

North Silverdale Rezoning

Proposal Title : **North Silverdale Rezoning**

Proposal Summary : **To rezone land at North Silverdale for residential, commercial, industrial and environmental protection purposes.**

PP Number : **PP_2013_WOLLY_005_00** Dop File No : **13/06564**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.1 Business and Industrial Zones
1.2 Rural Zones
1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.8 Second Sydney Airport: Badgerys Creek
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the proposal proceed subject to the following conditions:**

- 1. Given the Council resolution, the proposed masterplan should be sufficiently finalised prior to the planning proposal proceeding, subject to the proposal being consistent or amended to be consistent with the proposed master plan.**
- 2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;**
- 3. The timeframe for completing the local environmental plan is to be 24 months from the week following the date of the Gateway determination; and**
- 4. Delegation is to be given for Council to exercise the Minister's plan making powers.**

The matters below are to be addressed prior to public exhibition, in consultation with the regional office.

- 5. Council is to amend the proposal to ensure that:**
- (i) it includes indicative maps for proposed building height and lot size (i.e. at Appendix 'A'),**
 - (ii) land proposed to be zoned for large lot residential development is to be shown as Zone R5 Large Lot Residential (otherwise, references to large lot residential development are to be removed),**
 - (iii) the proposal is to clearly indicate the minimum lot size proposed for low density residential development,**
 - (iv) references to the proposed 'E4' zone should be removed or, alternatively, the location of the proposed zone is to be shown on the proposed zoning map;**
 - (v) inconsistencies are to be removed,**
 - (vi) the application of section 117 Direction 5.8 Second Sydney Airport : Badgerys Creek is to be acknowledged and addressed,**
 - (vii) consideration is to be given to the various general and specific planning matters and related recommended strategies under SREP 20 - Hawkesbury-Nepean River (No.**

2—1997),

(viii) it is to comply with the prescribed format for planning proposals under 'A guide to preparing planning proposals',

(ix) Amend the proposal to address the potential land use conflict between proposed residential and industrial land

6. Council is to undertake the following additional studies :

- Odour
- Peer review of the Economic Impact Assessment

7. The Director General approves the inconsistency with section 117 Business Zones as the proposal is supported by an economic impact assessment and section 117 Direction 1.2 - Rural zones.

8. Council is to consult with

- the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries; and
- the Commissioner of the NSW Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection; and
- the relevant Government agencies seeking view on whether there is a need for contributions for designated State public infrastructure arising from the proposal. These comments should be forwarded to the Department and the proposal amended to incorporate those comments and model clauses 6.1 -6.4 for new release areas.

9. Council is to:

- consider extending the proposed E2 Environmental Conservation Zone or identifying land on the Natural Resources - Biodiversity Map,
- consult with the Office of Environment & Heritage, Hawkesbury-Nepean Catchment Management Authority and the Office of Water,
- subsequently demonstrate consistency with the Direction 2.1 - environmental protection zones,
- ensure that, following the outcome of the flora and fauna study, any potential koala habitat or core koala habitat is zoned for environmental protection purposes;

10. Council is to demonstrate consistency with section 117 Direction 2.3 Heritage Conservation after conducting relevant heritage studies;

Supporting Reasons : The proposal will provide additional housing, employment and retail services in a generally appropriate location.

Panel Recommendation

Recommendation Date : **24-Apr-2013**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : The planning proposal should proceed subject to the following conditions:

1. Council is to complete the review of the Wollondilly Growth Management Strategy and prepare a master plan for the Warragamba and Silverdale areas, prior to proceeding to public exhibition. The outcomes of this work is to inform the planning proposal, which should be amended accordingly. Additional information regarding flora and fauna, potential land use conflict between proposed residential and industrial land and odour is to be placed on exhibition with the planning proposal.
2. Council is to consider extending the proposed E2 zone over the vegetated areas of the site or identifying the land on the Natural Resources - Biodiversity Map. Council is to ensure that any potential or core koala habitat is appropriately zoned.
3. The planning proposal is to be updated to:
 - include proposed height of buildings and lot size maps at Appendix A, which are at an appropriate scale and clearly identify the subject site,
 - clearly identify the minimum lot size proposed for land identified as low density residential development,

- clearly identify the location of land proposed to be zoned E4 Environmental Living on the proposed Land Zoning Map. If land is not proposed to be zoned E4, reference to this zone is to be removed from the planning proposal,
- reference land proposed for 'large lot residential development' to instead refer to zone R5 Large Lot Residential. If land is not proposed to be zoned R5, reference to large lot residential development is to be removed from the planning proposal,
- correct inconsistencies between the description of the proposed zones in sections 1.3 'Proposed Rezoning' and 3.1 'Map Amendments',
- correct the labelling of Appendix F and Appendix G,
- be consistent with the format for planning proposals under 'A Guide to Preparing Planning Proposals,' and
- identify the subject site as an Urban Release Area and include model clauses 6.1 Arrangements for designated State public infrastructure, 6.2 Public utility infrastructure, 6.3 Development control plan and 6.4 Relationship between part and remainder of plan.

4. The planning proposal is to be updated to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and legislation:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 5.8 Second Sydney Airport: Badgerys Creek
- Sydney Regional Environmental Plan (SREP) 20 – Hawkesbury Nepean River
- If applicable, State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection

The planning proposal is to be updated accordingly prior to undertaking public exhibition, and a copy of the revised planning proposal provided to the department's regional office.

5. Council is to demonstrate that the planning proposal satisfies the requirements of SEPP 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.

6. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply or demonstrate consistency with the requirements of relevant S117 Directions:

- Sydney Water
- NSW Health
- NSW Police
- NSW Fire and Rescue
- Department of Education and Communities
- Department of Primary Industry – Agriculture
- Department of Primary Industry – Minerals and Petroleum
- Hawkesbury Nepean Catchment Management Authority
- Transport for NSW – Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Office of Water (S117 Direction 2.1 Environment Protection Zones)
- Department of Trade and Investment (Mineral Resources and Energy) (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
- Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)

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- Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

8. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

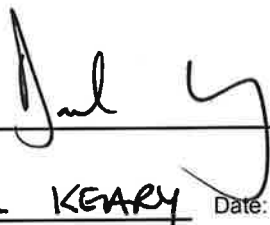
9. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

Plan making delegation:

The LEP Review Panel has recommended Council not be issued with plan making delegation because a number of strategic matters are to be addressed by Council prior to undertaking public exhibition, including preparing a master plan for the Warragamba and Silverdale areas. Council has also been asked to finalise the review of the Wollondilly Growth Management Strategy.

Signature: _____

Printed Name: _____


DANIEL KEARY

Date: _____

29/4/13