

Department of Planning and Environment

Our ref: IRF23/733

Mr David Gallant
Chief Executive Officer
Walker Group Holdings Pty Ltd
Level 21 Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

Via email: david.gallant@walkercorp.com.au

26 June 2023

Subject: Rezoning of the Appin (part) Precinct (PP- 2022-3979), Wollondilly Local Environmental Plan 2011 (Amendment No 45).

Dear Mr Gallant

I am pleased to advise that the State Assessed Planning Proposal to rezone the Appin (part) Precinct site, within the Appin Precinct of the Greater Macarthur Growth Area was finalised on 26 June 2023.

As the Minister for Planning and Public Spaces' delegate, I have made the plan under section 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979* (the Act), and under section 3.24(5) it will take effect on 15 December 2023. I have also written to Wollondilly Shire and Campbelltown City Councils to advise them of this decision.

The rezoning is an important step towards protecting and expanding koala habitat in South West Sydney. The rezoning provides approximately 470ha of newly protected Conservation land which comprises approximately 34% of the site, while providing for up to 12,900 new homes with at least 108 hectares of public open space.

The new planning controls will sit in the State Environmental Planning Policy (Precincts-Western Parkland City) 2021 (SEPP) under a new Appendix (Appendix 10). Among the new controls, there are provisions for affordable housing, transport corridors, new koala corridor maps, and a limited list of permissible uses for land within a koala corridor to implement the recommendations of NSW Chief Scientist. While koala corridors can provide for amenity such as walking tracks, seating, shelters,

Department of Planning and Environment

board walks, observation decks, buildings and roads are not permissible and any proposed development in a koala corridor will require concurrence from the Planning Secretary.

The new controls require a Precinct Structure Plan to be finalised and adopted by the Planning Secretary, and outline what the Precinct Structure Plan is to include. The Department's expectation is that the Precinct Structure Plan will be informed by the findings of a Transport Management and Access Plan currently underway with Transport for NSW.

The Department will lead the delivery of the Precinct Structure Plan consistent with the requirements of the SEPP, as well as a Development Control Plan (DCP) for the site. Once the Precinct Structure Plan and DCP are in place, necessary amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will be made so that the Wilton variation to the Greenfield Housing Code and Low-Rise Diversity Housing Code apply to the site.

While the overall capacity for the site is for up to 12,900 new homes, the successful delivery of housing relies on the alignment of delivery of infrastructure. The new controls include a requirement for Secretary's concurrence to ensure that appropriate state infrastructure is in place prior to the granting of any development consent, including subdivision. In response to consultation on the draft proposal, the need to upgrade water, sewer, electricity, and transport have been raised. The proponent is advised that these issues will need to be addressed prior to concurrence being sought.

The deferred commencement will provide additional time for appropriate arrangements for the provision of required State public infrastructure to be put in place. I consider the most appropriate means to achieve this is through a State Planning Agreement (SPA), which I note is the subject of ongoing discussions between the Walker Corporation and the Department. I understand Walker Corporation is also working with Wollondilly Shire Council to plan for local infrastructure required to support new housing.

The Cumberland Plain Conservation Plan (the CPCP) was approved under the NSW *Biodiversity Conservation Act 2016* (BC Act) in August 2022. This approval removes the requirement for landholders on land identified under the CPCP as "certified – urban capable land" to seek their own biodiversity approvals under the BC Act for development as long as that development complies with CPCP planning controls.

The NSW government has also submitted the CPCP to the Commonwealth Government for consideration under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As of the completion of this assessment report for the Appin (part) Precinct, the CPCP has not received relevant approval under the EPBC Act. As such, while landholders can submit development applications, seek subdivision, start master planning or impact State listed threatened species

Department of Planning and Environment

authorised under the CPCP, impacts to matters of national environmental significance (MNES) are currently not permitted. If MNES are likely to be present on certified - urban capable land, landholders must seek their own individual approvals from the Commonwealth under the EPBC Act, until such a time as the CPCP is determined.

I note that Walker Corporation provided comments on the draft instrument on 6 June 2023. While some matters raised have been addressed, the Department will continue to work with you and Council to maintain and update the new controls as necessary. I also note that there are ongoing discussions with Transport for NSW to plan for the regional road network in the Growth Area and that this may lead to future amendments to the associate SEPP maps. The Department anticipates that any necessary minor amendments to the mapping or new Precinct Plan can be potentially facilitated through an expedited amendments under section 3.22 of the Act.

Should you have any enquiries about this matter, I have arranged for Mr Adrian Hohenzollern, Director Western District, to assist you. Mr Hohenzollern can be contacted on (02) 9860 1505.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Catherine Van Laeren".

Catherine Van Laeren
Executive Director
Metro West