



Planning,
Industry &
Environment

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Plan finalisation report – PP_2012_WOLLY_009_03

Wollondilly Local Environmental Plan 2011 - Land
Adjoining Bargo Sportsground (1A Kader Street),
Bargo

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Wollondilly Local Environmental Plan 2011.

1.1.2 Site description

Table 1 Site description

Site Description	Type	Council Name	LGA
The planning proposal (Attachment A) applies to land located at the southern end of Kader Street, to the west of Bargo Sportsground (Lot 1 DP 635609)	Site	Wollondilly Shire Council	Wollondilly

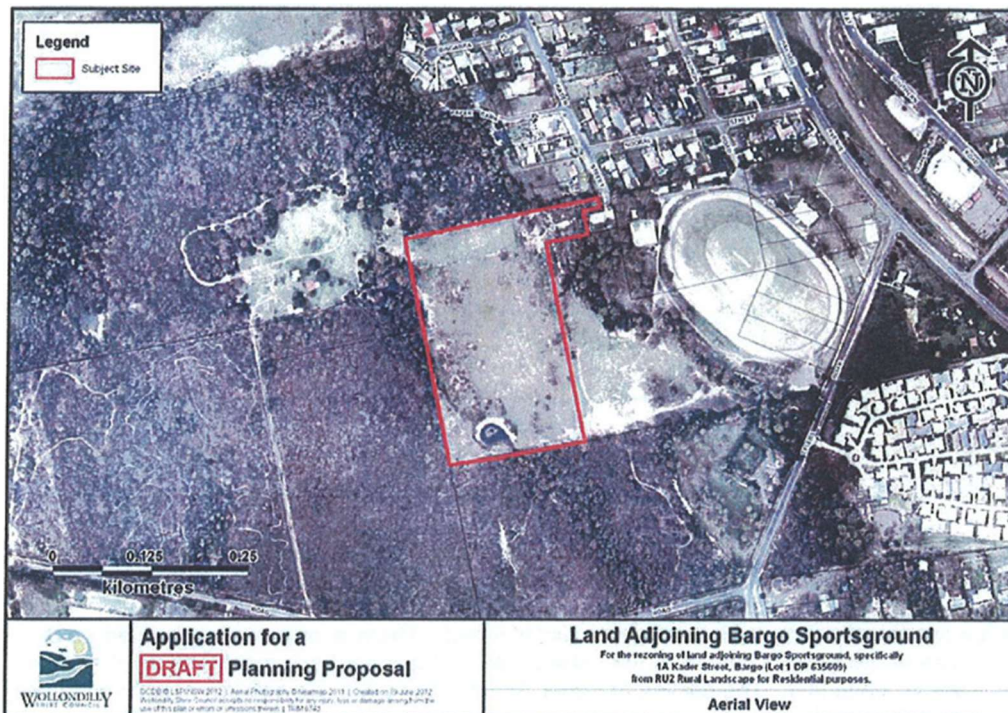


Figure 1 Subject site

The site (Figure 1) is 5.6ha in area and rectangular in shape with an access handle to Kader St. It is generally flat, contains no buildings and is largely cleared with scattered trees remaining along the two watercourses which traverse it. The site and surrounding lands are mapped as being bushfire prone.

1.1.3 Purpose of plan

The planning proposal seeks to amend the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011) to allow for low density and large lot residential development.

Table 2 outlines the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	RU2 Rural Landscape	R2 Low Density Residential (part) R4 Large Lot Residential (part)
Maximum height of the building	N/A	9m
Minimum lot size	16 hectares	R2 Zone – 450m ² R5 Zone - 4,000m ²
Number of dwellings	N/A	22 dwellings
Natural Resources - Biodiversity Map	N/A	Include part of the site
Natural Resources - Water Map	N/A	Include part of the site

1.1.4 State electorate and local member

The site falls within the Wollondilly State electorate. Mr Nathaniel Smith MP is the State Member.

The site falls within the Hume Federal electorate. The Hon. Angus Taylor MP is the Federal Member.

To the Western team's knowledge, neither MP has made any written representations regarding the proposal

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 9/02/2013 (**Attachment B**) determined that the proposal should proceed subject to conditions including:

- Additional analysis of traffic and transport, bushfire hazard, flora and fauna and riparian corridors;
- Preparation of a Water cycle management plan and Wastewater management report; and
- Assessment of odour impacts.

The Gateway determination was altered five times on the following dates:

- 9/07/2014, to amended condition 18 to extend the timeframe for completion of the LEP to 16/08/2015 (12-month extension);

- 16/10/2015, to amend condition 18 to extend the timeframe for completion of the LEP to 16/03/2017 (18-month extension);
- 5/04/2017, to amend condition 18 to extend the timeframe for completion of the LEP to 31/12/2017 (7-month extension);
- 11/01/2018, to amend condition 18 to extend the timeframe for completion of the LEP to 30/06/ 2018 (6-month extension). It also amended the proposed minimum lot sizes of the R5 Zone to 4,000m² and no minimum lot size for E2 zone; and
- 29 /08/2018, to amend condition 18 to extend the timeframe for completion of the LEP to 30/06/2019 (12-month extension).

In accordance with the Gateway determination (as altered) the proposal was due to be finalised on 30/06/2019.

In November 2020, Council resolved to return all planning proposals which remained unresolved for more than four years since Gateway determination to the Department for consideration. The Department has considered each proposal individually and given regard to the prevailing strategic planning framework for Wollondilly including the Local Strategic Planning Statement assured by the Greater Sydney Commission in early 2020.

3 Advice from agencies and post-exhibition changes

The proposal was publicly exhibited in accordance with the Gateway determination from 22 August 2018 to 19 September 2018.

3.1 Submissions from public

On 10 October 2018, a submission was received from SIMEC Mining, the operator of a mine in the vicinity of the subject site (refer Figure 2). The submission outlined that the property is located within the Southern Domain of the mine plan, which is proposed to be mined within the long term, with timing for mining operations anticipated to be another 15 years to 25 years.

A State Significant Development Application (SSD-8445) was lodged with the Department of Planning, Industry and Environment in December 2018. The SSD was referred to the Independent Planning Commission in June 2019, as it includes issues associated with mine subsidence, property damage, groundwater impacts, biodiversity impacts, greenhouse gas emissions and the possibility of damage to Thirlmere Lakes, which are part of the world heritage listed Greater Blue Mountains World Heritage Area. The SSD is still under assessment.

SIMEC Mining's submission states that as the property is adjacent to the mine it is likely it would be subject to mine subsidence and recommended that the proposed development be postponed until after mine operations have ceased and any subsidence has occurred. The submission did outline conditions that could be imposed should the planning proposal be approved.

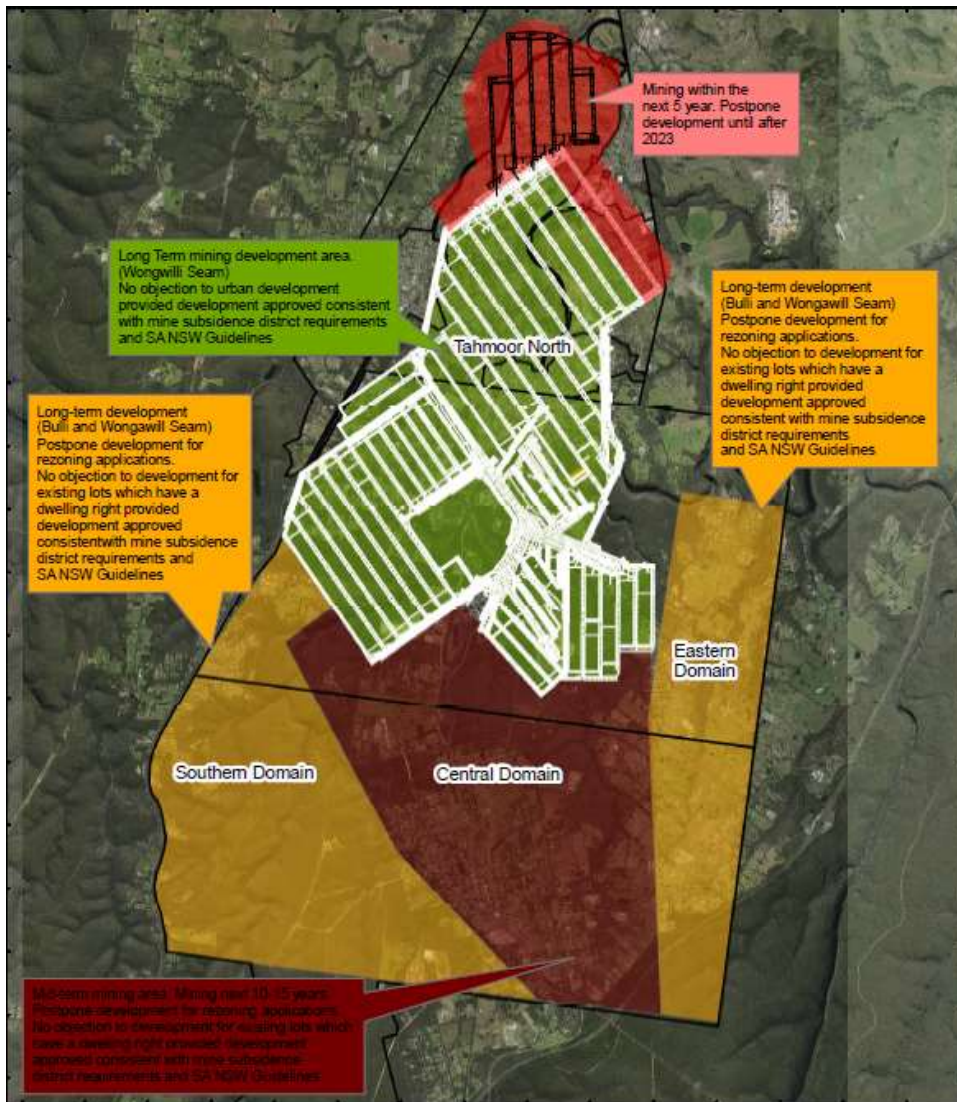


Figure 2: Tahmoor Coking Coal Operations (Source: SIMEC Mining)

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with the following agencies:

- Hawkesbury Nepean Catchment Management Authority;
- Office of Environment and Heritage;
- Department of Primary Industries – Office of Water;
- Department of Trade and Investment;
- Mine Subsidence Board;
- NSW Rural Fire Service;
- Transport for NSW – Roads and Maritime Services;
- Sydney Water; and
- Endeavour Energy.

Table 3 outlines Council's position on agency advice and notes there are still unresolved issues raised by State agencies which have yet to be satisfactorily addressed. The Department does not share Council's view on all matters and the Department's assessment follows in section 4.

Table 3: Agency Submissions

State Agency	Advice raised
Mine Subsidence Board 15 September 2014 (now Subsidence Advisory NSW)	No objection to the proposed rezoning.
Department of Trade Investment 29 September 2014 (now Geological Survey NSW)	Given the small size of the area and potential number of residences, the proposal is not likely to have a significant impact on future coal or CSG exploration and development.
Roads and Maritime Service (RMS) 10 September 2018 (now Transport for NSW)	Planning proposal will not have a significant impact on the State Road Network.
Transport for NSW 17 September 2018	Recommended that the development should facilitate the use of walking and cycling, and the development should provide appropriate infrastructure to support the provision of a bus service, subject to future demand.
Subsidence Advisory NSW 17 September 2018	Tahmoor Coal has no current plans to impact the site and it was recommended that council consult with the mine operator prior making a determination. Refer to advice from the mine operator above.
Endeavour Energy 19 September 2018	No objection to the proposed rezoning. Provided a series of requirements and recommendations to accommodate the development.
Department of Planning & Environment – Resources & Geoscience 19 September 2018 (now Geological Survey NSW)	Concerned with the proximity of the site to the Tahmoor South Coal Project and unable to support the planning proposal.

State Agency	Advice raised
<p>Office of Environment and Heritage (OEH) 28 September 2018 (now NSW Environment, Energy and Science)</p>	<ul style="list-style-type: none"> • Effluent System: the proposed location of the effluent disposal systems may adversely impact the native vegetation communities on the E2 zoned land, due to an increase in nutrients and soil moisture content. • E2 Zoned Land: the quantum of E2 land is insufficient and should be increased to better align with the Cumberland Koala Linkage map and Council’s vegetation and biodiversity mapping to protect the full length of the creek/riparian corridor. The E2 land should also be dedicated to Council, to ensure it is appropriately protected and maintained. • Location of Creeks: there is a first order creek in the north-eastern corner and a third order creek in the south-western corner of the site. OEH recommends that the zoning map be amended to rezone either side of the creeks E2 zone, to protect significant vegetation along the full length of the creek. • Site-specific DCP: the site-specific DCP has not been provided to OEH, and it is therefore unclear to OEH whether the DCP includes sufficient controls to address aboriginal heritage, flooding and on-site vegetation management. • Flooding: the flood modelling is insufficient, given the following: <ul style="list-style-type: none"> ○ it is not clear how the adopted ground level for PMF modelling is significantly higher than the design ground levels for the site; ○ the proposed bridge will be submerged during a PMF event. As a result, the site will be isolated; and ○ an emergency response plan should be prepared in consultant with Council and the State Emergency Services.
<p>Department of Industry – Lands and Water 18 October 2018</p>	<p>No objection to the planning proposal.</p>
<p>Rural Fire Service 23 October 2018 15 December 2020</p>	<p>No objection, however it noted that the concept plan may need to be updated to ensure future development can comply with Planning for Bushfire Protection 2006.</p> <p>On 15 December 2020 RFS indicated that it is preferable that the council carries out its Shire wide <i>Natural and Manmade Hazards a Emergency Management Study</i> and that any proposal for the site would be required to assessed against the updated Bush Fire Protection 2019 provisions (in particular chapter 4 – Strategic Planning).</p> <p>The RFS also mentioned it was concerned that based on the recent 2019/2020 bush fire season experienced by Wollondilly a number of evacuation and traffic management issues as a result of bush fires were evident and therefore the RFS held concerns that the cumulative impacts of ‘spot rezoning’s’ such as this may exacerbate these adverse experiences.</p>

State Agency	Advice raised
<p>Greater Sydney Local Land Services</p> <p>21 November 2018</p>	No objections to the planning proposal.
<p>Sydney Water</p> <p>22 November 2018</p>	<ul style="list-style-type: none"> Existing drinking water infrastructure has the capacity to service the development. Wastewater infrastructure does not have the capacity to service the development.
<p>Subsidence Advisory</p> <p>21 February 2020</p>	<p>Subsidence Advisory outlined that the property is located outside the 20mm subsidence contour of the current extent of longwalls of the Tahmoor South Project.</p> <p>Should future mining occur outside the current Tahmoor South Proposal, more significant subsidence could occur at the site.</p>
<p>Subsidence Advisory</p> <p>6 November 2020</p>	<p>Subsidence Advisory provided a second submission which outlined that it had no objection to the planning proposal as the lot proposed for rezoning is unlikely to experience subsidence.</p>
<p>Geological Survey NSW</p> <p>6 July 2020</p>	<p>Geological Survey NSW issued a new submission which no longer objected to the planning proposal.</p>
<p>Sydney Water</p> <p>22 October 2020</p>	<p>On 22 October 2020, Sydney Water provided a submission to the planning proposal. The submission outlined that the Bargo and Buxton Sewerage Priority Sewerage Programs were only sized to accommodate existing dwellings and limited growth (up to 10% growth).</p> <p>Given the scheme has limited capacity, Sydney Water does not support the planning proposal, unless on-site wastewater management options are proposed and agreed to with Council.</p>

3.3 Post-exhibition changes

On 25/08/2020, the applicant issued a letter to Council requesting the following amendments to the planning proposal:

- A minimum lot size of 4,000m²;
- Rezone the site as either 'E2 – Environmental Conservation' or 'E3 – Environmental Management'. However, due to flooding issues substantial cutting and filling will be required across the site and it was therefore proposed to introduce the E2/E3 zoning to just the riparian areas; and
- All areas of native vegetation be included as “sensitive land” on the Natural Resources-Biodiversity Map.

The Department is not aware of any other changes made to the planning proposal post-exhibition.

4 Department's Assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment C**), the planning proposal submitted to the Department for finalisation:

- remains consistent with the regional plans relating to the site, as existed at the time of the Gateway determination. However, the proposal is inconsistent with the current regional and district plans that apply to the site;
- is inconsistent with the Council's Local Strategic Planning Statement, noting that it was published post-gateway determination;
- inconsistent with several Ministerial Directions;
- consistent with all relevant SEPPs; and
- inconsistent with State Environmental Planning Policy (Koala Habitat Protection) 2019.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1.

Table 4 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1.1
District Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1.1
Local Strategic Planning Statement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1.1
Local Planning Panel (LPP) recommendation	Gateway determination issued prior to requirement for planning proposals to be referred to the LPP	
Section 9.1 Ministerial Directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

Table 5 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environment impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Infrastructure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

4.1 Detailed Assessment

In November 2020 Council resolved to return all planning proposals which remained unresolved for more than four years since Gateway determination to the Department for consideration. The Department has considered each proposal individually and given regard to the prevailing strategic planning framework for Wollondilly including the Local Strategic Planning Statement assured by

the Greater Sydney Commission in early 2020. The following section provides details of the Department's assessment of key matters and conclusions.

4.1.1 Strategic Assessment

Strategies at Gateway determination

Sydney Metropolitan Strategy and Draft South West Subregional Strategy

The planning proposal was found to be consistent with these strategies as it promoted opportunities for housing adjacent to existing urban areas.

Wollondilly Growth Management strategy

The Wollondilly Growth Management strategy (GMS), since superseded by the Local Strategic Planning Statement did not identify the site as a potential residential growth area. Council determined that the planning proposal was consistent with the key policy directions and assessment criteria of the GMS (based on the information available at that time) and supported it on that basis.

Current strategies and policies

Greater Sydney Regional Plan (A Metropolis of Three Cities)

The planning proposal received a Gateway determination before the release of the Greater Sydney Regional Plan (A Metropolis of Three Cities) (Regional plan). Planning proposals are to be consistent with plan. The Regional plan nominates the site as being part of the Metropolitan Rural Area (MRA). The MRA is identified as having environmental, social and economic values that contribute to the region, and of importance for its capacity to produce agricultural products.

Strategy 24.3 identifies the need to protect and support agricultural production by preventing inappropriately dispersed urban activities in rural areas. Limited urban investigation areas are identified within the MRA to enable long term growth.

The site is not identified with the regional plan within an urban investigation area and as such the proposal for urban residential development is inconsistent with the Regional Plan.

Western City District Plan

The planning proposal received a Gateway determination before the release of the *Western City District Plan* (the District Plan). The District Plan supports the aims of the Regional Plan with Action 29, identifying the need to limit urban development, except to those areas identified for urban investigation.

The planning proposal is inconsistent with the following District Plan planning priorities:

- W1 Planning for a city supported by infrastructure;
- W12 Protecting and improving the health and enjoyment of the District's waterways;
- W14 Protecting and enhancing bushland and biodiversity;
- W17 Better Managing Rural Areas; and
- W20 Adapting to the impacts of urban and natural hazards and climate change.

The basis for this is that:

- Sydney Water has advised there is insufficient capacity in the local wastewater infrastructure to accommodate the proposed development;
- the former OEH has advised the onsite effluent disposal areas required to support development have the potential to impact native vegetation within the E2 zoned land;
- the quantum of the E2 zoned land is also insufficient and needs to be better aligned with the Cumberland koala linkage map and Council's vegetation and biodiversity mapping.

- insufficient information has also been provided to satisfactorily address potential flooding impacts. It is not clear how the adopted ground level for PMF modelling is significantly higher than the design ground levels for the site. The proposed bridge will be submerged during a PMF event. As a result, the site will be isolated. Also, an emergency response plan should be prepared in collaboration with Council and the State Emergency Services
- the site is located within the Metropolitan Rural Area and is not designated as a growth area. Housing targets at a regional and district level are not expected to be met through additional housing in the Metropolitan Rural Area, but rather through the new development in growth areas such as the Wilton and Greater Macarthur Growth Areas, and
- the cumulative impacts of bushfire on the Shire are unresolved. Concerns continue to exist about the ability to defend against major bushfire events, as well as ensure safe evacuation.

Local Strategic Planning Statement

Since issuing the original Gateway determination, the Wollondilly Local Strategic Planning Statement (LSPS) provides the framework for local planning for future housing, jobs, infrastructure and environment for the LGA. The LSPS sets out a 20-year vision for growth that takes into account the principles of the Metropolitan Rural Areas established by the *Western City District Plan*, the local housing strategy and wastewater capacity limits.

A key action (Action 18.12) of the LSPS is to prepare a study in partnership with emergency service agencies to evaluate the threats and risk level from both natural and manmade hazards and establish appropriate management. The study will inform Council's decisions on local growth and planning proposals. A site-specific strategic bushfire study prepared in accordance with *Planning for Bushfire Protection 2019* is required to demonstrate consistency with the hazard's management approach being implemented under the LSPS. The planning proposal does not include such a study.

The site is located within the Metropolitan Rural Area, which is outside the nominated growth areas of Wilton and Greater Macarthur. Instead the LSPS identifies seeks to contain all additional housing in the short term to be met on land already rezoned for towns and villages.

The LSPS includes council's commitment to undertake a range of local studies that relate to some of the unresolved matters relating to the proposal, such as bushfire evacuation and safety, and a rural lands study. Once completed and endorsed by council these studies will help further define the direction for use and rezoning of land in the LGA.

At this time however, the planning proposal does not give effect to LSPS as it does not provide effective planning to reduce the exposure of new urban development to urban hazards, permits incompatible urban development in a rural area and is not adequately supported by local infrastructure.

Ministerial Directions

Direction - 2.1 Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas.

The proposed size and location of the E2 zoned land is insufficient and does not align with existing vegetation and biodiversity mapping. The inconsistency with Direction 2.1 Environmental Protection Zones is unresolved as the proposal does not facilitate the protection and conservation of environmentally sensitive areas.

Direction 2.3 - Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

As outlined in the submission from the former OEH, it is also unclear whether the site-specific DCP has been prepared to adequately address Aboriginal heritage. The inconsistency with Direction 2.3 Heritage Conservation is unresolved.

Direction 3.1 – Residential Zones

The objective of this Direction is to ensure residential zoned land is appropriately serviced by urban infrastructure.

The development cannot be adequately serviced by wastewater infrastructure. Sydney Water has advised that there is insufficient capacity in the existing wastewater system, to service the development. The inconsistency with Direction 3.1 Residential Zones is unresolved. The concerns of the former OEH in relation to the impact of any on-site disposal solution mean that the site cannot be serviced independently of the reticulated sewerage system.

Direction 4.3 - Flood Prone Land

This Direction aims to protect flood prone land from being rezoned for residential uses.

The flood modelling provided with the planning proposal is insufficient to determine the extent of the potential impacts caused by the proposed development. The proposed bridge will be submerged during a PMF event, resulting in the site being isolated. The inconsistency with Direction 4.3 Flood Prone Land is unresolved.

Direction 4.4 - Planning for Bushfire Protection

The objective of this direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas.

The Wollondilly local government area is highly exposed to bushfire hazard with significant areas mapped as bushfire prone land. To address requirements of *Planning for Bushfire Protection 2019* all planning proposals in bushfire prone areas are to be supported by a strategic bushfire study.

As committed to in the LSPS council will prepare a study in partnership with emergency service agencies to evaluate the threats and risk level from both natural and manmade hazards and establish appropriate management practices. This study will help inform Council's decisions on local growth and planning proposals. A site-specific strategic bushfire study prepared in accordance with *Planning for Bushfire Protection 2019* is also required to demonstrate consistency with the hazard's management approach being implemented under the LSPS. While a further study has been provided for the subject proposal, the RFS feedback is clear that it is their preference that the shire wide evaluation occur first.

State Environmental Planning Policies

State Environmental Planning Policy (Koala Habitat Protection) 2019

State Environmental Planning Policy 44 – Koala Habit Protection was applicable at the time of the Gateway determination, however, has since been superseded by the State Environmental Planning Policy (Koala Habitat Protection) 2019. This SEPP aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas.

As outlined in the submission from the former OEH, the E2 Zoned land should be increased to better align with the Cumberland Koala Linkage map.

The inconsistency with the State Environmental Planning Policy (Koala Habitat Protection) 2019 is unresolved.

4.1.2 Social and Economic Impacts

The planning proposal will generate social and economic benefit, creating jobs during its construction and new demand for local business services.

4.1.3 Environmental Impacts

The former OEH outlined the following issues, have not been adequately addressed:

- Effluent System: the proposed location of the effluent disposal systems may adversely impact the native vegetation communities on the E2 zoned land;
- E2 Zoned Land: the quantum of E2 land is not sufficient and should be increased to better align with the Koala linkage, vegetation and biodiversity mapping;
- Location of Creeks: the zoning maps should be amended to rezone either side of the creeks E2 zone, to protect significant vegetation along the full length of the creek; and
- Flooding: the flood modelling is insufficient, given the following:
 - it is not clear how the adopted ground level for PMF modelling is significantly higher than the design ground levels for the site;
 - the proposed bridge will be submerged during a PMF event. As a result, the site will be isolated; and
 - an emergency response plan should be prepared in consultant with Council and the State Emergency Services.

The planning proposal has been updated to include greater lot sizes. However, all other concerns raised by the former OEH have not been satisfactorily addressed, to the extent required to support finalisation of this planning proposal.

In the absence of evidence provided as part of the planning proposal that the proposed development is suitably protected from the threat of bushfire and adequate evacuation arrangements can be in place (if required), the proposal is deemed to be unsuitable for the site as it may potentially expose future residents and property to this threat of bush fire.

In this instance it is recommended that the council's comprehensive Shire wide *Natural and Manmade Hazards a Emergency Management Study* be carried to demonstrate the site's suitability for further land uses depending the level of exposure to the threat of bush fire and flooding and whether this development can be adequately evacuated in the event of these events.

This work will also help to address cumulative evacuation and traffic management issues associated with the recent bush fire season in the Wollondilly area and may also help address RFS's concerns that the cumulative impacts of 'spot rezoning's' like the subject proposal may "unnecessarily exacerbate these adverse experiences".

4.1.4 Infrastructure

Servicing

The Picton Water recycling plant is operating at capacity and unable to receive effluent from any development on land currently zoned non-urban. Sydney Water has developed an integrated water strategy to increase the plant's capacity by increasing the use of recycled water on nearby farms. A variation to the plant's Environmental Protection Licence (EPL) is required to permit the change. Sydney Water plans to submit its licence variation application in early 2021 and expects a decision in the second half of 2021.

The Department and Sydney Water have under certain circumstances permitted Interim Operating Procedures (IOPs) including pump out of effluent for transport by tanker to another operating Sydney Water facility. The IOPs were permitted where there was certainty that service capacity would become available within a defined timeframe. This includes cases where the new servicing infrastructure was under construction, or funding had been committed for the infrastructure and its delivery programmed. In these cases, an EPL for the wastewater treatment facility was also in place. In this instance, there is insufficient certainty to allow an IOP as the required upgrade works have not received environmental or funding approval.

The *Water Industry Competition Act 2006* (WICA) establishes the framework to allow private sector participation in the water and wastewater industry. This can apply where package treatment facilities

are used as an interim or long-term measure to service development. Private sector delivery and management of infrastructure can provide significant benefit but is not suitable in all circumstances. Applications for a WICA licence are made to the Independent Pricing and Regulatory Tribunal which have a service commitment to process applications in thirty-four weeks.

The planning proposal does not demonstrate the ability for the site to be serviced in an interim or permanent state. Its determination cannot be deferred for an extended period to allow for preparation, lodgement and determination of a WICA licence application.

If the Environment Protection Authority approves Sydney Water's licence variation application, Sydney Water will proceed with a business case for the related infrastructure. A successful licence variation application and business case would provide sufficient evidence for the Department to support a future planning proposal.

5 Recommendation

The extensive work and time taken to attempt to address and resolve matters relating to the proposal is acknowledged. However, many of these matters as outlined in this report remain unresolved and therefore the proposal fails to demonstrate that the site is suitable for the proposed development that would be expected to result from the land being rezoned in accordance with the subject planning proposal. Added to this proposal is presently not aligned with the directions set in the District and local strategic plan framework for Wollondilly LGA.

Therefore, it is recommended that the Minister's delegate determine to alter the Gateway determination to not proceed under clause 3.34(7) of the *Environmental Planning and Assessment Act 1979* given that:

1. potential impacts on biodiversity and koala linkages have not been addressed by the proposal;
2. insufficient information has been provided to ensure development resulting from the proposal is not impacted by flooding;
3. the proposal has inadequate measures address wastewater impacts to significant vegetation areas;
4. the proposal is inconsistent with regional, district and local strategic planning frameworks now in place for Wollondilly LGA; and
5. the proposal remains inconsistent with Section 9.1 Directions 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection, hence all related issues remain unresolved.

Any additional development capacity for the site should be considered as part of the Council's strategic forward planning under its Rural Lands Study and Local Housing Strategy and coordinated with planning for supporting infrastructure and services.



18/12/2020

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8217 2018

Attachments

Attachment A – Planning Proposal

Attachment B – Gateway Determination

Attachment C – Gateway Determination Report