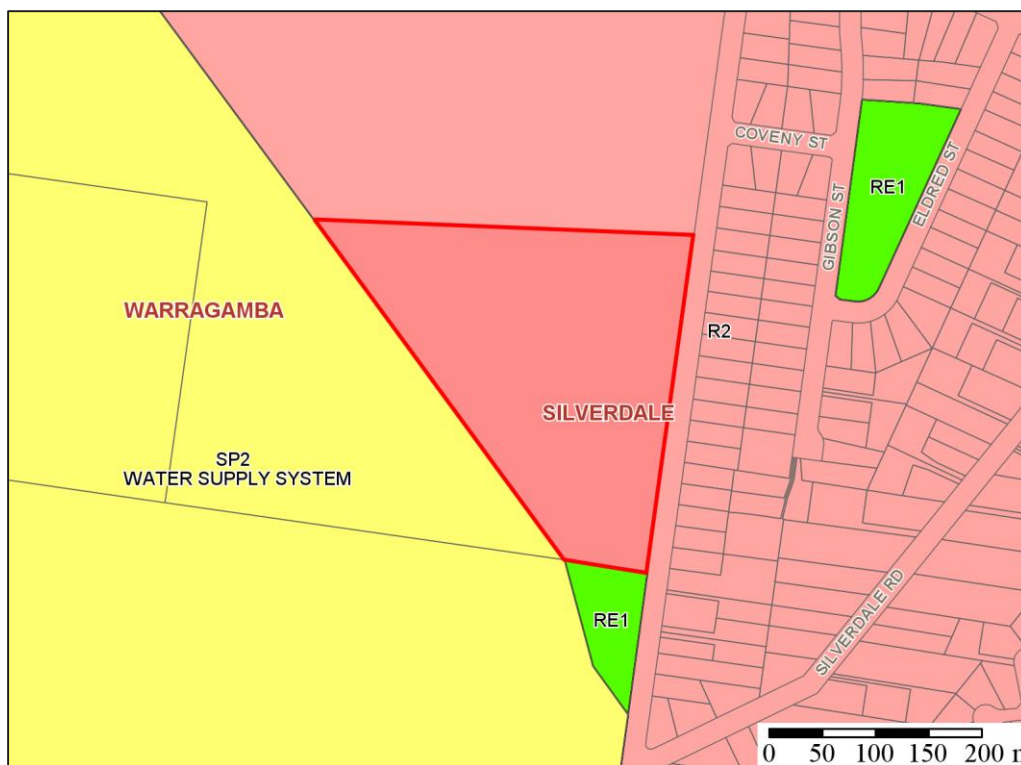


**GR6 – Development Application No. 010.2015.00000434.001 – 65 Marsh Road, Silverdale**

GR6

**Development Application No. 010.2015.00000434.001 for Demolition of Existing Structures, Bulk Earthworks, Remediation of Land, Staged Residential Subdivision to create 79 Lots, 2 Residue Lots, Drainage Infrastructure and Landscape Works – 65 Marsh Road, Silverdale**  
 278265 010.2015.0000434.001

Growth



LOCATION & ZONING MAP N

**DEVELOPMENT INFORMATION**

<b>Development Application No:</b>	010.2015.434.001
<b>Property Details:</b>	65 Marsh Road Silverdale (Lot: 2 DP: 588912)
<b>Applicant:</b>	Hill View Property Development Pty Ltd
<b>Owner:</b>	Hill View Property Development Pty Ltd
<b>Proposal Details:</b>	Demolition of existing structures, bulk earthworks, remediation of land, staged residential subdivision to create 79 lots, 2 residue lots, drainage infrastructure, and landscape works.
<b>Zone:</b>	Wollondilly Local Environmental Plan 2011 - R2 Residential Low Density Residential

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**EXECUTIVE SUMMARY**

- Consent is sought for the demolition of existing structures, bulk earthworks, remediation of land, staged residential subdivision to create 79 lots, 2 residue lots, drainage infrastructure and landscape works at 65 Marsh Road, Silverdale.
- A total of sixty seven (67) submissions were received.
- The application has been 'called up' by Council for determination.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- A separate Development Application 010.2017.00000668.001 for exactly the same development has been lodged on this site. That application will be referred to Council (or an IHAP) for consideration once the assessment phase is completed.
- It is recommended that the application be approved under delegation once a revised Voluntary Planning Agreement is negotiated.
- That the application be determined under Delegation following action by the applicant of the matters identified in this report.

**REPORT**

**BACKGROUND**

The subject site is rural land that was previously the location of a well known theme park/outdoor recreation facility known as the African Safari Park. The neighbouring African Lion Safari Park was closed after the 2001 bushfires and subsequently the subject site and adjoining land were rezoned for urban development by Amendment 71 to Wollondilly Local Environmental Plan 1991 (WLEP 1991) which was gazetted on 23 February 2007. The site was then zoned primarily 2(a) Residential A and 7(e) Environmental Protection (Ecological Significance).

Following the exhibition of the draft LEP Amendment the (then) developer and the Minister of Planning entered into a voluntary planning agreement (VPA) to deliver State infrastructure. The (then) developer also entered into a Voluntary Planning Agreement (VPA) with Wollondilly Shire Council. The existing State VPA and VPA with Council are reviewed later in this report.

The Wollondilly Local Environmental Plan 2011 (WLEP 2011) commenced on 23 February 2011 by publication on the legislation website. The plan confirmed the urban zoning as R2 Residential Low Density. The Lot Size Map shows a minimum lot size of 450m<sup>2</sup> applying to the R2 zoned land on this site.

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Before final approval can be given to the proposal an existing Planning Agreement applying to the site will need to be discharged and a new Planning Agreement entered into. The negotiations relating to this Planning Agreement are ongoing and likely to be finalised early in 2018.

**CONSULTATION**

The development application has been referred to the following internal and external referral bodies:

Internal Referrals	Response
Building surveyor	No objection subject to conditions
Development Engineer	No objection subject to conditions
Environment Officer	No objection subject to conditions
Property	The proposal was reported to the property panel and found to be satisfactory subject to a new VPA including dedication of land covering future maintenance of infrastructure.
Development Contributions	There is an existing VPA on this site (Lot 2-Hillview) and the adjoining lot (Lot 1-Simba).  Before any new development application can be determined (by any consent authority) a revised VPA would be required.  Negotiation are incomplete.

External Referrals	Response
RMS	Referral to the RMS was not required as the proposed development is for 79 lots only.
Endeavour Energy	5 April 2016, general comments provided. No objection raised to the proposed development subject to conditions.
Department of Primary Industries - Water	There are no mapped watercourses located on this site or within 40m of the proposed development.
RFS	Bushfire Safety Authority issued on 6 April 2016 issued under s100b of the Rural Fires Act 1997.

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External Referrals	Response
Water NSW (ex Sydney Catchment Authority)	In August 2015, concurrence was granted to the proposed development by Water NSW subject to the recommended conditions which are attached in Schedule 1.
Department of Planning and Environment	A notice of Satisfactory Arrangements has been issued by the Department of Planning and Environment on 9 February 2017. This Planning Agreement requires a contribution of \$9,145 per residential allotment.
Sydney Water	1 April 2016 Sydney Water has raised no objection to the application. Water, wastewater and connection options have been provided.

Growth

**1.1 DESCRIPTION OF SITE AND SURROUNDING AREA**

The site is located on the north-western edge of the township of Silverdale and the south eastern extent of the township of Warragamba.

The land is legally identified as Lot: 2 in DP: 588912 and described as No. 65 Marsh Road Silverdale (subject site) as shown below in Figure 1. The subject site is a triangular shaped parcel of land with frontages of 177m to Marsh Road and has a total land area of approximately 6.75 hectares.



Figure 1: Aerial Imagery (Source - SixMaps 15/11/17)

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The site is situated on the lower eastern slopes of a hill. The ground surface slopes gently from the west to the east approximately 12m. The site lies at elevations between 190m and 178m above Australian Height Datum (AHD). The western site boundary is adjacent to the Warragamba Dam Catchment managed by Water New South Wales (ex Sydney Catchment Authority). The site is within the Megarittys Creek Catchment. This catchment drains to Megarittys Creek located east of the site. Megarittys Creek drains into the Warragamba River downstream of the Warragamba dam located to north-west of the site.

There are some pockets of vegetation remaining on the site. The vegetation is identified as Narrow-leaved Ironbark and Grey Gum open forest. The applicant's flora surveys have been undertaken which reveal that the site does not contain threatened flora species. However, fauna surveys of the site show that Cumberland Plain Land Snails are located on the site and this snail is listed as endangered under the Threatened Species Conservation Act (TSC) but it is not listed under the Environmental Protection Biodiversity Act (EPBC).

A Biodiversity Assessment Report has been prepared and submitted with this application has identified that the proposal will impact upon 0.61 hectares of native vegetation which is identified as Cumberland Plain Land Snail habitat. The applicant's Biodiversity Assessment Report has found that the proposed development is within an area designated for urban development and contains small patches of Cumberland Plain Land Snail habitat which is unlikely to be viable in the medium to long term following residential subdivision of the study area. Thus, the retention of Cumberland Plain Land Snail is not considered practicable as it will substantially reduce the economic viability of the proposed residential development while delivering few, if any, long term benefits to biodiversity. The applicant's report recommends that offset of impact to the Cumberland Plain Land Snail through retirement of CPLS species credits.

The land to the north of Production Avenue contains the Warragamba Recreation Reserve, whilst the land to the northeast of Warradale Road contains land once occupied by a theme park. The land adjoining to the south is vacant and is zoned for future residential development (Development Application No. 010.2015.00000935.001) and is currently the subject of a development application for a residential subdivision. The land to the east of Marsh Road contains existing residential development within the Silverdale village. Silverdale village contains a small village with a chemist, bakery, medical services, hairdresser, beauty salon and a local supermarket.

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**1.2 DESCRIPTION OF DEVELOPMENT**

The applicant seeks development consent for a 79 lot Torrens title subdivision of Lot: 2 DP: 588912 remediation of land and vegetation clearing in 3 stages as depicted in Attachment 1.

The works associated with the development of the site will include the following:

- Staged construction of the subdivision
- Demolition of remaining dilapidated structures located on the site
- Remediation of the site in accordance with Remediation Action Plan
- Earthworks associated with the Torrens title subdivision
- Torrens title subdivision to create 79 residential allotments
- Construction of associated drainage and water quality improvement works
- Dedication of relevant drainage structures to Council
- Dedication of cycleways to Council
- Dedication of fire trail to Council
- Dedication of road reserves
- Environmental protection works.

Attachment 2. shows the proposed layout for the subdivision.

**Site Rehabilitation**

Development consent is also being sought for the rehabilitation of the site via a Remedial Action Plan (RAP), prepared by Coffey and dated 23 February 2016.

The primary areas of environmental concern as raised in the Coffey report are:

- Potential weathering of hazardous building materials from former buildings
- Destruction from bushfire or demolition of a former refuelling area
- Potential storage of unknown chemicals in former structure
- Lead migration into surface water receptors.

These locations are shown in Attachment 3.

**Voluntary Planning Agreement**

The current VPAs between Council and the State Government were prepared essentially to enable the subdivision of both lots 1 & 2 DP 588912. The VPA with the State Government lapsed some years ago, though a new one has been prepared.

A VPA was executed with Council in 2006, and its terms were agreed so that the development of the site would result in an appropriate provision of infrastructure for the community.

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The context in which the Council Planning Agreement was originally drafted has changed significantly in that:

- the two sites (Lots 1 and 2 DP 588912) are in separate ownership. This complicates separate development of the two allotments as discussed further later in this report;
- BioBanking has been introduced as a means of managing environmental attributes of site, This is particularly relevant for Lot 1 in DP 588912
- The yield of development on the site has altered.
- The infrastructure proposed when the Agreement was prepared in 2006 may not be relevant to today's needs;
- Council's Land Dedication Policy now requires maintenance contributions to be paid for some types of community infrastructure

As a result the existing Planning Agreement is considered to be redundant and needs to be replaced. Discussions with the applicant commenced in relation to a new Planning Agreement but were not concluded.

**State Planning Agreement – Satisfactory Arrangements**

On 9 February 2017, Hill View and the Minister for Planning and Infrastructure executed a State Planning Agreement. The Planning Agreement provides that the Developer will make a monetary contribution of \$9,145 per lot for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of the Wollondilly Local Environmental Plan 2011.

The amount of the monetary contribution will be payable in instalments prior to the issue of each relevant subdivision certificate as set out in Schedule 4 to the Planning Agreement.

**1.3 SECTION 79C ASSESSMENT**

**Environment Protection and Biodiversity Conservation Act 1999**

The site does not contain habitat for listed threatened flora species and referral of the proposed action to the Australian Government Minister for the Environment is not required.

**Water Management Act 2000**

The proposal does not involve works and activities within 40 metres from the top of bank of mapped watercourses. Therefore, this Act is not relevant to this application.

**Rural Fires Act 1997**

The application was referred to the New South Wales Rural Fire Services in accordance with Section 91 of the Environmental Planning and Assessment Act 1979 (EP & A act) in respect to a Bush Fire Safety Authority required under Section 100B of the Rural Fires-Act 1997.

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The Bushfire Protection Assessment has been reviewed by NSW Rural Fire Service and a Bushfire Safety Authority has been issued. The approval is for the subdivision of the land only and any further application for class 1, 2 & 3 buildings as identified by the 'Building Code of Australia' must be subject to separate application under section 79BA of the EP & A Act and address the requirements of the 'Planning for Bush Fire Protection 2006'.

Conditions of consent for the deemed bushfire safety authority are included in Schedule 2 attached to this development consent.

**Roads Act 1993**

If the development were to be approved, conditions of consent will require works within the Silverdale Road reserve to accommodate the development.

Also, conditions of consent would require the provision of a 2.5m wide cycleway along the frontage of Marsh Road, a 2m wide cycleway along the eastern side of Marsh Road to match the cycleway works in front of the property at no. 130 Silverdale Road and a 2.5m wide cycleway along the western boundary (Safari Drive).

**Threatened Species Conservation Act 1995 (TSC Act)**

The objects of this Act are as follows:

- (a) to conserve biological diversity and promote ecologically sustainable development, and
- (b) to prevent the extinction and promote the recovery of threatened species, populations and ecological communities, and
- (c) to protect the critical habitat of those threatened species, populations and ecological communities that are endangered, and
- (d) to eliminate or manage certain processes that threaten the survival or evolutionary development of threatened species, populations and ecological communities, and
- (e) to ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed, and
- (f) to encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.

A flora and fauna assessment has been carried out for the proposal by Biosis, dated 12 June 2015 (see Attachment 4.). The key ecological values identified within the subject site include:

- 0.6 hectares of native vegetation
- 0.6 hectares of Cumberland Shale Sandstone Transition forest in poor to moderate condition
- Two populations of Cumberland Plain Land Snail *Meridolum corneovirens*
- 0.6 hectares of Cumberland Plain Land Snail habitat.



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The flora and fauna assessment highlights the potential for an adverse effect on Cumberland Shale Sandstone Transition Forest and the Cumberland Plain Land Snail. Accordingly, an Assessment of Significance (AoS) under Part 5A of the EP&A Act and Part 94 of the TSC Act has been undertaken for the Cumberland Plain Land Snail and the Cumberland Shale Sandstone Transition Forest. This further assessment indicates that a significant impact is not likely to result from the proposal. Biosis has therefore concluded that a Species Impact Statement is not required.

Habitat critical to the survival of an endangered or critically endangered species, population or ecological community can be identified under the TSC Act and listed on the Register of Critical Habitat kept by the OEH. The subject site does not contain declared 'critical habitat'.

Three vegetation communities were mapped within the subject site, with Cumberland Shale Sandstone Transition Forest within the subject site consistent with the final determination for the Shale Sandstone Transition Forest under the TSC Act; however, the patch size is below thresholds outlined in TSSC (2014) and is not listed under the EPBC Act.

The proposed activities will result in the following impacts:

- Removal of 0.6 hectares of Cumberland Shale Sandstone Transition Forest TEC.
- Removal of 0.6 hectares of known limiting breeding, foraging and refuge habitat for the Cumberland Plain Land Snail.
- Removal of a total of 6.8 hectares of non-limiting foraging habitat for highly mobile threatened fauna.

A number of safeguards to avoid impacts have been included in the Biosis report including retaining remnant trees wherever possible, exclusion fencing and recommendations regarding appropriate methods for vegetation clearing and habitat removal. If all recommendations are adopted, potential for impacts to biodiversity in the subject site can be reduced. No offsets are required to clear existing vegetation.

The connectivity with adjoining sites where vegetation will be retained has also enabled a broader footprint to be established. It is noted that while a Biobanking agreement enables the full removal of vegetation for threatened species on this site, a vegetation management plan will still be required.

**Native Vegetation Act 2003**

The NV Act provides for, encourages and promotes the management of native vegetation on a regional basis. Under the NV Act no clearing of native vegetation is allowed except in accordance with prior development consent from the relevant Council or under a Property Vegetation Plan (PVP) approved by the relevant Catchment Management Authority.

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As this is being assessed under Part 4 of the EP&A Act, and the land is zoned R2 Low Density Residential consent to clear native vegetation under the NV Act is not required.

**Contaminated Lands Management Act 1997**

The development application is supported by a Phase 1 Contamination Report and Remedial Action Plan Prepared by Coffey. While there are some areas of the site affected by contamination, the levels of contamination indicate that the site is able to be remediated so that it is compliant with the provisions of SEPP 55.

**1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

**State Environmental Planning Policy (Infrastructure) 2007**

In accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007, the proposed development is not required to be referred to the NSW Roads and Maritime Services for review and comment.

**State Environmental Planning Policy No 44 - Koala Habitat Protection**

State Environmental Planning Policy No 44 - Koala Habitat Protection (SEPP 44) applies to the whole of the Wollondilly Local Government Area. Part 2 of SEPP 44 applies to the proposed development.

SEPP 44 applies to areas of native vegetation greater than one hectare and in councils listed in Schedule 1 to the SEPP. On the basis of the criteria for determination of Potential Koala Habitat and Core Koala Habitat, the subject site supports Potential Koala Habitat due to the presence of a key feed tree (Forest Red Gum).

The flora and fauna assessment provided by Biosis concludes that no evidence of use of the site by Koalas, including the presence of scats or scratch marks on trees, could be found and the stand of feed trees is 0.6 hectares; therefore the SEPP is not applicable and a Koala Plan of Management is not required.

Based upon the information provided by the applicant, the land is not considered to be core Koala habitat and the consent authority may determine the development application without further assessment under SEPP44.

**State Environmental Planning Policy No. 55 – Remediation of Land**

The development application is supported by a Phase 1 Contamination Report and Remedial Action Plan Prepared by Coffey. The RAP concludes that subject to appropriate remediation work the site is capable of development for residential purposes.

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An appropriate condition is recommended that prior to the issue of any Subdivision Certificate for the development Council shall be provided with a Category “A” Site Audit Statement under the Contaminated Land Management Act, 2008 which confirms that the site is suitable for “Residential with accessible soil, including garden (minimal home grown produce contributing less than 10% fruit and vegetable intake), excluding poultry”.

**Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River**

While the subject site is not located within the boundary of SREP No. 20, it is considered that assessment against the SREP is warranted due to the site predominately draining into the Hawkesbury Nepean Catchment.

Relevant Provisions	Comment
3. Aims of the Plan	The proposal is consistent with the aims of the plan.
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	<p>The subdivision is not likely to result in significant adverse environmental effects on downstream local government areas from the proposal. The cumulative environmental impact of development proposals on the catchment has been considered and will not result in a significant impact.</p> <p>A Storm Water Management Study prepared by Site Plus has assessed the stormwater and water quality. Council has assessed the Stormwater Management Study and concluded that the stormwater both in context of water quality and water quantity can be managed on site through the construction and implementation of the submitted plans. The philosophy for stormwater management has which describes utilising the natural drainage depression of the site for the primary drainage infrastructure. Each stage will be serviced with appropriate stormwater management controls that have</p>

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Relevant Provisions	Comment
	been designed to conservatively accommodate the level of development anticipated in that stage.
(2) Environmentally sensitive areas	The subject land is not an environmentally sensitive area in the Hawkesbury-Nepean catchment.
(3) Water quality	<p>The development is unlikely to prejudice the achievement of the goals or use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. The current water quality shall be maintained or improved and the proposal will not jeopardise the achievement of the goals in the future.</p> <p>Council has assessed the Stormwater Management Study and concluded that the stormwater both in context of water quality and water quantity can be managed on site through the construction and implementation of the submitted plans.</p>
(4) Water quantity	<p>The proposal is consistent with the interim or final river flow objectives.</p> <p>To comply with Council's Design Specification 2016, Council's engineers will require that the post development stormwater discharge from the site does not exceed the pre-development discharge from the site. To achieve this an on-site stormwater detention basin is proposed which must comply with the above Specification. In addition, this basin will incorporate a bio-retention system to achieve</p>

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Relevant Provisions	Comment
	<p>appropriate water quality standards for the discharge from the site.</p> <p>There will be no impact on the downstream receiving creek system. Any necessary amplification of the existing drainage system within Marsh Road will be at the cost of the developer.</p> <p>Council has assessed the Stormwater Management Study and concluded that the stormwater both in context of water quality and water quantity can be managed on site through the construction and implementation of the submitted plans.</p> <p>It is proposed that the On-site Detention &amp; Bio-Retention Basin will become the property of Council (see SEE 4.5 Monitoring &amp; Maintenance Procedures, “the following section is a guide for both the developer’s maintenance contractor and Council to ensure the longevity of the stormwater system”). Therefore, a Voluntary Planning Agreement will need to be entered into for the long-term maintenance of this system.</p>
(5) Cultural heritage	<p>An Aboriginal Archaeological Assessment of the site has been carried out by Stedinger and Associates as part of the original rezoning in 2005. A total of three (3) Aboriginal Archaeological finds are located on the adjoining site at 1-41 Marsh Road, however there are no listed sites located on this land.</p>
(6) Flora and fauna	<p>The subject site has been the subject of two impact assessment reports (Biosis 2015, 2016) which together assess the impacts to all</p>

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Relevant Provisions	Comment
	<p>biodiversity values associated with the complete removal of native vegetation and associated flora and fauna habitats within Lot 2 DP588912.</p> <p>Measures to minimise and mitigate impacts to biodiversity were considered during the siting and planning of the study area, and impact minimisation measures to be implemented during the construction and operational phases of the proposed development have been identified.</p> <p>The retirement of 8 species credits will be required in order to adequately offset impacts to Cumberland Plain Land Snail in accordance with the BioBanking Assessment methodology and therefore result in an 'improve or maintain' outcome.</p> <p>Council staff considered a range of options, recommendations are that any issues relating to biodiversity have been addressed through the Biobanking option available to the developer and that components such as the submission of a Vegetation Management Plan (including removal) can be managed through consent conditions. Additional protections will be added such as:</p> <ul style="list-style-type: none"> <li>▪ as suitably qualified ecologist being present when removing native vegetation to assess the presence of any threatened species or important habitat features and implement appropriate</li> </ul>

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Relevant Provisions	Comment
	<p>measures to avoid, minimise or mitigate these impacts (in order of priority).</p> <ul style="list-style-type: none"> <li>▪ Finalised building envelopes being situated to avoid clearing of mature trees wherever possible within applicable sections of the site.</li> <li>▪ Pre-clearance surveys for the presence of any threatened flora and fauna species within any allotments containing mapped vegetation communities occurring no more than 14 days prior to clearance and the results of these surveys being provided to Council.</li> </ul> <p>NOTE: The Wollondilly Shire Local Government Area is under transitional arrangements from the new Biodiversity Act 2015 and Vegetation SEPP 2017 requirements over the next 12 months. Therefore the assessment of biodiversity matters will occur under the former Threatened Species Conversation Act 1995 and Native Vegetation Act of 2003.</p>
(7) Riverine scenic quality	The proposed development is consistent with the landscape character as described in the Scenic Quality Study to the extent that the development does not fall within the extent of the SREP 20.
(8) Agriculture/aquaculture and fishing	While the proposal does not involve Agriculture/aquaculture or fishing, the development is considered to be sufficiently separated from existing intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts. Furthermore, the

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Relevant Provisions	Comment
	development will not impede agricultural sustainability from the adverse impacts of other forms of proposed development.
(9) Rural residential development	<p>The assessing officer has considered any adverse environmental impacts of the development concerned. The proposal will not significantly impact on rural or residential land uses.</p> <p>The development shall maintain or introduce appropriate separation between rural residential use and agricultural use on the land that is proposed for development.</p>
(10) Urban development	<p>A Total Water Cycle Management Study or Plan or plan is not required for the development where effluent equivalent to that is produced does not exceed 2,500 people.</p> <p>Council has considered urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).</p>
(11) Recreation and tourism	NA
(12) Metropolitan strategy	<p>Development shall complement the vision, goal, key principles and action plan of the Metropolitan Strategy. Council in assessing the application has considered:</p> <ul style="list-style-type: none"> <li>- the impacts of transport infrastructure proposals on water quality and air quality.</li> <li>- the impacts of metropolitan waste disposal on water quality.</li> <li>- the impacts of development on air quality.</li> <li>- the need for waste avoidance, waste reduction, reuse and recycling measures.</li> </ul>

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Relevant Provisions	Comment
	- the implications of predicted climate change on the location of development and its effect on conservation of natural resources.

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The proposed development is in accordance with the general planning considerations set out in Clause 5 of the SREP and the relevant specific planning policies and strategies set out in Clause 6. Provision will be made for adequate erosion and sediment control measures to ensure sediment because of the development is not deposited in the Hawkesbury Nepean River via the stormwater system. Stormwater run-off from the proposed development will be via drainage easements leading into the detention basins.

The proposed method of stormwater management has been identified as the most suitable method of stormwater drainage for the proposed development. Council’s Development Engineer has reviewed the proposed development regarding stormwater drainage and is satisfied with this aspect of the proposal.

**State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

This Policy applies to land within the Sydney drinking water catchment. The subject site is located partially within the Sydney drinking water catchment. In accordance with Clause 10(1) of the SEPP, a consent authority must not grant consent to the carrying out of development under Part 4 of the Act on land in the Sydney drinking water catchment unless it is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

Based on the information provided, development on the portion of the site currently within the drinking water catchment has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW would therefore concur with granting consent to the application, subject to the conditions provided in their letter dated 9 September 2015 being incorporated into any conditions of consent. These conditions of consent are in the proposed draft conditions.

**Wollondilly Local Environmental Plan, 2011**

**Characterisation:** Subdivision of Land, Remediation, Recreation areas  
**Zone of land:** R2 Low Density Residential  
**Permissibility:** Yes

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**Clause 1.2 Aims of Plan**

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	(a) Subject to conditions, it is anticipated that the effects of the development upon natural resources and landscape character is satisfactory.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	(b) The subject land does not contain a heritage item. The site is not considered to be a potential site of Aboriginal heritage. Standard conditions are proposed in the event that Aboriginal artefacts are uncovered.
(c) to protect water quality in land that is situated within water supply catchments,	(c) The subject site is located partially within the Sydney drinking water catchment. Concurrence from Water NSW has been received.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	<p>(d) The proposal will not impede future growth or the provision of an integrated transport and infrastructure system. The application is supported by a Traffic Impact Assessment and plans for the upgrade of the local road network in the locality. The Assessment indicates that the site is compliant with all required internal road widths and other legislative requirements and will not have a detrimental impact on surrounding street networks.</p> <p>The internal road network has been designed to incorporate varying traffic calming measures to control the speed of traffic within the internal road network. These works also include pavement changes at designated intersections so that vehicles are visually cued to slow down.</p>

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Objective	Comment
	<p>The developer will be required to upgrade and widen the Marsh Road frontage of the site to provide a 13.0m wide carriageway including the extension of the kerb and gutter and road shoulder construction from the southern boundary to the Silverdale Road intersection.</p> <p>The developer will be required to extend the proposed footpath from the site to the intersection of Silverdale Road to provide a continuous path network to the new subdivision to the south of Taylors Road.</p> <p>The developer will be required to carry out improvements to the intersection of Marsh Road and Silverdale Road to improve traffic safety.</p> <p>It is considered that the development satisfies this aim.</p>
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	(e) The development will not impact upon rural resource lands.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	(f) The development will not fragment the rural setting and the separation between urban and rural areas is maintained.

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Objective	Comment
R2 Low Density Residential	
<ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> </ul>	The proposed development is consistent with this objective.
<ul style="list-style-type: none"> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> </ul>	This development is to utilise the existing facilities at Warragamba and is to provide a local park in conjunction with development of the adjoining lot 2 DP 588912 (when that lot is developed) of approximately 5000m <sup>2</sup> .

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**LEP Clauses**

	Clause	Comment
Part 2 Permitted or prohibited development		
2.4	Unzoned land	Not applicable.
2.5	Additional permitted uses for particular land	Not applicable.
2.6	Subdivision—consent requirements	Development consent is requested.
2.7	Demolition requires consent	The proposed development seeks development consent for the demolition of structures. Conditions are recommended to control demolition and disposal of waste.
2.8	Temporary use of land	NA
Part 4 Principal development standards		
4.1	Minimum subdivision lot size	R2 – 450m <sup>2</sup> . All residential lots in the development site are 450m <sup>2</sup> upto the largest lot being 686m <sup>2</sup> .
4.1A	Minimum lot size for dual occupancies in residential zones	NA
4.1B	Subdivision of certain land in Zone E4 Environmental Living	NA
4.2	Rural subdivision	NA
4.2A	Erection of dwelling houses on land in	NA

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	Clause	Comment
	certain residential, rural and environmental protection zones	
4.3	Height of buildings	Not applicable at this stage as there are no buildings proposed.
4.4	Floor space ratio	NA
4.5	Calculation of floor space ratio and site area	NA
4.6	Exceptions to development standards	No variations proposed.
Part 5 Miscellaneous provisions		
5.1	Relevant acquisition authority	NA
5.1A	Development on land intended to be acquired for public purposes	NA
5.2	Classification and reclassification of public land	NA
5.3	Development near zone boundaries	NA
5.4	Controls relating to miscellaneous permissible uses	NA
5.5	Development within the coastal zone	NA
5.6	Architectural roof features	NA
5.7	Development below mean high water mark	NA
5.8	Conversion of fire alarms	NA
5.9 and 5.9AA	Preservation of trees or vegetation	Repealed
5.10	Heritage conservation	This clause provides for the retention of items or precincts that have been identified as having heritage significance. There are no heritage sites, either Aboriginal or European listed on the site.  The Warragamba Supply Scheme and Warragamba Emergency

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**GR6 – Development Application No. 010.2015.00000434.001 – 65 Marsh Road, Silverdale**

	Clause	Comment
		Scheme is located west of the subject site. The Warragamba Supply Scheme and Warragamba Emergency Scheme is identified as an Item of State Heritage under Clause 5 of WLEP 2011 and Section 170 of the Heritage Act. Council has considered the impact of the proposed development relative to clause 5.10 of WLEP 2011 and with reference to Warragamba Supply Scheme Conservation Management Plan
5.11	Bush fire hazard reduction	Not applicable to this application.
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable.
5.13	Eco Tourist Facilities	NA
<b>Part 6 Urban release areas</b>		
6.1	Arrangements for designated State public infrastructure	Satisfactory arrangements are to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.  The Department of Planning and Environment have issued a letter stating that Satisfactory Arrangement have been made for the provision of designated State public infrastructure dated 9 February 2017.
6.2	Public utility infrastructure	Water and sewer services will be augmented to service the site because of the development proposal as required.  Electricity is available to the site and negotiations will occur with

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**GR6 – Development Application No. 010.2015.00000434.001 – 65 Marsh Road, Silverdale**

	Clause	Comment
		<p>Endeavour Energy for its extension through the site.</p> <p>Appropriate conditions of consent are recommended to ensure services are provided to all lots prior to the release of a subdivision certificate for a lot on the subject site.</p> <p>All proposed lots are to be serviced by reticulated sewage and water.</p>
6.3	Development control plan	<p>According to this clause development on land in an urban release area can occur in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan (DCP) that includes specific controls has been prepared for the land. Council has prepared a site-specific development control plan for the proposed development under Volume 2 of the Wollondilly Development Control Plan 2016.</p>
Part 7 Additional local provisions		
7.1	Essential services	<p>The requisite essential services are available on-site/or available to the site and can be readily “augmented” to service the proposed subdivision prior to the release of a subdivision certificate for any stage in the development.</p>
7.2	Biodiversity protection	<p>The clause is relevant in the subject context (Subclause 2). Council has considered any relevant adverse impact of the proposed development under Subclause 3.</p>
7.3	Water protection	<p>The objective of this clause is to maintain the hydrological functions of riparian land, waterways and aquifers.</p>

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	Clause	Comment
		The site is not identified as "sensitive land" on the Natural Resources—Water Map. No further assessment is required.
7.4	Flood planning	This clause applies to land at or below the flood planning level. The flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard. The area proposed for residential subdivision is not affected by this level and the clause does not apply. No further assessment is required.
7.5	Earthworks	Site preparatory works have been considered and no separate approval is required.
7.6	Development within a designated buffer area	NA

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**1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft environmental planning instruments that relate to the subject land.

**1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS**

Volume 1 - General	
Relevant Provisions	Comment
Part 1 - Preliminary	Noted
Part 2 - General Considerations for All Development	Consistent
Part 3 - Variations to the Plan	The applicant has requested to vary WDCP 2016 as outlined in Volume 2 and 3 below.
Part 4 - Community engagement	On 5 August 2015, the development application was advertised for a period of 15 days. A total of 60 submissions were received by Council.



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Volume 1 - General	
Part 5 - Colonial Heritage	<p>This section primarily relates to items of European Heritage and how development is appropriately managed within conservation precincts and on items that have heritage value.</p> <p>There are no items of European or Aboriginal heritage value located or listed on the site.</p> <p>The Warragamba Supply Scheme and Warragamba Emergency Scheme is located west of the subject site. The Warragamba Supply Scheme and Warragamba Emergency Scheme is identified as an Item of State Heritage under Clause 5 of WLEP 2011 and Section 170 of the Heritage Act. Council has considered the impact of the proposed development relative to clause 5.10 of WLEP 2011 and with reference to Warragamba Supply Scheme Conservation Management Plan.</p>
Part 6 – Heritage (Specific Locations)	Not applicable.
Part 7 – Aboriginal Heritage	There are no known Aboriginal heritage sites listed or located on this site.
Part 8 - Flooding	This section is not relevant to this assessment as the land where the lots for residential development are proposed are above the flood level.
Part 9 - Environmental Protection	<p>The site is not identified on the Natural Resources – Biodiversity Map or Natural Resources – Water Map as sensitive land.</p> <p>The site was identified as containing the Critically Endangered Ecological Community Shale Sandstone Transition Forest and Cumberland Plain Land Snail (CPLS).</p>

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Volume 1 - General	
	<p>The proponents had opted to Biobank this vegetation community and require species credits for the removal of CPLS. The Biobanking agreement is currently with the Office of Environment and Heritage for finalisation. Council staff have been involved and have reviewed and assisted in ensuring that the site ecological values have been captured and assessed.</p> <p>The connectivity with adjoining sites where vegetation will be retained has also enabled a broader footprint to be established. It is noted that while a Biobanking agreement enables the full removal of vegetation for threatened species on this site, a vegetation management plan will still be required.</p>
Part 10 - Tree Removal	Vegetation proposed to be removed is proposed in accordance with the plans and reports for approval.
Part 11 - Landscaping	A Landscape Concept Plan has been provided in accordance with Council's requirements. A standard condition is recommended to ensure that all landscaping works within the drainage and public road reserves is completed prior to the release of a subdivision certificate for each stage.
Part 12 - Signage	No signage proposed.

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Volume 2 - Urban Release Areas		
	Relevant Provision	Comment
1.2 Objectives		
1	To satisfy the requirements of Clause 6.3 of Wollondilly Local Environmental Plan.	
2	To achieve the objectives of Clause 6.3 of Wollondilly Local Environmental Plan.	

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**1.3 Parts of this Volume**

This volume has two parts. The first being this introductory part and the second being the provisions relating to each Urban Release Area.

**2.2 Marsh Road, Silverdale (Former Lion Safari Park)**

(a)	a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,	<p>The proposed development is supported by all relevant staging plans for the delivery of lots, infrastructure, parks and remediation.</p> <p>The State Planning agreement and the Voluntary Planning Agreement will deliver works, monetary contributions and infrastructure at key mile stones during the development process. It is considered that the application satisfies this control.</p>
(b)	an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,	<p>The proposed road hierarchy generally complies with the DCP in that:</p> <ul style="list-style-type: none"> <li>- A perimeter road is provided around the property known as Safari Drive.</li> <li>- There is a north-south road (Tiger Street).</li> <li>- A small local road (Leopard Street).</li> </ul>
(c)	an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,	A landscape strategy plan is submitted with this application. The proposed landscape strategy is consistent with the requirements of the DCP.
(d)	a network of passive and active recreational areas	1. This development is to utilise the existing facilities at Warragamba and is also located on the site adjoining the proposed new recreational space proposed under the current application for 1-41 Marsh Road. There is no

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**GR6 – Development Application No. 010.2015.00000434.001 – 65 Marsh Road, Silverdale**

<b>2.2 Marsh Road, Silverdale (Former Lion Safari Park)</b>		
		<p>additional requirement for recreational space on this site.</p> <p>2. Cycleways and pedestrian pathways (including shared facilities) are provided throughout the subdivision including a cycleway along the perimeter road, Safari Drive. The proposed cycleways and pedestrian pathways provide connection through to Warragamba and Silverdale – connecting the new residential lots.</p>
(e)	stormwater and water quality management controls	Proposed stormwater and water quality management is provided on site and has been reviewed by Council's Development Engineer. The Development Engineer raises no objection to the proposal subject to recommended conditions of consent.
(f)	amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,	<p>1. A bushfire safety authority has been granted.</p> <p>2. Council's Development Engineer has reviewed all flooding details submitted with this application who has agreed the proposal meets Council's flood criteria subject to conditions of consent.</p> <p>3. The proposal is supported by a Remediation Action Plan which has been reviewed by Council's Environment Officer who agrees there are no contamination concerns subject to the imposition of conditions to ensure the remediation of land prior to the issue of a subdivision certificate.</p>

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**GR6 – Development Application No. 010.2015.00000434.001 – 65 Marsh Road, Silverdale**

<b>2.2 Marsh Road, Silverdale (Former Lion Safari Park)</b>		
(g)	detailed urban design controls for significant development sites,	The precinct contains no significant development sites.
(h)	measures to encourage higher density living around transport, open space and service nodes,	The site contains no areas which are particularly desirable for higher density living.
(i)	measures to accommodate and control appropriate neighbourhood commercial and retail uses,	There are no neighbourhood shops included in the current proposal.
(j)	suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.	A traffic impact assessment has been carried out which confirms the proposal complies with relevant engineering specifications and Australian standards.
(k)	measures to protect the water quality in, and the ecological integrity of, any special area in the vicinity of that land,	The development shall be provided with an integrated stormwater reticulation and treatment system to achieve a neutral or beneficial effect on the quality of stormwater leaving the site.
(l)	security measures of any special area in the vicinity of that land,	Conditions of consent require the provision of appropriate fencing along the Western boundary of the site in agreement with Water NSW. Conditions of consent are recommended to ensure fencing is maintained.
(m)	measures to ameliorate any adverse effect on the operation of the Sydney Catchment Authority helipad that is adjacent to that land.	The development application has been submitted with an acoustic report which considers the implications of the Water NSW helipad. The acoustic recommends that a Section 88B instrument be registered on the site to protect residential dwellings that are within 500m of the Sydney Water helipad. The site is located entirely more than 500m from the helipad therefore there are no relevant restrictions to be

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**GR6 – Development Application No. 010.2015.00000434.001 – 65 Marsh Road, Silverdale**

**2.2 Marsh Road, Silverdale (Former Lion Safari Park)**

	placed on this development application.
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**Volume 3 - Subdivision of Land**

**Part 2 - General Requirements for all Development**

Relevant Provision	Comment
1.2 Objectives	The proposal is consistent with the objectives of this volume.

**Part 2 - General Requirements for all Development**

<p><b>2.1 Traffic and Transport Objectives</b></p> <p>1. To ensure that new allotments created by the subdivision of land are provided with adequate public roads.</p> <p>2. To ensure that the subdivision of land is only undertaken in locations where the road network is able to provide, or be made capable of providing adequate servicing.</p> <p>3. To ensure new roads are safe and efficient.</p> <p>4. To ensure access points for rural subdivisions are located at safe locations within the road network.</p> <p>5. To ensure pedestrian and cycle paths are provided where required to maximise the uptake of healthy and sustainable transport options.</p> <p>6. To ensure splay corners are dedicated at intersections so that intersections can be maintained to maximise sight distances and to maximise flexibility to upgrade intersections in the long term.</p>	<p>The proposal is considered satisfactory in this regard subject to conditions.</p> <p>The proposal is considered satisfactory in this regard subject to conditions.</p> <p>The proposal is considered satisfactory in this regard subject to conditions. Not a rural subdivision.</p> <p>Conditions recommended for perimeter shared paths and paths through to be dedicated to Council.</p> <p>Noted</p>
<p><b>Controls</b></p> <p>1. All new public roads must comply with Council's design specifications including kerb and guttering, drainage pedestrian paths and street lighting.</p> <p>2. All access handles must comply with the following minimum widths:</p>	<p>The construction of the new road shall be conditioned to comply with kerb and guttering, drainage pedestrian paths and street lighting</p>

**GR6 – Development Application No. 010.2015.00000434.001 – 65 Marsh Road, Silverdale**

<b>Volume 3 - Subdivision of Land</b>	
3. In the case of an access handle servicing one allotment the access handle must wholly be part of the allotment it is serving.	There is are 3 battle axe allotments proposed with access handles that are 5m wide as per the DCP. Complies.
4. In the case of an access handle servicing more than one allotment the access handle must be part of each of the allotments it is serving with reciprocal rights of carriageway provided.	Not applicable.
5. Road infrastructure enhancement shall be provided to existing roads in accordance with the DCP table.	Council's Development Engineer has reviewed the proposal and confirmed the proposed road design complies with the DCP requirements. Conditions of consent will ensure the delivery of the new roads, cycleways and shared paths as per Council's standards.
6. All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.	Satisfactory subject to conditions.
7. New street lighting must use only LED type lights.	Satisfactory subject to conditions.
8. Access handles servicing more than 1 allotment in a rural, residential or environmental zone must be provided with a streetlight within a reasonable proximity (to be determined by Council and imposed as a condition of development consent) to the point where the access handle connects to the public road. Where existing street lighting in the vicinity of the site is deemed to be adequate by Council this condition does not apply.	Satisfactory subject to conditions.

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<b>Volume 3 - Subdivision of Land</b>	
9. Splay corners shall be provided for newly created corner lots with the following sizes: 4m by 4m.	Satisfactory subject to conditions.
<p>2.2 Wastewater Objectives</p> <p>1. To ensure wastewater generated by development can be managed without harm to the natural environment or human health.</p> <p>2. To encourage sustainability in wastewater disposal by preventing the use of pump out systems which require significant energy inputs for the transport of waste.</p> <p>3. To ensure development within the Sydney Drinking Water Catchment has a neutral or beneficial effect on water quality.</p>	<p>Satisfactory subject to conditions.</p> <p>Not applicable - Reticulated sewerage available.</p> <p>Satisfactory subject to conditions.</p>
<p>Controls</p> <p>1. All lots created must have access to one or more of the following:</p> <p>a. A reticulated sewage scheme operated by the relevant statutory sewage authority; or</p> <p>b. A private reticulated sewage scheme operated by person licensed under relevant legislation; or</p> <p>c. Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot.</p> <p>2. A “pump out” system is not a satisfactory method of wastewater disposal for the purposes of Control 1.</p> <p>3. Any subdivision that is carried out on unsewered land (i.e. carried out under control 1(c) above) must meet the requirements of Council’s “On-site Sewage Management System and Grey Water re-use Policy”.</p>	<p>Satisfactory - Reticulated sewerage and water infrastructure is available to the land.</p> <p>Not applicable - see above.</p> <p>Not applicable - see above</p>
<p>2.3 Stormwater Objectives</p> <p>1. To ensure stormwater is appropriately managed to prevent environmental harm</p>	Satisfactory subject to conditions.

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<b>Volume 3 - Subdivision of Land</b>	
<p>and to reduce the risk of damage to property and human life.</p> <p>2. To ensure stormwater is appropriately managed to minimise long term flooding impacts on and from developments.</p> <p>3. To ensure that development within the Sydney drinking water catchment has a neutral or beneficial effect on water quality.</p>	<p>Satisfactory subject to conditions.</p> <p>The subject site is located partially within the Sydney drinking water catchment. Concurrence from Water NSW has been received.</p>
<p><b>Controls</b></p> <p>1. Development involving the subdivision of land must demonstrate that stormwater management arrangements will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.</p> <p>2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report (a Water Cycle Management Study or Similar) to be submitted with the development application which must include modelling of both water quantity and quality and must also include a short and long term maintenance management plan.</p>	<p>Satisfactory subject to conditions.</p> <p>A stormwater management strategy has been prepared having regard to the objectives expressed and will prevent environmental harm and reduce the risk of damage to property and human life by:</p> <ul style="list-style-type: none"> <li>- minimising long term flooding impacts</li> <li>- have a beneficial effect on water quality in the Sydney Drinking Water Catchment, subject to the implementation and maintenance of appropriate water quality control measures both during and after construction works.</li> </ul> <p>The stormwater management system proposed achieves Controls 1 and 2 in regard to its integration with the natural</p>

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				system, relevant risk profile compliance and employment of Water Sensitive Urban Design technology.																														
2.4 Lot Size and Shape																																		
Objectives				1. Satisfactory																														
Controls				<p>There are 9 lots that do not strictly comply with the minimum requirements of the DCP which are highlighted in the table below.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Lot No:</th> <th style="width: 20%;">Width of Lot</th> <th style="width: 10%;">Building Envelope</th> </tr> </thead> <tbody> <tr> <td>19</td> <td>22.26</td> <td>227m<sup>2</sup></td> </tr> <tr> <td>20</td> <td>11.77</td> <td>201 m<sup>2</sup></td> </tr> <tr> <td>23</td> <td>5.0 (battleaxe)</td> <td>201 m<sup>2</sup></td> </tr> <tr> <td>24</td> <td>5.11 (battleaxe)</td> <td>247 m<sup>2</sup></td> </tr> <tr> <td>43</td> <td>18.87</td> <td>269 m<sup>2</sup></td> </tr> <tr> <td>54</td> <td>10.32</td> <td>265 m<sup>2</sup></td> </tr> <tr> <td>55</td> <td>5.06</td> <td>198 m<sup>2</sup></td> </tr> <tr> <td>58</td> <td>5.0 (battleaxe)</td> <td>330 m<sup>2</sup></td> </tr> <tr> <td>61</td> <td>31.09</td> <td>281 m<sup>2</sup></td> </tr> </tbody> </table> <p>The statement of environmental effects clearly identifies each variation and has satisfied the provisions of the DCP. The DCP states that irregular shaped allotments can be approved where they are capable of supporting as dwelling footprint of 150m<sup>2</sup> as well as any required asset protection zone. The table provided above shows that the sites are all capable of supporting a reasonable dwelling footprint.</p>	Lot No:	Width of Lot	Building Envelope	19	22.26	227m <sup>2</sup>	20	11.77	201 m <sup>2</sup>	23	5.0 (battleaxe)	201 m <sup>2</sup>	24	5.11 (battleaxe)	247 m <sup>2</sup>	43	18.87	269 m <sup>2</sup>	54	10.32	265 m <sup>2</sup>	55	5.06	198 m <sup>2</sup>	58	5.0 (battleaxe)	330 m <sup>2</sup>	61	31.09	281 m <sup>2</sup>
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2. Lots in residential zones shall have the following minimum dimensions:																																		
Area	Min. Lot Width	Min. Lot Width (Crn Allotment)	Minimum Lot Depth																															
Less than 450m <sup>2</sup>	10m	12m	20m																															
Between 450m <sup>2</sup> & 650m <sup>2</sup> (inclusive)	13m	15m	20m																															
Between 650m <sup>2</sup> & 1500m <sup>2</sup> (exclusive)	15m	20m	25m																															
1500m <sup>2</sup> or Greater	20m	30m	30m																															

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<p>3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:</p> <p>a. The subdivision of a dual occupancy or medium density development that is existing and lawful; or</p> <p>b. The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2015.</p>	<p>Not applicable, no dwellings proposed as part of this application.</p>
<p>4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.</p>	<p>Noted.</p>
<p>5. Lots that are irregularly shaped because of their location in the road network and/or because of constraints of the site may proceed in spite of a non-compliance with controls 1 and 2 if the consent authority is satisfied that the lots, when developed, will be capable of supporting:</p> <ul style="list-style-type: none"> <li>• a dwelling with a footprint of at least 150m<sup>2</sup> ; and</li> <li>• Any required asset protection zone wholly within the proposed lot boundaries</li> <li>• If the subdivision occurs on unsewered land that the site can adequately accommodate any effluent disposal area that is required;</li> </ul> <p>and the resulting character of that development would be consistent with the character of the area.</p> <p>Council may require the submission of specialist studies to justify development carried out under this control.</p>	<p>Compliant.</p>
<p>6. For the purposes of calculating minimum lot size for land within an R1, R2 or R3 zone, the area of the battle-axe handle is not included in the calculation of the area of a lot which it services.</p>	<p>Compliant</p>

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<p>2.5 Landscape Character Objectives</p> <p>1. To ensure subdivisions are designed in a way that maintains or enhances the landscape character of the surrounding area.</p>	<p>The application is supported by a landscape plan for future street tree planting.</p>
<p>Controls</p> <p>1. The subdivision of land in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.</p> <p>2. The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary.</p> <p>3. Access handles to lots in residential zones (excluding R5 Large Lot Residential zones) must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas.</p> <p>4. Landscaping required by control 2.5(3) shall be provided with:</p> <p>a. An automatic watering system; and</p> <p>b. A mix of ground covers and shrubs that are appropriate for the width of the handle; and</p> <p>c. A mulched or rocked garden bed with permanent edging.</p> <p>5. Landscaping for access handles shall not obscure the buildings at the rear of the handle.</p>	<p>Not applicable – R2 zone.</p> <p>Noted. Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p>

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<b>Volume 3 - Subdivision of Land</b>	
6. The subdivision of land that proposes the opening of a new public road must include embellishment of the new road verges in accordance with Council's Street Tree Risk Plan.	A Street Tree Landscaping Plan has been provided.
2.6 Corner Allotments Objectives 1. To plan corner allotments at the subdivision stage to ensure safe vehicular access and maximum amenity for the streetscape.	Satisfactory subject to conditions.
Controls 1. Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks.  2. Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection.  3. These controls do not apply to proposed corner allotments on which a dwelling is already constructed.	Satisfactory subject to conditions.  Satisfactory subject to conditions.  Not applicable - no dwellings.
2.7 Building Envelopes Objectives 1. To identify the constraints on rural and environmental land at the subdivision stage. 2. To ensure integrated housing lots are provided with adequate covenants for a future zero lot line.	Not applicable – R2 zone.  Not applicable – R2 zone
Controls 1. Each lot created by subdivision of land within rural and environmental zones shall be provided within a building envelope that includes all developable land and excludes the following land: a. Land that is moderate or higher risk of geotechnical instability; and	Controls 1 and 2 not applicable – R2 zone.

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<p>b. Land that is within a setback identified in Volume 4 of this DCP; and                      c. Land that is within 40 metres of the top of bank of a watercourse; and                      d. Land that contains significant native vegetation; and                      e. Land that has been identified as being subject to the 1% AEP flood extent; and                      f. Land that is required for an asset protection zone under a Bushfire Safety Authority; and                      g. Land that is subject to a transmission line or other utility service easement; and                      h. Land that is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area.</p> <p>2. Town Centre Residential Lots and residential small lots may be created where a building envelope allows for one boundary as a zero lot line boundary. If such a boundary is to be created then satisfactory easements must be provided on the adjoining lot for eave overhang, drainage, maintenance and any other relevant matter. The subject easement must be registered as a restriction on the title of the burdened lot prior to the issue of any Subdivision Certificate for the land.</p>	
<p>2.8 Environmental Protection Objectives</p> <p>1. To ensure significant native vegetation and other environmental assets are not lost in the provision of asset protection zones.</p>	Noted.
<p>Controls</p> <p>1. The subdivision of land that comprises significant stands of native vegetation must provide for asset protection zones for all future development outside of that</p>	The impacts on native vegetation have been discussed in detail previously with regard to flora and fauna.

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<p>vegetation. The allotment size and layout must facilitate this provision.</p> <p>2. The layout of any proposed subdivision must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on steep and constrained lands.</p>	Not applicable.
<p>2.9 Non-Residential Development Objectives</p> <p>1. To ensure that the subdivision of land is carried out with due regard to other forms of existing non-residential development in the locality.</p>	Not applicable
<p>Controls</p> <p>1. When the subdivision of land is proposed in an area where an existing nearby non-residential use may impact on future residents, the consent authority must be satisfied that the new development would not restrict the ability of the existing development to meet amenity requirements in relation to issues such as noise, odour and the like in accordance with the principles established in the case of Inghams Enterprises vs Kira Holdings.</p>	<p>Noise</p> <p>The site is located within close proximity to an existing helipad which is used by Sydney Water and an acoustic report has been prepared to consider the potential impact on the residential lots.</p> <p>It should be noted that the helipad is used at a frequency of only once per month for normal operations during the day period only, with the exception of emergency situations (such as floods, bushfires, search and rescue, security, or water incidents).</p> <p>The acoustic report recommends that a detailed acoustic assessment be carried out for each proposed residence within 500m of the helipad location prior to the issue of construction certificate. Residential lots located within 200m will likely</p>

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	require significant noise control recommendations to reduce the helicopter noise to acceptable noise levels inside. The site is located more than 500m from the helipad, thus no conditions are required to address this matter.

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**1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO**

As was mentioned previously, a Planning Agreement was executed between Council and the previous owners of the site and which applies to both Lots 1 and Lot 2 in DP 588912. Council has received legal advice to the effect that this Planning Agreement still applies to both allotments. In summary, this Agreement provides for the following infrastructure to be provided.

- Dedication of land for recreational purposes
- Cycleways
- Traffic Management Works (traffic lights at the intersection of Warradale and Marsh Roads)
- Parkland Embellishment
- Bushland management Works.

The Agreement also excludes the payment of Section 94 or Sec 94A to the development, this Agreement was executed in 2006 and in view of its age it may not still reflect the infrastructure that Council or the community would now want to see delivered as part of the development of the site. As a result, it would be Council's preference to prepare a new Planning Agreement that would propose a more current program of local infrastructure to be provided, and which would be submitted to the community for their comment during the exhibition period.

However, a more fundamental reason for reviewing the existing Agreement is that Council has received legal advice to the effect that as Lots 1 and 2 are under separate ownership, the existing Agreement may preclude the separate development of the two lots, and as a result, Council may not be able to issue an operable development consent for this proposal. This further highlights the need to enter into a new planning agreement both to provide an appropriate level of infrastructure to support the existing development and to ensure that the existing Planning Agreement that is no longer required is discharged.



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To this end, discussions had commenced about the infrastructure that could be provided under a revised Planning Agreement, though these discussions were not concluded. However, any future Planning Agreement is likely to include such matters as:

- Monetary Contributions
- A perimeter reserve including cycleways, road reserve and APZ
- Land Dedications for Stormwater Infrastructure (if needed)
- Maintenance Contributions,(if needed)
- Operational matters as required by Councils’ Land Dedication Policy.

It is recommended that Council should provide support for the development conditional upon a new Planning Agreement being agreed to by the parties.

**1.4 IMPACT OF THE DEVELOPMENT**

Item	Comment
Context and setting	<p>The development proposal is located on land that was previously used for rural related purposes. The land was rezoned to permit urban development more than a decade ago in 2007. At that time Wollondilly Shire Council envisioned the site being capable for urban development with the minimum lot size control of 450m<sup>2</sup>. When these policies and planning controls were established the desired future character for this land experienced a significant step change which is not dissimilar to other urban release area developments within the Shire.</p> <p>In the circumstances where there is a changing and emerging character for urban release area development there are 2 key issues that need to be considered to ensure the development integrates with the surrounding development and community. The first issue is the interface with the existing and surrounding development. To address the interface, the proposed subdivision layout has been designed to provide large residential lots along these sensitive interface areas. Large lots will provide a better transition to the other style residential lots that are located on the eastern side of Marsh Road. The proposal also comprises plans to construct pedestrian pathways and cycleways to link and integrate the new development with the existing surrounding development.</p>



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Item	Comment
	<p>The second key issue to address where the character and context is changing is the creation of a high-quality garden setting. The landscape concept plan and entry statement feature which are also incorporated in the proposal, facilitate plantings and embellishment which facilitate the creation of an appropriate garden setting for the proposed subdivision.</p> <p>Therefore, it can be concluded that the proposal is commensurate with the emerging context and setting of the site in that it has been designed with a sensitive interface to the existing surrounding community and that the proposal incorporates features of a garden setting to ensure a high-quality landscape embellishment occurs on site.</p>
<p>Access and traffic</p>	<p>The proposed road network is consistent with the form and objectives of the DCP 2016 Volume 2 – Urban Release Areas Section 2.2 Marsh Road, Silverdale (Former Lion Safari Park). This section of the DCP identifies a hierarchy of streets that give a safe and connected public transport, vehicular, pedestrian and cycleway network.</p> <p>The proposal includes appropriate local road links to collector roads and intersection treatments that accommodate future precinct traffic generated by the development. The design of internal roads complies with the DCP in terms of width and hierarchy.</p> <p>The development delivers pedestrian pathways and shared pedestrian/bicycle pathways through the development that are consistent with the DCP.</p> <p>The proposed road network complies with the requirements of DCP and can accommodate the traffic generated by the development.</p> <p>Construction vehicle access is to be managed through a Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control to be submitted and approved prior to the issue of a Construction Certificate. This matter is recommended to be suitable conditioned.</p>

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Item	Comment
Social and economic impacts	<p>The proposal represents a significant contribution towards the establishment of a new greenfield master planned estate in Wollondilly Shire Council. The proposed subdivision facilitates a high-quality living environment for the future residents. The new cycleways and pedestrian pathways proposed, which link back into the surrounding neighbourhood will permit an active lifestyle for residents as well as the existing and surrounding local community.</p> <p>Consultation with the local infrastructure service providers has occurred during the assessment of this development application which reveals that all public utility infrastructure can be made available to the site with simple amplification of these services. Therefore, the land is ideally positioned to deliver housing for the local community. The proposal will not only provide major social and economic benefits to the wider community but also to the future residents of the estate.</p>

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**1.5 SUITABILITY OF THE SITE**

The proposed development has adequately addressed the key concerns including bushfire, traffic, drainage, tree removal/landscaping and accessibility. In addition, the layout of the proposed subdivision and its location are within proximity of the existing local centre amenities of Silverdale. The proposed development is compatible with surrounding and adjoining land uses; therefore, Council can be satisfied that the site is suitable for the proposed development.

**1.6 SUBMISSIONS**

Exhibition: Advertised  
Submissions Received: 67

Concern	Comment
Traffic	<p>The proposal is supported by a Traffic Impact Assessment concludes that:</p> <ul style="list-style-type: none"> <li>The peak hour vehicle trips generated by the proposal will not have any unacceptable impacts on Marsh Road or the surrounding road network, particularly when considering the low traffic volumes on</li> </ul>

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Concern	Comment
	<p>Marsh Road (less than 100 vehicles in the peak periods).</p> <ul style="list-style-type: none"> <li>▪ Access driveways and on-site parking for each residential dwelling shall be designed in accordance with Wollondilly Design Code 1999.</li> <li>▪ The proposed development adequately caters for servicing by a 10.5m refuse collection vehicle. It is noted the internal roads will provide temporary turning heads until the adjacent land is developed.</li> <li>▪ The site is well serviced by local bus services with a number of bus stops in walking distance to the proposed development site.</li> <li>▪ Based on the traffic assessment prepared by Bitzios Consulting there are no significant traffic or transport impacts associated with the proposed development that would preclude its approval by Council.</li> </ul> <p>The conditions of consent require submission of a construction traffic management plan. This plan is to ensure the noise, dust and local traffic impacts are appropriately managed during the construction period.</p>
Loss of rural character	<p>The land was previously used for rural related purposes however in 2007, the decision to rezone the land for urban development was endorsed by Council. At this time the minimum lot size control and site-specific Development Control Plan was also endorsed by Council.</p>

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Concern	Comment
	<p>The loss of rural character is not resulting from this development but is a decision made by Council more than 10 years ago to support development of the land for urban purposes.</p> <p>The minimum lot size requirement is published in the LEP as 450m<sup>2</sup> and suggestions that this should be increased to 750m<sup>2</sup> would require an amendment to the LEP. This cannot be enforced for the current development application and cannot be used as ground or a reason for refusal.</p> <p>The proposed subdivision seeks to develop the land in accordance with the zoning provisions and relevant development standards. There is a suggestion that a masterplan is needed for the development of this land however, there are not statutory provisions to require a masterplan. In this case there is a site-specific Development Control Plan to guide development of this land and the proposal has been considered against these relevant provisions. Generally, the proposal complies with the relevant requirements of the Development Control Plan and where there are variations proposed then this has been addressed to Council's satisfaction.</p>
Community infrastructure needed	Community related infrastructure including new schools, retailing facilities, emergency services, medical services and the like will likely be required when the large number of new urban release areas within the Shire are developed. There are existing services within

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Concern	Comment
	<p>Warragamba township which provides a local centre servicing the local community. As demand increases the local community facilities will also be under pressure to increase. There is ample land that is zoned to permit further development of local retailing services and the like.</p> <p>The provision of schools is managed by the NSW Department of Education and as the number of school aged children increases within this precinct then new school placements can be accommodated within the existing local schools. The development of 79 new residential lots alone does not demand its own new school site. It is considered that amplification of existing schools can cater for the new population.</p> <p>There is a proposal on adjoining land that provides more than 15,000m<sup>2</sup> of passive open space areas which form an east to west spine through the neighbouring development. There is a local playground already located in proximity to the site across to the northern side of Production Avenue and this will service the new residents. The new pedestrian pathways and cycleways will link the new community back through to Warragamba and these existing active open space facilities.</p>
<p>Cycleways and pedestrian pathways</p>	<p>The subdivision layout has been designed to cater for new pedestrian and cycleways along the western boundary of the site where the site interfaces with the Sydney Water land. The new cycleways is to be delivered by agreement by the developer and have been committed to in the VPA.</p>

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Concern	Comment
Public utility infrastructure	<p>Water and sewer services will be augmented to service the site because of the development proposal as required.</p> <p>All proposed lots are to be serviced by reticulated sewage and water. Appropriate conditions of consent are recommended to ensure services are provided to all lots prior to the release of a subdivision certificate for a lot on the subject site.</p> <p>Electricity is available to the site and negotiations will occur with Endeavour Energy for its extension through the site.</p>
Stormwater impacts	<p>The proposed subdivision has been designed so that all stormwater will be captured and treated prior to release into the external drainage system.</p> <p>A stormwater management area has been designed and located in the proposed residue lots. This has been designed to accommodate stormwater from the proposed 79 lots.</p> <p>Kerb and gutter will be constructed along the Marsh Road frontage for the extent of the development site to match the eastern boundary of the street. A stormwater management report has been provided with the application and revised by Council's stormwater engineer who is satisfied with the proposal subject to conditions.</p>

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**1.7 THE PUBLIC INTEREST**

The proposed development has addressed the requirements of the relevant planning instruments and development controls including the objectives of the zone. The proposed development has demonstrated that the site is suitable for the proposal. The proposal promotes residential subdivision of land to accommodate the growth predicted in the NSW Government's A Plan for Growing Sydney and the draft South West District Plan. The proposal development will include public facilities including a future park and land dedicated to for public recreation and associated amenities. Council can be satisfied that the proposal is in the interest of the public.

**FINANCIAL IMPLICATIONS**

It is noted that the development will give rise to an increase in demand for public services and facilities. This has been addressed under the Voluntary Planning Agreement section of this report.

**ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET**

1. Staging plan
2. Site Layout
3. Site plan showing identified contamination on site
4. Flora & Fauna survey plan

**RECOMMENDATION**

That Development Application for the demolition of existing structures, bulk earthworks, remediation works and staged residential subdivision including 79 lots, 2 residue lots, drainage infrastructure, landscape works and vegetation clearing at 65 Marsh Road Silverdale (being Lot 2 DP 588912) be determined under delegation following action by the applicant to address key concerns relating to the Voluntary Planning Agreement to the satisfaction of the Director Planning.