



**REZONING REVIEW  
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the  
SYDNEY WESTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	27 March 2024
<b>DATE OF DECISION</b>	25 March 2024
<b>DATE OF BRIEFINGS</b>	12 March 2024 and 25 March 2024
<b>PANEL MEMBERS</b>	Justin Doyle (Chair), Sue Francis, Stephen Murray & Judith Clark
<b>APOLOGIES</b>	Philippa Frecklington
<b>DECLARATIONS OF INTEREST</b>	Wollondilly Council's two permanent local council members, Councillors Matt Gould and Blair Briggs have a conflict of interest as they considered the planning proposal (PP-2022-4330) at the council meeting of 28 November 2023 and supported the resolution to not progress the proposal.

**REZONING REVIEW**

**RR-2023-13 – Wollondilly LGA – PP-2022-4330**

10, 14 and 20 Brooks Point Road, Appin (As described in Schedule 1).

**Reason for Review:**

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported.
- ☐ The council has failed to indicate its support 115 days after the proponent submitted a request to prepare a planning proposal.
- ☐ The council has not submitted the planning proposal for a Gateway determination within 28 days of indicating its support for the proposal.

**PANEL CONSIDERATION AND DECISION**

The Panel considered the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

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The Panel considered the material listed at item 4 and the matters raised and/or observed at site inspections and briefings listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has:
  - ☐ not demonstrated strategic merit
  - ☒ demonstrated strategic merit but not site specific merit

The decision was unanimous.

## REASONS FOR THE DECISION

The Panel considered the documentation and was briefed by the Department of Planning, Housing and Infrastructure (Department) and heard extensively from Wollondilly Shire Council (Council) and the proponent, Beveridge Williams on 12 March 2024.

During Panel deliberations the planning proposal was discussed at length during which time the Panel identified that further information from the proponent and Sydney Water concerning the availability of sufficient wastewater infrastructure for the site and the wider Appin Precinct and Greater Macarthur Area was required to assess the site specific merit of the proposal proceeding at this time.

The Panel consequently deferred providing a decision on the rezoning review until it received further information from the proponent and Sydney Water.

The proponent provided supporting and clarifying information in the Beveridge Williams letter dated 18 March 2024 and attachments. Also on 18 March 2024 the Department provided a letter from Sydney Water dated 15 March 2024 which outlines updated infrastructure advice for the Appin Precinct and Greater Macarthur Area. The two letters formed the basis of the Panel's deliberations on 25 March 2024.

### Strategic Merit

The Panel agreed that the planning proposal had strategic merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Regional Plan 2056 (2018), Western City District Plan (2018), and Greater Macarthur 2040.
- Delivering housing supply is a priority issue for Sydney for all levels of Government.
- The site forms a logical extension of the Appin urban area.

### Site Specific Merit

In considering the site specific merit of the proposal the Panel noted that the proposal would benefit from further consideration in terms of biodiversity, bushfire, traffic, existing and proposed adjoining uses, and social and economic impacts.

However, the Panel noted the written advice of 15 March 2024 from Sydney Water that there was no capacity for wastewater servicing for the proposal in the next 5 to 10 years. That position is stated in the letter to be a "change to advice" to previously available. No commitment was given that adequate servicing would be available even after a 10 year period. In the context of that letter, it was not demonstrated to the Panel's satisfaction that a subdivision anticipated by the proposal could be adequately serviced for wastewater disposal. The Panel was not therefore satisfied that the planning proposal adequately demonstrated site specific merit.





In response to the issue of available wastewater servicing, the proponent referred to the Wollondilly Shire Council's development consent granted to DA/2021/144/4 for the adjoining property and associated documents. However, that material did not persuade the Panel that the issue of wastewater servicing had been sufficiently resolved when examined in the context of the advice of 15 March 2024 from Sydney Water.

Accordingly, the Panel resolved that the proposal should not be submitted for Gateway determination.

The Panel noted that the planning proposal had been considered by Council officers, the Wollondilly Local Planning Panel and the elected Council, and had not been supported for similar reasons to that outlined above.

### Planning Panels Team

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PANEL MEMBERS	
 Justin Doyle (Chair)	 Sue Francis
 Stephen Murray	 Judith Clark

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-13 – Wollondilly LGA – PP-2022-4330 – at 10, 14 and 20 Brooks Point Road, Appin
2	LEP TO BE AMENDED	Wollondilly Local Environmental Plan (LEP) 2011
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> <li>• Rezone the site from RU2 (Rural Landscape) to part R2 Low Density and part C2 Environmental Conservation;</li> <li>• Decrease the minimum lot size from 40ha to part 450m<sup>2</sup> for the R2 zone; and</li> <li>• Insert maximum building height of 9m for the R2 zone.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Rezoning review request documentation</li> <li>• Rezoning Review Briefing Report, Department of Planning, Housing and Infrastructure (Department), 23 February 2024</li> <li>• Letter and attachments from Beveridge Williams to the Panel in response to the Panel's request for further information (18 March 2024)</li> <li>• Letter from Sydney Water to the Department in response to the Panel's request for further information on infrastructure servicing for the Appin area (15 March 2024)</li> </ul>
5	SITE INSPECTIONS AND BRIEFINGS BY THE PANEL	<ul style="list-style-type: none"> <li>• <b>Site inspections were undertaken individually:</b> <ul style="list-style-type: none"> <li>○ Stephen Murray – 10 March 2024</li> <li>○ Sue Francis - 11 March 2024</li> <li>○ Judith Clark – 13 February 2024</li> <li>○ Justin Doyle used online resources</li> </ul> </li> <li>• <b>Briefing with Department of Planning, Housing and Infrastructure (DPHI): 9:30am – 10:15am, 12 March 2024</b> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Sue Francis, Stephen Murray &amp; Judith Clark</li> <li>○ DPHI staff in attendance: Murray Jay, Sung Pak, Claire Ferguson, Alexander Galea, Shruthi Sriram, Lisa Kennedy &amp; Taylah Fenning</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Infrastructure provision including advice from Sydney Water on provision water and sewerage to the site and Greater Macarthur area.</li> <li>• Voluntary Planning Agreement (VPAs) for provision of infrastructure in Greater Macarthur Growth Area.</li> <li>• State planning proposals in Greater Macarthur Growth and Appin area</li> <li>• Cumberland Plain Conservation Plan and koala habitat</li> <li>• Traffic management and emergency bushfire evacuation</li> </ul> </li> </ul> </li> <li>• <b>Briefing with Wollondilly Shire Council: 10:15am – 10.49am, 12 March 2024</b> <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Sue Francis, Stephen Murray &amp; Judith Clark</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ DPHI staff in attendance: Murray Jay, Sung Pak, Claire Ferguson, Alexander Galea, Shruthi Sriram, Lisa Kennedy &amp; Taylah Fenning</li> <li>○ Council representatives in attendance: Edith Barnes, Max Strassmeir, Lachlan Speechley, Adam Hogan and Martin Cooper</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Infrastructure servicing – sewerage and water</li> <li>• Evacuation planning for bushfires and traffic management planning. Transport modeling and potential road upgrades.</li> <li>• Cumulative impact of housing – master planning and Appin Precinct Structure Plan including the dwelling cap.</li> <li>• Subdivision development of site to the north (Walker land). Lodgment of development applications.</li> <li>• Status of Voluntary Planning Agreements (VPA) for the site – potential State VPA for infrastructure and council VPA for open space</li> </ul> </li> <li>● <b>Briefing with Beveridge Williams (Proponent):</b> 11:00am – 11:48am, 12 March 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Sue Francis, Stephen Murray &amp; Judith Clark</li> <li>○ DPHI staff in attendance: Murray Jay, Sung Pak, Claire Ferguson, Alexander Galea, Shruthi Sriram, Lisa Kennedy &amp; Taylah Fenning</li> <li>○ Proponent representatives in attendance: Kellie Hassab, Peta Cameron, Charles Gulotta &amp; Michael Gordon</li> <li>○ 11.32pm – 11.48am Council representatives in attendance: Edith Barnes, Max Strassmeir, Lachlan Speechley and Martin Cooper</li> <li>○ Key issues discussed: <ul style="list-style-type: none"> <li>• Infrastructure servicing – sewerage and water</li> <li>• Cumulative impact of housing – master planning and Appin Precinct Structure Plan including the dwelling cap.</li> <li>• Agreement with subdivision development to the north (Walker land) for the provision of water and sewer infrastructure to be extended to the site. Approved development application</li> <li>• Advice from Sydney Water that both can be serviced through the Walker land application.</li> <li>• Evacuation planning for bushfires and traffic management planning.</li> </ul> </li> </ul> </li> <li>● <b>Panel Discussion:</b> 11:48am – 12:10pm, 12 March 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Sue Francis, Stephen Murray &amp; Judith Clark</li> <li>○ DPHI staff in attendance: Murray Jay, Sung Pak, Claire Ferguson, Alexander Galea, Shruthi Sriram, Lisa Kennedy &amp; Taylah Fenning</li> </ul> </li> <li>● <b>Panel Discussion:</b> 4.16pm – 4.36pm, 25 March 2024 <ul style="list-style-type: none"> <li>○ Panel members in attendance: Justin Doyle (Chair), Sue Francis, Stephen Murray &amp; Judith Clark</li> <li>○ DPHI staff in attendance: Murray Jay, Alexander Galea, Shruthi Sriram, Lisa Kennedy &amp; Taylah Fenning</li> </ul> </li> </ul>
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