Submission to the Department of Planning and Environment

Draft Wilton Interim Land Use and Infrastructure Implementation Plan

Saraceno Landowners
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1 EXECUTIVE SUMMARY

The Saraceno family controls a consolidated landholding of c133 Hectares in Wilton, south west Sydney. The landholding sits north and south of the Picton Road and west of Macarthur Drive.

This submission relates to the land located to the south of Picton Road (c69 Ha in area). An additional submission is also being lodged in relation to the land north of the Picton Road (c64 Ha in area).

Whilst the two separate submissions make their own distinct requests and recommendations, they should be read together: the common land ownership pattern provides inherent advantages in terms of development delivery, infrastructure provision and potential access arrangements.

The land south of Picton Road lies wholly within the south-east precinct of the proposed Wilton Priority Growth Area (WPGA). This submission relates to the Interim Land Use and Infrastructure Implementation Plan (ILUIIP) currently on exhibition by the Department of Planning and Environment (the Department) and its treatment of our landholding (the site).

We welcome the NSW Government’s decision to identify Wilton as a Priority Growth Area, and agree that its location relative to Wollongong and the new Western Sydney Airport along with its access to services and connections to infrastructure, make it an ideal place for the provision of a mix of housing, supporting social infrastructure and jobs. The vision of a community of around 15,000 new homes with a major town centre being developed over the next 20 years is one we support, and we are excited about making a significant contribution towards this target. When finalised, the ILUIIP will be utilised in preparing Precinct Plans which will provide more guidance for development for each precinct, rezoning the land and enabling development applications to be considered.

It is noted that major landowners will prepare precinct plans in consultation with the Department and Wollondilly Shire Council and that four key landowners initiated the original masterplan considered by Council and the Department. The concern with this approach is that other landowners may not get as much input into the outcomes and ensuring their land development potential is considered to the same degree.

In keeping with Council’s requirement that supporting infrastructure is to be funded at no additional cost to government, the ILUIIP also provides an infrastructure masterplan and notes SIC and s94 contributions will both be used to fund regional and local upgrades and facilities identified.

As the ILUIIP for the WPGA will guide permitted development, it is critical the potential of each site is reviewed in a consistent and equitable manner, and the subsequent rationale for future land uses clearly documented. In relation to the identified proposed land uses for our site, we feel there is a disconnect between the supporting studies showing the site as unencumbered, unconstrained and suitable for urban development, with its final identification as Environmental Living, which equates to an E4 zone under the Standard Instrument Local Environmental Plan.

The Department’s LEP Practice Note on Environment Protection Zones (PN 09-002) highlights that E zones should only be used where the primary consideration is the protection of environmental significance. However, we believe that our property, especially in comparison to other sites in the WPGA, and given the recommendations of Ecological’s Biodiversity study (June 2017), does not fall within directions for E4 application.

As such, this submission demonstrates why the site should be included as Urban Capable (residential) Land – as a “gateway-site” into the Wilton Priority Growth Area from the south - rather than Environmental Living. Identification of this landholding as Urban Capable Land would enable a mix of lots sizes and housing type to occur to suit the nature of the site – to be identified in more detail at the Precinct Planning phase. In delivering a greater volume of housing supply this land can contribute in a more productive and meaningful way to the Priority Growth Area in the short, medium and longer-term.

We would welcome the opportunity to work closely with the Department and Wollondilly Council over the next few months to help realise this objective.
2.1 About the site

The site is located at the south eastern extremity of the Wilton Junction Priority Growth Area, 3km to the south of Wilton township. The site is bounded by Walker Corp owned land to west and Picton Road to the north and east. The site is relatively flat, has some trees in the riparian area on its western boundary, but is otherwise cleared, with scattered small dams.

The land at Wilton has been with the Saraceno family since the early 1980’s. The family also own land to the north east of the site, across Picton Road outside the current boundary of the Priority Growth Area, which is subject to a separate submission.

The site is shown in context and in detail in Figures 1 - 3, with the legal description and ownership of the lots that make up the site described in Table 1 below.

<table>
<thead>
<tr>
<th>Lot</th>
<th>DP</th>
<th>Ownership</th>
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<tbody>
<tr>
<td>32</td>
<td>812178</td>
<td>Saraceno</td>
</tr>
<tr>
<td>1</td>
<td>883647</td>
<td>Saraceno</td>
</tr>
<tr>
<td>61</td>
<td>814316</td>
<td>Saraceno</td>
</tr>
</tbody>
</table>

Table 1 Lot and DP numbers

Figure 1 Property map
2.2 Existing controls

The site is within the Wollondilly Shire Council local government area. Until the Wilton Priority Growth Area process rezones the area, the Wollondilly Local Environmental Plan 2014 and Wollondilly Development Control Plan 2016 apply. The following maps show the controls that currently apply to the site and other land within the existing WPGA boundary.

The site, along with the majority of land in West Wilton, Northern Wilton and South West Wilton, is currently zoned RU2 Rural Landscape.
No items of environmental heritage: landscape archaeological, general or Aboriginal heritage have been identified on the property.

The north west of the land is has a 10m sensitive land categorisation.

The site and the entire surrounding area is within a designated bush fire prone area, although the site is not overly impacted. Any proposed development on the property will be required to comply with Planning for Bush Fire Protection for new works.

The current minimum lot size is 16ha.

3  

History

3.1  Wilton New Town Masterplan 2012

Wollondilly Shire Council gave in principle support to the draft Wilton New Town Masterplan prepared by four key landowners: Bradcorp; Lend Lease; Walker Corporation and Governors Hill, in December 2012 (see
Figure 8. It envisaged 250 to 1500 square metre lots as being the range for residential precincts. They requested that the NSW Government lead a detailed investigation of Wilton New Town for development.

The consultant’s Masterplan was peer reviewed with a risk assessment prepared for Council’s consideration at the 17 December 2012 meeting. The review noted that the masterplan process could be seen to be overtaken by studies and urban footprint delineations undertaken by the main landholders in the study area (which did not include us). The peer review recommended that:

- Any decision to endorse or support the process of proceeding to more detailed investigation for the Wilton area should be made on the basis that the Master Plan does not have any statutory role or value, and that it proves a conceptual development option for the area only [emphasis added].

- Delineation of specific urban area, infrastructure and environmental areas will require further investigation and assessment that may identify more suitable design and development options [emphasis added].

- Any future rezoning process should be open to other development and design options, and should be based on the further investigation and study of the site in accordance with Council, DPE and other Government Agency requirements [emphasis added].

From our review, no clear rationale was provided as to why the area containing our landholding was the only area identified as primary production, as shown in Figure 8 above.

3.2 A Plan for Growing Sydney 2014

Potential for the broader Macarthur South area in Wollondilly Shire Council to develop as a future Growth Centre was identified in A Plan for Growing Sydney in December 2014 (p131). It identifies that the South West subregion is the fastest growing subregion in Sydney, with Badgerys’s Creek Airport being the catalyst for investment in infrastructure and jobs. It notes the subregional will play a key role in providing housing and jobs for future residents (p128).
3.3  Greater Macarthur Land Release Investigation

In 2015 the Department of Planning and Environment released the *Greater Macarthur Land Release Investigation: Preliminary Strategy and Action Plan*. It outlined requirements for the detailed investigations to facilitate the State-led rezoning of Wilton. A range of studies were included relating to biodiversity, water and air quality, heritage, roads, traffic & transport, infrastructure requirements, health & emergency services, economic development/employment, mining subsidence and bushfire protection.

The Strategy and Plan identified the Saraceno property as being unencumbered land, viable for development. Despite this it was one of the only areas identified for the retention of rural uses and it was noted that much of the constrained and encumbered land was identified as ‘developable land’ – see Figures 9 and 10.

Our August 2015 submission to the Department’s land release investigation highlighted that the contained nature of the land and surrounding uses rendered it unviable for long term agricultural use, with traffic infrastructure issues identified as able to be resolved.

![Figure 9](image1.png) Constraints and encumbrances  
![Figure 10](image2.png) Draft Vision Structure 2015

3.4  SEPP Policy and Land Use and Infrastructure Strategy

On 29 July 2016, The Minister for Planning gazetted State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Wilton) 2016. This had the effect of identifying the Wilton Priority Growth Area boundary. Our site as detailed in this submission was contained within the boundary.

3.5  Draft South West District Plan

The South West District Plan highlights that the area will transform over the next 20 years. It was one of the first districts to be settled in the early colony and is now one of Greater Sydney’s fastest growing districts. The plan indicates that investment in the Western Sydney Airport will be driven by the Australian and NSW Governments with local government through the Western Sydney City Deal. With the Airport’s associated transport infrastructure and the growing employment hubs in Campbelltown-Macarthur and Liverpool, more of the District’s people will be able to work closer to where they live and reduce the time they spend commuting.

The draft District Plan establishes five-year housing targets for each local government area from 2016 to 2021, with Wollondilly set to deliver 1,550 for the region within that time.
The Department has now released an Interim Land Use and Infrastructure Implementation Strategy (LUIIS) to guide the preparation of Precinct Plans which will inform subsequent rezoning proposals. It notes that Wilton is situated in a strategic location and will access to the Western Sydney (Badgerys Creek) Airport via the planned Outer Sydney Orbital (see Figure 11).

As shown in Figure 11, our site is located in the South East Precinct and is part of the only area in the WPGA that has been identified for ‘environmental living’ as detailed in Figure 12 below.

The rationale for the proposed Environmental Living classification is not clear in the documentation reviewed. Based on the Background Analysis and supporting studies, we believe the site, in its key southern Wilton gateway position, is a prime candidate for a clear residential zoning. We outline our reasoning in the following pages.

4.1 Social infrastructure

Our property is in very close proximity to the open space network (see Figure 12) and only ~2.5kms away from the nearest services (Figure 13), closer than some areas of West Wilton and Northern Wilton.
4.2 Heritage

The property has not been identified as containing an item of environmental heritage or Aboriginal heritage, and is not in the vicinity of an items or objects.

Figure 15 Heritage Map

4.3 Biodiversity

The property itself has not been identified as containing any EEC or large stands of vegetation as shown in Figure 16.
It should also be noted that the property should not be viewed in isolation given there are contiguous land parcels to the north and north east of the site across Picton Road.

Any vegetation on site that adjoins the conservation area will be covered in the new State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. The provisions of the SEPP replace Clause 5.9 of the Standard Instrument Local Environmental Plan as it related to tree and vegetation preservation, and aims to:

- protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and
- preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

**Figure 16  Biodiversity Map**

4.4  Bushfire

The ILUIIP Background Analysis document states that “The Priority Growth Area’s potential urban footprint is influenced by bushfire risks” (p29). It details that compliance with the *Planning for Bush Fire Protection 2006* requirements will be assessed at Precinct Planning stage, and the Rural Fire Service will be asked for comment for any rezoning proposed. Given the topography and cleared nature of the site, it is agreed that any detailed studies in relation to the property can wait until the more detailed planning stage.

4.5  Mining

The site has no mining encumbrances, a major issue for longer term development of many areas within the Priority Growth Area as a significant portion has approval for coal mining over the next 15-30 years. The high costs associated with development of urban areas subject to mining due to risk of subsidence are not an issue for the property, making it ideal for short term development.
4.6 Topography

The property is relatively flat as demonstrated through the topographic mapping in Figures 18 and 19 below.

Source: www.six.nsw.gov.au

4.7 Flooding

The background studies show that the property is not identified as being subject to a 1:100-year flood event (see Figure 20 below). Development controls relating to flood prone land do not apply, making the site suitable for a broader array of urban land uses.
4.8 Water quality

A small ephemeral creek borders the north west portion of the site. It is identified as the lowest category of ‘sensitive land’ 10m in the LEP. Clause 7.3 applies where the Council must be satisfied that proposed development is designed, sited and will be managed to avoid any adverse environmental impacts, or that they will be minimised or mitigated.

This can be demonstrated through sensitive design principles at the Precinct Plan stage and through any subsequent Development Application.

The background study identifies the creek as Strahler Stream Order 1 – Figure 20. Other areas identified as being more sensitive in relation to water protection, are proposed urban.

4.9 Servicing

The Implementation Plan indicates that a strategic utilities servicing study (potable water, sewer, power, gas and telecommunications) has demonstrated that it is feasible to service the Priority Growth Area to accommodate urban development, with some identified upgrades/new facilities.
4.10 Traffic

The site creates a southern gateway into Wilton new Town, which as a whole will require better access and intersection upgrades. The ILUIIP notes that the capacity of Picton Road needs to be increased to accommodate growth in traffic and enable freight movement between the Highway and Picton Road to the east.

Safety issues and required infrastructure upgrade options can be confirmed with RMS at the Precinct Planning stage, noting the Saraceno family has a large landholding making options available that may be harder to achieve with fragmented ownership.

A traffic impact study would need to be undertaken to identify the impact of residential subdivision on the junction of Picton Road and Macarthur Drive as well as the proposed site access with Macarthur Drive. We note that past discussions with the RMS have not objected to the redevelopment of these lands. We would agree that access and egress options require further consideration and it is noted that no land will be rezoned until satisfactory arrangements for the appropriate supporting infrastructure are in place.

4.11 Mix of housing and uses

The South East precinct has been identified in the ILUIIP Background Analysis as including land south of Picton Road and surrounding the existing Wilton Village. Allens Creek runs along the precinct’s eastern edge. The report states the Precinct could accommodate around 3,500 homes with its first homes being delivered by 2018 (p14). All other precincts are identified for later staging, apart from Bingara Gorge which is already under construction.

Table 2 Potential new homes by Precinct

<table>
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<tr>
<th>Precinct</th>
<th>Potential new homes</th>
<th>Expected staging</th>
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<tr>
<td>Bingara Gorge</td>
<td>1,800</td>
<td>Under construction</td>
</tr>
<tr>
<td>South East Wilton</td>
<td>3,500</td>
<td>First homes by 2018</td>
</tr>
<tr>
<td>Wilton Town Centre</td>
<td>1,600</td>
<td>First homes by 2019</td>
</tr>
<tr>
<td>North Wilton</td>
<td>5,400</td>
<td>First homes by 2019</td>
</tr>
<tr>
<td>West Wilton</td>
<td>2,400</td>
<td>First homes by 2025</td>
</tr>
<tr>
<td>Wilton Rural Residential</td>
<td>50</td>
<td>First homes by 2025</td>
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We agree with the premise contained in the background analysis that a mix of densities and housing types will provide housing choice, with detached housing on medium sized lots expected to make up the majority of homes (p14). We also expect some demand for smaller lots to grow as the new town becomes established, and note that 20% of all homes are anticipated to be made up of semi-detached, townhouses and low-rise flat buildings when the Priority Growth Area is fully developed. We concur that the majority of homes are likely to be made up of medium sized lots (400-700m²) as detailed in the Background Analysis (p14) and anticipate the same for our site, with larger sizes adjoining the proposed conservation area.

We agree in principle with the removal of minimum lot sizes across all zones and precincts to provide more flexibility and enable innovative housing solutions tailored to the nature of different areas. This flexibility would enable unique solutions in different portions of the same site, depending on opportunities and constraints based on the universal guiding planning principles. An equitable approach is required however. The minimum and maximum residential densities per proposed zone are identified in the ILUIIP Background Analysis (p50) as shown in Table 3 below.

Table 3 Minimum and maximum residential densities

<table>
<thead>
<tr>
<th>Zone</th>
<th>Minimum density dw/ha</th>
<th>Maximum density dw/ha</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1/R2</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>R3</td>
<td>25</td>
<td>45</td>
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We note that there is no mention of an E4 zone in the table. We assume the minimum and maximum densities for E4 would be the same as identified the R1 and R2 residential zones.
4.12 Proposed zoning

The Department’s Environmental Protection Zones LEP Practice Note PN09-002 (30 April 2009), states that the “E4 Environmental Living This zone is for land with special environmental or scenic values, and accommodates low impact residential development. As with the E3 zone, any development is to be well located and designed so that it does not have an adverse effect on the environmental qualities of the land”.

It continues that “The environment protection zones E2 through to E4 are applied where the protection of the environmental significance of the land is the primary consideration” [emphasis added].

“Where the primary focus is not the conservation and/or management of environmental values, a different zone type should be applied” [emphasis added].

It further states that this zone will be typically applied to existing low impact residential development, zoned RU4 or R5. This may include areas already zoned for rural residential that have special conservation values.

Neither the plan itself, nor the background analysis provide any details about the proposed environmental living allocation, so it is hard to comment on specific requirements. As previously mentioned the rationale for the allocation is also unclear.

Figure 21 clearly identifies that the site does not have biodiversity or vegetation significance at either a low, moderate or good level, neither does it contain any endangered ecological communities. It is therefore not clear how the protection of the environmental significance of our particular land is the primary consideration.

Figure 21 Biodiversity conservation planning context map

Source: Eco Logical 2017

In addition, figures 22 and 23 (connectivity) from the Ecological study shows the consistency of the proposed framework with the Cumberland Plain Recovery Plan ‘Priority Conservation Lands’, the OEH BioMap as well as demonstrating the connectivity links that are maintained or improved.

The proposed conservation network includes all lands identified in the ‘Priority Conservation Lands’ except for an area in the southern extent of the Wilton PGA where there is no vegetation.
The site has clearly been identified as potential urban land, **not conservation**. No justification or supporting evidence has been provided that we have found that would mean our site should be treated differently than other (more constrained) land.

**Figure 22**  Proposed Conservation Outcomes

**Figure 23**  Connectivity and PCL analysis

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**4.13  Funding**

The NSW Government is proposing a Special Infrastructure Contributions (SIC) scheme for the Priority Growth Area to coordinate the funding and delivery of regional infrastructure. We understand this is a financial payment made by a developer during the development process so that developers share the costs of regional infrastructure.

In terms of local infrastructure Section 94 Contributions (S94) will enable Wollondilly Shire Council to levy contributions on development to fund and deliver essential local infrastructure such as local roads, stormwater facilities and open space.

We are willing, in principle, to contribute to the SIC and S94 schemes to help facilitate the delivery of our landholding and the broader Wilton New Town. This is on the basis we understand this will be the same requirement of all those willing to develop their lands within the WPGA, and that final $ figures will be calculated with reference to the capacity of the new development to pay.
5 Recommendation

Given the intent of an Environmental Living zone is for the primary purpose of conservation rather than urban development, and looking at proximity to services and facilities, the fact there are no significant constraints to development from mining, flooding, vegetation, topography or otherwise, we suggest our land should be identified as urban with a residential zoning. This would reflect how other land (often constrained) has already been identified within the WPGA boundary.

The background analysis states:

"Urban land benefits from limited constraints and has good development potential. Land will predominantly be used for housing, but will also include employment, retail and commercial space, community facilities and other amenities such as open space. Infrastructure such as roads and utilities services will also be located on this land.

Some of this land may have environmental and heritage values that reduce development potential or may require offsets. This will need to be assessed during precinct planning" (p36) [emphasis added].

Given there are: existing mechanisms to vary lot sizes and product types in the Precinct Planning stage and within the LEP through development standards and zone objectives, along with; the need for landscape assessment at Precinct Planning stage; the strategic gateway position of the site; and economies of scale with transport improvements and single land ownership, we strongly support the reconsideration of the site as Urban Capable Land and is zoned for residential purposes.

We welcome the opportunity to discuss our position further with you in the next three months, for resolution before the end of the year and any finalisation of the Plan.