

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 June 2017

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

PE5

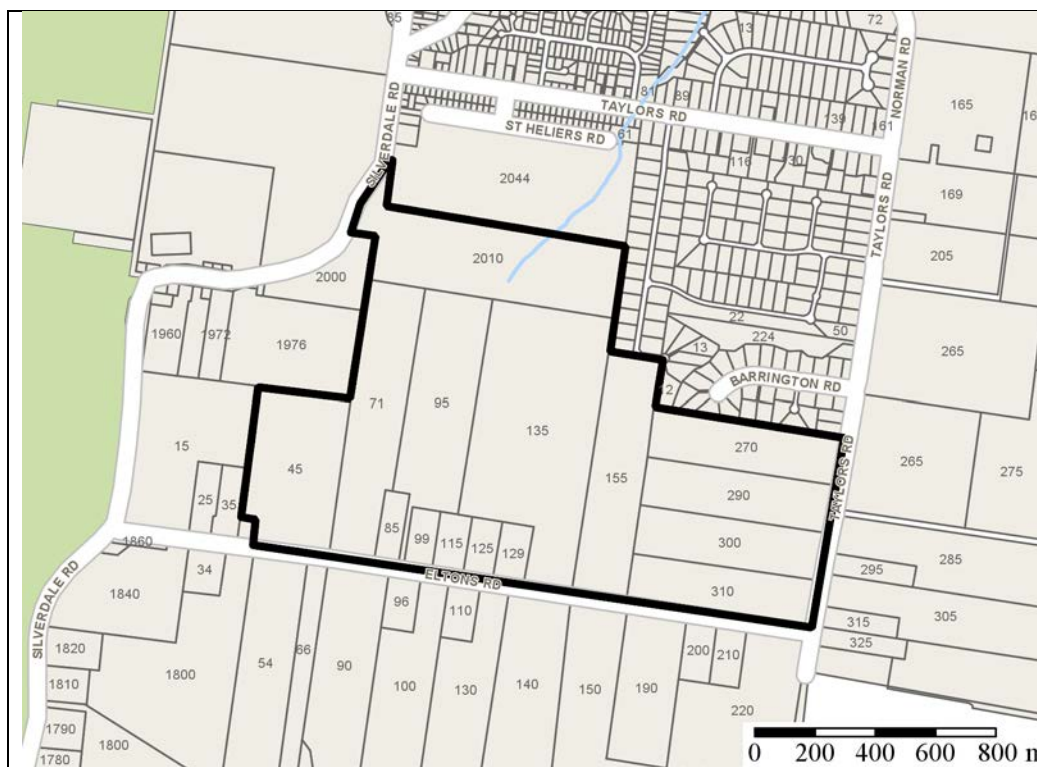
Planning Proposal – Eltons and Taylors Road, Silverdale

1010

TRIM 6742

Applicant: Planning Ingenuity
Owner: J & J Awuino, J & R Fowler, K, G & M Gurlica, J & S Harding, K Gurlica and R & I Bazdaric, J Toohey & M Kavazos, J & A Smith, M & K Rosano, R Luppino, Jaban Pty Limited, O & N Simsek, C & G Trunzo, J,S & J Attard, M & P Coratza, L DiTommaso & A Nadile

Planning & Economy



LOCATION MAP N

Stage	Completed
Preliminary notification	16 April, 2012 – 7 May, 2012
Gateway Determination	16 April, 2013
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

EXECUTIVE SUMMARY

- This report relates to a Planning Proposal at Eltons and Taylors Road Silverdale. A request was recently made to Council by the proponent to withdraw the Planning Proposal.
- 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.
- It is recommended that the request by the proponent to withdraw the Planning Proposal be supported by Council, and that Council forward a request to the Greater Sydney Commission for an altered Gateway Determination to state that the proposal not proceed.

REPORT

1.1 SITE DESCRIPTION

The site comprises approximately 200 hectares of land, incorporating fifteen (15) lots, located on Eltons and Taylors Road, Silverdale.

The properties included in the Planning Proposal are as follows:

- 45 Eltons Road (Lot 11 DP 578088)
- 71 Eltons Road (Lot 1 DP 734838)
- 85 Eltons Road (Lot 3 DP 734838)
- 95 Eltons Road (Lot 2 DP 734838)
- 99 Eltons Road (Lot 48 DP 236542)
- 115 Eltons Road (Lot 49 DP 236542)
- 125 Eltons Road (Lot 50 DP 236542)
- 129 Eltons Road (Lot 51 DP 236542)
- 135 Eltons Road (Lot 52 DP 236542)
- 155 Eltons Road (Lot 16 DP 247872)
- 270 Eltons Road (Lot 12 DP 247872)
- 290 Eltons Road (Lot 13 DP 247872)
- 300 Taylors Road (Lot 14 DP 247872)
- 310 Taylors Road (Lot 15 DP 247872)
- 2010 Silverdale Road (Lot 2 DP 562249).

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

1.2 DESCRIPTION OF PROPOSAL

The original Draft Planning Proposal was submitted to Council on 24 February, 2012.

The Planning Proposal as originally submitted requested the following:

- *Amend WLEP 2011 Land Zoning Map to allow R5 Large Lot Residential across the entire site*
- *Amend WLEP 2011 Lot Size Map to allow a minimum lot size of 4000 square metres across the entire site*
- *Amend WLEP 2011 Height of Buildings Map to allow a maximum height of 9 metres across the entire site.*

At its Ordinary Meeting on 19 November, 2012, Council resolved to support the Planning Proposal in an amended form to that originally submitted. The proposal was supported by Council with the following amendments:

- Inclusion of an E2 Environmental Conservation Zone to protect the higher level vegetation on the site with the actual location of that vegetation subject to a further flora and fauna assessment;
- Inclusion of an R2 zone within a small part of the site which adjoins the Silverdale St Heliers Road Planning Proposal site.

The manner in which Council supported the Planning Proposal is shown in Attachment 1.

1.3 GATEWAY DETERMINATION

A Gateway Determination was issued by the Department of Planning and Environment on 13 April, 2013. The Determination permitted the proposal to proceed.

The Gateway Determination included the following condition:

1. *Council is to complete the review of the Growth Management Strategy and prepare a masterplan for this site prior to proceeding to public exhibition. The outcome of this work is to inform the objectives and provisions of the Planning Proposal, which should be amended accordingly.*

Condition 1 of the Gateway Determination had effectively meant that the Planning Proposal was unable to proceed until the completion of the Growth Management Strategy and Masterplan for Silverdale.

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

At its ordinary meeting of 18 July 2016 Council resolved to make a request to the Department of Planning to remove the condition in order to enable the proposal to proceed, this was mainly because the exhibition of the Growth Management Strategy 2014 had been on hold for some time at the request of the Department of Planning and Environment until the outcome of the government's consideration of the following matters was known:

1. The Wilton Junction Threshold Issues.
2. The West Appin Infrastructure investigation.

An altered Gateway Determination was issued by the Department of Planning on 23 September, 2016. The altered Gateway Determination from the Department did not remove condition 1; however, the condition was amended to read as follows:

“Council is to take into consideration the review of the Wollondilly Growth Management Strategy and any relevant development applications (within Silverdale) lodged or approved since April, 2013, prior to proceeding to public exhibition.”

The intent of the Gateway Alteration to amend condition 1 was to enable the Planning Proposal to proceed without relying on the completion of the Growth Management Strategy which was being held up by other processes which were outside Council's control.

Following the amendment of this condition, the proponent was notified by Council that the completion of relevant specialist studies was required in order to progress the Planning Proposal:

The following specialist studies remained outstanding:

- Flood Study
- Phase 1 Contamination Assessment
- Stormwater and Drainage Assessment
- On-site effluent disposal study.

The following studies that were originally submitted with the Planning Proposal in 2012 were required to be updated to reflect current standards and also to reflect other development that had either been approved or had occurred in Silverdale since the time of lodgement of the original proposal:

- Ecology and Bushfire Assessment
- Aboriginal and Non-Indigenous Heritage Assessment
- Water and Sewer Servicing Assessment
- Traffic Impact Assessment.

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

Request from Proponent to withdraw Planning Proposal

Despite the amendment to condition 1 of the Gateway Determination to enable the processing of the Planning Proposal to proceed, Council has not received any of the required further studies in order to progress the proposal.

The proponent provided advice to Council on 26 April, 2017 which advised that *the Landowner's Committee have been unable to provide sufficient funding support for the revised and additional studies, and therefore request for the Planning Proposal to be withdrawn.*

Under the statutory Gateway Process as the Planning Proposal has received a Gateway Determination, the Planning Proposal is now effectively Council's Planning Proposal (although the Specialist Studies are still to be funded by the proponent) and in order for the statutory rezoning process to stop for this proposal Council must apply to the Greater Sydney Commission to have the Gateway Determination altered to state that the proposal will not proceed.

It is recommended that Council not proceed with the Planning Proposal based on the reasons put forward by the proponent and that the dwelling targets for Silverdale and Warragamba would be achieved through other proposals which have progressed since the lodgement of this proposal.

The proposal is a large scale proposal which requires significant justification through specialist studies, particularly given that the site has not been identified as an area for future urban growth within the Growth Management Strategy (as can be seen in Attachment 4).

Also, if the specialist studies are unable to be undertaken, then a number of the Gateway Determination conditions will not be able to be satisfied which are necessary for the proposal to proceed.

2.1 SUITABILITY OF SITE FOR GROWTH

Notwithstanding the proponents request to withdraw the planning proposal the context and strategic planning merit of the site as a location for growth is considered to have changed since April 2015 when it was originally submitted to Council.

2.2 DRAFT SOUTH WEST DISTRICT PLAN

Although the Planning Proposal to enable further development on the site has received a Gateway Determination, there is no certainty that the proposal would have progressed and been finalised based on the Sustainability Priorities that require consideration in the Draft South West District Plan.

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

It is noted that much of the site is not identified as an area for potential future residential expansion or growth in Council's GMS or any other strategy. This will likely result in an inconsistency with sustainability priority 6 in the Draft District Plan.

Sustainability Priority 6: Discourage Urban Development in the Metropolitan Rural Area

This sustainability priority in the Plan states *that relevant planning authorities should not support planning proposals affecting land currently within a rural or environmental zone unless these are in areas identified in a regional plan or district plan as urban investigation areas or these form part of, or are as a result of strategic planning.*

The site is not identified as an area for residential growth in any adopted regional or district plan and only a minor part of the site along the northern boundary of the site is identified within Council's GMS.

As a majority of the site is not identified as a potential residential growth area in Council's GMS or any other strategy, the proposal would be inconsistent with this sustainability priority and it is therefore appropriate that a request be made to the Greater Sydney Commission that the Planning Proposal not proceed.

2.3 WOLLONDILLY COMMUNITY STRATEGIC PLAN

The Wollondilly Community Strategic Plan 2033 (WCSP), adopted by Council 17 June, 2013 is the Council's highest level long term plan and sets out the long term strategic directions for Wollondilly over a 20 year period up to the year 2033.

The following Community Strategic Plan strategies are relevant to the Planning Proposal:

STRATEGY EN2 Growth Management

Apply best practice environmental principles to the management of future growth.

Comment: Parts of the site may carry environmental value. Any development of the site would need to be justified through the relevant environmental studies. It is therefore appropriate that the proposal not proceed without the required studies.

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

STRATEGY EC3 Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

Comment: A majority of the site is not identified as an area for potential future residential growth within Council's GMS and is quite detached from the existing town centre of Silverdale. The development of the site may therefore not produce the same economic benefits that would be achieved by providing housing in areas identified in the GMS which are closer to the town centre of Silverdale.

STRATEGY EC4 Managing Development and Land Use

Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.

Comment: The site would retain its current zoning which is consistent with this strategy.

STRATEGY IN2 Manage Road Network

Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

Comment: The proposal could contribute to a high increase in traffic flows. The proposal not proceeding would prevent any traffic issues associated with residential development of the land.

2.4 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.

The GMS also sets out growth targets for individual areas/townships across the Shire over the 25 year period from 2011. The Growth Management Strategy sets a dwelling target for Silverdale and Warragamba of 1000 additional total dwellings. A large portion of these additional 1000 dwellings have already been accommodated through other sites which have either been rezoned or have had subdivision applications submitted to Council since the lodgement of this current Planning Proposal. These sites are detailed below:

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

- Silverdale St Heliers Road site which is located at the south of the Silverdale village and fronts Silverdale and St Heliers Road. The site was rezoned from Rural to Residential in 2014 and a development application was approved in 2015 to subdivide the site into 165 residential lots. The subdivision of the site is currently under construction.
- The former African Lion Safari Park site which is located along Marsh Road and Production Avenue was rezoned to residential land in 2005. Two (2) development applications for the subdivision of land have been lodged with Council which comprise a total of 504 residential lots. The development applications are currently under consideration by Council.
- 33-35 Warradale Road which was rezoned to residential (and environmental conservation) in 2014 and a development application to subdivide the site into 93 residential lots is currently under consideration by Council.
- Council is currently giving consideration to a Planning Proposal to rezone 10 lots in the northern part of Silverdale within a location that is identified for future growth in Council's GMS. This site includes 68 hectares of land. The proposal is expected to provide for an extension to the existing commercial area in Silverdale and also provide up 350 additional residential lots. The rezoning of the site is still under consideration by Council.

Once fully developed it is highly likely that these sites will achieve the dwelling targets for Silverdale and Warragamba and the development of the subject land at Eltons and Taylors Road would exceed the dwelling targets outlined in the GMS. It is therefore considered appropriate to request from the Department of Planning that the Planning Proposal not proceed.

2.5 FINAL FORM OF PLANNING PROPOSAL

It is considered that based on the information above that the proponents request to withdraw the Planning Proposal should be supported and that the Greater Sydney Commission be requested to alter the Gateway Determination to state that the Planning Proposal shall not proceed.

2.6 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)

It is recommended that the Planning Proposal not proceed and that no amendments to the WLEP 2011 be made in respect of the subject land at this point in time.

FINANCIAL IMPLICATIONS

The withdrawal of this Planning Proposal would not have any impact on Council's adopted budget forward estimates. If Council determine to proceed with the proposal then Council would need to fund the studies and there is no budget available for this.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
19 June 2017

PE5 – Planning Proposal – Eltons and Taylors Road, Silverdale

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Plan showing proposed zones
2. Gateway Determination and Alterations
3. Withdrawal request from proponent
4. GMS Structure Plan

RECOMMENDATION

1. That Council support the proponents request to withdraw the Eltons and Taylors Road Planning Proposal.
2. That Council forward to the Greater Sydney Commission a request for an altered Gateway Determination which states that the Planning Proposal shall not proceed.
3. That the applicant, landowners and persons who made submissions regarding the Planning Proposal be notified of Council's decision.