

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 April 2016

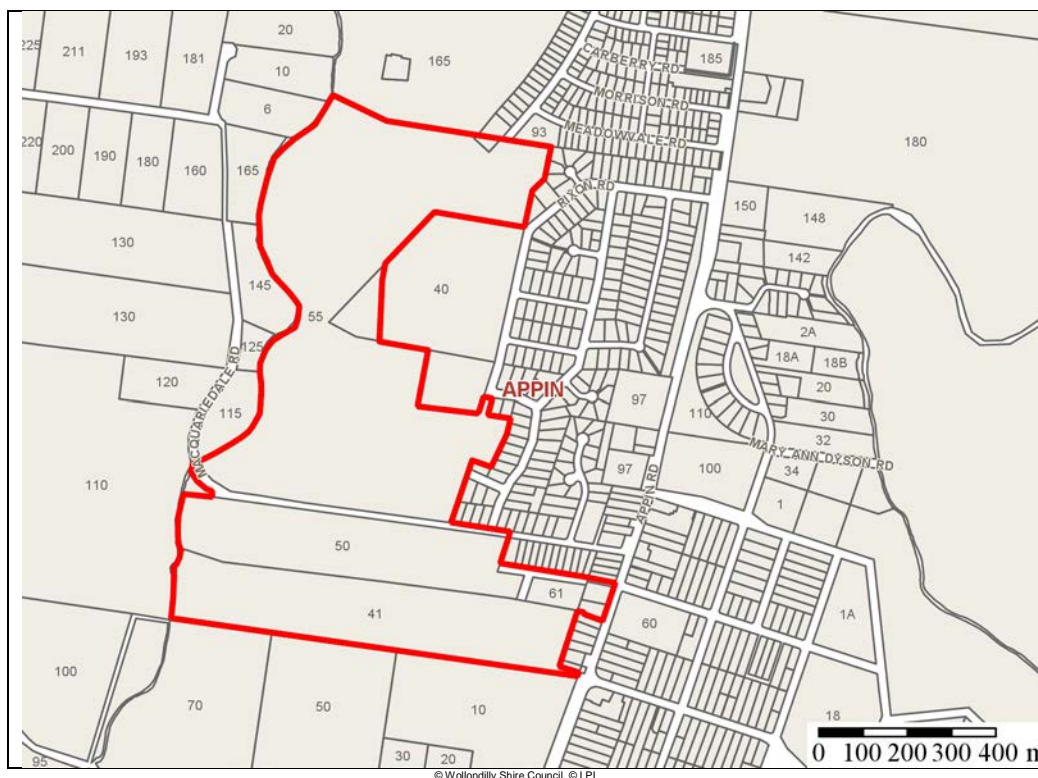
**PE4 – Planning Proposal – Macquariedale Road, Appin**

**PE4**

**Planning Proposal – Macquariedale Road, Appin**  
259421

TRIM 4985

**Applicant:** Walker Corporation Pty Ltd  
**Owner:** Walker Corporation Pty Ltd, Wollondilly Shire Council



**LOCATION MAP** ↑  
**N**

Stage	Completed
Preliminary notification	June 2011
Gateway Determination	28 October 2011
Consultation with Public Agencies	November 2011 January/February 2014
Specialist Studies	February 2014
Public exhibition/community consultation	20 August 2014 – 26 September 2014 Note – Further exhibition required
Referred to Minister for Publication	Not yet completed

**PE4 – Planning Proposal – Macquariedale Road, Appin**

**EXECUTIVE SUMMARY**

- The planning proposal seeks to rezone land at Macquariedale Road, Sportsground Parade and Appin Road, Appin from the current RU2 Rural Landscape zone to R2 Low Density Residential, R3 Medium Density, E2 Environmental Conservation and SP2 Infrastructure.
- At the Ordinary Meeting held 16 November 2015, Council resolved that the proponent for the Macquariedale Road, Appin Planning Proposal be invited to withdraw their rezoning application.
- In response, the proponent has requested that a number of changes be made to the planning proposal and the draft planning agreement to address community concerns so that the rezoning can proceed in an amended form.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirement extends to any person with a financial interest in the application of any associate of the person making a public submission. No disclosure or political donation has been made in association with this application.
- It is recommended that:
  - Council further consider the Macquariedale Road, Appin Planning Proposal in an amended form as outlined in the proponent's letter dated 29 February 2016
  - An alteration to the Gateway Determination be requested from the Minister for Planning
  - RMS be consulted on whether they would support the removal of provisions within the planning proposal that seek to preserve the Appin Bypass corridor in the Wollondilly LEP
  - Council's Land & Property Panel be consulted on the proponent's proposal to transfer a small section of land to Council
  - A Biodiversity Certification Application is lodged with the Minister for Environment
  - The planning exhibition for the planning proposal be held at the same time as the exhibition for the biodiversity certification application and draft development control plan controls
  - Any amendment to the draft planning agreement be considered in accordance with the Planning Agreements Policy and further advice provided to Council.

**PE4 – Planning Proposal – Macquariedale Road, Appin**
**REPORT**
**1.1 INTRODUCTION**

The proponent has advised they are not prepared to withdraw the planning proposal for Macquariedale Road.

They have, instead, requested Council support the planning proposal in an amended form as detailed in this report. The proponent's submission is provided at Attachment 1.

**1.2 BACKGROUND**

The principle of some residential housing growth at Macquariedale Road has been identified within strategic planning policies for at least 20 years if not more within a number of strategic planning policies which have been developed in consultation with the local community. These include:

- Draft Appin Strategy (1996) – identified as “Appin South”
- Wollondilly Vision 2025 (2004)
- Wollondilly Growth Management Strategy 2011

The timeline below provides an overview of the progress of the planning proposal to date:

Time Period	What happened
June 2007	The proponent submitted a rezoning application to Council for the Macquariedale Road site in Appin. The rezoning application was initially placed on hold until the Macarthur South position paper released by the Department of Planning.
November 2008	Preliminary consultation held for original rezoning application. Ten (10) written submissions, together with two (2) petitions one containing 62 signatures and one containing 12 signatures were received. One (1) submission supported the proposal, five (5) were neutral and four (4) submissions and the two petitions objected to the proposal. Key themes raised in submissions centred on roads and traffic, loss of/impact on biodiversity, lack of essential infrastructure to support future growth, and impact to village character.
February 2009	In response to Council commencing preparation of a Growth Management Strategy, Council resolves to defer the rezoning application until the findings and outcomes of the Growth Management Strategy have been finalised (item PE6 – Outstanding Rezoning Applications).

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Time Period	What happened
July 2009	There are legislative changes to the strategic plan making process. The 'Gateway Process' is established and proposals to change land zones are now called 'planning proposals'.
February 2011	Wollondilly Growth Management Strategy (GMS) 2011 adopted by Council. Rezoning applications on hold are now able to be considered.
April 2011	Following Council's adoption of the GMS, Council resolves that the proponent, along with other applicants, be given the option to resubmit their rezoning applications under the new planning system or withdraw their applications and receive a refund of the initial fee paid (item PE5 Update on Rezoning Applications/Planning Proposals).
April 2011	The proponent submits a planning proposal to rezone land at Macquariedale Road, Appin.
May/June 2011	Preliminary consultation held for newly submitted planning proposal given period of time passed since the original community consultation for the rezoning application. Eight (8) submissions received, three (3) of which object, one (1) in support and four (4) neutral. Key themes raised in submissions were around roads and traffic, loss of village character, the capacity of the water and wastewater infrastructure to service growth, general lack of infrastructure and planning.
August 2011	Council resolves to support the planning proposal and forward it to the Minister for Planning for a Gateway Determination (item PE2 Draft Planning Proposal – Macquariedale Road, Appin).
October 2011	The Minister for Planning and Infrastructure issues a Gateway Determination for the Macquariedale Road Planning Proposal and determines that the planning process should proceed for this proposal. The anticipated lot yield at this time was 337 residential lots.
July 2012	In response to significant concerns held by the NSW Government Office of Environment and Heritage, rather than significantly reduce the area to be rezoned for residential development Council resolves that the matter be deferred to enable the proponent to meet with OEH to discuss the matter further and see if it can be resolved (item PE5 Draft Planning Proposal – Macquariedale Road, Appin).

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Time Period	What happened
July 2012 - September 2013	After a period of ongoing consultation with the NSW Government Office of Environment and Heritage the planning proposal is redesigned to achieve improved environmental outcomes. The amendments increased the amount of conservation land and reduced the amount of proposed residential land. Council resolves to endorse the amended design and proceed with the planning proposal (item PE5 Planning Proposal – Macquariedale Road, Appin).
April 2014	The planning proposal is amended to include additional land with Council support (item PE4 Planning Proposal – Macquariedale Road, Appin).  The additional land included a portion of land in Council ownership (vegetated areas associated Gordon Lewis Oval) affected by the route of the Appin Bypass and land owned by the proponent adjoining Appin Road to be rezoned for medium density residential.
April 2014	The NSW Government Department of Planning & Infrastructure issue an Altered Gateway Determination to include additional land.
September 2014	Formal public exhibition held for the planning proposal. Submissions were received from seventy four (74) people with some people making more than one submission. In addition to this there were a number of additional late submissions. Most of these either objected to or had concerns with elements of the planning proposal. Key themes raised in submissions were small lot sizes, traffic and transportation issues including the Appin Bypass and capacity of Appin Road, environmental considerations including the presence of koalas and loss of vegetation, capacity of existing community infrastructure including schools and open space and the character and heritage of Appin.
October 2014	Council resolve to proceed with public exhibition of a biodiversity certification application under Part 7AA of the <i>Threatened Species Conservation Act 1995</i> for the Macquariedale Road planning proposal site (item PE3 Planning Proposal – Biodiversity Certification Application – Macquariedale Road, Appin). Biodiversity certification is a process which aims to ensure that biodiversity values are 'improved or maintained', so that losses from clearing are offset by achieving real gains in the condition and habitat value of vegetation

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Time Period	What happened
December 2014	<p>The NSW Government release <i>A Plan for Growing Sydney</i> which identifies a potential new Growth Centre in South West Sydney.</p> <p>Subsequently, the NSW Government Department of Planning &amp; Environment commence investigations to assess the suitability of land in the Macarthur South region for future urban development.</p> <p>Due to its location within the Greater Macarthur Investigation Areas the Macquariedale Road Planning Proposal is placed on hold.</p>
March 2015	<p>Council resolves that the final determination of planning proposals in the Macarthur South Investigation area be deferred until the Department has completed studies (item <i>PE7 Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”</i>).</p>
May 2015	<p>Council resolves that processing and public exhibition of the Biodiversity Certification Application for Macquariedale Road proposal is not to commence until the final report on the Greater Macarthur Urban Release Areas has been released (item <i>PE9 Greater Macarthur investigation Area – Impact on Current Planning Proposals</i>).</p>
June 2015	<p>Council receives a letter from the Department of Planning &amp; Environment to advise that the Department is of the view that the Macquariedale Road planning proposal “<i>can progress independently of the Greater Macarthur Land Release Investigation, because:</i></p> <ul style="list-style-type: none"> <li>• <i>the planning proposal is at an advanced stage of the plan-making process; and</i></li> <li>• <i>the scale and nature of the planning proposal is unlikely to have a significant influence on the outcomes of the investigations for the broader Greater Macarthur area”</i></li> </ul> <p>A copy of this letter is provided at Attachment 4.</p>
June/July 2015	<p>A series of independently facilitated workshops are held with the Appin community to discuss Growth In and Around Appin. The key issues with growth identified through the workshops were the environment, infrastructure, heritage &amp; rural living, and communication &amp; transparency.</p>



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Time Period	What happened
August 2015	Council resolve that all planning proposals in the Greater Macarthur Investigation Area to remain on hold (item <i>PE5 Greater Macarthur Investigation Area – Impact on current Planning Proposals</i> ).
September 2015	Council resolves that all planning proposals within the Greater Macarthur Investigation Area remain on hold pending formal notification of the initial outcomes of the Greater Macarthur Investigation area (item <i>PE3 Update on Impact of “A Plan for Growing Sydney”</i> ).
September 2015	The NSW Government released the Greater Macarthur Land Release Investigation; Preliminary Strategy & Action Plan. The Action Plan indicates that the rural setting of Appin Village will be protected, with only small scale expansion taking place, in line with existing post-Gateway planning proposals.  The Macquariedale Road planning proposal is one of two (2) post-Gateway planning proposals in Appin (the other being the Appin Bulli Road, Appin Planning Proposal).
November 2015	Council resolves that the proponent for the Macquariedale Road, Appin Planning Proposal be invited to withdraw their rezoning application (item <i>PE8 Planning Proposal in Appin</i> ).
December 2015	Council wrote to the proponent inviting them to withdraw their rezoning application.
February 2016	The proponent request amendments to the planning proposal for Macquariedale Road and submit a revised planning agreement.

**1.3 PROPOSED PROPONENT LED CHANGES TO THE PLANNING PROPOSAL TO ADDRESS COMMUNITY CONCERNS**

The proponent has acknowledged the concerns held by the community and proposes a number of amendments to the planning proposal and the related draft planning agreement to address these. These are included in a letter dated 29 February 2016. A copy of the letter is provided at Attachment 1.

A comparison table is also provided at Attachment 2 to illustrate how the changes proposed to the planning proposal by the proponent compare to the current planning proposal.

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The proponent has suggested the following changes to the planning proposal:

- **Increase the minimum lot size in the R2 residential land to reflect exactly the outcome achieved at Appin Valley; namely 70% of all lots to be 700m<sup>2</sup> or greater and a maximum of 30% of lots between 450m<sup>2</sup> and 699m<sup>2</sup>.**

Officers comment:

The proponent has included a Structure Plan as part of their submission which identifies specific locations on the site for lots over 700m<sup>2</sup> (transparent yellow) and also locations for lots sized between 450m<sup>2</sup> and 699m<sup>2</sup> (solid yellow).

This approach would involve amending the WLEP Lot Size Map to designate which areas have a minimum lot size of 700m<sup>2</sup> and which areas have a minimum lot size of 450m<sup>2</sup>.

While this approach would provide some certainty over the minimum lot size it is considered that the inclusion of site specific controls within the Development Control Plan could achieve the same outcome while allowing some flexibility in the detailed design of the development to ensure a better overall planning outcome. In particular, it is considered that the smaller range of lots may be better located in those areas which are closest to the Appin village centre. Site specific controls could also limit the total number of dwellings permitted across the site. It is noted that the minimum lot size for the Appin Valley Development is 450m<sup>2</sup> and the mix of lots sizes were determined by the Development Control Plan in place at the time the subdivision was approved.

The draft site specific controls could be exhibited for public comment at the same time as the re-exhibition of the planning proposal.

- **Prohibit dual occupancy dwellings by imposing a minimum lot size of 1,100m<sup>2</sup> within the land proposed R2 Low Density Residential.**

Officers comment:

The Wollondilly Development Control Plan permits dual occupancy development (2 dwellings on one lot either detached or attached) to lots which have at least a minimum lot size of 800m<sup>2</sup>.

If Council supported the proponents approach, rather than specifying a minimum lot size, an alternative could be to include a clause within the Wollondilly LEP which prevents development consent from being granted for development for the purpose of dual occupancy. The land to which the clause applied would then be identified on a Dual Occupancy Prohibition Map within the WLEP. This approach could have benefits in other locations as well.



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- **Adopt a Structure Plan that identifies proposed road connections, access restrictions (including a maximum of 25 dwellings fronting Macquariedale Rd) and the location of proposed lot sizes.**

The adoption of a Structure Plan to guide future development across the site is supported. The Structure Plan should be included within the Development Control Plan and potentially also in the Voluntary Planning Agreement.

The proponent has provided a Structure Plan in their submission which is included at Attachment 1. The key elements of the proponent's Structure Plan are to identify:

- The location and mix of lot sizes across the site; specifically where a minimum lot size of 450m<sup>2</sup> and 700m<sup>2</sup> would apply;
- where detention basins will be located;
- the location of main roads throughout the development
- points for pedestrian access
- focus for measures to increase safety and capacity of Appin Road through Village Centre
- land proposed for transfer to Council
- measures to reduce traffic on Macquariedale Road by limiting the number of dwellings accessing this road to a maximum of 25
- land adjoining Appin Road proposed for R3 Medium Density land use zone.

It is considered that some refinement to the Structure Plan would be required and could be undertaken prior to any further public exhibition. These changes would, in particular, consider connectivity with existing areas and development of land adjoining the E2 Environmental Conservation zone.

- **Remove the bypass (special use) zoning and add approximately 800m<sup>2</sup> of the proponent's land to Gordon Lewis Oval.**

The proponent is keen to establish with the community that the inclusion of the route for the Appin Bypass is not their proposal and will not service development of the site. The Appin Bypass is an RMS proposal. The former Roads and Traffic Authority (RTA) investigated a range of alignment options in the mid 1990's and identified a preferred alignment. A section of the proposed bypass corridor has been preserved within the Wollondilly LEP as part of the rezoning of land associated with the Appin Valley development to the north of the planning proposal site.

To date, RMS has indicated that they have no current plans to progress the proposed Appin Bypass, other than to preserve a corridor within the Wollondilly LEP. Subsequently, there is a likelihood that RMS would object to the planning proposal if this aspect was removed.

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RMS is currently preparing a regional road corridor strategy for the Picton and Appin Road network to manage these two road corridors over the next 20 years. It is understood that a draft will be available later this year and may include an up to date position on the likely future timing and status of the current alignment.

If Council wants to consider removing this aspect of the planning proposal then this should only happen after further consultation with the RMS. If RMS object to removing this aspect of the planning proposal then it should remain part of the planning proposal.

If the proposed SP2 Infrastructure land zone and land acquisition reservation for the bypass was removed from the planning proposal, the land in the proponent's ownership should instead be zoned E2 Environmental Conservation. If this approach was taken then the portion of community land included within the planning proposal associated with the preservation of the bypass should be removed from the planning proposal. The portion of community land currently included within the planning proposal is shown at Attachment 3.

There may be some merit to the land in question being handed over to Council. However, advice should be sought from Council's Land & Property Panel initially, particularly around the cost implications to Council for ongoing maintenance.

If, after further consideration, Council supports receiving this small area of land then the planning proposal should be amended so that this land is zoned RE1 Public Recreation to be consistent with the land use zone of adjoining land associated with the Gordon Lewis Oval and reserve. This land is also identified at Attachment 3.

**1.4 PROPOSED PROPONENT LED CHANGES TO THE VOLUNTARY PLANNING AGREEMENT**

The proponent is also seeking to make amendments to the Draft Planning Agreement to address community concerns. The current Draft Planning Agreement was exhibited with the planning proposal in September 2014.

The proponent is proposing the following changes to the Draft Planning Agreement:

- Removal of the restoration of the Appin Inn. The restoration works are now proposed to commence in 3 months as they can now be funded from the development of the recently approved 26 lot community title development at King Street.

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- Provide funds to establish a “community chest” grants program to help manage impacts on the community caused by growth. The proponent has indicated that the grants program would be run by Council and community members to support local community groups such as the historical society, the Men’s Shed, apprentice training, sporting clubs, etc. The proponent is proposing to contribute \$2.5 million towards the grant fund (\$11, 628 per lot).
- Provide funds to establish a “green fund” grants program to support community led environmental projects such as animal crossings, revegetation projects, and community garden projects. The proponent is proposing to contribute \$500,000 towards the green fund (\$2,326 per lot).
- The proponent proposes to spend \$2.5 million on works to upgrade intersections onto Appin Road required by the development to improve safety, capacity and convenience along Appin Road between Church Street and Market Street. The letter at Attachment 1 suggests what these works may include.
- The proponent intends to retain upgrades to Gordon Lewis Oval although the level of contribution would now be reduced to reflect the lower lot yield.
- The proponent intends to retain their current commitment for streetscape improvements to the Appin village centre. This is likely to involve undergrounding overhead power lines and landscape improvements.
- The level of works proposed to Macquariedale Road will be reduced to reflect the proponent’s intention to design any future development so that vehicles accessing Macquariedale are minimised. The proponent is proposing to limit the number of new dwellings with frontage to Macquariedale Road to a maximum of 25.
- Retain contribution towards new cycle paths (i.e. \$700,000).

If Council proceeds with the planning proposal then a formal letter of offer would be made by the proponent and this would then be considered by Council staff in accordance with Council’s adopted Planning Agreements (PLA0037) Policy. This may require a further report to Council.

If and when the planning proposal is re-exhibited for public comment than it is anticipated that an amended Draft Planning Agreement would be exhibited at the same time.

It is also noted that any amendment to the Draft Planning Agreement would also involve an increase in the provision of sporting fields as well as money to carry out site remediation works in the vicinity of Gordon Lewis Oval. This was in part, in response to submissions received during the public exhibition.

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**CONSULTATION**

**2.1 CONSULTATION WITH COUNCIL STAFF**

No consultation has been undertaken with Council staff since the proponents submission dated 29 February 2016 was received.

If Council resolve to further consider an amended planning proposal then consultation with Council staff would be required prior to determining the final form of amendments for public exhibition.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

Further consultation would be undertaken with public agencies when and if the planning proposal was re-exhibited.

**2.3 COMMUNITY CONSULTATION**

**Preliminary Consultation and Public Exhibition**

The potential for growth in and around Appin is a significant given the level of interest from landowners seeking to rezone land in the area.

To date, there have been 3 separate consultation periods held for the Macquariedale Road proposal including preliminary notifications held in November 2008 and June 2011 and the public exhibition held in September 2014.

In addition to these the proponent has also held an information session for local residents in the Appin community to coincide with each of the formal consultation periods.

The timeline at section 1.2 of this report provides a brief summary of the outcome of each of these consultation events.

In general, the community feedback has expressed concern with the likely impact of particular elements of the proposal at Macquariedale Road.

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The key issues raised with the planning proposal can be summarised as follows:

Theme	Type of Issues
Development density	Small lot/block sizes, minimum lot size of 230sq.m, R3 Medium Density Residential land use zone
Appin Inn	Character of development in and around Inn, timing, relationship to development of adjoining land
Traffic Transportation	Appin Bypass, pedestrian and cycling provision, public transport, Appin Road, road intersections with Appin Road, road capacity, congestion
Environmental	Proximity to Ousedale Creek, removal of vegetation/habitats, presence of koalas, fauna, water catchment health, pollution, bushfire risk
Strategic planning for Appin	Housing need, masterplan for Appin, hotspot development, development contributions, increase in population, detailed design for future development, wider development of Appin
Appin; character & heritage	Aboriginal heritage, rural setting, crime, character of existing development, development in proximity to Appin Inn, benefits to Appin
Infrastructure (other than traffic)	Schools, shops, recreation/open space, community facilities, water pressure, provision of soccer fields
Community Consultation	Adequacy, transparency, historical rezoning decisions,
Gordon Lewis Oval	Related to concerns with Appin Bypass, ownership,

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Appin Workshop on Growth in and Around Appin

In late 2015 Council held a number of workshops in Appin to enable residents and other local stakeholders to have a broader discussion about growth in and around Appin. These workshops were facilitated by an independent consultant.

One of the outcomes from the workshops was to identify the key issues with growth in and around Appin. These were:

- Environment; e.g. threatened species, water quality, air quality, illegal dumping
- Infrastructure; e.g. roads, water & sewage, electricity
- Heritage and Rural Living; e.g. greenbelt, heritage items, village landscape, aboriginal heritage, local character
- Communication & Transparency; communication methods, lack of trust.

All these concerns are relevant to the planning proposal at Macquariedale Road and are reflected in the summary of the public exhibition discussed above.

To date, a comprehensive report on the outcome of the public exhibition has not been provided to Council and it is recommended that a final decision on whether the land should be rezoned should not be made until such a report has been prepared. The reason for this is to ensure that Council's decision is robust and to reduce the ability for the decision to be challenged. This addressed further at section 3.1 of this report.

**3.1 GATEWAY PROCESS AND SUPPORT FOR PLANNING PROPOSAL**

The Macquariedale Road, Appin Planning Proposal is at an advanced stage in the statutory process. Under the Gateway Process, a planning proposal at this stage is considered to be the Council's proposal.

If Council is inclined to no longer support the proposal then it needs to resolve "not to make the proposed local environmental plan".

The Department of Planning & Environment indicates that a decision to not make the plan should be based on an assessment report which clearly identifies the reasons behind Council's decision, including, whether the decision to not proceed is based on submissions received during public exhibition, an agency submission, or some other matter that was raised during the plan making process.

If Council does not support the alternative proposal which has been suggested by the proponent then it should resolve for a report to be provided to the next available Ordinary Meeting of Council on the outcomes of the public exhibition and the process to date. This is to ensure that Council's decision is sound and reduce the ability for this decision to be challenged.



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**3.2 OPTIONS FOR CONSIDERATION**

In responding to the proponent's submission Council's options are:

1. Resolve to further consider an amended Planning Proposal in the form generally described in the proponent's letter by holding another public exhibition. With this option an Alteration to the Gateway Determination would be required from the Minister of Planning before the proposal could be re-exhibited for public comment.

This option would in effect enable the strategic planning process to run its full course so that Council's final decision on the planning proposal can be made with the knowledge of the outcome of a public exhibition involving the three parallel processes underway or required to enable the rezoning of the land. These are; the Biodiversity Certification process under the *Threatened Species Conservation Act 1995*, the draft planning agreement and the planning proposal both under the *Environmental Planning and Assessment Act 1979*.

With this option, it is also considered that the following actions should occur before the request for an altered Gateway Determination is made:

- (a) RMS should be consulted to establish whether they seek to preserve the Appin Bypass corridor in the Wollondilly LEP, particularly whether they would object to a planning proposal in an amended form in this regard and the planning proposal amended accordingly in response.
  - (b) Council's Land & Property Panel should be consulted on whether the Panel supports the proponent's offer to transfer a small section of land to Gordon Lewis Oval.
  - (c) Council lodge a Biodiversity Certification Application with the Minister for Environment under the *Threatened Species Conservation Act 1995* to enable a public exhibition for this separate but interrelated process.
2. Resolve not to support an amended Planning Proposal in the form generally described in the proponent's letter and request a report to a future Council meeting on the outcomes of the public exhibition held in 2014.

It is important to note that Council should consider the outcomes of the public exhibition and assessment of the proposal to date before making a decision on whether to finalise the planning proposal or decide not to make the proposed local environmental plan. This is to ensure that Council's decision is sound and reduce the ability for this decision to be challenged.

Option 1 is the recommendation of this report.

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**3.3 WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011**

The amendments proposed by the proponent are not considered to change the general principle of development at this location and so the planning proposal is still considered to be generally consistent with the Key Policy Directions and Assessment Criteria contained within the Wollondilly Growth Management Strategy 2011.

**3.4 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016 (WDCP 2016)**

Some aspects of the proponents suggested amendments need to be incorporated into the Development Control Plan to ensure that they are matters of consideration which need to be considered in determining any future development applications for the site. This is to give them statutory force.

It is considered that site specific controls should be incorporated into the Wollondilly Development Control Plan 2016 to the future development of the site. In particular, these would include but are not limited to, a Structure Plan and potentially the mix of lot sizes. The draft controls should be exhibited at the same time as the planning proposal, draft planning agreement, and the biodiversity certification application.

**CONCLUSION**

The Greater Macarthur Land Release Investigation – Preliminary Strategy and Action Plan suggests that Appin may play a role in the supply of significant housing for Sydney in the longer terms (i.e. beyond 2036). In the shorter term the Preliminary Strategy suggests that small scale planning proposals which have already received Gateway determination may be considered for rezoning purposes.

The Macquariedale Planning Proposal received Gateway determination on 28 October 2011. The revised proposal put forward by the proponent will reduce the lot yield from 280 to 215 lots to be more consistent with the notion of small scale development. The proponent has also sought advice from the Department of Planning & Environment regarding the scale of the development. Correspondence from the Department received 29 March 2016 suggests *“in terms of scale and impact on infrastructure, the proposal is not inconsistent with the vision and intent of the preliminary Strategy”* (see Attachment 5).

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**FINANCIAL IMPLICATIONS**

Funding for this project to date has been achieved through Council's adopted Fees and Charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton Junction project. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

**ATTACHMENTS:**

1. Letter dated 29 February 2016 from Walker Corporation Pty Ltd.
2. Comparison table to illustrate changes to the planning proposal proposed by the proponent.
3. Proposed Land Zoning Map showing location of Council owned land within planning proposal and land for handover.
4. Letter received 12 June 2015 from Department of Planning & Environment.
5. Letter received 29 March 2016 from Department of Planning & Environment.

**RECOMMENDATION**

That in relation to the Macquariedale Road, Appin Planning Proposal:

1. Council further consider the proposal in an amended form generally consistent with the proponent's letter dated 29 February 2016.
2. The planning proposal be amended and be forwarded to the Minister for Planning for an alteration of the Gateway Determination.
3. Before a request for an Alteration of the Gateway Determination is made to the Minister for Planning the following actions are undertaken:
  - (a) RMS be consulted on whether they would support the removal of provisions within the planning proposal that seek to preserve the Appin Bypass corridor in the Wollondilly LEP.
  - (b) Council's Land & Property Panel be consulted on the proponent's proposal to transfer a small section of land to Council.
  - (c) That Council lodge a Biodiversity Certification Application with the Minister for Environment under the Threatened Species Conservation Act 1995 for the Macquariedale Road, Appin site to enable this application to be consulted at the same time as the amended planning proposal.

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4. The amended planning proposal be placed on public exhibition at the same time as exhibition for the biodiversity certification application, and draft development control plan controls.
5. If a formal letter of offer is made by the proponent to amend the draft planning agreement, that this be considered by Council staff in accordance with the Planning Agreements Policy and further advice provided to Council. If following this process the draft planning proposal is acceptable to Council it should be exhibited at the same time as the amended planning proposal.
6. The proponent and persons who made submissions regarding the Planning Proposal be notified of Council's decision and also be advised that this is for further assessment of the proposal and should not be taken as a resolution to support the proposal and draft planning agreement.

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**ATTACHMENT 1 – 4985 – 18 APRIL 2016**

29 February 2016

Mr Luke Johnson  
Wollondilly Shire Council  
PO Box 21  
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Sent via email: [luke.johnson@wollondilly.nsw.gov.au](mailto:luke.johnson@wollondilly.nsw.gov.au)



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Dear Mr Johnson

**MACQUARIE DALE ROAD, APPIN PLANNING PROPOSAL**

**Introduction:**

Walker Corporation has been working on the Macquariedale Road planning proposal with Council and community for 8 years. We are therefore not prepared to withdraw as invited by Council's resolution and correspondence dated 23 December 2015.

However we do wish to acknowledge the strongly held views by some members of the Appin community who felt our proposal did not address a number of key issues including rural character, infrastructure, and probably the most critical issue of all – transparency around the decision making process and certainty around what the project would be like.

Let it be known that Walker Corporation was also concerned by the strength of the negative community response.

While Walker is a large national building group it started by building small projects in south and south west Sydney and remains committed to these local communities today.

We also acknowledge that the submissions and follow up questions after the 2014 exhibition generated a significant burden on Council's administration and we thank the Council staff involved for the professional way they managed this proposal.

Finally Walker understands the community's resentment over the inclusion of the restoration of the Appin Inn into the Voluntary Planning Agreement. As a result we advise the restoration of the Appin Inn is no longer associated with the Macquariedale Road planning proposal.

Restoration of the Inn can now be funded from the development of the recently approved 26 lot community title development and should commence within 3 months with demolition of the roof and the propping of the external walls. Archaeological recovery works involving the Appin Historical Society and our own archaeologist will occur when the building is safe to enter and an excavation permit is approved by Office of Environment and Heritage.

**Response:**

I would now like to present a number of changes that we ask Council to accept in order to better address the community's concerns about the Macquariedale Road planning proposal.

Firstly, we accept the community's opposition to small lots and request Council increase the minimum lot size in the R2 residential land to reflect exactly the outcome achieved at Appin

Walker Corporation Pty Ltd ABN 95 001 176 263 Walker Group Constructions Pty Ltd ABN 59 057 303 716  
Walker Group Constructions (QLD) Pty Ltd ABN 71 114 375 745 Walker Group Holdings Pty Ltd ABN 51 001 215 059

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## PE4 – Planning Proposal – Macquariedale Road, Appin

## Letter Wollondilly Council – 29.2.16

Thirdly, Walker proposes to spend **\$2.5 million** on works to **upgrade intersections onto Appin Road** required by our development and to improve safety, capacity and convenience along Appin Road between Church Street and Market Street.



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This could include traffic signals at King St /Appin Rd, a protected turning lane at Macquariedale Rd and traffic signals or roundabout at Appin Rd/Church St. The final decision on these works is up to the Roads and Maritime Services. These works may ultimately reduce traffic speeds through Appin (similar to the roundabout built for Appin Valley) and could potentially reduce the attractiveness of Appin Road as a thru route for regional traffic.

Fourthly we retain our commitment to upgrade Gordon Lewis Oval, Macquariedale Road and the shopping centre, plus provide \$700,000 towards new cycle paths. However as the development has now contracted to 215 (previously 250) with only 25 dwellings accessing Macquariedale Road (previously 180) we have reduced the level of funding in Macquariedale Road from \$650,000 to \$250,000 and in Gordon Lewis Oval from \$1,300,000 to \$1,200,000.

Attached at **Annexure 2** is a summary of proposed works and funds that could be included in a future VPA.

We believe based upon the research we tabled at Council that the majority of the community is not opposed to new development. However the community expects development to deliver infrastructure, support jobs growth and improve the affordability of new housing.

In the case of this proposed offer Appin would receive approximately **\$44,000 per new lot** – towards community, open space and transport infrastructure - more than double what Council receives in other communities such as Picton, Tahmoor or Bargo.

**If this amended offer is accepted the value to the Appin community of works and contributions from this proposal and our recently approved community title subdivision would reach approximately \$10 million over 3-4 years.**

This would dramatically improve transport, community, environmental and employment outcomes for Appin.

The Council conducted mediation process showed that the community in Appin wish to see planning decisions that are fully explained and transparent.

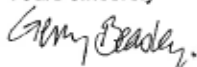
For this reason we also support Council adopting our suggested Structure Plan to ensure no further development beyond what we propose so there is certainty around the final number of homes that can be built under the proposal.

Again for transparency reasons we suggest an amended VPA, draft LEP and proposed Structure Plan be re- exhibited along with our draft Bio-Certification Agreement so the community has an opportunity to comment again on what is proposed.

In conclusion the amended proposal provides a very significant community benefit but must be submitted without prejudice. If the Council agrees with this submission, our intention would be to immediately follow up with a formal letter of offer to amend the VPA but we must retain the right at this stage to withdraw or amend the proposal.

Thank you for the opportunity to respond to the planning proposal.

Yours sincerely



Gerry Beasley  
**Executive Planner**  
**Walker Corporation Pty Limited**

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday  
18 April 2016

**PE4 – Planning Proposal – Macquariedale Road, Appin**

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Letter Wollondilly Council – 29.2.16

**ANNEXURE 1**

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 April 2016

PE4 – Planning Proposal – Macquariedale Road, Appin

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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 April 2016

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Letter Wollondilly Council – 29.2.16

**ANNEXURE 2**

**SUMMARAY OF CONTRIBUTIONS AND WORKS IN A POTENTIAL NEW VPA FOR MACQUARIE DALE ROAD**

WORKS	\$
Upgrade to Gordon Lewis Oval, including playground and pathways	1,200,000
Upgrade to Macquariedale Road	250,000
Underground overhead power lines Macquariedale Rd / Appin Rd	1,400,000
Landscape improvement works in Appin Road shopping centre	500,000
Cycleway	700,000
Community chest	2,500,000
Green fund	500,000
Appin Road works	2,500,000
<b>TOTAL</b>	<b>9,550,000</b>

The value of the potential new VPA is \$44,419 / lot (based on 215 lots in the R2 land).



## PE4 – Planning Proposal – Macquariedale Road, Appin

## ATTACHMENT 2 – 4985 – 18 APRIL 2016

**Attachment 2: Macquariedale Road, Appin Planning Proposal;**  
Comparison table to illustrate changes to the planning proposal proposed by the proponent

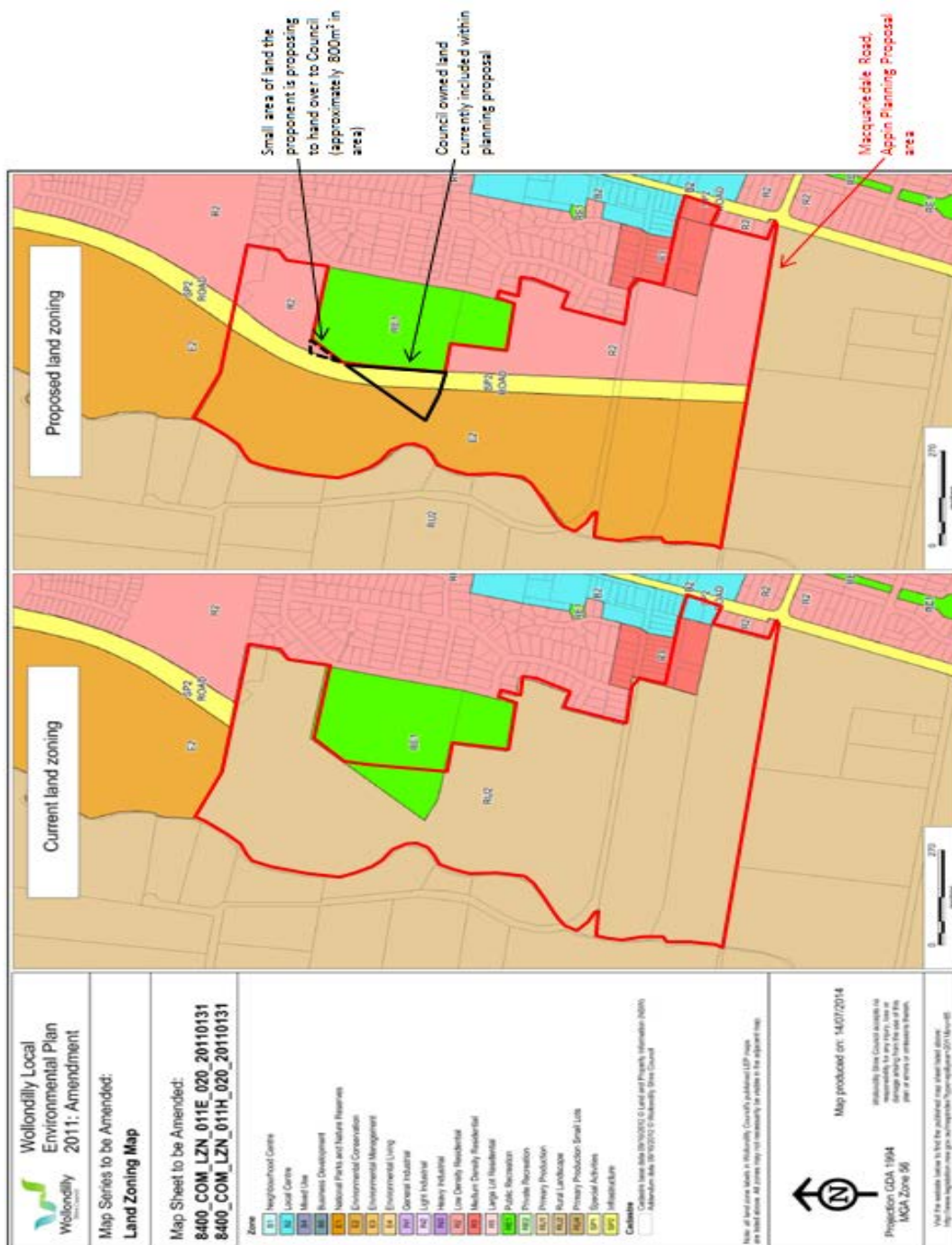
Proposed Land Use Zones	Current Planning Proposal	As Proposed
	R2 Low Density Residential R3 Medium Density Residential E2 Environmental Conservation SP2 Infrastructure	No change to R2, R3, E2 Remove SP2 Infrastructure  Note: The proponent now proposes to provide a small area of land (approximately 800m <sup>2</sup> to Gordon Lewis Oval). If this was accepted, it is considered that this area should be rezoned to RE1 Public Recreation.  Also, if the land is no longer proposed to be rezoned for SP2 Infrastructure, it should now be proposed E2 Environmental Conservation.
Proposed Height of Buildings	9m for proposed residential areas None for E2 & SP2 land	No change
Proposed Lot Size Map	30 hectares for E2 & SP2 land 450m <sup>2</sup> for R2 Low Density Residential 230m <sup>2</sup> for R3 Medium Density Residential	No change to E2 land 700m <sup>2</sup> for 70% of lots & 450m <sup>2</sup> for 30% of lots No change for R3 Medium Density Residential
Land Reservation Acquisition	Land identified for "Classified Road (SP2)" for the proposed Appin Bypass	Remove land identified for land reservation acquisition  Note: RMS may not support this change.
Natural Resources – Biodiversity	Land proposed for E2 zone also identified on biodiversity map	No change
Anticipated Lot Yield	250 lots	215 lots

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 April 2016

PE4 – Planning Proposal – Macquariedale Road, Appin

ATTACHMENT 3 – 4985 – 18 APRIL 2016

Attachment 3: Proposed Land Zoning Map showing location of Council owned land within planning proposal land for handover





Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 April 2016

**PE4 – Planning Proposal – Macquariedale Road, Appin**

**ATTACHMENT 4 – 4985 – 18 APRIL 2016**



**Planning &  
Environment**

Mr Luke Johnson  
General Manager  
Wollondilly Shire Council  
PO Box 2  
PICKTON NSW 2571

15/08940

Dear Mr Johnson

I refer to the planning proposal for land at Macquariedale Road, Appin (PP\_2011\_WOLLY\_014\_00), currently under consideration by Wollondilly Council. The Department of Planning and Environment acknowledges Council's resolution on 16 March 2015 to defer further consideration of this planning proposal until the Department completes its investigation of land release potential at Greater Macarthur.

The Department's investigations at Greater Macarthur are progressing under Action 2.4.2 of *A Plan for Growing Sydney*. The Department will be in a position to present an update of its investigations to the Planning Control Group in June 2015.

I appreciate that Council has been working closely with the proponent to progress this planning proposal over a number of years and that the issues of biodiversity conservation and infrastructure servicing are critically important in considering not just this planning proposal but all land release proposals in the Appin locality. The Department has considered this planning proposal and is of the view that it can progress independently of the Greater Macarthur Land Release Investigation, because:

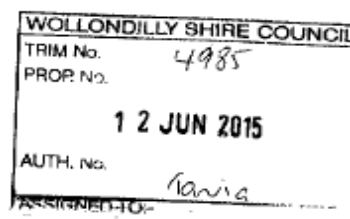
- the planning proposal is at an advanced staged of the plan-making process; and
- the scale and nature of the planning proposal is unlikely to have a significant influence on the outcomes of investigations for the broader Greater Macarthur area.

The Department's Housing Land Release and Metropolitan branches are willing to meet with Council to discuss Council's consideration of this planning proposal and any issues requiring resolution.

Should you have any further enquiries on the Greater Macarthur Land Release Investigation, I have arranged for Paul Robilliard, Director, Housing Land Release to assist you. Paul can be contacted on (02) 9860 1512.

Yours sincerely

**Brendan O'Brien**  
**Executive Director**  
**Infrastructure, Housing and Employment**



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Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 18 April 2016

**PE4 – Planning Proposal – Macquariedale Road, Appin**

**ATTACHMENT 5 – 4985 – 18 APRIL 2016**



**Planning &  
Environment**

Mr Gerry Beasley  
Walker Corporation  
GPO Box 4073  
Sydney NSW 2001

16/03056

Dear Mr Beasley

Thank you for writing to me regarding your planning proposal at Macquariedale Road, Appin.

The recently released Greater Macarthur Land Release Investigation Preliminary Strategy and Action Plan (Preliminary Strategy) identifies potential for small scale expansion of Appin Village in line with existing post-Gateway planning proposals.

This would include the Macquariedale Road planning proposal, which has been substantially progressed under the plan-making process. Given its size and nature, the Department is of the view that the proposal, in terms of its scale and the impact on infrastructure, is not inconsistent with the vision and intent of the Preliminary Strategy.

Wollondilly Shire Council remains the relevant planning authority. The decision of how to progress the planning proposal remains with Council at this stage of the process and will be based on full consideration of the proposal's merits and the matters outlined in the Gateway Determination.

Council will refer its decision to the Greater Sydney Commission (or delegate) for finalisation of the plan. In finalising the plan Council's recommendation will be considered.

I trust this advice is of assistance. Should you have any further questions about the Macquariedale Road planning proposal, please don't hesitate to contact Stephen Gardiner, Metropolitan (Parramatta) on 9860 1536.

Yours sincerely

**Brendan O'Brien**  
**Executive Director, Infrastructure, Housing and Employment**

CC: Luke Johnson, General Manager, Wollondilly Shire Council