

**MINUTES OF WOLLONDILLY SHIRE COUNCIL
WOLLONDILLY SHIRE LOCAL PLANNING PANEL MEETING
HELD AT THE COUNCIL CHAMBER, WOLLONDILLY SHIRE HALL, 44-60 MENANGLE
STREET, PICTON NSW 2571
ON WEDNESDAY, 2 NOVEMBER 2022 AT 3.30PM**

PRESENT: Mark Carleton – Chairperson, Vince Hardy – Expert Planning, Toney Hallahan – Expert Planning, Luke Joseph – Community Representative

IN ATTENDANCE: Martin Cooper – Director Shire Futures, Stephen Gardiner – Manager Sustainable Growth, Carolyn Whitten – Strategic Planning Team Leader, Sara Mehryar - Assistant Strategic Planner, Karen Hainsworth – Personal Assistant Director Shire Futures

1 OPENING

2 RECORDING OF THE MEETING

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4 ACKNOWLEDGEMENT OF COUNTRY

The Chair acknowledged the traditional Custodians of the Land:

The Panel acknowledges the traditional custodians of the land in Wollondilly, the Dharawal and Gundungurra peoples.

We acknowledge the living culture and spiritual connections to the land for the Dharawal and Gundungurra people and all Aboriginal Nation Groups that may have connections to the area; and that Wollondilly is remarkably placed as the intersection of many tribal lands.

We recognise the traditional Custodians who have occupied and cared for this Country over countless generations and celebrate their continuing contributions to the Shire.

We also acknowledge and remember the Dharawal and Gundungurra peoples who were killed in the Appin Massacre on 17 April 1816.

We acknowledge our collaboration with the Tharawal Local Aboriginal Land Council.

5 APOLOGIES AND LEAVE OF ABSENCE REQUESTS

Nil

6 DECLARATION OF INTEREST

One declaration of a potential interest was noted before commencing the public meeting and at the public meeting from Expert Member Toney Hallahan, in respect of her current work on District-level planning for Western Sydney Planning Partnership including a strategic project on issues in rural areas. The Chair considered that this work was not viewed as representing an actual, potential, or perceived conflict after checking any concerns with Council staff, the Proponent and the public. No conflict concerns were raised by other parties at the meeting.

7 LOCAL PLANNING PANEL REPORTS – SUSTAINABLE AND BALANCED GROWTH

7.1 DRAFT PLANNING PROPOSAL - 120 & 140 BRIDGE ST, PICTON (EMPLOYMENT LAND)

Reason for LPP Referral: Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018, requires all planning proposals be referred to the LPP for advice before Council considers the matter.

Address: 120 & 140 Bridge Street, Picton

Lot & DP: Lot 10 & 11 DP 1012641

Current Zoning: RU2 Rural Landscape

Proposal: To enable the expansion of an existing business and provide additional industrial land in Picton

Applicant: Premise Pty Ltd

EXECUTIVE SUMMARY

The purpose of this report is to seek the advice of the Wollondilly Shire Local Planning Panel (the Panel) on a draft Planning Proposal submitted to Council for land at No. 120 & 140 Bridge Street, Picton.

The draft proposal seeks to amend the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to enable the expansion of an existing business and provide additional industrial land in Picton. It seeks to do this by amending the land use zone from the current RU2 Rural Landscape zone to IN2 Light Industrial and the minimum lot size for subdivision from the current 16 hectare to 1500sqm.

The draft proposal has been subject to early engagement through a preliminary exhibition and 20 submissions were received from the general public. Of these, 17 were supportive, 2 were not supportive and 1 was neutral. The matters raised in the submissions do not justify refusal of the draft proposal.

A total of 9 submissions were received from public authorities.

The report was originally tabled for the Panel meeting scheduled for 1 September 2022, but was deferred at the request of the proponent as they were unable to attend the meeting to address the Panel.

The report recommends that the draft proposal be supported in an amended form.

PUBLIC SUBMISSIONS

There were 2 registered speakers for this item.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

On Wednesday 2 November 2022, the panel conducted a site inspection of 120 & 140 Bridge Street, PICTON.

During closed deliberations, the panel noted:

1. The need for additional flora and fauna studies, especially for the critically endangered Cumberland Plain Woodland, and as identified by the Department of Planning and Environment (Environment and Heritage Group) in the preliminary consultation. This includes targeted surveys of several fauna species and how impacts to the biodiversity values will be avoided.
2. Note the concern that Sydney Water have not supported the proposal due to current wastewater servicing constraints, and consequently it does not meet the site specific merit test, however, there may be opportunities for alternate/interim solutions in advance of future Sydney Water servicing.
3. The proponent objected to the Council Officers recommendation to rezone the mid-section of the subject site C2 Environmental Conservation, noting that it does not trigger a C2 zoning under Council's existing protocol. However, with the limited ecological information currently available, the Panel agrees with Council that the presence of Cumberland Plain Woodland warrants a precautionary C2 zoning for this part of the site.
4. The panel acknowledges the concerns addressed by the neighbouring property owner, however, some of those concerns related to the external use of the site as a storage area which could be resolved by built form development which would internalise those activities. Other matters relating to amenity would be addressed at the DA stage once development details are known.
5. The proposal is consistent with Council's land use vision as detailed in the Local Strategic Planning Statement and the Employment Land Strategy and Economic Development Strategy.
6. The proposal is justifiably inconsistent with the District Plan as the metropolitan rural land notation has limited value on this particular site.

RECOMMENDATION

The Panel:

1. Notes that Sydney Water has objected to the draft Planning Proposal proceeding and has provided no time frame for when services may be available.
2. Agrees that the proposed draft Planning Proposal has strategic and site-specific planning merit.
3. Supports the draft Planning Proposal for No. 120 & 140 Bridge Street, Picton (Lot 10 and 11 in DP1012641) in an amended form as follows:
 - (a) Amend the Land Zoning Map to rezone land from RU2 Rural Landscape to:
 - (i) C2 Environmental Conservation for the environmentally sensitive area, including the Cumberland Plain Woodland as mapped in the Council Officer's report, which is to be excluded from future development; and
 - (ii) IN2 Light Industrial for the remaining area.
 - (b) Amend the Lot Size Map to reduce the minimum lot size for subdivision from 16 hectares to 1,500sqm.
 - (c) Subject to additional investigation to satisfactorily determine the likely impacts on biodiversity prior to finalisation which would inform the geographical extent of C2 zone.
 - (d) Noting the Sydney Water objection regarding no wastewater infrastructure availability, 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.
4. Recommends that Council
 - (a) Forwards the draft Planning Proposal to the Department of Planning and Environment for a Gateway determination.
 - (b) Requests the Department authorise Council as the Local Plan-Making Authority to make the local environmental plan for this proposal in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979.
 - (c) Notifies the proponent, landowners and stakeholders who made submissions of Council's Decision.

VOTING

4/0

The public part of the meeting closed at 4.15pm.

The full meeting closed at 5.58pm.

The minutes of this meeting were confirmed by the Chair.

7 LOCAL PLANNING PANEL REPORTS – SUSTAINABLE AND BALANCED GROWTH

7.1 DRAFT PLANNING PROPOSAL - 120 & 140 BRIDGE ST, PICTON (EMPLOYMENT LAND)

File Number: 10621#339

Reason for LPP Referral: Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018, requires all planning proposals be referred to the LPP for advice before Council considers the matter.

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Lot & DP: Lot 10 & 11 DP 1012641

Current Zoning: RU2 Rural Landscape

Proposal: To enable the expansion of an existing business and provide additional industrial land in Picton

Applicant: Premise Pty Ltd

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The draft proposal has been subject to early engagement through a preliminary exhibition and 20 submissions were received from the general public. Of these, 17 were supportive, 2 were not supportive and 1 was neutral. The matters raised in the submissions do not justify refusal of the draft proposal.

A total of 9 submissions were received from public authorities.

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The report recommends that the draft proposal be supported in an amended form.

RECOMMENDATION

That the Panel:

1. Notes that Sydney Water has objected to the draft Planning Proposal proceeding.
2. Agrees that the proposed draft Planning Proposal has strategic and site-specific planning merit.
3. Supports the draft Planning Proposal for No. 120 & 140 Bridge Street, Picton (Lot 10 and 11 in DP1012641) in an amended form as follows:

- (a) Amend the Land Zoning Map to rezone land from RU2 Rural Landscape to:
 - (i) C2 Environmental Conservation for the environmentally sensitive area which is to be excluded from future development; and
 - (ii) IN2 Light Industrial for the remaining area.
 - (b) Amend the Lot Size Map to reduce the minimum lot size for subdivision from 16 hectares to 1,500sqm.
 - (c) Subject to additional investigation to satisfactorily determine the likely impacts on biodiversity prior to finalisation.
4. Recommends that Council
- (a) Forwards the draft Planning Proposal the Department of Planning and Environment for a Gateway determination.
 - (b) Requests the Department authorise Council as the Local Plan-Making Authority to make the local environmental plan for this proposal in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
 - (c) Notifies the proponent, landowners and stakeholders who made submissions of Council's Decision.
5. Provides advice in accordance with the Local Planning Panel Direction – Planning Proposals issued on 27 September 2018.

REPORT

Introduction

The draft Planning Proposal was submitted to Council for consideration on 19 May 2022 and seeks to amend the *Wollondilly Local Environmental Plan 2011* (WLEP 2011) to facilitate the expansion of the existing business and to provide additional industrial land in Picton.

No. 114 & 120 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 expansion of the operation onto adjoining land at 140 Bridge Street would enable the business to remain in the Shire.

A number of specialist studies have been prepared by professional consultants engaged by the proponent to inform and support the draft proposal. These include:

- Preliminary Site Investigation
- Preliminary Historical Heritage Assessment
- Bushfire Impact Assessment
- Traffic and Parking Impact Assessment Report
- Flora and Fauna Assessment
- Flood Report

A copy of the proponent's Planning Proposal document is provided in **Attachment 1**.

Description of Proposal

The draft Planning Proposal seeks to amend *Wollondilly Local Environmental Plan 2011* to facilitate the expansion of an existing business and to provide additional industrial land in Picton.

To achieve this, the draft proposal seeks to:

- Amend the Land Zoning Map to rezone the relevant part of the site from RU2 Rural Landscape to IN2 Light Industrial (or the equivalent zone under the current State Government changes).
- Amend the Lot Size Map to reduce the minimum lot size for subdivision from 16 hectares to 1,500sqm.

No changes are proposed to the portion of the site currently zoned IN2 Light Industrial.

Description of Site and Surrounding Area

The subject site is irregular in shape and includes two adjoining lots, being 10 and 11 in DP1012641 (No. 120 & 140 Bridge Street, Picton), with an area of 3,899sqm and 1.052ha respectively.

120 Bridge Street is currently split zoned with the existing established business, including an industrial building and storage yard, located on the IN2 Light Industrial zoned portion of the site. The remainder of the site along with 140 Bridge Street is 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.

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 locality of the 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 south-western 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).

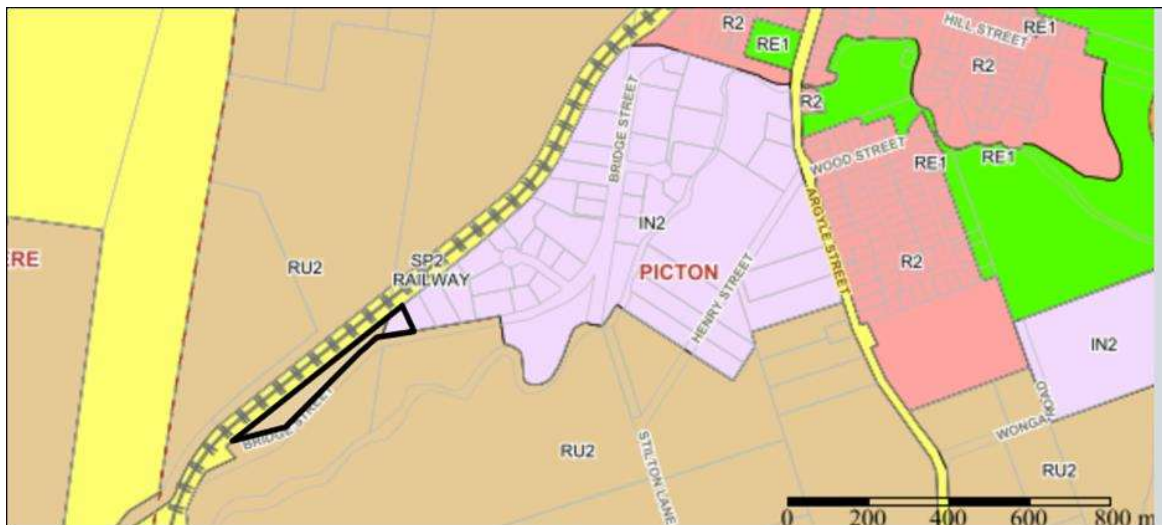




FIGURE 1 – Location Plan and aerial image

PLANNING CONTEXT

Western City District Plan 2018

The Western City District Plan is a 20-year plan that guides implementation of the Greater Sydney Region Plan and acts as a bridge between regional and local planning. It outlines a number of directions, priorities and actions for managing growth, delivering infrastructure and protecting and enhancing bushland and biodiversity.

On balance, the draft Planning Proposal is considered to be predominantly consistent with the District Plan. The following key Planning Priorities are relevant to this proposal:

Planning Priority		Assessment
W7	Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City.	The vision for Greater Sydney as a <i>metropolis of three cities</i> 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 proposed development will improve job accessibility with the Picton District and reduce travel time.
W10	Maximising freight and logistics opportunities and planning and managing industrial and urban services land	The draft proposal aims to provide more industrial land and will retain and grow the existing employment provision.
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 will be increasing the employment capacity in already established Picton industrial Estate. As such, redevelopment of the subject site will contribute towards sustainable growth where residents could live within 30 minutes of their jobs and employment services.
W14	Protection and enhancing	The District Plan requires protection of the biodiversity and

	bushland and biodiversity.	significant vegetation. This report recommends amendments to the draft proposal to protect an area of native vegetation within the site.
W17	Better managing rural areas	<p>A key direction in the District Plan for Wollondilly is the need to better manage rural areas.</p> <p>The site is within the Metropolitan Rural Area (MRA) which seeks to protect and enhance the environmental, social and economic values of rural areas.</p> <p>The District Plan indicates that urban development within the MRA will only be considered in the urban investigation areas identified in the Metropolis of Three Cities.</p> <p>The draft 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.</p> <p>A degree of flexibility is considered to be justified in order to balance rural values with the objectives of greater economic participation.</p> <p>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.</p> <p>On balance, any conflicts with the MRA are considered to be justified.</p>

A more detailed assessment of the draft Planning Proposal against all Strategies is provided in **Attachment 2**.

Wollondilly 2040: Local Strategic Planning Statement (LSPS)

Wollondilly 2040, Council's *Local Strategic Planning Statement (LSPS)* provides a 20-year land use vision for Wollondilly and guides the implementation of the *Western City District Plan* at a local level.

The 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.

The LSPS is a key consideration when evaluating the appropriateness of a planning proposal. The draft Planning Proposal is considered to be consistent with a number of Planning Priorities outlined in the LSPS.

The following key Planning Priorities are relevant to this proposal:

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

Planning Priority		Assessment
		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.
6	Embedding health and wellbeing considerations in land use planning for healthy places	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'.
8	Enhancing vibrant, healthy and sustainable local towns and villages.	
10	Attracting investment and growing local jobs	The draft proposal seeks to provide additional industrial land in Picton to support the expansion of a local business.
13	Protecting biodiversity and koala habitat corridors	<p>The draft 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> <p>This report recommends that environmentally sensitive land within the site should be rezoned to <i>C2 Environmental Conservation</i>.</p>
16	Enhancing and protecting the diverse values of the Metropolitan Rural Area	<p>The draft proposal seeks to rezone land within the Metropolitan Rural Area (MRA) from a rural zone to an industrial zone.</p> <p>Supporting the proposal is considered to enhance the MRA by protecting biodiversity and sustaining local jobs in Picton and beyond. There is further discussion on the values of the MRA and how they relate to the proposal throughout this report.</p>

A more detailed assessment of the draft Planning Proposal against all Planning Priorities is provided in **Attachment 2**.

Endorsed Local Strategies & Policies

The following adopted Council strategies are relevant to the evaluation of the draft Planning Proposal:

- Wollondilly Economic Development Strategy
- Wollondilly Employment Land Strategy
- Wollondilly Rural Lands Strategy
- Environmental Protection Zones Protocol

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 generating land in the Shire.

If supported, the draft planning proposal will contribute to facilitating more employment land and local jobs in Wollondilly.

Employment Land Strategy (ELS)

The ELS provides a strategic planning framework to guide the future development of employment lands within Wollondilly.

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 EDS seeks to unlock an immediate supply of employment precinct land to support the expansion of existing businesses 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 of relatively unconstrained land that could facilitate broader strategic growth in local jobs.

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

Wollondilly Rural Lands Strategy (RLS)

The RLS provides a framework for managing growth, change and development for rural land in Wollondilly.

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

- The land is not identified in the RLS 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.
- Although the proposal would result in the loss of rural zoned land, rezoning the land to IN2 Light 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 IN2 zone with consent including Intensive Plant Agriculture, Plant Nurseries and Artisan Food and Drink Industry.

Environmental Protection Zones Protocol

The Administrative Protocol provides direction on the selection of zones and minimum lot sizes for Environmental Assets. The Protocol defines an 'Environmental Asset' as a contiguous area of land greater than 5000sqm that contains one or more of a list of biodiversity related criteria. In particular, it includes a flowchart and guidance to select and apply the relevant conservation zone or alternative approach.

The majority of the site has been previously cleared. However, there is a small area of native vegetation within a steep-sided gully and riparian corridor with an area of 0.24ha which is less than the area required to be considered an environmental asset under the Protocol.

Under the protocol, a conservation zone wouldn't be applied and the vegetated area would be identified on the Natural Resources – Biodiversity Map.

However, the Flora and Fauna Assessment that has been prepared to inform the draft planning proposal has been prepared on the basis that the area of native vegetation will be retained and excluded from any potential development. On this basis the study concludes that rezoning the land, and any associated future development is not likely to have a significant impact.

As no impacts have been assumed it is considered appropriate to protect the vegetated area of the site under the local environmental plan. It is also noted that the NSW Government's Environment and Heritage Group, in its submission, have also recommended that the proposed zone for this area is amended 'to a more compatible zoning category'.

This report recommends zoning the area C2 Environmental Conservation.

However, as a minimum the area should be included on the WLEP 2011 Natural Resources – Biodiversity Map.

The approximate area of vegetation to be protected is identified on the location plan at Figure 2 below.

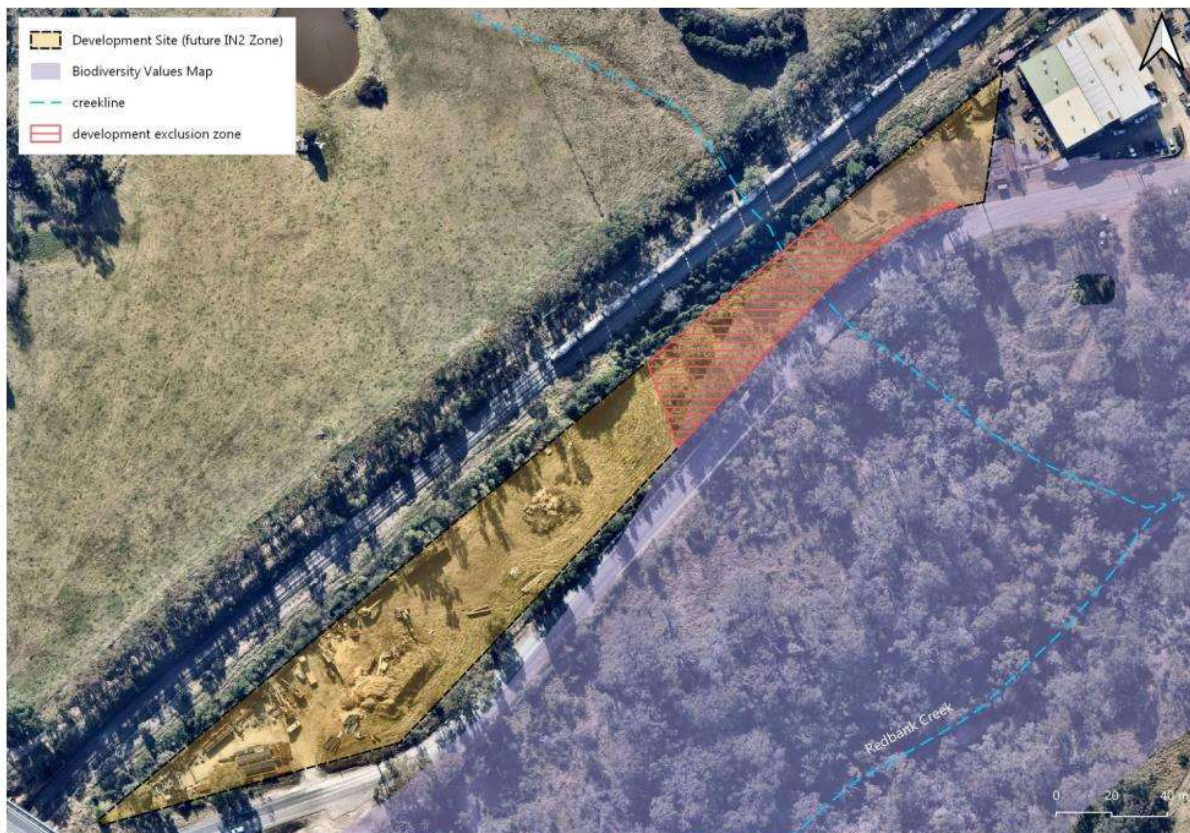


FIGURE 2: Planning Proposal site showing biodiversity values protected under existing legislation and the area of land to be excluded from future industrial development.

Source: Flora and Fauna Assessment (2021), Hayes Environmental

Section 9.1 – Ministerial Directions

The Minister for Planning has issued a number of Directions under the *Environmental Planning and Assessment Act 1979* which apply to the assessment of Planning Proposals.

A detailed assessment of the draft Planning Proposal against the Ministerial Directions is provided at **Attachment 3**. In summary, the draft proposal is considered mostly consistent with the Directions with the exception of the following:

Ministerial Direction		Assessment
3.1	Conservation Zones	<p>The draft 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>The site includes a small area (approximately 0.24ha) of native vegetation that has been identified as part of the <i>Cumberland Plain Woodland in the Sydney Basin Bioregion</i> which is a listed 'critically endangered' under both the state and federal legislation.</p> <p>The Flora and Fauna Assessment report submitted to inform the planning proposal excludes the vegetated area from development.</p> <p>It is recommended that the vegetated area is zoned C2 Environmental Conservation. The recommended approach is considered to be consistent with the Ministerial Direction.</p>
9.1	Rural Zones	<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.</p>
9.2	Rural Lands	

State Environmental Planning Policies (SEPPs)

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

A detailed assessment of the draft Planning Proposal against relevant SEPPs is provided at **Attachment 4**. In summary, the draft proposal is considered to be consistent with all applicable SEPPs.

CONSULTATION

As part of Council's commitment to early engagement with the community and other stakeholders, formal preliminary consultation has been undertaken in accordance with Council's adopted *Community Participation Plan* and *Planning Proposal Policy*.

The draft Planning Proposal was exhibited for 28 days from 1 June 2022 to 29 June 2022.

The consultation documents were published on Council's engagement platform, Your Say Wollondilly, along with supporting information.

In particular, community and stakeholder engagement were encouraged through:

- Council's website (Public Notices & Exhibitions page)
- Public notification in local newspapers
- Notification to relevant public authorities in writing
- Notification letters were sent to all affected landowners and occupants
- Hard copies of the draft planning proposal were available for inspection at Wollondilly Library and Council's administration building
- Promotion through Facebook posts on Council's Facebook page
- Councillor memo
- Responding to planning enquiries about the planning proposal

In response to the public exhibition 29 submissions were received. This included:

- 20 community submissions; and
- 9 public authority submissions.

Community Consultation

20 community submissions were received in response to the preliminary consultation. Of these, 17 were supportive, 2 were not supportive and 1 was neutral.

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 matters raised are not considered to justify refusing the draft planning proposal.

A detailed assessment of the submissions and Council's response is provided at **Attachment 5**.

Consultation with Public Agencies

As part of the early engagement a number of public authorities were invited to provide feedback on the draft Planning Proposal.

In response, submissions were received from 9 public authorities.

The following table provides a summary of the authorities consulted as part of the preliminary consultation. A more detailed assessment of the submissions is provided at **Attachment 6**.

Public Authority/Organisation Consulted	Outcome
Endeavour Energy	No objection raised.

Public Authority/Organisation Consulted	Outcome
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.
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.
Heritage NSW	No objection raised.
NSW State Emergency Service (SES)	<ul style="list-style-type: none"> • Consideration should be given to limiting uses within the land use zone for the site to prevent significant changes to land use in the future. • Consideration should be given to reducing potential risk to life.
Subsidence Advisory NSW	No objection raised.
Sydney Water	<ul style="list-style-type: none"> • Unable to service any uplift to the site • Objects to planning proposal.
Transport for NSW (TfNSW)	No objection raised.
WaterNSW	No objection raised.

No response was provided by the following authorities:

- Tharawal Local Aboriginal Land Council
- NSW Aboriginal Land Council
- Cubbitch Barta Native Title Claimants Aboriginal Corporation
- Gandangara Local Aboriginal Land council
- Department of Education
- NSW Rural Fire Service
- APA Group
- Jemena
- Simec Mining – Tahmoor Coking Coal

It is noted that at its Ordinary Council Meeting on 28 June 2022 Council resolved that *in the event that State Agencies are unable to meet their obligations to provide a response on draft Planning Proposals, that the draft Planning Proposal be assessed as if it is not supported by the agency* (Resolution 153/2022).

With this in mind, in addition to the Sydney Water objection, a further 9 authorities are also considered to not support the draft proposal.

The following feedback provided by public authorities is considered of significance to outline in this report:

Environment and Heritage Group (EHG)

The Environment and Heritage Group have identified some shortcomings in the flora and fauna report prepared to inform the draft proposal.

It is agreed that further investigation is required to inform an updated report before the planning proposal could be finalised. However, given the area of native vegetation on the site will not be removed it is considered the necessary additional work is precautionary and could be undertaken as the planning proposal progresses.

It is recommended that any Gateway determination for the planning proposal to proceed should include a condition requiring that the outstanding biodiversity matters are resolved prior to finalisation.

EHG have also recommended that reconsideration should be given to the appropriate zone for the area of native vegetation to be excluded from future development. As discussed earlier in this report, it is recommended that the relevant area is zoned C2 Environmental Conservation.

Department of Primary Industries

The Department of Primary Industries (DPI) are of the view that the draft proposal is inconsistent with the strategic planning framework as the site is located within the Metropolitan Rural Area and has not been included in the Picton Employment land investigation area identified in the adopted Wollondilly Employment Land Strategy.

It is considered that supporting the draft proposal would not be inconsistent with the strategic planning framework as the District Plan acknowledges that there will be a need to respond to local demand for growth.

The Wollondilly Employment Land Strategy seeks to address the significant undersupply of employment land in Wollondilly and identifies an opportunity to rezone land to light industrial adjoining the existing established industrial area. Although not located within the identified investigation area, the proposal is considered to be consistent with the underlying objectives of the strategies and actions within the Strategy and would provide a targeted economic outcome.

In particular, given the sites irregular shape, small size and the physical boundaries separating it from other rural areas it considered that it's value to contribute to employment and sustaining local rural towns is consistent with the strategic planning framework.

DPI have also noted that the site is mapped as state significant agricultural land on the preliminary draft State Significant Agricultural Land Map.

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. 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.

DPI's submission acknowledges the site's characteristic and appears to suggest that direction for 'small non-contiguous areas' require further review. It has not made any other specific recommendations that would

Sydney Water

Sydney Water has objected to the draft proposal as it cannot support any additional urban growth in the Picton area resulting from a change to the local environmental plan.

This is a significant objection and will constrain the future development of the site. However, the site could still be utilised for employment land uses without the need for wastewater infrastructure.

The proponent has indicated that, in the short term, the site is to be used as a storage area to support the existing business.

Given, rezoning the land can deliver immediate benefits without the need for additional wastewater infrastructure it is not considered that Sydney Water's objection justifies refusal of the proposal.

OPTIONS FOR MOVING FORWARD

The options to be considered are:

Option 1: Support the Draft Planning Proposal.

This option is to support the draft proposal in the form submitted by the proponent and described in the 'Description of Proposal' section of this report.

Option 2 – Support the Draft Planning Proposal in an amended form.

This option would involve Council supporting the draft proposal in an amended form to respond to matters identified as part of the preliminary assessment.

Option 3 - Resolve not to support the draft Planning Proposal.

With this option, there is no further action to be taken other than to advise the proponent, submitters and the Department that the draft proposal has not been supported.

With this option, the proponent may request a Rezoning Review where an independent planning panel (Western City District Planning Panel) would evaluate and recommend to the Minister whether the proposal should progress to Gateway determination. It is noted that this option is also available to the proponent if Council has not indicated support for the planning proposal within 115 calendar days of the proponent lodging the proposal.

Option 2 is the recommendation of this report.

CONCLUSION

Careful consideration has been given to the draft Planning Proposals strategic and site-specific merit, and protecting the values of the Metropolitan Rural Area (MRA).

It is considered that the draft proposal is consistent with the underlying objectives of the strategies and actions within the adopted Wollondilly Employment Land Strategy, particularly as the site adjoins the existing zoned industrial area in Picton and seeks to support the expansion of an existing local business.

In particular, support for the draft proposal is not 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.

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.

On this basis, support for the draft proposal is unlikely to establish a precedent for other areas.

This report recommends the draft Planning Proposal should be supported for submission to the NSW Government for a Gateway determination subject to:

- Amending the planning proposal to rezone environmentally sensitive land to C2 Environmental Conservation; and
- Additional investigation to determine the likely impacts on biodiversity prior to finalisation.






It is also recommended that Council seek to be authorised as the Local Plan-Making Authority to delegate the plan making functions for this proposal. However, it is noted that authorisation is unlikely to be granted given Sydney Water's objection.

FINANCIAL IMPLICATIONS

Funding for this project to date has been partially offset through the adopted planning proposal fees and charges.

If the proposal proceeds, the work required to carry out the process is likely to exceed the income of the application fees and charges over time and will be covered through Councils operational budget.

ATTACHMENTS

1. **Proponent's Draft Planning Proposal Document - 120 & 140 Bridge Street, Picton** 
2. **Assessment against Local and State Documents (LSPS & Region Plan)** 
3. **Table summarising assessment against Ministerial Directions** 
4. **Table summarising assessment against State Environmental Planning Policies** 
5. **Table summarising feedback from Community & Stakeholder Submissions** 
6. **Table summarising feedback from Public Authorities**