

Extraordinary Meeting Of Council



Wollondilly Shire Council

Notice of Extra Ordinary Meeting & Agenda Monday 30 April 2018

You are invited to attend an Extraordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 30 April 2018 commencing at 8.00pm.

Councillors

EAST WARD

Cr Matthew Deeth	0428 335 743	Email: matthew.deeth@wollondilly.nsw.gov.au
Cr Noel Lowry	0406 047 086	Email: noel.lowry@wollondilly.nsw.gov.au
Cr Matt Smith	0448 083 566	Email: matt.smith@wollondilly.nsw.gov.au

CENTRAL WARD

Cr Michael Banasik	0425 798 068	Email: michael.banasik@wollondilly.nsw.gov.au
Cr Blair Briggs	0418 269 913	Email: blair.briggs@wollondilly.nsw.gov.au
Cr Robert Khan	0407 705 100	Email: robert.khan@wollondilly.nsw.gov.au

NORTH WARD

Cr Matt Gould	0427 936 471	Email: matthew.gould@wollondilly.nsw.gov.au
Cr Judith Hannan	0414 557 799	Email: judith.hannan@wollondilly.nsw.gov.au
Cr Simon Landow	0415 406 719	Email: simon.landow@wollondilly.nsw.gov.au

Business Papers will be available from Council's Foyer or alternatively on Council's website.

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OPENING

RECORDING OF THE MEETING

In accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

RECORDING NOTICE

Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that Wollondilly Shire Council records and webcasts live all Ordinary and Extraordinary Meetings of Council held in open session for the purpose of facilitating community access. The recording of this meeting will be publically available for viewing on Council's website.

Video footage collected is of the decision making body only, if you do not wish your image to be recorded please remain seated. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don't remain in the space provided.

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Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

NATIONAL ANTHEM

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Sustainable and Balanced Growth

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Relevance to Community Strategic Plan

SUSTAINABLE AND BALANCED GROWTH

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in Create Wollondilly Community Strategic Plan 2033.

GR1 – Review of Position on Wilton New Town

GR1

Review of Council’s Position on Wilton New Town

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EXECUTIVE SUMMARY

- The purpose of this report is to appraise the recent rezoning of the Wilton South East Precinct.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend 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.
- The following recommendation (abbreviated) is provided for Council’s consideration:
 - Council writes to the NSW Premier and the Minister for Planning informing them that Council intends to reconsider its ‘in principle’ support for Wilton New Town pending certain matters being addressed including a business case for delivery of electrified rail, establishment of an integrated health care precinct, demonstrated compliance with job creation targets, preparation and finalisation of the South Western Sydney Koala Conservation Strategy and receipt of a response to the February 2018 Notice of Motion from the Department of Planning & Environment
 - A further report be referred to an Ordinary Meeting of Council in June outlining any response from the NSW Government to the above matters so that Council can reconsider its ‘in principle’ support for Wilton New Town.
 - Council writes to the Minister of Planning requesting the urgent repeal the rezoning of that portion of the Wilton South East Precinct that forms part of the Allen’s Creek primary Koala habitat corridor.
 - Council writes to the Federal Minister for the Environment and Energy requesting that Sydney’s last Koala population be protected under the federal Environmental Protection and Biodiversity Conservation Act 1999.
 - Council seeks involvement from interested community representatives to assist Council in the further promotion of Council’s ‘A GREAT New Town or NO town at all’ campaign.

GR1 – Review of Position on Wilton New Town

REPORT

BACKGROUND

Since the NSW Government's Potential Homesites Program was announced in 2011, Council has been working with three major landowners to plan a new master planned community at Wilton.

A high level masterplan for Wilton was endorsed by Council in December 2012, with the objective of delivering an integrated master planned community that provided access to employment and public transport opportunities.

Council formally wrote to the NSW Department of Planning & Environment (DPE) in January 2013 expressing in-principle support for the new town subject to job creation targets and appropriate level of infrastructure investment. Council and the three major landowners have been working in partnership with the Department to resolve a range of planning matters since.

On 29 July 2016, the Wilton Priority Growth Area was formally gazetted by the NSW Government.

A more detailed background to the project is contained in Attachment 1.

CURRENT STATUS

At its meeting of 19 February 2018, Council unanimously carried a Notice of Motion (Attachment 4) resolving to write to the NSW Premier and the Minister for Planning requesting that several outstanding issues relating to Wilton New Town be resolved prior to any rezoning taking place.

These issues were generally as follows:

- A planning framework that establishes a requirement for a local structure plan to be submitted and adopted by Council before any development consent is granted.
- An Integrated Land Use and Public Transport Strategy supported by electrified passenger rail to Wilton.
- Integrated Land Use and Infrastructure Implementation Plan that clearly specifies the health and education infrastructure areas spatially.
- A rigorous biodiversity strategy (and protection of Koala corridors).
- Joint public consultation of the Special Infrastructure Contributions Levy (State) Voluntary Planning Agreements (local) for the first precinct releases has been undertaken.
- A response to Council's several earlier submissions detailing a range of outstanding issues relating to the Interim Land Use and Infrastructure Implementation Plan and planning proposal for each of the precincts.

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- Further consultations with the community to explain clearly how their submissions have been addressed and accommodated in the finalised plans.
- Analysis that demonstrates how the DPE has established that the Wilton Priority Growth Area will deliver 15,000 additional jobs and appropriate thresholds to guide delivery of new houses as jobs are delivered.
- Market based analysis that demonstrates how the DPE has determined that the Wilton Priority Growth Area will deliver 15,000 additional houses.

Council wrote to the NSW Premier (Attachment 2) and the Minister for Planning (Attachment 3) referring Council's Notice of Motion and seeking meetings to discuss these matters.

Council met within DPE on 14 March 2018 as part of ongoing executive steering group meetings where these issues were discussed. Representatives from DPE also attended the Councillor's Strategic Planning Day held 20 March 2018.

A subsequent report was made to the Ordinary Meeting of Council on 16 April 2018 which outlined responses received from DPE at the March executive steering group meeting. However, no formal responses were received from either the Premier or the Minister for Planning and several of the issues outlined by Council remained unresolved. The April 2018 Meeting report subsequently recommended that Council write to the NSW Government calling for the immediate deferral of any rezoning until the matters had been adequately addressed.

On Friday 13 April 2018 (3 days prior to the April Ordinary Meeting), Council was verbally informed that the rezoning of the Wilton South East Precinct had been gazetted (legally made). This was unexpected considering the range of unresolved issues.

Most significantly, on Thursday 5 April 2018, Council attended a consultation workshop with the DPE and the Office of Environment and Heritage (OEH). At this meeting, the OEH presented the findings of their report (Attachment 5) indicating that the southern portion of the South East Precinct formed part of the Allen's Creek core Koala habitat corridor. This is consistent with habitat mapping and koala tracking conducted by Council.

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The report identified four key principles for the conservation of koalas in Campbelltown and Wollondilly:

- Avoid new development within core koala habitat and primary corridors
- Separate development and koala populations to minimise ongoing threats from domestic dogs and vehicles
- Identify critical revegetation zones that will augment and strengthen core habitat and corridors
- Identify koala road kill hotspots requiring road kill mitigation fencing and/or underpasses to allow safe passage of koalas

Based on this presentation, Council staff directly asked for a response from DPE as to how this would impact on the rezoning proposal for the South East Precinct. The Department advised that the proponent could comply with State Environmental Planning Policy No.44. Council restated its position that any adverse impact on the Allen's Creek primary habitat corridor is unacceptable.

The outcome of this workshop was that DPE, OEH and Roads and Maritime Services agreed to consider stakeholder feedback and update participants via a future round table forum.

Notwithstanding, Council were left with the understanding that further consultations would be forthcoming to address the Koala corridor issue. The rezoning of the South East Precinct ahead of this issue being adequately addressed was not anticipated and raises questions over how the decision could have been made considering recommendations of the OEH. Further advice is being sought in this respect.

Overall, the outstanding issues which are considered to be "threshold issues" for Council are as follows:

- Lack of public transport including electrified passenger rail services to Wilton and the Shire
- Lack of an integrated health precinct established in the strategic planning framework
- Lack of a demonstrated strategy to deliver 1 job per dwelling
- Lack of adequate protection of our local disease free Koala population
- Lack of a draft Special Infrastructure Contributions Framework and local infrastructure Voluntary Planning Agreements.

On this basis, the rezoning of the South East Precinct is considered to be premature and raises questions how such a decision could have been made while important planning matters remain unresolved.

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A detailed review of these issues is warranted particularly given the clear vision and basis for investigating Wilton for housing as established by Council in response to the NSW Government's Potential Homesite's Program. It is apparent that at no point has the NSW Government presented a credible business case for proceeding with land release at Wilton at this time.

CONSULTATION

No consultation is proposed in relation to this report.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Background to the Wilton Priority Growth Area investigation
2. Letter to the Premier of NSW regarding NOM 3
3. Letter to the Planning Minister regarding NOM 3
4. Notice of Motion No 3 from 19 February 2018
5. Conserving koalas in Wollondilly and Campbelltown LGAs (OEH)

RECOMMENDATION

1. That Council writes to the NSW Premier and the Minister for Planning informing them that Council intends to reconsider its 'in principle' support for Wilton New Town pending the following matters being addressed:
 - a) Immediate commencement of a business case for the delivery electrified passenger rail services to the Shire including the construction of a spur line via the Maldon-Dombarton Rail Corridor (MDRL) and new trains station at Wilton New Town
 - b) An integrated health care precinct of not less than 10 hectares in area be identified north of the MDRL and integrated within the town centre masterplan. This must enable the future provision of a health care facility that will provide primary, secondary and tertiary (hospital) level care at full development of Wilton New Town.

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- c) Demonstration that the NSW Government and/or the developers can deliver the required 1 permanent ongoing full time job for each dwelling generated by Wilton New Town. A revised retail hierarchy imbedded in the statutory planning framework that limits the floor area of supermarkets outside the proposed town centre to not more than 1500 square metres consistent with the intended neighbourhood service level and the Department of Planning and Environment's "Planning for the Future of Retail: Discussion Paper". This is intended as a crucial measure to prevent the forestalment of the early establishment of the town centre precinct as articulated in advice to the Department by Urbis dated 26 May 2017.
 - d) The NSW Government defer any further release of land within the Greater Macarthur Growth Area and Wilton Priority Growth Area until the NSW Government prepares and finalises a South Western Sydney Koala Conservation Strategy that protects koalas and their habitat corridors throughout the region. The Conservation Strategy should:
 - i) Be underpinned by approved, integrated Comprehensive Koala Plans of Management for Wollondilly, Campbelltown, Liverpool, Wingecarribee and Wollongong Local Government Areas in accordance with Schedule 1 and Part 3 of the State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection
 - ii) Consider Koala habitat and corridors with reference to the updated Koala food tree species list that has been provided by OEH for the current review of SEPP 44 and we request that the review of SEPP 44 be finalised.
 - e) All matters raised in Council's Notice of Motion No 3 from 19 February 2018 be considered along with all submissions previously made by Council and a report prepared by the Department of Planning and Environment responding to each of the issues raised in detail.
2. That a further report be referred to an Ordinary Meeting of Council in June outlining any response from the NSW Government to the above matters so that Council can reconsider its 'in principle' support for Wilton New Town.
 3. That Council writes to the Minister of Planning requesting the urgent repeal the rezoning of that portion of the Wilton South East Precinct that forms part of the Allen's Creek primary Koala habitat corridor.

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4. That Council writes to the Federal Minister for the Environment and Energy requesting that Sydney's last Koala population be protected under the federal Environmental Protection and Biodiversity Conservation Act 1999.
5. That Council seeks involvement from interested community representatives to assist Council in the further promotion of Council's 'A GREAT New Town or NO town at all' campaign.