

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 March 2008, commencing at 6.32pm

Report of Wollondilly Shire and Its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 March 2008

PE6

Maldon Industrial Lands Investigations

5024

TRIM 3751#106

Planning and
Economy

Moved on the motion of Crs Read and Jew

1. That Council resolve under Section 54 of the Environmental Planning and Assessment Act 1979 to prepare a draft Local Environmental Plan to amend either Wollondilly Local Environmental Plan 1991 or Wollondilly Local Environmental Plan 2008 (whichever is applicable) to rezone land shown in Attachment 3 to IN1 General Industrial and E3 Environmental Management
2. That one combined Local Environmental Study and draft Local Environmental Plan be prepared for the lands shown in Attachment 4.
3. That advice be forwarded to the Department of Planning under Section 54 of the Environmental Planning and Assessment Act, 1979 and Clause 9 of the Environmental Planning and Assessment Regulation, 2000 advising of the preparation of the draft Local Environmental Plan Amendment.
4. That funding of the required planning investigations and infrastructure provisions be the responsibility of the landholders.
5. That Council undertake a review of Wollondilly Development Contributions Plan 2005 to allow for the incorporation of the costs associated with the additional infrastructure, if required.
6. That Council liaise with the Roads and Traffic Authority during the preparation of the Local Environmental Study to determine the road infrastructure upgrading which will be required to support the additional industrial lands.
7. That Council continue to liaise with Sydney Water during the Local Environmental Study preparation to ensure that the land can be provided with water and sewer infrastructure in a timely and cost effective manner.
8. That Council adopts the Industrial Lands Assessment Criteria prepared by TCG Planning as a tool to assist in identifying and/or assessing future industrial rezoning proposals.
9. That Council write to all parties who made submissions advising them of Council's decision.

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Crs Banasik and Mitchell moved an amendment:

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7. That Council continue to liaise with Sydney Water during the Local Environmental Study preparation to ensure that the land can be provided with water and sewer infrastructure in a timely and cost effective manner.
8. That Council adopts the Industrial Lands Assessment Criteria prepared by TCG Planning as a tool to assist in identifying and/or assessing future industrial rezoning proposals.
9. That Council write to all parties who made submissions advising them of Council's decision.
10. *That Council engage an independent planning consultant to undertake a further study to consider the identification of future potential employment lands. In the Maldon locality and that this study be jointly funded by interested landowners.*

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On being put to the meeting the amendment of Crs Banasik and Mitchell was declared CARRIED

Vote For: Crs Mitchell, Kuiper, Banasik, Landow, Costa and Jew

Vote Against: Crs Appel, Read and Mayor Cr Hannan

41/2008

Resolved on the motion of Crs Banasik and Mitchell:

1. That Council resolve under Section 54 of the Environmental Planning and Assessment Act 1979 to prepare a draft Local Environmental Plan to amend either Wollondilly Local Environmental Plan 1991 or Wollondilly Local Environmental Plan 2008 (whichever is applicable) to rezone land shown in Attachment 4 to IN1 General Industrial and E3 Environmental Management.
2. That one combined Local Environmental Study and draft Local Environmental Plan be prepared for the lands shown in Attachment 4.
3. That advice be forwarded to the Department of Planning under Section 54 of the Environmental Planning and Assessment Act, 1979 and Clause 9 of the Environmental Planning and Assessment Regulation, 2000 advising of the preparation of the draft Local Environmental Plan Amendment.
4. That funding of the required planning investigations and infrastructure provisions be the responsibility of the landholders.
5. That Council undertake a review of Wollondilly Development Contributions Plan 2005 to allow for the incorporation of the costs associated with the additional infrastructure, if required.
6. That Council liaise with the Roads and Traffic Authority during the preparation of the Local Environmental Study to determine the road infrastructure upgrading which will be required to support the additional industrial lands.
7. That Council continue to liaise with Sydney Water during the Local Environmental Study preparation to ensure that the land can be provided with water and sewer infrastructure in a timely and cost effective manner.
8. That Council adopts the Industrial Lands Assessment Criteria prepared by TCG Planning as a tool to assist in identifying and/or assessing future industrial rezoning proposals.

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9. That Council write to all parties who made submissions advising them of Council's decision.
10. *That Council engage an independent planning consultant to undertake a further study to consider the identification of future potential employment lands. In the Maldon locality and that this study be jointly funded by interested landowners.*

Vote For: Crs Mitchell, Kuiper, Banasik, Landow, Costa and Jew
Vote Against: Crs Appel, Read and Mayor Cr Hannan

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EXECUTIVE SUMMARY

Council is in receipt of three (3) rezoning proposals for land within the Maldon Picton locality, submitted by Walker Corporation, Allied Mills and Walsh/Safetli, which seek to rezone additional land for industrial purposes.

In order to ensure that the rezoning of land at Maldon is considered in a strategic manner, Council engaged TCG Planning to undertake a 'Maldon Industrial Lands Investigation', to assess the need for additional industrial lands within the Shire, having regard to metropolitan and local policy directions. This investigation also included the preparation of Industrial Lands Assessment Criteria, under which the three formal rezoning applications have been assessed, together with additional lands in the vicinity. This criteria will also be used in the assessment of future rezoning proposals for industrial land throughout the Shire.

The attached report summarises the findings of the Industrial Lands Investigation and details the recommendations resulting from the assessment of the proposals against the Industrial Lands Assessment Criteria.

The Maldon Industrial Lands Investigation confirms that whilst Maldon can provide additional industrial land due to the availability of large and affordable sites and access to transport routes, further industrial development must be strategically located to minimise additional significant impact upon the landscape character.

The investigation concludes that Council should proceed with the preparation of a draft Local Environmental Plan and Local Environmental Study for the Allied Mills, Aarts/Falls, Corbett and adjoining sites (as shown in Attachment 3), to rezone the land for general industrial and environmental management purposes. Further consultation should occur with government agencies including Sydney Water and the Roads and Traffic Authority during the local environmental study stage, to confirm the availability, timing and funding of infrastructure.

The investigation further concludes that the rezoning of other lands in the ownership of Walker Corporation, Walsh and Safetli, Di Falco, Godfrey, Ingham's, the Wilton aerodrome site and other land to the northeast of Picton Road not proceed for rezoning for industrial purposes at this time. Whilst the majority of such land has the ability to meet the strategic and locational criteria, it is the landscape character, visual, infrastructure, access and topographic issues which indicate that such land should not currently be considered for rezoning.

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BACKGROUND

Council is in receipt of three (3) formal rezoning applications submitted by Walker Corporation, Allied Mills and Mr and Mrs P. Walsh/Mr and Mrs H. Safetli, which seek to rezone land in Maldon from a rural zone to industrial and environmental management zones. Council has been under increasing pressure to rezone additional land within the Shire for industrial purposes, particularly as a number of regional and metropolitan planning strategies have identified the greater south western Sydney metropolitan area as a suitable location for the provision of additional employment and industrial land. Such strategies identify Maldon's strategic location in regard to major transport nodes and it's ability to provide relatively low cost land per hectare. Within the Wollondilly Shire, Maldon currently features industrial activity in the form of Blue Circle Southern Cement and the Allied Mills Flourmill, which is currently under construction.

A number of rezoning proposals have therefore been submitted to Council understanding these future directions for further industrial land. To date, Council has not put in place guidelines to assess such rezoning proposals based on state, regional and local strategies and land suitability issues.

Council has therefore engaged TCG Planning to undertake an industrial lands assessment, to investigate the suitability of the Wollondilly Shire and specifically Maldon to provide additional industrial lands. The "Maldon Lands Industrial Investigation" which has been prepared for Council incorporates the following:

- A strategic assessment of Maldon's capability and appropriateness to accommodate future industrial lands and its potential role within the Shire and region. This stage includes a review of state, regional and local strategies that are relevant to the Maldon locality and the wider Shire, and which may affect the supply, timing, and location of new employment/industrial lands. The Sydney Metropolitan Strategy and associated South West Subregional Strategy have been considered in this investigation
- Preparation of "Industrial Lands Assessment Criteria", which contain a range of defined environmental and strategic planning considerations, against which future industrial land rezoning proposals throughout the Shire will be assessed.
- An assessment of the Maldon precinct to determine which lands are suitable for future industrial/employment uses. This assessment includes land which is the subject of formal rezoning proposals; land for which a submission requesting rezoning has been lodged; and also other land within the broader Maldon locality.
- A review of the three (3) formal rezoning applications lodged with Council in accordance with the Industrial Lands Assessment Criteria.

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RELEVANCE TO WOLLONDILLY VISION 2025

Wollondilly Vision 2025 is Council's long-term strategic planning document providing direction of future growth and development for the region. The Industrial Lands Criteria have been prepared with regard to the principles contained within the Wollondilly Vision.

Vision 1: A Wealth of Native Flora and Fauna

At the Local Environmental Study (LES) stage sensitive areas and recommendations for any future development will be identified that maximise opportunities to protect, enhance and rehabilitate native flora and fauna, habitats and networks.

Vision 2: Healthy Waterways

The rezonings will incorporate opportunities for waterways and adjoining riparian lands to be maintained. There will be a need to clearly define the required riparian corridor widths and methods of stormwater and wastewater management at the Local Environmental Study stage, to ensure that the required environmental management zones can be provided.

Vision 3: Protected Rural Character and Environmental Heritage

Wollondilly maintains a unique rural character, which sets the region apart from other nearby growth centres of the South Western Sydney region. Wollondilly Council has implemented strategies in Section 3.1 of the Vision which outline provisions for protecting the rural character and environmental heritage of the Shire. These include:

- maintaining the separation between town's villages;
- retaining ridgelines free from buildings;
- protecting water catchment, national parks and other reserves; and
- defining town/village edges by creating edge streets to towns, park corridors and vegetation buffers.

Section 3.4 of the Vision document also identifies the importance of respecting the visual catchment of the freeway by controlling development that impacts on the rural views and ridgelines. It is evident from this Vision document that maintaining distinct and separate rural towns and villages is important for the character of the Shire and is a major consideration regarding future rezoning for industrial purposes. It is partly for this reason that this report recommends that a number of sites within the Maldon locality not proceed for rezoning for industrial purposes.

Vision 4: Sustainable Farms

The land which is proposed for rezoning is adjacent to existing industrial lands and is relatively underutilised from an agricultural perspective. The rezoning of this land will not impact upon the overall viability of agricultural production in the Shire but will allow for clustering of industrial landuses.

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Vision 5: Well Designed Towns and Villages

The land which is recommended for rezoning is located adjacent to existing employment landuses in Maldon, thereby allowing for clustering of industrial uses. The rezoning of this land will maintain the buffer between Maldon and the township of Picton and the desired separation between residential and industrial landuses.

Vision 6: Invigorated Main Streets

The proposed industrial rezoning will not immediately affect the main streets of Picton township and hence this vision will not be impacted by the proposal.

Vision 7: Green Space and Recreation Networks

The land recommended for rezoning within Maldon is not located within an identified open space or 'green space' corridor. The creation of environmental management zones can contribute to a green space network.

Vision 8: Integrated Transport Network

This vision aims to improve and maintain the road system of the Wollondilly Shire and improve usage and links with other modes of transport. Section 8.3 of the Vision aims to promote an increased frequency of public transport connection from major towns to other regional centres including Campbelltown, Camden, Penrith, Wollongong and the Southern Highlands and facilities such as hospitals, schools, universities, employment and business centres. Section 8.7 of the Vision outlines the possibility of exploring light rail connections along redundant rail corridors connecting existing towns and connections to Campbelltown regional centre. Some of the land within the Maldon precinct has the potential for access to both main roads and the rail line and may accelerate the opportunity for expanded freight and passenger rail services to service additional employment lands.

Vision 9: An Integrated Community

The provision of additional industrial lands within Maldon will provide opportunity to increase the employment base and 'skill set' of the labour force within the Wollondilly Shire.

Picton Vision

Wollondilly Vision 2025 is Council's long-term strategic planning document providing direction for future growth and development of the region. Little is said in the vision document regarding industrial development, however, it is noted there is an aim to reduce the number of workers travelling outside of the Shire for employment.

The Picton Vision identifies the possibility of a high-tech industry or mixed use centre in Maldon to encourage new employment opportunities. The Picton town vision also notes there is investigation taking place into a vehicular link between Remembrance Drive and Maldon.

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The Vision recognises the need to 'encourage local employment opportunities and support regional employment opportunities' whereby Maldon has been identified as a potential supply node for future employment generating uses. An area within Wollondilly designated for this purpose can supply much needed employment opportunities for residents in the Shire and provide logistical support for industry both within the Greater Metropolitan Region and NSW state wide.

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Proposal

The three (3) rezoning applications for proposed new industrial land within the Maldon locality, are listed below and mapped in Attachment 1.

- Allied Mills and Aarts and Falls properties – described as Lot 32 DP 731012, Lot 5 DP 252362, Lot 30 DP 826690, Lot 31 DP 826690, which comprise 87 hectares.
- Walker Corporation property – Lot 11 DP 1013745, which comprises 107.9 hectares.
- Walsh and Safetli property – Lot 3 DP 818975 and Lot 4 DP 816022, which comprises 72.6 hectares.

In assessing the suitability of Maldon to provide additional industrial lands, consideration has been given not only to the three (3) formal rezoning applications but also land in the immediate vicinity. A number of submissions in response to notification of the applications have requested rezoning of additional land within the Maldon locality for industrial purposes. This includes:

- Land in the ownership of Corbett which fronts Picton Road and which was the subject of a previous rezoning request.
- Land in the ownership of Di Falco and Godfrey which fronts Menangle Road.
- The Wilton Aerodrome Lands located at the corner of the Picton Road and Hume Highway, which were the subject of a submission submitted to Council in August 2007.
- Land in the ownership of Ingham's Poultry located at the intersection of Picton Road/Menangle, together with other rural residential properties located to the north of Picton Road, opposite the existing industrial development in Maldon.

CONSULTATION

Notification letters advising of the lodgement of three (3) rezoning applications were sent to owners of land subject to, adjoining, nearby or otherwise potentially affected by the rezoning proposals. A summary of the submission received is included in Attachment 2.

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Consultation with the Department of Planning

At a meeting between Council and the Department on 6th February 2008 Council was advised that it is likely that land will be released in the South West Growth Centre before that of Macarthur South. The Department seeks to ensure that any future land releases for industrial purposes do not proceed prior to the completion of the effects of underground mining.

Consultation with the Department of Planning will be ongoing further to the rezoning process. Council will continue to liaise with the Department regarding land release staging, specifically in relation to the release of land within the South West Growth Centre.

Consultation with Sydney Water

Allied Mills and Walker Corporation sought advice from Sydney Water regarding water and sewer servicing on their respective sites. Advice from Sydney Water indicates amplifications will be required for further development, with such works to be funded by the landowners. Upgrading will be required in the form of a watermain amplification of the inlet to Picton Reservoir to maintain reservoir levels. Upgrading of supply pipework will also be required along Picton Road.

With regards to the provision of reticulated sewer, Sydney Water has advised that the nearest sewer treatment facility is the Picton Tahmoor Thirlmere sewerage treatment plant. As the rezoning proposals lie outside the approved servicing area, Sydney Water has advised that a review of this STP boundary restriction will be required. This is currently under review by Sydney Water.

Further to this initial advice, Council has forwarded correspondence to Sydney Water requesting further clarification of the ability of the subject sites to be serviced and the potential developer contributions which would be required to facilitate the necessary upgrading. At the date of preparing this report this advice had not been received, however further consultation will occur with Sydney Water during the preparation of the Local Environmental Study.

Community Consultation

A total of 173 letters were forwarded to landholders advising of the submission of the three (3) formal rezoning applications and seeking comment. Thirty seven (37) submissions were received in relation to this request, together with two (2) petitions containing one hundred and seventy seven (177) signatories. Numerically, the submissions are summarised as follows:

- 11 supported the rezoning applications;
- 10 sought inclusion of their land or additional land within the proposed industrial zone;
- 26 generally opposed the industrial rezonings;
- 9 specifically opposed the Walsh and Safetli proposal;

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The main issues raised within the submissions are summarised into the following five main categories. A more comprehensive summary of submissions is contained in Attachment 2.

- Inadequate community consultation;
- Increased pollution such as noise, air and water pollution;
- Inadequate road infrastructure;
- Loss of natural resources and rural character; and
- Visually unappealing change to the main gateway of Picton.

As identified in the summary above, a number of landholders requested that their land be included within the proposed rezoning of the Maldon industrial lands, primarily landholders owning land opposite the existing industrial development in Maldon. A discussion of the inclusion of additional sites is provided in the following sections of this report.

POLICIES AND LEGISLATION

Sydney Metropolitan Strategy

The Sydney Metropolitan Strategy, which was prepared by the NSW Department of Planning in 2005, is the NSW State Government's framework for managing the growth of Sydney into the twenty first century. The Strategy:

"seeks to strategically locate employment, ensure good management of existing land resources, ensure there is sufficient supply of suitable commercial sites and employment lands and efficiently utilising existing infrastructure"

The strategy forecasts an additional 640,000 new homes; 500,000 new jobs, 7,500 hectares of industrial lands, 6.8 million m² of commercial floor space and 3.7 million m² of retail space. Planning at the local level within the Wollondilly Shire will need to recognise and aid in accommodating these targets.

Rezoning of land for additional industrial development within the Maldon Shire would contribute towards the identified employment growth within the Strategy.

Metropolitan Strategy: Employment Lands for Sydney – Action Plan

The Employment Lands for Sydney Action Plan was released in March 2007 with the aim of creating a better understanding of the adequacy of employment land provisions in the Sydney area. A number of recommendations were established:

1. Establish an Employment Lands Development Program to maintain the balance between demand and supply of employment land;
2. Release more Greenfield land to overcome a shortage of supply

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3. Develop new policy initiatives to encourage the regeneration of brownfield sites to support new investment and employment opportunities;
4. Employ more efficient processes for zoning and developing employment lands
5. Improve coordination between State Departments and Agencies, councils and industry to improve economic development opportunities associated with employment lands policy.

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The Strategy identifies the additional pressure which the region is facing in relation to the need to rezone suitable land for industrial purposes. Rezoning of additional land within the Wollondilly Shire for industrial purposes will support the recommendations of the Action Plan by supplying additional employment opportunities for the Sydney Metropolitan Area.

Draft South West Subregional Strategy

The South West Subregion Draft Regional Strategy was exhibited November 2007. The draft strategy provides detail regarding growth and direction for the south-west Sydney region. The Wollondilly Shire is included in this area.

It is projected that within the south-west subregion a further 89,000 jobs will be created by 2031, which will be an increase of 74%. Wollondilly is projected to provide 2,000 of these projected employment opportunities.

The locality of Maldon has been identified within the subregional strategy as featuring locational advantages, in that it is located away from major urban development and has good access to both road and rail routes. The isolated nature of the Maldon industrial area warrants potential for zoning extensions to cater for industries with special requirements, which cannot be located in other industrial sites. The strategy notes the following:

"Maldon is well located with good rail and road access to the regional and state wide network... Opportunities for expanding this precinct and capitalising on the location attributes and access to transport infrastructure warrant further investigation, particularly in relation to the precinct's capacity to accommodate large 'regional' industries requiring large lots."

The Strategy therefore supports the current investigation into Maldon's ability to support further industrial development, due to its capability of accommodating large scale industries removed from other urban development and its strategic location nearby major transport nodes.

Wollondilly Local Environmental Plan 1991

In accordance with the Wollondilly LEP 1991, the lands that are the subject of the proposed rezonings are currently zoned Rural 1(a3). It is recommended that if land is to be rezoned in Maldon for industrial purposes that it adopt an IN1 General Industrial zone pursuant to the Standard Instrument Order template.

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The provision of an IN1 General Industrial zone within the Maldon locality is considered preferable to a heavy industrial zone, due to the need to preclude offensive or hazardous industries, which would be incompatible with surrounding rural residential development. Further, it is recommended that Council exclude bulky goods as a permissible use within this General Industrial zone, to ensure that such retail uses do not concentrate in this location, where they could impact on the viability of the retail core of Picton and to ensure the land is used to its maximum potential for large industrial sites that can utilise the access to the main roads and rail lines.

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Section 117 Ministerial Directions

In July 2007, the NSW State Government Department of Planning issued Ministerial Directions under Section 117 (2) of the Planning Assessment Act 1979. In total there are 28 Directions that relate to various components of development and assessment. There are a number of particular directions relevant for rezoning of land in Maldon. These include Direction No. 1.1 – Business and Industrial Zones, Direction No. 1.2 – Rural Zones, Direction 1.3 – Mining, Petroleum Production and Extractive Industries, Direction 2.1 – Environmental Protection Zones, Direction 3.4 Integrating Land Use and Transport and Direction No. 5.6 – Sydney to Canberra Corridor Strategy.

Direction No. 1.1 – Business and Industrial Zones applies when a council prepares a draft LEP that affects land within an existing or proposed business or industrial zone. This direction states that draft LEPs must retain the location of existing business and industrial zones; shall not reduce the total potential floor space for employment uses and business services in business zones; shall not reduce the total potential floor area for industrial uses in industrial zones; and new proposed employment areas must be in accordance with a strategy that is approved by the Director General of the Department of Planning. The draft LEP for Maldon will not impact upon the siting of other industrial lands within the Wollondilly Shire nor reduce the potential floor area available for industrial uses. Further, the Maldon locality has been identified as a precinct which could accommodate additional employment lands within the draft Southwest Subregional Strategy, prepared by the Department of Planning.

Direction No. 1.2 – Rural Zones applies when a council prepares a draft LEP that affects land within an existing or proposed rural zone. This direction states that draft LEP's shall not rezone land from a rural zone to a residential, business, industrial, village or tourist zone; must not contain provisions to increase the permissibly density of land in a rural zone; and must include provisions that control access from traffic generating developments to classified roads in rural zones. A draft LEP may be inconsistent with this direction only if Council can satisfy the Director-General that the rezoning is justified by an environmental study or a strategy or the rezoning is in accordance with a Regional Strategy prepared by the Department of Planning. The draft LEP for Maldon is in accordance with the draft Southwest Subregional Strategy. Further a Local Environmental Study will be prepared for the rezoning of land within the Maldon precinct, in compliance with this direction. Issues associated with the upgrading of traffic infrastructure will also be further assessed during the preparation of the Local Environmental Plan.

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Direction 1.3 – Mining, Petroleum Production and Extractive Industries applies where a draft LEP could restrict mining by permitting an incompatible landuse. This direction requires Council to consult with the Director-General of the Department of Primary Industries to identify such resources, to seek advice on the development of such resources and to identify issues to be taken into consideration which are likely to lead to landuse conflicts. Further advice regarding the Maldon draft LEP will be sought from the Department of Primary Industries during preparation of the LES, in compliance with this direction.

Direction 2.1 – Environmental Protection zones requires Council to include provisions that facilitate and conserve environmentally sensitive areas and specifies that a draft LEP shall not reduce environmental protection standards that apply to the land. The Maldon draft LEP is consistent with this direction, as it will incorporate Environmental Management zones to preserve and protect riparian corridors.

Direction 3.4 – Integrating Landuse and Transport applies when Council prepares a draft LEP that creates, alters or removes a zone or provision relating to urban land. The draft LEP shall give effect to Improving Transport Choice (DUAP, 2001) and The Right Place for Business and Services (DUAP 2001). The Maldon draft LEP is consistent with the provision of such documents, principally through its ability to provide increased employment lands in the Shire, thereby reducing the number of commuter movements outside of the Shire.

Direction No. 5.6 - Sydney to Canberra Corridor Strategy applies to land described within The Sydney to Canberra Corridor Strategy 1995. A draft LEP shall include provisions that are consistent with the directions of this Strategy. A draft LEP may be inconsistent with this direction only if Council can satisfy the Department that the rezoning is justified by an environmental study or is in accordance with the relevant Regional Strategy.

There are also a number of directions relating to hazard and risk (eg Direction 4.1-Acid Sulphate Soils, Direction 4.2-Mine Subsidence and Unstable Land, Direction 4.3-Flood Prone Land, Direction 4.4-Planning for Bushfire Protection and Direction 5.2-Sydney Drinking Water Catchments which will be further considered during preparation of the Local Environmental Study.

ASSESSMENT OF PROPOSALS

Suitability of the Maldon Precinct

State, regional and local policy direction supports the provision of additional industrial land within the Wollondilly Shire to contribute to the future employment needs of the metropolitan region. Whilst having a number of environmental and visual/landscape constraints, the Maldon locality displays a suitability to provide additional industrial lands to service such employment needs. This is due to the substantial land holdings which exist, with few built structures, the availability of relatively level land, and accessibility to a freight route, an arterial road and a rail line.

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Industrial Lands Assessment Criteria

In order to assess the suitability of specific sites within the Maldon precinct to support additional industrial lands, Industrial Lands Assessment Criteria have been prepared by TCG Planning as a part of the Maldon Industrial Lands Investigation. This criteria includes the following:

Strategic Validity:

- Regional strategy directions
- Policy direction
- LEP framework
- Spot rezoning
- Industrial lands supply
- Employment targets
- Regional open space

Environmental Sustainability:

- Water quality
- Flora & fauna
- Flood hazard
- Air quality
- Slope characteristics
- Geology, contamination & mine subsidence
- Buffers & spatial separation
- Bushfire hazard
- Heritage significance

Existing and Desired Future Character:

- Rural character
- Urban area integration
- Visual analysis
- Land use conflict
- Rural and resource lands

Infrastructure Availability:

- Site area and dimensions
- Access and road capacity
- Infrastructure capabilities

Public Benefit:

- Demographic characteristics & social considerations
- Innovation

This criteria has been established upon the objectives and actions of various strategies and policies and has also addressed environmental considerations, future land requirements, infrastructure requirements, visual considerations and character issues to allow all future industrial proposals throughout the Shire to be assessed in a consistent manner.

A detailed assessment of the proposals, including use of the Industrial Lands Assessment Criteria (Industrial Lands Investigation by TCG Planning dated 22 February 2008). This attachment is being tabled separately due to its size.

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Consideration of Rezoning Proposals

The Industrial Lands Assessment Criteria has been applied to the rezoning applications and submissions lodged for the Maldon locality, to determine the suitability of land to accommodate industrial development. This assessment has resulted in the following conclusions being drawn:

Allied Mills/Aarts and Falls Land and Adjoining Lands fronting Picton Road (including land in the ownership of Corbett)

Due to the location of the Allied Mills/Aarts and Falls sites, future industrial development on such land will aid in clustering of industries and employment, without impacting on the "green space" separation which currently exists between Maldon and Picton. The sites are clustered where the cement works and flourmill are established and currently dominating the landscape. This existing development is prominent in the visual landscape and new industrial development on the remainder of the land would appear as "infill" to these existing structures. In comparison to the other rezoning applications this site is considered to have least visual constraints, due to its close proximity to existing large scale industries. Further, the subject sites, whilst having short distance views from Picton Road will not have an unacceptable level of visibility when viewed from the main vantage points on Razorback Ridge, as they will be partly screened by the existing cement works and flour mill. From the east and south, the sites are partially screened by a vegetative buffer.

A number of initial environmental constraints have been identified on this land including the need for a riparian corridor and asset protection zones. More detailed investigations will be required at the Local Environmental Study stage to address flora/fauna and aboriginal heritage impacts, together with geotechnical, contamination and flooding impacts.

A number of other parcels which immediately adjoin the existing industrial sites are also considered suitable for future industrial development, as shown in Attachment 4. Specifically, the land located immediately to the north of the cement works and to the west of the flour mill, which is bounded by Picton Road and the Main Southern Railway, is also considered suitable for industrial rezoning. This land includes property which is in the ownership of Corbett and which has been the subject of a previous rezoning proposal to Council. Whilst this land has limited site area, it is considered that it would be suitable to accommodate small scale general industrial uses. This area will also aid in clustering industrial construction and can be conveniently accessed when considering future road and transport provisions.

Walker

This site is situated adjacent to Picton Road and is bounded by the Nepean River and the Main Southern Railway. The site is 107.9 hectares. Walker Corporation has proposed 64.1ha (59%) to be rezoned IN1 General Industrial and 43.8ha (41%) become E3 Environmental Management to accommodate vegetation and riparian areas. It is also intended that the previously proposed Maldon Dombarton Rail line reservation will be rezoned to SP2 Infrastructure – Railway.

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The concept plan for the Walker Corporation land incorporates environmental management zones to promote riparian corridors for the Nepean River and tributaries. The provision of such management zones are considered critical due to the highly sensitive nature of the adjacent Nepean Gorge and the need to ensure its future protection both from an environmental and visual position.

The site is located to the northeast of Picton Road, and as such is physically separated from existing industrial development in Maldon by this transport corridor. It is acknowledged that the ridge line of Fairy Hill provides some level of screening of the site from the west, while vegetation lining the Nepean River does assist with screening of the site from the southern entry of Picton Road. Although views of the site will therefore primarily be short distance views due to the siting of the land within a 'basin', development of this land will significantly impact upon the rural vistas currently evident to the northeast of Picton Road.

Rezoning of the land for industrial purposes at this stage would also pre-empt future strategic planning decisions with regards to Macarthur South and rail transport routes including the Maldon Dombarton rail link. Until further investigations into future rail corridors and growth sectors are complete, the reservations required for future transport corridors cannot be accurately determined. Rezoning of the Walker Corporation land should therefore not occur until greater certainty is provided within regard to future urban growth in this sector and the level of infrastructure which will be required.

It is also noted that the proposed draft Local Environmental Plan will provide approximately 69 hectares of useable (unconstrained) land for industrial purposes. The Wollondilly Shire currently provides approximately 81.8 hectares of unconstrained vacant industrial land (Wollondilly Industrial Lands Snapshot, Pascoe Planning Solutions, 2006) a significant proportion of which is in Maldon. It is considered that the rezoning of the Walker site to deliver a further 64.1 hectares of industrial land is not required until future growth occurs within the Macarthur South precinct and the population warrants the provision of additional industrial lands.

The rezoning of the Allied Mills land, as opposed to the Walker land will also assist with clustering of industrial land uses and will ensure that Picton Road acts as a physical boundary to the industrial landuses. Rezoning of the Walker land to the northeast of Picton Road is likely to result in increased pressure on Council to rezone additional lands in this location, without physical buffers to the boundaries of future industrial expansion.

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Walsh and Safetli

This site is situated immediately to the west of existing industrial sites of Maldon on the southern side of Picton Road, upon the entrance into the outer residential zoned areas of the township of Picton. The site is bounded by Stonequarry Creek to the south and the Main Southern Railway to the north. The extent of physical constraints such as stability, flood affectation, and bushfire hazards, upon the site is currently unknown, due to the absence of detailed investigations. The total site has an area of 52.8 hectares. The owners are seeking to rezone the land to light and general industrial, rural residential and the possibility of a commercial and business zone.

The site is irregular in shape and is characterized by changes in topography associated with the railway embankment and the adjacent riparian corridor of Stonequarry Creek. Whilst the site is significant in its total site area it is considered that the provision of riparian corridors, setbacks from the embankments and buffers to residential development will significantly impact on the developable area which will be available.

Further, the site extends from the existing industrial development in Maldon towards the outskirts of Picton township and its redevelopment would have the greatest visual impact of the sites considered for rezoning, when viewed from main vantage points on Razorback Ridge and in other parts of Picton and along the main road and rail routes to and from Picton. In comparison to the land to the east of the cement works, the Walsh and Safetli land to the west will significantly alter the rural vistas currently evident from a number of key vantage points.

Industrial development on this site will impact upon separation between towns and villages, whereby construction will remove vacant land which currently acts as green space between the localities of Maldon and Picton. The provision of industrial development in this location has the potential to unacceptably alter the distinct character of the adjacent town of Picton and will contribute to the loss of the rural theme, which currently exists at the eastern entrance to Picton.

Therefore, based on the site's physical characteristics; the significant impact which industrial development will have on long distance views; and its detrimental impact on spatial separation between Picton and Maldon, the Walsh/Safetli site is not recommended for rezoning for future industrial purposes.

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Wilton Aerodrome

The Wilton Aerodrome is situated at a significant transport intersection of the Picton Road and the Hume Highway. The site currently operates recreational flights and covers 143.37 hectares, with a relatively level topography. The location of this site at a major regional intersection creates significant potential for providing freight and distribution needs of the greater Sydney metropolitan region. However, the Wilton aerodrome site, given its separation from the existing industrial development in Maldon will not facilitate clustering of industrial development and hence should not proceed for rezoning for industrial purposes at this time.

While the Wilton Aerodrome is not situated in a location to aid in industrial clustering, it is ideally located adjacent to a major regional transport corridor and may serve as a potential future location for intermodal facilities. Accordingly, there may be potential for this site and adjoining lands to provide such facilities given their high level of accessibility to major freight routes, in the long term, as future growth occurs in the south western Sydney. This would be dependent on the outcomes of future investigations at the appropriate time. The land is not recommended for rezoning at this time.

Land in the ownership of Di Falco, Inghams, Godfrey and Adjoining Lands

Consideration has also been given to the potential rezoning of land to the north of Picton Road, which contains rural residential properties and the Ingham's Poultry farm establishment. This investigation has revealed that whilst land can satisfy some of the criteria in the Industrial Lands Criteria, the topography of the land is in many instances not conducive to industrial development.

A number of the sites also exhibit a high level of visibility both with regards to short and long distances views, as they are generally located to the west of the Fairy Hill ridgeline, which is the defining visual feature which separates this land from the Walker Corporation land. While this location features good access and proximity to transport nodes in the form of Picton and Menangle Roads, this area is visually prominent and industrial development will result in construction upon ridgelines and encroachment upon existing residences.

Rezoning of land to the north of Picton Road could also result in potentially incompatible residential and industrial landuses being located in close proximity to each other. On this basis the subject lands are not recommended for rezoning for industrial purposes.

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Infrastructure and Servicing Provision

This investigation recommends that the Allied Mills site and land adjacent to the existing cement works (including land in the ownership of Corbett) be considered by Council for rezoning for industrial purposes. A number of Traffic Studies which accompanied the rezoning applications identified the need for significant road infrastructure upgrading if future large scale industrial development occurs. Hence, in proceeding with the preparation of a draft Local Environmental Plan for this site and other lands in the Maldon locality, Council should ensure that Wollondilly Contributions Plan 2005 accurately reflects the infrastructure upgrading which will be required, to support the proposed land releases, particularly with regard to the upgrading of the Hume Highway/Picton Road intersection.

In addition, Council should undertake further negotiations with Sydney Water during section 62 consultations (under the Environmental Planning and Assessment act, 1979) to ensure that the subject sites can be provided with reticulated water and sewer within a suitable time frame.

Environmental Investigations

There is potential that environmental constraints could be identified during the rezoning process which may influence the rezoning of certain land, such as the need for riparian corridors, buffers to adjoining agricultural uses, bushfire hazard or the significance of flora, fauna and habitat. Further investigations into potential environmental impacts will be undertaken as part of the Local Environmental Study process.

It is recommended a Local Environmental Study (LES) be carried out for the Allied Mills site Aarts and Falls property and land fronting Picton Road and adjoining lands, as shown in Attachment 4.

SUMMARY OF FINANCIAL IMPLICATIONS

Funding of Infrastructure

Council should give consideration to the funding of any necessary infrastructure, including upgrading of the Hume Highway/Picton Road intersection, to ensure that the infrastructure can cater for additional traffic movements associated with an increased level of industrial development. A review of Council's Contribution Plan 2005 would ensure that future industrial development contributes to such facilities, to share costs with Council and funding agencies.

During preparation of the draft Local Environmental plan consultation should occur with Sydney Water at the section 62 stage (under the Environmental Planning and Assessment Act, 1979) to ensure that the Picton sewerage treatment plan can accommodate growth within the Maldon area and to confirm the timely removal of the STP servicing boundaries, to allow development to proceed. Any required upgrading would be the developer's responsibility.

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Funding of LES and Rezoning Process

Funding of the LES and rezoning process should be the responsibility of the landowners. This funding arrangement should extend to the preparation of the LES and draft LEP, the updating of Wollondilly Contributions Plan 2005, the preparation of a Development Control Plan, legal expenses associated with the preparation of any necessary Voluntary Planning Agreements and the submission of development application documentation. Funding and engagement of consultants should be managed by Council. A project management fee will also be levied to landowners for Council's resources required to manage all administrative aspects of the LEP amendment. The project management fee is currently 25%.

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ATTACHMENTS

1. Map showing the location of the rezoning proposals and land to be included within the draft Local Environmental Plan (excluding the Aerodrome land, due to map scale)
2. Summary of public submissions
3. A copy of the TCG report (including Industrial Lands Assessment Criteria) dated 22 February 2008 will be tabled at the Council Meeting to be held 17 March 2008 and is available as a separate document on request.
4. Map showing recommended sites for rezoning for industrial purposes

CONCLUSION

The Maldon Industrial Lands Investigation confirms that Maldon has the potential to contribute to the Sydney Metropolitan region's future need for industrial land, due to the availability of large and affordable sites, as well as the area's exceptional access to transport routes in the form of current road and future rail links.

While the landscape of Maldon has already been affected by industrial development, further industrial development must be strategically located to minimise additional significant impact upon the landscape character. Future industrial development should therefore be limited to areas which have a lower level of visibility, when considering near and long distance views, and should be restricted from ridgelines.

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Cleared, vacant land immediately to the east of the Maldon Industrial area, which is under the ownership of Allied Mills and Aarts/Falls, is recommended for rezoning for industrial purposes. Development on this site will aid in clustering industry and employment. Costs associated with the provision of supporting infrastructure will also be minimised due to the close proximity of this site to other Allied Mills industry adjacent to the site. View lines of this area have already been impacted by other large scale constructions in Maldon and further development on this land is considered to have the least sizeable impact upon both long and short distant view lines from surrounding transport routes and key vantage points. Allied Mills propose to incorporate environmental protection and management zones in this location to protect the scenic and environmental qualities of the Nepean River and adjacent vegetation.

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Land which is located to the north of the existing cement works, including land in the ownership of Corbett should also form part of the draft local environmental plan, due to the land's suitability to provide for small scale industrial development immediately adjacent to existing industrial uses.

It is recommended that rezoning of other lands including land in the ownership of Walker Corporation, Walsh and Safetli, Di Falco, Godfrey, Ingham's, the Wilton aerodrome site and other land to the northeast of Picton Road not proceed for rezoning for industrial purposes at this time. The investigation has concluded that whilst the majority of such land has the ability to meet the strategic and locational criteria, it is the landscape character, visual and topographic issues and lack of spatial containment which indicate that such land should not currently be considered for rezoning. Rezoning of land to the northeast of Picton Road is also not supported until such time as greater certainty is provided as to the development of Macarthur South, the Maldon Dombarton rail line and other major infrastructure works.

Accordingly it is recommended that Council proceed with a draft Local Environmental Study and draft Local Environmental Plan for the land shown in Attachment 4, with funding of the studies to be the responsibility of the landowners.

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RECOMMENDATIONS

1. That Council resolve under Section 54 of the Environmental Plan and Assessment Act 1979 to prepare a draft Local Environmental Plan to amend either Wollondilly Local Environmental Plan 1991 or Wollondilly Local Environmental Plan 2008 (whichever is applicable) to rezone land shown in Attachment 3 to IN1 General Industrial and E3 Environmental Management.
2. That one combined Local Environmental Study and draft Local Environmental Plan be prepared for the lands shown in Attachment 4.
3. That advice be forwarded to the Department of Planning under Section 54 of the Environmental Planning and Assessment Act, 1979 and Clause 9 of the Environmental Planning and Assessment Regulation, 2000 advising of the preparation of the draft Local Environmental Plan Amendment.
4. That funding of the required planning investigations and infrastructure provisions be the responsibility of the landholders.
5. That Council undertake a review of Wollondilly Development Contributions Plan 2005 to allow for the incorporation of the costs associated with the additional infrastructure, if required.
6. That Council liaise with the Roads and Traffic Authority during the preparation of the Local Environmental Study to determine the road infrastructure upgrading which will be required to support the additional industrial lands.
7. That Council continue to liaise with Sydney Water during the Local Environmental Study preparation to ensure that the land can be provided with water and sewer infrastructure in a timely and cost effective manner.
8. That Council adopts the Industrial Lands Assessment Criteria prepared by TCG Planning as a tool to assist in identifying and/or assessing future industrial rezoning proposals.
9. That Council write to all parties who made submissions advising them of Council's decision.

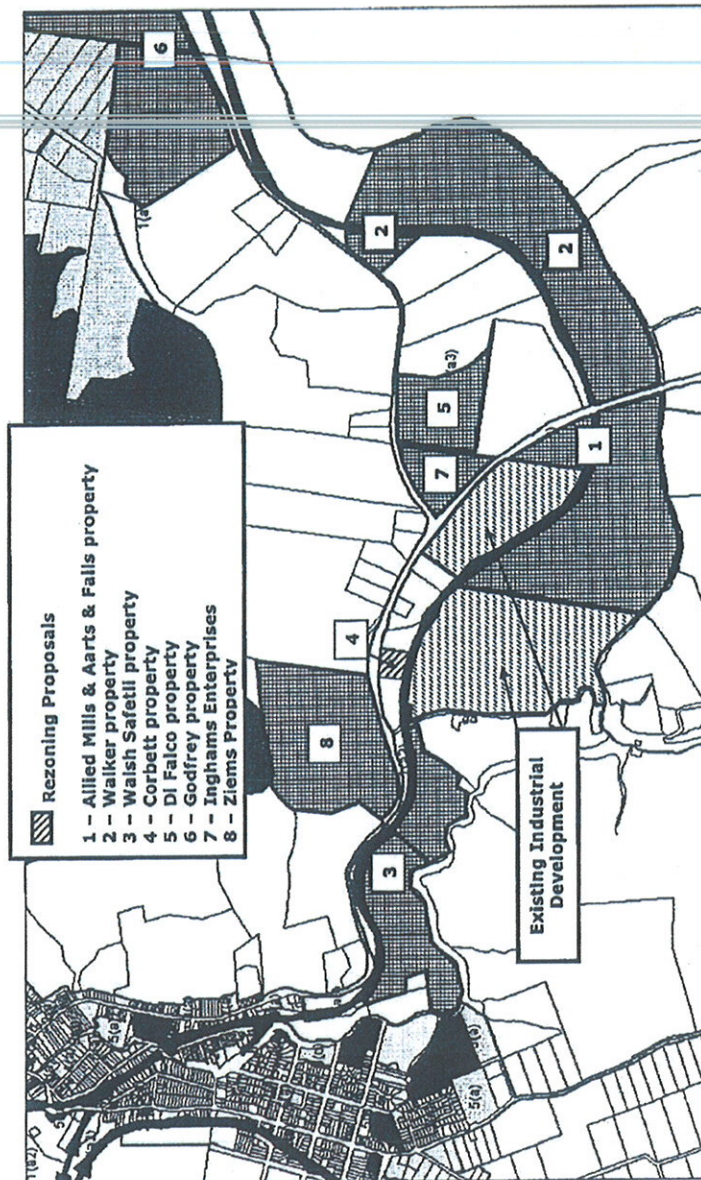
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ATTACHMENT 2
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Maldon Industrial Lands Investigation Summary of Submissions

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Trim Reference	Issues Raised	Comments on Submission
1. Trim 3751#49	- Advised that he submitted a rezoning application to Council in April 2001 but considered that it has not been included in with the current applications. - Believe an industrial zone in this area will lead to greater employment, reduced travel times, increased business and an enhanced streetscape leading to Picton. - Supports rezonings subject to appropriate environmental safeguards, building design and landscaping.	- The rezoning application of April 2001 was not supported by the Department of Planning unless Council completed an Industrial Strategy for the Shire. - The site has been considered within the Maldon Industrial Lands Investigation and is recommended for rezoning for industrial purposes.
2. Trim 3751#55	Requests that their site in Menangle Road be included within the land to be rezoned.	This land is not recommended for rezoning. The Maldon Industrial Lands Investigation recommends that land to the north and east of Picton Road not be rezoned for industrial purposes.
3. Trim 3751#56	Requests that their site in Menangle Road be included within the land to be rezoned.	This land is not recommended for rezoning. The Maldon Industrial Lands Investigation recommends that land to the north and east of Picton Road not be rezoned for industrial purposes.
4. Trim 3751#44	- Fully supports the rezoning. - Notes lack of industrial land which is currently available in Wollondilly. - The land is well located to ensure that traffic does not have to pass through Picton. - Site has good access to freeway/ railway and potential for Maldon railway station to be reopened for local commuters. - With the Wilton residential development there is a greater need to attract business and industry to the area to provide employment. - Maldon is already partly industrial and hence further industrial land in this location makes sense.	The Aarts/Falls property is recommended for inclusion within the draft Local Environmental Plan due to the benefits it will provide to employment; its proximity to existing industrial development; and its level of accessibility.
5. Trim 3751#36	- Supports the rezoning proposals and also requests that Council consider rezoning land at Lot 3 DP 227789 on Menangle Road for industrial purposes. - The land is suitable for industrial development as it is flat landscape, which would result in minimal earth works. - The surrounding lands are industrial and/ or applications have been submitted to rezone the land industrial. - The lot is bordered by land owned by Blue Circle and Ingham's Poultry.	This land is not recommended for rezoning. The Maldon Industrial Lands Investigation recommends that land to the north and east of Picton Road not be rezoned for industrial purposes.
6. Trim 3751#41	- Requests that Council include consideration of this site as part of current study. - Preliminary investigations are underway to determine which portion of site should be rezoned for industrial purposes.	The subject site and adjacent lands have been considered by Council in its current investigation into the provision of additional industrial lands in Maldon. The land is not recommended for rezoning for industrial purposes.

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Trim Reference	Issues Raised	Comments on Submission
7. Trim 3751#81	- Seeks inclusion within the proposed industrial zone. - A number of strategies support increased employment lands in the Wollondilly LGA. - The subject site is at the centre of a potential significant activity corridor which includes the Bingara Gorge development to the east and the proposed rezonings to the west. - Proposes a development concept comprising protection of riparian corridors, maintenance of aerodrome operations, water sensitive design and a general industrial zone or enterprise corridor. - This zone would capitalise on sites accessibility and the potential establishment of an employment corridor.	The investigation indicates that this land should not be included within the draft LEP at this time but has potential to provide land for such uses as transport logistics, in the event that development occurs within Macarthur South, in future years.
8. Trim 3751#81	- Inghams have no objections to the three rezoning applications however any rezoning should include the Ingham's land. - The Ingham's site occupies a strategic location in relation to the current applications and development. - Rezoning of the land would recognise the continuing contribution to local employment already achieved on the site (ie. 25 staff) - Rezoning would recognise the nature of the existing facility (ie. grand parent hatchery) which is more closely aligned to an industrial use. - Reticulated sewer services to existing industrial lands should be given priority over new industrial lands.	- Picton Road has been recommended as the northern boundary to industrial rezoning, to ensure that future industrial lands allow for clustering of landuses and do not encroach into sensitive areas from a topographical or visual perspective. - The recommendations of this report will have no detrimental impact to continued use of the existing hatchery.
9. Trim 3751#38	- Suggests that the whole of the valley should be rezoned for industrial use, due to the noise level from the cement works, the 24/7 operations of Allied Mills and the fact that their site will be surrounded by industrial land. - Properties would be depreciated with industrial development. - The old industrial area at Henry Street is outdated and too small. - Requests Council also address the speed limit in the area.	- This land is not recommended for rezoning. - The subject site will not be surrounded by industrial development, as this report recommends that only the Allied Mills and adjacent lands be rezoned for industrial purposes. - Issues relating to access and the relationship of the Picton Road will be further investigated at the Local Environmental Study stage.
10. Trim 3751#83	- Any study to rezone land should include land along Menangle Road to Douglas Park. - The land has access to existing infrastructure and there are natural features which can be used as a buffer zone. - Request to rezone additional land.	- This land is not recommended for rezoning. - The investigation which has been undertaken has included consideration of land extending from the eastern boundary of urban development in Picton to the west, north along Menangle Road and east to the Hume Highway. - Land to the north of Picton Road is not recommended for inclusion in the industrial zone.

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Trim Reference	Issues Raised	Comments on Submission
11. Trim 3751#85	- Rezoning for employment generating uses in Maldon is supported. - Boral has been established in Maldon since 1948 and requires compatible adjacent development. Any proposed rezonings must ensure current landuses in the area are not compromised.	- The Maldon Industrial Lands Investigation was undertaken to allow for a coordinated approach to rezoning proposals within Maldon. - Specific landuses have not yet been defined for the land to be rezoned.
	- Proposed land uses must take into account existing air quality and emission levels. To promote compatibility any new industrial rezoning must not allow dust or noise sensitive landuses; that would typically rely on air quality criteria more stringent than currently applied. - There is a need to accurately establish the future capacity of the Hume Highway/Picton Road interchange and an upgraded Picton Road, as well as timing and funding for such projects. - A signalised access is proposed midway between the Nepean River crossing and Main Southern Railway crossing. The design of this intersection and its relationship to the Walker rezoning is an important consideration in the rezoning applications. - Additional traffic associated with the Walsh/Safetli proposal will have an immediate impact on the Maldon Bridge Road. The rezoning application should be amended to include a greater level of traffic impact assessment. - A Traffic Management and Accessibility Plan and comprehensive masterplanning exercise should be prepared to allow a comprehensive assessment of traffic impacts and planning impacts.	- Compatibility issues based on landuse can be addressed as a section 79C matter at the development application stage. Restrictions on emissions in this locality are not considered appropriate for inclusion within an LEP. - The Walsh/Safetli land is not included within the recommended land to be rezoned and hence there will be no additional impact on Maldon Bridge Road. - It is agreed that there is a need for a comprehensive approach to traffic management and infrastructure provision, with the Local Environmental Study to address this in further detail.
12. Trim 3751#42	- Council's "Rural Living" slogan is not consistent with large industrial developments. - The area for rezoning is the visual gateway to Picton. Industrial developments will present a poor image to tourists. - Industrial development will increase noise, air and environmental pollution, will affect native habitats and will affect people's health. - Storage of industrial materials, waste and bi-products will pose a significant risk of pollution, particularly when transported. - Development will be in close proximity to and threatens the health of the Nepean River. - Development will result in increased traffic congestion. Questions how road upgrades will be funded. - The extension of industry to promote job growth will result in "lifestyle" residents leaving the area for greener pastures.	- The Maldon locality has already been visually impacted by industrial development. - The Maldon Lands Investigation has considered visual issues, with a recommendation that additional industrial lands be concentrated around existing industrial development to minimise potential impacts. - Development adjacent to the township of Picton and to the north/east of Picton Road is not recommended for rezoning to retain the rural character and green buffer between Maldon and Picton. - Whilst it is acknowledged that many new industries do not require a high level of specialist staff, the encouragement of an expanded skill set and workforce to the area will provide some level of reduction in commuting.
13. Trim 3751#94	- Opposes the three proposed rezonings as the applications are trying to change the rules at ratepayers expense. - Questions whether in 20 years will Wollondilly be an industrial town or a beautiful place to live. - Jobs are important but employment opportunities exist within community distance.	Issues relating to the maintenance of the rural character and impacts on the Nepean River and the need for local jobs have been considered in the assessment of the rezoning applications.

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Trim Reference	Issues Raised	Comments on Submission
14. Trim 3751#84 & #86	- Objects to the rezoning as it will be detrimental to rural living. - Concern is raised regarding the nature of industry which is proposed and potential pollution impacts. - Development may result in a loss of native habitat. - Potential additional traffic impacts on Menangle Road. - The rezoning will result in people not being able to afford to live in the area due to rate increases.	- There should be no additional impacts on Menangle Road if rezoning is limited to the sites as recommended. - Environmental management zones will be provided to protect sensitive areas. - This report recommends that Council incorporate a general industrial zone which does not allow for offensive or hazardous industries, to reduce potential impacts on adjacent residents.
15. Part of Trim 3751#52	- Opposes the rezoning of the Walsh property, as it does not meet the objectives of the Tharwal LALC; does not have access through their property; will increase traffic pressures; and is in the Picton precinct (not Maldon) - Opposes the Walsh and Safetli rezoning as it is in two different precincts and the traffic/interchange plan is flawed. - With regard to the three rezoning applications there is a need for broader consultation as to impacts on pathway into Picton, which will impact on the aesthetic value and will increase traffic hazards. - The Tharwal LALC supports the submission Trim 3751#52.	- The Walsh/Safetli land is not supported for rezoning. - Further consultation and more detailed investigations of potential impacts regarding the rezoning of the Allied Mills site and adjoining lands will occur during preparation of the draft LEP and LES.
16. Part of Trim 3751#52	- Complaint regarding the manner in which Council has dealt with the Walsh/Safetli application as it is noted that the application should have been dealt with separately to the Walker and Allied Mills application. This grouping does not provide a fair and transparent planning approach. Council has implied similarities between the proposals in its letter to residents. - The Planning report which accompanied the applications is inaccurate and should have been checked by Council before placing on public exhibition. - The proposed rezoning of the Walsh/Safetli land is opportunistic and is on land which Council has for many years indicated would act as a buffer. - A Residents Against the Industrial development of Picton (RAIDOP) action group has been established and intends to take action against the proposal. - Residents have been denied full and proper opportunity to lodge a submission by the accuracy of the application and the location of the site within Picton, not Maldon. - Requests that Council rectify errors and amend closing date for submission. - The report identified a number of errors within the Planning Report accompanying the rezoning application. - The rezoning of this land will set a precedent for industrial rezoning within the Picton boundaries and will not be compatible with adjacent development.	- The Maldon Industrial Lands Investigation considered Maldon both in a comprehensive manner and also considered the environmental, visual and infrastructure issues associated with each independent rezoning application. - The Walsh Safetli land is not supported for rezoning due to the potential impact of this development on the visual catchment of Picton and its level of visibility. It is agreed that the buffer between Picton and Maldon should be maintained. - Council's policy provides for notification of a rezoning application prior to its formal exhibition. Council's policy facilitates notification in addition to that required by the Environmental Planning and Assessment Act, to allow residents greater opportunity to comment on the applications. - It is considered that the level of information is adequate to provide residents with an opportunity to initial comment, with a second opportunity available for comment once the Local Environmental Study has been prepared.

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Trim Reference	Issues Raised	Comments on Submission
17. Trim 3751# 53 & # 45	- Objects to the Walsh/Safetli application as it considers that the Planning report is not sufficiently accurate to enable assessment of the application and to meet the standards of Council. - The site is not located in Maldon as stated in the report but is on the edge of Picton and is mostly within the boundaries of Picton. - The three rezoning applications should not have been considered together as it implies they are in the same geographical location and that they have similarities. - Council has ignored varying public interest issues. - The letter raises a number of inaccuracies within the Planning report prepared by Pascoe Planning Solutions including the capacity to utilise a right of carriageway; potential bushfire hazards; safety of proposed access to Picton Road which is an identified Black Spot; and the feasibility of tunnelling through the railway embankment. - Strongly objects to the rezonings as his land is directly adjacent to the development and he will be most affected. - The proposal is for a spot rezoning which will prejudice his future ability to apply for a rezoning. It will reduce the value of his property. - His property has a 600m frontage to Picton Road and he would like to establish a tea garden and nursery in the future and request that his land be considered in light of this proposal and the industrial rezonings.	- The proximity of this site to the boundaries of the urban area of Picton has been recognised and was a factor in the investigation recommending that this site not be rezoned for industrial purposes. - The applications are not considered to be "spot rezonings" as Council has sought to assess the future of the Maldon locality in a comprehensive and strategic manner (see Maldon Industrial Lands Investigation), rather than considering individual rezonings in isolation. - Future applications for uses such as gardens and nurseries would need to be considered on their merits upon submission of more detailed development application documentation and are not immediately relevant to the current investigation.
18 Trim 3751#57	- The flour mill and cement works have taken the rural aspect away. - Questions whether Wollondilly is meant to be 'Rural Living' or 'Industrial Living' - Will increase noise, air and environmental pollution. - Concerned about children who suffer from asthma. - Concerns regarding native animals being displaced and pollution entering river. - There will be additional trucks travelling along the Picton Road.	- This report recommends only rezoning of the Allied Mills site and adjoining land, cluster development around the existing industrial land uses. - Environmental management zones will be provided adjacent to the river to minimise potential runoff and to preserve tracts of native vegetation and habitat. - Offensive or hazardous industries will not be permitted in this location and future operation of industries will be required to comply with relevant legislation to minimise impacts on adjacent residents and control pollution.

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 17 March 2008

ATTACHMENT 2
Trim 3751#112
17 MARCH 2008

**Planning and
Economy**

Trim Reference	Issues Raised	Comments on Submission
19. Trim 3751#58	- Complaint regarding the manner in which Council has dealt with the Walsh/Safetli application as it is noted that the application should have been dealt with separately to the Walker and Allied Mills application. This grouping does not provide a fair and transparent planning approach. Council has implied similarities between the proposals in its letter to residents. - The Planning report which accompanied the applications is inaccurate and should have been checked by Council before placing on public exhibition. - The proposed rezoning of the Walsh/Safetli land is opportunistic and is on land which Council has for many years indicated would act as a buffer. - A Residents Against the Industrial development of Picton (RAIDOP) action group has been established and intends to take action against the proposal. - Residents have been denied full and proper opportunity to lodge a submission by the accuracy of the application and the location of the site within Picton, not Maldon. - Requests that Council rectify errors and amend closing date for submission. - The report identified a number of errors within the Planning Report accompanying the rezoning application. - The rezoning of this land will set a precedent of industrial rezoning within the Picton boundaries and will not be compatible with adjacent development. - The errors in the application by Pascoe Planning Solutions cause the application to fail and it should be refused by Council. - Inappropriate rezoning due to noise, aspect, outlook, traffic and unacceptable change to the rural landscape at the edge of Picton. - Represents a loss of the "buffer" to Picton and precedent for industrial sprawl. - Inadequate arrangements for access and egress.	- The Maldon Industrial Lands Investigation considered Maldon both in a comprehensive manner and also considered the environmental, visual and infrastructure issues associated with each independent rezoning application. - The Walsh Safetli land is not supported for rezoning due to the potential impact of this development on the visual catchment of Picton and its level of visibility. - Council's policy provides for notification of a rezoning application prior to its formal exhibition. Council's policy facilitates notification in addition to that required by the Environmental Planning and Assessment Act, to allow residents greater opportunity to comment on the applications. - It is considered that the level of information is adequate to provide residents with an opportunity to initial comment, with a second opportunity available for comment once the Local Environmental Study has been prepared.
20. Trim 3751#60	- Council is aware of existing landuses throughout the Shire which already impact on adjacent rural residential properties. - This results in limitations being placed on future uses of such rural residential properties eg. Wonga Road. - Understands that Council is currently preparing a draft Economic Strategy and a draft shire wide LEP which could identify additional industrial lands without the need for the Maldon land. - The rezoning applications propose to "lock up" valuable agricultural land, alter the rural character of the gateway to Picton and segregate industrial land. - Size and location of new development should not be considered until the community and Council adopt the Economic Development Study and existing industrial/commercial areas are consolidated. - Landowners need to be assured of future zonings. - Address rural land use conflict.	- Council's draft shire wide LEP has not identified additional industrial land, but will be informed by the Maldon Industrial Land Investigations. - This report confirms the suitability of Maldon to provide additional industrial land however recommends that the extent of land to be rezoned be limited to allow for topographical and visual constraints. - Buffers can be provided to minimise rural land use conflicts if the rezoning is limited to the land area recommended in this report.

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Trim Reference	Issues Raised	Comments on Submission
21. Trim 3751#63	- Has concerns regarding the type of light industry which can take place and the possibility that if development is approved there is potential for an amendment to consent. - Seeks advice on potential future development.	- At this stage there is no information available as to the exact industry which would locate in this area. - Future development applications would be assessed on their merits in accordance with section 79C.
22. Trim 3751#64	- Concerned about the availability of information and the Walsh/Safetli application. - The only part of the application which makes sense is the parkland and water quality pond. - There is no information available in the Walker Properties application. - Suggests that Wollondilly should be kept rural.	- The Walsh Safetli land is not supported for rezoning due to the potential impact of this development on the visual catchment of Picton and its level of visibility. - The Walker rezoning was accompanied by a comprehensive Planning report and subconsultants reports, a copy of which was available during the notification period.
23. Trim 3751#65	- Objects to the rezoning of the Walsh/Safetli land. Picton should remain a rural community and area. - The land could be rezoned in the future to heavy industrial. - The development will increase traffic flows and result in deterioration of road quality. - Council should encourage green sustainable industries in other areas should as Bridge Street	- Bridge Street does not have sufficient available industrial land to service the needs of the region. - The concentration of industrial development around the existing mill and cement works, will assist in maintaining the rural character of Picton and the current buffer which is provided. - Issues relating to road and infrastructure upgrades will be further investigated at the Local Environmental Study stage.
24. Trim 3751#66	- Council did not consider the impact of the flour mill on local communities and tourist travelling on the railway line. - The argument that industrial generates jobs has weakened with automation. Tourism, which does generate jobs will suffer. - Is not against industrial development per se but there are serious issues with the proposals. - Questions whether the rezoning is for heavy or light industrial purposes. - Questions whether the proposals will affect Picton's heritage. - There will be possible chemical pollutions and noise pollution. - Picton Rd is already notorious for traffic accidents and a by pass is needed.	- It is acknowledged that the number of jobs created per hectare is likely to be reduced from that which has historically been evident due to automation. However, additional industrial development in Wollondilly has the potential to result in a level of job creation and a reduction in commuting. - It has been recommended that a general industrial zone be provided in this location, to exclude potentially non-compatible heavy industries. - Traffic issues will be addressed comprehensively at the Local Environmental Study stage.
25. Trim 3751#67	- Supports the submission by the McCombies - The motivation for buying a home in the area was due to the issues expressed in Council's Vision. - They are opposed to the valley becoming an industrial zone, both as an eyesore for Picton and for miles around.	This report recommends that additional industrial land be concentrated around existing industrial developments to minimize the visual impact and reduce the potential for encroachment into rural areas and buffers and reduce the impact on rural view.

Planning and Economy

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Trim Reference	Issues Raised	Comments on Submission
26. Trim 3751#68 & #62	- The focus of their bed and breakfast was to take advantage of the rural landscape. 79% of their visitors are from metro areas looking for an escape to a relaxing rural location. - Questions why the flour mill was allowed to impact upon views of their visitors. - If the developments are allowed to proceed visitors will stop coming to the B&B. - The rezonings are inconsistent with the Wollondilly Vision. - The value of their property would plummet with the rezonings. The only way to salvage their property would be to subdivide. - They would be left with an overcapitalised property after spending \$60,000 on a substation for the B&B.	- Concerns regarding the visual impact of development are noted and have influenced the recommendations of the Council report. - In considering this impact it was evident that the Walsh/Safetli property to the west of the cement works would have the greatest impact on views from ridgelines to the west. The Allied Mills land is predominantly located to the east of, and clustered around, existing industrial development and hence will be partially screened when viewed from this site and adjacent properties.
27. Trim 3751#59	- Opposition to the Walsh/Safetli proposal was widespread and across the spectrum of businesses and residents. - Deep concern regarding the loss of the final parcel of rural land between Maldon and Picton. - Worry that industrial land would encroach on Picton. - Surprised that Council has not brought the proposal to wider public attention and will dramatically alter the character of the gateway to Picton. - Bewilderment that Council could consider development which will access a dangerous section of Picton Road.	The Walsh Safetli land is not supported for rezoning due to the potential impact of this development on the visual catchment of Picton, its level of visibility and the degree to which the land is constrained.
28. Trim 3651#61 & #54	- Complaint regarding the manner in which Council has dealt with the Walsh/Safetli application as it is noted that the application should have been dealt with separately to the Walker and Allied Mills application. This grouping does not provide a fair and transparent planning approach. Council has implied similarities between the proposals in its letter to residents. - The Planning report which accompanied the applications is inaccurate and should have been checked by Council before placing on public exhibition. - The proposed rezoning of the Walsh/Safetli land is opportunistic and is on land which Council has for many years indicated would act as a buffer. - A Residents Against the Industrial development of Picton (RAIDOP) action group has been established and intends to take action against the proposal. - Residents have been denied full and proper opportunity to lodge a submission by the accuracy of the application and the location of the site within Picton, not Maldon. - Requests that Council rectify errors and amend closing date for submission. - The report identified a number of errors within the Planning Report accompanying the rezoning application. - The rezoning of this land will set a precedent of industrial rezoning within the Picton boundaries and will not be compatible with adjacent development.	- The Maldon Industrial Lands Investigation (tabled separately) considered Maldon both in a comprehensive manner and also considered the environmental, visual and infrastructure issues associated with each independent rezoning application. - The Walsh Safetli land is not supported for rezoning due to the potential impact of this development on the visual catchment of Picton and its level of visibility. - Council's policy provides for notification of a rezoning application prior to its formal exhibition. Council's policy facilitates notification in addition to that required by the Environmental Planning and Assessment Act, to allow residents greater opportunity to comment on the applications. - It is considered that the level of information is adequate to provide residents with an opportunity to initial comment, with a second opportunity available for comment once the Local Environmental Study has been prepared. - Other matters raised in this submission have been addressed in a separate response.

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ATTACHMENT 2
Trim 3751#112
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Trim Reference	Issues Raised	Comments on Submission
29. Trim 3751#34	- Strongly objects to the rezoning proposals. - The visions of protection of native flora and fauna, protection of waterways and the rural environment would be directly affected. - The present industrial zone has already led to the present road which does not enhance the rural character but contributes to noise and air pollution. - The flour mill silos do not blend into the landscape. - Approving the applications would open up a vast area along the main road entry into Picton destroying rural character. - Further industrialisation will lead to pollution.	- In addition to protecting rural character the Wollondilly Vision also seeks to reduce the level of commuting outside the Shire which can only be achieved by providing additional employment uses. The provision of additional industrial development at Maldon is supported by regional and metropolitan policies. - It has been recommended that future industrial lands be limited to development adjacent to existing industrial lands to the south of Picton Road, to provide physical boundaries to the extent of future development and retain areas of vegetation and provide buffers to watercourses.
30. Trim 3751#37	- Know Council is unable to afford to fight this in the Land and Environment Court so voice their concerns. - Wants to know where they stand with potential subdivision of their land given that their property will be devalued by industrial development. - Want recycled water from the sewerage works to be used for this development, not town water. - Request that there not be cemetery or religious activity on the land and stringent air/noise pollution controls be applied. - Require infrastructure to be in place before development is approved. - Recommend road and rail bypass be combined and the current rail yards in Picton be moved to the industrial area.	- Further investigations will focus on servicing availability and infrastructure provision to ensure that the required level of services are in place. - Controls will be applied to any future development to address air/noise emissions to minimise potential impacts on surrounding residents. - The Local Environmental Study will also investigate potential transport links, however the feasibility of the Picton Bypass is a separate matter to the rezoning. - Further landuses will be required to address the permissible uses under draft Wollondilly Local Environmental Plan 2008, with consideration of permissible future uses on a merits based approach.
31. Trim 3751#39	- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment sets a benchmark for development of land adjacent to this important riverine environment. A setback of 100m should be provided on these sites consistent with the requirements of the REP. - The Nepean Gorge acts as a funnel for bushfires and hence asset protection zones should be in the order of 60metres, in addition to the riparian buffer. - The NSW State Rivers and Estuaries Policy should be a reference document for these applications. - Does not comply with the principles of ecologically sustainable development. - More appropriate land for rezoning is located along Menangle Road and Picton Road, which has similar rail access and does not have riverine frontage. - Council should look further afield than Maldon. - The principles contained in the Drinking water Catchment REP should be applied to this proposal. - Rezoning this land for industrial purposes is absurd and not based on merit.	- The concerns regarding environmental protection issues are noted and will be further addressed in the local environmental study stage, to ensure that appropriate buffers and safeguards are in place. - The Walsh/Safetti and Walker rezoning proposals which have the greatest boundary length to the Nepean River, and hence the greatest environmental implications are not recommended for rezoning for industrial purposes.

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Trim Reference	Issues Raised	Comments on Submission
32. Trim 3751#40	- Nepean River is an important corridor for its ecology and biodiversity – threats of pollution - There have been numerous sitings of the rare <i>brush tail rock wallaby</i> and also <i>krates</i> - About 25% of native trees in this rare are long-lived and rare. - Existing industrial areas in Picton are more suitable for this type of development. - Increase in road and rail traffic – roads are already overstretched. - Few rivers in the world have more interesting scenery than the Nepean	- Environmental management zones will provide buffers to riparian corridors and will also allow for protection of native flore and fauna. - A comprehensive flora/fauna assessment will be required as a component of the Local Environmental Study.
33. Trim 3751#43	- Objects in principle to the rezoning and the lack of time to review and discuss the exhibition documentation. - Concerns include: - Protection of river, landscape and bushland - Pollution - Wildlife corridor - Building setbacks from the river - Use of water from the river - Landscape screening - Requests for more community consultation.	- The extent of land to be rezoned adjacent to the Nepean River will be limited to the Allied Mills land, with substantial riparian buffers to be provided to retain natural bushland and wildlife corridors. - Consideration can be given to increased landscape screening within guidelines contained in a development control plan. - All potential impacts are to be examined in detail with a Local Environmental Study. - There will be further community consultation with the preparation of a draft Local Environmental Plan.
34. Trim 3751#46	- The Walker application is the only application with sufficient detail to allow comment. - The Walker site has good rail access but is lacking in road access to Picton Road. - The proximity of the all sites to the Nepean River would require extraordinary attention to ensure there are no detrimental environmental impacts. - There is a considerable amount of land in the vicinity that has potential for industrial use between the M5 and Maldon, which already has infrastructure. This land is already been impacted by the cement works and mill and it is logical this be contemplated by Council.	- It is agreed that more detailed investigations will be required to accompany the Local Environmental Study. - The Allied Mills site has greater merit for rezoning due to its proximity to land which has already been impacted by existing industrial development.

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ATTACHMENT 2
Trim 3751#112
17 MARCH 2008

**Planning and
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Trim Reference	Issues Raised	Comments on Submission
35. Trim 3751#48 & #47	- Complaint regarding the manner in which Council has dealt with the Walsh/Safetli application as it is noted that the application should have been dealt with separately to the Walker and Allied land application. This grouping does not provide a fair and transparent planning approach. Council has implied similarities between the proposals in its letter to residents. - The Planning report which accompanied the applications is inaccurate and should have been checked by Council before placing on public exhibition. - The proposed rezoning of the Walsh/Safetli land is opportunistic and is on land which Council has for many years indicated would act as a buffer. - A Residents Against the Industrial development of Picton (RAIDOP) action group has been established and intends to take action against the proposal. - Residents have been denied full and proper opportunity to lodge a submission by the accuracy of the application and the location of the site within Picton, not Maldon. - Requests that Council rectify errors and amend closing date for submission. - The report identified a number of errors within the Planning Report accompanying the rezoning application. - The rezoning of this land will set a precedent of industrial rezoning within the Picton boundaries and will not be compatible with adjacent development. - The errors in the application by Pascoe Planning Solutions cause the application to fail and it should be refused by Council. - Inappropriate rezoning due to noise, aspect, outlook, traffic and unacceptable change to the rural landscape at the edge of Picton. - Represents a loss of the "buffer" to Picton and precedent for industrial sprawl. - Inadequate arrangements for access and egress.	- The Maldon Industrial Lands Investigation considered Maldon both in a comprehensive manner and also considered the environmental, visual and infrastructure issues associated with each independent rezoning application. - The Walsh Safetli land is not supported for rezoning due to the potential impact of this development on the visual catchment of Picton and its level of visibility. - Council's policy provides for notification of a rezoning application prior to its formal exhibition. Council's policy facilitates notification in addition to that required by the Environmental Planning and Assessment Act, to allow residents greater opportunity to comment on the applications. - It is considered that the level of information is adequate to provide residents with an opportunity to initial comment, with a second opportunity available for comment once the Local Environmental Study has been prepared.
36. Trim 3751#89	- Object to rezoning. - Request to include land in rezoning due to detrimental impacts of living near industrial land uses. - Noise pollution. - Increased traffic especially heavy vehicles. - Detrimental to views. - Detrimental to rural character.	- The land is not recommended for rezoning. - Potential impacts of traffic, pollution, views, landscape and nearby rural properties will be investigated in detail with the Local Environmental Study.
37. Trim 3751#8	Support industrial rezoning.	No comment required.

WOLLONDILLY SHIRE COUNCIL

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held on Monday 17 March 2008

ATTACHMENT 3
Item 3752/115
17 MARCH 2008

A copy of the TCG report (including Industrial Lands Assessment Criteria)
dated 22 February 2008 will be tabled at the Council Meeting to be held 17
March 2008 and is available as a separate document on request.

Planning and
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