



Planning Proposal

Amendment to Wollondilly LEP 2011 to Rezone Land from RU2 Rural Landscape to R2 Low Density Residential

**680 Burragorang Road, The Oaks
(Part Lot 1 in DP 749126)**

**Prepared by Willowtree Planning Pty Ltd on behalf of
Coprad Property Advisory & Development**

February 2016

PLANNING PROPOSAL

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680 Burragorang Road, The Oaks (Part Lot 1 in DP 749126)

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EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Willowtree Planning Pty Ltd on behalf of Coprad Property Advisory & Development, and seeks to amend the Wollondilly Local Environmental Plan 2011 (WLEP2011) to rezone land from the RU2 Rural Landscape zone to the R2 Low Density Residential zone. The land subject to this Planning Proposal is described as 680 Burragorang Road, The Oaks (Part Lot 1 in DP 749126). Specifically the proposal relates to the south-western portion of the site comprising an area of approximately six (6) hectares.

The four-lot subdivision of 680 Burragorang Road, The Oaks (Lot 1 in DP 749126 and Lot 2 in DP1108331) was approved under DA 58405/1999 and subsequently modified on 21 December 2011 and again on 16 September 2014. This subdivision has not yet been registered. The site that forms the subject of this Planning Proposal is identified within Lot 3 of the approved subdivision plan (**Appendix 1**).

The rezoning of the site subject to this Planning Proposal intends to facilitate the future subdivision and development of the land for residential accommodation.

The proposed WLEP2011 amendment is considered appropriate for the following reasons:

- The proposed rezoning will enable the future subdivision and development of the site for dwelling houses in a low density setting, thereby providing additional housing to accommodate the housing needs of the local and regional populations.
- The future use of the land for dwelling houses is highly compatible with adjoining land uses including existing dwelling houses and The Oaks local centre immediately to the south of the site.
- The site is located in immediate proximity of the existing local centre of The Oaks providing retail and community services and is also accessible to regional centres providing significant retail, community and transport infrastructure to support a high standard of living for future residents.
- The future residential land use of the site is not considered to result in any land use conflict with surrounding rural lands which are utilised mainly for rural residential uses.
- The site is not identified as containing or being in proximity of any biodiversity and therefore the proposal will not adversely affect the natural environment.
- The site is not located within the Sydney Drinking Water Catchment and therefore will have no detrimental impact on the Werriberri Creek or Warragamba Dam. Additionally the site will be serviced by sewer therefore avoiding any adverse impact on the catchment.
- The site exhibits similar characteristics including geotechnical, flood and bushfire characteristics as the adjoining land to the south (Browns Road) which has been successfully developed thereby demonstrating the physical suitability of the land for residential use.
- The proposal will provide for dwelling houses surrounded by rural lands thereby preserving the scenic quality and character of the Wollondilly Shire.

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- The proposal will stimulate local economic activity related to the construction of built form and subsequently to a higher local population base providing increased demand for goods and services.
- The proposal is consistent with the state, regional and local strategic planning framework.
- Specifically the site has been identified in Wollondilly Council's Growth Management Strategy (GMS) 2011 as a potential residential growth area. The proposal would also contribute to the attainment of dwelling targets for The Oaks established by the GMS.

The subject site is therefore considered suitable for residential land uses which the proposed amendment to the WLEP2011 will enable. Accordingly it is requested that the Planning Proposal is supported.

The Planning Proposal is structured in accordance with the following:

- Part A Land to Which the Planning Proposal Applies
- Part B Objectives or Intended Outcomes
- Part C Explanation of Provisions
- Part D Justification for Proposed LEP
- Part E Community Consultation
- Part F Conclusion

The Planning Proposal is supported by the following Appendices:

- Appendix 1 Draft Plan of Subdivision
- Appendix 2 Proposed LEP Maps
- Appendix 3 Phase 2 Detailed Environmental Site Assessment
- Appendix 4 DLA Phase 2 Site Suitability Review
- Appendix 5 Site Fill Assessment
- Appendix 6 Geotechnical Report
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PART A LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

1.1 SITE DESCRIPTION

The subject site is identified as 680 Burragorang Road, The Oaks, being currently legally described as part of Lot 1 in Deposited Plan 749126.

The four-lot subdivision of 680 Burragorang Road, The Oaks (Lot 1 in DP 749126 and Lot 2 in DP1108331) was approved under DA 58405/1999 and subsequently modified on 21 December 2011 and again on 16 September 2014. This subdivision has not yet been registered.

The site that forms the subject of this Planning Proposal is identified within Lot 3 of the approved subdivision plan (**Figures 1 and 2**).

The entire site of 680 Burragorang Road contains an area in the order of 100 hectares, however this proposal specifically relates the south-western portion of the site comprising an area of approximately 7ha. The site exhibits a dual street frontage to Burragorang Road to the east and Silverdale Road to the west with small portions of the site also fronting Big Hill Road to the north and Browns Road to the south. The part of the site subject to this Planning Proposal exhibits frontages to Silverdale Road to the west and Browns Road to the south.

In its existing state the site predominantly comprises pasture, farm dams, farm dwellings, outbuildings and scattered vegetation. Overall the existing character of the site may be described as rural.

To the north, east and west the site adjoins similar farmland comprising pasture, vegetation, farm dams, dwellings and outbuildings. To the south the site is adjoined partly by vegetated rural land and partly by low density residential development exhibiting a suburban character and including residential accommodation, retail premises, schools, churches and other community infrastructure. Accordingly the character of the broader area may be described as transitional.

Other notable features of the site and its surrounds include a transmission line easement of approximately 30.48m wide which runs east-west and a water drainage easement (10m wide) which runs north-south but could possibly accommodate an internal road. To the east the site is constrained by an escarpment restricting the potential for any further eastward expansion and thereby ensuring development is contained.

The topography of the site is generally undulating as is typical of a Blacktown Soil Landscape. The escarpment to the east of the site exhibits a relief of approximately 70-80m and constitutes the transition from the Blue Mountains Plateau to the Cumberland Lowlands Physiographic regions. Soils on the site included reinstated brown/ grey to brown/ red silty clay fill materials placed over highly weathered grey shale. No acid sulphate soils have been identified in the immediate vicinity of the site. The hydrology of the site includes water-bearing layers in excess of 40m below ground within a sandstone aquifer. Detailed description of the topography, geology and hydrology of the site is provided within the Phase 2 Detailed Environmental Assessment at **Appendix 3**.

The subject site can be seen in **Figure 1** and **Figure 2** below.

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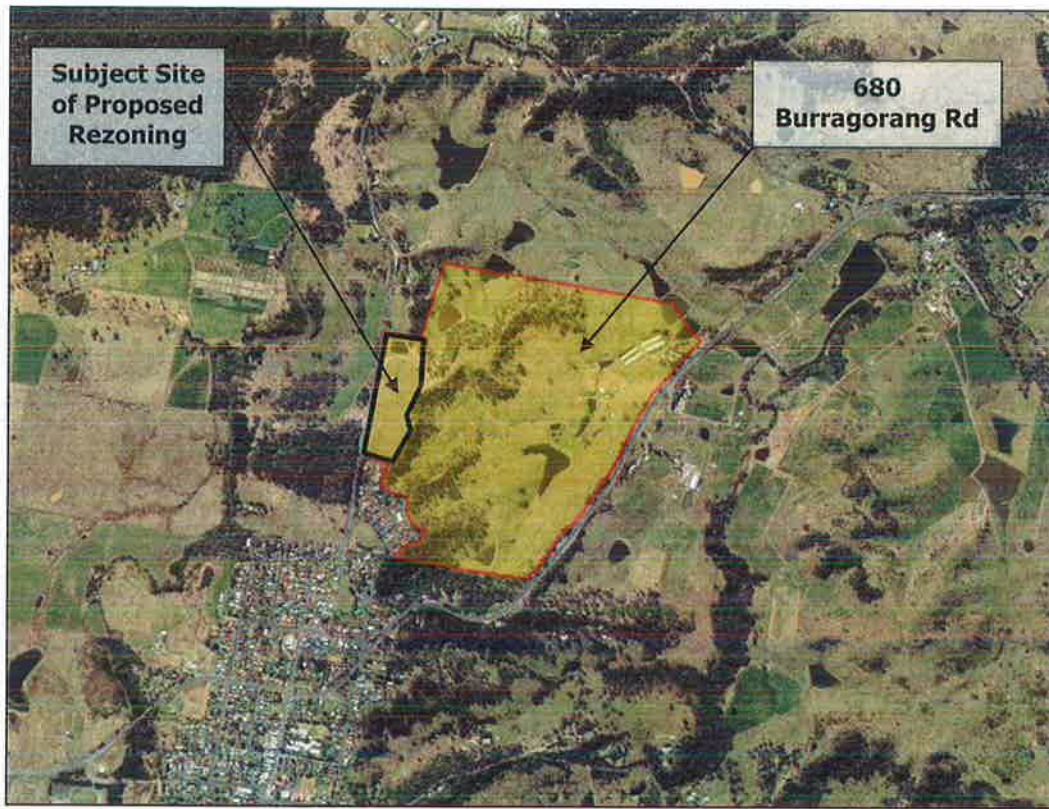


Figure 1: Subject Site (Six Maps, 2016)

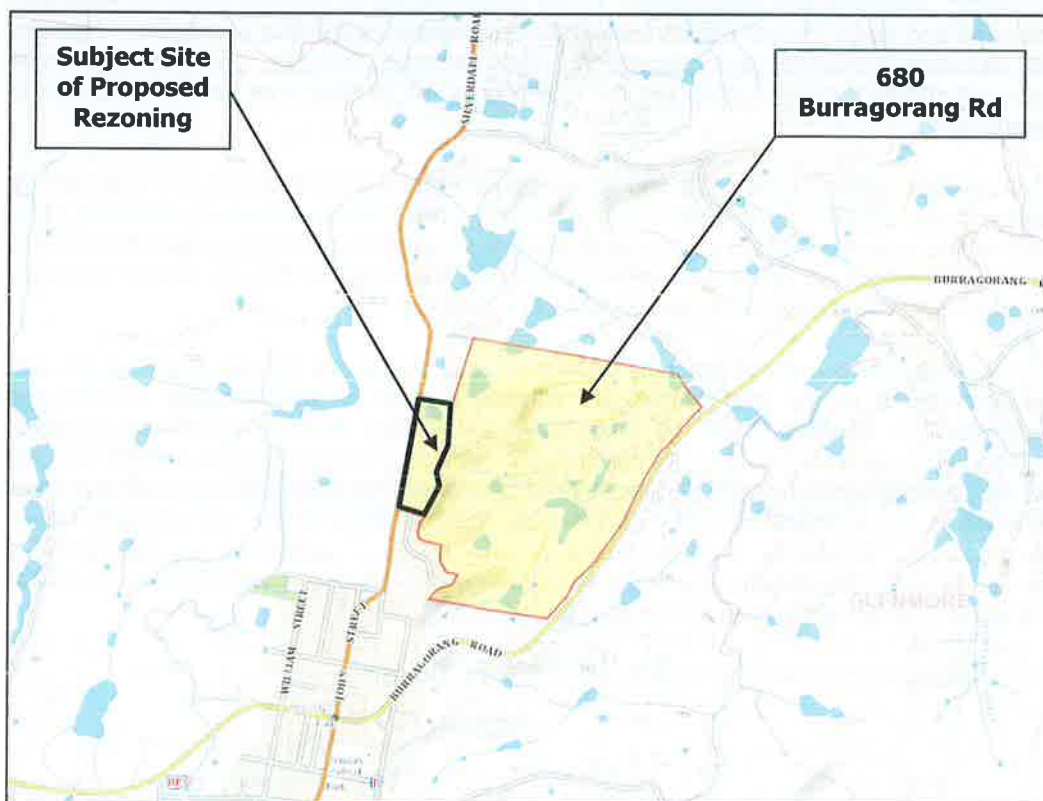


Figure 2: Site Cadastral (Six Maps, 2016)

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1.2 LOCAL CONTEXT

The site is located within the suburb of The Oaks, in an area typified by rural land uses, bushland and new low density residential land uses.

In accordance with the range of land uses characterising the site context, development comprises predominantly of detached single or double storey dwelling houses ranging in style, scale and age. Other development includes outbuildings and structures associated with rural land uses. Within the local centre of The Oaks built form includes attached and detached, single and double storey retail tenancies of older construction concentrated along a main 'strip.' Community infrastructure within The Oaks includes a primary school and two (2) churches.

The Oaks is serviced by established road infrastructure with the main roads providing regional connectivity being Burragorang Road running east-west and Montpelier Drive/Silverdale Road running north-west. Within 10 minutes drive of the site access to major road infrastructure including Camden Bypass, Remembrance Drive and the Hume Highway is provided.

The suburban area of The Oaks is serviced by a local and regional bus service being the number 40 bus connecting Camden, The Oaks, Belimbla Park and Oakdale. This bus route utilises Burragorang Road and therefore corresponds with the site's eastern boundary. From Camden, bus interchange provides wider connectivity.

The site is also in close proximity of two airports being The Oaks airport and Camden airport, however these provide mainly for recreational flying and training.

The nearest train station to the site is Campbelltown station within approximately 25 minutes drive of the site. Campbelltown station is serviced by the T2 Airport, Inner West and South line, the T5 Cumberland line and the Southern Highlands line.

1.3 REGIONAL CONTEXT

The site and the suburb of The Oaks are located within the Wollondilly Shire to the south-west of the Sydney metropolitan area.

To the north the Wollondilly LGA is adjoined by Penrith and Blue Mountains, to the east by Camden, Campbelltown, Liverpool and Wollongong, to the south by Wingecarribee and to the west by Goulburn Mulwaree and Oberon.

Within Wollondilly Shire, Picton is the administrative centre and Tahmoor the largest town. The subject site is located approximately 16km by road north of Picton. The site is also located approximately 14km by road west of Camden. Both Picton and Camden provide significant commercial, recreational, community and transport services.

The site is approximately 67km by road from Sydney Airport and 80km by road from the Sydney CBD.

The regional context of the site is shown in **Figure 3**.

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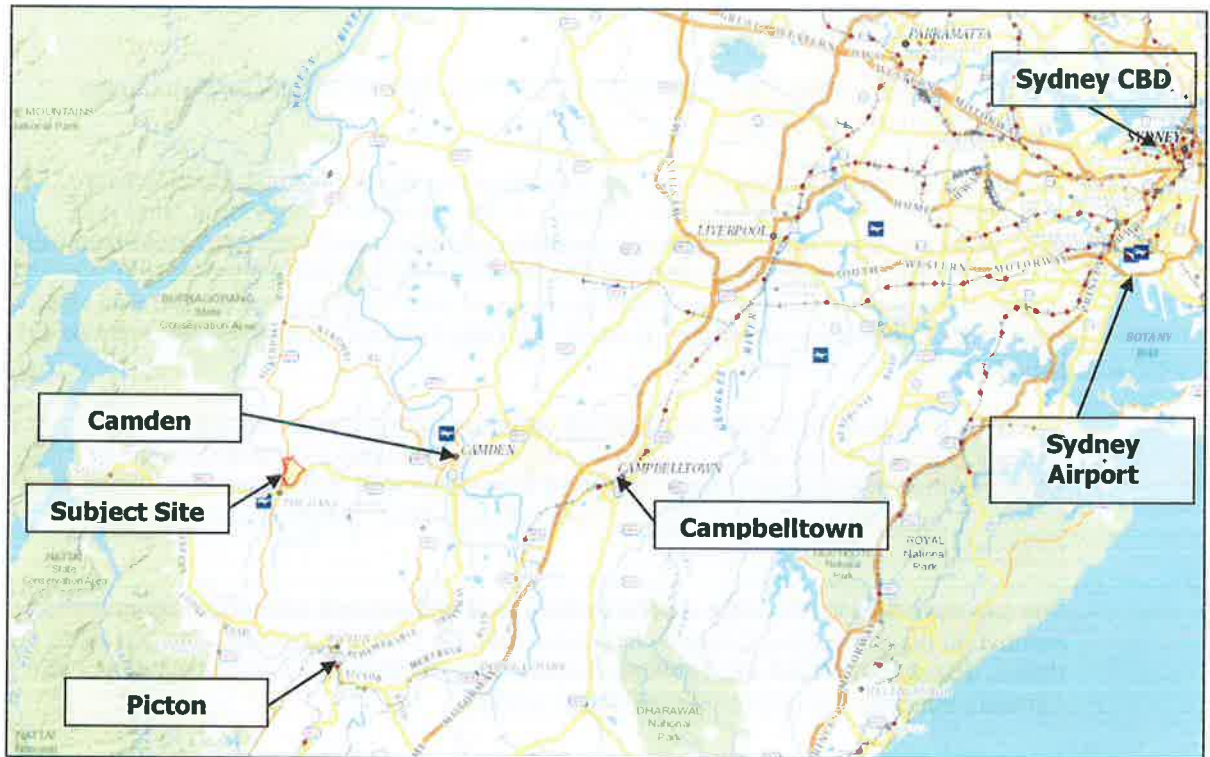


Figure 3: Site Context (Six Maps, 2016)

1.4 STRATEGIC CONTEXT

The subject site has been identified within Wollondilly Council's Growth Management Strategy (GMS) 2011 as a potential residential growth area and therefore the proposed development is consistent with the local strategic context. Land to the west of Silverdale Road has also been identified confirming the desired northward expansion of The Oaks for residential land uses as a continuation of the existing suburb. The GMS also identifies a 350 dwelling target for The Oaks and Oakdale which the proposal will assist in achieving.

A Draft Planning Proposal for 730-760 Montpelier Drive, The Oaks, was exhibited from 16 December 2015 to 5 February 2016 and seeks to amend the WLEP2011 to rezone the site from RU2 Rural Landscape to R2 Low Density Residential, permit subdivision of lots to a minimum of 975m² and 4000m² and permit buildings to a maximum height of 9m. This site is identified to the south of land identified within the GMS Structure Plan for potential residential growth.

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1.5 PLANNING CONTEXT

1.5.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

A rezoning application must have consideration of the objectives of the Environmental Planning and Assessment Act (the Act). The objectives are as follows:

(a) to encourage:

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*

(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and

(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.

This submission is consistent with, and has considered the objects of the Act which have been addressed in the various sections of this report and summarised as:

- The provision of low density housing within a rural setting serviced by existing road infrastructure and in close proximity of local and regional centres will promote the social and economic welfare of the future community.
- The proposal will facilitate the orderly and economic use and development of land by enabling residential land uses in direct proximity of an existing local centre and accessible to larger service centres benefitting from established retail and community services.
- The subject site is not identified within or in proximity of any area of biodiversity and accordingly the proposal will not exhibit any adverse impact on the natural environment. During the future subdivision and development of the land consideration will be given to the environment to ensure the protection of all species, populations, ecological communities and habitats.

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1.5.2 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011

The site is identified within the *RU2 Rural Landscape* zone pursuant to the *Wollondilly Local Environment Plan 2011* (WLEP2011).

The objectives of the RU2 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide areas where the density of development is limited in order to maintain a separation between urban areas.*

The intended use, subdivision and development of the site for residential accommodation are not entirely consistent with the objectives of the RU2 zone. The proposed development and use of the site will not encourage primary industry production on the site. The proposal will provide housing within a transitional rural setting by which low density development is surrounded by rural lands. Accordingly the proposal will preserve the rural character of the broader area whilst enabling the residential use of the site. Given the site is directly adjoined by residential land uses on R2 zoned land, the proposed rezoning of the subject site is considered consistent with the existing transitional character of the area. The intended low density development of the site will provide a buffer between rural land and the existing local centre of The Oaks directly to the south of the site. The use of the site for low density residential accommodation is compatible with surrounding land uses including productive land, rural residential land uses, low density suburban development and The Oaks local centre.

This Planning Proposal intends to rezone the site to the *R2 Low Density Residential* zone. The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The intended use, subdivision and development of the site for residential accommodation are entirely consistent with the objectives of the R2 zone. The proposal will provide additional housing to meet the housing needs of the community within a low density residential environment characterised by dwelling houses. Within the site other compatible land uses will provide for the day to day needs of residents and ensure a high standard of living is achieved for future residents through the provision of adequate services and infrastructure.

Within the R2 zone the following are permitted without consent:

Home occupations.

Within the R2 zone the following are permitted with consent:

*Bed and breakfast accommodation; Boarding houses; Cemeteries; Child care centres; Community facilities; **Dwelling houses**; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Neighbourhood shops; Places of public worship; Recreation areas; **Residential***

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accommodation; Respite day care centres; Roads; Sewerage systems; Signage; Veterinary hospitals; Water supply systems.

Within the R2 zone the following are prohibited:

Attached dwellings; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Water treatment facilities; Any other development not specified in item 2 or 3.

The proposal intends to facilitate the future development of the site for Dwelling Houses. Dwelling Houses are permissible with consent in the R2 Low Density Residential zone.

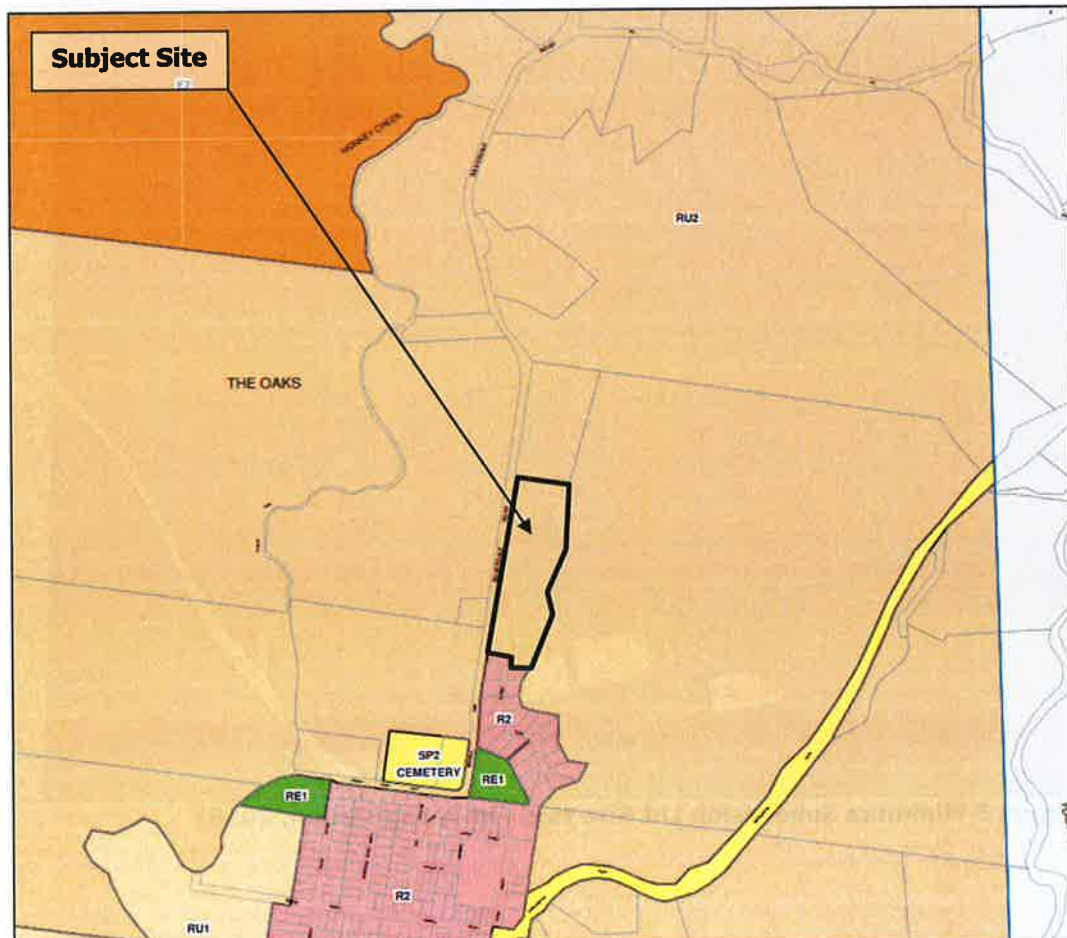


Figure 4 Zoning Map (NSW Legislation, 2016)

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Minimum Subdivision Lot Size

The site is subject to a 40ha minimum subdivision lot size under the WLEP2011.

Land in proximity of the site zoned R2 is subject to a 700m² minimum lot size.

Subject to clause 4.1(5) *'the size of any lot resulting from a subdivision of land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential that is not serviced by a reticulated sewerage scheme must not be less than 975 square metres.'*



Figure 5 Minimum Subdivision Lot Size Map (NSW Legislation, 2016)

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Height of Buildings

The site is not subject to a maximum building height under the WLEP2011.

Adjoining land (zoned R2) is subject to a 6.8m maximum building height.

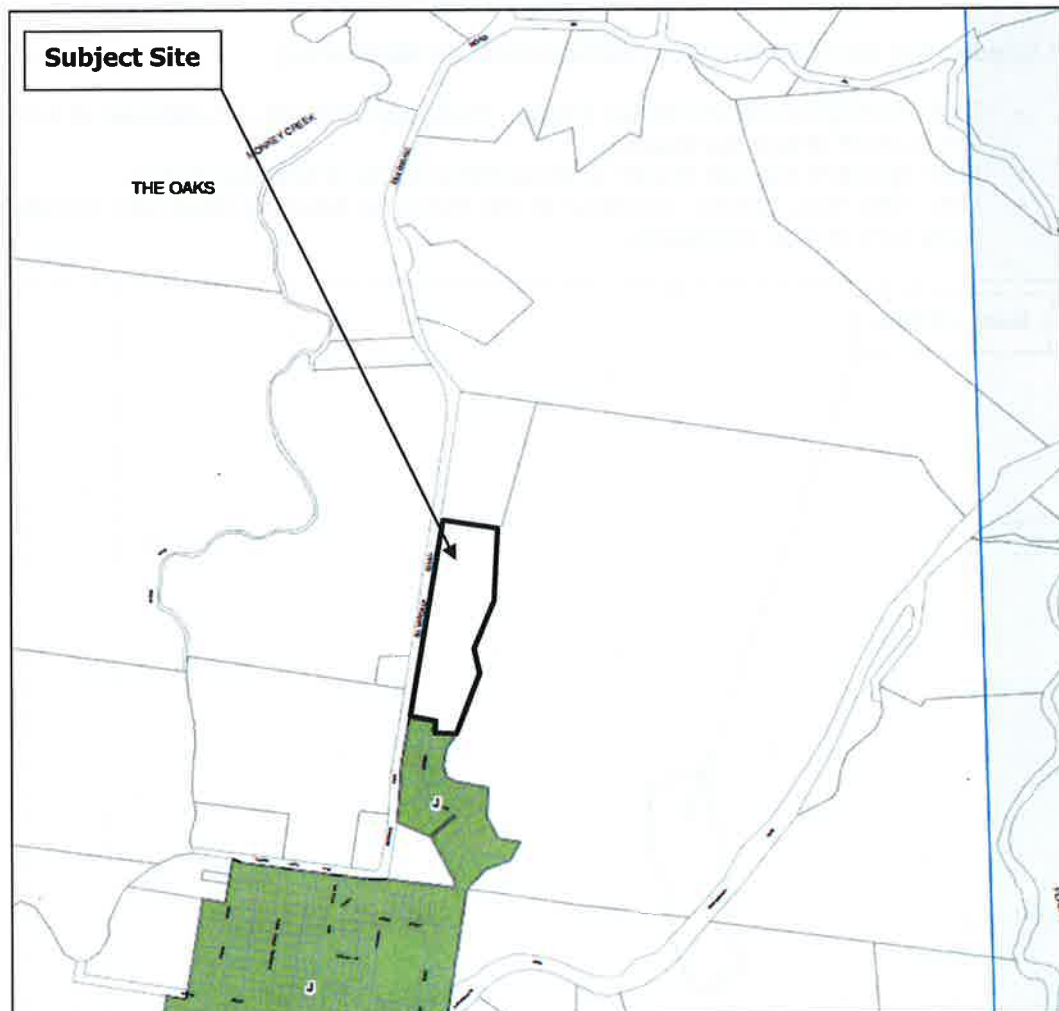


Figure 6 Maximum Building Height (NSW Legislation, 2016)

Floor Space Ratio

No Floor Space Ratio control has been adopted in the WLEP2011.

Land Reservation Acquisition

The site is not subject to any land reservations.

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Heritage

The site is not identified as containing any heritage items or heritage conservation areas. Neither does the site directly adjoin any items or areas of heritage significance.

The site is identified within the broad vicinity of heritage item I242, I243 and I247.

In Schedule 5 of the WLEP2011 these heritage items are identified as:

- I242- 'St Aloysius Catholic Group- Church, Presbytery, Convent, Schoolhouse' at 5-13 Merlin Street of local significance.
- I243- 'St Luke's Anglican Church' at 26-30 Merlin Street of local significance.
- I247- 'The Oaks General Cemetery' at the corner of Silverdale Road and Timothy Lacey Lane of local significance.

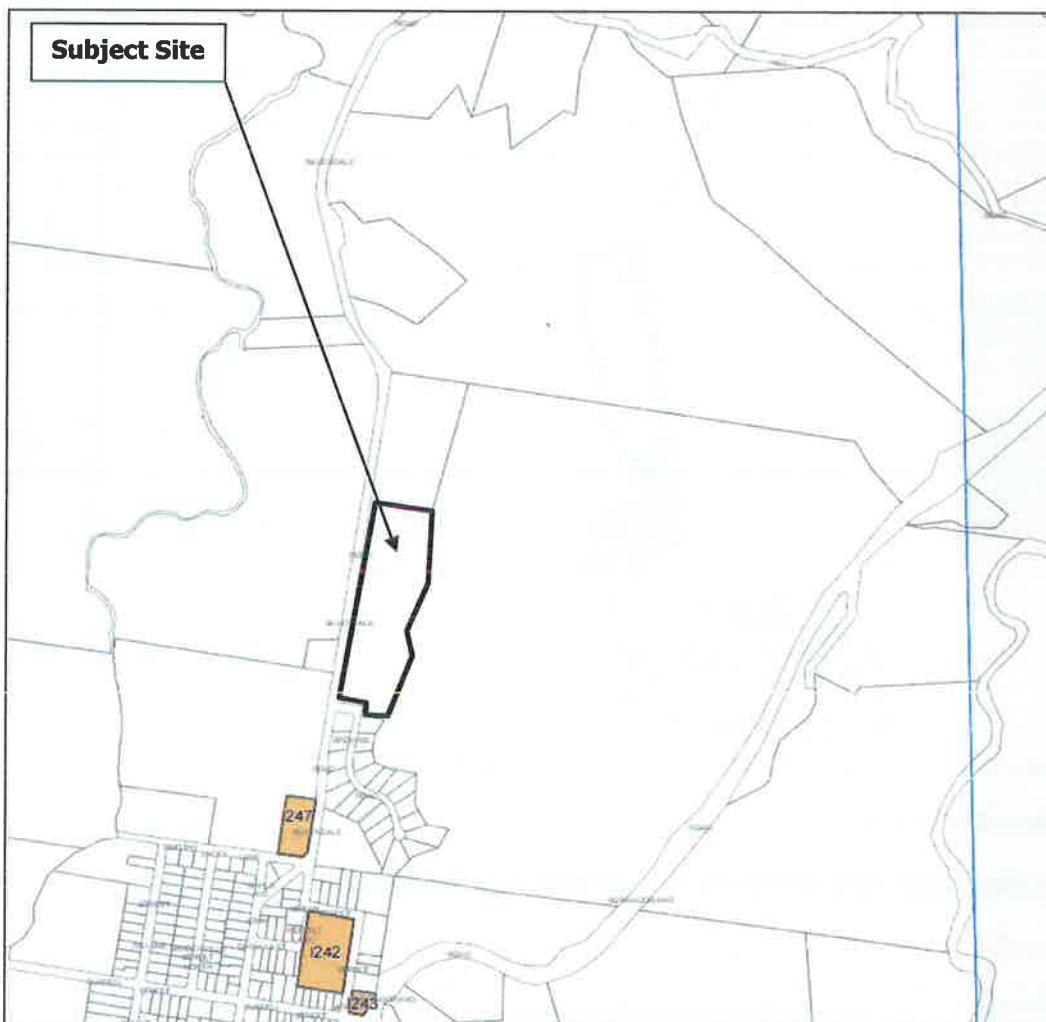


Figure 7 Heritage (NSW Legislation, 2016)

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Urban Release Areas

The site is not identified within any urban release area.

Biodiversity Protection

The site is not identified as containing any biodiversity and is not identified in proximity of any biodiversity.

Water Protection

The overall site is identified as containing 10m (red) and 30m (purple) sensitive land however the portion of the site that forms the subject of this Planning Proposal is not identified as containing or being in close proximity of any sensitive land.

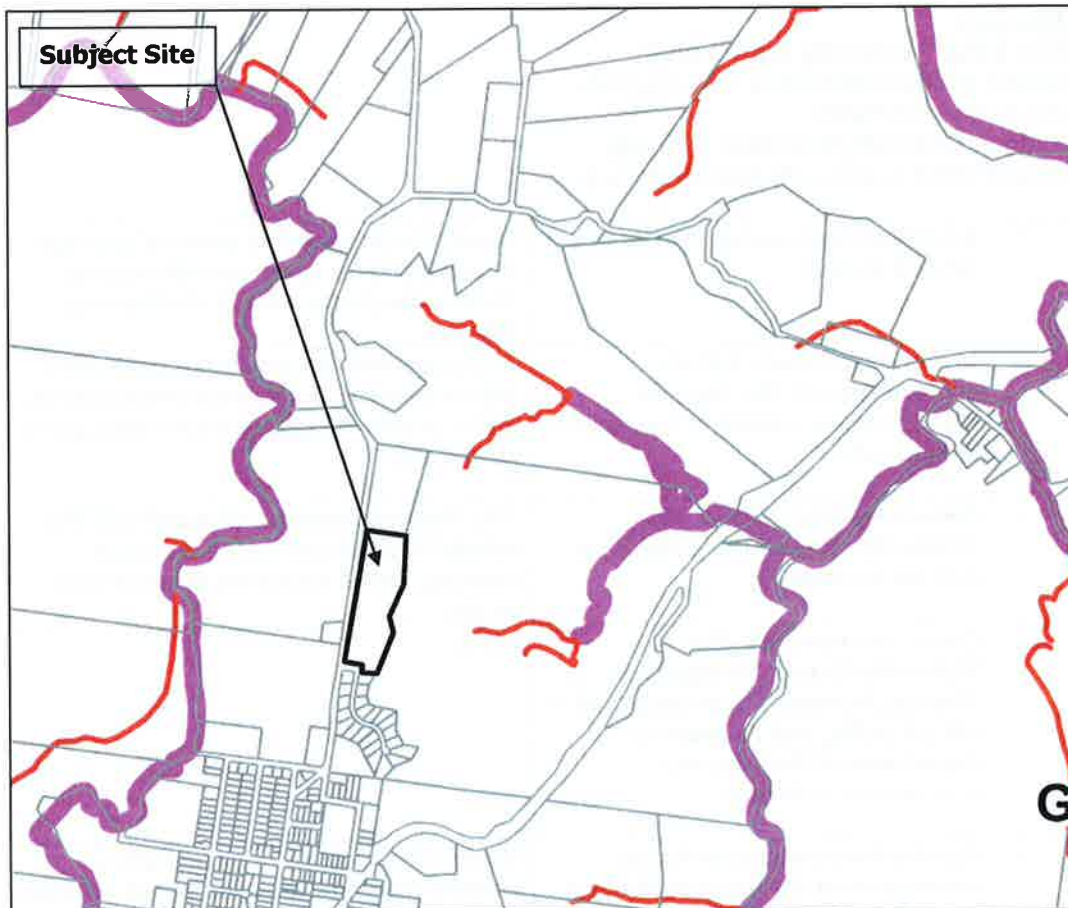


Figure 8 Natural Resources- Water Map (NSW Legislation, 2016)

Additional Permitted Uses

The site is not subject to any Additional Permitted Uses.

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1.6 PRE LODGEMENT MEETING WOLLONDILLY SHIRE COUNCIL AND REQUEST TO PREPARE A PLANNING PROPOSAL TO AMEND THE WOLLONDILLY LEP 2011

A Pre Lodgement Meeting was hosted by Wollondilly Shire Council on 20 January 2016 in respect of the future intentions to lodge a Planning Proposal to amend the Wollondilly LEP 2011 in order to rezone the subject site from the RU2 Rural Landscape zone to the R2 Low Density Residential zone. Council was made aware of the objectives of the proposed rezoning being to enable the future subdivision and development of the site for residential accommodation including dwelling houses in a low density setting. **Table 1** summarises the Pre Lodgement Meeting.

Table 1 Pre Lodgement Meeting Minutes

Council Comments	Proponents Response
<u>Attendees</u> Kitty Carter (Wollondilly Shire Council) Carolyn Whitten (Wollondilly Shire Council) Tim Colless (COPRAD) Matthew O'Donnell (Willowtree Planning) William Clinch (Landowner Representative)	
<ul style="list-style-type: none">A previous rezoning for the site was refused in 2002.	Noted, the proponent is aware of previous rezoning and has given consideration of these in the preparation of the Planning Proposal.
<ul style="list-style-type: none">Underlying concerns include contamination of the site, and potential issues related to compaction of fill on site.	The proponent has provided a preliminary Site investigation to address contamination, and a preliminary geotechnical investigation for the site.
<ul style="list-style-type: none">General feedback Council has historically received is the site is not suitable for rezoning.	This Planning Proposals demonstrates the suitability of the site for the proposed rezoning, and is supported by preliminary studies.
<ul style="list-style-type: none">Council are reviewing their Wollondilly Growth Management Strategy, however the existing draft is not yet public, and its awaiting Department of Planning and Environment comments.	Noted
<ul style="list-style-type: none">Bushfire Risks need to be further investigated at the Gateway Stage of the rezoning.	Noted, the proponent will undertake a Bushfire Assessment as part of any Gateway Approval and conditions.
<ul style="list-style-type: none">Council anticipate a total of 18 months from lodgement to gazettal of the Planning Proposal. Council advised that a pre Gateway review can be requested after 90 days.	Noted
<ul style="list-style-type: none">Lodgement of a Planning Proposal would also benefit from having a draft rezoning map attached to identify the extent of the rezoning.	A draft rezoning map is provided at Appendix 2.

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PART B OBJECTIVES OR INTENDED OUTCOMES

2.1 OBJECTIVES AND INTENDED OUTCOMES

The key objective of this Planning Proposal is to obtain the rezoning of the site through an amendment to the WLEP2011.

Informing this primary objective is the intention to enable the future subdivision and development of the site for residential accommodation including dwelling houses in a low density setting. This intended outcome will be achieved with respect the following secondary objectives:

- Provide dwelling houses in a low density setting surrounded by rural lands, in immediate proximity of the existing local centre and suburban development of The Oaks.
- Provide additional housing in the Wollondilly Shire to provide for the housing needs of the local and regional populations.
- Provide a high standard of living for future residents through the provision of housing in proximity of transport infrastructure, community facilities, retail services and utilities.
- Enable the future development and use of the site for a land use compatible with the surrounding context including rural lands, vegetation and low density residential development.
- Preserve the existing scenic value and rural and transitional character of Wollondilly Shire.
- Protect the natural environment including native flora and fauna and waterways.

The future subdivision of the site and subsequent built form development will be subject to detailed design informed by comprehensive assessment of the site and its context based on specialist consultant inputs.

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PART C EXPLANATION OF PROVISIONS

3.1 OVERVIEW

It is proposed to rezone the subject site from the RU2 Rural Landscape zone to the R2 Low Density Residential zone through an amendment to the *Wollondilly Local Environmental Plan 2011* (WLEP2011).

3.2 AMENDMENT TO WOLLONDILLY LEP 2011 LAND USE ZONING

The objectives of this Planning Proposal can be achieved through the amendment of the WLEP2011 to rezone the site from the RU2 Rural Landscape zone to the R2 Low Density Residential zone.

Accordingly it is proposed to adopt the objectives and provisions of the R2 Low Density Residential zone for the site, being:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home occupations.

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Respite day care centres; Roads; Sewerage systems; Signage; Veterinary hospitals; Water supply systems.

4 Prohibited

Attached dwellings; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Water treatment facilities; Any other development not specified in item 2 or 3.

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Figure 9 provides the proposed zoning map for the site.

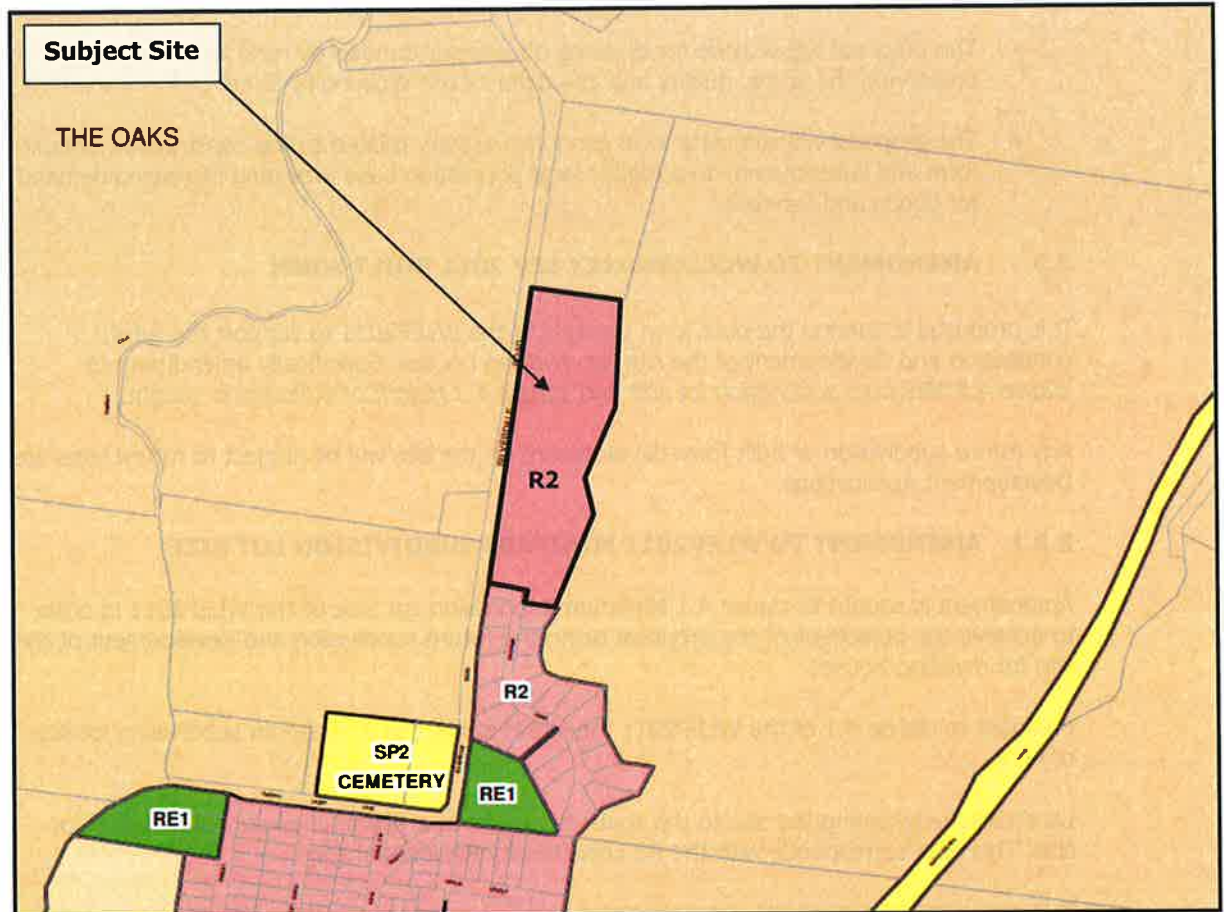


Figure 9 Proposed Zoning Map

The proposed amendment to the WLEP2011 to rezone the site from the RU2 Rural Landscape zone to the R2 Low Density Residential zone is considered appropriate, having regard to the following matters:

- The proposed rezoning will enable the future subdivision and development of the site for dwelling houses in a low density setting, thereby providing additional housing to accommodate the housing needs of the local and regional populations.
- The future use of the land for dwelling houses is highly compatible with adjoining land uses including existing dwelling houses and The Oaks local centre immediately to the south of the site.
- The site is located in immediate proximity of the existing local centre of The Oaks providing retail and community services and is also accessible to regional centres providing significant retail, community and transport infrastructure to support a high standard of living for future residents.
- The future residential land use of the site is not considered to result in any land use conflict with surrounding rural lands which are utilised mainly for rural residential uses.

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- The site is not identified as containing or being in proximity of any biodiversity and therefore the proposal will not adversely affect the natural environment.
- The proposal will provide for dwelling houses surrounded by rural lands thereby preserving the scenic quality and character of the Wollondilly Shire.
- The proposal will stimulate local economic activity related to the construction of built form and subsequently to a higher local population base providing increased demand for goods and services.

3.3 AMENDMENT TO WOLLONDILLY LEP 2011 BUILT FORM

It is proposed to amend the built form controls of the WLEP2011 to support the future subdivision and development of the site for dwelling houses. Specifically amendment to *clause 4.1 Minimum subdivision lot size* and *clause 4.3 Height of buildings* is sought.

Any future subdivision or built form development on the site will be subject to future separate Development Applications.

3.3.1 AMENDMENT TO WLEP2011 MINIMUM SUBDIVISION LOT SIZE

Amendment is sought to clause 4.1 Minimum Subdivision Lot Size of the WLEP2011 in order to achieve the objectives of the proposal being the future subdivision and development of the site for dwelling houses.

Pursuant to clause 4.1 of the WLEP2011 the site is subject to a minimum subdivision lot size of 40ha.

Land directly adjoining the site to the south is subject to a 700m² minimum subdivision lot size. This land corresponds with the R2 Low Density Residential zone.

It is requested to amend the provisions of clause 4.1 to provide a 700m² minimum lot size for the site. This will enable the future subdivision of the site for dwelling houses in accordance with the objectives of this Planning Proposal and the R2 Low Density Residential zone.

The objectives of clause 4.1 are as follows:

- (a) to provide for suitable lot sizes,*
- (b) to ensure that the subdivision of land is compatible with the landscape and environmental constraints of the land.*

The existing objectives of clause 4.1 will not be altered by this proposal but rather will be achieved by the amendment. The proposed 700m² minimum lot size will provide a suitable lot size given the intended low density development of the site in immediate proximity of existing low density residential development. The transitional rural character and rural outlook of the area will be preserved as a result of the proposal and the characteristics and environmental constraints of the site will be considered in more detailed subdivision design.

Figure 10 provides the proposed lot size map for the site.

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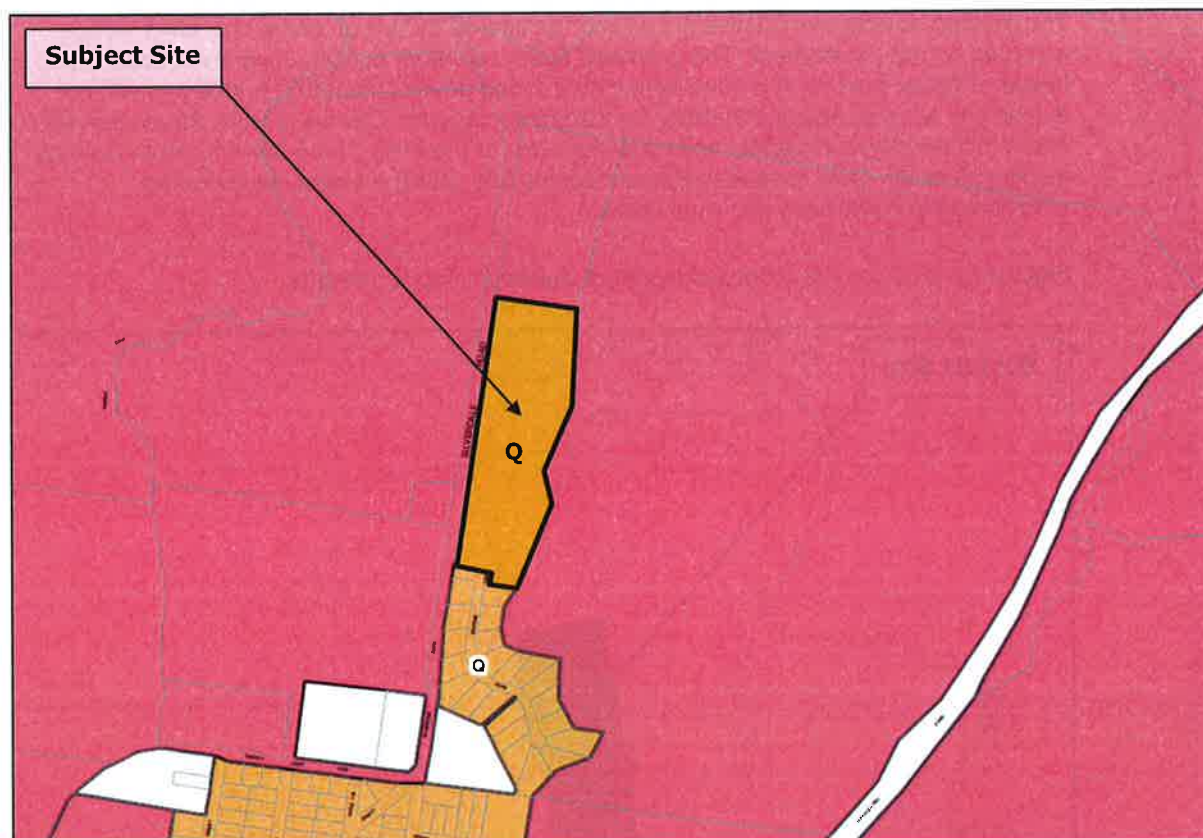


Figure 10 Proposed Lot Size Map

3.3.2 AMENDMENT TO WLEP2011 HEIGHT OF BUILDINGS

Amendment is sought to clause 4.3 Height of Buildings of the WLEP2011 in order to achieve the objectives of the proposal being the future development of the site for dwelling houses.

Pursuant to clause 4.3 of the WLEP2011 the site is not subject to a maximum building height.

Land directly adjoining the site to the south is subject to a 6.8m maximum building height. This land corresponds with the R2 Low Density Residential zone.

It is requested to amend the provisions of clause 4.3 to provide a 6.8m maximum building height for the site. This will enable the future development of the site for dwelling houses in accordance with the objectives of this Planning Proposal and the R2 Low Density Residential zone.

The objectives of clause 4.3 are as follows:

- (a) to minimise the impact of new development on neighbouring properties and the streetscape with regard to bulk, overshadowing, privacy and views,
- (b) to maintain a size and scale of development that is compatible with the existing and emerging character of the locality,
- (c) to ensure that the height of buildings is compatible with the landscape and environmental constraints of the land.

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The existing objectives of clause 4.3 will not be altered by this proposal but rather will be achieved by the amendment. The proposed 6.8m maximum building height will ensure the height of future built form is consistent with existing development in the area and will not exhibit any adverse amenity impacts for adjoining property. This will ensure the preservation of the low density, transitional and rural character of the area. The 6.8m maximum building height will enable built form development compatible with the landscape including environmental constraints and rural vistas.

Figure 11 provides the proposed height of buildings map for the site.



Figure 11 Proposed Height of Buildings Map

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PART D JUSTIFICATION FOR PROPOSED LEP

4.1 NEED FOR THE PLANNING PROPOSAL

The Department of Planning and Environment document "*A Guide to Preparing Planning Proposals*" includes the following questions in describing the need for the Planning Proposal.

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

The Planning Proposal is not the direct result of a strategic study or report. The proposed amendment to the WLEP2011 to rezone the site for low density residential use does however align with a number of state and regional strategic studies and reports including:

4.1.1.1 NSW 2021

NSW 2021 is a State strategic plan and was delivered in December 2012. It is a 10 year plan to '*rebuild the economy, provide quality services, renovate infrastructure, restore government accountability, and strengthen the local environment and communities*'.

It replaces the previous State Plan as the NSW Government's strategic business plan, setting priorities for action and guiding resource allocation. NSW 2021 is a plan for change with ambitious goals and challenging targets.

The NSW 2021 Plan identifies five key strategies that the Plan is based around including:

- Rebuild the economy;
- Return quality services;
- Renovate infrastructure;
- Strengthen our local environment and communities;
- Restore accountability to government.

Key priority actions and actions outlined in each strategy are discussed below as they relate to the development of the subject site for residential accommodation

Rebuild the Economy

Target: Improve Housing Affordability and Availability

Priority Actions:

- Increase the supply of land for housing to help reduce the costs of home ownership;
- Continue to set dwelling targets for Councils outlined in subregional strategies;
- Partner with local Council's to ensure that targets for housing and growth and the priorities within the subregional plans and regional plans are reflected in relevant planning proposals and in local planning instruments;
- Facilitate the delivery of 25,000 new dwellings in Sydney per year;

Comment:

The proposed amendment to the WLEP 2011 to permit the use of the site for residential accommodation will result in the provision of new dwelling houses within the Wollondilly LGA.

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The proposed new dwellings will provide additional housing for the local and regional populations in response to demand for housing within the area and broader region.

Additional supply will exert downward pressure on the cost of housing thereby aiding housing affordability and reducing the cost of living.

Target: Grow employment by an average of 1.25% per year to 2020

Priority Actions:

- Ensure average employment growth continues at a steady rate and that opportunities are shared by all of the community;
- Target the creation of 100,000 new jobs through the Jobs Action Plan.

Comment:

The proposal will stimulate local economic activity related to the construction of built form and subsequently to a higher local population base providing increased demand for goods and services.

Return Quality Services

Target: Increase the Share of Commuter Trips Made by Public Transport

Comment:

The nearest train station to the site is Campbelltown station within approximately 25 minutes drive of the site. Campbelltown station is serviced by the T2 Airport, Inner West and South line, the T5 Cumberland line and the Southern Highlands line.

4.1.1.2 A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney was introduced by the NSW Department of Planning and the Environment (DOPE) in December 2014 and replaced the Metropolitan Plan for Sydney 2036. A Plan for Growing Sydney supports and implements the NSW 2021 State Plan, which identifies restoring economic growth is its number one priority.

The plan presents a strategy for accommodating Sydney's future population growth. It balances the need for more housing, but also cultivates the creation of strong and resilient communities within a highly-liveable city whilst protecting the natural environment and biodiversity.

New housing will be located close to jobs, public transport, community facilities and services. It acknowledges the need to offer choice in housing location, size and typologies, to better suit our lifestyles and budgets. Most importantly, more intensive housing development across the city will be matched with investment in infrastructure and services, culture and the arts, and open spaces.

A Plan for Growing Sydney will also provide a framework for strengthening the global competitiveness of Sydney, in order to facilitate strong investment and jobs growth.

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Specifically, the Wollondilly LGA is located within the South West subregion, earmarked for significant infrastructure investment and intensive growth over the next 20 years in association with the Badgerys Creek Airport. In relation to the South West Subregion the Metropolitan Strategy seeks to *'identify suitable locations for housing, employment and urban renewal...continue the delivery of the South West Growth Centre through greenfield housing development and the expansion of local employment.'*

In response to this aim the proposed development site is considered to provide a greenfield site suitable for new housing in proximity of an existing local centre and accessible to regional centres providing employment opportunities, retail services, transport connections and community facilities.

The following outlines a number of key directions identified in the Plan or Growing Sydney that the proposed development can demonstrate alignment to.

Table 2 Strategic Directions (A Plan for Growing Sydney, 2014)

STRATEGIC DIRECTION	STRATEGIC JUSTIFICATION OF THE PROPOSAL
1.4 Transform the productivity of Western Sydney Through Growth and Investment	The proposal contributes to the growth of Western Sydney through the provision of housing in reasonable proximity of established regional centres providing opportunities for local employment.
1.7 Grow Strategic Centres – providing more jobs closer to home	The proposal will provide new housing in reasonable proximity of Campbelltown being a regional city centre identified for growth. The provision of housing accessible to Campbelltown will reinforce the role of Campbelltown as a regional centre and ensure a high standard of living for future residents of the site facilitated through access to employment and services.
2.1 Accelerate Housing Supply Across Sydney	<p>The proposal will provide additional housing within the Wollondilly LGA to assist the attainment of housing targets for Sydney and the South West subregion.</p> <p>The proposal will deliver dwelling houses in the immediate vicinity of an existing local centre and in reasonable proximity of the established regional centres of Picton, Camden and Campbelltown. The proposed low density development will integrate with the transitional and rural character of the surrounding context and is considered compatible with adjoining land uses.</p> <p>The provision of new housing will increase supply placing downward pressure on the cost of housing and therefore improving housing affordability and the cost of living to the benefit of the local and regional populations.</p>
2.3 Improve Housing Choice to suit different	The proposed amendment to the WLEP 2011 to

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needs and lifestyle	<p>permit the use of the site for residential accommodation will result in the provision of new dwellings within the Wollondilly LGA and the south-western Sydney region. The proposed new dwellings will provide additional housing choice to meet the needs of the population.</p> <p>Additional housing supply and diversity will place downward pressure on the cost of housing and overall cost of living.</p>
2.4 Deliver timely and well planned greenfield precincts and housing	<p>The proposal will enable greenfields development in direct proximity of an existing local centre and therefore is considered to provide a suitable location for new housing.</p> <p>The subject site is located in direct proximity of an existing local centre and is within easy reach of established regional centres providing public transport infrastructure, employment opportunities, retail services and community facilities. Therefore the proposed greenfields development will be supported by existing infrastructure ensuring the creation of a liveable community providing a standard of living for future residents.</p>
3.1 Revitalise existing suburbs	<p>The site is located in immediate proximity of the existing suburb of The Oaks which includes housing and a local centre comprising retail premises, a school, churches and public open space.</p> <p>The provision of new housing in direct proximity of The Oaks will assist in the revitalisation of this existing suburb through an increased population base to support businesses and justify the provision of community services.</p>
4.1 Protect our natural environment and biodiversity	<p>The subject site is not identified as containing or being in proximity of any biodiversity and therefore will not adversely impact on biodiversity.</p> <p>The future subdivision of the site and subsequent built form development will be subject to detailed design informed by comprehensive assessment of the site and its context based on specialist consultant inputs to ensure the proposal is highly compatible with the characteristics of the site and the natural environment.</p>
South West Subregion	<p>In accordance with the priorities for the South West subregion the proposal will accelerate housing supply, choice and affordability and build great places to live. This will be achieved through</p>

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	new housing to increase supply in response to demand. The housing diversity resulting from the proposal will also provide additional housing choice to meet the needs of a diverse population and cater to a variety of lifestyles.
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4.1.1.3 DISTRICT PLANS

The site and Wollondilly LGA are identified within the South West Subregion in *A Plan for Growing Sydney*. In order to translate the strategic direction set out in *A Plan for Growing Sydney* into actions for local areas, District Plans will be devised in order to:

- Influence the delivery of housing supply;
- Inform and influence the planning for business activity and investment to encourage; jobs growth, particularly in strategic centres and transport gateways;
- Inform the decision making for infrastructure planning;
- Provide guidance on urban planning issues.

No District Plan or Subregional Strategy has yet been released in either draft or final form.

4.1.1.4 WOLLONDILLY SHIRE COUNCIL GROWTH MANAGEMENT STRATEGY 2011

In 2011 Wollondilly Shire Council adopted a Growth Management Strategy in order to plan for future growth and service and infrastructure provision.

The Growth Management Strategy (GMS) provides for population growth of 19,000 people by 2036 requiring 7,500 new dwellings. In recognition of the need for contingency and market flexibility, the total dwelling target for the Wollondilly LGA is 10,750 new dwellings by 2036.

Specifically the GMS identifies a requirement for 250 additional dwellings and a target of 350 new dwellings for The Oaks and Oakdale. Within The Oaks and Oakdale 100 new dwellings are in planning phase subject to draft LEP 77 relating to land in the southern edge of The Oaks.

The GMS provides a number of Key Policy Directions which are summarised and addressed in **Table 4** within section 4.2.2. The proposed rezoning will facilitate the creation of a community comprising dwelling houses in a low density setting surrounded by rural lands. The development of the site will provide a logical expansion of the existing suburb of The Oaks and provide a buffer between this established local centre and surrounding rural land.

The subject site has been specifically identified as a *potential residential growth area* in the Structure Plan for The Oaks within the GMS. Accordingly the proposal is consistent with the numeric dwelling targets for The Oaks as well as the spatial characteristics of ear-marked expansion.

As elaborated in section 4.2.2 the proposal is therefore highly consistent with the local strategic planning framework.

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

It is considered that the Planning Proposal is the best means of achieving the objectives stipulated in Section 2 of this report.

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Under the current WLEP2011 the site is zoned for Rural Landscape and the intended subdivision and development of the site for dwelling houses is inconsistent with the objectives of the RU2 zone.

Further, the subdivision and built form controls applicable to the site under the current WLEP2011 reflect the RU2 zoning of the site and do not allow for the intended residential subdivision and development of the site to accommodate dwelling houses.

Therefore an amendment to the WLEP2011 is required to permit the intended future subdivision and development of the site for dwelling houses.

The proposed rezoning of the site to the R2 Low Density Residential zone is considered the best means of achieving the future subdivision and development of the site.

The proposed rezoning is considered to enable the future subdivision and development of the site for dwelling houses in order to provide additional housing on the site to accommodate the housing needs of the local and regional population and improve housing affordability through increased supply. The site is located in proximity of an existing local centre and is accessible to regional centres providing employment, retail services, community facilities and transport infrastructure, thereby contributing to a high standard of living for future residents. The proposed use of the site is considered highly compatible with the site characteristics, adjoining land uses, transitional and rural character of the Wollondilly Shire and the broader context.

4.1.3 IS THERE A NET COMMUNITY BENEFIT?

Net community benefit has been assessed in accordance with relevant guidelines and as outlined in the following table.

Table 3 Net Community Benefit

CRITERIA	Y/N	PROPOSAL
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposal is consistent with key elements of NSW 2021, A Plan for Growing Sydney, Wollondilly Community Strategic Plan 2033 and the Wollondilly Growth Management Strategy 2011, as discussed above.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	N	<p>The site is not identified within the Global Economic Corridor, an urban renewal corridor or growth centre. The site is however within reasonable proximity of Campbelltown which is identified as a Regional City Centre earmarked for growth.</p> <p>The site is also in reasonable proximity of the Macarthur South Investigation Area, though is not identified within this area.</p>
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other	Y	The proposed rezoning may create a precedent or change the expectations of the site given the similar character of surrounding land which is predominantly farmland in its present state.

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landholders?		
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	<p>A Draft Planning Proposal for 730-760 Montpelier Drive, The Oaks, was exhibited from 16 December 2015 to 5 February 2016 and seeks to amend the WLEP2011 to rezone the site from RU2 Rural Landscape to R2 Low Density Residential, permit subdivision of lots to a minimum of 975m² and 4000m² and permit buildings to a maximum height of 9m. This site is identified to the south of land identified within the GMS Structure Plan for potential residential growth.</p> <p>Proposed spot rezoning respond to the strategic planning framework including the Wollondilly Growth Management Strategy in order to enable residential growth in designated locations.</p>
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	N	The proposal intends to facilitate the residential use of the site and does not involve the creation of any employment lands. The site is not currently used for employment-generating use and therefore neither will the proposal result in the loss of any employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	<p>The proposed amendment to the WLEP2011 to rezone the site for low density residential development will provide additional housing supply and choice to accommodate the housing needs of the local and regional population.</p> <p>The provision of new housing will increase supply placing downward pressure on the cost of housing and therefore improving housing affordability and the cost of living.</p>
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	N	<p>Wollondilly Shire is serviced by limited public transport and limited cycling and pedestrian infrastructure due to very low population densities across the LGA incapable of supporting regular public transport services or significant investment. Accordingly the site is also serviced by limited public transport though short driving distances to higher capacity transport interchanges facilitates relative connectivity within the region.</p> <p>The Oaks is serviced by established road infrastructure with the main roads providing regional connectivity being Burragorang Road running east-west and Montpelier Drive/ Silverdale Road running north-west. Within 10 minutes drive of the site access to major road infrastructure including Camden Bypass, Remembrance Drive and the Hume Highway is provided.</p>

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		<p>The suburban area of The Oaks is serviced by a local and regional bus service being the number 40 bus connecting Camden, The Oaks, Belimbla Park and Oakdale. This bus route utilises Burragorang Road and therefore corresponds with the site's eastern boundary. From Camden, bus interchange provides wider connectivity.</p> <p>The nearest train station to the site is Campbelltown station within approximately 25 minutes drive of the site. Campbelltown station is serviced by the T2 Airport, Inner West and South line, the T5 Cumberland line and the Southern Highlands line.</p>
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N	<p>The proposal relates to residential land uses only and therefore no employees, customers or suppliers will access the site on a regular basis.</p> <p>It is anticipated that future residents will travel to the existing local centre of The Oaks and the regional centres of Picton, Camden and Campbelltown to access services and facilities.</p> <p>This will result in additional car distances travelled and traffic generation compared to the existing use of the site for rural residential.</p>
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	<p>The proposal does not require further government investment in public infrastructure, it will utilise the existing infrastructure and services beyond the property boundaries.</p> <p>A letter from Sydney Water dated 7 January 2014 and outlining the capacity of Sydney Water's water and wastewater systems is provided at Appendix 8. The letter explains that prior to authorising the sewage connection of areas outside the original scheme for The Oaks, Oakdale and Belimbla Park, Sydney Water must ensure there is sufficient uncommitted spare capacity in the system to accommodate the additional connections. Sydney Water's investigations concluded that for The Oaks there is sufficient uncommitted capacity in the drinking water and wastewater trunk network to service the 60-dwelling Planning Proposal at Montpellier Drive and potentially spare capacity for some 240 additional dwellings at The Oaks.</p> <p>The availability and capacity of other public infrastructure will be confirmed subsequent to consultation with relevant agencies.</p>
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high	N	<p>The proposal will not impact on land that the government has identified a need to protect.</p> <p>The site is not known to be constrained but this will</p>

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biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?		be further assessed to inform this Planning Proposal.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	<p>The proposed residential use of the site is compatible with surrounding land uses including dwelling houses in a low density or rural setting and rural land uses.</p> <p>The proposed development of the subject site will provide a logical extension of the existing suburb of The Oaks directly to the south and as such is consistent with the transitional character of the locale.</p> <p>The proposal will not affect the existing public domain and any new public domain to be provided in conjunction with the subdivision and development of the site will be subject to detailed design and discussion with Council at the DA stage.</p>
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The proposal does not relate to any retail or commercial land uses.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N	The proposal is for residential land use only intended to include dwelling houses and therefore will not create any new centre. The site is in proximity of The Oaks which provides an existing local centre to service the development.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Y	The development will provide additional housing in response to current demand and will therefore, through the provision of housing supply and diversity, improve housing affordability in the region and exert downward pressure on the cost of living to the benefit of the local and regional population.

4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUBREGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN PLAN AND EXHIBITED DRAFT STRATEGIES)?

As previously discussed in Section 4.1, the Planning Proposal is generally consistent with NSW 2021, A Plan for Growing Sydney, Wollondilly Community Strategic Plan 2033 and the Wollondilly Growth Management Strategy 2011.

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4.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OF OTHER LOCAL STRATEGIC PLAN?

4.2.2.1 WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033

The Wollondilly Community Strategic Plan (CSP) 2033 identifies the key issues, strengths, opportunities and challenges of Wollondilly and sets out strategies for achieving outcomes.

The Community Strategic Plan is supported by Council's 10-Year Resourcing Strategy comprising a long term financial strategy, a workforce management plan and an asset management strategy. Additionally a 4-Year Delivery Plan outlines Council's commitment to the implementation of the CSP.

The five main themes providing the foci of the Wollondilly CSP 2033 are:

- Economy;
- Governance;
- Environment;
- Community;
- Infrastructure.

Of particular relevance to this Planning Proposal are the strategies for the Environment which are embedded in the CSP. The proposed development is consistent with this section of the CSP in that it will enable the provision of additional housing in direct proximity of an existing local centre thereby facilitating an orderly and efficient approach to growth. The location of new housing in direct proximity of existing suburban development will make use of existing services and infrastructure where possible thereby minimising the over-extension of existing networks and promoting sustainability. Further, the site is not identified in proximity of any biodiversity and will consider the natural environment in any future subdivision design for the site to ensure the protection of the environment.

The strategies for the economy are also supported by the proposal in that the proposal will stimulate local economic activity related to the construction of built form and subsequently to a higher local population base providing increased demand for goods and services. In relation to infrastructure, the proposed development is located in immediate proximity of the existing local centre of The Oaks and is also in reach of the regional centres of Picton, Camden and Campbelltown providing additional services and infrastructure to support the new community. To support the Planning Proposal any future Development Application for the subdivision of the site further investigation may be undertaken as required to ensure the site is capable of providing all relevant services and utilities.

Accordingly the proposal is consistent with the strategies outlined in the Community Strategic Plan.

4.2.2.2 WOLLONDILLY SHIRE COUNCIL GROWTH MANAGEMENT STRATEGY 2011

In 2011 Wollondilly Shire Council adopted a Growth Management Strategy in order to plan for future growth and service and infrastructure provision.

The Growth Management Strategy (GMS) provides for population growth of 19,000 people by 2036 requiring 7,500 new dwellings. In recognition of the need for contingency and market flexibility, the total dwelling target for the Wollondilly LGA is 10,750 new dwellings by 2036.

Specifically the GMS identifies a requirement for 250 additional dwellings and a target of 350 new dwellings for The Oaks and Oakdale. Within The Oaks and Oakdale 100 new dwellings

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are in planning phase subject to draft LEP 77 relating to land in the southern edge of The Oaks.

The GMS provides a number of Key Policy Directions which are summarised and addressed in the following table:

Table 4 Wollondilly Growth Strategy Key Policy Directions

KEY POLICY DIRECTION	STRATEGIC JUSTIFICATION OF THE PROPOSAL
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2)	<p>The proposal will facilitate the creation of a community comprising dwelling houses in a low density setting surrounded by rural lands. The development of the site will provide a logical expansion of the existing suburb of The Oaks and provide a buffer between this established local centre and surrounding rural land.</p> <p>The future subdivision and development of the site will carefully consider areas of vegetation and waterways on the site to ensure the integrity of the natural environment is preserved as a result of the proposal.</p>
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The proposal will provide additional housing to accommodate the housing needs of the local and regional population.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The proposal intends to facilitate the future development of the site for dwelling houses which will provide additional housing supply and diversity to accommodate the needs of the local and regional population. The provision of additional supply in response to demand will aid housing affordability by placing downward pressure on the cost of housing and thereby the overall cost of living.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The subject site is located on the edge of The Oaks local centre and therefore the proposed dwelling houses in a low density setting will provide a rural fringe acting as a buffer between The Oaks local centre and surrounding rural lands.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The subject site is immediately adjoined by the existing local centre and low density residential development of The Oaks and is therefore considered a suitable location for the provision of new housing. By providing new housing the proposal will enliven The Oaks, support local businesses and justify the provision of community services.
P17 Council will not support residential and employment lands growth unless increased	To inform this Planning Proposal consultation with Council and relevant agencies will be undertaken

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infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	to ensure adequate infrastructure and services can be provided to support the proposed residential growth.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating on new housing in and around our existing population centres.	The provision of new housing in direct proximity of the existing suburb of The Oaks will support the function of this local centre as a provider of retail and community services for the surrounding population. The additional population introduced as a result of the proposal will support the continued viability of retail premises within The Oaks and justify the continued provision of community services.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The subject site is immediately adjoined by the existing local centre and low density residential development of The Oaks and is therefore considered a suitable location for the provision of new housing. By providing new housing the proposal will enliven The Oaks, support local businesses and justify the provision of community services.
P21 Council acknowledges and will seek to protect the special economic, environmental and cultural values of Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	<p>The proposed subdivision and development of the site for dwelling houses is considered to protect the character and values of the Wollondilly Shire.</p> <p>The use of the site for dwelling houses is considered highly compatible with surrounding rural land uses and established housing. The transitional rural character of the Shire will be preserved by the provision of low density housing surrounded by rural lands.</p> <p>The subdivision and development of the site will consider the environmental significance of the site and surrounds to ensure the preservation of native flora and fauna and waterways.</p>
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining, where possible and practicable, existing dwelling and subdivision entitlements in rural areas.	<p>The proposal will facilitate the coordinated subdivision and development of a site in direct proximity of an existing local centre. The future subdivision of the site will be designed to ensure the efficient use of the land.</p> <p>Accordingly the proposal will not cause the fragmentation of rural lands.</p>

The subject site has been specifically identified as a *potential residential growth area* in the Structure Plan for The Oaks within the GMS as shown in **Figure 12**. Accordingly the proposal is consistent with the numeric dwelling targets for The Oaks as well as the spatial characteristics of ear-marked expansion.

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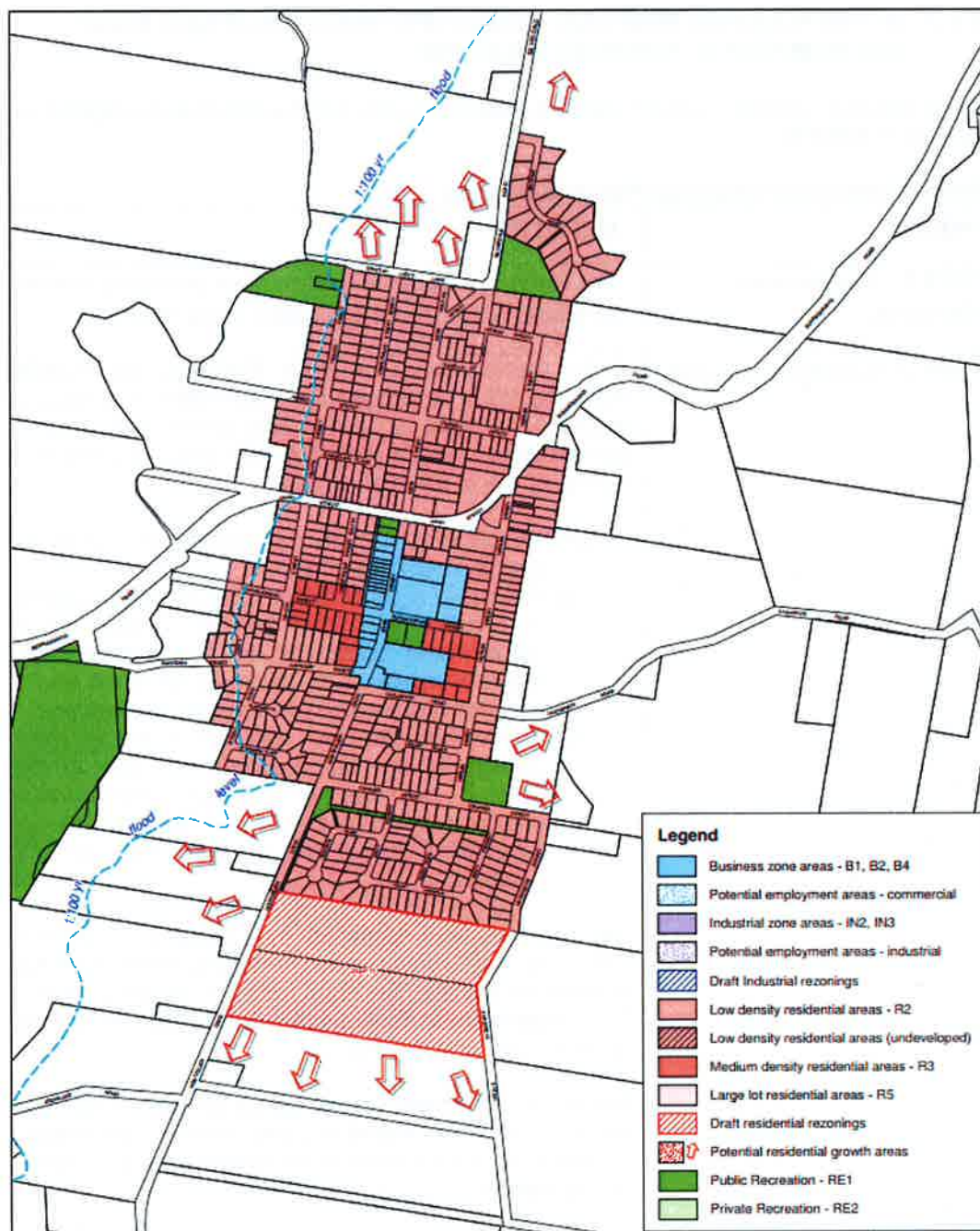


Figure 12 Structure Plan – The Oaks (Growth Management Strategy, 2011)

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

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs), as outlined in **Table 5**.

Table 5 State Environmental Planning Policies

POLICY	DETAILS
SEPP 1 – Development Standards	The Planning Proposal will not contain provisions that will contradict or hinder the application of the SEPP.
SEPP 55 Remediation of Land	<p>Under the provisions of <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> (SEPP 55), where a Rezoning Proposal is made concerning land that is contaminated, the planning authority must not permit a change of use of the land, unless:</p> <ul style="list-style-type: none">(a) <i>the planning authority has considered whether the land is contaminated, and</i>(b) <i>if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i>(c) <i>if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.</i> <p>The site has been identified by Council as potentially containing soil contamination resulting from historical dumping on the site. The email from Council dated 14 May 2010 (Appendix 9) confirms that Council was responsible for some tipping at the site.</p> <p>The site is not however encumbered by any notices from the NSW DEC with regard to contaminated land. Neither are any sites in the vicinity of the subject site encumbered by any notices.</p> <p>A Phase 2 Detailed Environmental Site Assessment has been undertaken across part of the site and is provided at Appendix 3. For that part of the site investigated a requirement for remediation prior to residential development was identified due to imported fill soils containing PAH compounds in the form of BaP exceeding the guidelines and failing to comply with <i>Residential with Garden/ Accessible Soils</i> land use criteria. No evidence of contamination by petroleum hydrocarbons, heavy metals, pesticides, PCBs or asbestos was found.</p> <p>Based on more recent environmental investigations</p>

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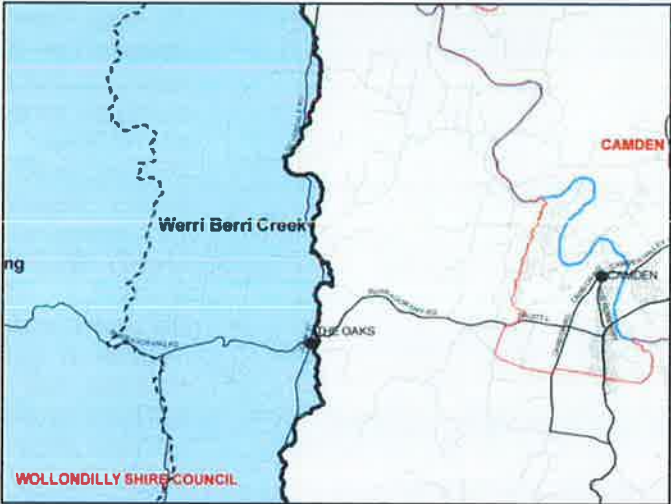
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	<p>(Appendix 4) no remediation is required for and no human health or environmental risks have been identified. The previous site assessment was completed prior to the implementation of the new National Environmental Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1). The revised NEPM (2013) takes into consideration the potency relative to benzo(a)pyrene which is calculated by the concentration of each carcinogenic PAH in the sample by its B(a)P toxicity equivalent factor (TEF). DLA Environmental have compared the results of the DSI against the criteria provided in NEPM (1999) Amended 2013 for Residential with garden/accessible soils (HIL A) land use. Minor detections of PAH compounds and heavy metals were recorded, however these levels did not exceed the applicable 1999 criteria and revision of these levels in comparison to the 2013 criteria still do not exceed the applicable levels. Under the revised NEPM soil criteria, the Site is compliant with the amended Site Criteria of <i>HIL A – residential with garden/accessible soils</i>.</p> <p>A Site Fill Investigation has also been carried out and is provided at Appendix 5. The Investigation found that the fill material placed does not achieve the minimum compaction level of 95% required by Council. Accordingly a number of recommendations were provided including:</p> <ul style="list-style-type: none">▪ <i>Stripping of the surface topsoil material and stockpiling separately.</i>▪ <i>Excavation of all fill to expose natural ground.</i>▪ <i>Proof rolling of the excavate base using a minimum 10 tonne roller and any soft or heaving areas delineated by the proof rolling should be further excavated and replaced with good quality fill such as ripped sandstone having a maximum particle size of 75mm.</i>▪ <i>The excavated fill should be screened and all building material sorted from the fill should be appropriately disposed off-site to a DECC approved landfill. The fill should be moisture conditioned by drying.</i>▪ <i>Placement and compaction of the screened fill material in layers not exceeding 250mm loose thickness and compacted to a minimum 95% Standard Maximum Dry Density at within 2% of Optimum Moisture Content.</i>▪ <i>Density testing of the placed fill by a NATA accredited laboratory in accordance to the requirements outlined in AS3798- 2007.</i>
SEPP (Infrastructure) 2007	<p>State Environmental Planning Policy (Infrastructure) 2007 provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.</p> <p>Referral may be required for the erection of new premises,</p>

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	<p>or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.</p> <p>The proposed rezoning intends to facilitate the future subdivision and development of the site for dwelling houses. The referral thresholds for subdivision are:</p> <ul style="list-style-type: none"> ▪ 200 or more allotments where the subdivision includes the opening of a public road; or ▪ 50 allotments (site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)). <p>Details of the subdivision of the site will be confirmed at the DA stage ensuing the rezoning of the land and any requirement for the referral of the application to RMS confirmed at this stage.</p>
<p>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</p>	<p><i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> applies to land within the Sydney Drinking Water Catchment.</p> <p>The site is directly adjoined by the Sydney Drinking Water Catchment but is not located within the catchment and therefore SEPP (Sydney Drinking Water Catchment) 2011 is not applicable to the site.</p>  <p>Figure 13 Sydney Drinking Water Catchment (NSW Legislation, 2016)</p>

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4.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH THE APPLICABLE MINISTERIAL DIRECTIONS (S117 DIRECTIONS)?

The Planning Proposal has been assessed against the s117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

Table 6 S117 Ministerial Directions

Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable
1.2 Rural Zones	<p>The site is currently zoned RU2 Rural Landscape and the proposed amendment to the WLEP2011 intends to rezone the site to R2 Low Density Residential. The proposed rezoning intends to facilitate the provision of additional housing within Wollondilly which is consistent with local, regional and state strategic policy documents.</p> <p>The subject site is not utilised for productive agriculture and therefore the proposed residential development for the site is not considered to result in the loss of any productive agricultural land. Therefore the proposal is considered consistent with the objectives of this Ministerial Direction.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	<p>The site is currently zoned RU2 Rural Landscape and the proposed amendment to the WLEP2011 intends to rezone the site to R2 Low Density Residential. The proposed rezoning intends to facilitate the provision of additional housing within Wollondilly which is consistent with local, regional and state strategic policy documents.</p> <p>The site is not utilised for productive agriculture and therefore the proposed residential development for the site is not considered to result in the loss of any productive agricultural land. Further, given the location of the site in immediate proximity of The Oaks being an existing suburb, the proposed use of the site for dwelling houses is considered to facilitate the orderly and economic development of rural land for compatible uses. Therefore the proposal is considered consistent with the objectives of this Ministerial Direction.</p>
2. Environment and Heritage	

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2.1 Environment Protection Zones	Not Applicable
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	Not Applicable
2.4 Recreation Vehicle Areas	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	<p>The proposed amendment to the WLEP2011 to rezone the site for low density residential development will provide additional housing supply and choice to accommodate the housing needs of the local and regional population.</p> <p>The provision of new housing will increase supply placing downward pressure on the cost of housing and therefore improving housing affordability and the cost of living.</p>
4. Hazard and Risk	
4.1 Acid Sulfate Soils	The site is not known to contain acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	<p>The site is not known to contain mine subsidence or unstable land. As concluded by geotechnical investigations (Appendices 6 and 7) the site should be classed as having a degree of risk varying from very low to low risk, up to low to medium risk.</p> <p>The overall site is identified as containing water sensitive land however the portion of the site that forms the subject of this Planning Proposal is not identified as containing or being in close proximity of any sensitive land pursuant to the WLEP2011.</p>
4.3 Flood Prone Land	
4.4 Planning for Bushfire Protection	<p>The site is identified as containing Category 1 and Buffer Bushfire Prone Land. A Bushfire Assessment will be undertaken to inform this Planning Proposal and ensure the future subdivision and development of the site is in accordance with <i>Planning for Bushfire Protection 2006</i>.</p> <p>In summary, the site exhibits similar characteristics including geotechnical, flood and bushfire characteristics as the adjoining Browns Road site which has been successfully developed thereby demonstrating the physical suitability of the land for residential use.</p>
5. Regional Planning	
5.1 Implementation of Regional Strategies.	Section 4.1 of this planning proposal identifies the proposal's consistency with the relevant Regional Strategies.
5.2 Drinking Water Catchments	The site is not identified within the Sydney Drinking Water Catchment.

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6. Local Plan Making	
6.1 Approval and Referral Requirements	Not Applicable
6.2 Reserving Land for Public Purposes	Not applicable
6.3 Site Specific Provisions	No other restrictive site specific planning controls are proposed.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Section 4.1 of this planning proposal identifies the proposal's consistency with the relevant Regional Strategies including A Plan for Growing Sydney.

4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

4.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OF THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?

The Planning Proposal will not affect any critical habitats, populations or ecological communities. The subject site is not identified as containing any biodiversity or as being in proximity of any biodiversity.

Further assessment may be carried out as required to support this Planning Proposal.

4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Traffic and Parking Impacts

- The development will generate additional traffic and as such has the potential to result in impacts on the surrounding public road network. The future development applications will be accompanied by an assessment of traffic impacts to determine the net traffic effects of the development and consequential actions required to manage traffic impact.
- Vehicular access to the site is proposed to be provided from Browns Road via an extension of the existing road and creation of a T intersection. Testing of the existing road capacities and details of the proposed road alignment will be undertaken at the Gateway stage and as part of future Development Applications.
- The level of parking proposed will be determined with regard to relevant parking standards at the DA stage for built form.
- A detailed analysis of access and parking capacity relative to the proposed use will be undertaken as part of any future development application process.

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Easements

- A transmission line easement of approximately 30.48m wide runs east-west and a water drainage easement (10m wide) runs north-south but could possibly accommodate an internal road.
- Any easements required to support the proposal will be addressed at the Gateway stage and as part of future Development Applications.

Heritage

- The site is not identified as a heritage item or conservation area and is not identified in proximity of any items or areas of heritage significance.

Construction and Operational Management

- Technical investigations as well as consultation outputs will be used to inform a Construction and Operation Management Plan for the proposed development. Draft documents will form part of the initial development applications.

Waste Management

- A comprehensive Waste Management Plan will be prepared as part of the development application process. This plan will aim to minimise waste and will detail measures to address waste disposal through the demolition, construction and on-going operation of the facility.

Sewerage Network

- A letter from Sydney Water dated 7 January 2014 and outlining the capacity of Sydney Water's water and wastewater systems is provided at **Appendix 8**. The letter explains that prior to authorising the sewage connection of areas outside the original scheme for The Oaks, Oakdale and Belimbla Park, Sydney Water must ensure there is sufficient uncommitted spare capacity in the system to accommodate the additional connections. Sydney Water's investigations concluded that for The Oaks there is sufficient uncommitted capacity in the drinking water and wastewater trunk network to service the 60-dwelling Planning Proposal at Montpellier Drive and potentially spare capacity for some 240 additional dwellings at The Oaks.

Geotechnical Investigations

A Geotechnical Investigation and Slope Stability Risk Appraisal (**Appendix 6**) has been carried out across the site and confirms that *"a residential subdivision development can be achieved on the site, subject to geotechnical controls."* The appraisal undertaken concludes that the site can be classed as having a degree of risk varying from very low to low risk, up to low to medium risk in relation to slope instability. The report recommends that any future development should be subject to geotechnical controls, including review of the subdivision details when prepared. Recommendations of the report include:

- *all buildings and other permanent structures, must be located outside the 10m buffer zone from the change of grade (shoulder of steep slope) around the eastern side of the site.*
- *it is recommended that building developments be kept clear of the fill batter along the western side of the site; excavations into the toe of the fill batter must be kept to a minimum; excavations deeper than 1m must be supported by engineer-designed retaining walls.*

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- *no constraints are required for geotechnical purposes on the style of residential buildings.*
- *the site is classified as Class P (problem site) in accordance with AS2870-1996, due to uncontrolled clay fill generally present over the site to depths in excess of 0.4m; all footings are to be designed by a suitably experienced consulting structural engineer; any revision to this classification must be based on site-specific investigations demonstrating that the existing fill within the building areas is less than 0.4m.*
- *footings for residences and other permanent structures (eg, detached garages, pools) must be extended to the bedrock below the fill; bored piers are considered suitable for this purpose.*
- *This investigation and appraisal are supported by recent inspections of the subject site which conclude consistency with the land that was previously investigated. Therefore, common to the initial investigations, the slope stability and other site characteristics are suitable for residential development. Other than the potential need to undertake remediation across the site, no constraints to the development of the site have been identified.*
- *if the existing fill within proposed building areas is removed and replaced under engineering controls, shallow footing systems could be considered for the future residential construction; engineering specifications must be prepared and followed for the fill reworking and footing designs; the site classification for building areas could then be reviewed on the basis of the outcomes of the fill modification work.*
- *all collected drainage and roof water, including overflow from roof water tanks and surface drainage intercepted around the house areas, should be directed in sealed pipes to discharge into the road drainage system, to be provided as part of the subdivision development; site drainage must not be discharged over the steep slope bordering the eastern side of the property.*
- *uncontrolled disposal of sillage and liquid household wastes into the fill for individual site disposal purposes is not recommended due to adverse effects on ground moisture conditions and potential influence on slope instability at the escarpment zone; consequently, the disposal of household wastes for the subdivision should occur away from the site; connection to a sewer treatment and disposal system is recommended as a requirement of subdivision.*
- *if limited, short term site disposal is necessary, pending provision of a sewer connection for the subdivision, a detailed design appraisal for controlled site disposal of treated household wastes will be necessary; such appraisal must be prepared by a suitably experienced consultant, taking into account the requirement for minimizing site absorption quantities.*
- *roadworks and drainage for the subdivision will be formed on or within the uncontrolled clay fill covering the site; accordingly, the construction should be governed by engineering specifications written specifically for this site.*
- *we recommend that the surface drainage at the northeastern corner of Lot 24 be diverted around the low point near and within the power easement (eg by a low contour mound), so that water is carried past the local depression and is directed away towards the north, eventually flowing to the existing surface drainage beside an access track.*
- *prior to any subdivision works being undertaken, a detailed site survey should be carried out by a registered surveyor, for the purpose of preparing a contoured site plan, showing the accurately surveyed site features; in particular, a survey is required along the edge of the escarpment zone to locate the existing fence line and the top of the steep slope.*
- *the engineering design for the subdivision, when prepared, should be reviewed by a geotechnical engineer to ensure compliance with the general and specific recommendations of this report.*

To support the previous geotechnical investigations and appraisal site investigations have been undertaken by a Geotechnical Engineer (**Appendix 7**). This investigation has concluded that the land subject to this proposal is consistent with the previous investigations including in relation to slope stability. Therefore the site is concluded to be suitable for

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residential development with no site constraints other than possible remediation being required.

Contamination

- The site has been identified by Council as potentially containing soil contamination resulting from historical dumping on the site. The email from Council dated 14 May 2010 (**Appendix 9**) confirms that Council was responsible for some tipping at the site.
- The site is not however encumbered by any notices from the NSW DEC with regard to contaminated land. Neither are any sites in the vicinity of the subject site encumbered by any notices.
- A Phase 2 Detailed Environmental Site Assessment has been undertaken across part of the site and is provided at **Appendix 3**. For that part of the site investigated a requirement for remediation prior to residential development was identified due to imported fill soils containing PAH compounds in the form of BaP exceeding the guidelines and failing to comply with *Residential with Garden/ Accessible Soils* land use criteria. No evidence of contamination by petroleum hydrocarbons, heavy metals, pesticides, PCBs or asbestos was found.
- A Site Fill Investigation has also been carried out and is provided at **Appendix 5**. The Investigation found that the fill material place does not achieve the minimum compaction level of 95% required by Council. Accordingly a number of recommendations were provided including:
 - *Stripping of the surface topsoil material and stockpiling separately.*
 - *Excavation of all fill to expose natural ground.*
 - *Proof rolling of the excavate base using a minimum 10 tonne roller and any soft or heaving areas delineated by the proof rolling should be further excavated and replaced with good quality fill such as ripped sandstone having a maximum particle size of 75mm.*
 - *The excavated fill should be screened and all building material sorted from the fill should be appropriately disposed off site to a DECC approved landfill. The fill should be moisture conditioned by drying.*
 - *Placement and compaction of the screened fill material in layers not exceeding 250mm loose thickness and compacted to a minimum 95% Standard Maximum Dry Density at within 2% of Optimum Moisture Content.*
 - *Density testing of the placed fill by a NATA accredited laboratory in accordance to the requirements outlined in AS3798- 2007.*
- Based on more recent environmental investigations (**Appendix 4**) no remediation is required for and no human health or environmental risks have been identified. The previous site assessment was completed prior to the implementation of the new National Environmental Protection (Assessment of Site Contamination) Amendment Measure 2013 (No. 1). The revised NEPM (2013) takes into consideration the potency relative to benzo(a)pyrene which is calculated by the concentration of each carcinogenic PAH in the sample by it B(a)P toxicity equivalent factor (TEF). DLA Environmental have compared the results of the DSI against the criteria provided in NEPM (1999) Amended 2013 for Residential with garden/accessible soils (HIL A) land use. Minor detections of PAH compounds and heavy metals were recorded, however these levels did not exceed the applicable 1999 criteria and revision of these levels in comparison to the 2013 criteria still do not exceed the applicable levels. Under the revised NEPM soil criteria, the Site is compliant with the amended Site Criteria of *HIL A – residential with garden/accessible soils*.

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Bush Fire

- The site is identified as containing Category 1 and Buffer Bushfire Prone Land as shown in **Figure 14**.
- A Bushfire Assessment will be undertaken at the Gateway stage to inform this Planning Proposal and ensure the future subdivision and development of the site is in accordance with *Planning for Bushfire Protection 2006*.

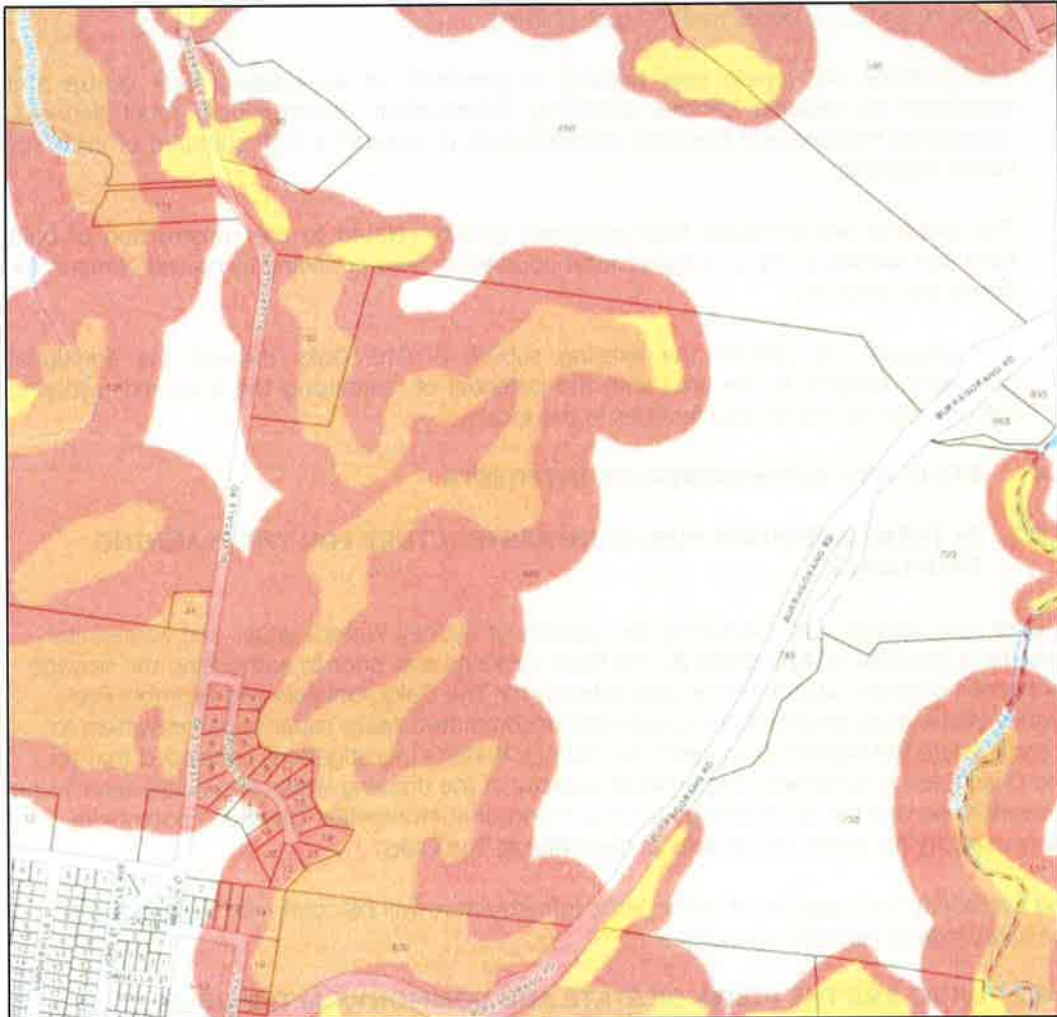


Figure 14 Bushfire Prone Land Map (Wollondilly Shire Council, 2016)

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4.3.3 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED SOCIAL AND ECONOMIC EFFECTS?

The proposed development is considered to generate the following positive social and economic effects:

- The proposal will provide additional housing stock in order to improve housing affordability and diversity within Wollondilly with the result of exerting downward pressure on house prices and the cost of living.
- The proposal will create new housing in proximity of an existing local centre and accessible to regional centres providing employment opportunities, retail services, community facilities and transport infrastructure to support a high standard of living for future residents.
- The proposal will stimulate local economic activity related to the construction of built form and subsequently to a higher local population base providing increased demand for goods and services.
- The proposal will enliven the existing suburb of The Oaks through the additional population residing in the area with the potential of revitalising the area and justifying the provision of community facilities in the locale.

4.4 STATE AND COMMONWEALTH INTERESTS

4.4.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

A letter from Sydney Water outlining the capacity of Sydney Water's water and wastewater systems is provided at **Appendix 8**. The letter explains that prior to authorising the sewage connection of areas outside the original scheme for The Oaks, Oakdale and Belimbla Park, Sydney Water must ensure there is sufficient uncommitted spare capacity in the system to accommodate the additional connections. Sydney Water's investigations concluded that for The Oaks there is sufficient uncommitted capacity in the drinking water and wastewater trunk network to service the 60-dwelling Planning Proposal at Montpellier Drive and potentially spare capacity for some 240 additional dwellings at The Oaks.

The availability and capacity of other public infrastructure will be confirmed subsequent to consultation with relevant agencies.

4.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH GATEWAY DETERMINATION?

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal. It is acknowledged that Wollondilly Shire Council will consult with relevant public authorities following the Gateway determination.

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PART E COMMUNITY CONSULTATION

Clause 57 of the Environmental Planning and Assessment Act 1979 requires the relevant planning authority to consult with the community in accordance with the Gateway Determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Environment guidelines '*A guide to preparing local environmental plans*'.

It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on the Wollondilly Shire Council website.
- Written correspondence to adjoining and surrounding landowners.

The Gateway determination, Planning Proposal and specialist studies would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

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PART F CONCLUSION

The proposed amendment to the *Wollondilly Local Environmental Plan 2011* (WLEP2011) to rezone the site from RU2 Rural Landscape to R2 Low Density Residential will enable the future subdivision and development for the site for dwelling houses in a low density setting.

The proposed rezoning of the site has demonstrated it is appropriate for the following reasons:

- The proposed rezoning will enable the future subdivision and development of the site for dwelling houses in a low density setting, thereby providing additional housing to accommodate the housing needs of the local and regional populations.
- The future use of the land for dwelling houses is highly compatible with adjoining land uses including existing dwelling houses and The Oaks local centre immediately to the south of the site.
- The site is located in immediate proximity of the existing local centre of The Oaks providing retail and community services and is also accessible to regional centres providing significant retail, community and transport infrastructure to support a high standard of living for future residents.
- The future residential use of the site is not considered to result in any conflict with surrounding rural lands which are utilised mainly for rural residential uses.
- The site is not identified as containing or being in proximity of any biodiversity and therefore the proposal will not adversely affect the natural environment.
- The site is not located within the Sydney Drinking Water Catchment and therefore will have no detrimental impact on the Werriberri Creek or Warragamba Dam. Additionally the site will be serviced by sewer therefore avoiding any adverse impact on the catchment.
- The site exhibits similar characteristics including geotechnical, flood and bushfire characteristics as the adjoining Browns Road site which has been successfully developed thereby demonstrating the physical suitability of the land for residential use.
- The proposal will provide for dwelling houses surrounded by rural lands thereby preserving the scenic quality and character of the Wollondilly Shire.
- The proposal will stimulate local economic activity related to the construction of built form and subsequently to a higher local population base providing increased demand for goods and services.
- The proposal is consistent with the state, regional and local strategic planning framework.
- Specifically the site has been identified in Wollondilly Council's Growth Management Strategy (GMS) 2011 as a potential residential growth area. The proposal would also contribute to the attainment of dwelling targets for The Oaks established by the GMS.

It is therefore recommended that the Planning Proposal is approved by Wollondilly Shire Council and that the necessary steps are pursued to enable it to proceed to Gateway Determination under Section 56 of the EP&A Act.

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Appendix 1 Draft Plan of Subdivision

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Appendix 2 Proposed LEP Maps

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Appendix 3 Phase 2 Detailed Environmental Site Assessment

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Appendix 4 DLA Phase 2 Site Suitability Review



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Appendix 5 Site Fill Assessment

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Appendix 6 Geotechnical Report

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Appendix 7 Geotechnical Review Assessment

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Appendix 8 Sewer Capacity Letter from Sydney Water

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Appendix 9 Tipping at Silverdale Road- Council Email

