

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 July 2016

PE5 – Draft Planning Proposal – 760 Montpelier Drive, The Oaks

PE5

Draft Planning Proposal – 760 Montpelier Drive, The Oaks
259421

TRIM 8889

Proponent: Pascoe Planning Solutions Pty Ltd
Owner: Boutique Oaks Living Pty Ltd



Stage	Completed
Preliminary notification	16 December 2015 - 5 February 2016
Gateway Determination	Not yet completed
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

PE5 – Draft Planning Proposal – 760 Montpelier Drive, The Oaks

EXECUTIVE SUMMARY

- The purpose of this report is to seek Council's position on a draft planning proposal to rezone rural land at Lot 1 in DP 1214262 (No. 760) Montpelier Drive, The Oaks for low density residential, large lot residential and public recreation uses.
- Council considered a report on this Draft Planning Proposal at its Ordinary Meeting on 18 April 2016. Council resolved to defer the proposal, at the proponent's request, to enable the proponent to discuss potential amendments to the proposal with Council staff.
- The proponent has written to Council requesting additional time to address the issues raised in the previous report.
- At the time this report was prepared Council has not received any additional supporting information or an amended proposal.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
 - The planning proposal not be supported and not proceed to Gateway
 - The applicants, submitters and adjoining landowners be advised accordingly.

REPORT

1.1 BACKGROUND

An initial report on the draft planning proposal was considered by Council at its Ordinary Meeting held 18 April 2016. The recommendation of that report was that the draft planning proposal should not be supported and no amendments should be made to the *Wollondilly Local Environmental Plan 2011*.

In response, the proponent made representations to Council and addressed the Community Forum on 11 April 2016 requesting that the matter be deferred so that the proponent could "*engage with Council in a workshop environment to consider significant amendments and contributions to community infrastructure*".

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At the Ordinary Meeting of Council held on 18 April 2016, Council resolved as follows:

1. *That the draft planning proposal for 760 Montpelier Drive, The Oaks be deferred (at the request of the proponents) to enable the proponents to discuss amendments to the proposal with Council staff.*
2. *That where significant alterations are made to the draft planning proposal that a further round of initial community consultation be undertaken.*
3. *That the draft planning proposal be reported back to Council when the following occur:*
 - a. *When an amended proposal has been submitted and community consultation completed.*
 - b. *The deadline for reports to the Council meeting on 18 July, 2016, if an amended proposal has not been submitted by this time.*
 - c. *At the next available Council meeting should Council be notified of a request for pre-gateway review.*

A copy of the report that was considered at the Ordinary Meeting of Council on 18 April 2016 is provided at Attachment 1.

The report at Attachment 1 provides detail on:

- the outcome of consultation with the community, public agencies and Council staff;
- a preliminary assessment of the draft proposal in terms of the relevant regional and state policies; and
- a preliminary assessment in terms of Council's Growth Management Strategy 2011 (GMS 2011).

Since the April 2016 Ordinary Meeting, the proponent has written to Council requesting further time so that specialist consultants can be appointed to address the issues raised in the April report.

The proponent has confirmed that specialist consultants have been commissioned *"to provide comprehensive data in order to discuss in a meaningful manner the matters of concern raised to date by Council"*. The proponent indicated that the output of this additional work is unlikely to be available in time to be considered prior to the report deadline for the July Council meeting.

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At the time this report was prepared, no additional information had been provided by the proponent and an amended proposal had not been submitted.

In accordance with Council's resolution this matter is resubmitted for consideration. This matter is considered to have a high level of public interest with 217 submissions made and therefore should not be considered during Council's caretaker period. Therefore if it is deferred further, it will be until at least October, 2016.

1.2 SITE DESCRIPTION

The subject site is rural land and has an area of 43.81 hectares in one landholding. It has been consolidated from 3 separate allotments and is located approximately 1 kilometre south of The Oaks shopping centre.

In the past a horse stud operated from the site. The site is relatively flat with a gentle slope to the north-west and contains a large dam which runs north-south across the entire length of the property and a house with a number of outbuildings.

Most of the site is cleared of vegetation other than a line of trees along its western boundary and around the dam. On its northern boundary the site adjoins land that was recently rezoned to Zone R2 Low Density Residential (Zone R2). Rural land is located on the eastern side of the site and on the western side of Montpelier Drive and to the south the site adjoins rural-residential community title properties with lot sizes of about 1 hectare (10,000sqm).

1.3 DESCRIPTION OF PROPOSAL

The Planning Proposal aims to rezone rural land which is currently zoned RU2 Rural Landscape to R2 Low Density Residential and R5 Large Lot Residential.

At present the minimum lot size for subdivision for the site is 40 hectares. The draft proposal seeks to change the minimum lot size to 975sqm for the R2 zone and 4,000sq.m for the R5 zone.

If supported in the form submitted, the Draft Planning Proposal would result in enabling up to 210 additional lots consisting of 190 residential lots and 20 large (4,000sqm) residential lots. A Public Recreation Zone RE1 is proposed for the dam and adjoining land. The Zone R5 lots would be located on the southern and eastern boundaries.

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The objective of the draft Planning Proposal as submitted by the proponent is to:

- *Amend the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011) Land Zoning Map to rezone the site from RU2 Rural Landscape to R2 Low Density Residential, R5 Large Lot Residential and RE1 Public Recreation.*
- *Amend the Wollondilly LEP 2011 Lot Size Map to reduce the minimum lot size from the current 40 hectares to 975sq.m and 4,000sq.m; and*
- *Amend the Wollondilly LEP 2011 Height of Buildings Map from no maximum height to a maximum height of 9 metres.*

1.4 OVERVIEW OF DRAFT PLANNING PROPOSAL'S SUITABILITY FOR DEVELOPMENT

A preliminary assessment of the draft planning proposal can be summarised as follows:

- there is significant community interest in this draft proposal, both in support and opposition.
- the draft proposal does not conform to the strategic vision for growth envisaged for The Oaks village as outlined in the GMS 2011.
- although the site adjoins the urban boundary for The Oaks. There are locations more suited for growth and identified within the GMS 2011.
- the site is constrained in terms of its suitability for urban development. Issues with stormwater management, flooding, water quality, sewerage capacity and traffic would be difficult to manage.
- the proposed RE1 Public Recreation area will present Council with an ongoing financial burden associated with the necessary maintenance, particularly with the large water facility component.

Further detail on the preliminary assessment was provided in the report to Council on this proposal in April 2016. A copy of that report is provided at Attachment 1 and provides the background to this report.

Despite the proponent's request to provide more information to address the concerns raised in the original report and possibly amend the draft proposal, the additional information is unlikely to satisfactorily address the identified issues.

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1.5 PREPARATION OF A PLANNING PROPOSAL

Should Council resolve to support the application, a Planning Proposal would be prepared in accordance with Section 55 to the Environmental Planning and Assessment Act, 1979 and guidelines published by the Department of Planning and Environment. The Planning Proposal would then be forwarded for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be Council's Planning Proposal.

Council's options are:

1. Resolve to support the proposal in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

Option 3 is the recommendation of this report.

Note: the application has been with Council for more than 90 days. Accordingly the applicant can apply for a pre-Gateway review in accordance with the Environmental Planning & Assessment Regulations, 2000

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal at this stage but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

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CONCLUSION

The draft planning proposal to amend the provisions of Wollondilly LEP 2011 to rezone land to enable low density and large lot residential housing on the site is not supported as it is inconsistent with the strategic urban growth footprint envisaged for The Oaks village as outlined in GMS 2011 and lacks strategic planning merit.

Issues of stormwater management, flooding, water quality, sewerage capacity and traffic would be difficult to manage. Council could also be faced with a financial burden from ongoing maintenance of proposed public recreation land and a large water facility.

ATTACHMENTS:

1. Report to Ordinary Meeting of Council on 18 April 2016; Agenda Item PE3 – Draft Planning Proposal – 760 Montpelier Drive, The Oaks

RECOMMENDATION

1. That Council not support the Draft Planning Proposal to rezone land at Lot 1 DP 1214262 (no. 760 Montpelier Drive, The Oaks) and no request be made to the Greater Sydney Commission for a Gateway Determination.
2. That the proponent, submitters and adjoining landowners be notified of Council's Resolution.

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ATTACHMENT 1 – 8889 – 18 JULY 2016

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Applicant: Pascoe Planning Solutions Pty Ltd
Owner: Boutique Oaks Living Pty Ltd



LOCATION MAP ↑ N

Stage	Completed
Preliminary notification	16 December 2015 - 5 February 2016
Gateway Determination	
Consultation with Public Agencies	
Specialist Studies	
Public exhibition/community consultation	
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PE3 – Draft Planning Proposal - 760 Montpelier Drive, The Oaks

EXECUTIVE SUMMARY

- A Planning Proposal has been received for Lot 1 DP 1214262 (No. 760) Montpelier Drive, The Oaks.
- The application proposes changes to the Wollondilly Local Environmental Plan, 2011 to:
 - Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zone R2 Low Density Residential, Zone R5 Large Lot Residential and Zone RE1 Public Recreation; and
 - Amend the Lot Size Map from 40 hectares to a minimum lot size of 975sqm and 4,000sqm; and
 - Amend the Height of Buildings Map from no maximum height to a maximum height of 9 metres.
- The application has been subject to initial notification and there were 217 submissions in response - 14 letters (including 4 pro-forma letters and a petition with 90 signatories) in objection, 200 pro- forma letters and 1 other letter in support and 2 neutral letters.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
 - The planning proposal not be supported and not proceed to Gateway
 - The applicants, submitters and adjoining landowners be advised accordingly.

REPORT

1.1 SITE DESCRIPTION

The site comprises an area of 43.81 hectares in one landholding consolidated from 3 separate allotments and is located approximately 1 kilometre south of The Oaks township.

In the past a horse stud operated from the site. The site is relatively flat with a gentle slope to the north-west and contains a large dam which runs north-south across the entire property and a house with a number of outbuildings.

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Most of the site is cleared of vegetation other than a line of trees along its western boundary and around the dam. On its northern boundary the site adjoins land that was recently rezoned to Zone R2 Low Density Residential (Zone R2). Rural land is located on the eastern side of the site and on the western side of Montpelier Drive and to the south the site adjoins rural-residential community title properties with lot sizes of about 1 hectare (10,000sqm).

1.2 DESCRIPTION OF PROPOSAL

The Planning Proposal aims to rezone land which is currently zoned RU2 Rural Landscape (Zone RU2) to zone R2 Low Density Residential and zone R5 Large Lot Residential (Zone R5). A minimum lot size of 40 hectares applies to the site. It is proposed to change the minimum lot size to 975sqm for Zone R2 and to 4,000sq.m for Zone R5.

The Planning Proposal if supported would result in approximately 190 residential lots and 20 large (4,000sqm) residential lots. A Public Recreation Zone RE1 is indicated for the dam and adjoining land on the masterplan landscape plan in the planning proposal but is not included in the proposed amendment provisions. The Zone R5 lots would be located on the southern and eastern boundaries.

CONSULTATION

2.1 CONSULTATION WITH COUNCIL MANAGERS AND STAFF

Preliminary consultation was undertaken with Council staff to discuss the planning proposal. A number of issues identified with this planning proposal are outlined below:

- The location is a significant distance from The Oaks compared to other potential sites.
- The planning proposal creates a large number of lots, 210, which is significantly more than the combined "Vanderville Estate" subdivision and the recent adjoining rezoning totalling 170 residential lots (96 + 74). The traffic generated from the site will create impact onto Montpelier Drive and the adjoining subdivision through the proposed road connections.
- The planning proposal creates a residential intersection onto Montpelier Drive well beyond The Oaks township and adjoins the rural zoning requiring a further extension of the 50 km/h speed zone.

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- All drainage from this site drains to the same culvert under Montpelier Drive as the adjoining site and "Vanderville Estate." There are already concerns about excessive stormwater quantity and quality to this one location which then discharges to a creek within the Sydney Drinking Water Catchment. Any risk of creating additional flows to this point from the upstream catchment by development of this land should be avoided. Additional impacts on the downstream property owners are also a concern.
- The creation of a lake or conversion of the large existing dam if dedicated to Council would create considerable maintenance cost for Council. Due to the use of the lake for water quantity /quality controls it would not provide an appropriate recreational facility for residents.
- The rural character that is important for the identity of The Oaks and its residents will be impacted by extended urban growth to the south.
- This site was not identified in the Growth Management Strategy 2011 (GMS 2011). With limited capacity for reticulated sewer priority should be given those sites identified in the GMS 2011.
- The cumulative impact from this rezoning and those undertaken recently will increase the need for additional community facilities and services placing pressure on Council and State Government resources.

2.2 CONSULTATION WITH PUBLIC AGENCIES

Consultation with Sydney Water has determined that there is uncommitted spare capacity at West Camden sewer treatment plant for wastewater treatment for a further 230-240 dwellings after accounting for connections of recently rezoned land. A further estimated 30 hectares of land identified in the GMS 2011 has potential for rezoning which at 10 dwellings per hectare amounts to approximately 300 dwellings. Accordingly if the current site is supported to proceed there would be insufficient capacity to provide reticulated sewerage services for the identified land. Additionally many existing lots in The Oaks are suitable for dual occupancy and medium density development and these would be prevented if all uncommitted spare capacity is utilised for this proposal.

Sydney Water has a general policy not to service Zone R5 land. The 20 Zone R5 lots proposed would need to be able to satisfy stringent requirements for wastewater treatment required under the Sydney Drinking Water Catchment State Environmental Planning Policy.

2.3 COMMUNITY CONSULTATION

In accordance with Council's notification policy, initial community consultation has been undertaken. The proposal was made available on Council's website and also at The Oaks Newsagency. Letters were also sent to owners and occupiers of adjoining and potentially affected properties.

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A total of 217 submissions including 204 pro-forma letters and 1 petition were received. The nature of the submissions is summarised as follows:

Objection - 10 letters (1 a petition with 90 signatories), and 4 pro-forma letters

Support - 1 letter and 200 pro forma letters

Neutral - 2 letters were neutral.

The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

Issue Raised	Assessment Comment
<p>Community consultation</p> <ul style="list-style-type: none"> -Inappropriate community consultation was undertaken with insufficient people contacted. -Council may have been negligent in undertaking community consultation or may have wished to assist the landowner for the planning proposal -Exhibition period was held during holiday period when most people are away. 	<ul style="list-style-type: none"> - Preliminary notification of planning proposals is an informal stage of consultation undertaken voluntarily by Council in addition to the statutory Gateway process which only requires community consultation after a Gateway determination. - The normal 28 day consultation period was extended for an additional 23 days (approximately 7 weeks in total) to ensure people didn't miss the opportunity to respond over the holiday period. While it is preferable not to exhibit over holiday periods, Council is obliged to meet State Government planning processes and timeframes. - Two (2) local notices to inform the public about the consultation were placed in the local paper at the beginning and towards the middle of the consultation period. - A copy of the proposal was available on Council's website, at Council's offices and also at The Oaks Newsagency. - All adjoining landowners and occupiers were notified in writing.
<p>Growth Management Strategy 2011 (GMS)</p> <ul style="list-style-type: none"> - The current GMS 2011 has not identified the site as future residential. 	<ul style="list-style-type: none"> - An assessment of the draft planning proposal against the Wollondilly GMS 2011 is provided at section 2.10 of this

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Issue Raised	Assessment Comment
<ul style="list-style-type: none"> - The Council resolution in the GMS 2011 included the decision “that no further rezoning of rural land to residential is permissible until the review of the GMS in 2036”. Why is Council considering the potential rezoning and others in a piecemeal fashion? - With all of the rezonings in the Wollondilly Shire to date the current housing market is well accommodated and Sydney is now experiencing a slowing in the housing market which indicates that supply has been met. - The GMS 2011 has housing targets of 350 dwellings for The Oaks and Oakdale which are likely to be met by the current planning proposals. - Growth should not result from developers buying properties and instantly subdividing. - It is considered that the planning proposal does not satisfy Key Policy Directions P10 and P17 in the GMS. - If further growth is required it would be more reasonable to extend the village to the north, west or east as shown on the structure plan for The Oaks in the GMS. This would result in a more compact village with links directly to the village and infrastructure. 	<ul style="list-style-type: none"> report. - The draft planning proposal is not identified in the Structure Plan for The Oaks and is not considered to be consistent with the Key Policy Directions within the GMS. - There is no resolution that prevents the review of the GMS until 2016. In fact, periodic reviews of the GMS are required to ensure that the policy directions remain relevant and appropriate, to monitor growth outcomes and to account for other unforeseen changes. - A Draft GMS has been prepared due mainly to the proposals for major development at Wilton Junction. No public information is available in relation to whether the subject site is identified in the draft GMS as it has not been finalised. - This planning proposal was submitted in accordance with the Gateway process and Council is required to undertake an assessment. - Housing supply is considered to be adequate but housing diversity is also important and the planning proposal would not achieve housing diversity. - The housing targets in GMS 2011 for The Oaks and Oakdale have already been met in terms of land that is rezoned and that is currently being assessed for rezoning. - Developers need to address the State Government’s Gateway planning proposal process to rezone land prior to being able to apply for development approval to subdivide land and this is not an instant process and involves a

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Issue Raised	Assessment Comment
	wide range of consultation with both government agencies and the community. – It is agreed that growth that is undertaken in accordance with the Structure Plan in the GMS would result in a more compact village which is more directly linked to community facilities and infrastructure.
Stormwater and flooding - Storm water from new subdivision has resulted in increased frequency of flooding over Montpelier Drive resulting in partial road closure as the box culvert crossing Montpelier Drive does not have the capacity to carry additional stormwater run-off particularly in extreme flooding situations. - The rural property and large dam should remain as it catches upstream water run-off and contaminants. - Stormwater should be treated to Sydney Water Catchment standards before leaving the site to avoid adverse impacts of water and pollutants onto roadways, neighbouring properties and into water supply systems using innovative design, creation of attractive water facilities such as ponds and watercourses.	- There is concern that the development of a further 210 lots for housing would result in flooding which would be difficult to manage given the capacity of the existing drainage infrastructure. - Treatment of stormwater to achieve an acceptable level of water quality is extremely important within the Sydney Drinking Water Catchment and may be difficult to achieve with the proposed development. - To achieve acceptable water quality levels, drainage infrastructure would be required and could include ponds and watercourses. However, the ongoing maintenance costs associated with these could result in an unsustainable burden on Council resources should these facilities be dedicated to Council.
Traffic - Increase in vehicle movements with potentially two cars per household (around 420 cars) will impose a burden on Council to maintain safe road surfaces. - Traffic noise impacts on nearby properties. - Additional impact on parking in shopping centre and school areas. - An extended 50km speed limit	- Traffic from the site would increase significantly with the likely development from the planning proposal. - Traffic and noise assessments would be required should the planning proposal proceed to determine what impacts are likely on the local road system, the shopping centre and on

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Issue Raised	Assessment Comment
nearly 2kms from the town centre would be required. - Montpelier Road is a busy and dangerous road.	neighbouring properties. - It is most likely that an extended 50km speed limit would be required but it would be a decision by Roads and Maritime Services on request by Council.- - It is considered that Montpelier Drive is safe when vehicles travel to the sign posted speeds and to the conditions.
Wastewater management - The land is within water catchment and there may not be sufficient capacity at the Camden sewer facility given recent development.	- Sydney Water has advised that there is sufficient but limited uncommitted spare sewer capacity for The Oaks (230-240 dwellings) to service this site. - Any further growth in areas identified in the Growth Management Strategy closer to The Oaks village would be restricted because of sewer constraints if the site is developed as proposed.
Rural Character - We all love our town and do not want to lose the rural atmosphere forever. - The motto of Wollondilly is “Rural Living” and we feel that this is being compromised for financial gain. - The development makes no sense in a rural environment and will result in a suburban eyesore and have an impact on our quality of life. - It is Councils role to control and direct the direction of growth to ensure that the shire grows in a way that strengthens and supports the notion of rural. - All standing trees should be preserved to maintain rural character. - Larger lots a minimum of 1500 sqm are proposed along the boundary facing the site and if rezoning is considered they should increase	- The potential loss of rural character from the extension of suburban housing to around 1.78km from the centre of The Oaks village is of concern. - The GMS has detailed where future urban growth should be located and it does not extend this far south. - Planning Proposals are assessed on a range of matters and financial gain is not one of these. - The planning proposal proposed larger lots of 4,000 sqm around the boundary of the site with existing trees to be preserved which would assist in alleviating the impact of the smaller lots on the rural character although the density of development would be much

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Issue Raised	Assessment Comment
from 975 sqm to 1500 sqm.	higher than the surrounding rural area.
<p>Infrastructure</p> <ul style="list-style-type: none"> - A Voluntary Planning Agreement (VPA) applies to the recent "Vanderville Estate" subdivision but the contributions are yet to be spent on improving community facilities and infrastructure such as a footpath and improvements to the local playing fields. - The local community will not look favourably on future VPA promises to upgrade their infrastructure when past ones have not been addressed or completed. - An approval for an additional 210 lots should not be made until the current development can be assessed for their impact on traffic and infrastructure. 	<ul style="list-style-type: none"> - The contributions for the VPAs for the recently completed subdivision will enable future enhancement of community facilities and infrastructure to benefit the whole community. The works in the VPA will form part of a future works programme. - A VPA is not part of every planning proposal and there has been no determination as to whether one would be entered into for this planning proposal. - The cumulative impact on infrastructure and community facilities from the current and any future rezoning would need to be assessed.
<p>Planning</p> <ul style="list-style-type: none"> - Has a rezoning been submitted and rejected for the above mentioned lot in the past? - Has the potential rezoning of a property to the rear of the above property been submitted to council and will the impact of these proposals be considered jointly? - What processes and safeguards are in place to ensure the transparency of the rezoning process and the disclosure of any potential conflicts of interest associated with any decision makers in or beneficiaries of this rezoning process? - The current zone and its objectives are more suited to this area. In the past there was never any mention of low density subdivision outside of the township boundaries and we were told that the community would be protected by the "green 	<ul style="list-style-type: none"> - Council has not received any application in the past for the rezoning of this site and there is no application for rezoning of any adjoining rural property. - Planning proposals are prepared under the Gateway provisions of the <i>NSW Environmental Planning and Environment Act 1979</i> and related guidelines and information on them is able to be easily accessed by the community. - There are provisions under the <i>Local Government Act 1993</i> which deal with disclosure of conflicts of interest and these are detailed in the <i>Council's Code of Conduct</i>. - The site is currently Zone RU2 and supports rural rather than urban land uses which is in

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Issue Raised	Assessment Comment
belt".	keeping with most adjoining land. - The GMS is the current strategic planning document and does not propose low density subdivision on this land but also there is no "green belt" as Council does not control land use on private land.
Access - The proposed road intersection with Montpelier Drive to the west should be shifted southward with a bridge over the shallow reservoir to facilitate more direct connection from the eastern adjoining property to Speedwell Road thereby satisfying the intent of the paper road subdivision.	- The access to the planning proposal site would require further investigation should it be supported to proceed under the Gateway planning process. - Existing access to the eastern adjoining property would be available from Hardwicke Street road reserve.

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2.4 PREPARATION OF A PLANNING PROPOSAL

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Environment. The Planning Proposal is then forwarded to the Minister for Planning and Environment for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be *Council's* Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 2.13 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

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Note that the application has been with Council for more than 90 days and this is due to the timing of the lodgement of the planning proposal on the 30 November 2015 and the need for an extended notification period due to the Xmas/New Year holiday period. The applicant can apply for a pre-Gateway review in accordance with the EP&A Regs, 2000 if Council fails to indicate support for the application within 90 days of receiving the application.

Option 3 is the recommendation of this report.

2.5 A PLAN FOR GROWING SYDNEY

It is considered that while additional housing would be provided in accordance with the plan this location is not well located in relation to The Oaks village, compared to other sites.

2.6 DISTRICT PLANS

Wollondilly is located within the South West District and District Plans will be developed by the Greater Sydney Commission 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.

Priorities for the South West District are detailed within *A Plan for Growing Sydney*. The planning proposal would impact on the local water catchment which conflicts with one of the priorities to protect Sydney's drinking water supply catchment. Identifying suitable locations for housing particularly around established centres is another priority. The planning proposal site has not been identified as a suitable location for housing in GMS 2011.

2.7 SECTION 117 MINISTERIAL DIRECTIONS

Direction 1.2 Rural Zones

The planning proposal is considered to be inconsistent with this direction as it proposes to rezone a large parcel of potentially productive agricultural land to a residential zone and increase the permissible density of the land.

Direction 3.4 Integrated land Use and Transport

The planning proposal is considered to be inconsistent with this direction as residents will be largely car dependent for transport. Other sites are available that meet this criteria.

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Direction 5.2 Sydney Drinking Water Catchment

The planning proposal is considered to be inconsistent with this direction as the future land use for housing and the density proposed does not match the land and its water capability.

2.8 STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is located within Sydney's Drinking Water Catchment and State Environmental Planning Policy (Sydney's Drinking Water Catchment) 2011 requires that development consent cannot be granted to development unless the consent authority is satisfied that it would have a neutral or beneficial effect on water supply. It is considered that the planning proposal and resulting development are could potentially satisfy this requirement, however there are more suitable sites identified in GMS 2011.

2.9 AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013

The land is located within 2 kilometres of residentially zoned land and therefore would be within the gas exclusion zone.

2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY

An assessment of the planning proposal to determine whether it satisfies the Key Policy Direction under GMS 2011 has been undertaken and is detailed in the following table.

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	This planning proposal is not consistent with Key Policy Directions.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	The planning proposal is not compatible with the vision of "rural living" as it will result in an extended area of urban development detracting from the village focus, encroaching into the rural hinterland and will not be sympathetic to the existing form and character of the built landscape.
P3 All Council decisions on land use proposals shall consider the outcomes of	Preliminary community engagement has resulted in strong opposition to the planning proposal and outlined a range of

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Key Policy Direction	Comment
community engagement.	concerns in relation to water quality, flooding, traffic impacts and loss of rural character and lifestyle. There was support for the planning proposal with a large number of pro-forma letters submitted. Pro-forma letters do not give a clear indication of the real strength of local community support as the letters are from the same source and most did not include the address of the signatory. Reasons for support included high demand for residential land, improving the viability of the businesses in the town and little environmental impact.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There has not been any consideration given to the personal financial circumstances of the landowner as it is not a relevant planning consideration for Council.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	It is considered that the planning proposal would result in dispersed growth distant from the town centre of The Oaks and community facilities and services. The site has major constraints in terms of water management and would potentially result in a maintenance burden for Council. There is considered to be an adequate supply of housing within The Oaks to meet current and future demand and more suitable sites identified in GMS 2011.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The housing target to 2036 in GMS 2011 of 350 dwellings for The Oaks and Oakdale has been met with current and finalised planning proposals amounting to a potential for over 500 lots. These planning proposals and lots are: The Oaks South ("Vanderville" Estate) - 96 Montpelier Drive Residential Land - 60 Egans Road, Oakdale - 30 Land Adjoining Oakdale Public School - 110

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Key Policy Direction	Comment
	Land Adjoining Oakdale Sportsfield - 200 Burragorang & Stevey Forest Road - 30 The Oaks North, Silverdale Road - 60.
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 planning proposal would provide a traditional housing form which would not increase housing diversity. It would be preferable to achieve more housing diversity by increasing the level of density in The Oaks village in keeping with its current form, with more dual occupancy and some medium density housing such as villas and townhouses to better meet community needs in close proximity to the village centre.
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").	Proposed dwelling densities would be similar to those on adjoining lots to the north with some lower density proposed on the southern and western boundary.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The site for the planning proposal has not been identified on the Structure Plans for The Oaks and Oakdale. It is adjacent to the extended village in terms of being the next property south of recently rezoned land. However based on this rationale The Oaks could be extended indefinitely and this is not the intent of this key policy direction. The GMS 2011 map for The Oaks identifies the most suitable sites and this site is not included on that map.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	Noted
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional	No new employment lands are proposed.

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Key Policy Direction	Comment
employment outcomes.	
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	See P15
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased 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.	The planning proposal would be able to be serviced but this would result in further extension of infrastructure. There is limited uncommitted capacity for wastewater management by Sydney Water and this proposal would result in most of this capacity being utilised and would limit potential for housing development closer to the village centre and within the village. Drainage infrastructure is limited and the proposal is likely to result in an unsustainable burden on Council resources in terms of ongoing maintenance of a large water facility should those facilities be dedicated to Council.
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 new housing in and around our existing population centres.	The planning proposal is not within normally accepted walking distance of the town centre and may require additional parking provision in the town. Additional community services and facilities may also be required.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	This planning proposal would result in dispersed population growth.

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Key Policy Direction	Comment
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	Growth has been achieved in The Oaks and is in keeping with the current built form and character. Further growth should be consolidated around and within the village centre and in sites identified on the Structure Plan map for The Oaks in GMS 2011.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The potential impact on Sydney's Drinking Water Catchment and the loss of agricultural lands is of concern. The rural landscape which characterises this area and is intrinsic to its cultural heritage would be impacted by this planning proposal.
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 practicable, existing dwelling and subdivision entitlements in rural areas.	This growth is an incremental extension into rural lands which would still have potential for agricultural purposes.

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FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

CONCLUSION

The planning proposal to amend the provisions of WLEP 2011 to allow for the development of low density and large lot residential housing is not supported as it would not conform to the strategic urban growth envisaged for The Oaks village as outlined in GMS 2011. Issues of stormwater management, flooding, water quality, sewerage capacity and traffic would be difficult to manage. Council could also be faced with a financial burden from ongoing maintenance of proposed public recreation land and a large water facility.

ATTACHMENTS:

1. Draft Zoning Map
2. Draft Lot Size Map
3. Draft Subdivision and Landscape Plan

RECOMMENDATION

That in relation to the planning proposal for land at Lot 1 DP 1214262 (No. 760) Montpelier Drive, The Oaks:

1. The proponent be advised that Council does not intend to seek an amendment to the Wollondilly Local Environmental Plan 2011.
2. The Department of Planning & Environment, submitters and adjoining landowners be notified of Council's resolution.

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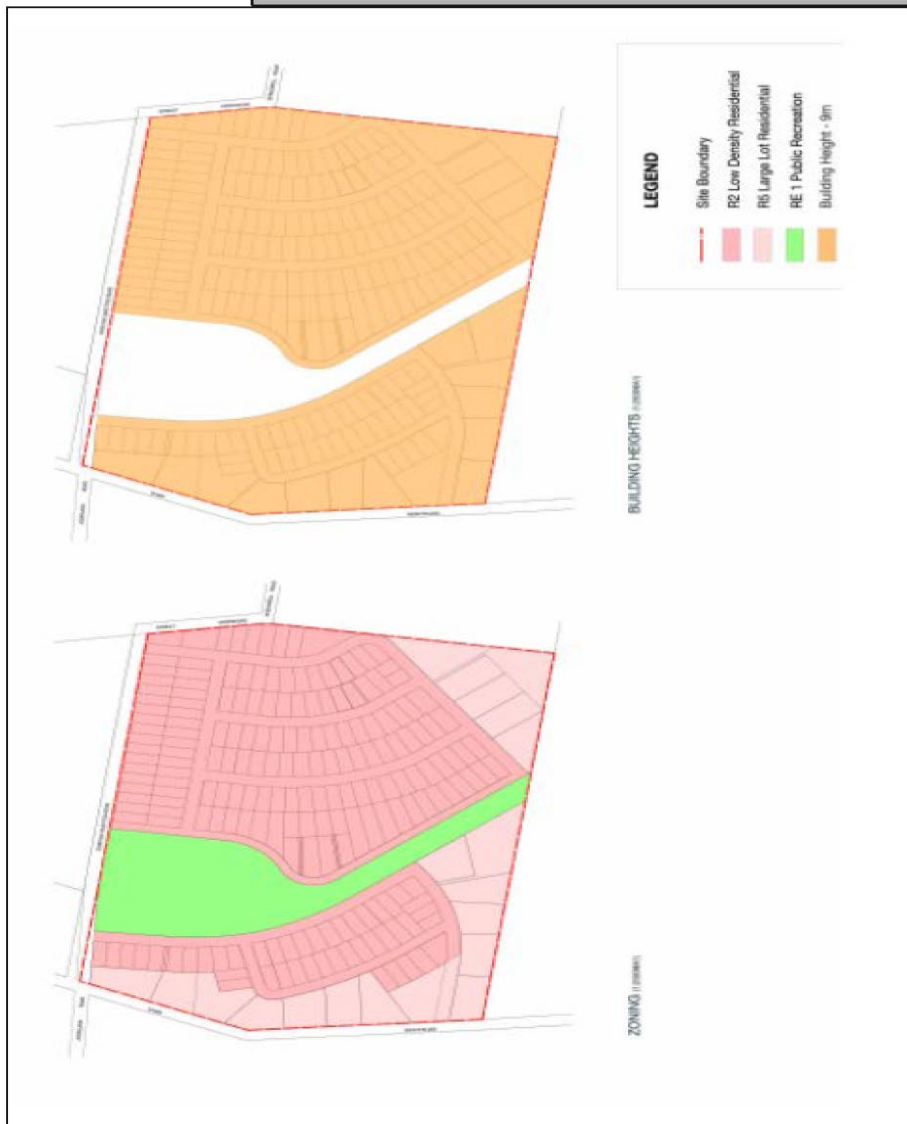
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