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18 July 2023

Max Strassmeir  
Senior Strategic Planner – Growth  
Wollondilly Shire Council  
PO Box 21  
PICTON NSW 2571

Dear Max

**40-45 MALDON BRIDGE ROAD AND STAFF ROAD, MALDON PLANNING PROPOSAL (PP-2021-3179)**

I am pleased to confirm that Boral has now completed the additional investigations to support re-lodgement of the planning proposal for 40-45 Maldon Bridge Road and Staff Road, Maldon. Please note, the planning proposal is essentially the same as was originally lodged and assessed by both the Local Planning Panel and Council, with resolutions of support for the proposal received in December 2021 (LPP) and December 2022 (Council).

Additional supporting information will also be submitted in response to the NSW Department of Planning and Environment (DPE) letter to Council, dated 3 February 2023. While DPE confirmed the Planning Proposal was consistent with Wilton 2040 and achieves the intended outcome of the land use zoning in the Maldon precinct, there were a few outstanding matters which required resolution. This letter provides an overall response to the matters raised and references some additional documents to be submitted in response which should support a Gateway determination and enable the subsequent public exhibition in a timely manner.

***Matter 1 - Consult the Greater Cities Commission regarding the 0.60ha of Metropolitan Rural Area proposed within the rezoning site.***

From our discussions, it is understood Council has completed this referral and it has been agreed that Lot 1 DP 162140 will now be included within the Growth Centres boundary.

***Matter 2 - Confirm the proposed C2 zoning aligns with avoided land and SCA identified under the Cumberland Plain Conservation Plan.***

We can confirm that the proposed C2 zoning boundary aligns with the avoided land and Strategic Conservation Area identified under the Cumberland Plain Conservation Plan (CPCP) with a minor exception as was outlined in the GLN Planning letter issued to Council and dated 9 September 2022. The proposed amendment included a minor 207 m<sup>2</sup> area of avoided land proposed to be zoned IN3 (now E5) heavy industrial to facilitate an appropriate connection to the adjoining Lot 1 DP 162140. This boundary alignment was reflected in the original Gateway report Council submitted to DPE and remains unchanged.

As was stated in the original letter, the inclusion of this small triangle does not mean this part of the site may be developed (as opposed to preserved as landscaping), and if any development did extend to impact the biodiversity values of vegetation in this area, then an ecological assessment would be triggered, and a Biodiversity Development Assessment Report (BDAR) would be required. Reference may also be made to the NSW DPE (August 2022) *Cumberland Plain Conservation Plan Guidelines for Infrastructure Development* where applicable Essential Infrastructure may be required.

Furthermore, the CPCP did not extend to include Lot 1 DP 162140 which sat outside the Growth Centres boundary. As noted above, it is now understood this lot will be included within the Growth Centres boundary. In the absence of CPCP mapping, the upper part of this lot commensurate with the planning proposal zoning to

industrial comprises land which is substantially cleared around an existing dwelling and various outbuildings. It is intended to retain the zoning on this property as originally proposed in the planning proposal and Gateway report, including the proposed IN3 (now E5) and C2 zoning. Any further development on this land will in any event require a BDAR as it is the case for other non-certified land.

***Matter 3 - Consider whether Council wishes to finalise heritage investigations mentioned above and amend the proposal as necessary in response to the findings or, undertake those investigations separately which may inform a separate planning proposal.***

Boral has now completed two separate investigations into heritage matters, which are issued with this letter:

- Extent Heritage (April 2023) *Staff Road Workers Houses – Heritage Assessment*; and
- Extent Heritage (June 2023) *Maldon Land Rezoning – Aboriginal Due Diligence Assessment – updated*

The heritage assessment of the Staff Road workers houses concludes that the cottages at Nos 3 and 10 Staff Road do not meet the threshold for heritage listing at the local level under the NSW heritage criteria. Despite this conclusion and as a recommendation to move forward, Boral proposes to undertake an archival recording of these two houses prior to their future demolition as was outlined in the Social Impact Assessment.

The Aboriginal Due Diligence Assessment included a review of Aboriginal heritage constraints across the site and a targeted survey with a representative of the Tharawal Local Aboriginal Land Council. The report concluded that:

- the potential culturally modified tree, identified by City Plan Heritage, was naturally occurring;
- most of the area proposed as IN3 (now E5) has no or low archaeological potential. There is a relatively small extent of land with moderate potential and a very small corner of an area with high potential. These areas will be required to be further investigated if incorporated into any lots proposed as part of any subdivision of these lands at the development application stage;
- the majority of land identified as high and moderate archaeological potential was confined to the proposed C2 Environmental Conservation zone which will be excised into a separate parcel as part of any future subdivision of the E5 lands. Whilst the report identifies certain impacts that could occur in those areas, none would be proposed or contemplated once the land is subdivided; and
- no specific management processes are required at this stage. If any future activities were required in areas of moderate to high potential the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW, 2010) sets out the relevant management process. This would include the preparation of an Aboriginal Cultural Heritage Assessment Report (ACHAR).

Based on the findings of these investigations into heritage matters, it is considered that there are no matters which would prevent progressing the planning proposal to Gateway. While the potential for Aboriginal archaeological heritage has been identified on site, additional management processes such as an ACHAR should be considered at a future Development Application stage, as is typically the case, where the potential ground activities have been identified and clearly defined.

***Matter 4 - Seek confirmation from Transport for NSW that there is no objection to the proposal proceeding to Gateway.***

Consistent with Matter 1, it is understood Council has completed this referral and no objection was received.

***Matter 5 - Although Council has consulted Sydney Water, confirm that Sydney Water does not object to the proposal proceeding to Gateway.***

Consistent with Matter 1, it is understood Council has completed this referral and no objection was received.



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Through the responses included above and the proposed re-lodgement of the planning proposal to the NSW Planning Portal, it is understood that Council should be in a position to seek a Gateway determination. Following your review of this letter and additional heritage reports, would you please confirm that we can proceed with the re-lodgement. Please contact me if you require any further information on 0401 894 267 or [cameron.mcarthur@boral.com.au](mailto:cameron.mcarthur@boral.com.au).

Yours sincerely,

**Cameron McArthur**  
Development Manager