Catchment Boundary – Siteplus

1 Introduction

1.1 BACKGROUND

1.1.1 PREVIOUS SUBMISSION¹

At the Council meeting of 16 July 2016, it was resolved that the Planning Proposal for the subject property be forwarded to the Minister of Planning and Environment for a Gateway Determination. A Gateway Determination was issued on 8 December 2016. The Determination was altered on 10 October 2018. 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 subject unresolved issues are addressed in Section 7, including responses to agencies. It should be noted that this previous proposal was to create lots between 700m² and 1,500m². The subject proposal is to create 9 x 4,000m² lots (minimum).

The subject site occupies a prominent position on Silverdale Road adjoining existing residential development to the south. It is so positioned and of a nature that lends itself to a design led low density sustainable residential outcome. In realising its inherent potential, it provides an opportunity to provide premium low density housing precinct contributing importantly supply at a modest scale to combating the emerging deficiency in traditional housing products/living environments.

1.1.2 CONCEPT LAYOUT PLAN

Having established the environmental sensitivities of the site, including prevailing hazards and service infrastructure requirements, a vision for a sustainable, character led low density urban module was developed. The relevant Indicative Layout Plan (ILP) is produced below as **Figure 1**. **Figure 2** shows the subject property. The proposal is to create nine (9) lots with a minimum lot size of 4,000m².

¹ Refer to Section 2.1 for the description of the subject property

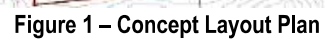




Figure 2 – Aerial Context Map

1.1.3 PRE-SCOPING PROPOSAL – WRITTEN ADVICE²

A pre-lodgement meeting was 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. The written advice required the following matters to be addressed in any Planning Proposal Request to be submitted to Council for consideration:

- Aboriginal Cultural Heritage – Austral Archaeology - **Appendix C.**
- Biodiversity Environmental Outcomes – Narla Environmental - **Appendix E.**
- Bushfire Hazard – Midcoast Building & Environmental - **Appendix D.**
- Contamination – GeoEnviro Consultancy - **Appendix H.**
- Flood Assessment – Siteplus - **Appendix B.**
- Social & Health Impact Assessment – MBPS - **Appendix G.**
- Utilities (sewer, wastewater and potable – Orion – **Appendix K**
- Electricity Supply – Powerline Design – **Appendix L.**
- Agricultural Urban Landuse Conflict Assessment – MNC Agronomy – **Appendix F.**
- Visual Impacts – Lindy Lean – **Appendix M.**
- Traffic – Positive Traffic – **Appendix Q.**

² Note the pre-lodgement written advice was based on a proposal to create seventeen (17) lots with a minimum area of 1,500m². As a result of the meeting, it was considered that the proposal should be revisited resulting in this proposal for nine (9) lots with a minimum area of 4,000m².

- Odour Impact Assessment – Zephyr Environmental.

1.1.4 REASON FOR PLANNING PROPOSAL REQUEST (PPR)

A previous proposal to rezone the land received favourable support from Council, with a Gateway Determination provided, which was amended several times. The proposal subsequently did not proceed.

The subject site is considered to be an “infill” site located between land zoned R2 – Low Density Residential (Browns Road properties) and the larger rural properties to the north zoned RU2 – Rural Landscape. The subject land will be zoned part RU2 – Rural Landscape (residue Lot 10) and R5 Large Lot Residential.

Therefore, this PPR represents the formative phase in the development of a Planning Proposal (PP) geared toward variations in the current planning template for nine (9) large lot residential lots shown in **Figure 1**. The planning amendments are reflected through the preparation of a relevant Local Environmental Plan amendment, it being proposed to amend WLEP 2011 (refer to Part 2 or Section 4 of this PPR). This will involve amending the minimum lot size map, the heights of buildings map and the land zoning map, as follows:

- Change the zoning from RU2 Rural Landscape to part R5 Large Lot Residential and part RU2 Rural Landscape (refer to **Appendix P**).
- Change the minimum lot size map from 40ha to part 4,000m² and part 40ha (refer to **Appendix N**).
- Change the heights of building map to part 9m (refer to **Appendix O**).

1.2 SCOPE OF REPORT

This Report has been prepared in accordance with the former NSW Department of Planning and Environment's (DoPE) document Local Environmental Plan Making Guidelines, August 2023. The document requires at Section 2 the Planning Proposal Request to be provided in six (6) parts, being:

- Part 1 - A statement of the objectives and intended outcomes of the proposed instrument (and proposed LEP amendment).
- Part 2 - An explanation of the provisions that are to be included in the proposed instrument (and proposed LEP amendment).
- Part 3 - The justification of strategic and potential site-specific merit and process for implementation.
- Part 4 - Relevant support mapping.
- Part 5 - Details of the community consultation to be undertaken on the planning instrument.
- Part 6 - Projected timeline to detail the anticipated timeline for the Planning Proposal.

The guide is available on the Department of Planning, Housing & Environment website.

1.3 REPORT STRUCTURE

This PPR, in providing an outline PP, is structured in the following manner:

- Section 2 provides an overview of the site the subject of this PPR, the immediate locality, and the prevailing local planning context.
- Section 3 contains a statement of the objective and/or intended outcomes of the proposed LEP amendment.
- Section 4 provides an explanation of the provisions.
- Section 5 provides justification of the strategic and site-specific merit and process for implementation (i.e. provisions of the proposed LEP amendment).
- Section 6 provides details of relevant mapping amendments.
- Section 7 provides details of the community consultation that would be undertaken in respect of the advancement of a relevant PP.
- Section 8 provides a projected project timeline.
- Section 9 outlines a conclusion.

1.4 PROJECT TEAM

The following **Table** provides a list of the consultants that prepared plans or reports to support the PPR.

The Project Team	
Concept Layout Plan	Siteplus – (Appendix A)
Flood Study and Water Quality	Siteplus – (Appendix B)
Aboriginal Cultural Heritage Due Diligence Assessment	Austral Archaeology – (Appendix C)
Bushfire Impact Assessment	Midcoast Building & Environmental – (Appendix D)
Flora and Fauna Assessment	Narla Environmental – (Appendix E)
Land Use Conflict Risk Assessment	MNC Agronomy – (Appendix F)
Social & Health Impact Statement	MBPS (Appendix G)
Contamination Assessment	GeoEnviro Consultancy – (Appendix H)
Geotechnical and Salinity Assessment	GeoEnviro Consultancy – (Appendix I)
Detailed Survey	Pinnacle Land Surveyors – (Appendix J)
Services Strategy – Wastewater and Potable Water	Orion – (Appendix K)
Electricity Supply	Powerline Design – (Appendix L)
Landscape Plan	Lindy Lean Landscape Architect – (Appendix M)
Traffic Impact Assessment	Positive Traffic – (Appendix Q)
Odour Impact Assessment	Zephyr Environmental – (Appendix R)
Drinking Water Catchment Boundary	Siteplus – (Appendix S)

2 The Subject Land/Site and Context

2.1 LAND DESCRIPTION

The site comprises land known as Lot 3 DP1201486 (No. 80) Silverdale Road. The land contains a dam and has variable topography (refer to **Appendix J**).

2.2 CONTEXT/LOCALITY

The site is located in a principally low-density residential area (R2) to the south and large rural lots (RU2) lots to the north as is depicted in aerial photograph extract (refer to **Figure 2**). The overwhelming character is of modest dwellings to the south within or on the periphery of The Oaks Township to large dwelling houses set in expansive landscape contexts dominated by retained vegetation where appropriate and variable topography with steep to undulating land the dominant landform.

There are a number of watercourses and rural farm dams present on properties. Flaggy Creek is the main watercourse in the area.

3 Part 1 – Objectives and Intended Outcomes

3.1 INTRODUCTION

This PPR has the express purpose of facilitating increased housing opportunities on lots with a minimum of 4,000m² as a transition between the R2 – Low Density Residential lots and the RU2 – Rural Landscape lots. The proposal has been summarised at Section 1.1.4, it being to rezone the land to R5 Large Lot Residential with a minimum lot size of 4,000m² and a height control of 9m.

It is noted that the natural fall of the land together with proposed complimentary landscaping minimise the visual impact of proposed buildings.

3.2 OBJECTIVES

- To facilitate the development of large residential to meet the needs of the community within this part of The Oaks.
- To provide housing diversity in the size of the lots proposed and meet the demand for such sized lots on the periphery of The Oaks Township and providing a transition between standard house lots and large rural lots.

3.3 INTENDED OUTCOMES

- Increased local supply and diversity of housing on large lots.
- To identify land with environmental constraints.
- Increased local employment during construction of the subdivision and housing and beyond by new residents.
- To ensure that future development can incorporate or has access to adequate utility services.

The outcomes are reflected in the Concept Layout Plan at **Figure 1**.

4 Part 2 – Explanation of Provisions

4.1 CURRENT LOCAL PLANNING FRAMEWORK

4.1.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011

The Wollondilly Local Government Area is subject to the provisions of a single (standard instrument stylised) Local Environmental Plan, namely Wollondilly Local Environmental Plan 2011 (WLEP 2011).

The subject land is zoned RU 2 – Rural landscape and it is proposed by the application to have two (2) zones; namely R5 Large Lot Residential and RU2 Rural Landscape for the larger residue lot with an area of approximately 27ha. The principal landuse controls attached to such a zoning mosaic take the form of objectives and a table of landuse permissibility. The following amendments are proposed:

- Amending the **Land Zoning Map** to rezone the land from RU1 Rural Landscape to part R5 Large Lot Residential and part RU2 Rural Landscape.
- Amending the **Lot Size Map** to introduce a minimum lot size of 4,000m² for the proposed R5 zone and retain the 40ha minimum for the RU2 zone.
- Amending the **Heights of Building Map** to 9m.

A zoning map extract of the prevailing zone and nearby zones forms **Figure 3**; whilst an extract of the height of buildings map forms **Figure 4**. Whilst the minimum lot size is shown at **Figure 5**. Part of the property is mapped as biodiversity and is addressed in this PPR at **Appendix E**. It is not proposed to amend this map. The property is also shown to be bushfire prone and is addressed in **Appendix D**.



Figure 3: Extract from land zoning map

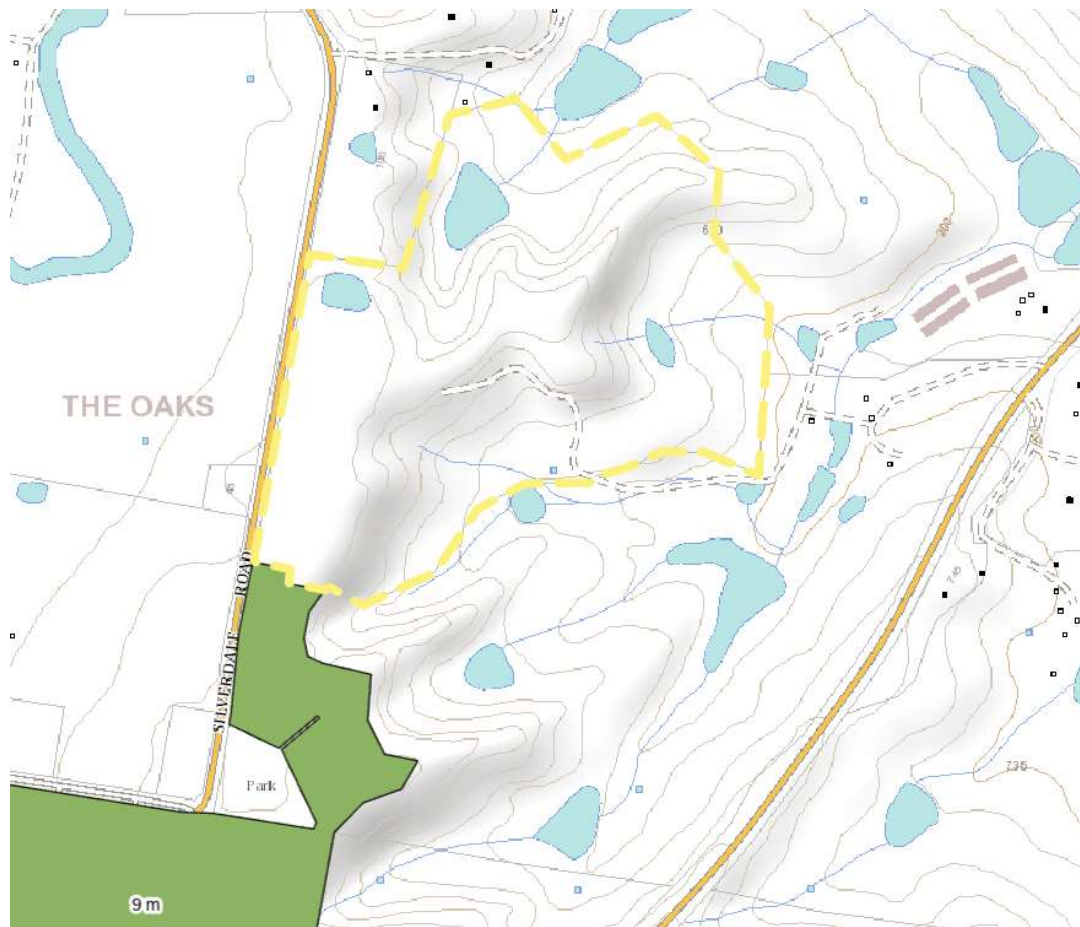


Figure 4: Extract of height of buildings map

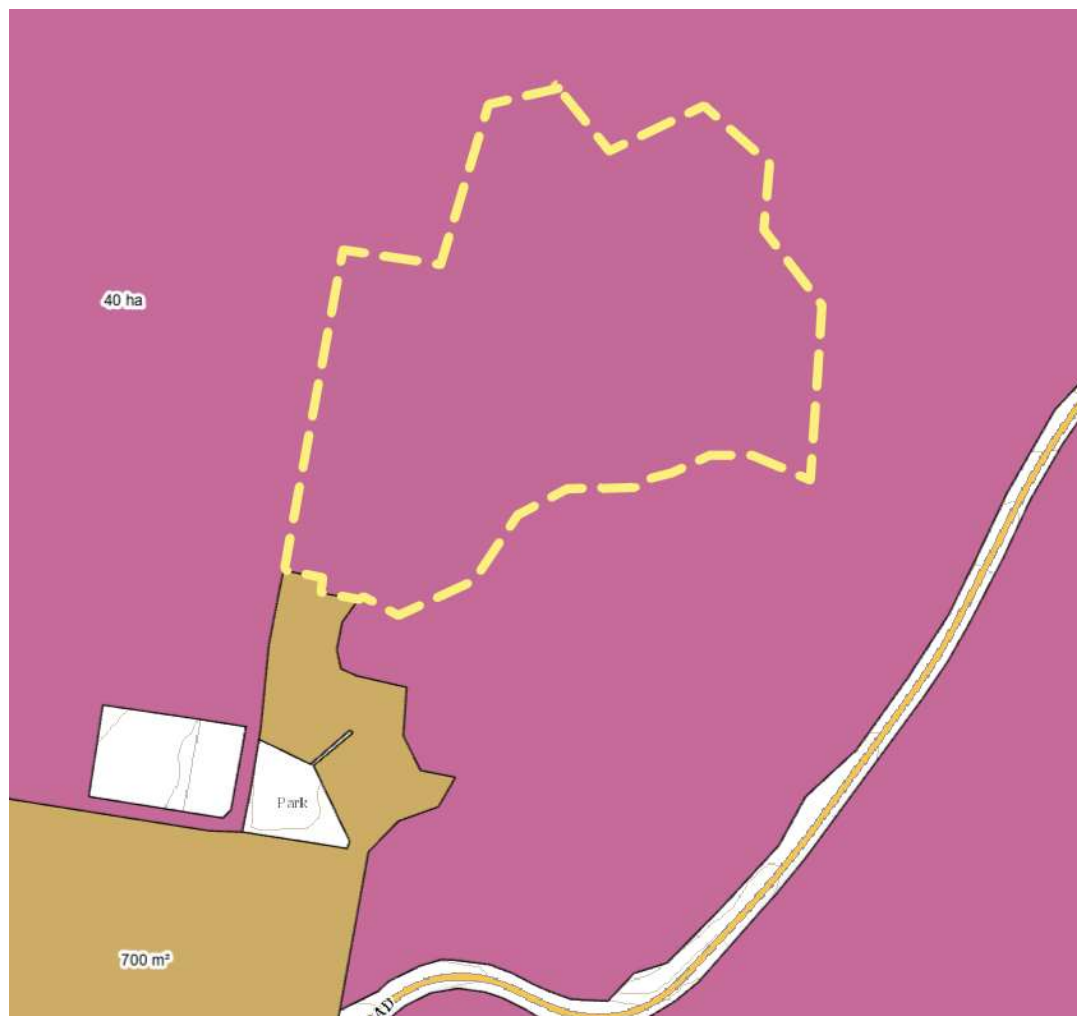


Figure 5: Extract of minimum lot size map

The property is also subject to the following principal development standards:

- Minimum lot size – 40ha.
- Maximum building height – no control.
- Maximum floor space ratio – no control.

Furthermore, the generic provisions of Wollondilly Development Control Plan 2016, as amended, apply to the property.

5 Part 3 – Justification of Strategic and Site-specific Merit

5.1 STRATEGIC MERIT

5.1.1 NEED FOR THE PLANNING PROPOSAL (SECTION A)

5.1.1.1 INTRODUCTION

It is initially noted that the level of justification for a Planning Proposal Request (PPR) should:

- Be proportionate to the impact the planning proposal will have.
- Comprehensive without necessarily being exhaustive.

- Be sufficient to allow a Gateway determination to be made with the confidence that the LEP can be finalised in accordance with the proposed timeframe.

5.1.1.2 IS THE PLANNING PROPOSAL THE RESULT OF ANY STRATEGIC STUDY OR REPORT?

The PPR is considered to be consistent with the Wollondilly Local Housing Study (LHS). This PPR is not the subject of a specific strategic study or report. It does, however, leverage off Carrington's comprehensive market research and industry developments together with the prevailing strategic planning framework.

The Proposal seeks to give effect principally to the relevant housing objectives, priorities, strategies and actions detailed in the:

- Greater Sydney Region Plan
- Western City District Plan, including Metropolitan Rural Area
- Wollondilly Council Community Strategic Plan
- Wollondilly Local Strategic Planning Statement
- Local Housing Strategy

Particularly in respect of providing housing diversity that is responsive to changing demographic and socioeconomic factors. It is also consistent with optimising the use of existing and readily augmented and reticulated service infrastructure, conservation of vegetation and water cycle management.

Finally, the Metropolitan Rural Area (MRA) discussion in respect of consistency with the MRA is provided below.

The Metropolitan Rural Area (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.

5.1.1.3 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

Yes. The PPR is considered to represent the best means of achieving the proposed objectives of facilitating increased compatible building height and rezoning to permit nine (9) large residential lots of a minimum of 4,000m². The proposed objectives and intended outcomes could not be efficiently or effectively achieved through an alternate means.

The proposed amendments include allocating land uses and principal development standards that will facilitate the future development of the site.

5.1.2 RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK (SECTION B)**5.1.2.1 WILL THE PLANNING PROPOSAL GIVE EFFECT TO THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR DISTRICT PLAN OR STRATEGY (INCLUDING ANY EXHIBITED DRAFT PLANS OR STRATEGIES?)**

As noted at Section 5.1.1.2, consistency with the Greater Sydney Region Plan and Western City District Plan is referenced and is expanded upon in the following sections of the PPR.

(a) A Metropolis of Three Cities – The Greater Sydney Region Plan (GSRP)

The GSRP provides a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for the Greater Sydney Region. The Plan is built on a vision of three cities where most residents live within 30 minutes of their job, education and health facilities, services and great places.

The Proposal is importantly consistent with the key objectives in respect of infrastructure, collaboration, liveability, productivity and sustainability, summarised as follows:

A City Supported by Infrastructure**Objective 4 – Infrastructure use is optimised**

The requisite infrastructure to service the proposed development at the density proposed is generally readily available and does not require major augmentation and will involve a low pressure sewer system connecting to the existing system in Browns Road.

It is noted, however, that it is proposed to provide reticulated sewer to obviate any on-site wastewater disposal concerns. In this regard advanced planning with Sydney Water is ongoing.

Objective 6 – Services and infrastructure meet communities' changing needs

Community infrastructure and services will be readily available to service the resultant increase in population. Relevant infrastructure impacts not catered for directly by the proposed development would be addressed with a relevant contribution to Council through the Section 7.11 Contribution Plan.

Objective 7 – Communities are healthy, resilient and socially connected

The future residents will have the opportunity to live a healthy lifestyle that has access to sustainable social and physical infrastructure.

Housing the City**Objective 10 – Greater housing supply**

The land is currently zoned RU2 Rural Landscape with a minimum lot size of 40ha. The proposal will contribute to increased housing diversity, through the provision of 'lifestyle' housing products to meet the diverse market needs for a growing population.

Objective 11 – Housing is more diverse and affordable

The Proposal will facilitate access to diverse housing connected to the existing township of The Oaks that provides a reasonable level of local services.

A City in its landscape

Objective 25 - The coast and waterways are protected and healthier

Appropriate integrated stormwater management will service the Proposal and ensure that acceptable local and broader Nepean River water quality standards are met, and local potential inundation mitigated (refer to **Appendix B**)

Ultimately, it is expected that stormwater and stormwater management strategies will be a requirement of a positive Gateway Determination.

Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced

There will be limited loss of local biodiversity, as the vegetation will be mainly retained. Importantly, landscaping will be introduced to the local environment by the Proposal, as detailed on the landscape plans (refer to **Appendix M**).

Objective 28 - Scenic and cultural landscapes are protected

The site occupies a sensitive location in the local landscape in respect of its location and can be managed with appropriate landscaping (refer to **Appendix M**).

Objective 29 – Environmental, social and economic values in rural areas are protected and enhanced

The Proposal, as identified in the MRA commentary (at 5.1.1.2), is seen to protect and enhance environmental, social and economic values.

A resilient city

Objective 37 - Exposure to natural and urban hazards is reduced.

The proposal is not exposed to any significant natural or urban hazards that are not capable of management. Existing potential bushfire hazard impacts will be managed through a structured approach in accordance with *Planning for Bushfire Protection 2019* and specialist assessment at **Appendix D**. Further, development related landscape plantings make it possible, at a modest scale, to minimise urban heat impacts. Any plantings will be carefully structured so as to not create a bushfire hazard.

(b) Western City District Plan

The Western City District Plan (WCDP) was released in March 2018 and provides a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the vision for Greater Sydney at a District Level. It is founded on 10 Directions, in a manner consistent with the Greater Sydney Regional Plan and reflected in Key Priorities and Actions. As with the GSRP the proposal in the WCDP context is seen to be consistent with the key directions in respect of infrastructure and collaboration, liveability and sustainability in particular:

Planning Priority W1 – Planning for a city supported by infrastructure.

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.

Additionally, it is possible to largely manage stormwater appropriately on-site. Infrastructure impacts will be addressed pursuant to the Council Contribution Plan, as previously referenced.

Planning Priority W12 – Protecting and improving the health and enjoyment of the District's waterways

The proposal is capable of fulfilling stormwater management targets developed for the immediate and broader Nepean River catchments, through a sustainable storm water management system based upon Water Sensitive Urban Design (WSUD) principles (refer to objective 25 of GSRP).

Planning Priority W14 – Protecting and enhancing biodiversity

In respect of biodiversity, Narla Environmental at **Appendix E**, undertook an assessment of the biodiversity values of the site. The assessment was undertaken having regard to the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Act 1999. The assessment concluded that it is not anticipated that the proposed subdivision would impact on threatened species, as long as the impact mitigation measures as outlined in assessment were implemented to reduce impacts to native vegetation and fauna where possible.

Planning Priority W15 – Increasing urban tree canopy cover and delivering Green Grid connections

A targeted landscape planting program and strategic screen plantings and the protection of the vegetation as detailed in **Appendix M**.

Planning Priority W16 – Better managing Rural Area

The subject land is not used for any rural activities, being a vacant parcel of land. It adjoins low density residential development to the south and larger rural properties to the north and east that are used for primary agricultural purposes. A LUCRA assessment accompanies the application at **Appendix F**. The LUCRA assessment provides recommendations and supports the proposal to create nine (9) large residential lots. The subject property is located on the periphery of the township and is well placed to be an extension of the township and act as a 'buffer or transition' between low density housing lots and rural lots. The development location will ensure that future residents undertake day-to-day convenient shopping and utilise the services offered in the township, including schools and child care facilities. Consistency with the MRA was addressed in Section 5.1.1.2. The land is not used for primary production and it is considered that the proposal is not inconsistent with the MRA.

Planning Priority W19 – Reducing carbon emissions

The proposal is essentially a place-based approach to this site. Whilst the proposal is create nine (9) large lots under an R5 zone, the development will be connected to the sewer thereby achieving an increase in water and wastewater efficiency systems for the subdivision. Other energy savings will be introduced in the development of housing to comply with Basix. The property is also accessible to public transport and services within The Oaks.

Planning Priority W20 – Adapting to the impacts of urban and natural hazards and climate change

The site is impacted by principally bushfire. The proposed layout and future building 'envelopes' are not importantly compromised by bushfire hazard planning. Additionally, planting programs will need to ensure potential bushfire hazards are not compounded.

5.1.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH A COUNCIL LSPS THAT HAS BEEN ENDORSED BY THE PLANNING SECRETARY OR GSC, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN?

The proposal is demonstrably consistent with Council's Local Strategic Planning Statement, Community Strategic Plan and Local Housing Strategy as is highlighted in the following overview:

(a) **Wollondilly Local Strategic Planning Statement**

The Wollondilly Local Strategic Planning Statement (WLSPS) was adopted in March 2020. The WLSPS establishes a 20-year landuse planning strategy for the Wollondilly LGA. It outlines the characteristics which shape the area's local identity and directs how future growth and change will be managed.

It is founded upon four (4) themes and planning priorities of infrastructure and collaboration, liveability, productivity and sustainability. The Proposal is generally consistent with the relevant themes, as detailed below:

- Infrastructure and Collaboration.

Planning Priority 11 – Aligning infrastructure provision with community needs

The Proposal seeks to leverage off existing infrastructure and provide onsite support service infrastructure. It is consistent with actions:

- 1.1 Realise relevant VPAs
- 1.2 Ensure infrastructure provision under planning agreements
- 1.3 Ensure provision of local infrastructure through works programs, DAs, neighbourhood plans and planning proposals.

Planning Priority 2 – Embracing innovation to enhance liveable, connected and sustainable communities

The Proposal is capable of embracing smart technology and fulfilling smart technology actions as it develops.

Planning Priority 3 – Embracing a framework for sustainable managed growth

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:

- 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.
- Liveability.

Planning Priority 5 – Providing housing options that meet local needs and match the local character of towns and villages.

The Proposal will contribute to the housing options and lifestyles that characterise the Shire, particularly in respect of 'lifestyle' large lot residential development.

It will align with strategies and actions in the Local Housing Strategy.

Planning Priority 8 – Enhancing vibrant, healthy and sustainable local towns and villages.

The Proposal will complement the existing surrounding villages, leveraging off their character in a place-based development outcome.

- Productivity

Planning Priority 10 – Attracting investment in growing jobs.

The Proposal will provide jobs during the subdivision and dwelling development stages initially; and subsequently in maintenance activities and home businesses and the service centre of The Oaks.

- Sustainability

Planning Priority 12 – Valuing the ecological health of Wollondilly's waterways.

The sustainable management of water quality and water quantity is central to the Proposal, particularly given the protected states of part of the Catchment. Water in the public domain will be managed to ensure stormwater runoff delivers appropriate water quantity and quality outcomes.

Planning Priority 13 – Protecting biodiversity and koala habitat corridors.

The Proposal provides for the retention of the vegetation and corridor linkages externally. This ecological framework would be reinforced with future street tree and domestic plantings.

Planning Priority 14 – Planning high quality well connected open spaces.

The Proposal would rely off-site open space to meet community demand. Relevant contributions will be made to off-site open space.

Planning Priority 15 – Delivery of urban tree canopy.

The Proposal is designed to deliver the subject diverse sustainability outcomes.

The Proposal is noted to retain significant remnants on-site. Additionally, street tree planting and on-site domestic plantings will contribute to an urban tree canopy.

(b) **Community Strategic Plan 2033 (CSP)**

This Community Strategic Plan articulates the community's long-term vision for the Shire to the year 2033. It has five (5) Strategic Directions with supporting aspirations. The Proposal is generally consistent with the Key Directions as attested to below:

- **People**

Wollondilly is promoted to be safe, inclusive and a resilient community, with access to services that support good health and wellbeing.

The Proposal promotes a template for a new community that fulfils the subject objective.

- **Environment**

Wollondilly's pristine and beautiful natural environment is protected, responsibly managed and enhanced.

The Proposal retains significant stands of remnant vegetation and corridor linkages as a central framework for a sustainable residential community.

- **Place and Landscape**

The Shire's unique towns and villages sitting within a beautiful natural landscape. Change is to complement the existing and aspirational qualities. Functional infrastructure is in place, including safe roads.

The Proposal seeks to be sympathetic to the prevailing landscape character as is reflected in the ILP and landscape outcomes referenced above. Functional infrastructure will be provided to service the Proposal either directly or through relevant developer's contributions.

- **Economy.**

Wollondilly is an emerging and dynamic Shire with a thriving and diverse economy. New viable business is encouraged.

The subdivisional and building program ultimately attached to the Proposal will contribute positively to the local economy. Finally, potentially higher disposable incomes attached to "lifestyle" housing will likely reinforce the local economy.

- **Performance.**

The community recognises Council is striving to be a leading local government. Community needs are listened to and excellent customer experience delivered.

Community aspirations for appropriate levels of "lifestyle" housing underpin concepts such as that proposed.

(c) **Local Housing Strategy 2021**

The Wollondilly Local Housing Strategy (WLHS) provides a 20-year vision for housing in the Wollondilly LGA. The WLHS provides a foundation to support the WLSPS and inform a review of Wollondilly Local Environmental Plan 2011.

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.

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.

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.

1) Provide housing in areas that are adequately serviced by infrastructure

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.

2) Provide housing diversity and affordability

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.

3) Plan and coordinate growth for emerging communities

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.

4) Build sustainable and resilient communities that protect and celebrate our environment

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 *Planning for Bushfire Protection 2019*, as the remnant vegetation is retained, so as to ensure a positive environmental outcome (refer to **Appendix D**).

(d) Rural Lands Strategy 2021

The Wollondilly Rural Lands Strategy 2021 (WRLS) provides a framework for managing growth, change and development for rural land in Wollondilly to the year 2040. The two (2) key principles of the Strategy are:

Principle (c) – Managing pressure for rural living opportunities

Principle (d) – Managing places with special landscape, rural and scenic value

These are examined in detail in Part 6 – Focus Area 4 and Part 7 – Focus Area 5, respectively.

1) Managing Rural Residential Growth (Focus Area 4)

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 and is consistent with the Local Housing Strategy.

2) Managing Places with Special Landscape, Rural or Scenic Value (Focus Area 5)

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.

5.1.2.3 IS THE PLANNING PROPOSAL CONSISTENT ANY OTHER APPLICABLE STATE AND REGIONAL STUDIES OR STRATEGIES?

The subject site is the subject to the provisions of the Biodiversity Conservation Act 2016 and State Environmental Planning Policy (Biodiversity and Conservation) 2021 (refer to **Appendix E**). Relevant conservation initiatives are clearly identified and the existing tree retention and tree planting is detailed at **Appendix M**.

5.1.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The Planning Proposal would address and/or be consistent with all relevant State Environmental Planning Policies (SEPPs). The following outlines the relevant SEPPs and consistency of the Planning Proposal.

State Environmental Planning Policies (SEPPs)	Consistent	Comments
SEPP (Primary Production) 2021	N/A	The proposal is not for primary production or rural development, nor does it impact on rurally zoned land.
SEPP (Resilience and Hazards) 2021 Chapter 3 – Hazardous and Offensive Development Chapter 4 Remediation of Land.	N/A Consistent	Does not apply to the PPR. The Proposal is subject to the provisions of Chapter 4 in respect of remediation of land (refer to Appendix H). A Stage 1 Preliminary Site Investigation (PSI) has been undertaken and a potential trigger for further investigation, did not identify the site as unsuitable, subject to any reasonable remediation practices for the proposed development.
SEPP (Exempt and Complying Development) 2008	Consistent	The Codes SEPP does not apply to the proposed development. However, the SEPP will continue to be permissible.
SEPP (Sustainable Buildings) 2022		Will be central to the building design and will be addressed at the development application stage
SEPP (Resources and Energy) 2021 – Chapter 2 Mining, petroleum production and extractive industries	N/A	The PPR does not result in any mining, petroleum production and/or extractive industry.
SEPP (Housing) 2021	Consistent	The delivery of housing is permissible with consent in the proposed R5 zone of the WLEP 2011. Further, the proposal is generally consistent with the site standards to be complied with as being that the height of buildings is limited to 9m in the adjoining R2 zone.

SEPP (Planning Systems) 2021	Consistent	The Planning Proposal is not identified as State Significant Development, or of a scale and capital value that could trigger the subject provisions.
Chapter 2 – State and Regional Development		Does not apply to the PPR.
Chapter 3 – Aboriginal Land		Does not apply to the Wollondilly LGA.
Chapter 4 – Concurrence		The PPR does not change the way the SEPP applies to the land.
SEPP (Biodiversity and Conservation) 2021	Consistent	It is proposed to conserve and retained, where possible, existing vegetation. The proposed landscape palette reflected in Appendix M will also contribute to enhanced local biodiversity.
Chapter 2 – Vegetation in non-rural areas		
Chapter 3 – Koala Habitat Protection 2020	N/A	Applies to the Wollondilly LGA.
Chapter 4 Koala Habitat Protection 2021	N/A	Applies to the Wollondilly LGA.
Chapter 6 Water Catchments	Consistent	The proposal introduces controlled urban stormwater management infrastructure.
Chapter 13 Strategic Conservation Planning	Consistent	Future development is able to be undertaken in accordance with this chapter. The land is not classified as “avoid” land.
SEPP (Transport and Infrastructure) 2021	Consistent	This SEPP is relevant to particular development categories. The proposal may be referred to Transport for NSW in accordance with the SEPP. However, it is a not a traffic generating development with nine (9) lots (refer to Appendix Q).
Chapter 3 – Education Establishments and Childcare Facilities	Consistent	A childcare facility is not proposed on the subject property.
SEPP (Industry and Employment) 2021	Consistent	Chapter 3 – Advertisement and Signage will not apply to the future development.
SEPP (Precincts - Western Parkland City) 2021	N/A	The site does not form part of any precinct in the Western Parkland City.
SEPP (Precincts - Eastern Harbour City) 2021	N/A	The site does not form part of any precinct in the Eastern Harbour City.

SEPP (Precincts – Central River City) 2021	N/A	The site does not form part of any precinct in the Central River City.
SEPP (Precincts – Regional) 2021	N/A	The site does not form part of any precinct in the Regional area.

The Housing SEPP 2021

The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) provides provisions for certain housing developments. The proposal is not inconsistent with the SEPP.

5.1.2.5 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS SECTION 9.1 OF THE ACT?

The Planning Proposal is consistent with all relevant section 9.1 Directions. An overview assessment of these is outlined in the table below.

S9.1 Direction Title	Comments
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	The site is consistent with the Regional and District Plan as previously detailed.
Development of Aboriginal Land Council Land	This Ministerial Direction is not relevant to the proposal as the site does not include any Aboriginal Land Council land.
1.3 Approval and Referral Requirements	The Proposal is consistent with this direction as it does not introduce any additional or new referral requirements.
1.4 Site Specific Provisions	The Proposal is consistent with this direction as it does not introduce any site-specific provisions.
Focus Area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable to the Wollondilly LGA.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable to the Wollondilly LGA.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to the Wollondilly LGA.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation	Not applicable to the Wollondilly LGA.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to the Wollondilly LGA.
1.10 Implementation of the Western Sydney Aerotropolis Plan	This Ministerial Direction is not relevant to this proposal.

1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable to the Wollondilly LGA.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable to the Wollondilly LGA.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable to the Wollondilly LGA.
1.14 Implementation of Greater Macarthur 2040	Not applicable to the Wollondilly LGA.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable to the Wollondilly LGA.
1.16 North West Rail Link Corridor Strategy	Not applicable to the Wollondilly LGA.
1.17 Implementation of the Bays West Place Strategy	Not applicable to the Wollondilly LGA.
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable to the Wollondilly LGA.
1.19 Implementation of the Westmead Place Strategy	Not applicable to the Wollondilly LGA.
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable to the Wollondilly LGA.
1.21 Implementation of South West Growth Area Structure Plan	The Proposal is consistent with the Direction
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable to the Wollondilly LGA.
Focus Area 2: Design and Place	
This focus area was blank when the Directions were made and this Planning Proposal was prepared. However, the proposal will not include housing the subject of this Focus Area.	
Focus Areas 3. Biodiversity and Conservation	
3.1 Conservation Zones	The Proposal is not inconsistent with the Direction. The Proposal does not reduce conservation standard.
3.2 Heritage Conservation	The site or immediate vicinity is not within a heritage conservation area. An Aboriginal Assessment was undertaken for the site at Appendix C . The assessment determined that the site is not impacted by aboriginal artefacts.
3.3 Sydney Drinking Water Catchments	Applicable to the Wollondilly LGA and addressed in Appendix S .
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to the Wollondilly LGA.
3.5 Recreation Vehicle Areas	This Ministerial Direction is not relevant to the Proposal.
3.6 Strategic Conservation Planning	Vegetation will be protected, where applicable (Appendix E).

3.7 Public Bushland	Not applicable to this Proposal.
3.8 Willandra Lakes Region	Not applicable to this Proposal.
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable to this Proposal.
3.10 Water Catchment Protection	The Proposal is consistent with the Direction. The Proposal would not have any adverse impact on water quality, water bodies or their ecological connectivity.
Focus Area 4. Resilience and Hazards	
4.1 Flooding	A flood study has been prepared at Appendix B . Stormwater runoff from upstream properties will be managed.
4.2 Coastal Protection	Not applicable to the Wollondilly LGA.
4.3 Planning for Bushfire Protection	The site is identified on Council's Bushfire Prone Land mapping. This aspect of the PPR is addressed in Appendix D .
4.4 Remediation of Contaminated Land	The site has been the subject of a Stage 1 Preliminary Site Investigation which establishes the site is suitable for housing/accommodation as part of the rezoning process for in Appendix H . Further investigation may be required at the Development Application stage.
4.5 Acid Sulfate Soils	The site is not identified to contain acid sulfate soils due to the elevation of the land – Appendix I .
4.6 Mine Subsidence and Unstable Land	The land is not located in a Mine Subsidence district.
Focus Area 5: Transport & Infrastructure	
5.1 Integrated Land Use Transport	The Proposal is consistent with the objective of improving access to housing (a) and supporting viable public transport (b). The proposal is adequately serviced by public transport consisting of bus services. It will therefore increase the supply of housing in a location adequately serviced by public transport. The traffic generation associated with the proposal is considered to be acceptable and will not impact the surrounding road network.
5.2 Reserving Land for Public Purposes	The Proposal does include provisions and dedication of land for public services and facilities.
5.3 Development Near Regulated Airports and Defence Airfields	The Ministerial Direction is relevant to the Proposal as the site is within the vicinity of a licensed aerodrome, being The Oaks Airport.
5.4 Shooting Ranges	The Ministerial Direction is not relevant to the proposal as there are no shooting ranges located on the site or in proximity.
Focus Area 6: Housing	

6.1 Residential Zones	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: 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. 2(a) draws on the service provision in the LEP (b) Increases the residential density.
6.2 Caravan Parks	The Ministerial Direction is not relevant to the proposal.
Focus Area 7: Industry and Employment	
7.1 Business and Industrial Zones	Not applicable to this proposal.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable to the Wollondilly LGA.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to the Wollondilly LGA.
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	To date no mining has been approved to be undertaken below the site.
Focus Area 9: Primary Production	
9.1 Rural Zones	Not applicable to the Proposal. 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.
9.2 Rural Lands	Applicable to the Proposal, 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.
9.3 Oyster Aquaculture	Not applicable to Proposal
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to the Wollondilly LGA.

5.2 SITE-SPECIFIC MERIT

5.2.1 ENVIRONMENT, SOCIAL AND ECONOMIC IMPACT (SECTION C)

5.2.1.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITATS OR THREATENED SPECIES, POPULATIONS, ECOLOGICAL COMMUNITIES OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED BECAUSE OF THE PROPOSAL?

An extensive Biodiversity Assessment was undertaken and presented as **Appendix E**.

Notwithstanding, the Proposal will be subject to rigorous review at the development application stage in respect of:

- SEPP (Biodiversity and Conservation) 2021.
- SEPP ((Resilience and Hazards) 2021.
- SEPP (Sustainable Buildings) 2022.
- The CPCP.
- Wollondilly LEP 2011.
- Wollondilly DCP 2016.

In managing the vegetation, bushfire hazard management will be a central consideration. It is, however, noted the likely Asset Protection Zone (APZ) requirements are located on the periphery of the proposed subdivision in accordance with the principles of *Planning for Bushfire Protection 2019*.

5.2.1.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS OF THE PLANNING PROPOSAL TO BE MANAGED?

The principal other impacts potentially associated with the Proposal and relevant related management principles are detailed below and contained in relevant specialist reports.

(a) Bushfire Hazard

The subject site, as previously identified, is mapped as bushfire prone on Council's Bushfire Hazard Map. A specialist assessment has established Bushfire Attack Levels (BAL) in accordance with Planning for Bushfire Protection (PBP) 2019 (Table A1.12.5) and depicted in **Figure 7** (refer to **Appendix D**) by Midcoast Building and Environmental and initially endorsed by the NSW Rural Fire Service.



Figure 7: Bushfire Hazard Map

As a management response, Asset Protection Zones (APZs) have been appropriately incorporated in the Master Plan. Additionally, those buildings affected (wholly or partially) by the BAL-12.5 area are required to be designed and constructed to comply with BAL-12.5 of Australian Standard AS 3959-2018 *Constructions of buildings in bushfire-prone areas* (AS 3959). It is noted that the NSW variation to AS 3959 is also to be applied to the BAL-12.5 requirements.

(b) Aboriginal Archaeology

An Aboriginal Cultural Heritage Due Diligence Assessment was undertaken by Austral Archaeology at **Appendix C**. The results of the survey provide the following outcomes:

The survey then covered each side of the drainage ditch, as well as the large berm along Silverdale Road. Communications with the client dated the excavation of the ditch as being contemporaneous with the construction of housing south of the current study area.

One tree was noted to be within the proposed development footprint and was confirmed as being planned for removal; it was concluded that the conditions were indicative of new-growth vegetation and contained no scars or markings.

Several previous disturbances were identified within the study area, including:

- Construction of an access road;

- Installation of fencing;
- Creation of informal livestock trails throughout the property;
- Creation of the drainage depression;
- the subsequent deposition of spoil to the immediate west of said depression; and
- Addition of the large berm along Silverdale Road.

Overhead powerlines were identified as running east-west across the study area. However, there was no evidence of their installation and ongoing use having contributed to any significant disturbances within the study area proper. Though much of the survey area has been farmed, historical aerial imagery indicates the ridgeline portion was not heavily disturbed during the farming period.

Visibility was estimated to be approximately 10% – 20% based on the presence of dense grasses. Some areas of exposure were present along the drainage and ridgeline, as well as within livestock trails. This accounted for approximately 10% of the survey area. Exposures were noted to contain worn sandstone pebbles but no artefacts.

The survey area was found to be relatively flat, though a roughly 15-metre swatch on either side of the drainage appears to have been excavated to channel surface water into the channel. Most notably, a ridgeline is present along the treeline at the eastern perimeter of the survey area, which provides exceptional eastern views.

(c) Contamination

Based on the results a Detailed Site Investigation (DSI), and the opinion offered by the report writer the risk of gross ground contamination from previous landuse activities causing adverse health risk to future occupants of the property is considered low and therefore the site is suitable for the proposed development undertaken by GeoEnviro (refer to **Appendix H**).

Within the context of the scope of work, we are of the opinion that the risk of gross chemical contamination within the Subject Site is generally considered to be low and therefore suitable for the proposed residential subdivision development subject to removal of the Asbestos impacted fill in TP 8 and 17 to an EPA approved landfill facility. The removal of the asbestos impacted material may be undertaken during earthworks and road construction. Following excavation of the impacted material, these areas should be validated by sampling and laboratory analysis to ensure all asbestos impacted material is removed from the areas.

The proposed residential development would need to take into consideration the following environmental issues;

- Fill was encountered over the majority of the site with traces of anthropogenic materials (ie asphalt, concrete, glass, metal, plastic, tile and Styrofoam fragments). Further assessment or validation of the insitu fill may be carried during earthworks/construction. Should contamination be present during development, remediation and validation will be required to ensure the site is made suitable for the proposed development.
- General fill soils removed from the property must first be formally classified as per the EPA NSW Waste Classification Guidelines - Part 1: Classifying Waste (Nov 2014) prior to disposal. It is recommended that the waste classification sample be collected from stored stockpiles during the excavation procedure.
- Any imported fill shall be sampled prior to importation and shall conform to VENM (virgin excavated natural material) as per EPA NSW Waste Classification Guidelines - Part 1: Classifying Waste (Nov 2014).
- Though our investigation did not encounter widespread contamination, it is still possible for localised contamination to occur in areas not investigated. Should contamination be encountered during construction, all works should cease and an "Unexpected Asbestos Finds Protocol" as outlined in Appendix F should be initiated.

(d) **Geotechnical and Salinity**

It respect of geotechnical and salinity issues, GeoEnviro at **Appendix I** carried out an assessment of the subject site in conjunction with the DSI. The assessment and recommendations are provided at Section 7 of the report.

(e) Services

Initial advice from Sydney Water is provided to indicate that the proposed subdivision can be connected to the existing system (**Appendix K**). Powerline Design at **Appendix L** has provided evidence that the proposed subdivision can be serviced by the existing system network.

(f) Flora and Fauna

In respect biodiversity issues, Narla Environmental undertook a flora and fauna assessment report at **Appendix E**. The assessment concludes:

This assessment indicates that the relevant provisions of the Environmental Planning and Assessment Act 1979, Biodiversity Conservation Act 2016, and Environmental Protection and Biodiversity Conservation Act 1999 have been satisfied.

In summary, the proposed rezoning is likely to impact 0.79ha of native vegetation across the following vegetation communities:

- 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.

In addition to these areas of native vegetation, approximately 4.44ha of Exotic Dominated Grassland will also likely be impacted by the proposed rezoning.

All trees to be removed will be replaced with locally sourced, nursery stock, at a ratio of 3:1, with native species within the proposed residual lot, representative of the Cumberland Plains Woodland Critically Endangered Ecological Communities to ensure a net gain in biodiversity across the Subject Property.

The impact upon 0.67ha of CSPW comprises 4.44% of the locally occurring CEEC, Cumberland Plain Woodland in the Sydney Basin Bioregion within the Subject Property.

BC Act Tests of Significance (5 part-Tests) and EPBC Assessments of Significant Impact were conducted for all potentially occurring threatened species with the potential to be impacted by the proposed activity. It was determined that the proposed activity will not have a significant impact on any potentially occurring threatened entities.

It is not anticipated that any threatened flora or fauna will be impacted by the proposed activity as long as the impact mitigation measures outlined in this report, are to implemented to reduce impacts to native vegetation and fauna where possible.

(g) Land Use Conflict

As the proposed subdivision adjoins rural land, Council requested a Land Use Conflict Risk Assessment report (LUCRA). MNC Agronomy prepared the assessment at **Appendix F**. The assessment provided the following recommendations:

With only a very small amount of grazing land between the farmland boundary fence and the vegetation/escarpment, the biodiversity layer established east of the fence does act to substantially fortify and increase the physical buffer in place. Actions recommended to maintain this buffer are:

- Maintain existing and established large tree species (in the biodiversity layer) for rural amenity reasons as well as enhanced mitigation benefits.
- Utilise this zone between the residential boundaries and the farmland boundaries as a buffer zone where weeds are controlled regularly utilising selective herbicides and/or mechanically (e.g. physical removal, mowing or forestry mulcher).

- Ensure fence, stock-grid and gates (access to the remaining farmland) are maintained in working order at all times.

(h) Odour Impact Assessment

In respect of issues raised regarding potential odour impacts from the nearby poultry farm operation, Zephyr Environmental has undertaken an assessment at **Appendix R**. The results of the assessment are concluded as:

In line with government guidance, a Level 1 screening assessment has been completed to determine the likely risk of odour impacts at this location due to a small poultry farm approximately 750 m to the west of the development site (refer to **Figure 8**). A site inspection was carried out to understand the local site factors so these could be used to complete the assessment. The screening assessment determined that the appropriate separation distance would be approximately 407 m and as a result the farm would be unlikely to cause adverse odour impacts at the development site.

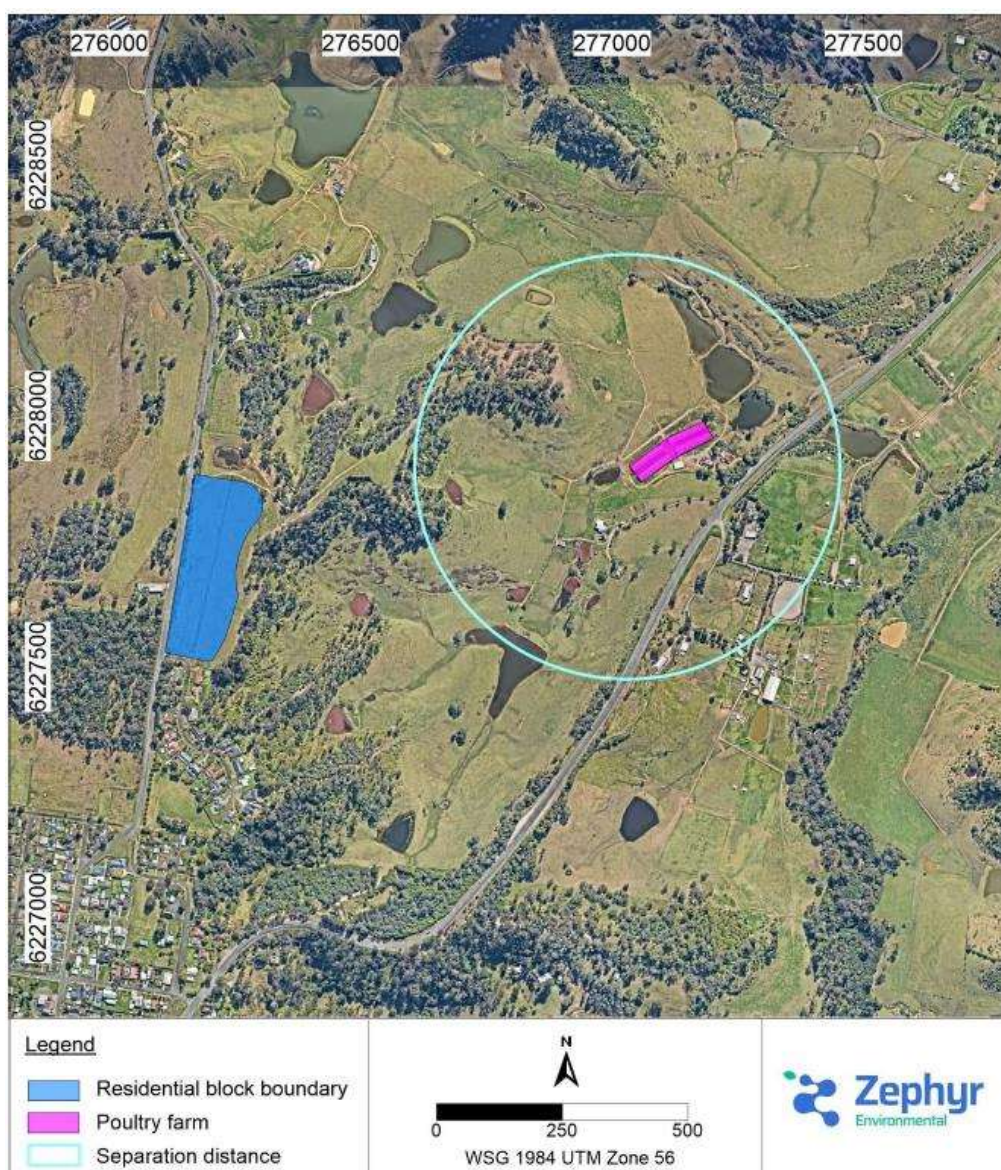


Figure 8: Separation Distance

(i) Social Impact Statement

In response to providing a Social Impact Statement, such is provided at **Appendix G**.

(j) Flood Study

In respect of potential localised flood impacts, Siteplus at **Appendix B** undertook an assessment of the site. The assessment states:

The following conclusions can be made regarding the flood study:

- All of the proposed lots are located outside the of 1%AEP flood extents.
- Proposed habitable floor levels are to be a minimum of 0.5m above the 1% AEP flood level.
- During the PMF occupants from the proposed lots can safely access Silverdale Road which is floor free.
- The existing Dam attenuates flow from the development in its current state and leads to no increases in flood levels or hazard downstream of the development.

(k) Traffic

In respect of the potential traffic impacts from the subdivision, Positive Traffic at **Appendix Q** has provided an assessment. The assessment states that:

With a total yield of only 9 lots, application of the Transport for NSW recommended peak hour traffic generation rates for single residential dwellings within a regional context would equate to some 6-7 additional peak hour trips on the surrounding network or 1 vehicle every 9-10 minutes during each peak hour.

The additional traffic generated by this small residential subdivision would have an immaterial impact on the functioning of Silverdale Road and the immediate surrounding network.

Having regard to existing speed zones in Silverdale Road, the vehicle access to the residential subdivision would be within both a 50km/hr speed zone (Browns Road) and an 80km/hr speed zone (new connection with Silverdale Road).

The available sight distance for exiting traffic measured from drivers height (1.15m) was recorded during the site inspection for both proposed intersection connections to serve the subdivision. The available sight distance for traffic exiting the subdivision via either access connection to Silverdale Road would well exceed the minimum requirements of Austroads for exit movements.

(l) Sydney Water Drinking Catchment

With potential impact on the drinking catchment, Siteplus has plotted the line where the property is shown to be affected by the SEPP. The plan shows that there is a small slitter along the Silverdale Road frontage (**Appendix S**). It is considered that the subject property does not have an impact on the water quality and the flood and stormwater drainage plans adequately address this aspect of the proposal.

5.2.1.3 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

The Proposal, upon implementation, will provide a range of positive social and economic benefits to the local area. specifically, the Proposal will provide:

- A diversity of housing lots.
- Positive local construction and development related economic impacts (materials, services, jobs).
- Limited “work from home” opportunities.

Importantly, there is the potential, upon planning resolution and the granting of approvals, to fast track the initial stages of the Proposal, with some of the positive local social and economic impacts referenced above.

5.2.2 INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH) (SECTION D)

5.2.2.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

Service infrastructure planning underpins the delivery of the Proposal. The Proposal will initially leverage off existing trunk services in the vicinity of the site, whilst adopting sustainability principles. A preliminary service infrastructure strategy has been compiled and is presented as **Appendix K**; whilst electrical supply is addressed at **Appendix L**.

The Proposal will be characterised by integrated stormwater management, potable water and sewer management strategies. The site's natural blue-green assets and proposed naturalistic assets will provide the basis for a fully integrated water cycle management system that fulfils Council's water quality targets and water quantity and flood mitigation requirements, including acceptable downstream impacts.

Any amplification/enhancement and provision of both onsite and offsite infrastructure, including community infrastructure, will involve relevant contributions under Council's Section 7.11 Contribution Plan.

5.2.3 STATE AND COMMONWEALTH INTERESTS (SECTION E)

5.2.3.1 WHAT ARE THE VIEWS OF STATE AND FEDERAL PUBLIC AUTHORITIES AND GOVERNMENT AGENCIES

The "Gateway" determination will identify the nature and extent of consultation required with State or Commonwealth Public Authorities. This may include:

- Consultation required by section 3.25 of the EP&A Act pertaining to critical habitat or threatened species populations, ecological communities or their habitats.
- Consultation with broad ranging authorities required in accordance with a Ministerial Direction under section 9.1 of the EP&A Act: and
- Consultation that is required because in the opinion of the Minister (or delegate), a State or Commonwealth public authority will or may be adversely affected by the proposed LEP amendment.

6 Mapping (Part 4)

The following mapping amendments and additions to Wollondilly Local Environmental Plan 2011 (WLEP2011), as summarised in Section 4 (Part 2), are proposed. Such mapping is to be prepared in accordance with the Department of Planning and Environment's "Standard Technical Requirements for Spatial Datasets and maps".

The subject mapping importantly seeks to contain sufficient information to explain the substantive effect of the proposed LEP amendments.

Item	Change to zoning maps of WLEP 2011 for the subject land	Proposed Amendment/Action	Map changes
1	Currently the subject land does not contain a height control	Amend the relevant Height of Buildings Map sheet to reflect the proposed height of 9m, commensurate with adjoining residential land.	In accordance with the height of building action at Appendix O .
2	Currently the subject land is zoned RU2 Rural Landscape.	It is proposed to rezone part of the land to R5 Large Lot Residential.	In accordance with the land zoning map, depicted in Appendix P .

3	Currently the minimum lot size is 40ha.	It is proposed that the proposed nine (9) lots have a minimum lot size of 4,000m ² .	In accordance with the minimum lot size map, depicted in Appendix N .
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7 Community Consultation (Part 5)

A relevant Planning Proposal will be subject to community consultation in accordance with Council's Community Participation Plan. It is noted that the Scoping Proposal was referred to the following authorities and government agencies:

- 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.

A summary of the initial comments was provided in written advice dated 5 December 2023. The following Table addresses the various comments from the authorities, and it should be noted that the comments from the authorities are based on the original proposal for seventeen (17) lots and has been amended to nine (9) lots.

Authority	Comments	Response
Department of Primary Industries – Agriculture	Inconsistent with various strategic documents.	Whilst potentially inconsistent with the strategic documents, the subject property is a logical extension of this part of The Oaks for larger lot residential and a transition between standard lots and the larger agricultural lands to the east and north. This part of the land has little agricultural sustainability.
	Land use conflicts with agricultural lands.	Land use conflicts is addressed by MNC Agronomy at Appendix F . Actions recommended to maintain this buffer are: • Maintain existing and established large tree species (in the biodiversity layer) for rural amenity reasons as well as enhanced mitigation benefits. • Utilise this zone between the residential boundaries and the farmland boundaries as a buffer zone where weeds are controlled regularly utilising selective herbicides and/or mechanically (e.g.

	LUCRA report did not address the nearby poultry farm.	physical removal, mowing or forestry mulcher). • Ensure fence, stock-grid and gates (access to the remaining farmland) are maintained in working order at all times. If the land was capable of being used for agricultural purposes, it would conflict with the adjoining low density residential land in Browns Road. With respect to the issue of an appropriate odour buffer and landuse conflicts, Zephyr Environmental has undertaken an assessment of the potential impacts at Appendix R.
NSW State Emergency Service	Concerned with potential impacts of flooding.	A flood study was prepared by Siteplus at Appendix B . All the proposed lots are located outside the 1% AEP flood line and future dwellings can be constructed above the 1% AEP with 500mm freeboard. An emergency evacuation plan can be prepared, if necessary.
Department of Planning and Environment.	Any Planning Proposal should address the reasons why the previous application was refused and address strategic framework. Biodiversity protection to be addressed. The previous issues were: 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	Essentially the previous application was refused, as the applicant did not provide the necessary studies and the Gateway Determination had expired. The strategic framework for the subject proposal is addressed in this PPR application. Biodiversity addressed at Appendix E. The proposal will have minimal impact on flora and fauna species. Austral Archaeology undertook an assessment at Appendix C. The report provides recommendations and requires a ACHA to be completed prior to any works commencing on site. All the identified studies required by the previous Gateway Determination have been undertaken to support the proposal. Where there is inconsistency with these planning frameworks, justification has been provided to support the proposal.

	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 referenced Directions no longer apply. Notwithstanding, the environmental aspects of the proposal have been addressed by the various consultants. Aboriginal heritage has been addressed and bushfire aspects of the proposal have been approved by the RFS.
NSW EPA	The application should be supported by a contamination assessment.	A preliminary site investigation report is provided at Appendix H. The report has provided recommendations for the removal of contaminated soils. The soils do not impact of the land being rezoned and developed for residential purposes.
Department of Planning – Heritage	An aboriginal due diligence assessment should be undertaken.	An aboriginal cultural heritage due diligence assessment is provided at Appendix C. The assessment has provided recommendations to address any potential impacts.
NSW Rural Fire Service	The Service did not support the proposal for 17 lots.	The application was amended to create 9 lots with a perimeter road and is supported.
Sydney Water	Water servicing is available and sewer constraints at West Camden System Catchment.	A feasibility application has been lodged with Sydney Water at Appendix K and this should not delay the application proceeding to Gateway Determination. We understand that the West Camden Treatment Plant is currently being upgraded and should be commissioned 2026. This will coincide with the development of the proposed subdivision.
Transport for NSW	TfNSW has no requirements as the proposal is unlikely to have a significant impact on the road network.	A traffic assessment is provided at Appendix Q.
Subsidence	Land not affected by subsidence.	No action required.
Jemena	No infrastructure within the vicinity of the site.	No action required.
NSW Resources	No resource sterilisation issues.	No action required.

The comments were addressed by the various consultants.

This will initially involve informal community engagement. The engagement outcomes will be considered as Council advances the Planning Proposal to review by the Wollondilly Local Planning Panel and a formal Council Meeting merit based decision. Initial submitters will be notified of the subject Council meeting and afforded an opportunity to comment. Should Council support the Proposal it will be forwarded to the Department of Planning and Environment for a Gateway Determination. In the event of a positive Gateway Determination community consultation/public exhibition and government authority/agency consultation requirements will be outlined.

The recently adopted Local Environmental Plan Making Guideline recommends a maximum period of 20 days³ for “standard” Planning Proposals and compliance with any local Council Community Participation Plan and 30-40 days with Government Authorities/Agencies⁴.

8 Project Timeline (Part 6)

The following notional timeline is proposed for advancing the subject Planning Proposal.

Action / Stage	Target Date
Lodgement of Planning Proposal Request with Council	May 2024
Community and limited public Authority consultation Review by Council/Local Planning Panel	June 2024 July 2024
Report to Local Planning Panel Report by Council supporting Gateway Application Referral to Department of Planning and Environment for a Gateway Determination	August 2024 October 2024 November 2024
Anticipated commencement date (Date of Gateway Determination)	January 2025
Anticipated timeframe for completion of additional required technical / study information	March 2025
Community and Authority Consultation	April 2025
Consideration of submissions by Council and potential amendments (Note: Assumes no public hearing)	May 2025
Report to Council	July 2025
Submission to Department of Planning and Environment to finalise the LEP amendment	August 2025
Anticipated making of LEP amendment if delegated	September 2025

³ Excluding the period 20 December to 10 January (inclusive)

⁴ The inference being 30 days for “standard” proposals

Anticipated date of LEP amendment notification to Department of Planning, Housing and Infrastructure	December 2025
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Having regard to the preceding notional timeline it is anticipated that a timeframe of approximately 15 months should be provided to complete the relevant LEP amendment.

9 Conclusion

The subject PPR has been compiled to facilitate delivery of the development, which leverages off the site's natural qualities and setting and access to existing service infrastructure available within the immediate area. Such infrastructure will be extended to the subject property, which includes connection to sewer and therefore addresses any likely impact on water catchments.

The PPR is importantly demonstrated to initially exhibit Strategic Merit in terms of facilitating important housing, infrastructure and natural environmental outcomes detailed in the objectives, priorities, strategies and actions of the:

- Greater Sydney Region Plan.
- Western City District Plan.
- Wollondilly Council Community Strategic Plan.
- Wollondilly Local Strategic Planning Statement.
- Wollondilly Housing Strategy.

and further documented in compliance with the relevant SEPPs and Section 9.1 Directions.

The PPR has also demonstrated site-specific merit. It is the product of an extensive site analysis, inclusive of a range of specialist technical studies. The proposed amendments to the planning controls detailed in this PPR are accordingly considered reasonable and critical to the delivery of this proposal. Accordingly, it is recommended that the PPR inform a relevant Council PP and be endorsed by Council for a Gateway Determination by the Department of Planning, Housing and Infrastructure.

APPENDIX “A” – CONCEPT SUBDIVISION PLAN

APPENDIX “B” – FLOOD STUDY

APPENDIX “C” – ABORIGINAL CULTURAL HERITAGE DUE DILIGENCE REPORT

APPENDIX “D” BUSHFIRE ASSESSMENT

APPENDIX “E” FLORA AND FAUNA ASSESSMENT

**APPENDIX “F”
LAND USE CONFLICT RISK ASSESSMENT**

APPENDIX “G” – SOCIAL IMPACT STATEMENT

APPENDIX “H” – CONTAMINATION ASSESSMENT

APPENDIX “I” – GEOTECHNICAL AND SALINITY ASSESSMENT

APPENDIX “J” – SURVEY

APPENDIX “K” – SERVICES – SEWER, WASTEWATER & POTABLE WATER

APPENDIX “L” – ELECTRICITY SUPPLY

APPENDIX “M” – LANDSCAPE PLANS

APPENDIX “N” – MINIMUM LOT SIZE MAP

APPENDIX “O” – HEIGHT OF BUILDINGS MAP

APPENDIX “P” – LAND ZONE MAP

APPENDIX “Q” – TRAFFIC IMPACT ASSESSMENT

APPENDIX “R” – ODOUR IMPACT ASSESSMENT

APPENDIX “S” – DRINKING CATCHMENT BOUNDARY

ASSESSMENT AGAINST LOCAL AND STATE DOCUMENTS

This document includes an assessment of the planning proposal against the following Local and State Legislation and Planning Documents:

- 1. Western City District Plan 2018
- 2. Wollondilly 2040: Local Strategic Planning Statement (LSPS)

1. Assessment against the Western City District Plan 2018

The *Western City District Plan* is a 20-year plan that guides implementation of the *Greater Sydney Region Plan* and acts as a bridge between regional and local planning. It outlines a number of directions, priorities and actions for managing growth, delivering infrastructure and protecting and enhancing bushland and biodiversity.

The proposal is deemed to be **not consistent** with the District Plan.

The below table provides an assessment of the planning proposal against relevant priorities in the plan:

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
W1 Planning for a city supported by infrastructure.	Not consistent	This priority of the District Plan encourages to better align growth with infrastructure. Accommodating homes needs to be linked to local infrastructure. According to the District Plan, Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional density opportunities. To address housing supply, local housing strategy (LHS) has been developed to identify the right locations for growth, including areas that are suitable for change in the short to medium term. The site is not identified for future local growth in Council's LHS. Furthermore, Sydney Water has indicated that it cannot support any additional urban growth in the Oaks area until 2028. The proposal lacks the necessary

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
		infrastructure (e.g. wastewater management) and strategic importance to accommodate additional housing at this time.
W2 Working through collaboration.	Not consistent	This priority of the district plan encourages collaboration between government and stakeholders in planning to deliver improved planning outcomes that support growth and change. There is no recognized need for collaboration or enhanced planning. Wollondilly has a comprehensive housing strategy in place, and a key finding is that the region has sufficient land capacity to meet housing demand over the next 20 years, until 2041. There is no housing supply gap in the area, as the current supply of planned and supported housing is sufficient to accommodate the projected number of households for the Local Government Area (LGA). No need is identified for collaboration or improved planning outcomes that support growth and change.
W3 Providing services and social infrastructure to meet people's changing needs.	Not consistent	This priority of the district plan encourages improving liveability by creating the 30-minute city aspiration. The development of the site will not support the co-location of infrastructure and public transport, forcing people to rely on their cars for mobility. There is no train station in Oaks, and public transport options like buses are limited. Additionally, essential community facilities such as libraries, community centers, adult education, and sports and recreation amenities are needed to foster social connections. However, the proposal primarily promotes more low-density housing, which is not identified as a priority in the local housing strategy. Unplanned and unmanaged growth puts additional pressure on existing services and infrastructure, such as schools and recreational facilities, many of which are already at or near capacity.
W4 Fostering healthy, creative, culturally rich	Not consistent	This priority of the district plan emphasizes on better utilisation of land. Targeted delivery of services and infrastructure is needed to support growth and socially connected communities. Accessible

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
and socially connected communities.		jobs and employment services are important for all people across the District. The proposal primarily promotes more low-density housing, which is not identified as a priority in the local housing strategy. This planning proposal does not facilitate the sustainable use of the site. It does not enhance social or economic participation which helps build connections within the community.
W5 Providing housing supply, choice and affordability with access to jobs, services and public transport	Not consistent	This priority of the district plan emphasizes that new housing should be located in the right areas to meet the demand for various housing types and price points. The Plan sets a 5 year (2016-2021) housing supply target for Wollondilly Shire Council of 1,550 dwellings. Dwelling completions since 2016, combined with existing capacity of rezoned land and the Wilton Growth Area are expected to satisfy this requirement. The subject site is not located within the Wilton Growth Area or the Greater Macarthur Growth Area and it is not identified for local growth. There is no train station in Oaks, and public transport options like buses are limited. The proposal does not support housing supply and affordability with access to jobs and public transport.
W6 Creating and renewing great places and local centres, and respecting the District's heritage	Not consistent	This priority of the district plan focusses on liveability by creating and renewing great places, neighbourhoods and centres. It encourages place-based planning/design excellence that builds on local strengths and celebrate the local character of the place and its people. The proposal primarily promotes more low-density housing, which is not identified as a priority in the local housing strategy. The proposal does not deliver high quality, community specific or place-based outcomes.

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City	Not consistent	The vision for Greater Sydney as a metropolis of three cities seeks to deliver a more productive region. This will be achieved by supporting economic diversity and to ensure people have access to a range of jobs and services; delivering a well-connected city – a 30-minute city. The proposal does not have the potential to create the structure for a more compact and connected Western Parkland City. There is no train station in Oaks, and public transport options like buses are limited. The development of the site will not facilitate the co-location of infrastructure and public transport where people can easily get around.
W8 Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis	Not applicable	The provision of additional employment opportunities responds to the District Plan strategic direction including industry skills and capacity building, and investment attraction. The draft planning proposal is not applicable to this strategy.
W9 Growing and strengthening the metropolitan cluster	Not applicable	Central to the concept of a metropolis of three cities is the urban structure to ensure people have access to a large number and range of jobs and services delivering a well-connected city – a 30-minute city. By delivering the North South Rail Link, future jobs and a wide range of goods and services will be clustered around 4 centres including Western Sydney Airport and Badgerys Creek Aerotropolis, Liverpool, Greater Penrith and Campbelltown-Macarthur. The planning proposal does not facilitate jobs closer to home and Strategic Centres identified in the district plan including Campbelltown-Macarthur. The draft planning proposal is not applicable to this strategy.

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land	Not applicable	The district plan emphasises the need for additional industrial and urban services land. Future employment growth across all industries and urban services will require additional floor space, additional land or both. The draft planning proposal is not applicable to this strategy.
W11 Growing investment, business opportunities and jobs in strategic centres	Not applicable	The district plan support delivering 30-minute cities through integrated land use and transport planning; better connected and more competitive economic corridors. The vision for Greater Sydney is one where people can access jobs and services in their nearest metropolitan and strategic centre. This planning proposal will not be increasing the employment capacity. The draft planning proposal is not applicable to this strategy.
W12 Protecting and improving the health and enjoyment of the District's waterways	Not consistent	As the District grows, greater housing density around waterways, and more people using waterways for recreation and irrigation, will mean that these assets will need to be carefully managed so they continue to support a wide range of activities. The District's three major waterways – the Hawkesbury-Nepean River, South Creek and the Georges River – are key elements of the District's landscape and character. The river system provides drinking water to most of Greater Sydney, the Illawarra and Central Coast. There are concerns regarding the Planning Proposal being premature in relation to the sewerage servicing and capacity currently available for the site. Sydney Water has indicated that it cannot support any additional urban growth in the Oaks area until 2028. There are concerns regarding the impact of development on water quality.

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
W13 Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element	Not applicable	A Metropolis of Three Cities' vision for South Creek Corridor is to transform its water management by creating a green corridor that provides sites for parks, walking and cycling trails, community facilities, and ecological services including urban cooling, and local habitat. This planning proposal is not applicable to this strategy as it does not incorporate specific landscape and waterway features into the design of new urban communities.
W14 Protection and enhancing bushland and biodiversity	Not consistent	This priority of the district plan emphasizes on maintaining and improving the health of the Hawkesbury-Nepean and Georges rivers and South Creek as natural, cultural and recreational assets which also contributes to cooling the environment and provides habitat for aquatic ecosystems. Bushland and remnant vegetation throughout the District's urban and rural areas provide habitat, help cool the environment and support cleaner waterways and air. Its bushland provides habitat for local wildlife and offset sites for biodiversity. 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 are concerns that the Planning Proposal might lead to adverse water quality impacts in the SDWC. Neutral or Beneficial Effect on Waterways will need to be demonstrated. 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). Further consultation is also required with Water NSW.
W15 Increasing urban tree canopy cover and delivering Green Grid connections	Not consistent	The district plan has identified that 19% of the District's Urban Area has tree canopy cover – lower than some other Districts in Greater Sydney. The NSW Government has set a target to increase tree canopy cover across Greater Sydney to 40%. This planning proposal is not consistent to this strategy as it does not increase urban tree canopy cover within the area.

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
W16 Protecting and enhancing scenic and cultural landscapes	Not applicable	The district plan emphasises on the protection of the Western City District's scenic and cultural landscapes for the sustainability, liveability and productivity of the District. Wollondilly benefits from substantial areas of protected national parks, rivers and creeks, and water catchments that provide outstanding landscapes and views. The draft planning proposal is not applicable to this strategy.
W17 Better Managing Rural Areas	Not consistent	This Planning Priority emphasises on productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages. The Western City District's rural areas contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages. They are part of the larger Metropolitan Rural Area. The proposal facilitates low-density housing within the Metropolitan Rural Area and rural-residential development is not an economic value of the District's rural areas and further rural-residential development is generally not supported. Additionally, the proposal does not maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.
W18 Delivering high quality open space	Not applicable	The district plan supports developing innovative ways to optimise open space areas for recreation, sport and social activities. It emphasises on providing for and developing innovative ways to optimise open space areas for recreation, sport and social activities, as well as establishing physical links that support social networks and create a sense of community. This planning proposal is not applicable to this strategy as it does not deliver any open spaces.

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
W19 Reducing carbon emissions and managing energy, water and waste efficiently	Not consistent	The district plan supports more efficient use of energy and water to reduce impacts on the environment and the greenhouse gas emissions. The planning proposal is expected to facilitate more low residential housing. 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 majority are concerns that the Planning Proposal might have adverse impacts on water quality. The majority of the proposed rezoning is located outside the West Camden wastewater system catchment and currently the system has no capacity to service the development. There is no train station in Oaks, and public transport options like buses are limited. The proposal will also increase cars on the main freeways and roads, which means more travel time, noise and air pollution, and risk of collision.
W20 Adapting to the impacts of urban and natural hazards and climate change	Consistent	The Planning Priority emphasises on natural hazards such as heatwaves, bushfire, flooding and storms. The most significant natural hazards and acute shocks that affect Wollondilly include bushfire, and flooding. Planning should consider risks and include hazard protection measures within the developable area. Council aims to provide for less intensive development or avoiding certain urban uses in areas of higher risk and allowing more intensive development in areas of lower flood risk, subject to an assessment of the cumulative impact of urban growth on regional evacuation road capacity and operational complexity of emergency management. The subject land is located in the Bushfire Prone Land and the RFS has reviewed the Bushfire Impact Assessment and determined that the proposal is suitable for the area.
W21 Preparing local strategic planning statements informed by local strategic planning	Not consistent	Successful implementation of the district plans requires councils to prepare and implement local strategic planning statements, private sector investment in line with the expectations and targets for housing and jobs including commercial, retail and industrial and ongoing engagement to inform implementation developments. This planning proposal is not consistent with relevant Council's

PLANNING PRIORITY	CONSISTENCY	COUNCIL ASSESSMENT COMMENT
		local strategic planning priorities, Wollondilly Local Housing Strategy and is therefore consistent with priority W21.
W22 Monitoring and reporting on the delivery of the plan	Not applicable	This Planning Priority emphasises on monitoring and reporting to provide transparency to the community and other stakeholders. Developing indicators in consultation with agencies and councils would provide an opportunity to identify indicators that can also assist councils in their monitoring and reporting requirements of local strategic planning statements. Councils may also tailor monitoring and reporting appropriate to their local planning context.
		The draft planning proposal is not applicable to this strategy.

2. Assessment against Wollondilly 2040 Local Strategic Planning Statement (LSPS)

The *Wollondilly 2040 Local Strategic Planning Statement (LSPS)* is a 20-year land use vision for Wollondilly. It identifies four (4) key themes which are supported by a number of planning priorities and actions that help guide the decisions we need to make to meet our vision for Wollondilly.

The proposal is deemed to be **inconsistent** with the LSPS.

The below table provides an assessment of the planning proposal against each theme and the supporting planning priorities in the LSPS:

INFRASTRUCTURE AND COLLABORATION	
Planning Priorities: 1. Aligning infrastructure delivery with community needs 2. Embracing innovation to enhance liveable, connected and sustainable communities 3. Establishing a framework for sustainable managed growth	
<u>Assessment against Theme:</u> Not Consistent	No town can operate effectively without adequate services and infrastructure. Council is committed to ensuring that all residents have access to sufficient services/infrastructure to ensure their needs are met and that the Shire can grow into the future. There are currently servicing and environmental constraints that limit further development in the Oaks. Sydney Water has indicated that it cannot support any additional urban growth in the Oaks area until 2028. The proposal does not address wastewater servicing and is currently lacking planned and sequenced to derive it. This is a significant concern and will constrain the future development of the site. Wollondilly’s bush, rural lands, and local towns and villages are well valued and must be protected in the context of unprecedented growth. Wollondilly’s contribution to Greater Sydney’s housing supply will predominately occur in the Wilton Growth Area and Council is committed to

protect rural land, landscapes and sensitive environments outside these identified growth areas. LSPS does not support planning proposals that do not fit within a framework for growth informed by local housing strategy (LHS) and rural lands strategy (RLS). 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.	
LIVEABILITY	
Planning Priorities:	4. Creating vibrant, healthy and sustainable communities in our new town in Wilton. 5. Providing housing options that meet local needs and match the local character of towns and villages. 6. Embedding health and wellbeing considerations in land use planning for healthy places. 7. Cultivating a creative and cultural destination connecting people with place. 8. Enhancing vibrant, healthy and sustainable local towns and villages.
Assessment against Theme: Not Consistent	Planning proposal will provide residential zoned land which is not identified for future local growth. The Proposal is inconsistent with the Wollondilly Local Housing Strategy (LHS) for the following reasons: - Land in and around the Oaks has not been identified for urban development. - Wollondilly has adequate land capacity to supply additional housing in line with demand.

The subject site is not located within the Wilton Growth Area or the Greater Macarthur Growth Area and it is not identified for local growth. There is no train station in Oaks, and public transport options like buses are limited. The proposal does not support housing supply and affordability with access to jobs and public transport. The draft planning proposal challenges whether the LHS adequately considers the principle of diverse housing as the Strategy fails to adequately address the demand and provision for 'lifestyle' housing in a rural residential context. The LHS correctly focusses on diverse housing in urban zones within Wollondilly's towns and villages to meet housing need. Facilitating the provision of additional rural residential development does not form part of the strategic planning framework for Wollondilly. The Western City District Plan provides clear direction that rural residential development is not an economic value of the District's rural areas and further rural-residential development is generally not supported. It is also noted that rural residential development can have environmental, social and economic costs that are significantly higher than those of standard residential development and requires special consideration. Rural residential growth is considered by the Rural Lands Strategy (RLS) which recommends that no further rezoning for rural residential purposes be undertaken. The RLS also notes there is undeveloped supply of between 8 to 16 years of land zoned for large lot residential purposes.	
PRODUCTIVITY	
Planning Priorities:	
9. Developing the visitor experience and economy by increasing access to natural areas and rural landscapes.	
10. Attracting investment and growing local jobs.	
11. Leveraging greater investment and business opportunities from Western Sydney International (Nancy-Bird Walton) Airport.	
Assessment against Theme:	
Not Consistent	

The vision for Wollondilly is one where people can access jobs and services in their nearest metropolitan and strategic centre. The planning proposal primarily focuses on providing low-density housing in an area where it is not identified as necessary. Additionally, the development of the site will not support the co-location of infrastructure and public transport, making it difficult for residents to get around, especially given that The Oaks lacks a train station and has limited bus services.	
SUSTAINABILITY	
Planning Priorities:	
12. Valuing the ecological health of Wollondilly’s waterways 13. Protecting biodiversity and koala habitat corridors 14. Planning high quality well connected open spaces 15. Delivering an urban tree canopy 16. Enhancing and protecting the diverse values of the Metropolitan Rural Area 17. Planning resource recovery options to serve local and district needs in appropriate strategic locations 18. Living with climate impacts and contributing to the broader resilience of Greater Sydney	
Assessment against Theme:	
Not Consistent	Much of the land in Wollondilly is identified as Metropolitan Rural Area for its agricultural, environmental and scenic values. These rural lands provide a range of agricultural products including dairy, poultry, eggs and cut flowers to Greater Sydney. The proposed development will have adverse impacts on the agricultural values of the land. The proposed amendments limit permissibility of land uses and restrict the agriculture/farming activities on this site. The site is associated with MRA values of rural areas. However, the proposal does not provide the opportunity to enhance the values of the MRA in contributing to habitat, biodiversity, supporting productive agriculture. Wollondilly Shire Council is proposing to include horticulture as exempt development in the RU1 Primary Production zone and complying development in the RU2 Rural Landscape (the site’s current zone) and RU4

Primary Production Small Lots zones and there is a potential of new horticulture enterprises that may be possible as a result of Council's planning proposal (PP-2024-676) encouraging Horticulture in Rural lands.

Planning Priority 18 sets out that before Council can consider planning proposals for local growth in the Shire, a study and approach needs to be undertaken to guide the appropriate location for development in terms of exposure to natural and man-made hazards.

A draft Wollondilly Hazards Analysis and Emergency Management Study has been prepared. However, the Study has not yet been finalised.

The draft proposal has not addressed Planning Priority 18. It is noted that the draft proposal has been informed by technical studies that consider hazards in isolation (bush fire, flooding, contamination) however, no cohesive consideration has been given to hazard resilience.

TABLE SUMMARISING CONSISTENCY WITH MINISTERIAL DIRECTIONS

The table below assesses the planning proposal against Section 9.1(2) Ministerial Directions issued under the *Environmental Planning & Assessment Act 1979*.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
FOCUS AREA 1: Planning Systems				
1.1	Implementation of Regional Plans	Yes	No	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. The land falls within the Greater Sydney Region Plan and the proposal is not consistent with the objectives of this direction. The planning proposal is considered to be inconsistent with the Greater Sydney Region Plan and Western City District Plan. The proposal is inconsistent with Chapter 3 of the Greater Sydney Region Plan, which describes the need for infrastructure supporting the growth. The proposal does not provide adequate services and infrastructure including sewage to support the future population. Concerns are raised that Planning Proposal being premature in relation to the sewerage servicing and capacity currently available for the site. Sydney Water has indicated that it cannot support any additional urban growth in the Oaks area until 2028. The proposal is considered to be inconsistent with 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'. The proposal is considered to be inconsistent with the following Planning Priorities: • Planning Priority W1 – Aligning infrastructure provision with community needs • Planning Priority W3 – Establishing a framework for sustainable managed growth • Planning Priority W5 – Providing housing options that meet local needs and match the local character of towns and villages • Planning Priority W14 – Protection and enhancing bushland and biodiversity • Planning Priority W16 – Enhancing and Protecting the Diverse Values of the metropolitan Rural area The details of the assessment have been provided in the report.
1.2	Development of Aboriginal Land Council Land	No	N/A	The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021 when planning proposals are prepared by a planning proposal authority. This Direction is not applicable to the Planning Proposal. The land is not land shown on the Land Application Map of chapter 3 of State Environmental Planning Policy (Planning Systems) 2021.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
1.3	Approval and Referral Requirements	No	N/A	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. This Direction is not applicable to the Planning Proposal. The planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
1.4	Site Specific Provisions	No	N/A	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. This Direction is not applicable to the Planning Proposal. The planning proposal does not include provisions with unnecessary restrictive site-specific planning controls. The planning proposal is not made for the intent of introducing a site-specific use.
1.4A	Exclusion of Development Standards from Variation	No	N/A	The objective of this direction is to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances. This Direction is not applicable to the Planning Proposal. The planning proposal does not propose to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.
FOCUS AREA 1: Planning Systems – Place-based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	The objectives of this direction are to: (a) facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November, 2016), the Parramatta Road Corridor Implementation Tool Kit, and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, (b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and (c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure. This Direction is not applicable to the Wollondilly local government area. The land is not within the Parramatta Road Corridor.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
1.6	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy). This Direction is not applicable to the Wollondilly local government area. The land is not within the North West Priority Growth Area.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	The objective of this direction is to ensure development within the Greater Parramatta Priority Growth Area is consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan dated July 2017 (the Interim Plan). This Direction is not applicable to the Wollondilly local government area. The land is not within the Greater Parramatta Priority Growth Area.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	The objective of this direction is to ensure development within the Wilton Priority Growth Area is consistent with the Wilton Interim Land Use and Infrastructure Implementation Plan and Background Analysis. This Direction is not applicable to the Planning Proposal. The land is not within the Wilton Priority Growth Area.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	The objective of this direction is to ensure development within the precincts between Glenfield and Macarthur is consistent with the plans for these precincts. This Direction is not applicable to the Wollondilly local government area. The land is not within the precincts between Glenfield and Macarthur.
1.10	Implementation of the Western Sydney Aerotropolis Plan	No	N/A	The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020. This Direction is not applicable to the Planning Proposal. The planning proposal does not impact upon the intent of the Western Sydney Aerotropolis Plan, nor does it undermine the achievement of the objectives, planning principles and priorities for the Western Sydney Aerotropolis.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
1.11	Implementation of Bayside West Precincts 2036 Plan	No	N/A	The objective of this direction is to ensure development within the Bayside West Precincts (Arncliffe, Banksia and Cooks Cove) is consistent with the Bayside West Precincts 2036 Plan (the Plan). This Direction is not applicable to the Wollondilly local government area. The land is not within the Bayside West Precincts in the Arncliffe, Banksia and Cooks Cove Bayside.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	The objective of this direction is to ensure development within the Cooks Cove Precinct is consistent with the Cooks Cove Planning Principles. This Direction is not applicable to the Wollondilly local government area. The land is not within the Cooks Cove Precinct.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	The objective of this direction is to ensure development within the St Leonards and Crows Nest Precinct is consistent with the St Leonards and Crows Nest 2036 Plan (the Plan). This Direction is not applicable to the Wollondilly local government area. The land is not within the St Leonards and Crows Nest 2036 Plan.
1.14	Implementation of Greater Macarthur 2040	No	N/A	The objective of this direction is to ensure that development within the Greater Macarthur Growth Area is consistent with: (a) Greater Macarthur 2040 dated November 2018, (b) the Greater Macarthur Growth Area Structure Plan 2022 (Structure Plan), and (c) the Guide to the Greater Macarthur Growth Area (Guide). This Direction is not applicable to the Planning Proposal. The planning proposal does not apply to land in the Greater Macarthur Growth Area 2040 Plan.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	The objectives of this direction are to: (a) facilitate development within the Pyrmont Peninsula that is consistent with the Pyrmont Peninsula Place Strategy (Place Strategy) and the Economic Development Strategy,

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
				(b) align the planning framework with the Eastern City District Plan Planning Priority E7 Growing a Stronger and More Competitive Harbour CBD and actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and (c) guide growth and change balanced with character, heritage and infrastructure considerations (amongst others) across the Peninsula under the Place Strategy. This Direction is not applicable to the Wollondilly local government area. The land is not subject to the Pymont Peninsula Place Strategy.
1.16	North West Rail Link Corridor Strategy	No	N/A	The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL), and (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans. This Direction is not applicable to the Wollondilly local government area. The land is not within the North West Rail Link Corridor, as identified in the NWRL Corridor Strategy and Structure Plans.
1.17	Implementation of the Bays West Place Strategy	No	N/A	The objectives of this direction are to: (a) facilitate development within the Bays West precinct that is consistent with the Bays West Place Strategy (Place Strategy) and the Urban Design Framework (which includes the Sustainability Framework and Connecting with Country Framework), (c) actively support the consistent delivery of objectives in the Eastern City District Plan and Greater Sydney Region Plan, and (d) guide growth and change balanced with character, Indigenous and European heritage, working harbour and infrastructure considerations across the Bays West precinct under the Place Strategy. This Direction is not applicable to the Wollondilly local government area. The land is not within the mapped Bays West Place Strategy area.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N/A	The objective of this direction is to ensure development within the Macquarie Park Innovation Precinct is consistent with the Macquarie Park Innovation Precinct Place Strategy (Place Strategy) and Macquarie Park Innovation Precinct Strategic Master Plan (Master Plan). This Direction is not applicable to the Wollondilly local government area. The land is not within the mapped Macquarie Park Corridor and the Macquarie Park Investigation Area.
1.19	Implementation of the Westmead Place Strategy	No	N/A	The objectives of this direction are to: (a) facilitate development within the Westmead and Parramatta North precincts that is consistent with the Westmead Place Strategy, and (b) actively support the consistent delivery of objectives in the Central City District Plan and Greater Sydney Region Plan. This Direction is not applicable to the Wollondilly local government area. The land is not within the Westmead Place Strategy mapped area.
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N/A	The objectives of this direction are to: (a) facilitate development within the Camellia-Rosehill precinct that is consistent with the Camellia-Rosehill Place Strategy, (b) guide growth and change in the Camellia-Rosehill precinct in a coordinated manner, that delivers appropriate infrastructure and retains the precinct's role as an employment hub, and (c) actively support the consistent delivery of objectives in the Central City District Plan and Greater Sydney Region Plan. This Direction is not applicable to the Wollondilly local government area. The land is not within the mapped Camellia-Rosehill Place Strategy area.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
1.21	Implementation of South West Growth Area Structure Plan	No	N/A	The objective of this direction is to ensure that development within the South West Growth Area (also referred to as the South West Growth Centre) is consistent with Structure Plan and Guide dated December 2022. This Direction is not applicable to the Wollondilly local government area. The land is not within the South West Growth Area.
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N/A	The objectives of this direction are to: (a) facilitate development within the Cherrybrook Station Precinct that is consistent with the Cherrybrook Station Precinct Place Strategy, and (b) actively support the consistent delivery of objectives in the North District Plan and Greater Sydney Region Plan. This Direction is not applicable to the Wollondilly local government area. The land is not within the mapped Cherrybrook Station Precinct Place Strategy area.
FOCUS AREA 2: Design and Place				
FOCUS AREA 3: Biodiversity and Conservation				
3.1	Conservation Zones	Yes	Yes	The objective of this direction is to protect and conserve environmentally sensitive areas. The planning proposal is considered to be consistent with this direction. The planning proposal does not include provisions that require conservation zones or does not reduce conservation standard. The site contains stands of vegetation but is not mapped as significant. The land is not covered by the NSW Strategic Conservation Area or Council's LEP NRB-Biodiversity or NRB-Water layers. Biodiversity, Conservation and Science Group (BCS) is invited but has not provided feedback to date. Further consultation is required with the BCS regarding Biodiversity protection and corridors and habitat for any endangered species prior to Gateway determination.
3.2	Heritage Conservation	Yes	No	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This direction requires the PP to include provisions that facilitate the conservation of specified heritage matters. There are no known heritage items located on or adjacent to the site.

LOCAL PLANNING DIRECTIONS			
Item	Ministerial Direction	Applicable	Consistent Assessment
			Heritage NSW is invited but has not provided feedback to date. An Aboriginal Cultural Heritage Due Diligence Assessment was originally submitted with the Planning Proposal. During the pre-lodgement process Heritage NSW advised that the due diligence process does not adequately assess the impacts on Aboriginal cultural heritage as required by the Ministerial Directions. Subsequently, an Aboriginal Cultural Heritage Assessment was prepared and then submitted by the proponent. At this stage, no comments have been received from the NSW Department of Climate Change, Energy, the Environment and Water or Heritage NSW who typically review the adequacy of aboriginal cultural heritage assessments. It is also noted that the, then, Department of Planning and Environment (DPE) identified the same issue in determining that the previous planning proposal for the site should not proceed. In the absence of an adequate assessment it is not possible to determine if the planning proposal is consistent with this Direction.
3.3	Sydney Drinking Water Catchments	Yes	The objective of this direction is to provide for healthy catchments and protect water quality in the Sydney drinking water catchment. This Direction is applicable as the land is located in the Sydney drinking water catchment in the Wollondilly local government area. The planning proposal is not consistent with the objectives of this direction. The Planning Proposal does not address the impact of the development on water quality. The planning proposal is located within the Sydney Drinking Water Catchment and there are concerns regarding the impact of the development on water quality. There are concerns regarding the Planning Proposal being premature in relation to the sewerage servicing and capacity currently available for the site. Sydney Water has confirmed that The Water Resource Recovery Facility (WRRF) is currently at capacity and will not have capacity prior to 2028 to service the proposed additional residential lots. This is a significant concern and will constrain the future development of the site.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPS	No	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying conservation zones and overlays to land on the NSW Far North Coast. This Direction is not applicable to the Wollondilly local government area.
3.5	Recreation Vehicle Areas	No	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
				This Direction is not applicable to the planning proposal. The planning proposal does not propose to enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).
3.6	Strategic Conservation Planning	No	N/A	The objective of this direction is to protect, conserve or enhance areas with high biodiversity value. This Direction is not applicable as the land is not identified as avoided land or strategic conservation area under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>.
3.7	Public Bushland	No	N/A	The objective of this direction is to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland, by: (a) preserving: - i biodiversity and habitat corridors - ii links between public bushland and other nearby bushland, - iii bushland as a natural stabiliser of the soil surface, - iv existing hydrological landforms, processes and functions, including natural drainage lines, watercourses, wetlands and foreshores, - v the recreational, educational, scientific, aesthetic, environmental, ecological and cultural values and potential of the land, and (b) mitigating disturbance caused by development, (c) giving priority to retaining public bushland. The planning proposal is consistent with the objectives of this Direction, and will not impact upon public bushland.
3.8	Willandra Lakes Region	No	N/A	The objectives of this direction are to: (a) protect, conserve and manage the Willandra Lakes Region World Heritage Property (World Heritage Property) in accordance with a strategic plan of management prepared for World Heritage Property, and (b) establish a consultation process for making decisions on conservation and development within the World Heritage Property. This Direction is not applicable to the Wollondilly local government area. The land is not identified as the Willandra Lakes World Heritage Property.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
3.9	Sydney Harbour Foreshores and Waterways Area	No	N/A	The objectives of this direction are to: (a) protect and enhance the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores (b) minimise risk to development from rising sea levels or changing flood patterns as a result of climate change (c) ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity (d) protect or enhance terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to, or shading of, aquatic vegetation, (e) promote the equitable use of the Foreshores and Waterways Area (f) protect the cultural heritage significance of Sydney Harbour, its islands and foreshores (g) ensure a prosperous working harbour and effective transport corridor; and (h) encourage a culturally rich and vibrant place for people. This Direction is not applicable to the Wollondilly local government area. The land is not within the Foreshores and Waterways Area as defined in the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3.10	Water Catchment Protection	Yes	No	The objectives of this direction are to: (a) maintain and improve the water quality (including ground water) and flows of natural waterbodies, and reduce urban run-off and stormwater pollution (b) protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity (c) protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users (d) protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity. Sydney Water has not confirmed that the sites will be connected to the sewer system and planning proposal has not been supported by a detailed wastewater report to demonstrate that each of the proposed lots has adequate on-site wastewater provisions.
FOCUS AREA 4: Resilience and Hazards				

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
4.1	Flooding	Yes	Yes	The objectives of this direction are to: (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land. The planning proposal is consistent with the objectives of this direction. The site is flood affected based on Councils records. A water cycle management study was provided with the application which incorporates flood modelling for the development site. Impact mapping is provided for the development proposal with impacts contained within the development site.
4.2	Coastal Management	No	N/A	The objective of this direction is to protect and manage coastal areas of NSW. This Direction is not applicable as the land is not within the coastal zone, as defined under the Coastal Management Act 2016 and identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021. The land does not comprise coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area or coastal use area.
4.3	Planning for Bushfire Protection	Yes	Yes	The objectives of this direction are to: (a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) encourage sound management of bush fire prone areas. The planning proposal is consistent with the objectives of this direction. The subject land is located in the Bushfire Prone Land and the Bushfire Impact Assessment prepared by Midcoast Building and Environmental Consulting, consider Planning for Bushfire Protection 2019 and the appropriate provision applicable. No objections were raised by RFS.
4.4	Remediation of Contaminated Land	Yes	Yes	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
				The planning proposal is consistent with the objectives of this direction. The proposal includes a preliminary site investigation prepared by GeoEnviro dated March 2024. The investigation concludes that the site is suitable for the proposed use subject to removal of the asbestos and validation of the remaining soils.
4.5	Acid Sulfate Soils	No	N/A	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. The land has not been identified on the acid Sulfate Soils Planning Maps held by the NSW Government.
4.6	Mine Subsidence and Unstable Land	Yes	Yes	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence. The planning proposal is consistent with the objectives of this direction. The site of the proposal is not within a declared Mine Subsidence District. Consultation with Subsidence Advisory during the preliminary consultation has raised no requirements for the development at this stage.
FOCUS AREA 5: Transport and Infrastructure				
5.1	Integrating Land Use and Transport	Yes	No	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. The planning proposal is not consistent with the objectives of this direction. The proposal does not have the potential to create the structure for a more compact and connected Western Parkland City. There is no train station in The Oaks, and public transport options like buses are limited. The development of the site will not facilitate the co-location of infrastructure, facilities and public transport where people can easily get access to services and get around. The proposal promotes growth and change in an area that has not been considered for growth in Council's LHS.
5.2	Reserving Land for Public Purposes	No	N/A	The objectives of this direction are to:

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
				(a) facilitate the provision of public services and facilities by reserving land for public purposes, and (b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. This Direction is not relevant to the planning proposal. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
5.3	Development Near Regulated Airports and Defence Airfields	No	N/A	The objectives of this direction are to: (a) ensure the effective and safe operation of regulated airports and defence airfields; (b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and (c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise. This Direction is not applicable as the land is not located near a regulated airport which includes a defence airfield.
5.4	Shooting Ranges	No	N/A	The objectives are to: (a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range. This Direction is not applicable to the planning proposal. The planning proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
5.5	High Pressure Dangerous Goods Pipelines	No	N/A	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring high pressure dangerous goods pipelines (relevant pipelines) are considered by planning proposal authorities. This Direction is not applicable to the planning proposal. The land is not within the application area of relevant pipelines.
FOCUS AREA 6: Housing				
6.1	Residential Zones	Yes	No	The objectives of this direction are to: (a) encourage a variety and choice of housing types to provide for existing and future housing needs,

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
				(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands. The planning proposal is not consistent with the objectives of this direction. The proposal proposed to provide approximately 9 new low-density residential lots which puts a pressure on underdeveloped water infrastructure, like sewer systems. The site is within the catchment area of West Camden Water Recycling Plant (WRP), which will not have capacity prior to 2028 to service this rezoning. Planning proposal will provide residential zoned land which is not identified for future local growth. The Proposal is inconsistent with the Wollondilly Local Housing Strategy (LHS) and land in and around The Oaks has not been identified for urban development. Wollondilly has adequate land capacity to supply additional housing in line with demand. Furthermore, Sydney Water indicated that the sites will not be connected to sewer system until 2028. The proposal does not currently show that each of the proposed Lots has adequate on-site wastewater provision.
6.2	Caravan Parks and Manufactured Home Estates	No	N/A	The objectives of this direction are to: (a) provide for a variety of housing types, and (b) provide opportunities for caravan parks and manufactured home estates. This Direction is not relevant to the planning proposal. The planning proposal does not include provisions relating to caravan parks or manufactured home estates (MHEs).
FOCUS AREA 7: Industry and Employment				
7.1	Employment Zones	No	N/A	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in employment zones, and (c) support the viability of identified centres. The Direction is not relevant to the planning proposal as the proposal will not affect land within an existing or proposed Employment zone.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
7.2	Reduction in non-hosted short-term rental accommodation period	No	N/A	The objectives of this direction are to: (a) mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced, and (b) ensure the impacts of short-term rental accommodation and views of the community are considered. This Direction is not applicable to the Wollondilly local government area. The Direction only applies to Byron Shire Council.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	The objectives for managing commercial and retail development along the Pacific Highway are to: (a) protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route, (b) prevent inappropriate development fronting the highway, (c) protect public expenditure invested in the Pacific Highway, (d) protect and improve highway safety and highway efficiency, (e) provide for the food, vehicle service and rest needs of travellers on the highway, and (f) reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns. This Direction is not applicable to the Wollondilly local government area. The Direction only applies to council areas on the North Coast that the Pacific Highway traverses.
FOCUS AREA 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	Yes	Yes	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. It is considered unlikely that the planning proposal would prohibit or restrict the development of resources, including coal, other minerals etc. The site of the proposal is not within a declared Mine Subsidence District. Consultation with Subsidence Advisory during the preliminary consultation has raised no requirements for the development at this stage.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
FOCUS AREA 9: Primary Production				
9.1	Rural Zones	Yes	No	The objective of this direction is to protect the agricultural production value of rural land. The planning proposal is not consistent with the provisions of this Direction. The proposal seeks to rezone land from RU 2 – Rural landscape to part R5 Low Density Residential which is restricted under this Direction, and the proposal also increases density of rural zones. The proposed amendments limit permissibility of land uses and restrict the agriculture/farming activities on this site. The subject site contains land classified as Class 4 which has moderately high fertility. Small rural lots can successfully support agricultural activities, such as field-based or covered horticulture, especially in areas with suitable biophysical capabilities, favourable climatic conditions, and proximity to markets. Agriculture, which includes intensive plant agriculture and therefore horticulture, is permissible with consent in the RU2 Rural Landscape zone under the Wollondilly Local Environmental Plan (LEP) 2011. Wollondilly Shire Council's planning proposal (PP-2024-676) proposes to include horticulture as exempt development in the RU1 Primary Production zone and complying development in the RU2 Rural Landscape and RU4 Primary Production Small Lots zones.
9.2	Rural Lands	Yes	No	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes, (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State, (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses, (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land, (f) support the delivery of the actions outlined in the NSW Right to Farm Policy. The planning proposal is not consistent with the provisions of this Direction. The proposed amendments limit permissibility of land uses and restrict the agriculture/farming activities on this site. The site is associated with MRA values of rural areas. However, the proposal does not provide the opportunity to enhance the values of the MRA in contributing to habitat, biodiversity, supporting productive agriculture. Wollondilly Shire Council is proposing to include horticulture as exempt development in the RU1 Primary Production zone and complying development in the RU2 Rural Landscape (the site's current zone) and RU4 Primary Production Small Lots zones and there is a potential of new horticulture enterprises that may be possible as a result of Council's planning proposal (PP-2024-676) encouraging Horticulture in Rural lands.

LOCAL PLANNING DIRECTIONS				
Item	Ministerial Direction	Applicable	Consistent	Assessment
				Additionally, proposed development will lead to land-use conflicts, and reduce the availability of agricultural land. The proposal is lacking resolution for current Land use conflict between the proposed residential and rural land uses. The provision of buffer areas is recommended by the Department of Primary Industries – Agriculture to achieve physical separation between residential and location of a poultry farm which is less than 1,000m from the proposed development.
9.3	Oyster Aquaculture	No	N/A	The objectives of this direction are to: (a) ensure that 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, and (b) protect 'Priority Oyster Aquaculture Areas' and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. This Direction is not applicable to the Wollondilly local government area. The land is not within a 'Priority Oyster Aquaculture Area' or oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006).
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	The objectives of this direction are to: (a) ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and (c) reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas. This Direction is not applicable to the Wollondilly local government area. The Direction only applies to the Ballina Shire, Byron Shire, Kyogle Shire, Lismore City, Richmond Valley and Tweed Shire local government areas.

TABLE SUMMARISING CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The table below assesses the planning proposal against relevant State Environmental Planning Policies (SEPPs).

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ¹	Applicable	Consistent	Assessment
Transport and Infrastructure <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	SEPP (Infrastructure) 2007 SEPP (Educational Establishments and Childcare Facilities) 2017 SEPP (Major Infrastructure Corridors) 2020 SEPP (Three Ports) 2013	No	N/A	The aims of this SEPP are to facilitate the effective delivery of infrastructure across the State by: (a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and (b) providing greater flexibility in the location of infrastructure and service facilities, and (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and (g) providing opportunities for infrastructure to demonstrate good design outcomes. The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

¹ In 2022 the NSW Government combined state environmental planning policies to reduce their number as part of the SEPP consolidation project. This formed part of the government's suite of reforms to deliver a better planning system for NSW. 45 State Environmental Planning policies were consolidated into 11 theme-based focus areas to make the planning system more accessible and user-friendly.

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ¹	Applicable	Consistent	Assessment
Biodiversity and Conservation <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	SEPP (Vegetation in Non-Rural Areas) 2017 SEPP (Koala Habitat Protection) 2020 SEPP (Koala Habitat Protection) 2021 Murray Regional Environmental Plan No 2 – Riverine Land SEPP No 19 – Bushland in Urban Areas SEPP No 50 – Canal Estate Development SEPP (Sydney Drinking Water Catchment) 2011 Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property	Yes	No	The aims of SEPP are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. The planning proposal is not consistent with the application of the SEPP. There are concerns regarding wastewater and stormwater management. Sydney Water has not confirmed that the sites will be connected to the sewer system and planning proposal has not been supported by a detailed wastewater report to demonstrate that each of the proposed lots has adequate on-site wastewater provisions. Pump-out systems is not be considered for any subdivision or rezoning application. Additionally, the western part of the proposal area is within the Drinking Water Catchment Area and the proposal has not demonstrated neutral or beneficial Effect on Waterways.
Primary Production <i>State Environmental Planning Policy (Primary Production) 2021</i>	SEPP (Primary Production and Rural Development) 2019 Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	Yes	No	The aims of this SEPP are as follows: (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, (c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations, (d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ¹	Applicable	Consistent	Assessment
				(e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, (g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors. The planning proposal is not consistent with the application of the SEPP. The proposed amendments limit permissibility of land uses and restrict the agriculture/farming activities on this site. The site is associated with MRA values of rural areas. However, the proposal does not provide the opportunity to enhance the values of the MRA in contributing to habitat, biodiversity, and productive agriculture. Wollondilly Shire Council is proposing to include horticulture as exempt development in the RU1 Primary Production zone (the site's current zone) and complying development in the RU2 Rural Landscape and RU4 Primary Production Small Lots zones (PP-2024-676) and there is a potential of new horticulture enterprises that may be possible as a result of Council's planning proposal encouraging Horticulture in Rural lands. Additionally, proposed development will lead to land-use conflicts, and reduce the availability of agricultural land. The proposal is lacking resolution for current Land use conflict between the proposed residential and rural land uses. In particular, the LUCRA should be updated to consider the nearby poultry farm to pose a land use conflict risk to the proposed development as it is less than 1000m away from the proposed rural residential lots.
Resilience and Hazards <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	SEPP (Coastal Management) 2018 SEPP 33 – Hazardous and Offensive Development SEPP 55 – Remediation of Land	No	N/A	The aim of this SEPP is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by: (a) managing development in the coastal zone and protecting the environmental assets of the coast, and (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ¹	Applicable	Consistent	Assessment
				(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016. The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Industry and Employment <i>State Environmental Planning Policy (Industry and Employment) 2021</i>	SEPP (Western Sydney Employment Area) 2009 SEPP 64 – Advertising and Signage	No	N/A	(1) This Chapter aims to protect and enhance the land to which this Chapter applies (the Western Sydney Employment Area) for employment purposes. (2) The particular aims of this SEPP are as follows: (a) to promote economic development and the creation of employment in the Western Sydney Employment Area by providing for development including major warehousing, distribution, freight transport, industrial, high technology and research facilities, (b) to provide for the co-ordinated planning and development of land in the Western Sydney Employment Area, (c) to rezone land for employment, environmental conservation or recreation purposes, (d) to improve certainty and regulatory efficiency by providing a consistent planning regime for future development and infrastructure provision in the Western Sydney Employment Area, (e) to ensure that development occurs in a logical, environmentally sensitive and cost-effective manner and only after a development control plan (including specific development controls) has been prepared for the land concerned, (f) to conserve and rehabilitate areas that have a high biodiversity or heritage or cultural value, in particular areas of remnant vegetation. The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Resources and Energy <i>State Environmental Planning Policy (Resources and Energy) 2021</i>	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A	The aims of this SEPP are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ¹	Applicable	Consistent	Assessment
	Sydney Regional Environmental Plan No. 9 – Extractive Industries			(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (c) to promote the development of significant mineral resources, and (d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and (e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development— (i) to recognise the importance of agricultural resources, and (ii) to ensure protection of strategic agricultural land and water resources, and (iii) to ensure a balanced use of land by potentially competing industries, and (iv) to provide for the sustainable growth of mining, petroleum and agricultural industries. The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Planning Systems <i>State Environmental Planning Policy (Planning Systems) 2021</i>	SEPP (State and Regional Development) 2011 SEPP (Aboriginal Land) 2019 SEPP (Concurrences and Consents) 2018	No	N/A	The aims of this SEPP are as follows: (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure, (c) to identify development that is regionally significant development. The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ¹	Applicable	Consistent	Assessment
Planning Systems SEPP (Precincts – Western Parkland City) 2021	Sites within the <i>State Environmental Planning Policy (State Significant Precincts) 2005</i> have been split across the 4 precincts. Sites within the <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> have been Split between the Central River City and Western Parkland City precincts	No	N/A	The aims of this SEPP are as follows— (a) to facilitate the development, redevelopment or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State, (b) to facilitate service delivery outcomes for a range of public services and to provide for the development of major sites for a public purpose or redevelopment of major sites no longer appropriate or suitable for public purposes. The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP (Precincts – Central River City) 2021		No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP (Precincts – Eastern Harbour City) 2021		No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP (Precincts – Regional) 2021		No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Housing State Environmental Planning Policy (Housing) 2021	State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes)	Yes	No	The principles of this SEPP are as follows— (a) enabling the development of diverse housing types, including purpose-built rental housing, (b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability, (c) ensuring new housing development provides residents with a reasonable level of amenity,

STATE ENVIRONMENTAL PLANNING POLICIES				
Focus Area/SEPP	Includes former SEPPs ¹	Applicable	Consistent	Assessment
	State Environmental Planning Policy No 21 - Caravan Parks State Environmental Planning Policy No 36 - Manufactured Home Estates			(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, (e) minimising adverse climate and environmental impacts of new housing development, (f) reinforcing the importance of designing housing in a way that reflects and enhances its locality, (g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use, (h) mitigating the loss of existing affordable rental housing. The planning proposal is not consistent with the application of the SEPP. The proposal does not support housing supply and affordability with access to jobs and public transport. The site is not identified for future local growth in Council's LHS and the proposal does not provide housing supply in the right locations for growth, including areas that are suitable for change in the short to medium term. There is no train station in Oaks, and public transport options like buses are limited.
Exempt and Complying Development <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	Not affected by SEPP consolidation project.	No	N/A	This SEPP aims to provide streamlined assessment processes for development that complies with specified development standards by: (a) providing exempt and complying development codes that have State-wide application, and (b) identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and (c) identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and (d) enabling the progressive extension of the types of development in this Policy, and (e) providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments. The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICIES					
Focus Area/SEPP	Includes former SEPPs ¹	Applicable	Consistent	Assessment	
Sustainable Buildings State Environmental Planning Policy (Sustainable Buildings) 2022	This SEPP was introduced after the SEPP consolidate project.	No	N/A	The aims of this SEPP are as follows: (a) to encourage the design and delivery of sustainable buildings, (b) to ensure consistent assessment of the sustainability of buildings, (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored, (d) to monitor the embodied emissions of materials used in construction of buildings, (e) to minimise the consumption of energy, (f) to reduce greenhouse gas emissions, (g) to minimise the consumption of mains-supplied potable water, (h) to ensure good thermal performance of buildings. The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.	

TABLE SUMMARISING MATTERS RAISED IN COMMUNITY & STAKEHOLDER SUBMISSIONS; Draft Planning Proposal for Silverdale Rd, The Oaks

Key Matter Raised in Submissions	Submission reference	Response to matters raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
Great location for development Site is a great location for the development.	001 Total 1	Noted.	No changes recommended in response.	No other action required.
Lack of infrastructure - The existing infrastructure is insufficient to support any further development in this area. - Potential Impact on road network - The Oaks, Oakdale, and Silverdale have all experienced significant housing developments with limited infrastructure upgrades.	002, 004 Total 2	Noted. Other than a reference to the 'road network', the submissions refer to 'infrastructure' generally and have not identified specifically what infrastructure is insufficient. The Proposal can be serviced with water, electricity and telecommunications services. However, Sydney Water indicated that the majority of the proposed rezoning is located outside the West Camden wastewater system catchment and the plant does not have capacity prior to 2028 to service the rezoning. Planning Proposal is required to address waste water servicing for the site. Transport for NSW (TfNSW) raised no requirements and indicated that the planning proposal is unlikely to have a significant impact on the classified road network. Additionally, a traffic generation assessment associated with the proposal was conducted by Positive Planning Engineering, concluding that the potential traffic impact of the proposal is considered acceptable. An assessment by Council staff indicated that there are no major concerns regarding the impact on existing open spaces and community facilities. A monetary contribution towards offsite infrastructure for Transport, Open Space and Community Facilities will be required prior to the subdivision certificate. The proposals expected development is 9 dwellings resulting in a population increase of approximately 27.9 residents for the area. The	Planning Proposal is required to address waste water servicing for the site.	No other action required.

Table Summarising Matters Raised in Community & Stakeholder Submissions

Key Matter Raised in Submissions	Submission reference	Response to matters raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
Negative Impacts on value of housing The development will negatively impact the value of existing homes.	003,004 Total 2	Noted. Impact on property values is not a relevant planning consideration. Further, there is no evidence to support this concern.	No changes recommended in response.	No other action required.
Safety and Noise Level Concerns - The speed limit on Silverdale Road should be lowered and relocated for improved safety. - The historical land contamination caused by previous Council dumping needs to be investigated. - Noise levels are expected to rise during construction.	003,004 Total 2	Noted. The speed limit along Silverdale Road has been set by the Council as deemed appropriate. Currently, there is a change in speed zone from 50 km/h to 80 km/h and vice versa. A Stage 1 Preliminary Site Investigation has been prepared by a suitably qualified professionally to inform the planning proposal. The investigation concludes that the site is suitable for the proposed development as part of the rezoning process. Further investigation will be required at the Development Application stage. Council manages noise during building construction by enforcing specific regulations and guidelines to minimise disruption to the community including restricted work hours, noise management plans and noise level limits.	No changes recommended in response.	No other action required.
Destruction of rural life style - The rural character of this area will be lost. - The rural outlook will be all but gone.	003,004 Total 2	Noted. It is considered that the proposal will likely result in a loss of the rural character of the locality as there will be dwellings and ancillary development where previously none existed. Council's Local Strategic Planning Statement (LSPS) emphasises protecting Wollondilly's rural character by managing growth sustainably and preserving natural landscapes. The Planning	No changes recommended in response.	No other action required.

Draft Planning Proposal, Silverdale Rd The Oaks

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Table Summarising Matters Raised in Community & Stakeholder Submissions

Key Matter Raised in Submissions	Submission reference	Response to matters raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
		Proposal seeks to rezone land in the Metropolitan Rural Area for urban purposes which has not been identified as a location for growth in any local or district level strategy. It is considered that the proposal is not consistent with the Strategic Planning framework and does not have strategic planning merit. The proposal is inconsistent with the strategic planning framework in place particularly Planning Priority 3 (Establishing a framework for sustainable managed growth), Planning Priority 5 (Providing housing options that meet local needs and match the local character of towns and villages), any inconsistency needs to be fully justified in the planning proposal. In the absence of an identified need for further housing the proposal is not considered appropriate.		
Poor condition of roads and increased traffic There is already excessive development in The Oaks, with minimal road upgrades, leading to increased traffic entering Browns Road.	003.004 Total 2	Noted. Transport for NSW (TfNSW) raised no requirements and indicated that the planning proposal is unlikely to have a significant impact on the classified road network. Additionally, a traffic generation assessment associated with the proposal was prepared by <i>Positive Planning Engineering</i> to inform the planning proposal. The assessment concludes that the potential traffic impact of the proposal is considered acceptable.	No changes recommended in response.	No other action required.
Negative impacts on biodiversity Council should not consider rezoning land for development when it has been identified as Critically Endangered Habitat.	005 Total 1	Noted. Overall, there are no objections from an environmental point of view to the Planning Proposal. The land is not covered by the NSW Strategic Conservation Area or Council's LEP NRB-	No changes recommended in response.	No other action required.

Draft Planning Proposal, Silverdale Rd The Oaks

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Table Summarising Matters Raised in Community & Stakeholder Submissions

Key Matter Raised in Submissions	Submission reference	Response to matters raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
		Biodiversity. Additionally, Flora and Fauna Assessment Report prepared by <i>Narla Environmental Pty Ltd</i> concluded the proposed activity will not have a significant impact on any potentially occurring threatened entities. However, the report also recommended the impact mitigation measures to be implemented. The western part of the proposal area is within the Drinking Water Catchment. Therefore, Neutral or Beneficial Effect on Waterways will need to be demonstrated. It is also considered that the proposal is in proximity to a poultry farm, which poses a potential land use conflict risk for the proposed development. - Any clearing of native vegetation may trigger the Biodiversity Offset Scheme (BOS), and further assessment is required to determine if the proposal requires BOS compliance. - Neutral or Beneficial Effect on Waterways will need to be demonstrated. - The Planning proposal should consider the nearby poultry farm which poses a land use conflict risk to the proposed development. The current Land Use Conflict Risk Assessment (LUCRA) should be updated to address this issue and consideration should be given to provision of Buffer Area. - An Odour Assessment was provided by the applicant in late October stating that due to topography and prevailing winds, odour from the poultry farm would not impact the subject land. This assessment will need to be referred to DPIE prior to any further progression of the Planning Proposal.		

Summary of Submissions from Government Agency's - *Draft Planning Proposal for Smeethdale Rd, The Oaks*

Matter Raised	Response to Matter Raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
Sydney Water			
Requirements and Advice - Required a Feasibility application to be lodged. - Required anticipated ultimate and annual growth data to be provide as outlined in the Growth Data Form. - Required Growth Data Form to be submitted as part of Feasibility application via a Water Servicing Coordinator (WSC). - Advised Council to forward Sydney Water Planning Proposal Information Sheet (for proponent) to assist the proponent in progressing their development. - Advised that failure to provide this information may hinder the proper planning requirements for the proposed development and the broader area.	Noted. It is agreed that the issues concerning water wastewater management have raised significant concerns about the proposed rezoning of the land and must be thoroughly addressed. Additionally, further investigation is necessary to inform the planning proposal before it can be finalized.	Planning Proposal is required to address waste water servicing for the site.	A copy of submission from Sydney Water has been provided to the proponent.
Water Servicing			
- Indicated that the majority of the proposed rezoning is located outside of the Oakdale WSZ and currently the system has capacity to service the development. However, further details and network capacity needs to be confirmed. - Recommended to engage a Water Servicing Coordinator as soon as possible and submit a Feasibility application prior to the planning proposal lodgement.			
Wastewater Servicing			
Noted that the majority of the proposed rezoning is located outside the West Camden wastewater system catchment and the plant does not have capacity prior to 2028 to service the rezoning.			
Department of Planning, Housing and Infrastructure (DPHI)			
History and Planning Proposal Legacy - Acknowledged a Gateway alteration for the site (PP 2016_WOLLY_005_00) from a similar planning proposal, which the Department decided not to proceed with on 21 December 2020. - Acknowledged the following key reasons contributed to the decision not to proceed with the previous planning proposal: - The cumulative impacts of bushfire on the Shire. - The ability to defend against major bushfire events, as well as ensure safe evacuation. - The 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 which needed to be addressed in a more holistic way. - Other site specific issues associated with individual planning proposals. - Potential impacts on Shale Sandstone Transition Forest and Aboriginal Cultural Heritage. - The absence of required studies and documentation required by the Gateway determination. - Inconsistency with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA.	Noted. - In response to the request for further justification, it is agreed that the matters raised previously require thorough evaluation and evidence that they have been adequately addressed. Without clear justifications demonstrating how these concerns have been resolved, proceeding with the proposal would be premature. - The MRA is reinforced in Wollondilly 2040, Councils local strategic planning statement. The Planning Proposal seeks to rezone land in the MRA for urban purposes which has not been identified as a location from growth in any local or district level strategy. - Further consultation has been conducted with the following agencies and summary	- The planning proposal should be updated to address all issues of the earlier Planning Proposal including: - The cumulative impacts of bushfire on the Shire. - The ability to defend against major bushfire events, as well as ensure safe evacuation. - Biodiversity protection, particularly the identification of corridors and habitat for endangered species such as the koala which needed to be addressed in a more holistic way. - Potential impacts on Shale Sandstone Transition Forest and Aboriginal Cultural Heritage. - Inconsistency with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA. - Inconsistency with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage	A copy of submission from Department of Planning, Housing and Infrastructure has been provided to the proponent. A copy of the Department's letter to the Proponent dated 21 December 2020 and Plan Finalisation Report dated 18 December 2020 has been provided to the proponent.

Table Summarising Matters Raised in Community & Stakeholder Submissions

Matter Raised	Response to Matter Raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
- Inconsistency 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. Requirements for Planning Proposal Documentation and Justification - Required the Planning Proposal to be updated to include a reconciliation against the reasons why the earlier Planning Proposal was not supported and how those issues have been addressed. Also required further justification from Council to explain why they are satisfied those matters have been adequately addressed. - Required the Planning Proposal report to address the strategic framework. - Required Council's position on the site, given its location within the Metropolitan Rural Area, must be clearly articulated in any planning proposal submitted for Gateway determination. Additional Consultation - Required further consultation with the following agencies/ authorities to ensure key issues are addressed prior to lodgement of a planning proposal to the Department for a Gateway determination: - Sydney Water - NSW Rural Fire Service - Subsidence Advisory NSW - NSW Department of Climate Change, Energy, the Environment and Water	of their response has been provided in this report: - Sydney Water - NSW Rural Fire Service - Subsidence Advisory NSW - NSW Department of Climate Change, Energy, the Environment and Water	Conservation, 4.4 Planning for Bushfire Protection and 5.5 Sydney Drinking Water Catchment, hence all related issues remain unresolved. - A reconciliation against the reasons why the earlier Planning Proposal was not supported and how those issues have been addressed. - Address the strategic framework.	
NSW Rural Fire Service (RFS)			
History and Planning Proposal Legacy - Noted that a number of previous comments have been provided regarding potential reduction of minimum lot size/rezoning/subdivision concepts on this site on 22 Sep 2023. Strategic Bush Fire Study (SBS) - Noted that 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 Sep 2023. - Required a strategic bush fire study 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 Oct 2023.	Noted. A strategic bushfire study was prepared by the proponent and submitted by the Council to the RFS for further review. No objections were raised by RFS.	No changes proposed.	A copy of submission from Rural Fire Services (RFS) has been provided to the proponent.
Department of Primary Industries and Regional Development - Agriculture			
Inconsistent with Strategic Planning Framework - Noted several inconsistencies with the following regional and local plans: - Greater Sydney Regional Plan (GSRP) - the subject site is within the Metropolitan Rural Area (MRA) and outside the identified Growth Areas of Wilton and Greater Macarthur. The GSRP identifies that Greater Sydney has sufficient land to deliver housing needs within current urban boundaries and existing growth areas, eliminating the need to expand into the MRA. The GSRP does not support rural residential development as an economic or necessary use of the MRA. The Department also supports this position, considering rural residential development as an uneconomically viable use. - Western City District Plan (WCDDP)	Noted. It is agreed and considered that the proposal is not consistent with the Strategic Planning framework and does not have strategic planning merit.	- The planning proposal should be updated to address inconsistent with Strategic Planning Framework. - The LUCRA should be updated to address the following: - To consider the nearby poultry farm to pose a land use conflict risk to the proposed development. - To provide evidence to support its position on the poultry farm. It has not considered specific site factors such as topography or climatic	A copy of submission from Department of Primary Industries - Agriculture has been provided to the proponent.

Draft Planning Proposal; Land Adjoining Oakdale Sportsfields

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Table Summarising Matters Raised in Community & Stakeholder Submissions

Matter Raised	Response to Matter Raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
- Wollondilly Local Strategic Planning Statement (LSPS) - The LSPS states that further fragmenting rural land will only be supported in limited areas identified in the LHS and RLS. The subject site has not been identified for residential purposes in either document. - Wollondilly Local Housing Strategy (LHS) - Wollondilly Rural Lands Strategy (RLS) • Noted that the current proposal for nine (9) rural residential lots does not align with the GSRP objectives of providing a greater and more affordable housing supply. • Concluded that the proposed rural residential subdivision is not deemed an optimal use of biophysically suitable agricultural land and is inconsistent with the strategic planning framework for the Metropolitan Rural Area (MRA). Mapped as state significant agricultural land (SSAL) • Noted that the subject site contains approximately 6 hectares classified as Class 4 land which has moderately high fertility. History and Planning Proposal Legacy • Noted the previous comments on a scoping proposal for the same site in October 2023 (OUT23/17001). • Acknowledged that the draft planning proposal has responded to the Department's comments by addressing the land's agricultural sustainability, reducing the proposed rural residential subdivision from 16 lots to nine (9), and providing a Land Use Conflict Risk Assessment (LUCRA). Agricultural Land Use and Planning Proposal Considerations • Noted that small rural lots can successfully support agricultural activities, such as field-based or covered horticulture, especially in areas with suitable biophysical capabilities, favourable climatic conditions, and proximity to markets. Agriculture, which includes intensive plant agriculture and therefore horticulture, is permissible with consent in the RU2 Rural Landscape zone under the Wollondilly Local Environmental Plan (LEP) 2011. • Noted Wollondilly Shire Council's planning proposal (PP-2024-676) proposes to include horticulture as exempt development in the RU1 Primary Production zone and complying development in the RU2 Rural Landscape and RU4 Primary Production Small Lots zones. • Strongly recommend Council to consider the merit of the proposal proceeding without strategic justification; the potential impacts on agricultural production and the precedent the proposal is likely to set. Land Use Conflicts • Identified several issues with the LUCRA include the following: - The LUCRA did not consider the nearby poultry farm to pose a land use conflict risk to the proposed development as it is greater than 500m away from the proposed rural residential lots. - The LUCRA has not provided evidence to support its position on the poultry farm. It has not considered specific site factors such as topography or climatic conditions, especially regarding emissions such as odour. There has been no meaningful consultation with the poultry farm or consideration of its potential expansion. - The LUCRA has not considered any agricultural land uses permitted with or without consent or as complying development, on adjacent rural land.		- To considered any agricultural land uses permitted with or without consent or as complying development, on adjacent rural land. • Consideration should be given to provision of Buffer Area.	

Table Summarising Matters Raised in Community & Stakeholder Submissions

Matter Raised	Response to Matter Raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
- Required consideration to be given to meaningful consultation with neighbouring agricultural businesses or with residents in the Browns Road area which would also help identify any potential or current conflict issues. Provision of Buffer Area - Identified location of a poultry farm which is less than 1,000m from the proposed development, is licensed with the NSW Food Authority, and currently operates as a layer farm, having 5,200 birds on-site when audited in February 2024. - Required consideration to be given to The Department's Interim Buffer Guideline which recommends that new sensitive receivers should achieve a minimum 1,000m separation distance from poultry farms (sheds). - Disagreed with the proposal's statement suggesting that rural residential development can act as a 'buffer or transition' between low-density housing and rural lots is not agreed upon.			
Department of Regional NSW – Mining, Exploration and Geoscience			
Raised no concerns.	Noted.	No changes proposed.	A copy of submission from Department of Regional NSW – Mining, Exploration and Geoscience has been provided to the proponent.
Jemena			
Raised no concerns.	Noted.	No changes proposed.	A copy of submission from Jemena has been provided to the proponent.
Transport for NSW (TfNSW)			
Raised no concerns at this stage.	Noted.	No changes proposed.	A copy of submission from Transport for NSW (TfNSW) has been provided to the proponent.
NSW State Emergency Service (SES)			
Flooding - Recommended to ensure the Planning Proposal complies with flood-related development controls, as all nine lots are partially within a Flood Planning Area due to overland flows into an existing dam. The proposal includes filling this area and relocating a new roadside swale to the eastern edge of the development, near the access road. - Supported the preparation of a Flood Risk and Impact Assessment (FIRA), as per their previous advice (24 October 2023), to address existing and post-development conditions in accordance with the NSW Government Guidelines, in order to understand the full extent of the flood risk to the proposed site, any natural wetlands and downstream communities. - Recommended seeking advice from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) regarding the impacts of the development on flood behaviour, particularly in relation to the amounts of fill and diverting the drainage swale, to understand impacts onsite and offsite. - Recommended that site users be made aware of the flood risk in the area. There are no water level gauges along Werribee Creek, meaning warning times could be as short as a few hours after rainfall begins. Since NSW SES and the Bureau do not provide individualized flood warnings, it is crucial for residents to stay alert to weather	Noted.	A Flood Risk and Impact Assessment (FIRA), needs to be conducted to address existing and post-development conditions.	A copy of submission from SES has been provided to the proponent.
	Based on an internal assessment by Council, it is considered that the site is flood affected based on Councils records, however the flood affectation relates to the dedicated swale/easement within the development site which the planning proposal considers and other areas of the site which are generally outside the development footprint.		Should the proposal proceed to Gateway further consultation with DCCEEW will occur in relation to impacts of development on flood behaviour, particularly in relation to the amounts of fill and diverting the drainage swale, to understand impacts onsite and offsite.

Table Summarising Matters Raised in Community & Stakeholder Submissions

Matter Raised	Response to Matter Raised	Any changes proposed to the Planning Proposal in response	Any other actions required in response
conditions and act promptly on severe weather warnings. Additionally, the access road around the proposed lots would cross the Browns Road flow path twice, including near the existing dam.			
Water NSW			
Concerns regarding impacts on Water Quality - Concerns were raised regarding the adverse water quality impact of the proposed development within the Sydney Drinking Water Catchment (SDWC), as the far western part of the site lies within the SDWC but just outside the Warragamba Special Area (Schedule 2) lands. - Support the planning proposal only based on the statement that the proposed R5 zone and associated residential development will be connected to water and sewer services (as stated in the planning proposal). - Acknowledged that the site includes several 1st order watercourses that drain eastward and away from the SDWC. The current farm dams occurring on site also appear to be outside the SDWC boundary. - The development is required to have a neutral or beneficial effect (NorBE) on water quality and must comply with the WaterNSW Neutral or Beneficial Effect on Water Quality Assessment Guideline 2022 (NorBE Guideline). - Required Planning Proposal to be referred to WaterNSW prior to Gateway and more comprehensively address the provisions of Direction 3.3, if it is supported by Council.	Noted. - The western part of the proposal area is within the Drinking Water Catchment. Therefore, Neutral or Beneficial Effect on Waterways will need to be demonstrated. - Planning Proposal will be referred to WaterNSW prior to Gateway and more comprehensively address the provisions of Direction 3.3, if it is supported by Council.	Neutral or Beneficial Effect on Waterways will need to be demonstrated.	A copy of submission from Water NSW has been provided to the proponent.
Endeavour Energy			
No objection raised.	Noted.	No changes proposed.	A copy of submission from Endeavour Energy has been provided to the proponent.

7 LOCAL PLANNING PANEL REPORTS - SUSTAINABLE AND BALANCED GROWTH

7.1 80 SILVERDALE ROAD, THE OAKS PLANNING PROPOSAL

EXECUTIVE SUMMARY

The purpose of this report is to seek the advice of the Wollondilly Shire Local Planning Panel (the Panel) on a draft Planning Proposal (draft proposal) received for land at Lot 3 DP1201486, 80 Silverdale Road, The Oaks.

The draft proposal seeks to amend the *Wollondilly Local Environmental Plan 2011 (WLEP 2011)* by rezoning the land to enable further subdivision for large lot residential purposes. The proposed amendments outlined in the draft proposal would enable approximately nine lots with a minimum lot size of 4,000sqm.

The draft proposal seeks to achieve this through the following amendments:

- Amend the Land Zoning Map from RU2 Rural landscape to R5 Large Lot Residential for part of the site and retain the RU2 Rural Landscape zoning for the remainder of the land;
- Amend the Lot Size Map from a minimum lot size category of 40 hectares to 4,000sqm for the part of the land proposed to be zoned R5 Large Lot Residential and retain the 40ha minimum for the remaining RU2 zoned land; and
- Amend the Height of Building Map to introduce building height of 9m for the part of the land proposed to be zoned R5 Large Lot Residential.

Preliminary community and stakeholder feedback were invited on the draft planning proposal from 11 July to 8 August 2024. Five community submissions were received, most objecting to the proposal.

Ten submissions were received from public authorities or Government agencies, identifying a range of issues as discussed in this report, including infrastructure implications and inconsistencies with the strategic planning framework.

On balance, it is not considered that Council can be satisfied that the draft proposal has strategic and site-specific merit. As such, this report recommends that the draft proposal not be supported.

STAFF RECOMMENDATION

That the Panel:

1. Note the information contained in this report.
2. Note that the draft planning proposal does not demonstrate sufficient strategic merit due to its inconsistency with the strategic planning framework including:
 - a. Planning Priority W1, W3, W5, W13 and W16 in the Western City District Plan;
 - b. Ministerial Direction 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; Council's 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 Land Strategy
3. Note that several of the specialist studies submitted with the proposal, do not provide sufficient information and assessment to inform or justify the proposal.
4. Note that the proposal will not enhance the values of the Metropolitan Rural Areas by delivering any place-based outcomes to deliver targeted environmental, social or economic outcomes.
5. Note that the proposal has not demonstrated that future development can be adequately serviced by essential infrastructure.
6. Provide advice on this proposal that will be attached to a future report to Council.

PUBLIC SUBMISSIONS

There was 1 registered speaker for this Item.

PANEL ADVICE

The panel does not support the planning proposal.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

The Wollondilly Local Planning Panel provides the following advice:

1. **Council Officer's report:** The Local Planning Panel notes and generally agrees with the assessment and findings contained in the Council Officer's report.
2. **Site History and Strategic Alignment:** Whilst the Local Planning Panel notes the recent history of Planning Proposals for this site, it has formed the view that the proposal is now out of step with key strategic planning documents including the following: Planning Priorities in the Western City District Plan; Ministerial Planning Directions; Wollondilly 2040; and Council's adopted Local Housing and Rural Land Strategies.
3. **Prematurity of Planning Proposals:** The Local Planning Panel considers future local growth in the Metropolitan Rural Area should align with strategic plans. Opportunities for local growth, including in this location, could be further explored if studies planned

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as part of Council's future LEP review to determine future growth requirements are completed.

VOTING

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