

APPENDIX ONE

The following table addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009) as required by the guidelines for preparing a Planning Proposal:

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes	The proposed rezoning is compatible with the Metropolitan Strategy and Draft South West Subregional Strategy for the following reasons: It is consistent with the strategic economy and employment objectives of the South-West Subregional Strategy.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	No	The Wollondilly Growth Management Strategy (GMS) identifies the site as being a draft industrial rezoning and has also nominated additional land on the north-eastern side of the site as an area with potential for industrial employment.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	No	The proposed rezoning is unlikely to create a precedent within the locality as the land adjoins land developed for heavy industrial purposes.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes	There are no current spot rezoning proposals in the locality but there is support within the Growth Management Strategy for additional land in the locality to be rezoned for employment generating uses. The land is conveniently located to take advantage of existing road and rail transport infrastructure.
Will the LEP 1) facilitate a permanent employment generating activity or 2) result in a loss of employment lands?	1) Yes 2) No	The LEP will increase the amount of employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No	The land is currently zoned for rural purposes.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Yes	Existing road and rail infrastructure is capable of servicing the site in the short term. In the medium and longer term upgrading of intersections along Picton Road and widening of this road to two lanes each way will be required. Upgrading of intersections will be required by 2016 for Area 3; a roundabout will be required for the intersection of Menangle and Picton Roads by 2036 and give-way 'seagull' intersections will be required in Area 1 by 2036. The site is relatively remote from residential areas but it is proposed to be connected to the Shirewide cycleway network with a route along Picton Road then to Douglas Park and Wilton. There are limited bus services along Picton Road to Wilton and Douglas Park. With increased development and more potential patrons, additional bus services may become economically viable.
Will the proposal result in changes to the car distances travelled by customers,	Yes	With additional employment generating uses there are expected to be higher traffic levels but the density of

Evaluation Criteria	Y/N	Comment
employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?		development is expected to be relatively low. There is potential to increase local employment which will reduce the number of travelling longer distances. On balance there is expected to be minimal impacts in terms of greenhouse gas emissions, operating costs and road safety.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	No	In the longer term widening of Picton Road west of the Nepean River to two lanes each way will be required. Upgrades to the intersection of Menangle and Picton Roads will also be required in the short and longer term and may be partly funded by developers. Upgrades of intersections into properties within the study areas will also be required in the short and longer term but these would be funded by developers.
		Outside the study area, the Hume Highway/Picton Road and Wilton Park Road/Picton Road intersections are currently under investigation by the RTA for upgrading. Upgrading will be required to both intersections regardless of development at Maldon.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	No	A flora and fauna investigation of the site has identified land with high biodiversity value and important habitat corridors. These are proposed to be protected through an E2 Environmental Conservation zone. Parts of the site are impacted by flooding, bushfire hazard and future mine subsidence. However all of these constraints are manageable.
Will the LEP be compatible/ complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Yes	The proposal is compatible with adjoining industrial land uses and will consolidate industrial zone between the Nepean River, Picton Road and Maldon Bridge Road. To alleviate potential impacts on surrounding rural residential properties provisions to minimise visual, noise, dust and odour impacts are proposed. The aim is also to maintain a low scale and density of development to ensure the rural aspects of the area are maintained. It is anticipated that sensitive design of development with appropriate landscaping will maintain local amenity.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?		The proposal will provide additional employment generating land required to improve the local and regional economy. If the rezoning is not supported, an opportunity to provide for future economic and employment growth would not be realised.

APPENDIX TWO

Compliance with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans)

	STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)	CONSISTENCY	COMMENTS
1	Development Standards	YES	This plan does not govern the content of the draft LEP.
4	Development Without Consent and Miscellaneous Complying Development	YES	This plan does not govern the content of the draft LEP.
6	Number of Storeys in a Building	NA	This plan does not govern the content of the draft LEP.
14	Coastal Wetlands	NA	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	NA	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	NA	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	NA	This plan does not govern the content of the draft LEP.
22	Shops and Commercial Premises	NA	This plan does not govern the content of the draft LEP.
26	Littoral Rainforests	NA	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	NA	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	NA	This plan does not govern the content of the draft LEP.
32	Urban Consolidation (Redevelopment of Urban Land)	NA	This plan does not govern the content of the draft LEP.
33	Hazardous and Offensive Development	NA	This plan does not govern the content of the draft LEP.
36	Manufactured Home Estates	NA	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	NA	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	NA	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	Yet to be determined	This plan substantially governs the content and operation of the draft LEP.
47	Moore Park Showground	NA	Not applicable in the Shire of Wollondilly.
50	Canal Estates	NA	This plan does not govern the content of the draft LEP.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NA	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	NA	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	Yet to be determined	
59	Central Western Sydney Economic and Employment Area	NA	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	YES	This plan does not govern the content and operation of the draft LEP.
62	Sustainable Aquaculture	NA	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	NA	This plan does not govern the content and operation of the draft LEP.
65	Design Quality of Residential Flat Development	NA	This plan does not govern the content and operation of the draft LEP.
70	Affordable Housing (Revised Schemes)	NA	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	NA	This plan does not govern the content and

			operation of the draft LEP.
	SEPP (Housing for Seniors or People with a Disability)	NA	This plan does not govern the content and operation of the draft LEP.
	SEPP (Building Sustainability Index: BASIX) 2004	YES	This plan substantially governs the content and operation of the draft LEP.
	SEPP (Kurnell Peninsula) 1989	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	NA	This plan does not govern the content and operation of the draft LEP.
	SEPP (Sydney Region Growth Centres) 2006	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yet to be determined	
	SEPP (Temporary Structures) 2007	NA	This plan does not govern the content and operation of the draft LEP.
	SEPP (Infrastructure) 2007	Yet to be determined	
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	YES	This plan substantially governs the content and operation of the draft LEP.
	SEPP (Western Sydney Parklands) 2009	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Western Sydney Employment Area) 2009	NA	Not applicable in the Shire of Wollondilly.
	SEPP (Sydney Drinking Water Catchments) 2011	NA	The subject lands are not located within the jurisdiction of the SEPP.
	DEEMED STATE ENVIRONMENTAL PLANNING POLICIES (FORMERLY REGIONAL ENVIRONMENTAL PLANS)	CONSISTENCY	COMMENTS
9	Extractive Industry (No 2)	NA	
20	Hawkesbury-Nepean River (No 2 - 1997)	YES	This plan substantially governs the content and operation of the draft LEP.
27	Wollondilly Regional Open Space	NA	Repealed 26/06/2009.

APPENDIX THREE

Examination of Draft Plan in accordance with relevant Section 117(2) Directions.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	YES	YES	The draft LEP for Maldon will not impact upon the siting of other industrial lands within the Wollondilly Shire nor reduce the potential floor area available for industrial uses. Further, the Maldon locality has been identified as a precinct which could accommodate additional employment lands within the draft Southwest Subregional Strategy, prepared by the Department of Planning. Therefore the Draft LEP is consistent with Direction No. 1.1.
1.2 Rural Zones	YES	YES	The draft LEP for Maldon is in accordance with the draft Southwest Subregional Strategy. Some of the land is currently used for semi-industrial and recreation purposes and the largest area adjoins a flour mill and is not utilised for agricultural purposes due to potential contamination risks related to the manufacture of flour. Accordingly the land is not considered to have potential for future agricultural purposes. Therefore it is considered that the draft LEP is consistent with Direction 1.2.
1.3 Mining, Petroleum Production and Extractive Industries	YES	YES	The land is located above a future underground coal mining area and an assessment of mine subsidence <i>Maldon Mine Subsidence Impact Study (MSEC 2011)</i> has been undertaken to provide controls to mitigate mine subsidence and ensure industrial development would not restrict future mining potential. The Director-General of DPI was consulted in this regard and was satisfied that the draft LEP would be consistent with this Direction provided there were suitable controls to mitigate the impacts of potential mine subsidence.
1.4 Oyster Production	NA	NA	Direction does not apply
2. Environment and Heritage			
2.1 Environmental Protection Zones	YES	YES	The draft LEP proposes to conserve environmentally sensitive land on the subject site, namely the endangered ecological community (EEC) Shale Sandstone Transition Forest. The area covered by the EEC is proposed to be zoned to an environmental protection zone as identified by <i>Maldon Employment Lands Flora and Fauna Constraints Assessment (Biosis 2011)</i> . It is anticipated that the rezoning shall increase the environmental protection standards that apply to the land, compared to its current rural zoning. Therefore it is considered that the draft LEP is

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
			consistent with Direction 2.1.
2.2 Coastal Protection	NA	NA	Direction does not apply
2.3 Heritage Conservation	YES	YES	There are no items of heritage listed in Wollondilly LEP 2011 for this land. <i>Maldon Aboriginal and Non-Aboriginal Heritage Study (Biosis 2011)</i> did not identify any additional items with potential heritage significance. Therefore it is considered that the draft LEP is not inconsistent with Direction 2.3.
2.4 Recreation Vehicle Area	YES	YES	The draft LEP does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area. Therefore no further consideration of the matters in relation to Direction 2.4 is necessary.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	NA	NA	Direction does not apply.
3.2 Caravan Parks and Manufactured Home Estates	NA	NA	Direction does not apply.
3.3 Home Occupations	NA	NA	Direction does not apply.
3.4 Integrating Land Use and Transport	YES	YES	The Maldon draft LEP is consistent with the provision of such documents, principally through its ability to provide increased employment lands in the Shire, thereby reducing the number of commuter movements outside of the Shire. Opportunities for provision of cycleways and additional public transport are also being considered. The Draft LEP is not inconsistent with Direction No. 3.4.
3.5 Development Near Licensed Aerodromes	NA	NA	Direction does not apply
4. Housing, Infrastructure and Urban Development			
4.1 Acid Sulphate Soils	NA	NA	Direction does not apply
4.2 Mine Subsidence and Unstable Land	YES	YES	The land is proposed to be mined in the future. The <i>Maldon Mine Subsidence Impact Study (MSEC 2011)</i> provides controls for future development which are considered satisfactory by the Mine Subsidence Board. Therefore the draft LEP is not inconsistent with this direction.
4.3 Flood Prone Land	YES	YES	Part of the land was identified as flood prone in the <i>Hydrology Study (Martens 2011)</i> but can be readily mitigated by engineering works. Therefore the draft LEP is not inconsistent with this direction.
4.4 Planning for Bushfire Protection	YES	YES	The land to which the draft LEP applies includes bushfire prone land. The <i>Bushfire Protection Assessment (ABPP 2011)</i> undertaken for the site provided bushfire management strategies suited to the proposed employment lands use and location. It is considered that the draft LEP is consistent with Direction No. 4.4.
5. Regional Planning			

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
5.1 Implementation of Regional Strategies	NA	NA	Direction does not apply
5.2 Sydney Drinking Water Catchments	NA	NA	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	NA	Direction does not apply
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	NA	Direction does not apply
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	NA	Direction does not apply
5.6 Sydney to Canberra Corridor	NA	NA	Although the Sydney Canberra Corridor Strategy 1995 refers to land within Wollondilly Local Government Area the Strategy has been determined to no longer apply to Wollondilly LGA.
5.7 Central Coast	NA	NA	Direction does not apply
5.8 Second Sydney Airport: Badgerys Creek	YES	YES	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	YES	YES	The Maldon draft LEP does not contain provisions requiring concurrence, consultation or referral to a Minister or public authority. Therefore the Draft LEP is consistent with Direction No. 6.1.
6.2 Reserving Land for Public Purposes	YES	YES	Direction does not apply
6.3 Site Specific Provisions	NA	NA	Direction does not apply

APPENDIX FOUR

Section 62 Consultations with Government and non-Government organisations

Organisation	Comment	Response
Dept Of State & Regional Development	No comment	Noted
Cubbitch Barta Native Title Claimants Aboriginal Corp.	A conservation zone is located near the flour mill on existing industrial zoned land. Requested an archaeological study of the site.	Archaeological survey undertaken and recommendations for protection of archaeologically important parts of the site within an E2 Environmental Conservation zone is proposed.
Integral Energy	Supply of electricity available from Maldon substation to service the site.	Noted
Jemena Asset Management	No assets in the vicinity and no comment	Noted
State Emergency Service	Consider flooding issues including events up to the PMF level and undertake risk assessment on access routes.	A hydrology study was undertaken which found that part of the site within Area 1 would be affected by flooding but that a specific site flood evacuation centre was not required as access to and from the study areas is not restricted during all storm events.
Telstra	No comment	Noted
Campbelltown City Council	No comments but suggested WSC set employment targets within the area proposed to be rezoned for industrial uses.	Employment targets are not considered feasible as the types of industries likely to be developed are unknown.
Wingecarribee Shire Council	No particular issues but commends Council's work on the provision of additional employment lands.	Noted
Wollongong City Council	No comment.	Noted
Sydney Catchment Authority	No comment as the land is located outside of the SCA's area of operation.	Noted
Office of Environment and Heritage	Recommended the following assessments dependant on budget and time: - An assessment of the heritage assets of the area, including consideration of natural areas and places of Aboriginal historic or archaeological significance - Review of the State Heritage Inventory register. - A field survey to identify non Aboriginal heritage items by a qualified consultant and should include statement of significance and an assessment of the impact of the proposal on the heritage significance of the items. - A survey of existing or potential cultural landscapes, conservation areas, views and	Two studies were undertaken to address the matters raised. A Cultural and Scenic Landscape Assessment considered potential impact of future development on scenic and visual aspects. The assessment indicated that the existing heavy industry has had a significant visual impact on the rural landscape and highlighted the importance of minimising further impact. It recommends smaller scale, clustered development adjacent to Picton Road. The study recommended a height limit on industrial development but as there is no height limit on any industrial land in the Shire, it is considered unnecessarily restrictive for this land. A 30m landscaping buffer along Picton Road will mitigate to a large extent the visual impact of any future industrial development. Land behind the existing flour mill could accommodate larger scale development but this should not exceed the height (45m) of the flour mill silo. It is proposed to use controls in the Wollondilly DCP rather than

		vistas covering all major historical land uses and themes. Land use conflicts should be identified and mitigation strategies and zoning controls identified. - Areas to be rezoned should be assessed for the potential existence of heritage assets. Any rezoning should permit uses that are compatible with any heritage significant site or item.	in the WLEP to ensure the height and scale of development minimises further visual impact on the landscape character. An E2 Environmental Conservation zone adjacent to the Nepean River and Carriage Creek would protect the vegetation and gorge and assist in maintaining the scenic and visual quality of the riverine corridor. Maintaining vegetated areas and ensuring development is limited to the existing cleared areas is recommended. Landscaping buffers along Picton Road are recommended. Landscaping within Area 3 will need to consider the high bushfire threat which may require relatively sparse landscaping along the railway line to limit further bushfire hazard.
			An Aboriginal and non-Aboriginal Heritage Assessment was undertaken. No items of European heritage or additional items of Aboriginal heritage were identified in the study area. The assessment identified land with low, moderate and high sensitivity in terms of aboriginal heritage which will be used as a parameter for further investigation for any future proposed development. An E2 Environmental Conservation zone is recommended to provide a greater degree of protection for land identified as being highly sensitive archaeologically. The report recommended test excavations prior to any further subdivision for areas of moderate and high sensitivity. Procedures for the discovery of archaeological human remains should also be adopted. DCP controls to include the requirements for further investigation in a Section 88B instrument are recommended. Information from the report and any further investigations should be incorporated into the proposed Wollondilly Shire Aboriginal Heritage Study.
Sydney Corporation	Water	Sydney Water note that they have previously advised Walker Corporation (in a feasibility letter dated 27 Oct. 2008) of significant requirements for amplifications to the water and wastewater systems. <u>Water Servicing:</u> Each lot in the subdivision must have a frontage to a water main that is the right size and can be used for	A report on Water and Sewer Servicing was undertaken which examined the potential for various land uses and subdivision. In addition the Hydrology report examined potential for on-site detention for non-potable water needs. As employment generating uses likely to be attracted to this area are unknown it is difficult to estimate future water and sewer requirements. Existing industries at Maldon have been able to

	connection. The current area is not serviced by Sydney Water by Sydney Water's water system and the nearest water supply zone does not have the capacity to service the proposed development. Significant extensions and amplifications are required. <u>Sewer servicing:</u> The subject site is not currently serviced for wastewater by Sydney Water's wastewater system. The nearest wastewater catchment has insufficient capacity to service the proposed development without further developer funded amplifications.	function successfully with low environmental impact within the constraints of limited water and sewer services. <u>Water Servicing</u> The flour mill is located at the eastern end adjoining Area 3 and is currently serviced by water from Sydney Water through a single 150mm DICL diameter water main. This main passes the front of properties in Area 1. The flour mill has a relatively low water usage for the milling process. It is not connected to reticulated sewer and uses an on-site wastewater treatment system. A reservoir supplies water for an on-site fire fighting protection system.
	<u>Section 73 Compliance Certificate:</u> Sydney Water will assess the impact of development when the proponent applies for a Section 73 Certificate. At that stage Sydney Water will provide details of specific works required as a result of the development. Sydney Water requests Council to continue to instruct proponents to obtain a Section 73 Certificate from Sydney Water.	Although the current main provides sufficient water to meet the needs of the flour mill there is limited capacity to service further subdivision should the land be rezoned to industrial. Rezoning to industrial is proposed to proceed within a framework which requires sustainable water sensitive urban design using on-site rainwater detention and wastewater treatment. MUSIC modelling in the Hydrology report details provisions for on-site detention and bio retention which provide a basis for controls to achieve an environmentally sustainable approach and these will be incorporated into the DCP. It is proposed that new development would undertake a water supply assessment detailing available potable and non potable water sources including requirements for fire protection. <u>Sewer Servicing</u> It is proposed that new development would be required to undertake an on-site wastewater and geotechnical assessment which would ensure there is minimal impact on riparian corridors and environmentally significant land. Further discussions are being held with Sydney Water regarding the provision of future water and sewer infrastructure for Maldon.
Roads and Traffic	The RTA outlined a number of issues that require consideration as part of the LEP amendments, including access to and from Picton Rd, impacts to Picton Rd and impacts to the interchange of Picton and the Hume Highway. They requested a Traffic Impact Study (TIS). The TIS should examine all existing and proposed access arrangements	A Traffic and Transport Study was undertaken which carried out traffic modelling and intersection analyses along Picton Road and examined bus, rail and cycleway services. <u>Transport</u> The study found that there are limited transport services to the site. The nearest rail service is located at Picton railway station – approximately 2.6km distant. A cycleway route is proposed along Picton Road under the Draft Wollondilly

	in the precinct from the Nepean River Bridge to Maldon Bridge Road. Where possible existing access arrangements should be consolidated. The TIS should examine the full development potential of the land in determining likely traffic generation rates. Network modelling should determine distributions to and from the site and detailed intersection modelling undertaken for any junction treatments. The existing arterial road functionality of Picton Road must be preserved and in this regard the RTA is unlikely to support a proposal to reduce the speed zone. In the past the RTA has not been supportive of an at grade junction within the 100km/h zone. The TIS should identify suitable infrastructure required to ameliorate any traffic impacts and safety impacts associated with the LEP amendment. Consideration should be given to pedestrian, cyclist and public transport infrastructure. For any infrastructure necessitated by the LEP amendment, consideration should be given to the timing of the infrastructure and appropriate planning mechanism to ensure the infrastructure is provided, for example through a Voluntary Planning Agreement.	Bike Plan but currently no separate infrastructure has been provided. A limited number of bus services travel along Picton Road to Wilton and Douglas Park. Provision of shared pathways and bus shelters could be required as part of any future application for development. The potential traffic generation was based on Gross Leasable Floor Area using RTA traffic generating rates and rates from surveys undertaken in Penrith and Blacktown which would more closely approximate to the intensity of land use in an outer metropolitan area such as Wollondilly Shire. Network modelling was undertaken for Picton Road from 2011 to the year 2036 and was based on all traffic being generated by road. The study examined the Hume Highway and Wilton Park Road intersections east of the Nepean River and intersections west of the Nepean River in the study area. To accommodate the additional traffic from the rezoning, Picton Road would need to be widened to two lanes in each direction by 2036. There is sufficient road reserve to enable this widening. Intersection treatments <u>East of Nepean River</u> Upgrading of both the Hume Highway and Wilton Park Road intersection is required currently and the outcome of RTA studies and proposed changes to the configurations of these intersections would be required prior to determining the impact of additional potential traffic from the Maldon site. <u>West of Nepean River</u> Menangle Road intersection would require a give-way "seagull" operation by 2016 and a roundabout by 2036 should industrial development proceed. Access from Picton Road to 4 properties in Area 1 (other than the Go Kart track and the electricity substation) would be consolidated from four to one or at the most, two access points and a give-way "seagull" infrastructure would be required at these intersections by 2036. Alternatively rear access to properties in Area 1 (other than the electricity substation) could be provided via Maldon Bridge Road and through an existing access road which will require widening, at the rear of the Go Kart track and this would also require a privately funded bridge across Cambridge Creek. The latter alternative is likely
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		to be economically unfeasible unless reticulated sewer is provided to allow for subdivision. Areas 2 and 3 would be accessed via the existing intersection to the flour mill. To accommodate forecast traffic generation from Area 2 and 3 this intersection would need to be upgraded to a give-way "seagull" operation by 2016. A railway bridge would be required over a cutting to provide access into Area 3. Area 3 is a part portion of a larger lot including the flour mill and additional industrially zoned land. Provision of the railway bridge will be required prior to any development occurring within Area 3.
		The increase in traffic and introduction of traffic controls would require a reduction in the speed limit west of the Nepean River from 100 km/hr to 80km/hr prior to 2036. At this stage a State VPA for provision of the intersection infrastructure along Picton Road is not considered necessary as given the water and sewer constraints the full development potential of the site particularly in terms of subdivision is unlikely to be achieved in the near or medium term future. Any further development should be examined on a case by case basis in terms of traffic infrastructure requirements and requirements for infrastructure treatment will be assessed and determined at development application stage. The DCP will specify that no further subdivision will be permitted in Area 1 unless a VPA is entered into by landowners within Area 1 to provide an internal access road and a bridge across Carriage Creek. The DCP would also outline consolidated access points for Area 1 for development other than subdivision which would be assessed by the RTA in terms of intersection treatment at the development application stage.
Dept. of Primary Industry	<u>Agriculture</u> The majority of the land proposed for rezoning is agricultural class 3 land which is suitable for cropping in rotation with pasture. The land use currently appears to be for grazing purposes – irrigation of the land may be difficult or costly. The types of industry proposed for the rezoned land should not preclude agriculture/rural industries. <u>Fisheries</u>	<u>Agriculture</u> The various properties in the study area are used for a range of purposes and only limited agricultural use is undertaken on some of the properties. The largest portion of land is grassed but not currently grazed due to limited access and potential contamination issues with the production of flour. Some agricultural uses are still permissible within industrial zones, namely <i>intensive plant agriculture</i>. A number of uses with a rural association are permissible in industrial zones including <i>rural supplies, timber</i>

		The key fish habitat of the Nepean River and tributaries to this river lie adjacent to and within the proposed rezoning. NSW DPI is concerned the proposed rezoning could reduce the condition of the aquatic habitat, riparian zone and water quality of key fish habitat. Much of the riparian zones are vegetated and it is important that the vegetated nature of these zones is maintained. The width of these zones is to be determined in accordance with the Office of Water requirements. NSW DPI preference for the riparian zone adjacent to the Nepean River is for a minimum buffer width of 50m. <u>Mineral Resources</u> The area in question is covered by Consolidated Coal Lease 767 held by Endeavour Coal Pty Ltd. Endeavour Coal is currently mining the Bulli seam by longwall mining techniques to the east. This area is underlain by prime quality hard coking coal that will be mined in the future. Consequently DPI mineral resources does not support any rezoning of the land until mining has occurred beneath the subject area. <u>Forestry</u> The proposed amendment is not relevant to the interests of Forestry NSW.	<i>supplies and plant nurseries.</i> <u>Fisheries</u> A study of the aquatic habitats within the Nepean River and its tributaries was undertaken. This study found that the habitats varied in quality mainly due to the level of disturbance and amount of intact riparian vegetation. The report classified waterbodies using the Riparian Corridors Management System method and proposed buffer widths and associated controls. The report recommends a 100m riparian buffer to the Nepean River which is in accord with the current buffer under Wollondilly LEP 2011 indicated on the <u>Natural Resources – Water map</u>. The riparian buffer width Carriage Creek is currently 30m along its full length. The riparian analysis recommended a 40m width for Carriage Creek in Area 3 and a 20m width in Area 1. Two additional minor waterbodies in Area 3 have been mapped and riparian buffer widths of 10-20m recommended. Currently there are no 20m or 40m buffer widths under the Strahler Stream Order system used by Council so the 50m buffer is proposed for Carriage Creek in Area 3 and the existing 30m buffer is proposed to be retained for Carriage Creek in Area 1. The minor waterbodies in Area 3 which are currently not mapped would have a 10m riparian buffer. The <u>Natural Resources – Water map</u> is proposed to be amended to reflect these recommended riparian buffer widths. <u>Mineral Resources</u> Initially the mineral resources section of the DPI objected to the proposed rezoning but then withdrew their objection based on a report being prepared which would 1)examine the extent of mine subsidence in the area to be rezoned and 2)propose development controls to mitigate such impacts. The Mine Subsidence Impact Study assessed likely subsidence and potential industrial uses. The study made recommendations for building design which are proposed to be included as controls on development in the DCP. The study found that as the predicted subsidence parameters are relatively low additional costs from designing for mine subsidence would not be excessive. Future development of the site for industrial purposes will not reduce the potential for further longwall mining as detailed in the <i>Bulli Seam Operations Environmental Assessment</i>.
Mine Board	Subsidence	The mine subsidence board has no objections to the proposed zoning.	The MSB supported the recommendations of the Mine Subsidence Impact Study.

	The applicant should be advised to seek the Board's approval for any proposed subdivision or the erection of improvements at the appropriate time.	
NSW Rural Fire Service	The NSW RFS notes that the subject area is identified as bush fire prone on the Wollondilly Bush Fire Prone Land Map. Development applications for all development on bush fire prone lands will be required to comply with either section 79BA of the <i>Environmental Planning and Assessment Act 1979</i> or Section 100B of the <i>Rural Fire Acts 1997</i> depending upon the nature of the proposed development. In relation to future commercial, industrial or other development on bush fire prone land it is suggested that the aims and objectives of <i>Planning for Bushfire Protection 2006</i> be considered in the planning stages of these developments.	The main bushfire threat comes from the southern part of the site around the Nepean River and Carriage Creek. The Bushfire Protection Assessment recommends a strategy for a 50m defendable space (APZ) width adjacent to the Nepean River and Carriage Creek riparian corridor/buffer zone. A defendable space of more than 31m is proposed for existing buildings on 2 properties fronting Picton Road with rear boundaries near Carriage Creek. Strategies are proposed for management of defendable space/landscape management, construction standards for buildings, water supplies for fire fighting operations, access for fire fighting – two-way perimeter loop road adjacent to the vegetated corridors around the Nepean River and Carriage Creek and evacuation planning. The strategies detailed in this report will form the basis for development controls in the DCP. The Flora and Fauna Report recommends that defendable spaces and APZs not be included within conservation zones.
Office of Water	Key issues that need to be addressed during the preparation of the draft LEP include: The Riparian Corridor Objective Setting work should be incorporated into the draft LEP to identify minimum riparian setback requirements along the waterways. The LEP needs to include provisions to protect and rehabilitate waterways and riparian land. Concern is raised that riparian lands are to be zoned E3 – Environmental Management as this is likely to cause pressure to locate inappropriate uses in the riparian lands and impact the values and functionality of the riparian lands. The Office of Water recommends riparian lands are to be zoned E2 – Environmental Conservation (particularly category 1 and 2 watercourses) rather than E3 to provide better protection. The uses that are permitted with consent in the E2 zone need to be	The Terrestrial and Aquatic Flora and Fauna Survey and Constraints Assessment report classified waterbodies using the Riparian Corridors Management System method and proposed buffer widths and associated controls. The study confirmed the existing riparian buffer under the <u>Natural Resources – Water Map</u> to the Nepean River of 100m and for Carriage Creek which currently has a 30m buffer has recommended a 40m buffer in Area 3 and a 20m buffer in Area 1 in accordance with the Riparian Corridor Management System. A 50m buffer in line with the Strahler stream method adopted by Council for Carriage Creek in Area 3 and retention of the existing 30m buffer indicated on the <u>Natural Resources – Water Map</u> in Area 1 are proposed as the 20m and 40m buffers are not included in this method. This would exceed the recommended buffer widths proposed by the consultant and provide better protection for water resources. Land included on the <u>Natural Resources – Biodiversity Map</u> is linked to clause 7.2 in WLEP 2011 and aims to protect such ecologically significant land from adverse impact.

	restricted to uses that will not impact on the values and functionality of the riparian lands. Appropriate uses include environmental protection works; drainage and crossings. If the E3 zoning is to remain, the Office of Water recommends the LEP includes: Objectives under the E3 zoning to ensure the waterways and riparian lands are protected and enhanced Provisions to prevent inappropriate uses from being located in waterways and riparian lands. The LEP needs to include provisions so that the riparian lands remain, or become vegetated, with fully structured native vegetation (trees, shrubs and groundcover species). The rezoning proposal needs to demonstrate that a sustainable water supply is available with minimal reliance on accessing valuable groundwater resources. The rezoning should not result in the proliferation of Basic Landholder Rights (under the Water Management Act 2000) along the frontage of waterways or over any vulnerable aquifers. The potential impact of light industrial development on groundwater and groundwater dependant ecosystems need to be assessed and the LEP should include provisions to protect these resources. The Office of Water emphasises the importance of getting the issue of water quality correct in relation to stormwater, industry and sewer etc due to the sensitive nature of the receiving waters of the Nepean River.	It is agreed that an E2 Environmental Conservation Zone will better protect the environmentally significant land and riparian corridor as it limits the range of permissible uses which will afford better protection to the riparian corridor and environmentally significant land. The banks of the northern section of Carriage Creek in Area 1 between Picton Road and the railway line are denuded of vegetation and should be revegetated. This land is also proposed to be zoned E2 Environmental Conservation in accordance with the recommendations of the Flora & Fauna study. Provisions for revegetation of this land would be a condition of any development consent. Most of the land along the remainder of Carriage Creek and the Nepean River in Area 3 is well vegetated. Provisions for weed eradication would assist in increasing native vegetation cover. There will be some reliance on surface water with the use of on-site stormwater detention for non-potable uses. However a high ratio of permeable: impermeable land is proposed and with provisions to ensure there is a buffer between industrial development and the forested lands it is anticipated that there will be sufficient surface water to maintain these forests and minimal impact on groundwater dependant ecosystems particularly Carriage Creek and the Nepean River. Land included on the <u>Natural Resources – Water Map</u> is linked to clause 7.3 in WLEP 2011 and aims to protect such land from adverse impact on water quality, natural flow and the flows, capacity and quality of groundwater systems. The aim is to attract industries requiring larger tracts of land particularly with regard to Area 3 but with low water needs. Additional controls in the DCP will require future developers to demonstrate that they can achieve a sustainable water supply. It is proposed that the E2 land around the Nepean River in Area 3 be retained in one lot. This will ensure that there will not be a proliferation of landholder rights. Industries which have low water usage and low wastewater generation are those most suited to the site due to the limitations on reticulated water and sewer and the need to reduce potential impacts on the EECs and the aquatic habitat in
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		the Nepean River. The Hydrology study has provided a basis for achieving water quality and a sustainable approach to water usage.
NSW Department of Transport (formerly NSW Transport and Infrastructure)	The Dept of Transport requests a transport impact study to be prepared that considers opportunities to reduce reliance on single occupancy vehicle travel to the site including: ▪ Analysis of where the workforce is likely to travel from ▪ Consideration of provisions for sustainable transport modes ▪ Consideration of measures to be included in a workplace travel plan that could form part of conditions of consent In relation to freight, the following matters should be considered ▪ The main south rail line is leased to the Australian Rail Track Corporation (ARTC) and connection to this line would be at the proponents own cost and subject to ARTC approval ▪ The site is not identified as a location for future intermodal terminal development ▪ The Commonwealth has commissioned a study into the feasibility of completing the Maldon-Dombarton line.	The Traffic and Transport study identified the origins of workers in Wollondilly Shire and found that the majority are from Wollondilly Shire. Around 12% of workers are from Campbelltown and Camden, the nearest locations and a similar proportion 11%, are from Wollongong/Shellharbour. Most workers, 81% arrive at work by car. Given the distance of travel within Wollondilly Shire itself and to its closest neighbours, public transport to work in Maldon is not considered to be a realistic option in the short or long term. However development of cycleway infrastructure should be a requirement for any development proposal with the eventual aim of providing links to Picton Railway Station. Improved bus services will be provided should the demand increase if development proceeds and bus shelter infrastructure should also be provided as part of any future development. Council sent a submission in December 2010 to the Federal Department of Infrastructure and Transport with regard to the Maldon Rail Link Feasibility Study. The submission supports the development of the Maldon Dombarton Rail Link for the following reasons: • Assists in delivering overall efficiencies in freight distribution and intermodal networks in the greater Sydney metropolitan region, thereby assisting Sydney's and NSW's economic competitiveness. • Supports regional economic development by improving efficiencies in the transportation of freight (principally grain, coal, ore, cars) • Facilitates regional economic development related to Port Kembla and its future expansion. • Reduces truck movements on Picton Rd, Appin Rd, F6 and the Hume Hwy which will reduce fuel costs for transport, reduce greenhouse gas emissions, and improve public road safety conditions. • Results in a more favourable separation of freight and passenger rail traffic on the Sydney network (particularly between Sydney and the Illawarra) which will improve passenger service capacity and reliability. In terms of a new rail siding ARTC's main concerns are that: • The siding should be designed to ensure

		minimal impact on rail movements; • The siding needs to enable departing and entering the main line in a safe and efficient manner; and • The final design of any new siding would need to limit the requirement for shunting on the main line. Provision of an additional rail siding within the site would accordingly depend on its location and design. Should the Maldon – Dombarton line proceed then the vicinity of the junction of this line to any other proposed rail siding would also need to be considered. Use of the railway line for freight is strongly supported by Council and any proposal for such development would be encouraged.
Rail Corp	The corridor at Maldon is managed by the ARTC	No comment
Australian Rail Track Corporation -ARTC	There are no objections from ARTC concerning the proposed rezoning	The traffic/transport study includes reference to the role of ARTC
Hawkesbury Nepean Catchment Management Authority	The vegetation on the land proposed to be rezoned is both significant and valuable: it is good quality; scarce; a corridor for plant and animal movement through the landscape; and is necessary for maintaining water quality. In addition, that vegetation may contain the endangered species <i>persoonia bargoensis</i>. Rezoning this land to an industrial zoning would mean that the HNCMA will have no approval role for any clearing of native vegetation occurring on that land. HNCMA recommends that if Council proceeds with the proposed rezoning, then an Environmental Protection Zone or Environmental Management Zone be established over all the land that is proposed to be rezoned and contains remnant vegetation. HNCMA's mapping shows that the part of Lot 1 DP 1128013 that is proposed to be rezoned contains land mapped as Steep or Highly Erodible Land within the vegetated area, which has significant risk of soil erosion with the potential for polluting waterways. Limiting erosion in these areas requires the maintenance of	A Flora and Fauna study was undertaken. No direct observations were made of any TSC or EPBC Act threatened flora species or populations in the survey undertaken. However the study indicated that there is a high likelihood of <i>persoonia bargoensis</i> being present. There is a proposal to zone the vegetated area in Area 3 to E2 Environmental Conservation to provide a high level of protection to this ecologically significant area. In addition land in Area 1 along Carriage Creek is also proposed to be zoned E2 Environmental Conservation. The steep and highly erodible land adjoining the Nepean River and Carriage Creek will fall within the proposed E2 zone and is not proposed to be developed. Revegetation of land around Carriage Creek within Area 1 is proposed and will be incorporated in the DCP controls. As part of the community consultation process the HNCMA will be asked to comment on the Flora and Fauna study.

	vegetation cover. It is noted that a Local Environmental Study will not be undertaken by Council for this proposal. HNCMA recommends that Council commission a Flora and Fauna study for those lots proposed to be rezoned. We request a copy of this study so that we might provide further comment to Council on the proposed amendment to the LEP.	
Office of Environment and Heritage (formerly Dept. of Environment, Climate Change and Water)	<u>Biodiversity</u> The largest site subject to rezoning DP1128013 (Area 3) has high conservation value as it contains remnant vegetation likely to be Shale Sandstone Transition Forest (SSTF) and River Flat Eucalypt Forest on Coastal Floodplains of the NSW North Coast, Sydney Basin and South East Corner bioregions. Within and adjoining the site, threatened species listed under the TSC Act have been recorded including: ▪ Koala ▪ Gang Gang Cockatoo ▪ <i>Grevillea parviflora</i> subs <i>parviflora</i> ▪ <i>Persoonia bargoensis</i> The area of the subject site is part of the Cumberland Koala linkage which consists of linked remnant vegetation around the edge of the Cumberland Plain, providing a connection of suitable habitat between the four Koala colonies at Wedderburn, Avon/Nepean, south Nattai and Glenbrook. The environments identified in this linkage are unique and provide habitat for a distinctive range of species many of which are highly threatened and close to extinction in this area such as the Squirrel Glider. Council's letter indicates that the area adjacent to the Nepean River will be zoned E3 Environmental Management. However, given the high conservation values of the site, DECCW strongly recommends that Council reconsiders the zoning of this	The Flora and Fauna study found that SSTF an endangered ecological community (EEC) is the dominant woodland habitat in the forested area (@57ha) of Area 3 along with Upper Georges River Sandstone Woodland and Western Sandstone Gully Forest. This woodland habitat is largely intact and undisturbed. Areas 1 and 2 and the remainder (@30ha) of Area 3 are largely cleared and contain Closed Grassland. These are the parts of the site proposed to be zoned for industrial purposes. No direct observations of threatened species were made during the survey of the site. An assessment of 21 species recorded locally or near the site found that in the subject site or in the study area there is: ▪ a nil to low likelihood for 14 of these species to be present; ▪ a medium likelihood for 6 species to be present; and ▪ a high likelihood for one species to be present. It is agreed that an E2 zone would provide better protection given the presence of an EEC and the importance of keeping this quality vegetation undisturbed and intact. An Aboriginal and non-Aboriginal Heritage Assessment was undertaken. No European heritage items or additional Aboriginal heritage items were identified. Land with low, moderate and high sensitivity in terms of aboriginal heritage was delineated to be used as a basis for further investigation as part of any development assessment. A member of the local aboriginal community assisted during the Aboriginal archaeological survey. An E2 Environmental Conservation zone is recommended to provide a greater degree of protection for land identified as being highly

	area to ensure that it is retained and managed for conservation purposes. It is recommended that the zone E2 Environmental Conservation is applied to this high conservation area with permitted uses limited to those that are consistent with the protection of the conservation values present within the zone. <u>Riparian Corridor</u> The Nepean River acts as a functional ecological corridor for native flora and fauna and is vegetated with the EECs as mentioned above. Council is encouraged to apply strong environmental protection provisions to prevent inappropriate development and clearing of vegetation within the riparian zones. Specifically DECCW recommends that Council applies the E2 Environmental Conservation zone along the Nepean River riparian corridor. The E2 zone should have permitted uses limited to those that are consistent with the protection of conservation values present within the zone. <u>Aboriginal Cultural Heritage</u> There are known recorded sites within the vicinity of the subject site. It is strongly recommended that you undertake an Aboriginal community consultation and archaeological assessment as part of the rezoning. <u>Environmental Amenity –noise, dust and odour</u> DECCW recommends that appropriate assessments are carried out on development sites near sensitive receivers to ensure that appropriate planning measures can be implemented. <u>Flood Management</u> DECCW recommends that the LEP amendment: ▪ Includes provisions to consider flood risks linked with critical infrastructure. ▪ Addresses community safety on all flood prone land up to the PMF.	sensitive. The report recommended test excavations prior to any further subdivision for areas of moderate and high sensitivity. Procedures for the discovery of archaeological human remains should also be adopted. DCP controls for subdivision should indicate the requirements for further investigation in a Section 88B instrument. Information from the report and any further investigations should be incorporated into the proposed Wollondilly Shire Aboriginal Heritage Study. A Noise Impact Assessment was undertaken and has determined the maximum noise that can be generated from the 9 properties with respect to surrounding sensitive receivers. A formula for revising this if further subdivision is carried out is also provided. The cumulative effect of noise from increasing industry sources is an important consideration given the location of the site within a rural-residential setting. Currently traffic noise on Picton Road exceeds recommended design criteria for an arterial road. Maintaining local amenity with regard to noise is very important and will be a major consideration when assessing future industrial development. An Air Quality Review found that there are unlikely to be any issues with regards to air quality from additional industrial development provided dust and odour management practices are adopted. The review recommended that certain types of industries that emit dust and odour may impact on the flour mill and should be restricted. These uses include hazardous and offensive industries and storage establishments, intensive livestock keeping and uses which emit heavy metals and chemicals. A Hydrology study examined potential flood impacts and found that the majority of the site is flood free. A significant part of Area 1 including the Main Southern Railway would with future intensification of development be impacted by flooding from Carriage Creek. The report recommends engineering works for future development of the site. In addition conditions for development are recommended to minimise risks to public safety arising from site flooding. These conditions are in keeping with provisions in WLEP 2011 and WDCP 2011. The proposed rezoning would be consistent with Section 117 Direction clause 4.3 Flood Prone Land.
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	▪ Includes provisions to consider the potential for likely changes in flood behaviour including changes to the condition of the catchment and cumulative impacts and potential future impacts as a result of climate change. ▪ Is consistent with the relevant flood related section 117 direction and the Government's Flood Prone Land Policy as set out in the Floodplain Development Manual as well as any Council-adopted Floodplain Risk Management Plan and Flood DCP. ▪ Fully consider flow conveyance and flood hazard including on lands that have not been mapped for flood before land is rezoned for more intensive uses.	
Port Kembla Port Corporation	The Port Kembla Port Corporation supports the rezoning as it considers the creation of employment lands is critical for the future of the region. The Corporation did not lodge a formal submission.	The completion of the Maldon Dombarton Line will improve the movement of freight to and from Port Kembla, including any freight potentially resulting from future industrial development of the site. Completion of this line is strongly supported by Council.