

Planning Services

Gateway Determination Report

LGA	Wollondilly
RPA	Wollondilly Shire Council
NAME	2471 Silverdale Road (1 Dwelling, 0 Jobs)
NUMBER	PP_2017_WOLLY_003_00
LEP TO BE AMENDED	Wollondilly LEP 2011
ADDRESS	2471 Silverdale Road, Silverdale
DESCRIPTION	Lot 43 DP1126346
RECEIVED	6 October 2017
FILE NO.	17/14053
QA NUMBER	qA419976
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required OR a political donation disclosure statement has been provided
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal OR include details of meetings or communications with registered lobbyists.

INTRODUCTION

Description of Planning Proposal

The planning proposal (**Attachment A**) seeks to rezone land and to amend the minimum lots size for a 11.2ha site that is no longer required by Water NSW.

Site Description

The site is located 2471 Silverdale Road, Silverdale (Lot 43 DP1126346). Zoned SP2 Infrastructure (Water Supply System). The site is predominately flat, sloping towards the western boundary. Approximately 40% of the site fronting Silverdale road is cleared containing an abandoned dwelling, the remaining 60% is vegetated.

Surrounding Area

Figure 1 (over) shows the site is predominately surrounded by RU2 Rural Landscape Zone characterised by single dwellings on large lots. The land zoned SP2 Infrastructure (Water Supply System) is under ownership by Water NSW.

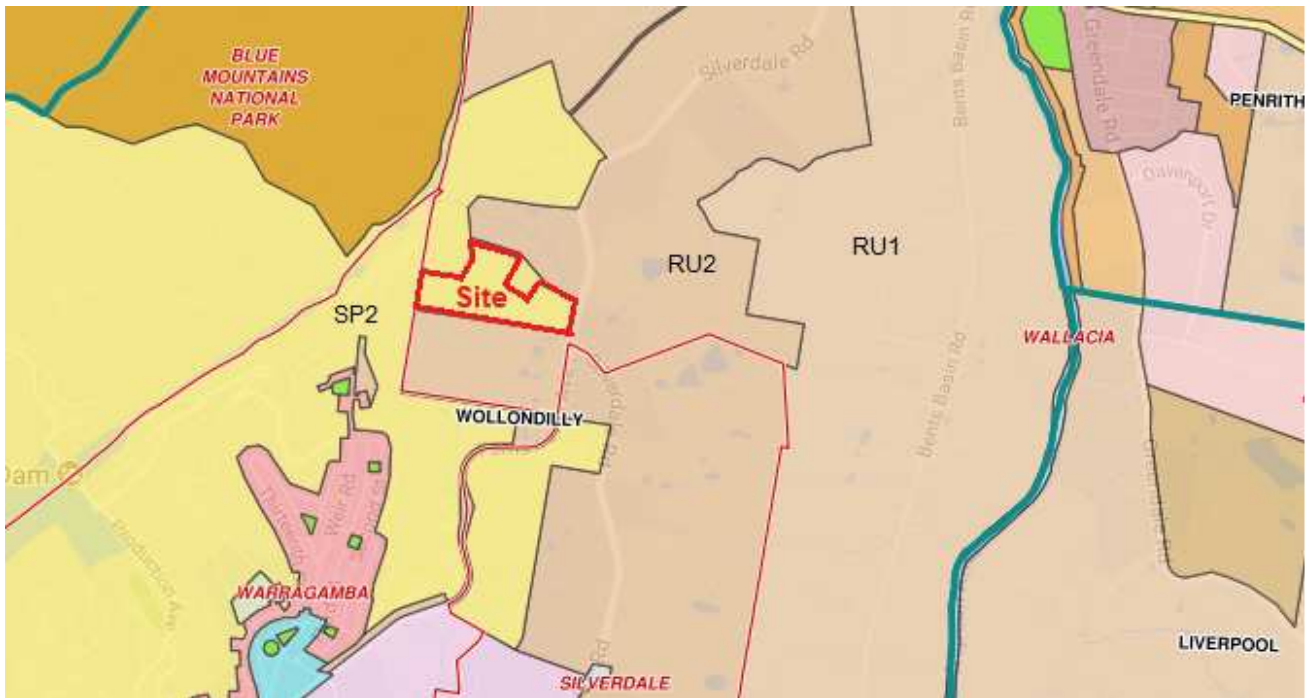


Figure 1: Land Zone

The site is an irregular shape with a side road running along the northern boundary leading to an Endeavour Energy electrical sub-station and Water NSW chlorination plant.



Summary of Recommendation

Proceed to Gateway with conditions.

PROPOSAL

Objectives or Intended Outcomes

The planning proposal states the objective is to rezone with land so that the site can be used for environmental management purposes and sold for private ownership.

Explanation of Provisions

The planning proposal seeks to amend the following Wollondilly Local Environmental Plan 2011 (LEP 2011) to:

- rezone the land from SP2 Infrastructure to E3 Environmental Management; and
- introduce a minimum lot size of 10ha.

Mapping

The mapping needs to be updated to reflect A Guide to Preparing Planning Proposal, and include a minimum lot size map prior to public exhibition.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of a specific study.

The land is no longer required by Water NSW and it is the intention for the land to be sold. A draft planning proposal was submitted to Council on 15 February 2017 requesting to amend planning control to reflect neighbouring lots, being:

- RU2 Rural Landscape; and a
- Minimum Lot Size of 16ha.

On 19 June 2017, Council resolved to prepare a planning proposal to:

- amend this land zone to E3; and
- impose a minimum lot size of 10ha.

The Council report (**Attachment F**) states that an E3 Environmental Management zone is preferred over a RU2 Rural Landscape zone due to environmental sensitivities. However, more evidence is needed to verify the environmental sensitivities and demonstrate the most appropriate land zone. This is discussed in more detail in the Site Specific Assessment below.

The Council Report also states that there is currently no 10ha provision available under the LEP standard mapping template, and that the closest available provision being 7ha would be satisfactory as it would permit only one dwelling and prevent subdivision of the site.

A planning proposal is the best means for achieving the intended outcomes.

STRATEGIC ASSESSMENT

State

The planning proposal is considered to be consistent with *A Plan for a Growing Sydney and Towards Our Greater Sydney 2056*, aligning with housing, liability and environmental directions.

Regional / District

The planning proposal is consistent with the *Draft South West Central District Plan* Sustainability Priorities:

- No.3 – avoid and minimise impacts on Biodiversity; and
- No.7 – consider environmental, social and economic values when planning for the Metropolitan Rural Area.

Local

The planning proposal is consistent with key policy directions and assessment criteria within the Wollondilly Growth Management Strategy (2011).

Wollondilly LEP 2015

The site is not identified as containing special ecological, scientific, cultural or aesthetic values, and therefore does not align with the objectives of the E3 Environmental Management zone.

It is recommended that the planning proposal be updated to provide adequate justification for the proposed land zone. This is discussed in more detail in the Site Specific Assessment below.

Section 117(2) Ministerial Directions

The planning proposal is consistent with all 117 Directions.

State Environmental Planning Policies

SEPP 44 – Koala Habitat Protection

Council Environmental Team have advised of Koala siting's in the area and the planning proposal recommends that a Flora and Fauna study is undertaken to clarify if the site contains Koala habitat.

SEPP 55 – Remediation of Land

Council have indicated that the current land use and SP2 Infrastructure zone permits activities identified within the Contaminated Land Planning Guidelines. This includes permitting chemical storage on site. The planning proposal indicates there is incomplete knowledge of previous land use activities undertaken on the site.

It is recommended that a Preliminary Site Investigation be conducted, in accordance with clause 6 - contamination and remediation, as a condition of the Gateway determination.

SITE SPECIFIC ASSESSMENT

Environmental

Water Contamination

Megarity's Creek runs along the rear boundary of the site and acts as a tributary to the nearby Warragamba River. Council have noted that the planning proposal indicates that a RU2 zone permits high intensity agriculture and that any future large scale agricultural use on the site may result in a water quality impact. However, it is considered that this could be adequately managed under the Protection of the Environment Operations Act 1997.

Water NSW states have stated that the site is not within the Drinking Water Catchment boundary area.

Environmental Sensitivities

The planning proposal indicates that there may be Shale Sandstone Transition Forest and Koala habitat on the site, which are considered environmental sensitivities and protected under the Environment Protection and Biodiversity Conservation Act 1999, and Biodiversity Conservation Act 2016. Therefore, a Flora and Fauna Study is required to assist in determining whether there are environmental sensitivities on site and to attribute the most appropriate land zone.

It is noted that the land surrounding the site is predominately RU2 Rural Landscape and that the objective of the zone is to encourage sustainable primary industry production by maintaining and enhancing the natural resource base, and maintain the rural landscape character of the land. Also, to provide areas where the density of development is limited in order to maintain a separation between urban areas, and provide for a range of compatible land uses, including extensive agriculture. It is considered that the site meets the objectives of this zone.

Practice Note Environmental Protection PN 09–002 (**Attachment G**) states that land zoned RU2 that contains environmental sensitivities can be managed through a local provision and associated overlay map, in this case that would be the Wollondilly LEP 2011, Natural Resources - Biodiversity Map - Sheet NRB_006A.

The planning proposal prefers an E3 Environmental Management zone for the site. The objectives of the E3 zone is to protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. Also, to maintain existing significant stands of native vegetation and wildlife corridors. It is considered that further evidence is required, through a Flora and Fauna Study, to meet the objectives of this zone.

It is recommended that a Flora and Fauna Study be conducted as a condition of a Gateway determination to:

- understand if the site contains environmentally sensitivity land, and if so is mapped in the Natural Resources - Biodiversity Map; and
- to attribute to most appropriate land zone.

Land Use Conflict Assessment

Endeavour Energy own the neighbouring electricity sub station. Endeavour Energy raised potential issues regarding Electric Magnetic Field Limits and noise from the substation, in relation to the potential rebuilding of the abandoned dwelling on the site. The planning proposal requests a Land Use Conflict Assessment for the site to best manage this potential issue. However, this consideration is in relation to the location of a dwelling on the site and therefore it is considered more appropriate to conduct the assessment during a development application process.

CONSULTATION

Community

A 14 day community consultation period is proposed

Agencies

It is considered appropriate that Endeavour Energy be consulted.

TIMEFRAME

The timeframe for completing the LEP is to be 9 months following the date of the Gateway determination.

DELEGATION

Council has requested delegation of the plan making function in relation to this planning proposal and it is recommended that delegation be given.

CONCLUSION

It is recommended that the planning proposal be supported to proceed, and that a Gateway determination be issued with conditions.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
 - (a) reflect the findings of a Flora and Fauna Study, and Preliminary Site Inspection;
 - (b) attribute the appropriate land zone;
 - (c) identify a minimum lot size of 7ha; and
 - (d) provide associated mapping.

A copy of the revised planning proposal and supporting documents is to be submitted to the Department for endorsement.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the Endeavor Energy under section 56(2)(d) of the Act. Endeavor Energy is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 9 months following the date of the Gateway determination.



25/10/17

Catherine Van Laeren
Director, Sydney Region West

Contact Officer: Stuart McIntosh
Planning Officer, Sydney Region West
Phone: 9860 1551

