



Gateway determination report – PP-2023-1277

Wilton Industrial Park

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview	1
1.2	Objectives of planning proposal.....	2
1.3	Explanation of provisions	2
1.4	Site description and surrounding area	5
1.5	Mapping.....	6
2	Need for the planning proposal	10
3	Strategic assessment	10
3.1	Regional Plan	10
3.2	District Plan	11
3.2.1	Wilton 2040: A Plan for the Wilton Growth Area.....	12
3.3	Local.....	14
3.4	Local planning panel (LPP) recommendation.....	15
3.5	Section 9.1 Ministerial Directions.....	16
3.6	State environmental planning policies (SEPPs)	21
4	Site-specific assessment	22
4.1	Environmental.....	22
4.2	Social and economic.....	23
4.3	Infrastructure	23
5	Consultation.....	25
5.1	Community	25
5.2	Agencies.....	25
6	Timeframe.....	25
7	Local plan-making authority	26
8	Assessment summary	26
9	Recommendation.....	26

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal
Appendix A - Concept Master Plan
Appendix B – Urban Design Report
Appendix C - Draft Wilton Employment DCP and Wilton Industrial Park Schedule.pdf
Appendix D - Economic Assessment
Appendix E - Social Impact Assessment
Appendix F – Landscape Master Plan
Appendix G - Visual Impact Assessment
Appendix H - Geotechnical Assessment
Appendix I - Preliminary Site Investigation
Appendix J - CwC Aboriginal Design Principles
Appendix K - Aboriginal Cultural Heritage Advice
Appendix L - Historical Archaeological Assessment
Appendix M - Civil Engineering and WSUD Strategy
Appendix N - Ecological Constraints Assessment
Appendix O - Sustainability Assessment
Appendix P - Agricultural Assessment
Appendix Q - Bushfire Assessment
Appendix R - Service Infrastructure Assessment
Appendix S – Transport Assessment
Appendix T - Noise and Vibration Impact Assessment
Appendix U - Mining Subsidence
Appendix V - Waste Management Plan
Appendix W - Council Pre-lodgement Meeting Minutes
Appendix X - Infrastructure Delivery Plan

Appendix Y - Response to Pre-lodgement Agency Comments

Appendix Z - Proposed SEPP Maps

Appendix AA - Overland Flow and Flooding Assessment

Appendix BB - Civil Engineering Drawings

Appendix CC – Council Report May 28 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	LGA name
PPA	Wollondilly Shire Council
NAME	Wilton Industrial Park (0 homes, 1,644 jobs)
NUMBER	PP-2023-1277
LEP TO BE AMENDED	Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011) State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Precincts SEPP 2021)
ADDRESS	Wilton Park Road & Berwick Park Road, Wilton
DESCRIPTION	Lot 16 DP 251051 Lot 1 DP 609222 Lot 2 DP 609222 Lot 3 DP 233845 Lot 5 DP 233845 Lot 6 DP 233845 Lot 7 DP 233845 Lot 40 DP 749823 Lot 41 DP 749823
RECEIVED	12/06/2024
FILE NO.	IRF24/1386
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Rezone land to permit warehousing and distribution facilities within West Wilton to realise the vision for the Wilton Growth Area and to provide more employment opportunities for Wilton and Wollondilly.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Wollondilly LEP 2011 and Precincts SEPP 2021 by removing existing controls from the LEP and adding them to the SEPP.

It is noted that the planning proposal submitted is the proponent's version and Council resolved to make a number of changes to the planning proposal as shown in red (Attachment CC).

Therefore, the below changes are reflective of the proposed controls sought by Council:

Table 3 Current and proposed controls

Control	Current LEP	Proposed SEPP
Land Application Map	Wollondilly LEP 2011	Precincts SEPP 2021
Zone	RU2 Rural Landscape	E4 General Industrial C2 Environmental Conservation SP2 Infrastructure
Maximum height of the building	Nil	E4 – 20m C2 & SP2 – nil
Floor space ratio	Nil	Nil
Minimum lot size	16ha	E4 – 1,500m ² C2 & SP2 – 16ha
Number of dwellings	9	0
Number of jobs	N/A	1,644
New local clause	N/A	Urban heat, Koala corridors and Planning Secretary concurrence

New C2 Environmental Conservation Zone

The planning proposal sought to maintain the existing rural zone on land identified for conservation (i.e. Avoided Land) under the Cumberland Plain Conservation Plan (CPCP). However, Council resolved to rezone this land to a C2 Environmental Conservation zone to ensure appropriate environmental protections is provided. It is noted that the proposed E4 zone is contained within the Certified Urban Capable Land. A map of the CPCP is shown in Figure 1.

Council also note that if any of the C2 land is also identified as koala corridor, the proposed uses in the koala corridor would be limited to the following uses as established by previous rezonings in the Greater Macarthur Growth Area:

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

Council state that the proposal should also require Secretary's concurrence before consent can be granted for any proposed development in a koala corridor.



Figure 1: CPCP – Avoided Land and Certified Urban Capable Land

New local clause – Urban Heat

Council resolved to include a new local clause to address urban heat. Council note that this new clause would need to be workshopped with other State Agencies but could cover the following heads of consideration:

- Requirement for a Heat Impact Assessment Report.
- 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 is noted that Council seeks an urban heat clause similar to clause 7.30 under the Penrith LEP 2010 but tailored for the planning proposal. The intended draft clause will require review by the department prior to public exhibition.

Structure Plan and Neighbourhood Plan

The Wilton Industrial Park aims to deliver 1,511 ongoing local jobs, and 215,235sqm of employment space across 12 warehouse and distribution buildings. Refer to Figure 2.

Council resolved to prepare a structure plan for the site, with layers mapped for existing waterways, riparian corridors, C2 Conservation Land and key roads that could impact heritage. Then a Neighbourhood Plan be prepared to provide a framework for objectives and high-level plan that sets out the design intent of a neighbourhood, including residential densities and typologies, public and open spaces, road layout and connectivity, 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.

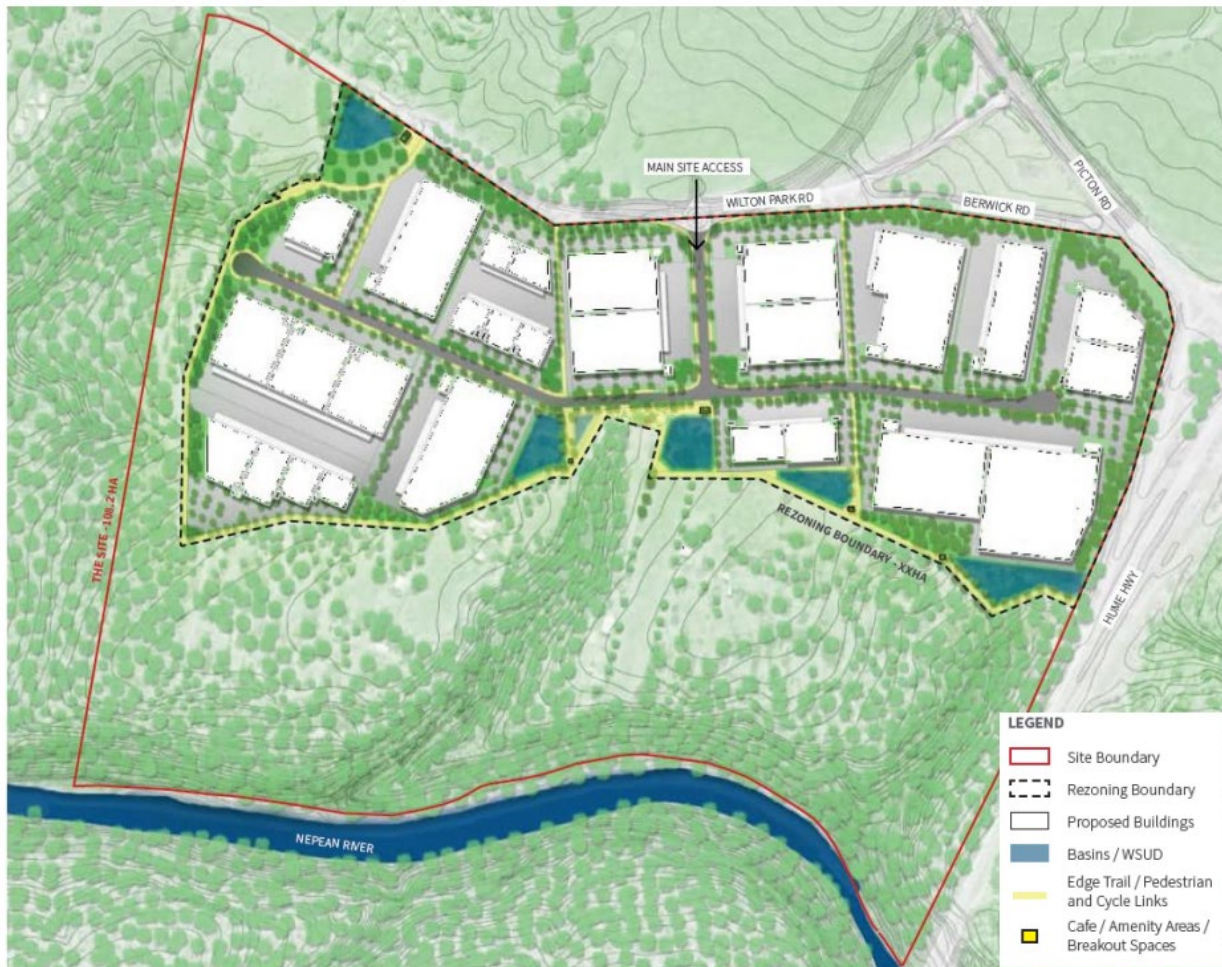


Figure 2: Site Concept Plan

Local Contributions

Council's report noted that the 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.

Council also notes that the proponent proposes to construct all of the internal infrastructure work 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.

Department Comment

The explanation of provisions contained in the planning proposal is not considered adequate for public exhibition. There are a number of changes resolved to be made by Council which are not contained within the current planning proposal.

Therefore, prior to public exhibition, the planning proposal should be amended to clearly state the proposed amendments to the existing planning controls as resolved by Council. The updated planning proposal should then be submitted to the Department for review prior to public exhibition.

1.4 Site description and surrounding area

The site is located within the Wilton Growth Area, approximately 22km south west of the Campbelltown CBD and 63km south west of the Sydney CBD, and is wholly located within the West Wilton Precinct – refer to Figure 3. The northern boundary is with the future Wilton Town Centre Precinct, separated by Wilton Park Road. The eastern side of the site is bounded by the Hume Motorway, with the Picton Road exit ramp for the motorway located at the northeast corner of the site. The site is bounded by the Nepean River to the south.

At present the site is made up of rural allotments with denser vegetation to the south, along the banks of the Nepean River. The topography of the site is generally very flat, with the exception of the southernmost portion on the river bank, which is not part of the proposed rezoning.

The area proposed for rezoning is located to the north and east of the site, on land which is currently cleared for rural uses and is not designated CPCP – refer to Figure 3.

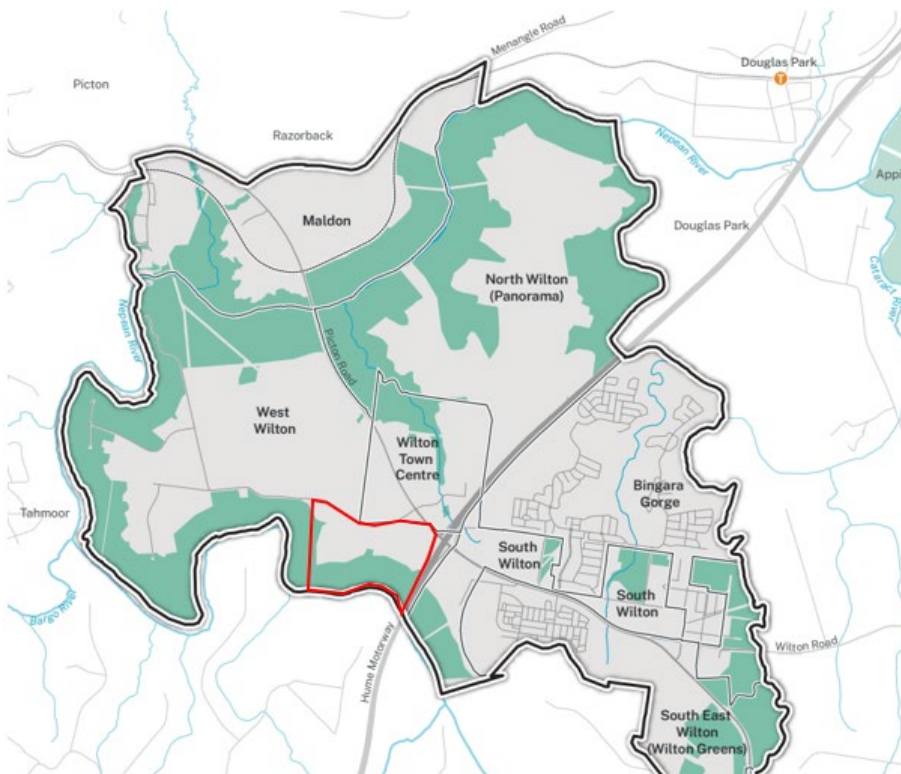


Figure 3 Site context – Location of proposal (red) within the Wilton Growth Area (source: NSW Planning)



Figure 4 Subject site (source: PSMA 2022)

1.5 Mapping

The planning proposal includes the current and proposed changes to the following maps:

- Proposed Land application map
- Current Height of building map
- Current and proposed Land zoning map
- Current and proposed Minimum lot size map

However, the planning proposal does not contain the following maps:

- Current Land application map
- Proposed Height of building map

Department Comment

The current and proposed maps contained in the planning proposal are not considered adequate for public exhibition. There are a number of changes resolved to be made by Council which are not contained within the current planning proposal including the extent of the proposed C2 and SP2 zone.

Therefore, prior to public exhibition, the planning proposal should be amended to clearly illustrate the proposed amendments to the existing planning controls as resolved by Council.

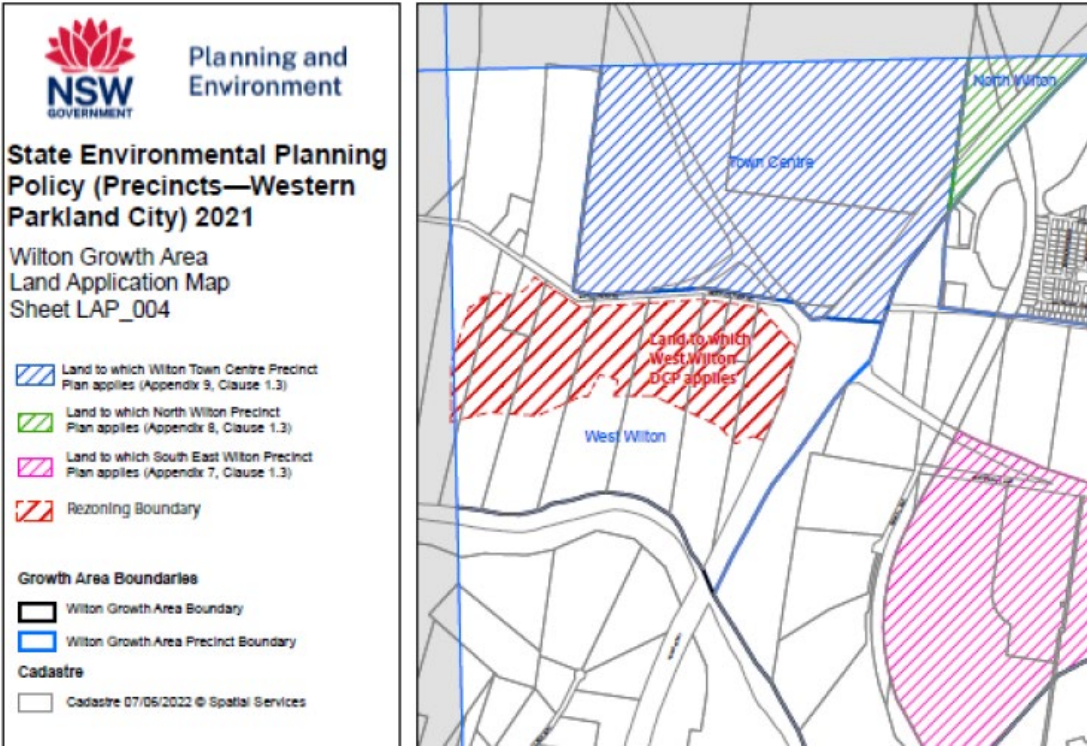


Figure 5 Proposed Land Application Map



Figure 6 Current Height of Building Map

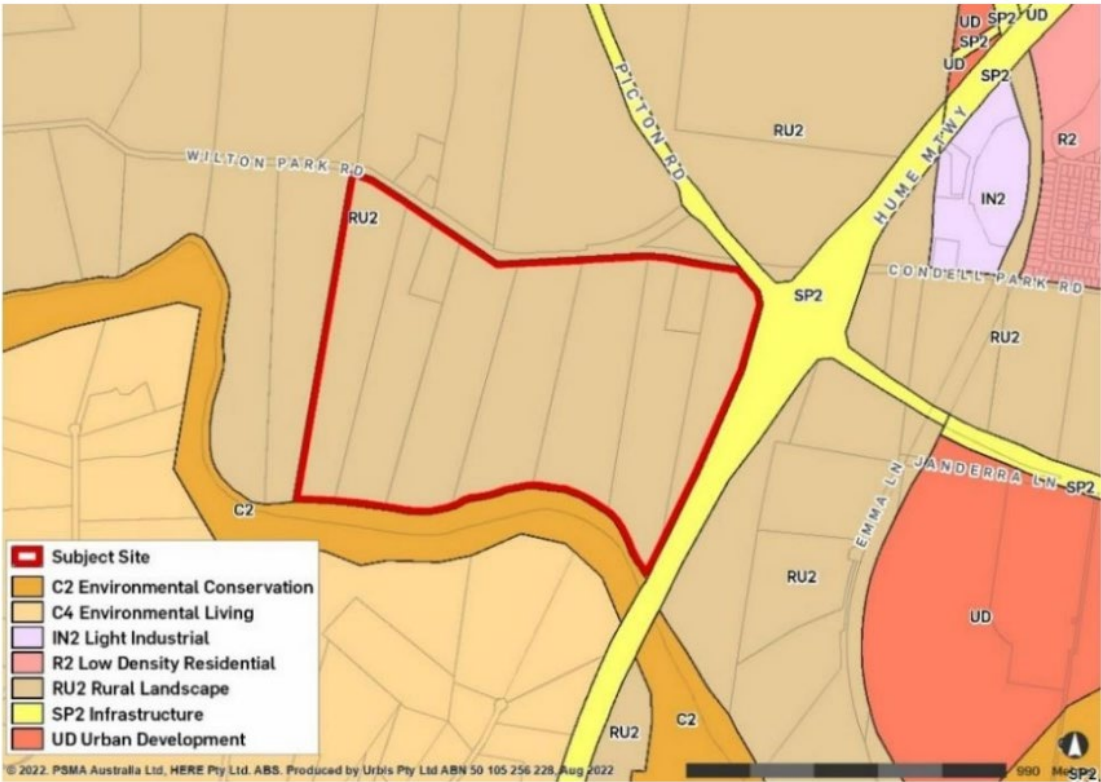


Figure 7 Current Land Zoning Map

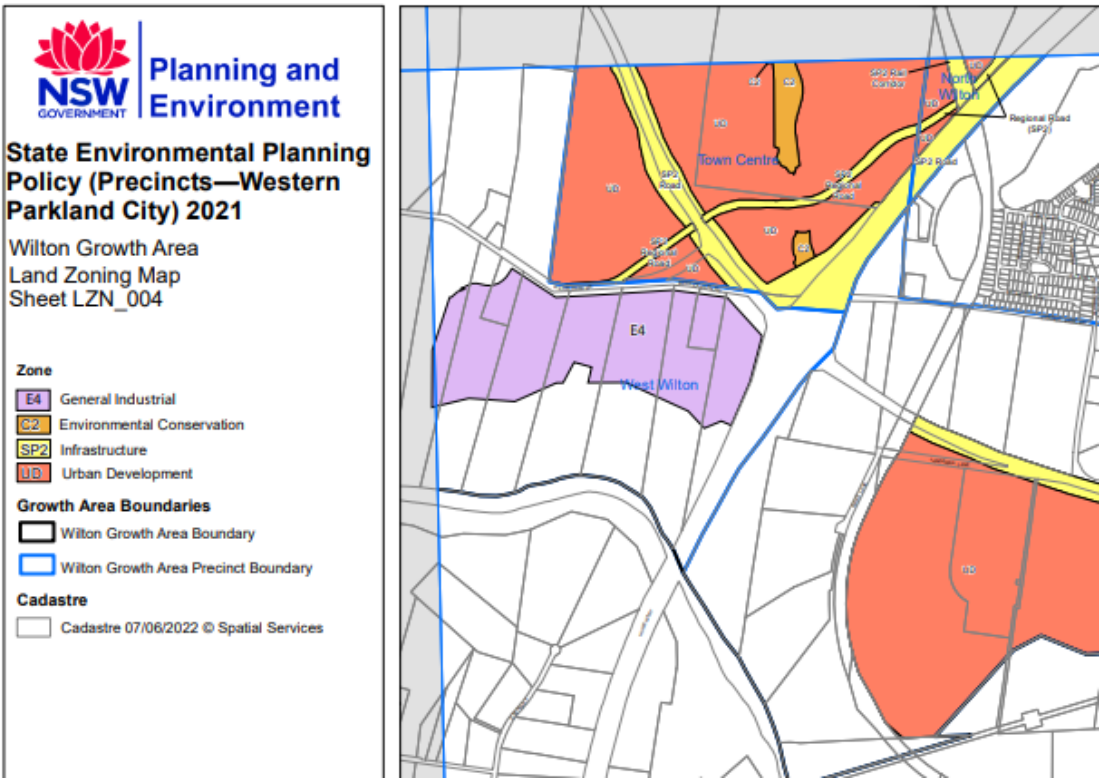


Figure 8 Proposed Land Zoning Map



Figure 9 Current Minimum Lot Size Map

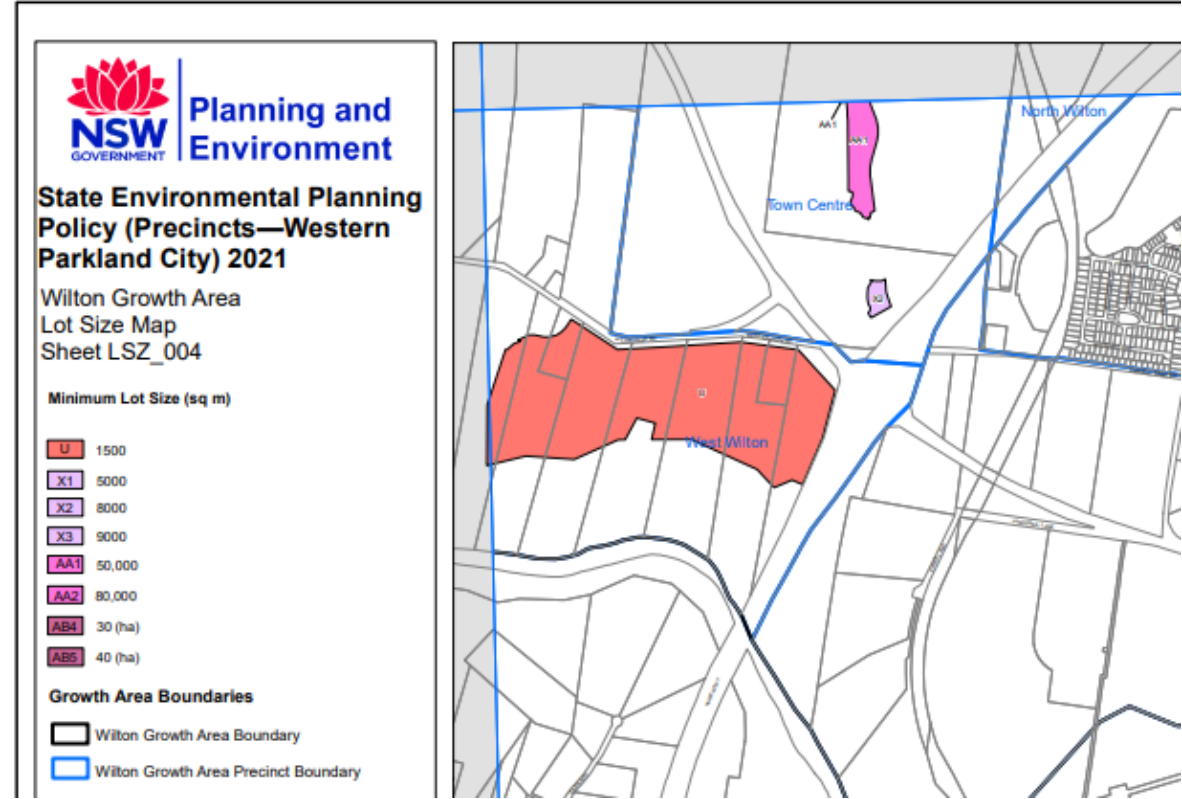


Figure 10 Proposed Minimum Lot Size Map

2 Need for the planning proposal

The planning proposal is proponent-led. The site forms part of the Wilton Growth Area which as identified in the Wilton 2040, has a vision to deliver an additional 15,000 dwellings and 15,000 jobs by 2040. Wilton 2040 Plan specifically identifies the site for “employment land use for further investigation”, a reflection of the site’s accessibility to the interchange between the Hume Motorway and Picton Road. More broadly, the location of the site is suitable for employment uses being located strategically between the Western Sydney Airport/Aerotropolis/Western Sydney Employment Area (WSEA), The Outer Sydney Orbital (OSO) and key road access to the Illawarra and Southern Tablelands regions.

It is consistent with Wollondilly Shire Council’s Employment Lands Strategy (ELS) as the site is identified in the ELS as ‘non-constrained potential employment land’. The proposal also contributes to the economic and employment outcomes of Wollondilly Shire as at present most residents need to travel into Sydney to work, therefore there is a demand and need for more employment lands within the LGA.

The ELS and Wilton 2040 are discussed further in this report in Section 3 - Strategic Assessment.

To achieve the vision for the West Wilton as set out in Wilton 2040 and the Wollondilly ELS, it is noted that the planning proposal is the best and most appropriate means of achieving the Council’s intended outcome.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the A Metropolis of Three Cities - Greater Sydney Region Plan 2018.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 3: Infrastructure adapts to meet future needs	The proposal utilises current and planned infrastructure within the Wilton Growth Area.
Objective 4: Infrastructure use is optimised	The proposal will benefit from the future upgrades to Picton Road, the proposed Outer Sydney Orbital (OSO) and the Maldon-Dombarton Freight Railway, which all contribute to the growth of employment generating land uses.
Objective 12: Great places that bring people together	The proposal aims to create an employment precinct that is supported by natural and built amenities for future workers. Features including walking trails and connections which promote active transport and provides an opportunity for recreational activity. A small retail hub is proposed in the Industrial Park which will provide retail amenity.
Objective 13: Environmental heritage is identified, conserved, and enhanced	The proposal has a large landscape buffer between the edge of the Industrial Park and the Nepean River to the south. The landscape significance of this portion of the site is proposed to be retained and conserved, whilst adding to the visual amenity of the employment estate.

Regional Plan Objectives	Justification
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	The site is well placed along both existing and proposed transport corridors, being located at the intersection between the Hume Motorway and Picton Road, which connects the site to Greater Macarthur and South West growth areas, and to Wollongong.
Objective 16: Freight and logistics network is competitive and efficient)	The proposed OSO corridor, which is situated to the immediate south, places the site in a strategic location as it provides direct access to the future Western Sydney Airport. The provision of employment uses would benefit from infrastructure corridor and its proximity to the Western Sydney International Airport and Bradfield City Centre.
Objective 23: Industrial and urban services land is planned, retained and managed)	The proposal aims to deliver a total of 215,235m ² employment floorspace across 12 warehouse and distribution buildings, with provision for 1,644 ongoing jobs. The site is located centrally within the Wilton Growth Area, and immediately south of Wilton Town Centre. This will benefit the Wollondilly LGA through new industry and employment opportunities and support the planned population growth of Wilton and Greater Macarthur Growth Areas.
Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The proposal generally supports this objective as it retains the environmental conservation area in the southern portion of the site on the Nepean River and is planned in accordance with the Strategic Conservation Area as identified under the CPCP. The proposal also includes protection of biodiversity values, and the riparian corridor is retained along with the existing bushland.
Objective 28: Scenic and cultural landscapes are protected	The proposal includes a landscape buffer to the south of built up area, which is intended to assist in the retention of the local bushland character and protect the scenic quality of Nepean River interface, and maintains a visual buffer to the development. The proposal includes landscape design features (Appendix F) for the site and responds to the Aboriginal Design Principles (Appendix J).
Objective 30: Urban tree canopy is increased	The portion of the site proposed for rezoning is currently largely cleared of most vegetation, The proposed landscape design includes tree plantings along new street fronts which will increase urban tree cover onsite.

3.2 District Plan

The site is within the Western City District and the former Greater Cities Commission released the Western City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is generally consistent with the District Plan priorities relating to liveability, productivity, and sustainability, with minor justified inconsistency related to priorities for infrastructure and collaboration, in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority W1 - Planning for a city supported by infrastructure	The proposal utilises existing and planned transport infrastructure. There are some identified issues with water and electricity servicing which are outlined in section 4.3.
Planning Priority W6 - Creating and renewing great places and local centres, and respecting the District's heritage	The proposal aims to deliver a modern industrial park with inclusion of features such as a cafe, retail, wetlands and active transport links.
Planning Priority W8 - Leveraging industry opportunities from the Western Sydney Airport and Badgerys Creek Aerotropolis	The site is located 22km south of the Western Sydney Airport, and will connect to it via the OSO. The site provides a nexus point between the WSA, the Illawarra and the Southern Tablelands.
Planning Priority W10 - Maximising freight and logistics opportunities and planning and managing industrial and urban services land.	The site is located at the junction of The Hume Motorway and Picton Road, which gives it ample logistics access to Greater Sydney, The Illawarra, and The Southern Tablelands. The proposal provides for employment lands in a region that is currently low on industrial zoned land and provides opportunities for employment and economic activity to support future housing in the growth area.
Planning Priority W12 - Protecting and improving the health and enjoyment of the District's waterways	The proposal retains the existing CPCP avoided land surrounding the Nepean River as is and introduces landscape buffering between the industrial uses and the avoided land.
Planning Priority W14 - Protecting and enhancing bushland and biodiversity	The proposal retains the existing CPCP avoided land surrounding the Nepean River, which is not included in the planning proposal boundary. Additionally, landscape buffering is proposed between the industrial uses and the avoided land which assist in the protection biodiversity from urban uses.
Planning Priority W16 - Protecting and enhancing scenic and cultural landscapes.	As per the Region Plan, the proposal includes a landscape buffer to the south of built-up area, which is intended to assist in the retention of the local bushland character and protect the scenic quality of Nepean River interface, and maintains a visual buffer to the development. The proposal includes landscape design features (Appendix F) for the site and responds to the Aboriginal Design Principles (Appendix J).

3.2.1 Wilton 2040: A Plan for the Wilton Growth Area

The subject site is within the Wilton Growth Area. The vision, objectives, and actions to deliver the Wilton Growth Area are identified in *Wilton 2040: A Plan for the Wilton Growth Area*, which was published by the Department in September 2018.

The proposal is generally consistent with Wilton 2040, as it aims to deliver a new industrial park on a site designated 'Employment Land Use for Further Investigation' in the Wilton Growth Area Structure Plan – refer to Figure 11.

The proposal further supports the following principles of the plan:

- Place Principle 1: A connected urban community
- Landscape Principle 1: A place that respects its green surroundings
- Landscape Principle 2: A protected and enhanced environment
- Land Use Principle 2: An employment hub for logistics
- Built Form Principle 1: A sustainability designed place
- Movement Principle 1: An accessible place
- Movement Principle 2: A walkable place

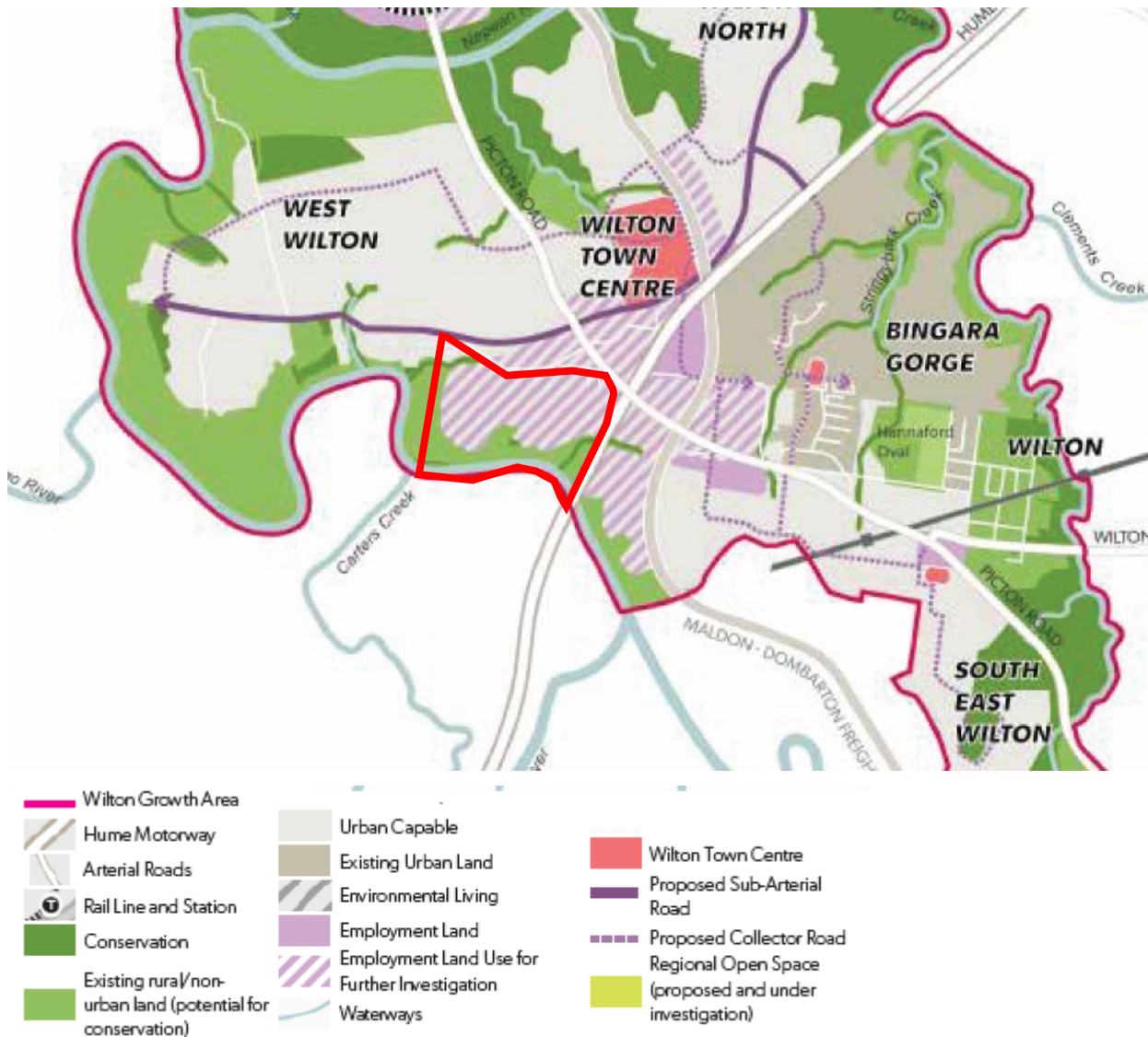


Figure 11 Wilton Growth Area Structure Plan

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Wollondilly 2040 (Local Strategic Planning Statement)	<p>The proposal supports the following LSPS Planning Priorities through the delivery of additional employment lands within the Wilton Growth Area, which are well connected to key existing and future movement corridors, and includes of urban design and sustainability considerations:</p> <ul style="list-style-type: none"> • Planning Priority 1: Aligning infrastructure provision with community needs • Planning Priority 2: Embracing innovation to enhance liveable, connected and sustainable communities • Planning Priority 3: Establishing a framework for sustainable managed growth • Planning Priority 10: Attracting Investment and growing local jobs • Planning Priority 11: Leveraging greater investment and business opportunities from the Western Sydney
Wollondilly Employment Lands Strategy (ELS)	<p>DPHI notes that the site is identified in the ELS Wilton map as 'non-constrained potential employment land'.</p> <p>The proposal helps to meet the objectives of the ELS through;</p> <ul style="list-style-type: none"> • Unlocking supply of employment precinct land within the LGA to reduce the current reliance on employment lands outside the LGA, • Provide increased employment opportunities for future residents of the Wilton Growth Area as more precincts are rezoned. • Assist in making Wollondilly an employment and industry destination of choice, utilising the optimal location of the site at the Junction of Hume Motorway and Picton Road.
Wollondilly Rural Lands Strategy	<p>DPHI notes that the Wollondilly Rural Lands Strategy does not apply to the site, as although the site is currently zoned RU2 Rural Landscape, it is located within an identified Growth Area.</p>
Wollondilly Centres Strategy	<p>DPHI notes that the site is not located within the boundary of Wilton New Town (Wilton Town Centre), and therefore the strategy is not applicable to the proposal. However, the employment generation through the proposal will support the outcomes for Wilton New Town/ Wilton Town Centre through increased business activity and employment land adjacent to Wilton New Town/ Wilton Town Centre.</p>
Wollondilly Draft Scenic and Cultural Landscapes Strategy	<p>The planning proposal has addressed this strategy, and DPHI notes the consistency has been discussed in proposal documentation provided.</p>

3.4 Local planning panel (LPP) recommendation

The Wollondilly Shire Local Planning Panel (LPP) considered the planning proposal on 4 April 2024. The LPP advised Council that it considered that the planning proposal had sufficient strategic merit and site-specific merit to proceed to Gateway. This included 5 specific recommendations which are summarised in the table below:

Table 7 Wollondilly Shire Local Planning Panel Advice

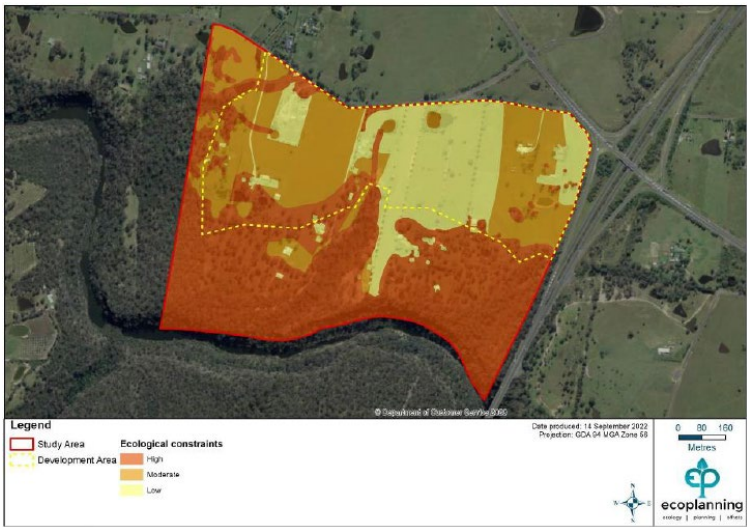
LPP recommendation	DPHI comment
(a) Council seeks a condition of Gateway for the creation of a structure plan, with layers mapped for existing waterways, riparian corridors, C2 Conservation Land and identifies key roads that could impact heritage.	Recommendation has been included as a Gateway condition.
(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.	Recommendation has been included as a Gateway condition.
(c) A SEPP clause to mitigate urban heat be included.	Recommendation has been included as a Gateway condition.
(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.	<p>The proponent has proposed two interim access solutions being firstly a roundabout and secondly an interim signalised intersection at Wilton Park Road and Picton Road.</p> <p>However, TfNSW does not support either interim solution, and recommends the Department coordinate discussions between landowners and a State planning agreement to enable the delivery of an intersection in the permanent location.</p> <p>As the matter has not been resolved, a Gateway condition has been included requiring the proponent engage with Transport for NSW regarding agreed access to the site.</p>
(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.	DPHI notes this and it has been factored into the assessment of the 9.1 Directions in Section 3.5 of this report.

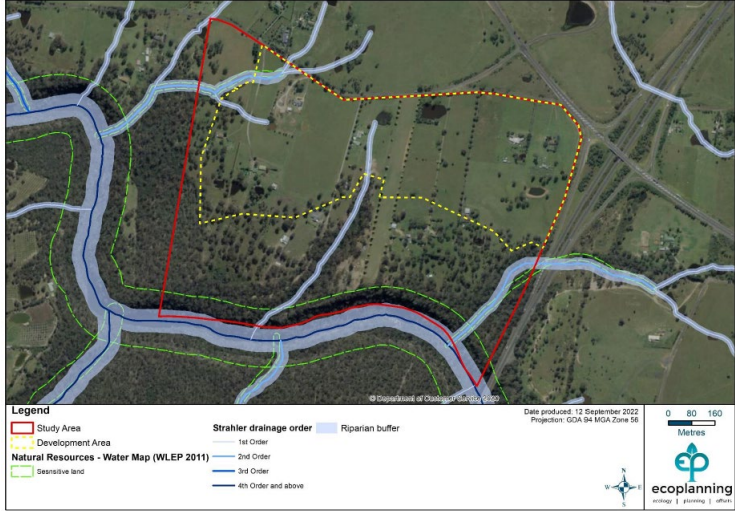
3.5 Section 9.1 Ministerial Directions



The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	As per section 3.1 of the report, the proposal is consistent with the Greater Sydney Region Plan.
1.3 Approval and Referral Requirements	Further justification required	The planning proposal is inconsistent with this direction as it seeks to introduce Planning Secretary concurrence for the koala corridors. Further information is required to determine the consistency with this direction including the supporting koala corridor map.
1.4 Site Specific Provisions	Further justification required	The planning proposal is inconsistent with this direction as it seeks to introduce a number of site specific provisions for the site including an urban heat clause and koala corridor clause. To determine if the inconsistency with this direction can be justified, further information is required such as the adequate explanation of the clauses in the planning proposal.
1.8 Implementation of Wilton Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Yes	The site is located within the Wilton Growth Area. As per section 3.2.1, the Proposal supports and is consistent with the Wilton 2040 Plan.
3.1 Conservation Zones	Inconsistency justified	<p>The site is subject to the CPCP and is consistent with the Avoided Land and Certified Urban Capable Land categorisation.</p> <p>The Ecological Constraints Assessment (Appendix N) state that the site contains 54.85 ha of high biodiversity value vegetation but only 8.91 ha of this extent is within the development area. Majority of the development area is within moderate-low ecological constraint.</p> <p>It is noted that any inconsistency with this direction is considered to be justified by a strategy approved by the Planning Secretary being the Wilton 2040 Plan.</p> <p>However, further consultation with DCCEEW should be undertaken during the public exhibition stage.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		 <p>Figure 12 Ecological constraints map</p>
3.2 Heritage Conservation	Further justification required	<p>The site does not contain any local or state heritage items as listed under the LEP.</p> <p>An Aboriginal Cultural Heritage Letter of Advice (Appendix K) and a Historical Archaeological Advice Letter (Appendix L) was prepared for the site. Appendix K noted an AHIMS search found 111 Aboriginal archaeological sites within a 3.5-kilometre search area of the site, and recommended an AHCAR be completed and consultation with the Aboriginal community. Appendix L noted the previous activities on the site would not have produced lasting archaeological remains, the area is assessed as having low archaeological potential and no historic heritage values or areas of archaeological potential were identified during site inspection. It recommended that works should proceed with caution.</p> <p>To ensure the planning proposal is consistent with this direction, it is recommended that Heritage NSW and the LALC is consulted during the public exhibition period to ensure all heritage items are identified and appropriate mitigation measures are included.</p>
3.6 Strategic Conservation Planning	Yes	<p>The Council resolution to rezone the Avoided Land under the CPCP as C2 Environmental Conservation is consistent with this direction. It is also noted that a koala corridor will be prepared.</p>
3.7 Public Bushland	Inconsistency justified	<p>The proposal retains the existing CPCP avoided land, however the Ecological Constraints Assessment (Appendix N) notes that some high biodiversity value vegetation will be removed although is within the Certified Urban Capable Land under the CPCP.</p> <p>Therefore, any inconsistent with this direction is considered to be justified under a strategy approved by the Planning Secretary being the CPCP.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.10 Water Catchment Protection	Further justification required	<p>The Ecological Constraints Assessment (Appendix N) identified the Nepean River, to the south of the site with adjacent riparian lands and vegetation.</p>  <p>Figure 13 Waterways and Riparian Corridors Map</p> <p>The planning proposal notes that the Civil Engineering and WSUD Strategy (Appendix M) demonstrates the aims to reduce the impact of the urban development on existing drainage systems and target stormwater runoff to minimise impacts on downstream receiving waters. The report recommends a number of stormwater management measures to be included in the proposed development.</p> <p>Further justification is required in the form of the proposed controls in the Neighbourhood Plan to ensure compliance with this direction.</p>
4.1 Flooding	Yes	<p>The site is subject to minor overland flow in the 1% AEP and PMF events however free from regional flooding as detailed in the Overland Flow and Flooding Assessment (Appendix AA).</p> <p>The proposal notes that the Master Plan layout and siting are sympathetic to the topography and flood planning requirements.</p> <p>It is noted that the flooding is contained within the proposed C2 zone therefore the proposal is consistent with this direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		 <p>Figure 14 1% AEP Flood Extent and Depth</p>
4.3 Planning for Bushfire Protection	Further justification required	<p>The site is identified as bushfire prone land, and a Bushfire Assessment (Appendix Q) has been provided which outlines mitigation measures in line with the Direction. It concludes that the proposed general industrial land use can satisfy Ministerial Direction No. 4.3 – ‘Planning for Bush Fire Protection’, subject to provision of recommended APZ building setbacks and other recommended measures.</p> <p>To ensure consistency with this direction, consultation with the NSW RFS is required prior to public exhibition. Additionally, State Emergency Service should be consulted.</p>  <p>Figure 15 Wilton Growth Area Structure Plan</p>
4.4 Remediation of Contaminated Land	Yes	<p>The supporting Preliminary Site Investigation Report (Appendix I) assessed the potential contamination status of the subject site and the potential for contamination was detected from previous uses for rural residential/agricultural activities and as a transfer facility. However, the report determined that investigations of soil, surface water and sediment have not identified the occurrence of gross and/or widespread contamination conditions at the site that would preclude rezoning of the site.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		Any impacts to soil or water from common contaminants and potentially contaminating land use activities is able to be addressed at Development Application (DA) stage.
4.5 Acid Sulfate Soils	Yes	The site is not identified on Acid Sulfate Soil mapping and the Preliminary Geotechnical Report (Appendix H) confirms that the site is suitable for industrial development.
4.6 Mine Subsidence and Unstable Land	Inconsistency justified	<p>The site is wholly located within the Wilton Mine Subsidence District. A Mining Subsidence Assessment has been provided (Appendix U). Mining is unlikely to continue in the Wilton area in the future as the Growth Area develops and mining leases are relinquished.</p> <p>Therefore, any inconsistency with this direction is considered to be justified by a strategy approved by the Planning Secretary being the Wilton 2040 Plan.</p> <p>However, consultation with Subsidence Advisory NSW is required.</p>
5.1 Integrating Land Use and Transport	Inconsistency justified	This planning proposal is inconsistent with this direction as the growing community will rely on car travel however there are plans for public transport proposed. However, any inconsistency with this direction is considered to be justified by a strategy approved by the Planning Secretary being the Wilton 2040 Plan. But consultation with TfNSW has been included.
5.2 Reserving Land for Public Purposes	Further justification required	Council intends to rezone part of the site as SP2 however further consultation with the relevant public authority is required and a supporting map prepared to illustrate the extent.
7.1 Employment Lands	Yes	The proposal is consistent as the site is identified for employment lands investigation in Wilton 2040.
8.1 Mining, Petroleum Production and Extractive Industries	Inconsistency justified	As per direction 4.6, the site is wholly located within the Wilton Mine Subsidence District. A Mining Subsidence Assessment has been provided (Appendix U). Mining is unlikely to continue in the Wilton area in the future as the Growth Area develops and mining leases are relinquished. Therefore, any inconsistency with this direction is considered to be justified by a strategy approved by the Planning Secretary being the Wilton 2040 Plan. Consultation with Department of Primary Industries and Regional Development – Mining, Exploration & Geoscience is required.
9.1 Rural Zone	Inconsistency justified	The proposal is inconsistent as it seeks to rezone rural land o employment. However, any inconsistency with this direction is considered to be justified by a strategy approved by the Planning Secretary being the Wilton 2040 Plan.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
9.2 Rural Lands	Inconsistency justified	The proposal is inconsistent as it seeks to rezone rural land o employment. Therefore, any inconsistency with this direction is considered to be justified by a strategy approved by the Planning Secretary being the Wilton 2040 Plan.

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below, with some partial inconsistencies with the Western Parkland City SEPP and Biodiversity and Conservation SEPP.

Table 9 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Industry and Employment) 2021	The SEPP applies in relation to Chapter 3 Advertising and Signage.	Yes	The proposal is consistent with Chapter 3 as controls relate to development of the DCP and consideration at DA stage. A draft DCP has been included as part of the proposal package and will be exhibited with it.
SEPP (Transport and Infrastructure) 2021	As the proposal involves development of warehouse and distribution centres of over 8,000m ² in site area or gross floor area, future development applications will require concurrence from TfNSW in accordance with Schedule 3.	Yes	Consideration of Schedule 3 and other minor considerations within the SEPP may be triggered at development application stage.
SEPP (Planning Systems) 2021	The SEPP applies in relation to Chapter 2 State and regional development.	Yes	Subject to whether future development applications for the purposes of warehouse and distribution centres have a capital investment value (CIV) of more than \$30 million, future applications may be required to take the state significant development (SSD) approval pathway with DPHI if relevant.
SEPP (Biodiversity and Conservation) 2021	The proposal is subject to the following Chapters of the SEPP:	Yes	The Site is subject to the CPCP, in which the portion of the lot proposed from rezoning is categorised as 'urban capable land' and the remainder as 'avoided land'.

	<ul style="list-style-type: none"> Chapter 3 Koala Habitat Protection 2020 Chapter 13 Strategic Conservation Planning 		The Proposal is consistent with the CPCP and koala corridor mapping is proposed for the site.
SEPP (Resilience and Hazards) 2021	The SEPP applies in relation to Chapter 4 Remediation of land.	Yes	The Preliminary Site Investigation (Appendix I) identified some potential areas of environmental concern, however no widespread contamination conditions were observed at the site that would preclude rezoning of the site.

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal that have not been assessed previously in this report.

Table 10 Environmental impact assessment

Environmental Impact	Assessment
Visual impacts	<p>A supporting visual impact assessment (Appendix G) indicated that along Wilton Park Road the significance of visual impact is moderate/high, due to the proposed change of the land zoning from RU2 to E4, which leads to the proposed building height up to 20 meters height, and landscape characteristics different from the surrounding area. Other viewpoints assessed ranked as nil to moderate visual impact due to;</p> <ul style="list-style-type: none"> Change of character from rural to industrial Limited exposure of the proposal from south and east Existing dense vegetation with mature trees particularly along main roads including Hume Motorway Proposed building height sits below the existing tree lines/ ridgeline when viewed from vantage points
Noise and Vibration	<p>The Noise and Vibration Assessment (Appendix T) provided with the application. The assessment noted that as part of future development applications, noise mitigation and management measures will likely be required to be incorporated into the design to minimise impacts to neighbouring sites. Road traffic noise levels are not expected to increase existing traffic noise levels by more than 2 dB(A) and would meet the NSW Road Noise Policy (RNP) requirements.</p>
Agriculture	<p>The Agricultural Assessment (Appendix P) attached to the proposal noted that the site is constrained for use as an agricultural holding, due to lack of permanent water supply, land size, slope and soil fertility, and has also been identified in Wilton 2040 as an investigation area for Employment Land Use. Therefore, there are no perceived net negative impacts to agriculture in the region.</p>

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 11 Social and economic impact assessment

Social and Economic Impact	Assessment
Social Impact	A Social and Health Impact Comment (Appendix E) was completed as part of the planning proposal package. The statement identified positive social impacts relating to employment/job generation, improved employment access for the local area, and indirect social cohesion, with potential negative social impacts including lack of public transport access to the site, noise and amenity impacts to neighbouring sites, and increased urban heat impacts. It is noted that there are mitigation measures that can remedy some of these impacts including active transport and open space provision within the site, and future infrastructure upgrades as a result of ongoing neighbouring development within the Wilton Growth Area.
Economic Impact	An Economic Assessment (Appendix D) was included as part of the planning proposal package. The Assessment concluded economic benefit is generated through job generation via construction (212 jobs) and ongoing operation of the industrial park (1,511 jobs). The proposal also benefits the Wollondilly LGA by providing contained employment in an area which currently sees most workers employed outside the LGA, in addition to employment shortages in construction, warehousing and wholesale trade.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Site Servicing

A Service Infrastructure Assessment (Appendix R) has been provided with the proposal. The assessment noted there are no Sydney Water potable water or wastewater assets service currently at the site, no available electrical assets to service the proposed development, limited telecommunication services available and no gas services adjacent to the site. These are significant infrastructure shortages that will require resolution prior to finalisation. Further consultation with Sydney Water is required.

Potable water

At present, Sydney Water's Growth Servicing Plan (GSP) 2024-2029 identifies drinking water infrastructure for West Wilton as 'strategic planning' stage. The proponent has indicated that in consultation with Sydney Water opportunities have been identified for the first stages of the industrial park to be serviced by existing potable water infrastructure, with the remainder to be provided on a staged development basis.

Wastewater

At present, Sydney Water's Growth Servicing Plan (GSP) 2024-2029 identifies wastewater infrastructure for West Wilton as 'strategic planning' stage. Wastewater is anticipated by the proponent to be serviced by the Bingara Gorge Wastewater Treatment Plant as an interim measure until final detail of a future Sewer Pump Station (SPS) is determined by Sydney Water, including whether the new SPS will be able to service the Wilton Industrial Park in addition to Wilton Town Centre, Wilton North and South East Wilton.

Electricity

The existing Wilton Zone Substation is noted in the proposal as inadequate to service the site. The proponent has stated they are investigating capacity available from adjacent zone substations. Servicing provision is currently unresolved. Further consultation with Endeavor Energy is required.

Transport

The site is located strategically at the intersection of the Hume Motorway and Picton Road, with direct access to the site from Wilton Park Road and Berwick Road.

The Transport Assessment provided (Appendix S) concluded that the current traffic network is insufficient to support traffic volume demand at the projected opening year of 2026. The assessment recommended an upgrade of the Picton Rd / Wilton Park Rd intersection to facilitate access to the site via an interim roundabout.

Pre-consultation with Transport for NSW by Council has confirmed that an interim roundabout or even an interim signalised intersection is not supported and recommends the Department coordinate discussions between landowners and a State Planning Agreement to enable the delivery of an intersection in the permanent location.

However, the proponent advised that they 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.

It is noted that the Review of Environmental Factors (REF) by Transport for NSW for the western section of the Picton Road upgrade, between the Nepean River and Almond Street, Wilton was on public display for feedback from 1 February to 14 March 2024. This REF impacts the subject site and has not been adequately considered as part of the planning proposal including the proposed SP2 Infrastructure zone for the road upgrade on the subject site.



Figure 16 Picton Road Upgrade REF

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given Choose an item. working days to comment:

- Transport for NSW
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
- Subsidence Advisory NSW
- Department of Primary Industries and Regional Development - Mining, Exploration & Geoscience
- NSW Fire and Rescue
- NSW Rural Fire Service
- State Emergency Service
- Environmental Protection Agency
- Sydney Water
- Endeavour Energy
- Heritage NSW
- Tharawal Local Aboriginal Land Council

6 Timeframe

The proponent proposes a eight month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex

The Department recommends an LEP completion date of 12 September 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the site/planning proposal may result in new zones in the Wilton Growth Area, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The site is identified in Wilton 2040 Structure Plan for employment lands investigation and in the Wollondilly Employment Lands Strategy as 'non-constrained potential employment land'.
- The proposal supports the growth of the Wilton Growth Area by providing much-needed employment lands for the growing population.
- The site is strategically located at the junction of the Hume Motorway and Picton Road, and is accessible to the Western Sydney Airport precinct, Campbelltown, the Illawarra and the Southern Tablelands.

9 Recommendation

It is recommended the delegate of the Secretary:


- Agree that any inconsistency with section 9.1 Directions 3.1 Conservation Zones, 3.7 Public Bushland, 4.6 Mine Subsidence and Unstable Land, 5.1 Integrating Land Use and Transport, 8.1 Mining, Petroleum Production and Extractive Industries, 9.1 Rural Zone, and 9.2 Rural Lands are justified in accordance with the terms of the Directions; and
- Note that the consistency with section 9.1 Directions 1.3 Approval and Referral Requirements, 1.4 Site Specific Provisions, 3.2 Heritage Conservation, 3.10 Water Catchment Protection, 4.3 Planning for Bushfire Protection, and 5.2 Reserving Land for Public Purposes will require further justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the planning proposal is to be updated as follows:
 - Amend the explanation of provisions to include:
 - The correct amendments for the proposed E4 General Industrial zone including maximum building height;

- The proposed C2 Environmental Conservation and SP2 Infrastructure zone and corresponding maximum building height, floor space ratio, and minimum lot size controls;
 - An explanation of the intended urban heat clause; and
 - An explanation of the koala corridor and concurrence clauses.
- Amend the current and proposed map amendments to illustrate the changes to the land application map, land zoning map, height of building map, minimum lot size map and prepare a new koala corridor map.
 - Prepare a structure plan for the site that maps existing waterways, riparian corridors, C2 Conservation Land and identifies key roads that could impact heritage. This is to be exhibited with the planning proposal.
 - Prepare a Neighbourhood Plan for the site to be exhibited with the planning proposal.
2. Prior to public exhibition, the NSW Rural Fire Service is to be consulted on the planning proposal in accordance with Direction 4.3 Planning for Bushfire Protection and any comments included.
 3. Prior to public exhibition, consultation with Transport for NSW is required to confirm the following:
 - Appropriate access arrangements for the site can be delivered in the agreed location; and
 - The portion of the site to be rezoned to SP2 Infrastructure and an appropriate acquisition authority identified in relation to the Picton Road Upgrade REF.
 4. Prior to public exhibition Sydney Water is to be consulted on the timing and delivery of water and wastewater servicing through Sydney Water's network.
 5. Prior to public exhibition, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval.
 6. Consultation is required with the following public authorities:
 - Transport for NSW
 - Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - Subsidence Advisory NSW
 - Department of Primary Industries and Regional Development - Mining, Exploration & Geoscience
 - NSW Fire and Rescue
 - State Emergency Service
 - Environmental Protection Agency
 - Sydney Water
 - Endeavour Energy
 - Heritage NSW
 - Tharawal Local Aboriginal Land Council
 7. The planning proposal should be made available for community consultation for a minimum of 20 working days.
 8. Given the nature of the planning proposal, it is recommended that the Gateway not authorise council to be the local plan-making authority.
 9. The timeframe for the LEP to be completed is on or before 12 September 2025



16/9/2024

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