Urban Taskforce
AUSTRALIA

9 April 2025

Chief Executive Officer
Wollondilly Shire Council
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Sent to: council@wollondilly.nsw.gov.au

Dear Mr Taylor

Proposed Amendments to WDCP 2016 – Development in the Metropolitan Rural Area

I write in regard to the Draft Development Controls relating to the Wollondilly Metropolitan Rural Area.

While Urban Taskforce acknowledges the importance of managing rural lands sensitively, there are significant concerns over several overly-broad provisions in this proposal that risk creating undue limitations on development, reducing housing delivery, economic resilience and investor certainty across the region.

Many of the control mechanisms do not take land use zones or specific development types into consideration. They are unclear and apply so broadly and absolutely as to apply to potentially everything.

There is significant concern that these development controls are designed as a framework that can weaponise ecological, heritage and land-use restriction to stop development per se.

Overly Restrictive Biodiversity and Koala Corridor Controls

Principle 1 – Enhancing Habitat and Biodiversity, Controls 3–5 lay out the prohibition of development encroaching upon or indirectly affecting mapped koala corridors (even where no native vegetation removal is proposed).

These requirements are overly restrictive.

The requirement that core koala habitat cannot form any part of an Asset Protection Zone (APZ) and that indirect impacts must be avoided regardless of development type or scale, introduces broad and nebulous planning outcomes that could be used to stop any development in the MRA.

Recommendation 1: DCP Controls should allow APZs in koala habitat, where applications are supported by qualified ecological studies and bushfire risk assessments.

Given the low-level of detail provided in this exhibition and lack of any mapping, it is difficult to measure the extent of the koala corridors. However, based on past implementations of similar controls, these requirements will likely frustrate or sterilise significant development land within mapped corridors, even when impacts could be effectively mitigated or offset.

These controls also discourage development near existing infrastructure if they overlap with secondary or tertiary koala corridors. The nebulous use of 'near' is concerning, given the potential impact on future development. In the midst of a housing crisis, such an approach is not supported.

Recommendation 2: Council should adopt a merit-based assessment framework allowing site-specific ecological impact assessments to justify development near koala corridors, in line with the NSW Koala SEPP (2021).

There is also an overlap with the Cumberland Plain Conservation Plan that identifies these koala corridors. This overlap could potentially frustrate planning processes, referrals and concurrences. Planning policy should allow for a single reference to areas with regard to koala corridor mapping.

Recommendation 3: Koala corridors should have a single and broadly accepted source of reference which development proponents can access. These maps should undergo public exhibition to invite expert consultation and impact assessment.

The use of obtuse and absolute language in in Controls 4 and 5 of Principle 1 is too broad. The proposed amendments states:

> *"4. The development is to be designed to **have no adverse impact** on any identified koala corridor in the locality."*
>
> *"5. Any development on land within or near a mapped koala corridor (primary, secondary or tertiary) where no removal of native vegetation is proposed, must be designed and located in such a way as to **avoid any adverse indirect impacts** to preferred koala food trees (PKFTs)."*

This phraseology could be applied to anything, anywhere, at any time. It does not help define how koalas, their habitat and food sources can practically be addressed, and should not belong in planning policy. The prevailing policy landscape attempts to place human development in balance with the natural environment. It is understood that zero indirect impact is impossible to guarantee.

A more sophisticated approach to managing development in these areas is required. Urban Taskforce supports an approach that acknowledges the practicalities of development and balances these competing priorities by allowing acceptable minor impacts, with commensurate mitigations, where appropriate.

Recommendation 4: Impractical, universal and absolute phraseology should be removed from this draft DCP and be replaced with a nuanced set of rules that allow for at least a degree of flexibility in development assessment. Proposals should not be automatically rejected because of relatively minor impact or need for offsets relating to koala corridors and preferred food trees.

Neutral or Beneficial Effect (NORBE) in Drinking Water Catchments

In relation to *Principle 3 – Protecting Drinking Water Catchments, Controls 1–2,* the application of the Water NSW NORBE tool for every development in the drinking water catchment adds time, cost, and complexity across the board, particularly for small-scale proposals with negligible impact.

The tool is not scaled to the size or risk of the proposal. Requiring full NORBE reporting for minor developments (eg. dwelling alterations or small agribusiness operations) is disproportionate and will deter investment.

Recommendation 5: Council should include a threshold-based approach, where the NORBE tool is only mandated for developments over a certain size or with higher pollutant-generating potential. Enable simplified assessment pathways for minor proposals.

Mandatory Buffers and Land Use Conflict Assessments

Controls 1-6 in *Principle 4 – Preserving Land for Agriculture*, outline the requirement for Land Use Conflict Risk Assessments (LUCRA) and potentially extensive buffer zones places an unbalanced burden on new developments—even when the agricultural activity is minor or of lower intensity. Requiring buffers to be entirely within the applicant's landholding is often impractical and may render sites undevelopable.

This shifts the entire responsibility for land use conflict avoidance to new development, even in peri-urban settings where agricultural intensity is low. It may result in significant land sterilisation without any increased or measurable protection for agriculture.

Recommendation 6: Buffer zones should be shared on both sides of boundaries with LUCRA applying only to development types with a demonstrated risk of conflict and include case-by-case flexibility for how buffers are designed (eg. through building orientation, fencing, or planting). The DCP should encourage shared responsibility for conflict management where appropriate.

Restrictions on RU1 Land and BSAL

In relation to *Principle 5 – Preventing Incompatible Uses, BSAL Controls*, the restrictions placed on RU1-zoned land and Biophysical Strategic Agricultural Land (BSAL)—especially the presumption against non-agricultural uses—overlook the diversity and constraint of many rural properties. Some RU1 land may be constrained

by lot size, access, flooding, or bushfire risk and therefore not viable for broadscale agriculture.

Possible future agricultural expansion should not receive precedence over a new and different type of development such as housing which seeks to build on neighbouring lands, providing employment and contributing to the economy in the near term. By discouraging particular economic uses on these lands and seeking to pick winner, these provisions reduce flexibility, undermine opportunities for rural diversification and may impact the local economy.

Land between a particular development and agricultural land may serve as an effective buffer, and reduce the potential impact on agricultural land without impacting the development potential of other forms of development. These controls impact the feasibility of development without delivering clear agricultural or environmental gains.

Recommendation 7: The DCP should adopt a flexible merit-based test that allows recognises that land capability varies greatly within RU1 and BSAL areas and does not prevent valuable development from occurring where nothing no existing agricultural lands are hindered.

Heritage and Character Controls for Rural Villages

In relation to *Principle 6 – Character of Rural Towns and Villages,* the direction that new buildings must reflect existing character and apply adaptive reuse "wherever possible" is again too nebulous and risks hindering modern, sustainable, or innovative architecture, especially in towns where the existing building stock is fragmented or inconsistent.

Broad "character controls" should not prevent contemporary infill or discourage housing supply in villages identified for local growth. Character statements need to allow architectural interpretations that enhance the qualities of the built environment as a whole.

Inflexible decrees on adaptive reuse can impact feasibility and sterilise heritage items, ultimately leading to the further deterioration, damage and even loss of these structures.

Adaptive reuse should be encouraged through incentives based on feasibility - preserving the most important elements with a practical, flexible approach to less critical elements.

Recommendation 8: Allow contextual architectural interpretation and ensure that character controls are practical and flexible. Adaptive reuse should be encouraged, not mandated, with the feasibility of controls taken into account.

Scenic Landscape and Building Siting Restrictions

Principle 7 – Preserving Scenic Lands, Controls 1–8

The proposed controls prohibit building on ridgelines or in visually prominent areas, and require building colours, massing and articulation. These restrictions may be impractical on many rural blocks and increase costs without significantly improving visual outcomes.

The requirement to avoid visibility from public roads and scenic lookouts is too broadly framed, particularly for dwellings in permissible rural zones.

The restriction on building placement may constrain otherwise low-impact housing or housing with visual merit through landscaping, built form articulation and architectural design.

Recommendation 9: The draft DCP should be amended use design guidelines and landscape plans rather than prescriptive location-based restrictions. The principles must allow for greater design flexibility where materials, colours, and landscaping reduce visual impacts.

Prevalence of Site-Specific Development Control Plans

Urban Taskforce is advised that site-specific DCPs have previously been exhibited, supporting planning proposal which incorporated bushfire, biodiversity, lot layout and public open space provisions. These site-specific provisions were in line with the controls of this exhibited DCP amendments. Where these site-specific provisions have been in force, they should prevail over less detailed and obtuse controls wherever inconsistencies arise.

With this in place, the private sector will be able to navigate planning outcomes with more certainty without facing conflicting controls.

Recommendation 10: The exhibited DCP amendments should provide for future site-specific DCPs to prevail over broader MRA controls.

Conclusion

Urban Taskforce supports the reduction of red and green tape in these exhibited DCPs and flexibility in their controls. There are many conflicting overlays that should be resolved. Several controls lack proportionality, flexibility, and/or a risk-based rationale. This invariable creates barriers to new development.

Without amendments, the draft controls run the risk of constraining low-risk rural development, undermine rural economic diversification, and reduce the feasibility of housing or tourism-related investment in appropriate MRA locations.

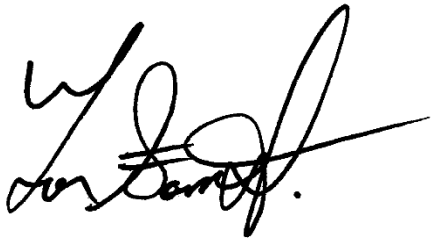
Council must revise the draft amendments to reflect a balanced, evidence-led approach to land use compatibility, recognition of site-specific conditions, and

alignment with broader NSW planning frameworks that already govern many of these issues.

Amendments must balance competing needs human development and not be devised to prejudice or sterilise new development.

Should you wish to discuss any aspect of this submission further, please call our Policy, Planning and Research Analyst, Benjamin Gellie, on 0461 566 807 or via email benjamin@urbantaskforce.com.au

Yours sincerely



Tom Forrest
Chief Executive Officer