

RECORD OF DEFERRAL

SYDNEY WESTERN CITY PLANNING PANEL

DATE OF DETERMINATION	18 June 2018
PANEL MEMBERS	Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Judy Hannan and Peter Wright
APOLOGIES	Luke Johnson
DECLARATIONS OF INTEREST	None

Public meeting held at Warragamba Community Hall on 18 June 2018, opened at 5.02pm and closed at 6.30pm.

MATTER DEFERRED

Panel Ref – 2016SYW110 – LGA – Wollondilly – DD010.2015.00000935.001 AT 37, 41 & 46 Marsh Road and 1 Production Avenue, Silverdale.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to defer determination of the development application as described in Schedule 1.

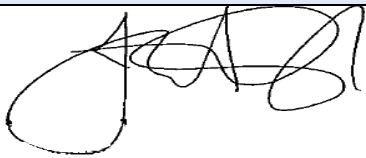



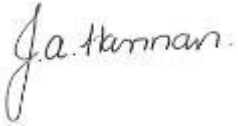
The decision was Unanimous.

REASONS FOR DEFERRAL

The reasons for the decision of the Panel were:

1. The Panel saw merit of a residential subdivision of the DA site if it is found to satisfactorily address the new zoning of the site for the DA, its ecological significance, and other applicable controls.
2. The staff report advised that a proposed voluntary planning agreement offered by the Applicant (VPA) relevant to the provision of infrastructure essential to the proposed development has yet to be exhibited and has not yet been approved by the Council. The Panel is aware that it cannot refuse to grant development consent on the ground that a planning agreement has not been entered into in relation to the proposed development or that the developer has not offered to enter into such an agreement (see s.7.7(2) (previously s.93I) of the EP&A Act). However, the Panel was of the view that the VPA that has been offered by the Applicant ought to be exhibited, and its status then reported on, before the DA is finally determined.

3. The Panel would be assisted in its further assessment by clarification from the Council staff and/or the applicant (which may include legal advice) as to:
- (a) Proposed pedestrian linkages between the DA subdivision and the Warragamba Town centre, and particularly information as to any road infrastructure or other measures proposed to ensure safe crossing of Production Avenue, and safe passage through the adjacent public park towards the town centre and local school (noting that approval of the proposed subdivision would be expected to direct significant numbers of pedestrians including school age children along that route).
 - (b) Future use and management of the E2 zoned bushland, including:
 - (i) whether any aspect of the use, management or preservation of the bushland within the E2 zone (and any associated vegetation management plan) is part of the development proposed by the DA or justification for that development or not,
 - (ii) the proposed biobanking arrangement to the extent it is relied upon as justifying the ecological impacts of the development,
 - (iii) the application of relevant legislation and relevant savings and transitional provisions,
 - (iv) the operation of any applicable conditions of consent (see the proposed condition 7 for example), and
 - (v) the relevance of any proposed or adopted voluntary planning agreement.
 - (c) Cumulative impacts of this and other developments upon the intersection of Silverdale Road and Greendale Road/ Mulgoa Road (possibly with reference to any relevant assessment conducted at the rezoning stage).

PANEL MEMBERS	
 Justin Doyle (Chair)	 Nicole Gurran
 Bruce McDonald	 Peter Wright
 Judy Hannan	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref – 2016SYW110 – LGA – Wollondilly – DD010.2015.00000935.001
2	PROPOSED DEVELOPMENT	Demolition of existing structures, bulk earthworks, remediation of land, stages subdivision to create 425 residential lots, 4 managed reserve lots (Lot 1001, 1002, 1003 & 1004), 1 residue lot (Lot 901), drainage infrastructure, landscape works and vegetation removal.
3	STREET ADDRESS	37, 41 & 46 Marsh Road and 1 Production Avenue, Silverdale Lots 1301, 1302, 1303 & 1304 DP 1236986
4	APPLICANT/OWNER	Simba Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environment Protection and Biodiversity Conservation Act 1999 (Cth) Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulations 2000 Contaminated Lands Management Act 1997 Threatened Species Conservation Act 1995 Native Vegetation Act 2003 National Parks and Wildlife Act 1974 Roads Act 1993 Rural Fires Act 1997 Water Management Act 2000 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 44 – Koala Habitat Protection State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2-1997) Wollondilly Dedication of Land Policy Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Wollondilly Development Control Plan 2016

		<ul style="list-style-type: none"> ○ Draft Western City District Plan • Planning agreements: <ul style="list-style-type: none"> • Wollondilly Developer Contributions Plan 2011 • Wollondilly Planning Agreement Policy • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 18 June 2018 • Written submissions during public exhibition: 24 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Michelle Allen, Cr Matt Gould, David Powell, Sharon Moroney and Carolyn Whitten, Strategic Planning Team Leader. ○ On behalf of the applicant – Carmen Osborne, Ron Lamari, Vaughan McInnes, Anne Trezie, Andrew Craddock and Gavin Drennan. ○ On behalf of Council -
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting – 16 March 2017 • Final briefing meeting to discuss council's recommendation, 18 June 2018 – 3.45pm to 5.00pm. • Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Justin Doyle (Chair), Nicole Gurran, Bruce McDonald, Peter Wright and Judy Hannan ○ <u>Council assessment staff</u>: Andrew Golden, Aimee Lee, Ian Dencker, Stephen Gardiner, Martin Beveridge, Ben Gibbons and David Henry.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached with council assessment report