

Our Reference: 19171

18 December 2023

ACN 006 197 235
ABN 38 006 197 235

Sung Pak
Senior Planning Officer
Metro West – Planning & Land Use Strategy
Department of Planning and Environment
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Central Coast Office
Unit 4, 5 Colony Close
Tuggerah NSW 2229
Tel: (02) 4351 2233

Dear Sung

**Rezoning Review RR-2023-13 for Draft Planning Proposal (PP-2022-4330)
10-20, 30, 50 and 70 Brooks Point Road, Appin**

Wollondilly Shire Council have notified that the draft Planning Proposal (PP-2022-4330) for 10-20, 30, 50 and 70 Brooks Point Road, Appin will not be supported for the progression to Gateway Determination. As such, a Rezoning Review (RR-2023-13) has been initiated on the NSW Planning Portal.

Council's resolution from their meeting on 28 November 2023, including a response detailing how the draft Planning Proposal addresses Council's concerns, are provided below:

'That Council:

1. Note the recommendations of the Wollondilly Local Planning Panel.

The Local Planning Panel (LPP) considered the draft Planning Proposal on 1 June 2023 and recognised that the proposal has site specific and strategic merit. The Panel identified what additional information was required in order to progress the proposal to Gateway Determination. Draft Planning Proposal (Revision C) was submitted to Council on 12 September 2023 addressing the LPP's requirements in relation to ecology, traffic, natural hazards and infrastructure considerations. The Council Meeting Agenda agrees that the revised draft Planning Proposal 'has addressed the additional information requested from the Panel.' (**Council Meeting Agenda 28 November 2023, p31**)

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 at that this time no infrastructure (or funded plans for the development of the required infrastructure) is in place in the Appin growth area. Given this, this planning proposal is considered premature.

An Infrastructure and Servicing Report (ISR) and Infrastructure Delivery Schedule (IDS) were submitted to support the draft Planning Proposal. The ISR addressed roads and transport, sewer, water, gas, electricity, telecommunications and stormwater drainage, and was prepared having consideration for Feasibility Assessments obtained from Service and Utility Providers. The IDR concludes that the resultant subdivision can be serviced through the adjoining Walker Corporation development, existing infrastructure and through the provision of developer-delivery agreements. As such, the draft Planning Proposal has site specific merit and can be serviced.

4. Not progress the draft planning proposal for 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.**

The LPP and Council Meeting Minutes recognise that there is site specific and strategic merit in the Brooks Point Road site for rezoning. Council's report to the LPP (1 June 2023) and the Meeting Agenda (28 November 2023) both state that the draft Proposal is generally consistent with the *Greater Sydney Region Plan, Western City District Plan, Greater Macarthur 2040, Cumberland Plain Conservation Plan, State Environmental Planning Policies (SEPPS) and Section 9.1 Ministerial Directions*.

In relation to Wollondilly 2040, the draft Planning Proposal is generally consistent with applicable Planning Priorities, with the exception of Planning Priority 3 – Establishing a framework for sustained and managed growth. We draw your attention to the LPP Meeting Report which states that while the draft Planning Proposal is inconsistent with this Priority, 'it is located within a release area identified by the Department of Planning in the Precincts SEPP' and furthermore, 'is consistent with the area identified for urban development purposes.' (**LPP Meeting Agenda 1 June 2023 - p14**).

We also note the adjoining state led Walker Development rezoning is operational as at 15 December 2023 which provides a greater road and servicing network. While we are happy to negotiate a VPA with Council to manage developer contributions, it might be more appropriate to deal with the matter through the reformed Housing and productivity Contributions Scheme, but are happy to be guided by the Department for the most appropriate manner.

- b. Does not provide 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.**

As discussed, an IDR and IDS were submitted, along with a revised Traffic Impact Assessment, with the draft Planning Proposal to consider sewer, water and road upgrades to both local and state networks. The IDR concludes that the proposed development can be serviced through the adjoining Walker Corporation and developer-funded infrastructure upgrades.

The final Traffic Impact Assessment considered the cumulative and future assessment of the proposed development and states 'that no additional external improvements

are required to facilitate the cumulative impact of both developments beyond the road layout design as proposed. The traffic impacts of the development are therefore considered acceptable' and concludes 'the planning proposal is supportable on traffic planning grounds' (**Planning Proposal Appendix I**)

c. Adds to concerns above 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.

An Emergency Evacuation Strategy (EES) was lodged to support the draft Planning Proposal and considered evacuation risks and timeframes for the proposed development in the context of the greater Appin region. The EES concludes 'that based on the available travel paths, distances, number of egress points and travel times calculated, it is expected that an acceptable overall evacuation time can be achieved for the proposed rezoning and future subdivision.' (**Planning Proposal Appendix J**)

A Strategic Bushfire Study identifies Neighbourhood Safer Places within the existing Appin Township and that development standards prescribed by *Planning for Bushfire Protection 2019* for proposed dwellings will enable residents to shelter in place. The Study concludes that the 'proposed masterplan, in combination with the *Planning for Bushfire Protection 2019* (PFBP) measures ... will not result in areas that are difficult to evacuate, create control difficulties during a bushfire or adversely affect other bush fire protection strategies of place existing development at increased risk' (**Planning Proposal Appendix G**).'

d. Proposes to rezone land in the absence of a finalised state and local Contribution Plans to effectively levy the growth area of local infrastructure.

In the absence of a Section 7.11 Contribution Plan for Appin, development contributions could be levied under Section 7.12 Local Infrastructure provided by developer delivery agreements and the provision of a draft VPA. The matter relating to a draft VPA was not raised by Council until the final Council meeting. Nonetheless, we are happy to negotiate a VPA with Council to manage developer contributions, or if it is deemed more appropriate to manage the matter through the reformed Housing and productivity Contributions Scheme, we are equally amenable to be guided by the Department.

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.

The LPP required the Traffic Impact Assessment to consider the broader context of planned growth within Appin by utilising data from Transport for NSW Traffic and Transport Model (TMAP) for Greater Macarthur. As outlined above, the Traffic Impact Assessment which included data from Transport for NSW concludes that 'the planning proposal is supportable on traffic planning grounds (**Planning Proposal Appendix I, p28**)'

It is noted that the proposal has been identified by Wollondilly Shire Council and the Local Planning Panel as having site specific and strategic merit in that it:

- Is consistent with *The Greater Sydney Region Plan 'A Metropolis of Three Cities,'*;
- Is consistent with *Western City District Plan*;
- Is consistent with *Greater Macarthur 2040*;
- Is mainly consistent with Council's Local Strategic Planning Statement *Wollondilly 2040*;
- Is in line with key government directions for addressing the NSW housing supply shortage providing approximately 250 residential lots;
- Adjoins approved residential development;
- Acknowledges the boundary of the Cumberland Plain Conservation Plan;
- Is an extension of the Appin Village;
- Is serviceable, which will be developer funded; and
- Is consistent with agency comments.

Concerns regarding infrastructure delivery were addressed in the draft Planning Proposal and can be provisioned through developer-delivery agreements in the design and assessment of the resultant subdivision.


A copy of the Planning Proposal, including all Technical Studies is provided along with this correspondence via a DropBox link. The DropBox Folder also contains Council and LPP Agendas and Minutes; and copies of State Government Agency and Authority submissions received both pre and post lodgement.

We note that you require the draft Planning Proposal to be uploaded to the NSW Planning Portal. Issues with the NSW Planning Portal at the time of the submission of Revision C, prevented Beveridge Williams from uploading the draft planning proposal package, which Council were aware of.

To overcome the technical difficulties, the NSW Planning Portal Technical Assistance Team had recommended that we withdraw the Rezoning Review in order for us to resubmit PP Report Rev C under the original Planning Proposal application (PP-2022-4330), but we were reluctant to do so, as it may have caused further confusion. We are hoping you could assist us in resolving this issue.

We trust the information is satisfactory, but please reach out if you require and welcome the opportunity to discuss with you further.

Yours faithfully,



Kellie Hassab

Director / Manager NSW
BEVERIDGE WILLIAMS

Attachments: DropBox Link, containing:
<https://www.dropbox.com/scl/fo/xatx8ina6a16qikrra31i/h?rlkey=dl87ccqcv1zryybilomv5yu07&dl=0>

- A. Planning Proposal Rev C dated September 2023, including the following Technical Studies
 - o Appendix F – Flora and Fauna Assessment
 - o Appendix G – Strategic Bushfire Study

- Appendix H – Preliminary Site Investigation
 - Appendix I – Traffic Impact Assessment
 - Appendix J – Emergency Evacuation Strategy
 - Appendix K(1) – Aboriginal Due Diligence
 - Appendix K(2) – Tree Assessment
 - Appendix L(1) – Historic Heritage Assessment
 - Appendix L(2) – Response to Heritage NSW
 - Appendix M – Social Health and Impact Assessment
 - Appendix N – Water Cycle Management Plan
 - Appendix O – Flood Study Memorandum
 - Appendix P(1) – Infrastructure and Servicing Report
 - Appendix P(2) – Infrastructure Delivery Schedule
- B. Meeting Agendas and Minutes, including:
- Council Agenda and Minutes dated 28 November 2023
 - LPP Agenda and Minutes dated 1 June 2023
- C. State Government Agency Submissions
- D. Correspondence to Minister