

WOLLONDILLY SHIRE COUNCIL

Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council held on Monday 15 August 2011

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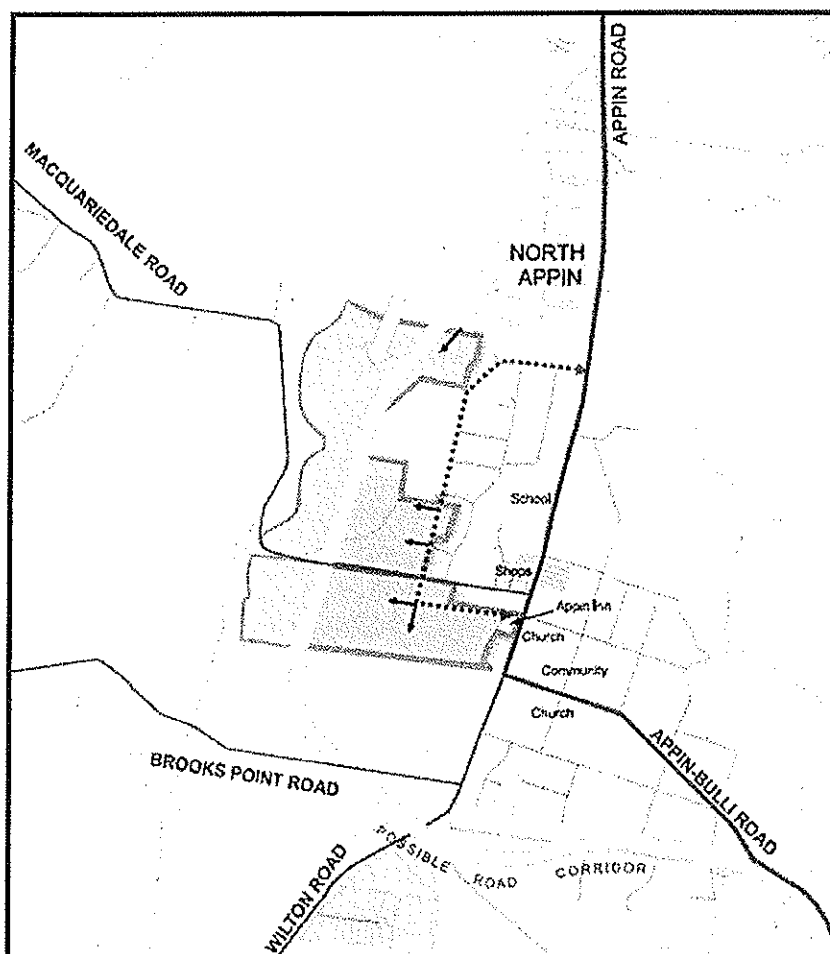
Draft Planning Proposal - Macquariedale Road, Appin
55MCOO

TRIM 4985

Applicant: Walker Corporation

Owner: Walker Corporation

Planning &
Economy



REPORT

EXECUTIVE SUMMARY

- Council has received a draft Planning Proposal that proposes to rezone rural land at Appin to allow for low density housing, the environmental management of ecologically important land, and protection of a strategic road corridor for a future Appin by-pass.

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- The rezoning application was originally submitted in June 2007, however further assessment was deferred pending the outcomes of Council's Growth Management Strategy (GMS), which was endorsed by Council in February 2011.
- Following Council's endorsement of the GMS, the application was resubmitted as a planning proposal in April 2011.
- A preliminary assessment of the proposal against the Growth Management Strategy indicates that the proposal is generally consistent with the key policy directions of the document.
- Accordingly this report recommends:
 1. That Council support the draft planning proposal for Lot 1 in DP 209779 (No. 50 Macquariedale Road, Appin); Lot 201 in DP 749272 (No. 55 Macquariedale Road, Appin); and Lot 1 in DP 558807 (41 Appin Road, Appin).
 2. That the draft planning proposal be forwarded to the Minister for Planning for a Gateway determination; and
 3. That the persons who made submissions regarding the draft proposal be notified of Council's decision.
- There have been no disclosures of political donations made in regard to this application.

BACKGROUND

Site Description

The subject site comprises three (3) adjacent allotments of land:

- Lot 1 in DP 209779 (No. 50 Macquariedale Road, Appin);
- Lot 201 in DP 749272 (No. 55 Macquariedale Road, Appin);
- Lot 1 in DP 558807 (41 Appin Road, Appin).

The site is generally located between Appin, at its eastern boundary and Ousedale Creek at its western boundary.

The area of the site is 60.15 hectares.

Lot 201 in DP 749272 is presently vacant and is predominantly covered with native vegetation. The allotment adjoins the western boundary of residential Appin separated by Gordon Lewis Sportsground and the former Appin waste management facility. The allotment has frontage to Macquariedale Road, Sportsground Parade and Lewis Street.

The allotment is traversed by two east-west intermittent watercourses which form a key element to the natural drainage of the allotment. The watercourses, one situated on the allotment's northern boundary and one at the southern boundary of Gordon Lewis Sportsground enter Ousedale Creek at the site's western boundary. The site is currently zoned RU2 Rural Landscape under Wollondilly LEP 2011 and has an area of 36.5 hectares.

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Lot 1 in DP 209779 and Lot 1 in DP 558807 have similar characteristics. Both contain a residential dwelling with associated outbuildings, are approximately 40% cleared with the western portion containing significant native vegetation coverage. Lot 1 in DP 209779 has frontage to Macquariedale Road, King Street West and Thomas Street (both unformed). Lot 1 in DP 558807 has frontage to Appin Road and Thomas Street (unformed).

The western boundary of the allotments is Ousedale Creek. An intermittent watercourse traverses the south western corner of Lot 1 in DP 558807. The site is currently zoned RU2 Rural Landscape under Wollondilly LEP 2011 with each allotment having an area of 10.25 and 13.4 hectares respectively.

The site also includes a formed section of Macquariedale Road that separates Lot 1 DP 209779 and Lot 201 DP 749272. The road reserve is currently zoned RU2 Rural Landscape under Wollondilly Local Environmental Plan (LEP) 2011.

Description of Draft Proposal

The objective of the draft proposal is to rezone 60.15 hectares of rural land at Appin to allow for low density housing, the environmental management of ecologically important land, and protection of a strategic road corridor for a future Appin by-pass.

To achieve this objective it is proposed to rezone the land in the following manner:

- R2 Low Density Residential (29.73 hectares) – to achieve approximately 337 lots, for the eastern portion of the site;
- SP2 Infrastructure (6.04 hectares) to allow for the extension of the future Appin bypass road reserve through the site;
- E2 Environmental Conservation (24.37 hectares) for the western portion of the site adjoining Ousedale Creek.

The exact boundaries of the proposed land use zones and the area of developable land will be delineated through further detailed studies as confirmed by a Gateway determination.

History of Proposal

The rezoning application was originally received in June 2007. Council commenced an initial assessment of the application including preliminary consultation with the Appin community, and relevant government agencies in 2008. In February 2009 Council resolved to defer further assessment of five outstanding rezoning applications pending the outcomes of Council's Growth Management Strategy. The resolution included the Macquariedale Road application.

The Growth Management Strategy was adopted by Council in February 2011 enabling the reconsideration of the outstanding rezoning applications. Legislative changes applying to the process of rezoning land were introduced in 2010. Therefore in order for outstanding rezoning applications to progress, they needed to be resubmitted by the applicants as 'planning proposals' under the new plan making system.

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The Macquariedale Road application was submitted as a planning proposal by the applicants in April 2011. Considering the delay since the original community consultation undertaken in 2008, re-notification of the Appin community was undertaken in May-June 2011.

CONSULTATION

Preliminary Community Consultation

In accordance with Council's notification policy, preliminary consultation with adjoining and potentially affected residents in the vicinity of the proposal was undertaken in November 2008 and more recently in May-June 2011.

Ten (10) written submissions, together with two (2) petitions one containing 62 signatures and one containing 12 signatures were received from the 503 letters sent in November 2008. One (1) submission supported the proposal, five (5) were neutral and four (4) submissions and the two petitions objected to the proposal.

A summary of the submissions from the November 2008 consultation is provided in Attachment 2. The key issues and comments arising from that consultation process are listed below:

Roads & Traffic

- Local road traffic congestion
- Appin road traffic congestion
- No progress has been made on the Appin Bypass
- Lack of public transport
- Inadequate parking available in Appin

Biodiversity & Indigenous Heritage

- Loss of / impact to biodiversity
- Further studies required on: aboriginal artefacts; koala colonies; general wildlife; species nesting in tree hollows; water quality; butterfly colony along Ousedale creek; affects of mine subsidence
- Will/could have major devastating affects on the future of the environment and way of life in Appin
- Is pleased that the western portion of the site will be reserved for environmental protection
- Environmental damage to subject land not well received by Appin residents
- Impact to aboriginal heritage sites located on the land (reference to NSW parliament minutes from 26 October 2006 - damage to aboriginal heritage sites on Walker Corporation land)

Village Character

- Appin can expand and maintain its village character
- Loss of village character / way of life
- No more residential development in Appin
- Increased viability for Appin shops and businesses
- No small building blocks in Appin - existing residents bought for rural atmosphere

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Infrastructure & Services

- Lack of sewerage infrastructure
- Development will contribute towards the expansion of local services
- No entertainment and lack of facilities for young people
- Lack of town water pressure will be exacerbated by further residential development
- School cannot cope with additional students
- Lack of medical services in Appin

Planning

- Community Forum should be held in Appin
- Adjoining land to the south up to the proposed Appin bypass route should be included in the rezoning
- Rezoning is consistent with the Vision 2025 document
- Requests Council and the applicant work with the Appin community through the process
- Affect on property values

Eight (8) written submissions were received from the 502 letters sent in May 2011. One (1) submission supported the proposal, four (4) were neutral and three (3) submissions objected to the proposal.

A summary of the submissions from the May-June 2011 consultation is provided in Attachment 3. The key issues and comments made in regards to such matters are provided below:

Roads & Traffic

- Increased traffic congestion on local roads
- Appin streets cannot cope with additional bus and vehicle movements
- Increased traffic congestion on Appin Road
- Affected landowners expect a high level of consultation in the planning process for the Appin Bypass
- Any subsequent residential rezoning and land release must not occur until connection to the freeway is planned and constructed
- Further residential rezoning and land release with a freeway connection will have a detrimental impact upon traffic congestion on Appin Road
- Buses should use new residential streets, not the existing road network

Village Character

- Loss of village character / way of life
- No small (450m²) building blocks in Appin - existing residents bought for rural atmosphere

Water & Wastewater Infrastructure

- The Appin Sewerage Scheme provides trunk infrastructure for limited growth in Appin
- With the exception of the North Appin development, Sydney Water has not allocated the spare capacity in the system
- Water and wastewater networks will need to be augmented to service the proposed development

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- No assessment of the extent of augmentation works required and the wider financial impacts to Sydney Water's capital works program has been performed
- Without detailed assessment Sydney Water cannot determine if there is a positive or negative costs associated with the proposed rezoning

Infrastructure

- General lack of infrastructure to support the development

Planning

- Future subdivision layout must not negatively affect the future development potential of existing lots
- Appin Inn should be preserved
- A future planning proposal will be lodged for the adjoining land to the south fronting Brooks Point Road
- Concerned with the fate of the heritage listed former Appin Inn and associated planting
- The proposed development will be sited closer to the ventilation shaft located on Brooks Point Road

The issues raised in the submissions received during the preliminary community consultation are addressed within the body of this report.

Community Information Session

The proponents for the application held a Community Information Session in Appin on 2 June 2011. The session was held at the Appin AIS Community Hall from 3pm to 8pm. Representatives of the proponent were present to provide further information and to answer enquires regarding the proposal. Council's preliminary consultation letters sent to Appin residents in May 2011 included the details of the proposed community information session and the details were posted on Council's website.

Community Forum Presentation

The proponents for the application gave a presentation on the proposal at the 8 December 2008 Council Community Forum. Council's preliminary consultation letters sent to Appin residents in November 2008 included the details of the proposed presentation.

Consultation with Government Agencies

Council undertook preliminary consultation with relevant agencies prior to the rezoning application being deferred in 2009. Agencies consulted with included the NSW Roads and Traffic Authority (RTA), the former NSW Department of Climate Change (DECC) and the former NSW Department of Water. Council also received correspondence from the former Commonwealth Department of the Environment, Water, Heritage and the Arts and Sydney Water Corporation.

The issues raised in the submissions received from government agencies are addressed within the body of this report.

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Further Community and Government Agency Consultation

The notification undertaken to date represents only the first round of community and government agency consultation. Further opportunities for consultation and input into the rezoning will be provided if the planning proposal is supported by Council and proceeds beyond the Gateway determination.

In accordance with the new Gateway process, Council has the opportunity to recommend the engagement process and other consultation appropriate for this draft proposal. Further consultation requirements include statutory advertising and public exhibition of the draft local environmental plan seeking input and comment from the community and government agencies at later stages of the planning process.

RELEVANCE TO COMMUNITY STRATEGIC PLAN OUTCOMES

All planning proposals are assessed against the key themes and directions of Council's Community Strategic Plan. It is considered that the draft proposal in principle is capable of delivering outcomes consistent with the CSP, particularly the following:

- Support the economic viability of our towns by encouraging appropriate residential development in and around those towns (EC-7).
- Maintain a range of functional, highly sustainable, attractive built environments in sympathy with the nearby natural and built environment and the Shire's rural character and heritage values (ES-6).
- Support and facilitate the building of the Shire's capacity to foster a sustainable and diversified economy (EcS-3).

POLICIES & LEGISLATION

Planning Proposals

- The draft planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and relevant Department of Planning guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. The draft planning proposal addresses the matters required by the Director-General to be addressed in all planning proposals.

Council's Options/Role

In deciding whether to forward the planning proposal on to the Minister for Planning for a gateway determination, Council is effectively endorsing the planning proposal in principle and from that point on the planning proposal is deemed to be Council's planning proposal - no longer the applicant's planning proposal. Despite the planning proposal becoming Council's at that point, the costs of progressing the planning proposal (i.e. study costs etc) are borne by the applicant.

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Council's options are therefore:

1. Resolve to support the draft planning proposal as submitted. This option means that the existing planning proposal from then on becomes *Council's* planning proposal. Council then sends it to the Minister for a "Gateway determination". Unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
2. Resolve that the planning proposal needs to be amended before it can receive Council support and be forwarded to the Minister for a "Gateway determination". As is the case with option 1 above, the planning proposal becomes *Council's* and unresolved matters are assumed to be capable of resolution through future studies as determined by the Gateway process.
3. Resolve not to support the planning proposal. The applicant could choose to revise/amend their proposal and submit a new application. (Note that there are no appeal rights through the Land and Environment Court against Council's refusal to support a planning proposal).

Option one (1) is the recommendation of this report

Gateway Determination

When a planning proposal has been endorsed by Council, it is then forwarded to the Minister for Planning for a Gateway determination. The Gateway determination is a checkpoint for planning proposals before significant resources are committed to carrying out technical studies and investigations. It enables planning proposals that are not credible or well founded or not in the public interest to be stopped early in the process before resources are committed to detailed studies and investigations, and before government agencies are asked to commit their own resources to carrying out assessments.

At the Gateway determination, the Minister will decide:

- Whether the proposal is justified on planning grounds;
- Whether the planning proposal should proceed (with or without variation);
- Whether the planning proposal should be resubmitted for any reason (including for further studies or other information, or for the revision of the planning proposal);
- The community consultation required;
- Any consultation required with State or Commonwealth agencies;
- Whether a public hearing by the Panel Assessment Commission or other specified person or body is required;
- The timeframes for the various stages of the procedure to make the draft amendment;
- Whether the function of making the LEP is to be exercised by the Minister for Planning or delegated to Council.

If the Gateway determination recommends that the planning proposal has merit and should proceed, the proposal will be publically exhibited to obtain the views of the community and referred to State or Commonwealth Public Authorities (as specified by the Gateway determination). All submissions received during the public exhibition shall be reported to Council.

Under the new plan making procedures, the planning proposal and supporting studies are placed on public exhibition. The written draft local environmental plan amendment (the draft LEP) is prepared by Parliamentary Counsel when the planning proposal is finalised, immediately before it is made by the Minister or delegate. The LEP takes effect when it is published on the NSW legislation website.

The ultimate development of the land would then require further approvals through detailed development applications.

Wollondilly Local Environmental Plan 2011

The site is currently zoned RU2 Rural Landscape under Wollondilly LEP 2011. The minimum lot size for this area is currently 40 hectares. The site is made up of three (3) existing lots, none of which would have subdivision potential under the current LEP provisions.

It is proposed to rezone the site in the following manner:

- R2 Low Density Residential for the eastern portions of the site to allow for the development of approximately 337 residential allotments (minimum allotment size of 450m²).
- SP2 Infrastructure to allow for the extension of the future Appin bypass road reserve through the site;
- E2 Environmental Conservation (24.37 hectares) for the western portion of the site adjoining Ousedale Creek.

Site Specific Development Control Plan (DCP)

Dependent upon the outcome of specialist studies and consultation with government agencies, a Site Specific Development Control Plan (DCP) may be prepared for the subject site. Alternatively, Volume 3 – Residential and Tourist uses of the Wollondilly Development Control Plan may be applied to the subject site.

A Site Specific DCP will include specific site objectives and development controls for the future development of the site, addressing a range of design and built form controls, including (but not limited to):

- Building envelopes
- Noise attenuation for the Appin bypass
- Site landscaping
- Public domain treatments
- Bushfire asset protection zones
- Treatment of the urban / environmental protection interface
- Integration with existing urban areas
- Urban sensitive water design

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As noted above, the range of provisions included in the Site Specific DCP will be informed by specialist studies undertaken to support the proposal. If required, a draft Site Specific DCP will be reported to Council when it is prepared.

RELEVANT CONSIDERATIONS

Wollondilly Growth Management Strategy (GMS)

Council's GMS was adopted by Council in February 2011. Planning Proposals are required to be assessed against the GMS to determine whether they should proceed or not.

The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly. The location of the subject site is included as a 'potential residential growth area' on the structure plan for Appin.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the draft proposal:

Key Policy Direction	Comment
General Policies	
<i>P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.</i>	The draft proposal is generally consistent with Key Policy Directions and Assessment Criteria of the GMS. It is recommended that the draft proposal be supported.
<i>P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS)</i>	The draft proposal is generally consistent with the concept and vision of 'Rural Living'. Despite its rural zoning, the land is highly constrained for agricultural uses. Therefore the proposal does not sterilise a viable agricultural resource.
<i>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</i>	Council has undertaken two rounds of preliminary community consultation, in 2008 on the original rezoning application and again in 2011 on the current planning proposal. The proponent has consulted with the community by hosting a Community Information Session at Appin and has presenting to a Community Forum of Council. Further opportunities for consultation will occur should the planning proposal proceed and be supported by a 'Gateway' determination enabling future public exhibition of the plan.
<i>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in</i>	No such representations have been made regarding this draft proposal and therefore this Key Policy Direction has been satisfied.

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Key Policy Direction	Comment
<i>making decisions on land use proposals.</i>	
<i>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</i>	It is considered that the draft proposal represents a logical extension of the Appin urban area, by extending the western edge of the village to the Appin Bypass corridor. However, the draft proposal and corresponding residential development will involve the removal of a significant area of Shale Sandstone Transitional Forest. The applicant proposes to offset this loss through embellishment of the endangered ecological community on another site or pursuing biobanking, administered by the NSW Department of Environment and Heritage. Conversely, the draft proposal proposes to zone bushland located on the western portion of the site adjoining Ousedale Creek for environmental conservation.
Housing Policies	
<i>P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</i>	The draft proposal contributes toward Council's target for 2000 new dwellings in the Macarthur South area outlined in the GMS. The Structure Plan for Appin includes the subject land as a 'potential residential growth area'.
<i>P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</i>	The draft proposal seeks to amend the minimum lot size to 450m ² to ensure that there is an appropriate split of small (450m ²) and large lots (700m ² +) to assist in the provision of housing diversity in Appin.
<i>P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").</i>	A site specific Master plan and DCP can control the mix of dwelling densities for the subject site.
<i>P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</i>	The subject site is located immediately adjacent to existing western boundary of the Appin residential area.
Macarthur South Policies	
<i>P11 Council does not support major urban release within the Macarthur South area at this stage.</i>	It is considered that the draft proposal does not constitute a major urban release within the Macarthur South area.
<i>P12 Council considers that in order to achieve sound long-term planning for the eventual development of Macarthur South and overall master plan</i>	It is considered that the draft proposal can proceed in absence of a master plan for the orderly development of Macarthur South.

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Key Policy Direction	Comment
<i>is required.</i>	
P13 Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential in an adjacent to the existing towns and villages within Macarthur South will be considered on its merits.	The draft proposal represents residential development adjacent to residential Appin. Therefore, Council can consider the draft planning proposal on its merits.
Employment Policies	
Key Policy Directions P15 and P16 are not relevant to the proposal.	Key Policy Direction P15 and P16 are not applicable to the draft proposal.
Integrating Growth and Infrastructure	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	It is considered that the addition of approximately 340 additional residential allotments in the locality is not likely to adversely burden Council. Developer contributions payable at the development application stage will fund the necessary local infrastructure required to support any future development. Likely state and regional infrastructure demands will be assessed by relevant agencies post 'Gateway' determination.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The draft proposal site is located approximately 400 metres from the Appin commercial centre. The site has access to reticulated water and sewerage systems. The site adjoins the Appin urban area. Approximately 340 new dwellings may stimulate demand for services within the existing Appin commercial centre and strengthen the local economy.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The draft proposal does not contribute toward dispersed population growth, rather proposes urban growth immediately adjacent to the Appin residential area.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The site is identified as a 'potential residential growth area' on the GMS Structure Plan for Appin. It is considered that future residential subdivision of the site will provide for additional population growth in Appin and contribute towards the target of 2000 additional dwellings in the Macarthur South area identified in the GMS.
Rural and Resource Lands	
P21 Council acknowledges and	The subject land is located outside catchment

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Key Policy Direction	Comment
<i>seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</i>	lands for Sydney's drinking water supplies. Significant environmental features of the site are proposed to be zoned for environmental conservation protecting the remnant vegetation located in the riparian lands surrounding Ousedale Creek. However, a significant amount of vegetation is proposed to be cleared to support the future residential development of the site. The removal of significant vegetation will need to be offset, subject to future discussions and agreement by the NSW Office of Environment and Heritage.
<i>P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispread rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</i>	Key Policy Direction P22 is not applicable to the draft proposal.

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Shale Sandstone Transitional Forest

One of key considerations in determining the suitability of the land to accommodate residential development is the degree of remnant native vegetation cover on the site. A flora assessment accompanying the planning proposal identified 16.5 hectares of Shale Sandstone Transitional Forest (SSTF) and 30.1 hectares of relatively intact native vegetation on the site. SSTF is an endangered ecological community identified under the national and state legislation namely the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EP&BC Act) and the NSW Threatened Species Conservation Act 1995.

The flora assessment identifies SSTF immediately west of the existing Appin residential area, with the remaining remnant vegetation occurring on the lower slopes on the subject site adjoining Ousedale Creek. It is proposed that 14.44 hectares of SSTF is to be removed to accommodate future residential development of the land. In addition a further 1.58 hectares of SSTF will be removed when the Appin Bypass is constructed. The timing for the construction of the bypass is discussed below.

The removal of SSTF and any offsetting arrangements is ultimately a matter for the NSW Office of Environment and Heritage to determine. Whilst the decision to rezone the land does not constitute an 'action' under the EP&BC Act, any subsequent development application does. Therefore, should the draft proposal proceed, the removal of SSTF will require approval under the EP&BC Act.

In response to Council's preliminary consultation, the former Department of Environment and Climate Change (DECC) advised that the subject site is DECC priority conservation land and that that rezoning for more intensive uses cannot be supported. Further, DECC advised that biobanking or offsetting the loss of SSTF, as suggested by the proponent, is unlikely to be endorsed as they both pre-empt the Macarthur South review and are not advanced enough for consideration at this stage.

Council in determining whether to support the draft proposal must take into consideration the removal of SSTF. As it currently stands, views west of the Appin residential area and Gordon Lewis Sportsground overlook the vegetated lands on the subject site. This will change should the planning proposal proceed. However, Council's endorsement of the draft proposal would allow for discussions with the NSW Office of Environment and Heritage to commence.

Alignment of the Appin bypass

The alignment of the bypass route through the subject site has been conceptually identified by the NSW Roads and Traffic Authority (RTA). The proponent has proposed to realign to the bypass to a position further west than the conceptual route identified by the RTA to maximise development yield on the site.

In response to Council's preliminary consultation, the RTA advised that it will not accept a realignment of the bypass corridor until the following issues can be demonstrated:

- The realigned bypass can be constructed in accordance with the RTA Road Design Guide for a design speed of 100km/hr. This requires a concept plan to be prepared;
- The cost of constructing the realigned bypass is less than or equal to the cost of the current alignment or a suitable agreement is entered into to ensure the RTA is compensated for the additional cost;
- The environmental impacts associated with constructing the revised alignment are no worse than the current alignment.

Ultimately, the final alignment of the Appin bypass will be subject to a number of relevant considerations including: engineering and design; impact to flora and fauna; local amenity; and consultation with relevant stakeholders. Council's support of the planning proposal will allow for these considerations to commence.

Traffic Impacts

A traffic report was prepared in April 2007 to accompany the original rezoning application and is provided as an appendix to the planning proposal. The findings of the report identified the need for the additional infrastructure to accommodate the future residential development of the subject site, namely:

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- Likely need for signalisation of the Macquariedale Road/Appin Road intersection;
- A form of control at the proposed Macquariedale Road/Sportsground Parade intersection;
- Provision of shared pathways;
- Provision of a preferred bus route.

The report concluded that subject to the above requirements, the localised traffic affects of the proposal are satisfactory. However, a number of submissions received from the community concerned potential traffic impacts associated with the rezoning. Since the report was commissioned a significant increase in freight movements through Appin has occurred with the expansion of the freight activities at Port Kembla. Therefore it is recommended that the traffic report be updated in line with current vehicle movements to determine the impact of the proposed rezoning and any associated infrastructure requirements.

The northern portion of Lot 201 in DP 749272 (land immediately north of Gordon Lewis Sportsground) is proposed to be accessed from the North Appin development, whilst the southern portion will have access by extending Sportsground Parade to an intersection with Macquariedale Road.

Lot 1 in DP 209779 and Lot 1 in DP 558807 are proposed to be accessed from Macquariedale Road and through formalisation of King Street West providing access to Appin Road. Should the planning proposal proceed and be supported by a Gateway determination, traffic and access issues will be the subject of further consultation with Council, the RTA, the proponent and the community.

The RTA has not confirmed a date of construction for the Appin bypass and it is unlikely that the construction will occur in the short to medium term. The planning proposal estimates the timetable for completion of the bypass is 2028. Therefore additional traffic associated with future residential development of the site will utilise the existing road network.

Water & Wastewater Infrastructure

Sydney Water Corporation provided comments on the proposal in response to Council's preliminary consultation with Appin landowners. Sydney Water currently constructing the sewerage infrastructure to Appin and have advised that whilst water and wastewater services are available to the site the networks will need to be augmented to service the proposed development.

The Appin Sewerage Scheme has capacity for limited growth in Appin and so is capable of servicing these lands.

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Appin Inn

The heritage listed Appin Inn is owned by the applicant and located adjacent to the land proposed to be rezoned. Submissions received during Council's preliminary community consultation expressed concern over the fate of Appin Inn in relation to how the proposed rezoning will impact on the heritage item. The draft proposal states *'the proposal could include the restoration of the Appin Inn as a community centre which may allow subsidised accommodation for medical practitioners'*.

The applicant's proposal to restore and adaptively reuse of the Appin Inn is supported. The restoration and reuse of the Appin Inn will be explored further with the applicant and relevant stakeholders as the rezoning progresses, should the draft proposal be supported by Council and at a 'Gateway' determination.

Residential lot size

The draft proposal seeks to amend the minimum lot size to 450m² for the proportion of the subject site proposed to be zoned R2 Low Density Residential. The objective of the 450m² lot size is to ensure that there is an appropriate split of small and large lots at the subject site to assist in the provision of housing diversity in Appin.

A number of submissions received objected to the proposed lot size. It is considered that a site specific DCP can control the distribution of lot sizes across the subject site to ensure that future subdivision achieves seventy percent (70%) of lots at 700m² or greater with thirty percent (30%) at 450m². This approach is consistent with the recently approved residential subdivision of land at North Appin.

Adjoining land to the south

During assessment of the draft proposal, consideration has been given to the adjoining land to the south of the subject site to determine whether it is appropriate to consider such land for rezoning at this time. The land to the south of the subject site which is located east of the proposed bypass is mapped as a 'potential residential growth area' in Council's GMS Structure Plan for Appin.

It is considered that the draft proposal can proceed without including the adjoining land to the south and that a future separate planning proposal, initiated by the landowners, be submitted to commence investigations into its suitability for future residential uses. The landowners have expressed interest in lodging a planning proposal for the adjoining land to the south in the future.

FINANCIAL IMPLICATIONS

As noted previously in this report, the draft planning proposal is deemed to be Council's planning proposal once endorsed by Council and forwarded to the Minister. Despite the planning proposal becoming Council's at that point, the costs of progressing the planning proposal (i.e. study costs etc) will be borne by the applicant.

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As the planning proposal proceeds further investigations into contributions towards infrastructure provision through planning agreements and section 94 will need to occur.

CONCLUSION

A draft planning proposal has been submitted for 60.15 hectares of rural land located immediately west of the existing Appin urban boundary. The objective of the draft proposal is to rezone the land to allow for low density housing, the environmental management of ecologically important land, and protection of a strategic road corridor.

To achieve this objective the following zones under Wollondilly LEP 2011 are proposed:

- R2 Low Density Residential;
- SP2 Infrastructure;
- E2 Environmental Conservation.

Council originally received the rezoning application in June 2007, however deferred further assessment of the application in February 2009 pending the outcomes of Council's Growth Management Strategy (GMS). The application was resubmitted as a planning proposal in April 2011.

A preliminary assessment of the proposal indicates that the subject site has potential for future urban development, as reflected in the site's inclusion as a 'potential residential growth area' on the GMS Structure Plan for Appin.

However, the greatest constraint to the site's suitability for urban purposes is the presence of Shale Sandstone Transitional Forest, an endangered ecological community. Ultimately, any approval to remove the vegetation and any offsetting or biobanking initiatives, as proposed by the proponent, will be determined by the NSW Office of Environment and Heritage. Council's support of the draft proposal will allow for discussions to commence, should the proposal receive support at the Gateway determination.

The draft proposal is consistent in principle with Council's recently adopted Growth Management Strategy and it is therefore recommended that the planning proposal be forwarded to the Minister for Planning for a Gateway determination.

ATTACHMENTS

1. Structure Plan
2. Summary of November 2008 Community Consultation
3. Summary of May-June 2011 Community Consultation
4. Proposed Amendment to the Wollondilly LEP 2011 Land Zoning Map
5. Proposed Amendment to the Wollondilly LEP 2011 Lot Size Map

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RECOMMENDATION

1. That Council support the draft planning proposal for Lot 1 in DP 209779 (No. 50 Macquariedale Road, Appin); Lot 201 in DP 749272 (No. 55 Macquariedale Road, Appin); and Lot 1 in DP 558807 (41 Appin Road, Appin).
2. That the draft planning proposal be forwarded to the Minister for Planning for a Gateway determination.
3. That the persons who made submissions regarding the draft proposal be notified of Council's decision.

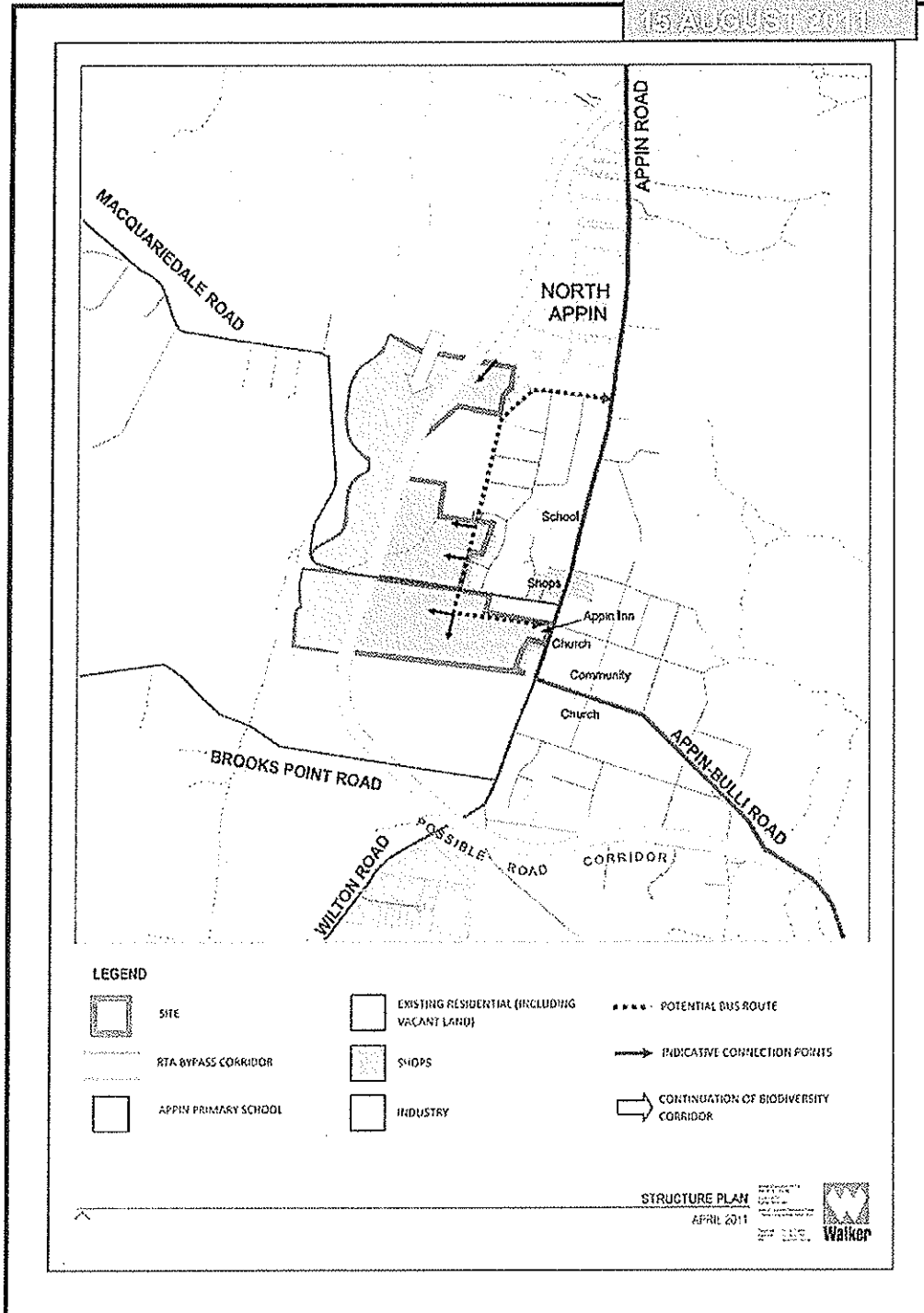
Planning &
Economy

WOLLONDILLY SHIRE COUNCIL

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ATTACHMENT 1
TRIM 4986
15 AUGUST 2011

Planning & Economy



Report of Wollondilly Shire and its Planning and Economy to the Ordinary Meeting of Council
held on Monday 15 August 2011

ATTACHMENT 2
TRIM 4985
13 AUGUST 2014

Planning & Economy

[illegible]

WOLLONDILLY SHIRE COUNCIL

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ATTACHMENT 3
TRIM 4985
15 AUGUST 2011

Planning &
Economy

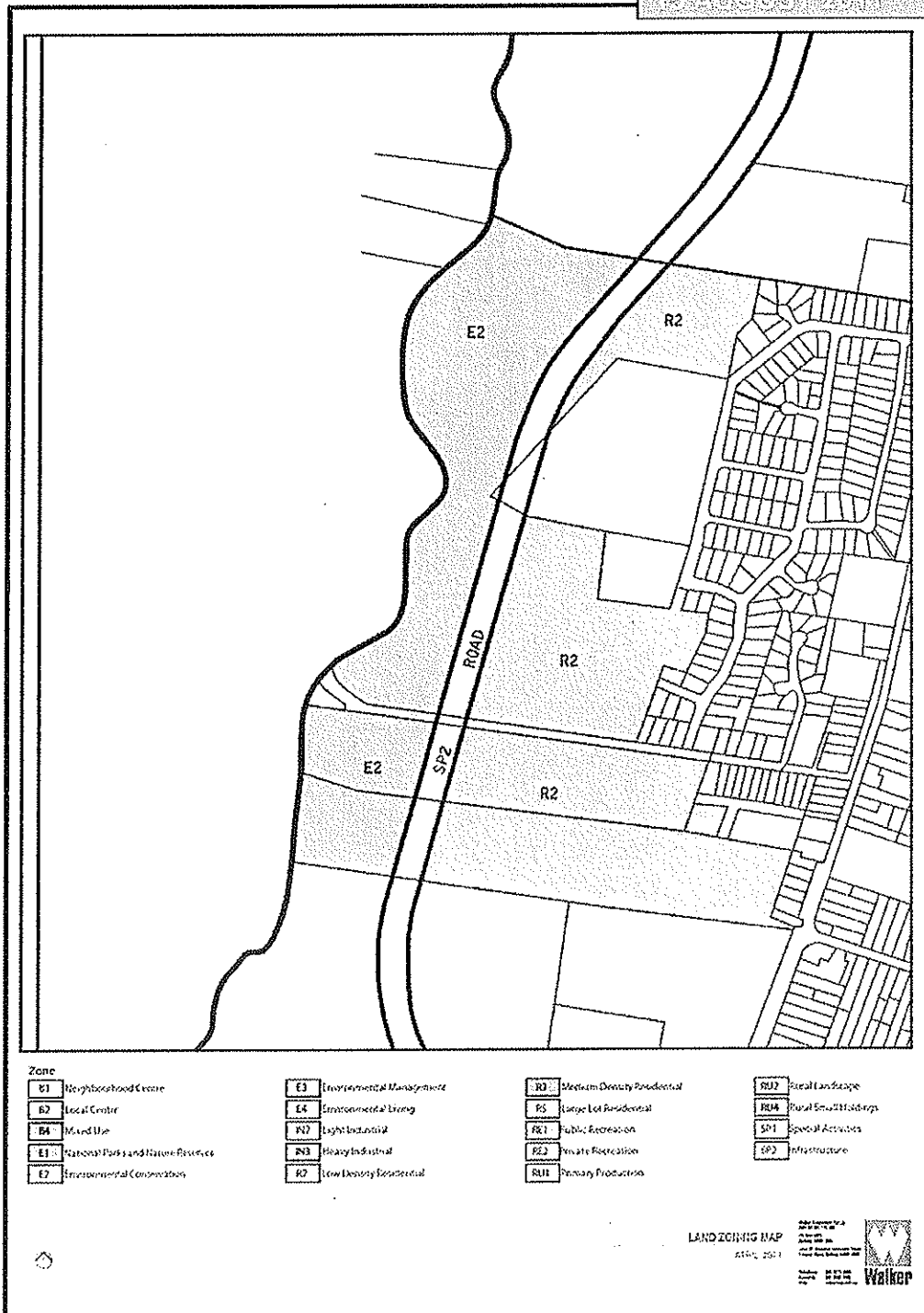
Submission Number	TRIM Reference	Submission Summary			Key Issues Raised in Submissions									
		Supports the proposal	Objects to proposal	Neutral	Roads & Traffic			Water & Wastewater Infrastructure			Village Character	Infrastructure	Planning	
1	4985/154				Increased traffic congestion on local roads									
2	4985/155				Appin streets cannot cope with additional bus and vehicle movements									
3	4985/156				Increased traffic congestion on Appin Road									
4	4985/157				Affected landowners expect a high level of consultation in the planning process for the Appin Bypass									
5	4985/158				Any subsequent residential rezoning and land release must not occur until connection to the freeway is planned and constructed									
6	4985/159				Further residential rezoning and land release with a freeway connection will have a detrimental impact upon traffic congestion on Appin Road									
7	4985/160				Buses should use new residential streets, not the existing road network									
8	4985/161				The Appin Sewerage Scheme provides trunk infrastructure for limited growth in Appin									
					With the completion of the North Appin development, Sydney Water has not allocated the spare capacity in the system									
					Water and wastewater networks will need to be augmented to service the proposed development									
					No assessment of the extent of augmentation works required and the water financial impacts in Sydney Water's capital works program has been performed									
					Without detailed assessment Sydney Water cannot determine if there is a positive or negative costs associated with the proposed rezoning									
					A loss of village character / way of life									
					No small (450m2) building blocks in Appin - existing residents bought for rural atmosphere									
					General lack of infrastructure to support the development									
					Future subdivision layout must not negatively affect the future development potential of existing lots									
					Appin Inn should be preserved									
					A future planning proposal will be lodged for the adjoining land to the south fronting Brooks Point Road									
					Concerned with the fate of the heritage listed former Appin Inn and associated plantings									
					The proposed development will be sited closer to the ventilation shaft located on Brooks Point Road									

WOLLONDILLY SHIRE COUNCIL

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ATTACHMENT 4
TRIM 4383
15 AUGUST 2011

Planning & Economy

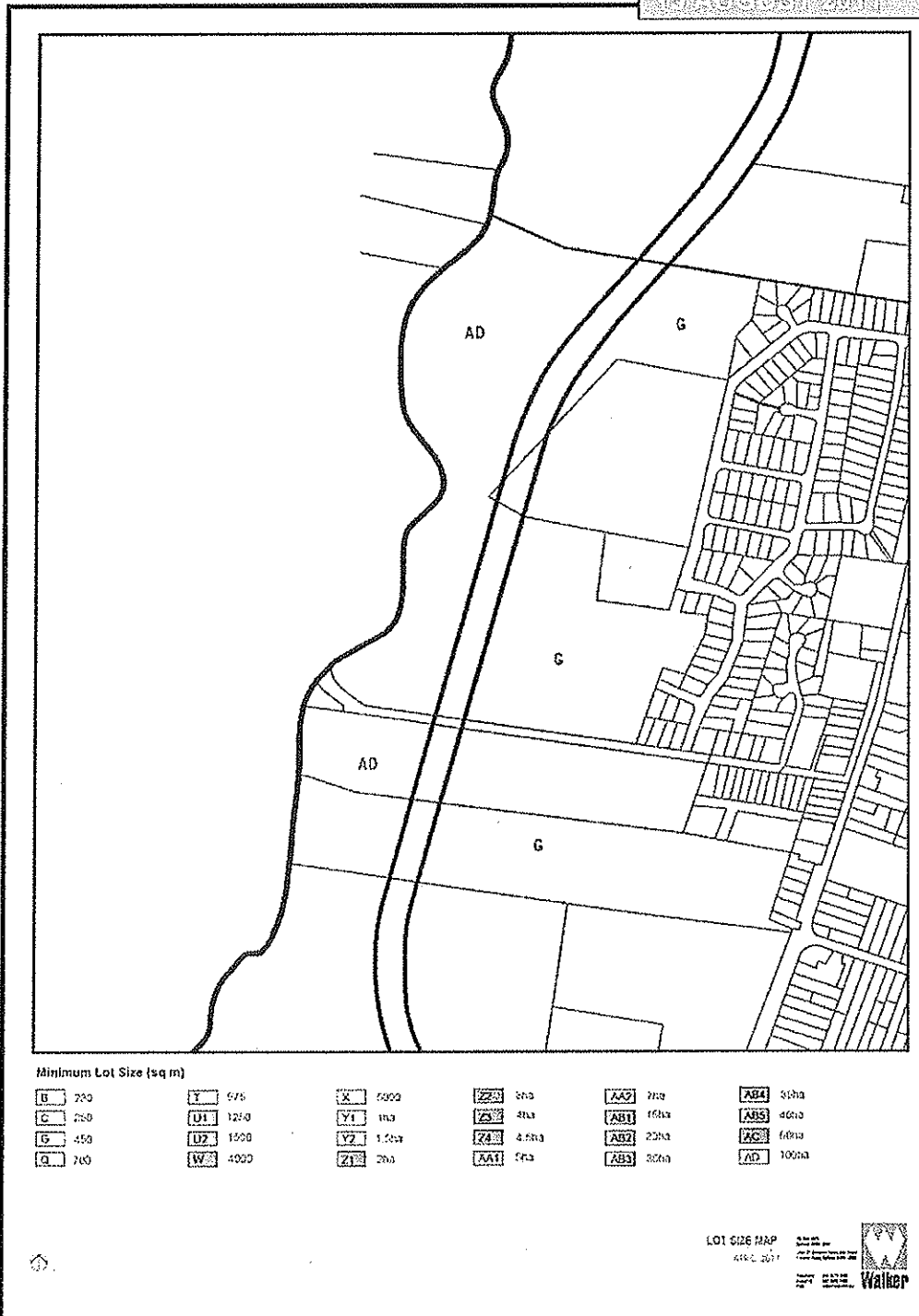


WOLLONDILLY SHIRE COUNCIL

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ATTACHMENT 5
TRIM 4986
15 AUGUST 2011

Planning &
Economy



WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber,
62-64 Menangle Street, Picton, on Monday 15 August 2011, commencing at 6.30pm

Wollondilly Shire and Its Planning and Economy

PE2

Draft Planning Proposal - Macquariedale Road, Appin
55MCOO

TRIM 4985

Applicant: Walker Corporation
Owner: Walker Corporation

Planning and
Economy

170/2011

Resolved on the motion of Crs B Banasik and Hannan:

1. That Council support the draft planning proposal for Lot 1 in DP 209779 (No. 50 Macquariedale Road, Appin); Lot 201 in DP 749272 (No. 55 Macquariedale Road, Appin); and Lot 1 in DP 558807 (41 Appin Road, Appin).
2. That the draft planning proposal be forwarded to the Minister for Planning for a Gateway determination.
3. That the persons who made submissions regarding the draft proposal be notified of Council's decision.
4. *That the next round of consultation with maps and designs is held in Appin.*

On being put to the meeting the motion was declared CARRIED.

Vote: Crs M Banasik, Vernon, Khan, B Banasik, Landow, Hannan and Mitchell