



11 October 2024

Chief Executive Officer
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

Attention: Max Strassmeir, Senior Strategic Planner - Growth

Dear Max,

PP-2023-2614 PLANNING PROPOSAL – APPIN (PART 2) PRECINCT

1. We refer to the above Planning Proposal and to Wollondilly Shire Councils (the Council) correspondence on 5 June 2024.

1. *Current referral from Sydney water has no sewer and drinking water capacity – this will need to be amended by Sydney water.*

We enclose correspondence from Sydney Water to Council confirming the site can be serviced. Further, we enclose correspondence from CoNexa confirming the site can be serviced via an alternate strategy.

2. *Transport for NSW referral; “TfNSW recommended that the Appin (part) 2 Precinct Proposal not be considered by the Council until the TMAP SVPA are publicly exhibited and receive final approval from the Relevant Planning Authority”. As you are aware, Council staff have not been involved in the entire process, and the TMAP directly impacts Council roads, and it wouldn’t not be appropriate to support any proposal until Council has had an opportunity to review and provide comment on the likely significant financial and asset impact.*

The development of the Appin (part 1 & 2) Precincts will involve either the removal, realignment, augmentation and/or reconstruction of all existing local roads within the Precinct. The Council's Draft *Appin Growth Area Contribution Plan* specifically states that internal collector roads have not been included in the *Contribution Plan* and apportions responsibility to individual developers.

Works to State roads will either be a component of a *State Planning Agreement* or be funded by the *Housing and Productivity Contribution*.

As the Council is aware we have submitted *Draft Letters of Offer* to enter into the *State Planning Agreements* to the DPHI. The *Offers* detail the scope of regional roads proposed to be delivered by the proponent in connection with the development of the Appin (Part 1 & 2) Precincts.

We expect that the exhibition of the *State Planning Agreements* will be conducted independently of this Planning Proposal however this is a matter for DPHI to determine.

A *Draft Letter of Offer* to enter into a *Local Planning Agreement* has been submitted to the Council and details the scope of local roads proposed to be delivered by the proponent in connection with the development of the Appin (Part 1 & 2) Precincts.

3. *Finalisation of the TMAP – noting it requires some form of public exhibition, and input from Council as noted above.*

We enclose correspondence from Transport for NSW confirming endorsement of the TMAP in May 2024 as a precursor to finalise the PSP. We have been advised by the Council that DPHI has issued the TMAP to the Council.

The TMAP will form part of the *State Planning Agreements* thus we understand that the Councils request for public exhibition of the TMAP will be fulfilled through the exhibition of the *State Planning Agreements* however this is a matter for the DPHI to determine.

4. *Finalisation of the Precinct Structure Plan (PSP) – Comments being provided to DPHI this month, but may require further feedback based on the TMAP provided to Council informally by DPHI last week.*

DPHI are finalising the Precinct Structure Plan for the Appin (Part) Precinct (PSP1) and have sought input from the Council. PSP1 encompasses only the land that has been rezoned and does not include this Planning Proposal site.

A Draft Precinct Structure Plan for the Appin (Part 2) Precinct (PSP2) forms part of this Planning Proposal and seeks to expand the land application area of PSP1 to include this site.

We submit an amended PSP2 that responds to matters raised in the public and agency submissions that is sufficient to progress the Planning Proposal to Gateway Determination. We note that the Appin (Part) Precinct Plan (under the WPC SEPP) will ultimately apply to the site and does not envisage any PSP be finalised until prior to the granting of development consent.

We expect the inclusion of provisions to amend PSP1 to include this site will form a condition of any rezoning.

5. *Exhibited Draft Development Control Plan (DCP) but may require further feedback based on the TMAP provided to Council informally by DPHI last week.*

DPHI are finalising the Development Control Plan for the Appin Growth Area and have sought input from the Council.

The Draft Development Control Plan is consistent with the endorsed TMAP.

The DCP includes provisions relevant to this Site and will ultimately only require a new Schedule be appended that relates to this Site.

We respectfully submit to the Council that the status of the DCP does not preclude progressing the Planning Proposal to Gateway Determination as the Appin (Part) Precinct Plan (under the WPC SEPP) will ultimately apply to the site and requires only that the DCP be finalised prior to the granting of development consent.

We expect the inclusion of provisions to prepare a Schedule to the DCP will form a condition of the Gateway Determination.

6. *Exhibited State Planning Agreement (SPA).*

As the Council is aware we have submitted *Draft Letters of Offer* in June 2024 to enter into the *State Planning Agreements* to the DPHI. The *Offers* detail the scope of regional roads proposed to be delivered by the proponent in connection with the development of the Appin (Part 1 & 2) Precincts.

We expect that the exhibition of the *State Planning Agreements* will be conducted independently of this Planning Proposal however this is a matter for DPHI to determine.

We have agreed with DPHI and the Council that the exhibition of the *State Planning Agreements* will be conducted independently of this Planning Proposal and are targeting November 2024.

7. *Master planned dwelling distribution across the entire 'west Appin' area noting the 15,000 dwelling cap for the area and the existing capacity utilised by Appin Part 1. This is a significant matter for Council, leaving a significant swath of fragmented land ownership unable to develop for urban proposed beyond significantly large rural sized blocks.*

The GMGA 2040 interim plan assumed a dwelling potential of 15,000 homes for the Appin Precinct. The Appin (Part) Precinct has been rezoned for a maximum of 12,900 homes and this proposal seeks an additional maximum of 1,312 homes. The GMGA 2040 interim plan states that yield and capacity is to be refined at Precinct Planning stage.

The Planning Proposal presents a Draft Precinct Structure Plan that accommodates an additional 1,312 dwellings beyond the maximum provided for within the Appin (Part) Precinct. The Planning Proposal is accompanied by supporting reports that document the required infrastructure to accommodate these dwellings. Further, the endorsed TMAP indicates that the capacity of the Appin Precinct is greater than the original potential 15,000 homes. The dwellings per hectare range identified in the planning proposal studies and the draft DCP also suggest a capacity beyond 15,000 dwellings if the maximum range is applied.

Notwithstanding, Sydney is in the midst of a generational housing supply crisis. Housing is now recognised as a critical issue of State and National importance.

The NSW Government's work to unlock infill housing supply with immediate proximity to transport nodes is commendable. However, NSW will not achieve nor maintain 75,000 homes each year through infill housing alone. The fact is that infill housing is unlikely to deliver any meaningful contribution to NSW housing supply in the short to medium term.

Letters of Offer to enter into the *State Planning Agreements* and a *Local Planning Agreement* have been submitted to DPHI and the Council respectively. The *Offers* detail the scope of regional and local infrastructure proposed to be delivered by the proponent to support the proposed dwelling yields within both the Appin (Part) Precinct and the Appin (Part 2) Precinct.

In the context of the Planning Agreement offers, the imposition of the Housing & Productivity Contribution, and given the requirements of the Appin (Part) Precinct Plan to ensure that the necessary arrangements have been made for utilities and infrastructure prior to the granting of development consent, we respectfully submit that it is no longer necessary to impose a density cap.

Notwithstanding, the Council should resolve the capacity of other land holdings with DPHI having regard to the infrastructure required to support those land holdings.

The Planning Proposal report has therefore been amended to request Clause 4.3A Residential Density of the Appin (Part) Precinct Plan be amended to delete the dwelling cap as the relevant State and Local Planning Agreements will manage yield consistent with agreed infrastructure scope and delivery.

4.3A Residential density

~~(1) Development consent must not be granted to development resulting in more than 12,900 dwellings in the Appin (Part) Precinct.~~

(2) *The density for development for the following purposes must be...*

8. *Removal of the proposed local centre to align with the Greater Macarthur Structure plan as this centre will significantly impact the existing Appin Village. This is non-negotiable for Council given the significant likely impacts on Appin Village. We assume this is also tied in to the TMAP which will need to be amended.*

The Appin & North Appin Precincts should provide for a higher order centre to service the broader Greater Macarthur Growth Area. The North Appin Planning Proposal provides for a Neighbourhood Centre. The Local Centre has been appropriately sited within the Proponents land at the intersection of the Transit Corridor and East-West Connector Road.

The Draft *Appin Growth Area Contribution Plan* prepared by the Council provides for a Local Centre in this location and is consistent with the Draft Precinct Structure Plan lodged with the Planning Proposal.

Additionally, an appropriate planning pathway would be to ensure that the most suitable location for a Local Centre would be to locate it on a larger landholder parcel with key transport connectivity, rather than smaller landholders.

Notwithstanding, the location of the Local Centre is a land use matter that doesn't impact the principle changes sought to the planning instrument (i.e. land application, land use zone, lot size, transport corridor, residential density).

However, we recognise that despite the PSP not requiring finalisation for the rezoning to be completed, we have lodged the Draft Precinct Structure Plan with the Planning Proposal, and the location of the Local Centre is a key matter for consideration in this assessment.

We therefore enclose a Centres Assessment prepared by Location IQ supporting the location of the Local Centre and indicating no anticipated impact on the existing Appin Village or Wilton Strategic Centre.

9. *Further Aboriginal Cultural Heritage Assessment, as requested by the Heritage group.*

An Aboriginal Objects Due Diligence Assessment has informed the proposal and is the appropriate level of assessment required at this stage. An Aboriginal Cultural Heritage Assessment will be undertaken to inform future Development Applications.

10. *Update acoustic report, as requested by the EPA and Council.*

The Acoustic Assessment has assessed the noise impacts from these sources and provided a preliminary solution. The proponent will undertake further noise analysis and meet with the operators of the Appin Power Station and Appin Coal Mine to determine the feasibility of any proposed mitigation measures as part of the preparation of the future Development Applications.

11. *Detailed site investigation in response to findings of the Preliminary report.*

Local Planning Direction 4.4 requires the Planning Proposal Authority consider a preliminary investigation.

A preliminary investigation has been undertaken, concludes that the site may be made suitable for the intended land uses, and satisfies *Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021* and the *Contaminated Land Management Act 1997 (CLM Act)*.

A Detailed Site Investigation will be undertaken to inform any future Development Application when consent is sought for the carrying out of development that will change the use of the land. Should the DSI identify contamination that is required to be remediated then a Remediation Action Plan will be prepared.

12. *Additional Flood report (Hydraulic flood assessment) to ensure flood affected land is zoned appropriately.*

The nature of the Site is such that the development catchments will drain directly to Elladale Creek and Ousedale Creek. The Flood Study mapping shows that flooding within these creeks is well contained within the riparian corridors and the site will not be impacted during a major flooding event and the Water Cycle Management Strategy mitigates water quality and quantity outcomes.

13. *Clear planning to ensure that most proposed community assets are located on Walker land, rather than smaller landholders. This will be flagged through Councils submission on the DCP and Structure Plan comments to DPHI.*

Council has recently exhibited the Draft *Appin Growth Area Contribution Plan*.

The role of the Contributions Plan is to ensure that land in the most appropriate location is reserved for local infrastructure and provide a mechanism to acquire that land at market value. In this respect, local infrastructure should be located according to many principles, however land ownership is not one of them, and the suggestion otherwise by the Council is inappropriate.

This consideration will be a matter for the Local Planning Agreement to establish and will form part of the assessment of the future Development Applications.

2. We enclose an amended *Draft Planning Proposal* report and supporting documentation reflecting the above and an updated *Proponent Response to Agency Submissions* addressing additional submissions received.
3. Further, we enclose an amended *Appin (Part 2) Precinct Structure Plan* reflecting separate negotiations regarding the *Appin (Part) Precinct Structure Plan* and discussions with DPHI and TfNSW.
4. Finally, we enclose an amended *State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Greater Macarthur Growth Area Proposed Transit Corridor Map* that reflects the changes to the Precinct Structure Plans.
5. Walker look forward to working with the Council to finalise the Planning Proposal for the consideration of the Local Planning Panel.
6. Should you have any questions or require additional information, please do not hesitate to contact Nathan Croft at nathan.croft@walkercorp.com.au or on 0419 845 089.

Yours faithfully,

Walker Corporation Pty Limited



Nathan Croft
Principal Planner

Attachments:

- Updated Planning Proposal report
- Amended Appin (Part 2) Precinct Structure Plan
- Amended Appin & North Appin Precincts Indicative Plan
- Amended *PLN_Appin (Part 2) Precinct_Proposed Transit Corridor Map*
- Updated Supporting Reports (Appendices 1-12 & 14-21)
- New Proponent Response to Community Submissions (Appendix 26)
- Updated Proponent Response to Agency Submissions (Appendix 27)
- New Location IQ Centres Assessment (Appendix 28)
- Correspondence from coNEXA
- Correspondence from Sydney Water