

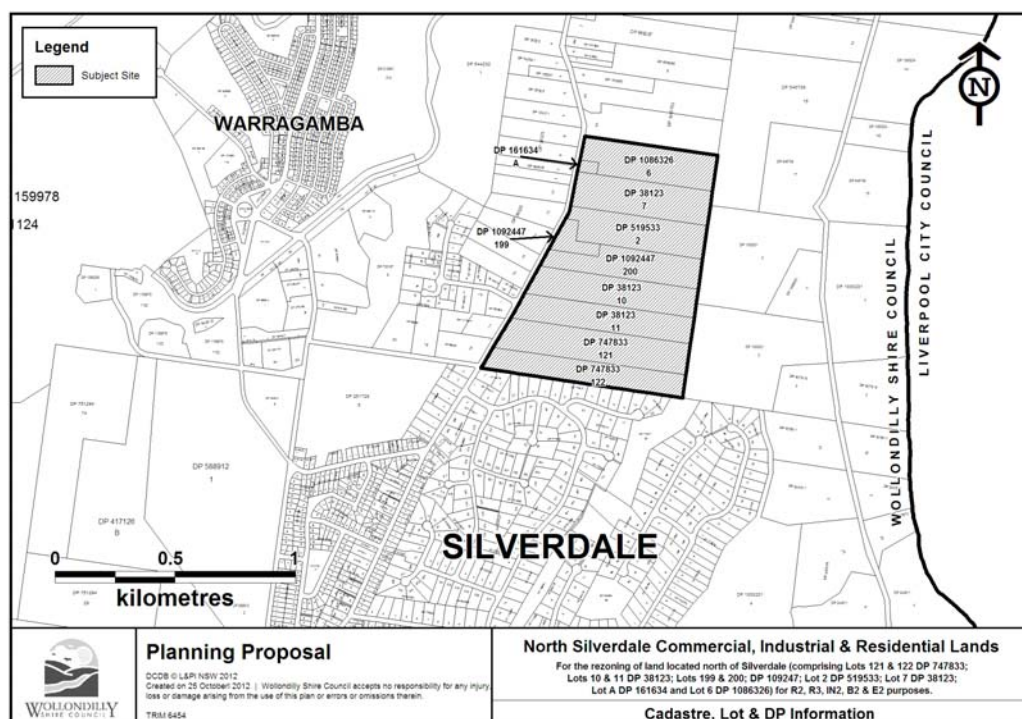
Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

PE5 **Planning Proposal – North Silverdale Commercial, Industrial & Residential Lands**
249JSEL TRIM 6454

REPORT

APPLICANT: Site Plus Pty. Ltd.
OWNER: Various

Planning & Economy



EXECUTIVE SUMMARY

- In October 2011, Council received a planning proposal from Restifa & Partners for the rezoning of the land surrounding the Silverdale shops (Lots 199 & 200 DP 1092447) to B2 Local Centre.
- In a letter dated 20 October 2011 the applicant was advised that the planning proposal would need to be revised to meet the requirements of Council's Growth Management Strategy (GMS) which identified "that growth of the Silverdale Commercial Centre needs to be linked to residential development of lands adjoining the site."
- The planning proposal was revised by Site Plus Pty Ltd and resubmitted to Council in March 2012 and included additional lots to the north and south of those originally identified, these are noted below.

- The revised proposed zoning requested for this expanded site is a mix of R2 Low Density Residential, R3 Medium Density Residential, IN2 Light Industrial, B2 Local Centre and E2 Environmental Conservation. Assessment of the revised proposal indicates that it is now consistent with the requirements of the GMS.
- In response to the State Government's Potential Homesites Program, at its meeting of 20 February 2012, Council resolved in relation to Silverdale that land releases surrounding the town could be supported if a joint master planning process in partnership with the Department of Planning and Infrastructure is undertaken. The recommendation of this report is informed by that resolution.
- This report recommends that Council support the master planning of the Silverdale and Warragamba area as proposed in the separate report to Council which is being considered at this meeting, that this and other planning proposals in the area are informed and amended by the master planning process.
- If however Council chooses not to support the master planning of the Silverdale area it is suggested that the planning proposal is amended as described in this report.

BACKGROUND

Site Description

The subject land is located on Silverdale Road, Silverdale (see map included as **Attachment 1** to this report) and comprises the following properties:

- 2250 Silverdale Road (Lot 122 DP 747833)
- 2260 Silverdale Road (Lot 121 DP 747833)
- 2280 Silverdale Road (Lot 11 DP 38123)
- 2300 Silverdale Road (Lot 10 DP 38123)
- 2320 Silverdale Road (Lot 200 DP 1092447)
- 2322 Silverdale Road (Lot 199 DP 1092447)
- 2324 Silverdale Road (Lot 2 DP 519533)
- 2330/2232 Silverdale Road (Lot 7 DP 38123)
- 2340 Silverdale Road (Lot A DP 161634)
- 2350 Silverdale Road (Lot 6 DP 1086326).

The subject land is comprised of ten (10) individual properties. The total area of the site is 68.08 hectares.

A range of land uses are currently undertaken on parts of the site, including nursery supplies and an orchard. There has been extensive clearing of native vegetation from much of the area.

There is substantial remnant native vegetation located along the eastern side of the site which will need to be retained. The western edge of the site borders Silverdale Road which is the only north-south arterial road through the town.

The land opposite the site on the western side of Silverdale Road is zoned for industrial uses. Immediately to the south of the site is the existing residential area of Silverdale. The land to the north of the site is zoned for rural uses.

The current Silverdale Shopping Centre is located at 2322 Silverdale Road (Lot 199 DP 1092447) and contains a supermarket, bottle shop, medical centre, beauty salon, video store, take-away, bakery, real estate, business and commercial rooms, a service station and auto repair, general mechanical repairs, storage areas, car parking and service areas.

Part of the subject area at 2300 & 2380 Silverdale Road (Lots 10 & 11 DP 38123) are currently occupied by Botanica Nursery, a wholesale plant nursery.

Description of this Planning Proposal

The planning proposal requests the following amendments to Wollondilly Local Environmental Plan (WLEP) 2011:

- Amendment to the WLEP 2011 Land Zoning Map and Lot Size maps to allow the following zoning and lot sizes:
 - part R2 Low Density Residential (700m²)
 - part R3 Medium Density Residential (4000m²)
 - part IN2 Light Industrial (15000m²)
 - part B2 Local Centre (no minimum lot size)
 - part E2 Environmental Conservation (no minimum lot size).
- Amendment to the WLEP 2011 Height of Buildings Map to allow a maximum height limit of 9 metres.

Proposed Master Planning of Silverdale & Warragamba Area

A separate report is being considered at this Council meeting proposing the master planning of the Silverdale and Warragamba area. This is in response to the resolution of Council below regarding the State Government's Potential Homesites Program. Warragamba should also be considered in this master planning process due to its interconnected relationship with Silverdale.

At its meeting of 20 February 2012 Council resolved in relation to Silverdale that:

- *A joint master planning process in partnership with the Department of Planning and Infrastructure for the urban development of all lands including attention to new entry and exit points.*
- *The strategic objective of the project being to provide housing, employment, all supporting infrastructure and services, and a full range of complimentary land uses to support liveability and sustainability.*
- *The purpose of the master plan would be to provide an overall structure and staging plan for the delivery of this strategic objective.*

- *The master plan project would identify all current and future infrastructure requirements and confirm an associated infrastructure funding strategy, to ensure timely and cost effective delivery of all infrastructure.*
- *The coordination of the master plan project would require dedicated funding and resources from the Department of Planning and Infrastructure.*
- *The master plan project would also require partnership and support from key infrastructure providers, Infrastructure NSW and all relevant State agencies.*

This planning proposal was to be considered at the **July 2012** Ordinary Meeting of Council. This was postponed so that Council officers could visit the planning proposal site and others in the Silverdale area to help inform a decision on whether to master plan the town.

If Council chooses not to support the master planning of the area, this report recommends that the planning proposal be amended as per the recommendations below.

Proposed Amendments to this Planning Proposal

If Council chooses not to support the master planning of Silverdale and Warragamba this report proposes the following amendments (as per the map included as **Attachment 4** to this report):

- Expansion of the boundary of the *E2 Environmental Conservation* zone to protect the remnant native vegetation on the site
- Removal of the residential lots in northern part of the planning proposal which fall within the 500 metre buffer surrounding the poultry farm to the north of the site, to address the potential land use conflict
- Expansion of the eastern edges of both the *B2 Local Centre* and *IN2 Light Industrial* zones to meet the expanded *E2* zone
- Removal of the nursing home and *R3 Medium Density Residential* areas from the proposal and expansion of the *R2 Low Density Residential* zone south of the *IN2* zone.

CONSULTATION

Community Consultation

In accordance with Council's notification policy, initial community consultation has been undertaken. A notification letter was sent to residents on **30 April** with a written submission period of three (3) weeks from **4 May** to **25 May** and the planning proposal was published on Council's website in **May 2012**. A summary of the submissions received are outlined in the table below.

Council received nine (9) submissions in relation to this planning proposal. The main themes raised in these submissions are summarised below:

Rural Character

A number of the submissions raised concerns that the rezoning would lead to a fundamental change in the rural character of the area. Some argued that the scale of the development was not in keeping with Council's 'rural living' concept.

Housing Density & Zoning

A few of the submissions raised concerns that the proposed density of the housing in the planning proposal area was too high. Others were concerned over the transition between the rural zoning north of the town and the proposed *R2 Low Density Residential* at the northern edge of the site.

Submissions raised concerns over the proposed nursing home being an inappropriate development especially in times of flooding, where access to medical care would be significantly delayed as would evacuation should a bushfire occur.

Economic Impacts

Some submissions held the opinion that the Silverdale area did not need a larger shopping centre. Others drew attention to the possible negative impacts that the expanded Silverdale shopping area would have on other local shopping areas in Wallacia, Warragamba, Mulgoa, Luddenham and Glenmore Park.

Roads & Traffic

Concerns were raised over the state of repair of Silverdale Road and the need to repair and improve the road in light of the increase in traffic volumes caused by an increase in population. Some of the submissions mentioned the impact of traffic accidents and road closures on the local road network.

Public Transport

Some submissions raised concerns with the limited bus services in the Silverdale area.

Public Realm & Recreational Areas

Some submissions argued that improvements were needed to the public realm, such as the provision of footpaths to encourage walking and cycling from the nearby residential areas to the shopping centre. Streetscape improvements such as landscaping and the creation of a village centre were suggested.

Some of the submissions drew attention to the lack of public parks and playgrounds in the Silverdale area.

Land Use Conflicts

Some submissions identified land use conflicts with the adjoining rural land.

Concerns were raised over the need for dog proof fencing to be provided and maintained between new residential land in the future subdivision and adjoining rural land to prevent dogs from entering farming properties and maiming and killing livestock.

The potential land use conflict between the planning proposal site and poultry farms on adjoining properties was raised.

Consultation with Government Departments

If endorsed by Council, consultation will be required with the Department of Planning & Infrastructure (DP&I), the Office of Environment & Heritage (OEH) and other government agencies on the planning proposal. It is considered that should the proposal be supported the Gateway Determination will outline the further consultation requirements with the DP&I, OEH and any other relevant government agencies.

Further community consultation

If this planning proposal progresses, further community consultation opportunities will occur as part of the preparation and exhibition of a draft local environmental plan in accordance with the new Gateway process. Council has the opportunity to recommend the engagement process and other consultation appropriate for this proposal.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All planning proposals are assessed against the key themes and directions of Council's Community Strategic Plan. It is considered that this proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

The natural environment is protected and conserved and Wollondilly has a healthy, sustainable, and resilient environment with a rural character (EO-1).

The impact of existing and new development on the environment is reduced in turn reducing the Shire's ecological footprint (EO-2).

POLICIES & LEGISLATION

Planning Proposals

The planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning & Infrastructure guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. The planning proposal addresses the matters required by the Director-General to be addressed in all planning proposals.

The planning proposal that has been submitted is requesting the rezoning of the subject land. If Council wishes to proceed with the proposal to rezone the land, Council must resolve to support the planning proposal and to forward it to the Minister for Planning & Infrastructure for a Gateway Determination.

Council's Options/Role

In deciding whether to forward the planning proposal on to the Minister for Planning & Infrastructure for a Gateway Determination, Council is effectively endorsing the planning proposal in principle and from that point on the planning proposal is deemed to be *Council's* planning proposal - no longer the applicant's planning proposal. Despite the planning proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.

Council's options are:

1. Resolve to support the master planning of the Silverdale and Warragamba area and that this and other planning proposals in the area be informed and amended by the master planning process;
2. Resolve to support the planning proposal as submitted. This option means that the existing planning proposal from then on becomes *Council's* planning proposal. Council then sends it to the Minister for a Gateway Determination. Unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
3. Resolve that the planning proposal needs to be amended before it can receive Council support and be forwarded to the Minister for a Gateway Determination. As is the case with option 1 above, the planning proposal becomes *Council's* and unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
4. Resolve not to support the planning proposal. The applicant could choose to revise/amend their proposal and submit a new application. (Note that there are no appeal rights through the Land and Environment Court against Council's refusal to support a planning proposal).

Option 1 is the recommendation of this report.

Gateway Determination

When a planning proposal has been endorsed by Council, it is then forwarded to the Minister for Planning & Infrastructure for a Gateway Determination. The Gateway Determination is a checkpoint for planning proposals before significant resources are committed to carrying out technical studies and investigations. It enables planning proposals that are not credible or well founded or not in the public interest to be stopped early in the process before resources are committed to detailed studies and investigations, and before government agencies are asked to commit their own resources to carrying out assessments.

At the Gateway Determination, the Minister will decide:

- Whether the proposal is justified on planning grounds
- Whether the planning proposal should proceed (with or without variation)
- Whether the planning proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal)
- The community consultation required
- Any consultation required with State or Commonwealth agencies
- Whether a public hearing by the Planning Assessment Commission or other specified person or body is required
- The timeframes for the various stages of the procedure to make the draft amendment
- Whether the function of making the LEP is to be exercised by the Minister for Planning & Infrastructure or delegated to Council.

Under the plan making procedures, the planning proposal and supporting studies are placed on public exhibition. The written draft local environmental plan amendment (the draft LEP) is prepared by Parliamentary Counsel when the planning proposal is finalised, immediately before it is made by the Minister or delegate. The LEP takes effect when it is published on the NSW legislation website.

The ultimate development of the land would then require further approvals through detailed Development Applications.

Wollondilly Local Environmental Plan 2011

The site is currently zoned as part B1 Neighbourhood Centre and part RU2 Rural Landscape under Wollondilly LEP 2011.

The current minimum lot sizes for the subject area are no controls for the B1 zone and 16 hectares for the RU2 zone. The site consists of ten (10) individual lots of varying sizes from approximately 4000m² to 10ha, none of which have subdivision potential under their current zoning.

The current maximum building heights for the subject area are 9 metres for the B1 zone and no controls for the RU2 zone.

It is proposed to rezone the site in the following manner:

- Amendment to the WLEP 2011 Land Zoning Map and Lot Size maps to allow the following zoning and lot sizes:
 - part R2 Low Density Residential (700m²)
 - part R3 Medium Density Residential (4000m²)
 - part IN2 Light Industrial (15000m²)
 - part B2 Local Centre (no minimum lot size)
 - part E2 Environmental Conservation (no minimum lot size).

- Amendment to the WLEP 2011 Height of Buildings Map to allow a maximum height limit of 9 metres.

This report recommends that the Silverdale and Warragamba area be master planned and that this planning proposal be amended by the findings of that master planning process. If however Council chooses not to support a master plan, this report recommends the amendment of the zoning boundaries within the subject site as per the map included as **Attachment 4** to this report.

Development Control Plan (DCP)

Amendments to the Wollondilly Development Control Plan 2011 (DCP) may be prepared for the subject land which would include specific site objectives and development controls for the future development of the site. DCP amendments may include a range of design and built form controls, including (but not limited to):

- Building envelopes
- Building setbacks based on the environmental features of the site
- Site landscaping
- Public domain treatments
- Bushfire asset protection zones
- Treatment of the urban / environmental protection interface
- Urban sensitive water design.

The range of provisions included in the DCP would be informed by specialist studies undertaken to support the proposal.

RELEVANT CONSIDERATIONS

Wollondilly Growth Management Strategy (GMS)

Council's GMS was adopted by Council in 2011. Planning proposals are required to be assessed against the GMS to determine whether they should or should not proceed. The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly.

The planning proposal is considered consistent with the GMS.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the proposal:

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.	The proposal, as noted throughout this table, satisfies this Key Policy Direction.

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

Key Policy Direction	Comment
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)	Overall the proposal is generally consistent with the concept and vision of 'Rural Living'. It provides for new residential land directly adjacent to the existing town of Silverdale and an expansion to local shopping facilities.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	A summary of submissions to preliminary community consultation are considered above.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	There have been no such representations regarding this proposal and therefore this Key Policy Direction has been satisfied.
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.).	The proposal represents a logical rezoning of the subject site for business, mixed residential and industrial purposes. The proposal is considered appropriate as it will facilitate the supply of residential lands adjoining the existing urban area of Silverdale and the provision of shopping space to service the local community. Conservation and enhancement of natural systems is intended. Existing infrastructure is to be utilised and embellished.
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The proposal contributes toward Council's dwelling target for Silverdale outlined in the GMS. The Structure Plan for Silverdale & Warragamba identifies the site as a 'potential residential growth area' it also requires that the expansion of the commercial area be linked to this residential growth.
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.	As revised as per the recommendations of this report the proposed zoning of the land would provide for a variety of residential housing with a mix of both <i>R2 Low Density Residential</i> and <i>R5 Large Lot Residential</i>. It is recommended that the <i>R3 Medium Density Residential</i> zone be removed as this is of too high a density and not in keeping with the character of the Silverdale area. The proposed nursing home should also be removed due to the potential risk to life caused by lack of access during emergencies.

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

Key Policy Direction	Comment
	A DCP can control the mix of lot sizes.
<i>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").</i>	As revised the proposal is consistent with this policy, it proposes a housing density consistent with adjoining land to the south.
<i>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i>	The proposal is consistent with this policy, it proposes residentially zoned land immediately adjoining the existing Silverdale urban area.
Macarthur South Policies	
<i>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</i>	Not applicable to this planning proposal.
Employment Policies	
<i>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes</i>	The proposal will create short-term employment opportunities through construction jobs associated with the civil and building works, and will provide stimulus to the local economy by boosting population. The proposed shopping centre expansion will provide employment for staff within the new shops.
<i>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.</i>	The proposed shopping centre would provide for employment in the shops that result from the development of the site.
Integrating Growth and Infrastructure	
<i>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.</i>	Developer contributions payable at the development application stage will fund the necessary local infrastructure required to support residential, commercial and industrial development. Likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway Determination.
<i>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</i>	The planning proposal site is located immediately adjacent to the north of the existing Silverdale urban area. The site will require the construction and enhancement of road infrastructure. The capacity of the Wallacia Sewage Treatment Plant to service the development will need to

 Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 19 November 2012

Key Policy Direction	Comment
<i>existing population centres.</i>	be investigated.
P19 <i>Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</i>	The proposal does not contribute toward dispersed population growth; it proposes urban growth directly adjacent to the Silverdale urban area.
P20 <i>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.</i>	The proposal is located in an area identified as being a potential residential growth area on the Structure Plan for Silverdale & Warragamba in the GMS and contributes toward Council's dwelling target for Silverdale as identified in the GMS.
Rural and Resource Lands	
P21 <i>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.</i>	The subject land is located near, but not within, Sydney's Drinking Water Catchment which is approximately 1km to its west. The proposal will not result in any adverse environmental impacts. Any vegetation proposed to be cleared to support the future development of the site will need to be offset. The remnant native vegetation on the site has been identified as having conservation values and is proposed to be retained and zoned E2 <i>Environmental Conservation</i>.
P22 <i>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.</i>	Key Policy Direction P22 is not applicable to the proposal.

FINANCIAL IMPLICATIONS

As noted previously in this report, the planning proposal is deemed to be Council's planning proposal once endorsed by Council and forwarded to the Minister. Despite the planning proposal becoming Council's at that point, the costs of any required studies are to be borne by the applicant.

As the planning proposal proceeds further investigations into contributions towards infrastructure provision through planning agreements and section 94 contributions will need to occur.

CONCLUSION

Council has received a planning proposal for 2250 to 2350 Silverdale Road, Silverdale. The proposed zoning for the subject area is a mix of R2 Low Density Residential, R3 Medium Density Residential, IN2 Light Industrial, B2 Local Centre and E2 Environmental Conservation.

This report recommends the master planning of the Silverdale and Warragamba area. If however Council chooses not to master plan the area the following amendments are recommended (as per the map included as **Attachment 4** to this proposal):

- Expansion of the boundary of the *E2 Environmental Conservation* zone to protect the remnant native vegetation on the site
- Removal of the residential lots in northern part of the planning proposal which fall within the 500 metre odour buffer surrounding the poultry farm to the north of the site (as per the controls in Council's DCP), to address the potential land use conflict
- Expansion of the eastern edges of both the *B2 Local Centre* and *IN2 Light Industrial* zones to meet the expanded *E2* zone
- Removal of the nursing home and *R3 Medium Density Residential* areas from the proposal and expansion of the *R2 Low Density Residential* zone south of the *IN2* zone.

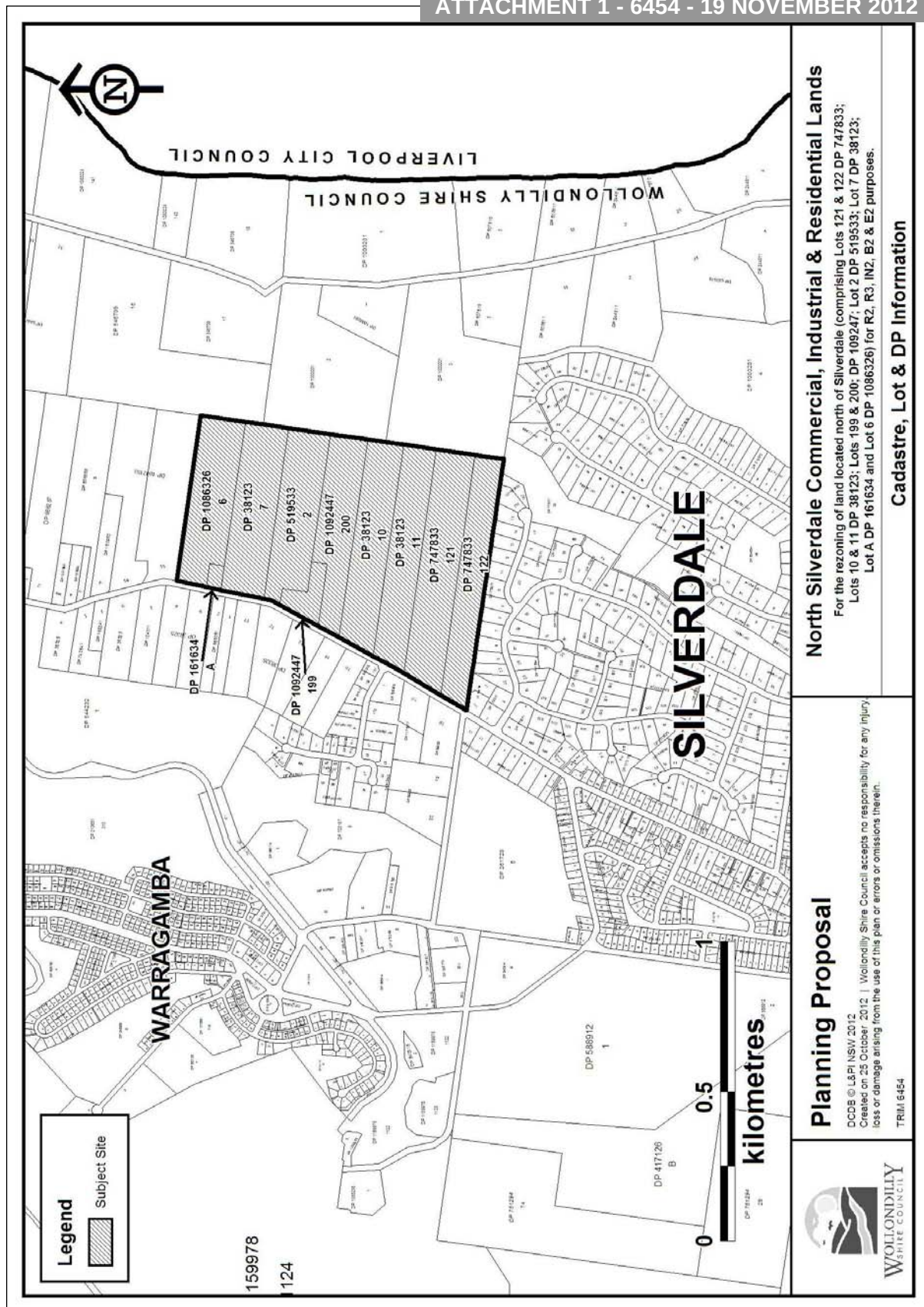
ATTACHMENTS

1. Map – Cadastre, Lot & DP Information
2. Map – Current Zoning
3. Map – Proposed Zoning as Submitted by the Applicant
4. Map – Revised Proposed Zoning as Recommended by this Report

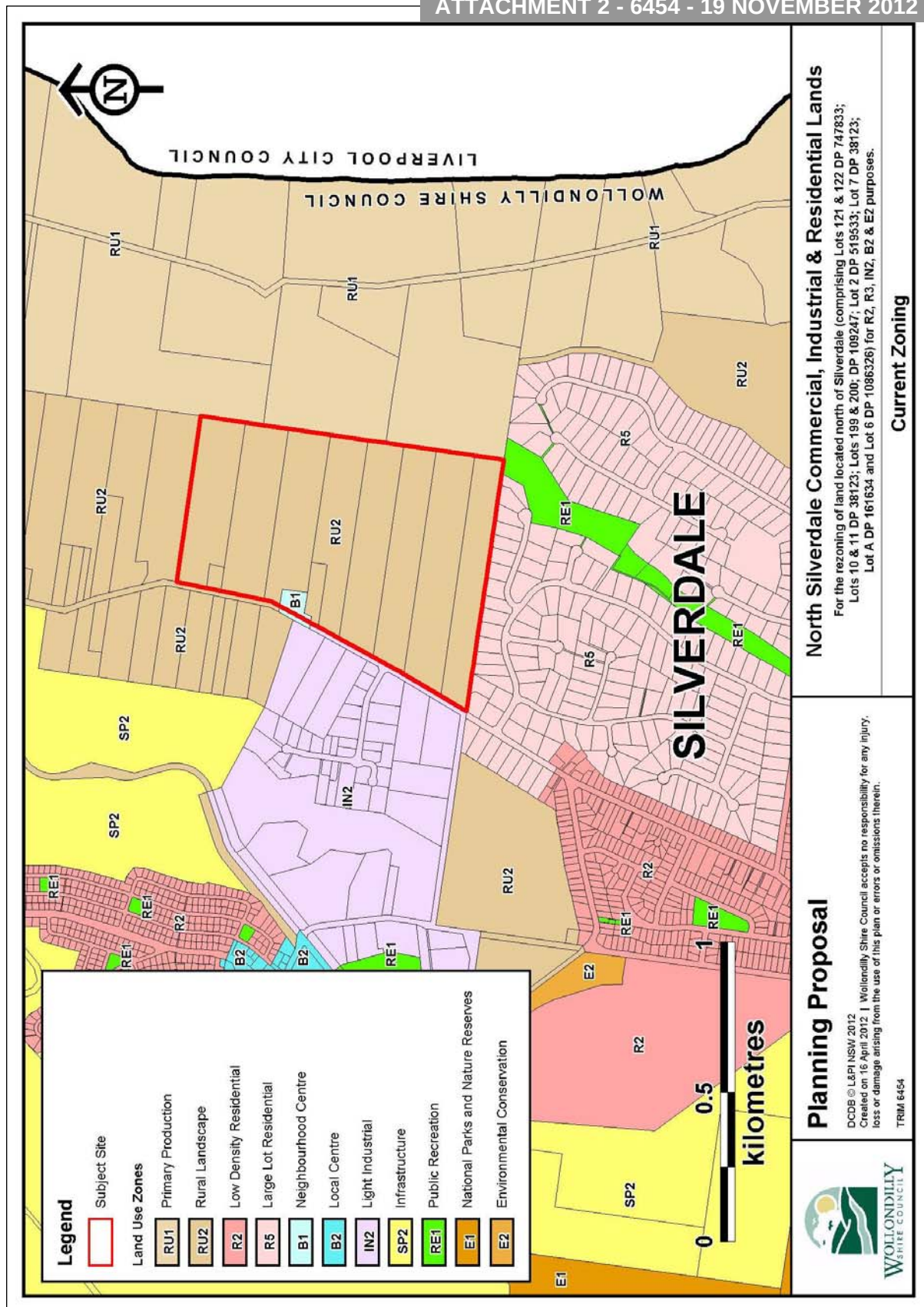
RECOMMENDATION

That Council support the master planning of the Silverdale area and that this and other planning proposals in the area are informed and amended by the master planning process

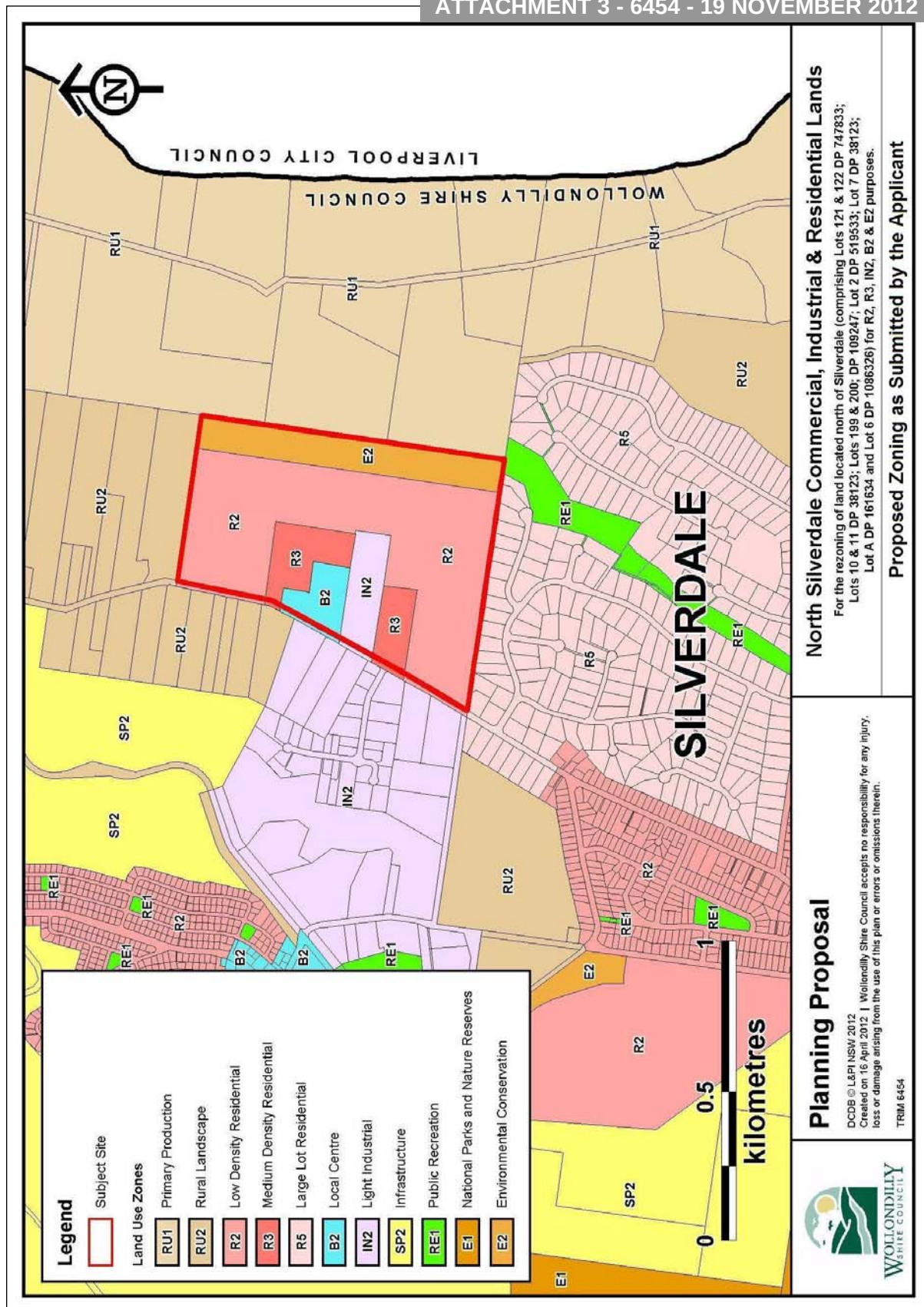
ATTACHMENT 1 - 6454 - 19 NOVEMBER 2012



ATTACHMENT 2 - 6454 - 19 NOVEMBER 2012



ATTACHMENT 3 - 6454 - 19 NOVEMBER 2012



ATTACHMENT 4 - 6454 - 19 NOVEMBER 2012

