



Local Housing Strategy Addendum

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1 ADDENDUM TO LOCAL HOUSING STRATEGY

1.1 Purpose of this Addendum

The purpose of this document is to be an addendum to the Wollondilly Local Housing Strategy. This is in response to the Council Resolution 33/2021, made at the Ordinary Meeting of Council on 16 March 2021. As part of the endorsement of the Local Housing Strategy, it was resolved that a number of planning proposals which had been recently refused by the State Government, also be considered by the Strategy.

1.2 Resolution 33/2021 – Wollondilly Local Housing Strategy

At its Ordinary Meeting of Council on 16 March 2021, the Wollondilly Local Housing Strategy was adopted by Council. The resolution included the following points:

“5. Notes that a number of planning proposals have been recently refused by the Department of Planning, Industry & Environment due to outstanding agency and infrastructure issues for example, the planning proposals known as Darley Street and Stilton Lane;

6. Given that the planning proposals outlined above were considered as likely to proceed when finalising the draft housing strategy, Council amend the draft housing strategy to allow for consideration of appropriate new planning proposals for those sites that meet the following criteria:

- a. Were in progress during preparation of the housing strategy and were refused during the finalisation period of the Local Housing Strategy (January –March 2021).*
- b. Were supported when they were most recently considered by Council prior to their refusal by DPIE.*
- c. Had previously received a Gateway Determination to proceed.*

7. The housing strategy be amended to make clear that any new planning proposal considered under point 6 shall only be considered once the following criteria are met:

- a. The Proposal resolves any known planning or infrastructure issues previously identified for the site, including those identified by the Department of Planning, Industry & Environment and other agencies.*
- b. For proposals that include R2 or R3 zonings and appropriate road infrastructure upgrades are in place.*
- c. The proposal is consistent with the character of the surrounding area, consistent with the LSPS and would otherwise meet the definition of local growth.”*

This Addendum details which refused planning proposals are applicable to this resolution, and therefore can be identified for further consideration as part of the Local Housing Strategy, if they are relodged in the future.

1.3 Point 6 of Resolution 33/2021

The table below lists the planning proposals which meet the criteria specified in Point 6 of Council Resolution 33/2021. These proposals therefore are identified as being subject to additional consideration as part of the Local Housing Strategy, if they are relodged in the future.

Refer to **Attachment A - Background Information** for assessment of other planning proposals, which did not meet this criteria.

PLANNING PROPOSALS	CRITERIA UNDER POINT 6 of RESOLUTION 33/2021		
	a. <i>Were in progress during preparation of the housing strategy and were refused during the finalisation period of the Local Housing Strategy (January – March 2021)</i>	b. <i>Were supported when they were most recently considered by Council prior to their refusal by DPIE.</i>	c. <i>Had previously received a Gateway Determination to proceed.</i>
Darley Street Planning Proposal, Thirlmere	<ul style="list-style-type: none"> Submitted 16 September 2016 Refused by the Department on 7 March 2021 Meets the criteria 	<ul style="list-style-type: none"> Supported by Council 20 March 2017 Meets the criteria 	<ul style="list-style-type: none"> Received 17 July 2017 Meets the criteria
Stilton Lane, Picton	<ul style="list-style-type: none"> Submitted 21 November 2015 Refused by the Department on 7 March 2021 Meets the criteria 	<ul style="list-style-type: none"> Supported 21 August 2017 Placed on hold 16 June 2020 Meets the criteria 	<ul style="list-style-type: none"> Received 26 May 2018 Meets the criteria
West Tahmoor Minimum Lot Size Amendment No.2	<ul style="list-style-type: none"> Submitted 24 August 2016 Refused by the Department on 20 March 2021. Meets the criteria 	<ul style="list-style-type: none"> Supported 20 February 2017 Meets the criteria 	<ul style="list-style-type: none"> Received 7 July 2017 Meets the criteria

TABLE 1: Proposals which align with Point 6 of Council Resolution 33/2021

1.4 Point 7 of Resolution 33/2021

Point 7 of Council Resolution 33/2021 requires that the Strategy is to make clear that planning proposals which meet the requirements of Point 6 can be considered by the Strategy, if they also meet the following criteria:

- “The Proposal resolves any known planning or infrastructure issues previously identified for the site, including those identified by the Department of Planning, Industry & Environment and other agencies.*
- For proposals that include R2 or R3 zonings and appropriate road infrastructure upgrades are in place.*
- The proposal is consistent with the character of the surrounding area, consistent with the LSPS and would otherwise meet the definition of local growth.”*

Any future planning proposal for the three proposals identified above, are to demonstrate how they meet the criteria within Point 7, as part of their planning proposal.

ATTACHMENT A - BACKGROUND INFORMATION

1.1 Planning Acceleration Program

At its Ordinary Meeting of Council on 20 October 2020, Council endorsed their participation in the NSW Government's Public Spaces Legacy Program. This was to secure \$4m for public infrastructure delivery, and committed Council to the acceleration of planning decisions, including planning proposals.

Council resolved:

"6. Refers nominated planning proposals to the Department of Planning, Industry and Environment for determination where they meet the following criteria:

- (a) Gateway determination more than 4 years old; and*
- (b) Unresolved State issues preventing determination by Council."*

1.2 Planning Proposals Refused - 21 December 2020

In response to Council's resolution above, a total of 10 planning proposals were referred to the Department of Planning, Industry and Environment, currently the Department of Planning, Housing and Infrastructure (the Department) for determination, as they had a Gateway determination of more than 4 years, and unresolved issues such as access to Sydney Water infrastructure, which can only be resolved by the NSW Government.

The following proposals were referred, via a letter dated 5 November 2020:

- PP_2012_WOLLY_009_03 - Land Adjoining Bargo Sportsground
- PP_2013_WOLLY_002_02 - Picton East
- PP_2013_WOLLY_006_01 - Land Adjoining Oakdale Sportsfields
- PP_2013_WOLLY_014_01 - Burraborang & Steveys Forest Roads
- PP_2014_WOLLY_006_02 - Government Road
- PP_2016_WOLLY_005_02 - The Oaks North
- PP_2014_WOLLY_005_01 - 95 Great Southern Road
- PP_2013_WOLLY_005_02 - North Silverdale (deferred area)

Following correspondence with the Department, the following planning proposals were also referred for determination, via a letter dated 18 November 2020:

- PP_2014_WOLLY_003_01 - Cross Street, Tahmoor; and
- PP_2016_WOLLY_003_01 - Rezoning of 600 West Parade, Buxton

With the exception of North Silverdale (deferred area) planning proposal, the proposals listed above were refused by the Department, who issued revised Gateway determinations on 21 December 2020. Refer to **Attachment B** for reasons of refusal for each proposal.

These planning proposals do not meet criteria 6(a) of Resolution 33/2021, as they were not refused during the specified January-March 2021 timeframe. Therefore, they do not form part of this Addendum.

1.3 Planning Proposals Refused - March 2021

On 17 December 2020, the State Government's Planning Delivery Unit (PDU) contacted Council regarding the following planning proposals (>2 years since lodgement) and indicated a Finalisation Target date of 31 March 2021. A response was provided by Council in a letter dated 12 January 2021.

- PP_2017_WOLLY_001_02 - Darley Street, Thirlmere
 - Council Response: Awaiting finalisation of the Wollondilly Local Housing Strategy and resolution of significant constraints with wastewater infrastructure capacity.
- PP_2017_WOLLY_002_03 - West Tahmoor Minimum Lot Size
 - Council Response: Awaiting resolution of significant constraints with wastewater infrastructure capacity.
- PP_2018_WOLLY_001_01 - Stilton Lane and Remembrance Drive, Picton
 - Council Response: A request had been made for the extension to the finalisation date, to allow for completion of studies by the proponent.
- PP_2020_WOLLY_001_02 - Stage 1 Review of Wollondilly LEP 2011
 - Council Response: LEP Review Program Stage 1 Planning Proposal Referred to DPIE for finalisation on 28 August 2020.

Subsequently, the following were refused by the Department in March 2021:

- PP_2017_WOLLY_001_02 - Darley Street, Thirlmere (7 March 2021)
- PP_2017_WOLLY_002_03 - West Tahmoor Minimum Lot Size (20 March 2021)
- PP_2018_WOLLY_001_01 - Stilton Lane and Remembrance Drive, Picton (7 March 2021)

The following extract was provided as part of each Gateway alteration, regarding reasons for refusal:

"This decision is based on key issues not being addressed or resolved to the extent required to support a rezoning. A critical issue related to these proposals is the cumulative impact of bushfire protection measures that may be required to mitigate risks and hazards, and ensure safe management of fire events including evacuation and shelter are in place.

Aside from any site specific issues, the Department considers the following fundamental steps would be required to be addressed before these proposals could be reconsidered:

- *completion of Council's planned natural and hazard risk study in consultation with the Department and the Rural Fire Service and other emergency services providers;*
- *the Department's review and approval of Council's local housing strategy to reflect growth scenarios proposed by these proposals; and*
- *finalisation of Sydney Water's environmental protection license variation application for Picton Water Recycling Plant and related business case to assure capacity for wastewater."*

These proposals meet the criteria 6(a) of Resolution 33/2021, therefore form this Addendum.

ATTACHMENT B – PLANNING PROPOSALS REFUSED - 21 DECEMBER 2020

The following are extracts of letters from the Department of Planning, Industry and Environment, dated 21 December 2020, detailing reasons for refusal.

Cross Street, Tahmoor (PP_2014_WOLLY_003_00)

The Gateway determination for this planning proposal was issued on 17 July 2014 and after 5 extensions was due to be finalised on 30 April 2020. The Rural Fire Service (RFS) has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- *inadequate measures for bushfire evacuation to minimise potential risk to life arising from rezoning the site;*
- *arrangements for offsetting impacts to biodiversity have not been reached;*
- *inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced in an interim or permanent state;*
- *the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA; and*
- *the planning proposal is inconsistent with Ministerial Section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 3.1 Residential Zones, 4.4 Planning for Bushfire Protection and 4.2 Mine Subsidence and Unstable Land.*

600 West Parade, Buxton (PP_2016_WOLLY_003_01)

The Gateway determination for this planning proposal was issued on 9 August 2016 and after 2 extensions was due to be finalised on 30 June 2019. The RFS and OEH have provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- *there is an unresolved land use conflict between the E3 rezoning objective to support the regeneration of native vegetation to the rear of the site and the minimum asset provision zone requirements for future development within the site;*
- *inadequate measures for bushfire evacuation can be implemented to minimise potential risk to life arising from rezoning the site;*
- *there are inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced in an interim or permanent state;*
- *the proposal is inconsistent with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA; and*
- *the proposal is inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 3.1 Residential Zones, and 4.4 Planning for Bushfire Protection remain unresolved, hence all related issues remain unresolved.*

Land adjoining Bargo Sportsground (PP_2012_WOLLY_009_03)

The Gateway determination for this planning proposal was issued on 9 February 2013 and after 5 extensions, was due to be finalised on 30 June 2019.

The former Office of Environment and Heritage (OEH) has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- *potential impacts on biodiversity and koala linkages have not been addressed;*
- *inadequate measures for servicing to address wastewater impacts from on-site effluent disposal to significant vegetation areas;*
- *the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA; and*
- *inconsistencies with 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection remain unresolved, therefore all related issues to these Directions remain unresolved.*

Picton East (PP_2013_WOLLY_002_02)

The Gateway determination for this planning proposal was issued on 28 March 2013 and after 5 extensions was due to be finalised on 1 May 2020.

The former Roads and Maritime Services (RMS) has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- *the concept design of the new intersection at Menangle Street has not been addressed;*
- *the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA;*
- *inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced in an interim or permanent state; and*
- *inconsistencies with 9.1 Direction 3.1 Residential Zones and 4.4 Planning for Bushfire Protection remain unresolved, therefore all related issues to these Directions remain unresolved.*

Land adjoining Oakdale Sportsfields (PP_2013_WOLLY_006_01)

The Gateway determination for this planning proposal was issued on 15 May 2013 and after 6 extensions was due to be finalised on 31 July 2020.

The OEH has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- *potential impacts on Shale Sandstone Transition Forest [a Critically Endangered Ecological Community (CEEC)] has not been addressed;*

- *the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA; and*
- *inconsistency with 9.1 Directions 2.1 Environmental Protection Zones and 4.4 Planning for Bushfire Protection remains unresolved, therefore all related issues to these Directions remain unresolved.*

Burraborang & Steveys Forest Roads (PP_2013_WOLLY_014_01)

The Gateway determination for this planning proposal was issued on 23 February 2014 and after 4 extensions was due to be finalised on 30 April 2020. The OEH has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- *potential impacts on Cumberland Plain Woodland (a CEEC) and Aboriginal Cultural Heritage have not been addressed; and*
- *inconsistencies with 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 5.5 Sydney Drinking Water Catchment and 4.4 Planning for Bushfire Protection remain unresolved, hence all related issues remain unresolved.*

The Oaks North, Silverdale Road, The Oaks (PP_2016_WOLLY_005_02)

The Gateway determination for this planning proposal was issued on 8 December 2016 and after 2 extensions was due to be finalised on 15 December 2019.

The OEH has provided advice which confirms unresolved issues with the proposal. As these matters remain unaddressed, the Gateway determination has been amended to not proceed on the basis that:

- *potential impacts on Shale Sandstone Transition Forest and Aboriginal Cultural Heritage have not been addressed;*
- *many remaining matters are unresolved due to the absence of required studies and documentation required by the Gateway determination;*
- *the proposal is inconsistent with regional, district and local strategic planning frameworks presently in place for Wollondilly LGA; and*
- *there planning proposal inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.4 Planning for Bushfire Protection and 5.5 Sydney Drinking Water Catchment, hence all related issues remain unresolved.*

Government Road, Bargo (PP_2014_WOLLY_006_00)

Therefore, I have decided to amend the planning proposal to not proceed on the basis that:

- *the site is at high risk of land subsidence and which has the potential for damage to property until mining operations are complete;*
- *development resulting from the proposal could sterilise state significant reserves of coal and compromise future resource extraction;*

- *the proposal is inconsistent with Section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, and 4.2 Mine Subsidence and Unstable Land, and hence all related matters remain unresolved.*

Great Southern Road, Bargo (PP_2014_WOLLY_005_00)

I have decided to amend the planning proposal to not proceed on the basis that:

- *the site is at high risk of land subsidence and which has the potential for damage to property until mining operations are complete;*
- *development resulting from the proposal could sterilise state significant reserves of coal and compromise future resource extraction;*
- *inadequate measures have been taken to protect biodiversity, including Shale Sandstone Transition Forest and Cumberland Plain Woodland (both Critically Endangered Ecological Communities) and potential squirrel glider habitat;*
- *inadequate measures have been taken to protect Aboriginal cultural heritage including areas of potential archaeological deposits on the land; and*
- *the proposal is inconsistent with Section 9.1 Directions 1.3 Mining, Petroleum Production and Extractive Industries, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, and 4.2 Mine Subsidence and Unstable Land, and hence all related matters remain unresolved.*



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