

**GR9 – Planning Proposal – North Silverdale Commercial, Residential and Environmental Lands**

**GR9**

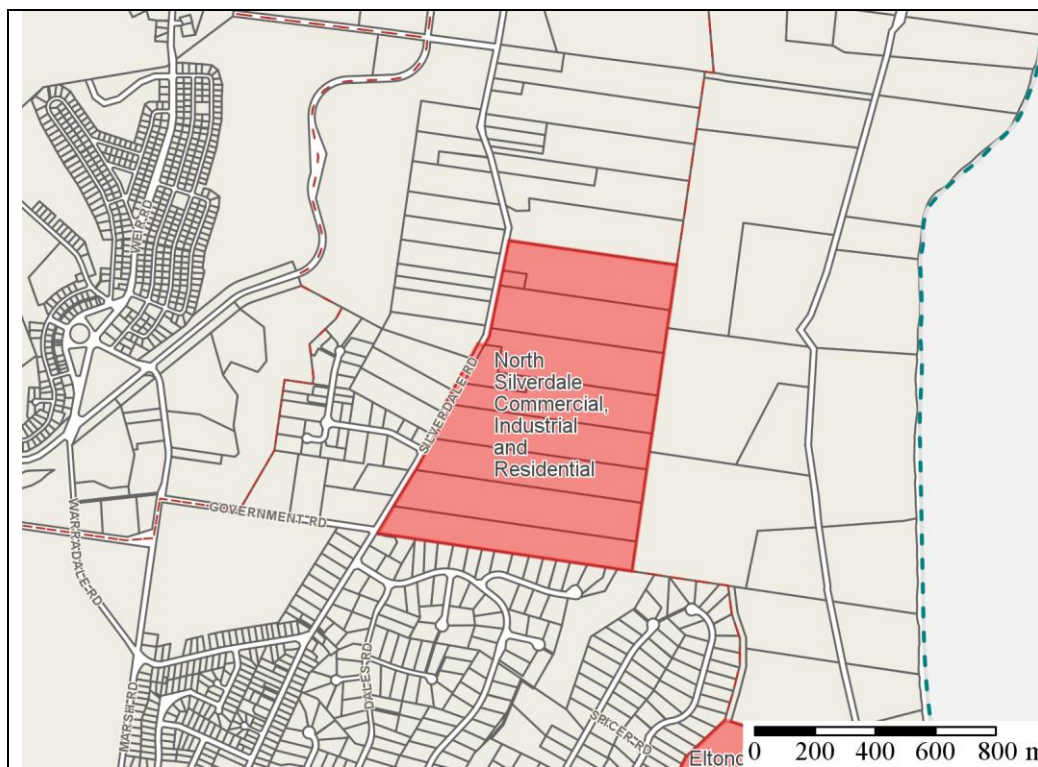
**Planning Proposal – North Silverdale Commercial, Residential and Environmental Lands**

260803

TRIM 6454

**Applicant:** Siteplus Pty Ltd  
**Owner:** D & L Hanna; K & C Mansweto; N & R Mikhael; S & A Grima; B Lopriato; S, R & M Hanna; J Cascaceli Holdings Pty Ltd; B, M R & S Hanna; J & E Mifsud

Growth



LOCATION MAP N

Stage	Completed
Preliminary notification	30 April to 25 May, 2012
Gateway Determination	1 May, 2013
Consultation with Public Agencies	September, 2013 and September, 2017
Specialist Studies	Originally submitted to Council in June, 2014. Revised Studies were provided in April, 2017
Public exhibition/community consultation	30 August, 2017 – 27 September, 2017
Referred to Minister for Publication	Not Yet Completed

**GR9 – Planning Proposal – North Silverdale Commercial, Residential and Environmental Lands**

**EXECUTIVE SUMMARY**

- The purpose of this report is to seek Council's support to request an Altered Gateway Determination for the North Silverdale Commercial, Residential and Environmental Lands Planning Proposal.
- This Planning Proposal includes ten (10) parcels of land in North Silverdale. The Planning Proposal intends to amend Wollondilly Local Environmental Plan 2011 as it applies to this land with the intention of enabling an expansion to the existing commercial zone, development of the site for approximately 350-400 residential allotments and land for environmental management purposes.
- The Planning Proposal is consistent with the Key Policy Directions and Assessment Criteria to Council's Growth Management Strategy
- 122 submissions were received in response to Community Consultation. Of these submissions 114 were in support of the proposal, 6 objected to the proposal and 2 submissions were neutral but raised some concerns that they would like to see addressed.
- 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.
- It is recommended that Council seek an altered Gateway Determination from the Greater Sydney Commission to include a minimum lot size in the E3 zone to address the concerns raised by Office of Environment & Heritage (OEH) and to incorporate provisions to accommodate an open space area. Also, that the concerns raised by NSW Department of Primary Industries (Agriculture), Roads and Maritime Services and Council's Infrastructure Planning Team be addressed prior to the finalisation of the Planning Proposal.

**REPORT**

**1.1 SITE DESCRIPTION**

The Planning Proposal site comprises ten (10) individual properties with a combined area of approximately 68.08 hectares. The lands which are included in the Planning Proposal are as follows:

- Lot 122 DP 747833 (No. 2250 Silverdale Road, Silverdale)
- Lot 121 DP 747833 (No. 2260 Silverdale Road, Silverdale)
- Lot 11 DP 38123 (No. 2280 Silverdale Road, Silverdale)
- Lot 10 DP 38123 (No. 2300 Silverdale Road, Silverdale)
- Lot 200 DP 1092447 (No. 2316 Silverdale Road, Silverdale)
- Lot 199 DP 1092447 (No. 2320 Silverdale Road, Silverdale)
- Lot 2 DP 519533 (No. 2324 Silverdale Road, Silverdale)

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- Lot 7 DP 38123 (No. 2330 Silverdale Road, Silverdale)
- Lot A DP 161634 (No. 2340 Silverdale Road, Silverdale)
- Lot 6 DP 1086326 (No. 2350 Silverdale Road, Silverdale).

2320 Silverdale Road is the location of an existing small scale shopping centre of approximately 1020 square metres, which includes an IGA store of 450 square metres, 7 retail tenants, 5 non-retail tenants and a petrol station. The land at 2300 Silverdale Road and a portion of the land at 2380 Silverdale Road are used for large scale plant nursery operations. The other lots within the site are typically large rural allotments with some of the lots containing minor agricultural uses. A large portion of the site is cleared (with scattered vegetation) with the exception of land adjacent to the eastern boundary which contains a large corridor of dense vegetation.

**1.2 DESCRIPTION OF PROPOSAL**

**1.2.1 Proposed Amendments to WLEP 2011**

The Planning Proposal was recently publicly exhibited in its current form which proposes to:

- Amend the Wollondilly Local Environmental Plan 2011 Land Use Zoning Map as it applies to the site **from** B1 Neighbourhood Centre and RU2 Rural Landscape **to** R2 Low Density Residential, R3 Medium Density Residential, B2 Local Centre, B4 Mixed Use and E3 Environmental Management zone in accordance with the Land Use Zoning Comparison Map in Attachment 1.
- Amend the Wollondilly Local Environmental Plan 2011 Minimum Lot Size Map as it applies to the site **to** provide the following minimum lot sizes:
  - 700 square metres to the part of the site proposed to be zoned R2 Low Density Residential
  - 975 Square metres to the part of the site proposed to be zoned R3 Medium Density Residential
  - 1250 square metres to the part of the site proposed to be zoned B4 Mixed Use Development
  - No minimum lot size for the part of the site proposed to be zoned B2 Local Centre and E3 Environmental Managementin accordance with the minimum Lot Size Comparison Map in attachment 2
- Amend the Wollondilly Local Environmental Plan 2011 Height of Building Map as it applies to the site **to** a maximum building height category of 11 metres to the proposed B2 zoned part of the site and 9 metres to the remainder of the site in accordance with the Maximum Height of Building Comparison Map in attachment 3
- Include certain land on the Natural Resources Biodiversity Map under Wollondilly Local Environmental Plan 2011 in accordance with the Natural Resources Biodiversity Map in attachment 4

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- Include part of the site within an odour buffer map (proposed residential zoned lands within 500 metres of the adjoining poultry farm) to ensure that any development of this part of the site is subject to specific amenity criteria (if the existing poultry farm is still in operation) in accordance with the Odour Buffer Map in attachment 5
- Include the site on the Wollondilly Local Environmental Plan Urban Release Area map in accordance with the Urban Release Area Map in attachment 13.

The land area allocated to each proposed land use zoning and the proposed minimum lot sizes on the site are provided below:

Proposed Land Use Zone	Proposed Minimum Lot Size	Site Area
B2 Local Centre	No Minimum Lot Size Proposed	3.3ha
B4 Mixed Use Development	1250 square metres	3.12ha
R2 Low Density Residential	700 square metres	29.48ha
R3 Medium Density Residential	975 square metres	10.19ha
E3 Environmental Management	No minimum lot size proposed	21.99ha

Following consideration of the Submissions received during the public exhibition of the proposal and the responses from various state government departments, it is proposed to make the following amendments to the proposal which was publicly exhibited to include the following:

- A minimum lot size be inserted into the E3 Environmental Management zone in accordance with the revised minimum lot size map in attachment 7 in order to address the concerns raised by OEH during the Government Agency consultation
- That the area nominated for use as a park be zoned RE1 Public Recreation.

**1.2.2 Intent/Purpose of the Planning Proposal**

The Planning Proposal intends to amend Wollondilly Local Environmental Plan 2011 to enable an extension of the existing commercial zone on the site, with capacity to provide a full line supermarket and smaller complementary speciality shops, and also to provide approximately 350-400 Low and Medium Density Residential allotments on the site. The site would have the capacity to accommodate up to 600 additional dwellings on the site if the R3 Medium Density Residential zone is developed to full capacity.



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The site currently includes an area of land fronting Silverdale Road which is zoned B1 Neighbourhood Centre and this land supports a small shopping village and service station. The existing retail centre incorporates an area of approximately 1,630 square metres, including an IGA food store of approximately 450 square metres. This Planning Proposal would replace the existing B1 Neighbourhood Centre Zone with a B2 Local Centre zone so that a wider scope of commercial uses can be accommodated on the site. The B2 zone would cover a greater area than the current B1 zone to enable an extension of the existing commercial centre.

The Economic Impact Assessment provided by the proponent states that the proposed B2 Local Centre zone would support an expanded shopping centre which would comprise some 5,950 sqm of gross lettable floor area, including:

- A full-line supermarket of 3,500 square metres; and
- Specialty shops of 2,450 square metres of specialty shops including retail and non-retail components.

The provision of specialty shops would complement the proposed supermarket and would serve the day to day needs of the population. The net addition of floor space would be 4,320 square metres, (with the 1,630 square metres of Floorspace at the existing centre providing a combined floor area of 5,950 square metres). It is anticipated that approximately 250-270 additional car parking spaces would also be provided as part of the redevelopment of the commercial centre.

The proposed B4 Mixed use zone is expected to provide an area suitable for a mix of residential and commercial development and may be suitable for future office and business type development. The proportion of the site proposed to be zoned medium density development and low density residential development is expected to generate approximately 350-400 additional lots, which would be consistent with the growth figures identified for Warragamba/Silverdale in Council's Growth Management Strategy 2011.

The R3 Medium Density Residential zone could potentially accommodate up to 350 dwellings if developed to capacity which would contribute to 550-600 dwellings within the entire site. The medium density zone has thus been provided within close proximity to the commercial centre and the indicative road layout for the proposal demonstrates that a future development is able to be provided which would encourage walkability between the medium density residential land and the commercial centre.



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The land along the eastern boundary of the site is proposed to be zoned E3 Environmental Management zone in order to protect and conserve a majority of the significant vegetation on this part of the site. An area has also been included within this part of the site as a nominal area for a future park. The park location is in a central location on the site and takes advantage of the natural features on the site. The park would be within suitable walking distance of the proposed R3 Medium Density Residential land on the site. A Voluntary Planning Agreement (VPA) can be entered into at such time as a development application is lodged for the subdivision of the site, at which time the land would also be dedicated to Council.

**1.3 GATEWAY DETERMINATION**

A Gateway Determination was issued on 1 May 2013. The Gateway Determination permitted the proposal to proceed and granted that the inconsistencies with Section 117 Directions 1.2 (Rural Zones) to be of minor significance and no further approval on these matters was required for the project to proceed.

**1.4 FLORA AND FAUNA MATTERS**

Following the receipt of the revised gateway Determination in June 2015, the location of the environmental management zone on the site has been extended to include some cleared land for a future dwelling and asset protection zones so that the maximum extent of the vegetation along the eastern boundary could be retained. Although some vegetation removal would be required within the future E3 lots. Council wrote to the proponent in May, 2016 requesting a number of matters to be addressed in a revised Flora and Fauna Assessment in relation to the vegetation that is likely to require removal in these zoned, particularly as vegetation removal in this zone is unable to be offset through the use of the Biobanking Framework (although this will change when the NSW Biodiversity Conservation Act, 2016 becomes applicable in Wollondilly).

A revised Flora and Fauna Assessment and Biodiversity Assessment Report (BAR) was submitted to Council in May 2017 which addressed the concerns of Council's Environment Team and the key findings of the BAR are detailed below:

The key ecological values within the site have been identified as follows:

- 10.29 hectares of native vegetation within the Development Site (the development site being proposed zones R2, R3, B2 and B4) in the form of *1395 – narrow leaved ironbark broad leaved ironbark – grey gum open forest of the edges of the Cumberland plain, Sydney Basin, equivalent to the vegetation community Shale Sandstone Transition Forest* which is listed as a Critically Endangered Ecological Community under the *Threatened Species Conservation Act, 1995*.

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- Habitat for a number of threatened species including 2.85 hectares of the Cumberland Plain Land Snail and five individuals of Juniper-leaved grevillea.
- 15.66 hectares of vegetation within the proposed E3 Environmental Management Zone contains threatened biota which includes the following:
  - 9.67 hectares of 1395 – Narrow leaved ironbark – broad leaved ironbark – Grey Gum open forest of the edges of the Cumberland Plain, Sydney Basin, equivalent to Shale Sandstone Transition Forest CEEC.
  - 5.99 hectares of 1081 – Red Bloodwood – Grey Gum woodland on the edges of the Cumberland Plain, Sydney Basin.

The overall site comprises 68.09 hectares in area. A total of 46.10 hectares of land is proposed to be rezoned to R2, R3, B2 or B4; this area is known as the development area. The remaining 21.99 hectares of land will be zoned for Environmental Management purposes.

**Vegetation Disturbance within the Development Site (R2, R3, B2, B4 zoned land)**

The development site contains 10.29 hectares of native vegetation, with a varying level of disturbance in different locations within the study area. Vegetation within the proposed development site is highly modified and has been maintained through land management practices including vegetation clearing, ongoing slashing, dumping of soil and horticultural debris and thinning of the understorey.

The native vegetation within the development site includes 0.77 hectares of low condition vegetation, characterised by particularly heavy weed infestations and historical clearing. The remaining 9.52 hectares was classified as moderate to good condition. It was established that the derived communities of the study area are a simplified form of Shale Sandstone Transition Forest which is listed as a Critically Endangered Ecological Community (CEEC) under the *Threatened Species Conservation Act, 1995*.

The Biodiversity Assessment Report submitted with the proposal states that it is the intention of the proponents to offset the vegetation losses on the development site through obtaining individual Biobanking Statements for each lot as part of future subdivision/development applications. It is proposed to submit separate biobanking statement applications for the development of each lot once the Planning Proposal has been approved, with each lot then being responsible for the retirement of credits prior to vegetation removal or construction.

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The impacts to native vegetation and species habitat on the development site will require the retirement of the following credits prior to the removal of the vegetation:

- Removal of 10.29 hectares of narrow-leaved ironbark – broad leaved ironbark – Grey Gum Open Forest of the edges of the Cumberland Plain, Sydney Basin Bioregion = 401 ecosystem credits
- The removal of 2.85 hectares of habitat for the Cumberland plain land snail = 37 species credits
- The removal of 5 individuals of juniper leaved Grevillea = 100 species credits.

Of the 10.29 hectares of vegetation within the development site, 7.95 hectares proposed to be removed constitutes a red flag under the Biobanking Assessment Methodology and any removal would require a red flag variation request with any future Biobanking Application. OEH would need to consider any red flag variation request as part of any future Biobanking Statement Application. OEH will be consulted during the public exhibition of the Planning Proposal and asked to comment on the merits of such a proposal.

**Vegetation Disturbance within the E3 zoned land**

The site is proposed to include 21.99 hectares of E3 zoned land on the eastern portion of the site. Wherever possible, the western portion of the proposed E3 zoned land has been provided with a cleared area to provide roads, building envelopes and asset protection zones for the future E3 zoned lots. Within the E3 zoned land it is expected that 2.69 ha of land would be required to accommodate access roads and future building envelopes. A total of approximately 1ha of this land would require removal of the Narrow Leaved Ironbark – Broad Leaved Ironbark Grey Gum Forest which corresponds to the CEEC Shale Sandstone Transition Forest (the remaining 1.69ha of land for the purposes of roads and building envelopes would be provided within the cleared areas of the site).

The vegetation within this 1ha area of land comprises the following condition classes:

- Moderate/good derived shrubland = 0.01 hectares
- Moderate/good, poor = 0.34 hectares
- Moderate/good, medium = 0.65 hectares.



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The clearing of land within the E3 zone is not proposed to be offset through the Biobanking Framework, as any clearing in the E3 zone would require approval under the Native Vegetation Act, 2003 and OEH is unable to issue a Biobanking Statement to authorise clearing on land to which the Native Vegetation Act applies. Rather, An Assessment of Significance was included in the Biodiversity Assessment Report submitted with the Planning Proposal under Part 5 of the *Environmental Planning and Assessment Act, 1979* to establish whether the removal of this 1ha of vegetation would constitute a significant impact. An outline of the findings of the Assessment of Significance is provided below:

**Assessment of Significance of Proposed Clearing in the E3 zone**

The one hectare of Shale Sandstone Transition Forest vegetation which is proposed to be removed to enable roads and future dwellings within the E3 zone has been identified in the Biodiversity Assessment Report as being of moderate/good condition with varying levels of disturbance. A total of 9.67 hectares of Shale Sandstone Transition Forest will be retained as a biobank site including the APZ for the proposed building envelopes. The BAR states that as published on 6 July, 2016, the OEH online profile for SSTF stated that there is 9,950 hectares remaining intact, with this entire remnant occurring the Sydney IBRA Region. The loss of 1ha will result in a total loss of <0.01% of the community. The development would also result in just over 10% of the SSTF Vegetation within the E3 zoned lands being retained; a total of 5.99ha of Sydney blue gum vegetation will also be retained in this area. It was therefore found that the proposal would not have a significant impact on the SSTF vegetation.

**Proposed Biobanking Site**

It is proposed to offset biodiversity losses in the R2, R3, B2 and B4 zoned areas of the site through the establishment of a biobanking site within the E3 zoned part of the land. It is expected that one E3 zoned lot would be created within the eight existing lots which run adjacent to the eastern boundary. The future E3 zoned lots would retain the existing north, south and eastern boundaries that are currently adopted by these eight lots with the western boundary to be formed by the proposed E3 zone boundary.

It is recommended that the Council seek an Altered Gateway Determination to impose a minimum lot size across the E3 zoned land to ensure that lots take on the arrangement mentioned above and are not further subdivided at a later date. This is particularly important given that the new Biodiversity Conservation Act, 2016 will enable offsetting in the E3 zone. It is recommended that the proposed minimum lot size map be amended in accordance with attachment 7.

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It is the intention of the proponents to offset the vegetation losses on the development site through obtaining individual biobanking statements for each lot as part of future subdivision/development applications. When the lands outside the proposed E3 zoned land on No. 2250, 2260, 2300 and 2316 Silverdale Road, Silverdale are developed, the clearing may be offset by the biobank site that has been established within the E3 zoned land on the lot, as the amount of credits generated by the biobank site within the lots would be sufficient to offset the credits required from the vegetation removal.

In the case of No. 2280, 2320, 2324, 2330, 2340 and 2350 Silverdale Road, Silverdale, the credits required will exceed the credits generated from the Biobanking area on the site. In these scenarios, the developer of these lots may need to purchase credits from another landowner within the Planning Proposal site (which have not yet been retired) or purchase other credits off-site. Part of the biobank site will also form part of the asset protection zone and this approach will need to be reviewed by OEH during the public exhibition of the proposal to ensure that they are satisfied with this arrangement.

**Summary**

The development would result in the permanent removal of 10.29 hectares of 1395 – Narrow Leaved Ironbark Broad leaved Ironbark Grey Gum Open Forest, equating to the TSC Act listed CEEC Shale Sandstone Transition Forest in the part of the site proposed to be zoned R2, R3, B2 and B4. It is proposed to offset the biodiversity losses on the development site through the establishment of a biobank site within the E3 zoned land in the eastern portion of the site.

Residual impacts are proposed to be offset by the development of a biobank site within the E3 zoned land. Development of future lots in the E3 zone will retain 15.66ha of remnant vegetation. The removal of 1ha of vegetation within the E3 zone is unable to be offset through a Biobanking Statement, however, the Biodiversity Assessment Report prepared in respect of the proposal demonstrates that its removal would not contribute to a significant impact.

It should be noted that the level of clearing identified in the E3 zone may vary depending on any vegetation removal required to establish the proposed park. In this case the Biodiversity Assessment Report would need to be modified accordingly as part of any future development application for the site which involves the establishment of the park.



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**1.5 PROPOSED DEDICATION OF LAND TO COUNCIL FOR USES AS A PARK**

Given the scale of growth proposed in a location which does not currently benefit from access to open space locally and within walking distance of the proposed location for housing and expansion of the commercial area it is considered that a mechanism needs to be in place to ensure that this can be provided.

On this basis, the matter has been discussed with the Proponent to incorporate an area of land within the proposal for the future dedication of land for use as a public reserve for recreation.

The indicative location of the proposed park within the Planning Proposal site is shown in Attachment 9 of this report.

Due to the local significance of the proposal and the increase in population that the proposal would generate, Council is of the view that a suitably sized area should be allocated on the site for a public reserve/recreation area which would be accessible to future residents of the area. It is also noted that the proposal includes 10ha of R3 Medium Density Residential Zoned land which could potentially yield up to 300 additional dwellings and it is important that the future residents in this part of the site are given walkable access to appropriate open space facilities.

On 26 September, 2016, Council formally wrote to the proponent asking that they allocate an area of land on the site (4000-6000 square metres in area) for use as a future reserve/public open space area. Council's Open Space, Recreation and Community Facilities Strategy 2014 identifies that local open space should not be less than 0.3ha in area and the proposed reserve meets this requirement. In May, 2017 a response was provided by the proponent which included a proposed location for the park/reserve (this is shown in Attachment 9). The proponent's advice stated that '*subject to Council's acceptance of this location, a Voluntary Planning Agreement (VPA) can be entered into. The VPA can be entered into when a development application is lodged with Council, at which time the land would also be subdivided for dedication to Council.*

The proposed area for the park is centrally located on the site in accordance with Council's request and would be capable of providing for the day to day basic recreation needs of the community, including but not limited to seating and shade areas, play areas, play equipment etc. The location is capable of meeting the requirements of Council's Open Space, Recreation and Community Facilities Strategy. The area would be within 400 metres of the commercial centre and medium density residential area to promote walkability and is also capable of integrating the natural landscape into the public reserve area.

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It is considered that an area of a minimum of 6000 square metres for the park is necessary. Council's Land and Property Panel met on 8 November, 2017 to consider the principle of future acceptance of this land and the following was resolved (at the time of writing this report the decision below was still to be reviewed and agreed to by Council's Executive Team):

*"That the Land and Property Panel provide in principal support to the acceptance of land at a future date for use as a park.*

*This support is Subject to the land:*

- *Being a minimum lot size of 6000 square metres*
- *Zoned RE1 or a Residential zone*
- *Valued as RE1*
- *Appropriately cleared*
- *Without unreasonable encumbrance/burden*
- *The park being fully developed with facilities and equipment, or sufficient funding being provided by the developer to enable Council to do the same*
- *Being subject to a site specific control in Council's DCP which requires the park to be established in accordance with the above criteria prior to any residential development occurring on the site*
- *That the applicant provides a Landscape plan outlining proposed facilities for the park prior to the acquisition at the DA stage."*

The Land and Property Panel were not comfortable with the current proposed environmental protection land use zone proposed for the open space site which is reflected in their decision. Given the intention is for the open space area to be a cleared 'active' open space area, an environmental protection zone is also not considered the best fit on strategic planning grounds either.

It is considered that an RE1 Public Recreation or a residential zone would be a more appropriate zone for the open space area to ensure that the use of the site is consistent with the zone objectives and that the use of the site as a park is not unreasonably constrained. This change to the proposal is likely to require an alteration to the Gateway Determination and at a minimum further consultation with the Office of Environment & Heritage.

While an RE1 Public Recreation Zone is obviously the best fit in terms of the intended future use of the site it would only be considered appropriate if there was a Planning Agreement in place at the time of rezoning that accommodated the dedication of land to Council. Otherwise an RE1 zone would make Council vulnerable as it places legal obligations on Council to acquire the land. It is noted that the dedication of land would not occur until the development application stage.

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A residential zone is not the most desirable zone as it would permit other development on the site and there is less certainty around securing the open space area. This approach could be supported by site specific controls within the Development Control Plan but this would not be as effective as an RE1 zone. Both approaches would be appropriate and the decision on which approach to take should be made after further discussions with the Proponent.

It is noted that the current area of the proposed park is heavily vegetated and will require some vegetation removal to form a reasonable facility for public use. The Biodiversity Assessment Report (in particular the required credit calculations for offsetting purposes) would need to be updated to consider the clearing required for the proposed park.

It is further noted that there is still likely to be a need for neighbourhood parks throughout the site as part of any future residential development of the site and these would be in addition to the open space area discussed above.

**CONSULTATION**

**2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT**

The following comments on the Planning Proposal were received from Council staff:

**Infrastructure Planning**

- The infrastructure works outlined in the Traffic Impact Assessment (TIA) are agreed with.
- The requirement to upgrade the Silverdale Road/Farnsworth Avenue to a signalised intersection and to realign this intersection to make the Silverdale Road leg the priority is agreed with. It is noted that there is a wide road reserve in this location and that Council's Draft Futures Deficiency Modelling is showing that Silverdale Road north of the intersection is 2 lanes each way so any design would need to accommodate this.
- The intersection model for the main intersection in the Traffic Impact Assessment (see attachment 12) shows four lanes (two in each direction plus a median strip). The additional lane to the north is of merit and this is supported by Council's revised Futures Deficiency Report (September, 2017), however the need for an additional lane for southbound traffic needs to be clarified, particularly the extent and timing and the need that this would create for any land reservation.
- It may be in the proponents' best interest to enter into a Voluntary Planning Agreement (VPA) to address issues surrounding land dedication/reservation and allocation of costs among landowners for future traffic infrastructure works required as part of the proposal.

Sustainable and Balanced Growth  
Report to the Ordinary Meeting of Council held on Monday 11 December 2017

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- The future development should provide for the construction/completion of shared pathways to the south connecting to existing residential areas and this can be included in a future DCP control.

**Environmental Health Officer**

- No objections raised subject to odour buffer clause being imposed
- Recommended a 50m buffer from any residential development to the nursery operations which could be imposed through a site specific DCP control.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

The Gateway Determination required consultation with the following Public Agencies:

- NSW Department of Primary Industries (Agriculture)
- NSW Department of Education and Communities
- Endeavour Energy
- Fire and Rescue
- Greater Sydney Local Land Services
- NSW Office of Environment and Heritage
- NSW Heritage Office
- NSW Police
- Roads and Maritime Services
- Rural Fire Service
- State Emergency Service
- NSW Office of Water
- Sydney Water
- Transport for NSW
- Adjoining Local Council's (Camden and Penrith).

Three (3) of the agencies who were consulted raised concerns with the proposal and in particular either suggested amendments or identified matters that needed to be further addressed. The following is a summary of the matters raised by these public authorities and comments from Council's Planning Team:



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**NSW Department of Primary Industries (Agriculture) (see attachment 10)**

Government Agency Advice	Council Planning Team Comments
<p>DPI Agriculture is concerned that the development will impact the commercial poultry farms to the north of the site due to complaints from residents/businesses experiencing odour and noise</p>	<p>A timeline of the measures taken and amendments made to the proposal to address the odour buffer issue is provided below:</p>
<p><i>An EPA Level 1 odour assessment undertaken by DPI indicates that odour could occur within 1700m of the poultry sheds. The proposed 500m buffer is not substantiated by evidence. A level 2 or 3 odour modelling using CALPUFF may predict that odour would impact less land.</i></p>	<ul style="list-style-type: none"> <li>▪ May, 2013 – A Gateway Determination was issued by the Department of Planning which included a condition requiring additional information regarding odour to be placed on exhibition with the proposal;</li> </ul>
<p><i>It is noted that there does not appear to be a noise impact assessment. The industrial noise policy recommends that:</i></p>	<ul style="list-style-type: none"> <li>▪ Council consulted with Government Agencies including Department of Primary Industries (Agriculture) in 2013. No response was received from DPI.</li> </ul>
<p><i>'In certain instances zoning for an area will allow multiple uses. For instance, some areas are classified as 'Rural' with industry related uses permissible, thus allowing rural uses (including a dwelling) and industries in the same area. In terms of noise the permissible uses may not be entirely compatible, and where this mix of development is permitted it may not always be possible to achieve the desirable noise criteria for receivers. In these instances, the noise levels that are achievable will be defined by applying all feasible and reasonable mitigation measures'.</i></p>	<ul style="list-style-type: none"> <li>▪ In July, 2014, a letter was received from the owner of the poultry farm to the northern boundary advising that poultry farm operations would cease in 10-15 years.</li> <li>▪ On this basis a report was provided to Council to request an altered Gateway Determination where an odour buffer clause could be applied rather than undertaking an odour study up front.</li> </ul>
<p><b><i>It is highly recommended that the relevant consent authority consider the need to incorporate noise mitigation measures in noise-sensitive developments where</i></b></p>	<ul style="list-style-type: none"> <li>▪ In June, 2015 – an Altered Gateway Determination was issued by the NSW Department of Planning and Environment which enabled the proposal to proceed with an odour buffer clause being applied to the site</li> </ul>

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Government Agency Advice	Council Planning Team Comments
<p><i>such mixed development is permitted, for example new residences proposed near industrial or commercial areas.</i></p>	<p>rather than the preparation of an odour study.</p> <ul style="list-style-type: none"> <li>▪ September, 2017 – The proposal was placed on formal public exhibition. The public exhibition also included a staging plan so that the site could be developed according to the likely ceasing of the poultry operations (i.e. the land closest to the poultry farm is developed last). The odour buffer clause also has the effect that the development of any land within the buffer area will need to satisfy specific amenity criteria related to odour. This would likely require the preparation of a detailed odour assessment.</li> <li>▪ September, 2017 – A submission was received from DPI Agriculture which raised concerns in relation odour impacts from the poultry farm to future residential lots.</li> </ul> <p>It is the recommendation of this report that Council write to the Department of Planning and Environment and ask them to liaise with the Department of primary Industries (Agriculture) and the proponent in order to resolve the concerns raised by DPI (Agriculture).</p>
<p>The Agricultural Suitability Mapping highlights that the site contains agricultural land class 3 suitable for cropping in rotation with pasture and there is evidence that the land has been used for growing crops.</p>	<p>The advice that the site contains Class 3 Agricultural Lands is noted. It is considered that adequate agricultural lands in the area would be retained outside the Planning Proposal site.</p>

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It is recommended that if the proposal proceeds, in relation to the Right to Farm, the Council may need to provide some undertaking or assurance that any noise or odour complaints directed at the poultry farm as a result of the proposed rezoning do not compromise the normal operation of the farm.	Noted.

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**Office of Environment and Heritage (OEH)**

The Office of Environment and Heritage (OEH) provided comment on the planning proposal in October 2013, recommending that the planning proposal be informed by the outcomes of a Flora and Fauna study to determine the extent of biodiversity values on site that should be conserved. Following completion of the Flora and Fauna Study, OEH provided supplementary comments in February 2016. In April 2017, the applicant commissioned the preparation of a Biodiversity Assessment Report which was also referred to the OEH for comment and a response was provided in September 2017. The issues raised in the three (3) submissions have been summarised below:

Government Agency Advice	Council Planner Comment
OEH raised concern regarding the ecological impacts of the rezoning on the Critically Endangered Ecological Community (CEEC) Shale Sandstone Transition Forest (SSTF), Cumberland Plain Land Snail Habitat and Threatened Juniper Leaved Grevillea. OEH recommended that council consider reducing the amount of land to be zoned for development to reduce these impacts and apply split zoning to land with biodiversity values, with the development area zoned residential and the remainder of the land to be zoned for conservation.	The planning proposal is generally consistent with the actions and objectives of the relevant regional/local strategic plans, State Environmental Planning Policies and Section 117 Ministerial Directions. The rezoning layout has sought to avoid and minimise impacts to sensitive ecological features by siting residential development in areas of greatest disturbance and in close proximity to adjoining development. Land along the eastern boundary of the site is proposed to be zoned E3 Environmental Management to protect and conserve most of the significant vegetation.  LEP Practice Note PN 09-002 - Environment Protection Zones provides guidance to councils on

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	<p>environment protection zones and how they should be applied in the preparation of local environmental plans. In accordance with the LEP Practice Note, the eastern portion of the site containing biodiversity value displays characteristics suitable for the application of the E3 Environmental Management zone. This zone will provide a transition between the more urban land uses proposed on the west of the site and the largely vegetated land along the eastern boundary. It is considered that future development can be well located and designed so that it does not have an adverse effect on the environmental qualities of the land.</p> <p>To further protect the biodiversity values of this land, it is also proposed to amend council's Natural Resources – Biodiversity Map and apply a Minimum Lot Size to the E3 Environmental Management zone to prohibit further subdivision (see below for further discussion). The use of an E3 Environmental Management zone across this area of the site is consistent with Council's Environmental Zones Policy. It is considered that the use of biodiversity overlays, in conjunction with land use zoning and Minimum Lot Size requirements, will enable the protection of land with biodiversity value.</p>
<p><i>It is unclear why there is no minimum lot size in the E3 zone, OEH is concerned that despite the indicative subdivision layout showing one dwelling per lot, the subdivision could seek to create multiple lots.</i></p>	<p>Given the likely differences in size between each of the resulting E3 zoned lots, it was considered that the simplest approach was to not apply a minimum lot size to this area of the site. However, after consideration of OEH's concerns it</p>

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	<p>is acknowledged that this approach may result in subdivision to create additional allotments.</p> <p>To address OEH's concerns, the planning proposal has been amended to prescribe minimum lot sizes to the E3 Environmental Management zoned lots. This is the most transparent and effective mechanism to prevent future dwelling entitlements and further subdivision.</p> <p>A revised minimum lot size map is included in attachment 6 to this report and a Gateway Alteration Request from the Department of Planning will be sought prior to finalization of the proposal.</p>
<p><i>The Biodiversity Assessment Report (pp74-75) indicates that the vegetation to be protected in BB/BSA sites does not generate enough onsite credits to offset all impacts</i></p>	<p>It is acknowledged that on some of the sites the number of credits required would be insufficient to offset the biodiversity losses. In this instance, the proponent has indicated that they would need to purchase credits off site (or purchase any surplus credits from other lots within the planning proposal site). This can be adequately addressed at the development application stage under the new Biodiversity Assessment Method (BAM) of the Biodiversity Conservation Act 2016.</p>
<p><i>The vegetation within the E3 zone will be impacted by clearing for dwellings, roads and APZ's and this impact is not accounted for in the BAR.</i></p>	<p>The Biodiversity Assessment Report (April 2017) identifies that 2.69ha of land within the E3 zone would be required to accommodate access roads and future building envelopes/Asset Protection Zone (APZ). Approximately 1.69ha of this would occur in cleared areas within the APZ. The remaining area for roads/future dwellings/APZ would involve the removal of</p>

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	<p>approximately 1ha of Shale Sandstone Transition Forest (SSTF).</p> <p>The Biodiversity Conservation Act 2016 enables any biodiversity losses in the E3 Environmental Management zone to be offset under the new Biodiversity Assessment Method (BAM). This can be adequately addressed at the development application stage.</p>
<p><i>Due to the small size of some of the proposed biobank sites, they are unlikely to be financially viable to establish, nor ecologically viable in the long term. Furthermore, OEH is unlikely to agree to the inclusion of APZs within a BB/BSA site</i></p>	<p>If the individual biobank sites are too small to be viable sites, then there may be an opportunity for two or more lots to be combined. This can be adequately addressed at the development application stage if required.</p>

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**Roads and Maritime Services (RMS) (see attachment 11)**

Agency Advice	Council Planning Team Comment
<p>RMS has reviewed the Traffic Impact Assessment and provides the following Comments:</p> <ul style="list-style-type: none"> <li>▪ Electronic copies of the SIDRA files should be provided. It is unclear from the information provided if the modelling that has been undertaken utilises the SIDRA network model. RMS is of the opinion that that the SIDRA Network Model should be used as the interaction between the three proposed access points to the land affected by the Planning Proposal, its future traffic generation as well as the existing intersections(e.g. Econo Place/Silverdale) need to be considered and addressed all together and not individually.</li> <li>▪ The developments future traffic generation rates have not been based on the updated land use</li> </ul>	<p>It is considered that an updated Traffic Impact Assessment should be prepared to address the first three points raised opposite, particularly in relation to the underestimation of the possible number of dwellings generated through the R3 zoned land. it is agreed that the figure in the Traffic Impact Assessment is a significant underestimate of the likely number of dwellings likely to be provided in this area of the site, even if the R3 zone is developed short of maximum capacity. The proponent was asked to prepare a revised Traffic Impact Assessment in October, 2017.</p> <p>The fourth point raised opposite requiring the identification of pedestrian, cyclist and public transport infrastructure to be</p>



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<p>traffic generation rates as detailed in the RMS Technical Direction (TDT) 2013/4a. As a consequence the total trip generation rates in the Traffic Impact Assessment appear to be underestimated.</p> <ul style="list-style-type: none"> <li>▪ The estimated development in the proposed R3 zone appears to be underestimated (i.e. table 2.2 estimates 100 residential units). The Wollondilly Development Control Plan 2016 which applies to this land provides both a minimum and maximum dwelling density/yield for medium density development. The minimum density/yield would result in 219 units (25 x 8.7723 – lot area in hectares) with the maximum density/yield resulting in 395 units (45 x 8.7723 – lot area in hectares) which are both significantly above the 100 residential units used in the TIA. As such, RMS recommends that the above should be updated and associated total trip generation figures, modelling etc amended;</li> <li>▪ Previous correspondence provided to Council by RMS (refer to letter dated 3 October, 2013) required the identification of the pedestrian, cyclist and public transport infrastructure that would be needed in association with any future development of the site. No information on the above has been provided in the submitted Traffic Impact Assessment or the Planning Proposal.</li> </ul>	<p>provided could be addressed through future site specific DCP controls and also through updates to Council’s Section 94 Plan. It would be difficult to identify the pedestrian and cycle movements at this stage as the final subdivision layout is not yet known and the area north of the site in proximity to the poultry farm may not be developed for some time.</p>
<p>RMS recommends that the proposal include but not be limited to, the provision of pedestrian footpaths, cycleways and public transport infrastructure (e.g. bus bays within the site). The updated information</p>	<p>This matter is more appropriately dealt with through future site specific DCP controls and also through updates to Council’s Section 94 Plan.</p>

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submitted with the Planning Proposal provides limited details on the above (i.e. no plan showing proposed bus routes and bus stop locations, plans showing pedestrian/cycleway linkages and indicative cross sections).	
RMS in its previous letter to Council dated 3 October, 2013 recommended that Council not support the Planning Proposal until an infrastructure plan has been developed for the site as a whole. The updated information provided does not contain a response to this concern or the requested infrastructure plan. As such, RMS again recommends that an infrastructure plan be developed for the site as a whole as part of the current Planning Proposal.	An indicative road layout for the site is shown in attachment 9. A full infrastructure plan would be unnecessary at this stage as the final lot layout is unknown and would be subject to change.
Council should be satisfied that appropriate mechanisms are in place for developer funding of road/transport infrastructure improvements that may be required as a result of future development of land covered by the Planning Proposal (e.g. Planning Agreement, amendment to/creation of a Section 94 Plan etc). It is noted from the submitted Traffic Impact Assessment that a range of road/transport improvements will be required as a result of the Planning Proposal.	The Traffic Impact Assessment identifies several road infrastructure upgrade requirements and also appears to indicate future road widening for additional lanes along the Silverdale Road frontage. It is a recommendation of this report that the proponent be advised that it may be in their best interests to enter into a Voluntary Planning Agreement (VPA) as part of the Planning Proposal in respect of the proposed works. This would also give certainty to Council in regards to the upgrades required at various stages of the development and funding allocation.
RMS notes that opportunities will exist under Clause 6.1 of the Wollondilly Local Environmental Plan 2011 to seek contributions for State Public Infrastructure as the Planning Proposal seeks to include the site on the WLEP 2011 Urban Release Area maps. As such it is suggested that TfNSW have further discussions with RMS Sydney Strategic Land Use	The site is proposed to be added to the Urban Release Area maps which form part of WLEP 2011 which would make the future subdivision of the land subject to a 'satisfactory arrangements' clause.  Development consent for Future subdivision on land subject to the "satisfactory arrangements clause"

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Team in relation to the above and opportunities to obtain contributions towards state infrastructure.	may only be granted if the minister has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure.

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**2.3 COMMUNITY CONSULTATION**

Formal community consultation was undertaken for a total of 28 days from 30 August, 2017 to 27 September, 2017. During the consultation period a total of 122 submissions was received, in which 114 supported the proposal, six (6) objected to the development and two (2) were neutral, however, raised some matters with the proposal that they would like to see addressed.

The issues raised in submissions that are relevant to the assessment of the Planning Proposal are summarised in the following table along with assessment comments.

The matters raised in favour of the Planning Proposal are as follows:

Issue Raised	Number of Submissions that Raised this Issue	Council Planner Comment
The future development will present an opportunity to provide a footpath along Silverdale Road.	8	It is anticipated that a control could be included within Council's DCP requiring the construction of shared pathways to the south connecting with existing residential areas (which is consistent with Council's Bike Plan 2011).
The area needs to be revitalised and have improved services.	25	It is noted that the opportunity for a full line supermarket and other speciality shops on the site presents an opportunity to bring improved services to the area.
The area is in need of a commercial centre.	1	It is noted in the Economic Impact Assessment prepared with the proposal that the nearest commercial centre with a full line supermarket (3,200

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		sqm or larger) is in Glenmore park which is located approximately 19km north of the site. The Economic Impact Assessment identifies that based on the current and proposed population in Silverdale there is significant scope for such a commercial centre in the Silverdale area.
The future development would provide improved quality of living in the area.	6	It is noted that the proposal presents an opportunity to provide for improved living in the area through improved provision of retail services and infrastructure upgrades.
It will provide a great place to live close to the proposed new Badgerys Creek Airport.	4	Noted.
Improved car parking in the town centre will be provided which is currently lacking.	25	The current traffic issues on the site are noted. The proposal is expected to provide approximately 250-270 car parking spaces on the site with additional car parking beyond this also available.
The appearance of the town centre/commercial area will be improved.	39	It is agreed that the proposal presents an opportunity to improve the appearance of the existing commercial centre. The increase in permissible maximum building height in the B2 zone also provides for some flexibility in future building design.
People are currently required to travel unreasonable distances	29	It is noted that the nearest commercial centre with a full line supermarket is

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to Penrith to do major shopping.		located in Glenmore Park which is a 38 km round trip from Silverdale. The Planning Proposal will address this issue.
The commercial development will provide jobs for local people.	27	The Economic Impact Assessment identifies that the additional retail floorspace which would result from the proposal would generate approximately 200 permanent jobs which is substantially higher than the current centre provides. Additional jobs will also be created through supplier induced multiplier effect.
The proposal will encourage local business to remain in the area.	16	It is agreed that the proposal provides an opportunity to retain local business in the area through the increased permissible retail floor space and proposed B4 Mixed use Zone.
More people in the area will shop locally.	13	It is agreed that the proposal will contribute to more people shopping locally.
The E3 zone on the site would ensure that the natural environment is retained.	1	The application of the E3 zone would provide for the adequate protection of vegetation at the rear of the site (subject to the amendments to the minimum lot size map) to satisfy concerns from OEH.
The proposal will improve affordable housing in the area.	1	It is noted that the proposal would enable a substantial amount of additional housing in the area (including medium density). However, housing

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		affordability is typically influenced by other market forces and it is therefore difficult to rely on the development to achieve this.
The proponents should not be expected to enter into a Voluntary Planning Agreement to pay for traffic upgrades as the community will also benefit from the proposal. Contributions from the development and rate money should be used to upgrade infrastructure in the area.	1	It is clear from the traffic Impact Assessment that the development would contribute to significant infrastructure upgrades as part of the development (and further upgrades may be necessary pending receipt of a revised Traffic Impact Assessment). The most appropriate method of providing this infrastructure is for the proponent to enter into a VPA either as part of the Planning Proposal or the first Development Application for the site.  Section 94 Contributions and use of the SIC levy at the development application stage will also ensure that suitable infrastructure arrangements are in place.
Improved services are overdue.	13	It is noted that the proposal provides an opportunity to bring improved services to the area.
The proposed retirement village means that elderly people could stay in Silverdale.	4	There is no retirement village included as part of the proposal at this stage, however, a retirement village would be permissible with consent on the site if the Planning Proposal were to proceed.

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Improved convenience through local services.		It is noted that the provision of a larger commercial centre will improve convenience for local residents through savings in both time and travel costs.
It will be the only centre of significance in the north of the Shire.	1	It is agreed that the proposal provides an opportunity for a commercial centre to be established which supports Silverdale/Warragamba. Council's GMS identifies a centres hierarchy which identifies Warragamba as a village centre and Silverdale as a Neighbourhood Centre and the planning proposal is consistent with this requirement.
More housing in the area will require a larger commercial centre.	2	The Economic Impact Assessment provided with the proposal demonstrates that the current and proposed population of Silverdale warrants a full line supermarket (on the basis that a full line supermarket is provided for every 8000-9000 persons).
The proposal will re-invigorate and improve the current commercial centres in Silverdale and Warragamba.	1	Noted.
The current retail space in Warragamba and Silverdale is insufficient.	3	Noted.

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Increased business in the area will mean more support (i.e. through donations, sponsorship etc) for local clubs.	1	It is noted that the increased business presence in the Shire will provide this opportunity.

The submissions against the proposal raised the following concerns:

Issue Raised	Number of Submissions that Raised this Issue	Council Planner Comment
<b>Traffic/Infrastructure</b>		
In light of the current developments in Silverdale, improvements are required to the bridge crossing the Nepean River at Wallacia.	3	The infrastructure works included with the proposal may be sufficient to address the local traffic issues. A revised Traffic Impact Assessment which considers the likely vehicle movements from the R3 zone associated with the development will provide further certainty over whether a bridge is required to support the future development.
Silverdale Road to Wallacia from the existing roundabout is inadequate and dangerous for the current population.	2	The proposal would address the intersection of Silverdale Road and Farnsworth Avenue through providing a signalised intersection. The safety of the road from this intersection to Wallacia is currently being addressed through Council's Future Deficiency Assessment.
Impact of the development on traffic flowing from the southern end of Silverdale Road as exiting from Taylors Road is already difficult.	1	The majority of traffic generated from the development is likely to travel north. No upgrades to the intersection of Silverdale and Taylors Road are proposed at this

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		stage, however, this may change with the submission of a revised traffic Impact Assessment which considers the actual likely number of dwellings generated from the R3 Medium Density Zone and addresses the underestimation in the previous study.
Lack of road infrastructure and quality of surrounding roads. How will Council ensure that infrastructure is provided?	2	The Traffic measures in the proposal will be provided most likely through a VPA. A Special Infrastructure Contribution will also be applied to the site.
The impact of the development (in particular the number of dwellings) on local traffic movements and flows.	2	A revised Traffic Impact Assessment has been requested from the proponent which addresses the shortfall in the number of dwellings in the medium density zone which the current study relies on.
If the proposal goes ahead then the developer should be required to upgrade roads or pay a contribution to ensure that this happens.	1	The developer would be required to fund the necessary infrastructure works most likely through a VPA with Council.
The cumulative impact of this development and other developments in the area on local roads.	1	The updated traffic impact assessment received in May, 2017 considers the cumulative impact of the proposed development, along with other likely future developments including the following: <ul style="list-style-type: none"> <li>▪ Lion Safari Park Site (approximately 519 additional lots)</li> </ul>

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Issue Raised	Number of Submissions that Raised this Issue	Council Planner Comment
		<ul style="list-style-type: none"> <li>▪ Silverdale St Heliers Road site (165 Additional Lots)</li> <li>▪ Warradale Road (89 additional lots)</li> </ul> <p>The previous Traffic Impact Assessment did not consider the traffic that would be generated from this development.</p>
<p>There is one road in and one road out of Silverdale and in the case of an emergency the access is cut off. For example, last year, the Nepean River flooded and IGA in Silverdale ran out of food. Access out of the area to the south can also be cut off at times.</p>	<p>1</p>	<p>There is an existing road out of the Silverdale area to the north and south. It is considered that suitable provisions are able to be incorporated to respond to an emergency situation.</p>
<p>The proposed traffic lights at the Farnsworth Avenue/Silverdale Road intersection are not necessary as the traffic flows through this roundabout at all times.</p>	<p>1</p>	<p>Future traffic will result in an unreasonable level of service at this intersection if no upgrades are provided.</p>
<p>The proposed intersection traffic lights will cause build-ups and delays.</p>	<p>1</p>	<p>The proposed traffic lights at the main intersection to ensure that traffic turning from the new development onto Silverdale Road are not subject to unreasonable delays. The through traffic along Silverdale Road would not result in an unreasonable delay or queue.</p>

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<b>Flora and Fauna Impact</b>		
Impact of the development on the local koala community and other wildlife in the area.	2	The Flora and Fauna Assessment has established that the site does not contain core Koala Habitat.
<b>Car Parking</b>		
The car parking in the commercial area of Silverdale is already dangerous as the demand exceeds capacity.	1	It is acknowledged that there is an existing shortfall in parking on the site. The extension to the commercial zone will provide an opportunity to provide a total number of car parking spaces in accordance with the minimum requirements in Council's DCP.
<b>Overdevelopment of the Site</b>		
Overdevelopment of the site and impact of the proposal on the rural character of the area.	2	The proposal is unlikely to result in an overdevelopment of the site (subject to the remaining matters in a revised Traffic Impact Assessment being addressed).
The proposed traffic lights will be an eyesore.	1	The proposed traffic lights would be required to support the main intersection of the development are unlikely to
Uncertainty over the number of future lots on the site.	1	The exact number of lots that could be generated by the proposal is not known at this stage. It is expected that the R2 zoned land could generate 250-300

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		additional lots and the R3 zone up to 100 additional lots which may enable up to 300 medium density dwellings. This number may need to be revised following receipt of an updated revised Traffic Assessment which considers the impact of the likely number of dwellings in the R3 zone.
A minimum lot size of 800-1000 square metres would be more in keeping with the area.	1	The Planning Proposal would provide for a variety of housing types and minimum lot sizes. A large area of the site includes a minimum lot size of 700 square metres and this would likely result in some allocation of lots within an 800-1000 square metre range.
<b>Bushfire</b>		
The ability of vehicles to move out of the precinct in a bushfire event.	1	The site is able to provide a perimeter road and no objections have been raised by RFS in relation to the proposal.
<b>Need for the Development</b>		
This level of development is not needed given the land that is already being developed in Silverdale and Warragamba.	1	It has been demonstrated that additional retail floor space and commercial car parking in the Silverdale area is needed and a full line supermarket facility is

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		desirable.
<b>Traffic related Environmental Impact</b>		
The impact of increased traffic on noise and air pollution in the area.	1	It is unlikely that the proposal would unreasonably increase noise and air pollution in the area. The industrial zone that was previously included in the proposal has since been removed. Future DCP controls could be incorporated to ensure that future development of the site promotes walkability and minimises car movements.
<b>Anti-Social Behaviour</b>		
The development would increase crime in the area and the nearest police station is in excess of 30 minutes away.	1	Any future development application for commercial or residential subdivision purposes would require consideration of the Crime Prevention Through Environmental Design Principles (CPTED) principles to ensure that crime prevention is maximised.
<b>Inconsistency of the Proposal with Council's GMS</b>		
The proposal would compromise Council's vision of rural living	1	The proposal is consistent with the vision of rural living and would most likely result in an improvement to the urban infrastructure currently provided to

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The development would result in the disadvantages of living on the rural fringe but will lose rural lifestyle.	1	Silverdale. The proposed commercial zone is intended to include a full line supermarket and substantially additional retail space to service the local community. Local infrastructure improvements have also been identified to ensure that the services are upgraded to serve the development.
The proposal would alter the characteristics of the Silverdale/Warragamba area.	1	The proposal would alter the town centre area of Silverdale, however, it is considered that this is necessary to provide the necessary required additional retail floor space in the area. The proposal is also in line with the GMS which identified Silverdale as a Neighbourhood Centre.
The GMS plans for only an additional 480 dwellings by 2035 for Silverdale/Warragamba. The subdivisions already rezoned would exceed this target.	1	The dwelling figure of 480 refers to dwellings from land that had been rezoned at the time that the GMS was adopted. The total additional dwelling target in the GMS is 1000 dwellings which the Planning Proposal will achieve. There may be some exceedence of the total number of

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		dwellings but this exceedence will be marginal.
The proposal would negatively impact of the township and commercial area within Warragamba.	1	The proposal is likely to have minimal impact on Warragamba. A majority of retail activity in the new Silverdale development would be a result of retained spending that it currently made beyond Silverdale and Warragamba. The small commercial village with speciality shops in Warragamba would be retained.
The proposal is inconsistent with Key Policy Directions P2, P5, P6, P7, P17 and P20 in the GMS.	1	The GMS is addressed below under Section 2.9 of this report.

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**2.4 A PLAN FOR GROWING SYDNEY, 2014**

A Plan for Growing Sydney took effect in December, 2014 and is intended to guide strategic land use planning decisions for Sydney over the next 20 years. Wollondilly is one of 41 Local Government Areas in Sydney to which the Plan applies. The Plan identifies population growth targets and includes strategies to ensure that growth achieves a balance between protecting the natural environment with creating liveable cities.

The proposal is consistent with the Plan for Growing Sydney particularly in relation to dwelling targets and promoting housing variety and choice.

**2.5 DRAFT WESTERN CITY DISTRICT PLAN 2017**

The Planning Proposal is generally consistent with the Draft Western City District Plan, particularly in relation to dwelling targets and provision of services to local communities (through the provision of the additional commercial lands).

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The Plan outlines a need to retain adequate buffer distances between rural uses and future residential lands and the proposal would therefore need to address the issues raised by DPI Agriculture to ensure that the proposal is consistent with this aspect of the plan.

It is also noted that the Plan is in the Metropolitan Rural Area as identified in the Plan. Planning Priority W17 (Better Managing Rural Areas) of the Western City District Plan states that urban development in the Metropolitan Rural Area will only be considered in the investigation areas identified in the Greater Sydney Region Plan.

The site is not identified as an investigation area in the Greater Sydney Region Plan, however, it is considered that given the District Plans are in draft form, progression of this Planning Proposal and the need that has been established for the additional retail floor space in Silverdale/Warragamba that this requirement in the Draft Western City District Plan should not prevent the further progression of the Planning Proposal.

**2.6 WOLLONDILLY COMMUNITY STRATEGIC PLAN**

The Create Wollondilly Community Strategic Plan (CSP) 2033 is Council's highest level long term plan. It identifies and expresses the aspirations held by the community of Wollondilly and sets strategies for achieving those aspirations. The CSP focuses on 5 key themes as follows:

- Sustainable and balanced growth
- Management and provision of infrastructure
- Caring for the environment
- Looking after the community
- Efficient and effective Council.

Council's priority focus for growth under the CSP will be the development of a new town at Wilton and Council will only support appropriately scaled growth within and around its existing towns and villages that respects the character, setting and heritage of those towns and villages. The subject proposal is consistent with this vision of growth in the CSP.

An assessment of the Planning Proposal against the five themes is provided below:

***Sustainable and Balanced Growth***

The proposal is consistent with Council's position on growth.

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***Management and Provision of Infrastructure***

Appropriate road and drainage infrastructure would be provided as part of the future development of the site.

***Caring for the Environment***

It is considered that the proposal takes sufficient measures to minimise environmental impacts of future development.

***Looking after the community***

The proposal would enable the extension of the existing commercial centre, which will provide increased retail services the growing township of Silverdale. The Planning Proposal site includes land for a future public park and includes sufficient measures to minimise environmental impact and promote health based planning outcomes.

***Efficient and effective Council***

Council will continue to work to ensure that the Planning Proposal is consistent with the planning for the long term growth of the Shire.

**2.7 SECTION 117 MINISTERIAL DIRECTIONS**

The following s117 ministerial directions are applicable to the Planning Proposal:

- Direction 1.1 Business and Industrial Zones
- Direction 1.2 Rural Zones
- Direction 2.1 Environmental Protection Zones
- Direction 2.3 Heritage Conservation
- Direction 4.4 Planning for Bushfire Protection
- Direction 5.8 Second Sydney Airport: Badgerys Creek.

***Section 117 Direction 1.1 Business and Industrial Zones***

This direction applies where a Planning Proposal will affect land within an existing or proposed business zone. The site currently incorporates a small commercial centre and the planning proposal would result in an expansion which will see a total of 3.3 ha of B2 Local Centre zoned land on the site as well as 3.12ha which would comprise a B4 Mixed Use Zone.



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The Planning Proposal is consistent with the requirements of this direction due to the following:

- The proposal would retain and expand the existing business zone on the site and would not compromise industrial land in the vicinity of the site (in Econo Place).
- The planning proposal would increase the area of total potential floor space available for business and employment uses which is a requirement of the Ministerial Direction and may also increase the land available for car parking on the site.
- The proposal would not compromise the total floor space that could be obtained in the nearby industrial zones.
- Council's Growth Management Strategy identifies the need for an increase in commercial land to service the growing areas of Silverdale and Warragamba. There is currently no capacity to extend the commercial centre due to the zone boundary location.

***Section 117 Direction 1.2 – Rural Zones***

This direction applies where a Planning Proposal is proposed on land that will affect an existing or proposed rural zone. The direction states that a Planning Proposal should not include provisions that would rezone rural land to residential or commercial, or increase the density of a rural zone.

The proposal is inconsistent with this direction as it would involve the rezoning of rural zoned land for urban purposes and would increase the current permissible density on the land. However, the inconsistency of the proposal with this Ministerial Direction is justified as it would provide residential and significant commercial development to an area identified in Council's Growth Management Strategy as a local business centre. The inconsistency is considered appropriate in this case as it would involve the growth of an area identified in Council's GMS and the inconsistency was supported by the Director General of the NSW Department of Planning when the Gateway Determination for the proposal was issued. The proposal would not fragment larger rural landholdings outside the township.

***Section 117 Direction 2.1 – Environmental Protection Zones***

A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land. It is proposed to include an E3 zone in the eastern portion of the site which would cover 21.99ha of land and would see the retention of 15.66 hectares of significant vegetation which would meet the requirements of the direction.



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***Section 117 Direction 2.3 – Heritage Conservation***

There are no items of European heritage currently on the site or within the vicinity of the site. The Aboriginal Cultural Heritage Assessment found two potential Aboriginal sites on the land. The site known as No. 2260 Silverdale Road is in an area of moderate disturbance and is capable of supporting further Aboriginal heritage items. Further test excavations as part of a future development application would be required to establish whether any further heritage items exist. Any future items should be capable of being retained through a future subdivision layout should a Permit to remove the item not be obtained.

***Section 117 Direction 4.4 Planning for Bushfire Protection***

It is considered that future development of the site is capable of meeting Planning for Bushfire Protection, 2006. The Bushfire Hazard Assessment and supporting information prepared in respect of the Planning Proposal has demonstrated that the required asset protection zones are able to be provided to future allotments within the development. The proposed zone layout is such that a perimeter road is able to be provided within the precinct to accommodate appropriate emergency evacuation in accordance with the requirements of Planning for Bushfire, 2006.

***Section 117 Direction 5.8 Second Sydney Airport: Badgerys Creek***

The Draft Environmental Impact Statement of Western Sydney Airport shows that the site would be below the Australian Noise Exposure Forecast (ANEF) 20 contour, meaning that any new residential development is considered to be acceptable without conditions. The requirements of the direction are therefore achieved.

**2.8 STATE ENVIRONMENTAL PLANNING POLICIES**

***State Environmental Planning Policy 44 – Koala Habitat Protection***

The Biodiversity Assessment Report prepared with the proposal identified two koala habitat trees in the study area.

Two koala habitat trees are located within the study area (grey gum being recognised in the NSW Koala Recovery Plan as a secondary feed tree species and occurs within remnant patches of woodland throughout the centre of the study area. The site is therefore considered to be potential koala habitat for the purposes of the SEPP.

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It was found that although the study area is connected to a larger area of habitat which may support koala's, there is no evidence of koala usage and no records within or in proximity to the study area. It is therefore unlikely that the site would constitute core koala habitat.

***State Environmental Planning Policy 55 – Remediation of Land***

A Preliminary Site Investigation (PSI) was undertaken. The PSI was consistent with the Contaminated Land Planning Guidelines and identified a number of areas of environmental concern (AEC) on the site.

To determine whether any of the AEC's require remediation, a Detailed Site Investigation (DSI) would be required as part of a future development application for the site. This could be included as part of a site specific DCP control for the site. It is considered that the requirements of SEPP 55 have been adequately addressed.

***Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River***

The proposal is consistent with the requirements of the Plan and would ensure that future impact is appropriately minimised.

**2.9 WOLLONDILLY GROWTH MANAGEMENT STRATEGY**

Council's GMS was adopted by Council in 2011. The GMS sets directions for accommodating growth in the Shire over the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly and are outlined as follows:

Key Policy Direction	Comment
<b>General Policies</b>	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	This proposal meets all the relevant Key Policy Directions and Assessment Criteria contained within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	The proposal provides for an expanded town centre and mix of residential uses around this commercial centre.

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P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Formal community consultation was undertaken from 30 August, 2017 until 27 September, 2017. One hundred and twenty two submissions were received those submissions are considered in Section 2.3 of this report.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	The personal financial circumstances of the landowners have not been given consideration in this Planning Proposal.
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	The extended commercial zone is considered appropriate. A full line supermarket is required to accommodate current growth in Silverdale and Warragamba. An extension to the existing commercial zone may also help to alleviate existing parking issues in the existing Silverdale commercial centre. An updated Traffic Impact Assessment is required to demonstrate that the increase in vehicle movements arising from residential lands (particularly attributable to the medium density residential zone) would not cause an unreasonable demand on local traffic infrastructure.
<b>Housing Policies</b>	
P6 Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.	The proposal is anticipated to contribute to approximately 350-400 additional lots on the site in accordance with the figures in the GMS. This would contribute to an additional 500-600 dwellings on the site. These figures would see the dwelling forecast of 1000 additional dwellings for Silverdale/Warragamba achieved (when considered in addition to other recent finalised proposals in the area).
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better	The proposal includes 3.12ha ha of Mixed use development and 10.19ha ha of medium density residential development. Silverdale does not currently contain and land that is zoned for mixed use or medium density residential development and this

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accommodate the housing needs of its different community members and household types.	would contribute to an increase in the housing variety and choice in the area.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).	A Medium Density Zone is proposed in close proximity to the proposed expanded commercial area. A low density residential zone is proposed outside the medium density zone. An E3 zone will provide a transition between the more urban land uses on the site and the vegetated area along the eastern boundary.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The development would involve an extension to the existing commercial zone to accommodate a larger retail centre. The residential lands would be adjacent to the proposed centre with the medium density zone provided within walking distance of the commercial centre.
<b>Macarthur South Policies</b>	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	N/A
<b>Employment Policies</b>	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	N/A
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	N/A
<b>Integrating Growth and Infrastructure</b>	

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<p>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire’s existing and future community.</p>	<p>Sydney Water have provided sufficient information to demonstrate that water and sewer services are able to be provided to the site. The traffic impact assessment submitted with the proposal outlines key road and traffic works and intersection upgrades that would be required to support various stages of the development.</p> <p>It would be in the proponents’ best interest to enter into a VPA to ensure that the measures in the Traffic Impact Assessment can be delivered at appropriate times as the development is rolled out.</p> <p>The site will also be identified as an Urban Release Area on Council’s LEP to ensure that adequate contributions towards state and regional infrastructure are provided.</p>
<p>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</p>	<p>The new housing will be provided in accordance with the requirements of this direction. It is recommended that the proponent enter into a VPA at the Planning Proposal stage to ensure that the required traffic infrastructure can be provided in a timely manner as the development is rolled out and funding mechanisms are adequately in place.</p>
<p>P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>The proposal is located adjacent to the existing Silverdale Commercial centre.</p>
<p>P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	<p>The proposal is not located in the PTT area, however, the GMS does identify growth for Silverdale including an extension to the existing commercial zone and provision of approximately 1000 additional dwellings, both of which this Planning Proposal will contribute towards.</p>

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Rural and Resource Lands	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire’s lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The proposal would not contribute to the fragmentation of rural lands.

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**2.10 FINAL FORM OF PLANNING PROPOSAL**

The final form of the Planning Proposal should be determined following the satisfactory resolution of the issues raised by the Roads and Maritime Service, Department of Primary Industries and Council’s Infrastructure Planning Team during the public exhibition of the proposal.

**2.10.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

Based on the specialist studies and consultation the following changes are recommended to the exhibited version of the Planning Proposal for WLEP 2011:

- A minimum lot size be inserted into the E3 Environmental Management zone in accordance with the revised minimum lot size map in attachment 7 in order to address the concerns raised by OEH during the Government Agency consultation
- That a Land Use Zoning of RE1 Public Recreation be applied to the area on the site that is nominated for future use as a park.



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It is recommended that an Altered Gateway Determination be requested from the Greater Sydney Commission to reflect the changes to the Planning Proposal described above.

**2.11 FINAL FORM OF VOLUNTARY PLANNING AGREEMENT (VPA)**

Development of the site in the manner enabled by the Planning Proposal if rezoned would require a need for public works and services in addition to those planned in the Wollondilly Development Contributions Plan, 2010.

These works include (but are not limited to) the following as identified in the Traffic Impact Assessment prepared in respect of the Planning Proposal:

- The Silverdale Road/Farnsworth Avenue intersection will need to be upgraded to a signalised intersection to accommodate the increase in traffic from the proposed and surrounding developments
- Single land roundabouts are proposed for the northern and southern access roads into the proposed development on Silverdale Road
- A signalised intersection at the central entry road to the site. Future widening of Silverdale Road will also be required (pending the results of the revised Traffic Impact Assessment). In this regard it may be in the proponents' best interests to enter into a VPA early and as part of the Strategic Planning Phase to address the issues surrounding land dedication and allocation of costs among landowners for future traffic infrastructure works required as part of the proposal.

**FINANCIAL IMPLICATIONS**

The Voluntary Planning Agreement as described in Section 2.11 in this report is considered appropriate to address matters specific to the Planning Proposal.

**ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET**

1. Current Land Use Zoning Comparison Map (Public Exhibition Version)
2. Current Minimum Lot Size Comparison Map (Public Exhibition Version)
3. Current Maximum Height of Comparison Map (Public Exhibition Version)
4. Current Natural Resources Biodiversity Layer – Comparison Map (Public Exhibition Version)
5. Current Odour Buffer Map Comparison (Public Exhibition Version)
6. Suggested amended Land Use Zoning Comparison Map (for Altered Gateway Determination Request)
7. Suggested amended Minimum Lot Size Comparison Map (for Altered Gateway Determination Request)
8. Staging Plan
9. Map showing indicative location of proposed park.
10. Comments from Department of Primary Industries (Agriculture)

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11. Comments from Roads and Maritime Services NSW
12. Extract from Traffic Impact Assessment showing possible future intersection arrangement and main entry
13. Current Urban Release Area Comparison Map (Public Exhibition Version)

**RECOMMENDATION**

1. That Council note the outcomes of the Public Exhibition for the North Silverdale, Commercial, Residential and Environmental Lands Planning Proposal.
2. That a request for an Altered Gateway Determination be made to the Greater Sydney Commission requesting the following amendments to the Planning Proposal:
  - A minimum lot size be inserted into the E3 Environmental Management zone in accordance with the revised minimum lot size map in attachment 7 in order to address the concerns raised by OEH during the Government Agency consultation
  - Provisions to include an appropriate zone for the proposed open space area.
3. That the NSW Department of Planning and Environment Regional Office be asked to liaise with the NSW Department of Primary Industries (Agriculture) and the proponent with a view to resolving the issues raised by DPI in relation land use conflict with the adjoining poultry farm at the northern boundary.
4. That the proponent provide an updated Traffic Impact Assessment to address the concerns in point 3 of the RMS advice dated 19 September, 2017 and provided in attachment 11 of this report as well as the concerns raised by Council's Infrastructure Planning Team.
5. That the proponent be advised that they may wish to consider negotiating a Voluntary Planning Agreement (VPA) at the Planning Proposal stage to address issues surrounding land dedication and allocation of costs among landowners for future traffic infrastructure works required as part of the proposal.
6. That a further report be provided to Council once the above matters have been satisfactorily addressed.
7. That the proponent and those who made a submission on the Planning Proposal be notified of Council's decision.