

Mr Jhett Kellner  
Development Manager  
Dartanyon Developments Pty Ltd

via email: [jhett@dartanyon.com.au](mailto:jhett@dartanyon.com.au)

Dear Mr Kellner

**PP\_2013\_WOLLY\_002\_00 - Picton East**

I am writing in reference to the planning proposal above.

On 20 October 2020 Wollondilly Council resolved to refer to the Department for determination all long-standing planning proposals that have had a Gateway determination for 4 or more years and with unresolved State agency issues.

This approach aligns with the Department's work to reduce uncertainty in the planning system and make faster and more transparent decisions.

The Department has undertaken a detailed assessment of these proposals and considered issues raised by State agencies. While the Department acknowledges the extensive work and time taken to resolve matters relating to these proposals, most matters remain unresolved. In particular, the following issues require resolution:

- The ability to provide a sewerage solution to development in Wollondilly is dependent on the expansion of the Picton Waste Water Plant. As Sydney Water and the NSW Environment Protection Authority have not been able to resolve licensing issues, there is no sewerage capacity available to service development;
- The cumulative impacts of bushfire on the Shire remain unresolved. Concerns continue to exist about the ability to defend against major bushfire events, as well as ensure safe evacuation;
- In certain areas of the Shire the potential land use conflict between underground mining and residential development have not been resolved. The impact of subsidence on new development continues to be discussed in the context of both new and existing mining proposals;
- Biodiversity protection, particularly the identification of corridors and habitat for endangered species such as the koala, need to be addressed in a more holistic way; and
- Other site specific issues associated with individual planning proposals.

Council's Local Strategic Planning Statement, which sets a 20 year vision for the Wollondilly Shire, also includes the commitment to undertake local studies relating to the unresolved matters for your proposal, including a Natural and Manmade Hazards and Emergency Management Study to address bushfire evacuation, and a rural lands study. Once completed and endorsed by Council and State agencies these studies will help further define the direction for use and rezoning of land in the Shire.

The NSW Rural Fire Service has confirmed that *Planning for Bush Fire Protection 2019* is the current standard for the proposal to meet and Council's Natural and Manmade Hazards and Emergency Management Study should be completed prior to supporting increased residential densities within the Wollondilly Shire.

Council has also been preparing its Local Housing Strategy to define the appropriate places and timing for new housing opportunities in the Shire. Once the strategy is endorsed by Council it will be submitted to the Department for assessment and approval. Any subsequent updates to this strategy are likely to be required to be informed by any additional information being compiled by Council in relation to bushfire, servicing and rural lands.

Once the Local Housing Strategy is further updated with these elements, there could be an opportunity to reconsider this rezoning proposal.

However, as this planning proposal is impacted by the unresolved issues the Gateway determination has been amended to not proceed on the basis that:

- 1) the concept design of the new intersection at Menangle Street has not been addressed;
- 2) the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA;
- 3) inadequate measures for wastewater servicing to demonstrate an ability for the site to be serviced in an interim or permanent state; and
- 4) inconsistencies with 9.1 Direction 3.1 Residential Zones and 4.4 Planning for Bushfire Protection remain unresolved, hence all related issues remain unresolved.

The Department would be pleased to meet with you to discuss the specific reasons for its decision and the relationship to the Department's review of the Local Housing Strategy.

If you would like to take up this opportunity, please contact Adrian Hohenzollern Director Western, Greater Sydney, Place and Infrastructure on 9860 1505.

Yours sincerely



**Brett Whitworth**  
**Deputy Secretary**  
**Greater Sydney, Place and Infrastructure**