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Mr Peter Goth Regional Director Sydney West Department of Planning	Department of Planning Received 3 0 NOV 2011
Locked Bag 5020 PARRAMATTA NSW 2124	Scanning Room
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29 November 2011

PLANNING PROPOSAL FOR MALDON EMPLOYMENT GENERATING LANDS (DRAFT AMENDMENT 3)

Dear Mr Goth,

At the Ordinary Council meeting held on 17 March 2008 Wollondilly Shire Council resolved to prepare a draft amendment to rezone rural land at Maldon for employment generating purposes. Reference is made to your letter dated 22 December 2010 (Ref. 10/22436) which advised that this draft amendment (previously number 75 under Wollondilly LEP 1991) could be submitted to the Director General under the new provisions of the *Environmental Planning and Assessment Act 1979 (EP&A Act).*

Wollondilly Shire Council requests a Gateway determination of this planning proposal under section 56 of the *EP&A Act*. Please find attached a copy of the Planning Proposal and a CD of the specialist studies that were prepared based on consultation undertaken with government authorities in accordance with the now repealed Section 62 of the Act. The March 2008 report to Council and resolution is also enclosed.

The attached planning proposal has been prepared in accordance with section 55 of the *EP&A Act* and the Department of Planning's 'A guide to preparing a planning proposal' and 'A guide to preparing local environmental plans'.

For further enquiries in relation to this matter, please contact Kitty Carter on (02) 4677 8230 or email kitty.carter@wollondilly.nsw.gov.au

Yours faithfully,

Peter Wright

STRATEGIC PLANNING MANAGER Encl.

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PLANNING PROPOSAL AMENDMENT X TO WOLLONDILLY LEP 2011

REZONING OF LAND FRONTING PICTON ROAD IN THE LOCALITY OF MALDON TO ALLOW FOR EMPLOYMENT GENERATING USES AND ENVIRONMENTAL CONSERVATION.

Part 1 – Objectives or Intended Outcomes

- To enable the development of land fronting Picton Road in the locality of Maldon for employment generating uses.
- To enable the conservation of environmentally significant land.

The site comprises three separate areas as outlined in red on Map 1 below: Map 1.



Table 1 provides details of the properties within each Area.

Table 1				
ADDRESS	AREA (HA)	MAIN USES	PROPOSED	
Area 1				
200 Picton Road 2//818975	3.188	Go Kart Track		
240 Picton Road 1//732582	2.615	Earthmoving establishment for road reconstruction.		
250 Picton Road 2//732582	2.427	Vacant - agistment	- -	
270 Picton Road 1//105348	1.0460	Integral Energy Sub- station		
290 Picton Road 3//732582	5.230	Rural residential		
300 Picton Road 31//731012	2.835	Rural residential – commercial vehicle and plant maintenance.		
AREA 2				
390-400 Picton Road 30 & 31 //826690	8.943	Rural Residential	Proposed waste recycling facility.	
AREA 3				
330 Picton Road (Part) 1//1128013	87 ha subject to rezoning.	Vacant Land	-	



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Part 2 – Explanation of the Provisions

Amend the Wollondilly LEP 2011 by adding the IN1 General Industrial zone to the land use table with the following attributes:

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To ensure new development is sustainable and will not impact on land with high biodiversity value

To maintain the efficient operation of the regional and local road network.

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Freight transport facilities; General industries; Industrial training facilities; Kiosks, Light industries; Neighbourhood shops; Roads; Storage Premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air Transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat sheds; Camping Grounds; Caravan Parks; Cemeteries; Crematoriums; Charter and tourism boating facilities; Child care centres; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Function Centres; Hazardous industry; Heavy industrial storage establishment; Health services facilities; Highway service centres; Home occupations (sex services); Information and education facilities; Mortuaries; Offensive storage establishments; Places of public worship; Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Retail premises; Schools; Sex services premises; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Wharf or boating facilities; Wholesale supplies

- Amend the Wollondilly LEP 2011 Land Zoning Map in accordance with the proposed zoning map shown in Attachment 1; and
- Amend the Wollondilly LEP 2011 <u>Natural Resources Biodiversity Map</u> in accordance with the proposed map shown in Attachment 1;
- Amend the Wollondilly LEP 2011 <u>Natural Resources Water Map</u> in accordance with the proposed map shown in Attachment 1.



Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The subject land is identified in two strategic studies undertaken by Wollondilly Shire Council:

- The *Maldon Industrial Lands Investigation* (March 2008) determined that the subject land is suitable for industrial development;
- The Wollondilly Growth Management Strategy 2011 identifies the subject land as a draft industrial rezoning, reflecting Council's resolution to commence the rezoning process.
- 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that amending the Wollondilly LEP 2011 is the best means for achieving the objectives of the planning proposal. The subject site is currently zoned RU2 Rural Landscape under Wollondilly Local Environmental Plan 2011.

The current zoning prevents the development of the subject site achieving the intended objective of the planning proposal, namely to permit employment generating uses and environmental conservation. The subject site adjoins industrial land and is strategically located in terms of regional transport infrastructure with major transport routes including Picton Road with linkages to major industrial nodes such as Port Kembla and nearby South Western Freeway (Hume Highway) providing a direct route to metropolitan destinations north and south to Melbourne.

The Main Southern Railway forms one of the site boundaries and will have a junction with the proposed Maldon-Dombarton railway which would be located nearby. The railway is currently used as a freight route by existing industries in Maldon which are connected via sidings to this line.

Part of the site is also located adjacent to the Nepean River and contains a large portion of native vegetation comprising ecologically endangered communities which are proposed to be conserved. In addition land with potentially valuable archaeological heritage has been identified for further investigation and conservation if necessary.

3. Will the net community benefit outweigh the cost of implementing and administering the planning proposal?

The community will benefit from the addition of land suitable for development for employment generating purposes.

- There is potential to provide additional employment opportunities for workers within the Wollondilly Shire as a high proportion of workers currently travel outside the Shire to work.
- The Maldon location provides industries with opportunities for convenient access to other regions and interstate via the nearby South Western Freeway and the Main Southern railway line.
- The proposed rezoning will conserve a major area of native vegetation containing threatened species and endangered ecological communities around the Nepean River and its tributaries.
- Land of high archaeological heritage value will be conserved.
- Minimal additional water and sewer infrastructure is proposed with the aim being to ensure industries are sustainable and will not impact on the endangered ecological communities.
- Picton Road is able to cater for additional traffic generation but would require upgrading to a dual carriageway by 2036.



- Upgrading of intersections will be required in the short term and longer term to cater for the additional traffic generated.
- A railway bridge connecting Area 3 to Picton Road via an internal roadway over the railway line would be privately funded by developers of the site.
- A road bridge may also be required over Carriage Creek within Area 1 and would be privately funded by developers.

A detailed assessment of the net community benefit is attached as Appendix One.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Metropolitan Strategy and each of its draft South West Subregional Strategy consist of seven subject areas, or strategies. Each of these strategies consists of a series of actions pertaining to the following fields:

- A Economy and Employment
- B Centres and Corridors
- C Housing
- D Transport
- E Environment, Heritage and Resources
- F Parks, Public Places and Culture
- G Implementation and Governance

The proposed rezoning generally accords with each of the relevant strategies applicable being A, D, E, F and G and its compatibility with these has been explored in more detail below.

A. Economy and Employment Strategy –

The employment capacity target to 2031 for extra jobs in the South West Subregion is 89,000 with Wollondilly nominated for 2000 of those.

The Maldon industrial area has been identified as a precinct of 'Employment Lands' having strategic importance, its main advantages being that it is located away from residential areas and has good road and rail access. The area is considered to have potential to accommodate *large 'regional' industries requiring large lots*.

The study site contains nine lots in three separate areas:

- Area 1 contains an electrical substation which is not suitable for further development and five smaller lots ranging in size from 2 – 5 hectares.
- Area 2 contains two lots in one ownership with a combined area of almost 9 hectares.
- Area 3 is a portion of a larger lot and contains 87 hectares but only around 25-30 hectares is suitable for zoning to industrial and the remainder is proposed to be zoned for environmental conservation purposes.

The proposal accords with the Economy and Employment strategy and over time is likely to contribute to the target of an additional 2000 additional jobs in the Wollondilly LGA.



E. Environment, Heritage and Resources Strategy -

A key challenge for the South West Subregion is to manage and accommodate urban development while protecting the valuable environmental, resource and cultural heritage assets. This can be achieved through sustainable growth by restricting the urban and environmental footprint, reducing consumption of natural resources and reducing the environmental impacts of development.

The Nepean River and its tributaries form an important riverine corridor bordered by significant areas of ecologically endangered vegetation containing important habitat. These corridors are also culturally important containing significant archaeological heritage items and areas. Maintaining water quality and the aquatic ecology is also a major concern when considering proposals for developing land surrounding these corridors.

Landscape and Biodiversity

A Cultural and Scenic Landscape Assessment was undertaken. The assessment found that the existing major industrial developments in Maldon (flour mill and cement works) are of a scale which has impacted significantly on the scenic landscape. According to this study *scale and clustering* will be important factors for further limiting the impact on the landscape and the study recommends:

- Smaller scale construction which is more suited to light industrial uses such as warehousing and distribution rather than additional large scale heavy industrial uses.
- Maintaining existing vegetation to protect the scenic quality of the Nepean and Carriage Creek riparian corridors and limiting construction to existing cleared areas.
- Landscaping buffers already required under Wollondilly DCP 2011 are supported and an additional buffer is proposed along the Main Southern Railway to soften any future industrial development.

A Flora and Fauna study identified endangered ecological communities and potential habitats. The proposal will conserve around 60 hectares of high quality Shale Sandstone Transition Forest and Western Sandstone Gully Forest around the Nepean River and Carriage Creek, a minor tributary. It is proposed to retain this forested land in one landholding to ensure the land is not fragmented and to provide a more effective habitat corridor. Revegetation of a portion of Carriage Creek on the northern side of the main southern railway line will also be a requirement of any future development of the surrounding land.

<u>Waterways</u>

Development of the site will also need to have regard to Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No.2 – 1997) ('SREP 20') which integrates planning with catchment management to protect the river system. Preliminary studies in stormwater modelling and management in respect of the proposal indicate that future development will accord with the principles of SREP 20.

Formalising the riparian corridor into an environmental conservation zone will in turn assist in maintaining groundwater sources and the health and condition of the Nepean River/ Carriage Creek and broader catchment.

Rural and Resource Lands and Heritage

In terms of the aims and principles for 'rural and resource lands' and 'heritage' the proposal is considered to accord with the subregional strategy.



Specifically, agriculture has been acknowledged as an extremely important activity in the South West Subregion since European settlement and has an important cultural heritage and identity. Wollondilly Shire in particular has been identified as maintaining a predominantly rural character containing many heritage items associated with agriculture.

A number of the smaller lots in Area 1 are currently used for semi-industrial and recreation activities. Two lots in Area 2 are proposed to be used for a waste recycling facility. The largest site, Area 3, has average quality grazing land but is restricted in its agricultural use because of the adjoining flour mill on the same lot. Flour manufacture is strictly controlled to maintain purity and many agricultural uses may generate potential airborne contaminants. The site is surrounded by industrial land, rural residential properties and intensive poultry farms.

The cultural assessment of Aboriginal and European Heritage for the site determined that there are no additional items of Aboriginal heritage other than one previously identified. No items of European heritage were identified. The heritage study delineated areas of high, medium and low probability of containing aboriginal archaeological heritage for further investigation at development stage. The areas of high probability and the item of aboriginal heritage previously identified are proposed to be included within an environmental conservation zone. Further archaeological investigation can be undertaken prior to any additional development in areas of high and moderate heritage value.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Wollondilly Council Strategic Plan

This site and most land surrounding to the north, east and west is zoned RU2 - Rural Landscape. Land adjoining properties on the southern side of Picton Road is zoned IN3 – Heavy Industrial. This proposal will consolidate industrial development on the southern side of Picton Road and allow for the conservation of an endangered ecological community.

The planning proposal is consistent with Council's Community Strategic Plan and particularly the following actions:

Economy

EO-2 Employment-generating industries that are both more effective in strengthening Wollondilly's economy and more environmentally friendly

Environment

EO-1 The Shire's natural environment is protected and conserved

EO-2 The impact of existing and new development on the environment is reduced

Wollondilly Growth Management Strategy 2011

The *Wollondilly Growth Management Strategy* identifies the subject land as a draft industrial rezoning, reflecting Council's resolution to commence the rezoning process. The proposal is consistent with adjoining land uses zoned heavy industrial under WLEP 2011.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable State Environmental Planning Policies (see Appendix Two).



7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Section 117 Directions (see Appendix Three).

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal aims to conserve existing ecologically valuable native vegetation around the Nepean River and Carriage Creek by placing this land within an E2 Environmental Conservation Zone. Bushland along the Nepean River shall be included in one lot should the rezoning proceed and the land is subdivided, in order to prevent fragmentation of the land and to maintain habitat corridors. Water quality and water sensitive urban design measures are proposed to be incorporated into the DCP to reduce potential impact on the health of the bushland and the waterways.

The provision of defendable spaces and asset protection zones for bushfire management will ensure that the bushland area is not impacted by these measures. Groundwater resources will be protected by existing provisions of Wollondilly LEP 2011 which require assessment of the impact on groundwater of proposals for development. It should be noted that the proposed mining of the Bulli Seam is likely have a greater impact on surface and groundwater resources due to potential fracturing of aquifers and stream beds particularly in relation to Carriage Creek (Bulli Seam Operations Environmental Assessment, October 2009) than any future industrial development of the site.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Air Quality

There may be potential for odour and dust issues to arise from industrial development. An air quality review was undertaken for the site which indicates that there are no current issues with air quality and unlikely to be any in the future given Maldon's relatively isolated location from sensitive receptors such as schools, hospitals and nursing homes. In addition the hilly topography around the site and the prevailing winds will restrict the flow of any potential pollutants to surrounding rural and more distant urban areas. Another factor to consider with regard to air quality is in relation to the existing flour mill which requires air free from potential contaminants. Accordingly any future proposed employment generating land use will need to ensure that they can comply with the flour mill's air quality requirements. The air quality review has proposed a number of measures to minimise any potential dust and odour impacts particularly for rural residents on nearby properties.

Noise

There are a number of existing noise generators including industry, recreation facilities (go-kart track), major roads – Picton, Menangle and Maldon Bridge Road and the Main South Railway Line. The noise impact assessment studied the cumulative impacts from existing industrial uses, proposed industry, rail and road traffic. The assessment found that existing traffic noise on Picton Road exceeds recommended design criteria for an arterial road. The assessment provides cumulative noise emission limits calculated at each sensitive receiver and these are proposed to be used as a basis for assessing future developments at each location.



Industrial developments may need to incorporate noise attenuation and noise management procedures to maintain residential amenity particularly at night.

Flooding

An assessment of potential flood impact was undertaken and found that the majority of the site is not impacted. Some of Area 1 which contains the smaller properties fronting Picton Road are impacted by flooding along Carriage Creek which flows down from the hills to the north of the site under Picton Road and then down into the Nepean River. It should be noted that the Hydrology report found that flood safety was not an issue as access to and from the study areas would not be restricted and therefore evacuation procedures are not required.

The Hydrology study proposed engineering options for reducing the amount of land inundated by flooding including larger culverts and landfill. However the Flora and Fauna study identified Carriage Creek between the Main Southern Railway and Ploton Road as having high biodiversity value and the Cultural Heritage Study found it to have potentially high sensitivity in terms of archaeological heritage. Accordingly any engineered earthworks within the riparian corridor are not recommended and it would be preferable to revegetate the riparian areas. A culvert and bridge however may be necessary if an internal roadway is required to link properties either side of Carriage Creek. The Hydrology Study also recommended that development conditions be imposed to alleviate potential flooding impacts. Wollondilly DCP contains such controls for flood prone land and the study site affected by flooding can be identified as requiring assessment under these controls.

Bushfire

There is a significant bushfire threat impacting Area 3 adjoining the Nepean River and Carriage Creek. A bushfire protection assessment was undertaken and found that effective bushfire management measures could be undertaken. These measures are based around the Rural Fire Service guidelines in Planning for Bushfire Protection 2006, the Building Code of Australia and relevant Australian Standards. Bushfire management measures would be incorporated into controls for development of the site.

Water and Sewer

The site is currently outside Sydney Water's catchment boundaries for supply of reticulated water and sewer. Irrespective of this the nearest water supply zone Picton Reservoir currently has limited capacity for servicing the site. In terms of sewer the nearest Sewerage Treatment Plant at Picton does not have the capacity to service the site. Sydney Water has indicated that developer funded augmentation of water supply and sewage treatment would be required to cater for all industrial uses. It is understood that Sydney Water is developing plans for various options to provide additional water supply and sewage treatment capacity to their systems in the longer term.

It is proposed that any future development of the site be undertaken within the constraints imposed by water and sewer limitations in a similar way to the existing heavy industry surrounding the site which has been effectively developed within these constraints while having minimal impact on the surrounding natural environment. The flour mill is outside the Picton catchment boundary but developers of the site were able to provide a mains connection to the Picton Reservoir and this would provide some reticulated water to the site. This water supply is proposed to be supplemented by using stormwater harvesting and recycled water in addition to water sensitive urban design. Sewage treatment would use on-site wastewater management systems. DCP controls will ensure that



development is able to be sustainably developed in terms of the water and sewer constraints and in relation to the natural environment.

It is probable that there will be limited if any further subdivision of the site with the aim being to attract industries requiring larger land tracts but with low water needs. Industrial uses such as warehousing and storage and some types of food and cereal manufacture would be included amongst many other industries which could be suitably developed on this land at Maldon.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal will have a positive social and economic effect in the following way:

 Increasing the supply of employment generating land will provide additional employment opportunities

Widening the economic base will diversify and strengthen the local economy.

The site is located away from residential areas in Picton and Tahmoor and will therefore have limited impact on the major sections of the local population. Reports were undertaken to address the impact of additional traffic, noise, dust and odour on the rural residential population surrounding the site. Controls on development within the DCP will minimise any potential impacts.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal? Roads

There is sufficient capacity in the current two lanes on Picton Road west of the Nepean River to cater for traffic generated by future development until 2036 by which time widening to two lanes in each direction will be required.

- In the shorter term should industrial development proceed, the current priority intersection for Areas 2 & 3 and for Menangle Road would be required to be upgraded to "give-way" seagull intersections by 2016.
- Intersections within Area 1 are proposed to be consolidated from four to two access points and would be satisfactory with the existing give-way operation until 2036 by which time they would require "give-way" seagull intersections.
- The alternative for Area 1 is the provision of a rear access road via Maldon Bridge Road and an internal bridge across Cambridge Creek which is recommended for any further subdivision in this area.
- The intersection of Menangle Road and Picton Road would require a roundabout by 2036.
- A reduction in the current speed of 100km per hour on Picton Road down to 80km from Wilton Park Road is recommended by 2036.

The Hume Highway and Wilton Park Road intersections along Picton Road located outside the study area are currently being assessed by the RTA. Both these intersections perform unsatisfactorily with current configurations for 2016 and 2036 under all land use intensity scenarios. Further investigations would be required after the outcomes of the RTA studies are known to determine whether additional upgrading of these intersections additional to those determined by the RTA is required based on the potential development at Maldon.

Water and Sewer infrastructure

Currently the Maldon site falls outside the boundary for both water supply and sewerage and developer funded connection and augmentation would be required for many industrial uses. Sydney Water is investigating options for increasing both the



water and sewer capacity but these plans are relatively long term. Accordingly in the shorter term this planning proposal assumes that industrial development would be undertaken within the constraints of a limited water supply and through on-site wastewater management similar to current industrial development within Maldon. Further discussions will be held with Sydney Water to discuss planning for future infrastructure.

Other services

Other services such as electricity and telecommunication would be available to service the development.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation was undertaken in accordance with the provisions of Section 62 of the repealed LEP legislation. The views of organisations consulted with comments are attached in Appendix Four



Part 4 – Community Consultation

Council consulted with the community as part of the *Maldon Industrial Lands Investigation* which included land the subject of this planning proposal and additional land outside the subject site. A number of submissions were received in support of the rezoning mainly because it would augment the existing industrial development and would improve the level of local employment. Conversely those who objected raised issues with regard to protection of the rural landscape, protection of the Nepean River and bushland and the potential impact of additional traffic and pollution from industrial development.

The Maldon Industrial Lands Investigation was considered by Council at its meeting held on March 17 2008 at which the boundaries of the current site and a resolution to proceed to prepare a draft LEP for the site were adopted.

Council is proposing to exhibit this planning proposal and draft LEP amendments and consult with the community for a 28 day period in accordance with the requirements for community consultation outlined in 'A guide to preparing local environmental plans.

Additional criteria under 'A guide to preparing local environmental plans'

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The provisions of the proposal do not include the extinguishment of any interests in the land.

The concurrence of the landowner, where the land is not owned by the relevant planning authority

All landowners within the subject site are supportive of the proposed rezoning.

Maps – Attachment 1

Appendices

- 1. Net Community Benefit Test
- 2. Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).
- 3. Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act.
- 4. Table detailing Section 62 consultations with government organisations.



ATTACHMENT 1 – SITE MAP AND MAPS TO AMEND WOLLONDILLY LOCAL ENVIRONMENTAL PLAN 2011













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