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Re: Draft Wilton Growth Area Development Control Plan 2019

Thank you for providing NSW Ports with the opportunity to comment on the Draft Wilton Growth Area Development Control Plan (DCP) 2019. NSW Ports is responsible for managing the port and freight assets of Port Botany, Port Kembla, the Cooks River Intermodal Terminal and the Enfield Intermodal Logistics Centre. These assets, along with the efficient movement of freight to and from these assets, are critical to the future economic growth, liveability, productivity and sustainability of New South Wales.

Port Kembla is one of NSW's key trade gateways and plays a vital part of the state economy. Port Kembla is already approved for development as a container terminal and is well located to service the growing population of Greater Sydney. NSW Ports advocates for the construction of the Maldon-Dombarton rail line in order to expand existing rail service capability to Port Kembla and to connect to a future container terminal in the Outer Harbour. In addition, it will provide a more direct connection between the Port and West and Southwest Sydney.

NSW Ports seeks to ensure that the Wilton Growth Area DCP assists in the planning, design and assessment of development located within the vicinity of the proposed alignment of the Maldon-Dombarton Rail Link. Future development within the area must be designed and constructed to mitigate amenity impacts for future occupants.

A portion of the identified Maldon-Dombarton Rail Link corridor runs through the Wilton Growth Area and is zoned SP2 – Infrastructure pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP). Given the corridor is identified and zoned SP2 it is important to sufficiently design and plan development around identified future infrastructure within the Wilton Growth Area.

Should the Maldon-Dombarton Rail Link operate as originally proposed, it would be able to facilitate up to 36 train movements over a 24 hour period, including during night-time hours.

The Future Transport Strategy 2056 (TfNSW 2018) is an overarching strategy, to achieve a 40-year vision for the NSW transport system. The Strategy outlines the vision and strategic directions, with infrastructure and services plans underpinning the delivery of these directions across NSW. The Maldon-Dombarton rail link is identified for investigation and completion within the strategy. Therefore future development must take into consideration any potential impacts from future infrastructure development.

Proposed Amendments

NSW Ports has reviewed the Draft Wilton Growth Area DCP and request that further consideration be given to the below matters.

It is suggested that the Draft Wilton Growth Area DCP include the following conditions:

Part 2 – Precinct Planning Outcomes

Section 2.10 Noise Control of the draft DCP currently states:

2. Development for sensitive uses (childcare centres, hospitals, aged care facilities, schools and residences) adjacent to the Maldon to Dombarton Freight Rail Corridor must ensure that acoustic building treatments to be provided within 100m of the corridor to achieve recommended internal noise levels.

In addition to the above control, the following controls should be considered for inclusion within the DCP:

- Applicants proposing new development for sensitive uses (childcare centres, hospitals, aged care facilities, schools and residences) located within 100m of the Maldon-Dombarton Rail Corridor should refer to the *Development Near Rail Corridors and Busy Roads - Interim Guideline (Department of Planning 2008)* which includes design guidelines and requirements to manage the impacts from development near rail corridors.

Where applicable the applicant should demonstrate compliance with the relevant requirements of the *Development Near Rail Corridors and Busy Roads - Interim Guideline (Department of Planning 2008)* to ensure development is appropriately designed to mitigate any future freight rail development. Consideration should be given to the design of the development in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.

- Applicants proposing new development for sensitive uses (childcare centres, hospitals, aged care facilities, schools and residences) located within 100m of the Maldon-Dombarton Rail Corridor will be required to submit an acoustic report where the development is considered to be affected by noise from an existing or possible future rail corridor. The acoustic report will need to take into consideration the acoustic impact from existing and future identified rail corridors and demonstrate compliance with the relevant acoustic criteria for the proposed development.

Reason: Further consideration should be given to the development of sensitive land uses located within the vicinity of the Maldon-Dombarton Rail Corridor to ensure they are constructed to a level which can appropriately mitigate acoustic impacts from the future rail corridor. Where new rail lines are proposed, attention needs to be paid to the effective management of rail noise and requires the combined efforts of existing and future rail infrastructure owners, property developers and planning authorities. It is important for the DCP to include controls for sensitive land uses affected by possible future heavy rail projects, including new rail lines.

Part 4 Development in Residential Areas

It is requested that the wording of the following conditions in Section 4.2.9 Visual and Acoustic Privacy of the draft DCP be updated to assess the impacts of both existing and future rail corridors.

Section 4.2.9 Visual and Acoustic Privacy Controls

2. Development will require an acoustic report where it is:

- adjacent to or located within 100m of an existing or possible future railway line, arterial or sub-arterial roads;
or
- potentially impacted upon by a nearby industrial / employment area.

11. Development effected by noise from existing or possible future rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors.

12. Residential development affected by noise from existing or possible future rail or traffic shall aim to comply with the criteria in Table 15. Figure 34 provides guidance on measures to manage internal noise levels.

Reason: New development should be designed and constructed to mitigate any future impacts resulting from the Maldon-Dombarton Rail Link, including the impact of rail noise and vibration for occupants. The acoustic controls contained in Section 4.2.9 of the DCP relate to acoustic controls for residential development adjacent to railway lines and does not provide acoustic controls of other sensitive land uses located adjacent to rail corridors. Further, Section 2.6.1 of the South East Precinct DCP precludes an acoustic assessment from being submitted with subdivision applications if the Maldon-Dombarton Railway is not constructed at the time of the subdivision application. Therefore the DCP should contain development controls which address and assess the future acoustic environment for sensitive development once the railway is operational.

If you have any questions regarding the above submission, please contact myself on (02) 9316 1151 or adriane.whiley@nswports.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Adriane Whiley', with a long horizontal flourish extending to the right.

Adriane Whiley
Planning Officer