

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 July 2016

PE4 – Planning Proposal – Eltons and Taylors Road, Silverdale

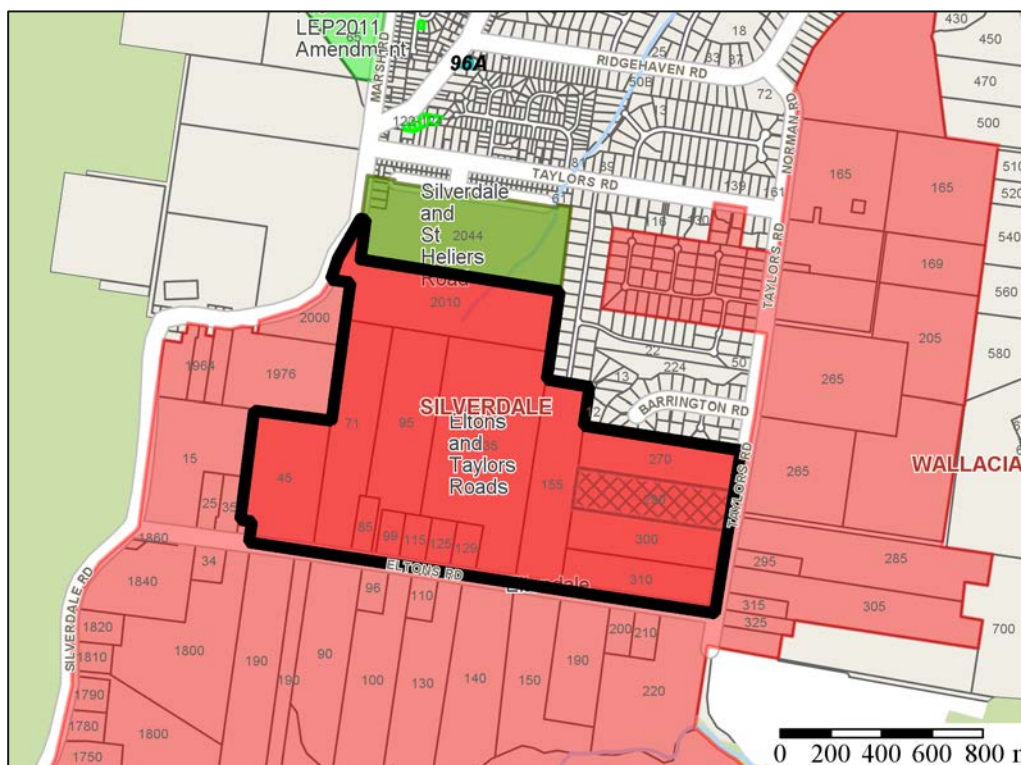
PE4

Planning Proposal – Eltons and Taylors Road, Silverdale
1010

TRIM 6742

Proponent: Planning Ingenuity
Owner: Various

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 commenced
Specialist Studies	Not yet commenced
Public exhibition/community consultation	Not yet commenced
Referred to Minister for Publication	Not yet commenced

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EXECUTIVE SUMMARY

- The purpose of this report is to seek Council support for a proposed alteration to the Gateway Determination for the Eltons and Taylors Road, Silverdale Planning Proposal.
- The alteration would involve the removal of a condition which requires Council to review the Wollondilly Growth Management Strategy 2011 and also to prepare a Masterplan for this site prior to the public exhibition.
- 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 Council forward a request to alter the Gateway Determination to the NSW Department of Planning and Environment to remove condition 1 from the Gateway Determination.

REPORT

1.1 SITE DESCRIPTION

The site comprises approximately 200 hectares of land, incorporating fifteen (15) lots, located on Eltons Road 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 Taylors Road (Lot 12 DP 247872)
- 290 Taylors 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).

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The site slopes generally from west to east with various depressions throughout. Many of the properties that make up the site are used for rural residential purposes. The properties at 300 Taylors Road and 95 Eltons Road contain commercial market gardens, while the property at 45 Eltons Road contains an existing wholesale nursery with associated structures.

Much of the west and south eastern parts of the site are predominantly cleared with some scattered vegetation, while the section through the middle of the site (running south to north) contains a more dense area of native vegetation and tree cover. The site also comprises several large dams and minor watercourses throughout.

The existing lots within the Planning Proposal site range from approximately two (2) hectares to thirty two (32) hectares.

The surrounding lands include Large Lot Residential lands to the north east of the site and a mix of residential lands to the north which were rezoned as part of the Silverdale St Heliers Road Planning Proposal site. Immediately to the west of the subject site is rural land and further west on the opposite side of Silverdale Road are National Parks Nature Reserves.

1.2 DESCRIPTION OF PROPOSAL

The Gateway Determination that was issued by the Department of Planning on 13 April, 2013 determined to rezone the land from RU2 Rural Landscape to R2 Low Density Residential, R5 Large Lot Residential and for environmental purposes.

1.3 BACKGROUND

Planning Proposal Background

The original draft planning proposal was submitted to Council on 24 February, 2012.

The Planning Proposal as submitted requested the following:

- *Amendment to WLEP 2011 Land Zoning Map to allow for R5 Large Lot Residential;*
- *Amendment to WLEP 2011 Lot Size Map to allow a minimum lot size of 4000 square metres;*
- *Amendment to WLEP 2011 2011 Height of Buildings Map to allow a maximum height limit of 9 metres.*

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At its Ordinary Meeting on 19 November, 2012, Council resolved to support the Planning Proposal and send it to the Department of Planning and Environment for a Gateway Determination. However the Planning Proposal was supported based on 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 investigation;
- Inclusion of an R2 zone within a small part of the site which adjoins the Silverdale St Heliers Road Planning Proposal site.

A Gateway Determination was issued by the Department of Planning on 13 April, 2013 and included a Gateway Condition which required Council to complete its Growth Management Strategy and a Silverdale/Warragamba Masterplan prior to proceeding to Public Exhibition of the proposal.

Warragamba and Silverdale Masterplan

The concept of a Masterplan for the Silverdale/Warragamba Area was first considered in 2012 as a response to the large number of Planning Proposals under consideration in this area as well as the Bushrangers Creek site to the south of Silverdale which was nominated as part of the State Governments Potential Home Sites Program.

A report was considered by Council at its Ordinary Meeting on 19 November, 2012 which recommended support for the adoption of the Silverdale/Warragamba Masterplan. Contrary to recommendation, Council resolved the following:

1. *That Council not prepare a Masterplan for the Silverdale and Warragamba areas.*
2. *That the landowners/consultants associated with the 'Bushrangers Creek' development be advised that should they wish to pursue development options then they should submit their own Planning Proposal'.*

On 18 March, 2013 however Council resolved to support the masterplanning of lands in the Silverdale and Warragamba area (a boundary of the masterplanned area to be determined as part of the masterplanning process) to be funded and undertaken by landowners and that addresses housing, employment, infrastructure (including infrastructure funding strategy) and services. Council's resolution states the following:

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1. *That the Masterplan would support a future rezoning process either by way of the Gateway Process instigated as per its resolutions on 19 November 2012 for North Silverdale and Eltons Road/Taylors Road Silverdale or a SEPP process which is being used for Wilton Junction.*
2. *That the Minister be requested to facilitate partnerships and support from key infrastructure providers, Infrastructure NSW and all relevant State agencies.*

A Gateway Determination was then issued by the Department of Planning on 13 April, 2013 for the Planning Proposal and included the following condition:

1. *Council is to complete the review of the Wollondilly 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.*

The Gateway condition has effectively meant that the Planning Proposal has been unable to proceed until the completion of the Growth Management Strategy and Masterplan for the broader area of Silverdale and Warragamba. An outline of the progression of the Growth Management Strategy is provided below:

Draft Wollondilly Growth Management Strategy 2014 (Draft GMS 2014)

In response to the outcome of the NSW Government Potential Home Sites Program, Wollondilly Council began a review of the GMS 2011. The review was in part funded by the Department of Planning and Environment. At the November, 2014 Council meeting, Council supported the Draft GMS 2014 (its contents confidential) and resolved to seek the Department's endorsement and agreement to commence public exhibition.

The Department asked Council not to commence a public exhibition of the Draft GMS 2014. Furthermore the Department advised that they would undertake a review of Council's Draft GMS 2014 once the outcome of the Governments consideration on the following two matters was known:

1. The Wilton Junction threshold issues
2. The West Appin Infrastructure Investigation.

The Wilton Junction threshold issues and the West Appin Infrastructure investigation formed part of the Greater Macarthur Land Release Investigation which is yet to be finalised. Subsequently the Department's review of Draft GMS 2014 is still pending.

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1.4 PROPOSED ALTERATION TO THE GATEWAY DETERMINATION

It is considered unreasonable to further delay the Planning Proposal pending a review of the Growth Management Strategy. The Growth Management Strategy was originally intended to commence exhibition in late 2014 and has since been held up pending the completion of the Greater Macarthur Land Release Investigation Area.

These delays were never anticipated when Council resolved to proceed with the preparation of the Planning Proposal or when the Gateway Determination was issued by the Department of Planning. It is considered that further delay to the Planning Proposal on this basis is unjustified.

The Warragamba/Silverdale Masterplan was intended to be a higher level plan funded by individual landowners in Silverdale and made in partnership with the Department of Planning. Given that many of the Planning Proposal sites in Silverdale have since been rezoned and in some cases have had subdivision applications lodged and determined, there is now no scope to include these other sites as part of the materplanning process.

Should the Eltondale Planning Proposal (which includes the Bushrangers Creek Site) obtain a Gateway Determination then this would need to be subject to a separate materplanning process due to the scale and area of that Planning Proposal and the demand for higher level infrastructure.

It is also noted that the Gateway Determination for the North Silverdale Commercial, Industrial and Environmental Lands Planning Proposal which was issued on 1 May 2013 included the same conditions (i.e review of Council's Growth Management Strategy and completion of the Warragamba Silverdale Masterplan) was amended in July, 2013, following a request from Council. It is considered that this would also be a reasonable pathway for the Eltons and Taylors Road Planning Proposal.

CONSULTATION

2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

No specific consultation has been undertaken with Council staff for this report. The Manager Infrastructure Planning has previously advised that Silverdale Road (Blaxland Crossing) has sufficient capacity for current proposals excluding Eltondale, notwithstanding that some structural issues are currently being address.

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2.2 CONSULTATION WITH PUBLIC AGENCIES

Consultation would be undertaken with public agencies in accordance with the Gateway requirements at the appropriate stage. To date this has not occurred.

2.3 COMMUNITY CONSULTATION

No community consultation has been carried out specifically in relation to the proposed alteration to the Gateway Determination to remove condition 1. Preliminary Consultation was carried out from 16 April, 2012 to 7 May, 2012 and a total of twenty (20) submissions were received (including two (2) government agency responses) which were given due consideration prior to the proposal proceeding to Gateway.

2.4 OPTIONS FOR CONSIDERATION

The Planning Proposal was initially supported in concept by Council and has received a Gateway Determination from the NSW Department of Planning and Environment.

Council's options are:

1. Resolve to seek an alteration to the Gateway Determination to remove condition 1 from the Gateway Determination.
2. Resolve that the Draft Planning Proposal remain on hold pending finalisation of Council's Draft Growth Management Strategy 2014 and Masterplanning of the area (i.e. condition 1 in the Gateway Determination be retained).

Option 1 is the recommendation of this report.

2.5.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP, 2011)

The proposed amendments to WLEP 2011 are described below (as per the current Gateway Determination):

Amend the Land Zoning Map from Zone RU2 Rural Landscape as shown in Attachment 1 to Zone R2 Low Density Residential, R5 Large Lot Residential and land for environmental purposes as shown in Attachment 1.

Amendments relating to minimum lot size, maximum building height and application of the natural resources layers across the site would be determined following review of further specialist studies.

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It is noted that this is proposed to remain unchanged and this report recommends that Council seek a Gateway alteration to remove condition 1 from the original Gateway Determination.

FINANCIAL IMPLICATIONS

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. Note that the Wilton Junction project is not a planning proposal at this stage but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

ATTACHMENTS:

1. Map identifying the zone layout that was supported by Council.

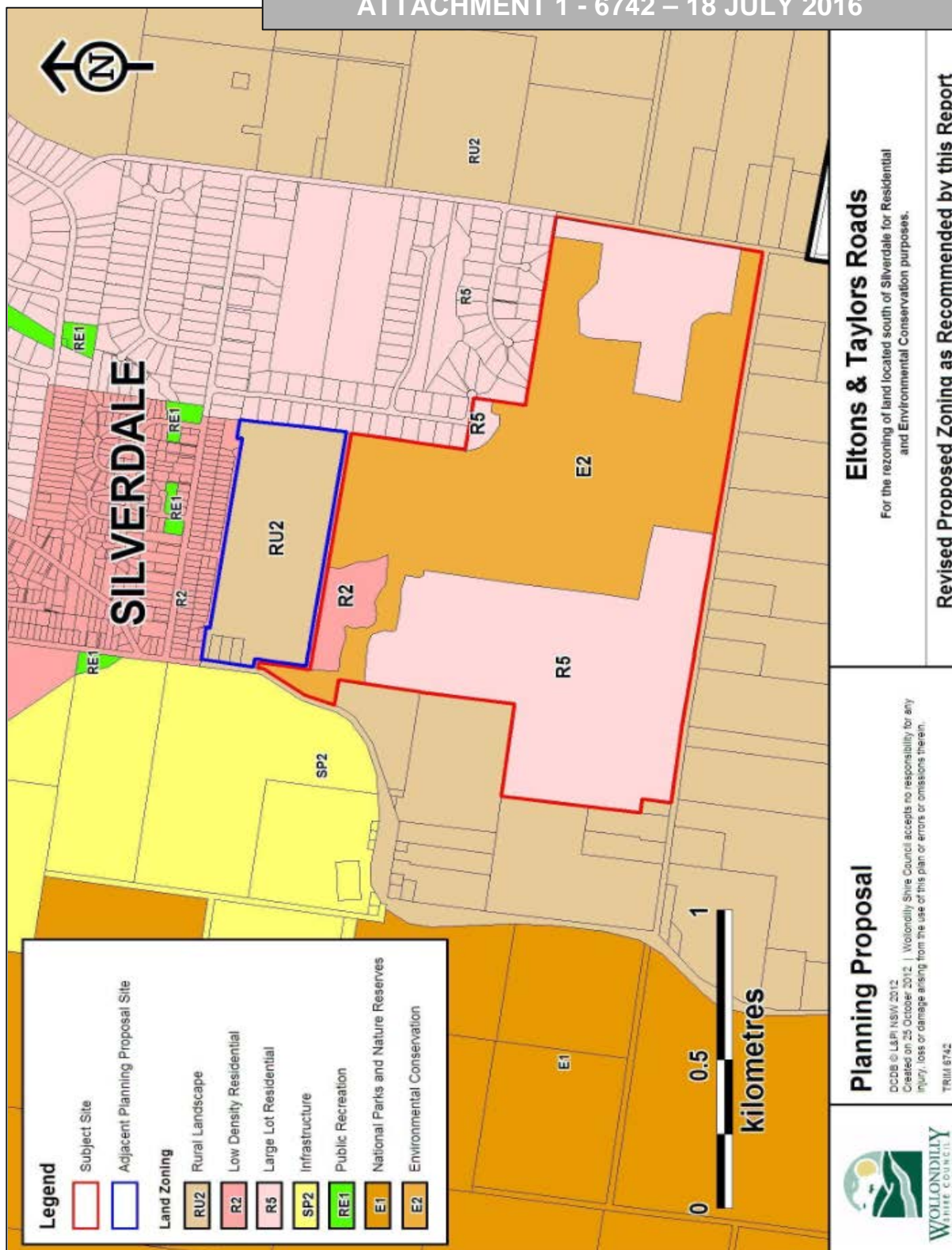
RECOMMENDATION

1. That Council forward a request to alter the Gateway Determination to the NSW Department of Planning and Environment to remove condition 1 from the Gateway Determination consistent with the approach taken for the North Silverdale Planning Proposal.
2. That the applicant and submitters be notified of Council's Resolution.

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ATTACHMENT 1 - 6742 – 18 JULY 2016



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