

Wollondilly Shire Council
Rezoning of Land
Planning Proposal
11103 July 2011



PLANNING PROPOSAL

Rezoning of Land fronting Production Avenue,
Silverdale and Warradale Roads, In the Locality
of Silverdale to Allow for Low Density
Residential, Industrial and Environmental
Conservation Uses

Proposed Warradale Estate and Adjoining Land
Amendment to Wollondilly LEP 2011

PREPARED FOR

Wollondilly Shire Council

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EXECUTIVE SUMMARY**PLANNING PROPOSAL – PROPOSED WARRADALE ESTATE AND ADJOINING LAND**

Local Government Area: Wollondilly

Address of the land: Lot 5 in DP 261728 (33-35 Warradale Road, Silverdale);
Lot 1 DP 580222 (2 Marsh Road, Silverdale); Lots 3, 4, 5,
6, 7 & 8 DP 38806 (5 to 15 Silverdale Road, Silverdale);
Lots 11 & 12 DP 1112339 (1 & 3 Silverdale Road,
Silverdale)

Current Zone: Rural Landscape (RU2), Wollondilly Environmental Plan
(LEP) 2011

Proposal: Rezoning of Land Fronting Production Avenue, Silverdale
and Warradale Roads, in the Locality of Silverdale to allow
for Low Density Residential, Industrial and Environmental
Conservation Uses.

1.0 INTRODUCTION

Part A: Objectives and Intended Outcomes

1.1 Objectives

- To gain Department of Planning (DOP) agreement and directions to undertake detailed studies to rezone the subject land for residential, open space and industrial development.
- To comply with the findings and directions of Wollondilly Council's Growth Management Strategy 2011.

1.2 Intended Outcomes

The intended outcome of this planning proposal is to enable the development of land fronting Production Avenue, Silverdale and Warradale Roads, in the locality of Silverdale for low density residential, industrial and environmental conservation uses as follows:

- Lot 5 DP 261728 (33-35) Warradale Road, Silverdale located within the Silverdale Warragamba urban precinct. Concept layout proposals and included as attached document (AD) No. 1 and provides for the following land uses.

Table 1.1 Proposed 'Warradale Estate' Lot Yield

Proposed Land Uses	Lots	Av. Size	Yield
Residential			
- Standard Lots	105	700m ²	105
- Dual Occupancy	5	900-1100m ²	10
- Mixed Density Lots	2	N/A	25
Light industrial	1	N/A	1
Environment	1	N/A	1
Total Area	114		142

- Lot 1 DP 580222 (2) Marsh Road, Silverdale

This lot comprises proposed entry to "Warradale Estate".

- Lots 3 to 8 DP 38806 (5 to 15 Silverdale Road, Silverdale)
- Lots 11 to 12 DP 1112339 (1 and 3 Silverdale Road, Silverdale)

Each existing lot individually comprises an area approximately 4000m² on which are detached dwellings and out buildings. Originally these lots were the outskirts of Silverdale as rural residential housing, however with urban expansion they now are within the urban area and are considered infill development.

Initially it is not clear exactly how many new dwellings can be produced given the variation of building site coverage and siting on individual lots. This will need to be defined through the rezoning process.

Nominally four new dwellings/ lots per existing lot is considered advisable subject to future survey and conceptual layouts.

2.0 EXPLANATION OF THE PROVISIONS

To achieve the objectives of the planning proposal, the following amendments to the Wollondilly Local Environmental Plan (LEP) 2011 are proposed:

1. Amend the Wollondilly LEP 2011 Land Use Zoning Map to part Zone R2 Low Density Residential, part Zone E2 Environmental Conservation, and part Zone IN2 Light Industrial in accordance with the proposed Land Use Zoning Map attached.
2. Amend the Wollondilly LEP 2011 Lot Size Map to 700m² for the proposed R2 Low Density Residential Zone, 100 hectares for the proposed E2 Environmental Conservation Zone, and 1500m² for the proposed IN2 Light Industrial Zone.
3. Amend the Wollondilly LEP 2011 Height of Buildings Map for the proposed R2 Low Density Residential Zone to 9 metres.
4. Amend the Wollondilly LEP 2011 Natural Resources – Biodiversity Map to include the land proposed to be zoned E2 Environmental Conservation.

3.0 JUSTIFICATION NEED FOR PLANNING PROPOSAL

Section B – Relationship to strategic planning framework

3.1 Is the planning proposal a result of any strategic study or report?

The subject land is identified in four strategic documents undertaken by Wollondilly Shire Council:

- The *Warragamba / Silverdale Structure Plan* (June 1991) identified the subject land as future urban (excluding land exceeding 20% slope);
- The *Wollondilly Vision 2025* (January 2004) identified the subject land being within the suggested town boundary;
- The *Wollondilly Growth Management Strategy* (July 2011) identifies the subject land as a draft residential rezoning, reflecting Council's resolution to commence the rezoning process;
- The land had previously been identified as Wollondilly Draft LEP 76 and submitted to the DOP in mid 2010, however DOP advised that it should be resubmitted as a planning proposal and accompanied by a conceptual layout to demonstrate financial feasibility.

3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that amending the Wollondilly LEP 2011 is the best means of achieving the objectives of the planning proposal. The subject site is currently zoned Rural Landscape (RU2) on Wollondilly Local Environmental Plan 2011 (WLEP 2011).

The current zoning prevents the development of the subject site to achieve the intended objective of the planning proposal, namely to permit residential, industrial and environmental conservation. The zoning provisions require a minimum of 16 hectares for the erection of the dwelling house. Furthermore, the subject site is an isolated pocket of rural zoned land, the outcome of the proposal will zone the land complimentary to adjoining zones and land uses.

3.3 Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

A net community benefit assessment evaluating the externalities, being external costs and benefits of the proposal in today's estimates, indicates the following:

- Cost of Rezoning estimated to be in order of \$180,000 for technical and administration of planning proposal and subsequent rezoning
- Local Economy: House and land packages, 140 dwellings at \$395,000 (including subdivision costs)
- Ongoing spending by new residents to exceed \$3.5mil per year in local and regional economies
- Council Rates base increases in excess of \$350,000 per annum

Note: This matter is further discussed in Item 5 in this section of the planning proposal.

3.4 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Metropolitan Strategy and each of its draft South West Subregional Strategy consist of seven subject areas, or strategies. Each of these strategies consists of a series of actions pertaining to the following fields:

- A Economy and Employment
- B Centres and Corridors
- C Housing
- D Transport
- E Environment, Heritage and Resources
- F Parks, Public Places and Culture
- G Implementation and Governance

The proposed rezoning generally accords with each of the above stated seven strategies as translated within the South West Subregional Strategy. Strategies A, B, C and E are particularly relevant to the proposed rezoning application and its compatibility with these has been explored in more detail below.

3.4.1 A. Economy and Employment Strategy

The employment capacity target to 2031 for extra jobs in the South West Subregion is 89,000 with Wollondilly nominated for 2000 of those.

The Warragamba – Silverdale industrial area has been identified as a precinct of 'Employment Lands' of strategic importance, its key function being *manufacturing-light and utilities/urban services*. The area is 64 hectares in size of which approximately 19 hectares are vacant (albeit highly constrained land). The estate mainly services the local area and the semi-rural areas of Penrith.

The proposal accords with the Economy and Employment strategy such that the expansion of the industrial zone by a relatively small amount (approximately 7000m²) does not conflict with the strategy and over time is likely to contribute to the target of an additional 2000 additional jobs in the Wollondilly LGA.

3.4.2 B. Centres and Corridors Strategy

It is noted that the Centres and Corridors Strategy tends to focus on the larger centres in the South West Subregion being Liverpool, Campbelltown / Macarthur and Leppington. Nonetheless Silverdale and Warragamba are both identified as Neighbourhood Centres within the centres hierarchy.

The two Neighbourhood Centres of Warragamba and Silverdale are very close in terms of physical location with a tract of bushland, open space, reserves and industrial land separating the two centres. Warragamba provides fragmented retail and commercial activity and Silverdale's centre is more convenient having frontage to a higher order road (Silverdale Road).

While the two centres have strong linkages they maintain individual character. The proposal is in a location which lies between the two centres and which would not diminish the character of either centre, yet would further strengthen the linkages, physically, socially and economically.

The proposal accords with the Centres and Corridors Strategy.

3.4.3 C. Housing Strategy

155,000 additional homes are targeted for the South West Subregion between 2004 and 2031. Wollondilly has been identified to provide 5,230 of those additional dwellings of which 4000 are expected to come from greenfield sites.

The Metropolitan Strategy aims to focus residential development around centres, town centres, villages and neighbourhood centres. As discussed above, the proposed rezoning is effectively located between the two centres of Warragamba and Silverdale and will strengthen the linkages between the two centres.

The subject site is considered to be a greenfield site and over time the proposal, if approved, would result in the establishment of approximately 140 new dwellings within the Wollondilly LGA, contributing toward dwelling stock in the subregion.

The proposal accords with the Housing strategy.

3.4.4 E. Environment, Heritage and Resources Strategy

3.4.4.1 Manage Urban Growth

A key challenge set for the South West Subregion is to manage and accommodate urban development whilst protecting the valuable environmental, resource and cultural heritage assets. This is aimed to be achieved through sustainable growth which means restricting the urban and environmental footprint, reducing consumption of natural resources and reducing the environmental impacts of development.

A key priority of the Strategy is to accommodate future growth within existing urban areas and protect the native bushland areas and rural and resource lands. In this regard it is considered that the subject site, although containing vegetation, is essentially within an existing urban area, being located at the junction of the Warragamba and Silverdale Neighbourhood Centres.

Other key focuses of the Environment, Heritage and Resources Strategy pertinent to the proposal include "Landscape and Biodiversity", "Waterways", "Rural and Resource Lands" and "Heritage" as follows:

3.4.4.2 Landscape and Biodiversity

The proposal will affect the landscape and biodiversity values of the site by removal of highly degraded Shale Sandstone Transitional Forest and moderately intact Western Sandstone Gully Forest to support urban and industrial development. Conversely, the rezoning proposes to retain and protect approximately 6.5 hectares of relatively intact Upper Georges River Sandstone Woodland and Western Sydney Gully Forest within the riparian corridors of the site.

3.4.4.3 Waterways

Development of the site will also need to have regard to Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No.2 – 1997) ('SREP 20') which integrates planning with catchment management to protect the river system. Preliminary studies in

stormwater modelling and management in respect of the proposal indicate that future development will accord with the principles of SREP 20.

Formalising the riparian corridor into an environmental conservation zone will in turn improve the health and condition of Meggaritys Creek and the broader catchment. Currently illegal dumping and trail bike riding is impacting on water quality, activities that will be restricted through future development of the subject land.

3.4.4.4 Rural and Resource Lands and Heritage

In terms of the aims and principles for 'rural and resource lands' and 'heritage' the proposal is considered to accord with the subregional strategy.

Specifically, agriculture has been acknowledged as an extremely important activity in the South West Subregion since European settlement and has an important cultural heritage and identity. Wollondilly Shire in particular has been identified as maintaining a predominantly rural character containing many heritage items associated with agriculture.

The subject site is not considered to be high quality agricultural land and has been only partially cleared to date. The site does not accommodate any known heritage items and is located within a relatively urban environment in that it is surrounded by different forms of urban development including a former waste management facility, residential dwellings and industrial uses.

It is recommended that an assessment for Indigenous heritage is undertaken should the proposal proceed through the Gateway.

3.5 Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

3.5.1 Local Plans

3.5.1.1 Wollondilly Local Environmental Plan 2011

Under Wollondilly Local Environmental Plan 2011 (WLEP 2011), the land immediately surrounding the subject site is zoned in the following manner:

- IN2 – Light Industrial Zone – area to the north;
- R2 – Low Density Residential Zone – area to the south;
- R5 – Large Lot Residential Zone – area to the east;
- E2 – Environmental Conservation Zone – area to the west.

3.5.1.2 Wollondilly Growth Management Strategy

The *Wollondilly Growth Management Strategy* identifies the subject land as a draft residential rezoning, reflecting Council's resolution to commence the rezoning process. The proposal is consistent with adjoining land use zones under WLEP 2011 and represents a natural extension to the Silverdale residential area and small extension to the Warragamba industrial area whilst conserving the key environmental features of the site.

3.5.1.3 Wollondilly Council Strategic Plan

The planning proposal is consistent with Council's Community Strategic Plan, particularly the following actions:

Community Benefit

CO-3 Wollondilly community is more engaged, more caring and more inclusive.

The community will benefit from the proposal by providing a variety of residential housing opportunities. Providing additional housing on the site also increases the demand for commercial services and retailing in Warragamba and Silverdale, which in turn will assist in generating additional economic activity in the Wollondilly Region. Further, the community will benefit from increased passive recreational opportunities in the land proposed for environmental conservation.

Economy

EO-2 Employment-generating industries that are both more effective in strengthening Wollondilly's economy and more environmentally friendly.

Environment

EO-1 The Shire's natural environment is protected and conserved.

EO-2 The impact of existing and new development on the environment is reduced.

Infrastructure

IO-1 The growing vibrancy and liveability of the Shire's town and villages enhances their strong sense of local identity and place.

IO-2 Well-managed infrastructure supports sustainable living.

Governance

GO-1 A stronger partnership between all levels of government and the Wollondilly community.

GO-3 Available resources are used wisely and distributed fairly.

3.6 Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable State Environmental Planning Policies (see Appendix 1).

3.7 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Section 117 Directions (see Appendix 2).

4.0 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Information for this section has been taken from the Flora and Fauna Preliminary Investigation Report prepared by Rebecca Hayes Environmental (2010) – Refer to Attached Document (AD) No. 2.

4.1 Flora and fauna study outcomes

4.1.1 Study area

The updated flora and fauna report identifies the extent of endangered ecological communities across the subject site. The report has focussed on the land which is proposed for rezoning to accommodate urban and industrial development - Lot 5 DP 261728.

The report has not examined Lots 3 to 8 DP 38806, and Lots 11 – 12 DP 1112339 (4000m² lots fronting Silverdale Road) and Lot 1 DP580222 (residential lot fronting the unformed portion of Marsh Road). These lots are primarily cleared and currently support residential activities and are proposed to be rezoned residential to reflect their residential use.

The 'planning proposal' proposes to establish a flora and fauna corridor linking the greater western water catchment lands through the former African Lion Safari Park site then following the Megarrity's Creek catchment north to where it meets the Warragamba River.

The following extracts from the *Flora and Fauna Preliminary Investigation Report* prepared by *Hayes Environmental* provides a summary of the key results of the investigation and the implications of the proposed rezoning on the flora and fauna values of the site. Refer to the report for a detailed assessment of the issues and constraints arising from the investigation and a comprehensive list of flora and fauna species recorded during the assessment.

4.2 Flora

4.2.1 Eastern area

'The eastern part of the subject site has been identified as highly degraded Shale Sandstone Transition Forest (high sandstone influence) although with very few of the characteristic species remaining'.

'The upper canopy has a foliage cover of less than 20%'.

'The shrub layer has been previously cleared, and has a foliage cover of less than 10%'.

'Remnant shrubs are limited along the boundary fence lines, and intermittently around the base of trees'.

The groundcover contains a mixture of native and introduced species'.

4.2.2 Central and Western areas

'The central and western parts of the site including the creekline gullies support relatively intact Upper Gorges River Sandstone Woodland and Western Sydney Gully Forest'.

'The canopy in the central area (in the vicinity of the main tributary of Megarrity's Creek) has a foliage cover varying between 40 to 55%. The canopy in the western part of the site has a foliage cover of 55-60%'.

'The shrub layer has a foliage cover of around 50%, increasing to 60% along the creekline. The shrub layer in the western areas is much denser than elsewhere on the site, up to 70% foliage cover'.

'The groundcover has a foliage cover of 90-100%. The groundcover in the south western part of the site has been previously disturbed and is dominated by introduced species'.

4.2.3 Conservation significance:

'No flora species listed as "threatened" under either the NSW Threatened Species Conservation Act (TSC Act) or Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC Act) were recorded within the site, or a known to occur'.

'No flora species being part of any "endangered population" listed under the TSC Act were recorded within the site, or are known to occur'.

'Targeted searches were conducted for species known to occur in the locality (DECC Atlas). None of the species were recorded'.

'Approximately 5 hectares of highly degraded Shale Sandstone Transitional Forest occurs across the eastern part of the site. This community is listed as an "endangered ecological community" (EEC) under the TSC Act, and is also listed under the Commonwealth EPBC Act'.

4.3 Fauna

4.3.1 Fauna habitats

'The subject site contains a range of intact habitat types and resources for native fauna, particularly within the main creekline gullies.

These include:

- *Mature trees containing hollows of various sizes, providing shelter and nesting features for arboreal mammal, microchiropteran bats and many species of bird;*

- *A moderately dense shrub layer with a variety of seasonal flowering shrubs, providing shelter for smaller birds and mammals from predators;*
- *Patches of grassy understorey providing a foraging resource for granivorous birds such as cockatoos and pigeon;*
- *Areas of accumulated leaf litter and ground debris, providing shelter features for terrestrial fauna such as reptiles;*
- *Pools and occasional temporary riffle zones in the creeklines providing habitat for disturbance-tolerant amphibians, and water source for other fauna; and*
- *Rocky cracks, crevices, and small overhangs within sandstone outcropping around the top edge of the gullies, providing shelter for reptiles and small terrestrial mammals.*

The site also contains areas of disturbed open woodland/forest due to a previous understorey slashing and clearing, and selected removal of canopy trees. These areas provide habitat for a range of birds and other fauna common to most suburban parks and gardens through western Sydney.

4.3.2 Fauna species

'A list of fauna species previously recorded on the site (CPE 2003), and of species known to occur in the vicinity of the site, is provided in Appendix 3. Most of these species would be expected to occur on the site on occasions'.

4.3.3 Conservation significance

'No fauna species listed as "threatened" under either the TSC Act or EPBC Act were recorded on the site, or a known to occur, and no evidence for such species (eg chewed cones, scratches, nests, scats) was recorded'.

'No fauna species being part of any "endangered population" listed under the TSC Act were recorded or are known to occur on the site'.

'However, 26 fauna species listed as threatened under the TSC Act and/or EPBC Act have been recorded in the locality since 1980 (DECC Atlas). These species are listed in Appendix 1, along with details of their habits and habit requirements, and a discussion as to their likelihood to occur on the site and/or be affected by the proposed rezoning'.

'In summary of Appendix 1, the gully areas of the site provide potential foraging habitat, and/or nesting/breeding habitat, for 17 of these species. Other parts of the site also provide potential foraging habitat for some of these species, but are not likely to be of value for roosting, nesting or breeding'.

27 bird species listed as migratory under the EPBC Act are known to have occurred in the locality (Appendix 3). It is probable that some of these species would occur on the site on occasions'.

4.4 Shale Sandstone Transitional Forest

4.4.1 Discussion

'The Shale Sandstone transitional Forest (SSTF) that occurs on the site has been degraded through previous clearing, agricultural activities, weed invasion, creation of

tracks, ongoing trail bike activities, rubbish dumping and frequent fire. Due to extent of degradation of the community, and the nature of ongoing pressures, the patch of SSTF that occurs on the site is not regarded as a viable patch of this community'.

'The SSTF on the site would not regenerate to become viable form of the community, without substantial weed removal activities, ongoing weed control, implementation of appropriate fire regime, effective control of trail bikes and rubbish dumping, and possibly some revegetation of understorey species to reinstate a natural diversity'.

'The SSTF on the site is not directly connected to other areas of SSTF in the locality, and is not strategically located so as to justify the extent of effort and resources that would be required to regenerate this site'.

4.4.2 The issue

'It is not likely that the loss of SSTF from the subject site would be regarded as significant, given its current condition and ongoing pressures'.

'However, the relative value of remnant patches of EECs within western Sydney is a matter of ongoing debate amongst ecologists. Guiding principles for assessment of these are constantly being updated. It is possible that by the time a development application is lodged for the site, that the value of the SSTF may be perceived as being greater than at present, and that a Species Impact Statement may be required'.

'Conversely, given that the site is zoned and cleared for agricultural use, and that the extent and condition of SSTF on the site would be expected to further decline over time, it may be the case that the site no longer supports a recognisable stand of SSTF by the time the development application is lodged'.

In any event, the SSTF is limited in extent, is fragmented, simplified, underscrubbed, weed-infested, and is not directly connected to other areas of SSTF. It would not be ecologically sensible to attempt to regenerate this site to a viable form of the community'.

'In summary, the presence of SSTF on the site is not considered to be a constraint to development of the site, but is an issue which would require further discussion and reporting. It is possible that some compensatory works may be required to offset the loss of SSTF on the site'.

4.5 Fauna habitat and shelter features

4.5.1 Discussion

'Habitat features of note were recorded almost entirely within the gully areas of the site. These include mature trees bearing medium to large-sized hollows, intact and moderately dense native understorey vegetation, and rocky outcrops along the steep slopes of the creekline gullies'.

'The proposed rezoning would retain and protect the creekline gullies, and so would be unlikely to significantly affect any threatened fauna species, even if such species were found to roost or breed on the site'.

'Other parts of the site also provide potential foraging habitat for some mobile and wide-ranging threatened fauna species, but are not likely to be of value for roosting, nesting or breeding. Foraging resources present on the site are insignificant in relation to the extensive areas of intact vegetation occurring nearby in the Warragamba catchment Area and the Blue Mountains National Park, such that the loss of foraging habitat from the site is not considered to be a significant issue'.

4.5.2 The issue

'The gully areas of the site should be regarded as a constraint to development. This has been recognised in the proposed rezoning of the site'.

'The primary issue is the location and treatment of the interface between new development and a creekline zone. It is recommended that the top edge of the steep banks of the creekline gullies be used as a guide for the limit of development. There should be no significant clearing, earth disturbance, or paved surfaces within 5m minimum of the top edge of the gullies, to maintain the stability of the gullies, and to provide a buffer to rocky outcrops which may be of importance as shelter features for native fauna'.

'The 5m buffer could be probably maintained as an asset protection zone without compromising the stability of the gullies, and could be used for informal unpaved footpaths, or as passive recreation area'.

'It may be necessary to make some further minor adjustments to the boundary of the residential area, following formal assessment for development consent. Adjustments may be required to provide additional buffering or protection of specific flora or fauna habitat features'.

5.0 DISCUSSION

5.1 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

In previous discussions between Council and the DOP a number of points of clarification have been sought and provided:

- Preliminary flora and fauna / vegetation investigations (as previously discussed in section 4.0 of this document) which indicate key vegetation on site can be preserved and degraded areas are suitable for examination of residential development.
- As part of the vegetation assessment a site survey was commissioned to assist in locating key vegetation types.

5.2 Site Survey

A full site survey was undertaken by Lean and Hayward 2010 (AD 3) to identify the extent of gully systems and drainage lines. The study was used as the basis for revision of the flora and fauna preliminary investigation and water quality assessment.

5.4 The full extent of clearing proposed for the urban and industrial developments

The full extent of clearing proposed by the rezoning is:

- Approximately 5 hectares of highly degraded Shale Sandstone Transitional Forest from the eastern part of the site to support urban development;
- Approximately 5.5 hectares of moderately intact Western Sandstone Gully Forest from the south western corner (2.70 ha) and eastern (2.8ha) parts of the site to support urban development;
- Approximately 0.70ha of moderately intact Western Sandstone Gully Forest from the north western corner of the site to support industrial development.

Conversely, the rezoning proposes to retain and protect approximately 6.5 hectares of relatively intact Upper Georges River Sandstone Woodland and Western Sydney Gully Forest within the riparian corridors of the site (Lot 5 DP 261728).

5.3 Geotechnical Matters

A preliminary Geotechnical Investigation was completed by DJ Douglas and Partners in 2004 (AD 4). This investigation suggests the land is suitable for consideration of residential development.

5.5 Water quality assessment

A water quality assessment report has been prepared by Site Plus Pty Ltd 2011 (AD 5) to examine the sites potential to accommodate water sensitive urban design (WSUD) elements to reduce the impact of the proposed rezoning on the broader catchment. A conceptual WSUD strategy incorporating elements such as bio-retention swale systems and gross pollutant traps has been produced. The strategy recommends a variable width treatment along the boundary at the top edge of the buffer to the land proposed to be conserved within the riparian corridor.

The study concludes that the proposed stormwater treatment measures effectively remove pollutants and can meet the water quality targets established in the EPA best practice guidelines 'Managing Urban Stormwater'.

5.6 Further Investigations as part of Land Rezoning

Relative to assessment through the Gateway Process of DOP it is expected the concept plans submitted as Attached Documents (AD 1) could be modified by:

- Additional vegetation and bushfire assessment,
- Intersection analysis for connections to Warradale Road,
- Further geotechnical investigations relative to satisfying Council's road construction requirements,
- Indicative layouts for mixed use residential sites,
- Outline management plan for retained vegetation and creation of connectivity to other existing and proposed open space systems adjoining in vicinity of the land (ie. Vegetation retained by future development of former African Lion Safari Park).

6.0 PUBLIC BENEFIT

In accordance with discussions with Council Officers relative to a future Gateway assessment by DOP preliminary public benefit considerations are now set out.

Does the proposed development or rezoning, make a significant contribution to the stocks of residential or employment lands?

The 'planning proposal' proposes to rezone approximately 7000m² of land for industrial uses, adjacent to the existing Warragamba/Silverdale industrial precinct. Under the Draft South-West Subregional Strategy, the Warragamba – Silverdale industrial area has been identified as a precinct of 'Employment Lands' of strategic importance. The rezoning compliments the adjoining industrial land uses, which cater for light manufacturing and engineering facilities. It is expected that the land identified for industrial in the 'planning proposal' could accommodate similar light industrial land uses.

What is the likely job creation from the proposal?

Short term employment would be generated during the planning and subdivision stage. In the long term, the industrial lands component could be expected to generate full time employment opportunities.

What is the capital investment value?

Indicative investment values are:

- The investment value of the land subdivision is in excess of \$15million in local and regional economics.
- Average cost of dwelling construction is in order of \$185,000 per dwelling spent within the local regional economics.
- Average fit out, landscaping and completion of dwelling surrounds (fencing, driveway, etc) in order of \$25,000 spent locally and within region.

What are the social benefits anticipated from the project, including housing affordability?

Provisions in Volume 3 – Residential and Tourist uses of the Wollondilly Development Control Plan 2010 provide for a variety of housing choices. This DCP shall apply to the residential land proposed under the 'planning proposal'. Application of the DCP shall facilitate a range of dwelling types that may allow for the provision of more affordable housing.

Socially, the proposal would provide additional population to the area, strengthening the Warragamba commercial centre and community links. The proposed environmental protection zoned land shall provide for low impact, passive recreational uses such as walking trails allowing residents to enjoy the vegetation along Megarrity's Creek.

What are the positive flow-on effects to neighbouring communities and businesses?

The 'planning proposal' would provide more housing choice options in the locality. Local businesses would benefit from the additional number of residents estimated

annual spending in excess of \$3.5 million. Approximately 7000m² of land will be rezoned for industrial purposes, which shall provide additional employment opportunities in the area.

Is the project unique in delivering these public benefits?

It is considered that the project is unique in that it is located between existing Silverdale and Warragamba residential areas, and provides for a diversity of land uses that considers the environmental constraints of the site and compliments adjoining land uses.

7.0 SECTION D - STATE AND COMMONWEALTH INTERESTS.

7.1 Is there adequate public infrastructure for the planning proposal?

Information for this section has been drawn from Council's justification report advice to the NSW Department of Planning in April 2010.

7.2 Infrastructure and servicing test.

Is existing infrastructure (including transport, roads, water and sewerage) adequate and if not, how any shortfall may be provided?

Warragamba and Silverdale are serviced by bus services connecting to Wollondilly, Camden, Campbelltown and Penrith Local Government Areas.

The proposal would require substantial road works to the unformed sections of Marsh and Government Roads. It would appear that the preliminary subdivision plan relies heavily on the above mentioned road works and the applicant has indicated within the submitted Planning Report that these roads will be provided.

Preliminary investigations indicate there is capacity at the Silverdale, Warragamba and Mulgoa Sewage Treatment Plant. Initial communications with Sydney Water Corporation and review of the Director General's Report of the Department of Planning prepared for the approval of the STP indicate that the STP has capacity to service the proposed rezoning and residential subdivision provided it is able to meet the Sydney Water Corporation's connection requirements. The landowner has advised Council that a design fee was paid to Sydney Water to appropriately locate and size an upgraded connection to the land to accept potential residential development.

Town water is provided to the neighbourhood centres of Warragamba and Silverdale and can be extended to accommodate the lands subject to the 'planning proposal'.

Will the need for local and regional infrastructure be met by the development (either by a levy or physical provision of the works) in accordance with the government policy on infrastructure and levies?

The applicant recognises that amended contributions plans or planning agreements are likely to be necessary to ensure that the required facilities will be provided to service the development. The developer will be required to provide the necessary works or compensate government agencies to build the infrastructure.

Currently there is a Voluntary Planning Agreement in place under Wollondilly LEP Amendment No 71. This agreement between the Minister for Planning and the future developer of the former African Lion Park adjacent to the subject lands was based on the needs identified by the following government agencies:

- The Department of Education and Training;
- The Ministry of Transport;
- The RTA; and
- The Department of Environment and Climate Change

The needs identified monetary contribution towards additional infrastructure such as improvements to the local public school, road upgrades, and public amenities such as provisions for additional public transport and implementing the Metropolitan Conservation Outcomes set by the Department of Environment and Climate Change.

The major landowner of the lands identified under the Planning Proposal has signalled he would agree to participate in a similar range of improvements to regional infrastructure requirements should the 'planning proposal' proceed.

What is the additional cost to government of providing social and essential services (such as health services, schools, police, ambulance and fire brigades) to the site if it were developed, as compared to providing such services in a designated development area?

The additional cost to government can only be ascertained through consultation with relevant government agencies and service providers, pursuant to 'as determined by the Gateway' of the Environmental Protection and Planning Act, should the 'planning proposal' proceed.

7.3 Investment certainty

7.3.1 Does the proponent have a sound business plan?

The proponent has prepared a preliminary business plan (AD 6) which accompanies this information to the Department. The business plan outlines what the applicant hopes to achieve for the site. The capability of the applicant their consultant team is also outlined.

The proponent is a large scale civil contractor with extensive experience in subdivisions. The preliminary business plan clearly states the project will be internally resourced without need for borrowings. A preliminary costing of the subdivision and expected returns is also included which clearly indicate the project is economically feasible and offers a very good return on investment.

7.3.1.1 Is the project likely to proceed?

Council considers that the proposal has a strong likelihood of proceeding. The additional information tendered by the applicant through their preliminary business plan demonstrates the commitment of the applicant to fully fund and develop the project through normal business cash flows. These are clearly supported by the applicant's proven expertise in civil contracting and subdivision construction.

7.3.1.2 Is the proponent sufficiently well resourced to proceed?

The proponent has indicated to Council that they are sufficiently well resourced to proceed should the 'planning proposal' be supported by the Department of Planning. The proponent has agreed in principle to fund the necessary studies to be addressed in a local environmental study. The proponent has signalled they would agree to participate in a range of improvements to local regional infrastructure requirements should the 'planning proposal' proceed. Additional information has been tendered by the proponent in the form of a preliminary business plan which clearly sets how the construction and subsequent completion of the project shall be resourced.

7.3.1.3 What is the track record of the proponent?

The proponent has a long and profitable history in construction of a wide range of subdivisions. The proponent has previously undertaken their own subdivisions all funded through internal cash flow. The accompanying business plan sets this out clearly. Given this additional information and the proponent's long history in the Macarthur region Council believes the proponent has a strong track record to support the view the subdivision would be immediately commenced and completed upon development approval of the project.

7.4 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Wollondilly Council has contacted all relevant state agencies and departments as part of previous submissions to the Department of Planning.

8.0 PART 4 – COMMUNITY CONSULTATION

Preliminary Community Consultation

Preliminary community consultation with landowners adjoining and in close proximity to the subject site has been undertaken in accordance with Council's notification procedures. A summary of the seven (7) submissions received during the preliminary community consultation period are included in the Report to the 20 June 2011 Ordinary Meeting of Council.

Proposed Public Exhibition

It is proposed to publically exhibit the planning proposal for a period of twenty eight (28) days. The community will be notified of the commencement of the exhibition period via a notice in a local newspaper and via a notice on the Wollondilly Shire Council website.

The written notice will:

- Give a brief description of the objectives or intended outcomes of the Planning Proposal;
- Indicate the land affected by the Planning Proposal;
- State where and when the Planning Proposal can be inspected;
- Give the name and address of the RPA for the receipt of submissions; and
- Indicate the last date for submissions.

During the exhibition period, the following material will be made available for inspection:

- The Planning Proposal, in the form approved for community consultation by the Director General of Planning;
- The gateway determination; and
- Any studies relied upon by the Planning Proposal.

APPENDIX 1

Compliance with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)

APPENDIX ONE

Compliance with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)

	STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)	CONSISTENCY	COMMENTS
1	Development Standards	Yes	This plan does not govern the content of the 'planning proposal'.
4	Development Without Consent and Miscellaneous Complying Development	Yes	This plan does not govern the content of the 'planning proposal'.
6	Number of Storeys in a Building	NA	This plan does not govern the content of the 'planning proposal'.
14	Coastal Wetlands	NA	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	NA	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	NA	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	NA	This plan does not govern the content of the 'planning proposal'.
22	Shops and Commercial Premises	NA	This plan does not govern the content of the 'planning proposal'.
26	Littoral Rainforests	NA	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	NA	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	NA	This plan does not govern the content of the 'planning proposal'.
32	Urban Consolidation (Redevelopment of Urban Land)	NA	This plan does not govern the content of the 'planning proposal'.
33	Hazardous and Offensive Development	NA	This plan does not govern the content of the 'planning proposal'.
36	Manufactured Home Estates	NA	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	NA	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yet to be determined	This plan substantially governs the content and operation of the 'planning proposal'.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	This plan does not govern the content of the 'planning proposal'.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NA	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	NA	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	Yet to be determined	
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	YES	This plan does not govern the content and operation of the 'planning

			proposal'.
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	This plan does not govern the content and operation of the 'planning proposal'.
65	Design Quality of Residential Flat Development	NA	This plan does not govern the content and operation of the 'planning proposal'.
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	This plan substantially governs the content and operation of the 'planning proposal'.
	SEPP (Housing for Seniors or People with a Disability)	Yet to be determined	
	SEPP (Building Sustainability Index: BASIX) 2004	YES	This plan substantially governs the content and operation of the 'planning proposal'.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	This plan does not govern the content and operation of the 'planning proposal'.
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yet to be determined	
	SEPP (Temporary Structures) 2007	NA	This plan does not govern the content and operation of the 'planning proposal'.
	SEPP (Infrastructure) 2007	Yet to be determined	
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	YES	This plan substantially governs the content and operation of the 'planning proposal'.
	SEPP (Western Sydney Parklands) 2009	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Sydney's Drinking Water Catchment) 2011	NA	Subject lands are not located within the hydrological catchment

DEEMED STATE ENVIRONMENTAL PLANNING POLICIES (FORMERLY REGIONAL ENVIRONMENTAL PLANS)		CONSISTENCY	COMMENTS
9	Extractive Industry (No 2)	NA	
20	Hawkesbury–Nepean River (No 2 - 1997)	YES	This plan substantially governs the content and operation of the 'planning proposal'.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.

APPENDIX 2

**Examination of Draft Plan in accordance
with relevant Section 117(2) Directions.**

APPENDIX TWO

Examination of Draft Plan in accordance with relevant Section 117(2) Directions.

Ministerial Direction	Applicable to 'planning proposal'	Consistency of 'planning proposal' with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	YES	YES	The 'planning proposal' meets the objectives of the South West Subregional Strategy which identifies Silverdale / Warragamba as a precinct of employment lands. The Strategy identifies Wollondilly to support 2,000 jobs in the sub-region. Further industrial development will aid in contributing to the additional employment goals of Wollondilly and the South West Subregion. Therefore the 'planning proposal' is consistent with Direction No. 1.1.
1.2 Rural Zones	YES	YES	Although the 'planning proposal' proposes to alter rural zoned land, the subject land s currently not utilised for any agricultural purpose. The 'planning proposal' is considered satisfactory in this instance given the relatively low quality of the subject land for meaningful agriculture pursuits and its central and relatively urban location between the two centres of Warragamba and Silverdale. Therefore it is considered that the 'planning proposal' is consistent with Direction 1.2.
1.3 Mining, Petroleum Production and Extractive Industries	YES	YES	It is not expected that the 'planning proposal' shall prohibit or restrict the potential development of resources of coal, other minerals, petroleum, or extractive industries. The Director-General of DPI shall be consulted in this regard to ensure the 'planning proposal' is consistent with this Direction.
1.4 Oyster Production	NA	NA	Direction does not apply
2. Environment and Heritage			
2.1 Environmental Protection Zones	YES	YES	The 'planning proposal' proposes to conserve environmentally sensitive land on the subject site, namely the endangered ecological community (EEC) Shale Gravel Transition Forest. The area covered by the EEC is

Ministerial Direction	Applicable to 'planning proposal'	Consistency of 'planning proposal' with Direction	Assessment
			proposed to be rezoned for environmental conservation. The exact alignment of zone boundaries shall be determined by a future studies in consultation with the NSW Office of Environment and Heritage. It is anticipated that the rezoning shall increase the environmental protection standards that apply to the land, compared to its current rural zoning. Therefore it is considered that the 'planning proposal' is consistent with Direction 2.1.
2.2 Coastal Protection	NA	NA	Direction does not apply
2.3 Heritage Conservation	YES	YES	There no items of environmental or indigenous heritage listed in Wollondilly LEP, 2011 for land subject to the 'planning proposal'. Future studies will determine the presence of such items and future conservation measures to be implemented, should any items are located on the site. Further consultation with the NSW Office of Environment and Heritage at 'as determined by the Gateway' stage shall be undertaken. Therefore it is considered that the 'planning proposal' is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	YES	YES	The 'planning proposal' does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area. Therefore no further consideration of the matters in relation to Direction 2.4 is necessary.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	YES	YES	Clause 7.1 of the Wollondilly LEP 2011 requires that land must be adequately serviced with appropriate infrastructure for development consent to be granted. The 'planning proposal' proposed to provide for a variety to achieve a diversity of housing choice and design. The mix of lot sizes and residential design will be controlled through the application of Volume 3 – Residential and Tourist uses of

Ministerial Direction	Applicable to 'planning proposal'	Consistency of 'planning proposal' with Direction	Assessment
			the Wollondilly Development Control Plan 2010. Therefore it is considered that the 'planning proposal' is not inconsistent with Direction 3.1.
3.2 Caravan Parks and Manufactured Home Estates	YES	YES	The 'planning proposal' retains all existing zones in which caravan parks are permitted. Therefore the 'planning proposal' is not inconsistent with Direction No. 3.2.
3.3 Home Occupations	YES	YES	The 'planning proposal' does not alter the current exempt development provisions that enables for the development of home occupations. Therefore no further consideration of the matters in relation to Direction 3.3 is necessary.
3.4 Integrating Land Use and Transport	YES	YES	A preliminary assessment of the 'planning proposal' indicates the rezoning proposal is consistent with Direction No. 3.4, through: - Provision of employment lands, thereby potentially reducing the number of commuter movements outside of the Shire. - Utilisation of existing public and private transport services. Future consultation with the Roads and Traffic Authority and Department of Lands shall be sought in relation to the formalisation of crown roads proposed to be formed to service any future residential subdivision. Therefore the 'planning proposal' is not inconsistent with Direction No. 3.4.
3.5 Development Near Licensed Aerodromes	NA	NA	Direction does not apply
4. Housing, Infrastructure and Urban Development			
4.1 Acid Sulphate Soils	NA	NA	Direction does not apply
4.2 Mine Subsidence and Unstable Land	NA	NA	Direction does not apply
4.3 Flood Prone Land	NA	NA	Direction does not apply
4.4 Planning for Bushfire Protection	YES	YES	The land to which 'planning proposal' applies includes bushfire prone land. In accordance with Direction No.4.4 Council shall consult with the Commissioner of the NSW Rural Fire Service. Any comments received from this

Ministerial Direction	Applicable to 'planning proposal'	Consistency of 'planning proposal' with Direction	Assessment
			consultation shall be considered in the evaluation of the draft instrument. Future studies will identify bushfire constraints affecting the land and will specify the required bushfire management measures including Asset Protection Zones, access roads, water supply for fire fighting purposes and the placement of structures and combustible material. It is considered that the 'planning proposal' is consistent with Direction No. 4.4.
5. Regional Planning			
5.1 Implementation of Regional Strategies	NA	NA	Although this Direction does not apply, 'planning proposal' has been evaluated in accordance with the Draft Sydney Southwest Subregional Strategy, which includes Wollondilly Shire. It is considered that the 'planning proposal' is considered consistent with the draft strategy.
5.2 Sydney Drinking Water Catchments	NA	NA	Direction does not apply. Land subject to 'planning proposal' is not within the hydrological catchment for Sydney's drinking water referred in the State Environmental Planning Policy (Sydney's Drinking Water Catchment) 2011.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	NA	Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	NA	Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	NA	Direction does not apply
5.6 Sydney to Canberra Corridor	NA	NA	Although the Sydney Canberra Corridor Strategy 1995 refers to land within Wollondilly Local Government Area the Strategy has been determined to no longer apply to Wollondilly LGA.
5.7 Central Coast	NA	NA	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	YES	YES	Land subject to the 'planning proposal' is affected by the 20 ANEC contours for Options A & B (of three scenarios) for the proposed second Sydney airport

Ministerial Direction	Applicable to 'planning proposal'	Consistency of 'planning proposal' with Direction	Assessment
			at Badgery's Creek. A future study, if required, can explore this matter in detail and could satisfy one or more of the subclauses that apply to Direction 5.8 thereby justifying any inconsistency with the Direction relating to future development of land subject to the 'planning proposal'.
6. Local Plan Making			
6.1 Approval and Referral Requirements	YES	YES	The 'planning proposal' does not contain provisions requiring concurrence, consultation or referral to a Minister or public authority. Therefore the 'planning proposal' is consistent with Direction No. 6.1.
6.2 Reserving Land for Public Purposes	YES	YES	The planning proposal does not contain provisions to create reservations of land for public purposes.
6.3 Site Specific Provisions	NA	NA	Direction does not apply