

Department of Planning and Environment

Our ref: IRF23/1527

Ms Kiersten Fishburn
Acting Planning Secretary
Department of Planning and Environment
4 Parramatta Square,
12 Darcy Street
PARRAMATTA NSW 2150.

Via email: osecgov.services@dpie.nsw.gov.au

9 June 2023

Subject: State Assessed Planning proposals PP-2022-3978 and PP- 2022-3979 to amend *State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (WPC SEPP)*, to rezone the Gilead and Appin (Part) Precincts for urban development and conservation purposes, and associated amendments, and associated amendment to the Environmental Planning and Assessment Regulation 2021.

Dear Ms Fishburn

I am writing in regard to the above two State Assessed Planning Proposals forwarded to the Department by the former Secretary, for finalisation under section 3.36 of the *Environmental Planning and Assessment Act 1979* (the Act). A copy of this letter is attached for reference.

The Planning and Land Use Strategy (PLUS) team within the Department of Planning and Environment has considered issues raised in submissions and arranged for the attached draft instruments to give effect to the proposals.

PLUS has also briefed both Wollondilly Shire and Campbelltown City Councils, as well as proponents and key state agencies on the draft instruments. Any comments made will be considered in the final drafting and any additional changes will be detailed in the Department's finalisation assessment. Any comments should be provided to Mr Adrian Hohenzollern, Director Western (Metro West) via Adrian.hohenzollern@planning.nsw.gov.au.

The draft instruments adopt a consistent approach to establishing Precinct Plans in the WPC SEPP. The majority of the clauses are consistent with the Standard Instrument and will be readily familiar for Councils, agencies and proponents. There are several clauses which are not commonplace in the planning system, these include:

- Requirement to prepare a Precinct Structure Plan to be adopted by the Secretary
- Concurrence of the Planning Secretary is required for any proposed development within a mapped koala corridor.

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- Concurrence of Transport for NSW is required for certain development in or adjacent to a mapped Transport Corridor.
- A deferred commencement date of 15 December 2023 to enable time for the State Planning Agreements to be further progressed.

As the Secretary has not been authorised to be the local plan-making authority, finalisation of the proposal will be carried out by the Department under delegation of the Minister. The NSW Government has committed to reduce the time taken to complete planning proposals. The Department will seek to ensure the timeframes outlined in the Gateway determination are met.

The following steps will need to be undertaken prior to any development being carried out on the two sites:

Submission to the Executive Council

Following receipt of the final draft instruments and Opinion from Parliamentary Counsel's Office, there are two separate packages (IRF23/1208 for Gilead and IRF23/1191 Appin) to be submitted to ExCo requesting the Governor seeking approval for

- the inclusion of clause 1.9A (suspension of covenants, agreements and instruments) into the new WPC SEPP Precinct Plans, and
- the associated amendment to the Regulation, which will insert the Appin and Gilead precincts into an existing regulation, requiring Development Applications to be accompanied by a report on the consistency of the proposed development with the Precinct Structure Plan for the site. This amendment also has a proposed deferred commencement date of 15 December 2023.

Precinct Structure Plans

As noted above, each rezoning site will require a Precinct Structure Plan to be finalised and submitted to the Secretary for endorsement. The draft instruments contain requirements the Structure Plans must contain. The draft instruments have been drafted to allow for some flexibility so that the Secretary can endorse a Structure Plan that is 'generally' consistent with the requirements in the draft instrument.

Development Control Plans

Once the Precinct Structure Plans are endorsed, DCPs for the sites can be finalised and adopted by the Deputy Secretary PLUS. Western Team will be responsible for preparing and exhibiting the draft DCPs in consultation with Councils and proponents.


Complying Development

Once the Precinct Structure Plans are endorsed, necessary amendments will be made State Environmental Planning Policy (Exempt and Complying Development Codes 2008 to enable complying development pathway in the Appin and Gilead Precincts. The Structure Plans are required as the complying development controls requires differentiation between low and medium density development and the Structure Plan is the mechanism to locate where low or medium density will be located.

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Should you have any enquiries about this matter, Mr Hohenzollern is available to assist you on 9860 1505.

Yours sincerely,

A handwritten signature in grey ink, appearing to read "Monica Gibson".

Monica Gibson

**A/Deputy Secretary
Planning and Land Use Strategy**

Enc:

Referral of the Gilead and Appin (Part) Precinct State Assessed Planning Proposals for finalisation
Campbelltown Local Environmental Plan 2015 (Amendment No 33)
Wollondilly Local Environmental Plan 2011 (Amendment No 45)
Environmental Planning and Assessment (Greater Macarthur Growth Area) Regulation 2023