

Planning Proposal

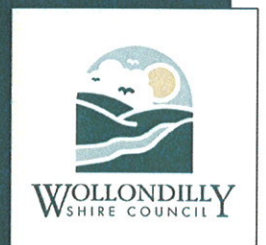
to amend Wollondilly Local Environmental Plan 2011



Silverdale & St Heliers Roads, Silverdale

for the rezoning of 2044 – 2054 Silverdale Road, Silverdale
(Lot 300 DP 1076326 and Lots 43, 44 & 45 DP 236542)

for R2 Low Density Residential and E4 Environmental Living purposes



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Introduction

This planning proposal for the amendment of Wollondilly Local Environmental Plan (WLEP) 2011 was originally prepared by Innovation Planning Australia for 2044 and 2054 Silverdale Road, Silverdale (Lot 300 DP 1076326 and Lot 43 DP 236542) seeking the rezoning of the aforementioned land from *RU2 Rural Landscape* to *R2 Low Density Residential*.

The proposal was placed on a period of Preliminary Community Notification from 13 January to 3 February 2012. During this period a number of submissions were received from the community.

From this feedback it was proposed that the zoning be changed to part *R5 Large Lot Residential* and that an appropriate environmental zoning be investigated for that part of the site which included endangered native vegetation. It was also suggested that 2046 and 2050 Silverdale Road, Silverdale (Lots 44 and 45 DP 236542) be included in the area to be rezoned.

However, at its Ordinary Meeting of Monday 16 May 2012 Council resolved to support the planning proposal with the following amendments:

- The inclusion of 2046 and 2050 Silverdale Road, Silverdale (Lots 44 and 45 DP 236542) in the subject area; and
- An *E4 Environmental Living* zoning on the eastern part of the site to allow for the development of that area whilst providing for the protection of the endangered native flora and fauna found there.

Below is presented the amended planning proposal as per Wollondilly Shire Council Resolution 23/2012.



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Part 1 – Objectives or Intended Outcomes

To allow for the residential expansion of Silverdale through the rezoning of land directly to the south of the existing Silverdale township, specifically:

- 2044 Silverdale Road (Lot 300 DP 1076326);
- 2046 Silverdale Road (Lot 45 DP 236542);
- 2050 Silverdale Road (Lot 44 DP 236542); and
- 2054 Silverdale Road (Lot 43 DP 236542)

for part low density residential and part environmental living purposes.

Part 2 – Explanation of the Provisions

The following provisions are required to facilitate the objectives and outcomes of this planning proposal:

- Amend Wollondilly LEP 2011 **Land Zoning Map Sheet LZN 006B** to part *R2 Low Density Residential* on the western portion of the site and part *E4 Environmental Living* on the eastern portion of the site in accordance with the Land Use Zoning Map attached;
- Amend Wollondilly LEP 2011 **Height of Buildings Map Sheet HOB 006B** to include the western portion of the site within the *9m (J)* height control in accordance with the Height of Buildings Map attached, the height of buildings on the eastern portion of the site to be determined on a merit basis during the development assessment process; and
- Amend Wollondilly LEP 2011 **Lot Size Map Sheet LSZ 006B** to allow for a minimum allotment size of *700m² (Q)* on the western portion of the site and a minimum allotment size of *4ha (Z)* on the eastern portion of the site in accordance with the Lot Size Map attached.

Part 3 – Justification

Section A – Need for the planning proposal

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

This planning proposal is not the result of any strategic study or report.

However, the site was identified in Wollondilly's Growth Management Strategy (GMS) as a 'potential residential growth area' in the structure plan for Silverdale & Warragamba. The GMS is discussed later with regard to this planning proposal (*see Appendix 4*).

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 the planning proposal is the best means of achieving the stipulated objective. The subject area is currently zoned *RU2 Rural Landscape* under WLEP 2011 and any further subdivision of the site is not permissible under the current zone.

Council proposes to rezone the site to part *R2 Low Density Residential* on the western portion of the site, and part *E4 Environmental Living* on the eastern portion of the site.

The proposed *R2 Low Density Residential* zoning is considered to be an appropriate residential density in keeping with the existing housing immediately to the north of the site. The proposed *E4 Environmental Living* zone is considered to be the best way to protect the remnant native vegetation on the eastern portion of the site whilst still allowing for some housing development.

3. Is there a net community benefit?

Overall, the proposal will provide a net community benefit for the following reasons:

- It provides for a logical residential expansion of Silverdale in keeping with Wollondilly's Growth Management Strategy.
- Lot and dwelling sizes are anticipated to be in keeping with existing low density residential development in the south of Silverdale, immediately adjacent to the north of the subject area.
- Has the potential to be connected to Sydney Water's existing water and sewer infrastructure.
- Split zoning of the site provides for both the low density residential expansion of Silverdale and the protection of remnant native vegetation through an environmental living zone.
- Potential to provide both vehicle and pedestrian connectivity to the existing and future residential area.
- The ownership of the subject area by a small number of land owners provides opportunity for development to take a holistic approach with regards to layout and provision of infrastructure and utility services.

The table in Appendix 3 addresses the evaluation criteria for conducting a Net Community Benefit Test within the Draft Centres Policy (2009) as required by the guidelines for preparing a planning proposal.

Section B – Relationship to strategic planning framework

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)?

Silverdale is situated approximately 25km south of Penrith and 40km north of Picton. Silverdale Road is the only road into the township connecting Silverdale to the towns of Werombi, Orangeville, The Oaks and Mowbray Park to its south and Wallacia to its north.

Wollondilly is part of the South-West Subregion of Sydney identified in the Metro Strategy. This subregion has a target of accommodating 55,000 new dwellings within the subregion between 2004 and 2031, being a rate of approximately 2035 new dwellings per annum. The Metro Strategy also identifies a further 15,000 dwellings on Greenfield sites may be accommodated within the South-West Subregion within the same period. It should be noted these dwelling figures are in addition to the 100,000 new dwellings planned for the South-West Growth Centres.

This planning proposal is consistent with the regional and subregional strategies in the following ways:

- It proposes approximately 140 dwellings within Greenfield land in Wollondilly Shire, which will contribute to meeting the subregional target of 15,000 new dwellings by 2031 within the Greenfield land in the subregion (SW Subregional Strategy page 74).
- Proposes residential growth immediately adjoining the existing township of Silverdale (SW Subregional Strategy Action C2.1).
- The subject area offers the opportunity to provide a mix of low density residential and environmental living accommodation to service commuters to Sydney CBD, Canberra, and the Western Sydney Employment Lands (SW Subregional Strategy Action C2.3).
- Will provide housing which is of a smaller lot size than much of the surrounding land which will increase the housing affordability offer within Wollondilly Shire (SW Subregional Strategy Action C4.1).

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

Wollondilly Local Environmental Plan 2011

Wollondilly Local Environmental Plan (WLEP) 2011 was published on 23 February 2011. This proposal aims to rezone the subject site from its current zone of *RU2 Rural Landscape* to part *R2 Low Density Residential* and part *E4 Environmental Living*.

Wollondilly Council's Community Strategic Plan

The planning proposal is consistent with Council's Community Strategic Plan.

Wollondilly Growth Management Strategy 2011

Wollondilly's Growth Management Strategy (GMS) was adopted by Council on 21 February 2011 and identifies the subject area as being a 'potential residential growth area' in the Structure Plan for Silverdale & Warragamba.

The following key characteristics provide the subject area with a strategic capability to deliver residential growth in line with the key policy directions of the GMS:

- Direct proximity and connectivity to the established Silverdale village.
- Size of site can accommodate a range of allotment sizes and dwelling types to accommodate various lifestyle opportunities for future residents.
- The ownership of the site by a small number of land owners provides opportunities for development to take a holistic approach with regard to layout and provision of infrastructure and utility services.

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*).

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*).

Section C - Environmental, social and economic impact

8. 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?

Due to the site's agricultural history, natural vegetation across the site has been substantially cleared. There is an area of remnant native vegetation on the eastern portion of the site and some small natural watercourses cross the site. A flora and fauna investigation will be required to be undertaken to ascertain the ecological significance of this area. An *E4 Environmental Living* zoning has been proposed on the eastern portion of the site to allow for a limited number of 'lifestyle' residential lots whilst providing for the preservation and maintenance of this vegetation.

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

The key additional environmental impacts of the proposal are:

Road network and traffic generation

Construction of all on-site roads will form part of any future development application for residential subdivision and development of the site. Particular attention will need to be given to the subdivision layout and road connections to ensure connectivity between the existing road network and the new access roads to the subject area.

Stormwater

Stormwater will need to be managed to prevent flooding as the natural watercourses which cross the site feed into the Nepean River Catchment a short distance downstream after passing through the existing Silverdale area. Environmentally sensitive urban design principles could be employed to achieve this.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal will have a positive social and economic benefit through:

- Providing a range of residential allotments to support a diverse range of residential lifestyles.
- The subject area's proximity to the established Silverdale area will generate additional demand for existing businesses and services.

The principle industries of employment in Wollondilly Shire are schools and education, road freight transport, and cafes, restaurants and takeaway food services. The new residential population will have a positive impact on these key employment industries (aside from the road freight transport industry), and will generate increased demand for these services.

Section D - State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The property is adequately supported by the following public infrastructure:

- Local bus services running to both Camden/Narellan and Penrith.
- The site is relatively flat and conducive to the creation of a cycle network to the centre of the town.
- Retail and Business Facilities including a supermarket, newsagent, video store, liquor store, real estate agent, cafes / restaurants and a medical centre;
- Regional facilities at Penrith including civic, educational and health related services;
- The Silverdale Progress Hall is located at 1984 Silverdale Road and is available for hire. There are various community and recreation facilities available at Warragamba, including the Town Hall, Pool, Parks, Ovals and Tennis Courts;
- Preschool and Primary school, the nearest High school is located at Glenmore Park; and
- The nearest Police station is at Warragamba.

Sewer and water

Public infrastructure will need to be augmented to support the potential subdivision and subsequent development of the site for residential purposes after the rezoning of the land outlined in this planning proposal. As a minimum, the existing reticulated water and sewer system in the adjoining urban area will need to be extended to service the site. Liaison will need to occur with Sydney Water to determine the extent of the augmentation required.

Stormwater

Stormwater can be directed to natural watercourses through the application of water sensitive urban design principles in a manner sensitive to the location of the site at the head of the catchment. This may require land to be dedicated to Council as part of the development process for ongoing care and maintenance and will require Council input at the environmental study stage to prepare conceptual development controls for the site if any additional are deemed necessary.

Road network

Development of the land as proposed will require the construction and ultimate dedication to Council of a road network. Such network can readily be integrate into the existing network and will improve safety of access to Silverdale Road. Reticulated electricity, telecommunications facilities and gas will also be provided as service infrastructure.

Community infrastructure

Provision of public infrastructure, including community infrastructure, will involve relevant contributions pursuant to Section 94 of the Environmental Planning & Assessment Act (EP&A Act) 1979 and / or a Voluntary Planning Agreement. The extent of the contributions will be determined in response to more detailed studies as the Gateway process progresses.

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

A Gateway determination has not yet been issued. However feedback was provided by both Sydney Catchment Authority and Sydney Water were consulted as adjoining landowners during Council's Preliminary Community Notification period, they provided the following feedback:

Sydney Catchment Authority

The subject site is adjacent to but not within the Sydney Drinking Water Catchment and the Schedule 2 Warragamba Special Area. This being the case, the requirements under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and s117 local planning Direction 5.2 do not apply to the land. Silverdale Road is the border between the Sydney Catchment Authority's land within the catchment and the subject site.

The Sydney Catchment Authority states that they have generally no concerns with the rezoning of the subject site and notes that the land is relatively flat draining west to east away from the catchment lands.

Sydney Water

- **Water** – there are existing 100mm watermains located in Silverdale and St Heliers Roads adjacent to the site. Extensions and amplifications to the system may be required to service the future development on the site. Submitted designs will need to be configured to meet the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and evidence of compliance will need to be attached to the design. Sydney Water will specify detailed requirements to service the development during the Section 73 application phase.
- **Wastewater** – Sydney Water advises that the trunk infrastructure servicing the site, including Sewerage Pumping Station 1135 (SP01135) and the Wallacia Wastewater Treatment Plant have the capacity to accommodate development on the site. They note however that the local reticulation system has no spare capacity and wastewater modelling will need to be undertaken to determine the amplifications required. Again, Sydney Water will specify detailed requirements to service the development during the Section 73 application phase.
- **Servicing** – further assessment will be undertaken by Sydney Water at the development stage when the developer applies for a Section 73 Certificate. Sydney Water will then specify any works required as a result of future development and assess whether amplification or changes are required to the system. Any adjustments needed to Sydney Water's infrastructure will need to be funded by the developer.

A Water Servicing Coordinator should be engaged by the developer to attain a Section 73 Certificate and manage the servicing aspects of development. The Water Servicing Coordinator will also ensure that submitted designs are sized and configured according to the Water Supply Code of Australia (Sydney Water Edition WSA 03-2002) and the Sewerage Code of Australia (Sydney Water Edition WSA 02-2002).

Further Consultation with Government Departments & Agencies

Further consultation is needed with the Department of Planning & Infrastructure (DP&I), the Office of Environment & Heritage (OEH) and other government departments and agencies on the planning proposal. It is considered that should the proposal be supported the Gateway determination will outline further consultation requirements with the DP&I, OEH and any other relevant government agencies.

Part 4 – Community Consultation

Public Exhibition

This planning proposal requires consideration of key infrastructure servicing for subject site, particularly with regards to sewerage and water utility servicing, and additions and upgrades to the existing road network. On this basis and the site context, the planning proposal does not fall within the definition of *low impact planning proposals*, and therefore be a type of proposal requiring exhibition for a minimum of 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.

Preliminary Community Notification

Council undertook a period of Preliminary Community Notification for this planning proposal from 13 January to 3 February 2012. This notification period is a non-statutory process undertaken by council to get feedback from properties which adjoin or are in close proximity to a site the subject of a planning proposal or development application.

During this preliminary notification period Council received seventy three (73) submissions. Of these submissions three (3) showed support, sixty one (61) were opposed to the proposal in its original form and nine (9) were neutral.

A copy of a letter which is thought to have been widely distributed throughout the Silverdale and Warragamba area was submitted to Council. This letter contained inaccuracies and it appears that this misleading information may have influenced public opinion.

Below is a brief summary of the issues raised during the preliminary notification period:

Roads & Traffic

The majority of submissions raised concerns over the state of repair of Silverdale Road and the local road network in Silverdale and the need for upgrade works and road widening to be undertaken. A number of respondents raised concerns over road safety, including black spots and the need for a greater Police presence in the area to deter speeding and dangerous driving.

A number of submissions suggested that there needed to be construction of additional roads into Silverdale to take pressure off Silverdale Road and Baines Hill which can block access to the town and hold up traffic for many hours if there is an accident. Concerns were also raised regarding road congestion in the area if the population were to increase as well as the fact that Silverdale is isolated and around 25 minutes from any major centre.

Environment & Biodiversity

Concerns were raised about potential development on the site impacting on the native flora and fauna of the area. These concerns ranged from loss of animal habitat and endangered plant species to the impact of development on stormwater run-off and the potential for flooding. Many submissions suggested that the remaining native vegetation at the eastern

end of the site needed to be retained both for animal habitat and for the recreation of residents. Whilst others suggested that the removal of the farm dams on the site could damage the water catchment and lead to flooding.

Rural Character

A number of submissions raised concerns about the impacts on the 'rural living' character of the Silverdale area of further residential development. These concerns regarded the impacts caused by increased population and that the size and scale of the development was too large for the fringe of the town. Many submissions raised concerns that the density of the proposed R2 zoning was too high. Concerns were also raised about the loss of rural landscape and amenity and the noise from increased traffic.

Infrastructure and Services

A number of submissions raised concerns about the lack of infrastructure in the area, including sewer, water, electricity and phone/internet services, and the ability of the existing infrastructure to cope. Concerns were raised over the lack of shops in the local area and the need to travel outside the area for shopping.

Many submissions were also concerned about the lack of footpaths and cycleways in the area as well as the lack of schools, doctors, community, recreation and sports facilities and the need for more public transport services throughout the area.

Planning Concerns

Planning concerns raised ranged from the ability of the area to support further population increase, the impact of further low density development on existing residents' property values. Concerns were raised about the lot sizes and housing density of the proposed rezoning, many submissions suggested that a lower density zone and larger lot size – such as an R5 Large Lot Residential zone with a minimum lot size of 4000m² would be more appropriate.

The risks of bushfire and flooding were raised and the potential for development eventuating from this rezoning and the increased population this would bring to impact on the safety of existing and future residents in an emergency situation. Questions were raised as to the need for further low density residential housing in Silverdale. The rezoned old African Lion Safari Park site has the potential to provide an additional 420 homes if developed.

A number of submissions believed that the draft planning proposal was in conflict with Council's GMS and believed that development resulting from the rezoning could provide half the growth forecast for Warragamba and Silverdale by 2036 and could outpace the growth provisions in the GMS.

Many submissions believed that there was little need for further low density residential development and that an increase in population could lead to an increase in crime. Almost a third of responses expressed concerns that further suburban density housing and related population growth in the area would lead to Silverdale becoming the next Glenmore Park, Mt Annan or St Clair.

Additional criteria under 'A guide to preparing local environmental plans'

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The planning proposal does not include the extinguishment of any interests in the land.

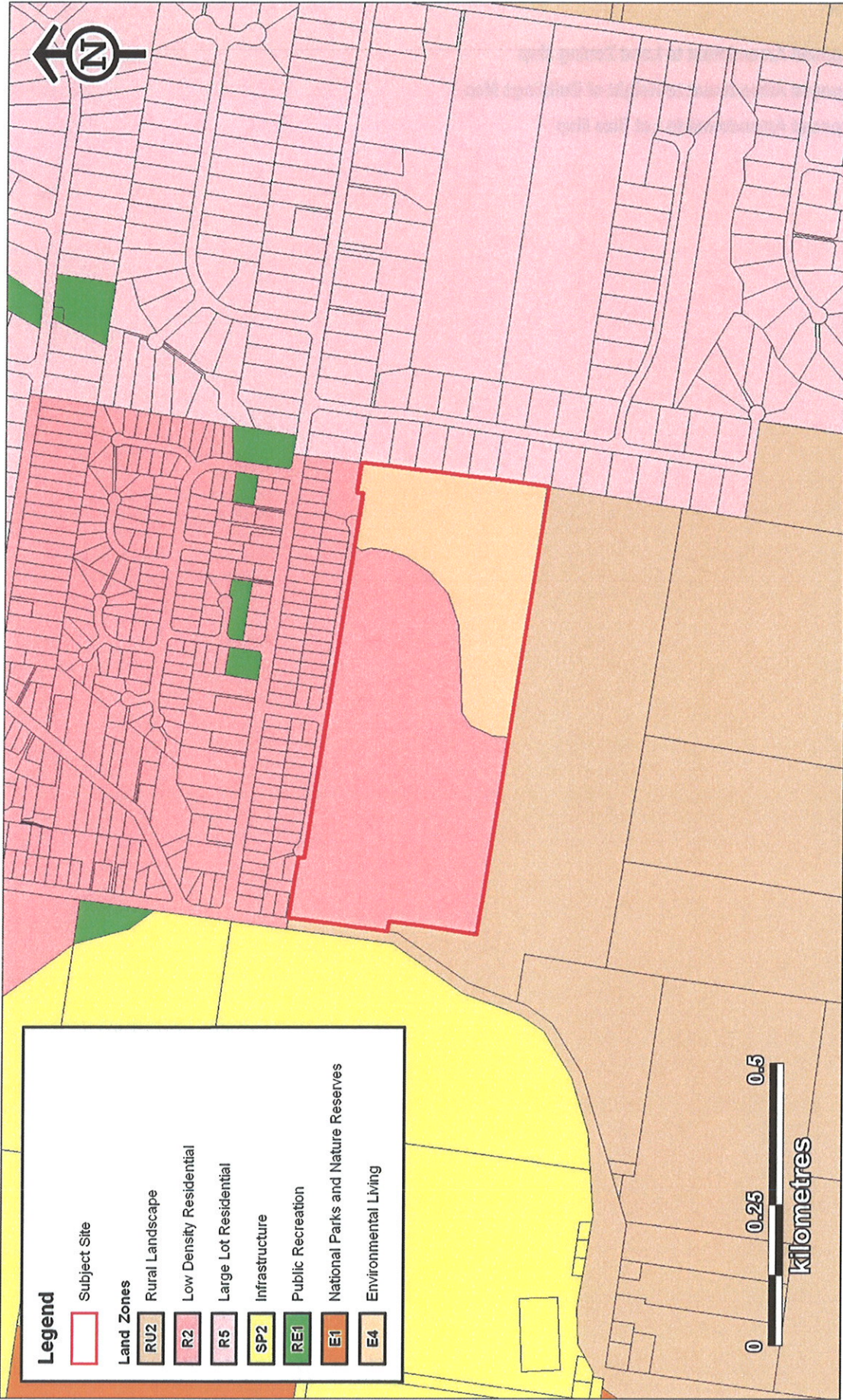
The concurrence of the landowner, where the land is not owned by the relevant planning authority

Lot 300 DP 1076326 and Lot 43 DP 236542 are owned by M. Previch who initiated the planning proposal. Lot 44 DP 236542 is owned by B. N. Fowler Pty Ltd and Lot 45 DP 236542 is owned by R. B. and M. E. Fowler who have given their concurrence to join the proposal.

Maps

- 1. Proposed Amendment to Land Zoning Map**
- 2. Proposed Amendment to Height of Buildings Map**
- 3. Proposed Amendment to Lot Size Map**

Map 1 – Proposed Amendment to Land Zoning Map



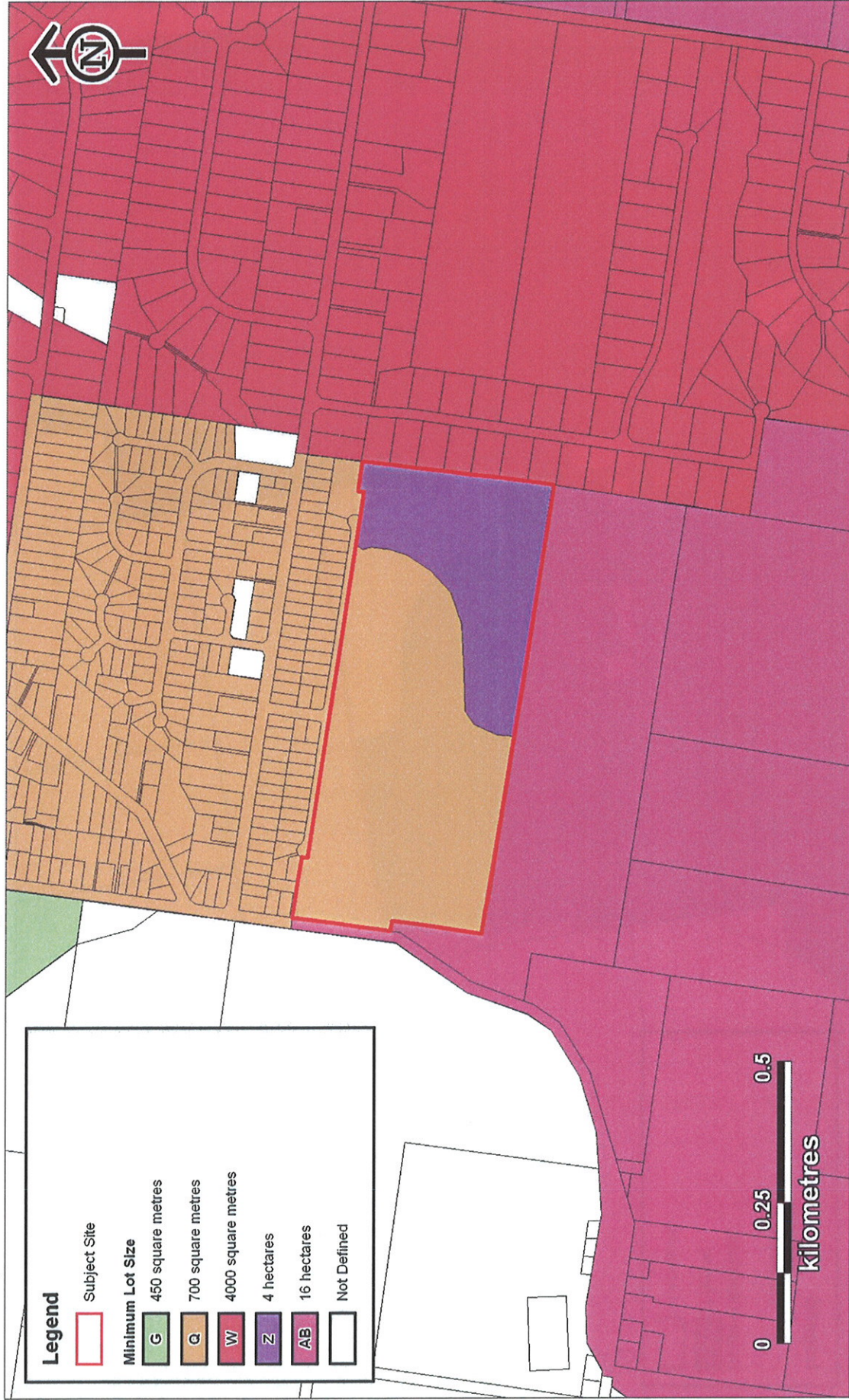
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Map 2 – Proposed Amendment to Height of Buildings Map



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Map 3 – Proposed Amendment to Lot Size Map



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Appendices

1. Compliance with SEPPs

Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

2. Assessment against Section 117(2) Directions

Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

3. Net Community Benefit Test

Table indicating compliance with the Net Community Benefit Test within the Draft Centres Policy (2009).

4. Assessment against Wollondilly GMS

Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011.

Appendix 1 – Compliance with SEPPs

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
4	Development Without Consent and Miscellaneous Complying Development	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
6	Number of Storeys in a Building	Yes	The Planning Proposal will use the Standard Instrument to control building height.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	N/A	
22	Shops and Commercial Premises	N/A	
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal will not contain provisions that will contradict or will hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	N/A	
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
50	Canal Estates	N/A	
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	N/A	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	N/A	Assessment of the site for potential contamination will need to be undertaken in accordance with this SEPP and DP&I Guidelines.
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	N/A	
62	Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	N/A	
65	Design Quality of Residential Flat Development	N/A	

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	N/A	
	SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal will not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	N/A	
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
	SEPP (Temporary Structures) 2007	N/A	
	SEPP (Infrastructure) 2007	Yes	The proposal has considered the relevant parts of SEPP (Infrastructure) 2007, namely traffic generating developments and will need to be referred to Roads & Maritime Services (RMS) as the development process continues.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	
20	Hawkesbury-Nepean River (No 2 - 1997)	Yes	This proposal is consistent with this SREP.
27	Wollondilly Regional Open Space	N/A	Repealed 26/06/2009.
1	Drinking Water Catchments Regional Environmental Plan No 1	N/A	Subject lands are not located within the jurisdiction of REP No. 1.

Appendix 2 – Assessment against Section 117(2) Directions

The table below assesses the planning proposal against Section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	N/A	N/A	Direction does not apply.
1.2 Rural Zones	Yes	No	Although the planning proposal is not consistent with this direction, the subject site is no longer being used for a viable agricultural purpose due to land use conflict with the adjoining low density residential land to its north. The subject site was also identified in Council's GMS as being a 'potential residential growth area.'
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A	Direction does not apply.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	N/A	N/A	Not applicable in the Shire of Wollondilly.
2. Environment and Heritage			
2.1 Environmental Protection Zones	Yes	Yes	There is remnant native vegetation on the eastern portion of the site which is proposed to be zoned <i>E4 Environmental Living</i> to allow for the provision of 'lifestyle' lots whilst providing for the protection of this vegetation. An environmental study will need to be undertaken to ascertain the environmental protection values of this vegetation and appropriate controls will need to be placed on future development on this part of the site.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	N/A	N/A	Direction does not apply.
2.4 Recreation Vehicle Area	N/A	N/A	Direction does not apply.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Yes	Yes	The planning proposal aims to provide some variety in housing types through the rezoning of the subject land to allow for both <i>R2 Low Density Residential</i> lots on the cleared eastern portion of the site and <i>E4 Environmental Living</i> lots on the western part of the site which contains remnant native vegetation. Access to existing infrastructure and services will be ascertained through consultation with the appropriate infrastructure agencies. The planning proposal seeks to minimise the impact of the rezoning of the land on the environment by the use of appropriate zonings as noted above.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	Direction does not apply.
3.3 Home Occupations	Yes	Yes	Home Occupations are permitted without consent in both R2 and E4 zones under WLEP 2011.
3.4 Integrating Land Use and Transport	Yes	Yes	The site is relatively flat and could incorporate walking or cycling tracks to connect with local public transport services and businesses.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	N/A	N/A	Direction does not apply. The subject site is not within a proclaimed mine subsidence area.
4.3 Flood Prone Land	N/A	N/A	Direction does not apply. The subject land is not identified by Council as being flood prone.
4.4 Planning for Bushfire Protection	Yes	Yes	The site is identified as being partially bushfire prone in Council's mapping. Consultation will need to occur with the NSW Rural Fire Service (RFS) to ascertain appropriate controls and Asset Protection Zones (APZ) for future development on the site.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	N/A	N/A	Direction does not apply. Although the subject site is in close proximity to the Sydney Drinking Water Catchment it is not within the Catchment, nor does it drain into the Catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply.
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.

Ministerial Direction		Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
6.2	Reserving Land for Public Purposes	N/A	N/A	Direction does not apply.
6.3	Site Specific Provisions	N/A	N/A	Direction does not apply.
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

Appendix 3 – Net Community Benefit Test

The following table addresses the evaluation criteria for conducting a “net community benefit test” within the Draft Centres Policy (2009) as required by the guidelines for preparing a planning proposal:

Evaluation Criteria	Yes/ No	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The proposal is compatible with the Metropolitan Strategy and Draft South West subregional Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No	The site is however within a growth area identified within Council's GMS.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	The proposal is unlikely to create a precedent within the locality. The site adjoins an existing recently developed residential area. Council's GMS identifies the site as an area of potential future residential expansion.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	Silverdale is a relatively contained village, there has been little uncontrolled growth in the area in recent years.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No	The site is not zoned to facilitate employment nor will it result in a loss of employment land.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes	The proposal will contribute towards the supply of residential land in the Silverdale area and has the potential to positively impact on housing affordability.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Yes	Silverdale Road is a main road which runs past the western end of the site. There is a bus stop approximately 200m from the site and there are services to both Camden/Narellan and Penrith. The site is relatively flat and conducive to the creation of a cycle network to the centre of the town.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No	The proposal is consistent with the desired future residential growth of Silverdale as outlined in Council's GMS. Bus services are available to the major centres to the north (Penrith) and south (Campbelltown – via Camden/Narellan). Local needs can be serviced within the Silverdale / Warragamba area.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	The proposal will not adversely impact on the infrastructure and or services in the area.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	There is some remnant vegetation on the site which it is proposed to zone <i>E4 Environmental Living</i> to allow for its protection and maintenance. There land is not mapped as being on a flood plain in Council's mapping, however there is the potential for minor flooding in the area due to local runoff during heavy rain.

Evaluation Criteria	Yes/ No	Comment
Will the LEP be compatible / complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The proposal is compatible with adjoining land uses. The land directly to the north of the site is zoned <i>R2 Low Density Residential</i>, development of this site for similar housing stock is a logical progression. Enhancements to the streetscape and improvements to the surrounding road network will be needed to improve the public domain.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No	The proposal is to rezone the land to allow for residential development. The increased population could provide a larger customer base for the local business community, which could lead to a greater variety of shops and increased competition.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No	The proposal does not have the potential to develop into a centre.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?		Council's GMS identifies a demand for additional housing in the Silverdale / Warragamba area. Not proceeding with the proposal would cause a significant delay in the provision of additional housing for the area.

Appendix 4 – Assessment against Wollondilly GMS

Wollondilly Growth Management Strategy (GMS) was adopted by Council in February 2011 and sets directions for accommodating growth in the Shire for the next 25 years. All planning proposals which are submitted to Council are required to be assessed against the Key Policy Directions within the GMS to determine whether they should or should not proceed.

The following table sets out the planning proposal's compliance with relevant Key Policy Directions within the GMS:

Key Policy Direction	Comment
General Policies	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The proposal, as amended, meets all the Key Policy Directions and Assessment Criteria contained within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	The proposal is generally consistent with the concept and vision of 'Rural Living'.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Feedback received during the preliminary community consultation period led to suggested amendments to the planning proposal, including an <i>R5 Large Lot Residential</i> for those parts of the site which were not constrained by significant native vegetation and an <i>appropriate environmental protection zoning</i> at the eastern end of the site to protect the remnant vegetation (potentially Shale Sandstone Transition Forest) found there. After consideration, Council decided to support a different amendment to the proposal, being part <i>R2 Low Density Residential</i> on the western portion of the site, in keeping with the housing density directly to the north and an <i>E4 Environmental Living</i> zoning on the eastern portion of the site to allow for the protection of the remnant vegetation. The exact boundaries of these proposed zones should be informed through specialist studies and consultation with government departments and agencies as the Gateway process progresses. It is also considered that 2046 & 2050 Silverdale Road (Lots 44 & 45 DP 236542) should be included in the proposal and zoned <i>R2</i> so as to avoid leaving a small area of rural zoned land surrounded by residential development. The proposed zoning as amended is shown in <i>Map 1 – Proposed Amendment to Land Zoning Map</i>.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	During the preliminary consultation period a number of residents raised concerns that their property value may be impacted on by this rezoning. This is not however a relevant planning consideration and has not influenced the drafting of this planning proposal.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)	The proposal represents a logical rezoning of the subject site for residential purposes in keeping with adjoining land uses. The conservation and enhancement of natural systems is necessary. Existing infrastructure will need to be upgraded.

Key Policy Direction	Comment
Housing Policies	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	The proposal contributes toward Council's dwelling target for Silverdale outlined in the GMS. The Structure Plan for Silverdale & Warragamba includes the subject land as a 'potential residential growth area.'
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	As amended the planning proposal would allow for the provision of <i>R2 Low Density Residential</i> and <i>E4 Environmental Living</i> housing. A site specific DCP could further control the mix of lots sizes.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	The proposed <i>R2 Low Density Residential</i> zoning will provide for a density of housing in keeping with the low density residential housing immediately to the north of the site. The proposed <i>E4 Environmental Living</i> zoning at the eastern end of the site would allow for the protection of the remnant vegetation on the site.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The site is located immediately to the south of the existing Silverdale residential area.
Macarthur South Policies	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this Planning Proposal. The subject land is not with the Macarthur South area.	Not applicable to this planning proposal.
Employment Policies	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes	The proposal will create short-term employment opportunities through the construction jobs associated with the civil and building works, and will provide stimulus to the local economy by boosting population.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	The site is not zoned to facilitate further employment opportunities. The loss of agricultural land and the related employment is unfortunate but the business is not in a long term sustainable location given its proximity to residential lands. Modest opportunities exist for home business and tradesman residency.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	It is considered that the planning proposal as amended would not put an unnecessary burden on Council. Road widening and upgrades are needed to support the development, especially along Silverdale Road. Developer contributions payable at the development application stage will be required to fund the necessary local infrastructure required. Likely state and regional infrastructure demands will be assessed by relevant agencies post Gateway determination.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The proposal is located directly adjacent to the southern edge of the existing Silverdale residential area.

Key Policy Direction	Comment
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal does not contribute toward dispersed population growth; it proposes urban growth adjacent to the existing Silverdale residential area.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The site is identified as being a potential residential growth area on the Silverdale & Warragamba Structure Plan in the GMS. The proposal contributes toward Council's dwelling target for Silverdale identified in the GMS.
Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The subject land is located directly adjacent to, but not within, the Sydney Drinking Water Catchment. Although it is outside the catchment area it should still be a priority to sewer the subject land. As amended the proposal should not result in any adverse environmental impacts. The remnant Shale Sandstone Transition Forest on the site should be retained and any vegetation cleared to support future development on the site will need to be offset.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	Key Policy Direction P22 is not applicable to this proposal.



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