

TRIM 6742

REPORT



EXECUTIVE SUMMARY

- In February 2012, Council received a planning proposal from Planning Ingenuity Pty. Ltd. for land to the south of Silverdale. The proposal was for the rezoning of the subject site from RU2 Rural Landscape to R5 Large Lot Residential.
- 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 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 per the recommendations in this report.

BACKGROUND

Site Description

The subject site comprises approximately 200 hectares of land, incorporating fifteen (15) lots, located on Eltons and Taylors Roads, Silverdale (see attached map). The property details are shown below:

- 45 Eltons Road (Lot 11 DP 578088)
- 71 Eltons Road (Lot 1 DP 734838)
- 85 Eltons Road (Lot 3 DP 734838)
- 95 Eltons Road (Lot 2 DP 734838)
- 99 Eltons Road (Lot 48 DP 236542)
- 115 Eltons Road (Lot 49 DP 236542)
- 125 Eltons Road (Lot 50 DP 236542)
- 129 Eltons Road (Lot 51 DP 236542)
- 135 Eltons Road (Lot 52 DP 236542)
- 155 Eltons Road (Lot 16 DP 247872)
- 270 Taylors Road (Lot 12 DP 247872)
- 290 Taylors Road (Lot 13 DP 247872)
- 300 Taylors Road (Lot 14 DP 247872)
- 310 Taylors Road (Lot 15 DP 247872)
- 2010 Silverdale Road (Lot 2 DP 562249)

This site slopes from west to east with a gradual slope of approximately 50m from the western boundary of the site to its eastern boundary. There are several depressions on the site including farm dams and natural watercourses.

The land is burdened by several easements, most notably an easement for transmission line with a width of 30.48m traverses the western part of the site in a north-west to south-east direction.

Many of the properties in the subject site are in rural-residential use. Some are used for hobby farming and grazing. One of the properties contains a wholesale nursery, another contains an orchard and another contains a market garden.

There are a number of ecological communities on the site including Cumberland Plain Woodland (both Shale Hills and Shale Plains sub communities), Shale Sandstone Transition Forest (both the low and high sandstone influence sub-communities), Moist Shale Woodland and several areas of unclassified vegetation. Much of this is in good condition and has a moderate to good recovery potential.



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There is good canopy cover for much of the remnant vegetation on the site however grazing, slashing and mowing have severely impacted the midstorey and ground cover layers. If these influences were removed the level of natural regeneration likely to occur is considered to be quite high.

A Bionet (formerly NSW Wildlife Atlas) search shows six (6) threatened plant species as occurring within a 10km radius of the site. The Commonwealth database lists a total of 14 threatened plant species as occurring within a 10km radius of the site. No threatened flora species were identified on site during the survey, however the survey effort was not exhaustive.

Bionet lists a total of twenty two (22) threatened fauna as being recorded within 10km of the site, while the Commonwealth database lists a total of 19 threatened fauna species and twelve (12) migratory birds within a 10km radius. No listed threatened fauna species were encountered on site during the limited field survey. Numerous trees on site contain hollows which could be utilised by a range of fauna species, including several of the listed bat species.

The site contains several watercourses and areas of Bushfire Prone Land according to Council's Bushfire Prone Lands mapping.

There are no recorded Aboriginal sites or non-indigenous heritage sites within the study area, the central part of the site has been identified as having a moderate archaeological potential.

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 to allow for R5 Large Lot Residential;
- Amendment to the WLEP 2011 Lot Size Map to allow a minimum lot size of 4000m²);
- 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):

- Zoning to E2 Environmental Conservation for those parts of the site identified as containing endangered remnant native vegetation as well as some adjoining lands where regeneration should be encouraged to create a contiguous habitat corridor connecting that vegetation with the water catchment lands to the west of the site
- A change to the proposed zoning in the north western corner of the site to R2 Low Density Residential as this is the most appropriate zoning considering the 'Silverdale and St Heliers Roads' planning proposal directly to the north of the site proposes R2 directly adjoining this land
- Most of the western third of the site, a small section in the central northern part of the site and the eastern portion of the site retain the proposed R5 Large Lot Residential zoning
- An appropriately placed road giving direct access to Silverdale Road from the subject site.



CONSULTATION

Community Consultation

In accordance with Council's notification policy, initial community consultation has been undertaken. A notification letter was sent to residents on 13 April with a written submission period of three (3) weeks from 16 April to 7 May and the planning proposal was published on Council's website in April and May 2012. A summary of the submissions received are outlined below.

Council received twenty (20) submissions in relation to this planning proposal. The main themes raised in these submissions are summarised below:

Roads & Traffic

Some of the submissions, though generally in support of the proposal, raised concerns over the state of repair of Silverdale's road network. Attention was drawn to the high rate of accidents on Silverdale Road and the need for the repairs and upgrades to be addressed as a matter of urgency.

Some of the submissions expressed concerns that the local road network would be unfairly burdened with the extra traffic which the new development would introduce and argued that the new road network in the subject site should have direct access to Silverdale Road so that it would not negatively impact the amenity of the local residents.

Shopping Facilities

Submissions raised issues over the lack of shopping facilities in Silverdale and the need for this to be addressed. The 'North Silverdale Commercial, Industrial and Residential Lands' planning proposal (also being tabled at this Council meeting) attempts to address this issue.

Environmental Impact

Some submissions raised concerns over the potential impact of future development on the site on native species and the catchment area. Although the majority of the site is outside the Sydney Water Catchment a small portion along the western boundary is within the catchment area and will need to address government directions and guidelines for building in a water catchment area.

Loss of Rural Amenity

Some submissions expressed concerns that such a large area being rezoned to *R5 Large Lot Residential* would lead to Silverdale becoming a suburban area and that the proposal conflicted with Council's 'rural living' ideology and that the size of the blocks was too small.

Submissions addressed the need to retain the native vegetation on the site to preserve the rural nature of the area. Concerns were also raised over the loss of farm land.



Properties Wishing to Join the Proposal

Some of the properties adjoining the subject site to the west made submissions wishing to join the proposal. Whilst this would lead to a better planning outcome it is not considered appropriate to add these properties to the planning proposal at this stage of the process.

Those properties which wish to rezone their land to the west of the subject site should consider submitting a planning proposal which should incorporate the following properties between the subject site and Silverdale Road to allow for a holistic approach to the planning of the area:

- 15 Eltons Road (Lot 4 DP 236550)
- 25 Eltons Road (Lot 23 DP 747321)
- 35 Eltons Road (Lot 22 DP 747321)
- 41 Eltons Road (Lot 12 DP 578088)
- 1940 Silverdale Road (Lot 6 DP 236550)
- 1950 Silverdale Road (Lot 7 DP 236550)
- 1954 Silverdale Road (Lot 1 DP 380236)
- 1960 Silverdale Road (Lot 3 DP 539536)
- 1964 Silverdale Road (Lot 2 DP 539536)
- 1968 Silverdale Road (Lot 1 DP 419768)
- 1972 Silverdale Road (Lot 100 DP 1088353)
- 1976 Silverdale Road (Lot 101 DP 1088353)
- 1980 Silverdale Road (Lot 1 DP 928151)
- 1984 Silverdale Road (Lot 1 DP 221710; and
- 2000 Silverdale Road (Lot 1 DP 562249)

Support for Master Planning

A number of submissions supported the concept of master planning the Silverdale area as per Council's resolution regarding the State Government's Priority Homesites Program.

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.

Preliminary Government Department / Agency Responses

Both Sydney Water and the Sydney Catchment of Authority were consulted during the preliminary notification period as they manage land adjoining the planning proposal subject site:

Sydney Catchment Authority – The authority reviewed the planning proposal and generally had no concerns with the proposed rezoning. They did note that part of the site overlaps with the drinking water catchment but that this area had not been identified for future development in the planning proposal.



Sydney Water – The corporation noted that all but one of the lots in the planning proposal are outside the Warragamba Water Service Area and that an extension would be needed to service the proposal site. Likewise the site is outside the existing Mulgoa Wallacia Silverdale Sewerage System and would require an extension to this system.

Any amplification of the existing water or sewer infrastructure required to address the needs of the site will be assessed as part of the Section 73 Certificate process. The corporation does suggest that so as not to unnecessarily burden the water and sewer infrastructure of the area that onsite facilities could be used to address water and wastewater needs as part of a sustainable servicing approach.

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.



Planning & Economy

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 *RU2 Rural Landscape* under Wollondilly LEP 2011.

The current minimum lot size for the subject area is 16 hectares for the *RU2* zone. The site consists of fifteen (15) individual lots of varying sizes from approximately 2ha to 32 ha, only one of which has subdivision potential under the current zoning.

There are currently no maximum building height controls for the subject area.

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

- Amendment to the WLEP 2011 Land Zoning Map to allow for R5 Large Lot Residential;
- Amendment to the WLEP 2011 Lot Size Map to allow a minimum lot size of 4000m²);
- 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 at **Attachment 4** to this report.

Development Control Plan (DCP)

Amendments to 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.	
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)	The proposal is consistent with the concept and vision of 'Rural Living' allowing for rural residential lots to the south of the town of Silverdale.	



Key Policy Direction	Comment
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	The rezoning is considered appropriate as it proposes larger rural residential lots on the edge of Silverdale.
differing characteristics and differing capacities to accommodate different levels and	Conservation and enhancement of natural systems is intended.
types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	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.'
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	The proposed zoning of the land as recommended in this report provides for a mix of both <i>R5 Large Lot Residential</i> and <i>R2 Low Density Residential</i> .
of its different community members and household types.	A site specific DCP can control the mix of lots sizes.
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").	The proposal is consistent with this policy. It proposes appropriate housing densities adjacent to existing <i>R5</i> zoned land and proposed <i>R2</i> zoned land.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The proposal is consistent with this policy, it proposes residentially zoned land to the south of Silverdale, although separated by the 'Silverdale and St Heliers Road' Planning Proposal that has been supported by Council and received a positive gateway determination.



Key Policy Direction	Comment
Macarthur South Policies	
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	Not applicable to this planning proposal.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes	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.
P16 Council will plan for different	The site is not zoned to facilitate further
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.	employment opportunities. The loss of employment as a result of displacement of the agricultural industry is unfortunate. A Master Planned approach to Silverdale/Warragamba may resolve this. Modest opportunities exist for home business and tradesman residency.
Integrating Growth and Infrastruct	ure
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. P18 Council will encourage	Developer contributions payable at the development application stage will fund the necessary local infrastructure required to support the development of residential, commercial and industrial development. Likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway Determination.
sustainable growth which supports our existing towns and villages, and makes the provision of	to the south of Silverdale.
services and infrastructure more efficient and viable – this means a	enhancement of road infrastructure.
greater emphasis on concentrating new housing in and around our existing population centres.	The capacity of the Wallacia Sewage Treatment Plant to service the proposed <i>R2</i> land in the northern part of the site will need to be investigated.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal does not contribute toward dispersed population growth; it proposes urban growth adjacent to Silverdale.
P20 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.	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	The subject land is located adjacent to the
P21 Council acknowledges and	The subject land is located adjacent to the



Planning & Economy

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

Key Policy Direction	Comment
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.	Sydney Drinking Water Catchment. An area of approximately 2ha in the south western corner of the site, and another of approximately 1800m ² in the north western corner of the site, are within the Catchment area and will need to address requirements for development in the Drinking Water Catchment. As revised the proposal will not result in any adverse environmental impacts. If any vegetation is proposed to be cleared to support the future development of the site it will need to be offset.
P22 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.	Key Policy Direction P22 is not applicable to the proposal.

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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 the rezoning of land to the south of Silverdale from *RU2 Rural Landscape* to *R5 Large Lot Residential.*

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):

Zoning to E2 Environmental Conservation for those parts of the site identified as containing endangered remnant native vegetation as well as some adjoining lands where regeneration should be encouraged to create a contiguous habitat corridor connecting that vegetation with the water catchment lands to the west of the site.



- A change to the proposed zoning in the north western corner of the site to *R2 Low Density Residential* as this is the most appropriate zoning considering the 'Silverdale and St Heliers Roads' planning proposal directly to the north of the site proposes *R2* directly adjoining this land.
- Most of the western third of the site, a small section in the central northern part of the site and the eastern portion of the site retain the proposed R5 Large Lot Residential zoning.
- An appropriately placed road giving direct access to Silverdale Road from the subject site.

ATTACHMENTS

- 1. Map Cadastre, Lot & DP Information
- 2. Map Current Zoning
- 3. Map Proposed Zoning as Submitted by 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.







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