

**Silverdale & St Heliers Roads, Silverdale**

Proposal Title : **Silverdale & St Heliers Roads, Silverdale**

Proposal Summary : **To rezone land known as the 'Silverdale & St Heliers Roads, Silverdale' site for housing and environmental protection.**

**The western part of the site is proposed for low density housing, while the eastern part of the site, containing some native vegetation, is proposed for low-impact housing that will allow environmental protection (i.e. 'environmental living').**

PP Number : **PP\_2012\_WOLLY\_002\_00** Dop File No : **12/11578**

**Proposal Details**

Date Planning Proposal Received : **12-Jul-2012** LGA covered : **Wollondilly**  
Region : **Sydney Region West** RPA : **Wollondilly Shire Council**  
State Electorate : **WOLLONDILLY** Section of the Act : **55 - Planning Proposal**  
LEP Type : **Precinct**

**Location Details**

Street : **2044-2054 Silverdale Road**  
Suburb : **Silverdale** City : **Sydney** Postcode : **2752**  
Land Parcel : **Lot 300 in DP 1076326 and Lots 43, 44 and 45 in DP 236542**

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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## Silverdale & St Heliers Roads, Silverdale

### 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 :		Date of Release :	
Area of Release (Ha) :	30.00	Type of Release (eg Residential / Employment land) :	Residential
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 :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **While there have been no known meetings or communications with registered lobbyists, a meeting was held with the planning consultant acting on behalf of the land owner on 25 August 2011 at the Department's offices. The meeting was attended by:**  
- the Executive Director, Planning Operations,  
- Mr Vaughn McInnes, Director, Planning, Siteplus Pty Ltd (and staff), and  
- departmental staff.

### Supporting notes

Internal Supporting Notes : **The Planning Proposal will provide for orderly expansion of the adjoining Silverdale Village. It is considered that the Proposal should proceed in advance of Council's proposed master plan for the Silverdale area on the basis of previous supporting strategic planning (i.e. Council's Wollondilly Growth Management Strategy 2011).**

External Supporting Notes :

### Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective is to rezone the land for housing and environmental protection to enable low density residential development and environmental living.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The objectives will be achieved by amending Wollondilly Local Environmental Plan (LEP) 2011 as follows:**

- Amend the Land Zoning Map Sheet LZN\_006B to rezone the site from Zone RU2 Rural Landscape to part Zone R2 Low Density Residential on the western portion of the site and part Zone E4 Environmental Living on the eastern portion of the site, as generally shown

on Map 1, page 12 of the Proposal document (attached).

Amend the Height of Buildings Map Sheet HOB\_006B to apply a 9m height limit to the western portion of the site, as generally shown on Map 2, page 13 of the Proposal document (attached) (Note: Council will determine applicable height limits for the eastern portion of the site on a merit basis during the development assessment process).

Amend the Lot Size Map Sheet LSZ\_006B to reduce the current minimum allotment size of 16 hectares to 700m<sup>2</sup> on the western portion of the site and 4ha on the eastern portion of the site, as generally shown on Map 3, page 14 of the Proposal document (attached).

**COMMENTS**

The Proposal seeks to apply Zone R2 Low Density Residential to part of the land. However, Council has not resolved to adopt a specific residential zoning and it is noted that the report to Council recommended that Zone R5 Large Lot Residential be applied.

This matter was discussed with Council's Manager, Strategic Planning, on 11 July 2012, who confirmed that it was Council's intention that the proposed residential zoning be Zone R2 Low Density Residential and that this was identified on a plan by councillors in making their decision. A copy of Council's advice is provided in the Documents section.

The Planning Proposal document specifies these proposed zones.

**Justification - s55 (2)(c)**

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

b) S.117 directions identified by RPA :

**1.2 Rural Zones**

**2.1 Environment Protection Zones**

\* May need the Director General's agreement

**3.1 Residential Zones**

**3.4 Integrating Land Use and Transport**

**4.3 Flood Prone Land**

**4.4 Planning for Bushfire Protection**

**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?

**SEPP No 55—Remediation of Land**

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

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

**SECTION 117 DIRECTIONS**

**DIRECTION 1.2 RURAL ZONES**

This Direction applies to the Proposal as the Proposal rezones land that is currently zoned RU2 Rural Landscape. The Proposal is inconsistent with the Direction as it rezones land from a rural zone to a residential zone. However, it is considered that the inconsistency is justified as the land adjoins a residential area (i.e. Silverdale Village) and, as such, has limited potential for agricultural production due to the likelihood of land use conflict.

It is recommended that the Director-General approves the inconsistency, pursuant to the Direction, on the basis that it is of minor significance.

**DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES**

The site contains remnant Shale Sandstone Transition Forest, which is generally located in the eastern portion of the site. Such vegetation is identified as an Endangered Ecological Community under both State and Federal environmental legislation and is associated with Cumberland Plain Woodland. In view of this, portion of the site

containing the vegetation may be considered to be an environmentally sensitive area. It is noted that the vegetation is not potentially the more significant, Priority Conservation Lands category of Cumberland Plain Woodland.

This Direction applies to the Proposal as the site is considered to contain an environmentally sensitive area. The Direction requires the Proposal to facilitate the protection and conservation of such land. Council seeks to rezone the core area of the vegetation to Zone E4 Environmental Living and establish the extent of the proposed zoning through further investigation. It is considered that Council should be required to undertake a flora and fauna study to confirm the appropriate zoning and extent of the zoning boundary.

Council should consult with the Office of Environment and Heritage and, if necessary, the Federal Department of Sustainability, Environment, Water, Population and Communities, and ensure that all statutory obligations has been met in relation to the vegetation on the site.

Following completion of the study and agency consultation, and prior to undertaking community consultation, Council should advise the regional office of the Proposal's consistency with Direction 2.1 Environment Protection Zones.

#### **DIRECTION 3.1 RESIDENTIAL ZONES**

This Direction applies to the Proposal as it will affect land within a proposed residential zone, i.e. Zone R2 Low Density Residential. The Direction requires the Proposal to meet certain conditions, which relate to increasing housing choice, efficiently utilising infrastructure and services and minimising impacts on the environment and resources. The Proposal is consistent with the Direction as follows:

- the Proposal will facilitate economical and orderly expansion of the Silverdale neighbourhood centre, by rezoning land which immediately adjoins the existing residential area to the south,
- the Proposal will assist in sustaining the viability of Silverdale (population of 3,439 (2011 census)) by enabling better utilisation of existing infrastructure and services through population growth, and
- the Proposal will minimise impacts on the environment by retaining and protecting most of the existing vegetation on the site through an environmental zoning.

In view of the above, the Proposal is considered to be consistent with the Direction.

#### **DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT**

This Direction applies to the Proposal as it will create a zone relating to urban land, i.e. Zone R2 Low Density Residential. The Direction requires the Proposal to locate the zone, and include provisions that give effect to, and are consistent with the aims, objectives and principles of:

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

The Proposal is generally consistent with the above planning documents in that it adjoins the existing 'urban' footprint of Silverdale and is located within 200m of a bus route. It is noted that Silverdale has no shops immediately within its centre. However, it is understood that Council is planning for the expansion of the existing small commercial centre 2.8 kms north of Silverdale, as part of the future rezoning of that land.

#### **DIRECTION 4.3 FLOOD PRONE LAND**

This Direction applies if the Proposal affects flood prone land.

The land contains substantial farm dams and is located within the drainage line of a local creek. As such, the site may contain flood prone land and, if the dams are removed, may exacerbate the flooding of land downstream.

Council has indicated that the land is not shown on its flood prone land map but has acknowledged that there is potential for minor flooding. Therefore, the Direction is considered to apply to the site.

The Direction requires the Proposal to meet certain requirements and prohibits the rezoning of land within a flood planning area. Therefore, it is considered that Council should be required to undertake a flooding and drainage study which assesses any flooding impacts. Council should be required to demonstrate consistency with the Direction prior to undertaking community consultation.

#### **DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION**

This Direction applies to the Proposal as part of the site is identified as bush fire prone land. Under the Direction, Council will be required to, among other things, consult with the Commissioner of the NSW Rural Fire Service following receipt of the Gateway determination. Therefore, if the Proposal proceeds, it is recommended that the Gateway brings to Council's attention the need to comply with the Direction in this regard.

#### **DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036**

The Direction requires the Proposal to be consistent with the Metropolitan Plan for Sydney 2036. The Proposal is considered to be generally consistent with the above document in that it will provide housing opportunities to assist in accommodating future housing needs within the Wollondilly Local Government Area.

#### **SEPPs and DEEMED SEPPs**

#### **STATE ENVIRONMENTAL PLANNING POLICY No. 55 – REMEDIATION OF LAND**

The site has a history of agricultural use and may, therefore, contain contaminated land. SEPP 55 requires Council to consider whether the land is contaminated and, if so, whether it can be remediated. Therefore, if the Proposal proceeds, the Gateway should remind Council of the need to undertake a preliminary contamination investigation and consider the results before proceeding further. Council should be required to provide a copy of the investigation to the regional office prior to undertaking community consultation, for information.

#### **SYDNEY REGIONAL ENVIRONMENTAL PLAN No. 20 – HAWKESBURY-NEPEAN RIVER (No. 2 – 1997)**

The provisions of SREP 20 apply to the Proposal and require Council to give consideration to general planning considerations, specific planning policies, recommended strategies and specific development controls.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

#### **Mapping Provided - s55(2)(d)**

Is mapping provided? **Yes**

Comment :

**Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : **Council proposes to publicly exhibit the Proposal for a period of 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 : **The southwest corner of the site is affected by an electricity transmission line easement and it is unclear whether Council's estimated yield of 140 dwellings takes the easement into account. Therefore and if necessary, Council should be required to amend the Proposal and clarify this matter prior to undertaking community consultation.**

**Proposal Assessment**

**Principal LEP:**

Due Date : **February 2011**

Comments in relation to Principal LEP : **The Principal LEP was notified in February 2011.**

**Assessment Criteria**

Need for planning proposal : **A planning proposal is required as the proposed development can only be facilitated by rezoning the land.**

Consistency with strategic planning framework :

The Proposal is, in principle, consistent with Council's Wollondilly Growth Management Strategy 2011, which identifies the site as a 'potential residential growth area'. The Strategy aims to accommodate the natural rate of population growth of the Wollondilly Shire.

Council has submitted the Strategy to the Department for endorsement. The Department has delayed its consideration of the Strategy until the completion of the Government's Review of Potential Housing Opportunities on Landowner Nominated Sites. However, the regional team considers that, in principle, the Planning Proposal holds merit and should proceed.

The Proposal is also consistent with the general direction of the Metropolitan Plan for Sydney 2036 and the draft Southwest Subregional Strategy as it provides additional housing opportunities on land adjoining an existing centre, which will help to accommodate the anticipated natural growth of the local government area.

#### **OTHER REZONING PROPOSALS AT SILVERDALE**

There are currently three other proposals to rezone land at Silverdale for urban purposes, as follows:

- \* 'Warradale Road' - this has been allowed to proceed under the Gateway,
- \* 'Eltons & Taylors Roads' - the rezoning application is currently before Council, and
- \* 'North Silverdale' - the rezoning application is currently before Council.

In view of the above, Council has resolved, as part of its resolution relating to the subject Planning Proposal, to notify the Minister about these proposals and has requested the Minister to consider this situation when making the Gateway determination for the subject Proposal.

Council's resolution and advice are separately provided in the Documents section of this report. A map showing the location of all four rezoning proposals is also provided in the Documents section.

Council has deferred its consideration of new applications. Council officers have informally advised that these proposals will be examined in a strategic manner in the future.

It is noted that the Eltons and Taylors Roads site is currently also the subject of the Government's land review process.

#### **Regional Team Comment**

It is considered that council's strategic review of future planning proposals for Silverdale holds merit and no objections are raised by the regional office to this approach.

Given the merits of the subject Planning Proposal (Silverdale and St Heliers Roads), however, it is not considered that this Planning Proposal should be delayed.

Environmental social economic impacts :

#### **ENVIRONMENTAL**

The undertaking of various studies that are recommended in this report will determine the existence of environmental impacts. It is considered that, in addition to the public authorities identified for consultation (above), Council should also consult with the NSW Office of Water.

#### **ECONOMIC IMPACTS**

The proposal is expected to assist existing commercial centres in Warragamba, and north of Silverdale, to remain viable through an increase in the local population and, therefore, patronage.

**SOCIAL IMPACTS**

Although provided with a bus service, Silverdale is relatively isolated, being located 25 minutes from any major centre. However, the nearby village of Warragamba is capable of serving the general needs of the local population. Hence, no adverse social impacts are anticipated.

**Assessment Process**

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **Minister**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage  
NSW Rural Fire Service  
Sydney Water  
Transgrid**

Is Public Hearing by the PAC required? **No**

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

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

**Flora**

**Fauna**

**Bushfire**

**Flooding**

If Other, provide reasons :

**As discussed above, a preliminary contamination investigation should be undertaken.**

Identify any internal consultations, if required :

**No internal consultation required**

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons : **CONSULTATION WITH INFRASTRUCTURE PLANNING AND COORDINATION UNIT**

**The Proposal was referred to the Department's Infrastructure Planning and Coordination Unit on 16 July 2012, which responded on 19 July 2012, as follows:**

**- Per the draft guidelines for Planning Agreements - that have been endorsed by the Planning Board - provides a guide of 500 lots for the use of "satisfactory arrangements" (requiring planning agreement to secure contributions for regional infrastructure).**

**- Given the planning proposal is for 140 dwellings - and does not adjoin an existing urban release area - please do not include / apply a satisfactory arrangements provision to this planning proposal.**

**It is noted that clause 7.1 - Essential Services of the Principal Plan - would apply to the site. Clause 7.1 requires that development consent must not be granted to development unless the consent authority is satisfied that water, electricity and sewerage are available or that adequate arrangements have been made to make these services available, when required.**

**WATER & SEWER**

Council has undertaken preliminary consultation with Sydney Water, which advised that a water main adjoins the site and that extensions and amplifications to the system may be required to service the proposed development. Sydney Water also advised that sewer trunk infrastructure has the capacity to accommodate the proposed development but that the local reticulation system has no spare capacity and may require amplification. Therefore, Council should be required to liaise with Sydney Water as the developer may need to meet the cost of any augmentation works.

**ROADS**

Council has indicated that road widening and upgrades, especially along Silverdale Road, are needed to support the proposed development. Council has been vested with care and control of the road by the Roads and Maritime Service (RMS). Therefore, Council should consult with the RMS regarding the costs of any likely road improvements that are required.

**ELECTRICITY**

Council should be required to consult with the relevant public authority responsible for electricity infrastructure, in relation to the costs of providing electricity to the site (including any substation infrastructure).

**CONSERVATION**

Council should be required to liaise with the Office of Environment & Heritage, regarding the Shale Sandstone Transition Forest on the site and consider possible dedication under a planning agreement.

**Documents**

Document File Name	DocumentType Name	Is Public
Council's covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council report.pdf	Study	Yes
Details of other rezoning proposals in the Silverdale area.pdf	Study	Yes
Advice from Council regarding its resolution.pdf	Study	No
Location of rezoning proposals in the Silverdale area.pdf	Map	Yes

**Planning Team Recommendation**

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

- S.117 directions:
- 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
  - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

- 1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;
- 2. The timeframe for completing the local environmental plan is to be 12 months from the

week following the date of the Gateway Determination;

3. The Director General approves the inconsistency with section 117 Direction 1.2 – Rural Zones on the basis that it is of minor significance;

The following conditions should be met, and the amended Proposal submitted to the regional team, prior to community consultation:

4. Council should prepare a flora and fauna study to confirm the appropriate zones and their boundaries. Council should consult with the Office of Environment and Heritage and, if necessary, the Federal Department of Sustainability, Environment, Water, Population and Communities and ensure that all statutory obligations has been met in relation to the Shale Sandstone Transition Forest on the site. Following completion of the study and agency consultation, and prior to undertaking community consultation, Council should demonstrate consistency with Direction 2.1 Environment Protection Zones.

5. Council should prepare a flooding and drainage study, which also considers the impacts of removing the dams that are on the site. Council should demonstrate consistency with Direction 4.3 Flood Prone Land prior to undertaking community consultation;

6. Council should be reminded of the need to comply with section 117 Direction 4.4 Planning for Bushfire Protection, which, among other things, includes a requirement for consultation with the Commissioner of the NSW Rural Fire Service;

7. Pursuant to SEPP 55 - Remediation of Land, Council should undertake a preliminary contamination investigation and consider the results before proceeding further. Council should provide a copy of the investigation to the regional team prior to undertaking community consultation;

8. The Planning Proposal should indicate whether the electricity transmission line easement across the south western part of the site has been taken into account in the estimation of the lot yield. If necessary, Council should amend the Proposal prior to undertaking community consultation;

9. Council should consult with the public authorities responsible for the Hawkesbury-Nepean River system and the electricity line transmission easement; and

Supporting Reasons :

The Planning Proposal will provide for orderly expansion of the Silverdale neighbourhood centre.

Signature:



Printed Name:

T DORAN

Date:

20/7/12