



IRF23/2071

Gateway determination report – PP-2023-1533

Proposed rezoning of land from RU2 Rural Landscape
to E5 Heavy Industrial and C2 Environmental
Conservation at 40-45 Maldon Bridge Road, Maldon

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
Attachment D – Bushfire Assessment
Attachment E – Greater Cities Commission Advice
Attachment F – Heritage Assessment
Attachment G – Sydney Water Advice
Attachment H – Transport for NSW Advice
Attachment I – Traffic Assessment
Attachment J – Infrastructure Delivery Statement
Attachment K – Social and Health Impact Assessment
Attachment L – Services Advice
Attachment M – Preliminary Site Investigation
Attachment N – Heritage Studies Peer Review
Attachment O – Heritage Due Diligence
Attachment P - DPE Email on Mine Subsidence Status
Attachment Q - Missing Table from Planning Proposal (pg 13) – Assessment of Consistency Against LSPS
Attachment R – DPE resubmission advice to Council (3 Feb 2023)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Wollondilly Shire
PPA	Wollondilly Shire Council
NAME	Maldon Bridge Road, Maldon
NUMBER	PP-2023-1533
LEP TO BE AMENDED	<i>Wollondilly Local Environmental Plan 2011 and State Environmental Planning Policy (Precincts - Western Parkland City) 2021</i>
ADDRESS	40-45 Maldon Bridge Road, Maldon, NSW, 2571
DESCRIPTION	Lot 1 DP748675 Lot 1 DP795225 Lot W DP163774 Lot X DP161196 Lot 1 DP 162140 Lot 1 DP 1138675 Lot 2 DP 1138675 Lot 31 DP 602144
RECEIVED	7/11/2023
FILE NO.	IRF23/2071
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 objective of the planning proposal (**Attachment A**) is to enable the redevelopment of land to the south of Picton Road, west of Maldon Road and along Staff Road in Maldon for employment uses as reflected in Wilton 2040.

The objective of this planning proposal is clear and adequate, however the Department notes given the proposed zones (C2 Environmental Conservation and E5 Heavy industrial) are Standard Instrument zones and the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP 2011) may be the most appropriate legislative instrument. This will ultimately be a decision of both the Department at finalisation and Parliamentary Counsel's Office during legal drafting. Further, the growth area boundary is not necessarily required to give effect to the intended outcomes.

1.3 Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explain how the objectives of the proposal will be achieved. The planning proposal seeks the following changes set out in **Table 3** below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU2 Rural Landscape	<ul style="list-style-type: none"> Part E5 Heavy Industrial Part C2 Environmental Conservation
Minimum lot size	100ha	<ul style="list-style-type: none"> 4,000m² for E5 zoning in Lot 1 DP 162140 5,000m² for the remainder of E5 zoning in the subject site An appropriate minimum lot size for proposed C2 Conservation Zone
Number of jobs	N/A	320
Growth Area Boundary	Excludes Lot 1 DP 162140	Amend to include Lot 1 DP 162140

1.4 Site description and surrounding area

The site comprises approximately 22.35ha of land located on the western side of Maldon Bridge Road and Staff Road in Maldon. The land is located approximately 3km from Picton and 6km from the interchange with the Hume Motorway via Picton Road. The site is predominantly within the Wilton Growth Area, with 0.6ha extending beyond the growth area boundary.

The subject site is residue to the Boral operation south of Picton Road and the Main Southern Rail line that crosses Maldon Bridge Road at a rail level crossing approximately 90m to the south of Picton Road. The railway line provides freight services used by Boral and others. The location of the subject site within the district is shown in **Figure 1** (overleaf).

The existing Boral operations are located to the east of Maldon Bridge Road and comprise a rail freight distribution terminal and onsite manufacturing, processing and storage of construction materials.

The land on the western side of Maldon Bridge Road includes a concrete batching plant, and both previous and existing workers cottages. The land also incorporates existing basins. A high voltage electricity easement traverses east-west across the land just north of the existing concrete batching plant. Part of the subject site also comprises land with environmental values including

native vegetation and steep gullies leading to Stonequarry Creek. At the end of Maldon Bridge Road and not included in the subject site is a Council Depot. **Figure 2** (below) illustrates the surrounding context of the subject site.

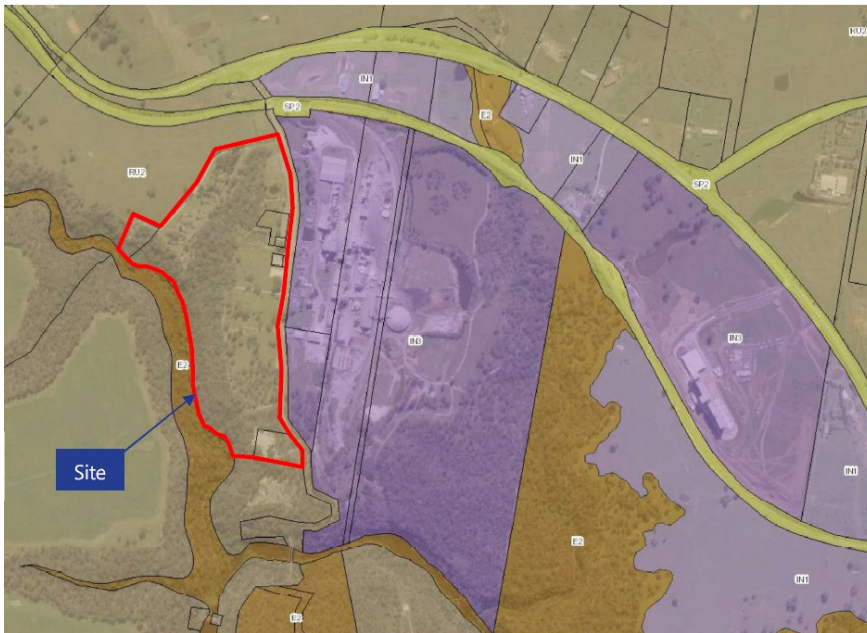


Figure 1 Subject site (source: planning proposal)

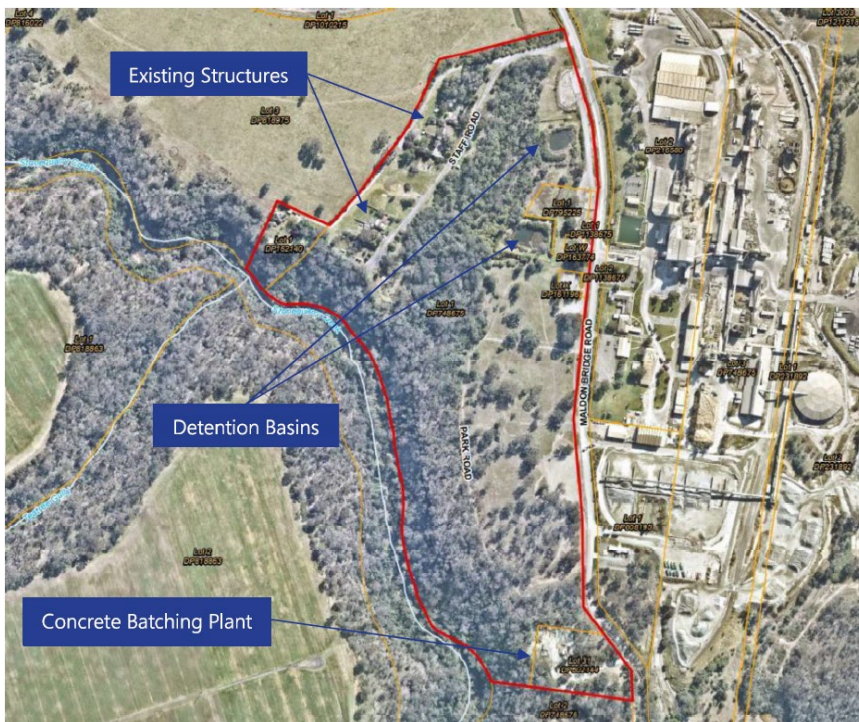


Figure 2 Site context (source: planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes, which will be suitable for community consultation following minor amendments.

The planning proposal will amend the following:

- Land Zoning Map; and
- Lot Size Map.

Department comment

A Gateway condition is included to require the planning proposal and relevant attachments be updated to ensure alignment of the proposed C2 Environmental Conservation zone with the Cumberland Plain Conservation Plan (CPCP) avoided land boundary.

An amendment to the Wilton Growth Area boundary is not required to rezone the portion of the subject site located outside the Wilton Growth Area (Lot 1/-/DP162140). This proposed amendment is therefore not included in this section.

As the subject site extends across the boundary of the Wilton Growth Area and proposes to implement standard instrument land use zoning, the Department will investigate at finalisation, the appropriate instrument to contain the new controls which may be the Wollondilly LEP 2011.



Figure 3 Existing Land Zoning Map



Figure 4 Proposed land zoning map (Source: planning proposal)

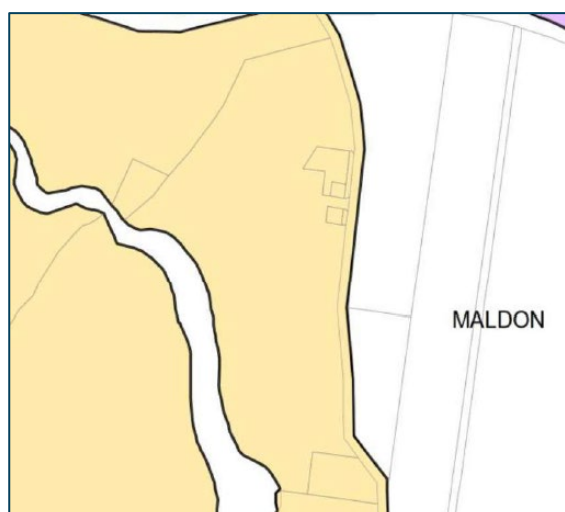


Figure 5 Existing Lot Size Map (beige = 100ha)

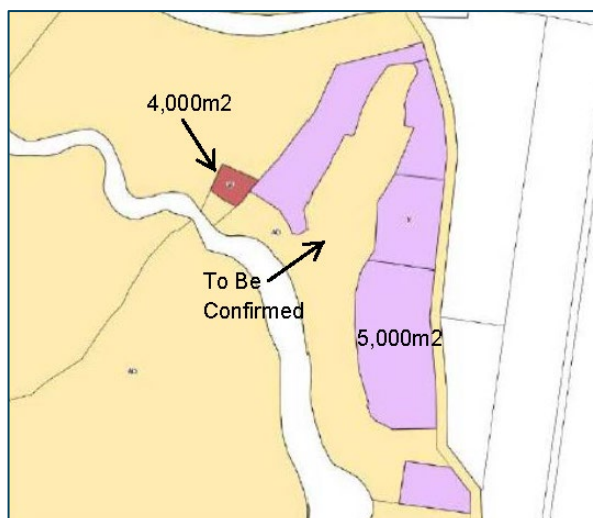


Figure 6 Proposed Lot Size Map (Source: planning proposal)

1.6 Background

The background to the planning proposal is as follows:

- Wollondilly Shire Council initially submitted the planning proposal to the department for a Gateway Determination on 6 January 2023.
- The department acknowledged the strategic merit of the proposal to deliver on the employment targets and intended land use outlined in Wilton 2040, and noted outstanding assessments and advice were required to address several matters (**Attachment R**) including:
 - A conclusive review of impacts to potential European and Aboriginal heritage items on the subject site, including workers' cottages and a potential scar tree.
 - Evidence of consultation with the Greater Cities Commission regarding impacts to the Metropolitan Rural Area that may be incurred by developing the portion of the subject site located outside the Wilton Growth Area Boundary
 - Confirmation that Transport for NSW does not object to the planning proposal
 - Confirmation that Sydney Water does not object to the planning proposal
 - Amend the proposed Land Zoning Map to align the proposed C2 Environmental Conservation boundary with the CPCP avoided land boundary.
- On 3 February 2023, the department determined the Gateway be resubmitted after the matters outlined above had been addressed.
- On 7 November 2023, Wollondilly Shire Council submitted the proposal for a Gateway Determination to the department with supporting evidence.

Department comment:

The department is satisfied that the issues above have been adequately addressed except for the proposed C2 Environmental Conservation zoning alignment to the CPCP avoided land boundary. The planning proposal can proceed to Gateway Determination, however, a Gateway condition is recommended that prior to public exhibition, the proposed C2 Environmental Conservation zone boundary must be aligned with the CPCP avoided land boundary.

2 Need for the planning proposal

The planning proposal is proponent-led. It is consistent with Wollondilly Shire Council's Employment Lands Strategy (ELS) and Wilton 2040 to create jobs and economic opportunity within the Wilton Growth Area. Both the Wollondilly ELS and Wilton 2040 recognise Maldon as a significant employment precinct with strong access to motorway and rail-freight connections, suitable for accommodating additional industrial land. The ELS and Wilton 2040 are discussed further in this report in Section 3 - Strategic Assessment.

To achieve the vision for the Maldon Precinct 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 Wollondilly LGA is subject to the Greater Sydney Region Plan: A Metropolis of Three Cities (March 2018). The planning proposal is consistent with the relevant objectives of the Region Plan, as outlined in **Table 4** below.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 2 – Infrastructure aligns with forecast growth – growth infrastructure compact	The proposal recognises constraints to servicing and infrastructure in Wollondilly Shire LGA and proposes to expand existing infrastructure on the subject site. It also notes contributions will be made in accordance with the Wollondilly Local Contributions Plan to fund and provide local infrastructure to benefit the growth of local community.
Objective 23 – Industrial and urban services land is planned, retained and managed	The proposal will provide industrial expansion in an appropriate location with good access to freight network.
Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced	The proposal will apply C2 Environmental Conservation zoning on existing vegetation and implement the Cumberland Plain Conservation Plan. The proposed C2 Environmental Conservation zoning will also provide a buffer to the riparian corridor at Stonequarry creek to protect and enhance waterway health once it is aligned to the CPCP avoided land boundary.
Objective 37 – Exposure to natural and urban hazards is reduced	The planning proposal identifies the need for stormwater management works and provides a Road Design and Stormwater Management survey. The Bushfire Assessment identifies the proposed development as improving the hazard risk of the site.

3.2 District Plan

The subject site is within the Western City District and the 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.

Table 5 includes a summary of the planning proposal against some of the relevant key objectives of the District Plan. The Planning Proposal contains further information on consistency with the District Plan.

Table 5 District Plan assessment

District Plan Priorities	Justification
W10: Maximising freight and logistics opportunities and planning and managing industrial and urban services land	The proposed heavy industrial rezoning aligns with the objective to retain and manage urban services land nominated for the Wilton Growth Area. The supporting Traffic Assessment (Attachment I) indicates an estimate of 320 jobs generated as a result of the proposal supporting employment opportunities for new and existing residents in Wollondilly. The Traffic Assessment also demonstrates that the employment land and transport network align so that infrastructure is optimised.
W14: Protecting and enhancing bushland and biodiversity	The application of the C2 Environmental Conservation zone will help to retain natural areas and rural land view corridors to the south-west, preserving the local character of the area. This includes protecting and enhancing areas of high biodiversity value and the Stonequarry Creek waterway. The retention of trees in the C2 Environmental Conservation zone will also help to minimise the impact of urban heat island effect associated with the proposed rezoning.

3.2.1 Wilton 2040: A Plan for the Wilton Growth Area

The majority of 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 planning proposal is consistent with the strategic land use for the Maldon Precinct identified in the Wilton Growth Area Structure Plan. The proposal also supports the economic, environmental, and employment planning principles of *Wilton 2040*.

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*, and *Wilton 2040*.

3.3 Local

The proposal states that it is consistent with the relevant local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in **Table 6** over:

Table 6 Local strategic planning assessment

Local Strategies	Justification
<i>Wollondilly 2040: A vision for the future of Wollondilly</i> - Local Strategic Planning Statement (LSPS)	The assessment against the Wollondilly LSPS and its priorities provided in the planning proposal is considered adequate and complete. Council's assessment notes 0.6ha of the subject site is located in the Metropolitan Rural Area (MRA), which is inconsistent with the MRA uses outlined in its LSPS. The proposed land use has been considered and supported by Council.
Wollondilly Employment Land Strategy (ELS)	The Wollondilly ELS sets the strategic planning framework to guide the future development of employment lands within the Wollondilly LGA. The ELS recognises Maldon as a significant employment precinct with strong access to motorway and rail-freight connections, suitable for accommodating additional industrial land. The subject site boundary is broadly consistent with the Maldon West investigation area and its corresponding actions, in particular Action 1.4 which identifies land west of Maldon Bridge Road for the expansion of existing industrial land use.

3.4 Local planning panel (LPP) recommendation

The Wollondilly Shire Local Planning Panel (LPP) considered the planning proposal on 16 December 2021. The LPP advised Council that it considered that the planning proposal had sufficient strategic merit and site-specific merit to proceed to Gateway.

The LPP's advice is set out in the Wollondilly Shire Local Planning Panel Minutes dated 16 December 2021. This included 5 specific recommendations which are summarised in **Table 7** below:

Table 7 Wollondilly Shire Local Planning Panel Advice

LPP recommendation	DPE comment
1. Refine and resubmit the Infrastructure Delivery Statement (IDS) prior to formal public exhibition	The IDS was updated in September 2022. The Gateway Determination requires consultation with relevant agencies who may identify any infrastructure requirements or gaps.
2. DPE, Council, and proponent to agree whether a precinct structure plan and neighbourhood plan are required.	A precinct structure plan and neighbourhood plan are not required as the proposal is consistent with the Wilton Growth Area structure plan and is a spot rezoning.
3. Flora and fauna assessment to be completed if the CPCP does not receive State approval prior to Gateway determination.	The CPCP received State approval in August 2022.
4. Development Control Plan (DCP) to be prepared to mitigate risks to the C2 zoning at the interface with the E5 zoning.	Matter for Council to address.

LPP recommendation	DPE comment
5. Preparation of a Vegetation Management Plan to support ongoing management of C2 zone.	<p>The report to Council did not address this recommendation. The department considers that this matter can be adequately addressed at the DA stage for the CPCP certified portion of the subject site.</p> <p>However, it is recommended the Gateway determination be conditioned to require a biodiversity study to investigate the proposed land uses for the parcel of land that is not within the CPCP.</p>
6. Preparation of a Water Management Plan implemented through LEP and DCP provisions to prevent impacts on surrounding land and waterways.	See above.
7. Council to consider use of 88b instrument to secure long-term protection of the C2 zone.	Not required. Ministerial 9.1 Direction 3.6 (1) and (3) for avoided land and the Biodiversity and Conservation SEPP provide adequate protection for use of the C2 zone.
8. Council to consider if the State Environmental Planning Policy (Affordable Rental Housing SEPP) 2009 applies to residences on the site.	Council notes in Appendix A to the planning proposal that the Housing SEPP is not applicable to the site.
9. Council and landowners to communicate progress of the planning proposal to tenants in the residences.	Not applicable to the rezoning process.
10. Council requested the landowner provide support for tenants to find new accommodation.	Not applicable to the rezoning process.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 8**, over:

Table 8 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	Inconsistent	While the planning proposal seeks to apply C2 Environmental Conservation zoning on land mapped as having biodiversity values, the proposal's misalignment with CPCP has been discussed earlier in this report and the Gateway is conditioned accordingly. The Gateway also requires further work to justify the proposed zone boundaries on the lot not subject to the CPCP.
3.6 Strategic Conservation Planning	Inconsistent	<p>This Direction prohibits land mapped as avoided land to be zoned for employment use. The <i>Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)</i> identifies the proposed E5 Heavy Industrial zone as an employment zone.</p> <p>On 6 February 2023, the department provided advice to Council (Attachment R) that upon resubmitting the planning proposal, the proposed C2 zoning boundary must be consistent with the CPCP avoided land boundary. The resubmitted, current planning proposal has not addressed this advice.</p> <p>A Gateway condition is recommended to address this issue as a planning proposal cannot amend the CPCP.</p>
4.3 Planning for Bushfire Protection	To Be Determined	As the site contains bushfire prone land, consultation with the NSW Rural Fire Service (RFS) is required to determine consistency with this Direction.
4.6 Mine Subsidence and Unstable Land	To Be Determined	<p>The planning proposal is within an identified Mine Subsidence District.</p> <p>Consultation with Subsidence Advisory NSW is required to determine consistency with this Direction.</p>
7.1 Employment Zones	Consistent	The planning proposal is consistent with the objectives of this Direction to encourage employment growth in suitable locations.
9.1 Rural Zones	Inconsistent	<p>The planning proposal seeks to deliver the Wilton Growth Area and relevant land use zoning identified in <i>Wilton 2040</i> as required under Ministerial Direction 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.</p> <p>Direction 9.1 allows for such inconsistency under clauses (a) and (c). Therefore, any inconsistency with this Direction is of minor significance and is recommended to the delegate accordingly.</p>
9.2 Rural Lands	Inconsistent	As above.

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, except for the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, which is discussed below.

3.6.1 SEPP (Biodiversity and Conservation) 2021

Chapter 13 Strategic conservation planning

Chapter 13 is applicable to land within the subject site and aims to ensure development is consistent with the biodiversity certification under the *Biodiversity Conservation Act 2016* and strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999*.

The proposal is inconsistent with Chapter 13 as the proposed E5 zoning encroaches on the avoided land as identified in the Avoided Land Map, which is inconsistent with the purpose of the avoided land as per Clause 13.7.

Additionally, the proposed C2 zoning boundary does not align with the avoided land under the CPCP.

As a planning proposal cannot amend the CPCP, a Gateway condition is recommended to resolve this inconsistency prior to public exhibition.

4 Site-specific assessment

4.1 Environmental

Table 9 (overleaf) provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Bushfire	<p>A supporting Bushfire Assessment (Attachment D) was prepared in accordance with the NSW Rural Fire Service (RFS) <i>Planning for Bushfire Protection 2019</i>. It concludes that the proposed heavy industrial land use results in improved outcomes for bushfire safety.</p> <p>Consultation with the NSW RFS is required in the Gateway determination.</p>
Avoided Land	<p>The proposed C2 Environmental Conservation zone boundary is not aligned with the State approved CPCP avoided land boundary. The department issued advice to Council in February 2023 (Attachment R) outlining that this alignment would need to be corrected prior to resubmission of the planning proposal. The boundary alignment has not been corrected therefore the Gateway has reiterated this requirement.</p> <p>Figure 7 illustrates the misalignment, showing the proposed zoning map on the left and an extract from the CPCP spatial viewer on the right, which shows the avoided land layer (green coloured layer on the right) extending the entire length of the boundary between the growth area boundary and Lot 1 DP 162140 (outlined in yellow).</p>



Figure 7 Comparison of proposed land zoning map and CPCP avoided land layer

Figure 8 below provides an aerial image of Lot 1 DP 162140 to illustrate the contiguous nature of the vegetation from the CPCP avoided layer that extends across the lot line.



Figure 8 Aerial image of Lot 1 DP 162140

To address this issue, it is recommended the Gateway determination be conditioned to:

- align the proposed C2 Environmental Conservation zone boundary to the CPCP avoided land boundary (for the portion of the site subject to the CPCP); and
- require consultation with Environment and Heritage Group (EHG), this is primarily to confirm the adequacy of the proposed zone boundary for the portion of the site not subject to the CPCP.

Additionally, the department's Resilience and Urban Sustainability team have been consulted and provided advice that a planning proposal is not the appropriate pathway to seek modification to the avoided land boundary. They have advised no formal modification to CPCP land boundaries has been sought for the subject site.

Existing Vegetation	<p>The majority of the subject site is within the Wilton Growth Area and is either certified "urban capable" or "avoided for biodiversity" under the CPCP. However, the planning proposal does not address environmental impacts in the portion of the subject site that is located outside the growth area boundary (Lot 1/-/DP162140).</p> <p>The department notes that vegetation on this lot is contiguous with CPCP avoided land inside the growth area. The proposed E5 Heavy Industrial zoning on this lot has</p>
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	<p>potential negative impacts on existing vegetation that is not covered by CPCP certification.</p> <p>Therefore, a Gateway condition is recommended to prepare a biodiversity study for Lot 1/-/DP162140. The study would assess whether any amendments to the proposed E5 Heavy Industrial zoning are required to respond to the site's biodiversity values. The Gateway determination will also require consultation with EHG to confirm the adequacy of the amended zone boundary.</p>
Minimum Lot Size (proposed C2 zone)	<p>The planning proposal seeks to implement a minimum lot size for the proposed C2 Environmental Conservation zone; however it does not provide a specific proposed minimum lot size planning control.</p> <p>It is recommended the Gateway be conditioned to determine the minimum lot size for the proposed C2 zone.</p>
Visual impacts	<p>A supporting visual impact assessment indicated that the existing industrial structure of the Boral operations is in the immediate landscape of the subject site and view corridors to the north, north-east and south-east are also mostly industrial structures. The significant portion of vegetation within the proposed C2 zone will protect view corridors of the rural landscape from the south-west. Adding to the need to consider carefully the proposed boundary of the C2 and E5 on the portion of the site not subject to the CPCP. Part of the site is mapped as Hawkesbury-Nepean Riverine Scenic Area and therefore will require additional considerations for visual impact at the DA stage.</p>
Mine Subsidence	<p>The planning proposal has considered the impacts of mining subsidence on the subject site. The department was consulted and confirmed in 2019 that there are no active coal mining leases affect the site (Attachment P), however the subject site is within a declared Mining Subsidence District.</p> <p>Consultation with Subsidence Advisory NSW is required in the Gateway determination.</p>
Contaminated Land	<p>The supporting Preliminary Site Investigation Report (Attachment M) assessed the potential contamination status of the subject site and the potential for contamination was detected. However, the report determined that any potential contamination issues identified could be remedied by standard industry methods prior to development. The report concluded that the site is capable of being made suitable for the proposed land use.</p>
Flooding	<p>The planning proposal considers flood impacts on the site and notes that it is not mapped as flood prone. Council has sought internal advice and confirmed that there is potential for a minor flooding issue associated with the watercourse north of Picton Road, that traverses across the railway to Staff Road into the proposed C2 zone running into Stonequarry creek. This would require stormwater management treatment to the western portion of the proposed E5 zone which has limited access in and out of the site. This issue could be addressed at the DA stage with the implementation of a stormwater management plan and installation of a drainage structure. The plan should also consider the application of a probable maximum flood (PMF) flood level to further minimise site flooding impacts.</p>
Heritage	<p>The original planning proposal contained two supporting heritage assessments for the subject site that identified potential items of heritage value: the workers cottages and an unconfirmed scar tree.</p> <p>Part of the department's advice to Council in February 2023 required the finalisation of these heritage assessments, with a focus on determining the heritage status of these</p>

items. A peer review (**Attachment N**) of these assessments has since been conducted and concluded the scar tree was naturally occurring, and that the workers cottages did not meet the requirements for listing as local heritage items in Schedule 5 of the Wollondilly LEP.

4.2 Social and economic

The proposal states the development will provide 320 jobs, which is considered to have a positive social and economic impact.

The planning proposal's supporting Social and Health Impact Assessment (SHIA) (**Attachment K**) identified several positive social and health impacts resulting from the proposal including:

- Increased employment opportunities to support the working population of Picton, Wilton and surrounding areas;
- Reduced travel distance to work with more opportunities for the local workforce;
- Rezoning the densely vegetated portion of the site to C2 Environmental Conservation aligns with community values; and
- Employment land uses would result in improved site security and lighting, reducing opportunities for crime.

The SHIA acknowledges that the proposed rezoning would ultimately lead to the loss of five houses along Staff Road. However, these residences are relatively isolated, within a designated bushfire zone and in proximity to an existing 24-hour operation of heavy industry uses. The residences would ultimately benefit from being better integrated into more established residential areas of Wollondilly.

4.3 Infrastructure

Table 10 (overleaf) provides an assessment of the adequacy of infrastructure to service the subject site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Water and wastewater	<p>The supporting Infrastructure Delivery Statement (IDS) (Attachment J) states that wastewater and potable water servicing will be provided by the proponent on site. Considering the existing infrastructure currently available in the adjacent site is already owned and operated by Boral, the proposed expansion of the proponent's own existing services or provision of new facilities on-site is considered a satisfactory arrangement.</p> <p>The IDS did not specify the proposed infrastructure upgrades and facilities required to service the site. The Gateway Determination requires consultation with relevant agencies which will provide advice on any infrastructure requirements and gaps.</p> <p>The department advised Council in February 2023 to seek confirmation from Sydney Water that it has no objection to the proposal. Sydney Water provided confidential advice in July 2023 to support the proposal proceeding to Gateway, noting servicing provided by the proponent is a satisfactory arrangement.</p>

Traffic

The supporting Traffic Assessment (**Attachment I**) investigates the cumulative road servicing impacts from the planning proposal. The assessment found that the intent of the planning proposal would not have a major impact to the existing road network service. Council also sought early consultation with Transport for NSW (TfNSW) who had no objection to the proposal proceeding to Gateway.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Subsidence Advisory NSW
- NSW Rural Fire Service (RFS)
- Sydney Water Corporation
- Transport for NSW
- Endeavour Energy
- NSW Environment Protection Authority (EPA)
- Environment and Heritage Group (EHG)

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has not requested delegation to be the Local Plan-Making authority.

As the 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:

- It is not inconsistent with regional, district and local plans and their relevant objectives;
- It will create ongoing employment opportunities that support the Wilton Growth Area;
- Inconsistencies with Local Ministerial Directions 9.1 and 9.2 are minor and justified;
- There are no adverse social or economic impacts as a result of the proposed amendments; and
- The planning proposal has demonstrated potential strategic and site-specific merit, subject to the recommended conditions and agency consultation.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 9.1 Rural Zones and 9.2 Rural Lands are minor and justified.
- Agree that consistency with section 9.1 Directions 3.1 Conservation Zones, 3.6 Strategic Conservation Planning, 4.3 Planning for Bushfire Protection and 4.6 Mine Subsidence and Unstable Land remain unresolved and is subject to further consideration.

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

1. The planning proposal is to be updated prior to community consultation to:
 - (a) Align the boundary of the proposed C2 Environmental Conservation zoned land with the Cumberland Plain Conservation Plan avoided land boundary on the Land Zoning Map;
 - (b) Remove references to a proposed amendment to the Wilton Growth Area boundary to include Lot 1 DP162140, as a planning proposal cannot amend the growth area boundary and note that the location of the new planning controls will be subject to legal drafting by Parliamentary Counsel's Office and may be located in the Wollondilly LEP;
 - (c) Prepare a biodiversity study to support the proposed rezoning in the parcel of land (Lot 1 DP 162140) not subject to the Cumberland Plain Conservation Plan and amend the planning proposal as necessary to reflect the findings of the study;
 - (d) Update the planning proposal reference number to PP-2023-1533;
 - (e) Update commentary on heritage assessments in section C3.9 of the proposal;
 - (f) Update references to IN3 Heavy Industrial to E5 Heavy Industrial;
 - (g) Amend references to the "*State Environmental Planning Policy (Precincts – Western Parkland City) 2022*" to "*State Environmental Planning Policy (Precincts – Western Parkland City) 2021*"; and
 - (h) Suggest a minimum lot size for the proposed C2 zone.
2. Council is to consult with the NSW Rural Fire Service prior to exhibition in accordance with Section 9.1 Direction 4.3 Planning for Bushfire Protection and address any comments made by that agency.
3. Consultation is required with the following public authorities:
 - Subsidence Advisory NSW

- NSW Rural Fire Service
 - Transport for NSW
 - Sydney Water Corporation
 - Endeavour Energy
 - Environment and Heritage Group
 - NSW Environment Planning Authority
4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
 6. The planning proposal must be reported to council for a final recommendation 9 months from the date of the Gateway determination.
 7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
 8. Given the nature of the proposal, it is recommended that Council not be authorised to be the local plan-making authority.



6/12/2023

Murray Jay

Manager, Place and Infrastructure, Metro West



6 / 12 / 2023

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