

## MACQUARIEDALE ROAD, APPIN

For the rezoning of land located at Macquariedale Road & Appin Road, Appin

Lot 1 DP1218358 (55 Macquariedale Road), Part Lot 2035 DP1198686 (112 Heritage Drive), Part Lot 1 DP245866 (40 Sportsground Parade), Lot 3 DP1218358 (65 Appin Road), Lot 2 DP529457 (61 Appin Road), Lot 11 DP270989 (1 Thomas Street), Lot 18 DP270989 (2 Thomas Street), Lot 10 DP270989 (3 Thomas Street), Lot 19 DP270989 (4 Thomas Street), Lot 20 DP270989 (6 Thomas Street), Lot 8 DP270989 (7 Thomas Street), Lot 21 DP270989 (8 Thomas Street), Lot 2 DP270989 (8 Sykes Avenue), Lot 3 DP270989 (10 Sykes Avenue), Lot 4 DP270989 (12 Sykes Avenue), Lot 5 DP270989 (14 Sykes Avenue), Lot 6 DP270989 (16 Sykes Avenue), Lot 7 DP270989 (18 Sykes Avenue), Lot 22 DP270989 (28 Sykes Avenue), Lot 23 DP270989 (30 Sykes Avenue), Lot 24 DP270989 (32 Sykes Avenue), Lot 17 DP270989 (11 Koolahs Street), Lot 16 DP270989 (13 Koolahs Street), Lot 15 DP270989 (15 Koolahs Street), Lot 14 DP270989 (17 Koolahs Street), Lot 13 DP270989 (19 Koolahs Street), Lot 12 DP270989 (21 Koolahs Street), Lot 27 DP270989 (29 Koolahs Street), Lot 26 DP270989 (31 Koolahs Street), Lot 25 DP270989 (33 Koolahs Street), Lot 1 DP270989 (Koolahs Street)

# Document Register

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# Introduction

This Planning Proposal (PP) explains changes proposed to the Wollondilly Local Environmental Plan 2011 (Wollondilly LEP 2011) to rezone approximately 62.8 hectares of mostly rural land at Macquariedale Road and Appin Road, Appin to permit low and medium density housing and to ensure the environmental management of ecologically important land.

It seeks to do this by amending provisions within the Wollondilly LEP 2011 relating to land zoning, height of buildings, lot size and natural resources (biodiversity). If rezoned, the site has the capacity to provide approximately 215 new houses.

It has been prepared in accordance with the relevant requirements under the *Environmental Planning and Assessment Act 1979* (section 55) and *A Guide to Preparing Planning Proposals* (2016) prepared by the NSW Department of Planning & Environment.

The Planning Proposal has been informed by several specialist studies and provides a strategic planning basis for the change in zoning, as well as an assessment of the potential environmental impacts of development on the site should the proposed changes to the Wollondilly LEP 2011 proceed.

It is accompanied by three (3) other statutory processes which complement the Planning Proposal.

These processes are summarised in the table below.

Process	What legislation governs the process	Purpose
<b>Draft Planning Agreement</b>	Environmental Planning and Assessment Act 1979	Proposes a number of community benefits should the development proceed.
<b>Draft Development Control Plan</b>	Environmental Planning and Assessment Act 1979	To establish planning controls to guide the future development of the site.
<b>Biodiversity Certification Application</b>	Threatened Species Conservation Act 1995	To protect areas of high conservation value and to offset areas suitable for development.

Public feedback will be sought on the Planning Proposal, Draft Planning Agreement, Draft Development Control Plan and Biodiversity Certification Application at the same time.

## PROGRESS OF PLANNING PROPOSAL TO DATE

The Macquariedale Road Planning Proposal was submitted to Council by the Walker Corporation (the Proponent) in April 2011 for consideration under the NSW State Government's newly established Gateway System; however, prior to this an application to rezone the land was originally submitted to Council in May 2007 as a rezoning application.

Council originally resolved to support the planning proposal at its Ordinary Meeting of 15 August 2011. The original Gateway Determination was issued by the NSW Government in October 2011 which allowed the proposal to proceed.

The planning proposal has been altered several times by formally seeking and receiving an alteration to the Gateway Determination from the Department of Planning & Environment. Most of these have been to extend the timeframe for completing the planning proposal. Two (2) of these, however, were to make more significant changes to the planning proposal. A copy of the Gateway Determination and any alterations is provided at Appendix F.

A **Planning Proposal** is a document which explains the changes which are proposed to an environmental planning instrument<sup>1</sup>, in this case the Wollondilly Local Environmental Plan 2011 (WLEP 2011).

This explanation is provided through text and images (usually plans).

The Wollondilly Local Environmental Plan is the key legislation at a local government level which guides and controls the development of land within the Wollondilly Shire Council area.

In 2013 the planning proposal was altered to include additional land and in 2017 the proposal was altered in response to concerns raised during the public exhibition held in 2014. The planning proposal was previously exhibited for public comment in September 2014. This resulted in significant community interest in the proposal, as well as interest in future growth in and around the town of Appin.

An overview of the progress of the proposed rezoning of the land is provided at Appendix D and a copy of the Gateway Determination and subsequent alterations (including for amendment and revised timelines) is provided at Appendix F.

## **CHANGES TO THE PLANNING PROPOSAL FOLLOWING THE 2014 PUBLIC EXHIBITION**

Following the public exhibition in 2014, the proponent requested changes to the planning proposal in response to key issues raised by the Appin community. These issues included: rural character; infrastructure; transparency around the decision making process; the final development outcome; and impact of the development on the existing town of Appin.

The proponent's proposed changes included:

- Increasing the minimum lot size for subdivision to be 700sq.m or greater in some areas of the site to achieve the same lot mix outcome as in the Appin Valley development, i.e. 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>,
- prohibition of dual occupancy on R2 Low Density Residential zoned land;
- adoption of a Structure Plan with road connections, access restrictions, and location of proposed lot sizes (to go into the DCP and potentially the Planning Agreement (PA)); and
- removal of the proposed land use zoning for the Appin Bypass from the proposal,
- dedication of additional land to the Gordon Lewis Oval,
- changes to the draft planning agreement to:
  - remove the restoration of the Appin Inn.
  - establish a "community chest" grants program to help manage impacts on the community caused by growth,
  - establish a "green fund" grants program to support community led environmental projects,
  - include \$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,
  - retain upgrades to Gordon Lewis Oval,
  - retain commitments to streetscape improvements to the Appin village centre,
  - a lower level of works to Macquariedale Road given that traffic entering this road from the development will be minimised,
  - retain contribution to new cycle paths.

At its Ordinary Meeting on 18 April 2016 Council considered these amendments and resolved to continue to consider the proposal in an amended form so that further consultation with the community could be undertaken on the proposal. Not all the proposed changes are included within the planning proposal. Generally, this was due to an alternative approach being identified within the report, for example through controls in the development control plan. However, a request to the NSW Government Department of Planning & Environment to amend the Planning Proposal so that dual occupancy development would be prohibited within the site was not supported.

The table below provides a summary of the changes to the PP from the version which was publicly exhibited in September 2014.

	<i>Planning Proposal as exhibited in 2014</i>	<i>Amended Proposal (current)</i>	<i>Additional Comments</i>
<b>Land use zones</b>	R2 Low Density Residential R3 Medium Density Residential E2 Environmental Conservation SP2 Infrastructure	R2 Low Density Residential R3 Medium Density Residential E2 Environmental Conservation RE1 Public Recreation	<ul style="list-style-type: none"> <li>A small triangular area of land adjoining the north-western corner of Gordon Lewis Oval reserve which was previously proposed as R2 Low Density Residential is now proposed as RE1 Public Recreation.</li> <li>The PP no longer seeks to protect land required for the proposed future Appin Bypass. As a result, the land previously proposed as SP2 Infrastructure is mostly now proposed as E2 Environmental Protection.</li> <li>As the proposed SP2 Infrastructure land no longer affects land in Council ownership changes to the land use zone are no longer proposed and the land will remain as RE1 Public Recreation. This has involved removing an area of proposed SP2 Infrastructure and E2 Environmental Conservation land use zones.</li> </ul>
<b>Maximum height of buildings</b>	9m for proposed residential areas.  None for E2 & SP2 land	No change to standard height limit proposed for residential areas (i.e. R2 & R3) or E2 land.  No height limit is proposed for the proposed RE1 Public Recreation land use zone.  The PP no longer includes any land proposed to be zoned SP2 Infrastructure.	
<b>Minimum lot size for subdivision</b>	30 hectares for E2 & SP2 land.  450m <sup>2</sup> for R2 Low Density Residential.  250m <sup>2</sup> for R3 Medium Density Residential.	No changes to E2 land.  No changes to R2 and R3 land.  No minimum lot size proposed for the additional RE1 Public Recreation land.	<ul style="list-style-type: none"> <li>Site specific planning controls will be prepared for the Wollondilly Development Control Plan 2016 to encourage a mix of lots sizes across the site.</li> <li>Provisions to prevent dual occupancy development within the area were not supported by the NSW Department of Planning &amp; Environment.</li> </ul>

	<i>Planning Proposal as exhibited in 2014</i>	<i>Amended Proposal (current)</i>	<i>Additional Comments</i>
		The PP no longer includes any land proposed to be zoned SP2 Infrastructure.	
<b>Land reserved for acquisition</b>	Land identified for “Classified Road (SP2)” for the proposed Appin Bypass	This change has been removed from the PP.	<ul style="list-style-type: none"> <li>No changes are proposed to the Land Reservation Acquisition Map. It has been removed from Part 4 Mapping.</li> </ul>
<b>Identifying “sensitive land” in terms of biodiversity</b>	Land proposed for E2 zone also identified on the Natural Resources – Biodiversity Map	Land in Council ownership at Gordon Lewis Oval which is no longer proposed to be rezoned to E2 Environmental Conservation. It will also no longer be identified on the Natural Resources – Biodiversity Map. Otherwise those areas previously mapped will remain so.	<ul style="list-style-type: none"> <li>Note that land previously identified for the Appin Bypass will not be identified on the Biodiversity Map along with other E2 land. This land is now included within the Biodiversity certification application.</li> </ul>
<b>Anticipated Lot Yield</b>	250 lots	215 lots	

Summary of changes to Planning Proposal following the September 2014 public exhibition

## AFFECT ON COUCNIL OWNED LAND

The planning proposal includes Council owned land but does not propose any changes to the Wollondilly LEP 2011 that would affect this land. Land owned by Council within or nearby the planning proposal boundary is shown at Appendix E.

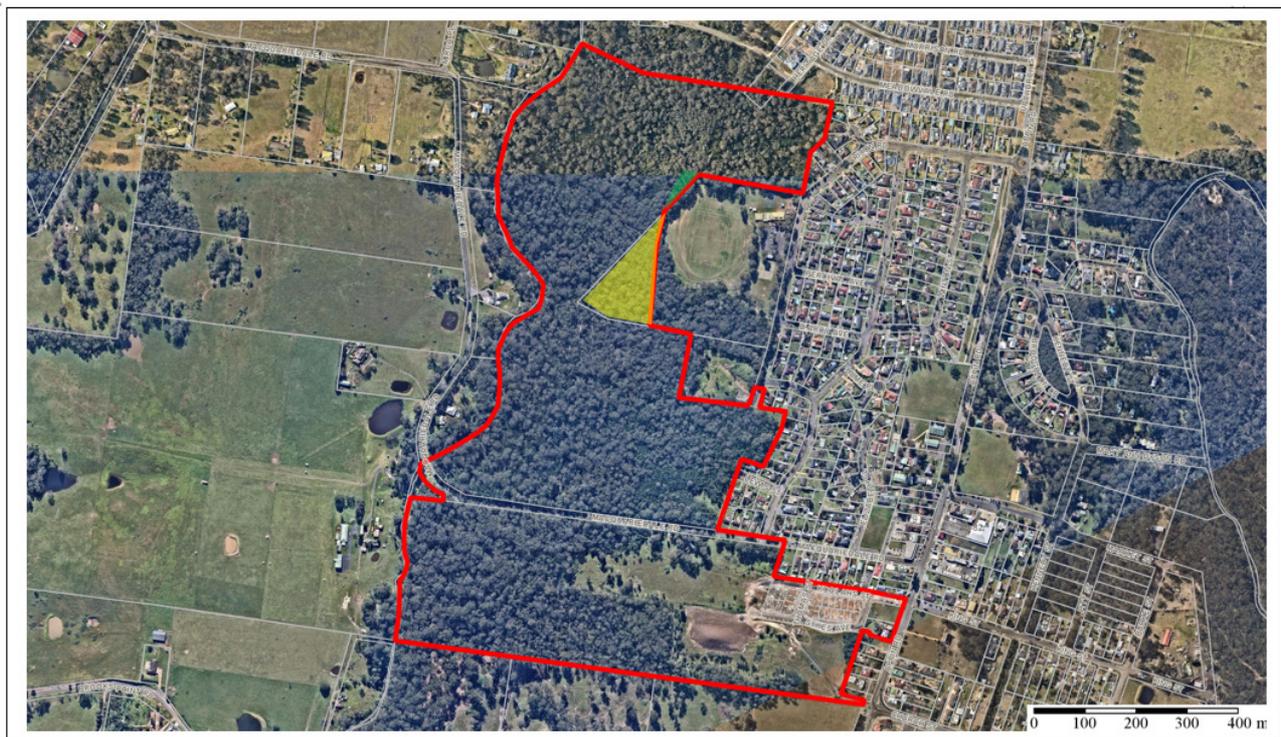
The original planning proposal included provisions to preserve the route of the Roads and Maritime Services (RMS) proposed Appin Bypass by rezoning the land to SP2 Infrastructure (Road) and identifying this land on the Land Reservation Acquisition Map. The proposed current alignment of the Appin Bypass will pass through a vegetated area near the Gordon Lewis Oval.

The route of the bypass, through Council land, separated a small triangular shaped land parcel from the remainder of the public reserve and because this triangular area was heavily vegetated it was previously proposed to rezone this area to E2 Environmental Conservation as was proposed on adjoining vegetated land owned by the proponent.

However, the intention to preserve land for the proposed Appin Bypass no longer forms part of the planning proposal and there are now no changes proposed for this area of Council owned land. The land however remains within the planning proposal boundary as it is difficult to change the boundary.

The proposal does however include a small portion of land currently owned by the proponent which is proposed to be rezoned to RE1 Public Recreation and handed over to the Council to increase the size of the Gordon Lewis Oval sportsground. This arrangement is included within the Draft Planning Agreement which accompanies the planning proposal.

The map below shows the planning proposal boundary in red, the area of Council owned land where no changes are proposed to the Wollondilly LEP 2011 in yellow and the area to be handed over to Council to increase the size of the sportsground is shown in green.



## BACKGROUND STUDIES

A number of specialist studies have been undertaken to inform and support this planning proposal. These are listed in the table below. These are referred to throughout the document and are included within the appendices.

Table: Specialist Studies prepared to inform Planning Proposal

<i>Name of Study</i>	<i>Prepared by</i>	<i>Date</i>	<i>Appendix Location</i>
Aboriginal & Historic Archaeological and Cultural Heritage Values	Heritage Concepts	April 2007	G
Aboriginal Cultural Heritage Due Diligence Assessment Report	Mary Dallas Consulting Archaeologists	Aug 2014	H
Initial Historic Heritage Assessment	Mary Dallas Consulting Archaeologists	Feb 2014	I
Preliminary Riparian Corridor Investigation	Patterson Britton & Partners Pty Ltd	Nov 2006	J
Ecological Assessment	Travers Bushfire and Ecology	Apr 2014	K
Biodiversity Offset Strategy	Travers Bushfire and Ecology	Feb 2014	L
Expert Report for the Koala at Macquariedale Road, Appin	Ecological Australia	Mar 2015	M
Economic Impact Justification	MacroPlanDimasi	Oct 2013	N
Water and Sewer Concept Design & Options Report	Qalchek	Dec 2013	O
Transport Impact Assessment	GTA Consultants	Dec 2013	P
Additional Traffic Analysis	GTA Consultants	Mar 2014	Q
Report on Preliminary Site Investigation	Douglas Partners	Dec 2013	R
Bushfire Assessment Report	Holiday Coast Bushfire Solutions	Feb 2014	S

## PROPERTY REFERENCE

The property description of the land within the planning proposal, i.e. its Lot and Deposited Plan (DP) reference, has changed during the assessment of the planning proposal. This is because parts of the site have been subdivided to enable development within and on adjoining land associated with the Appin Valley and Appin Place developments. These subdivisions have not changed the boundary to the planning proposal but has meant that the address and Lot and DP references have changed. As a result the specialist studies, although they consider the relevant land, do not reflect the current property references.

## SITE AND CONTEXT

The site currently includes four (4) land use zones: RU2 Rural Landscape; RE1 Public Recreation; R3 Medium Density Residential; and B2 Local Centre, under the provisions of the Wollondilly Local Environmental Plan 2011 (WLEP).

The area included within the proposal is shown on the Aerial Photo on page 9 as well as the Site Identification Map in Part 4 Map 1. The Planning Proposal includes the following 32 lots:

<b>Street Address</b>	<b>Lot/DP</b>	<b>Site Area within planning proposal boundary</b>	<b>Description of property location</b>
55 Macquariedale Road	1/1218358	59.05ha	This lot contains most of the planning proposal area
112 Heritage Drive	2035/1198686	1,242m <sup>2</sup>	Part Lot only. Other portion located within "Appin Valley" development
40 Sportsground Parade	1/245866	1.7ha	Part Lot only. Council owned land. Includes part of the Gordon Lewis Oval sportsground.
65 Appin Road	3/1218358	2065 m <sup>2</sup>	Undeveloped land on Appin road located next to heritage Appin Inn site.
61 Appin Road	2/529457	1,986 m <sup>2</sup>	Site of the heritage listed Appin Inn
1 Thomas Street	11/270989	345.5 m <sup>2</sup>	"Appin Place" community title development
2 Thomas Street	18/270989	358.4 m <sup>2</sup>	"Appin Place" community title development

Street Address	Lot/DP	Site Area within planning proposal boundary	Description of property location
3 Thomas Street	10/270989	302.1 m <sup>2</sup>	"Appin Place" community title development
4 Thomas Street	19//270989	275 m <sup>2</sup>	"Appin Place" community title development
5 Thomas Street	9/270989	285.7 m <sup>2</sup>	"Appin Place" community title development
6 Thomas Street	20/270989	275 m <sup>2</sup>	"Appin Place" community title development
7 Thomas Street	8/270989	391.1 m <sup>2</sup>	"Appin Place" community title development
8 Thomas Street	21/270989	370.7 m <sup>2</sup>	"Appin Place" community title development
8 Sykes Avenue	2/270989	412.1 m <sup>2</sup>	"Appin Place" community title development
10 Sykes Avenue	3/270989	315 m <sup>2</sup>	"Appin Place" community title development
12 Sykes Avenue	4/270989	315 m <sup>2</sup>	"Appin Place" community title development
14 Sykes Avenue	5/270989	315 m <sup>2</sup>	"Appin Place" community title development
16 Sykes Avenue	6/270989	315 m <sup>2</sup>	"Appin Place" community title development
18 Sykes Avenue	7/270989	275 m <sup>2</sup>	"Appin Place" community title development
28 Sykes Avenue	22/270989	290.5 m <sup>2</sup>	"Appin Place" community title development
30 Sykes Avenue	23/270989	290.5 m <sup>2</sup>	"Appin Place" community title development
32 Sykes Avenue	24/270989	344.4 m <sup>2</sup>	"Appin Place" community title development
11 Koolahs Street	17/270989	400.3 m <sup>2</sup>	"Appin Place" community title development
13 Koolahs Street	16/270989	315 m <sup>2</sup>	"Appin Place" community title development
15 Koolahs Street	15/270989	315 m <sup>2</sup>	"Appin Place" community title development
17 Koolahs Street	14/270989	315 m <sup>2</sup>	"Appin Place" community title development
19 Koolahs Street	13/270989	315 m <sup>2</sup>	"Appin Place" community title development
21 Koolahs Street	12/270989	315 m <sup>2</sup>	"Appin Place" community title development
29 Koolahs Street	27/270989	279.3 m <sup>2</sup>	"Appin Place" community title development
31 Koolahs Street	26/270989	279.3 m <sup>2</sup>	"Appin Place" community title development
33 Koolahs Street	25/270989	319.1 m <sup>2</sup>	"Appin Place" community title development
Koolahs Street	1/270989	413.3 m <sup>2</sup>	"Appin Place" community title lot

The majority of the site is owned by Walker Corporation Pty. Ltd. Two small areas of land within the planning proposal are owned by Wollondilly Shire Council. Land owned by Council within and adjoining the site is shown at Appendix E.

Appin is accessible by road to the following major centres and employment areas:

Campbelltown Major Centre	16km
Liverpool Regional City	40km
Western Sydney Employment Hub	50km
Port Botany Specialised Centre	60km
Sydney Global City	53km
Wollongong Regional City	26km

Other, smaller towns within a 20 kilometre radius of Appin are Menangle to the northwest, Douglas Park to the west and Wilton to the southwest.

## TOPOGRAPHY

The site is located on the western slope of the Appin ridge, which generally corresponds to the alignment of Appin Road. The site is relatively uniform in slope with a fall of between 33-44 metres from its eastern boundary to the bank of Ousedale Creek.

Three east-west gullies, containing tributaries to Ousedale Creek run through the site. One is along the northern boundary, one is from the Gordon Lewis Sportsground, and a third is across the site's south west section. These gullies form the key elements of the natural drainage pattern of the site.

## FLORA AND RIPARIAN LAND

A significant portion of the site (51.17 hectares of the proponent owned land) from north to south along Ousedale Creek (which forms the western boundary of the site) is densely vegetated. The native vegetation has been identified as including

two (2) vegetation types (Cumberland Plain Woodland and Shale Sandstone Transition Forest) both of which are listed as critically endangered ecological communities (EEC) on the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The remainder of the site has been cleared in the past. This area is currently used for rural residential and agricultural (grazing) land uses.

The site is bounded on the western side by Ousedale Creek and is intersected by three (3) minor tributaries which drain in a westerly direction.

## **EXISTING ROAD INFRASTRUCTURE**

The northern part of the site is accessible from Appin Road via Rixon Road and Sportsground Parade, which are paved sealed roads with nature strips. It also has frontage to Lewis Street and Macquariedale Road.

The southern part of the site is accessible from Appin Road and Macquariedale Road. The existing road network can be effectively connected to the proposed R2 and R3 residential zones.

The NSW Roads and Maritime Service (RMS) corridor for the future Appin By-pass traverses north south through the centre of the site, as identified in the Wollondilly Growth Management Strategy 2011 (GMS). Further information on this is provided in section A3.1 ahead.

## **THE TOWN AND ITS CHANGING FACE**

Appin is the oldest urban settlement in Wollondilly Shire, established in approximately 1820. It is a small scale village style settlement, and has a number of locally significant heritage items listed in the Wollondilly LEP 2011. These give Appin much of its urban form and character.

In 2006, its estimated population was 1,740 persons, housed in 600 dwellings. In 2016, its estimated population had increased to 2633 people, housed in 876 dwellings (ABS web site July 2017). The stated 2016 ABS rate of people per household for Appin is 3.1.

This is a significant increase of over 30% in 10 years. It would largely be as a result of the completion of the Appin Valley development during that period. There appears to be little residential consolidation occurring in the existing urban centre of Appin (GIS aerial photo analysis July 2017). Following an analysis of the aerial photo, it is estimated that Appin has development potential of 100 to 150 dwellings within the established urban area i.e. consolidation of existing lots.

Using the estimated number of resultant lots (215) from this PP (and assuming a single dwelling on each), and the 2016 household size figure of 3.1 persons per household, the PP would result in additional 666 people in Appin. This represents a further 25% increase in the overall population and number of dwellings of Appin (2016 ABS figures). This figure is considered to be an underestimate. There could be potentially more resultant additional dwellings / people in the smaller lot subdivisions (i.e. more than 1 dwelling per lot) within the residentially zoned planning proposal land. Further, it is important to note that this increase is without consideration of other additional, residential planning proposal's in and adjacent to the town. For example, it does not include the land adjacent to the commercial part of town that is currently under low and medium density construction (not occupied September 2017).

The town of Appin currently provides a limited range of community and business facilities, including a primary public school, community centre and play area, shops and personal services, the Gordon Lewis sportsground, clubhouse, tennis courts and Appin Park Reserve.

The continued, significant growth in Appin will place increased pressure on the existing infrastructure in and around the town.

# Part 1 – Objectives or Intended Outcomes

This Planning Proposal seeks to enable the development of the site at Macquariedale Road, Appin for low and medium density residential development and the environmental management of a biodiversity corridor.

The associated draft Planning Agreement and draft Development Control Plan will facilitate a network of shared pathways and linkages within and without the site.

The planning proposal needs to be read in conjunction with the:

- draft Planning Agreement;
- Biodiversity Certification Application approved by OEH for public exhibition on 26 April 2017; and
- Draft site specific planning controls for inclusion within the Wollondilly Development Control Plan 2016 for the proposed residentially zoned land component.

# Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- Amending the Wollondilly LEP 2011 **Land Zoning map** in accordance with the proposed zoning map shown in Part 4 by **Map 2**; and
- Amending the Wollondilly LEP 2011 **Height of Buildings map** in accordance with the proposed height of building map shown in Part 4 by **Map 3**; and
- Amending the Wollondilly LEP 2011 **Lot Size map** in accordance with the proposed lot size map shown in Part 4 by **Map 4**; and
- Amending the Wollondilly LEP 2011 **Natural Resources – Biodiversity Map** in accordance with the proposed natural resources map shown in Part 4 by **Map 5**.

The following table summarises the proposed changes for each site within the site:

Address	Lot/DP Reference	Are changes proposed to				Description of property location
		Land zoning	Building height	Lot size	Biodiversity Map	
55 Macquariedale Road	1/1218358	✓	✓	✓	✓	Takes in most of the planning proposal area
40 Sportsground Parade	1/245866	-	-	-	-	Part lot only. Council owned land. Part of the Gordon Lewis Oval sportsground
112 Heritage Drive	2035/1198686	✓	✓	✓	-	Part lot only. Other portion located within Appin Valley development
61 Appin Road	2/529457	✓	-	-	-	Part of Appin Inn Site. Heritage listed site
65 Appin Road	3/1218358	✓	-	✓	-	Vacant Lot
1 Thomas Street	11/270989	-	-	✓	-	“Appin Place” community title development
2 Thomas Street	18/270989	-	-	✓	-	“Appin Place” community title development
3 Thomas Street	10/270989	-	-	✓	-	“Appin Place” community title development

Address	Lot/DP Reference	Are changes proposed to				Description of property location
		Land zoning	Building height	Lot size	Biodiversity Map	
4 Thomas Street	19/270989	-	-	✓	-	"Appin Place" community title development
5 Thomas Street	9/270989	-	-	✓	-	"Appin Place" community title development
6 Thomas Street	20/270989	-	-	✓	-	"Appin Place" community title development
7 Thomas Street	8/270989	-	-	✓	-	"Appin Place" community title development
8 Thomas Street	21/270989	-	-	✓	-	"Appin Place" community title development
8 Sykes Avenue	2/270989	-	-	✓	-	"Appin Place" community title development
10 Sykes Avenue	3/270989	-	-	✓	-	"Appin Place" community title development
12 Sykes Avenue	4/270989	-	-	✓	-	"Appin Place" community title development
14 Sykes Avenue	5/270989	-	-	✓	-	"Appin Place" community title development
16 Sykes Avenue	6/270989	-	-	✓	-	"Appin Place" community title development
18 Sykes Avenue	7/270989	-	-	✓	-	"Appin Place" community title development
28 Sykes Avenue	22/270989	-	-	✓	-	"Appin Place" community title development
30 Sykes Avenue	23/270989	-	-	✓	-	"Appin Place" community title development
32 Sykes Avenue	24/270989	-	-	✓	-	"Appin Place" community title development
11 Koolahs Street	17/270989	-	-	✓	-	"Appin Place" community title development
13 Koolahs Street	16/270989	-	-	✓	-	"Appin Place" community title development
15 Koolahs Street	15/270989	-	-	✓	-	"Appin Place" community title development
17 Koolahs Street	14/270989	-	-	✓	-	"Appin Place" community title development
19 Koolahs Street	13/270989	-	-	✓	-	"Appin Place" community title development
21 Koolahs Street	12/270989	-	-	✓	-	"Appin Place" community title development
29 Koolahs Street	27/270989	-	-	✓	-	"Appin Place" community title development
31 Koolahs Street	26/270989	-	-	✓	-	"Appin Place" community title development
33 Koolahs Street	25/270989	-	-	✓	-	"Appin Place" community title development
Sykes Avenue	1/270989	-	-	✓	-	"Appin Place" community title lot

# Part 3 – Justification

## Section A – Need for the planning proposal

### A3.1 Is the planning proposal a result of any strategic study or report?

Yes, the Growth Management Strategy 2011 (GMS)

A key land use planning issue for Wollondilly Shire is to manage pressure for urban growth, against the context of a broad community desire to keep the Shire rural. This is challenging. Pressure for urban development is an inevitable consequence of Wollondilly Shire being on the fringe of the Sydney Metropolitan Area.

The Growth Management Strategy 2011 (GMS) was prepared to provide a strategic plan for Council and its community. The GMS aims are:

- *To outline clear policy directions on growth issues.*
- *To provide Council and the community with a strategic framework against which to consider planning proposals.*
- *To achieve a long-term sound and sustainable approach to how this Shire develops and changes into the future.*
- *To inform Council decisions and priorities regarding service delivery and infrastructure provision.*
- *To provide direction and leadership to the community on growth matters.*
- *To assist in advocating for better infrastructure and services.*
- *To provide our strategy/response for how we see the State Government's Metropolitan and subregional planning strategies being implemented at the local level.*

The [Growth Management Strategy](http://www.wollondilly.nsw.gov.au/images/documents/wollondilly/mig/258727GrowthManagementStrategy2011adopted.pdf) is available on the Council's Website at <http://www.wollondilly.nsw.gov.au/images/documents/wollondilly/mig/258727GrowthManagementStrategy2011adopted.pdf>.

In the GMS, and within the context of the overall Macarthur South area, Appin was recognised as having the potential for urban expansion in the period leading to 2036. In the Housing Target Distribution Table (p.53), Macarthur South has a target of 1525 houses. In 2011 (when the GMS was completed) these were planned for delivery at Bingara Gorge Estate and at North Appin (320 houses). They have now been delivered. Development in the Macarthur South area will be only be for *small scale developments*.

The Planning Proposal for Macquariedale Road, Appin has been prepared to enable housing development on the subject site as envisioned within the GMS 2011. Part of the subject land is identified within the Council's Growth Management Strategy 2011 as being a 'potential residential growth area' (Appin Structure Plan).

### A3.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The current land use zones which apply across the site would prohibit the scale of proposed future residential development.

The existing zoning does not provide an appropriate level of protection for those areas proposed for environmental management, or the proposed Appin Bypass. That part of the site to be zoned E2, excluding the land within the RMS Appin Bypass route, will be managed by the Biodiversity certification application. As documented earlier, RMS does not object to the removal of the previously proposed land use zone SP2 Infrastructure (reserving land for the proposed Appin Bypass) and replacement with land zoned E2 Environmental Conservation.

It is considered that amending the Wollondilly LEP 2011 as outlined is the best means of achieving the objectives of the Planning Proposal.

## Section B – Relationship to strategic planning framework

### B3.3 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The following regional and sub-regional strategies are relevant:

- Metropolitan Plan for Sydney 2036;
- A Plan for Growing Sydney 2014 - Towards Our Greater Sydney 2056 (amendment to the Greater Sydney Region Plan);
- Draft Greater Macarthur Priority Growth Area
- Draft Western City District Plan

#### ***Metropolitan Plan for Sydney (Metro 2036)***

The Metropolitan Plan for Sydney (Metro 2036) was the relevant metropolitan strategy in place at the time the Macquariedale Road, Appin Planning Proposal was first submitted. It was superseded by *A Plan for Growing Sydney* in 2014. *A Plan for Growing Sydney* does not apply to this proposal under the Section 117 Directions, as the proposal was lodged with NSW Department of Planning and Infrastructure (DPE) after the date the relevant direction was issued. Notwithstanding this, the proposal is unlikely to be contrary to *A Plan for Growing Sydney 2014*.

The Metropolitan Plan for Sydney (Metro 2036) provides an integrated land use, urban and funded-transport planning framework for sustainable growth and development across the Sydney city region to 2036. The Metro 2036 seeks to address challenges facing Sydney through nine (9) strategic directions, these are:

- A. Strengthening a City of Cities
- B. Growing and Renewing Centres
- C. Transport for a Connected City
- D. Housing Sydney's Population
- E. Growing Sydney's Economy
- F. Balancing Land Uses on the City Fringe
- G. Tackling Climate Change & Protecting Sydney's Natural Environment
- H. Achieving Equity, Liveability and Social Exclusion
- I. Delivering the Plan

The Metropolitan Plan for Sydney indicates that the growth of rural settlements is to be managed through comprehensive local strategies prepared by local councils and endorsed by the DPE. The relevant strategy for Wollondilly is the *Wollondilly Growth Management Strategy 2011 (GMS)*.

This Planning Proposal meets the strategic directions of the Metropolitan Plan for Sydney 2036.

Reference is made to the provision that 80% of all new housing is within walking distance of centres of all sizes. 80% of the site is located within walking distance (800m) from the Appin urban centre, where the necessary services to the local community and connection to transport linkages are available. These include shops, a primary school, parks and community services. Local bus services operated by Busways run along Appin Road between Appin and Wollongong and Campbelltown (including Macarthur and Campbelltown stations).

In summary, the site is currently used for low intensity, small scale grazing. The Planning Proposal will result in urban growth adjacent to the existing urban centre of Appin. The land has been identified by the GMS as an area for future urban growth. The PP will not impact upon prime agricultural land. The proposed rezoning for land along Ousedale Creek to E2 Environmental Conservation will ensure 24.37 hectares of land is preserved as a biodiversity conservation corridor.

#### ***A Plan for Growing Sydney (December 2014)***

*A Plan for Growing Sydney (Plan)* was released on 14 December 2014 and is an action plan which will guide land use planning decisions for the next 20 years for the Sydney Metropolitan Area. It has legal status as the current

Greater Sydney Region Plan. It seeks to influence how people move about, where they live, growing the economy and safeguarding the environment.

It consists of a number of directions and actions focussed around four (4) goals:

- ECONOMY; a competitive economy with world class services and transport;
- HOUSING; a city of housing choice with homes that meets our needs and lifestyles;
- LIVEABILITY; a great place to live with communities that are strong, healthy and well connected; and
- ENVIRONMENT; a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

*A Plan for Growing Sydney* does not apply to this proposal under the Section 117 Directions, as the planning proposal was lodged with NSW Department of Planning & Environment (DPE) after the date the relevant direction was issued. However, consideration against this Plan is still considered useful to understand the planning proposal's compatibility with regional strategies.

Wollondilly is located on Sydney's metropolitan fringe and falls within the Sydney Metropolitan Rural Area in *A Plan for Growing Sydney*. The focus of the Plan for Sydney's Metropolitan Rural Area is the protection of the environment and economic assets in terms of mining, agriculture and natural vegetation and biodiversity.

On a case by case basis there may be issues dependent on the context and characteristics of any given site (for example, the need to remove vegetation or the proximity to certain land uses or scenic areas) but these are matters that can be addressed through the development assessment process.

*A Plan for Growing Sydney* also seeks to accelerate housing supply across Sydney to meet demand created by population growth while also addressing housing affordability. The focus for increasing housing supply is for greenfield areas and from within existing urban areas.

The PP is not inconsistent with the content of this Plan.

#### ***Draft Greater Macarthur Priority Growth Area (2016)***

In July 2016 the NSW Government Department of Planning & Environment held a consultation on the proposed Greater Macarthur Priority Growth Area in the Growth Centres SEPP, to include Menangle Park, Mont Gilead, Appin, West Appin, and the Glenfield to Macarthur urban renewal corridor. This was in recognition of the opportunities for new jobs, homes and services in the south-west subregion of Greater Sydney.

The accompanying draft boundary for the Growth Centre took in all of the existing Appin village and surrounding land, particularly land to the west. West Appin was included within the boundary to recognise its long term capacity for urban development.

The consultation documentation contained no detail on the inclusion of land at Appin beyond West Appin within the draft Growth Centre and so it is difficult to interpret what it mean for Appin Village and in particular the Macquariedale Road, Appin Planning Proposal.

The proposed growth centre was based on the Greater Macarthur Land Release Preliminary Strategy and Action Plan which was released in September 2015. That strategy suggested that the rural setting of Appin Village should be protected "*with only small scale expansion taking place, in line with existing post-gateway planning proposals*". The Macquariedale Road Planning Proposal is in accordance with this statement.

Although there has been no further announcement on the proposed growth centre since its exhibition it is likely that the Macquariedale Road Planning Proposal is consistent with the Draft Macarthur Priority Growth Area.

#### ***Draft Greater Sydney Region Plan; A Metropolis of three cities – connecting people (October 2017)***

The Draft Western City District Plan was released by the Greater Sydney Commission on 22 October 2017 and once finalised will replace *A Plan for Growing Sydney*. It is a strategic land use plan with a 40 year vision and 20 year plan for the Greater Sydney.

The focus of the Draft Regional Plan is the transformation of Greater Sydney into a metropolis of three cities – the Western Parkland City, the Central River City and the Eastern Harbour City. Under the plan, Wollondilly along with seven (7) other local government areas in the west form part of the merging Western Parkland City with the Western Sydney Airport and Badgerys Creel Aerotropolis as its catalyst.

Of particular relevance to this planning proposal, the Draft Region Plan excludes Appin from the Metropolitan Rural Area (MRA) due to its location within the Greater Macarthur Priority Growth Area. This means that under the Draft Region Plan the planning proposal area is considered to be an 'urban area' and is not protected from development like in the MRA where urban development is not considered consistent with the environmental, social and economic values. It should be noted that the Draft Region Plan does not refer to the Greater Macarthur Priority Growth Area as a draft growth centre even though no announcement has been made by the Department of Planning & Environment to finalise its status.

The site's location within walking distance of Appin Village centre, a primary school and recreation opportunities make it a good location to meet the liveability objectives within the Draft Region Plan.

The Planning Proposal is considered to be consistent with the Draft Region Plan.

#### **Draft Western City District Plan (October 2017)**

The Draft Western City District Plan was released by the Greater Sydney Commission on 26 October 2017 for public comment and replaces the Draft South West District Plan. The exhibition period will run until 15 December 2017.

While this draft District Plan was released for consultation after the submission of the initial PP, the EPA Act and supporting circular requires the relevant planning authority *to give effect to to any district plan applying to the local government area to which the planning proposal relates (section 75A1)*.

The Draft District Plan is a 20-year plan to manager growth in the context of economic, social and environmental matters to achieve the 40-year vision for Western Sydney. It is a guide for implementing the Draft Region Plan at a district level and is a bridge between regional and local planning.

It has already been mentioned above, that the planning proposal site is located within an urban area which makes it an appropriate location for urban development.

Of relevance to the planning proposal, if rezoned, the site would contribute towards Wollondilly's short term housing targets.

#### **Overall**

The Planning Proposal is considered to be consistent with the regional and sub-regional strategic framework.

### **B3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

The following local strategies are relevant to this Planning Proposal:

- Create Wollondilly Community Strategic Plan 2033
- Growth Management Strategy 2011

#### **Create Wollondilly Community Strategic Plan 2033**

The current [Wollondilly Community Strategic Plan 2033](#) (WCSP), adopted 19 June 2017, is the Council's highest level long term plan and sets out the long term strategic aspirations of the community for Wollondilly.

It is based on a vision of rural living for Wollondilly Shire and focusses around five themes:

- Sustainable and balanced growth;
- Management and provision of infrastructure;
- Caring for the environment;
- Looking after the community; and
- Efficient and effective Council.

The Community Strategic Plan establishes a broad position on growth which is based supporting appropriately scaled growth within and around existing towns and villages, a focus on Wilton New Town for growth and no major growth in other locations. The Planning Proposal is considered to be consistent with this position.

The Planning Proposal also contains provisions to care for the environment with approximately 34 hectares of land proposed to be included within an environmental protection land use zone. Ongoing management of this area will also be facilitated through a Bio-banking agreement as part of the biocertification of this land.

The Planning Proposal is considered to be consistent with the Creating Wollondilly Community Strategic Plan 2033.

### ***Growth Management Strategy 2011 (GMS)***

A key land use planning issue for Wollondilly is to manage pressures for growth against the context of a broad community desire to keep the Shire rural. This is a challenging balancing act, and a consequence of being a rural local government area that is now described as being within the Sydney Metropolitan Area.

The Growth Management Strategy 2011 (GMS) was prepared to provide a strategic plan led response to this issue, and does so by providing:

- clear policy directions on growth issues;
- a strategic framework against which to consider PP;
- a long-term sound and sustainable approach to how the Shire develops and changes into the future;
- a basis to inform Council decisions and priorities regarding service delivery and infrastructure provisions;
- direction and leadership to the community on growth matters;
- advocating for better infrastructure and services;
- a strategy/response for how the Council sees the State Government's Metropolitan and subregional planning strategies being implemented at the local level.

The GMS was prepared in consultation with and was partially funded by the (then) Department of Planning and Infrastructure. However, the final document has not been endorsed by the Director-General. Notwithstanding this, the GMS was adopted by Council on 21 February 2011 and is consistently applied in the assessment of PPs for new growth throughout the Shire.

All planning proposals within Wollondilly must be assessed against the Key Policy Directions within the GMS. A table showing the Planning Proposal's consideration against these directions is provided at Appendix C.

The Planning Proposal for Macquariedale Road, Appin has been prepared to enable residential development on the site as envisioned in the GMS 2011. Part of the subject land is identified within the Council's Growth Management Strategy 2011 as being a 'Potential residential growth area'. The PP seeks to rezone that portion of the site identified within the GMS for residential growth so that it can be developed for housing.

### **B3.5 Is the planning proposal consistent with applicable state environmental planning policies?**

An assessment against all applicable State Environmental Planning Policies is provided at Appendix A. Specific consideration is given to the following SEPP's (and draft SEPP's) which are relevant to this PP:

- SEPP 55 – Remediation of Land;
- SEPP 44 – Koala Habitat Protection (and draft amendment);
- Sydney REP No. 20 – Hawkesbury- Nepean River; and

#### ***SEPP 55 – Remediation of Land***

SEPP 55 provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. Subsequently, SEPP 55 requires consideration of contamination issues as part of the preparation or making of an environmental planning instrument (rezoning) land.

The residential component of the planning proposal is located on land which has been used for agricultural activities in the past; subsequently a preliminary investigation is required to ascertain that the site is suitable for residential development in terms of contamination.

A *Report on Preliminary Site Investigation* dated 2013 has been prepared on behalf of the proponent by Douglas Partners to inform the Planning Proposal and is included at Appendix R. The aim of the investigation was to assess the potential for site contamination resulting from past or present uses and/or features, and to provide preliminary information on the contamination status of the site.

The investigation identified 21 “Areas of Environmental Concern” (AEC) which are listed in Table 7 to the report contained at Appendix R. These Areas of Concern will require further investigation and possible remediation however the report concludes that they are not considered a barrier to the rezoning of the land for residential development.

A more detailed investigation of the site, including sampling, will be required at the development application stage to confirm the contamination status and any requirements for remediation.

#### **SEPP 44 – Koala Habitat Protection, and its draft amendment**

This SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas and to ensure permanent free living populations will be maintained over their present range.

SEPP 44 Koala Habitat Protection applies to land within Local Government Areas (LGAs) listed under Schedule 1 of the Policy. In addition, Part 2 of the Policy outlines a three (3) step process to assess the likelihood of the land in question being Potential Koala Habitat (PKH) or Core Koala habitat (CKH). Part 2 applies to land which has an area of greater than 1ha or has, together with any adjoining land in the same ownership, an area of more than 1ha.

The subject site is required to be considered under SEPP 44 as it falls within the Wollondilly LGA, which is listed on Schedule 1 of this Policy. In addition, the total area of the subject site is greater than 1ha, so Part 2 – Development Control of Koala Habitats, also applies.

An *Ecological Assessment* dated April 2014 has been prepared on behalf of the proponent by Travers Bushfire & Ecology to inform the Planning Proposal and is included at Appendix K. The aim of this assessment is to identify flora and fauna present, or which has potential to be present, on the site and to consider the potential ecological impacts of the proposed rezoning as well as mitigation measures to minimise or offset the loss of habitat as a result of the proposed residential zone. The assessment includes consideration of the proposal under SEPP 44.

Potential Koala Habitat is defined as land where at least 15% of the total number of trees in the upper or lower strata constitutes any of the tree species listed in Schedule 2 of the Policy.

Core Koala Habitat is defined as an area of land with a resident population of koalas, evidenced by attributes such as breeding females (i.e. females with young) and recent sightings of and historical records of a population.

#### *Step 1 – Is the land PKH?*

The site has Potential Koala Habitat. Two (2) Koala food tree species, Grey Gum (*Eucalyptus punctata*) and Forest Red Gum (*Eucalyptus tereticornis*), as listed on Schedule 2 of SEPP 44 – were found within the study area. These trees comprised greater than 15% of the total number of trees within the vegetation communities and are therefore classified under SEPP 44 as PKH.

#### *Step 2 – Is the land CKH?*

No Koalas were directly observed or recorded by call at the time of the fauna survey, which included diurnal searches of trees, spotlighting and call-playback. In addition, there was no conclusive secondary evidence of Koala habitation in the area. Searches for secondary indications of Koalas included observations for scratchings on trees and scats beneath trees.

Some scratches observed on trees during survey, particularly high use sides on the old bark of Grey Gums were considered consistent with Koala. Further investigations found that these few trees were generally large trees containing hollows and a Lace Monitor was observed at one of these locations. The Common Brush-tailed Possum was also recorded during survey. Scat searches below large trees with scratches found no Koala pellets.

A search of the *Atlas of NSW Wildlife* database (OEH 2012) found numerous records of Koala habitation within 10km. The closest of these were located to the nearby east and north east associated with the connective open forests and woodlands of the Georges River on the other side of Appin Road. Despite the proximity of these records to the study area, there are no Koala records within the connective remnants along Ousedale Creek that run north and then north west in the other direction on the other (western) side of the Appin township.

Although the study area does provide PKH that would be considered suitable to contribute to a functioning Koala population, the absence of records along these connective remnants suggest that they do not support CKH.

In response to community concerns with the presence of koalas within Appin and potentially on the site and to inform the biodiversity certification application that accompanies the Planning Proposal an Expert Report for the Koala dated 18 March 2015 has been prepared by Eco Logical Australia. This report is provided at Appendix M and outlines the opinion of Koala expert, Dr Steven Ward, on the likelihood that Koala's would be using habitat within the site (the area of vegetation which is to be retained).

The report concludes that *due to the presence of primary and supplementary food trees, records near and within the subject site, and connectivity to areas of high quality habitat, the entire conservation site is considered habitat for the koala*. It should be noted that this report was prepared to establish whether the biodiversity certification application generates credits under the assessment methodology for conserving koala habitat.

If the biocertification is approved a Management Plan will be required as part of the subsequent Biobank Agreement. The Management Plan will contain actions designed to conserve and enhance koala habitat, the identified habitat connectivity the site provides for the movement of koalas, as well as to monitor population numbers. The Management Plan will also contain a variety of actions to conserve and enhance the bushland within the site as well as addressing threats such as weeds and feral animals.

The proponent has provided a diagram (shown on page 22) to illustrate the known and potential connectivity for koalas in and around Appin.

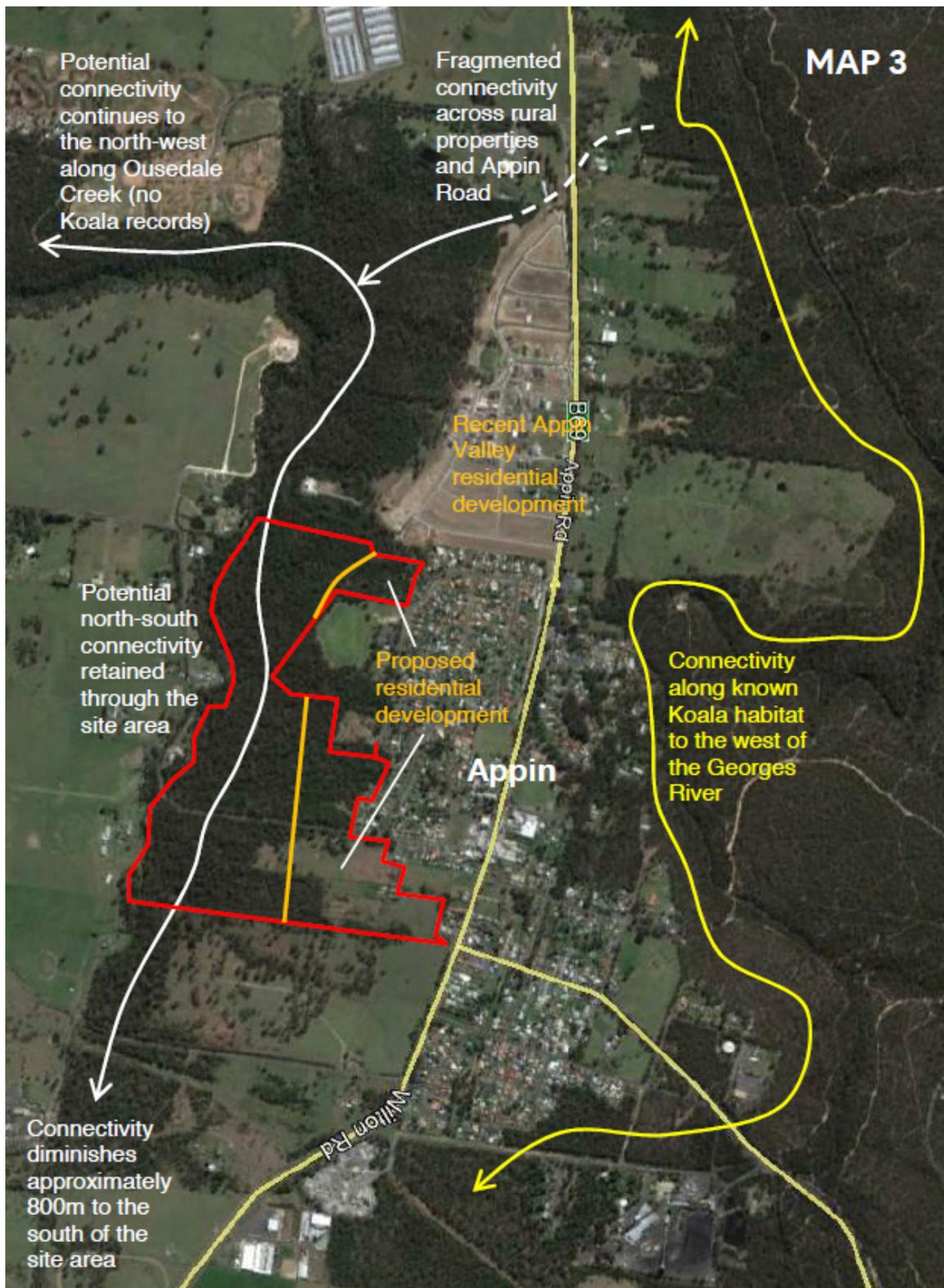


Image provided by Walker Corporation Pty Ltd.

It is noted that the Department of Planning and Environment exhibited a Statement of Intended Effects (SIE) of proposed amendments to SEPP 44 from 18 November 2016 through to 3 March 2017. The outcome of this consultation has not been announced. However, this Department has placed on public exhibition an Explanation of Intended Effects for an Environment SEPP, which has a broad purpose of integrating a number of current environmental related SEPP's into one document. This EIE advises the intent of the Department to incorporate SEPP 44 into the Environment SEPP following the completion of the NSW Koala Strategy, (currently being managed by the Office of Environment and Heritage). The timeframe for the Strategy and finalisation of the Environment SEPP is unknown at the time of exhibition of the Macquariedale Road planning proposal. The proposal has therefore been prepared in accordance with and is considered broadly consistent with the current draft SEPP 44.

## Sydney REP No.20 – Hawkesbury-Nepean River

The aim of Sydney REP No. 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that future land uses are considered in a regional context. The site is located within the area covered by Sydney REP no. 20.

SREP no. 20 sets out general planning considerations, specific planning policies and strategies that need to be taken into consideration by the consent authority in determination development in determining development application or in the preparation of environmental planning instruments. The SREP is accompanied by *The Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy*, which lists the complementary strategies and actions necessary to implement the environmental policies set out in the SREP.

The table below evaluates the proposed rezoning against the specific planning policies and strategies set out in Part; Clause 6 of SREP No.20 – Hawkesbury-Nepean River.

**Table: Assessment against SREP No.20**

POLICIES/STRATEGIES	EVALUATION	✓/x
<b>1. TOTAL CATCHMENT MANAGEMENT</b>		
<b>Policy:</b> Total catchment management is to be integrated with environmental planning for the catchment.		
<b>Strategies:</b>		
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant environmental effect from the proposal.	The PP is unlikely to have a significant adverse environmental effect on downstream local government areas; therefore no referral on these grounds is necessary.	✓
(b) Consider the impact of the development concerned on the catchment.	Any future residential development and the Appin Bypass will be required to meet environmental management objectives such as control of stormwater runoff and sewerage. Concepts for the residential component will be prepared as part of the Environmental studies process, and detailed in a DCP.	✓
(c) Consider the cumulative environmental impact of development proposals on the catchment.	All future rezoning with Wollondilly Shire will also need to meet the relevant location and environmental impact criteria. This will be further explored within the environmental studies process.	✓
<b>2. ENVIRONMENTALL SENSITIVE AREAS</b>		
<b>Policy:</b> The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.		
<b>Note:</b> Environmentally sensitive areas in the Hawkesbury-Nepean catchment are: the river, riparian land, escarpments and other scenic areas, conservation area sub-catchments, national parks and nature reserves, wetlands, other significant floral and faunal habitats and corridors, and known and potential acid sulphate soils.		
<b>Strategies:</b>		
(a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted...		N/A

POLICIES/STRATEGIES	EVALUATION	✓/x
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	The proposed E2 Environmental Conservation Zone will incorporate a riparian corridor to Ousedale Creek. Assuming standard stormwater management system and sewerage disposal, the future uses will not adversely impact on the Nepean River or its tributaries. Native vegetation within the E2 zone will be managed and conserved on an ongoing basis.	✓
(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> or the <i>Forestry Act 1916</i> and conservation area sub-catchments in order to protect water quality and biodiversity.	Not adjacent	N/A
(d) Protect Wetlands...	Not Adjacent	N/A
(e) Buffer zones for land adjacent to land reserved under the <i>National Parks and Wildlife Act 1979</i> or the <i>Forestry Act 1916</i> .	Not adjacent	N/A
(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> .	Not adjacent	N/A
(g) Impact on water table and formation of acid sulphate soils.	This will be further explored by the environmental studies process.	N/A
(h) New development in conservation area sub-catchments should be located on already cleared land.	<p>The proposed R2 Low Residential Zone and R3 Medium Density Residential are to be located which is partly cleared. This land is subject to a biodiversity certification application which accompanies this planning proposal.</p> <p>An area of bushland is proposed for removal on land proposed to be rezoned E2 Environmental Conservation to provide an Asset Protection Zone. It is located within the identified alignment for the proposed Appin Bypass corridor which is an RMS project. Biodiversity offsets will be provided on other land to achieve a net environmental gain.</p>	✓
<b>3. WATER QUALITY</b>		
<b>Policy:</b> Future development must not prejudice the achievement of the goals of use of the river for primary contract recreation (being recreational activities involving direct water contact such as swimming) and aquatic ecosystem protection in the river system.		
<b>Strategies:</b>		
(a) Quantify and assess the likely impact of any predicted increase in pollutant loads on receiving waters.	It is anticipated that no pollutants will be released within the catchment areas as a result of the future residential area, subject to the imposition of appropriate stormwater management controls. This will be further explored if required by the Gateway Determination.	✓

POLICIES/STRATEGIES	EVALUATION	✓/x
(d) Do not carry out development involving onsite disposal of sewage effluent if it will have an adverse effect on water quality of the river or groundwater.	It is proposed to connect the future residential area to the proposed Appin STP.	✓
(e) Develop in accordance with the land capability of the site and do not cause land degradation.	Subject to the incorporation of appropriate soil and erosion management controls, landscaping and riparian rehabilitation, it is anticipated that there will be no further degradation of the land.	✓
(h) Site and orient development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.	<p>Areas of native vegetation associated with Ousedale Creek will be incorporated in to the proposed E2 Environmental Conservation Zone. The proposed zone has a variable width from 100 metres to 270 metres.</p> <p>These areas will incorporate riparian corridors to Ousedale Creek and its tributaries as recommended in the Preliminary Riparian Corridor Investigation:</p> <ul style="list-style-type: none"> <li>• Ousedale Creek – 50 metres from the centre line of the creek</li> <li>• Tributaries – 30 metres from the centre line</li> </ul>	✓

#### 4. WATER QUANTITY

**Policy:** Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.

**Strategies:**

(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.	Potential impacts on river flows will be assessed during the Environmental studies process in consultation with the Catchment Management Authority. Stormwater disposal will be assessed during a later environmental study process and appropriate development controls incorporated in any DCP. It is anticipated that stormwater management systems can be designed to accommodate river flow objectives to achieve an appropriate outcome.	N/A
(b) Ensure the amount of stormwater runoff from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage onsite stormwater retention, infiltration and (if appropriate) reuse.	Stormwater management will incorporate on-site stormwater retention, infiltration and partial reuse. Details will be provided with development applications in accordance with any applicable DCP.	✓
(d) Consider the impact of development on the level and quality of the water table.	No impacts are anticipated. This can be reviewed if required by the Gateway Determination.	N/A

#### 5. CULTURAL HERITAGE

POLICIES/STRATEGIES	EVALUATION	✓/x
<p><b>Policy:</b> The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed, and if appropriate, enhanced.</p>		
<p><b>Strategies:</b></p>		
<p>(a) Encourage development that facilitates the conservation of heritage items if it does not detract from the significance of the items.</p>	<p>The site contains one European heritage item i.e. Appin Inn located at 61 Appin Road, Appin. The Planning Proposal seeks to protect this item by maintaining a 975sqm minimum lot size for this site. The proponent has received planning consent for the restoration of the listed building. This restoration has almost been completed.</p> <p>An Aboriginal &amp; Historic Archaeological Assessment has been prepared by Heritage Concepts Pty Ltd.</p> <p>In relation to European Heritage two historic sites/finds were located during the survey work conducted by Heritage Concepts Pty Ltd. Ceramic shards and a Historic Dump were located. Both have been assessed as having low archaeological potential and accordingly an archaeological excavation on the site is not required.</p> <p>In relation to European Heritage the report concludes the following:</p> <p><i>Recommendation 3</i></p> <ul style="list-style-type: none"> <li><i>It is recommended that a programme of Historic monitoring works is conducted by a professional archaeologist prior to any future development involving the clearance and/or ground disturbance of the study area takes place. These works should be carried out under the auspices of a Section 139(4) Exception under the Heritage Act 1977.</i></li> </ul> <p><i>Recommendation 6</i></p> <ul style="list-style-type: none"> <li><i>As required by the Heritage Act 1977 (Amended), in the event that any unexpected historic cultural fabric or deposits are encountered, works must cease immediately to allow an archaeologist to make an assessment of the finds. The archaeologist may need to consult with the Heritage Office, Department of Planning concerning the significance of the historic cultural material unearthed.'</i></li> </ul> <p>(It should be noted that the Planning Proposal site boundary did not include land adjacent to Appin Road when the above study was undertaken and so the study did not consider the Appin Inn heritage listed item).</p>	<p>✓</p>

POLICIES/STRATEGIES	EVALUATION	✓/x
(b) Protect Aboriginal sites and places of significance.	Aboriginal heritage Is discussed in more detail later in this report.	<b>Potential to be</b>
(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.	A number of studies have been prepared which in part, or wholly consider Aboriginal heritage across the site.  Aboriginal heritage Is discussed in more detail later in this report.	<b>Potential to be</b>
<p><b>6. FLORA AND FAUNA</b></p> <p><b>Policy:</b> Manage flora and fauna communities so that the diversity of species and genetics within the catchment conserved and enhanced.</p> <p><b>Strategies:</b></p>		
(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna and existing or potential fauna corridors.	An Ecological Assessment and Biodiversity Offset Strategy have been prepared by Travers Bushfire & Ecology to accompany this PP and are included at Appendix K and L.  The proposed land use zones will have an effect on flora & fauna. However, the proponent seeks to offset these through mitigation measures and biocertifying land within the subject site and offsite. Subsequently, it is anticipated that there will be a gain in biodiversity achieved by permanently conserving 34 hectares onsite and an additional 19.7 hectares offsite. OEH has approved the public exhibition of the Biodiversity certification application in April 2017.	✓
(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.	The development has been located east of the proposed RMS Appin Bypass route ensuring that only land that will be fragmented by the Bypass is cleared.	✓
(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.	34 hectares of existing native bushland will be maintained and protected through the Environmental Conservation E2 zone. In addition, offsets on other sites will be explored such as Biodiversity Banking to achieve a net environmental gain if required.	✓
<p><b>7. RIVERINE SCENIC QUALITY</b></p> <p><b>Policy:</b> The scenic quality of the riverine corridor must be protected.</p> <p><b>Strategies:</b></p>		
(a) Maintain areas of extensive, prominent or significant vegetation to protect the character of the river.	Bushland and a riparian corridor along Ousedale Creek is to be maintained and protected within the proposed E2 Environmental Conservation zone. This zone has a variable width from 100 metres to just over 450 metres. This significant corridor will ensure the character of the creek is maintained.	✓

POLICIES/STRATEGIES	EVALUATION	✓/x
(b) Ensure proposed development is consistent with the landscape character as described in the Scenic Quality Study.	The Scenic Quality Study does not identify the site as being of scenic significance.	✓
(c) Consider the siting, setback, orientation, size, bulk and scale of and the use of unobtrusive, non-reflective material on any proposed building or work, the need to retain existing vegetation, especially along river banks, slopes visible from the river and its banks and along the skyline, and the need to carry out new planting of trees, and shrubs, particularly locally indigenous plants.	<p>Subject to the final design, the site is proposed to accommodate approximately 215 one or two storey dwellings on mostly standard residential allotments. The residential zoned component of the PP will be separated from Ousedale Creek and the bushland protected in the proposed E2 Environmental Conservation zone. This will be by safeguarded land for the proposed Appin Bypass route. Future developed land will not be visible from surrounding waterways.</p> <p>It is unlikely that low-scale residential buildings will be visually prominent in the locality. Building design and materials and landscaping will be considered in at the DA stage.</p>	✓
(d) Consider the need for a buffer between new development and scenic areas of the riverine corridor shown on the map as being of significance beyond the region (which are also scenic areas of significance for the region) or so shown as being of regional significance only.	<p>The rezoning proposes inclusion of a riparian corridor along the Ousedale Creek in the E2 Environmental Conservation zone.</p> <p>It is noted that Ousedale Creek is not a landscape element that is significant beyond its region.</p>	✓
(e) Consider the need for controls or conditions to protect those scenic areas.	The residential zone component of the development will have no impact on the scenic areas identified in the Strategy.	✓
(f) Consider opportunities to improve riverine scenic quality.	The protection of bushland and riparian corridors by appropriate E2 Environmental Conservation zoning will ensure Ousedale Creek's scenic quality is maintained into the future.	✓
<p><b>8. AGRICULTURE/AQUACULTURE AND FISHING</b></p> <p><b>Policy:</b> Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.</p> <p><b>Strategies:</b></p>		
(a) Give priority to agricultural production in rural zones.	<p>The rezoning will affect approximately 13.62 hectares of cleared rural land, classified as Class 3 in the Department of Primary Industries Agricultural Land Classification Atlas.</p> <p>It is considered that this land is not of high agricultural quality, given:</p> <ol style="list-style-type: none"> <li>a. Its small size making a viable agricultural use difficult. Intensive agricultural activities</li> </ol>	✓

POLICIES/STRATEGIES	EVALUATION	✓/x
	<p>may be possible on small areas, but the site is only Class 3 agricultural land and therefore has no potential for intensive agriculture.</p> <ul style="list-style-type: none"> <li>b. Its location adjoining an existing town creating potential for conflicts between rural and residential activities.</li> <li>c. Its location adjoining an existing town with services and facilities that would be supported, used more efficiently and enhanced by an increase in population using them.</li> <li>d. It is fragmented into multiple lots.</li> <li>e. It will be further fragmented and reduced in size by the proposed Appin Bypass in the future.</li> </ul>	✓/x
<p><b>9. RURAL RESIDENTIAL DEVELOPMENT</b></p>		
<p><b>Policy:</b> Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).</p>		
<p><b>Strategies:</b></p>		
	<p>The PP does not propose any rural residential development. It will result in a compact urban form utilising land with minimal agricultural value.</p>	N/A
<p><b>10. URBAN DEVELOPMENT</b></p>		
<p><b>Policy:</b> The value of the riverine corridor as a significant recreational and tourist asset must be protected.</p>		
<p><b>Strategies:</b></p>		
<p>(a) When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.</p>	<p>The rezoned land is likely to accommodate approximately 660 people, and will be serviced by a reticulated sewerage system connected to the Appin Sewer Pump Station. Subsequently, it is not considered that a Total Water Cycle Management Study or Plan is required.</p>	N/A
<p>(b) Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).</p>	<p>Capable of complying. The future residential areas are regular in shape and relatively large in size. Facilitating the creation of estates that achieve good urban design outcomes and reduce environmental impacts.</p>	N/A
<p><b>11. RECREATION AND TOURISM</b></p>		
<p><b>Policy:</b> The value of the riverine corridor as a significant recreational and tourist asset must be protected.</p>		
<p><b>Strategies:</b></p>		

POLICIES/STRATEGIES	EVALUATION	✓/x
	The PP proposes a small area (approximately 2000sq.m.) recreational purposes. The proposed E2 Environmental Conservation zone will protect bushland along Ousedale Creek and does not prevent it being developed in the future for recreational or tourist purposes.	✓
<b>12. METROPOLITAN STRATEGY</b>		
<b>Policy:</b> Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.		
<b>Strategies:</b>		
(a) Consider the impacts of transport infrastructure proposals on water quality and air quality.	The future residential area will rely on the provision of additional transport infrastructure. This is the subject of separate consultation with Government stakeholders.	✓
(b) Consider the impacts of metropolitan waste disposal on water quality.	The future residential area can be serviced by the proposed Appin STP. It will treat effluent to a level appropriate to ensure there are no impacts on water quality. Garbage and recyclables generated during construction and occupation of any future development will be appropriately disposed of in accordance with a Waste Management Plan.	Neutral
(c) Consider the impacts of development on air quality.	The proposed rezoning will facilitate residential development which is a low intensity use in terms of pollutant emissions. The future Appin Bypass will be the subject of an EIS or REF which will consider this issue.	Neutral
(d) Consider the need for waste avoidance, waste reduction, reuse and recycling measures.	To be detailed at DA stage for specific proposals and will be subject to Council's policies on this issue.	✓
(e) Consider the implications of predicted climate change on the location of development and its effect on conservation of natural resources.	Subject to the final design, the rezoning could provide approximately 300 dwellings adjacent to the existing residential areas of Appin. This will utilise existing services, transport and infrastructure. It will provide for efficient utilisation of existing natural and man-made resources, and contribute to sustainable development.	✓

### B3.6 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

The Minister for Planning, under section 117(2) of the EP&A Act issues directions that relevant planning authorities, in this case Wollondilly Shire Council, must follow when preparing planning proposals for new Local Environmental Plans. The directions cover the following broad categories:

- employment and resources
- environment and heritage

- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local planning making.

The following Ministerial Directions (s.117 directions) are relevant to the PP:

- Direction 1.1 Business and Industrial Zones
- Direction 1.2 Rural Zones
- Direction 1.3 Mining, Petroleum Production and Extractive Industries
- Direction 2.1 Environment Protection
- Direction 2.3 Heritage Conservation
- Direction 3.1 Residential Zones
- Direction 4.2 Mine Subsidence and Unstable Land
- Direction 4.4 Planning for Bushfire Protection
- Direction 6.2 Reserving Land for Public Purposes

A complete assessment of the Planning Proposal's consistency against all s.117 directions is provided at Appendix B. Further information is provided ahead where there is an inconsistency with any S.117 Direction.

### ***Direction 1.1 Business and Industrial Zones***

The objectives of Direction 1.1 are to:

- (a) *Encourage employment growth in suitable locations,*
- (b) *Protect employment land in business and industrial zones, and*
- (c) *Support the viability of identified strategic centres.*

Direction 1.1 applies where a PP will affect land within an existing or proposed business or industrial zone.

A PP may be inconsistent with the terms of this direction for one of 4 (four) reasons referred to by Section 1.1(5)(a to d). In relation to this Planning Proposal, an inconsistency is considered to be acceptable as it has been *justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction.*

The PP if passed will rezone two (2) lots; approximately 5,100sq.m of land, currently zoned B2 Local Centre to R3 Medium Density Residential. These lots form the south western boundary to the Appin village centre.

An *Economic Impact Justification* dated 24 October 2013 has been prepared by MacroPlan Dimasi to support the proposed change to the business zone and is included at Appendix N. The justification argues that there is an oversupply of business zoned land for the current and future role of the Appin village centre as a centre to service the local catchment for day-to-day needs. Appin's proximity to regional centres such as Campbelltown and Macarthur means that residents will continue to travel outside Appin for high-order retail and commercial requirements. Subsequently, the loss of business zoned land will not undermine or have an adverse impact on the Appin centre.

The justification concludes that the proposed re-zoning to R3 Medium Density Residential is consistent with the character of the area. It is likely to have a positive economic effect on the Appin village centre by consolidating existing retail and commercial development, and supporting increased localised provision within Appin.

It is important to note that the proponent was granted development consent in December 2012 for one of the allotments proposed to be re-zoned (Lot 2, DP529457). Planning consent was granted for restoration works to the heritage listed Appin Inn, stables and outbuilding and associated use of the site for a sales office and community facility. The approved development is permissible within both the B2 Local Centre and the R3 Medium Density Residential zones under the Wollondilly LEP 2011.

### ***Direction 1.2 Rural Zones***

The objective of Direction 1.2 is to '*protect the agricultural production value of existing rural land*' and it applies where a planning proposal that will '*affect land within an existing or proposed rural zone*'.

Section 1.2(5) of the Direction describes a number of circumstances where an inconsistency is allowed as long as the relevant planning authority can satisfy the Director-General of the Department of Planning that the provisions of the PP meet these circumstances.

The Department of Primary Industry's *Agricultural Classification Atlas*, classifies land in terms of its suitability for general agricultural use. The site is classified as a combination of part Classes 3 and 4. This is not higher quality land, but still worthy of protection. However, the site is constrained in terms of its suitability for agricultural development because it adjoins existing urban development in Appin.

In considering the proposal against the case of the Planning Proposal at Macquariedale Road, the inconsistencies with Direction 1.2 are considered to be of 'minor significance' (Section 1.2(5)(d)). This is on the grounds that the Growth Management Strategy 2011 has identified the site as a location for the potential future growth of Appin. It is widely acknowledged that it is good planning practice to focus urban development in existing centres where efficient use can be made of existing services, facilities and utilities. Rezoning the land is not considered likely to have a measurable impact on either availability or productive capacity of rural land within Wollondilly Shire.

This inconsistency has been confirmed as being of 'minor significance' by the Department of Planning and Environment's letter dated 25 October 2011 which accompanied the original Gateway Determination for this site. This letter also advised that *no further approval was required* in relation to Direction 1.2. The inconsistency is considered justifiable in the circumstances.

### **Direction 1.3 Mining, Petroleum Production and Extractive Industries**

The objective of Direction 1.3 is to *'ensure future that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development'*.

This Direction applies as the PP as the site is located within proximity to coal resources and may have the potential to affect the extraction of this resource.

Condition 3 of the Gateway Determination requires the Council to consult the Director General of the Department of Primary Industries (Minerals and Petroleum) and take into account any comments made in relation to this s117 Direction.

Comments have been received from the NSW Department of Trade & Investment (DTIRIS) – Mineral Resources Branch who have advised that;

*The site is situated within the Southern Coalfield. The area proposed for rezoning mostly overlies Triassic Hawkesbury Sandstone stratigraphy. This overlies Permian Illawarra Coal Measures of which the Bulli Seam contains resources of highly valuable coking coal in this region. The Bulli seam has been mined beneath the site and resource assessments indicate that the underlying Balgownie and Wongawilla seams are not of a mineable thickness or quality.*

The Mineral Resources Branch has advised that they have no issues with the proposed rezoning. They will be reconsulted during the public exhibition period. The PP is considered to be consistent with this Direction.

### **Direction 2.1 Environmental Protection Zones**

The objective of Direction 2.1 is *'to protect and conserve environmentally sensitive areas'*

This Direction applies as part of the site includes land which has been identified as critical habitat under the *Threatened Species Conservation Act 1995*.

A significant portion of the site is vegetated and includes approx 51.17ha of native vegetation communities which have been identified as Cumberland Plain Woodland and Shale Sandstone Transition Forest. Both of these vegetation communities are listed as Critically Endangered Ecological Communities (CEEC) on the NSW *Threatened Species Conservation Act 1995* and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*. The remaining 9.30 ha is cleared land which has previously been used for rural activities and includes some exotic vegetation. These figures refer to land owned by the proponent within the Planning Proposal and not to land owned by Council. No clearing is proposed to Council land within the planning proposal.

A total of 34.31 ha of vegetated land is to be retained and is proposed to be rezoned to E2 Environmental Conservation. The objectives of the E2 land use zone are:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The PP also seeks to identify this land as “sensitive land” by including it on the Natural Resources – Biodiversity Map which forms part of the *Wollondilly Local Environmental Plan 2011* which means that Clause 7.2 Biodiversity protection will apply to the land.

Approximately 13.5 ha of vegetation is proposed to be removed to enable residential development and to provide an Asset Protection Zone to protect future development from bush fire hazard.

In light of the significance of biodiversity on the site, it is considered that rezoning the Macquariedale Road site for urban purposes could only be justified where it can be established that there is merit to any clearing or loss of habitat on the site.

The proponent is seeking to mitigate the impacts of the proposed rezoning through biodiversity certification under Part 7AA of the *Threatened Species Conservation Act 1995*.

Biodiversity certification provides a mechanism for the consideration of biodiversity at the strategic planning stage. It 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. It identifies areas of high conservation value at a landscape scale and protects them, as well as identifying areas suitable for development.

The biodiversity certification application has been submitted to and will be considered by the NSW Government Office of Environment & Heritage and will be supported by a number of documents including a Biodiversity Certification Assessment Report & Biocertification Strategy. The application is being publicly exhibited at the same time as this amended Planning Proposal.

As part of the biodiversity certification, the proponent is proposing to permanently protect and conserve 34.31ha of land within the PP site (as an onsite Biobank site). In addition, the proponent is also proposing to establish a Biobank site at Elladale Road, Appin which would involve the permanent protection of 18ha of vegetation.

No changes are proposed as part of this Planning Proposal to the *Wollondilly Local Environmental Plan 2011* as it applies to the land at Elladale Road, Appin. However, if biocertification is given, the proponent will be required to sign a legally binding agreement with the NSW Government that will appear on the land title.

The proposed amendments to the *Wollondilly Local Environmental Plan 2011*, combined with biodiversity certification, are considered to meet the objectives of Direction 2.1. Further discussion on the environmental impacts is provided under section C3.7.

### ***Direction 2.3 Heritage Conservation***

The objective of Direction 2.3 is ‘*to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance*’.

An *Initial Historic Heritage Assessment* dated 20 February 2014 has been prepared by Mary Dallas Consulting Archaeologists to inform the PP. It is included at Appendix I. The purpose of the study was to identify Aboriginal and non-indigenous (European) heritage issues which are relevant to the site.

#### *European Heritage*

The Heritage Assessment prepared by Mary Dallas Consulting Archaeologists identifies two (2) items of European cultural heritage significance which are relevant to the site; the former Union Revived Inn (Appin Inn) and Darcy’s House. Both of these items are listed in Schedule 5 – Environmental Heritage of the WLEP 2011 as heritage items of local significance, and are therefore afforded protection.

The Appin Inn (Lot 2, DP 529457, 61 Appin Road) is located within the PP site boundary and is listed as a heritage item of local significance within the WLEP 2011.

The Appin Inn, established c.1835, was a Colonial period wayside inn purpose built to serve the needs of travellers on the Great Southern Road. The building is an important component of the historic landscape of Appin village and is a rare example of a wayside inn building of this period.

It is in a state of neglect, however the proponent has obtained development consent (development consent 010.2011.00000577.001 issued on 16 February 2013) for restoration works to the Inn, stables and outbuilding and the use of the site for a sales office and community facility.

When the original public exhibition for the PP and draft Planning Agreement was held in September 2014 the draft Planning Agreement contained provisions to tie the restoration works to the rezoning of the land. In response to community concerns the proponent has removed the restoration from the draft planning agreement so that it is no longer associated with the Macquariedale Road PP.

The restoration work will now be funded from a nearby development and the archaeological investigation works associated with the approval have commenced.

The Heritage Assessment recommends the preparation of a Conservation Management Plan or Strategy associated with future approvals required under the NSW Heritage Act.

The PP will not alter the statutory protection already provided to the Appin Inn. It is considered to be consistent with S.117 Direction 2.3.

The second item of European cultural significance relevant to the site is Darcy's House. This is listed as an archaeological site of local significance in the WLEP 2011. Darcy's House is located adjacent to the Appin Inn and the PP site boundary (Lot 1, DP 594426, 53 Appin Road).

The site of Darcy's House is significant as the location of one of the earliest Appin houses on an original land grant. It was demolished in c.1972, but the site is listed as an archaeological site as it may contain sub-surface remains of the house.

The Heritage Assessment recommends further historical investigation and archaeological assessment to gain a better understanding of the history of the site and its former extent, in part, to establish whether the vestiges of the place extend into the PP site.

The heritage assessment indicates that this investigation should be undertaken as part of the development application process and not the Gateway (rezoning) process. Consideration has been given to whether this assessment should form part of the PP process. For the following reasons it is not considered necessary:

- The consultant has confirmed that this recommendation was made as a precautionary approach rather than on the basis of specific physical evidence;
- Heritage considerations which formed part of a previous DA to develop the site for medium density housing on the listed archaeological site did not identify the potential for areas of interest extending beyond the site boundary (DA reference D644-02);
- A historical map from 1972 shows the setback of Darcy's house to be slightly forward of the Appin Inn and does not indicate outbuildings associated with Darcy's House or the Appin Inn extending beyond the current lot boundaries; and
- Council's Heritage Advisor has supported this position.

Subsequently, the Planning Proposal is considered to be consistent with Direction 2.3 in terms of the Darcy's House heritage item.

#### *Aboriginal Heritage*

To date three (3) studies have been prepared which consider the Aboriginal heritage either in part or exclusively. These are:

<i>Study Name</i>	<i>Prepared by</i>	<i>Dated</i>	<i>Appendix Location</i>
Aboriginal & Historic Archaeological and Cultural Heritage Values Study	Heritage Concepts Pty Ltd	April 2007	G
Aboriginal Cultural Heritage Due Diligence Assessment Report	Mary Dallas Consulting Archaeologists	August 2014	H
Initial Historic Heritage Assessment	Mary Dallas Consulting Archaeologists	February 2014	I

An Aboriginal, Historic Archaeological and Cultural Heritage Values study was undertaken by Heritage Concepts Pty Ltd in April 2007. The objective of the study was to *identify Aboriginal and non-Aboriginal archaeological and cultural heritage values as well as areas of archaeological potential and constraints associated with the proposed rezoning*. The study involved a site survey which located two historic sites/finds and four Aboriginal sites/finds. The study also involved consultation with the Tharawal Local Aboriginal Land Council and Cubbitch Barta Native Title Claimants Aboriginal Corporation.

The study makes six (6) recommendations including a recommendation that a Section 90 Consent to Destroy with Surface Collection permit application be lodged to allow for the identified Aboriginal sites to be collected prior to any development impact occurring.

The findings in this report have been considered by the OEH and are not considered to provide a complete assessment.

An *Initial Historic Heritage Assessment* was prepared by Mary Dallas Consulting Archaeologists in February 2014. The purpose of the study was to identify Aboriginal and non-indigenous (European) heritage issues which are relevant to the site. The report provides a historical overview of the PP site and is largely focussed on the European settlement and European heritage items located within the site.

In terms of Aboriginal heritage the report relies on the information contained within the Heritage Concepts study and the Due Diligence prepared by Mary Dallas Consulting discussed below. The report concludes that the Aboriginal archaeological items within the site are either of low significance or are unlikely to be impacted by the proposed rezoning.

An *Aboriginal Cultural Heritage Due Diligence Assessment Report* was prepared by Mary Dallas Consulting Archaeologists in February 2014 and later revised in August 2014 to provide more information. The primary aim of this study was to relocate and assess potential impacts to previously recorded Aboriginal sites located within areas to be rezoned for residential development.

The study also involved consultation with the Tharawal Local Aboriginal Land Council (TLALC) and Cubbitch Barta Native Title Claimants Aboriginal Corporation (CBNTCAC) to provide an Aboriginal community perspective on the assessment, particularly in relation to any cultural/historical associations with the site. The CBNTCAC identified a potential need to carry out some test excavations for one of the sites which is located within the land area proposing to be developed.

The study involved a site visit which was unable to locate previously identified artefacts, however two further stone artefacts were identified but these were not considered to be associated with subsurface archaeological potential.

The study makes three (3) recommendations which include the need for an Aboriginal Heritage Impact Permit (AHIP) application under Section 90 of the *National Parks & Wildlife Act* for one (1) Aboriginal site, the need for management of proposed E2 Environmental Conservation land use zones for preservation and to submit a site card for the two (2) artefacts recorded as part of the study.

The Due Diligence Assessment Report prepared in February 2014 was considered by the OEH. It was considered to provide a good introductory assessment, but was not considered to provide sufficient information to support its recommendations.

The information and assessment contained within the three (3) studies prepared to date which address Aboriginal heritage are not considered to provide sufficient information or analysis to support their recommendations.

In response the Due Diligence Assessment Report prepared by Mary Dallas Consulting Archaeologists has been revised to provide additional information in response to the concerns raised by OEH. The revised version, dated 12 August 2014 is provided at Attachment J. The additional information contained within the report has not changed the recommendations of the study.

OEH has considered the updated report and is now satisfied with the assessment. OEH have also confirmed that the need within the Gateway Determination to consult with OEH has been satisfied. Subsequently, it is considered that the proposed land use zones are consistent with s. 117 Direction 2.3.

### **Direction 3.1 Residential Zones**

The objectives of Direction 3.1 are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.'*

The Planning Proposal is inconsistent with s. 117 Direction 3.1 as it includes land on the urban fringe. This inconsistency has been confirmed as being of 'minor significance' by the Department of Planning and Environment in their letter dated 25 October 2011 which accompanied the original Gateway Determination for this site. This letter also advised that *no further approval is required* in relation to s.117 Direction 3.1.

This issue has been satisfactorily addressed.

### **Direction 4.2 Mine Subsidence and Unstable Land**

The objective of this direction is to *'prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence'*.

This Direction applies as the PP seeks to rezone land to permit residential development on land which is located within the Appin Mine Subsidence District.

In this regard, condition 2 of the Gateway Determination requires Council to consult with the Mine Subsidence Board and take into account any comments made in relation to this s117 Direction.

The Mine Subsidence Board has been consulted and has advised that they have no objection to the proposed rezoning (letter dated 17 January 2014). The PP is considered to be consistent with this Direction.

### **Direction 4.4 Planning for Bushfire Protection**

The objectives of this direction are:

- '(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) to encourage sound management of bush fire prone areas.'*

This direction applies as the PP affects land which is mapped as bushfire prone land on Wollondilly Shire Council's Bush Fire Prone Land Map.

A *Bushfire Assessment Report* dated 24 February 2014 has been prepared by Holiday Coast Bushfire Solutions to inform the PP and is provided at Appendix S. One of the purposes of the Assessment Report is to address the matters set out by this Direction. It concludes that the proposed zoning is acceptable subject to various recommendations made throughout the report.

Condition 6 of the Gateway Determination requires the Council to consult with the Commissioner of the NSW Rural Fire Service (RFS), and take into account any comments made in relation to this s.117 Direction.

The RFS have been consulted and have provided comments which largely relate to design considerations relating to the future detailed design of any subdivision and ultimate development. The comments provided do not preclude the rezoning of the land for the intended purposes. They will be re consulted during the public exhibition process.

The PP is considered consistent with this Direction.

### **Direction 6.2 Reserving Land for Public Purposes**

The objective of this direction as it relates to the planning proposal is to “*facilitate the provision of public services and facilities by reserving land for public purposes*”.

Direction 6.2 applies to the proposal as a small area of land, approximately 1930sq.m, located adjacent to the existing Gordon Lewis Oval is proposed to be rezoned from its current rural zone to RE1 Public Recreation.

Council’s Land and Property Panel consider there is merit to the land being dedicated to Council to form part of and enhance the Gordon Lewis Oval facility. It is noted that this land falls within the area of land to be “biocertified” and will be dedicated to Council by the proponent after vegetation has been removed from the site.

The dedication of this land to Council is included within the draft Planning Agreement which is also being exhibited at the same time as the PP for community comment.

The PP is considered to be consistent with Direction 6.2.

## **Section C – Environmental, social and economic impact**

### **C3.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

An Ecological Assessment and a Biodiversity Offset Strategy dated April 2014 and February 2014 respectively have been prepared by Travers Bushfire & Ecology to inform the Planning Proposal and are included at Appendices K & L.

The Ecological Assessment provides an assessment in accordance with relevant legislation including the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the *Threatened Species Conservation Act 1995 (TSC Act)*, the *Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and the *Fisheries Management Act 1994 (FM Act)*.

The following summary of the findings is provided:

- In respect of matters required to be considered under the *EP&A Act* and relating to the species/provisions of the *TSA Act* (state legislation), eleven (11) threatened fauna species, no threatened flora species, and two (2) endangered ecological communities (EECs)\* were recorded within the study area.
- In accordance with Section 5A of the *EP&A Act*, the 7 part test of significance concluded that the proposed rezoning will likely have a significant impact on Cumberland Plain Woodland and Cumberland Plain Land Snail. This is given that if the land was to be rezoned and developed all Cumberland Plain Woodland present within the site boundary would be removed, and adjoining remnants outside of the site boundary are of low quality and largely persisting as canopy only vegetation.
- It is considered that there will be no likely significant impact on any remaining state listed threatened species, populations or Endangered Ecological Communities (EEC)\*.
- In respect of matters required to be considered under the *EPBC Act*, one (1) threatened fauna species, one (1) protected migratory bird species, no threatened flora species, and two (2) EEC’s\*, listed under this Act were recorded within the site boundary.
- The proposed rezoning is considered likely to have a significant impact on matters of national environmental significance, i.e. Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest.
- It is concluded that there will be no likely significant impact on any remaining nationally listed threatened species, populations or the EEC’s\*.

- In respect of matters relative to the *FM Act*, the study area is not considered to provide suitable habitat or threatened marine or aquatic species and, as such, there are no matters requiring further consideration under this Act.
- The rezoning proposal will potentially result in the following impacts on the recorded EEC's\*:
  - Shale-Transition Forest (SSTF) – A total of 46.20 ha within the site. 34.06 ha will be conserved (73.4%), and 12.14 ha will be removed or modified (26.6%);
  - Cumberland Plain Woodland (CPW) – 3.78 ha will be removed or modified (100%).
- The vegetation within the site is located within an area mapped as priority conservation lands (PCL) within the *Cumberland Plain Recovery Plan (2010)* and functions as part of a discontinuous corridor. Consequently this Planning Proposal is impacting on a corridor and the conservation value of the existing vegetation patch would be reduced. However, a significant corridor of a minimum of 100m to a maximum of 400m in total width will be retained along Ousedale Creek which will continue to function as a major environmental corridor.
- The proposed rezoning will maintain a viable area of SSTF.
- The loss of CPW and SSTF is a significant ecological issue, however, not such that they cannot be offset in an area of similar conservation value to create a valuable conservation outcome.
- The proposal is not considered to cause any significant impact on potential threatened flora species within the study area, as no threatened flora species have been recorded within the site.
- The threatened fauna species impacted as a result of the proposed R2 Low Density Residential zone include:
  - Cumberland Plain Land Snail
  - Glossy Black-Cockatoo
  - Little Lorikeet
- SSTF, degraded CPW and Cumberland Plain Land Snail habitat will be directly impacted by the proposed rezoning. The foraging habitat of the other recorded threatened fauna species will also be impacted, but not to the extent that they will be put at any likely risk of extinction in the locality.
- The proposed extent of the R2 Low Density Residential zone has been significantly reduced in size to reduce the impact on the recorded EECs, threatened species and associated habitat.
- Given the high conservation value of the landscape the proposed E2 Environmental Conservation, for the vegetated areas to be retained, is considered appropriate given the conservation significance of the vegetation present, its role as an environmental corridor and recognition as Priority Conservation Land under the *Cumberland Plain Recovery Plan*.

The ecological assessment provides a flora and fauna assessment for most of the Planning Proposal site (it covers all land proposed to be rezoned from RU2 Rural Landscape to R2 Low Density Residential).

The *Biodiversity Offset Strategy* recommends that, in addition to onsite mitigation measures, biodiversity offsets are recommended to offset the loss of:

- Cumberland Plain Woodland (CPW);
- Shale Sandstone Transition Forest (SSTF); and
- Threatened species habitat.

\*Since the preparation of the Ecological Assessment and the Biodiversity Offset Strategy Cumberland Plain Woodland and Shale Sandstone Transition Forest have been listed as Critically Endangered Ecologic Communities (CEEC) on the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. This elevated status has been considered in the more recent Biodiversity Certification Assessment & Biocertification Strategy prepared as part of the biodiversity certification application and which is also available as part of the public exhibition.

It is further noted that since the preparation of the Ecological Assessment and the Biodiversity Offset Strategy, bushland within the vicinity of Appin has been identified as containing important habitat for the koala, which is listed as threatened under both the *Threatened Species Conservation Act 1995* and *Environment Protection Biodiversity Conservation Act 1999*.

#### **Application for Conferral if Biodiversity Certification**

In light of the significance of biodiversity on the site, it is considered that rezoning areas within the Macquariedale Road site for urban purposes could only be justified where it can be established that there is merit to any clearing or loss of habitat on the site.

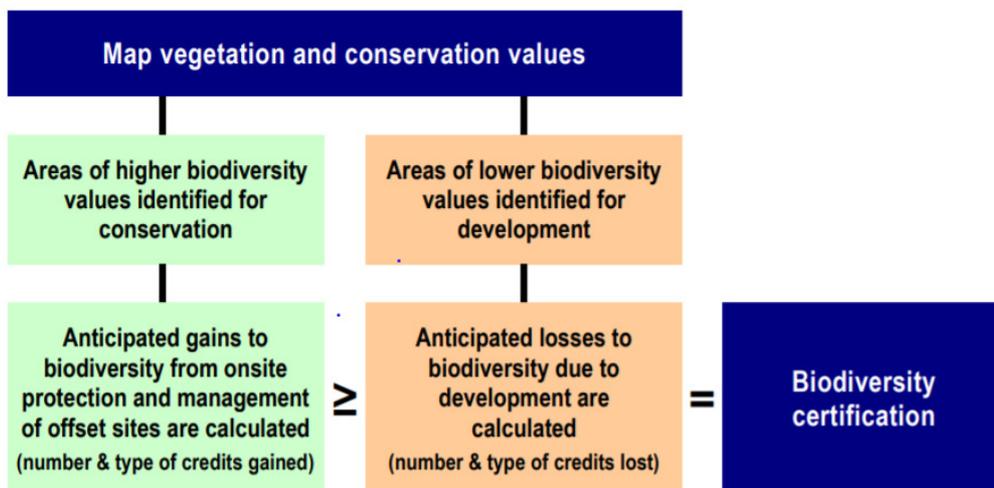
The proponent is seeking to mitigate the impacts of the proposed rezoning through biodiversity certification under Part 7AA of the *Threatened Species Conservation Act 1995* (TSC Act).

It is noted that from 25 August 2017 the TSC Act was repealed and replaced by provisions in the *Biodiversity Conservation Act*. However, transitional arrangements are in place and existing biodiversity certification applications that have already been submitted, such as the one for Macquariedale Road, will continue to be processed under the TSC Act.

Biodiversity certification provides a mechanism for the consideration of biodiversity at the strategic planning stage. It 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. It identifies areas of high conservation value at a landscape scale and protects them, as well as identifying areas suitable for development.

An application for biodiversity certification is made to the Minister for Environment who will determine whether biodiversity certification improves or maintains biodiversity values based on a biodiversity certification assessment. This is an assessment made in accordance with the Methodology, a formalised set of rules for calculating biodiversity values, impacts and measures to mitigate/offset impacts.

The figure below illustrates the concept of biodiversity certification.



Source: *Biodiversity Certification; Guide for applicants*, Office of Environment & Heritage (2015)

A biodiversity certification application was lodged by Council with the Minister for Environment in March 2017. Under the TSC Act only planning authorities can apply to have biodiversity certification conferred over an area of land. The biodiversity certification application is supported by a number of documents including a Biodiversity Certification Assessment Report & Biocertification Strategy and will be publicly exhibited at the same time as the Planning Proposal. The biodiversity certification application and supporting information have been prepared by Walker Corporation Pty Ltd.

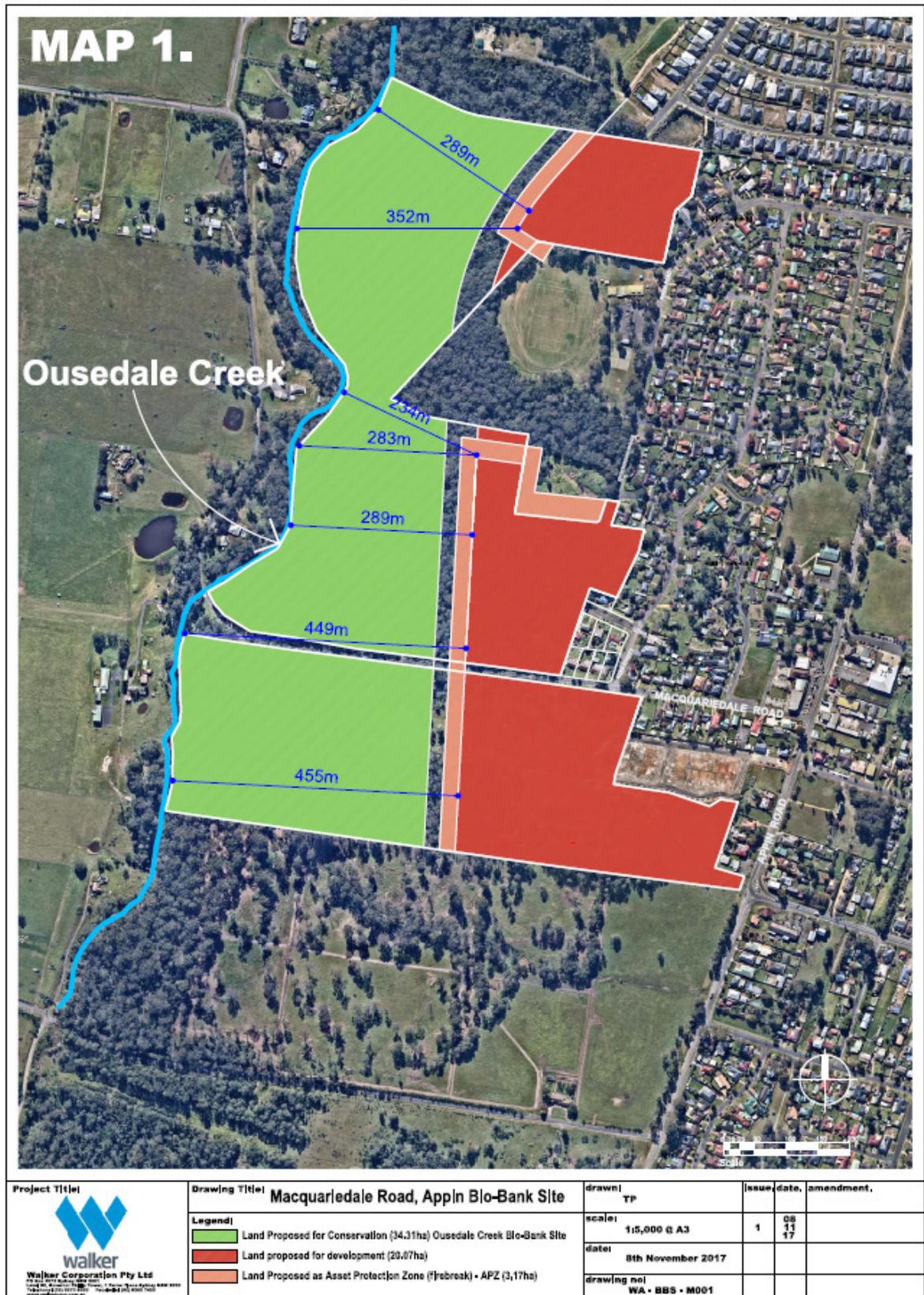
If development on the site was to proceed as envisaged in the Planning proposal, this would result in the loss of 13.5 hectares of moderate to good vegetation that has been classified as critically endangered. This loss is proposed to be offset by the conservation, in perpetuity, under a Bio-Banking agreement, or 34 hectares along Ousedale Creek within the Planning Proposal site and 20 hectares offsite at nearby Elladale Road.

Bio Bank agreements are recognised as a 100% 'conservation' measure' under Section 126L(i) of the TSC Act and will provide in perpetuity conservation protection and management on the land title.

The proposed site to be covered by the Biobank Agreement comprises 34.31ha of Shale Sandstone Transition Forest as well as large areas of habitat and confirmed records of the Cumberland Land Snail and potential habitat for the Koala.

Both Ousedale Creek and Elladale Road Bio-Bank sites will also be subject to registration and ongoing audit by the NSW Government Office of Environment & Heritage.

The map below has been provided by the proponent and provides an overview of the areas to be protected and the areas to be developed.



The area identified in green is proposed to be zoned E2 Environmental Conservation and will permanently protect and conserve 34.31ha of land within the Planning Proposal site as an onsite Biobank site to offset the development area which will be cleared. In addition, the proponent is also proposing to establish a Biobank site at Elladale Road, Appin which would involve the permanent protection of an additional 18ha of vegetation.

The areas in red and orange will be cleared for development and the associated Asset Protect Zone. The Asset Protection Zone lies within part of the corridor for the proposed RMS Appin Bypass.

The remaining area required for the proposed Appin Bypass (i.e. the strip of land within the site not shaded), approximately 2.92 ha of land, is not proposed to be cleared as part of the future development of the Macquariedale Road site. It also not proposed for inclusion within the land to be conserved as part of the biodiversity certification application as it may be required for the Bypass in the future. It is still proposed to zone this remaining land as E2 environmental Conservation. Note that the Planning Proposal no longer includes provisions to preserve land for the Appin Bypass under an SP2 Infrastructure land use zone are no longer part of the planning

No changes are proposed as part of this Planning Proposal to the *Wollondilly Local Environmental Plan 2011* as it applies to the land at Elladale Road, Appin either. However, if biocertification is given, the proponent will be required to sign a legally binding agreement with the NSW Government that will appear on the land title.

### **Riparian Land**

A *Preliminary Riparian Corridor Investigation* dated November 2006 was prepared by Patterson Britton & Partners Pty Ltd to help define appropriate riparian corridor limits for the proposed rezoning. The Corridor Investigation is provided at Appendix J.

The site is bounded on the western side by Ousedale Creek and is intersected by three (3) minor tributaries which drain in a westerly direction. The three (3) minor tributaries that cross the site drain small catchment areas, are generally ephemeral and have formed extensive gullies.

Ousedale Creek and the tributaries are all considered to be Category 2 streams, which means they are considered to provide basic habitat and preserve natural features of a watercourse.

The study recommends suitable riparian corridor widths, these are the transition areas between land and a watercourse which takes in areas which are important for maintaining or improving the shape, stability and ecological functions of a watercourse.

The study recommends a 50m riparian corridor within the site along Ousedale Creek and 30m for the tributaries. Most of these are identified and have some protection from the Natural Resources – Water Map and associated clause which form part of the *Wollondilly Local Environmental Plan 2011*. Although the existing protected corridors in the local environmental plan are smaller.

In terms of the Planning Proposal boundary, nearly all the riparian corridors are located in areas which are proposed to be rezoned to E2 Environmental Conservation, ensuring adequate protection. A plan showing the location of Ousedale Creek and the three (3) tributaries is included within the study at Appendix J.

The riparian corridor referred to here in terms of a 50m and 30m width is different to the setback of the proposed residential zones from Ousedale Creek. The plan provided on the previous page also indicates the distance of the proposed development area from Ousedale Creek which will be approximately 234m at a minimum and up to 455m.

### **C3.8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

It is considered that potential environmental effects arising from future development include:

- Impacts on Scenic quality;
- Compatibility with surrounding land uses;
- Appropriateness of other land for residential purposes;
- Water Quality;
- Traffic; and
- Bushfire risk.

## ***Impacts on the Scenic Quality***

Scenic Quality Study – DUAP 1997

A Scenic Quality Study was prepared on behalf of the (then) Department of Planning and Infrastructure (to supplement the statutory provision of SREP No. 20 – Hawkesbury Nepean Gorge. The study sought to:

- Identify areas of high/regional scenic significance, including all landscapes, both natural and culturally modified; and
- Provide a clear statement of significance for each of the identified areas.

The study concentrated on the immediate river landscapes; however, it acknowledges the importance of the wider visual catchment and important regional features to the overall scenic significance of the area. Where such regional features dominate the visual experience from the river, they were included in the mapped areas. A brief discussion of the relevant findings of the study is provided below.

### *Visual Impact*

The site is located on the western periphery of Appin and extends between the established residential areas to the east and Ousedale Creek to the west. It has moderate falls of one in 17 from east (AHD 247) towards Ousedale Creek to the west (AHD 191) and presents a typical rural landscape of cleared grazing land and natural vegetation.

Importantly the site is not visible from the major routes such as Appin Road, being sandwiched between existing homes and Ousedale Creek.

As a result of these features the development envisaged in the PP would have little visual impact. With appropriate building controls and landscaping, future residential development would complement Appin's existing semi-rural feel.

## ***Compatibility with Surrounding Land Uses***

### *Surrounding Land Uses and Zoning*

The site adjoins land zoned RU2 - Rural Landscape to its west and south. The RU2 is a rural zone that encourages agriculture and other supporting uses. Its zone objectives include protection of the agricultural potential of the land, prevention of premature and sporadic subdivision, retention of scenic qualities and encouragement of agricultural activities that are within the rural capability of the land.

To the west and north, the site adjoins the established or rezoned residential areas of Appin characterised by low density dwelling houses of one to two storeys. The dwellings are relatively recent, being constructed in the past 20-30 years. The Gordon Lewis Sportsground extends into the northern part of the site (Lot 201).

Land to the north is zoned E2 Environmental Conservation, protecting a corridor along Ousedale Creek. Agricultural land to the west and south of the site. It has a Class 3 agricultural classification. The proposed Appin By-pass, if constructed will form a defensible western boundary of the village and have a significant impact on the character of the area.

### *Impacts*

The future residential area will integrate seamlessly with the existing layout of Appin facilitated by existing road connections. It will have no significant adverse impact on the historic elements of the village.

The future residential area will be of a character consistent with the existing town. New street tree planting will be provided.

The proposed E2 Environmental Conservation and Ousedale Creek will separate the future residential area from zoned RU2 Rural Landscape areas to the west. It is not anticipated that the Planning Proposal will have any adverse effects on agricultural land to the west.

The proposed E2 Environmental Conservation will form a continuous environmental corridor along Ousedale Creek in conjunction with the existing E2 Environmental Conservation zone on land to the north.

It is concluded that the proposed rezoning is compatible with surrounding land uses.

### ***Potential Land Use Conflict***

An Ingham poultry farm is located approximately 1400m to the north of the northern boundary of the Planning Proposal which presents the potential for land use conflict with residential development due to the potential for noise, odour and dust impacts. This distance is considered adequate to minimise any impacts. It is also noted that there is dense vegetation separating the Planning Proposal site from the poultry farm. This will contribute towards screening, and disperse any other potential effects.

### ***Appropriateness of other land for residential purposes***

In considering the rezoning of this site for residential and environmental conservation purposes, it is appropriate to consider whether rezoning alternative sites in Appin would provide a better outcome for the community and the environment.

There are a number of factors that should be considered including, but not limited to, identification of sites in planning strategies, proximity to services and existing infrastructure, potential for urban sprawl and fragmentation of land. These factors are discussed ahead:

- **Planning Strategies**

The *Wollondilly Growth Management Strategy 2011* (GMS) has been prepared in consultation with residents, community groups and other stakeholders and identifies areas for growth in Wollondilly. It provides directions for growth in the Shire for the next 20-25 years.

The GMS addresses issues such as proximity to the town centre, road networks and landscape and natural features by identifying suitable areas for development.

The GMS identifies the site in Appin as an area for potential residential growth.

- **Proximity to services and existing infrastructure**

The site is serviced with sewer as part of the Appin PSP undertaken by Sydney Water.

The site can easily be serviced with potable water from the existing Appin water reservoir. Electricity and gas services are also available. The majority of the envisaged future residential area is within 800m (walking distance) of the Appin Village shops, school and bus stops.

- **Impact on Urban Sprawl**

The GMS seeks to integrate growth with infrastructure by directing residential growth to existing centres and avoiding urban sprawl. The focus for population growth will be in two key growth centres which does not include Appin, however, appropriate smaller growth opportunities are identified for other towns including Appin.

The Macquariedale Road site falls within an area identified for potential residential growth for Appin.

- **Fragmentation of land**

- The PP allows the development of a large consolidated holding minimising community servicing costs, avoiding 'leap-frogging' and the underutilisation of services; typical of development of land held in fragmented ownership.

## **Water Quality**

The site drains towards Ousedale Creek, which is situated within the Upper Nepean River Catchment; however, it is not located within or adjacent to any water catchment zones.

The intermittent creeks on the site drain small catchment areas of Ousedale Creek. The provision of a reticulated sewerage system to the new residential area, as well as appropriate stormwater management controls will maintain water quality of the Upper Nepean River Catchment.

## **Traffic**

A *Transport Impact Assessment* was prepared by GTA Consultants in December 2013 and is provided at Appendix P. The purpose of the study was to assess the anticipated transport implications of developing the site, if the Planning Proposal was to proceed, including:

- Existing traffic conditions surrounding the site
- Pedestrian and bicycle requirements
- The traffic generating characteristics of the proposed development
- Suitability of the proposed access arrangements for the site
- The transport impact of the development proposal on the surrounding road network.

The study identifies the need for upgrade works at the Appin Road/Macquariedale Road intersection, but otherwise concludes that development of the site would not be expected to result in an adverse impact on the local or state road network.

These studies have been considered by the Roads and Maritime Service (RMS) who have sought further information in relation to junction treatment for:

- Appin Road and Macquariedale Road,
- Appin Road and King Street, West
- Appin Road and Church Street
- Appin Road and the 'North Appin' Subdivision (i.e. Appin Valley)

The response, prepared by GTA Consultants on behalf of the proponent and dated 28 March 2014 is provided at Appendix Q. The response includes a concept plan for three (3) of the junctions referred to above and further analysis of another.

RMS is satisfied with the additional information which has been provided and has advised that they do not object to the proposed rezoning in principle.

The upgrade works involve upgrading the Appin Road/Macquariedale Road intersection to provide a channelized right turn bay from the north leg on Appin Road for vehicles to access Macquariedale Road.

A key issue for the Planning Proposal is how any future development would interact with Appin Road in terms of cars turning onto and out of Appin Road. The Appin community have raised particular concern with the safety of the intersection of Macquariedale Road and Appin Road any also the existing and cumulative impact of more cars on the length of Appin Road in the absence of infrastructure upgrades.

Site specific planning and design guidelines are proposed for inclusion within the *Wollondilly Development Control Plan 2016* to guide the future development of the site if rezoned and these will go some way to address local transport issues. The Draft Development Control Plan which is being exhibited with this Planning Proposal includes a number of guidelines to manage traffic impacts, particularly intersections with Appin Road. These include:

- Limiting the number of lots within the site with road access to Macquariedale Road, and
- Requirement for intersection upgrades at:
  - Macquariedale Road and Appin Road,
  - Koolahs Street, King Street and Appin Road,

- Bulli Appin Road and Appin Road.

The form of intersection upgrades is not confirmed at present and may include, for example, traffic lights, roundabouts, changing road/lane markings.

Broader issues with the capacity of Appin Road to safely accommodate additional traffic along its full length have also been raised. Appin Road is a major arterial road connecting South Western Sydney through Appin to Wollongong and is maintained by RMS. It is a state classified road and comes under the authority of the RMS. In this regard, RMS have not objected to the planning proposal.

Council has been advocating the need for upgrade works on Appin Road for some time now and recently (September 2017) wrote to the State and Federal Governments to seek advice as their future plans for upgrading Appin Road to ensure that it is able to cater for existing and projected traffic volumes and that it provides a safe environment for motorists. In particular, when the money promised at the last elections is going to be spent on Appin Road. To date no response has been received from either the state or federal government.

### *Appin Bypass*

The original Planning Proposal for this site included provisions to preserve the route of the future Appin Bypass by rezoning the affected land SP2 Infrastructure and identifying the land on the Land Reservation Acquisition Map that forms part of the *Wollondilly Local Environmental Plan 2011*. These provisions were removed from the Planning Proposal in 2016 at the request of the proponent in response to community concerns raised during the initial public exhibition.

The proposed Appin Bypass is an RMS project and the preservation of the road corridor was originally included within the Planning Proposal at the request of RMS.

RMS was consulted prior to removing the provisions and raised no objections as they consider the proposed alternative land use zone (i.e. E2 Environmental Conservation) will still protect the identified corridor from residential development.

The removal of the SP2 Infrastructure land use zone from the planning proposal does not change the status of the proposed Appin Bypass in terms of RMS intentions however.

On this matter, Council recently wrote to RMS to request *if or when a complete and comprehensive traffic management study and plan will be provided that addresses the provision of an Appin by-pass*. To date no response has been received.

### ***Bushfire Risk***

A bushfire prone area is an area of land can support a bush fire or is likely to be subject to bush fire attack. The subject site is identified as partially bushfire prone on Council's bushfire prone area land map.

Subsequently a *Bushfire Assessment Report* dated February 2014 has been prepared by Holiday Coast Bushfire Solutions to inform the PP and is included at Appendix S. The Assessment Report considers the PP against the relevant Ministerial Direction and the NSW Rural Fire Services *Planning for Bushfire Protection 2006*.

The report supports the rezoning of the land for residential dwellings subject to recommendations made throughout the report.

The Assessment Report has been referred to the NSW Rural Fire Service have provided comments which largely relate to design considerations relating to the future detailed design of any subdivision and ultimate development. The comments provided do not preclude the PP for its intended purposes.

Subsequently, bush fire risk can be managed and is not considered to be prohibitive to the PP.

## **C3.9 Has the planning proposal adequately addressed any social and economic effects?**

The site is adjacent to the existing town of Appin, including the Oval which is a major community attribute. The proposed *R2 Low Density Residential*, *R3 Medium Density Residential* and *E2 Environmental Conservation* land uses are considered to be compatible with the surrounding land uses.

The development process will have a positive impact upon the development/construction industry during construction phases. The increased population as a result of the additional dwellings should result in the strengthening of existing businesses, and increased opportunities for new businesses, in Appin.

In terms of the health impacts of the proposed rezoning application, the Planning Proposal seeks to rezone land adjacent to the existing Appin area. An estimated 80% of the site is to be located within walking distance from the Appin village centre where local community services are located e.g. transport linkages, shops, schools and parks. The location of the site and its proximity to existing Appin complements Council's sustainable and healthy living objectives in its *Community Strategic Plan 2033*.

The Planning Proposal is accompanied by a draft Planning Agreement which details works proposed to be undertaken by the proponent to support the proposed residential areas, and also the existing Appin area. The Draft Planning Agreement would see the construction of infrastructure such as cycleways and footpaths, open space and street embellishments to link proposed and existing communities and the Appin village centre. These would improve the appearance of the urban environment, encourage healthy pedestrian and cyclist habits, and provide safe access.

It is noted that the South Western Sydney Local Health District (SWSLHD) in their submission has requested that a Health Impact Assessment (HIA) be undertaken. After further consultation it was clarified that the request for a HIA was to determine the broader health impacts of the broader development of Appin which would include developer interest in rezoning land at west Appin for development. Subsequently, a HIA is not considered essential for this Planning Proposal. This agency will be re consulted again during the public exhibition of the Planning Proposal.

### **School Provision**

The Planning Proposal is currently within the Appin Public School (4 to 12 year olds) and the Ambarvale High School catchments.

The NSW Government Department of Education & Communities has been consulted and has not objected to the proposed rezoning of the land. However, they have advised that Appin Public School is at "full utilisation" and additional classrooms will need to be provided in the Appin Public School. No comment has been made in terms of secondary education. This agency will be re consulted during the public exhibition of the PP.

## **Section D – State and Commonwealth interests**

### **D3.10 Is there adequate public infrastructure for the planning proposal?**

#### **Sewer and water**

Appin Village has been sewered under the NSW Government Priority Sewer Program.

The *Sydney Water Draft Integrated Servicing Plan (Appin, Wilton and Douglas Park) May 2006*, concluded that the Appin Reservoir supplied from the Macarthur Water Treatment Plan, has bulk water capacity to supply the residential development that would result as a result of the Planning Proposal.

#### **Electricity**

The existing electricity supply network has adequate capacity to service the projected population without any major augmentation of the existing infrastructure.

#### **Telecommunications**

The site is located within the NBN “footprint” which means new residential subdivisions will be serviced by fibre optic cable as they are built.

### **Traffic & Transport**

Studies prepared to consider the traffic and transport implications if the land was rezoned for residential purposes and these have been discussed earlier within this report.

In summary:

- A relatively infrequent bus service exists between Campbelltown Railway Station and Wollongong. The increase in population as a result of the PP may support the viability of this service;
- Pedestrian paths would be provided on one side of each of the roads within the future residential subdivision;
- An intersection upgrade for Appin and Macquariedale Road will be required. This may involve a channelized right turn bay from the north leg on Appin Road for vehicles to access Macquariedale Road;
- Pedestrian and bicycle facilities will be provided throughout the future development. Pedestrian and cycling links will be provided from the sites to the existing external networks; and
- If the land is rezoned for residential purposes the future development of the site is not expected to result in any adverse impacts on the local or state road networks.

The PP is accompanied by a Draft Planning Agreement which details works proposed to be undertaken by the proponent to support the land to be rezoned for residential development instead of paying contributions under the Wollondilly Contributions Plan 2011. In terms of traffic and transportation the Draft Planning Agreement includes works to construct a cycleway, pavement improvements along Macquariedale Road, and upgrades to Appin Road in the form of embellishments. Service agencies will be re consulted during the public exhibition of the PP.

### **Community infrastructure**

The PP is accompanied by a Draft Planning Agreement which details works proposed to be undertaken by the proponent to support the land to be rezoned for residential development in lieu of paying contributions under the *Wollondilly Development Contributions Plan 2011*. In terms of community infrastructure, the Draft Planning Agreement includes dedication of land for a neighbourhood park, and embellishments to existing open space areas.

## **D3.11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

The Gateway Determination makes reference to the State and Commonwealth public authorities which are to be consulted as part of the Gateway process. Some of these authorities have been consulted prior to the public exhibition, some were consulted as part of the formal public exhibition.

Given the time lapse since the last agency consultation, all agencies will be re consulted during the public exhibition period.

The following comments were received from public agencies as part of the Gateway process at the time of the first public exhibition of the PP in 2014:

Agency	Summary of Comments
Campbelltown City Council	No objection (16 September 2014) <ul style="list-style-type: none"> <li>• No objection to this PP in isolation but has concerns with the expected incremental growth of urban development within the surrounding area.</li> <li>• Supports the need for an overall strategy for the whole of this area which examines the development constraints and opportunities on</li> </ul>

Agency	Summary of Comments
	<p>a sub-regional basis. Notes specific matters of importance are transport and traffic access, provision of servicing and environmental issues including impacts on the water quality of the Nepean River.</p>
<p><b>Department of Education &amp; Communities</b></p>	<p>No objection (2 February 2015)</p> <ul style="list-style-type: none"> <li>• Appin Public School is at “full utilization”;</li> <li>• Additional classrooms will need to be provided in the Appin Public school;</li> <li>• The cumulative impact of other developments occurring in the vicinity of this PP will potentially require significant investment in new education infrastructure.</li> </ul>
<p><b>Department of Primary Industries (Agriculture)</b></p>	<p>No objection (24 January 2014)</p> <ul style="list-style-type: none"> <li>• Questions conclusion in proposal regarding use of small areas for intensive agriculture on agriculture land Class 3 but acknowledges that the site is constrained for such development due to the abutment with existing urban development.</li> <li>• Potential odour impacts from poultry sheds approximately 1km away from the site should be considered as well as what boundary buffer should be used between the proposed residential zone and the adjoining rural zone.</li> </ul>
<p><b>Local Land Services (Greater Sydney)</b></p>	<p>No objection (29 January 2014 &amp; 10 September 2014):</p> <ul style="list-style-type: none"> <li>• The <i>Native Vegetation Act</i> will not apply to land zoned R2 Low Density Residential;</li> <li>• Shale Sandstone Transition Forest (SSTF) and Cumberland Plain Woodland (CPW) ecological communities are listed as Endangered Ecological Communities (EEC) under the <i>NSW Threatened Species Conservation Act 1995</i> and should be protected where possible;</li> <li>• Support the <i>Biodiversity Offset Strategy</i> or a similar strategy to be formally put in place in order to see a maintain or improve outcome for the loss of Cumberland Plain Woodland, Shale Sandstone Transition Forest and loss of habitat for the Cumberland Plain Land Snail.</li> <li>• Support further specialist studies to amend the Natural Resources – Biodiversity Map</li> <li>• Supports proposal to maintain existing native vegetation in the area of the second order stream as a conservation zone</li> <li>• The rezoning proposal and subsequent development of the area should be designed to as to minimise impacts on native vegetation. Any clearing associated with this PP should be mitigated by establishing appropriate offset areas (either through Biobanking, or other suitable means).</li> </ul>
<p><b>Mine Subsidence Board</b></p>	<p>No Objection (17 January 2014 &amp; 22 August 2014)</p>
<p><b>NSW Aboriginal Land Council</b></p>	<p>(3 September 2014)</p> <ul style="list-style-type: none"> <li>• Given the sites location, the Tharawal Local Aboriginal Land Council is the appropriate authority within the Land Rights network for providing any comment on the planning proposal.</li> <li>• Council’s correspondence forwarded to the Tharawal Local Aboriginal Land Council.</li> </ul>
<p><b>NSW Police Force</b></p>	<p>No Objection (29 September 2014)</p>

Agency	Summary of Comments
	<ul style="list-style-type: none"> <li>Conducted a Safer by Design Crime Risk Evaluation</li> </ul>
<b>NSW Rural Fire Service</b>	<p>No Objection (30 May 2014 &amp; 17 September 2014)</p> <ul style="list-style-type: none"> <li>Development of the site for residential purposes will be reliant on the proposed by-pass road serving as the required asset protection zone. If residential development is to occur before the road is constructed there will need to be a binding agreement that guarantees their ongoing maintenance.</li> <li>Provided comment on the following matters which relate to the detailed design of any future development: <ul style="list-style-type: none"> <li>Special Fire Protection Purpose developments</li> <li>Assess Protection Zones</li> <li>Access</li> </ul> </li> </ul>
<b>Office of Environment and Health</b>	<p>No objection (26 September 2014)</p> <p>Aboriginal Cultural Heritage</p> <ul style="list-style-type: none"> <li>The Aboriginal Cultural Heritage Due Diligence Assessment Report dated 12 August prepared by Mary Dallas broadly addresses previous concerns.</li> <li>Recommends further assessment to be undertaken and that any relevant permits are in place prior to commencing work.</li> <li>Condition 4 of the Gateway Determination has now been satisfied.</li> </ul> <p>Objects (9 April 2014)</p> <ul style="list-style-type: none"> <li>The PP is likely to provide sufficient offsets, but only if the proposal is bio certified and the offset secured;</li> <li>Preference for all offsets to the west of the bypass as the parcels east of the bypass will be small fragments with reduced long term viability;</li> <li>Council should determine whether or not they intend to pursue biodiversity certification, including the measures proposed to secure the offsets, prior to the exhibition as this determines the applicable vegetation offsets required;</li> <li>The current Aboriginal cultural heritage assessment is a Due Diligence Report and not an archaeological and cultural assessment;</li> <li>The Due Diligence report does not provide sufficient information to support its recommendations;</li> <li>OEH consider that the most streamlined, efficient and cost-effective management of aboriginal cultural heritage occurs when it is considered strategically, i.e. across the entire area the subject of the planning proposal.</li> </ul>
<b>Office of Water</b>	<p>Provided the following comments (13 February 2014)</p> <ul style="list-style-type: none"> <li>Supports the application of the E2 zone to protect the riparian corridor along Ousedale Creek.</li> <li>Recommends consideration is given to the riparian corridors along the northern and middle tributaries which are located to the east of the proposed bypass to also be zoned E2 rather R2.</li> <li>Riparian corridors should be consisted with the Guidelines for Controlled Activities on Waterfront Land (2012);</li> </ul>

Agency	Summary of Comments
	<ul style="list-style-type: none"> <li>• As the EEC vegetation extends beyond the proposed riparian corridor widths it is recommended the requirements of other regulatory agencies are considered;</li> <li>• Preference for riparian land to be under Council ownership and management rather than private ownership to ensure riparian land is protected, managed and maintained in a consistent manner.</li> <li>• Recommend consideration be given to assessing whether the riparian land needs to be protected in public ownership.</li> <li>• If rezoning is approved, the layout of future residential subdivision is designed with perimeter roads along the middle and northern tributaries so that the residential lots front onto the riparian corridors and thereby provide better environmental outcomes and reduced maintenance costs to Council.</li> </ul>
<b>Roads and Maritime Services</b>	<p>No Objection (29 April 2014, 4 September 2014 &amp; 18 July 2016 ) Provides the following comments:</p> <ul style="list-style-type: none"> <li>– Further design details are required at a later stage of the development for the Channelised Right Turn (CHR) Treatment at Appin Road and Macquariedale Road;</li> <li>– RMS requires a suitable planning mechanism to be implemented to ensure the closure of King Street West is carried out as proposed;</li> <li>– The need for the intersection upgrade of the Appin Road/Church Street intersection will be the subject of any future rezoning on properties located south of the southern precinct and the impact of the potential Appin Bypass.</li> <li>– No objection to removing the proposed SP2 Infrastructure land use zone from the PP and replacing it with an E2 Environmental Conservation zone as it will effectively protect the identified corridor from residential development.</li> </ul>
<b>South Western Sydney Local Health District</b>	<ul style="list-style-type: none"> <li>• Supports aims &amp; objectives of planning proposal (10 February 2014, 12 September 2014 &amp; 17 October 2014)</li> <li>• Suggests <ul style="list-style-type: none"> <li>- Clarifying that site is not currently used for any primary agricultural or food production and that the changes will not impact upon food security;</li> <li>- Early construction of infrastructure such as footpaths to encourage healthy walking habits;</li> <li>- Early introduction of expanded bus service before or as people move in;</li> <li>- The proposed increase in population may require an expansion of recreational and community facilities and other services and that the need to investigate and address these needs should be included in the PP.</li> <li>- Clarification required regarding dwelling and population projections used in the PP.</li> <li>- In relation to the broader growth proposals for Appin that a Health Impact Assessment be undertaken to highlight the positive health impacts of the proposal and to determine any potential negative impacts;</li> <li>- The PP document would benefit from a more overt focus on 'health in a broad sense';</li> <li>- It is important that a preliminary contamination assessment is completed to confirm the land is suitable for more sensitive uses;</li> </ul> </li> </ul>

Agency	Summary of Comments
	<ul style="list-style-type: none"> <li>- Council should consider any cumulative impacts that may result across the Shire as a result of the proposed amendments to the WLEP.</li> </ul>
<b>Sydney Water</b>	<p>Provided the following comments (11 February 2014 &amp; 25 August 2014):</p> <ul style="list-style-type: none"> <li>• The existing drinking water reticulation network has not been designed to service the proposed development;</li> <li>• Preliminary investigation indicates that the existing water supply system will need to be amplified for the proposed development;</li> <li>• Sydney Water has no plans to amplify the existing system;</li> <li>• Detailed water modelling will be needed to determine the preferred servicing solution in accordance with Sydney Water's requirements;</li> <li>• The development site can be potentially serviced by connection to Sydney Water's existing wastewater system;</li> <li>• Detailed investigation will be required to investigate the preferred servicing solution, investigate the development's impact on SPS 1175, and identify any amplification works in accordance with Sydney Water's requirements;</li> <li>• Sydney Water has no plans to amplify the existing system;</li> <li>• The proponent should contact Sydney Water's Growth Strategy team to discuss arrangements for investigations to support the rezoning of this land.</li> </ul>
<b>Trade &amp; Investment (Resources &amp; Energy)</b>	<p>No Objection (29 January 2014 &amp; 3 September 2014)</p> <ul style="list-style-type: none"> <li>• The Bulli seam has been mined beneath the site and resource assessments indicate that the underlying Balgownie and Wongawilla seams are not of a mineable thickness or quality.</li> <li>• The site is located within the Appin Mine Subsidence District.</li> </ul>
<b>Transport for NSW</b>	<p>No Objection (1 October 2014)</p> <ul style="list-style-type: none"> <li>• 90% of households within the precinct should be within 400 metres as the crow flies of a potential bus stop. The development does not comply with this requirement with a substantial portion of the site's area being significantly in excess of this 400 metre distance requirement.</li> <li>• The design of the road network would need to be modified to make appropriate roads bus capable.</li> <li>• Provided matters to be addressed if the proposal proceeds to the next stage.</li> <li>• No issues identified with the Draft Planning Agreement.</li> </ul>

The following agencies have been contacted and invited to comment. To date no response has been received:

- Endeavour Energy;
- Ambulance Service of NSW;
- Hawkesbury Nepean Catchment Management Authority;
- RailCorp; and
- Telstra

It is important to note that these agencies will be re consulted during the public exhibition period of the Planning Proposal where relevant.

# Part 4 – Mapping

**Map 1 – Site Identification (SIM)**

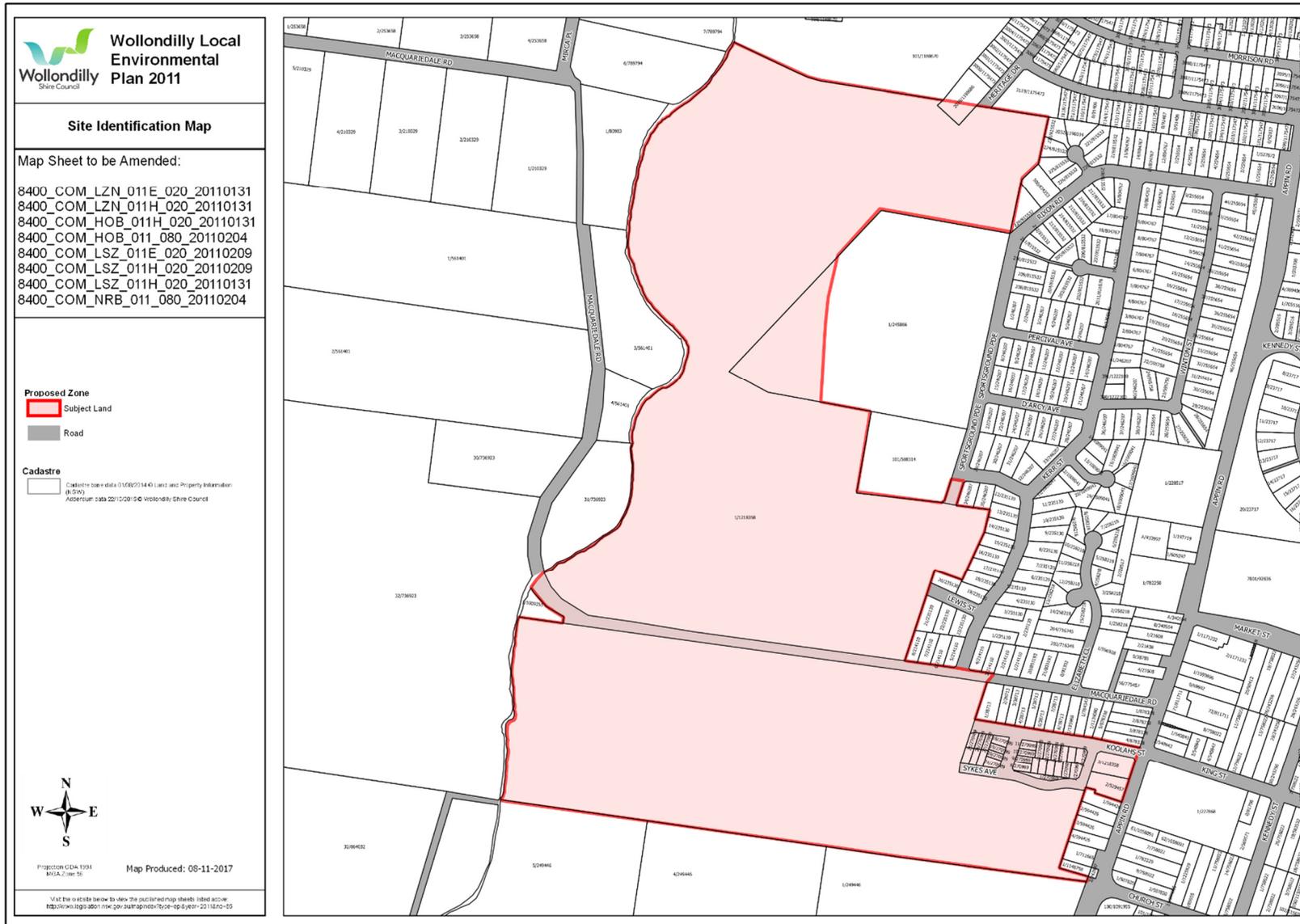
**Map 2 – New Land Zoning (LZN)**

**Map 3 – New Height of Buildings (HOB)**

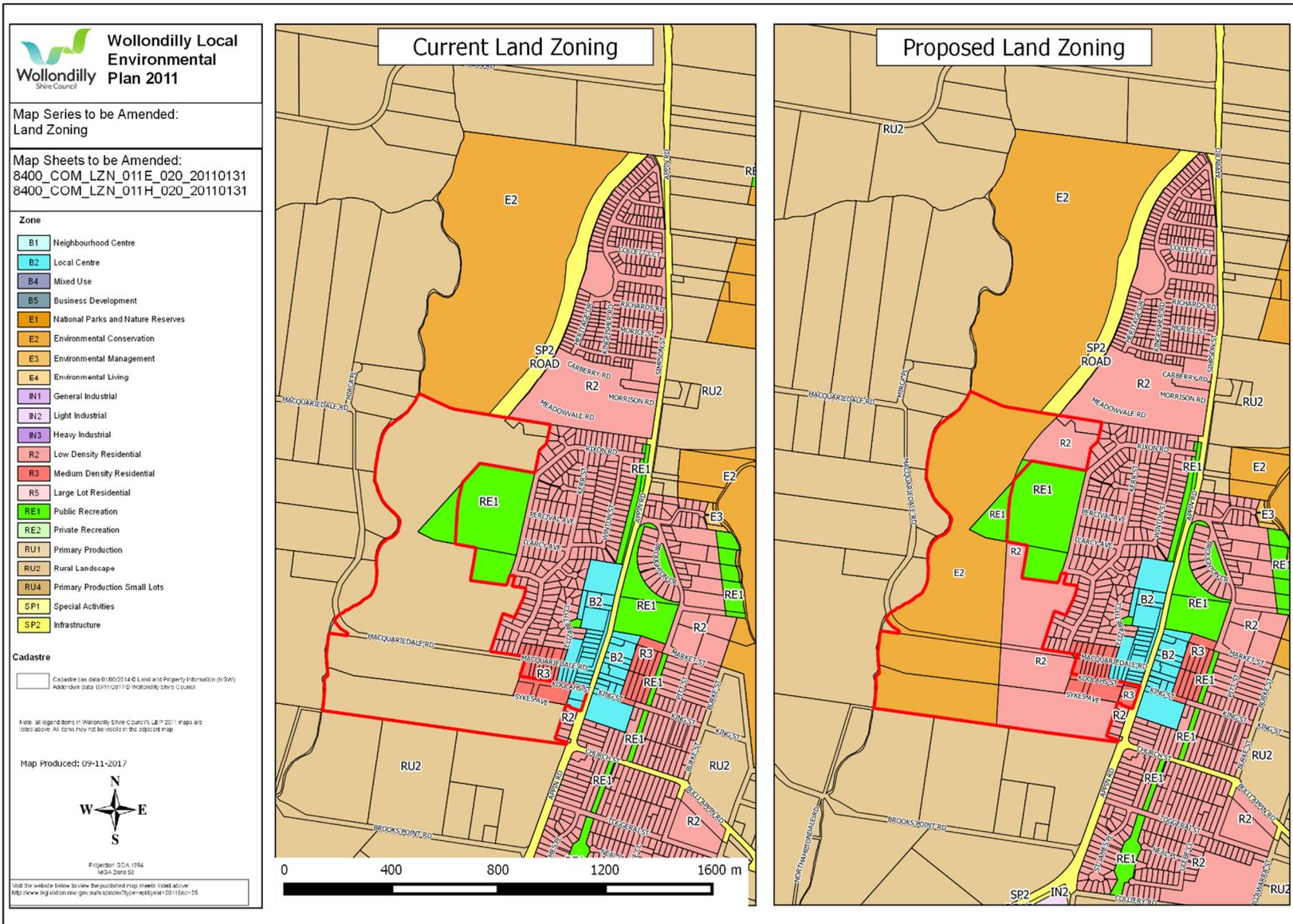
**Map 4 – New Lot Size (LSZ)**

**Map 5 – Natural Resources – Biodiversity Map (NRB)**

# Map 1 – Site Identification (SIM)



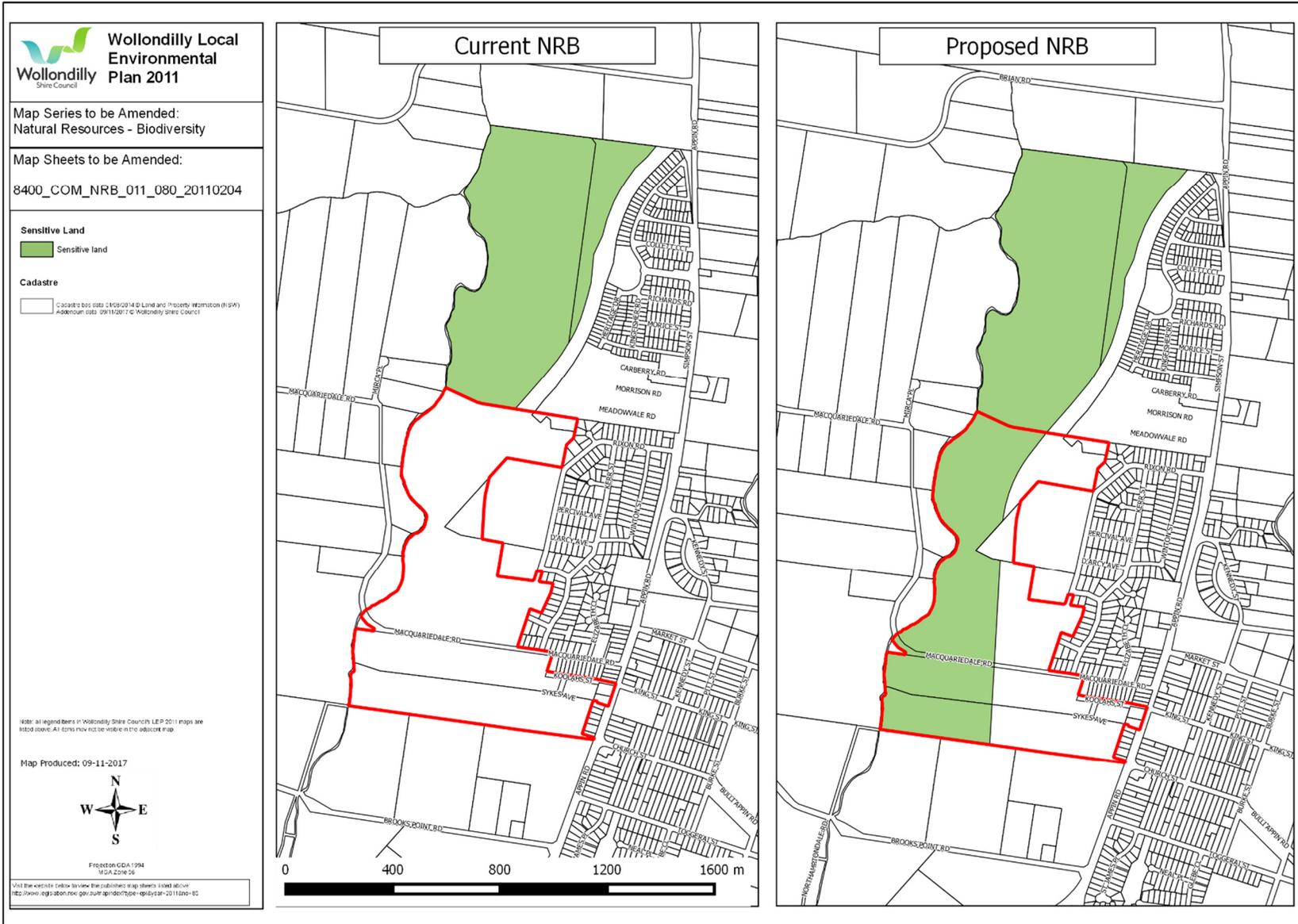
# Map 2 – New Land Zoning (LZN)







# Map 5 – Natural Resources – Biodiversity Map (NRB)



## Part 5 – Community Consultation

A number of statutory and non-statutory community consultation opportunities have been held by Council to inform the community about the PP. This has been to allow for: an exchange of information; discussion of issues; opportunities for the community to present its views; and lodgement of formal submissions.

The table below provides a summary of previous community consultation:

What has happened?	At what stage did it happen?	When did it happen?	Briefly, what was the outcome?
Pre-Gateway Consultation - In accordance with Council's notification policy, the draft PP was made available on Council's website and notified to adjoining land owners and occupants.	When draft PP was lodged with Council a period of preliminary community consultation (Pre-Gateway Consultation) was undertaken prior to Council considering whether to support the PP.	Yes November 2008 & May/June 2011	A summary of the Pre-Gateway Consultation submissions is provided within the text located ahead.
The PP proponents (Walker Corporation) held a Community Information Session with the community. Representatives of the proponent were available to provide further information and to answer enquiries regarding the PP.	In conjunction with the Council's initial preliminary community consultation.	Yes June 2011	Event held
The proponent for the application delivered a presentation on the proposal to the Community Forum	Prior to Ordinary Meeting of Council.	Yes November 2008	Presentation delivered
Public Exhibition - Community Consultation will be undertaken in accordance with sections 56(a)(c) and 57 of the EP&A Act 1979.	After Gateway Determination issued.	Yes September 2014	A summary of the 2014 public exhibition is provided ahead.  The Planning Proposal has been amended and a further public exhibition is to be held in 2017.

To date there have been three (30 separate consultation periods held for the Planning Proposal, including: preliminary notifications held in November 2008 and June 2011; and the public exhibition held in September 2014.

In addition, Walker Corporation has also held information sessions for the local community to coincide with each of the formal consultation periods.

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

Theme	Types of Issues
<b>Development Density</b>	Small lot/block sizes, minimum lot size of 230sq.m, R3 Medium Density Residential land use zone
<b>Appin Inn</b>	Character of development in and around Inn, timing, relationship to development of adjoining land.
<b>Traffic &amp; Transportation</b>	Appin Bypass, pedestrian and cycling provision, public transport, Appin Road, road intersections with Appin Road, road capacity, congestion
<b>Environment</b>	Proximity to Ousedale Creek, removal of vegetation/habitats, presence of koalas, fauna, water catchment health, pollution, bushfire risk

<b>Strategic planning for Appin</b>	Housing need, masterplan for Appin, hotspot development, development contributions, increase in population, detailed design for future development, wider development of Appin
<b>Appin; character &amp; heritage</b>	Aboriginal heritage, rural setting, crime, character of existing development, development in proximity to Appin Inn, benefits to Appin
<b>Infrastructure (other than traffic)</b>	Schools, shops, recreation/open space, community facilities, water pressure, provision of soccer fields
<b>Community Consultation</b>	Adequacy, transparency, historical rezoning decisions
<b>Gordon Lewis Oval</b>	Related to concerns with Appin Bypass, ownership

### **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.

A comprehensive report on the outcome of the public exhibition has been prepared by the facilitator and is available on Council's website.

## Part 6 – Project Timeline

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. The table below sets out the previous project timeline for consideration of the PP. It has been extended by the Department of Planning and Environment (DPE) on a number of occasions. This is due to the complexity of the project, and to allow additional opportunities for community and other stakeholder input.

The current Gateway Determination (extension) advises that the timeframe for completing the LEP is 2 July 2018.

Project detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway Determination)	6 weeks from submission to (the then) DPI	Issued 25 October 2011
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 week period after completion of required technical information	February 2014
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	6 month period	January 2014
Commencement and completion dates for first public exhibition period	2 month period	Post August 2014
Commencement and completed dates for second public exhibition/ receipt of submissions - after amending PP if required, preparation of maps and special DCP provisions	2 month period	November 2017 – February 2018
Dates for public hearing (if required)	DPE has advised a public hearing is not required	N/A
Timeframe for consideration of submissions	2 months	May 2018
Timeframe for the consideration of PP post exhibition, including amendments and maps and report to Council	4 weeks	April 2018
Date of submission to the Department to finalise the Draft LEP amendment	2 months	June 2018
Anticipated date RPA will make the plan if delegated	N/A	N/A
Anticipated date RPA will forward to the Department for notification	N/A	N/A

# Appendices

## **A. Compliance with State Environmental Planning Policies (SEPPs)**

Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

## **B. Assessment against Section 117(2) Directions**

Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

## **C. Assessment against Wollondilly Growth Management Strategy 2011**

Table indicating compliance with relevant Key Policy Directions within Wollondilly Growth Management Strategy (GMS) 2011.

## **D. Progress of Planning Proposal to Date**

Table providing a summary of the key decisions and progress of the planning proposal to date.

## **E. Plan showing land in Council Ownership**

*Council's Reference: TRIM 4985#2893*

## **F. Gateway Determination**

PP\_2011\_WOLLY\_014\_00 dated 9 April 2014

*Council's Reference: TRIM 4985 #1565*

## **G. Aboriginal & Historic Archaeological and Cultural Heritage Values**

Prepared by Heritage Concepts

*Council's Reference: TRIM 4985#139*

## **H. Due Diligence Aboriginal Heritage Assessment**

Prepared by Mary Dallas Consulting Archaeologists

*Council's Reference: TRIM 4985#668*

## **I. Initial Historic Heritage Assessment**

Prepared by Mary Dallas Consulting Archaeologists

*Council's Reference: TRIM 4985#670*

## **J. Preliminary Riparian Corridor Investigation**

Prepared by Patterson Britton

*Council's Reference: TRIM 4985#670*

## **K. Ecological Assessment**

Prepared by Travers Bushfire Ecology

*Council's Reference: TRIM 4985#670*

## **L. Biodiversity Offset Strategy**

Prepared by Travers Bushfire and Ecology

*Council's Reference: TRIM 4985#670*

## **M. Expert Report for the Koala at Macquariedale Road, Appin**

Prepared by Eco Logical Australia

*Council's Reference: TRIM 4985#1740*

## **N. Economic Impact Justification**

Prepared by MacroPlan Dimasi

*Council's Reference: TRIM 4985#332*

## **O. Water and Sewer Concept Design & Options Report**

Prepared by Qalchek

*Council's Reference: TRIM 4985#670*

## **P. Transport Impact Assessment**

Prepared by GTA Consultants  
*Council's Reference: TRIM 4985#670*

**Q. Consultant Letter to RMS – Response to RMS Information Request**

GTA Consultants  
*Council's Reference: TRIM 4985#670*

**R. Report on Preliminary Site Investigation**

Prepared by Douglas Partners  
*Council's Reference: TRIM 4985#670*

**S. Bushfire Assessment Report**

Prepared by Holiday Coast Bushfire Solutions  
*Council's Reference: TRIM 4985#670*

# Appendix A

## Compliance with State Environmental Planning Policies

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs), deemed SEPPs (formerly Regional Environmental Plans) and draft SEPP's.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	N/A	WLEP 2011 is a Standard Instrument Local Environmental Plan. It incorporates Clause 4.6 Exceptions to Development Standards, which precludes the need for consistency with SEPP 1.
6	Number of Storeys in a Building	Yes	The PP seeks to amend the WLEP 2011 Height of Buildings map. The PP will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The PP does not contain provisions that will contradict or will hinder the application of the SEPP.
55	Remediation of Land	N/A	It is understood that the land has historically been used for low intensity agricultural purposes, based on this it is considered that contamination would be an issue. A preliminary investigation has been undertaken for the site (Appendix R).
60	Exempt and Complying Development	Yes	The PP will not contain provisions that will contradict or would hinder the application of the SEPP.
65	Design Quality of Residential Flat Development	Yes	The PP will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Affordable Rental Housing) 2009	Yes	The PP will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Housing for Seniors or People with a Disability) 2004	Yes	The PP does not contain provisions that will contradict or would hinder a future application for SEPP (HSPD) housing.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The PP will not contain provisions that will contradict or would hinder the application of the SEPP. Future development applications for dwellings will need to comply with this policy.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable to this Planning Proposal.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This PP does not contain any provisions which would contradict or hinder the application of this SEPP.
	SEPP (Temporary Structures) 2007	N/A	Not applicable to this PP.
	SEPP (Infrastructure) 2007	N/A	Not applicable to this PP.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The PP will not contain provisions that will contradict or would hinder the application of the SEPP at future stages, post rezoning.
	SEPP (Sydney Drinking Water Catchment) 2011	Yes	This proposal is consistent with this SEPP.
	SEPP (Vegetation in Non-Rural Areas) 2017	Yes	This PP does not contain any provisions which would contradict or hinder the application of this draft SEPP.
	Draft SEPP (Educational Establishments and Child Care Facilities) 2017	Yes	This PP does not contain any provisions which would contradict or hinder the application of this draft SEPP.
	Draft SEPP (Primary Production and Rural Development) 2017	Yes	This PP does not contain any provisions which would contradict or hinder the application of this draft SEPP.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	This proposal is consistent with this SREP.

# Appendix B

## Assessment against Section 117(2) Directions

The table below assesses the planning proposal against Section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
<b>1. Employment and Resources</b>			
1.1 Business and industrial Zones	Yes	Yes (Inconsistency justified)	<p>The Planning Proposal proposes to rezone that portion of the site that is currently zoned B2 Local Centre to R3 Medium Density Residential.</p> <p>The proponent has submitted an <i>Economic Impact Justification</i> (which is located at Appendix N) to support the loss of employment land.</p>
1.2 Rural Zones	Yes	Yes (Inconsistency justified)	<p>Most of the subject land is currently zoned RU1 – Primary Production and it is proposed to rezone the land to part R2 – Low Density Residential, E2 Environmental Conservation, SP2 Infrastructure and RE1 Public Recreation.</p> <p>The Gateway Determination concludes the inconsistencies with this Direction are of minor significance.</p>
1.3 Mining, Petroleum Production and Extractive Industries	Yes	Potential to be	The Gateway Determination requires consultation with the Director General of the Department of Primary Industries (Minerals and Petroleum).
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	N/A	N/A	Not applicable in the Shire of Wollondilly.
<b>2. Environment and Heritage</b>			
2.1 Environmental Protection Zones	Yes	Potential to be	<p>The Planning Proposal will involve the protection of a large area of environmentally sensitive land through rezoning it to E2 Environmental Conservation.</p> <p>However, the Planning Proposal will also involve the removal of vegetation from an environmentally sensitive area.</p> <p>The Planning Proposal is informed by an Ecological Assessment and a Biodiversity Offset Strategy which have been the subject of consultation with the Office of Environment and Heritage with a view to lodging a Biodiversity Certification Application for the land.</p>
2.2 Coastal Protection	N/A	N/A	Direction does not apply.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
2.3 Heritage Conservation	Yes	Potential to be	This Planning Proposal includes a heritage listed item (Appin Inn) and a number of heritage and aboriginal sites.  An updated archaeological study is being prepared which will form the basis of consultation with the Office of Environment and Heritage.
2.4 Recreation Vehicle Area	Yes	Yes	The planning proposal does not propose any provisions that would enable the land to be developed for the purpose of a recreational vehicle area.  Therefore it is consistent with Direction 2.4.
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	Yes	Yes	The Gateway Determination concludes the inconsistencies with this Direction are of minor significance.
3.2 Caravan Parks and Manufactured Home Estates	Yes	Yes	The planning proposal retains all existing zones in which caravan parks are permitted.  Therefore the planning proposal is consistent with Direction No. 3.2.
3.3 Home Occupations	Yes	Yes	The planning proposal does not alter the current exempt development provisions that enables for the development of home occupations.  Therefore no further consideration of the matters in relation to Direction 3.3 is necessary.
3.4 Integrating Land Use and Transport	Yes	Yes	The planning proposal is not inconsistent with Direction No. 3.4.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
<b>4. Hazard and Risk</b>			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	Yes	Yes	The site is located within the Appin Mine Subsidence District.  In accordance with the Gateway Determination the Mine Subsidence Board will be consulted on the proposal.
4.3 Flood Prone Land	N/A	N/A	Direction does not apply
4.4 Planning for Bushfire Protection	Yes	Potential to be	A bushfire assessment is being prepared to support the proposed rezoning.
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	Yes	Yes	It is expected that any residential development on the subject site would have a neutral or beneficial effect on water quality.

Ministerial Direction		Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6	Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7	Central Coast	N/A	N/A	Revoked.
5.8	Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
<b>6. Local Plan Making</b>				
6.1	Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2	Reserving Land for Public Purposes	Yes	Yes	A small area of land is proposed to be rezoned to RE1 Public Recreation and handed to Council to increase the size of the existing sporting facilities at Gordon Lewis Oval.
6.3	Site Specific Provisions	N/A	N/A	Direction does not apply.
<b>7. Metropolitan Planning</b>				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This Direction was applicable at the time the planning proposal was lodged with the then Department of Planning. The planning proposal is consistent with the Metropolitan Strategy.
7.1	Implementation of A Plan for Growing Sydney	N/A	N/A	This has replaced Direction 7.1 and became effective on 14 January 2015. It does not apply as the planning proposal was lodged with the Department of Planning & Environment on 22 August 2011 which was before the date this Direction was issued.
7.2	Implementation of Greater Macarthur Land Release Investigation	N/A	N/A	This Direction became effective on 22 September 2015. It does not apply as the planning proposal was lodged with the Department of Planning & Environment before the date this Direction was issued.

# Appendix C

## Assessment against Wollondilly Growth Management Strategy 2011 (GMS)

Wollondilly Growth Management Strategy (GMS) was adopted by Council in February 2011 and sets directions for accommodating growth in the Shire for the next 25 years. All planning proposals which are submitted to Council are required to be assessed against the Key Policy Directions within the GMS to determine whether they should or should not proceed.

The following table sets out the planning proposal's compliance with relevant Key Policy Directions within the GMS:

Key Policy Direction	Comment
<b>General Policies</b>	
<p><b>P1</b> All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.</p>	<p>The Planning Proposal is generally consistent with the Key Policy Directions and Assessment Criteria of the GMS.</p>
<p><b>P2</b> All land use proposals need to be compatible with the concept and vision of 'Rural Living' (defined in Chapter 2 of the GMS).</p>	<p>The draft proposal is generally consistent with the concept and vision of 'Rural Living'.</p> <p>Despite its rural zoning, the land has very limited agricultural uses. The PP does not sterilise viable agricultural resources.</p>
<p><b>P3</b> All Council decisions on land use proposals shall consider the outcomes of community engagement.</p>	<p>Council has undertaken two rounds of preliminary community consultation to date.</p> <p>In 2008, on the original rezoning application and again in 2011 when the PP was submitted under the new requirements. The proponent has consulted with the community by hosting a Community Information Session at Appin and has given a presentation to a Community Forum of Council (8 December 2008) and the Appin Chamber of Commerce (10 November 2009)/</p> <p>The community is being given a further opportunity to comment on the proposal via the public exhibition of this PP and related documentation.</p>
<p><b>P4</b> The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>There have been no such representations regarding this proposal. This Key Policy Direction has been satisfied.</p>
<p><b>P5</b> Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.)</p>	<p>It is considered that the PP represents a logical extension of the Appin urban area, by extending the western edge of the village to the Appin Bypass corridor.</p> <p>However, the PP and corresponding residential development will involve the removal of a significant area of Shale Sandstone Transitional Forest. The proponent proposes to offset this loss through embellishment of the endangered ecological community on another site or pursuing biobanking, administered by the NSW Department of Environment and Heritage.</p> <p>Conversely, the PP proposes to zone bushland located on the western portion of the site adjoining Ousedale Creek for environmental conservation.</p>
<b>Housing Policies</b>	

Key Policy Direction	Comment
<p><b>P6</b> Council will plan for adequate housing to accommodate the Shire's natural growth forecast.</p>	<p>The draft proposal contributes toward Council's dwelling target for new dwellings in the Macarthur South area outlined in the GMS.</p> <p>The Structure Plan for Appin includes the subject land as a 'potential residential growth area'.</p>
<p><b>P8</b> Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.</p>	<p>The Planning Proposal seeks to amend the minimum lot size to 450m<sup>2</sup> for the R2 Low Density Residential zone to ensure that there is appropriate split of small (450m<sup>2</sup>) and large lots (700m<sup>2</sup>). In addition the Proposal seeks to amend the minimum lot size to 450m<sup>2</sup> and 230m<sup>2</sup> for the R3 Medium Density Residential zone. The proposed lot sizes will assist towards the provision of housing diversity in Appin.</p>
<p><b>P9</b> Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").</p>	<p>A site specific Master plan and controls in the DCP can control the mix of dwelling densities for the subject site.</p>
<p><b>P10</b> Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.</p>	<p>The subject site is located immediately adjacent to the existing western boundary of the Appin residential area.</p>
<p><b>Macarthur South Policies</b></p>	
<p><b>P11</b> Council does not support major urban release within the Macarthur South area at this stage.</p>	<p>It is considered that the Planning Proposal can proceed in the absence of a master plan for the orderly development of Macarthur South.</p>
<p><b>P12</b> Council considers that in order to achieve sound long-term orderly planning for the eventual development of Macarthur South an overall master plan is required.</p>	<p>It is considered that the Planning Proposal can proceed in the absence of a master plan for the orderly development of Macarthur South.</p>
<p><b>P13</b> Council will not support further significant new housing releases in Macarthur South beyond those which have already been approved. Small scale residential development in and adjacent to the existing towns and villages within Macarthur South will be considered on its merits.</p>	<p>The Planning Proposal represents residential development adjacent to residential Appin. Therefore, Council can consider the draft planning proposal on its merits.</p>

Key Policy Direction	Comment
<p><b>P14</b> Council will consider proposals for employment land developments in Macarthur South provided they:</p> <ul style="list-style-type: none"> <li>▪ Are environmentally acceptable;</li> <li>▪ Can provide significant local and/or subregional employment benefits;</li> <li>▪ Do not potentially compromise the future orderly master planning of the Macarthur South area;</li> <li>▪ Provide for the timely delivery of necessary infrastructure;</li> <li>▪ Are especially suited to the particular attributes of the Macarthur South area AND can be demonstrated as being unsuitable or unable to be located in alternative locations closer to established urban areas;</li> <li>▪ Do not depend on the approval of any substantial new housing development proposal in order to proceed (Employment land proposals which necessitate some limited ancillary or incidental housing may be considered on their merits).</li> </ul>	<p>Key Policy Direction P14 is not applicable to this proposal.</p>
<p><b>Employment Policies</b></p>	
<p><b>P15</b> Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	<p>This policy direction is not applicable to the Planning Proposal at Macquariedale Road.</p>
<p><b>P16</b> Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</p>	<p>The site is not zoned to facilitate further employment opportunities.</p> <p>Modest opportunities exist for home business and tradesman residency.</p>
<p><b>Integrating Growth and Infrastructure</b></p>	
<p><b>P17</b> Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</p>	<p>It is considered that the proposed additional residential allotments in the locality is not likely to adversely burden Council.</p> <p>Developer contributions payable at the development application stage will fund the necessary local infrastructure required to support any future development.</p> <p>Likely state and regional infrastructure demands will be assessed by relevant agencies post 'Gateway' determination.</p>
<p><b>P18</b> Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</p>	<p>The site is located approximately 400 metres from Appin commercial centre.</p> <p>The site has access to reticulated water and sewerage systems.</p> <p>The site adjoins the Appin urban area.</p> <p>The population associated with the new dwellings may stimulate demand for services within the existing Appin commercial centre and strengthen the local economy.</p>
<p><b>P19</b> Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.</p>	<p>The Planning Proposal does not contribute toward dispersed population growth, rather proposes urban growth immediately adjacent to the Appin residential area.</p>

Key Policy Direction	Comment
<p><b>P20</b> The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.</p>	<p>The subject site is identified as a 'potential residential growth area' on the GMS Structure Plan for Appin. It is considered that future residential subdivision of the site will provide for additional population growth in Appin and contribute towards the target of 2000 additional dwellings in the Macarthur South area identified in the GMS.</p>
<p><b>Rural and Resource Lands</b></p>	
<p><b>P21</b> Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.</p>	<p>The subject site is located outside catchment lands for Sydney's drinking water supplies.</p> <p>Significant environmental features of the site are proposed to be zoned for environmental conservation to protect the remnant vegetation located in the riparian lands surrounding Ousedale Creek.</p> <p>However, a significant amount of vegetation is proposed to be cleared to support the future residential development of the site. The removal of significant vegetation will need to be offset, subject to future discussions and agreement by the NSW Office of Environment and Heritage.</p>
<p><b>P22</b> Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.</p>	<p>Key Policy Direction P22 is not applicable to this proposal.</p>

# Appendix D

## Progress of Planning Proposal -June 2007 to August 2017

When	What happened
June 2007	The proponent (Walker Corporation) 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).
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 Walker Corporation, 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	Walker Corporation Pty Limited 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 & traffic, loss of village character, the capacity of the water & 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).
22 August 2011	Planning Proposal submitted to the then Department of Planning with a request for a Gateway Determination.
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.
16 February 2012	Development consent is granted for restoration works to Appin Inn, stables and outbuilding, construction of a driveway and car park and use of the site for a sales office and community

	<p>facility on Lot 2 in DP529457. The development consent is not related to the rezoning process but affects land within the planning proposal site.</p>
July 2012	<p>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).</p>
July 2012 -September 2013	<p>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 (though not to the extent suggested in the report to Council in July 2012). Council resolves to endorse the amended design and proceed with the planning proposal (item PE5 Planning Proposal – Macquariedale Road, Appin).</p>
April 2014	<p>The planning proposal is amended to include additional land with Council support (item PE4 Planning Proposal – Macquariedale Road, Appin).</p> <p>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.</p>
April 2014	<p>The NSW Government Department of Planning &amp; Infrastructure issue an Altered Gateway Determination to include additional land.</p>
September 2014	<p>Formal public exhibition held for the planning proposal. Submissions from seventy four (74) separate contacts were received. 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 &amp; 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.</p>
October 2014	<p>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).</p> <p>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.</p>
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>

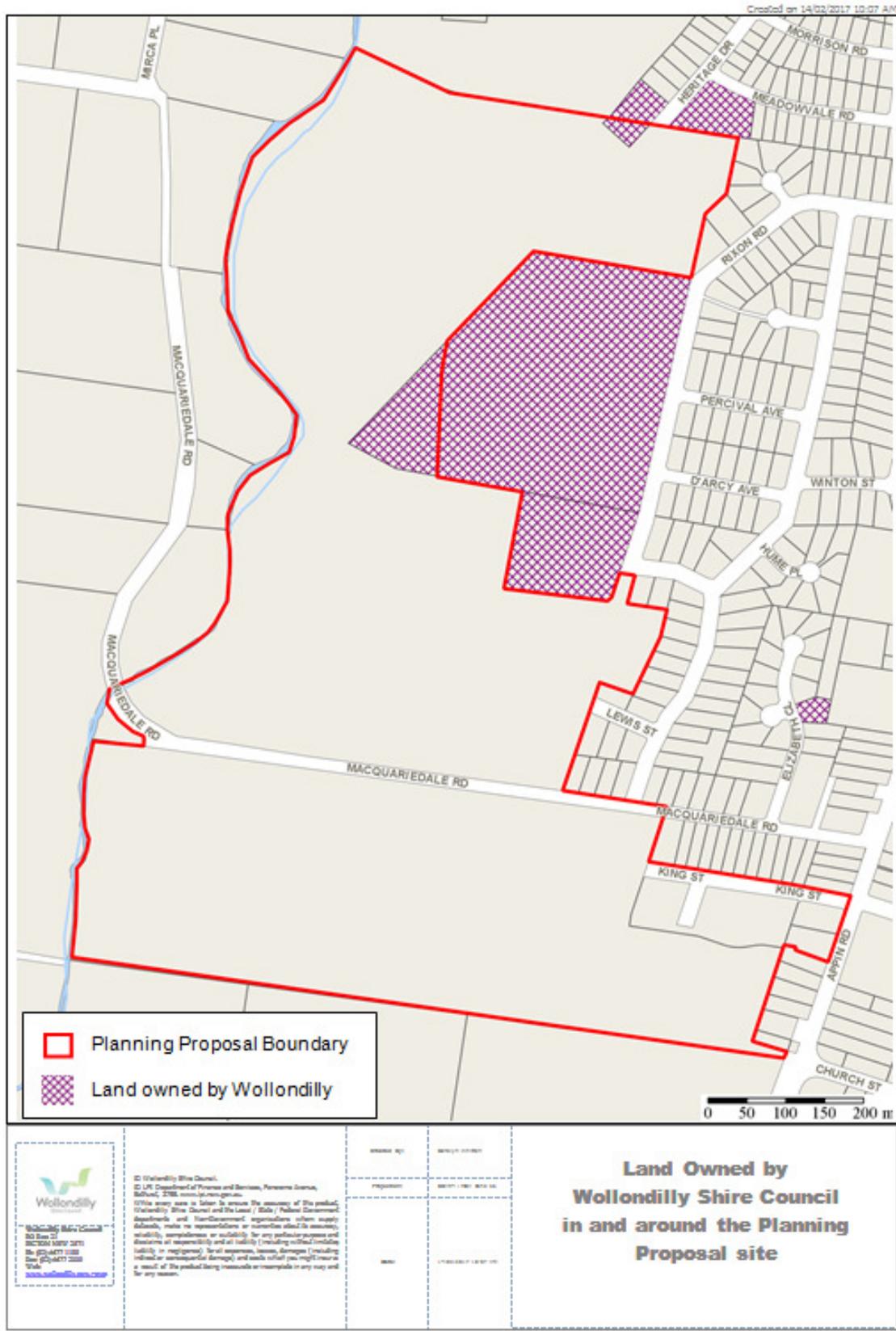
March 2015	Council resolves that the final determination of planning proposals in the Macarthur South Investigation area be deferred until the Department has completed studies (item <i>PE7 Draft Growth Management Strategy – Impact of “A Plan for Growing Sydney”</i> ).
May 2015	Council resolves that processing 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> ).
June 2015	Council receives a letter from the Department of Planning & 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>  <i>the planning proposal is at an advanced stage of the plan-making process; and</i> <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>  A copy of this letter is provided at Attachment 4.
June/July 2015	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 & rural living, and communication & transparency.
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, Walker Corporation Pty Ltd, advises Council that they are not prepared to withdraw the planning proposal for Macquariedale Road. Instead, the proponent seeks a number of changes to the planning proposal and planning agreement to address the community's concerns.
April 2016	Council resolved to amend the Gateway determination, re exhibit the suite of planning documents, further consult with the RMS in relation to road infrastructure and lodge the Biodiversity certificate application with OEH.
May 2016	Council resolves at it Ordinary Meeting on 18 April 2016 to further consider the planning proposal in an amended form which is generally consistent with the applicants submission to Council in February 2016. Council also resolves that consideration be given to a masterplan for Macarthur South, upgrading Appin Road, upgrading the school and provision of a new high school, and public transport in conjunction with the state government (item <i>PE4 Planning Proposal – Macquariedale Road, Appin</i> ).

	This was subject to a rescission motion (i.e. a motion to withdraw formally or alter a council decision) which was considered at the Ordinary Meeting of Council on 16 May 2016 and was not successful and so the resolution from the April meeting remains (item <i>RES1 Notice of Rescission Motion No. 1</i> ).
February 2017	An amended planning proposal is submitted to the NSW Government Department of Planning & Environment with a request for an alteration to the Gateway Determination.
March 2017	Council resolved to re exhibit the suite of planning documents and to prepare a community engagement plan, including a letter box drop in Appin.
June 2017	Department of Planning & Environment extended deadline for completion of LEP to June 2018 via an additional Gateway Determination
August 2017	Council resolved to put the four (4) components on public exhibition i.e. planning proposal, draft Planning Agreement, draft Development Control Plan, and Biodiversity certification application. Council also resolved to follow up with RMS about the road situation in and around Appin.

# Appendix E

## Plan showing land in Council ownership

Our Reference: TRIM 4985-1 #2893



# Appendix F

## Gateway Determinations – Trim reference, change and date

*PP\_2011\_WOLLY\_014\_00 dated 25 October 2011, 9 April 2014, 29 January 2015, 16 October 2015, 19 September 2016, 12 April 2017 and 29 June 2017*

*Our Reference: TRIM 4985#191, TRIM 4985-1, TRIM 4985-1 #457, TRIM 4985-1 #1565, TRIM 8767#9, TRIM 8767 #29, TRIM 4985-7 #22, TRIM 4985-1 #2746*

If you're reading this online the  
Appendix is available as a separate  
download.

# Appendix G

## Aboriginal & Historic Archaeological and Cultural Heritage Values

*Prepared by Heritage Concepts, April 2007*

*Council's Reference: TRIM 4985#139*

If you're reading this online the Appendix is available as a separate download.

# Appendix H

## Due Diligence Aboriginal Assessment

*Prepared by Mary Dallas Consulting Archaeologists, August 2014*

*Council's Reference: TRIM 4985 #668*

If you're reading this online the Appendix is available as a separate download.

# Appendix I

## Initial Historic Heritage Assessment

*Prepared by Mary Dallas Consulting Archaeologists, February 2014*

*Council's Reference: TRIM 4985#670*

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# Appendix J

## Preliminary Riparian Corridor Investigation

*Prepared by Patterson Britton, November 2006*

*Council's Reference: TRIM 4985#670*

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# Appendix K

## Ecological Assessment

*Prepared by Travers Bushfire Ecology, April 2014*  
*Council's Reference: TRIM 4985#670*

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# Appendix L

## Biodiversity Offset Strategy

*Prepared by Travers Bushfire Ecology, February 2014*

*Council's Reference: TRIM 4985#670*

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Appendix is available as a separate  
download.

# Appendix M

## Expert Report for the Koala at Macquariedale Road, Appin

*Prepared by Eco Logical Australia, March 2015*

*Council's Reference: TRIM 4985#1740*

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Appendix is available as a separate  
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# Appendix N

## Economic Impact Justification

*Prepared by MacroPlan Dimasi, October 2013,*

*Council's Reference: TRIM 4985#670*

# Appendix 0

## Water and Sewer Concept Design & Options Report

*Prepared by Qalchek,*

*Council's Reference: TRIM 4985#670*

# Appendix P

## Transport Impact Assessment

*Prepared by GTA Consultants, December 2013*

*Council's Reference: TRIM 4985#670*

# Appendix Q

## Consultant Letter to RMS – Response to RMS Information Request

*Prepared by GTA Consultants on behalf of Walker Corporation Pty Ltd, March 2014*

*Council's Reference: TRIM 4985#670*

If you're reading this online the Appendix is available as a separate download.

# Appendix R

## Report on Preliminary Site Investigation

*Prepared by Douglas Partners, December 2013*

*Council's Reference: TRIM 4985#670*

If you're reading this online the  
Appendix is available as a separate  
download.

# Appendix S

## Bushfire Assessment Report

*Prepared by Holiday Coast Bushfire Solutions, February 2014*

*Council's Reference: TRIM 4985#670*

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