



Plan finalisation report – PP-2023-1533

40-45 Maldon Bridge Road, Maldon

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure (the Department) acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Wollondilly Local Environmental Plan 2011 (Map Amendment No 12).

The draft Local Environmental Plan (LEP) seeks to rezone land at 40-45 Maldon Bridge Road and Staff Road, Maldon for employment and environmental conservation purposes.

1.1.2 Site description

The site comprises approximately 22.72ha of land located on the western side of Maldon Bridge Road and Staff Road in Maldon. The land is located approximately three kilometres from Picton and six kilometres from the interchange with the Hume Motorway via Picton Road.

The subject site is located within the Maldon precinct of the Wilton Growth Area under the State Environmental Planning Policy (Precincts – Western Parkland City) 2021. The planning proposal land is residue to the Boral operation south of Picton Road and the Main Southern Rail line that crosses Maldon Bridge Road at a rail level crossing approximately 90 metres to the south of Picton Road. The railway line provides freight services used by Boral and others. The location of the site within the district is shown in **Figure 1**.

The existing Boral operations are located to the east of Maldon Bridge Road and comprise a rail freight distribution terminal and onsite manufacturing, processing and storage of construction materials.

The land on the western side of Maldon Bridge Road includes a concrete batching plant, and both previous and existing workers cottages. The land also incorporates existing basins.

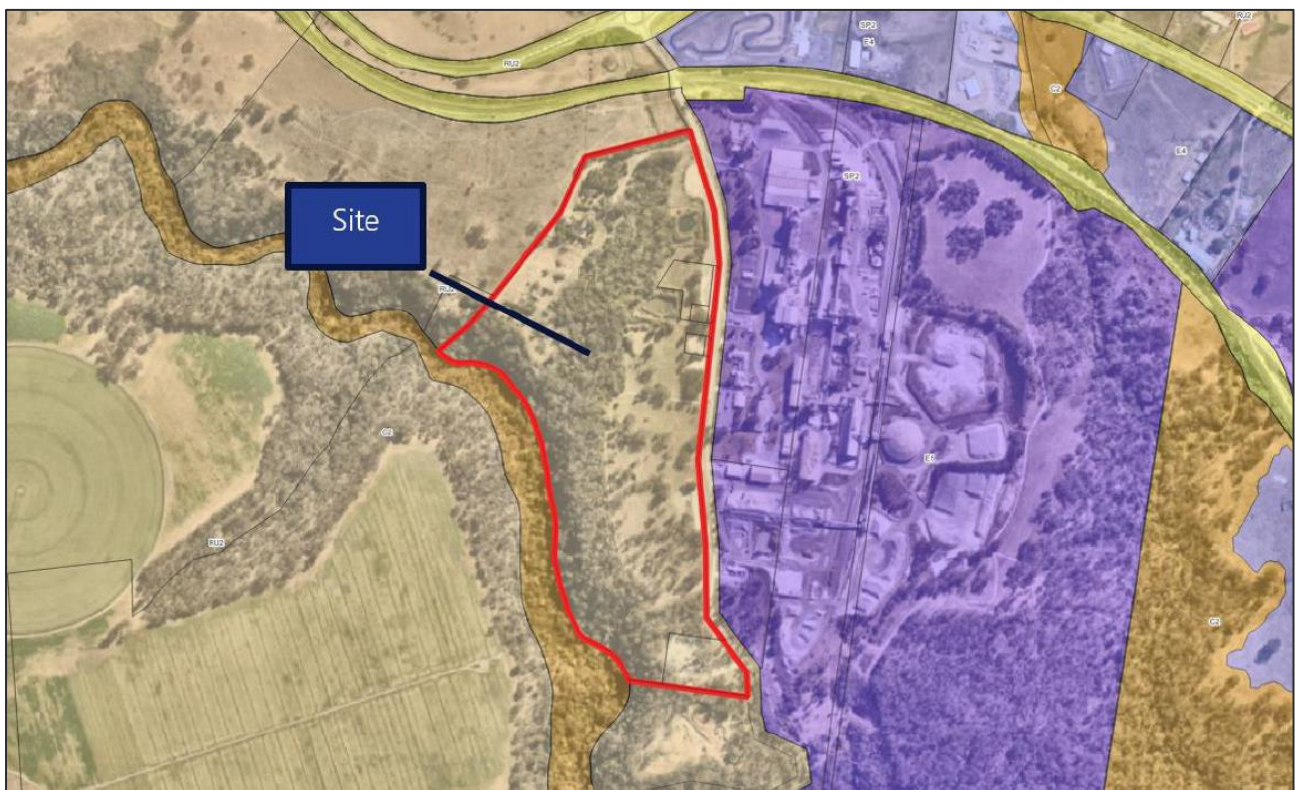


Figure 1 Subject site – exhibited planning proposal area in red outline (source: planning proposal)

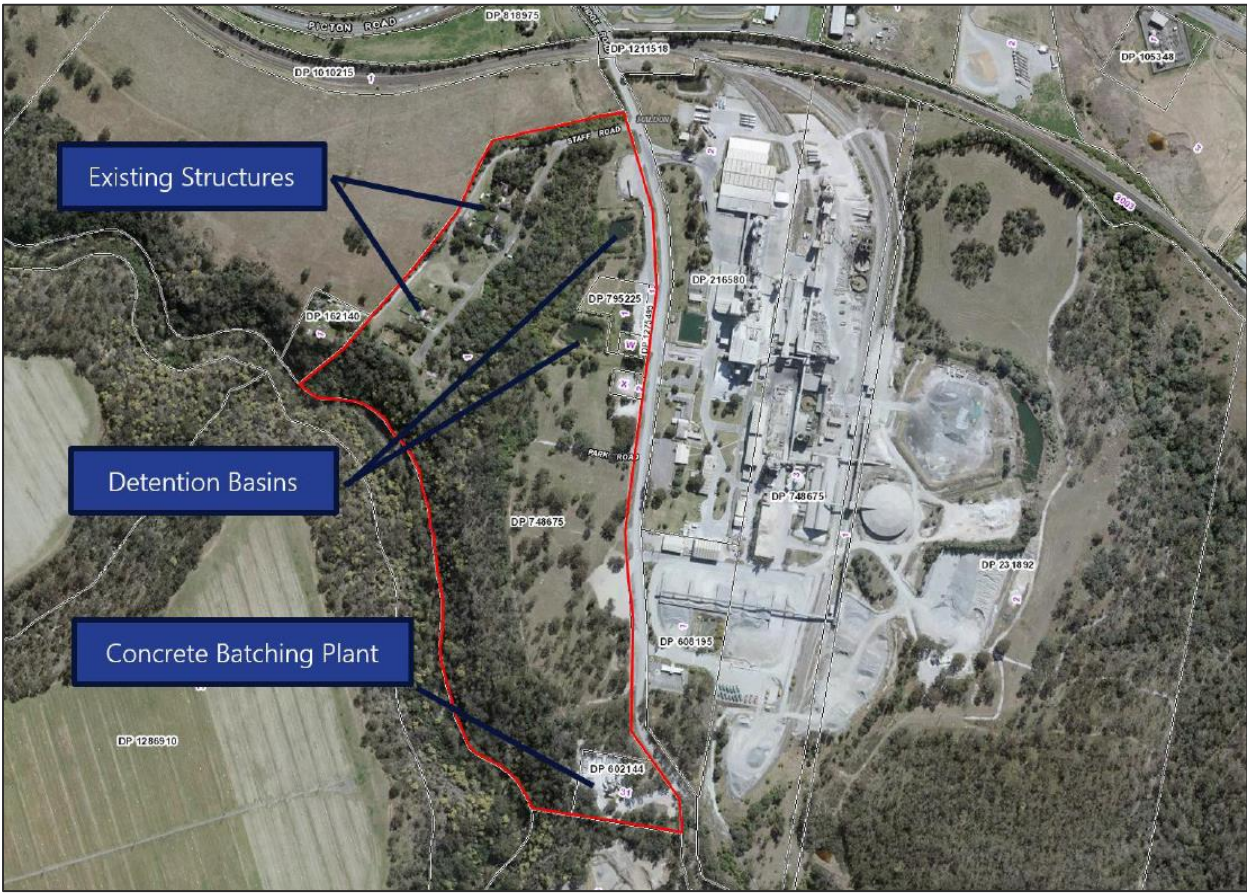


Figure 2 Aerial of site in red outline showing vegetation, existing structures, detention basins and existing industrial uses to the east (source: planning proposal)

1.1.3 Purpose of plan

The draft LEP amendment seeks to amend the Wollondilly LEP 2011 by:

- amending the Land Zoning Map to rezone land from RU2 Rural Landscape to part E5 Heavy Industrial Zone and part C2 Environmental Conservation Zone; and
- amending the Lot Size Map to introduce a minimum lot size of 5000sqm for the proposed E5 Heavy Industrial Zone and 7ha for the C2 Environmental Conservation Zone.

The table below outlines the current and proposed controls for the LEP and planning proposal (**Attachment A**).

Table 1 Current and proposed controls within Wollondilly LEP 2011

Control	Current	Draft LEP
Zone	RU2 Rural Landscape	<ul style="list-style-type: none">• Part E5 Heavy Industrial• Part C2 Environmental Conservation
Minimum Lot Size	100ha	<ul style="list-style-type: none">• 5,000sqm for the E5 Heavy Industrial zoned land within the subject site• 7 hectares for the C2 Environmental Conservation zoned land within the subject site

1.1.4 State electorate and local member

The site falls within the Wollondilly state electorate. Judy Anne Hannan MP is the State Member. The site falls within the Hume federal electorate. Angus Taylor MP is the Federal Member. To the team's knowledge, neither MP has made any written representations regarding the proposal. There are no donations or gifts to disclose, and a political donation disclosure is not required. There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination

The Gateway determination (**Attachment B**) issued on 6 December 2023 determined that the proposal should proceed, subject to conditions. These conditions included:

- consulting with NSW Rural Fire Service and update the planning proposal based on the comments made prior to public exhibition;
- aligning the boundary of the proposed C2 Environmental Conservation zoned land with the Cumberland Plain Conservation Plan (CPCP) avoided land boundary on the Land Zoning Map;
- removing references to a proposed amendment to the Wilton Growth Area boundary to include Lot 1 DP162140, as a planning proposal cannot amend the growth area boundary;
- preparing a biodiversity study to support the proposed rezoning in the parcel of land (Lot 1 DP 162140) not subject to the CPCP and amend the planning proposal as necessary to reflect the findings of the study
- updating the planning proposal reference number to PP-2023-1533;
- updating commentary on heritage assessments within the proposal;
- updating references to IN3 Heavy Industrial to E5 Heavy Industrial;
- amending references to the "*State Environmental Planning Policy (Precincts – Western Parkland City) 2022*" to "*State Environmental Planning Policy (Precincts – Western Parkland City) 2021*"; and
- proposing a minimum lot size for the proposed C2 Environmental Conservation Zone.
- undertaking consultation with state agencies; and
- placing the planning proposal on public exhibition for a minimum of 28 days.

The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

In addressing the above conditions, the planning proposal updated for finalisation (Attachment X) states that the NSW RFS did not raise objections to the proposed rezoning of the site to allow for industrial uses, however, any future development should demonstrate compliance with the relevant requirements of Planning for Bush Fire Protection. The planning proposal will introduce a C2 Environmental Conservation zone consistent with the Cumberland Plain Conservation Plan.

References to removal from Wilton Growth Boundary have been removed and it is noted the proposal is within the growth area boundary.

A biodiversity study has not been prepared. The subject lot was removed from the Planning Proposal prior to public exhibition and removes the need for a biodiversity study.

Other minor updates have been actioned as required by the gateway determination in the planning proposal report for finalisation. Exhibition and consultation requirements have also been met and it is considered all gateway conditions have been met.

3 Public exhibition

In accordance with the Gateway determination, the proposal was publicly exhibited from 5 April 2024 to 10 May 2024.

A total of eleven community submissions were received including:

- four community submissions; and
- seven agency submissions.

Council's Post Exhibition Report (**Attachment C**) identifies and addresses the matters raised by the community and public agencies during the public exhibition. Council considers that no issues raised prevent the progression of the planning proposal to finalisation.

3.1 Community submissions

Of the community submissions, three objected and one supported the proposal. The matters raised in the community submissions are summarised below:

- Concern about the area getting overdeveloped and consequently affecting the character and wildlife.
- Roads are not designed to accommodate increased vehicle movements.
- Concern about Aboriginal scar tree and biodiversity values are being adversely affected.
- In support of the proposal, a submission was made saying it is positive to have more local businesses and jobs.

In response, Council provided the following comments:

- The planning proposal aims to rezone land for employment purposes which abuts an existing heavy industrial facility. It is considered that the future development will be similar in nature and character to the existing industrial facility, which is located outside of Wollondilly's towns and villages.
- Council is also undertaking projects to help preserve and maintain the existing rural character and the Shire's heritage, including but not limited to a current planning proposal to protect 52 new heritage items, development of Place Plans for some of Wollondilly's towns and villages and an Agricultural Viability Study.
- Wollondilly is in urgent need for employment zoned land to provide jobs for the growing local population. The proposed heavy industrial rezoning is anticipated to generate an additional 320 jobs and contribute to the local economy.
- The impact on biodiversity has been considered as part of the planning proposal and facilitates the protection and conservation of environmentally sensitive areas by zoning this land for conservation purposes.
- A Traffic and Transport Assessment was undertaken to determine the impact of the proposal on the road network. The report concludes that the additional traffic from the rezoning proposal will be dispersed over several roads and traffic conditions on the wider road network are expected to remain satisfactory.
- No Aboriginal Objects or Places as defined by the National Parks and Wildlife Act 1974 are currently registered on Aboriginal Heritage Information Management System within the study area. An Aboriginal Heritage Due Diligence Assessment was carried out by qualified consultants which considered the potential for a culturally modified Scar Tree within the rezoning area. The investigation concludes that this was likely to be from natural causes.

- While the potential for Aboriginal heritage has been identified on site, additional management processes such as an Aboriginal Cultural Heritage Assessment Report 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.

The Department considers that Council has adequately addressed the matters raised in the community submissions.

3.2 Agency submissions

Council consulted with agencies (**Attachment D**) as required by the Gateway determination.

The NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) raised concerns regarding the application of the CPCP and flood planning, and requested further information be included within the planning proposal. Specifically, the following comments were provided:

- The proposal does not meet the requirements of the relevant Ministerial Direction regarding the CPCP and must include additional measures to demonstrate consistency with the Direction, including koala habitat.
- The proposal must be accompanied by a consistency assessment that addresses:
 - How impacts to avoided land have been avoided and mitigated.
 - How Appendix E of the CPCP have been considered.
 - How planning controls within *State Environmental Planning Policy (Biodiversity and Conservation) 2021* particularly relating to Strategic Conservation Areas and Avoided lands have been addressed.
- Evidence is required to demonstrate that the proposed C2 Environmental Conservation boundary aligns with the CPCP.
- DEECW recommends a lot size that is the same size or larger than the area to be rezoned to C2 Environmental Conservation.
- A flood impact risk assessment be prepared to consider how on-site detention can be relocated and how access to the site can be achieved.
- The planning proposal should include mapping that identifies the waterways and flood impacts relative to the proposed zone boundaries.

To address DCCEEW's comments, Council provided the following responses:

- The planning proposal seeks to zone all land identified as Avoided Land and Strategic Conservation Area (which includes land identified as Protected Koala Habitat) under the CPCP as C2 Environmental Conservation zoned land.
- Land proposed to be zoned E5 Heavy Industrial is contained within the land identified under the CPCP as Certified-Urban Capable.
- Mapping has been updated that demonstrates that the proposed zoning boundaries are consistent with the application of the CPCP and lands to be preserved for conservation purposes.
- Regarding the request for a more detailed consistency assessment, these are matters that will be addressed when a Development Application is prepared.
- The proposed Minimum Lot Size for the land proposed to be rezoned as C2 Environmental Conservation is 7 hectares. This is consistent with the approximate total area of the proposed conservation lands.

- Council's draft Flood Study, which underwent public exhibition in 2022, followed by a further round of consultation which was completed in June 2024, identifies part of the land proposed to be rezoned as being flood prone land. However, this remains a draft and is yet to be adopted by Council. Therefore, the land is not yet considered as part of the flood planning area.
- The planning proposal outlines that flooding impacts will be considered at the Development Application stage, given they are minor. Council remains satisfied that the minor flooding impacts can be addressed at the Development Application stage following the preparation of a Stormwater Management Strategy that responds the proposed built form at that time.
- The planning proposal has been updated to include information relating to the draft Shire Wide Flood Study and mapping relevant for the site.

The Department is satisfied by Council's assessment, and that further consideration of specific impacts and mitigation measures will occur through the assessment of development applications.

There were no objections from any other agency or authority.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The Gateway determination report identified that the proposal was consistent with the strategic land use for the Maldon Precinct identified in the Wilton Growth Area Structure Plan and supports the economic, environmental, and employment planning principles of *Wilton 2040*.

The planning proposal's consistency with relevant section 9.1 Directions is discussed below.

Direction 3.1 Conservation Zones and Direction 3.6 Strategic Conservation Planning

A Gateway condition was included requiring Council to align the boundary of the proposed C2 Environmental Conservation zoned land with the CPCP avoided land boundary. Accordingly, Council has realigned the proposed C2 Environmental Conservation zoned land, as shown in **Figure 3 and 4**. Therefore, the proposal is consistent with this direction.

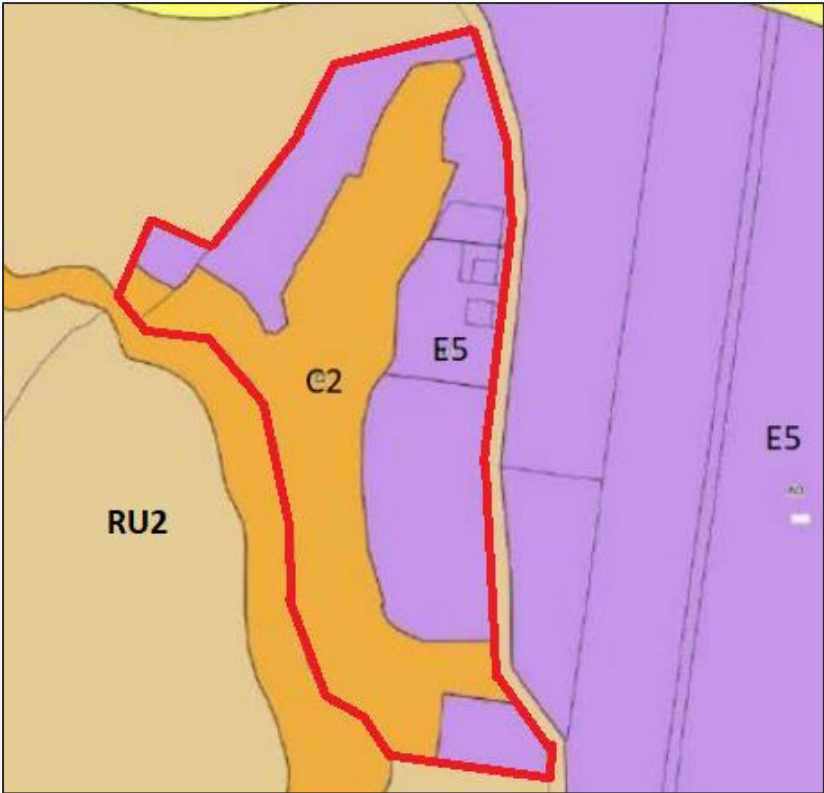


Figure 3 Original site boundary in red outline (Source: planning proposal)

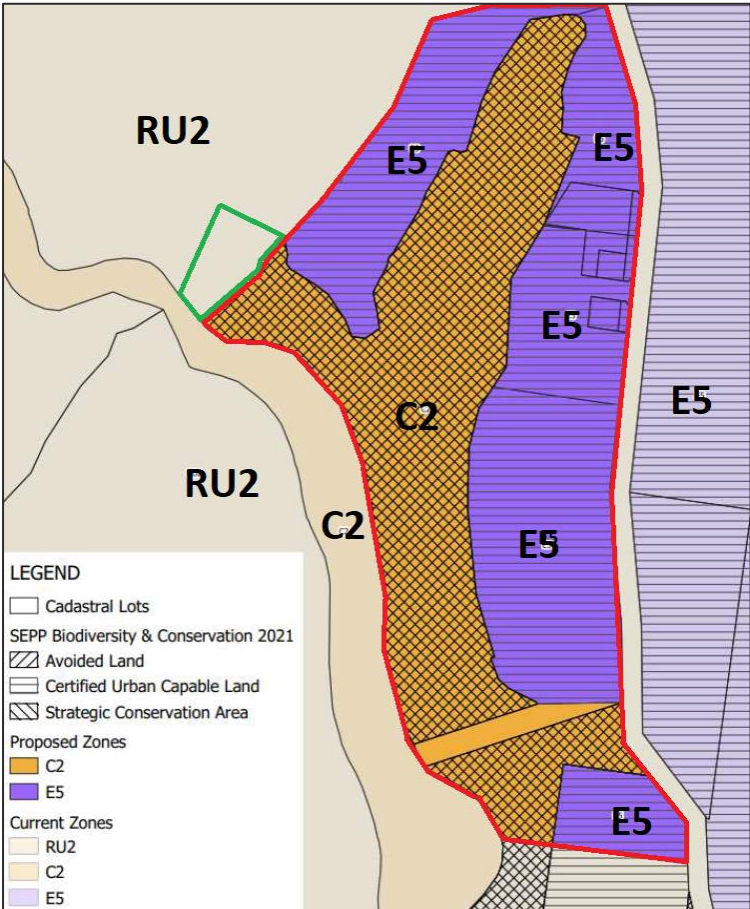


Figure 4 Exhibited site boundary in red outline to align with CPCP boundary and area removed in green outline (Source: planning proposal)

Direction 4.3 Planning for Bushfire Protection

As the site contains bushfire prone land, consultation with the NSW Rural Fire Service (RFS) was required to determine consistency with this Direction.

RFS raised no objections to the proposed rezoning of the subject site to allow for industrial uses, subject to future development demonstrating compliance with the relevant requirements of planning for bush fire protection. Therefore, the proposal is consistent with this direction.

Direction 4.6 Mine Subsidence and Unstable Land

The planning proposal is within an identified Mine Subsidence District. Consultation with Subsidence Advisory NSW was required to determine consistency with this Direction.

Subsidence Advisory (SA) notes that the site is within the Wilton mine subsidence district. The site is not within a current exploration authority or mining lease. SA does not have any objection to the rezoning and advised that SA will assess future development applications in accordance with the Coal Mine Subsidence Compensation Act, Subsidence Advisory surface development guidelines, subdivision and merit assessment policies at the time of such application. Therefore, the proposal is consistent with this direction.

Direction 9.1 Rural Zones and Direction 9.2 Rural Lands

The objective of Direction 9.1 Rural Zones and Direction 9.2 Rural Lands is to protect the agricultural production value of rural land. The proposal is inconsistent with these directions as the proposal seeks to rezone the land from rural purposes to industrial and conservation purposes.

The planning proposal seeks to deliver the Wilton Growth Area and relevant land use zoning identified in *Wilton 2040* as required under Ministerial Direction 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.

It is noted that this inconsistency will continue as Wollondilly grows and transitions to more urban uses, particularly within the Wilton Growth Area and the delivery of employments land in line with the adopted Employment Lands Strategy.

The inconsistency with Direction 9.1 Rural Zones and 9.2 Rural Lands is justified and of minor significance.

5 Post-assessment consultation

The Department consulted with the following stakeholders in the finalisation of the plan.

Table 1 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft map amendment instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (the Act) (Attachment E).</p> <p>Council confirmed that it approved the draft and that the plan should be made (Attachment F).</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

Department of
Planning, Housing
and Infrastructure
(Policy and
Legislation Team)

On 14/03/2025, the Department of Planning, Housing and Infrastructure provided a (Map Only) LEP. The LEP is provided at **Attachment LEP**.

☒ Yes
☐ No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- the draft LEP has strategic merit, being consistent with the Maldon Precinct identified in the Wilton Growth Area Structure Plan and it supports the economic, environmental, and employment planning principles of *Wilton 2040*;
- it is consistent with the Gateway determination;
- inconsistencies with relevant Ministerial directions are justified – and issues relating to flooding have been addressed; and
- the draft LEP will facilitate 320 additional jobs to the local economy.



20/3/2025

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