



IRF22/3562

## Gateway determination report – PP-2022-3979

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Appin (Part) Precinct

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# Acknowledgment of Country

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

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# 1 Planning proposal

## 1.1 Overview

**Table 1** Planning proposal details

<b>LGA</b>	<b>Wollondilly and a small portion in the Campbelltown LGA</b>
<b>PPA</b>	Planning Secretary, Department of Planning and Environment
<b>NAME</b>	Appin (Part) Precinct (12,000 dwellings)
<b>NUMBER</b>	PP-2022-3979
<b>SEPP TO BE AMENDED</b>	State Environmental Planning Policy (Precincts – Western Parkland City) 2021
<b>ADDRESS</b>	Site known as 'Appin (Part) Precinct' within the Appin Precinct of the Greater Macarthur Growth Area.

<b>DESCRIPTION</b>	Lot 4 DP 825014 Lot 5 DP 825014 Lot 2 DP 808057 Lot 9 DP 123069 Lot 60 DP 850925 Lot 4 DP 249286 Lot 203 DP 819476 Lot 9 DP 563605 Lot 60 DP 1064019 Lot 62 DP 1064019 Lot 1 DP 248044 Lot 2 DP 248044 Lot 3 DP 248044 Lot 4 DP 248044 Lot 5 DP 248044 Lot 1 DP 816861 Lot 21 DP 242574 Lot 22 DP 242574 Lot 23 DP 242574 Lot 24 DP 242574 Lot 25 DP 242574 Lot 26 DP 242574 Lot 6 DP 557763 Lot 1 DP 825014 Lot 1 DP 32421 Lot 26 DP 752012 Lot 28 DP 752012 Lot 1 DP 57337 Lot 1 DP 816238 Lot 5 DP 209113 Lot 4 DP 209113 Lot 61 DP 586318 Lot 1 DP 808057 Lot 1 DP 986672 Lot 201 DP 819746 Lot 202 DP 819476 Lot 3 DP 249286
<b>RECEIVED</b>	10/11/2022
<b>FILE NO.</b>	IRF22/3562
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) seeks to rezone the site known as Appin (Part) Precinct, in the Appin precinct of Greater Macarthur Growth Area (GMGA). It proposes to rezone the site from RU2 – Rural Landscape to Urban Development Zone (UDZ), C2 – Environmental Conservation and SP2 – Infrastructure. The proposed new zones are accompanied with a structure plan for the site which outlines the indicative intended land uses (shown in full overleaf).

In addition, the proponent has produced an Appin and North Appin Precincts Indicative Plan, this illustrates how the land being rezoned (Appin (Part) Precinct) might fit within the broader precinct as land is developed. The Indicative Plan has no statutory weight and will be refined as further planning proposals are prepared.

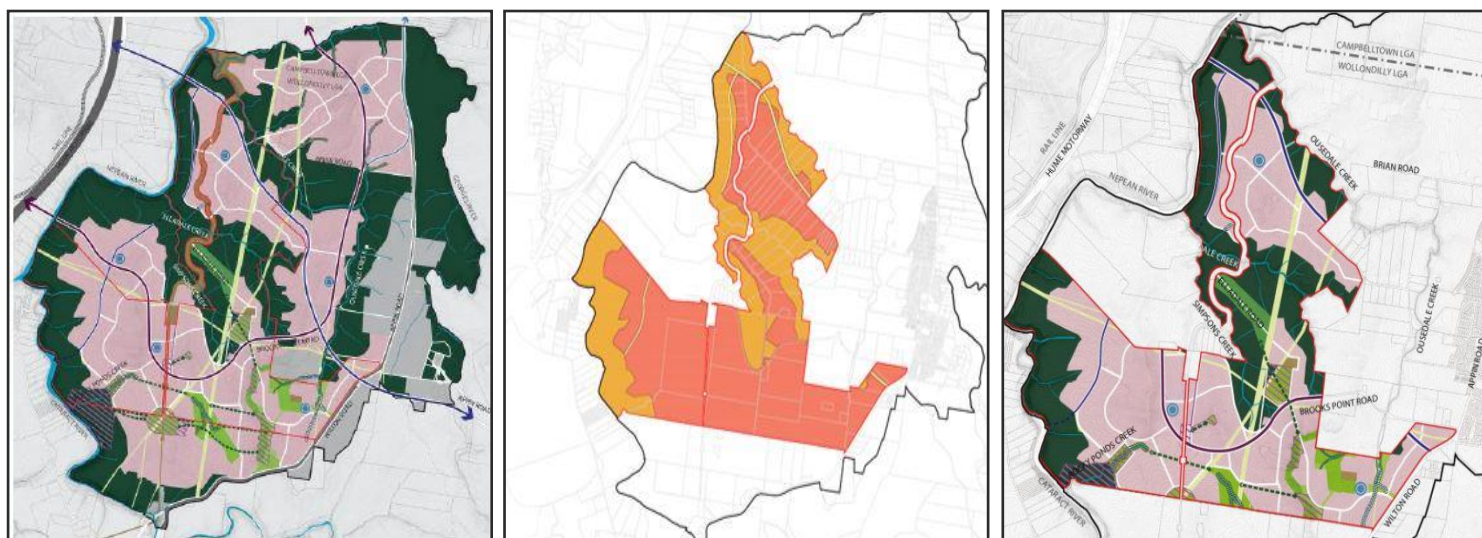
A draft GMGA Development Control Plan (DCP) will be prepared to support this proposal. The DCP will outline detailed design guidelines and controls for development in the Appin (Part) Precinct. The draft DCP will include a Schedule applying initially to Release Area 1, which is the first stage of the development. Release Area 1 is 395ha and will facilitate approximately 3,500 dwellings.

The planning proposal will contribute to securing and implementing koala corridors within the Appin (Part) precinct. These include:

- A substantial portion of the Nepean River Corridor
- Areas of Koala Corridor E along Ousedale Creek.

The proposed zoning for these corridors is C2 – Environmental Conservation. A total of 470ha of land will be zoned C2 at the site and helps implement the recommendations of the Office of the NSW Chief Scientist & Engineer (NSW Chief Scientist).

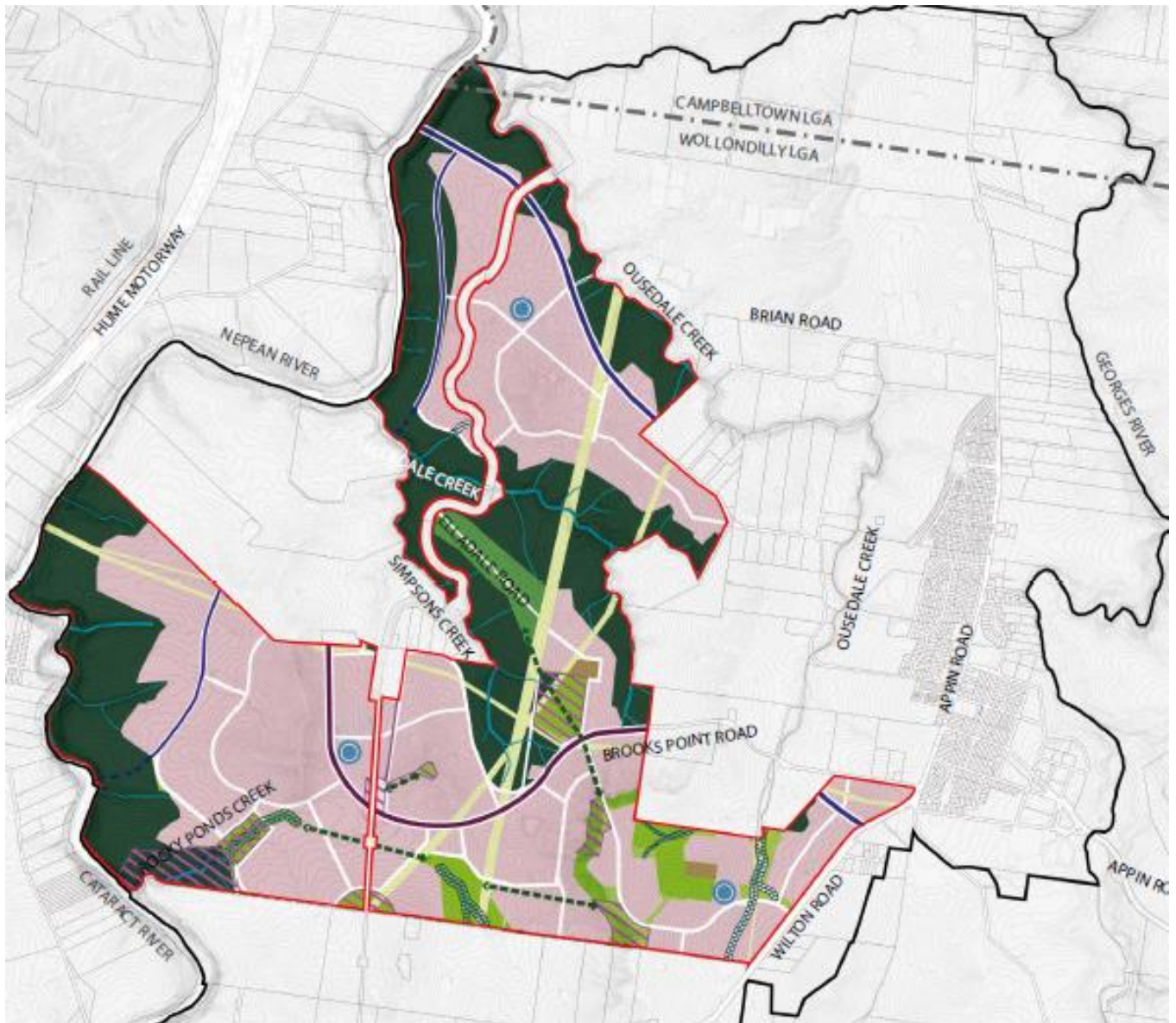
The proposed UDZ will facilitate approximately 12,000 dwellings, of which 3,500 are within the Release Area 1.



**Figure 1** From left to right (Source: Planning Proposal):

- Appin and North Appin Precincts Indicative Plan (no statutory weight)
- Appin (Part) Precinct Plan (subject to rezoning)
- Appin (Part) Precinct Structure Plan (informed by the rezoning)



**LEGEND:**

	Appin & North Appin Precincts Boundary		Easements (Potential for active and passive recreation)		East-West Connection Road
	Appin (Part) Precinct Boundary		Green Links		Public Transport Corridor
	LGA Boundary		Riparian Corridor		North-South Connection Road
	Waterways		Planned State Heritage Listing Sites		Appin Bypass
	C2 Conservation Land		Heritage Items		Road Connection - By Others
	Existing Road within C2 Conservation Land		Residential		Collector Roads
	District Open Space		Excluded Land		
	Regional Open Space		Mixed Use Centres (including retail/commercial, schools and open space)		

**Figure 2** Draft Structure Plan Appin (Part) Precinct supporting the rezoning (subject to exhibition)



## 1.3 Explanation of provisions

The planning proposal seeks to amend the *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (WPC SEPP) as outlined below.

There will be a new appendix in the SEPP which will apply to the site and will contain the proposed controls.

The intended controls to be inserted into the WPC SEPP include:

- A new appendix to the WPC SEPP (and associated amendments) to apply to the Appin (Part) Precinct
- A Land Application Map is for the inclusion of the Appin (Part) Precinct
- A new Land Use Zone Map with the following zones:
  - C2 – Environmental Conservation
  - UDZ – Urban Development
  - SP2 – Infrastructure (Road)
- Permissible uses in the proposed zones, with specific uses for C2 land within a Koala Corridor, and additional permitted uses for C2 land not forming part of a Koala Corridor
- An Additional Permitted Uses Map, to show C2 land not forming part of a Koala Corridor, supported by a Schedule 1 Additional Permitted uses provision
- A new Clause Application Map showing land that forms part of a Koala Corridor
- A new Minimum Lot Size map applying a 40ha minimum to C2 zone only and not to the UDZ or SP2 zones
- A new Heritage Map, which adds to the existing heritage items within the Appin (Part) precinct from the Wollondilly Local Environmental Plan 2011, with the addition of the State Heritage Register items of the Appin Massacre Cultural Landscape, supported by a provision of Schedule 5 Environmental Heritage.
- Requirement for the final Appin (Part) Precinct Structure Plan to be adopted by the Planning Secretary and published on the departments webpage prior to development consent being issued for housing lots.
- A provision for the referral of development applications to the Planning Secretary and concurrence from the Planning Secretary for development applications to ensure development is generally in accordance with the Structure Plan
- A provision to require the concurrence of the Planning Secretary prior to the granting of consent for development within the mapped Koala Corridors as identified and mapped in a Clause Application map.
- A provision for a Schedule 4 Classification and reclassification of public land
- A 5% provision to enable the delivery of affordable housing for medium density dwellings

The proposal includes additional local provisions for:

- Earthworks
- Public utility infrastructure
- Location of sex services
- Restricted premises.

The proposal proposes the below Urban Release Area provisions:

- Definitions
- Arrangement for designated State public infrastructure

- Relationship between Part and remainder of Precinct Plan

The proposal notes the following standard provisions are also proposed:

- Relevant acquisition authority
- Classification and reclassification of public land
- Controls relating to miscellaneous permissible uses
- Architectural roof features
- Conversion of fire alarms
- Bush fire hazard reduction
- Infrastructure development and the use of existing buildings of the Crown

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The Department notes that should the proposal proceed to finalisation, that an amendment to the LEP land application map will also be required to remove the site from being subject to the LEP.

### 1.3.1 Cumberland Plain Conservation Plan modification

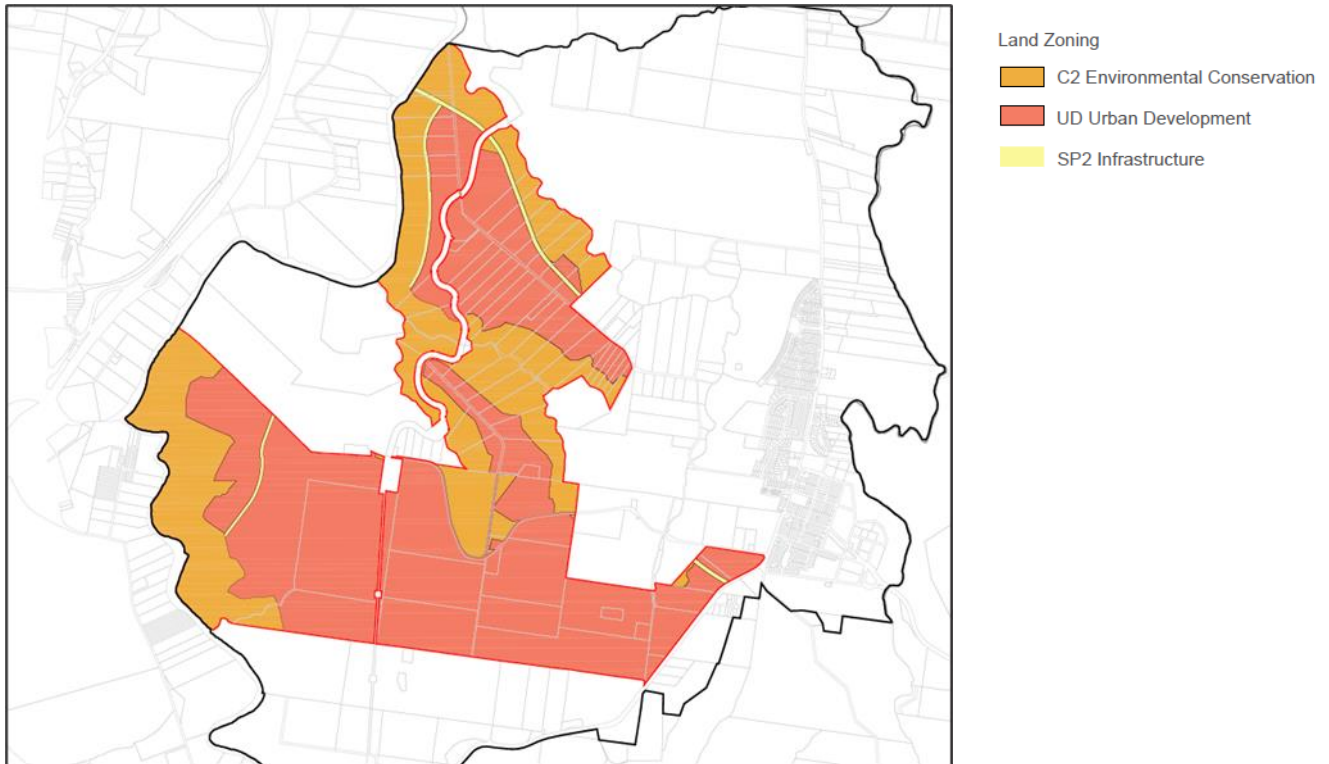
The proposal includes two versions of a proposed zoning map for the site.

Version one (shown in **Section 1.5** of this report) is consistent with the approved Cumberland Plain Conservation Plan (CPCP) mapping and Ministerial Direction 3.6.

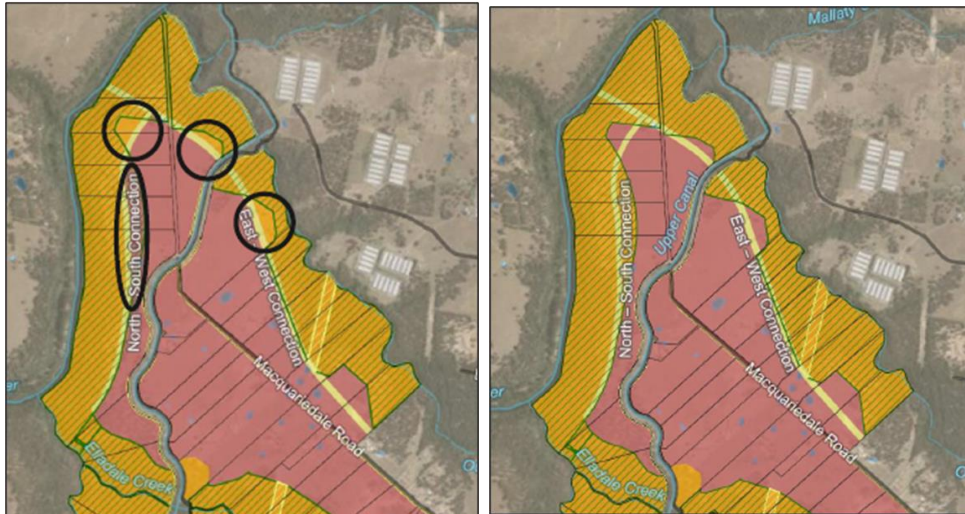
Version two (**Figure 3**) illustrates proposed zoning changes should a potential amendment to the CPCP be finalised. The proposed amendment to the CPCP mapping would facilitate a revised road layout at the northern section of the site and does not impact Release Area 1 (**Figure 4**).

The department notes the proposed amendment to the CPCP is a separate legislative process, and as noted above, if finalised will lead to the Appin (Part) Precinct Plan and Structure Plan being updated accordingly.

For further information about the CPCP refer to **Section 4.1** of this report.



**Figure 3** Version 2: Potential modified zoning map subject to CPCP amendment (not yet approved)



**Figure 4** Close up of zoning changes subject to CPCP modification process

**Left:** Modified zoning map subject to CPCP amendment (not yet approved)

**Right:** Proposed zoning map compliant with CPCP

## 1.4 Site description and surrounding area

The site (**Figure 6**) has an approximate area of 1,378ha. The site covers land from the Cataract and Nepean Rivers in the west to Appin and Wilton Road in the east. It also extends to Ousedale Creek in the north. At its greatest extent, it is approximately 6,130m (east-west) and 5,570m (north-south).

It is primarily within the Wollondilly Shire LGA however a small northern tip of the site is within the Campbelltown LGA. Refer to **Figure 6** which shows the site adjoining with the Campbelltown LGA. This report only assesses the proposal against the Wollondilly local strategic framework.

The site contains large areas of cleared vegetation due to grazing and low intensity live-stock, with isolated residences. However significant vegetation is located along creeks and rivers.

The site is bounded by creeks, rivers, existing roads and adjoining land holdings as follows:

- Brooks Point Road, Macquariedale Road and Elladale Road
- Parts of Ousedale, Elladale and Rocky Ponds Creek
- A series of buildings and out-buildings (including historical)

Several heritage items are located on the site:

- Elladale estate (local heritage)
- Northhampton Dale Group (local heritage)
- State Heritage Listing for the Appin Massacre Cultural Landscape

Several heritage items are located near the site:

- Upper Nepean Canal adjoins the site by traversing through the Precinct (state heritage)
- Windmill Hill Group: Brennans Farm, Larkin`s Farm and Winton Farm is east of the site (local and state heritage)

The site has a number of key view lines including views to Razorback Ridge, Blue Mountains, heritage sites and Teston Farm. A ridgeline runs through the site near Release Area 1.

The site is south of Gilead and north of Wilton. Appin Village sits along Appin Road east of the site, it has a range of local community facilities, services and amenities. The surrounding area is largely grazing land holdings and low density development.

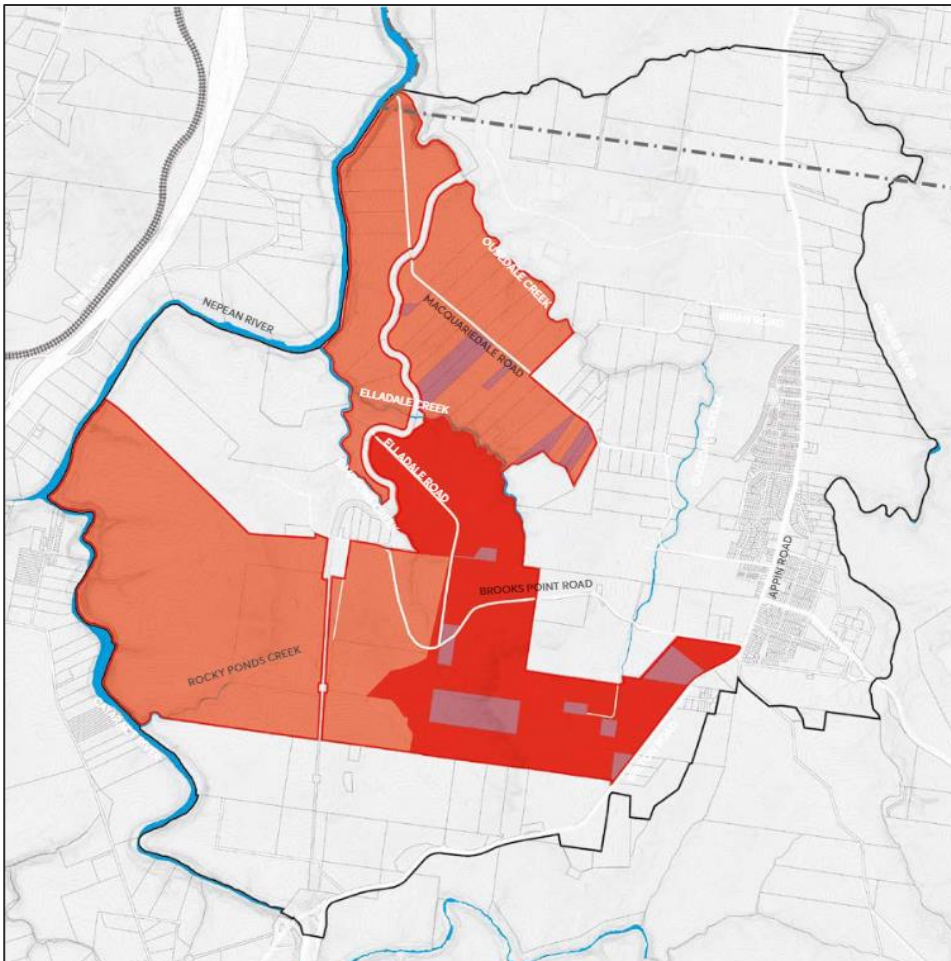
A series of electrical transmission lines and gas pipeline easements traverse the site from north to south. The Upper Canal also runs north south through the site.

Appin is 16km south of Campbelltown, 13km north east of Wilton and 35km north west of Wollongong. The Dharawal National Park is east of Appin.

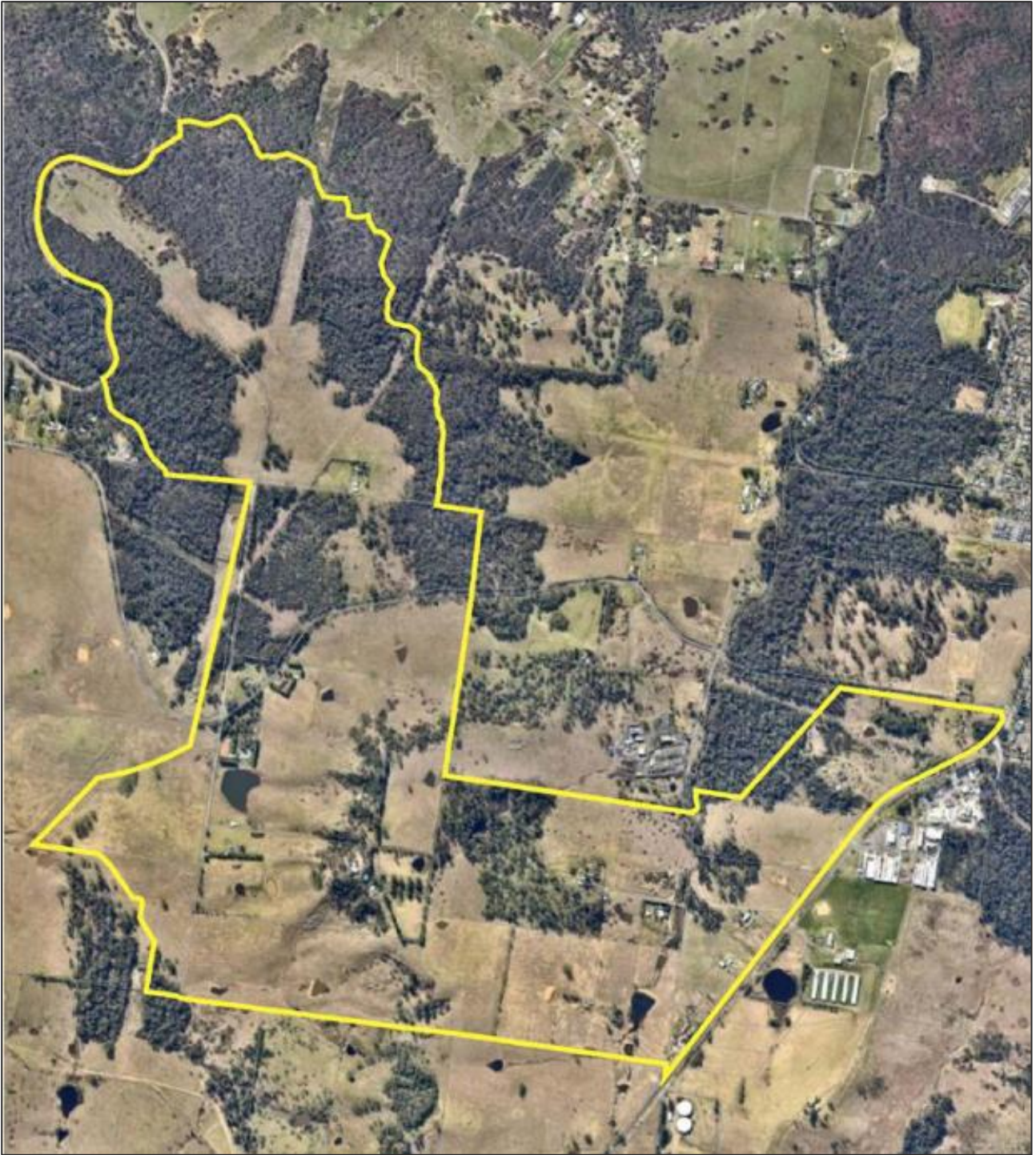




**Figure 5** Elevated pastoral landscape looking west (source: Walker Corporation)



**Figure 6** Subject site shown in red (dark red indicates Release Area 1)

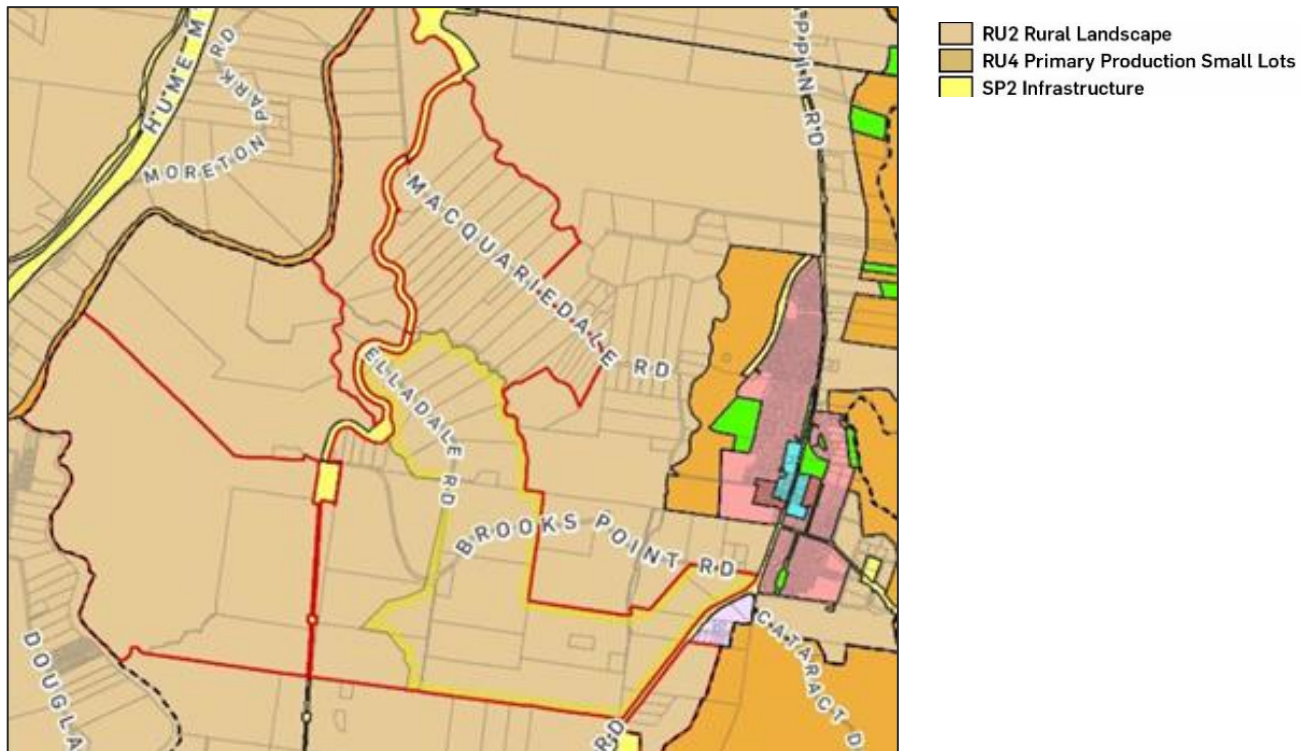


**Figure 7** Aerial image of Release Area 1 within the site

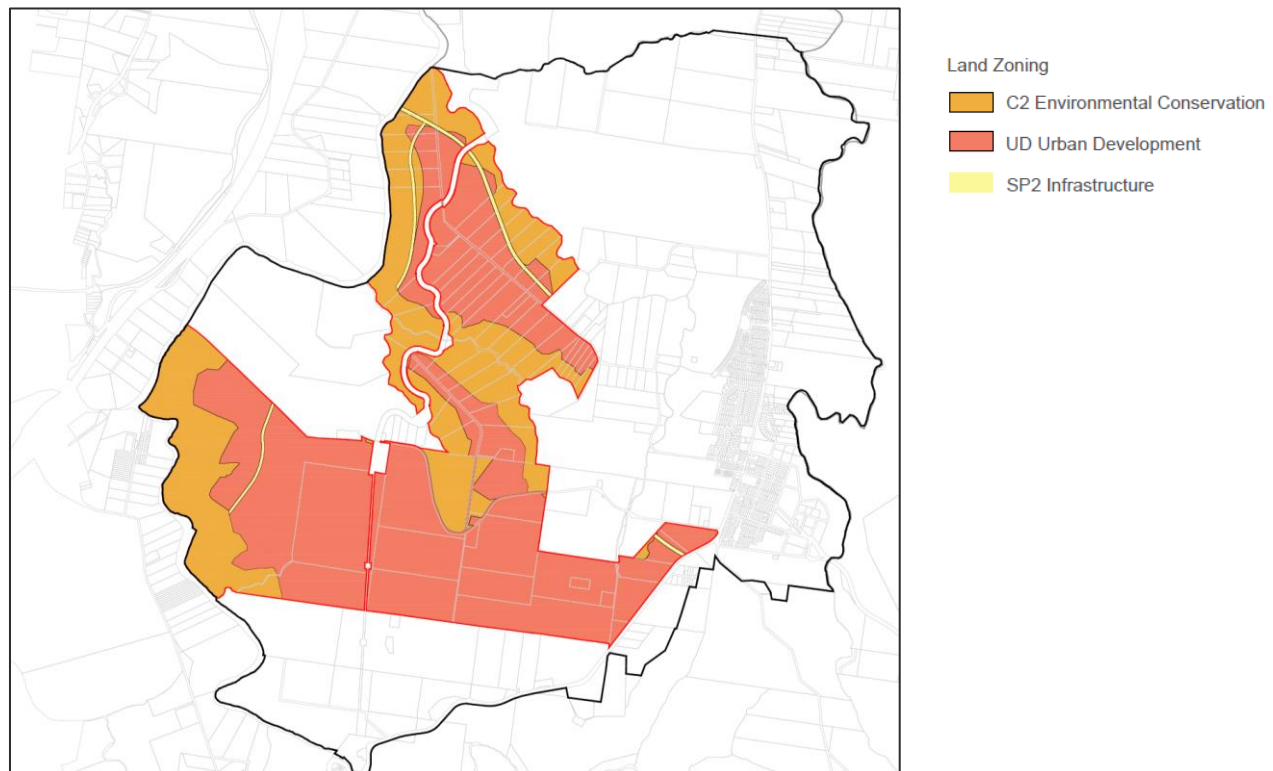


## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the various maps, which are suitable for community consultation.

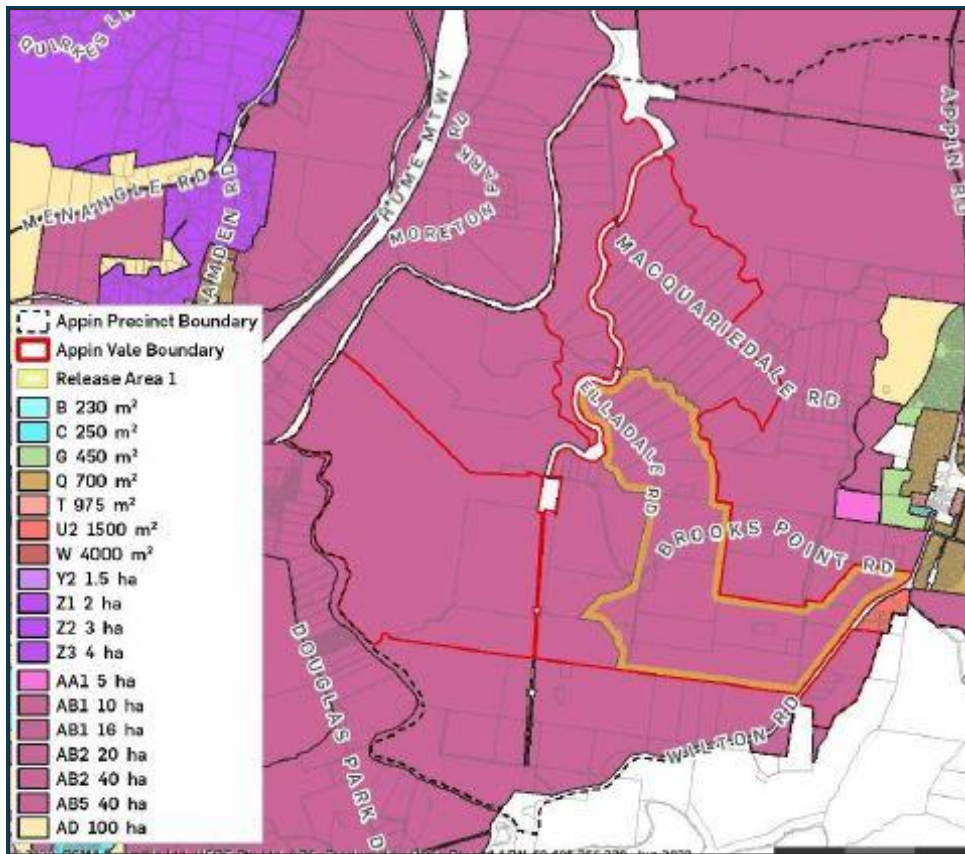


**Figure 8** Current zoning map (red outline of site, yellow outline of Release Area 1)

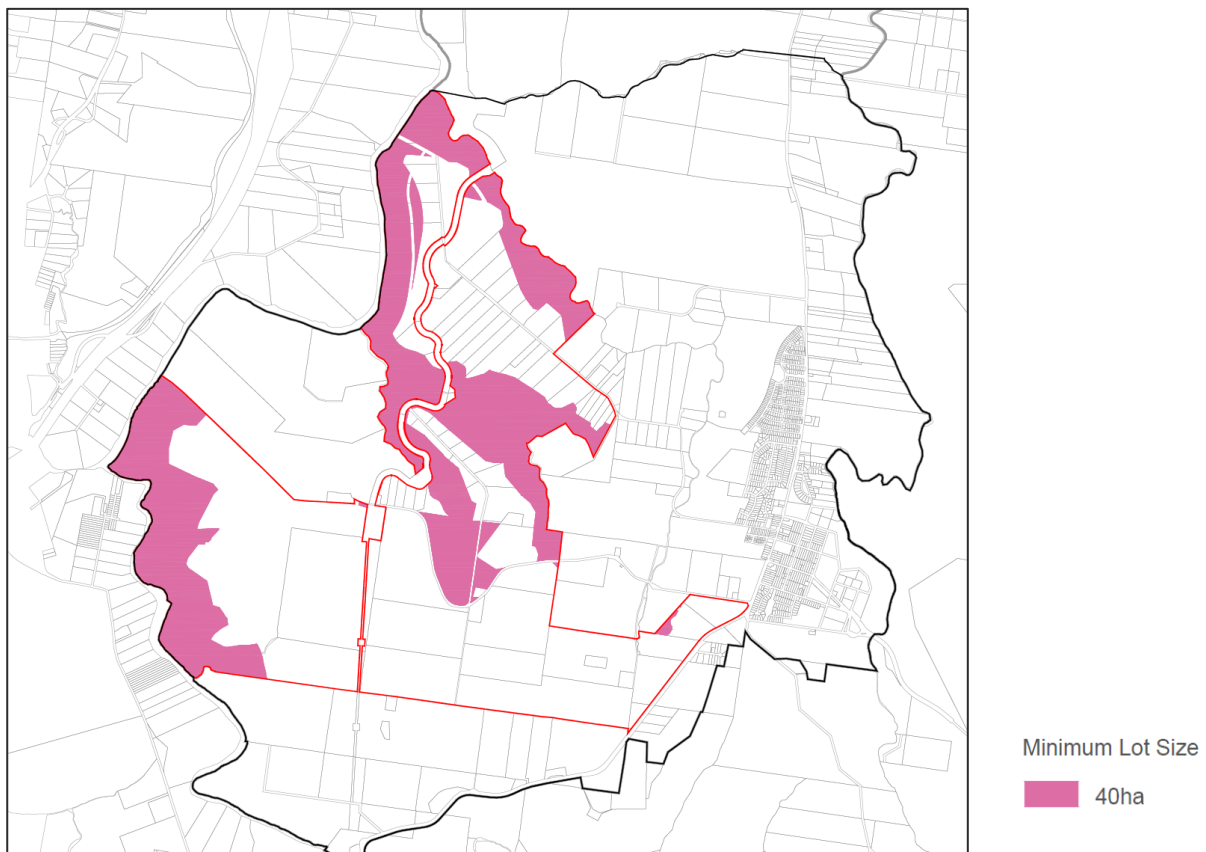


**Figure 9** Version 1: Proposed zoning map complying with the CPCP

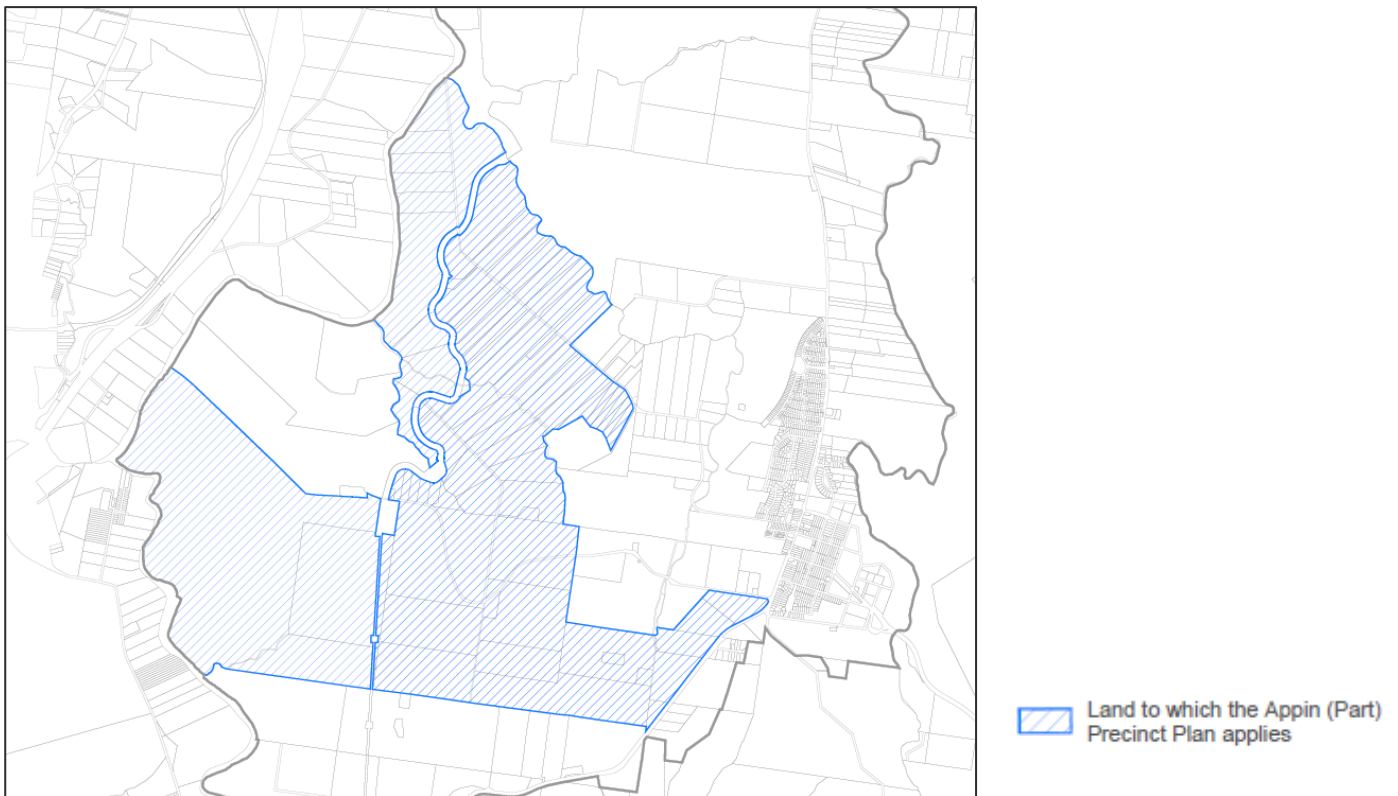




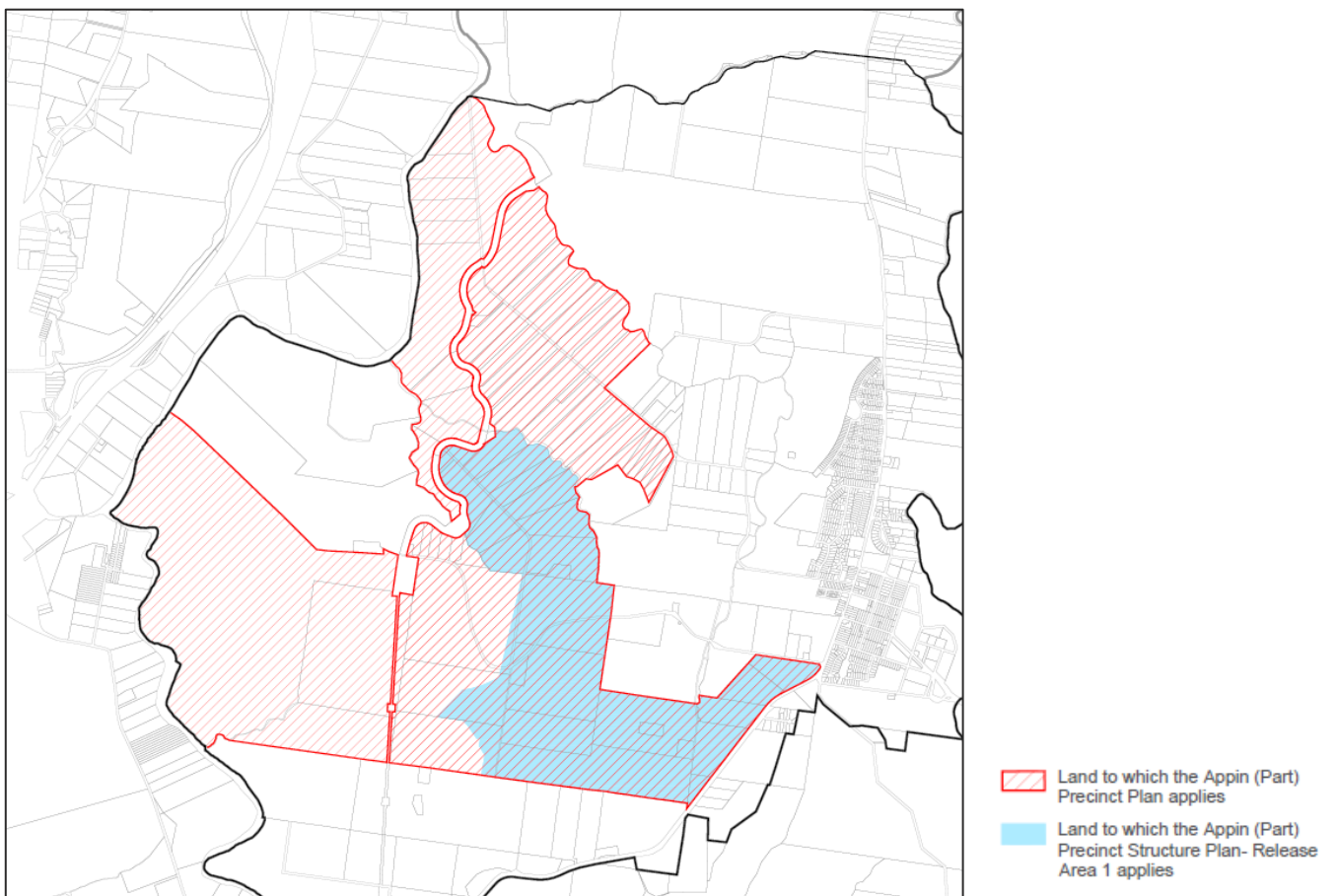
**Figure 10** Current minimum lot size map (red outline of site, yellow outline of Release 1)



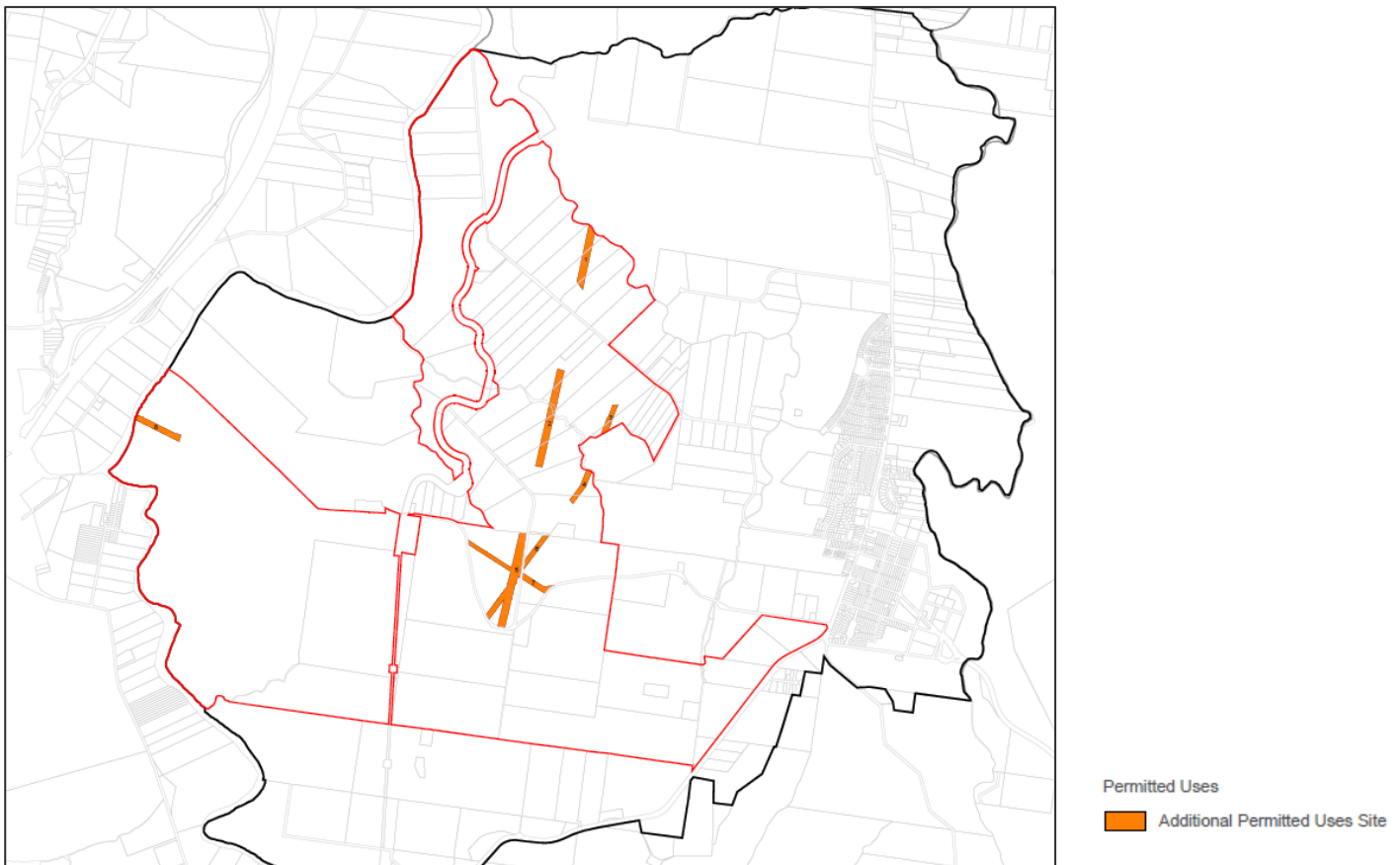
**Figure 11** Proposed minimum lot size map



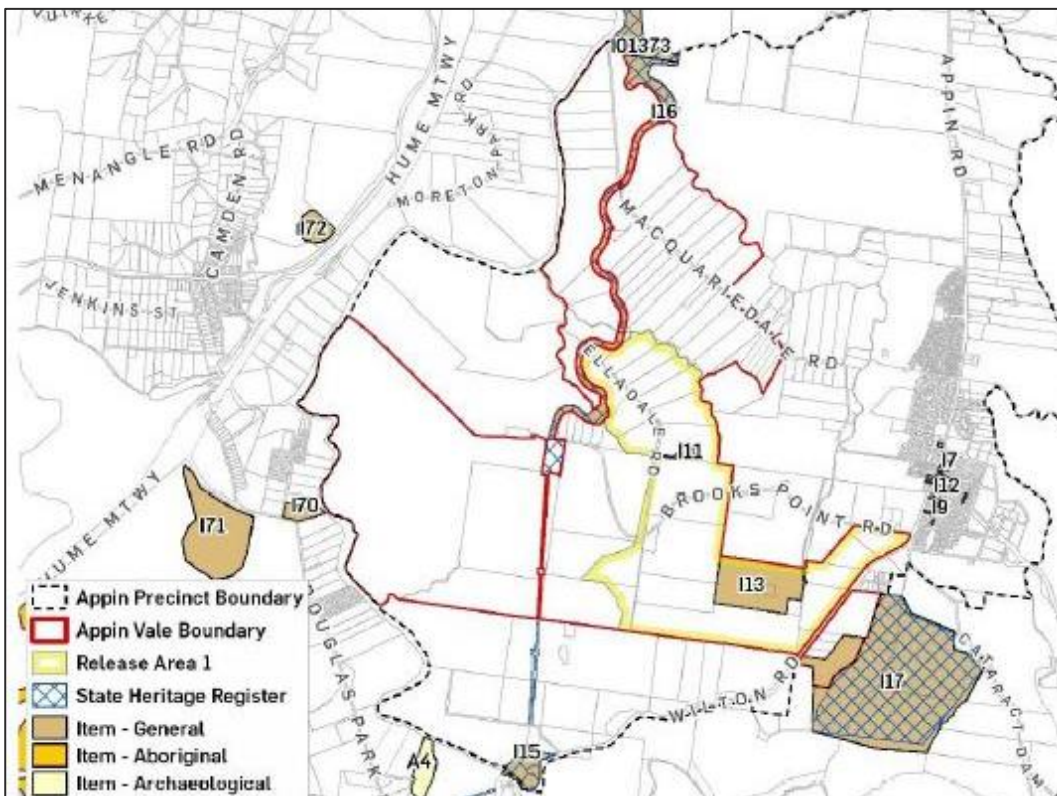
**Figure 12** Proposed land application map



**Figure 13** Proposed sequencing development map

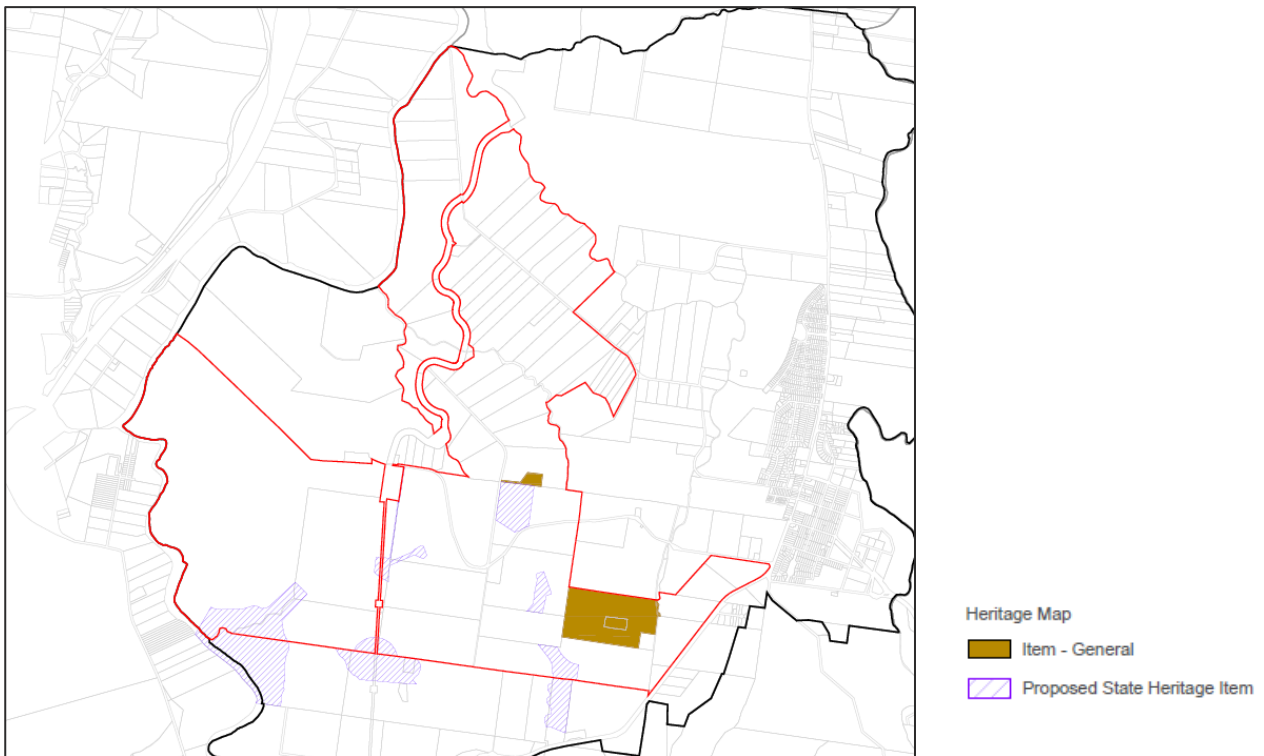


**Figure 14** Additional permitted use map

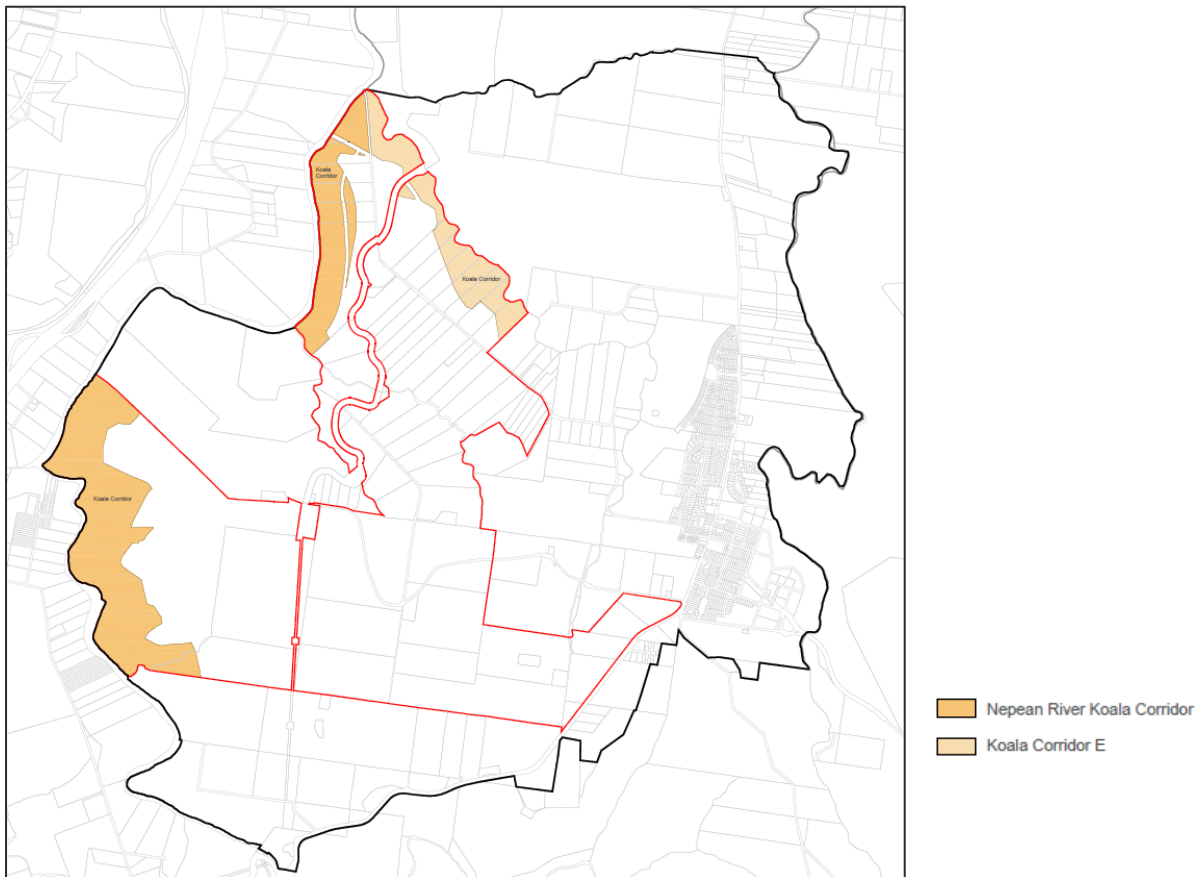


**Figure 15** Existing heritage map





**Figure 16** Proposed heritage map



**Figure 17** Proposed Clause Application Map

## 1.6 Background

### 1.6.1 Technical Assurance Panel (TAP)

The site is located within the GMGA which was declared a growth area in 2018.

The Department established the Technical Assurance Panel pilot program (TAP) in October 2020 to identify and address local, state and strategic matters before commencing a statutory rezoning process. Gilead Stage 2 was one of the two pilot sites the TAP applied to, the other being the Walker Corporation owned land in the Appin Precinct.

As part of the TAP program, the Department initiated and facilitated engagement with the Aboriginal community who reviewed and provided advice on the draft proposal prior to it being submitted to the TAP for review.

The TAP program worked with the proponent to ensure alignment of the draft proposal with the advice and recommendations from NSW Chief Scientist's report *Advice on the protection of the Campbelltown Koala population Koala Independent Expert Panel* (April 2020) and subsequent clarification advice. This alignment was consistent with the methodology applied to finalise koala corridors across the whole GMGA as part of the CPCP.

The TAP program largely concluded in July 2022 with a final presentation to the TAP members, which included:

- Wollondilly Shire Council and Campbelltown City Council staff
- Sydney Water
- Transport for NSW
- Environment and Heritage Group
- Department of Planning and Environment (Metro West Team and Chair)

Following review of the draft proposal, final advice was provided to the proponent in September 2021 and can be viewed at: <https://www.planning.nsw.gov.au/Plans-for-your-area/Technical-Assurance-Panel>.

On 2 November 2022, the Minister for Planning and Homes announced the state assessed planning proposal pathway for three sites within the GMGA. Appin was one of those sites, with the other two being sites within the Gilead and North Appin Precincts.

On 17 October 2022 the Planning Secretary was appointed the Planning Proposal Authority.

The proponent submitted a rezoning request document to the Department on 2 November. The Planning Secretary endorsed the rezoning request documents on 10 November. At the same time, the Planning Secretary submitted the planning proposal to the Minister for a Gateway Determination.

The gateway associated with this proposal includes conditions which must be met prior to exhibition to ensure alignment with the final TAP advice.

## 2 Need for the planning proposal

The Appin (Part) Precinct Planning Proposal is the outcome of the Appin TAP program discussed above. The TAP program was intended to facilitate and review the preparation of a draft Planning Proposal to deliver the vision for the GMGA and ensure consistency with government policy. The Planning Proposal is the best way to achieve the intended outcomes.

The planning proposal seeks to rezone land within the Appin (Part) Precinct to facilitate urban development, housing and the delivery of regionally significant infrastructure and is consistent with current Government policy. The site is predominately zoned RU2 – Rural Residential. The

Department acknowledges the intended outcomes of housing and infrastructure delivery cannot be achieved without rezoning the site.

## 3 Strategic assessment

### 3.1 A Metropolis of Three Cities – the Greater Sydney Region Plan

*The Greater Sydney Region Plan - A Metropolis of Three Cities* was published by the Greater Sydney Commission (GSC) in March 2018. The Region Plan identifies the overarching directions and objectives to guide growth in the Sydney region and recognises the strategic importance of the Greater Macarthur region and its contribution to housing supply by declaring the region as a Land Release Area.

The following table provides a summary of the planning proposal against some of the relevant key objectives of the Greater Sydney Regional Plan.

**Table 2** Regional Plan assessment

Regional Plan Objectives	Justification
7 - Communities are healthy, resilient and socially connected	<p>Koala corridors provide for significant opportunities for passive open space. The proposal is supported by local centres, community facilities and three proposed schools to support the future 12,000 dwellings. 52.8ha of active open space is provided for the site and 118.8ha is provided as total open space.</p> <p>Release Area 1 includes 62.09ha of open space, of which 17.5ha is active open space.</p> <p>The proposal includes the preservation of existing natural areas and new open space to increase urban tree canopy and mitigate the impacts of climate change.</p> <p>The Structure plan provides homes within a 400m public transport catchment which can help reduce reliance on car dependency.</p>
10 - Greater housing supply	The proposal will provide for a mix of low to medium density housing types and will provide affordable housing options. The site will deliver approximately 12,000 dwellings.
11 - Housing is more diverse and affordable	The Regional Plan indicates a target of 5-10% of affordable housing should be provided in line with the Affordable Housing SEPP. The planning proposal notes affordable housing will be provided in medium density areas at a provision of 5%.

13 - Environmental heritage is identified, conserved and enhanced	<p>An Aboriginal Objects Assessment Due Diligence undertaken for the site noted 19 sites already registered on the Aboriginal Heritage Information Management System (AHIMS). Seven additional unrecorded sites were identified during the site surveys. The sites are located in the proposed C2 zone and UDZ. The assessment recommends measures before any activity occurs in those areas.</p> <p>The site is marked with cultural sensitivity, in particular with the events associated with the Appin Massacre of 1816.</p> <p>The proponent has produced a draft Cultural Vales Assessment and Connecting to Country Report (CVAR). The draft CVAR is under review by the Registered Aboriginal Parties. The draft CVAR recommends appropriate safeguards to the locations, physical features and cultural values associated with the site.</p> <p>Heritage NSW has undertaken a State Heritage Register (SHR) listing for the Appin Massacre Cultural Landscape. It includes five curtilage areas. In September 2022, the Heritage Committee recommended that the Minister direct the listing of the Appin Massacre Cultural Landscape on the SHR. On 15 November 2022, the Minister of Environment and Heritage approved the listing. The planning proposal's heritage map, illustrates the SHR listing. The Precinct Plan and Structure Plan respond to the recommended listing; the Plans include the five curtilage areas within the site as proposed open space and incorporates view lines, linkages and movement corridors between the five areas.</p> <p>A Historic Heritage Constraints Assessment (HHCA) identified two local heritage items listed under the Wollondilly LEP within the site: Northampton Dale Group and Elladale Estate. Additional potential heritage items were identified on the site. The HHCA recommends a series of measures are undertaken prior to any works commencing.</p>
14 - A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	<p>The Structure Plan provides 400m walking catchments for residential areas to future bus stops that will connect to Campbelltown and Macarthur train stations. The proposal is within a 30min distance from existing centres of Campbelltown, Macarthur and Wollongong and the future Wilton Town Centre. A public transport corridor will connect the site to existing and new centres.</p>
25 - The coast and waterways are protected and healthier	<p>The department is satisfied that the proposal adequately protects Ousedale Creek and the Nepean River through the proposed Koala corridors along the waterways, which will achieve an average width of at least 390m as recommended by the NSW Chief Scientist.</p>
27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced	<p>Approximately 470ha of conservation land will be delivered by the proposal. These proposed conservation lands will deliver Koala corridors in line with NSW Chief Scientist advice.</p>



28 - Scenic and cultural landscapes are protected	<p>The Department engaged GHD and Zion under the TAP program to guide the application of the NSW Government Architect (GANSW) draft Connecting with Country (CwC) Framework for the update to the Greater Macarthur 2040 Plan. It also allowed for engagement with cultural knowledge advisors with the planning proposal.</p> <p>This engagement produced the GMGA starting with country mapping which identified areas in Appin of cultural value.</p> <p>In response the proponent prepared a CVAR as outlined in <b>Table 2</b>. The draft CVAR addresses Heritage NSW's Aboriginal Cultural Heritage assessment process and the GANSW CwC framework. The draft CVAR recommended actions include conserving, protecting and interpreting 17 areas of specific cultural values identified within the Appin and North Appin Precinct, and within the site.</p>
30 – Urban tree cover canopy is increased	<p>The canopy coverage in the proposed conservation and open space areas comprises 45% of the Appin (Part) Precinct.</p>
32 - The Green Grid links parks, open spaces, bushland and walking and cycling paths	<p>The proposal will provide for future sporting oval, playing fields, hard courts, bush food garden, nature and adventure park and playground. In addition, an important part of the proposal is the delivery of 470ha of conservation land which will provide for substantial koala habitat and bushland for passive recreation.</p>

## 3.2 Western City District Plan

The site is within the Western City District and the Greater Sydney Commission released the Western City District Plan on 18 March 2018. The plan contains priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes a summary of the planning proposal against some of the relevant key objectives of the District Plan

The planning proposal contains a further detailed analysis of how the proposal is consistent with the relevant planning priorities of the District Plan. The Department supports the analysis provided in the proposal.

District Plan Priorities	Justification
W1 - Planning for a city supported by infrastructure	<p>The proposal will be supported by infrastructure such as local road upgrades, public transport corridors and local services. An infrastructure delivery plan supports the Appin (Part) Precinct. In addition, the proponent seeks to enter into three planning agreements as follows:</p> <ul style="list-style-type: none"> <li>• State planning agreement with the Minister for Planning</li> <li>• Local planning agreement with Council</li> <li>• CPCP State planning agreement with the Minister of Planning. This agreement will result in the dedication of CPCP avoided land and some non-certified excluded land to the Government.</li> </ul>
W2 - Working through collaboration	<p>The Planning proposal is a product of the TAP program. Through the TAP program, the department engaged with key Government Agencies and local councils to work collaboratively to deliver a draft Planning Proposal.</p>
W5 - Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The proposal will provide for low and medium density housing, with a proportion of the medium density to be affordable housing. The proposal will contribute to delivering dwellings to the Western City District.</p> <p>The proposal will support the creation of 4,000 new jobs within the Appin Precinct, and a further 10,000 in the adjacent Moreton Park Road Employment Precinct.</p> <p>As identified in the report, future dwellings will be located within a 400m public transport catchment.</p>
W6 - Creating and renewing great places and local centres, and respecting the District's heritage	<p>As identified in <b>Table 2</b>, the proposal seeks to protect the heritage values identified on the site and are acknowledged in the Precinct and Structure Plan.</p>
W14 - Protecting and enhancing bushland and biodiversity	<p>Approximately 470ha of conservation land will be delivered by the proposal. These proposed conservation lands will deliver koala corridors in line with NSW Chief Scientist advice which will assist with enhancing and protecting biodiversity.</p>
15 - Increasing urban tree canopy cover and delivering Green Grid connections	<p>The Green Grid network within the Appin (Part) Precinct includes environmental corridors, waterways and open space connections linking the proposed residential neighbourhoods to local centres and transport corridors. As identified in <b>Table 2</b>, the canopy coverage in the proposed conservation and open space areas comprises 45% of the Appin (Part) Precinct.</p>
16 - Protecting and enhancing scenic and cultural landscapes	<p>As identified in <b>Table 3</b>, a draft CVAR has been prepared to support this proposal. It includes recommended actions to protect the identified cultural heritage values and meet the CwC commitments. The draft CVAR mapping and recommendations has informed the precinct and structure plans.</p> <p>A landscape visual impact assessment supports this proposal. The assessment identifies visual mitigation of potential views of built form within Release Area 1 will be in part achieved through the retention of significant vegetation located in the north-south riparian corridor. Further, the assessment advises the site is largely of low visibility from the public domain and surrounding roads including Appin Road, Wilton Road, Douglas Park and</p>

Moreton Park Roads. Visibility into the majority of the site is limited due to the undulating topography, low local ridgelines and hills within the site.

### 3.3 Local

#### 3.3.1 Local Strategic Planning Statement

Wollondilly Shire Council's Local Strategic Planning Statement (LSPS) outlines the communities land use planning vision for the next 20 years. The Wollondilly 2040 identifies key planning priorities and actions. The proposal identifies it is consistent with the LSPS.

The Department agrees that the proposal facilitates a range of planning priorities in the LSPS, including:

- Planning priority 1: aligning infrastructure provisions with community needs
- Planning priority 5: providing housing options that meet local needs and match the local character of towns and villages
- Planning priority 6: embedding health and wellbeing considerations into land use planning for healthy places
- Planning priority 13: protecting biodiversity and koala habitat corridors
- Planning priority 15: delivering an urban tree canopy
- Planning priority 14: delivering high quality and connected open spaces

The LSPS advocates that Appin is a long term prospect for development, after Wilton. It notes Appin will require:

- Investment in transport and social infrastructure
- Conservation of natural vegetation and protection of koalas
- Integrated water and wastewater management
- Connected, walkable and cycle friendly places
- Public open spaces
- Access to jobs, education, health and services

The department notes Greater Macarthur was declared a growth area in 2019. An amendment was made to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (now repealed) to identify the GMGA, and this has been carried over into the WPC SEPP. Progressing with the GMGA, of which Appin is located within, ensures the provision of housing, social infrastructure and environmental outcomes including the securing of koala corridors and crossings that are outside of the Cumberland Plain Conservation Plan.

#### 3.3.2 Local Housing Strategy

Wollondilly Council's Local Housing Strategy (LHS) considers the housing needs of the Wollondilly LGA. The department endorsed Council's LHS in September 2021 subject to conditions. The Department subsequently wrote to Council on 28 September 2022 seeking to implement the conditions of the endorsement, in particular, Council's Implementation and Delivery Plan is to reflect the outcomes of the TAP pilot program. The Department notes that the planning proposal is consistent with the outcomes of the TAP program and is therefore in alignment with the anticipated

amendments to the LHS. The proposal will deliver approximately 12,000 dwellings with 3,500 within release area 1 for the population of Wollondilly and Campbelltown LGA.

### 3.4 Section 9.1 Ministerial Directions

The Department has reviewed the Planning Proposal against the Ministerial Directions. The proposal is considered to be consistent with the Directions, except for:

#### Direction 1.4 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The planning proposal seeks to introduce a number of site-specific provisions, which will ultimately be rolled out across the broader Appin Precinct and GMGA.

The inconsistency is justified as the proposed amendment will result in increase in the diversity of housing consistent with the strategic framework.

#### Direction 4.3 Planning for Bushfire Protection

This direction seeks to protect life, property and the environment from bush fire hazards and to encourage sound management of bush fire prone areas. The site is bushfire prone. A strategic bushfire study supports the proposed development and concludes there is capacity for the future development with bushfire protection measures that meet the requirements of *Planning for Bushfire Protection* 2019, majority of the proposed urban development will be located outside of bush fire prone land (located more than 100m from the hazard). Preliminary traffic modelling indicates the capability for early offsite evacuation and the staging plan recognises the need for evacuation to coincide with delivery of transport infrastructure. Additionally, there is opportunity for on-site refuge.

The Greater Macarthur Strategic Bushfire Study (2021) was prepared to support the Interim Plan: Greater Macarthur 2040, to implement bushfire assessment framework for the growth area. The proposals bushfire assessment was prepared in response to the study. The proposal is consistent with [the Greater Macarthur Strategic Bushfire Study](#) (2021).

As this direction is applicable, the Planning Proposal Authority is required to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking public exhibition and take into account any comments made. The Department has consulted and met with the RFS prior to the exhibition of the proposal. The Gateway determination has been drafted to also require further consultation with the RFS as part of the statutory exhibition of the proposal along with other agencies and authorities.

#### Direction 8.1 Mining, Petroleum Products and Extractive Industries

The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Longwall mining has been completed for most of the site. This direction is relevant as five small longwalls remain to be mined. They are located beneath Macquariedale Road and cover a portion of the site. The proposal states extraction could take place between 2035 and 2040. The mining would be constrained by the Nepean River, Ousedale Creek, Upper Canal and gas pipelines. If mining were to occur after the development, the proposal anticipates it would be designed under *Surface Development Guideline 5 (SA NSW 2018)*.

Consultation with Division of Resources and Geoscience of the Department of Regional NSW is required to ensure consistency with this Direction. Consultation with NSW Subsidence Authority is also recommended to ensure that the proposal does not impact on current or future natural resource extraction.

### Direction 9.1 Rural Zones

The direction states a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The proposal is justifiably inconsistent with the Direction as the site is located within the Greater Macarthur Growth Area and is consistent with the strategic framework including the Western City District Plan.

## 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed below.

### 3.5.1 SEPP (Biodiversity and Conservation) 2021

#### **Chapter 3: Koala habitat protection 2020**

Chapter 3 aims to encourage conservation and management of areas of natural vegetation that provide habitat for koalas. The planning proposal aligns with the koala corridors identified with the CPCP and is consistent with the protections and directions in the Ministerial direction 3.6. The proposal results in 470ha of land zoned as C2 of which a portion will form part of the koala corridors as per the recommendations of the NSW Chief Scientist. Further, part of this planning proposal is to restrict development to land mapped as koala corridors. This is limited to:

- Oyster aquaculture (mandatory use in the zone),
- Environmental Facility,
- Environmental Protection works, and
- Flood mitigation works.

#### **Chapter 8: Drinking water catchment**

Chapter 8 aims to provide for healthy water catchments that delivers high quality water while permitting development that is compatible. The planning proposal adjoins the Upper Nepean River sub-catchment. The proposal states existing drainage networks within the site drain away from the catchment land and this drainage pattern will be maintained. The department recommends consultation with Water NSW.

#### **Chapter 9: Hawkesbury-Nepean River**

This Chapter aims to protect the environment of the Hawkesbury- Nepean River system by ensuring impacts of future land uses are considered in a regional context. The Chapter includes planning considerations for development control plans and environmental planning instruments. The proposal will not have a significant adverse impact on features of the natural environment or environmental attribution and will manage flora and fauna communities so diversity of species within the catchment is conserved and enhance. The proposal notes further assessment will be undertaken at the development application stage. The department is satisfied with this.

#### **Chapter 13: Strategic conservation planning**

Chapter 13 applies due to the site containing strategic conservation areas which align with the avoided layer of the CPCP. The land shown as strategic conservation area within the site is proposed to be protected via rezoning from the current rural zone to C2 Environmental Conservation.

### 3.5.2 SEPP (Precinct – Western Parkland City) 2021

The planning proposal aims to rezone the site UDZ, C2 and SP2 under Chapter 3 of the WPC SEPP. The proposal is consistent with State and local strategic planning policies and is located within the GMGA.

### 3.5.3 SEPP (Transport and Infrastructure) 2021

#### **Chapter 2: Infrastructure**

The aim of this Chapter is to facilitate effective delivery of infrastructure across the State. Future development applications will require concurrence from TfNSW as per Scheduled 3 of the SEPP as the proposed development will result in the subdivision of 200 or more allotments and 300 or more residential dwellings.

#### **Chapter 3: Education establishments and child care facilities**

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. The proposal will provide for future education establishments and compliance with Schedule 4 of the SEPP will be addressed in future development applications.

### 3.5.4 SEPP (Resilience and Hazards) 2021

#### **Chapter 4: Remediation of land**

The objective of this Chapter is to provide for a State-wide planning approach to the remediation of contaminated land. A preliminary site investigation by Douglas Partners supports this proposal. It identified the potential for significant and widespread contamination is generally low and the proposal is deemed suitable from a contamination perspective for the proposed rezoning.

Localised evidence of contamination was observed in some areas. Further investigations of areas with a low potential for contamination will be required at the development application stage.

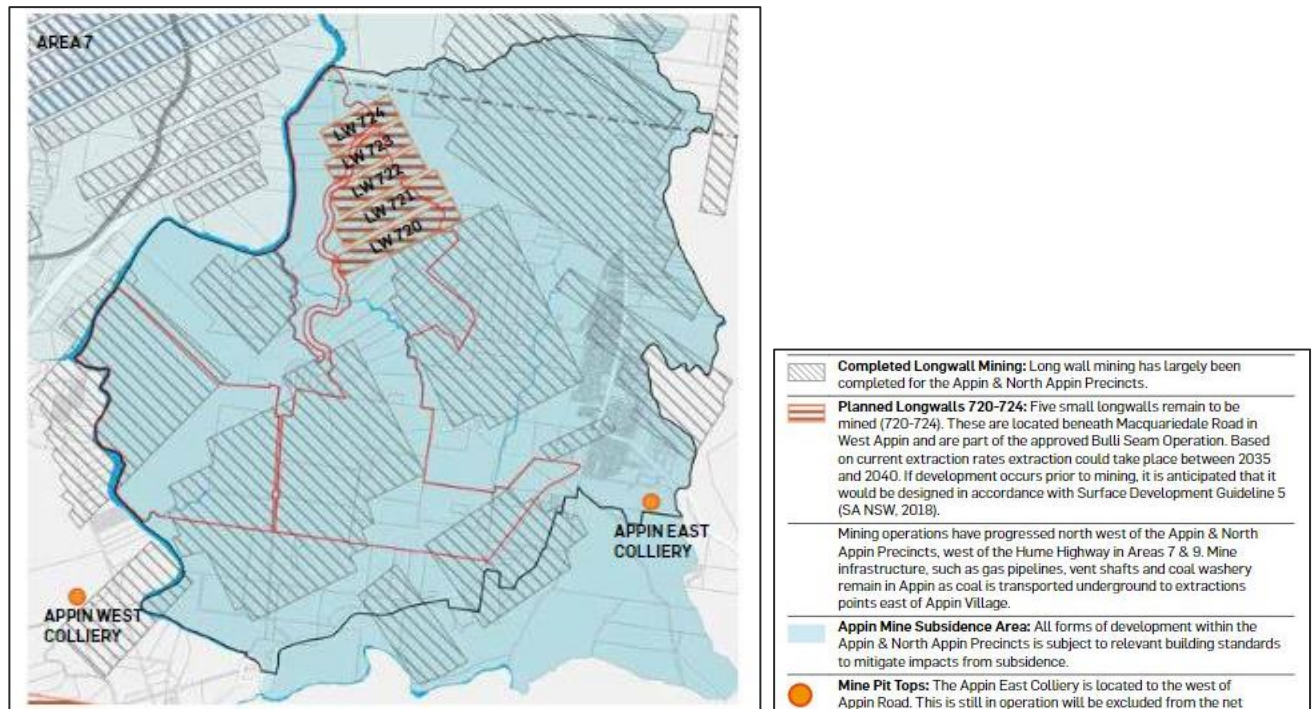
### 3.5.5 SEPP (Resources and Energy) 2021

#### **Chapter 2: Mining, petroleum production and extractive industries**

The aims of this Chapter are in recognition of mining, petroleum production and extractive industries to the State. The proposed development will be supported by measures to avoid or minimise incompatibility with future mining uses in the site immediate vicinity.

A portion of the site is above the proposed underground mining (five short longwall panels), see **Figure 18**. The proposal suggests a satisfactory arrangement provision requiring the completion of the mining before the issue of development consent for residential uses in this area would be an appropriate way to manage this part of the site. It is noted the longwalls will not impact Release Area 1. The department recommends consultation with the NSW Subsidence Authority.





**Figure 18** Mining constraints on the site shown in red (Source: Urban Context Report, Urbis)



## 4 Site-specific assessment

### 4.1 Environmental

The following provides an assessment of the potential environmental impacts associated with the proposal.

#### 4.1.1 Cumberland Plain Conservation Plan

The site is subject to the CPCP. The CPCP is a conservation plan for nominated growth areas in Western Sydney (including the Greater Macarthur Growth Area of which this site is located within).

The CPCP will help protect threatened plants and animals while supporting the delivery of houses and infrastructure in the region. The CPCP ensures we avoid and minimise impacts to biodiversity where feasible.

The CPCP streamlines approvals for strategic biodiversity certification under *the Biodiversity Conservation Act 2016* (NSW) and strategic assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth).

The CPCP and its associated mapping was exhibited in August 2020 and gained State approval in August 2022. Commonwealth approval is pending.

The CPCP identified three land categories to guide where future development can occur:

- Certified - urban capable
- Non-certified: avoided
- Non-certified: excluded

The planning proposal is generally compliant with the CPCP. A Biodiversity Assessment supports the proposal and summarises the breakdown of land with the CPCP categorisation for the site:

- 749.2ha of the site is certified – urban capable
- 443.3ha of the site is non-certified: avoided
- 91.2ha of the site is non-certified: excluded

The Biodiversity Assessment notes that biodiversity impacts on certified urban capable land requires no further assessment as it was assessed under the CPCP certification process. Further, no impact assessment is required for the 455.2ha of CPCP mapped as non-certified: avoided and non-certified: excluded that is proposed to be zoned C2 Environmental Conservation.

The proposal discusses the proposed future amendments to the CPCP, and notes 10ha of land will be subject to this separate legislative process.

#### 4.1.2 Advice on the protection of the Campbelltown Koala population Koala Independent Expert Panel

The planning proposal is consistent with the advice of Independent Expert Panel.

- *Corridor E Ousedale Creek*

The proposal seeks to apply the C2 Environmental Conservation zone to applicable portions of Corridor E within the site. The department notes this will further deliver parts of this east-west corridor providing connectivity between the Nepean and Georges River.

- *Nepean River Corridor*

The Department notes the Nepean River corridor is a substantial north-south corridor running the entire length of the western boundary of the GMGA.

The majority of the Nepean Corridor has been mapped by the CPCP. The proposal helps deliver the southern portion of the Nepean River Corridor.

#### 4.1.2.1 Proposed planning provisions

As discussed above in this report, to strengthen the proposed koala protection measures, consistent with the final TAP advice, the proposal seeks to implement a specific koala corridor SEPP map which will apply to the proposed concurrence clause. The concurrence clause will require the Planning Secretary's concurrence prior to consent being granted to development within the mapped corridors.

The proposal also includes a set of permissible uses for the proposed C2 zoned land that aligns to the NSW Chief Scientist's advice. Further permitted uses in the C2 zoned land are proposed where that land does not form part of a koala corridor.

#### 4.1.3 Mining

The site is part of the mining area of the approved Bulli Seam Operations Project. Longwall mining has been completed for most of the Precinct. Five small longwalls remain to be mined and are located beneath Macquariedale Road as discussed in **section 3.4** of this report. However, consultation with NSW Subsidence Authority is recommended to ensure that the proposal does not impact on current or future natural resource extraction.

The site is also within the Appin Mine Subsidence District, future development will be designed and constructed to the relevant standards to reduce and minimise the effects of mine subsidence.

#### 4.1.4 Flooding

The Wollondilly Shire Flood Study – Broad Scale Assessment (the Flood Study) was prepared by Advisian on behalf of Wollondilly Shire Council in October 2021 to provide an understanding of the existing flood risk across the LGA. The Flood Study provides a basis from which flood planning controls can be applied to the Appin (Part) Precinct.

In the Appin (Part) Precinct, the flood mapping shows that the flood extents are contained in the creeks traversing the Site.

The Flood Study mapping shows that the majority of flooding within the catchments is contained within the Cataract and Nepean Rivers riparian corridor. The proposal notes this suggests that the development of the Appin (Part) Precinct will not be impacted during the major flood event. As such, it was considered that post-development hydraulic flood assessment is not required.

The Water Cycle Management Strategy report supporting this proposal assessed the catchments across the Appin (Part) Precinct in developed conditions and determined that most of the catchments are likely to be less than 40 ha before discharge. However, there are two catchments greater than 40 ha along Rocky Ponds Creek and Ousedale Creek. Consideration will be required in the detailed design of the road layouts and associated street drainage infrastructure so that these catchments are limited to approximately 40 ha.

## 4.1.5 Heritage

### 4.1.5.1 Aboriginal

An Aboriginal Objects Due Diligence supports the proposal. The assessment identified the prevalence of Aboriginal objects within the activity area. The landscape features indicate a high potential for further Aboriginal objects to be present on the surface and subsurface.

The Due Diligence provides measures to follow before development occurs on the land involving Aboriginal community consultation per the Aboriginal Cultural Heritage Consultation Guidelines for Proponents 2010. Additionally, an Aboriginal Cultural Heritage Assessment will be required to assess the impact of the proposed works on Aboriginal objects and cultural heritage resources within the activity area.

### 4.1.5.2 European

As mentioned earlier in this report a HHCA supports this proposal. The HHCA provides management recommendations and mitigation strategies in response to heritage constraints and potential archaeological findings.

An assessment of significance supports the HHCA in evaluating the cultural significance of identified potential heritage items within the Site according to standard assessment criteria and guidelines. The various elements within the Site form an inter-related group demonstrating material links to the early history of the European settlement of Appin. These various elements are considered to hold levels of significance from local to State.

To protect matters of significance, a heritage impact statement should be prepared to assess the impact at the development application stage.

### 4.1.5.3 The Appin Massacre Cultural Landscape SHR Listing

In September 2022, the Heritage Council recommended that the Minister for Environment and Heritage direct listing the Appin Massacre Cultural Landscape as a State Heritage Register item comprising five areas. On 15 November 2022 the Minister for Environment and Heritage approved the listing. As identified in this report, the Precinct Plan and Structure Plan respond to the recommended listing by including the five areas in the proposed open space and incorporating view lines, linkages and movement corridors between the areas.

## 4.2 Social and economic

### 4.2.1 Social

The planning proposal will have positive social impacts through the supply of open space and housing diversity. The proposal will deliver 5% of medium density residential development as affordable housing.

A key theme that informs the planning proposal is to care and connect to Country. The Appin (Part) Precinct Plan preserves identifies areas of Aboriginal cultural value and significance. Further a draft CVAR has been prepared. The cultural mapping, findings, aims and recommendations in the draft CVAR were informed and guided by engagement with Registered Aboriginal Parties, First People cultural knowledge holders and cultural knowledge advisors with connection to the Country. The draft CVAR sets out ten commitments to inform the implementation of its principles and commitments to strengthen understanding and respect for the Country's cultural values.

## 4.2.2 Economic

The planning proposal will have positive economic impacts through increased access to local employment opportunities through the proposed local centres within the UDZ.

The development of retail facilities within the Appin (Part) Precinct will be supported by the immediate residential catchments. It will not impact upon the scale, mix, role of function of Wilton Town Centre or the existing function of the Appin Village centre.

The proposal estimates it will be a catalyst for the following economic benefits:

- 800 jobs in light industrial and bulk goods precincts in the Appin precinct
- 4,100 population-based jobs
- 10,000 jobs in the nearby Moreton Park Employment Precinct
- Additional local retail expenditure associated with the delivery of new residential dwellings.

## 4.3 Infrastructure

An infrastructure delivery plan has been prepared for the Appin Part Precinct. It summaries the implementation of utilities, roads and schools.

Further, the proponent intends to enter into three planning agreements as follows:

- State Planning Agreement (SPA) with the Minister for Planning. The SPA will address the funding, timing and delivery of regional infrastructure, such as regional open space, schools, roads, transit corridors, road infrastructure and road upgrades.
- Cumberland Plain Conservation Plan (CPCP) SPA with the Minister for Planning. The Appin (Part) Precinct Plan includes approximately 443 hectares of land to be zoned for C2 Environmental Conservation and identified as “avoided land” under the CPCP. The SPA will result in the dedication of the CPCP “non-certified avoided land” and some “non-certified excluded land” to the NSW State Government.
- Local Planning Agreement (LPA) with Wollondilly Shire Council. The LPA will address the delivery of infrastructure for Release Area 1, including active and passive open space, water cycle management, traffic and transport, community facilities and riparian corridors.

### 4.3.1 Transport

As part of the TAP program, consultation with TfNSW confirmed that a Transport Management and Accessibility Plan (TMAP) can be prepared following exhibition. This will help finalise the draft structure plan in light of any community and other agency submissions.

In addition, the proposal has prepared a strategic transport assessment, the strategic traffic modelling indicates staged road upgrades are recommended to support the proposal.

During 2020 and 2021, TfNSW exhibited options for the OSO2. A preferred ‘blue corridor’ was announced in August 2021. During the course of the TAP program, it became known that the blue corridor would have impacts upon the potential state heritage listing of the Appin Massacre Cultural Landscape.

The planning proposal’s Precinct Plan and Structure Plan reflect the outcomes of the TAP program by showing a revised alignment for the OSO2 however it has been labelled as “North – South connection”. As the TAP assurance letter requested the OSO2 be identified and included in the relevant map legends, this will be a post exhibition amendment to the proposal.

### 4.3.2 Water servicing

As part of the TAP program, Sydney Water confirmed the site can be serviced. Sydney Water has indicated it will be serviced from the Macarthur Water Filtration Plant.

### 4.3.3 Wastewater

Sydney water has advised in the short to medium term, release area one will be serviced by the existing Glenfield Waste Water Recycling Plant.

## 5 Consultation

### 5.1 Community

The Department proposes a community consultation period of at least 28 days. The Gateway determination has been conditioned accordingly.

### 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Transport for NSW
- Sydney Water
- Heritage NSW
- NSW Health
- Wollondilly Shire Council
- Campbelltown City Council
- Environment and Heritage Group
- Schools Infrastructure NSW
- Rural Fire Service
- Division of Resources and Geoscience of the Department of Regional NSW
- Water NSW
- Tharawal Local Aboriginal Land Council, and
- NSW Subsidence Authority.

## 6 Timeframe

The Department recommends a time frame of 8 months to ensure it is completed in line with its commitment to reduce processing times. The Gateway includes conditions requiring the proposal to be exhibited and submitted for finalisation by specified milestone dates.

## 7 Local plan-making authority

The Department recommends that the Secretary as PPA, not be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal has been subject to an iterative design process informed by the TAP program and government agencies input
- Amending the planning controls will allow for the delivery of approximately 12,000 dwellings for the Appin precinct, supported by infrastructure
- 470ha of land will be zoned for environmental conservation which will help protect biodiversity and secure land to deliver a functional koala corridor as per the advice and recommendations of the NSW Chief Scientist
- The planning controls provides affordable and diverse housing to meet the needs of the current and future demographics of the Wollondilly and Campbelltown LGA
- The proposal has strategic merit being consistent with the Western District Plan

## 9 Recommendation

It is recommended the delegate of the Planning Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.4 Site specific provisions, 4.3 planning for bushfire protection, 9.1 rural zones are minor and justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Consultation is required with the following public authorities:
  - Transport for NSW
  - Sydney Water
  - Heritage NSW
  - NSW Health
  - Wollondilly Shire Council
  - Campbelltown City Council
  - Environment and Heritage Group
  - Schools Infrastructure NSW
  - Rural Fire Service
  - Division of Resources and Geoscience of the Department of Regional NSW
  - Water NSW
  - Tharawal Local Aboriginal Land Council, and
  - NSW Subsidence Authority.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The planning proposal must be exhibited within 1 month from the date of the Gateway determination.
4. The planning proposal must be reported to the Planning Secretary, as the Planning Proposal Authority, for a final recommendation 5 months from the date of the Gateway determination.

5. The timeframe for completing the LEP is to be 8 months from the date of the Gateway determination.
6. Given the nature of the proposal, the Planning Secretary should not be authorised to be the local plan-making authority.



16 November 2022

Adrian Hohenzollern

Director, Metro West

Assessment officer

Neala Gautam

Senior Planning Officer, Metro West

8289 6881