



MINUTES

Wollondilly Shire Local Planning Panel

Thursday 6 March 2025

Order of Business

1 Opening	3
4 Acknowledgment of Country	3
5 Apologies and Leave of Absence Requests	3
6 Declaration of Interests	3
7 Local Planning Panel Reports - Sustainable and Balanced Growth	4
7.1 Planning Proposal - 1A Kader Street Bargo	4
7.2 Greater Macarthur - Appin Part Precinct 2 - Planning Proposal	6

**MINUTES OF WOLLONDILLY SHIRE
LOCAL PLANNING PANEL MEETING**

**held at the Council Chamber, Wollondilly Shire Hall, 52 Menangle Street, Picton
NSW 2571, and remotely via audio visual link**

on Thursday 6 March 2025 at 3.30pm

PRESENT: Chairperson - David Crofts, Expert - Toney Hallahan, Expert -
Schandel Fortu, Community Representative - Wade Lancaster

IN ATTENDANCE: Director Shire Futures - Martin Cooper, Manager Shire
Planning/Head of Advocacy - Stephen Gardiner, Team Leader
Strategic Planning - Carolyn Whitten, Growth Planning Team Leader
- Edith Barnes, Senior Strategic Planner - Max Strassmeir, Nancy-
Leigh Norris - Senior Strategic Planner, Governance Officer,
Personal Assistant - Director Shire Futures.

1 OPENING

4 ACKNOWLEDGMENT OF COUNTRY

The Chair acknowledged the traditional Custodians of the Land.

5 APOLOGIES AND LEAVE OF ABSENCE REQUESTS

6 DECLARATION OF INTERESTS

Nil conflicts of interest declared.

7 LOCAL PLANNING PANEL REPORTS - SUSTAINABLE AND BALANCED GROWTH

7.1 PLANNING PROPOSAL - 1A KADER STREET BARGO

Directorate: Shire Futures

EXECUTIVE SUMMARY

The purpose of this report is to seek advice from the Wollondilly Local Planning Panel (Panel) on a draft Planning Proposal (draft Proposal) received for land at 1A Kader Street, Bargo (Lot 1 DP 635609).

The draft Proposal seeks to amend the *Wollondilly Local Environmental Plan 2011* (WLEP 2011) by rezoning the site from RU2 Rural Landscape to part R5 Large Lot Residential, part C2 Environmental Conservation. The existing RU2 Rural Landscape zone will be retained for a small area of the site. The intent of the draft Proposal is to enable the development of nine (9) residential lots, with development standards of 3,000sqm minimum lot size and 9m (maximum) height of building.

The draft Proposal has been subject to preliminary exhibition from 9 October to 6 November 2024, in accordance with the Wollondilly Community Participation Plan. A total of 15 submissions were received from the general public, a majority of which objected to the draft proposal. A total of 15 submissions were received from public agencies.

The site was subject to a previous Planning Proposal, lodged with Council in February 2012 and refused by the then NSW Department of Planning and Environment in December 2020. This previous Proposal is not encompassed by Council Resolution 33/2021 regarding the reconsideration of previously lodged planning proposals which were refused by the State Government.

Following preliminary consultation and assessment, it has been determined that the draft Proposal does not demonstrate strategic merit, as there are inconsistencies with the priorities and actions of the Western City District Plan, Wollondilly's Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS) and Rural Lands Strategy (RLS). These inconsistencies primarily relate to the proposed rezoning of land identified within Metropolitan Rural Area (MRA) for residential purposes.

The LHS clearly demonstrates there is sufficient capacity within existing urban zoned land to meet housing demand to 2041, and that any local growth should occur within existing residential zoned land, particularly within Picton, Tahmoor and Thirlmere. The RLS explicitly seeks to prevent the encroachment of residential lands into rural areas, unless it has been clearly identified by the LHS, which is not the case for Bargo.

In relation to site-specific merit, the site presents a range of constraints, including flooding and bushfire risk, as well as biodiversity values. Whilst the Proposal has been supported by technical studies and an indicative subdivision plan demonstrating the ability for a future subdivision, the impacts of the Proposal, including impact on koala corridors, management of onsite wastewater systems, and extent of fill required to address flooding would result in inappropriate outcomes for the site.

A letter detailing the outcome of Council's initial assessment of the draft Proposal was sent to the proponent on 19 December 2024. This included an opportunity for the submission of further information, and/or a meeting with Council. Neither option has been undertaken by the proponent.

Consideration of the draft Proposal is requested by the Panel, in accordance with s2.19 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and s9.1 Ministerial Direction dated 27 September 2019 regarding Local Planning Panels and Planning Proposals. The Panel's advice will be included in a future report to Council.

It is recommended the draft Proposal does not proceed to a Gateway determination under s3.34 of the EP&A Act. If the draft Proposal does proceed to a Gateway determination, it is recommended the accompanying Planning Agreement and Development Control Plan be progressed concurrently.

PUBLIC SUBMISSIONS

There was 1 registered speaker for this Item.

PANEL ADVICE

The Panel resolved to advise the Council that the Draft Planning Proposal should not be supported to proceed to Gateway determination.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

The Panel noted:

1. The Draft Planning Proposal should not be supported to proceed to Gateway determination for the following reasons:
 - a) Lack of strategic merit due to inconsistencies with the Western City District Plan, Local Strategic Planning Statement 'Wollondilly 2040', Local Housing Strategy and Rural Lands Strategy in relation to rezoning of land within the Metropolitan Rural Area for residential purposes and ability for local growth to occur within existing residential zoned land; and
 - b) Lack of site-specific merit regarding site constraints, including flood affectation, biodiversity values, koala corridors and on-site wastewater requirements.
2. The Applicant requested to defer consideration of this matter. However after consideration of the Draft Planning Proposal and the matters raised in the Applicant's presentation, the Panel was of the view that it should proceed to make its recommendation to Council."

VOTING

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7.2 GREATER MACARTHUR - APPIN PART PRECINCT 2 - PLANNING PROPOSAL

EXECUTIVE SUMMARY

The purpose of this report is to seek advice from the Wollondilly Local Planning Panel (Panel) on a draft Planning Proposal (draft Proposal) received for land 90 and 110 Macquariedale Road, Appin and 525 and 725 Wilton Road, Appin.

The site is currently zoned under the Wollondilly Local Environmental Plan 2011 (WLEP 2011) and forms 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 part of the site from RU2 Rural Landscape to Urban Development Zone (UDZ) and retain the existing Cumberland Plain Conservation land as C2 Environment Conservation. It also seeks a 40-hectare minimum lot size for the C2 zone and no minimum lot size for the UDZ zoned land.

The draft Proposal has been subject to a preliminary consultation period over four weeks (28 days) from 15 January to 18 February 2024 in line with Council's Community Participation Plan and Planning Proposal Policy. A total of one hundred and twenty-one (121) submissions were received. This included seventy (70) proforma submissions and fifty-one (51) community submissions were received during this period, in addition Council also received thirteen (13) public agencies submissions. It is noted that seventy (70) proforma submissions have been managed in accordance with Council's policies and are counted as one submission. The issues identified in submissions are addressed in this report.

Council received thirteen (13) agency submissions, noting one (1) agency did not provide a response (Department of Primary Industries and Regional Development- NSW Resources— Mining, Exploration & Geoscience). Transport for NSW (TfNSW) did not support the draft Proposal progressing, eight (8) agencies raised concern or required additional information, two (2) agencies raised servicing timeframe issues, and two agencies had no concerns with the rezoning of the land.

While the draft Proposal has strategic merit, there are several outstanding issues have been identified including there being no state planning agreement, no finalised precinct structure plan, and issues concerning the dwelling cap remaining unresolved.

All these issues have also been highlighted by the Department of Planning, Housing and Infrastructure (DPHI) submission on the draft Proposal. The most significant being infrastructure provision and the dwelling cap. Currently, the Appin (Part 1) Precinct rezoning has utilised 12,900 of the 15,000 dwellings nominated for West Appin. This leaves 2,100 dwellings remaining for 576 hectares of urban development land. Should the draft Proposal proceed, this would result in only 788 dwellings left under the cap for the remaining area.

The proponent has provided additional information to address some of the concerns with the draft Proposal. Not all issues have been addressed but the proponent has worked with Council officers to resolve some of the larger issues.

Consideration of the draft Proposal is requested by the Panel, in accordance with s2.19 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and s9.1 Ministerial

Direction dated 27 September 2019 regarding Local Planning Panels and Planning Proposals. The Panel's advice will be included in a future report to Council.

It is recommended that the draft Proposal not proceed due to the premature nature and placed on hold or withdrawn until the matters relating to state and local infrastructure, as well as dwelling caps, are resolved to the satisfaction of public agencies and Council.

PUBLIC SUBMISSIONS

There were 3 registered speakers for this Item.

PANEL ADVICE

The Panel resolved to advise the Council that the Draft Planning Proposal should not be supported to proceed to Gateway determination.

PANEL CONSIDERATIONS AND REASONS FOR ADVICE

The Panel noted:

1. The land subject to the Draft Planning Proposal has strategic merit as urban capable land but does not demonstrate site specific merit.
2. The draft Planning Proposal should not be supported to proceed to Gateway determination for the following unresolved issues:
 - a) A finalised Precinct Structure Plan (PSP) which needs to respond to the Transport Management and Accessibility Plan (TMAP).
 - b) An exhibited Draft Development Control Plan (DCP)
 - c) An exhibited State Planning Agreement (SPA) or suitable approach to the delivery of such infrastructure.
 - d) A finalised Local Contributions Plan.
 - e) Detailed dwelling distribution across the remaining area of West Appin in Greater Macarthur.
 - f) The removal of the proposed local centre near Appin Village to align with the Greater Macarthur Structure Plan, to reduce the likely significant impact on the existing Appin Village.
 - g) Engagement with Environment and Heritage Group about the further work requested to address Aboriginal Cultural Heritage Assessment concerns.
 - h) An updated Acoustic Report to address noise associated with Appin Coal Seam Methane Power Station and the Appin Coal Seam Mine Infrastructure.
 - i) Phase 2 Detailed Site Investigation in response to the findings of the Preliminary Site Investigation Report for Contamination.
 - j) Flood Report (Hydraulic Flood Assessment) to ensure flood affected land is zoned appropriately.
 - k) Revisit discussion with Department of Education on School site zoning preferences.

3. The lack of a comprehensive evidence based strategic plan for State infrastructure for the Greater Macarthur Structure Plan area including the scale of infrastructure required, and the sourcing of funding and timing of funding.
4. The importance of the timely delivery of adequate housing supply to meet community needs. Nonetheless it is critical housing development be accompanied by certainty of social and physical infrastructure delivery. The Panel is also mindful that considerable undeveloped land is already zoned for urban development in Appin Part Precinct 1.

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8 CLOSURE OF MEETING

The public part of the meeting closed at 4:18pm.

The full meeting closed at 5:31pm.

The minutes of this meeting were confirmed by the Chair.