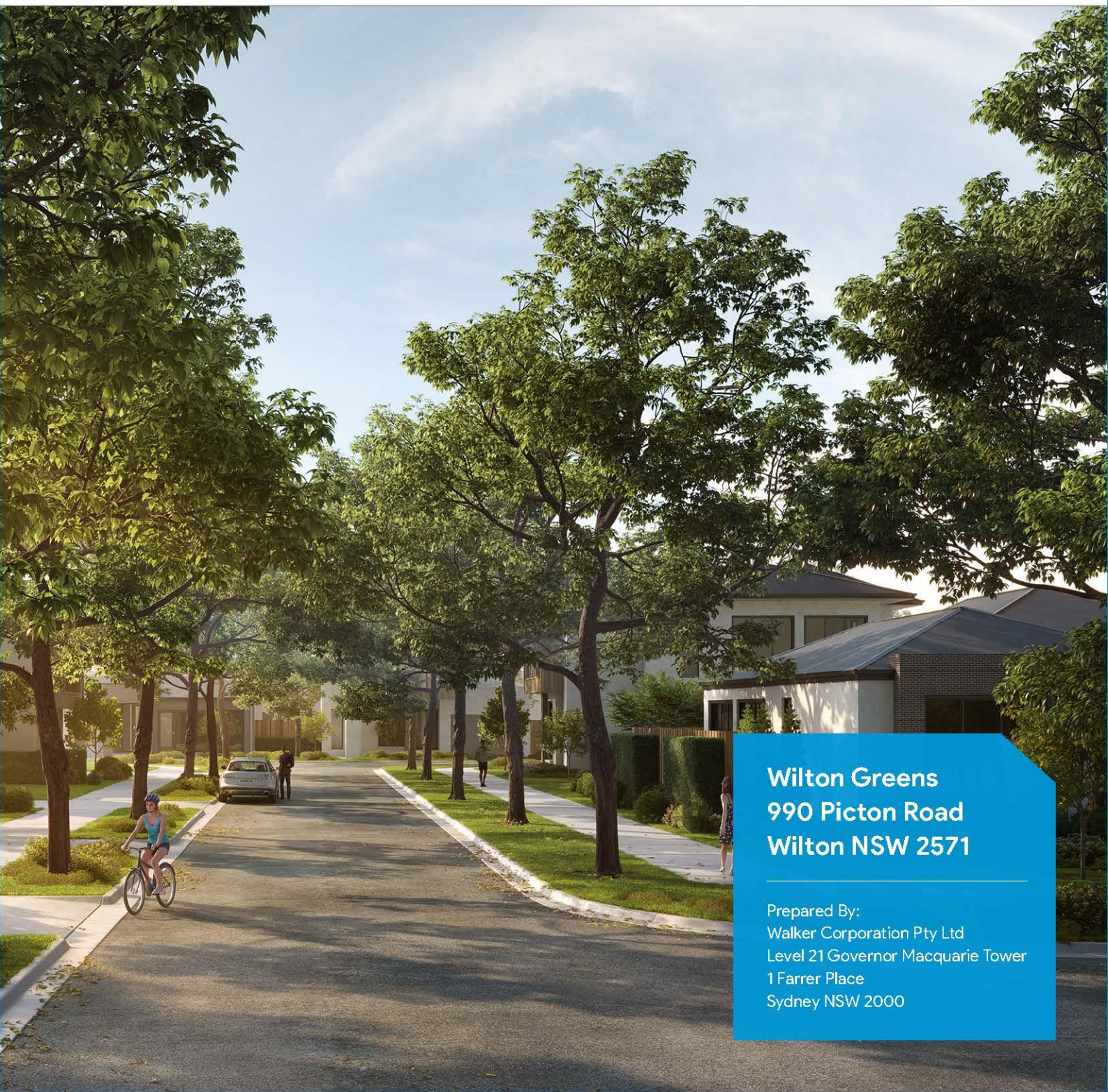


# South East Wilton Precinct Development Application

- Stage 1, part Stages 2 and 3 Bulk Earthworks & Tree Removal
- Stage 1 Residential Subdivision
- Temporary Sales Centre



**Wilton Greens**  
**990 Picton Road**  
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<b>Date</b>	12 June 2018
<b>Document Name</b>	South East Wilton Precinct – Development Application SEE: <ul style="list-style-type: none"><li>• Stage 1, part Stages 2 and 3 Bulk Earthworks and Tree Removal</li><li>• Stage 1 Residential Subdivision</li><li>• Temporary Sales Centre</li></ul>
<b>Version</b>	FINAL – V1

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5	SMS on APA pipeline	Phil Venton
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7	Archaeological study	Biosis

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7	Wilton South East Precinct: Stage 1 and 2 Aboriginal Cultural Heritage Assessment	Biosis
9	Wilton SE Precinct - Stage 1 Flora and Fauna Assessment	Cumberland Ecology
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## 1.0 INTRODUCTION

### 1.1 The Site

The site comprises the whole of envisaged Stage 1, part of envisaged Stage 2 and a minor part of Stage 3 of the South East Wilton Precinct (**SEWP**). Stage 1 is located immediately south of Bingara Gorge opposite the Picton Road/Pembroke Parade intersection and fronts the south side of Picton Road for a length of approximately 880 metres. Stage 2 is located west of Stage 1 extending to the Maldon Dombarton rail corridor. Stage 3 is located east of Stage 1.

The site is irregular in shape and comprises an area of approximately 92 hectares zoned Urban Development under the South East Wilton Precinct Plan. The SEWP Plan comprises Appendix 14 of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP-SRGC)*.

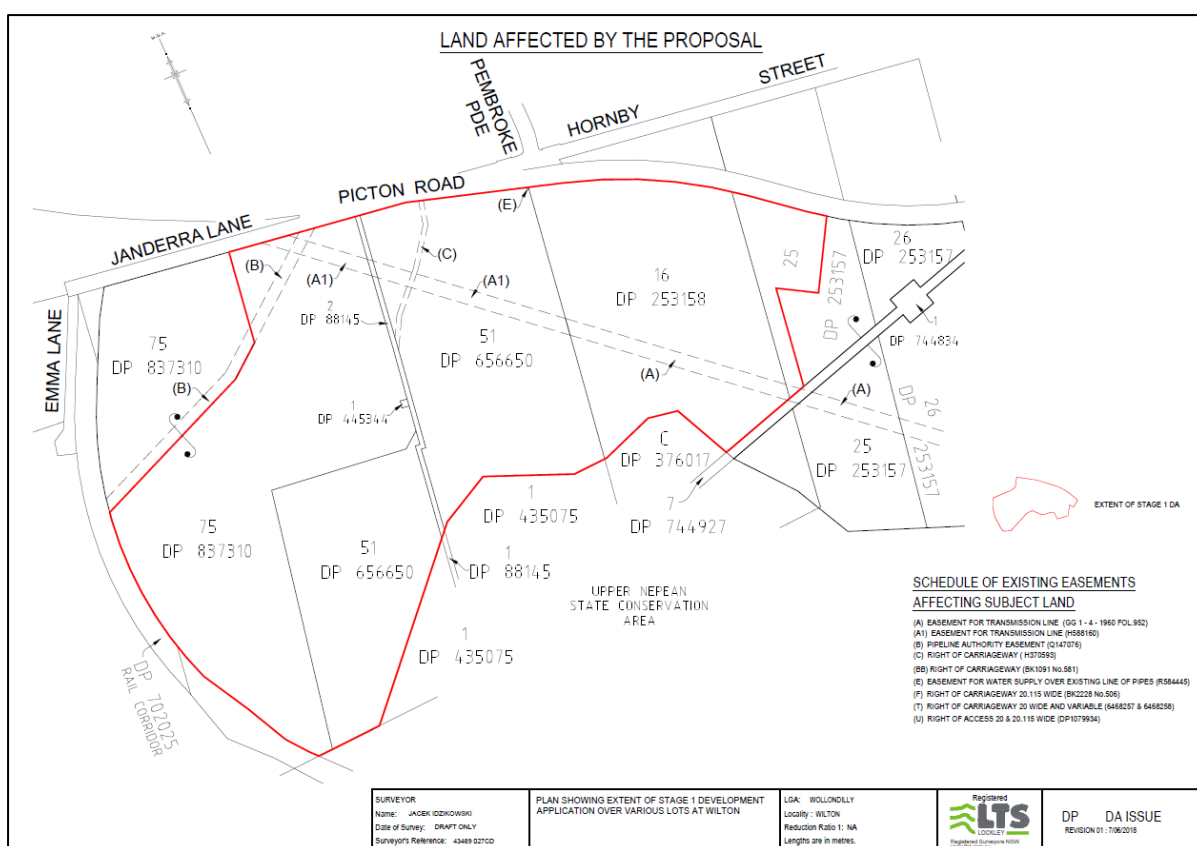


Figure 1 – The site

## 1.2 Background

### Wilton Growth Area

The Wilton Growth Area (**WGA**) is a growth centre identified on the Wilton Growth Area Precinct Boundary Map – Figure 2.

The WGA is a new release area on Sydney's fringe that will grow into a sustainable new community over the next 20 to 30 years. It is an important piece in the delivery of a 30 minute city for the Western City District of Sydney. Its strategic location allows for connections between future employment and commercial areas in Western Sydney Airport, Greater Macarthur, and the Illawarra.

The WGA is made up of five precincts – South East Wilton, Wilton North, Wilton Town Centre, and West Wilton. Bingara Gorge was rezoned in 2005 and is being developed for low density housing. The Maldon employment area to the west is also part of the WGA and represents the fifth precinct.

A key attraction of the WGA is its setting within the natural river gorges of the Nepean River. Biodiversity values in Wilton are high, and protection of significant areas of the growth area for environmental conservation has been given high importance in the detailed planning of Wilton's development including the South East Precinct.

The WGA will provide:

- around 15,000 new homes in a variety of forms
- 60,000sqm of retail and business floor space
- a target of 15,000 new jobs
- appropriate infrastructure to support the new growing community
- conserve endangered flora and fauna and
- recognise and conserve the areas Aboriginal heritage

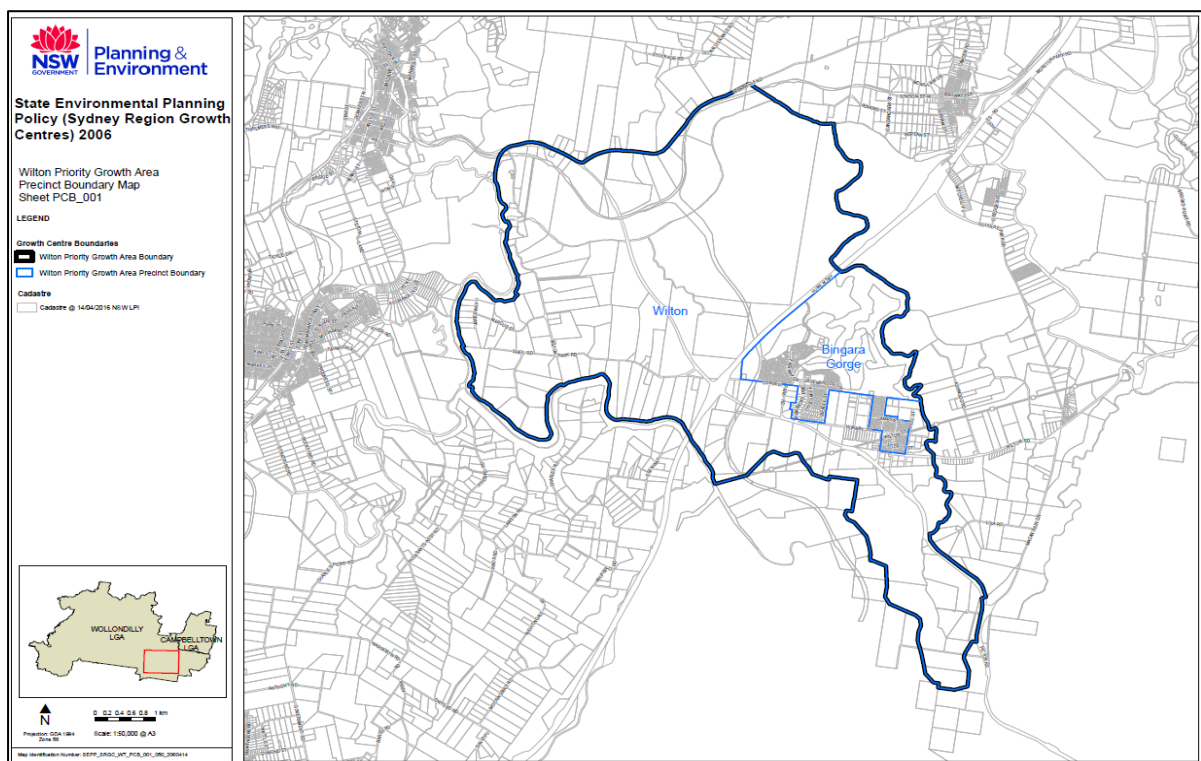


Figure 2 – Wilton Priority Growth Area Precinct Boundary Map

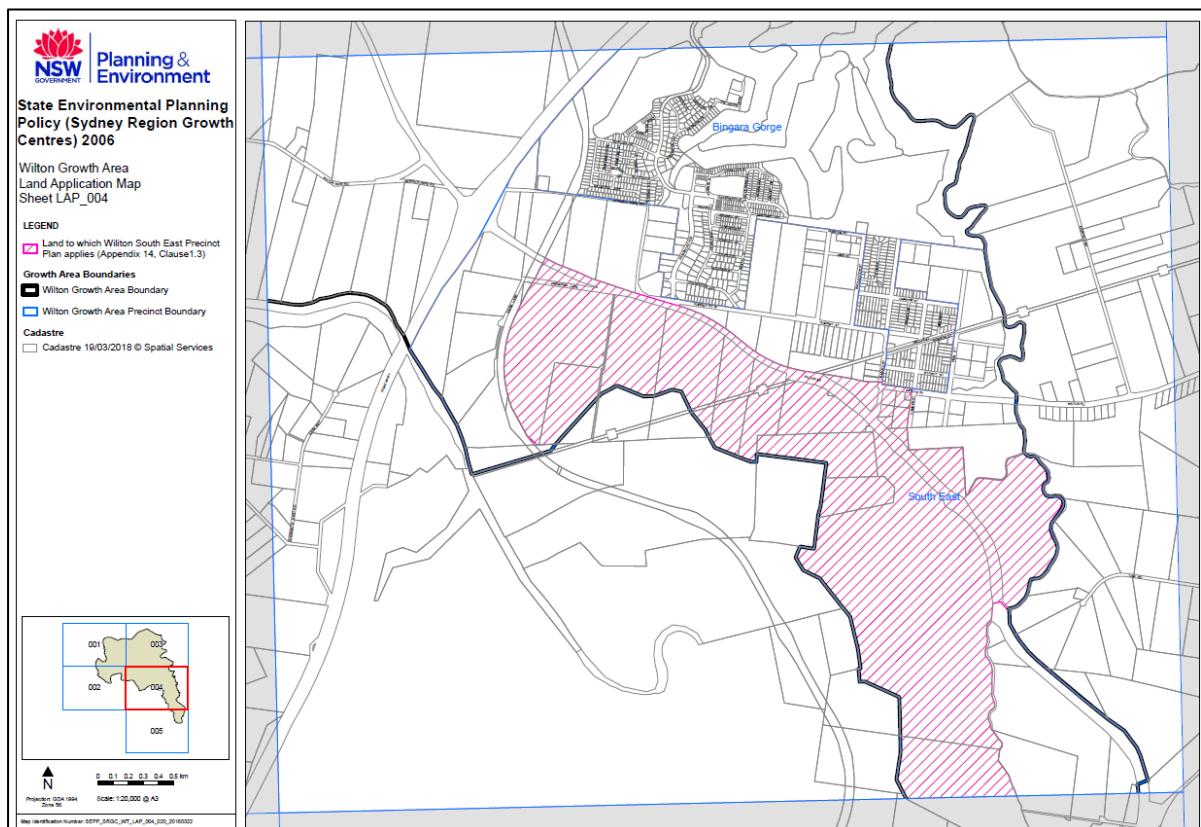


## South East Wilton Precinct

The SEWP is a precinct of the WGA. The SEPP-SRGC, as amended on 13 April 2018 creates Appendix 14, the South East Wilton Precinct Plan (*the SEWP Plan*). The SEWP Plan:

- Regulates the development of land within the SEWP
- Provides the land uses zones and development standards for development within SEWP
- Terminates the application of *Wollondilly Local Environmental Plan 2011* to the land (clause 1.8(2) of Appendix 14).

*Wilton Growth Area Land Application Map* (refer Figure 3), identifies the land to which the SEWP Plan applies.



**Figure 3** – Wilton Growth Area Land Application Map – identifying the land to which the South East Wilton precinct Plan applies (Appendix 14, cl 1.3)

The SEWP Plan covers a total area of 430 hectares and extends for 4 kilometres along the south side of Picton Road east of the Picton Road/Hume Highway grade separated interchange.

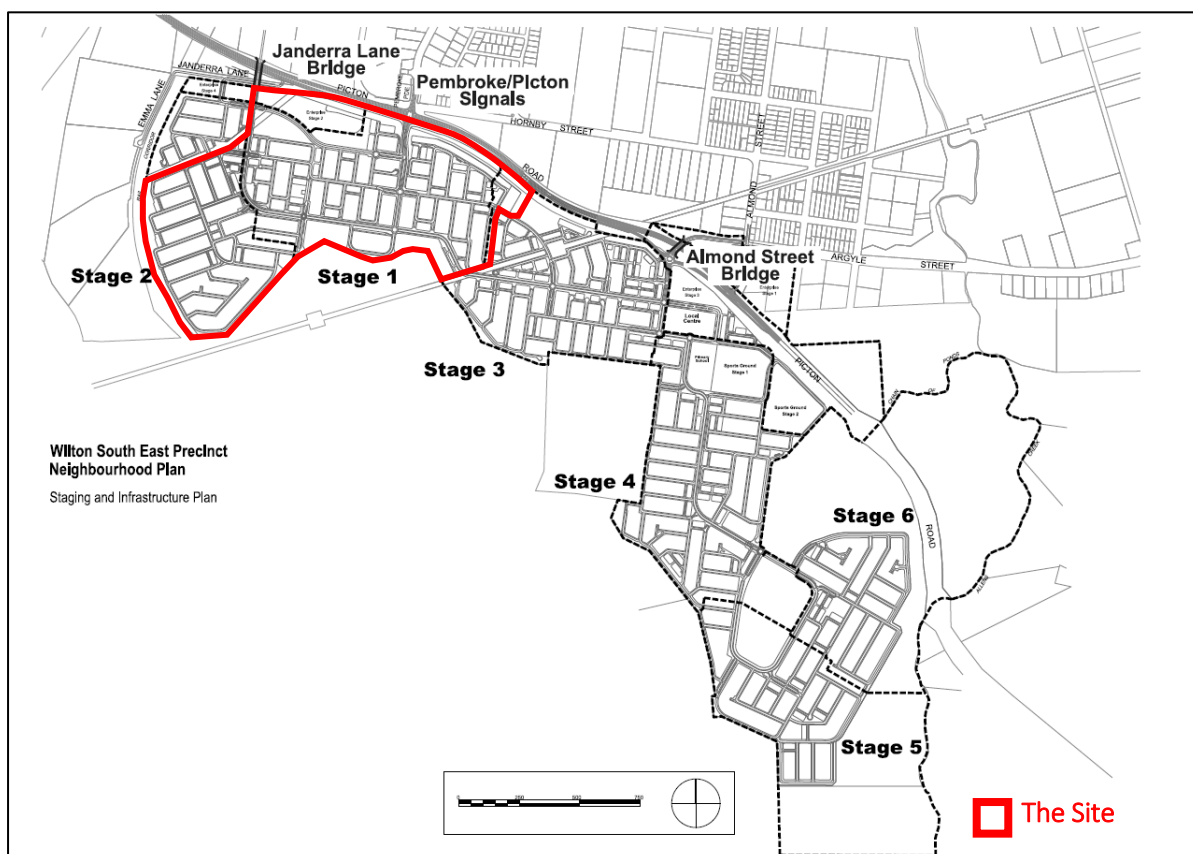
The SEWP will be developed over the next 20-30 years and will be predominantly residential in nature, with up to 3,600 homes and a local community of 9,600 people to be developed in 5 stages - refer to Figure 4. A range of dwellings will be constructed, to meet household needs and deliver affordable housing options for the new community.

A local village centre in the precinct will have community uses such as a medical centre, child care centre, plaza and a community centre. A public primary school is proposed adjacent to the village centre, next to the local sports hub. This will all be in walking and cycling distance for residents.

One hundred and sixty four hectares of land has been zoned as environmental conservation to protect Cumberland Plain Woodland and primary koala habitat.

In summary, the SEWP:

- planning is based upon a population of up to 9,600 people
- can accommodate up to 3,600 homes within a mix of densities
- provide connections via cycleways and passive parks to the local village centre which has its own small *main street*, adjoining a new primary school, childcare centre and sports hub
- Employment areas are provided with the potential to accommodate over 1,000 jobs
- 164 hectares of conservation land containing Cumberland Plains Woodland and Shale Sandstone Transition Forest endangered ecological communities plus important habitat for Koala, Glossy Black Cockatoo, Powerful Owl and Greater Broad Nosed Bat



### State Voluntary Planning Agreement

Walker Corporation Pty Ltd and the Minister for Planning have signed a Voluntary Planning Agreement (**VPA**) for the provision of State services and infrastructure (**Folder 3**). This agreement addresses the delivery of roads, public transport, State delivered social infrastructure including serviced land for a new primary school. It provides for over \$60 million in works, land and cash contributions designed to ensure infrastructure is delivered when it is needed. The VPA has been structured to provide for additional contributions to the State if further infrastructure is identified under a Special Infrastructure Contributions scheme.

## Strategic context

Following the lodgement of the rezoning submission for the SEWP in July 2016, detailed planning for the SEWP in consultation with the NSW Department of Planning, state government agencies, Wollondilly Shire Council (**Council**) and the community advanced.

Walker Corporation, in its preparation and assessment of the SEWP rezoning prepared a series of neighbourhood plans, focusing on precinct specific issues and how they will be managed. A copy of each plan is provided in **Folder 2**. These plans are as follows:

- Aboriginal and European Heritage
- Bushfire Risk
- Gas infrastructure
- Koala Corridor
- Local Centre
- Open Space Network
- Local Open Space and Community Infrastructure
- Pedestrian and Cycle Network
- Road Hierarchy Plan
- Staging and Infrastructure Plan
- Water Cycle Management and Ecology
- Noise Plan

## 1.3 The Development Application

This Statement of Environmental Effects has been prepared by Walker Corporation Pty Ltd to accompany a Development Application for residential subdivision and associated bulk earthworks in accordance with part 4 of the *Environmental Planning and Assessment Act 1979 (NSW)*.

This development application requests:

- **Development approval** for bulk earthworks within Stage 1 parts of Stages 2 and 3
- **Development approval** to remove trees located within Stage 1 and parts of Stages 2 and 3
- **Development approval** for the staged development of 58.67 hectares of land into 701 residential lots, various public reserves for open space and drainage, balance lots and subdivision works including demolition of buildings, drainage works, construction of roads and landscaping
- **Development approval** for a temporary Sales Centre

This subdivision would be undertaken in accordance with the plans and reports submitted in conjunction with this Development Application and included in **Folder 1**, **Folder 2** and **Folder 3**.

The application is considered to be integrated development in accordance with the definition in cl4.46 of the *Environmental Planning and Assessment Act 1979* because the subject development application will require development consent and one or more other approvals under:

- *Coal Mines Subsidence Compensation Act (2017)* – land identified as within a Mine Subsidence District
- *National Parks and Wildlife Services Act (1974)* – land contains an identified aboriginal object (scar tree)



- *Roads Act (1993)* - connection to State road - Picton Road)
- *Rural Fires Act (1997)* - land identified as bushfire-prone land within the *Wollondilly Shire Council Bushfire Prone Land Map*

The presence of two capped CSG exploration wells within the site may also require referral to the Regulatory Coordinator, Mine Safety Operations, Resources Regulator, NSW Planning and Environment – Resources & Energy.

A small portion of bulk earthworks are to occur within Stage 3 for the purpose of temporary batters and basin. This development application does not seek approval for development or works or land uses within Stages 4 and 5 of the SEWP.

## 2.0 SITE ANALYSIS

### 2.1 Location and Description

The site comprises of Stage 1, part of Stage 2 and a minor part of Stage 3 of the SEWP. Stage 1 is located immediately south of Bingara Gorge opposite the Picton Road/Pembroke Parade intersection and fronts the south side of Picton Road for a length of approximately 880 metres. Stage 2 is located west of Stage 1 extending to the Maldon Dombarton rail corridor. Stage 3 is located east of Stage 1 – refer to Figure 5.

The site is generally irregular in shape and comprises an area of approximately 92 hectares of land zoned part Urban Development and Part Infrastructure under the SEPP-SRGC Appendix 14.

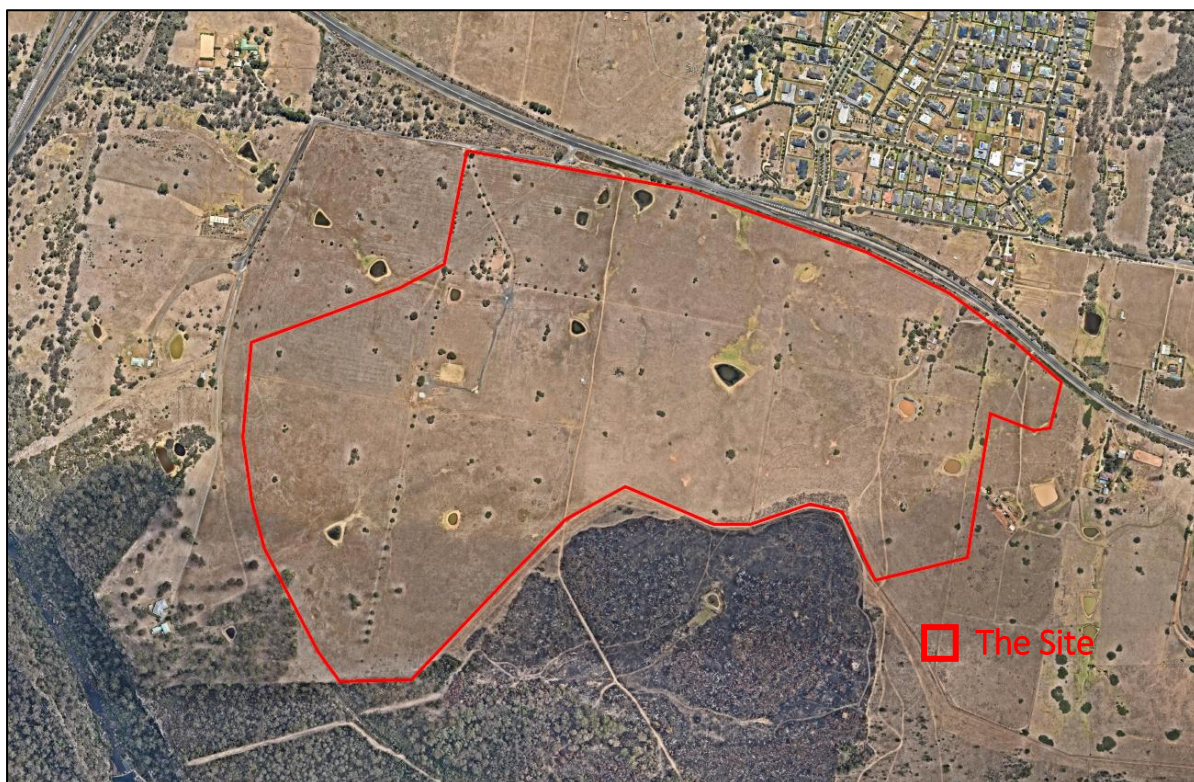


Figure 5 – Site location aerial image (Nearmap, 2018)

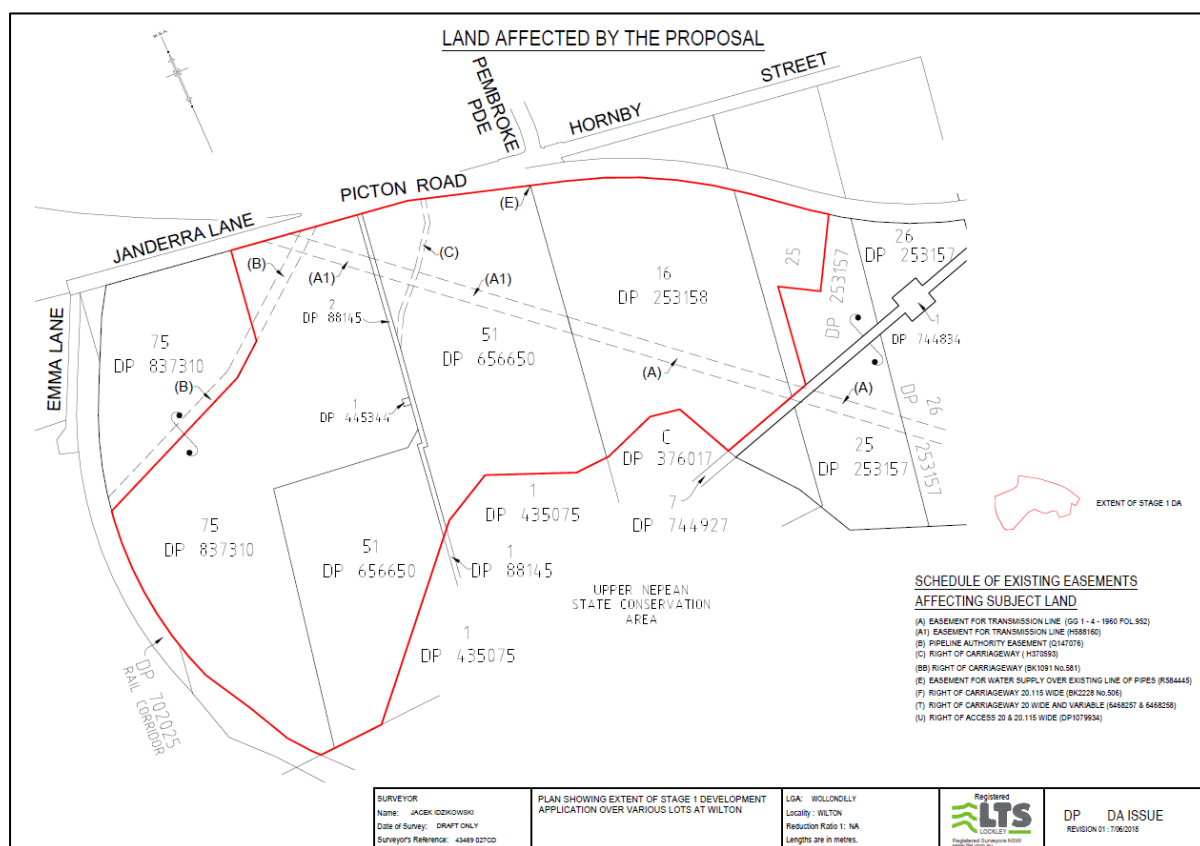
The site includes land owned by Walker Corporation Pty Ltd and Telstra Corporation Pty Ltd. The application has been made by Walker Corporation Pty Ltd therefore no owner's consent is required in relation to the land that it owns (as per clause 49(1) of the *Environmental Planning and Assessment Regulation 2000*). A letter confirming Telstra Corporation's consent for the lodgement of this application has been provided with this application.

### 2.2 Property Description

Table 1 and figure 6 detail the legal property description, land area and owner of the lots that comprise the site.

**Table 1:** List of the properties that comprise the site of the subject development application

ADDRESS	LOT	SECTION	DP	OWNER	
5 Janderra Lane, Wilton	51	-	626650	Walker Corporation P/L	Whole Lot
15 Janderra Lane, Wilton	75	-	837310	Walker Corporation P/L	Part lot as detailed in figure 6
Picton Road, Wilton	1	-	445344	Telstra Corporation Limited	Whole Lot
Picton Road, Wilton	2	-	88145	Walker Corporation P/L	Whole Lot
990 Picton Road, Wilton	16	-	253158	Walker Corporation P/L	Part lot as detailed in figure 6
1000 Picton Road, Wilton	25	-	253157	Walker Corporation P/L	Part lot as detailed in figure 6



**Figure 6** – Property Description and land ownership

Table 2 and Figure 7 detail the easements that affect the site and specific properties.

**Table 2:** List of material easements that affect the site

	Description	PURPOSE	OWNER
A1	GG 1-4-160 FOL.952	Transmission Line	Endeavour Energy
A	H588160	Transmission Line	Endeavour Energy
B	Q147076	Sydney Moomba Gas Pipeline	APA Group
C	H370593	Right of Carriageway	Telstra
E	R58445	Water Supply over existing pipes	Walker Corporation



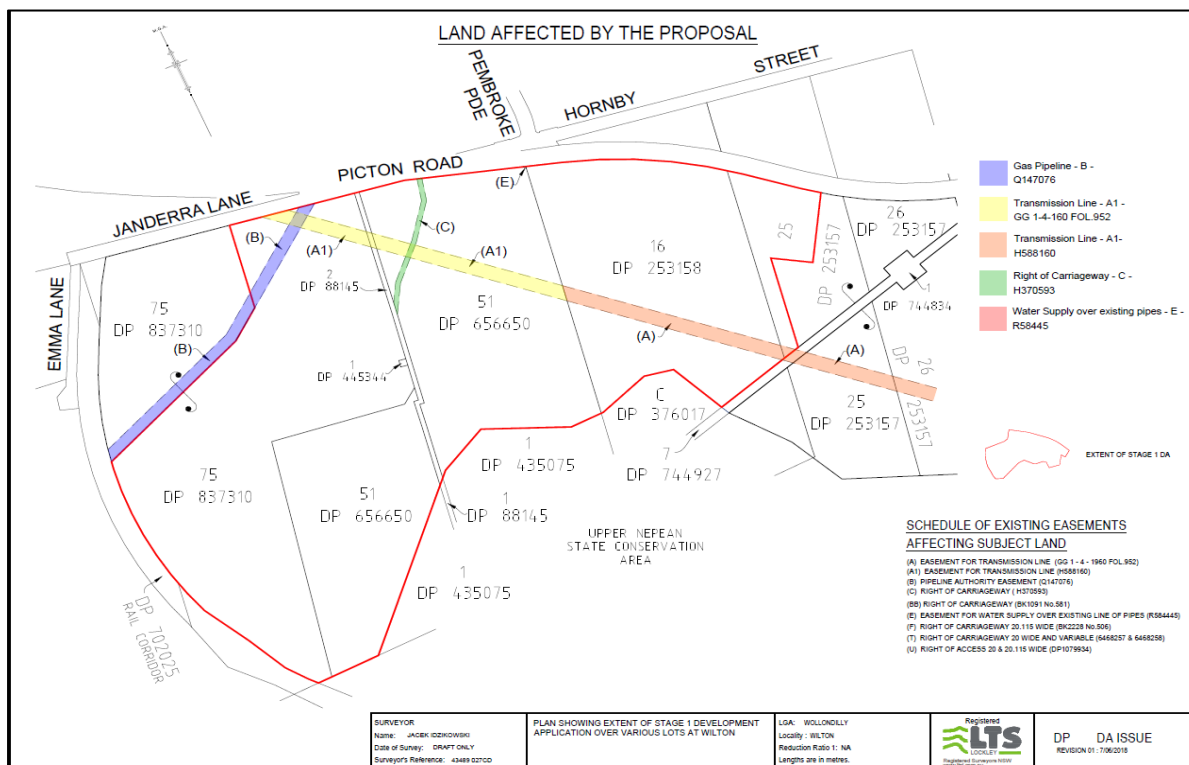


Figure 7 – Easement location

### Gas Easement (B - Q147076)

The gas easement traverses lot 75 DP837310 and is located within the area described as stage 2.

The easement contains two high pressure gas pipelines of the Sydney to Moomba Gas Pipeline:

- The DN 850 Sydney to Moomba pipeline owned and maintained by APA Group; and
- The DN 200 Ethane pipeline owned by Qenos and maintained by APA Group.

Both pipelines are contained within a 40 metre corridor. Pursuant to clause 55 of the *State Environmental Planning Policy (Infrastructure) 2007*, prior to determining an application the consent authority must be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development or modification to which the application relates have been identified and the risks taken into consideration. No development is proposed to encroach within this corridor, with the exception of two road crossings. These will need to be minimised and carefully managed to avoid increasing the risk of penetration.

A high level risk assessment was undertaken for the precinct rezoning (Elton Consulting/Venton & Associates; 14 July 2014). This recommended a Safety Management Study be undertaken before the any development is approved.

The relevant Safety Management Study (SMS), prepared by Phil Venton was undertaken with APA Group and is provided in **Folder 3**.

The subject development application proposes works and subdivision of land adjoining and burdened by the easement, therefore the application should also be referred to APA Group, the owner of the easement.

The subject development application proposes earthworks within the easement to provide 2 road crossings.

### **Transmission Line easements (A1 - GG 1-4-160 FOL.952 & A-H588160)**

The transmission line easements benefiting Endeavour Energy are for high voltage power lines that traverses the site. The easement does not contain any infrastructure. Endeavour Energy has advised the easement is no longer required. Walker signed an agreement with Endeavour Energy on 20 September 2016 requesting the release of this easement. Endeavour Energy advised *“there will be no requirement for Walker Corporation to provide an alternate route for the existing Transmission easement through its proposed residential development site at Wilton”* (email Simon Lawton 21 November 2016). Following the gazettal of the rezoning in April 2018 Endeavour Energy commenced a valuation of their easement and it is the proponent’s expectation that negotiations with Endeavour Energy will commence following the completion of this valuation. The proponent would accept a condition of consent that the easement be either relocated or removed prior to the commencement of construction of subdivision works.

Development is proposed to occur within and immediately adjacent to an electrical easement. Pursuant to clause 45 of the *State Environmental Planning Policy (Infrastructure) 2007*, the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice.

### **Right of Carriageway easement (C - H370593)**

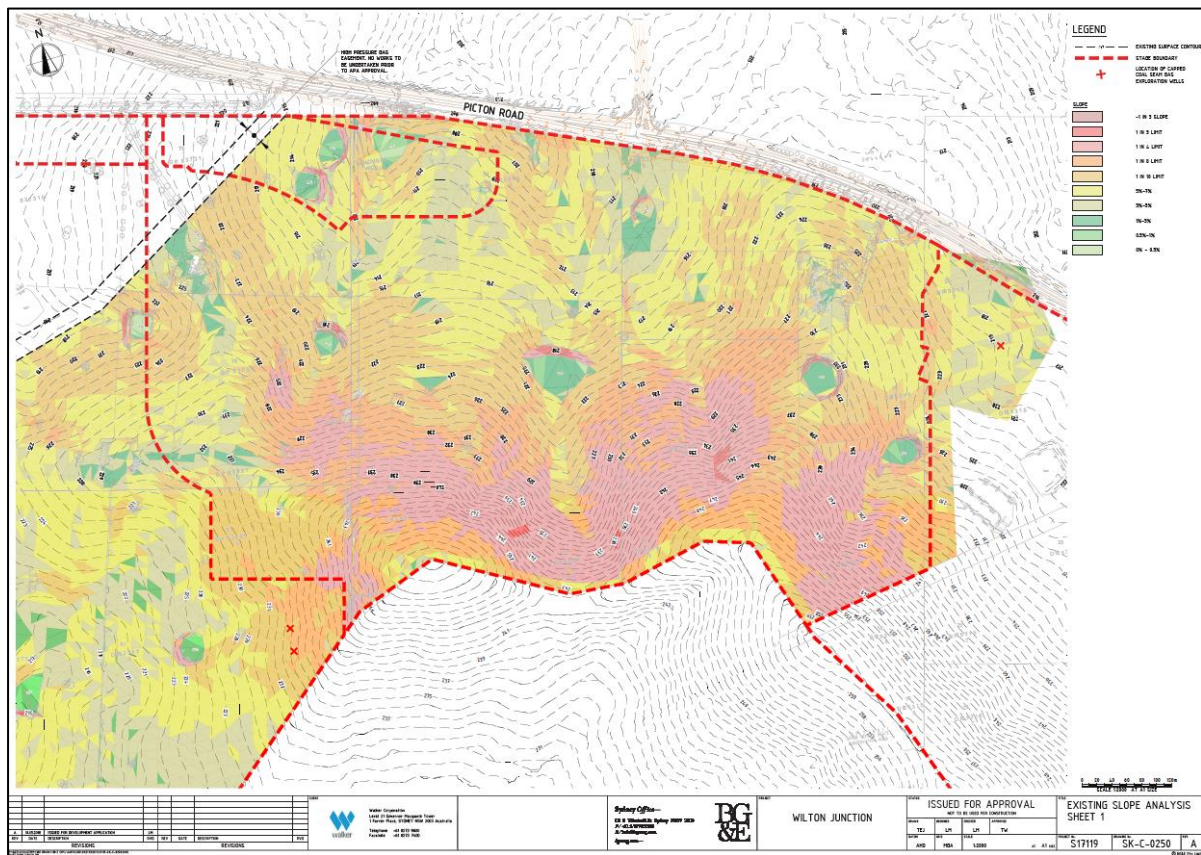
The site is burdened by a right of carriageway H370593 benefiting the Lot 1 DP 445344 which is owned by Telstra. Owners consent from Telstra is provided. The easement would be extinguished and replaced by the public road access.

### **Water Supply (E - R58445)**

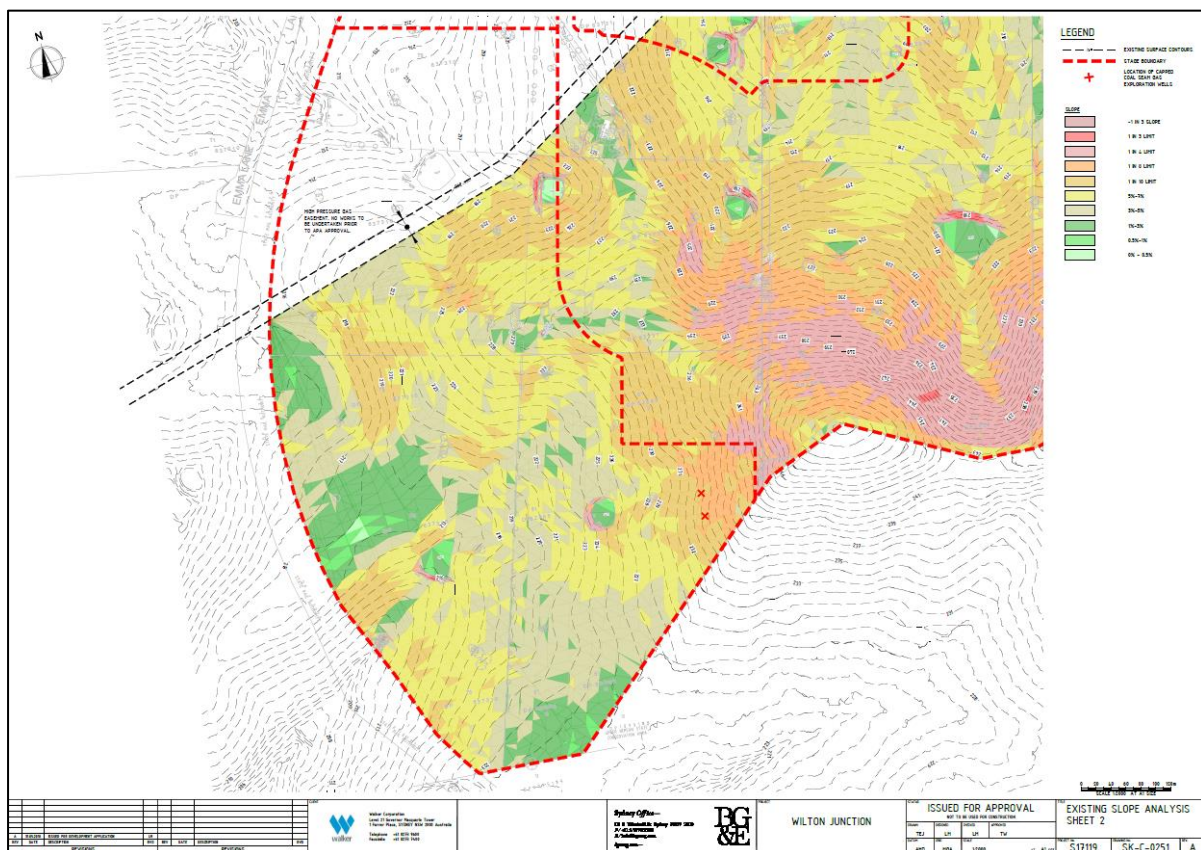
This easement protects an existing house service water supply to Lot 16 DP 253158 and burdens Lot 51 DP 656650. Both lots are owned by Walker Corporation.

## **2.3 Landform and Topography**

The landform can be described as undulating, however it has a general fall from the ridge along the southern boundary of the site (approximately 250-260m AHD) to Picton Road in the north (approximately 205-220m AHD). The slope steepens towards the two main gullies within the site then flattens out at the base towards Picton Road – refer to Figures 8 and 9.



**Figure 8 – Existing Slope Analysis Sheet 1 of 2 (BG&E)**



**Figure 9 – Existing Slope Analysis Sheet 2 of 2 (BG&E)**

## 2.4 Geology and Hydrology

The site is predominantly underlain by Ashfield Shale of the Wianamatta Group of Triassic age. This formation typically comprises laminite and dark grey siltstone. There is a small section of Hawkesbury Sandstone opposite the Picton Road/Pembroke Parade intersection.

### Drainage

The majority of Stage 1 naturally drains overland towards two existing culvert crossings under Picton Road. Flows are then conveyed through the existing rural – residential properties to the north into a riparian corridor in Bingara Gorge before ultimately connecting to Allen's Creek. It is noted that this watercourse bisects existing properties with close to existing dwellings and under driveways.

A portion of Stage 1 study area drains to the west and discharges upon land owned by Walker Corporation (Stage 2 land). These catchments ultimately drain across the future rail corridor and through existing rural-residential properties to the west (via existing riparian corridors) before ultimately connecting to the Nepean River.

A further portion of Stage 1 drains to the east and discharges into land owned by Walker Corporation (future Stage 3). This catchment ultimately drains to a series of culverts under Picton Road and into a riparian corridor to the north which also connects to Allens Creek.

### Coal Seam Gas exploration wells

There are two capped coal seam gas exploration wells within the area affected by bulk earthworks in the area described as Stage 2. These are identified as Moonshine 7 and 7A. The location of these wells is identified on the South East Wilton Structure Plan, dated 13 December 2017 and on the proposed bulk earthworks and subdivision plans. The wells were drilled in 1982 to assess the methane drainage potential of the existing underlying coal seams and the nature of existing geological and groundwater conditions. The wells are approximately 150 mm in diameter. The wells were reinspected in 2015 and were found to be in satisfactory condition.

The layout for Stage 2 locates the capped wells within public road reserve. The wells will be appropriately managed both during and after construction.

The CSG *Well Completion Reports* are provided in **Folder 3**.

## 2.5 Existing development and improvements

The site is largely unimproved, generally grass covered and used for grazing purposes. Lots 16 and 75 contain a dwelling with ancillary outbuildings. Several small farm dams are scattered across the site.

The site is cleared and used for agricultural purposes; however, there are scattered paddock trees.

Telstra infrastructure is contained within the lot described as Lot 1 DP 445344 and there are low voltage power lines that traverse the site in a north south direction, east of the Telstra infrastructure.

Development is proposed to occur immediately adjacent to the electricity infrastructure. Pursuant to clause 45 of the *State Environmental Planning Policy (Infrastructure) 2007*, the consent authority must give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and take into consideration any response to the notice.

## Existing Approvals

The following existing and current approvals apply to the site:

- DA no. 4/2017 – Subdivision and consolidation of 12 lots into 4 (Council consent authority)
- Subdivision certificate no. 14.2017.4.1 – Council approved Torrens Title subdivision (Council consent authority)

## 2.6 Surrounding land uses and their development approvals

The Bingara Gorge Estate is located north of the site and contains approximately 600 dwellings. The site has concept approval (DA 10.2015.283.001) for a maximum 1,800 residential allotments with condition 10(2) requiring the signalisation of both intersections along Picton Road with Pembroke Parade and Almond Street prior to the registration of the 1,166<sup>th</sup> allotment or as otherwise agreed with Council and NSW Roads and Maritime Services (*RMS*).

The existing Wilton Township, containing approximately 400 dwellings, is located northeast of the site. Further east of the Site are the future residential stages of the SEWP and the E2 Environmental Conservation land, protecting Allens Creek.

South of the site is the Upper Nepean Conservation area (i.e. Sydney drinking water catchment land), the Maldon Dombarton Railway corridor and the Cordeaux River. West of the site is the Hume Highway and other precincts of the WGA.

## 2.7 Statutory Planning Context

The site is located within the WGA and the SEWP Plan (SEPP-SRGC Appendix 14) applies to site. SEWP Plan details the land use zones, development standards and other provisions for the site.

The development standards applying to the site are summarised in table 3.

**Table 3:** South East Wilton Precinct principal development standards

Principle Development Standard	SEPP-SRGC Schedule 14 SEWP Plan
Zone	Urban Development & SP2 Infrastructure (figure 10)
Minimum lot size	Not applicable
Height of building	9-12 m
Residential Density	Dwelling house and dual occupancy – 15-25 dwellings/ha Residential flat buildings, attached dwellings, multi dwelling housing, mixed use development and shop top housing – 25-45 dwellings/ha
Retail Floor Area	Total GFA for retail premises must not exceed 5,000sqm.

Subdivision, earthworks and demolition are considered permissible with consent within the Urban Development Zone and SP2 Infrastructure Zone (as per clause 2.5, 2.7 and clause 7.4 of the SEWP Plan). Other subdivision works for the purpose of residential and urban development generally are permissible with consent within the urban development zone (as per the Land Use Table in the SEWP Plan). Other subdivision works for the purpose of roads are permissible in the SP2 Infrastructure Zone (as per the land use table in the SEWP Plan).

Prior to granting consent for the carrying out of development in the Urban Development Zone, the consent authority must notify the Planning Secretary about the proposed development, consider any



submissions made by the Planning Secretary and be satisfied that the development is consistent with the South East Wilton Structure Plans.

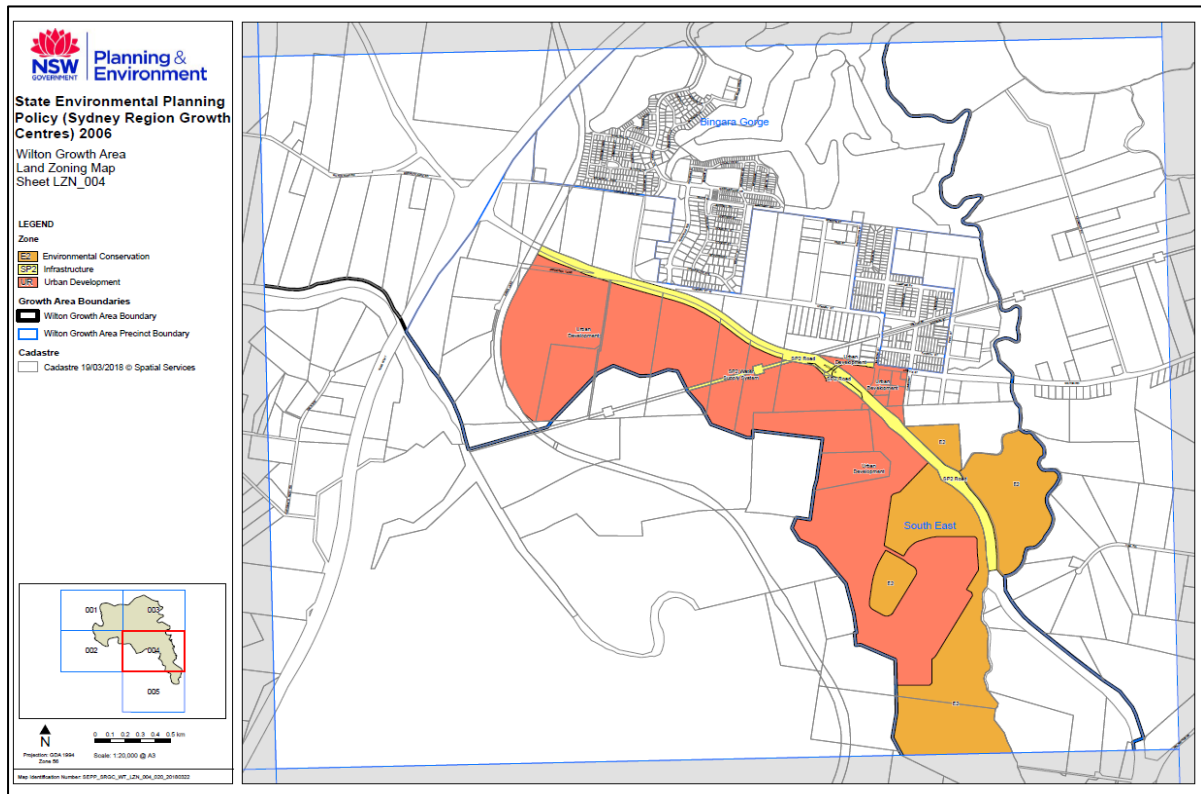


Figure 10 – Wilton Growth Area Land Zoning Map

The South East Wilton structure plans are defined as:

- *Wilton Interim Land Use and Infrastructure Implementation Plan* dated August 2017
- *Wilton South East Precinct Structure Plan*, dated 13 December 2017 (refer to figure 11.)

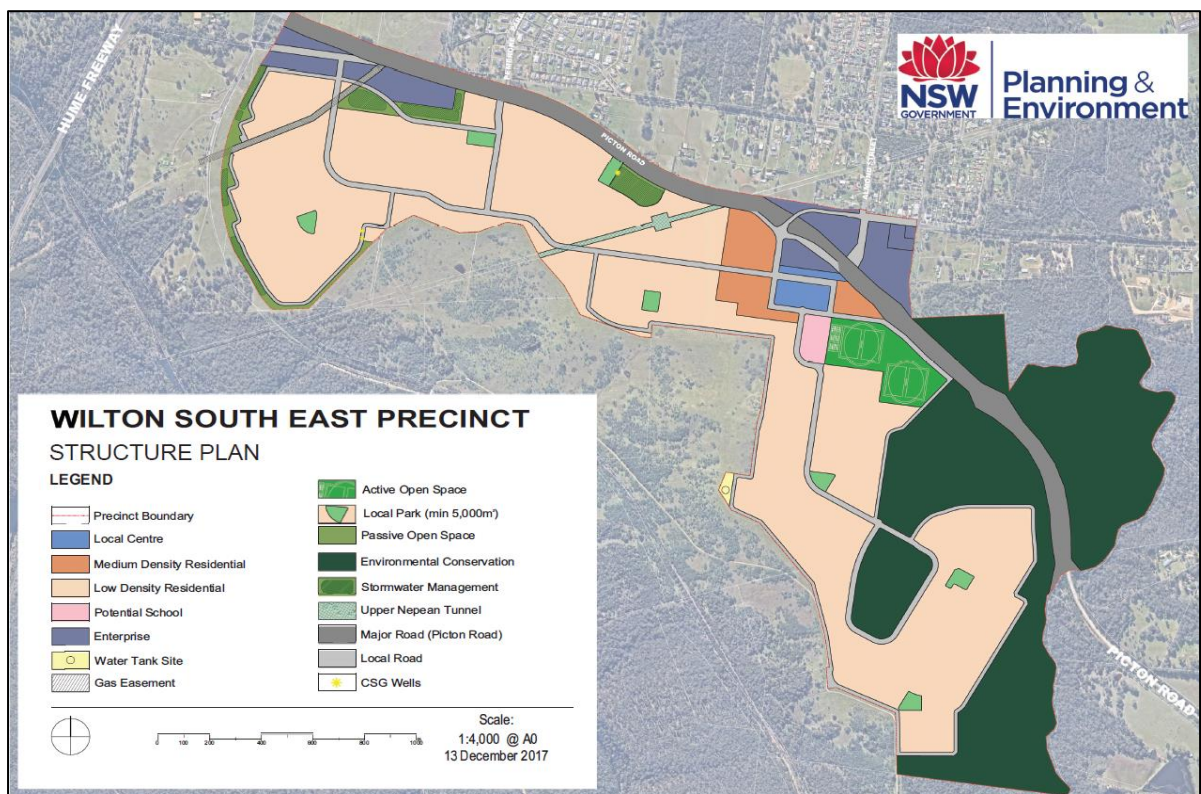


Figure 11 – South East Wilton Structure Plan, dated 13 December 2017

## Consent Authority

Cl 1.6 of the SEWP Plan, nominates the Council as the consent authority for the purpose of the SEWP Plan, subject to the provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

The subject development application has a capital investment value\* (**CIV**) of \$79 million – refer to cost estimate prepared by WT Partners in **Folder 3**.

General development that has a CIV for in excess of \$30 million it is considered regionally significant development pursuant to Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011*. The consent authority for regionally significant development is the Sydney district, or regional planning panel for the area in which the development is to be carried out (cl.4.5(b) of the EP&A Act).

The regional planning panel for the site is the Sydney West City Planning Panel (**SWCPP**). Therefore, despite any provision within the SEWP Plan, the SWCPP is the consent authority for the subject development application.

It is the responsibility of the Council to carry out a proper and professional assessment of a proposal for the panel's determination.

*\* Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.*

## Integrated Development

The development is considered to be integrated development in accordance with the definition within section 4.46 of the EP&A Act and will require consent and one or more other approvals, including approval from:

- Office of the Environment and Heritage (**OEH**)
- Roads and Maritime Services (**RMS**)
- Subsidence Advisory NSW
- NSW Rural Fire Service

## Other referrals

Due to the nature of the subject development application it will also require other referrals to be undertaken, including:

- Department Planning and Environment – cl 5.1A of the SEWP Plan
- Mine Safety Team within the resource regulator Department Planning and Environment (Resources and Energy) – sealed gas wells
- Telstra Corporation – cl.45 of *SEPP (Infrastructure) 2007*
- Endeavour Energy – cl.45 of *SEPP (Infrastructure) 2007*
- APA Group – cl.55 of *SEPP (Infrastructure) 2007*
- Transport for NSW – cl.85 of *SEPP (Infrastructure) 2007*

## 2.8 Heritage

### Aboriginal Cultural heritage

Kayandel Archaeological Services undertook an *Aboriginal Cultural Heritage Assessment and Historic Heritage Assessment* for the SEWP rezoning. During the investigative work for this report, engagement with the two primary organisations occurred whom possess the right to speak for the location: (i) the Tharawal Local Aboriginal Land Council and (ii) the Cubbitch Barta Native Title Claimants Aboriginal Corporation.

There are four aboriginal sites within the development footprint of the SEWP, a further six sites are located within the *E2 Environmental Conservation Zone* along creek line (Kayandel; July 2014)

There is one highly significant site within stage 1 and 2 – an identified scar tree and it is proposed to be retained within an open space/landscaping adjacent to Picton Road.

For the preparation of the subject development application, an *Aboriginal Cultural Heritage Assessment Report* and *Wilton South East Precinct: Stage 1 and 2 Archaeological Report*, have been prepared by Biosis and are provided in **Folder 3**.

During the investigative work for these reports, the following searches were undertaken:

- Aboriginal heritage Information Management System (AHIMS) register, identified 69 cultural heritage sites within and in the vicinity of the study area.
- Office of the Registrar, Aboriginal Land Rights Act 1983 listed no Aboriginal owners with land in the study area
- National Native Title Tribunal listed no Registered Native Title Claims, unregistered Claimant Applications or registered Indigenous Land Use Agreements within the study area

The aboriginal community was consulted regarding the preparation of the heritage management of the project over its lifespan. The following groups registered their interest and were invited to provide their knowledge on the study area and the proposed methodology:

- Tharawal Local Aboriginal Land Council
- Cubbitch Barta Native Title Claimants Aboriginal Corporation
- Goobah Development Pty Ltd
- Murramarang (Murrin Clan/Peoples)
- Biamanga (Murrin Clan/Peoples)
- Cullendulla (Murrin Clan/Peoples)
- Didge Ngunawal Clan

Site investigations and testing occurred and a series of recommendations have been developed including:

- Continued consultation with the registered aboriginal parties
- Application for an Aboriginal heritage impact permit (AHIP)
- No further archaeological investigation is required for areas assessed as having low archaeological significance
- Preservation of scarred tree (52-2-3590)
- Stop work provisions
- Lodgement of a Final report

## Non-indigenous heritage

There are no State or local items, conservation areas or archaeological sites located within the boundaries of Stages 1 and 2.

The following items of significance are located within the vicinity of the site:

- The Upper Nepean Catchment System – Pheasants nest Weir to Prospect Reservoir (State Item)
- The curtilage of the Upper Nepean Conservation Area (State Item) abuts the southern boundary of the site.

The Upper Nepean Catchment System is located on the south eastern boundary of stage 1 and a portion of curtilage of the Upper Nepean Conservation abuts the southern boundary of stages 1 and 2. Works associated with the application do not extend into the Upper Nepean Catchment System or the Upper Nepean Conservation Area. However, due to the close proximity of works to these items, a *Statement of Heritage Impact (SOHI)* has been prepared by Biosis and is provided in **Folder 3**.

The impacts upon the Upper Canal System and the Upper Nepean State Conservation Area will include the partial loss of current site settings. However these impacts are considered acceptable from a heritage standpoint as previous impacts have already occurred in the vicinity of both heritage items.

To mitigate impacts of the development it is proposed that interpretative media should be incorporated into the final design of the development to inform the public of the history of the area. This would be addressed during Stage 3 which adjoins the Upper Canal System on both sides.

## 2.9 Flora and Fauna

Detailed ecological reports were prepared by Cumberland Ecology for the site's rezoning. These reports identify the vegetation within stages 1 and 2 as derived native grasslands/exotic. The surveys undertaken for these studies found that there are no threatened ecological communities within areas described as stages 1 and 2.

Cumberland Ecology have prepared a *Flora and Fauna Assessment* dated April 2018 to accompany the subject development application. A copy of this report is provided in **Folder 3**.

The Flora and Fauna Assessment confirms the existing vegetation on site comprises of Low Diversity Native Grassland / Exotic Grassland which has limited value for native fauna species. There are scattering of low value vegetation and remnant canopy. The subject site has a long history of agricultural use which has resulted in the majority of the vegetation being cleared and degraded. There is more intact vegetation south of the site's boundaries within the Upper Nepean State Conservation Area.

Due to the historical clearing of native vegetation on site for agricultural purposes, fauna habitats have been removed or substantially modified, limiting habitat connectivity within the site - Figures 12 and 13.





**Figure 12** – Vegetation Communities within the subject site – Cumberland Ecology Flora and Fauna Assessment Figure 3.1



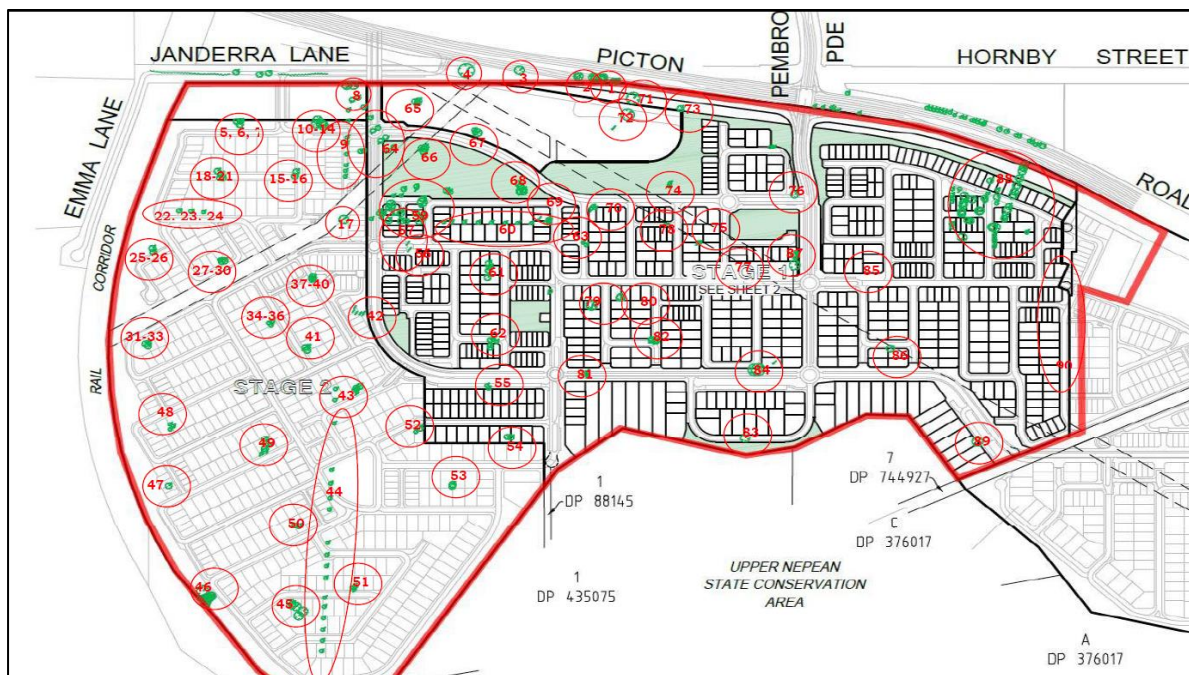
**Figure 13** – Threatened fauna species and hollow-bearing trees within the subject land – Cumberland Ecology Flora and Fauna Assessment Figure 3.2

Horticultural Management Services prepared an *Arboricultural Assessment and Impact Report* to accompany this development application. A copy is provided in **Folder 3**.

The purpose of this report is to identify the trees within the site, provide information on their individual current health and condition, determine their remaining life expectancy and significance in



the landscape and assess their suitability for retention/preservation. Figure 14 identifies the location of trees on site in relation to the proposed subdivision layout.



**Figure 14** – Tree location – extract from figure 5 of *Arboricultural Assessment and Impact Report*

## 2.10 Existing Transport network

### Road Network

#### Picton Road

Picton Road is the site's northern boundary. Picton Road (B88) is a State road travelling between Picton and Mount Ousley Road (M1) that currently serves as a freight route to Port Kembla and a commuter traffic route on weekdays. It is designated as a B-double route (apart from the section between Picton and Maldon Road). In the vicinity of the site, it is a four-lane cross section between Pembroke Parade and the Hume Motorway, which reduces back to a 2-lane cross section to the east of Pembroke Parade. It has a posted speed limit of 80 km/hr in the westbound direction (in the vicinity of Pembroke Parade), and 100 km/hr eastbound on the approach to the Pembroke Parade intersection (dropping to 90 km/hr after the intersection) Picton Road.

As a result of development within the WGA and the Greater Macarthur Region as a whole, Picton Road will be envisaged to be upgraded to a 4 lane divided carriageway from the Hume Interchange to east of Almond Street. The proponent's State VPA also allows for the dedication of sufficient land to allow Picton Road to be widened to 6 lanes between Janderra Lane and Almond Street should that be required.

#### Pembroke Parade

Pembroke Parade is a Council owned road, which provides primary access to the Bingara Gorge development area from Picton Road. It comprises a single lane in each direction, separated by a planted median. It has a posted speed limit of 50 km/hr.

At its intersection with Picton Road a seagull intersection configuration is provided (give-way control).

#### Hume Motorway

The Hume Motorway (M31) is part of the major interstate highway linking Sydney and Melbourne. In the vicinity of Wilton, it has two lanes in each direction, and has a posted speed limit of 110 km/hr.

The Picton Road / Hume Motorway intersection is a grade separated interchange (Picton Road passing over the Hume Motorway), with signalised control.

#### Wilton Road

Wilton Road is a Regional road connecting Picton Road (via Almond Street) to Appin. It is a single carriageway road with one lane in each direction. At its crossing of the Cataract River (Broughton Pass), tight (15 km/h speed advisory) hairpin bends and a bridge with a restriction of one vehicle at any one time limit its capacity. East of Broughton Pass its speed limit is 100 km/h until it reaches Appin Township. West of Broughton Pass, it has a speed limit of 80 km/h due to a tighter alignment and narrow shoulders. Wilton Road, between Picton Road and Douglas Park Drive, is a designated B-Double route.

### **Public Transport**

Bus services to Wilton Township are currently limited to route 901, operated by Picton Buslines, between Douglas Park, Wilton, Maldon and Picton (including Picton Railway station) as a loop service. Four services per day operate per weekday, reducing to two services per day in school holidays. There is no service on weekends. Trips between Wilton and Picton take 20 minutes.

### **Active transport network**

#### Cycleways

There are no cycleways servicing the site at present. Cycleways are located within the Bingara Gorge estate linking the estate to the existing Wilton Community.

Council has recently adopted a Shared Cycleway Plan for the whole Shire. Detailing existing and proposed cycle network.

#### Pedestrian facilities

There are no pedestrian facilities services within the site. Pedestrian facilities within the existing Wilton Township are limited to the footpath network.

## **2.11 Utilities, Infrastructure and Services**

Gas, water, electricity, sewer and telecommunications are available but upgrades and or extensions will be required to allow for connection to the site. The *Wilton South East Precinct Stage 1 Utilities Servicing and Infrastructure Report*, prepared by BG&E and provided in **Folder 3** identifies the availability of utilities and services in relation to the site.

### **Gas**

Jemena have advised there is sufficient capacity within the main supplying Bingara Gorge for development within the SEWP to be supplied with gas. This supply network will need to be augmented to provide a connection to the site.

### **Water and Waste Water**

The Macarthur Water Filtration Plant (WFP) currently supplies potable water to the townships of Appin, Wilton and Douglas Park via the Appin Water Distribution System. This WFP is situated on Wilton Road, between Broughton Pass and Appin about 9 km to the east of Wilton.

The Macarthur Water Filtration Plant has adequate capacity to service the proposed Wilton New Town Stage 1 Development.

Wilton Junction and the existing Wilton Township are within the overall SWC waste water servicing area. Sydney Water currently services the area through the Bingara Gorge STP under a commercial arrangement. The proposed Stage 1 Wilton New Town development may be serviced either through the Bingara Gorge STP or a stand-alone treatment plant.

The proponent has entered into arrangements with Sydney Water for the provision of water and waste water. Sydney Water is currently preparing its preferred servicing strategy for both the early stages of development and the long term strategy for Wilton new town as a whole.

Once the strategy is adopted the proponent will enter into a further commercial agreement to fund the early delivery of water and waste water infrastructure. The timing and funding for upgrades to the trunk system will be determined during detailed design.

The proponent will be required to obtain a Section 73 compliance certificate from Sydney Water prior to the issue of a subdivision certificate. The certificate will confirm compliance with Sydney Water requirements under Division 9 part 6 of the *Sydney Water Act 1994*.

## **Electricity**

Endeavour Energy (EE) in conjunction with TransGrid (TG) services the existing development at Greater Macarthur. TG's Macarthur Bulk Supply Point (BSP) supplies EE's distribution zone substations within the WGA via 66 kV feeders. EE have an existing substation in Condell Park Road Wilton. The proponent has made arrangements with EE, and as part of these arrangements EE has confirmed this substation can service the site (see Utilities Servicing Report from BG&E in **Folder 3**). The proponent will be required to connect to this substation via an 11 KV bulk supply feed. A Notice of Arrangements will be provided from EE to Council prior to registration of the final plan of subdivision.

## **Telecommunications**

Existing telecommunication network presents in the vicinity of the development area. Telstra has existing assets in a combination of aerial and buried optic cable which have been surveyed and the design accommodates these assets.

The National Broadband Network (NBN) will service the site under a developer agreement which has been finalised by the proponent (see Utilities Servicing Report from BG&E in **Folder 3**).

## **Social**

### Recreation and Open Space

Wilton has a major recreation reserve at 20-30 Broughton Street. The reserve features an AFL field, a Rugby Union field, a cricket oval, netball court, basketball court, tennis courts, playground, barbeques and car parking.

### Community Facilities

Wilton has a community hall also at 20 Broughton Street.

## 3.0 PROPOSED DEVELOPMENT

### 3.1 Development Overview

This section provides a detailed description of the proposed development.

Earthwork, drainage and servicing plans prepared by BG&E, subdivision plans prepared by LTS Lockley and landscape plans prepared by Site Image are provided in **Folder 2**.

The development comprises the staged delivery of the following:

- Tree removal within Stage 1 and part of Stage 2
- Bulk earthworks within Stage 1, part of Stage 2 and part of Stage 3
- Staged development of 58.67 hectares of land (Stage 1) into 701 residential lots, various public reserves for open space and drainage, 1 balance lot (future employment), 1 residue lot and associated public roads
- Temporary Sales Centre to occupy proposed lots 1242-1256 and Road 26 for a period of 5 years
- New intersections on Picton Road (to be formalized under a Works Authorization Deed)
- Associated landscaping, services and drainage works

This development application proposes that a number of construction certificates will be lodged reflecting logical stages of the development, including initial bulk earthworks, followed by civil works for smaller sub-stages of the development allowing the construction of between 50 and 150 lots in each sub stage. These sub stages will be designed to ensure efficient and effective delivery of infrastructure including roads, power, water and waste water as well as responding to market demand.

### 3.2 Vision

The NSW State Government's vision for Wilton in 2040 is a place where families are thriving and businesses are flourishing. The town has grown sustainably with a strong natural environment, and jobs leveraging the town's location relative to Wollongong and the new Western Sydney Airport. The town has excellent access to services and connections to infrastructure reinforcing Wilton as a place where families can live, work and play. Wilton is recognised as the leader in housing diversity. Wilton is a home for all.

This vision will be realised over a 20 to 30-year time frame.

The declaration by the State Government of Wilton New Town being as the WGA recognises the area's great potential and its major landowners all agree that best practice design and infrastructure delivery are essential for achieving a healthy, vibrant and sustainable new community.

The SEWP is one of six precincts of WGA. The SEWP will be a new community within the WGA, balancing the best of rural and city living, it will be a community embraced by the surrounding bushland, rivers and ridges. It will enable the development of a master planned residential community integrating access to a network of public open spaces, employment opportunities, and retail and community services, setting the standard for community living where everything is close to home

## **SEWP Neighbourhood Plans**

The proponent has prepared a set of neighbourhood plans for the SEWP. These neighbourhood plans represent the detailed vision for the precinct and create the context for assessing the Stage 1 development application. The neighbourhood plans focus on precinct specific issues and how they will be managed. These neighbourhood plans may ultimately be incorporated into a site based Development Control Plan. The plans are as follows:

### Staging and infrastructure

This plan details the proposed development staging for the SEWP. The residential component of the precinct comprises of six main stages, the enterprise areas and the main intersection/road works.

The subject development application comprises works within Stage 1 and part of Stages 2 and 3.

### Water Cycle Management and Ecology Strategy

This plan details the location of local and active open space, drainage infrastructure, environmental conservation lands and riparian corridors. Land required for water cycle management, in addition to open space and environmental conservation is identified to ensure these essential infrastructure items can be accommodated.

The subject development application incorporates the water cycle management infrastructure and land requirements as indicated on this neighborhood plan.

### Gas infrastructure

The SEWP is burdened by a gas easement owned by APA.

APA have requested that development applications for “sensitive uses” (defined by APA as - child care centre, correctional centre, educational establishment, entertainment facility, function centre, highway service centre, home based child care, hospital, hotel or motel accommodation, medical centre, places of public worship, respite day care centre, retail premises, seniors housing and service station) within 665 metres of the gas easement be referred to APA for consideration and comment by the consent authority prior to determination. This is identified in the neighbourhood plan.

SEWP is also burdened by 4 redundant CSG exploration wells.

The South East Wilton Precinct Structure Plan and the Gas Infrastructure Neighborhood Plan identifies the location of the redundant wells and incorporates them into either road way or open space. Development of land which includes the redundant wells will need to be referred to the Mine Safety Team within the Resource Regulator Department Planning and Environment (Resources and Energy).

### Aboriginal and European Cultural Heritage

Preliminary Aboriginal and European Cultural heritage investigation undertaken within the SEWP identified several matters of significance and this plan maps the site accordingly. This mapping has, informed and will continue to inform the need for further investigations into the site’s cultural heritage as it is progressively developed.

An Aboriginal Cultural Heritage Assessment and Statement of Heritage Impact has been prepared to assess the impact of the subject application upon Aboriginal and European heritage and proposes recommendations to mitigate impacts.



### Bushfire Risk and Asset Protection

The SEWP is identified as part vegetation buffer on the Wollondilly Bushfire Prone Land map triggering the need for a bushfire hazard assessment to consider the type of bushfire mitigation measures that will need to be implemented within the precinct to ensure this hazard is appropriately mitigated. This map identifies the type and location of bushfire mitigation measures for the SEWP including a BAL 29 setback and asset protection zone (APZ), a managed vegetation zone, and special fire protection purposes setbacks.

The subject development application incorporates the bushfire management measures as per this plan and these measures are supported by a bushfire hazard assessment.

### Local Centre layout

This plan provides an indicative layout for the SEWP local centre identifying typical local centre uses and associated GFA. The central focus of this design is an east/west main street that connects to the primary east west collector within the precinct.

The local centre is located within the Almond Street Bridge Stage, which does not form part of the subject application.

### Noise

This plan identifies the need for noise studies to be undertaken for development in close proximity to potential noise sources being Picton Road, the internal collector road network and the proposed Maldon Dombarton rail line.

### Koala Habitat and Conservation

This plan identifies land to be protected and fenced to allow unimpeded koala movement under Picton Road and generally along Allens Creek. This fence would be provided prior to commencement of development in stage 4, 5 or 6 which adjoins the proposed conservation areas.

### Precinct Road Hierarchy

The SEWP has the potential to accommodate 3,600 dwellings, and to do so requires a clear and functional road hierarchy, as detailed on this plan. The primary road hierarchy consists of collector roads (limited access) and local streets. Other road types are also present within the precinct, such as feature entry, main street and laneways. The collector road (limited access) is the precinct's spine road and bus route, feeding into the local street network.

The road hierarchy has been reviewed by traffic engineers WSP and was found to operate satisfactorily (refer **Folder 3** for copy of review)

The road hierarchy proposed as part of the subject application is in accordance with this plan.

### Pedestrian and Cycle Network

This plan details the proposed bus route, possible bus stop locations, a 22 kilometre shared path network and the connective of the future residential areas to these services. The provision of a walkable and well connected neighbourhood will encourage future residents to consider alternative modes of transport, particularly when making trips within the SEWP. The proposed bus route and shared path network makes provisions for future connections to the north to the Town Centre.

The subject development application implements these key design features, specifically the road reserves detailed on the subdivision plans are of sufficient width to accommodate a bus route and shared path network.

Picton Buses who currently have the contract to provide bus services to Wilton were asked to comment on the proposed road hierarchy and the proposed bus route and bus stop locations identified in the neighbourhood plans. Their response generally concurs with the proposed design and is provided in **Folder 3**.

#### Open Space Network and Local Open Space and Community Infrastructure

These plans detail the SEWP open space network, the residential catchment for these areas and how the shared pedestrian path network links these areas. The intent of this plan is to ensure that 95% of all lots within the SEWP are within 400m of a local park.

Open space is provided at the rate of 2.847 hectares/1,000 residents and includes two double playing fields (8.7 ha), one mini field (0.5 ha), 8 neighbourhood parks, 3 netball/basketball/multi-purpose courts and 2 tennis courts. In addition 1,000 m<sup>2</sup> is provided for local cultural youth facility, 2000 m<sup>2</sup> for a childcare centre and out of school hours care facility adjoining the proposed Primary School.

### **Landscape Master Plan**

In addition to the neighbourhood plans the proponent has also prepared a landscape master plan to guide the landscape designs for each stage.

The landscape master plan - *South East Wilton Precinct Landscape Master Plan* dated 31 May 2018 and prepared by Site Image is provided in **Folder 2**.

The master plan provides a comprehensive governing strategy for landscaping the streetscape, open space areas and drainage reserves. It conceptualises the interface treatment between the residential areas with Picton Road and Nepean Conservation lands, plant species and material finishes that can be applied across the SEWP. It also addresses the issue of urban heat island effects including proposing a considerable increase to street tree planting.

## **3.3 Bulk Earthworks**

The subject application seeks **development approval** for bulk earthworks within Stage 1 and part of Stages 2 and 3 in accordance with the plans listed in table 4.

**Table 4:** Proposed Earthworks Plans for approval

Title	Drawing Number	Prepared by	Revision	Date
General Notes Sheet	DA-0010	BG&E	A	30.05.18
Earthwork Plan Stage 1	DA-0100	BG&E	A	30.05.18
Earthwork Plan Stage 2	DA-0101	BG&E	A	30.05.18

The *Wilton South East Precinct Stage 1 and 2 – Bulk Earthworks Strategy Report* prepared by BG&E and dated 30 May 2018 discusses the proposed bulk earthwork design. A copy of this report is provided in **Folder 3**.

The site is undulating, and in parts quite steep with approximately 32m of fall across the site from south to north towards Picton Road. The proposed earthworks strategy is to minimise cut to fill, contain works within the site, manage site constraints (gas easement, drainage, basins and existing

Telstra cable) whilst creating acceptable residential allotments and road grades which meet the *Wollondilly Shire Council Subdivision and Engineering Standard 2016*.

To achieve landform suitable for residential development at the density imposed under SEPP-SRGC, the site's existing levels need to be significantly modified. The current design requires a large portion of the Stage 1 land area to be filled and a smaller portion cut. The fill required exceeds what is available from excavation within Stage 1, as a result, fill needs to be extracted from part of Stage 2 of the SEWP. The extent of the proposed cut and fill is detailed in the plans at table 4 and within figures 15 and 16.

The overall bulk earthworks design results in a small shortfall of fill. This shortfall will either be borrowed from other areas within the site, such as the remaining area of Stage 2 or will be imported. The final quantum can only be determined once an accurate bulk earthworks design has been completed during the CC process.

Lot benching will be designed following the approval of the final layout. Where retaining walls greater than 600 mm or within 1 metre of a lot boundary is required, retaining walls will be constructed in accordance with the Indicative Retaining Wall Layout Plans provided in **Folder 2**.

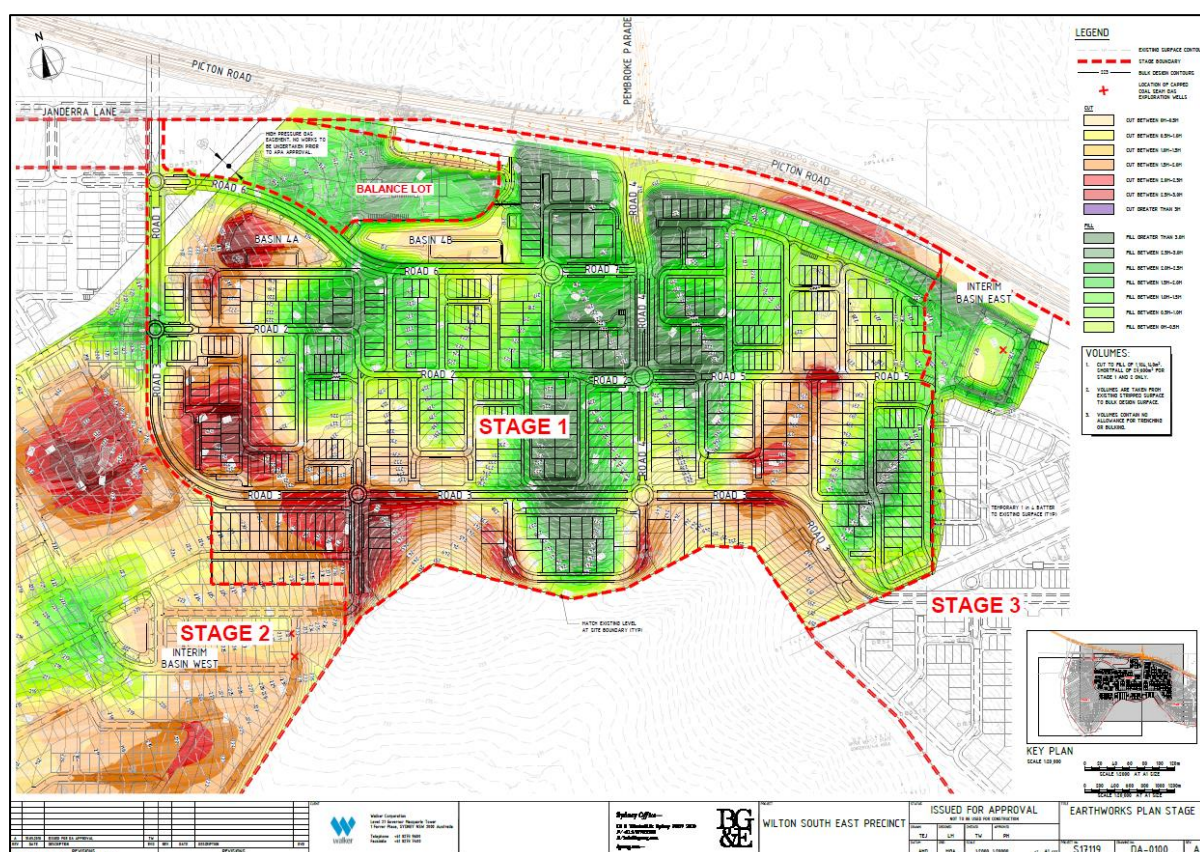


Figure 15 – Proposed Stage 1, part Stage 3 earthworks.

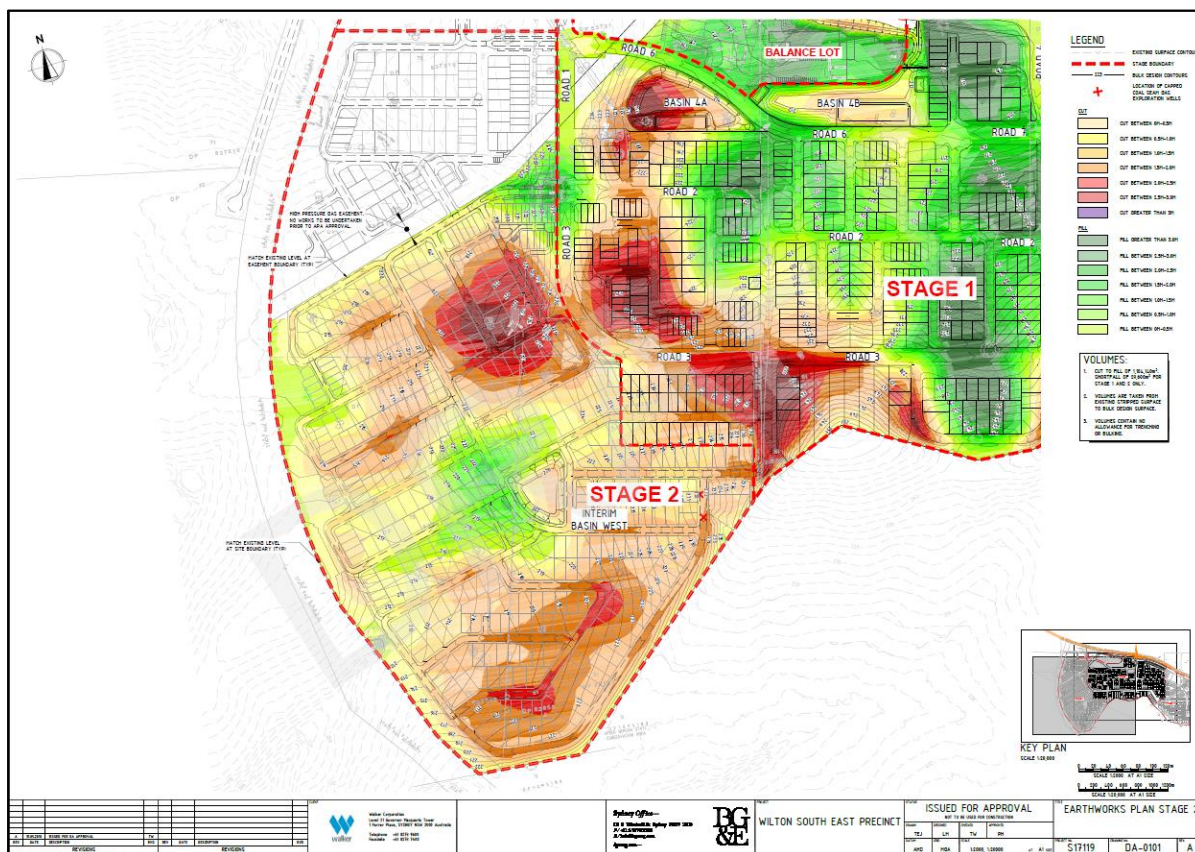


Figure 16 – Proposed part Stage 2 earthworks.

## Earthworks within the Gas Easement

Minor earthworks are required within the APA gas easement in two locations to facilitate the construction of a second intersection onto Picton Road for the Stage 1 residential subdivision and to provide for a service road to proposed balance lot 999.

An early works agreement between APA and Walker Corporation Pty Ltd has been executed to allow these bulk earthworks to occur. A copy of the early works agreement is provided in **Folder 3**.

## Erosion and Sediment Control

Erosion and Sediment control is to be managed in accordance with Council requirements. Preliminary erosion and sediment plans are provided in association with the bulk earthworks plans (**Folder 2**).

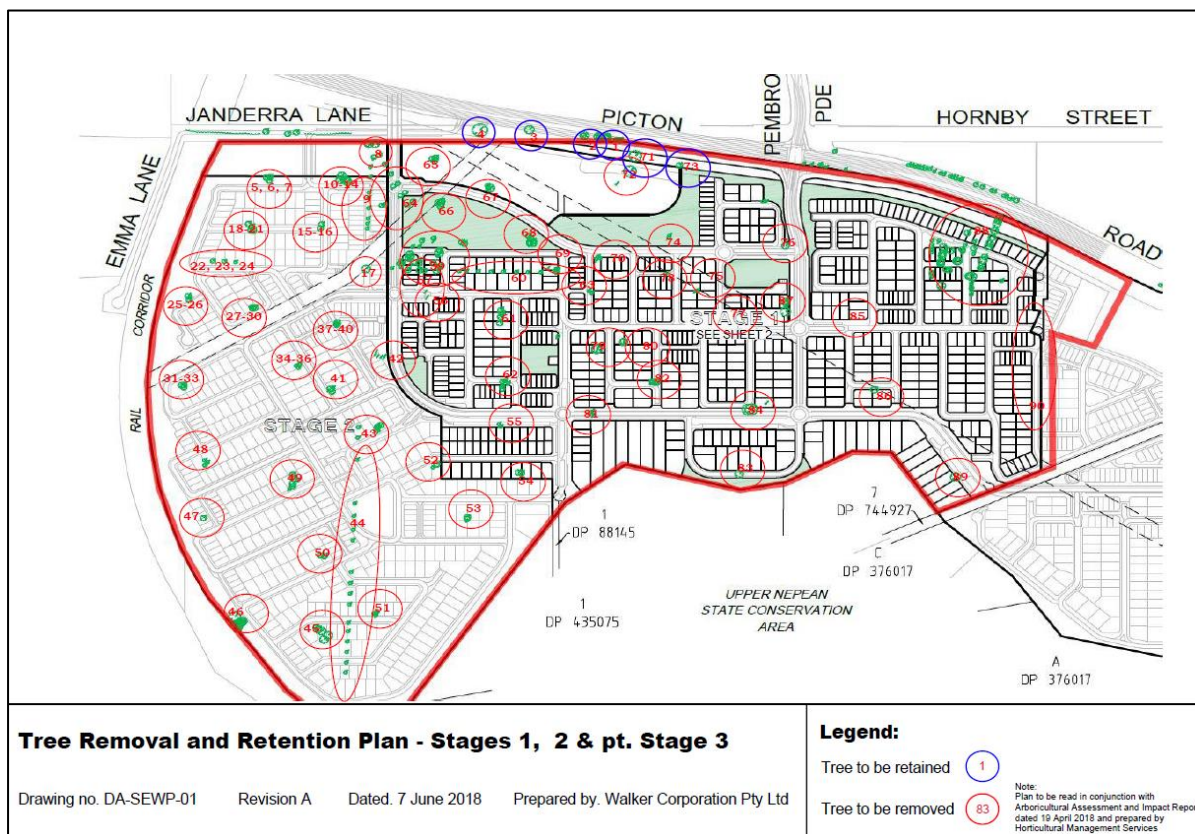
Detailed erosion and sediment control plans along with a construction management plan will be provided to Council as part of the construction certificate application.

## 3.4 Tree removal

As a consequence of the proposed bulk earthworks, it is necessary to attain approval to remove existing trees on site.

The subject application seeks **development approval** for the removal of trees within Stage 1 and part Stages 2 and 3 in accordance with Tree Removal and Retention plan DA-SEWP-01 Revision A, dated 7 May 2018 – refer to figure 17.





**Figure 17** – Tree Removal and Retention plan Stages 1 & 2

The *Arboricultural Assessment and Impact Report* has mapped and assessed all the trees on site identifying trees to be retained and removed. The trees nominated for removal are required to be removed due to either poor declining health, poor structural condition, location within proposed new roadways, stormwater services line, kerb and gutter, potential house locations and within areas affected by significant levels changes brought about by the proposed extensive bulk earthworks.

The result of the assessment is all but six trees need to be removed to allow the development to proceed.

The most significant reason for tree removal is the scale of the bulk earthworks which will need to cover the entire development area. This would impact the health of any retained trees either by compaction of land, reduction or increase in landform to achieve proposed final levels and modified soil profile and moisture levels. Consideration was given to reduce earthworks but this was not possible given the need to achieve landforms that allow development densities required under the SEPP-SRGC.

The Arboricultural Assessment also found many of the existing trees had limited retention value. Only two trees (71 and 84) are identified as having a high retention value (because of ecological or landscape features).

Tree 71 is to be retained because it is along the northern edge of the development outside the area affected by bulk earthworks.

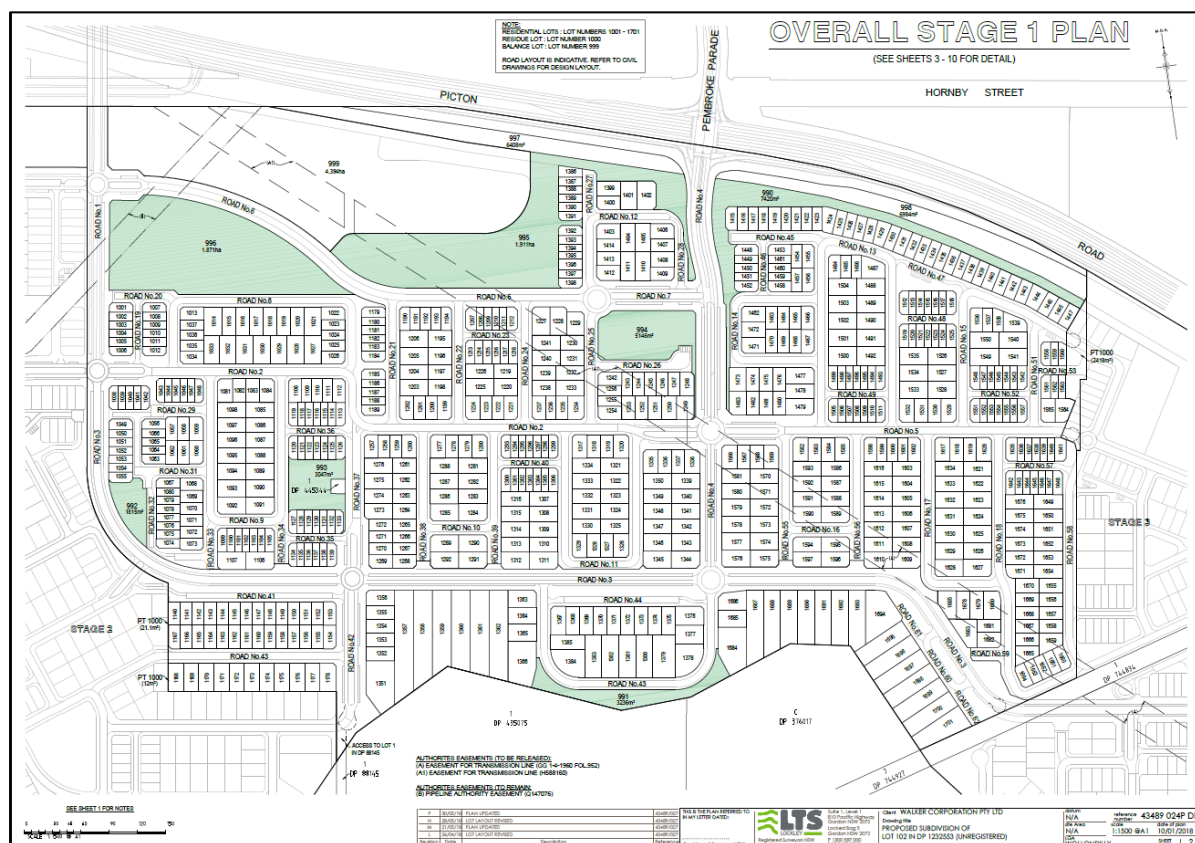
Tree 84 is identified for removal because it is located within the proposed east west collector road where fill of approximately 3 metres is required to achieve manageable grades for this high order road.



While this tree loss could have a significant impact on the final landscape the proposed landscape master plan and detailed DA landscape design envisage a substantial streetscape planting program resulting in double the number street trees normally proposed for a development of this type.

### 3.5 Subdivision

The subject application seeks **development approval** for the staged development of 58.67 hectares of land into 701 residential lots, various public reserves for open space and drainage, 1 balance lot, 1 residue lot and associated public roads. The proposed subdivision layout is detailed at figure 18 and the plans listed in table 5.



**Figure 18** – Overall Stage 1 Plan, LTS Lockley

**Table 5:** Proposed subdivision plans for approval

Title	Drawing Number	Prepared by	Revision	Date
Overall Staging Plan Sheet 1 of 10	43489024P DP	LTS Lockley	P	30/05/18
Overall Stage 1 Plan Sheet 2 of 10	43489024P DP	LTS Lockley	P	30/05/18
Sheet 3 of 10	43489024P DP	LTS Lockley	P	30/05/18
Sheet 4 of 10	43489024P DP	LTS Lockley	P	30/05/18
Sheet 5 of 10	43489024P DP	LTS Lockley	P	30/05/18
Sheet 6 of 10	43489024P DP	LTS Lockley	P	30/05/18
Sheet 7 of 10	43489024P DP	LTS Lockley	P	30/05/18
Sheet 8 of 10	43489024P DP	LTS Lockley	P	30/05/18
Sheet 9 of 10	43489024P DP	LTS Lockley	P	30/05/18
Sheet 10 of 10	43489024P DP	LTS Lockley	P	30/05/18

## Lot Layout

The commitment to deliver a successful master planned community which fulfils the vision for the WGA and SEWP directly influenced the lot layout design. To deliver this new community, the following key design criteria are reflected within the lot layout design:

- (1) Walkability, permeability & connectivity
- (2) Provide regular shaped, wide frontages & level lots
- (3) Provide a mix of lot sizes
- (4) Solar access
- (5) Greenfield Housing Code

### (1) Walkability, permeability and connectivity

The site's existing topography presented challenges to the delivery of a walkable neighbourhood. The proposed stage 1 earthworks design delivers a modified landform which allows the main east/west roads (Roads 2, 3 and 5) to be provided at a grade that will promote walking and cycling.

The grid pattern of the proposed road network ensures local streets connect to connector roads at numerous location allowing future residents to walk and cycle through stage 1 and into other stages as they are developed with ease and without unnecessarily prolonging the journey.

To encourage future residents to walk and cycle, local services and open space must be nearby. All proposed lots within stage 1 are within 400m of a local park and the majority of lots within stage 1 are located 400m (5 minute walk) from a possible bus stop. The SEWP local centre and school site are not located within stage 1, however the proposed lot layout and road network within Stage 1 has been designed so the community has the option to walk, cycle or utilise public transport to the local centre and school once built.

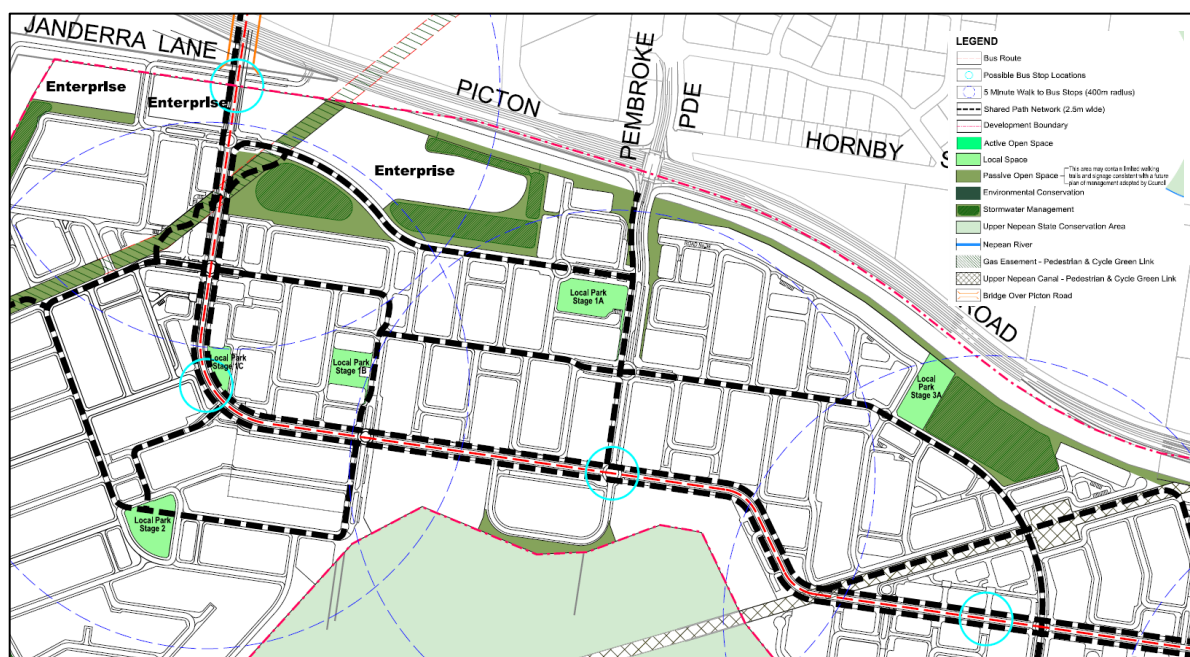
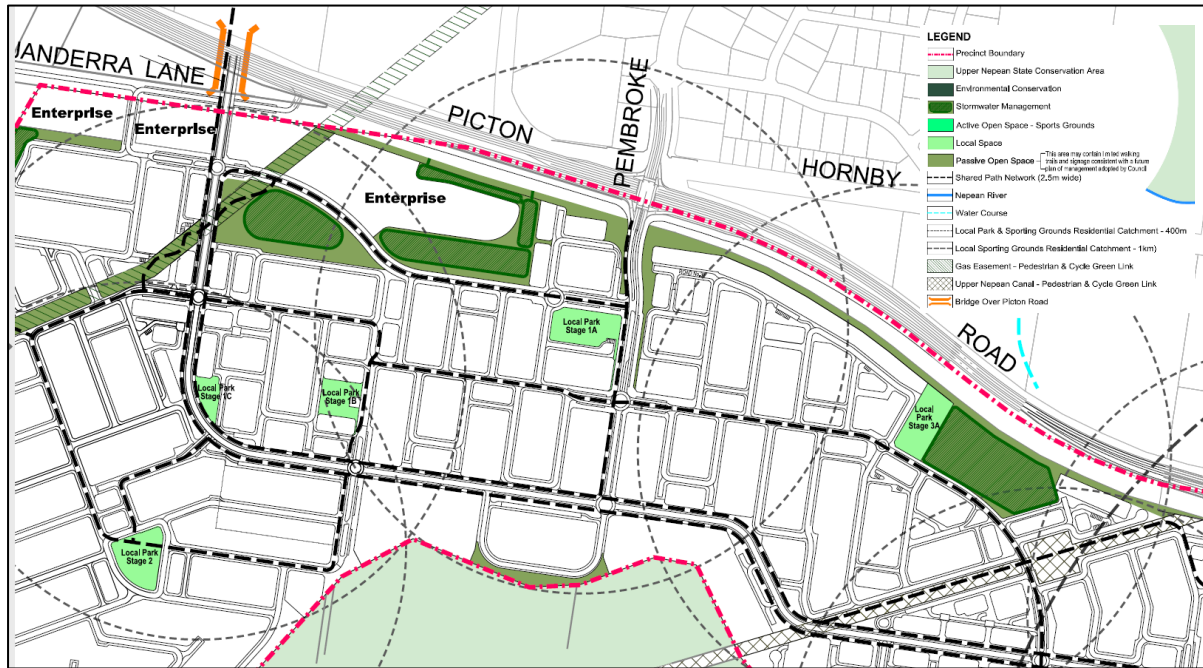


Figure 19: extract of Wilton South East Precinct Neighbourhood Plan - Pedestrian and Cycle Masterplan



**Figure 20:** extract of Wilton South East Precinct Neighbourhood Plan - Open Space Network

### (2) Provide regular shaped, wide frontages & level lots

The need for regular shaped and level lots is required to meet the market demand and the specific requirement of project home builders. Lots that are irregular in shape do not reflect an efficient use of land. In order to comply with the SEWP Plan density standards (cl.4.3A for the SEWP Plan), land capable of residential development needs to be used efficiently.

The proposed lot layout accommodates lots with wide frontages. The intent of this design principle is to ensure that whilst a minimum residential density of 15 dwelling per hectare is achieved, the SEWP promotes a suburban feel,

Lots that have too much slope are difficult to sell because of the additional cost placed upon the purchaser to undertake earthworks and retaining to build a project home. To minimise the fall across lots, local roads have been designed generally in a north/south alignment i.e. up/down contours.

As previously stated, lot benching will be designed following the approval of the final layout and where retaining walls greater than 600mm or within 1m of the lot's boundary are required, these will be submitted to Council by the proponent for development approval under section 4.55 of the *Environmental Planning & Assessment Act 1979*.

### (3) Mix of lot sizes

The proposed Stage 1 residential subdivision consists of 701 lots varying in size from 200m<sup>2</sup> to 2,707m<sup>2</sup>. The provision of lots in a variety of sizes is to accommodate a range of housing needs, allowing people to move within the existing neighbourhood as their housing needs changes and to meet the market demand at varying price points. The proposed lot mix is detailed in table 6.

**Table 6:** SEWP Stage 1 Layout Lot mix

Allotment Type	Width	Depth	Area (m <sup>2</sup> )	Total	%	Group %
Terrace Large	8	25	200	198	28.9%	<b>29%</b>
	9	25	225			
Villa Small	11	25	275	53	5.9%	<b>39%</b>
Villa Medium	12.6	25	315	87	8.9%	
Villa Large	14	25	350	55	11.1%	
Courtyard Small	16	25	400	46	7.8%	
Courtyard Hillside	14.5	30	435	32	3.8%	
Courtyard Large	18	25	450	9	1.2%	
Traditional Small	16	30	480	114	15.0%	<b>32%</b>
Traditional Medium	18	30	540	70	12.3%	
Traditional Large	20	30	600 & above	37	5.2%	
<b>Total</b>				<b>701</b>	<b>100%</b>	<b>100%</b>

The SEWP Plan for the SEWP does not state a minimum lot size for land within the Urban Development zone. The proposed subdivision plan details a minimum lot size of 200m<sup>2</sup> this is to ensure development on all lots within stage 1 can be assessed against the provisions of the Greenfield Housing Code. The Greenfield Housing Code in its current form does not apply to the site, however it is to be amended to apply to land within the WGA prior to the end of 2018.

The SEPP-SRGC stipulates minimum density development standard for the SEWP. To comply with this density standard, it is essential to provide a mix of lot sizes including a portion of lots between 200-450m<sup>2</sup>.

#### (4) Solar Access

The provision of ample solar access into living rooms and private open spaces is a key factor influencing amenity for residential dwellings. It is beneficial for residents to experience the light and warmth of the sun in their living environment. It also reduces reliance on artificial lighting and heating, improving energy efficiency and environmental sustainability.

The current layout provides 95% of lots on a north/south/east/west alignment which facilitates the provision of ample direct sunlight into new residential dwellings

#### (5) Greenfield Housing Code

The NSW Greenfield Housing Code (*the Code*) contains simplified and tailored development standards to allow one and two-storey homes, home renovations and associated development (such as garages and swimming pools) in greenfield areas to be carried out under the fast-tracked complying development approval pathway. The Code will apply to new release areas specified on the *Greenfield Housing Code Area Map* when it commences on 6 July 2018.

The Code in its current form does not apply to the SEWP as the SEWP was not identified on the *Greenfield Housing Code Area Map* and it is zoned Urban Development rather than residential. It is understood the Department of Planning and Environment are undertaking an amendment to the Greenfield Housing Code and associated State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Greenfield Housing Code) 2017 to ensure that it does apply to the SEWP.

The proposed lot layout has been designed to take into the account the development standards within the Code i.e. minimum lot size of 200m<sup>2</sup>, minimum lot width 6m, minimum lot depth of 25m, 1 dwelling per lot, lawful access to a public road.

The intent behind ensuring the lot layout considers the minimum requirements of the code, is to facilitate faster housing approvals in the SEWP making it easier, faster and cheaper for people to find or build homes to suit their lifestyles.

## Development Staging

The development seeks approval for the staged construction of the development. Each sub stage will consist of between 50 and 150 residential allotments and details will be provided with construction plans for each sub stage showing how services, drainage, roads and open space will be co-ordinated to the satisfaction of service authorities and Council.

## Temporary Sales Centre

A temporary Sales Centre within a landscaped garden providing 30 car spaces is proposed over land that will be subsequently developed for lots 1237-1251 and road 26. The Sales Centre will be removed within 5 years of occupation and road 26 and lots 1237-1251 will be constructed in accordance with the final approved plans.

The plan of the temporary Sales Centre is detailed in table 7 and provided in **Folder 2**. It will provide a sales office, children's play area, central display area, several meeting rooms, outdoor landscaping and parking for 30 vehicles accessed from proposed road 2.

**Table 7:** Proposed temporary sales centre plans

Title	Drawing Number	Prepared by	Revision	Date
Site Plan	DA 103	DKO	A	5/6/18
Ground Floor Plan	DA 200	DKO	A	5/6/18
Elevations	DA 300	DKO	A	5/6/18
Elevations	DA 301	DKO	A	5/6/18
Section	DA 302	DKO	A	5/6/18
Perspective	DA 303	DKO	A	5/6/18

## Design guidelines

The proponent will impose Design Guidelines under section 88B of the Conveyancing Act to ensure the development produces a consistent high quality urban environment. These Guidelines will be developed following the approval in order to co-ordinate colour pallet, fencing design, materials and front yard landscaping. A draft Design Guideline is provided in **Folder 3** for information purposes.

## Future development lots

Lot 997 and 998 are set aside for the widening of Picton Road. They will be dedicated to the NSW RMS in accordance with the provisions of the executed Voluntary Planning Agreement with the State dated 10 April 2018.

Lot 999 is a balance lot that will be developed following a later development approval.



Lot 1000 comprises of residue parcels of land within stage 1 which will be developed as the subsequent stages of the SEWP attain development approval.

## Landscaping, open space & drainage reserve

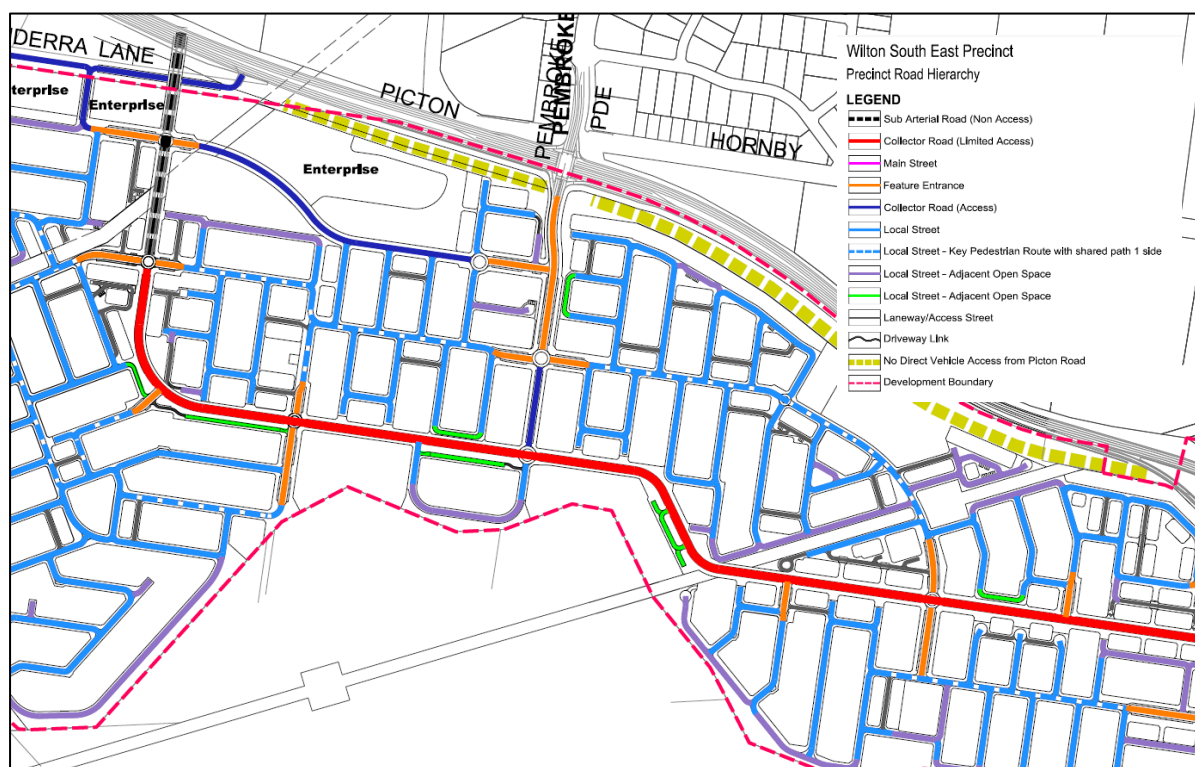
Lots 991, 992, 993, 994 and 990 are for the purpose of open space reserve and lots 995 and 996 are for the purpose of drainage.

*Stage 1 DA Landscaping Plans* prepared by Site Image and are also provided in **Folder 2**. These plans detail the street tree planting master plan for stage 1, proposed tree species, fencing master plan and open space and drain basin landscaping treatments. Development approval for these plans is sought as the future construction certificate application for Stage 1 will be based upon this detail.

## Roads

The Stage 1 subdivision will be serviced by a network of public roads designed in accordance with the *Wollondilly Shire Council Subdivision and Engineering Standard 2016*.

The proposed road network is in accordance with the Wilton South East Neighbourhood Road Hierarchy plan – extract at Figure 21 and complete plan at **Folder 2**.



**Figure 21:** extract of Wilton South East Precinct Neighbourhood Plan – Precinct Road Hierarchy

## 3.6 Access

### Picton/Pembroke signalised intersection

Residential Stage 1 will be accessed via an upgraded intersection with Picton Road and Pembroke Parade (creating a 4-way signalised intersection). The intersection will be designed in detail under a Works Authorisation Deed with NSW RMS. The intersection layout provided with the subdivision plans is based upon a strategic design provided by RMS in 2017. The design allows sufficient room to allow an additional 2 lanes to be added should RMS ever decide to widen Picton Road to 6 lanes.

## Janderra Lane left in/left out

Best practice road design is to provide a secondary form of access for emergency purposes when the site is occupied by more than 100 homes. The design proposes that the Janderra Lane/ Picton Road intersection should serve this purpose – as indicated in figure 22. This secondary access would need to be linked to the built sub-stages. This would require the completion of Road No. 6 and an interim (at grade) alignment of a small length of Road No. 1.

## Janderra Lane over bridge (town centre link road)

The State VPA requires the Janderra Lane over bridge (a continuation of Road 1) to be completed when the 2000<sup>th</sup> lot is registered. However Road 1 is initially proposed to connect to the existing Janderra lane pavement to allow for emergency access from Stage 1 (see above). When the overbridge is constructed the at grade connection will be removed and alternate access arrangements through Stage 1 and 2 will be in place to ensure access for residents in Emma lane is maintained.

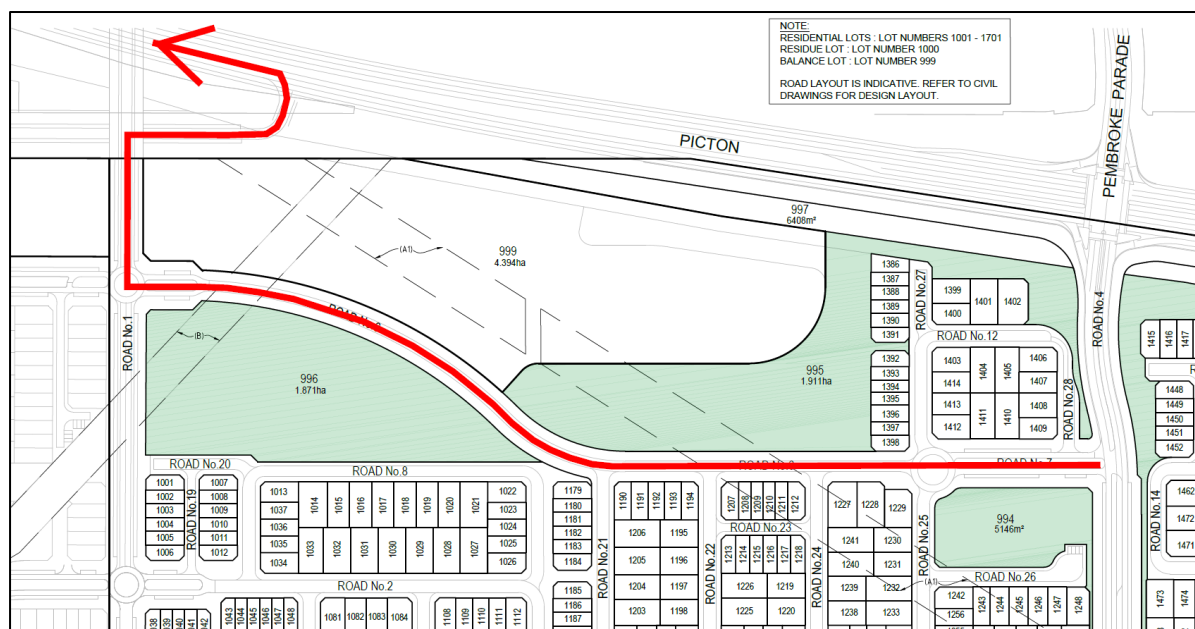


Figure 22: Emergency access via Janderra Lane

## Construction access

Construction access to the site will be via Janderra Lane.

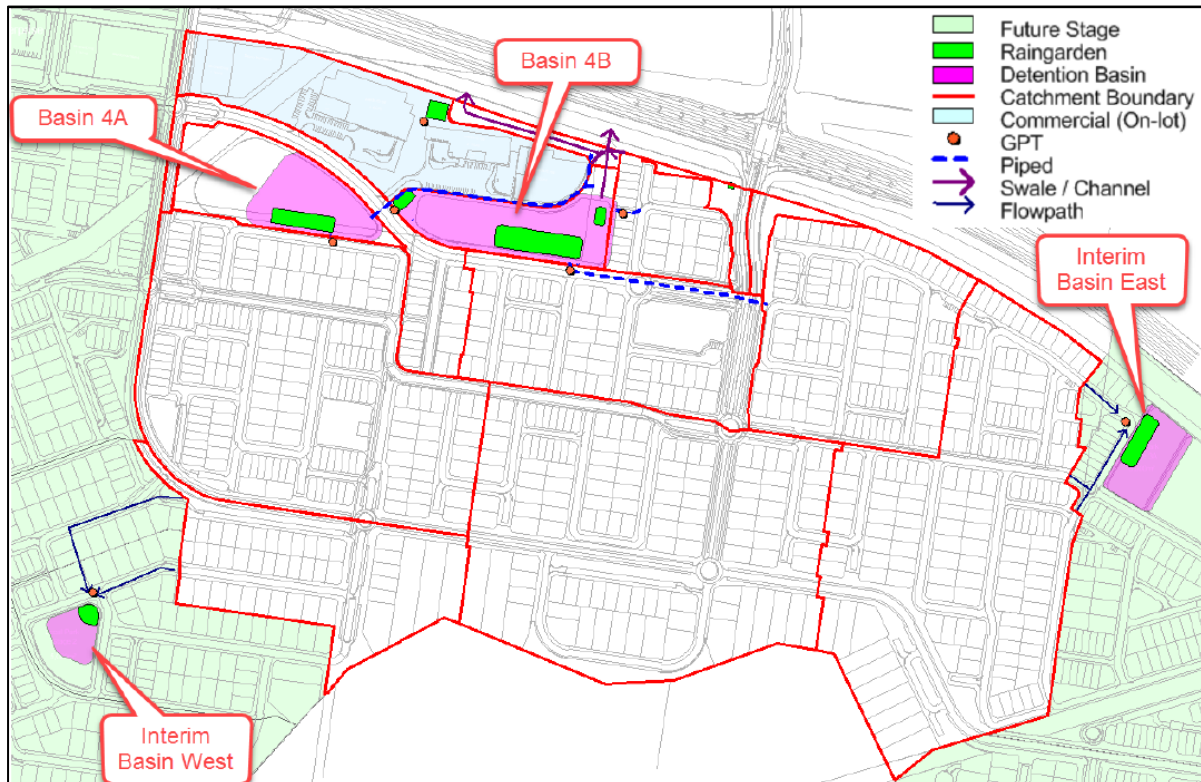
## 3.7 Stormwater management

The proposed development will include a series of co-located raingarden / detention basins to manage stormwater quality and quantity (refer Figure 23 and WSEP Water Cycle Management Strategy: J. Wyndham Prince, in **Folder 3**). The proposed works are detailed on the supporting engineering design drawings prepared by BG&E Consulting Engineers (refer Figure 24 and **Folder 3**).

The Strategy considers water quality and hydraulic impacts from urbanisation on downstream catchments and particularly the Nepean River. The Strategy builds upon an earlier Strategy prepared for Wilton New Town in 2014 and various addendum submissions provided during the exhibition of the South East Wilton rezoning and Precinct Plan addressing riparian classifications, groundwater and overall water quality impacts.

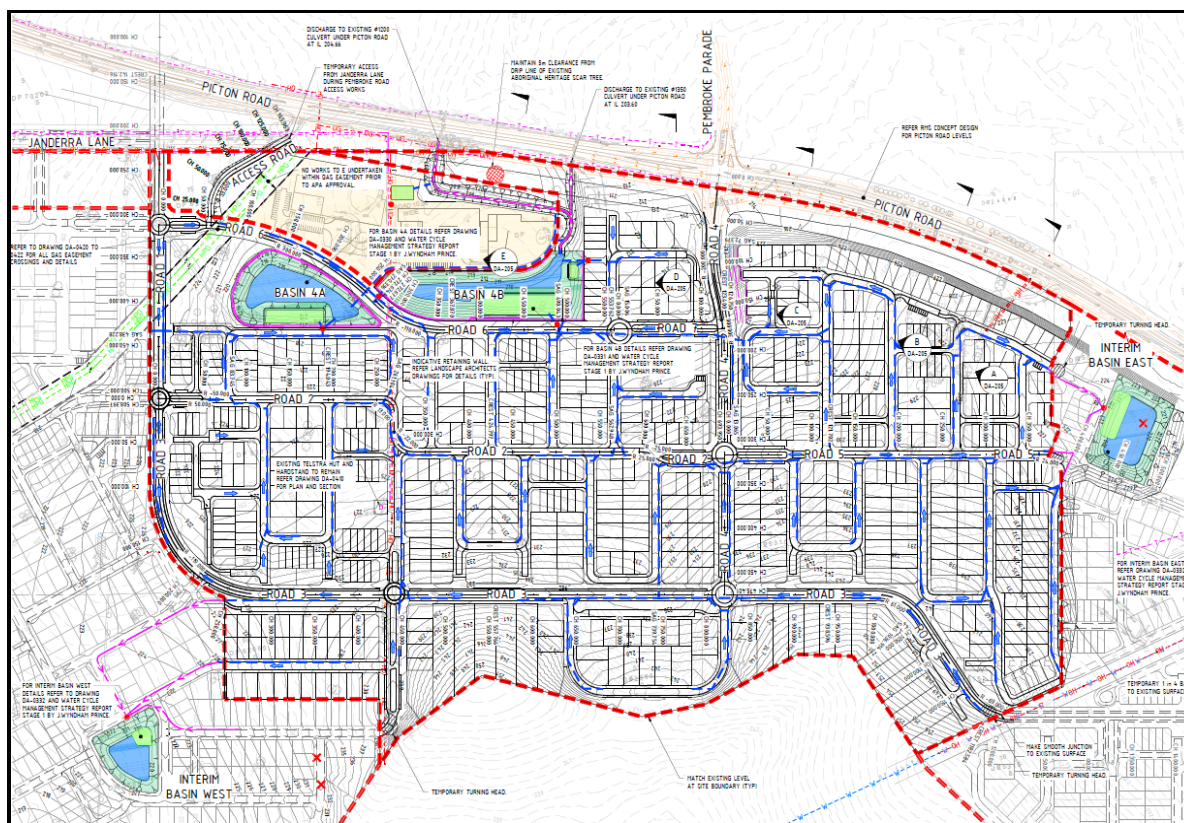
The Strategy proposes two permanent basins and associated rain gardens (basins 4A and 4B) plus two temporary basins on land within stages 2 and 3. The temporary basins will be maintained until the future stages are approved and built.

The Strategy assesses the development against envisaged water quality and environmental flow targets to be adopted in a future Wollondilly Growth Centres DCP, the current Wollondilly Shire Council Subdivision and Engineering Standards and the required pollution reduction targets adopted by the Healthy Rivers Commission independent inquiry into the Hawkesbury Nepean river system. The Strategy concludes that the proposed design will comply with both existing and envisaged standards.



**Figure 23:** Proposed basins for Stage 1 (J Wyndam Prince, 2018)





**Figure 24: Roadwork and Drainage Plan, BG&E**

### 3.8 Utilities and Services

The augmentation of existing utilities and services is required to deliver the stage 1 residential subdivision. The South East Wilton Stage 1 Utilities Servicing and Infrastructure Report, prepared by BG&E, dated 30 May 2018 and provided in **Folder 3** identifies the servicing strategy.

## Potable Water

Sydney Water Corporation is completing an Options Design Study to determine the most effective and efficient way to connect into the existing potable water network and provide upgrades as required. The provision of a section 73 certificate to Council prior to the issuing of a subdivision certificate will ensure compliance with any Sydney Water requirements.

## Recycled Water

Sydney Water Corporation does not operate a recycled water network within or in the area surrounding the site. Sydney Water is however exploring the feasibility of recycled water as part of the current Options Design Study. The proponent will decide whether to incorporate recycled water reticulation following completion of the Options Design Study.

## Waste Water

Sydney Water Corporation is completing an Options Design Study to determine the most effective and efficient means to manage waste water both in the interim period when Stage 1 is being established and the ultimate position where both the south east, northern, central and western precincts within Wilton New Town are developed. The provision of a section 73 certificate to Council prior to the issuing of a subdivision certificate will ensure compliance with any Sydney Water requirements.

## **Electricity**

Endeavour Energy have indicated that there is sufficient capacity in the network to accommodate future demand. Arrangements have been made between the proponent and Endeavour Energy to this end.

The applicant is negotiating with Endeavour Energy to have Easement A and A1 released (refer easement plan in **Folder 2**). The release of this easement could be a condition to be met prior to commencement of construction.

## **Natural Gas**

Jemena have indicated there is capacity in their network to service the proposed Stage 1 residential subdivision. The applicant is to enter into a commercial agreement with Jemena for the delivery of this service and it will be provided in accordance with their standards.

## **Telecommunications**

The applicant has entered into an agreement with the NBN Co for the delivery of services to the Stage 1 residential subdivision. The new telecommunications infrastructure will be delivered in accordance with NBN Co requirements.



## 4.0 STATUTORY PLANNING PRINCIPLES

### 4.1 Environmental Planning and Assessment Act 1979

This section contains an evaluation of the matters for consideration under the provisions of Section 4.15 of the EP&A Act. In determining a development application, the consent authority has to take into account:

- (a) *the provisions of:*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
  - (v) *(Repealed)*  
*that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

The following legislative, strategic and planning framework has been taken into account in the assessment of the development application.

#### Integrated development

Section 4.46 of the EP&A Act defines integrated development as development that requires development consent and one or more approvals under other State Government Acts. In relation to the subject application the following Acts apply:

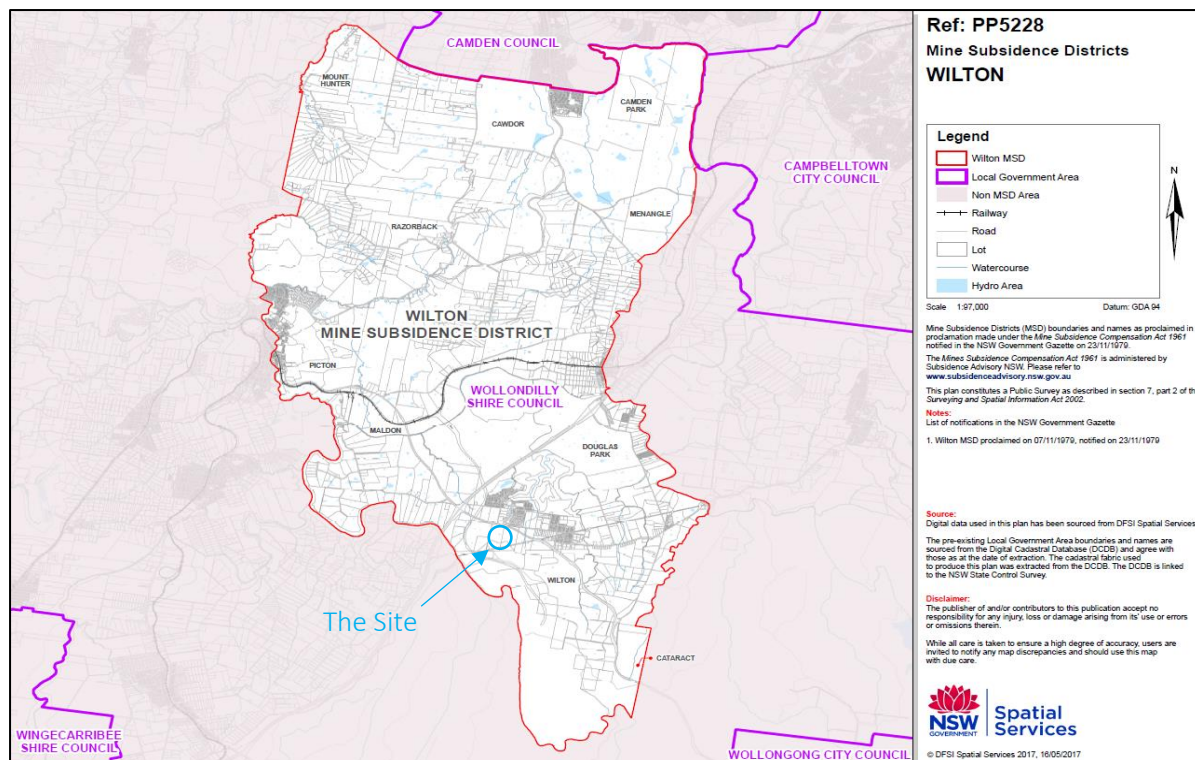
- *Coal Mines Subsidence Compensation Act (2017)* – land identified as within a Mine Subsidence District
- *National Parks and Wildlife Services Act (1974)* – land contains an identified aboriginal object (scar tree)
- *Roads Act (1993)* – connection to State road (Picton Road)
- *Rural Fires Act (1997)* – land identified as bushfire-prone land within the *Wollondilly Shire Council's Bushfire Prone Land Map*

### 4.2 Environmental Planning & Assessment Regulations 2000

Clause 50 (1) (a) of the EP&A Regulations 2000 reads: A development application must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1. The table in **Folder 1** demonstrates how the subject development application compliance with the required information and documents itemised in clause 50(1) (a).

### 4.3 Coal Mine Compensation Act 2017

In accordance with Section 22 of the *Coal Mine Compensation Act 2017*, an application for approval to alter or erect improvements, or to subdivide land, within a mine subsidence district is to be made to Subsidence Advisory NSW. The site is located within the Wilton Mine Subsidence District, refer to figure 24.



**Figure 25:** The site in relation to the Wilton Mine Subsidence District

The site is located above an identified coal seam, however there are no current allocated mine leases or mining authorisations over the site. While the site is within the mine Wilton Mine Subsidence District there are no known plans to extract from this seam. The seam location close to Nepean Gorge may also constrain opportunities for future extraction.

The proposed subdivision plans have been referred to the Subsidence Advisory NSW (SANSW). A copy of the SANSW approval letter is provided at in **Folder 3**.

### 4.5 National Parks and Wildlife Act 1974

Section 90 of the *National Parks and Wildlife Act 1974* states that an Aboriginal Heritage Impact Permit (AHIP) may be issued in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons.

The *Aboriginal Cultural Heritage Assessment* prepared by Biosis, provided at **Folder 3** recommends an application be lodged with the office of Environment and Heritage for an area wide AHIP to cover all works within the study area.

The site will be impacted by the proposed development, however subsurface test excavations have confirmed these sites are of low integrity and scientific significance. It is suggested the approval of an AHIP prior to commencement of construction be a condition of development approval.

## 4.6 Roads Act 1993

Section 138 of the *Roads Act 1993* states consent must be obtained from the relevant roads authority to:

- Erect a structure or carry out work in, on or over a public road, or
- Dig up or disturb the surface of a public road, or
- Remove or interfere with a structure, work or tree on a public road, or
- Pump water into a public road from any land adjoining the road, or
- Connect a road (whether public or private) to a classified road

Picton Road is a classified road. Consent from the RMS is required for the proposed intersection works in Stage 1 that will result in the existing Picton Road/Pembroke Parade intersection becoming a 4-way signalised intersection. The design and approval of this intersection will be managed through a Works Authorisation Deed with RMS. The opening of the intersection prior to the completion of the first dwelling would be an appropriate condition of development consent.

## 4.7 Rural Fires Act 1997

Section 110B provides that a person must obtain a bushfire safety authority from the commissioner of the NSW Rural Fire Service before subdividing bush fire prone land for residential purposes. Parts of the site are detailed as *vegetation buffer* on the Wollondilly Bushfire Prone Land Map as detailed in figure 25.

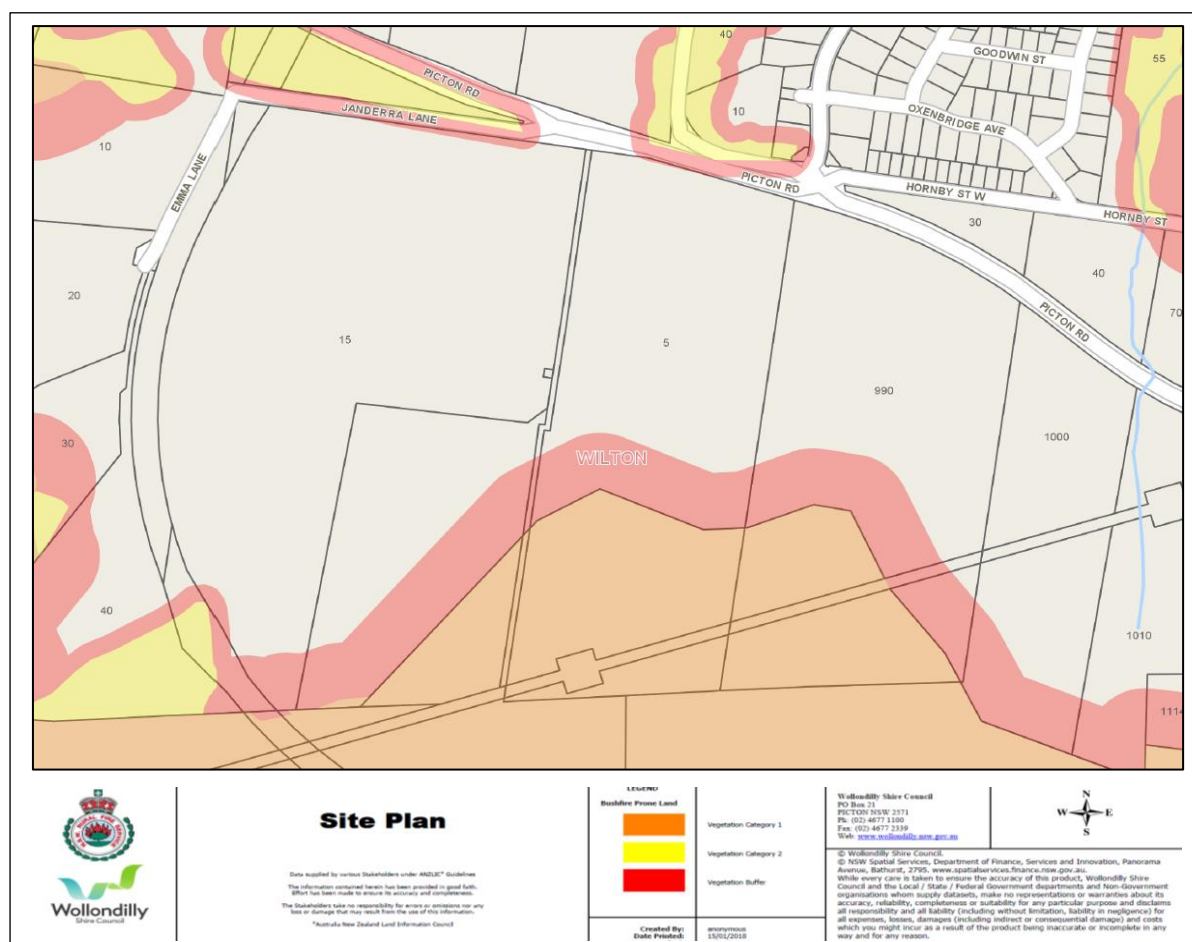


Figure 26: The site and Bushfire prone land



A bushfire safety authority authorises development to the extent that it complies with the standards regarding setbacks, provision of water supply and other matters considered by the Commissioner on the NSW Rural Fire Service to be necessary to protect persons, property or the environment from danger that may arise from a bushfire.

A *Bushfire Hazard Assessment Report* prepared by Holiday Coast Bushfire Solutions is provided in **Folder 3**. This report assesses the proposed subdivision layout of the South East Wilton Precinct including Stage 1. The report considers the layout in accordance with the methodologies within *Planning for Bushfire Protection 2006*. The report finds that the proposed lots will provide for dwellings to be built with the ability to achieve Bushfire Attack Level (BAL) 29 or less under AS 3959-2009 Construction of buildings in Bushfire-prone areas.

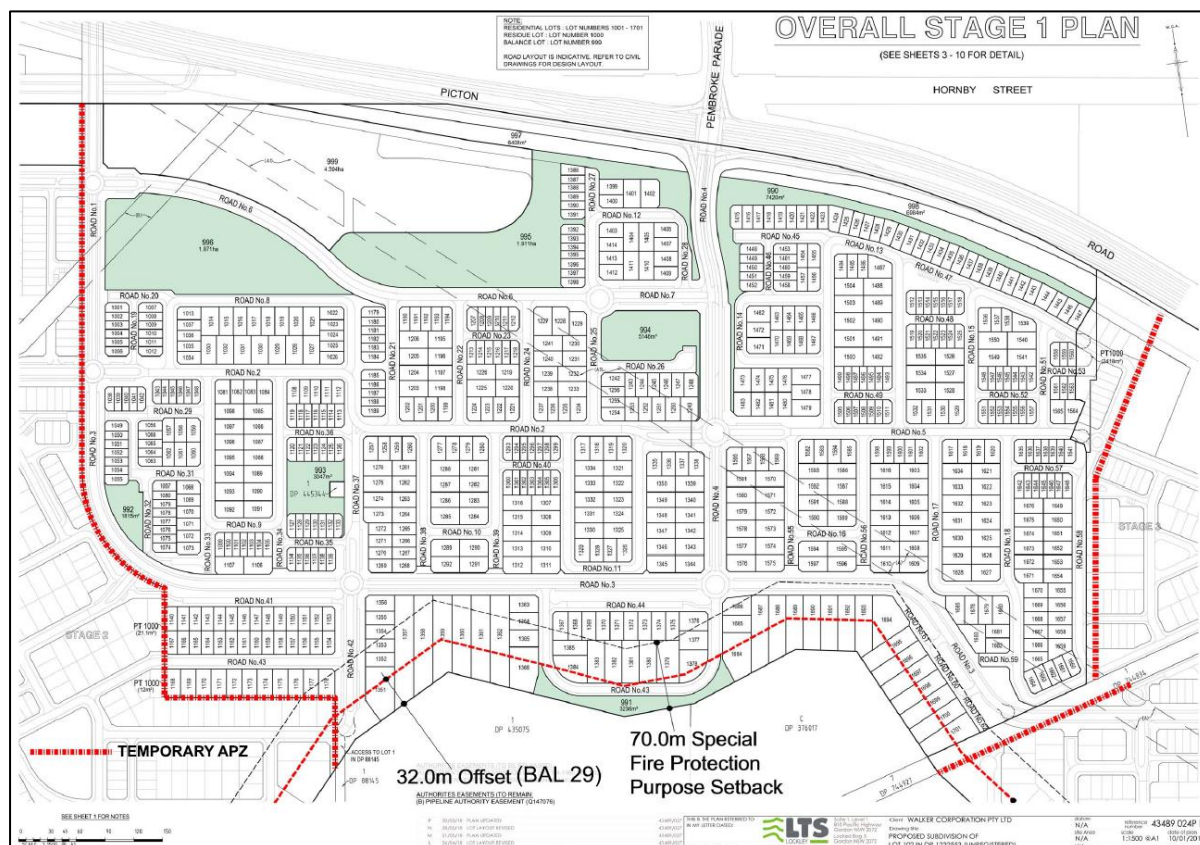


Figure 27: Permanent and temporary APZ

## 4.8 Threatened Species Conservation Act 1995

The EP&A Act provides for the protection of the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats. This includes threatened species, populations and ecological communities, and their habitats, as listed under the NSW *Biodiversity Conservation Act 2016* (BC Act) and NSW *Fisheries Management Act 1994* (FM Act).

With the commencement of the BC Act, all state listings for threatened species and communities under the *Threatened Species Conservation Act 1995* (TSC Act) were legally transferred to the BC Act. However, the subject application is being made under the transitional provisions (clause 28(1) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*) therefore, the TSC Act is referred to for threatened species and community listings. The Flora and Fauna Assessment prepared by Cumberland Ecology has been prepared in accordance with this framework (see **Folder 3**).

## 4.4 Heritage Act 1977

Section 57(1) of the *Heritage Act 1977* states that damage must not occur when an interim heritage order applies or to a listing on the State heritage register. An interim heritage order does not apply to the site, nor are there any listings on the State heritage register located on the site. Therefore consideration of the subject development application against this clause it not considered necessary.

However, the Upper Nepean Catchment System – Pheasants nest Weir to Prospect Reservoir (State Item) and the curtilage of the Upper Nepean Conservation Area (State Item) adjoin the site's boundaries.

To demonstrate there is no impact upon these items, a *Statement of Heritage Impact* prepared by Biosis accompanies the application, refer to **Folder 3**. This report concludes there is no impact upon these items.

## 4.9 State Environmental Planning Policies

An assessment of the relevance of all State Environmental Planning Policies (*SEPP*) and Deemed State Environmental Planning Policies (*Deemed SEPP*) has been undertaken. A comprehensive assessment is to be found in **Folder 1**.

The assessment finds the only applicable SEPPs and deemed SEPPs are as follows:

- SEPP 55 Remediation of Land
- SEPP (Infrastructure) 2007
- SEPP (Sydney Region Growth Centres) 2006
- SEPP (State and Regional Development) 2011
- Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)

### SEPP 55 Remediation of Land

A *Phase 1 Contamination Assessment, Wilton Junction, Hume Highway and Picton Road Wilton Report* dated 18 June 2014 was been completed by Douglas Partners and submitted to the Department of Planning and Environment as part of the rezoning process. This assessment undertook a desktop investigations and soil sampling. The assessment identified several areas with low potential for contamination.

A *Detailed Site Investigation* dated April 2018 and prepared by Douglas Partners is provided in **Folder 3**. The detailed site investigation concluded that the site has a relatively low potential for contamination and is considered generally suitable from an environmental perspective for the proposed residential land, on the assumption that the identified nickel and TRH exceedances are remediated and the following recommendations are applied:

- Prepare a Remediation Action Plan (RAP) to document how the nickel and THR exceedances are remediated
- Implement an unexpected finds protocol

Senversa have been engaged as a site auditor to review the Douglas Partners' Detailed Site Investigation. Senversa concluded that an assessment of ground water at this stage is not necessary,



the detailed site investigation is suitable for the purpose for supporting the subject development application provided that a RAP be prepared which includes the following:

- an unexpected finds protocol;
- provision for a hazardous material building survey and sampling below the footprints of any buildings demolished or below the footprints of stockpiles of potentially contaminated material not previously sampled;
- a detailed waste management strategy to track waste movements around the Site and any disposal offsite. The waste management process should be documented in a manner which can be audited in accordance with Section 4.3.7 of the Guidelines for the NSW Site Auditor Scheme (3rd edition) (NSW EPA, 2017);
- provision for sample collection around the onsite dams (of surface water and sediment) and potentially the creeks;
- provision for the mitigation of potential impacts on the 'Special Area' to the south of the Site, which is currently being regulated by WaterNSW;
- consideration of groundwater results in reference to the criteria for irrigation and domestic stock (if groundwater sampling is undertaken);
- completing any additional asbestos analysis using gravimetric analysis, which has a lower limit of reporting than the presence/ absence methods; and
- employing appropriate quality assurance and quality control procedures;
- The RAP should be subject to review by a site auditor and a Section B Site Audit Statement issued commenting on the suitability of the RAP.

Refer to the *Interim Auditor Advice* dated 11 May 2018<sup>7</sup> prepared by Senversa provided in **Folder 3**.

These recommendations can be conditioned in the approval and can be completed as part of construction works.

### **SEPP (Infrastructure) 2007**

DA will be referred to RMS in accordance with the integrated development provisions of the EP&A Act and clause 104 of the SEPP.

#### *Division 9 – Gas Transmission and Distribution Pipelines*

As noted within section 2.2 of this statement, a Safety Management Plan has been prepared by the proponent and has also been accepted by APA. A copy is provided in **Folder 3**. This development application will be referred to APA Group.

#### *Division 15 – Railways Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements*

The subject development application proposes development and excavation on land adjacent to a railway corridor (Maldon Dombarton corridor, a possible future freight rail line) therefore it is expected that the application will be referred to the relevant rail authority for concurrence.

It is considered the subject application will not have an adverse effect on railway safety, nor will it result in works within, above or below the railway corridor. The excavation adjacent to the railway corridor will not affect the corridor or any existing infrastructure within the corridor, nor will it result in housing with 350 metres from the edge of the corridor. The proposed development will also not impede any future operations within the railway corridor.

### Division 17 – Roads and Traffic – Subdivision 2 Development in or adjacent to road corridors and road reservations

A *Traffic Report* prepared by WSP demonstrates the acceptability of the proposed road network and new intersections on Picton Road – refer to **Folder 3**.

The ‘ultimate’ Pembroke/Picton Road intersection concept design provided by NSW Roads and Maritime Service has been incorporated into all reports and Stage 1 subdivision plans. Following development approval, a Works Authorisation deed (WAD) will be entered into with RMS to undertake the detailed engineering design and construction of this intersection.

Under the State VPA a second intersection and bridge over Picton Road at Almond Street will be completed and operational when the 1500<sup>th</sup> lot is registered and a third bridge over Picton Road at Janderra Lane will be required by the time the 2000<sup>th</sup> lot is registered.

A *Noise Report* prepared by Atkins Acoustics assesses the impact of road noise from Picton Road upon the proposed residential subdivision – refer to **Folder 3**. This report has recommended that a combination of noise walls along Picton Road and dwelling treatments will ameliorate road noise impacts on future dwellings. The Noise Report identifies the location of the noise walls and which lots will require dwellings to be acoustically treated. The requirement for noise attenuation can be imposed under Section 88B of the Conveyancing Act on the lots so identified.

### **SEPP (Sydney Region Growth Centres) 2006**

Appendix 14 of SEPP SRGC applies to the subject development application. A comprehensive assessment of the subject application against these provisions is provided in **Folder 1**.

The assessment found that the proposed development is consistent with the key provisions of the SEPP-SRGC Appendix 14 relevant to the proposed development, including:

- Aims of the precinct plan (Clause 1.2)
- The objectives and permitted uses within the Urban Development Zone (Clause 2.1)
- The objectives and permitted uses within the SP2 Infrastructure Zone (Clause 2.1)
- Residential Density (Clause 4.3A)
- Consideration of development applications (Clause 5.1A)
- Relevant acquisition authority (Clause 5.10)
- Heritage Conservation (Clause 5.10)
- Arrangements for designated State public infrastructure (Clause 6.2)
- Public utility Infrastructure (Clause 7.1)
- Earthworks (Clause 7.4)

### Land Use Zones

The site is located within the Urban Development Zone and SP2 Infrastructure Zone.

### Urban Development Zone

The proposed development constitutes subdivision works for a future residential development. Residential uses are permissible within this zone.

### SP2 Infrastructure Zone

The subject application proposes the land zoned SP2 infrastructure within Stage 1 will be part dedicated as road widening and part retained within two separate lots either side of the Picton Road/ Pembroke Road intersection. The separate lots (allotments 997 and 998) will be dedicated to the NSW RMS when and if required in accordance with the provisions of the executed Voluntary Planning Agreement with the State dated 10 April 2018.

### Residential Density (Clause 4.3A)

Within this clause density means “*the ratio of the number of dwellings to the area of the land to be **occupied by the development**, including internal streets and half the width of any roads adjoining the development that provide vehicular access to the development but excluding land that is not **zoned for residential purposes**” (bold added).*

- What is ‘land zoned for residential purposes’:

‘Residential purposes<sup>1</sup>’ are only permissible within SEWP Plan *Zone 1 Urban Development*. A dwelling is prohibited within the remaining *SP2 Infrastructure Zone* and the *E2 Environmental Conservation Zone*.

Therefore, it may be considered that the Urban Development Zone is ‘land zoned for residential purposes’. Accordingly, residential development is permissible on 268.8ha of the land to which the SEWP applies.

The minimum residential density nominated within the SEWP Plan, is 15 dwellings per ha (cl.4.3A(2)(a)).

It is plain that cl.4.3(2)(a) does not apply in a blanket way across the whole Urban Development Zone. This is evident from the fact that 4,020 dwellings would be required within the Urban Development Zone i.e.

$$\begin{aligned} &15 \text{ dwellings/ha} \times 268.8 \text{ ha} \\ &= 4,032 \text{ dwellings.} \end{aligned}$$

However, cl.4.3A(1) says “*the consent authority must not grant consent to development that results in more than 3,600 dwellings on the land to which the Precinct Plan applies*”.

This is why it is appropriate to only apply the density control — as the definition of ‘density’ explicitly requires — to the area of land that is to be ‘occupied by the development’. Not all of the land that is the subject of the SEWP Plan will be the subject of a development application that provides for residential subdivision and future residential use. For example, a portion of the SEWP Plan area will be for enterprise (employment) use. When development applications are made for these areas, no dwellings will be envisaged. For such development applications, clause 4.3A(2) of the SEWP Plan will not apply (because there will be no ‘ratio’ of dwellings to the area of land ‘occupied by the development’).

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<sup>1</sup> Residential purposes is considered to be the land uses referenced in cl. 4.3A(2)(a) and 4.3A(2)(b)

This development application relates to four areas (refer “Density Plans” in **Folder 2**).

**Firstly**, there is the area marked as ‘subdivision only’. This accounts for 6.9 hectares.

No actual works are proposed in this area. The land is only included in the development application as the land is to be subdivided. The mere subdivision of land is not the ‘occupation’ of land by development. (While ‘subdivision of land’ is a form of development, land cannot be ‘occupied’ by subdivision of land.)

Clause 4.3(2)(a) does not have any application to the ‘subdivision only’ land.

**Secondly**, there is the area marked as ‘earthworks, no residential subdivision proposed at this time’. This accounts for 34 hectares.

This land will be occupied by earthworks development. There is no proposal for the subdivision of this land at this time. The earthworks ‘development’ will occupy the land, for a short period only. It does not represent a long-term occupation of the land. It will not sterilise the future development potential of the land for residential or other development. Accordingly, approval of the earthworks on the land marked as ‘earthworks, no residential subdivision proposed at this time’ will not ‘result in’ a density (over that land) that is contrary to clause 4.3A(2)(a).

(In this regard, it should be noted that clause 4.3A(2)(a) only precludes development that **will** result in a contravention of the density control. If a proposed development leaves in area of land open for flexible future use, then it cannot be said that the grant of consent **will** result in a violation of that clause in relation to that land.)

**Thirdly**, there is the area of land marked ‘stormwater management and/or open space’. This accounts for 5.8 hectares. There is no proposal for any dwellings to be constructed on this land. Accordingly — as discussed in relation to enterprise land above — there is no ‘ratio’ of dwellings to land area for this component of the development.

It should be noted that the definition of ‘density’ expressly includes ‘internal roads’, but does not say that it includes other land that may not be the site of future dwelling (i.e. drainage land and open space land).

For this reason clause 4.3A(2)(a) does not apply to the land marked ‘stormwater management and/or open space’.

**Finally**, there is the area of land marked as ‘residential subdivision’. As per the definition of ‘density’ this included internal roads (excluding half the width of any roads adjoining the development that provide vehicular access to the development). This accounts for 46.5 hectares,

This component of the development is for the long-term use of the site. If the consent is granted and implemented it will determine the future use of the land for the foreseeable future. It will lock-in the prospect of dwellings on this land and set the parameters for the density of those dwellings. This is where clause 4.3A(2) needs to be applied in the context of this development application.

Assuming one dwelling for each residential lot to be created, it will result in 701 dwelling over 46.5 hectares. That is, a density ratio of 15.07 dwellings per hectare (excluding, as is required, half the width of any roads adjoining the development that provide vehicular access to the development).

If the same approach is applied to the whole SEWP, the area including both land identified as Low Density Residential and Medium Density Residential on the *South East Wilton Structure Plan* dated 13 December 2017, the resulting density is 16.29 dwellings/ha (refer to table 8).

**Table 8:** Land area identified for residential purposes on the *South East Wilton Structure Plan* dated 13 December 2017

	Area (ha) <sup>1</sup>	Proposed no. Lots <sup>2</sup>	Density
Low Density Residential & Medium Density Residential	210.6	3,341	16.29 dwellings/ha

<sup>1</sup> Refer to Density Plans – Residential Density-03-A at **Folder 2** for area calculation

- Residential Density and the subject Development Application:

The land areas, land for residential development and residential density for the subject development application are detailed in table 9.

**Table 9:** Stage 1 Residential Density

Relevant Land Areas	Area (ha) <sup>1</sup>	Lots	Density (dwelling/ha)	Compliance
Entire Development Application Land	93.4	1157	12.38	n/a
Stage 1 Residential Subdivision Land	46.5	701	15.07	✓
<b>Total DA land for Residential Development</b>	<b>73.88</b>	<b>1165</b>	<b>15.77</b>	<b>✓</b>

<sup>1</sup> The subject development application only seeks development approval for bulk earthworks over part of Stage 2. To demonstrate that compliance with the relevant density standards can be achieved a future residential layout has been provided. The Approval of this layout is not sought as part of this application.

<sup>2</sup> Refer to Density Plans – Residential Density-02-A at **Folder 2** for land for residential purposes area calculation

Compliance with cl 4.3A(1) and cl.4.3A(2)(a) is achieved by the subject development application as the development consent will not result in more than 3,600 dwellings on land to which the precinct plan applies and that part of the proposed development that is for dwellings will achieve a complaint dwelling density of x dwelling per hectare of land occupied by that development (including internal streets and half the width of any roads adjoining the development).

All density related plans are contained within **Folder 2**.

#### Consideration of development applications (Clause 5.1A)

It is expected Council will refer the subject application to the NSW Department of Planning and Environment for comment. The Department will need to issue confirmation that the development application is consistent with the SEWP Structure Plans, prior to the finalisation of the Council assessment report.

This assessment finds that the development application is consistent with all relevant provisions of the SEPP-SRGC.

#### Relevant acquisition authority (Clause 5.10)

The subject application proposes the land zoned SP2 infrastructure within Stage 1 be part dedicated as road widening and part created within separate lots for future transfer to NSW RMS in accordance with the provisions of the executed Voluntary Planning Agreement with the State, dated 10 April 2018. A copy of this agreement is provided in **Folder 3**.



### Heritage Conservation (Clause 5.10)

There are no heritage items or conservation areas identified in Schedule 5 or on the WGA Heritage Map as being located within the site.

- **Aboriginal Heritage**

An *Aboriginal Cultural Heritage Assessment Report* (ACHAR) prepared by Biosis is provided in **Folder 3**.

There are 69 Aboriginal cultural heritage sites registered with the AHIMS register within and in the vicinity of the subject site.

The Aboriginal community was consulted regarding the management of the project throughout its lifespan.

The site will be impacted by the proposed development, however subsurface test excavations have confirmed these sites are of low integrity and scientific significance.

The ACHAR recommends an application be lodged with the office of Environment and Heritage for an AHIP to destroy AHIMS site #52-2-3954 within the study area.

It is requested that the lodgement and approval of an application for an AHIP be conditioned on a development approval.

- **European Heritage**

A *Statement of Heritage Impact* (SOHI) prepared by Biosis is provided in **Folder 3**. The SOHI confirms there are no items of significance within the boundaries of the site, however there are State items within the vicinity of the site that will be impacted by the SEWP:

- Upper Canal System (Pheasants Nest Weir to Prospect Reservoir)
- Upper Nepean State Conservation Area

The SOHI states *“the impacts upon the Upper Canal System and the Upper Nepean State Conservation Area will include the partial loss of current site settings. However these impacts are considered acceptable from a heritage standpoint as previous impacts have already occurred in the vicinity of both heritage items.”* The SOHI recommends interpretative media should be integrated into the final design of the development to inform the public of these items.

### Arrangements for designated State public infrastructure (Clause 6.2)

A VPA has been entered into with the State Government for the provision of State public infrastructure. It is likely that the Secretary of the Department of Planning and Environment will now certify that satisfactory arrangements have been made, based on the terms of the VPA. Clause 34.1.2 allows the planning agreement to be terminated if the certification is not given within six month of the date of the rezoning.

### Public utility Infrastructure (Clause 7.1)

The applicant has entered into arrangements with Sydney Water Corporation relating to the provision of potable water and the disposal and management of waste water. The proponent will obtain a section 73 certificate to Council prior to the release of a subdivision certificate. Correspondence from Sydney Water Corporation describing the planning and delivery of water and waste water services is provided in **Folder 3**.

Arrangements have been made with Endeavour Energy to make use of the capacity in the existing network to service Stage 1 of the SEWP. The proponent will submit a Notice of Arrangements prior to the release of a subdivision certificate.

### Earthworks (Clause 7.4)

The subject application proposes and seeks consent for Stages 1 and 2 bulk earthworks (plus a detention temporary basin within Stage 3). These works are detailed on the plans prepared by BG&E and provided in **Folder 2**. The *South East Wilton Precinct Stage 1 and 2 – Bulk Earthworks Strategy Report*, prepared by BG&E and provided in **Folder 3** discusses the reasoning and key design criteria which directed the proposed earthworks design.

Due to the site's existing steep and undulating topography, significant earthworks are required to allow development for urban purposes. The project home market requires the provision of level residential land. If level blocks are not provided the cost of retaining and earthworks is passed onto the buyer by the home builder. When earthworks can be undertaken on a large scale, as proposed in the subject application, it provides the opportunity to reduce cost, improve affordability and attain a better outcome in relation to streetscape and landscaping.

To achieve soil stability, construction methods in accordance with Australian Standards will be implemented.

It is envisaged that most if not all fill will come from the site. If fill is imported it would need to comply with Council requirements as Virgin/Excavated Natural Material. Identified contamination on site will be remediated in accordance with the *Detailed Site Investigation* dated April 2018 and prepared by Douglas Partners and *Interim Auditor Advice #4* dated 11 May 2018 and prepared by Senversa provided in **Folder 3**. Appropriate testing and certification will occur upon the completion of earthworks to demonstrate that the site is suitable for residential development.

The site levels, once modified by the proposed earthworks will maintain the existing slope from the south to the north, therefore run off from the site during construction in to the Upper Nepean Catchment lands is considered unlikely. Nevertheless, all appropriate erosion and sediment control on site will be managed in accordance with Council standards to mitigate impacts of the development.

### **SEPP (State and Regional Development) 2011**

The subject development application is for general development and has a CIV of \$79 million. Pursuant to Schedule 7 of the SEPP (State and Regional Development) 2011, a development of this type and scale is considered to be regionally significant development.

## **Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)**

Deemed SEPP SREP no. 20 applies to the subject development application. A comprehensive assessment of the subject application against these provisions is provided in **Folder 1**.

The assessment found that the proposed development is consistent with the key policies of the Deemed SEPP SREP no. 20 relevant to the proposed development, including:

- Total Catchment Management
- Water Quality
- Water Quantity
- Cultural heritage
- Flora and Fauna
- Urban development
- Metropolitan Strategy

The proposed development is consistent with all relevant policies.

### **4.9 Wollondilly Local Environmental Plan 2011**

Pursuant to Cl1.8(2) of the SEWP Plan (SEPP-SRGC Appendix 14), the *Wollondilly LEP 2011 (WLEP2011)* does not apply to the land the subject of this development application.

There are no further considerations for the subject development application within the WLEP2011.

### **4.10 Any Draft Planning Instrument**

There are no draft planning instruments applicable that have been the subject of public consultation under the EP&A Act and that have been notified to the consent authority.

### **4.11 Development Control Plan**

The SEWP Plan does not require a development control plan to be in place prior to accepting or approving a development application upon land to which the SEWP Plan applies.

#### **Draft Wilton Growth Area Development Control Plan**

The NSW Department of Planning and Environment are preparing the Draft Wilton Growth Area Development Control Plan (**WGADCP**) for the entire WGA. It is expected the draft WGADCP will go on public exhibition mid-late 2018.

As discussed above, current legislative framework for the site does not require a DCP to be in place prior to accepting or approving a development application upon land to which the SEWP Plan applies. Therefore the lack of a DCP applying to the site cannot hold up the subject development application

## Wollondilly DCP 2016

The Wollondilly DCP 2011 (**WDCP2016**) applies to all land to which the WLEP2011 applies.

The WLEP2011 ceased to apply to the site when the precinct plan set out in Appendix 14 of the SEPP-SRGC came into effect (as per clause 1.8(2) of SEWP Plan). As a result, the WLEP2011 does not apply to the site the subject of the development application and is not a relevant matter for consideration.

Nevertheless, in the absence of a formal DCP for the site, the subject application has regard to the provisions of the *WDCP2016* as a general matter of public interest under section 4.15(1)(e) of the *EP&A Act*. This consideration is summarised below.

### Volume 1 – General

- *General considerations for all development*

The subject development application does not result in any safety and human health risks that cannot be mitigated.

A *Traffic Report* prepared by WSP has demonstrated the surrounding road network can accommodate the proposed development.

Subsidence Advisory NSW has stamped the plans for lodgement. Referral to the subject development application to the Subsidence Advisory NSW will occur in accordance with the requirements for integrated development.

The applicant will enter into a commercial arrangement with Sydney Water Corporation to manage water and waste water. A condition requiring the submission of a section 73 certificate prior to the release of a subdivision certificate would be acceptable to ensure lots created are adequately serviced.

- *Community engagement*

The development application can be publicly notified and advertised in accordance with the provisions of the Environmental Planning and Assessment Regulations and the DCP.

- *Aboriginal heritage*

An Aboriginal Cultural Heritage Assessment Report prepared by Biosis is enclosed in **Folder 3**. This report recommends the preparation and approval of an AHIP for the site. A condition requiring the approval of an AHIP prior to the commencement of works would be appropriate to ensure this issue is properly managed.

- *Tree removal*

The *Arboricultural Assessment and Impact Report* has assessed and mapped all the trees on site. The report identified the trees to be retained and removed. The vegetation/trees nominated for removal are required to be removed due to either their individual poor declining health or poor structural condition or they are located within proposed new roadways, stormwater services line, kerb and gutter, final soil levels and or considered house building locations.

The removal of trees within Stages 1 and 2 in accordance with Tree Removal and Retention plan DA-SEWP-01 Revision A, dated 7 May 2018 – Refer to **Folder 2**.

- Landscaping

A Landscape Master Plan and Landscape Stage 1 DA Plans have been prepared by Site Image and provided in **Folder 2**. These documents make provision for native planting as required in the WDCP2016 as well as exotic species. The landscape plans target the planting of species that will create significant summer shade (and winter sunlight) and which will create a sense of place and visual delight.

#### Volume 2 – Urban Release Area

Not applicable

#### Volume 3 – Subdivision of Land

- *Traffic and transport*

The site is zoned Urban Development under the SEPP-SRGC. This zone is not reflected within the WDCP2016. However, the proposed roads detailed on the subdivision plan prepared by Lockleys complies with the general intent of these controls.

All proposed lots will have access to a public roads designed and built in accordance with the Council standards.

- *Waste water*

The applicant has made arrangements with the Sydney Water Corporation directed to ensuring water and wastewater from the proposed development is properly managed. The proponent will obtain a section 73 certificate prior to the issue of a subdivision certificate to ensure waste water is properly managed.

- *Stormwater*

A *Water Cycle Management Strategy Report Stage 1*, dated 29 May 2018 and prepared by J Wyndam Prince (refer to **Folder 3**), ensures both water quantity and water quality objectives are achieved in accordance with the overall Wilton Junction Water Cycle Management Strategy Report (JWP, 2014), along with the relevant Department of Planning and Environment and Wollondilly Shire Council objectives.

- *Lot size and shape*

The site is zoned Urban Development under the SEPP-SRGC and the SEPP-SRGC does not nominate a minimum lot size for land within this zone. Having no minimum lot size is not contemplated within WDCP2016. However, the proposed Stage 1 subdivision design complies with the objective of the minimum lot size control i.e. the subdivision design proposes regular and practical allotments that will encourage the orderly and economic use of land.

The Stage 1 subdivision design proposes a mix of lot sizes and dimensions. Lots range in size from 200-2,707m<sup>2</sup>. This range in lot sizes is proposed to allow a range of housing types to be delivered at a range of price points.

A minimum lot size of 200 m<sup>2</sup> (and minimum depth of 25 metres) has been chosen as it will allow future residential dwellings to be assessed in accordance with the NSW Greenfield Housing Code, when it is amended to apply to the WGA. The Greenfield Housing Code demonstrates that residential dwellings can be easily accommodated on lots sized 200 m<sup>2</sup>.



It is noted the WDCP 2011 has a minimum lot size of 450 m<sup>2</sup>. Imposing a minimum lot size of 450 m<sup>2</sup> would result in non-compliance with cl 4.3A(2) which requires a minimum density of 15 dwellings /hectare.

- *Corner allotments*

Corner allotments have been designed to ensure safe vehicular access and maximum amenity for the streetscape.

The detailing of driveways will be managed by the proponent's proposed building design guidelines (**Folder 3**) and the provisions of the NSW Greenfield Housing Code. Therefore it is considered unnecessary to provide building envelopes to corner allotments as suggested in WDCP2016.

- *Building envelopes*

All residential lots within Stage 1 have been designed to ensure that future applications for residential dwellings can be undertaken in accordance with the proponents building design guidelines and the NSW Greenfield Housing Code. This approach supersedes the need for building envelopes. It is suggested a condition be applied requiring the applicant's building design guidelines be submitted and approved by Council prior to the approval of any construction certificate for subdivision.

It suggested that a condition be imposed requiring the provision of easements for party wall and maintenance, on side boundaries of lots less than 450m<sup>2</sup> prior to the issue of a subdivision certificate. The purpose of this easement is to facilitate the development of zero lot line and attached homes.

- *Environmental protection*

There is no significant native vegetation located within the site.

- *Non-Residential development*

The applicant is not aware of any non-residential activities occurring on surrounding properties that would create odour or noise impacts upon the proposed residential subdivision.

#### Volume 4 – Residential Development

All residential lots within Stage 1 have been designed to ensure that future applications for residential dwellings can be undertaken in accordance with the NSW Greenfield Housing Code.

#### Volume 5 – Commercial and Community uses

Not applicable

#### Volume 6 – Tourism and Events

Not applicable

#### Volume 7 – Industry and Infrastructure

Not applicable

#### Volume 8 – Agricultural and Rural uses

Not applicable

## 4.11 Any planning agreements

### State VPA

Walker Corporation Pty Ltd and the Minister for Planning have signed a Voluntary Planning Agreement (VPA) for the provision of State services and infrastructure. A copy of this agreement is provided in **Folder 3**.

This agreement addresses the delivery of roads, public transport, State delivered social infrastructure including serviced land for a new primary school. It provides for over \$60 million in works, land and cash contributions designed to ensure infrastructure is delivered when it is needed. The VPA has been structured to provide for additional contributions to the State if further infrastructure is identified under a Special Infrastructure Contributions scheme.

### Council VPA

The applicant does not propose to enter into a Voluntary Planning Agreement with Council. Instead it is proposed that local and district facilities will be delivered in accordance with the appropriate Wollondilly Section 94 Plan applicable at the time of lot registration with offsets for works and land provided within the Precinct. The Neighbourhood Plan - Local Open Space and Community Infrastructure outlines the works and land that the proponent proposes as offsets.

## 4.12 Any Coastal Zone Management Plan

There are no coastal management plans affecting the site.

## 4.13 Environmental (Natural & Built) Impacts, Social & Economic Impacts in the Locality

The Environmental, social and economic impacts of the development have been assessed and the impacts are comprehensively addressed in the submitted documentation in **Folder 1**, **Folder 2** and **Folder 3**. A summary of the key matters are detailed in the following sections.

### 4.14 Flora and Fauna

An ecological investigation was undertaken by Cumberland Ecology (provided in **Folder 3**).

The investigation concludes that the ecological impacts of the project are considered to be manageable and no additional compensatory measures are proposed or required beyond the significant ecological benefits derived from the conservation and management of the 165 hectares of land proposed as part of Stages 4, 5 and 6.

### 4.15 Tree removal

The site has previously been used for agricultural purposes, consequently as previously stated the site has been generally cleared of significant vegetation.

The site has been zoned for urban development and the proposed earthworks design will require the removal of trees on site in accordance with the *DA-SWEP-01 Tree Removal and Retention Plan - Stages 1 & 2 Revision A*.

To consider the impact of the proposed tree removal an assessment of the existing trees on site was undertaken to determine their age, health, structure, ecological and landscape/visual significance and ability to be retained. Whilst the majority of the trees identified to be removed are of fair-good condition, they have nil-low ecological and landscape/visual significance. Only one tree identified to be removed (#84) is considered to have high ecological and local/visual significance. This tree is required to be removed as it is located within a proposed road way.

## 4.16 Stormwater management

As detailed within the *Water Cycle Management Strategy Report Stage 1*, dated 29 May 2018 and prepared by J Wyndam Prince, the proposed WCM Strategy for the development of Stage 1, will consist of:

- 3kL rainwater tank on each lot.
- Gross pollutant traps at each discharge point to basin or raingarden.
- Four detention basins with a total active storage of approximately 15,660 m<sup>3</sup>
- Seven bio-retention raingardens with a total filter area of approximately 5,200 m<sup>2</sup>
  - Generally co-located within detention basins plus an additional standalone device at the entry road.
- On-lot treatment (GPT with raingarden or proprietary devices) for the future commercial area.
- Swale / channel from the outlet of Basin 4A and 4B through to the existing culverts under Picton Road. Configuration to include flow splits as discussed in Section 6.2 to match pre-post at each culvert location.

Results demonstrate that the proposed detention basins will ensure that peak post development discharges are restricted to less than the pre development levels at all key comparison locations. Water quality results also show that the proposed 'treatment train' of devices (rainwater tanks, gross pollutant traps and raingardens) will, when configured in accordance with the Strategy, deliver the Water Quality Objectives set by both NSW EPA and Council and the envisaged Growth Centre DCP.

## 4.17 Construction Impacts

A Construction Management Plan (CMP) is to be prepared in accordance with the relevant Council standards and approved by Council prior to the issuing of a Construction Certificate.

The CMP is to detail:

- Construction site access  
Construction access to the site will occur via Janderra Lane. Vehicles required for the bulk earthworks component of the application will be able to manoeuvre the site, without requiring access to public roads, once on the site.  
  
Access to the APA gas easement will be managed under the signed early works agreement (see **Folder 3**)
- Earthworks cut to fill  
As a cut to fill balance is to be achieved there will be no trucks leaving the site on a constant basis  
The management of construction impacts will be detailed within a construction management plan submitted to Council as part of a construction certificate application.

- Erosion and Sediment Control

The proposed earthworks will require the implementation of appropriate erosion and sediment control methods in accordance with the relevant Council standards.

BG&E have prepared preliminary erosion and sediment control plans – refer to **Folder 2**.

#### **4.18 Acoustic**

An acoustic report has been completed for Stage 1 (refer **Folder 3**). The report modelled noise impacts from Picton Road (with a 3.6 metre noise wall in place), the internal collector roads (with expected long term traffic volumes) and the potential future Maldon-Dombarton rail corridor.

The report identifies certain allotments where restrictions on title will be required in order to achieve appropriate noise standards.

As a result it is proposed that identified properties within the noise report have a restriction as to user under Section 88B of the Conveyancing Act requiring future dwellings to be noise attenuated in accordance with standards adopted under the envisaged Wollondilly Growth Centre DCP.

This standard exists as Table 4-7 within the Campbelltown Growth Centre DCP and it is suggested the same standard may well apply to the Wollondilly Growth Centre DCP.

The standard includes a requirement that an LAeq 9 hour level of 38dBA be achieved after attenuation for sleeping areas where doors and windows are shut and mechanical ventilation or air conditioning systems are operating.

If the proposed noise wall is in place and the proposed attenuation levels are achieved dwelling noise levels will comply with the relevant noise control guidelines.

#### **4.19 Heritage**

Statement of Heritage Impact has been undertaken and confirms there will be no significant impacts from the Stage 1 development on adjoining State heritage items – the Upper Nepean Canal and the Nepean Conservation Area.

#### **4.20 Traffic**

A traffic impact assessment and network review has been undertaken (**Folder 3**).

The reports conclude the state road network will function adequately following the completion and occupation of the development and the proposed road design is appropriate for the envisaged development.

#### **4.21 Ecologically Sustainable Development**

The development has been designed in accordance with best practice ESD design principles.

Ninety nine percent of allotments in Stage 1 achieve solar orientation within the AMCORD parameters for good solar design for allotments:

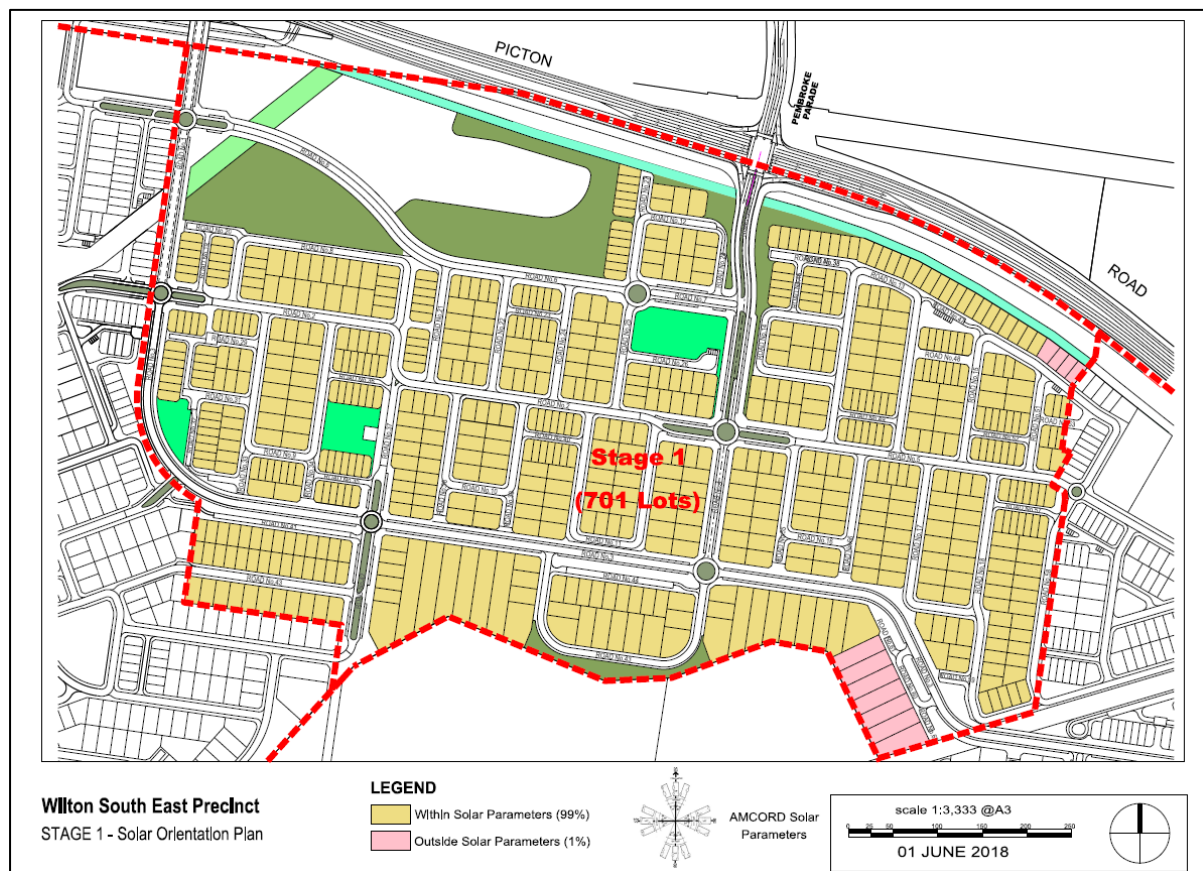
One hundred and sixty five hectares of land within the overall precinct has been reserved for natural habitat under an Environmental Conservation Zone to ensure the existing flora and fauna are maintained.

In addition the neighbourhood plan provides for a Wildlife Corridor linking habitat on either side of Allens Creek via an existing underpass beneath Picton Road. The neighbourhood plan also envisages a Wildlife exclusion fence to be erected along Picton Road to protect wildlife from the hazards of a busy road (refer Neighbourhood Plan – Koala Corridor). These features would be constructed as part of future works associated with either Stage 4 or Stage 5 of the South East Wilton precinct and are unrelated to the Stage 1 residential subdivision.

A series of stormwater detention basins have been designed to ensure no impact on downstream catchment from the new development. Raingardens form part of the basin design to treat the stormwater before it leaves the site to maintain water quality levels on downstream waterways

Urban Heat Island effects have been considered and the proponent has proposed a significant increase in street tree planting as well as a focus on incorporating large canopy species that are designed to maximise shade over road surfaces. “Green” Pavements are also suggested using lighter coloured materials to reduce heat absorption but as this would may comply with Council’s existing Engineering Standards Council collaboration would be required, or alternatively standard pavements can be used.

The majority of homes are within a 5-minute walk (400 m) from a bus stop for easy access to facilities within the local community and provide links to the broader community amenity (see Pedestrian & Cycle Network Plan).



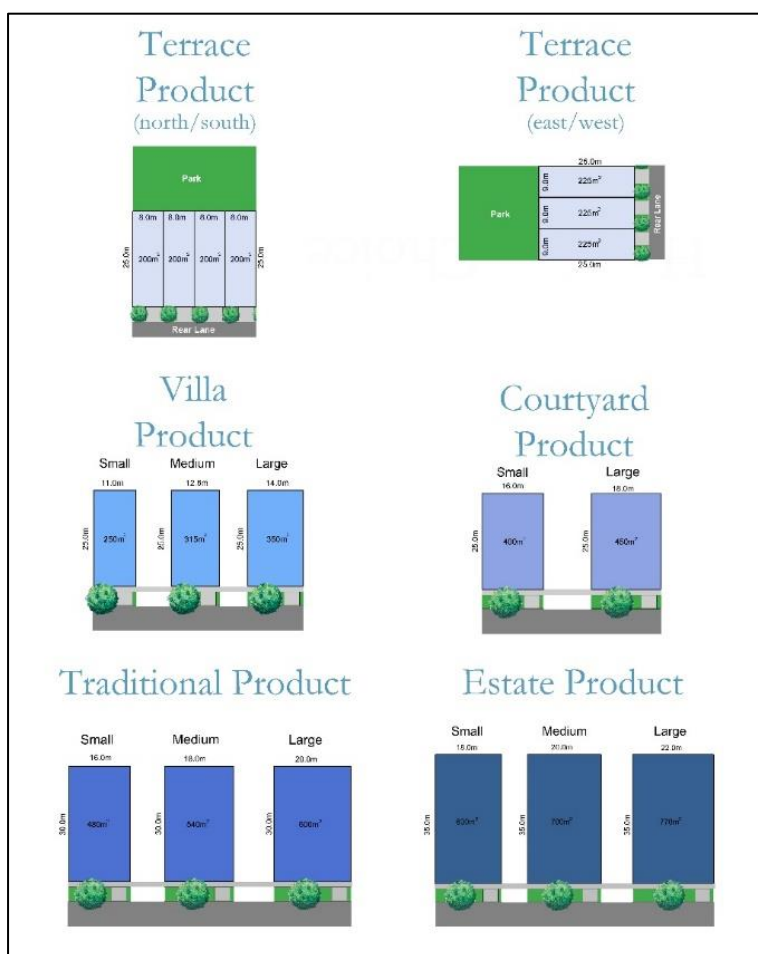
**Figure 28:** Stage 1 Solar Orientation Plan



The masterplan is designed around walkable neighbourhoods with the majority of residents within a 5-minute walk from some local open space, recreational facility or bus stop (Pedestrian & Cycle Network Plan). There are footpaths on both sides of every street to maximise opportunities for walking. Approximately 22 kilometres of 2.5 metre wide bicycle pathway have been proposed linking the residential areas to the local centre, the primary school, playing fields and community facilities.

The Local Centre provides local amenity for resident that is located central to the neighbourhood for easy access to retail, community, commercial and recreational opportunities reducing the need for car based trips for convenience shopping. The local centre is also adjacent to the existing community off Almond Street providing a wide range of community facilities for the existing village at Wilton as well as the South East Precinct.

A choice of housing is a crucial factor in a healthy community providing housing for all members of the community as they travel through their various stage of life without having to leave their established support network of family and friends.



**Figure 29:** Strategy to tackle urban heat island effect master plan, Site Image

The South East Precinct including Stage 1 achieves this by delivering a range of lot sizes to suit buyers interested in first home entry level terrace product up to buyers wishing to upgrade to more traditional larger lots with views.

## Climate Change and Urban Heat Islands

The subdivision design and associated landscape master plan seek to minimise impacts from potential increases in extreme heatwave events.

The strategy relies primarily upon a new approach to street tree planting. This approach requires the selection of tree species (primarily exotic) which will have the ability when mature to significantly shade the adjoining street pavement and adjoining dwelling. Planting density is also increased so that shade effects occur in the early years of development. In addition consideration is given to the introduction of permeable and reflective pavements at the feature entry points (as marked on the road hierarchy neighbourhood plan) and in proposed parks.

As well as reducing urban heat island impacts additional street tree planting can also provide benefits such as reduced energy costs for home cooling, reduced storm water volumes, cleaner air and potential habitat.



**Figure 30:** Strategy to tackle urban heat island effect master plan, Site Image

Details of the proposed approaches are provided in *Landscape Masterplan* prepared by Site Image and the *South East Wilton Precinct Residential Development – Stage 1 Development application package* prepared by Site Image at **Folder 3**.

This tree planting is also the proponent’s commitment to the Department of Planning’s Five Million Trees (5MT) by 2030.

## 4.22 Social Impacts (proposed infrastructure)

In order to address the social and recreational needs of the South East Precinct a comprehensive list of local facilities is planned to be delivered as the development progresses. The envisaged local facilities are listed in the table below. The criteria used to determine this list of infrastructure was derived from the Revised Local Development Contributions Practice Note for the Assessment of Local Contributions Plan by IPART, February 2014 and the Wilton Growth Area Interim Land Use and Infrastructure Plan published by the NSW Department of Planning & Environment (DPE).

Proposed Open Space and Community infrastructure:

- 1,000 m<sup>2</sup> of land for a multi-purpose cultural/youth facility within the local center.
- 2,000 m<sup>2</sup> of land to allow for a childcare and out of school hours care center also located in the local center adjacent to the primary school.
- 9.2 hectares of land and embellishments to provide 2 double sports fields adjacent to the proposed primary school in stage 4 and a 0.5 hectare mini sports field located within a detention basin in stage 3.
- Two tennis courts located close to the school within the double playing fields.
- Three multi-purpose outdoor sports courts adjacent to the school within the double playing fields.
- Eighteen hectares of passive open space including 7 X 5,000 m<sup>2</sup> and 1 X 3,900 m<sup>2</sup> neighborhood parks embellished to maximize opportunities for active play.
- Twenty two kilometres of shared bicycle pathway.

In addition it is envisaged Wollondilly Shire Council will complete a section 94 Plan that will be approved through IPART which will make provision for district facilities identified as essential works including a district park, district playing fields and tennis courts, plus land for a multi-purpose community centre, library and centre.

The proponent recognises that the section 94 plan for Wilton new town remains unfinished. In order to progress the approval of Stage 1 the proponent offers to accept a condition of consent requiring the payment of contributions in accordance with the final section 94 plan adopted by IPART, provided the proponent is allowed to offset the cost of local works and land in accordance with the list of local facilities identified in the list above and the land values applicable at the time of development.

### Activity friendly communities

The SEWP has been designed with a specific focus upon delivering the opportunity for active transportation. This is clearly demonstrated on the Pedestrian and Cycleway Neighbourhood Plan where a 22 kilometre network of shared paths connects the residential lots to bus stops, local parks, playing fields, the local centre, schools and the future precincts of the WGA.

The subject development application implements these elements of the neighbourhood plan by:

- delivering an earthworks design that achieves a road grade that is comfortable for walking and cycling;
- providing road reserves capable of accommodating a 2.5m wide shared pedestrian and cycle paths;
- local parks as per the Open Space network neighbourhood plan, which are accessible by this pathway network

The provision of a walkable and well connected neighbourhood will encourage future residents to consider alternative modes of transport, particularly when making trips within the SEWP. The landscape design detailed within the Landscape Masterplan and Stage 1 DA plans will provide shade along the path network further encouraging future residents to use them.

## 4.23 Infrastructure services

The provision of utility infrastructure is discussed in the report by BG & E contained in **Folder 3**.

Road infrastructure will be delivered in accordance with the State Voluntary Planning Agreement including signalised intersection at Picton Road / Pembroke Avenue, grade separated intersection at Picton Road/Almond Street and a bridge connection over Picton Road and Janderra Lane.

Education infrastructure will be provided through the delivery of a serviced 2 hectare school site and adjoining 8.7 hectare playing fields as part of Stage 4 of the development.

## 4.24 Contamination

A *Detailed Site Investigation* dated April 2018 and prepared by Douglas Partners is provided in **Folder 3**. The detailed site investigation concluded that the site has a relatively low potential for contamination and is considered generally suitable from an environmental perspective for the proposed residential land, on the assumption that the identified nickel and TRH exceedances are remediated and the following recommendations are applied:

- Prepare a Remediation Action Plan (RAP) to document how the nickel and THR exceedances are remediated
- Implement an unexpected finds protocol

Senversa have been engaged as a site auditor to review the Douglas Partners' Detailed Site Investigation. Refer to the *Interim Auditor Advice* dated 11 May 2018<sup>7</sup> and prepared by Senversa provided in **Folder 3**. Senversa concluded that an assessment of ground water at this stage is not necessary and the detailed site investigation is suitable for the purpose for supporting the subject development application provided that a RAP be prepared which includes the following:

- an unexpected finds protocol;
- provision for a hazardous material building survey and sampling below the footprints of any buildings demolished or below the footprints of stockpiles of potentially contaminated material not previously sampled;
- a detailed waste management strategy to track waste movements around the Site and any disposal offsite. The waste management process should be documented in a manner which can be audited in accordance with Section 4.3.7 of the Guidelines for the NSW Site Auditor Scheme (3rd edition) (NSW EPA, 2017);
- provision for sample collection around the onsite dams (of surface water and sediment) and potentially the creeks;
- provision for the mitigation of potential impacts on the 'Special Area' to the south of the Site, which is currently being regulated by WaterNSW;
- consideration of groundwater results in reference to the criteria for irrigation and domestic stock (if groundwater sampling is undertaken);
- completing any additional asbestos analysis using gravimetric analysis, which has a lower limit of reporting than the presence/ absence methods; and
- employing appropriate quality assurance and quality control procedures;

- The RAP should be subject to review by a site auditor and a Section B Site Audit Statement issued commenting on the suitability of the RAP.

These recommendations will be completed as part of the subdivision works with the submission of appropriate documentation to Council at the subdivision certificate stage. Based upon this proposed strategy, it is considered that contamination impacts can be properly managed and resolved.

#### **4.25 Suitability of the Site for the Development**

The site is suitable for the proposed development. It is consistent with the land use zone provisions of the SEPP-SRGC and SEWP Structure Plans. The social and environmental impacts of the proposal are acceptable and commensurate with the nature of the proposed development. The assessment reveals no significant outstanding environmental, social or economic issues that cannot be mitigated or managed to an acceptable standard. The assessment identifies the merits of the project which is substantially consistent with all planning controls.

The proposed development is consistent with the SEWP structure plans...

The development will integrate with the future stages of the SEWP and the other 5 precincts of the WGA. It will contribute towards the provision of new housing in a variety of forms...

#### **4.26 Any Submissions made in accordance with this Act or the Regulations**

The development is considered to be publicly notified and advertised development in accordance with the provisions of the *Environmental Planning and Assessment Regulation 2000* and the Council Development Control Plan.

Submissions can be made during this period and Council will take these into consideration in their assessment of the application.

#### **4.27 The Public Interest**

The proposal is considered to be in the public interest as it promotes the orderly and economic use of the site in accordance with the relevant planning controls and appropriately manages impact on adjoining properties and the public domain.

The development of stages 1 and 2 of the SEWP supports the wider staged development of the SEWP and the wider WGA which will grow into a sustainable new community over the next 20 to 30 years.

It is an important piece in the delivery of a 30 minute city for the Western City District of Sydney. Its strategic location allows for connections between future employment and commercial areas in Western Sydney Airport, Greater Macarthur, and the Illawarra.



## 5.0 CONCLUSION

The assessment of the proposed development against the relevant acts, environmental planning instruments and development controls has concluded that the development is consistent with the relevant planning controls.

The assessment reveals no outstanding environmental issues that cannot be mitigated or managed to an acceptable level of performance.

The assessment demonstrates the merits of the development which will facilitate the creation of 701 residential allotments, associated roads, landscaping, open space, community facilities, roads and cycle ways consistent with the SEWP structure plans and the WGA.

It is therefore requested that the consent authority support the development application.