

Rezoning of land at Silverdale

Proposal Title : **Rezoning of land at Silverdale**

Proposal Summary : **To rezone land at Silverdale for residential, industrial and environmental conservation uses.**

PP Number : **PP_2011_WOLLY_010_00**

Dop File No : **10/16589**

Proposal Details

Date Planning : **24-Aug-2011**

LGA covered : **Wollondilly**

Proposal Received :

Region : **Sydney Region West**

RPA : **Wollondilly Shire Council**

State Electorate : **WOLLONDILLY**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Precinct**

Location Details

Street : **33-35 Warradale Road**

Suburb : **Silverdale**

City : **Sydney**

Postcode : **2752**

Land Parcel : **Lot 5 in DP 261728**

Street : **2 Marsh Road**

Suburb : **Silverdale**

City : **Sydney**

Postcode : **2752**

Land Parcel : **Lot 1 in DP 580222**

Street : **5-15 Silverdale Road**

Suburb : **Silverdale**

City : **Sydney**

Postcode : **2752**

Land Parcel : **Lots 3, 4, 5, 6, 7 and 8 in DP 38806**

Street : **1-3 Silverdale Road**

Suburb : **Silverdale**

City : **Sydney**

Postcode : **2752**

Land Parcel : **Lots 11 and 12 in DP 1112339**

Street :

Suburb :

City :

Postcode :

Land Parcel : **Unformed sections of Government and Marsh Roads and formed sections of Production Avenue and Silverdale and Warradale Roads, Silverdale**

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Terry Doran**
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes
MDP Number :	Woll 22	Date of Release :	
Area of Release (Ha) :	24.30	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	140	No. of Dwellings (where relevant) :	140
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. No such communications or meetings have occurred.**

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes : **BACKGROUND**

The Planning Proposal (attached at Tag A) is based on a proposed rezoning which commenced in April 2008 under draft Amendment No. 76 to Wollondilly LEP 1991 but subsequently lapsed.

When the draft plan was received, the Department required Council to address land release sustainability criteria and undertake a study covering environmental and infrastructure issues. Advice was also obtained from the former Department of Environment and Climate Change (DECC).

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The information subsequently submitted by Council inadequately addressed the Department's requirements and DECC's issues. Of key concern was the need to ascertain the degree of environmental constraints in order to determine the viability of the proposal.

Council was required to undertake further work and it provided this to the Department in June 2010. However, various environmental issues remained, which were also delaying the resolution of infrastructure and viability considerations.

In December 2010, the Department determined that the draft plan should lapse and be reconsidered by Council (refer to attachment at Tag B). Council has now reaffirmed its support for the rezoning and submitted the subject Planning Proposal for consideration. A copy of the Council report is attached at Tag J.

External Supporting
Notes :

The Planning Proposal is based on a proposed rezoning which commenced in April 2008 under draft Amendment No. 76 to Wollondilly LEP 1991 but subsequently lapsed.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective is to enable residential and industrial development and conserve environmentally significant land.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The following amendments to Wollondilly LEP 2011 are proposed in order to facilitate the objectives:

1. Amend the Land Zoning Map (copy attached at Tag C) to rezone the subject land from part Zone RU2 Rural Landscape, part Zone R2 Low Density Residential and part Zone R5 Large Lot Residential to part Zone R2 Low Density Residential, part Zone IN2 Light Industrial and part Zone E2 Environmental Conservation as shown on the indicative zoning map attached at Tag D.

2. Amend the Lot Size Map (copy attached at Tag E) to change the minimum lot size for the subject land from part 40ha (for land in Zone RU2 Rural Landscape), part 700 sqm (for land in Zone R2 Low Density Residential) and part 4,000sqm (for land in Zone R5 Large Lot Residential) to part 700sqm (for land proposed to be zoned R2 Low Density Residential), part 1,500sqm (for land proposed to be zoned IN2 Light Industrial) and part 100ha (for land proposed to be zoned E2 Environmental Conservation).

3. Amend the Height of Buildings Map (copy attached at Tag F) to apply a maximum building height of 9 metres to the part of the subject land which is being rezoned to Zone R2 Low Density Residential from another zone and remove the maximum building height of 9 metres from the part of the subject land which is being rezoned from Zone R2 Low Density Residential to another zone.

4. Amend the Natural Resources - Biodiversity Map (copy attached at Tag G) to include the part of the subject land which is proposed to be zoned E2 Environmental Conservation.

It is considered that, in view of the proposal for intensive residential development on the subject land, it will be necessary, if the Planning Proposal proceeds through the Gateway, to apply Part 6 Urban Release Areas of Wollondilly LEP 2011 to the subject land to address the need for infrastructure provision and the preparation of a development control plan. As a result, it will be necessary to amend the Urban Release Area Map to include the entire subject land.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

2.1 Environment Protection Zones

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

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

SITE AREA

Current zonings (including roads, as shown on the map attached at (Tag I):

RU2 - 20.55ha

R5 - 3.38ha

R2 - 0.37ha

Proposed:

R2 - 15.6ha (Note: 967.5sqm is currently zoned R2)

E2 - 8ha

IN2 - 0.7ha

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

SECTION 117 DIRECTIONS

Direction 1.1 Business and Industrial Zones

This Direction seeks to encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified strategic centres.

The Planning Proposal is consistent with this Direction as:

- the land proposed to be zoned IN2 Light Industrial adjoins the existing Warragamba/Silverdale Industrial area and is, therefore, located in a suitable location; and

- the Warragamba/Silverdale Industrial area is identified in the draft South West Subregional Strategy as being of strategic importance and the Proposal will support its viability.

Direction 1.2 Rural Zones

This Direction seeks to protect the agricultural production value of rural land by preventing its rezoning to certain other zones, including residential, and by ensuring that the permissible density of land within a rural zone (other than land within an existing town or village) is not increased.

The rezoning is considered to be of minor significance as the subject land does not

contain agricultural uses. The subject land is also not located in a suitable location for the undertaking of agricultural uses as it is generally surrounded by land zoned for urban development.

The Planning Proposal is inconsistent with this Direction as it will rezone rural land to a residential zone. If the Proposal proceeds through the Gateway, it is recommended that the Director General (or his delegate) approve the inconsistency pursuant to part 5(d) as it is of minor significance.

Direction 2.1 Environment Protection Zones

This Direction seeks to protect and conserve environmentally sensitive areas. The Direction requires that the Planning Proposal include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The Direction also requires that the Planning Proposal not reduce the environmental protection standards that apply to land identified for environment protection purposes in an LEP (including by modifying development standards that apply to the land).

The Direction applies to the Proposal as the subject land contains Shale Sandstone Transition Forest, which is identified as an Endangered Ecological Community under the Threatened Species Conservation Act 1995. The Proposal includes the rezoning of land to Zone E2 Environmental Conservation and is supported by a flora and fauna study. It is considered that, if the Proposal proceeds, Council should consult the Office of Environment and Heritage and demonstrate the consistency of the Proposal with the Direction before undertaking public exhibition.

The subject land does not contain Cumberland Plain Priority Conservation Lands.

Direction 3.1 Residential Zones

This Direction applies as the Proposal seeks to rezone land for residential purposes. The Proposal is considered to be consistent with the Direction as the subject land adjoins an existing urban area and can be serviced.

Direction 3.4 Integrating Land Use and Transport

This Direction applies to the Proposal as it seeks to create a zone relating to urban land (i.e. R2 Low Density Residential). The Direction requires the Proposal to be consistent with:

- "Improving Transport Choice - Guidelines for planning and development (DUAP 2001)", and
- "The Right Place for Business and Services - Planning Policy (DUAP 2001).

The Proposal is considered to be generally consistent with these documents as the subject land adjoins an existing residential area and is close to the village of Warragamba and the neighbourhood centre of Silverdale. The subject land is located on Silverdale Road, which is serviced by public transport (bus service).

Direction 4.3 Flood Prone Land

This Direction applies where a Planning Proposal creates, removes or alters a zone or a provision that affects flood prone land. The Proposal indicates that the subject land does not contain flood prone land, however, the subject land contains a waterway (Megarrittys Creek) and, as such, the Direction is likely to apply. As the area around the creek is proposed to be zoned for environmental conservation, it is considered that the Proposal

is consistent with the Direction.

Direction 4.4 Planning for Bushfire Protection

This Direction applies as the Proposal contains bushfire prone land. It is considered that, if the Proposal proceeds, Council should be required to comply with the Direction by consulting with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway Determination, and prior to undertaking community consultation, and taking into account any comments so made.

Direction 5.8 Second Sydney Airport: Badgerys Creek

This Direction applies to the Proposal as it seeks to rezone land within the 20 ANEF noise contour for the proposed Badgerys Creek Airport. The Direction requires that the Proposal not hinder the potential for development of the proposed Airport. Council proposes to undertake a study to determine the consistency of the Proposal with the Direction.

Direction 6.2 Reserving Land for Public Purposes

This Direction applies to the Proposal as it includes the rezoning of adjoining road reserves to reflect the proposed zoning of the subject site (i.e. R2, E2) as shown on the attached map at Tag I.

Both Government Road (on the northern boundary of Lot 5 DP 261728) and Marsh Road (on the western boundary of Lot 5 DP 261728) are unformed roads. The conceptual subdivision layout included with the Proposal shows partial formation of these roads to provide access to the site.

Silverdale Road is an RTA classified Road, Warradale Road is a local Council Road. The unformed section of Marsh Road and unformed Government Road are Crown Roads.

Therefore, if the Proposal proceeds through the Gateway, Council will need to obtain the approval of the relevant public authority and the Director General of the Department of Planning and Infrastructure to the inclusion of the land in the Proposal.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

This Direction requires the Proposal to be consistent with the Metropolitan Plan for Sydney 2036. The Proposal is consistent with this Plan as it rezones land that adjoins an existing urban area. Therefore, the Proposal is considered to be consistent with the Direction.

STATE ENVIRONMENTAL PLANNING POLICIES

SREP 20 applies to the Planning Proposal as the subject land is located within the catchment of the Nepean River. Clause 6(6) of the SREP contains specific strategies relating to the conservation and enhancement of flora and fauna and is particularly relevant to the Proposal.

Clause 6(10) of the SREP applies to urban development and is also particularly relevant to the Proposal. The clause encourages consideration to be given to the preparation of a Total Water Cycle Management Study or Plan when considering a proposal for the rezoning of land which will increase the intensity of development of that land. The

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applicant has prepared a water cycle management plan to support the proposal.

Clause 6(10) of the SREP encourages consideration of urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is proposed to exhibit the Proposal for 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2011**

Comments in relation to Principal LEP : **The Planning Proposal seeks to amend Wollondilly Local Environmental Plan 2011, which was notified on 25 February 2011.**

Assessment Criteria

Need for planning proposal : **The Proposal is not the result of any strategic study or report.**

The Proposal is the best means of achieving the intended aim as a rezoning is required to facilitate the proposal.

The Proposal will provide a net community benefit through the provision of housing and employment opportunities and the conservation of environmentally significant land.

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Consistency with strategic planning framework :

STATE AND REGIONAL STRATEGIC PLANS

The Planning Proposal is generally consistent with the relevant objectives and actions contained within the draft South West Subregional Strategy and the Metropolitan Plan for Sydney 2036, which seek to contain urban growth (the subject land is generally surrounded by urban land) and provide dispersed employment opportunities.

WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011

The Wollondilly Growth Management Strategy 2011 includes the Proposal, which is shown as "DLEP 76" on the attached map extract at Tag H. The Strategy has been adopted by Council and submitted to the Department for final endorsement. The Strategy is currently receiving consideration by the regional team.

SEPPs

The Proposal is not inconsistent with SREP 20 in principle.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

The applicant has prepared a preliminary flora and fauna investigation. It is considered that, if the Proposal proceeds through the Gateway, Council should be required to consult the Department of Environment and Heritage on the study and address any comments made by that Department. Council should then resubmit the proposal to the Department for consideration before seeking approval to publicly exhibit the Proposal.

The applicant has also obtained a geotechnical investigations report. However, this report is more relevant at the development stage.

The applicant has also obtained a water cycle management plan, which addresses stormwater management.

SOCIAL IMPACTS

The Proposal is expected to result in positive social impacts through the provision of housing and employment opportunities.

ECONOMIC IMPACTS

The Proposal is expected to assist the viability of the Silverdale neighbourhood shops and possibly also the Warragamba commercial centre.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	24 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Ambulance Service of NSW Area Health Services Department of Education and Communities Office of Environment and Heritage Energy Australia Integral Energy Department of Health		

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NSW Police Service
NSW Rural Fire Service
Origin Energy
Pacific Power
Roads and Traffic Authority
Sydney Water
Telstra

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : Yes

If Yes, reasons : The Proposal should be resubmitted after Council has consulted the Office of Environment and Heritage on the flora and fauna preliminary investigation and addressed any issues raised by that office.

Identify any additional studies, if required. :

Heritage

Other - provide details below

If Other, provide reasons :

Although the subject land does not contain any heritage items, the proponent proposes to undertake a heritage study to identify any items of Aboriginal or European heritage significance. It is considered that this should be made a requirement if the Proposal proceeds through the Gateway.

The proponent also proposes to undertake an intersection analysis for potential connections to Warradale Road and it is noted that Silverdale Road, which the subject land adjoins, is an RTA classified Road. In view of this, it is considered that the proponent should be required to undertake a traffic study, if the Proposal proceeds through the Gateway.

The proponent has indicated that a study may be required to examine whether the Proposal is consistent with section 117 Direction 5.8 Second Sydney Airport: Badgerys Creek. It is considered that the study should be made a requirement if the Proposal proceeds through the Gateway.

The former DECC has raised concern about potential land use conflicts between proposed industrial and residential uses on the subject land. In addition, the potential for land use conflicts between proposed residential development on the subject land and odour emissions from a former waste management facility on nearby land have been identified. It is considered that a compatibility study examining these issues should be made a requirement if the Proposal proceeds through the Gateway.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? Yes

If Yes, reasons : The subject land can be serviced by reticulated sewer and water.

The Proposal relies on the formation of unformed public roads.

The provision and funding of State infrastructure is potentially relevant to the Proposal and, if the Proposal proceeds, Part 6 Urban Release Areas of Wollondilly LEP 2011 may apply to the subject land to ensure that infrastructure requirements are addressed at the development stage. Comments have not been sought on the matter at this stage from the Strategies and Land Release division of the Department.

It is considered that Council should consult with relevant public authorities regarding the possible need for contributions towards infrastructure and service provision.

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Documents

Document File Name	DocumentType Name	Is Public
Attachment 'A' Planning_Proposal_Part_1_Council's_covering_letter.pdf	Proposal Covering Letter	Yes
Attachment 'A' Planning_Proposal_Part_2_Justification_Report.pdf	Proposal	Yes
Attachment 'A' Planning_Proposal_Part_3_Concept_Layout_Drawings.pdf	Drawing	Yes
Attachment 'A' Planning_Proposal_Part_4_Flora_and_Fauna_Preliminary_Investigation.pdf	Study	Yes
Attachment 'A' Planning_Proposal_Part_5_Survey_Plan.pdf	Drawing	Yes
Attachment 'A' Planning_Proposal_Part_6_Geotechnical_Investigations_Report.pdf	Study	Yes
Attachment 'A' Planning_Proposal_Part_7_Water_Cycle_Management_Study.pdf	Study	Yes
Attachment 'A' Planning_Proposal_Part_8_Business_Plan.pdf	Study	No
Attachment 'B' Department's_letter_to_Council.pdf	Study	Yes
Attachment 'C' Current_Land_Zoning_Map.pdf	Map	Yes
Attachment 'D' Indicative_Proposed_Zoning.pdf	Map	Yes
Attachment 'E' Current_Lot_Size_Map.pdf	Map	Yes
Attachment 'F' Current_Height_of_Buildings_Map.pdf	Map	Yes
Attachment 'G' Current_Natural_Resources_Biodiversity_Map.pdf	Map	Yes
Attachment 'H' Growth_Management_Strategy_Map.pdf	Map	Yes
Attachment 'I' Subject_Land.pdf	Map	Yes
Attachment 'J' Part_1_Council_report.pdf	Study	Yes
Attachment 'J' Part_2_Council_resolution.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 2.1 Environment Protection Zones
- 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
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that Council be required to:

1. consult with the Office of Environment and Heritage in seeking to demonstrate the consistency of the Proposal with section 117 Direction 2.1 Environment Protection Zones;
2. comply with the requirements of section 117 Direction 4.4 Planning for Bushfire Protection, which includes consultation with the Commissioner of the NSW Rural Fire Service;
3. determine the consistency of the Proposal with section 117 Direction 5.8 Second Sydney Airport: Badgerys Creek by undertaking any necessary study;
4. obtain the approval of relevant public authorities for the rezoning of roads (whether

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formed or unformed) as required by section 117 Direction 6.2 Reserving Land for Public Purposes;

5. undertake a heritage study to identify any items of Aboriginal or European heritage significance;

6. undertake a traffic study;

7. a compatibility study, examining:

- * potential land use conflicts between proposed industrial and residential uses on the subject land, and
- * potential land use conflicts between proposed residential development on the subject land with odour emissions from a former waste management facility on nearby land;

8. resubmit the Planning Proposal following the completion of the above requirements so that approval can be considered for community consultation; and

9. Consult relevant infrastructure agencies about the potential requirement for infrastructure contributions.

It is recommended that:

10. if the Planning Proposal proceeds to exhibition after being resubmitted by Council, the Director General (or his delegate) agree to approve the inconsistency of the Proposal with section 117 Direction 1.2 Rural Zones pursuant to part 5(d) of the Direction as it is of minor significance; and

11. subject to the Planning Proposal proceeding to community consultation, the Proposal be finalised within 24 months.

Supporting Reasons :

The Planning Proposal will potentially provide appropriate opportunities for housing and employment.

Signature:



Printed Name:

T.M. ARCHER

Date:

9/9/11

