

Murray Jay
Manager, Place & Infrastructure
Metro West
Department of Planning, Housing and Infrastructure
c/o Murray.Jay@planning.nsw.gov.au

2 February 2024

Dear Mr Jay,

REZONING REVIEW (RR-2023-13/PP-2022-4330) BROOKS POINT ROAD, APPIN DRAFT PLANNING PROPOSAL

This advice is provided in response to the rezoning review (RR-2023-13) lodged with the Department on the 23 November 2023. It is noted that the proposal has been amended by the proponent prior to the final report of Council due to significant inconsistencies with the Cumberland Plain Conservation Plan.

Council considered 10-20 Brooks Point Road, Appin Draft Planning Proposal at the 28 November 2023 Ordinary Council meeting and resolved not to support the planning proposal for a Gateway determination. Council subsequently notified the Department on the 4 December 2023.

A full detailed assessment of the updated draft planning proposal is included in the report to Council and is provided with this letter.

Council resolution is provided below.

That Council:

- 1. Note the recommendations of the Wollondilly Local Planning Panel.*
- 2. Note that the proponent has lodged a Rezoning Review of the draft planning proposal with the Department of Planning and Environment.*
- 3. Note that whilst there is a need for more housing in Greater Sydney, such housing needs to be supported by appropriate infrastructure and infrastructure sequencing plans and that at this time no such infrastructure (or funded plans for the delivery of the required infrastructure) is in place in the Appin growth area. Given this, this planning proposal is considered premature.*

4. *Not progress the draft planning proposal for a Gateway determination on the basis that it:*
 - a) *Is inconsistent with the Council's position in the Wollondilly Local Strategic Planning Statement (Wollondilly 2040) that without the early identification, planning for and commitment to infrastructure in Appin, any planning proposals would be inappropriate.*
 - b) *Does not provide an indicative infrastructure plan nor does it look at the cumulative development occurring in Appin, specifically sewer, water, road upgrades to both local and state network, to support the proposal in the broader context of planned growth following the State rezoning of 12,000 lots in Appin.*
 - c) *Adds to concerns about evacuation risks and timeframes associated with growth in Appin without a clear plan for how the current and future community of Appin can evacuate or shelter in place in the event of a bushfire.*
 - d) *Proposes to rezone land in the absence of a finalised state and local Contribution Plans to effectively levy the growth area for local infrastructure.*
 - e) *Is not informed by a finalised traffic and transport model (TMAP), to inform and support necessary road and transport infrastructure to support development across Greater Macarthur.*
5. *Notify the proponent, landowners and any person who made submissions regarding the planning proposal of Councils decision.*
6. *Calls for the Department of Planning and Environment to finalise a binding staging and sequencing Plan for Greater Macarthur, to ensure all future development within Greater Macarthur is well planned and serviced.*

Key to the reasoning was that Wollondilly 2040 (LSPS) states that without the early identification, planning for and commitment to infrastructure in Appin, any planning proposals would be inappropriate. The draft proposal does not provide an indicative infrastructure plan nor does it look at the cumulative development occurring in Appin to address Council's position.

It is acknowledged that the proponent has carried out a significant amount of work to address a number of planning issues, however, these changes do not override or warrant dispensing with Councils adopted Wollondilly 2040.

There is significant precinct wide work still to be completed such as transport modelling to inform the Greater Macarthur road network. There is no contributions plan, the applicant did not enter into discussion regarding a planning agreement, nor is there a State endorsed approach to the delivery of infrastructure across the growth area.

While it is acknowledged that this proposal is for a small component of the full envisaged growth area, it would be inappropriate for development to be supported when there are critical infrastructure planning and funding elements missing.

Wollondilly Shire Local Planning Panel

The Wollondilly Shire Local Planning Panel met on 1 June 2023 where they deliberated on a previous iteration of the planning proposal. The advice is provided below.

The Panel advises the Council not progress the draft Planning Proposal for Gateway Determination in its current form.

As a minimum, the following additional information would be required to progress the planning proposal:

- *A revised Flora and Fauna Assessment to address impacts on Koala Habitat, including consideration of koala fencing and escape during the event of a bushfire*
- *A revised Traffic and Transport Study to:*
 - *Ensure alignment with Greater Sydney Regional Plan*
 - *Address comments from Transport for NSW*
 - *Align with the revised masterplan*
 - *Include Evacuation Assessment*
 - *Undertake modelling inclusive of broader network and Greater Macarthur*
- *A revised Bushfire Assessment Report and Emergency Evacuation, including*
 - *A strategy to ensure evacuation routes adequately consider constraints*
 - *Assessment of a place of safe refuge within the boundaries of the proposal and the wider locality.*
- *Prepare a Flood Impact and Risk Assessment*
- *Consult with Infrastructure providers to ensure all servicing considerations are addressed and included with the design of subdivision*
- *Clarify the long-term management and maintenance of the C2 land in a management plan*
- *Confirm future ownership of the local park and drainage reserve.*

The planning proposal was reviewed following the LPP advice and was deemed to have addressed the points of advice from the Panel. However other matters remain outstanding and are discussed further below.

A copy of the report to the LPP is provided with this letter. However, please note that the draft planning proposal has been amended since the LPP report.

Traffic and Road Network

Appin Road continues to experience a high level of demand in its current state, with the demand set to increase. It is the only road in and out of Appin at this present time with no plans in place to upgrade its full length to support development, and there has been no funding or design work committed.

Council requires a finalised transport structure plan for Appin that lists the key infrastructure priorities including roads that can inform a delivery and phasing plan for Appin and the Greater Macarthur growth area.

A finalised TMAP, planning for which is led by TfNSW, would address many of the questions still outstanding for the wider Greater Macarthur area. The TMAP will have impact and have implications for the Brooks Point Road Planning Proposal and any road arrangements along Appin and Brooks Point Road need to accommodate the ultimate design which is not yet understood.

It is also important to note that Council has not made a local contributions plan for Appin outlining the key infrastructure priorities at a local contribution to ensure all development in Appin contributes its fair share towards infrastructure demands of the expected growth.

Sewer and Water Infrastructure

Council has been advised by Sydney Water that there are currently no connections available to the subject site for either reticulated potable water or wastewater. Council needs confirmation from Sydney Water that there is a practical staging and delivery plan for the key enabling infrastructure to support new housing development.

Biodiversity

The proposed C2 Environmental Conservation zoned areas have been identified as containing a range of high biodiversity values including core koala habitat, areas of critically endangered ecological communities (CEEC), threatened species habitat and riparian corridors.

Council requires the planning proposal to remain consistent with the Cumberland Plain Conservation Plan (CPCP) controls. This includes ensuring there are no additional permitted uses such as local parks and drainage facilities or sewer treatment infrastructure located within the avoided land or within conservation areas under the CPCP.

Beyond the draft proposal, there will likely be a need for a Vegetation Management Plan and Koala Management Plan for the site if the planning proposal progresses.

Precinct Structure Plan and DCP

Council would like to ensure that adequate measures are in place to guide development and that the development is of consistent and good quality. This guidance should be included in the Appin Growth Area DCP, this work is currently being investigated by the Department.

Any site-specific controls for Brooks Point Road should form part of the broader DCP for Appin. This should include an indicative layout plan clearly showing

walking and cycling infrastructure (both within the site and linking it to the town centre) and open space.

It is noted that there is a Precinct Structure Plan requirement for the main Appin Part Precinct Rezoning. This process should include this planning proposal site should it progress. This site would then feed into the broader Appin DCP. The Precinct Structure Plan work for the broader Appin should not occur in isolation to this site if Appin is to successfully and efficiently be progressed. Refer to clause 6.1 of the Precincts - Western Parkland City SEPP.

Emergency Risk and Evacuation

The site is identified to be partially bushfire prone. Council continues to have concerns over the threat of bushfire to the community with the demand on the evacuation routes of particular concern as the population increases.

Council needs assurance from NSW RFS as the responsible agency that they are satisfied that appropriate infrastructure will be in place at every stage of the development, based on confirmed and funded infrastructure for the Appin area and that such infrastructure allows for reasonable evacuation times and sufficient access to firefighting water. This is needed to ensure that there is not an unacceptable risk to life during an emergency. This issue is intrinsically linked to the issue around infrastructure.

Cumulative Growth in Appin

It is Council's view that this proposal, along with other individual landowners that have been excluded from the broader rezoning work undertaken for Appin, will need to make development contributions to the generation of demand on roads, social infrastructure and open space.

The planning for the broader area needs to be holistic. It needs to be tied to the requirement for a Precinct Structure Plan that talks to adjoining lands and it needs to be guided by one DCP.

There needs to be an infrastructure framework in place at both a local and State level that satisfactorily addresses the needs of the incoming community while enhancing the safety of existing residents. It is noted that there are many development fronts open across Western Sydney, not just Wollondilly, that are all competing for the same small pool of funds to deliver critical infrastructure. Opening up more development is not sensible in the absence of a pathway to fund necessary State infrastructure such as roads, schools and utilities.

The progression of this planning proposals is only appropriate once the broader infrastructure needs and delivery mechanisms are prepared and consulted on. This has not occurred for Appin and while this remains the case, Council cannot support further rezoning of land for housing.

For further information regarding this matter, please contact Edith Barnes from Council's Growth Team on (02) 4677 1100 or growth@wollondilly.nsw.gov.au.

Kind regards,



Carolyn Whitten
Acting Manager Sustainable Growth
Shire Futures