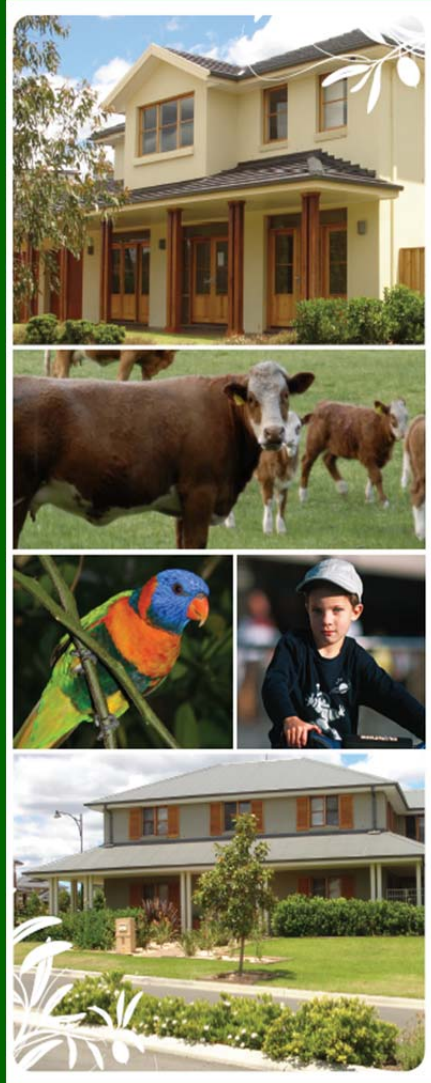


PLANNING PROPOSAL

PLANNING PROPOSAL REZONING APPLICATION



LOT 201 DP 7492272, LOT1 DP 558807, LOT 1 DP 209779

MACQUARIEDALE ROAD, APPIN
APRIL 2011

Prepared by:

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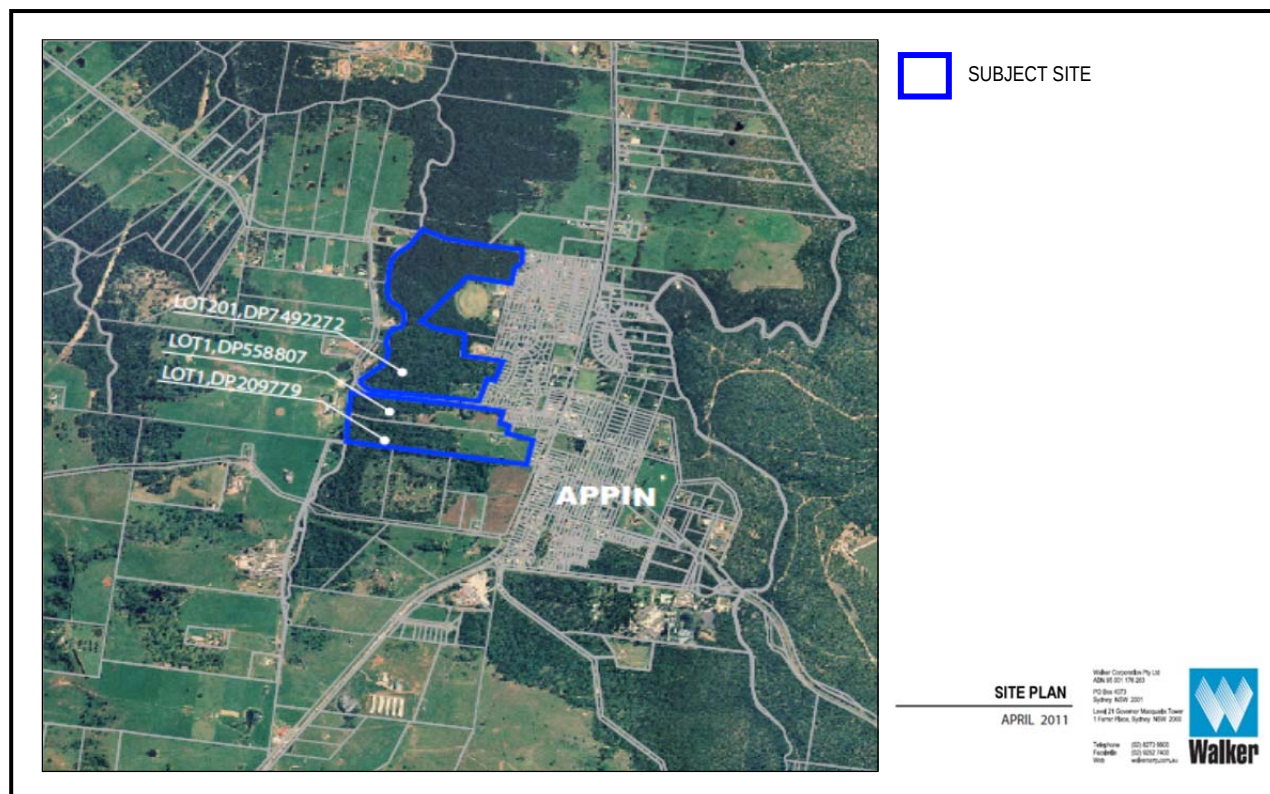
- Annexure 1: Survey Plan
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- Annexure 4: Structure Plan
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- Annexure 6: Residential Land Market Analysis by Charter, Keck and Cramer
- Annexure 7: Flora Assessment and Statement of Significance by Anne Clements & Associates
- Annexure 8: Preliminary Riparian Corridor Investigation by Patterson Britton
- Annexure 9: Pre-rezoning Traffic Report by Masson Wilson Twinney
- Annexure 10: Archaeological Assessment by Heritage Concepts

1.0 INTRODUCTION

1.1 PURPOSE

This Planning Report supports an application by Walker Corporation to rezone 60.14 hectares of rural land at Appin to allow low density housing, the environmental management of ecologically important land, and protection of a strategic road corridor.

Appin is located in the Local Government Area of Wollondilly Shire. The site is identified below:



Site Plan

This Report draws on several specialist studies and provides a strategic planning rationale for the rezoning, as well as an assessment of the potential environmental impacts of development on the site should the rezoning proceed. The main issues addressed include:

- (i) The existing statutory planning framework, which comprises Wollondilly LEP 2011 Section 117 Directions from the Minister and Sydney Regional Environmental Plan No. 20 – *Hawkesbury & Nepean Gorge*.
- (ii) Strategic Planning framework, which comprises Metropolitan Plan for Sydney 2036, and the Wollondilly Growth Management Strategy.
- (iii) Potential environmental impacts include loss of endangered vegetation, loss of rural landscape character and impacts from urbanisation on water quality.
- (iv) Availability of infrastructure, including transport, water, sewerage and electricity.

2.0 SITE AND CONTEXT ANALYSIS

2.1 THE SITE

The site is irregular in shape, with a total area of 60.14 hectares. It is zoned *RU2 Rural Landscape* under the provisions of *Wollondilly LEP 2011*. The site as indicated in the survey plans at **Annexure 1** comprises three allotments as follows:

- Lot 201 DP 749292 – 36.5 hectares
- Lot 1 DP 209779 – 10.25 hectares
- Lot 1 DP 558807 – 13.4 hectares

Lot 201 is separated from the remainder of the site by Macquariedale Road. Lot 201 is u-shaped, enclosing Gordon Lewis sportsground and parkland on three sides.

The site is located between Appin, at its eastern boundary, and Ousedale Creek at its western boundary. To the south of the site are three rural allotments, also zoned *RU2 Rural Landscape*.



Photo 1: View from Macquariedale Road looking north towards Ousedale Creek which establishes the site's western boundary.



Photo 2: Looking west from Sportsground Parade towards Gordon Lewis Sportsground with the site beyond.



Photo 3: View from Macquariedale Road looking north towards subject site (part Lot 201).



Photo 4: View from Macquariedale Road looking south towards subject site (part Lot 1).

The Strategy for Appin contained in Wollondilly Growth Management Strategy (GMS) shows the RTA's Appin By-pass traversing the centre of the site from north to south.

To the north is land zoned part *R2 Low Density Residential*, part *E2 Environmental Conservation* and part *SP2 Infrastructure*.

The Department of Primary Industries Agricultural Land Classification Atlas 1995 classifies the cleared land as Class 3 *Grazing land suited to pastoral improvement*.

The uncleared land comprises Shale Sandstone Transition Forest (SSTF) and Sandstone Forest.

2.2 LOCAL & REGIONAL CONTEXT

Appin is the oldest urban settlement in Wollondilly, established in approximately 1820. In 2006, its population was estimated at approximately 1,740 persons, housed in approximately 600 dwellings. Appin provides a limited range of community and business facilities, including a primary public school, community centre and playground, the Gordon Lewis sportsground, clubhouse, tennis courts and Appin Park Reserve.

Opportunity exists to embellish the Gordon Lewis Sportsground; in particular its southern section.



Photo 5: Appin Public School



Photo 6: Local playground at Appin Park



Photo 7: Appin Soccer Club and community building



Photo 8: Public tennis courts on Sportsground Parade



Photo 9: Public Open Space adjacent to the Gordon Lewis sportsground



Photo 10: Southern portion of Gordon Lewis sportsground.

Commercial and retail facilities are provided in Appin town centre on Appin Road. These include the Appin Hotel, post office and a limited range of shops and personal services. A supermarket centre is being proposed adjacent to the Appin Hotel.



Photo 11: Appin Local Hotel



Photo 12: Appin Main Street



Photo 13: Appin Local Shops.

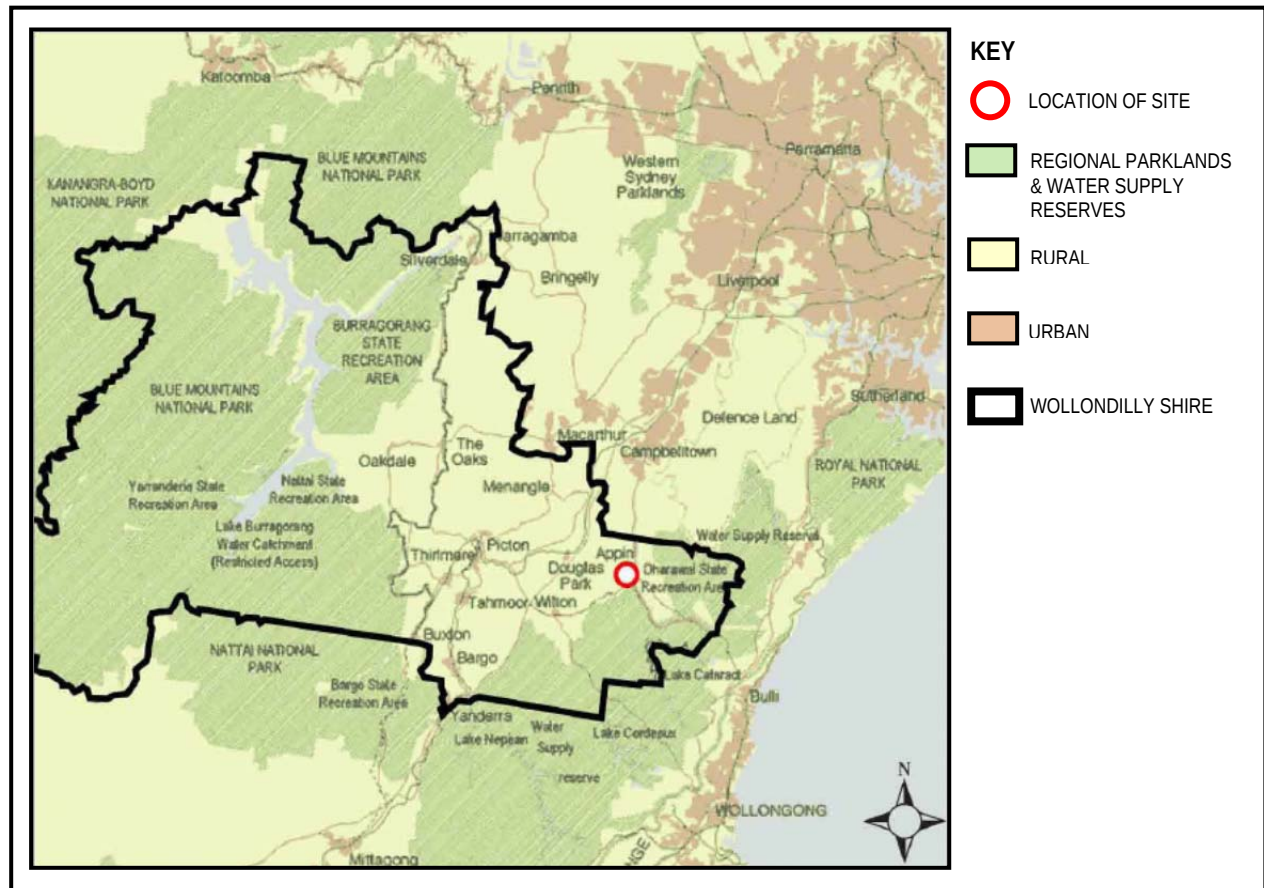


Photo 14: Appin Local shops.

It is estimated that Appin has development potential of 100 to 150 dwellings within the established urban area. The rezoned land to the north will provide 337 residential lots. Applying a “marginal occupancy rate” of 2.66 persons/dwelling, the zoned, potential dwellings in Appin would result in a

growth in its population from 1,530 to 2,800 (Numbers have been sourced from the Wollondilly Development Contributions Plan 2005).

Appin is located approximately 16km south of Campbelltown and 35 km northwest of Wollongong. Other towns within a 20 kilometre radius are Menangle to the northwest, Douglas Park to the west and Wilton to the southwest.



Regional Context

2.3 TOPOGRAPHY

The site is situated on the western slope of the Appin ridge, which generally corresponds to the alignment of Appin Road. The site is relatively uniform in slope with a fall of between 33 – 44 metres from its eastern boundary to the bank of Ousedale Creek.

Three east-west gullies, containing tributaries to Ousedale Creek run east west through the site, one along the northern boundary, one from Gordon Lewis sportsground, and a third across the site's south west corner. The gullies form the key elements of the natural drainage pattern of the site.

The topography of the site is demonstrated on the survey plan attached at **Annexure 1**.

2.4 FLORA AND RIPARIAN LAND

The northern part of the site (Lot 201 DP 7492272) and approximately 60% of the southern part (Lot 1 DP 558807 and Lot 1 DP 209779) is densely vegetated. Part of this vegetation is Shale and Sandstone Transition Forest (SSTF) which is listed as an “Endangered Ecological Community” (EEC) pursuant to the *Threatened Special Conservation Act 1995* and the *Environmental Protection and Biodiversity Conservation Act 1999*. SSTF is characterised by open canopy trees which include Grey Gum, Ironbark and Blackbutt.

The cleared eastern part of the site was used for low intensity grazing.

A Flora Assessment is at **Annexure 7**.



Photo 15: View of site from Macquariedale Road looking north towards Ousedale Creek and proposed Biodiversity Corridor



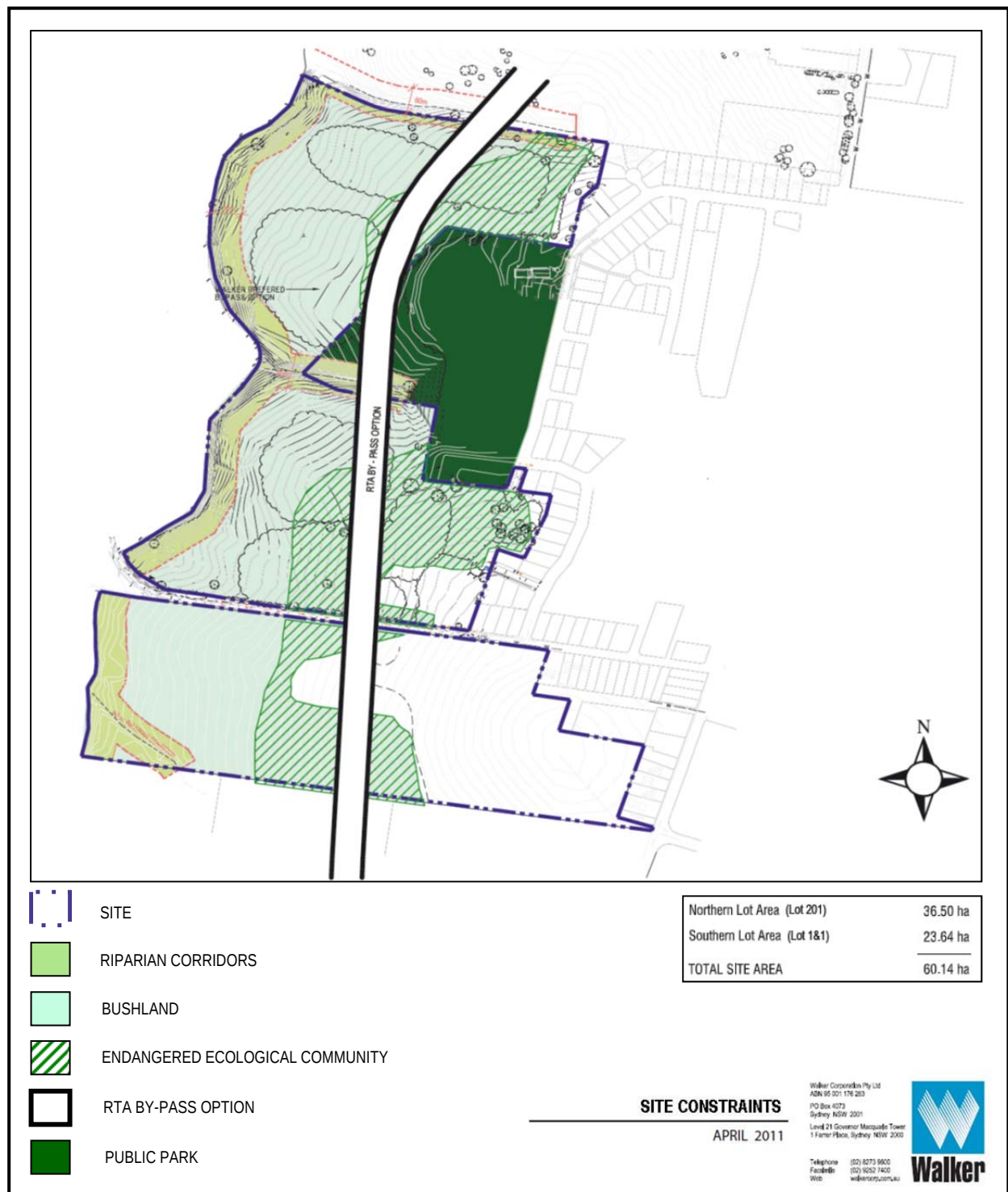
Photo 16: view from Macquariedale Road of cleared eastern section of site.

The location of the EEC is shown on the Natural and Man Made Constraints Diagram below.

It is understood that the Department of Environment, Climate Change and Water (DECCW) has approved in principle the use of 26.7 hectares of ecological land within the *E2 Environmental Conservation* zone to the north as an offset against the loss of vegetation that will occur when the Appin Bypass is constructed through this site.

This arrangement is contained in a Deed between the owner of the biodiversity land (also Walker Corporation) and the RTA. A covenant protecting this land and benefiting the DECCW and the RTA will be placed on the biodiversity land title when it is subdivided from the residential land located on the same parcel.

The same process will be followed for the subject site whereby post the gateway determination Walker Corporation will seek discussions with the Office of Environment and Heritage and the Transport Roads and Traffic Authority to determine an acceptable alignment for the Appin Bypass and an acceptable level of clearing and/ or offset revegetation.



Site Constraints

Ousedale Creek and its tributaries are densely vegetated and is classified as a Category 2 stream pursuant to the stream category definitions adopted in the Draft Wollongong Riparian Corridor Management Study (May 2003).

A Preliminary Riparian Corridor Investigation is at **Annexure 8**.

2.5 INFRASTRUCTURE

2.5.1 Road Access

Lot 201 is accessible from Appin Road via Rixon Road and Sportsground Parade, which are paved sealed roads with nature strips. It also has frontage to Lewis Street and Macquariedale Road.

The southern part of the site is accessible from Appin Road via Macquariedale Road and the site has a 4m frontage to Appin Road at its south-east corner. The existing road network can be effectively connected to the proposed *R2 Low Density Residential* zone.



Photo 17: Potential road connection point with Lewis Avenue



Photo 18: Potential road connection point with Kerr Street.



Photo 19: Potential road connection point with Sportsground Parade.



Photo 20: View from Sportsground east down Darcy Avenue.



Photo 21: View from Sportsground Parade east down Percival Avenue



Photo 22: View from Sportsground Parade looking north towards future residential subdivision 'North Appin'.

The RTA corridor for the future Appin By-pass traverses north south through the centre of the site, as identified in the Wollondilly GMS.

The corridor location is identified as conceptual. The final location of the corridor will be subject to the consideration of a range of engineering, amenity, and flora impacts by the RTA, landowners, Council, and state planning and environmental agencies.

The proponent has held discussions with the RTA in regards to realigning this corridor further west. The RTA has indicated they have no objection to the realignment of the bypass subject to a cost analysis and agreement by the DECCW (as it was then known).

It is anticipated that future residential development on the site will not have access onto the Appin By-pass, although traffic on Appin Road will reduce.

The timetable for completion of the Appin By-pass is estimated to be 2028.

Appin is accessible to major centres and employment areas as summarised in Table 3.

TABLE 1: DISTANCES

Destination	Distance (km)
Campbelltown Major Centre	16
Liverpool Regional City	40
Blacktown Major Centre	55
Western Sydney Employment Hub	50
Port Botany Specialised Centre	60
Sydney Global City	53
Wollongong Regional City	26

2.5.2 Public Transport

Busways currently provides regular bus services between Appin and Wollongong and Campbelltown (including Macarthur and Campbelltown stations). School bus services are provided to John Therry and Ambervale High Schools.

2.5.3 Water

The *Sydney Water Integrated Servicing Plan (Appin, Wilton and Douglas Park) May 2006*, indicates that the Appin Reservoir, supplied from the Macarthur Water Treatment Plant, has bulk water capacity to supply significant growth at Appin. Including the recently approved 337 lots in North Appin plus further development in the GMS (2011).

2.5.4 Sewer and Recycled Water

Sydney Water has commenced construction of a reticulated sewage service for both existing urban areas and future growth including that identified in this proposal.

It is expected the service will be operating by late 2012 (Appin Sewage Scheme Servicing Report October 2010, Sydney Water).

2.5.5 Public Schools

Appin has a public school offering education facilities for 4 to 12 year olds. It has for about 3 additional classes within the school and the school could be expanded to accommodate some growth at Appin (personal communication with Appin Public School).

2.5.6 Electricity

The existing electricity supply has adequate capacity to service the projected population without any major augmentation of the existing infrastructure.

2.5.7 Telecommunications

The site which is within the NBN “footprint” meaning new residential subdivisions will be serviced by fibre optic cable as they are built.

3.0 OBJECTIVES AND INTENDED OUTCOMES

This planning proposal seeks the following outcomes for the site:

- *To rezone 60.14 hectares of RU2 'Rural Landscape' zoned land at Appin to allow for low density housing, the environmental management of a biodiversity corridor, and the protection of a strategic road corridor.*
- *To amended the existing minimum lot size restriction of 40 hectares at the site to 450m² within the proposed residential areas and to 100 hectares within the biodiversity corridor.*
- *To extend the existing 'Classified Road' (SP2 Infrastructure) reservation to the north of the site, into the site for the protection of the Appin Bypass strategic corridor.*

3.1 STRUCTURE PLAN

The Structure Plan at **Annexure 4** illustrates the provisional layout of the land use components of the proposed rezoning and their relationship to existing land uses in Appin. It is envisaged that the Structure Plan will be the basis of a more detailed development control plan for the site, which will be finalised following the Gateway determination.

The Structure Plan identifies the following elements:

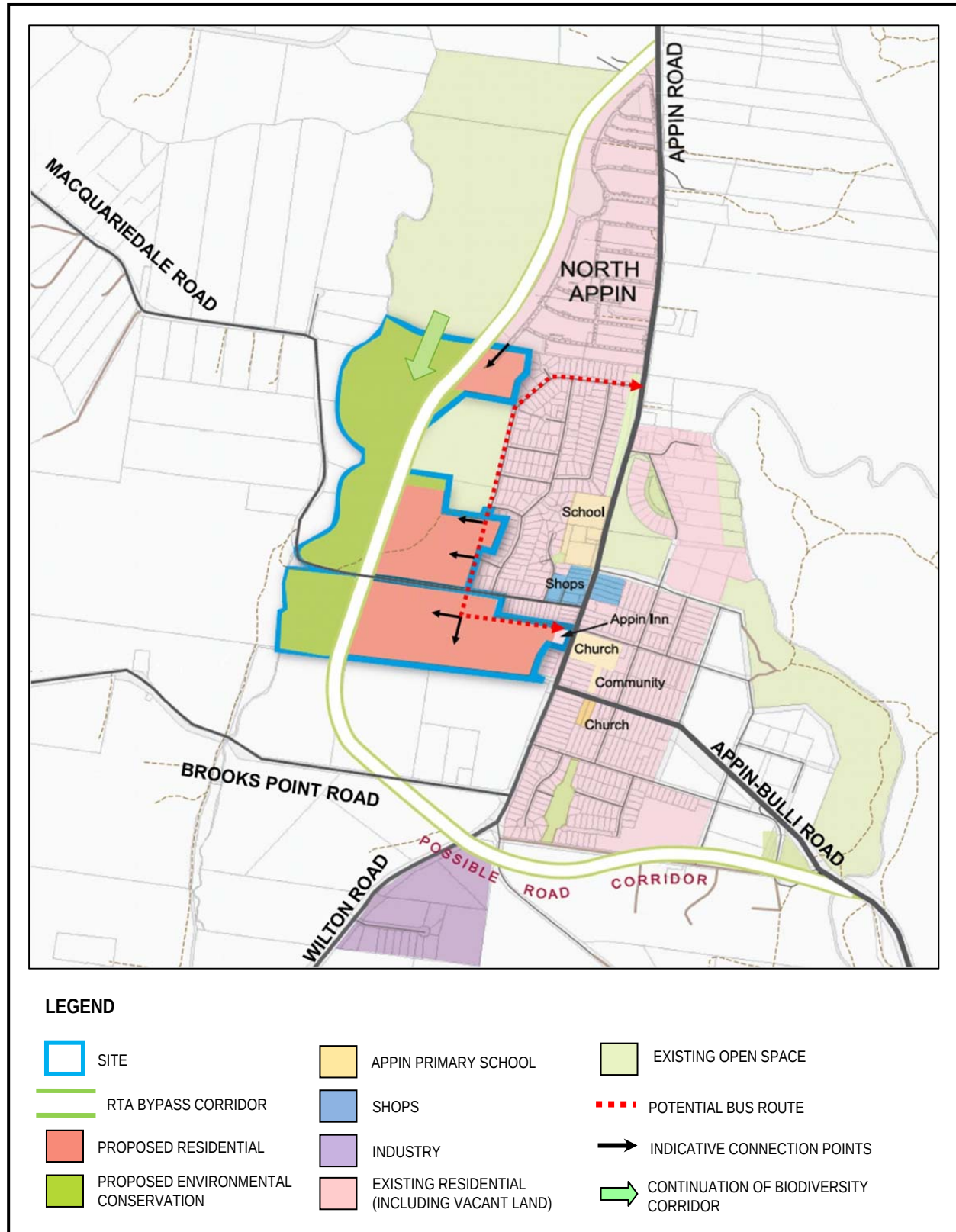
- Proposed arrangement of land uses on the site
- Locations of potential road connections between the proposed *R2 Low Density Residential* Zone and Appin's existing residential areas
- Potential bus routes to serve the site
- The creation of continuous protected corridor for the future Appin By-pass.
- The creation of a continuous biodiversity corridor along Ousedale Creek at Appin's western periphery.
- The creation of two extensions to the Gordon Lewis sportsground, and potential embellishments to the existing sportsground area.

The Development Control Plan could be prepared after the Gateway Determination and would:

- (i) Establish the internal road layout
- (ii) Establish boundaries of each zone.
- (iii) Establish controls for the protection and enhancement of the environmental management areas
- (iv) Establish controls for bushfire protection

- (v) Establish controls for stormwater management.
- (vi) Establish controls for residential development.

A Section 94 Contributions Plan or Planning Agreement Policy would need to be prepared.



Planning Proposal Structure Plan

An approximate allocation of land for the proposed zones is provided in the following table.

TABLE 2: EXISTING AND PROPOSED LAND USES

EXISTING LAND USES	AREA (HECTARES)
Cleared	13.62
Vegetated	46.52
TOTAL AREA	60.14
PROPOSED LAND USES	AREA (HECTARES)
Zone R2 Low Density Residential	29.73
Zone SP2 Infrastructure	6.04
Zone E2 Environmental Conservation	24.37
TOTAL AREA	60.14

3.2 REZONING PROCEDURE AND STUDIES

This Planning Proposal and associated specialist studies demonstrate that the proposal meets the criteria set in the Department of Planning's 'A Guide to preparing a Planning Proposal' of July 2009. It also provides sufficient information for Council to forward this Planning proposal to the Department of Planning for Gateway Determination in accordance with section 56(1) of the Environmental Planning and Assessment Act 1979.

The Department of Planning, as the Ministers representative, will determine whether the Planning Proposal will proceed and specify any additional matters for consideration as outlined under section 56(2) of the Act.

Walker Corporation is prepared to fund the required studies and development control plans which may be required to meet the Gateway Determinations' requirements and to provide a comprehensive development control framework for residential development on the site. These encompass, but are not limited to:

- (i) The completion of studies and consultation with relevant State and Commonwealth agencies in accordance with the Gateway determination and community consultation that will occur in accordance with Section 57 of the Act.
- (ii) Section 94 contributions plan or Voluntary Planning Agreement Policy, which will ensure that required local infrastructure is provided in conjunction with the development of employment uses on the site.
- (iii) Detailed Development Control Plan, which will establish detailed design controls appropriate to this location. However, given the suitability of DCP No. 50, this may not be required.

Walker Corporation is committed to working with the State agencies to ensure appropriate arrangements are made for the provision of state infrastructure.

4 EXPLANATION OF PROVISIONS

4.1 PLANNING PROPOSAL PROCEDURE AND STUDIES

The planning proposal demonstrates the suggested rezoning meets the criteria in the Department of Planning Guidelines and provides information for Council so it can consider whether to refer the proposal to the Department via the Gateway Planning Process.

4.2 PROPOSED AMENDMENTS

4.2.1 Proposed Zone Types

The planning proposal seeks an amendment to the *Wollondilly Local Environmental Plan 2011* to rezone land owned by Walker Corporation. The rezoning of the land will allow its subdivision for residential purposes, the preservation of land for a biodiversity corridor and the protection of land for a strategic road corridor.

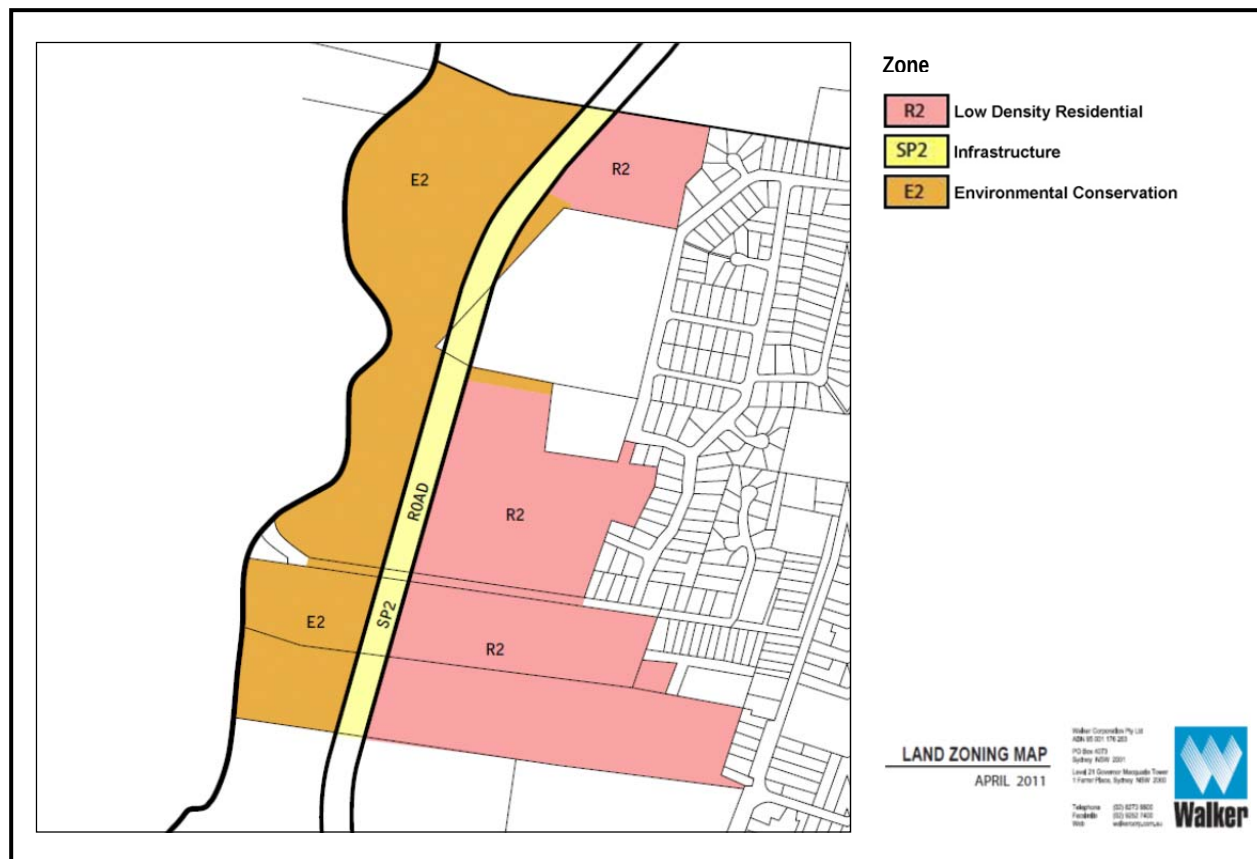
The site is currently zoned *RU2 Rural Landscape* under the provisions of the *Wollondilly Local Environmental Plan 2011*. An amendment to the Wollondilly LEP Land Zoning Map is proposed in accordance with the proposed zoning map attached at **Annexure 2** and the table below:

TABLE 3: PROPOSED ZONES

PROPOSED ZONING	AREA (HECTARES)	%
Zone R2 – Low Density Residential	29.73	49.5%
Zone SP2 – Infrastructure	6.04	10%
Zone E2 – Environmental Conservation	24.37	40.5%
TOTAL SITE AREA	60.14	100%

The *E2 Environmental Conservation* zone forms a corridor along Ousedale Creek of variable width, from 100 metres to 270 metres.

The *SP2 Infrastructure* zone will reserve a permanent corridor for the future Appin Bypass. The corridor will have an approximate width of 50 metres in order to accommodate the future road and necessary buffers.



Proposed Land Use Zoning Map

The proposed zones and their corresponding land use tables from *Wollondilly LEP 2011* are listed below to demonstrate that the future proposed uses are permissible uses in the zones.

Zone R2 – Low Density Residential

- 1 Objectives of zone:
 - To provide for the housing needs of the community within a low density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- 2 Permitted without consent:
Home Occupation
- 3 Permitted with consent
Bed and breakfast accommodation; Boarding houses; Cemeteries; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Neighbourhood shops; Places of public worship; Recreation areas; Residential accommodation; Roads; Sewerage systems; Signage; Veterinary hospitals; Water supply systems
- 4 Prohibited
Attached dwellings; Multi dwelling housing; Residential flat buildings; Rural workers' dwellings; Shop top housing; Water treatment facilities; Any other development not specified in item 2 or 3

It is intended that that this zone will contain dwelling houses developed in accordance with the provisions of *Wollondilly Shire Council DCP 2011 - Volume 3 - Residential and Tourist use*.

Zone SP2 – Infrastructure

1	<i>Objectives of zone</i> • <i>To provide for infrastructure and related uses.</i> • <i>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</i>
2	<i>Permitted without consent</i> <i>Nil.</i>
3	<i>Permitted with consent</i> <i>The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads</i>
4	<i>Prohibited</i> <i>Any development not specified in item 2 or 3</i>

It is intended that that this zone will contain the RTA's future Appin Bypass. This will be classified as a road and roads are permissible with consent in this zone.

Zone E2 – Environmental Conservation

1	<i>Objectives of zone</i> • <i>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</i> • <i>To prevent development that could destroy, damage or otherwise have an adverse effect on those values.</i>
2	<i>Permitted without consent</i> <i>Nil.</i>
3	<i>Permitted with consent</i> <i>Environmental facilities; Environmental protection works; Information and education facilities; Natural water-based aquaculture; Roads; Water supply systems</i>
4	<i>Prohibited</i> <i>Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3</i>

It is intended that that this zone will contain environmentally sensitive land, including bushland, Shale Sandstone Transition Forest, Ousedale Creek and its riparian corridors.

4.3 PROPOSED MINIMUM LOT SIZE

The site is currently identified as having a minimum lot size of 40,000m² under the provisions of the *Wollondilly Local Environmental Plan 2011*. An amendment to the Wollondilly LEP Lot Size Map is proposed in accordance with the attached map at **Annexure 3** and the table below:

TABLE 4: PROPOSED MINIMUM LOT SIZE

PROPOSED MINIMUM LOT SIZE	Classification	m ²
Zone R2 – Low Density Residential	G	450
Zone SP2 – Infrastructure	AD	100,000
Zone E2 – Environmental Conservation	AD	100,000



Proposed Minimum Lot size

This clause is sought to ensure that there is an appropriate split of small and large lots at the site to assist in the provision of housing diversity in Appin.

4.4 PROPOSED HEIGHT OF BUILDING

The site currently has no height of building restrictions on the site under the provisions of the *Wollondilly Local Environmental Plan 2011*. An amendment to the Wollondilly LEP 2011 Height of Buildings Map is proposed in accordance with the table below:

TABLE 5: PROPOSED MAXIMUM HEIGHT OF BUILDINGS

PROPOSED MAXIMUM HEIGHT OF BUILDINGS	Classification	Height (m)
Zone R2 – Low Density Residential	J	9

The implementation of this height clause will ensure that any future development is of similar height to the existing Appin Village.

4.5 PROPOSED LAND RESERVATION ACQUISITION

The site currently has no land reservation acquisition restriction on the site under the provisions of the *Wollondilly Local Environmental Plan 2011*. An amendment to the Wollondilly LEP 2011 Land Reservation Acquisition Map is proposed to show the SP2 Infrastructure corridor.

The implementation of this corridor would reserve the necessary land for the future Appin Bypass

The extent of the proposed zones, minimum lot size and land reservation acquisition standards are provisional and reflect the constraints and opportunities analysis carried out in preliminary studies.

Precise boundaries of these zones and relative development standards will be determined after the Gateway Determination.

4.6 ASSESSMENT AGAINST WOLLONDILLY LEP 2011

Wollondilly LEP 2011 is Council's new principle planning document completed in the Standard instrument template.

The following section outlines the relevant provisions of the *Wollondilly LEP 2011* and discusses the implications on the proposed zones mentioned above in section 4.2.1

TABLE 6: WOLLONDILLY LEP

Provision	Comments
Zoning	
The subject site is zoned RU2 Rural Landscape, which has the following objectives	
- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. - To maintain the rural landscape character of the land. - To provide for a range of compatible land uses, including extensive agriculture. - To provide areas where the density of development is limited in order to maintain a separation between urban areas.	The rezoning will affect approximately 13.62 hectares of cleared rural land, classified as Class 3 in the Department of Primary Industries Agricultural Land Classification Atlas. It is considered that this land has limited value for agriculture, given: - Its small size making a viable agricultural use difficult. Intensive agricultural activities may be possible on small areas, but the site is only Class 3 agricultural land and therefore has no potential for intensive agriculture. - Its location adjoining a town creating potential for conflicts between rural and residential activities. - Its location adjoining a town with services and facilities that would be supported, used more efficiently and enhanced by an increase in population using them. - It is fragmented into two lots - It will be further fragmented and reduced in size by the future

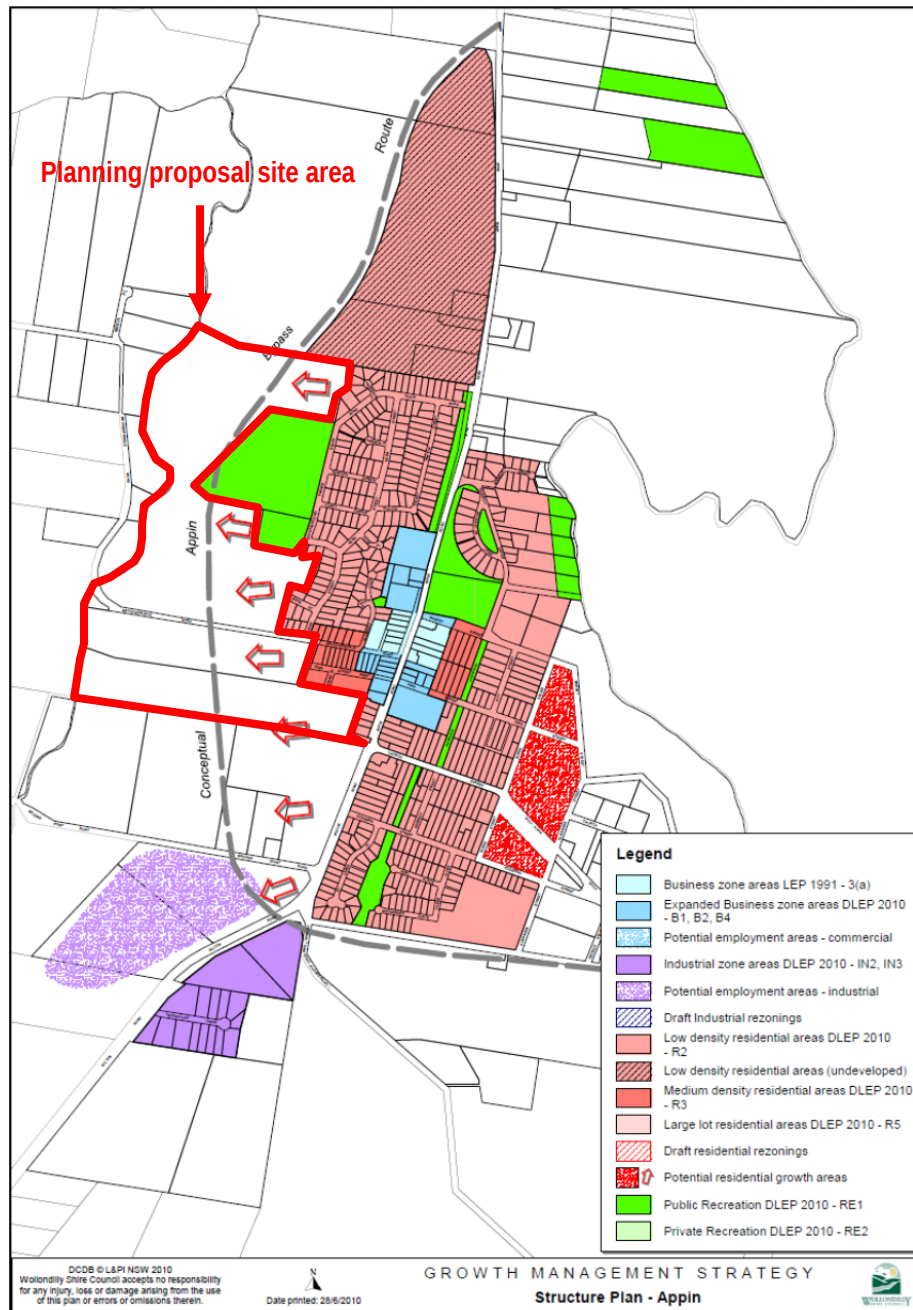
	Appin By-pass. The rezoning will provide approximately 340 residential allotments ranging developed in accordance with Wollondilly DCP 2011 Volume 3 – residential and Tourist Uses. The R2 <i>Low Density Residential</i> zone is located adjoining the existing town, and can be integrated with a road network creating a consolidated urban area, and enabling the provision of services in an economic manner. The rezoning does not propose the fragmentation of land in a way that would prejudice its future use as a properly planned additional urban area. Indeed the proposal will result in the orderly development of land for urban purposes to accommodate Appin's natural growth. The R2 <i>Low Density Residential</i> zone is capable of supporting a residential area with a properly designed layout. The proposed location of the <i>Low Density Residential R2</i> zone will provide a continuation of Appin's existing residential areas and through its careful design the new residential area will be consistent with Appin's existing character. For example, a well planned street layout, varied block sizes, complementary housing styles and designs, visual connections, community facilities and useable open space will contribute to a new residential area integrated with the existing. Although bushland will be removed the natural scenic attributes of the land associated with Ousedale Creek will be protected through the proposed <i>E2 Environmental Conservation</i> zone between the Appin By-pass and Ousedale Creek. Offset lands will be also be proposed to regenerate Shale Sandstone Transition Forest to maintain the viability of this EEC. The creation of this zone will establish a protected bush land edge at the periphery of the Appin township. The planning and design of any future subdivision will be controlled through the provisions of DCP Volume 3 – Residential Tourist Use or any site specific DCP after the gateway Determination. The planning proposal seeks to extend Gordon Lewis sportsground by providing additional open space that could be revegetated. As noted above, it is considered that the cleared areas of the site have limited agricultural potential. The future residential area will have significantly lower visual and environmental impacts than generally associated with extractive, hazardous or rural industries, which are currently permissible within the <i>RU2 Rural Landscape</i> zone. No intensive livestock keeping are proposed, although it is noted that this is currently permitted with consent on this site. Such permitted uses would potentially have negative impacts on Appin's residential areas are not considered suitable for this site.
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5.0 JUSTIFICATION

5.1 NEED FOR THE PLANNING PROPOSAL

5.1.1 Is the Planning Proposal a result of any strategic study or report?

This planning proposal has come about as a result of the vision for the future development of Appin outlined in the *Wollondilly Growth Management Strategy*.



Appin Structure Plan – Wollondilly GMS

The planning proposal is consistent with the *Growth Management Strategy*. It employs good planning practice by providing a new residential area focused on an existing centre with existing infrastructure such as schools, shops, water and sewer that will be supported and better utilised if the proposal proceeds.

5.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal was previously lodged as a rezoning application on 4 June 2007 under the Department of Planning's previous rezoning process.

At present the land is zoned *RU2 Rural Landscape* and dwelling houses are only permitted on lots with a minimum lot size of 40,000m². Therefore to achieve a residential development, an application to rezone the site was required.

The rezoning application was deferred by Council pending the completion of the Wollondilly Shire Growth Management Strategy (GMS). The GMS was adopted by Council in February 2011.

Council has now advised the application needs to be resubmitted in the revised planning proposal format to comply with the new 'Gateway' local plan making process.

The intent to rezone the land from rural to residential has not changed, only the assessment process that the application will follow.

5.1.3 Net Community Benefit Test

In order to understand the net benefit it is helpful to first examine the likely costs and benefits of retaining the current zoning. These can be summarised as follows:

Costs:

- Wasted community and Council efforts expended on preparing and adopting the GMS for Appin
- Lost income to Sydney Water from servicing proposed residential growth. This will reduce Sydney Waters ability to recover costs associated with the Appin PSP project
- Lost income to Jemena from servicing proposed residential growth maximising returns on existing gas break-in infrastructure
- Underutilisation of land and assets associated with Appin Primary School
- Underutilisation of land and assets provided by Wollondilly Shire Council including playing fields, community building, car parking areas and roads
- Travel costs for existing residents who will remain dependent on larger centres for basic services (retailing, health, government and recreation) and for employment opportunities
- Cost to RTA to acquire future Appin Bypass Road Corridor
- Intangible social costs caused by the lack of housing choice (long term residents have reported they have to move away from Appin if they need to purchase either larger or a smaller home)

Benefits:

- Retention of existing farm and bush land landscape
- Retention of SSTF
- Avoidance of amenity impacts from construction activity (noise, traffic and dust)

This consideration indicates a number of costs associated with retaining the existing zoning. The question then becomes what are the costs and benefits of proceeding?

Potential costs and benefits of proceeding with the proposal are as follows:

Costs:

- Permanent loss of 27.3 hectares of farming and bush land landscape;
- Temporary Loss of 14.44 hectares of SSTF until offset program established (say 10 years);
- Temporary impacts from construction activity;
- Gradual increase in traffic and general activity brought about by increased population.

Benefits:

- \$68.0 million construction investment¹ providing 578 jobs over the life of the project² ;
- \$6.2 million to state and federal governments in tax revenue²;
- \$5.1 million³ towards creating cycle paths, neighbourhood parks, recreational facilities, improved traffic facilities;
- \$10.5 million in annual additional local spending on services, food and household items⁴ improving the viability of local retail and other services leading to a wider range of services and employment opportunities in Appin;
- Provision of RTA Bypass road corridor ultimately leading to the separation of through traffic from the local road network;
- Increased population may improve the frequency public transport services;
- Increased population may encourage the provision of needed local medical services;
- Creation of an *E2 Environmental Conservation Zone* which will protect a significant biodiversity corridor along the western boundary of the site.
- Provision of land to enlarge Gordon Lewis sports ground, including a riparian area, and the potential embellishment and rehabilitation of the existing park area.
- Provision of an extension of pedestrian and cycle ways to improve accessibility around Appin.
- Upgrades at primary intersections to cope with the increased local traffic in accordance with Council and RTA standards.
- Appin does not have a doctor or dentist to meet the needs of existing residents. The proposal could include the restoration of the Appin Inn as a community centre which may allow subsidised accommodation for medical practitioners.

1. Assumes 340 lots at \$50k /lot to construct and service plus \$150k/dwelling to construct.
2. *Economic Impact Study – The Property Development Industry, Property Insights, UDIA, March 2010 - concludes 8.5 full time equivalent jobs for every \$1million invested in NSW construction industry and \$91,581 in state and federal tax revenue.*
3. Assumes 340 allotments can be developed and section 94 contribution rates at \$15,000/lot.
4. *ABS December 2010 (using ABS Census data – looking at incomes and separating households into income quintiles, ABS Household expenditure survey and ABS detailed expenditure items catalogue)*

There are also less tangible benefits. Firstly, the fact the site is wholly owned by one company facilitates coordinated planning of roads, storm water management and open space avoiding the need for Council to spend funds on acquiring land and building infrastructure which occurs when fragmented land holdings are developed.

Secondly, the zoned commercial area under Wollondilly LEP 2011 is large (10 hectares including the Appin School and 7 hectares without the school). There is insufficient demand to support this area unless additional land such as the proposal is rezoned for residential.

Thirdly, the planning proposal helps identify the village's limits through the reservation of the corridor for the Appin By-pass creating an edge to the village and a limit to future development to the west.

In conclusion, the proponent believes if planned and managed well this proposal will bring net benefit to Appin through population growth and investment. These benefits will accrue to both government (Council, Sydney Water, Jemena, etc.) and community (better services, community facilities and local employment opportunity).

5.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

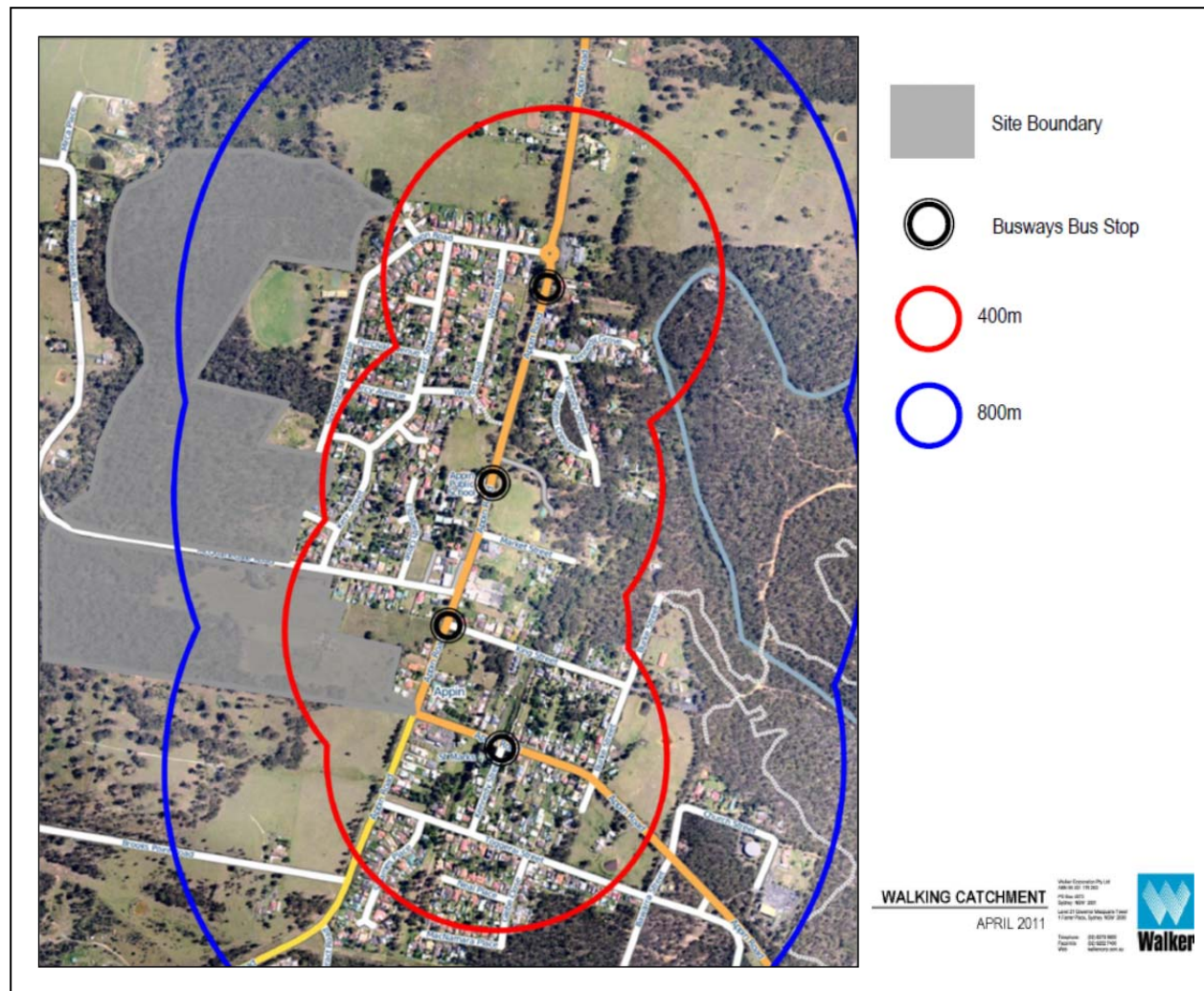
5.2.1 *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub regional strategy (including the Sydney metropolitan Strategy and exhibited draft strategies)?*

■ Metropolitan Plan for Sydney 2036

Planning Circular PS 11-005 and Ministerial Direction 7.1 requires all planning proposals to implement the vision, transport and land use strategy, policies, outcomes and actions of the Metropolitan Plan for Sydney 2036.

This planning proposal meets the strategic directions of the Metropolitan Plan for Sydney 2036.

Particularly, in reference to the provision of *80% of all new housing within walking distance of centres of all sizes*. 80% of the site is located walking distance (800m) from the Appin Village centre where the necessary services to the local community and connection to transport linkages are available. These include local shops, a primary school, parks and community services. Local bus services operated by Busways operate between Appin and Wollongong and Campbelltown (including Macarthur and Campbelltown stations). **Annexure 5** and the image below illustrate the proportion of the site that is within walking distance of the Appin village centre,



Walking Catchment

Wollondilly Shire's rural lands will remain protected as this planning proposal is focusing urban growth adjacent to an existing urban centre on an area identified by the Shire in its growth Management Strategy as an area for future urban growth. The site is currently not used for any primary agricultural or food production. Therefore, the change in zone from RU2 Rural landscape to the proposed R2 Low Density Residential, E2 Environmental Conservation and SP2 Infrastructure zones will not impact upon food security and the change in zoning will ensure 24.37 hectares of the land is preserved as a biodiversity conservation corridor.

Action 6.4 of the strategy discusses the replacement of the existing sustainability criteria to assess land release options outside the Growth Centres during the Annual Land Supply Assessment. This assessment has yet to be completed, consequently the updated criteria has yet to be released. Therefore, the existing criteria from the 2005 Strategy have been addressed in the section below.

Consistency with the Metropolitan Strategy 2005 Sustainability Criteria

The site is not included on the Metropolitan Development Program.

However, the site may be considered as a greenfield land release that would contribute to the Metro Strategy's residential growth target of an additional 40,000 dwellings within the South West Subregion by 2031.

The Metro Strategy acknowledges greenfield land releases need to occur outside the areas currently planned for growth and includes Sustainability Criteria to ensure new release areas are provided with utilities, transport infrastructure and open space in a timely and efficient way.

Table 7 provides an evaluation of the proposed rezoning against the Sustainability Criteria.

TABLE 7: SUSTAINABILITY CRITERIA

Element/Criteria	Evaluation	✓/✗
1. Infrastructure Provision		
Development is consistent with any relevant residential development strategy, subregional strategy, regional infrastructure plan and metropolitan strategy.	The locality is identified in the GMS as a location for Appin's natural growth. It is good planning practice to create compact urban areas focused on centres. New resident populations will then enhance the viability of services and facilities to cater for new and existing residents. While the South West Subregion's strategy is not yet available, the proposed rezoning will result in new dwellings that will contribute to meeting the Metro Strategy's target of 40,000 new dwellings by 2031.	✓
The provision of infrastructure (utilities, transport, open space and communications) is costed and economically feasible based on government methodology for determining infrastructure contribution.	Sewer, potable water, electricity and gas are available at the site.	✓
Preparedness to enter into development agreement.	If required, Walker Corporation is amenable to entering into a planning agreement.	✓
2. Access		
- Accessibility of the area by public transport and appropriate road access in terms of: - Location/land use; to existing networks and related activity centres. - Network: the areas potential to be serviced by economically efficient public transport services. - Catchment: the area's ability to contain, or form part of the larger urban area, which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals. - No net negative impact on performance of existing subregional road, bus, rail, ferry and freight	The future subdivision is capable of being designed with a road network that integrates with the following local roads: - Macquariedale Road - Sportsground Parade - Lewis Street - King Street - Rixon Road All of the above filter through to Appin Road. Connections are illustrated on the Structure Plan at Annexure 4. Any future residential development that might occur at the site will provide upgrades to the local road network, particularly at key intersections. The attached traffic report at Annexure 9 highlights the intersections that will need upgrading. Walker Corporation is committed to completing the necessary works associated with future development The site is adjacent to public facilities including a sportsground, tennis court and netball court. The village centre and public school are approximately 400m away from the site. The additional population that will eventuate from this planning	✓

Element/Criteria	Evaluation	✓/✗
network.	proposal will strength and improve the viability of these business and services. The future residential area can be designed to include extensions of shared pedestrian and cycleways in accordance with Council's Development Contributions Plan 2010. This is illustrated in the Structure Plan. Appin village is linked to Campbelltown, Macarthur and Wollongong via bus services operated by Busways. The opportunity exists to upgrade local transport facilities, by the provision of additional local bus routes to service the increased population. The proposal will have no net impact upon the performance of existing subregional road, bus rail, ferry and freight network. Rather the proposal will result in net benefits due to the reservation of land for the future Appin Bypass which will reduce traffic on the local road network. The proposal will also strengthen and improve the viability of the Busways routes due to the increased number of potential passenger in the community.	
3. Housing Diversity		
Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.	It is anticipated that the future residential area will be designed to include residential lots in two categories minimum lot size 450m² and minimum lot size 700m². The proposed <i>R2 Low Density Residential Zone</i> can accommodate affordable housing, as well as housing for aged or disabled persons. Increasing the supply of new homes can result in a reduction in price through further competition.	✓
4. Employment Lands		
- Maintain or improve the existing level of subregional employment self-containment. - Meets subregional employment capacity targets – employment related land is provided in appropriately zoned areas.	There is currently 20 hectares of vacant employment land within Appin. The provision of new housing increases potential for business to locate on this land. Notwithstanding this, Appin is located close to employment areas in Wollongong and Sydney and is connected to these areas by bus and road transport.	N/A
5. Avoidance of Risk		
Available safe evacuation route (flood and bushfire).	An adequate Assets Protection Zone (APZ) will be provided along the western boundary of the <i>Low Density Residential R2</i> zone. Part of the APZ will be located on land to be used for the Appin By-pass.	✓
No residential development within 1:100 flood plain.	It is understood that the site is flood free.	✓
Avoidance of physically constrained land: high slope; highly erodible.	The moderate slope 1 in 17 and stable soil allow for cost effective construction with minimal soil disturbance.	✓
Avoidance of land use conflicts with adjacent, existing or future land use	The proposed <i>Low Density Residential R2 Zone</i> will be well defined and separated from conserved bushland by the Appin	✓

Element/Criteria	Evaluation	✓/✗
and rural activities as planned under regional strategy.	By-pass. Bushland will provide landscape screening. The future residential area will be consistent with the character of Appin's existing urban area and activities.	
6. Natural Resources		
Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and on environmental flows.	An adequate water supply is available. See section 2.5.3 .	✓
- Demonstrates most efficient and suitable use of land. - Avoids identified significant agricultural land. - Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining and quarrying.	The existing agricultural land is of low quality. No natural resources are identified except coal. It is understood that coal mining is complete in this area.	✓
Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.	An additional residential population of 800-1000 persons will not exert unreasonable demand on energy. Future development applications will be required to comply with and reach the energy reduction targets of BASIX.	✓
7. Environmental Protection		
Consistent with government approved Regional Conservation Plan (if available).	There is no draft or approved Regional Conservation Plan.	✓
Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats.	Bushland and riparian corridors will be incorporated into the <i>E2 Environmental Conservation</i> zone. If required Biodiversity Banking legislation, Voluntary Conservation Agreements or the like, will be used to ensure a net environmental gain by providing biodiversity offsets on other sites.	✓
Maintains or improves existing environmental condition for air quality.	The proposed residential area is relatively small and will not adversely impact on air quality.	✓
- Maintains or improves existing environmental condition for water quality and quantity. - Consistent with community water quality objectives for recreational water use and river health (DEC and CMA). - Consistent with catchment and stormwater management planning (CMA and local council).	The future residential area will be the subject of appropriate stormwater management controls. These controls will protect water quality and quantity.	✓
Protects area of Aboriginal cultural	An investigation was undertaken by Heritage Concepts Pty Ltd.	N/A

Element/Criteria	Evaluation	✓/✗
heritage value (as agreed by DEC).	The conclusions and recommendations of the investigation are provided in Section 5.3.3 .	
8. Quality and Equity in Services		
- Available and accessible services: - Do adequate services exist? - Are they at capacity or is some available? - Has government planned and budgeted to further service provision? - Developer funding for required service upgrade/access is available.	Appin is an established town which enjoys a range of services. Investigation of this issue will be undertaken and appropriate arrangements for the augmentation of services, if required will be, put in place in consultation with Council and state agencies.	✓

Council developed a Growth Management Strategy to resonate the strategic direction of the Department of Planning's Metropolitan Plan for Sydney. This Strategy is soon to be endorsed by the Department. Due to the planning proposal's compliance with the provisions outlined in the Growth Management Strategy (**section 5.2.2**) it is reasonable to consider that it is also compliant with the Metropolitan Plan for Sydney 2036.

5.2.2 Is the Planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic Plan?

■ Wollondilly Growth Management Strategy

The strategy has five key policy directions that collectively guide the strategy. The key policies are:

- General
- Housing
- Macarthur South
- Employment
- Integrating Growth with infrastructure

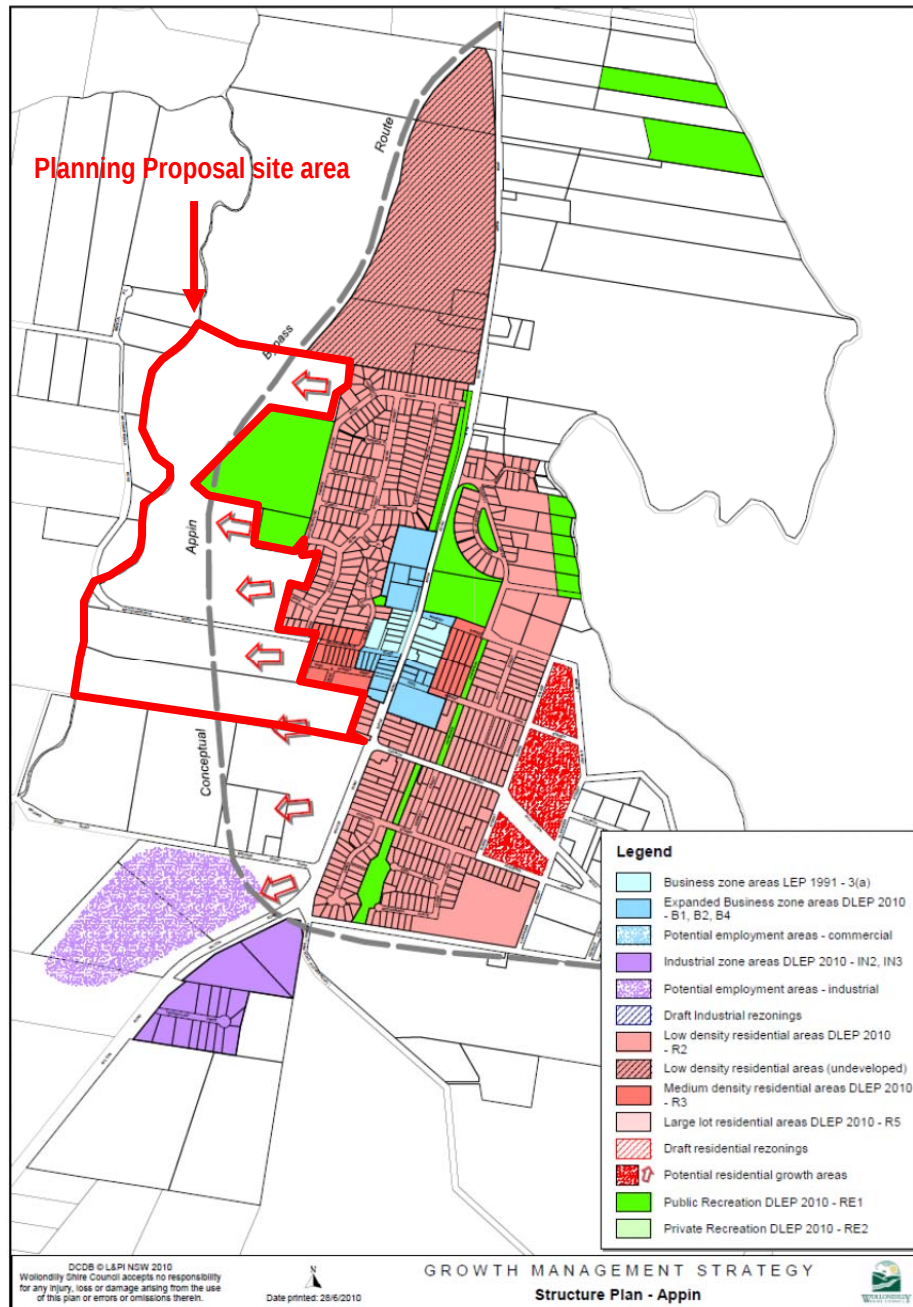
The planning proposals site area has been identified for residential growth on the Appin Structure Plan. The Plan indicates through the use of arrows, that residential growth may occupy the area between the existing town and the future bypass. The Appin Bypass location has been identified as 'conceptual route' on the GMS Appin structure plan.

It is the intent of the planning proposal to define and reserve the area for the future Bypass through the use of the *SP2 Infrastructure* zone, as indicated on the proposed zoning map at **Annexure 2**. The proposed bypass location illustrated on the planning proposal's structure plan at **Annexure 4**, locates the Bypass further west than the conceptual route. The RTA has agreed to the realignment of the Bypass subject to approval by the DECCW.

As a result of the realignment of the Bypass, the *R2 Low Density Residential* area will extend further west to the new bypass road reservation. The extension of the area for residential growth

up to the bypass's amended location is in compliance with the GMS, as the use of arrows on the Appin GMS structure plan indicate that growth will extend west up to the final bypass location.

To only allow residential development up to the conceptual location of the bypass will result in the fragmentation and eventual degradation of the vegetation in this area.



Wollondilly GMS Appin Structure Plan

The following section provides an evaluation of the planning proposal for its consistency with the relevant Assessment Criteria that is guided by the key policies. The planning proposal is fully compliant with the GMS Assessment Criteria. The criteria are addressed in sequential order in the table below.

TABLE 8: GROWTH MANAGEMENT STRATEGY ASSESSMENT CRITERIA PART 1

Project Objectives
Section 3.0 of this planning proposal outlines the proposed outcomes for the site This application was previously deferred, as discussed in section 5.1.2 of this report. A planning proposal is now submitted in order to be referred to the Department of Planning for a Gateway Determination.
Project Justification
Strategic Context The strategic context of this planning proposal is discussed in section 5.2 of the report. The sustainability criteria in the metro Strategy 2005 for land release outside the growth centre has been adequately addressed in section 5.2.1. The site was identified in Council's Growth Management Strategy as a potential residential growth area. The Appin locality will have adequate services to service the site as discussed later in the proposal. Adequate capacity has been identified in the infrastructure for this planning proposal.
Achieving Key policy Directions This proposal is the most appropriate means of achieving the key policy directions of the GMS. The objectives of the planning proposal is considered to be appropriate growth for the Appin Village as it follows the GMS structure plan for future residential growth in Appin. The proposed <i>R2 Low Density Residential</i> zone that is proposed for the site is compatible with the existing residential growth in the locality. It is envisaged that a variety of lot sizes and housing type to assist housing diversity and affordability will be available to service the existing and future needs of the community. A market analysis in regards to Appin's future needs is attached at Annexure 6.
This planning proposal is not for a major urban release area in Macarthur South. Rather it is an area identified for residential development by Wollondilly Council in the GMS.
The planning proposal is compatible with Council's definition of Rural Living. Below is a discussion of the planning proposals compliance with the defined characteristics of Rural Living:
Rural Living: <u>1. Rural setting and character</u> The planning proposal is compatible with Appin's rural settlement and existing character. It will facilitate new residential development adjacent to the existing Appin Village and the rural areas between Appin and the surrounding towns and villages will not be impacted upon by this planning proposal due to the proposed village boundaries. This is due to the <i>SP2 Infrastructure</i> zone that will form the western boundary of the Appin village expansion by restricting growth and retaining the surrounding rural character. Furthermore, 24.37 hectares of the site will be retained for its biodiversity value under the proposed <i>E2 Environmental Conservation</i> zoning, providing an additional buffer corridor west of the Bypass.
<u>2. Viable agriculture</u> While Wollondilly Shire provides some of vegetables for the Sydney Metropolitan area. This site is neither used, nor is suitable for use, for intensive agricultural cultivation. The Department of Primary Industry's Agricultural Land Classification Atlas classifies the site as part Class 3 and part Class 4. The cleared area is mostly Class 3. The proposed rezoning of 13.6 hectares of marginal rural land that is unsuitable for intensive cultivation represents a negligible portion of primary rural land in the Shire. Considering that the unutilised rural land in Wollondilly constitutes 38% of land zoned for rural purposes, the rezoning will have no measurable impact on either availability of productive capacity of rural land within Wollondilly Shire.

3. Lifestyle

This planning proposal will facilitate a contained village expansion with the potential for 340 dwellings. Residents will be able to undertake a rural lifestyle as the planning proposal is only for the rezoning of an inconsequential portion of the total shire area.

4. Community Spirit

This planning proposal will retain the Appin Village as a separate village within the Shire with its own identity. The small population increase that this proposal will generate will allow the local public school to expand and provide better services to the community.

5. Environment and heritage

This planning proposal is for the village expansion of Appin within a specifically defined area. The area will be restricted by the natural western boundary of the proposed *E2 Environmental Conservation* area, and the future man made boundary of the Appin Bypass road reservation.

Due to the planning proposals confined area the Shire's natural and man-made settings of environmental and cultural heritage significance will remain undisturbed. The site's aboriginal significance is discussed in **section 5.3.3** and attached at **Annexure 10** is the Aboriginal and Historic Archaeological and Cultural heritage values report. Subject to compliance with the recommendations of the attached report, there are no restrictions on the planning proposal on European or Aboriginal heritage grounds.

6. Towns and villages

This planning proposal for additional residential areas adjacent to the Appin Village. This new residential area will be undertaken in an ordered and cohesive manner. Residential development resulting from this planning proposal will support the village centre and encourage the expansion of services it offers. This will strengthen the existing local community and ensure the revitalisation of the village centre.

7. Buildings and development

As this planning proposal is for the change in the zoning, no buildings are proposed at this stage. If this planning proposal is successful, subdivision and all future buildings to be constructed at the site will be subject to and assessed against the relevant Council's controls.

8. Roads and Transport

This planning proposal is for a site adjacent to the existing Appin Village. The existing village and services available are within walking distance (approximately 500m) of the site. Therefore, future residents can readily access these. New footpaths and bike paths will form part of a future DA for the development of the site. Bus services to and from Macarthur and the Illawarra already service the Appin Village. This proposal will make it more viable to expand these services due to an increase in the village's population, subject to future discussion with Busways.

9. Infrastructure and services

The site has access to sewer, reticulated water, electricity and gas

The site of the planning proposal is also in close locality to the local Appin Primary School and shops. Bus services connect the Appin Village to Macarthur, Campbelltown and the Illawarra region. Additional services such as universities, schools, hospital, and the city rail network are available in these centres.

Discussions will be held with Busways about the provision of additional services and the location of bus stops to serve the Appin Village.

A full discussion of the available infrastructure and services and its implementation is discussed in **section 2.5** and **section 5.4.1**.

Changes to adopted strategies and policies

This planning proposal will not place any pressure on the Council or other government agencies to change their existing policies. The site is been identified as a potential area for residential growth in Council's draft GMS.

Net Community benefit

Refer to **section 5.1.2** of this report for the net community benefit test that has been undertaken for this planning proposal.

Summary of likely Impacts

The likely impacts of this proposal are discussed in **section 5.3** Environmental, social and economic impacts

Infrastructure and services

Section 2.5 of this report outlines and discusses the available infrastructure and services that can service the site. **Section 5.4.1** explains the ability to provide infrastructure to the site.

Roads:

The site will be able to attain road access from several points from the existing Appin road network, see **section 2.5.1**. All internal roads that would be completed as part of the future development of the site if the planning proposal is successful would comply with all relevant Council and standards for the provisions of roads.

Rail:

The Appin village is not serviced by passenger rail services. The local bus provider, Busways, have services that connect the Appin village to Macarthur station and Wollongong Station allowing residents to access rail services. The provision of passenger rail services to the Appin Village is not a State government priority.

Transport alternatives:

Busway bus services connect the Appin village to Macarthur and Wollongong. Discussions will be held with Busways in regards to increasing services to improve services to the Appin Village. Cycle-ways can be provided at the site in accordance with the Wollondilly cycle paths plan. The site is approximately 500m from the existing village and this is considered to be within walking distance. Footpaths will be put in place as part of future public domain works to ensure the connectivity within and around the site to the existing residential areas and the Appin village.

Utilities

The provision of utilities is discussed below under the sub heading Infrastructure Availability.

Optic fibre

Under a National Broadband Network Company (NBN Co) Greenfields Developer Agreement, NBN Co will cover the cost of fibre infrastructure in all newly approved broadacre developments and infill developments of 100 or more premises released over a three year period, provided that, amongst other things, developers install pit and pipe infrastructure to NBN Co's specifications. Walker Corporation is committed to installing the necessary pit and pipe infrastructure to NBN Co's specifications.

Telephone services

Telecommunication services are available to the site. Telstra will service the site as required by the Universal Service Obligation Legislation.

Waste water management and reuse

The potential for waste water management and reuse has been explored at a preliminary stage by Sydney Water in the *Appin Wilton and Douglas Park Water, Waste Water and Recycled Water Integrated Servicing Plan* by Sydney Water. This document is still applicable in terms of the provision of Potable water; however the Appin Priority Sewage Program has superseded this document in respect of the provision of sewer.

Adequate stormwater management plans will also be developed and submitted to Council for approval at a later stage of development. As part of the potential future construction of dwellings water conservation devices will be installed in all dwellings in accordance with BASIX and Council's DCP.

Waste management and recycling

All future subdivision plans will need to contain an efficient internal road network that will allow for effective circulation and distribution of vehicles. A waste minimisation plan will also be developed in accordance with council standards and submitted to council for approval prior to any demolition or construction being undertaken.

Health

Appin is easily accessible to Liverpool, Campbelltown and Wollongong hospitals. Appin does not have any local medical practitioners. Residents need to travel to either Campbelltown or Picton.

Welfare

Centerlink services are available in Campbelltown and Wollongong.

Education

Appin has its own local public school offering education facilities for 4-12 year olds. The increased population which would eventuate if the planning proposal is successful has the potential to support and increase the range of educational opportunities offered at Appin Primary school. Feedback from the School Principal in 2008.

School bus services are provided to John Therry Catholic High School and Ambervale High Schools.

The site is easily accessible to University of Wollongong, University of Western Sydney's Campbelltown campus, Campbelltown TAFE, and Wollongong TAFE.

Emergency services

Appin is serviced by the Appin Rural Fire Brigade

Community facilities and services

The Appin village provides a limited range of community facilities and services. These include a community centre and playground, the Gordon Lewis sportsground, clubhouse, tennis courts and Appin Park reserve. If successful this planning proposal will generate section 94 contributions that could be put towards upgrading these facilities and possibly providing new facilities. The creation of the *E2 Environmental Conservation* zone and the additional offset areas will preserve an area of environmental significant biodiversity value for the community.

Section 94 contributions would be paid in accordance to Council's contributions plan. These contributions would be put towards upgrading the infrastructure and services within the Appin village in accordance with Council's works program.

Efficient and timely use of infrastructure resources

The provision of the Appin Sewage Scheme will begin by mid 2011. If this planning proposal is approved, by the time the subdivision stage is completed the sewage scheme will be in place. The capacity of this system is sufficient to cope with the residential development that is proposed as part of this planning proposal (Sydney Water 2010 "Appin Sewage Scheme REF" Sydney Water Corporation, Sydney). The provision and maintenance of this infrastructure to the site will not impact upon the provision of infrastructure elsewhere.

Preserving rural land and character**Character and Setting**

Refer to the above discussion about the compliance of the Planning Proposal with Council's definition of Rural living in **table 8**.

Visual attributes

This analysis seeks to identify the key scenic attributes of the site, its visual catchment and the extent of visibility from public vantage points.

No building envelopes are proposed as part of this application, however, it is assumed for the purpose of this analysis that the typical future residential development will comprise one and two storey detached dwelling houses set in gardens on tree lined streets.

The site is located on the western periphery of Appin and extends between the established residential areas to the east and Ousedale Creek to the west. It comprises approximately 13.6 hectares of cleared low quality agricultural land and native bushland including some Shale Sandstone Transition Forest. It has moderate falls of one in 17 from east (AHD 247) towards Ousedale Creek to the west (AHD 191).

The site presents a typical rural landscape of cleared grazing land and natural vegetation. It has no significant topography. The future residential area will be consistent in visual character with Appin's existing urban areas, with appropriate design and landscape controls incorporated into a DCP and applied to DAS.

Rural and Resource Lands

The Department of Primary Industry's Agricultural Land Classification Atlas classifies the site as part Class 3 and part Class 4. The cleared area is mostly Class 3.

While Wollondilly Shire provides some primary production for the Sydney market the site is neither used, nor is suitable for use, for intensive agricultural cultivation.

Under Wollondilly Shire's previous LEP (*Wollondilly LEP 1991*) it contained 50,109 hectares of land zoned rural, of which land cleared for primary purpose (Zoned 1a, 1(a1), 1(a2), 1(a3) and (b) totals 47,884 hectares (95% of zoned area), of this, the ABS 2001 Agricultural Census, states that only 62% or 29,688 hectares of Wollondilly's agricultural land was in actual production.

The proposed rezoning of 13.6 hectares of marginal rural land, unsuitable for intensive cultivation represents a negligible portion of primary rural land in the Shire. Considering that the unutilised rural land constitutes 38% of land zoned for rural purposes, the rezoning will have no measurable impact on either availability of productive capacity of rural land within Wollondilly Shire.

Environmental Sustainability

Protection and conservation

The completed discussion about the protection of biodiversity at the site is discussed at **section 5.2.3** in regards to the planning proposals compliance with SREP 20 and at **section 5.3.1** where the flora and riparian corridor studies are discussed in detail. The details of the proposed offset program to compensate the cleared SSTF will be developed with state environmental agencies should the proposal be accepted.

Water Quality

Water quality is discussed at **section 5.2.3** in reference to the planning proposal's compliance with SREP 20 and at **section 5.3.1** in regards to the planning proposals environmental impact

Flood hazard

The land proposed to be resumed to residential is not located within a known flood area. If it is determined that a flood study is necessary during the Gateway Determination a study will be provided.

Geotechnical/contamination/resources/subsidence

A geotechnical report has not been produced at this stage of the planning proposal.

It is anticipated that the site is underlain by similar rock types as those identified in the geotechnical assessment for the North Appin Site (that is the site located directly north of the planning proposal site) in DA 522-07. It was identified in this report that the North Appin site was underlain by Liverpool Sub-Group belonging to the Wianamatta Group and Hawkesbury sandstone, of the Triassic Age. It is therefore reasonable to assume that the planning proposal's site is underlain by similar geological rock types.

No contamination studies have been carried out in accordance with the SEPP55 guidelines.

A contamination study has not been carried out at this stage due to the site's identified previous uses, low intensity agriculture are not being likely to present a risk of contamination at the site.

If a contamination study is requested during the Gateway Determination, a study will be provided.

The site is not identified as being of interest for the excavation of coal resources as it is understood that mining activities are complete under the site.

During the consultation period it is anticipated that the Mine Subsidence Board will be consulted. They will provide their comments about the proposal at this time and Walker Corporation will respond accordingly.

Buffers and Spatial separation

Road corridor for the Appin Bypass will provide a buffer between the *R2 Low Density* zone and the *E2 Environmental Conservation* zone.

The final location and size of the buffer will be determined following a bushfire protection assessment and consultation with DECCW.

Bushfire hazard

A bushfire protection assessment would be undertaken following the gateway determination.

Heritage significance

It is anticipated that if the recommendations of the report attached at **Annexure 10** are met, there is no restriction on the planning proposal on European or Aboriginal heritage grounds. The consideration of items of heritage significance is also discussed at **section 5.3.3**.

Resource Sustainability

The site has been identified by Wollondilly Shire Council as a potential residential growth area. The site is currently zoned *RU2 Rural Landscape*, however, it has not been used for primary agricultural production or cultivation for a number of years. If the zoning of the site remains unchanged the land is unlikely to be used for agricultural purposes apart from grazing stock.

All future dwellings at the site that would be constructed if the planning proposal is successful would need to comply with the Department of Planning BASIX standards in regards to energy efficiency and sustainability. Water recycling and reuse and waste minimisation opportunities would be thoroughly explored and finalised prior to subdivision if the planning proposal is successful.

Infrastructure Availability

Efficient Use and Provision of Infrastructure Services

Refer to earlier comments about the provision of infrastructure services to the site. If this planning proposal is successful any future development for residential purposes at the site will need to be compliant with Council controls and all standards of the relevant service providers prior to the residential lots being registered.

A future residential subdivision will require the provision of electricity, reticulated water, reticulated sewer, telephone services, optic fibre cables, public roads integrated with the existing road network, kerb and gutter and stormwater management infrastructure, footpaths suitable for pedestrian use, shared pathways, street lighting, public open space, bus stops, street trees and contributions towards community services and facilities

The site has adequate access to reticulated water, sewer, electricity or gas.

Walker Corporation is willing to fund a Section 94 contributions plan or Planning Agreement Policy, which will ensure that the required local infrastructure is provided in conjunction with the development of residential uses on the site.

Access and Transport

Access and transport issues have been discussed earlier in the report (**Section 2.5**) in regards to the provision of existing access and transport options. A Traffic and Transport Report has been prepared and is attached at **Annexure 9**. The conclusions of this report are discussed at **section 5.4.1**.

Economic and Social Considerations

Economic Opportunities and impacts

This planning proposal is for a specifically defined area to the east of the proposed Appin Bypass. It is for an extension of the existing Appin village and the aim is to complement the existing village area and provide new housing options for the people who are interested in moving to the area. The proposed *SP2 Infrastructure* zone for the Appin bypass road reservation and the *E2 Environmental Conservation* will provide a defined boundary for the western border of the Appin Village. This would prevent the displacement of land uses beyond the site.

This planning proposal will increase the population in Appin, allowing the existing services such as the local shops and businesses, school and bus services to have a larger customer base. This has the potential to result in a better range of services and opportunities for existing and new residents of Appin.

The site has been identified as an area for residential growth on Appin Structure Plan in the Wollondilly draft GMS. It has not been identified for employment, commercial or retail uses.

The site is well located for connection to the existing Appin village. The existing road network can easily be augmented to connect into the proposed residential area. The residential area will be able to connect to Appin priority sewage scheme. The planning proposal will not impact on other areas identified for growth in Appin.

The planning proposal will not impact unreasonably upon the Walker Corporations other residential subdivision located at North Appin.

Open Space

The planning proposal proposes that the *SP2 Infrastructure* zone for the road reservation for the Appin Bypass pass through the western end of Gordon Lewis Oval, which is zoned *RE1 Public Recreation* under Wollondilly LEP 2011. The proposed location, for the Appin Bypass is further west than its current conceptual alignment location.

The RTA has raised no objection to the realignment of the by-pass, subject to a cost analysis and the agreement of the DECCW. As it is proposed to realign the bypass further west there will be less of an impact on the *RE1 Public Recreation* zone.

Walker Corporation is committed to paying Section 94 contributions or undertake a Planning Agreement with Council to contribute towards the provision of open space and the improvement of existing open space.

Community Services and Access

The provision and access to community services has been discussed in regards to infrastructure provision to the site in the sections above.

Location/Area/Type

The planning proposal complements the GMS structure plan for Appin. The site is identified in the strategy for residential growth.

The planning proposal *R2 Low Density Residential* area will extend further west than indicated on the existing Appin GMS structure plan. This is due to the Appin Bypass location being identified as conceptual on this plan. The structure plan does indicate through the use of arrows that residential development will occupy the area between the existing town and the future bypass. It is the intent of the planning proposal to define and reserve the area for the future Bypass though the use of the *SP2 Infrastructure* zone, as indicated on the proposed zoning map. The *R2 Low Density Residential* area will then extend west up until the future bypass location.

The RTA has no objection to moving the bypass, subject to approval by state environmental and planning agencies and no significant increase to construction costs.

As indicated earlier in the planning proposal, the site is located in close proximity to all the necessary infrastructure and services.

The planning proposal will result in a residential area adequately integrated with the existing community refer to details in **section 2.5.1**. The proposed *R2 Low Density Residential* is compatible with the existing surrounding residential zones. The proposed *E2 Environmental Conservation* zone will provide a continuous biodiversity corridor providing a defined western boundary of the Appin village.

The planning proposal designates 29.73 hectares for the *R2 Low Density Residential* zone. This area is of adequate size to accommodate a range of housing types.

The vision for the future development of the site is for a residential area that is a natural extension to the existing Appin village and close to bus services that operate within its locality.

Future dwelling types will be subject to Council Consent prior to being developed. The provision of affordable housing, adaptable housing and standard housing will be developed in accordance with Council controls and need as directed by market demand. The provision of public roads, pathways and open space will be completed at the subdivision stage in accordance with Council Standards and other relevant controls.

When the Appin Bypass is built, it is the existing practice that it is the responsibility of the RTA to provide noise attenuation measures to minimise the impact upon residential areas. Therefore if the planning proposal is successful, noise attenuation measures will be undertaken at the time of the Bypass construction. However the existing road reservation is 50 metres wide allowing adequate space for the appropriate buffers and landscaping to be undertaken to minimise impact upon residents.

TABLE 9: GROWTH MANAGEMENT STRATEGY ASSESSMENT CRITERIA PART 3

Residential Land use Categories

Supply and Demand Analysis
A residential land market analysis was undertaken at Annexure 6. The analysis looked at the demand for residential land and the affordability of land and housing within Appin and the Shire. The study concluded there is considerable latent demand and that overall housing affordability is declining within Appin and within the Shire overall. Residents are increasingly being priced out of their local area when it comes to home purchase or home rental. The study suggests this should be addressed by increasing land supply which will encourage competition and improve affordability.
Location/Area/Type
The compliance with the planning proposal to the Location/Area/Type criteria is discussed above in table x.
Transport, Roads and Access
Attached at Annexure 9 is the Traffic and Transport Report. The report found that subject to intersection upgrades the Appin road system would be able to accommodate all prospective development
Social Integration
The proposal would not be separated from adjoining residential areas, and it is the proponent's intention to link existing and new residents via a pathway along Ousedale Creek. Opportunities will be provided for a range of housing types and price ranges to meet the needs of the local community.

Urban on Town Edge

Self-Contained Master Planned Estates
It is envisaged that any future development within the proposed <i>R2 Low Density Residential</i> zone will incorporate approximately 340 residential lots varying in size.
Approximately 340 dwellings within the R2 Low density Residential zone would result in 11.6 dwellings per hectare.

Future development application at the site will ensure the provision of water sensitive urban design measures, energy efficient housing and sustainable water recycling measures in accordance with the relevant Council controls and BASIX standards.

A mix of lots will be provided at the site in accordance with Council standards and market demand to ensure housing diversity and affordability issues will be addressed.

The provision of a biodiversity corridor, zoned *E2 Environmental Conservation*, and a *SP2 Infrastructure* corridor for the Appin Bypass will provide a buffer between site and any neighbouring agricultural uses to the west of the site. The proposed *R2 Low Density Residential* zone will be compatible with the predominantly existing *R2 low Density Residential* zoned area to the east of the site.

The planning proposal will not result in a major expansion of the Appin Village. The proposed growth is in accordance with Council's strategic vision for Appin. It is the intent of the planning proposal to retain the village as a country town if it is approved. However, the population increase will improve the overall viability of the town as there will be a larger population to support and improve existing businesses, infrastructure and services.

5.2.3 Is the Planning proposal consistent with the applicable State Environmental Planning Policies?

▪ Sydney REP No. 20 – Hawkesbury-Nepean River

The site is located within the area of Sydney REP No. 20. The aim of SREP No. 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that future land uses are considered in a regional context.

The plan sets out general planning considerations, specific planning policies and strategies that need to be taken into consideration by the consent authority in determining development applications or in preparation of environmental planning instruments. The REP is accompanied by *The Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy*, which lists the complementary strategies and actions necessary to implement the environmental planning policies set out in the REP.

Consistency with SREP No. 20

The table below evaluates the proposed rezoning against the specific planning policies and strategies set out in Section 6 of SREP No. 20 – Hawkesbury-Nepean River.

TABLE 10: ASSESSMENT AGAINST SREP NO. 20

POLICIES/STRATEGIES	EVALUATION	✓/✗
1. TOTAL CATCHMENT MANAGEMENT		
Policy: Total catchment management is to be integrated with environmental planning for the catchment. STRATEGIES:		
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area.	Wollondilly Council will refer this planning proposal to other councils if required consultation. However it is anticipated that the use of the land for low density residential and environmental conservation will have no adverse environmental impact on other local government areas.	✓

POLICIES/STRATEGIES	EVALUATION	✓/✗
(b) Consider the impact of the development concerned on the catchment.	Any future residential development and the Appin Bypass will be required to meet environmental management objectives such as control of stormwater runoff and sewerage. Concepts for the residential component will be prepared as part of the Environmental studies process, and detailed in DCP's.	✓
(c) Consider the cumulative environmental impact of development proposals on the catchment.	All future rezoning within Wollondilly Shire will also need to meet the relevant location and environmental impacts criteria. This will be further explored during further environmental studies process.	✓
2. ENVIRONMENTALLY SENSITIVE AREAS		
Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses. <i>Note:</i> Environmentally sensitive areas in the Hawkesbury-Nepean catchment are: the river, riparian land, escarpments and other scenic areas, conservation area sub-catchments, national parks and nature reserves, wetlands, other significant floral and faunal habitats and corridors, and known and potential acid sulphate soils.	This rezoning proposal includes a substantial Environmental Conservation Zone E2 which will incorporate bushland and riparian corridors.	✓
STRATEGIES: (a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted.		N/A
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	The proposed <i>E2 Environmental Conservation Zone</i> will incorporate a 50 metre wide riparian corridor to Ousedale Creek. Assuming standard stormwater management system and sewerage disposal, the future uses will not adversely impact on the Nepean River or its tributaries. Native vegetation within the Environmental Conservation zone will be managed and conserved on an ongoing basis.	✓
(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> or the <i>Forestry Act 1916</i> and conservation area sub-catchments in order to protect water quality and biodiversity.	Not adjacent.	N/A
(d) Wetland protection.	Not adjacent.	N/A
(e) Buffer zones for land adjacent to land reserved under the <i>National Parks and Wildlife Act 1974</i> or the <i>Forestry Act 1916</i> .	Not adjacent.	N/A
(f) Impact on water table and formation of	This will be further explored by the environmental	N/A

POLICIES/STRATEGIES	EVALUATION	✓/✗
acid sulphate soils.	studies process.	
(g) New development in conservation area sub-catchments should be located on already cleared land.	The proposed rezoning includes a <i>R2 Low Density Residential Zone</i> over cleared land. In addition, areas of bushland are proposed to be removed, however these areas are currently impacted by the Appin By-pass corridor. Biodiversity offsets will be provided on other land to achieve a net environmental gain.	✓
3. WATER QUALITY		
Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact such as swimming) and aquatic ecosystem protection in the river system.		
STRATEGIES: Quantify and assess the likely impact of any predicted increase in pollutant loads on receiving waters.	It is anticipated that no pollutants will be released within the catchment area as a result of the future residential area, subject to the imposition of appropriate stormwater management controls. This will be further explored if required by the Gateway Determination. Construction of the Appin Bypass will be subject to a Review of Environmental Factors (REF) or Environmental Impact Statement (EIS) process which will address this issue.	✓
(a) Do not carry out development involving onsite disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater.	It is proposed to connect the future residential area to the proposed Appin STP.	✓
(b) Develop in accordance with the land capability of the site and do not cause land degradation.	Subject to the incorporation of appropriate soil and erosion management controls, landscaping and riparian rehabilitation, it is anticipated that there will be no further degradation of the land.	✓
(c) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.	Areas of native vegetation associated with Ousedale Creek will be incorporated into the <i>E2 Environmental Conservation Zone</i> . The proposed zone has a variable width from 100 metres to 270 metres. These areas will incorporate riparian corridors to Ousedale Creek and its tributaries as recommended in the Preliminary Riparian Corridor Investigation: • Ousedale Creek – 50 metres from the centre line of the creek • Tributaries – 30 metres from the centre line	✓
4. WATER QUANTITY		
Policy: Aquatic ecosystems must not be adversely affected by development that changes the flow characteristics of surface or groundwater in the catchment. STRATEGIES:		

POLICIES/STRATEGIES	EVALUATION	✓/✗
(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.	Potential impacts on river flows will be assessed during the Environmental studies process in consultation with the Catchment Management Authority. Stormwater disposal will be assessed during a later environmental study process and appropriate development controls incorporated in any DCP. It is anticipated that stormwater management systems can be designed to accommodate river flow objectives to achieve an appropriate outcome. In relation to the Appin Bypass these matters will be considered in an REF or EIS.	N/A
(b) Ensure the amount of stormwater runoff from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage onsite stormwater retention, infiltration and (if appropriate) reuse.	Stormwater management will incorporate on-site stormwater retention, infiltration and partial reuse. Details will be provided with development applications in accordance with any applicable DCP, REF or EIS.	✓
(c) Consider the impact of development on the level and quality of the water table.	No impacts anticipated. This can be reviewed if required by the Gateway Determination.	N/A
5. CULTURAL HERITAGE		
Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed, and if appropriate, enhanced.		
STRATEGIES:		
(a) Encourage development that facilitates the conservation of heritage items if it does not detract from the significance of the items.	A search of the database of the NSW State Heritage Register revealed that there are no items within the study area listed on the Register. No European heritage items are identified on the site in Wollondilly LEP 1991. An Aboriginal & Historic Archaeological Assessment has been prepared by Heritage Concepts Pty Ltd and is contained with this application Annexure 10 . In relation to European Heritage two historic sites/finds were located during the survey work conducted by Heritage Concepts Pty Ltd. Ceramic shards and a Historic Dump were located. Both have been assessed as having low archaeological potential and accordingly an archaeological excavation on the site is not required. In relation to European Heritage the report concludes the following: <i>'Recommendation 3</i> • <i>It is recommended that a programme of Historic monitoring works is conducted by a professional archaeologist prior to any future development involving the clearance and/or ground disturbance of the study area takes place. These works should be carried out under the auspices of a Section</i>	✓

POLICIES/STRATEGIES	EVALUATION	✓/✗
	<i>139(4) Exception under the Heritage Act 1977.</i> <i>Recommendation 6</i> <i>As required by the Heritage Act 1977 (Amended), in the event that any unexpected historic cultural fabric or deposits are encountered, works must cease immediately to allow an archaeologist to make an assessment of the finds. The archaeologist may need to consult with the Heritage Office, Department of Planning concerning the significance of the historic cultural material unearthed.'</i>	
(b) Protect Aboriginal sites and places of significance. (c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.	In relation to the presence of Aboriginal sites, an investigation of relevant legislation was undertaken by Heritage Concepts Pty Ltd. This investigation concluded the following: - There are no items in the study area listed on the Register of National Estate. - There are no claims on the study area registered with the National Native Title Tribunal. - A total of 20 Aboriginal places and/or objects are registered with the Aboriginal Heritage Information Management System pursuant to the National Parks and Wildlife Act 1974. - No registered Aboriginal sites are situated within the boundaries of the study area. In light of the above, an Aboriginal & Historic Archaeological Assessment has been prepared by Heritage Concepts Pty Ltd and is contained with this application Annexure 10. This report states that a site survey was conducted in April 2007 by Heritage Concepts Pty Ltd with representatives of the Tharawal Local Aboriginal Council (TLALC) and Cubbitch Barta Native Title Claimants Aboriginal Corporation (CBNTCAC). During the site survey stone artefacts were found in three locations and glass artefact found in one location. The stone artefacts were assessed as having low significance and the representative from CBNTCAC requested that the glass artefact be recorded. In relation to Aboriginal Heritage the report concludes the following: <i>'Recommendation 1</i> <i>It is recommended that Aboriginal sites AP_A1, AP_A2, AP_A3 and AP_A4 be registered on the AHIMS database. Site cards will be submitted to the DEC with information and site descriptions so they can be entered onto the AHIMS database.</i> <i>Recommendation 2</i> <i>It is recommended that a programme of Aboriginal cultural monitoring of the study area take place</i>	

POLICIES/STRATEGIES	EVALUATION	✓/✗
	prior to any development involving the clearance and/or ground surface disturbance of the study area takes place. Cultural monitoring should be undertaken by the identified Aboriginal stakeholder groups. Recommendation 4 - It is recommended that Aboriginal sites AP_A1, AP_A2, AP_A3 and AP_A4 be collected under the auspices of a Section 90 permit and managed under a Care and Control Agreement. To this end, it is recommended that a Section 90 Consent to destroy with Surface Collection permit type be lodged with the DEC. A Section 90 Consent is a multifaceted permit that allows the applicant to seek approval to destroy/disturb a site. The Section 90 Permit should include a Care and Control permit for any artefactual remains collected as part of the S90 activities. Recommendation 5 - The National Parks and Wildlife Act 1974 requires that in the event of Aboriginal Cultural fabric or deposits being encountered, works must cease immediately to allow an archaeologist to make an assessment of the find. The archaeologist will then need to consult with the NSW Department of Environment and Conservation and Aboriginal stakeholders who have registered an interest in this project to determine whether mitigating measures are required.'	
6. FLORA AND FAUNA		
Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced. STRATEGIES (GENERALLY): Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna and existing or potential fauna corridors.	A Flora Assessment prepared by Anne Clements & Associates is submitted with the application Annexure 7. It concludes as follows. <i>The proposed rezoning will result in a loss of 14.44Ha of Shale / Sandstone Transition Forest (SSTF). The net loss of 14.44Ha of SSTF represents a significant impact on this endangered ecological community. A Species Impact Statement will be required.</i> <i>The proposed rezoning will also result in the conservation of 0.62Ha of SSTF and 23.9Ha of sandstone vegetation in a large unfragmented conservation area adjoining Ousedale Creek. The proposed 24.52Ha Environmental Conservation Zone will form part of an approximately 100Ha bushland corridor along the east of Ousedale Creek.</i> <i>It is proposed to offset the loss of 14.44Ha of SSTF through conservation, enhancement and reestablishment of similar vegetation on nearby landholdings to create secure conservation corridors. The outcome of any offsetting proposal needs to be a net gain of Shale Sandstone Transitional Forest of at least the area proposed to be cleared for the impact not to be</i>	✓

POLICIES/STRATEGIES	EVALUATION	✓/✗
	<i>significant.</i>	
Locate structures, where possible, in areas that are already cleared or disturbed instead of clearing or disturbing further land.	13.6 hectares of the proposed Low Density Residential R2 zone is cleared land. Bushland to be removed is currently fragmented by the Appin By-pass which passes through the bushland and Endangered Ecological Community.	✓
Minimise adverse environmental impacts, protect existing habitat, and where appropriate, restore habitat values by the use of management practices.	24.37 hectares of existing native bushland will be maintained and protected through the Environmental Conservation E2 zone. In addition, offsets on other sites will be explored such as Biodiversity Banking to achieve a net environmental gain if required.	✓
7. RIVERINE SCENIC QUALITY		
Policy: The scenic quality of the riverine corridor must be protected. STRATEGIES:		
(a) Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.	Bushland and a riparian corridor along Ousedale Creek is to be maintained and protected within the <i>E2 Environmental Conservation</i> zone. This zone has a variable width from 100 metres to 270 metres. This significant corridor will ensure the character of the creek is maintained.	✓
(b) Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.	The Scenic Quality Study does not identify the site as being of scenic significance.	✓
(c) Consider the siting, setback, orientation, size, bulk and scale of, and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees and shrubs, particularly locally indigenous plants.	Subject to the final design, the proposed Low Density Residential R2 zone will accommodate approximately 340 one to two storey dwelling houses on standard residential allotments. This zone will be separated from Ousedale Creek and bushland protected in the Environmental Conservation E2 zone by the Appin By-pass and due to topography, will not be readily visible from the river. It is unlikely that low-scale residential buildings will be visually prominent in the locality. Building design and materials and landscaping will be considered in the DCP.	✓
(d) Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.	The rezoning proposes inclusion of a riparian corridor along the Ousedale Creek in the Environmental Conservation E2 zone. It is noted that Ousedale Creek is not a landscape element that is significant beyond the region.	✓
(e) Consider the need for controls or conditions to protect those scenic areas.	The residential development will have no impact on the scenic areas identified in the Strategy.	✓
(f) Consider opportunities to improve riverine scenic quality.	The protection of bushland and riparian corridors by appropriate E2 Environmental Conservation zoning will	✓

POLICIES/STRATEGIES	EVALUATION	✓/✗
	ensure Ousedale Creek's scenic quality is maintained into the future.	
8. AGRICULTURE/AQUACULTURE AND FISHING		
Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development. <i>Note:</i> Refer also to items 1-7 and 12 for relevant strategies. STRATEGIES: (a) Give priority to agricultural production in rural zones. (b) Ensure zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 Agricultural Land (as defined in the Department of Agriculture's <i>Agricultural Land Classification Atlas</i>) and of any other rural land that is currently sustaining agricultural production.	The rezoning will affect approximately 13.62 hectares of cleared rural land, classified as Class 3 in the Department of Primary Industries Agricultural Land Classification Atlas. It is considered that this land is not of high agricultural quality, given: - Its small size making a viable agricultural use difficult. Intensive agricultural activities may be possible on small areas, but the site is only Class 3 agricultural land and therefore has no potential for intensive agriculture. - Its location adjoining a town creating potential for conflicts between rural and residential activities. - Its location adjoining a town with services and facilities that would be supported, used more efficiently and enhanced by an increase in population using them. - It is fragmented into two lots - It will be further fragmented and reduced in size by the future Appin By-pass.	
9. RURAL RESIDENTIAL DEVELOPMENT		
Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna). <i>Note:</i> Refer also to items 1-7 and 12 for relevant strategies	The proposal does not include rural residential development. It will result in a compact urban form utilising land with minimal agricultural value. Other impacts are addressed elsewhere in this report.	N/A
10. URBAN DEVELOPMENT		
Policy: A potential adverse environmental impact of urban development must be addressed and controlled. <i>Note:</i> Refer also to items 1-7 and 12 for relevant strategies. STRATEGIES: (a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of	The rezoned land is unlikely to accommodate more than 1,000 persons, and will be serviced by a reticulated sewerage system connected to the proposed	N/A

POLICIES/STRATEGIES	EVALUATION	✓/✗
that land (e.g. by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management study or plan	Appin Sewerage Treatment Plant.	
(b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).	Capable of complying. The future residential areas are regular in shape and relatively large in size, facilitating the creation of estates that achieve good urban design outcomes and reduced environmental impacts. A DCP will be prepared, or DCP Vol. 3 Residential and Tourist Uses will be applied to any future development application for residential subdivision.	N/A
11. RECREATION AND TOURISM		
Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected. <i>Note: Refer also to items 1-7 and 12 for relevant strategies.</i>	Bushland along Ousedale Creek will be preserved in the Environmental Conservation E2 zone. This land could be provided to the community as public open space forming an important recreation asset.	✓
12. METROPOLITAN STRATEGY		
Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.		
STRATEGIES:		
(a) Consider the impacts of transport infrastructure proposals on water quality and air quality.	The future residential area will not rely on additional transport infrastructure. The future Appin By-pass will be the subject of an EIS or REF which will consider this issue.	Neutral
(b) Consider the impacts of metropolitan waste disposal on water quality.	The future residential area can be serviced by the proposed Appin STP. It will treat effluent to a level appropriate to ensure there are no impacts on water quality. Garbage and recyclables generated during construction and occupation of any future development will be appropriately disposed of in accordance with a Waste Management Plan.	Neutral
(c) Consider the impacts of development on air quality.	The proposed rezoning will facilitate residential development which is a low intensity use in terms of pollutant emissions. The future Appin By-pass will be the subject of an EIS or REF which will consider this issue.	Neutral
(d) Consider the need for waste avoidance, waste reduction reuse and recycling measures.	To be detailed at DA stage for specific proposals and will be subject to Council's policies on this issue.	✓
(e) Consider the implications of predicted climate change on the location of	Subject to the final design, the rezoning could provide approximately 340 lots integrated into the existing	✓

POLICIES/STRATEGIES	EVALUATION	✓/✗
development and its effect on conservation of natural resources.	residential areas of Appin, which will utilise the existing services, transport and physical infrastructure. It will provide for efficient utilisation of existing natural and man-made resources and contribute to sustainable development. This issue can be explored further through environmental studies if required by the Gateway Determination.	

5.2.4 Is the Planning proposal consistent with the applicable Ministerial Directions (s.117 directions)?

This section provides an assessment of the relevant Section 117 Directions issued under the Environmental Planning and Assessment Act 1979.

▪ Direction No. 21 – Residential Zones

The objective of Direction 21 is to '*ensure the orderly and economic use or development of residential land*' and it applies when Council intends to '*create, remove or amend a residential zone boundary*'. The Direction requires specific requirements for the creation of a LEP as outlined in the following table:

TABLE 11: ASSESSMENT OF DIRECTION NO. 21

LEP REQUIREMENT	COMMENT
Draft LEP shall contain a requirement that residential development is not permitted until land is adequately serviced with water and sewerage or arrangements satisfactory to the Council or other appropriate authority have been made to service it.	Sydney Water will be consulted during the Consultation Stage as directed by the gateway determination.
Draft LEP shall retain existing provisions enabling a dwelling house to be erected on an existing allotment.	The proposed residential zone will permit single dwelling houses.
Draft LEP shall not contain provisions which reduce the permissible residential density.	The draft LEP intends to increase the residential density.
Draft LEP shall where practicable provide for a variety of housing forms and increase the permissible residential density	The proposed <i>R2 Low Density Residential</i> zone is of a size and shape that can accommodate a range of subdivision options.
Draft LEP shall retain provisions to allow dual occupancy	The residential zoning proposed will permit dual occupancy development.

▪ Direction No. 22 – Rural Zones

The objective of Direction 22 is to '*protect the agricultural production value of existing rural land*' and it applies when Council intends to '*create, remove or amend a rural zone boundary*'.

The Direction requires specific requirements for the creation of a LEP as outlined in the following table:

TABLE 12: ASSESSMENT OF DIRECTION NO. 22

LEP REQUIREMENT	COMMENT
Draft LEP shall retain existing zones and provision relating to the control of traffic generating development.	Refer to allowance for non-compliance addressed below.
Draft LEP shall not rezone land for urban purposes.	Refer to allowance for non-compliance addressed below.
Draft LEP that rezone for rural purposes shall not contain provisions which will increase the permissible density	Refer to allowance for non-compliance addressed below.
However, the Direction allows for inconsistency with the above if Council can satisfy the DG that any particular provision should be varied having regard to section 5 of the Act and:	
The land has been identified in a strategy	It is good planning practice to focus urban development in existing centres where efficient use can be made of existing services, facilities and utilities. Wollondilly GMS identifies the site as a location for Appin's natural growth.
The rezoning is justified on environmental grounds	The proposal includes an Environmental conservation E2 zone along Ousedale Creek.
The rezoning is in accordance with a regional strategy	Wollondilly Shire is part of the South West Subregion. A Subregional Strategy has not been finalised for this subregion. However, it is understood a key principle of the subregional planning process will be provision for required housing, located around centres. The Metro Strategy target for new dwellings by 2031 in the Subregion is 40,000. The new residential area has the potential to contribute approximately 340 new homes towards this target.
The rezoning in the opinion of the DG of a minor significance.	This is a matter for the Director General.

Direction No. 25 – Site Specific Zoning

The objective of Direction 25 is to *'make the range of uses permissible as flexible as possible'* and it applies when Council prepares a LEP to allow *'a particular development proposal to be carried out'*. The Direction requires specific requirements for the creation of a LEP as outlined in the following table:

TABLE 13: ASSESSMENT OF DIRECTION NO. 25

LEP REQUIREMENT	COMMENT
Allow that land use to be carried out in the zone the land is situated.	The proposed zones will allow environmental conservation, public infrastructure and residential development to be undertaken, in accordance with the zone objectives and controls.
Rezone the site to an existing zone already applying.	This rezoning application proposes to rezone the land to <i>Zone R2 – Low Density Residential</i> , <i>Zone SP2 – Infrastructure</i> and <i>Zone E2 – Environmental Conservation</i> . These zone types conform to Wollondilly LEP 2011
Allow that land use without imposing any development standards in addition to those already contained in the principle instrument being amended.	It is anticipated that any controls embodied in the proposed zones will be consistent with the same zones applied elsewhere in Wollondilly Shire.

5.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

5.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

▪ Flora and Riparian Land

The land comprises 60.14 hectares, of which approximately 13.62 hectares is cleared land and 46.52 hectares is bush land including an area of approximately 17 hectares of Shale Sandstone Transition Forest (SSTF), an identified “Endangered Ecological Community” under the Threatened Species Act 1995 and in the Environment Protection and Biodiversity Conservation Act 1999.

An initial flora assessment has been carried out by Anne Clements and is contained in **Annexure 7**.

In summary the report finds that the proposed rezoning and subsequent development of the site as proposed would result in a loss of 14.44Ha of SSTF. This represents a significant impact on this endangered ecological community.

It is proposed to offset the loss through conservation, enhancement and re-establishment of similar vegetation on nearby landholdings to create secure conservation corridors in accordance with the *Principles for the use of biodiversity offsets in NSW* published by the NSW Department of Climate Change and Water.

Walker Corporation owns approximately 1,900 hectares of surrounding Appin, Wilton and Maldon and this provides the opportunity to reinstate SSTF vegetation ensuring the endangered ecological community can be maintained, notwithstanding the losses from this proposal.

If the project proceeds the proponent will develop an offsets strategy for consideration by the state's environment agency.

Riparian corridors to Ousedale Creek will be incorporated in the *Environmental Conservation E2* zone, ensuring their protection. A Preliminary Riparian Investigation for the Site is contained in **Annexure 8**. The report recommends:

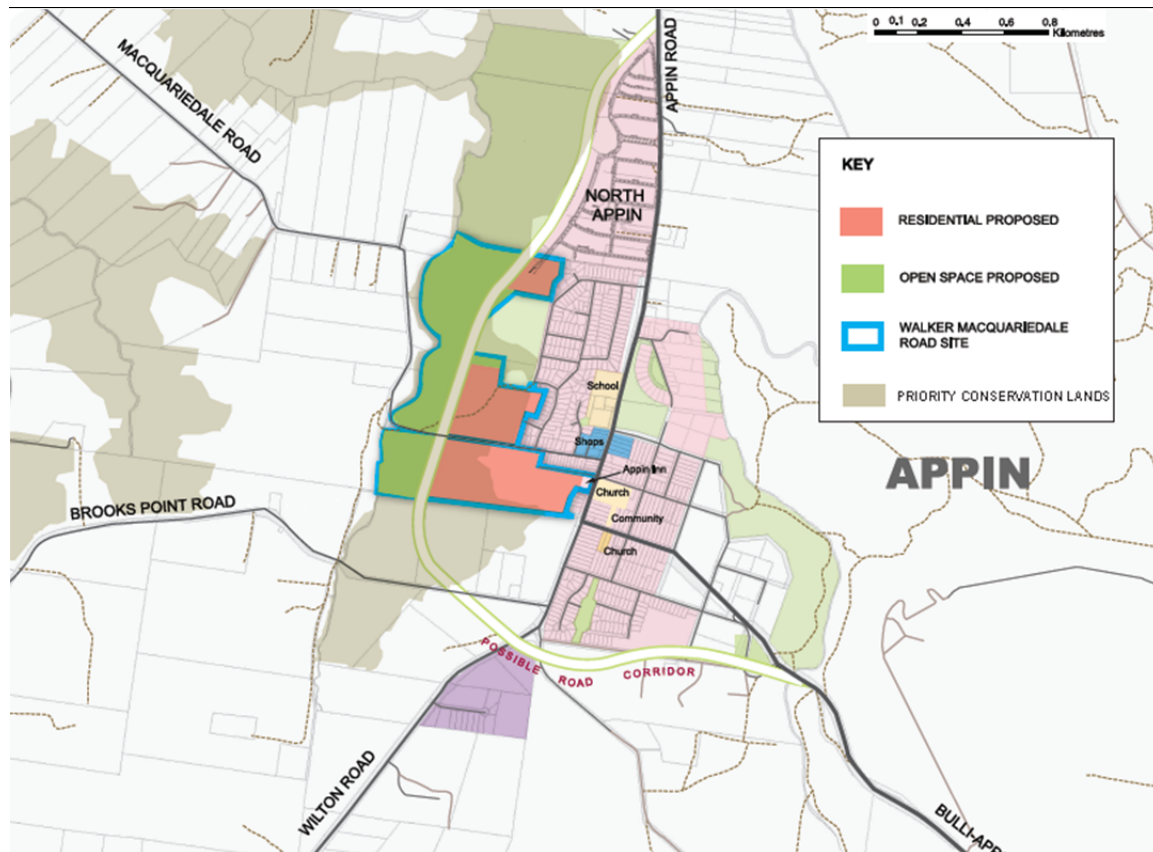
The recommended preliminary riparian corridor widths are presented in figure 1.(Ousedale Creek – 50m from the centre line, Tributaries – 30m from the centre line). The recommended widths take into account the natural topography, creek channel widths, flooding, geomorphology, category and DNR recommendations.

To ensure an ecologically viable corridor is provided the *Environmental Conservation E2* zone has a minimum width of 100 metres. The corridor will link with the existing *E2 Environmental Conservation* zone to the north of the site creating a continuous biodiversity corridor along the western edge of Appin.

■ Cumberland Plain Recovery Plan

The Cumberland Plain Recovery Plan adopted in January 2011 identifies land for priority conservation.

Land along the western half of the proposal is identified for priority conservation under this plan. This land is shown indicatively below:



Planning Proposal and Impact on priority conservation lands

Action 1.4 of the Plan requires local councils to have regard to the priority conservation lands in identifying areas for inclusion in environment protection and regional open space zones. The Proposal creates 3 new zones E2, SP2 and R2 and while Zone E2 will contain the priority conservation lands some clearing is envisaged in order to allow for the SP2 and R2 zones.

The land within the proposed E2 zone will be consolidated (currently three lots) and an adjoining parcel of existing E2 land to the north also owned by the proponent will also be included. Both parcels could be dedicated to the OEH estate consistent with the aims of the Cumberland Plain Recovery Plan or kept in private ownership and managed under a conservation agreement. The lands form a corridor link along Ousedale Creek consistent with the actions recommended in the Plan.

The SP2 and R2 zones will result in the loss of some priority conservation land. The extent of this loss will depend upon the outcome of negotiations between the office of Environment and Heritage and the Transport Roads and Traffic Authority. Where loss occurs the proponent expects that additional offsets will be required through revegetation and or dedication of other priority conservation lands within the locality consistent with Action 1.5 of the Plan.

■ Impacts on the Scenic Quality

Scenic Quality Study – DUAP 1997

A Scenic Quality Study was prepared on behalf of the Department of Urban Affairs and Planning to supplement the statutory provision of SREP No. 20 – Hawkesbury-Nepean Gorge. The study sought to:

- Identify areas of high/regional scenic significance, including all landscapes, both natural and culturally modified.
- Provide a clear statement of significance for each of the identified areas.

The study concentrated on the immediate river landscapes; however, it acknowledged the importance of the wider visual catchment and important regional features to the overall scenic significance of the area. Where such regional features dominate the visual experience from the river, they were included in the mapped areas. A brief discussion of the relevant findings of the study is provided below.

Visual Impact

The site is located on the western periphery of Appin and extends between the established residential areas to the east and Ousedale Creek to the west. It has moderate falls of one in 17 from east (AHD 247) towards Ousedale Creek to the west (AHD 191) and presents a typical rural landscape of cleared grazing land and natural vegetation.

Importantly the site is not visible from major routes such as Appin Road, being sandwiched between existing homes and Ousedale Creek.

As a result of these features the development envisaged in the proposal would have little visual impact and with appropriate building controls and landscaping future residential development would complement Appin's existing semi - rural feel.

■ Compatibility with Surrounding Land Uses

Surrounding Land Uses and Zoning

The site adjoins land zoned *RU2 Rural Landscape Zone* to its west and south. Objectives of the zone include protection of the agricultural potential of the land, prevention of premature and sporadic subdivision, retention of scenic qualities and encouragement of agricultural activities that are within the rural capability of the land. An assessment of the proposal against these objectives is provided in Table 4.

To the west and north, the site adjoins the established or rezoned residential areas of Appin characterised by low density dwelling houses of one to two storeys. The dwellings are relatively recent, being constructed in the past 20-30 years. The Gordon Lewis Sportsground protrudes into the northern part of the site (Lot 201).

Also to the north is a *E2 Environmental Conservation* corridor along Ousedale Creek. Agricultural land to the west and south of the site has a Class 3 agricultural classification. The Appin By-pass will form a definite western boundary of the village and will have a significant impact on the character of the area.

Impacts

The future residential area will integrate seamlessly with the existing layout of Appin facilitated by existing road connections. It will have no adverse impact on the historic elements of the village. It will fit within the new town boundary defined by the Appin By-pass.

The future residential area will be of a character consistent with the existing town. Gardens will be established and it is anticipated that some existing trees will be retained in gardens. New street tree planting will be provided.

The proposed *Environmental Conservation E2* zone and Ousedale Creek will separate the future residential area from Rural 1(a1) areas to the west. It is not anticipated that the proposed rezoning will have any adverse affects on agricultural land to the west.

The proposed *E2 Environmental Conservation* zone will form a continuous environmental corridor along Ousedale Creek in conjunction with *E2 Environmental Conservation* to the north. See Structure Plan.

It is concluded that proposed rezoning is compatible with surrounding land uses.

■ Appropriateness of other land for Residential Purposes

In considering the rezoning of this site for residential, infrastructure and environmental conservation purposes it is appropriate to consider whether rezoning alternate sites in Appin would provide a better outcome for the community and the environment.

There are a number of factors that should be considered including, but not limited to, identification of sites in planning strategies, proximity to services and existing infrastructure, potential for urban sprawl and fragmentation of land. These factors are discussed below:

1. Planning Strategies

Wollondilly Shire in consultation with residents, community groups and other stakeholders prepared the Wollondilly GMS. The GMS identifies areas for growth in Wollondilly, providing directions for growth in the shire for the next 20-25 years.

The GMS addresses issues such as proximity to the town centre, road networks and landscape and natural features by identifying suitable areas for development.

The GMS identifies the site in Appin as an area for potential residential growth.

2. Proximity to services and existing infrastructure

The site will be serviced with sewer by 2012 as part of the Appin PSP being undertaken by Sydney Water.

The site can be easily serviced from the existing Appin water reservoir. Electricity and gas services are also available. The majority of the envisaged future residential area is within 800m (walking distance) of the Appin Village shops, school and bus stops.

3. Impact of Urban Sprawl

The GMS seeks to limit development to land within Appin Village.

The planning proposal is located within Appin Village.

4. Fragmentation of land

The planning proposal allows the development of a large consolidated holding minimising community servicing costs, avoiding 'leap-frogging' and the underutilisation of services; typical of development on land held in fragmented ownership.

■ **Water Quality**

The site drains towards Ousedale Creek, which is situated within the Upper Nepean River Catchment; however, it is not located within or adjacent to any water catchment zones.

The intermittent creeks on the site drain small catchment areas of Ousedale Creek. The provision of a reticulated sewerage system to the new residential area, as well as appropriate stormwater management controls will maintain water quality of the Upper Nepean River Catchment.

■ **Impact on Agricultural Potential**

The Department of Primary Industry's Agricultural Land Classification Atlas, classifies the site as part Class 3 and part Class 4. The cleared area is mostly Class 3.

See previous discussions about agriculture within **Table 8** rural and resource lands.

■ **Appin Bypass**

It is the intent of the planning proposal to define and reserve the area for the future Bypass though the use of the *SP2 Infrastructure* zone, as indicated on the proposed zoning map at **Annexure 2**. The proposed bypass location illustrated on the planning proposal's structure plan at **Annexure 4**, locates the Bypass further west than the conceptual route. The RTA has agreed to the realignment of the Bypass subject to approval by the DECCW.

This location is the most appropriate because it is further away from existing residents, it has less impact on loss of land within Gordon Lewis oval and it allows a larger population within the village making better use of community infrastructure.

As a result of the realignment of the Bypass, the *R2 Low Density Residential* area will extend further west to the new bypass road reservation. The extension of the area for residential growth up to the bypass's amended location is in compliance with the GMS, as the use of arrows on the Appin GMS structure plan indicate that growth will extend west up to the final bypass location.

5.3.3 How has the planning proposal adequately addressed any social and economic effects?

■ Historic & Aboriginal Significance

An Aboriginal & Historic Archaeological Assessment has been prepared by Heritage Concepts Pty Ltd and is contained with this application at **Annexure 10**.

The assessment considered the history of Appin and the past uses of the site to determine the potential presence of archaeological relics and field work to determine the presence of artefacts. In relation to the European heritage, a search of the database of the NSW State Heritage Register revealed that there are no items within the study area listed on the Register. No European heritage items are identified on the site in Wollondilly LEP 2011.

Two historic sites/finds were located during the survey work conducted by Heritage Concepts Pty Ltd. Ceramic shards and a Historic Dump were located. Both have been assessed as having low archaeological potential and accordingly an archaeological excavation is not required.

In relation to European Heritage the report concludes the following:

Recommendation 3

- *It is recommended that a programme of Historic monitoring works is conducted by a professional archaeologist prior to any future development involving the clearance and/or ground disturbance of the study area takes place. These works should be carried out under the auspices of a Section 139(4) Exception under the Heritage Act 1977.*

Recommendation 6

- *As required by the Heritage Act 1977 (Amended), in the event that any unexpected historic cultural fabric or deposits are encountered, works must cease immediately to allow an archaeologist to make an assessment of the finds. The archaeologist may need to consult with the Heritage Office, Department of Planning concerning the significance of the historic cultural material unearthed.'*

In relation to the presence of Aboriginal sites, in review of relevant legislation was undertaken by Heritage Concepts Pty Ltd. This investigation concluded the following:

- There are no items in the study area listed on the Register of National Estate.
- There are no claims on the study area registered with the National Native Title Tribunal.
- A total of 20 Aboriginal places and/or objects are registered with the Aboriginal Heritage Information Management System pursuant to the National Parks and Wildlife Act 1974.
- No registered Aboriginal sites are situated within the boundaries of the study area.

A site survey was conducted in April 2007 by Heritage Concepts Pty Ltd with representatives of the Tharawal Local Aboriginal Council (TLALC) and Cubbitch Barta Native Title Claimants Aboriginal Corporation (CBNTCAC).

During the site survey stone artefacts were found in three locations and a glass artefact found in one location. The stone artefacts were assessed as having low significance and the representative from CBNTCAC requested that the glass artefact be recorded.

In relation to Aboriginal Heritage the report concludes the following:

Recommendation 1

- *It is recommended that Aboriginal sites AP_A1, AP_A2, AP_A3 and AP_A4 be registered on the AHIMS database. Site cards will be submitted to the DEC with information and site descriptions so they can be entered onto the AHIMS database.*

Recommendation 2

- *It is recommended that a programme of Aboriginal cultural monitoring of the study area take place prior to any development involving the clearance and/or ground surface disturbance of the study area takes place. Cultural monitoring should be undertaken by the identified Aboriginal stakeholder groups.*

Recommendation 4

- *It is recommended that Aboriginal sites AP_A1, AP_A2, AP_A3 and AP_A4 be collected under the auspices of a Section 90 permit and managed under a Care and Control Agreement. To this end, it is recommended that a Section 90 Consent to destroy with Surface Collection permit type be lodged with the DEC. A Section 90 Consent is a multifaceted permit that allows the applicant to seek approval to destroy/disturb a site. The Section 90 Permit should include a Care and Control permit for any artefactual remains collected as part of the S90 activities.*

Recommendation 5

- *The National Parks and Wildlife Act 1974 requires that in the event of Aboriginal Cultural fabric or deposits being encountered, works must cease immediately to allow an archaeologist to make an assessment of the find. The archaeologist will then need to consult with the NSW Department of Environment and Conservation and Aboriginal stakeholders who have registered an interest in this project to determine whether mitigating measures are required.'*

Subject to compliance with the recommendations of the report, there is no restriction on the rezoning of the site on European or Aboriginal Heritage grounds.

5.4 STATE AND COMMONWEALTH INTERESTS

5.4.1 Is there adequate public infrastructure for the Planning proposal?

■ Infrastructure

The Appin By-pass

The proposed Appin By-pass will reduce traffic on Appin Road and will further enhance regional road links. The reduction in traffic on Appin Road will be a move to improve traffic safety and traffic congestion through the Appin Village.

As part of this rezoning process, discussions have been undertaken with the RTA regarding the relocation of the Appin By-pass alignment as it currently affects the site, so that it is located further west. This rezoning application proposes the formalisation of the By-pass alignment by the inclusion of the SP2 Infrastructure Zone. This will secure its alignment for a significant portion of its length.

The RTA has indicated that they raise no objection to the realignment of the by-pass, subject to a cost analysis and the agreement of the DECC.

The Appin By-pass would create a physical barrier between the future residential area and conservation area. It will provide a defined edge to Appin.

Roads and Traffic

A Pre-rezoning Traffic and Transport Report has been prepared by Masson Wilson Twiney Pty Ltd and is contained with this application at **Annexure 9**.

Existing traffic volumes at key intersections were measured and a forecast of potential traffic volumes provided. The report concludes that traffic using Rixon Road, Sportsground Parade, Macquariedale Road and King Street would not exceed their respective environmental limits.

In addition, the report considers the availability and frequency of public transport. The bus service to Appin is relatively infrequent. The increased population will support the viability of an improved service. This matter will be addressed when required by the Gateway Determination. The report nominates a workable bus route along Rixon Road / Sportsground Parade and the Macquariedale Road collector system. This is shown on the Structure Plan at **Annexure 4**.

In summary, the Traffic and Transport Report concludes:

This report addresses transport implications of the proposed rezoning of land for residential purposes in South Appin. The land would have the potential to accommodate in the order of 340 dwellings.

This level of development on the subject site was included in assumptions for total potential development in Appin that was considered with a previous transport assessment conducted in 2006. The assessment found that subject to minor intersection improvements, the Appin Road system would be able to accommodate all prospective development.

More localised traffic effects on the subject rezoning proposal have been found to be satisfactory in respect of intersection operation and of local residential amenity. However the following aspects will need to be addressed in a development application:

- *Likely need for signalisation of the Macquariedale Road / Appin Road intersection;*
- *The form of control at the Macquariedale Road / Sportsground Parade intersection;*
- *Provision of cycle connections and footpaths;*
- *A possible bus route along Macquariedale Road / Sportsground Parade / Rixon Road collector*

Subject to the consideration of these future matters at development application stage, rezoning of the subject land for residential purposes is supported from a transport planning perspective'

Electricity

The existing electricity supply network has adequate capacity to service the projected population without any major augmentation of the existing infrastructure.

Water

The Sydney Water Draft Integrated Servicing Plan (Appin, Wilton and Douglas Park) May 2006, concluded that the Appin Reservoir supplied from the Macarthur Water Treatment Plant, has bulk water capacity to supply the residential development that would result should this rezoning application be successful.

Sewerage and recycled water

Appin Village is currently being provided with sewer under the NSW government Priority Sewer Program.

It is expected the service will be operating by late 2012 (Appin Sewage Scheme Servicing Report October 2010, Sydney Water).

6.0 COMMUNITY CONSULTATION

Consultation has occurred during the preparation of this planning proposal, including:

- Initial notification of the previous Macquariedale Road 'West Appin' rezoning application
- Wollondilly Shire Council Community Forum 8 December 2008
- Presentation to Appin Chamber of Commerce 10 November 2009

Further consultation will be undertaken in accordance with Division 4, cl 57 of the Environmental Planning and Assessment Act 1979.

7.0 SUMMARY AND CONCLUSION

The planning proposal is submitted to Wollondilly Shire Council by Walker Corporation to initiate the gateway planning pursuant to Section 55 of the Environmental Planning and Assessment Act 1979.

The application proposes rezoning of 60.14 hectares of land in Appin, currently zoned *RU2 Rural Landscape* under *Wollondilly LEP 2011*, to *R2 Low Density Residential*, *E2 Environmental Conservation* and *SP2 Infrastructure* as outlined in the following table:

TABLE 15: EXISTING AND PROPOSED ZONES

EXISTING ZONING	AREA (HECTARES)	%
RU2 Rural Landscape	60.14	100
TOTAL SITE AREA		100%
PROPOSED ZONING	AREA (HECTARES)	%
Zone R2 Low Density Residential	29.73	49.5
Zone SP2 Infrastructure	6.04	10
Zone E2 Environmental Conservation	24.37	40.5
TOTAL SITE AREA	60.14	100%

Subject to the final design and the outcome of the community consultation, environmental studies and assessment process, the planning proposal could provide approximately 340 residential lots in a convenient location adjacent to existing residential areas of Appin and will cater for residential growth in Appin as envisaged in Council's Growth Management Strategy.

Physical infrastructure elements such as water, electricity and telecommunications are available to service the proposed residential use.

The proposed *E2 Environmental Conservation* Zone will protect bush land and riparian corridors along between Ousedale Creek and, in conjunction with *E2 Environmental Conservation* zone to the north will create a continuous conservation corridor along Appin's western periphery. Native vegetation within the zone will be managed and conserved on an ongoing basis subject to well designed stormwater management systems, the proposed *R2 Low Density Residential* zone will have no adverse impact on Ousedale Creek and other waterways in the region.

Impacts on Shale Sandstone Transition Forrest caused by the proposal will be offset by the regeneration of this vegetation community on neighbouring land.

The Appin By-pass will separate the future residential area from adjacent rural land. It is therefore considered unlikely that there will be any negative impacts on agricultural activities in the locality.

The proposed rezoning will be compatible with the existing statutory framework, which comprises *Wollondilly LEP 2011* and *Sydney REP 20 – Hawkesbury-Nepean River*.

The planning proposal is consistent with the Wollondilly Growth Management Strategy as it will ensure protection and enhancement of the riparian land and vegetation along Ousedale Creek, provide for orderly expansion of Appin, will have no adverse impact on the rural character of the Shire and will not reduce availability of productive rural land.

This planning proposal satisfies the criteria set out in the Department of Planning *A Guide to preparing planning proposals* July 2009 as:

It supports the Sydney Metropolitan Strategy which seeks to provide up to 83,000 dwellings in the Southwest over 2006-2036 and which promotes development within walking distance to existing centres.

It is consistent with the Wollondilly GMS.

It will have no measurable impact on the agricultural potential of Wollondilly.

It is consistent with the objects of the Environmental Planning and Assessment Act 1979, because it will:

- a) Encourage proper management, development and conservation of land and vegetation and promote economic welfare of the community of Wollondilly.
- b) Contribute to orderly and economic use of the site, which has good access to the facilities and services available in Appin centre. Given the site's location and poor suitability for agricultural purposes it is considered more appropriate for residential purposes.
- c) Provide land that is capable of being used for public purposes such as arterial road and open space.
- d) Protect the environment through the continuation of a biodiversity corridor along the western periphery of Appin and by offsetting vegetation lost as part of the proposal.
- e) Contribute to the provision of affordable housing by increasing the supply of land for urban purposes and increasing competition.

Accordingly the planning proposal is recommended to Council for its consideration.

Annexure 1 – Survey Plan

**Annexure 2 –
Proposed Amendment to the Wollondilly LEP 2011 Land
Zoning Map**

**Annexure 3 –
Proposed Amendment to the Wollondilly LEP Lot Size Map**

Annexure 4 – Structure Plan

Annexure 5 – Walking Catchment

Annexure 6 – Residential Land Market Analysis

Annexure 7 – Flora Assessment and Statement of Significance

Annexure 8 – Preliminary Riparian Corridor Investigation

Annexure 9 – Pre-rezoning Traffic Report

Annexure 10 – Archaeological Assessment
