

14.2 WILTON INDUSTRIAL PARK PLANNING PROPOSAL

Directorate: Shire Futures

EXECUTIVE SUMMARY

PROPERTY ADDRESS	10, 20, 30 Berwick Park Road and 25, 45, 55, 75, 85, 95 Wilton Park Road, Wilton (Lot 16 DP 251051, Lot 1,2 DP 609222, Lot 3,5,6,7 DP 233845, Lot 40,41 DP 749823)
PROPONENT	The Trustee for Altis ARET Sub Trust 26 (now renamed as Barings)
OWNERS	M Mosca, M Lerche, The Trust Company (Australia) Limited, M Dugan, D Dugan, A Hanley, R Handford, A Begic, J.A.M Concepts Pty Ltd

The purpose of this report is to provide advice on a draft Planning Proposal (draft proposal) received for land 10, 20, 30 Berwick Park Road and 25, 45, 55, 75, 85, 95 Wilton Park Road, Wilton.

The site is currently zoned under the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011) and is mapped as part of the Wilton Growth Area under the State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Precincts SEPP).

The draft proposal seeks to rezone part of the site from RU2 Rural Landscape to E4 General Industrial, while maintaining the existing rural zone on land identified for conservation under the Cumberland Plain Conservation Plan. It also seeks to apply a minimum lot size of 1,500m² and a maximum building height of between 16m and 20m.

The Wilton Industrial Park aims to deliver 1,511 ongoing local jobs, and 215,235sqm of employment space across 12 warehouse and distribution buildings.

The proponent is seeking changes to the Wollondilly LEP, however, the proposal requires an amendment to the Precincts SEPP.

The draft proposal has been subject to a preliminary consultation period over four weeks (28 days) in line with Council's Community Participation Plan and Planning Proposal Policy, from 21 July to 18 August 2023. Eleven community submissions were received during this period, with ten submissions received from public agencies.

Sydney Water has provided amended advice removing an objection to the proposal, and it is noted that the interim solution proposed by the proponent, is the same as the interim solution proposed by Transport for NSW (TfNSW) in the recently exhibited Picton Road REF.

On 4 April 2024, the Wollondilly Local Planning (Panel) panel met to consider the draft proposal which included a site visit. The Panel has advised that the planning proposal demonstrates both site specific and strategic merit and can be supported.

It is recommended that the draft Planning Proposal is supported for a Gateway Determination with condition that seek satisfactory resolution of an access solution for Wilton Park Road with TfNSW including a pathway for delivery of the intersection upgrade such as a state planning agreement.

RECOMMENDATION

That Council:

1. Resolve that the draft Planning Proposal demonstrates strategic and site-specific merit to proceed for Gateway determination.
2. Seeks the following conditions for the Gateway determination:
 - a) The creation of a structure plan, that maps existing waterways, riparian corridors, C2 Conservation Land and identifies key roads that could impact heritage.
 - b) A Neighbourhood Plan be prepared consistent with Council's Policy and the Wilton Growth Area DCP. The Neighbourhood Plan should be prepared following the development of an appropriate structure plan.
 - c) A SEPP clause to address urban heat be included.
 - d) The proponents engage with the TfNSW, Department of Planning, Housing and Infrastructure and adjacent landowners for the preparation of a State Planning Agreement and early delivery of a signalised intersection at Wilton Park Road in an agreed location.

REPORT

Background

A Councillor briefing on this matter was held on 11 April and 16 May 2024.

On 16 June 2023, The Trustee for Altis ARET Sub Trust 26 (the proponent) lodged a draft Planning Proposal (draft proposal) for 10, 20, 30 Berwick Park Road and 25, 45, 55, 75, 85, 95 Wilton Park Road, Wilton. The draft proposal seeks to rezone the site for employment land and proposed a number of amendments to Wollondilly LEP 2011.

On 6 July 2023, payment of the application fees for the draft proposal was received.

A copy of the draft proposal is provided at **Attachment 1**. The draft proposal was informed by the following studies:

- Concept Master Plan
- Urban Design Report
- Draft Wilton Employment DCP and Wilton Industrial Park Schedule
- Economic Assessment
- Social Impact Assessment
- Landscape Master Plan
- Visual Impact Assessment
- Geotechnical Assessment
- Preliminary Site Investigation (contamination)
- Connecting with Country (CWC) Aboriginal Design Principles
- Aboriginal Cultural Heritage Advice
- Historical Archaeological Assessment
- Civil Engineering and WSUD Strategy

- Ecological Constraints Assessment
- Sustainability Assessment
- Agricultural Assessment
- Bushfire Assessment
- Service Infrastructure Assessment
- Transport Assessment
- Noise and Vibration Impact Assessment
- Mining Subsidence
- Waste Management Plan
- Council Pre-lodgement Meeting Minutes
- Infrastructure Delivery Plan
- Response to Pre-lodgement Agency Comments
- Proposed SEPP Maps
- Overland Flow and Flooding Assessment
- Civil Engineering Drawings

Site Description

The site is located to the southwest of the Picton Road / M31 Hume Motorway interchange, immediately south of the site for the Wilton Town Centre.

The site comprises nine lots covering approximately 107 hectares as identified in Table 1. A location map is provided at Figure 1.

LOT/DP	ADDRESS	OWNER	AREA (ha)
Lot 2 DP 609222	10 Berwick Park Road, WILTON NSW 2571	M Mosca	13.170
Lot 1 DP 609222	20 Berwick Park Road, WILTON NSW 2571	M Lerche	2.407
Lot 16 DP 251051	30 Berwick Park Road, WILTON NSW 2571	The Trust Company (Australia) Limited	10.000
Lot 7 DP 233845	25 Wilton Park Road, WILTON NSW 2571	M Dugan	16.190
Lot 6 DP 233845	45 Wilton Park Road, WILTON NSW 2571	D Dugan	16.190
Lot 5 DP 233845	55 Berwick Park Road, WILTON NSW 2571	A Hanley	16.190
Lot 41 DP 749823	75 Berwick Park Road, WILTON NSW 2571	R Hanford	2.364

Lot 40 DP 749823	85 Berwick Park Road, WILTON NSW 2571	A Begic	13.820
Lot 3 DP 233845	95 Berwick Park Road, WILTON NSW 2571	J.A.M Concepts Pty Ltd	16.190
TOTAL			106.521

Table 1: Site details



Figure 1: Location map of Wilton Industrial Park Planning Proposal site

The subject site is made up of large rural landholdings used predominately for rural residential and small-scale agricultural purposes.

The site is predominantly characterised by cleared and flat terrain in the northern half of the site, which transitions into an environmental conservation area in the southern portion of the site. The transition is characterised by a steep drop in levels at the southern and western peripheries, toward the Nepean River. The interface becomes heavily vegetated and constrained by steep topography grading from north to south. This transition in the character of the terrain defines the developable area within the site and the environment conservation area.

The site is included within the Wilton Growth Area and is anchored to the west of a major transport interchange formed by the M31 Hume Motorway and Picton Road.

ATTRIBUTE	DESCRIPTION
LAND ZONE	RU2 Rural Landscape
LOT SIZE	16ha
HEIGHT	N/A
NATURAL RESOURCES – BIODIVERSITY	N/A
NATURAL RESOURCES – WATER	The site is partially mapped as Natural Resources-Water under the Wollondilly LEP 2011, for the Nepean River and two creeks
HERITAGE	The site does not contain any known mapped heritage items however it is proximate to three known heritage sites at 180, 305 and 370 Wilton Park Road, Wilton.
BUSHFIREPRONE LAND	The site is classed as bushfire prone.
FLOOD PRONE LAND	The site is not identified as flood prone.
MINE SUBSIDENCE	The site is located within the Wilton Subsidence District.
CUMBERLAND PLAIN CONSERVATION PLAN (CPCP)	The site is affected by the CPCP and is part certified at a State level. Federal sign off is still pending.

Table 2: Current Site Attributes

Description of Proposal

Wilton Industrial Park is intended to create an employment precinct, within a highly accessible location in Wilton Growth Area, which will provide jobs and services to support the planned population growth of Wilton.

Wilton Industrial Park will provide employment floorspace, to the immediate south of Wilton Town Centre, which would attract new industries and employment opportunities for the broader Wollondilly Shire.

The Wilton Industrial Park aims to deliver 1,511 ongoing local jobs, and 215,235sqm of employment space across 12 warehouse and distribution buildings.

The vision statement for the industrial park is

“Wilton Industrial Park re-purposes an underutilised and strategically located site to become an A-class employment hub embracing its location within Wollondilly Shire. The atmosphere of the estate will be shaped by high quality architecture, a network of pedestrian and cycling connections, lush tree canopy, outdoor activity opportunities and active public spaces that build on local character and Country identity”.

The objectives of the draft proposal, as submitted, are to:

1. Create a sense of place
2. Resilient and sustainable development
3. Active and engaging destinations
4. Strengthen connectivity with the future town centre.

The objectives of the Masterplan, as submitted, are to:

1. Grow local jobs and attract investment: The site presents an opportunity to be a catalyst employment hub, delivering employment within the Wilton Growth Area and building on investment opportunities related to the proximity of the Hume Motorway connecting the site with the Western Sydney International Airport and the Aerotropolis.
2. Protect and enhance ecological corridors and waterways and adopt features of local bushland character: The site presents an opportunity to become an integral element of the local community character through adopting and celebrating local bushland character, providing high quality tree canopy and protecting the natural corridors and biodiversity surrounding the site.
3. A sustainably designed place: Wilton Industrial Park will be targeting 6-Star Green Star sustainable credentials representing a leading industrial project within Wollondilly which enhances liveability, contributes to local economic prosperity and delivers sustainable outcomes. State of the art and innovative building design and features will encourage the development to be flexible and adaptable to a changing environment.
4. Shape a connected urban community: Wilton Industrial Park has the potential to complement the future Wilton Town Centre which is situated to the immediate north of the site. The provision of more jobs within West Wilton, in a location of close proximity to the Wilton Town Centre, will draw more workers into the centre and increase activation.

To implement these objectives, the draft proposal seeks to make the following amendments to Wollondilly LEP 2011:

- Rezone the northern part of the site from RU2 Rural Landscape to E4 General Industrial. The remainder of the site is proposed to remain RU2 Rural Landscape.
- Amend the minimum lot size from 16ha to 1,500sqm.
- Amend the height of building map to include maximum building heights ranging from 16m to 20m.

The current and proposed zoning, lot size and height maps are provided at Figures 2 to 4. The proposed Masterplan is provided at Figure 5.

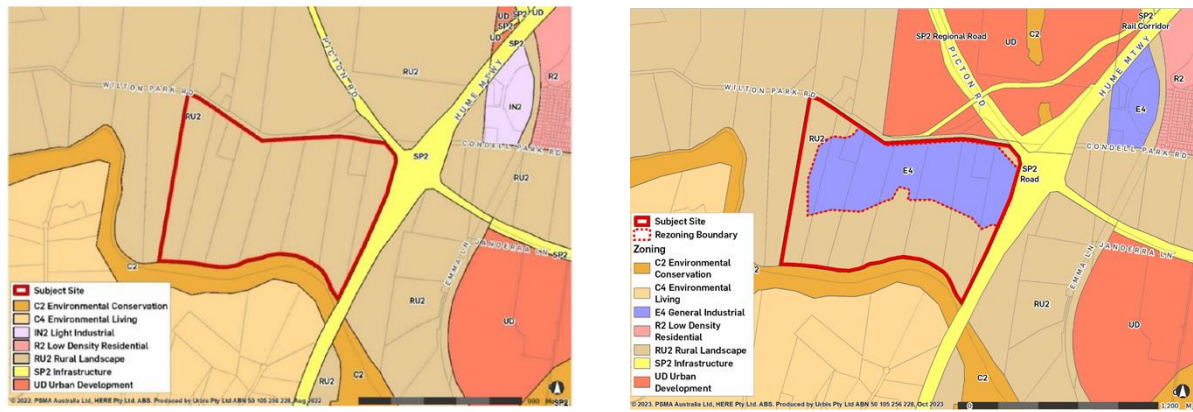


Figure 2: Current zone vs proposed land use zone map



Figure 3: Current Minimum Lot size map vs proposed (1,500sqm)

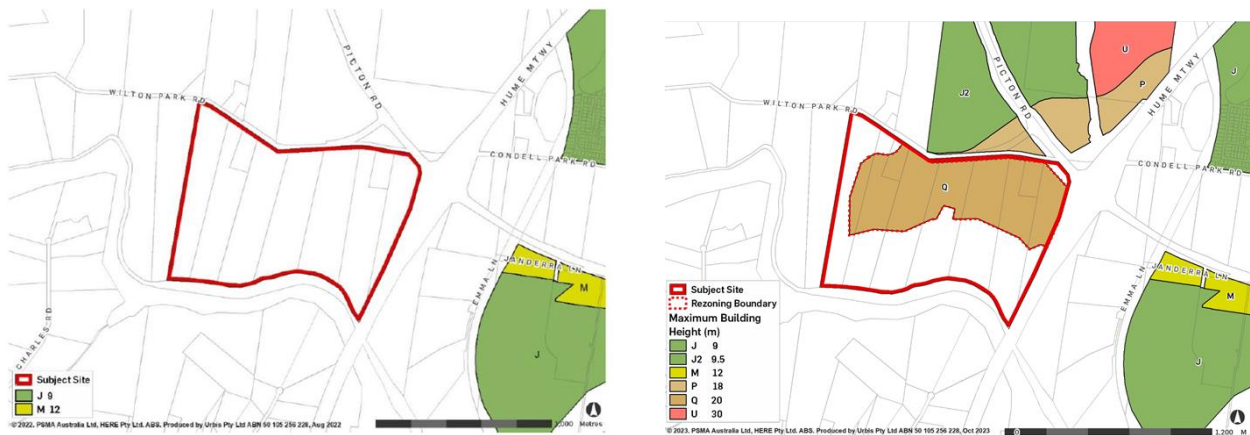


Figure 4: Current building height map vs proposed

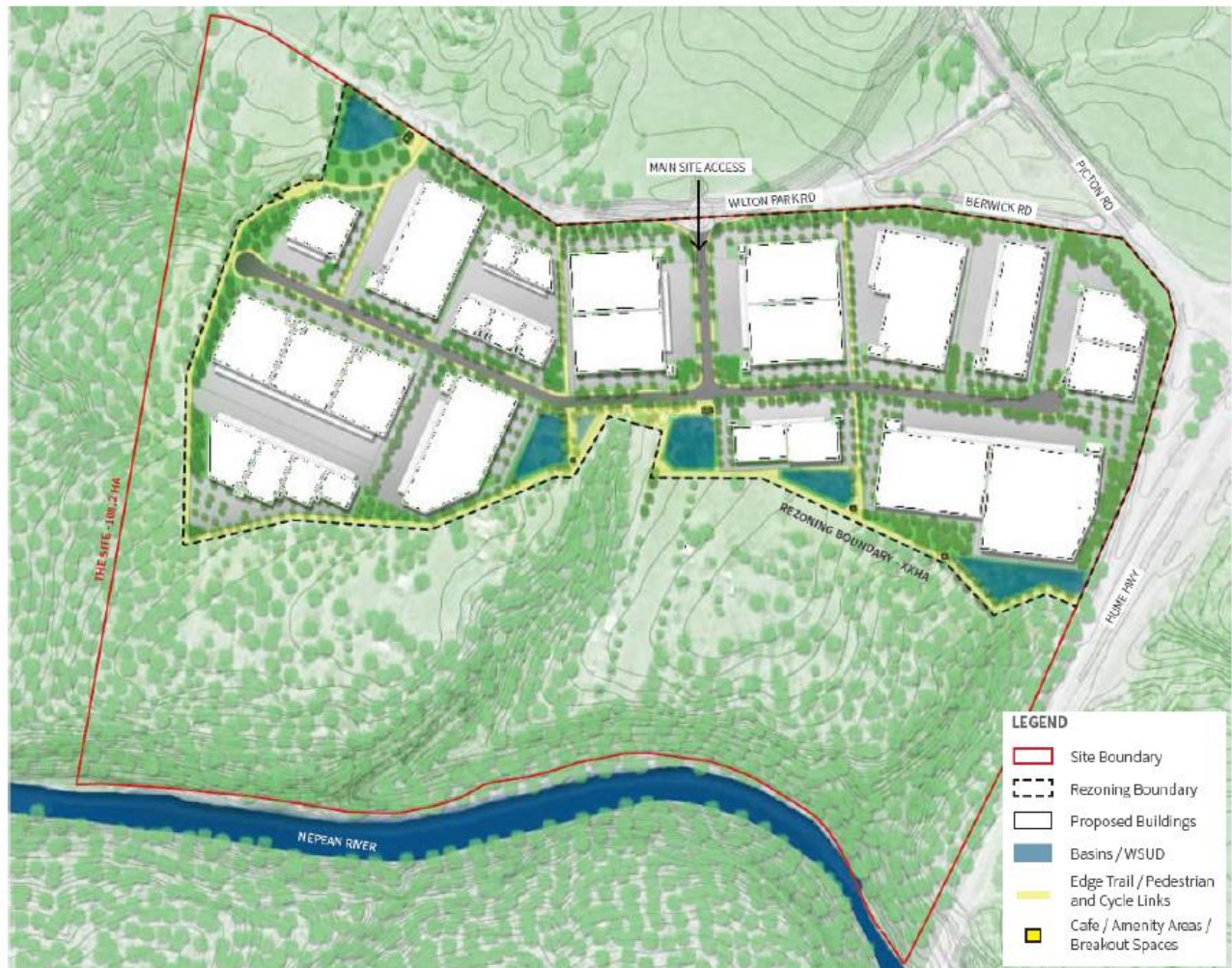


Figure 5: Proposed master plan

PLANNING CONTEXT

Although currently subject to Wollondilly LEP 2011, the site is located with the Wilton Growth Area (WGA). The draft proposal, as submitted, seeks to rezone the site under Wollondilly LEP 2011.

Should the proposal proceed, it would be appropriate for the site to progress as an amendment to *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (Precincts SEPP) to facilitate the development of the site.

This approach would see the site removed from Wollondilly LEP 2011 and zoned under the Precincts SEPP.

A summary of the draft proposal against the strategic planning framework is provided below. A full assessment is provided at **Attachment 2**.

Greater Sydney Regional Plan

The draft proposal is generally consistent with the following themes and supporting directions of the Greater Sydney Regional Plan; Infrastructure and Collaboration; Liveability; Productivity and Sustainability with the exception of the intention to retain RU2 zoning of the avoided lands. It is recommended that the Avoided Land be rezoned C2 Environmental Conservation.

Western City District Plan

The draft proposal is generally consistent with the Western City District Plan Directions of Infrastructure and Collaboration, Liveability, Productivity and Sustainability with the exception of the intention to retain RU2 zoning of the avoided lands. It is recommended that the Avoided Land be rezoned C2 Environmental Conservation.

Wilton 2040: A Plan for the Wilton Growth Area

The draft proposal is consistent with Wilton 2040, by providing employment land for jobs to support the delivery of housing. The subject site is identified as Employment Land Use for Future Investigation.

The Cumberland Plain Conservation Plan

The Cumberland Plain Conservation Plan (CPCP) mapping and extent of the proposed rezoning appears consistent for the employment land, but not the Avoided Land.

The draft proposal seeks to retain CPCP Avoided Land as RU2 Rural landscape zoning.

Scoping and subsequent advice from Department of Planning Housing and Infrastructure (DPHI), notes the expectation is that avoided land on the subject site will be proposed to be zoned C2 Environmental Conservation. The Ministerial Direction 3.6 Strategic Conservation Planning exists to implement the CPCP over time, as land is rezoned, and this Planning Proposal presents an opportunity to help achieve appropriate environmental protections over a substantial portion of 'avoided' land.

If any of the expected C2 land is also identified as koala corridor, the proposed uses in the koala corridor must align to those uses suitable for koala corridors, which were based on the advice of the Chief scientist. These uses include:

- Environmental Facility
- Environmental Protection works
- Flood mitigation works.

These uses are consistent with planning for koala corridors in the Greater Macarthur Growth Area (GMGA). The proposal should also require Secretary's concurrence before consent can be granted for any proposed development in a koala corridor.

The draft proposal is considered consistent with the planning controls of the CPCP with the exception of the intention to retain RU2 zoning of the avoided lands. It is recommended that the Avoided Land be rezoned C2 Environmental Conservation.

Wollondilly 2040 - Local Strategic Planning Statement (2020)

The draft proposal is consistent with Wollondilly's LSPS themes of Infrastructure and Collaboration, Liveability, Productivity and Sustainability with the exception of the intention to retain RU2 zoning of the avoided lands. It is recommended that the Avoided Land be rezoned C2 Environmental Conservation.

Wollondilly Employment Land Strategy 2021 & Addendum 2022

The draft proposal is consistent with Wollondilly's Employment Land Strategy 2021 & Addendum 2022.

State Environmental Planning Policies

The draft proposal is consistent with all applicable State Environmental Planning Policies.

The draft proposal aligns and gives action to the Precincts SEPP, being located in the Wilton Growth Area as shown in the Wilton Growth Area Precinct Boundary Map.

Ministerial Directions

The draft proposal is generally consistent with Section 9.1(2) Ministerial Directions.

Ministerial Directions that are inconsistent with the proposal are:

- 3.1 Conservation Zones
- 3.6 Strategic Conservation Planning
- 3.10 Water Catchment Protection

The draft proposal seeks to retain RU2 zoning for CPCP Avoided Land. This makes the proposal inconsistent with Direction 3.1, 3.6 and 3.10. DPHI advises that Ministerial Direction 3.6 Strategic Conservation Planning exists to implement the CPCP over time and this proposal presents an opportunity to help achieve appropriate environmental protections by rezoning to C2 Environmental Conservation. The inconsistency with all three directions is resolvable by rezoning the Avoided Land to C2 Environmental Conservation. The proponent has acknowledged this change and noted that is something that can be accommodated.

Minor inconsistencies exist with Ministerial Directions 9.1 Rural Zones and 9.2 Rural Lands as the land proposes changes to RU2 Rural Landscape, however inconsistencies are justified through alignment with Ministerial Direction 1.8. Ministerial Direction 1.8 is written to ensure that development within the WGA is consistent with the planning for Wilton and the Employment Land Strategy.

CONSULTATION

As part of our commitment to early engagement with the community and other stakeholders, preliminary notification has been undertaken in accordance with Council's adopted Community Participation Plan and Planning Proposal Policy. The draft proposal was exhibited for 28 days from 21 July to 18 August 2023. Eleven community submissions were received during this period, with ten submissions received from public agencies.

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

Community and stakeholder engagement were encouraged through:

- Public notification in local newspaper District Reporter
- Notification to relevant public authorities in writing
- Notification letters were sent to all affected landowners and occupants in West Wilton
- Hard copies of the draft planning proposal were available for inspection at Wollondilly Library and Council's administration building. A copy of the proposal was also available for short-term loan from the library
- Promotion through Facebook posts on Council's Facebook page.

In total the preliminary notification received twenty one (21) submissions. This includes both community and public agency submissions.

Community Submissions

There were eleven community submissions during the preliminary notification period. One supportive, three mixed and eight unsupportive. The Facebook post on 24 July and 9 August 2023 had 3,795 engagements (clicks, likes/reactions, comments, shares etc).

The key messages heard through this process included concerns for:

- Condition of existing rural roads and intersection with Picton Road, and the impact of increased traffic
- Bushfire evacuation routes needed to supplement the single exit to Picton Road
- Area currently without water or sewer
- Welfare of native flora and fauna, the Nepean River, and the loss of agricultural land and the peaceful rural Wollondilly landscape
- Prioritisation of supermarkets, schools, hospitals, sporting facilities in Wollondilly
- Numbers for jobs to be delivered was questioned
- Alternate locations suggested for employment, such as Maldon
- The visual impact from the Motorway and local area in general

The concerns are expressed in the submissions are consistent with previous Wilton related engagement. These concerns need to be balanced against several needs and assessed against the strategic merit for such development in Wilton and Wollondilly more broadly. There is also a need to recognise the strategic planning framework that exists for West Wilton and the transition of the land over time as envisaged in Wilton 2040.

Consideration of key issues:

Condition of existing roads and intersection with Picton Road, and the impact of increased traffic

- West Wilton has been identified in Wilton 2040 for transition to a mix of housing, centres and employment land, and this draft Planning Proposal accords with Wilton 2040. Road infrastructure is typically delivered in line with development and can designed and negotiated during any subsequent development applications. However the location of Wilton Park Road and its intersection with Picton Road needs to be confirmed early to support future State Planning Agreements. This needs to be determined with Transport for NSW. It is a critical access road into West Wilton and for the industrial park and required TfNSW support. The current preferred location sits some 100 to 150m north of the current Wilton Park Road/Picton Road intersection. The land is not owned by the proponent and requires further work to understand if there are possible interim solutions or if the road needs to move to its ultimate location.
- Assessment of full impacts of development is more appropriate at the development application stage. Transition challenges are experienced as part of the change from rural to urban and infrastructure upgrades either directly by State, developer or Council do follow. It is also important to recognise that the planning proposal can address broader land use issues like protecting vegetation or key riparian corridors through a SEPP.

Bushfire evacuation routes needed to supplement the single exit to Picton Road

- Evacuation and bushfire concerns are valid. There has been a substantial number of projects and reports to address this by the State Government, and also by the proponent including through the planning proposal. The State procured report by Black Ash, has identified the subject site as 'low risk' and not requiring further evacuation studies, but areas to the west, along Wilton Park Road have been identified high risk. This proposal includes further upgrades to Wilton Park Road and the report findings from the BlackAsh report will need to be resolved as other developments come online in the future.
- The Rural Fire Service (RFS) holds no objection to the draft proposal for commercial/industrial purposes, subject to the demonstrated Asset Protection Zone setbacks and other recommendations detailed in the report prepared by Peterson Bushfire (dated 11 May 2023, Ref: 22064) being incorporated into the finalised design of the future development on the site.
- A Fire and Rescue Station is identified in the State Planning document for Wilton Town Centre Precinct in the document titled Wilton – Building a Great New Town (2020).
- DPHI are working with RFS to form some assumptions that will be used in evacuation modelling for WGA.
- The Wollondilly Hazards Analysis and Emergency Management Study has been prepared to understand more broadly all hazards that may impact the Shire, including fire and flooding. This is a high-level and broad-scale assessment, not site specific, and will be used to guide strategic land use planning including planning proposals. Options for safer evacuation will be identified in detailed design process in consultation with RFS.
- Wilton: Building a Great New Town 2020 outlines upgrades to the Wilton Interchange and Picton Road, new on-offramps for North Wilton, and West Wilton four-lane sub-arterial road with potential future Tahmoor Link (subject to Picton Road by-pass route). Further the Review of Environmental Factors for Picton Road upgrades was exhibited during the preparation of this report. The applicant has made representation to Transport on this matter.

Area currently without water or sewer

- Sydney Water believe that the proposed development's Stage 1 and Stage 2 has relatively low water and wastewater demands and may be serviced within Sydney Water's current works under a commercial agreement with the proponent. Sydney Water does not object to this option.

Welfare of native flora and fauna, the Nepean River, and the loss of agricultural land and the peaceful rural Wollondilly landscape & Prioritisation of supermarkets, schools, hospitals, sporting facilities in Wollondilly

- The conservation values are addressed as part of the Cumberland Plain Conservation Plan (CPCP), which includes the designation of Certified Urban Capable Lands, and Avoided Lands for conservation outcomes. This, in combination with Wilton 2040, set the considered planning framework to deliver supermarkets, schools, services in certain areas in stages, while contributing to the conservation of biodiversity and rural landscapes of Wollondilly Shire.

Numbers for jobs to be delivered was questioned

- Job number projections are consistent with similar land uses in Western Sydney. The draft proposal aims to deliver the zoning and lot sizes to enable the flexibility to deliver jobs and transition uses over time. Ultimately business will decide where the invest. The intent here is to provide land with the option for jobs growth.

Alternate locations suggested for employment, such as Maldon

- Other areas in the Wilton Growth Area including Maldon and the Wilton Town Centre are planned to provide employment lands, and West Wilton will also be needed to contribute to the overall job provision in addition to the other sites.
- The CPCP aims to contribute to the Western Parkland City by supporting the delivery of housing, jobs and infrastructure while protecting important biodiversity, including threatened plants and animals. Specific areas are identified for conservation and for urban development. These are mapped and have been recognised in the proposal. In addition, Council recommends rezoning the CPCP Avoided Lands to C2 Environmental Conservation for better conservation outcomes in those areas.
- The draft proposal intends to rezone RU2 Rural Landscape zoned land, however inconsistencies are justified through alignment with Ministerial Direction 1.8 - Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.

The visual impact from the Motorway and local area in general

- Visual amenity will be addressed by controls in the Wilton DCP on form, articulation and landscape. This work is still required and will be part of separate process.

The full summary of community submissions can be found at **Attachment 3**.

Public Agency Submissions

Public agency consultation at the preliminary assessment stage is undertaken on a case-by-case basis and is not mandated in Council's Planning Proposal. Public agency submissions form an important part of the assessment as they are the owners and practitioners of technical servicing information. The relevant agencies must be satisfied that a draft Planning Proposal does not have an adverse impact on the capacity for them to service the site and surrounding area, in order to proceed.

Council's Resolution (153/2022) of 28 June 2022 notes that in the event that public agencies are unable to meet their obligations to provide a response on draft Planning Proposals, that the proposal be assessed as if it is not supported by the agency.

Ten public agencies responded to the referral request:

The agencies below provided feedback:

1. Department of Planning and Environment (former)
2. Environmental Protection Authority
3. Heritage NSW
4. Water NSW
5. Former DPE - Environment and Heritage Group
6. Subsidence Advisory NSW

7. State Emergency Service
8. Sydney Water
9. Department of Regional NSW – Mining, Exploration & Geoscience
10. Transport for NSW

The full summary of public agency submissions can be found at **Attachment 3**.

Key Public Agency Issues

Department of Planning & Environment (DPHI): Council has received submissions from the following DPHI units:

- Environment and Heritage Group (EHG) (Attachment 5)
- Resilience and Urban Sustainability – (CPCP Team) (Attachment 6)
- Metro West - Planning & Land Use Strategy (Attachments 7 & 8)

The submission from EHG raised the importance of addressing CPCP mitigation measures as well as protecting, rehabilitating, management and appropriate zoning of:

- Critically endangered ecological communities (CEEC) which occur on the site including within the proposed development area, namely Cumberland Plain Woodland and Shale Sandstone Transition Forest
- The koala corridor along the Nepean River
- Waterways and riparian corridors
- Land identified as containing biodiversity values and other biodiversity

Responses from the proponent to the EHG submission are found in **Attachment 9**.

DPHI's CPCP team has clarified that parts of the EHG response do not align with the CPCP, noting:

- The land within the proposed development area is certified-urban capable land meaning the CPCP has already assessed and will offset for biodiversity impacts on this land. No further assessment or 'avoidance' of biodiversity impacts within the certified land under NSW BC Act is required (noting EPBC approvals have not been issued).
- The planning proposal proposes to rezone the part of the site that is certified urban capable land to a general industrial zone E4. The planning proposal complies with the Ministerial Direction 3.6.
- The mitigation measures are not relevant at the planning proposal stage and are only applicable at the development application stage.
- The planning proposal is required to be considered against strategic plans such as the CPCP (see the LEP making Guideline). This planning proposal has demonstrated that it will rezone the land in accordance with the strategic biodiversity certification under the CPCP. The planning proposal is consistent with the ministerial direction and it should proceed to rezoning, specific impacts on biodiversity values are assessed at the development application stage.

- Buffer zones in corridors/habitat should be separate from asset protection zones (APZs), with APZs on the urban side of the exclusion fence. We have incorporated this principle into the mapping of the urban-capable and avoided lands, with adjustments to corridor widths made where necessary. The CPCP has ensured that buffers are located within the avoided land and that the APZ is located within the certified urban-capable land.
- A draft koala exclusion fencing guideline has been circulated recently to the CPCP working group for review and comment.

Advice from the DPHI's Metro West - Planning & Land Use Strategy team reiterated the expectation that CPCP avoided land be zoned C2 – Environmental Conservation, in line with Ministerial Direction 3.6 Strategic Conservation, to achieve appropriate environmental protections. The proponent has recently confirmed that they are agreeable to this C2 rezoning of avoided land (**Attachment 9**).

Heritage NSW:

- Recommends undertaking Aboriginal consultation and more comprehensive archaeological assessment during the early planning stage. This gives more certainty to any future development proposals.
- The outcomes of the Aboriginal Cultural Heritage Assessment Report (ACHAR) should be used to inform the planning proposal.
- If significant Aboriginal cultural heritage values have been identified within the planning proposal areas, then options to avoid impact to these values need to be explored. For example, where the significance of Aboriginal cultural heritage values has been assessed as high, then conservation and avoidance of these values through footprint design should always be the first option.
- If impact cannot be avoided or if the values have been assessed as moderate, appropriate mitigation measures should be negotiated with the registered Aboriginal parties.

Sydney Water:

- Initial Sydney Water advice stated that there was no servicing available for the proposal, and that the Wilton Town Centre is designed to be serviced by the pressure sewerage system (PSS) and discharge to the existing Bingara Gorge treatment plant under a future servicing plan (no timeframe). It further advised that there could be a consolidated option that suits both via accelerated or alternative commercial options.
- On 2 January 2024, Council received the following updated Sydney Water advice.

“Subsequent to our letter from 18 September 2023, and based on additional information provided by the proponent, we have reviewed our servicing advice. We believe that the proposed development’s Stage 1 and Stage 2 has relatively low water and wastewater demands and may be serviced within Sydney Water’s current works under a commercial agreement with the proponent. Based on this, Sydney Water has no objection to the proposed development provided the proponent work with Sydney Water on a commercial agreement on the delivery and funding of water, wastewater and recycled water services.”

- Sydney Water believe that the proposed development's Stage 1 and Stage 2 has relatively low water and wastewater demands and may be serviced within Sydney Water's current works under a commercial agreement with the proponent.
- It is therefore noted that Sydney Water has no objection to the proposed development provided the proponent work with Sydney Water on a commercial agreement.

Transport for NSW (TfNSW):

- TfNSW provided a late submission on 22 November 2023 regarding traffic modelling and does not support the proposed roundabout as an interim access solution. The proponent and Council have met to discuss a proponent funded intersection as an alternative to the roundabout. As of 1 February, following meetings with TfNSW, the proponent, Council and TfNSW are yet to agree on a preferred interim access solution. TfNSW have objections related to the intersection's proximity to the Hume Motorway Interchange. The Interchange is proposed for delivery in 2030/2031, although no funding has been allocated to date, and no design released for exhibition. Council has advocated strongly for priority delivery of the sub-arterial through the Wilton Town Centre to Wilton Park Road, to unlock land for jobs in the WTC and this proposal for West Wilton, as well as residential land in these precincts, plus those in North Wilton.
- On 22 February 2024, TfNSW provided comment on a proposal proponent-funded interim signalised intersection at Wilton Park Road and Picton Road (see **Attachment 10**). The site for the ultimate signalised intersection is on land owned by the proponents for the adjacent Wilton Town Centre. TfNSW does not support the interim signalised intersection proposed, and recommends the Department of Planning, Housing and Infrastructure coordinate discussions between landowners and a State planning agreement to enable the delivery of an intersection in the permanent location.
- Council officers recommend the proponents engage with DPHI and adjacent landowners as suggested by TfNSW, for the preparation of a planning agreement and early delivery of a signalised intersection in the ultimate location. This is reflected in Council officer's submission to the Review of Environmental Factors (REF) for the western section of the Picton Road upgrade, between Nepean River and Almond Street, Wilton, including the interchange with the M31 Hume Motorway.

The proponent was given an opportunity to respond to the issues raised in the updated TfNSW advice dated 22 February 2024. The response is provided in **Attachment 10**. The following is a summary of the comments provided by Barings:

- The Wilton Park Road and Picton Road intersection is an existing intersection that is currently un-signalised and provides access to the Barings property and others in West Wilton. The proposed interim signals comply with the requirements of Austroads as the overarching design standard and is a safer outcome than the current uncontrolled configuration. This is supported by modelling.
- They support the delivery of ultimate in due course but believe an interim solution is best to address job growth in the next 6 to 8 years while Picton Road upgrades are resolved and delivered. Noting that Picton Road upgrades are not yet funded and therefore the ultimate solution for the intersection of Wilton Park Road and Picton Road would be challenging to deliver early.

- They remain committed to working through a solution.
- Barings are committed to delivering the interim signalised intersection at no cost to government to ensure that the existing access at Wilton Park Road is a guaranteed viable safe solution for access until such time that the Picton Road upgrades are funded and TfNSW can deliver the ultimate intersection. They will also commit to removing the intersection when necessary at no cost to government.
- Barings will not be seeking an offset via Works in Kind for these interim intersection works and intend on using Housing and Productivity Contributions towards the Ultimate intersection and road alignment works.
- Whilst the REF for Picton Road notes that this intersection will be delivered by the private sector, given the significance of this ultimate intersection to the development of the Wilton Town Centre, North Wilton, and West Wilton, it is evident that a coordinated government approach to delivery will be the most effective and efficient method of delivering the ultimate intersection at Wilton Park Road and Picton Road. This is similar to other important links such as the Erskine Park Link Road in the Western Sydney Employment Area. On this basis, Barings submits that the ultimate intersection, must be included in the Picton Road Upgrades and delivered by TfNSW and Barings are open to discussion on the allocation of our HPC infrastructure towards the cost of the delivery.
- Barings are open to applying an SP2 zoning to the affected parcel of land for ease of TfNSW in obtaining the necessary land in the REF and said REF being consistent with the zoning boundaries, provided that the underlying land value for the acquisition is IN1 or E4.

The desire for an ultimate solution from TfNSW is understood however, there are challenges with this request that need to be further explored. Timing is critical when upgrading connecting roads, it would be challenging for the proponent to deliver the ultimate Wilton Park Road if TfNSW has not delivered the ultimate Picton Road, this is because levels may change for Picton Road through the design and construction.

Therefore, an interim solution should be a priority until there is more certainty on the delivery of Picton Road upgrades. Otherwise, this will compromise the delivery of jobs and the Wilton town centre.

In planning for and delivering the road upgrades along Picton Road, TfNSW need to consider delivering stubs for the future intersections at the desired location so that there is a better appreciation of the topography and landscape.

Key Issues

Employment

The proposal aims to deliver 1,511 jobs of which 861 are direct jobs, 650 indirect, plus 118 construction jobs. There are challenges in confirming job numbers in planning proposals, however these figures are in line with those found in similar land uses in Western Sydney. The proposed minimum lot size of 1,500sqm allows for a range of lot sizes. This, in combination with the proposed E4 rezoning gives flexibility that allows jobs to be delivered on day one, and transitioned to other job types over time as needs change and businesses evolve. There is a current deficit for jobs in Wollondilly that could be delivered in this development, i.e. Transport, Postal & Warehousing, Wholesale and Construction. This would contribute to addressing the job imbalance in Wollondilly. The rezoning would also

allow the delivery of other jobs which may fill the needs of future residents of the Wilton Growth Area.

The proposal's employment merit is consistent with the intended outcomes for the site in the Greater Sydney Regional Plan, Western City District Plan, Wilton 2040, Wollondilly 2040, the Wollondilly Employment Land Strategy, applicable SEPPs and Ministerial Directions 1.1 and 1.8

The draft proposal is supported for its employment merit and is recommended for support.

Bushfire Evacuation

There have been many projects and reports to address evacuation and bushfire, including through the planning proposal.

The draft Wollondilly Hazards Analysis and Emergency Study aims to identify all natural and man-made hazards in Wollondilly, provide constraints mapping and analysis of high-risk areas. Key combat agency submissions are under review. This study is high level in nature and each proposal must be supported by more detailed site analysis and recommendations.

The DPE Blackash report has identified the subject site as low risk, but areas further to the west, along Wilton Park Road have been identified high risk (see Figure 6 Below).

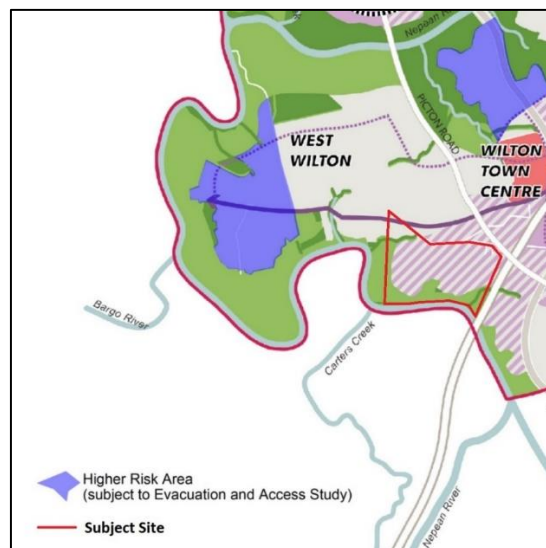


Figure 6 – DPE Blackash report

DPE are undertaking further work on bushfire risk in Wilton and Appin, including modelling, but there is as yet no timeline for completion of this work. It is also noted that RFS have raised no objections to this Proposal. Further the proposal will in time assist in upgrading road connection to Picton which will likely aid in evacuation.

Council will continue to advocate for alternate evacuation routes the Wilton Growth Area. This is beyond the scope of this proposal but it may be possible to secure temporary evacuations exits along Picton Road.

Koala habitat

Additional measures to support Koala corridors can be implemented via Neighbourhood Plan provisions as well as via the inclusion of the Wilton Growth Area in the State

Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP).

Council recommend that buffers should be investigated in a Neighbourhood Plan across the interface with the Avoided Land which would provide complimentary benefits including cooling, and canopy retention and minimise indirect to fauna species utilising the adjacent habitat corridor in the Avoided Land. The buffers, are understood not to form part of an Asset Protection Zone and would need to be investigated in the Structure Plan.

Urban heat

Western Sydney and South Western Sydney will continue to experience the negative effects of the increasing frequency of heatwaves. The Urban Heat Island Effect will also increase with development of rural land into urban areas. To mediate these negative effects Council suggests measures to reduce Urban Heat in this planning proposal.

This control would need to be workshopped with agencies and that land owner and could cover a range of matters as heads of consideration including a Heat Impact Assessment Report, the purpose being to identify the expected impacts from a development project against an undeveloped reference site covering issues such as:

- Quantification of surface temperature changes.
- Quantification of air temperature changes from both sensitive heat flux of surfaces and anthropogenic activities.
- Quantification of surface and air-cooling initiatives (active/passive) to offset warming of surfaces and the air by development.
- Substitution effects (e.g., how does surface temperature change if roads are not made from impervious, dark, unshaded asphalt, but instead from light-coloured, porous concrete pavers like often used in 'play streets').

It could also include an Urban Heat Report that addresses the following:

- The incorporation of cooling design elements that ensures outdoor areas provide cool refuge during hot weather events.
- Reduction in the urban heat island effect of the proposal through the following design elements.
- Integration of grey, green, and blue infrastructure in development.
- Encouragement of landscape design and tree species that are suited to the locality and contribute to water cycle management.
- Incorporation of permeable materials into landscape design.
- Retention and enhancement of existing vegetation and canopy coverage to reduce the impact of urban heat on the community.

The timing of these reports would need to be resolved as they may be a requirement for a development application when more detail on proposed structures are available. The appropriate location for the detail would need to be resolved with an overarching heat objective in the SEPP and the detail provided in a Neighbourhood Plan (site specific DCP).

Structure Plan and Neighbourhood Plan

Council recommends as a condition of Gateway the creation of a structure plan, with layers mapped for existing waterways, riparian corridors, C2 Conservation Land and key roads that could impact heritage.

Following the creation of the Structure Plan and Gateway Determination, a Neighbourhood Plan should be prepared. The preparation of a Neighbourhood Plan consistent with Council's Policy will be necessary to provide a framework for objectives and. Key reasons for this approach include:

- Consistency with the following purpose of Neighbourhood Plans contained in Section 3 of the Wilton Growth Area DCP:
 - A Neighbourhood Plan Is intended to be a high-level plan that sets out the design intent of a neighbourhood, including residential densities, dwelling numbers and typologies, public and open spaces, movement, connectivity, approaches to interfaces and special areas, locations of community facilities, treatment of environmentally sensitive land and staging to ensure the effective and ongoing management of development and delivery of infrastructure within the Wilton Growth Area.
- The provision of a framework that will inform the design and layout of subsequent industrial and related style developments to provide tree canopy, liveability and open space outcomes and have consistency with a range of applicable Council documents including the Sustainability Policy.
- Enable the design and construction of the Precinct to address the impacts of urban heat based on best practice.
- Enable the design of the layout to incorporate buffers adjacent to riparian corridors and the Avoided Land.

Infrastructure Funding

Wollondilly Contributions Plan 2020 (WCP2020) levies monetary contributions on Subdivision of Employment Land for local roads and transport infrastructure and plan management. Considering approx. 53.5 Ha of employment land being subdivided by the proponent, approximately \$1.7 million at current rates of Development Contributions will be applicable.

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.

It is noted that the proponent proposes to undertake all of the infrastructure work internal to the site at no cost to the Council via conditions of consent through the development application, and that all of the infrastructure (apart from the local road network) will be owned and maintained by a body corporate/community scheme and at no cost to Council. No offset on Local Contributions will be considered.

A planning agreement will only be required where land or infrastructure is to be dedicated to Council, and/or where infrastructure already identified in Wollondilly Contributions Plan WCP2020 is to be delivered by the developer and an offset on development contributions to be negotiated.

If the proponent did decide to enter into a Planning Agreement with Council, an Infrastructure delivery schedule which include costs, timing of works with triggers, delivery

mechanism, post-delivery ownership and maintenance contributions will need to be provided

Any draft Voluntary Planning Agreement is to be exhibited concurrently with the Planning Proposal.

It is noted interim works are proposed on Barwick Road and Wilton Park Road to support the development. These include a kerb gutter and footpaths. These works are to be built by the developer at no cost to Council.

Coordination of infrastructure – and its staged delivery with the regional and state infrastructure rollout in the vicinity is required. The proponent needs to specify the capacity of the proposed interim solutions of roads and intersections and establish clear triggers that determine when upgrades are necessary. It is likely that an interim solution to access the site will be required, due to the delayed development of the Wilton Town Centre, as well as work on the Picton Road realignment and Hume Interchange.

Noting the nature of the proposed development, as well as the site's location on strategic freight corridors, any interim and final solutions need to be designed appropriately under Heavy Vehicle design Standards.

Any works to be 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.

The following State infrastructure is to be delivered prior the first subdivision certificate:

- 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.

It is further noted that any road infrastructure identified in state roads will not be owned nor maintained by Council.

The Cumberland Plain Conservation Plan (CPCP) identified area is proposed to be dedicated to the State Government. Protection fences will need to be built by developers to avoid general/public access to steep falls on the boundary of the Nepean River.

A State planning agreement is likely to be required for delivery of the above-mentioned infrastructure works and land dedication.

The proposal outlines the required infrastructure and possible funding mechanisms.

CPCP Avoided Land

The proposal seeks to retain the RU2 Rural Landscape zoning for CPCP mapped Avoided Land. DPE and EHG have identified the need for this land to be rezoned to C2 Environmental Conservation in line with the intended outcomes of Ministerial Direction 3.6.

Council recommends that the proposal's CPCP Avoided Land be rezoned to C2 Environmental Conservation. The proponent is agreeable to this approach.

Independent Review and council Responses

A potential conflict of interest has been raised during the assessment. The proponent, has an investor, AWARE Super. AWARE Super are the default superannuation fund for many

NSW local governments, including Wollondilly Shire Council. Locale Consulting were engaged to review staff's assessment of the draft planning proposal and the agency referrals. This review (**Attachment 4**) was undertaken to give Council leadership the confidence that a robust assessment of the draft planning proposal was completed.

The independent review concluded that:

- The content of the Council's Staff Assessment Report is an appropriate assessment effort and is supported.
- It is further agreed that the Wilton Industrial Park Planning Proposal should proceed to the Gateway Determination stage.

However, several issues were raised regarding Council's recommendations, these matters are identified below with responses.

Development Control Plan

Locale Recommendation:

That the most appropriate and efficient site planning document that connects the Planning Proposal outcomes to the individual development applications be determined. This should then be progressed as a priority, in conjunction with DPE and the proponent, should the Planning Proposal progress through the 'gateway'. Reference to this agreed site planning document should then be utilised in gateway documents.

Staff Response:

It is recommended that the most appropriate and efficient site planning documents be a Structure Plan and Neighbourhood Plan as part of the Wilton Growth Area Development Control Plan 2021, and that these be developed with DPE and the proponents following a Gateway lodgment.

Water Infrastructure

Locale Recommendation:

That the provision of this (along with all other) infrastructure should be clearly noted as a matter to be resolved as part of the gateway determination, with any relevant agreements being negotiated as part of the strategic planning process, rather than the development application process.

Staff Response:

It is recommended that water infrastructure (and all other infrastructure) be clearly noted as a matter to be resolved as part of the Gateway Determination, with any relevant agreements being negotiated as part of the strategic planning process, rather than the development application process. It is noted that Sydney Water have since updated their advice and have identified that they could service the site.

Transport for NSW (TfNSW)

Locale Recommendation:

That the Assessment Report recognises the need to continue engagement with TfNSW, should the Planning Proposal progress.

Staff Response:

It is recommended that there be continued engagement with TfNSW as the draft planning proposal progresses.

Cumberland Plain Conservation Plan (CPCP) Avoided Land zoning

Locale Recommendation:

That the DPE Planning Land Use & Strategy Group advice be attached to the Assessment Report to enable the Local Planning Panel to understand the DPE's overall position – from Resilience and Urban Sustainability, Biodiversity & Conservation and Planning Land Use & Strategy groups.

Staff Response:

DPE advice is attached to clarify the overall position on the CPCP Avoided Land, which is that it should be rezoned C2 Environmental Conservation. (See **Attachments 6, 7 & 8**). This issue is discussed in detail under agency consultation.

LEP Making Guidelines

Local Recommendation:

- Explanation of provisions:

It would be appropriate for the site to progress as an amendment to State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (Precincts SEPP). This would facilitate the future employment development of the site through the removal of the site from Wollondilly LEP 2011 and instead being zoned under the Precincts SEPP.

This section of the Planning Proposal should also potentially include the proposed concurrence clause if this is the Council's preferred position moving forward with the Planning Proposal.

Locale recommend the Planning Proposal is to be updated as required either prior to or through the gateway determination process.

Staff Response:

It is recommended that the draft Proposal proceed as an amendment to the Precincts SEPP.

- Mapping:

Mapping to be updated as required through the gateway determination process (for consistency with the Precincts SEPP).

Staff Response:

It is recommended mapping be updated as required through the Gateway process.

- Community Consultation:

That groups to be consulted as the Planning Proposal progresses be identified.

Council includes a revised list of groups for planning proposal consultation with its assessment, including:

- the relevant LALC
- other local Aboriginal community groups
- Heritage NSW

- relevant Wollondilly Shire Council Advisory Groups
- relevant community associations or the like eg. Wilton Action Group.

Staff Response:

It is recommended consultation with the above groups following Gateway Determination.

Finally, Locale identified a calculation error in Table 2 of the Assessment report. This error has corrected.

LOCAL PLANNING PANEL (LPP) ADVICE

The LPP met on 4 April 2024, undertook a site visit, and received representation from a written submission and the proponent.

During closed deliberations, the Panel:

1. Noted that the proposal is consistent with Council's land use vision as detailed in the Local Strategic Planning Statement.
2. Noted that the proposal is consistent with the District Plan.
3. Considered the written submission on behalf of 'Concerned Residents of West Wilton' that was provided to the Panel on the morning of the meeting.

The Panel advises the Council as follows:

- 1 *The draft Planning Proposal has strategic and site specific merit.*
- 2 *The Planning Proposal should progress for Gateway Determination.*
- 3 *The Panel notes that the proponent is seeking changes to the Wollondilly LEP, however the proposal requires an amendment to the Precincts SEPP.*
- 4 *In consideration of the Planning Proposal the Panel, considers it appropriate that:*
 - a) *Council seeks a condition of Gateway for the creation of a structure plan, with layers mapped for existing waterways, riparian corridors, C2 Conservation Land and identifies key roads that could impact heritage.*
 - b) *A Neighbourhood Plan be prepared consistent with Council's Policy and the Wilton Growth Area DCP. The Neighbourhood Plan should be prepared following the development of an appropriate structure plan.*
 - c) *A SEPP clause to mitigate urban heat be included.*
 - d) *The proponents engage with the Transport for NSW, Department of Planning, Housing and Infrastructure and adjacent landowners for the preparation of a State Planning Agreement and early delivery of a signalised intersection at Wilton Park Road in an agreed location.*
 - e) *The inconsistencies with Ministerial Directions 9.1 Rural Zones and 9.2 Rural Lands are minor and are justified through alignment with Direction 1.8 to ensure that development within the Wilton Growth Area is consistent with the planning for Wilton and the Employment Land Strategy.*

Options to move forward

The options to be considered are:

OPTION 1:

Resolve to support the draft Planning Proposal submission for Gateway determination.

OPTION 2:

Resolve to support the draft Planning Proposal submission for Gateway determination with amendments, all changes are to be identified and clarified in the resolution of Council.

OPTION 3:

Resolve not to support the draft Planning Proposal for Gateway determination

This report recommends **OPTION 1**.

Conclusion

The draft Planning Proposal seeks to rezone the northern part of the site from RU2 Rural Landscape to E4 General Industrial, amend the minimum lot size to 1,500sqm and implement a height of building control from 16-20m for employment land.

The draft proposal is generally in strategic alignment with plans for the site and has merit, with the exception of retaining the RU2 zoning for the CPCP Avoided Land. This matter can be resolved by ensuring land in CPCP is zoned C2 Environmental Conservation.

Site-specific issues such as mapping of riparian corridors are recommended to be addressed by the creation of a structure plan with appropriate inclusions that would later be implemented via the preparation of a Structure Plan and a Neighbourhood Plan.

The draft proposal prioritises and accelerates jobs and has a proponent that is willing to work with agencies to deliver suitable interim infrastructure and contribute to long term infrastructure delivery.

There is a need to support jobs in Wilton and to support proposals that priorities early jobs for the residents. Supporting this proposal will encourage State agencies to work together to help achieve the overall vision for Wilton that supports housing and jobs.

It is recommended that the draft Planning Proposal is supported for progression to a Gateway Determination with conditions.

Risk Assessment

This project / matter has been assessed against inherent risks outlined in the Risk Appetite Statement and poses no material impact on organisational objectives.

Financial Implications

Funding for this assessment of the planning proposal has been covered by the operational budget, with income from Councils adopted planning proposal fees and charges.

ATTACHMENTS

1. Wilton Industrial Park Planning Proposal P P-2023-1277 [**14.2.1** - 161 pages]
2. Strategic Alignment - Wilton Industrial Park [**14.2.2** - 12 pages]
3. What We Heard - Submissions Summary - Wilton Industrial Park [**14.2.3** - 9 pages]
4. Independent Review [**14.2.4** - 7 pages]
5. EHG response - Wilton Industrial Park Preliminary Notification [**14.2.5** - 15 pages]
6. CPCP Team - EHG Submission Clarification [**14.2.6** - 4 pages]
7. DPE Submission [**14.2.7** - 1 page]

8. DPE Pre-lodgement Advice [**14.2.8** - 2 pages]
9. Proponent responses to agency submissions [**14.2.9** - 20 pages]
10. Tf NSW Response - Barings - West Wilton Industrial Park - Proposed Interim Signalised Intersection 2 [**14.2.10** - 3 pages]
11. Minutes - Wollondilly Local Planning Panel - April 2024 [**14.2.11** - 49 pages]