

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 September 2017

**PE4 – Darley Street Planning Proposal Outcome of Gateway Determination**

PE4

**Darley Street Planning Proposal – Outcome of Gateway Determination**

265508

TRIM 9362

**Applicant:** 265508  
**Owner:** Various (18 properties)

Planning & Economy



LOCATION MAP N

Stage	Completed
Preliminary notification	26 September – 2 November 2016
Gateway Determination	17 July 2017
Consultation with Public Agencies	31 July 2017 – 25 August 2017
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

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**EXECUTIVE SUMMARY**

- The purpose of this report is to update Council on the outcome of the request for a Gateway determination for the Darley Street Planning Proposal.
- The proposal submitted for a Gateway Determination sought to amend the land zoning of the site from **RU4 Primary Production Small Lots** to **R5 Large Lot Residential** and to defer the determination of a minimum lot size following the outcome of specialist studies.
- The Gateway determination directs Council to revise the planning proposal and to apply a zone and associated development standards that will achieve the highest possible residential yield determined in consultation with the Department of Planning and Environment and Sydney Water.
- 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:
  - That the Darley Street Planning Proposal be progressed in line with the approach given in the Gateway Determination to revise the planning proposal and to apply a zone and associated development standards that will achieve the highest possible residential yield determined in consultation with the Department of Planning and Environment and Sydney Water.
  - That following the preparation of specialist studies a further report be provided to Council on the suggested form of the proposal for endorsement prior to resubmitting the planning proposal to the Department of Planning and Environment.
  - That any rezoning of the land is to be accompanied by a master plan, to be prepared by the proponent in consultation with Council and all landowners within the proposal, to ensure future development of the site is coordinated and that this masterplan be included within the Wollondilly Development Control Plan as part of the site specific development controls.

**REPORT**

**1.1 BACKGROUND**

On 20 March, 2017 Council resolved to support the preparation of a Planning proposal in an amended form to rezone land bounded by Darley, Bridge, Innes and Owen Streets in Thirlmere. A copy of the Council report and Minutes is at Attachment 1.

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This planning proposal was subsequently prepared and forwarded to the Minister for Planning and Environment for a Gateway Determination.

The Darley Street Residential Planning Proposal sought changes to the Wollondilly Local Environmental Plan 2011 to rezone approximately 30.2 hectares of primary production small lot zoned land in Thirlmere to enable large lot residential development and to defer the identification of a minimum lot size until a number of studies were undertaken.

A Gateway Determination was issued on 17 July, 2017. The Gateway determination directs Council to revise the planning proposal to apply a zone and associated development standards that will achieve the highest possible residential yield determined in consultation with the Department of Planning and Environment and Sydney Water. A copy of the determination is provided at Attachment 2.

Following the receipt of the Gateway Determination Council officers have met with the proponent and two of the land owners to discuss a way forward. The proponent has since provided Council with a submission dated 27 July 2017 that includes a request to Council to reconsider its previous resolution and to support the application of an R2 low density residential zone with a minimum lot size of 700m<sup>2</sup> for the site. A copy of this submission is provided at Attachment 3.

The proponent's submission also noted that further contact had been made with Sydney Water who advised the following:

*“The boundary for the plan (catchment) is now lifted and therefore the proponent can now commence designs, planning & approval but there will be no ability to connect to sewer until 2020”.*

Due to this further clarification, the proponent is now of the opinion that the “2020 timeframe is not considered detrimental to being able to connect the whole precinct to Sydney Water's reticulated sewerage system, given the average length of time to complete a rezoning in Wollondilly” and would like Council to support progressing the planning proposal in the form originally submitted to Council for consideration.

**1.2 COUNCIL OFFICER'S ASSESSMENT**

The Gateway Determination instructs Council to revise the planning proposal to consider a higher residential yield. From a planning perspective there is some strategic planning merit to applying a low density residential zone and its inherent higher comparative density.

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The site is identified on the Structure Plan for Thirlmere which forms part of Council's Growth Management Strategy 2011 for the investigation of residential development and portions of the site could potentially support a higher residential yield.

Part of the site is also well located as it is close to town services and is in walking distance to the town centre. Future residents will also have access to existing community infrastructure including Thirlmere park and tennis courts and the local primary school which are all located within the town centre.

The capability of the land is still unknown. Therefore it would be premature to support a blanket rezoning of the site to an R2 low density residential zone without having undertaken the relevant studies.

Therefore, there is further merit in the approach given in the Gateway Determination which prescribes that studies must be undertaken prior to the identification of a zone and associated development standards.

A further consideration is the fragmented ownership of the land within the subject site, with each of the 18 lots being in separate ownership. When Council officers met with the proponent, two land holders were in attendance however it is still not clear to what extent or what level of support all land owners have for the proposal.

There are issues with the development of site with fragmented land ownership. An overall Master Plan needs to be carried out for the site. This can minimise but not prevent delays to the subdivision approval and construction process for applicants, uncoordinated development and issues concerning road layout, lot layout and some poor urban design outcomes.

Therefore, if Council wishes to proceed with the proposal, it is recommended consideration be given to the development of a Master plan for the site at the planning proposal stage. This Master plan should form part of site specific planning controls to be included in the Development Control Plan and should respond to the outcomes of the specialist studies. In particular, the master plan needs to demonstrate how development can occur in a coordinated manner with clear, logical staging.

**CONSULTATION**

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

Consultation with staff was carried out initially when the proposal was received. At this time, comments were received on issues relating to geotechnical, vegetation, drainage, the intention of Council's Growth Management Strategy, loss of agricultural land, the need for additional housing, land use conflict, road layout, road widening, traffic, and road layout.

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A summary of these comments are provided in the attached Council report from the Ordinary Council meeting held on 20 March 2017.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

A submission from Sydney Water was received in November 2016 indicating that Sydney Water is unable to connect the site to existing sewerage infrastructure. The submission also noted that Sydney Water's current commitment is to service land within the PTT area and as the site is not within PTT, the provision of wastewater services in the future will rely on the development of a long-term effluent management strategy, which is not expected to be operational for at least three to five years.

Further to this, the proponent is continuing to liaise with Sydney Water to confirm the timing of works proposed to expand the capacity of the Picton Sewerage Treatment Plant (STP).

Additionally, letters have been sent out to various public agencies seeking feedback on the Gateway Determination and for advice on the requirements of the specialist studies.

**2.3 COMMUNITY CONSULTATION**

Feedback from the community was sought during the initial notification stage. A summary of the submissions received is provided in the attached report for the Ordinary Meeting of Council held on 20 March 2017.

**2.4 PREPARATION OF A PLANNING PROPOSAL**

Should Council resolve to support the direction given in the Gateway Determination, specialist studies will be undertaken to determine the capacity of the land within the site, in consideration of these findings, it is anticipated that the proponent will be required to prepare a Master plan for the site. This will then be reported back to Council for consideration and inclusion in the Wollondilly Development Control Plan, prior to sending to the Department of Planning and Environment for endorsement. It is intended that this will occur prior to public exhibition.

Council's options are:

1. Resolve to note and support the approach given in the Gateway Determination and for any matters to be more fully investigated and reported back to Council following the outcome of future specialist studies.
2. Resolve that Council request a Gateway Alteration in line with the proposal submitted to the Department of Planning and Environment.

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3. Resolve to support the proponent's submission to rezone the site to R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup>.
4. Resolve to no longer support a Planning Proposal for this site.

Option **1** is the recommendation of this report.

**FINANCIAL IMPLICATIONS**

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

The need for a Voluntary Planning Agreement will be investigated to address matters specific to the Planning Proposal.

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 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 INCLUDED IN A SEPARATE BOOKLET**

1. Council report and minutes from the Ordinary Meeting of Council held 20 March 2017.
2. Gateway Determination (17 July 2017)
3. Submission to Council – Precise Planning (dated 26 July 2017)

**RECOMMENDATION**

1. That Council note the direction provided by the Gateway Determination for the Darley Street Planning Proposal.
2. That the Darley Street Planning Proposal be progressed in line with the approach given in the Gateway Determination to revise the planning proposal and to apply a zone and associated development standards that will achieve the highest possible residential yield determined in consultation with the Department of Planning and Environment and Sydney Water.
3. That following the preparation of specialist studies a further report be provided to Council on the suggested form of the proposal for endorsement prior to resubmitting the planning proposal to the Department of Planning and Environment.

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4. That any rezoning of the land is to be accompanied by a master plan, to be prepared by the proponent in consultation with Council and all landowners within the proposal, to ensure future development of the site is coordinated and that this masterplan be included within the Wollondilly Development Control Plan as part of the site specific development controls.
5. That the applicant, landowners and submitters be notified of Council's Resolution.