

Document Register

Version	Date	Details	Prepared By	File Location
1	April 2023	Preparation of planning proposal for submission to DPE for a Gateway determination	S Mehryar	CM 13453#311
2	July 2023	Planning Proposal updated to address Gateway Determination conditions (Condition 2)	S Mehryar	CM 13453#435
3	August 2023	Planning Proposal updated for Public Exhibition	S Mehryar	CM 13453#483
Current Version		3		

Executive Summary Table

Site address	120 & 140 Bridge Street, Picton
Lot DP	Lots 10 & 11 DP1012641
Existing Planning Controls	Land Use Zone: <ul style="list-style-type: none"> • RU2 Rural Landscape
Proposed Amendments	Land Use Zone: <ul style="list-style-type: none"> • Amend the Land Zoning Map to rezone land from RU2 Rural Landscape to E4 General Industrial at 140 Bridge Street (Lot 11 DP1012641) and part 120 Bridge Street (Lot 10 DP1012641) <p>Minimum Lot Size for subdivision:</p> <ul style="list-style-type: none"> • Amend the Lot Size Map for the land currently or to be zoned E4 at 120 Bridge Street (Lot 10 in DP1012641) from 1,500sqm to 3,000sqm. • Amend the Lot Size Map for the land proposed to be zoned E4 at 140 Bridge Street (Lot 11 in DP1012641) from 16ha to 8,000sqm. <p>Height of Buildings:</p> <ul style="list-style-type: none"> • Amend the Height of Buildings Map to introduce a maximum building height of 12 metres. <p>Biodiversity Protection</p> <ul style="list-style-type: none"> • Amend the Natural Resources – Biodiversity Map to include the environmentally sensitive area.
Technical Studies relevant to the planning proposal	<ul style="list-style-type: none"> • Preliminary Site Investigation • Preliminary Historical Heritage Assessment • Bushfire Impact Assessment • Traffic and Parking Impact Assessment Report • Flora and Fauna Assessment • Flora and Fauna Addendum • Flood Report • Social and Health Impact Assessment Comment (SHIC) • Soil and Site Assessment for Insite Wastewater Disposal
Applicant	Premise Pty Ltd

Introduction

This Planning Proposal explains the intended effect of and justification for amendments to the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP).

The proposed amendments apply to No. 120 & 140 Bridge Street, Picton (Lots 10 & 11 DP1012641). They seek to enable the expansion of an existing business and provide additional industrial land in Picton. The amendments also seek to protect environmentally sensitive land.

The Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the NSW Government, guidelines published by the Department of Planning, Industry and Environment's *Local Environmental Plan Making Guideline*.

Background

No. 120 & 140 Bridge Street, Picton is currently the base for Tebco Industries who are manufacturers of Auger drills and attachments for the foundation drilling industry.

Tebco are looking to diversify and grow their business to enter other areas of the foundation drilling market. Their current facilities are inadequate to accommodate further growth and the business has not been able to find suitable buildings available within the Shire.

The locality of the subject land can be generally described as largely light industrial to the east blended with rural and agricultural land to the north, south and west. The Main Southern Railway Line adjoins the rear boundary of the Site.

Residential housing is situated further to the south and west of the rural surrounds and adjacent to the eastern boundary of the industrial zone.

An entry access from Bridge Street is located southwestern side of the site. The site has direct vehicular access to Bridge Street, which intersects with main access route through Picton, Argyle Street (Old Hume Highway). A steep gully and a second order water course draining to Redbank Creek within the Nepean River catchment separates the two lots. The steep gully is vegetated with some native and exotic trees. This vegetation is part of a larger patch which extends to the south, although is separated from it by Bridge Street. The majority of the land has been previously cleared.

The intent of the Planning Proposal is to facilitate the expansion of the existing business and to provide additional industrial land in Picton. The expansion of the operation onto adjoining land at 140 Bridge Street would enable the business to remain in the Shire. It was also to facilitate conservation of environmentally sensitive area to protect biodiversity.

A **Planning Proposal** is a document which explains the changes which are proposed to an environmental planning instrument, in this case the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP).

This explanation is provided through text and images (usually plans).

The *Wollondilly Local Environmental Plan 2011* is the key statutory document at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

The site

The planning proposal relates to No. 120 & 140 Bridge St Picton, two adjoining lots, being 10 & 11 in DP1012641.

120 Bridge Street is split zoned with the existing established business, including an industrial building and storage yard, located on the E4 General Industrial zoned portion of the site. The remainder of the site along with 140 Bridge Street was zoned RU2 Rural Landscape. 140 Bridge Street is largely vacant and is currently being used to store drill parts and other items associated with the manufacturing operation located on the adjacent lot.

The sites boundaries are shown in Figure 1.

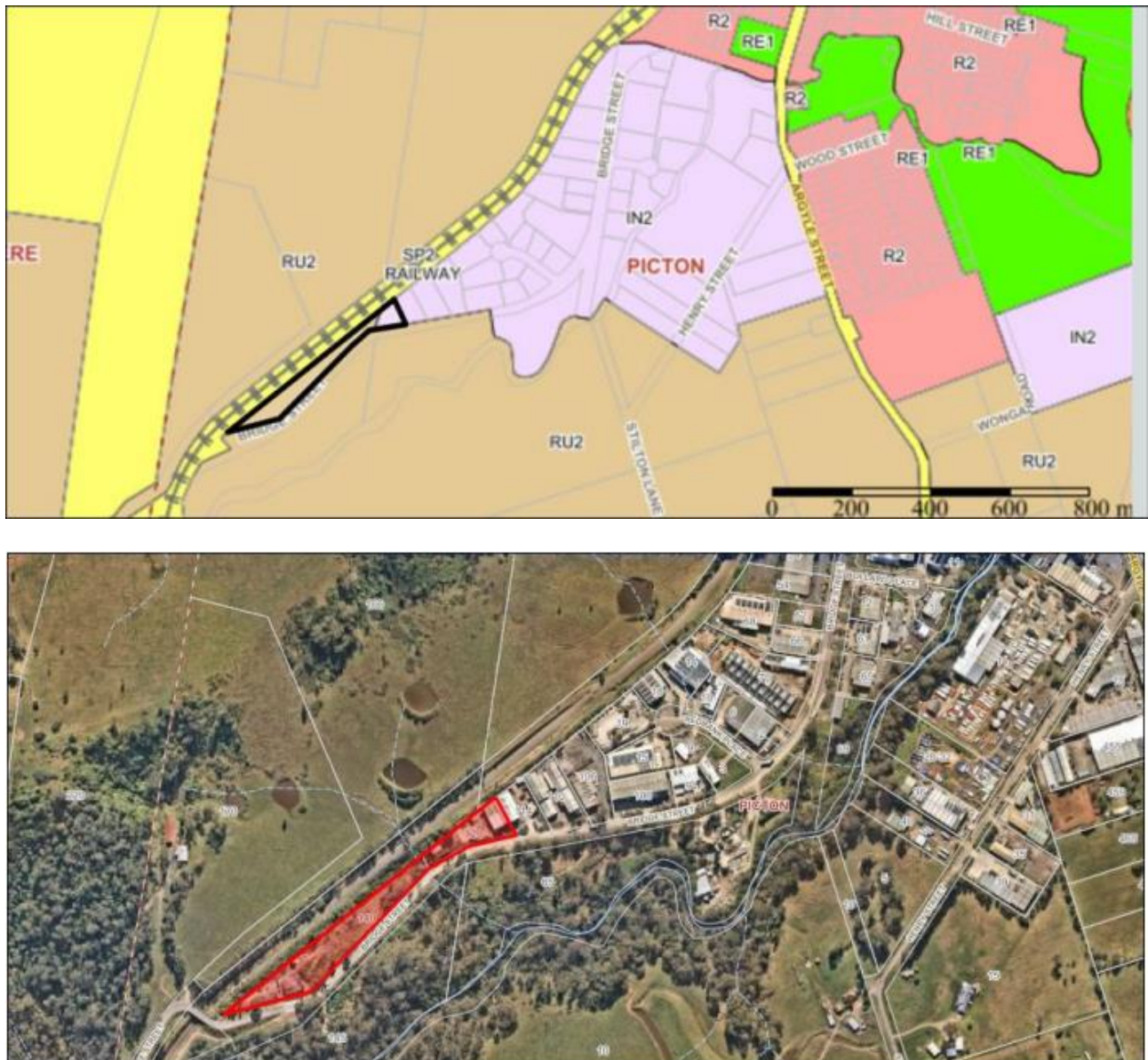


FIGURE 1 – Location Plan and aerial image

Changes to the proposal

Council has supported the preparation of a planning proposal to amend the *Wollondilly Local Environmental Plan 2011* for the Bridge Street site in a different format to the original draft planning proposal submitted by the proponent. This is to respond to the advice of the Wollondilly Shire Local Planning Panel and feedback from the preliminary consultation.

In May 2022, Council received a Draft Planning Proposal from Premise NSW PTY LTD to amend the *Wollondilly Local Environmental Plan 2011* to provide additional industrial land in Picton. The proponents draft planning proposal sought to do this by amending the:

- land use zone from the current RU2 Rural Landscape zone to an industrial zone.
- minimum lot size from the current 16-hectare minimum lot size to a minimum lot size of 1500sqm.

The draft Planning Proposal was considered by the Wollondilly Shire Local Planning Panel (the Panel) at its meeting held on 2 November 2022. Following consideration of the report, a site visit, and the registered speakers for this item the Panel agreed that the proposal has strategic and site-specific merit in an amended form. However, the Panel identified two matters to be resolved:

- *additional investigation to satisfactorily determine the likely impacts on biodiversity prior to finalisation which would inform the geographical extent of a C2 zone, and*
- *the Proponent must demonstrate the ability to manage any wastewater that may be generated from the industrial development of the site e.g. interim onsite treatment and disposal or Sydney Water servicing plan timeframes.*

The Wollondilly Shire Local Planning Panel agenda and minutes are provided at Appendix C.

The proponent's draft planning proposal along with the Panel's advice was considered by Wollondilly Shire Council at its Ordinary Meeting held on 13 December 2022. In addition to the matters identified in the Panel's recommendation, Council also identified further matters to be resolved. These included:

- addressing any matters raised by the NSW Rural Fire Service,
- consideration of whether land adjoining the planning proposal site to the west should be included within the proposal with a C2 Environmental Protection zone.

Council resolved to support the draft planning proposal in an amended form which is explained in this planning proposal.

All matters raised by either the Panel or Council have been resolved with the exception of the availability of wastewater infrastructure to service the site. This is discussed in further detail in this proposal.

The agenda and minutes from the Ordinary Meeting of Council are provided at Appendix D.

Structure of this document

This Planning Proposal has been prepared in accordance with the NSW Government's *Local Environmental Plan Making Guideline*.

The guide provides information on the process for preparing planning proposals. In particular, it sets out what matters should be included in a planning proposal to satisfy the requirements of the *Environmental Planning and Assessment Act 1979*.

This Planning Proposal has been structured in six parts as follows:

Part 1

A statement of the objectives and intended outcomes of the proposed instrument.

Part 2	An explanation of the provisions that are to be included in the proposed instrument.
Part 3	The justification for those objectives, outcomes and the process for their implementation
Part 4	Maps to identify the intent of the planning proposal and the area to which it applies
Part 5	Details of the community consultation that is to be undertaken on the planning proposal.
Part 6	Project timeline to detail the anticipated timeframe for the planning proposal.

The guide is available on the NSW Department of Planning and Environment's website.

Decisions on Planning Proposal to date

The following timeline summarises the key stages of the planning proposal process, and issues that arose across the course of Council's carriage of the proposal:

Date	Who	Purpose/Action	Copy provided at
December 2021	Proponent (Premise Pty Ltd)	The initial Draft Planning Proposal is submitted to Council for consideration.	Not applicable
June 2022	Wollondilly Shire Council	Preliminary consultation with the community and other stakeholders to inform the preliminary assessment of the planning proposal.	Outcome included in Council Report provided at Appendix D.
November 2022	Wollondilly Shire Local Planning Panel	To provide advice on the draft planning proposal. The Panel recommended that the proposal, should be supported in an amended form.	Appendix C
December 2022	Wollondilly Shire Council	To seek Council's position on the draft planning proposal. Council resolved to support the draft Planning Proposal in an amended form.	Appendix D
June 2023	Department of Planning & Environment	Submit a request for a Gateway determination to the NSW Government to determine whether the planning proposal should proceed. The Department issued a Gateway determination on 16 June 2023. It determined that the draft proposal should proceed subject to a number of conditions.	Appendix I

Delegation

Council has been authorised to exercise the functions of the local plan-making authority. This means that Council has delegation to make the plan.

Part 1 – Objectives and Intended Outcomes

Objective:

To amend the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP 2011) to provide for the expansion of an existing business and provide additional industrial land in Picton Industrial Estate while protecting environmentally sensitive land.

Intended Outcomes:

- To facilitate the use of the site for employment lands.
- To support the long term, sustainable use of the site as industrial zoned land.
- To protect environmentally sensitive land.

Part 2 – Explanation of Provisions

The proposed outcome is achieved by the following amendments to the Wollondilly LEP 2011:

- Amend the **Land Zoning Map** to rezone land from RU2 Rural Landscape to E4 General Industrial.
- Amend the **Lot Size Map**:
 1. To adjust the minimum lot size for subdivision for No 120 Bridge Street (Lot 10 in DP1012641) from 1,500sqm to 3,000sq.m, and
 2. To reduce the minimum lot size for subdivision for No 140 Bridge Street (Lot 11 in DP1012641) from 16ha to 8,000sqm.
- Amend the **Height of Buildings Map** to introduce a maximum height limit of 12 metres.
- Amend the **Natural Resources – Biodiversity Map** to include the environmentally sensitive area within the site.

All other planning controls applying to the site remained unchanged.

The proposed changes are shown in **Part 4** by **Maps 1 to 4**.

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the Planning Proposal

A 3.1 Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

No, the planning proposal has been initiated by a proponent and is not the result of an endorsed LSPS, strategic study or report.

However, the proposed amendments support and contribute towards Planning Priority 10 in Wollondilly 2040, Council's Local Strategic Planning Statement. Planning Priority 10 seeks to attract investment and grow local jobs.

A 3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that amending the Wollondilly LEP as outlined in this proposal is the best means of achieving the objective and intended outcome.

In particular, amendments to the local environmental plan, utilising the Land Use Table are the only way to enable the intended land uses with consent on the site.

The proposed E4 General Industrial zone, assists in sustainable growth by addressing the employment shortage in Picton as well as Wollondilly in both short and long term.

The environmentally sensitive land identified is being listed on the Natural Resources – Biodiversity Map which provides an appropriate level of protection for environmentally sensitive areas on the western portion of the site. Supporting the proposal is considered to enhance the Metropolitan Rural Area by protecting biodiversity and sustaining local jobs in Picton and beyond.

Section B – Relationship to strategic planning framework

B 3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan and Western City District Plan (March 2018)

The Greater Sydney Commission's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the *Western City District Plan* were finalised by the Greater Sydney Commission in March 2018. These 20-year plans with a 40-year vision are a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of Planning Proposals.

There are over 100 actions between these plans, many of which are relevant to Wollondilly. These plans are structured around strategies for:

- **Infrastructure and Collaboration;** supportive infrastructure, use of public resources such as open space and community facilities, working through collaboration.
- **Liveability;** social infrastructure, healthy communities, housing supply and affordability, great places,

- **Productivity;** the 30-minute city, land use and transport infrastructure, leveraging from the Western Sydney Airport and Badgerys Creek Aerotropolis, jobs.
- **Sustainability;** green spaces and landscape, tree canopy, using resources efficiently, managing rural areas, resiliency, bushland and biodiversity, waterways, green grid
- **Implementation;** local strategic planning statements, monitoring and reporting.

District Plan priority	Comment
Planning Priority W7 Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City.	<ul style="list-style-type: none"> • The vision for Greater Sydney as a metropolis of three cities seeks to deliver a more productive region. This will be achieved by supporting economic diversity and to ensure people have access to a range of jobs and services – a 30- minute city. Currently, more than 65% of residents in Wollondilly travel outside the area to work (Id Profile 2016). • The amendment would support development that will contribute towards accessibility within the Picton area and reduce travel time.
Planning Priority W10 Maximising freight and logistics opportunities and planning and managing industrial and urban services land.	The proposal provides more employment land and retains and grows the existing employment provision.
Planning Priority W11 Growing investment, business opportunities and jobs in strategic centres.	The District Plan supports delivering 30-minute cities through integrated land use and transport planning; better connected and more competitive economic corridors. The vision for Greater Sydney is one where people can access jobs and services in their nearest metropolitan and strategic centre. This planning proposal is increasing the employment capacity in an already established industrial precinct in Picton. Future development of 140 Bridge Street, would have the potential to create up to 30 additional jobs. As such, redevelopment of the subject site contributes towards sustainable growth where residents could live within 30 minutes of their jobs and employment services.
Planning Priority W14 Protection and enhancing bushland and biodiversity.	The District Plan requires protection of the biodiversity and significant vegetation. The proposal includes provisions to protect an area of native vegetation within the site.
Planning Priority W17 Better managing rural areas	<ul style="list-style-type: none"> • A key direction in the District Plan for Wollondilly is the need to better manage rural areas. • The site is within the Metropolitan Rural Area (MRA) which seeks to protect and enhance the environmental, social and economic values of rural areas. • The District Plan indicates that urban development within the MRA will only be considered in the urban

District Plan priority	Comment
	<p>investigation areas identified in the Metropolis of Three Cities.</p> <ul style="list-style-type: none"> • The proposal is inconsistent with the provisions of the MRA as it represents urban development on the urban edge of Picton which is not considered to be an urban investigation area. However, it is noted that this direction appears to be weighted towards residential and district scale growth. • A degree of flexibility is considered to be justified in order to balance rural values with the objectives of greater economic participation. • The proposal is considered to be consistent with the adopted Wollondilly Employment Land Strategy and could deliver targeted economic outcomes to respond to an identified local demand for employment land growth. • On balance, any conflicts with the MRA are considered to be justified.

The planning proposal reflects the objectives and actions of the applicable regional or district plan or strategy.

The [Greater Sydney Region Plan](#)¹ and the [Western City District Plan](#)² are available on the Greater Cities Commissions website.

B 3.4 Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Wollondilly 2040 Local Strategic Planning Statement was made and came into effect on 27 March 2020. The LSPS outlines the land use planning vision for Wollondilly over the next 20 years and will guide the implementation of the District Plan at a local level.

This vision is for a prosperous, sustainable and resilient future for Wollondilly residents, with an enviable lifestyle of historic villages, modern living, rural lands and bush settings.

Wollondilly 2040 identifies a number of actions under each of its 18 planning priorities. The planning proposal is considered to be consistent with a number of Planning Priorities and will attract investment and grow local jobs. Rezoning for this site would assist in sustainable growth by addressing the employment shortage in Picton as well as Wollondilly in both short and long term.

The following key Planning Priorities are relevant to this proposal:

Planning Priority	Assessment
3 Establishing a framework for	Wollondilly LSPS support planning proposals that fit within a sustainable framework for growth informed by Wollondilly's Housing, Employment, Rural and Centres Strategies.

¹ https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/greater-sydney-region-plan-0618_0.pdf

² https://gsc-public-1.s3-ap-southeast-2.amazonaws.com/s3fs-public/western-district-plan-0618_0.pdf

Planning Priority		Assessment
	sustainable managed growth	<p>The <i>Wollondilly Employment Lands Strategy</i> identifies a need for additional employment lands stocks in Picton, the priority has been highlighted as high and short time.</p> <p>Picton has been identified a suitable location for rezoning land for light industrial and compatible uses to enable new business opportunities in an already established industrial estate. Rezoning for this site would assist in sustainable growth by addressing the employment shortage in Picton as well as Wollondilly in both short and long term.</p>
6	Embedding health and wellbeing considerations in land use planning for healthy places	<p>Planning Priority 6 & 8 identify Wollondilly's towns and villages such as Picton hubs for retail, health, cultural, education and recreational opportunities. Picton is relatively small town with residential lands, tourism and visitor services, schools, Library, Sports fields, natural areas, parks and playgrounds, bowling club, the railway station, Police and ambulance station. However, employment opportunities are limited, and most people depend on their cars for travel. The future liveability and vitality of Picton centre will be enhanced by the implementation of local and regional scale employment which this development proposes. This planning proposal gives effect to the liveability strategic planning priorities including 'local jobs for residents within 30-minute of where the live'.</p>
8	Enhancing vibrant, healthy and sustainable local towns and villages.	
10	Attracting investment and growing local jobs	<p>The proposal provides additional industrial land in Picton to support the expansion and retention of a local business.</p> <p>The proponent has indicated that the expansion of the business would create approximately 30 additional jobs.</p>
13	Protecting biodiversity and koala habitat corridors	<p>The proposal has no impact on koala habitat and is unlikely to significantly affect threatened species, ecological communities and their habitats. However, there are native vegetation and the habitat features on the site which need to be retained and protected.</p>
16	Enhancing and protecting the diverse values of the Metropolitan Rural Area	<p>The proposal rezones land within the Metropolitan Rural Area (MRA) from a rural zone to an industrial zone. Supporting the proposal is considered to enhance the MRA by protecting biodiversity and sustaining local jobs in Picton and beyond.</p>

[Wollondilly 2040 Local Strategic Planning Statement](https://www.wollondilly.nsw.gov.au/planning-and-development/guidelines-and-controls/local-strategic-planning-statement/)³ is available on Council's website.

The proposal also indirectly contributes to the outcomes sought by the following two strategies:

- Wollondilly Economic Development Strategy, and
- Wollondilly Employment Land Strategy.

³ <https://www.wollondilly.nsw.gov.au/planning-and-development/guidelines-and-controls/local-strategic-planning-statement/>

Wollondilly Economic Development Strategy (EDS)

The EDS aims to create an aspirational 15,000 new local jobs for local residents and to support specific industry growth opportunities.

The EDS indicates that the Wollondilly economy is dominated by small businesses and recognises that supporting these businesses to grow can contribute to increasing local jobs. Particularly as, in advanced economies such as Australia, new jobs and investment will predominantly come from existing businesses.

Land use planning is identified as having a key role in supporting economic development and one of the strategic initiatives is to facilitate more employment land in the Shire.

The planning proposal contributes to facilitating more employment land and local jobs in Wollondilly.

The [Wollondilly Economic Development Strategy](#)⁴ is available on Council's website.

Employment Land Strategy (ELS)

The ELS provides a strategic planning framework to guide the future development of employment lands within Wollondilly. It was adopted by Council on 18 May 2021 and subsequently supported by the NSW Department of Planning and environment on 19 August 2022.

The background report prepared to inform the EDS found that there is a present undersupply of employment land of around 45-60 hectares in Wollondilly and this is expected to increase if no intervention is identified. In response, the Strategy concludes that there is an immediate need to investigate existing zoned employment land and determine if there are opportunities for incremental expansion on the periphery of these locations.

Strategy 1 of the ELS seeks to unlock an immediate supply of employment precinct land to support the expansion of existing business and attraction of new businesses.

Action 1.2 identifies the Picton Proposed Expansion Area as an area to be investigated for rezoning land for light industrial and compatible uses to enable new business opportunities and existing business expansion. Action 1.2 is noted as a short-term action with high priority.

The identified expansion area encompasses approximately 34 hectares of land adjoining the existing established industrial area. Although it does not include the subject site, this is likely due to the fact that the site does not sit within a larger area or precinct or relatively unconstrained land that could facilitate broader strategic growth in local jobs.

Notwithstanding, the site's location is consistent with the underlying objective of Strategy 1 and Action 1.2.

The [Wollondilly Employment Land Strategy](#)⁵ is available on Council's website.

B 3.6 Is the planning proposal consistent with applicable state environmental planning policies?

⁴ <https://www.wollondilly.nsw.gov.au/assets/Documents-NEW/Business/Business-Investment/Draft-Wollondilly-Economic-Development-Strategy.pdf>

⁵ <https://www.wollondilly.nsw.gov.au/assets/Documents-NEW/Planning-and-Development/Studies-and-Strategies/11260-2390-Wollondilly-Employment-Land-Strategy-Final-Post-Exhibition-Version-February-20212.pdf>

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs or deemed SEPPs). These documents deal with matters of state or regional planning significance.

An assessment of the planning proposal against each SEPP is provided at Appendix A. The Planning Proposal is generally consistent with the relevant SEPPs.

B 3.7 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Minister for Planning and Public Spaces issues Local Planning Directions that councils must follow when preparing a planning proposal. The Directions cover the following focus areas:

- Planning Systems
- Planning Systems – Place-based
- Design and Place
- Biodiversity and Conservation
- Resilience and Hazards
- Transport and Infrastructure
- Housing
- Industry and Employment
- Resources and Energy
- Primary Production

An assessment of each of the proposed amendments consistency against all Ministerial Directions is provided at Appendix B. This planning proposal is considered to be generally consistent with all of the directions.

The following Directions are considered of particular relevance to this proposal and are discussed further below:

- Direction 3.1 Conservation Zones;
- Direction 4.4 Remediation of Contaminated Land
- Direction 9.1 Rural Zones;
- Direction 9.2 Rural Lands.

Direction 3.1 Conservation Zones

The objective of this Direction is to preserve environmentally sensitive land within a local government area, ensuring those spaces are conserved and not impacted by development. The site includes a small area of native vegetation (approximately 0.24ha) that has been identified as being part of the Cumberland Plain Woodland in the Sydney Basin Bioregion ecological community listed as 'critically endangered' under both the NSW *Biodiversity Conservation Act 2016* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

A Flora and Fauna Assessment has been prepared by Joy Hays Environmental Consultant to inform the Planning Proposal. The initial Flora and Fauna Assessment report submitted to inform the planning proposal excluded the vegetated area from development.

An addendum has been prepared to support the initial findings by:

- Including additional field and targeted surveys of several fauna species,
- covering the excluded area to confirm any impacts so that an appropriate land use zone could be determined.

The studies in combination conclude:

- *Vegetation associated with the riparian corridor and on land mapped as high biodiversity value on the Biodiversity Values Map would be retained. All other areas would be cleared.*
- *The proposed development would not be likely to impose a significant impact upon any matter of National Environmental Significance listed under the Commonwealth EPBC Act. Referral of the proposal to the Commonwealth Minister for Environment is not required.*
- *BC Act - The Biodiversity Offset Scheme does not apply. Further assessment of the project using the Biodiversity Assessment Method (BAM) is not required. A Biodiversity Development Assessment Report (BDAR).*
- *On the basis of additional field surveys and further consideration of species information held in relevant databases, it appears that none of the three target species (Pimelea spicata, Southern Myotis, Cumberland Plain Land Snail) are present on the property or would use the property.*
- *No further assessment under the NSW Biodiversity Conservation Act 2017 is required.*

The Flora and Fauna Assessment is provided at Attachment E and the addendum at Appendix F.

Initial consideration was given to whether a C2 Environmental Conservation zone would be the appropriate zone for the area of native vegetation. As noted above, the proponent has also undertaken additional technical investigation to inform this consideration.

On balance, a C2 Environmental Conservation land use zone is not considered appropriate as:

- The connectivity of the site is poor. There is no direct connectivity to an existing biodiversity corridor
- The site is not identified as a koala corridor.
- The condition of the vegetation is relatively low in terms of structure and species diversity in comparison to other areas in Wollondilly.
- The area's small size combined with poor connectivity mean that it has a low level of ecological viability (i.e. it will be challenging for the site to sustain by itself in long term).
- The area of vegetation is small and not at a scale that triggers the need for a conservation zone under Council's Environmental Protection Zones Protocol.
- Additional investigation has been undertaken as part of the Flora and Fauna Assessment to conduct additional surveys to establish whether three target threatened species (including Pimelea spicata, Southern Myotis, Cumberland Plain Land Snail) are present on the site. The additional survey work concluded that the targeted species were not present.
- The identification of the relevant areas as "sensitive land" on the proposed Natural Resources—Biodiversity Map provides additional protection. Given, the quality of the sensitive area the application of a C2 Environmental Conservation land use zone is not considered to have any additional environmental benefits over inclusion on the Biodiversity Map.

Inclusion of areas on the Natural Resources – Biodiversity Map means that the Biodiversity Protection clause (Clause 7.2) in the Wollondilly LEP 2011 would apply as part of any consideration of future development on the site.

The objective of Biodiversity Protection clause is to maintain terrestrial and aquatic diversity and requires that development consent must not be granted unless the consent authority is satisfied that:

- *The development is designed, sited and will be managed to avoid any adverse environmental impact, or*
- *if that impact cannot be avoided – the development is designed, sites and will be managed to minimise that impact, or*
- *if that impact cannot be minimised – the development will be managed to mitigate that impact.*

This clause means that before a development application could be determined, any adverse impacts from the proposed development must be considered against a nominated criterion. It also means that any development should be designed to avoid any adverse environmental impacts as a priority.

It should be noted that, irrespective of what protection is in place under the Wollondilly LEP 2011, development affecting native vegetation would still need to comply with any relevant state or federal biodiversity legislation.

The planning proposal is therefore considered to be consistent with this Direction.

Direction 4.4 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered as part of the planning proposal process.

As the planning proposal would facilitate a new land use zone that would permit a change of use to the land a preliminary site investigation has been prepared by Canopy Enterprises Pty Ltd (Canopy) to inform the planning proposal.

Based on the results of the investigation, no obvious activities of the site and the immediately surrounding land were likely to have resulted in significant or widespread contamination of natural soils. Detailed Site Investigation (DSI) will be undertaken as a prerequisite of any future DA submitted post-gazettal of the Planning Proposal.

The Preliminary Site Investigation (PSI) is provided at Appendix G.

Direction 9.1 Rural Zones

The objective of this Direction is to protect the agricultural production value of rural land.

This direction is applicable as the planning proposal affects land within an existing rural zone and will alter the existing rural zone boundary.

The proposal is considered to be inconsistent with the objectives of the Direction as it will rezone land from a rural zone to an employment zone. However, the inconsistency considered to be justified.

It seeks to unlock an immediate supply of employment precinct land to support the expansion of existing businesses and attraction of new businesses.

The site is not known to be strongly associated with the values of the Metropolitan Rural Area in terms of scenic land, productive agriculture, or mineral and energy resources.

In particular, support for the proposal is not considered to be inconsistent with the adopted Rural Lands Strategy when considering the site-specific characteristics. The rural zoned portion of the site is relatively small and irregular in shape. It is physically disconnected by rural land holdings, road and rail infrastructure, and existing urban development.

Although the proposal would result in the loss of rural zoned land, rezoning the land to E4 General Industrial may not necessarily lead to a total loss in the opportunity to undertake some small-scale agriculture or related uses on the land. For example, some agricultural and related uses are permitted in the E4 zone with consent including Intensive Plant Agriculture, Plant Nurseries and Artisan Food and Drink Industry.

Direction 9.2 Rural Lands

The objective of this Direction is to:

- To protect the agricultural production value of rural land, to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- To assist in the proper management, development and protection of rural lands to
- promote the social, economic and environmental welfare of the State,
- To minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- To encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,
- To support the delivery of the actions outlined in the NSW Right to Farm Policy.

Although the draft proposal would result in the loss of rural land, it is not considered to be significant for the following reasons:

- The land is not identified in the Wollondilly Rural Land Strategy as having unique value for an agricultural purpose or having special landscape or scenic value.
- The site is physically disconnected from rural land holdings, being abutted by the Picton Industrial Area to the east, Main Southern Railway Line to the north and Bridge Street to the south and west. The site is not currently used for agriculture and primary production, with development consent granted for the current use of No 140 Bridge Street as a depot.
- It is considered unlikely that rezoning the land to an industrial zone would affect any existing agricultural uses within proximity to the site.
- Its site area of 1ha provides highly restricted opportunity for agricultural production of any value. The Wollondilly Rural Lands Strategy Findings Report identifies that as a general rule, anything under 2 hectares cannot sustain economically viable agriculture.

The proposal has the opportunity to enhance the values of the MRA by protecting biodiversity and sustaining local jobs in Picton and beyond. It is consistent with Councils recently adopted Rural Lands Strategy, Employment Land Strategy (ELS) and Wollondilly Economic Development Strategy (EDS).

The planning proposal is considered to be inconsistent with this Direction, however the inconsistency is considered to be justified.

Section C – Environmental, social and economic impact

C 3.8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No. The site includes a small area of native vegetation that has been identified as Cumberland Shale Hills Woodland. This ecological community is listed as 'critically endangered' under NSW and federal legislation.

The studies prepared to inform the planning proposal assume the area of native vegetation is to be avoided as part of any future development. It not considered that the characteristics of the small area of vegetation justify a conservation zone, however, the planning proposal seeks to map the area as 'sensitive land' on the Natural Resources - Biodiversity Map within the Wollondilly LEP 2011. This ensures consideration of the need to protect biodiversity as part of any future development application in addition to existing protection provided for native vegetation as part of the broader legislative framework.

Refer to section B 3.7 for further details.

C 3.9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

The proposal is not expected to have any significant environmental impacts.

Following the preliminary consultation concerns have been raised with the potential visual impacts on a nearby residence located on a rural landholding. While it is likely that the setback combined with the local topography will minimise potential impacts to neighbouring properties, the proposed amendment introduces a maximum building height of 12 metres across the site to minimise any impacts from new development.

C 3.10 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is intended to facilitate the use of the site for employment lands by enabling the retention and expansion of an existing business. This is anticipated to enable a modest contribution towards increasing local jobs in Wollondilly, reducing the need for residents to seek work outside of the area, reducing the need for costly commutes, extent of travel time and thereby providing a healthier work/life balance for residents.

A Social and Health Impact Assessment has been prepared in accordance with Council's Social and Health Impact Assessment Policy to consider the potential impacts from the proposal. The assessment concludes that no negative impacts have been identified from the planning proposal.

The Social and Health impact assessment (SHIC) is provided at appendix H.

Section D – Infrastructure (Local, State and Commonwealth)

D3.11. Is there adequate public infrastructure for the planning proposal?

If the land was rezoned as proposed, it would fall within Sydney Water's Picton Sewer Catchment. This catchment is dependent upon the Picton Water Recycling Plant which treats wastewater generated from homes and businesses in Picton, Tahmoor, Thirlmere, Bargo and Buxton.

Inflows to the plant currently exceed Sydney Water's capacity to reuse all the water and there is no capacity to support any additional urban growth in the area resulting from a change to the Wollondilly LEP 2011 until upgrades to the treatment capacity of the Plant can progress. Subsequently Sydney Water has objected to the planning proposal as it cannot be serviced.

Consideration has been given to the potential for the site to be utilised for employment land uses without the need for wastewater infrastructure, particularly in the short term. However, the Wollondilly Shire Local Planning Panel has provided advice that the planning proposal needs to demonstrate that the required wastewater infrastructure will be available to meet the demands arising from the proposal.

The Panel noted that there may be opportunities for an alternate/interim solution in advance of future Sydney Water servicing and has recommended that the proponent must demonstrate the ability to manage any wastewater that may be generated from the industrial development onsite.

A Soil and Site Assessment for onsite Wastewater Disposal has been prepared by Harris Environmental Consulting to inform the Planning Proposal. The purpose of the Assessment is to demonstrate that development on the site can be supported. The Assessment concludes that there are no significant soil or site constraints that would prevent the installation of an Aerated Wastewater Treatment System for wastewater treatment and soil absorption beds for treated wastewater disposal for the future anticipated development on the site.

A copy of the Assessment is provided at Appendix J.

It is also understood that Sydney Water recently received approval from the NSW Environment Protection Authority to vary the Picton Water Recycling Plant's Environmental Protection Licence and may have capacity to service the site.

Sydney Water will be consulted again as part of the public exhibition to establish whether their position has changed.

Section E – State and Commonwealth Interests

E3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

As part of the Council's commitment to engaging with community and key stakeholders early in the planning proposal process, a number of public authorities were invited to provide feedback on the draft planning proposal.

Preliminary consultation was invited on the proponent's draft planning proposal between 1 June and 29 June 2022. During this period 9 submissions from public authorities and agencies were received.

To date, further feedback has not been invited to the planning proposal in the form supported by Council.

The table below provides a summary of public authority feedback provided to the proponent's draft planning proposal:

Public Authority	Summary of Feedback	Council Assessment Response
Endeavour Energy	Did not object to the Draft Planning Proposal.	Noted.
Department of Primary Industries – Agriculture (DPI)	<ul style="list-style-type: none"> ▪ Inconsistent with strategic planning framework. ▪ Mapped as state significant agricultural land on the preliminary draft State Significant Agricultural Land Map. ▪ Does not object to Council considering the proposal on its merits. 	<p>It is considered that rezoning the land is consistent with the underlying objective of the adopted Wollondilly Employment Land Strategy.</p> <p>In principle, the preparation of a State Significant Agricultural Land (SSAL) Map to inform planning decisions and provide protection to the most valuable agricultural land across the state is supported. However, it is noted that the way in which the map will be used is not yet determined and there is a need for the map to be incorporated into broader policy once it has been finalised.</p> <p>Council made a submission to the draft mapping in January 2022 which acknowledged this position and raised a number of shortcomings with the draft mapping.</p>
Environment and Heritage Group (EHG), Department of Planning and Environment	<ul style="list-style-type: none"> ▪ Identifies a number of shortcomings in the flora and fauna report related to missing data and information. ▪ Further information is required to understand the likely impacts (particularly additional targeted surveys) ▪ Reconsideration should be given to the appropriate zone for the area of native vegetation to be excluded from future development. ▪ The flood report is reasonable for this planning stage. 	<p>Additional investigation was conducted to respond to the matters raised.</p> <p>See section B 3.7 for further details.</p>
Heritage NSW	Did not object to the Draft Planning Proposal.	Noted.
NSW State Emergency Service (SES)	Did not object to the Draft Planning Proposal.	Noted.
Subsidence Advisory NSW	Did not object to the Draft Planning Proposal.	Noted.

Public Authority	Summary of Feedback	Council Assessment Response
Transport for NSW (TfNSW)	Did not object to the Draft Planning Proposal.	Noted.
WaterNSW	Did not object to the Draft Planning Proposal.	Noted.
Sydney Water	<ul style="list-style-type: none"> The site is not located within the current Picton Sewer Catchment area and Sydney Water does not usually provide a wastewater service to rural-zoned properties. Cannot currently support any additional urban growth in this area resulting from a change to the local environmental plan until the capacity of the Picton Water Recycling Plan can be upgraded. Objects to the planning proposal. Suggests that the proponent may wish to consider alternative solutions. 	<p>Further investigation is required.</p> <p>This was a significant objection and would constrain the future development of the site. although the site could still be utilised for employment land uses without the need for wastewater infrastructure, it was considered that interim solution would be provided.</p> <p>See section D 3.11 for relevant information.</p>
NSW Rural Fire Service	Did not object to the Draft Planning Proposal.	Noted.

The submissions from government agencies were addressed in more detail as part of the report to Council of 13 December 2022.

No submissions were received from:

- Tharawal Local Aboriginal Land Council
- NSW Aboriginal Land Council
- Cubbitch Barta Native Title Claimants Aboriginal Corporation
- Gandangara Local Aboriginal Land council
- Department of Education
- APA Group
- Jemena

Two government agencies were invited to provide further comment on the planning proposal as a condition of the Gateway determination.

A summary of this additional consultation is provided is summarised below:

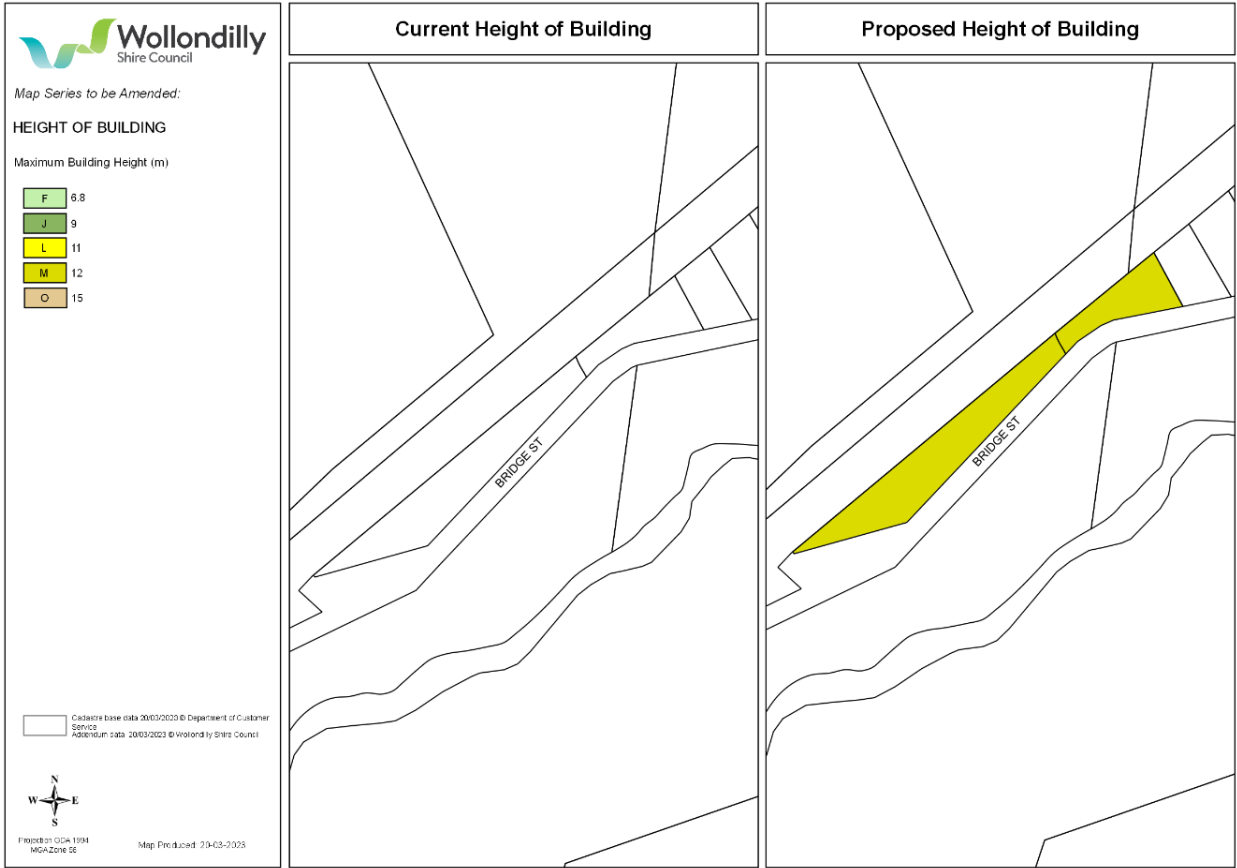
Public Authority	Summary of Feedback	Council Assessment Response
Subsidence Advisory NSW	<p>Did not object to the updated Planning Proposal.</p> <ul style="list-style-type: none"> Prepared Bush Fire Impact Assessment is considered to be generally acceptable and can demonstrate the proposal's compliance with Chapter 4 of Planning for Bush Fire 2019. Amendment to the Natural Resources - Biodiversity Map is noted. Further bush fire hazard assessment should identify potential bush fire hazard arising from the changes to the Natural Resources - Biodiversity Map. 	Noted.
NSW Rural Fire Service	<p>Did not object to the updated Planning Proposal.</p> <p>Future development may require consultation with a declared Mine Subsidence District regarding mining impacts at the time of assessment.</p>	Noted.

Part 4 – Maps

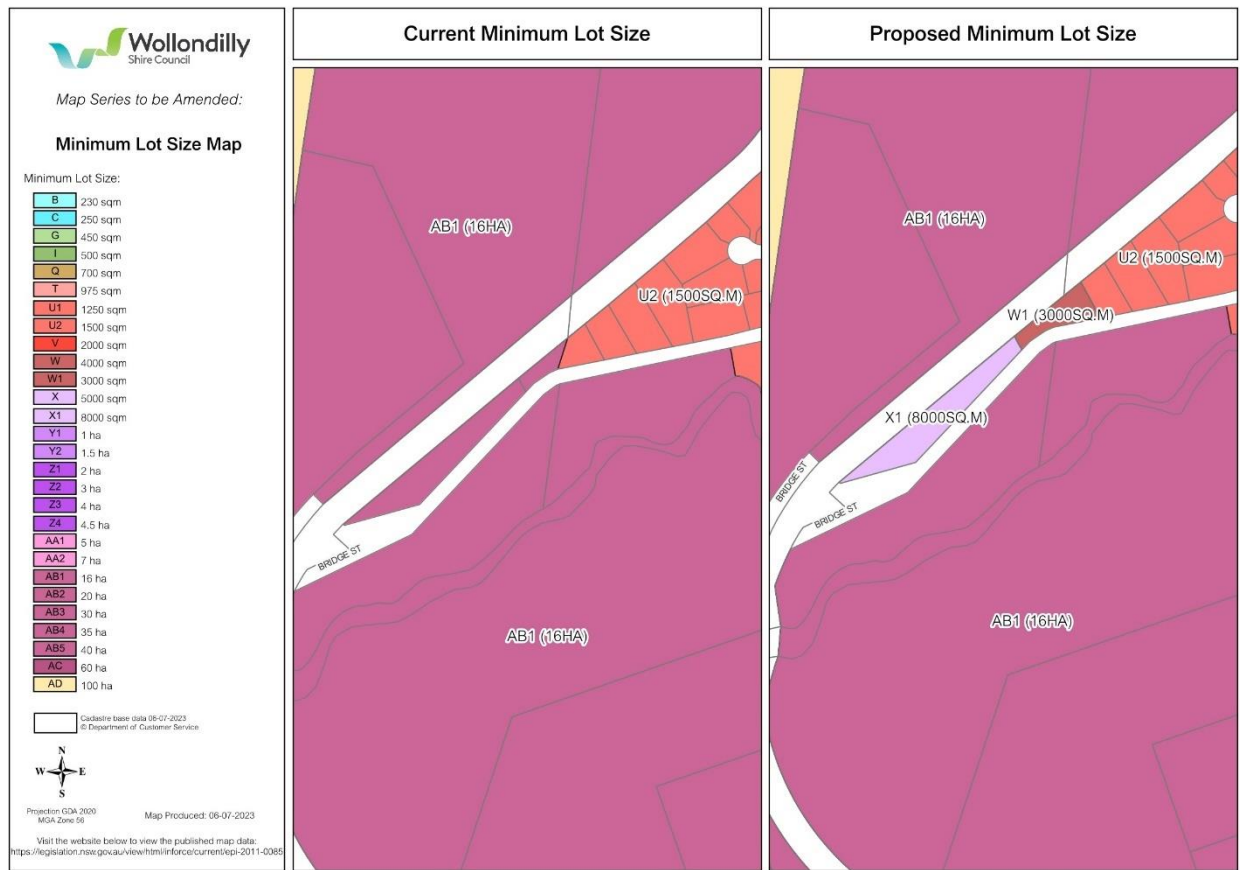
Map 1 – Land Zoning Map



Map 2 - Height of Building Map



Map 3 - Minimum Lot Size Map



Map 4 - Natural Resources – Biodiversity Map



Part 5 – Community Consultation

As part of Council's commitment to engaging with community and key stakeholders early in the planning proposal a preliminary consultation was held in accordance with the Council's *Community Participation Plan* and adopted *Planning Proposal Policy*.

The preliminary consultation was held from 1 June 2022 until 29 June 2022. During the consultation community and stakeholder feedback was invited through a preliminary public exhibition. Feedback was encouraged by letters to affected residents, a notice in the relevant local newspaper and through Council's website. Hard copies of the exhibition documents were available at Wollondilly Library and Council's Customer Service Centre.

Twenty (20) community submissions were received during the preliminary consultation.

The submissions raised a number of important issues about the proposal including:

- Acknowledgment of the site as a logical location for additional industrial land (6 submissions)
- Need for more industrial land and employment opportunities (17 submissions)
- Unsuitability of the site for alternative uses (2 submissions)
- Concerns for poor conditions of the road (3 submissions)
- Adverse impacts from heavy trucks (4 submissions)
- Potential noise impacts (1 submission)
- Limited road capacity and carpark spaces within/around the site (2 submissions)
- Poor drainage infrastructure (1 submission)
- Visual impact of industrial land (1 submission)

The submissions were addressed in more detail as part of the report to Council of 13 December 2022.

It is anticipated that a formal public exhibition will be held to seek further feedback as part of any Gateway determination issued for the site.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Consideration by Wollondilly Local Planning Panel	-	Completed in November 2022
Consideration of draft Planning Proposal by Council	-	Completed in December 2022
Gateway determination	2 months	Received June 2023
Pre-exhibition	2 months	Jul/Aug 2023
Commencement and completion of public exhibition period	1 month	September 2023
Consideration of submissions	1 month	October 2023
Post-exhibition review and additional studies	1 month	Oct/Nov 2023
Final Council decision	2 months	Nov/Dec 2023
Submission to the Department for finalisation (where applicable)	1 month	Dec 2023
Gazettal of LEP amendment	-	Feb 2024

Appendices

A. Compliance with SEPPs

Table summarising compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)

B. Assessment against Section 9.1 Directions

Table summarising compliance with applicable Section 9.1 Ministerial Directions issued under the *Environmental Planning and Assessment Act 1979*.

C. Agenda and Minutes from Wollondilly Local Planning Panel

2 November 2022

Council reference: CM 10621#375

D. Agenda and Minutes from Ordinary Meeting of Council

13 December 2022

Council reference: CM 13453#361

E. Flora and Fauna Report

December 2021, Prepared by Joy Hays Environmental Consultant

Council reference: CM 13453#362

F. Flora and Fauna Addendum

January 2023, Prepared by Joy Hays Environmental Consultant

Council reference: CM 13453#363

G. Preliminary Site Investigation (PSI)

May 2022, Prepared by Canopy Enterprise

Council reference: CM 13453#357

H. Social and Health impact assessment (SHIC)

June 2022, Prepared by Premise

Council reference: CM 13453#356

I. Gateway Determination

June 2023, Department of Planning and Environment

Council reference: CM 13453#481

J. Soil and Site Assessment for Onsite Wastewater Disposal

August 2023, Prepared by Harris Environmental Consulting

Council reference: CM 13453#482

Appendix A

Compliance with SEPPs

The table below indicates compliance, where applicable, with the State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans);

State Environmental Planning Policies (SEPPs)	Includes recently repealed SEPPs	Applicable	Consistent	Assessment
Transport and Infrastructure SEPP	SEPP (Infrastructure) 2007 SEPP (Educational Establishments and Childcare Facilities) 2017 SEPP (Major Infrastructure Corridors) 2020 SEPP (Three Ports) 2013	Yes	Yes	The proposed site is located adjacent to an existing Sydney Trains railway corridor and land owned by Transport Asset Holding Entity (TAHE). The planning proposal was referred to Transport for NSW (TfNSW) for further directions. Recommendations were provided and would be applicable for when the site is being developed, and not relevant to rezoning.
Biodiversity and Conservation SEPP	SEPP (Vegetation in Non-Rural Areas) 2017 SEPP (Koala Habitat Protection) 2020 SEPP (Koala Habitat Protection) 2021 Murray Regional Environmental Plan No 2 – Riverine Land SEPP No 19 – Bushland in Urban Areas SEPP No 50 – Canal Estate Development SEPP (Sydney Drinking Water Catchment) 2011 Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment Willandra Lakes Regional Environmental Plan No 1 – World Heritage Property	Yes	Yes	<p>The site is identified as being located on land subject to Koala habitat and Part 2 Development control of koala habitats applies to the proposed development. The Flora and Fauna Assessment developed by Hayes Environmental concluded that the site does not contain breeding habitat for Koalas, is not likely to be part of a movement route.</p> <p>The planning proposal has no impact on koala habitat and is unlikely to significantly affect threatened species, ecological communities and their habitats. However, there are native vegetation and the habitat features on the site which need to be retained and protected. the Natural Resources – Biodiversity Map need to be amended to include the environmentally sensitive area.</p> <p>The site is not located within the Sydney Drinking Water Catchment.</p> <p>A Preliminary Historical Heritage Assessment confirms no areas of historical archaeological potential are located on site. Council local heritage assessment identified there is no heritage impediment to the proposal.</p>
Primary Production SEPP	SEPP (Primary Production and Rural Development) 2019 Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Resilience and Hazards SEPP	SEPP (Coastal Management) 2018 SEPP 33 – Hazardous and Offensive Development SEPP 55 – Remediation of Land	Yes	Yes	<p>A Preliminary Site Investigation (PSI) has been prepared to inform the planning proposal to determine whether a detailed site investigation and/or remediation action plan is to be developed prior to future uses. The report concluded the land did not identify any obvious activities which are likely to have resulted in significant or widespread contamination of natural soils.</p> <p>It is however noted that an appropriate level Detailed Site Investigation (DSI) is recommended to be undertaken as a prerequisite of any future DA submitted post-gazettal of the Planning Proposal. The draft planning proposal is considered to be consistent with the SEPP.</p>
Industry and Employment	SEPP (Western Sydney Employment Area) 2009 SEPP 64 – Advertising and Signage	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Resources and Energy SEPP	SEPP (Mining, Petroleum Production and Extractive Industries) 2007 Sydney Regional Environmental Plan No. 9 – Extractive Industries	Yes	Yes	The site is located within the Picton mine subsidence district and as such future development on the subject land will require approval by NSW Substance Advisory in accordance with the Coal Mine Subsidence Compensation Act (2017). The site overlies a mining lease held by SIMEC Tahmoor Coal Pty Ltd (Tahmoor Coal) and Council has been advised that future mining is unlikely.
Planning Systems SEPP	SEPP (State and Regional Development) 2011 SEPP (Aboriginal Land) 2019 SEPP (Concurrences and Consents) 2018	No	N/A	Not applicable to this planning proposal.
SEPP (Precincts – Eastern Harbour City) 2021	Sites within the State Environmental Planning Policy (State Significant Precincts) 2005 have been split across the 4 precincts.	No	N/A	Not applicable to Wollondilly.
SEPP (Precincts – Central River City) 2021		No	N/A	Not applicable to Wollondilly.

State Environmental Planning Policies (SEPPs)	Includes recently repealed SEPPs	Applicable	Consistent	Assessment
SEPP (Precincts – Western Parkland City) 2021	Sites within the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 have been split between the Central River City and Western Parkland City precincts	No	N/A	Not applicable to this planning proposal. The site is not located within a designated Growth Centre.
SEPP (Precincts – Regional) 2021		No	N/A	Not applicable to Wollondilly.
Housing SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 State Environmental Planning Policy No 70 - Affordable Housing (Revised Schemes) State Environmental Planning Policy No 21 - Caravan Parks State Environmental Planning Policy No 36 - Manufactured Home Estates	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
Codes SEPP	No changes	No	N/A	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

Appendix B

Assessment against Section 9.1 Directions

The table below assesses the planning proposal against Section 9.1 (2) Ministerial Directions issued under the *Environmental Planning & Assessment Act 1979*

	Ministerial Direction	Applicable	Consistent	Assessment
Focus area 1: Planning Systems				
1.1	Implementation of Regional Plan	Yes	Yes	The planning proposal is considered to be consistent with the Western City District Plan (see earlier assessment – Section B 3.3), and is therefore consistent with this direction.
1.2	Development of Aboriginal Land Council Land	No	N/A	This Direction is not applicable to Wollondilly.
1.3	Approval and Referral Requirements	Yes	Yes	The planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.
1.4	Site Specific Provisions	No	N/A	The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.
Focus area 1: Planning Systems – Place-based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	This Direction is not applicable to Wollondilly.
1.6	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	This Direction is not applicable to Wollondilly.

	Ministerial Direction	Applicable	Consistent	Assessment
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	This Direction is not applicable to Wollondilly.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	The planning proposal does not include land covered by the Wilton Priority Growth Area Interim Land Use and Infrastructure Plan.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	This Direction is not applicable to Wollondilly.
1.10	Implementation of the Western Sydney Aerotropolis Plan	Yes	Yes	The planning proposal does not impact upon the intent of the <i>Western Sydney Aerotropolis Plan</i> , nor does it undermine the achievement of the objectives, planning principles and priorities for the Western Sydney Aerotropolis.
1.11	Implementation of Bayside West Precincts 2036	No	N/A	This Direction is not applicable to Wollondilly.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	This Direction is not applicable to Wollondilly.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	This Direction is not applicable to Wollondilly.
1.14	Implementation of Greater Macarthur 2040	No	N/A	The planning proposal does not include land covered by Greater Macarthur 2040.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	This Direction is not applicable to Wollondilly.
1.16	North West Rail Link Corridor Strategy	No	N/A	This Direction is not applicable to Wollondilly.

	Ministerial Direction	Applicable	Consistent	Assessment
1.17	Implementation of the Bays West Place Strategy	No	N/A	The site is not located within the Bays West precinct and direction is not relevant.
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N/A	The site is not located within the City of Ryde local government area.
1.19	Implementation of the Westmead Place Strategy	No	N/A	The site is not located within the City of Parramatta Council and Cumberland Council local government areas.
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N/A	The site is not located within the City of Parramatta Council.
1.21	Implementation of South West Growth Area Structure Plan	No	N/A	The site is not located within the Camden, Campbelltown and Liverpool local government areas.
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N/A	The site is not located within the Hornsby Shire Council and The Hills Shire Council local government areas.
Focus area 2: Design and Place				
Focus area 3: Biodiversity and Conservation				

	Ministerial Direction	Applicable	Consistent	Assessment
3.1	Conservation Zones	Yes	Yes	<p>The site includes a small area (approximately 0.24ha) of native vegetation that has been identified as part of the Cumberland Plain Woodland in the Sydney Basin Bioregion which is a listed 'critically endangered' under both the state and federal legislation. The draft planning proposal in the form submitted by the proponent is considered to be inconsistent with the objective of this direction as the proposal does not include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>On the basis of additional field surveys and targeted surveys conducted by the Flora and Fauna Assessment report, it appears that threaten species (including Pimelea spicata, Southern Myotis, Cumberland Plain Land Snail) are not present on the property or would use the property. As discussed in Section B 3.7, the Natural Resources – Biodiversity Map will be amended to include the environmentally sensitive area.</p> <p>Preliminary Site Investigation (PSI) has been prepared by Canopy Enterprises Pty Ltd (Canopy) to address contamination and potential hazards. Based on the results of the investigation, no obvious activities of the Site and the immediately surrounding land were likely to have resulted in significant or widespread contamination of natural soils. Detailed Site Investigation (DSI) will be undertaken as a prerequisite of any future DA submitted post-gazettal of the Planning Proposal.</p>
3.2	Heritage Conservation	Yes	Yes	The planning proposal has no significant impact on items, areas, objects and places of environmental and indigenous heritage at both State and Local level.
3.3	Sydney Drinking Water Catchments	No	N/A	The site is not located within the Sydney Drinking Water Catchment.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	This Direction is not applicable to Wollondilly.
3.5	Recreation Vehicle Areas	Yes	Yes	The site is private land and will not be used as a Recreation Vehicle Area.

	Ministerial Direction	Applicable	Consistent	Assessment
3.6	Strategic Conservation Planning	Yes	Yes	The site is not identified as avoided land or a strategic conservation area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
3.7	Public Bushland	No	N/A	The site is not identified as Public Bushland.
3.8	Willandra Lakes Region	No	N/A	The land is not identified as the Willandra Lakes World Heritage Property.
3.9	Sydney Harbour Foreshores and Waterways Area	No	N/A	The land is not within the Foreshores and Waterways Area.
3.10	Water Catchment Protection	No	N/A	The land is not within Sydney Drinking Water Catchment.
Focus area 4: Resilience and Hazards				
4.1	Flooding	Yes	Yes	<p>The planning proposal is consistent with the objectives of this direction. The Flood Report prepared by D & M Consulting Engineers suggested that the site is subject to medium to low flooding during a 1% AEP.</p> <p>The State Emergency Service (SES) has also provided general guidelines regarding flood risk assessment and flood risk management including consideration of Probable Maximum Flood (PMF) in the design. These constraints need to be addressed when a DA is submitted to Council. Council has provided a copy of conditions provided by NSW State Emergency Service (SES) to the proponent should the planning proposal progress.</p>
4.2	Coastal Management	No	N/A	This Direction is not applicable to Wollondilly.
4.3	Planning for Bushfire Protection	Yes	Yes	Any future development would need to consider Planning for Bush Fire Protection 2019 (PBP) which was developed by the NSW Rural Fire Service (NSW RFS) to provide development standards for building in bush fire prone areas.

	Ministerial Direction	Applicable	Consistent	Assessment
4.4	Remediation of Contaminated Land	Yes	Yes	<p>The planning proposal is consistent with the objectives of this direction.</p> <p>The planning proposal applies to land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is, or may be, known to have been carried out. This includes activities such as agricultural/horticultural activities, metal treatment and mining and extractive industries.</p> <p>A Preliminary Site Investigation (PSI) has been prepared to inform the planning proposal to determine whether a detailed site investigation and/or remediation action plan is to be developed prior to future uses. The report concluded the land did not identify any obvious activities which are likely to have resulted in significant or widespread contamination of natural soils.</p>
4.5	Acid Sulfate Soils	No	N/A	The land has not been identified on the Acid Sulfate Soils Planning Maps.
4.6	Mine Subsidence and Unstable Land	Yes	Yes	<p>The planning proposal is consistent with the objectives of this direction.</p> <p>The site is located within the Picton Mine Subsidence District and overlies a mining lease held by SIMEC Tahmoor Coal Pty Ltd (Tahmoor Coal). Subsidence Advisory NSW has advised that future mining is unlikely.</p>
Focus area 5: Transport and Infrastructure				

	Ministerial Direction	Applicable	Consistent	Assessment
5.1	Integrating Land Use and Transport	Yes	Yes	<p>The planning proposal is consistent with the objectives of this direction and it improves access to jobs and employment within the Picton District. More than 65% of working residents in Wollondilly travel outside the area to work. The development will reduce the time travel by car for residents/employees working and living in this area.</p> <p>Transport for NSW (TfNSW) has no objection to the planning proposal from a transport infrastructure perspective.</p> <p>The Traffic and Parking Assessment Report prepared by Positive Traffic Engineering concludes that the work generating from the site is unlikely to result in congestion or delays to the existing road infrastructure. The potential traffic generation impacts of the potential redevelopment have been undertaken and concluded the Bridge Street/ Argyle Street (Old Hume Highway) intersection would still operate at a satisfactory level, and no future upgrades of the intersection to accommodate the additional traffic demands would be required.</p>
5.2	Reserving Land for Public Purposes	No	N/A	N/A
5.3	Development Near Regulated Airports and Defence Airfields	No	N/A	The site is not located near a regulated airport which includes a defence airfield.
5.4	Shooting Ranges	No	N/A	The site is not located adjacent to land with an existing shooting range.
Focus area 6: Housing				
6.1	Residential Zones	No	N/A	N/A
6.2	Caravan Parks and Manufactured Home Estates	No	Yes	N/A
Focus area 7: Industry and Employment				

	Ministerial Direction	Applicable	Consistent	Assessment
7.1	Business and Industrial Zones	Yes	Yes	<p>The planning proposal is consistent with the objectives of this direction as it seeks to expand the existing industrial zone boundary for the Picton Industrial area.</p> <p>The future liveability and vitality of Picton town centre will be greatly enhanced by the implementation of local and regional scale employment which this development proposes.</p>
7.2	Reduction in non-hosted short-term rental accommodation period	No	N/A	This Direction is not applicable to Wollondilly.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	This Direction is not applicable to Wollondilly.
Focus area 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	Yes	Yes	<p>The planning proposal is consistent with the objectives of this direction. The site is located within the Picton Mine Subsidence District and overlies a mining lease held by SIMEC Tahmoor Coal Pty Ltd (Tahmoor Coal). Subsidence Advisory NSW has advised that future mining is unlikely.</p>
Focus area 9: Primary Production				

	Ministerial Direction	Applicable	Consistent	Assessment
9.1	Rural Zones	Yes	Yes	<p>The draft planning proposal is considered to be inconsistent with the objectives of these directions as the proposal will rezone the land from a rural zone to an industrial zone and will not protect the agricultural production value of rural land.</p> <p>When considering the outcomes of the Rural Lands Strategy and Employment Land Strategy the inconsistency is considered to be justified. In particular, support for the proposal is not considered to be inconsistent with the adopted Rural Lands Strategy when considering the site-specific characteristics. The rural zoned portion of the site is relatively small and irregular in shape. It is physically disconnected by rural land holdings, road and rail infrastructure, and existing urban development.</p> <p>The site is not known to be associated with MRA values in terms of scenic land, productive agriculture, or mineral and energy resources. However, the proposal has the opportunity to enhance the values of the MRA by protecting biodiversity and sustaining local jobs in Picton and beyond.</p> <p>Refer to section B 3.7 for further relevant information.</p>
9.2	Rural Lands	Yes	Yes	The same as above.
9.3	Oyster Aquaculture	No	N/A	This Direction is not applicable to Wollondilly.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	This Direction is not applicable to Wollondilly.

Appendix C

Minutes from Wollondilly Local Planning Panel (2 November 2022)

Council reference: minutes & agenda CM 13453#375

Appendix D

Agenda & Minutes from Ordinary Meeting of Wollondilly Shire Council (13 December 2022)

Council reference: minutes & agenda CM 13453#361

Appendix E

Flora and Fauna Assessment

*Prepared by Joy Hayes Environmental Consultant
December 2022*

Council reference: CM 13453#362

Appendix F

Flora and Fauna Addendum

*Prepared by Joy Hayes Environmental Consultant
January 2023*

Council reference: CM 13453#363

Appendix G

Preliminary Site Investigation (PSI)

*Prepared by Canopy Enterprise
May 2022*

Council reference: CM 13453#357

Appendix H

Social and Health impact assessment (SHIC)

*Prepared by Premise
June 2022*

Council reference: CM 13453#356

Appendix I

Gateway Determination

Council reference: CM 13453#481

Appendix J

Soil and Site Assessment for Onsite Wastewater Disposal

Council reference: CM 13453#482