

## Planning Assessment Commission Gateway Determination Review

The Planning Assessment Commission has considered the request for a review of the Gateway determination of the planning proposal as detailed below:

<b>Dept. Ref. No:</b>	<b>PP_2016_WOLLY_005_00</b>
<b>LGA</b>	Wollondilly
<b>LEP to be Amended:</b>	Wollondilly Local Environment Plan 2011
<b>Address / Location:</b>	80 Silverdale road, The Oaks
<b>Proposal:</b>	Proposed rezoning from RU2 Rural Landscape to R2 Low Density Residential amend the lot size from 40ha to a minimum lot size of 1,500m <sup>2</sup> , and retain a maximum building height of 9m.

<b>Reason for review:</b>	<input type="checkbox"/>	A determination has been made that the planning proposal should not proceed.
	<input type="checkbox"/>	A determination has been made that the planning proposal should be resubmitted to the Gateway.
	<input checked="" type="checkbox"/>	A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.

In considering the request, the Planning Assessment Commission has reviewed all the relevant information provided by the proponent as well as the views and position of the Department of Planning and Environment (the Department) and the Wollondilly Shire Council (Council). Based on this review the **Commission recommends** the following

*Reason for Review: A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered.*

<b>RECOMMENDATION:</b>	<input checked="" type="checkbox"/>	<b>Requirement should be imposed or variations made to the planning proposal.</b>
		<input type="checkbox"/> no amendments are suggested to original determination. <input checked="" type="checkbox"/> amendments are suggested to the original determination.
	<input type="checkbox"/>	<b>The suggested requirements or variations of the original Gateway determination are not necessary and the planning proposal should proceed past Gateway in accordance with the original submission.</b>

### **Planning Assessment Commission advice and justification for recommendation:**

The Commission recommends that the Gateway determination should retain application of the R5 Large Lot Residential zone to the land. The Commission also recommends that the Gateway determination be amended to specify a minimum lot size of 1,500m<sup>2</sup>, subject to the:

- availability of reticulated sewerage to each lot;
- findings and recommendations in the specialist studies set out in item 1 of the Gateway determination; and
- findings and recommendations of a comprehensive whole-of-site concept plan for storm water management, which incorporates best practices for water sensitive urban design prepared in consultation with Water NSW.

The Commission has made this recommendation noting, in particular:

- Council's consideration that the R5 zone is appropriate and in keeping with the character of the area and the Department's comment that maintaining an R5 zone will prevent dual occupancy development and *'provide an appropriate graduation of zones'*;
- The proponent's support to an R5 zone with a 1,500m<sup>2</sup> minimum lot size *'if the R2 zoning is deemed not appropriate'*;
- Sydney Water's advice to Council of 28 February 2017 that a drinking water connection is available and that there is currently sufficient capacity in the wastewater system (for sewerage) for the development as illustrated in the concept plan (that shows minimum lot sizes of 1,525m<sup>2</sup>);
- the Department's advice in its briefing report that a minimum lot size of 1,500m<sup>2</sup> could be applied to the site which is *'generally in keeping with existing development at 1-22 Browns Road'*, subject to the results of the specialist studies in item 1 of the Gateway determination;
- Water NSW advice to Council of 18 January 2017 that if the site is not serviced by sewerage infrastructure a minimum residential lot size of 2,000m<sup>2</sup> is recommended for on-site wastewater treatment and disposal, and that the development should incorporate water sensitive urban design measures; and
- Council's concern that careful on-site storm water management will be necessary to achieve an appropriate outcome for the Sydney Drinking Water Catchment.

In carrying out the review, the Commission met with the proponent for the planning proposal, and teleconferenced with Council. Minutes of these meetings are attached.

In the teleconference with Council, several additional concerns were comprehensively set-out and these included that the:

- site and adjoining vegetated escarpment were visually prominent and sensitive to changes such as might result from vegetation clearing;
- indicative lot layout in the planning proposal would not comply with *Planning for Bushfire Protection* because, among other reasons, it did not include a perimeter fire access;
- Council is already on track to achieve dwelling targets under both State and local planning strategies without the need of the current planning proposal; and
- sewerage trunk main from The Oaks to Camden had limited capacity, which would be more appropriately used by infill development closer to the town centre.

The Commission notes that the Gateway determination includes a requirement to carry out several specialist studies, including a bushfire assessment report, which will inform the final decision on lot sizes in the draft Local Environmental Plan.

In respect of the Council's concerns about the need for the planning proposal or its implications for reticulated sewerage capacity and infill development more broadly, the Commission notes that this is beyond the scope of the review responsibility to make recommendations about the requirements imposed by the current Gateway determination.



Ms Annabelle Pegrum AM  
**Commission Member (Chair)**



Prof Zada Lipman  
**Commission Member**

## RECORDS OF COMMISSION MEETINGS FOR THE REQUEST FOR ADVICE

### Notes of meeting from the proponent

This meeting is part of the review process.	
<b>Date:</b> Friday, 9 June 2017	<b>Time:</b> 10:00am
<b>Project:</b> Gateway Review Advice 80 Silverdale Road	
<b>Meeting place:</b> PAC Office	
<b>Attendees:</b> PAC Members: Annabelle Pegrum AM, Prof. Zada Marie Lipman PAC Secretariat: David Mooney (Team Leader) and Jorge Van Den Brande (Planning Officer)	
<b>The proponent:</b> Tim Colless - Director of COPRAD William Clinch - Representing the landowner	
The purpose of the meeting was for the proponent to brief the Commission on its request for review of the Gateway Determination.	
The proponent briefed the Commission noting that: <ul style="list-style-type: none"><li>• They had consulted extensively with Council in the past on the planning proposal and were keen to continue with constructive consultation.</li><li>• Sydney Water had advised that reticulated water and sewerage could be provided to the land.</li><li>• Specification of a minimum lot size would provide them with necessary certainty to move forward with the development of the site.</li><li>• Potentially contaminated parts of the land are associated with the use of land to the north of the site (not the development area) which had been used for the disposal of spoil and some building materials but not as a public land fill area.</li><li>• They are keen to preserve the rural character of the site, acknowledge the benefits of a development transition from the village to the rural lots and do not wish to develop dual occupancies on any of the lots at issue.</li><li>• The concept plan is indicative only and lots are likely to be larger than 1500 m<sup>2</sup>.</li></ul>	
<b>Documents tabled at meeting:</b> Maps	
<b>Meeting closed at:</b> 10:45 am	

## Notes of teleconference with Council

This meeting is part of the review process.	
<b>Date:</b> Friday, 9 June 2017	<b>Time:</b> 11:00am
<b>Project:</b> Gateway Review Advice 80 Silverdale Road	
<b>Meeting place:</b> Teleconference	
<b>Attendees:</b> PAC Members: Annabelle Pegrum AM, Prof. Zada Marie Lipman PAC Secretariat: David Mooney (Team Leader) and Jorge Van Den Brande (Planning Officer)	
<b>Wollondilly Shire Council:</b> David Smith - Manager of Strategic and Growth Nicole Aiken – Strategic Planer	
The purpose of the meeting was for Wollondilly Shire Council to brief the Commission on its view and position of the request for review of the Gateway Determination.	
The Council briefed the Commission noting that: <ul style="list-style-type: none"><li>• the site and escarpment are visually prominent and can be viewed from distant vantage points</li><li>• the site is bushfire prone land and the indicative subdivision layout does not have adequate setbacks or a perimeter road as recommended by the <i>Planning for Bushfire Protection</i></li><li>• the existing residential character is important and should be retained.</li><li>• the provision of on-site stormwater management may be a limiting factor in deciding the appropriate minimum lot size</li><li>• minimum lot size should be determined following specialist's studies, and 1,500m<sup>2</sup> may not be appropriate.</li><li>• the trunk sewerage main from The Oaks to Camden, which is in part a rising main, has capacity for 140 additional dwellings. This capacity might better be used for urban infill development within The Oaks village.</li><li>• The Draft South West District Plan has a target of 1,500 dwellings for the first five years after the making of the plan. Council already has enough land zoned residential and are confident of meeting their dwelling target.</li><li>• Council is also on target to achieve the Growth Strategy 2011 for The Oaks and Oakdale of 350 dwellings by 20136.</li><li>• Council can achieve housing targets in both State and local planning strategies. Growth is strong in the locality with around 10 development applications per year for dual occupancy in The Oaks.</li></ul>	
<b>Documents tabled at meeting:</b> NA	
<b>Meeting closed at:</b> 12:00	