

# PLANNING REPORT: PROPOSED 73 LOT RESIDENTIAL SUBDIVISION, 1 RESIDUE ALLOTMENT AND RELATED ACTIONS

## No. 790 Montpelier Drive, The Oaks



Prepared For:  
North Western Surveys Pty. Ltd.

Prepared By:



June, 2016

### VOLUME 1



This Report has been prepared exclusively for submission to Council as an accompaniment to a Development Application which seeks to subdivide land situated at No. 790 Montpelier Drive, The Oaks for residential and infrastructure purposes.

The information contained in this Report has been compiled from both primary and secondary information sources.

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# Contents

<b>1</b>	<b>INTRODUCTION.....</b>	<b>3</b>
1.1	GENERAL .....	3
1.2	CLIENT INSTRUCTIONS.....	3
1.3	SCOPE OF REPORT .....	3
<b>2</b>	<b>THE SITE .....</b>	<b>3</b>
<b>3</b>	<b>THE CONTEXT.....</b>	<b>6</b>
<b>4</b>	<b>THE DEVELOPMENT PROPOSAL.....</b>	<b>8</b>
<b>5</b>	<b>ASSESSMENT OF RELEVANT CONTROLS AND POLICIES .....</b>	<b>8</b>
5.1	RELEVANT PLANNING INSTRUMENTS, CONTROLS AND POLICIES .....	8
5.2	WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 .....	8
5.3	WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 .....	15
5.3.1	PART 1 PRELIMINARY - VOLUME 1 .....	15
5.3.2	PART 2 GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT - VOLUME 1 .....	15
5.3.3	PART 3 VARIATIONS TO THIS PLAN .....	15
5.3.4	PART 4 COMMUNITY ENGAGEMENT .....	15
5.3.5	PART 5 COLONIAL HERITAGE (GENERAL) .....	16
5.3.6	PART 6 HERITAGE (SPECIFIC LOCATIONS).....	16
5.3.7	PART 7 ABORIGINAL HERITAGE.....	16
5.3.8	PART 8 FLOODING.....	16
5.3.9	PART 9 ENVIRONMENTAL PROTECTION.....	16
5.3.10	PART 10 TREE REMOVAL .....	17
5.3.11	PART 11 LANDSCAPING .....	17
5.3.12	VOLUME 3 - SUBDIVISION OF LAND.....	17
5.4	SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 – HAWKESBURY NEPEAN RIVER (NO. 2 – 1997) (DEEMED STATE ENVIRONMENTAL PLANNING POLICY).....	22
<b>6</b>	<b>ASSESSMENT OF ENVIRONMENTAL IMPACTS.....</b>	<b>23</b>
6.1	GENERAL .....	23
6.2	SECTION 79C (1) (A) – (i) PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS, (ii) EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS, (iii) DCP, (iii(A)) PLANNING AGREEMENT/S, (iv) THE REGULATIONS.....	24
6.3	SECTION 79C (1) (B) – IMPACT OF THE DEVELOPMENT .....	24
6.3.1	NATURAL AND BUILT ENVIRONMENT .....	24
6.3.2	SOCIAL AND ECONOMIC IMPACT .....	24
6.4	SECTION 79C (1) (C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT	24
6.5	SECTION 79C (1) (D) – SUBMISSIONS .....	25
6.6	SECTION 79C (1) (E) – THE PUBLIC INTEREST .....	25
<b>7</b>	<b>CONCLUSION .....</b>	<b>25</b>

## **Annexures (Refer to Volume 2)**

- A: Site Plan/The Land
- B: Site Layout Plan and Plan Atlas
- C: Aboriginal Archaeological Survey Report
- D: Historical Archaeological Assessment
- E: Bushfire Hazard Management
- F: Flora and Fauna Assessment
- G: Traffic Impact Assessment/Management
- H: Stormwater Management Plan
- I: Remediation Action Plan
- J: Acoustic Report
- K: Corner Lot Compliance

# 1 Introduction

## 1.1 GENERAL

This Planning Report has been prepared to accompany submission of a Development Application which seeks to create 73 residential allotments and 1 residue allotment for stormwater and riparian management purposes, in accordance with the adopted LEP and recent DCP amendments.

## 1.2 CLIENT INSTRUCTIONS

The Report and accompanying Application have been prepared in response to instructions from Mr. Wayne Mitchell of North Western Surveys Pty. Ltd. on behalf of Cove Residential Pty Ltd.

## 1.3 SCOPE OF REPORT

The Report describes the nature of the site and its immediate context. It proceeds to document the proposal and concludes with an assessment against the prevailing planning regulations and concludes with a request for approval.

# 2 The Site

The subject property comprises some 10.76 ha of rural/residential land (zoned for residential purposes) situated at Montpelier Drive, The Oaks and known as Lot 1 DP 1215738 or No. 790. It is a regular shaped allotment accessed directly from Montpelier Drive via a rural gateway and tree lined bitumen driveway (refer to Annexure "A" and Figure 1 below).



Figure 1: Subject Land and Immediately Adjoining Land

A brief snapshot of the major relevant features of the site are contained in the following portfolio of photographs. The nature of building improvements including dwelling and shedding is clearly evident, as too is the general riparian area.

The major built improvements are serviced by an approved on-site effluent disposal system.

The site characteristics are further described in the accompanying specialist consultant reports reproduced as Annexures "C" to "J" inclusive.



**Figure 2: Entrance to subject land depicting tree-lined entrance, scattered vegetation in middle distance and riparian zone to right**



**Figure 3: From property entrance on left looking south on Montpelier Drive**



**Figure 4: Principal dwelling**



**Figure 5: Looking upslope toward Hardwicke Street**

### 3 The Context

The subject holding is situated in an immediate rural environment which is transitioning incrementally in part to new residential housing estates which are generally contiguous with The Oaks urban village (refer to Figure 1 and 6 over the page).

The locality has an overwhelmingly rural/urban transitional character.

A major recent residential subdivision adjoins to the immediate north.





**Figure 6: The Oaks Village context and immediate environs**

## 4 The Development Proposal

The proposal seeks to undertake a comprehensive urban subdivision of the subject land, involving;

- 73 residential allotments.
- 1 residue allotment (stormwater management and riparian purposes).
- Related civil works and infrastructure provision.
- Dedication of roads and related drainage infrastructure to Council (subject to negotiation).
- Integration with adjoining residential subdivision to the immediate north.

The relevant civil works (including sediment and erosion control measures) are summarised in the Plan Atlas at Annexure "B".

## 5 Assessment of Relevant Controls and Policies

### 5.1 RELEVANT PLANNING INSTRUMENTS, CONTROLS AND POLICIES

The following documents are relevant to the proposed development:

- Wollondilly Local Environmental Plan, 2011
- Wollondilly Development Control Plan, 2016
- Sydney Regional Environmental Plan No. 20 (SREP20)

### 5.2 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011

Wollondilly Local Environmental Plan, 2011 constitutes the principal planning instrument for the Wollondilly Local Government Area. Produced below is a brief compliance check, with only directly relevant provisions referenced.

#### Part 1 - Preliminary

This Part provides an introduction to the Plan, its adoption and operation. The overarching aims of the Plan in summary are to promote sustainable, diverse development, supported by requisite infrastructure; whilst balancing the conservation of unique natural and cultural assets.

*The subject proposal fulfils the relevant aims.*

#### Part 2 - Permitted or Prohibited Development

This Part introduces land use control provisions. It should be noted that the subject land is zoned R2-Low Density Residential.

The proposed subdivision activity is permissible with consent.

The proposal is considered to be consistent with the principal prevailing objectives as summarised below:

## **Zone R2 Low Density Residential**

### **1 Objectives of Zone**

- To provide for the housing needs of the community within a low density residential environment.

*The subject proposal is consistent with this objective and will provide additional housing opportunities in a low density manner.*

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

*Not applicable.*

### Part 3 – Exempt and Complying Development

This Part details Exempt and Complying Development provisions. The subject proposal does not fulfil the subject requirements and is accordingly the subject of this Planning Report.

### Part 4 – Principal Development Standards

This Part outlines Principal Development Standards and provisions attached to the implementation of the same. The relevant provisions are summarised below.

#### 4.1 Minimum Subdivision Lot Size

The following minimum subdivision lot sizes apply to the subject land:

R2 - 975m<sup>2</sup>

*The proposal complies with the subject minimum area requirement.*

#### 4.3 Height of Buildings

The maximum building height is 9m. Any future dwelling should have no problem complying with such requirement and specific Airport Hazard Management Height controls.

#### 4.4 Floor Space Ratio

There is no specified Floor Space Ratio.

### Part 5 – Miscellaneous Provisions

This Part details miscellaneous provisions. The relevant provisions and compliance are summarised below.

#### 5.9 and 5.9AA - Preservation of Trees or Vegetation

The ecological features of the site are summarised in Figure 7 over the page.



Figure 7: Ecological features of subject site

The proposal involves the removal of some 0.25ha of vegetation classified as the critically endangered Cumberland Plain Woodland ecological community. Such vegetation is included in the WLEP, 2010 “sensitive land” overlay on the Natural Resources Biodiversity Map. Further, the proposal involves the potential removal of one hollow bearing habitat tree forming habitat for threatened microbats. Assessments of significance were undertaken for the Cumberland Plain Woodland CEEC and hollow-roosting microbats. These assessments concluded that a significant effect is unlikely to occur for the threatened biota and, as such, a Species Impact Statement is not required.

The subject vegetation removal is supported by an offsetting strategy, developed in liaison with Council. In addition, recommendations are advanced to avoid and minimise potential indirect impacts (refer to Annexure “F”).

#### 5.10 Heritage Conservation

Clause 5.10 details comprehensive heritage conservation provisions, which seek to facilitate conservation of the unique heritage qualities of the Wollondilly Shire Local Government Area.

Clause 5.10 (1) establishes the following objectives:

- a) to conserve the environmental heritage of Wollondilly,
- b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views,
- c) to conserve archaeological sites,
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(a) and (b) are initially relevant in this instance and are complied with as is demonstrated in the commentary, it being noted that the subject site has no heritage items situated thereon, but is in the vicinity of two locally significant heritage items; namely, Rose Cottage (795 Montpelier Drive) and The Oaks Airfield (995 Burragarang Road). It is further noted that the Heritage Impact Report accompanying the Planning Proposal<sup>1</sup> established that a residential subdivision of the subject land would not adversely impact the heritage significance of nearby heritage items or their settings.

With respect to (c) a report prepared by Niche Environment and Heritage<sup>2</sup> established, in addition to there being no heritage items on site, that there were no areas of archaeological potential associated with early grazing or cultivation during the nineteenth century and no further archaeological investigation is required prior to its subdivision and subsequent residential development.

Whilst with respect to (d) the report prepared by Artefact Heritage at Annexure “C” previously concluded no further Aboriginal archaeological work is required prior to rezoning and residential development. It also established standard protocols to be implemented if Aboriginal objects or human remains are encountered during construction.

The Niche Report also concludes with a precautionary protocol in the event that archaeological relics are exposed during excavation.

Clause 5.10 (2) details requirements in respect of consent in the following circumstances:

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<sup>1</sup> Prepared by Conroy Heritage Planning Pty. Ltd.

<sup>2</sup> Refer to Annexure “D”

- a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - i. a heritage item,
  - ii. an Aboriginal object,
  - iii. a building, work, relic or tree within a heritage conservation area,
- b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- d) disturbing or excavating an Aboriginal place of heritage significance,
- e) erecting a building on land:
  - i. on which a heritage item is located or that is within a heritage conservation area, or
  - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- f) subdividing land:
  - i. on which a heritage item is located or that is within a heritage conservation area, or
  - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

Only (c) is relevant and there are no matters of archaeological sensitivity as noted above which necessitate further archaeological investigation.

Clause 5.10(3) is not relevant.

Clause 5.10(4) details Council's responsibility to consider the heritage impact in the subject case in contemplating the granting of consent.

Clause 5.10(5) requires Council to consider a heritage management document in considering approval of an application. The heritage overview contained in this assessment<sup>3</sup> is considered to be adequate in this regard.

The proposed subdivision will importantly not generate a negative impact on the heritage significance of the place.

Clause 5.10(6) establishes that Council may require a Heritage Conservation Management Plan in respect of the ongoing conservation of a heritage item. Such a Plan is not considered to be required in the subject situation given that there are no adverse impacts on any aspect of heritage sensitivity.

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<sup>3</sup> Report and accompanying Annexures

Clause 5.10(7) details requirements in respect of an archaeological site. The subject site is not considered to be a site exhibiting particular archaeological qualities, as previously noted. (Refer to Annexure D in particular).

Clause 5.10(8) pertains to Aboriginal places of heritage significance and has been satisfactorily addressed. (Refer to Annexure "C").

Clause 5.10(9) outlines provisions in respect of demolition of nominated state heritage items and is not relevant.

Clause 5.10(10) details conservation incentives and is not relevant to the subject proposal. Such sub clause permits Council to grant consent for any purpose of a building that is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by the Plan (LEP), provided the consent authority is satisfied that:

- a. The conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- b. The proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- c. The consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- d. The proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- e. The proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The incentive clause is not drawn upon in the subject case.

#### Part 6 – Urban Release Areas

This Part outlines provisions in respect of Urban Release Areas. The subject proposal is not impacted by such provisions.

#### Part 7 – Additional Local Provisions

This Part details Additional Local Provisions. The relevant local provisions in respect of the subject development proposal are detailed briefly below.

##### 7.1 - Essential Services

The requisite essential services<sup>4</sup> are available on-site/or available to the site and can be readily "augmented" to service the proposed subdivision.

##### 7.2 - Biodiversity Protection

This clause expressly seeks to maintain terrestrial and aquatic biodiversity including:

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<sup>4</sup> Particularly in the form of reticulated electricity, water and sewer.

- a) protecting native flora and fauna, and
- b) protecting the ecological processes necessary for their continued existence, and
- c) encouraging the recovery of native flora and fauna and their habitats, and
- d) protecting water quality within drinking water catchments. (Subclause 1)

The clause is relevant in the subject context (Subclause 2) and Council is charged with considering any relevant adverse impact of the proposed development as articulated in Subclause 3.

Council's relevant deliberations and foreshadowed positive conclusion are informed by the specialist Flora and Fauna Assessment reproduced as Annexure "F", with the salient conclusions summarised at 5.9 and 5.9AA of Section 5.2 of this Report and elsewhere.

### 7.3 - Water Protection

This clause seeks to maintain the hydrological functions of riparian land, waterways and aquifers, including protecting the following:

- a) water quality,
- b) natural flows,
- c) the stability of bed and banks of waterways, and
- d) groundwater systems. (Subclause 1)

The clause is relevant in the subject context (Subclause 2) and Council is charged with considering any relevant adverse impact of the proposed development as articulated in Subclause 3.

Council's relevant deliberations and foreshadowed positive conclusion are informed by the specialist Stormwater Management Plan reproduced as Annexure "H", and Section 5.3.9 of this Report and elsewhere.

### 7.4 - Flood Planning

This clause seeks to:

- a) minimise the flood risk to life and property associated with the use of land,
- b) allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, and
- c) avoid significant and adverse impacts on flood behaviour and the environment.

This clause is relevant in the subject context given that some of the non-developable land is below the flood planning level; namely the 1:100 ARI flood event plus 0.5 metre freeboard (Clause 2).

Council's relevant deliberations and foreshadowed positive conclusion are informed by the flooding statements in Annexure "H" and the relevant plans in the Plan Atlas at Annexure "B". Specifically, the proposal is:

- a) compatible with flood behaviour,
- b) not likely to adversely impact flood impacts elsewhere,
- c) ensures appropriate means of egress from the Estate,
- d) to be undertaken in a manner sympathetic to the natural environment, and



e) not of a nature which will produce adverse social and economic impacts.

#### 7.5 - Earthworks

This clause seeks to:

- a) ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land
- b) allow earthworks of a minor nature without requiring separate development consent (Subclause 1)

The proposed subdivisional works are of such a nature that development consent is required (Subclause 2).

The relevant requirements and outcomes documented at Subclause 3 will be achieved. Refer also to the Plan Atlas at Annexure "B", specifically the cut and fill plans and sediment and erosion control measures, and the Stormwater Management Plan at Annexure "H".

#### Schedules

None of the Schedules are relevant to the development proposal.

### **5.3 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016**

This comprehensive compendium of development controls and development assessment data requirements seeks to guide applicants toward quality, sustainable development outcomes.

The principal requirements in respect of the proposal are detailed in Volume 1 - General and Volume 3 - Subdivision of Land.

#### **5.3.1 PART 1 PRELIMINARY - VOLUME 1**

The provisions contained in this introductory section are initially noted.

#### **5.3.2 PART 2 GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT - VOLUME 1**

The objectives at 2.1 are observed where relevant in the context of the subdivision proposal.

#### **5.3.3 PART 3 VARIATIONS TO THIS PLAN**

The variation provision and underpinning philosophy is noted but not drawn upon in the context of the subject proposal.

#### **5.3.4 PART 4 COMMUNITY ENGAGEMENT**

The subject proposal is not exempt from the need to engage in community consultation to the extent of notification (Clauses 4.1. and 4.2). Additionally, the application is required to be advertised (Clause 4.3). The requirements for notification and advertising (inclusive of Clause 4.4) are, however, a matter for Council.

Clauses 4.5 to 4.7 inclusive are not relevant at this point in time.

### **5.3.5 PART 5 COLONIAL HERITAGE (GENERAL)**

The provisions detailed in Part 5 are of no direct relevance to the proposal.

As detailed in Section 5.2 of this Report, and in particular having regard to Clause 5.10 of WLEP, 2011, it is noted that the subject site has no heritage items situated thereon. It is, however, in the vicinity of two locally significant heritage items; namely, Rose Cottage and The Oaks Airfield. Heritage investigations commissioned as part of the rezoning process in respect of the subject land concluded that a residential subdivision would not adversely impact the heritage significance of such items and their setting.

Further, the subject land is not located in or adjacent to a Conservation Area.

An Historical Archaeological Assessment undertaken also arrives at positive conclusions. (Refer to Annexure "D")

### **5.3.6 PART 6 HERITAGE (SPECIFIC LOCATIONS)**

The subject land does not form part of a specific unique heritage location.

### **5.3.7 PART 7 ABORIGINAL HERITAGE**

An Aboriginal Archaeological Assessment undertaken as part of the rezoning process concluded that no matters of Aboriginal Archaeology required further investigations and/or specific management practices. (Refer to Annexure "C").

### **5.3.8 PART 8 FLOODING**

The Worley Parsons Stormwater Management Plan and Survey Plans (refer to Annexures "H" and "B") indicate that the proposed subdivision creating the new residential allotments and their access is above the 1:100 year ARI flood plus 0.5m freeboard (Flood Planning Level). Such land is accordingly not deemed to be within a High Risk or Medium Risk Precinct.

It is further noted that the proposed development "would not increase peak flow rates at the downstream extent".

In accordance with requirement MD3 of Table C the new residents facilitated by the development will not be exposed to a flood hazard, as the road pattern provides continuous access towards high ground.

### **5.3.9 PART 9 ENVIRONMENTAL PROTECTION**

The subject objectives are fulfilled to the extent relevant by the proposal and the attached management and mitigation strategies.

With regard to the specific controls at 9.3 the following comments are made:

- A philosophy of minimum impact has underpinned the vegetation and riparian management strategies. The loss of the small (0.25ha) parcel of Critically Endangered Cumberland Plain Woodland is proposed to be mitigated with offsetting strategies referenced previously and detailed in Annexure "F" (Controls 1, 2 and 3).

- Stormwater Management is the subject of a comprehensive management strategy which is detailed in Annexure “H”. The salient elements of such strategy, based on a treatment train approach to water quality, include:

- 10kL rainwater tank on each proposed lot
- a Gross Pollutant Trap
- a bio-retention basin

Acceptable peak flows are noted to occur. Notwithstanding, some detention capacity would be provided in both the proposed rainwater tanks and bio-retention basin, both of which are cited to have a positive impact by reducing run-off volumes and post-development peak flow rates.

- The proposed vegetation removal has been limited and is detailed in the report forming Annexure “F”. As previously detailed, the removal is accompanied by an offsetting strategy, some riparian re-vegetation initiatives, and extensive and meaningful proposed street tree planting (Control 8).

### **5.3.10 PART 10 TREE REMOVAL**

The proposed removal of trees has been fully documented in Annexure “F” and forms part of the subject development application. The relevant legislative compliance checks are detailed<sup>5</sup>. An offsetting strategy is proposed as critical to the development. Additional management focused recommendations are also advanced for the construction phase.

### **5.3.11 PART 11 LANDSCAPING**

- The proposed landscaping attached to the restoration of the riparian zone and water quality management facilities, together with the final street tree species selection will have regard to the species recommendations where relevant (Control 11.2).
- Further, final street tree selection shall have regard to Council’s Tree Risk Management Plan (Control 11.4). Importantly, no banned species will be employed in landscaping (Control 11.3).

### **5.3.12 VOLUME 3 - SUBDIVISION OF LAND**

#### **5.3.12.1 PART 1 PRELIMINARY**

The provisions contained in the introductory section are initially noted (Clause 1.1). Further, the objective is observed (Clause 1.2) and the application of the Part noted (Clause 1.3).

#### **5.3.12.2 PART 2 GENERAL REQUIREMENTS FOR ALL DEVELOPMENT**

##### **Traffic and Transport (Section 2.1)**

- The six objectives detailed have informed the subdivision design and will reflect in a new residential estate which:
  - is adequately serviced with safe and efficient public roads.
  - integrates with adjoining subdivisional roads, cycleway and pedestrian path provision, with acceptable impacts upon the same and the broader accessibility

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<sup>5</sup> Including assessments under Section 5A of the EP&A Act

network.

- provides appropriate splay corners where required (Control 9 also).

- All public road and support infrastructure have been designed in accordance with Council's design specification (Control 1).
- The limited use of access handles (one) is compliant with the subject controls (Controls 2, 3 and 4).
- The requisite road infrastructure enhancement to existing directly impacted roads will be undertaken in accordance with the Table attached to Control 5 (R2 - 10-100 lots).
- All proposed intersections are appropriately designed (Control 6).
- Relevant new street lighting will be installed (Control 7).
- Access handles do not service more than 1 allotment concurrently (Control 8 - not relevant as such).

### **Wastewater (Section 2.2)**

- The objectives detailed are complied with to the extent relevant. Specifically:
  - The subdivision will be provided with reticulated sewer, thereby addressing natural environment and human health concerns.
  - The Sydney Drinking Water Catchment neutral or beneficial effect water quality requirements are fulfilled.
  - No use of pump-outs is proposed.
- All lots will have access to reticulated sewer to be provided by Sydney Water as an extension of the existing system (Control 1).
- It is noted that the other controls are not relevant.

### **Stormwater (Section 2.3)**

- A comprehensive stormwater management strategy has been prepared having regard to the objectives expressed and will prevent environmental harm and reduce the risk of damage to property and human life by:
  - minimising long term flooding impacts
  - have a beneficial effect on water quality in the Sydney Drinking Water Catchment, subject to the implementation and maintenance of appropriate water quality control measures both during and after construction works.
- The stormwater management system proposed achieves Controls 1 and 2 in regard to its integration with the natural system, relevant risk profile compliance and employment of Water Sensitive Urban Design technology.

### **Lot Size and Shape (Section 2.4)**

- The subdivision design fulfils the objective of creation of regular and practical allotments that foster the economic use of land.
- The relevant minimum dimensions are fulfilled (Controls 1 and 2).

### **Landscape and Character (Section 2.5)**

- The subdivision outcome will be consistent with nearby residential development. The street tree planting will enhance the prevailing character.
- There are no multiple access handles proposed (Control 2).
- Landscaping of the access handle will be compliant (Control 5).
- The embellishment of proposed new roads will address Council's Tree Risk Management Plan (Control 6).

### **Corner Allotments (Section 2.6)**

- The corner lot objective in respect of vehicular safety and amenity are addressed.
- Building envelopes have been plotted on corner allotments (Control 1), together with a nominated safe access point (Control 2). (Refer to Annexure "K").

### **Building Envelopes (Section 2.7)**

Not relevant

### **Environmental Protection (Section 2.8)**

- There is no clearing proposed to create Asset Protection Zones.
- The subdivision layout has sought to provide a balance in respect of vegetation retention, riparian zone conservation and the creation of residential allotments (Controls 1 and 2).

### **Non-Residential Development**

- The proposed subdivision seeks to ensure nearby land uses are not adversely impacted.

## **5.3.12.3 PART 3 CONTROLS FOR SPECIFIC LOCATIONS**

### **Montpelier Drive Residential Land (The Oaks) (Section 3.9)**

#### Objectives

- To minimise the impacts on the scenic and cultural qualities of the rural and heritage landscape.

*The proposal will undeniably transform the prevailing landscape character, in a manner similar to the adjoining subdivisions to the immediate north. The retention and embellishment of the riparian zone and street tree planting program will impact positively in a landscape character sense.*

- To improve road efficiency and permeability between residential areas.

*The proposed subdivision is integrated with the new residential estate to the immediate north and, in turn, provides enhanced permeability by linking to formation of the currently unformed road (Neki Street) to the immediate south.*

- To minimise rural landuse conflict.

*The proposal does not have allotments directly interfacing with lands used for commercial rural pursuits. The unformed Hardwicke Street, new road to be created to the south (Neki Street), and Montpelier Drive provide an immediate buffer to rurally zoned lands which tend not to be used for rural commercial pursuits which would potentially conflict.*

- To maintain water quality in the drinking water catchment.

*It has previously been noted in the comprehensive Stormwater Management Strategy (refer to Annexure "H") that a beneficial impact upon water quality will be occasioned by the proposed water treatment train. Additionally, standard practice sediment and erosion controls will be implemented during the construction phase and maintained during the nominated maintenance phase.*

- To reduce Council's maintenance burden.

*All infrastructure dedicated to Council will be designed to Council relevant specification. It is proposed, subject to agreement, to dedicate the riparian area and stormwater management system for future Council control and maintenance.*

- To minimise the potential risk to life and property, and mitigate noise, from use of the nearby airfield.

*The operational parameters of the airport are beyond the control of the developer and future residents. The level of inherent risk was acknowledged as being acceptable during the rezoning. Limitations and dwelling heights will be reinforced by the maximum height of buildings LEP Map and a restriction on title of new allotments, pursuant to Section 88B of the Conveyancing Act.*

*The nature of usage of the airfield and lack of ANEFs do not occasion any extraordinary noise mitigation measures in future dwellings.*

- To ensure habitable buildings are not impacted by potential "dam failure" from the large dam located on the adjoining property to the south.

*The developer and future residents have no control in respect of potential dam failure. The subdivision design, however, does not place any future dwellings under threat. Additionally, there are the prospects of spillway enhancement strategies should the land to the south be further developed.*

- To ensure that contaminated land is suitably addressed and remediated prior to residential development.

*Areas of environmental concern are proposed for remediation as part of the subdivisional works, as detailed in Annexure "I".*

#### Historical Archaeological Assessment

A relevant assessment has been undertaken by a qualified person/firm, the conclusion being:

The area contains no heritage items or potential archaeological relics and accordingly the subdivision will have no impact on the heritage values of the subject area. As such, no further archaeological

investigation is required prior to the subdivision or residential development. (Refer to Annexure “D” and elsewhere in this Report)

#### Subdivision Density

The relevant allotment density requirements have been achieved in the subdivision design.

#### Allotment Orientation and Fencing

There are no lots with a direct relationship to Montpelier Drive, given the significant intervening riparian area. The first lots distantly visible from Montpelier Drive are aligned perpendicularly to it, but serviced from an internal road. Open rural fencing will be employed for the rear fencing of such lots.

#### Principal Access

The main access to the new residential subdivision will be from the unformed public road (Neki Road) to the land’s immediate south. Such road is proposed to be constructed in accordance with Council’s design standards and will align in a new intersection with Jooriland Road.

#### Hardwicke Street Access

Vehicle access to Hardwicke Street is to be restricted to emergency situations only.

#### Integration with Northern Residential Area

Internal road and shared pathway links are provided to integrate with the residential subdivision to the immediate north.

#### Buffer to Southern Rural Lands

Appropriate plantings will be undertaken on the southern verge of the unformed road (Neki Road) as it is created, so as to minimise any potential short term landuse conflicts.

#### Management/Maintenance of Stormwater Management System

All stormwater management systems will be dedicated to Council, subject to agreement, and maintained (during the standard nominated maintenance period) in accordance with Council’s standard specification.

#### Height of New Structures

The relevant height restriction will attach to the Section 88B Instrument prepared as part of the final subdivision documentation required for the issue of a Subdivision Certificate.

#### Acoustic Impact Design Requirements

The Acoustic Report commissioned in respect of noise and vibration concluded that there are no acoustic impacts requiring special action and that standard practices should be employed in respect of air-conditioning plant and hot water heat pumps. Similarly, there are no prevailing nor projected vibration impacts associated with the proposed subdivision (refer to Annexure “J”). Accordingly, no Section 88B Instrument notation is required.

#### Preference for Non-Intensive Residential/Patron Usage

This is a matter for potential future applications. The subject application is for subdivision approval and does not relate to subsequent use of the allotments to be created beyond the controls previously referenced and documented pursuant to Section 88B of the Conveyancing Act.

### Habitable Dwellings and the PMF

The subdivision makes adequate provision for the development of all habitable buildings above the PMF flood level.

### Assessment and Remediation

Four areas of environmental concern were identified, namely;

- AEC I: Fill material along the banks of the existing dam.
- AEC II - IV: Traces of hydrocarbon in the vicinity of the sheds and residential dwelling.

A Remediation Action Plan was compiled to ensure the suitability of the site for residential purposes (refer to Annexure "I").

### Preservation of Mature Trees Fronting Montpelier Drive

The three metre tree setback provision will be complied with and relevant building restrictions detailed in the Section 88B Instrument.

## **5.4 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 – HAWKESBURY NEPEAN RIVER (NO. 2 – 1997) (DEEMED STATE ENVIRONMENTAL PLANNING POLICY)**

This Plan integrates planning with catchment management to protect the river system, adopting a regional context. It is relevant in the context of the subject proposal from water management and landscape perspectives.

A brief assessment against the relevant provisions of the Plan is provided below.

### General Planning Considerations (Clause 5)

There are no feasible alternatives to the development apart from not developing the site. The subject proposal sensitively addresses relevant water quality and landscape matters.

### Specific Planning Policies and Recommended Strategies (Clause 6)

#### **1. Total Catchment Management**

The nature, scale and location of the activity does not occasion the need for consultation with other local government areas.

The proposal will not adversely impact the immediate catchment if the Stormwater Management Strategy (inclusive of construction methods) and sediment and erosion control measures are adhered to. (Refer to Annexures "B" and "H")

Any other similar development in the immediate locality will need to observe similar requirements.

#### **2. Environmentally Sensitive Areas**

The riparian area represents an environmentally sensitive area. It is proposed to rehabilitate and dedicate, subject to approval, such area as part of the proposal.

#### **3. Water Quality**

Appropriate water quality outcomes are achieved through implementation of relevant sediment and erosion control measures during the subdivision works, introduction of grass



stabilisation where required and adherence to the treatment train detailed in Annexures “B” and “H”.

#### **4. *Water Quantity***

The water quantity regime will not be adversely altered.

No increase in flow or flow redirection will occur. Acceptable peak flows are noted to occur. Notwithstanding, some detention capacity would be provided in both the proposed rainwater tanks and bio-retention basin, both of which are cited to have a positive impact by reducing run-off volume and post development peak flow rates.

All stormwater will be appropriately collected and disposed of with new dwellings in the future.

#### **5. *Cultural Heritage***

No adverse cultural heritage impacts are occasioned (refer to Clause 5.10 at Section 5.2 of this Report and other comments in Section 5.3).

#### **6. *Flora and Fauna***

The proposed vegetation removal (and habitat) has been limited and is detailed in the report forming Annexure “F”. As previously detailed, the removal is accompanied by an offsetting strategy, some riparian revegetation initiatives, and extensive and meaningful street tree planting.

#### **7. *Riverine Scenic Quality***

The subject area is significantly removed from the more scenic river environs.

#### **8. *Agriculture/Aquaculture and Fishing***

Not applicable

#### **9. *Rural Residential Development***

The proposal does not entail rural residential development.

#### **10. *Urban Development***

The proposal provides for future urban development in an environmentally responsible way that does not adversely impact the catchment.

#### **11. *Recreational Tourism***

This aspect of the Riverine environment is not impacted by the proposal.

#### **12. *Metropolitan Strategy***

The proposal has no impacts of Metropolitan Strategy significance.

## **6 Assessment of Environmental Impacts**

### **6.1 GENERAL**

An overview assessment of the environmental effects of the proposal, as previously described in this Report, is provided below. This assessment has had regard to the provisions of Section

79C of the Environmental Planning and Assessment Act (as amended).

## **6.2 SECTION 79C (1) (a) – (i) PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS, (ii) EXHIBITED DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS, (iii) DCP, (iii(a)) PLANNING AGREEMENT/S, (iv) THE REGULATIONS**

The relevant matters for consideration include the provisions of Wollondilly LEP, 2011, Wollondilly Development Control Plan, 2016 and SREP No. 20, all of which have been considered in Section 5 of this Report.

## **6.3 SECTION 79C (1) (b) – IMPACT OF THE DEVELOPMENT**

### **6.3.1 NATURAL AND BUILT ENVIRONMENT**

The natural environment has been substantially altered since the days of earliest European settlement. Indeed, only incidental elements of remnant vegetation remain. An extensive grass cover comprising natural and introduced species dominates the balance of the allotment not devoted to structures.

The built environment comprises an existing residence and several sheds/outbuildings.

The proposal embodies the removal of all the structures. None of the subject structures are of significance and noteworthy in their own right. Their removal will not adversely impact the built environment. It will, however, benefit the built and natural environment generally by facilitating management of a new landscape.

### **6.3.2 SOCIAL AND ECONOMIC IMPACT**

The proposal will generate modest economic activity. Monies will be spent locally to source supplies/equipment/services associated with the subdivision works and subsequent erection of residential improvements.

In a social context, the subdivision will provide for the ultimate construction of new residential premises and their occupation by new families, thereby positively addressing Council's residential targets.

The increase in population may also contribute to the natural mass required for enhanced local provision of goods and services.

## **6.4 SECTION 79C (1) (c) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The site is considered suitable for the proposed development from a number of perspectives.

Initially the activity will utilise the capital investment in existing infrastructure. Further, it will do so in a manner that given its nature and setting causes no adverse impacts upon adjoining properties or the natural environment, and satisfactorily responds to potential hazards.

## **6.5 SECTION 79C (1) (d) - SUBMISSIONS**

This cannot be dealt with as part of this Report.

## **6.6 SECTION 79C (1) (e) - THE PUBLIC INTEREST**

The public interest is an overarching concept. The proposal could be considered to be in the public interest if pursued in accordance with the approval as sought.

It will importantly produce no adverse impact and will make a positive contribution to housing stock and residential occupancy.

The rezoning of the land for residential purposes is noted to have involved extensive and acceptable public consultation outcomes.

# **7 Conclusion**

The proposed subdivision (and removal of ancillary structures and implementation of the offsetting strategy and stormwater management strategy) will have no adverse environmental impact, if undertaken in an environmentally sensitive manner as proposed. Further, it will make a positive contribution to housing stock and related occupancy, and limited local economic activity.

In the process, any potential hazards will be appropriately mitigated.

Council is accordingly requested to grant a pragmatic approval in an expedient manner.