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Dear Tamara

**RE: Submission to draft Wilton North Precinct Plan exhibition**

This submission has been prepared for Lendlease Communities as developer of the Bingara Gorge community (the site) within the Bingara Gorge Precinct (the Precinct) of the Wilton Priority Growth Area. It addresses issues relating to the exhibited draft Wilton North Precinct Plan.

A Planning Proposal for rezoning of the Wilton North Precinct, in the Wilton Growth Area was submitted in January 2017 to the Department of Planning and Environment (DPE) by the owners of the land, Bradcorp. The Planning Proposal seeks a rezoning of the site to permit the development of the site into a new town with approximately 5,400 residential dwellings and a town centre for employment purposes. This submission responds to the public exhibition of the draft Precinct Plan and provides a summary of the key issues affecting the Bingara Gorge site for consideration by DPE in the next stages of planning for the Wilton North Precinct.

## 1.0 Bingara Gorge

The Bingara Gorge site is in the north-east quadrant of the Wilton Priority Growth Area generally bounded by the Hume Highway to the west and Picton Road/Wilton village to the south. The site was rezoned for urban development a decade ago and has been and continues to be developed in accordance with an approved masterplan development consent granted on 15 May 2006. The masterplan was modified in 2016 increasing the allotment yield from 1,165 residential allotments to 1,800 residential allotments.

The environmental impacts of the Bingara Gorge development have therefore been subject to extensive interrogation through the previous rezoning process under Wollondilly Local Environment Plan 1991, the review of the zoning during the transition to Wollondilly Local Environment Plan 2011, and, since rezoning, the development applications that have enabled various stages of residential development, the golf course, community facilities and a neighbourhood centre.

## 2.0 Inconsistencies and gaps in the proposed precinct plan documentation

The DPE considers the Proposal to have merit and has progressed with the preparation of an amendment to the Growth Centres SEPP to allow the rezoning to proceed. The Department has exhibited the draft Wilton North Precinct Plan, including an indicative layout plan for the precinct, an Explanation of Intended Effect and draft maps. The exhibition package is supported by documentation prepared by or on behalf of Bradcorp and the Wilton Land owners group. While there are direct impacts on Bingara Gorge relating to specific aspects of the draft precinct plan (these are discussed later in this submission) Lendlease Communities has concerns in relation to uncertainty arising from inconsistencies between documentation that forms the exhibition package.

## 2.1 Consistency with planning strategies and local planning directions

The draft precinct plan relies heavily on a planning proposal report prepared by Design and Planning for Bradcorp and submitted to DPE in January 2017. The planning proposal in turn relies on technical studies and other documentation prepared for the Wilton Junction land owners group, and applying to a much larger area of the Wilton Priority Growth Area than the Wilton North Precinct. The documentation that supports the planning proposal was prepared prior to release of the draft Interim Land Use and Infrastructure Implementation Plan, and therefore can not demonstrate alignment with the draft Implementation Plan. We note a section 117 Direction (dated 5 August 2017) accompanies the draft Implementation Plan and requires planning proposals to consider and be consistent with the Implementation Plan. While the mechanism proposed to rezone the land is an amendment to the Growth Centres SEPP (and therefore not a planning proposal under the Act) it is appropriate that the planning proposal that supports the rezoning proposal demonstrates consistency with the Implementation Plan. The Department's Wilton North Precinct Draft Precinct Plan document (November 2017) makes no reference to either the Wilton Junction or Greater Macarthur local planning Directions.

## 2.2 Development Control Plan

The Wilton North Draft Precinct Plan document makes reference to the preparation of a Wilton Growth Centres Development Control Plan (DCP). It is normal practice in the Growth Centres for a draft DCP to be exhibited concurrently with the draft Precinct Plan, so that the community and stakeholders have a full appreciation of the planning controls proposed to apply to the site. There is no draft Development Control Plan as part of the exhibition package. Combined with the proposed Urban zoning of developable land, this means that the planning controls in their draft form are not sufficiently detailed for the community to determine the proposed urban form and means of controlling development in the Precinct. Given that the existing community of Wilton and Bingara Gorge will potentially be directly impacted by development in Wilton North, the draft precinct plan is deficient in its current form.

## 2.3 Infrastructure Contributions

The identification of Wilton as a priority growth area was a result of the Greater Macarthur Land Release Investigation. Importantly, the Preliminary Strategy and Action Plan released by DPE acknowledged the planning approvals, infrastructure funding arrangements and progress of development at Bingara Gorge. The preliminary strategy contemplated the continued operation of the existing planning framework for Bingara Gorge with the surrounding lands being subject to further investigation and ultimately rezoning.

Lendlease Communities requests confirmation from DPE that any future SIC or other new infrastructure funding mechanisms will not apply or be apportioned to Bingara Gorge. We note that DPE and Lendlease Communities are in discussions on this issue.

The draft precinct plan refers to a collaborative process between state agencies and Council to define infrastructure requirements to support development. The Wilton North proponent has provided an infrastructure servicing plan (notably dated from July 2014) that indicates the range of transport and community infrastructure that in their view will support the proposed community, and has some indication of the development thresholds that will be triggers for infrastructure delivery.

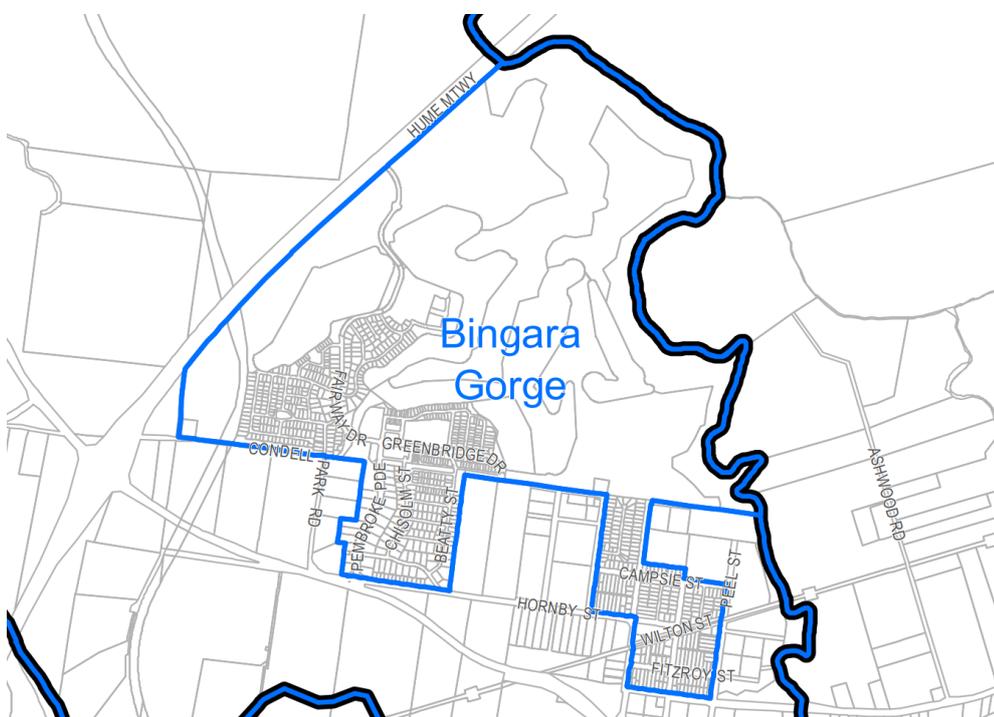
As a comparison, where a proponent accelerates the rezoning of land in the North West and South West Growth Centres, a pre-condition of the exhibition of a draft precinct plan is the concurrent notification of a draft Planning Agreement. This approach provides surety to the government and the NSW community that development will proceed at no additional cost to government. We understand that NSW Government decisions to progress the Wilton Growth Area were made on the basis that development would only proceed where proponents made binding commitments to deliver infrastructure to ensure the government and broader community did not incur additional costs. The Greater Macarthur Preliminary Strategy and Action Plan includes statements to this effect. It is therefore critical that the proposed rezoning is accompanied by a robust framework for the scope, funding and timing of delivery of infrastructure.

We refer to the Lendlease Communities' submission on the draft Interim Land Use and Infrastructure Implementation Plan, which highlighted the uncertainties in relation to infrastructure funding and delivery

arrangements for Wilton Junction. Advice from DPE on when infrastructure funding arrangements are to be publicly released would provide more certainty to Lendlease.

### 3.0 Growth Centres SEPP

Wilton Priority Growth Area was included in the Growth Centres SEPP in 2016, and includes a specific Bingara Gorge Precinct (**Figure 1**) which includes the Site and part of the existing Wilton township. Clause 7A of the Growth Centres SEPP specifies controls under Wollondilly LEP as applying to the Site which acknowledges that the Site was zoned for urban development prior to the Greater Macarthur investigations. The Greater Macarthur Priority Growth Area Land Release Investigation Area studies are generally cognisant that a separate planning regime has been previously established for the Site. The boundary of the Wilton North Precinct, as shown at **Figure 2**, aligns with the north-western boundary of the Bingara Gorge Precinct.



**Figure 1 – Wilton Priority Growth Area**

Source: NSW Legislation Website

The draft Wilton North Precinct Indicative Layout Plan does not show proposed transport infrastructure encroaching into Bingara Gorge, however proposed infrastructure, including south-bound off ramps, an intersection and other proposed road upgrades encroach into the Bingara Gorge Precinct as indicated on the draft Wilton North land zoning and land reservation acquisition maps (**Figure 3**). The proposed zoning is inconsistent with clause 7A of the Growth Centres SEPP, as it would, if approved, result in controls applying to this land under the Growth Centres SEPP, and under Wollondilly Local Environmental Plan. It is also inconsistent with the draft Indicative Layout Plan. It is therefore uncertain how the statutory planning regime under both the Growth Centres SEPP and Wollondilly LEP will apply to this land. The potential traffic, amenity and safety impacts of this proposed new road and interchange on Bingara Gorge residents are also discussed below.

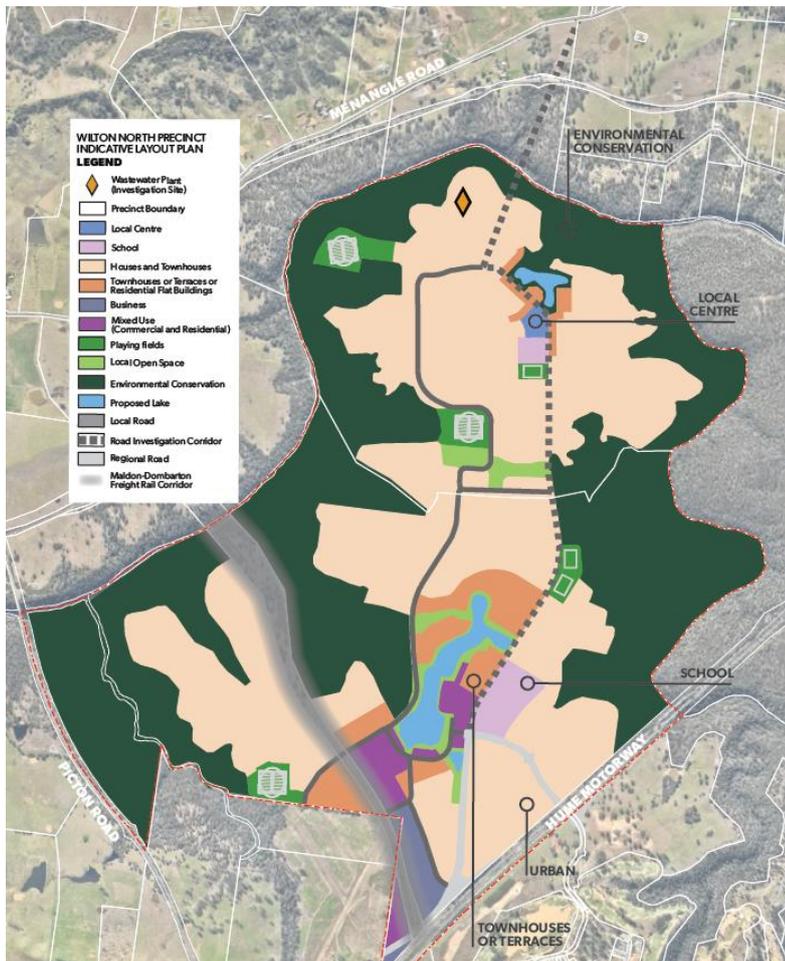


Figure 2 – Draft Wilton North Indicative Layout Plan

Source: NSW Department of Planning and Environment

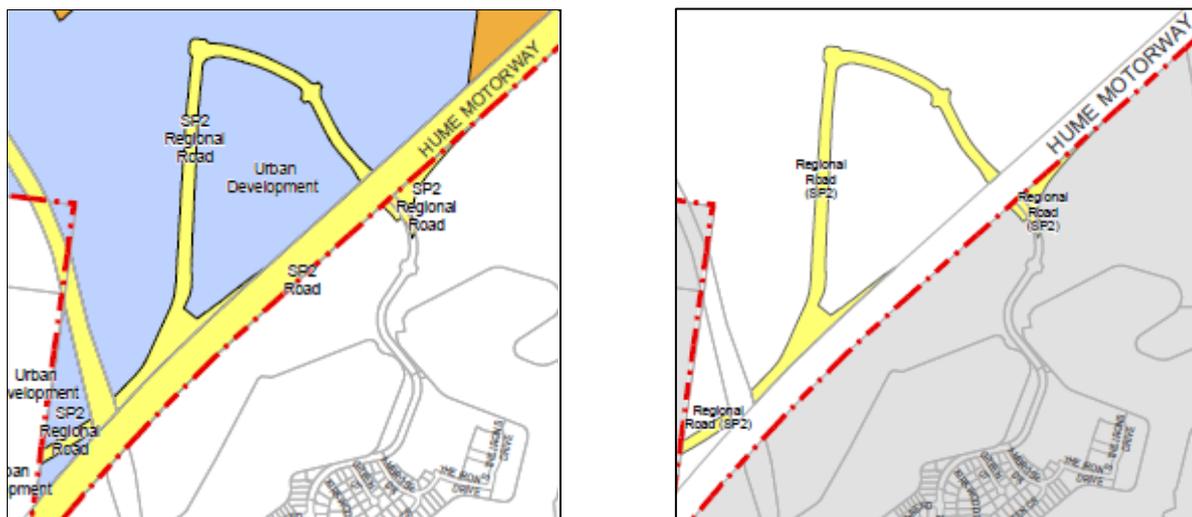


Figure 3 – Draft zoning and land acquisition maps

Source: NSW Department of Planning and Environment

## 4.0 Potential Issues

Review of the draft Plan has identified several key matters that may impact on Bingara Gorge and require further engagement with DPE to clarify or resolve.

### 4.1 Proposed Hume Highway Offramp/Interchange

The new offramp/interchange proposed from the Hume Highway will be an issue that would significantly affect Bingara Gorge. It has the potential to create a “rat run” through Bingara Gorge, particularly as congestion increases at the Picton Road/Hume Highway intersection.

The location of the proposed interchange allows northern access to, and southern exit from, the Hume Highway only. Access from the northern side of the Hume and access to the southern side of the Hume will still require vehicles to travel through Bingara Gorge via Fairway Drive to the existing Picton Road interchange. This will potentially require an upgrade of Fairway Drive earlier than anticipated to provide the necessary capacity for anticipated traffic numbers. Further detailed traffic modelling will be required to identify the potential impact on Fairway Drive as a result development of the Wilton North Precinct, and in the absence of a direct connection from Wilton North to Picton Road. It is noted that the Planning Proposal contains confirmation from RMS that likely traffic volumes at the junction of the exit ramp and Fairway Drive are required and that there is sufficient capacity at that junction.



The indicative design and intention for the new intersection indicates that land that forms part of the approved masterplan for Bingara Gorge will be required for the proposed exit ramp and intersection with Fairway Drive. A left turn lane is proposed to provide access to the south-east, through Bingara Gorge and ultimately connecting to Picton Road through Fairway Drive and Pembroke Parade. As regional traffic growth continues and volumes of traffic utilising the Hume Highway and Picton Road to access the Illawarra and southern highlands continue to increase, the alternative route created by the new exit ramp and roads will be increasingly attractive to through traffic. Channelling regional traffic through the Bingara Gorge community, on local residential streets has obvious impacts on the amenity of residents, the character of the Bingara Gorge community, and on road and pedestrian safety. There is no indication in the draft precinct plan as to how regional traffic use of this route would be deterred, or consideration of the potential need for road network upgrades or consideration of safety and amenity noise and air quality impacts) as a result of the proposal. Lendlease require further information regarding the overall traffic plan in particular the timing of the additional Picton Road intersections that are proposed in the TMAP (2014) prior to confirming our comments on this alternate Hume Highway intersection proposal.

## 4.2 Access from Wilton North to Picton Road

The background analysis that was released as part of the draft Interim Land Use and Infrastructure Implementation Plan shows road connections from Picton Road (north-west of the Hume Highway interchange) into the town centre. The TMAP prepared for Wilton Junction also identifies new road connections to Picton Road north-west of the Hume Highway.

Traffic modelling for the north facing ramp at the Niloc Bridge has not been comprehensively detailed in the Wilton Strategic Concept for Proposed Hume Highway Ramps (Arcadis, 2017) or Transport Management and Accessibility Plan (TMAP) (Parsons Brinckerhoff, 2014).

The infrastructure staging plan provided in the TMAP and reiterated in the Infrastructure Servicing Plan (BG&E, 2014) are based on what appears to be an outdated road layout, which does not include the proposed north facing ramp at the Niloc Bridge. The TMAP assumed access to Picton Road, through land owned by Governors Hill, which would likely reduce traffic impacts through Bingara Gorge. No alternate access to Picton Road is proposed for Wilton North under current application and as such the proposal relies significantly on the use of Bingara Gorge to gain access to Picton Road. The addition of a south-bound off ramp from the Hume Highway at this location will provide an attractive alternative route to the current Picton Road interchange, which was not contemplated in the TMAP and has not been subject to appropriate assessment.

While a new interchange with the Hume Highway was contemplated in the Structure Plan, there is no indication that the primary means of road access to Wilton North would be via an extension of local streets that pass through Bingara Gorge. Proceeding with Wilton North Precinct in the absence of resolution of a direct connection to Picton Road (north-west of the Hume Highway) indicates that the staging of release and rezoning of land has not been appropriately coordinated. As discussed above, the road access arrangements in the planning proposal are an interim solution but will have significant impacts on the Bingara Gorge community for an unknown, but potentially extended, period of time.

## 4.3 Urban Development Zoning

Rezoning of the land in the precinct to a generic Urban Development Zone (along with E2 Environmental Conservation and SP2 Infrastructure) provides flexibility in potential land uses. The Land Use and Infrastructure Implementation Plan recognises that “rezoning of land in the Priority Growth Area will occur over time, guided by the Land Use and Infrastructure Implementation Plan”. In addition, “the Department is proposing to use a new approach by introducing an urban zone under the Growth Centres State Environmental Planning Policy”. The new zone will be aimed at facilitating faster delivery of homes, jobs and infrastructure giving investment certainty about the future land uses expected in the area. The Implementation Plan states that “the urban zone would apply to an entire precinct and confer development rights”.

The Planning Proposal submitted by the proponent in January 2017 proposed Standard Instrument compliant zones including R2 Low Density Residential, however the Department is trialling the urban zone approach for this rezoning. The relationship between the proposed zones in the proponents planning proposal, and the translation into the proposed urban zone in the department’s Explanation of Intended Effect and draft maps is not clear, nor is the process to revert back to standard instrument zoning. While the proposed approach to zoning does not have any immediate impacts on Bingara Gorge, if adopted more broadly, it may have implications for other Lendlease Communities projects.

Additionally, on the surface, the approach does not sound dissimilar to the approach previously employed in the original and subsequent rezoning of the Bingara Gorge site. The Implementation Plan does not include any clarification or differentiation between the existing zoned Site and the future zoning of the remainder of the Wilton Priority Growth Area. The Site should be excluded from any further rezoning and be permitted to continue development under the existing site-specific framework established and agreed for the Site. Clarity is required to determine if the proposed Urban Development Zone as outlined in the draft Precinct Plan applies only to the Wilton North area, or if it is proposed to apply to the wider Wilton Growth Area.

#### 4.4 Infrastructure Funding Arrangements

It remains unclear in the draft Plan when compared to the Land Use and Infrastructure Implementation Plan whether there will be any requirement for the Bingara Gorge development to make contributions towards funding additional regional or local infrastructure (eg. new road connections). The planning proposal indicates new infrastructure will be delivered by the Wilton North Proponents however there is no draft VPA or SIC to provide certainty on funding and delivery arrangements. The Department's planning report refers to preparation of a SIC and local contributions plan.

The proponent's Infrastructure Servicing and Staging Plan was prepared in 2014 and applies to the whole Wilton Junction proposal and has no status, apart from being part of the exhibition package. This document refers to 1165 dwellings at Bingara Gorge being excluded from the infrastructure requirements but includes the additional 635 that have now been approved through the court case. There is therefore a potential assumption in the Wilton North planning proposal that the 635 additional dwellings may be contributing to broader infrastructure costs and delivery. This assumption does not reflect the infrastructure funding and delivery arrangements for Bingara Gorge that are well established and are being implemented progressively by Lendlease.

#### 4.5 Wastewater and Sewage Treatment Plant

The Department's Planning Report refers to ongoing investigations by Sydney Water to confirm the approach to sewage treatment and effluent disposal and is inconsistent with the Infrastructure Servicing and Staging Plan submitted by the proponents. An option that is explored in the proponent's strategy for initial servicing is to connect to the privately-operated Bingara Gorge Sewage Treatment Plant (STP). The indicative site within the draft Precinct Plan for the Wilton North wastewater plant is situated at the opposite end of the precinct to the existing treatment plant in Bingara Gorge. Pipe design and costs may be prohibitive and connectivity into the existing plant should be considered.

Clarity is needed on the proposed servicing strategy so that implications for Bingara Gorge can be better understood.

## 5.0 Conclusion

The draft Wilton North Precinct Plan has gaps in information that make it difficult for Lendlease Communities to obtain a full understanding of the likely implications for its development program, and for the growing community of Bingara Gorge. The draft precinct plan would benefit from clearer resolution of the proposed approach to infrastructure delivery, including consideration of potential implications for the Bingara Gorge community.

We recommend that Lendlease engages with the Department through a formal submission on the draft precinct plan, and ongoing discussions to work towards a planning framework for Wilton North that includes better resolution of key issues (particularly transport infrastructure and impacts on the Bingara Gorge masterplan).

Yours sincerely,



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