

Bruce Colman
Director
Urbis
c/o bcolman@urbis.com.au

13 December 2022

Dear Bruce,

**PLANNING PROPOSAL PRE-LODGEEMENT MEETING WRITTEN COMMENTS–
ALTIS WEST WILTON EMPLOYMENT PRECINCT**

I refer to the pre-lodgement meeting held on 30 November 2022 to discuss a potential planning proposal to amend the *Wollondilly Local Environmental Plan 2011* to rezone land at Berwick Park Road and Wilton Park Road, West Wilton to facilitate an employment precinct.

We appreciate the efforts to follow the process outlined in the recent NSW Government Local Environmental Plan Making Guidelines (September 2022) (the Guidelines).

The information contained in this letter reflects the advice provided at the pre-lodgement meeting based on the information submitted as part of the pre-lodgement process on 18 September 2022. In addition, we have also provided information to reflect the feedback from internal staff with specialist knowledge that was not able to be discussed on the day due to time constraints.

The purpose of the pre-lodgement stage is to provide early feedback to proponents, in particular about the strategic and site-specific merits of a proposal. Early engagement with authorities and agencies, identifying infrastructure needs, funding, timelines, and key supporting studies that may be required to support a planning proposal are also important components of this stage.

Provided with this advice via [cloud link](#) are the following documents:

- Minutes of the pre-lodgement meeting held 30 November 2022

- Council's Planning Proposal Policy
- A copy of the advice provided by the following authorities/agencies:
 - Department of Planning & Environment (DPE)
 - Subsidence Advisory NSW (SA)
 - Sydney Water (SWC)
 - NSW Environment Protection Authority (EPA)
 - Department of Planning & Environment (EHG) – Biodiversity and Conservation
 - Department of Regional NSW (Mining, Exploration and Geoscience)

We have contacted the following agencies, who have advised they will provide advice in due course. We will forward to as soon as we receive.

- Transport for NSW (TfNSW)
- Heritage NSW
- NSW Rural Fire Service (RFS)
- National Resources Access Regulator (NRAR)

1. Planning Proposal Category

Council has nominated the proposal category to be Complex, please see figure 1 for details.

Complex	A complex planning proposal refers to any one or more of the following proposed LEP amendment types, including an amendment:
	<ul style="list-style-type: none"> • To change in the land use zone and/or the principal development standards of the LEP, which would result in a significant increase in demand for supporting local, regional or State infrastructure and would require infrastructure funding • To respond to a new policy e.g. local character or new provision not in the standard instrument template • That is inconsistent with a District/Regional Plan or council's endorsed LSPPS • Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends • That is progressed under the Aboriginal Land SEPP • Any other amendment or amendments that are not categorised as a principal LEP, standard or basic planning proposal

Figure 1: Extract of Planning Proposal Categories from the Guidelines (page 14)

2. Preliminary advice as to whether the proposal has strategic and site-specific merit

a) A Metropolis of Three Cities (The Regional Plan) & Western City District Plan (The District Plan)

The Regional Plan is built on the vision of 30-minute cities, where most residents live close to their jobs, education and health facilities, services and great places. The site is located in the Wilton Growth Area (WGA), the WGA is expected to deliver

dwellings and jobs in line with the 30-minute city vision. The Regional Plan notes the importance of industrial and urban services land in the West and Southwest of Greater Sydney. An Employment Precinct is compatible with the desired District Plan land use and employment outcomes for the WGA.

b) Wollondilly 2040 (Local Strategic Planning Statement)

Wollondilly 2040 sets the land use vision for Wollondilly to 2040. Planning Priority 3 *Establishing a framework for sustainable growth*, outlines the contribution that Wollondilly will make towards Greater Sydney's housing supply, with WGA contributing 15,000 dwellings and 15,000 jobs.

Planning Priority 4 *Creating vibrant, healthy and sustainable communities in our new town in Wilton*, discusses the need to overcome the challenges of limited infrastructure, employment opportunity, social services and public transport as new neighbourhoods and houses are delivered.

Planning Priority 10 *Attracting Investment and growing local jobs* describes the need for local jobs to reduce the number of people leaving the shire for work, and the need to plan for more industrial and urban services land as our population grows. In this regard the proposal is consistent with Wollondilly 2040.

c) Wilton 2040: A Plan for the Wilton Growth Area (2018)

The site sits inside the boundary of the WGA as designation by the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*.

Wilton 2040 identifies the site as Employment Land Use for Further Investigation, adjacent to the Hume Motorway interchange and the future Wilton Town Centre. The WGA's location leverages the existing and future connections to Greater Macarthur, Wollongong and the Western Sydney Aerotropolis.

The Department's aim is to match new dwelling supply with job creation, to minimise commuting and promote Wilton as a self-contained town. A major town centre, village centres and the Maldon employment precinct are the focus of these jobs, although the transport connections provide opportunities for employment in industries such as freight, logistics and manufacturing.

Providing for public and active transport networks is encouraged for the health and environmental benefits.

The Department's [Wilton Growth Area - Infrastructure Phasing Plan](#) identifies projects and timing for implementation based on Wilton 2040 and precinct plans. The proposal is consistent with the outcomes identified in Wilton 2040.

d) Wollondilly Employment Lands Strategy (ELS)

ELS Strategy 2 is to "secure a sustainable pipeline of employment land to meet future population demand" is relevant to this proposal. The Wollondilly ELS identifies the site in Action 2.1 in land to be secured for light and general industrial uses, including larger format and distribution centres due to its proximity to

transport connections. The ELS suggests a business park or development zone closest to the junction of the Hume Motorway could provide a finer grain interface with the intersection. This action is High Priority and Short-Medium for timing per the ELS. The proposal is consistent with the ELS.

3. Recommended investigations and studies to support and justify the proposal

a) Site Specific Matters to be addressed in a planning proposal

A planning proposal for the site will need to be supported by the necessary studies at the time of submission.

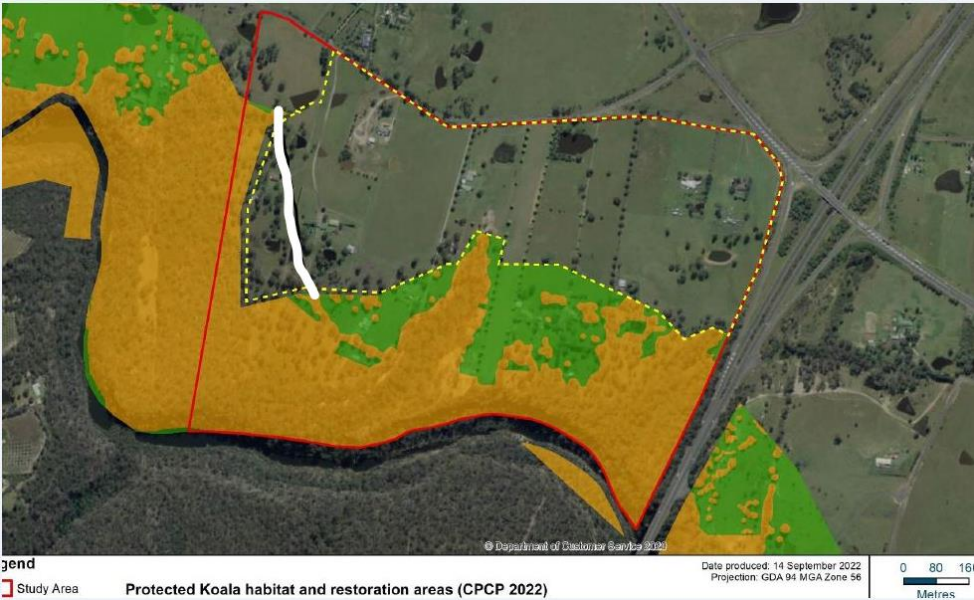
It is noted that many of these considerations are interrelated and therefore a holistic view of the site constraints is required.

The below advice has been provided by Council's specialist officers based on the information provided within the Scoping Report and as discussed at the pre-lodgement meeting:

Officer	Comments
Environmental Health	<p>There is an assumption that the proposed development will be able to connect to Sydney Water Infrastructure. At this stage Sydney Water has advised that there is no drinking water service or recycled water service available to service the development site. Plans are in place to service South East Wilton, North Wilton and Wilton Town Centre. West Wilton is not expected to be serviced by Sydney Water for potable water until 2030. This proposed development appears to be outside of the scope of the Sydney Water network at this stage.</p> <p>There is no certainty as to when Sydney Water may become available to the development, and more clarification needs to be sought on whether there is actual potential to connect to Sydney Water's reticulated network and predicted timeframes prior to consideration given to rezoning.</p> <p>Council requires more certainty as to water and wastewater capability from Sydney Water. We understand that you have a consultant working with Sydney Water and Council requires confirmation in writing from Sydney Water that this development can be included in the Wilton/SE Wilton future servicing plans.</p>
Health Planning	<p>Council has a Social and Health Impact Assessment Policy in place which is supported by Guidelines.</p> <p>The Policy and Guidelines can be found at https://www.wollondilly.nsw.gov.au/shire-projects/strategic-planning-and-land-use-policies/health-in-planning/</p> <p>Given the proposal is considered an employment generating proposal, a Social and Health Impact Comment (SHIC) (not a</p>

	<p>Comprehensive Social and Health Impact Report) will need to be submitted as part of the documentation. The Guidelines provide instructions on how to provide a SHIC, and any response needs to be tailored to meet the requirements for any employment generating land use. The SHIC Initial Assessment Form requires applicants to:</p> <ol style="list-style-type: none"> Identify all potential social and health impacts. Assess whether the impacts are likely to be significant, for each identified social and health impact. Describe the nature of the impact. Describe any enhancement measures (for positive impacts) and/or mitigation measures (for negative impacts) proposed to be undertaken. <p>If a site-specific DCP, masterplan, or similar, is required, we would expect health principles to be embedded throughout and the SaHIA working group would appreciate the opportunity to provide more specific commentary on any draft site-specific controls.</p> <p>Any questions can be directed to the Social and Health Impact Assessment Working Group at socialandhealthimpactassessment@wollondilly.nsw.gov.au.</p>
Environmental Outcomes	<p>Known constraints for the site or local area that would need to be addressed in particular the mapped Koala corridors particularly on the western boundary.</p> <p>The presence of Critical Endangered Ecological Communities including Cumberland Plain Woodland and Shale/Sandstone Transition Forest should be mapped.</p> <p>There is a need to identify if there is Derived Native Grassland. There is no mention of this in the Ecological Constraints.</p> <p>Policies that need to be considered</p> <ul style="list-style-type: none"> Development must be consistent with the Integrated Water Management Policy. Development should have a Neighbourhood Plan that has full demonstrated consistency with Council's Policy as well as Wilton DCP. Proposal should contain a consideration of Council's draft Sustainability Policy which is currently on public exhibition. Proposal should consider and be consistent with Land and Environment Court findings which have refused a development due to inadequate avoidance of impacts.

	<p>Cumberland Plain Conservation Plan</p> <ul style="list-style-type: none"> • It is recognised as being designed to avoid any part being located in Strategic Conservation Areas. • Proposal will need to comply with DCP Objectives and Controls and Mitigation Requirements (Appendix E of the CPCP) as well as Conservation Plan and Koala Plan associated with the CPCP. <p>The Koala SEPP</p> <ul style="list-style-type: none"> • The Koala SEPP does not apply to Urban Capable Land but does apply to Strategic Conservation Areas contrary to the Ecological Constraints Report. • The proposal will need to clearly identify and protect the identified koala habitat corridor. Any DA will also need a Koala Habitat Impact Mitigation Report which has a landscape context (applies to adjoining land). • The Guidelines for the Koala SEPP 2021 should be examined for any requirements applying to land classified as Strategic Conservation Areas on the site (if released). <p>What justification, studies or investigations are required to support a planning proposal</p> <ul style="list-style-type: none"> • The Ecological Constraints Report has adequately described ecological communities. It however needs analysis as to whether there are any areas of the site satisfy definition as Derived Native Grassland. • The proposal will need to contain demonstration of avoidance measures based on DCP and reflect recent findings over this matter. • A Koala Habitat Report is needed as described above. This Report needs to embellish the prepared Ecological Constraints Report to verify the condition of the corridor and its ecological functionality is requested to address this matter and identify the need for adjustment of the south west corner of the development footprint to avoid impacts. • Proposal should include a report by an urban heat specialist that addresses urban heat implications of the proposal in terms of layout and design at the appropriate level for this planning stage. • Detailed Bushfire Report and RFS advice that will demonstrate APZ and/or Inner Protection Area if not already prepared. <p>Proposal and Masterplan</p>
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	<ul style="list-style-type: none"> • The proposal is acceptable from an environmental perspective apart from an issue associated with potential impacts of the western perimeter of the development footprint on the current functionality of the koala corridor as described above. If the condition is shown as being low with negligible ecological function as a koala corridor then no recommendation to the footprint will be made. • A recommended approximate location of the south west boundary of the footprint is shown on the attached map as a guide. This is consistent with the koala corridor mapping Council undertook with EES a few years ago and would prevent intrusion into the existing functional corridor.  <p>Infrastructure</p> <ul style="list-style-type: none"> • Infrastructure should be based on best practice sustainability principles. • Proposal should demonstrate consistency with the zero impact to watercourses outcome of the Integrated Water Management Strategy.
Development Engineering	<ul style="list-style-type: none"> • Consideration should be given to the requirements of the Wollondilly Shire Council Design and Construction Specification and other controls contained in the Wilton DCP. • Staging of the development should be clearly identified. • Clearly identify land to be used for public infrastructure, stormwater management reserves etc.

	<ul style="list-style-type: none"> Smart Shires Strategy to be consulted for requirements. Opportunities to be explored for smart technology to be incorporated into the development. This may include public lighting and management. https://www.wollondilly.nsw.gov.au/assets/Uploads/Smart-Shire-Strategy-Adopted-042018.pdf Details of proposed Title system (Community Torrens Etc) <p>Traffic and Access</p> <ul style="list-style-type: none"> Early discussions with Transport for NSW will be critical for Picton Road access and the Diverging Diamond Interchange. A Traffic Impact Assessment (TIA) must be prepared to determine the capacity of the existing road network and intersections to cater for the development. Consideration should be given to: <ul style="list-style-type: none"> Provision of multiple transport and road links to key local and regional centres. Road Safety Audit required on major intersections into the site. Proposal should be supported by a pedestrian and public transport access Strategy. Consider strategies to improve active transport links to other centres. The plan must consider access to and from each development type and how measures will be implemented with a staged development. Prepare indicative internal access road layout sections that consider: <ul style="list-style-type: none"> Councils design specification requirements, RFS Bushfire access requirements, Landscape requirements, Pedestrian and cycle access, Bus transport routes. Road sections similar to the Western Sydney Planning Partnership Street Design Guide are required in line with Wilton DCP. Road layouts must provide for permeable and connected networks. Upgrades required for Wilton Park Road. Intersection connections to Picton Road on advice from TfNSW. <p>Stormwater Management</p>
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	<ul style="list-style-type: none"> Existing natural drainage infrastructure to be maintained where possible. Prepare a Stormwater Management Strategy that align with the controls in Section D5 of the Wollondilly Shire Council Design Specification. The street and road formations adopted by Council will support the management of stormwater. Details to be provided of proposed control measures if individual lot controls or precinct controls. Stormwater management documents provided indicate that pollutant reduction through treatment measures are proposed. Council target pollutant loads through volume reduction. The strategy should include measures to promote stormwater harvesting and reuse to minimise stormwater volumes. Consideration must be given to the management of waste water and reuse demand if recycled water is proposed. Stormwater post development peak flow rates must be managed to prevent flooding of existing properties, waterways and public infrastructure. Public land proposed to be allocated for stormwater infrastructure must be clearly indicated.
Local Contributions	<p>A new or amended Contributions Plan or a Voluntary Planning Agreement (VPA) will be needed, as the Planning Proposal results in increased demand for public amenities and services.</p> <p>Draft Voluntary Planning Agreement are to be exhibited concurrently with the Planning Proposal and will be required to consider the following:</p> <p>Development Contributions Obligations</p> <p>Wollondilly Contributions Plan 2020 (WCP2020) levies monetary contributions on Subdivision of Employment Land for local roads and transport infrastructure and plan management. Considering approx. 66 Ha of employment land being subdivided by the proponent, approximately \$2.4 million at current rates of Development Contributions will be applicable.</p> <p>Required works and land not identified in Wollondilly Contributions Plan 2020 cannot and will not be considered as offsets for any Development Contribution obligations as a result of the development.</p>

	<p>Plan Administration Fees are applicable in accordance with Council's adopted fees and charges. It equals \$1000 + 3% for all Cash Contributions, Land and Works.</p> <p>If any land is proposed to be dedicated to Council, that can only occur through a Voluntary Planning Agreement.</p> <p>In regards to State Contributions, DPE has advised that legislation including reforms of Infrastructure Contributions framework will not continue, IDS needs to be updated in that regard.</p> <p>Infrastructure Funding</p> <p>It is to be noted that the following comments in relation to the Infrastructure Delivery Plan are based on a preliminary assessment and that further requirements may be applicable once all the relevant technical documentation and studies are provided by the developer in a full Planning Proposal package.</p> <p>General Considerations</p> <ul style="list-style-type: none"> • Internal infrastructure such as roads and footpaths/cycleways must be constructed as part of DA Consent at no cost to Council. This means no offset on Local Contributions will be given. • Frontage works on Barwick Road and Wilton Park Road, including kerb and gutter, to be constructed by developer at no cost to Council. It is to be noted that Wilton Park Road has been identified in the Draft Wilton SIC as a state infrastructure item. • Footpath on northern boundary of the site must also be built. • Open spaces that have not been identified on WCP2020 and are wished to be built by the developer will not be considered as offset for local contributions. Land that is wished to be dedicated to Council must be at no cost to Council and be fit-for-purpose, meaning it must be embellished up to Council's Standards. A minimum of 35 years maintenance must be provided, with the developer maintaining from years 1 to 5 and providing maintenance contributions for years 6 to 35. No offset against development contributions will be considered for maintenance contributions. • Stormwater facilities, if wished to be dedicated to Council must be at no cost to Council and be fit-for-purpose. A minimum of 35 years maintenance must be provided, with the developer maintaining from years 1 to 5 and providing maintenance contributions for years 6 to 35. No offset against development contributions will be considered for maintenance contributions. Maintenance Contribution will need to consider the extra operation cost of a
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	<p>treatment train of gross pollutant traps (GPT's) and proprietary filtration used to mitigate any increase in stormwater pollutant load generated by the development.</p> <ul style="list-style-type: none"> • Staging of infrastructure delivery to be in accordance to delivery of regional/state infrastructure. Interim arrangements to be defined by lot triggers. • Any works built by the developer, and any land wished to be dedicated to Council will need to be completed before Subdivision Certificates for the development's applicable stage. <p>Additional Infrastructure Demand</p> <p>The following State infrastructure is to be delivered prior the first subdivision certificate:</p> <ul style="list-style-type: none"> • Access via Picton Road. • Intersection of sub-arterial road (Wilton Park Road) and Berwick Road. • Main access to site from sub-arterial Road. Location of main access is to be coordinated with adjoining land site uses, particularly rezoning in process of Wilton Town Centre. • Cumberland Plain Conservation Plan (CPCP) identified area is to be dedicated to State Government. Protection fences will need to be built by developer to avoid general/public access to steep falls on boundary to Nepean River. <p>A State VPA will be required for delivery of above-mentioned infrastructure works and land dedication.</p> <p>Further information required for the Developer Contributions Team to make an adequate assessment of the scoping report.</p> <p>Full transport modelling up to TfNSW requirements to be provided.</p> <p>Detailed On Site Stormwater Management Assessment Report to be provided as part of a Planning Proposal Report. Detail of maintenance contributions calculation to be included on report and to consider extra operation costs for being located in employment land development. Delivery of stormwater facilities to be staged in accordance to development stages, if applicable.</p> <p>Infrastructure delivery schedule to include costs, timing of works, delivery mechanism, post-delivery ownership and maintenance contributions.</p>
Bushfire Hazard	<ul style="list-style-type: none"> • The site is identified as being part bushfire prone. Any planning proposal is to be supported by a Strategic Bush Fire Study to be

	<p>prepared in accordance with the NSW Rural Fire Service's Planning for Bushfire Protection 2019.</p> <ul style="list-style-type: none"> • Access and egress will need to be considered, for the proposal and in the context of the broader road network. • Any land required to facilitate Asset Protections Zones should be provided for and maintained within the boundaries of the site. APZs are not to encroach into any environmental conservation areas. • Any inconsistencies would need to be sufficiently justified
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b) Submission requirements

Planning proposals are now required to be submitted online through the NSW Planning Portal.

We respectfully request that, if or when, you choose to lodge an application, please contact the Growth Team on 4677 1100 or growth@wollondilly.nsw.gov.au to confirm receipt at our end.

In addition to the above, the following information/supporting reports would need to be provided to inform the Planning Proposal including any relevant reports identified in Appendix C of the LEP Making Guidelines for a Complex proposal:

- Completed Planning Proposal Application Form (ensure all signatures and authorisations are provided).
- A draft Planning Proposal document prepared in accordance with Section 2 of the Guideline (also to be provided in editable word document format).
- A completed Disclosure of Political Donations and Gifts form by the applicant, landowner and including those key consultants assisting in the planning proposal preparation.
- Assessment of all matters discussed outlined in the above sections.
- Information to address relevant SEPPs, Ministerial Directions, Planning Circulars and the like.
- Strategic Bush Fire Study.
- Social and Health Impact Assessment Comment.
- Traffic Assessment & update to Council's traffic model.
- Flora and Fauna Assessment.
- Infrastructure Delivery Strategy.
- Stormwater Management Plan (including integrated water management approaches).
- Draft concept subdivision plan and lot layout.

- Site specific DCP controls to inform future development.

c) Fees

On the basis of information provided to date, the proposal is considered to be a 'Planning Proposal (Employment Generating)' under Council's Planning Proposal Policy. The application fee for this type of planning proposal is currently 75% of \$119,616.48 i.e. \$89,712.36.

Payment of the following fees will also be applicable where relevant:

- Environmental Study Finalisation Fee; 10% of the cost of each required study (to be paid at a later date following the lodgement of the proposal),
- Study Peer Review (if applicable); Full cost recovery. This fee will be payable for any study that requires a peer review to be carried out.
- Planning Proposal Mapping fee; for the preparation of LEP comparison maps for public exhibition purposes;
- LEP Amendment Mapping Fee; for the preparation of final LEP Maps for the Gazettal of the planning proposal.

Council's Fees and Charges also set a fee for a DCP amendment initiated by a proponent. This fee would also apply should the Planning Proposal include any amendments to the Wilton DCP.

Should the proposal require an amendment to Wollondilly Contributions Plan, an application to amend the plan, along with the commensurate fee should be lodged concurrent with the planning proposal.

Please note that the fees are based on Council's current adopted Fees and Charges for the 2022/2023 financial year and may change upon commencement of the new financial year. This could include any additional fees or charges introduced at that time.

4. [Consultation requirements](#)

The Wollondilly Community Participation Plan provides a clear process of how and when Council will engage with the community in relation to plan making processes across the Shire, including mandatory requirements for initial notification and public exhibition in relation to its planning functions.

If a proposal proceeds to Gateway, the Gateway Determination will outline the required engagement as part of the public exhibition process.

5. [Assessment timeframes and milestones](#)

Please refer to the Guideline for timeframes details of the following milestones using the Complex Planning Proposal nomination.

- Stage 2 Planning Proposal – Preparation, lodgement and initial council assessment

- Stage 3 Gateway Determination
- Stage 4 Post-Gateway
- Stage 5 Public Exhibition and Assessment
- Stage 6 Finalisation

Under the current framework a Local Planning Panel must have given its advice on a planning proposal before Council considers whether or not to forward it to the Minister or Greater Cities Commission for a Gateway Determination.

Please be aware officers have a four to six week lead in time when reporting matters to the Local Planning Panel or an Ordinary Council Meeting i.e. officer reports have to be finalised four to six weeks prior to the scheduled meeting.

6. Closing remarks

In summary, the proposal in its current form is considered to have strategic merit.

Infrastructure and servicing are critical factors to be considered for any proposal in the Wollondilly Shire at present, and must be considered at the earliest stages.

This information is provided in good faith and may not be a full and complete list of matters that need to be addresses. A comprehensive assessment of the draft planning proposal will be undertaken following lodgement of all the necessary information. Following the assessment, further issues may be identified for addressing. If you have any questions please contact Adam Hogan, Strategic Planner – Growth on (02) 4677 4407 or growth@wollondilly.nsw.gov.au

Yours faithfully,

Edith Barnes
Executive Planner – Growth Areas
Sustainable Growth