

14 PLACE AND LANDSCAPE

14.1 DRAFT PLANNING PROPOSAL - MALDON BRIDGE ROAD, MALDON

File Number: 12275#497

Address: 40-45 Maldon Bridge Road and Staff Road, Maldon

Current Zoning: RU2 Rural Landscape

Proposal: To enable the expansion of employment land for heavy industrial development and environmental conservation at Maldon.

Applicant: Boral Cement Ltd

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of draft Planning Proposal for land at 40-45 Maldon Bridge Road and Staff Road, Maldon for Gateway Determination.

The draft proposal seeks to amend Wollondilly Local Environmental Plan 2011 (WLEP) and State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Western Parkland City SEPP) to enable the expansion of employment land adjacent to the existing Boral Cement and Quarries terminal facilities. It also seeks to establish an environmental conservation zone for the native vegetation areas and gully leading to Stonequarry Creek.

To achieve this, the draft proposal seeks to rezone the site from RU2 Rural Landscape to a combination of IN3 Heavy Industrial and C2 Environmental Conservation and amend the minimum lot size from 100 hectares to 4,000m² and 5,000m².

The draft proposal has been subject to preliminary consultation. In response, 3 submissions were received from the general public. Of these, 1 supported, 1 objected and 1 provided comments. A further submission was received from Sydney Water as an adjacent landowner, providing preliminary comments.

The Wollondilly Local Planning Panel considered this proposal on 16 December 2021, agreeing that the proposal has strategic merit, and has provided advice to Council, outlined in this report.

It is recommended that the Planning Proposal is supported and be submitted for a Gateway Determination with conditions.

RECOMMENDATION

That the Council:

1. Notes the advice provided by the Wollondilly Local Planning Panel.
2. Forwards the Planning Proposal to the Department of Planning & Environment for a Gateway Determination with the following:
 - Agreement to be reached between DPE, the land owner and Council regarding the need for a precinct structure plan and neighbourhood plan.
 - The relevant heritage studies are completed prior to public exhibition to address heritage matters raised on the site.
 - An appropriate minimum lot size be applied to the proposed C2 Environmental Conservation land.
3. Notify the proponent, landowners and any person who made submissions regarding the Planning Proposal of Council's decision.

REPORT

Introduction

The draft planning proposal was submitted to Council on 21 April 2021 to rezone 40-45 Maldon Bridge Road and Staff Road, Maldon to enable the expansion of employment land adjacent to the existing Boral Cement and Quarries terminal facilities. It also seeks to establish an environmental conservation zone for the native vegetation areas and gully leading to Stonequarry Creek

It is noted that the application pre-dates the process of submitting a scoping proposal and obtaining early feedback from public agencies.

A number of specialist studies have been prepared by professional consultants engaged by the proponent to inform and support the draft proposal. These are identified in **Table 1**.

A copy of the proponent's Planning Proposal document is provided in **Attachment 1**.

DOCUMENT		AUTHOR	DATE	REPORT ATTACHMENT
Draft Planning Proposal Report		GLN Planning	21 April 2021	1
Appendix A: Bushfire Assessment		Building Code & Bushfire Hazards Solutions Pty Ltd	21 December 2020	2
Appendix B: DPE email on Mine Subsidence		DPE	29 April 2019	3
Appendix C: Preliminary Site Investigation		JBS&G Australia Pty Ltd	11 November 2020	4
Appendix D: Services Assessment Report		SMEC	9 November 2020	5
Appendix E: Traffic Assessment		Transport & Urban Planning Pty Ltd	1 March 2021	6
Appendix F: LEP Map Tiles <i>Note: these tiles have been superseded due to the implementation of a the digital LEP and making of CPCP. Tiles have not been included as an attachment to avoid confusion.</i>		GLN Planning	21 April 2021	n/a
Infrastructure Delivery Plan		GLN Planning	September 2022	7

Table 1: Draft Planning Proposal Document Package

Description of proposal

The objectives of the draft planning proposal are to:

- Facilitate the expansion of Boral's adjacent heavy industrial operations for more employment land uses
- Establish minimum lot sizes for industrial subdivision
- Enable the potential to generate 320 local jobs
- Identify environmentally significant land to be zoned for environmental conservation.

To achieve this, the draft proposal seeks to:

- Rezone from RU2 Rural Landscape to part IN3 Heavy Industrial Zone and part C2 Environmental Conservation Zone (**Figure 2**)
- Introduce of a minimum lot size of 4,000m² for IN3 with lot 1 DP 162140 and 5,000m² for remaining IN3 land to enable the creation of a new industrial lots (**Figure 3**)
- Include an exemption from the precinct planning process established in the Western Parkland City SEPP.

Site Description

The draft proposal relates to land located approximately three (3) kilometres from Picton and six (6) kilometres from the Hume Motorway via Picton Road interchange. The site comprises eight (8) lots to cover approximately 22.35ha of land at Maldon Bridge Road and Staff Road in Maldon, as identified in **Table 2**.

LOT AND DP	AREA (m2)
Lot 1 DP748675	209,900
Lot 1 DP795225	4,589
Lot W DP163774	752
Lot X DP161196	937
Lot 1 DP162140	6,392
Lot 1 DP1138675	802
Lot 2 DP1138675	270
Lot 31 DP602144	9,928
Total	233,570 (23.357 ha)

Table 2: Lot Description and Area

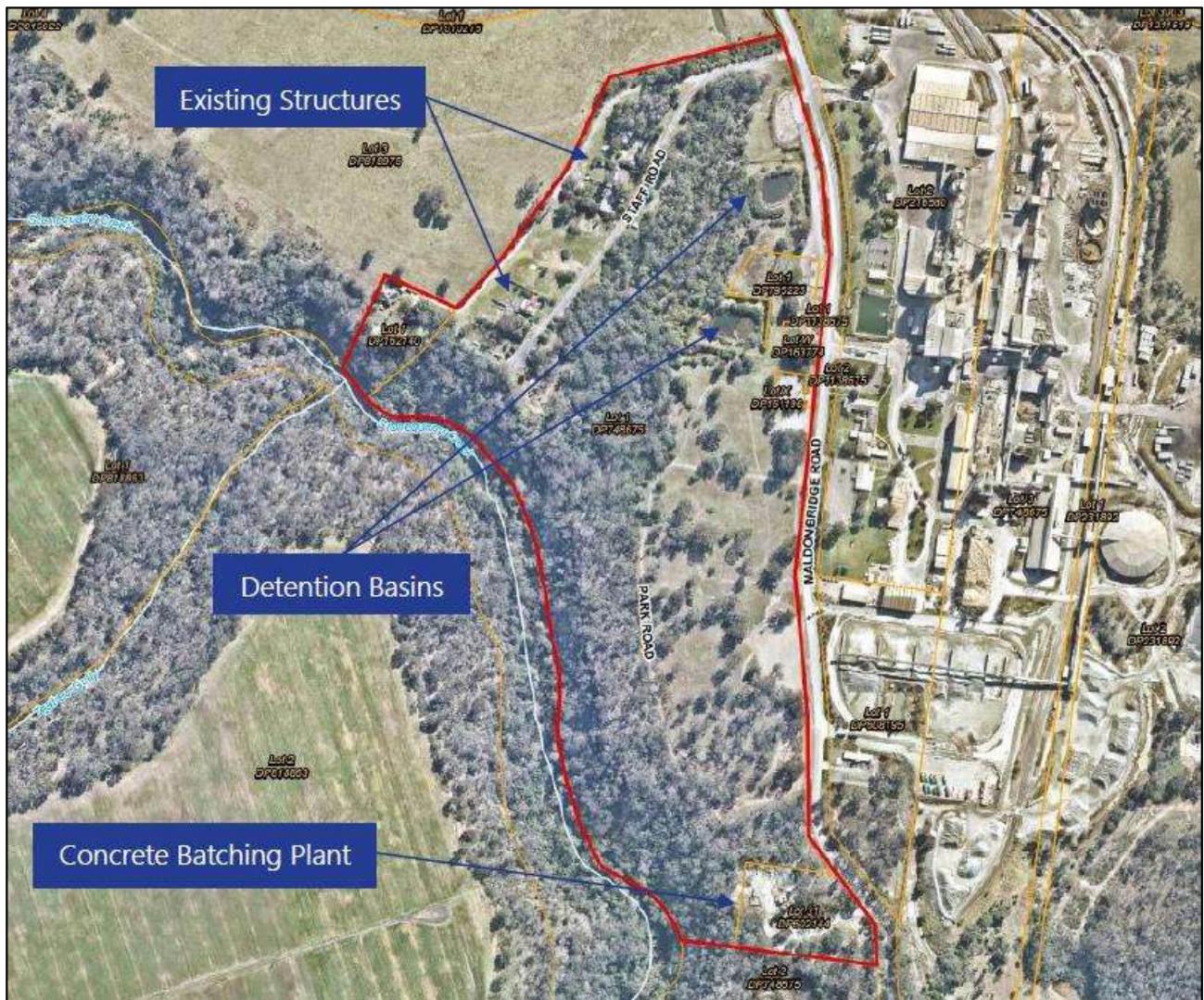


Figure 1: Location map of the planning proposal site (GLN, 2021)

The land has historically been associated with Boral's existing heavy industrial operations, to the west, including land already used and operating as a concrete batching plant. Both previous (now demolished) and existing workers cottages that utilise existing use rights are also located on site as seen in **Figure 1**. The land is characterised by its native vegetation and steep gullies leading to Stonequarry Creek to the west and existing detention basins to the north of the site. Additional attributes are described in **Table 3** below.

ATTRIBUTE	DESCRIPTION
Land Zone	RU2 Rural Landscapes
Lot Size	100ha
Height of Buildings	N/A
Natural Resources – Biodiversity	N/A
Natural Resources – Water	The site is partially mapped as Natural Resources – Water under the Wollondilly LEP. This is only applicable to the riparian corridor of Stonequarry Creek and will not impact the employment land.
Heritage	The site also does not contain any mapped heritage items. Listed heritage items to the south of the proposal include Item I79- Suspension Bridge over the Nepean River and Item I77-Maldon Weir.
Bushfire Prone Land	The site is partially classed as bushfire prone.
Flood Prone Land	The site is not identified as flood prone.
Mine Subsidence	The site is located within a declared Mine Subsidence District.

Table 3: Site Characteristics

Planning Context

Since lodgement of the draft proposal, the Employment Zones Reform has been progressed and will come into effect in December 2022, replacing E2 Environmental Conservation with C2 Environmental Conservation and IN3 Heavy Industrial with E5 Heavy Industrial. This will not have a significant impact on the proposal, however the old reference may still be present in some of the proposals graphics.

The intent of the draft proposal as submitted is to rezone the land under the Wollondilly LEP 2011 despite the fact that the site falls within the Maldon industrial precinct of the Wilton growth area. While the proposal could proceed as either an amendment to the Western Parkland City SEPP or WLEP, the preferred approach is to include the site as part of the SEPP.

Rezoning the site as part of the Wilton growth area will ensure continuity of planning outcomes and implementation of Wilton 2040. The rezoning would be facilitated by a minor boundary adjustment to the Wilton growth area precinct boundary map to bring in the small portion of the site that does not currently sit within the Western Parkland City SEPP (this affects approximately 3% or 0.6ha of the site).

The precincts in the growth area have been rezoned using the urban development zone (UDZ) and have been supported by a precinct structure plan. These plans show key roads, schools, open space and centre locations which have been appropriate for residential outcomes in a greenfield context. The UDZ is a general broad land use zone that enables many types of urban development. It is noted that the UDZ is unlikely to be suitable for facilitating employment outcomes in an industrial precinct. Further this site is not intended for residential purposes, and has existing access and road network to leverage from, so a precinct structure plan may not be required for this area of Maldon.

The exemption to the precinct planning process requires further consultation with DPE to understand how the industrial precincts will work, whether a precinct structure plan is required and if it will need to follow the neighbourhood planning process. This approach will need to be agreed and further discussed with DPE and proponent as part of the Gateway process and will form another condition of the Gateway determination.

Since preliminary notification the proposed land use zones have been amended to align with the making of the Cumberland Plain Conservation Plan CPCP. The proposed C2 Environmental Conservation zone now aligns with the avoided land as per the available mapping. The changes are considered minor but result in an improved environmental outcome and ensure alignment with the relevant planning framework. More information on the CPCP is provided later in this report.

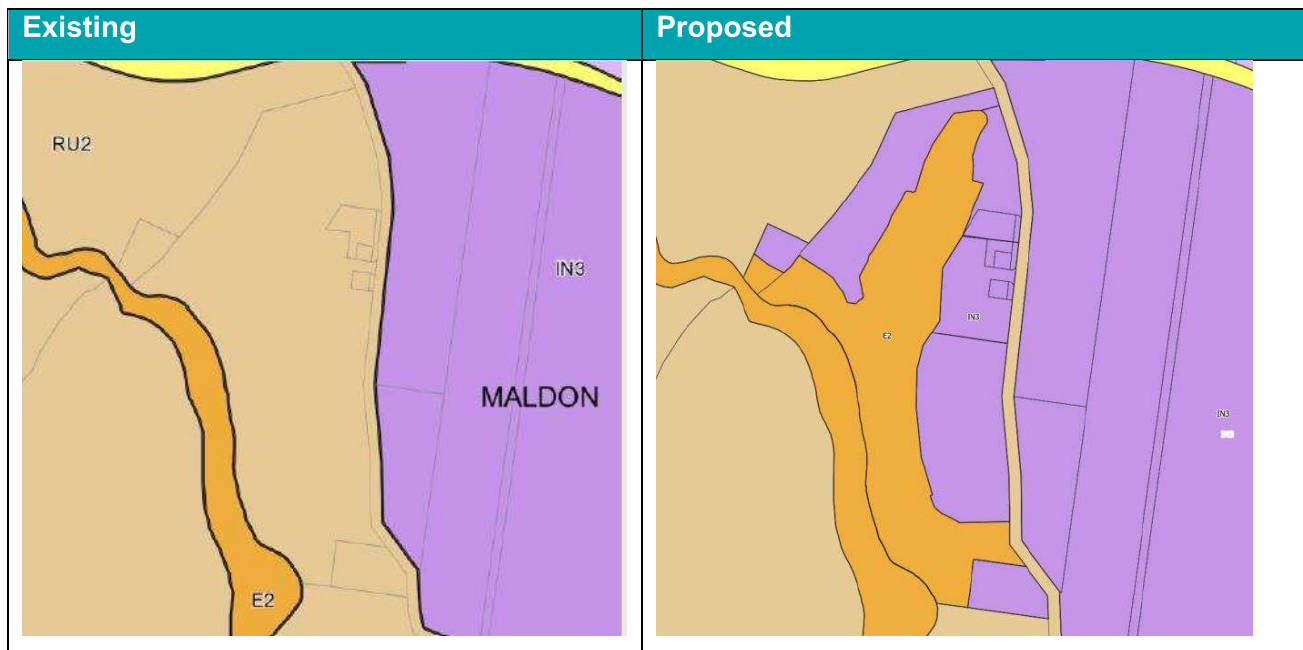


Figure 2: Existing and Proposed Land Zoning Map (GLN, 2021/2022)

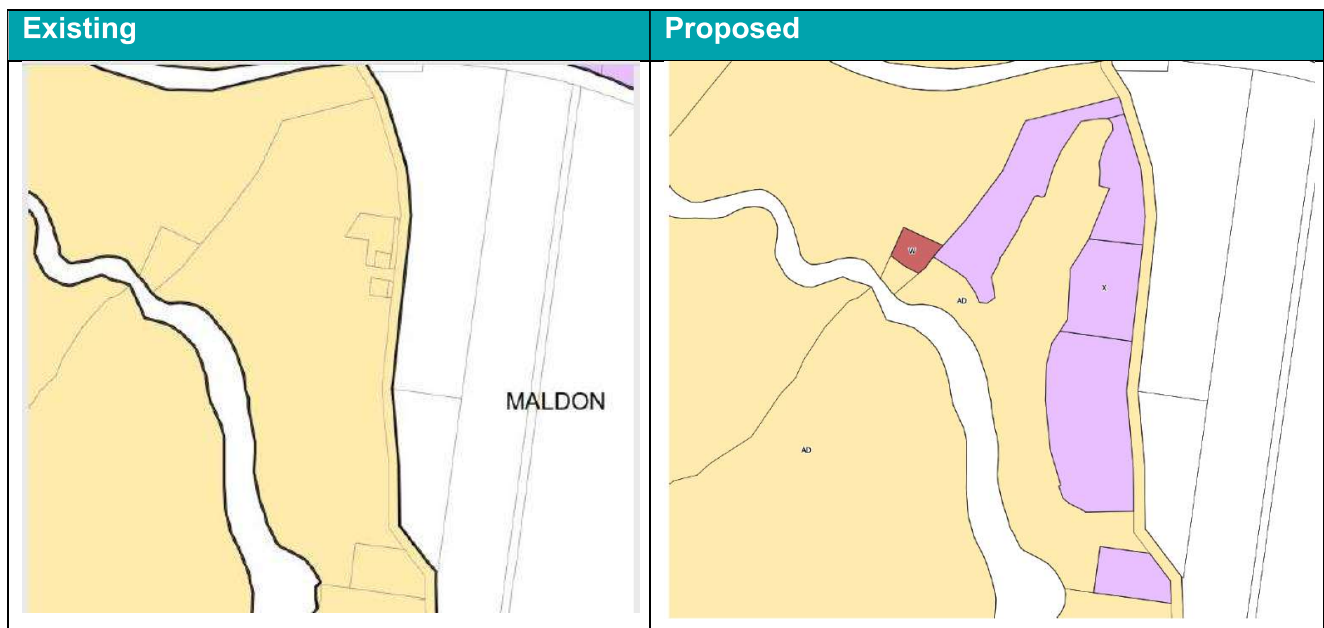


Figure 3: Existing and Proposed Lot Size Map (GLN, 2021/2022)

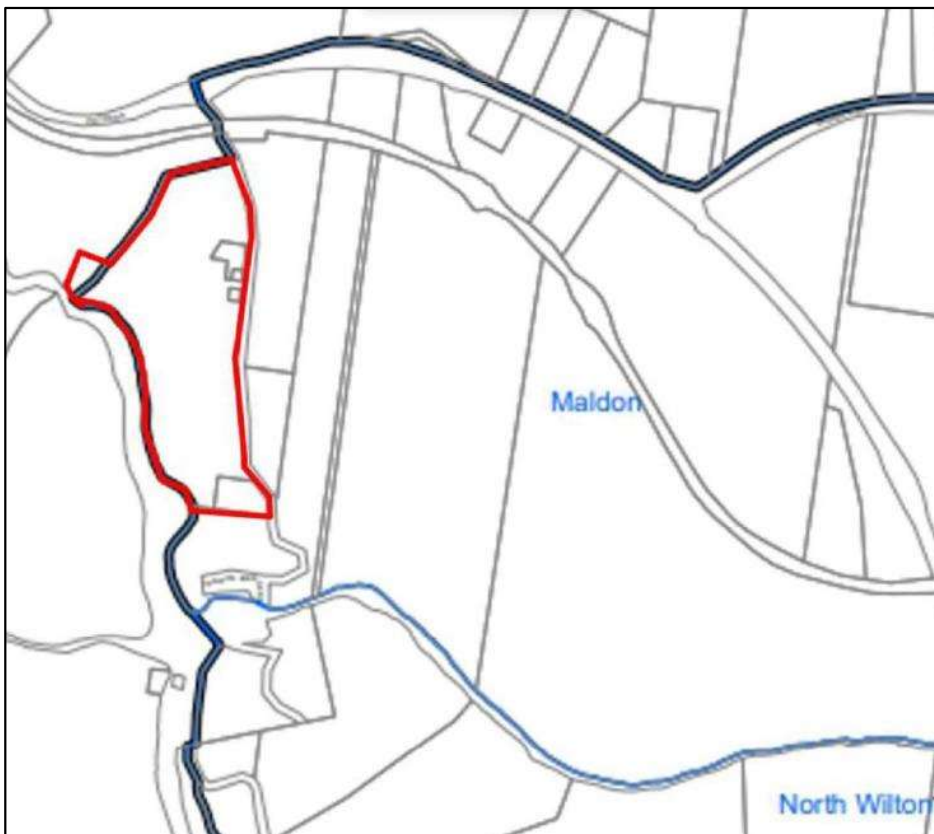


Figure 4: Wilton Growth Area boundary (blue) overlaid with Planning Proposal boundary (red) (GLN, 2021)

As shown in **Figure 5**, the draft proposal does not include a minimum lot size for the environmental conservation area land (10.93 ha). In this case, the standard C2 zone minimum lot size of 40 ha per lot would be applied and subdivision from the employment land allotment would not be permissible. Further consideration is required to ensure adequate future management and protection of the C2 land is achieved and the appropriate lots size will be investigated further as part of the Gateway Process.

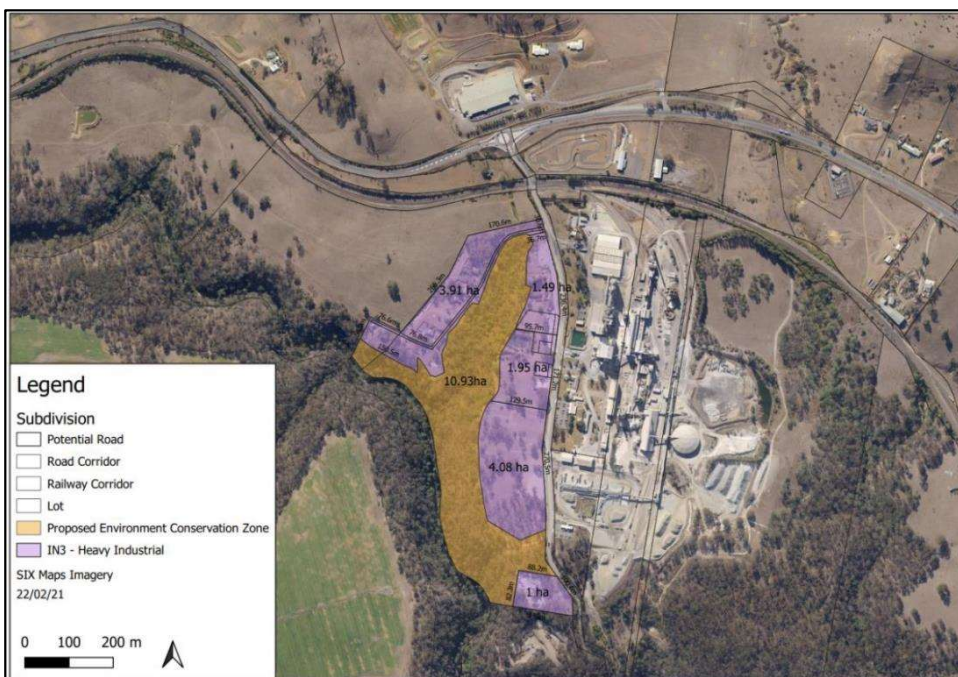


Figure 5: Proposed Zoning and Indicative Lot Sizes (GLN, 2021)

The RU2 Rural Landscape zoned land to the south of the planning proposal boundary (Lot 2, DP 1920) is in Wollondilly Council ownership. This land is outside of the subject boundary and has not been considered for potential industrial land rezoning as part of this process. The technical studies to determine industrial land use suitability are not available for this site.

State infrastructure proposals were considered in the development of the planning proposal. The Traffic and Transport Assessment Report (Appendix E) reviewed the Transport for NSW (TfNSW) Picton Bypass Strategic Corridor Options Report, exhibited from 20 December to 22 February 2021. The preferred corridor option 9 indicated in **Figure 6** (left image) was determined to have no impact on the planning proposal land area. Council's geographical information system (GIS) mapping identifies the corridor intersect the planning proposal site **Figure 6** (right image). It is recommended that the alignment discrepancy is investigated further and resolved with TfNSW as part of the Gateway process however it is likely that the alignment in the planning proposal is the correct (nearest) alignment.

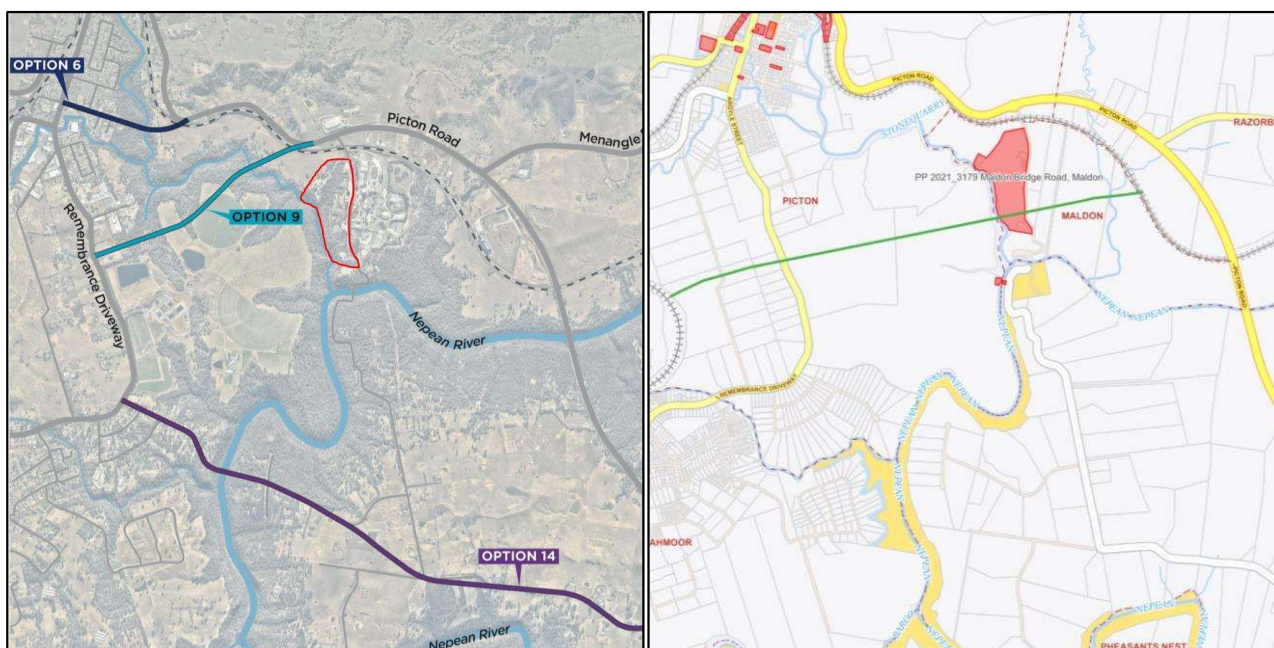


Figure 6: Picton Bypass Corridor Preferred Option 9. Left image: Bypass corridor (blue) and Planning Proposal boundary (red) (TfNSW, 2020). Right image: Bypass corridor (green) and Planning Proposal boundary (red) (Council GIS, 2021).

KEY FINDINGS

The planning proposal assessment and internal consultation identified several key findings as summarised below.

Bushfire

The planning proposal is supported by the Bushfire Assessment report, prepared in accordance with the requirements of the NSW Rural Fire Service's *Planning for Bushfire Protection 2020* (PFB). Both the bushfire risk associated with the strategic proposal and future development applications were considered in the assessment. It was concluded that the proposed heavy industrial use is appropriate in the bush hazard context and results in an improved bushfire safety outcome for the site. Further, the road network and proposed access and egress routes were deemed acceptable in the instance of an evacuation. Consultation with RFS will be recommended as part of the Gateway process. The Bushfire Assessment Report is located in **Attachment 2**.

Mine Subsidence

In support of the proposal, the proponent received confirmation from the DPE, 29 April 2019 that the subject site is not affected by active mining leases. However, the land is within a declared Mine Subsidence District of Wilton under section 20 of the Coal Mine Subsidence Compensation Act 2017. Any development on the land will require approval from NSW Subsidence Advisory. This consultation will occur as part of the formal exhibition in the Gateway process. The DPE advice is located at **Attachment 3**.

Contaminated Land

A Phase 1 - Preliminary Site Investigation Report was provided which assessed the potential contamination status of the site in accordance with SEPP 55 and NSW Environmental Protection Authority (EPA) requirements. The potential for contamination was detected. However, it was determined that any potential contamination issues identified could be remedied by standard industry methods prior to development. Based on the assessment the report concluded that the site is capable of being made suitable for the proposed use. In this regard, the rezoning to IN3 heavy industrial land is supported. The Preliminary Site Investigation Report is located at **Attachment 4**.

Services

The Services Assessment Report sought to clarify the availability of existing essential services to support future heavy industrial development intended on the site. The report found:

- Sewer is not readily available to the site (discussed in the subsequent section);
- Potable Water services is available to the site, but will require augmentation to service the proposed development;
- Electricity is available to the site but will require the duplication of feeders once the existing feeders reach capacity (estimated 70% of site);
- The National Broadband Network does not service the site; and
- There are currently no gas assets that can be utilised to service the site.

The report provided several options to address capacity constraints suggesting upgrades for essential services are achievable and would not inhibit future development feasibility. The Services Assessment Report is located at **Attachment 5**.

Wastewater

The Services Assessment Report, included a Feasibility Letter received from Sydney Water (12 August 2020) to determine servicing requirements. The following preliminary advice was provided:

The subject site has no sewer mains close to the proposed development and the nearest wastewater scheme is the Picton Sewerage System.

Currently, the Picton Wastewater Recycling Plant has no capacity to manage additional treated effluent.

Sydney Water is presently working with the Environmental Protection Authority (EPA) to increase effluent management capacity at the Picton Wastewater Recycling Plant. Based on our projected timelines, Sydney Water are aiming to obtain EPA approval to our Environmental Protection Licence variations by July 2021 and subject to the EPA's approval, upgrades to the Picton Wastewater Recycling Plant upgrades could take up to four years to deliver.

Sydney Water will not be able to provide a wastewater connection for any proposed development or partial development outside of the existing Picton Sewerage Scheme boundary until such time as Sydney Water has implemented its effluent management strategy to expand the Picton wastewater scheme and these required amplification works have been implemented.

The Services Assessment response proposed high level costing options for an onsite reticulation Sewer system with Septic tank and onsite wastewater treatment management. The proposal was referred to the relevant internal staff for consultation. The wastewater servicing constraints were acknowledged noting that the provision of an onsite sewage management system would be required for any proposed amenities.

Council received initial advice from Sydney Water as part of the preliminary consultation (30 June 2021). The investigation of onsite treatment options for the proposal area was recommended.

Council will be seeking further clarification from the proponent to ensure that the proposed wastewater treatment solution does not have a negative impact the native vegetation and waterway health as part of the Gateway process. Further formal consultation with Sydney Water will be progressed as part of the Gateway determination.

Traffic

The Traffic and Transport Assessment Report investigated the cumulative road servicing impacts from the planning proposal. The report found that the intent of the planning proposal would not have a major impact to the road network service. The roundabout intersection at Maldon Bridge Road and Picton Road would continue to operate at a good level of service including during the AM and PM peak times. Away from the intersection, traffic generated from the rezoning will be dispersed over a number of roads, and traffic conditions on the wider road network are expected to remain satisfactory. The proposed TfNSW Picton Bypass as discussed earlier was identified to be outside of the planning proposal boundary, showing no impact to the site at this point in time. Council will be seeking further advice on this matter, including a review of any potential conflicts with other major infrastructure projects with TfNSW and the proponent through the Gateway process. The Traffic and Transport Assessment Report is located at **Attachment 6**.

Visual Impacts

A preliminary visual impact assessment was included in the body of the planning proposal report. The scale of the existing industrial structure from the adjacent Boral operations to the east of the site is in the immediate landscape. The existing view corridors to the north, north-east and south-east are mostly industrial structures, with some distant and regional views of vegetation and rural landscapes.

The report indicated that it would not have a significant negative impact to view corridors. The significant trees screening the industrial landscapes will remain in the C2 zone and therefore protect the rural landscape from the south west. The proposed 5,000m² minimum lot size for the industrial land would also ensure that the scale of future development is moderated and suitable for modern industry practices.

Flooding

Internal advice was sought to identify known local flooding issues and potential impacts arising from the planning proposal. It was confirmed that there is potential for a minor flooding issue associated with the watercourse north of Picton Road that traverses across the railway to Staff Road into the proposed C2 zone running into Stonequarry creek. This would require stormwater management treatment to the western portion of the proposed IN3 zone which has limited access in and out of the site. This issue would not preclude the proposed rezoning and could be addressed at the DA stage with the implementation of a stormwater management plan and installation of a drainage structure. At such time, the application of a probable maximum flood (PMF) flood level should also be considered to further minimise site flooding impacts.

Environmental Assessment

As previously identified in this report, the Cumberland Plain Conservation Plan has been finalised since lodgement and reporting of this proposal to the LPP.

If the proposal progresses, a referral to the Cumberland Plain Conservation Team will be sought during public exhibition to ensure consistency and any other additional considerations.

The Preliminary Site Investigation Report identified the proposed IN3 zone as cleared land either previously cleared or cleared for the purposes of the current worker cottages (shown in **Figure 7**). These areas include both exotic and some regenerating native trees and small stands of retained native vegetation.

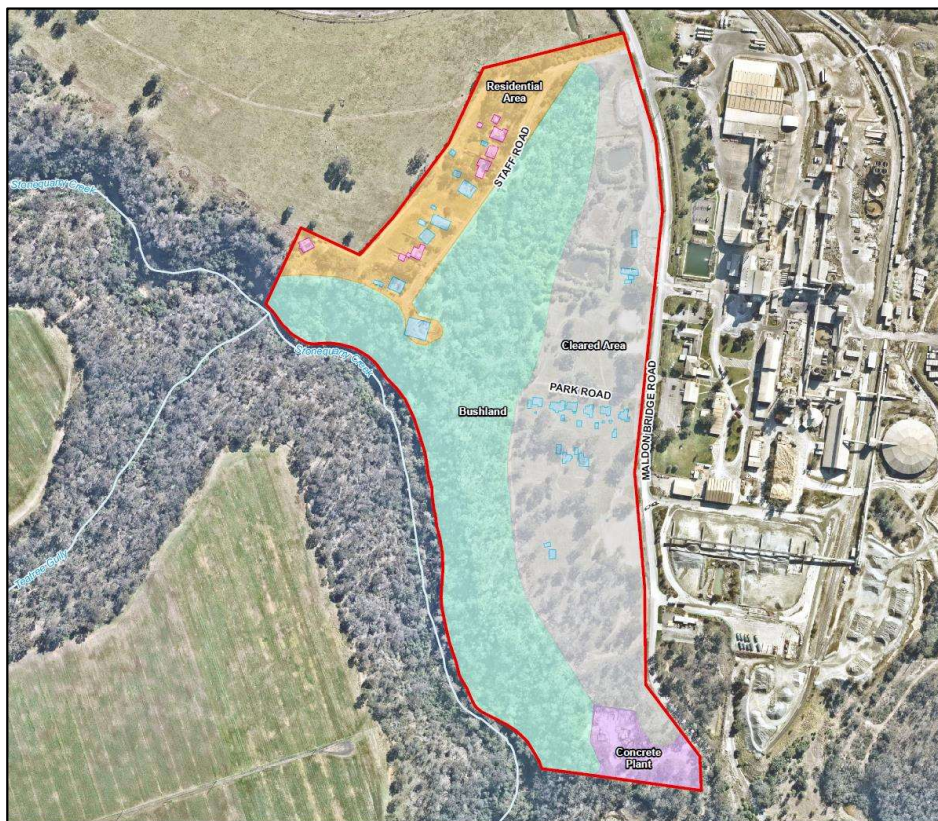


Figure 7: Preliminary Site Investigation report identified cleared areas (GLN, 2021)

Infrastructure

In response to the LPP minutes the applicant has submitted an Infrastructure Delivery Plan (GLN, 2022). An Infrastructure Delivery Plan (IDS) was submitted upon request by Council. The IDP is intended to address issues raised by Council regarding the lack of detail relating to the delivery of infrastructure to support the transition from a rural industrial landscape to an urban industrial landscape. Further there is a need to address the draft State infrastructure contribution plan (SIC) and impacts of the infrastructure delivery on Wilton. The Infrastructure that accompanies the development of this land will connect Picton and the Wilton precincts while also supporting the employment land uses.

The IDS accounts for the local utility, stating that the proposed minimum lot size is of sufficient size to incorporate the services required onsite. The IDS states that no land is proposed to be dedicated to Council as part of the planning proposal further noting that the proponent has generally provided its own infrastructure on site and generally through the development application process.

Although the Draft State infrastructure Contributions is not finalised and the framework for contributions for state infrastructure is changing, it is important for Council and the community to understand how the development will be supportive of both State and local infrastructure delivery. It is proposed that a condition of the Gateway determination will be to refine and finalise the IDS.

The following matters are noted

- The IDP acknowledges the Wollondilly Contributions Plan 2020 (WCP2020) applies to the land, and that any development contributions will be levied upon future development of the land in accordance with the WCP2020.
- The WCP2020 does not include Infrastructure Land such as stormwater facilities, easements, asset protection zones or environmental / conservation land. If any land is proposed to be dedicated to Council, that can only occur through a Voluntary Planning Agreement and in accordance with the Dedication of Land Policy. The Infrastructure Delivery Plan is located at **Attachment 7**.

Social and Health Impacts

The applicant submitted a Social and Health Impact Comment (SHIC) in accordance with the Social and Health Impact Assessment Guidelines SHIC (adopted May 2021) to Council for review 27 July 2021.

The SHIC identified several positive social and health impacts resulting from the planning proposal including:

- Increased employment opportunities to support the working population of Picton, Wilton and surrounding areas
- Reduced travel distance to work with more opportunities for the local workforce
- Rezoning the densely vegetated portion of the site to C2 Environmental Conservation has the identify and area of importance to the community with the potential for public use in the future (subject to the CPCP)
- Employment uses would result in improved site security and lighting, reducing opportunities for crime.

The SHIC acknowledged that the rezoning will ultimately lead to the loss of five houses along Staff Road. However, these residences are relatively isolated, within a designated bushfire zone and proximate to existing 24-hour operation heavy industry uses. The residences would ultimately benefit from being better integrated into more established residential areas of Wollondilly. Measures to facilitate the transition were proposed including extended notice periods to existing tenants will enable sufficient time to locate and move to alternate accommodation within the Wollondilly area. Additionally, once vacated the properties would be removed to ensure no ongoing risk of vandalism. The full SHIC assessment is located at **Attachment 13**.

Heritage

Since reporting to the Local Planning Panel, Council has become aware of potential heritage value on the site, both Aboriginal and non-Aboriginal. Council and the proponent are working together to investigate these matters further to ensure any heritage values are appropriate addressed.

It is therefore recommended that if the proposal proceeds, appropriate studies are undertaken prior to public exhibition and that this forms a condition of the Gateway Determination.

PLANNING CONTEXT

The planning proposal report and supporting technical studies present a robust proposal. The assessment found strategic merit and alignment with the NSW strategic planning context at state, regional local policy level. Potential social, economic and environmental impacts were also adequately considered and addressed where applicable for the planning proposal stage. The policy assessment is provided in full in **Attachment 8**.

Regional and District Plan

The Greater Sydney Commission's *A Metropolis of Three Cities* – The Greater Sydney Region Plan and the Western City District Plan were finalised in March 2018.

The Region and District Plan recognises the Wilton growth area as a land release area with a planning overlay to *retain and manage* urban services land. The intent to rezone to IN3 heavy industrial land is consistent with this policy direction. The remainder of the site is nominated as Metropolitan Rural Area however, this contributes to less than 3% of the total land area. The intent of the planning proposal and the extent of land to which the MRA applies is only considered minor in nature and does not warrant further discussion.

Wilton 2040: A plan for the Wilton Growth Area

Wilton 2040 (September 2018) is the guiding plan for the growth area. The majority of the subject site is identified within the Maldon Precinct boundary. The proposed IN3 zone corresponds to the land nominated as *employment land*, reaffirming the proposal's alignment with the strategic intent proposed for Maldon. The proposed C2 zone also reflects the area reserved for *conservation* in the structure plan.

Cumberland Plain Conservation Plan (CPCP)

Since lodgement and reporting to the LPP, the Cumberland Plain Conservation Plan was finalised with NSW approvals in place in August 2022, noting Commonwealth approvals are pending at time of writing this report (3 November 2022). The making of the CPCP was supported by a planning framework including the following of relevance:

- Strategic Conservation Planning Chapter of SEPP (Biodiversity and Conservation) 2021
- Section 9.1 Ministerial Direction (Strategic Conservation Planning)
- Environmental Planning and Assessment Amendment (Avoided Land) Regulation 2022.

The Wilton DCP 2021 also integrates additional mitigation and management controls, which would need to be complied with for any future development application.

The proposed zoning maps have been updated since preliminary notification to align with the available mapping as the site includes “certified – urban capable” and “avoided” lands. This is considered appropriate and will facilitate better environmental outcomes.

Lot 1 DP 162140, sits outside the nominated area and any future clearing of land would be subject to the relevant approval pathways.

Wollondilly 2033 (Community Strategic Plan)

Wollondilly 2033 Community Strategic Plan 2033 (CSP) is Council's high-level long-term plan. It identifies and expresses the aspirations held by the Community of Wollondilly and sets strategies for achieving those aspirations. This proposal broadly aligns with the key policy directions outlined in the CSP.

Further, the draft planning proposal will assist towards the delivery of the following action from the Wollondilly Delivery Program 2022/23 – 2026/27:

12.1.2. Explore the future rezoning of Wilton & Maldon East Employment areas by:

- *Advocate for cofounding of project with State Government*
- *Preparing a project plan*
- *Carrying out technical studies*
- *Prepare a structure plan*
- *Prepare a service and delivery plan to identify existing and required infrastructure to support rezoning land*

Wollondilly 2040, Local Strategic Planning Statement 2040 (LSPS)

Council's Local Strategic Planning Statement 2040 (LSPS) is a 20-year land use vision for Wollondilly. The planning proposal was found to support several planning priorities to contribute to the implementation of the LSPS. Notably:

Planning Priority		Assessment
1	<i>Aligning Infrastructure delivery with community needs</i>	The site is located in an area well serviced by the existing road network connections to Picton Road and the Hume Highway and rail infrastructure for the Main Southern Rail Line. The delivery of the Picton Bypass would further improve the connectivity of the site while minimising potential disruptions to the network. The expansion of the employment lands will support the delivery of the Wilton Growth Area and provide local economic growth and jobs in line with the community needs identified in the LSPS.
10	<i>Attracting investment and growing local jobs</i>	<p>The planning proposal directly supports Action 10.3 <i>Progress the delivery of jobs at Maldon</i>, which has indicated that the intent to rezone to heavy industrial land could facilitate the generation of approximately 320 permanent jobs.</p> <p>Overall the proposal is consistent with the key planning directions outlined in the LSPS. Further detail is provided in the policy assessment attachment.</p>

Wollondilly Employment Lands Strategy (ELS)

The ELS was prepared in response to relevant LSPS planning priorities and actions to help guide the future development of employment lands in the Wollondilly LGA. The strategy was adopted at the 18 May 2021 Ordinary Council meeting subject to several amendments. None of the resolved amendments impact this planning proposal.

The ELS acknowledges Maldon as a significant employment precinct with strong access to motorway and rail-freight connections, suitable for accommodating additional industrial land. The planning proposal site boundary is consistent with the Maldon West investigation area and its corresponding Action (1.4) to:

Consider rezoning land to the west of Maldon Bridge Road from RU2 Rural Landscape to IN3 Heavy Industrial to leverage the existing intersection and enable incremental expansion of existing industries.

State Environmental Planning Policies and Sydney Regional Environmental Plans

The NSW Government publishes State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs). These documents deal with matters of state or regional planning significance. This proposal is consistent with all applicable SEPPs and SREPs.

Section 9.1 Ministerial Directions

Inconsistency with the Ministerial Direction 9.1 Rural Zones and 9.2 Rural Lands is considered to be of minor significance, and contrary to Direction 1.8 *Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan* and the broader strategic context associated with the site. It is noted that this inconsistency will continue as Wollondilly grows and transitions to more urban uses, particularly within the Wilton Growth Area and the delivery of employment lands in line with the adopted Employment Lands Strategy.

Local Planning Panel advice

The draft planning proposal was reported to the Local Planning Panel at its meeting on 16 December 2021.

The LPP made the following recommendations:

1. *The Panel provides advice to Council in accordance with the Local Planning Panel Direction – Planning Proposals, issued on 27 September 2018 which will be attached to a future report to Council.*
2. *The Planning Proposal request meets the strategic merit test having regard to the relevant strategic planning strategies and the site-specific merit test having regard to these studies and the site-specific opportunities and constraints.*
3. *The Panel supports the Planning Proposal proceeding to gateway determination subject to:*
 - i. *A condition to be sought in the Gateway Determination to refine and resubmit the Infrastructure Delivery Statement prior to formal public exhibition.*
 - ii. *Agreement to be reached between DPE, the land owner and Council regarding the need for a precinct structure plan and neighbourhood plan.*
 - iii. *Further flora and fauna assessment will be required if, at the time of Gateway determination issue, the Cumberland Plain Conservation Plan has not been finalised.*
 - iv. *Development control plan be prepared to address the interface risks between the future IN3 and future C2 zones to ensure the ongoing integrity of the C2 zone can be secured by minimising impacts from surrounding industrial development.*
 - v. *Vegetation Management Plan be prepared to support the cohesive ongoing management of the C2 zone*
 - vi. *Water Management Plan be prepared and implemented through provisions in the LEP and DCP to ensure water quality impacts on the C2 land and surrounding waterways is minimised.*
 - vii. *Council consider future ownership options including the use of an 88B instrument to secure the long-term protection of the C2 zone.*
 - viii. *Council to consider if the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009 apply to the residences within the site.*
 - ix. *The landowner and council ensure tenants in the workers cottages are kept informed of the progress of the planning proposal.*
 - x. *The landowner be requested to provide appropriate support to tenants in the workers cottages on the site to move to new accommodation as the site becomes an industrial area.*

A copy of the Panel's advice can be found in **Attachment 9** and is addressed in **Attachment 10**

CONSULTATION

Community Consultation

In accordance with Council's Community Participation Plan and adopted Planning Proposal Policy, initial community consultation has been undertaken. The draft planning proposal was exhibited on Council's website and made available at Council's administration building and at Wollondilly library for a period of 28 days between 2 June and 30 June 2021. A letter was sent to residents, landowners and adjacent residents and landowners on 27 May 2021 and details of the consultation were also published in local newspapers and on Facebook.

Four (4) submissions were received during this process, three community submissions, one in support, one object and one provided comments. A submission was also received from Sydney Water as an adjoining landowner.

A summary of community submissions and Council's response to these submissions is located at **Attachment 11**.

The main issues raised included:

- Concern around increased truck movements
- Impacts on families along Menangle Street
- Timing of Picton Bypass
- Visual impact of industrial precincts
- Automation of jobs.

In support of the proposal the following matters were raised:

- Creation of construction and civil works jobs
- Increased access to local jobs long term
- Retaining industrial business opportunities in the Shire.

While concerns around the impact of truck movements may be issue in the shorter term the delivery of key infrastructure such as the Picton Bypass will alleviate the impact of traffic.

A more detailed assessment regarding the traffic movement would be suitable at the development application stage.

The visual impact has been assessed at an appropriate level for the planning proposal and it is noted that the land use aligns with both the state and local planning policies and generates much needed jobs, assisting to retain industry in Wollondilly.

No changes are proposed to the planning proposal as a result of the submissions.

Consultation with Public Agencies

Council policy does not require consultation with state agencies at the preliminary assessment stage. However, Sydney Water was notified as one of the land owners adjacent from the site and subsequently issued Council with preliminary feedback, with no objections to the draft proposal but noted services were not available and more detail would be required at a later stage. The proponent was advised to investigate on-site wastewater treatment options which are currently employed onsite. A complete assessment of issues raised by Sydney Water is located at **Attachment 12**.

Formal public agency referrals will be sought if the proposal is endorsed by Council, as part of the formal exhibition after the Gateway determination.

CONCLUSION

The draft planning proposal seeks to rezone the RU2 Rural Landscape to IN3 Heavy Industrial and C2 Environmental Conservation and introduce a new minimum lot size for the industrial component. The purpose is to facilitate an expansion of the adjacent Boral operations and conserve areas of high biodiversity value aligned to the draft CPCP.

The draft Planning Proposal aligns to the strategic planning context at the at all levels of the planning system. It is therefore recommended that the proposal is supported and forwarded to the DPE for Gateway Determination.

Options for Moving Forward

The draft Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* and the guidelines published by the Department of Planning, Industry & Environment.

The options to be considered are:

Option 1: Support the proposal

This option would involve Council supporting the draft Maldon Bridge Rd Planning Proposal in the form as described in the Description of Proposal section of this report, and sending the proposal to the Department of Planning to seek a Gateway Determination.

Option 2: Support the proposal in an altered form

This option will require the proposal to be amended and supported by a range of updated studies and would need to be re-reported back to Council. The proponent may request a rezoning review.

Option 3: not support the proposal

With this option there is no further action to be taken on the draft Planning Proposal other than to inform the applicant, landowner/s and submitters that the draft Planning Proposal has not been supported.













With this option, the proponent may request a Rezoning Review where an independent planning panel (Western City District Planning Panel) evaluate and recommend to the Minister whether the proposal should progress to Gateway determination. It is noted that this option is also available to the proponent if Council has not indicated support for the planning proposal within 115 calendar days of the proponent lodging the proposal.

Option 1 is the recommendation of this report.

FINANCIAL IMPLICATIONS

Funding for the assessment of the planning proposal has been covered by the operational budget, with income from Councils adopted planning proposal fees and charges.

ATTACHMENTS

1. **Copy of the Draft Planning Proposal Report** 
2. **Appendix A: Bushfire Assessment** 
3. **Appendix B: DPIE email on Mine Subsidence** 
4. **Appendix C: Preliminary Site Investigation** 
5. **Appendix D: Services Assessment Report** 
6. **Appendix E: Traffic Assessment** 
7. **Infrastructure Delivery Plan** 
8. **State and Local Policy Assessment** 
9. **Copy of LPP minutes - Draft Planning Proposal Maldon Bridge Road - December 2021** 
10. **Assessment against Local Planning Panel Considerations and Recommendations** 
11. **Summary and Assessment of Community Submissions** 
12. **Summary and Assessment of Agency Submissions** 
13. **Social and Health Impact Comment Assessment** 