

7 LOCAL PLANNING PANEL REPORTS – SUSTAINABLE AND BALANCED GROWTH

7.1 DRAFT PLANNING PROPOSAL - 10 AND 20 BROOKS POINT ROAD, APPIN

File Number: 10621#378

Directorate: Shire Futures

PROPERTY ADDRESS 10, 14, 20, 30, 50 and 70 Brooks Point Road, Appin (Lots 1, 3, 4 and 5 in DP 249446) (Lots 1 and 2 in DP 584515)

PROPONENT Beveridge Williams Land Development and Infrastructure Consultants

OWNER Appin Farmers Pty Ltd, Auslands Developments Pty Ltd, Mr G A Reid & Mrs D Reid

EXECUTIVE SUMMARY

The purpose of this report is to seek advice from the Wollondilly Local Planning Panel on a draft Planning Proposal (draft proposal) received for land at No. 10, 14, 20, 30, 50 and 70 Brooks Point Road, Appin. The Panel's advice will be included in a future report to Council.

The site is currently zoned under the *Wollondilly Local Environmental Plan 2011* (Wollondilly LEP 2011) and is mapped as part of the Greater Macarthur Growth Area under the *State Environmental Planning Policy (Precincts - Western Parkland City) 2021* (Precincts SEPP).

The draft proposal seeks to rezone the site from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation, to allow approximately 250 residential lots. It also seeks to apply a minimum lot size of 250m² and 450m² and a maximum building height of 9m for the R2 Low Density Residential zone, while the C2 Environmental Conservation zone will maintain a 40ha minimum lot size and no maximum building height.

The draft proposal also seeks to introduce additional permitted uses to enable a reticulated sewer and stormwater system within the C2 Environmental Conservation zone. It also sites a local park is also indicated within the C2 Environmental Conservation zone.

The draft proposal has been subject to a preliminary consultation period over four weeks (28 days) in line with Council's Community Participation Plan and Planning Proposal Policy, from 22 February to 22 March 2023. Fifty-two (52) community submissions were received during this period, with nine (9) submissions received from public agencies.

It is recommended that the draft Planning Proposal is not supported for a Gateway Determination.

RECOMMENDATION

That the Panel:

1. Notes the recommendation not to progress the draft Planning Proposal for Gateway Determination.
2. Provides advice to Council in accordance with the Local Planning Panel Direction - Planning Proposals, which will form an attachment to a future report to Council.

REPORT

On 20 December 2022, Beveridge Williams Land Development and Infrastructure Consultants (the proponent) lodged a draft Planning Proposal (draft proposal) for No. 10, 14, 20, 30, 50 and 70

Brooks Point Road, Appin. The draft proposal seeks rezone the site for urban development and proposes a number of amendments to Wollondilly LEP 2011

On 21 January 2023, payment of the application fees for the draft proposal was received.

A copy of the draft proposal is provided at **Attachment 1**.

Site Description

The draft Planning Proposal relates to land located south of the Appin Town Centre bound by Appin Road to the east, Brooks Point Road to the south and Ousedale Creek to the west. The site is located Centre south of Campbelltown Town Centre (approx. 16km), north of Wilton (approx. 10km) and north east of Picton Town Centre (approx. 16km).

The site comprises six lots covering approximately 37 hectares as per Table 1 below.

LOT/DP	ADDRESS	OWNER	AREA (ha)
Lot 1/ DP 249446	10 Brooks Point Road APPIN NSW 2560	Appin Farmers Pty Ltd	10.66
Lot 2/ DP 584515	14 Brooks Point Road APPIN NSW 2560	Mr G A Reid & Mrs D Reid	0.3
Lot 1/ DP 584515	20 Brooks Point Road APPIN NSW 2560	Auslands Developments Pty Ltd	1.723
Lot 3/ DP 249446	30 Brooks Point Road APPIN NSW 2560	Auslands Developments Pty Ltd	2.023
Lot 4/ DP 249446	50 Brooks Point Road APPIN NSW 2560	Appin Farmers Pty Ltd	11.2
Lot 5/ DP 249446	70 Brooks Point Road APPIN NSW 2560	Appin Farmers Pty Ltd	11.16
TOTAL			37.066 ha

Table 1: Site details



Figure 1: Location map of Brooks Point Road Planning Proposal site

There is an existing residential dwelling on Lot 14 within the site.

The eastern side of the land is characterised by two slopes converging in the centre of the site. A gradual slope with a south aspect on the north side of the site and a north aspect slope on the southern edge. The western edge of the site features native vegetation and a water course.

ATTRIBUTE	DESCRIPTION
LAND ZONE	RU2 Rural Landscape
LOT SIZE	40ha
HEIGHT	N/A
NATURAL RESOURCES – BIODIVERSITY	N/A
NATURAL RESOURCES – WATER	The site is partially mapped as Natural Resources-Water under the Wollondilly LEP 2011. This is only applicable to the riparian corridor buffer for Ousedale Creek which will not impact the proposed residential rezoning.
HERITAGE	The site does not contain any known mapped heritage items however it is proximate to two known heritage sites.
BUSHFIREPRONE LAND	The site is partially classed as bushfire prone.
FLOOD PRONE LAND	The site is not identified as flood prone.
MINE SUBSIDENCE	The site is located within the Appin Subsidence District.
CUMBERLAND PLAIN CONSERVATION PLAN (CPCP)	The site is affected by the CPCP and is part certified at a State level. Federal sign off is still pending.

Table 2: Current Site Attributes

Description of Proposal

The objectives of the draft Planning Proposal are to:

- Facilitate the residential development of the Greater Macarthur Growth Area
- Establish minimum lot sizes for the residential subdivision to provide a mix of allotment sizes and orientation
- Enable the potential to support 250 residential lots
- Respond to the environmental character of the site

To implement these objectives, the draft proposal seeks to make the following amendments to Wollondilly LEP 2011:

- Rezone from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation.
- Amend the minimum lot size from 40ha to between 250m² and 450m² for the proposed R2 Low Density zone and maintain the 40ha minimum lot size for the proposed C2 Environmental Conservation zone.
- Amend the height of building map to include a maximum building height of 9m to facilitate two storey residential development.
- Two additional permitted uses for a reticulated sewer and stormwater system within the C2 Environmental Conservation zone.
- Provide a local park within the C2 Environmental Conservation zone.

A detention basin, gross pollutant trap and bioretention facility to address water quantity and quality management requirements are proposed to be constructed and contained within public open space or drainage reserve, as determined by Council. There has been Planning Agreement submitted in support of the draft Planning Proposal for the dedication of any land, as required by Council's Land Dedication Policy.



Figure 2: Current zone vs proposed land use zone map

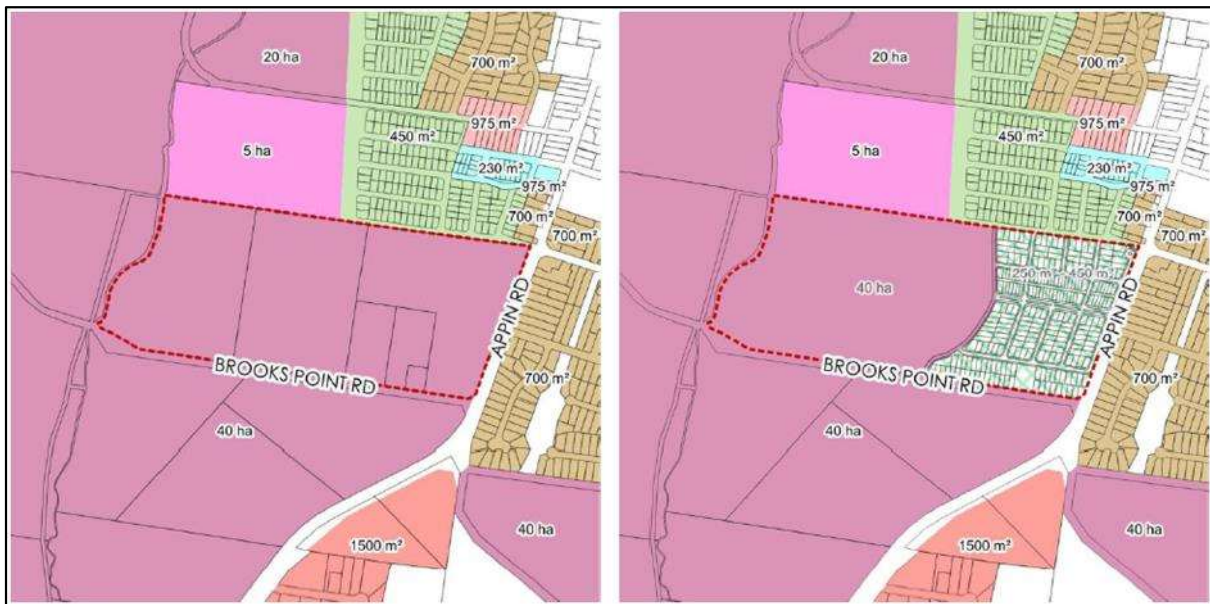


Figure 3: Current Minimum Lot size map vs proposed (250m² - 450m²)

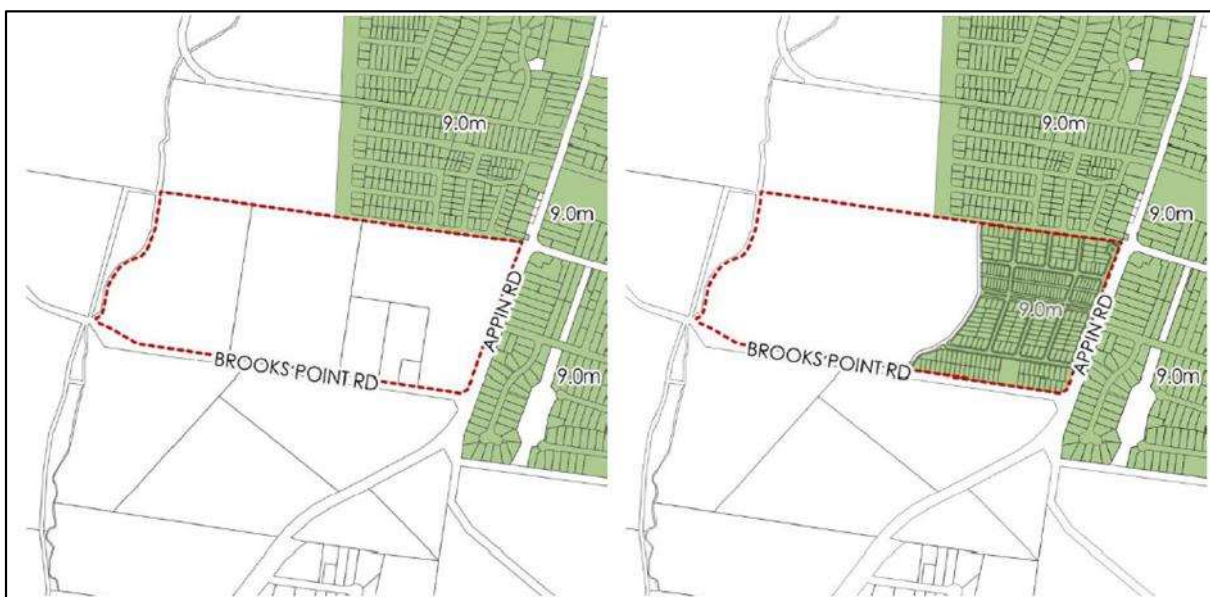


Figure 4: Current building height map vs proposed

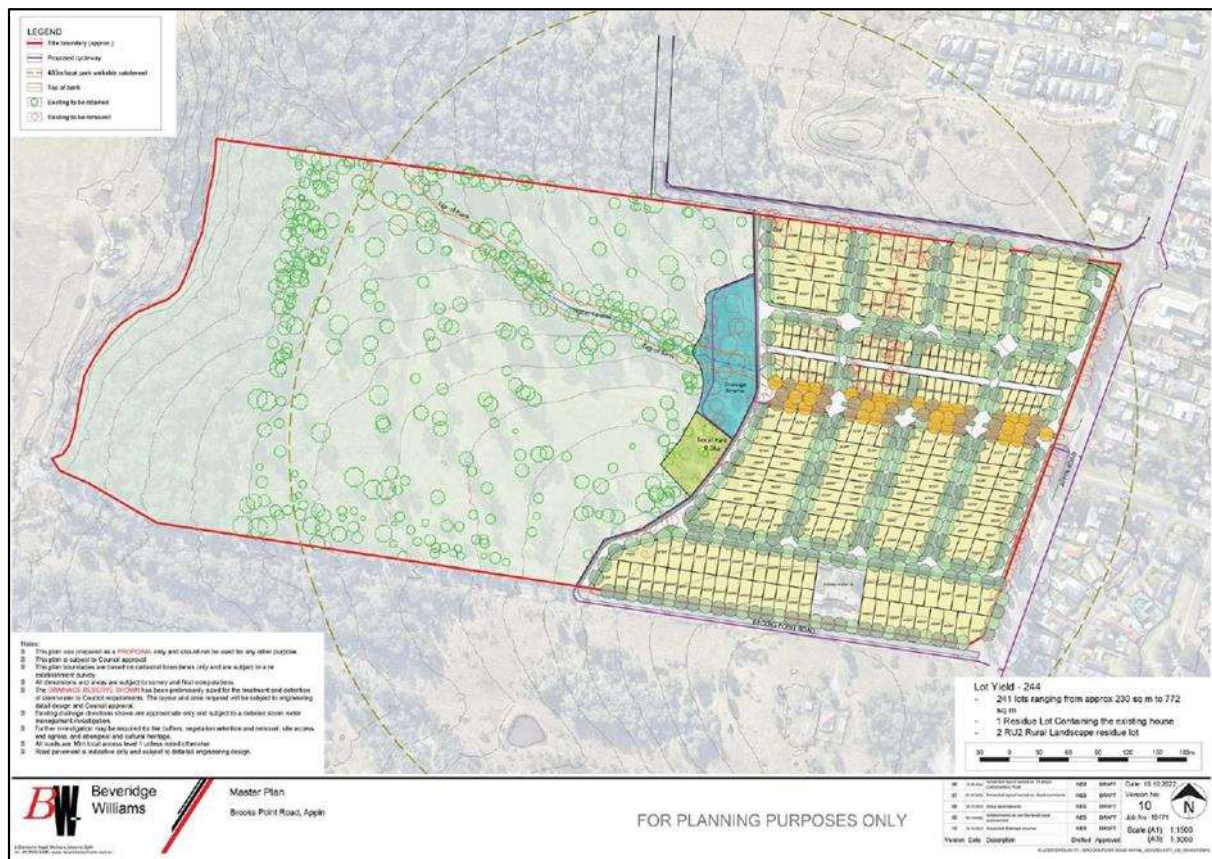


Figure 5: proposed master plan with indicative lot arrangement

PLANNING CONTEXT

Although currently subject to Wollondilly LEP 2011, the site is located within the Greater Macarthur Growth Area (GMGA). The draft proposal, as submitted, seeks to rezone the site under Wollondilly LEP 2011. Should the proposal proceed, it would be appropriate for the site to progress as an amendment to *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (Precincts SEPP) to facilitate the urban development of the site. This is the process being undertaken for other Planning Proposals to rezone land within the GMGA, which are currently being assessed by the Department of Planning and Environment as state-assessed planning proposals.

This approach would see the site removed from Wollondilly LEP 2011 and zoned under the Precincts SEPP.

Consideration of the draft proposal needs to have regard to the broader planning for the GMGA, particularly infrastructure planning for total cumulative growth, road network, community facilities, services and social infrastructure.

A summary of the draft proposal against the strategic planning framework is provided below. A full assessment is provided at **Attachment 2**.

Greater Sydney Regional Plan

The draft proposal is generally consistent with the following themes and supporting directions of the Greater Sydney Regional Plan; Infrastructure and Collaboration; Liveability; Productivity and Sustainability.

Western City District Plan

The draft proposal is generally consistent with the Western City District Plan, with the exception of the following planning priorities:

- *W1 - Planning for a city for a supported by infrastructure and W3 - Providing services and social infrastructure to meet peoples changing needs*

These priorities suggest a well-connected city supported by infrastructure, however the draft proposal lacks consideration for the longer-term cumulative burden on the existing road network. While contributing to infrastructure demand, the draft proposal relies on other developers/proposals to deliver infrastructure such as road upgrades and deliver lead in services. The draft proposal will require further work in this space should it be determined to progress and not be reliant on other landowners to deliver critical infrastructure.

- *W20 - Adapting to the impacts of urban and natural hazards and climate change*

This priority warns against placing developments in hazardous areas or increasing the density of development in areas with limited evacuation options increases risk to people and property. The draft proposal is likely to require further work in this space should it be determined that is will progress.

Greater Macarthur 2040: An Interim Plan for the Greater Macarthur Growth Area (2018)

The draft proposal is generally consistent with the following plans:

- Greater Macarthur 2040
- Guide to Greater Macarthur Growth Area 2022
- The updated structure plans in the Guide to Greater Macarthur Growth Area 2022,

The Cumberland Plain Conservation Plan

The Cumberland Plain Conservation Plan (CPCP) mapping and extent of the proposed C2 Environmental Conservation zone appears to be consistent.

The proponent sought advice from the Department of Planning and Environment on the uses permitted with the conservation land. The advice stated that where the C2 Environmental Conservation zoned land is outside a koala habitat corridor, the permitted land uses in the C2 Environmental Conservation zone under Wollondilly LEP 2011 are considered acceptable, with the following additions:

- Building Identification Signs;
- Business Identification Signs;
- Eco-tourist Facilities;
- Information and Education facilities;
- Roads;
- Kiosks;
- Recreation Area;
- Water Supply System.

However, the proposed C2 Environmental Conservation zoned area 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.

Inclusion of sewage reticulation systems (pumping station) and a drainage detention basin structure as additional permitted uses in the proposed C2 zoned areas do not align with the objectives and aims of the CPCP identified land. The local park within the proposal is a 'recreation area' land use and it is not a permitted use in the C2 zone under Wollondilly LEP 2011.

The local park within the C2 zone would not be appropriate in this location given the environmental values of the land identified in the CPCP. Any local parks would need to be located outside the C2 zone and within the urban development footprint and certified land.

It is noted that the Environment and Heritage Group in their submission expressed that they do not consider drainage reserves or basins and local parks to be consistent with objectives of the C2 zone, the CPCP or Ministerial Direction 3.6.

As such, the draft proposal is inconsistent with the planning controls of the CPCP.

Wollondilly 2040 - Local Strategic Planning Statement (2020)

The draft proposal is inconsistent with Wollondilly's LSPS Planning Priority 3 Establishing a framework for sustainable managed growth. Council's position is that without the early identification, planning for and commitment to infrastructure in Appin, any planning proposals would be inappropriate. It is noted however that the Precincts SEPP does identify Appin as a release area.

State Environmental Planning Policies

The draft proposal is consistent with all applicable State Environmental Planning Policies, with the exception of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP). The additional uses proposed in the C2 Environmental Conservation zone do not align with the intent of core koala corridors and key habitat.

The draft proposal aligns and gives action to the Precincts SEPP, being located in the Greater Macarthur Growth Area (GMGA) as shown in the GMGA Precinct Boundary Map. With specific reference to the GMGA precinct structure plan, the draft proposal is consistent with the area identified for urban development purposes.

Ministerial Directions

The draft proposal is generally consistent with the Section 9.1(2) Ministerial Directions.

Ministerial Directions that require further advice or refining should the proposal process include the following:

- 3.1 Conservation Zones
- 3.6 Strategic Conservation Planning
- 4.3 Planning for Bushfire Protection

The draft proposal seeks to zone land for environment conservation/protection purposes in a LEP, however seeks to reduce the conservation standards that apply to the land with additional uses proposed including a local park and stormwater drainage reserve.

It is not evident that the impact of the draft proposal satisfies the directions above that apply to avoided land identified under the Biodiversity and Conservation SEPP. Similar advice has been received from Environment and Heritage Group which is discussed further below and at **Attachment 4**.

Issues regarding evacuation have been addressed in isolation and are unlikely to address risk of evacuating the broader expected population. Further work would be needed including consultation with Rural Fire Service.

Consultation

As part of our commitment to early engagement with the community and other stakeholders, preliminary notification has been undertaken in accordance with Council's adopted Community Participation Plan and Planning Proposal Policy. The draft proposal was exhibited for 28 days from 22 February 2023 to 22 March 2023.

The consultation documents were published on Council's engagement platform, Your Say Wollondilly, along with supporting information.

In particular, community and stakeholder engagement were encouraged through:

- Public notification in local newspaper District Reporter
- Notification to relevant public authorities in writing
- Notification letters were sent to all affected landowners and occupants
- Hard copies of the draft planning proposal were available for inspection at Wollondilly Library and Council's administration building and the Wollondilly Wanderer
- Promotion through Facebook posts on Council's Facebook page

In total the preliminary notification received 61 submissions. This includes both community and public agency submissions.

Community Consultation

There were fifty-two (52) community submissions during the preliminary notification period. All community submissions were not supportive of the planning proposal. The Facebook post on 22 February had 2,524 engagements (clicks, likes/reactions, comments, shares etc).

The key messages heard through this process included:

- The lack of adequate infrastructure including schools and roads
- High levels of traffic congestion that currently exist
- The impact of "tiny lots" on the rural character of Appin
- Concern for the environmental impact of development
- The implications of increased development on evacuation routes and capacity to facilitate adequate evacuation
- Concerns around the emergency service response times
- The lack of discussion around cumulative impact of all future development in Appin currently being considered

Key needs identified by the community submission included more Infrastructure:

- Road upgrades and new roads
- Local Parks
- Shops for growing community
- Community Facilities for growing community
- Need for a local high School
- Need for Hospital services

- Stormwater/ drainage
- Sewerage management
- Issues with existing water pressure
- Electricity / power outages
- Public transport options are limited

Submissions expressed concern that the 250m² and 450m² lots are too small and that they would through this development lose small town feel. The lot sizes proposed do provide a diversity in housing supply options however given the concerns raised, interface treatments should be considered in the design with larger lots that front Appin Road transitioning to smaller lots. This would be an area for further refinement should the planning proposal be supported and progress.

There was also concerns that the development would impact koala habitat, native flora and fauna on the site and possibly impact on the Ousedale Creek via reduced water quality due to proximity to development.

In regards to bushfire and evacuation the submissions highlighted the threat to the safety of the community associated with the lack of road options should mass evacuation be necessary.

Evacuation calculations should consider the local businesses, the mines, livestock, additional development proposals on top of the existing residents. The times expressed to evacuate were deemed unsafe and unreasonable.

There were additional concerns raised around the emergency response times for health emergency services as well as crime incidents noting that increased development requires adequate support services.

The full summary of community submissions can be found at **Attachment 4**.

Public Agency Consultation

Public agency consultation at the preliminary assessment stage is undertaken on a case by case basis and is not mandated in Council's Planning Proposal. Public agency submissions form an important part of the assessment as they are the owners and practitioners of technical servicing information. The relevant agencies must be satisfied that a draft Planning Proposal does not have an adverse impact on the capacity for them to service the site and surrounding area, in order to proceed.

Council's Resolution (153/2022) of 28 June 2022 notes that in the event that public agencies are unable to meet their obligations to provide a response on draft Planning Proposals, that the proposal be assessed as if it is not supported by the agency.

Nine (9) public agencies responded to the referral request with 3 agencies not providing a response.

The agencies below provided feedback:

- the Department of Planning and Environment
- Environmental Protection Authority
- Transport for NSW
- Heritage NSW
- Water NSW
- Environment and Heritage Group
- Subsidence advisory NSW
- State Emergency Service

- Sydney Water

The agencies below are assessed as not supporting the Planning Proposal because no response was received by Council:

- NSW Rural Fire Service
- Schools Infrastructure NSW
- South Western Sydney Local Health District (SWSLHD) Population Health

The full summary of public agency submissions can be found at **Attachment 4**.

Key Issues

Council officers have identified a number of key issues that need to be explored should the draft Planning Proposal be supported to proceed to Gateway Determination or become the subject of a Rezoning Review. These respond to issues raised in community and public agency submissions and council officer's assessment of the draft proposal.

A summary of these issues is identified below.

Outstanding community issues

The following actions respond to issues arising from community consultation that require consideration should the proposal be supported to proceed to Gateway Determination or become the subject of a Rezoning Review.

1. Further communication with Sydney Water would be needed to ensure the site can be serviced, should the proposal proceed. Noting no submission was received by Sydney Water.
2. Further work is required into the calculations used for the modelling of bushfire evacuation, to determine the integrity of the study.
3. Rural Fire Service would need to be consulted if the proposal progressed as no submission was received.
4. Proponent to undergo further investigation into the necessary work required to facilitate electricity supply for a significant urban residential development, should the proposal progress.
5. Conditions in relation to mine subsidence would need to be adopted should the proposal progress.

Outstanding public agency issues

The following actions respond to issues arising from public agency consultation that require consideration should the proposal be supported to proceed to Gateway Determination or become the subject of a Rezoning Review. These actions should be considered in addition to those identified as part of the community submission process.

1. Plans by proponent to upgrade Brooks Point Road and Appin Road need to be clarified and re-referred to TfNSW
2. Further work would be required by the proponent to deliver active transport and connectivity on Appin Road between Church Street to Brooks Point Road to the existing village
3. Further work would be required by the proponent to explore the modelling as set out in the TfNSW submission including:
 - a. Clarification will need to be sought from the applicant should the proposal progress regarding whether the existing Brooks Point Road intersection with Appin Road is proposed to be retained

- b. The transport report prepared by the consultant would need to be updated to address the TfNSW comments regarding traffic volumes presented should the proposal progress. The concern is that the transport report is modelled based of development assumptions of key infrastructure that does not have a confirmed delivery date. It was noted that Chapter 4.4 (Table 4.3) indicates that the Bulli-Appin Road/Church Street intersection was modelled as a single lane roundabout which currently does not have a confirmed delivery timeline and is dependent on being delivered by the adjoining development in the future
 - c. Should the proposal progress the transport report prepared by the consultant would need to be updated to address the TfNSW comments regarding the post development SIDRA modelling
- 4. TfNSW raised road safety concerns with the relocated Brooks Point Road (site access) forming a staggered four-way intersection with Toggerai Street. Further work is needed to model the different safety concerns associated with the proposed staggered four-way intersection and a standard four-way intersection without any offset
- 5. Should the proposal progress the transport report prepared by the consultant would need to be updated to address the TfNSW comments referencing what future year has been assumed for the 100% completion of the development. The future horizon year should be specified to estimate future traffic volumes (with/without development) by adopting appropriate annual background traffic growth
- 6. The proponent will need to update the planning proposal to address what impacts, if any the proposal will have on these proximate Heritage items of State and local heritage significance referencing 'Appin Massacre Cultural Landscape' (SHR 02067) and the 'Windmill Hill Group, including Ruins' (SHR 01931) listed on the State Heritage Register and listed as 'Windmill Hill Group—Brennan's Farm, Larkin's Farm and Winton's Farm' (LEP Item No. 117)
- 7. The proponent will need to address the heritage assessment work that has not yet been conducted over other parts of this area where there may be a risk that interconnected heritage values across this land have not yet been considered
- 8. Future development will need to ensure no impact on the Upper Canal including increase stormwater runoff
- 9. Clarification will need to be sought from the applicant regarding who is to own and manage the C2 Environmental Conservation zone should the proposal progress
- 10. Further work would be required to address the shortcomings identified in Water NSW submission regarding the proposal being premature given the extent of other rezoning occurring in the Appin area and as the sequencing and servicing for the site appears dependent on the Walker development immediately north which was rezoned in 2020. That site is currently undeveloped, and it appears that the water and sewer servicing arrangement has yet to be finalised
- 11. Further work would be required to address the shortcomings identified in Water NSW submission regarding the proximity of the pumping station to the proposed stormwater basin and raingarden. Further investigation into whether the proximity of the two features risk mobilisation of sewerage if there are overflows from the pumping station
 - o Greater separation distances may be needed in which case a greater land area of 'drainage reserve' (or SP2 zoned land) may be required. This work cannot be in isolation of the issues around the permissibility of the works in the C2 Environmental Conservation land and the CPCP and its requirements.
- 12. Further work would be required regarding the southern area of the proposed residential land where it does not appear to have basins or raingardens allocated. Noting that additional stormwater management measures may be needed to service the proposed residential land south of the gully

13. Amend the Plans in accordance with the CPCP so that the proposed drainage reserve, recreation area, sewage pump station, and any other infrastructure works associated with the proposed residential development are relocated to be wholly contained within certified - urban capable land. It is also noted that the local park proposed is too small for the expected population. The proposal does not meet the conditions of Council's adopted Land Dedication Policy:
 - The scale of the land dedication is appropriate to the location and the relevant population that will use it
 - That parks shall have the following minimum dimensions: Area: 5000m²
 - The quantity of open space should be looking for benchmark of 2.83ha/1,000 people in respect to this proposal this would result in approximately 1.9ha of open space
14. Further work would be required to address the shortcomings identified in EHG submission relating to adequately considering and addressing the impacts to koala habitat. Appendix E of the CPCP identifies several mitigation measures to address impacts to Koalas including but not limited to the following:
 - a. Design subdivision layout including perimeter roads and asset protection zones should reduce impacts on and protect areas of koala habitat
 - b. Dog-proof fenced areas are to be designated within open space and public recreation areas
 - c. Dog-proof fencing is a design requirement for each residential lot in accordance with Council requirements
 - d. Signpost areas adjoining koala habitat with signage indicating koalas are in the area, the permitted/prohibited activities, and associated penalties that apply for non-compliance
15. Proponent to prepare a flood impact and risk assessment
16. The Risk Assessment should be updated with regard to SES comments on evacuation and flash flooding on access and egress routes
17. EHG noted that the masterplan on exhibition is inconsistent with the description of proposal outlined in the planning proposal report. The masterplan should be amended to accurately reflect the proposal
18. The structure plan should demonstrate alignment updated Greater Macarthur Growth Area Structure Plan released in November 2022
19. The final and annual growth data is to be provided to Sydney Water to provide robust servicing advice in relation to the demand and to investigate the potential for staged servicing to meet timescales.
20. To service the development, the developer will need to construct a lead-in main connecting to the existing DN300 at the corner of Toggerai Street and Burke Street.
21. The proposed drinking infrastructure for this development needs to meet the configuration requirements as per the WSAA code and be provided to Sydney Water for review.
22. As the flow from this development cannot gravitate, a pumping station needs to be constructed to pump flow to a DN225 sewer main that will be constructed as part of Stage 1 Appin South.
23. The pumping station and rising main are required to be constructed before this development can be served.

24. Further work is required to determine the delivery given servicing the development is dependent upon completion of sewer mains works by Walker Corporation therefore the proponent is to consult with Walker Corporation.

Outstanding council officer issues

The following actions respond to issues arising from community consultation that require consideration should the proposal be supported to proceed to Gateway Determination or become subject to a Rezoning Review. These actions should be considered in addition to those identified as part of the agency and community submission process.

- There is no land use and infrastructure plan for the area (Greater Macarthur LUIP is still in interim form), no strategy for the staging, sequencing and funding of critically enabling infrastructure from the State or State Agencies (Staging and Sequencing Plan and a Special Infrastructure Contribution), no regional transport model and no longer-term regional utilities and servicing plan
- The planning proposal and others will impact on and need to contribute to the funding of critical infrastructure including:
 - The provision of the north-south transit corridor
 - Full upgrade of Appin Road to Campbelltown and Wollongong
 - Outer Sydney Orbital Stage 2
 - Road connection between Appin and Wilton
 - Access to the Hume Highway and employment area
 - Schools
 - Water and sewer
- No rezoning should proceed until the above plans and strategies are in place to fund critical infrastructure with all planning proposals for growth within Greater Macarthur having contributed to the demand and delivery of key infrastructure
- Treatment of the intersection must resolved precinct wide transport outcomes
- Access to Wilton Road should be rationalised and reduce the number of intersections in close proximity to the Appin Road (State) network
- As a growth area, the development generates demand for playing fields and local parks and community facilities
- Environmental lands are not appropriate for any open space or storm water uses
- Stormwater facilities must not encroach upon open space or environment land
- Preparation of a Contributions Plan and/or consideration of a Planning Agreement will be charged in accordance with Council's adopted fees and charges
- The Comprehensive Social and Health Impact Report (CSHIR) is not adequate for determining the likely social and health impacts of the proposal or for guaranteeing that adequate mitigations will be in place for negative impacts. This inadequacy needs to addressed prior to progressing. It fails to:
 - Include input from the affected community
 - Identify examples of similar changes (including impacts likely to affect minority groups, different ages, income and cultural groups and future generations)
 - Identify the relative equity of some impacts
 - Provide a full description of the measures proposed to mitigate all negative impacts

- The Social and Health Impact Report would be used to deliver a site-specific DCP to ensure that adequate mitigations are guaranteed prior to finalisation of the proposal. Such a DCP 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.
- There is no current Sydney Water feasibility assessment for potable water or wastewater supporting the planning proposal
- Council is advised that there are currently no connections available to the subject site for either reticulated potable water or wastewater
- Further consultation with Sydney Water is required to clarify servicing and capacity
- The 241 dwellings across the site are expected to increase the Appin population by approximately 747 people
 - The proposal includes a park 3,000sqm – this is undersized for the development
 - The local park which would need to be dedicated to Council does not meet Council's Land Dedication Policy in relation to size and the location with the C2 Environmental Conservation zone and on the periphery of the development.

Options for moving forward

The options to be considered are:

- OPTION 1: Resolve not to support the draft Planning Proposal as per this report. With this option there is no further action to be taken on the draft Planning Proposal other than to inform the applicant, landowners and submitters that the draft Planning Proposal has not been supported.
- OPTION 2: Resolve to support the draft Planning Proposal with the understanding of the additional actions are required before it can be submitted for Gateway determination.
- OPTION 3: Resolve to support the Planning Proposal in a different form which needs to be identified and clarified in regards to the amendments being sought.

Option 1 is the recommendation of this report.

Conclusion

The draft Planning Proposal seeks to rezone the site from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation, amend the minimum lot size and introduce a 9m building height for the for the proposed R2 zone. It also seeks to enable the inclusion of sewage reticulation systems (pumping station) and a drainage detention basin structure as an additional permitted use in the C2 zone.

The proposed C2 Environmental Conservation zoned area has 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. Any proposed uses within the C2 Environmental Conservation zone must be consistent with the objectives of the zone. If the proposal were to proceed these uses would need to be relocated to within the urban capable land.

The LSPS states Council's position that without the early identification, planning for and commitment to infrastructure in Appin, any planning proposals would be inappropriate. This Planning Proposal does not provide an indicative infrastructure plan nor does it look at the cumulative development occurring in Appin.

There are a number of areas that require further work should they progress these will need to be addressed should the application be supported by Council or proceed at a later stage.

The proposal has been presented in isolation of the overall expected growth in Greater Macarthur, there is no plan for the delivery of infrastructure and relies heavily on other developers securing lead in work. There is inadequate planning for local issues such as parks and roads.

It is recommended that the Planning Proposal is not supported for progression to a Gateway Determination.

Financial Implications

Funding for this assessment of the planning proposal has been covered by the operational budget, with income from Councils adopted planning proposal fees and charges.

ATTACHMENTS

1. **Attachment 1_ Brooks Point Road Appin Planning Proposal _ PP-2022-4330- 19171** 
2. **Attachment 2 _ Ministerial Directions_State and Local Planning policy Assessment - Brooks Point Road Appin Planning Proposal** 
3. **Attachment 3_ Table summarising Community and Stakeholder matters raised in preliminary notification** 
4. **Attachment 4_ Table summarising Agency matters raised in preliminary notification** 