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Ms Nicole Aiken
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Wollondilly Shire Council
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Ref: D2017/8410

Dear Ms Aiken

Planning Proposal to amend Wollondilly Local Environmental Plan 2011 – The Oaks North (80 Silverdale Road and 1-22 Browns Road, The Oaks)

Thank you for your letter received 15 December 2016 inviting WaterNSW to comment on the above planning proposal, in accordance with the Gateway Determination. It is understood the Planning Proposal seeks to amend the Wollondilly LEP 2011 to:

- rezone land at 80 Silverdale Road from RU2 Rural Landscape to R5 Large Lot Residential to facilitate future subdivision and development; and
- increase the MLS in Browns Road from 700 to 1,500m².

WaterNSW has reviewed the Planning Proposal and accompanying documentation and makes the following comments:

- While the majority of the sites drain away from the Sydney Drinking Water Catchment, portions of the subject sites are within the catchment, being the western half of 80 Silverdale Road, and parts of Lots 1-3 Browns Road. As such, Section 117(2) Direction 5.2 Sydney Drinking Water Catchment applies. This Direction requires relevant planning authorities to consider the outcomes of the Strategic Land and Water Capability Assessment (SLWCA) when assessing a planning proposal. The constraints mapping provides a broad scale assessment of the potential risk to water quality from development.

WaterNSW notes the SLWCA mapping identifies the risk to water quality from residential sewered lots as being Moderate for the whole of the subject site within the catchment, and the risk to water quality from residential unsewered lots between 2,000–4,000 m² as being High. SLWCAs have not been undertaken for unsewered lots less than 2,000m² as 2,000m² is considered the minimum lot size required to accommodate a dwelling and on-site wastewater management including setbacks and buffers. Therefore if the Silverdale Road site will not be serviced by sewerage infrastructure, the MLS applied must be at least 2,000m².

- There is an inconsistency within the documentation making it more difficult to assess the potential impacts of the Planning Proposal. For example, the Reports to Council indicate the Silverdale Road rezoning will be to R2 Low Density Residential, and yet the Planning Proposal seeks R5 Large Lot Residential. WaterNSW supports the application of the more conservative R5 zoning.
- Section D3.10 – this section states that “additional ... wastewater, sewerage infrastructure and/or upgrades need to be considered. Therefore if the planning proposal progresses further investigation will be required to establish whether adequate infrastructure exists.” It is difficult to determine which land capability mapping to apply in the absence of information regarding the provision of services, and therefore, as stated above, both seweraged and small lot unsewered SLWCAs have been applied.

- Council has indicated that further studies in relation to stormwater management will be undertaken before future development of the site. This will include further assessment to demonstrate whether any future works will have a neutral or beneficial effect (NorBE) on water quality, in accordance with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. Council should note that carrying out a NorBE assessment is more appropriate at development application stage when a detailed development proposal has been established.

Please also note that the Drinking Water Catchments REP No.1 (Appendix A) was replaced by the Sydney Drinking Water Catchment SEPP 2011, and should not be included for consideration in the planning proposal.

Planning proposals normally identify how they are consistent (or not) with the relevant SEPPs and Section 117 Directions, rather than state that 'further investigation is required to establish consistency'. Due to this uncertainty, WaterNSW requests that Council consider a more conservative assessment when taking forward this planning proposal and for any future development of the site.

- Future development proposals should incorporate water sensitive urban design measures in accordance with WaterNSW's current recommended practice guide for rural residential subdivisions, *Water Sensitive Design Guide for Rural Residential Subdivisions 2011*.

If you have any queries regarding the above please contact me on 4724 2451 or at alison.kniha@waterNSW.com.au.

Yours sincerely,



ALISON KNIHA
Catchment Protection Planning Manager

18 January 2017