

WILTON ACTION GROUP - WAG

Submission to DPE 12th March 2018

Wilton North Rezoning – DPE Exhibited Proposal - Response

Wilton Action Group strongly opposes the proposed rezoning based on (but not limited to) the following grounds:

- No current cohesive Masterplan, evaluation of Wilton North cannot be made in isolation from such a plan
- Lack of evidence – based justification and strategic planning merit
- Introduction of new experimental flexible ‘Urban Development Zone’
- Lack of ecologically sustainable concepts and future proofing
- Inadequate water, wastewater and storm-water/flood strategies
- Lack of transparency regarding the commercial agreement between Bradcorp and South 32 for future mining under Wilton North
- No capacity for current infrastructure or utilities to service the new community
- Inadequate vehicle access - all east, south and west bound traffic will have to travel through Bingara Gorge
- Very restricted access for emergency and heavy construction traffic, a situation that is unlikely to be resolved until the Maldon Dumbarton rail link is completed
- No adequate consideration of or protection for threatened species
- No government commitment to the provision of public education or health facilities for a proposed new city of Wilton New town
- No current study on the impact of the development on regional roads
- No study on the impact on freight efficiency on Picton Rd and Hume Highway
- No clear description of employment or justification of the nominated targets for Wilton New town
- No provision of rail transport to Sydney or Wollongong
- No study into the impact of the development on the Nepean River
- Inadequate recreational green space
- Eradication of viable agricultural land
- Will this be a community title development? The existing Bingara model has led to social divide within the Wilton Community due to exclusion from facilities in Bingara Gorge

Our detailed response on our main concerns follows.

WILTON JUNCTION/ NEW TOWN – A HUGE OPPORTUNITY

Being a Greenfield site, the Wilton Action Group (WAG) strongly feels that an incredible opportunity exists for the development of an innovative, sustainable and environmentally sensitive city encompassing the whole Wilton Junction area. To this end we **strongly recommend an international design competition be held to bring this development into the future** and gather the best and most innovative proposal. The proposals put forward to date for the area do not contain enough foresight to be a city of the future, and external assistance from the best and brightest across Australia and the world could make it really great.

NO SOUND PLANNING JUSTIFICATION

Summary

The magnitude and extent of the rezoning proposal at Wilton North will have a significant adverse environmental, social, and economic impact on the environment, infrastructure and travel demands on the South Western Sydney transport corridors and the servicing and functioning of existing Wollondilly communities. The exhibited DPE proposal demonstrates a lack of evidence-based justification and strategic planning merit on how this development will create a sustainable living space for an estimated population of 50-60,000 people.

Analysis

The *Greater Macarthur Investigation Area* reports and Greater Sydney Region and District Plans only serve to ‘insert’ into these strategic plans land in Wilton belonging to major developers without proper planning justification. The proposal is also a significant and unjustified deviation from Wollondilly Shire Council’s *Growth Management Strategy 2011*, and metropolitan studies and strategies developed prior to the Greater Sydney Commission’s Regional and District Plans. The important decisions on up-zoning of Wilton and key transport developments were already made before the development of the Greater Sydney Commission plans.

The rezoning of land in the Wilton North deserves much better attention and genuine community consultation on the basis that the developer-led housing proposals aim to double Wollondilly Shire’s current population.

The vision for Wilton New Town is a population of 50,000 – 60,000, which meets the definition of a ‘city’. As a proposed city, the Wilton North proposal, and the vision for the new town/Junction, does not accord with the COAG endorsed *Our Cities, Our Future: a national urban policy for a productive, sustainable and liveable future* (National Urban Policy) and the supporting *Creating Places for People: an urban design protocol for Australian Cities*. (National Urban Design Protocols for Australian Cities).

The Wilton North rezoning proposal fails to consider key principles of the Protocol; for instance, inadequate consideration of the 'strategic context of a place' and the 'custodianship and maintenance' of public assets in the long term. The proposal has total disregard for the evidence-based strategic context and the growth solutions contained in Wollondilly Council's endorsed Growth Management Strategy 2011.

Wollondilly Shire Council, DPE and Wilton New Town

The message consistently conveyed in the public consultation material prepared by DPE, is that they are "working with" Wollondilly Shire to deliver Wilton New Town. However, this does not appear to be true. Wollondilly Council has raised many unresolved concerns with Wilton New town/ Junction and Wilton North.

At the 19 February 2018 Council meeting Council resolved:

That Council stress to the Minister for Planning and the Premier the unquestionable importance of ensuring the following matters are addressed to the joint satisfaction of both the Council and the Department of Planning and Environment prior to any rezoning taking place; and

That Council seek a written commitment from the Government that no rezoning of any land within Wilton New Town will occur, prior to these matters being satisfactorily resolved.

URBAN DEVELOPMENT ZONE - Udz

Summary

1. The *Intended Effects* of the Amendment to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and Wollondilly LEP 2011, outlines the effects of the proposed development in the Wilton North rezoning. It introduces the new concept of a flexible **Urban Development Zone (UDZ)**, which was not part of the original planning proposal and has not been subject to proper community consultation. There is no rational explanation provided as to why the proposal has shifted to UDZ.
2. The wider community and all local government areas deserve much better transparency on this proposed change to state planning policy, which effectively voids the use of the zone tables prescribed in the Standard LEP Instrument.
3. The introduction of a flexible Urban Development Zone in the SEPP amendment is without justification and introduces new risks to the success of the development. Such a zone concept must be supported by a publicly exhibited DCP containing performance based-development control outcomes, before rezoning can be supported.

Analysis and WAG recommendations

The new Urban Development Zone (UDZ) as exhibited, does not contain any controls that would reassure the community that it would be used in a sustainable, environmental, and community friendly way. The proposed flexible boundary clauses are unacceptable and should be removed.

The lack of consultation of the community through the application of the UDZ is of great concern, as communities on the fringe of these developments can be significantly impacted upon by a simple rerouting of a road which can result in a previously quiet neighbourhood becoming a traffic rat run. Relocation of public space can also change the functionality of that space and how many people it effectively services, as well as having impacts on regional views and pleasing aesthetics.

The overall population size resulting from the UDZ is unclear, and a firm cap that cannot be altered should be used when it is applied so that associated services are sized adequately to suit. It is not clear when the UDZ would be converted to other zones, who would be responsible for this, or even if it would be possible due to the flexible nature of the UDZ. It is not clear if the UDZ could be kept in place and what the implications of doing so would be. It is not clear what development controls would apply to UDZ areas, and which agency would be responsible for enforcement of them.

We understand that the UDZ would improve efficiency in the developers eyes and

speed up delivery of housing, but this must not be at the cost of well thought out planning, adequate servicing, sustainability, and community feedback. The members of the Wilton Action Group (WAG) are willing to work with the department of planning on designing a system which would achieve such goals.

SEPP amendments – removal of ‘Priority’ from SEPP

The suggested removal of the word Priority from the SEPP has not been adequately explained or justified and should not be removed without the community fully understanding the potential implications of the change in wording.

We suspect there may be some political motivation, or possibly the developers wanting to act independently and not as a cooperative group (there have already been some public arguments between developers indicating a split has occurred). The SEPP should be strengthened with amendments to include recent proposals such as urban canopy and other such sustainability, biodiversity and resilience measures.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

Summary

The ESD plan for Wilton North has not been tailored for it and is in fact the plan for the whole of Wilton Junction. It is not clear what measures if any outlined in this plan will be delivered by the developer as it seems that the relationship between developer groups has dissolved to the point of very public arguments between proponents, and discontinuation of scheduled meetings.

Analysis and WAG recommendations

The content of this ESD is rooted in the past. The plan does not deliver anything inspirational, forward thinking, or future proof. There is nothing in this plan that will actually achieve any sustainability outcomes in the long term. There are no measures that cope with the change in climate, the change in technology, or the desire to live in a way that has less impact on the environment. The plan contains no concrete or measurable targets or objectives.

What's more, the ESD plan transfers some regulatory compliance water testing requirements for nutrient load of storm-water and waste-water and associated costs on to the Environmental Trust throughout project planning, construction and occupation, which is totally unacceptable. Asset protection zone maintenance is also transferred to the Environmental trust. There are doubts that the Environmental Trust could effectively function financially, as funding is based upon contributions through the sale of the rezoned land from the entire Wilton Junction proposal, not limited to Wilton North.

Thus, the ESD proposal and the Environmental Trust for Wilton North is not sustainable economically in isolation, due to an inadequate financial base for the environmental components of the plan, and therefore should not be considered for rezoning in isolation. The costly activities transferred to the Environmental trust, in addition to the large urban interface boundary, as well as the lack of monetary contributions to the Trust would most likely see it fail, and what's more, potentially absolve the developer and wastewater provider of their legal obligations to the environment.

There is no proposed recycled water reticulation system so the suggested recycling of wastewater for irrigation and light industrial use suggested in the ESD is not possible. Waste minimisation is paraded but the measures are purely waste separation, and there are no source reduction measures outlined. There is no mention of preserving ground cover where possible or preserving the alignment and function of minor watercourses, which is of concern due to the proximity of the Nepean River. It is likely that any rainfall event during the construction phase will result in soil being washed into the streams and rivers, which is not in keeping with the objectives or legislation relating to the management of the Hawkesbury-Nepean River.

This site is surrounded by high value ecological communities. There is nothing in this

plan that gives any confidence that adequate measures will be put in place for its protection, preservation and future health. There is nothing in this plan that effectively creates linkage across the development for wildlife to pass through or coexist. There is no preservation of mapped areas of endangered ecological habitat (identified by OEH) that are located within the proposed urban footprint. There is no proposal for preservation of mature trees within the urban landscape. There is no prevention of urban heat island effects. There is no mention of anything to do with Urban Ecology. There are no objectives for urban tree canopy. These measures are important to allow the surrounding sensitive riverine corridor lands to function effectively as habitat into the future.

This site should be world's best practice environmentally, but there is nothing in the ESD plan to indicate that there is any move in this direction. The rezoning cannot be supported by the community on these grounds.

WATER: WASTE-WATER and STORM-WATER / FLOOD

Summary

Potable water in the Wilton area has existing pressure problems, as noted by many residents and exacerbated in the event of a bushfire. Care must be taken to resolve such issues prior to adding further demand on to the system. A unified approach across Wilton Junction will ensure efficient use of resources and good service delivery to all.

Analysis and WAG recommendations

The wastewater strategy across the Wilton Junction area must be staged and delivered as a one system strategy for the good of the system, the environment, and the community. Sydney Water, sensibly, is only offering terms to the consortium of developers, not individually. We should take heed of this. A patchwork of several wastewater options across Wilton exposes the community to more visual and odour impacts, and potentially many years of pumper trucks or sub standard package systems that do not function effectively due to insufficient biological load, followed by redundant assets when the system grows.

The pressure sewer system proposed transfers costs to lot owners of the macerating pump, pot and the associated electricity and maintenance cost for every lot. These systems are designed for sparsely populated areas and retrofitting existing septic systems, we question if they are the best choice in Wilton North which is right next to the Governor Hill 'city centre'. The additional cost of pump and electricity is also not compatible with affordable housing.

Energy costs of the system as a whole should be evaluated, with the view to the most efficient (most likely gravity fed) system being implemented that can cope with population growth in the long term. The community must not be burdened with 3 or more wastewater plants just to satisfy developer's wants. Geographical Release of lots for housing or employment should be driven by the needs of the wastewater system. Growth should not be in separated areas, due to the reported compromise in Phosphorus removal of the interim systems not being able to meet the healthy river targets, and chemical dosing to reduce this load being high risk in small systems with the chemistry difficult to get right.

There are also social benefits of development in a unified way, making the community feel as one instead of separate parts. We do not want little groups of houses separated geographically from the rest of the Wilton community, as it will be many years before the infill development manages to join them back up.

Recycling is the most effective method of disposal of wastewater, environmentally, due to the reduction in demand for potable water, and the advantage of reducing or eliminating wastewater flows into the rivers. This can be via a recycled water network, or a subsurface irrigation system used for sport grounds, green spaces and street trees. This sub surface irrigation or recycled water network is preferred over

the suggested wastewater lake which poses a public health risk and is a potential smelly, muddy, blue green algae and rubbish filled water body that nobody can swim in, as can be seen in nearby Harrington Park.

The water cycle study considered that detailed hydraulic flood assessment was not necessary to establish flood risks, but failed to consider or assess the risk posed by the water supply for Sydney (Nepean, Avon and Cordeaux) being located just up stream, and which feed directly into the Nepean River which forms a boundary to the site. The storages hold a total of 308,070ML.

The only Flood study available of the up stream catchments (dated 1995), did not consider operational matters associated with possible releases of water during flood times, which is very likely in the event of prolonged wet periods. Therefore, a separate study would need to be commissioned to assess the risk both of operational flooding during wet periods, and also to assess the highest water level due to potential catastrophic failure of one or more of the dam walls due to mine subsidence, terrorism or natural disaster, as these have not been considered at all.

The question of whether the river banks of the Nepean River are sufficient to contain this volume needs to be scientifically determined. It is important to understand the worst case scenario as there would be little time available for evacuation due to the dams being so close to the site. It is also important that expensive infrastructure such as wastewater plants are not sited in areas that could become inundated in the event of such an emergency.

TRANSPORT AND EMERGENCY SERVICES

Summary

We understand that the Bradcorp development of Wilton North will proceed ahead of developments on other parcels owned by Governors Hill and Walker. Prior to other developments proceeding, access to this zone is proposed to be through the Bingara Gorge development via an existing bridge over the Hume Highway, with on and off ramps to the highway to and from the north only. This will cause serious problems of access and egress for construction, emergency services and residents.

Analysis and WAG recommendations

We believe that this limited access will cause several serious problems:

- **Access for construction.** Construction equipment and materials will likely be needed from Wollongong and Picton directions via Picton Road, including earthmoving equipment, semi-trailers and concrete trucks. This heavy traffic should not be allowed to run through the quiet, narrow streets of Bingara Gorge.
- **Emergency services** including ambulance, fire (Fire NSW and RFS) and Police, will be provided to Wilton North via Picton Road from Picton, Wilton and other nearby towns, and not usually from the north via the Hume highway. The proposed plan will require all of these services to travel through Bingara, adding risk of extended response times and there is a risk of this single access being blocked. For example, a single serious fire event affecting the Hume highway near the bridge could cut off all access and egress for emergency services and occupants.

Building standards – Bushfire

The **NSW DP&E Wilton North** report states that the requirements regarding possible bush fires will be met to the standard of the **NSW Rural Fire Services Planning for Bushfire Protection 2006**, which states in Chapter 4 (p40): *The public road system in a bush fire prone area should provide **alternative access or egress** for firefighters and residents during a bush fire emergency if part of the road system is cut by fire. This is of critical importance for areas with the higher densities associated with SFPP developments.*

- Direct **resident access** to Picton Road during peak times will be needed in order to reach railway stations and the towns of Picton and Wollongong. This cannot all feed through Bingara without unacceptable disruption and congestion.

Before buildings are occupied in Wilton North, a second means of access will be needed directly to Wilton North from Picton Road for the purpose of resident access and emergency access and egress. This will require agreement and construction across the Governors Hill zone.

MINING

Summary

Whilst much recent commentary in the media has focussed on problems in both the South 32 Appin and Dendrobium mines and the issues of damage from long wall mining in the catchment areas near the Cordeaux and Avon dams, what is not generally known is that the main steel production in Wollongong at BlueScope Steel relies on a mix of both Appin and Dendrobium metallurgical coal necessary for steel making – whose Appin 8 area seam runs under Bradcorp’s proposed development on Wilton North.

Questions arising from the current situation:

- 1 We have an apparent ‘commercial agreement’ announced on 19 April 2017 between Bradcorp and the miner South 32 to relinquish their mining rights under Bradcorp in Wilton North land to allow residential development free of future mining activity and eventual subsidence
- 2 Given that the coal seam of Appin Area 8 is the thickest and most valuable for eventual longwall mining in this area where Bradcorp will develop in Wilton North and it would be unlikely that South 32 would permanently extinguish its rights to such a valuable resource for industrial steel, what are the terms of the actual commercial agreement and what is its duration? Our research shows no such payment being made by Bradcorp to South 32 in the last two years for the termination or suspension of such rights.
- 3 In that respect, what is the DPE response to the attached letter from Subsidence Advisory NSW of 16 February 2018 on Wilton North which recommends:
In response to the proposal, SA NSW recommends that the Department of Planning & Environment:
 1. confirm the boundaries of the area marked for urban development in the draft plan are entirely within the area that is encompassed by the agreement between the developer and South 32
 2. invite South 32 to provide feedback on the proposal.
- 4 This makes the release of the Kruk report on how mining and urban development can co-exist at Wilton even more relevant. The Kruk Report was submitted to the NSW Government in 2013 and remains Cabinet in Confidence but is relevant to determine what level of development would be acceptable in Wilton North, particularly if long wall mining was to eventually resume under the proposed Wilton North development
- 5 What if this alleged Bradcorp deal is amended in the future, or the development sold? Either a more robust legal basis for ensuring that no mining can ever take place for the life of the development is required to protect future occupants and owners, or, all new development and infrastructure should be designed to mining subsidence standards.
- 6 What analysis has been done to model the impact on local employment of such a commercial agreement on the local mining industry and its supply chain?

ENVIRONMENT AND BIODIVERSITY

The environment

The location of Wilton North is a mixture of Shale Sandstone Transition Forest and Cumberland Plain Woodland, both of which are listed as threatened communities under NSW and Commonwealth biodiversity legislation. It is surrounded by deep river Georges with a sensitive eco system.

Reports and WAG analysis

The Ecological Reports found in the Technical Studies section are questioned by WAG on the following basis:

- The reports are dated from 2016, prior to this proposal being available and therefor cannot adequately study the impact of this development
- There is no current Masterplan for Wilton, the environmental impact of Wilton North and the current Ecological Reports cannot be assessed in isolation
- The reports refer to an earlier draft study from 2013 and list very detailed questions raised by both OEH and Wollondilly Council
- It states that all issues raised by both parties have been adequately addressed - where is the evidence of this?

We request correspondence from both OEH and WSC stating that all ecological and biodiversity issues have been addressed to their satisfaction.

- Ecological reports into the Wilton region that have been conducted for the Southern Coalfields Study, various Wilton Airport failed proposals and reports for Dharawal National Park have all identified a large number of threatened and protected Flora and Fauna in the region. None of these (with the exception of PERSOONIA BARGOENSIS – which **has** been found on the Bradcorp site) are even mentioned in the report. These include:
- Swift Parrots, Spotted quoll, Turquoise parrot, Powerful Owl and Slaty Leek Orchid despite recent sightings in Wilton.
A comprehensive list of threatened Flora and Fauna can be found here:

<http://www.georgesriver.org.au/IgnitionSuite/uploads/docs/Impacts%20of%20Underground%20Coal%20Mining%20on%20Natural%20Features%20in%20the%20Southern%20Coalfields%20-%20July%202008.pdf>

- The Bradcorp land is bordered by the Nepean River and Allens Creek, there has been no detailed study conducted into the aquatic habitat.

Platypus have recently been sighted in Allens Creek.

- Recent Koala mapping in the Wilton area by Wollondilly Council and OEH has not been taken into account. The Koala habitat map published by OEH clearly shows that the bushland surrounding the Bradcorp site is primary habitat. Koalas have been heard recently in Allens Creek and killed on Wilton road at the bridge.
- What is being done to ensure this development will not have a detrimental impact on this protected and nationally significant Koala population?
- The proposed UDZ allows for a “flexible” boundary between housing and Environmental Conservation zone – this is unacceptable. There is very little local open space for 5500 homes, is it envisioned that the Environmental Conservation zone will also be used as local open space? Large areas of this zone are deep river gorges which are inaccessible.

CONCLUSION AND INVITATION

Wilton Action group opposes the rezoning of Wilton North for further development until the above issues are fully addressed and resolved to ensure the sustainable and ecologically responsible future of the total Wilton New Town/Junction development

Wilton Action Group will be calling a public meeting to present these issues for discussion and the DPE is invited to send representatives to discuss these and other issues at this meeting, venue and time/ date to be advised.